Nomination of the

RIDEAU CANAL

by the Government of Canada, 2006

for Inscription on the World Heritage List
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Executive Summary

State Party
Canada

State, Province, or Region
Province of Ontario

Name of property
The Rideau Canal

The nominated property consists of the engineering works, associated fortifications, buildings, lockstation grounds and their archaeological resources, and the watercourse of the slackwater canal system.

Geographical coordinates to the nearest second
The northern entrance to the canal at Ottawa, on the Ottawa River, is located at 75° 42' west longitude and 45° 26’ north latitude. The southern entrance at Kingston, at Lake Ontario, is located at 76° 28 west longitude, and 44° 14’ north latitude.

Textual description of the boundaries of the nominated property
The nominated property consists of six elements, the Rideau Canal with its lockstations and the navigable sections of the slackwater canal system, and the fortification sites in Kingston. The boundaries of the Rideau Canal consist of the high water mark of the slackwater canal sections and the Parks Canada Agency’s property at the twenty-four lockstations. The boundaries of the Kingston fortifications are defined by Parks Canada Agency and Department of National Defence property.

Maps and plans, showing the boundaries of the nominated property and buffer zone
Map 1 shows the entire nominated property at the scale of 1:657 296.

Map 2 shows the location of the Rideau Canal within the State Party at the scale of 1:27 718 254.

Map Series 3.0 to 3.57, located in the Map Annex, shows the nominated property and buffer zone at a scale of 1:20 000.

Map Series 4.0 to 4.24, located in the Map Annex, shows the lockstations at a scale of 1:4 800.

Map 5, located in the Map Annex, shows the fortifications at a scale of 1:12 600.

Justification: Statement of Outstanding Universal Value
In concept, design, and engineering, the Rideau Canal is the most outstanding surviving example of an early 19th century slackwater canal system in the world, and one of the first canals designed specifically for steam-powered vessels. It is an exceptional example of the transfer of European transportation technology and its ingenious advancement in the North American environment. A rare instance of a canal built primarily for strategic military purposes, the Rideau Canal, together with its ensemble of military fortifications, illustrates the significant stage in human history when Great Britain and the United States of America vied for the control of the northern portion of the North American continent.
Criteria under which the property is nominated

Criterion (i): The Rideau Canal is a masterpiece of human creative genius.

Through a fundamental stroke of creative genius, Lieutenant-Colonel John By of the Royal Engineers envisioned the creation of a slackwater canal on a monumental scale. This approach was highly innovative – and technologically risky. The slackwater system was virtually untried at this time in Europe.

Criterion (ii): The Rideau Canal exhibits an important interchange of human values, over a span of time or within a cultural area of the world, on developments in technology.

Building the Rideau Canal and its fortifications required adapting existing European technology to the North American environment and to the specific circumstances and geography of its setting. The experience gained in the engineering of canal works and fortifications for the Rideau Canal advanced these technologies to a new level.

Criterion (iv): The Rideau Canal is an outstanding example of a technological ensemble which illustrates a significant stage in human history.

One of the very few canals in the world built primarily for strategic military purposes, the Rideau Canal and its associated defensive works were built at a time when Great Britain and the United States of America vied for control of the northern portion of the North American continent.

Name and contact information of local institution/agency

Superintendent, Rideau Canal
Parks Canada Agency
34A Beckwith Street South
Smiths Falls, Ontario
K7A 2A8, Canada

Telephone: 613-283-5170
e-mail: rideaucanal-info@pc.gc.ca
CHAPTER 1
Identification of the Property
1. Identification of the Property

A. Country/State Party
Canada

B. State, Province, or Region
Province of Ontario

C. Name of property
The Rideau Canal

The nominated property consists of the engineering works, associated fortifications, buildings, lockstation grounds and their archaeological resources, and the watercourse of the slackwater canal system.

D. Geographical Coordinates to the nearest second

The northern entrance to the canal at Ottawa, on the Ottawa River, is located at 75° 42' west longitude and 44° 14' north latitude. The coordinates for the six elements of the property are listed on the Serial Nomination Table.

E. Maps and plans, showing the boundaries of the nominated property and buffer zone

Map 1 shows the entire nominated property at the scale of 1:657 296.

Map 2 shows the location of the Rideau Canal within the State Party at the scale of 1:27 718 254.

Map Series 3.0 to 3.57, located in the Map Annex, shows the nominated property and buffer zone at a scale of 1:20 000.

Map Series 4.0 to 4.24, located in the Map Annex, shows the lockstations at a scale of 1:4 800.

Map 5, located in the Map Annex, shows the fortifications at a scale of 1:12 600.

F. Area of nominated property and proposed buffer zone

Area of nominated property: 21 454.81 ha
Buffer Zone: 2 363.20 ha
Total: 23 818.01 ha

Serial Nomination Table

<table>
<thead>
<tr>
<th>Element NO.</th>
<th>Name of Element</th>
<th>Area (ha)</th>
<th>Buffer (ha)</th>
<th>Geographic Coordinates</th>
<th>Map Number</th>
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<tr>
<td>01</td>
<td>Rideau Canal</td>
<td>21427.07</td>
<td>2334.78</td>
<td>From N45 20 21.31 (Ottawa Lockstation) to N44 15 52 49 (Lake Ontario)</td>
<td>1, 2, 3.1 - 3.57, 4.1 - 4.24</td>
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<tr>
<td>02</td>
<td>Fort Henry, Kingston</td>
<td>23.90</td>
<td>11.88</td>
<td>N44 13 51.41</td>
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<td>03</td>
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<td>3.00</td>
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<td>04</td>
<td>Cathcart Tower, Cedar Island</td>
<td>0.25</td>
<td>9.15</td>
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<td>05</td>
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<td>1.68</td>
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<td>06</td>
<td>Murney Tower, Kingston</td>
<td>0.17</td>
<td>2.71</td>
<td>N44 13 19.71</td>
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<td>TOTAL</td>
<td></td>
<td>21454.81</td>
<td>2363.20</td>
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</table>
MAP 1 – RIDEAU CANAL - NOMINATED PROPERTY
CHAPTER 2

Description
2. Description

A. Description of property

This section describes the six elements of the nominated property, from the northern entrance of the Rideau Canal in Ottawa to the Kingston harbour, with its impressive complex of fortifications. All of the land administered by the Parks Canada Agency that is associated with these elements is included in the nominated property, as well as Fort Fredrick National Historic Site of Canada, administered by the Department of National Defence. These six elements are listed in the Serial Nomination Table in Chapter 1.

The Rideau Canal element is subdivided into components composed of each lockstation and the intervening slackwater sections. For each Rideau Canal component, an overview of its geographic configuration, photographs and identification of the major cultural resources are provided, as is the case for the fortification elements. Measurements are included to make clear the scale of the engineering works. The Rideau Canal locks are a standard size, 37.8 m long and 9.1 m wide. Additional photographs will be found in Appendix G.

The Map Annex includes a map for the fortification elements and multiple maps for the Rideau Canal, corresponding to its components.

In the descriptions of the major cultural resources, their heritage classifications, identified through the Parks Canada Agency’s Cultural Resource Management Policy and the Federal Heritage Buildings Policy, are noted. These classifications are defined in the table.

---

<table>
<thead>
<tr>
<th>CRM1</th>
<th>Cultural Resource Management Policy Level 1</th>
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<td>Directly associated with the reasons for the designation of the national historic sites, generally with the original construction and military era, 1826 – 1850.</td>
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<table>
<thead>
<tr>
<th>CRM2</th>
<th>Cultural Resource Management Policy Level 2</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Considered to be of historic or architectural significance, but not directly related to the reasons for designation, generally built from 1851 – 1920.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FHB</th>
<th>Federal Heritage Building Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Classified structure considered to be of historic or architectural value.</td>
</tr>
</tbody>
</table>
The Ottawa locks are located in a valley, called ‘Entrance Valley’, about 2 km from where the natural course of the Rideau River flows over a high cliff to meet the Ottawa River. Rising 24 m, the massive Ottawa locks demonstrate the innovative design and construction techniques developed to meet the challenges of the terrain. The lockstation has a long and narrow configuration, approximately 100 m wide between the sides of the valley walls and 500 m from the Ottawa River to the present-day Plaza Bridge, which is its southern boundary.
Cultural Resources

Eight locks  – Manually operated locks in flight with a total lift of 24 m. Locks 6 – 8, 1830. CRM1. Locks 1 – 5, reconstructed in 1988.

Commissariat building  – A two-storey stone building, built as a storehouse for the headquarters of the canal, 1826. CRM1.

Lockstation office  – A one-storey stone building, 1884. CRM2.

Archaeological features  – Stabilized remains of the Royal Engineers’ building, 1827. CRM1.
Ottawa Lockstation to Hartwells Lockstation

0,5 km – 6,7 km

Connecting Ottawa and Hartwells lockstations is a 6,4-km excavated channel of varying width; it is the longest excavated channel along the entire Rideau Canal. The channel is flanked on both sides by masonry or concrete walls, and railings. Before reaching Hartwells Lockstation, the channel passes through Dows Lake. Originally a swamp, this artificial lake was created through the construction of two earth embankment dams to contain its waters.

Image 1  View of the excavated channel from Dows Lake to Hartwells Lockstation.

Image 2  The start of the excavated channel leaving Ottawa locks. Many bridges have been built across the canal since its completion in 1832.
Hartwells Lockstation

6,7 km – 6,9 km

Hartwells Lockstation consists of a flight of two locks set into the flank of a rise of ground. It is on the excavated channel, approximately halfway between Dows Lake and Mooneys Bay.

*Image 1* The defensible lockmaster’s house at Hartwells, with the waste sluice tunnel in the foreground.

*Image 2* Two locks in flight are situated in the excavated channel. There is no dam, but a sluice that allows excess water to bypass the locks is visible in the lower right of the photograph.

**Cultural Resources**

- **Two locks** – Manually operated locks in flight, each with a lift of 3,4 m, 1830. CRM1.
- **Defensible lockmaster’s house** – A single-storey stone house, 1841. A second storey was added in 1905. CRM1.
- **Storehouse** – A frame one-and-a-half-storey building, 1937. CRM2.
- **Lockman’s house** – A frame one-and-a-half storey building, 1920. FHB.
- **Stoplog weir** – A reinforced concrete structure, 1904.
Hartwells Lockstation to Hogs Back Lockstation

6,9 km – 8,4 km

Hartwells and Hogs Back lockstations are connected by a 1,5-km excavated channel. An interesting feature is the 1830 turning basin, located on the west side of the channel, immediately south of Hartwells Lockstation.

Image 1  An aerial view showing the excavated channel leading to Hogs Back Lockstation and the turning basin just beyond the locks at Hartwells.

Image 2  The final stretch of the excavated channel as seen from Hogs Back Lockstation looking north.
Hogs Back Lockstation

8.4 km – 8.6 km

Up to Hogs Back, the Rideau Canal is an artificial waterway of excavated channels and a drowned swamp, Dows Lake. Hogs Back Lockstation marks the transition from excavated channel to the Rideau River. Access to the river was made possible by the damming of Hogs Back Falls. This resulted in the raising of the level of the river to create a slackwater section that boats entered after passing through the two locks. An earth embankment dam separates the locks and excavated channel from the natural river course and maintains the water level for navigation.

Cultural Resources

Two locks – Manually operated locks in flight, with a combined lift of 4.4 m, 1830. CRM1.

Earth embankment dam – 98 m long, 1830. CRM1.

Lockstation office – A one-and-a-half-storey frame building, 1930. FHB.

Storage shed – A small frame structure, 1930. FHB.

Image 1 Hogs Back Lockstation marks the end of the excavated channels that began at the Ottawa Lockstation.

Image 2 Hogs Back is the location of a spectacular set of waterfalls, which was bypassed by the excavated channel section. The Hogs Back locks were built to overcome the height of the falls.

Image 3 Looking toward Hartwells from Hogs Back, the elevation rise can be clearly seen.
Hogs Back Lockstation to Black Rapids Lockstation
8.6 km – 15.0 km

The construction of the dam at Hogs Back created a 6.4-km slackwater section to Black Rapids Lockstation. Immediately south of the dam, the inundation created a broad expanse of water called Mooneys Bay.
Black Rapids Lockstation
15.0 km – 15.1 km

Black Rapids Lockstation is located at a bend in the Rideau River, with the lock creating an island from which a spillway dam stretches across the river. This dam establishes a constant water level for navigation of an 8-km slackwater section, reaching to Long Island Lockstation. Two stoplog weirs facilitate adjustment of the water level of the upstream slackwater section.

*Image 1* Black Rapids Lockstation. The weir and the start of the dam across the Rideau River are visible to the right of the photograph.

**Cultural Resources**

**One lock** – A single lock with a lift of 2.8 m, 1830. CRM1.

**Lockmaster’s house** – A two-storey frame house, 1914. CRM2.

**Spillway dam** – A concrete structure consisting of three spillway sections and three piers, on the location of an earlier dam, 1950. CRM2.

**Weirs** – Two reinforced concrete stoplog weirs of one bay each, 1925 and 1950. CRM2.

*Image 2* The building of the original dam caused many problems, and the dam was vulnerable to spring flooding. The present dam was built on the original site in 1950.

*Image 3* The lock was originally manually operated, but was electrified in 1969.
Black Rapids Lockstation to Long Island Lockstation

15.1 km – 23.3 km

This 8.2-km slackwater section was created by the spillway dam at Black Rapids. In this slackwater section, the canal is bordered by wetlands, including the Chapman Mills Conservation Area.

Image 1  The spillway dam at Black Rapids created a broad slackwater section of the Rideau River stretching from Black Rapids to Long Island.

Image 2  Looking north from Long Island Lockstation toward Black Rapids. Wooded shores and wetlands characterize this slackwater section.
Long Island Lockstation

23.3 km – 23.7 km

At this point, the river forms two channels separated by Nicolls Island and Long Island. The Long Island Lockstation is located on the east bank of the Rideau River at the southern tip of Nicolls Island. The three locks in flight are attached to an impressive stone arch dam that spans the eastern river channel to Nicolls Island. The western river channel is controlled by a dam at Manotick, 3 km to the south. Water levels are further controlled by a weir from Nicholls Island to Long Island. Together, these dams created a 40.7-km slackwater section known as ‘The Long Reach’.

Cultural Resources

Three locks – Three manually operated locks in flight, with a combined lift of 7.7 m, 1830. CRM1.

Stone arch dam – The dam is 9.7 m high and 76.2 m wide, 1830. CRM1.

Manotick Dam – A concrete water control dam, 1920. CRM2.

Lockmaster’s house – A two-storey frame house now used for administrative purposes, 1915. CRM2.

Swing bridge – A pony-truss swing bridge, 1903. CRM2.

Image 1 The dams at Long Island Lockstation significantly changed the natural course of the Rideau River. The stone arch dam (lower right) is wide enough to accommodate a public roadway to Nicholls Island.

Image 2 The sweeping curve of the stone arch dam reveals the workmanship of the canal’s builders.

Image 3 A manually operated swing bridge, built in 1904, carries the road over the locks.
Long Island Lockstation to Burritts Rapids Lockstation

23.7 km – 64.4 km

Known as ‘The Long Reach’, this 40.7-km slackwater section is the longest uninterrupted navigable stretch of the canal. The width of the canal varies from narrow channel to a wide river. South of Kars, at ‘The Big Bend’, the Rideau changes its orientation from north-south to east-west and is bordered by wetlands. Two conservation areas, Baxter and W.A. Taylor, and Rideau River Provincial Park, are along the shores of this section of the canal.
Burritts Rapids Lockstation

64,4 km – 66,9 km

Burritts Rapids Lockstation is located at the eastern end of ‘The Long Reach’. At this location, the natural river formed a long chain of rapids. To bypass these, it was necessary to excavate a 2,5-km channel. As a result, a long narrow island was created, which is now the site of the historic village of Burritts Rapids (population 400). At the western tip of the island, a spillway dam and weir span the river channel, creating a slackwater section to Nicholsons Lockstation.

Image 1  Burritts Rapids lock is at the east end of a long excavated channel built to bypass a set of shallows and rapids, now inundated by ‘The Long Reach’ slackwater section.

Image 2  The upper approach to Burritts Rapids lock. Recreational use of the canal includes an increasing number of paddlers.

Cultural Resources

One lock – One manually operated lock with a lift of 2.7 m, 1830. CRM1.

Spillway dam – A reinforced concrete structure measuring 63.4 m in length, 1951. CRM2.

Weir – A weir with two bays, 1930. CRM2.

Swing bridge – A manually operated unequal arm, through-truss steel bridge supported on masonry abutments, 1897. CRM2.

Dam ruins – The remnants of the original dam, immediately downstream from the spillway dam. CRM2.
Rideau Canal

Burritts Rapids Lockstation to Nicholsons Lockstation (Upper and Lower)

66.9 km – 69.4 km

A 2.5-km slackwater section of varying width, created by the spillway dam at Burritts Rapids.

Image 1 Vessels sailing to Lower Nicholsons pass between the impressive stone abutments of the manually operated swing bridge at the Burritts Rapids Lockstation.
Nicholsons Lockstation
(Upper and Lower)

69.4 km – 70.2 km

At Nicholsons, the lower lock and the upper lock are in an excavated channel that bypasses the river’s rapids and shallows. The lower lock is at the eastern entrance of the channel, and the upper lock is located near its middle. The Nicholsons spillway dam crosses the river at the western tip of the narrow island between the excavated channel and the river and creates a slackwater section to Clowes Lockstation.

Cultural Resources

Two locks – Two manually operated locks, with a combined lift of 4.4 m, 385 m apart along the excavated channel, 1830. CRM1.

Excavated channel – An 800-m excavated channel, 1830. CRM1.

Spillway dam – A masonry dam 76 m long and 2.5 m high, 1830. CRM1.

Weir – A stoplog weir with one bay, 1910. CRM2.

Defensible lockmaster’s house – A one-storey stone building, 1838, with a frame second storey added in 1900. CRM1.

Swing bridge – An authentic replacement of the original timber king post swing bridge.

Image 1 Nicholsons Lockstation includes two locks separated by an excavated channel, a unique configuration on the canal.

Image 2 Two manual operating winches. The winch on the left is used to raise and lower the sluice gate in the lock chamber. The other winch is used to open and close the lock gate.

Image 3 The king post swing bridge, which is balanced on a pintle and pushed by hand, carries a local road over the lock.
Nicholsons Lockstation to
Clowes Lockstation

69.8 km – 70.5 km

A short slackwater section was created by the spillway dam at Nicholsons. It is the only place on the canal where the design of the slackwater system and locks required a vessel to cross against the current to reach a lock on the opposite bank of the river.

Image 1  The Nicholsons excavated channel and the beginning of the slackwater section leading to Clowes Lockstation.

Image 2  The navigation channel west of the upper lock at Nicholsons leads to a slackwater section and crosses the river below the Clowes dam.
Clowes Lockstation

70,5 km – 70,6 km

Clowes Lockstation is located on the north side of the Rideau River. The lock is built into the bank, creating a narrow island from which the stone arch spillway dam spans the river, creating a slackwater section between Clowes and Merrickville Lockstation.

![Image 1](image1.jpg) Clowes Lockstation, showing the spillway dam and weir stretching across the river.

![Image 2](image2.jpg) The lower gates pinned open for the winter months with the stoplog weir to the left.

Cultural Resources

One lock – A manually operated lock with a lift of 2,4 m, 1830. CRM1.

Stone arch spillway dam – A dam, 151 m long and 4,45 m high, 1830. CRM1.

Weir – A stoplog weir made of reinforced concrete with one bay, late 19th century. CRM2.

Defensible lockmaster’s house – A one-storey stone house, 1838, with a frame extension, 1890. CRM1.
Rideau Canal

Clowes Lockstation to Merrickville Lockstation

70.6 km – 73.8 km

A 3.2-km slackwater section of river created by the construction of the spillway dam at Clowes Lockstation.

Image 1  The slackwater section from Clowes as it approaches Merrickville Lockstation.

Image 2  An elevated railway bridge crosses this wide slackwater section of the Rideau River.
Merrickville Lockstation

73,8 km – 74,8 km

Merrickville Lockstation is in the historic village of Merrickville (population 1 000). The locks are located along the south side of the river in an excavated channel, 1 km long. A concrete dam runs the full width of the river, creating a slackwater section to Kilmarnock Lockstation. Two river channels, flowing from the water control weirs in the dam, create an island, which is the site of the Merrickville Industrial Complex.

Cultural Resources

Three locks – Three manually operated locks separated by two basins, with a combined lift of 7,4 m, 1830. CRM1.

Original dam – Remnants of the original stone masonry dam are still visible, 1830. CRM1.

Water control dams and weirs – A series of dams and weirs spanning the river, which provide for present-day water control.

Lower and upper basins – Large turning basins between the locks, 1830. CRM1.

Blockhouse – A two-storey building, the ground floor is stone, the second, frame, 1832. CRM1.

Storehouse – A frame, one-storey building, known as ‘The Depot’, 1900. CRM2.

Merrickville Industrial Complex – An intact foundry and stabilized ruins of a woollen mill, 19th century. CRM2.

Image 1 This aerial view of Merrickville shows the separation of the three locks by two large basins, a unique configuration. Commercial vessels could moor in the basins while waiting to be loaded.

Image 2 ‘The Depot’, originally a storehouse, is used as an interpretive centre.
A swing bridge crosses the upper lock, which is separated by a turning basin from the middle lock. The lockstation office is in the background.

Merrickville’s blockhouse was the largest built along the canal. It is a national historic site of Canada.

The stabilized ruins of a woollen mill. In the mid-19th century, Merrickville was an important industrial community.
Merrickville Lockstation to Kilmarnock Lockstation

74.8 km – 86.7 km

An extensive slackwater section created by the construction of the original dam at Merrickville, and maintained by the present-day dams. There are classified wetlands throughout the section and a federal government bird sanctuary west of Merrickville.

Image 1  Passing along the excavated channel above Merrickville locks, the canal enters an extensive slackwater section stretching to Kilmarnock.

Image 2  A view of part of the extensive wetlands along this section of the Rideau River. The lower gate of Kilmarnock lock is in the foreground.
Kilmarnock Lockstation

86.7 km – 87.1 km

This lockstation is situated in the middle of large wetlands created by the construction of the dam at Merrickville. The lock is located in a 400-m excavated channel on the south bank of the river. A 300-m earth embankment dam, built to maintain the water levels on the reach to Edmonds Lockstation, spans the river, with a water control weir located at its northern end.

**Cultural Resources**

- **One lock** – A manually operated lock with a lift of 0.6 m, 1830. CRM1.
- **Earth embankment dam** – A dam, 300 m long, 1830. CRM1.
- **Defensible lockmaster’s house** – A one-storey stone building, 1841, with a second-storey stone addition, 1889. CRM1.
- **Swing bridge** – An authentic replacement timber king post swing bridge.
Kilmarnock Lockstation to Edmonds Lockstation

87,1 km – 92,7 km

This is a 5.6-km slackwater section of varying width, created by the construction of the dam at Kilmarnock Lockstation. This section has extensive wetlands along its length.

*Image 1* The slackwater section from Kilmarnock to Edmonds begins with a lake-like area of open water through which passes the narrow, winding navigation channel.

*Image 2* Extensive wetlands are a prominent feature of this section of the Rideau River.

*Image 3* The approach to Edmonds presents an impressive panoramic view of the lock entrance and the stone arch spillway dam.
Edmonds Lockstation

92.7 km – 92.9 km

The lock at Edmonds Lockstation is situated at the east end of a 150-m excavated channel on the south side of the river. A spillway dam with a stone masonry weir spans the river at the western tip of the narrow island creating a slackwater section to Old Slys Lockstation. The excavated stone visible in the earthen dam on the upper excavated channel shows the technique used to build such dams.

**Cultural Resources**

- **One lock** – A manually operated lock with a lift of 2.6 m, 1830. CRM1.
- **Stone arch dam** – A dam, 122 m long and 4.08 m high, 1830. CRM1.
- **Weir** – A stone one-bay stoplog weir, 1830. CRM1.
- **Earth embankment dam** – A 100-m earth and stone dam that retains the water in the upper channel, 1830. CRM1.
- **Lockstation office** – A storey-and-a-half frame building, 1905. CRM2.

**Image 1** At Edmonds Lockstation, the lock is set at the end of a short excavated channel that bypasses the shallow rapids.

**Image 2** The sweeping curve of the stone arch dam demonstrates the techniques of the engineers and builders. ‘Splash boards’, seen here, were affixed to the dam to create greater navigation depths.

**Image 3** The lock chamber and upper gate at Edmonds with the spillway dam and weir visible to the right. The frame building is typical of operational buildings of the late nineteenth and early twentieth centuries.
Edmonds Lockstation to Old Slys Lockstation
92,8 km – 95,0 km

This is a 2.6-km slackwater section created by the construction of the stone arch dam at Edmonds Lockstation. There are wetlands along the shore.

*Image 1*  After the slackwater section above Edmonds, the approach to Old Slys Lockstation is by way of a short excavated channel.

*Image 2*  When leaving Edmonds on the way to Old Slys through the upper excavated channel, the stone tailings from the original excavation can still be seen along the banks.
Old Slys Lockstation
95.0 km – 95.4 km

Old Slys Lockstation is located on the north side of the Rideau River, with the locks at the western end of a 400-m excavated channel. A stone arch dam across the river creates a slackwater section between Old Slys and Smiths Falls Combined Lockstation. A water control weir is located at the south end of the dam.

Image 1 Because a series of locks was required to overcome the falls and rapids at Smiths Falls, the canal starts its ascent at Old Slys, through two locks placed at the end of an excavated channel.

Image 2 The defensible lockmaster’s house has been conserved in its original 1838 form. Many others had a second storey added.

Image 3 A view of the two locks at Old Slys with a high-level railway bridge in the background.

Cultural Resources

Two locks – Two manually operated locks in flight with a combined lift of 5 m, 1830. CRM1.

Stone arch dam – A stone arch dam, 61 m long and 6.4 m high, 1830. CRM1.

Defensible lockmaster’s house – A one-storey stone structure, 1838. CRM1.
Old Slys Lockstation to Smiths Falls Combined Lockstation

95.4 km – 96.6 km

Known as the ‘Smiths Falls Lower Reach’, this 1.2-km slackwater section of the canal was created by construction of the stone arch dam at Old Slys.

Image 1  The slackwater section above Old Slys is known as ‘Smiths Falls Lower Reach’.

Image 2  Despite the construction of many dams in Smiths Falls, the wild nature of the river is still evident.
Smiths Falls Combined Lockstation consists of the three original locks, which were taken out of service in 1974, and a single replacement hydraulic lock. The original locks are located on the south side of the river and the new lock is located about 10 m to their north. This location at Smiths Falls underwent significant engineering modification during the construction of the canal. The original course of the river was blocked with a stone arch dam, which is located on the north shore of the river, and an entirely new river channel was established.
Cultural Resources

Three original locks – The flight of three locks has a combined lift of 7.9 m, 1830. CRM1.

Replacement single chamber lock – A hydraulic/electric concrete lock with a lift of 7.9 m, 1974.

Stone arch dam – The stone arch dam is 91.44 m long and 7 m high, 1830. CRM1.

Defensible lockmaster’s house – A one-storey stone building, 1841. A frame second storey was added in 1900. CRM1.

Canalman’s house – A frame two-storey building, built as living quarters for canal operators, 1953. FHB.

Storage shed – A long frame structure, 1935. FHB.

Image 1 Smiths Falls Combined Lockstation is a complex site that has been adapted to modern needs. The construction of a high level road bridge led to the closure of the original three locks in flight (on the left) and the installation of a single modern lock (to the right).

Image 2 A second storey and an addition were added to the defensible lockmaster’s house. It now serves as offices for conservation organizations.

Image 3 The first of the three original locks; the river beyond leads to Old Sly’s. The building in the foreground served as living quarters for canal workers and the long shed was used for boat storage.
Smiths Falls Combined Lockstation to Detached Lockstation

96.8 km – 97.1 km

This section of the canal is a large elongated basin created by the construction of the stone arch dam associated with Combined Lockstation.

Image 1 A short slackwater section leads from Smiths Falls Combined to the excavated channel and Detached Lockstation. The walkway on the right crosses a dam. The river branches off to the right.

Image 2 Looking west to Detached Lockstation from the conserved flight of three locks. A timber coffer dam prevents the water from flooding the original stone masonry locks.
Smiths Falls Detached Lockstation

97,1 km – 97,4 km

Smiths Falls Detached Lockstation is located on the south side of the river and is at the west end of a 300-m excavated channel. A concrete stoplog weir crosses the river, creating a slackwater section to Poonamalie Lockstation. A prominent feature just to the west of Smiths Falls Detached is the Sherzer Rolling Bascule Bridge. This historic railway bridge is a national historic site of Canada. It is, however, not included in the property because the Parks Canada Agency does not own it.

Cultural Resources

One lock – A manually operated lock with a lift of 2,4 m, 1830. CRM1.

Storehouse – A two-storey frame building, now the lockstation office, 1935. CRM2.

Image 1 At Detached Lockstation, both a road and railway cross the canal. A swing bridge carries the road across the excavated channel.

Image 2 The turning basin, just upstream from the lock, is today a busy boat harbour. Originally it served commercial and military vessels.

Image 3 The lock chamber at Detached Lockstation, dewatered in the spring, with the lockstation office to the left. In the background, the massive Scherzer Rolling Bascule Bridge, now a national historic site of Canada, allowed for vessels to pass under the railway.
Smiths Falls Detached to Poonamalie Lockstation

97.4 km – 102.2 km

‘The Swale’, a slackwater section of the Rideau River, was a result of the construction of the dam at Detached Lockstation.

Image 1  For much of the distance between Smiths Falls Detached and Poonamalie, the slackwater section is an important wetland area, ‘The Swale’.

Image 2  From the Swale, access to Poonamalie, named by soldiers for a duty station in India, is by way of an excavated channel.
Poonamalie Lockstation

102.2 km – 104.7 km

The lock at the Poonamalie Lockstation is located mid-way along a 2.5-km excavated channel, which bypasses the rapids and shallows of the river. There is a series of earth embankment dams along the upper channel that, in combination with a water control dam, create the slackwater section known as Lower Rideau Lake and Big Rideau Lake. This important water control dam has been equipped with an electric mechanical gate to deal with the high volumes of outflow from the chain of Rideau Lakes.

Cultural Resources

One lock – A manually operated lock with a lift of 1.6 m, 1830. CRM1.

Earth embankment dams – Three earth dams were built at the time of the lock’s construction, 1830. CRM1.

Defensible lockmaster’s house – A one-storey stone house, built in 1841, with a second storey added in 1910. CRM1.
Poonamalie Lockstation to The Narrows Lockstation

104,7 km – 132,4 km

The dams constructed at Poonamalie Lockstation to control the level of the Rideau Lakes resulted in substantial flooding of Lower Rideau Lake, creating areas of wetlands, bogs and marshes. Rideau Ferry, an historic crossing point, is at the entrance to Big Rideau Lake, the largest waterbody on the system. Murphy’s Point Provincial Park and three conservation areas, Rideau Ferry, Mill Pond, and Portland Bay, are located on the shores of this section of the canal.

Image 1  The Rideau lakes were deepened and widened by the construction of dams at Poonamalie.

Image 2  After the lock at Poonamalie, the excavated channel leads to Lower and Upper Rideau lakes, 30 km of open water.
Beveridges Lockstation, Tay Canal

At 110.7 km on the Rideau Canal

Beveridges Lockstation, located on the north shore of Lower Rideau Lake, 2 km east of Rideau Ferry, is the entrance to the Tay Canal. The canal runs north to the town of Perth (population 6,000). The lockstation includes a 2-km excavated channel that connects Beveridges Bay, on Lower Rideau Lake, to the Tay River. The two locks are 500 m apart. There is an earth embankment dam and weir across the Tay River, near the northern end of the excavated channel. This creates a slackwater section navigable to Perth, a distance of 9.8 km.

Cultural Resources

Two locks – Two manually operated locks with a combined lift of 7.7 m, separated by a 500-m excavated channel. They were built with the same dimensions, material and operating mechanisms as the original Rideau Canal locks, 1887. CRM2.

Earth embankment dam – A dam with a clay puddle core, 500 m long, 1887. CRM2.

Lockmaster’s house – A large frame two-storey house, 1883. CRM2.

Image 1 For most of its length, the Tay Canal is a slackwater watercourse. The two locks of the Tay Canal were built on an excavated channel.

Image 2 Upper Beveridges Lockstation Office. It is similar to Rideau Canal buildings of the same period.
Perth, Tay Canal

At 110.7 km on the Rideau Canal

The Tay Canal branch of the Rideau Canal extends from Beveridges Lockstation to the town of Perth. The canal ends in the middle of the town at a large turning basin lined with timber crib wharves. The Tay Canal passes through the extensive Tay marshes.

Image 1 The end of the excavated channel that links with the Tay Marsh.

Cultural Resources

Bridge – A king post swing bridge, 1888. CRM2.
Bridgeman’s house – A frame one-and-a-half-storey house, 1890. CRM2.
Turning Basin – A basin, approximately 75 m by 110 m, 1890. CRM2.

Image 2 A small, frame house was occupied by the bridgeman responsible for the swing bridge in Perth.
Image 3 The large turning basin at Perth marks the end of the Tay Canal.
Prior to canal construction, Big Rideau Lake and Upper Rideau Lake formed a single body of water. Upper Rideau Lake was created by the construction of an earth embankment dam at a shallow, narrow location on the original waterbody. A single lock was built at the north end of the embankment to connect the two lakes. A weir is located at the south end to control water flows.

**Cultural Resources**

**One lock** – A manually operated lock with a lift of 1.5 m, 1830. CRM1.

**Earth embankment dam** – An earth embankment dam, 400-m long, 1830. CRM1.

**Blockhouse** – A two-storey building, the ground floor is stone, the second, frame, 1833. CRM1.

**Swing bridge** – A manually operated unequal arm, through-truss steel bridge, 1898. CRM2.

*Image 1* The Narrows Lockstation was built at a point where the Rideau Lake narrowed to a width of about 45 m. The dam created a second lake, Upper Rideau, the summit of the canal.

*Image 2* Although the lock has one of the lowest lifts on the canal system, its construction was a significant engineering decision, saving money and time in construction at Newboro, located at the opposite end of the lake.

*Image 3* The 1832 blockhouse at The Narrows was considerably altered in appearance over the years but was restored in the 1960s to its original appearance.

*Image 4* The 1898 swing bridge carries a road across the lock. The bridge is operated by using hand-pushed sweeps.
The Narrows Lockstation to Newboro
132.5 km – 139.3 km

Upper Rideau Lake was created and substantially enlarged by dam construction at The Narrows Lockstation. New wetlands, bogs and marshes were also created. As a result of canal engineering, Upper Rideau Lake became the divide of two watersheds and the highest elevation on the Rideau Canal. From here waters flow north and south.

*Image 1* The southern end of Upper Rideau Lake, where the canal crosses 'The Isthmus' and its descent to Kingston commences.

*Image 2* The flooding from the dam at The Narrows reduced the amount of excavation required to link the two watersheds. Nevertheless, digging the Newboro channel across the Isthmus was a daunting task.
Newboro Lockstation
(The Isthmus)

139.3 km – 140.9 km

Newboro Lockstation is located at the south end of a narrow isthmus that separates Upper Rideau Lake and Newboro Lake. A 1.5-km channel was excavated through the isthmus to join the lakes, and a lock was located at its southern entrance.

Image 1  The Newboro lock is located at the southern end of the Newboro channel and provides entry into the Cataraqui watershed.

Image 2  The operation of the Newboro lock was electrified in 1966, although the lock retains its original stone sloping walls.
Newboro Lockstation to Chaffeys Lockstation
140.9 km – 148.7 km

After Newboro Lockstation, the main navigation channel of the canal passes through six small slackwater lakes, including Newboro and Indian lakes, that were enlarged by the construction of a dam at Chaffeys Lockstation.

Image 1  In this section, the canal passes through a series of continuous lakes that were flooded by the dam at Chaffeys Lockstation.

Image 2  The downstream exit from the excavated channel between Upper Rideau Lake and Newboro Lake.
Chaffeys Lockstation
148.7 km – 148.8 km

The access to Chaffeys Lockstation follows the natural course of the Cataraqui River, which was improved by excavation during construction. The lock and its excavated channel are on the south side of the river, with a dam and weir spanning the river on the north side of the site. The lock permits navigation between Indian Lake and Opinicon Lake.

Image 1 Chaffeys Lockstation was built on a short excavated channel. The dam and weir create a rise of 3.1 m to establish navigable depths on the upstream lakes.

Cultural Resources

One lock – A manually operated lock with a lift of 3.1 m, 1830. CRM1.
Defensible lockmaster’s house – A one-storey stone building, 1844, with a frame second storey added in 1894. CRM1.
Lockstation office – A two-storey frame building 1920. CRM2.

Image 2 A public road is carried over the lock on this plate girder swing bridge.
Image 3 The defensible lockmaster’s house is now operated as a museum by a local heritage society.
Chaffeys Lockstation to Davis Lockstation
148,8 km – 152,0 km

This slackwater section, known as Opinicon Lake, was created by the construction of the dam at Davis Lockstation.

Image 1 Stumps from the virgin forests that were inundated by dam construction, are still evident on Opinicon Lake.

Image 2 The excavated channel at Chaffeys Lockstation leads to Opinicon Lake, whose level was raised by the dam at Davis Lockstation.
Davis Lockstation

152,0 km – 152,1 km

Davis Lockstation is the most isolated of all the Rideau lockstations. The single lock is in a short excavated channel and established navigation between Opinicon Lake and Sand Lake. Earthen embankment dams and a single weir cross the river, establishing the slackwater section above it.

Cultural Resources

One lock – A manually operated lock with a lift of 2,7 m. The lock was rebuilt in 1982 in its original position.

Earth embankment dams – Two earth embankment dams with combined length of 40 m, and height of 4,0 m, 1829. CRM1.

Weir – A reinforced concrete stoplog weir with one bay, 1920. CRM2.

Defensible lockmaster’s house – A one-storey stone building, 1842. A summer kitchen was added in 1898. CRM1.

Lockstation office – A two-storey frame structure, 1875. CRM2.

Image 1 The Davis Lockstation was built in a narrow, natural river gorge that connected Opinicon Lake (bottom) and Sand Lake (top).

Image 2 The lock at Davis was rebuilt in 1982 following a structural failure.

Image 3 The earth embankment dams and weir at Davis Lockstation raised the level of Opinicon Lake.
Davis Lockstation to Jones Falls Lockstation

152.1 km – 159.0 km

The construction of a stone arch dam at Jones Falls enlarged Sand Lake for navigation.

*Image 1* The locks and dam at Jones Falls Lockstation rise 19 m. It was the most complex construction project undertaken for the Rideau.

*Image 2* From Sand Lake to the Jones Falls Lockstation the navigation channel winds through islands of pre-Cambrian rock created by the Frontenac Arch.
Jones Falls Lockstation

159,0 km – 159,5 km

Jones Falls Lockstation is located at the southern end of Sand Lake where the Cataraqui River drops about 19 m into Whitefish Lake. The lockstation has a complex layout. The stone arch dam forms the shore of Sand Lake and raises the lake’s water level to allow a clear passage to the upper lock, 200 m to the west. The locks were constructed in a natural defile that was substantially excavated for the construction of the upper lock, basin and the three locks in flight.

Cultural Resources

Four locks – Three manually operated locks in flight and a fourth manually operated lock, separated by a large turning basin, with a total lift of 18,4 m, 1830. CRM1.

Stone arch dam – A stone arch dam 107 m long and 19 m high, 1830. CRM1.

Defensible lockmaster’s house – A one-storey stone building, 1841. CRM1.

Blacksmith’s forge – A one-storey stone building, 1843. CRM1.

Lower lockstation office – A two-storey frame structure, 1925. CRM2.

Image 1 The single upper lock at Jones Falls is separated from the lower three locks in flight by a large turning basin.

Image 2 The upper lock. It is a typical lock structure with timber frame gates and the stone masonry sill. Sluice tunnels allow water to fill the lock from below.
Image 3  The stone arch dam at Jones Falls was the tallest dam in North America at the time.

Image 4  The defensible lockmaster’s house has been restored to convey the life of a lockmaster’s family circa 1840.

Image 5  The blacksmith’s forge is the location for demonstrations of 19th century blacksmithing. The stone in the foreground is rubble from the original lock construction.
Jones Falls Lockstation to Upper Brewers Lockstation

159.5 km – 176.3 km

This slackwater section of the Cataraqui River, created by the construction of the dams at Upper Brewers Mills Lockstation, includes Whitefish and Cranberry lakes, and a series of narrow channels. From Cranberry Lake, the canal follows the route of the Cataraqui River to Upper Brewers Lockstation. The Brass Point Bridge, which carries a county road over the canal, is located at Brass Point between Little Cranberry and Cranberry lakes.

Image 1 Close to Upper Brewers Lockstation, the topography changes and the canal widens. At Brass Point a timber causeway and swing bridge carry a county road across the canal.

Image 2 The route from Jones Falls Lockstation to Upper Brewers Lockstation is a mix of small lakes and natural channels that wind through the hard granite bedrock.
Upper Brewers Lockstation

176,3 km – 176,7 km

This lockstation is located along a 400-m excavated channel and a man-made basin. Earth embankment dams hold back the water in the excavated channel from the river that passes nearby. The locks are at the southern end of the excavated channel. A weir crosses the river at the entrance to the excavated channel, creating a slackwater section extending north to Jones Falls.

**Image 1** Upper Brewers Mills Lockstation is set in an excavated channel with the river passing to the right. A powerhouse (upper right) occupies the site of the original mills.

**Image 2** Winch and push bar mechanism, the most common operating system, is used for controlling the lower gates.

**Cultural Resources**

- **Two locks** – Two manually operated locks in flight with a combined lift of 5.3 m, 1830. CRM1.
- **Earth embankment dams** – A dam on the east side of lock, 122 m long and 3 m high, 1830. CRM1. A shorter dam is on the west side of the lock, 1830. CRM1.
- **Defensible lockmaster's house** – A one-storey stone building, 1840. CRM1.
- **Canalman's house** – A frame one-and-a-half-storey house, 1897. CRM2
Upper Brewers Lockstation to Lower Brewers Lockstation

176.7 km – 179.3 km

A 2.6-km slackwater enlargement of the original course of the Cataraqui River, created by the construction of the earthen dam at Lower Brewers Lockstation.

Image 1  After Upper Brewers, the navigation channel follows the course of the Cataraqui River (top), enlarged by the dam at Lower Brewers Mills.

Image 2  View from the upper wharf at Lower Brewers looking across the small slackwater lake.
Lower Brewers Lockstation
179.3 km – 179.4 km

Lower Brewers Lockstation is located at the south end of a widening of the Cataraqui River, which forms a small, shallow lake. The lock was built on the east bank of the river in a short excavated channel that created a small island. The original river channel is a short distance to the west of the island. An earthen dam crosses the river from the island running to the west, creating the shallow slackwater section to Upper Brewers.

Cultural Resources

One lock – A manually operated lock with a 4-m lift, reconstructed in 1972 in the original location.

Defensible lockmaster’s house – A one-storey stone building, 1842, with a frame second storey added in 1900. CRM1.

Swing bridge – An authentic replacement of a timber king post swing bridge.

Image 1 At Lower Brewers, a powerhouse was built on the river channel that rejoins the canal below the lock.

Image 2 The lock at Lower Brewers Mills with the lower gates open to receive vessels moving upstream on the Cataraqui River.

Image 3 View from below the lock, with the defensible lockmaster's house in the background.
Lower Brewers Lockstation to Kingston Mills Lockstation

179.4 km – 195.0 km

This 15.6-km slackwater section resulted from the construction of the stone arch dam and earthen dams at Kingston Mills Lockstation. Broad and shallow, it is known as the ‘River Styx’. It eventually widens and forms Colonel By Lake. This slackwater section is full of stumps from trees that were cut at the time of the construction of the canal. Navigation in this slackwater section, now, as in 1832, is confined to the original line of the Cataraqui River where there is sufficient water depth.

*Image 1* A line of boats navigating the ‘River Styx’, a shallow winding section of channel.

*Image 2* In this section the canal is shallow and mud-bottomed, supporting extensive wetlands.
Kingston Mills Lockstation
195,0 km – 195,5 km

At Kingston Mills Lockstation, the Cataraqui River descends from Colonel By Lake to the Cataraqui Estuary, over a series of rocky ledges. A high stone arch dam with a weir, is located across the original course of the river at the head of the falls. Long earthen dams on each side of the stone arch dam hold back the water of Colonel By Lake. The locks were built in a side channel west of the main channel of the river. The upper lock is attached to the south end of the stone arch dam. Below the upper lock, a large basin used for steamship repair still exists. The lower three locks are constructed in flight, with the lowest lock ending the canal at the level of Lake Ontario.

Cultural Resources

Four locks – One manually operated lock separated from the three locks in flight by a large turning basin. The locks have a combined lift of 14,8 m, 1830. CRM1.

Stone arch dam – A dam, 120 m long and 9 m high, with a weir on the north end, 1830. CRM1.

Two earth embankment dams – One on each side of the stone arch dam. The westerly dam is 800 m long, the easterly 600 m long, 1830. CRM1.

Weir – A masonry stoplog weir with one bay, 1830. CRM1.

Blockhouse – A two-storey building, the ground floor is stone, the second, frame, 1833. CRM1.

Lockmaster’s house – A small frame building, 1925. CRM2.
Image 1  At Kingston Mills Lockstation, the terrain dictated a complex layout for the lockstation. The original falls were dammed and the water controlled to support mills and now a powerhouse.

Image 2  The lower lock at Kingston Mills is the final lock on the Rideau Canal. From here, the Cataraqui River flows directly to Lake Ontario.

Image 3  The blockhouse at Kingston Mills dominated the surrounding terrain. It has been restored to tell the story of its military use.

Image 4  The natural river course was blocked by this stone arch dam and 1.4 km of earth embankment dams to create the slackwater section known as Colonel By Lake.

Image 5  The turning basin between the upper lock and the flight of three locks was used for repairing steam ships.
Kingston Mills Lockstation to Lake Ontario
195.5 km – 202.1 km

The Cataraqui River flows south from the lockstation under Highway 401 and through a large wetland (the Cataraqui Marsh), before it empties into Lake Ontario at Kingston (population 126 000).

Image 1 The navigable route of the Cataraqui River below Kingston Mills is narrow but soon winds its way into the Cataraqui marsh.

Image 2 The Cataraqui River estuary broadens into the marshes and then enters the City of Kingston where it forms the inner harbour.
Element 02 – Fort Henry, Kingston

Fort Henry was the key element of the Kingston fortifications system. The fort is embedded atop Point Henry, some 30 m above the water on the eastern side of Kingston Harbour. Its position provides a commanding view of the north channel of the St. Lawrence River, the entrance to the Rideau Canal, and the Kingston harbour area. The glacis of the fort extends down to the shorelines of Deadman Bay to the east and Navy Bay to the west. Given its elevated position, Fort Henry’s fields of fire to the east, south and west, were designed to cover most of the harbour area. Fort Henry is a national historic site of Canada.

Cultural Resources

Redoubt – This casemated fort has walls that are 10 m high and 2 m thick. A masonry-walled dry ditch, 15 m wide and 7 m high, surrounds the redoubt, 1837. CRM1.

Advanced battery and glacis – The nine guns of the battery covered the southern approach to the fort. The glacis south of the branch ditches illustrates the design and defensive style of the fortifications, 1839. CRM1.

West and east branch ditches – With masonry-lined walls, the ditches provided flank protection to the fort. The ditches are 9 m wide and extend down to the water’s edge on each side of Point Henry, 1839. CRM1.

West and east branch ditch towers – These limestone towers are 13 m in height and 9 m in diameter at the base. Each was armed with a cannon on top, 1848. CRM1.

West and east commissariat stores – These fortified limestone storerooms connect the redoubt to the advanced battery. Each building is 82 m long and the outer walls are 1.2 m thick, 1842. CRM1.

Image 1 Innovative in design, Fort Henry was the most important British fortification west of Quebec City.

Image 2 The casemated redoubt was excavated into the hilltop to minimize its exposure to artillery fire.

Image 3 Fort Henry offers outstanding interpretive programs and is a popular tourist attraction in Eastern Ontario.
Element 03 – Fort Frederick, Kingston

Located at the southern end of Point Frederick, the fort consists of a Martello tower with caponiers, a ditch enclosed within earthworks and a masonry curtain wall. Fort Frederick’s field of fire covered Navy Bay to the east, the north channel of the St. Lawrence River on the south and, on the west, the entrance to the Rideau Canal. Fort Frederick is part of the Kingston Fortifications National Historic Site of Canada. It is a component of the Royal Military College of Canada, which is administered by the Department of National Defence. The Parks Canada Agency’s Cultural Resource Management Policy applies only to sites owned by the agency and, therefore, there is no CRM rating for Fort Frederick.

**Cultural Resources**

Martello tower – This is the largest of the defensive towers in Kingston. It is 14 m high with a diameter of 18 m at the base, 1848. FHB.

Earthworks – The massive earthworks of the fort contain the powder magazine and surround the Martello tower, 1848. FHB.

Masonry curtain wall – The wall encloses the northern end of the fort, 1848. FHB.

Fortified guard house – Located on the exterior of the curtain wall, this structure provided shelter for the fort’s guards, 1848. FHB.

Image 1 The Royal Military College of Canada was developed adjacent to Fort Frederick, which now serves as the museum for the college.

Image 2 The Martello tower and associated fortifications.
Element 04 – Cathcart Tower, Cedar Island

Cathcart Tower is located on Cedar Island, which is within St. Lawrence Islands National Park of Canada. This limestone tower, built in 1848, is 11 m high and 16.5 m in diameter. It is surrounded by a shallow ditch and by a glacis extending to the shorelines on three sides. The guns of Cathcart Tower covered the eastern approaches of Kingston Harbour. The tower is part of the Kingston Fortifications National Historic Site of Canada and is classified as a CRM1 resource.
Element 05 – Shoal Tower, Kingston

Completed in 1847 and built on a shoal in Kingston Harbour, the limestone tower rises 10.8 m above the water and is 20 m in diameter. The rubble and cribbing associated with the tower’s construction are visible in the water. Located directly off-shore from Kingston City Hall, Shoal Tower’s field of fire protected Kingston’s commercial harbour and the entrance to the Rideau Canal. Shoal Tower is part of the Kingston Fortifications National Historic Site of Canada and is classified as a CRM1 resource.

Image 1  Shoal Tower was built in Kingston Harbour. In the background are the campus of the Royal Military College of Canada, Fort Frederick and Cathcart Tower.

Image 2  Shoal Tower was built close to the entrance of the Rideau Canal.
Element 06 – Murney Tower, Kingston

Built in 1848 on Murney Point, Murney Tower consists of the limestone tower with caponiers and an encircling ditch and glacis. The tower is 11 m high and 17 m in diameter. Murney Tower is located west of the harbour, and its guns were intended to cover the western approaches to the town. It is part of the Kingston Fortifications National Historic Site of Canada and is classified as a CRM1 resource.

Image 1 The glacis surrounding Murney Tower is clearly visible in this aerial photograph.

Image 2 Murney Tower with its dry ditch and counterscarp is unique among the Martello towers in Kingston.
2B. History and development of the property

As a result of the American War of Independence, thousands of people who remained loyal to the British Crown moved northwards to Canada. The influx of these loyalists led the government to examine the Cataraqui and the Rideau rivers to determine if adjacent lands were suitable for settlement. By 1800, most of the land along the two rivers had been surveyed and a number of mills had been built, the first, at Kingston Mills, in 1784. Within a few years, there were mills at most of the major falls along the two rivers: at Nicholson’s Rapids in 1785, at Merrickville in 1792, followed by Burritt’s Rapids in 1793, at Davis in 1800, and at Brewer’s Upper Mills in 1802. Despite the presence of these mills, settlement of the interior was very slow. Neither the Rideau nor the Cataraqui was easily navigable, and roads were scarce. It was, consequently, difficult to reach the St. Lawrence River, then the primary transportation route in the colony.

Defence of the Empire

The Rideau Canal was built in response to the tensions that existed between Great Britain and the United States of America, which erupted in armed conflict with the outbreak of the War of 1812. The primary theatre of the war was the colony of Upper Canada (now the Province of Ontario), and the St. Lawrence River was Britain’s only military supply line to the colony. During the war, the inadequacy of the St. Lawrence River for this purpose became increasingly apparent. Not only was travel on the river exceedingly slow and costly, because of a series of rapids, but also the river itself was exposed to American attack along most of its length between Montréal and Lake Ontario. Disruption of the supply line would have jeopardized the security of the colony. British authorities were determined to prevent such a situation from arising and developed the concept of a military canal linking the Ottawa River and Lake Ontario.

What also became evident to military planners early in the war was the need for a substantial naval force on Lake Ontario. In an era when virtually all transportation was by water, the control of Lake Ontario was essential for the defence of the colony. The British naval dockyard in Kingston was the centre for ship construction, and the War of 1812 saw a virtual arms race as each side built larger and more heavily armed ships. The need for strong defensive works in connection with the Kingston dockyard, along with a secure military supply route, was regarded as vital for the defence of the colony.

Even with the end of hostilities, the United States of America was still seen as a potential threat to the security of Canada. Military planners were determined to pursue the idea of a military canal and, in the fall of 1814, turned their attention to the Rideau and Cataraqui rivers as a possible route. Twelve years later, work began on the construction of the Rideau Canal.

Lieutenant-Colonel John By’s Vision

Lieutenant-Colonel John By of the Corps of Royal Engineers was appointed by the British government to supervise the construction of the Rideau Canal, and he arrived in Canada in the spring of 1826. What he discovered, when he travelled the proposed route for the canal, was a wilderness. The land had been surveyed years earlier, but the area was only sparsely populated. Besides Kingston, located at the point where the Cataraqui River flows into Lake Ontario, the only established communities were the milling villages.
of Merrickville, Burritt’s Rapids and Chaffey’s Mills. A network of roads had been developed to provide access to Kingston and, northward, to the Ottawa River, but most of them were no more than trails. Lumbering, the chief source of income, was impeded by the difficulty of transporting the timber because of the numerous rapids of the two rivers.

Before John By’s arrival, the route for the canal had been studied in considerable detail, and an engineering approach to its construction had been recommended. This involved bypassing the rapids of the rivers with excavated channels where locks would be used to overcome elevation changes. The implementation of this plan would have entailed the excavation of more than 40 km of channels over the 202-km length of the canal. Lieutenant-Colonel By, as a result of his initial survey of the route, decided to adopt a quite different approach. In the words of historian Robert Passfield, in Building the Rideau Canal, he constructed “a slackwater system in which high dams raised the water level to flood the rapids and back up the water to a navigable depth. Each stillwater so created would stretch upriver to the base of the dam at the next set of rapids. … The construction of a slackwater system complicated the surveying task but it reduced excavation work immensely … and the depth of the excavations was also reduced considerably.”

The specifications for the Rideau Canal, as approved by the British government, called for locks 33 m long by 3 m wide and 1.5 m deep. These were the dimensions of the locks of the recently built Lachine Canal near Montréal, which were designed for flat-bottomed vessels propelled by sail or manpower. Immediately upon his arrival in 1826, John By began to press his superiors to approve much larger locks that would accommodate steamboats, just then making their appearance in North America. His reasons were both military and commercial. He argued that steamboats were faster and more versatile for moving troops and supplies, that they could be readily armed during wartime, and that they would ensure Britain’s control over Lake Ontario. Steamboats also had obvious commercial benefits for the transportation of raw materials and agricultural produce. His recommendation was for locks 40.8 m long by 10.1 m wide, with a depth of 1.5 m.

Lieutenant-Colonel By’s request for larger locks on the canal initially met with considerable scepticism. Apart from the increased costs, there was concern over the scale of the locks, which was unprecedented at the time. John By persevered, and, after two commissions had examined the benefits of a steamboat canal, the government accepted his recommendations, although the length of locks that was approved was reduced to 37.8 m. In the summer of 1828, the new estimates for the cost of the canal were accepted and construction proceeded on the larger locks.

An excerpt from Building the Rideau Canal well describes the types of design and engineering challenges that John By faced and resolved during the construction of the canal:

“Determining the best route for a canal and an efficient layout for the canal structures was one of the most demanding tasks in 19th century civil engineering. It required skill and judgment, exhaustive survey work and a minute exploration of the terrain. The object was to find not only a practicable route, but one which would best preserve the [water] level desired with an absolute minimum of excavating and embanking over the shortest possible distance. Even with the best of planning, changes were commonly made during construction, as was the case of the first [Ottawa] section of the Rideau Canal, to take full advantage of the terrain. Between the Entrance Valley and Dows Swamp two canal cuts were made, joined by
a natural gully, and two parallel mounds were erected across Dows Swamp using clay from the canal excavations. The mounds were about 804 m apart and between them raised the water level to form Dows Lake. Two of the three locks intended for Hog’s Back were moved to Hartwell’s where higher ground began beyond the lake. With the canal raised 6.7 m at Hartwell’s, it was possible to follow a straight cut directly to the Hog’s Back with a minimum of excavation.”

When the decision was made to construct larger locks, new plans and specifications were prepared for the enlarged works, and construction was underway at all the sites by the end of 1828. The construction of the Rideau Canal was an immense and daunting project, involving more than 6,000 workers at multiple worksites. Despite unforeseen circumstances, such as higher-than-expected water volumes and unfavourable soil and rock conditions, the work progressed well. Late in 1830, Lieutenant-Colonel By predicted that navigation of the entire canal would be possible by August of 1831. His prediction proved optimistic, but it was only a few months later, on 24 May 1832, that he began a triumphant journey along the full length of the canal from the Ottawa River to Kingston.

The Rideau Canal was built for military purposes, to provide a secure transportation route for British troops and supplies between Montréal and Kingston. During its construction, Lieutenant-

Colonel By did not lose sight of its strategic function and included in his plans the building of a blockhouse at each lockstation. In the end, the cost was deemed prohibitive and only six were built at locations considered particularly vulnerable: Merrickville, The Narrows, Newboro, Jones Falls, Kingston Mills, and at the dam at Morton Bay.

The military planners who, following the War of 1812, had successfully recommended the building of the canal, had also foreseen the need for the construction of strong fortifications at its southern terminus at Kingston. Upon completion of the canal, work began on the most important component of the defensive system planned for Kingston, the replacement of the inadequate 1812 fortifications on Point Henry, located on the eastern side of Kingston Harbour and the entrance to the Rideau Canal.

Point Henry is an elevated promontory some 30 m above lake level, with a commanding view of the north channel of the St. Lawrence River, the entrance to the Rideau Canal, and Kingston Harbour. Work began on Fort Henry in 1832, the Royal Engineers having designed a self-defending redoubt, with an advanced battery to the south, joined to the redoubt by two ranges of commissariat stores. A branch ditch ran from the east and west sides of the redoubt to the shore. When construction was completed in 1842, Fort Henry was the largest and strongest British fortification in North America west of Quebec City. Several years later, in recognition of their defensive weakness, a small tower was built at the lower extremity of each of the branch ditches.

While work was proceeding on Fort Henry, the colony of Upper Canada faced an internal crisis that led to rebellion in 1837. The rebellion was soon put down but left the authorities a legacy of uncertainty about the security of the canal. This led to the building of single-storey, stone defensible lockmaster’s houses at strategic lockstations: Old Slys, Clowes and Nicholsons. In the 1840s, in response to increasing tensions between Britain and the United States of America, more defensible lockmaster’s houses were built: at Upper and Lower Brewers, Edmonds, Hogs Back, and several other lockstations.
The final steps to strengthen the defences of Kingston were also a response to the worsening relations between Britain and the United States of America. Between 1846 and 1848, the British built four Martello towers to protect Kingston Harbour and the entrance to the canal. Upon their completion in 1848, the Kingston defences, anchored by Fort Henry, provided the town, the dockyard and the Rideau Canal with substantial fortifications and ample firepower to repel attack.

The Changing Role of the Canal

The Rideau was built as a military canal and, for several decades, was an important element in the defence of Canada. It had, however, never been thought of as having an exclusively military function, and soon after it opened the canal was carrying much of the commercial traffic that had previously used the St. Lawrence River. By the middle of the century, the Rideau’s strategic importance had diminished considerably, and it had become mainly a commercial transportation system. At the same time, its role as the principal route between Montréal and Kingston also changed. In 1848, the colonial government opened a series of canals on the St. Lawrence River and enlarged the Lachine Canal at Montréal, thereby creating a much more direct route to the interior than the Rideau system. The canal, thereafter, was mainly a regional transportation system for eastern Ontario, a role it continued to serve until improvements were made in the road system after the First World War.

As a regional transportation system, the Rideau Canal was extended to the town of Perth, through what is known as the Tay Canal. Perth had been established in 1816 on the Tay River, about 13 km from Rideau Lake. Because of extensive rapids, the river was unnavigable, and, in 1830, a private company was set up to build a set of locks to provide Perth with access to the Rideau Canal. With its five small wooden locks, the canal was scarcely adequate to meet the commercial needs of Perth. In the early 1880s, local residents persuaded the federal government to build new locks, the size of those on the Rideau system. In 1887, the second Tay Canal was completed.
As a reliable and inexpensive means of carrying agricultural and industrial products to outside markets, the Rideau Canal had a profound impact on the development and growth of the region. In 1836, a few years after the completion of the canal, the population along the waterway stood at about 30,000. By 1861, the population had doubled, mainly between Smiths Falls and Bytown (Ottawa), where the arable land supported a prosperous agricultural population. Throughout the region, a number of small settlements expanded because of the canal. Villages such as Portland, Newboro, Westport and Chaffeys Lock thrived as small-scale milling, service or transshipment centres. Merrickville grew rapidly. By 1848, it had the largest woollen mills in the colony, and a foundry produced stoves for an expanding colonial market. Bytown, having been established as the headquarters for the construction of the canal, grew rapidly after the canal was built. In 1855, it became a city, and its name was changed to Ottawa. In 1867, it became the capital of the new Dominion of Canada.

Opinicon Hotel at Chaffeys Lock, were established in the 1890s. Summer cottages were built in increasing numbers throughout the Rideau and Cataraqui lakes, particularly after the First World War when road access to them improved. This trend towards the recreational use of the canal accelerated rapidly during the 1950s and breathed new life into the canal.

The Changing Role of the Canal’s Fortifications

Following the tensions of the 1840s, the risk of war between Britain and the United States of America receded. As a result, there was a gradual change in the use of the fortifications built for the protection of the Rideau Canal. When British troops left the country in 1870, following the establishment of the Dominion of Canada in 1867, Fort Henry and the four Martello towers were turned over to the Department of the Militia of the Canadian government. Fort Henry continued in use as a school of artillery for the army and as a storage depot well into the 20th century. Following the Second World War, the fort became the premier tourist attraction in eastern Ontario, presenting the life of the garrison stationed there in 1867.

The Martello towers ceased any military function by the end of the 19th century. In 1925, Murney Tower was leased to the Kingston Historical Society, which still operates it as a museum.
Fort Frederick became the museum of the Royal Military College of Canada. No new role was found for Shoal and Cathcart towers, because they are not easily accessible.

The Structural History of the Canal’s Engineering Works

Summarising the structural history of the Rideau Canal, historian Robert Passfield states that:

“During the 19th century the Rideau Canal was widely acclaimed as one of the finest canals ever built. … Only a few relatively minor structural failures have occurred … over the years. Exceptionally severe flooding took place from time to time and on each occasion driftwood and ice floes borne on the crest of the flood broke through protecting booms and breached several waste weirs. None of the high stone arch dams were ever damaged, however, and only one waste weir, the Long Island weir, suffered repeated injury. The other weirs and the low overflow dams suffered only random, readily repairable damage and many of the stone weirs and overflow dams were not replaced until well into the 20th century. Most of the 47 locks have continued to function to the present day with but minor repairs or partial rebuilding and renewal of the stonework.”

Although they were part of the defences of the canal, the fortified lockmaster’s houses were also intended to accommodate lockmasters and their families, a role they continued to serve until the 1960s. The Jones Falls and Morton Bay blockhouses deteriorated and were eventually demolished. The four surviving blockhouses, Newboro, The Narrows, Merrickville and Kingston Mills, were used as lockmaster’s houses and, later, as museums or lockstation offices.

The needs of the modern world have had some affect on the structures of the canal, a notable example being at Smiths Falls Combined Lockstation. As built in 1830, the 7.9 m lift required at this lockstation was the work of three locks in flight. Because of an increase in road traffic, the swing bridge over the locks was replaced in 1889 and, again, in 1923. By the 1960s, this swing bridge had become a major block to the flow of traffic. The solution proposed by the Department of Transport, responsible at that time for the operation of the canal, was the replacement of the swing bridge with a high-level fixed bridge, resulting in the construction of a new, single, electrified concrete lock. The work was completed in 1974.

An interesting sidelight to this story is the considerable opposition aroused by the plan to demolish the three original locks, and they were, in fact, preserved. A similar struggle between tradition and modern development occurred a few years earlier in connection with plans to electrify all the locks of the canal. Electrification was the Department of Transport’s response to the increased usage of the canal resulting from recreational boating. Newboro, one of the busiest
locks on the system, was electrified in 1966. In the words of canal historian, Ken Watson, in *A History of the Rideau Lockstations*, “This met with a flurry of protest from residents and concerned groups who felt that electrifying the locks would forever compromise the historic integrity of the Rideau. Eventually, those concerned with protecting the heritage of the Rideau won out and only two other locks, the lock at Black Rapids, and the new combined lock at Smiths Falls, were ever electrified.

**The Structural History of the Canal’s Bridges**

At the time of its construction, only one bridge was built to cross the Rideau Canal, the Sappers Bridge at the Ottawa Lockstation, connecting Upper and Lower Bytown. Eventually, swing bridges became a conspicuous feature at many of the lockstations, reflecting the development of the road system in Eastern Ontario. Watson’s story of the Merrickville Lockstation provides an interesting, if extreme, example of the evolution of bridge building on the canal in response to the needs of road traffic:

“Over the years several bridges have spanned the canal works and river. The original bridge crossing the locks was a rolling bridge, positioned over the lower end of the upper lock. It was replaced in 1843 by a timber swing bridge. In 1892, the swing bridge was replaced with a new steel bridge, this time located just downstream of the lower gates of the upper lock. This new position allowed more vessels to pass underneath it without having to swing the bridge (and disrupt traffic). It was replaced in 1933 by another steel bridge which was electrified in 1955. The current electric swing bridge was installed in 1990.”

The frequency of bridge replacement at Merrickville was not typical of all lockstations. When the first road was built across Old Slys Lockstation in 1857, it crossed the waste weir by means of a fixed bridge, with a swing bridge across the lock. These two bridges were replaced only in the 1960s. Although the swing bridges in use today are all replacements of the originals, some of the steel bridges date from the late 19th and early 20th centuries. The timber bridges found at several of the lockstations are authentically designed replacements of the originals.
The Structural History of the Canal’s Buildings and Fortifications

During the history of the canal, additional buildings, most of them lockstation offices, were added at a number of the lockstations. The lockstation office at Davis dates from 1875, that at Ottawa, from 1884, that at Edmonds, from 1905. In the 1960s and 1970s, no fewer than ten offices were built.

Once they were no longer needed for defensive purposes, the canal’s blockhouses were adapted to serve other purposes. Eventually, the two that were built entirely of timber (Jones Falls and Morton Bay) deteriorated and were demolished. In the 1960s, the others, at Merrickville, The Narrows, Newboro and Kingston Mills were restored to their original 1830s appearance.

Defensible lockmaster’s houses to accommodate lockmasters and their families were built at most of the lockstations during or shortly after the construction of the canal. There was a standard pattern that most of them followed: they were small, square, one-storey stone buildings, functional but providing few physical comforts to the occupants. Towards the end of the 19th century and early in the 20th century, considerable effort was made by canal authorities to improve the living conditions of these houses by adding second storeys or building extensions to them. In a few instances, as at Kingston Mills in 1904 and at Hogs Back in 1907, the original buildings were replaced.

Since their completion in the 1840s, there has been little structural change to the various elements of the fortifications in Kingston. Fort Henry is, today, very much as it was when construction was completed. Soon after the Martello towers were finished, the Royal Engineers, recognizing the inadvisability of leaving their flat gun platforms exposed to Canadian winters, designed easily removable roofs to protect them. The roofs have been replaced over time, but their design elements have remained consistent.

Externally, all of the Martello towers have survived intact. On the interior, however, the two towers that military authorities largely abandoned because of their inconvenient locations (Shoal and Cathcart), deteriorated badly. The wooden main floors of both towers collapsed, damaging the partition walls of the storerooms and powder magazine on the lower level of each. Otherwise, they remain structurally unchanged.
The History of the Conservation of the Rideau Canal and its Fortifications

For nearly 175 years, the Rideau Canal has continued to serve, without interruption, as a water route between Ottawa and Kingston. This is, in part, a tribute to the high construction standards that John By insisted upon during its building and, in part, to the fact that it has been well maintained over the years.

For more than two decades after its completion, the maintenance of the canal was the responsibility of the British government and, specifically, of the troops stationed at Bytown, many of whom had been involved in its construction. In 1856, the canal was turned over to the colonial government, which became responsible for its operation and maintenance. With the establishment of the Dominion of Canada in 1867, the federal government took charge of all the canals in the new country, a responsibility that it continues to have today.

For much of the canal’s history, maintenance followed the accepted practices of the day. In the early 20th century, if dams required major repairs or replacement, the work was done in concrete. Similarly with locks: damaged masonry was normally replaced in kind, but concrete was, on occasion, used instead. In addition, over time, the original wooden floors used at many of the locks were replaced by concrete, a more practical medium for the purpose.

Although maintenance practices current at the time were applied to the canal, it generally escaped the attention of modernizers anxious to update its operation. Since early in the 20th century, the growth and prosperity of the Rideau area has depended on road and railway transportation, not on the Rideau Canal. With the canal’s new focus as a recreational waterway, there has been only sporadic interest in modernizing its operation.

Another part of the history of the conservation of the canal was a growing public awareness of its historic significance. In 1926, the Historic Sites and Monuments Board of Canada recognized the canal as a national historic site, a designation that led to a closer public scrutiny of initiatives to alter its character in the name of progress. The designation also had beneficial repercussions on the treatment of significant canal buildings. Ken Watson, in his History of the Rideau Lockstations, records the story of the 1833 blockhouse at Newboro Lockstation:

“By 1856 the blockhouse was serving exclusively as the lockmaster’s house. In 1888 it underwent extensive renovations. Large framed additions were added to it, giving it the appearance of a farmhouse. … It stayed like that, deteriorating over the years, until abandoned in 1962. The Department of Transport planned to sell off or demolish the building, however the Historic Sites Branch of the federal government argued that it should be preserved. … In 1967 and 1968 the blockhouse underwent extensive renovations.” Afterwards, the department proceeded to restore the blockhouses at Merrickville, Kingston Mills and The Narrows, and the lockmaster’s house at Jones Falls.
1972 was a significant date in the history of the conservation of the Rideau Canal. In recognition of its heritage character and status as a national historic site, responsibility for the canal’s operation was transferred from the Department of Transport to the Parks Canada Agency, the federal government agency responsible for managing Canada’s national historic sites. The consequence of the transfer has been a new focus on the heritage values of the property and their protection, consistent with the agency’s Cultural Resource Management Policy.

Under the administration of the Parks Canada Agency, significant investments have been made in the stabilization and conservation of lock structures, the structural stability of dams and the periodic replacement of lock gates. As a result, since 1990 the overall asset condition has been at a relatively high level. But, despite the application of rigorous cultural resource management policies, there has been some loss of historic material due the level of structural deterioration. The westerly lock wall at Lower Brewers lock failed and collapsed in 1976 and had to be rebuilt, with as much material as possible being salvaged. At Davis and Ottawa lockstations, deterioration had advanced to the extent that several lock chambers were reconstructed. Today, techniques developed in the 1990s, allow canal engineers to stabilize the walls without dismantling the structure, thereby preventing loss of historic materials. Moreover, the ongoing monitoring of assets allows for the prioritization of timely interventions consistent with principles of conservation, governing policies and best practices.

Throughout most of their history, Fort Henry and the four Martello towers were the responsibility of the Department of National Defence. Fort Henry was transferred from National Defence to the Parks Canada Agency in 1999. Three of the towers (Shoal, Murney and Cathcart) have been under the administration of the Parks Canada Agency for many years. Fort Frederick, on the grounds of the Royal Military College of Canada, continues to be under the care of National Defence.

In the late 1930s, Fort Henry, nearly a century after its completion, was subject to a major conservation project to prepare it for its new role as a tourist attraction. In the years following that conservation project, National Defence and the operator of the fort, the St. Lawrence Parks Commission, undertook a program of routine maintenance to conserve the fort’s historic fabric. Currently, Fort Henry is the subject of a second major conservation project, multi-year in scope, to address structural problems that have arisen since the 1930s.

Fort Frederick and Murney Tower, benefiting from their long-time use as museums, have never required extensive conservation work. Good routine maintenance practices in combination with careful monitoring programs and periodic structural conservation have limited the need for large-scale repairs to the two towers. The story is somewhat different for Shoal and Cathcart towers. Extensive monitoring of the two towers in the 1990s revealed significant structural problems. Major work was undertaken at Shoal Tower in the mid-1990s. Structurally, it is now quite sound. Design specifications for Cathcart have been prepared but not yet implemented.
CHAPTER 3
Justification for Inscription
3. Justification for Inscription

A. Criteria under which inscription is proposed

Criterion (i): The Rideau Canal is a masterpiece of human creative genius.

The Rideau Canal is a masterpiece of human creative genius, in its concept, design, and engineering. To build the canal, Lieutenant-Colonel John By, the canal’s principal designer, had two options. The conventional and proven option was to use excavated channels of considerable length to link existing waterways that were navigable, bypassing falls, rapids, swamps and rocky shallows. John By dismissed this approach as being too expensive and time-consuming, given the terrain, geology and configuration of the lakes and rivers. Through a fundamental stroke of creative genius, he envisioned another option to join the watersheds of the two river systems, the Rideau and the Cataraqui: a slackwater canal, executed on a monumental scale. His decision to build a slackwater canal was highly innovative – and technologically risky. The slackwater system was virtually untried at this time in Europe. Slackwater techniques on a limited scale had been attempted in North America, but none of these canals was near the complexity of what John By conceived for the Rideau Canal.

The slackwater design that John By envisioned for the Rideau Canal required a very large number of embankments and high dams in order to inundate shallows, swamps, and rapids, and thus create a series of impoundments of sufficient depth to allow navigation along the full length of the canal. This approach dramatically reduced the requirement for extensive excavated channels, thereby reducing costs and construction time. The Corps of Royal Engineers responded with designs for an ingenious system of engineering works, including seventy-four dams and forty-seven locks at twenty-four lockstations, allowing vessels to ascend 85 m to the summit of the canal from the Ottawa River, and then descend 50 m to Lake Ontario.

One of the problems that plagued slackwater canals and discouraged their use was the difficulty of controlling water levels on such a system. Once again, John By and his engineers created an imaginative and effective solution to the problem. They included in the plan for the canal a system of dams and embankments that created lakes to serve as reservoirs, allowing water to be stored to supply the canal during dry summer months. Conversely, during periods when excess water was in the system, such as in the spring or during heavy rainfalls, the reservoirs allowed water to be held back and released gradually, preventing damage to engineering works.

The genius of the slackwater canal solution to the construction of the Rideau Canal was equaled by John By’s foresight regarding the future dominance of navigation of the Rideau and Cataraqui rivers was impeded by numerous rapids and waterfalls.
of steamboats as a mode of transportation. The specifications for the canal that he was given called for locks sufficient in size to accommodate Durham boats, flat-bottomed vessels propelled by sail or oars. Soon after his arrival in Canada, Lieutenant-Colonel By sought, and was given, authorization from his superiors to build locks to accommodate vessels using the newly emerging technology of steam power. The Rideau Canal became one of the first canals in the world designed specifically for steam-powered vessels.

**Criterion (ii): The Rideau Canal exhibits an important interchange of human values, over a span of time or within a cultural area of the world, on developments in technology.**

Building the Rideau Canal and its fortifications required adapting existing European technology to the North American environment and to the specific circumstances and geography of its setting. The experience gained in the engineering of canal works and fortifications for the Rideau Canal advanced these technologies to a new level.

**The Transfer of Canal Technology**

The concept of canals and their engineering principles and technology were well known in Europe prior to the construction of the Rideau Canal. Canals had emerged as important commercial transportation systems in the mid-18th century, closely associated with the Industrial Revolution. The Rideau Canal was built using canal technology developed in Europe and transferred to North America. However, the existing European canal technology was adapted and advanced on the Rideau in order to build a slackwater system on a scale previously untried.

There were three areas of canal-building technology in which significant adaptation and technological advancement occurred during the building of the Rideau Canal – surveying methodology, lock engineering and dam engineering.

**Surveying Methodology**

The Corps of Royal Engineers brought European surveying methodologies to North America for the construction of the Rideau Canal. The adaptations they made in the application of the transferred technologies, to meet the exigencies of particular local conditions, was an outstanding technological advancement.

The Royal Engineers developed truly innovative methods for orienting a survey and taking levels. First, a directional fire technique was adopted, enabling the surveyors to orient a survey over great distances in the dense forest. Second, they used compass traverses rather than conventional theodolite traverses, which were impossible in the forest. Third, so-called ‘flying levels’ were taken of the rise or fall of the land, based on the vertical position of a light placed at an established height on the leveling staff. And fourth, with the impossibility of running theodolite traverses, cross-sections of the terrain were mapped using a grid survey on compass bearings. These maps allowed the canal to be routed to take advantage of the natural terrain, thereby minimizing tree clearing, excavation and embanking work.

These innovations eliminated a great deal of difficult, costly and time-consuming labour in clearing away forest growth to obtain clear sight lines. They enabled canal works, stretching throughout a 202-km-long wilderness corridor, to be laid out in a remarkably short period of time during the winter of 1826 and spring of 1827.

**Lock Engineering**

The second important area of the transfer of European technology where the Royal Engineers took an established technology to a new level was in lock engineering. Engineering principles transferred from Europe were used for the construction of the Rideau. The lock-building achievement on the Rideau was, however, the design and construction of locks capable of withstanding the unprecedented force of water pressure resulting from the high lifts and large lock chambers required for a slackwater canal built for steamboats.
Typically, locks on European canals had a lift of 2.4 m to 3.0 m. To overcome the terrain on the route of the Rideau Canal, John By was faced with the choice of building numerous locks with low lifts or fewer locks with high lifts. To minimize costs and construction time, he opted for high lifts and, therefore, fewer locks. For example, rather than construct six locks or more at Jones Falls, to overcome a rise of 18.4 m, four locks were constructed, with a maximum lift of 4.6 m. In addition, to accommodate steamboats, the lock chambers had to be significantly larger than those employed up to that time on European and North American canals. The locks on the Rideau Canal were 37.8 m long and 9.1 m wide. In comparison, the contemporary Blackstone Canal in the United States of America had locks 21.3 m long and 3.1 m wide.

The force of water pressure created by the high lifts and large size of the locks required engineering advancements in design and construction. Lock walls, gates, sluice tunnels and wing walls were all designed and constructed to carry significantly greater force than in earlier canals. In later years, these advancements in lock engineering were applied elsewhere in the construction of locks, such as those built on the St. Lawrence River in the late 1840s.

**Dam Engineering**

The third major area of technology transfer where John By and his engineers took an established technology to new levels during the design and construction of the Rideau Canal was in the engineering of dams. The slackwater system used for the canal required a large number of dams to inundate shallows and rapids. Individually, and as a system, these dams represented a considerable advancement in dam-building technology.

The massive Jones Falls Stone Arch Dam well illustrates the adaptation and advancement of European dam-building technology to meet the challenges of the Rideau Canal. To deal with the deep gorge, falls and rapids at Jones Falls required a dam with a span 107 m, to a height of 19 m, double the height of any dam in North America at the time. John By’s design integrated stone masonry dam technology with the technology of clay core earth dams, to cope with the incredible...
stresses on a structure of this scale. The Jones Falls dam’s international importance was recognized in the International Canal Monuments List, prepared under the auspices of The International Committee for the Conservation of Industrial Heritage (TICCIH).

To establish the impoundments of water that were required for the Rideau Canal’s slackwater system, sets of dams were often required at lockstations. The engineering of such dam systems involved the use of earth embankment dams, stone masonry dams and stone masonry water control weirs in combination. The system of dams at Kingston Mills illustrates John By’s mastery of traditional European dam building technology and his advancement of it. He achieved the impoundment of the 15.6-km stretch of water above Kingston Mills through a system of dams that included two earth embankments dams, 1.4 km in total length, a 120-m long stone masonry arch dam, natural geological features, a water control weir, and the upper lock.

The Transfer of Military Technology

The fortifications built at Kingston to defend the mouth of the Rideau Canal represent the transfer of European military technology to North America. Fort Henry was, however, a considerable advance over earlier fortifications built in British North America. Major citadels built in the 1820s at Halifax and Quebec City conformed to the traditional Vauban design of fortification. For Fort Henry, engineers abandoned this approach, adapting newer Prussian thinking to create a fortification that was unique in British North America. The result was a powerful and compact fort, well suited to the topography of Point Henry.

The four Martello towers, built between 1846 and 1848 to protect Kingston Harbour and the entrance to the canal, were designed by Lieutenant-Colonel W. Holloway of the Corps of Royal Engineers. Martello towers had been adapted by the British from round tower fortifications found on the European continent, and built to protect the English coastlines during the period of the Napoleonic
Wars. They extended their use to British North America, eventually building twelve towers in total, the last being the four in Kingston. The Kingston towers were the culmination of decades of British development of round masonry tower design and construction. All incorporated significant innovative structural and external features to address defensive weaknesses previously associated with this type of fortification. Of the four, Murney is the best example of the final phase in this process of evolution. Like traditional Martello towers, it consisted of two floors with a gun platform protected by a high parapet. It was, however, surrounded by a deep ditch with a dry masonry counterscarp. Tower and ditch were protected by a rubble-filled glacis. Four massive caponiers projected from the base of the tower, enabling defenders to fire in to the ditch. All the Kingston towers were innovative in design and of a high quality of construction. Murney is, however, regarded as the most sophisticated Martello tower to be built in British North America.

Criterion (iv): The Rideau Canal is an outstanding example of a technological ensemble which illustrates a significant stage in human history.

The Rideau Canal was built at a time when two powers, Great Britain and the United States of America, vied for the control of the northern portion of the North American continent. This significant stage in human history resulted in the creation of two distinct political and cultural entities, Canada and the United States of America. One of very few canals in the world built primarily for strategic military purposes, the Rideau Canal and its associated defensive works were critical elements in the global strategy developed by Great Britain immediately after the Napoleonic Wars in Europe and the War of 1812 in North America. The two wars demonstrated to British political and military leaders the importance of a military defensive system to protect their far-flung global interests.

In North America, the key to the defence of Canada lay in a transportation route from Montréal to Lake Ontario, more secure than the St. Lawrence River, to supply the vital naval base at Kingston. When the British Government examined the defence of British North America, two Canadian projects were sanctioned: the Rideau Canal and the Kingston harbour fortifications.

This was the context for the British decision to invest enormous financial resources in the construction of the Rideau Canal and its associated fortifications. At stake was the future security and
expansion of British political and commercial interests on the North American continent. This was also the context for approval of locks large enough to accommodate steam-powered vessels. As historian Robert Passfield remarks, “steamboat navigation provided the British forces with a speed of movement superior to that enjoyed by the Americans. Had the Rideau Canal not been completed, or had it been constructed as a small gunboat canal, the whole of the military’s efforts at engineering the defence of Canada would have been undermined.”

The ultimate success of this strategy was fundamental to the growth of colonial Canada and, subsequently, its development as an independent nation, spanning the northern half of the continent.

A rare instance of a canal built primarily for strategic military purposes, the Rideau Canal, together with its ensemble of military fortifications, illustrates the significant stage in human history when Great Britain and the United States of America vied for the control of the northern portion of the North American continent.

C. Comparative analysis

The earliest evidence of the development of canals dates back approximately 4,000 years to Egypt and the Middle East. The Grand Canal in China was built in the 4th century B.C.E., with several later extensions. Linking the Yangtze and Yellow rivers to Beijing, it is the longest canal in the world, the first summit level canal and had the first recorded pound lock. The Canal du Midi in France, built in the 17th century, is widely regarded as the first canal of the modern era. It was enormously influential in the design of subsequent canals in Europe, and is, at present, the only canal inscribed on the World Heritage List (although the four lift locks on the Canal du Centre in Belgium are also inscribed). Beginning in the middle of the 18th century, there was a virtual explosion in canal building in Europe. By 1850, 6,500 km of canals had been constructed in England and Wales alone.

Worldwide, canals have been built for three main purposes – irrigation, water control and transportation. The Rideau Canal is a transportation canal. The engineering and construction techniques transferred to North America for the building of the Rideau Canal were based on European canal-building experience but were significantly adapted to meet the needs of the North American environment and the particular design requirements of a slackwater canal. For purposes of comparative analysis, it is most relevant to examine other transportation canals based on the European canal-building experience of the early 19th century, in particular those built in North America.

B. Proposed Statement of Outstanding Universal Value

In concept, design, and engineering, the Rideau Canal is the most outstanding surviving example of an early-19th century slackwater canal system in the world, and one of the first canals designed specifically for steam-powered vessels. It is an exceptional example of the transfer of European transportation technology and its ingenious advancement in the North American environment.
A Masterpiece of Human Creative Genius: The Rideau as a Slackwater Canal

Slackwater Canal Experience in Europe

The slackwater concept was used only to a limited degree in Europe. Typically, 18th and early-19th century canals were excavated channels linked to natural navigable waterways, usually rivers. Locks were built in the excavated channels to overcome changes in elevation. While dams were used to control feeder channels to maintain water levels, they were rarely used to create the impoundments required for a slackwater canal. Even though slackwater systems could have been used to a greater extent, builders had the perception that it was more difficult to build and repair locks in natural or impounded watercourses. An additional factor that militated against more slackwater construction was the concern over fluctuations in water levels in slackwater systems, a problem not encountered to the same extent on excavated canals.

The most notable European slackwater system from the early-19th century canal-building era is the Gotä Canal in Sweden (1810–1832). The Gotä used slackwater techniques, with dams creating slackwater sections as part of its navigable route and reservoirs to control water levels. But, it also relied heavily on excavated channels, typical of the more common European canals. Forty-five percent of the total length of the Gotä is man-made. This is in contrast to the Rideau Canal, where only nine percent of the total length is excavated. Even though slackwater sections could have been used for a greater proportion of the length of the Gotä Canal, the builders demonstrated the same reluctance as other European canal builders to implement slackwater design and engineering. Their use of slackwater sections as the primary navigation route speaks to the ingenuity and confidence of the engineers of the Rideau Canal.

A comparison of the Gotä and the Rideau canals provides a perspective on these two slackwater canals from the early 19th century.

<table>
<thead>
<tr>
<th></th>
<th>Rideau Canal</th>
<th>Gotä Canal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>202.1 km</td>
<td>190.5 km</td>
</tr>
<tr>
<td>Excavated channel</td>
<td>19 km</td>
<td>87.5 km</td>
</tr>
<tr>
<td>Slackwater sections</td>
<td>183.1 km</td>
<td>103 km</td>
</tr>
<tr>
<td>Number of locks</td>
<td>47</td>
<td>58</td>
</tr>
<tr>
<td>Number of remaining manually operated locks</td>
<td>44</td>
<td>2</td>
</tr>
<tr>
<td>Year of completion</td>
<td>1832</td>
<td>1832</td>
</tr>
<tr>
<td>Years to complete</td>
<td>6</td>
<td>22</td>
</tr>
<tr>
<td>Lock length</td>
<td>37.8 m² A. Measured in the chamber from the point of the lower sill to the face of the breastwork.</td>
<td>35.63 m² B. Most of the locks are this length measured between the lock gates. However, Mem, Tegelbruket and Söderköping Locks are all 38.6 m.</td>
</tr>
<tr>
<td>Lock width</td>
<td>9.1 m</td>
<td>7.2 m - 7.6 m</td>
</tr>
</tbody>
</table>

Both the Gotä Canal and the Rideau Canal were remarkable engineering achievements in the tradition of European canal-building technology of the early 19th century. The builders of the Rideau Canal, however, while using this technology, adapted it and advanced it to create a remarkable slackwater canal system. Moreover, the Gotä Canal has, unlike the Rideau Canal, been modernized to a great extent. Only two of its fifty-eight locks are operated manually, while forty-four of the forty-seven locks on the Rideau are operated using authentic hand-powered winches.

Slackwater Canal Experience in North America

The European experience in canal development inspired a form of ‘canal mania’ in North America: approximately sixty-five canals were constructed before 1850, chiefly in the eastern United States of America. Most, however, represented a conventional application of European canal technology. American engineers demonstrated a caution similar to that of the European builders with respect to constructing a slackwater canal system. Consequently, no large-scale slackwater canals were built in the United States of America, although some canals used slackwater design for sections of their routes.
The most notable example was the Blackstone Canal, which was constructed from Providence, Rhode Island, to Worcester, Massachusetts, between 1824 and 1828. The Blackstone Canal was a towpath canal, suitable for small, heavily-laden barges, drawn between locks by horses. Forty-nine masonry locks, each 21.3 m long by 3.1 m wide, were built along its 72.4 km route.

There were some short slackwater sections on the Blackstone Canal, but its operators found that these were susceptible to flooding, freezing and low water, causing maintenance and operational difficulties. Clearly, the Blackstone lacked the sophistication of design to manage water flows that was developed for the Rideau Canal.

Due to the emergence of railways in the New England states, the canal closed in 1848 and was abandoned. Very little remains of its original works, much of the stone having been hauled away for other construction uses.

Another historically important American canal was the Schuylkill Canal, built from Philadelphia, Pennsylvania, 160 km along the Schuylkill River to the coal mining area of the Allegheny Mountains. The builders of the canal used excavated channels to bypass rapids and rocky shallows, but, in some locations, dams were built to create slackwater sections in the river. Completed in 1825, the Schuylkill was a towpath canal.

The canal was an immediate commercial success but declined in the late 19th century with the introduction of railways to the area. The State of Pennsylvania acquired the canal in 1931 but saw no economic value in it. Many sections were drained and abandoned. Only a few are still evident today.

In Canada, an early canal project that used elements of slackwater design was the first Welland Canal, built from Lake Ontario to Lake Erie between 1824 and 1829. The route of the canal followed Twelve Mile Creek from Lake Ontario and connected to the Welland River through a series of locks. It then joined the Niagara River above Niagara Falls before reaching Lake Erie.

The use of slackwater design was undertaken to a limited degree on the Welland. Ultimately, however, the slackwater components were abandoned in favour of a series of excavated channels. There are, now, no intact remains of the original slackwater works, and the canal’s original line has been abandoned.

The Blackstone, the Schuylkill and the Welland canals are examples of early North American attempts to use slackwater canal-building techniques. None of them, however, was a fully functioning slackwater system. None advanced canal technology as did the Rideau, through its creative and ingenious slackwater engineering.

In considering European and North American examples of the same time period, it is quite clear that no other canal is comparable to the Rideau Canal as a slackwater system. The Gotá Canal was a project of comparable scale but depended much more heavily on conventional excavated channel sections than did the Rideau and has been largely modernized. The Blackstone, Schuylkill and the Welland canals had only limited slackwater elements and have little historic authenticity today. The Rideau Canal is clearly the most outstanding surviving example in the world of an early-19th century slackwater canal, and the best preserved.

The Transfer of Canal Technology to North America

The International Canal Monuments List identifies seven canals as being of technological significance worldwide: “These are the most influential waterways in this document. All are landmarks in the world history of canals.” (p. 65) The Erie Canal in the United States of America and the Rideau Canal in Canada are listed among these landmarks, which also include the Grand Canal in China, the Canal du Midi in France, and the Bridgewater, Ellesmere and Birmingham canals in Great Britain.

According to the authors of the list, the Erie Canal “was significant for being the product of the intercontinental transfer of technology.” (p. 65) Located between Albany and Buffalo, New York, it was considered a triumph of early engineering in
The United States of America and one of the most ambitious construction projects of 19th century North America. Built as an excavated towpath canal, the first Erie Canal was completed in 1825. It included eighteen aqueducts to carry the canal over ravines and rivers, and eighty-three locks with a rise of 177.7 m from the Hudson River to Lake Erie.

Like the Erie Canal, the Rideau Canal is recognized in the International Canal Monuments List as demonstrating the “intercontinental transfer of technology and the adaptation of advanced, highly financed engineering to the circumstances of a developing country.” (p. 56) Unlike the Erie, however, the Rideau Canal is a well-preserved example of this early-19th century transfer of technology. Ten years after it was built, the Erie was enlarged, a process that altered the size of the locks and widened and deepened the excavated channel. The Erie Barge Canal, built between 1903 and 1918, bypassed the first and second Erie Canals. While some sections of the original canal have been preserved, the overall authenticity of the original line of the Erie Canal is severely impaired and most of its original engineering structures have disappeared.

A comparison of the two canals resulted in the conclusion by the authors of the list that, “the differing states of preservation of the waterways may well mean that the Rideau, rather than the original Erie Canal, is selected as an illustration of this process of intercontinental transfer and development.” (p. 57) In addition, they observed that the Rideau Canal “is particularly important in international terms because it is the only canal dating from the great North American canal-building era of the early nineteenth century that remains operational along its original line with most of its original structures intact.” (p. 70)

The Canal du Midi in Languedoc, France was designed with curved walls to resist the pressure of the earth and allow a larger number of boats into the lock.

A Technological Ensemble which illustrates a Significant Stage in Human History

The Rideau Canal is a rare example of a canal that was built primarily for military purposes. Many canals in Europe and North America had some form of military use during their history. The Gotà Canal, discussed earlier, included military components and was viewed as having strategic importance in the defence of Sweden. For the most part, however, canals were built primarily for commercial purposes.

The idea that a canal could serve as an effective and secure military supply route began with the Royal Military Canal in Great Britain. This canal was constructed between 1804 and 1809 during the Napoleonic Wars, along the Romney Marsh in Kent. This 45.1-km excavated canal was considered a third line of defence against the possible invasion of south-eastern England, the Royal Navy and the system of Martello towers along the coastline being the two main lines of defence. The level of importance that British authorities assigned to the Royal Military Canal is questionable. Along its length, the canal was protected by nothing more than earthworks and defensible ‘station houses’. Its construction, however, signaled that British military and government leaders had grasped the concept of the use of canals as part of a defensive system. This understanding of the strategic role of canals was transferred to Canada for the construction of the Rideau Canal in the 1820s. It was envisioned by strategists as a major component in the defence of British North America against an attack from the United States of America. In contrast to the Royal Military Canal, it was heavily fortified with blockhouses, defensible lockmaster’s houses, Fort Henry and four Martello towers. The willingness of the British to invest
enormous financial resources in the construction and defence of the Rideau Canal clearly demonstrates its fundamental importance in the on-going rivalry for control of the northern half of North America.

D. Authenticity

In addition to its historical and technological significance, the nominated property fulfils the conditions of authenticity set out in Section II E of the Operational Guidelines. The authenticity of the nominated site can be attributed, in large measure, to the high degree of engineering skill and workmanship in the construction of the original engineering works, fortifications and buildings. In addition, ownership of the nominated site by the Government of Canada since the later decades of the 19th century has been a major factor in the survival of original structures and ensembles of structures, and their high state of conservation. Aspects of the Rideau Canal as they relate to the conditions of authenticity set out in the guidelines are described below.

1. Authenticity in form and design

The Slackwater System

The Rideau Canal, as a slackwater canal system, has a high degree of authenticity, since the original plan and layout of the route, as well as the depth and width of channels, have remained completely intact. During construction, watercourses and adjacent lands along the route were significantly modified by the construction of dams and locks. Rapids, rocky shallows and swamps were flooded to create navigable channels, lakes and rivers. These features all remain in evidence today.

Engineering Works

Locks

The original forty-seven lock structures of the Rideau Canal have retained their locations and dimensions as built. In the 1880s, two locks were built at Beveridges Lockstation as part of the Tay Canal. They also have retained their locations and dimensions as built. To facilitate the road crossing of the canal at Smiths Falls Combined Lockstation, a single-chamber concrete lock was built in the 1970s in proximity to the original three locks in flight, which have been preserved in their original form and location.

Including the two locks at Beveridges and the single-chamber lock at Smiths Falls, there are now fifty lock chambers on the canal. Forty-one of them are classified as Level 1 cultural resources, and two are Level 2 cultural resources, according to the Parks Canada Agency’s Cultural Resource Management Policy. These numbers are indicative of the high level of authenticity of the Rideau Canal’s locks. (CRM levels are explained in chapter 2, section A).
**Rideau Canal**

**Lock Gates**

Due to deterioration of the wood from harsh winters and regular use, the timber-frame gates on the Rideau Canal have a life span of approximately twenty to twenty-five years. This frequency of replacement is similar to the replacement schedule during the canal’s historic period. Replacement gates are manufactured by skilled Parks Canada Agency craftsmen, who pattern the new gates after the original design.

**Dams**

With very few exceptions, the canal’s dams, consisting of earthen embankments, stone masonry dams, spillways and weirs, exist today in their original locations and still play their original roles in creating the slackwater system. In response to water management and public safety requirements, some dams have undergone varying degrees of replacement.

There are seventy-four dams along the Rideau Canal, of which twenty-three have received a CRM Level 1 rating, indicating their authenticity with respect to form and design. Fourteen dams have received a CRM Level 2 rating. The most significant dam engineering achievement on the canal was the seven stone arch dams built as part of the original plan. All of these survive in their original form and design.

**Bridges**

When the Rideau Canal was built in the wilderness of eastern Ontario, there was virtually no need to include bridges in the design of engineering works for the lockstations. As the population of the area increased and the road system developed, swing bridges were built at a number of lockstations to cross the canal. Twelve such bridges are included in the nominated property and together demonstrate the evolution of bridge form and design. Three of the twelve are original steel swing bridges. They are located at Burritts Rapids Lockstation (1897), The Narrows Lockstation (1898) and Long Island Lockstation (1903) and classified as CRM Level 2 resources. Four of the original timber bridges were replaced using authentic designs. The remaining five bridges are steel replacements that were
installed to meet vehicle traffic needs or because of the physical condition of the originals.

Lock Operating Mechanisms

When the canal opened in 1832, three different operating mechanisms were used, all operated by hand-powered winches. In addition, hand-powered winches were used to operate the sluice valves for the locks. These operating systems are still in use today at most locks on the canal. Only three of the canal’s fifty locks now have hydraulic/electric operating systems for gates and sluices. These are Black Rapids, Smiths Falls Combined, and Newboro.

Canal Buildings and Fortifications

Twenty-three buildings associated with the nominated property date from the construction period and demonstrate the strategic military purpose of the canal. They have been assessed under the CRM Policy as Level 1 resources. In addition, there are buildings from the post-construction period included in the nominated property. Their form and design reflect the evolution of the property, the different periods of their construction and the specific functions that they were intended to serve. Sixteen of these buildings are CRM Level 2 resources.

The CRM Level 1 buildings include the fortifications at Kingston and the canal’s blockhouses and defensible lockmaster’s houses. In form and design, Fort Henry and the four Martello towers are as built in the 19th century, except that the main floor of both Shoal Tower and Cathcart Tower is now missing and partition walls of the storage level have collapsed. Of the six blockhouses built to defend the Rideau Canal, four survive (Merrickville, The Narrows, Newboro and Kingston Mills). Although they were adapted for other uses when no longer needed for defensive purposes, all have now been restored to their original appearance.

The defensible lockmaster’s houses were small, square, one-storey stone buildings, with small window openings and incorporating loopholes for rifle fire. When it became clear that they were no longer needed for defensive purposes, they were altered to make them more habitable. Many were enlarged through the addition of a second storey. A large number of these houses survive with their original form and design retained as part of the adapted structure.

The CRM Level 2 buildings associated with the nominated property date from later in the 19th century to the 1930s. Following the military era, additional houses were built for lockmasters, and several lockmaster’s houses were built in the first decades of the 20th century. They are all similar in design: plain, rectangular, two-storey frame
structures. Also in the early 20th century, a few houses were built for the accommodation of canalmen. They resembled the lockmaster’s houses of that period, but were smaller in size.

In the early days of the canal and for many years thereafter, lockmaster’s houses were the lockstation offices as well. In the late 19th century, buildings intended to serve as separate lockstation offices were introduced. The lockstation office at Davis was built in 1875 and, in design, was similar to a domestic building. In contrast, the lockstation office built at Ottawa Locks in 1884 is, despite its small size, an impressive stone-built structure. Purpose-built lockstation offices continued to be constructed up to the 1970s, although a number of lockstation offices in use today were adapted from existing lockmaster’s houses.

2. Authenticity in materials and substance

Locks

Nearly all of the Rideau Canal’s locks are in their original state of construction with a high percentage of original stone. At the time of their construction, locks had either stone-masonry or timber floors. While it has been possible to retain the stone masonry, the timber floors were replaced with concrete at an earlier time. These evolved lock structures are now conserved in their current state as part of the life-cycle maintenance program.

In the past, the periodic stabilization of lock walls was undertaken by dismantling the walls and reconstructing them. The Parks Canada Agency has since adopted new maintenance techniques that conserve original stone-masonry lock walls. The current technology uses core drilling and pressure grouting techniques so the wall can be stabilized in place. As a result, there is less damage to original stone blocks and greater protection of original fabric. When, however, it is necessary to replace stone blocks, it is normal practice throughout the canal to use new stone similar in composition to the original.

Only one original lock (Black Rapids) has been entirely rebuilt with the use of concrete, and five locks (Ottawa Locks 1–5) have been rebuilt with stone matching the original.

Original masonry floors survive at many locks. The timber floors used at some locks have been replaced by concrete.
Gates

The wood originally used for building lock gates was native oak, but now, when gates are replaced on a twenty to twenty-five year cycle, British Columbia Douglas Fir is used, due to the scarcity of oak large enough to fashion the timbers. Iron and steel fittings are conserved from one set of gates to the next to the greatest degree possible. When replacement pieces are required, the original material and form are duplicated.

Dams

Twenty-three of the seventy-four dams of the Rideau Canal, including the seven stone arch dams, retain their original materials. Because of the importance of the dams as water control structures and in order to meet evolving safety standards for such structures, some of the original stone-masonry dams have been replaced over time using concrete. Fourteen of these early concrete dams represent the evolution of canal engineering and have been classified as CRM Level 2. The canal’s earth embankment dams retain their original materials, including their clay puddle cores, but have, in some instances, been reinforced with additional earth or stone.

Bridges

The oldest surviving bridges on the canal date from the 19th and the early 20th centuries and were made of steel. When repairs are necessary, steel is used. The timber bridges now found on the canal are, in design, authentic replacements of the originals and use authentic materials to the greatest degree possible.

Lock Operating Mechanisms

As components of lock operating mechanisms age and wear, they are repaired to conserve original material such as timber, cast iron, wrought iron and steel. When necessary, they are replaced using authentic materials.

Canal Buildings and Fortifications

Most buildings dating from the construction period of the canal are made of stone, although the four surviving blockhouses were stone on the first level, with a frame second level. The fortifications at Kingston are stone, although the four Martello towers have wooden roofs. Of the two lockstation offices dating from the 19th century, one is stone, the other, frame. For the most part, the 19th century alterations made to canal houses consisted of adding to them a frame second storey. Houses built in the early 20th century are frame.
Repairs made to these buildings aim to conserve the original material as much as possible; if replacement of fabric is necessary, the original materials are duplicated.

3. Authenticity in use and function

In 2007, the Rideau Canal will celebrate its 175th year of continuous operation. Over its entire history, the transportation function of the canal has been maintained. While military and commercial uses have given way to recreational boating, the experience of using the canal, travel distances, and travel time have remained the same. Today’s pleasure boater experience the process of ‘locking through’ the canal in much the same way that the earliest travellers did.

By the 1860s, Fort Henry and the four Martello towers, and the blockhouses and defensible lockmaster’s houses along the canal were outmoded for defensive purposes although some buildings continued to be used by the military, in Fort Henry’s case until after the First World War. Today, several of these fortifications are used for the interpretation of their original military function. Fort Henry is used to convey the life of the garrison stationed there in 1867. Fort Frederick and Murney Tower are museums and part of their programming is devoted to the history and significance of the fortifications at Kingston. Kingston Mills Blockhouse, the defensible lockmaster’s houses at Jones Falls and Chaffeys, and the Merrickville Blockhouse present the military function of these small-scale fortifications.

4. Authenticity in traditions, techniques and management systems

Built by the British government, the Rideau Canal was transferred to the Province of Canada, and then to the Dominion of Canada in 1867. The British government retained possession of Fort Henry and the Martello towers until 1870, at which time they, too, were transferred to the Canadian government. Both the canal and the fortifications are still the responsibility of the federal government, and this continuity of government ownership has been a major factor in the survival of original structures and ensembles of structures, and their high state of conservation.

For nearly 175 years, without interruption, the Rideau Canal has been an operating waterway, fulfilling its original function as a transportation route between Ottawa and Kingston. While management methods have evolved over time, there has been considerable continuity in the operation of the canal. For example, the job of the lockmaster has existed since 1832, and lockmasters of the Rideau continue to exercise their responsibilities in a manner that is continuous with their line of predecessors, and a part of a long tradition of service to the public. Moreover, most locks are still operated in the traditional way with hand-powered winches used to open gates and sluice valves.

The property is managed in accordance with conservation principles, which means that, to the greatest degree possible, techniques used in the maintenance and conservation of the cultural resources of the property respect the integrity of the original workmanship. Cultural resources that demonstrate the authentic techniques of construction are conserved. While lock gates and other wooden structures must be re-structured or replaced from time to time, the designs used are authentic. Modern tools are often used for efficiency, but the methods of layout and fabrication follow the original construction techniques.

5. Authenticity in location and setting

The course followed by the Rideau Canal along its 202-km route from Ottawa to Kingston is unchanged, but the setting through which it passes has, in some areas, evolved considerably since the canal was completed. The Rideau now passes through cities and towns that were small communities in 1832: Ottawa, Merrickville, Smiths...
Falls and Kingston. Extensive farms are found along the route, particularly in the region between Ottawa and Smiths Falls. Cottage and resort development has taken place, notably in the area of the Rideau lakes. Nevertheless, almost half of the canal’s shorelands exists today in a natural state.

The location of the canal’s twenty-four lockstations is also unchanged as is the location of the various Level 1 and Level 2 buildings and dams dating to the 19th and the early 20th century. In the case of the fortified lockmaster’s houses and the blockhouses, this means that their defensive function is still clearly evident. The grounds around the locks are better maintained than in the 19th century and, in contrast to their treeless state in the construction period, lockstations now are well-treed, especially those outside of urban settings.

Except for Cathcart Tower, located on an uninhabited island off the shore from Point Henry, the setting within which the Kingston fortifications are found has changed considerably as the city has grown around them. Property to the north of Fort Henry has been developed. Shoal Tower, set in the midst of Kingston Harbour, is bordered by a public marina. Fort Frederick is just south of the extensive campus of the Royal Military College of Canada and the Queen’s University campus is to the north of Murney Tower. Because of their locations on the water, the fortifications are, however, still understandable in terms of their original function. They exist today with their geographic distribution, tactical logic and fields of artillery fire immediately observable.
CHAPTER 4
State of Conservation and Factors Affecting the Property
4. State of Conservation and Factors Affecting the Property

A. Present State of Conservation

The following table describes the present state of conservation of the cultural resources of the nominated property. The information on the condition of the cultural resources of the Rideau Canal is a product of the canal’s asset monitoring program, undertaken by professional engineers working in the asset management function. Each year, one-third of the canal’s assets are thoroughly inspected and the results are entered into the Asset Management System. The information on the fortifications at Kingston is based on the Parks Canada Agency’s 2002 evaluation of the state of commemorative integrity of these cultural resources. The evaluation was part of the Parks Canada Agency’s program to systematically assess the state of commemorative integrity of all of the sites that it administers. It was undertaken by a multi-disciplinary team of experts qualified to judge the condition of the cultural resources. The condition of each cultural resources is described as good, fair, or poor, as defined in the adjacent table.

Information on recent major repair projects covers the years from 1995 to 2005. Information on forthcoming major repair projects is taken from the Eastern Ontario Field Unit’s Long Term Capital Plan for the period 2006 to 2016.

Baseline Data: Condition of Cultural Resources
September 2005

<table>
<thead>
<tr>
<th>Cultural Resource</th>
<th>Condition</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ottawa Lockstation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eight locks</td>
<td>Good</td>
<td>The lower sill on Lock 8 was repaired in 2005.</td>
</tr>
<tr>
<td></td>
<td>Locks 1, 2, 5, 6, 8: Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td></td>
<td>Locks 3, 4, 7: Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Commissariat building</td>
<td>Fair</td>
<td>Repairs to wooden components and painting scheduled for 2006.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Archaeological features</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Cultural Resource</td>
<td>Condition</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>-----------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Hartwells Lockstation</strong></td>
<td></td>
<td></td>
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<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Storehouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockman's house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Stoplog weir</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Hogs Back Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Good</td>
<td>Building painted and major repairs to roof in 2001. Routine maintenance.</td>
</tr>
<tr>
<td>Storage shed</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Black Rapids Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weirs</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Long Island Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Manotick Dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockmaster’s house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Burritts Rapids Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance. Minor pier and abutments repairs in 2006.</td>
</tr>
<tr>
<td>Dam ruins</td>
<td>Not rated</td>
<td>Archaeological resource, no conservation planned.</td>
</tr>
<tr>
<td><strong>Nicholsons Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance. Lock 19 grout repairs planned for 2006.</td>
</tr>
<tr>
<td>Excavated channel</td>
<td>Not Rated</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance. Minor repairs to log checks and wall in 2007.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Cultural Resource</td>
<td>Condition</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Clowes Lockstation</strong></td>
<td></td>
<td><strong>Fair</strong> Emergency repair to masonry in lower sill in 2005. Routine maintenance.</td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Stone arch spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
</tbody>
</table>

| **Merrickville Lockstation**  |           | **Fair** Lock 23 stabilized and conserved in 2002. Routine maintenance.                                                                       |
| Three locks                   | Fair      | Archaeological resource, no conservation planned.                                                                                           |
| Original dam                  | Not Rated | Routine maintenance.                                                                                                                       |
| Lower and upper basins        | Fair      | Routine maintenance.                                                                                                                     |
| Blockhouse                    | Fair      | Routine maintenance.                                                                                                                     |
| Storehouse                    | Fair      | Routine maintenance.                                                                                                                     |
| Merrickville Industrial Complex|          | Routine maintenance.                                                                                                                     |

| **Kilmarnock Lockstation**    |           | **Fair** Routine maintenance.                                                                                                               |
| One lock                      | Fair      | Routine maintenance.                                                                                                                     |
| Earth embankment dam          | Fair      | Routine maintenance.                                                                                                                     |
| Defensible lockmaster's house | Good      | Routine maintenance. Porch repairs within 3 years.                                                                                         |
| Swing bridge                  | Fair      | Routine maintenance.                                                                                                                     |

| **Edmonds Lockstation**       |           | **Fair** Routine maintenance. Rake, point and grout in 2013.                                                                               |
| One lock                      | Fair      | Routine maintenance. Rake, point and grout in 2012.                                                                                         |
| Spillway dam                  | Fair      | Routine maintenance.                                                                                                                     |
| Weir                          | Good      | Routine maintenance.                                                                                                                     |
| Earth embankment dam          | Fair      | Routine maintenance.                                                                                                                     |
| Lockstation office            | Fair      | Routine maintenance.                                                                                                                     |

| **Old Slys Lockstation**      |           | **Good** Routine maintenance.                                                                                                              |
| Two locks                     | Good      | Routine maintenance.                                                                                                                     |
| Stone arch dam                | Fair      | Routine maintenance.                                                                                                                     |
| Defensible lockmaster's house | Good      | Routine maintenance.                                                                                                                     |

| **Smiths Falls Combined**     |           | **Locks 28, 29:** Good Routine maintenance.                                                                                                 |
| Three original locks          | Good      | Gates and operating system repair 2007.                                                                                                     |
|                              | Fair      | Routine maintenance.                                                                                                                     |
| Replacement single chamber    | Fair      | Routine maintenance.                                                                                                                     |
| lock                          | Good      | Routine maintenance.                                                                                                                     |
| Stone arch dam                | Good      | Routine maintenance.                                                                                                                     |
| Defensible lockmaster’s house | Fair      | Routine maintenance.                                                                                                                     |
| Canalman’s house              | Fair      | Routine maintenance.                                                                                                                     |

<p>| <strong>Smiths Falls Detached Lockstation</strong> | | <strong>Fair</strong> Routine maintenance.                                                                                                               |
| One lock                        | Fair      | Routine maintenance.                                                                                                                     |
| Lockstation office              | Fair      | Routine maintenance.                                                                                                                     |</p>
<table>
<thead>
<tr>
<th>Cultural Resource</th>
<th>Condition</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Poonamalie Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2009.</td>
</tr>
<tr>
<td>Earth embankment dams</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Beveridges Lockstation, Tay Canal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Minor repair to lower lock in 2006.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockmaster’s house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Perth, Tay Canal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridgeman’s house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Turning basin</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>The Narrows Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2011.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blockhouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Newboro Lockstation (The Isthmus)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Excavated channel</td>
<td>Not rated</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Archaeological Resources</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Chaffeys Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2007.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Davis Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dams</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Jones Falls Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four locks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lock 39:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Good</td>
<td></td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Locks 40, 41 &amp; 42:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poor</td>
<td></td>
<td>Stabilization and conservation of locks 40, 41, and 42 by 2009.</td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blacksmith’s forge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lower lockstation office</td>
<td>Poor</td>
<td>Routine maintenance. Continue to monitor and repair.</td>
</tr>
</tbody>
</table>
## Cultural Resource Condition Comments

### Upper Brewers Lockstation
- **Two locks**
  - Lock 43: Routine maintenance.
- **Earth embankment dams**
  - Fair: Routine maintenance.
- **Defensible lockmaster’s house**
  - Good: Routine maintenance.
- **Canalman’s house**
  - Good: Routine maintenance.

### Lower Brewers Lockstation
- **One lock**
- **Defensible lockmaster’s house**
  - Good: Routine maintenance.
- **Swing bridge**
  - Fair: Routine maintenance.

### Kingston Mills Lockstation
- **Four locks**
  - Locks 47, 48 & 49: Routine maintenance. Lock 46, work identified and awaiting funding.
  - Lock 46: Routine maintenance.
- **Stone arch dam**
  - Fair: Routine maintenance.
- **Two earth embankment dams**
- **Weir**
  - Fair: Routine maintenance.
- **Blockhouse**
  - Fair: Routine maintenance.
- **Lockmaster’s house**
  - Good: Routine maintenance.
- **Lockstation office**
  - Good: Routine maintenance.

### Fort Henry, Kingston
- **Redoubt**
- **Advanced battery and glacis**
  - Fair: Routine maintenance.
- **West and east branch ditches**
  - Fair: Routine maintenance.
- **West and east branch ditch towers**
  - Poor: Conservation planned in 2008.
- **West and east commissariat stores**

### Fort Frederick, Kingston
- **Martello tower**
- **Earthworks**
  - Fair: Routine maintenance. Masonry repairs pending.
- **Masonry curtain wall**
- **Fortified guard house**
  - Good: Routine maintenance.

### Cathcart Tower, Cedar Island
- **Martello tower**
  - Poor: Design specification documents completed. Awaiting funding. Twice-yearly monitoring for stone movement.

### Shoal Tower, Kingston
- **Martello tower**

### Murney Tower, Kingston
- **Martello tower**
B. Factors affecting the property

(i) Development Pressures

Development pressures related to private nearby lands affect some areas along the route of the Rideau Canal. Since the 1950s, residential development has taken place on sections of shore lands, particularly immediately south of Ottawa. During the same period, the Rideau Lakes area has experienced considerable cottage and, more recently, housing development. However, almost half of the canal’s shore lands remain in a natural state and are subject to minimal development pressures.

(ii) Environmental Pressures

The slackwater sections of the Rideau Canal, although generally healthy, are subject to a variety of ecological stresses such as storm water discharge, agricultural run-off, and the effects of the spread of exotic species. The long-term cumulative impact of these stresses is, however, estimated to be moderate, as many are being brought under control by provincial regulation and municipal actions. As the regional population continues to increase, effective management of environmental issues and pressures will be required.

For the canal engineering works and the fortifications in Kingston, the principal environmental pressure arises from the difficult climatic conditions of the area. The climate is hard on limestone construction. The risk of water infiltration combined with the typical freeze/thaw cycle during the winter must constantly be guarded against.
(iii) Natural Disasters

The nominated property is located in a geographic area that is not prone to natural disasters such as earthquakes and violent storms. The only natural disaster that could constitute a significant threat to the Rideau Canal is a major flood that could damage the dams and, to a lesser extent, buildings and locks. Given the water management regime of the canal, the likelihood of such a damaging flood is remote. In the spring, when flooding is most likely to occur, water levels in the system are reduced prior to the spring run-off, providing the canal with an increased capacity to handle the additional water. The canal has protocols in place to respond quickly to sudden heavy precipitation, directing the adjustment of water flows and levels. Also, a program is now being implemented to study the stability of dams and other water control structures, to ensure that they meet modern dam safety requirements. If structural weaknesses are identified, they will be dealt with through a priorized investment program. Interventions will be consistent with cultural resource management policies and practices.

(iv) Visitor / Tourism Pressures

The nominated property does not experience unmanageable visitor/tourism pressures that could negatively impact its cultural resources. The major tourism attractions, such as Fort Henry and Ottawa Lockstation, can easily serve more visitors without detrimental effects. In most parts of the canal corridor, tourism occurs at a low to moderate level of activity and most slackwater sections and lockstations of the Rideau Canal can accommodate increased boat traffic. The visitation levels at Fort Frederick and Murney Tower are relatively low. Neither Shoal Tower nor Cathcart Tower is open to the public.
There are, however, some high-volume locations along the canal, mostly on the Rideau Lakes. The Parks Canada Agency has taken steps to attract boaters away from them by promoting slackwater sections and lockstations with a lower volume of traffic and offering additional services at these alternate locations. Shore power, for example, has recently been installed at certain less busy lockstations, to better disperse boat use in the peak season, mid-June to September.

(v) Number of Inhabitants within the Property and the Buffer Zone

Estimated population located within:

Area of nominated property: 12

Buffer zone - Rideau Canal
Because of recent municipal limitations on development, there are now very few people living in the 30-m buffer zone for the Rideau Canal route. The exact number is not known.

Buffer zone – Kingston Fortifications: 0

Total: 12+

Year: 2005
CHAPTER 5
Protection and Management of the Property
5. Protection and Management of the Property

A. Ownership

The Government of Canada is the owner of the property by virtue of the British North America Act (1867). In 1998, the Parks Canada Agency Act established the Parks Canada Agency to operate and manage Canada’s national historic sites and national parks, under the direction of a Chief Executive Officer reporting to the Parliament of Canada through a Minister nominated by the Prime Minister.

B. Protective designation

The nominated property is protected under three federal statutes.

**Historic Sites and Monuments Act, 1952-53**

The elements of the nominated property have been commemorated as national historic sites of Canada under the authority of the Government of Canada’s Historic Sites and Monuments Act (Appendix N), which empowers the Minister responsible for the Parks Canada Agency to commemorate, acquire and administer historic places pursuant to the act.

- Rideau Canal National Historic Site of Canada, 1926
- Fort Henry National Historic Site of Canada, 1923

**Parks Canada Agency Act, 1998**

The Parks Canada Agency’s responsibilities to commemorate, acquire and administer historic places are defined under the authority of the Parks Canada Agency Act.

**Department of Transport Act, 1985**

Pursuant to the Department of Transport Act, the Historic Canals Regulations are a third legislation mechanism under which the nominated property is protected. The Parks Canada Agency administers the Historic Canals Regulations, which apply to the management, maintenance, use and protection of historic canals.

C. Means of implementing protective measures

The Government of Canada is the sole owner of all the elements of the nominated property and the land on which they are situated. It also owns the bed of the watercourse of the Rideau Canal up to the controlled high water elevation on the shore. The nominated property is protected by a federal planning and regulatory framework, but lands beyond its boundaries fall under provincial and municipal jurisdictions. Accordingly, cooperative strategies are required and used to manage environmental and land-planning issues. The Government of Canada, through the Parks Canada Agency, works with municipal and provincial organizations to ensure the effective management of development adjacent to the nominated property. While each level of government has distinct areas of jurisdiction and responsibility, the overall result is an effective system of protection for the property.

**Role of the Government of Canada**

Pursuant to the Parks Canada Agency Act, detailed direction for the agency’s management of its responsibilities to commemorate, acquire and
administer historic places is provided in the agency’s Guiding Principles and Operational Policies. The act also requires that each national historic site have in place a management plan approved by the Minister responsible for the Parks Canada Agency. As directed in the Guiding Principles and Operational Policies, a management plan identifies long-term programs to ensure the commemorative integrity of the site through the protection and presentation of the cultural heritage values for which it was commemorated. These values are identified in a commemorative integrity statement, which is the precursor of the management plan.

The Rideau Canal Management Plan was completed in 1996 and updated in 2005. Management plans for Fort Henry and the Kingston Fortifications are nearing completion. The Superintendent of the Eastern Ontario Field Unit is delegated the responsibility for developing, implementing and periodically reviewing management plans.

While the Rideau Canal Management Plan is a tool for long-term management of the canal, the Historic Canals Regulations provide an enforcement mechanism to regulate activities that could harm its cultural values. The regulations provide for permits for activities such as dredging and the construction of marine works on the bed of the canal, and fines and other penalties for contraventions of the regulations. In addition, the Navigable Waters Protection Act (1985), administered by the Department of Transport, ensures that any construction activities on or over the canal do not alter or impair the watercourse.

Role of the Province of Ontario

The Province of Ontario contributes to the protection of the lands adjacent to the nominated property through legislation dealing with land-use planning and cultural heritage and environmental protection.

The Planning Act (1990) provides direction for municipal land-use planning in Ontario, to ensure that the province’s interests are adhered to when local plans are formulated. Matters of interest include the protection of natural and cultural heritage, environmental protection, and appropriate development and growth.

The Province of Ontario provides a framework for protecting cultural resources through the Ontario Heritage Act (1990). This act empowers municipalities to designate buildings, landscapes and archaeological features possessing historic value, and to provide assistance to local heritage interests in implementing programs for inventory and designation. Through this act, municipalities have designated numerous buildings along the Rideau Canal.

The Province of Ontario administers the Fish and Wildlife Conservation Act, the Environmental Protection Act, the Endangered Species Act and the Provincial Parks Act. These acts provide for the management and protection of the fish and wildlife resources of Ontario, and regulate water quality, the conservation of threatened species of flora and fauna, and the establishment and management of provincial parks. They are implemented through regulations and through a variety of programs administered by provincial agencies. These legislative mechanisms make an important contribution to the overall environmental quality of the Rideau Canal. For example, the regulations to protect water quality require substantial setbacks from the shoreline for new development. This measure not only protects water quality but also the natural character of the shoreline, which contributes to the heritage character of the Rideau Canal. As well, measures to protect fish, wildlife and threatened species include the protection of their habitats, such as
Rideau Canal

wetlands and undeveloped shore lands, both of which are important components of the canal.

**Role of Conservation Authorities**

Conservation authorities are mandated under the *Conservation Authorities Act* (1990) to ensure the conservation, restoration and effective management of Ontario’s water resources, wetlands, woodlands and natural habitats. There are two conservation authorities with jurisdiction in the area of the Rideau Canal, the Cataraqui Region Conservation Authority, encompassing the Cataraqui River watershed from Newboro Lake to Kingston, and the Rideau Valley Conservation Authority, extending from Upper Rideau Lake to Ottawa. The conservation authorities provide a valuable function in protecting the nominated property and adjacent lands by regulating development along the shore and through programs to conserve wetlands, woodlands and natural habitats.

**Role of Municipalities**

Municipalities in Ontario have full authority over land-use planning and development by virtue of the *Planning Act*, which requires the preparation of official plans and zoning bylaws. Municipalities have the authority to enforce the provisions of zoning bylaws through fines and other mechanisms, so that land use and development are consistent with the municipality’s official plan.

The most important aspect of managing the setting of the Rideau Canal relates to the immediate intersection of the nominated property and private property at the shoreline of the navigable watercourse of the canal. Municipal planning policies protect the integrity of the shoreline and the natural character of the shore lands, and severely restrict the location, type and scale of development. The most effective municipal land-use policy is the requirement for frontage of between 50 m to 75 m for development lots and a setback of 30 m from the shoreline. This mandatory 30 m setback constitutes the buffer zone for the canal element of the nominated property. In the rural areas, comprising most of the shoreline of the nominated property, generally only single-family residences are allowed, and they must be screened from view so as to be largely hidden from the canal. Additional regulations protect floodplains, wetlands, and other natural features, thereby further reducing the impact of development.

The Parks Canada Agency participates directly in the development of municipal official plans and their associated policies. All official plans for the municipalities bordering the nominated property have specific policies pertaining to the protection of heritage. When official plans are developed and reviewed, a highly cooperative inter-jurisdictional approach is employed to ensure that the resulting plans and policies meet the requirements of all levels of government.

Through the Ontario *Planning Act*, the Parks Canada Agency has the right to intervene in proposed development applications should it believe that the development will, in any way, negatively affect the nominated property. The act establishes the Ontario Municipal Board, to which appeals may be made should a development application be construed as a threat to a neighbouring property. Although the occasions when this has been required have been rare, the Parks Canada Agency has made successful interventions related to proposed developments.
D. Existing plans related to municipality and region in which the proposed property is located

The following summary of municipal official plans concerns the land-use policies in place along the route of the Rideau Canal and in the city of Kingston as they affect and complement the work of the Parks Canada Agency to protect the cultural resources under its jurisdiction.

City of Ottawa, *Ottawa 20/20*, 2003

The city of Ottawa is the largest municipality along the Rideau Canal. Ottawa’s official plan recognises that the Rideau Canal is a significant heritage resource for the city, contributing significantly to the tourism potential of the communities along its shore. According to the plan, the canal’s value lies in the combination of historic engineering works and buildings, open spaces and natural features that, together, constitute a cultural heritage resource of outstanding national significance.

Through its official plan, Ottawa is committed to the conservation of the natural environment, cultural heritage, scenic qualities, and recreational potential of the Rideau Canal by:

- Reviewing development applications adjacent to the canal to ensure that the visual quality of the waterway and view from the waterway, as well as natural and cultural features, are evaluated. In this respect, a cultural heritage impact statement is required for any development application adjacent to the canal, which will be reviewed in consultation with the Parks Canada Agency and the National Capital Commission;
- Prohibiting pits and quarries along the Rideau Canal;
- Prohibiting land uses that require outside storage or large paved areas or that produce noise, fumes and dust.


The official plan contains policies to protect wetlands and other environmentally sensitive areas. The creation of lots fronting onto the Rideau Canal requires measures to preserve environmentally sensitive features and water quality. These measures serve to protect the slackwater sections of the canal within this jurisdiction.

Merrickville-Wolford, *Official Plan*, 2004

This township is located on the south side of the canal between Nicholsons Lock Station and Smiths Falls. The official plan includes innovative policies to protect the heritage values of the shoreline through a special heritage designation. The plan also contains policies to protect the natural values of the shoreline and the historic core of the village of Merrickville, which includes the Merrickville Lockstation.


The Township of Montague is situated along the north side of the Rideau River between Smiths Falls and Burritts Rapids. The official plan includes policies for the protection of wetlands, endangered and threatened species habitat, and environmentally sensitive areas along the Rideau Canal. These measures serve to protect the slackwater sections of the canal within this jurisdiction.
**Township of Drummond-North Elmsley, Official Plan, 2002**

This municipality is located on the north side of Lower Rideau Lake and includes the Tay Canal. The official plan recognizes the Rideau Canal as a significant natural and recreational resource. It commits the township to work with the Parks Canada Agency and other agencies and the private sector to protect its heritage and recreational values. The plan contains policies for the protection of natural shorelines and the township’s cultural and natural resources adjacent to the canal.

**Town Of Perth, Official Plan, 2000**

Perth is one of Canada’s best-preserved historic towns. Its long history of heritage conservation is reflected in the Official Plan’s policies for the protection of the town’s built heritage. The plan contains objectives for heritage conservation and specific policies to achieve them. Most noteworthy is the policy to enter into heritage easement agreements with owners of designated buildings. As well, the plan requires new in-fill construction to be compatible with existing heritage resources. These provisions ensure that the canal corridor through the town will be protected.

**Tay Valley Township, Official Plan, 2003**

Tay Valley Township is located along the north shore of Big Rideau Lake. The official plan has specific policies for the preservation, enhancement and revegetation of shoreline areas using native species. The cultural heritage policies require that any new development be planned so as to preserve and enhance cultural heritage resources, and that the Parks Canada Agency be consulted on new development lying within 300 m of Big Rideau Lake.

**Town of Smiths Falls, Official Plan, 2005**

The Smiths Falls official plan has a number of policy statements specific to the Rideau Canal. One of its objectives is: “To recognize the Rideau Canal as the town’s major tourist and recreational asset, and to support and co-operate with the federal government’s development plans along the canal.” The plan contains an entire section on development policies for lands along the Rideau Canal. These policies are intended to ensure that shoreline development occurs in a manner that is sensitive to the natural, historic and recreational character of the Rideau Canal. As well, the plan states that the town will take the canal’s management plan into consideration when examining development proposals along the canal.

**Township of Rideau Lakes, Official Plan, 2004**

This township includes the major lakes along the canal: Whitefish, Sand, Opinicon, Clear, Newboro, and Upper and Lower Rideau lakes. The official plan makes specific reference to the Rideau Canal, stating the requirement to have “particular regard to the Rideau Canal Corridor and all its component parts – its scenic elements, its historic value – all its built and natural attributes.” The plan has clear objectives for the preservation of cultural heritage resources and significant natural heritage features. The township is committed to working with non-profit organizations and government agencies to achieve common recreational, conservation and tourism objectives.

The plan has comprehensive waterfront development policies with regard to setback and water frontage requirements. These policies are intended to protect the natural, scenic, recreational and cultural values of the water bodies in the township, including the Rideau Canal. Policies for environmentally sensitive development will ensure that new development occurs in a manner that respects the natural environment.

The plan recognizes the value of the township’s cultural heritage resources and contains policies to encourage their preservation: “In reviewing development applications, the township will
consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest, having regard to the Environmentally Sensitive Development and other relevant sections of this Plan. The Ministry of Culture, as well as the Parks Canada Agency and the relevant conservation authority will be consulted, as appropriate. New development will be planned so as to preserve, complement and enhance cultural heritage resources.”

The plan contains comprehensive policies for protecting natural heritage features including wetlands, areas of natural and scientific interest, fish habitat, wildlife habitat, woodlands, valley lands and portions of the habitat of endangered and threatened species.

Township of South Frontenac, Official Plan, 2003

The Township of South Frontenac includes the west shore of Cranberry Lake, all of Dog Lake and the River Styx, much of which is in a natural, undeveloped state. The official plan contains policies for development adjacent to lakes and rivers, including the Rideau Canal, with restrictions on all development within 90 m of them, to protect shoreline vegetation, water quality and the natural appearance of the shore lands. Development or site alterations within 30 m will require an environmental impact assessment to evaluate the potential impacts on fish habitat. The plan also protects the habitats of threatened and endangered species, environmentally sensitive areas and significant wetlands.

City of Kingston, Official Plan, 1991
(currently being updated following amalgamation with adjacent townships)

Kingston’s official plan has comprehensive polices to protect cultural heritage resources. The plan includes criteria for designation of buildings and districts, and specific policies for heritage districts and heritage areas. In addition to policies to protect, conserve and enhance the city’s heritage resources, the plan has the following strategies:

- Continue the process of designating buildings under the Ontario Heritage Act;
- Ensure that any alterations, additions or renovations to heritage buildings are appropriate;
- Continue to increase awareness of the value of the city’s heritage;
- Develop guidelines to assist owners and developers wishing to alter or renovate heritage buildings;
- Maintain an inventory of all designated buildings;
- Develop zoning controls to ensure that new development is sympathetic to heritage buildings within heritage areas.

These cultural and heritage policies are inclusive of the elements of the property within the city limits, including Fort Henry, Fort Frederick, Murney, Cathcart and Shoal towers, and the Kingston Mills and Lower Brewers Mills lockstations on the Rideau Canal. In addition to the heritage policies, the plan contains progressive policies to preserve the natural values of the city, especially the Great Cataraqui Marsh, which is a significant wetland on the Rideau Canal.

E. Property Management Plan

The Rideau Canal World Heritage Site Management Plan constitutes the formal commitment of the Government of Canada to manage the world heritage site and its values and specifies how these values will be conserved, protected and presented for present and future generations. The document identifies the world heritage values, the legislative and policy framework for management of the property, the elements of the coordinated management system in place to protect, conserve and present the property, and mechanisms for monitoring and periodic reporting.
The nominated property consists of six elements, the Rideau Canal, Fort Henry, and the four Martello towers in Kingston. Given the nature of the nominated property with its six distinct elements, this *Rideau Canal World Heritage Site Management Plan* provides an overarching management framework to cohesively direct the protection, conservation and presentation of the entire property. This management plan thus complies with the requirements of the *World Heritage Convention* by demonstrating how the outstanding universal values of the property are protected. The Government of Canada will review and update the plan after each six-year reporting cycle.

For operational purposes, the elements of the world heritage site and their cultural resources are managed under the direction provided by the Parks Canada Agency’s management plans for each national historic site. The revised *Rideau Canal Management Plan* (2005) and the pending management plans for Fort Henry and the Kingston Fortifications national historic sites of Canada, identify the cultural and natural values of the property that must be protected, and the policies and long-term programs to conserve and present these resources and their values. The implementation of the management plans for the Rideau Canal, Fort Henry, and the Kingston Fortifications is the primary mechanism for conserving and presenting their values and these plans serve equally well for the management of the world heritage values of the property. The *Rideau Canal World Heritage Site Management Plan* will, therefore, be implemented primarily through the Parks Canada Agency management planning system and subsequent planning processes.

The element-specific management plans for the nominated property provide direction for ongoing decision-making and investment of financial and human resources. The principal planning tool for identifying management decisions related to investment of resources is the *Eastern Ontario Field Unit Business Plan*, a five year plan that addresses the highest priority management issues and which is updated annually. With respect to investments in the conservation and maintenance of assets, both cultural resources and contemporary, the business plan is informed by the *Eastern Ontario Field Unit Long Term Capital Plan*. This plan, which is developed by the field unit’s asset management group, identifies all investments in asset protection and conservation that will be required on a ten-year forecast. The plan is updated annually and specific interventions are re-assessed for priority based on asset inspections and condition assessments. The key inputs into this plan come from the asset monitoring program of the Eastern Ontario Field Unit. The *Field Unit Business Plan* and the *Long Term Capital Plan* together will identify, place in order of priority, and direct, the fiscal and human resources required to conserve and present the world heritage values of the nominated property. (The Department of National Defence has its own asset management system, which is applied to Fort Frederick and is consistent in terms of the effective management of the assets.)

The *Field Unit Business Plan* and the *Long Term Capital Plan* identify annual work programs for which the Field Unit Superintendent of the Eastern Ontario Field Unit of the Parks Canada Agency is accountable. The Superintendent will be the chief responsible officer for all the elements of the world heritage site except Fort Frederick, which is under the authority of the Base Commander, Canadian Forces Base Kingston.

While the Parks Canada Agency’s management plans for the elements of the nominated property will be the primary tool for the protection and presentation of the property, the *Rideau Canal World Heritage Site Management Plan* includes commitments that are not included in site-specific management plans. These commitments relate to the presentation of the nominated property as a world heritage site and to reporting on the property’s state of conservation to the World Heritage Committee on a six-year cycle.

**F. Sources and levels of finance**

Both the Parks Canada Agency and the Department of National Defence are funded through allocations of the Parliament of Canada, while the Province of Ontario provides funding for the presentation, visitor services and maintenance of Fort Henry. The annual allocated funds available for conservation are generally adequate for
maintenance and small-scale repair work. Large-scale projects require special funding. Examples of special funding include the conservation of Shoal Tower, Fort Henry, the Ottawa Reach walls and the Kingston Mills dams. The following table identifies the budget allocations and revenue for the Rideau Canal, Fort Henry and Fort Frederick. All figures are in thousands of dollars.

<table>
<thead>
<tr>
<th></th>
<th>Revenue</th>
<th>Salary</th>
<th>Goods and services</th>
<th>Capital</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rideau Canal</td>
<td>899,0</td>
<td>5,642,0</td>
<td>1,790,0*</td>
<td>2,154,0*</td>
</tr>
<tr>
<td>Fort Henry</td>
<td>1,000,0</td>
<td>1,240,0</td>
<td>360,0</td>
<td>15,000,0**</td>
</tr>
<tr>
<td>Fort Frederick</td>
<td>0</td>
<td>80</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* Includes costs for Shoal, Murney and Cathcart Towers
**$15,000,000 has been allocated over four years from 2002 to 2006 to restore Fort Henry.

G. Sources of expertise and training in conservation and management techniques

The Parks Canada Agency has a wide array of expertise available to support the staff of the Eastern Ontario Field Unit in the management of the nominated property to internationally accepted standards and to ensure that they have the training they require to undertake their responsibilities. These specialists include planners, archaeologists, landscape architects, architects, interpreters, historians, ecologists, curators, and engineers. They are located in the Parks Canada Agency Service Centre in Cornwall, Ontario, and in the National Office in Ottawa. Field Unit staff also have access to conservation expertise from the federal Department of Public Works.

Conservation professionals receive their training through university and college programs and are hired because of these skills and capacities. However, there is a significant amount of training that occurs on-the-job, as important knowledge and techniques are passed from skilled worker to skilled worker. In addition, periodic seminars and workshops are held to ensure that employees have sufficient understanding of conservation principles and practices. A good example of such training is the Parks Canada Agency’s Cultural Resource Management Policy Orientation Course, which is taken by managers, engineers, technicians and tradespersons.

H. Visitor facilities and statistics

Along the Rideau Canal, each lockstation provides public washrooms, parking, picnic tables, and visitor orientation and interpretative information. Boaters are able to make use of overnight docking and mooring space. A marked navigation channel with a minimum depth of 1.8 m provides for safe navigation through the canal. Lockstations are located in a variety of settings. Some, like Ottawa and Smiths Falls, are urban, with a wide range of commercial facilities nearby. Most are located in rural areas with few nearby services. There are, however, numerous small communities along the canal where boaters and land-based visitors can find a range of accommodation, shopping and food services.

Fort Henry provides a range of facilities and services for visitors. There are municipal parking and public washrooms adjacent to Murney Tower. Basic visitor services are provided at Fort Frederick. There is no visitor access to Shoal Tower and Cathcart Tower.

The Rideau Canal has long been a popular recreational waterway.
I. Policies and programs related to the presentation and promotion of the property

As part of its legislated mandate, the Parks Canada Agency is required to present to the public the reasons for the commemoration of the canal and the Kingston fortifications as national historic sites of Canada. The principles for the presentation of the nominated property are stated in the Parks Canada Agency’s Cultural Resource Management Policy. Active presentation and promotion programs are in place, using a variety of interpretive programming and media to tell the story of the nominated property.

Heritage Programming Undertaken by the Parks Canada Agency

The main elements of the presentation programs undertaken by the Parks Canada Agency for the nominated property are:

- A canal builders’ exhibit in the Commissariat building at Ottawa locks;
- Interpretive panels at all lockstations explaining the canal and local history;
- Costumed interpreters at Jones Falls and Kingston Mills;
- Information provided by operations staff;
- An animated blacksmith’s forge;
- Additional interpretive panels for special features at Ottawa, Hogs Back, Burritts Rapids, Nicholsons, Smiths Falls Combined, Newboro, along the canal promenade in Ottawa and at the canal turning basin in Perth;
- The Rideau Canal Edukit for school groups;
- Publications, including a main brochure, and Jones Falls and Ottawa lockstations walking tour brochures;
- Canal history videos shown at Ottawa, Kingston Mills and Jones Falls lockstations;
- A Rideau Canal website, including a canal construction game, the construction history of each lockstation and a virtual 3-D model, which explains canal technology;
- Group tours available at five lockstations: Ottawa, Merrickville, Smiths Falls, Jones Falls, and Kingston Mills;
- Learning travel and other outreach programs;
- The ‘Spirits Rising’ theatrical presentation program.

To promote and market the canal, the Parks Canada Agency participates in a number of boat shows in Canada and the United States of America. In addition, the Rideau Heritage Route Tourism Association, a group of approximately twenty tourism partners, promotes the Rideau Canal Corridor as a cultural heritage tourism experience. Active marketing programs communicate tourism and learning opportunities to markets in Canada, North America and the world.

Statistics

<table>
<thead>
<tr>
<th>Rideau Canal</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land-based</td>
<td>995 375</td>
<td>1 408 700</td>
<td>1 501 120</td>
</tr>
<tr>
<td>Boats</td>
<td>79 590</td>
<td>87 463</td>
<td>82 484</td>
</tr>
</tbody>
</table>

Attendance at the partner-operated sites for 2004

<table>
<thead>
<tr>
<th>Site</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Henry</td>
<td>120 000</td>
</tr>
<tr>
<td>Fort Frederick</td>
<td>4 600</td>
</tr>
<tr>
<td>Murney Tower</td>
<td>8 000</td>
</tr>
<tr>
<td>Bytown Museum</td>
<td>10 000</td>
</tr>
<tr>
<td>Blockhouse Museum</td>
<td>5 000</td>
</tr>
<tr>
<td>Lockmaster’s House Museum</td>
<td>3 500</td>
</tr>
<tr>
<td>Rideau Canal Museum</td>
<td>10 000</td>
</tr>
</tbody>
</table>

The blacksmith’s shop at Jones Falls is popular with visitors.

Educational programs attract school children to the Rideau Canal Museum.

Costumed staff are an important part of interpretive programming.

Lockstation staff respond to visitors’ question about the canal.

Interpretive programs include re-enactments of 19th century military activities.

School groups are frequent visitors to the canal’s lockstations.

Interpretive signage is an important source of information for visitors.
Rideau Canal

Heritage Programming Undertaken by Partner Organizations

Fort Henry is operated by the St. Lawrence Parks Commission, an agency of the Government of Ontario, under an agreement with the Parks Canada Agency. Fort Henry features a military museum, education programs, and costumed performers/interpreters, including the renowned Fort Henry Guard. A school program provides students with a variety of programs related to the history of the fort and the canal. The weekly Sunset Ceremony is a popular event, with the Fort Henry Guard performing century-old bayonet drills and field manoeuvres.

Fort Frederick is operated as the museum of the Royal Military College of Canada. The main collection relates to the history of the college and the accomplishments of its graduates. The museum also holds a small collection of material related to the Point Frederick Dockyard and the Royal Navy.

Murney Tower is operated by the Kingston Historical Society under an agreement with the Parks Canada Agency. The three floors of the tower house a collection of social and military artifacts of 19th century Kingston, which tell the story of the soldiers and families who lived there. The society also offers educational programs and special events.

The Rideau Canal Museum is located in the Woods Mill Complex in Smiths Falls. Through artefacts, models, interactive media and displays, the museum presents the construction of the canal, its role through history and the lifestyles and folklore associated with the canal.

The Merrickville Blockhouse Museum is operated by the Merrickville and District Historical Society. The museum contains a collection of artefacts and archival material related to the settlement history of the Merrickville area.

The Lockmaster’s House Museum is located in the former lockmaster’s house at Chaffeys Lock, and is operated by the Chaffeys Lock and Area Heritage Society. The museum has a collection of canal and area-related artefacts and presents the history of the area.

These partner organizations undertake a range of promotional and marketing programs commensurate with the scale of their interpretive programs and budgets. The Parks Canada Agency often participates in joint programs, or provides supporting resources to these partner organizations.

J. Staffing levels

Field unit staff such as engineers, and maintenance and conservation professionals receive their training through university and college programs and are hired because of these skills and capacities. However, there is a significant amount of training that occurs on-the-job, as important knowledge and techniques are passed from skilled worker to skilled worker. In addition, periodic seminars and workshops are held to ensure that employees have sufficient understanding of conservation principles and practices.

A range of other disciplines in areas such as presentation, marketing, administration and visitor activities management are employed locally and provide the necessary skills and capacities to manage the property. Specialized professionals such as historians, archaeologists and conservators are provided to the property from the service centres of the Parks Canada Agency.
Rideau Canal

6. Monitoring

A. Key indicators for measuring the state of conservation

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Periodicity</th>
<th>Location of Records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage of canal buildings, fortifications and engineering works in good or fair condition.</td>
<td>Regular monitoring of all cultural resources on a cycle not to exceed three years. Data recorded in the Eastern Ontario Field Unit Asset Management System</td>
<td>Eastern Ontario Field Unit, 34A Beckwith Street South, Smiths Falls, Ontario, K7A 2A8</td>
</tr>
<tr>
<td>The authenticity of the slackwater sections of the canal is not under threat from external development along the waterway.</td>
<td>Development proposals are reviewed as submitted for potential impact on the slackwater sections</td>
<td>Eastern Ontario Field Unit, 34A Beckwith Street South, Smiths Falls, Ontario, K7A 2A8</td>
</tr>
<tr>
<td>Percentage of visitors who are aware of the world heritage values of the nominated property.</td>
<td>Visitor surveys every five years.</td>
<td>Eastern Ontario Field Unit, 34A Beckwith Street South, Smiths Falls, Ontario, K7A 2A8</td>
</tr>
<tr>
<td>The buffer zone of the nominated property is functioning effectively in reducing the impact of external developments adjacent to the property.</td>
<td>Development proposals are reviewed as submitted for potential impact on the nominated property.</td>
<td>Eastern Ontario Field Unit, 34A Beckwith Street South, Smiths Falls, Ontario, K7A 2A8</td>
</tr>
<tr>
<td>Visitation trends are measured to identify potential threats to the state of conservation of the nominated property.</td>
<td>Visitation records are maintained annually and correlated with conservation reports to identify impacts.</td>
<td>Eastern Ontario Field Unit, 34A Beckwith Street South, Smiths Falls, Ontario, K7A 2A8</td>
</tr>
</tbody>
</table>

B. Administrative arrangements for monitoring property

Superintendent
Eastern Ontario Field Unit
Parks Canada Agency
34A Beckwith Street South
Smiths Falls, ON
K7A 2A8

Commandant
Royal Military College of Canada
P.O. Box 17000 Station Forces
Kingston, ON
K7K 7B4

National Historic Sites Program Manager
Eastern Ontario Field Unit
Parks Canada Agency
35 Centre Street
Kingston, ON
K7L 4E5
C. Results of previous reporting exercises

The Parks Canada Agency has implemented a program to monitor the overall health of national historic sites based on indicators identified in their commemorative integrity statements. The state of the cultural resources identified for the Rideau Canal and the Kingston Fortifications in their commemorative integrity statements, are reported periodically in Parks Canada Agency reports on the state of protected heritage areas.

Parks Canada Agency, State of the Parks 1997 Report

The State of the Parks 1997 Report was an early approach to reporting and lacks the level of detail found in subsequent documents. In it, concerns were expressed regarding possible threats to the Rideau Canal owing to the potential effects of change in areas outside the jurisdiction of the Parks Canada Agency.

In response, during the review of the Rideau Canal Management Plan, commencing in 2001, these issues were specifically addressed. The revised management plan (2005) identifies strategies to engage stakeholders and other levels of government in protecting heritage values along the canal route through the development practices and protection measures that were explained in Chapter 5.


Because an extensive, multi-year conservation project was underway at Fort Henry when this 2002 evaluation was undertaken, its cultural resources were not included in the study. The conclusions regarding the four Martello towers were that two (Murney and Shoal) were in good condition, while Fort Frederick was rated as fair and Cathcart Tower as poor. The evaluation recognized that, with the exception of Cathcart Tower, the cultural resources are safeguarded and maintained according to accepted heritage conservation principles and practices.

The 2002 evaluation included an assessment of the delivery of the messages of national significance of the fortifications. Although interpretive programs are in place at Fort Henry, Murney Tower and Fort Frederick, the evaluation rated the effectiveness of communication as poor overall because little effort was made to present the significance of the five sites as a fortification system.

Since the evaluation was done in 2002, further conservation has been undertaken at Fort Frederick, and authorities there identify all the cultural resources as being in good condition with the
exception of the earthworks, which are rated as fair. Although design specification documents have been completed for Cathcart Tower, work is yet to be implemented.

The inadequacies of effective communication concerning the Kingston Fortifications is presently being addressed in the course of management planning for Fort Henry and the four Martello towers.

Parks Canada Agency, *State of Protected Heritage Areas 2003 Report*

The 2002 evaluation of the Kingston Fortifications was the basis for the information on the site included in the 2003 State of Protected Heritage Areas Report. The report does not, however, include Fort Frederick because it is not under the administration of the Parks Canada Agency.
7. Documentation

A. Photographs, slides, image inventory and authorization table and other audio/visual materials

(i) Credits for Illustrations

Photographs and illustrations of the engineering works, buildings, fortifications, and other canal features are located throughout this nomination document. The credits for those for which the Parks Canada Agency does not hold the rights are listed below.

01. Brewer’s Upper Mills: Upper Lock partly built, Excavations, Embankments etc. in progress, May 1830, watercolour, Thomas Burrowes, Archives of Ontario.

02. First Camp Bytown, 1826, sketch attributed to Lieutenant-Colonel John By, Royal Engineer, McCord Museum.

03. Locks on the Rideau Canal, Bytown, steel engraving, W.H. Bartlett, 1841, Library and Archives Canada.


05. Fort Henry, Kingston, watercolour, pen and ink, Captain H.F. Ainslie, 25th Regiment of Foot, 1839, Library and Archives Canada.

06. View of Perth, 1853, oil painting, John Field, Matheson House Museum, Perth.

07. Fort Henry redoubt, watercolour, George St. Vincent Whitmore, Royal Engineer, 1836, Library and Archives Canada.

08. Lock, Dam, Blockhouse at the Narrows, Rideau Lake looking towards Kingston, watercolour, Thomas Burrowes, 1831, Archives of Ontario.

09. Opinicon Lake, looking to N.W., watercolour, Thomas Burrowes, 1845, Archives of Ontario.

10. The Great Dam at Jones Falls from the West End, watercolour, Thomas Burrowes, 1831, Archives of Ontario.


(ii) Image Inventory and Photograph and Audio Visual Authorization Form

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<th>Id No.</th>
<th>Format</th>
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<th>Copyright Owner</th>
<th>Contact details of copyright owner rights</th>
<th>Non exclusive cession of</th>
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<tr>
<td>001</td>
<td>Digital Slide</td>
<td>Nomination Document Cover Shot Jones Falls Lockstation.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>002</td>
<td>Digital Slide</td>
<td>The flight of eight locks at Ottawa Lockstation is the largest flight on the Rideau Canal.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>003</td>
<td>Digital</td>
<td>The start of the excavated channel leaving Ottawa locks. Many bridges have been built across the canal since its completion in 1832.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<td>004</td>
<td>Digital Slide</td>
<td>The canal forms an important historic part of the Parliament Hill district.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<td></td>
</tr>
<tr>
<td>005</td>
<td>Digital Slide</td>
<td>Construction of two earth embankments turned Dows Great Swamp into Dows Lake, a focal point in the heart of Ottawa.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
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<td>006</td>
<td>Digital Slide</td>
<td>View of the excavated channel from Dows Lake to Hartwells Lockstation.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<td></td>
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<tr>
<td>007</td>
<td>Digital Slide</td>
<td>Two locks in flight are situated in the excavated channel. There is no dam, but a sluice that allows excess water to bypass the locks is visible in the lower right of the photograph.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<td></td>
</tr>
<tr>
<td>008</td>
<td>Digital Slide</td>
<td>A house to accommodate a lockman and his family, typical of canal buildings of the era, was built at Hartwells in the 1920’s.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>009</td>
<td>Digital Slide</td>
<td>An aerial view showing the excavated channel leading to Hogs Back Lockstation and the turning basin just beyond the locks at Hartwell.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>010</td>
<td>Digital Slide</td>
<td>The final stretch of the excavated channel as seen from Hogs Back Lockstation looking north.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<td></td>
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<tr>
<td>011</td>
<td>Digital Slide</td>
<td>Hogs Back Lockstation marks the end of the excavated channels that began at the Ottawa Lockstation.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>012</td>
<td>Digital Slide</td>
<td>Hogs Back is the location of a spectacular set of waterfalls, which was bypassed by the excavated canal section. Hogs Back locks were built to overcome the height of the falls.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>013</td>
<td>Digital Slide</td>
<td>Looking toward Hartwells from Hogs Back, the elevation rise can be clearly seen.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
</tr>
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<td>014</td>
<td>Digital Slide</td>
<td>The dams at Hogs Back created a large slackwater section of the Rideau River known as Mooneys Bay, a popular aquatic recreation area.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>015</td>
<td>Digital Slide</td>
<td>Black Rapids Lockstation. The weir and the start of the dam across the Rideau River are visible to the right of the photograph.</td>
<td>1990</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>016</td>
<td>Digital Slide</td>
<td>Looking north from Long Island Lockstation toward Black Rapids. Wooded shores and wetlands characterize this slackwater section.</td>
<td>2005</td>
<td>Simon Lunn Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
<td></td>
</tr>
</tbody>
</table>
124

017 Digital The dams at Long Island Lockstation significantly changed the natural course of the Rideau River. The stone arch dam is wide enough to accommodate a public roadway to Nicholls Island.

018 Digital The timber frame gates are fitted into the lock’s ‘hollow coin’, a curved recess in the stone work. The gates close against stone sills to create a seal for retaining water.

019 Digital A manually operated swing bridge, built in 1904, carries the road over the locks.

020 Digital Aerial view of ‘The Long Reach’, created by the dams at Long Island, as it passes through the town of Manotick.

021 Digital Burritts Rapids lock is at the east end of a long excavated channel built to bypass a set of shallows and rapids, now inundated by ‘The Long Reach’ slackwater section.

022 Digital Nicholsons Lockstation includes two locks separated by an excavated channel, a unique configuration on the canal.

023 Digital The king post swing bridge, which is balanced on a pintle and pushed by hand, carries a local road over the lock.

024 Digital The lower lock of Nicholsons was protected by the defensible lockmaster’s house, strategically positioned on the high bank.

025 Digital The spillway dam, at the western end of the excavated channel, creates a short slackwater section to Clowes Lockstation that allows for the bypass of rocky shallows and rapids.

026 Digital The navigation channel west of the upper lock at Nicholsons leads to a slackwater section and crosses the river below the Clowes dam.

027 Digital The spillway dam at Nicholsons Lockstation with the spillway dam at Clowes and the entrance to the lock visible in the background.

028 Digital Clowes Lockstation, showing the spillway dam and weir stretching across the river.
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<tr>
<td>029</td>
<td>Digital</td>
<td>The slackwater section from Clowes as it approaches Merrickville Lockstation.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>030</td>
<td>Slide</td>
<td>This aerial view of Merrickville shows the separation of the three locks by two large basins, a unique configuration where commercial vessels could moor while waiting to be loaded.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>031</td>
<td>Slide</td>
<td>Merrickville's blockhouse was the largest built along the canal. It is a national historic site of Canada.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>032</td>
<td>Digital</td>
<td>'The Depot', originally a storehouse, is used as an interpretive center.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>033</td>
<td>Digital</td>
<td>The stabilized ruins of a woollen mill. In the mid-19th century, Merrickville was an important industrial community.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>034</td>
<td>Digital</td>
<td>Passing along the excavated channel above Merrickville locks, the canal enters an extensive slackwater section stretching to Kilmarnock.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>035</td>
<td>Digital</td>
<td>At Kilmarnock Lockstation, the lock is set along a short excavated channel. The dam at Kilmarnock created a large slackwater section stretching to Edmonds Lockstation.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>036</td>
<td>Digital</td>
<td>A king post swing bridge spans the lock and carries a county road across the canal excavation.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>037</td>
<td>Digital</td>
<td>The slackwater section from Kilmarnock to Edmonds begins with a lake-like area of open water through which passes the narrow, winding navigation channel.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>038</td>
<td>Digital</td>
<td>The approach to Edmonds presents an impressive panoramic view of the lock entrance and the stone arch spillway dam.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>039</td>
<td>Digital</td>
<td>At Edmonds Lockstation, the lock is set at the end of a short excavated channel that bypasses the shallow rapids.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>040</td>
<td>Slide</td>
<td>The sweeping curve of the stone arch dam demonstrates the techniques of the engineers and builders. 'Splash boards', seen here, were affixed to the dam to create greater navigation depths.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
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<tr>
<td>041</td>
<td>Digital</td>
<td>After the slackwater section above Edmonds, the approach to Old Slys Lockstation is by way of a short excavated channel.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>042</td>
<td>Digital</td>
<td>A view of the two locks at Old Slys with a high-level railway bridge in the background.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>043</td>
<td>Digital</td>
<td>The slackwater section above Old Slys is known as ‘Smiths Falls Lower Reach’.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>044</td>
<td>Digital</td>
<td>Despite the construction of many dams in Smiths Falls, the wild nature of the river is still evident.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>045</td>
<td>Digital</td>
<td>Smiths Falls Combined Lockstation is a complex site that has been adapted to modern needs. The construction of a high level road bridge led to the closure of the original three locks in flight and the installation of a single modern lock.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>046</td>
<td>Digital</td>
<td>A short slackwater section leads from Smiths Falls Combined to the excavated channel and Detached Lockstation. The walkway on the right crosses a dam. The river branches off to the right.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>047</td>
<td>Digital</td>
<td>At Detached Lockstation, both a road and railway crossed the canal. A swing bridge carries the road across the excavated channel.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>048</td>
<td>Digital</td>
<td>The weir across the river creates a slackwater section to Poonamalie Lockstation. In the background is a fixed section of the historic railway bridge.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>049</td>
<td>Digital</td>
<td>For much of the distance between Smiths Falls Detached and Poonamalie, the slackwater section is an important wetland area, ‘The Swale’.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>050</td>
<td>Digital</td>
<td>This aerial view of Poonamalie Lockstation, built in a long excavated channel, shows the expanse of Lower Rideau Lake, a slackwater created by the dam at Poonamalie.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>051</td>
<td>Digital</td>
<td>The Rideau lakes were deepened and widened by the construction of dams at Poonamalie.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>052</td>
<td>Digital</td>
<td>After the lock at Poonamalie, the excavated channel leads to Lower and Upper Rideau lakes, 30 km of open water.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>053</td>
<td>Digital Slide</td>
<td>For most of its length, the Tay Canal is a slackwater watercourse.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>054</td>
<td>Digital Slide</td>
<td>The large turning basin at Perth marks the end of the Tay Canal.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>055</td>
<td>Digital</td>
<td>The Narrows Lockstation was built at a point where the Rideau Lake narrowed to a width of about 45 m. The dam created a second lake, Upper Rideau, the summit of the canal.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>056</td>
<td>Digital</td>
<td>The southern end of Upper Rideau Lake, where the canal crosses 'The Isthmus' and its descent to Kingston commences.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>057</td>
<td>Digital</td>
<td>The Newboro lock is located at the southern end of the Newboro channel and provides entry into the Catararqui watershed.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>058</td>
<td>Digital</td>
<td>In this section, the canal passes through a series of continuous lakes that were flooded by the dam at Chaffeys Lockstation.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>059</td>
<td>Digital</td>
<td>Chaffeys Lockstation was built on a short excavated channel. The dam and weir create a rise of 3.1 m to establish navigable depths on the upstream lakes.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>060</td>
<td>Digital</td>
<td>The excavated channel at Chaffeys Lockstation leads to Opinicon Lake, whose level was raised by the dam at Davis Lockstation.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>061</td>
<td>Digital</td>
<td>Stumps from the virgin forests, which were inundated by dam construction, are still evident on Opinicon Lake.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>062</td>
<td>Digital</td>
<td>The Davis Lockstation was built in a narrow, natural river gorge that connected Opinicon Lake (bottom) and Sand Lake (top).</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>063</td>
<td>Digital</td>
<td>The locks and dam at Jones Falls Lockstation rise 19 m. It was the most complex construction project undertaken for the Rideau Canal.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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### Rideau Canal

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<tr>
<td>064</td>
<td>Digital Slide</td>
<td>The stone arch dam at Jones Falls was the tallest dam built in North America at the time.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>065</td>
<td>Digital Slide</td>
<td>The blacksmith's forge is the location for demonstrations of 19th century blacksmithing. The stone in the foreground is rubble from the original lock.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>066</td>
<td>Digital</td>
<td>The route from Jones Falls Lockstation to Upper Brewers Lockstation is a mix of small lakes and natural channels that wind through the hard granite bedrock.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>067</td>
<td>Digital</td>
<td>Upper Brewers Mills Lockstation is set in an excavated channel with the river passing to the right. A powerhouse (upper right) occupies the site of the original mills.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>068</td>
<td>Digital</td>
<td>After Upper Brewers, the navigation channel follows the course of the Cataraqui River (top), enlarged by the dam a Lower Brewers Mills.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>069</td>
<td>Digital</td>
<td>A line of boats navigating the 'River Styx', a shallow winding section of channel.</td>
<td>1990</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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<tr>
<td>070</td>
<td>Digital</td>
<td>At Kingston Mills Lockstation, the terrain dictated a complex layout for the lockstation. The original falls were dammed and the water controlled to support mills and now a powerhouse.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>071</td>
<td>Digital Slide</td>
<td>The lower lock at Kingston is the final lock on the Rideau Canal. From here, the Cataraqui River flows directly to Lake Ontario.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>072</td>
<td>Digital Slide</td>
<td>The Cataraqui River estuary broadens into the marshes and then enters the City of Kingston where it forms the inner harbour.</td>
<td>2005</td>
<td>Simon Lunn</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>073</td>
<td>Digital Slide</td>
<td>Innovative in design, Fort Henry was the most important British fortification west of Quebec City.</td>
<td>2001</td>
<td>Brian Morin</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
</tr>
<tr>
<td>074</td>
<td>Digital Slide</td>
<td>The Martello tower and associated fortifications.</td>
<td>2001</td>
<td>Brian Morin</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
<td>Y</td>
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<tr>
<td>075</td>
<td>Digital Slide</td>
<td>Cathcart Tower on Cedar Island. Deadman Bay lies between Cedar Island and Point Henry.</td>
<td>2001</td>
<td>Brian Morin</td>
<td>Parks Canada Agency</td>
<td>Rideau Canal 34A Beckwith St., S. Smiths Falls, Ontario Canada K7A 2A8</td>
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</table>
B. Text relating to protective designation, copies of property management plans or documented management systems and extracts of other plans relevant to the property.

All elements of the property are designated as national historic sites of Canada under the authority of the *Historic Sites and Monuments Act*, 1952-53. The *Parks Canada Agency Act*, 1998, establishes the agency’s management authority for the nominated property. Both acts can be found in the appendices. Copies of the national historic site management plans and conservation policies used in the management of the property are provided in the appendices. Extracts from municipal plans and provincial legislation are also appended.

Refer to section 7 F. for a complete list of appendices.

C. Form and date of most recent records or inventory of property


For the Kingston Fortifications (Fort Henry, Cathcart Tower, Shoal Tower and Murney Tower) all records and technical documents ranging in date from 1995 - 2005 are available at Bellevue House National Historic Site of Canada in Kingston.

For Fort Frederick all records and technical documents ranging in date from 1995 - 2005 are available at Canadian Forces Base Kingston.

D. Addresses where inventory, records and archives are held

Rideau Canal Headquarters
34 a Beckwith Street, South
Smiths Falls, Ontario
Canada K7A 2A8

Bellevue House
35 Centre Street
Kingston, Ontario
Canada K7L 4E5

Canadian Forces Base Kingston
PO Box 17000, Station Forces.
Kingston, Ontario
Canada K7K 7B4

Archives of Ontario
77 Grenville Street, Unit 300
Toronto, Ontario
Canada M5S 1B3

Library and Archives Canada
35 Wellington Street
Ottawa, Ontario
Canada K1A 0N4

McCord Museum of Canadian History
690 Sherbrooke Street
Montréal, Quebec
Canada H3A 1E9

National Army Museum
Royal Hospital Road
Chelsea, London
United Kingdom SW3 4HT
**E. Bibliography**


Canadian-Ontario Rideau-Trent-Severn Study Committee (CORTS). *The Rideau Trent-Severn, Canada’s Unique 425-mile Waterway Corridor*. Queen’s Publisher, Ottawa, 1970.


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G. Glossary of Terms

**American War of Independence:** The 1776-1783 military struggle for independence from Great Britain by the Thirteen Colonies, culminating in the establishment of the United States of America.

**Approach:** The channel of water leading to a lock or set of locks.

**Basin:** A man-made area of water bordered by land, and sometimes constructed walls, where vessels can turn or moor.

**Blockhouse:** A defensible military structure, typically built as a two-storey building. The lower storey is of stone, the upper of timber, with portals for artillery and musket fire.

**Bridgeman’s House:** A small building constructed as a shelter for the operator of a bridge.

**Battery:** A platform, usually protected by a parapet, which houses artillery and from which it is fired.

**Canadian Shield:** The massive area of Precambrian rock that spans much of the Canadian north. A section of the Canadian Shield, the Frontenac Arch, crosses the path of the southern sections of the Rideau Canal.

**Caponier:** A protected passageway extending into or across a ditch, from which guns can be fired along the length of the ditch.

**Casemate:** A vaulted chamber built in the thickness of the walls of a fortification. Designed to withstand artillery bombardments, casemates were often used as a barrack.

**Chamber (lock chamber):** The area enclosed by two masonry walls and a set of lock gates at each end.

**Channel:** The designated route for vessel navigation, identified by marker buoys and with a guaranteed depth of water.

**Citadel:** A fortress built to protect a town or other strategic site.

**Coffer Dam:** A temporary structure enclosing part of a body of water to allow it to be pumped dry for construction purposes.

**Commissariat:** An administrative arm of the British Army responsible for supply and, in the case of the Rideau Canal, the provision of construction materials.

**Conservation Authority:** An agency established under the Province of Ontario’s Conservation Authority Act, which is responsible for watershed management.

**Corps of Royal Engineers:** A military unit established by the British Army in the late 18th century.

**Crab:** Winch with a hand crank used to move heavy objects (lock gates and sluices). Also referred to as “crabs and chains” since chains are used to attach the crab to the object to be moved.

**Cultural Resource Management Policy:** A set of principles and directions for the management of historic and cultural buildings, materials and objects managed by the Parks Canada Agency, established under the authority of the Parks Canada Agency Act.

**Dam:** A barrier built across a watercourse to impound water for a specific purpose, such as the creation of a slackwater canal system.

**Defensible Lockmaster’s House:** Single-storey stone residential building with loopholes in the walls, built to defend lock installations on the Rideau Canal, as part of its fortifications system.

**Ditch:** A dry trench built as a defensive feature outside a fortified work.

**Draught:** The depth of the hull of a vessel, which dictates the amount of water required for its navigation.

**Excavated Canal System:** A navigable waterway established by digging long ditches, with locks to overcome elevation differences. Feeder channels supply water from natural watercourses.

Flight of Locks: A series of joined locks overcoming an elevation of land to permit the passage of vessels.

Flying Level: A surveying term referring to the process of taking consecutive survey lines across country.

Gate(s): (of a lock) Massive hinged doors built in pairs. When closed they retain water in the lock and are opened and closed to permit the passage of boats.

Glacis: The sloping ground in front of a fortified work extending down to open country, cleared of all obstacles to expose an advancing enemy to direct fire.

Grout: A thin mortar that can flow or be injected under pressure to seal cracks in stone walls.

Guillotine Valve (or vertical lift gate): A gate used in dam design for controlling the rate of flow into or from a canal. A rectangular gate set in guides, within which the gate moves up and down.

Hog’s Back Falls: A natural waterfall on the Rideau River, which was a major obstacle to the construction of the Rideau Canal. Its name comes from the high ridge of rock in the middle of the falls that resembles the back of a wild boar. The name was adapted over time to ‘Hogs Back’, when referring to the lockstation.

Industrial Revolution: The rapid process of the 18th and 19th centuries by which advancements in technology, organization and financing led to the reorganization of the economies of Europe, from small-scale artisan-based manufacturing to high levels of mass production using factories.

Keyword: Shaped stones fitted together, usually on the downstream face of a dam.

King Post Swing Bridge: A type of moving bridge whose deck pivots horizontally on an axis.

Lock: A watertight chamber with gates. Valves at both ends allow water to be let in, or let out, to raise or lower a vessel from one water level to another.

Lockmaster: The overseer responsible for operation of a lockstation.

Lower Canada: The name given to Quebec by the British Government to distinguish it from the colony of Upper Canada. Lower Canada became the Province of Quebec at the time of Canadian Confederation.

Malaria: A disease caused by a parasite carried by mosquitoes, characterized by recurring fever and chills. Can be fatal.

Martello Tower: Originally a European coastal tower mounting guns on its top level, and housing stores and barrack facilities. The British favoured these towers because they were quick and economical to build.

Masonry: The assembly of bricks, rubble stone or cut blocks of stone using mortar in the joints between pieces.

Napoleonic Wars: A series of major conflicts between France, under the leadership of Napoleon Bonaparte, and an alliance of other European countries. Fought over a time span of two decades, the Napoleonic Wars culminated with the defeat of French forces at the Battle of Waterloo in 1815.

Navigable: Having water of sufficient depth to allow for boat travel.

Ordnance: A generic term referring to all types of armament, and in particular artillery.

Pony Truss Swing Bridge: A bridge with a movable deck that opens by rotating horizontally on an axis.

Redoubt: An enclosed fortification.
Reservoir: A man-made body of water that allows for water storage.

Rideau Canal Corridor: The general linear landscape through which the Rideau Canal passes.

Sappers and Miners: Soldiers of the British Army experienced in excavation and construction.

Scherzer Rolling Bascule Bridge: A bridge with a horizontal span that rotates on a vertical axis, and with a large counterweight to raise one end vertically. Bascule bridges were designed and patented by Scherzer Rolling Lift Bridge Company of Chicago.

Sill: The flat ‘floor’ at both ends of a lock on which the bases of the gates rests.

Slackwater Canal System: A navigable waterway established by the impoundment of a series of natural watercourses through the construction of dams and locks.

Sluice: A conduit through which water can flow in a controlled manner.

Spillway: A fixed dam designed to discharge surplus water from a slackwater section of a waterway. Also called an overflow dam.

Stop Log: Squared timber that can be dropped into slots at the end of a lock, or in a weir, to stop the flow of water.

Theodolite Traverse: A surveying process to measure elevation, distance and angles.

Towpath: A man-made walkway used by draught animals as they pull vessels through a canal.

Undertow: Current below the water’s surface moving in the opposite direction to the surface current.

United Empire Loyalists: Inhabitants of the Thirteen Colonies, which later became the United States of America, who remained loyal to Great Britain during the American War of Independence. Many resettled to Canada in 1783-1784, following that conflict.

Upper Canada: A colony of Great Britain established along the north shore of the Great Lakes with the settlement of the United Empire Loyalists. Later became the Province of Ontario.


Weir: A dam structure with bays or sluiceways that allows the flow of water to be controlled.

Wetland: An area characterized by permanently wet soil. Provides important habitat for many animal and plant species.
CHAPTER 8

Contact Information of Responsible Authorities
8. Contact Information of Responsible Authorities

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Base Commander
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Kingston, Ontario
Canada K7K 7B4

C. Other local institutions

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202–40 Elgin Street
Ottawa, Ontario
Canada K1P 1C7
Tel: 1-800-704-8227
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Friends of the Rideau
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Canada K7A 4B5
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Merrickville & District Historical Society
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The Bytown Museum
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Rideau Valley Conservation Foundation
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CHAPTER 9

Signature on behalf of the State Party
9. Signature on behalf of the State Party

Christina Cameron  
*Head of the Canadian Delegation to the World Heritage Convention*
Nomination of the

RIDEAU CANAL

by the Government of Canada, 2006
for Inscription on the World Heritage List
Map Annex

The Map Annex is comprised of a series of maps that together show the boundary of the entire nominated property and buffer zone. Maps in this annex have been created for the sole purpose of illustrating the core and buffer zones of the linear and serial nomination.

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Map 1 shows the entire nominated property at the scale of 1:657 296.

Map 2 shows the location of the Rideau Canal within North America at the scale of 1:27 718 254.

Map Series 3.0 to 3.57 shows the nominated property and buffer zone at the scale of 1:20 000.

*Base data for this map series is from the Ontario Ministry of Natural Resources Ontario Basic Mapping Series (OBM). The Ontario Basic Mapping Series (OBM) is a medium-scale mapping format. The contents of the OBM include the geographical references of the topographic, cultural and cadastral features of Ontario. These features include hydrography, vegetation, transportation, buildings, communication, parks, hypsography, First Nations reserves and the township boundaries as originally surveyed by the Crown.

** Islands within the watercourse of the slackwater canal system are not included in the nominated property unless identified with a red line in this map series.

Map Series 4.0 to 4.24 shows the lockstations of the Rideau Canal at the scale of 1:4 800.

*Base data for this map series is from the Small Craft Charts of the federal department of Fisheries and Oceans published by the Canadian Hydrographic Service, Ottawa, Canada, 2002. These charts are also provided in hard copy in Appendices Volume 8.

** Municipal roadways crossing the property are excluded from the nomination.

Map 5 shows the Kingston fortifications and buffer zone at the scale of 1:12 600.
POONAMALIE LOCK
LOCK/ÉCLUSE 32
Scale 1:4 800 Échelle

Legend
- Nominated Property

Municipal roadways are excluded from the nominated property.

Map 4.15 - Poonamalie

Silt Depth/Profondeur au seuil 8 ft
Lift/Chute 4.5 ft

76°3'18"W
Foreword

The Rideau Canal bears witness to 19th century engineering excellence, most notably through its ingenious adaptive design and brilliant execution. As well as being a technological feat, it provides an eloquent illustration of the defence measures taken by the British Empire in Canada in the early 1800s, which resulted in the transformation of Canada's eastern Ontario hinterland into a transportation route whose integrity has, to this day, been maintained at an exceptionally high level.

This linear serial nomination incorporates six elements that together will become the Rideau Canal World Heritage Site. These are: the Rideau Canal National Historic Site of Canada, Fort Henry National Historic Site of Canada, Fort Frederick, Cathcart Tower, Shoal Tower and Murney Tower (the Kingston Fortifications National Historic Site of Canada).

This management plan specifies how the world heritage values of the nominated property will be protected for present and future generations. It constitutes the formal commitment of the Parks Canada Agency, the responsible Canadian management organization, to the conservation and protection of the property. It identifies the world heritage values that will be protected, the legislative and policy framework for management of the property, the elements of the management system in place to protect the property, and mechanisms for monitoring and periodic reporting.

As a high-level, overarching management plan, this document unites the specific operational plans for the six elements by identifying and elaborating management commitments and actions that will result in an integrated approach to administering the world heritage site.

I am very grateful to our dedicated team from Parks Canada, the World Heritage Site steering committee and to all of the local organizations and individuals who have demonstrated good will, hard work, spirit of cooperation and extraordinary sense of stewardship.

I am pleased to approve the management plan for the proposed Rideau Canal World Heritage Site.

Alan Latourelle
Chief Executive Officer
Parks Canada Agency
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Rideau Canal
World Heritage Site
Management Plan

1.0 Purpose of this Management Plan

This plan meets the requirements of paragraph 108 of the Operational Guidelines for the Implementation of the World Heritage Convention for a plan to specify how the world heritage values of the nominated property will be protected for present and future generations. It constitutes the formal commitment by the Government of Canada to the conservation and protection of the property. It identifies the world heritage values that will be protected, the legislative and policy framework for management of the property, the elements of the management system in place to protect the property, and mechanisms for monitoring and periodic reporting.

The plan builds on the management plans for the six elements of the nominated property as well as on the Eastern Ontario Field Unit Business Plan and Long Term Capital Investment Plan, which are in place to guide their management. As a high-level, overarching management plan, this document unites the six elements by identifying and elaborating management commitments and actions that will result in an integrated approach to administering the world heritage site.

2.0 Statement of Outstanding Universal Value

In concept, design, and engineering, the Rideau Canal is the most outstanding surviving example of an early-19th century slackwater canal system in the world and one of the first canals designed specifically for steam-powered vessels. It is an exceptional example of the transfer of European transportation technology and its ingenious advancement in the North American environment. A rare instance of a canal built primarily for strategic military purposes, the Rideau Canal, together with its ensemble of military fortifications, illustrates the significant stage in human history when Great Britain and the United States of America vied for the control of the northern portion of the North American continent.

3.0 Criteria for Inscription on the World Heritage List

Criterion (i): The Rideau Canal is a masterpiece of human creative genius.

The Rideau Canal is a masterpiece of human creative genius, in its concept, design, and engineering. To build the canal, Lieutenant-Colonel John By, the canal’s principal designer, had two options. The conventional and proven option was to use excavated channels of considerable length to link existing waterways that were navigable, bypassing falls, rapids, swamps and rocky shallows. John By dismissed this approach as being too expensive and time-consuming, given the terrain, geology and configuration of the lakes and rivers. Through a fundamental stroke of creative genius, he envisioned another option to join the watersheds of the two river systems, the Rideau and the Cataraqui: a slackwater canal, executed on a monumental scale. His decision to build a slackwater canal was highly innovative – and technologically risky. The slackwater system was virtually untried at this time in Europe. Slackwater techniques on a limited scale had been attempted.
RIDEAU CANAL

in North America, but none of these canals was near the complexity of what John By conceived for the Rideau Canal.

The slackwater design that John By envisioned for the Rideau Canal required a very large number of embankments and high dams in order to inundate shallows, swamps, and rapids, and thus create a series of impoundments of sufficient depth to allow navigation along the full length of the canal. This approach dramatically reduced the requirement for extensive excavated channels, thereby reducing costs and construction time. The Corps of Royal Engineers responded with designs for an ingenious system of engineering works, including seventy-four dams and forty-seven locks at twenty-four lockstations, allowing vessels to ascend 85 m to the summit of the canal from the Ottawa River, and then descend 50 m to Lake Ontario.

One of the problems that plagued slackwater canals and discouraged their use was the difficulty of controlling water levels on such a system. Once again, John By and his engineers created an imaginative and effective solution to the problem. They included in the plan for the canal a system of dams and embankments that created lakes to serve as reservoirs, allowing water to be stored to supply the canal during dry summer months. Conversely, during periods when excess water was in the system, such as in the spring or during heavy rainfalls, the reservoirs allowed water to be held back and released gradually, preventing damage to engineering works.

The genius of the slackwater canal solution to the construction of the Rideau Canal was equaled by John By’s foresight regarding the future dominance of steamboats as a mode of transportation. The specifications for the canal that he was given called for locks sufficient in size to accommodate Durham boats, flat-bottomed vessels propelled by sail or oars. Soon after his arrival in Canada, Lieutenant-Colonel By sought, and was given, authorization from his superiors to build locks to accommodate vessels using the newly emerging technology of steam power. The Rideau Canal became one of the first canals in the world designed specifically for steam-powered vessels.

Criterion (ii): The Rideau Canal exhibits an important interchange of human values, over a span of time or within a cultural area of the world, on developments in technology.

Building the Rideau Canal and its fortifications required adapting existing European technology to the North American environment and to the specific circumstances and geography of its setting. The experience gained in the engineering of canal works and fortifications for the Rideau Canal advanced these technologies to a new level.

The Transfer of Canal Technology

The concept of canals and their engineering principles and technology were well known in Europe prior to the construction of the Rideau Canal. Canals had emerged as important commercial transportation systems in the mid-18th century, closely associated with the Industrial Revolution. The Rideau Canal was built using canal technology
developed in Europe and transferred to North America. However, the existing European canal technology was adapted and advanced on the Rideau in order to build a slackwater system on a scale previously untried.

There were three areas of canal-building technology in which significant adaptation and technological advancement occurred during the building of the Rideau Canal – surveying methodology, lock engineering and dam engineering.

**Surveying Methodology**

The Corps of Royal Engineers brought European surveying methodologies to North America for the construction of the Rideau Canal. The adaptations they made in the application of the transferred technologies, to meet the exigencies of particular local conditions, was an outstanding technological advancement.

The Royal Engineers developed truly innovative methods for orienting a survey and taking levels. First, a directional fire technique was adopted, enabling the surveyors to orient a survey over great distances in the dense forest. Second, they used compass traverses rather than conventional theodolite traverses, which were impossible in the forest. Third, so-called ‘flying levels’ were taken of the rise or fall of the land, based on the vertical position of a light placed at an established height on the leveling staff. And fourth, with the impossibility of running theodolite traverses, cross-sections of the terrain were mapped using a grid survey on compass bearings. These maps allowed the canal to be routed to take advantage of the natural terrain, thereby minimizing tree clearing, excavation and embanking work.

These innovations eliminated a great deal of difficult, costly and time-consuming labour in clearing away forest growth to obtain clear sight lines. They enabled canal works, stretching throughout a 202-km-long wilderness corridor, to be laid out in a remarkably short period of time during the winter of 1826 and spring of 1827.

**Lock Engineering**

The second important area of the transfer of European technology where the Royal Engineers took an established technology to a new level was in lock engineering. Engineering principles transferred from Europe were used for the construction of the Rideau. The lock-building achievement on the Rideau was, however, the design and construction of locks capable of withstanding the unprecedented force of water pressure resulting from the high lifts and large lock chambers required for a slackwater canal built for steamboats.

Typically, locks on European canals had a lift of 2.4 m to 3.0 m. To overcome the terrain on the route of the Rideau Canal, John By was faced with the choice of building numerous locks with low lifts or fewer locks with high lifts. To minimize costs and construction time, he opted for high lifts and, therefore, fewer locks. For example, rather than construct six locks or more at Jones Falls, to overcome a rise of 18.4 m, four locks were constructed, with a maximum lift of 4.6 m. In addition, to accommodate steamboats, the lock chambers had to be significantly larger than those employed up to that time on European and North American canals. The locks on the Rideau Canal were 37.8 m long and 9.1 m wide. In comparison, the contemporary Blackstone Canal in the United States of America had locks 21.3 long m and 3.1 m wide.
The force of water pressure created by the high lifts and large size of the locks required engineering advancements in design and construction. Lock walls, gates, sluice tunnels and wing walls were all designed and constructed to carry significantly greater force than in earlier canals. In later years, these advancements in lock engineering were applied elsewhere in the construction of locks, such as those built on the St. Lawrence River in the late 1840s.

The third major area of technology transfer where John By and his engineers took an established technology to new levels during the design and construction of the Rideau Canal was in the engineering of dams. The slackwater system used for the canal required a large number of dams to inundate shallows and rapids. Individually and as a system, these dams represented a considerable advancement in dam-building technology.

The massive Jones Falls Stone Arch Dam well illustrates the adaptation and advancement of European dam-building technology to meet the challenges of the Rideau Canal. To deal with the deep gorge, falls and rapids at Jones Falls required a dam with a span 107 m, to a height of 19 m, double the height of any dam in North America at the time. John By’s design integrated stone masonry dam technology with the technology of clay core earth dams, to cope with the incredible stresses on a structure of this scale. The Jones Falls dam’s international importance was recognized in the International Canal Monuments List, prepared under the auspices of The International Committee for the Conservation of Industrial Heritage (TICCIH).

To establish the impoundments of water that were required for the Rideau Canal’s slackwater system, sets of dams were often required at lockstations. The engineering of such dam systems involved the use of earth embankment dams, stone masonry dams and stone masonry water control weirs in combination. The system of dams at Kingston Mills illustrates John By’s mastery of traditional European dam building technology and his advancement of it. He achieved the impoundment of the 15.6-km stretch of water above Kingston Mills through a system of dams that included two earth embankments dams, 1.4 km in total length, a 120-m long stone masonry arch dam, natural geological features, a water control weir, and the upper lock.

**The Transfer of Military Technology**

The fortifications built at Kingston to defend the mouth of the Rideau Canal represent the transfer of European military technology to North America.
Fort Henry was, however, a considerable advance over earlier fortifications built in British North America. Major citadels built in the 1820s at Halifax and Quebec City conformed to the traditional Vauban design of fortification. For Fort Henry, engineers abandoned this approach, adapting newer Prussian thinking to create a fortification that was unique in British North America. The result was a powerful and compact fort, well suited to the topography of Point Henry.

The four Martello towers, built between 1846 and 1848 to protect Kingston Harbour and the entrance to the canal, were designed by Lieutenant-Colonel W. Holloway of the Corps of Royal Engineers. Martello towers had been adapted by the British from round tower fortifications found on the European continent, and built to protect the English coastlines during the period of the Napoleonic Wars. They extended their use to British North America, eventually building twelve towers in total, the last being the four in Kingston. The Kingston towers were the culmination of decades of British development of round masonry tower design and construction. All incorporated significant innovative structural and external features to address defensive weaknesses previously associated with this type of fortification. Of the four, Murney is the best example of the final phase in this process of evolution. Like traditional Martello towers, it consisted of two floors with a gun platform protected by a high parapet. It was, however, surrounded by a deep ditch with a dry masonry counterscarp. Tower and ditch were protected by a rubble-filled glacis. Four massive caponiers projected from the base of the tower, enabling defenders to fire in to the ditch. All the Kingston towers were innovative in design and of a high quality of construction. Murney is, however, regarded as the most sophisticated Martello tower to be built in British North America.

Criterion (iv): The Rideau Canal is an outstanding example of a technological ensemble which illustrates a significant stage in human history.

The Rideau Canal was built at a time when two powers, Great Britain and the United States of America, vied for the control of the northern portion of the North American continent. This significant stage in human history resulted in the creation of two distinct political and cultural entities, Canada and the United States of America.

One of very few canals in the world built primarily for strategic military purposes, the Rideau Canal and its associated defensive works were critical elements in the global strategy developed by Great Britain immediately after the Napoleonic Wars in Europe and the War of 1812 in North America. The two wars demonstrated to British political and military leaders the importance of a military defensive system to protect their far-flung global interests.

In North America, the key to the defence of Canada lay in a transportation route from
Montréal to Lake Ontario, more secure than the St. Lawrence River, to supply the vital naval base at Kingston. When the British Government examined the defence of British North America, two Canadian projects were sanctioned: the Rideau Canal and the Kingston harbour fortifications.

4.0 Management Framework for the Nominated Property

The nominated property consists of the Rideau Canal, with its lockstations and slackwater sections, and the fortifications in Kingston, which are briefly described in this section. The nomination document for the property includes descriptions and photographs for each of these elements. The nomination document and map annex, as well as the appendices included in the nomination, serve as appendices for readers of this management plan.

Element 1, Rideau Canal

This was the context for the British decision to invest enormous financial resources in the construction of the Rideau Canal and its associated fortifications. At stake was the future security and expansion of British political and commercial interests on the North American continent. This was also the context for approval of locks large enough to accommodate steam-powered vessels. As historian Robert Passfield, in Building the Rideau Canal, remarks, “steamboat navigation provided the British forces with a speed of movement superior to that enjoyed by the Americans. Had the Rideau Canal not been completed, or had it been constructed as a small gunboat canal, the whole of the military’s efforts at engineering the defence of Canada would have been undermined.”

Ultimately, the success of this strategy was fundamental to the growth of colonial Canada and, subsequently, its development as an independent nation, spanning the northern half of the continent.

The Rideau Canal is a 202-km slackwater canal, consisting of navigable lakes and rivers and excavated channels, connecting Ottawa, the nation’s capital on the Ottawa River, and Kingston on Lake Ontario. In 1887, an additional 10 km of waterway was completed, linking the Rideau Canal to the town of Perth via the Tay River. The canal includes fifty locks at twenty-four lockstations, seventy-three dams, and 19 km of excavated channels. The Rideau Canal is administered by Parks Canada, an agency of the Government of Canada.
Element 2, Fort Henry

Fort Henry is the key component of the fortification system defending the southern entrance to the Rideau Canal and Kingston Harbour. Situated on a peninsula at the eastern side of the harbour, its position provides a commanding view of the north channel of the St. Lawrence River, the entrance to the Rideau Canal and the harbour itself. Fort Henry is administered by the Parks Canada Agency but operated through a management agreement with the St. Lawrence Parks Commission, an agency of the Government of the Province of Ontario.

Elements 3, 4, 5, 6, Kingston Fortifications

The Kingston Fortifications is a system of four Martello towers located along the shore of Lake Ontario at Kingston and on a nearby island, strategically placed to protect the entrance to the Rideau Canal and Kingston Harbour.

The Parks Canada Agency administers Cathcart, Shoal and Murney towers. Murney Tower is leased to the Kingston Historical Society for use as a historical museum. Fort Frederick is administered by the Department of National Defence. It is used as a historical museum.
5.0 Legislative Authority, Policies and Plans for the Management of the Nominated Property

The Government of Canada is the sole owner of the nominated property by virtue of the British North America Act (1867), which transferred the various elements from the Government of Great Britain. The Rideau Canal, Fort Henry and the Kingston Fortifications are all national historic sites of Canada as commemorated under the authority of the Historic Sites and Monuments Act.

The entire property, with the exception of Fort Frederick, is administered by the Parks Canada Agency under the authority of the Parks Canada Agency Act. Fort Frederick, located on the grounds of the Royal Military College of Canada, is under the authority of the Department of National Defence. Ownership by the Government of Canada and their designation as national historic sites ensures that all of the elements of the nominated property are protected under federal legislation and policy.

Pursuant to the Parks Canada Agency Act, the agency’s Guiding Principles and Operational Policies provide detailed direction for the national program of natural and cultural heritage protection. The Cultural Resource Management Policy, the National Historic Sites Policy and the Historic Canals Policy form part of the Guiding Principles and Operating Policies, and the Parks Canada Agency Act requires the agency to implement them as they relate to the protection and management of protected heritage areas. The act also requires that each national historic site administered by the Parks Canada Agency have in place a management plan approved by the Minister of the Environment. Fort Frederick, although part of the Kingston Fortifications National Historic Site, is not covered by the requirements of the act. A memorandum of understanding between the Department of National Defence and the Parks Canada Agency will establish a formal agreement to protect the world heritage values of Fort Frederick. Under this agreement, the Department of National Defence and the Parks Canada Agency will formalize their cooperation in the implementation of the national historic site management plan for the Kingston Fortifications and of the management plan for the proposed Rideau Canal World Heritage Site.

While the Parks Canada Agency’s legislation, policy and plans are effective for long-term management of the nominated property, their management is also facilitated by regulatory controls. The Historic Canals Regulations, pursuant to the Department of Transport Act, provide an enforcement mechanism to regulate activities that could harm the heritage values of the canal components. Other statutes and regulations, such as the Ontario Trespass Act, also support the management of the property.

6.0 Role of the Rideau Canal World Heritage Site Management Plan

This world heritage site management plan provides an overarching management framework to cohesively direct the protection, conservation and presentation of the entire nominated property. It thus complies with the requirements of the World Heritage Convention by demonstrating how the outstanding universal values of the property will be protected. The Government of Canada will review and update the plan after each six-year reporting cycle.
7.0 Implementation of the Rideau Canal World Heritage Site Management Plan

The world heritage site management plan will be implemented through the current management planning system and subsequent planning levels and processes. The Parks Canada Agency’s national historic site management plans for the elements of the nominated property provide specific direction for decision-making and the investment of financial and human resources.

For implementation purposes, the elements of the world heritage site and their cultural resources will be managed under the direction provided by the Parks Canada Agency’s management plans for each national historic site. The revised Rideau Canal Management Plan (2005) and pending management plans for Fort Henry and the Kingston Fortifications national historic sites of Canada, among a range of management considerations, identify the cultural values of the property that must be protected, and the policies and long-term programs to conserve and present them. The implementation of the management plans is the primary mechanism for conserving and presenting the sites’ values and they will serve equally well for the management of the world heritage values of the nominated property.

The national historic site management plans recognize that the diverse elements of the world heritage site do not exist in isolation and that their heritage values are reinforced by their immediate settings. The historic site management plans specify strategies and actions that the Parks Canada Agency will employ to encourage stewardship of these values by other levels of government, agencies and adjacent landowners.

The Superintendent of the Eastern Ontario Field Unit is delegated the responsibility for developing, implementing and periodically reviewing the national historic site management plans on a five-year cycle. Within that cycle, the plans will be updated to reflect the inscription of the property and to reflect specific strategies, plans and actions required for their implementation.

The principal planning tool for identifying management decisions related to investment of resources is the Eastern Ontario Field Unit Business Plan, which is a three year plan, updated annually, that addresses the highest priority management issues. With respect to investments in the conservation and maintenance of assets, both cultural resources and contemporary, the business plan is informed by the Eastern Ontario Field Unit Long Term Capital Plan. This plan, which is developed by the asset management group of the field unit, identifies all investments in asset protection and conservation that will be required on a ten-year forecast. The plan is updated annually and the priority of specific interventions is re-assessed based on asset inspections and condition assessments. Together, these two plans will identify, place in order of priority and direct the fiscal and human resources required to conserve and present the world heritage values of the property.

The Superintendent of the Eastern Ontario Field Unit is accountable for all the elements of the world heritage site except Fort Frederick. The superintendent relies upon a number of key individuals and units to implement the direction provided by these plans:

- The Manager of National Historic Sites Programs, reporting to the field unit superintendent, is the responsible officer for the conservation of Fort Henry and the Kingston Fortifications, and for the management agreement with the St. Lawrence Parks Commission for the operation and maintenance of Fort Henry.

- The heritage assets of the field unit are managed by the Eastern Ontario Field Unit Asset Management Unit, under the direction of the Asset Manager. The section is supported by the Heritage Canals and Engineering Works Unit of the federal Department of Public Works and Government Services. This unit is an in-house consulting service providing expertise in inspection, rehabilitation, design and contract tendering. Additional services such as historic building conservation and landscape architecture services are available from the department as well.
RIDEAU CANAL

- The day-to-day operation of the Rideau Canal as a recreational waterway is under the canal's Director of Operations who is responsible for staff working in the areas of maintenance, canal operations, water management, realty, ecosystem management, visitor services and planning.

- The field unit's Marketing and External Relations Unit provides marketing and heritage presentation services.

With regard to Fort Frederick, the Department of National Defence has its own asset management system, which is consistent with the Parks Canada Agency's system in terms of the effective management of the assets. Fort Frederick falls under the authority of the Base Commander, Canadian Forces Base Kingston.

8.0 Conservation Program for the World Heritage Site

The engineering works, fortifications and other built heritage resources of the nominated property are the lasting authentic evidence of the transfer and advancement of canal and fortifications building technology from Europe to North America and the creative genius of its concept, design and engineering. Together with the slackwater canal system, they illustrate the period in history when Great Britain and the United States of America struggled for control of the northern part of the North American Continent.

Conservation of cultural resources and assets

The Parks Canada Agency will undertake the following measures to ensure that the cultural resources and other built assets of the world heritage site are conserved:

- Conclude a memorandum of agreement with the Department of National Defence, which specifies the conservation program for Fort Frederick and the role of the Parks Canada Agency in support of the department's conservation program.

- Conduct regular monitoring of all cultural resources on a cycle not to exceed three years, in accordance with the Parks Canada Agency's policies, and record and report the condition of assets in the Asset Management System of the Eastern Ontario Field Unit.

- Update the Long Term Capital Plan of the Eastern Ontario Field Unit on an annual cycle to reflect changes in asset condition and to ensure that the highest priority conservation and maintenance projects are being implemented.

- Update the annual business plan of the Eastern Ontario Field Unit to identify the specific financial resources required to invest in priority projects.

- Undertake conservation work in accordance with the Cultural Resource Management Policy of the Parks Canada Agency. This will ensure that the work is consistent with international conservation principles and practices.

- Maintain accurate records, plans and data related to the conservation program for the world heritage site.

Five of the eight locks in flight at the Ottawa lock station were reconstructed in the 1980s, 1986, Rideau Canal Archive.

- Report on a six-year cycle to the World Heritage Committee on the state of conservation of the cultural assets of the site and on specific interventions that have been required.
Conservation program for the slackwater sections of the canal system

The slackwater section from Clowes as it approaches Merrickville Lockstation, 1990, Simon Lumm.

The slackwater sections of the Rideau Canal, which are connected for navigation by the system of locks, are the evidence of the human creative genius brought to bear in the concept, design and engineering of the Rideau Canal.

The Parks Canada Agency will undertake the following measures to ensure that the slackwater sections of the canal are managed and conserved:

- Prohibit any activities that would alter the size, shape, depth or configuration of the slackwater sections of the canal system.
- Ensure that applications for small-scale shoreline marine works to facilitate private access to and use of the canal by adjacent land owners will be considered subject to a review of the potential impact of such developments on the cultural resources of the property. Reviews will also consider possible impacts on natural resources. The Canadian Environmental Assessment Act governs such reviews.
- Regulate the construction of private shoreline works by using the Policies for In-water and Shoreline Works and Related Activities, which establish detailed standards and requirements to protect the authenticity of the shoreline of the slackwater canal system as well as its environmental and scenic values.
- Exercise its enforcement authority under the Historic Canals Regulations to protect the world heritage values of the slackwater canal sections.
- Ensure that new bridge and public utilities crossing proposals include detailed environmental assessments so that the property will maintain the authenticity of its shoreline and cultural resources, and the environmental and scenic qualities of its setting.
- Monitor the state of the slackwater canal sections as components of the world heritage site to verify their state of conservation and detect any threats to the resources.
- Include information and analysis about the state of conservation of the slackwater canal sections in its report to the World Heritage Committee on the state of the world heritage site.

Baseline Data: Condition of Cultural Resources
September 2005

<table>
<thead>
<tr>
<th>Cultural Resource</th>
<th>Condition</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ottawa Lockstation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eight locks</td>
<td>Locks 1, 2, 5, 6, 8: Good Locks 3, 4, 7: Fair</td>
<td>The lower sill on Lock 8 was repaired in 2005. Routine maintenance.</td>
</tr>
<tr>
<td>Commissariat building</td>
<td>Fair</td>
<td>Repairs to wooden components and painting scheduled for 2006. Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Archaeological features</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Cultural Resource</td>
<td>Condition</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td><strong>Hartwells Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Storehouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockman's house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Stoplog weir</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Hogs Back Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Good</td>
<td>Building painted and major repairs to roof in 2001, Routine maintenance.</td>
</tr>
<tr>
<td>Storage shed</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Black Rapids Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Gate replacement scheduled for 2006, Concrete repairs 2010.</td>
</tr>
<tr>
<td>Lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weirs</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Long Island Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Manotick Dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance, Conservation of abutments and stringers, and painting, in 2006.</td>
</tr>
<tr>
<td><strong>Burritts Rapids Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance. Minor pier and abutments repairs in 2006.</td>
</tr>
<tr>
<td>Dam ruins</td>
<td>Not rated</td>
<td>Archaeological resource, no conservation planned.</td>
</tr>
<tr>
<td><strong>Nicholson's Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Fair</td>
<td>Routine maintenance. Lock 19 grout repairs planned for 2006.</td>
</tr>
<tr>
<td>Excavated channel</td>
<td>Not Rated</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Cultural Resource</td>
<td>Condition</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Clowes Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stone arch spillway dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Merrickville Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Original dam</td>
<td>Not Rated</td>
<td>Archaeological resource, no conservation planned.</td>
</tr>
<tr>
<td>Water control dams and weirs</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blockhouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Storehouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Merrickville Industrial Complex</td>
<td>Foundry: Good, Industrial Ruins: Poor</td>
<td>Routine maintenance. Possible conservation within 10 years based on monitoring.</td>
</tr>
<tr>
<td><strong>Kilmarnock Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Good</td>
<td>Routine maintenance. Porch repairs within 3 years.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Edmonds Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2013.</td>
</tr>
<tr>
<td>Spillway dam</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout 2012.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Old Slys Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two locks</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Smiths Falls Combined</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Three original locks</td>
<td>Locks 28, 29: Good, Lock 30: Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Canalman's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Smiths Falls Detached Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
</tbody>
</table>
## Rideau Canal

<table>
<thead>
<tr>
<th>Cultural Resource</th>
<th>Condition</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Poonamalie Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2009.</td>
</tr>
<tr>
<td>Earth embankment dams</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Beveridges Lockstation, Tay Canal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Perth, Tay Canal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridgeman's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Turning basin</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>The Narrows Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2011.</td>
</tr>
<tr>
<td>Earth embankment dam</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blockhouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Newboro Lockstation (The Isthmus)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Excavated channel</td>
<td>Not rated</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Archaeological Resources</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Chaffey's Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake, point and grout in 2007.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Davis Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Earth embankment dams</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Jones Falls Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four locks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lock 39</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Locks 40, 41 &amp; 42</td>
<td>Poor</td>
<td>Stabilization and conservation of locks 40, 41, and 42 by 2009.</td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster's house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blacksmith's forge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lower lockstation office</td>
<td>Poor</td>
<td>Routine maintenance. Continue to monitor and repair.</td>
</tr>
<tr>
<td>Cultural Resource</td>
<td>Condition</td>
<td>Comments</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Upper Brewers Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earth embankment dams</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Canalman’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Lower Brewers Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One lock</td>
<td>Fair</td>
<td>Routine maintenance. Rake and point in 2014.</td>
</tr>
<tr>
<td>Defensible lockmaster’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Swing bridge</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Kingston Mills Lockstation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Four locks</td>
<td>Locks 47, 48 &amp; 49: Fair, Lock 46: Poor</td>
<td>Routine maintenance. Lock 46, work identified and awaiting funding.</td>
</tr>
<tr>
<td>Stone arch dam</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Two earth embankment dams</td>
<td>Good</td>
<td>Major stabilization work in 2004. Routine maintenance.</td>
</tr>
<tr>
<td>Weir</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Blockhouse</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockmaster’s house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>Lockstation office</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Fort Henry, Kingston</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advanced battery and glacis</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>West and east branch ditches</td>
<td>Fair</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td>West and east commissariat stores</td>
<td>Good</td>
<td></td>
</tr>
<tr>
<td><strong>Fort Frederick, Kingston</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Earthworks</td>
<td>Fair</td>
<td>Routine maintenance. Masonry repairs pending.</td>
</tr>
<tr>
<td>Masonry curtain wall</td>
<td>Good</td>
<td>Masonry repairs completed in 2004. Routine maintenance.</td>
</tr>
<tr>
<td>Fortified guard house</td>
<td>Good</td>
<td>Routine maintenance.</td>
</tr>
<tr>
<td><strong>Cathcart Tower, Cedar Island</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Martello tower</td>
<td>Poor</td>
<td>Design specification documents completed. Awaiting funding. Twice-yearly monitoring for stone movement.</td>
</tr>
<tr>
<td><strong>Shoal Tower, Kingston</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Murney Tower, Kingston</strong></td>
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9.0 Presentation of the World Heritage Site

The communications objectives of the presentation program will be:

- To inform national and international audiences of the inscription of the property on the World Heritage List.

- To present the Statement of Outstanding Universal Value and the reasons for inscription related to the criteria of the World Heritage Convention.

- To place the property within the context of world heritage sites in Canada and around the world.

- To explain UNESCO's World Heritage Program, the significance of the inscription and the management responsibilities of the Government of Canada that flow from the inscription.

- To build understanding of the importance of the conservation and protection of the world heritage values of the property and foster stewardship with key decision makers, adjacent property owners, visitors and other interested parties.

- To involve adjacent property owners in the sustainable management of the buffer zone adjacent to the property in order to protect its world heritage values.

The Parks Canada Agency will undertake the following measures to ensure that messages about the outstanding universal values of the property and the world heritage program of UNESCO are effectively communicated to national and international audiences:

- Promote and brand the property as a world heritage site in media and promotional literature to raise awareness of its universal value.

- Ensure that tourism marketing initiatives include world heritage messages to inform potential visitors to the property of its world heritage status.

- Present the world heritage status and world heritage values of the designated property through displays and other media at principal

One part of the Parks Canada Agency's mandate is to present significant examples of Canada's natural and cultural heritage and foster public understanding, appreciation and enjoyment of this heritage. As national historic sites, the elements of the nominated property have developed a wide array of programs and they will be the means of communicating messages about the outstanding universal value of the world heritage site.
interpretem locations including: the Rideau Canal Museum, Fort Henry, Fort Frederick, Murney Tower, and Ottawa, Merrickville, Jones Falls and Kingston Mills lockstations.

- Establish an outreach and education program to inform communities adjacent to the property of the site's world heritage values.

- Include in the websites of the elements information about the world heritage site from both the educational and tourism perspectives.

- Assess the effectiveness of the presentation program on a periodic basis to determine how well the objectives of the program are being achieved.

- Include information about the presentation of the property in the periodic report to the World Heritage Committee.

10.0 Protection of the World Heritage Site

The policies of the Parks Canada Agency recognize the need for the agency to work with all interested parties to protect the setting of the elements of the nominated property from inappropriate development adjacent to them. In addition, the property is protected by a buffer zone that is established through provincial and municipal regulation. This buffer zone protects the property from uncontrolled development, and there are processes through which the Government of Canada, as owner of the property, can assert its interests.

To ensure the protection of the nominated property, the Parks Canada Agency will undertake the following actions:

- Manage the property that contains the engineering works and canal buildings, slackwater canal sections, and fortifications in a manner that prevents inappropriate development.

- Work with municipalities, landowners, the Province of Ontario and other stakeholders to ensure that suitable land use policies for adjacent lands are in place to protect the property.

- Work with municipal governments, which are empowered to control the development and use of shore lands under the authority of the Ontario Planning Act to protect the property through the maintenance of a buffer zone. Municipalities control the location, type and scale of development and have land-use policies that require frontage of between 50 m to 75 m for waterfront lots and a setback of 30 m from the shoreline for all new construction. This 30-m setback constitutes the buffer zone for the slackwater sections of the canal system.

- Work within the planning processes of the municipal governments to ensure that consideration is given to the conservation management of lands beyond the 30-m buffer zone, particularly where development has the potential to degrade the heritage values of the nominated property.

- Participate directly in the process for the development of municipal plans, zoning bylaws and the review of development applications to ensure that all official plans for the municipalities bordering the nominated property have specific policies pertaining to the protection of shore lands and cultural heritage.
• Intervene in proposed development applications should the agency believe that the development would negatively affect the world heritage values or resources of the nominated property.

11.0 The Involvement of Partners and Stakeholders in Managing the World Heritage Site and its Setting

Although the Government of Canada owns the nominated property, partners and stakeholders have a role to play as tenants of a number of canal buildings and fortifications. Their occupation of these buildings assists the Parks Canada Agency in preserving them and presenting them to the public. These leases are expected to continue indefinitely.

Much of the 1600-km shoreline of the slackwater canal system is privately owned. While municipalities and conservation authorities regulate the development outside of the 30-m buffer zone, the ongoing management of these lands is largely the responsibility of individual landowners. In recent years much progress has been made to encourage sustainable shoreline management practices in order to protect the authenticity of the slackwater canal sections. Landowners have been generally co-operative and have made considerable progress to rehabilitate degraded shorelines and protect existing natural areas. This trend is expected to continue.

An extensive network of non-governmental groups is active in cultural resource management, land protection, education and research, and make contributions to the conservation of the property. These include organizations such as the Rideau Canal Advisory Committee, the Rideau Waterway Land Trust, Friends of the Rideau, the Centre for Sustainable Watersheds, municipal heritage committees, residents’ associations and lake associations. These organizations, together with municipal and conservation authorities, private landowners and the Parks Canada Agency will ensure the authenticity of the nominated property.

12.0 Risk Preparedness

The geographic area in which the nominated property is located is not prone to natural disasters. The only situation that could constitute a significant threat to the property would be a major flood that could damage the dams and, to a lesser extent, buildings and locks. Such an event is possible but remote, given the water management regime of the canal. During the spring, when flooding is most likely to occur, water levels are reduced prior to the spring run-off. This provides the canal system with an increased capacity to handle additional water, reducing the risk of damage to canal structures.

The Parks Canada Agency will take the following actions to manage risks related to floods:

• Maintain water management protocols to respond quickly to sudden heavy precipitation.

• Study the stability of dams and other water control structures. Where necessary, modifications will be made to dams and embankments in a manner consistent with their historic value, to increase their ability to withstand major flood events.

13.0 Sustainable Tourism

The Parks Canada Agency does not foresee unmanageable visitor/tourism pressures that could negatively impact the nominated property. The components that are major tourism attractions, such as Fort Henry and Ottawa Lockstation, can easily serve more visitors without detrimental effects on cultural resources. In most parts of the canal corridor, tourism occurs at a low to moderate level of activity. The Parks Canada Agency and partner organizations promote visitation through tourism marketing initiatives.

Certainly, most sections of the Rideau Canal can accommodate increased boat traffic. There are, however, some high-volume locations along the canal, mostly on the Rideau Lakes. The Parks Canada Agency has taken steps to attract boaters away from them by promoting lower volume
lockstations and offering additional services at these alternate locations. Shore power, for example, has recently been installed at certain less busy lockstations, to better disperse boat use in the peak season, mid-June to September.

The Parks Canada Agency will take the following actions to effectively manage potential tourism pressures:

- Keep accurate records of visitation to specific locations within the property to identify trends in visitation and any potential threats to conservation.
- Develop appropriate visitor management strategies and action plans where threats are identified.

14.0 Reporting on the State of Conservation of the World Heritage Site

The ongoing monitoring programs of the Parks Canada Agency will be the primary mechanism for the collection of data on the state of conservation of the nominated property and will be used to plan and implement remedial measures when necessary.

The World Heritage Convention requires that State Parties periodically report on the state of conservation of world heritage sites located within their territories on a six-year cycle. Information on how the property of the Rideau Canal World Heritage Site has been conserved, protected and presented, will be included in Canada's report to the World Heritage Committee.
Rideau Canal
National Historic Site of Canada

Management Plan

May 2005
If ever a man deserved to be immortalized in this abortarian age, it was Lieutenant Colonel By. In an unexplored part of the country, where the only mode of progress was the feet of Indian canoe, with a department to be organized; workmen to be instructed and many difficulties to overcome, he constructed a truly remarkable work.

(Captain Richard Bowencastle of the Royal Engineers, London, 1842)
Foreword

Canada's national historic sites, national parks and national marine conservation areas represent the soul of our country. They are a central part of who we are and what we are. They are places of beauty and wonder and heritage. Each tells its own story. Together, they connect Canadians to our roots, to our future and to each other.

We see a future in which each of the national historic sites of Canada, whether federally owned or not, enjoys sound commemorative health, and in which our system of sites evolves as our country evolves. Our national historic sites will be places for all Canadians to experience and learn from. They will help our communities to be vibrant and creative, and contribute to our efforts to revitalize Canada's cities. Together, we will hold these places in trust for this and future generations, while ensuring they contribute to Canada's sustainable economy and environmental health.

Our vision is also for each of Canada's unique terrestrial and marine regions to be represented by at least one national park or national marine conservation area, for all national parks to be in sound ecological health, for all NMCAs to promote the ecologically sustainable use of our marine resources in a way that harmonizes conservation practices with human activities, and for both national parks and NMCAs to be places for all Canadians to experience and enjoy.

These principles form the foundation of the new management plan for the Rideau Canal National Historic Site of Canada. May I offer my appreciation to the vast range of thoughtful Canadians who helped develop this plan. I am especially grateful to our very dedicated team from Parks Canada and to all those local organizations and individuals who have demonstrated such good will, hard work, spirit of co-operation and extraordinary sense of stewardship.

In that same spirit of partnership and responsibility, I am pleased to approve the Rideau Canal National Historic Site of Canada Management Plan.

[Signature]

Stéphane Dion
Minister of the Environment
Recommended by:

Alan Latourelle
Chief Executive Officer
Parks Canada

Doug Stewart
Field Unit Superintendent
Eastern Ontario, Parks Canada
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1.0 INTRODUCTION

1.1 Purpose of the Plan

This management plan establishes the long term strategic direction for the management of the Rideau Canal National Historic Site of Canada (hereafter referred to as the Rideau Canal or simply Canal), consistent with national legislative and policy framework and based on public input. The purpose of a management plan is to ensure the commemorative integrity of a national historic site, guide appropriate public use, ensure the application of cultural resource management principles and practices in decision-making and conserve the natural values of the Canal. As such, it is through the implementation of the management plan that Parks Canada meets its obligations and fulfills its mandate as a steward of Canada’s national historic sites.

As a strategic plan it is a framework within which subsequent management, planning and implementation will take place. The plan contains a vision which describes the Canal as it could ideally exist in 15 years, a set of principles to guide the actions of all those who affect the Canal, and presents strategic goals and actions that need to be implemented by Parks Canada and others to make this vision a reality. Implementation of the management plan will be through the Eastern Ontario Field Unit Business Plan which will identify the resources required to undertake the actions in the plan.

The management plan updates and replaces the first plan prepared in 1996. While there has been no substantive change in policy direction or the operation and management of the Rideau Canal, the new plan has a focus on key strategies with clearly measurable actions. The revised management plan is intended to be implemented over a period of five years at which time it will be reviewed and if necessary, revised to reflect new conditions. This plan and subsequent revised management plans are tabled in the Parliament of Canada.

1.2 Structure of the Management Plan

The plan consists of 5 parts. In section 1, the Plan provides background information which establishes the context for understanding the rest of the plan. Section 2 presents an overview of the values of the Canal through a
summary of the Commemorative Integrity Statement. Section 3 expresses the vision and guiding principles. Sections 4 to 12 form the heart of the plan, identifying challenges, key strategies and actions to attain the vision for the Canal prescribed for Parks Canada and in co-operation with others. Section 13 is the summary of the environmental assessment and 14 is the 5 year implementation schedule.

1.3 Challenges for the Future

The history of the Rideau Canal is one of challenges successfully met. Lt. Colonel John By, the builder of the Rideau Canal, faced a tremendous challenge when assigned the task of building the Rideau Canal. In only six years, By supervised the design and construction of 47 masonry locks and 52 dams spread out along a wilderness route of 202 km. In the words of Robert Legget, the pre-eminent Canal historian: “Even today, with all modern construction facilities, this would be a major undertaking. One hundred and fifty years ago it was an unprecedented achievement, worthy to be ranked as one of the greatest civil engineering works ever carried out in North America” (Robert Legget, John By: Builder of the Rideau Canal, Founder of Ottawa, Ottawa: Historical Society of Ottawa, 1982).

Throughout the next 130 years after its completion in 1832, Canal authorities were challenged to keep the Canal open in the face of declining use and few resources.

By the 1960’s as the value of the Canal as a national historic site and recreational waterway became more apparent, a new challenge arose: the need to find a balance between increased recreational use and development of the Canal’s shore-land on one hand, and the preservation of its cultural and natural heritage character on the other.

Parks Canada’s goal is to preserve the cultural and natural values of the Canal and its setting while allowing for sustainable development on lands bordering the Canal and recreational use of the Canal itself. Trying to find the balance between these often competing activities is the challenge faced by Parks Canada, municipalities, other government agencies and the residents of the Canal corridor.

"Colonel By watching the Building of the Rideau Canal"
C W Jeffrey’s, Canadian National

The watercolour by C.W. Jeffrey provides an insight into the construction techniques employed to build the canal. In this artistic depiction Colonel By in full dress uniform is inspecting the work with Thomas McKay, the contractor with the Royal Sappers and Miners labouring below.

The plan sets out a long range program for Parks Canada, in co-operation with others, to meet the challenge of balancing use and the need for protection of the Canal's cultural and natural values, thereby ensuring that the Canal will be able to benefit future generations of Canadians.

1.4 The Challenge of Ensuring the Protection of the Historic Resources of the Rideau Canal.

The State of Protected Heritage Areas 1999 Report identified the Canal’s built heritage to be in fair to good condition. This was largely the result of investments in conservation and asset maintenance during the 1970s and 1980s. As a result, threats to the commemorative integrity of the heritage resources of the Canal were reduced.

The general reduction in available funds to maintain the cultural resources of the Canal has required that the only work undertaken has been on resources
whose deteriorating condition could lead to loss of historic fabric. Furthermore, the Canal must prioritize investments to ensure safe public use of these facilities and to continue to offer through-navigation. In many cases these multiple objectives can be successfully realized through an integrated approach to asset management. Should the current-day funding level persist, it is projected that it will become increasingly difficult to guarantee that commemorative integrity can be ensured.

1.5 The Fiscal Context for the Management Plan
During the next 5 years there is no expectation of resources, beyond the existing field unit budget, being received to implement the management plan. Efforts will be made towards ensuring the protection of Level 1 cultural resources, especially engineering works in most need of work in order to safeguard their historic value, and to ensure that safe and reliable navigation is not compromised. As well, the Canal will continue to provide quality service through existing resources and partnerships with others. The implementation table in section 14 of the plan shows that many of the actions of the plan will be implemented within 5 years using the existing financial and staff resources. Any other projects can only be undertaken if additional funds become available.

1.6 Parks Canada’s Role
Parks Canada has the responsibility to provide leadership and stewardship in protecting and presenting heritage areas of national significance. This means managing heritage areas under its jurisdiction to the highest standards and assisting and cooperating with others to protect and present other heritage areas of national significance.

1.7 Legislative and Policy Basis for the Plan
The Parks Canada Agency Act extended the legislative requirement for preparing management plans to national historic sites, including historic canals, administered by Parks Canada with a requirement for a review every five years. Parks Canada’s programs are directed by the Guiding Principles and Operational Policies. This document explains how the federal government carries out its national programs of natural and cultural heritage recognition, protection and presentation. The following policy objectives from that document provide direction for the management of the Rideau Canal.

National Historic Sites Policy Objectives:
• to foster knowledge and appreciation of Canada’s past through a national program of historical commemoration;
• to ensure the commemorative integrity of national historic sites administered by Parks Canada by protecting and presenting them for the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their associated resources; and

• to encourage and support the protection and presentation by others of places of national historic significance that are not administered by Parks Canada.

Historic Canals Policy Objective:

• to foster appreciation, enjoyment and understanding of Canada’s historic canals by providing for navigation; by managing cultural and natural resources for purposes of protection and presentation; and by encouraging appropriate uses.

Cultural Resource Management Policy Objective:

• to manage cultural resources administered by Parks Canada in accordance with the principles of value, public benefit, understanding, respect and integrity. All cultural resources under the stewardship of Parks Canada are managed in accordance with the Cultural Resource Management Policy.

Historic Canals Regulations:

• these regulations under the Department of Transport Act provide the regulatory framework for the management, use and protection of the Rideau Canal in accordance with the Historic Canals Policy and the Management Plan.

Canadian Heritage Rivers System Objective:

• to foster protection of outstanding examples of major river environments of Canada in a cooperative system of Canadian Heritage Rivers, and to encourage public understanding, appreciation and enjoyment of their human and natural heritage.

1.8 The Role of the Rideau Canal National Historic Site:

1.8.1 As part of Canada’s system of national historic sites:

The Rideau Canal is part of a larger system of over 890 national historic sites which contribute to an understanding and collective sense of Canada’s national identity as well as a shared sense of national pride. These national symbols are tangible links to our past, depict our diversity, achievements, shared values and are examples of Canada’s contribution to the preservation of global heritage.

Within the system of national historic sites the Rideau Canal is a commemoration within the sub-themes of: I. Technology and Engineering (within the theme Developing Economies)

Breeners Lower Mill 1831-32, Thomas Breen, Archives of Ontario

With masonry of lock nearly completed and excavation for Canal in progress

This sketch clearly shows the construction of a typical lock
2. Communications and Transportation (within the theme Developing Economies).

![Steamer "Hunter"](image)

*Ottawa Lake, looking to North West, November 1840, Thomas Burrell, Archives of Ontario*

The Steamer "Hunter" was typical of the steamers plying the canal. The canal was an important transportation route until 1850.

3. Military and Defense (within the theme Governing Canada)

![Lock Blockhouse at the narrows](image)

*Lock Blockhouse at the Narrows, the first descent from Smith's town to Bytown, Thomas Burrell 1841, Archives of Ontario*

The Blockhouse at the Narrows was built to defend this vulnerable lockstation. This was one of a number of fortifications along the Canal and in Kingston.

1.8.2 As a historic canal the Rideau Canal:
- protects cultural resources under its stewardship
- protects the natural resources of the Canal
- provides the public with an appreciation of the significant values of the Canal
- provides a safe and enjoyable recreational navigation system
- contributes to the ecological health of the Rideau and Cataractaui watersheds
- encourages compatible and appropriate use
- involves others in the protection of the Canal and its setting, and the provision of facilities and services for public use and enjoyment
- protects the heritage values of the Rideau Waterway as a Canadian Heritage River through co-operative action.

1.9 The Rideau Waterway Canadian Heritage River

The Canadian Heritage Rivers System has been established by the federal, provincial, and territorial governments for the purpose of recognizing outstanding rivers of Canada and ensuring that future management will protect these rivers and enhance their significant heritage values for the long term benefit and enjoyment of Canadians.

The Rideau Waterway was designated as a Canadian Heritage River in February 2000 for its outstanding human heritage and recreational values. These include the Canal system, its historical setting, the wide range of water based recreational activities, and water quality suitable for recreation. See Appendix C, Nominations Document for the
Rideau Waterway Canadian Heritage River, Summary of Values, for a detailed overview of its values as a Canadian Heritage River.

Despite changes in the responsibilities of government agencies and municipalities since the 1996 plan, the principle of co-operative action still holds true. Indeed, without the participation of all levels of government committed to the guiding principles of the plan, the vision for the Canal cannot be fully attained.

Municipalities are the most important partners in achieving the vision for the Canal. The 7 newly amalgamated municipalities have responsibility for shore-land use planning, development control and the protection of natural and cultural features. The Cataract Region Conservation Authority (CRCRA) and the Rideau Valley Conservation Authority (RVCA) regulate development on and adjacent to the floodplain and on unstable slopes, and are actively involved in shore-land development matters through the Rideau Waterway Development Review Team. Both Conservation Authorities have been delegated the authority to protect fish habitat under the Federal Fisheries Act. The RVCA has been especially active through the Tay River Watershed Management Plan and the Rideau Valley Clean Water Program.

The Ministry of Natural Resources regulates hunting and fishing in the Canal corridor and is involved in the review of municipal official plans. The Ministry of the Environment regulates municipal sewage treatment facilities and is responsible for enforcing pollution control legislation. The Ministry of Culture provides support for museums and heritage groups.

1.10 The role of other government agencies and municipalities

All three levels of government - federal, provincial and municipal - have a role in protecting the heritage character of the Canal and ensuring optimum recreational use. The federal-provincial agreement to designate the Rideau as a Canadian Heritage River is a recent example of how the governments of Canada and Ontario and the Rideau Valley Conservation Authority and Cataract Region Conservation Authority worked together to protect the Canal environment.

1.11 Regional Context

The Rideau Canal consists of a chain of lakes, rivers and Canal cuts, winding 202 kilometers from Kingston on Lake Ontario, to Ottawa, the Nation’s Capital. It is part of a larger system of recreational canals in Ontario, Quebec, and New York State providing unparalleled inland boating and heritage tourism opportunities.
The Rideau Canal links the Rideau and Cataraqui Rivers through 47 locks at 21 lockstations, and 18 kilometers of Canal cuts to create a navigable waterway between the Ottawa River and Lake Ontario. The summit of the Canal is Upper Rideau Lake at 123 meters above sea level. From there the Canal drops 83 meters to Ottawa and 49 meters to Kingston. Connected to the Rideau Canal is the Tay Canal which provides a navigation route to the town of Perth.

Consisting of lands on both sides of the Canal, the Rideau Canal corridor has long been recognized as an area of special interest owing to its unique combination of cultural, natural and recreational values. Although neither an administrative nor a formal planning area, the concept of a corridor is useful in recognizing that the Canal cannot be separated from its surroundings and that land use activities in the corridor have an impact on the integrity of the natural and cultural values of the Canal and its recreational values. Map numbers 1 identifies the Rideau Canal (the designated place) within the context of its adjacent corridor landscape.

The landscape of the Canal corridor is a mosaic of productive, marginal and abandoned agricultural land, wood lots and extensive forests, wetlands, lakes and rivers, scenic shore-lands and a wide range of settlements ranging in size from the city of Ottawa to small historic villages. This diversity of landscape and its historic resources are associated with the national historic significance of the Canal.
1.12 Management Plan Review Program

1.12.1 Planning background
The outdoor recreational boom of the 1960's led to a realization by the Governments of Canada and Ontario that the Canal should be managed as a historic site and recreational waterway. This led to the transfer of the Canal from the Department of Transport to Parks Canada in 1972. Subsequently, both governments agreed to work together towards preservation and optimum recreational use of the Rideau Canal and Trent-Severn Waterway corridors. As a result, provincial parks and conservation areas were established and Parks Canada purchased a number of islands, upgraded visitor facilities, developed interpretive programs and restored locks, dams and historic buildings.

In 1988, in response to increased recreational use and development pressures, Parks Canada produced the Rideau Canal Policies which provided direction for management of the Canal in the absence of a management plan. The first management plan was initiated in 1990 and completed in 1996.

The current management plan is prepared under the provisions of section 32.1(1) of the Parks Canada Agency Act and will be reviewed under section 32.2(2) in 2010.

1.12.2 The need for an update of the 1996 Management Plan
The first management plan for the Rideau Canal National Historic Site of Canada provided a comprehensive program for conservation and presentation of the cultural and natural values of the Canal, and identified Parks Canada's role in shore-land development, ecosystem management, public use of the Canal, and regional tourism. Since that time there have been a number of management plan requirements which have necessitated a substantial revision of the format of the plan. These are: the need to provide a strategic long term guide for management of the Canal, consistency with the requirements for management plans as identified in the "Parks Canada Guide to Management Planning", and the need to identify actions to ensure commemorative integrity.

Appendix B identifies the actions in the 1996 plan, what was accomplished and what is included in this plan revision.

1.12.3 Plan Review Process
The planning process has been designed to review the 1996 management plan and to prepare a revised management plan consistent with current federal legislation and policies, and the evolving conditions facing the Rideau Canal. The process consisted of a review of the current plan, identification of new issues and trends which need to be addressed, public consultation, and preparation of a final plan.

The public consultation program was designed to involve the staff, the public and government agencies in the preparation of the plan. This was accomplished in the following manner:

- involvement of Canal staff in the preparation of the draft plan;
- review of all planning products by the Rideau Canal Advisory Committee;
- discussions with provincial and federal agencies and municipalities to ensure that the plan is consistent with the policies and actions of these bodies, and to solicit their support of the plan;
- review of the draft plan by Canal corridor stakeholders;
- involvement of the general public through open houses and the website;
- request for comment from Members of Parliament and the Ontario Legislature.
2.0 COMMEMORATIVE INTEGRITY

The cornerstone of the National Historic Sites Policy and the primary purpose of a management plan is to ensure the commemorative integrity of a national historic site. The concept of commemorative integrity is used to describe the health and wholeness of a national historic site. A national historic site possesses commemorative integrity when the resources directly related to the reasons for the site’s designation as a national historic site are not impaired or under threat, when the reasons for the site’s national historic significance are effectively communicated to the public, and when the site’s heritage values, including those resources not related to national significance, are respected by all whose decisions or actions affect the site.

The Commemorative Integrity Statement identifies the cultural resources of the Canal, objectives to ensure that they are not impaired or under threat, interpretive messages and objectives for effective communication of the reasons for national significance. It is intended to provide the benchmark for planning, managing operations, reporting on the state of the resource, and taking remedial action. At the core of the management plan are strategies and actions to ensure that these resources are protected and the public understands the reasons for the Canal’s national significance. Appendix A contains the Commemorative Integrity Statement for the Rideau Canal and the Merrickville Blockhouse National Historic Site of Canada. A separate management plan for the Merrickville Blockhouse will be prepared in the near future. This document is an integral part of the management plan, and is referred to throughout the plan where appropriate. It is summarized in the following subsections.

2.1 Statement of Commemorative Intent

Commemorative Intent refers to the reasons for a site’s designation as a national historic site, as determined by the ministerially approved recommendations of the Historic Sites and Monuments Board of Canada.

The Rideau Canal was first commemorated in 1926 to mark the 100th anniversary of the commencement of construction of the Canal. This was followed by further statements of its national significance in 1967 and 1987, (see Appendix A, 3.0 for a complete description of HSMBC minutes). Based on the recommendations of the Historic Sites and Monuments Board of Canada, the Rideau Canal was declared a national historic site because of:

- the construction of the canal system;
- the survival of a high number of original canal structures including locks, blockhouses, dams, weirs and original lockmasters’ houses plus the integrity of most lockstations;

![Dam at Jones Falls when nearly completed, showing the last temporary passage for the surplus water, 1851 - Thomas Barrow, Archives of Ontario](image)

The construction of the Stone Arch Dam at Jones Falls illustrates the construction of the canal system.
• the unique historical environment of the canal system.

Kingston Mills Blockhouse, Rideau Canal Photo Collection
The Kingston Mills Blockhouse is an outstanding example of the survival of a high number of original canal structures.

1827's stone cottage near Merrickville, Rideau Canal Photo Collection
This stone Georgian Cottage near Merrickville exemplifies the unique historical environment of the canal system.

These reasons for national historic significance provide the basis for determining which resources of the Canal are of national historic significance. An overview of the history of the Rideau Canal is found in Appendix A - Commemorative Integrity Statement, section 4.0 - Historical and Geographic Context.

2.2 The Designated Place

Designated Place refers to the area which was designated by the Minister as the national historic site on the recommendation of the Historic Sites and Monuments Board of Canada. In the case of the Rideau Canal, the designated place consists of the lands under the jurisdiction of Parks Canada and the bed of the Rideau Canal. All cultural resources within the designated place, which are related to the construction and military period of the Canal, are level 1 cultural resources as they are directly associated with the reasons for commemoration. All other cultural resources within the designated place are level 2 cultural resources.

The primary focus of Parks Canada’s activities will be on preserving the cultural and natural values within the designated place. However, there has long been a recognition that much of the value of the Rideau Canal lies in its association with the unique historical environment of the Canal corridor comprising a cultural landscape modified by 200 years of settlement, consisting of historic villages and rural landscapes containing a large number of historic buildings and natural features. It is this combination of cultural and natural features which has led to the recognition of the Rideau Canal corridor as a distinct cultural landscape worthy of preservation. The Parks Canada study: "The Cultural Landscapes of the Rideau
Canal Corridor" identifies the heritage values of the Canal corridor and ways to protect them.

The landscape adjacent to the Canal is both visually, ecologically and historically associated with the Rideau Canal, and its management affects the Canal and the quality of the visitor’s experience. This management plan recognizes the importance of preserving the cultural and natural values of the Canal corridor and the role of Parks Canada as a partner in conservation efforts. Section 5.0 of the Commemorative Integrity Statement describes the Designated Place and its values in greater detail.

2.3 Cultural Resources of National Significance

Cultural resources of national significance consist of all those resources directly related to the reasons for commemoration. These level 1 resources consist of:

- 40 of the Rideau’s 47 locks;
- 18 of the Rideau’s 45 dams, weirs and embankments;
- 18 Canal buildings consisting of 12 defensible lockmaster’s houses, 4 blockhouses, the Commissariat Building and Blacksmiths Shop;
- all 22 lockstation landscapes;
- all archaeological sites dating from the construction and military periods;
- archival material from the military period;
- archaeological artifacts from the construction and military period.

Sections 6 and 7 of the Commemorative Integrity Statement describes these resources, their values and objectives for ensuring that they are unimpaired and not under threat.

2.4 Messages of National Significance

The following messages of national significance will form the basis for informing the public of the Canal’s national historic significance:
2.5 Other Heritage Values of the Rideau Canal

The Canal possesses other associative and physical values, resources, and messages (level 2) that contribute to its heritage character and heritage experience but which are not related to the reasons for designation as a national historic site. These consist of engineering works, buildings, archaeological sites, and moveable objects from the post military period to 1967; and heritage messages dealing with the Canal after the construction and military period.

Sections 9 and 10 of the CIS identifies these resources, their values, messages and objectives for effective communication and conservation of these level 2 resources.

2.6 The Natural Environment of the Rideau Canal Corridor

The waterway's ecosystem features form an integral part of the history and natural landscape of the Rideau and are considered a vital heritage resource of the Canal system that must be respected and safeguarded.
3.0 VISION AND GUIDING PRINCIPLES

When Colonel By arrived in Canada in 1826 he immediately saw the potential of the Rideau Canal not only as a military route, but also as an essential link in a great commercial transportation system linking the Great Lakes with the Atlantic Ocean thereby assuring Britain military and commercial control of the Great Lakes. Instead of a small military canal, he envisioned a commercial waterway able to accommodate steam boats, the vessel of the future. His foresight established the Canal as a viable commercial waterway for over 100 years.

3.1 Vision for the Future

Parks Canada’s vision for the Rideau Canal is an expression of what the Canal should be in the future. It is an update of the vision in the 1996 plan. It is based on Parks Canada’s mandate for the Rideau Canal and input from stakeholders who have made it clear what they value about the Canal and what they want it to be in the future. The vision establishes an ideal state which Parks Canada and Canal stakeholders are striving to attain. The vision can be attained through the implementation of the actions in the management plan.

- Canadians, residents and visitors cherish the Rideau Canal as a symbol of Canada’s identity and take pride in their contribution to preserving this national treasure for future generations.
- The cultural and natural resources under the stewardship of Parks Canada are protected for the benefit of this and future generations.
- Residents of the Canal corridor value and protect the unique cultural and natural heritage character and scenic beauty of the Canal corridor through the co-operative efforts of stakeholder groups, government agencies, public and private sector partnerships, municipal land use policies, and private stewardship.
- The Canal’s tradition as a fully functional navigable historic waterway is maintained.
- The Rideau Canal is a valuable tourism and recreational resource contributing substantially to the economy of eastern Ontario. Canal corridor tourism partners work together to promote the Rideau Heritage Route as a unique cultural heritage experience and provide quality services and facilities for visitors.
- Parks Canada and heritage interests together present the story of the Canal and its communities resulting in greater awareness, understanding and
appreciation of the heritage values of the Canal corridor.

- The values of the Rideau Waterway Canadian Heritage River are widely understood and protected through public and private stewardship.
- Rideau Canal staff are proud of their stewardship role and through their actions display leadership in resource protection, sustainable use, and heritage presentation.

3.2 Guiding Principles

These guiding principles provide a framework for public and private decision-making activities. It is vital that these principles be understood, accepted and applied to guide all private and public activities if the vision for the Rideau Canal corridor is to be achieved.

- The historic values, natural features, scenic beauty and diversity of cultural landscapes of the Canal corridor constitute its unique heritage character and should be respected by government, commercial interests and private residents.
- through-navigation is a valued means by which to promote public understanding, appreciation and enjoyment of the heritage values of the Canal.
- The Rideau Canal should contribute to tourism and recreation as a major component of the corridor economy.
- The public and private sector shall co-operate to provide a range of high-quality facilities and services for visitors.
- Development of the shore-land and on lands adjoining Canal lands should respect the historic and scenic character of the Canal landscape, and be environmentally sustainable and not conflict with navigation.

The "Quarters" - a scenic narrow channel near Jones Falls - Manuel Steenus, Parks Canada

Scenic narrow channels should be preserved for their natural beauty

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LONG ISLAND LOCKSTATION
4.0 HERITAGE CONSERVATION

4.1 Protecting the Cultural Resources of the Rideau Canal

Cultural resource management encompasses the identification, evaluation, conservation, and presentation of cultural resources which have historic value. The Historic Canals Policy and the Cultural Resource Management Policy provide direction for the management of the cultural resources of the Rideau Canal. This includes traditional uses of cultural resources where appropriate.

The cultural resources of the Rideau Canal consist of the engineering works, buildings, landscapes, archaeological sites, artifacts and archival resources associated with the military period (level 1) and post military period operation (level 2) of the Canal. Complementing the cultural resources of the Canal is a cultural landscape setting which has evolved over two hundred years. The Cultural Landscape of the Rideau Canal Corridor Phase II Study describes and evaluates the corridor’s cultural landscapes and recommends actions which should be taken to manage and preserve significant landscapes. This study can be used by municipalities, heritage interests and private landowners to identify and protect the cultural landscape of the Canal corridor.

4.2 Current Heritage Conservation Management Activities

- Parks Canada has an ongoing program of monitoring and maintenance of Canal buildings and engineering works to conserve historic fabric and ensure safe and reliable use. As a result 88% of the buildings and 92% of the engineering works are in good to fair condition.

- Known archaeological features on Canal land and on the bed of the Canal are protected.

- Parks Canada participates in the municipal planning and shore-land development review process to encourage sensitive development and preservation of the heritage character of the Canal.

- Many corridor residents value the heritage character of the Rideau Canal corridor and have made substantial contributions to heritage conservation through their own efforts.

- A number of municipalities are working to protect the historical values of the Canal corridor through municipal designations under the provisions of the Ontario Heritage Act and other legislation that

Remains of submerged bridge, Rideau Canal
Doretha Larson, Parks Canada
contributes to the protection of historic values such as the "Provincial Policy Statement for Land Use Planning", the Planning Act and the Municipal Act.

4.3 Heritage Conservation Management Challenges:

- Projected funding limitations over the next ten years may affect the ability of the Canal to carry out a comprehensive maintenance and conservation program. As a result, the condition of level 1 and level 2 cultural resources may gradually deteriorate thus making it increasingly difficult to ensure the commemorative integrity of the engineering works and buildings.

- The requirement to ensure navigation throughout the entire system requires that the level 1 and level 2 engineering works must be afforded equal maintenance attention so that they are safe and reliable.

- There is a need for increased information on the location and condition of terrestrial and underwater archaeological resources.

- There is a need to have an inventory and assessment of moveable objects; e.g. artifacts, maps, plans and archaeological artifacts under the stewardship of Parks Canada.

- There is a need to increase public understanding of the Rideau Canal as a National Historic site and Canadian Heritage River.

- The cultural landscape of the Canal corridor is under threat from incompatible development.

- An inventory and assessment of the value of historic buildings and landscapes in the Rideau Canal corridor would be beneficial to raise awareness of their heritage value and support for their preservation.

- The long term integrity of privately owned historic buildings on Canal lands cannot be assured. These buildings constructed many years ago on land leased from the Canal primarily for residential purposes, some of which have historic value. There are currently no means to ensure their protection.

4.4 Strategic Goals:

Manage all cultural resources under the stewardship of Parks Canada in accordance with the principles and practices of the Cultural Resource Management Policy and the FHBRO Code of Practice where applicable so that the values of these resources as identified in the CIS are safeguarded.

Encourage the protection of the other cultural resources within the Rideau Canal corridor.

4.4.1 Key Actions by Parks Canada

- Undertake a program of ongoing monitoring, maintenance and conservation of engineering works essential for the safe and reliable operation of the Canal and to ensure their commemorative integrity as detailed in the Long Term Capital Plan for the Canal.

- Monitor and undertake a program of conservation maintenance to safeguard the historic values of level 1 and level 2 buildings to ensure their commemorative integrity.
their historic values as identified in the CIS are safeguarded.
• Raise awareness of the values of the Rideau Canal identified in the Commemorative Integrity Statement and the application of the cultural resource management policy among staff and stakeholders.

4.4.2 Key Actions by Parks Canada in Co-operation with Others
• Encourage municipalities to implement cultural heritage policies in their official plans and establish Heritage Advisory Committees to advise municipal councils on the conservation of historic buildings and landscapes along the Canal.
• Establish a network of heritage agencies and organizations, municipal heritage and land use planning officials to promote the inventory, conservation and monitoring of the significant buildings and cultural landscapes of the Canal corridor.
• Encourage the use of architectural styles in keeping with the architectural heritage of the Canal corridor for new construction adjacent to the Canal and lockstations.
• Identify views and adjacent private lands critical to the protection of the heritage setting of lockstations, and specific corridor communities, and encourage landowners and municipalities to protect these values through private land stewardship, the implementation of appropriate planning tools such as heritage district designation under the provisions of the Ontario Heritage Act, open space policies, heritage easements and zoning bylaws.

• Promote the use of The Cultural Landscape of the Rideau Canal Corridor Phase II Study among heritage interests and municipalities as a means of raising awareness of the cultural resources of the Canal corridor and the protection of these resources through private stewardship and municipal action.

• Co-operate with the Town of Smiths Falls, heritage interests and the owner of the Bascule Bridge National Historic Site of Canada at the detached Lockstation in Smiths Falls to protect this nationally significant structure.

Leg House on the county road between Merrickville and Barrett's Rapids
Rideau Canal Photo Collection
NICHOLSONS LOCKSTATIONS

The Andrewsville Bridge, and the Nicholsons and Clouses overflow dams.

Simon Lunn
5.0 ECOSYSTEM MANAGEMENT

5.1 The Rideau Canal Ecosystem

The Historic Canals Policy and the Cultural Resource Management Policy require the protection of the Canal’s natural resources and identified ecosystem features respectively including some habitats, natural landscapes and resources, and their values. These policies also encourage others to protect ecologically related natural features on adjacent lands through cooperative action and private stewardship. The Historic Canals Regulations, Canadian Environmental Assessment Act, Species at Risk Act and Canada Fisheries Act provide a federal regulatory framework for protection of ecological values on Canal lands and waters. Provincial legislation regulates fishing and hunting and the protection of water quality. The natural environment of the Canal is considered to be an important aspect of its historic value in the Commemorative Integrity Statement (Appendix A, section 4.0, and section 11.0).

The location of the Rideau within three physiographic regions and two watersheds results in a system with outstanding biological diversity. Most notable are the outstanding range of wetlands, a number of significant plant and animal communities, a number of species of flora and fauna considered to be at risk and one of the most diverse fish communities in Canada. Ongoing research is adding to these lists and further confirming the significance of the Canal’s major wetlands. These are found in a setting in which over half of the shore-land is still in its natural state, a remarkable amount given the Canal’s long history of human use. As well, 16% of the Canal’s shore-lands is wetland (190 km), and more than 20 of these wetlands are provincially significant.

The Rideau Canal ecosystem, although generally healthy, is subject to a variety of ecological stresses such as nutrient loading from private and public sewage treatment facilities, storm water discharges, agricultural run-off, shore-land development, disturbance and fragmentation of wildlife habitats, fishing pressure, recreational activities and the effects of invasive species. The long term cumulative impact is estimated to be significant as many of these impacts are expected to continue or increase over time. Clearly this points to the need to reduce the sources of stress on the ecosystem. This will be a challenging task as the activities which are the source of ecosystem stress are integral to the economy of the Canal corridor.

5.2 Ongoing ecosystem management activities:

- Environmental assessments as required by the Canadian Environmental Assessment Act of many proposed private or public in-water and shoreline works along the Canal such as docks, marinas, lock...
and dam reconstruction and other activities that could affect the environment.

- Application and enforcement of the Historic Canals Regulations and Canada Fisheries Act to regulate in-water and shoreline works and protect aquatic habitat.

- Review of municipal official plans, zoning by-laws and other planning instruments with other agencies to influence the adoption of environmentally sound planning policies.

- Review of planning activities, land division and other development activities to assess and mitigate potential environmental impacts.

- Participation, co-ordination and technical advice for inter-agency and community based environmental research projects (e.g. watershed planning, biodiversity study, biological inventories, water quality and aquatic plant monitoring, etc.)

- Communicating ecosystem management and environmental stewardship messages to the public, Canal staff and other groups, and providing information on a variety of environmental subjects.

- Fostering public participation in environmental stewardship

- Co-operating with other government agencies, stewardship councils, laie, cottage and other associations such as the Rideau Waterway Land Trust Foundation and Centre for Sustainable Watersheds and universities in conducting research, inventories and environmental monitoring to promote the health of the two watersheds.

5.3 Ecosystem management challenges:
The following major concerns must be addressed to secure the long term ecological health of the Rideau Canal ecosystem.

- Projected funding limitations over the next ten years may affect the ability of the Canal to develop

and implement the necessary range of ecosystem management strategies and programs. Investment decisions will be made through the business plan and based on criteria related to greatest environmental benefit.

- The need to protect ecosystem features especially those that directly relate to the construction of the Canal as these have historic as well as natural value.

- The impairment of water quality on a watershed level as a result of the cumulative impact of land management and development activities and the need to establish achievable goals and objectives for water quality, and ecosystem management.

- The ability to consistently meet mandated requirements for environmental assessments as required by the Canadian Environmental Assessment Act, and consistent permitting, monitoring and enforcement of in-water and shoreline construction activities with limited staff and resources.

- The availability of, and access to, environmental data in support of sound decision making, long term planning, and the review of developmental impacts on Canal aquatic and riparian habitats.

- The need to identify and document environmentally sensitive features such as critical habitats and populations of floral and faunal species at risk for biodiversity conservation purposes in the Canal corridor.

- The impact of invasive species on overall ecosystem health and especially aquatic biodiversity.

- The public confusion over the roles of government agencies and municipalities, and public perception that they are not co-operating or co-ordinating their activities and planning.

- The long term cumulative impact of shore-land development, erosion control structures, docks, boating activities, intensive agricultural use, urban
Management Plan

land drainage and sewage treatment plant effluent, and exotic species on the ecological health of the Canal and its associated shore lands.

- The need to undertake research and establish an ecological indicator and monitoring program to assess the ecological health of the Canal and to consistently address a wide range of ecosystem health issues, e.g. the impact of shore-land development on riparian habitat, water quality, protection of threatened, vulnerable or endangered species and tourism use and development.

5.4 Strategic Goal:
To conserve the ecological values of the Rideau Canal corridor.

5.4.1 Key Parks Canada actions:
- Protect natural ecosystem features such as wetlands and critical habitats under Parks Canada jurisdiction.
- Ensure that the potential environmental impacts of in-water construction, and when applicable, shore-

The protection of wetlands and natural shorelands is critical to ensure a healthy ecosystem

Rideau Canal Photo Collection

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- Manage submerged aquatic vegetation through harvesting in the navigation channel where it interferes with boating.
- Parks Canada will show leadership by managing its activities in an environmentally responsible manner.

5.4.2 Key Actions in Co-operation with Others:
- Continue to co-operate with other agencies and environmental interests in the establishment of a shared corridor-wide environmental data management program to fill critical information gaps, analyze and manage the data in support of sound decision-making and the protection of ecological values.
- Complete and make widely available guidelines and best management practices for in-water and shoreline construction activities.
- Work with other agencies, organizations and stakeholders to identify ecologically sensitive lands for the purpose of implementing the provisions of the Income Tax Act for ecological gifts. Parks Canada will continue to support the identification of areas along the Canal important for potential biodiversity conservation purposes, in addition to those already identified or designated, which include significant wetlands, ANSI sites, migratory bird and fish sanctuaries, islands dominated by unaltered natural landscapes, and significant stretches of undeveloped shoreline, particularly in narrow channel and lockstation areas.
- In co-operation with other agencies and organizations, establish manageable ecological indicators and implement an environmental monitoring program to assess the environmental health of the corridor over time. These indicators will measure environmental change and monitor the cumulative impact of human activities on the environmental health of the corridor.
- Prepare and implement a conservation strategy for species at risk.

- Continue to work with the Department of Fisheries and Oceans and the Ministry of Natural Resources to protect fish habitat and enforce regulations to ensure the continuation of sustainable fish populations.
- Co-operate with other agencies and environmental interests to monitor the spread and impact of invasive species.
- Support, encourage, and where appropriate, participate in community based and inter-agency environmental research, inventory, protection and monitoring projects such as watershed planning initiatives and private land stewardship.
- Raise public awareness of ecosystem values and the role of all stakeholders as stewards of the environment.
MERRICKVILLE LOCKSTATION
6.0 WATERFRONT LAND USE AND DEVELOPMENT

6.1 Overview:

This section deals with Parks Canada’s involvement in the development of municipal shore-land policies, and review of land use and development activities along the Canal. Since the 1950's many sections of shore-land have evolved from natural and agricultural to intensive cottage and suburban development. The net effect of waterfront development has been a dramatic change in the character of the cultural and natural environment and its scenic beauty, and a reduction in the quality and diversity of the riparian ecosystem.

Parks Canada encourages municipalities and other agencies to contribute to the protection of the heritage character of the Canal through supportive municipal planning policies. Parks Canada has the legal mandate under the Ontario Planning Act as both a reviewing agency and adjacent landowner to provide input into the development of all municipal plans and planning decisions and subsequent private land-use development activities.

6.2. Waterfront Land Use and Development Challenges:

- Given the number of planning and development applications and limited staff and resources, Parks Canada has a limited capability to participate in the review and comment on municipal plans and selected waterfront land development activities. As well, resource constraints do not allow for full follow-up or monitoring of development to ensure that comments and agreements have been addressed and applied.

- Some municipal official plans do not yet fully recognize and protect the Canal’s heritage values as there are no common waterfront land management objectives among Canal corridor municipalities.

- Municipalities and landowners need to be made aware of Parks Canada’s interests in waterfront development and its role in the review of municipal planning policies, official plan and zoning bylaw amendments and shore-land development proposals.

- There are insufficient resources to educate or consult with landowners, developers and municipalities on their role in protecting the heritage values of the Canal and the use of the design guidelines for waterfront development.
While there is general acceptance of the need to protect natural values, there is less understanding of the scenic and cultural values of the Canal and the need to protect them as well.

Entrance to Morton Bay, South of Jones Falls Lockstation

Manuel Sitovou, Parks Canada

New development should be carefully planned to protect the scenic qualities of areas like Morton Bay.

There is a need to identify waterfront lands of historic, scenic and natural value and to protect them through municipal official plan designation and private land stewardship.

6.3 Strategic Goals:

To encourage respect for the natural, cultural and scenic values of the Canal’s waterfront lands.

To encourage Canal corridor municipalities to adopt planning policies which protect the heritage character of the waterfront and safe and enjoyable use of the Canal.

6.3.1 Key Actions by Parks Canada:

• In its review of land use policies, applications for waterfront development and consultations with development proponents, Parks Canada will be guided by the Voices for In-water and Shoreline Works, the Waterfront Planning and Design Guidelines, the Commemorative Integrity Statement, the Historic Canals Regulations, the Canada Fisheries Act, the Canadian Environmental Assessment Act, the Ontario Planning Act, and federal and provincial wetlands policies.

• Parks Canada will promote the guiding principles in section 3.2 of this plan among landowners, municipalities, developers and other stakeholders as a means of encouraging sustainable development and use.

• Parks Canada will actively participate in the municipal planning process to encourage municipalities to adopt policies and make land use decisions which embody the above principles and protect the heritage character and recreational uses of the Canal.

• Where municipal planning policies and waterfront development proposals have a potential detrimental impact on the aquatic ecosystem, navigation and Canal lands, and the heritage character of the Canal setting, Parks Canada will use the appeal process in the Ontario Planning Act to protect its interests if other means of influencing the decisions are not successful.

6.3.2 Direction for Parks Canada Involvement in Waterfront Planning and Development:

• The Rideau Canal Management Plan will serve as the statement of management direction for Parks Canada with regard to its involvement in the development of municipal land use policies and waterfront land use and development matters.

• Parks Canada will encourage municipalities to adopt common policies in their official plans to protect the cultural, scenic and natural heritage values of the Canal corridor.

• Parks Canada will encourage municipalities to develop municipal official plans that:

  • Recognize the national historic significance of the Rideau Canal, its natural and recreational value, its tourism contribution, and its status as a Canadian
Heritage River and that make a commitment to preserve the values of the Canal through appropriate official plan policies and zoning bylaws.

- Encourage backshore development to protect open space and the natural appearance of the shore-land through appropriate policies.
- Recognize Parks Canada’s jurisdiction over all activities on and over the bed of the Canal, especially the construction of in-water and shoreline works.
- Contain policies for the establishment of marinas, and the need to address potential environmental, boating capacity and aesthetic impacts.
- Contain policies to ensure that the development of the waterfront for residential use will not impact adversely on water quality, boating safety, boating capacity, and the natural and scenic character of the Canal shore-land.
- Contain land subdivision policies which protect shore-land vegetation, fish and wildlife habitats, wetlands and other environmentally sensitive sites.
- Contain policies to protect historic buildings, cultural landscapes and archaeological sites along the Canal.
- Contain development control policies as provided for by the Planning Act to address the environmental impact of shore-land development.
- Parks Canada will review subdivision and severance applications and requests for minor variances to determine their potential impact on the Canal’s historic and natural features, scenic value and boating activities.
- Parks Canada will allow in-water and shoreline works intended for private use where there are no boating conflicts, where there is sufficient capacity to accommodate additional boating activities, and where environmental impact is negligible or can be mitigated. The potential impact on the scenic character of the Canal will also be considered.

Rideau Canal between Manotick and Kars

Simon Lam
Intensive shoreline development as occurred during the past 30 years should not occur in the future.

Boathouse, Newboro Lake - Jon Reynolds

This modest boathouse is an excellent example of an in-water and shoreline work which has negligible impact on the aquatic environment and scenic character of the canal.
• Parks Canada will seek to ensure that any new transmission line, pipeline and bridge crossings are located, designed and constructed to have the least impact on the natural, historic and scenic values of the Canal. Proponents must show a clear requirement for such a crossing.

6.3.3 Key Actions in Co-operation with Others:
• Parks Canada will co-operate with others to identify waterfront lands of outstanding natural, historic and scenic value and encourage their protection through private land stewardship, the Rideau Waterway Land Trust and appropriate municipal designation in official plans.
• Through the Rideau Waterfront Development Review Team, and other review mechanisms, Parks Canada will provide advice for development along the Canal corridor which respects the guiding principles in this plan.
• Parks Canada will support the establishment of a network of municipal planners and government agencies as a forum to discuss issues and exchange information on Canal corridor municipal planning matters.

• Parks Canada will work with municipalities and stakeholders to encourage shore-land property owners to follow the environmental design guidelines in publications such as “On the Living Edge”, and other publications dealing with environmentally sensitive development.
EDMONDS LOCKSTATION

This photo illustrates how the spillway dam creates a slackwater pool upstream.

Simon Lunn
7.0 HERITAGE PRESENTATION

7.1 The Importance of Presenting the Rideau Canal Story

Heritage presentation refers to interpretation, communications and outreach education programming that provides opportunities for enjoyment and active learning. The purpose of heritage presentation is to provide visitors with opportunities to appreciate and understand the Rideau Canal, first as a national historic site, and as part of the Rideau Waterway, a Canadian Heritage River. Opportunities also exist to learn about its history and its cultural and ecosystem values and to engage and motivate Canadians to participate in the preservation of this heritage.

Presentation of the reasons why the Rideau Canal is a national historic site is fundamental to ensuring commemorative integrity and is thus a program requirement as identified in the Historic Canals Policy and Cultural Resource Management Policy. The Commemorative Integrity Statement identifies the messages of national significance and other heritage messages, see Appendix A, Commemorative Integrity Statement, section 8 and section 12.

7.2 Current Heritage Presentation Activities:

- Heritage presentation programs at Ottawa Locks, Merrickville, Jones Falls and Kingston Mills based on the heritage resources and stories at these sites, consisting of displays and personal services interpretation.
- Parks Canada co-operates with and supports the Rideau Canal Museum in Smith's Falls, which presents the construction, operation and use of the Canal.
- Interpretive panels at most lockstations present a combination of nationally significant and other heritage messages.

7.3 Heritage Presentation Challenges:

- A variety of brochures and other interpretive media and presentation of heritage messages by staff.
- Presentation of heritage messages by museums in Canal buildings (Bytown Museum, Chaffey's Museum, Rideau Canal Museum, Merrickville Blockhouse), and by other museums along the Canal.

Sweeney House at Jones Falls - Rideau Canal Photo Collection

Costumed staff at the Sweeney House present to visitors the story of the life of a lockmaster in the 1840's.

- The State of Protected Heritage Areas 1999 Report has rated the communications program as fair. This indicates a need to improve the heritage presentation program.
- Greater opportunities exist to work with partners such as the Friends of the Rideau and the Rideau Canal Museum in the delivery of Canal messages.
- The full potential of the community museums on Canal lands and those along the corridor as partners in heritage presentation has not been realized.
- There is a need for an evaluation system in place to determine the effectiveness of the heritage presentation program.
• Outreach and educational programming have high potential for growth.

7.4 Rideau Canal Heritage Presentation Audiences and Their Needs

Heritage Users
The visitors and residents who take an active interest in the heritage of the corridor seek opportunities to enrich their knowledge and understanding through special programming and avenues to pursue their own research about the Canal.

Corridor Residents/Stakeholders
Corridor residents/stakeholders have expectations similar to those of other Canal visitors, with the added interest in the Rideau Canal as a heritage presentation leader in the corridor. An ongoing program of communicating Parks Canada’s messages is required to encourage resident and stakeholder support for efforts to achieve commemorative integrity.

Students and Educators
The education community seeks a wide range of heritage presentation products, from locational tours to outreach programs to website information, with a preference for products that meet the following requirements:
• material linked to the current school curriculum and tailored to specific age groups
• low-cost,
• convenience in locating information about and preparing for the Heritage Presentation experience,
• opportunities to expand learning (e.g. materials available for research projects).

Tour Groups
Tour expectations may vary, depending on the age and interests of the group, but all share some basic expectations:
• established tour programs,
• flexibility in program length, scheduling, etc.,
• facilities (washrooms, parking) to accommodate groups,

Educational group tours make up a large part of this audience, and some of their specific educational needs are listed above.

One emerging audience that is particularly receptive to Parks Canada messages is the Learning Travel market. Requirements of this group include:
• enriched programming,
• services associated with the special needs of seniors.

Off-Site Audiences
Outreach to urban populations and others who may not have an opportunity to tour the Rideau Canal in person may be accomplished through:
• website content,
• Parks Canada’s Engaging Canadians Strategy.

Recreation-Focused Visitors
This group includes boaters, picnickers, skaters and other users who are drawn by the Canal’s recreational appeal rather than its historical significance. These visitors have few specific expectations with regard to heritage presentation, though there is great potential to build on their appreciation of the Canal’s heritage values through:
• interpretive signage,
• presentation of heritage messages by informed lock staff,
• heritage presentation programming.

7.5 Strategic Goal:
To provide opportunities to understand and appreciate the cultural and ecological values of the Rideau Canal National Historic Site and Canadian Heritage River within the national context of protected heritage areas.
7.5.1 Key actions by Parks Canada:

- Present a basic heritage message at all lockstations about the national historic significance of the Rideau Canal.

- Continue to present the Rideau Canal story in greater detail at the five major interpretive nodes (Kingston Mills, Jones Falls, Smiths Falls, Merrickville and Ottawa Locks). Where required, modifications to the existing presentation programming will be made to more fully convey the heritage messages as identified in the Commemorative Integrity Statement.

- Present site specific resources and messages at the remaining lockstations based on the messages identified in the Commemorative Integrity Statement.

- Present messages related to the national significance of the Rideau Canal and Parks Canada national messages through outreach and education programs including internet websites, learning travel, school programs, etc.

- Parks Canada will monitor audience satisfaction and the level of retention of messages in order to determine overall program effectiveness.

7.5.2 Key Actions in Co-operation with Others:

- In collaboration with the tourism industry, heritage attractions, educators and community partners, promote the Rideau Canal corridor as a premier cultural heritage learning experience and destination.

- Support community museums on Canal lands and elsewhere in the Canal corridor in the presentation of the key messages related to the national significance of the Canal.

- Work with the Rideau Canal Museum in Smiths Falls as the primary focus for presentation of the Canal.
• Co-operate with other heritage interests to communicate the cultural and ecological values of the Canal corridor to encourage public involvement and private stewardship.

• Develop an outreach program for young Canadians focused on messages of national significance.

• Establish an ongoing program of evaluating the effectiveness of the program and making changes to ensure optimum delivery of key messages.

• Co-operate with the National Capital Commission and other partners to enhance the interpretation of the Canal within the National Capital Region.
POONAMALIE LOCKSTATION
8.0 VISITOR SERVICES AND FACILITIES

Parks Canada provides a range of facilities and services so that visitors will be able to enjoy the Rideau Canal safely while protecting its cultural and natural values. As directed by the Historic Canals Policy, Parks Canada has a mandate to provide facilities and services for through-navigation and public use of lockstations.

It is recognized that effective provision of facilities and services for public use requires a co-ordinated effort by government and the private sector so that the needed services are provided in the most effective and efficient manner. The provision of facilities and services in the Canal corridor need to be thought of in terms of what visitors need, and then who is best suited to provide it.

8.1 Current activity:

- Provision of navigation facilities, services and information for safe and enjoyable through-navigation.
- Provision of facilities, services and information at lockstations for land-based visitors and boaters.
- Public safety information, services, and facilities.
- Access for the disabled at lockstations where appropriate and where it can be undertaken without compromising the integrity of cultural resources.

8.2 Visitor Services Challenges

- There is a need to define the respective roles of Parks Canada, municipalities and the private sector in the provision of visitor facilities and services.
- Establishing quality standards for the tourism industry in the corridor to ensure that services and facilities are provided and maintained at a consistent standard.

8.3 Strategic Goal:

To work with others to provide a wide range of appropriate recreational opportunities, facilities and services that enable visitors to enjoy the Canal.
Management Plan

8.3.1 Key Actions by Parks Canada:

- Parks Canada will define and provide a basic level of facilities and services at lock stations which includes day-use facilities, docks, washrooms, and camping, and navigation aids along the Canal to meet the needs of Canal visitors.

- Review and update orientation publications and other media to ensure that they provide information on visitor facilities and service provided by Parks Canada, as well as fees and safety measures.

- Parks Canada will produce a public safety plan.

- Provide access for the mobility impaired to Canal facilities where it can be achieved without compromising the commemorative integrity of Canal heritage buildings. Where the mobility impaired cannot be provided with access, attempts will be made to provide alternative interpretation through the use of videos, exhibits, website and other appropriate media.

- Parks Canada will monitor client satisfaction to determine how well services and facilities are being provided and to identify changing needs.

- Parks Canada will consider new services such as electrical power at lock stations on a full cost-recovery basis. Fees for such facilities will be set to reflect market pricing.

- Performance standards will be established to measure how well facilities and services are being provided.

8.3.2 Key Actions in Co-operation with Others:

- Market research to determine visitor needs and expectations will be undertaken in cooperation with various stakeholders, determined by specific research requirements, objectives and resources available.

- In cooperation with tourism stakeholders, manage recreation facilities and activities in a way that promotes enjoyment, appreciation and understanding of the Canal, minimizes environmental impact, and reduces conflicts between user groups.

- Encourage municipalities, conservation authorities and others to provide sufficient public access to the Canal.

- The private sector will be encouraged to invest in appropriate new or enhanced facilities and services. If no private sector operator is willing, Parks Canada may provide the service or facility at full cost-recovery. In either case, new or enhanced services and facilities will not compromise the commemorative integrity or heritage character of the Canal and will be environmentally sustainable and cost-effective.
9.0 HERITAGE TOURISM AND RECREATION

The Rideau Canal corridor has been a popular recreation destination since the 1870’s. Today, tourism is the single most important economic activity in the Canal corridor. Land-based visitors to the lockstations is estimated at over one million per year while another 1.4 million people use the Canal in Ottawa during the winter. The Economic Impact Study of the Rideau Canal National Historic Site revealed that the Rideau Canal itself contributes over $24 million to national GDP and sustains over 600 full-time jobs.

The Historic Canals Policy states that historic canals should contribute to regional tourism and that Parks Canada should participate in community and interagency tourism initiatives. To that end the Rideau Canal participates in the marketing of the Rideau Canal corridor as a cultural heritage and recreational tourism destination.

While tourism is generally a positive benefit, increased use has resulted in conflicts especially among boaters and between boaters and shore-land residents. Negative impacts on the aquatic environment are also of concern. The Historic Canals Policy recognizes the need to ensure that uses and activities respect the heritage character of the Canal’s cultural and natural resources, are compatible with public safety and contribute to the public’s appreciation and enjoyment of the Canal.

9.1 Current Tourism Marketing Program:
- Involvement in a wide variety of tourism promotion programs with other tourism interests.
- Marketing activities are evaluated to ensure that they are effective in reaching out to target markets.
- Promotion of the Rideau Heritage Route with other partners in the Ontario East Tourism Association.

9.2 Tourism and Recreation Challenges
- The management of boating activities on the Canal to provide for public safety, and minimize user conflicts and impact on cultural and ecosystem values of the Canal.
- There is no one single agency that has traditionally provided leadership in addressing boating safety, operation and impact issues.
- High speed boating, wake, unsafe operation of vessels, noise and congestion in certain areas of the Canal has degraded the enjoyment of the Canal for boaters and waterfront residents.
- The ability of the Rideau Canal corridor to compete against other comparable tourism regions.
- Tourism associations and partners generally focus on their own local areas.
- Comprehensive tourism information on the Canal corridor in one package is not available.
- Promotion efforts have focused on increasing overall boating and land base use rather than on specific target markets.
- Promotion efforts to increase boating activities in the peak season could result in user conflicts, damage to the environment, and a reduced quality of the visitor experience.
- Possible conflicts between new markets (e.g. canoeists), with traditional users (boaters).

9.3 Trends affecting tourism:
- Projected substantial increase in population of the Ottawa area could increase use pressure on the Rideau Canal.
- Increased boat numbers and larger boats on the Canal are increasing demands for services and the potential for conflicts.
- Increased interest in cultural tourism, learning, travel, and educational experiences.
9.4 Strategic Goals:
To promote the Rideau Canal corridor as an authentic, high quality, cultural heritage, and recreational experience while respecting its cultural and ecosystem values.

To manage boating activities to promote safe, enjoyable use of the Canal and to reduce conflicts and environmental impact.

9.4.1 Key actions by Parks Canada:
• Parks Canada will focus its tourism marketing efforts on sustainable activities which enhance the tourists understanding, appreciation and enjoyment of the Canal’s cultural, natural and scenic values.
• Parks Canada will take a leadership role in the tourism marketing of the Rideau Canal Heritage Route, and in corridor-wide marketing initiatives.
• Ensure that marketing efforts are properly targeted.

• Monitor the effectiveness of the marketing program and make adjustments when required.
• Parks Canada will lead by example by providing high quality facilities and services on Canal lands for sustainable activities.

9.4.2 Key actions in co-operation with others:
• Parks Canada will take a leadership role in co-operation with other law enforcement agencies and boating interests to identify and address boating safety, conflicts and environmental impact concerns.
• In co-operation with the tourism industry, develop and market new packages, programs and services based on the cultural and ecosystem values of the Canal corridor.
• Participate in the marketing of the Rideau Heritage Route.

Blacksmithing Demonstration on the Rideau Canal Skateway
Steve Verr
UPPER RIDEAU LAKE

BIG RIDEAU LAKE

NARROWS LOCKSTATION
10.0 ADMINISTRATION AND OPERATIONS

10.1 Overview

The Rideau Canal Headquarters Office, located at the centre of the Canal in Smiths Falls, is responsible for the overall administration of the Canal providing a range of specialized functions to deal with the complex demands of operating a historic canal. Three sector offices, in Elgin, Smiths Falls and Manotick are responsible for the operation and maintenance of the Canal and supervise the lockstations, which are the primary points of public contact and the delivery of services. Lockmasters and their staff are responsible for operating the locks, maintaining the grounds and programs for visitors.

10.2 Administration and Operations Challenges

- Resolving the unauthorized occupation of Crown lands by adjacent shore-land property owners in a fair and equitable manner.
- Regulating the use of the bed of the Canal for commercial and private activities e.g. marinas and private docks.
- The establishment of new agreements for the use of surplus water for hydro-electric generation consistent with the Historic Canals Policy.
- Enforcement of regulations regarding unauthorized encroachment on the Canal.
- Ensuring that Parks Canada conducts its operations in an environmentally sustainable manner.

10.3 Strategic Goals:

To manage the private use of Canal lands and the bed of the Canal in a manner that protects the cultural, natural and scenic values of the Canal, ensures appropriate public use and respects the interests of the occupant.

To ensure that all aspects of Parks Canada's activities, facilities and services are guided by the principles of cultural resource management, environmental stewardship and sustainability.

10.3.1 Key actions by Parks Canada:
The management of Canal lands will be guided by the following criteria:

- The private use of Canal lands will be consistent with the protection of the heritage character of the Canal.
- Commercial use facilities must not compromise the commemorative integrity of lockstations, and must serve the needs of Canal users.
- Public safety and use of the Canal cannot be compromised.
- A fair return to the Crown where appropriate.
Management Plan

- All maintenance and operations activities will be carried out in an environmentally sound manner.
- All construction projects, new services, facilities and activities on Parks Canada administered land over which Parks Canada has jurisdiction, or to which Parks Canada contributes funds, will be subject to an environmental assessment where required under the Canadian Environmental Assessment Act.
- The Historic Canal Regulations will be enforced.
- Messages about environmental stewardship will be incorporated into the Canal’s communications and training programs.

- Respect for existing legitimate private uses of Canal land.
- The acquisition and disposal of property will be governed by the need to ensure the commemorative integrity of the Canal, ecosystem health, public safety and use, and operational needs.
- Canal lands occupied by adjacent shore-land property owners which do not have cultural, ecological or scenic value and are not required for operational purposes may be sold.
- Parks Canada will inform landowners of the extent of Crown ownership along the Canal and the regulations governing the protection and use of Crown lands.
- Regulations regarding unauthorized encroachments on, and use of, the bed of the Canal and Canal lands will be enforced.
- Any new agreements for the use of surplus water for hydro-electric generation will be established in accordance with the provisions of the Historic Canal Policy.
DAVIS LOCKSTATION
11.0 WATER MANAGEMENT

11.1 Overview of Present Water Management Procedures.

The Rideau Canal manages water flows in much of the Cataraqui and Rideau watersheds, either directly or through agreements with other organizations. Parks Canada strives to maintain adequate water levels in the navigation channel for safe navigation of the system. In addition, hydro-electric power is generated at several sites, a number of communities and agricultural operations draw water from the Canal, and recreational uses and the natural environment both rely on a stable water management regime.

Generally, the dams on the majority of the lakes within the Canal are operated in a similar pattern annually. Each lake is drawn down by late fall to its winter holding level, and remains at that level until February. Those lakes that support lake trout populations reach their lowest levels by October 15th, which coincides with their annual spawning cycle. Based on the amount of snow in the watershed in March, each lake may be adjusted based on the forecasted amount of runoff and any resulting drawdown is limited by the minimum lake level reached the preceding fall. This constraint is intended to improve lake trout spawning success, such as those in Bobs, Crow and Big Rideau Lakes.

Springtime operations are aimed at filling each lake and preventing any local flooding or excessively high outflows which can cause ice jamming and flooding. The lakes are held at near their "full level" for as long as possible while satisfying downstream flow requirements, however, coupled with evaporative losses this results in a gradual crawdown throughout the summer months.

During the navigation season, a flow sufficient to maintain a minimum 1.6 m. (5 ft) depth throughout the Canal is drawn from the reservoir lakes. The majority of this flow is necessary to compensate for evaporation and transpiration losses, which can exceed any runoff from rainfall during the summer. (e.g. Big Rideau Lake loses 1-2 cm. daily). For this reason there is often a substantial drawdown from these lakes by late summer.

The Rideau Canal operates its water management procedures to reduce the impact on recreation and the natural environment. For example, flow restrictions at certain locations in the spring protect the annual picking of spawning and adjusting the flows from certain reservoir lakes, where possible, assists in preserving water for recreation and wildlife in these lakes.

Water management is essentially the balancing of competing needs. With a limited amount of water available, lakes must be filled during the spring runoff, while at the same time minimizing any threat of flooding. Ensuring there is enough water for navigation throughout the season while still maintaining recreational and fishery needs is a difficult task compounded by the vagaries of weather.

Panmure Dam - Kerry McGonigal

The Panmure Dam is a modern hydraulic structure which controls the level of Lower and Big Rideau Lakes
11.2 Water Management Challenges

The following major concerns have been identified in the Rideau Canal Water Management Study (1994), and through discussions with stakeholders:

- The impact of water management procedures on the aquatic ecosystem.
- High water in the Rideau Lakes in the spring.
- The effects of the operation of hydro-electric generating facilities on water levels.
- The effects of drawdown on the reservoir lakes on recreational use and the aquatic ecosystem.

11.3 Water Management Policies

- Parks Canada is required by the provisions of the Historic Canals Policy to provide adequate water depths for navigation within the navigation channel as shown on the hydrographic charts of the Canal.

- Flooding will be abated through management of the water control system while recognizing that the ability to reduce flooding is influenced by the weather, the nature of the system and the design of the water control structures.
- Water management procedures are carried out in a manner to have the least possible impact on the aquatic environment and recreational use of the Canal.
- The impact of drawdown of the reservoir lakes on recreational activities and the aquatic environment will be minimized through a more precise control of water flows where practical.
- The operation of hydro-electric generation facilities will be in accordance with the Historic Canals Policy.

Edmonds Dam - Rideau Canal Photo Collection

The Edmonds Dam is a typical overflow weir designed to maintain adequate water levels for navigation.
12.0 ONGOING PARTNERSHIP AND PUBLIC INVOLVEMENT

The Rideau Canal is part of the every day life of many people along the Canal. The management of water levels, hours of operation, the use of lockstations and the management of Canal lands and the bed of the Canal directly affects most Canal corridor residents and many visitors. As well, since the Canal is a national historic site, its management is of interest to all Canadians. To deal with these and many others issues, the Canal is involved with the public, individually and collectively.

Public stakeholder groups have had a long history of involvement related to the management of the Rideau Canal. There are a wide variety of organizations with an interest in the future of the Canal. Heritage groups, lake associations, fish and game clubs and tourism interests all contribute to the quality of the Rideau environment and its public use opportunities. These groups and the general public have an expectation of ongoing consultation for many aspects of Canal management, as well as production and implementation of this plan. The attainment of the vision for the Rideau Canal will depend to a large extent on how Parks Canada can involve most stakeholder groups in the implementation of the actions in this plan on an ongoing basis.

12.1 Strategic Goal:

To involve the public in the development and implementation of the management plan and consult with appropriate interests before making important decisions about the operation of the Canal.

12.1 Key actions by Parks Canada:

- The Rideau Canal Advisory Committee will continue to function as a primary means of consultation in the management of the Canal. The Committee embodies diverse interests and experience with a stake in the future of the Canal.
- The Committee will be consulted on all major decisions in the management of the Canal.
- Establish a communications strategy to transmit important information and involve the public in policy, facility and activity planning where their participation would be appropriate.
- Support the Rideau Canal Advisory Committee in convening a periodic symposium on the challenges facing the Rideau Canal.
- Nurture the establishment of networks of similar interests within the Canal corridor and support their objectives.
- Continue to support the objectives of the Friends of the Rideau and the Rideau Waterway Land Trust Foundation.
- Prepare an annual assessment of the progress of implementing the plan and inform the public.
- Prepare a State of the Canal report every five years prior to the management plan review.
- Undertake a formal review of the management plan on a five year cycle.
BRASS POINT BRIDGE
13.0 SUMMARY OF THE ENVIRONMENTAL ASSESSMENT

The Management Plan for the Rideau Canal National Historic Site presents a vision of how Parks Canada and the community view the future of the Canal and the actions required to fulfill that vision. The Environmental Assessment (EA) document was prepared at the draft stage of the plan to identify any adverse environmental impact of existing and proposed facilities or activities in the plan. In addition, the EA’s purpose is to assess the plan’s adherence to Parks Canada’s environmental policies and those of the government in general.

The plan proposes a wide variety of progressive concepts and management initiatives, all of which are aimed at protecting the resources represented by the Canal. Many of the existing activities/operations/uses at the Canal are the source of historical and current impact on the key components of the cultural, natural or socio-economic environments, most of which originate from users of the waterway or by cooperative partners. Given the vast number and variety of users of the Canal corridor, ensuring that the integrity of the Canal from all perspectives (natural, cultural and socio-economic) is, by far, a huge challenge. However, the manner in which this challenge can be met is through recognition of the positive impact of the proposed activities and concepts in the new plan. Many of these positive aspects are statements regarding the management and protection of the resources, forward-moving initiatives to enhance the management and protection strategies already in place and methods by which to draw more visitors to the Canal and thereby generate revenue. In many cases, the plan allows for mechanisms to deal with these issues through management strategies, rather than specific physical works or projects.

Monitoring will be critical to ensure that mitigation strategies are appropriate and effective. Establishment of an effective feedback mechanism is important to ensure that the monitoring is communicated to those who can promote implementation. There should be ongoing involvement of Parks Canada in any development proposals set forth within Canal boundaries and, whenever possible, on adjacent lands. Collectively, the strategies set forth in the management plan are there to ensure that resources of the site, not currently under threat, remain as such and that those currently under threat become protected.

The plan initiatives contribute to the commemorative integrity of the Canal and clearly demonstrate adherence to Parks Canada’s cultural resource management goals and objectives. In so doing, they should enable the Rideau Canal National Historic Site to achieve its vision.
KINGSTON MILLS LOCKSTATION
14.0 PLAN IMPLEMENTATION

Parks Canada uses its annual business planning process to identify delivery of services and improvements to its site operations. The management plan provides the strategic direction upon which a site's business plan is based. The business plan will identify the specifics of when and how the management plan strategies will be implemented. The business plan will also ensure that priorities are based on commemorative integrity, client service, and wise and efficient use of resources.

Implementation of this management plan is the responsibility of the Superintendent of the Rideau Canal National Historic Site of Canada. Government appropriations make up the majority of resources required to implement this plan but other funding mechanisms including revenue generation and partnerships will be explored. The Superintendent will report on the implementation of the plan through the bi-annual State of the Protected Heritage Areas Report and through annual business plan implementation reporting.

The following tables outline the various projects required to achieve commemorative integrity at the site, protect the environment, maintain the integrity of the navigation system and provide quality service to visitors.

Implementation priority categories are:

1. The project or activity must proceed as a high priority action with funding and staff in place or earmarked in future years. The project or activity is necessary to achieve commemorative integrity, maintain the integrity of the navigation system, protect the environment, ensure public safety and provide quality service to clients, or has a significant bearing on future projects aimed at ensuring commemorative integrity.

2. The project has an impact on commemorative integrity, ecosystem health, navigation or on quality service to clients, and should proceed subject to results of the above, should funding become available due to savings extracted from priority 1 items or with new or re-allocated funds.

3. Implementation is preferable but not essential to ensuring commemorative integrity, ecosystem health or quality service to clients. Project should be considered as opportunities and funding availability permit.
### CULTURAL RESOURCE MANAGEMENT

**Cultural resource Management Actions by Parks Canada (4.4.1)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing monitoring and maintenance of engineering works.</td>
<td>1</td>
<td>Investment of regular operating and capital project funding on a priority basis to protect heritage fabric and ensure public safety.</td>
<td>Ongoing. Major capital projects identified in Business Plan. Annual update.</td>
</tr>
<tr>
<td>Ongoing monitoring and maintenance of buildings.</td>
<td>1</td>
<td>Investment of regular operating and capital project funding on a priority basis to protect heritage fabric and ensure public safety.</td>
<td>Ongoing. Major capital projects identified in Business Plan. Annual update.</td>
</tr>
<tr>
<td>Conserve lock station landscapes.</td>
<td>1</td>
<td>Identify cultural landscape features, protect through ongoing monitoring and maintenance and operational activities.</td>
<td>Ongoing. Major capital projects identified in Business Plan. Annual update.</td>
</tr>
<tr>
<td>Protect archaeological sites on Canal lands and on the bed of the Canal.</td>
<td>1</td>
<td>Update the inventory of known archaeological sites. Ongoing management of sites and monitoring of maintenance and operational activities and potential impacts. Interventions to mitigate any threats.</td>
<td>2004/2006 Ongoing As required</td>
</tr>
<tr>
<td>Conserve objects and archaeological artifacts.</td>
<td>1</td>
<td>Update catalogue and condition reports. Prioritized mitigation of conservation issues.</td>
<td>2004 - 2006 Ongoing</td>
</tr>
</tbody>
</table>
### CULTURAL RESOURCE MANAGEMENT

**Cultural resource Management, co-operative actions, (4.4.2)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encourage municipal actions to conserve heritage.</td>
<td>2</td>
<td>Raise awareness of heritage values among planners, municipal councils and landowners. Support and sponsor of Waterway Symposium. Interventions with the development community to protect structures and landscapes.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Establish a network of heritage interests.</td>
<td>2</td>
<td>Hold workshops with heritage interests. Support shared learning and conservation programs.</td>
<td>2004/2005</td>
</tr>
<tr>
<td>Protect lands adjacent to lockstations etc.</td>
<td>3</td>
<td>Participate in Municipal Official Plan processes. Provide technical assistance to municipalities and adjacent land owners. Review of development applications.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Assist the owner in protecting the Bascule Bridge NHSC (Smiths Falls, ON).</td>
<td>1</td>
<td>Negotiation of partnership agreement. Participate in partnership agreement to protect and manage the bridge.</td>
<td>2005</td>
</tr>
</tbody>
</table>

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*page 56*
## ECOSYSTEM MANAGEMENT

*Key Parks Canada actions (5.4.1)*

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inventory and protect natural ecosystem features on the Canal.</td>
<td>1</td>
<td>Inventory of significant wetlands. Actions to conserve and protect ecosystem resources. Investments in studies such as species at risk, critical resources. Contaminated sites management.</td>
<td>2004/2006</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
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<td></td>
<td></td>
<td></td>
<td>As required</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>Monitor and ensure the environmental assessment of in-water and shoreline works.</td>
<td>1</td>
<td>Proactive assessment of Parks Canada marine works projects. Review of landowner/lessee applications for in-water and shoreline works.</td>
<td>As required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
<tr>
<td>Manage submerged aquatic vegetation.</td>
<td>1</td>
<td>Control vegetation in navigation channels. Study and analysis of invasive species spread in cooperation with others.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2004/2006</td>
</tr>
</tbody>
</table>

*Ecosystem management, key co-operative actions (5.4.2)*

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collect and Share environmental information.</td>
<td>2</td>
<td>Maintain networks with other jurisdictions, agencies and associations. Participate in Rideau River Round Table. Establish data base linkages.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
### Ecosystem management, key co-operative actions (6.4.2) continued

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify ecologically sensitive lands, promote their protection.</td>
<td>2</td>
<td>Work with partners such as the Rideau Waterway Land Trust.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support environmental stewardship initiatives through cooperative action.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Make progress with partners in establishing a set of environmental indicators.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Initiate a monitoring program on a pilot project basis.</td>
<td>2005/2006</td>
</tr>
</tbody>
</table>

### WATERFRONT LAND USE AND DEVELOPMENT

**Key Parks Canada actions (6.3.1)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participate in municipal planning process.</td>
<td>1</td>
<td>Review and comment on official plans and other specific land use decision making processes.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Guide developed and available for property owners and stakeholders.</td>
<td>2005/2006</td>
</tr>
</tbody>
</table>

### Key actions in co-operation with others (6.3.2)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify and promote protection of scenic, historic and ecologically</td>
<td>2</td>
<td>Provide advice to municipal governments and land owners based on Rideau Cultural Landscape study.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>significant waterfront lands.</td>
<td></td>
<td>Manage Canal lands including leased land in accordance with CIS and Landscape Study.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
### Key actions in co-operation with others (6.3.2) continued

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network with municipal planners and government agencies.</td>
<td>2</td>
<td>Establish a network of planners. Promote regular meetings and learning opportunities.</td>
<td>2005/2006 Ongoing</td>
</tr>
</tbody>
</table>

### HERITAGE PRESENTATION

**Key Actions by Parks Canada (7.5.1)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
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<tbody>
<tr>
<td>Upgrade heritage presentation program to present messages of national significance at five lockstations.</td>
<td>1</td>
<td>Implement program upgrade at one site not completed (Merrickville) Make strategic investments in upgrading or initiating program elements.</td>
<td>2005 - 2006 Ongoing, Specific projects in Business Plan.</td>
</tr>
<tr>
<td>Present other heritage messages at remaining lock stations.</td>
<td>2</td>
<td>Invest in up to date interpretive media.</td>
<td>Ongoing, Specific projects in Business Plan.</td>
</tr>
</tbody>
</table>

### Key actions in co-operation with others (7.5.2)

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support community museums in presentation of key messages.</td>
<td>2</td>
<td>Provide technical assistance in business planning and heritage presentation.</td>
<td>As required</td>
</tr>
<tr>
<td>Support presentation of key messages by the Rideau Canal Museum.</td>
<td>1</td>
<td>Work with the Rideau Canal Museum as a central heritage presentation facility for the Rideau waterway.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Co-operate with other agencies and interests to promote stewardship and public involvement.</td>
<td>2</td>
<td>Identify and support strategic partnerships. Support public education and information initiatives.</td>
<td>Ongoing Ongoing, Initiative specific involvement.</td>
</tr>
</tbody>
</table>
### VISITOR SERVICE AND FACILITIES

**Key actions by Parks Canada (8.3.1)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a basic level of service and visitor information.</td>
<td>1</td>
<td>Information will be provided at all lockstations, using media and advertising and through internet.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Produce a public safety plan.</td>
<td>1</td>
<td>Plan to be written and approved.</td>
<td>2005/2006</td>
</tr>
<tr>
<td>Monitor client satisfaction.</td>
<td>2</td>
<td>Regular surveys and public comment.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Establish performance standards for services and facilities.</td>
<td>3</td>
<td>Research and analysis of industry standards and norms for tourism facilities.</td>
<td>2004/2006</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordinate standards with other Parks Canada canals.</td>
<td>2005/2006</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Publicize standards.</td>
<td>2007/2008</td>
</tr>
</tbody>
</table>

**Key actions in co-operation with others (8.3.2)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undertake market research.</td>
<td>2</td>
<td>Research on visitor needs and market trends.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Encourage private sector investment in services and facilities.</td>
<td>2</td>
<td>Assist in identifying opportunities to private sector.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Partner with private sector where appropriate.</td>
<td>As required</td>
</tr>
</tbody>
</table>

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### HERITAGE TOURISM AND RECREATION

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide lead in tourism marketing.</td>
<td>2</td>
<td>Strategic leadership in the Rideau Waterway corridor in promotion and awareness. Specific marketing actions such as advertising.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Focus marketing on sustainable activities.</td>
<td>2</td>
<td>Strategic direction and actions will be based on sustainable activities and use.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

**Key activities in co-operation with others (9.4.2)**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-operate with others to address boating safety and conflict issues.</td>
<td>1</td>
<td>Work with Coast Guard and police forces to establish and enforce speed and wake controls.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Participate with tourism industry to market the Rideau Heritage Route.</td>
<td>2</td>
<td>Take a leadership role in specific projects.</td>
<td>As required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Link all marketing activities to the RHR initiative.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### ADMINISTRATION AND OPERATIONS

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continue to resolve land ownership issues.</td>
<td>2</td>
<td>Systematic resolution on an individual transaction basis.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provision of information to real estate industry and legal community with respect to federal government ownership.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>
## ADMINISTRATION AND OPERATIONS continued

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protect the bed of the Canal from unauthorized use.</td>
<td>1</td>
<td>Provision of public information with respect to development issues.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regular inspection and enforcement action.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Undertake environmental assessment of all projects.</td>
<td>2</td>
<td>Proactive application of CEAA.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Enforce historic canal regulations.</td>
<td>1</td>
<td>Update regulations.</td>
<td>2004/2005</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provision of public information regarding regulations.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Enforcement relative to mandate.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

## ONGOING PARTNERSHIP AND PUBLIC INVOLVEMENT

<table>
<thead>
<tr>
<th>Activity</th>
<th>Priority</th>
<th>Description</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Involve the public through the Rideau Canal Advisory Committee and other mechanisms.</td>
<td>2</td>
<td>Consultative activities related to specific issues and activities.</td>
<td>Ongoing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Support and sponsor Rideau Waterway Symposium.</td>
<td>Annually</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Regular meetings of Advisory Committee.</td>
<td>Four times per year</td>
</tr>
<tr>
<td>Support the Friends of the Rideau, the Rideau Canal Advisory Committee and the Rideau Waterway Land Trust.</td>
<td>2</td>
<td>Active involvement on project specific basis.</td>
<td>As required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Provide support and assistance.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>Activity</td>
<td>Priority</td>
<td>Description</td>
<td>Timing</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>----------</td>
<td>-------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Prepare annual assessment of plan implementation.</td>
<td>1</td>
<td>To be done March of each year.</td>
<td>Annually</td>
</tr>
<tr>
<td>State of the Canal report every 5 years.</td>
<td>3</td>
<td>Roll up of annual reports. Evaluation of asset condition.</td>
<td>As required</td>
</tr>
<tr>
<td>Review the management plan every 5 years.</td>
<td>1</td>
<td>Next review to begin in 2009.</td>
<td>2009/2010</td>
</tr>
</tbody>
</table>
APPENDIX A

COMMEMORATIVE INTEGRITY STATEMENT

RIEDEAU CANAL and MERRICKVILLE BLOCKHOUSE NATIONAL HISTORIC CANALS OF CANADA (Approved September 2000)

1.0 INTRODUCTION

The Rideau Canal National Historic Site of Canada which includes the Merrickville Blockhouse National Historic Site of Canada is owned by the federal government and administered by the Parks Canada Agency for the benefit, education and enjoyment of all Canadians. While the Canal contains a remarkable collection of engineering structures and buildings that survive from its early history, the Rideau is not an historic enclave or museum piece. Rather, this historic waterway remains an integral link in a corridor of communities running 200 kilometers between the Ottawa River and Lake Ontario. It is also an operating canal, providing local and through navigation for tens of thousands of boaters annually. Furthermore, managing the Rideau Canal carries with it an important environmental stewardship role because the waterway and the corridor’s ecosystem are inextricably joined. In fact, many of the natural ecosystem features of the Rideau corridor are a direct creation of Canal construction. Given the Canal’s size and complexity and its important roles in both the human and natural environment, the task of safeguarding its irreplaceable heritage places and cultural resources and effectively telling its story to Canadians is a challenging responsibility.

The Merrickville Blockhouse is wholly contained within the designated place for the Rideau Canal. Its designation as a national historic site in its own right highlights its excellence as a type of structure, others of which are also found along the waterway and all of which constitute Level I resources under the Rideau Canal’s designation.

For the purposes of this CIS, a statement of commemorative intent, designated place, values and messages of national significance are identified for the blockhouse. The other heritage values for this national historic site are fully subsumed into the other values and messages for the Rideau Canal.

1.1 National Historic Sites of Canada Objectives

The Government of Canada’s objectives for National Historic Sites of Canada are:

- to foster knowledge and appreciation of Canada’s past through a national program of historical commemoration;
- to ensure the commemorative integrity of national historic sites of Canada administered by Parks Canada, by protecting and presenting them for the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their associated resources;
- to encourage and support the protection and presentation by others of places of national historical significance that are not administered by Parks Canada.

2.0 PURPOSE AND DEFINITION OF COMMEMORATIVE INTEGRITY

Commemorative integrity describes the health and wholeness of a national historic site. A national historic site possesses commemorative integrity:

- when the resources that relate to the reasons for designation of the national historic site or symbolize or represent its importance are not impaired or under threat,
• when the reasons for the site's national historic significance are effectively communicated to the public, and
• when the site's heritage values including those not related to national significance are respected by all whose decisions or actions affect the site.

2.1 Commemorative Integrity Statement
A Commemorative Integrity Statement is a site-specific elaboration of what is meant by commemorative integrity for a particular national historic site. The CIS is intended to provide the benchmark for planning, managing operations, reporting and taking remedial action. It is divided into three main elements:

• Resources that relate to the reasons for designation of the national historic site or symbolize or represent the site's importance are not impaired or under threat - This section of the CIS identifies the resources that relate directly to the site's national significance. It also describes the historic values of these resources, which can be symbolic as well as physical. These values must be safeguarded and communicated. The CIS provides guidance, through indicators and objectives, about the meaning of "not impaired or under threat" in the context of the site.
• Reasons for the site's national significance are effectively communicated to the public - This section of the CIS identifies messages of national significance, as well as any additional, essential information required to ensure their understanding. It provides guidance, through objectives, on integrity in presentation and effective communication with audiences.
• Site's heritage values (including those not related to national significance) are respected in all decisions and actions affecting the site - This section of the CIS covers heritage resources and values that are not related to national significance, as well as any other matters not covered under the other two elements of commemorative integrity. It provides guidance, through indicators and objectives, on what is meant by "respect" in the context of the site.

3.0 STATEMENT OF COMMENORATIVE INTENT
Commemorative intent identifies the reason(s) why the site was commemorated as being of national historic significance. While the authority to designate a national historic site rests with the Minister, it is on the advice of the Historic Sites and Monuments Board of Canada (HSMBC) or the "Board" that this authority is exercised. Commemorative intent, therefore, is based on the Ministerially-approved recommendations of the Board's deliberations.

During its deliberations in June 1924, the Historic Sites and Monuments Board first noted the national importance of the Rideau Canal. The following year, the Board adopted the resolution "that the construction of the Rideau Canal be declared an event of national importance."

In 1926, the Canal was commemorated through a Board-approved plaque. It stated: "This tablet commemorates the hundredth anniversary of the beginning of the construction of the Rideau Canal in September, 1826, under the direction of Lieutenant Colonel John By, R.E., connecting the Ottawa River with Lake Ontario for ship navigation, thereby, laying the foundation of the City of Ottawa and advancing the development of Eastern Ontario."

In May 1939, the Board recognized the national significance of the Merrickville Blockhouse by recommending "That a secondary tablet bearing the following inscription be placed on this structure: - MERRICKVILLE BLOCKHOUSE. A fine example of the best type of blockhouses erected for the defense of the Rideau Canal about 1832."

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The plaque text reads as follows:

MERRICKVILLE BLOCKHOUSE

When construction of the Rideau Canal began, Merrickville was already an established village and was considered to be a logical spot for an innkeeper. Consequently Colonel John By urged strong measures for the protection of the lockstations. The result was this blockhouse, built in 1832-33, the largest on the Rideau Canal and the second largest surviving in Canada. It still resembles its early description as "a good blockhouse, the basement and ground floor being of stone, and the upper story of wood covered with tin, the whole surrounded by a ditch."

The next Board recommendation came in 1867, when it was reconfirmed that "the Rideau Canal is of national historical importance, and further resolves as follows: the entire lock system of the Rideau Canal including locks, blockhouses, dams, weirs and original lockmasters' houses be declared of national historical significance... the Minister should assume such responsibilities for the policies of Canal maintenance and operation as may be necessary to maintain the existing structures and preserve the unique historical environment of the Canal System."

During deliberations on the Trent-Severn Waterway in November 1887, the Board commented in a comparative note that the Rideau Canal "is unique among Canadian Canals in that so many of its original structures have survived as built and most of its lockstations retain their integrity..."

The Rideau Canal was designated a national historic site in 1924. The reasons for national significance, based on the 1924, 1967 and 1987 Minutes of the Historic Sites and Monuments Board of Canada are:

- the construction of the canal system;
- the survival of a high number of original canal structures including locks, blockhouses, dams, weirs and original lockmasters' houses plus the integrity of most lockstations, and;
- the unique historical environment of the canal system.

The Merrickville Blockhouse was designated a national historic site in 1939 because:

- it is a fine example of the best type of blockhouses erected for the defense of the Rideau Canal.

4.0 HISTORIC AND GEOGRAPHIC CONTEXT

Preliminary surveys of the Rideau-Cataracaui waterways were first commissioned by the British military during the War of 1812 because of concern that the vital supply line along the St. Lawrence River between Montreal and Kingston was vulnerable to interdiction by the Americans. It was not until 1826, however, that the decision was made to construct this inland route. The Canal was built by civilian labor but it was a military project from beginning to end. The construction was wholly financed by the British Treasury and it was engineered and supervised by Lt.-Colonel John By, Royal Engineers [R.E.].

While the Canal's defensive buildings remained unfinished, the system opened to through navigation in May 1832 - less than six years since construction began. In its time the Rideau Canal was considered a remarkable engineering achievement. Unlike most North American canals of the period, the Rideau's engineering works were constructed primarily of stone masonry and it was the first canal system in the world designed to accommodate steamboats. Furthermore, the Canal route ran through a remote, wilderness region which had challenged the builders with a host of engineering and logistical problems.

The Merrickville Blockhouse was the largest of the defensible structures built along the Canal and the most impressive of the four blockhouses. It was the first of the blockhouses built and most closely followed By's own design. A single gun port was built...
into each wall of the masonry lower storey for mounting a cannon, and all four sides of the timber upper storey had openings for small-arms fire. Loopholes, called macheicoutes, were also cut in the underside of the overhang to enable the defenders to fire at any attackers reaching the walls. The upper storey of the blockhouse housed the lockmaster and his family. In the event of war, the blockhouse was intended to be a mustering point for local militia, a supply depot where provisions, munition and arms could be stored, and a strong defensive position for repelling anyone attempting to destroy the Canal structures. It served a military function only once, in the aftermath of the 1837 Rebellion, when it was taken over temporarily by the 34th Regiment. In 1908-9, the impending collapse of the roof necessitated the removal of the second storey but in 1960-65 it was restored to its former appearance. The Blockhouse currently houses a museum about the history of the blockhouse itself and the local area, managed by the Merrickville and District Historical Society.

For 16 years the Rideau Canal served as the primary transportation route from Lower Canada to Upper Canada. During this period several defensive structures including the Merrickville Blockhouse were completed. With the completion of the first St. Lawrence River canals in 1848, however, the Rideau's commercial importance declined. The St. Lawrence route was shorter, faster and less expensive than the Ottawa-Rideau-Catararaqui route and while the Rideau continued to serve an important regional function after 1845, its significance as a part of the national canal system was gone. The British Board of Ordnance continued its ownership and operation of the Canal until 1855, when the system was signed over to the colonial government of Canada. The Canal's military period was over.

While the military usefulness of the Canal was never tested in war, the Rideau played a significant role in the development of eastern Ontario. The waterway facilitated extensive logging, lumbering and milling operations in the region through the 19th century. Much of the wealth and development in this part of eastern Ontario was directly attributable to the logging and lumbering enterprises. Immigration, settlement and agricultural development in the Rideau-Catararaqui corridor was accelerated because of the benefits that the waterway offered pioneer settlers. The Canal fostered the emergence of industrial centers of surprising scale at places such as Merrickville and Smith Falls. The City of Ottawa, originally known as Bytown, traces its origins and urban patterns to the Canal builders and the commerce generated by Canal traffic.

By the turn of the century, excursion tours and recreational activities assumed increasing economic importance along the lakes and rivers of the system. By the early 1960s, all commercial traffic was gone and the Rideau Canal had become a recreational waterway. Today, the Rideau Canal is the cohesive link through a 200 kilometer corridor which is characterized by a variety of lockstations, canal structures, urban and agricultural landscapes, built heritage districts, wetlands, woodlands, scenic areas and shore-lands which collectively create the Canal's unique and varied historical environment.

While the corridor landscape has changed considerably since the British military signed over control of the system in 1855, many character-defining features remain from the early period. Most original engineering works remain in situ and operational and over half of the military buildings survive. The lockstations maintain much of their original configuration and many of retain their mid-nineteenth century character. Whether located in an urban center, a rural village, an agricultural setting, or cottage country, the lockstations provide a sense of integrated continuity along the entire route.
Whereas the Canal structures are the most obvious features of the system, the Rideau Canal is more than the sum of its engineering works and masonry buildings. The construction of the Canal and the opening of through navigation held far-reaching implications for the natural and human history of the corridor. The transportation corridor, created and defined by the Rideau Canal, represents a rich and varied landscape which is an integral value of the system.

The natural environment of the Rideau Canal corridor - woodlands, wetlands, islands and waters - represent significant components of the region’s present-day ecosystem. One of the most visible remnants of Canal construction on the corridor landscape are the drowned lands. Although the thousands of hectares of drowned lands exist today as natural features, most are human made, the result of the slack water system the engineers employed to flood the shallows and create the navigation route. These drowned lands represent significant aspects of the corridor’s natural environment as well as being directly linked to the Canal construction.

The extensive wetlands between Merrikville and Lower Rideau Lake resulted from Canal construction as did many of the wetlands south of Jones Falls down through the River Styx. Numerous lakes along the system were created or substantially enlarged by the Canal builders including lakes such as: Dows, Upper Rideau, Newboro, Opinicon, Whitefish, Cranberry and Colonel By.

In contrast to the natural and rural settings that characterize much of the Canal environment, the relationship between the Canal and the two large urban centers of Kingston and Ottawa presents a very different landscape. The expansion of the city of Ottawa and its attendant suburban growth south along the Rideau River to Kars has effected considerable change on this section of the Canal landscape. But if modern urban development is a dominant feature here, such change has not altered the evidence of the fundamental link between the Canal and the city of Ottawa. The city’s initial layout and early development are directly tied to the construction and operation of the Canal in the first half of the nineteenth century. In the center of the city today, the Canal remains a key feature in a remarkable heritage setting that speaks not only to the evolutionary stages of Ottawa from its construction camp origins to modern capital city, but to the nation’s history as well. Both physically and symbolically, the Canal remains central to the nation’s capital.

In Kingston harbour, the southern terminus of the waterway, the landscape speaks most dramatically to the military origins of the Rideau Canal. Here, overlooking the Canal and harbor, sits Fort Henry, the largest fortification built in colonial Canada west of Quebec City. This citadel, along with the four surviving Martello Towers that dot the harbor, were a defense system built to protect the harbor and the access to the Canal. Today, the tangible interrelationship of the Canal and the Kingston Fortifications is a remarkable survivor on the heritage landscape.

Although substantially smaller than either Kingston or Ottawa, the town of Smiths Falls and the village of Newboro trace their origins to the Canal’s construction and the opening of navigation. Other communities such as Kingston Mills, Chaffey’s Lock, Merrickville, and Barritt’s Rapids existed as small settlements and mill sites prior to the Canal. Since the later 1820s, however, the histories of these communities are closely interwoven with the waterway particularly through their associated lockstations.

Today, the Rideau Canal is an historic transportation corridor linking together diverse natural and cultural elements along its route and in doing so links the past to the present.
The Level One Resources: The Resources that Symbolize or Represent the National Significance of the Site.

5.0 THE DESIGNATED PLACE

Designated place refers to the place designated as a national historic site by the Minister of Canadian Heritage on the recommendation of the Historic Sites and Monuments Board of Canada. Information on what constitutes the designated place for a particular historic site is drawn from the minutes of the Board.

In the case of the Rideau Canal, the designated place consists of the lands and waters under the jurisdiction of Parks Canada including the bed of the Rideau Canal to the high water mark between the Ottawa River and the harbor in Kingston.

The designated place of the Merrickville Blockhouse is the footprint of the building.

All the resources within the designated place for the Rideau Canal which are directly related to the construction of the Canal and the military period of operation, including the Merrickville Blockhouse National Historic Site of Canada, are deemed to illustrate, reflect or give expression to the national significance of the site. These are level one cultural resources.

While the designated place describes the boundary of the Canal in terms of identifying the level one cultural resources, it is important to note that there are historic values of the Canal system and its environment that extend beyond the administered Canal lands and waters. Significant view sheds, visual linkages and associative values encompass a variety of urban, rural and natural areas adjacent to the Canal. The following identifies associated lands of particular importance to the values of the Rideau Canal; these include but are not restricted to:

- the view sheds from the Canal locks and channel to the central core of Ottawa between the Mackenzie King Bridge and the Ottawa River;
- the views and visual linkages in the Kingston harbor landscape that portray the relationship between the fortifications, the harbor and the Canal;
- the views from the Canal and Canal lands to the heritage shore-lands and communities between Becketts Landing and Kilmarnock lockstation;
- the views from the Canal and Canal lands to the heritage shore-lands along the Newboro channel;
- the views from the Canal and Canal lands to the heritage community of Chaffey's Locks;
- the views from the Canal and Canal lands to the heritage shore-lands and communities at Davis Locks, Jones Falls, Upper and Lower Brewers and Kingston Mills lockstations.

5.1 The Rideau Canal as a designated place is valued for:

- the engineering achievement of the construction of the Canal;
- its continuous seasonal operation since 1832;
- the survival and integrity of the Canal system with the majority of its original built resources intact;
- the continuity and integrity of the lockstations and the sense of a complete "system" that these stations convey;
- the historic, ecological and visual associations with the certain shore-lands and communities along the waterway which contributes to the unique historical environment of the Canal;
- the extensive wetlands and lakes of the Canal which reveal the relationship between Canal construction and the natural environment and which are an integral part of the unique historical environment of the waterway.
5.2 The Merrickville Blockhouse as a designated place is valued for:
- its association with the military period of the Rideau Canal
- its association with the Merrickville Lockstation
- its landmark status in the village of Merrickville
- as a fine example of the best type of blockhouses erected for the defense of the Rideau Canal
- its defensive features, including:
  - an unobstructed view up and down the waterway at the Merrickville lockstation and down the Prescott Roads;
  - thick, vented stone walls, fire resistant design;
  - apertures for musket and artillery fire;
  - self-sufficient design which included storage for provisions and armaments, as well as barracks
- original fabric in the lower storey.

5.3 The designated place will be unimpaired or not under threat when:
- through navigation of the Canal system is maintained to help assure the preservation of the unique historical environment and safeguard the level one cultural resources;
- the cultural resources related to the military period are safeguarded according to Parks Canada’s Cultural Resource Management (CRM) Policy (see detailed description of cultural resources below);
- the existing manual mode of operation of locks, dams and weirs on the system is maintained;
- the visual relationship between the Canal and the heritage landscape in the central core of Ottawa remains evident and intact;
- the views and visual linkages which enhance the military character of the Kingston harbor landscape and portray the relationship between the fortifications, the harbor and the Canal remains evident and intact;
- the heritage character of corridor shore-lands are safeguarded from inappropriate development or uses;
- the visual relationship between the Merrickville Blockhouse and the heritage landscape adjacent to the site remains intact;
- the heritage character of those identified corridor communities are safeguarded;
- the landmarks, view scapes and natural ecosystem features of the Canal’s islands, shore-lands and wetlands that are related to the construction of the Canal and which are part of the Canal’s unique historical environment are safeguarded;
- the level one historic values of the designated place are effectively communicated to the public.

6.0. IN SITU RESOURCES
Note: Because of the number of cultural resources on the system there is no attempt here to list them individually. An inventory of the in situ resources and their CRM level is available.

The in situ resources that are directly associated with the commemorative intent of the Rideau Canal - resources that symbolize or represent the national significance of the site - are identified as level one cultural resources. These resources are located on Canal lands and include engineering works, buildings, lockstation landscapes along with underwater and terrestrial archaeological sites.

6.1 Engineering Works
Through the evaluation exercise 40 of the Rideau’s 47 locks were identified as level one cultural resources. (NOTE: the locks do not include the lock gates which are facsimiles of the original.)
Of the approximately 45 dams, weirs and embankments along the original route, 16 were evaluated as level one. Over the years the original form and function of several of the dams and embankments have been lost to sight because of overfill and infill - the most notable one being the crib dam at Hogs Back. Technically these are now archaeological resources but have been included here because they remain part of the operational system.

The evaluation team recognized that many of the locks and dams had undergone repair and reconstruction, including the introduction of varying amounts of new material, as part of their operational life over the past 160 years. There was no attempt to impose a specific quota of original fabric in the evaluation. If the work retains core elements of its original built material - in situ not reused as a facade - it is considered an original structure. Those locks and dams rebuilt with all new material or retaining only a vestige of original fabric or reusing original material only as part of a facade are not considered original to the system. This latter case applies to the locks at Lower Brewers (45), Davis (38) and locks one through five at Ottawa, plus the hydraulic lock at Smiths Falls (29a).

6.1.1 The level one engineering works are valued for their:
• direct relationship to the original construction achievement;
• contribution to the unique historical environment of the Canal system;
• integral role in the continuing operation of the navigation system (Locks 29, 30 & 31 at Smiths Falls. Combined excepted);
• surviving physical attributes of form, material and function;
• manual mode of operation (Newboro, Black Rapids and Smiths Falls Combined Locks excepted);
• contribution to knowledge relating to early 19th century engineering and construction techniques.

Noteworthy in this discussion of the historic values of the Rideau’s engineering structures are the remarkable stone arch dams at Long Island and Jones Falls. These are the two largest such structures on the system and the only two of the original five still completely visible. The Jones Falls dam is the first true masonry arch dam constructed in North America, and on completion was one of the largest arch dams in the world.

6.1.2 The level one engineering works will be unimpaired or not under threat when:
• they are maintained in an operational state (Locks 29, 30, and 31 at Smiths Falls Combined excepted);
• a regular monitoring and maintenance regime is in place as an integral part of the operational and conservation program;
• the existing manual mode of operation is maintained;
• their original material, massing and form are safeguarded and maintained by technical and professional experts in accordance with the CRM Policy;
• a record is maintained of any changes, repairs and/or interventions;
• the current material and design of the gate and valve opening mechanism is maintained (Newboro, Black Rapids and Smiths Falls Combined Locks excepted);
• the current material and design of lock gates is maintained, (Newboro, Black Rapids and Smiths Falls Combined Locks excepted);
• their historic values are effectively communicated to the public.
6.2 Buildings
In total, 18 Canal buildings including the Merrickville Blockhouse National Historic Site of Canada are level one cultural resources because they are considered to represent or symbolize the national significance of the site and were mentioned in the Board’s recommendation. These include the 12 defensible lockmasters’ houses and the four blockhouses one of which is the Merrickville Blockhouse. In addition, the blacksmith’s shop at Jones Falls and the Commissariat building at Ottawa Locks are level one because they relate directly to the commemorative intent of the site.

Several of the buildings have undergone considerable modification over the years including recent reconstruction and restoration work. Seven of the lockmasters’ houses had second stories added. While acknowledging these evolutionary changes, the evaluation team considered that all the buildings retain enough of their core elements to be considered level one cultural resources.

6.2.1 The level one buildings are valued for their:
- direct association with the construction, operation and maintenance of the Canal during the military period;
- direct association with the defense of colonial Canada;
- physical evidence of the original purpose of the Canal;
- functional design qualities;
- surviving physical attributes of form and material;
- contribution to the unique historical environment of the Canal system;
- contribution to the historic character of their associated lockstations.

6.2.2 The level one Canal buildings will be unimpaired or not under threat when:
- their historic characters are safeguarded according to the CRM Policy and the FHBRO Code of Practice, where applicable;
- their heritage settings are safeguarded according to the CRM Policy;
- a record is maintained of any additions, repairs or other interventions;
- a regular monitoring and maintenance regime is in place as an integral part of a conservation program;
- their material, form, and functional design qualities are safeguarded;
- their visibility within the site and/or from approaches are maintained or enhanced through appropriate vegetation management;
- their historic values are effectively communicated to the public.

6.3 Lockstation Landscapes
The lockstation landscapes are fundamental resources of the Canal system and integral to the Rideau’s unique historical environment. The landscapes were evaluated in terms of the retention of historic circulation patterns, the spatial inter-relationships of buildings, engineering works, open spaces and other landscape features, plus the overall impact of new features on or near the stations. All 22 lockstations were evaluated as being Level I in accordance with the 1967 recommendation of the HSMBC.

6.3.1 The level one lockstation landscapes are valued for their:
- associative and physical connection with the construction and early operation of the Canal;
- contribution to the unique historical environment of the Canal system;
- visual and historic associations with heritage communities along the Canal system such as Chaffey’s Lock, Newboro, Merrickville, Burritt’s Rapids, and Ottawa;
• role as landmarks and providing a sense of continuity along the Canal system;
• surviving historic layout and configuration including their open spaces and circulation patterns;
• surviving historic views both within and beyond the station boundaries;
• contextual and heritage settings for the stations’ buildings and engineering works.

6.3.2 The level one lockstation landscapes will be unimpaired or not under threat when:
• their current historic layout and landscape patterns, including open spaces and circulation patterns, are safeguarded;
• their historic views and visual linkages with surrounding landscapes are safeguarded through encouragement of and co-operation with municipalities or other levels of government, private landowners and partners;
• their historic views within the lockstation grounds are safeguarded or enhanced through appropriate vegetation management;
• the proposed introduction of new landscape elements (signage, parking lots, concession booths, vegetation, buildings, utility poles, etc.) are reviewed according to the principles of the CRM Policy in order to safeguard the historic layout, landscape patterns and views of the stations;
• the appropriateness of proposed new uses or activities on lockstation landscapes are assessed according to the CRM Policy;
• their historic values are effectively communicated to the public.

6.4 Archaeological Sites
There is no comprehensive inventory of Level 1 terrestrial or underwater archaeological sites along the Rideau Canal. The evaluation approach is to treat all archaeological sites dating from the construction and military periods as level one cultural resources.
Examples of known archaeological sites of national significance include:
• the ruins of the engineers’ building, the remains of the lime kilns, the remains of the Sapper’s Bridge and the blacksmiths’ shop - all at Ottawa Locks;
• the original dam at Merrickville (underwater site);
• the construction camp at Newboro;
• the remains of the submerged bridge at the Jones Falls dam (underwater site);
• the guardhouse remains at Jones Falls;
• the guardhouse remains at Morton Dam.

Note: There are archaeological sites directly related to the Canal’s construction and early operational period located off Canal lands and outside of the designated place. Most of the known sites are the remains of quarries that were sources of stone used in Canal construction. Due to their location, these sites are not included in this cultural resource inventory but they are identified here because they have historic value associated with the Canal. Of particular importance are the quarry remains located: near the village of Elgin, off the First Concession Road; Clowes Quarry on the south shore of the Rideau River by Clowes Lockstation; and the quarry at Hogs Back located in Vincent Massey Park in the City of Ottawa.

6.4.1 The level one archaeological sites are valued for their:
• association with the construction of the Canal;
• association with the military purpose of the Canal;
• surviving physical elements.

6.4.2 The level one archaeological sites will be unimpaired and not under threat when:
• inventory and evaluation records of Canal sites are developed and maintained;
Management Plan

- Known archaeological sites on Canal lands are monitored and safeguarded by adhering to the CRM Policy and the Guidelines for the Management of Archaeological Resources in the Canadian Parks Service.
- Underwater resources are safeguarded through the encouragement of and co-operation with municipalities or other levels of government, private landowners and partners.
- All operational projects involving below ground disturbance (including the introduction of new vegetation) on Canal lands are reviewed to ascertain potential impact on resources.
- All operational projects involving underwater disturbance are reviewed to ascertain potential impact on resources.
- Their historic values are effectively communicated to the public where deemed appropriate relative to the security of the resources.

7.0 MOVEABLE RESOURCES

The level one moveable resources include a wide range of excavated archaeological artifacts and archival material that are directly linked to the commemorative intent of the site.

7.1 Archival Material

A collection of surviving deeds, site plans, surveys, maps, reports and correspondence dating from the military period are housed at the National Archives of Canada in Ottawa and copies are available for research purposes. A collection of original design drawings and engineering plans are on file at the engineering office at Canal headquarters in Smith's Falls. Also, there are early Canal records housed in the Realty section of Parks Canada's National Office. While not under the ownership of the Canal, it is important to note the collection of Royal Engineers' Working Drawings from the Rideau Canal, many of which are housed at the Scottish Record Office, Edinburgh. Similarly, the Public Record Office in London holds a collection of early maps of the Rideau Canal. Also, there is a remarkable group of watercolors and pencil sketches dealing with a variety of Rideau Canal subjects dating from the 1820s through the 1840s housed in several repositories including the Ontario Archives, the McCord Museum, the Royal Ontario Museum and the National Archives of Canada.

7.1.1 The level one archival material of the Rideau Canal is valued for:
- The information it provides on the pre-Canal route;
- Its association with the survey, design and construction of the Canal;
- Its association with travel on the Canal system during the early period;
- The information it provides regarding the impact of Canal construction on the natural environment;
- The information it provides on construction methods;
- The information it provides on working and social life on the Canal;
- The information it provides on lockstation sites and adjacent communities;
- Its aesthetic qualities.

7.1.2 The level one archival material will be underpinned and not under threat when:
- A comprehensive inventory record of all such material is developed and maintained;
- The level one documents held by Parks Canada are organized and available for research and presentation purposes;
- The level one documents held by Parks Canada are removed from working circulation, protected, conserved and provided with appropriate storage facilities;
• their historic values are effectively communicated to the public.

7.2 Archaeological Artifacts
Archaeological excavation at several sites on the Canal has resulted in an extensive collection of level one artifacts related to Canal construction, operation and maintenance as well as social and working life on the Canal during the military period. This material is under the management of the Archaeological Services Section at Parks Canada’s Cornwall Office.

7.2.1 The level one artifacts are valued for:
• their association with Canal construction;
• their association with working life on the Canal;
• the detailed information they provide on working and social life;
• the detailed information they provide about construction techniques and tools;
• their presentation potential;
• their integrity as a collection.

7.2.2 The level one artifacts will be unimpaired and not under threat when:
• inventory and evaluation records of the holdings are completed and maintained;
• resource collections are maintained;
• the integrity of collections are maintained (this does not preclude the exhibit of portions in different locations);
• their historic values are effectively communicated to the public.

PART II

Level One Messages: Reasons for the Site’s National Significance Are Effectively Communicated to the Public

8.0 MESSAGES OF NATIONAL SIGNIFICANCE
Level one messages or messages of national significance are based on the reasons why the site was commemorated a national historic site. Effective communication focuses on what knowledge and understanding as many people as possible should have regarding the national significance of the site. This involves communicating the national significance of the Canal, plus the provision of contextual information which provides the essential context for people’s historical knowledge and understanding of the place.

The information outlined below is intended only as a communications framework. These are key messages upon which a heritage presentation program should be developed.

8.1 Messages of National Significance
The messages of national significance for Rideau Canal NHS are:
• the construction of the Canal system;
• the survival of a high number of original Canal structures including locks, blockhouses, dams, weirs and original lockmasters’ houses plus the integrity of most lockstations;
• the unique historical environment of the Canal system.

The message of national significance for Merrickville Blockhouse NHS is:
• it is a fine example of the best type of blockhouses erected for the defense of the Rideau Canal.

8.2 Context Messages
As many people as possible should understand the following contextual messages:
• the importance of water transportation in colonial Canada in the first-half of the nineteenth century;
the transportation and supply problems encountered defending Upper Canada during the War of 1812;

the military purpose behind the construction of the Rideau Canal;

the role of Lt.-Col. John By in engineering and supervising the construction of the Canal;

the difficulties encountered constructing the Canal such as the environment, logistics, engineering challenges and working conditions;

the impact of Canal construction on the natural environment including impacts on drainage patterns, the destruction of large areas of forest, the flooding of thousands of hectares of land which created new wetlands, islands and lakes;

many of the corridor’s highly important ecosystem features were created by the Canal builders;

the impact of Canal construction and the opening of through navigation on the development of eastern Ontario - lumbering, settlement, agriculture, and manufacturing development;

the impact of Canal construction and the opening of through navigation on the founding of the city of Ottawa;

the reasons for the survival of most of the Canal’s engineering structures and the system’s remarkable record of continuous use since 1832;

the differing parts or sections of the Canal corridor - urban, rural, natural, agricultural, recreational - and how each contributes to the unique historical environment of the system;

the different historical phases evident in different sections of the Canal corridor;

the historic and present importance of water management for Canal operations and ecosystem management;

the high level of skill and workmanship exhibited in the construction of the Merrickville Blockhouse.

8.3 Effective Communication of the reasons for national significance

The effective communication of the reasons for national historic significance of the Rideau Canal as expressed in the messages of rational significance and the context messages, will be achieved when:

the overall presentation experience conveys these reasons;

the public, both visitors and non-visitors, exposed to a heritage presentation experience understand the reasons for the site’s national historic significance; and

the effectiveness of communication is measured and monitored.

PART III

The Site’s Heritage Values Are Respected

In addition to those resources and messages deemed to be level one, the Canal possesses other associative and physical historic values that contribute to the site’s heritage character and heritage experience. Included in this section of the commemorative integrity statement is the Tay Canal, which is not considered part of the original Rideau Canal system, but is deemed to be part of the level two heritage values of the present Canal.

Additional heritage values of the Rideau Canal include:

its post-military operation, maintenance and administration;

its evolving use - commercial to recreational;

its evolving role with corridor communities and the heritage value of the Rideau corridor;
- the construction and operation of the first and second Tay Canals;
- its role in a larger international canal network;
- the continuing relationship between the Canal - its resources and operations - and the corridor's natural environment.

9.0 LEVEL TWO IN SITU RESOURCES

9.1 Level Two Engineering Works

In total 20 engineering works were evaluated as level two cultural resources. These include the two locks on the Tay Canal plus other dams, weirs, embankments, bridges, channels and turning basins along the system built between 1887 and the early 1950s. No structure built in 1967 or later was evaluated. (Specific details regarding these structures is available in the cultural resource inventory of the Rideau Canal.)

9.1.1 These level two engineering works are valued for their:
- association with the commercial and recreational use of the Canal;
- association with corridor communities and expansion of the Canal system;
- role in the continuing operation of the Canal;
- evidence of changing construction technologies;
- manual mode of operation;
- surviving physical attributes of form and material.

9.2.2 The values of the level two engineering works will be respected when:
- they are monitored and maintained in an operational condition;
- the current manual mode of operation is maintained;
- the current material type, massing and form are safeguarded whenever possible;
- the current material type and design of the gate and valve opening mechanism is maintained;
- the current material type and design of lock gates is maintained;
- the appropriateness of any repairs or other interventions to the works are reviewed in accordance to the principles of the Parks Canada's CRM Policy.

9.2 Level Two Buildings

In total 19 Canal buildings were evaluated as level two cultural resources, nine of which were Federal Heritage Buildings. No building constructed in 1967 or later was evaluated.

9.2.1 The Level Two Canal buildings are valued for their:
- association with the post-military operation and maintenance of the Canal;
- association with working and social life on the Canal;
- association with industrial activities in corridor communities;
- designation as Federal Heritage Buildings;
- functional design qualities;
- surviving physical attributes of form and material;
- contribution to the historic character of their associated lockstations.

NOTE: the collection of outbuildings at Poonamalie is valued as a farmstead landscape assemblage, not for any individual value.

9.2.2 The values of the buildings will be respected when:
- their current material, form, and functional design qualities are safeguarded;
- their heritage settings are preserved;
• repairs and other interventions adhere to the procedures of the CRM Policy.

9.3 Archaeological Sites

No comprehensive inventory of archaeological sites exists. Those archaeological sites that pre-date or post-date the Canal’s military period up to 1967 are considered potential level two cultural resources until they are evaluated otherwise.

9.3.1 The Canal’s level two archaeological sites are valued for their:
• association with the evolving use of the Canal;
• association with the post-military operations, maintenance and working life on the Canal;
• surviving physical elements.

9.3.2 The level two archaeological sites will be respected when:
• an inventory and evaluation record of all archaeological sites is developed and maintained;
• known archaeological sites on Canal lands are monitored and safeguarded by adhering to the Guidelines for the Management of Archaeological Resources in the Canadian Parks Service;
• all operational projects involving below ground or water disturbance on Canal lands are reviewed to ascertain the potential impact on resources.

9.4 Merrickville Industrial Ruins (Level two)

9.4.1 The industrial ruins are valued for their:
• association with the evolution and variety of industrial activity on this site;
• association with industrial activity in the Rideau Corridor area;
• remaining physical form and material;
• contextual setting - relation to the locks, the rapids and other industrial buildings adjacent to the site.

9.4.2 The values of the Merrickville ruins will be respected when:
• their physical form and material are safeguarded;
• repairs and other interventions adhere to the procedures of the CRM Policy;
• the current contextual setting is maintained.

10.0 LEVEL TWO MOVEABLE RESOURCES

The level two moveable resources consist of archival material, historic objects and archaeological artifacts.

10.1 Level Two Historic Objects

While there is a great number of objects - particularly tools and hardware - with potential association with the Canal, it is difficult to determine their historic value because of a lack of information regarding their provenance and the scattered nature of the holdings. The approach is to treat any object with a direct association with the operation or maintenance of the Rideau Canal in the 1855 to 1967 period as a potential level two resource until evaluated otherwise.

10.1.2 The values of the level two historic objects will be respected when:
• an inventory and evaluation is conducted on the resources and their provenance and value determined;
• those resources determined to be level two are maintained as collections.

10.2 Level Two Archival Material

The archival material for the post-military Canal period consist of maps, surveys, correspondence and photographic plates and negatives. This material is held in various locations on and off site.

10.2.1 The level two archival material is valued for:
• its association with the operation and maintenance of the Canal;
• its association with commercial and recreational use of the Canal system;
• the information it provides to the changes on the system;
• the information it provides on working and social life on the Canal;
• the information it provides on lockstation sites and adjacent communities;
• the information it provides on commercial and recreational activities in the Rideau corridor area;
• its aesthetic qualities.

10.2.2 The archival material will be respected when:
• an inventory record of these level two resources on and off site is developed and maintained.

10.3 Level Two Archaeological Artifacts

Archaeological excavation on Canal lands has resulted in an extensive collection of artifacts related to Canal’s post-military operation and maintenance as well as social and working life. This material is under the management of the Archaeological Services, Cornwall Office.

10.3.1 The artifacts are valued for:
• their association with the evolving use of the Canal;
• their association with working life on the Canal;
• the information they provide on working and social life;
• their integrity as a collection.

10.3.2 The artifacts will be unimpaired and not under threat when:
• inventory and evaluation records are developed and maintained;
• resource collections are prepared;
• they are conserved when significance warrants;
• they are maintained as a collection (this does not preclude the exhibit of portions in different locations).

11.0 THE NATURAL ENVIRONMENT OF THE RIDEAU CANAL CORRIDOR

Many of the natural features of the Canal - the wetlands and the identified lakes - are known to have a direct connection to the construction of the Canal and are deemed to be Level I resources, (see sections 5.1 and 5.2). In addition, there are extensive ecosystem features - lands, waters, plants and animals - under the jurisdiction of the Rideau Canal that are valued because they comprise an important component of the Canal’s history and landscape and as such are considered a vital heritage resource that must be respected and safeguarded.

11.1 The natural ecosystem elements within the Canal corridor are valued because:
• of their contribution to the health and wholeness of the ecosystem within the corridor;
• they are vital parts of the landscape character and history of the corridor;
• of their contribution to the enjoyment and quality of life along the corridor.

11.2 The natural ecosystem features of the Canal will be respected when:
• a natural ecosystem inventory on Canal lands and waters is developed and maintained;
• natural resources of special significance are safeguarded and monitored;
• the habitat of flora and fauna species designated as rare, threatened or endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), or by the Province of Ontario is protected;
• features, which, by virtue of their strategic location and physical or biological characteristics, are of special value to government or non-government agencies involved in environmental monitoring and programs to maintain biodiversity and genetic resources in Canada, will be protected;

• features of special significance are managed in accordance with the principles and relevant policies regarding the protection and management of natural ecosystems.

12.0 HERITAGE MESSAGES ARE COMMUNICATED TO THE PUBLIC

In addition to the level one messages (Section 8.0), the Rideau Canal possesses other heritage values that should be communicated in order for people to understand the range and complexity of the Canal’s heritage. These level two heritage messages include:

• the Rideau Canal and the Merrickville Blockhouse are National Historic Sites and are part of the family of national historic sites;

• the operational and maintenance history of the Canal through the post-military period, (after 1859);

• the construction and operation of the first and second Tay Canals;

• the evolving use of the Canal from commercial to recreational waterway;

• the historic and evolving relationship between corridor communities and the Canal;

• heritage values and the question of modernization;

• the Rideau Canal is part of an international inland canal network;

• the Rideau Canal is one of the historic canals administered by Parks Canada;

• the Rideau Canal is historically related to other national historic sites such as Fort Henry and the Kingston Fortifications;

• the cultural and natural heritage presented by these National Historic Sites is our legacy as Canadians and a very significant element of Canadian history.

12.1 Communications Objectives for Heritage Messages

The effective communication of the heritage messages of the Rideau Canal will be achieved when:

• aspects of the presentation experience addresses these subjects;

• the public, both visitors and non-visitors, exposed to a heritage presentation experience have an opportunity to learn about the site’s broader heritage messages; and

• the effectiveness of communication is measured and monitored.
APPENDIX B

Implementation of the 1996 Rideau Canal Management Plan

The 1996 management plan presented a comprehensive program to conserve and present the Canal and provide quality service to visitors. The plan was approved just before a major government wide review of programs which resulted in a substantial decrease in the resources available to implement the actions in the 1996 plan. Despite these reductions, the Canal has been able to move ahead on many of the actions in the plan by better use of existing resources and forging partnerships with a variety of Canal Corridor stakeholders.

The following summarizes the actions which were identified in the 1996 (in italics), and how they were addressed since the plan was produced.

Cultural Resource Management (section 6.2, 1996 Plan)

Engineering Structures

Preserve the existing historic engineering works and retain the manual operation of locks, bridges and dams.

The historic engineering works have been preserved to the extent possible with the available resources. The manual operation of these structures has not been altered and will remain so.

Develop a monitoring and maintenance program for engineering structures

The Canal has established a monitoring and maintenance program to ensure timely maintenance of engineering works. A Canal team carries out the necessary work in a manner consistent with CRM principles and practice. Other large scale work is carried out under contract. Examples of the work done include Merrickville, Beveridges and Old Slys Locks.

Undertake all work on major engineering structures according to original design and original materials.

The Canal maintenance team has undertaken repairs in a manner that respects the original design and materials.

Buildings

Preserve buildings of national historic significance (level I)

All level 1 buildings on the Canal have been preserved according to the principles and practices of CRM Policy.

Evaluate the historic qualities of level 2 building and preserve as much as possible of their historic material.

The level 2 Canal buildings have been maintained according to the principles and practices of the CRM policy. The only exception is the house on Colonel By Island which has not been maintained owing to a lack of funds. This building will be removed when it no longer can be maintained.

Maintain the evolutionary features of Canal buildings

The evolutionary characteristics of Canal buildings are valued and will be retained.

Undertake an inventory of Canal buildings and develop maintenance guidelines.

An inventory of Canal buildings and maintenance guidelines have not been prepared. This will be done as part of the overall monitoring and maintenance program during the next 5 years. Maintenance guidelines will be prepared as part of Parks Canada’s commitment to ensure the commemorative integrity of the cultural resources of the Canal.

Heritage Skills

Establish an inventory of skills for Canal operations and maintenance.

The skills required to maintain the historic values of the Canal are in use and are passed on as part of the conservation of the Canal’s historic fabric.
Archeological resources

Produce an archeological resource management plan to protect archeological resources. While a plan has not been prepared, archeological resources have been protected on Canal lands and excavations have taken place in advance of subsurface disturbance. There has been no inventory and evaluation of archeological resources on Canal lands. This has been identified in the revised management plan as a low priority item. An inventory and evaluation of archeological resources on the bed of the Canal has been completed.

Cultural landscapes

Protect and enhance the cultural landscapes of the Canal lockstations. Lockstation cultural landscape features have been conserved and new uses and activities protect the historic character of these places.

Undertake research, inventory and evaluation of lockstation landscapes. This was not done owing to insufficient resources. The cultural resources of lockstation landscapes will be assessed whenever new facilities are proposed.

Examine the feasibility of re-establishing period landscapes at some lockstations. This was not undertaken and will not be pursued in this management plan.

Develop business regulations to control commercial activities on the Canal. The Historic Canals regulations have been amended to provide adequate direction for dealing with commercial activities.

Dispose of lands not required for the protection of heritage resources and Canal operations. The Canal has had an active program of disposing of surplus and lands and will continue to do so.

Share expertise in cultural resource management, promote cultural heritage stewardship and ensure staff apply CRM in decision-making.

As the lead federal heritage agency in the Canal corridor, Parks Canada has shown leadership by managing the Canal according to the principles and practice of the Cultural Resource Management Policy.

Municipal Planning and Shore-land development

Participate in the municipal planning and shore-land development process. The Rideau Canal has used the policy statements in section 6.2.4 of the 1996 management plan to influence shore-land development and planning activities. The Canal has commented on municipal official plans, official plan amendments, zoning bylaws, minor variances, plans of subdivision and other municipal and private sector planning and development initiatives. This has resulted in municipal planning policies and development which recognize the need to protect the natural, cultural, scenic and recreational values of the Canal. The revised management plan will contain many of the same policies and makes a commitment to produce a comprehensive guide stating Parks Canada's for shore-land development, marine works, road and utility crossings of the Canal. The policies in Appendix III and IV of the 1996 plan will be incorporated into the comprehensive guide.

Encourage protection of the heritage character of the Canal corridor by municipalities and private landowners.

The cultural landscape study, and involvement in the shore-land development review process has been the primary means through which Parks Canada has encouraged protection and sensitive development.

Ecosystem Management

Protect wetlands along the Canal corridor through inventories, resource management plans, municipal plans and management agreements.

The provincial wetlands policy has resulted in enhanced protection for wetlands through official plan...
designations. Resource constraints did not allow Parks Canada to undertake any major studies. However, partnerships (Bio-diversity Study with the Museum of Nature and the Rideau valley Conservation Authority) have been formed to undertake inventory and monitoring programs. This has resulted in more information on the location and condition of critical wetlands and greater public awareness of their value.

**Protect fish habitat on the Canal.**
The construction of marine works, and dredging is strictly controlled to ensure the protection of fish habitat. Minor adjustments have been made to water management procedures to protect fish spawning. Through co-operative inventory programs, information on fish habitat has increased as has public awareness of the importance of protecting these features.

**Manage submerged aquatic vegetation in the navigation channel.**
The Rideau Canal has an annual control program to clear the navigation channel of submerged aquatic vegetation where it interferes with navigation.

**Contribute to the improvement of water quality.**
Parks Canada has contributed to water quality improvement by protecting wetlands, participating in the review of shore-land development and managing its facilities to the highest environmental standards.

**Produce a water management study to reduce the impact of water management on fish and wildlife.**
The Rideau Canal Water Management Study identified minor adjustments to the water flow control procedures to benefit fish and wildlife. These have been implemented.

**Undertake environmental assessments where required.**
All activities by Parks Canada and by the private sector on the bed of the Canal are assessed to ensure that there will not be any harmful environmental effects.

**Establish environmental benchmarks to measure environmental change and cumulative impacts.**
Benchmarks have not been established, the revised management plan has included this action.

**Heritage Tourism**
**Conduct visitor use studies.**
The Canal has an ongoing program of undertaking visitor use studies to assist in determining the need for and use of facilities, services and programs.

**Provide high quality facilities and services at lockstations.**
Improvements have been made to maintain the high quality facilities and services at lockstations.

**Promote the Canal corridor as a tourism area with other interests.**
The Rideau Canal is actively engaged with the tourism industry to promote the Rideau Heritage Route as a tourism destination area.

**Promote the Rideau Canal in co-operation with the New York State and Quebec canals and the Trent-Severn Waterway.**
The four canals work together to promote boating in the canals of north-eastern North America.

**Establish and maintain a working relationship with the British and European Canals.**
The Rideau Canal has been twinned with the Caledonia Canal in Scotland and maintains regular contact with other Canal through the World Canal organization.

**Encourage the private sector to develop tourism facilities and services to meet the needs of visitors to and residents of the Canal corridor.**
Canal staff work with tourism interests along the Canal to identify opportunities for the private sector to develop tourism facilities and services.
Recreation
Assess the impact of recreational activities, and manage through education and enforcement.
Some progress made in these areas. Specific issues remain and are addressed in the revised plan.
Undertake boater capacity studies where needed.
No boater capacity studies have been undertaken

Public safety
Investigate the need for a speed limit on the Canal.
There are no plans to establish a speed limit for the Canal.

Establish speed and wake controls in narrow channels and congested areas.
Additional speed and wake zones were established in the last 5 years.

Barrier-free access
Provide access for the disabled where required.
Most major visitor locations and services are barrier-free access.

APPENDIX C
Rideau Waterway Canadian Heritage River
Nomination Document, Summary of Values

2.1.1 Human Heritage Values
The backbone of the Rideau Waterway is the Rideau Canal, built as a secure military transportation route linking Montreal and points east via Ottawa and Kingston to the Great Lakes and the opening up of the West. The Rideau was part of the grand strategy for the defense of British North America against the perceived expansionist threat from the United States of America following the War of 1812. The project was wholly financed by the British Treasury and was designed and built under the supervision of Lt.-Colonel John By of the Royal Engineers. The system opened for through navigation in less than six years after construction began. In its time, the Rideau Canal was considered a remarkable engineering achievement. The arch dam at Jones Falls, for example, was the largest dam of its type in the world when constructed in the late 1820s. The Rideau's extensive engineering works were almost entirely constructed of masonry, unlike most North American canals of the period. It was the first canal in the world whose locks were large enough to accommodate steamboats, thanks to the wisdom of John By, who foresaw civilian use for the waterway after its military days were done. With 47 locks located at 24 lockstations plus numerous dams, weirs, embankments and channels, the builders of the Canal controlled and reshaped the lakes and rivers of the region into a 202-kilometer navigation route from the Ottawa River at Ottawa to Lake Ontario at Kingston. In total, 18 of those kilometers are through artificial channels while the remainder uses the natural channels of the Cataracu and Rideau Rivers. All of this was accomplished in a remote, wilderness region posing a host of engineering, logistical, and human hardship problems that had to be overcome.

At the time the Rideau Canal was begun, Kingston had a population of about 1,000, primarily Loyalists from the United States. With the construction of the Canal, Kingston became a strategically important site as it commanded the southern end of the Canal where military supplies, troops, and ordnance would have to be transshipped into lake vessels for forwarding to the frontiers of Upper Canada. In 1836, the Fort Henry redoubt was constructed on the heights of Point Henry with the sea battery and stores depot being completed in 1841. It was not until 1846-48 that other defense structures were added - the Munsey and Shool Towers, the Market Battery, Fort Frederick Tower and the Cedar Island Tower. Today a restored Fort Henry Complex and the fortifications erected in 1846-48 remain, along with many distinctive public buildings, including the county courthouse, make Kingston rich in built heritage.
The town of Perth had its origins as a depot of the Rideau military settlement in 1816 and evolved into the administrative center for the district by 1823. Many Rideau Canal workers settled in the area after construction and built fine Georgian buildings reflecting styles prevalent in Upper Canada at the time. Perth's early character was influenced by Scots who arrived as part of an assisted emigration scheme at the same time as the military settlers. However, as early as 1842, the Irish were the dominant ethnic group in Perth. A strong agricultural community, based on the Perth clay plain, helped sustain the local economy as the lumber frontier moved farther up the Ottawa Valley. Today, Perth is recognized as one of Canada’s architectural gems.

From 1832 to 1846, the Rideau Canal was the primary transportation route between Upper and Lower Canada. With the end of British protective tariffs and the completion of the locks on the upper St. Lawrence River in 1847, the Rideau’s importance declined to that of a regional waterway. The coming of the railways in the 1870s further marginalized the Canal’s importance. The British Board of Trade continued its ownership and operation of the Canal until 1886 when the system was signed over to the colonial government of Canada. The period of the Canal’s military administration was over.

The Tay Navigation Company was incorporated in 1831 and construction began on the Tay Canal in June of that year. Two locks were completed at Port Elmsley in 1831 but the rest of the Canal had to wait until 1832 due to lack of funds, malaria and heavy rains. The completed Canal was 16 km long and included five separate locks, six dams, two swing bridges and a turning basin in Perth.

While, fortunately, the Rideau Canal was never tested in war, it played a significant role in the commercial life of eastern Ontario through the 19th and well into the 20th century. It facilitated resource extraction and export, agricultural development and industrial centers along the corridor and it played an important role in the growth of the City of Ottawa, the nation’s capital. By the turn of the century recreational activities along the Canal began to assume considerable economic importance. By the 1960s, all commercial traffic was gone and the Rideau had become a recreational waterway and magnet for sports enthusiasts and cottagers from all over eastern North America.

Many significant features remain from the early days. Most original engineering structures are not only in place but are operational, and over half of the military buildings survive. Nearly all lockstation landscapes display their original layout and configuration and many retain their mid-19th-century character, thanks in part to Parks Canada which manages the Canal for the protection of the heritage values that make it so special. Whereas these built features are the key historic resources of the Canal, the Rideau Waterway is more than the sum of its engineering works (locks, dams, bridges) lockstation and masonry buildings. The construction of the Canal and the opening of through navigation held far-reaching implications for the natural and human history of the corridor. The Rideau Waterway is an historic transportation route linking together diverse natural and cultural elements along its length and in doing so links the past to the present. Parks Canada’s National Historic Site Commemorative Integrity Statement, describes the Waterway as a unique historical environment where the historic place is approached as a cultural landscape due to the complexity and extent of the elements which make up the Rideau Canal system.

The Rideau Canal has been recognized as a national historic site on several occasions. The Historic Sites and Monuments Board of Canada first recognized the national importance of the Rideau in 1925. This was reconfirmed in 1926 and again in 1939 when the Board approved the wording for plaques to commemorate...
the Rideau's national historic importance. Finally in 1967, the Board recommended that the Rideau Canal be declared a national historic site.

During deliberations on the Trent-Severn Waterway in November, 1987, the Board commented in a comparative note that the Rideau Canal "is unique among Canadian canals in that so many of its original structures have survived as built and most of its lockstations retain their integrity...".

All of this leaves us today with a waterway of enormous historical importance to Canada. At 166 years old, it is North America's oldest operating 19th century canal. It is an engineering marvel of its time and a monument to the long and distinguished history of Canadian engineering. It is the reason that Bytown was founded which led, following a name change to Ottawa, to its eventual choice as the capital of the new emerging country of Canada. It is a pioneering example of efforts at multiple uses for our rivers and early regulation of water quantities, flood plain control and watershed management. The large scale hydrological planning, the ingenuity of the engineering structures and the scale of the logistics of supplying men and materials through remote wilderness support the fact that the Rideau Waterway represents a triumph of human ingenuity and endurance. It was Canada's first transport megaproject.

2.1.2 Human Heritage Integrity

Parks Canada’s National Historic Site

Commemorative Integrity Statement for the Rideau Canal demonstrates the heritage values which make up the site. Based on the deliberations of the Historic Sites and Monuments Board of Canada, the reasons for the national historic significance of the Rideau Canal are as follows:

- the construction of the canal system;
- survival of many original Canal structures including locks, blockhouses, dams, weirs and original lockmasters houses plus the integrity of most lockstations;
- unique historical environment of the Canal system.

The Commemorative Integrity Statement calls the Canal’s unique historical environment, including not only locks and dams but also wetlands, cottage areas, undeveloped shorelines, farms, small towns and village scenery. Taken all together, this waterway presents a living cultural landscape that is at once historic, scenic, natural and man-made.

In addition to the nationally significant values noted above, the Rideau Waterway was known for its natural sites for grist mills to grind grain and sawmills to process wood. In the latter half of the 19th century, textile mills were developed at Burritt’s Rapids, Merrickville, New Edinburgh (Ottawa), Perth and Smith’s Falls. Stove and agricultural implement factories started up at Merrickville and Smiths Falls, and cheese factories were established throughout Carleton, Frontenac, Leeds and Grenville, and Lanark Counties. The Woolen mills are now nothing but ghostly ruins of an industrial past, but a cheese factory survives in the village of Forfar.

2.1.3 Recreational Heritage Values

The lands and waters of the Rideau Waterway support an impressive array of leisure and recreational activities for hundreds of thousands of visitors and residents every year. The three nodules of recreational activity include the historic City of Kingston, the traditional cottage country of the Rideau Lakes, and the lively, world-class water-related events and facilities in and around Ottawa, the Nation’s Capital.

The Rideau Waterway is a prime recreational destination for much of eastern North America. The swimming, pleasure boating, fishing, and hunting in and near the Waterway is renowned and has been for over 160 years. It did not take long after the Canal was built for civilian boaters, sportsmen and private adventurers to use Colonel By’s Canal route as a path.
to interior lakes and rivers that were previously inaccessible. Today, there are many provincial and municipal parks and marinas, numerous fine beaches, camps, resorts and scenic roads for visitors along the Waterway. The Rideau is also used extensively by school and camp groups who canoe it in part or in its entirety.

Boating is the prime recreational activity drawing people from far and wide to cruise the restorative waters of the Rideau in canoes, power boats and sailboats. In 1997, over 76,000 vessels of all sorts locked through the system during the relatively short five month boating season. Boating is not new on the Rideau. In fact, use of water craft on the Rideau has now been documented back to about 6,000 B.C.

A stone tool from the Archaic era found in 1979 near Rideau Ferry shows a primitive drawing of a canoe with six people paddling on the water. It represents one of the first signs of water craft in Ontario and shows that the Rideau Waterway has a particularly long history of water travel.

The explosion of civilian use of the waterway in the late 1800s brought thousands of people onto the lakes every summer for holidays, many on steamboats. First in luxury hotels like Kenny’s at Jones Falls and the Opinicon at Chaffey’s Lock, and later in private cottages and residences tucked serenely on the grey rocks of the Precambrian Shield, the reputation of the Rideau Waterway for civilized wilderness experiences grew and grew. Today, the Rideau Lakes are one of the best locations for cottaging and summer fun anywhere in eastern North America.

World-class rowing and kayaking facilities can be found at Mooney’s Bay in Ottawa. Under the auspices of the Rideau Canoe Club, games, festivals and training takes place from ice out in the spring to late October. Several of Canada’s Olympic athletes and world champions train here regularly. The Canadian Recreational Canoeing Association (CRCA) chose the Rideau Waterway at Merrickville for its national headquarters in 1965. In June, 1998, Canada Post issued a stamp honoring Bill Mason, one of Canada’s best-loved canoe enthusiasts. The first stamp was issued and postmarked in Merrickville at the CRCA headquarters. At the southern end of the system, Kingston has been the site for summer Olympic sailing events and other international sailing competitions.

There are 43 marinas on the waterway serving thousands of resident and transient boaters. Antique and classic boats hold regattas and shows on the waterway. Festivals such as the Tulip Festival, the Ottawa Jazz Festival, Festival Canada and the Franco-Ontarien Festival are held on the Rideau each year. Ottawa is also the site of Winterlude, one of the nation’s premier winter festival centered on skating on the Rideau Canal. For ten to twelve weeks in mid-winter, the Canal becomes one of the world’s longest skating rinks stretching some 8 km. from the National Arts Center to Hartwell’s Locks across from Carleton University.

The Rideau Waterway corridor is home to some of the best hiking and cross-country ski trails in eastern Ontario. Foremost among these is the 300 km. Rideau Trail linking Kingston to Ottawa. The Rideau Trail opens up whole new venues for birding, nature appreciation, conservation education and fitness.

The Rideau Waterway has a historic place in Canada’s family of National Historic Canals. In 1998, a series of postage stamps issued by Canada Post highlighted several of these historic routes including two stamps showing the Rideau Canal. The Rideau Waterway is, on a larger scale, part of the international canal network. Many people travel the great distances using interconnected navigable water routes to see and enjoy some of the world’s finest water systems.

2.14 Recreational Integrity Values

The purpose of this section is to describe how the Rideau Waterway appears to meet the recreational Integrity guidelines.
In addition to meeting both of the above guidelines, for a river to be judged to have outstanding Canadian recreational value, it should possess water of a quality suitable for the recreational activities pursued.

In addition to meeting the recreational value guidelines for Canadian Heritage River Status, the Rideau Waterway possesses water quality adequate for many forms of recreation throughout its length, from on-water recreational pursuits such as swimming and boating, to related pursuits such as hunting, fishing, and nature appreciation. In fact, swimming is enjoyed from end to end on the river including Mooney’s Bay in Ottawa. This level of water quality is due to efforts made by many provincial, regional, and local agencies. On-going public education projects further demonstrate a commitment to improve the quality of the resource for future generations.

2.1.5 Natural Heritage Values
The purpose of this section is to describe the outstanding natural heritage features of the Waterway and its immediate environment.

The Rideau is not being nominated on the basis of its natural heritage values because of impoundments on the system. However, there are a number of significant natural resources along the Waterway that serve to enhance both the human and recreational heritage values. Such resources include Areas of Natural and Scientific Interest (ANSI), major wetland areas which contribute to wildlife habitat, rare flora which are ranked by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and by the Atlas of the Rare Vascular Plants of Ontario (ARVPO), and rare fauna which has been evaluated by COSEWIC, the Committee on the Status of species at Risk in Ontario (COSARR) and by the Ontario Ministry of Natural Resources (OMNR).
FORT HENRY
NATIONAL HISTORIC SITE OF CANADA

Commemorative Integrity Statement

May 2003
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Statement of Commemorative Intent
Executive Summary

This commemorative integrity statement for Fort Henry National Historic Site identifies the site's nationally significant cultural resources (level 1), describes its historic values and establishes objectives for their preservation and presentation. The objectives are not presented as a detailed "how to" list that attempts to anticipate every issue or contingency that might arise; rather they are presented as indicators that focus on the preservation of the nationally significant cultural resources of Fort Henry. As such, this document provides fundamental direction for the site and is intended as a foundation for all management and planning initiatives.

Of central importance to this statement, is that Fort Henry is commemorated as nationally significant for two reasons. First, the extant fortification is significant because in terms of design and scale it was one of the largest and most important military works built in colonial Canada during the 19th century. In the commemorative integrity statement this is described as the "historic site". The site's surviving physical resources are comprised of built heritage, archaeological resources, cultural landscapes and collections of historic objects. Second, Fort Henry is significant because it was part of a "fortifications system" constructed in the Kingston harbour area to defend the Rideau Canal and the dockyards. In the statement, Fort Henry's association with the other defensive works and the Kingston harbour is described as the "historic place". In terms of dates, the commemorated period is 1832 through to 1870.

The values associated with the historic place are the extant military works - the four Martello Towers and Fort Henry - and equally important, the survival of the tangible relationship between the fortifications themselves and in turn their relationship to the harbour, the canal and the site of the former dockyard. In terms of objectives for the historic place, the statement notes that maintaining the viewscapes among the fortifications is fundamental to the preservation of the historic values of the Kingston Fortifications.

The historic site is analysed in some detail in the document but several points are worthy of note here. Under the built heritage category, the fortification of Fort Henry is described as a single cultural resource (level 1) and includes the advanced battery, the redoubt and the glacis. The surviving massing, form and fabric of this structure plus the sense of scale and purpose that it conveys are its most significant historic values. Among the objectives, the statement recommends that the form and fabric of the fortification be safeguarded and maintained through the application of recognized international conservation standards and any proposed repairs, additions or interventions to the structure respect the historic values of the fort.

The cultural landscape is another component of the historic site which is considered of fundamental importance to the national significance of Fort Henry. As the statement notes, the cultural landscape includes all visible features on the site's landscape plus the viewscapes within and beyond the defined site. Because of the surviving profile and open ground of the site's landscape dating from the commemorated period the landscape was evaluated as a level 1 cultural resource. Fort Henry's surrounding open ground and promontory profile sloping down to the waterlines on three sides

Statement of Commemorative Intent
speaks to its military purpose in the past century. The views of the glacis and the ramparts from the entrance road or from the water around the site provides a unique perspective of the fort and conveys an understanding of its imposing size, height and military purpose. These features and views represent important historic values of the site and the statement recommends they be preserved and that any proposed interventions or additions to the site's landscape respect these identified values.
1.0 Introduction.

Fort Henry is a National Historic Site owned by the Department of National Defence but leased to the Province of Ontario (St. Lawrence Parks Commission) to be operated as an historic site. In July 1996 the Department of National Defence requested that the Department of Canadian Heritage prepare a Commemorative Integrity Statement to assist them in evaluating development proposals from the St. Lawrence Parks Commission for the use of the land. The following statement was prepared under the guidance of cultural resource management specialists from Parks Canada but with significant assistance and input from others representing: St. Lawrence Parks Commission (Fort Henry), Department of National Defence (CFB Kingston), Treasury Board (Bureau of Real Property and Material Portfolio Management), Catararo Archaeological Research Foundation, Township of Pittsburgh Local Architectural Conservation Advisory Committee, Kingston Historical Society and the Fort Henry Joint Working Group. A members list of the Core and Working Teams is attached as Appendix "E".

2.0 Purpose and Definition of Commemorative Integrity

2.1 A Statement of Commemorative Integrity Is a Management Tool and Is Intended To:

- articulate what is of national historic significance about the site, including both resources and messages, in one comprehensive statement and thus provide direction for all decision-making regarding the site;
- identify the historic values of the site, the whole and the parts that make up the whole, and so provide a means to ensure that management decisions do not lose sight of what is most valued;
- provide measurable objectives or indicators to determine how successfully the site is being managed.

A commemorative integrity statement provides input into decision-making by managers but does not, in itself, make decisions. Decision-making remains the responsibility of those who have jurisdiction over the historic site. The statement provides information on where value lies and can be used as a framework to assess the impact of proposed action or lack of action. As such, the commemorative integrity statement is a fundamental consideration in the decision-making process. Nonetheless, the statement needs to be considered along with other factors in arriving at the most appropriate decision for the national historic site.
2.2 Commemorative Integrity Describes the Health or Wholeness of a National Historic Site.

A national historic site possesses commemorative integrity when:

- the resources that symbolize or represent its importance are not impaired or under threat;
- the reasons for the site's national significance are effectively communicated to the public, and;
- the site's heritage values are respected by all whose decisions or actions affect the site.

3.0 Commemorative Intent

Commemorative intent identifies the reason(s) why the site was commemorated as being of national historic significance. While the authority to designate a National Historic Site rests with the Minister, it is on the advice of the Historic Sites and Monuments Board of Canada [the Board] that this authority is exercised. Commemorative intent, therefore, is based on the Ministerially-approved recommendations of the Board's deliberations.

In 1923 the Historic Sites and Monuments Board of Canada first noted that Fort Henry is a site of great national importance, and its historic features should be preserved, repairs carried out and everything done to make it an attractive memorial.... And whereas this fortress is a structure of much historic interest, owing to its former importance as a military and naval station, and in fact inferior only as a defence of this country in the past to the fortresses of Halifax and Quebec.

In 1981 it was observed that Fort Henry had been on the agenda of the Board on eight different occasions since 1923 but each time a decision was deferred, and to date no action had been taken to mark the national historic significance of the site. The Director of Parks Canada, Ontario Region, requested that the Board clarify its position regarding Fort Henry, in order that the Region might erect a plaque there in 1982, as part of the ceremonies marking the 150th anniversary of the opening of the Rideau Canal and the beginning of the construction of Fort Henry.

The Board reaffirmed that the site is of national historic significance and further requested that a draft

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1 This term refers specifically to those resources that are of national historic significance, they are more commonly described as level 1 (cultural) resources

2 This term refers to those resources that are not deemed nationally significant but nonetheless possess recognized historic value; they are usually described as level 2 (cultural) resources
inscription be prepared for its consideration in the fall of 1981.

Fort Henry Plaque Text (full Board approval 1981)

An earlier fort was built here on Point Henry during the War of 1812 primarily to defend the nearby naval dockyard. When the Rideau Canal was built as part of a military route connecting Kingston with Montreal, the strategic importance of this site increased. The old fort was therefore replaced by the present structure of stronger and more advanced design which was completed at a cost of over £70,000. Garrisoned by units of the British then the Canadian army until 1890, the fort never saw action although it was used as a prison for rebels captured during the Rebellions of 1837-38.

In 1989 the Board addressed the question of the collection of defensive sites in the Kingston harbour. The Board commented: the Kingston fortifications, comprising Fort Henry, Fort Frederick, and Muney, Shoal and Cathcart Martello Towers, are, as a unit, of national historic importance, and should be commemorated by a special plaque making reference to all these elements.

The Board emphasized that it did not intend that this commemoration should in any way affect the existing plaques marking individual elements of the Kingston Fortifications.

Fort Henry Plaque Text (full Board approval 1992)

The site of the Royal Naval Dockyard during the War of 1812, Kingston assumed even greater strategic importance as the southern terminus of the Rideau Canal, which was built between 1826 and 1832. An extensive fortification plan of redoubts, towers, and batteries was developed to protect the dockyard and entrance to the canal, but only Fort Henry was actually built. In response to the Oregon Crisis with the United States in 1845-1846, four Martello towers and the Market Battery, which stood on this site, were constructed between 1846 and 1848.
Based on the deliberations of the Historic Sites and Monuments Board of Canada, Fort Henry is a site of national historic significance because:

- of the fortification built on Point Henry beginning in 1832 for the defence of the Rideau Canal and the Naval Dockyard and;
- this site was the key fortification among a series of military works designed to defend Kingston and its harbour.

In addition, those resources directly associated with Fort Henry dating from the 1832-1870 period are of national historic significance.

4.0 Resources that Symbolize or Represent the Site's National Historic Significance

4.1 The Historic Place

While not applicable to all national historic sites, "historic place" locates and describes the site in broader contextual terms regardless of ownership or jurisdictional boundaries. The Historic Sites and Monuments Board of Canada commemorated Fort Henry itself but it also commemorated the "Kingston Fortifications" of which Fort Henry is an integral part. Historic place therefore, accounts for this non-contiguous complex of sites and recognizes that many of the historic values of Fort Henry - both physical and associative - do not end at the site's boundary. At the same time, however, identifying the values of the historic place does not imply any jurisdictional claim beyond the boundary of the defined site.

The present citadel of Fort Henry cannot be understood without reference to the geographic significance - in both military and commercial terms - of what is now the Kingston harbour area. A good natural harbour situated at the mouth of the Cataraoqu River, it faced the confluence of the eastern end of Lake Ontario with the beginning of the St. Lawrence River. Before the coming of the railways, water transportation was virtually the only means to move goods and people in or out of the Great Lakes region.

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3 The year 1870 marks the end of the British occupation of the site. By this date the fortification was no longer considered an important military or naval station. While Fort Henry continued to serve a military function for the Canadian Militia (artillery training and ordnance depot) after 1870, the site no longer housed a permanent garrison.
and this place was the gateway to the Great Lakes.

The French recognized the significance of the location and constructed a military and trading post there in 1673. The British military occupied the area in 1783 and since then there has been an uninterrupted military presence continuing to the present day.

Point Henry itself is an elevated promontory some 100 feet (30.5 m) above the water level which provides a commanding view of the North Channel of the St. Lawrence River, the mouth of Cataracaqui River, and the harbour area. With the outbreak of war in 1812, the forests on this site were cleared and a blockhouse constructed as part of a defensive system designed to protect the Royal Navy and Provincial Marine depot and dockyard in Navy Bay. Through the war years the fortifications on Point Henry were rebuilt and expanded.

Because of its key geographic location, the town of Kingston evolved into a major commercial, political, naval and military centre in the colony of Upper Canada through the early decades of the 19th century. With the completion of the Rideau Canal in 1832, linking Kingston to Montreal via an inland route, the town's importance as a key transportation hub increased. To protect the southern terminus of this military canal, the British undertook construction of a new fortification on Point Henry that was unprecedented in terms of its scale, design and cost anywhere in British North America west of Quebec City. In the 1840s, Fort Henry's own fortification was augmented with the construction of the ditch towers and the commissariat casemates. During the same period, the British built four Martello Towers and the Market Battery in and around Kingston's harbour to provide the town, the canal and the dockyards with a more comprehensive defensive system.

Today the historic role played by Fort Henry in the defence of Kingston is enhanced by its continued tangible relationship to the four other Martello Towers and the former site of the Market Battery. Similarly, the site's commanding position over looking the North Channel of the St. Lawrence, the terminus of the Rideau Canal, the Kingston harbour and the site of the former dockyard in Navy Bay all speak to the purpose and function of the Fort in the past century. Beyond the site's northern boundary up to Barriefield, 20th century development and vegetation growth have only partially obscured the cleared ground and heights of land which were once considered significant features of the Fort's northern approaches. (See map: Appendix "D")

Fort Henry as an historic place is valued for its association with:

- British defence of colonial Canada in the 19th century;
- Canada's 19th century inland water transportation system;
- Kingston's defensive system and the town's military and naval significance.
Fort Henry as an historic place is valued for its physical attributes including:

- the survival of the site’s fortification with the majority of its commemorated built resources intact (see details below);
- the survival of the majority of Kingston’s other fortifications dating to the commemorated period;
- the survival of the tangible relationship of the site to Kingston’s other 19th century defensive works

The historic place will be unimpaired or not under threat when:

- the form and fabric of the extant resources of the commemorated Kingston fortifications are safeguarded and maintained according to recognized heritage conservation principles;
- the viewpoints from Fort Henry to the other commemorated military works in Kingston harbour are maintained in order to enhance the understanding of their historic relationship;
- the viewpoints of Fort Henry to the other commemorated military works in Kingston harbour are maintained through the encouragement of and cooperation with other levels of government, private land owners and partners in order to safeguard the historic character of the area and enhance the understanding of the historic relationship between the fortifications;
- the panoramic views from the waters of Kingston Harbour to the city’s 19th century fortification system remain unobstructed through the encouragement of and cooperation with other levels of government, private land owners and partners in order to safeguard this aspect of the historic character of the harbour and enhance the understanding of the historic relationship among the fortifications;
- the heights of land in order to enhance the understanding of the historic orientation of the fortification.

4.2 The Site

For the purposes of this commemorative integrity statement, the site refers to those lands defined as Fort Henry National Historic Site to which this document applies. The rationale for the site boundaries are based on the contiguous surviving historic and geographic features of the landscape surrounding the fortification’s redoubt and advanced battery.

The site comprises part of the triangular land form known as Point Henry in Pittsburgh Township, Frontenac County. The site is bounded by the shorelines of Deadman Bay.
to the east and Navy Bay to the west which converge at the southern tip of Point Henry. The northern boundary is defined by a radial line running from a point on the shoreline of Navy Bay north of the Stockade eastward along the crest of land over to the entrance road of the PMQ property and then following the present lease boundary to the shoreline of Deadman Bay (See map: Appendix "C") This boundary encompasses the surviving cleared land and "dead zone" which was necessary for the effective defence of the fort. All natural and cultural resources within this defined area are considered to be part of Fort Henry National Historic Site.

The historic site is evaluated below under the following cultural resource components: built heritage, archaeological sites, cultural landscapes, and collections of historic objects.

4.2.1 Built Heritage

The built heritage resources that symbolize or represent the national significance of Fort Henry National Historic Site (level 1 cultural resources) include the fortification and those surviving buildings outside the fortification dating from the commemorated period that were integral to the operation of the site

4.2.1.1 The Fortification

The Fort Henry fortification comprises: the casemated redoubt, the redoubt ditch with stone-faced scarp and counterscarp, the counterscarp reverse-fire galleries, the caponiere, the two branch ditches, the branch ditch towers, the advanced battery, the Commissariat Stores, the gateway entrances and the glacis. The fortification is considered as a single resource and evaluated as a level 1 cultural resource.

The evaluation team recognized that many structural elements of the fortification had undergone repair and reconstruction work, including the introduction of new material, over the past century-and-a-half. While there was no attempt to impose a specific quota of original fabric in the evaluation process, the team noted that two features of the fortification - the south curtain wall of the redoubt and the north, east and west counterscarp walls should be considered as 1930s reconstructions because of the extensive use of new material and modern constructions techniques.

The fortification is valued for its:

- design, scale and construction material which places it among the most significant British fortifications constructed in Canada in the 19th century;
- size and location which underscores the military importance of
Kingston and the Rideau Canal;
- design and orientation which conveys its essential purpose as a platform for guns on a commanding height of land;
- surviving physical attributes of design, fabric and massing which represents the apogee of smooth bore technology, tactics and fortification design;
- scale and material which conveys a sense of permanence not a frontier outpost;
- complete trace which conveys a sense of symmetry and enclosure;
- surviving original interior fittings and finishings such as the magazine door hinges and flooring which conveys knowledge and enhances understanding regarding interior details;
- surviving infrastructure details such as cisterns, drains and masonry gutters which reveals further construction details and aspects of garrison organization and social life;
- craftsmanship of masonry work;
- evolutionary elements - ditch towers and Commissariat Stores - which acknowledges the incompleteness of the original structure.

4.2.1.2 Buildings

The buildings at the site are those structures not physically connected to the fortification but are an integral part of the site dating from the commemorated period. These include buildings nos. 1 and 2 (the gun sheds), and 7 (barracks' stores) which are located in the stockade on the west side of the site and the hospital guardhouse on the east side. These four buildings are considered as level 1 cultural resources because of there direct relationship to the commemorated period and their integral association with the functioning of the garrison.

(Note: there is virtually no information regarding the two story brick house in the stockade but all indications are that this structure has no connection to the commemorated period. Until more information comes to light, it is not considered a cultural resource.)

The evaluation team noted that the three buildings located in the stockade had undergone extensive repair and reconstruction, including the introduction of new fabric, since the commemorated period. They were judged, however, to retain enough of their form and structural fabric to be considered level 1 resources at least until a more detailed structural history is completed.

The buildings are valued for their:
- direct association of the military operation and maintenance of the site
dating from the commemorated period;
- physical and associative relationship of the guardhouse to the former hospital building.

The built heritage will be unimpaired or not under threat when:

- the massing, form and fabric of the fortification is safeguarded and maintained by technical and professional experts utilizing recognized international conservation standards;
- a regular monitoring and maintenance regime is in place for the fortification as an integral part of the conservation program;
- any additions, repairs or interventions to the fortification respect the identified historic values of the site;
- original fabric in need of replacement is replaced in kind;
- the original open spaces and circulation patterns within the fortification are respected and maintained;
- original structural details, gun races, interior fittings and finishings and infrastructure works are safeguarded and maintained;
- the footprint, profile and surviving original fabric of the outlying historic buildings are respected;
- any interventions are based on an adequate knowledge of the history of the structure.

4.2.2 Archaeological Sites

There is no comprehensive inventory of archaeological sites at Fort Henry. Until more research and investigative work is conducted, the approach is to treat all archaeological sites with potential association with the construction and/or occupation of Fort Henry during the commemorated period as level 1 cultural resources. Such known archaeological sites include features and artifacts from:

- the ordnance and engineer’s yard;
- the former hospital;
- the magazine and officer’s quarters dating from the 1812 fortification but extending into the 1840s;
- the wharf cribs on the shoreline south of the west branch tower.

The archaeological sites are valued for their:

- potential tangible remains and research value which contribute to an understanding of the site regarding its construction, operation, evolution and social life,
• surviving physical elements.

The archaeological sites will be unimpaired or not under threat when:

• any physical interventions to the site are preceded by archaeological input in accordance with professional standards;
• records of archaeological investigations (reports, notes and artefacts) are properly maintained and accessible for research purposes.

4.2.3 The Cultural Landscape

The cultural landscape of the site comprises both natural and built features visible on the landscape. (The significant built features have been dealt with separately above.) While the site’s landscape has experienced change and overlay over the past century, it retains much of its 18th century military character. The fortification is imbedded atop the naturally elevated ground of the promontory, cleared of its tree cover, and with the naturally sloping ground around the fort augmented in places by a glacis.

Viewscapes within the site and looking out from the site also comprise a significant component of the Fort Henry cultural landscape. Only the views looking north and northeast have been seriously obstructed by modern intrusion and tree cover. Views which convey the site’s 19th century military role and purpose, and reinforce the concept of inter-connecting fields of fire include looking:

• east across Deadman Bay to Cartwright Point and Cedar Island;
• west to Navy Bay, Fort Frederick and the site of the former dockyard then across the mouth of the Cataraqui to Kingston’s harbour and the Shoal Tower;
• south from the advanced battery to the north channel and the entrance to the harbour;
• north from the redoubt to the heights of land as far as Barriefield.

While not all features on the site’s landscape can be considered cultural resources, the cultural landscape itself carries enough historic integrity from the commemorated period to be evaluated as a level 1 cultural resource.

In addition to the viewscapes noted above, specific landscape features of the site linked to the commemorated period include:

• the remaining cleared/open ground of the site;
• the profile of the glacis and natural terrain;

Statement of Commemorative Intent
• the boundary shorelines of Deadman Bay and Navy Bay;
• the retaining wall of the glacis northwest of the redoubt;
• the remnants of the retaining walls along the shoreline of Deadman Bay;
• the historic access route to the west gate of the fortification;
• the road/pathway to the swale;
• unobstructed views looking south from the entrance road up to the compound and the fortification;

The cultural landscape of Fort Henry is valued for its:

• open ground and physical profile surviving from the commemorated period which reinforces the military character of the site and provides visual evidence of the design, purpose occupation of the site;
• surviving circulation patterns and access routes which speak to the occupation of the site in the 19th century;
• surviving landscape features such as the retaining walls and shoreline profiles which speaks to the adaptation of the site in the 19th century;
• unobstructed views from the fortification beyond the site to Navy Bay, the St Lawrence River and the Kingston harbour which enhances the understanding of a network of fortifications and the reasons why Fort Henry was built;
• unobstructed views from waters around the site which provide a unique perspective of the glacis and the ramparts of the fort and which conveys its imposing size, height and military purpose;
• unobstructed view from the entrance road to the compound and up to the fort which provides a visual relationship between these features and the low profile appearance of the fort which conveys its military purpose and speaks to the military technology of the mid 19th century.

The cultural landscape of the site will be unimpaired or not under threat when:

• the existing open grounds of the glacis and the sloping terrain down to the shorelines are maintained to preserve the 19th century military character and features;
• views from waters around the site remain unobstructed to preserve this unique perspective of looking up glacis to the ramparts of the fort which conveys its imposing size, height and military purpose;
• views from the entrance road of the site looking south to the compound and up to the fortification remain unobstructed to preserve the perspective, the visual relationship between these features and the low profile appearance of the fort which conveys its military purpose;
• historic landscape features such as the retaining walls and shoreline
profiles surviving from the commemorated period are safeguarded in place;
• views from the fortification’s east and west gates are unobstructed,
• viewscapes from the terreplein looking east, west and northwest beyond the boundaries of the site remain unobstructed;
• vegetation on the site is managed to enhance historic, visual relationships within and beyond the site;
• any proposed interventions or additions to the landscape respect the identified historic values.

4.2.4 Collections (moveable objects)

The collections which symbolize or represent the national significance of the site (level 1 resources) include a range of historic objects including ordnance, archaeological artifacts and archival material that have direct historic connections to the site within the commemorated period. Also included here as level 1 resources are ordnance pieces and associated items in possession of the site that came from the other Kingston fortifications dating from the commemorated period.

The Fort Henry collection includes such items as:
• ordnance, gun carriages, gun platforms, munitions, plus a wide variety of ordnance implements - spikes, shot garlands, etc;
• archaeological artifacts;
• personal items and furnishings;
• military manuals, books, diaries, plans, watercolours and sketches.

The Fort Henry collection of nationally significant objects is valued for its:
• direct association with the site in the commemorated period;
• direct association with the purpose and occupation of the site;
• information it provides on the occupation of the site;
• contribution to an understanding of the site and its relations to the other fortification;
• quantity - the large collection of ordnance speaks to the scale and significance of the site.
• association with individuals who served at the site.

The level 1 collection of the site will be unimpaired or not under threat when:
• the inventory and records of the holdings is maintained;
• those parts of the collection deemed to be under threat are given appropriate conservation treatment and appropriate storage facilities.
5.0 Reasons for the Site’s National Significance Are Effectively Communicated to the Public

Messages of National Significance are based on the reason(s) why the site was commemorated. Effective communication focuses on what knowledge and understanding a visitor should have acquired about the national significance of the site.

5.1 Primary messages regarding the national significance of Fort Henry are:

- It was built (1832-1837) to defend the terminus of the Rideau Canal and the naval dockyard in Kingston harbour;
- when completed it was the largest and most costly fortification built in British North America west of Quebec City;
- It was designed as the key site in a network of fortifications for the defence of Kingston and its harbour.

5.2 Supporting messages of national significance include:

- the significance of Kingston as a transportation centre and political capital in the first half of the 19th century;
- strategic planning for the defence of Kingston, the Rideau Canal and the naval dockyard;
- design and construction of Fort Henry;
- augmenting the Kingston fortifications in the 1840s;
- Fort Henry’s place in the evolution of smooth bore fortification design;
- Fort Henry’s place among fortifications in British North America;
- the organization of the garrison;
- the British withdrawal from the site in 1870.

5.3 Learning objectives for messages of national significance include:

Where and why Fort Henry was built requires an understanding of:

- Kingston’s key geographic location in colonial Canada’s water transportation system - a transhipment centre and dockyard facilities for commercial and military purposes;
- Point Henry’s military significance as a high promontory over looking the harbour and dockyard - major fortifications built during the War of 1812;
- continued Anglo-American tensions in the years following the War of 1812;
- the completion of the Rideau Canal increased Kingston’s importance
as a military and naval station in Upper Canada and explains the
scale, design and cost of Fort Henry compared to other fortifications in
the province.

Why Fort Henry became part of a fortification system for Kingston requires an
understanding that:

- the initial design and location of Fort Henry was never intended to be
  Kingston's single defended strong point;
- Anglo-American tensions heightened with the Oregon Boundary
dispute;
- the British military utilized a coastal defensive system used elsewhere
  throughout the empire where a series of Martello Towers were built
  around the harbour with each fortified point supporting the other with
  inter-connecting fields of fire;
- Fort Henry because of its design, size and location was the
  cornerstone of the defensive system.

6.0 The Site's Other Heritage Values Are Respected

in addition to those resources that symbolize or represent the national significance of
Fort Henry, the fortification possesses other physical and associative values that
contribute to the site's heritage character and heritage experience.

6.1 Historic Place

Historic place focuses on those heritage values associated with the site but carry
broader heritage significance beyond the site's boundaries.

Fort Henry and the other Kingston Fortifications possess heritage values because of
their association with:

- the surviving 19th century heritage character of the Kingston harbour
  area;
- the historic military presence in the Kingston area, in particular the
  social and economic interaction between the civilian and military
  communities in the 19th century that continues to the present;
- the social and economic life of Kingston since the restoration activities
  in the 1930s - e.g. tourism and the role of the Fort Henry Guard in
  representing/symbolizing the city;
• early (1930s) live animation of historical presentation - the Fort Henry Guard;
• the City of Kingston as a dominant landmark symbol and tourist attraction;
• marine archaeological sites in Navy and Deadman Bays dating from the War of 1812 period.

The heritage values of the historic place will be respected when:

• future development in the Kingston harbour area respects the heritage associations with the military works in and around the harbour;
• marine archaeological sites are safeguarded and their heritage values are taken into account in any proposed activity.

6.2 The Site

In terms of broad themes, other heritage values associated with Fort Henry National Historic Site include:

• the construction, evolution and occupation of the first Fort Henry, 1812 - 1832;
• its use and occupation by the Canadian military, 1870 - 1914;
• its use as an internment camp for 'enemy aliens' during the First World War;
• the restoration efforts and the interpretation program beginning in the 1930s;
• its use as a prisoner of war camp during the Second World War;
• its historic association with the City of Kingston.

The heritage values of the site are examined below under the following cultural resource categories: built heritage, archaeological sites and collections.

6.2.1 Built Heritage

The site contains little built heritage that is not of national significance (level 1). Two features of the fortification, the south curtain wall and the east, west and north faces of the counterscarp wall, were identified as being products of the reconstruction work from the 1930s and are evaluated as level 2 cultural resources.

These two features of the fortification are valued for their:

• association with the repair and reconstruction work of the 1990s,

Statement of Commemorative Intent
• completion of the fortified trace which contributes to a better understanding of the function of the fortification.

These two features of the fortification will be respected when:

• their heritage character within the larger context of the fort is safeguarded.

6.2.2 Archaeological Sites

There is no comprehensive inventory of archaeological sites at Fort Henry and little is known about resources pre or post dating the commemorated period. Until more research and investigative work is conducted, the approach is to treat all archaeological sites with potential association with the War of 1812 fortification or post-dating 1870, as level 2 cultural resources.

The level 2 archaeological sites are valued for their:

• potential tangible remains and research value which contribute to an understanding of the site regarding its construction, operation, evolution and social life;
• surviving physical elements;
• association with the ongoing military presence after 1870.

The level 2 archaeological sites will be respected when:

• any physical interventions to the site are preceded by archaeological input in accordance with professional standards;
• records of archaeological investigations (reports, notes and artifacts) are properly maintained and accessible for research purposes.

6.2.2 Collections (moveable objects)

The parts of the Fort Henry collection which fall outside the commemorated period or are not specifically linked to the site (level 2 resources) include a range of historic objects including ordnance, archaeological artifacts and archival material.

The Fort Henry collection of level 2 objects includes such items as:

• ordnance, gun carriages, gun platforms, munitions, plus a wide variety of ordnance implements - spikes, shot garlands, etc.;
• small arms and edged weapons;

Statement of Commemorative Issues
• uniforms, badges,
• archaeological artifacts;
• personal items and furnishings;
• military manuals, books, diaries, plans, watercolours, photographs and sketches;
• items from the early Fort Henry Guard,
• crafts and other items (from the POW period).

The Fort Henry collection of level 2 objects is valued for its:

• direct association with the purpose and occupation of the site;
• information it provides on the occupation of the site;
• contribution to an understanding of the site and its relations to the other fortification;
• quantity - the large collection of ordnance speaks to the scale and significance of the site,
• association with individuals who served at the site.

The level 2 collection of the site will be respected when:

• the inventory and records of the holdings is maintained;
• those parts of the collection deemed to be under threat are given appropriate conservation treatment and appropriate storage facilities.

6.3 Heritage Messages

Heritage messages are linked to Fort Henry's other heritage values identified above in sections 6.4 and 6.5.

6.2. These include:

• the historic military presence in the Kingston area, in particular the social and economic interaction between the civilian and military communities from the early 19th century continuing to the present;
• the construction and role of the first Fort Henry particularly defending the dockyards during the War of 1812,
• Fort Henry and its use by the Canadian military, 1870-1914;
• the internment of "enemy aliens" during the First World War;
• the restoration of Fort Henry in the 1930s;
• the prisoner of war depot in the Second World War;
• the social and economic life of Kingston since the restoration activities.
7.0 Conclusions

As early as 1923, members of the Historic Sites and Monuments Board of Canada commented on the "great national importance" of Fort Henry in Canada's history and of the need to preserve the site's historic features. Since that time the site has undergone a major restoration effort and as a result several generations of Canadians and other people have had the opportunity to enjoy and learn about this nationally significant place. This success, however, does not ensure the survival of Fort Henry for future generations. Heritage conservation is an on-going activity and management should be aware that respect for the site's nationally significant historic values should be the basis of all decision making.
Appendix A

Parks Canada: CRM Definitions/Terminology

Commemorative Intent, the specific reason(s) why a historic site was declared to be of national historic significance. The commemorative intent is based on the minutes of the Historic Sites and Monuments Board of Canada [HSMBC]. The plaque texts is used as a supplemental guide only.

Commemorative Integrity Statement, a statement which describes the health or wholeness of a national historic site. A site possesses commemorative integrity when the resources that represent or symbolize its importance (level 1) are not impaired or under threat, when the reason for the site’s national significance is effectively communicated to the public, and when the sites heritage values (level 2) are respected by all whose decisions or actions affect the site.

Conservation, encompasses a variety of activities that are aimed at safeguarding a cultural resource so as to retain its historic value and extend its physical life. In all conservation activities, respect for the historic value of the resource is the central consideration. Conservation activities include: maintenance, preservation & modification.

Cultural Resource, a human work or place which gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value. A cultural resource embraces the whole as well as the parts that make up the whole; the whole is almost always of greater value than the sum of its parts - e.g. - a national historic site is a cultural resource as are parts of the site such as buildings, landscapes, archaeological resources, and historic objects.

Cultural Resource Management (CRM), a general term referring to the range of practices encompassing the protection, presentation and use of cultural resources.

Cultural Resource Management Policy, the policy of the Department of Canadian Heritage for the management of all its cultural resources in National Parks, Historic Canals and Marine Conservation Areas, as well as National Historic Sites.

Statement of Commemorative Intent
Cultural Landscape, a geographic area modified by human interaction with the natural environment or one that is of spiritual and/or cultural value to a people. It includes all things visible on the landscape - the whole as well as the parts that comprise the whole. Not all cultural landscapes are considered to be cultural resources, i.e. to have historic value.

Historic Place, the area or complex identified as being of national historic significance by the Historic Sites and Monuments Board of Canada regardless of ownership or jurisdictional boundaries. The historic place can comprise a non-contiguous series of sites.

(National) Historic Site, refers to a place within its jurisdictional/ownership boundaries declared to be of national historic significance by the Minister responsible (Department of Canadian Heritage) acting on the recommendation of the Historic Sites and Monuments Board of Canada.

Historic Value, a value assigned by Parks Canada to a resource, whereby it is recognized as a cultural resource. Such historic values can be physical and/or associative.

Level 1 Cultural Resource, a cultural resource of national historic significance by virtue of its specific commemoration by the HSMB of its direct relationship to the commemorative intent of a national historic site.

Level 2 Cultural Resource, a cultural resource not of national historic significance but considered to possess value over and above the historical.

Viewscape, an unobstructed line-of-sight from a specific location to a landscape or portion of it. A viewshed refers to a sequence of views or panorama from a given vantage point.
Appendix B

Military Terminology

Battery, a platform, usually protected by a parapet, for cannon and mortars.

Caponière, a sheltered defensible passage across the ditch of a fort or cut through the glacis, linking the outerworks to the main enceinte; sometimes used to provide additional flanking fire along the ditch.

Casemate, a vaulted chamber built in the thickness of the ramparts and often used as a barracks.

Citadel, a fortress built to dominate or protect a town.

Dead Ground, an area of ground in the vicinity of a fortified work not covered by the defender’s guns and thus creating a vulnerable spot in the defences.

Ditch, a dry trench outside a fortified work, usually rockhewn, to make mining more difficult, countercarp, is the outer wall or face of the ditch; scarp, is the inner wall or face of the ditch.

Glacis, the sloping ground in front of a fortified work extending down to open country, cleared of all obstacles to bring an advancing enemy into the direct line of fire.

Ordnance, a generic term referring to all cannons and mortars.

Redoubt, an enclosed fortification.
Appendix E

Members of Core and Working Teams

Core Team:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Affiliation</th>
</tr>
</thead>
<tbody>
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<td>Sue Bazely</td>
<td>Archaeologist, Cataraqui Archaeological Research Foundation, Kingston</td>
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<td>Ian Doull</td>
<td>Historical Services Branch, Parks Canada, HQ</td>
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<td>Joe Last</td>
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<td>John Towndrow</td>
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<td>John Witham</td>
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</tr>
</tbody>
</table>

Working Team (in addition to core team members):

<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Affiliation</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Bates</td>
<td>Chair, Fort Henry Joint Working Group</td>
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<td>Robert Cardwell</td>
<td>Pittsburgh Township Local Architectural Conservation Advisory Committee</td>
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<td>Lou Grimshaw</td>
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<tr>
<td>Kathy Magladry</td>
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<td>John Roberston</td>
<td>Manager, Fort Henry, St. Lawrence Parks Commission</td>
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</table>
KINGSTON FORTIFICATIONS
NATIONAL HISTORIC SITE

Commemorative Integrity Statement

September 1998

[No specific content provided in the image]
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1.0 Introduction

The Kingston Fortifications National Historic Site (NHS) consists of five non-contiguous elements or components located in and around the harbour of Kingston, Ontario, (see area map Appendix D). The five elements of the complex include: Fort Henry and Fort Frederick plus Cathcart, Murney and Shoal Towers. Fort Henry is a National Historic Site owned by the Department of National Defence but leased to the Province of Ontario (St. Lawrence Parks Commission) and operated as an historic site. Fort Frederick, located on the grounds of the Royal Military College (RMC) and housing the RMC Museum, is also owned by the Department of National Defence. In addition to being a part of the Kingston Fortifications, Fort Frederick is a component of another national historic site, the Pont Frederick Buildings NHS. The Cathcart, Murney and Shoal Towers are owned by Parks Canada. Through a lease arrangement, the Kingston Historical Society occupies Murney Tower and operates a community museum there.

This commemorative integrity statement (CIS) was prepared by cultural resource management specialists from Parks Canada along with others representing: the Department of National Defence, the RMC Museum, the Kingston Historical Society and the Ministry of Citizenship, Cultural, and Recreation (Province of Ontario). A list of all those involved in the development of the statement can be found in Appendix C.

2.0 Purpose and Definition of Commemorative Integrity

2.1 Objectives of the National Historic Sites Policy

The federal government’s objectives for Canada’s National Historic Sites program are:

- to foster knowledge and appreciation of Canada’s past through a national program of historic commemoration; and
- to ensure the commemorative integrity of national historic sites by protecting and presenting them for the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their associated resources.

2.2 A Commemorative Integrity Statement is a management tool and is intended to:

- articulate what is of national historic significance about the site, including both resources and messages, in one comprehensive statement and thus provide direction for all decision-making regarding the site;
- identify the historic values of the site, the whole and the parts that make up the whole, and so provide a means to ensure commemorative integrity.
2.3 The National Historic Sites Policy notes that commemorative integrity describes the health or wholeness of a national historic site. A national historic site possesses commemorative integrity when:

- the resources that symbolize or represent its importance are not impaired or under threat;
- the reasons for the site's national significance are effectively communicated to the public, and;
- the site's heritage values are respected by all whose decisions or actions affect the site.

3.0 Commemorative Intent

Commemorative intent identifies the reason(s) why the site was commemorated as being of national historic significance. While the authority to designate a National Historic Site rests with the Minister, it is on the advice of the Historic Sites and Monuments Board of Canada [HSMBC or the Board] that this authority is exercised. Commemorative intent, therefore, is based on the Ministerially-approved recommendations of the Board’s deliberations.

Before looking at the Kingston Fortifications as a whole, it is important to review why the individual elements of the Kingston Fortifications were commemorated.

3.1 Fort Henry National Historic Site

In 1923, the Historic Sites and Monuments Board of Canada first noted that Fort Henry is a site of great national importance, and its historic features should be preserved, repairs carried out and everything done to make it an attractive memorial. And whereas this fortress is a structure of much historic interest, owing to its former importance as a military and naval station, and in fact inferior only as a defence of this country in the past to the fortresses of Halifax and Quebec.

In the spring of 1981, it was observed that Fort Henry had been on the agenda of the Board on eight different occasions since 1923 but each time a decision was deferred, and to date no action had been taken to mark the national historic significance of the site. That year, the Board reaffirmed that the site is of national historic significance and further requested that a draft inscription be prepared for its consideration in the fall of 1981.

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1 This term refers specifically to those resources that are of national historic significance, they are more commonly described as level 1 (cultural) resources
Fort Henry Plaque Text (full Board approval 1981)

Fort Henry
An earlier fort was built here on Point Henry during the War of 1812 primarily to defend the nearby naval dockyard. When the Rideau Canal was built as part of a military route connecting Kingston with Montreal, the strategic importance of this site increased. The old fort was therefore replaced by the present structure of stronger and more advanced design which was completed at a cost of over £70,000. Garrisoned by units of the British then the Canadian army until 1890, the fort never saw action although it was used as a prison for rebels captured during the Rebellions of 1837-38.

Based on the deliberations of the Historic Sites and Monuments Board of Canada, Fort Henry is a site of national historic significance because:

- of the fortification built on Point Henry beginning in 1832 for the defence of the Rideau Canal and the Naval Dockyard and;
- this site was the key fortification among a series of military works designed to defend Kingston and its harbour.

(Fort Henry Commemorative Integrity Statement)

3.2 Point Frederick Buildings National Historic Site

Fort Frederick, located on the grounds of the Royal Military College, Kingston, first appeared in the Board Minutes in 1925 among an omnibus list of Kingston historical sites. Action was deferred.

In November 1973, the Board minutes report that: "commandant's house, gatehouse, walls, etc., that the complex of buildings now forming the Royal Military College at Point Frederick, Ontario, is of national architectural and historic significance."

Members of the Royal Military College had declined the planned unveiling of the Point Frederick plaque is mid-September 1976, because they had concerns with the text. They submitted another version which the Executive Committee of the Board reviewed and revised slightly (HSMBC Minutes, November 1976).
The following text was approved by the Committee.

Point Frederick Buildings
This peninsula, headquarters of the Provincial Marine (c. 1790-1813), and of the Royal Navy (1813-1853), was the major British naval base on Lake Ontario during the War of 1812. Buildings surviving from this period include the Naval Hospital, the Guard House complex, and the Stone Fregate. On the southern part of the peninsula stands Fort Frederick, erected in 1812-13 but completely rebuilt in 1846. In 1875 the Point was chosen as the site of the Royal Military College of Canada which admitted its first class in June 1876.

3.3 Murrey Tower National Historic Site (Kingston Martello Towers National Historic Site)

In one of the earliest meetings of the Historic Sites and Monuments Board of Canada, January 1920, the Board declared the three towers not to be national importance. Ten years later, however, in May 1930 the Board recommended that "secondary tablets be used to commemorate the following sites in Ontario: ... Murrey Tower, ... Fort Cathcart, ... Martello Shoal Tower, Kingston."

Only one tower received a tablet. In May 1939, the Board approved the following inscription for the marker to be affixed to Murrey Tower. It read:

This tower was built in 1846, by the Imperial Government, for the defence of Kingston harbour and the lake terminal of the Rideau canal.

In October 1972, a new inscription for Murrey Tower received Board approval. It read:

Murrey Tower
This tower was constructed in 1846 as a part of the new naval defences authorized for Kingston harbour by the Imperial government during the Oregon Crisis of 1845-46. It was one of the last British works of defence commenced in the Canadian interior and one of the most sophisticated of all the Martello Towers built in British North America. Although in regular use as a barracks after 1849 it was not fully armed until 1862, when it had already become obsolete because of rapid advances in offensive military technology.

2 At present there is confusion regarding this particular designation. Two publications from the Department of Canadian Heritage, Canada's National Historic Sites and Parks Atlas, March 1996 and the Register of Designations of National Historic Significance Commemorating Canada's History, March 1997, lists Kingston Martello Towers (Murrey, Cathcart and Shoal) as a national historic site. While these three towers were recommended for commemoration in May 1930, the 1973 Board requested that Cathcart Fort and the Fortifications of Kingston - which almost certainly included the Shoal Tower - not be considered of national significance. The three towers are part of the 1989 recommendation regarding the Kingston Fortifications but only Murrey Tower is clearly a national historic site distinct from the fortifications complex designation.
Based on the deliberations of the Historic Sites and Monuments Board of Canada, Murney Tower is a place of national historic significance because:

- it is part of the defence system built for Kingston Harbour in 1846, and;
- it is one of the last British works of defence constructed in the Canadian interior and is one of the most sophisticated of all Martello Towers built in British North America.

3.4 The Kingston Fortifications

The idea of addressing the fortifications in the Kingston Harbour as an integrated unit was first brought before the Board in November 1958. At that time it was noted that “the Old Fortifications at Kingston presents a very large problem and a very important one.” Fort Frederick in particular, it was observed, “was in a sadly dilapidated state.”

The Board approved the motion, “That the Kingston fortifications in general be declared of national historic importance and that the Department be requested to undertake a survey with a view to determining the buildings and structures that should be restored and preserved and further that the existing state of Fort Frederick seems to make an early investigation imperative” (Other than Fort Frederick, the buildings and structures included in this designation were not specified.)

This 1958 designation of the Fortifications at Kingston, however, was revoked at the request of a new Board in June 1973. That year, the Board requested that the Minister revoke a number of earlier Board recommendations “and that the following be considered not to be of national historic significance: . . . .” Among the sites listed were Cathcart Fort and the Fortifications of Kingston.

At the request of the Parks Canada program, the Board revisited the Kingston Fortifications in February 1988. The Minutes read that:

In light of the nature and extent of the recommendations of previous Boards concerning the national significance of elements of the Fortifications at Kingston which had resulted from their consideration in isolation, the Board agreed that further recommendations

3 Historically these works were known by various names. For example Shool Tower has been called the Martello Shool Tower and was originally called Victoria Tower, Cathcart Tower has frequently been referred to as the Cathcart Redoubt, Cathcart Martello Tower or Fort Cathcart, Murney Tower was originally named Murray Tower and has also been called Muney Martello Tower. It is recognized that all the towers are of the Martello type—excluding the tower within the earthworks at Fort Frederick - but in this document the following names will be used for the Kingston Fortifications: Shool Tower, Murney Tower, Cathcart Tower, Fort Frederick and Fort Henry.
regarding the Fortifications called for serious reflection. Consequently, it deferred a
decision respecting such matters until the June 1989 meeting at which time the material
currently before it should be brought back, accompanied by a visual presentation on the
nature and extent of the Kingston Fortifications.

In November 1989, the Board noted that of the five extant components of the Kingston
Fortifications, three had already been commemorated by Board plaques. It appeared to the Board
that, by recommending these individual commemorations, its predecessors had skirted the
question of the significance of the whole. The Board therefore recommended that "the Kingston
Fortifications, comprising Fort Henry, Fort Frederick, and Murney, Shoal and Cathcart
Mariello Towers, are, as a unit, of national historic importance, and should be commemorated
by a special plaque making reference to all these elements." The Board emphasized that it did
not intend that this commemoration should in any way affect the existing plaques marking
individual elements of the Kingston Fortifications.

Kingston Fortifications Plaque Text (full Board approval 1992):

Kingston Fortifications
The site of the Royal Naval Dockyard during the War of 1812, Kingston assumed even
greater strategic importance as the southern terminus of the Rideau Canal, which was
built between 1826 and 1832. An extensive fortification plan of redoubts, towers, and
batteries was developed to protect the dockyard and entrance to the canal, but only Fort
Henry was actually built. In response to the Oregon Crisis with the United States in
1845-1846, four Mariello towers and the Market Battery, which stood on this site, were
constructed between 1846 and 1848.
Based on the deliberations of the Historic Sites and Monuments of Canada, the Kingston Fortifications National Historic Site is a place of national historic significance because:

It is a fortification system consisting of five extant elements - Fort Henry and Fort Frederick along with the Murney, Shoal, and Cathcart Martello Towers - built for the defence of the Kingston Harbour, the southern terminus of the Rideau Canal, the Naval Dockyard and Kingston as a military station.

Those resources directly associated with the Kingston Fortifications dating from the 1832-1870 period are of national historic significance.

4.0 Historical Background

The Kingston Fortifications cannot be understood without reference to the geographic significance - in both military and commercial terms - of what is now the Kingston Harbour area. A natural harbour situated at the mouth of the Cataraqui River, it faced the confluence of the eastern end of Lake Ontario with the beginning of the St. Lawrence River. Before the coming of the railways, water transportation was virtually the only means to move goods and people in or out of the Great Lakes region and this place was the gateway to the Great Lakes.

The French recognized the significance of the location and constructed a military and trading post there in 1673. In 1758, the site was captured by British forces. A British garrison was established at Kingston in 1783, and since then there has been an uninterrupted military presence continuing to the present day.

With the outbreak of war in 1812, the British built a number of defensive works around the harbour including blockhouses at Point Henry, Point Frederick and Murney Point to protect the vitally important Royal Navy and Provincial Marine depot and dockyard in Navy Bay. Simple and hurriedly constructed, these works were rebuilt and expanded through the war years.

In the years following the war, the town of Kingston evolved into a major commercial, political, naval and military centre in the colony of Upper Canada. With the completion of the Rideau Canal in 1832, linking Kingston to Montreal via an inland route, the town’s

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4 It is recognized that the Market Battery was originally an integral part of Kingston Fortifications system. It is clear, however, that in 1989 the Board commemorated only those surviving elements of the fortifications.

5 The year 1832 marks the date when construction began on Fort Henry, the first of the fortifications to be built. By 1876, the fortifications were no longer considered useful defensive works. While the structures continued to serve the Canadian military as training and storage facilities after 1870, their role as defensive works was rendered obsolete by changing military technology. Also, the year 1870 was when the last British garrison left Kingston.
importance as a key transportation hub increased. To protect the southern terminus of this military canal, the British undertook construction of a new fortification atop Point Henry that was unprecedented in terms of its scale, design and cost anywhere in British North America west of Quebec City.

Despite its impressive size and cost, the new Fort Henry was never designed to defend Kingston on its own. Plans of the Royal Engineers called for a series of inter-connected supporting batteries and redoubts to augment Fort Henry’s defences but financial restrictions postponed the construction of these additional works.

By the mid-1840s, Anglo-American tensions were at a critical point over the Oregon boundary and this threat of hostilities with the United States prompted colonial authorities to strengthen Fort Henry’s own fortifications with the construction of the ditch towers and the commissariat casemates. At the same time, the British rebuilt Fort Frederick and constructed the Market Battery along with the Shoal, Munsey and Cathcart Towers in and around Kingston’s harbour to provide the town, the canal and the dockyards with a more comprehensive defensive system.

The Kingston fortifications were never tested in war. By 1870, the British garrison was gone never to return and the fortifications themselves were reduced to service as training and storage facilities for the fledgling Canadian army. The defensive qualities of these imposing structures had been rendered obsolete with the advent of rifled ordnance.

Today the historic role of the Kingston Fortifications is clearly evident on the harbour landscape with the survival of five of the six major defensive works. Despite some modern development on the water front, the four Martello Towers remain dominant features that cast dramatic profiles from nearly every perspective in and around the harbour. The collective presence of the towers speaks to the idea of an imposing, defensive system and to the historic importance of this place that called for such defences. While less visibly dominant from the harbour, Fort Henry conveys a sense of a formidable and ominous presence atop the high ground. Views from Fort Henry to the harbour present the observer a historic panorama which includes three of the four towers, the Nortä Channel of the St. Lawrence, the terminus of the Rideau Canal, the town’s commercial water front, and the site of the former dockyard in Navy Bay.

5.0 Resources that Symbolize or Represent the Site’s National Historic Significance

5.1 Designated Place

“Designated place” locates and describes the boundaries of the site by defining the nationally significant place as recommended by the HISMBC regardless of ownership or jurisdiction.

The Kingston Fortifications consists of a complex of five non-contiguous sites or elements.
located in and around the Kingston Harbour area. The five sites include: Fort Henry and Fort Frederick plus Cathcart, Munsey and Shoal Towers. While the designated place describes the boundaries of the five sites it also notes that the historic value of the fortifications resides more in the inter-relationship of the elements - the whole or the system - rather than in any intrinsic value of an individual part.

5 1.1 Fort Henry

Fort Henry is a National Historic Site under a separate designation as well as being a component of the Kingston Fortifications.

The key element of the Kingston Fortifications system, Fort Henry is embedded atop Point Henry, an elevated promontory some 100 feet (30.5 m) above the water, which provides a commanding view of the North Channel of the St. Lawrence River, the mouth of Catarquai River, and the Kingston Harbour area. The glacis of the fort extends down to the shorelines of Deadman Bay to the east and Navy Bay to the west, both of which converge at the southern tip of Point Henry. As described in the Fort Henry Commemorative Integrity Statement, the northern boundary is defined by a radial line running from a point on the shoreline of Navy Bay north of the Stockade eastward along the crest of land over to the entrance road of the PMQ property and then following the present lease boundary to the shoreline of Deadman Bay. This boundary encompasses the surviving cleared land and "dead zone" which was necessary for the effective defence of the fort.

Given its elevated position, Fort Henry’s fields of fire to the east, south and west, were designed to cover most of the harbour area which encompassed Fort Frederick and Shoal and Cathcart Towers.

5 1.2 Fort Frederick

Fort Frederick is a component feature of Point Frederick Buildings National Historic Site as well as a component of the Kingston Fortifications National Historic Site.

Located at southern end of Point Frederick, this element of the designated place consists of a Martello Tower and ditch enclosed within an earthworks and masonry curtain wall. In terms of its commemoration as part of the Kingston Fortifications, the designated place extends to the outer trace of the earthworks.

Fort Frederick’s field of fire covered Navy Bay to the east, the North Channel of the St Lawrence on the south and the mouth of the Catarquai River (Rideau Canal) on the west.

5 1.3 Cathcart Tower, Cedar Island

Located on Cedar Island, which is within St. Lawrence Islands National Park, this fortification consists of a Martello Tower, surrounded by a shallow ditch and in turn encompassed by a glacis extending to the shorelines on three sides. The boundary of the designated place is marked by
the end of the glacis

The guns of Cathcart Tower covered the eastern approaches of Kingston Harbour in the North Channel of the St. Lawrence.

5.1.4 Shoal Tower

Built on a shoal in the harbour itself, this part of the designated place consists of the tower plus the submerged rubbish and cribbing associated with the tower’s construction in 1846-1847.

Located in the harbour directly off shore from City Hall and the site of the former Market Battery, the Shoal Tower had a commanding field of fire of Kingston’s commercial harbour and the entrance to the Rideau Canal.

5.1.5 Murney Tower

Murney Tower is a National Historic Site independent of its commemoration under the Kingston Fortifications.

Built on a triangular point of raised ground known as Murney Point, this part of the designated place consists of the tower and the encircling ditch and glacis.

Located on the shore west of the harbour, the guns on Murney Tower were intended to cover the western approaches of the town.

5.1.6 The Kingston Fortifications as a designated place is valued for its association with:

- Kingston’s 19th century defensive system and the town’s military and naval significance;
- British defence of colonial Canada in the 19th century;
- the Great Lakes-Rideau Canal inland water transportation system.

5.1.7 The Kingston Fortifications as a designated place is valued for its physical attributes including:

- the survival of five major elements of the fortification system intact (see details below under Built Heritage, Section 5.2);
- the survival of the tangible relationship between the five fortification elements which speaks to the idea of a defensive system;
- the survival of the fortifications within the historic context of the town, harbour, dockyard and canal access which collectively speak to the location, purpose and function of the fortifications.
5.1 The designated place will be unimpaired or not under threat when:

- the form and fabric of the extant resources of the site are safeguarded and maintained according to recognized heritage conservation principles and practices;
- the existing views and visual linkages between the fortification elements and from the fortifications to the historic harbour locations are maintained or enhanced in order to ensure public understanding of the defensive system and the visual relationships to other historic locations in the harbour through the encouragement of and cooperation with other levels of government, private land owners and partners;
- the existing panoramic views from the waterfront and the harbour to the fortifications are maintained or enhanced through the encouragement of and cooperation with other levels of government, private land owners and partners in order to safeguard the historic character of the harbour and enhance the understanding of the historic relationship between the fortifications;
- future development respect the visual relationship between the fortification elements as well as their scale and massing through the encouragement of and cooperation with other levels of government, private land owners and partners in order to safeguard the historic character of the site;
- its historic values are effectively communicated to the public.

5.2 Built Heritage: The Fortifications

For the purpose of this document, the built heritage resources that symbolize or represent the national significance of Kingston Fortifications National Historic Site (level 1 cultural resources) includes all the surviving fortification components directly associated with any or all of the five elements commemorated. These include components such as the Martello Towers, glacis, ditches, earthworks, sally ports, magazine, walls, scarp and countercarps, branch ditches and branch ditch towers. It is recognized that certain portions of the built heritage such as the south curtain wall at Fort Henry and the countercarp in the Munsey Tower ditch are structural elements dating from reconstruction efforts in the 1930s. These are level 2 components of a level 1 cultural resource.

NOTE: In regards to Fort Henry's fortification elements, a more detailed statement of features, values and objectives is to be found in the Fort Henry Commemorative Integrity Statement

5.2.1 The fortifications are valued for their:

- surviving physical attributes of design, fabric and massing which, in the case of Fort Henry, represents the apogee of smooth bore technology, tactics and fortification design and in the case of the towers, represents the most sophisticated Martello Towers built in British North America;
- concentration and orientation which enhances the understanding of an inter-related defensive system and conveys their essential purpose as a defensible platform for
guns;
- scale, fabric and concentration which conveys a sense of permanence and speaks to strategic importance;
- surviving original interior fittings and finishings such as the building hardware, shutters, masonry platforms, caldrons, pintles and racers all of which enhances understanding of the function of the fortifications.

Additional values of the fortification components include:

- the ditches and caponieres of Cathcart, Murney and Fort Frederick Towers reflect an innovative solution that addresses the defensive weaknesses associated with towers,
- the unusual siting of the Shoal Tower in Kingston Harbour and the manner in which it was constructed is unique in British North America;
- the design of Fort Frederick which is the most complex among the four towers, with an extensive earthworks, magazine, sally port and wall enclosing the ditched tower.

5.2.2 The fortifications will be unimpaired or not under threat when:

- their massing, form and fabric are safeguarded and maintained by technical and professional experts following the Cultural Resource Management (CRM) Policy and the Federal Heritage Buildings Review Office (FHBRO) Code of Practice;
- a regular monitoring and maintenance regime is in place as an integral part of the conservation program;
- additions, repairs or other interventions respect the identified historic values;
- views from the fortification are critical to other elements are maintained or enhanced through appropriate vegetation management on each site;
- the original open spaces and circulation patterns of Fort Henry and Fort Frederick are respected and maintained,
- the interior structural organization and layout of the towers are respected and maintained;
- original structural details, gun races, interior fittings and finishings are safeguarded and maintained;
- the form and contours of earthworks and glacis are safeguarded and maintained through cooperation with other levels of government;
- a record is maintained for any additions, repairs or other interventions;
- any interventions are based on an adequate knowledge of the history of the structure;
- their historic values are communicated to the public.

5.3 Archaeological Resources

While there is no comprehensive inventory of archaeological resources associated with the Kingston Fortifications, a partial inventory does exist. Archaeological resources, known or as yet undiscovered, terrestrial and/or marine - such as the coffer dam at Shoal Tower - that are directly associated with the construction, occupation and function of the Kingston Fortifications and
dating from the 1832 to 1870 period are considered level 1 cultural resources.

5.3.1 The archaeological resources are valued for their:

- tangible remains which contributes to a understanding of the site regarding its construction, operation, occupation and evolution.
- surviving physical remains;

5.3.2 The archaeological resources will be unimpaired or not under threat when:

- any physical interventions to the designated place are preceded by archaeological review in accordance with professional standards and through the encouragement of and cooperation with other levels of government;
- marine resources are safeguarded through the encouragement of and cooperation with other levels of government;
- records of archaeological investigations (reports, notes and artifacts) are properly maintained and accessible for research and presentation purposes;
- CRM principles and practices are applied to their management and an inventory is in place;
- their historic values are communicated to the public.

5.4 Historic Objects

The historic objects which symbolize or represent the national significance of the site (level 1 resources) include but are not restricted to in situ ordnance, gun carriages, traversing platforms, hot shot furnaces, plus munitions and side arms. Also included in the Fort Henry collection are ordnance pieces and associated items that came from the other Kingston Fortifications dating from the commemorated period. In addition, Fort Henry’s collection of historic objects include personal items and furnishings, plus archival material such as military manuals, books, diaries, plans, watercolors and sketches; for details see the Fort Henry CIS.

5.4.1 The Kingston Fortifications’ collection of nationally significant objects is valued for its:

- direct association with the purpose and occupation of the site;
- contribution to an understanding of the site and its relations to the other fortification;
- quantity - the large collection of ordnance speaks to the scale and significance of the site.
- association with individuals who served at the site during the commemorated period.

5.4.2 The level 1 historic objects of the site will be unimpaired or not under threat when:

- CRM principles and practices are applied to their management;
- the inventory and records are maintained;
- the objects or collection of objects are available for research and presentation.
purposes;
• future acquisition efforts focus on the fortifications' nationally significant period - this objective may not be applicable to the Murney Tower Museum or to the Royal Military College Museum;
• their historic values are communicated to the public.

6.0 Reasons for the Sites's National Significance Are Effectively Communicated to the Public

Messages of national significance are based on the reason why the site was commemorated a national historic site.

Effective communication focuses on what knowledge and understanding as many people as possible should have regarding the national significance of the site. It involves communicating the national significance, plus the provision of contextual information which enhances people's historical knowledge and understanding of the site.

The information outlined below is intended only as a communications framework. These are key messages upon which a heritage presentation program should be developed.

6.1 Reasons for the Site’s National Significance

As many people as possible should understand the reason for the national significance of the Kingston Fortifications NHS:

That it is a fortification system consisting of five elements - Fort Henry and Fort Frederick along with the Murney, Shoal, and Cathcart Martello Towers - built for the defence of the Kingston Harbour, the southern terminus of the Rideau Canal, the Naval Dockyard and Kingston's other military facilities.

6.2 Contextual Messages

As many people as possible should understand the following contextual messages:

• Kingston was one of a series of fortified sites that the British constructed along the St. Lawrence-Great Lakes corridor through the first half of the 19th century to defend the Canadian colonies in the event of war with the United States;
• Kingston's location, harbour and dockyard facilities made it of great strategic importance in the defence of Upper Canada during the War of 1812;
• the completion of the Rideau Canal in 1832, added to Kingston's importance as a
military, naval and commercial centre and led to the decision to build Fort Henry;
• Anglo-American tensions were at a critical point in the mid-1840s over the question
of the Oregon boundary and this concern about war with the U.S. prompted British
authorities to augment Kingston’s defences;
• of all the fortified sites along the St. Lawrence-Great Lakes corridor, only Quebec
City had larger, more elaborate defences than Kingston;
• the Martello Tower was an effective and relatively inexpensive design that the
British, and others, frequently used for harbour and coastal defences;
• despite its size and fire power, Fort Henry could not defend the harbour and the town
on its own;
• in addition to their role as a platform for guns, the fortifications contained barrack
facilities for the men - and frequently soldiers’ families;
• changing technology rendered the fortifications obsolete by 1870 (a classic example
of the new rifled technology is exemplified in the Armstrong gun at Fort Frederick);
• the Kingston Fortifications provide an excellent and rare, surviving example in
Canada of the application of inter-locking and mutually-supporting fields of fire in
the smooth-bore era.

6.3 Planning and Measuring Communication Programs and Services

Planning and design of heritage communication programs will be effective when:
• the diversity of audiences and markets is considered and accounted for;
• quality presentation practices and key messages are incorporated into programs;
• monitoring of program content, quality and delivery occurs.

Measures and measurement methodologies will be put in place to determine the effectiveness of
the delivery - audience’s understanding - of the key messages. Effectiveness measures will need
to ensure that:
• a combination of off-site and on-site experiences are employed to meet visitor and
non-visitor needs,
• the nationally significant messages are delivered to all main target markets at
appropriate places using relevant methods.
7.0 The Site’s Heritage Values Are Respected

In addition to those resources and messages that are directly related to or represent the national significance of the Kingston Fortifications, the site possesses other historic values and resources (level 2) that contribute to the site’s heritage character and enhance the heritage experience.

NOTE: A more detailed description of Fort Henry’s level 2 values, resources and messages can be found in the Fort Henry Commemorative Integrity Statement

7.1 Themes Associated with Kingston Fortifications

7.1.1 In terms of additional military themes associated with Kingston Fortifications National Historic Site, the following have been identified and include:

- The fortification and defence of Kingston during the War of 1812.
- Kingston’s strategic military role in the first half of the 19th century - the War of 1812 and the building of the Rideau Canal.
- Individuals who were directly involved/responsible for the design and construction of the fortifications, e.g. W. Holloway, Sir R. Bonyycastle, Lord Catheart, Alexander Mackenzie.
- The utilization of geographic/topographic features in designing, locating and building the fortifications.
- The lost elements of the fortification system - the Market Battery.
- The use of the fortifications by the Canadian military after 1870.
- The continuous military presence in Kingston dating from 1783 to the present.
- The establishment of the Royal Military College on Point Frederick beginning in 1876.

7.1.2 There are also a number of non-military themes associated with Kingston Fortifications National Historic Site, which can be grouped under two broad themes:

7.1.2.a The association of the fortifications to the community includes:

- Kingston is known for its towers and they are significant elements of the city’s heritage character.
- The Shoal Tower is a symbol of the city and appears on Kingston’s coat of arms
- Munsey Tower has, and remains, an important part of the community through its setting in Macdonald Park. It is also the site of the Munsey Tower Museum established 1923 by the Kingston Historical Society.
- The RMC Museum at Fort Frederick tells the history of the site, the college and its graduates
7.1.2.b The survival, restoration and conservation of the fortifications includes:

- One of the major factors in their survival is that since the withdrawal of the British garrison in 1870, the works have remained in the public domain - federal or provincial government ownership/management.
- Both Fort Henry and Murney Tower underwent restoration work in the depression (1930s) through joint federal-provincial “make work” projects.
- Cathcart Tower, on Cedar Island, is in St. Lawrence Islands National Park which emphasizes the dual responsibility of Parks Canada to conserve and present both natural and cultural resources.
- There has been a history of strong community support for the preservation of the fortifications dating to the early 1920s when public pressure resulted in three of the towers (Cathcart, Shoal and Murney) being transferred from the Department of Militia and Defence to the Department of the Interior - the department responsible for historic sites and monuments.
- The Kingston Fortifications are part of a larger assemblage of military works built along the St. Lawrence-Great Lakes corridor to defend British North America, such as: the Quebec (City) Fortifications, Fort Wellington, Fort York, Fort Mississaugua, Fort Erie and Fort St Joseph. All of which are National Historic Sites.

7.2 Other Heritage Resources

Other than archaeological resources, there are few cultural resources related to the additional themes and values of the site that have not been addressed in the first part of this document.

NOTE: The historic objects in possession of the museums at Fort Frederick and Murney Tower that are not directly linked to the national significance of the site are not considered cultural resources within the context of this document.

7.2.1 Archaeological Resources

While there is no comprehensive inventory of archaeological resources associated with the Kingston Fortifications, a partial inventory does exist. Until more research and archaeological investigative work is conducted, the approach is to treat all archaeological resources with potential association with the War of 1812 fortifications or post-dating 1870, as level 2 cultural resources. Noteworthy examples include: the remnant foundation from the War of 1812 blockhouse at Fort Frederick; marine resources in Navy and Deadman Bays; the location of the former Market Battery; and the remnants of the quarry and several buildings related to the construction and occupation of Cathcart Tower on Cedar Island outside the boundary of the designated place.

The level 2 archaeological resources are valued for their:

- tangible remains which contributes to an understanding of the site regarding its
construction, operation, occupation and evolution pre-1832 and post 1870;

- surviving physical remains of the former Market Battery which was once an integral component of the Kingston Fortifications;
- association with the War of 1812 defences and the ongoing military activity after 1815.

The archaeological resources will be unimpaired or not under threat when:

- any physical interventions to the designated place are preceded by archaeological review in accordance with professional standards and through the encouragement of and cooperation with other levels of government;
- marine resources are safeguarded through the encouragement of and cooperation with other levels of government;
- records of archaeological investigations (reports, notes and artifacts) are properly maintained and accessible for research and presentation purposes;
- CRM principles and practices are applied and an inventory in place.

7.3 Heritage Messages

The heritage messages outlined below are intended as a guideline for a communications framework. While not considered to be nationally significant, these messages tell important heritage stories associated with the Kingston Fortifications.

NOTE: A separate and more detailed listing of heritage messages for Fort Henry can be found in the Fort Henry Commemorative Integrity Statement.

In regards to additional heritage values associated with the Kingston Fortifications, the public should be aware that:

- this is a national historic site;
- each historic site is part of a system of national and international historic places;
- the cultural and natural heritage represented by these places is a legacy to Canadians and a very significant part of Canadian identity;
- Catcart Tower on Cedar Island is the only national historic site within the boundaries of a national park - St. Lawrence Islands National Park - in Ontario and this which illustrates the dual responsibility of Parks Canada to conserve and present both natural and cultural resources;
- Cedar Island is designated as a Zone 3, Environmentally Sensitive Site, within St. Lawrence Islands National Park;
- the former location of the Market Battery (archaeological site) is directly linked to the Kingston Fortifications in that this was the sixth element of the defensive system;
- Kingston has been an important military site since the French period;
- the military presence in Kingston covers over 300 years;
- Kingston played a crucial role in the defence of Upper Canada during the War of
1812;

- the Kingston harbour landscape portrays a range of historical themes from Canada’s past: the Rideau Canal - importance of water transportation before the railways; the fortifications - the British colonial period; the Royal Military College - post-Confederation and Canada’s move toward nationhood;
- the fortifications have been a Kingston landmark, a symbol and an integral part of the community’s heritage for over a century;
- the Kingston Historical Society has operated the Murney Tower Museum since the early 1920s;
- community concern and support is one of the major reasons behind the remarkable survival of the fortifications.
Appendix A

Parks Canada CRM Definitions/Terminology

Commemorative Intent, the specific reason(s) why a historic site was declared to be of national historic significance. The commemorative intent is based on the minutes of the Historic Sites and Monuments Board of Canada [HSMB]. The plaque text is used as a supplemental guide only.

Commemorative Integrity Statement, a statement which describes the health or wholeness of a national historic site. A site possesses commemorative integrity when the resources that represent or symbolize its importance (level 1) are not impaired or under threat, when the reason for the site's national significance is effectively communicated to the public, and when the sites heritage values (level 2) are respected by all whose decisions or actions affect the site.

Conservation, encompasses a variety of activities that are aimed at safeguarding a cultural resource so as to retain its historic value and extend its physical life. In all conservation activities, respect for the historic value of the resource is the central consideration. Conservation activities include: maintenance, preservation & modification.

Cultural Resource, a human work or place which gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value. A cultural resource embraces the whole as well as the parts that make up the whole; the whole is almost always of greater value than the sum of its parts - e.g. - a national historic site is a cultural resource as are parts of the site such as buildings, landscapes, archaeological resources, and historic objects.

Cultural Resource Management (CRM), a general term referring to the range of practices encompassing the protection, presentation and use of cultural resources.

Cultural Resource Management Policy, the policy of the Department of Canadian Heritage for the management of all its cultural resources in National Parks, Historic Canals and Marine Conservation Areas, as well as National Historic Sites.

Cultural Landscape, a geographic area modified by human interaction with the natural environment or one that is of spiritual and/or cultural value to a people. It includes all things visible on the landscape - the whole as well as the parts that comprise the whole. Not all cultural landscapes are considered to be cultural resources, i.e. to have historic value.

Designated Place, the area or complex identified as being of national historic significance by the Historic Sites and Monuments Board of Canada regardless of ownership or jurisdictional boundaries. The historic place can comprise a non-contiguous series of sites.
National Historic Site, refers to a place declared to be of national historic significance by the Minister responsible for Parks Canada (Department of Canadian Heritage) acting on the recommendation of the Historic Sites and Monuments Board of Canada.

Historic Value, a value assigned by Parks Canada to a resource, whereby it is recognized as a cultural resource. Such historic values can be physical and/or associative.

Level 1 Cultural Resource, a cultural resource of national historic significance by virtue of its specific commemoration by the HSMB or its direct relationship to the commemorative intent of a national historic site.

Level 2 Cultural Resource, a cultural resource not of national historic significance but considered to possess value over and above the historical.

View shed, an unobstructed line-of-sight from a specific location to a landscape or portion of it. A view shed refers to a sequence of views or panorama from a given vantage point.
Battery, a platform, usually protected by a parapet, for cannon and mortars.

Caponiere, a sheltered defensible passage across the ditch of a fort or cut through the glacis, linking the outerworks to the main enceinte; sometimes used to provide additional flanking fire along the ditch.

Casemate, a vaulted chamber built in the thickness of the ramparts and often used as a barrack.

Citadel, a fortress built to dominate or protect a town.

Dead Ground, an area of ground in the vicinity of a fortified work not covered by the defender’s guns and thus creating a vulnerable spot in the defences.

Ditch, a dry trench outside a fortified work, usually rockhewn, to make mining more difficult.

Counterscarp, is the outer wall or face of the ditch; scarp, is the inner wall or face of the ditch.

Glacis, the sloping ground in front of a fortified work extending down to open country, cleared of all obstacles to bring an advancing enemy into the direct line of fire.

Martello Tower, originally a British coastal tower, conical in shape, mounting guns on its terreplein and housing stores and barracks facilities. The British favoured these towers because they were quick and economic to build in comparison to other forms of permanent defensive works.

Ordnance, a generic term referring to all cannons and mortars.

Redoubt, an enclosed fortification
Volume 3

Parks Canada Agency Act, Policies, Regulations, and Reports

Appendix I – Parks Canada Agency Act
Appendix J – Parks Canada Guiding Principles and Operating Policies
  · Historic Canals Policy
  · Federal Heritage Buildings Policy
  · Cultural Resource Management Policy
Appendix K – Department of Transport Act
  · Historic Canals Regulations
Appendix L – Federal Heritage Buildings Code of Practice
Appendix M – Standards and Guidelines for the Conservation of Historic Places in Canada
Parks Canada Agency Act

NOTE: This legislation has been prepared for reference purposes only and therefore has no legal sanction. All amendments up to March 31, 2003 are included

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STATUTES OF CANADA 1998
CHAPTER 31
An Act to establish the Parks Canada Agency and to amend other Acts as a consequence
Assented to December 3, 1998

Preamble

Whereas the Government of Canada wishes to establish an Agency for the purpose of ensuring that Canada's national parks, national historic sites and related heritage areas are protected and presented for this and future generations and in order to further the achievement of the national interest as it relates to those parks, sites and heritage areas and related programs;

Whereas the Government of Canada wishes to establish an Agency that, through the exercise of its responsibilities in relation to those parks, sites and heritage areas and related programs, will reflect Canada's values and identity and contribute to enhancing pride in Canada;

Whereas the Government of Canada wishes to establish an Agency to provide quality services to visitors and the Canadian public through alternative human resource and administrative regimes and financial authorities;
And Whereas it is in the national interest

(a) to protect the nationally significant examples of Canada's natural and cultural heritage in national parks, national historic sites, national marine conservation areas and related heritage areas in view of their special role in the lives of Canadians and the fabric of the nation,
(S.C. 2002, c. 18, s. 33(1))
(b) to present that heritage through interpretive and educational programs for public understanding, appreciation and enjoyment, both for international visitors and the Canadian public, thereby enhancing pride, encouraging stewardship and giving expression to our identity as Canadians,

(c) to carry out Canada's international obligations and agreements to protect, conserve and present that heritage and to contribute towards the protection and presentation of the global heritage and biodiversity,

(d) to include representative examples of Canada's land and marine natural regions in the systems of national parks and national marine conservation areas, (S.C. 2002, c. 18, s. 33(2))

(e) to commemorate places, people and events of national historic significance, including Canada's rich and ongoing aboriginal traditions,

(f) to ensure the commemorative integrity of national historic sites,

(g) to maintain or restore the ecological integrity of national parks,

(h) to ensure the ecologically sustainable use of national marine conservation areas, (S.C. 2002, c. 18, s. 33(3))

(i) to protect heritage railway stations and the heritage character of federal heritage buildings,

(j) to provide leadership and support to the Canadian Heritage Rivers System,

(k) to provide Canadians with an opportunity to enjoy Canada's special places,

(l) to maintain ecological and commemorative integrity as a prerequisite to the use of national parks and national historic sites, and

(m) to manage visitor use and tourism to ensure both the maintenance of ecological and commemorative integrity and a quality experience in such heritage and natural areas for this and future generations;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE
1. This Act may be cited as the Parks Canada Agency Act.

INTERPRETATION
2.(1) The definitions in this section apply in this Act.

"Agency" means the Parks Canada Agency established by section 3.

"Chief Executive Officer" means the Chief Executive Officer appointed under section 10.

"employee" means an employee appointed under subsection 13(1).

"heritage protection programs" includes programs that relate to

(a) heritage railway stations and federal heritage buildings that are within the jurisdiction of the Minister under the Department of Canadian Heritage Act;

(b) Canadian heritage rivers and federal archaeology; and

(c) any other matters within the jurisdiction of the Minister that relate to areas of Canadian natural or historical significance that the Minister may, with the approval of the Governor in Council, specify for the purposes of this definition.

"Minister" means the Minister of Canadian Heritage.

"national historic site" means a place designated under subsection (2).

"national marine conservation area" means a marine conservation area or reserve as defined in subsection 2(1) of the Canada National Marine Conservation Areas Act.

(S.C. 2002, c. 18, s. 34.1(2))

"national park" includes a park as defined in section 2 of the National Parks Act.

"other protected heritage areas" includes

(a) historic canals that are within the jurisdiction of the Minister under the Department of Canadian Heritage Act;

(S.C. 2002, c. 18, s. 34.1(1))

(b) historic museums that may be established by the Minister under the Historic Sites and Monuments Act; and

(c) any other areas within the jurisdiction of the Minister that relate to areas of Canadian natural or historical significance that the Minister may, with the approval of the Governor in Council, specify for the purposes of this definition.
(2) The Minister may designate any historic place as defined in section 2 of the Historic Sites and Monuments Act as a national historic site for the purposes of this Act.

ESTABLISHMENT OF AGENCY

3. There is hereby established a body corporate to be called the Parks Canada Agency, that may exercise powers and perform duties and functions only as an agent of Her Majesty in right of Canada. Minister responsible

4.(1) The Minister is responsible for and has the overall direction of the Agency.

(2) The Agency shall comply with any general or special direction given by the Minister with reference to the carrying out of its responsibilities.

(3) Notwithstanding subsection (1), no direction may be given with respect to the matters referred to in section 13.

5.(1) Subject to any direction given by the Minister, the Agency may exercise the powers and shall perform the duties and functions that relate to national parks, national historic sites, national marine conservation areas, other protected heritage areas and heritage protection programs that are conferred on, or delegated, assigned or transferred to, the Minister under any Act or regulation (S.C. 2002, c. 18, s. 35)

(2) An officer or employee of the Agency may exercise any power and perform any duty or function referred to in subsection (1) if the officer or employee is appointed to serve in the Agency in a capacity appropriate to the exercise of the power or the performance of the duty or function, and in so doing, shall comply with any general or special direction given by the Minister.

(3) Subsection (1) does not include

(a) any power, duty or function of the Minister under this Act;

(b) a power to make regulations under this or any other Act; or

(c) a power to make designations or appointments under the Historic Sites and Monuments Act or the Heritage Railway Stations Protection Act.

5.1 A direction by the Minister referred to in sections 4 and 5 is not a statutory instrument for the purposes of the Statutory Instruments Act.

6.(1) The Agency is responsible for the implementation of policies of the Government of Canada that relate to national parks, national historic sites, national marine conservation
areas, other protected heritage areas and heritage protection programs.
(S.C. 2002, c. 18, s. 36)

(2) The Agency shall ensure that there are long-term plans in place for establishing systems of national parks, national historic sites and national marine conservation areas.
(S.C. 2002, c. 18, s. 36)

(3) The Agency is responsible for negotiating, and recommending to the Minister, the establishment of new national parks, national marine conservation areas and other protected heritage areas and the acquisition of national historic sites.
(S.C. 2002, c. 18, s. 36)

(4) The Agency is responsible for the administration and enforcement of the Acts listed in Part 1 of the schedule and any regulations made under those Acts and the regulations listed in Part 2 of the schedule.

7. The Governor in Council may, by order, add to or delete from the schedule any Act of Parliament or regulation or part of an Act or regulation that relates to national parks, national historic sites, national marine conservation areas or other protected heritage areas or heritage protection programs.
(S.C. 2002, c. 18, s. 7)

8. The Agency may, in carrying out its responsibilities,

(a) enter into contracts, agreements, memoranda of understanding or other arrangements with a department or agency of the Government of Canada, with any other government or any of its agencies or with any person or organization in the name of Her Majesty in right of Canada or in its own name;

(b) acquire any property, including securities, by way of gift, bequest or other form of donation and, subject to the terms and conditions on which the property was acquired, hold, administer, expend, sell, exchange or otherwise dispose of the property;

(c) sell, exchange, loan or otherwise dispose of any personal property or moveables acquired, held or administered by the Agency;

(d) license, assign or otherwise make available any patent, copyright, industrial design, trade-mark, trade secret or other like property right held, controlled or administered by the Agency;

(e) publish, sell or otherwise disseminate studies, reports and other documents of the Agency; and

(f) do anything that is necessary or incidental to the furtherance of the purposes of the Agency.
8.(1) The Minister shall, at least once every two years, convene a round table of persons interested in matters for which the Agency is responsible to advise the Minister on the performance by the Agency of its responsibilities under section 6.

(2) The Minister shall respond within 180 days to any written recommendations submitted during a round table convened under subsection (1).

9. Notwithstanding section 9 of the Department of Public Works and Government Services Act, the Agency, with the approval given generally or in a specific case by the Governor in Council, on the recommendation of the Treasury Board, may procure goods and services, including legal services, from outside the public service of Canada.

ORGANIZATION OF AGENCY

10.(1) The Governor in Council shall appoint an officer, to be called the Chief Executive Officer, to hold office during pleasure for a term of not more than five years, which term may be renewed for one or more further terms.

(2) The Chief Executive Officer shall be paid the remuneration that may be fixed by the Governor in Council.

11. In the event of the absence or incapacity of the Chief Executive Officer or a vacancy in that office, the Minister may appoint any person to exercise the powers and perform the duties and functions of the Chief Executive Officer, but no person may be so appointed for a term of more than ninety days without the approval of the Governor in Council.

12.(1) The Chief Executive Officer, under the direction of the Minister, has the control and management of the Agency and all matters connected with it.

(2) The Chief Executive Officer has the rank and all the powers of a deputy head of a department.

(3) The Chief Executive Officer is responsible for preparing, for the Minister's approval, guiding principles and operational policies for matters within the Agency's responsibilities.

(4) The Chief Executive Officer may delegate to any person any power, duty or function conferred on the Chief Executive Officer under this Act or any other Act or regulation.

HUMAN RESOURCES

13.(1) The Chief Executive Officer has exclusive authority to
(a) appoint, lay-off or terminate the employment of the employees of the Agency, and

(b) establish standards, procedures and processes governing staffing, including the appointment, lay-off or termination of employment otherwise than for cause, of employees.

(2) Nothing in the Public Service Staff Relations Act shall be construed to affect the right or authority of the Chief Executive Officer to deal with the matters referred to in paragraph (1)(b).

(3) Subsection 1(2) of the Financial Administration Act does not apply with respect to the Agency and the Chief Executive Officer may

(a) determine the organization of and classify the positions in the Agency;

(b) set the terms and conditions of employment, including termination of employment for cause, for employees and assign duties to them; and

(c) provide for any other matters that the Chief Executive Officer considers necessary for effective personnel management in the Agency.

14.(1) For the purposes of sections 32 to 34 of the Public Service Employment Act, the Chief Executive Officer is deemed to be a deputy head, and an employee is deemed to be an employee within the meaning of that Act.

(2) The Public Service Commission may, at the request of the Agency, provide any service to the Agency that it is authorized to provide to a department under the Public Service Employment Act or any other related service, and may recover from the Agency the costs incurred in providing the service, and the Commission is, for greater certainty, authorized to enter into arrangements with the Agency for those purposes.

15. Notwithstanding section 56 of the Public Service Staff Relations Act, the Chief Executive Officer may, in accordance with the negotiating mandate approved by the President of the Treasury Board, enter into a collective agreement with the bargaining agent for a bargaining unit composed of employees that is applicable to employees in that bargaining unit.

GENERAL

16.(1) The Chief Executive Officer is responsible for establishing a charter for the Agency that sets out the values and principles governing

(a) the provision of services by the Agency to the public; and
(b) the management of the human resources of the Agency.

(2) The charter established under subsection (1) shall be made available to the public.

17. The principal office of the Agency shall be in the National Capital Region described in the schedule to the National Capital Act.

18.(1) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Agency, whether in its own name or in the name of Her Majesty in right of Canada, may be brought or taken by or against the Agency in the name of the Agency in any court that would have jurisdiction if the Agency were not an agent of Her Majesty.

(2) Property acquired by the Agency is the property of Her Majesty in right of Canada and title to it may be held in the name of Her Majesty or in the name of the Agency.

FINANCIAL PROVISIONS

19.(1) Money may be appropriated by Parliament from time to time by way of a vote in an appropriation Act or any other Act of Parliament, for the period that may be specified in the Act, for the purposes of making operating and capital expenditures of the Agency and providing financial assistance in the form of grants and contributions.

(2) The unexpended balance of money referred to in subsection (1) appropriated by any Act of Parliament for the purpose of making operational expenditures of the Agency lapses at the end of the fiscal year following the year in which the money was originally appropriated or at the end of any longer period that may be specified in the Act.

20.(1) For the purposes of paragraphs (2)(b) and 21(2)(a), terms and expressions used in those paragraphs have the same meaning as in the Federal Real Property Act.

(2) Notwithstanding subsection 29.1(1) of the Financial Administration Act, the Agency may, for the purposes referred to in subsection 19(1), spend amounts equal to revenues resulting from the conduct of its operations in that or subsequent fiscal years, including

(a) proceeds from the sale, exchange, loan or other disposition or the licensing of any personal property or moveables acquired, held or administered by the Agency;

(b) proceeds from any of the following transactions in respect of federal real property under the administration of the Minister for the purposes of the Agency:

(i) the lease or giving of a licence,
(i) the transfer to Her Majesty in any right other than Canada of the administration and control, otherwise than in perpetuity, and

(iii) a disposition of any right or interest, other than a disposition referred to in paragraph 21(2)(a);

(c) proceeds from, including fees paid under any Act of Parliament in respect of, the provision by the Agency of a service, of the use of a facility or of a product, right or privilege;

(d) proceeds from any money recovered under section 29; and

(e) any refund of expenditures made in previous fiscal years.

21(1) There is hereby established an account in the accounts of Canada to be called the New Parks and Historic Sites Account.

(2) There shall be credited to the New Parks and Historic Sites Account money appropriated by Parliament from time to time by way of an appropriation Act or any other Act of Parliament for the purposes specified in subsection (3), and any revenues of the Agency resulting, including proceeds from

(a) any of the following transactions in respect of federal real property under the administration of the Minister for the purposes of the Agency:

(i) the sale or any other disposition in perpetuity of any right or interest,

ii) the transfer of administration to another minister or to an agent corporation, and

(iii) the transfer of administration and control in perpetuity to Her Majesty other than in right of Canada; and

(b) a gift, bequest or other form of donation made for the purposes of the Agency or for any purpose specified in subsection (3)

(3) Subject to the approval by the Treasury Board of the corporate plan prepared under section 33, amounts may, notwithstanding any other Act of Parliament, be paid out of the New Parks and Historic Sites Account for the following purposes:

a) to acquire any historic place, or lands for historic museums, or any interest therein, for the purpose of paragraph 3(d) of the Historic Sites and Monuments Act;

(b) to acquire any real property or immovables for the purpose of establishing, enlarging or designating, as the case may be, any national park, national historic
site, national marine conservation area or other protected heritage area that has not yet attained full operational status;
(S.C. 2002, c. 18, s. 38(1))

(c) to develop or maintain any national park, national historic site, national marine conservation area or other protected heritage area that has not yet attained full operational status, and to make any related contribution or other payment;
(S.C. 2002, c. 18, s. 38(1))

(d) to implement a decision by the Minister to recommend the establishment of a national park, national historic site, national marine conservation area or other protected heritage area, or to commemorate a historic place under section 3 of the Historic Sites and Monuments Act, and to make any related contribution or other payment; and
(S.C. 2002, c. 18, s. 38(1));

(e) to repay advances made under subsection 22(2).

(4) The Chief Executive Officer must, in accordance with the guidelines established under subsection (5), determine whether a national park, national historic site, national marine conservation area or other protected heritage area has attained full operational status for the purposes of paragraphs (3)(b) and (d).
(S.C. 2002, c. 18, s. 38(2))

(5) The Chief Executive Officer must, with the approval of the Minister, establish guidelines respecting the making of a determination under subsection (4).

22.(1) There is hereby appropriated from the Consolidated Revenue Fund the amount of ten million dollars for the purpose of providing advances, from time to time, to the New Parks and Historic Sites Account.

(2) The Minister of Finance may, on the request of the Minister, authorize the making of advances to the New Parks and Historic Sites Account from the money appropriated under subsection (1) in accordance with any terms and conditions that have been approved by the Treasury Board.

(3) An advance made as authorized under subsection (2) must be credited to the New Parks and Historic Sites Account.

(4) The repayment of the principal amount of any advance made as authorized under subsection (2) shall, in accordance with any direction made by the Treasury Board, be charged to the New Parks and Historic Sites Account and credited to the balance outstanding of money appropriated under subsection (1), and the payment of any amount on account of interest payable on the advance may be made from money appropriated under an Act of Parliament as authorized under subsection 19(1).
(5) The amount of advances authorized under subsection (1) may be amended, from time to time, by an item in an appropriation Act.

FEES

23. (1) The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees or the manner of calculating the fees to be paid for a service or the use of a facility provided by the Agency.

(2) Fees for a service or the use of a facility that are fixed under subsection (1) may not exceed the cost to Her Majesty in right of Canada of providing the service or the use of the facility.

24. The Minister may, subject to any regulations that the Treasury Board may make for the purposes of this section, fix the fees or the manner of calculating fees in respect of products, rights or privileges provided by the Agency.

25. (1) Before fixing a fee under section 23 or 24, the Minister must consult with any persons and organizations that the Minister considers to be interested in the matter.

(2) The Minister must publish any fee fixed under section 23 or 24 in the Canada Gazette within thirty days after fixing it.

(3) A fee fixed under section 23 or 24 stands permanently referred to the Committee referred to in section 19 of the Statutory Instruments Act to be reviewed and scrutinized as if it were a statutory instrument.

26. The Treasury Board may make regulations for the purposes of sections 23 and 24.

27. The Agency may enter into an agreement with any person respecting the collection of fees fixed under this Act or any other Act under which the Agency provides services, facilities, products, rights or privileges and, notwithstanding subsections 17(1) and (4) of the Financial Administration Act, authorizing that person to withhold amounts from those fees.

28. The Minister may remit or refund all or part of a fee fixed under section 23 or 24 or under any other Act under which the Agency provides services, facilities, products, rights or privileges, and the interest on it.

29. The Agency may recover, as a debt due to Her Majesty, any fee or charge fixed under this or any other Act, any costs incurred by the Agency, and any interest on those fees, charges or costs, that relate to providing a service, facility, product, right or privilege by the Agency under this or any other Act.

30. The Minister may delegate to the Agency any power, duty or function conferred on the Minister under sections 23 to 25 and 28.
31. At least every two years, the Chief Executive Officer shall provide the Minister with a report, to be tabled in each House of Parliament, on the state of national parks, national historic sites, national marine conservation areas and other protected heritage areas and heritage protection programs, and on the performance of the Agency in carrying out its responsibilities under section 6.
(S.C. 2002, c. 18, s. 39)

32.(1) In addition to the duties in relation to management plans for parks under the Canada National Parks Act and the National Marine Conservation Areas Act, the Chief Executive Officer shall, within five years after the establishment of a national historic site or other protected heritage area, or within five years after the coming into force of this section, whichever is later, provide the Minister with a management plan for that national historic site or other protected heritage area in respect of any matter that the Minister deems appropriate, including, but not limited to, commemorative and ecological integrity, resource protection or visitor use, and that plan shall be tabled in each House of Parliament.
(S.C. 2002, c. 18, s. 40)

(2) The Minister shall review the management plan of a national historic site or other protected heritage area every five years and shall cause any amendments to the plan to be tabled in each House of Parliament.

33.(1) The Chief Executive Officer must submit to the Minister, before March 31 of each year and beginning the year that the Agency is established, a corporate plan for the operations of the Agency and the Minister must, after the plan is approved by the Treasury Board, table a summary of the plan in each House of Parliament on any of the first thirty days on which that House is sitting after the plan is so approved, at which time the plan shall be made available to the public on request.

(2) The corporate plan must include

(a) a statement of the Agency's objectives, management strategies to achieve those objectives, expected performances and associated financial budgets for the approaching fiscal year and the four following fiscal years; and

(b) any other information that the Treasury Board may require to be included in it.

(3) The Treasury Board may specify any terms and conditions that the Treasury Board considers appropriate for the approval of a corporate plan or an amendment to a corporate plan.

(4) The Agency shall not carry on any activity in a manner that is inconsistent with its corporate plan as approved by the Treasury Board.
34 (1) The Chief Executive Officer must, before September 30 of each year following the Agency's first full year of operations, submit an annual report on the operations of the Agency for the preceding year to the Minister and the Minister must table a copy of the report in each House of Parliament on any of the first thirty days on which that House is sitting after the Minister receives it.

(2) The annual report must include

(a) the financial statements of the Agency and the Auditor General of Canada's opinion on them;

(b) information about the Agency's performance with respect to the objectives established in the corporate plan and a summary statement of the assessment by the Auditor General of Canada of the fairness and reliability of that information;

(c) any other information that the Minister or the Treasury Board may require to be included in it; and

(d) a summary of any report prepared under subsection 35(1) during the year for which the annual report is submitted.

35.1 The Chief Executive Officer must, at least every five years, have prepared by a person or body, other than the Agency or any of its officers or employees, a report on the consistency of its human resources regime with the values and principles that are to govern the management of its human resources.

(2) The report prepared under subsection (1) shall be made available to the public.

AUDIT

36 The Auditor General of Canada shall annually

(a) audit and provide an opinion on the financial statements of the Agency;

(b) provide an assessment of the fairness and reliability of the information about the Agency's performance as set out in the Agency's annual report; and

(c) provide the Chief Executive Officer and the Minister with a report on the audit, opinion and assessment.

APPLICATION OF THE OFFICIAL LANGUAGES ACT

36.1 For greater certainty, the Official Languages Act applies to the Agency and the
Agency has the duty, under section 25 of that Act, to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in Canada or elsewhere can communicate with and obtain those services from that person or organization in either official language, in any case where those services, if provided by the Agency, would be required under Part IV of the Official Languages Act to be provided in either official language.

TRANSITIONAL

37. The provisions made by any appropriation Act for the fiscal year in which this section comes into force or a subsequent fiscal year, based on the Estimates for that year, to defray the charges and expenses of the public service of Canada within the Parks Canada Sector of the Department of Canadian Heritage in relation to any matter for which the Agency is responsible by virtue of this Act are deemed to be an amount appropriated for defraying the charges and expenses of the Agency in the amount that the Treasury Board may, on the recommendation of the Minister, determine.

38. The definitions in this section apply in sections 39 to 45.

"designated position" has the same meaning as in subsection 2(1) of the Public Service Staff Relations Act.

"employee" means a person whose employment in the Department of Canadian Heritage is terminated under paragraph 11(2)(c.1) of the Financial Administration Act and who is appointed to the Agency following an offer of employment made by the Agency as a result of a transfer of any work, undertaking or business from the Department of Canadian Heritage to the Agency.

"grievance" has the same meaning as in subsection 2(1) of the Public Service Staff Relations Act.

39. A competition being conducted or an appointment being or about to be made under the Public Service Employment Act in respect of a position within the Department of Canadian Heritage the duties and functions of which are assigned to a position within the Agency, may continue to be conducted or made as if the Agency were a department for the purposes of that Act.

40 (1) An appeal made under section 21 of the Public Service Employment Act by any person, against an appointment to a position within the Department of Canadian Heritage the duties and functions of which are assigned to a position within the Agency, and not finally disposed of on the assignment, must be dealt with and disposed of in accordance with that Act as if the Agency were a department for the purposes of that Act and the person continued to be an employee for the purposes of that Act.

(2) Any recourse commenced by an employee under the Public Service Employment Act
that has not been finally dealt with on the appointment of the employee to the Agency must be dealt with and disposed of in accordance with that Act as if the Agency were a department for the purposes of that Act and the person continued to be an employee for the purposes of that Act.

41.(1) Every employee who was considered to be on probation under section 28 of the Public Service Employment Act immediately before being appointed to the Agency continues on probation with the Agency until the end of any period established by the Public Service Commission by regulation for that employee or a class of persons of which that employee is a member.

(2) Subsection 28(2) of the Public Service Employment Act applies to an employee of the Agency who is on probation but the reference to deputy head in that subsection is to be read as a reference to the Chief Executive Officer.

42. If an employee, immediately before being appointed to the Agency, occupied a position that was a designated position in the Department of Canadian Heritage, that employee is, on appointment to the Agency, deemed to occupy a designated position in the Agency.

43.(1) Any grievance commenced by an employee under the Public Service Staff Relations Act that has not been finally dealt with on the appointment of the employee to the Agency, must be dealt with and disposed of in accordance with that Act as if the employee's employment in the Department of Canadian Heritage had not been terminated.

(2) A final decision with respect to a grievance referred to in subsection (1) that provides for the reinstatement of or payment of money to a person must be implemented by the Agency as soon as practicable

44. For the purpose of section 48.1 of the Public Service Staff Relations Act, the Governor in Council may fix the date on which the Parks Canada Sector and any other portion of the Department of Canadian Heritage are deemed to be severed from the Department and to become a part of the Agency, and that date is to be used for the purposes of subsections 48.1(3), (6) and (7) of that Act.

45. Any person who, or any person within a class of persons that, is designated by the Minister under subsection 5(2) of the National Parks Act before the coming into force of section 56 and who, immediately after the coming into force of that section, is an employee is deemed to have been designated under that subsection after the coming into force of that section

CONSEQUENTIAL AMENDMENTS

Access to Information Act
46. Schedule I to the Access to Information Act is amended by adding the following in alphabetical order under the heading "Other Government Institutions":

Parks Canada Agency Agence Parcs Canada

Appropriation Act No. 3, 1993-94

47. Environment Vote 21b of the schedule to Appropriation Act No. 3, 1993-94 is repealed.

Appropriation Act No. 4, 1995-96

48. Canadian Heritage Vote 27b of the schedule to Appropriation Act No. 4, 1995-96 is repealed.

Auditor General Act

49. The schedule to the Auditor General Act is amended by adding the following in alphabetical order:

Parks Canada Agency Agence Parcs Canada

Financial Administration Act

50. Schedule II to the Financial Administration Act is amended by adding the following in alphabetical order:

Parks Canada Agency Agence Parcs Canada

Historic Sites and Monuments Act

51. Section 6 of the Historic Sites and Monuments Act is replaced by the following:

6 (1) The Minister may designate an officer or employee of the Parks Canada Agency established under the Parks Canada Agency Act to be the Secretary of the Board, or appoint a Secretary of the Board at the remuneration and under the terms or conditions of employment that may be prescribed by the Governor in Council.

(2) The Minister may, from among the persons employed in the Parks Canada
Agency, provide the Board with any other employees or assistants that are necessary for the proper conduct of the business of the Board.

Laurier House Act

52. (1) Subsection 2(1) of the Laurier House Act is replaced by the following:

2. (1) Subject to subsection (2), the Parks Canada Agency established under the Parks Canada Agency Act (in this Act referred to as the "Agency") has the care, custody and control of Laurier House (described in the First Schedule) and its contents and shall administer the House and its contents in accordance with the desires and purposes expressed in the late Mr. King's Will (the relevant portion of which is set out in the Second Schedule).

(2) Subsection 2(3) of the Act is repealed.

53. Section 4 of the Act is replaced by the following:

4. The Chief Executive Officer of the Agency may consult the Historic Sites and Monuments Board with reference to the performance of the duties of the Agency under this Act.

54. The Act is amended by replacing the expression "Dominion Archivist" with the word "Agency" in sections 3 and 5.

National Parks Act

55. The definitions "park warden" and "superintendent" in section 2 of the National Parks Act are replaced by the following:

"park warden" means a person appointed under the Parks Canada Agency Act whose duties include the enforcement of this Act;
"superintendent" means a person appointed under the Parks Canada Agency Act who holds the office of superintendent of a park, and includes any other person appointed under that Act who is authorized by that person to act on that person's behalf.

56. Subsection 5(2.1) of the Act is replaced by the following:

(2.1) Any person or class of persons appointed under the Parks Canada Agency Act or the Public Service Employment Act and designated by the Minister may exercise the powers of and is entitled to the protection provided by law to peace officers in the enforcement of this Act.
Privacy Act

57. The schedule to the Privacy Act is amended by adding the following in alphabetical order under the heading "Other Government Institutions".

Parks Canada Agency Agence Parcs Canada

Public Service Staff Relations Act

58. The definition "employee" in subsection 2(1) of the Public Service Staff Relations Act is amended by striking out the word "or" at the end of paragraph (j), by adding the word "or" at the end of paragraph (k) and by adding the following after paragraph (k):

(i) a person who is employed in the Parks Canada Agency established by the Parks Canada Agency Act under a program designated by the Agency as a student employment program,

59. Part II of Schedule I to the Act is amended by adding the following in alphabetical order:

Parks Canada Agency Agence Parcs Canada

Public Service Superannuation Act

60. Part I of Schedule I to the Public Service Superannuation Act is amended by adding the following in alphabetical order:

Parks Canada Agency Agence Parcs Canada

Revolving Funds Act

61. The Revolving Funds Act is amended by adding the following after section 2.

MINISTER OF CANADA HERITAGE (PARKS CANADA AGENCY)

3.(1) The Minister of Canadian Heritage may make expenditures out of the Consolidated Revenue Fund for the purpose of operating the Parks Canada Agency Enterprise Units.

(2) The Minister of Canadian Heritage may spend, for the purposes mentioned in subsection (1), any revenue received in respect of those purposes.

(3) The aggregate of expenditures made under subsection (1) shall not at any time
exceed by more than eight million dollars the revenues received in respect of the purposes mentioned in that subsection.

3.1(1) The Minister of Canadian Heritage may make operating and capital expenditures out of the Consolidated Revenue Fund for the purposes of operating, maintaining and developing any townsites that the Treasury Board may approve that are located within the boundaries of Canada's national parks.

(2) The Minister of Canadian Heritage may spend, for the purposes mentioned in subsection (1), any revenue received in respect of those purposes.

(3) The aggregate of expenditures made under subsection (1) shall not at any time exceed by more than ten million dollars the revenues received in respect of the purposes mentioned in that subsection.

Saguenay-St. Lawrence Marine Park Act

61.01 The definitions "park warden" and "superintendent" in section 2 of the Saguenay-St. Lawrence Marine Park Act are replaced by the following:

"park warden" means a person appointed under the Parks Canada Agency Act whose duties include the enforcement of this Act or the National Parks Act and who is designated by the Minister as a park warden.

"superintendent" means a person appointed under the Parks Canada Agency Act who holds the office of superintendent of the park, and includes any other person appointed under that Act who is authorized by that person to act on their behalf.

CONDITIONAL AMENDMENT

61.1 On the later of the date on which this section comes into force and the day on which the Saguenay-St. Lawrence Marine Park Act comes into force,

(a) the definition "other protected heritage areas" in subsection 2(1) of this Act is amended by striking out the word "and" at the end of paragraph (b) and by adding the following after that paragraph:

(b.1) the Saguenay-St. Lawrence Marine Park established by section 5 of the Saguenay-St. Lawrence Marine Park Act; and

(b) Part 1 of the schedule to this Act is amended by adding the following in alphabetical order:

Saguenay-St. Lawrence Marine Park Act Loi sur le parc marin du Saguenay - Saint- Laurent.
COMING INTO FORCE

62. This Act or any of its provisions, or any provision of an Act enacted or amended by this Act, comes into force on a day or days to be fixed by order of the Governor in Council.

SCHEDULE
(Sections 6 and 7)

PART I

ACTS
Canada National Marine Conservation Areas Act
(S.C., c. 18, s. 41)
Loi sur les aires marines nationales de conservaton du Canada
Heritage Railway Stations Protection Act
Loi sur la protection des gares ferroviaires patrimoniales
Historic Sites and Monuments Act
Loi sur les lieux et monuments historiques
Laurier House Act, R.S.C. 1952, c. 163
Loi sur la Maison Laurier (Laurier House), S.R.C. 1952, ch. 163

Mingan Archipelago National Park Act, S.C. 1984, c. 34
Loi sur le parc national de l'archipel de Mingan, S.C. 1984, ch. 34
National Parks Act
Loi sur les parcs nationaux

PART 2

REGULATIONS
Historic Canals Regulations
Règlement sur les canaux historiques
PARKS CANADA
GUIDING PRINCIPLES
AND
OPERATIONAL POLICIES

Also available in alternative formats

Également disponible en français
MESSAGE FROM THE MINISTER

As the Minister responsible for Canadian Heritage, I am pleased to present Parks Canada Guiding Principles and Operational Policies. I extend my appreciation to those Canadians who helped in the development of this comprehensive policy. You have made an important contribution to the preservation of Canada’s national heritage.

What we value as Canadians is our freedom, our clean environment, the beauty and wildness of nature, and the paths of human endeavour that brough us to where we are today. The peace and sense of renewal we feel in wandering through a forest, along a mountain path or beside a surging sea encourage us to want to share these experiences with our children. The sense of wonder and reverence we feel as we learn about the past human activities that laid the foundation of our country stimulate a profound concern for ensuring the survival of historic places, artifacts and structures.

These values, which we cherish so deeply, motivate us to make protection of natural areas and commemoration of historic places a high national priority. Such areas and sites represent the very essence of our identity as a people. They characterize the way we see ourselves and how others see us as a nation. Through our efforts, we demonstrate to the world a thoughtful, caring attitude towards the national and international treasures of nature and culture so richly bestowed upon Canadians.

The inspiration and knowledge we derive from these special heritage places more than justify our efforts to protect and commemorate them. More important, as a civilized society we have a fundamental stewardship responsibility to ensure that the record of our past, the rich diversity of wild spaces and species, the beauty and grandeur of our lands and seas, and the cultural character of our communities are not inadvertently lost over time.

Canada has in place a world-class system of heritage areas and programs, be they national historic sites, national parks, heritage rivers, heritage railway stations and buildings, historic canals or marine conservation areas. Those places are located all across Canada and are part of a global heritage family. Canadians must share in the continuing challenge of managing and safeguarding these national treasures - not only because of the magnitude of the task, but because it is important that we feel part of the effort to preserve such an abundant legacy.

Michel Dupuy
Minister of Canadian Heritage
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This document is a comprehensive statement of broad principles that gives direction to both present programs and future initiatives of Parks Canada. It provides a framework for the delivery of heritage programs and for responsible management decisions that reflect the national interest while being sensitive to local considerations.

The document explains how the federal government, within the context of Parliamentary approvals, carries out its national programs of natural and cultural heritage recognition and protection as assigned to the Minister responsible for Parks Canada. This program is but part of a family of protected heritage areas and activities administered by other federal, provincial, territorial and non-government organizations, and depends increasingly on the cooperation of others.

The policies provide national direction for more detailed policies in specific subject areas, and for various park and historic site management plans, which take into account Canada's regional diversity. Further, they can be a guide for other agencies, organizations and individuals also involved in commemorating, protecting and presenting natural and cultural heritage.

The Parks Canada Policy of 1979 is replaced by this document, which reflects the many changes that have occurred since then. These include a greater sense of urgency in dealing with environmental and heritage matters, new and amended legislation, as well as changes in heritage programs.

The legislative and program changes which have occurred since 1979 include:

- amendments to the *National Parks Act* (1988),
- passage of the *Heritage Railway Stations Protection Act* (1986),
- new policies, including the Federal Heritage Buildings Policy (1982) and the National Marine Parks Policy (1986), and
"...degradation or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all nations of the world."

(World Heritage Convention, UNESCO)

Canadian Identity and Heritage

As Canadians we appreciate the beauty of the natural environment and the richness of our history. These elements contribute to an understanding and collective sense of Canada’s national identity as well as a shared sense of pride. They unify us as a people yet express our national diversity. Canadians share this heritage with each other and welcome others to value, respect and learn about it. We celebrate this rich heritage through national historic sites, national parks and park reserves, heritage railway stations, historic canals, marine conservation areas, heritage rivers, federal heritage buildings and historical markers.

These national symbols contribute to our Canadian identity in many ways. They depict a diversity of cultures and natural environments. They are national symbols, yet can be located in virtually any part of the country — urban, rural and remote. They are also tangible links not only with the past and the present but with the future. Heritage places provide a window to the world and showcase our global responsibilities in ensuring continued protection and presentation of a heritage that has both national and international significance.

Canada’s environment encompasses a vast array of terrestrial and marine ecosystems — the Arctic tundra, the western mountains, the prairies, the Precambrian Shield, and the eastern uplands, including the off-shore areas of the Great Lakes, and the Atlantic, Arctic, and Pacific coasts. The environment also includes places and landscapes associated with human heritage. These historic places — which represent thousands of years of human history and encompass places of work and worship, commerce and culture, law and leisure — evoke our past, our aspirations and our values.

Conservation Strategies and Sustainable Development

Heritage places must be managed in a manner that sustains them and respects their intrinsic values.

Heritage places contribute to broader sustainable development and conservation strategies by:

- maintaining ecological integrity and biodiversity of natural areas;
- preserving the commemorative integrity of historic places;
- promoting a conservation ethic, citizenship values based on a respect for the environment and heritage, ecosystem and cultural resource management; and
- generally demonstrating conservation principles and approaches set out in various relevant United Nations Reports.

The World Heritage Convention and Heritage Places

Canada played a major role in devising the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, which has as its objectives the protection, conservation and presentation of cultural and natural heritage of outstanding universal value. Under the terms of the convention, Canada has committed itself to identify and to delineate sites associated with cultural and natural heritage within Canada; to adopt a general policy that aims to give the cultural and natural heritage a function in the life of the community; to establish one or more services charged with the protection, conservation and presentation of that heritage; to take appropriate legal, scientific, technical, administrative and financial measures, as
well as to foster the establishment of training centres, to achieve the objectives of the Convention, and to avoid any deliberate measures that might damage cultural and natural heritage. The Convention also establishes a framework for international cooperation and assistance.

The Convention on Biological Diversity and Protected Heritage Areas

By administering protected heritage areas, Parks Canada plays a major role in implementing the Convention on Biological Diversity, adopted in Rio de Janeiro in 1992. Protected areas such as national parks and reserves, marine conservation areas, and some national historic sites can contribute directly to the in-situ conservation of biological diversity and, therefore, to Canada’s national strategy for the conservation and sustainable use of biological diversity.

In fulfilling its mission in this regard, Parks Canada promotes the protection of ecosystems and natural habitats, the maintenance and recovery of viable wild populations of species in natural settings, as well as the environmentally sound management of surrounding or adjacent areas.

While the primary purpose of national historic sites and other cultural heritage sites is not to conserve biological diversity, a number of such sites may contribute to biological diversity because of their size and/or ecological features. Good environmental stewardship encompasses a concern for places that reflect the human as well as the biophysical heritage.

Early History

For more than a century, the Government of Canada has been involved in protecting outstanding natural areas and in commemorating significant aspects of Canadian history. This extensive experience has enabled Canada to be recognized, internationally, as a world leader in the management of heritage.

Canada’s national parks system began in 1885 when 26 km² around mineral hot springs near Banff Station, Alberta, were set aside for public use. The Rocky Mountains Park Act of 1887 defined the first parks as “public park and pleasure grounds for the benefit, advantage and enjoyment of the people of Canada.” The National Parks Act, originally enacted in 1930, dedicates the national parks to the people of Canada for their benefit, education and enjoyment and makes provision to keep them unimpaired for the enjoyment of future generations.

The setting aside of historic Fort Anne in Annapolis Royal, Nova Scotia, in 1917, followed by the establishment of the Historic Sites and Monuments Board of Canada in 1919, laid the foundation for Canada’s system of national historic sites. The 1930 National Parks Act also provided a legislative framework for the setting aside of federal lands for historical purposes. The Historic Sites and Monuments Act of 1953, reflecting the strong sense of national purpose that followed the Second World War, provided statutory authority for the designation of national historic sites — regardless of ownership — as well as a legislative basis for acquiring and for contributing directly to the care and preservation of these sites.

The Present

Parks Canada’s protected heritage areas play a significant part in achieving Government of Canada goals of:

- completing the parks systems and protecting Canada’s natural heritage, including contributing towards the setting aside as protected space 12 per cent of the country; and
- commemorating the historical heritage of importance to all Canadians.
The Future

Parks Canada is committed to establishing a comprehensive network of protected heritage areas representative of Canada's natural and cultural heritage. To achieve this goal, Parks Canada needs the cooperation and involvement of others.

Efforts will be made to manage natural protected areas on an ecosystem basis, while meeting compatible social and economic needs, and maintaining the areas in a natural state. Cultural heritage areas will be managed in accordance with cultural resource management principles and practice so that their commemorative integrity is ensured and that the fabric of the communities in which they are located is enhanced.

Protected heritage areas can demonstrate the interdependence of humans and the environment, and provide enhanced educational and interpretive opportunities. As a result, Canadian heritage values should increasingly be recognized as part of a nationally unifying ethic.

These are the challenges for the future.
PART I

POLICY OVERVIEW AND GUIDING PRINCIPLES
MISSION FOR THE DEPARTMENT OF CANADIAN HERITAGE

Parks Canada, as an integral part of the Department of Canadian Heritage, plays an important role in: "Building our future together — strengthening a shared sense of Canadian identity which respects the diversity of the land and the people."

VISION FOR PARKS CANADA

Parks Canada’s leadership in the management of protected heritage areas aims at promoting sound principles of stewardship and citizen awareness, and ecological and commemorative integrity. This is done by

- adhering to international conventions such as the World Heritage Convention and the Convention on Biological Diversity;
- responsibly managing a system of national heritage areas and programs (e.g., national parks, national historic sites, historic canals, heritage rivers and heritage railway stations);
- providing opportunities for the public to get involved, and
- working with others to support heritage areas.

Parks Canada envisions having a stronger leadership role in protecting and presenting heritage areas well into the next century. This role will have two key components: a broad definition of protected heritage, and a view of leadership that encompasses more than ownership. It is recognized that national historic sites and national parks are but one component of the Canadian network of heritage areas.

Leadership by example means managing areas of national significance but it also means helping and cooperating with others to protect and present heritage — for example, through providing technical advice and national standards, and fostering and advocating heritage protection and presentation, both nationally and internationally.

Stewardship of heritage areas is a shared responsibility. Canadian citizens must be more aware and involved in decision-making and in the delivery of heritage programs.

The future integrity of Canada’s existing and proposed natural and cultural heritage areas will continue to be a priority for Parks Canada. With increasing challenges to and demands on Canada’s heritage areas, it is important not only to develop a strategic policy to ensure the perpetuity of these special places, but also to clearly articulate Parks Canada’s leadership role in working with Canadians to support these areas. The public will increasingly want in this responsibility. This will lead to a broader range of heritage areas and programs. This policy document will guide these efforts and the designation and management of special places into the next century.
POLICY CONTEXT

Parks Canada’s purpose is

To fulfill national and international responsibilities in mandated areas of heritage recognition and conservation; and to commemorate, protect and present, both directly and indirectly, places which are significant examples of Canada’s cultural and natural heritage in ways that encourage public understanding, appreciation and enjoyment of this heritage, while ensuring long-term ecological and commemorative integrity.

Introduction

Parks Canada operates within a broad and varied context, consistent with national and international commitments, to protect and present places that represent the world’s natural and cultural heritage. These commitments recognize that people and the environment are inseparable and that survival is fundamentally linked to a healthy environment and respect for human heritage. It is important, therefore, to ensure that these policies anticipate and respond to challenges and opportunities as they arise.

Issues of international, national and regional scope affect heritage places. Canada must continue to respond positively to increasing international emphasis on the commemoration, protection and presentation of places representing the world’s natural and cultural heritage. The goal of sustainable development must include the goal of maintaining the integrity of Canada’s natural and cultural heritage. The global economy is changing, and the contribution of the tourism sector in the North American economy, including Canada, is expected to continue to increase. While Parks Canada does not have a direct mandate for tourism, it does have a past to play in recognizing and supporting tourism’s place in presenting an image of Canada to visitors, in helping to maintain a sound and prosperous economy, and in fostering sustainable development that benefits local communities.

Parks, national historic sites and canals provide demonstration and communication opportunities for environmental and heritage citizenship initiatives, and various other departmental activities. In addition, the federal environmental assessment legislation is meticulously applied in heritage places administered by Parks Canada.

Parks Canada Mandate

Parks Canada plays a leading role in federal government activities related to recognizing places representative of Canada’s natural heritage and places of national historic importance, and in protecting and presenting these places to the public. Parks Canada is also responsible for erecting and maintaining a variety of heritage markers.

The legislation, mandating Parks Canada activities includes the National Parks Act, the Historic Sites and Monuments Act, the Heritage Railway Stations Protection Act, and the Department of Transport Act. The Federal Heritage Buildings program and the Canadian Heritage Rivers program are operated under Cabinet authority and federal-provincial agreement between parks ministers respectively.

In some cases, Parks Canada’s heritage activities entail direct responsibility for the management of federal lands and their associated resources. This is the case for national parks, aspects of marine conservation areas, and a number of national historic sites, including historic canals. In other cases, activities are focused on formal designations by the Government of Canada and, where mandated, providing support for the preservation and interpretation of designated heritage properties that are managed by others. These include all heritage railway stations; most federal heritage buildings; most Canadian heritage rivers; and many national historic sites.
Shared Responsibility

Parks Canada contributes to an international heritage agenda through its leadership role in, participation in, or support for, international conventions, programs, agencies and agreements. These include, among others:

- UNESCO’s World Heritage Convention;
- the Ramsar Convention on Wetlands of International Significance;
- the Convention on Biological Diversity;
- UNESCO’s Québec Declaration on World Heritage Town;
- the Venice Charter for the Conservation and Restoration of Monuments and Sites;
- the International Charter for Archaeological Heritage Management;
- the World Charter for Nature;
- UNESCO’s Biosphere Reserves Program;
- the International Council for Monuments and Sites (ICOMOS);
- the International Centre for the Study of the Preservation and Restoration of Cultural Properties (ICCROM); and
- the World Conservation Union (also known as IUCN).

As well, many bilateral and multilateral initiatives between countries often involve heritage information exchanges and joint activities.

Canadians can take pride in their internationally recognized contribution to heritage conservation - as exemplified by the many World Heritage Sites found in Canada - and their emerging role in promoting responsible stewardship throughout the world.

Global environmental and heritage concerns are responded to through research and public presentation programs at protected heritage areas. These programs may encompass such themes as acid rain, climate change, biodiversity, endangered species and the impact of development, natural processes and disasters on heritage places. This contributes to forging the relationship between international commitments, and national and local actions.

Because heritage areas and sites cannot be managed in isolation, cooperative working relationships and agreements are actively sought with agencies and individuals involved in the management of surrounding or adjacent landscapes, ecosystems and communities. This helps all parties achieve mutually supportive environmental, service, social, and cultural objectives for conservation and sustainability. The first priority in relationships is always to ensure long-term ecological and commemorative integrity of heritage areas. Therefore, it is important for Parks Canada to monitor and respond to existing or proposed activities external to heritage areas.

Parks Canada recognizes that while protected heritage areas often play a major role in local economies, sustainable tourism must be based upon:

- maintaining and enhancing ecological and commemorative integrity;
- respecting the intrinsic natural, cultural and scenic values of Canada’s protected heritage areas; and
- providing education and recreation opportunities which foster a sense of Canadian identity.

Based on these guidelines, Parks Canada will cooperate with other levels of government and tourism stakeholders to encourage a sustainable heritage tourism industry.

The Family of Heritage Places and Programs

The heritage areas and programs administered by Parks Canada are but a part of the nationwide family of parks, historic sites, protected areas, and heritage programs in Canada. Cooperation and coordination among heritage interests is not only desirable but essential to ensuring more effective conservation of significant heritage places and to minimizing any duplication of efforts.
Agreements with provincial and territorial governments, as well as with allied non-government organizations and Aboriginal peoples, can be significant means of ensuring recognition, establishment and protection of heritage places. The responsibilities and complementary roles of provincial, territorial and other governments, as well as national and local heritage and Aboriginal groups are valued.

Aboriginal Interests

Where Aboriginal interests have not been previously dealt with by treaty or other means, it is the Government of Canada’s policy to negotiate comprehensive claims based on traditional and continuing use and occupancy of land. Claims settlements may include particular Aboriginal rights and benefits in relation to wildlife management and the use of water and land, and may provide for these through participation on advisory or public government bodies. Such arrangements would recognize the government’s responsibility to protect the interests of all users, including the general public and third parties, to ensure resource conservation, to respect international agreements, and to manage renewable resources within its jurisdiction. Where existing Aboriginal or treaty rights occur within protected heritage areas, the principles set out in court decisions which may serve to clarify these rights, such as Regina v. Sparrow, will be respected.

When establishing new national parks or reserves, and national marine conservation areas, or acquiring national historic sites, Parks Canada works within Canada’s legal and policy framework regarding Aboriginal peoples’ rights, as recognized and affirmed by Section 35 of the Constitution Act, 1982. Accordingly, Parks Canada will consult with affected Aboriginal communities at the time of new park establishment and historic site acquisition, or as part of an Aboriginal land claim settlement.
GUIDING PRINCIPLES

Parks Canada contributes at the international, national and local levels to sustaining cultural and natural heritage through a continuing commitment to the following principles. Ensuring commemorative integrity and protecting ecological integrity are always Parks Canada's paramount values in applying these principles as well as the more detailed activity policies.

1- ECOLOGICAL AND COMMEMORATIVE INTEGRITY

Protecting ecological integrity and ensuring commemorative integrity take precedence in acquiring, managing, and administering heritage places and programs. In every application of policy, this guiding principle is paramount. The integrity of natural and cultural heritage is maintained by striving to ensure that management decisions affecting these special places are made on sound cultural resource management and ecosystem-based management practices.

It is recognized that these places are not islands, but are part of larger ecosystems and cultural landscapes. Therefore, decision-making must be based on an understanding of surrounding environments and their management.

Rigorous adherence to this principle is fundamental to ensuring a continuing contribution to heritage and environmental stewardship.

Heritage areas are designated and managed for their intrinsic and symbolic values, and for the benefit of the public. Fostering appreciation and understanding of commemorative and ecological integrity is the foundation for public use and enjoyment.

The various internal and external factors that contribute to the deterioration of heritage places and ecosystems are carefully analyzed. Protection and presentations are afforded in ways appropriate to the type, significance and sensitivity of the ecosystems and heritage resources involved.

Because protected heritage areas are influenced by surrounding and adjacent land uses, and, in turn, the management of heritage areas influences those surrounding areas, cooperative relationships are sought. The first priority for Parks Canada is always to ensure long-term ecological and commemorative integrity of heritage areas. Using its influence, Parks Canada makes concerted efforts to encourage compatible external activities and to discourage incompatible ones within the greater ecosystem or cultural landscape setting of a heritage area.

2- LEADERSHIP AND STEWARDSHIP

In achieving results relating to protection and presentation of cultural and natural heritage, leadership is established by example, by demonstrating and advocating environmental and heritage ethics and practices, and by assisting and cooperating with others.

A leadership role involves a broader responsibility to the conservation and interpretation community within Canada as well as other countries. Therefore, training and other forms of cooperative assistance are needed to share experiences and expertise.

Stewardship involves both a leadership and a participatory role. However, varying degrees of cooperative action are inherent in all of Parks Canada's heritage activities.

A leadership role may be considered for additional heritage activities or programs where:

• internationally acknowledged types of areas or programs are involved (e.g., Natural Monuments or Landmarks);
• appropriate approaches can be developed with provinces, territories and other potential partners; and
• heritage values are of national or international significance.
Conversely, a participatory role may be considered in heritage conservation initiatives where:

- types of areas or programs are involved that are not included within international classification systems (e.g., heritage trails);
- other conservation groups have the lead role; and
- significant heritage values are involved.

Parks Canada's leadership role includes the responsibility to help promote among various agencies, groups and governments the federal government's long-term goal to preserve and celebrate national heritage and to set aside 12 per cent of Canada as protected space. In this regard, Parks Canada promotes the concept of an integrated family or network of heritage areas, and cooperates with provinces and territories in their protected area and heritage strategies.

3- NEW PROTECTED HERITAGE AREAS

The identification, selection, designation, and establishment of nationally significant natural areas and historic places are based on open, systematic, rigorous, cooperative, and knowledge-based practices.

Significant expressions of the country's natural and cultural heritage are identified, wherever found throughout Canada, for possible inclusion in national systems of heritage places. Nationally significant heritage places are identified in consultation with affected provincial and territorial governments, Aboriginal peoples, and other parties. Interim protection for an area may be sought until formal protection is attained.

These initiatives are supported by research, data bases, and collaboration with the public and government agencies. A high priority is placed on working with others to ensure that Canada's systems of natural areas and historic places represent the human history and natural diversity of our country.

4- EDUCATION AND PRESENTATION

The long-term success of efforts to commemorate, protect, and present Canadian natural and cultural heritage depends on the ability of all Canadians to understand and appreciate this heritage, and to personally adopt practices which are sensitive to heritage and the environment. This is encouraged through a variety of communication, interpretation and outreach programs, and demonstrated leadership at the local, national and international levels.

It is important that people discover and learn about their heritage and ecosystems and that they contribute to their sustainability. Opportunities are, therefore, provided to understand heritage values, and related management and environmental issues, as well as broader conservation concerns. The sharing of information, including published and unpublished results of research and controlled access to collections, is an important element in encouraging this understanding.

The provision of accurate, comprehensive and timely information is important in fostering awareness, appreciation, appropriate use and understanding, and in encouraging public involvement and stewardship. This is achieved through such means as interpretation, communication, outreach, environmental education, citizenship, and public participation programs, as well as through advisory committees.

5- HUMAN - ENVIRONMENT RELATIONSHIP

People and the environment are inseparable. Protection and presentation of natural and cultural heritage take account of the close relationship between people and the environment.

Though a distinction is often made between places that are of cultural heritage significance and places of natural heritage significance, people and their environment cannot be separated. Therefore, protection and presentation of natural areas recognize the ways in which people have lived
within particular environments. Likewise, efforts to protect and present historic places recognize where biophysical factors have been influential in Canada's development and history.

6- RESEARCH AND SCIENCE

Management decisions are based on the best available knowledge, supported by a wide range of research, including a commitment to integrated scientific monitoring.

Parks Canada requires applied and basic research and monitoring activities to make responsible decisions in its management, planning and operating practices, as well as to broaden scientific understanding. Research activities are encouraged and managed to ensure that commemorative and ecological integrity are maintained.

Parks Canada cooperates with, assists, and is assisted by many natural and social science researchers, and specialists in human history. These may include those associated with other federal, provincial and territorial government agencies, universities, interest groups, and the private sector. Local knowledge is also of value to Parks Canada in managing heritage areas.

7- APPROPRIATE VISITOR ACTIVITIES

Opportunities will be provided to visitors that enhance public understanding, appreciation, enjoyment and protection of the national heritage and which are appropriate to the purpose of each park and historic site. Essential and basic services are provided while maintaining ecological and commemorative integrity and recognizing the effects of incremental and cumulative impacts.

Public opportunities are provided for in ways which contribute to heritage protection and national identity objectives, and which build public support for, and awareness of, Canadian heritage.

Parks Canada recognizes the need for control and management of appropriate activities. Public demand alone is not sufficient justification for provision of facilities and services in support of appropriate activities.

Services, facilities and access, for the public must directly complement the opportunities provided, be considered essential, take account of limits to growth, and not compromise ecological and commemorative integrity nor the quality of experiences. They must be consistent with approved management plans. Also, they must reflect national standards for environmental and heritage protection and design, as well as high-quality services, the diversity of markets and equity of access considerations for disabled persons and visitors of various income levels.

There are inherent dangers associated with some natural and cultural features and public activities. Therefore, risk management programs involving others are developed by Parks Canada for the safety of visitors. Public safety considerations are built into planning and design processes. Priority is placed on accident prevention, education and information programs designed to protect visitors, in ways consistent with the commemorative and ecological integrity of heritage places. Visitors are encouraged to learn about any risks associated with heritage places and to exercise appropriate self-reliance and responsibility for their own safety in recreational or other activities they choose to undertake.

8- PUBLIC INVOLVEMENT

Public involvement is a cornerstone of policy, planning, and management practices to help ensure sound decision-making, build public understanding, and provide opportunities for Canadians to contribute their knowledge, expertise and suggestions.

Canadians are provided with the opportunity to state their views on such major issues as national policies, the establishment of new national parks, the acquisition of national historic sites, and the preparation and review of management plans, before final decisions are made. Special opportunities for public participation are provided.
to individuals and groups at the local and regional levels, including Aboriginal peoples, who may be more directly affected by Parks Canada initiatives and operations.

For public participation to be effective, certain fundamental practices will be adhered to. These are:

- the provision of clear, timely, relevant, objective and accurate information;
- an indication of the areas requiring decisions and related policies, legislation and agreements;
- adequate notice and time for public review;
- the careful consideration of public input;
- feedback on the nature of comments received and on Parks Canada response to participants, and
- respect for all interested publics.

9. COLLaboration AND COOPERATION

Parks Canada works with a broad range of federal, provincial, territorial and municipal government agencies, the private sector, groups, individuals, and Aboriginal interests to achieve mutually compatible goals and objectives. These relationships support regional integration, partnerships, cooperative arrangements, formal agreements, and open dialogue with other interested parties, including adjacent or surrounding districts and communities.

Volunteers, non-profit cooperating associations and their national organization, the Canadian Parks Partnership, adjacent landowners or tenants, Aboriginal peoples, universities, as well as other research and educational institutions, among others, can all make fundamental contributions to heritage protection and environmental citizenship efforts. The private sector can also play an important role in helping to achieve heritage conservation objectives by delivering environmental and heritage messages, establishing and maintaining compatible business enterprises, and helping to provide appropriate high-quality services in or near parks and historic sites, in a manner consistent with these policies.

10. ACCOUNTABILITY

Parks Canada is accountable for the application of, and adherence to, these principles and for the implementation of the activity policies. This accountability will be formally reviewed through the State of the Parks reporting.

State of the Parks Reports are prepared periodically for tabling in Parliament. These Reports deal with the state of all heritage places administered by Parks Canada and with progress toward establishing new areas. They help to ensure that threats to heritage places are identified. State of the Environment Reports also monitor progress with respect to protected natural areas in general throughout Canada, and Parks Canada contributes to this effort.

Policy Application

These Principles set out the key elements of policy which apply broadly to Parks Canada’s heritage activities. Specific policies for national parks, national historic sites, historic canals, national marine conservation areas and other activities, are set out in Part II, “Activity Policies,” and Part III, “Cultural Resource Management Policy.” These provide more detailed direction for the management of the various heritage places and programs of Parks Canada.

In addition to these policies, further management details may be found within strategic plans, management directives, management plans, business plans, ecosystem management plans, service plans, community plans, and regulations.
PART II
ACTIVITY POLICIES
NATIONAL PARKS POLICY

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BACKGROUND

Canadians live in a land rich in natural beauty and diversity. For millions of years, natural forces and not human activities were the major influences on this landscape. Prior to the arrival of Europeans, Aboriginal peoples depended almost entirely on the natural environment. But more recently, with the advent of an agricultural and then an industrial society, human activities have been altering that environment at an accelerating pace.

National parks protect environments representative of Canada's natural heritage for the benefit of present and future generations. The challenge for Parks Canada is to maintain the ecological integrity of the parks while providing opportunities for public enjoyment and education. This requires the careful protection of the natural features and processes for which each park is established, a key component of which is the fostering of public awareness of the value of safeguarding representative natural landscapes in the national parks system.

National parks cannot sustain all the types of activities and development which a broad range of visitors might desire. Generally, access and services which relate directly to the objective for national parks will be provided within the parks, while a broader range of needs will be met in the surrounding region. The cooperation of tourism and other sectors will be essential to help establish the appropriate balance of services and facilities on a regional basis.

Throughout the last century, the growth in Canada's population and the exploitation of natural resources have decreased the areas available for national park establishment, and have heightened competition for potential park lands, particularly in southern Canada. Opportunities for Canadians to experience unspoiled natural areas have become more limited and thus the need for action is more urgent.

Representing each of Canada's 39 terrestrial natural regions in the national parks system will not be easy. Most lands have some kind of interest or commitment for uses such as oil and gas development, mining, hydro-electricity, forestry, agriculture and private recreation. Land-use conflicts and jurisdictional issues will have to be resolved in cooperation with the provinces, territories, Aboriginal peoples, and all interested parties including local residents. In spite of these challenges, Parks Canada remains committed to completing the system of national parks and, through the "Government of Canada Green Plan" has been given the opportunity to do so by the year 2000.

In the establishment and management of national parks, Parks Canada will strive to maintain ecological integrity. Achievement of this goal will require cooperation with individuals and other government agencies in ecosystem management beyond park boundaries, recognizing that there are legitimate but often different objectives for surrounding regions. Consequently, maintaining ecological integrity will be a major consideration in proposing park boundaries, in determining how the park's resources will be protected and interpreted, and in seeking effective regional integration through cooperative efforts with governments and landowners in the surrounding area.

In addition to their natural features, many national parks contain areas which have cultural and historic significance. These will be managed according to the "Cultural Resource Management Policy," found in Part III of this document.

In parks where there are existing Aboriginal or treaty rights, the exercise of these rights will be
respected. As well, in some national parks, traditional activities by Aboriginal peoples will continue as a result of rights defined by land claim agreements and treaties, or by specific agreement negotiated during the process of park establishment. Given the legislative and constitutional basis of such agreements, they are expected to supersede Parks Canada policy and in some instances will consequently amend the National Parks Act. Continuation of traditional activities and related cooperative management will result in new national parks that recognize the importance of the natural environment in sustaining Aboriginal cultures. Traditional renewable resource harvesting for domestic purposes by other local people may also continue for finite periods on an exception basis, where no immediate alternative can be found.

In addition to the contribution which national parks make to achieving Government of Canada goals related to completing the parks system, protecting Canada's natural heritage, and setting aside 12 per cent of Canada as protected space, national parks can contribute directly and indirectly to the achievement of many other Government of Canada goals, such as:

- preserving the integrity, health, and biodiversity of Arctic ecosystems;
- strengthening and building environmental partnerships;
- providing timely, accurate and accessible information to enable Canadians to make environmentally sensitive decisions;
- helping to develop an environmentally literate society;
- strengthening environmental science with special emphasis on understanding regional ecosystems; and
- striving to ensure that all operations and procedures meet or exceed national targets for sustaining the environment.

Management plans provide the framework for decision-making within each park. The National Parks Act requires public consultations during the preparation of park management plans and stipulates that the maintenance of ecological integrity through the protection of natural resources will be the first priority when considering park zoning and visitor use.

OBJECTIVE

To protect for all time representative natural areas of Canadian significance in a system of national parks, and to encourage public understanding, appreciation, and enjoyment of this natural heritage so as to leave it unimpaired for future generations.

1.0 The National Parks System

National parks protect representative examples of the Canadian landscape. To this end, Parks Canada has identified 39 terrestrial natural regions across Canada, each of which warrants representation in the national parks system. Efforts to create new parks are concentrated on those natural regions that do not have a national park.

National park establishment work is guided by the National Parks System Plan. The plan provides a description of each of the 39 National Park Natural Regions and the status of national park establishment in each. Parks Canada will periodically update the plan, including the listing of representative natural areas which are identified during regional analysis studies. In addition, Parks Canada will keep up to date an action plan to describe the activities which must be undertaken to complete the representation of each of the national park natural regions.

Parks Canada, acting alone, cannot protect all the areas identified as representative of Canada's natural regions.
But by making public the system plan and action plan, Parks Canada hopes to encourage other public agencies and appropriate private organizations to work towards protecting areas that will not be included within the national park system.

Public support and the cooperation of other levels of government are essential in establishing new national parks or adjusting the boundaries of existing national parks. The park establishment process is therefore based upon public consultation and intergovernmental cooperation.

There is no rigid process for establishing new national parks. Each situation is unique and the steps leading up to the creation of a new national park reflect individual circumstances. The normal sequence, however, is characterized by five steps identifying representative natural areas; selecting a potential national park; assessing park feasibility; negotiating a park agreement and obtaining clear title; and establishing a new national park in legislation. The following policies related to park establishment are grouped under these headings.

1.1
Identifying Representative Natural Areas

1.1.1
Representative natural areas will be identified for those national park natural regions not represented in the national parks system. The following criteria will be used:

i) the area must portray the geology, physiography, vegetation, wildlife, and ecosystem diversity characteristic of the natural region; and,
ii) the area’s ecosystems must be in a healthy, natural state, or, if they are stressed or significantly modified, the area must have the potential for being restored to a natural state.

1.1.2
Representative natural areas will be identified in consultation with provincial and territorial governments, with other federal agencies and with the interested public.

1.1.3
Representative natural areas will be identified regardless of their current protected status or jurisdiction.

1.2
Selecting Potential National Parks

1.2.1
Potential national parks will be selected from among the representative natural areas identified in those natural regions that do not already have adequate representation in the national parks system.

1.2.2
In selecting potential national parks, consideration will be given to a wide range of factors, including:

i) the extent to which the area represents the ecosystem diversity of the natural region;
ii) the potential for supporting viable populations of wildlife species native to the natural region;
iii) the ecological integrity of the area’s ecosystems, as well as those of the surrounding lands;
iv) the occurrence of exceptional natural phenomena, and rare, threatened or endangered wildlife and vegetation;
v) the existence of significant cultural heritage features or landscapes;
vi) opportunities for public understanding, education and enjoyment;
vii) competing land and resource uses;
viii) possible threats to the long-term sustainability of the area’s ecosystems;
ix) complementarity with the objectives of existing or planned protected natural areas of other jurisdictions in the region;
x) the potential for establishing an adjacent national marine conservation area that is representative of its marine region;
xi) the implications of Aboriginal rights, comprehensive land claims and treaties with Aboriginal peoples; and
xii) international criteria for national parks.

1.2.3 Potential national parks will be selected in consultation with provincial or territorial governments, other federal agencies, non-government organizations, affected Aboriginal peoples and the interested public.

1.3 Assessing National Park Feasibility

1.3.1 Parks Canada, in conjunction with provincial or territorial governments, will undertake an assessment of the feasibility of a new park proposal; where there are opportunities, this will be undertaken as part of other processes such as regional land use planning, provincial protected area strategies or Aboriginal comprehensive land claim negotiations.

1.3.2 As part of the feasibility assessment, there will be consultations to seek the views of local communities, Aboriginal peoples, non-government organizations, relevant industries, other government departments and the interested public. Parks Canada will provide information regarding the purpose and the environmental, social and economic implications of the national park proposal.

1.3.3 In proposing the boundaries of a potential national park, Parks Canada will endeavour to establish a park with a size and configuration that:

i) protects ecosystems and landscape features representative of the natural region;

ii) accommodates the habitat requirements of viable populations of wildlife species that are native to the natural region;

iii) includes an undisturbed core which is relatively unaffected by impacts originating from the surrounding landscape;

iv) does not fragment sensitive, highly diverse or productive natural communities;

v) maintains drainage basin integrity;

vi) protects exceptional natural phenomena, and vulnerable, threatened or endangered wildlife and vegetation;

vii) offers opportunities for public understanding and enjoyment;

viii) results in minimum long-term disruption of the social and economical life particularly in the surrounding region; and

ix) does not encompass permanent communities.

In addition, consideration may be given to including significant cultural heritage features or landscapes within a proposed national park.

1.3.4 It is the policy of the Department of Indian Affairs and Northern Development to ensure that an inventory of the non-renewable natural resource potential of areas in the Northwest Territories and Yukon be compiled prior to their formal establishment as new national parks. The fundamental qualities of the area which recommend it for national park status will be taken into account in any land use activities associated with compiling the inventory. Parks Canada will cooperate with other federal agencies responsible for carrying out such inventories.

1.3.5 Parks Canada will consider, in cooperation with agencies having jurisdiction over land and resource uses, ways to prevent the loss of ecological values during the feasibility assessment process.

1.3.6 Following completion of a park feasibility assessment, governments will decide whether to proceed to negotiate a park agreement.
1.3.7 Boundary adjustments intended to improve the representation of the natural themes or the ecological integrity of an existing national park will be assessed according to the above policies.

1.4 National Park Agreements

1.4.1 New national park agreements will be negotiated between the Government of Canada and the government and/or Aboriginal peoples having constitutional authority regarding the lands, the agreement will commit the parties to establishing a national park under the National Parks Act and will set out the terms and conditions under which this will take place.

1.4.2 Areas which include Provincial Crown Lands will be established as national parks according to an agreement between the Government of Canada and the provincial government setting out terms and conditions for the acquisition of all third party interests and the transfer of administration and control of Provincial Crown Lands to the Crown in Right of Canada.

1.4.3 National parks in the territories will be established pursuant to agreements with the territorial government and with relevant Aboriginal organizations.

1.4.4 The Crown in Right of Canada will own the land and subsurface rights within the legislated boundaries of national parks.

1.4.5 Commercial exploration, extraction or development of natural resources will be terminated before national parks are formally established. Certain traditional subsistence uses of natural resources may be permitted to continue in designated parts of a national park as outlined in sections 1.4.10, 1.4.11, 1.4.12 and 1.5.2.

1.4.6 Private lands and interests will be acquired by negotiated settlement. Term interests may be allowed to expire. In exceptional cases, where lands are essential for park purposes, a settlement may require using expropriation to establish clear title to some properties.

1.4.7 Parks Canada will contribute toward the cost of special provisions agreed at the time of park establishment to reduce negative impacts on occupants or other users of lands acquired for a national park.

1.4.8 A variety of means will be used to foster opportunities for local residents to find employment and business opportunities related to the operation of national parks.

1.4.9 Cooperative arrangements for complementary use and management of lands adjacent to national parks will be pursued with government and non-government agencies at the local, provincial, territorial and federal levels in order to maintain ecosystem integrity and to foster sustainable development.

1.4.10 Existing Aboriginal and treaty rights of the Aboriginal peoples of Canada will be honoured. These may be defined in treaties and comprehensive claim agreements.

1.4.11 In areas subject to existing Aboriginal or treaty rights or to comprehensive land claims by Aboriginal peoples, the terms and conditions of park establishment will include provision for continuation of renewable resource harvesting activities, and the nature and extent of Aboriginal peoples’ involvement in park planning and management.
1.4.12 In addition to Aboriginal or treaty rights, when new national parks are proposed within areas where local people have traditionally depended on the land for subsistence and no immediate alternative can be found, an agreement may be negotiated regarding the continuation of specified subsistence resource harvesting activities for a finite period of time, subject to regulation.

1.4.13 Parks Canada will negotiate interim measures as part of the park agreement in order to facilitate effective protection and management of the area until the national park is formally established under federal legislation. In the territorial north, one such measure may be withdrawal from further disposition of the lands for a proposed new national park under the Territorial Lands Act.

1.5 Establishing National Parks in Legislation

1.5.1 National parks will be formally established through amendment to the National Parks Act. The proposed legislation will give effect to the terms of a new park agreement.

1.5.2 Where new national parks are established in conjunction with the settlement of land claims of Aboriginal peoples, final boundaries of the national park as well as harvesting rights and involvement of Aboriginal peoples in park planning and management will be proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a "national park reserve" under the Act and traditional hunting, fishing and trapping activities by Aboriginal peoples will continue. Other interim measures may also include local Aboriginal peoples' involvement in park reserve management.

2.0 Management Planning

Management planning is essential for the direction of park managers. They are also committed to the public of Canada from the Minister responsible for Parks Canada regarding the use and protection of national parks. They contain statements of management objectives in sufficient detail to indicate how a park will protect and represent the natural and cultural aspects of its region. In keeping with these objectives, plans will: specify the type and degree of resource protection and management needed to assure the ecological integrity of the park and the management of its cultural resources; define the type, character and locale of visitor facilities, activities and services; and identify target groups.

The 1988 amendments to the National Parks Act state that the maintenance of ecological integrity must be the first consideration in management planning. Parliament has confirmed the Parks Canada policy of preparing management plans for all parks and of public involvement in this process. It is now mandatory that within five years of the proclamation of a national park under any Act of Parliament, the Minister shall approve and table that park's management plan in Parliament. The Minister must also review, amend as necessary and re-table the management plans every five years.

Appropriate public participation at the national, regional and local levels is an essential part of the development of management plans.

Generally, management planning will begin as soon as lands are placed under Parks Canada administration and control, although it may still be years before all issues are resolved and a park is established under the National Parks Act. Interim management guidelines are prepared to direct essential park operations until a management plan is approved. The guidelines will be conservative and will not propose major development or resource manipulation. Definition
of resource management practices and existing
and potential opportunities for understanding,
appreciation and enjoyment will form a key part
of the interim guidelines.

2.1
Management Plans

2.1.1
Parks Canada will prepare management plans for
the Minister’s approval and tabling in
Parliament:

i) within five years after the proclamation of
a park under any Act of Parliament, or,

ii) within five years of the transfer of
administration and control to Parks Canada
of lands proposed for establishment as
national parks.

Management plans will be reviewed every five
years for re-tabling with any amendments.

2.1.2
In the preparation of a management plan, the
maintenance of ecological integrity through the
protection of natural resources and processes will
be the first priority when considering zoning and
visitor use. The protection of cultural resources
will receive a high level of consideration subject
to this legislated requirement.

2.1.3
Each management plan will contain a statement
of park purpose and objectives that will reflect
the role of the park in the system of national
parks, and in the natural region in which it is
located.

2.1.4
Park management plans provide the framework
for further detailed sub-plans concerning:

i) ecosystem management (park conservation
plan); and

ii) interpretation, visitor services and visitor
risk management (park service plan).

2.1.5
Parks Canada will inform and involve a broad
spectrum of the Canadian public in the
preparation, review and amendment of park
management plans.

2.1.6
The implementation and effectiveness of each
park management plan will be monitored
continuously.

2.1.7
Parks Canada will cooperate with other levels of
government, private organizations and indi-
viduals responsible for the planning of areas
adjacent to national parks to maintain ecological
integrity and to ensure that services and facilities
are integrated in a positive manner with
surrounding regions.

2.1.8
Management plans for national parks which have
additional international or national designations
such as World Heritage Site, Biosphere Reserve,
Ramsar Site, Canadian Heritage River, or
National Historic Site, will include strategies for
protection and promotion of the values that
resulted in the additional designations.

2.2
Zoning

The national parks zoning system is an integrated
approach by which land and water areas are
classified according to ecosystem and cultural
resource protection requirements, and their
capability and suitability to provide opportunities
for visitor experiences. It is one part of an array
of management strategies used by Parks Canada
to assist in maintaining ecological integrity
through providing a framework for the
area-specific application of policy directions,
such as for resource management, appropriate
activities, and research. As such, zoning provides
direction for the activities of park managers and
park visitors alike. The application of zoning
requires a sound information base related to both
ecosystem structure, function and sensitivity, as
well as the opportunities and impacts of existing and potential visitor experiences.

The zoning system provides a means to reflect principles of ecological integrity by protecting park lands and resources and ensuring a minimum of human-induced change. In certain national parks not all zones will be represented. Where zones which permit a concentration of visitor activities and supporting services and facilities are required (i.e., Zones IV and V), they will occupy no more than a small proportion of a national park.

In some cases, environmentally or culturally sensitive areas or sites may warrant special management but do not fit the zoning designations below. Park management plans will include the guidelines necessary for the protection and use of such areas or sites. Their designation complements the zoning system and is important to the protection of the full range of valued resources in certain national parks. Likewise, a temporal zoning designation may be considered for certain areas as part of the management planning program. Ecosystem management requirements will be paramount in consideration of any temporal zones.

2.2.1
The national parks zoning system will apply to all land and water areas of national parks, and to other natural areas within the Parks Canada system as appropriate. It does not preclude resource harvesting activities which are permitted by virtue of national park reserve status, land claim settlements and/or by new park establishment agreements.

2.2.2
Any change to a park’s zoning constitutes a major amendment to the park management plan and may only be made following an environmental assessment, public notice and public participation in the decision.

2.2.3
The national park zoning system comprises the following five zones. (While the broad zoning framework is presented here, implementation depends upon more detailed guidance found in the zoning chapter of the directive on the National Parks Management Planning Process.)

2.2.3.1
Zone I - Special Preservation
Specific areas or features which deserve special preservation because they contain or support unique, threatened or endangered natural or cultural features, or are among the best examples of the features that represent a natural region. Preservation is the key consideration. Motorized access and circulation will not be permitted. In cases where the fragility of the area precludes any public access, every effort will be made to provide park visitors with appropriate off-site programs and exhibits interpreting the special characteristics of the zone.

2.2.3.2
Zone II - Wilderness
Extensive areas which are good representations of a natural region and which will be conserved in a wilderness state. The perpetuation of ecosystems with minimal human interference is the key consideration. Zones I and II will together constitute the majority of the area of all but the smallest national parks, and will make the greatest contribution towards the conservation of ecosystem integrity.

Zone II areas offer opportunities for visitors to experience, first hand, a park’s natural and cultural heritage values through outdoor recreation activities which are dependent upon and within the capacity of the park’s ecosystems, and which require few, if any, rudimentary services and facilities. Where the area is large enough, visitors will also have the opportunity to experience remoteness and solitude. Opportunities for outdoor recreation activities will be encouraged only when they do not
conflict with maintaining the wilderness itself. For this reason, motorized access and circulation will not be permitted, with the possible exception of strictly controlled air access in remote northern parks, as specified in 4.4.3.

Parks Canada will use a variety of other direct and indirect strategies for managing public use, and will evaluate the effectiveness of these strategies on a regular basis.

2.2.3.3 Zone III - Natural Environment

Areas which are managed as natural environments, and which provide opportunities for visitors to experience a park's natural and cultural heritage values through outdoor recreation activities requiring minimal services and facilities of a rustic nature. While motorized access may be allowed, it will be controlled. Public transit that facilitates heritage appreciation will be preferred. Park management plans may define provisions for terminating or limiting private motorized access.

2.2.3.4 Zone IV - Outdoor Recreation

Limited areas which are capable of accommodating a broad range of opportunities for understanding, appreciation and enjoyment of the park's heritage values and related essential services and facilities, in ways that impact the ecological integrity of the park to the smallest extent possible, and whose defining feature is direct access by motorized vehicles. Park management plans may define provisions for limiting private motorized access and circulation.

2.2.3.5 Zone V - Park Services

Communities in existing national parks which contain a concentration of visitor services and support facilities. Specific activities, services and facilities in this zone will be defined and directed by the community planning process. Major park operation and administrative functions may also be accommodated in this zone. Wherever possible, Parks Canada will locate these functions to maintain regional ecological integrity.

2.3 Designated Wilderness Areas

The 1988 amendments to the National Parks Act provide for the designation, by regulation, of wilderness areas within a park. It is intended that the designated wilderness area boundaries will be consistent with Zone II boundaries, although the requirement to produce a legal boundary survey may cause some slight variations. In addition, where Zone I areas are included in or are adjacent to Zone II areas, or are large enough to be considered on their own, they may also be included in designated wilderness areas, but will be managed to conform to their special requirements for protection.

While the criteria for defining designated wilderness areas mirror that for Zone II Wilderness, an Order in Council designation places a legislative constraint on development. Once the Order is in place, provisions of the National Parks Act come into effect which prohibit authorization of any activity in a designated wilderness area that is likely to impair its wilderness character. Only those activities would be allowed which are required for: park administration, public safety; the provision of basic user facilities including trails and rudimentary campsites; the carrying on of traditional renewable resource harvesting activities where authorized, and, in exceptional circumstances, access by air to remote parts of such areas.

As with all other crucial stages of management planning, the boundaries and appropriate uses of proposed designated wilderness areas will be determined with public input during the preparation or review of a management plan. Changes to the boundary of a designated wilderness area would have to be preceded by
public consultation and approved through an Order in Council.

3.0 Protecting and Managing Park Ecosystems

Management for park purposes differs markedly from that of other lands, where effort may be directed toward modifying or controlling nature, producing crops or extracting natural resources. Within national parks, effort is directed at maintaining ecosystems in as natural a state as possible. This goal has far-reaching implications in that many concepts and practices that are relevant or essential to successful resource management on other lands are inappropriate in national parks.

Sustaining the integrity of park ecosystems will be a major challenge in the coming years. Parks seldom contain complete or unaltered ecosystems. This, combined with increasing and cumulative stress from sources such as adjacent land use, downstream effects of air and water pollution, invasion by exotic species, visitor use and climate change can result in irreversible degradation of park ecosystems, the loss of biodiversity and impoverishment of gene pools. In recognizing the challenge, Parks Canada has produced the Strategic Framework to Sustain the Integrity of Ecosystems, which contains principles to which this Policy conforms and which are reflected in the following statements.

Ecosystem management provides a conceptual and strategic basis for the protection of park ecosystems. It involves taking a more holistic view of the natural environment and ensuring that land use decisions take into consideration the complex interactions and dynamic nature of park ecosystems and their finite capacity to withstand and recover from stress induced by human activities. The shared nature of ecosystems also implies that park management will have effects on surrounding lands and their management.

To be effective, ecosystem management must be far-reaching and have a broad base of support. In particular, it requires understanding and collaboration among all those whose activities influence the ecological integrity of the park. Parks Canada must demonstrate leadership by working closely with other land management agencies to develop a better understanding of the relationship between existing land use practices and their effects on the natural environment. National parks are becoming increasingly important in national and international efforts to maintain biodiversity and genetic resources. Consequently, Parks Canada negotiates specific agreements with provincial and territorial planning and conservation agencies and also supports involvement in the UNESCO Man and the Biosphere Program as a means of integrating regional planning around parks.

Ecosystem management must be credible and therefore solidly based in science. Thus, the concept of partnerships is particularly important since universities, conservation organizations and the private sector have much to contribute towards research and environmental monitoring initiatives within national parks.

When research confirms that the structure and function of park ecosystems have been seriously altered by human activities, and that reliance on natural processes alone cannot achieve restoration objectives, intervention may be warranted. Since management action to restore ecosystems will have far-reaching and long-lasting effects, caution must be exercised. Management must be guided by the establishment of clear, practical and measurable objectives that are consistent with the park management plan and by the rigorous application of science in the collection and interpretation of research and monitoring data.

3.1 Ecosystem Protection

3.1.1 National park ecosystems will be given the highest degree of protection to ensure the
perpetuation of natural environments essentially unaltered by human activity.

3.1.2
Human activities within a national park that threaten the integrity of park ecosystems will not be permitted. Where ecosystem integrity is threatened by human activities outside the park, Parks Canada will initiate collaborative action with adjacent land management agencies or owners to try to eliminate or reduce the threat.

3.1.3
Parks Canada will prevent new sources of pollution from developing within national parks and will take action to eliminate or minimize existing sources inside or outside parks. Pollution concerns which are localized will be addressed at the park level, while those which are wide ranging will be addressed in cooperation with other appropriate government agencies.

3.1.4
Sport hunting will not be permitted in a national park. Sport fishing may be permitted in a national park but will be restricted to designated areas.

3.1.5
Parks Canada, in cooperation with other law enforcement agencies, will ensure compliance with the National Parks Act and Regulations and other relevant legislation to protect natural resources, maintain the public peace and protect life and property. Strict enforcement action will be taken to detect and stop illegal activities such as poaching and pollution.

3.1.6
The public will be consulted in the development of park regulations and visitors will be made aware of the rationale for such regulations.

3.2
Ecosystem-Based Management

3.2.1
In keeping with park management plans, Parks Canada will establish measurable goals and management strategies to ensure the protection of ecosystems in and around national parks.

3.2.2
Decision-making associated with the protection of park ecosystems will be scientifically based on internationally accepted principles and concepts of conservation biology.

3.2.3
National park ecosystems will be managed with minimal interference to natural processes. However, active management may be allowed when the structure or function of an ecosystem has been seriously altered and manipulation is the only possible alternative available to restore ecological integrity.

3.2.4
Provided that park ecosystems will not be impaired, the manipulation of naturally occurring processes such as fire, insects and disease may take place when no reasonable alternative exists and when monitoring has demonstrated that without limited intervention:

i) there will be serious adverse effects on neighbouring lands; or

ii) major park facilities, public health or safety will be threatened; or

iii) the objectives of a park management plan prescribing how certain natural features or cultural resources are to be maintained cannot be achieved.

3.2.5
Where manipulation is necessary it will be based on scientific research, use techniques that duplicate natural processes as closely as possible, and be carefully monitored.
An integrated data base will be developed and kept up to date for each national park to provide, along with research and environmental monitoring, the baseline information required to protect and maintain park ecosystems and contribute to State of the Parks reporting to Parliament. In defining information needs, the spatial and temporal dimensions of park ecosystems and ecosystem processes will be a primary consideration. Therefore, data requirements will regularly extend beyond park boundaries.

Parks Canada will work with other government agencies, universities and conservation organizations involved in conservation biology and environmental monitoring to develop integrated programs for the collection, storage, analysis and interpretation of data.

Parks Canada will actively promote national parks as sites for scientific research that will contribute to the long-term protection and better public understanding of ecosystems. Parks Canada will initiate projects or cooperate in programs sponsored by other government agencies and the scientific community to ensure that benchmark research areas are established and maintained in national parks to better understand the effects of human activity on ecosystems both inside and outside national parks.

Parks Canada will take the lead role in establishing integrated and collaborative management agreements and programs with adjacent land owners and land management agencies. Parks Canada will seek mutually satisfactory solutions to trans-boundary concerns associated with the management of shared ecosystem components, the effects of adjacent land use practices on park ecosystems, or the effects of park management practices on the use of adjacent lands. Parks Canada will also participate in regional land use planning and management initiatives sponsored by other jurisdictions to encourage the understanding and cooperation of other agencies in protecting park ecosystems, and for Parks Canada to better understand the management concerns of those other agencies.

A species of plant or animal, which was native to but is no longer present in a park, may be reintroduced after scientific research has shown that reintroduction is likely to succeed and that there will be no significant negative effects on the park and neighbouring lands. Parks Canada will seek the cooperation of adjacent land owners and land management agencies to ensure the success of reintroduction programs.

All practical efforts will be made to prevent the introduction of exotic plants and animals into national parks, and to eliminate or contain them where they already exist.

In each national park, an array of representative and unique aquatic ecosystems will be closed to sport fishing. In addition, opportunities will be provided for benchmark research on and interpretation of aquatic systems that may require that other areas be closed to sport fishing. Where fish populations can sustain some harvest without impairing resources, angling may be permitted in designated areas. Regulations will be conservatively based on continuing stock assessments and will conform to the principle that angling is part of an overall aquatic program involving public education, recreation and ecosystem protection. Fish stocking will be discontinued except where necessary to restore indigenous fish populations that have been adversely affected by habitat modification.
When studies indicate that structures such as weirs and dams have seriously altered aquatic ecosystems and restoration of these ecosystems is feasible, Parks Canada will have these structures removed and rehabilitate the area.

3.2.13
Parks Canada will be exemplary in the implementation of federal legislation pertaining to environmental assessment and review in national parks. In addition, all programs, policies and plans will be subject to environmental assessment. Parks Canada is committed to making the results of all assessments available to the public.

3.2.14
Parks Canada will participate in environmental impact assessments for proposed developments outside national parks that may affect park ecosystems.

3.2.15
When extractive activities are permitted in a national park pursuant to sections 1.4.11 and 1.4.12, Parks Canada will place a high priority on the management, monitoring and regulation of harvesting activities. Predator control or habitat modification to artificially enhance the availability of resources for harvesting will not be permitted.

4.0
Public Understanding, Appreciation and Enjoyment of National Parks

National Parks are "dedicated to the people of Canada for their benefits, education and enjoyment ... and shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations." Since these words were enshrined in the National Parks Act in 1930, many millions of Canadians have visited their national parks. Millions more in Canada and around the world have enjoyed books, films, articles and photographs depicting the intricate wonders of these special places. From these direct and indirect experiences has grown an increased level of understanding and appreciation of the natural values for which the parks are established and protected. This has, in turn, led to strong public support for maintaining the ecological, educational and cultural values of the parks by people of widely varied interests and capabilities. Maintaining this support is essential to completing the national parks system as well as for protecting the existing parks.

To fulfill the obligations of the National Parks Act and serve the people of Canada, park values must be maintained forever. A comprehensive Visitor Activity Management Process has been developed that is predicated on analysis of social science information and integrated with natural and cultural science information. Clear service objectives must be used in determining benefit, education and enjoyment opportunities, since the provision of such opportunities must be measured against the obligations imposed by the Act to maintain the parks unimpaired. This means that not every kind of use requested by the public can be provided.

In meeting the obligations of the Act, Parks Canada does not stand alone. Provincial, territorial, municipal and private agencies will be encouraged to provide complementary opportunities, programs and facilities outside national parks in ways that respect shared ecosystems and the distinctive qualities of local communities. The practice of environmentally sustainable tourism will constitute an important mutual linkage with other land management agencies and private interests.

4.1
Management of Visitor Activities

4.1.1
The Visitor Activities Management Process will be used to match visitor interests with the specific educational and outdoor recreation opportunities determined for each national park through the management plan.
4.1.2 Consistent with maintaining ecological integrity, each national park may offer a variety of outdoor recreation opportunities conforming to the zoning determined in the management plan. These will serve visitors of diverse interests, ages, physical capabilities and skills so that they can understand and experience the park’s natural environment.

4.1.3 Only outdoor activities which promote the appreciation of a park’s purpose and objectives, which respect the integrity of the ecosystem, and which call for a minimum of built facilities will be permitted.

4.1.4 As new or modified forms of outdoor recreation emerge, each will be assessed for its appropriateness nationally before consideration in the park management planning process. Individual park management plans will then specify the types and ranges of both new and existing appropriate outdoor recreation activities and their supporting facilities. Parks Canada will also periodically review its national directives to ensure that new forms of outdoor recreation are adequately considered.

4.1.5 The private sector and non-governmental organizations, such as volunteers, cooperating associations and the Canadian Parks Partnership, will be encouraged to provide skills development programs that will increase visitor understanding, appreciation and enjoyment of the national parks.

4.1.6 An integrated visitor activities data base will be developed and kept up to date for each national park to provide, along with research, monitoring and evaluation, the visitor information required for park management decisions and state of the parks reporting to Parliament. The information gained will be used to add to or improve existing opportunities, and in the development and review of park management plans, service plans, and visitor risk management programs. Both activity data and park infrastructure and environment data will be incorporated into risk assessments. Risk control measures will consider the experience needs of the visitor and promote visitor self-reliance accordingly.

4.1.7 Parks Canada will use a variety of direct and indirect strategies for managing public use. Examples of direct strategies include zoning, rationing use intensity, restricting activities, and law enforcement. Examples of indirect strategies include facility design, information dispersal, and cost recovery mechanisms.

4.1.8 Provisions for public understanding, appreciation and enjoyment of the cultural resources located in national parks, and associated activities, services and facilities, will be made in accordance with the policy on Cultural Resource Management.

4.2 Interpretation and Public Education

4.2.1 Parks Canada will continue to develop and enhance its information, interpretation and extension programs and services as a principal means of achieving its protection and presentation objectives, building consistencies and fostering national identity.

4.2.2 Information will be made available to all Canadians, as well as to park visitors, to encourage and assist them in understanding, appreciating, enjoying and protecting their national parks.

4.2.3 Parks Canada will welcome visitors and make them aware of the opportunities for understanding, appreciating and enjoying each national park through its programs, services and facilities. It will also provide information on
relevant regulations and the necessary skills and
equipment to safely participate in an activity.
Particular efforts will be made to provide visitor
orientation at key locations to ensure that visitors
understand the purpose of national parks and
their role in protecting them; can easily locate
park features, services and facilities; and can
freely choose whether they wish to participate in
an activity or not. Visitors will be made aware of
risk assessment information and of their
responsibility to incorporate this information into
their activity planning.

4.2.4 Parks Canada will provide the public with
interesting and enjoyable opportunities to observe
and discover each park’s natural, cultural,
historical and environmental features and
processes, as well as the park’s resource
management issues and practices, both within
and outside national parks. It will present these
opportunities in a variety of ways using personal
and non-personal interpretive techniques. Parks
Canada may present park themes and messages
directly or indirectly through cooperative
arrangements.

4.2.5 Parks Canada will relate park themes and
messages to broader environmental issues to
provide the public with opportunities to acquire
the knowledge and skills to make environmentally responsible decisions.

4.2.6 Parks Canada will provide interpretation
programs on challenges to maintaining the
ecological integrity of national parks in order to
foster greater public understanding of the role
that protected spaces play in a healthy
environment.

4.2.7 Information on a park and its themes will be
accessible to all visitors. Where the location of a
service or facility illustrating the themes prevents
access by persons with disabilities, special
programs or services will be offered.

4.2.8 Institutions and groups may be permitted to use
the parks for educational activities or research, in
ways that do not impair the ecosystem or limit
enjoyment by other users.

4.2.9 Parks Canada will be responsible for the
preparation and presentation of interpretation
programs and special events. In meeting this
objective, Parks Canada will welcome and seek
the assistance of informed individuals,
professionals, and interest groups.

4.3 Visitor Services and Facilities

4.3.1 Parks Canada, working in cooperation with
others, will offer high-quality visitor services by
ensuring park resources do not deteriorate, and
that quality visitor experiences are not
diminished.

4.3.2 Parks Canada will cooperate with the tourism
sector towards fulfilling public needs for a broad
range of essential services and facilities within
the regions surrounding national parks, particularly as they relate to the practice of
environmentally sustainable tourism. To avoid
impacts on park ecosystems and to contribute to
regional economic development, the location of
commercial services and facilities should take
place in adjacent communities. Parks Canada will
locate its own administrative facilities outside the
parks wherever possible provided that the
location would have the least impact on a shared
ecosystem.

4.3.3 Certain services and facilities are essential for
public access to, as well as understanding,
appreciation and enjoyment of, heritage areas.
Provision of such services and facilities within
national parks will be based upon the following
considerations:
- impacts on the ecosystem as well as on specific natural and cultural resources;
- contribution to the interpretation of park themes and messages;
- heritage character and historical appropriateness;
- types of opportunities and activities appropriate to the area, as set out in management plans;
- a high degree of concern for site planning and choice of construction materials;
- environmentally appropriate design, aesthetics, architectural motif, and energy conservation; and
- the needs and expectations of visitors, consistent with park objectives.

4.3.4
Within national parks, essential services and facilities will serve the basic needs of the public, and will be directly related to the provision of understanding, appreciation and enjoyment of the natural and cultural heritage. While protection of the environment and heritage resources is paramount, Parks Canada is committed to the principles of service excellence. Normally, services and facilities will be grouped together within appropriate zones for energy conservation and protection of park resources, public convenience and equality of access.

4.3.5
The involvement of the public including private and voluntary organizations, such as cooperating associations and the Canadian Parks Partnership, will be encouraged in the planning, development and operation of appropriate services and facilities for visitors in national parks.

4.3.6
The setting of rates controlled by Parks Canada for use of services and facilities provided either by Parks Canada or by private enterprise should take into account such market factors as supply and demand, and the price, quality and location of related services outside national parks.

4.3.7
Parks Canada will continue to develop and adopt architectural and environmental design guidelines and standards for each park so that the scale, size, accessibility, form, aesthetics and function of structures are in harmony with the setting.

4.4
Access and Circulation

4.4.1
Where feasible, access and circulation within national parks will be designed to supply opportunities for understanding, appreciation and enjoyment for visitors of all ages, skills and physical abilities. Special information programs will be offered where direct access is excessively challenging or inappropriate. All access and circulation will be defined in management plans and conform with zoning.

4.4.2
Non-motorized means of transportation will be favoured in national parks wherever feasible. Public transit for park purposes will be preferred where special circumstances warrant.

4.4.3
Access by private or commercial aircraft within national parks will not be allowed except to remote areas where reasonable travel alternatives are not available, where it has been authorized through the management planning process and specified by regulation; and under strict controls designating landing sites, times, flight lines, altitudes and any special conditions related to resource protection, including wildlife harassment or the enjoyment of the park by other visitors.

4.4.4
Roads and trails may be constructed if their primary function is to serve park purposes, they have been approved under the park management plan and they meet the full requirements of the Federal Environmental Assessment and Review Process. New roads and trails that constitute
through routes designed to serve other than park purposes will not be considered.

4.5 Visitor Accommodation

4.5.1 Within national parks, preference will be given to basic accommodation facilities such as campgrounds, hostels and shelters which enhance visitors’ understanding, appreciation and enjoyment of the parks’ special values and which provide access to additional, enjoyable park experiences including a range of appropriate recreational opportunities.

4.5.2 In particular, camping opportunities, activities and services are directly related to the national park mandate of providing benefit, education and enjoyment to park visitors and, therefore, will be the principal form of accommodation made available to the majority of park visitors.

4.5.3 In some national parks, the commercial sector may be invited to provide roofed accommodation due to severe climate conditions and the lack of existing or potential adjacent facilities. Any such facility must not impair the wilderness experience of others, will be assessed within the management planning process, and if authorized must stringently conform to the zoning plan.

4.5.4 Where commercial accommodation is provided within national parks, it will enhance understanding, appreciation and enjoyment of natural settings; provide access to additional park experiences, including a range of recreational opportunities; and be available for use by the general public.

5.0 Historical Activities and Infrastructure

When Canada’s national park system was born at Banff over a century ago, there was still a vast wilderness in Canada and a different perspective prevailed on the values and purposes of national parks. It was not deemed inappropriate to establish permanent and seasonal communities within national parks to serve the needs and wants of the park visitors. Similarly, some parks were created around national transportation corridors more for their scenery and tourism appeal than for other natural heritage considerations. Such development is part of the national park history. The communities and recreational facilities, including golf courses and commercial downhill skiing areas, continue to provide enjoyment and livelihood for a large number of park visitors and residents.

Through careful planning and consultation with all stakeholders, Parks Canada manages these park communities, transportation corridors and recreational developments in ways that minimize impairment to the ecological integrity of the parks. The communities in the national parks and the way they are managed represent a unique opportunity to demonstrate the overriding values of ecological integrity, environmental citizenship, environmental stewardship and sustainable development through applied research and partnership.

Nonetheless, given the limited range of unspoiled wilderness left in Canada, it is inappropriate to establish additional communities or intensive infrastructure for recreation in existing and future national parks.

5.1 National Park Communities

Because of their size, permanent population, year-round services and extensive municipal infrastructure, the communities of Banff and Jasper are classified as Towns. They are communities considered to have tax bases adequate to support a form of local self-government. Accordingly, by agreement with the residents and under the enabling provisions of the National Parks Act amendments, Parks Canada began negotiating the transfer of
municipal taxing, utility and planning authorities to the Town of Banff in 1988. On January 1, 1990, the Town became an officially incorporated Alberta municipality under conditions set by a federal provincial agreement. Official designation as Visitor Centres is given to communities that provide a focus for and concentration of visitor activity services and facilities. Waterton, Wasagaming and Waskesiu are classified as Visitor Centres, in addition to being the administrative headquarters of Waterton Lakes, Riding Mountain and Prince Albert National Parks, respectively. Visitor use of these centres is primarily seasonal and they offer a limited range of facilities. Land was provided for seasonal cottage residence in each of these communities in past years when such use was considered appropriate.

Lake Louise is also a Visitor Centre but, along with Field in Yoho, does not contain areas for cottage residence. At Lake Louise all residential land is either used for government housing or tied to commercial leases and developed as staff accommodation. Field, meanwhile, is a largely residential community accommodating the administrative centre for the park as well as an operational centre for the Canadian Pacific Railway.

Resort Subdivisions are summer seasonal cottage subdivisions established early in the history of Jasper, Wood Buffalo, Prince Albert and Riding Mountain National Parks.

5.1.1 The boundary of the Town of Banff has been established by a Town Plan prepared in conjunction with the park management plan, and has been set out in the National Parks Act. The same provision will apply to the Town of Jasper if the residents opt for self-government measures in the future.

5.1.2 No new communities will be developed within national parks.

5.1.3 Statements of principles governing the management of park communities may be developed, and then be approved by the Minister.

5.1.4 No additional lands will be made available for private cottages and camps or seasonal camping areas.

5.1.5 Where there is a community in a national park, a community plan will be prepared based on direction contained in the park management plan. Community plans will be approved by the Minister.

5.1.6 Parks Canada will encourage the establishment of community groups to advise park superintendents on matters affecting local interests.

5.1.7 The Crown in Right of Canada will continue to own the land in all national park communities. The Minister will give final approval to community plans and land use regulations or bylaws based upon community plans, and will be the final authority on planning matters.

5.1.8 Where Parks Canada retains exclusive community government authorities, charges and taxes to be levied for municipal and health services will be based on cost accounting data and the municipal taxing practices of the province in which a park is located.

5.2 Golf Courses and Commercial Ski Areas

5.2.1 Due to the amount of land they require and the need for intense manipulation of natural regimes, no new golf courses will be constructed in national parks and expansions to existing golf courses will not be considered.
5.2.2
Due to the pressures placed on alpine and subalpine environments, the 1988 National Parks Act amendments prohibited development of new commercial skiing areas inside the national parks. The five existing commercial alpine skiing areas will be managed within their legislated boundaries according to long-range development plans approved by the Minister and subject to public consultations.

6.0
Land Tenure and Residency

Although there is limited application in new national parks, tenure and residency provisions apply across the system as described below.

6.1
Land Tenure

6.1.1
Limited tenure may be granted on national park lands in the form of permits, leases, or licences of occupation for the provision of essential services and facilities for park visitors and for authorized residential uses.

6.1.2
Upon the expiry of a lease, licence, or permit of occupation, where not already provided in an existing agreement, a replacement instrument may be negotiated if the purpose is supported by the park management plan; if the holder has complied with the terms and conditions of the expiring agreement; and if the granting of a replacement agreement is consistent with federal government policy on fair access.

6.1.3
Parks Canada will acquire leasehold interests in national parks where a park management plan identifies that the leasehold lands or facilities are required for public purposes.

6.2
Residency

6.2.1
Persons who have established a need to reside in a national park as defined in regulations will be entitled to acquire the appropriate instrument of tenure for as long as the need to reside status is maintained.

6.2.2
Residents of national parks will live in park communities or on the sites of their work stations.

6.2.3
Condominium ownership of private accommodation will be allowed for those who have established a need to reside in park communities as defined in regulations.
NATIONAL MARINE CONSERVATION AREAS POLICY
NATIONAL MARINE CONSERVATION AREAS POLICY

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4.0 Public Understanding, Appreciation, and Enjoyment of National Marine Conservation Areas

4.1 Management of Visitor Activities

4.2 Interpretation and Public Education

4.3 Visitor Services and Facilities

4.4 Tenure
In Canada, the establishment of marine protected areas is in its infancy. Although a national marine parks policy was produced in 1986, it was not based on practical experience. Since then, further study and consultation have led to a clarification of the concept that demonstrates the differences between terrestrial national parks and the needs for marine area management.

As proposed in these new policy statements, "national marine parks" are better classified as "national marine conservation areas." These areas would have a highly protected core made up of Preservation Zones I and Natural Environment Zones II, as well as multiple-use Conservation Zones III.

As Parks Canada acquires operational experience in the establishment and management of marine conservation areas, it will be necessary to reassess elements of this policy to ensure that they are workable. Appropriate consultation will occur before any changes are made to the policy.
BACKGROUND

Context for Policy Revisions

The creation of marine protected areas has become an urgent concern of many coastal states. To accelerate the establishment of a Canadian system of marine protected areas, Parks Canada developed a policy for the establishment of national marine parks. It received Ministerial approval in 1986 following extensive public consultations.

Since then, an agreement was signed in 1987 with Ontario to establish Fathom Five in Georgian Bay as Canada's first national marine park. In 1988, Canada signed an agreement with British Columbia calling for the creation of a marine park at South Moresby in the Queen Charlotte Islands, and with Quebec in 1990 to examine the feasibility of establishing a joint federal provincial marine park at the confluence of the Sagueney Fjord and St. Lawrence Estuary. These new marine park proposals, as well as preliminary work on other park proposals, have provided considerable practical experience and opportunity for Parks Canada staff to work with officials from other government agencies and the public to implement the 1986 policy.

During this period, considerable effort has been spent at the national and international levels examining the fundamental principles and practices associated with planning and managing systems of marine protected areas. At the national level, Parks Canada and various advisory groups, interest groups and universities have sponsored several workshops, seminars and publications providing valuable insight and support for the establishment of marine protected areas in Canadian waters. As well, public consultation on the proposed revision to this policy has provided many useful suggestions.

At the international level, the 4th World Wilderness Congress (1987) and the 17th General Assembly of the International Union for the Conservation of Nature (IUCN) (1988) passed important resolutions setting out a broad policy framework for the planning and management of marine protected areas. In 1992, the IUCN prepared more detailed guidelines on marine protected areas that were tabled at the 4th World Congress on National Parks and Protected Areas.

The international community is urging all states to develop national and global representative systems of marine protected areas in order to meet the objectives of the World Conservation Strategy. Citing the Parks Canada approach as a possible model, coastal states are urged to develop a biogeographical classification system to aid in the selection of a truly representative system of marine protected areas. To help ensure their long-term viability, they urge that the establishment of marine protected areas be based on a high level of cooperation between the public and all levels of government. Furthermore, the areas set aside should be relatively large and managed on a sustainable basis.

While the basic tenets of the 1986 National Marine Parks Policy remain, the revised policy responds to the broad experience gained at all levels over the past several years, and to recent public comments. Policies have required some restructuring and clarification and some new principles and concepts have been introduced which Parks Canada hopes will facilitate the planning and management of a national system of marine protected areas in Canada. One of the changes made has been to refer to these areas as "national marine conservation areas" instead of "national marine parks." Parks Canada believes that this designation more accurately reflects the purpose and objectives of these areas.
Management and Planning Considerations in the Marine Environment

The policy recognizes that planning and management considerations in the marine environment differ from those associated with terrestrial national parks.

 Differences in the nature of marine ecosystems are a fundamental consideration. For example, terrestrial parks are usually associated with semi-closed ecosystems dominated by components that are essentially fixed in space and subject to rates of change over relatively long periods of time. On the other hand, marine protected areas are almost always associated with open ecosystems that are large and dynamic and where rates of change associated with many important ecological processes involve relatively little time. Several pelagic, demersal and anadromous fish species and many of the marine mammals and invertebrate species undertake far-ranging migrations associated with their feeding or reproductive cycles.

 The water column is the fundamental component in most marine ecosystems. The density of sea water allows it to suspend and transport materials over great distances and thereby link geographically isolated areas. It provides a transportation medium for pollutants that enter the sea from the atmosphere or from terrestrial run-off, and renders marine protected areas vulnerable to a wide range of potentially harmful downstream effects. This characteristic also generally affords marine ecosystems a greater capacity for natural regeneration than their terrestrial counterparts. The water column sustains primary production and provides for most of the habitat requirements of marine plants and animals (including benthic communities) through the transportation of nutrients, food and their larvae.

 The nature and effect of human activities in the marine environment also differ from those on land. Maintaining the structural integrity of terrestrial ecosystems due to habitat loss and fragmentation associated with activities such as forestry, agriculture and transportation are usually critical concerns on land. However, they are less of a concern in marine environments. (Exceptions apply to estuarine and near-shore areas.) Of far greater concern in the sea are the effects of pollution and over-exploitation of resources that gradually alter physical, chemical and biological processes in ways that are not often immediately apparent.

 It is important to understand that, for the most part, our knowledge of marine ecosystem lags far behind that of terrestrial ecosystems. Furthermore, the technology available to study marine ecosystems is not as extensive or as revealing as that used on land, and the logistics of operating in the marine environment make marine research a generally costly proposition.

 The complexity of legislation and jurisdictions affecting the marine environment is also a significant consideration. For example, within Canada, there are at least 36 federal acts and 20 provincial and territorial acts together with numerous international conventions and accords that relate to the protection and use of the marine environment and marine resources. In view of the openness of marine ecosystems and the high degree of connectivity between marine environments and between these and upstream terrestrial activities, the long-term viability of marine protected areas will require close collaboration and cooperation across many jurisdictional boundaries.

 The policy also recognizes the need for flexibility in the approach to the planning and management of these areas since from region to region, Canadians view the marine environment and the role of marine protected areas quite differently. This is a reflection of strongly held social and economic values concerning the protection and use of the marine environment and its resources. While Parks Canada believes these areas must make a meaningful contribution to the protection of Canada's marine heritage, it also believes that the objectives for these areas...
are unlikely to be achieved without the cooperation, support and continued involvement of those most directly affected by their establishment.

In addition to their natural features, most national marine conservation areas contain significant cultural resources. These will be managed according to the Cultural Resource Management Policy found in Part III of this document.

The Concept of A National Marine Conservation Area

In keeping with guidance from the IUCN, Parks Canada is committed to establishing a system of marine protected areas that is representative of the full range of Canada’s marine environments. For this reason, and to assist in their effective conservation, these areas will ideally be quite large. For example, the proposed study area for the Gwa’wai Haanas National Marine Conservation Area encompasses 3,180 km² of coastal waters.

National marine conservation areas will include the sea bed, its subsoil and the overlying water column. In coastal areas, they may include wetlands, river estuaries, islands and other coastal lands. However, they may also be established wholly offshore to protect marine areas some distance from Canada’s coastline.

Since marine protected areas are vulnerable to downstream effects associated with adjacent terrestrial areas, establishing a marine conservation area in proximity to an existing national park or another protected area could provide additional protection to a conservation area.

The management philosophy associated with national marine conservation areas will differ from that in terrestrial national parks in one very important respect. Instead of trying to protect marine ecosystems in a state essentially unaltered by human activity, which is the primary goal in terrestrial national parks, management effort in national marine conservation areas will be directed towards the conservation of these areas in the sense that it is defined in the World Conservation Strategy. Therefore, the focus will be on the management of a wide range of human activities to ensure the greatest sustainable benefit to present generations while maintaining the potential of the area to meet the needs and aspirations of future generations. In this context, conservation embraces a number of management concepts including preservation, maintenance, sustainable use, and restoration of the natural marine environment.

The success of this program will hinge on the establishment of integrated management systems which, ideally, should help to coordinate the management of marine and terrestrial areas well beyond the boundaries of a national marine conservation area. In some cases, this would involve the participation of Parks Canada in integrated management programs sponsored by other agencies. In other instances, it will require that Parks Canada take a lead role in facilitating and coordinating the efforts of government and non-government agencies and affected users to collaborate and share in the stewardship of these areas. In the long term, it is hoped that these areas might serve as models for a more holistic approach to the planning and management of marine environments.

An essential feature of all national marine conservation areas will be the setting aside of some zones for protection purposes. These zones will recognize the existence of particularly significant and vulnerable ecosystem components or cultural resources, their importance for ecological research or environmental monitoring, and their potential for non-consumptive recreational use and public education. These zones would be identified during the preparation of a proposal to create a national marine conservation area.

While amendments were made to the National Parks Act in 1988 to allow for the establishment of marine protected areas on an interim basis,
new legislation will be required to better reflect the mandate and overall responsibility of the Minister for the administration, control and coordinated management of national marine conservation areas to ensure the protection of their associated marine ecosystems. This legislation must also recognize the responsibilities of other federal and provincial ministers in areas such as the administration and control of fisheries, navigation and shipping.

OBJECTIVE

To protect and conserve for all time national marine areas of Canadian significance that are representative of the country’s ocean environments and the Great Lakes, and to encourage public understanding, appreciation and enjoyment of this marine heritage so as to leave it unimpaired for future generations.

1.0 The National Marine Conservation Areas System

National marine conservation areas are intended to conserve representative examples of Canada’s marine environments, coastal zone, and Great Lakes. Based on current scientific information, Canada’s oceans and Great Lakes have been divided into 29 marine regions, each of which warrants representation in the system of national marine conservation areas. Efforts to create new marine conservation areas are concentrated on those marine regions that are unrepresented.

Establishment of new marine conservation areas will be guided by the National Marine Conservation Area System Plan. The Plan will provide a description of the 29 marine regions, and the status of system planning for each. Parks Canada will periodically update the Plan, including the listing of representative marine areas identified during regional analysis studies. In addition, Parks Canada will keep an Action Plan up to date to describe the activities that must be undertaken to complete the representation of each of the marine regions.

Parks Canada, acting alone, cannot protect all the areas identified as representative of Canada’s marine regions. But by making public the Systems Plan and Action Plan, Parks Canada hopes to encourage other public agencies and appropriate private organizations to work to protect areas that will not be included within the national marine conservation area system.

Public support and the cooperation of other levels of government are essential in establishing new national marine conservation areas or adjusting the boundaries of existing ones. The establishment process is therefore based upon public consultation and intergovernmental cooperation.

There is no rigid process for establishing national marine conservation areas. Each situation is unique and the steps leading up to their creation will reflect individual circumstances. The normal sequence, however, is characterized by five steps: identifying representative marine areas; selecting a potential national marine conservation area; assessing marine conservation area feasibility; negotiating a marine conservation area agreement; and establishing a new national marine conservation area in legislation. The following policies related to marine conservation area establishment are grouped under these headings.

1.1 Identifying Representative Marine Areas

1.1.1 Representative marine areas will be identified for those marine regions that are not represented in the system. The following criteria are used:

i) the area must portray the geological, oceanographic, biological and ecosystem diversity that is characteristic of the marine region; and

ii) the area’s ecosystems must be in a healthy, natural state, or, if they are stressed or significant environmental degradation has taken place, restoration
1.1.2 Representative marine areas will be identified in consultation with provincial and territorial governments, other federal agencies and with the interested public.

1.1.3 Representative marine areas will be identified regardless of the current protected status or jurisdiction.

1.2 Selecting Potential National Marine Conservation Areas

1.2.1 Potential national marine conservation areas will be selected from among the representative marine areas, in those marine regions which do not already have adequate representation in the system of marine conservation areas.

1.2.2 In selecting potential national marine conservation areas, consideration will be given to a wide range of factors including:

i) the extent to which the area represents the ecosystem diversity of the marine region;

ii) the degree to which the area contributes to the maintenance of essential ecological processes and life support systems for downstream areas (e.g., the protection of nursery or juvenile rearing areas);

iii) the importance of the area in maintaining biodiversity and protecting critical habitats of rare, threatened or endangered species;

iv) the occurrence of exceptional natural phenomena and cultural resources;

v) the existing or potential value of the area for ecological research and monitoring;

vi) opportunities for public understanding, education and enjoyment;

vii) possible threats to the long-term sustainability of the area's marine ecosystems as well as those of the surrounding lands;

viii) minimizing conflict with existing or probable marine resource uses such as significant commercial fishing areas, mineral or energy resources, navigation routes or defence exercise areas;

ix) complementarity with the objectives of existing or planned protected marine or coastal areas of other jurisdictions in the marine region;

x) the potential of establishing an adjacent national park or national park reserve representative of its natural region;

xi) the potential to cooperatively manage existing and potential uses of the marine resources within and adjacent to the potential marine conservation area on a sustainable basis, compatible with the objective of protecting its biotic resources and other park values; and

xii) the implications of comprehensive land claims and treaties with Aboriginal peoples.

1.2.3 A composite national marine conservation area consisting of two or more non-contiguous areas may be considered where it will facilitate achieving marine conservation area identification and selection objectives.

1.2.4 Potential national marine conservation areas will be selected in consultation with provincial and territorial governments, other federal agencies, non-government organizations, and the interested public.
1.3 Assessing National Marine Conservation Areas Feasibility

1.3.1 To initiate an assessment of the feasibility of a marine conservation area, Parks Canada will first consult with other federal departments and agencies, provincial and territorial governments and seek their cooperation and support.

1.3.2 Parks Canada will then initiate discussions with local communities and affected user groups to seek their cooperation in conducting a feasibility study, to determine the best timing and process for their active participation, and how to incorporate the knowledge of individuals living and working in the area.

1.3.3 As a guide, the feasibility study should include recommendations on the conservation and management objectives of the area, its boundaries, a draft zoning plan as described in section 2.1.0 with a description of the purpose and objectives of each zone and the uses that will be permitted, including fishing. It should also identify specific issues of concern to local communities and affected user groups and, when possible, recommend how they could be addressed.

1.3.4 In proposing the boundaries of a potential national marine conservation area, every effort will be made to establish an area with a size and configuration that:

i) protects a wide diversity of marine ecosystems representative of the marine region;

ii) accommodates the habitat requirements of viable populations of marine species that are native to the marine region;

iii) does not fragment sensitive, highly diverse or productive marine communities;

iv) protects exceptional marine phenomena, and rare, threatened or endangered marine wildlife and plants;

v) includes important sites for ecological research and monitoring;

vi) offers opportunities for public understanding and enjoyment;

vii) results in minimum long-term disruption of the social and economic life in the surrounding region; and

viii) does not encompass permanent communities.

In addition, consideration may be given to including submerged cultural features or coastal/island sites which are significant in portraying human use of marine resources within a proposed national marine conservation area.

1.3.5 As part of the feasibility assessment, Parks Canada will cooperate with those federal departments or provincial/territorial governments responsible for assessing the renewable and nonrenewable natural resource potential of the proposed marine conservation area. Any associated field activities will take into account the natural and cultural qualities which recommend the area for marine conservation area status.

1.3.6 Boundary adjustments intended to improve the representation of an existing marine conservation area or its ecological integrity will be assessed according to the above policies.

1.4 National Marine Conservation Areas Agreements

1.4.1 National marine conservation areas will be established pursuant to agreements with the concerned provincial or territorial governments, federal departments and agencies, and with Aboriginal organizations, as appropriate.
1.4.2 The Crown in Right of Canada will own all land, including the sea or lake bed and its subsoil, within a national marine conservation area. Private lands and interests will be acquired by negotiated settlement, and tenured interests may be allowed to expire.

1.4.3 The agreement will describe the boundaries of the national marine conservation area, and will stipulate the role(s) of concerned government departments and agencies, any local communities and affected user groups, as well as interested non-government organizations and the public in the cooperative stewardship, planning and management of the marine conservation area.

1.4.4 Parks Canada will take a lead role in developing cooperative arrangements with all concerned parties for the complementary use and management of resources within a national marine conservation area.

1.4.5 Commercial exploration, extraction or development of nonrenewable resources and ocean dumping will not be permitted within a national marine conservation area.

1.4.6 Parks Canada and the provincial and federal governments will foster opportunities for local residents to find employment and business opportunities related to the operation of national marine conservation areas.

1.4.7 Where the resources of a marine conservation area are, or may be, significantly impacted by upstream pollution sources, Parks Canada will cooperate with government and non-government agencies at the local, provincial, territorial, federal and international levels in order to monitor water quality and endeavour to prevent or mitigate pollution effects.

1.4.8 Prior to the establishment of a marine conservation area, Parks Canada will prepare a report setting out the area's purpose and objectives, boundaries agreed to, zoning plan, and the various agreements made with other governments and federal departments for the cooperative management of the marine conservation area.

1.5 Establishing National Marine Conservation Areas in Legislation

1.5.1 Marine conservation areas will be formally established by the Parliament of Canada through amendment to the National Parks Act or in accordance with new legislation respecting the establishment of national marine conservation areas.

1.5.2 When new national marine conservation areas are established in conjunction with the settlement of land claims of Aboriginal peoples, the final boundaries as well as harvesting rights and involvement of Aboriginal peoples in planning and management will be proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a "national marine conservation area reserve" under the Act and traditional hunting, fishing and other marine resource based activities by entitled Aboriginal peoples will continue.

2.0 Management Planning

The goal of a national marine conservation area management plan is to provide for sustainable use of the area consistent with the need to maintain the structure and function of marine ecosystems. The plan provides guidance to marine conservation area managers and users about the day-to-day management and use of the area. It also outlines how the Minister responsible for Parks Canada proposes to
conserve the area's resources in keeping with the
provisions of the National Parks Act.

Management planning is an iterative process
that must be prepared within five years of the
area's proclamation and be reviewed and
amended as necessary every five years thereafter.
Since planning decisions are inevitably based on
incomplete knowledge of the area's resources,
plans will always lean to the side of caution
when prescribing reasonable levels of use. However,
through continuing cooperative and
inter-disciplinary approach, information about the
physical, biological and socio-economic
characteristics of the area will be compiled and
interpreted to avoid uncertainty in
decision-making.

Zoning is an essential part of the national marine
conservation area management plan. Its main
purposes are to define and map the different
levels of protection and use that will occur in the
marine conservation areas and to separate
potentially conflicting human activities. Zoning
must be comprehensive but also as simple as
possible to ensure it can be readily understood
by the public, and be translated into management
actions and regulations that are easy to comply
with and enforce. To avoid unnecessary
regulation of human activities, each zone will
have clear and justifiable objectives.

The three proposed marine conservation zones
reflect a continuum of protection and use.
Different levels of protection and use will be
permitted in each zone, at different times.

Temporal and vertical zoning may provide
flexibility and objectivity in harmonizing use.
For example, temporal zoning could prohibit
visitor access to, or commercial fishing near, a
particular fish spawning ground, sea bird colony
or whale calving area during the reproductive
season but allow it throughout other, less critical
periods. Depending on the factors involved, the
time span may be long term, seasonal, cyclical or
even diurnal. Vertical zoning may also be
appropriate in some situations where, for
example, certain benthic species or habitats
require absolute protection while fishing,
transportation or recreational uses continue at or
near the surface of the water column.

In some cases, environmentally or culturally
sensitive sites may require special management
but do not fit the zoning designations below.
Management plans will include the guidelines
necessary for the protection and use of such
sites. In other cases, a marine conservation area
may encompass an existing protected area where
the degree of protection and use allowed does
not correspond precisely to the national marine
conservation area zoning definitions. In this
situation, where the existing protected area
contributes to the overall purpose and objectives
of the conservation area, it may be designated as
a special use zone to ensure its function and
identity remain intact.

2.1
Parks Canada will adopt an inter-disciplinary
approach to management planning to ensure a
broader perception and understanding of issues,
and the development of solutions to problems
that are more comprehensive, far-reaching and
durable.

2.2
Parks Canada will prepare management plans for
the Minister's approval and tabling in Parliament
within five years of an area's proclamation under
the National Parks Act or other legislation.
Management plans will be reviewed every five
years thereafter.

2.3
Maintaining the structure and function of marine
ecosystems will be a first priority when
considering the zoning and management of
visitor use and renewable resource harvesting
activities.

2.4
Cultural resources will be managed in
accordance with the Cultural Resource
Management Policy.
2.5 Each management plan will contain a statement of the purpose and objectives of the marine conservation area in the national system and in the marine region in which it is located. As well, it will detail the specific protection and use objectives of each designated zone.

2.6 Parks Canada will inform and involve a broad spectrum of the Canadian public in the preparation, review and amendment of management plans.

2.7 A management advisory committee will be formed for each conservation area to ensure regular consultation and direct involvement of resource users and residents of the surrounding region in the preparation and implementation of the management plan.

2.8 Parks Canada will cooperate with other federal agencies and levels of government, private organizations and individuals involved in the planning and management of areas adjacent to marine conservation areas to ensure that research, management and regulatory programs, facilities and services are integrated in effective and economical ways.

2.9 Management plans for national marine conservation areas which have additional international and national designations such as World Heritage Site, Biosphere Reserve or National Historic Site, will include strategies for protection and promotion of the values that resulted in the additional designations.

2.10 The national marine conservation area zoning system will apply to all land and water areas of national marine conservation areas, and will state the specific protection and use objectives of each designated zone. Parks Canada will monitor the degree to which those objectives are being achieved and assess the validity of the designation during the review of the management plan.

The zoning provisions outlined below are intended to serve as a guide only. They may change as Parks Canada acquires planning and management experience in several marine conservation areas. Also, an alternative zoning system may be recommended for a national marine conservation area during the feasibility study.

2.10.1 Zone I (Preservation) - Areas will be considered for Zone I designation when their management objectives involve protecting:

i) habitats deemed critical to the survival and maintenance of depleted, vulnerable, threatened or endangered species;

ii) habitats of more common species and communities that are particularly sensitive to human disturbances;

iii) unique or best examples of a natural feature;

iv) cultural resources of national historic significance or of historic significance; or,

v) areas considered important for long-term environmental monitoring or ecological research.

In Zone I areas, renewable resource harvesting will not be permitted. Visitor use will not normally be allowed but in certain cases, where the public education benefits are high, provisions may be made for limited and closely supervised visitor access. Permanent facilities will not be permitted, unless they are essential for public safety or the protection of natural features.

2.10.2 Zone II (Natural Environment) - Areas will be considered for Zone II designation when their management objectives involve:

i) creating a buffer zone around Zone I
areas in order to enhance protection of its special habitats or features;
ii) protecting highly representative areas that provide opportunities for non-consumptive recreational use and public education in as natural a setting as possible; and
iii) conducting environmental monitoring and research projects in which public education is an integral part of the study program.

In Zone II areas, renewable resource harvesting activities including recreational hunting and fishing will be prohibited. Research, public education and low-intensity outdoor recreation will be permitted. Where practical and safe, the use of non-motorized transportation would be encouraged. Only minimal facility development would be allowed.

2.10.3 Zone III (Conservation) - Areas will be considered for Zone III designation when their management objectives involve:
   i) renewable resource harvesting activities, aquaculture and marine transportation; or
   ii) providing opportunities for a broad spectrum of outdoor recreation and public educational activities.

In Zone III areas, provision will be made for reasonable use consistent with maintaining the structure and function of marine ecosystems. Hunting may be permitted in designated areas on a conservative basis, subject to ongoing population assessments and visitor safety concerns. Permanent facilities for conservation area administration, public education, visitor services and accommodation would be allowed.

2.10.4 Zones of a marine conservation area may be subject to temporary access or use restrictions when specific components or functions of a marine ecosystem require additional protection. These temporary zoning restrictions may be seasonal, cyclical, diurnal (on a daily or nightly basis), or combinations thereof, as warranted.

2.10.5 Vertical zoning may be used to provide more protection to natural or cultural resources at or near the sea floor while recreational, transportation or near-surface fishing activities continue above.

2.10.6 Changes to an area's zoning, including provisions for temporal and vertical zoning, will only be made following public notice and public participation in the decision.

2.10.7 Establishing and maintaining a core of Zone I and II areas will be an essential feature of all national marine conservation areas.

3.0 Managing the Use of National Marine Conservation Areas

Managing the use of national marine conservation areas will be based on the "ecosystem management" concept. This involves adopting a holistic view of the natural environment, ensuring that decisions consider the dynamic and interactive nature of ecosystems, human activities within the ecosystems, and their finite capacity to recover from stress caused by human disturbances.

To be effective, ecosystem management must have a broad base of support. It requires understanding and collaboration among all those who directly use the area or who influence the ecological integrity of a marine conservation area by their activities in the surrounding hinterland. Forging strong partnerships is also important, particularly in research and environmental monitoring where user groups, universities, conservation organizations and the private sector have much to contribute.

Ecosystem management must be based in
science. Adequate baseline information about the physical, oceanographic and biological characteristics, and existing and potential uses of the conservation area is required to guide planning and management of the area and to develop public education programs. Monitoring is required to detect changes occurring in the marine environment and to determine whether these are due to natural causes or to stress caused by human activities.

3.1 Ecosystem Management

3.1.1 Measurable goals and management strategies will be formulated for each national marine conservation area to ensure the protection and maintenance of its ecosystems.

3.1.2 Where marine ecosystems or components thereof have been seriously degraded, Parks Canada will initiate restoration programs in cooperation with others.

3.1.3 When a marine species which spends a part of its natural life cycle in a marine conservation area is adversely affected by human activities outside the area, Parks Canada will cooperate with Canadian and international regulatory agencies to promote its conservation throughout its range.

3.1.4 Extirpated species that are native to the marine conservation area may be reintroduced after research has shown that reintroduction is likely to succeed and that its probable effects are acceptable within the conservation area and the surrounding region.

3.1.5 The introduction of exotic plants or animals into the wild in a marine conservation area will not be permitted.

3.1.6 Federal environmental assessment and review legislation will be implemented in conservation areas in an exemplary fashion. Parks Canada will also review and comment upon environmental impact assessments for proposed developments that are near established or potential marine conservation areas.

3.1.7 Parks Canada will encourage understanding and cooperation in achieving marine area conservation goals by participating in regional sea and coastal zone planning programs sponsored by other jurisdictions and interested parties.

3.1.8 To promote science-based management, Parks Canada will work with others in compiling and analyzing baseline information on the physical, oceanographic and biological characteristics of the marine conservation areas and surrounding lands, use of marine resources within this geographic area and their effects.

3.2 Protection and Compliance

3.2.1 Parks Canada will implement appropriate regulations under the National Parks Act or other statutes in accordance with management and zoning decisions set out in the approved conservation area management plan.

3.2.2 Parks Canada, in cooperation with other law enforcement agencies, will monitor compliance with the marine conservation area regulations that have been implemented to protect marine ecosystems, maintain the public peace and protect life and property. Strict enforcement action will be taken to detect and stop illegal activities such as poaching.

3.2.3 The public will be consulted in the development
of regulations applicable to marine conservation areas, and visitors will be made aware of the rationale for such regulations.

3.2.4 Under the National Parks Act, Parliament must approve new pipeline or submarine cable rights of way through a national marine conservation area while the Governor in Council retains authority to alter existing rights of way. The Minister will recommend that new or altered corridors be authorized only where it is demonstrated that, relative to alternative routes or modes, a new or altered route:

i) will provide significant economic advantages; and

ii) will not significantly increase damage or long-term risk to the area’s marine environment.

All such proposals will be subject to the Federal Environmental Assessment and Review Process and must be constructed and operated so as to satisfy all environmental, impact mitigation measures that have been agreed upon.

3.3 Fishing and Aquaculture

3.3.1 Fishing is an appropriate activity in Zone III areas, subject to protecting the conservation area’s ecosystems, to maintaining viable stocks, and to attaining the purpose and objectives of the marine conservation area.

3.3.2 Aquaculture may be permitted in Zone III areas if it does not impair the structure and function of the marine conservation area’s ecosystems and does not conflict with other fisheries, navigation, marine outdoor recreation and public education activities.

3.3.3 Fishing and aquaculture closures in Zone I and II areas and changes to fishing and aquaculture practices in Zone III areas will be agreed to between Parks Canada, the Department of Fisheries and Oceans (DFO) and, where applicable, provincial agencies in consultation with the fishing industry, at the time of establishment of a marine conservation area, and reviewed during management planning.

3.3.4 Fisheries in national marine conservation areas will be regulated under the provisions of the Fisheries Act. Other statutes may also be used to provide additional protection to marine ecosystems.

3.3.5 Fisheries in marine conservation areas will be managed in accordance with fisheries management plans established by DFO. Parks Canada will participate in the negotiation of these plans to secure the protection of marine ecosystems in and around marine conservation areas.

3.3.6 Parks Canada will work cooperatively with DFO and the fishing industry to minimize indiscriminate methods of fishing and the use of gear that is destructive to the sea bed within a conservation area.

3.3.7 Shore based support facilities for fishing will be permitted in Zone III areas if operated in a manner that does not conflict with the purpose and objectives of the conservation area. Parks Canada may contribute to the cost of relocating or upgrading existing facilities that are incompatible with the area’s purpose and objectives. Expansion and improvement will require approval by Parks Canada, DFO and other involved federal or provincial/territorial agencies.

3.3.8 Proposals to introduce any new fishery into a marine conservation area (including aquaculture), not agreed to at the time the conservation area
was established, will be considered during the
management planning process. These proposals
will be subject to the prior completion of stock
assessment and environmental impact studies.

3.4
Marine Transportation

3.4.1
Transportation, navigation and aids to navigation,
and the operation of pleasure craft in marine
conservation areas will be regulated under the
Canada Shipping Act and other applicable
legislation and regulations.

3.4.2
The routing of new transportation corridors
within marine conservation areas will be
considered during the management planning
process, and will take into account the need for
essential services, such as ferries and northern
supply routes.

3.4.3
Vessel access to, and movement within, marine
conservation areas will be managed in
conformity with conservation area objectives and
the area’s zoning plan in a manner that will:

i) circumvent areas frequented by
threatened or endangered species and
their habitats;

ii) provide the public with opportunities to
understand and enjoy the conservation
area;

iii) ensure public safety, and

iv) minimize conflict between commercial
and recreational uses.

3.4.4
Traditional Aboriginal and other fishermen’s
rights of marine access, including over-ice
transportation, will be recognized, subject to the
requirement of protecting fish and wildlife,
including marine mammals, and habitat
important to their well-being.

4.0
Public Understanding, Appreciation, and
Enjoyment of National Marine Conservation
Areas

Parks Canada has an important leadership role in
marine environmental education. Its
interpretation and public education programs are
intended to promote the development of an
environmental consciousness in all Canadians
and a willingness to take personal and collective
action to better protect and maintain the marine
environment.

Through interpretation programs, Parks Canada
challenges visitors to develop a better
understanding and appreciation of the area’s
marine heritage and the issues affecting it and
the surrounding region. Through public education
programs, and in cooperation with others, Parks
Canada hopes to foster a stronger environmental
ethic among all Canadians and to broaden
support for marine conservation, including the
establishment of marine conservation areas and
other marine protected areas. These programs
will also promote the wise use and stewardship
of marine resources by local people and visitors.

Only recreational activities that are compatible
with the long-term protection of the marine
conservation area and that allow visitors to enjoy
the marine environment for what it is and on its
own terms will be encouraged. Visitors will be
encouraged to develop the knowledge, skills and
camaraderie required to visit marine conservation
areas safely with minimal disturbance to the
environment and to develop an appreciation and
respect for local traditions and ways of life.
In responding to visitor needs for services, facilities and access to marine conservation areas, Parks Canada must act with care and imagination. Their provision will depend on the sensitivity of a particular environment to human impact. Marine conservation areas offer rare and outstanding opportunities to experience and learn about Canada’s marine heritage. They cannot, however, accommodate every kind of service and facility requested by the public. The difficulties of access and movement within marine areas make it essential that services and facilities be designed to allow for safe contact with the water.

4.1 Management of Visitor Activities

4.1.1 The Visitor Activity Management Process will be used to match visitor interests with specific educational and outdoor recreation opportunities determined for each marine conservation area through the management plan.

4.1.2 Parks Canada will encourage those outdoor recreational uses of a marine conservation area that broaden visitor understanding and appreciation of the natural environment, and that cause minimal disturbance to the environment, wildlife and local life styles.

4.1.3 In providing opportunities for outdoor recreation, Parks Canada will take into account the different needs of visitors depending on their age, physical capabilities and levels of skill and knowledge to function safely in the marine environment.

4.1.4 Parks Canada will encourage the private sector and non-governmental organizations to provide skills and knowledge development programs to increase visitor understanding and enjoyment of the marine conservation areas.

4.1.5 As new or modified forms of outdoor recreation emerge, each will be assessed for its appropriateness nationally before consideration in the management planning process. Individual management plans will then specify the types and ranges of both new and existing appropriate outdoor recreation activities and their supporting facilities. Parks Canada will also review its national directives periodically to ensure that new forms of outdoor recreation are adequately considered.

4.1.6 An integrated visitor activities data base will be developed and kept up to date for each national marine conservation area to provide, along with research, monitoring and evaluation, the visitor information required for management decisions and state of the parks reporting to Parliament. The information gazetted will be used to add to or improve existing opportunities, and in the development and review of management plans, service plans, and visitor risk management programs. Both activity data and infrastructure and environment data will be incorporated into risk assessments. Risk control measures will consider the experience needs of the visitor and promote visitor self-reliance accordingly.

4.1.7 Parks Canada will use a variety of direct and indirect strategies for managing public use. Examples of direct strategies include zoning, rationing use intensity, restricting activities, and law enforcement. Examples of indirect strategies include facility design, information dispersal, and cost-recovery mechanisms.

4.1.8 Provisions for public understanding, appreciation and enjoyment of the cultural resources located in national marine conservation areas, and associated activities, services and facilities, will be made in accordance with the Cultural Resource Management Policy.
4.2 Interpretation and Public Education

4.2.1 Parks Canada will cooperate with others in developing marine conservation area interpretation and public education programs that will provide visitors and all Canadians with accurate information of the area’s marine ecosystems, key environmental issues and the various programs that have been implemented for the protection and wise use of these ecosystems.

4.2.2 Visitors will be informed of activities permitted in the conservation area, and the services and facilities available to them in the area and surrounding region. In particular, visitors will be made aware of the dependence of local people on the area’s marine resources, and will be asked to respect their values and traditions during their visit.

4.2.3 Various marine conservation interpretation programs will be made available to visitors, including those with disabilities, in a manner which causes little or no disturbance to the natural environment.

4.2.4 Parks Canada will cooperate with schools, universities and other learning institutions in developing public education programs, and to encourage the use of marine conservation areas as centres for environmental education and research.

4.3 Visitor Services and Facilities

4.3.1 Parks Canada will only provide facilities and services in marine conservation areas that are deemed essential for interpretation, public education and recreational activities in the approved management plan.

4.3.2 In developing facilities within a marine conservation area, impacts on the area's resources and established uses such as fishing will be minimized, and due attention will be given to visitor risk management.

4.3.3 The establishment of artificial reefs to attract marine organisms for display purposes, the intentional sinking of vessels or other man-made objects for recreational diving, and similar facilities will not be permitted in marine conservation areas.

4.3.4 Parks Canada will encourage visitors to become familiar with the skills, knowledge and equipment they should have in order to safely undertake outdoor activities in the marine conservation area.

4.3.5 Parks Canada will coordinate accident prevention and search and rescue services in and around marine conservation areas with the Canadian Coast Guard and other agencies involved in public safety.

4.3.6 Parks Canada will work with the tourism sector to fulfill public needs for a broad range of services and facilities adjacent to the marine conservation areas, and will locate its own administrative facilities accordingly.

4.3.7 Private and voluntary organizations, such as cooperating associations, will be encouraged to plan, develop and operate essential visitor services and facilities within a marine conservation area.
4.4
Tenure

4.4.1
No lands or foreshore areas within a marine conservation area will be made available for private cottages, camps, seasonal camping areas, or for any exclusive recreational use by individuals or organisations. In areas where settlement has already occupied shorelines in locations contemplated for a national marine conservation area, the boundary may include such shorelines since they are often important biological areas. In such cases, a shoreline zoning classification system will be developed to regulate nearshore developments.

4.4.2
Limited tenure may be granted on marine conservation area lands and waters in the form of permits, leases, or licences of occupation for the provision of essential services and facilities for visitors.

4.4.3
Upon the expiry of a lease, licence, or permit of occupation (when not already provided in an existing agreement), a replacement instrument may be negotiated if the purpose is supported by the conservation area management plan; if the holder has complied with the terms and conditions of the expiring agreement; and if the granting of a replacement agreement is consistent with federal government policy on fair access.
BACKGROUND

OBJECTIVE

1.0 Creating a National System

2.0 Rivers Under Parks Canada Jurisdiction

3.0 Technical and Financial Assistance
BACKGROUND

Canada's rivers are keys to the understanding of our country's natural and human history. Virtually all of the nation's freshwater eventually flows through rivers into five different salt water bodies: the Atlantic, Pacific and Arctic Oceans, Hudson Bay, and into the Gulf of Mexico. Modern industrial development has irreversibly changed many rivers through the construction of dams for hydro-electricity and irrigation, and through the disposal of waste into them. There is relentless pressure on Canada's important rivers from industry, agriculture and urbanization.

To help identify, conserve and encourage public use of important rivers, the Canadian Heritage Rivers System (CHRS) was set up as a cooperative program by the federal, provincial and territorial governments. The System is overseen by a Board comprised of representatives appointed by each participating government. Parks Canada and the Department of Indian Affairs and Northern Development represent the federal government on this Board.

This policy outlines how Parks Canada will implement its responsibilities for the coordination of the CHRS as well as in its own participation in nominating, designating and managing rivers under the Minister's authority.

All agencies participating in the Canadian Heritage Rivers System, including Parks Canada, adhere to the agreed objectives and policies which are described in the document, The Canadian Heritage Rivers System: Objectives, Principles and Procedures. The System's objectives are to give national recognition to the important rivers of Canada and to ensure their future management in such a way that the natural and human heritage which they represent is conserved and interpreted, and the opportunities they possess for recreation and heritage appreciation are realized by residents of and visitors to Canada.

Parks Canada Objective for the Canadian Heritage Rivers System

Within the framework of the Canadian Heritage Rivers System, the objective of Parks Canada is:

To foster protection of outstanding examples of the major river environments of Canada in a cooperative system of Canadian Heritage Rivers, and to encourage public understanding, appreciation and enjoyment of their human and natural heritage.

1.0 Creating a National System

1.1 As the lead federal agency on the Canadian Heritage Rivers Board, Parks Canada will advocate a national perspective on the development of the System.

1.2 Parks Canada will encourage the membership of all provinces and territories in the System.

1.3 Through the development of national framework plans, Parks Canada will support and encourage the nomination of rivers that represent the natural and cultural heritage of all of Canada's river environments.

1.4 Parks Canada will cooperate with other federal agencies and, where necessary, coordinate actions between these agencies and participating provincial and territorial governments, on issues concerning the nomination, designation and management of rivers in the System.
1.5 Through the Board Secretariat, and working with other federal agencies, national cooperating associations and non-governmental organizations, Parks Canada will publicly promote the System as a national program.

2.0 Rivers Under Parks Canada Jurisdiction

2.1 Parks Canada will nominate as Canadian Heritage Rivers, rivers under its own jurisdiction which, according to its own framework plans, represent the natural and cultural heritage of Canada's rivers.

2.2 Management plans for national parks or other areas under Parks Canada jurisdiction in which designated Canadian Heritage Rivers are located will be prepared according to the National Parks Policy. These plans will contain specific reference to the management of these rivers according to CHRS objectives, and will be lodged with the Board to fulfill the requirements for designation of rivers to the CHRS.

2.3 Parks Canada will demonstrate leadership by managing designated Canadian Heritage Rivers located in national parks and other areas under its jurisdiction according to CHRS objectives, resource management objectives, and other relevant federal government policies.

2.4 Parks Canada will monitor the condition of its Canadian Heritage Rivers and will report as required to the Board on their condition.

2.5 Parks Canada will work with neighbouring jurisdictions and appropriate agencies to protect the upstream watersheds of its Canadian Heritage Rivers.

2.6 Parks Canada will assume the cost of public information programs for Canadian Heritage Rivers under its own jurisdiction.

3.0 Technical and Financial Assistance

3.1 Parks Canada will provide direct financial and technical assistance to participating governments for the completion of studies and plans leading to the nomination and designation of Canadian Heritage Rivers.

3.2 Parks Canada will provide the Board and its member governments with technical assistance on matters concerning the nomination, designation and management of Canadian Heritage Rivers, and will undertake national river studies on behalf of the Board.

3.3 Through a Secretariat operated on behalf of the Board, Parks Canada will provide support for plaging ceremonies to commemorate the designation of rivers to the System, assume the cost of a national and international public information program for the System, and will provide support for coordinating the ongoing monitoring of designated rivers.
BACKGROUND

OBJECTIVES

Commemorating Canada’s Past

1.0
Roles and Responsibilities

1.1
The Role of the Minister

1.2
The Role of the Historic Sites and Monuments Board of Canada

1.3
The Role of Parks Canada

2.0
Determining National Historic Significance

2.1
Scope

2.2
Criteria

2.3
Designation

3.0
Forms of Commemoration

3.1
Plaques

3.2
Monuments

3.3
Agreements

3.4
Acquisition

3.5
Other Forms of Commemoration

4.0
Rescinding Commemoration

PROTECTING AND PRESENTING
NATIONAL HISTORIC SITES (See Part III,
Cultural Resource Management Policy)
BACKGROUND

As places that exemplify thousands of years of human history and hundreds of years of nation building, Canada's national historic sites are part of the inheritance of all Canadians. Extending from the northwest corner of the Yukon to the eastern tip of Newfoundland, these historic places reflect a diversity of cultures, geographical settings and time periods as vast as Canada itself, symbolizing our national identity and human environmental heritage.

National historic sites evoke many of the great themes of human history, in circumstances that represent the commonplace as well as the unique. They remind Canadians and visitors to Canada that our past is rich and varied, encompassing places as diverse as Fort au Choix in Newfoundland, a 4,000-year-old Aboriginal site depicting the Maritime Archaic culture; the Lachine Canal, in Montreal, one of the most important places associated with Canada's industrial and transportation history; York Factory, in Manitoba, once the headquarters of a fur trade empire that covered western and northern Canada, and Kitwanga Fort site in British Columbia, part of a significant intertribal trading network. At the same time, national historic sites reflect the enormous impact that the biophysical environment — our natural heritage — has had on the landscape of Canadian history. As places where we commemorate our history and our diverse but common heritage, national historic sites play a significant role in the public education of all Canadians.

The term "national historic site" embraces the entire spectrum of nationally significant historic places, ranging in size from the gravesites of the Fathers of Confederation to extensive cultural landscapes in urban, rural and wilderness settings. These places may contain surface and subsurface remains, individual buildings or complexes of buildings and other works, artifacts, natural features and combinations thereof. Where individual national historic sites do not constitute cultural landscapes in their own right, they form part of a larger cultural landscape. Recognition of this enhances our appreciation of the value of these historic places and their associated environments.

The impulse to commemorate significant aspects of the past is one that Canadians share with others around the world. Most nations have formal or informal programs of this nature, and over 100 countries, including Canada, adhere to the United Nations' World Heritage Convention. The Convention has as its objective the identification, protection, conservation and presentation of cultural and natural heritage places of outstanding universal value. A number of Canada's national historic sites have been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as World Heritage Sites, including L'Anse aux Meadows in Newfoundland, the only authenticated site of the Viking presence in the New World, and Nastanis Village in British Columbia, with its unsurpassed collection of Haida totem and mortuary poles. Another Canadian World Heritage Site, the Historic District of the city of Quebec, contains several national historic sites that were instrumental in the World Heritage designation, chief among them being the walls of the old city.

At the federal level, responsibility for designating the nation's historic places rests with the Minister of Canadian Heritage, who acts on the advice of the Historic Sites and Monuments Board of Canada. The Board also advises the Minister on the commemoration of persons, events and other historical phenomena.

Early governmental activities in Canada relating to the commemoration of historic places tended to focus on marking and preserving battle and fortification sites because of their importance —
real and symbolic — as landmarks in Canada’s national evolution. Local initiative was often instrumental in the commemoration of these places. The importance of local interest in the conservation of national heritage has long been a feature of the national historic sites program, as has been the recognition that our national history is to be found in all parts of the country.

It was not until the second decade of the 20th century that the first national program for preserving sites of historical interest was established within the Dominion Parks Branch of the former Department of the Interior. Largely the work of an early commissioner of the Branch, this program represented a blending of the cultural heritage and natural conservation movements of the time, and began the long organizational association between national historic sites and national parks that has continued to the present. With the formation of the Historic Sites and Monuments Board of Canada in 1919, provision was made for outside experts to advise the Minister on the commemoration of nationally significant aspects of Canadian history.

Three pieces of federal legislation have been instrumental in the development of the historic sites program: the Dominion Forest Reserves and Parks Act of 1911; Part II of the National Parks Act (1950), which makes provision for the setting aside of federal lands to commemorate an event of national importance, or to preserve a historic landmark or “any object of historic, prehistoric, or scientific interest of national importance,” and the Historic Sites and Monuments Act (1952-53), which describes the powers of the Minister with respect to the commemoration of historic places and outlines the role of the Historic Sites and Monuments Board of Canada.

The federal government plays an essential role in historical commemoration, specifically at the national level, but many others are actively involved. Private citizens, historical societies, heritage groups, professional bodies and others play a major part in identifying and conserving heritage, and in lobbying governments at all levels to devise, implement or expand legislation and programs. In fact, most of the proposals for commemoration considered by the Minister are submitted by the public.

Provincial and territorial governments also play a significant role, not only through the programs they sponsor and the historic sites they operate, but also because provincial jurisdiction over private property enables the provinces to pass and enforce legislation extending legal protection to designated properties or sites not owned by governments or subject to federal regulation. Federal-provincial-territorial cooperation is facilitated by formal mechanisms, as well as by ongoing contact at the agency level.

National historic sites represent a true national partnership in the preservation of Canada’s heritage. The Minister of Canadian Heritage is responsible for designating these sites and for directly managing a number of them, while many others are owned by other levels of government, corporations and individuals. This partnership, which is often informal rather than formal, is symbolized by the term “Family of National Historic Sites.” The family includes sites that are operated as heritage institutions, as well as those that continue to serve traditional commercial, administrative, industrial and spiritual purposes, touching the everyday lives of people across Canada in national historic sites such as the Historic District of Lunenburg, Christ Church Cathedral in Fredericton, the Château Frontenac in the city of Quebec, Union Station in Toronto, Stirling, in Alberta, Igloolik Island in the Northwest Territories, or Stanley Park in Vancouver. To a degree unforeseen even ten years ago, historic sites are increasingly viewed as an integral part of the human environment, rather than as enclaves where the past is separated from the present.

While Canadians can take pride in their national historic sites, there is no room for complacency. Each year significant places associated with our history are destroyed, either by natural causes or
through human action or inaction. Many sites of great value remain to be commemorated, and many await the resources necessary to properly protect and effectively present them. Our historic sites represent a legacy that, once lost, can never be replaced.

The Government of Canada is aware that a strong and secure sense of the past is an indispensable source of confidence in the future, particularly for a country that is outward-looking by choice and independent by conviction. National historic sites provide tangible and irreplaceable links to what defines us as a nation and a people, and along with other national institutions and symbols, especially those of historic value, are integral to "our sense of country." The federal government is dedicated to ensuring that the existing system of national historic sites remains strong and, equally important, that new sites are added to ensure that the full range of Canada's human history is adequately represented within the national commemorative program.

The designation and stewardship of national historic sites reflect the values of those who have been given responsibility for the commemoration of our heritage. The need to identify and to preserve non-renewable heritage resources has never been more urgent or important. Future generations will judge the content and quality of our stewardship.

This policy sets out objectives, describes means to achieve them, and provides guidelines for evaluating the program using such concepts as commemorative integrity.

**OBJECTIVES**

- To foster knowledge and appreciation of Canada's past through a national program of historical commemoration.
- To ensure the commemorative integrity of national historic sites administered by Parks Canada by protecting and presenting them for the benefit, education and enjoyment of this and future generations, in a manner that respects the significant and irreplaceable legacy represented by these places and their administration by Parks Canada.
- To encourage and support the protection and presentation by others of places of national historic significance that are not administered by Parks Canada.

**Commemorating Canada's Past**

Commemoration is the means by which Canada gives official recognition to subjects of national historic significance. Such subjects cover the whole range of Canada's human history, including persons, places, events and other phenomena. Commemoration may take any of the forms described in the Historic Sites and Monuments Act and in Part II of the National Parks Act.

A commemoration will possess four qualities:

1. It will be formally approved by the Minister;
2. It will communicate the national significance of what is being commemorated;
3. In the case of resources of national historic significance administered by Parks Canada, it will respect the legacy that these resources represent; and
4. It will be enduring.

The concept of commemorative integrity is used to describe the health or wholeness of a national historic site. A national historic site possesses commemorative integrity when the resources that symbolize or represent its importance are not impaired or under threat, when the reasons for the site’s national historic significance are effectively communicated to the public, and when the site's heritage values are respected by all whose decisions or actions affect the site.

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1.0 ROLES AND RESPONSIBILITIES

1.1 The Role of the Minister

The Minister of Canadian Heritage is responsible for directing the national program of historical commemoration provided for in legislation.

1.1.1 The Minister will respond to public and other requests relating to the commemoration of aspects of Canada's human history.

1.1.2 The Minister will make designations of national historic significance, based on recommendations of the Historic Sites and Monuments Board of Canada.

1.1.3 The Minister will determine the appropriate forms of commemoration for recognizing national historic significance, based on recommendations of the Historic Sites and Monuments Board of Canada, and information provided by the department.

1.1.4 Provinces and territories will be notified when the Minister receives a request for designation affecting that province or territory, and will thus have an opportunity to provide information they consider relevant.

1.1.5 In the case of a national historic site under the authority of another federal minister or agency, the Minister will seek an interdepartmental agreement providing for the protection of the site.

1.1.6 To protect national historic sites that are not owned by the federal government, the Minister will, at the time of designation, encourage the province or territory in which the site is located to apply its own heritage legislation. To the extent permitted by law, the Minister will recognize provincial or territorial heritage designations on lands under his or her authority.

1.1.7 The Minister will, at the time of designation, provide owners of national historic sites with a copy of the Cultural Resource Management Policy, and encourage them to apply the principles and practice described in the Policy. Where operational requirements permit, owners of national historic sites will be provided with professional and technical advice upon request.

1.2 The Role of the Historic Sites and Monuments Board of Canada

The Historic Sites and Monuments Board of Canada is an independent body that provides the Minister of Canadian Heritage with impartial and expert advice on matters relating to historical commemoration, and devises its own policies to carry out its responsibilities. In practice, the Minister will not designate or commemorate without the Board's advice. All parts of the country are represented on the Board, which includes two residents from Ontario, two from Quebec, one from each of the other provinces and territories, as well as the National Archivist of Canada, an official of the Canadian Museum of Civilization and an official of the Department of Canadian Heritage. The Historic Sites and Monuments Board of Canada meets at least twice a year and submits recommendations to the Minister for approval.

1.2.1 The Historic Sites and Monuments Board of Canada will advise the Minister on those aspects of Canadian history that it considers worthy of a Ministerial designation of national historic significance, and will provide the Minister with reasons for the proposed designation.
The Historic Sites and Monuments Board of Canada will advise the Minister on the form of commemoration it considers appropriate to recognize national historic significance, and may advise the Minister on any other matter relating to the commemoration of Canada’s history.

When the Historic Sites and Monuments Board of Canada recommends that the Minister acquire a site to commemorate an aspect of Canadian history, the recommendation will be based on historical considerations relating to the national historic significance of the site, or its resources. The Board may advise the Minister on which in situ or extant resources, if any, are considered to have national historic significance.

The Role of Parks Canada

Parks Canada and its predecessors have been responsible for the national historic sites program since 1914.

Parks Canada will fulfill the Minister of Canadian Heritage’s responsibility to provide a Secretary and other employees of the department necessary for conducting the business of the Historic Sites and Monuments Board of Canada.

Parks Canada will undertake studies on all aspects of Canada’s human history relative to the national program of historical commemoration, and will compile inventories of sites in order to ensure that the commemorative program reflects the rich and varied texture of Canada’s past. These studies will be undertaken to assist the Historic Sites and Monuments Board of Canada and the department in identifying, selecting and commemorating sites of national historic significance.

Parks Canada will maintain and periodically update a long-range systems plan to identify and address gaps in the commemorative program and to provide a basis for making systematic decisions regarding forms of commemoration.

Parks Canada will provide managerial, policy, planning, research and technical facilities and services to support the effective implementation of the national commemorative program.

Opportunities for public involvement in the national commemorative program contribute to an overall sense of national identity and to a greater appreciation of the public benefits of national historic sites. Parks Canada will provide opportunities for public involvement in the identification, development and operation of national historic sites, and will work with individuals and volunteer groups such as cooperating associations to achieve commemorative objectives.

Parks Canada is committed to ongoing cooperation with those who are involved in the commemoration of Canada’s history. It will consult and cooperate with agencies at the federal and other government levels, with non-government organizations and with members of the public to achieve commemorative objectives.

Parks Canada will encourage understanding, appreciation and enjoyment of Canada’s history and of Canada’s national historic sites by communicating the scope of the national historic sites system and by making the results of research available to the public through departmental, cooperative and private sector publications and other media.
1.3.8
Parks Canada will inform the public about those aspects of Canada's human history that have been designated nationally significant by the Minister, and about the location and significance of national historic sites so that Canadians can become better acquainted with the special places associated with their history. Only in those rare cases where the integrity of a site and its resources would be threatened will information about the location be withheld.

1.3.9
Parks Canada will review existing federal legislation for purposes of enhancing the statutory protection of national historic sites under federal jurisdiction.

1.3.10
Parks Canada will protect and present national historic sites under its administration in accordance with the Cultural Resource Management Policy.

1.3.11
Parks Canada will monitor the condition of national historic sites.

2.0
Determining National Historic Significance

Only those aspects of Canadian history that have been declared by the Minister to be of national historic significance will be commemorated.

2.1
Scope

2.1.1
Any aspect of Canada's human history not specifically excluded by policies of the Historic Sites and Monuments Board of Canada may be considered for a Ministerial designation of national historic significance. Living persons and places located outside Canadian territory are among the exclusions.

2.1.2
With the exception of Prime Ministers, who are eligible for commemoration immediately upon death, a minimum of 25 years must normally elapse following the death of an individual, in order to allow the Historic Sites and Monuments Board of Canada to make an informed, impartial recommendation based solely on historical considerations concerning the possible national significance of that person.

2.1.3
The Historic Sites and Monuments Board of Canada will not recommend that religious and ethnic groups per sé be specifically commemorated except where their contributions are represented by sites, individuals, or events of national historic significance.

2.2
Criteria
Designations of national historic significance will be based on the following general criteria:

i) the subject under consideration will have had a nationally significant impact on Canadian history, or will be deemed to represent a nationally important example or illustration of Canadian human history.
- Uniqueness or rarity are not, in themselves, evidence of national historic significance, but may be used as criteria in connection with it;
- A representative example may be deemed to warrant a designation of national historic significance because it eminently typifies an important aspect of Canadian history.

ii) a site, structure or object may be designated by virtue of an association with a nationally significant aspect of Canadian history, provided that the association is itself sufficiently important for the site to merit a designation of national historic significance.

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2.3
Desiguation

2.3.1
The Historic Sites and Monuments Board of Canada will consider proposals for commemoration that have originated with the public and other sources. Public involvement in proposing subjects that might qualify as being of national historic significance will be encouraged.

2.3.2
Recommendations of national historic significance and the forms of commemoration relating thereto will be forwarded to the Minister for consideration. To ensure that the commemorative program is of high calibre, advice to the Minister will be based on sound research.

2.3.3
Parks Canada will advise the Minister on operational and other implications of approving a Historic Sites and Monuments Board of Canada recommendation of national historic significance, specifically as it relates to the form of commemoration.

2.3.4
A designation of national historic significance will be made when the Minister approves a recommendation from the Historic Sites and Monuments Board of Canada to that effect.

3.0
Forms of Commemoration

Aspects of Canadian history declared to be of national historic significance will be commemorated. Formal activities relating to commemoration, such as the unveiling of a plaque or monument, or the dedication of a national historic site, will usually be accompanied by a ceremony. Such ceremonies provide an excellent opportunity for Canadians to learn about their history.

3.1
Plaques

Aspects of Canadian history declared to be of national historic significance will normally be commemorated by a Ministerial plaque bearing the inscription of the Historic Sites and Monuments Board of Canada. A plaque is not a national historic site, although it may be erected at or on a national historic site. The existence of a Ministerial plaque at a site not administered by Parks Canada does not imply provision for protection or maintenance of the site by Parks Canada.

3.1.1
Plaques will be erected only after it has been determined that the existence and/or location of the plaque will not adversely affect the integrity of the site.

3.1.2
Plaques will be erected at a place on Canadian territory that is closely associated with that which is being commemorated.

3.1.3
The appropriate text for a plaque will be recommended to the Minister by the Historic Sites and Monuments Board of Canada.

3.1.4
The text on all plaques will appear in both official languages and, when recommended by the Historic Sites and Monuments Board of Canada, in other languages.

3.2
Monuments

The Minister may authorize the erection of a monument when, based on the advice of the Historic Sites and Monuments Board of Canada, the Minister considers that the aspect of Canadian history being recognized would most appropriately be commemorated by a monument.
3.2.1 The design of monuments should convey to the public what is being commemorated.

3.2.2 Proposals for the design of monuments will be invited from Canadian artists and sculptors, including those residing within the region where the monument is to be erected.

3.2.3 The monument will be erected or installed at a place closely associated with that which is being commemorated.

3.3 Agreements

The Minister may enter into agreements with others for the marking, care and preservation of historic places, based on recommendations of the Historic Sites and Monuments Board of Canada.

3.3.1 Under the National Cost-Sharing Program, the Minister may enter into an agreement to contribute toward the cost of acquiring, conserving and presenting a site or structure declared to be of national historic significance and, further, may provide professional and technical advice, subject to all of the following:

i) the site or structure will be owned by a province, territory, municipality, or incorporated body;

ii) an agreement to share costs will be recommended by the Historic Sites and Monuments Board of Canada;

iii) the site or structure will be accessible to the public;

iv) the use of the site or structure will not compromise or detract from the significance or integrity of that which is being commemorated, and

v) the agreement between the Minister and the owner of the national historic site will be based on the principles set out in the Cultural Resource Management Policy.

3.4 Acquisition

Each of Canada's national historic sites illustrates an important aspect of Canada's history. Federal ownership is not a requirement — indeed, the majority of Canada's national historic sites are owned by individual citizens, public and private organizations, and other levels of government. It is neither feasible nor desirable for the Government of Canada to own all national historic sites. Nevertheless, the federal government will continue to acquire national historic sites to ensure that the responsibility for this national program does not fall on others alone, so that the heritage represented by these sites is protected and accessible to Canadians in all parts of the country, and to provide leadership and active involvement in heritage conservation and interpretation.

3.4.1 The Historic Sites and Monuments Board of Canada may recommend to the Minister the acquisition of a national historic site.

3.4.2 Before a Ministerial decision is made, Parks Canada will inform the Minister of the operational, financial and policy implications of acquiring a national historic site to meet commemorative objectives, including development of the site where relevant.

3.4.3 When, in the opinion of the Minister, the acquisition of a national historic site by the Government of Canada is warranted in order to commemorate national historic significance, the Minister will seek Treasury Board approval for the proposed acquisition.

In the case of a national historic site that is already owned by the federal government, but which is not under the Minister's authority, the
usual procedure by which the Minister will acquire administration of the site will be by agreement between Ministers.

A national historic site under the Minister’s authority may be set aside in accordance with Part II of the National Parks Act so that regulations under that Act may apply to it. Such a setting aside is an administrative rather than a commemorative action, and is treated in the Cultural Resource Management Policy.

3.4.4 National historic sites will be identified for acquisition in accordance with the following criteria:

i) the site will be recognized as a significant commemorative addition to the network of national historic sites under the Minister’s authority; and
   * sufficient knowledge of this and related sites will exist to ensure that the integrity of the network of national historic sites will be maintained; and
   * the site will include significant resources related directly to the purpose for which the site is being commemorated, and these resources will possess sufficient integrity to make commemoration meaningful; and
   * the benefits to the public in terms of knowledge and appreciation of Canadian history will be high, i.e., the site and/or its resources will have excellent potential for interpretation and, consequently, for illustrating an important aspect of Canadian history; and
   * the site and/or its resources will be deemed to merit preservation by the federal government for the enjoyment of this and future generations.

ii) a site may be acquired when, in the opinion of the Minister, based on a recommendation of the Historic Sites and Monuments Board of Canada, the site is of such exceptional or outstanding importance in Canadian history as to merit acquisition on grounds of significance alone.

3.4.5 In setting priorities for acquiring national historic sites, consideration will be given to:

* factors in the systems plan such as historical theme representation, and
* potential for providing opportunities and encouragement for Canadians and visitors to Canada to better their knowledge of this country and its history by visiting all parts of Canada

A site that is under threat may have a higher priority for acquisition than one which is not, providing that other criteria and factors are satisfied equally.

3.4.6 A national historic site may be set apart to preserve an object or objects of historic or scientific interest of national importance pursuant to Part II of the National Parks Act at a location that is not itself of national historic significance. When this occurs, the site will be in a locality directly associated with the object or objects or their creator(s).

3.4.7 In response to the advice of the Historic Sites and Monuments Board of Canada, the Minister may recommend to the Governor in Council that a national historic site be commemorated by the establishment of a historic museum. It is policy not to seek the establishment of a historic museum, except when it is considered indispensable to achieving commemorative objectives.

Historic museums, where approved, will be established within, or adjacent to, places that
have been declared to be of national historic significance. Structures built or used for interpretation or visitor reception are not "historic museums," unless so designated by the Governor in Council.

3.4.8 National historic sites will be acquired by the Minister in accordance with the following guidelines:

- residents of the locality and the provincial or territorial government will be consulted, and
- an impact assessment will be conducted to identify the effects of acquisition (such an assessment will include a consideration of possible threats to the resources posed by acquisition).

The public will be encouraged to become involved in the acquisition and development of the national historic site.

3.5 Other Forms of Commemoration

The Historic Sites and Monuments Board of Canada may propose alternative forms of commemoration to the Minister, providing the alternative is formal, meaningful, appropriate and enduring.

4.6 Rescinding Commemoration

To maintain the integrity of the commemorative program, a designation of national historic significance or an approved form of commemoration may be revoked by the Minister, acting on the advice of the Historic Sites and Monuments Board of Canada. Such action will be undertaken rarely, and then only when:

i) the commemoration was based on the existence of resources that have since disappeared, or

ii) the resources have fallen into such a state of disrepair as to nullify the reason(s) for the commemoration; or

iii) the commemorative significance of the structure or site has been severely compromised as a result of having been moved and/or altered.

PROTECTING AND PRESENTING NATIONAL HISTORIC SITES

The protection and presentation of national historic sites, regardless of ownership, are major objectives of Canada's national commemoratory program. In the case of national historic sites administered by Parks Canada, protection and presentation are fundamental to commemoration since without protection there can be no historic site to be enjoyed, and without presentation there can be no understanding of why the site is important to our history and, hence, to all Canadians.

Protecting and presenting national historic sites administered by Parks Canada is dealt with in the Cultural Resource Management Policy, which serves as the overall management policy for Parks Canada-administered national historic sites (see Part III of this document). Cultural resource management is based on the ethic that respect for the legacy represented by resources should influence all actions and activities related to those resources, so that the people of Canada may benefit from and enjoy this legacy now and in the future.
HISTORIC CANALS POLICY
HISTORIC CANALS POLICY

BACKGROUND

OBJECTIVE

1.0 Navigation

1.1 Providing for Navigation

2.0 Resource Management

2.1 Planning for Resource Management and Use

2.2 Protecting Cultural Resources

2.3 Protecting Natural Resources

2.4 Presentation

3.0 Appropriate Use

4.0 Working with Others
BACKGROUND

Canals have been part of transportation in Canada since the building of three small canal locks at Sainte-Marie Among the Hurons in the 1640s to the present-day operation of the St. Lawrence Seaway. Originally built for transportation, trade and in some cases defence, a number of Canada's canals no longer serve commercial purposes, but have developed into places to appreciate and enjoy our cultural and natural heritage through land- and water-based activities.

In recognition of this change from commercial transportation to heritage appreciation, the Government of Canada transferred the responsibility for a number of operating canals in the 1970s from the Minister of Transport to the Minister responsible for Parks Canada. Those canals that continue to be operated for purposes of through navigation as well as for the protection and presentation of their cultural and natural resources are covered by this policy.

Historic canals vary from single locks, such as the St. Peters Canal in Nova Scotia, to complex systems of interconnected locks, channels and natural waterways, such as the Trent-Severn Waterway in Ontario. The latter canals have an impact that goes far beyond the movement of boats from one lock to another. They form extensive cultural and natural heritage corridors that link cities and towns and whose drainage basins encompass large geographical areas. In some cases, the management of these heritage corridors is subject to federal-provincial agreements.

A number of the historic canals, such as the Chambly in Quebec, have been declared to be of national historic significance. In addition, specific resources on certain historic canals have been declared to be of national historic significance. The locks, dams and blockhouses on the Rideau Canal in Ontario are examples of resources that have been so designated.

Providing opportunities and services for appropriate use (as defined in section 3.0 of this policy) of the historic canals is an important part of canal operations. Parks Canada will maintain a proper balance between appropriate use and heritage resource protection, so that the legacy of these canals will be understood and appreciated. Consultation and cooperation are also important to the effective management of the historic canals. Various levels of government, as well as groups and concerned individuals, have a role in fostering public appreciation, enjoyment and understanding of the values represented by the historic canals.

OBJECTIVE

To foster appreciation, enjoyment and understanding of Canada's historic canals by providing for navigation, by managing cultural and natural resources for purposes of protection and presentation, and by encouraging appropriate uses.

1.0 Navigation

The canals covered by this policy are distinguished from other canal uses administered by Parks Canada because they are operated for purposes of through navigation as well as for their heritage values.

1.1 Providing for Navigation

1.1.1 Navigation forms an important part of the heritage character and heritage experience that these canals provide. However, structures, operating devices and procedures will not be modified to increase the capacity of historic canals.
The following considerations will guide the provision of navigation: availability of adequate water levels, maintenance of public safety, preservation of heritage character, physical condition of the works, time of year, demand, and available human and financial resources.

Where navigation is maintained, Parks Canada objectives will be to maintain adequate canal water depths, structures and navigation aids in order to provide for navigation.

Water levels and flows required for navigation on the canals will be monitored and managed to minimize flooding and adverse resource impacts.

Canals that become non-navigable are no longer subject to the provisions of this policy, but will continue to be managed in accordance with other Parks Canada policies.

Historic canals provide a range of opportunities for the public to enjoy activities on water and land, and to learn about aspects of Canada’s cultural and natural heritage. As with all resources administered by Parks Canada, the cultural and natural resources are managed so as to protect and present the legacy that they represent.

Cultural resources form part of the historical context of the canals and, coupled with natural resources, provide a landscape whose heritage character should be protected, appreciated, enjoyed and understood. Natural landscapes and habitats along the canals complement the cultural resources and contribute to the environmental quality of the canals. Systematic management of the historic canals will provide for the protection, presentation and appropriate use of cultural and natural resources as well as for navigation.

Management plans for each historic canal will treat the canal and its cultural and natural resources as an entity and will provide for present and future sustainable uses.

Public consultation is an inherent part of the planning for the management of historic canals, and opportunities will be provided for public contribution to the planning process.

Land acquisition will be made on the basis of approved plans or agreements and will be by mutual agreement with the owner. It is not the intention of Parks Canada to acquire additional lands, except where essential to the proper management of a canal.

Lands identified through a planning process as surplus to canal requirements may be disposed of, subject, where necessary, to the application of reservations such as flooding rights.

Parks Canada will encourage local governments and other agencies to contribute, by means of plans, zoning bylaws and public education, to the protection of the heritage character of corridors formed by the canals and adjacent lands.

Cultural resources will be protected according to the Cultural Resource Management Policy.
2.2.2 Manually operated devices on locks, bridges and dams will be retained when they form part of the historical character and heritage experience of a canal.

2.2.3 Because of the heritage character of these canals, there may be an element of risk associated with their use. Parks Canada will take reasonable precautions, but will not significantly alter historic fabric or intrude on the heritage character of a canal. Before any physical modification is contemplated, other non-intrusive options will be considered.

2.2.4 Parks Canada has been given stewardship responsibility for the historic canals because of their heritage value. Modification of a cultural resource to meet significant operational or safety purposes will be considered only after thorough review, taking into account the maintenance of this stewardship responsibility. Any proposed modification or action (human or natural) affecting a level 1 cultural resource (as defined in the Cultural Resource Management Policy) will result in a change to the attributes upon which the level 1 designation was based. It will be reviewed in accordance with section 4.0 of the policy on National Historic Sites to ensure that the resource still merits being considered nationally significant.

2.2.5 Parks Canada will encourage others to protect cultural resources on lands not administered by Parks Canada that are adjacent to the canals.

2.3 Protecting Natural Resources

2.3.1 Natural resources will be protected in accordance with Parks Canada policies.

2.3.2 Canals will be operated and maintained in ways that seek an appropriate balance between use and environmental impacts, and comply with the Canadian Water Quality Guidelines.

2.3.3 Parks Canada will encourage others to protect ecologically related natural landscapes and habitats, including wetlands, on lands not administered by Parks Canada that are adjacent to the canals.

2.3.4 Parks Canada will manage dredge and fill activities to ensure that wetland environments, fish habitat and undisturbed shorelines are protected.

2.4 Presentation

2.4.1 Presentation programs will be developed to provide the public with an appreciation of the significant values of individual historic canals, in order to foster enjoyment of their cultural and natural resources and to encourage an understanding of how these canals have contributed to the development of Canada.

2.4.2 All presentation, including visitor activities, relating to cultural and natural resources will be conducted in accordance with Parks Canada policies.

2.4.3 The development and management of appropriate facilities, services and programs for visitor activities on the historic canals will be planned in a market-sensitive manner.

2.4.4 Presentation programs, including visitor activities, will not impair resources and will stress the principle that cultural and natural resource conservation contributes to the public benefit and is a responsibility of the public as well as of Parks Canada.
3.0 Appropriate Use

Appropriate uses and activities are defined as those which contribute to the public’s appreciation and enjoyment of the historic canals, which respect the heritage character of canal resources, and which are compatible with public safety.

3.1 Compatible and appropriate uses of historic canals will be encouraged so that the land and water resources can be enjoyed in all seasons.

3.2 The use and operation of historic canals will be managed in accordance with the Historic Canals Regulations.

3.3 The intensity, type and location of use of historic canals may be limited by notice or regulation to ensure visitor safety, enjoyment and resource protection.

3.4 Regulations necessary for public safety, navigation, and use of cultural and natural resources will be enforced by the appropriate authority.

3.5 Water that is surplus to navigation requirements may be used to meet the needs of recreation, wildlife conservation, power generation, municipalities or other appropriate uses in accordance with the Federal Water Policy.

3.6 Hydro-electric development proposals on lands administered by Parks Canada may be considered when they are consistent with the protection of cultural and natural resources. Such proposals will be subject to the federal environmental assessment and review process, the Dominion Water Power Regulations, as well as to public consultation.

3.7 Leases, licences and permits for use of canal lands or water will specify any limitations to protect cultural resources, environmental quality, public safety, and the enjoyment of other canal users and residents, and will be subject to review under the federal environmental assessment and review process. Commercial operations will be controlled and monitored. Special privileges that would result in unfair competition will not be granted.

3.8 New applications for major works or for any significant change in the type or capacity of service offered by a commercial establishment on lands administered by Parks Canada will be subject to the federal environmental assessment and review process, including public consultation.

4.0 Working with Others

In recognition of the actual and potential impact of the operation of the historic canals on others, Parks Canada will cooperate with provincial departments, individuals, agencies and groups to achieve its objectives. The involvement of others (including volunteer groups such as cooperating associations) in the provision of certain appropriate services and facilities to the public contributes to the achievement of objectives relating to public needs.

4.1 Parks Canada will consult with tourism and recreational groups, as well as with other levels of government, in identifying opportunities for the private sector to supply appropriate services and facilities on the historic canals.

4.2 Historic canals contribute to regional tourism by being managed in a manner that recognizes historical and environmental requirements. Where appropriate, Parks Canada will participate in, and provide leadership to, selected
community and inter-agency tourism initiatives.

4.3 Parks Canada recognises that the management of historic canals has a social and economic impact on adjacent lands and other jurisdictions, and will work with local, provincial and other federal agencies to assist in the planning, protection and presentation of cultural and natural resources in the regions adjacent to the historic canals.

4.4 Parks Canada will cooperate with the appropriate provincial authorities in their management of renewable natural resources that are harvested on lands and waters administered by Parks Canada.
FEDERAL HERITAGE BUILDINGS POLICY

BACKGROUND

OBJECTIVE

1.0 Designation of Federal Heritage Buildings

1.1 Identification

1.2 Evaluation

1.3 Registration

2.0 Review of Proposed Interventions to Federal Heritage Buildings

2.1 Classified Buildings

2.2 Recognized Buildings

2.3 Conflict Resolution Concerning Reviews of Interventions

2.4 Notification of Other Governments

3.0 Consultation and Monitoring

4.0 Public Input

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BACKGROUND

Our architectural heritage is a part of what makes us proud to be Canadians. It enriches the landscape around us, and shapes us in time and space. It tells us about our past and our present, strengthening our sense of identity and reflecting that identity in all its diversity.

This architectural heritage is both important and irreplaceable. As such it must be identified and protected if it is to benefit the lives of future generations in the way that it has benefited our lives and the lives of generations past. In recent years there has been a steadily growing interest in protecting this architectural heritage on the part of citizens as well as governments. The Government of Canada has committed itself to taking the steps necessary to identify and to protect its own heritage buildings.

In the 1970's Parks Canada was charged with developing a policy proposal to identify those federal buildings that represent an important part of our national heritage, and to provide for the conservation and sustainable uses of these buildings. Cabinet approved this policy in 1982, and Treasury Board subsequently issued an administrative policy providing direction for its implementation. A number of buildings have already been designated as "federal heritage buildings," among them, Old Government House in Fredericton, the Grande Allée Drill Hall in the city of Quebec, the former Kingston Post Office, and Royal Roads Military College in Victoria.

The Minister of Canadian Heritage is responsible for the Federal Heritage Buildings Review Office (FHBRO), which assists departments in the implementation of this policy. The FHBRO maintains an interdepartmental committee called the Federal Heritage Buildings Committee to advise on the heritage designation of federal buildings and on proposed interventions. The committee normally consists of members from the Department of Canadian Heritage, Public Works Canada, the custodial department of the building in question and, for buildings in the National Capital Region, the National Capital Commission.

The Federal Heritage Buildings Policy provides for the designation of federal heritage buildings and for the determination of their heritage character. This character includes the distinct characteristics that give buildings their importance, their quality, style or uniqueness. The policy also provides for a case-by-case review of any proposed intervention that might affect the heritage character of designated buildings, as well as for the resolution of any conflict that might arise between custodial departments and the Federal Heritage Buildings Review Office. The policy applies to all federal departments and to certain agencies that are responsible for real property, as well as to those branches designated as departments for the purpose of the Financial Administration Act. Crown corporations may voluntarily submit themselves to the policy, and are encouraged to do so.

The federal government's purpose in devising this policy is to identify and protect federal heritage buildings in ways that respect their heritage value and are attentive to local, regional, provincial and territorial priorities for heritage protection; to endeavour to provide continuing protection to federal heritage buildings that have federal ownership; to encourage others to conserve buildings that are of heritage interest to them; and to promote the application of cultural resource management principles and practice in the treatment of federal heritage buildings.

OBJECTIVE

To protect the heritage character of designated federal buildings in the interest of present and future generations by promoting the long-term
use of these buildings in ways that preserve their heritage character.

1.0
Designation of Federal Heritage Buildings

All federal buildings 40 years old or older for which alteration, demolition, or disposal are planned must be identified and referred to the Federal Heritage Buildings Review Office for evaluation, in order to determine if the buildings have heritage value. Also to be evaluated are buildings 40 years old or older whose acquisition is being contemplated.

1.1
Identification

Ministers of departments to which this policy applies, including the Minister of Canadian Heritage, will identify for evaluation by the Federal Heritage Buildings Review Office all federal buildings in their custody which are 40 years old or older and for which an intervention is planned. Departments, other governments and members of the public may request at any time that a federal building 40 years old or older be evaluated. Departments may also request evaluation of, and advice on, buildings less than 40 years old.

1.2
Evaluation

1.2.1
The Federal Heritage Buildings Review Office will evaluate the identified buildings to determine if they merit heritage designation. Parks Canada will prepare research that addresses historical, architectural and environmental criteria, as well as any other relevant information, as a basis for this evaluation.

1.2.2
A building evaluated as a heritage building will be recommended for designation as a "classified" or as a "recognized" federal heritage building. A classified building is the higher of these two designations.

1.3
Registration

1.3.1
The Federal Heritage Buildings Review Office will convey the recommended designation (classified or recognized) to the custodial department. The recommendation will be accompanied by a statement of heritage character.

1.3.2
When the custodial department concurs with the recommendation, the Minister of Canadian Heritage approves the designation. When the custodial department does not concur, it may request an evaluation by an individual or individuals jointly agreed upon by the custodial department and the FHBRO. In the case of a building located in the National Capital Region, the designation also requires a recommendation of the Chairman of the National Capital Commission.

1.3.3
A federal building which has been designated under this policy will be entered in the Register of Federal Heritage Buildings, along with a statement of its heritage character. A visible marker of its status as a federal heritage building may also be provided.

1.3.4
Provincial and territorial governments will be provided with lists of evaluated federal buildings in their provinces or territories on an ongoing basis, as well as with copies of the reports upon which evaluations are based, and the heritage character statements for designated buildings.
2.0 Review of Proposed Interventions to Federal Heritage Buildings

An intervention is defined as an action that may have an impact on the heritage character of a classified or recognized heritage building. Interventions include alteration, demolition and disposal. Interventions will be reviewed only after a building has been evaluated. The review will be based on the statement of heritage character and will be conducted in accordance with established criteria and a body of standards. The review will vary depending on whether the designation is "classified" or "recognized."

2.1 Classified Buildings

2.1.1 The custodial department will submit any concept proposal that involves an intervention to a classified building to the Federal Heritage Buildings Review Office.

2.1.2 The Federal Heritage Buildings Review Office will review the proposal on the basis of established criteria and standards in order to determine the potential effects on the heritage character of the building. If effects on the heritage character are likely to occur, detailed design proposals will be examined. When the review is complete, the FHBRO will make its recommendations to the custodial department.

2.2 Recognized Buildings

2.2.1 The custodial department will submit any proposals for demolition or disposal to the Federal Heritage Buildings Review Office, which will in turn ensure that alternatives have been adequately explored. If demolition is proposed, the FHBRO will look into the possibility of recording the building and, in the case of disposal, the FHBRO will seek means of providing continuing protection.

2.2.2 For all other interventions, the responsibility for reviewing proposals, plans and specifications will rest with the custodial department of the building in question, which will use the same review standards and criteria as the Federal Heritage Buildings Review Office.

2.3 Conflict Resolution Concerning Reviews of Interventions

When there is an impasse concerning proposed interventions, the Ministers concerned will resolve the matter.

2.4 Notification of Other Governments

In addition to what has been described above, provincial and territorial government heritage agencies will be notified of proposals for disposal or demolition of federal heritage buildings in their jurisdictions. It is federal government policy to offer surplus buildings to the appropriate province or territory before they are sold by public tender.

2.4.1 When a designated building is sold to a non-government party, provinces and territories will be encouraged to apply their historic resource protection legislation to the building.

3.0 Consultation and Monitoring

The Federal Heritage Buildings Review Office will encourage consultation between custodial departments and experts in building conservation.
3.1 Custodial departments of designated buildings will be provided with the FHBRO Code of Practice and with training to assist them in their stewardship of these buildings.

3.2 As is the case with other federal policies, custodial departments will be expected to monitor their own actions to ensure compliance.

4.0 Public Input

In response to proposals from other government agencies, heritage groups and individuals, the practicality of extending the policy to federal works other than buildings, as well as to federal agencies and Crown corporations not currently covered by the policy, will be explored.
# HERITAGE RAILWAY STATIONS POLICY

## BACKGROUND

## OBJECTIVE

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BACKGROUND

For more than a century, railway stations have been an integral part of the Canadian landscape. Not only do they stand as testimony to Canada’s development, but to many Canadian communities they are an important source of pride. That a great many Canadians feel an attachment to these railway stations is shown by their enthusiastic efforts to preserve them.

Until the late 1980’s, public efforts to preserve railway stations were hindered by the absence of legislation. As most railway stations are owned or controlled by federally regulated railway companies, they are not subject to the various provincial laws that protect heritage. In 1988 Parliament passed a private member’s bill to protect these railway stations. The Heritage Railway Stations Protection Act was given Royal Assent in September 1988.

The Heritage Railway Stations Protection Act requires federally regulated railway companies to obtain authorization from the Governor in Council before removing, destroying, altering or disposing of a heritage railway station, and before altering any of the heritage features of the station. It also allows for timely public involvement in opposing those interventions that are seen as potentially deleterious to a heritage railway station or its heritage features. The Act provides for heavy fines for infractions.

The Heritage Railway Stations Policy is based on the Heritage Railway Stations Protection Act. Responsibility for the implementation of the Act and this policy has been given to the Minister of Canadian Heritage, who is supported by the Historic Sites and Monuments Board of Canada.

The Heritage Railway Stations Policy promotes consultation, dialogue and public participation in the pursuit of the shared goal of identifying and conserving the built heritage. The policy establishes processes for identifying and evaluating heritage railway stations; for specifying, where applicable, the features that give them heritage value; and for reviewing on a case-by-case basis any intervention that might affect them or their heritage features. The federal government encourages railway companies that own or control these stations to apply cultural resource management methods in their treatment of them, and to set an example in conserving aspects of Canada’s built heritage.

OBJECTIVE

To protect heritage railway stations for the benefit of present and future generations, by ensuring that these railway stations and the features that represent their heritage character are preserved.

1.0 Designation of Heritage Railway Stations

Under this policy, any railway stations that are owned or controlled by railway companies subject to the Railway Act will be considered eligible for designation; this includes the Canadian National Railway Company with respect to both its own railways and Government of Canada railways which it manages and uses.

1.1 Identification

1.1.1 The railway companies, other levels of government and the general public will be encouraged to propose eligible railway stations to the Minister of Canadian Heritage for designation.

1.1.2 Parks Canada will notify the railway company and the provincial or territorial government in which the station is located of the proposed
designations, and will carry out the research necessary for the identification and evaluation of eligible railway stations.

1.2 Evaluation

1.2.1 The Historic Sites and Monuments Board of Canada will evaluate eligible stations in accordance with historical, architectural and environmental criteria that have been established for this purpose, using research prepared by Parks Canada and other relevant information.

1.2.2 The Board will advise the Minister whether a station should be designated a heritage railway station. If the recommendation is positive, the Board may also recommend designation for certain features of the station.

1.3 Registration

1.3.1 Once the Minister has approved a positive recommendation from the Board, a station is designated as a heritage railway station and, when applicable, certain of its features are designated as heritage features. Affected railway companies and provincial or territorial governments will be notified.

1.3.2 A designated station will be entered in the Register of Heritage Railway Stations, maintained by Parks Canada, along with a statement of its heritage character. Designated railway stations will be recognized by appropriate markers or otherwise.

2.0 Review and Authorization of Proposed Interventions

A heritage railway station cannot be destroyed, removed, disposed of or altered, nor can its heritage features be altered, without the authorization of the Governor in Council. Alterations to meet an emergency, or the disposal of a station to a railway company to which the Act also applies, do not require authorization.

2.1 A railway company that proposes an intervention to a heritage railway station must give written public notice of such intention.

2.2 Parks Canada will review proposed interventions in accordance with established criteria in order to determine their impact, if any, on the heritage railway station or on any of its heritage features. Parks Canada may give advice to railway companies in this regard.

2.3 An individual, group or government may signify its objection to proposed interventions by filing a notice with the Minister, setting out the reasons for objection and the pertinent facts on which the objection is based.

2.4 When a notice of objection has been filed with the Minister, the Minister may refer the matter to the Historic Sites and Monuments Board of Canada.

2.5 In reviewing objections, the Board may convene a public meeting to give all interested persons a reasonable opportunity to make representations to it.

2.6 Upon receipt of the results of the Historic Sites and Monuments Board of Canada review, the Minister will recommend to the Governor in Council approval or rejection of the proposed intervention, or approval of a modified intervention, and will inform the railway company, the relevant provincial or territorial
government and interested members of the public.

2.7
If the recommendation is approved, the Governor in Council may authorize the railway company to carry out the proposed or modified intervention, under such terms and conditions as the Governor in Council seems appropriate.

2.8
Parks Canada will provide technical advice to meet an emergency situation when requested to do so by a railway company.

2.9
When a designated railway station is sold to a party not subject to the Railway Act, the province or territory within which the station is situated will be asked to apply its historic resource protection legislation to the station.

3.0
Monitoring

Parks Canada will monitor compliance with regulations under the Heritage Railway Stations Protection Act, and see that work is carried out in conformity with authorized terms and conditions. The Canadian public will play a monitoring role by demonstrating its interest in the conservation of this aspect of our cultural heritage.
PART III

CULTURAL RESOURCE MANAGEMENT POLICY
CULTURAL RESOURCE MANAGEMENT POLICY

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CULTURAL RESOURCE MANAGEMENT POLICY

BACKGROUND

Parks Canada is one of the principal cultural resource management organizations in Canada. It is responsible for a vast array of cultural resources in public settings at national parks (including national marine conservation areas), national historic sites and historic canals, as well as in collections and at other properties that it administers.

Cultural resource management is an integrated and holistic approach to the management of cultural resources. It applies to all activities that affect cultural resources administered by Parks Canada, whether those activities pertain primarily to the care of cultural resources or to the promotion of public understanding, enjoyment and appropriate use of them.

For purposes of this policy a cultural resource is a human work, or a place that gives evidence of human activity or has spiritual or cultural meaning, and that has been determined to be of historic value. Cultural resources are distinguished from other resources by virtue of their assigned historic value. This value derives from an association with an aspect or aspects of human history. Parks Canada may apply the term "cultural resource" to a wide range of resources in its custody, including, but not limited to, cultural landscapes and landscape features, archaeological sites, structures, engineering works, artifacts and associated records.

Frequently, cultural resources occur in complexes or assemblages. Such assemblages might include movable and immovable resources, resources that are above ground and below, on land and in water, and whose features are both natural and fabricated.

The term "cultural resource" embraces the whole as well as the parts that make up the whole. Because the whole is almost always greater than the sum of its parts, effective cultural resource management does not focus on the components—the discrete resources—at the expense of the overall place. Cultural resource management thus operates at two levels. It applies to the overall management of a national historic site or a historic canal (which can be considered as cultural resources), as well as to the individual cultural resources that are contained in a national historic site, national park, or historic canal.

The challenges of managing cultural resources for public benefit are considerable. By their very nature, the most significant cultural resources are those whose protection and public presentation are most desirable, although in the case of certain sacred sites located on lands administered by Parks Canada, broad public presentation may not be appropriate. In carrying out its commitment to responsible stewardship, Parks Canada must determine how best to promote visitation and public understanding of cultural resources, without diminishing the qualities and attributes that give those resources their value. It must respond to the desire for access while safeguarding the irreplaceable resources being visited, and the values that those resources represent. It must encourage appropriate contact with cultural resources while not converting them into "tourist" resources. It must integrate the management of the cultural and the natural realms. Finally, it must determine the most effective means of protection and presentation within available financial and human resources. These challenges require a policy framework which is holistic, which deals with cultural resources as symbolic as well as physical entities, and which is motivated by a sense of responsibility to pass on the legacy entrusted to us.

Cultural resource management depends on a strong corporate or organizational ethic embodied in a set of principles. In its practice, cultural
resource management integrates professional, technical and administrative activities to ensure that cultural resources are identified and evaluated, and that their historic value is duly considered in all actions that might affect them.

In the case of cultural heritage sites, cultural resource management provides the means for ensuring their commemorative integrity.

Canadian efforts to protect and present cultural resources for public benefit are part of a worldwide endeavour to protect, understand and appreciate our human heritage. In its stewardship of treasures of national historic significance as well as of other valued cultural resources, Parks Canada acts within a national and international community of agencies that share the responsibility of managing our human heritage for public benefit. In so doing, Parks Canada both contributes to and benefits from the development of a national and international body of principles and practices of cultural resource management.

To promote awareness of cultural resource management, Parks Canada encourages all stewards of cultural resources to apply cultural resource management principles and practice. In addition to managing the cultural resources entrusted to it in accordance with the policy, Parks Canada will make this policy available to other trustees of cultural heritage, including the owners of national historic sites.

OBJECTIVE

To manage cultural resources administered by Parks Canada in accordance with the principles of value, public benefit, understanding, respect and integrity.

1.0 Principles of Cultural Resource Management

In managing cultural resources Parks Canada will adhere to principles of value, public benefit, understanding, respect, and integrity, and will proceed on a case-by-case basis. These principles are not mutually exclusive; they share common elements and work most effectively when considered as a whole rather than individually. Applying the principles is the key to sound cultural resource management, because the principles provide the means for determining the appropriateness of actions affecting cultural resources. Given the complexity of cultural resources, it is apparent that they cannot be managed on the basis of a general list of approved or prohibited activities. Consequently, all activities that might affect cultural resources, including activities relating to conservation and presentation, will be evaluated, and when approved, implemented in accordance with these principles.

As activity that compromises the commemorative integrity of a national historic site will not be permitted.

The principles provide requisite guidance for treating both the material and non-material aspects of heritage conservation and presentation.

The principles of this policy apply to all agreements that Parks Canada makes with others respecting the management of cultural resources.

The guidance provided by these principles is made more explicit in directives, manuals, standards and guidelines developed by Parks Canada.

1.1 Principles of Value

1.1.1 For purposes of this policy, resources that have historic value are called cultural resources. It is for this value that cultural resources will be safeguarded and presented for public benefit.

1.1.2 While all cultural resources are valued, some cultural resources are deemed to be of the highest possible value and will be protected and presented accordingly.
• Parks Canada will value most highly those cultural resources of national historic significance.

1.1.3
Cultural resources rarely occur in isolation. They often derive their value from being part of a place or a site.

• Parks Canada will value cultural resources in their context and will consider resources as a whole as well as discrete parts.

1.1.4
Cultural resources will be valued not only for their physical or material properties, but also for the associative and symbolic attributes with which they are imbued, and which frequently form the basis of their historic value.

1.1.5
A cultural resource whose historic value derives from its witness to many periods in history will be respected for that evolution, not just for its existence at a single moment in time.

• Parks Canada will reveal an underlying or previous physical state of an object, structure or site at the expense of later forms and material only with great caution; when historic value is clearly related to an earlier form, and when knowledge and existing material of that earlier form allow.

1.1.6
A cultural resource that derives its historic value from the interaction of nature and human activities will be valued for both its cultural and natural qualities.

1.1.7
Natural ecosystem features and palaeontological resources frequently form an integral part of the history and landscape of national historic sites and historic canals. These features and resources in national historic sites and historic canals will be valued in a manner that reflects the role of Parks Canada as an important environmental steward.

• Parks Canada will conduct a natural ecosystem feature inventory on lands and values within national historic sites and historic canals to determine the state of such features and to identify natural features of special significance that should be protected.

• Wildlife habitat of species that have been designated as rare, threatened or endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), or by the province or territory in which the area is located, will be protected.

• Natural ecosystem features, which by virtue of their strategic location and physical or biological characteristics are of value to government agencies involved in environmental monitoring and programs to maintain biodiversity and genetic resources in Canada, will be protected.

• Natural ecosystem features of special significance will be managed in accordance with the principles and relevant policies regarding the protection and management of natural ecosystems set out in section 3.0 of the National Parks Policy, and by the applicable directives and procedures used to guide the management of natural ecosystem features in the national parks.

National historic sites and canals with extensive areas may be zoned in order to indicate the types of activities that are appropriate in different parts of the site or canal.

1.2
Principles of Public Benefit

1.2.1
Cultural resources are dedicated and held in trust so that present and future generations may enjoy and benefit from them.

• Public benefit of cultural resources will be most appropriately achieved by the protection
and presentation of that which is of national historic significance.

- The continuing public benefit of a resource will be assured through ongoing maintenance and care.

1.2.2
To understand and appreciate cultural resources and the sometimes complex themes they illustrate, the public will be provided with information and services that effectively communicate the importance and value of those resources and their themes.

- Parks Canada will select the means for presenting the history and cultural heritage of its national parks, national historic sites and historic canals in ways that recognize the nature and interests of the public it serves.

1.2.3
Parks Canada will encourage public involvement in the protection and presentation of cultural resources at national parks, national historic sites and historic canals.

- Appropriate uses of cultural resources will be those uses and activities that respect the historic value and physical integrity of the resource, and that promote public understanding and appreciation.
- Information about cultural resources will be made available. In cases where revealing the location of a cultural resource could constitute a threat to the resource (certain fragile archaeological remains, for example), information about location may be withheld.
- In the interest of long-term public benefit, new uses that threaten cultural resources of national historic significance will not be considered, and existing uses which threaten them will be discontinued or modified to remove the threat.

1.3
Principles of Understanding

1.3.1
The care and presentation of cultural resources require knowledge and understanding of those resources, of the history they represent, and of the most effective means to communicate that history to the public for whom the resources are held in trust.

- Cultural resource management activities will be based on knowledge, and professional and technical skills and expertise.
- Parks Canada will integrate the contributions of relevant disciplines in planning and implementing cultural resource management, and will place a particular importance on interdisciplinary teamwork.
- Adequate research, recording and investigation will precede any action that might affect cultural resources and their presentation.

1.3.2
The importance of genuine public understanding, appreciation and enjoyment of cultural resources will be recognized. The understanding of cultural resources requires knowledge that goes beyond a simple knowledge of the physical properties of the resources.

- Genuine public understanding may require the recording and use of traditional and other knowledge that previously did not exist in written form.
- Parks Canada will proceed on the basis that the meaning of cultural resources may exist in a continuum ranging from national significance to local or special significance, for particular people, and that the two orders of significance can be communicated.
- Parks Canada will identify the nature and various interests of the public to develop effective means of communication.
1.3.3 Information about cultural resources will be recorded and those records will be maintained for the future.

- Parks Canada will maintain up-to-date inventories and records on its cultural resources. Dossiers will contain basic data and related documentation, including the results of research and evaluation, records of decision and actions taken. Heritage recording will be carried out on cultural resources of national historic significance.
- When faced with loss due to human or natural forces and when long-term stabilisation or salvage is not possible, cultural resources will be recorded and documented to preserve a public record.

1.3.4 Parks Canada will avoid actions that reduce the potential for long-term conservation and for future understanding and appreciation of a cultural resource and the legacy that it represents.

1.4 Principles of Respect

1.4.1 Those who hold our heritage in trust are responsible for passing on that heritage in ways that maintain its potential for future understanding, appreciation and study. As an irreplaceable part of this heritage, cultural resources will be managed with continuous care and with respect for their historic character; that is, for the qualities for which they are valued.

- Parks Canada will respect the distinguishing features that constitute the historic character of a cultural resource.
- Uses of cultural resources will be respectful of, and compatible with, their historic character. This applies equally to the use of landscapes and structures, the display or use of artifacts and to public activities affecting cultural resources.

- Appropriate visitor activities and public uses of cultural resources at national parks, national historic sites and historic canals will respect the resources and be consistent with the purpose, themes and objectives of the park, historic site or canal.

1.4.2 Trustees are obliged to act in ways that best ensure the continued survival of the resource, with minimum deterioration.

- Parks Canada will respect cultural resources by using the least destructive and most reversible means to accomplish objectives. Variance from the path of least intrusive action must be justified.
- Respectful, preventive and continuing maintenance will form an indispensable part of cultural resource management.

1.5 Principles of Integrity

1.5.1 Parks Canada will present the past in a manner that accurately reflects the range and complexity of the human history commemorated at or represented in a national historic site, historic canal or national park.

- Evidence that is specific to a resource or site will always be preferred to general evidence of a type or period.
- There are times when one may have to rely on evidence that is indirect, but which is consistent with what is highly probable in the light of known facts and patterns. Conservation and interpretation based on such evidence will be permitted only when the activities founded thereon are based on extensive knowledge, when they are carefully documented and recorded, and when, with respect to the physical features that constitute the historic character of a cultural resource, they are reversible.
1.5.2 Cultural resources should be distinguishable from, and not overwhelmed by, efforts to conserve, enhance and present them.

2.0 The Practice of Cultural Resource Management

Parks Canada will apply the principles of this policy within a practical framework of cultural resource management. The practice of cultural resource management is not itself a formal process distinct from the activities and processes already in place; rather, it integrates those activities and processes within an overall policy structure.

The practice of cultural resource management requires that four elements be in place in all decision-making that affects cultural resources:

i) the inventory of resources;

ii) the evaluation of resources to determine which are to be considered as cultural resources and what it is that constitutes their historic value;

iii) the consideration of historic value in actions affecting conservation and presentation; and

iv) monitoring and review to ensure that conservation and presentation objectives continue to be met effectively.

The practice of cultural resource management provides a framework for decision-making rather than a set of predetermined answers. Its aim is to ensure that the historic character for which resources are valued is identified, recognized, considered and communicated.

The practice of cultural resource management in Parks Canada recognizes those international conventions and federal policies that encourage the consideration of heritage value in management; for example, the World Heritage Convention, the Environmental Assessment and Review Process, the Federal Heritage Buildings Policy and the Federal Policy on Land Use.

2.1 Inventory of Resources

All resources administered by Parks Canada will be given initial consideration as cultural resources within the meaning of this policy.

2.1.1 Parks Canada will develop and maintain inventories of all the resources it administers for the purpose of determining which resources should be identified as cultural resources.

2.1.2 All buildings administered by Parks Canada that are 40 years old or older will be identified for the purposes of applying the Federal Heritage Buildings Policy.
2.2 Evaluation of Resources to Determine Cultural Resources and Their Historic Value

Evaluation enables Parks Canada to determine which resources are cultural resources and what constitutes their value; that is to say, what particular qualities and features make up the historic character of a cultural resource. An understanding of the historic character of a resource focuses the program's efforts at protection, presentation and appropriate use.

Ministerial plaques and monuments will be managed in accordance with this policy. Resources will be evaluated for their historical associations, their aesthetic and functional qualities and their relationships to social and physical environments, for purposes of determining which of the following three levels should be ascribed to a resource.

2.2.1 Level I:

National historic significance is the highest level assigned to a cultural resource in the custody of Parks Canada. National historic significance will be determined in accordance with the National Historic Sites Policy. It should be noted that there are national historic sites within the boundaries of national parks and that a number of the historic canals are also national historic sites.

2.2.1.1 Evaluation to determine national historic significance is undertaken by the Historic Sites and Monuments Board of Canada. Its recommendation to the Minister, and any subsequent Ministerial designation, may specify which resources within a designated national historic site are themselves of national historic significance.

2.2.1.2 Where a Ministerial designation is not specific with respect to the national historic significance of resources at a national historic site, the program will apply the commemorative intent of the designation to determine which resources are to be specifically considered of national historic significance.

2.2.2 Level II:

A resource that is not of national historic significance may have historic value and thus be considered a cultural resource.

2.2.2.1 Parks Canada will establish and apply criteria to determine which resources under its jurisdiction are Level II. A resource may be included in this category by virtue of its historical, aesthetic or environmental qualities. Criteria will also give consideration to such factors as regional or local associations or provincial, territorial or municipal designations.

2.2.2.2 Buildings that are designated "classified" or "recognized" in accordance with the Federal Heritage Buildings Policy will automatically be considered as Level II cultural resources, unless they meet the requirements that have been described for Level I cultural resources. Buildings may also be considered Level II cultural resources in accordance with criteria described in 2.2.2.1, above.

2.2.3 Other:

While all resources under the administration of Parks Canada deserve initial consideration as cultural resources, resources that are determined, upon evaluation, not to meet criteria established for Levels I and II are exempted from this policy, and will be managed under other appropriate processes and policies.

2.2.3.1 Resources evaluated and deemed not to be cultural resources for purposes of this policy may
be re-evaluated at a later date.

2.3 Consideration of Historic Value in Actions Affecting Cultural Resources

Cultural resource management requires that the concept of historic value of cultural resources be fully integrated into the planning and delivery of conservation, presentation and operational programs.

2.3.1 Planning processes will recognize that resources of national historic significance are of highest value, and that resources of historic value are at the second level of importance.

2.3.2 In all actions that affect cultural resources, Parks Canada will consider the potential consequences of proposed actions and the cumulative impacts of those actions on the historic character of those resources, and will plan and implement measures that respect that historic character.

2.3.3 When a proposed action on lands or waters administered by Parks Canada requires an environmental assessment, that assessment will include consideration and mitigation of the impacts of the proposed action on cultural resources.

2.3.4 Interventions proposed to buildings designated "classified" under the Federal Heritage Buildings Policy will be submitted for review to the Federal Heritage Buildings Review Office.

2.3.5 In the case of buildings designated "recognized" under the Federal Heritage Buildings Policy, proposed interventions will be reviewed by the department, except for disposals and demolitions which will be submitted for review to the Federal Heritage Buildings Review Office.

2.4 Monitoring and Review of Ongoing Activities

Management processes will include the review and monitoring of activities that affect cultural resources and their preservation.

3.0 Activities of Cultural Resource Management

3.1 Corporate Direction

Parks Canada will ensure the application of the principles and practice of cultural resource management in all activities that may affect cultural resources and the historic character of those resources.

3.1.1 The principles and practice of cultural resource management will apply to those contracts, leases, licences, concessions or agreements that affect cultural resources administered by Parks Canada.

3.2 Planning

Effective planning sets out the ways and means by which cultural resources will be cared for and presented. Planning activities flow from policy objectives and adhere to policy principles. Through these activities Parks Canada ensures that the elements of good cultural resource management practice are in place in all systems and processes.

Long-range direction for the management of the cultural resources at each national park, national historic site and historic canal is established through the processes of management and service planning.

3.2.1 Given the multi-disciplinary nature of cultural resource management, planning practices will integrate in a timely fashion the contributions of responsible disciplines.
3.2.2 Management planning for a national historic site will be based on the commemorative objectives that led to the designation and acquisition of the site. Primary themes developed in the course of management planning will be consistent with that designation. When, as a result of further research, it is considered that a primary theme should be changed, the matter will be referred to the Historic Sites and Monument Board of Canada. The goal of management planning for national historic sites is to ensure the commemorative integrity of national historic sites and the application of cultural resource management principles and practice.

3.2.3 Management plans for national historic sites that have been designated World Heritage Sites will contain strategies for protecting and promoting the values that resulted in this international designation.

3.2.4 Management planning that affects cultural resources in national parks will deal with cultural resources on the basis of this policy and will be consistent with human history themes established for a park.

3.2.5 Because cultural resources are managed for public benefit, public consultation is essential in planning. The principles of this policy will form part of the terms of reference for all public consultation regarding the management of cultural resources.

3.2.6 Parks Canada will cooperate actively with other appropriate agencies with respect to shared cultural resource management concerns in land-use planning, tourism and marketing.

3.2.7 If, following the acquisition or establishment of a national park, national historic site or historic canal, additional lands or objects are required to meet program objectives, these will be identified and acquired in accordance with established authorities and planning processes.

3.2.8 When regulations are considered necessary for the effective management of public activities at a national historic site administered by Parks Canada, regulations made under an appropriate statutory authority will be applied.

3.3 Research

Ongoing research and investigation will be carried out as they are essential to the success of cultural resource management. Research is fundamental to the achievement of conservation objectives, high-quality interpretation and public programs, and the advancement of knowledge.

3.3.1 Research and the results of research will be the basis for activities that have an impact on cultural resources and their presentation.

3.3.2 Results of research will be made available to the public in the form of publications and other media.

3.3.3 Parks Canada will cooperate with other professionals, research agencies and individuals to achieve mutual objectives.

3.4 Conservation

Conservation encompasses the activities that are aimed at the safeguarding of a cultural resource so as to retain its historic value and extend its physical life. There are conservation disciplines that address different kinds of cultural resources. All share a broad concept of conservation that embraces one or more strategies that can be placed on a continuum that runs from least intervention to greatest, that is, from...
maintenance to modification of the cultural resource.

3.4.1
General

3.4.1.1
In planning conservation activities Parks Canada will ensure first and foremost the basic protection of its cultural resources. With regard to cultural resources, the highest obligation is to the protection and presentation of resources of national historic significance.

3.4.1.2
In undertaking conservation activities Parks Canada is especially cognizant of the principles of respect for the existing form and material that constitute the historic character of a cultural resource. Conservation activities will therefore involve the least possible intervention to achieve objectives.

3.4.1.3
In dealing with issues relating to the protection of existing fabric and enhancement through modification for presentation, Parks Canada will apply the five principles of cultural resource management to determine the most appropriate treatment. Respect for historic value will be the central consideration.

3.4.1.4
In determining the most appropriate conservation treatment, consideration will be given to the following factors:

i) the historic character of the cultural resource as determined through evaluation;

ii) the physical condition, integrity and context of the resource;

iii) the impact of the treatment on the integrity of historic fabric and character;

iv) available documentation and information;

v) the opportunities for presentation and potential appropriate uses of the resource; and

vi) available financial and human resources.

3.4.1.5
Activities involving some replacement are the most interventionist of conservation activities and will be the last to be considered.

3.4.1.6
The reproduction, reconstruction or replication of a cultural resource will be considered as an interpretative option, not as a conservation activity. These activities are addressed in section 3.5.2 on Interpretation.

3.4.2
Maintenance

Conservation involves not just a once-in-a-lifetime intervention to a cultural resource but equally its routine and cyclical maintenance. Parks Canada will employ conservation maintenance to mitigate wear and deterioration without altering the performance, integrity or appearance of a resource.

3.4.3
Preservation

Preservation encompasses conservation activities that consolidate and maintain the existing form, material and integrity of a resource. Preservation includes short-term protective measures as well as long-term actions to retard deterioration or prevent damage. Preservation extends the life of the resource by providing it with a secure and stable environment.

Preservation activities will involve the least possible physical intervention and, in the case of interim measures, be as reversible as possible, so as not to jeopardize long-term conservation options. In the case of long-term measures, preservation activities ensure the stability and security of a resource so that it can be kept serviceable through routine maintenance.

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3.4.4 Modification

Modification encompasses conservation activities that may change the existing form or materials through treatments, repair, replacement of missing or deteriorated parts, or recovery of earlier known forms and materials. It involves a higher level of intervention than preservation. Modification may be undertaken in order to satisfy new uses or requirements, compatible with the historic character of a resource, as in the case of appropriate adaptive re-use of a structure, or to reveal, recover or represent a known earlier state of a resource, which is called restoration. Modification may involve some replacement of fabric.

3.4.4.1 Parks Canada will base modification on a sound knowledge of, and respect for, the historic character of the resource, particularly as that character is expressed by the existing form and material of the resource.

3.4.4.2 Parks Canada will assess and consider the impact of proposed modification activities on the historic character of cultural resources and will identify and consider the consequences of modification using the cultural resource management principles of value, public benefit, understanding, respect and integrity.

3.4.4.3 Restoration is a modification activity that will require clear evidence and detailed knowledge of the earlier forms and materials being recovered.

3.4.4.4 In the case of sites and structures, modification may include the activities of period restoration, and of rehabilitation for purposes of safety, property protection and access.

i) Period restoration is the accurate recovery of an earlier form, fabric and detailing of a site or structure based on evidence from recording, research and analysis, through the removal of later additions and the replacement of missing or deteriorated elements of the earlier period. Depending on the intent and degree of intervention, period restoration may be a presentation rather than a conservation activity.

ii) Rehabilitation is the modification, including adaptive re-use, of a resource to meet various functional requirements while preserving the historic character of the structure.

3.4.4.5 In the case of artifacts, modification includes removal of the products of deterioration such as corrosion, repair, and the infilling of missing parts. Modification also includes restoration, which returns the object or specimen to a known earlier visual state, using compatible construction methods and materials.

3.5 Presentation

Presentation encompasses activities, facilities, programs and services, including those related to interpretation and visitor activities, that bring the public into contact, either directly or indirectly, with national historic sites, national parks and historic canals. Parks Canada presents these places by promoting awareness of them, by encouraging visitation, by disseminating information about them and about opportunities to enjoy them, by interpreting them and their wider significance to visitors and non-visitors, by providing opportunities for appropriate visitor use and public involvement, and by providing essential services and facilities.

3.5.1 General

The presentation of cultural resources offers the public a wide range of opportunities to understand, appreciate and enjoy these resources.
3.5.1.1
Parks Canada will integrate its activities so that efforts at presentation will respect and enhance the historic value of the whole in order to contribute to a positive experience for the public. A knowledge of the nature and interests of the public will enable Parks Canada to enhance that experience by appropriate means of presentation.

3.5.1.2
In planning and implementing the presentation of cultural resources at national historic sites, national parks and historic canals, Parks Canada will cooperate with individuals, organizations and agencies.

3.5.1.3
New structures and buildings at national historic sites will respect and be compatible with the historic character of the site. Such new work will not be detailed in such a way as to be mistaken for a historic structure.

3.5.1.4
Signs at national historic sites and for cultural resources will respect the historic character of those resources. Such signs may be distinctive.

3.5.1.5
Parks Canada will encourage visitors to become familiar with the risks associated with access to cultural resources, and to exercise appropriate responsibility for their own safety. The qualities (historic value) that make access to a cultural resource desirable will not be diminished or destroyed in order to provide access, especially when public safety can be achieved by means other than modification.

3.5.1.6
Information about cultural resources will be accessible to all visitors. Where the location of a resource, service or facility illustrating the historic value of cultural resources prevents access by persons with disabilities, special programs or services will be offered.

3.5.1.7
Information about the richness and diversity of the family of national historic sites and how these sites express various aspects of our national identity will be made available to those who visit national historic sites administered by Parks Canada.

3.5.2
Interpretation
Interpretation seeks to reveal meanings and relationships so that the public will gain an enhanced awareness of what cultural resources signify. It includes the specialized activities by which Parks Canada communicates an understanding and appreciation of the historic value of particular places, things, events and activities to visitors and the public. This communication may be accomplished through firsthand experience of historic places, appropriate use of cultural resources and the use of media. An understanding of public needs and interests is indispensable for effective interpretation, because such understanding makes it possible to identify effective means to communicate the significance of cultural resources.

3.5.2.1
In its interpretive activities Parks Canada will communicate the historic character of the cultural resources being presented, the historical significance of the specific national historic site, national park or historic canal, the relevant links between historical activities and the natural environment and the value of cultural resource management.

3.5.2.2
Where there is a Ministerial designation of national historic significance, the primary interpretive obligation will be to communicate what has been designated as being of national historic significance.
3.5.2.3
In selecting the most appropriate means and media for interpreting cultural resources and themes related to human history, Parks Canada will be guided by Ministerial decisions regarding the purpose and form of commemoration, and will consider the following factors:

i) the commemorative intent, themes, purpose and objectives of the national historic site, national park or historic canal;
ii) the historic value of the resource,
iii) the interpretive potential of the resource and its themes;
iv) visitor needs and expectations;
v) the impact of interpretation activities on the resource;
vi) the availability of knowledge on which to proceed;
vii) opportunities for appropriate visitor use;
viii) the relationship of specific interpretive options to the overall presentation of a site; and
ix) available human and financial resources.

3.5.2.4
Outreach programs will be developed to enhance knowledge and appreciation of national historic sites (including historic canals) as well as cultural resources in national parks and to promote heritage awareness and conservation.

3.5.2.5
Interpretation is an ongoing activity. It will include the maintenance, monitoring and review of interpretation programs.

3.5.2.6
Interpretation need not be complex to be effective. The kinds and levels of interpretation may range from letting the spirit of the place speak for itself to creating a sense of the past, although these forms are not mutually exclusive. No hierarchy of resources or interpretation activities is implied by the following examples, and all may be used at a specific location.

3.5.2.6.1
Spirit of Place
Some cultural resources evoke an aura or spirit that speaks directly to visitors with minimal interpretive support material.

This interpretive approach will be considered for resources and complexes that have retained their historic uses or function or whose integrity is intact; whose meaning is readily comprehensible; whose condition will not support more intensive use and development or whose integrity would be compromised by more elaborate development.

3.5.2.6.2
Interpretive Media
Parks Canada will use a variety of personal, print, exhibit and electronic media when there is a need to offer background, detail and perspective on the history of cultural resources.

3.5.2.6.3
Creating a Sense of the Past
Creating a sense of the past for the visitor is an interactive interpretive approach that may use a combination of the following activities: accurate restoration, reconstruction or replication of cultural resources; volumetric representation(s) of cultural resources; reproduction of period costumes and objects; role playing and representations of past activities. Creating a sense of the past is a comprehensive interpretive option that requires the integration of all aspects of the scene or environment being interpreted (for example, landscape treatments should be consistent with period restorations/reconstructions).

Parks Canada will consider creating a sense of the past as an interpretive option when:

i) there is a specific commemorative objective to provide the visitor with an understanding of a defined period in the history of a site, and

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ii) the action is consistent with the principles of value, public benefit, understanding, respect and integrity of the site and its resources; and

iii) resources and their setting possess sufficient historical integrity to support a complete scene or environment, and

iv) there is sufficient understanding of the resource to ensure accuracy of detail; and

v) cost can be justified in relation to historic significance and interpretive potential; and

vi) in the case of established sites, demonstrated visitor demand or expectations warrant this type of development.

3.5.2.6.3.1
Reproductions may be manufactured and used in interpretation when:

i) sufficient knowledge exists for an accurate reproduction; and

ii) the original object is too fragile or cannot be provided with a stable display environment, or

iii) more than one of an object is required; or

iv) an object is to be handled or consumed.

3.5.2.6.3.2
The use of reproductions will be acknowledged.

3.5.2.6.3.3
In exceptional circumstances, the period reconstruction or replication of whole structures or complexes may be considered as the best possible means of achieving public understanding of a significant aspect of the past. Period reconstruction may not be undertaken unless:

i) reconstruction of the vanished resource would make a significant contribution to historical, scientific or technical knowledge; and

ii) the cost of reconstruction, including its maintenance and operation, can be justified in relation to the historic significance and interpretive potential of the work.

If these considerations are met, reconstruction may only be considered if:

a) there are no significant preservable remains that would be threatened by reconstruction; and

b) the action will not compromise the commemorative integrity of the site; and

c) there is sufficient research information to support an accurate reconstruction.

3.5.2.6.3.4
The use of period reconstructions will respect existing cultural resources and will be acknowledged.

3.5.2.6.3.5
Period reconstruction and reproductions are by definition contemporary work and have no a priori historic value. Because of their special character, however, they may be managed in accordance with this policy.

3.5.3
Special Programs and Events

Special programs and events offer important opportunities to integrate the presentation of cultural resources at national historic sites, national parks and historic canals with related activities in their surrounding communities and to develop partnerships with others.

In planning for these activities and uses Parks Canada will be sensitive to the size, nature and interests of existing and potential visitor groups, while acknowledging that not all visitor expectations are compatible with the mandate for national historic sites and national parks.

3.5.3.1
Activities that are consistent with the principles of cultural resource management, that are appropriate to the specific national park,
national historic site or historic canal and that are acceptable will be encouraged.

3.5.3.2
Where warranted, special programs for targeted groups of visitors will be developed.

3.5.3.3
Special events and uses will be encouraged where they contribute directly to public appreciation of the historic themes, resources and opportunities of a national park, national historic site or historic canal.

3.5.3.4
Special events and uses will respect cultural resources and their historic character and will not impair the safety, experience and enjoyment of visitors.

3.5.3.5
Some special events and uses that are otherwise appropriate may depict the past in ways that are not specifically accurate to the site. In cases where such events or special uses are permitted, these discrepancies will be acknowledged.

3.5.3.6
Research and study by others of cultural resources at national historic sites, national parks and historic canals will be encouraged as an appropriate activity when such work respects the principles of this policy and is compatible with visitor activities.

3.5.4
Services and Facilities

3.5.4.1
Facilities and services necessary to achieve public understanding, appreciation and enjoyment of cultural resources will be provided.

3.5.4.2
Services and facilities may be provided through contract, lease, licence, concession or agreement.
GLOSSARY
GLOSSARY

Accommodation

substantial: privately owned and operated low-density, roofed, visitor accommodation located on leased land, and which may provide associated services such as food or equipment rentals in support of the main function of providing visitor accommodation.

traditional: low-cost visitor accommodation that includes a variety of backcountry and frontcountry camping opportunities with related amenities; shelters; and privately operated hostels.

Active Management

Any prescribed course of action directed towards maintaining or changing the condition of cultural, physical or biological resources to achieve specific Parks Canada objectives.

Activity Policy

A set of policies governing one of the seven program elements of Parks Canada, which include National Parks, National Historic Sites, Canadian Heritage Rivers, National Marine Conservation Areas, Historic Canals, Federal Heritage Buildings and Heritage Railway Stations.

Appropriate Visitor Activity

An activity which:

• provides the means to appreciate, understand and enjoy protected heritage area themes, messages and stories.

Biosphere Reserves

Representative examples of landscapes, each with their characteristic plants, animals and human uses, which have been given an international designation under Unesco’s Man and the Biosphere Programme (MAB), launched in November 1971 by the United Nations Educational, Scientific and Cultural Organization. Each biosphere reserve is made up of a protected "core" of undisturbed landscape (such as a national park), together with nearby areas showing some of the ways in which once-similar landscapes are being managed to meet human needs.

Canadian Heritage River

A river or section of a river which has been determined by the Canadian Heritage Rivers Board to have outstanding Canadian natural heritage, human heritage and/or recreational value.

Canadian History

The record of the entire human past in what is now Canada.

Canadian Parks Partnership

Formed in 1986 as a nation-wide alliance of volunteer cooperating associations, the Canadian Parks Partnership supports National Parks, National Historic Sites and Historic Canals in every province across Canada. It supports the department in accomplishing its mandate, enhancing programs, delivering messages and providing a vehicle for Canadians to participate in and have a sense of ownership of Canada’s
system of parks, national historic sites and canals. Revenue generated from products, corporate sponsorships and donations goes into the Partners Parks Fund to support and enhance Parks Canada - Parks Service programs (see Cooperating Association).

**Commemoration**

Ministerial recognition of the national significance of specific lands or waters by acquisition or by agreement, or by another means deemed appropriate within the Minister’s authority for purposes of protecting and presenting heritage places and resources, erection of a plaque or monument.

**Commemorative Integrity**

A historic place (national historic site, heritage railway station, federal heritage building, etc.) may be said to possess commemorative integrity when the resources that symbolize or represent its importance are not impaired or under threat, when the reasons for its significance are effectively communicated to the public, and when the heritage value of the place is respected.

**Condominium Ownership**

A form of property ownership in which individual elements are owned by individuals, but common elements are held by all owners as tenants in common.

**Cooperating Association**

A registered, non-governmental, nonprofit corporation which provides services to the public at National Parks, National Historic Sites, and Historic Canals. Cooperating associations and their national umbrella organization, the Canadian Parks Partnership (CPP), are principal partners with Parks Canada in achieving its mandate for heritage protection and education. Through their voluntary efforts and shared objectives the constituency of support for Canada’s system of parks and historic sites is greatly enhanced. Through the sale of theme-related products and the conduct of special events, an association may generate revenues for funding activities directly supportive of park, historic site or canal objectives (see Canadian Parks Partnership).

**Cultural Landscape**

Any geographical area that has been modified, influenced, or given special cultural meaning by people.

**Cultural Resource Management**

Generally accepted practices for the conservation and presentation of cultural resources, founded on principles and carried out in a practice that integrates professional, technical and administrative activities so that the historic value of cultural resources is taken into account in actions that might affect them. In Parks Canada, Cultural Resource Management encompasses the presentation and use, as well as the conservation of, cultural resources.

**Cultural Resource**

A human work or a place which gives evidence of human activity or has spiritual or cultural meaning, and which has been determined to have historic value.

**Ecological Integrity**

A condition where the structure and function of an ecosystem are unimpaired by stresses induced by human activity and are likely to persist.

**Ecological Integrity, Maintenance of**

Managing ecosystems in such a way that ecological processes are maintained and genetic, species and ecosystem diversity are assured for the future.
Federal Heritage Building

Any federally owned building that has been designated by the Minister of Canadian Heritage under the Federal Heritage Buildings Policy.

Federal Heritage Buildings Review Office

An interdepartmental advisory body responsible for identifying which federal buildings merit designation as federal heritage buildings, and for monitoring the conservation and continued use of these buildings.

Heritage Railway Station

A railway station that has been designated as a "Heritage Railway Station" by the Minister of Canadian Heritage.

Heritage Area

A generic term used to signify those geographical areas which are included within the Parks Canada Program. These include National Parks, National Marine Conservation Areas, National Historic Sites and Historic Canals.

Heritage Resources

A Heritage Area, or any natural or cultural features associated with Heritage Areas or potential Areas.

Heritage Tourism

An immersion in the natural history, human heritage, the arts and philosophy, and the institutions of another region or country that creates understanding, awareness and support for the nation's heritage.

Historic Canal

An administrative term referring to those canals operated by Parks Canada for purposes of navigation as well as for protection, enjoyment and interpretation of their cultural and natural heritage values. Many of these operating canals have been designated as national historic sites under the authority of the Historic Sites and Monuments Act, and are managed in accordance with the "administration, preservation and maintenance" clause of that Act.

Historic Museums

A museum established under the authority of section 3(c) of the Historic Sites and Monuments Act to commemorate a historic place.

Historic Value

A value assigned by Parks Canada to a resource, whereby it is recognized as a cultural resource. All resources have historical value; only those which are considered to have importance over and above the historical, have historic value.

Historical

Of, relating to, or of the nature of, history, as opposed to fiction. "Historical" refers more broadly to what is concerned with history, whereas the term "historic" refers to having importance in, or influence on, history.

Hostels

A public building which offers low-cost, supervised, overnight accommodation for use by families, groups or individuals.

Indigenous Species

Organisms that occur naturally in a particular area instead of being introduced, directly or indirectly, by human activity.

Land Tenure Agreements

Any form of agreement including lease, licence of occupation or permits, that grants a right of occupancy of Parks Canada - administered lands from the Crown to the holder of the agreement.
Licence of Occupation

A licence granting a right of occupancy of specified lands for a specific purpose, without conferring any interest in the lands.

Management Plan

A document that constitutes the local expression of the general policies of the department and approved by the Minister following extensive public participation. This plan directs the long-term development and operation of a park, national historic site or canal. It constitutes a framework within which subsequent management, implementation and detailed planning will take place.

National Historic Site

Any place declared to be of national historic interest or significance by the Minister responsible for Parks Canada.

National Marine Conservation Areas

A designated marine area set aside in accordance with the National Marine Conservation Area Policy.

National Park

Natural area of land and/or sea, designated to (a) protect the ecological integrity of one or more ecosystems for present and future generations; (b) exclude exploitation or occupation inimical to the purposes of designation of the area; and (c) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible.


In Canada, the word also means a national park as described in Schedule 1 of the National Parks Act. It is an area which has been identified as a natural area of Canadian significance, which has been acquired by Canada and designated by Parliament as a national park, and over which Parks Canada has been given administration and control under the authority of the National Parks Act. It is managed for the benefit, education and enjoyment of Canadians so as to leave it unimpaired for future generations.

Natural Areas of Canadian Significance (NACS)

A natural area which provides outstanding representation of the geology, physiography, vegetation and wildlife that is characteristic of its larger natural region. A potential national park is selected from among NACS within a natural region not represented in the system of national parks.

Park Conservation Plan

A management document that contains objectives and action plans for the protection and management of a park's natural ecosystems and components.

Presentation

Activities, services and facilities that bring the public into direct or indirect contact with national historic sites, national parks and historic canals, and the resources associated with them.

Proponent

The individual or organization intending to undertake a project or activity that is subject to the federal environmental assessment and review process.

Protection

With respect to ecosystems, it means regulatory, resource management and public education programs aimed at ensuring they are maintained.
in as natural a state as possible. In the context of cultural resources, protection has a range of meanings. It may refer to the basic maintenance of a resource, often as a preliminary to other work; it may be used as a synonym for preservation or conservation, or it may refer to an administrative regime under which a site/resource is managed or protected.

Protected Heritage Areas

Protected heritage areas are:

a) areas that have been accorded "protected" status, because of their natural or cultural qualities, through acquisition or application of land-use controls;

b) as well as areas that have been recognized as having natural or cultural heritage value and which require some form of protected status in order to ensure their long-term protection.

In the former case, management practices flow from the protected status, in the latter, management focuses on the need to devise an appropriate form of protection status. "Protected Heritage Areas" include, but are not limited to, all the program elements and activities set out in this Policy.

Recognition

A term used to indicate that a heritage resource (natural or cultural) has significance to all Canadians and warrants protection and presentation, either directly or indirectly, through one of the Parks Canada programs.

Seasonal Camping Area

An area in a visitor centre in which individual lots can be developed, and where moveable buildings can be placed, for a limited annual season under the authority of a seasonal camping permit; the permit gives no interest in the land to the permit holder. The areas exist only in the communities of Wasagaming in Riding Mountain National Park, and Wasafla in Prince Albert National Park.

Seasonal Cottage Residence

The residential use of Parks Canada administered lands, held under a lease, which restricts occupancy of the cottage to a specified period of the year, normally April 1st to October 31st.

Service Plan

A document that translates the conceptual direction of the Management Plan into a detailed offer of service to the public, with an implementation strategy.

Sustainable Manner

The use of resources in a way that ensures their integrity is not destroyed.

Sustainable Use

A general term meaning that people can gain direct and indirect benefits from heritage resources over the long term, without destroying them.

Visitor Activity Management Process

A decision-making framework used by Parks Canada to contribute to the preparation, integration and implementation of the public opportunity portion of management plans and service plans. This framework applies to both new and existing parks, historic sites or areas and assists in: identifying opportunities and assessing public needs related to public understanding, appreciation and enjoyment, visitor activities planning, definition of levels of service, and operation of facilities; and evaluation of effectiveness in providing service to the public consistent with the Parks Canada mandate.

Visitor Risk Management

A decision-making framework, based upon policy and directives, to structure visitor safety programs. Visitor risk management guides the
development of a risk assessment and subsequent risk control measures. Visitor risk management determines appropriate levels of service to manage existing, new, potential, or shifting activity risk levels within a protected heritage area.

Visitor Activity

Educational or recreational pursuits that contribute to an understanding, appreciation and enjoyment of heritage resources.

Volumetric Representation

A representation that recreates the basic form (volume) of a cultural resource using techniques that do not entail the use of materials, details or construction methods of the original.

Volunteer

A person, or group, who has signed an agreement to contribute time and talent to complete a project without pay.

Wilderness

"An enduring natural area of sufficient size to protect pristine ecosystems which may serve physical and spiritual well being. It is an area where little or no persistent evidence of human intrusion is permitted so that ecosystems may continue to evolve." National Wilderness Colloquium (1988).

World Heritage Site

A cultural or natural site that is designated as having outstanding universal value by the World Heritage Committee, according to its criteria. The committee was established to oversee implementation of Unesco's 1972 World Heritage Convention.
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Waterston Lakes National Park; Waterton Glacier International Peace Park; Waterton Biosphere Reserve; and Prince of Wales Hotel
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NOTE: This legislation has been prepared for reference purposes only and therefore has no legal sanction.

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CHAPTER T-18
An Act respecting the Department of Transport

SHORT TITLE

1. This Act may be cited as the Department of Transport Act

R.S., c T-15, s 1.

INTERPRETATION

Definitions

2. In this Act,

"canal" «canaux»
"canal" means every canal and lock that belongs to Canada and includes every canal and lock acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, except works for which money has been appropriated as a subsidy only, and all works and property appertaining or incidental to such a canal or that are placed under the management, charge and direction or the control of the Minister of Transport by the Governor in Council;

"railway" «chemin de fer»
"railway" means every railway and the rolling stock thereon that belongs to Canada, and includes every railway and the rolling stock thereon acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, except works for which money has been appropriated as a subsidy only, and all works and
property appertaining or incidental to such a railway, or that are placed under the management, charge and direction or the control of the Minister of Transport by the Governor in Council.

R.S., c. T-15, s. 2

**ESTABLISHMENT OF THE DEPARTMENT**

**Department established**

3. (1) There is hereby established a department of the Government of Canada called the Department of Transport over which the Minister of Transport appointed by commission under the Great Seal shall preside.

Minister

(2) The Minister holds office during pleasure and has the management and direction of the Department.

R.S., c. T-15, s. 3.

**Deputy head**

4. The Governor in Council may appoint an officer called the Deputy Minister of Transport to hold office during pleasure and to be the deputy head of the Department.

R.S., c. T-15, s. 4.

**Secretary of the Department**

5. (1) A secretary of the Department may be appointed, in the manner authorized by law, to hold office during pleasure.

Acting Secretary

(2) In case of the absence of the Secretary or of the Secretary's inability to act, the Minister may, in writing, authorize any other officer of the Department to act as Secretary.

R.S., c. T-15, s. 4; 1984, c. 40, s. 72.

**Duties of Secretary**

6. The Secretary shall, unless otherwise directed in any case by the Minister,

(a) keep separate accounts of the moneys appropriated for and expended on each railway or canal under the management, charge and direction of the Minister;

(b) submit those accounts to be audited in such manner as is determined by law or by the Governor in Council;

(c) have charge of all plans, contracts, estimates, documents, titles, models and other like things relating to any railway or canal under the management, charge and direction of the Minister;

(d) keep proper accounts with each contractor or other person employed by or under the Department;
(e) ensure that all contracts are properly drawn up and executed;

(f) prepare all certificates on which any certificate for the payment of money is to issue;

(g) keep minutes of all proceedings of the Department;

(h) prepare reports and conduct, under the direction of the Minister, the correspondence of the Department, and

(i) generally, do and perform all such acts and things appertaining to the business of the Department as are required by the Minister.

R.S., c. T-15, s. 5.

POWERS, DUTIES AND FUNCTIONS OF THE MINISTER

Minister's responsibilities for canals

7. (1) The Minister has the management, charge and direction of

(a) all Government canals and works and property pertaining or incidental to them,

(b) the collection of tolls on the canals and matters incidental to their collection; and

(c) the officers and persons employed on the canals.

Idea

(2) The Minister has and may exercise and carry out any of the powers, duties and functions vested immediately prior to November 2, 1936, in the Minister of Marine and with respect to civil aviation in the Minister of National Defence, by any Act, order or regulation Minister to have supervision over boards, etc.

(3) The powers, duties and functions of the Minister extend and apply to such boards and other public bodies, subjects, services and properties of the Crown as may be designated or assigned to the Minister by the Governor in Council, over and of which the Minister shall have the control, regulation, management and supervision.

R.S., 1985, c T-18, s 7, 1996, c. 10, s. 271.1.

Inquiries

7.1 (1) The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report on any matter or thing that the Minister is authorized to deal with under the Canada Transportation Act or under a Special Act as defined in section 87 of that Act.

Powers on inquiry

(2) Section 39 of the Canada Transportation Act applies, with such modifications as the circumstances require, in respect of any inquiry under subsection (1) and every person summoned to attend before a person making any such inquiry is entitled to receive the like fees and allowances for so doing as if summoned to attend before the Federal Court.
R.S., 1985, c. 28 (3rd Supp.), s 353, 1996, c 10, s 272.

Construction or repair of works

8. The Minister shall direct the construction, maintenance and repair of all railways and canals and of all other works appertaining or incidental thereto that are constructed or maintained at the expense of Canada and are placed under the Minister's management, charge and direction


EXAMINATION UNDER OATH

Persons and documents

9. (1) The Minister may

(a) summon and examine, on oath, all such persons as the Minister deems necessary with respect to any matter on which the Minister's action is required;

(b) cause those persons to bring with them such papers, plans, books, documents and things as it is necessary to examine with reference to the matter; and

(c) pay those persons a reasonable compensation for their time and disbursements.

Punishment for neglecting to attend

(2) Every person summoned by the Minister under subsection (1) who, after due notice of the summons, neglects or refuses to attend and be examined is guilty of an offence and liable on summary conviction to a fine not exceeding twenty dollars.

R.S., c. T-15, s 12.

CONTRACTS, TENDER AND SECURITY

Security to be required

10. (1) The Minister, in all cases in which any public work under the Minister's control is being carried out by contract, shall take all reasonable care that good and sufficient security is given to and in the name of Her Majesty for the due performance of the work within the amount and time specified for its completion

Passing by lowest tender

(2) In all cases in which it seems to the Minister not to be expedient to let any work described in subsection (1) to the lowest tenderer, the Minister shall report the same and obtain the authority of the Governor in Council before passing by the lowest tender.

No payment without contract and security
11. No sum of money shall be paid to the contractor on any contract and no work commenced until the contract has been signed by all the parties thereto named and the requisite security has been given
R.S., c. T-15, s 14

Signatures binding on Her Majesty
12. (1) No deed, contract, document or writing relating to any matter under the control or direction of the Minister shall be binding on Her Majesty unless
(a) it is signed by the Minister;
(b) it is signed by the Deputy Minister and countersigned by the Secretary, or
(c) it is signed by a person specially authorized in writing by the Minister for that purpose.

Questioning Minister’s authorization
(2) The authorization given by the Minister under paragraph (1)(c) to a person professing to act for the Minister shall not be called in question except by the Minister or by a person acting for the Minister or for Her Majesty.

Real property and immovables excluded
(3) This section does not apply in respect of any instrument or act the execution of which is provided for by or under the Federal Real Property and Federal Immovables Act.
R.S., 1985, c. T-18, s 12; 1991, c. 50, s 46; 2001, c. 4, s 171.

EVIDENCE

Copies
13. A copy of any map, plan or other document in the custody of the Secretary, certified by the Secretary to be a true copy, shall be held to be authentic, and is, in the absence of evidence to the contrary, of the same legal effect as the original
R.S., c T-15, s 17.

TOLLS ON CANALS

Imposition of tolls
14. (1) The Governor in Council may impose and authorize the collection of tolls and dues on any canal,alter and change them and declare exemptions therefrom
Tolls payable in advance
(2) The tolls and dues imposed under subsection (1) are, if so demanded by the collector thereof, payable before the right to the use of the canal in respect of which they are incurred accrues
Recovery
(3) All tolls and dues imposed under this Act may be recovered, with costs, in any court of
competent jurisdiction by the collector or person appointed to receive them, in the name of the
collector or of that person or in the name of Her Majesty, and by any form of proceeding by
which debts to the Crown are recoverable.

Goods on board liable
(4) The goods on board any steamer, vessel, raft, crib or other craft, to whomever they belong,
are liable for any tolls, dues or fines imposed and levied under this Act and may be seized,
detained and sold in the same manner as the steamer, vessel, raft, crib or other craft in which
they are, and as if they belonged to the person contravening any regulation in that respect, saving
the recourse of the real owner thereof against the person who is deemed the owner for the
purposes of this Act.

Tolls on the upper St Lawrence
(5) The same tolls are payable on steamboats or vessels of any kind, and passengers, taken down
the St. Lawrence River past any of the canals between Montreal and Kingston, as would be
payable on those steamboats, vessels or passengers, if they had been taken through the canal or
canals past which they are so taken down, and those tolls shall be levied in like manner and under
the like fines and forfeitures for the non-payment thereof.

R.S., c. T-15, s 23.

Tolls paid to Receiver General
15. All tolls, dues or other revenues imposed and collected under this Act shall be paid by the
persons receiving them to the Receiver General in the manner and at the intervals, not exceeding
one month, determined by the Receiver General.

R.S., c. T-15, s 24

REGULATIONS FOR USE OF CANALS

Management of canals and tolls
16. The Governor in Council may make such regulations as the Governor in Council deems
necessary for the management, maintenance, proper use and protection of the canals or other
works under the management, charge and direction or the control of the Minister, and for the
ascertaining and collection of the tolls, dues and revenues thereon.

R.S., c. T-15, s 25

Fines and enforcement
17. (1) The Governor in Council may, by the regulations mentioned in section 16,

(a) impose such fines, not exceeding in any one case four hundred dollars, for any
contravention of a regulation, as the Governor in Council deems necessary for ensuring
its observance and the payment of the tolls and dues imposed,
(b) provide for the non-passing or detention and seizure at the risk of the owner of any steamboat, vessel, raft, crib or other craft, timber or goods

(i) on which tolls or dues have accrued and have not been paid,

(ii) in respect of which a regulation has otherwise been contravened or any injury done to a canal and not paid for, or

(iii) for or on account of which a fine remains unpaid, and

(c) provide for the sale of anything detained or seized under a regulation pursuant to paragraph (b) if the tolls, dues, damages or fine are not paid by the time fixed therefor, and for the payment of the amounts due out of the proceeds of the sale

Surplus proceeds
(2) The surplus proceeds, if any, of a sale referred to in paragraph (1)(c) shall be returned to the owner or the owner's agent

Crown's rights not impaired
(3) No regulation made under section 16 and this section impairs the right of the Crown to recover in the ordinary course of law unpaid tolls, dues, fines or damages.

R.S., c. T-15, s. 26

GENERAL

Provincial contracts enure to Canada
18. All contracts, bonds, agreements or leases for or respecting any railway or canal now the property of Canada, or for any tolls imposed for their use, entered into by the Commissioner of Public Works of the former Province of Canada, or by the Board of Works of the Province of Nova Scotia or of the Province of New Brunswick, or by any commissioners or other persons duly authorized to enter into them in any province of Canada, enure to the use of Her Majesty, and may be enforced as if they had been entered into with Her Majesty under the authority of this Act.

R.S., c. T-15, s. 32.

Custody of documents
19. The Governor in Council may require any person or any provincial authority having the possession or custody of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records that are not private property and that relate to any railway, building or property connected therewith, or to any canal under the management, charge and direction or the control of the Minister, to deliver them without delay to the Secretary.

R.S., c. T-15, s. 33.
Annual report

20. The Minister shall make and submit to the Governor General an annual report on all the railways and canals under the management, charge and direction or the control of the Minister, and the annual report shall be laid before each House of Parliament within twenty-one days after the commencement of the session, showing the state of each work and the amounts received and expended in respect thereof, with such further information as is requisite.

R.S., c. T-15, s. 34
Historic Canals Regulations

SOR/93-220

Registration 4 May, 1993

DEPARTMENT OF TRANSPORT ACT

Historic Canals Regulations

P.C. 1993-891 4 May, 1993

His Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, pursuant to sections 16 and 17 of the Department of Transport Act, is pleased hereby to revoke the Heritage Canals Regulations, made by Order in Council P.C. 1984-196 of January 19, 1984*, and to make the annexed Regulations respecting the management, maintenance, proper use and protection of the historic canals administered by the Canadian Parks Service, in substitution therefor.

* SOR/84-116, 1984 Canada Gazette Part II, p. 647

REGULATIONS RESPECTING THE MANAGEMENT, MAINTENANCE, PROPER USE AND PROTECTION OF THE HISTORIC CANALS ADMINISTERED BY THE PARKS CANADA AGENCY

[SOR/2002-191, s. 1]

SHORT TITLE

1. These Regulations may be cited as the Historic Canals Regulations

INTERPRETATION

2. In these Regulations,

"approach wharf" means that section of a wharf or tie-up wall in a historic canal designated by means of a sign or symbol as, or painted with a blue stripe indicating, a mooring space for vessels waiting to enter a lock; (quai d'approche)

"boater campground" means an area in a historic canal in which the boating public is permitted to camp; (terrain de camping pour plaisanciers)

"commercial craft" means a vessel that carries persons or goods for hire or reward or that is used to provide another service for hire or reward, and includes a vessel chartered or hired for the purpose of pleasure by or on behalf of the persons carried on the vessel; (embarcation commerciale)

"cultural resource" means any work of nature or of human hand that is primarily of interest for its palaeontological, archeological, historic, cultural, scientific or aesthetic value, and includes, but is not limited to, a palaeontological, archeological, historic or natural site, structure or object or any remains, restoration or reconstruction thereof; (ressource culturelle)
"dredge" means to remove, by digging, gathering, pulling out or otherwise removing, any material from a historic canal, particularly from water or wetlands, for the purpose of creating new channels or boat slips, making land, constructing or placing any in-water structures such as boat-houses, wharves or retaining walls, or maintaining previously dredged areas or openings to any upland mooring basins, (draguer)

"employee" means a person appointed under the Parks Canada Agency Act to work at a historic canal, (employé)

"fill" means to place any material in water or wetlands for the purpose of making land, constructing wharves, stabilizing the shoreline, revetting or constructing works, building beaches or constructing foundations for boat-houses or other structures, (remblayer)

"historic canal" means a canal set out in column I of an item of Schedule I, (canal historique)

"length" means

(a) in the case of a registered vessel, the length shown on the Certificate of Registry, and
(b) in the case of any other vessel, the length from the fore part of the head of the stem to the after part of the head of the stern post, (longueur)

"lock" includes a lock and a marine railway, (écluses)

"lying up" means the continuous occupation by a vessel during the navigation season of an area in a historic canal designated for that purpose, (séjour)

"moor" means to secure a vessel to a wharf, buoy or canal wall, or to another vessel that is so secured, and includes to beach, store or anchor a vessel, (amarrer)

"natural resource" means any soil, sand, gravel, rock, mineral, fossil or other natural material, and includes flora, (ressource naturelle)

"navigation channel" means a navigable passage of water in a historic canal that is

(a) in the case of an artificial channel, delimited by the shoreline, or
(b) in any other case,
(i) delimited by aids to navigation, or
(ii) where not delimited by aids to navigation, 15 m in width along each side of a line that indicates a navigation channel on Canadian Hydrographic Service charts, (chenal de navigation)

"non-profit charitable organization" means an organization that is operated for purposes other than profit, no part of the income of which is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder of the organization, (organisme de bienfaisance sans but lucratif)

"owner", in respect of a vessel or vehicle, includes the authorized agent of the owner, (propriétaire)

"peace officer" means a peace officer as defined in section 2 of the Criminal Code, (agent de la paix)

"person in charge", in respect of a vessel, means

(a) where the owner of the vessel is on board, the owner and the operator of the vessel, and
(b) where the owner of the vessel is not on board, the operator of the vessel, (responsable)

"pleasure craft" means a vessel other than a commercial craft, (embarcation de plaisance)

"possession" has the same meaning as that term is given in subsection 4(3) of the Criminal Code, (possession)
"superintendent" means a person appointed under the Parks Canada Agency Act who holds the office of superintendent and who has the responsibility for a historic canal, and includes any other person appointed under that Act who is authorized by that person to act on their behalf, (directeur)

"traffic control device" means a sign, signal, marker or other device that regulates, warns or guides vessels, vehicles or pedestrians, (dispositif de réglementation de la circulation)

"vessel" means an amphibious craft, boat, canoe, air cushion vehicle, raft, ship, or other type of floating craft, and includes an aircraft while on the water, except when landing or taking off, (bateau)

"waste" means an organic or inorganic waste material, but does not include
(a) liquid that is free of solids and is derived from water used on a pleasure craft for household purposes, or
(b) engine-cooling water and bilge water, (déchets)

"wintering" means the continuous occupation by a vessel during the non-navigation season of an area in a historic canal designated for that purpose (hivernage) SOR/2002-191, s 2

PART I
GENERAL

Application

3 Except as otherwise provided in Part V, these Regulations apply in respect of all historic canals and any person, goods, vehicle or vessel in the historic canals

Duties of the superintendent

[SOR/2002-191, s. 5(E)]

4. (1) The superintendent shall, before issuing a permit under these Regulations authorizing the applicant to engage in an activity, and in order to determine the terms and conditions specified in a permit, take into account the effects of the activity on
(a) cultural resources, natural resources, structures, equipment and objects in the historic canal,
(b) the safe navigation of vessels and the safe operation of locks, dams and bridges in the historic canal,
(c) the safety of persons in the historic canal,
(d) wildlife and the eggs and habitat of wildlife in the historic canal, and
(e) the historic character of the historic canal.

(2) The superintendent may
(a) post, in a historic canal, signs that are necessary to
(i) protect cultural resources, natural resources, structures, equipment and objects,
(ii) ensure the safe navigation of vessels and the safe operation of locks, dams and bridges,
(iii) ensure the safety of persons, and
(iv) protect wildlife or the eggs or habitat of wildlife,
(b) close, restrict or open to public use any area in a historic canal as necessary for the purposes of
(i) ensuring the safe navigation of vessels and the safe operation of locks, dams and bridges,
(ii) maintaining the historic canal,
(iii) holding events or activities referred to in subsection 16(1),
(iv) protecting cultural resources, natural resources, structures, equipment and objects,
(v) ensuring the safety of persons, and
(vi) protecting wildlife or the eggs or habitat of wildlife.
(v) protecting cultural resources, natural resources, structures, equipment and objects,
(vi) ensuring the safety of persons, and
(vii) protecting wildlife or the eggs or habitat of wildlife,

(c) restrict or schedule any activity in a historic canal as necessary for the purposes of
(i) ensuring the safe navigation of vessels and the safe operation of locks, dams and bridges,
(ii) protecting cultural resources, natural resources, structures, equipment and objects,
(iii) ensuring the safety of persons, and
(iv) protecting wildlife or the eggs or habitat of wildlife,

(d) give notice of the closing, restriction, opening or scheduling referred to in paragraph (b) or
(c) by
(i) posting signs in the historic canal, or
(ii) using such other means as are likely to bring notice of the closing, restricting, opening
or scheduling to the attention of persons affected by it, and

(e) place, maintain, alter or remove traffic control devices in a historic canal SOR/2002-191, s 5(E)

Powers of a Peace Officer

5. A peace officer may arrest without warrant any person found committing an act in
contravention of these Regulations

Permits

6. (1) Every person to whom a permit is issued under these Regulations shall
(a) where the permit is issued authorizing the person or a vessel in the charge of the person
to engage in an activity, ensure that the permit is carried
(i) on the person while the person is engaged in the activity, where the permit is issued
under subsection 11(2), 14(2), 15(2), 16(2), 19(2), 22(2), 44(2) or 45(2), or
(ii) on board while the person or the vessel is engaged in the activity, where the permit is
issued under subsection 13(2), 17(2), 39(2), 40(5), 42(2) or 43(2),
(b) produce the permit at the request of the superintendent or an employee,
(c) comply with the terms and conditions specified in the permit, and
(d) notify the superintendent of any corrections to information provided in an application to
obtain the permit as soon as possible after learning of them

(2) No permit is transferable to any other person or vessel

(3) The superintendent may cancel a permit where
(a) the purpose for which the permit was issued no longer applies, or
(b) the person to whom the permit is issued
(i) contravenes or fails to comply with the terms and conditions of the permit or these
Regulations, or
(ii) provides incorrect, false or misleading information to the superintendent in an
application to obtain the permit

(4) The superintendent may amend a permit at no cost to the applicant SOR/2002-191, s
5(E)

PART II
CONTROLLED ACTIVITIES AND AREAS

Prohibited Conduct

7. No person shall
(a) do anything that unreasonably disturbs or interferes with any person’s use or enjoyment of a historic canal,
(b) behave in a manner that endangers the safety of any person in a historic canal,
(c) cause excessive noise in a historic canal between 11:00 p.m. and 6:00 a.m.,
(d) operate a lock, lift or swing bridge, dam or weir in a historic canal, or the gates or sluices of those structures, unless authorized to do so, or
(e) fish within 10 m of a lock or approach wharf or from a bridge over a navigation channel

8. Every person shall comply with any sign posted or traffic control device placed in a historic canal pursuant to subsection 4(2)

Restricted Activities and Areas

9. No person, other than a peace officer or an employee acting in the course of employment, shall, in a historic canal, engage in an activity that is restricted or enter into an area that is closed, where notice of the restriction or closure has been given in accordance with paragraph 4(2)(d).

10. Except at times and in areas designated by means of a sign or notice, no person shall
(a) in a navigation channel or within 100 m of a structure in a historic canal, water-ski, ride a tube or kneelboard, engage in any activity that involves being towed behind a vessel or operate a vessel towing a water-ski or person riding a tube or kneelboard,
(b) dive, jump, scuba-dive, swim or bathe in a navigation channel or within 40 m of a lock gate or a dam in a historic canal,
(c) dive or jump from a bridge over a historic canal, or from the abutments of such a bridge; or
(d) operate a vessel within 40 m of a dam in a historic canal, unless the vessel is in the navigation channel

Resource Protection

11. (1) No person shall
(a) deposit in a historic canal, snow that has been collected during snow-removal,
(b) discharge waste in a historic canal, except in a receptacle designated for that purpose,
(c) discharge the contents of a holding tank in a historic canal, except at a pumpout station designated for that purpose

(2) No person shall, except in accordance with a permit issued under subsection (3), remove, alter or destroy any cultural resource, natural resource, structure, equipment or object in a historic canal

(3) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to remove, alter or destroy a cultural resource, natural resource, structure, equipment or object, where the removal, alteration or destruction is necessary for
(a) scientific purposes, or
(b) the management of water levels or flows

(4) A permit issued under subsection (3) shall specify
(a) the cultural resource, natural resource, structure, equipment or object, or the amount thereof, that may be removed, altered or destroyed and the location from which it may be removed or at which it may be altered or destroyed, and
(b) the period for which the permit is valid SOR/2002-191, s 5(E)

12. Every person who uses or occupies a property or facility in a historic canal shall, on vacating the property or facility, leave it in a clean and orderly condition

Transportation of Dangerous Goods
13. (1) No person in charge of a vessel shall allow the vessel to transport any dangerous goods as defined in section 2 of the Transportation of Dangerous Goods Act, 1992 in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to transport dangerous goods in a historic canal.

(a) The permit issued under subsection (2) shall specify
   (i) the type of dangerous goods to be transported,
   (ii) the route along which and the times at which the goods may be transported, and
   (iii) the period for which the permit is valid. SOR/94-580, s 1, SOR/2002-191, s 5(E)

Dredge and Fill Operations

14. (1) No person shall dredge, fill or dredge and fill in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to dredge, fill or dredge and fill in a historic canal.

(a) A permit issued under subsection (2) shall specify
   (i) the location and times at which, and the extent to which, the dredging, filling or dredging and filling may be carried out, and
   (ii) the period for which the permit is valid.

(4) The superintendent may issue a stop work order, a restore order or both to a person who contravenes or fails to comply with the terms and conditions specified in a permit issued under subsection (2); or

(b) dredges, fills or dredges and fills in a historic canal without a permit.

(5) Where the superintendent issues a stop work order to a person, the person shall comply with the stop work order until such time as the superintendent issues a restore order.

(6) Where the superintendent issues a restore order to a person, the person shall
   (a) in the case of a person to whom a permit was issued, restore at the person's risk and expense that part of the historic canal that was dredged, filled or dredged and filled, contrary to the terms and conditions of the permit, to the condition that it was in prior to the dredging, filling or dredging and filling or, where applicable, to the condition that was specified in the permit, and
   (b) in the case of a person without a permit, restore at the person's risk and expense the historic canal to the condition that it was in prior to the dredging, filling or dredging and filling SOR/94-580, s 2, SOR/2002-191, s 5(e)

Signs and Structures

15. (1) No person shall erect a sign, structure or object over or in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to erect a sign, structure or object over or in a historic canal.

(a) A permit issued under subsection (2) shall specify
   (i) the location at which the sign, structure or object may be erected, and
   (ii) the date before which the sign, structure or object must be removed.

(4) Every person who erects a sign, structure or object under this section shall
   (a) erect it at the person's risk and expense, and
(b) remove it at the person's risk and expense before the date specified in the permit.

SOR/2002-191, s 5(E)

**Organized Events**

16. (1) No person shall convene an organized race, competition, regatta, fair, exhibition, demonstration or any other such organized event or activity in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to convene an organized race, competition, regatta, fair, exhibition, demonstration or other such organized event or activity in a historic canal.

(3) A permit issued under subsection (2) shall specify
   (a) the type of race, competition, regatta, fair, exhibition, demonstration or other such organized event or activity that may be convened and the location at which it may be convened, and
   (b) the period for which the permit is valid.

SOR/2002-191, s 5(E)

**Aircraft Operations**

17. (1) Except in the case of an emergency, no person shall take off, land or moor an aircraft
   (a) on the navigation channel of a historic canal,
   (b) on historic canal waters within 100 m of a lock, bridge or dam; or
   (c) except in accordance with a permit issued under subsection (2), on historic canal waters at a point where the waters are 150 m wide or less.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to take off, land or moor an aircraft on historic canal waters referred to in paragraph (1)(c).

(3) A permit issued under subsection (2) shall specify
   (a) the location and times at which the applicant may take off, land or moor an aircraft, and
   (b) the period for which the permit is valid.

SOR/2002-191, s 5(E)

**Camping**

18. No person shall camp on historic canal lands, except at a boater campground.

19. (1) Subject to section 21, no person shall camp at a boater campground unless the person
   (a) holds a permit issued under subsection (2), or
   (b) is a member of a group in respect of which a permit has been issued under subsection (2).

(2) Subject to section 20, the superintendent may, on receipt of an application, issue a permit authorizing the applicant to camp at a boater campground, if
   (a) the applicant is boating on the historic canal,
   (b) there is sufficient space available at the boater campground, and
   (c) there are sufficient washroom facilities at the boater campground for the campers.

(3) A permit issued under subsection (2) shall specify the location of the boater campground and the period for which the permit is valid.

SOR/2002-191, s 5(E)

20. No person who holds a permit issued under subsection 19(2) is eligible to apply for or receive, for that person or on behalf of other persons, another permit to camp at a boater campground before the first permit expires.
21. Where a person holds a permit to moor overnight that is issued under subsection 40(5), the person may camp that night at a boater campground without holding a permit issued under subsection 19(2).

Fireworks

22. (1) No person shall discharge fireworks in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to discharge fireworks in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the location at which the applicant may discharge fireworks, and

(b) the period for which the permit is valid. SOR/94-580, s 6, SOR/2002-191, s 5(E).

Fire

23. (1) No person shall light or maintain a fire on historic canal lands except

(a) in a stove, fireplace or other receptacle or place designated for that purpose, or

(b) in a portable stove or other similar device in a place designated, by means of a sign or notice, for that purpose.

(2) No person who lights or maintains a fire on historic canal lands shall leave the fire unattended.

(3) Every person who lights or maintains a fire on historic canal lands shall extinguish the fire when it is no longer required.

Domestic Animals

24. (1) Every person who brings a pet onto historic canal lands shall ensure that the pet is

(a) restrained by a harness or a leash that is no longer than 3 m, or

(b) confined in a container or enclosure.

(2) Every person who is in charge of a pet on historic canal lands shall ensure that any excrement or other solid waste that originates from the pet is disposed of in a receptacle or removed from the historic canal lands.

25. (1) Subject to subsection (2) and section 47, no person shall bring livestock onto historic canal lands.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to bring a horse onto historic canal lands SOR/2002-191, s. 5(E).

Recovery of Costs for Extra Services

26. Every person or organization that requests and receives a service in a historic canal that is beyond what is normally provided to all historic canal users shall bear the cost of the provision of that service.

PART III
NAVIGATION

Fitting of Vessels
27. Every owner of a vessel that is in historic canal waters shall ensure that
(a) the vessel is fitted with good and sufficient mooring lines, and
(b) any fender attached to the vessel is securely fastened to the vessel and made of material
that will float.

Condition and Operation of Vessels

28. No person in charge of a vessel shall operate the vessel in a historic canal where the
dimensions, configuration, draught or condition of the vessel or the goods or equipment on the
vessel may
(a) damage the historic canal,
(b) endanger the safety of persons using the historic canal, or
(c) delay or obstruct navigation.

29. Every person in charge of a vessel that is in a historic canal shall
(a) obey all traffic control devices, and
(b) comply with the instructions of employees and peace officers in respect of the safe and
orderly use of locks and navigation channels.

30. Every person in charge of a vessel that is in a historic canal shall operate the vessel and
control its wake in a manner that does not endanger the safety of persons or vessels or damage
the shoreline or any structure, equipment, object or other vessel.

Meeting and Overtaking of Vessels

31. (1) Where two vessels are approaching a bridge in a historic canal from opposite
directions and passage by the bridge can only be made by one vessel at a time, the person in
charge of the upbound vessel shall hold back and give way to the downbound vessel and shall
ensure that the vessels pass each other at least 100 m downstream of the bridge.

(2) Where two vessels are approaching a bend in a narrow navigation channel from opposite
directions, the person in charge of the upbound vessel shall hold back and give way to the
downbound vessel and shall ensure that the vessels pass each other downstream of the bend.

(3) No person in charge of a vessel in a historic canal shall attempt to overtake another
vessel while within 300 m of a lock, gate or bridge, unless directed to do so by the
superintendent or a peace officer.

(4) The person in charge of a vessel shall decrease the speed of the vessel to dead slow,
when the vessel is passing employees working on historic canal waters SOR/2002-191, s. 5(E).

Precedence at Swing and Lift Bridges

32. (1) The superintendent shall give precedence to trains at a railway swing or lift bridge.

(2) The superintendent shall give precedence to vessels at a highway swing or lift bridge
during the hours in which the bridge is scheduled to operate. SOR/2002-191, s. 5(E).

Vessels Passing a Swing or Lift Bridge

33. (1) Subject to subsection (2) and section 34, no person in charge of a vessel in a historic
canal shall attempt to pass the vessel through a swing or lift bridge until the bridge is fully open
and
(a) no red light is shown by the traffic control device on the bridge, or
(b) the person in charge of the vessel is directed by an employee to proceed.
(2) Subsection (1) does not apply in respect of a vessel that can safely clear a swing or lift bridge that is fully closed.

34. (1) No person in charge of a vessel shall attempt to pass the vessel through the Brighton Road Swing Bridge, situated on Northumberland County Road Number 64 on the Murray Canal along the Trent-Severn Waterway, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to pass the vessel through the Brighton Road Swing Bridge.

(3) The superintendent may issue a permit referred to in subsection (2) without payment of a fee in respect of any vessel that is operated by a federal, provincial or municipal agency or non-profit charitable organization and is used by the agency or non-profit charitable organization on its official business. SOR/94-586, s 7, SOR/2002-191, s 5(E).

Passing of Vessels through a Lock

35. (1) No person in charge of a vessel shall allow the vessel to leave an approach wharf to enter a lock of a historic canal, or to leave a lock, until the lock gate or gates are fully open and

(a) no red light or flashing red light is shown by the traffic control device on the lock, or

(b) the person in charge of the vessel is directed by an employee to proceed.

(2) Every person in charge of a vessel waiting to enter a lock of a historic canal shall give way to vessels leaving the lock.

(3) No person in charge of a vessel shall allow the vessel to pass through a lock of a historic canal unless

(a) the vessel is equipped in accordance with section 27,

(b) the vessel and any goods or equipment on the vessel are in a condition that permits passage through the lock in a safe and controlled manner, and

(c) the vessel is of a dimension, configuration or draught that permits safe passage.

36. Every person in charge of a vessel that is passing through a lock of a historic canal shall ensure that

(a) the vessel is postioned and secured in the lock as directed by an employee.

(b) each mooring line of the vessel is attended by at least one member of the crew during the period that the vessel is passing through the lock, and

(c) the engine compartment blower or exhaust fan is operating.

37. During the period that any vessel is passing through a lock of a historic canal, no person shall smoke or have an open flame on the coping wall or lock gate.

38. No person shall, while on a vessel that is passing through a lock of a historic canal,

(a) smoke or have an open flame including a pilot light,

(b) turn on or off, or attempt to turn on or off, any appliance, or

(c) until directed to do so by an employee, operate or attempt to operate an engine.

39. (1) Subject to subsection (4), no person in charge of a vessel shall, except in accordance with a permit issued under subsection (2), allow the vessel to pass through a lock of the Saint-Ours, Chambly, Sainte-Anne-de-Bellevue, Carillon, Rocheau or Lachine Canal or a lock of the Trent-Severn Waterway.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to pass the vessel through a lock of a historic canal referred to in subsection (1).

(3) The superintendent may issue a permit referred to in subsection (2) without payment of a fee in respect of any vessel that
Mooring of Vessels

40. (1) No person in charge of a vessel shall moor the vessel or allow it to be moored in a historic canal in a manner that obstructs navigation.

(2) No person in charge of a vessel shall moor the vessel or allow it to be moored at a wharf during the hours of operation of the lock, unless the vessel is waiting to enter the lock.

(3) No person shall affix a mooring line to a structure or object at a lock station, other than a structure or object designed for that purpose.

(4) No person shall, except in accordance with a permit issued under subsection (5), moor a vessel at a place designated by means of a sign or notice as requiring a mooring permit.

(5) The superintendent may, on receipt of an application, issue a mooring permit.

(6) Where a space at a wharf is designated by means of a sign or notice as being reserved for a certain period for a particular type or class of vessel, no person shall moor a vessel in the space during that period unless the vessel is of that type or class.

(7) No person shall moor a vessel at a wharf for a period that exceeds the period designated for that wharf.

41. No person in charge of a vessel shall allow the vessel to be moored in a navigation channel except in case of an emergency and only for such time as the emergency exists.

Wintering and Lying Up of Vessels

42. (1) No person in charge of a vessel shall winter the vessel in a historic canal except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to winter a vessel in a historic canal.

(3) A permit issued under subsection (2) shall specify:
   a. the type and size of vessel that the applicant may winter,
   b. the location at which the applicant may winter the vessel, and
   c. the period for which the permit is valid

43. (1) No person in charge of a vessel shall allow the vessel to lie up in a historic canal except in accordance with a permit issued under subsection (2).
(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to lie up a vessel in a historic canal.

(3) A permit issued under subsection (2) shall specify
(a) the type and size of vessel that the applicant may lie up,
(b) the location at which the applicant may lie up the vessel, and
(c) the period for which the permit is valid. SOR/94-580, s. 11; SOR/2002-191, s. 5(E)

Aids to Navigation

44. (1) No person shall, in a historic canal,
(a) move, alter or destroy any aid to navigation,
(b) moor a vessel to any aid to navigation,
(c) set out navigation markers other than buoys, or
(d) except in accordance with a permit issued under subsection (2), set out a buoy.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to set out a buoy in a historic canal.

(3) A permit issued under subsection (2) shall specify
(a) the type, placement and characteristics of the buoy in accordance with the Prince Buoy Regulations, and
(b) the period for which the permit is valid. SOR/2002-191, s. 5(E)

PART IV
VEHICLES

Crossing Bridges

45. (1) Except in accordance with a permit issued under subsection (2), no person shall operate, on a bridge over a historic canal, any vehicle that has
(a) crawler tractor treads or other treads that may damage the bridge surface, or
(b) a gross weight exceeding the posted load capacity of the bridge.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to operate, on a bridge over a historic canal,
(a) if the surface of the bridge is protected against damage, a vehicle that has crawler tractor treads or other treads, or
(b) if the bridge is protected against structural damage, a vehicle that has a gross weight exceeding the posted load capacity of the bridge.

(3) A permit issued under subsection (2) shall specify the bridge on which the applicant may operate the vehicle and the times at which the applicant may operate the vehicle.

(4) No person shall proceed over a bridge that has a safety gate or other device used for closing the bridge, unless the gate or other device is fully closed. SOR/2002-191, s. 5(E)

PART V
PROVISIONS RESPECTING PARTICULAR HISTORIC CANALS

46 [Repealed, SOR/2002-191, s. 4]

Chambly Canal
47. A person may bring livestock onto historic canal lands in order to cross Chambly Canal Bridge Number 4 or Chambly Canal Bridge Number 5

PART VI
ENFORCEMENT

Inspection

48. (1) Subject to subsection (2), the superintendent may, at any reasonable time, stop and board a vessel that is in a historic canal to give notice under paragraph 4(2)(d) to inspect for the purpose of
(a) determining whether the vessel meets the requirements of these Regulations for operation in a historic canal,
(b) determining whether there is a sufficient number of crew on the vessel to operate the vessel safely,
(c) determining whether the vessel is equipped in accordance with the Small Vessel Regulations, or
(d) verifying whether a permit has been issued under these Regulations authorizing the vessel or the person in charge of the vessel to engage in an activity for which a permit is required

(2) The superintendent may not enter that part of a vessel that is designed to be used, and is being used, as a private dwelling- place except with the consent of the person in charge of the vessel SOR/2002-191, s 5(E)

Seizure and Detention

49. (1) Where the superintendent has reasonable grounds to believe that damage has been caused to a historic canal by any vessel, vehicle, equipment or goods, or that any vessel in a historic canal is obstructing navigation, obstructing or preventing the use of historic canal facilities open to the public or impeding the safe and proper use or maintenance of a historic canal or its structures or equipment, the superintendent may seize and detain, at the risk and expense of the owner, the vessel, vehicle, equipment or goods

(2) The superintendent shall, as soon as practicable after seizing any vessel, vehicle, equipment or goods under subsection (1), inform the person in whose possession they were at the time of seizure of
(a) the reason for the seizure, and
(b) where the vessel, vehicle, equipment or goods are not detained in the place where they are seized, of the location at which they are detained

(3) The superintendent shall release any vessel, vehicle, equipment or goods seized and detained under subsection (1) as soon as practicable after the owner or person in charge of the vessel, vehicle, equipment or goods
(a) has paid or provided security for payment of the cost of repairing the damage referred to in subsection (1), and
(b) has paid the expenses incurred by the superintendent to effect the seizure and detention.

(4) The superintendent shall, at the request of the person from whom a vessel, vehicle, equipment or goods were seized and detained, allow that person or any person authorized by that person to examine, at any reasonable time, the vessel, vehicle, equipment or goods SOR/94-580, s 12, SOR/2002-191, s 5(E)

50. The superintendent may seize and detain, at the risk and expense of the owner, any vessel, vehicle, equipment, goods, structure or other thing sunk, grounded or otherwise
abandoned in historic canal waters or on historic canal lands that obstructs or hinders the
management, maintenance, proper use or protection of the historic canal SOR/2002-191, s 5(E)

Powers of Sale

51. (1) Subject to subsection (2), the superintendent may sell any vessel, vehicle, equipment,
goods, structure or thing seized and detained under subsection 49(1) or section 50 if, after 30
days from the date of the seizure, the owner or person in charge of the vessel, vehicle,
equipment, goods, structure or thing has failed
(a) [Repealed, SOR/94-550, s 13]
(b) to pay or provide security for payment of the cost of repairing the damage caused to the
historic canal by that vessel, vehicle, equipment or goods, or
(c) to pay the expenses incurred by the superintendent to effect the seizure and detention
(2) Where the owner of a vessel, vehicle, equipment, goods, structure or thing seized and
detained under subsection 49(1) or section 50 disputes that fees or expenses are payable under
these Regulations in respect of the vessel, vehicle, equipment, goods, structure or thing, or that
the vessel, vehicle, equipment or goods caused damage to a historic canal, the owner may apply
to the director-general of the region of the Canadian Parks Service in which the seizure was
effected for an order for the return of the vessel, vehicle, equipment, goods, structure or thing
SOR/94-550, s. 13, SOR/2002-191, s 5(E)

PART VII
PENALTIES

52. Every person who contravenes any provision of these Regulations is guilty of an offence
punishable on summary conviction and liable to a fine not exceeding $400

SCHEDULE I
(Section 2)
HISTORIC CANALS

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
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<tbody>
<tr>
<td>Item Name of Historic Canal</td>
<td>Province</td>
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<tr>
<td>1 Rideau Canal including the Tay Canal</td>
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</tr>
<tr>
<td>2 Trent-Severn Waterway including the Murray Canal</td>
<td>Ontario</td>
</tr>
<tr>
<td>3 Sault Ste Marie Canal</td>
<td>Ontario</td>
</tr>
<tr>
<td>4 Saint-Ours Canal</td>
<td>Quebec</td>
</tr>
<tr>
<td>5 Chambly Canal</td>
<td>Quebec</td>
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<tr>
<td>6 Sainte-Anne-de-Bellevue Canal</td>
<td>Quebec</td>
</tr>
<tr>
<td>7 Cartilson Canal</td>
<td>Quebec</td>
</tr>
<tr>
<td>8 Lachine Canal</td>
<td>Quebec</td>
</tr>
<tr>
<td>9 St Peters Canal</td>
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The 1996 edition of the Code of Practice was lightly revised in 2004 by the FHBRO to remove the automatic privileging of "original material" and "original design" and place the emphasis on material and design (original or evolved existing) that have been determined to have heritage value. The following two examples are typical of the type of revision undertaken: in the Intervention Guidelines section, Maintenance and Repair, APPROPRIATE REPAIR 1.5, the statement "Repair measures should retain original material..." has been modified to read "Repair measures should retain significant existing material...". A second example is found under Additions and Alterations, HERITAGE CHARACTER IN BUILDING INTERIORS 3.2, where the sentence "Additions and alterations should strengthen and enhance the original patterns of exterior access and internal circulation" has been replaced with the following sentence "Additions and alterations should strengthen and enhance the character-defining patterns of exterior access and internal circulation."
Development of the Code of Practice

Since the inception of FHBRO, strong efforts have been made to base
decisions concerning the appropriateness of intervention to Crown-owned
heritage buildings on the internationally accepted principles of conservation
These are found in the many charters and doctrinal documents developed and
supported by ICOMOS (the International Council on Monuments and Sites)
and related organizations. Particular attention has been paid by FHBRO to
the central charter in the field, the Venice Charter of 1964. Indeed, FHBRO
developed an annotated version of the Charter for its own use in the mid
1980s.

Increasingly, however, given the practical experiences gained in evaluati
and reviewing interventions for thousands of buildings, and in the FHBRO
training courses offered continuously since 1986, it has become apparent
that the needs of property and project managers in the federal government would
best be served by a doctrinal text written from their point of view, with their
needs foremost in mind.

In 1992, architect Herb Stovel, who has been involved closely with the
development and delivery of the FHBRO training programme, was asked
by Heritage Conservation Program (HCP) of Architecture and Engineering
Services for Parks Canada and Environment Canada, Public Works Canada
to develop this new approach. Herb Stovel worked in close collaboration
with architect Julian Smith, who was with Parks Canada’s Restoration
Services Division at the time of FHBRO’s inception. Their efforts were
supported by a Code of Practice Review Committee consisting of Terry
Smythe (acting Chief of the FHBRO), Lyette Fortin, Jean-Pierre Landry,
Robe Letellier, Andrew Powter, Geohar Simpson, Jack Vandenberg (all of
the Heritage Conservation Program), Gordon Fulton of Architectural History
Branch, Parks Canada, and Johanne Fortier, Francois LeBlanc and Donald
Pineau of the National Capital Commission. In addition, the document was
distributed widely for comment in various sectors of the heritage movement,
and to those bearing responsibility for other aspects of historic building
management in the federal government, including health, safety, and labour
issues. Considerable input was also received from project managers in Public
Works Canada and the National Capital Commission. The first draft edition
of the document was published in October 1993. In the summer of 1995,
Herb Stovel revised the document on the basis of comments gathered from a
wide range of users within the FHBRO system. Lyette Fortin and Jean-Pierre
Landry led the review process.
Introduction to the Code of Practice

The Government of Canada owns approximately 60,000 buildings. Responsibility for their care and management is spread among 18 departments. The Federal Heritage Buildings Policy applies only to those buildings deemed to have heritage character, that is, at present, less than a quarter of the buildings so far evaluated. The Federal Heritage Buildings Review Office is prepared to assist all departments in developing management approaches appropriate for these heritage buildings.

The FHBRO Code of Practice is designed to assist property managers and custodians whose decisions affect federal heritage buildings to implement the Federal Heritage Buildings policy. It is drawn from two sources: the accepted international principles of conservation and Government of Canada property management standards and guidelines.

The FHBRO Code of Practice has been organized around a number of guiding principles. It establishes both a policy and a management context for examining intervention decisions relevant under the Federal Heritage Buildings Policy. It focuses attention on the primary objective of the policy: to protect the heritage character of Crown-owned buildings. It presents the principles of heritage conservation which provide those in the field with a general framework for judging the quality of proposed changes to heritage buildings. Finally, and most importantly, it applies the principles of heritage conservation to the nine areas of property management responsibility. In each of these areas, intervention guidelines assist users of the code to assess the impact of proposed changes on heritage character, and to examine available means to reduce or mitigate negative impacts. A series of general questions provided at the beginning of this section will lead managers through the general analysis that FHBRO carries out in its review of proposed interventions.

The Code of Practice presents a series of key statements or articles in each of the areas it covers. A commentary is also provided with each article to give some insight into the reasoning behind the article. The Code of Practice is meant to be applied as a whole to analysis of intervention decisions, while it may prove useful as a quick reference in any one area covered by the Intervention Guidelines, it will give maximum benefits to those who apply the document in its entirety to their decisions.

Use of this Code of Practice is not meant to replace consultation with FHBRO’s technical staff and advisers.
Policy Framework

Gulf of Georgia Cannery, Steveston, B.C.  
(Heritage Recording Services, Parks, 1987)
Policy Framework

Managers whose decisions affect buildings under Crown ownership must be aware of and implement the Federal Heritage Buildings policy.

1. It is the policy of the Government of Canada to protect the heritage character of Crown-owned buildings. This policy is governed by the procedures described in Chapter 1-9 of the Real Property volume of the Treasury Board Manual.

The Real Property volume of the Treasury Board Manual encompasses the nine major mandates currently embraced by Treasury Board in managing government-owned properties. These include achieving market return on disposal, highest and best use, ensuring universal access, meeting environmental standards, ensuring respect for heritage character, ensuring adequacy of accommodation and other factors pertinent to sound property management.

2. The policy protects heritage character by placing it on the same level as other significant property management considerations.

All of Treasury Board's real property management mandates are viewed as equal; no one has priority over another. Where conflicts occur, managers are expected to promote compromises which seek to meet all competing objectives to the greatest degree possible, rather than to give one or more priority over others.

The minimum intervention approach offers a useful means of formulating objectives where mandates appear incompatible. This approach suggests that managers seek to meet functional goals by identifying those options which will meet such goals with least negative impact on heritage character.

4 FIBRO Code of Practice
Management Framework

Federal Building, Collingwood, Ontario (Heritage Recording Services, Parks, 1984).
Management Framework

It is the responsibility of managers whose decisions affect buildings under Crown ownership to be aware of and support management practices which protect heritage character.

1. Heritage buildings require the allocation of resources (funds, expertise and time) commensurate with their worth as part of our heritage. Where these resources do not exist in-house, they should be sought elsewhere.

It is frequently assumed that the cost of rehabilitation exceeds the cost of building new to provide equivalent space. Where rehabilitation work requires special care for traditional details and unusual materials, costs may indeed be high. However, the apparent high cost of most conservation projects is usually linked to:

- assumed preference, at the concept design stage, for replacement over repair;
- low bid, fixed price tendering systems, which work well where time and materials can be quantified (as in new construction), but which work poorly in predicting costs where work cannot be accurately quantified (as in existing buildings with hidden conditions);
- the practice of covering the risks associated with hidden conditions through over-design and over-specialization of unnecessary work (by design professionals) and over-budgeting (by contractors);
- unwillingness to invest up-front in levels of research and investigation adequate to clarify building condition;
- the difficulty of obtaining reliable cost-data on successful projects. Cost figures are usually not available, and it is difficult to isolate relevant variables from early project planning stages onward; and
- failure to use life-cycle approaches to project costing.

FHBRO studies have demonstrated that intervention review recommendations consistently reduce project costs, from those foreseen at the design review stage.
2. Federal government objectives for heritage buildings give priority to long-term considerations over those concerned with short-term benefit or return.

Despite the common use of short-term planning frameworks to realize benefits during the periods of time for which managers or political leaders may be held accountable, it is sound management practice to make property management decisions in a long-term framework. It is well recognized that decisions based on short-term return are likely to have negative consequences for buildings, by deferring needed maintenance and increasing future capital costs.

3. Appropriate levels of maintenance for heritage buildings substantially reduce long-term capital needs in protecting heritage character.

Departments frequently seek to meet budgetary constraints by reducing operational spending. This often has the effect of reducing maintenance programs for buildings, or promoting investment in so-called maintenance-free materials or systems. These materials and systems are assumed, like all materials, they decay over time, and are not maintenance-free over the long term. Equally, lack of investment in maintenance increases the risk of catastrophic failure of building elements.

The best long-term investment in a building’s future is adequate maintenance; this assures a high degree of user satisfaction with building condition, slows rates of building decay and provides the greatest assurance of long-term reductions in capital spending.

4. Federal government tendering and contracting mechanisms should recognize the special qualities and needs of heritage buildings. Where existing mechanisms prove inadequate, these may require adaptation.

Cost reductions may be achieved in heritage building projects by using the full scope of contracting procedures available to managers working in the federal government, rather than simply employing the standard procedures developed for new (easily quantifiable) construction. Procedures employed should ensure that all those involved in the work are adequately trained and skilled in the special approaches necessary for conservation.

FIBRO Code of Practice 7
5. Protection of heritage character requires an interdisciplinary team to be established at an early stage in project planning. Team members should possess adequate training, experience and resources for the work at hand.

Conservation is inherently an interdisciplinary process. It requires planners, engineers, architects, researchers, heritage recorders and those executing projects to consult frequently and work closely with building users in teams, to solve problems together. To succeed fully, teams and individuals, while not abandoning their basic training or skills, should be prepared to work toward the common objective of protecting heritage character.

6. Ensuring consensus at key points in the project decision-making process, among all those with a direct interest in a heritage building's future, is the best way to ensure the building’s special qualities are fully understood and adequately respected.

Successful conservation decisions are not imposed; they reflect consensus developed around efforts to give fair attention and weight to all aspects of a building’s heritage values and needs. The development of consensus requires commitment of team individuals to honest discussion, and acceptance of shared objectives.

7. It is important to ensure the full integration of heritage character considerations among the conventional criteria normally addressed in departmental planning processes for Crown-owned buildings.

Planners and managers are accustomed to expressing functional requirements and imposed constraints as criteria which can guide decision-making. Heritage character too needs to be expressed as objectively as possible so that tangible criteria for its defence may be formulated and weighed relative to other criteria.
8. Full, permanent and accessible recording and documentation of all building conditions prior to, during and after interventions must be assured.

The recording of building elements, spaces and details in their as-found state is a necessary part of the commitment managers must make in documenting the impact of their interventions. This activity, sometimes described as heritage recording within various Canadian and international frameworks, may draw upon a range of technologies. It requires the involvement of managers and recording experts in assessing the recording needs, and levels and types of recording adequate to meet those needs.

9. The disturbance of soil adjacent or below a building requires the involvement of an archaeologist to monitor such activity as disturbance may reveal significant cultural information.

In most provinces, salvage archaeology is explicitly provided for within heritage legislation. The broad assumption underlying such legislation is that soil strata around buildings may contain irreplaceable information of potential value to society, and that efforts should be made in construction projects to protect the information. Trained archaeologists with experience in salvage operations are usually able to meet such needs without significant impact on budgets or schedules, if involved early in the process.
Heritage Character

Cereal Barn Building, Ottawa, Ontario
( Heritage Recording Services, Parks, 1986)
Heritage Character

The protection of heritage character requires managers whose decisions affect buildings under Crown ownership both to understand and respect heritage character in their planning.

1. Heritage character may be defined as the synthesis of a building’s heritage values.

Determining appropriate intervention on heritage properties requires measuring the impact of proposed actions on heritage character. The consistent and clear evaluation of heritage character becomes a key step in ensuring respectful treatment of heritage buildings. Heritage character may be understood to be a composite amalgam of the various areas of heritage value perceived in a building. In some cases, heritage value may be linked to original building design and attributes, while in others to the changes and additions brought by time.

While the evaluation process may clarify the sources of heritage significance of a structure, in order to provide tangible assistance to designers it is equally important to ensure that the physical elements, materials, systems, patterns of use, and relationships which reflect and reveal these sources are accurately identified and described.

The Heritage Character Statement is the means used by FHBRO to clarify both the sources of heritage significance for a building ("reasons for importance") and supporting attributes ("character-defining elements").

2. The heritage values of Crown-owned buildings derive from many sources. These include historical associations, architectural significance, environmental importance and continuity of use.

Heritage character may reflect importance in a broad range of areas. These may include architectural design, but also, for example, the degree to which buildings may reflect important themes in Canadian history. Heritage character may also reflect the contextual importance of a building in its site or setting, or its influence on local development. This approach to heritage values acknowledges the innovative approach developed by architectural historian Harold Kalman for Parks Canada in his 1960 booklet *Evaluation of Historic Buildings*. The factors assessed by FHBRO and their relative weighting represent adaptations of the Kalman system developed over time and modified with experience in the FHBRO context.

FHBRO’s evaluation process is based upon research reports prepared by architectural historians working for Parks Canada. These sources include...
plans, historic photographs, written documents, individuals within communities and as often as practically possible, the building itself. As well, the custodian department often brings privileged information about the building to the evaluation discussion which takes place in the Federal Heritage Buildings Committee.

3. In order to guide design decision-making in practical fashion, heritage character must be clearly defined by linking the primary areas of heritage value to related character-defining elements, patterns and relationships.

In order to ensure that links between areas of significance identified during evaluation and character-defining elements or patterns are fully developed, it may be necessary to carry out additional research to focus on the nature, history and current state of such elements or patterns.

4. Full understanding of heritage character is essential to its protection. Substantial research investment is normally required to ensure this understanding, and its consistent application to all building elements and systems.

Research necessary to support understanding may involve professionals from a variety of research disciplines. Heritage recorders may document the as-found configuration of a building at a range of levels. Historians may use the written, oral, and visual record to present a picture of the circumstances of a building’s origin and evolution. Archaeologists may amplify this understanding through excavation and interpretation of sub-surface materials.

5. The determination of heritage character in buildings reflects contemporary values in society, and may require adjustment over time.

The evaluation process reflects the common values of our time and place. By ensuring consensus about those values within a broad range of interested parties, our evaluations become informed judgements and their objectivity increases to the greatest extent possible within our temporal/cultural framework. This process imparts credibility and consistency to the decisions it supports and permits departments to assign priorities for action and care with a high degree of confidence.

At the same time, it must be acknowledged that as time passes, the values we attribute to buildings are likely to shift. This phenomenon reflects both changes in perspective about heritage importance within each generation, and also the need to recognize the value of changes introduced to buildings.
over time. FIBRO recognizes the importance of these shifts and may, as circumstances warrant, review its evaluation process and the inherent assumptions within it.

FIBRO is also open to review evaluations where important shifts in perception may be demonstrated to have taken place, and where significant changes in use, or new information, may warrant
Heritage Conservation Principles
Heritage Conservation Principles

It is the responsibility of managers whose decisions affect buildings under Crown ownership to apply the commonly accepted principles of heritage conservation to ensure interventions respect heritage character.

The principles of heritage conservation recognized internationally have been established through two centuries of exchange among conservation professionals. These principles may be found in a great number of international, regional, national, and thematic documents, such as the 1964 Venice Charter.

These texts consolidate principles important in a range of particular contexts.

No one approach, no one set of principles is consistently suitable or universally applicable to all circumstances. Real-life situations demand a mix of approaches and principles, in reflecting the mixed values of complex sites. Successful conservation demands identification of the areas in which value lies, and some sense of their proportional importance. Conservation also prefers, in recognizing the rights of future generations, the most conservative approaches (those involving preservation of the existing state) and the most conservative principles (those involving caution or prudence), to ensure adequacy of evidence supporting proposals, and to minimize risk to the building.

DEFINITION:
HERITAGE CONSERVATION

Heritage Conservation may encompass a range of activities dedicated to the protection and enhancement of heritage buildings, provided these are rooted in respect for the heritage character of those buildings.

Many words may be used to describe activities within the heritage conservation field, including, for example, repair, preservation, stabilization, restoration, reconstruction, replacement, rehabilitation, and so on. All such approaches may be seen to represent lesser or greater levels of intervention, all may be considered to be conservation activities, provided they have as their aim the protection or enhancement of heritage character. It is worth noting that contemporary definitions of conservation are both backward-looking (concerned with protecting important elements from the past) and forward-looking (using the past to enhance, by inspiring the form and direction of future development).
1. Heritage character is best protected by a minimum intervention approach, that is, by selecting approaches to meet functional goals which offer least harm to heritage character.

In developing appropriate conservation approaches for buildings, it is always best to employ the doctrine of minimum intervention. In practical terms, this means asking first can functional goals be met at the lowest level of intervention (say through repair)? If yes, the questioning may stop, and refinement of the chosen approach begins. If no, the same question is posed at the next highest level of intervention (say restoration), proceeding incrementally upward along the intervention scale towards replacement until a fit with needs is made.

The same questioning process may be repeated inside the chosen level of intervention, as part of its articulation and refinement. For example, within restoration as a chosen level of intervention, the intervention scale might range from reduction to addition. The first question might be, can goals be met by reduction, that is, through removal of certain elements? If not, can goals be met through reinforcement, or addition? If not, must elements or masts be entirely reconstructed or rebuilt? The questioning process is always linear, moving from those approaches offering least negative impact to those of highest impact on the building. If rehabilitation is the chosen level of intervention, can goals be met with the addition of reinforcement, with strengthening devices or new systems? If not, can goals be met with selective replacement of systems or elements? Gutting and stripping of interior systems, floors and finishes would only be considered, but only as a last resort, when all other less demanding approaches have been determined unable to meet needs.

The minimum intervention approach may also be applied to determining treatments appropriate for deteriorated building elements. Where windows require upgrading to meet contemporary standards of energy conservation, for example, it is useful to ask: if those goals can be met through simple repair? If not, can they be met through addition (retrofitting) of additional elements? If not, through restoration of missing elements? And if not, can they be met finally by replacement? The thrust of this minimum to maximum orientation ensures that replacement is the last — not the first — option considered, in determining appropriate intervention.
2. Respect for heritage character requires adoption of a case-by-case approach to intervention analysis and decision-making, built upon understanding of the unique values and circumstances of each heritage building.

Effective heritage conservation demands approaches for buildings and projects that are in tune with their particular qualities and with the conditions encountered. This demands a commitment to research and understanding sufficient to identify those qualities and conditions, and an avoidance of formula-like approaches which provide generalized responses to what are always unique situations.

3. Interventions respectful of heritage character will balance application of heritage conservation principles concerned with caution, with honesty and with fit, in relation to the most important values of the heritage building.

Generally speaking, the values of heritage buildings guide the selection of both approaches and principles appropriate for their care. While the body of doctrine in the heritage conservation field encompasses dozens of international, national, and thematic documents or "charters" and hundreds of individual principles, generally speaking these latter fall into three broad areas: those concerned with caution (prudent care), those concerned with honesty (concern for truthful expression), and those concerned with fit (concern for compatibility of the parts and the whole). Conservation approaches will define an appropriate balance among values to be respected, and accordingly require an appropriate balance in the areas of principles to be applied.

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4. Interventions respectful of heritage character should be guided by the principles of caution, particularly when dealing with material values. Here, the primary concern is preserving surviving building fabric.

Where material (or artefactual) values are pre-eminent, prolonging the life of surviving historic fabric becomes the primary concern. Generally speaking, a preservation approach focused on stabilization/consolidation, and supported by a concern for caution in the conservation principles applied will provide the best means to respect these values.

A principle of caution in investigation: for example, ensuring defects or problems are fully understood before prescribing treatments, and using solutions which have been well tested in the field.

5. Interventions respectful of heritage character should be guided by the principles of honesty (for example, basing choices on available evidence), particularly when dealing with formal or design values. Here, the primary concern is preserving the visual coherence of a significant form or stage in the evolution of a building in order to re-acquire perceived symbolic importance.

Where formal (or design) values are of most importance, efforts to recover lost or obscured forms become important, in general, approaches requiring restoration of lost coherence or clarity to restate symbolic significance, supported by concern for the principles of honesty, will be most appropriate in ensuring respect for these values.

A principle of honesty is legibility: for example, the need to ensure added or altered materials are distinct from significant historic materials, without impairing the aesthetic value of the whole.
6. Interventions respectful of heritage character should be
guided by the principles of fit (or compatibility), for example,
harmonizing proportions, colour, texture, forms, materials or
structural characteristics of added elements, when dealing with
contextual values. Where contextual values are concerned with
physical relationships, the primary concern may be preserving
or re-establishing important relationships between and among
building elements and the whole; where these values are
concerned with functional context, re-establishing proper
fit between a building and its use would become important.

When dealing with contextual values (where the values of individual
elements or activities in a building are a function of their relations to a
larger whole: building to site, building to use, or elements to the whole),
efforts to maintain the quality of existing relations or to regain former
relations are encouraged, generally, approaches that adapt or rehabilitate
buildings to changing circumstances, supported by application of the
principles of fit (or compatibility), will be most appropriate

A principle of fit is harmony for example, the need to maintain or
re-establish harmonious relations between a building and its site

7. Interventions respectful of heritage character are best
supported through wide and ongoing technical consultation
with specialists in the field's pertinent disciplines.

Conservation problems are generally complex, and demand technical
expertise in a wide variety of areas. Consequently, such problems require
interdisciplinary collaboration for their resolution. Departments of the
federal government rarely have the requisite expertise in-house; HIBRO
technical support units such as the Heritage Conservation Program, Real
Property Services, Canadian Heritage/Environment Canada Dedicated
Unit are prepared to provide advice for HIBRO projects. This support
may come in the form of direct consultation or in directing departments
to the sources of expertise which they require.

8. The understanding essential for respectful intervention can
only be assured through adequate research prior to
intervention.

The research efforts of historians, engineers, building and materials science
specialists, architects, heritage recorders and many other disciplines whose
skills contribute to achieving adequate levels of understanding of a heritage
building should be integrated with research contributions coming from
representatives of the custodians. All those involved in the research process
must ensure adequate, permanent, and accessible documentation of their

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findings Adequate means of information management must be established and full accessibility of data ensured. Achieving related goals may require the collaboration of information management specialists and custodians in designing information management systems which meet contemporary needs and employ appropriate information transfer technologies, be they computerized data-banks and electronic networks, or paper files.
Intervention Guidelines

Garnett Rock Lighthouse, Bay of Fundy, New Brunswick (Transport Canada, CCO, 1990)
Intervention Guidelines

The guidelines which follow have been grouped according to the functional and performance goals commonly addressed by managers. Each section deals with the relationship between functional goals and heritage character.

Measures undertaken to meet functional goals constitute interventions when they may affect heritage character.

Achieving functional goals is important to the preservation of heritage values, and may provide the means to enhance heritage character. However, where the negative impact on heritage character is unacceptably high, consideration must be given to altering or downgrading functional goals.

In each of the following sections, managers are asked to explore how to meet functional/performance goals with the least impact on heritage character. The general questions presented below are meant to assist managers to choose the best means to balance these goals, and to become familiar with the analysis carried out by FHBRO during intervention review. They can be applied in each area of the intervention guidelines.

<table>
<thead>
<tr>
<th>Code of Practice: Follow-up questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Are changes proposed to the building to meet performance standards or user requirements better? Have these requirements been clearly defined?</td>
</tr>
<tr>
<td>b) Could these changes have an impact on the heritage character of the building? Negative impact? Positive impact? Is this impact acceptable?</td>
</tr>
<tr>
<td>c) If changes appear to have an adverse impact on heritage character, have alternative means to meet the defined requirements been explored?</td>
</tr>
<tr>
<td>d) If changes appear to have an unacceptably high impact on heritage character, has consideration been given to the suitability of the project for the particular heritage building? Has consideration been given to meeting needs in another building?</td>
</tr>
<tr>
<td>e) If changes will have an adverse impact on the heritage character and all alternatives have been explored, have measures to mitigate the loss been put in place?</td>
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</tbody>
</table>

24 FHIBRO Code of Practice
1 - Maintenance and Repair:

Maintenance is essentially the provision of continuous care, in order to preserve heritage character effectively. Maintenance activity may include routine and periodic inspection, cleaning, repair and refreshing operations, designed to keep the existing form and substance of buildings.

Maintenance measures constitute interventions when these may affect heritage character.

Inadequate or deferred maintenance, or neglect, constitute intervention if heritage character is thereby damaged or threatened.

1.1 Maintenance programs require building-specific planning, and should incorporate schedules, procedures and remedies linked to the building's specific characteristics and needs.

It is important to recognize that the FHBRO policy is not designed simply for capital (that is, large, or major) interventions. If changing hardware or light fixtures, or repainting would have an impact on heritage character then those are to be regarded as interventions, and the FHBRO process is to be applied.

FHBRO recognizes however, that the time required for intervention review of major items may appear disproportionate to their intrinsic worth. An appropriate strategy to deal with maintenance issues would be the sub-division of building maintenance plans (manuals and programmes) for review, approval of which would sanction a wide range of actions which might affect heritage character over a defined period of time.

1.2 All maintenance measures carry the risk of adverse impact on heritage character. Every effort should be made to reduce this risk through adequate prior testing of measures proposed. All maintenance measures should be non-abrasive, non-destructive and environmentally benign.

One of the most important maintenance measures is cleaning. All cleaning measures carry some risk. Chemical treatments may be difficult to manage; abrasive methods may damage masonry surfaces if pressures are not carefully controlled, water spray may saturate wall assemblies. The keys to successful cleaning involve...
• clear definition of the desired state of cleanliness,
• adequate testing, in situ, of all proposed methods; and
• choice of the method which meets cleanliness goals, respects budget and regulatory conditions, and offers least harm to surfaces.

Attention should also be directed to the quality of site supervision, establishment of reference areas to guide supervision, likelihood of operator fatigue (and measures to balance same) and handling and disposal of toxic products.

RETENTION PREFERABLE TO REPLACEMENT

1.3 Repair or consolidation measures which retain significant existing material are always preferable to those intended to replace it.

Trade skills developed in new construction are naturally most usefully applied to replacement rather than to repair. Yet respect for heritage buildings and the minimum intervention approach suggest a preference for repair over replacement when working on heritage properties. This difficulty can be overcome in part by clearly defining repair needs and procedures and identifying appropriate skills in maintenance manuals or tender documents. Many of the required repair techniques are spelled out in available conservation literature. Once established, they can be easily cost competitive with replacement work.

REPLACEMENT AS LAST OPTION

1.4 Replacement should occur only where the major part of an element is decayed beyond repair.

Replacement of elements decayed beyond repair may be appropriate if such would contribute to protecting heritage character, and if supported by historical evidence adequate to determine the form and substance of missing elements.

APPROPRIATE REPAIR

1.5 Repair measures should retain significant existing material and detailing to the greatest extent possible, except where these cause deterioration of other elements.

The tendency to improve on historic detailing can be counter-productive when working with heritage materials. Repair techniques should return structural adequacy to materials and components, and slow down the rate of decay. Ongoing weathering is usually inevitable and should be accepted.
1.6 New materials introduced in repair work to strengthen or consolidate should only be used on the basis of successful field experiences in similar conditions. In all circumstances, new materials should offer the least possible risk to the historic structure, and be reversible to the greatest degree possible.

When new compounds or repair materials, such as masonry or wood consolidants are introduced, qualified professional conservators should be involved to analyze the condition of existing materials, propose solutions, and monitor their implementation. Many of the highly promoted techniques recently introduced to protect materials from decay, using new materials such as vulcanized silicone, epoxies and various metal alloys are not field proven and may indeed accelerate decay.

1.7 Replacement measures require, to the greatest extent possible, the use of like materials and detailing, except where these cause deterioration of other elements, or where these are inadequate to meet prescribed performance standards (e.g., fire and life safety, structural stability, energy use).

Where replacement is justified, needs may be met by replacement in kind, or restoration to an earlier appearance. This decision should be made in the context of the overall project needs, impact on heritage character and on the basis of historical evidence.

For replacement in kind of entire building components (e.g., a cornice or a set of windows), an example of the significant existing component should always be retained where possible and integrated into the new work. Choice of the best preserved unit provides a control item for the replacement work, and serves as an important piece of evidence for future conservators.

In cases of demonstrated structural weakness, replacement in kind may be an inadequate response to needs; choice of appropriate intervention will require looking at the behaviour of the entire structural system (not just, for example, all floor joists, not just the one being replaced) and involve analysis of a range of options including partial reinforcement of the "in-kind" replacement member.

1.8 The substitution of maintenance-free materials such as aluminum, fiberglass or vinyl for existing materials is not recommended. These materials reduce heritage character and may alter the desirable characteristics of building envelopes or systems.

The advertising use of the term "maintenance free" is misleading since all materials decay in normal environmental conditions. As well, the...
Introduction of new materials and associated detailing will often alter the environmental equilibrium of the building envelope. The unexpected build-up of humidity from choice of inappropriate sealants, for example, is a common problem which is often not visible until serious damage has occurred.
2 - Use and Occupancy:

Appropriate use and occupancy are essential to the long-term conservation of a heritage property.

2.1 Where an existing use is an important element in defining a building’s heritage character, continuation of that use is a priority. In other cases, returning to the original use may provide opportunities to reinforce heritage character.

The original use of a heritage building is often reflected in its design and detailing. The styling, facade treatment, entry sequence, treatment of public spaces, and overall layout may all relate to intended use and occupancy. The retention or reinstatement of original use can often lead to satisfactory design solutions at lower cost with less damage to heritage character than the introduction of radically different uses. If original use is not possible, related uses should be sought which are compatible with the building’s heritage character. Building codes are gradually being adapted to recognize the need to protect heritage values, without in any way compromising public safety. Code flexibility is particularly applicable where original use is being maintained.

2.2 Planning for intervention must include an assessment of the impact on heritage character of any new use, modification of use or application of accommodation standards. This assessment should consider patterns of access, spatial hierarchies and sequences, historic room layouts and finishes, building structure and services, and important features.

With new construction, the question of use and occupancy is determined before design begins. With heritage buildings, the final determination of use should be made only after an assessment of the existing property. This requires flexibility in the planning process.
2.3 Successful accommodation and space planning will respect and reinforce the original design execution when the original design execution is a significant component of identified heritage character and important subsequent patterns of evolution.

A common conservation approach is to selectively identify important public and semi-public places for restoration, and to organize accommodation patterns around these spaces. Open office layout and other spatial use patterns of high impact or the character of interior spaces can be restricted to areas of low heritage value. As with building code application, flexibility in the application of accommodation standards is increasingly accepted for designated heritage properties.

2.4 Preference should be given to using heritage buildings to meet accommodation needs over constructing new space, provided needs can be appropriately met in heritage buildings, without adverse impact on their heritage character.

Heritage buildings may also be viewed as assets whose characteristics may be suitable to accommodate many of the requirements of the federal government. While many heritage buildings may not be able to provide class A office accommodation, they may meet the needs of departments seeking prestige meeting or working space.

2.5 Inventories of properties held by departments may be used to match accommodation needs to the characteristics and capacities of structures of heritage value.

The federal government recognizes the value of reusing heritage properties. With imagination and flexibility, a suitable match can usually be made between the existing inventory of heritage buildings and government space needs. Heritage buildings are often high-profile properties set in prominent locations, accessible to public transportation and other attractive aspects of the urban infrastructure. Their reuse reflects a wider commitment to resource conservation.

2.6 Uses, either existing or proposed, which damage heritage character or exceed the reasonable use capacity of the building should be avoided.

Technical design solutions can be found to most of the use and occupancy demands imposed on heritage buildings. However, where such solutions become too demanding or destructive of heritage character, their incompatibility should be acknowledged and accommodation alternatives explored.
3 - Additions and Alterations:

Additions and alterations may be necessary to maintain appropriate use and occupancy, and may, if sensitive to existing heritage character, enhance a building's heritage character.

3.1 The design of additions or alterations to a building must respect its heritage character.

New additions or significant alterations should respect the architectural presence and integrity of the building. As with use and occupancy, a final decision on location, use layout and appearance should be made only after careful evaluation of the existing property.

3.2 Heritage character within heritage buildings may reside in important interior spaces, features, finishes and patterns of circulation and use. If significant, these should be respected in proposed alterations.

There are many characteristics to evaluate in looking at the impact on heritage character of additions or alterations. These include stonework, massing, means of access, and use of materials, colours, textures and architectural language. As important as the question of appearance is the question of layout and circulation. Additions and alterations should strengthen the character-defining patterns of exterior access and internal circulation, particularly in their relation to important architectural features and public spaces.
3.3 Resilient design interventions may extend a building's traditional design characteristics, or in contrast, reflect contemporary design preferences. The appropriate approach will be a function of the relative scale, importance and function of proposed additions or alterations.

In general, for additions of significant scale, if the building has a strong architectural presence and a high degree of integrity, then additions would best extend and reinforce its significant features. If the building has an architectural identity which is less strong, additions might acceptably contrast with it.

Additions of modest scale, in almost all cases, should seek to harmonise with the design characteristics of the existing building.

In the last decade, interest has increased in the use of historic precedent and the introduction of revival styles. Such imitative work is usually not appropriate for an addition or alteration to a significant heritage building, because it can confuse and undermine the integrity of the building. It is more appropriate to provide well-detailed, high quality design which derives from, but does not imitate the original.

3.4 Additions and alterations should be recognizable as such on close inspection.

New work that seeks to imitate or extend significant design characteristics of an existing building may, without a careful distinction being maintained between existing and new material, present a false image of the building's history to viewers. This distinction should not be drawn in ways that would diminish the overall architectural character of the ensemble. "Distinguishability on close inspection" is a useful guideline in assessing the suitability of new work.
3.5 Where the heritage character of a building lies both in its facade and its structure, interior finishes and spatial organization, facadism (or retention of only the facade of a building) is not an acceptable form of conservation. Where the heritage character rests strongly in the facade, and interiors have little value or have been much altered, retention of a facade in whole or in part may be acceptable but only as a solution of last resort.

Facade became a popular compromise between demolition and new development in the 1980s. It is now recognized as an approach which usually undermines both the integrity of the building, its heritage character and the integrity of the contemporary design. With increasing interest in maintaining the relationship between building exteriors and interiors, particularly in public buildings, the facadism option is now generally viewed as a less acceptable form of conservation.

3.6 Additions or alterations which impair heritage character should be reconsidered, and alternative means to meet space requirements sought.

If proposed additions or alterations seriously undermine the heritage character of a site, then it is incumbent upon the manager to recognize this fact and rule out these options. Such restrictions might apply most often in the context of free-standing buildings where the overall massing and quality of individual facades are important elements of heritage character, and where additions could only detract from these compositions.
4 - Accessibility:

It is the policy of the federal government to provide barrier-free access to heritage buildings except where these requirements will have an adverse impact on a building’s heritage character.

4.1 Barrier-free design solutions should be in keeping with building design and be sensitive to heritage character.

Heritage conservation professionals recognize that providing broad, general access to a heritage building for people of all ages, interests and capacities is a highly desirable goal, and a means to enhance its appreciation within the community. The physical changes to buildings required to ensure access standards should not be seen as destructive of heritage character but as an indication of the interest of our contemporary society in adopting universal access as an important social goal.

Improving accessibility to heritage buildings requires assuring not only adequate physical access to facilities, but ensuring that such is accompanied by adequate psychological comfort and dignity. The more accessible a heritage building, the better its chances of being appreciated, protected and maintained.

Solutions that best fit access needs and heritage character are those that will enhance the use and appreciation of a property for everyone. This is a design challenge from both aesthetic and operational perspectives.
4.2 A variety of solutions, including alternate building access, redesigned accommodation patterns, and for significant “historic sites” the provision of remote access through various media technologies, should be considered to improve accessibility while retaining heritage character. Such approaches should result from a review of all options by all interested parties, including representatives of groups speaking on behalf of the people with disabilities.

Improved accessibility should be achieved through an evaluation of the current strengths and weaknesses in the building, and an identification of the quality of existing means of site access, building access, internal circulation and wayfinding.

Short term improvements that address a specific issue should be as reversible as possible, in terms of their impact on heritage character. Longer term solutions, based on comprehensive examinations of needs, should explore adapting the use to the building as well as the building to its use.

The available technology to provide barrier-free access (e.g., lifts, automated doors, accessible furniture and fittings) is constantly improving. It is important not to destroy important elements of heritage character for short-term gain when future technological intervention may provide more sensitive long-term solutions.

4.3 Signs should communicate information to people with different abilities. Historic signs should be maintained and supplemented with subtle modern signs as necessary to meet contemporary requirements.

Wayfinding is an important component of accessibility. It is important to consider the quality as well as the quantity of information being conveyed. In general, conservation provides for retention of significant fabric or work, and the introduction of contemporary changes in ways which are distinguishable as contemporary but aesthetically compatible. If a change is required from unilingual to bilingual signs, for example, the existing can usually be maintained and a new bilingual sign carefully added.
If barrier-free access is not possible without severely compromising heritage character, then the proposed patterns of property use and occupancy should be re-evaluated, and alternatives sought.

As with any other intervention, it is the responsibility of the manager to recognize the point at which technical design solutions are not going to be able to resolve a building/use conflict. At this point, alternatives at other levels of concern (e.g., use, programming, etc.) should be explored.
5 - Health and Safety:

Adequate standards of public health and safety must be respected in the development of heritage buildings. Managers may be required to explore compliance alternatives for particular codes or regulations in order to reach satisfactory solutions which do not compromise heritage character.

5.1 Consultation with code officials and those responsible for standards enforcement should be an early and ongoing part of the design process for buildings with heritage character.

Issues of code compliance are increasingly complex, particularly when dealing with heritage buildings. At the same time, there is much more flexibility in code application than was the case ten or fifteen years ago. A variety of technological advances have also expanded the range of technical compliance options. For all these reasons, the retention of specialized code consultants familiar with historic properties is often advisable. They in turn will assure support for the project with the authorities having jurisdiction.

The strict application of codes designed for new construction presents problems for many heritage building projects. It is important, however, in achieving compliance for heritage buildings to ensure respect for the intent of the codes, without in any way compromising life safety objectives on the one hand, or property protection objectives on the other.

5.2 Fire safety analysis should evaluate variables such as combustibility, compartmentalization, means of egress, smoke control, and detection and suppression systems, both individually and in combination. Acceptable solutions will provide maximum benefit with least damage to heritage character.

For large projects, it may be possible to develop a number of alternative solutions to life and fire issues, and to measure each in terms of effectiveness, impact on heritage character, and cost. Considering
the poor fire resistant performance of many existing heritage buildings, any upgrading measure is likely to be an improvement, the issue then becomes defining the point of upgrade beyond which strict adherence to contemporary codes increases costs or harm to heritage character to unacceptable levels, without significantly increasing public safety.

Advances in Sprinkler system design make their use advantageous in almost all heritage properties, and may provide benefits by reducing compliance standards in other areas. Advances in addressing problems of interconnected floor spaces and smoke control in new construction are applicable to similar situations in historic properties.

5.3 Structural safety analysis should be based on understanding of the buildings design, past performance, structural history of the building, current building code requirements, existing conditions and proposed changes in applied loads or other variables. Interventions to strengthen a building should be designed to minimize their impact on heritage character and to be in harmony with existing structural elements.

As with other code issues, increasing flexibility in the application of structural design codes is becoming evident. Most codes now recognize historical performance as a reasonable guide to future behaviour, providing conditions do not change. In such circumstances, existing structural systems which show insignificant signs of stress or deformation may be assumed to be adequate for imposed loads, if properly maintained. Many historical structural systems have been inappropriately replaced or paralleled with contemporary new systems through inadequate understanding of the capacity of traditional assemblies and detailing. Appropriate expertise must be employed in structural upgrading efforts in order to ensure the balancing of conservation principles and structural needs.

5.4 Seismic reinforcement requires the clear definition of performance objectives for the building, the examination of various combinations of internal and external reinforcement measures and the assessment of short- and long-term impact on heritage character, in order to determine appropriate means of upgrading.

Inadequate understanding of seismic issues often results in the needless destruction of historic properties or their heritage character. These losses reflect both the application of unnecessarily rigid safety measures, and the lack of preventive measures. Seismic reinforcement is an area requiring special expertise, including the understanding of historic building assemblies and their past performance, knowledge of current international theory and practice in seismic reinforcement, and the evolving technologies being applied to retrofit analysis and design for historic buildings. It is
important to assure those involved in seismic analysis of historic buildings use of the most up-to-date design guides and references available within the industry.

In urban areas, it may be important to direct analyses to both the subject building and its neighbours. These neighbours may contribute earthquake resistance to a highly valued heritage building.

Upgrading or reinforcement measures introduced should be chosen in response to clear and demonstrated needs, not to hypothetical targets which may require measures severely damaging to heritage character. Only field tested, proven techniques and measures should be employed.

5.5 Hazardous substances should be removed unless significant damage to heritage character is inevitable. Encapsulation may provide an alternative solution for an interim period.

Today, there is increased concern for health hazards associated with asbestos, lead paints, bird and bat droppings and other toxic substances which may be found in older buildings. Related problems arise often when such substances are disturbed. Normal maintenance routines and substance encapsulation efforts are frequently required.

When intervention appears likely to cause disturbance, precautions must be taken. New technologies are becoming available which meet health requirements at reasonable cost. Abrasive methods with appropriate containment can be used for lead paint removal, special filtered vacuums are available for bird and bat droppings removal in areas of potential bat/storm-water contamination, and asbestos removal contractors can be found in most urban centres.

Of equal concern is the need to ensure contemporary intervention does not introduce new toxic substances into a heritage property. The widespread use of wood preservatives is now being discouraged, with a corresponding emphasis on air circulation and moisture control to avoid decay. In general, traditional materials are less toxic than new composite materials whose adhesives can constitute health hazards.

5.6 If prescribed standards of health and safety cannot be achieved without severely compromising heritage character, then the proposed building use should be re-evaluated.

Some buildings are under-designed or otherwise unsuitable for proposed occupancies. If severe code compliance problems exist, it may be preferable to seek alternative uses, rather than compromise the building’s heritage character. Public assembly or residential occupancies usually require more stringent code provisions for life safety than office or retail use.

HAZARDOUS SUBSTANCES REMOVAL

INAPPROPRIATE IMPROVEMENTS
6 - Energy Management:

Improvements to the energy performance of heritage buildings are important to their sustainability and community benefit, and offer opportunities to enhance a building’s functional utility and heritage character.

6.1 Appropriate approaches to energy management for heritage buildings involve the provision of new building systems, or those modifications to the building envelope which offer the least harm to heritage character.

There are a number of ways to deal with energy management in buildings. Physical changes may be made to the building envelope, by adding vapour barriers, insulation and new finishes, or upgrading the performance of windows or other openings. Building heating, ventilating and air conditioning systems and other building services may be introduced or modified. Equally, the energy requirements of existing or potential occupancies may be modified. All of these options should be considered when improving energy management in heritage buildings. Those cost effective measures which offer least damage to heritage character should be given priority.

6.2 Analysis of energy management needs should consider the execution of the original design and important subsequent modifications as well as current conditions. Proposed solutions should consider changes to patterns of use and occupancy as well as the upgrading of energy systems.

Concerns for improved energy management have inspired excellent modelling systems for building behaviour, and a variety of sophisticated control systems. It is important that analysis involve professionals familiar with the energy performance characteristics of traditional building assemblies, such as the contribution of massive masonry walls to thermal comfort.
6.3 In general, priority for energy upgrades should be given to measures which provide the most improvement with the least physical intrusion.

It is usually possible to estimate the proportion of heat loss reduction which may be affected through improvements in various building parts (roof, walls, windows, etc.). It is important to not just measure which proposals are most cost effective in reducing energy demands, but to determine also those that have least impact on heritage character.

6.4 Energy retrofitting measures which would irreparably damage heritage character should be reconsidered, and alternative measures explored, or use demands reduced.

If measures to improve energy management become costly or disruptive, the advantages claimed may become counter-productive. Heritage buildings represent enormous reservoirs of expended energy, and their sensitive rehabilitation is itself an energy conservation measure.
7 - Human Comfort:

Intervention may be required to increase comfort levels, operational efficiency and environmental conditions within heritage buildings. Associated measures could include new heating, ventilating and air conditioning (HVAC) systems, new power/voice/data cabling systems, new lighting systems and fixtures, and other new fittings and furnishings. These goals offer important means to increase the usability of historic buildings and may be attained without severe impact on heritage character.

7.1 New or improved HVAC systems should utilize existing building cavities. If new chases and bulkheads are required, these should be placed so as to have minimum impact on important existing finishes, decorative features, and room proportions.

It is essential that mechanical engineers expert in working with historic structures be involved early in the design process to determine mechanical system requirements and to work within constraints imposed on new building systems by respect for heritage character. Too often mechanical systems are designed in isolation, and are based almost entirely on practices developed for new construction.

Lowered ceilings which obscure important features are not acceptable; solutions should be tailored to specific building characteristics and opportunities, including the use of vertical distribution systems, partial bulkheads, induction units with low profile, high velocity ducts, and distributed mechanical rooms with independent duct systems to reduce duct sizes and provide flexibility of installation and operation.

Exposed mechanical systems may be acceptable, particularly in buildings of industrial character.
7.2 Increasing building humidity levels for the benefit of contents or museum collections should not be encouraged at the expense of the building itself. Where increased humidification offers significant benefits to a collection, efforts should be made to limit its achievement to specific zones, to provide effective vapour barriers and to ensure ongoing monitoring of harmful effects.

Many heritage buildings function as museums or related occupancies requiring high levels of humidity and temperature control. Significant damage to structures has often resulted from such installations.

Where possible, areas requiring high humidity should be limited to those parts of the building without valuable finishes or decorative features, so that vapour barriers may be installed. Short- or medium-term solutions can involve installation of temporary, reversible self-contained spaces within larger spaces.

7.3 Historic window units should be retained and upgraded rather than replaced. The need for improved thermal performance is best met with interior or exterior storm windows rather than new sealed double or triple units.

Frequently, historic windows which have deteriorated only slightly over a hundred years are being replaced with modern units which have life expectancies of twenty or thirty years. Such substitutions make no sense from a life-cycle costing point of view, and the impact on heritage character is often substantial.

Traditional windows were often made from close, straight grained wood of a quality no longer available. Single glazing avoided current problems associated with the failure of sealed units. The use of divided light sash ensured traditional windows played a significant aesthetic role.

Heritage character is best protected by the repair and upgrading of window units that have heritage value. Sash may have to be removed from the buildings, moored to be repaired, relinished and the glazing reset. New weatherstripping can be applied to the sash or the frame. Frame units can be repaired in place. Existing storms can be relaminated or new exterior storms designed to provide better performance.

When replacement of a character-defining window is required new units should match the material, profile, and details of the window being replaced. This approach maintains heritage character and compatibility with surviving examples of significant existing sash.

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7.4 Provision for integrated power/voice/data cabling systems should be made within major modifications, to avoid the damage and hazard caused by the indiscriminate proliferation of surface wiring and incompatible systems. Where necessary, new chases should be discreetly provided to ensure minimal visual or physical impact on heritage character.

Unless an early warning system has survived unaltered and intact, replacement of the wiring system may be necessary to address haphazard changes and installations. Many heritage properties have been lost to fires caused by poorly maintained electrical systems or fittings.

When a major intervention is planned, in order to provide new HVAC systems, sprinklers, or other services, integrated systems should be provided where possible for power, voice and data, or whatever services are required by users. Sensitive installation of these services requires appropriate specifications and monitoring. The high rate at which technologies are evolving suggests the need for flexibility in designing conduits and access points.

7.5 Interventions to improve lighting should respect historic precedent. A distinction between ambient lighting and task lighting may facilitate the design of compatible new systems. Historic fixtures specific to the building may be re-used or replicated; otherwise, fixtures of sympathetic contemporary design should be used.

In Canada, interior lighting is a major exterior and interior feature for buildings through the winter months with their short daylight hours. Interiors become clearly visible as part of night-time facades. It is important that careful thought be given to the appearance and performance of installed or adapted lighting systems.

Traditional systems provided relatively low levels of lighting, and here the use of daylight from large windows, skylit atriums, and other devices was important. These daylight sources should be retained and restored, as should the fixtures themselves. Modern lighting should be discreet, with an emphasis on meeting task requirements. Indirect lighting is particularly appropriate to Beaux Arts buildings and others which may have light coloured walls and ceilings. The darker colours of Victorian buildings do not lend themselves as well to indirect lighting, here contemporary downlights or table or floor lamps may be required.
7.6 In general, the design of new fittings and furnishings (such as those associated with open office layouts), should be contemporary in nature and respectful of the heritage character of the building. Provision of details which imitate historic elements is confusing and devalues the importance of genuine surviving building elements.

While maintaining original furnishings and fittings may respect heritage character, their functional capacities may conflict with contemporary needs. Many public spaces had fittings very carefully designed and detailed for the spaces they were placed in. Where original or early furnishings or fittings that are chance-defining survive, these should be retained if such is possible without disruption to modern use.

Where new fittings or furnishings are required, consideration should be given to employing contemporary furnishings and furnishings which acknowledge the evolution of the building, yet respect the spirit of the original.

7.7 Where intervention to improve building comfort or utility for its users will have a serious impact on heritage character, then alternative means of achieving such goals should be sought, or the associated goals reduced.

Government and departmental standards for accommodation (e.g., furniture, fittings, lighting, and various services), should be relaxed when dealing with heritage interiors. In some areas, above average levels of fit-up will be possible, in other areas, less will be achievable. This flexibility is needed to ensure that heritage character is not compromised.
8 - Site and Setting

A building cannot be disassociated from the site on which it sits and the general setting to which it contributes.

8.1 Site and setting considerations are an important part of the assessment of heritage character. Where these make a significant contribution to heritage character, they should be respected in intervention planning and design.

The Federal Heritage Buildings Policy is, as its name suggests, a policy concerned with buildings. However, buildings have always been designed and used in relation to the opportunities provided by the land on which they sit and the territory or districts within which they lie. To treat the building without reference to its landscape is akin to treating a building facade without reference to its interior systems and layout.

8.2 Where the integrity of the relationship between a building and its associated landscape is relatively unaltered, strong efforts should be made to retain this relationship and the materials which contribute to it.

Assessment of the integrity of the relationship between a building and its associated landscape will involve evaluation of current landscape treatment, the impact of contemporary needs on the landscape, use of plant and surface materials, patterns of movement by pedestrians and vehicles, and use of exterior furniture, illumination and signs.
8.3 Where a building establishes or plays a strong role in reinforcing the character of the area or district in which it sits, strong efforts should be made to retain these relationships.

Assessment of the contribution of a building to the character of its surrounding area involves understanding the evolutionary steps in the development of the area, and the role of the building relative to those important steps. This assessment will involve analysis of a region's routes, vistas, nodes or landmarks, topographical character, prominent vegetation and other structures, and skyline attributes.

8.4 Where a building functions as an important or conspicuous symbol of a region or territory, and contributes significantly to its identity, its landmark values should be respected in proposed interventions.

Buildings may play landmark roles in a variety of ways. The contribution of conspicuous towers or spires is relatively easy to perceive and appreciate. Equally, associations within a community—less evident to the visitor—may confer upon a building similarly large landmark importance.

8.5 Where landscape interventions threaten the heritage character associated with a building's site or setting, alternative means to achieve the landscaping goals should be sought.

Meeting contemporary vehicular access needs can easily obliterate early landscapes with new parking, ramps, and widened circulation routes. Every effort should be made to meet these legitimate needs off-site, or within existing vehicular use patterns. Where conventional approaches would appear to threaten heritage character, these should be reconsidered.

8.6 Archaeological information, gained within a planned archaeological program or by salvage operations, can clarify understanding about the nature of site development and use over time.

Archaeological research involves commitment to professional standards of excavation, of documentation and conservation of excavated materials. Hence the cost of a salvage operation is greater than the cost of the monitoring time spent on site by the archaeologist. However, with careful planning and preparation, the total cost of such operations can be kept to a minimum and high-quality results assured. An early commitment to assessment of archaeological potential on a site can provide survey data which can significantly reduce salvage operation costs.
9 - Realty Management:

The effective management of heritage buildings requires recognition of their economic value and potential, and the contribution of heritage character to that value.

9.1 Acquisition of heritage buildings is encouraged when these can meet program needs without negative impact on their heritage character.

The government's commitment to the protection of heritage buildings extends to its arrangements for acquisition and lease. The match of heritage properties with government needs is a process that requires ongoing coordination and input.

As part of the analysis preceding acquisition, brief surveys to determine logical patterns of occupancy and use should be established, based on an evaluation of existing heritage character.

9.2 Developing heritage buildings to their highest and best use requires evaluation of the degree to which heritage character may contribute to their economic value.

The formulas for economic assessment of heritage buildings often apply more easily to the size and layout of the property than to their cultural value as designated heritage landmarks. The economic realities of cultural tourism, resource conservation, and urban conservation are only gradually being worked into contemporary formulas on economic value. In every
heritage district designated in Canada in the last 20 years, property values have risen despite the fact that development potential has been reduced. The investment in maintaining and developing heritage buildings has to be evaluated on a broad basis and from a life-cycle costing point of view. Life expectancies for many contemporary buildings are thirty or forty years, considerably less than the life expectancy for the average restored or rehabilitated building.

9.3 Disposal of heritage buildings is not encouraged without first exploring alternatives such as new uses, and leasing or transfer arrangements which would offer less negative impact on heritage character. Where necessary, disposal should be accompanied by legal instruments (e.g., the use of easements) designed to ensure the ongoing protection of heritage character under new ownership.

The question of disposal sometimes relates to questions of economic assessment. The sale of heritage properties as development sites based purely on land value, particularly in central urban areas, is often an indirect commitment to demolition. Other methods of determining appropriate returns may have to be investigated. Treasury Board has recently recognized the legitimacy of heritage as an element in discussion of market value.

Transfer of Crown-owned designated buildings to other departments assures their continued protection. If the new use is less demanding, protection of heritage character is increased.

9.4 Full recording of the state of the building must accompany any decision to dispose of or demolish any heritage building; such recording documents the heritage character of the asset to be disposed of by ensuring a permanent and accessible record of its physical organization.

Recording is a means to recover significant information about a building that might otherwise be lost as a result of demolition or disposal to other agencies. It does not alone constitute a means to conserve the heritage character of buildings. Recording should not be seen however as a viable alternative to efforts to ensure the protection of heritage character through appropriate use or rehabilitation.

ALTERNATIVES TO DISPOSAL

RECORDING TO MITIGATE LOSS OR TRANSFER
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L'édition de 1996 du Code de pratique a légèrement été révisée par le BEEFP en 2004. On a retiré la préférence accordée automatiquement aux matériaux et à la conception d'origine, pour mettre l'accent sur les matériaux et design d'origine ou encore existants ayant été identifié comme possédant une valeur patrimoniale. Les deux exemples cités ci-après sont représentatifs du type de révisions opérées. Le premier exemple se trouve dans la section des Lignes Directrices en matière d'intervention ayant trait à l'entretien et réparations, RÉPARATION APPROPRIÉE 2.5. L’énoncé qui se lit: « Les travaux de réparation doivent conserver le matériau et les détails d'origine dans la mesure du possible... », a été remplacé par: « Les travaux doivent conserver le plus possible le matériau et les détails existants dans la mesure du possible... ». Le second exemple se trouve sous la section traitant d’Ajusts et modifications, CARACTÈRE PATRIMOINAL DE L'INTÉRIEUR DES ÉDIFICES 3.2. L’énoncé qui se lit: « Les ajusts et modifications doivent renforcer et rehausser l'aménagement intérieur des accès et des axes de circulation intérieure,... », a été modifié en: « Les ajusts et modifications doivent renforcer les éléments caractéristiques de l'aménagement des accès et des axes de circulation... ».
Élaboration du Code de pratique

Depuis la création du BEEFF, nous nous sommes efforcés, chaque fois que nous avons eu à juger de la pertinence d’une intervention concernant un bâtiment du patrimoine appartenant à l’État, de fonder notre appréciation sur les principes de conservation mondialement admis. Ces principes sont contenus dans les chartes et énoncés de doctrine élaborés ou sanctionnés par le Conseil international des monuments et sites (ICOMOS) et des organismes connexes. Le BEEFF a accordé une attention toute particulière au document qui fait le plus autorité dans le domaine, la Charte de Vienne de 1964, et a même mis au point, pour son propre usage, une version annotée de ce document au milieu des années 1980.

Il est toutefois évenu de plus en plus évident, grâce à l’expérience acquise dans l’examen et l’évaluation de milliers d’interventions et dans les cours offerts régulièrement par le BEEFF depuis 1986, qu’un texte de doctrine rédigé du point de vue des gestionnaires immobiliers et des gestionnaires de projet de l’Administration fédérale serait mieux adapté à leurs besoins.

Introduction au Code de pratique

Le gouvernement du Canada possède près de 60 000 édifices, dont l’entretien et la gestion incombent à deux-huit ministères différents. La Politique sur les édifices fédéraux du patrimoine s’applique uniquement aux bâtiments qui présentent un intérêt patrimonial, soit, à l’heure actuelle, moins du quart des édifices évalués jusqu’à présent. Le Bureau d’examen des édifices fédéraux du patrimoine est en mesure d’aider tous les ministères à élaborer des méthodes de gestion appropriées des édifices qui ont une valeur patrimoniale.

Le Code de pratique du BEEP vise à aider les gestionnaires immobiliers et les ministères responsables, dont les décisions ont une incidence sur les édifices patrimoniaux fédéraux, dans la mise en application de la politique mentionnée. Les fondements de cette politique sont tirés de deux sources principales : les principes de conservation admis à l’échelle internationale et les normes et usages de conduite du gouvernement du Canada en matière de gestion immobilière.

Le Code de pratique du BEEP s’inscrit autour d’un certain nombre de principes directeurs. Le Code établit une politique qu’un contexte de gestion en ce qui a trait à l’examen des décisions d’intervention relevant de la Politique des édifices fédéraux du patrimoine. Il met l’accent sur l’objectif premier de la Politique, qui est de protéger le caractère patrimonial d’un édifice appartenant à l’État et expose les principes de conservation patrimoniale qui constituent pour les praticiens un cadre de référence permettant de mieux juger des interventions envisagées. Enfin, et surtout, il énumère ces principes à neuf champs de compétence de la gestion immobilière. Dans chacun de ces champs de compétence, des lignes directrices en matière d’intervention aident les utilisateurs à évaluer l’incidence des changements proposés sur le caractère patrimonial des édifices et à examiner les moyens à leur disposition pour réduire ou atténuer les effets nuisibles Une série de questions générales, au début de cette section, guide les gestionnaires dans le processus d’analyse à l’aide duquel le BEEP évalue les interventions envisagées.

Le Code de pratique propose un ensemble d’énoncés ou articles clés sur chacun des points abordés. Chaque énoncé est accompagné d’un commentaire visant à expliquer le raisonnement qui le sous-tend. Le Code est conçu comme un tout, et il peut servir de référence rapide sur l’un ou l’autre des sujets traités, il sera d’une utilité maximale aux utilisateurs qui appliquent l’intégralité des principes qu’il contient.

Le présent Code de pratique ne saurait se substituer aux avis du personnel et des conseillers techniques du BEEP.
Cadre stratégique

Conservée du golfe de Géorgie, Steveston, Colombie-Britannique
(Secteur des relevés des nacelles du patrimoine, Parks Canada, 1987)
Cadre stratégique

Il incombe aux gestionnaires dont les décisions ont une incidence sur les édifices qui appartiennent à la Couronne de connaître et mettre en application la Politique sur les édifices fédéraux du patrimoine.

1. Le Gouvernement du Canada a pour politique de protéger le caractère patrimonial des édifices de la Couronne. Cette politique est assujettie aux règles énoncées dans le Manuel du Conseil du Trésor, au chapitre 1-6 du volume traitant des biens immobiliers.

Le volume sur les biens immobiliers du Manuel du Conseil du Trésor porte sur les neuf grands mandats actuellement définis par le Conseil du Trésor en ce qui a trait à la gestion des biens immobiliers fédéraux. Ces mandats comprennent la vente des biens immobiliers au prix du marché, une utilisation optimale des locaux, l'accessibilité universelle, la conformité aux normes environnementales, le respect du caractère patrimonial, un aménagement approprié des locaux ainsi que d'autres facteurs pertinents à une mise gestion immobilière.

2. La politique protège le caractère patrimonial en plaçant celui-ci sur le même pied que d'autres considérations importantes en matière de gestion immobilière.

Les neuf mandats définis par le Conseil du Trésor sont d'importance égale, aucun n'a la préséance sur un autre. En cas de conflit, on attend des gestionnaires qu'ils privilégient des solutions de compromis visant à concilier le plus possible l'ensemble des objectifs, plutôt qu'à accorder la prépondérance à l'un ou à l'autre.

La méthode de l'intervention minimale se prête bien à la formulation des objectifs dans les cas où les mandats semblent incompatibles. Cette méthode consiste à déterminer les options qui permettront d'atteindre les buts recherchés tout en compromettant le moins possible le caractère patrimonial.
Cadre de gestion

Édifice fédéral, Collingwood, Ontario
(Section des relevés des richesses du patrimoine, Parcs Canada, 1984)
Cadre de gestion

Il incombe aux gestionnaires dont les décisions ont une incidence sur les édifices qui appartiennent à la Couronne de connaître et favoriser les pratiques de gestion propres à protéger le caractère patrimonial de ces édifices

1. Les édifices du patrimoine requièrent l’affectation de ressources (en capitaux, en compétences et en temps) proportionnelles à leur valeur patrimoniale. Lorsque ces ressources ne sont pas disponibles à l’interne, on doit s’efforcer de les obtenir ailleurs.

On considère fréquemment qu’il en coûte davantage de procéder à la réfection d’un bâtiment existant qu’en construire un nouveau offrant le même espace. Lorsque les travaux exigent que l’on porte une attention particulière à des détails traditionnels et que l’on utilise des matériaux inhabituels, les coûts peuvent en effet être considérables. Le coût apparentement élevé de la plupart des projets de conservation est cependant le plus souvent lié aux facteurs suivants :

- une préférence implicite, à l’étape de la conception, pour le remplacement des composants plutôt que leur réparation;

- l’attribution de marchés aux moins disants ou de marchés à forfait, une méthode avantageuse lorsque le temps et les matériaux requis peuvent être évalués avec précision, comme dans le cas d’une nouvelle construction, mais qui est mal adaptée aux situations où il est difficile de prévoir les coûts, par exemple dans les bâtiments existants où les problèmes ne sont pas toujours apparents;

- la pratique qui consiste à se prémunir contre les risques de problèmes cachés par l’imposition d’exigences excessives (consepteurs) et la surévaluation des coûts (entrepreneurs),

- la répugnance à investir dans les travaux de recherche et d’inspection nécessaires à une juste évaluation de l’état du bâtiment,

- la difficulté que pose l’obtention de données fiables sur les coûts des projets qui se sont révélés une réussite, difficulté attribuable généralement à la non-disponibilité de ces renseignements et à la complexité associée à l’isolement des variables pertinentes dès la planification initiale du projet,

- l’utilisation de méthodes d’évaluation des coûts non basées sur l’étude du cycle de vie.
Les études menées par le BEEP ont démontré que les recommandations émises à la suite de l'examen d'une intervention permettent une réduction constante du coût d'un projet, par rapport au coût prévu au moment de la conception.

2. Les objectifs du gouvernement fédéral en matière d'édifices patrimoniaux privilégient les considérations à long terme plutôt que les avantages ou un rendement à court terme.

Même si la planification à court terme est d'usage courant parce qu'elle permet de produire des bénéfices pendant la période pour laquelle les gestionnaires ou chefs politiques peuvent être appelés à rendre des comptes, les principes d'une bonne gestion immobilière commandent que la prise de décision soit basée sur une perspective à long terme. Il est reconnu que les décisions fondées sur un rendement à court terme ont souvent des conséquences négatives, du fait que l'entretien «quis en retardé et que les coûts d'immobilisation futurs seront plus élevés.

3. Un entretien approprié des édifices qui appartient au patrimoine réduit de beaucoup les immobilisations à long terme nécessaires à la protection de leur caractère patrimonial.

Les matériaux doivent souvent satisfaire aux contraintes budgétaires en réduisant les dépenses de fonctionnement, ce qui entraîne souvent une réduction des programmes d'entretien des édifices ou le recours à des matériaux ou installations dits sans entretien. Ces matériaux ou installations sont mal nommés; comme toutes les matières, ils se dégradent avec le temps et requièrent de l'entretien à la longue. De plus, l'absence d'entretien approprié augmente le risque d'une défaillance grave des éléments de construction.

Un entretien approprié est le meilleur investissement à long terme que l'on puisse faire dans un bâtiment. Un bon entretien assure une satisfaction élevée des usagers, ralentit la dégradation du bâtiment et est la meilleure garantie de coûts d'immobilisation moindres dans l'avenir.

L’utilisation de l’éventuel complet des méthodes d’adjudication de marché à la disposition des gestionnaires fédéraux, plutôt que des seules méthodes standard mises au point pour les constructions neuves dont les coûts sont facilement quantifiables, permettrait de réduire le coût d’un projet de conservation d’un édifice patrimonial. Les méthodes utilisées doivent assurer que toutes les personnes qui collaborent au projet possèdent la formation requise et les compétences particulières à ce domaine.

5. La protection du caractère patrimonial exige la création d’une équipe interdisciplinaire lors des premières phases de la planification du projet. Les membres de l’équipe doivent posséder la formation, l’expérience et les ressources nécessaires à l’exécution du travail.

La conservation est, par essence, un processus interdisciplinaire. Elle oblige planificateurs, ingénieurs, architectes, chercheurs, spécialistes des richesses du patrimoine et exécutants à se consulter fréquemment et à travailler en équipe avec les usagers à la solution des problèmes rencontrés. Pour réussir pleinement, les groupes et les personnes doivent, sans remuer leurs compétences et leur formation, vissés le même objectif, soit celui de protéger le caractère patrimonial.

6. L’atteinte d’un consensus par les personnes que l’équipe patrimonial intéressée directement, aux étapes clés du processus de prise de décision, est la meilleure garantie d’une bonne compréhension et du respect des particularités de cet édifice.

Les décisions heureuses en matière de conservation ne s’imposent pas; elles sont le reflet d’un consensus résultant des efforts déployés pour examiner les particularités et les besoins d’un édifice patrimonial à tout point de vue et avec toute l’attention nécessaire, et pour leur donner le poids qu’ils méritent. Pour arriver à un consensus, il est nécessaire que les membres de l’équipe s’engagent à discuter avec honnêteté et adhèrent à des objectifs communs.
7. Il est important de veiller à intégrer pleinement les éléments patrimoniaux aux critères formellement pris en considération dans le processus de planification ministériel relatif aux édifices appartenant à la Couonne.

Planificateurs et gestionnaires ont l'habitude de présenter les exigences fonctionnelles et les contraintes sous la forme de critères qui guideront la prise de décisions. Le caractère patrimonial doit lui aussi être formulé le plus objectivement possible afin que des critères tangibles puissent être formels et que leur importance relative puisse être déterminée.

8. L'établissement d'une documentation et de relevés complets, permanents et accessibles sur toutes les particularités du bâtiment avant, pendant et après l'intervention envisagée est une mesure essentielle.

La consignation de l'état des éléments, espaces et détails du bâtiment avant les travaux est une des obligations auxquelles doivent satisfaire les gestionnaires en vue de la constitution d'un dossier approfondi sur l'incidence de leur intervention. Cette activité, que les spécialistes du domaine appellent parfois, en Canada qu'à l'Étranger, relevé des richesses du patrimoine, peut avoir recours aux techniques les plus diverses et exige des gestionnaires et des spécialistes en relevés des richesses du patrimoine qu'ils évaluent les besoins et déterminent le genre de relevés et le degré de détail nécessaires.

9. Toute activité de creusage ou de déblai du sol à proximité d'un bâtiment ou sous celui-ci doit se faire en collaboration avec un archéologue qui supervise les travaux, car ces derniers peuvent révéler des renseignements culturels d'importance.

Dans la plupart des provinces, la législation sur le patrimoine renferme des dispositions explicites sur l'archéologie de sauvetage. L'hypothèse de base de cette législation est que le sol à proximité des bâtiments peut contenir de l'information d'une valeur sociale inremplaçable, et que les responsables de projets de construction doivent s'efforcer de protéger cette information. Le concours d'archéologues spécialisés et expérimentés dans les opérations de sauvetage permet habituellement de satisfaire à ces exigences sans répercussions importantes sur le budget ou le calendrier des travaux à la condition que l'on fasse appel à leurs services dès les premières phases du procédé.
Caractère patrimonial

Bâtiment de cinémas, Ottawa, Ontario
(Section des relevés des richesses du patrimone, Parcs Canada, 1986)
Caractère patrimonial

La protection du caractère patrimonial exige des gestionnaires dont les décisions ont une incidence sur les édifices qui appartiennent à la Couronne qu'ils comprennent et respectent ce caractère patrimonial dans leurs activités de planification.

1. Le caractère patrimonial d'un bâtiment peut se définir comme la synthèse de ses valeurs patrimoniales.

La détermination de l'intervention la plus appropriée à un bâtiment historique donné requiert une évaluation de l'incidence de l'action envisagée sur le caractère patrimonial de ce bâtiment. Une évaluation claire et cohérente du caractère patrimonial est essentielle à un traitement respectueux des bâtiments patrimoniaux. Le caractère patrimonial peut se concevoir comme un amalgame de divers éléments d'intérêt du point de vue du patrimoine. Ainsi, la valeur patrimoniale sera, dans certains cas, liée à la conception et aux attributs d'origine d'un bâtiment, alors qu'elle résidera, dans d'autres cas, dans les modifications et ajouts apporés d'une époque à une autre.

Si le processus d'évaluation permet de clarifier les raisons de l'intérêt patrimonial d'un bâtiment, il est tout aussi important, pour faciliter la tâche des concepteurs, de veiller à ce que les parties du bâtiment, matériaux, installations, modes d'utilisation et rapports dans lesquels se situe concrètement cet intérêt historique soient définis et décrits avec précision.

L'Énoncé de la valeur patrimoniale est le document à l'aide duquel le BEEP clarifie les raisons de l'intérêt patrimonial d'un bâtiment et les éléments patrimoniaux qui le caractérisent.

2. La valeur patrimoniale des édifices appartenant à la Couronne peut être le résultat de nombreux facteurs, dont les liens historiques, l'intérêt architectural, le milieu environnant et la continuité d'utilisation.

L'intérêt patrimonial peut être justifié par l'importance d'un édifice sous de multiples rapports. Mentionnons notamment la conception architecturale, mais également la valeur d'évocation de thèmes importants de l'histoire du Canada. Le caractère patrimonial peut en outre être lié à l'importance contextuelle d'un bâtiment, c'est-à-dire son emplacement ou son milieu environnant, ou encore son influence sur le développement local. Cette méthode d'établissement de la valeur patrimoniale s'inspire de la démarche novatrice élaborée par l'historien de l'architecture Harold Kairman pour Parcs Canada et exposée dans la brochure intitulée Évaluation des bâtiments historiques, parue en 1980. Les facteurs évalués par le BEEP et leur pondération sont des adaptations du système Kairman mises au point...
avec le temps et modélisées avec l'expérience acquise dans le contexte propre au BEEFP.

L'évaluation du BEEFP est basée sur les conclusions des recherches effectuées par les historiens de l'architecture au service du Parc Canada. Les sources utilisées incluent notamment des plans, des photographies historiques, des documents écrits, le témoignage de membres des communautés visées et, le plus souvent possible, le bâtiment lui-même. Il arrive en outre fréquemment que le ministère responsable fournisse de l'information privilégiée sur le bâtiment au moment de l'évaluation faite par le Comité d'examen des édifices fédéraux du patrimoine.

3. Pour guider utilement la prise de décision à l'étape de la conception, il est important d'établir clairement le lien entre les principaux aspects qui présentent un intérêt patrimonial d'une part, et les éléments et rapports de toutes sortes qui les caractérisent d'autre part.

Pour bien faire ressortir les liens entre les principaux aspects de l'intérêt patrimonial, lesquels ont été établis au cours de l'évaluation, et les éléments ou rapports qui caractérisent ces aspects, il est parfois nécessaire d'étendre la recherche à la nature, à l'histoire et à l'état actuel de ces éléments.

4. Une bonne compréhension du caractère patrimonial est essentielle à la protection de ce dernier. Des recherches considérables sont normalement nécessaires à cette compréhension et à son application cohérente à tous les éléments et installations du bâtiment.

Cette recherche peut exiger le concours des spécialistes de disciplines diverses. Les spécialistes des relevés des richesses du patrimoine, par exemple, consigneront la configuration de différents aspects d'un bâtiment avant les travaux. Les historiens se serviront de documents écrits ou visuels ou oraux pour tracer un portrait des circonstances qui ont entouré la construction ou l'évolution d'un bâtiment. Les archéologues, enfin, augmenteront la compréhension du caractère patrimonial de ce bâtiment en procédant à des fouilles et à l'interprétation des matières soustraites.

5. La détermination du caractère patrimonial repose sur les valeurs actuelles de la société, aussi est-il possible que des rajustements soient requis avec le temps.

Le processus d'évaluation est le reflet des valeurs générales de l'époque et du pays. En faisant en sorte d'obtenir un consensus sur ces valeurs parmi la diversité de personnes qui participent aux évaluations, on arrive à formuler des jugements éclairés de la plus grande objectivité possible dans le cadre de pratique du BEEFP.
contexte culturel existant. Le processus d'évaluation donne de la crédibilité et cohérence aux décisions prises, et il permet aux ministères de déterminer avec beaucoup de confiance leurs priorités en matière d'intervention et d'entretien.

Par ailleurs, il faut reconnaître qu'avec le temps les valeurs accordées aux bâtiments sont appelées à changer. Ce phénomène traduit l'évolution de perspective d'une génération à une autre et marque la nécessité de reconnaître la valeur des modifications apportées aux bâtiments avec le temps. Le BEEFP est bien conscient de l'importance de ces changements et peut, à l'occasion, juger utile de revoir son processus d'évaluation et les postulats qui le sous-tendent.

Le BEEFP peut également accepter de revoir les résultats d'une évaluation s'il peut être démontré qu'un changement important de perception est survenu, ou lorsqu'un changement d'utilisation ou des faits nouveaux le justifient.
Principes de conservation patrimoniale

Maison Marcoux, Québec, Québec
(GBHC, sans date)
Principes de conservation patrimoniale

Il incombe aux gestionnaires dont les décisions ont une incidence sur les édifices qui appartiennent à la Couronne d’appliquer les principes de conservation du patrimoine généralement acceptés, de manière que leurs interventions se fassent dans le respect du caractère patrimonial.

Les principes actuels de conservation du patrimoine mondialement admis sont le fruit de deux siècles d’échanges entre les spécialistes de la conservation. Ces principes sont consignés dans un grand nombre de documents internationaux, régionaux, nationaux et thématiques, comme la Charte de Venise de 1964. Ces textes assurent la codification des principes qui revêtent une importance particulière dans différents contextes.

Il n’existe pas de méthode universelle ni de règles applicables dans toutes les circonstances. Chaque cas requiert une combinaison de méthodes et de principes qui tienne compte de la diversité des particularités d’un lieu. La réussite des interventions repose sur une définition claire des aspects qui présentent un intérêt patrimonial et sur une appréciation de leur importance relative. Elle passe parfois par des choix difficiles, la conservation préférant, lorsqu’une intervention présente des risques pour le bâtiment ou pour garantir l’existence de preuves suffisantes à l’appui d’une proposition, les méthodes qui privilégient la préservation de l’état existant et les principes qui tablent sur la prudence.

DÉFINITION : CONSERVATION DU PATRIMOINE

La conservation du patrimoine peut inclure une variété d’activités de protection et de mise en valeur, à la condition que ces activités concourent au respect du caractère patrimonial des bâtiments considérés.

Ces activités portent différents noms : réparation, préservation, stabilisation, restauration, reconstruction, remplacement, réhabilitation, et ainsi de suite. Elles correspondent à des degrés d’intervention divers et peuvent toutes être considérées comme des activités de conservation dans la mesure où leur objectif est de protéger ou de mettre en valeur le caractère patrimonial. Il est intéressant de noter que les définitions modernes de ce qu’est la conservation sont à la fois passées et ouvertes sur l’avenir (qui utilise le passé pour mettre en valeur, en orientant la forme et la direction des aménagements futurs).
1. Les démarches qui privilégient une intervention minimale respectueuse des objectifs fonctionnels sont les meilleurs garants de la préservation du caractère patrimonial.

Il est toujours préférable, dans l’élaboration d’une démarche de conservation appropriée, de privilégier la méthode de l’intervention minimale. Dans les faits, cette méthode consiste à se poser d’abord la question suivante : le plus bas niveau d’intervention possible (la réparation, par exemple) permet-il d’atteindre les objectifs fixés ? Si la réponse est oui, on peut cesser de s’interroger sur la solution à adopter et passer à l’étape de l’élaboration de la solution. Si la réponse est non, on évalue de la même manière le niveau d’intervention suivant (la restauration) et ainsi de suite jusqu’au remplacement au besoin, jusqu’à ce que la méthode choisie corresponde aux besoins définis.

Le même processus peut servir à articuler et perfectionner la démarche retenue. Par exemple, si l’on a opté pour la restauration, l’échelle des interventions possibles peut aller de la réduction à l’ajout. On évaluera d’abord la possibilité de procéder par réduction, c’est-à-dire par suppression de certains éléments. Si la réponse est négative, on évaluera alors la possibilité d’amender les objectifs fixés en procédant par renforcement. On évaluera pareillement au besoin la possibilité d’un ajout. Si la réponse est toujours négative, on se demandera ensuite s’il convient de refréner ou rebâtir les éléments ou motifs. Le processus est alors toujours linéaire et procède toujours de moindre négatif au plus négatif. Si l’on a choisi la réhabilitation, l’ajout d’un renforcement, à l’aide de dispositifs de renforcement ou d’éléments intégrés, permettra-t-il d’atteindre les objectifs ? S’ensuit, le remplacement sélectif des installations ou éléments conviendra-t-il ? L’évidemment et le dégagement des installations, planches et revêtements intérieurs seront seulement considérés, et uniquement en dernier recours, lorsqu’il a été déterminé qu’aucune des autres méthodes existantes ne permet de satisfaire aux exigences.

La méthode de l’intervention minimale peut également servir à déterminer le traitement approprié dans le cas d’éléments de bâtiment anciens. Lorsque des fenêtres ne répondent pas aux normes modernes de conservation énergétique, par exemple, on examinera d’abord si une simple réparation permettrait d’atteindre l’objectif visé. Dans la négative, on examinera s’il y a lieu d’ajouter des éléments (persienne en état, ou encore de restaurer les éléments manquants. Si la réponse est encore négative, on envisagera enfin un remplacement des fenêtres. La démarche adoptée, qui procède du minimum au maximum, fait en sorte que le remplacement sera la dernière solution envisagée, et non pas la première.
2. Le respect du caractère patrimonial requiert une approche au cas par cas, en matière d’analyse des interventions et de prise de décision, fondée sur une compréhension des particularités et circonstances propres à chaque édifice.

La conservation, pour être efficace, exige l’adoption d’une démarche appropriée aux qualités du bâtiment visé et aux conditions qui y prévalent. La réussite, en cette matière, repose sur une recherche et une compréhension suffisantes et sur le rejet de formules toutes faites qui fournissent des réponses générales à des situations spécifiques.

3. Une intervention fondée sur le respect du caractère patrimonial doit viser un juste équilibre des principes de prudence, d’honnêteté et d’adéquation dans le traitement des principaux traits caractéristiques de l’édifice.

En général, les particularités du bâtiment gouvernent la sélection de la méthode et des principes de traitement applicables. Si la doctrine existante, dans le domaine de la conservation du patrimoine, se compose de dossiers de documents, ou « chartes », internationaux, nationaux et thématiques et de centaines de principes, ces derniers apparaissent généralement à l’une ou l’autre des trois grandes catégories suivantes, soit les principes de prudence (traitement prudent), les principes d’honnêteté (conformité aux caractéristiques d’origine) et les principes d’adéquation (compatibilité des éléments et de l’ensemble). La méthode de conservation choisie devra trouver un juste équilibre entre les particularités qu’il convient de respecter et un équilibre correspondant entre les trois catégories de principes applicables.
### Principes de conservation patrimoniale

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#### 4. Une intervention fondée sur le respect du caractère patrimonial

Fait appel aux principes de prudence, en particulier dans le traitement des particularités matérielles. La préservation des éléments subsistants est, dans ce cas particulier, la préoccupation première.

Lorsque les particularités matérielles (ou artefacts) sont préeminentes, on s’attache avant tout à prolonger la vie du tissu historique subsistant, de manière générale, une démarche de préservation axée sur une stabilisation/consoliation et s’appuyant sur les principes de prudence seront les meilleurs garants du respect de ces particularités.

L’investigation est un principe de prudence et consiste, par exemple, à s’assurer que la cause d’un problème ou d’un défaut soit connue avant de prendre un traitement, et que la solution envisagée n’ait été éprouvée par la pratique.

#### 5. Une intervention fondée sur le respect du caractère patrimonial

Fait appel aux principes d’honnêteté (par exemple, fonder les choix sur les preuves disponibles), surtout dans le cas de particularités formelles. Il s’agit alors avant tout de préserver la cohérence visuelle d’une forme ou d’une étape importantes dans l’évolution d’un bâtiment de manière à lui redonner son importance symbolique.

Lorsque les particularités formelles (ou la conception) priment, l’accord doit être passé sur les efforts voulus à recouvrer les formes perdues ou cachées, en général, les démarches qui visent à rétablir la signification symbolique par une restauration de la cohérence ou de la «chair», et que s’appuient sur les principes d’honnêteté, seront les plus indiquées.

La transparence est un principe d’honnêteté et consiste, par exemple, à assurer que les matériaux ajoutés ou modifiés ne puissent pas être confondus avec les matériaux d’époque, sans que la valeur esthétique de l’ensemble soit émoussée.

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6. Une intervention fondée sur le respect du caractère patrimonial fait appel aux principes d’adéquation ou de compatibilité (savoir, par exemple, harmoniser les proportions, la couleur, la texture, les formes, les matériaux ou les caractéristiques de construction des éléments ajoutés), surtout dans le cas de particularités contextuelles. Lorsque ces particularités portent sur les rapports physiques, on doit se soucier d’abord de préserver ou rétablir les liens importants entre les éléments du bâtiment et l’ensemble. Lorsque ces particularités sont liées au contexte fonctionnel, il devient important de chercher à rétablir l’adéquation entre un bâtiment et son usage.

Lorsque les particularités en cause sont d’ordre contextuel (rapports entre le bâtiment et le milieu environnant, entre le bâtiment et son usage, ou entre les parties et l’ensemble du bâtiment), on favorise les efforts visant à maintenir la qualité des rapports existants ou à rétablir ces rapports, en général, les démarches d’adaptation ou de réhabilitation en fonction des nouvelles circonstances, qui s’appuient sur les principes d’adéquation ou de compatibilité, seront les plus indiquées.

L’harmonie est un principe d’adéquation et consiste, par exemple, à maintenir ou rétablir des liens harmonieux entre un bâtiment et son emplacement.

7. Une intervention fondée sur le respect du caractère patrimonial requiert une consultation exhaustive et continue des spécialistes des différentes disciplines appropriées.

Les problèmes de conservation sont généralement complexes et leur solution exige des connaissances techniques poussées dans une grande variété de domaines. Aussi la collaboration entre spécialistes des disciplines les plus diverses est-elle essentielle. Or, il est rare que les ministres fédéraux disposent à l’interne des compétences voulues. Le BEEP possède, quant à lui, des unités de soutien technique, comme celle du Programme pour la conservation du patrimoine, Services immobiliers, Unité dédiée au Patrimoine canadien/Environnement Canada, qui peuvent agir comme conseillers dans les projets du BEEP, soit en apportant elles-mêmes aux ministères le soutien nécessaire, soit en dirigeant vers les services techniques compétents.

8. Seule une recherche préalable suffisante permettra l’acquisition du niveau de compréhension essentiel à une intervention respectueuse.

Les résultats des recherches réalisées par les historiens, les ingénieurs, les spécialistes du bâtiment et des matériaux, les architectes, les spécialistes en roche des richesses du patrimoine et les autres spécialistes dont les compétences peuvent être utiles à une bonne compréhension des

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particulièrement d'un bâtiment patrimonial doivent être intégrés aux contributions des représentants des ministères responsables. Toutes les personnes engagées dans le processus de recherche doivent veiller à consigner les résultats de leurs recherches de manière détaillée et permanente et à ce que ceux-ci soient accessibles. Des moyens appropriés de gestion de l'information doivent être mis en place, et une pléthore d'accessibilité des données doit être assurée. À cette fin, la mise au point de systèmes de gestion de l'information modernes utilisant des technologies appropriées de transfert de l'information, sous la forme de banques informatisées et de réseaux informatiques ou même de données ordinaires, pourra nécessiter la collaboration de spécialistes de la gestion de l'information et des ministères responsables.
Lignes directrices en matière d'intervention

Phare de Gavnet Rock, Baie de Fundy, Nouveau-Brunswick (Transports Canada, GCC, 1990)
Lignes directrices en matière d'intervention

Les lignes directrices qui suivent sont regroupées en fonction des buts d'exploitation et de rendement généralement visés par les gestionnaires. Chaque section fait le lien entre le but d'exploitation considéré et la préservation du caractère patrimonial

Les mesures prises pour atteindre les buts définis sont considérées comme des interventions lorsqu'elles sont susceptibles d'avoir une incidence sur le caractère patrimonial du bâtiment.

L'atteinte des buts d'exploitation est importante pour la préservation des particularités du bâtiment et peut favoriser l'option de mettre en valeur le caractère patrimonial de ce dernier. Là où les conséquences négatives de décisions prises sont trop importantes, on devra envisager une modification ou une réduction des buts définis.

Dans chacune des sections de la présente partie, on demande aux gestionnaires de rechercher des moyens de réaliser les buts d'exploitation et de rendement qui influeront le moins possible sur le caractère patrimonial. Les questions d'ordre général ci-dessous ont pour but de guider les gestionnaires dans le choix des moyens les plus appropriés et de les aider à se familiariser avec le processus d'analyse à l'aide duquel le BEEP examine les interventions projetées. Ces questions peuvent s'appliquer à chacun des domaines visés par les lignes directrices.

**Code de pratique : questions de suivi**

a) Les changements proposés vusent-ils à mieux répondre aux normes de rendement ou aux besoins des utilisateurs ? Ces besoins ont-ils été clairement définis ?

b) Ces changements rassemblent-ils d'influencer sur le caractère patrimonial du bâtiment ? Cette incidence sera-t-elle négative ou positive ? Est-elle acceptable ?

c) Si les changements semblent avoir une incidence négative sur le caractère patrimonial, a-t-on exploité d'autres moyens de répondre aux besoins définis ?

d) Si les changements semblent avoir une incidence trop élevée sur le caractère patrimonial, a-t-on examiné la pertinence du projet pour le bâtiment patrimonial visé ? A-t-on envisagé la possibilité de satisfaire à ces besoins dans un autre bâtiment ?

e) S'il est certain que les changements auront un effet négatif sur le caractère patrimonial et que toutes les solutions de rechange ont été explorées, des mesures ont-elles été prises pour réduire la perte ?
1 - Entretien et réparations :

L'entretien consiste essentiellement à fournir les soins continus nécessaires à la bonne préservation du caractère patrimonial. Les activités d'entretien peuvent inclure les inspections courantes et périodiques, ainsi que les travaux de nettoyage, de réparation et de remise en état, destinés à conserver la forme et la nature actuelles des bâtiments.

Les travaux d'entretien constituent des interventions lorsque ces travaux ont une incidence sur le caractère patrimonial.

Un entretien inhabituel, reporté ou négligé constitue une intervention lorsqu'il en résulte un endommagement du caractère patrimonial ou une menace à cet égard.

1.1 Les programmes d'entretien doivent être planifiés sur mesure et doivent inclure des calendriers, des marchés à suivre et des mesures correctives spécifiques aux caractéristiques et besoins du bâtiment.

Il est important de reconnaitre que la politique du BEEFP ne vise pas seulement les interventions majeures. Si le remplacement de pièces de quinquennale et d'appareils d'éclairage ou le remplacement de la maçonnerie est une incidence sur le caractère patrimonial du bâtiment, ces activités sont alors considérées comme des interventions, et le processus d'examen du BEEFP doit être appliqué.

Le BEEFP reconnaît toutefois que le temps consacré à l'évaluation de ce genre d'interventions peut parfois exiger par rapport à leur valeur intrinsèque. À ce sujet, la soumission des plans de maintenance (manuels et programmes) aux fins d'examen, plans dont l'approbation s'ensuivrait la mise en œuvre d'une grande variété de mesures au cours d'une période donnée, constituera une stratégie appropriée.

1.2 Les tâches d'entretien sont susceptibles d'altérer le caractère patrimonial. On doit donc s'efforcer dans la mesure du possible de réduire ce risque en mettant à l'épreuve les mesures envisagées. On utilisera seulement des procédés non abrasifs, non destructifs et sans danger pour l'environnement.

Le nettoyage est l'une des plus importantes tâches d'entretien. Tous les travaux de nettoyage comportent des risques. Les traitements chimiques peuvent se révéler difficiles d'application, le ponçage à l'air comprimé...
Les travaux de réparation ou de consolidation qui permettent de conserver le plus possible de matériaux existants sont toujours préférables aux mesures de remplacement.

Les techniques modernes de construction sont naturellement mieux adaptées aux travaux de remplacement qu’aux réparations. Le respect du caractère patrimonial et la méthode de l’intervention minimale font toutefois préférer les réparations aux mesures de remplacement pour les travaux sur des bâtiments du patrimoine. Il est possible de surmonter au moins partiellement la difficulté en définissant clairement les besoins en matière de réparations et les procédés applicables, et en spécifiant les habiletés appropriées dans les manuels d’entretien ou les appels d’offre.

Nombre des techniques de réparation requises sont clairement expliquées dans la documentation disponible sur la conservation. Une fois bien maîtrisées, ces techniques peuvent facilement évaluer avec les travaux de remplacement sur le plan des coûts.

Le recours au remplacement devrait seulement se faire lorsque la plus grande part d’une partie de bâtiment a atteint un état de détérioration irréversible.

Le remplacement des parties de bâtiment ayant atteint un état de détérioration irréparable peut être indicé si ce remplacement contribue à protéger le caractère patrimonial et si l’on peut se fonder sur des documents historiques pour déterminer la forme et la nature des éléments manquants.
1.5 Les travaux doivent conserver le plus possible le matériau et les détails existants dans toute la mesure du possible, sauf lorsque ces matériaux et détails entraînent la détérioration d'autres parties du bâtiment.

La tendance à améliorer les détails hantées peut produire l'effet contraire dans le cas de travaux sur du matériel patrimonial. Les techniques de réparation doivent redonner aux matériaux et composants la solidité nécessaire et tenir la détérioration. L'usure due aux rigueurs du climat est un processus inévitable qu'il faut accepter.

1.6 L'introduction de nouveaux matériaux de renforcement ou de consolidation doit seulement se faire lorsque des expériences sur le terrain ont démontré que ces matériaux pouvaient être utilisés avec succès dans des conditions similaires. Dans toutes les circonstances, on doit s'assurer que les nouveaux matériaux présentent le plus faible risque possible pour le bâtiment et que leur utilisation est réversible en autant que faire se peut.

Lorsque de nouveaux composés ou matériaux de réparation, comme les agents de consolidation pour la maçonnerie ou le bois, sont utilisés, des conservateurs professionnels qualifiés devraient être appelés à participer à l'analyse de l'état des matériaux existants, proposer des solutions et superviser l'application. Bon nombre des techniques de protection des matériaux récemment introduites, qui font appel à l'utilisation de nouvelles matières comme les vinyles, les silicomes, les résines époxydiques et différents alliages métalliques, n'ont pas encore fait leurs preuves et peuvent même accélérer la détérioration.

1.7 Les mesures de remplacement doivent le plus possible utiliser des matériaux et des détails de construction similaires, sauf lorsque ces matériaux ou détails entraînent la détérioration d'autres parties ou ne répondent pas aux normes de rendement prescrites (en matière de sécurité incendie, sécurité personnelle, stabilité structurale et efficacité énergétique, par exemple).

Lorsque le remplacement est justifié, on pourra remplacer l'élément manquant par un élément neuf identique, ou rénover l'aspect initial ou un aspect antérieur. Cette décision doit être prise dans le contexte des besoins d'ensemble du projet, de l'incidence sur la caractéristique patrimonial et des documents historiques disponibles.

Lorsque des composants existants sont remplacés par des éléments identiques (comme une corniche ou des fenêtres), un échantillon du composant existant doit toujours être conservé, dans la mesure du possible, et être intégré aux nouveaux travaux. Le choix du matériau est préconisé et permet de...
disposer d’un échantillon pour le contrôle des travaux et constitue un important témoin pour les conservateurs futurs.

Dans les cas de flambée dénommée de la structure, le remplacement par des éléments identiques peut ne pas être une réponse appropriée, le choix de l’intervention qui convient nécessitera un examen du comportement de la totalité de l’élément de structure (c’est-à-dire, de toutes les solives et non pas seulement de celle qui est remplacée) et l’analyse d’un éventail d’options incluant le renforcement partiel de la pièce de remplacement.

1.8 Le remplacement des matériaux existants par des matériaux sans entretien comme l’aluminium, la fibre de verre ou le vinyle n’est pas recommandé. Ces matériaux amoindrissez le caractère patrimonial et peuvent modifier les caractéristiques souhaitables de l’enveloppe du bâtiment ou de l’élément de structure.

L’utilisation de l’expression « sans entretien », dans la publicité, est trompeuse parce que tous les matériaux se dégradent dans des conditions ambiantes normales. De plus, l’introduction de nouveaux matériaux et des détails de construction connexes modifient souvent l’équilibre environnemental de l’enveloppe du bâtiment. L’accumulation imprévue d’humidité par suite du choix de produits d’étanchéité non appropriés, par exemple, est un problème fréquent dont on constate l’existence seulement après que des dommages graves se soient produits.
2 - Usage et occupation :

Un usage et une occupation appropriés sont essentiels à la conservation à long terme d'un édifice appartenant au patrimoine.

2.1 Lorsque l'usage existant est un important élément du caractère patrimonial, la continuation de cet usage devient une priorité. Dans d'autres cas, le retour à l'usage initial peut renforcer le caractère patrimonial.

L'usage initial d'un bâtiment patrimonial se reflète souvent dans sa conception et ses détails de construction. Le choix de l'emplacement, le traitement de la façade, la disposition des entrées, le traitement des espaces publics et l'aménagement d'ensemble peuvent tous avoir été influencés par l'usage auquel le bâtiment était destiné. La conservation ou le rétablissement de l'usage initial peuvent souvent mener à des solutions moins coûteuses et moins dommageables pour le caractère patrimonial qu'un changement radical d'utilisation. S'il n'est pas possible de rétablir ou de conserver l'usage initial du bâtiment, on devra chercher des usages compatibles avec son caractère patrimonial. Les différents codes du bâtiment reconnaissent de plus en plus, par des aménagements à cet effet ne compromettant pas la sécurité du public, la nécessité de protéger les particularités patrimoniales. Cette flexibilité s'applique surtout aux bâtiments où l'usage initial a été conservé.

Code de pratique du BESEP 29
2.2 Le processus de planification d'une intervention doit inclure une évaluation de l'incidence de tout changement d'usage, ou de toute modification de l'usage existant ou application de normes d'aménagement des locaux. Cette évaluation doit tenir compte des modes d'accès, des hiérarchies et séquences spatiales, de l'aménagement des locaux et des éléments de finition d'époque, de la structure et des installations techniques, ainsi que des caractéristiques patrimoniales importantes.

Dans le cas de nouvelles constructions, l'usage est déterminé avant le début du travail de conception. Dans le cas de bâtiments du patrimoine, par contre, l'usage devrait seulement être déterminé après qu'une évaluation du bâtiment aura été faite. Le processus de planification doit donc présenter une certaine flexibilité.

2.3 Une bonne planification de l'aménagement et des locaux doit respecter et renforcer l'intention de la conception initiale, si cette dernière constitue une composante importante de la valeur patrimoniale et les caractéristiques importantes de son évolution ultérieure.

Une des démarches de conservation fréquemment utilisée, à cet égard, consiste à procéder à la sélection des aires publiques et semi-publiques importantes en vue de leur restauration et à articuler les modes d'occupation autour de ces espaces. Les bureaux à aires ouvertes et d'autres types d'aménagement spatial ayant une incidence élevée sur l’aspect des espaces intérieurs peuvent être réservés aux aires dont la valeur patrimoniale est faible. Tout comme dans le cas des normes du bâtiment, un certain degré de flexibilité est de plus en plus admis dans l'application des normes d'aménagement, au moins pour des types spécifiques de bâtiments patrimoniaux.

2.4 On s'efforcera de satisfaire les besoins en locaux par l'utilisation d'édifices appartenant au patrimoine plutôt que par la construction de nouveaux bâtiments, dans la mesure où les édifices patrimoniaux sont en mesure de répondre aux besoins sans que leur caractère patrimonial soit touché.

Les bâtiments du patrimoine peuvent également être considérés comme des biens dont les caractéristiques les rendent aptes à répondre à de nombreuses exigences de l'Administration fédérale. Si nombre de bâtiments patrimoniaux ne peuvent pas servir à l'aménagement de locaux à bureaux de classe A, ils peuvent répondre aux besoins des ministères qui recherchent des locaux de réunion ou de travail prestigieux.
2.5 Il est possible, à l’aide des répertoires de biens immobiliers des ministères, de trouver des bâtiments patrimoniaux dont les caractéristiques correspondent aux besoins en locaux d’utilisateurs spécifiques.

Le gouvernement fédéral reconnaît l’importance de réutiliser les bâtiments patrimoniaux. En faisant preuve d’imagination et de flexibilité, il est habituellement possible de trouver un bâtiment patrimonial qui répond aux besoins en locaux d’un ministère. Ces bâtiments sont souvent situés dans des emplacements de choix, à proximité des transports publics et d’autres infrastructures urbaines d’intérêt. Leur réutilisation est le reflet d’une volonté accrue de conservation des ressources.

2.6 Les usages, existants ou projetés, qui nuisent au caractère patrimonial ou dépassent la capacité du bâtiment doivent être évités.

Il est possible de trouver des solutions techniques à la plupart des exigences réelles des bâtiments patrimoniaux, en matière d’usage et d’occupation. Lorsque ces solutions sont trop contraignantes ou exercent un effet trop destructeur sur le caractère patrimonial, cependant, il est important de reconnaître l’incompatibilité du bâtiment et de se tourner vers d’autres possibilités.

Code de pratique du BEEFP 31
3 - Ajouts et modifications :

Des ajouts et modifications peuvent être nécessaires au maintien d'un usage et d'une occupation appropriés et peuvent, s'ils sont en accord avec le caractère patrimonial existant, contribuer à mettre celui-ci en valeur.

3.1 La conception des ajouts ou modifications à un bâtiment doit respecter le caractère patrimonial de ce dernier.

Les ajouts ou modifications majeures doivent respecter la présence et l'intégrité architecturales du bâtiment. Comme pour l'usage et l'occupation, la décision finale quant à l'emplacement, à l'aménagement des lieux et à l'apparence devra seulement être prise après une évaluation attentive du bâtiment existant.

3.2 Le caractère patrimonial d'un bâtiment peut résider, à l'intérieur de celui-ci, dans l'existence d'espaces, de caractéristiques, d'éléments de finition, d'axes de circulation et de modes d'usage importants. Le cas échéant, ces particularités devront être respectées dans les modifications projetées.

L'évaluation de l'incidence des ajouts ou modifications sur le caractère patrimonial doit tenir compte de nombreux aspects, dont l'emplacement, les groupements, les accès, l'utilisation des matériaux, les couleurs, les textures et le vocabulaire architectural. L'aménagement des lieux et des axes de circulation intérieurs revêtent tout autant d'importance que l'apparence. Les ajouts et modifications doivent renforcer les éléments caractéristiques de l'aménagement des accès et des axes de circulation intérieure, en particulier dans leur rapport avec les caractéristiques architecturales et les espaces publics.
3.3 Une intervention respectueuse peut se faire dans le prolongement des caractéristiques d’origine ou, par contraste, exprimer les préférences architecturales contemporaines. La démarche qu’il convient d’adopter sera fonction des dimensions relatives, de l’importance et de l’utilité des ajouts ou modifications projetées.

De manière générale, les ajouts de dimensions importantes devront, si le bâtiment est une œuvre architecturale forte et d’une grande unité, prolonger et renforcer les caractéristiques importantes du bâtiment. Si l’identité architecturale du bâtiment est moins affirmée, les ajouts pourront jouer les contrastes.

Les ajouts de dimensions modestes devront, dans la plupart des cas, s’harmoniser aux caractéristiques de conception du bâtiment.

La dernière décennie a été marquée par un intérêt accru pour les évocations historiques et un retour aux styles du passé. Ces styles d’imitation ne sont généralement pas appropriés aux ajouts ou modifications à des bâtiments parmi les plus importants, car ils peuvent introduire un élément de confusion et compromettre l’unité architecturale du bâtiment. Il est préférable d’avoir recours à une conception bien détaillée et de haute qualité qui s’inspire de l’original sans l’imiter.

3.4 Les ajouts et modifications doivent être reconnaissables à une faible distance.

Les éléments nouveaux dont la conception brute ou s’inscrit dans le prolongement des caractéristiques importantes d’un bâtiment existant peuvent, en l’absence de tout effort de différenciation, présenter une image fausse de l’histoire du bâtiment aux personnes qui le regardent. La différence ne doit toutefois pas diminuer le caractère architectural de l’ensemble. La « différenciation à faible distance » est un critère commun d’évaluation du caractère approprié d’un nouvel élément.
3.5 Lorsque le caractère patrimonial d'un bâtiment réside autant dans sa façade que dans sa structure, ses éléments de finition intérieurs et son organisation spatiale, le façadisme (conservation de la seule façade d'un bâtiment) ne constitue pas une forme acceptable de conservation. Lorsque la façade est la particularité patrimoniale la plus importante et que l'intérieur du bâtiment est de peu d'intérêt ou a été considérablement transformé, la rétention d'une partie ou de la totalité de la façade peut être acceptable, mais seulement en dernier recours.

Le façadisme est devenu un compromis populaire entre la démolition et la construction dans les années 1980. Il est maintenant considéré comme une solution qui amorçait à la fois l'unité architecturale et le caractère patrimonial du bâtiment historique et l'unité du bâtiment moderne. Comme les efforts actuels vont de plus en plus dans le sens du maintien du rapport entre l'extérieur des bâtiments et leur intérieur, en particulier pour les édifices publics, le façadisme est maintenant considéré par la plupart comme une forme moins acceptable de conservation.

3.6 Les ajouts ou modifications qui portent atteinte au caractère patrimonial doivent être écartés, et d'autres moyens de répondre aux besoins en locaux doivent être envisagés.

Si les ajouts ou modifications projetés diminuent de manière importante le caractère patrimonial d’un lieu, ils incombent à leur gestionnaire de reconnaître ce fait et d’écarter ces solutions. De telles restrictions s’appliquaient le plus souvent aux bâtiments détachés, où les groupements et la qualité des façades sont des éléments importants du caractère patrimonial, et où les ajouts pourraient seulement nuire à ces compositions.
4 - Accessibilité :

Le gouvernement fédéral a pour politique de garantir un accès facile aux édifices patrimoniaux, sauf lorsque la conformité à de telles exigences a pour effet de nuire au caractère patrimonial de l'édifice.

4.1 Les solutions en matière d'accessibilité doivent être conformes à la conception du bâtiment et doivent tenir compte de la valeur patrimoniale.

Les spécialistes de la conservation patrimoniale reconnaissent que permettre l'accès à un bâtiment patrimonial aux personnes de tous âges, âges est un but hautement souhaitable et une façon d'en augmenter l'appréciation au sein de la collectivité. Les modifications visant à satisfaire aux normes d'accès ne doivent pas être considérées comme nuisibles au caractère patrimonial, mais comme une indication de la volonté de la société actuelle de faire de l'accès universel un important but souhaité.

Une accessibilité accrue aux bâtiments patrimoniaux requiert non seulement la mise en place d'installations appropriées, mais aussi l'assurance que l'utilisation de ces installations se fera dans le confort et la dignité. Plus un bâtiment patrimonial sera accessible, plus grandes seront les chances qu'il soit apprécié, préservé et maintenu.

Les solutions les mieux adaptées aux impératifs d'accès et au caractère patrimonial sont celles qui permettent un usage et une appréciation accrus d'un bien par tous les utilisateurs. La conception d'une solution de ce type constitue un défi tant du point de vue esthétique qu'opérationnel.
**SOLUTIONS DE RECHANGE**

4.2 Une variété de solutions, y compris l'utilisation d'autres moyens d'accès, un réaménagement des locaux et, dans le cas des « lieux historiques » importants, la disponibilité de moyens d'accès à distance par l'entremise de différentes technologies de télécommunications, devraient être considérées dans le but d'améliorer l'accessibilité tout en conservant le caractère patrimonial. L'adoption des solutions appropriées devrait résulter d'un examen de toutes les options par toutes les parties intéressées, y compris des représentants des groupes qui défendent les intérêts des personnes handicapées.

Une meilleure accessibilité nécessite une évaluation des points forts et des faiblesses actuels du bâtiment, ainsi que la définition des normes de qualité auxquelles doivent satisfaire les moyens existants d'accès à l'emplacement et au bâtiment, de circulation intérieure et d'orientation.

Les améliorations à court terme destinées à solutionner un problème spécifique doivent être réversibles dans toute la mesure du possible, du point de vue de leur incidence sur le caractère patrimonial. Les solutions à long terme basées sur un examen exhaustif des besoins devraient s'efforcer d'adapter l'usage au bâtiment tout autant que le bâtiment à son usage.

La technologie disponible en matière de facilité d'accès (ascenseurs, portes automatisées, aménagement et accessoires aménageables, par exemple), d'audible constamment. Il est important de ne pas sacrifier des éléments majeurs du caractère patrimonial au profit d'un avantage à court terme alors qu'une intervention future pourrait permettre des solutions à long terme mieux adaptées.

**SIGNALISATION APPROPRIÉE**

3.3 La signalétique doit être adaptée à des personnes de différents niveaux de capacités. Les écritures anciennes devraient être conservées et complétées au besoin par des affiches modernes discrètes.

L'orientation est un élément important de l'accessibilité. Il est important de tenir compte autant de la qualité de l'information fournie que de sa quantité. De façon générale, la conservation permet de préserver les matériaux et l'ouvrage et de les compléter par des éléments contemporains discernables mais esthétiquement compatibles. Si, par exemple, des affiches bilingues sont requises et que les indications existantes sont unilingues, on conserve habituellement ces dernières et on ajoutera une nouvelle affiche bilingue choisie avec soin.
4.4 S'il n'est pas possible d'assurer un accès facile sans compromettre gravement le caractère patrimonial, le type d'usage et d'occupation prévu devrait être réévalué, et des solutions de rechange devraient être explorées.

Comme pour toute autre intervention, il incombe au gestionnaire de reconnaître le point au-delà duquel les solutions techniques ne sont plus adaptées à la résolution du conflit bâtiment/usage et de passer dès lors à la recherche de solutions d'un autre ordre (programmation, usage différent, etc.)
5 - Santé et sécurité :

Des normes appropriées de santé et sécurité du public doivent être respectées dans la mise en valeur des bâtiments patrimoniaux. Les gestionnaires pourront, à cet égard, devoir rechercher des solutions de rechange qui ne compromettent pas la qualité patrimoniale d'un bâtiment.

5.1 La consultation de représentants des organismes de rédaction des codes et des services d'inspection de la conformité aux normes doit se faire dès les débuts du processus de conception et se poursuivre tout au long de celui-ci.

Les questions de conformité aux codes sont de plus en plus complexes, en particulier dans le cas des bâtiments patrimoniaux. Par ailleurs, les codes font maintenant preuve de beaucoup plus de flexibilité qu'il y a dix ou quinze ans. Une variété de progrès technologiques ont également accru le nombre de solutions techniques disponibles. Pour toutes ces raisons, il est souvent indiqué de faire appel à des spécialistes qui connaissent bien les exigences des codes et les problèmes propres aux bâtiments historiques, et qui feront le lien avec les autorités compétentes pour cet aspect du projet.

L'application stricte d'exigences conçues pour de nouvelles constructions pose des problèmes dans le cas de nombreux bâtiments patrimoniaux. Il est en conséquence important que les mesures prises pour assurer la conformité des bâtiments respectent l'esprit des exigences sans compromettre les objectifs de protection patrimoniale.
5.2 L’analyse en matière de sécurité incendie devra inclure l’évaluation séparée et combinée de variables comme la combustibilité, le compartimentage, les voies de sortie, l’évacuation des fumées, et les installations de détection et d’extinction. Les solutions acceptables seront celles qui procureront un maximum d’avantages tout en nuisant le moins possible au caractère patrimonial.

Pour les projets importants, on pourra élaborer un certain nombre de solutions aux problèmes d’évacuation en cas d’incendie et d’urgence et évaluer chacune du point de vue de son efficacité, de son incidence sur le caractère patrimonial et de son coût. Compte tenu des premiers résultats affichés par de nombreux bâtiments patrimoniaux, en matières de sécurité incendie, toute mesure de mise à niveau sera probablement une amélioration, le problème consiste plutôt à déterminer le point à partir duquel la conformité stricte aux normes actuelles entraînerait des coûts ou une atteinte au caractère patrimonial qui dépasseraient les niveaux acceptables, sans qu’il en résulte une amélioration sensible de la sécurité publique.

Les progrès accomplis en matière de conception des installations d’extincteurs automatiques rendent l’usage de ces dernières avantageux dans la plupart des bâtiments du patrimoine et peuvent permettre une réduction des autres exigences applicables. Les progrès dans le traitement des problèmes de communication verticale et d’évacuation des fumées dans les nouveaux bâtiments peuvent s’appliquer aux bâtiments historiques dans des contextes similaires.

5.3 L’analyse de la sécurité structurale devra se fonder sur une compréhension de l’esprit de la conception de l’édifice, du comportement passé, du dossier structural du bâtiment, des exigences actuelles des codes du bâtiment, des conditions existantes et des modifications projetées aux charges appliquées ou autres variables. Les interventions destinées à renforcer un bâtiment doivent nuire le moins possible au caractère patrimonial et s’harmoniser aux éléments de structure existants.

Les codes de conception permettent eux aussi de plus en plus de flexibilité dans l’application des exigences s’y rapportant. Les auteurs de ces codes reconnaissent maintenant que le comportement antérieur d’un bâtiment historique constitue une indication raisonnable de son comportement à venir dans la mesure où les conditions évoluées demeurent inchangées. Dans ces circonstances, on peut considérer que les éléments porteurs montrant des signes négligeables de contrainte ou de déformation sont appropriés aux charges à supporter si un entretien suffisant est assuré. Les éléments de structure de nombreux bâtiments historiques ont été...
5.4 La sélection de mesures appropriées de renforcement parasismique requiert une définition claire des objectifs de comportement du bâtiment, l’examen des différentes combinaisons de mesures applicables à l’intérieur et à l’extérieur d’un bâtiment et un évaluation des incidences à court et à long termes sur le caractère patrimonial.

Une mauvaise compréhension de la question a entraîné dans le nombreuses cas la destruction inutile de bâtiments historiques ou de leur caractère patrimonial, tant par suite de la mise en place de mesures de sécurité trop rigides que par suite de l’absence de mesures préventives à cet effet. Le renforcement parasismique est un domaine qui exige des compétences spécialisées, non seulement une bonne compréhension des ensembles structuraux du bâtiment et de leur comportement antérieur, la connaissance des principes et méthodes mondialement reconnus et des techniques les plus perfectionnées d’analyse et de conception utilisables aux bâtiments historiques. Il est important de veiller à ce que le personnel qui participe à l’analyse des besoins dispose des guides de conception et des ouvrages de référence les plus récents dans le domaine.

Dans les zones urbaines, il peut être important de faire porter l’analyse tant sur le bâtiment considéré que sur les bâtiments voisins. Ces derniers peuvent en effet contribuer à augmenter la résistance du bâtiment patrimonial.

La mise à niveau ou le renforcement doivent répondre à des besoins manifestes et démontrés et non pas viser à prévenir des situations potentiellement hypothétiques par des mesures d’une ampleur susceptible de compromettre gravement le caractère patrimonial. Seules des techniques et des mesures éprouvées devraient être utilisées.

5.5 Les matières dangereuses doivent être enlevées à moins que leur enlèvement ait une incidence importante et inévitable sur le caractère patrimonial. L’encapsulation peut constituer une solution de rechange temporaire acceptable.

On se préoccupe aujourd’hui de plus en plus des dangers associés à l’amiante, aux peintures à base de plomb, aux excréments d’oiseaux et de chauves-souris et aux autres substances toxiques présentes dans les bâtiments anciens. Les problèmes liés à ces substances se posent surtout...
lorsque celles-ci sont élargies. Un programme d'entretien régulier et une escopagation sont fréquemment requis.

Des précautions doivent être prises lorsque l'intervention prévue risque d'avoir une incidence sur des substances de ce type. Il existe maintenant de nouvelles technologies qui permettent de répondre aux normes de santé à un coût raisonnable. Grâce aux méthodes abrasives avec installations de récupération appropriées, par exemple, il est possible de procéder à l'enlèvement de la peinture au plomb, et on trouve sur le marché des aspirateurs à fibres spéciaux à l'aide desquels on peut débarrasser les surfaces des excès d'osseux et de charbons-souls là où ces matériaux présentent un risque de contamination par tuberculose. Enfin, on trouve des entrepreneurs spécialisés dans l'enlèvement de l'amante dans la plupart des centres urbains.

Il est tout aussi important de veiller à ne pas introduire de nouvelles substances toxiques dans un bâtiment patrimonial. L'usage de produits de conservation du bois est maintenant déconseillé, et il est remplacé par des mesures de prévention comme la circulation d'air et la réduction du taux d'humidité. En général, les matériaux traditionnels sont moins toxiques que les nouveaux matériaux composites, qui renferment des adhésifs souvent nocifs.

5.6 S'il n'est pas possible de satisfaire aux normes de santé et de sécurité sans compromettre gravement le caractère patrimonial, il est préférable de destiner le bâtiment à un usage autre que celui qui était projeté.

Certaines bâtiments ne sont pas conçus pour le type d'usage projeté, ou ne conviennent pas à cet usage pour une autre raison. Lorsque le respect des exigences applicables pose des problèmes majeurs, il peut être plus judicieux de destiner le bâtiment à un usage qui n'en compromet pas le caractère patrimonial. Les lieux de rassemblement et les habitations doivent habituellement satisfaire à des exigences plus strictes que les locaux à bureaux ou les locaux commerciaux.
6 - Gestion de l’énergie :

L’amélioration du rendement énergétique des bâtiments patrimoniaux est importante du point de vue de leur durée de vie et des avantages pour la collectivité, et elle peut offrir des occasions d’en augmenter le caractère fonctionnel et patrimonial.

6.1 La gestion de l’énergie dans les bâtiments patrimoniaux exige l’application de mesures appropriées comme la mise en place de nouvelles installations énergétiques ou la mise en œuvre de modifications de l’enveloppe du bâtiment peu dommageables pour le caractère patrimonial.

Il existe de nombreuses façons d’améliorer la gestion de l’énergie dans les bâtiments. On pourra par exemple modifier l’enveloppe du bâtiment par l’ajout de pare-vapeur, d’isolant et de nouveaux revêtements, ou par une amélioration de l’efficacité des fenêtres et autres ouvertures, remplacer ou améliorer les installations de chauffage, de ventilation et de conditionnement d’air et autres installations techniques, ou encore modifier les besoins en énergie se rattachant à la vocation actuelle ou potentielle du bâtiment. Toutes ces solutions doivent être examinées, et la priorité doit être accordée aux mesures les plus économiques et les moins dommageables pour le caractère patrimonial du bâtiment.

6.2 L’analyse des besoins en matière de gestion de l’énergie doit tenir compte de l’exécution de la conception initiale et des modifications importantes apportées par la suite tout autant que des conditions actuelles. Les solutions envisageables doivent inclure une modification des modes d’utilisation et d’occupation et la modernisation des installations de régulation de la consommation énergétique.

La nécessité d’une meilleure gestion de l’énergie a mené à l’élaboration d’excellents systèmes de modélisation de l’efficacité énergétique des...
6.3 En général, la priorité devra être accordée aux mesures qui procurent la plus grande amélioration possible tout en compromettant le moins possible le caractère patrimonial.

Il est habituellement possible d'évaluer le coefficient de réduction des pertes de chaleur résultant des améliorations à diverses parties du bâtiment (toute, murs et fenêtres, par exemple). Il est important de veiller non seulement à ce que les solutions envisagées réduisent les besoins énergétiques de la façon la plus économique possible, mais à ce qu'elles aient l'incidence la moins nuisible possible sur le caractère patrimonial.

6.4 Lorsque les mesures d'amélioration de la consommation énergétique envisagées risquent de compromettre de manière irréparable le caractère patrimonial, il est préférable d'examiner des solutions de remplacement ou de chercher à réduire les besoins énergétiques.

La mise en œuvre de mesures d'amélioration de l'efficacité énergétique qui se révèlent trop dépendantes ou trop perturbatrices va à l'encontre des buts visés. Les bâtiments patrimoniaux sont des dépositaires d'une énorme dépense d'énergie, et leur réhabilitation respectueuse constitue en soi une mesure de conservation de l'énergie.
7 - Confort :

Des travaux visant à améliorer le confort du bâtiment, l'efficacité des installations techniques et les conditions ambiantes peuvent être nécessaires. Les mesures possibles incluent la mise en place de nouvelles installations de chauffage, de ventilation, de climatisation d'air, d'alimentation électrique, de communications vocales, de transmission de données et d'éclairage, ainsi que d'ameublement et d'accès divers. De tels travaux peuvent être l'occasion d'accroître de manière importante l'utilité d'un bâtiment historique et peuvent être réalisés sans compromettre gravement le caractère patrimonial.

7.1 Les nouvelles installations CVCA ou les améliorations apportées à ces installations doivent utiliser les vide existants du bâtiment. Les salignes et caissons de plafond nouveaux requis doivent être placés de manière à nuire le moins possible aux éléments de finition ou de décoration ainsi qu'aux proportions des pièces.

Il est essentiel que les ingénieurs en mécanique spécialisés dans les bâtiments d'époque collaborent au processus de conception dès ses débuts de façon à définir les exigences des installations mécaniques et à ce que le travail s'effectue dans le respect des contraintes imposées par la préservation du caractère patrimonial. Les installations mécaniques sont trop souvent conçues à part, et presque exclusivement selon des méthodes applicables aux constructions neuves.

Les plafonds suspendus qui manquent d'importantes caractéristiques du bâtiment ne sont pas acceptables. Les solutions doivent être adaptées aux caractéristiques et possibilités du bâtiment, y compris l'utilisation d'installations de distribution verticale, de caissons partiels, d'électroconvecteurs peu apparents, de gaines de circulation à débit rapide et de locaux techniques répartis de tels qu'installations de circulation d'air autonomes qui permettent d'utiliser des conduits plus petits ainsi qu'une mise en place et un fonctionnement plus flexibles.

Les installations mécaniques non dissemblables peuvent être acceptables, en particulier dans les bâtiments de type industriel.
7.2 Une augmentation du taux d'humidité au profit du contenu du bâtiment ou de collections de musée ne doit pas être encouragée au détriment du bâtiment lui-même. Lorsqu'une humidification accrue est importante pour la préservation d'une collection, on s'efforcera de limiter cette humidification à des zones précises, de mettre en place des pare-vapeur efficaces et d'assurer une supervision continue visant à prévenir les effets nuisibles.

De nombreux bâtiments patrimoniaux sont utilisés comme musées ou pour des usages connexes nécessitant un taux d'humidité élevé et une régulation accrue de la température ambiante. De telles conditions causent souvent des torts considérables aux bâtiments.

Dans la mesure du possible, les zones qui nécessitent une humidité élevée doivent être confinées aux parties du bâtiment ne contenant pas d'éléments de fixation ou de décoration importants, afin que des pare-vapeur puissent être mis en place. Les solutions à court ou à moyen terme incluent l'aménagement de locaux temporaires autonomes et réversibles, à l'intérieur des zones à protéger.

7.3 Les fenêtres d'époque doivent être conservées et améliorées plutôt que remplacées. À cet égard, il est préférable d'améliorer l'efficacité thermique par l'utilisation de contre-fenêtres intérieures ou extérieures plutôt que par la mise en place de fenêtres neuves à double ou triple vitrage.

Souvent, on remplace des fenêtres d'époque qui se sont à peine détériorées en une centaine d'années par des fenêtres modernes d'une durée de vie de vingt ou trente ans. Une telle pratique est dénuée de sens d'un point de vue économique et compromet souvent de façon importante le caractère patrimonial.

La fabrication des fenêtres traditionnelles faisait souvent appel à une qualité de bois, à fil droit et fin, qu'il n'est plus disponible. Les vitrages simples permettaient d'éviter les problèmes actuels de condensation des vitrages acellés défectueux, et l'utilisation de châssis séparés permettait de faire pour les fenêtres un rôle esthétique important.

La réparation des fenêtres qui ont une valeur patrimoniale assure une meilleure préservation du caractère patrimonial. À cette fin, il faudra être nécessaire d'aller les châssis des réparations, réfractaire finis et roseluter les vitrages; on pourra également poser des coupe-bise sur les châssis ou les cadres. La réparation des fenêtres fixes peut se faire sur place. On pourra en outre réutiliser les contre-fenêtres existantes ou encore mettre en place de nouvelles contre-fenêtres extérieures pour assurer une meilleure efficacité thermique.

Code de pratique du BEEP: 45
Lorsqu'il est nécessaire de remplacer des fenêtres avec des éléments caractéristiques, les nouvelles unités doivent s'harmoniser avec le matériau, la forme et les détails des fenêtres qui sont remplacées. Cette façon de procéder assure le maintien du caractère patrimonial et la compatibilité avec les fenêtres existantes encore en place.

7.4 La mise en place d'installations intégrées d'alimentation électrique, de communications vocales et de transmission de données doit être faite au moment de modifications majeures, de manière à prévenir l'endommagement et les dangers résultant de la prolifération de fils et d'installations non compatibles. Au besoin, des saignées discrètes pourront être aménagées pour réduire au minimum tout effet visuel indésirable.

À moins que le câblage en place soit intact et en bonne condition, il pourra être nécessaire de remplacer celui-ci de manière à prévenir les modifications désordonnées et les risques qu'elles présentent. Des installations ou de l’appareillage électronique en mauvais état ont entrainé la destruction par les flammes de nombreux bâtiments patrimoniaux.

Les installations intégrées d'alimentation électrique, de communications vocales et de transmission de données ainsi que les autres services requis par les utilisateurs devraient être mis en place au moment de l'exécution de travaux majeurs comme le montage de nouvelles installations CVCA, d’installations d’extincteurs automatisques ou autres. Une intervention respectueuse du caractère patrimonial requiert la définition de spécifications techniques et une supervision appropriées. La conception des conduits et points d’accès devra faire preuve de flexibilité pour tenir compte de l’évolution rapide des nouvelles technologies.

7.5 Les interventions visant à améliorer l’éclairage doivent respecter les caractéristiques du bâtiment. Une distinction entre éclairage ambiant et éclairage direct facilitera la conception de nouvelles installations compatibles. Dans le cas des appareils d’époque distinctifs, on refera le câblage ou on mettra en place des répliques des appareils existants ; les appareils ajoutés devront être de style contemporain compatible.

Au Canada, l’éclairage intérieur est une importante caractéristique intérieure et extérieure des bâtiments au cours des mois d’hiver. Lorsque le jour tombe, en effet, les intérieurs deviennent clairement visibles et s’intègrent aux façades. Il est donc important d’accorder une attention particulière à l’apparence et au rendement des installations d’éclairage mises en place ou adaptées.
Les installations traditionnelles procurent des niveaux d'éclairage relativement faibles, et l'utilisation de la lumière du jour diffusée par de grandes fenêtres, des ateliers à verrières et d'autres moyens était importante. Ces sources d'éclairage naturels doivent être conservées et restaurées, tout comme les appareils. L'éclairage moderne doit être discrèt et viser avant tout à répondre aux besoins du travail. L'éclairage indirect convient tout particulièrement aux bâtiements de style Beaux-arts ou autres dans lesquels les murs et plafonds sont de couleur claire. Les tentes foncées des bâtiements victoriens se prêtent mal à ce type d'éclairage, les lampes de table ou sur pied de style contemporain seront mieux adaptées à ces bâtiments.

7.6 De manière générale, les nouveaux accessoires et éléments d'aménagement (du type utilisé dans les bureaux à aires ouvertes) devront être de style contemporain et respecter le caractère patrimonial du bâtiment. L'utilisation de détails qui imitent les éléments d'époque engendrer la confusion et amoindrir la valeur patrimoniale des éléments authentiques conçus.

Si la préservation des éléments d'aménagement et accessoires d'époque est une pratique respectueuse du caractère patrimonial, elle peut à l'occasion entrer en conflit avec les besoins d'aujourd'hui. Les accessoires et garnitures étaient souvent conçus spécifiquement pour le lieu auquel ils étaient destinés. Les pièces d'aménagement ou garnitures d'époque ou anciennes encore en place, ayant des éléments caractéristiques, doivent être conservées dans la mesure où elles ne nuisent pas à l'usage actuel.

Lorsque des nouveaux accessoires et éléments d'aménagement sont requis, on envisagera plutôt l'utilisation d'éléments d'aménagement et de finition contemporains qui marquent l'évolution du bâtiment sans en trahir le caractère patrimonial.

7.7 Lorsqu'une intervention visant à améliorer le confort ou l'utilité d'un bâtiment en compromet gravement le caractère patrimonial, d'autres solutions ou une modification des objectifs initiaux doivent être envisagées.

Les normes constantes d'aménagement des locaux (ameublement, accessoires, éclairage et services divers) des ministères ne sauraient s'appliquer aux bâtiments patrimoniaux sans certains assouplissements. Les résultats attendus seront supérieurs aux normes pour certains aspects, et inférieurs pour d'autres. Cette flexibilité est nécessaire au respect du caractère patrimonial.
8 - Emplacement et milieu :
Il n’est pas possible de dissocier un bâtiment de son emplacement et du milieu dans lequel il s’insère.

8.1 L’emplacement et le milieu environnant jouent un rôle important dans l’évaluation du caractère patrimonial. Lorsque ces caractéristiques contribuent beaucoup au caractère patrimonial, le processus de planification et de conception de l’intervention doit en assurer la préservation.

La Politique sur les édifices fédéraux du patrimoine s’applique, comme son nom l’indique, aux bâtiments. Les bâtiments sont cependant toujours été conçus et utilisés en fonction de la nature et de situation géographique. Traiter un bâtiment sans se préoccuper de son site équivaut à traiter une façade sans tenir compte des installations et de l’aménagement intérieur.

8.2 Lorsque l’intégrité de la relation entre un bâtiment et son site est demeurée relativement inchangée, des efforts importants doivent être faits pour conserver cette relation et les éléments qui y contribuent.

La détermination de l’intégrité de la relation entre un bâtiment et son site comprendra une évaluation du traitement actuel du site, de l’incidence des besoins actuels sur le site, de l’utilisation de la végétation et des matériaux de surface, des axes de déplacement des piétons et des véhicules, ainsi qu’une évaluation du mobilier, des appareils d’éclairage et des panneaux de signalisation.
8.3 Lorsqu'un bâtiment détermine le caractère du secteur ou du district où il est situé ou contribue de manière importante à ce caractère, des efforts sérieux doivent être faits pour préserver ces liens.

L'évaluation de la contribution d'un bâtiment au caractère de son milieu environnant requiert une compréhension du processus d'évolution du secteur et le rôle du bâtiment dans cette évolution. Cette évaluation doit inclure une analyse des axes routiers, des panoramas, des points d'intérêt, du caractère topographique, de la végétation, des autres bâtiments marquants et de la ligne d'horizon ou de la ligne des tons du secteur ou de la région.

8.4 Lorsqu'un bâtiment est un symbole important ou visible pour une région ou un territoire et contribue de manière considérable à son identité, les interventions projetées doivent respecter ses particularités symboliques.

Les bâtiments peuvent constituer des points d'intérêt de diverses façons. La contribution de tours ou de châteaux est relativement facile à percevoir et évaluer. Les associations propres à une collectivité — moins évidentes pour le visiteur — peuvent également conférer à un bâtiment une grande importance symbolique.

8.5 Lorsque les interventions d'aménagement extérieur menacent le caractère patrimonial associé à l'implantation ou au milieu environnant d'un bâtiment, d'autres moyens d'atteindre les objectifs visés doivent être recherchés.

La satisfaction des besoins en matière de circulation automobile, par l'aménagement d'axes de stationnement, de berges滨 d'accès et de voies de circulation étagées, peut facilement détruire l'âme d'un lieu. On s'efforcera dans toute la mesure du possible de répondre à ces besoins légitimes à bonne distance de l'implantation ou par un réaménagement des infrastructures existantes. Les pratiques usuelles qui pourraient compromettre le caractère patrimonial doivent être reconsidérées.
8.6 Les renseignements archéologiques recueillis dans le cadre d’un programme structuré de fouilles ou au cours d’opérations de sauvetage peuvent faire mieux comprendre la nature de l’aménagement d’un emplacement et de son usage dans le temps.

La recherche archéologique exige le respect de normes professionnelles dans l’exécution des activités de fouilles, de documentation et de conservation du matériel mis à découvert. Le coût d’une opération de sauvetage est en conséquence supérieur au coût du temps de supervision passé sur les lieux par l’archéologue. Une planification et une préparation appropriées permettront toutefois de réduire à un minimum le coût d’une telle opération tout en garantissant des résultats de grande qualité. À cet égard, une évaluation préalable du potentiel archéologique d’un site peut permettre de recueillir de l’information qui réduira de beaucoup le coût de l’opération de sauvetage.
9 - Gestion immobilière :

Pour être efficace, la gestion des bâtiments patrimoniaux doit reconnaître la valeur et le potentiel économique de tels bâtiments, ainsi que la contribution du caractère patrimonial à cette valeur.

9.1 L'acquisition de bâtiments patrimoniaux est encouragée lorsque ceux-ci peuvent répondre aux besoins du programme immobilier sans que leur caractère patrimonial soit amoindri.

L'engagement du gouvernement, en matière de protection des bâtiments patrimoniaux, s'étend aux arrangements pris en vue de leur acquisition et de leur location. L'établissement d'une correspondance entre les bâtiments et les besoins des différents utilisateurs est un processus qui nécessite une coordination et une collaboration continues.

Dans le cadre de l'analyse préalable à une acquisition, des études doivent être faites dans le but de déterminer l'usage convenant le mieux au bâtiment, sur la base d'une évaluation du caractère patrimonial.

9.2 L'aménagement des bâtiments patrimoniaux en vue de leur usage optimal requiert une évaluation de la mesure dans laquelle le caractère patrimonial peut contribuer à la valeur économique de ces bâtiments.

Les formules utilisées pour évaluer la valeur économique des bâtiments patrimoniaux sont souvent plus facilement applicables à la taille et à l'aménagement du bâtiment qu'à leur valeur culturelle. Les réalités économiques du tourisme culturel, ainsi que de la conservation des ressources et du patrimoine urbain commencent seulement à être intégrées aux formules de calcul de la valeur économique. Au cours des vingt dernières années, la valeur des biens immobiliers s'est accrue dans tous les districts patrimoniaux désignés au Canada, et ce, en dépit d'une réduction du potentiel d'aménagement.
Les investissements nécessaires à l’entretien et à l’aménagement des bâtiments patrimoniaux doivent être évalués de façon globale et en fonction du cycle de vie de ces bâtiments. De nombreuses constructions modernes ont une espérance de vie de trente ou quarante ans, ce qui est de beaucoup inférieur à l’espérance de vie moyenne des bâtiments patrimoniaux restaurés ou réhabilités.

9.3 L’aliénation de bâtiments historiques n’est pas conseillée sans une étude préalable de solutions de rechange, comme un entretien d’usage, une location ou un transfert de propriété, qui seraient moins préjudiciables à leur caractère patrimonial. AU besoin, l’aliénation devrait s’accompagner de dispositions (l’imposition de servitudes, par exemple) visant à assurer la protection du caractère patrimonial par le nouveau propriétaire.

L’aliénation est quelquefois reliée à des enjeux économiques. Les bâtiments historiques vendus à des fins de promotion immobilière uniquement sur la base de la valeur du terrain, en particulier dans les centres urbains, sont souvent indirectement voués à la démolition. D’autres méthodes appropriées de renaturation doivent être envisagées. Le Conseil du Trésor a dernièrement reconnu la légitimité du caractère patrimonial comme élément de discussion de la valeur commerciale.

Le transfert de biens immobiliers désignés de la Couronne à d’autres ministères permet d’assurer leur protection. Dans les cas où les exigences des utilisateurs sont moins contraignantes, leur protection est accrue.

9.4 Un relevé complet de l’état d’un bâtiment doit être effectué chaque fois que la décision d’aliéner ou de démolir un bâtiment patrimonial est prise. Un tel relevé permet de consigner le caractère patrimonial du bien à aliéner et de constituer un dossier permanent et accessible de son organisation matérielle.

La consignation de l’état d’un bâtiment permet de protéger des enregistrements importants qui seraient autrement perdus par suite de la démolition ou de la vente du bâtiment à une autre organisation. Un tel relevé ne constitue pas en soi un moyen de conservation du caractère patrimonial d’un bâtiment et ne doit pas être considéré comme une solution de rechange viable aux efforts de protection du caractère patrimonial par un usage ou une réhabilitation appropriés.
STANDARDS AND GUIDELINES

for the Conservation of Historic Places in Canada
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Foreword

The Standards and Guidelines for the Conservation of Historic Places in Canada is the result of a major collaborative effort among federal, provincial, territorial and municipal governments, heritage conservation professionals, heritage developers, and many individual Canadians.

This collaborative process has laid down an important foundation for the evolution of conservation practice in Canada and this approach, based on the involvement of all stakeholders and interested parties, will continue to be used for the periodic revision of the Standards and Guidelines for the Conservation of Historic Places in Canada and for other issues related to the conservation of historic places.

Through this pan-Canadian collaboration, we have reinforced the development of a culture of conservation in Canada, which will continue to find a unique expression in each of the jurisdictions and regions of our country.

The development of the Standards and Guidelines for the Conservation of Historic Places in Canada could not have been so successful without the wisdom, leadership and rigor of a Parks Canada employee, Gordon Fulton. As a steward and a guide, he has helped to make available to the heritage conservation community an effective new tool.

On behalf of Parks Canada, I am proud to adopt the Standards and Guidelines for the Conservation of Historic Places in Canada for use in our stewardship of Canada’s national historic sites and other heritage properties. Together with our many partners, we will move towards a strengthened culture of conservation.

Alan Latourelle
Chief Executive Officer
Parks Canada
Over the years, guidance on how best to conserve our irreplaceable built heritage, and the limits of acceptable change to it, have been provided in a number of documents (see the BIBLIOGRAPHY). A common set of standards and guidelines for the conservation of historic places in Canada, however, remained an unfulfilled challenge. In June 2000, a working group of heritage conservation and real property experts from industry, non-governmental heritage organizations, municipal, provincial and territorial governments, and federal departments and agencies was brought together by the federal Department of Canadian Heritage to address this shortcoming. The result is this document.

Like most of its Canadian predecessors, Standards and Guidelines for the Conservation of Historic Places in Canada draws very heavily and is modelled quite directly on the United States Government's landmark publication, The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (1995). This document is a model of clarity and practicality. The working group that developed these Canadian standards and guidelines could find no reason not to use it as a basis, with appropriate modifications to the Canadian situation. The working group acknowledges the U.S. National Park Service's Technical Preservation Services for its support and encouragement in using and adapting this document and its companion, The Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes (1996).


The Standards and Guidelines for the Conservation of Historic Places in Canada was produced under the guidance and direction of the Working Group on Conservation Standards and Guidelines, whose members volunteered their time and expertise. Gordon W. Fulton served as the Working Group's project manager and edited the draft of the Standards and Guidelines, which was then used for consultations. Working Group members, and their affiliations at the time of their involvement, are as follows:


Following the preparation of the Standards and Guidelines for the Conservation of Historic Places in Canada, 42 pilot projects were undertaken to test use of the Standards and Guidelines. Pat Buchak, Robert D'Ant and Eve Wertheimer from Heritage Conservation Services of Public Works and Government Services Canada were instrumental in identifying and coordinating the pilot projects and sharing the results of this work with the working group. Comments provided as a result of these pilot projects contributed to the further refinement of the document and a final review of the document by the working group.

We also acknowledge members of the piloting team, which included the following:


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The coordination of the last stages of production of the document was under the responsibility of the following:

Christiane Lefebvre and Johanne Portier of the Historic Places Program, National Historic Sites Directorate; Pat Buchak, Éve Wertheimer and Genevieve Charros of Heritage Conservation Services, Public Works and Government Services Canada, who oversaw the editing of the document in both official languages, as well as Ellen Cumings and Lana Stewart of the Historic Places Program, National Historic Sites Directorate, for the coordination of the design and layout.

Peter Fidd.

Director
National Historic Sites Directorate
Parks Canada

Prelace and Acknowledgements vii
The primary purpose of the Standards and Guidelines for the Conservation of Historic Places in Canada is to provide sound, practical guidance to achieve good conservation practice. Anyone with an interest in conserving Canada’s historic places who voluntarily follows these Standards and Guidelines will benefit from clear and consistent guidance. The intent of the document is not to replace the role of conservation practitioners or provide detailed technical specifications appropriate to every situation. It does, however, offer results-oriented guidance for sound decision making when planning for, intervening in, and using a historic place.

A second purpose of the Standards and Guidelines for the Conservation of Historic Places in Canada is to develop a pan-Canadian set of Standards and Guidelines. The Standards and Guidelines may be adopted by federal, provincial, territorial or other authorities as a benchmark for assessing proposed conservation interventions. For example, jurisdictions which adopt the Standards and Guidelines may use them to assess proposed changes to a historic place listed on the Canadian Register of Historic Places. Under these circumstances, the Standards and Guidelines would be used to measure compliance with legislation relating to the statutory protection of these historic places. To comply with the legislation, a project would then have to respect and conserve the heritage value and character-defining elements of the historic place as recommended in these Standards and Guidelines and as determined by the appropriate authority both at the planning stage and upon completion.

The third purpose is to assist people who intend to apply for government financial incentives for conservation. When adopted by a jurisdiction, the Standards and Guidelines may form the basis for review and assessment of a preservation, rehabilitation or restoration project before the project starts, and again upon completion. To be approved and certified for federal financial incentives, a project must be consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
Definitions of Some Key Terms

A number of terms used in this document have very specific meanings in the context of heritage conservation and are defined as follows.

**Character-defining elements:** the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the *heritage value* of a historic place, which must be retained in order to preserve its *heritage value*.

**Conservation:** all actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its *heritage value* and extend its physical life. This may involve "Preservation," "Rehabilitation," "Restoration," or a combination of these actions or processes. Reconstruction or reconstitution of a disappeared cultural resource is not considered conservation and is therefore not addressed in this document.

**Guidelines:** statements that provide practical guidance in applying the Standards for the Conservation of Historic Places. They are presented here as recommended and non-recommended actions.

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

**Historic place:** a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its *heritage value*.

**Intervention:** any action, other than demolition or destruction, that results in a physical change to an element of a historic place.

**Maintenance:** routine, cyclical, non-destructive actions necessary to slow the deterioration of a historic place. It entails periodic inspection, routine, cyclical, non-destructive cleaning, minor repair and refurbishing operations, replacement of damaged or deteriorated materials that are impractical to save.

**Minimal intervention:** the approach which allows functional goals to be met with the least physical intervention.

**Standards:** Norms for the respectful conservation of historic places.

2 Introduction — Key Terms
Rehabilitation: The action of making possible or continuing or comparable contemporary use of a historic place or an individual component through repair, alterations, and additions while protecting its historic value.

Restoration: The act of returning a historic place or an individual component to its original design or physical condition. Restoration must be based on clear evidence and detailed knowledge of the original forms and materials being recovered.

These and other definitions can also be found in the Glossary.

Introduction — Key Terms
Heritage conservation involves identifying, protecting, and promoting the elements that our society values. The term "heritage" can cover a wide range of physical things from a railway station to a garden to a painting, and non-physical things such as traditional knowledge and language. The term "heritage conservation" (or "historic preservation" in some regions) has traditionally been associated with protecting the physical or "built" environment, i.e., the tangible landscapes, buildings, structures, and artfacts that have been created throughout the history of Canada. More recently, the term has also come to be associated with safeguarding the non-physical associations between people and a place, i.e., associations linked to use, meanings and cultural or spiritual values. Standards and Guidelines for the Conservation of Historic Places in Canada deals with both the physical aspects of historic places and their non-physical associations.

The fundamental principles that form the basis for good conservation practice have traditionally been collected and published as "charters". These charters, beginning with the Athens Charter in 1931, reflect our ongoing efforts to spell out as clearly as possible the reasons why one idea or one action may be better than another when dealing with our fragile and irreplaceable historic places. Each of the charters embodies a certain philosophy or bias or focus — the cultural associations in Australia's Burra Charter, for example. Nevertheless, a consistent thread of logic runs through each. This thread is summarized here and forms the philosophical foundation for the Standards and Guidelines that follow. The principles are presented in a sequence of actions from "beginning" to "end" — from understanding the historic place to making changes to it. However, the persons involved in conservation must occasionally backtrack and re-examine their approaches and obtain additional information, because conservation, an ongoing process, is cyclical by nature.

Decisions regarding any conservation action on the heritage value of a historic place require sound, cautious judgment to balance conflicting requirements while engaging all relevant stakeholders and considering case-specific criteria. Engaging multidisciplinary experts and all relevant stakeholders is often necessary in the decision-making process.

A Understanding
A comprehensive understanding of a historic place is an essential first step to good conservation practice, which is normally achieved through documentary and oral research and physical investigation. It is important to know where the heritage value of the historic place lies, how it fits physically and functionally into its surroundings, and how it was and is important to its larger community past, present, and future. The evaluation of a historic place therefore constitutes an important part of the process of understanding it. Planning for, using, and intervening in a historic place must be made with this understanding.

B Planning
Planning must precede any interventions to a historic place. In other words, conservation work must be coordinated and integrated with planning and other future-oriented activities. Planning is the mechanism that links a comprehensive understanding of a historic place with interventions that respect that place's specific heritage value. In planning, it is important to maintain a firm sense of the longer term and the larger picture, and to not place emphasis on particular character-defining elements at the expense of others. Planning should include consideration of all factors affecting the future of a historic place, including the owner's needs, resources, and external constraints.

C Using
If the use of a historic place is part of its heritage value, then that use should be retained. Otherwise, a use compatible with its heritage value should be found. A viable use — economic, social or symbolic — will better ensure the long-term survival of a historic place and lessen or prevent deterioration caused by environmental and human activities. Because of the effects of the ongoing day-to-day use of a historic place, regular inspection, monitoring and maintenance, appropriate to the particular circumstances of the place, should be planned and undertaken. Accessible records should be kept on an ongoing basis to document its condition over time. These records will add to the comprehensive understanding of the historic place. In addition, emergency response plans, monitoring systems and other safeguards should be implemented in a respectful way to protect the place and any people within, in the event of a disaster such as fire.

4 Introduction — Principles Behind
D Intervening

Any interventions to a historic place, i.e., any actions or processes that result in a physical change to its tangible elements, must respect its heritage value. In any intervention, as French archaeologist Adolphe-Napolon D'Éciron wrote in 1594, "it is better to preserve than to repair, better to repair than to restore, better to restore than to reconstruct." New contributions should respect the spirit and substance of the old. The objective for the conservation of a historic place is to meet functional goals while respecting its heritage value and character-defining elements. Thus, "minimal interventions" approach as the foundation of good conservation practice. Translating good intentions into respectful interventions and clear, unambiguous instructions (usually in the form of design drawings and specifications) is essential.

The Format of the Standards and Guidelines

Standards and Guidelines for the Conservation of Historic Places in Canada have four main sections. The first section, the Introduction, begins with the purpose of the Standards and Guidelines, followed by definitions of some key terms. The fundamental principles that form the basis for good conservation practice and underlie every standard and guideline in this document are then summarized. The introduction concludes with this outline of the format of the Standards and Guidelines, and a description of how to use this document.

In the second section, the Standards for conservation are introduced and presented. There are two "General Standards" applied to historic places of all types and to the conservation treatment. "Preservation" is one of them. They are also required for the two other conservation treatments: "Rehabilitation" and "Restoration." There are three additional standards that apply only to the Rehabilitation conservation treatment, and two additional standards that apply only to the Restoration conservation treatment.

The third and largest section of this document is made up of the Guidelines, which are intended to assist in applying the Standards and determining whether the intent of the Standards has been met. After an introduction that discusses the application of the Guidelines, and a general discussion on substitute materials and balancing other considerations, the specific Guidelines for archaeological sites, landscapes, buildings, and engineering works — any or all of which may be part of a historic place — are presented.

The fourth section includes detailed recommendations for other considerations, such as health and safety issues, accessibility, energy efficiency and ecological objectives, and new additions to historic places.

A number of terms used in this document have very specific meanings in the context of heritage conservation. These terms are defined in this introduction, and are also included in the Glossary. The glossary is followed by a bibliography (technical guide) of useful books and references.
The following text and accompanying chart outline the main steps to achieving a successful conservation project. Key recommendations and cautions are highlighted.

1. Identify Heritage Value and Character-Defining Elements
A concept that permeates this document is the respect for heritage value and character-defining elements. A historic place’s heritage value and character-defining elements are usually identified when it is formally recognized by an authority or when it is nominated to the Canadian Register of Historic Places. If the character-defining elements of a historic place have not been identified, the first and absolutely essential step in any project is to identify and describe the elements that are important in defining the overall heritage value of the historic place. The essence of these elements is usually captured in a “statement of significance” or equivalent document.

2. Determine the Primary Treatment
While any conservation project may involve aspects of more than one of the three conservation treatments, it is highly beneficial to decide during the planning stage whether it is essentially a Preservation, a Rehabilitation or a Restoration project. A clear idea of the primary focus or objective of the project along with the heritage values of the historic place, from the outset, will contribute to the success of a consistent, coherent conservation project. For a discussion on when to use Preservation, Rehabilitation or Restoration as the primary treatment, see section 2, Applying the Standards.

3. Review the Standards
The Standards, which are at the heart of this document and the principles on which they are based, are central to the process of Preservation, Rehabilitation or Restoring a historic place in a responsible and consistent manner. It is important, therefore, to review the Standards and the principles before getting into the Guidelines. Note that the Standards are integrated. Ensuring that compliance with the Standards for each type of treatment means compliance with all of the Standards for that type of treatment, not just some of them. In other words, Standards 1 to 5 apply to a Preservation project, Standards 1 to 12 to a Rehabilitation project, and Standards 1 to 9 and 13 to 14 to a Restoration project.

4. Follow the Guidelines for the Appropriate Resource Type and Treatment
A thorough understanding of a historic place and its components is essential to good conservation practice. The better the understanding, the more likely heritage value will be respected. The Guidelines therefore always recommend documenting, identifying, surveying and analyzing the form, materials and condition (and function and interrelationships, where applicable) of the historic place and its components before the project work begins.

Balancing health and safety and other issues with conservation objectives is an extremely important aspect of any conservation project. The challenge often involves meeting requirements such as fire codes, seismic standards or the use of chemicals, while maintaining the negative impact on a historic place’s heritage value. A conservation project’s chances of success may depend on the extent to which fundamental issues of health, safety and heritage value can be adequately reconciled. Therefore, a general discussion on meeting these concerns while respecting heritage value is presented at the beginning of the Guidelines section (Balancing Other Considerations). Detailed recommendations on these issues can be found in Section 4, Other Considerations.

After an understanding of the historic place and its components has been developed and other applicable issues have been considered, the next step is following the appropriate Guidelines. In terms of resource types, the Guidelines are divided into four parts: archaeological sites, landscapes, buildings and engineering works. For ease of use, the landscapes and buildings Guidelines are subdivided into separate components, such as landforms or windows.

These Guidelines, which deal with different resource types including their separate components, should not be used in isolation. There may be heritage value in the relationships between archaeological sites, landscapes, buildings or engineering works, and these values should not be compromised when undertaking a project on any visual components of a historic place.
Identify heritage value and character-defining elements

Determine primary treatment

Review standards

Preservation

Rehabilitation

Restoration

Standards 1-9

Standards 1-12

Standards 1-9, 13, 14

General guidelines for preserving and repairing

Replacing

Adding

Replacing

Removing

Recreating

Follow guidelines according to selected treatment...

...and according to type of resource

Archaeological sites

Landscapes

Buildings

Engineering Works

Balance other considerations

Introduction — How to Use the Standards and Guidelines
In terms of treatments, each of the Guideline sections in this document begins with recommendations concerned with *Preservation*: i.e., stabilizing, protecting, maintaining and/or retaining the elements that are important in defining the heritage value of the historic place. *All conservation projects should follow these Guidelines* for projects requiring more than Preservation, one can follow either the additional Guidelines for Rehabilitation or the additional Guidelines for Restoration.

The Guidelines' approaches to work, treatments, and techniques that are consistent with the Standards for the Conservation of Historic Places in Canada are listed in the "Recommended" column on the left, those that are not are listed in the "Not Recommended" column on the right.

5) Undertake the Project Work

The project work is a critical phase in the conservation process. It is just as important to have well-supervised people with the right skills undertaking the work as it is to determine the right work to undertake. While giving advice on project management and related activities is beyond the scope of this document, one can safely say that it is vital to ensure that all those involved in the actual work of a conservation project possess the right training and skills. They must be familiar with special conservation approaches and understand the scope of the project. Furthermore, while significant interventions may be necessary in a conservation project, the best long-term investment in a historic place is adequate and appropriate maintenance.
Applying the Standards

The Standards are to be applied to historic places, which have been (or could be) recognized by an appropriate authority for their heritage value, i.e., for their aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present, or future generations. Historic places can include archaeological sites with resources on or below ground or under water, such as battlefields or shipwrecks, landscapes of all types and sizes, with related natural and built features, such as urban parks or Aboriginal sacred sites, buildings such as individual houses or entire urban districts, and engineering works of all materials, construction types and sizes such as bridges or museum headframes. The Standards can also be applied to new construction, attached, adjacent or related to any of these resource types. They are to be applied to specific conservation project in a reasonable manner, taking into consideration economic and technical feasibility.

Conservation in the context of these Standards refers to retaining the heritage value of historic places and extending their physical life. Retaining the heritage value of historic places is properly ensured through interventions, i.e., any actions (or deliberate inactions) that have a physical effect on the tangible elements of a historic place that do not obscure, damage, or destroy character-defining elements. The latter consist of the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of the historic place.

It is useful to consider conservation under three distinct headings: Preservation, Rehabilitation, and Restoration, while recognizing that a given conservation project will often include a combination of these activities.

Preservation

Preservation involves protecting, maintaining and stabilizing the existing form, material and integrity of a historic place, or of an individual component, while protecting its heritage value. There are nine Standards relating to Preservation, and they must all be applied to a Preservation project.

Since protection, maintenance and stabilization are at the core of all conservation projects, all nine Preservation Standards must be applied to any conservation project.

Preservation should be considered as the primary treatment when (a) the historic place's materials, features and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement, (b) depletion during a particular period in its history is not appropriate, and (c) a continuing or new use does not require extensive alterations or additions. Preservation tends to be the most cautious of the conservation treatments and retains the most materials. It is therefore most appropriate when heritage values related to physical materials dominate. A plan for Preservation should be developed before work is undertaken.

Standards for conservation — Applying the Standards
**Rehabilitation** involves the sensitive adaptation of a historic place or of an individual component for a continued or compatible contemporary use, while protecting its heritage value. This is achieved through repairs, alterations and/or additions.

Three Standards relate to Rehabilitation and all three must be applied to a Rehabilitation project, in addition to the more Preservation Standards.

**Rehabilitation should be considered as the primary treatment when** (a) repair or replacement of deteriorated features is necessary, (b) alterations or additions to the historic place are planned for a new or continued use, and (c) its depiction during a particular period in its history is not appropriate. Rehabilitation can revitalize historical relationships and settings and is therefore most appropriate when heritage values related to the context of the historic place dominate. A plan for Rehabilitation should be developed before work begins.

**Restoration** involves revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, as accurately as possible, while protecting its heritage value.

Two Standards relate to Restoration, both of which must be applied to a Restoration project, in addition to the Preservation Standards.

**Restoration may be considered as the primary treatment when** (a) the significance of a historic place during a particular period in its history significantly outweighs the potential loss of existing materials, features and spaces from other periods, (b) there is substantial physical and documentary or oral evidence to accurately carry out the work, and (c) contemporary alterations and additions are not planned. Restoration is most appropriate when strong associative or symbolic heritage values have been obscured and can be revealed through removals, repairs and replacements based on detailed historical evidence. Before the work begins, a particular period (e.g., the restoration period) must be selected and justified, and a plan for Restoration should be developed.

A word of caution is in order: the removal of materials, features and spaces can result in considerable change to a historic place. The Restoration plan must therefore include a thorough analysis of the heritage value of the existing historic place as part of the justification for this potentially damaging treatment.

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2 Standards for Conservation — Applying the Standards
As noted earlier, the Standards have been designed to be applied to all types of historic places included in the Canadian Register of Historic Places. The Guidelines, however, apply to specific resource types: archaeological sites, landscapes, buildings, and engineering works.

The Guidelines are not meant to give case-specific advice or to address exceptions or rare instances. It is therefore recommended that the advice of qualified conservation professionals be obtained early in the planning stage of the project. Such professionals may include conservation architects, conservation engineers, conservation landscape architects, architectural historians, historians, archaeologists, and others with experience in working with historic places. For historic places imbued with spiritual or other non-material cultural values, persons recognized and accepted as competent in such matters should be consulted.

The Guidelines’ approaches to work, treatments, and techniques that are consistent with the Standards for the Conservation of Historic Places in Canada are listed in the “Recommended” column on the left, those that are not appear in the “Not Recommended” column on the right.

The Guidelines are presented in ascending sequence of lesser to greater intervention—from documenting, to maintaining, to repairing, to replacing character-defining elements. Since the expressed objective of the Standards is to conserve the character of historic places, projects should focus on the first activities in the sequence of Guidelines, e.g., applying the standard of “minimal intervention” and resort to the last activities in the sequence only when essential functional goals cannot otherwise be met.

Preserving Elements

The Guidelines always begin with a recommendation on preserving elements that are important in defining the overall heritage value of the historic place. The heritage value may be defined by the form and detailing of materials, such as wood and metal, and of features, such as windows, vegetation, machinery, and spatial relationships, as well as structural and mechanical systems, and by uses and cultural associations.

Next are recommendations about documenting the character-defining elements prior to beginning project work. This includes identifying their location, form and materials (and their function and relationships, where applicable), and analyzing them in order to gain a thorough understanding of the historic place and its components. An overall evaluation of their physical condition should always begin at this level.

Recommendations are then presented on protecting and maintaining elements, with an emphasis on non-destructive methods and daily, seasonal, and cyclical tasks, such as maintenance. Protection generally represents the least degree of intervention. For example, protection includes the maintenance of historic material through treatments such as rust removal, limited paint removal and the re-application of protective coatings, cyclical pruning, top-dressing, and cleaning of drainage inlets or outlets, or installation of fencing, alarm systems, and other preventive measures.

Then, recommendations are provided on retaining sound elements and elements that can be repaired, rather than removing or reconstructing them.
Recommendations on **stabilizing** fragile and deteriorated elements follow next. This typically involves internal structural reinforcement, protection from the weather and correction of any unsafe conditions, as may be required, until any additional work is undertaken. A limited amount of **repair and replacement** may be acceptable at this point for extensively deteriorated or missing parts of an element, if the repair focuses on using limited reinforcement or well-tested consolidants, or if the replacement is done "in kind" (i.e., with the same form, material and detailing as the existing), where there are surviving prototypes.

Each section on *Preserving* elements concludes with a recommendation to evaluate the overall physical condition of the element to determine whether more than protection, maintenance and limited repair or replacement in kind are required.

**Repairing Elements**

When the physical condition of character-defining elements warrants more than protection, maintenance, or limited repair and replacement in kind, **repairing** is recommended. Guidance for the repair of materials such as masonry, wood and metal begins with the least degree of intervention possible, such as patching, penciling, splicing, consolidating, or otherwise reinforcing or upgrading them according to recognized preservation methods.

In *Restoration* projects, all repair work should be unobtrusively dated to guide future research and treatment.

**Replacing Elements**

Following repair in the hierarchy of conservation interventions, guidance is provided for replacing all or part of a character-defining element (for example, a storefront, an interior staircase, or a diseased sentinel tree), if there is sufficient physical evidence to match the forms, materials and detailing of a sound version of the same element. Replacement may be required because an existing feature is so severely deteriorated or damaged that repair is not possible, or because a feature is missing entirely. In all cases where replacement is required, sound elements that may be part of a larger grouping should be preserved. For example, a few brackets in a cornice, a few window masonry, or...
a few plantings in a flowerbed may be salvageable, even though the overall character-defining element is severely damaged. Retaining even a small piece of the latter will sustain an important historic record, provide a point of reference for new work and enhance the richness of the site.

The specific guidance on replacement for Rehabilitation and Restoration projects is slightly different.

In a Rehabilitation project, replacing an existing feature that is beyond reasonable repair may be appropriate if its essential form and detailing are still evident. Replacing a feature that is missing but is known from physical, documentary and oral evidence may be appropriate, accepting the loss and not intervening is another possibility. Where an important feature is missing, its replacement is always recommended in these Guidelines as the first, or preferred, course of action. The approach for replacement work will depend on the overall design approach and design intentions for the historic place, and most particularly on achieving a visual and functional balance between the new work and the remaining historic fabric. In some cases, the preferred design approach will be replacement “in kind” (with the same form, material and detailing as the existing), in other cases, substitute forms, materials or detailing may be appropriate. In both cases, the replacement should be visually and physically compatible with the fabric and character of the historic place and, secondarily, should be distinguishable from the historic place. If the replacement is in kind, the work need only be distinguishable on close inspection, otherwise, it should be distinguishable at a glance to avoid creating a misleading or false historic appearance.

In a Restoration project, replacement, as a rule, should be done in kind Re-creating earlier forms, materials, textures, finishes, colours and detailing, as well as patterns and relationships, can help to recover or represent a historic place as it appeared at a particular period in its history. Success is largely a question of accuracy, and this requires scrupulous attention to the physical, documentary and oral evidence, as well as careful monitoring of the replication process. The replacement work will normally be distinguishable only on close inspection, or as part of the project documentation. The source of the information (the physical evidence, such as paint traces, and the documentary and oral evidence such as historic photographs or traditional knowledge) and the extent of the replacement (how much was replaced, and where was it replaced) should both be carefully documented. If there is insufficient physical, documentary and oral evidence to establish a reasonable level of accuracy, then Restoration is probably not an appropriate treatment.

Removing Existing Features from Other Periods

In a Restoration project, the goal is to depict the appearance of a historic place or an individual component as it appeared at a particular period in its history (usually the most significant). Thus, specific guidance is included on removing or altering existing features such as landforms, roof dormers or windows that do not represent the restoration period. (Since this can result in considerable change to a historic place, Restoration should be undertaken only when the place’s heritage value relates very specifically to a single period in its history.) Before such materials, features, spaces, or finishes from other periods are altered or removed, they should be documented to guide future research and treatment.

Alterations/Additions for a New Use

In a Rehabilitation project, some alterations to a historic place may be needed to assure its continued use. If this is the case, it is most important that such alterations do not obscure, radically change, or destroy character-defining materials, forms, spatial configurations, uses or cultural associations and meanings. Alterations required for the new use could include providing additional parking space, installing landscape drainage systems, coming new entrances or windows on secondary building elevations, inserting an additional floor, installing an entirely new mechanical system, or creating an atrium or light well.

The construction of an exterior addition in a historic place may seem to be essential for the new use, but it is emphasized in the Guidelines that such new additions should be avoided, if possible, and considered only after it is determined that those needs cannot be met by altering secondary, i.e., non-character-defining interior spaces if, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alternative, it should be designed and created so that the heritage value of the historic place is not radically changed and to ensure that its character-defining elements are not obscured, damaged, or destroyed. The addition should be physically and visually compatible with, subordinate to and distinguishable from the historic place, so that a false historical appearance is not created.

Additions and alterations to historic places are mentioned within specific sectors of the Guidelines such as Landforms, roofs, Structural Systems, etc., but are addressed in more detail in New Additions to Historic Places, in Section 4 Other Considerations.
Historic materials should be used whenever possible. Substitute materials — those products used to emulate historic materials — should be used only after all other options for repair and replacement are ruled out. Substitute materials are normally used only when the historic materials or craftsmanship are no longer available, when the original or existing materials are of a poor quality or are causing damage to adjacent materials, or when there are specific regulations that preclude the use of historic materials. Use of these materials should be limited, since replacement of historic materials on a large scale may jeopardize the integrity of a historic place.

Every means of repairing deteriorating historic materials or replacing them with identical materials should be examined before turning to substitute materials. Because there are so many unknowns regarding the long-term performance of substitute materials, their use should not be considered without a thorough investigation into the proposed materials, the manufacturer, the installer, the availability of specifications and the use of that material in a similar situation in a similar environment. The importance of matching the appearance and physical properties of historic materials and, thus, of finding a successful long-term solution cannot be overstated.

The long-term performance of many substitute materials is unclear. This is why historic materials should be used whenever possible. Instead of repairing and replacing the wood elements of the character-defining balcony above, altered balcony below, the existing wood structure was covered with metal and fiber glass cladding. The original columns that matched the remaining wood windows and details such as the drip molding were lost. Materials that are considered "true maintenance" are often used as new substitutes, although they may be less durable in the longer term.

Under certain circumstances, substitute materials may be appropriate. As part of a rehabilitation project, new houses were designed based on remains of originals. The originals were fabricated of wood, then galvanized metal was layered together. The substitute material used in the new design was plate sheet.
Balancing Other Considerations

In a conservation project, there may be a need to strike a reasonable balance between health and safety, land use or other regulations and the conservation of the character-defining materials, forms, spatial configurations, uses and cultural associations or meanings of a historic place. Fulfilling the requirements set down in regulations such as bylaws and construction codes should include creative solutions that also preserve a historic place’s heritage value.

The Guidelines recommend that repairs or alterations should not radically change, obscure, damage or destroy character-defining elements in the process of meeting other requirements. Thus, actions such as seismic upgrading or abatement of lead paint and asbestos within a historic place require particular care if the heritage value is not to be adversely affected. In addition, alterations and new construction needed to meet requirements such as universal accessability should respect heritage value and character-defining elements of the historic place. Even recognized preservation methods, if improperly applied (such as washing exterior masonry when there is a possibility of freezing temperatures), may cause or accelerate the physical deterioration of a historic place.

A general discussion on ways of addressing health and safety, accessibility, energy efficiency and ecological concerns while respecting heritage value is presented herein. Detailed recommendations on these issues can be found in Section 4, Other Considerations.

Health and Safety

In undertaking work on historic places, it is necessary to consider the impact that compliance with current health and safety codes (public health, occupational health, life safety, fire safety, electrical, seismic, structural and building codes) will have on a historic place’s heritage value. Special coordination with the proper code officials may be required. Securing required permits is best accomplished early in project planning. It is often necessary to look beyond the “letter” of code requirements to the “underlying purpose” of modern codes, allowing for alternative and reasonable variance to achieve compliance.

Some historic materials (insulation, lead paint, etc.) contain toxic substances that are potentially hazardous to people. Following careful investigation and analysis, some form of abatement may be required. All workers involved in the encapsulation, repair or removal of known toxic materials should be adequately trained and should wear proper personal protective gear. Finally, preventive and routine maintenance for historic places known to contain such materials should also be developed to include proper warnings and precautions.

Accessibility

Providing people of all ages, interests and capacities with broad, general access to heritage places — and ensuring that such access is accompanied by adequate psychological comfort and dignity — is a highly desirable and therefore a frequently mandated goal. In general, the solutions that best balance accessibility needs with heritage values are those that enhance the site and appreciation of a property for everyone. Work should be carefully planned and undertaken so that damage to a historic place’s heritage value and character-defining elements is minimized. The objective is to provide the highest level of access with the lowest level of impact. To determine the most appropriate solutions to access problems, it is recommended that accessibility and conservation specialists, as well as affected users, be consulted early in the planning process.

Guidelines — Balancing Other Considerations 5
Energy Efficiency

Some features of a historic place such as treed windbreaks, window shutters and porches can play an energy-conserving role. Therefore, prior to adapting or retrofitting historic places to make them more energy efficient, the first step should always be to identify and evaluate existing features to assess their inherent energy-conserving potential. Any decision to proceed with energy saving measures should include a step where the total environmental cost of these measures is weighed against the overall environmental costs of retaining the existing features. If it is determined that retrofitting measures are appropriate, such work then needs to be carried out with particular care to ensure that character-defining elements are not obscured, damaged, or destroyed.

Environmental Considerations

Modifications undertaken to comply with environmental objectives such as protecting a rare or endangered species nesting area should not result in the damage or loss of a historic place’s heritage value and character-defining elements. To determine the most appropriate solutions to meet environmental objectives, it is recommended that officials be consulted early in the planning process. In the case of environmentally motivated requirements, it may be possible to develop systems, methods, devices or technologies of equivalent or superior effectiveness to those prescribed by regulation so that damage to character-defining elements can be avoided.
Archaeology and the Law

Provinces and territories have laws that relate to exploration for and the discovery and disturbance of archaeological resources. These should be consulted before undertaking any work that could result in the disturbance of archaeological resources. It is a complex subject and providing precise instructions on how to evaluate, excavate, stabilize, monitor or generally manage archaeological sites in Canada lies beyond the scope of this document. For specific guidelines dealing with these activities, consult the appropriate permitting agency. Some general concepts, however, are common to all or almost all provincial and territorial legislation. These are explained in detail in Unearthing the Law: Archaeological Legislation in Canada (Parks Canada, 2000)

The various laws related to archaeological sites apply not only to physical evidence on the ground and under water, but on the ground as well—and above the ground for old cars, for example, in British Columbia and Ontario or culturally modified trees in British Columbia. The laws also require governments and members of the private sector to plan for archaeology and to protect archaeological resources, whether discovered by accident or as part of a conscious research effort.

Accidental Discoveries

All the laws explain what to do in the event of accidental discoveries, involving either artefacts or human remains. In the event of the accidental discovery of human remains, the laws specify that all activities must be halted, the area secured, and the police called. The police will determine whether the site is a crime scene or "archaeological," and then contact the relevant authorities.

While human remains are, by law, managed separately from archaeological resources, respecting their association with archaeological resources, as well as their physical and interpretive context, is still very important. A prerequisite for any physical anthropology research on human remains is consultation with relatives and/or an existing cultural group(s) thought to have a direct relationship with the remains to be studied.

The laws are less explicit about what to do in the event of the accidental discovery of artefacts not involving human remains. In general, all work that could potentially threaten the site should be halted, the site secured and the responsible provincial, territorial or federal archaeological officials notified. Where there is any doubt as to whether a find is an archaeological object, it is best to obtain expert advice immediately.

Authorized Exploration

Under the laws of the provinces and territories, all archaeological exploration must be authorized. This includes scanning the land visually or with various kinds of equipment (e.g., metal detectors), though British Columbia, Alberta, and Saskatchewan require a permit only if the applicant intends to dig or "disturb" the soil, or move or alter an archaeological object. Every province and territory has a governmental body with an established format for permit applications and a filing system for authorized archaeological exploration. As part of the permit process, consultations with affected groups (such as Aboriginal people) may be stipulated.

The federal government also has various policies and departmental directives that support archaeological evaluation and interventions when projects could potentially disturb the land.
Recognized Archaeological Sites

A number of historic places in Canada are archaeological sites or include an archaeological component that is a character-defining element of the recognized historic place. General guidelines for maintaining the physical integrity of such archaeological sites are provided in the following pages. The focus of these guidelines is on Preservation, i.e., on documenting, stabilizing, protecting, maintaining and retaining the archaeological site. There are no guidelines provided for Restoring or Rehabilitating an archaeological site, as there are for historic landscapes, buildings and engineering works, since these treatments have limited and specific application in the field of archaeology.

Note: Protecting archaeological resources is required by provincial, territorial and federal law. Obtaining qualified advice on meeting the obligations spelled out in the various archaeological legislation, policies and directives is strongly recommended.
Guidelines for Archaeological Sites

Archaeological sites in the context of these Guidelines are the physical traces of material culture left behind by people in the past. Examples include evidence of past human activity such as a stone tool flaking area, a butchering site, a fishing station or an industrial site, remains of human settlement such as a temporary shelter, building, trading post, agricultural settlement or village, vestiges of means of communication or transportation, such as a ship or dugout canoe, and the context in which these traces are found, including the stratigraphy and the spatial distribution of artefacts. These remnants of the past may be visible on the surface of the earth, or deeply buried, leaving no indication of their existence, or, partially or completely submerged in a lake, a river or the sea, like a shipwreck.

**Recommended**

- Preserving archaeological sites that are important in defining the overall heritage value of the historic place.
- Documenting and surveying the historic place and surroundings prior to beginning project work and, in particular, the zones where the terrain will be altered, in order to determine the potential impact on archaeological sites.
- Protecting and maintaining the context of archaeological sites, including the stratigraphy and the spatial distribution of artefacts, in order to retain the associated scientific and research information for those sites.
- Protecting archaeological sites in place by identifying, evaluating and treating the causes of deterioration, such as environmental erosion or tourism-generated traffic.
- Providing proper drainage for terrestrial sites to ensure that water does not damage or destroy archaeological sites.
- Minimizing disturbance of the terrain, thus reducing the possibility of damaging or destroying archaeological sites.
- Protecting archaeological sites against unauthorized activity before work begins, such as erecting protective fencing or installing alarm systems that are keyed into local protection agencies.

**Not Recommended**

- Removing or damaging archaeological sites that are important in defining the overall heritage value of the historic place, which diminishes the heritage value.
- Damaging or destroying archaeological sites by failing to document and survey the historic place before beginning project work.
- Disturbing the context of archaeological sites, thus compromising the associated scientific and research information for those sites.
- Failing to undertake adequate measures to protect the archaeological sites in place from environmental or human damage.
- Failing to maintain adequate drainage for terrestrial sites so that archaeological sites are damaged or destroyed, or alternatively, changing the terrain grading so that water no longer drains properly.
- Introducing a use, activity, feature, or piece of equipment (such as on-site parking or heavy machinery) into areas where it will disturb or damage archaeological sites.
- Allowing the historic place to remain unprotected so that archaeological sites are damaged or destroyed.

Guidelines — Archaeological Sites 3
**Recommended**

*Retaining* features such as ground cover that help to protect archaeological sites

Monitoring archaeological sites on a regular basis in order to maintain a stable environment

Planning and carrying out any necessary investigation and salvage work using qualified personnel such as trained archaeologists. Such work would be undertaken only if the archaeological site must be disturbed, and then only after the required mitigation efforts have been explored

Ensuring that there is a reasonable balance between the scientific and research knowledge that may be gained from excavating archaeological sites and the preservation of archaeological resources in place

Protecting the physical integrity of archaeological objects and records during and after excavation

Ensuring the proper long-term storage of archaeological objects related to the site in order to minimize their deterioration

**Not Recommended**

Removing or altering protective features so that archaeological sites are exposed to an increased risk of damage or deterioration

Failing to monitor archaeological sites on a regular basis, thus increasing the chances of a destructive change in the site's environment going undetected and unrecovered

After the required mitigation efforts have been explored, permitting unqualified personnel to perform salvage work and data recovery on archaeological sites, creating a situation where improper methodology results in the loss of important archaeological data or material

Excavating archaeological sites to such an extent that the preservation of archaeological resources in place is seriously compromised, thus significantly reducing the potential for future research and presentation

Failing to protect the physical integrity of archaeological objects and records during and after excavation

Failing to provide proper long-term storage for archaeological objects

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The physical integrity of this excavated archaeological site in Fort Battleford, Saskatchewan was temporarily protected from accidental disturbance by covering the ground with plastic sheets and erecting a small barrier fence. As required by law, the archaeological exploration was authorized and a permit was obtained before excavation began.
Land Patterns

Recommended

Preserve land patterns — such as the overall arrangement and interrelationship of forests, meadows, water, topography, built features and other larger landscape components that are important in defining the overall heritage value of the landscape.

Documenting the overall pattern of the landscape, the size, configuration, proportion and relationship of its larger components, such as forests or fields, and its evolution and condition prior to beginning project work. Documentation also includes identifying the intangible values that contribute to the meaning of land patterns, such as associations from Aboriginal oral traditions.

Evaluating and understanding the local environmental context, including climate, prevailing winds, underlying topography and ecological processes.

Protecting and maintaining features that define land patterns by using non-destructive methods in daily, seasonal and cyclical tasks. This could include maintaining the topography, vegetation and structures that comprise the overall pattern of the landscape.

Retaining sound land patterns or deteriorated land patterns that can be repaired or rejuvenated.

Repairing and stabilizing deteriorated land pattern elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of land patterns where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the landscape's land patterns to determine whether more than protection, maintenance and limited repair or replacement in kind are required. If more extensive repairs to the land pattern elements will be necessary.

Not Recommended

Removing or radically changing land patterns that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on character-defining land patterns without first documenting and understanding their characteristics, relationships, evolution, conditions, intangible values and environmental context.

Allowing land patterns to be altered through incompatible development or neglect.

Utilizing maintenance methods that destroy or obscure the landscape's land patterns.

Replacing land patterns that can be repaired or rejuvenated.

Removing deteriorated land pattern elements that could be stabilized, repaired and conserved, or using untested consultants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire and pattern element such as a forest when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic land pattern element.

Failing to undertake adequate measures to protect the landscape's land patterns.

Guidelines — Landscapes — Land Patterns 1
Additional Guidelines for Rehabilitation Projects

**Recommended**

*Rehabilitating* land patterns, if an evaluation of their overall condition determines that more than preservation is required.

*Repairing or rejuvenating* extensively deteriorated or missing parts of features that define land patterns by using non-destructive methods and materials, such as regenerating a deteriorated meadow.

*Replacing in kind* an entire feature that defines a land pattern that is too deteriorated to repair, such as replanting a clear-cut woodlot.

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**Not Recommended**

Failing to evaluate the overall condition of land patterns in order to determine the proper method of conservation.

Failing to undertake necessary repairs, resulting in the loss of land patterns.

Replacing a feature that defines land patterns when repair is possible.

Removing a feature that is beyond repair and not replacing it, or replacing it with a new feature that does not respect the land pattern.

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The spatial arrangement of features may best be appreciated from an aerial view or photograph. The land patterns created by the interrelationship of larger landscape components, such as the topography, cultivated fields, and human settlements of the farmlands, are often more obvious from this perspective.
Recommended

**Designing for the Replacement of Missing Historic Features**

- Designing and installing new features that respect or acknowledge historic land patterns. It may be a new design that is compatible with the style, era and character of the historic place, or a replica based on physical, documentary, and oral evidence.

**Alterations/Additions for the New Use**

- Designing new features that require by the new compatible use that do not obscure, damage or destroy character-defining land patterns, such as planting a new road to follow a forest edge.

- Removing non-significant features that detract from or have altered the land patterns.

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**Not Recommended**

- Introducing new features that are incompatible with the land patterns.

- Creating a false history because the replacement feature is based on insufficient physical, documentary and oral evidence.

- Adding a new feature that detracts from, damages, or destroys character-defining land patterns, such as creating a character-defining wetland to create a residential subdivision.

- Pacing a new feature where it may cause damage to or is intrusive in land patterns, such as cutting a straight utility corridor through a forest with rolling topography.

- Introducing a new feature that is incompatible in size, scale or design.

- Removing historic features that are important in defining the land patterns, such as removing hedges that define field edges.

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**Additional Guidelines for Restoration Projects**

**Recommended**

- **Restoring** land patterns, if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to land patterns from the restoration period will be necessary.

- **Repairing or rejuvenating** declining features that define or maintain land patterns from the restoration period by using non-destructive methods.

- **Replacing in kind** an entire feature from the restoration period that defines land patterns, which is too deteriorated to repair or rejuvenate, such as replanting in kind a historic orchard.

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**Not Recommended**

- Failing to evaluate the overall condition of land patterns in order to determine the proper method of conservation.

- Replacing an entire feature from the restoration period that defines land patterns when repair or rejuvenation is possible, or using destructive repair or rejuvenation methods, thus causing further damage to fragile historic materials.

- Removing a feature from the restoration period that is beyond repair and not replacing it, or replacing it with a new feature that does not respect land patterns.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing land patterns from periods other than the accepted restoration period, and the replacement of missing land patterns from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

**Recommended**

**Removing Existing Features from Other Periods**

Removing or altering features from other periods that nitride on the historic land patterns

Documenting features dating from other periods prior to their removal or alteration. If possible, selected examples of these features and materials should be stored to facilitate future research.

**Recreating Missing Features from the Restoration Period**

Recreating a missing feature important to the land patterns that existed during the restoration period, based on physical, documentary and oral evidence.

**Not Recommended**

Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Failing to remove features from another period, thus confusing the depend of the landscape's land patterns during the restoration period.

Constructing a feature that was part of the original design or concept but was never executed, thus creating a false historic appearance, or constructing a land pattern feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.
**Landforms**

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**Recommended**

Preserving landforms — such as naturally occurring hills, valleys, slopes, plains and other topographical features, as well as terraces, embankments, berms, swales and other human-engineered topographical changes to the underlying ground plane that are important in defining the overall heritage value of the landscape

Documenting the elevation, slope, shape, orientation, contour, condition and function of landforms prior to beginning project work.

Evaluating the evolution of landforms over time, using archival resources such as plans and aerial photographs or, in their absence, archaeological analyses or oral history techniques, in order to understand the landforms and any cultural values associated with them.

Protecting and maintaining landforms by using non-destructive methods and daily, seasonal and cyclical tasks. This may include cleaning drainage systems or mowing vegetative cover.

Retaining sound landforms or deteriorated landforms that can be repaired or rejuvenated.

Repairing and stabilizing deteriorated landform elements by structural reinforcement and weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of landforms when there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of landforms to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to landform elements will be necessary.

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**Not Recommended**

Removing or radically changing the landform elements that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on landforms without documenting the existing topographic variation, condition and function.

Undertaking project work without understanding its impact on historic landforms.

Failing to undertake regular preventive maintenance.

Utilizing maintenance methods that destroy or degrade landforms, such as using heavy equipment on steep or vulnerable slopes.

Replacing landforms that can be repaired or rejuvenated.

Removing deteriorated landform elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire landform element such as a slope or terrace when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic landform element.

Failing to undertake adequate measures to protect landforms.
Additional Guidelines for Rehabilitation Projects

Recommended

**Rehabilitating** landforms, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** declining landforms. This could include re-excavating a failed swale through appropriate regrading, or re-establishing an eroding agricultural terrace.

**Replacing** deteriorated landform materials and features by using the existing physical evidence of their form and composition. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered. For example, eroded bunkers or embankments in a catchment could be re-established with a substitute soil mix that supports improved drainage and health and vigour of ground cover plant materials.

Not Recommended

Failing to evaluate the overall condition of the landscape’s landforms in order to determine the proper method of conservation.

Destroying the shape, slope, elevation or contour of landforms when repair is possible.

Removing a landform feature that is deteriorated and not replacing it, or replacing it with a new feature that does not convey the same visual appearance (for example, changing stepped terracing to a graded slope).

Land forms can be natural, such as hills and plains, or they can be human-engineered. Dramatic examples of human-engineered landforms that define the current character of a landscape are the early 20th century failing fields, in the Yukon’s Klondike Gold Fields.

6 Guidelines — Landscapes — Landforms
### Recommended

**Designing for the Replacement of Missing Historic Features**

Designing and installing new landform features when the historic feature is completely missing; it may be a new design that is compatible with the shape, slope, elevation, aspect and contour of the historic landform. For example, recutting an earthen embankment that has slumped or eroded over time; or a replica based on physical, documentary and oral evidence.

### Not Recommended

**Introducing a new landform feature that is incompatible in shape, slope, elevation, aspect and contour**

Creating a false history because the replacement feature is based on insufficient physical, documentary and oral evidence.

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### Alterations/Additions for the New Use

**Designing new landform features when required by the new use so that they are as unobtrusive as possible and assure the preservation of the historic topography**. This could include incorporating existing low points in the landscape when designing and installing new drainage swales to protect historic landform features.

**Placing a new feature where it may cause damage to or be incompatible with historic topography**. This could include failing to provide proper drainage for a new feature, which results in the decline or loss of historic landforms.

**Locating a new feature in such a way that it detracts from or alters the historic topography**. For example, planting trees and shrubs that mask the austerity and visual drama of a steep, grassed embankment.

**Introducing a new feature in an inappropriate location, but making it visually incompatible in terms of its size, scale, design, materials, colour and texture**; such as installing bermis to screen a parking area, but using an incongruous topographic shape and contour.
Recommended

**Restoring** landforms, if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to landforms from the restoration period will be necessary.

**Repairing** declining landforms from the restoration period.

**Replacing in kind** an entire landform feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature.

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Not Recommended

Failing to evaluate the overall condition of landforms in order to determine the proper method of conservation.

Replacing an entire landform feature from the restoration period when repair is possible, or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing a deteriorated landform feature from the restoration period that is beyond repair and not replacing it, or replacing it with a new feature that does not convey the same appearance.

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The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing landform features from periods other than the accepted restoration period, and the history/period of missing landform features from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

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Recommended

**Removing Existing Features from Other Periods**

- Removing or altering landform features dating from other periods, such as rerouting knolls to their appearance during the restoration period.
- Documenting landforms from other periods prior to their alteration or removal.

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Not Recommended

Failing to remove landscape features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document landforms from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

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Recommended

**Recreating Missing Features from the Restoration Period**

- Recreating a missing landform that existed during the restoration period, based on physical, documentary, and oral evidence, for example, recreating a trench and fortification from the restoration period based on stratigraphic research.

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Not Recommended

Creating a landform that was part of the original design but was never executed, thus creating a false historic appearance, or creating a landform that was thought to have existed during the restoration period, but for which there is insufficient documentation.
Recommended

**Preserving** the spatial organization of the landscape — such as the arrangement in three dimensions of a landscape's component elements, their relationship to each other and their relationship to the overall landscape — that is important in defining the overall heritage value of the landscape

**Documenting** the spatial organization of the landscape, including the orientation, alignment, size, configuration and interrelationships of its component features, the relationship of features to the overall landscape, and its evolution and condition prior to beginning project work. Documentation also includes recognizing the functional basis for spatial arrangements, such as sitting a farmhouse upwind from a barn, as well as identifying the intangible values that contribute to the spatial organization of the landscape, such as feng shui and other locational theories and practices.

**Protecting and maintaining** features that define spatial organization by using non-destructive methods in daily, seasonal and cyclical tasks.

**Retaining** sound spatial organizations or deteriorated spatial organizations that can be repaired or rejuvenated.

**Repairing and stabilizing** deteriorated elements of the landscape's spatial organization by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of the landscape's spatial organization where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the landscape's spatial organization to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to the landscape's spatial organization will be necessary.

Not Recommended

**Removing or radically changing** the spatial organization of elements and relationships that are important in defining the overall heritage value of the landscape.

**Undertaking** project work that will have an impact on the character-defining spatial organization of the landscape without first documenting and understanding their characteristics, relationships, evolution, conditions and intangible values.

**Allowing** spatial organization to be altered through incompatible development or neglect.

**Utilizing** maintenance methods that destroy or obscure the landscape's spatial organization.

**Replacing** elements of the spatial organization that can be repaired or rejuvenated.

**Removing** deteriorated elements of the spatial organization that could be stabilized, repaired and conserved, or using untested construction methods and untrained personnel, thus causing further damage to fragile elements.

**Replacing** an entire element of the spatial organization when limited replacement of deteriorated and missing components is appropriate.

**Using** replacement materials that do not match the landscape's historic spatial organization.

**Failing to undertake** adequate measures to protect the landscape's spatial organization.
<table>
<thead>
<tr>
<th>Recommended</th>
<th>Not Recommended</th>
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<tbody>
<tr>
<td><strong>REHABILITATING</strong> the spatial organization of the landscape, if an evaluation of its overall condition determines that more than preservation is required.</td>
<td>Failing to evaluate the overall condition of the spatial organization of the landscape in order to determine the proper method of conservation.</td>
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<tr>
<td><strong>Repairing or rejuvenating</strong> extensively deteriorated or missing parts of features that define the spatial organization by using non-destructive methods and materials.</td>
<td>Failing to undertake necessary repairs, resulting in the loss of spatial organization.</td>
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<tr>
<td><strong>Replacing in kind</strong> an entire feature that defines the spatial organization that is too deteriorated to repair.</td>
<td>Replacing a feature that defines spatial organization when repair is possible.</td>
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<tr>
<td>Replacing a feature that is beyond repair and not replacing it, or replacing it with a new feature that does not respect the spatial organization of the landscape.</td>
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</tbody>
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The following REHABILITATION work has been highlighted to indicate that it involves a particular complexity technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

### Designing for the Replacement of Missing Historic Features

**Recommended**

Designing and installing new features that respect or acknowledge the historic spatial organization of the landscape. It may be a new design that is compatible with the character of the historic place; or a replica based on physical, documentary, and oral evidence. For example, a new shrub planting could be reinstalled to define the edge of a missing historic boundary.

**Not Recommended**

Introducing new features that are incompatible with the spatial organization of the landscape.

Creating a false history because the replacement feature is based on insufficient physical, documentary, and oral evidence.

### Alterations/Additions for the New Use

**Recommended**

Designing new features when required by the new compatible use that do not obscure, damage or destroy the character-defining spatial organization.

Removing non-significant features that detract from or have altered the spatial organization of the landscape.

**Not Recommended**

Adding a new feature that detracts from or alters the spatial organization, such as constructing a new farmhouse wing on top of a kitchen garden.

Placing a new feature where it may cause damage to or in intrusion in the spatial organization.

Introducing a new feature that is incompatible in size, scale or design.

Removing historic features that are important in defining the spatial organization of the landscape.
Additional Guidelines for Restoration Projects

Recommended

Restoring the spatial organization of the landscape, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to the spatial organization from the restoration period will be necessary.

Repairing or rejuvenating declining features that define the spatial organization from the restoration period by using non-destructive methods.

Replacing in kind an entire feature from the restoration period that defines spatial organization that is too deteriorated to rejuvenate.

Not Recommended

Failing to evaluate the overall condition of the spatial organization of the landscape in order to determine the proper method of conservation.

Replacing an entire feature from the restoration period that defines spatial organization when repair or rejuvenation is possible, or using destructive repair or rejuvenation methods, thus causing further damage to fragile historic materials. This could include replacing a hedge when the existing hedge could have been pruned to generate new growth.

Removing a feature from the restoration period that is beyond repair and not replacing it, or replacing it with a new feature that does not respect the spatial organization.

The character-defining spatial organization of Mokhemel Homestead in Saskatchewan was preserved when the landscape was restored. In particular, the orientation, alignment, size, configuration and interrelationships of its component features, including the formal tennis lawn and ornamental garden, vegetable garden beside the implement shed, and the grain fields beyond, were carefully preserved.

Guidelines — Landscapes — Spatial Organization 11
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing spatial organization features from periods other than the accepted restoration period, and the replacement of missing spatial organization features from the restoration period with all new materials. The work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

<table>
<thead>
<tr>
<th>Recommended</th>
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<tbody>
<tr>
<td><strong>Removing Existing Features from Other Periods</strong></td>
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<tr>
<td>Removing or altering features dating from other periods that intrude on the historic spatial organization of the landscape</td>
<td>Failing to remove features from another period, thus confusing the depiction of the landscape's spatial organization during the restoration period</td>
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<tr>
<td>Documenting features dating from other periods prior to their removal or alteration If possible, selected examples of these features and materials should be stored to facilitate future research</td>
<td>Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them</td>
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<tr>
<td><strong>Recreating Missing Features from the Restoration Period</strong></td>
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<tr>
<td>Recreating a missing feature important to the spatial organization of the landscape that existed during the restoration period, based on physical, documentary and oral evidence</td>
<td>Constructing a feature that was part of the original design or concept but was never executed, thus creating a false historic appearance, or constructing a feature of the spatial organization that was thought to have existed during the restoration period, but for which there is insufficient documentation</td>
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Recommendecl

**Preserving vegetation** — such as trees, shrubs, herbaceous plants, grasses, vines and other living plant material that is important in defining the overall heritage value of the landscape

**Documenting** the extent and condition of broad cover types within forests, woodlands, meadows, planted and fallow fields, as well as the genus, species, caliber, height, color, form and texture of significant individual plants prior to beginning project work

**Evaluating** the evolution of a landscape's vegetation over time, using archival resources such as plans and aerial photographs or, in their absence, archaeologi- cal analysis or minimally destructive techniques (e.g., resistivity testing to determine tree age) to understand the historic vegetation, and understanding any cultural values embedded in vegetation, such as the oak as a symbol of fortitude

Analyzing the roles of people, animals and insects in producing and maintaining the existing vegetation

**Protecting and maintaining** vegetation by using non-destructive methods and daily, seasonal and cyclical tasks. This could include pruning or establishing colonies of beneficial insects that protect fruit trees from pests

Utilizing maintenance practices that respect the habit, form, colour, texture, bloom, fruit, fragrance, scale and context of historic vegetation

Utilizing historic horticultural and agricultural maintenance practices when those techniques are critical to maintaining the character of the vegetation, such as the manual removal of dead flowers to ensure continuous bloom

**Retaining** and perpetuating vegetation through the propagation of existing plants by preserving seed collections and genetic stock cuttings from existing materials to preserve the genetic pool.

**Stabilizing** deteriorated vegetation by structural reinforce- ment (e.g., using steel cables to support large branches) or correcting unsafe conditions, as required, until any additional work is undertaken

Not Recommended

Removing or radically changing vegetation that is important in defining the overall character of the landscape

Undertaking project work that will have an impact on character-defining vegetation without preparing a survey of existing plant materials and its condition

Undertaking project work that indiscriminately clearing a woodland understory without understanding its impact on historic vegetation

Undertaking project work without understanding the dynamics of the ecosystem and the human history of the historic place

Failing to undertake preventive maintenance of vegetation

Utilizing maintenance practices and techniques that are harmful to vegetation, such as insufficient or excessive irrigation

Utilizing maintenance practices and techniques that fail to recognize the uniqueness of individual plant materials. Examples could include utilizing soil amendments that may alter flower colour; or poorly timed pruning and/or application of insecticide, which may alter fruit production

Employing contemporary practices when traditional or historic practices can be used, such as utilizing untraditional harvesting practices when traditional practices are still feasible

Failing to propagate vegetation from existing genetic stock, when few or no known sources or replacements are available

Failing to stabilize deteriorated vegetation, thus putting it at risk of further deterioration

Guidelines — Landscapes — Vegetation 13
Recommended

Replacing in kind: extensively deteriorated or missing parts of vegetation where there are surviving prototypes. The new plantings should match the old.

Evaluating the overall condition of vegetation to determine whether more than protection, maintenance and limited rejuvenation or replacement in kind are required. i.e., if more extensive repairs to vegetation elements will be necessary.

Additional Guidelines for Rehabilitation Projects

Recommended

Rehabilitating vegetation, if an evaluation of its overall condition determines that more than preservation is required.

Rejuvenating historic vegetation by corrective pruning, deep root fertilizing, aerating soil, renewing seasonal plantings and/or grafting onto historic genetic root stock.

Replacing a deteriorated or declining vegetation feature with a new feature based on the physical evidence of its composition, form and habit. If using the same kind of material is not technically, economically, or environmentally feasible, then a compatible substitute material may be considered. For example, a diseased sentinel tree in a meadow may be replaced with a disease resistant tree of similar type, form, shape and scale.

Not Recommended

Removing deteriorated vegetation that could be stabilized and conserved, or using untested techniques and untrained personnel, thus causing further damage to fragile elements.

Replacing vegetation when limited replacement of deteriorated and missing elements is appropriate.

Using replacement material that does not match the historic vegetation.

Failing to undertake adequate measures to protect vegetation.

Not Recommended

Failing to evaluate the overall condition of vegetation in order to determine the proper method of conservation.

Removing or destroying vegetation when rejuvenation is possible. This could include removing a deformed or damaged plant when corrective pruning could be successfully employed.

Removing deteriorated historic vegetation and not replacing it, or replacing it with a new feature that does not convey the same appearance, such as replacing a large, mature, declining canopy tree with a dwarf ornamental flowering tree.
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

**Recommended**

**Designing for the Replacement of Missing Historic Features**

Designing and installing new vegetation features when the historic features are completely missing. It may be a new design that is compatible with the habitat, form, color, texture, bloom, fruit, fragrance, scale, and context of the historic vegetation (for example, replacing a lost vineyard with more hardy stock similar to the historic), or a replica based on physical, documentary, and oral evidence.

**Alterations/Additions for the New Use**

Designing a compatible new vegetation feature when required by the new use to assure the preservation of the historic character of the landscape. This could include designing and installing a hedge that is compatible with the historic character of the landscape to screen new construction.

**Not Recommended**

**Introducing new replacement vegetation that is incompatible with the historic character of the landscape.**

Creating a false history because the replaced feature is based on insufficient physical, documentary, and oral evidence.

**Placing a new feature where it may cause damage to or is incompatible with the character of the historic vegetation (for example, constructing a new building that adversely affects the root systems of historic vegetation).**

Locating any new vegetation feature in such a way that it detracts from or alters the historic vegetation. An example could include introducing exotic species in a landscape that was historically comprised of indigenous plants.

**Introducing a new vegetation feature which is incompatible in terms of its habit, form, color, texture, bloom, fruit, fragrance, scale or context.**

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The St,atsction Forestry Farm and Zoo was originally operated by the Federal Government from 1914 as a tree nursery. Its original function was to grow and distribute tree seedlings to populate forests. Used as a park since 1966, the City of St,atsction has preserved this character-defining linear component of trees that are a landscape feature for the site. To the right are seedlings waiting to be transplanted - part of a programme of retaining and perpetuating vegetation through the propagation of existing plants.
Additional Guidelines for Restoration Projects

**Recommended**

**Removing vegetation,** if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to vegetation from the restoration period will be necessary.

**Rejuvenating** declining vegetation from the restoration period by corrective pruning, deep root fertilizing, aerating the soil, renewing seasonal plantings and/or grafting onto historic stock.

**Replacing in kind** an entire vegetation feature from the restoration period that is declining or too deteriorated to repair — if the overall form, habit or composition is still evident — using the physical evidence as a model to reproduce the feature.

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**Not Recommended**

Failing to evaluate the overall condition of vegetation in order to determine the proper method of conservation.

Replacing vegetation from the restoration period when rejuvenation is possible, or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing vegetation from the restoration period that has deteriorated and not replacing it, or replacing it with a new feature that does not convey the same appearance.

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The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing vegetation from periods other than the accepted restoration period, and the replacement of missing vegetation from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

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**Recommended**

**Removing Existing Features from Other Periods**

Removing or altering vegetation dating from other periods, such as removing later foundation planting or old field successional species.

Documenting vegetation from other periods prior to its alteration or removal. If possible, representative examples of this vegetation should be saved, cultivated and managed through seed collection and genetic stock cuttings to facilitate future research.

**Recreating Missing Features from the Restoration Period**

Recreating a missing vegetation feature that existed during the restoration period, based on physical, documentary and oral evidence. An example could include replanting crop types based on pollen analysis.

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**Not Recommended**

Failing to remove vegetation from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document vegetation from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering it.

Planting vegetation that was part of the original design but was never installed, thus creating a false historic appearance, or installing vegetation that was thought to have existed during the restoration period, but for which there is insufficient documentation.

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16 Guidelines — Landscapes — Vegetation
Recommended

**Preserving viewscapes** — such as vistas, views, aspects, visual axes and sight lines that may (or may not) be framed by vertical features or terminate in a focal point — that are important in defining the overall heritage value of the landscape.

**Documenting viewscapes** — including their foreground, middle ground and background, landmarks, edges and skyline, prospects both to and from the historic place, and condition — prior to beginning project work.

Evaluating the evolution of the viewscapes. This could include using historic photographs to understand how a viewscape may have changed or been lost over time.

**Protecting and maintaining** viewscapes by using non-destructive methods and daily, seasonal and cyclical tasks, such as pruning to retain sight lines.

**Stabilizing** deteriorated viewscapes by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken.

Evaluating the overall condition of viewscapes to determine whether more than protection and maintenance are required, i.e., if repairs to viewscapes will be necessary.

Not Recommended

Removing or radically changing viewscapes that are important in defining the overall character of the landscape.

Undertaking project work that will have an impact on character-defining viewscapes without beginning a survey of characteristics and conditions.

Undertaking project work without understanding its impact on viewscapes (for example, removing vegetation that was intended to frame an important viewscape from the historic place).

Allowing viewscapes to be altered, obscured or lost through incompatible development or neglect.

Utilizing maintenance methods that destroy or obscure character-defining viewscapes.

Failing to stabilize deteriorated viewscapes, thus putting them at risk of further deterioration.

Failing to undertake adequate measures to protect viewscapes.
Additional Guidelines for Rehabilitation Projects

**Recommended**

*Rehabilitating* viewscapes, if an evaluation of their overall condition determines that more than preservation is required.

*Repairing or rejuvenating* materials that define viewscapes by using non-destructive methods and materials when additional work is required, such as regenerating vegetation that frames important viewscapes.

*Replacing in kind* an entire feature that defines a viewscape that is too deteriorated to repair. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered.

**Not Recommended**

Failing to evaluate the overall condition of viewscapes in order to determine the proper method of conservation.

Failing to undertake necessary repairs, resulting in the loss of character-defining viewscapes.

Replacing a feature that defines a viewscape when repair is possible.

Removing a feature that is beyond repair and not replacing it, or replacing it with a new feature that does not respect the viewscape.

Projects which will have an impact on character-defining viewscapes should not be started before completing a survey of their characteristics, conditions and interrelationships – such as the interrelationship between built features, water, vegetation and viewscapes at Holley Park, new Victoria – or before understanding any related cultural values, such as the still pool as a symbol of the quiet river.
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

Recommended

Designing for the Replacement of Missing Historic Features

Designing and creating new viewscape when the historic viewscape has been completely lost. It may be a new design that is compatible with the style, era, and character of the historic place; or a replica based on physics, documentary and oral evidence.

Not Recommended

Introducing a new viewscape that is incompatible in character with the landscape.

Alterations/Additions for the New Use

Designing and creating new viewscape when required by the new use. These should be compatible with the overall design of the landscape and not undermine its heritage value.

Creating a false history because the replacement viewscape is based on insufficient physical, documentary and oral evidence.

Placing a new viewscape where it may cause damage to the overall character of the landscape. This could include inserting a focal point such as a building at the end of a character-defining vista that was traditionally terminated only by the sky.

Introducing a new viewscape in an appropriate location, but making it incompatible in terms of its size, scale, design, materials, color and texture, as when historical framing devices such as trees have been replaced by modern high-rise buildings.

Locating a new feature in such a way that it detracts from or alters character-defining viewscape (for example, obscuring a view to a prominent landmark by constructing a new wall).

Guidelines — Landscapes — Viewscape 19
Additional Guidelines for Restoration Projects

Recommended

Restoring viewscapes, if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to viewscapes from the restoration period will be necessary.

Reparing declining viewscapes from the restoration period by reinforcing the materials that comprise these features.

Replacing in kind an entire viewscape feature from the restoration period that is too deteriorated to repair — if the overall form, detailing and alignment are still evident — using the physical evidence as a model to reproduce the feature.

Not Recommended

Failing to evaluate the overall condition of viewscapes in order to determine the proper method of conservation.

Replacing an entire viewscape from the restoration period when repair, limited replacement and/or rejuvenation of deteriorated or missing components are appropriate, or using destructive repair methods, such as re-establishing the vegetative framing for a sight line by introducing exotic plants that call attention to themselves and thus detract from the vista.

Using a substitute material for a replacement part that neither conveys the same appearance of the surviving parts of the viewscape from the restoration period, nor is physically or environmentally compatible.

Removing a deteriorated viewscape feature from the restoration period that is unsalvageable and not replacing it, or replacing it with a new feature that does not convey the same appearance or reinforce the same view.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing viewscapes from periods other than the accepted restoration period, and the replacement of missing viewscapes from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

Recommended

Removing Existing Features from Other Periods

Removing or altering viewscapes or viewscape features dating from other periods.

Documenting viewscapes and viewscape features from other periods prior to their alteration or removal. If possible, selective examples of these materials or features should be saved to facilitate future research.

Recreating Missing Features from the Restoration Period

Recreating a missing viewscape that existed during the restoration period, based on physical, documentary and oral evidence.

Not Recommended

Failing to remove viewscapes or viewscape features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document viewscapes or viewscape features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Creating a viewscape that was part of the overall design but was never executed, thus creating a false historic appearance, or creating a viewscape that was thought to have existed during the restoration period, but for which there is insufficient documentation.

20 Guidelines — Landscapes — Viewscapes
Recommended

Preserving circulation systems — such as paths, walkways, parking lots, roads, highways, railways and canals — that are important in defining the overall heritage value of the landscape.

Documenting the alignment, surface treatment, edge, grade, materials, infrastructure and condition of circulation systems prior to beginning project work.

Evaluating the evolution of circulation systems. This could include using aerial photographs to understand a transportation corridor’s change from a two-lane road to a six-lane highway, or using archaeological techniques to locate pathways and roads not obvious from surface investigation, and understanding the cultural values that may be embedded in circulation systems, such as the journey as a metaphor for life.

Protecting and maintaining circulation systems by using non-destructive methods in daily, seasonal and cyclical tasks. This could include using rubberized blade edges on snowplows to prevent damage to stone curbs.

Utilizing maintenance practices that respect infrastructure, for example, periodically resetting paving stones to ensure a level road surface, rather than paving them over.

Not Recommended

Removing or radically changing circulation system elements that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on characterization of circulation systems without preparing a survey of the character and condition of the circulation systems.

Undertaking project work without understanding the evolution of circulation systems. This could include changing road alignments and widths without a thorough evaluation of the historic road.

Failing to undertake preventive maintenance of circulation features and materials. This could include using a snow plow across a coarse-textured pavement.

Using materials such as salts and chemicals that can hasten the deterioration of surfaces.

Allowing infrastructure to become dysfunctional, such as permitting aquatic weeds to clog a canal and thus interfere with boat propellers.

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Guidelines — Landscapes — Circulation
**Recommended**

**Retaining** soil and circulation systems or deteriorated circulation systems that can be repaired

**Repairing and stabilizing** deteriorated circulation system elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of circulation systems where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the circulation systems to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to the circulation systems will be necessary.

**Not Recommended**

Replacing or rebuilding circulation systems that can be repaired.

Removing deteriorated circulation system elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire circulation system element such as a stone curb when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic circulation system element.

Failing to undertake adequate measures to protect the circulation systems.

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**Additional Guidelines for Rehabilitation Projects**

**Recommended**

**Rehabilitating** circulation systems, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** surface treatment, materials and edges. Examples could include applying a traditional material to a stabilized subsurface base, or patching a canal's retaining wall.

**Replacing** a deteriorated circulation feature by using the physical evidence of its form, detailing and alignment to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered (for example, replacing decayed timber edging in kind along a historic trail route).

**Not Recommended**

Failing to evaluate the overall condition of circulation systems in order to determine the proper method of conservation.

Replacing or destroying circulation features and materials when repair is possible (for example, not salvaging and reusing historic stone walk material).

Removing a circulation feature that is deteriorated and not replacing it, or replacing it with a new feature that does not convey the same visual appearance. This could include replacing a set of stairs with a wall or terrace.

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22 Guidelines — Landscapes — Circulation
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

<table>
<thead>
<tr>
<th>Recommended</th>
<th>Not Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Designing for the Replacement of Missing Historic Features</strong></td>
<td><strong>Introducing a new circulation feature that is incompatible with the historic character of the landscape, such as using a standardized concrete barrier along a historic parkway.</strong></td>
</tr>
<tr>
<td>Designing and installing new circulation features when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place, or a replica based on physical, documentary and oral evidence.</td>
<td>Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.</td>
</tr>
<tr>
<td><strong>Alterations/Additions for the New Use</strong></td>
<td></td>
</tr>
<tr>
<td>Designing and installing compatible new circulation features when required by the new use to protect the historic character of the landscape. This could include controlling and limiting new curb cuts, driveways and intersections along a historic road.</td>
<td>Paving a new feature where it may cause damage to or is incompatible with the historic circulation, such as adding new driveways or intersections along a historic road.</td>
</tr>
<tr>
<td>Locating any new circulation feature in such a way that it detracts from or alters the historic circulation pattern (for example, installing a new bike path when an existing historic path can accommodate the new use).</td>
<td>Introducing a new circulation feature but making it incompatible in terms of its scale, alignment, surface treatment, width, edge treatment, grade, materials or infrastructure. An example could be installing a new parking lot in a non-significant location, but utilizing paving materials and patterns that are incongruous with the landscape's historic character.</td>
</tr>
</tbody>
</table>

Guidelines — Landscapes — Circulation 23
### Recommended

**Restoring** circulation systems, if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to circulation systems from the restoration period will be necessary.

**Repairing** declining circulation features from the restoration period by reinforcing the materials that comprise these features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** an entire circulation feature from the restoration period that is too deteriorated to repair — if the overall form, detailing and alignment are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

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### Not Recommended

Failing to evaluate the overall condition of circulation systems in order to determine the proper method of conservation.

Replacing an entire circulation feature from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate, or using destructive repair methods, thus causing further damage to fragile historic materials.

Removing a deteriorated circulation feature from the restoration period that is irreparable and not replacing it, or replacing it with a new feature that does not convey the same appearance, or failing to document the new work.

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#### The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing circulation features from periods other than the accepted restoration period, and the replacement of missing circulation features from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

<table>
<thead>
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</tr>
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<tr>
<td>Removing Existing Features from Other Periods</td>
<td>Removing or altering circulation features, such as a later parking lot, dating from other periods</td>
</tr>
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<td>Removing or altering circulation features, such as a later parking lot, dating from other periods</td>
<td>Failing to remove circulation features from another period, thus confusing the depiction of the landscape during the restoration period</td>
</tr>
<tr>
<td>Documenting circulation features from other periods prior to their alteration or removal if possible, representative features should be stored for future research</td>
<td>Failing to document circulation features from other periods which results in the loss of a valuable portion of the historic record prior to removing or altering them.</td>
</tr>
<tr>
<td>Recreating Missing Features from the Restoration Period</td>
<td>Recreating a missing circulation feature that existed during the restoration period, based on physical, documentary and oral evidence, such as duplicating paving patterns based on surviving prototypes</td>
</tr>
<tr>
<td>Recreating a missing circulation feature that existed during the restoration period, based on physical, documentary and oral evidence, such as duplicating paving patterns based on surviving prototypes</td>
<td>Constructing a circulation feature that was part of the original design but was never executed, thus creating a false historic appearance, or creating a circulation feature that was thought to have existed during the restoration period, but for which there is insufficient documentation</td>
</tr>
</tbody>
</table>
Recommended

**Preserving** water features and water sources — such as natural ocean fronts, lakes, ponds, sloughs, rivers and streams, as well as constructed pools, dikes, ponds and fountains — that are important in defining the overall heritage value of the landscape

**Documenting** water features before beginning project work. Documentation should include shape, edge and bottom condition/material, water level, sound and reflective qualities; associated plant and animal life, water quality, natural erosion and flooding, and condition

Evaluating the evolution of water features over time and their role in the overall hydrology of the landscape. This could include using archaeological techniques to determine the changing path of a watercourse using infrared aerial photographs to map hydrological patterns; and understanding the cultural values embedded in water features, such as the still pool as a symbol of the quiet mind

**Protecting and maintaining** water features by using non-destructive methods in daily, seasonal and cyclical tasks, such as cleaning leaf litter or mineral deposits from drainage inlets or outlets

Not Recommended

- Removing or radically changing water feature elements that are important in defining the overall heritage value of the landscape. Examples could include placing a section of stream in a culvert or concrete channel, or filling in a farm dugout

- Undertaking project work that will have an impact on character-defining water features and associated hydrology without beginning a survey of the character and condition of the water features

- Undertaking project work without understanding the evolution of water features

- Failing to undertake preventative maintenance of water features and materials

- Utilizing maintenance methods that destroy or degrade water features (for example, using harsh chemical additives for maintaining water quality)

Beaver Lake is a man-made pond that has become a central feature in Montreal's Mount Royal Park. East of Quebec's Sensational Natural and Historic District, it is an essential part of the city's water system. Its intense use puts great pressure on its condition. Protecting and maintaining water features includes daily, seasonal and cyclical tasks. Maintaining a constructed water feature's mechanical, plumbing and electrical systems is essential to ensure the appropriate depth and quality of water.

Guidelines — Landscapes — Water Features 25
Maintaining a constructed water feature's mechanical, plumbing and electrical systems to ensure appropriate depth of water or direction of flow. This could include maintaining the timing and sequencing mechanisms for irrigation systems.

Retaining: sound water features or deteriorated water features that can be repaired or rejuvenated.

Repairing and stabilizing: deteriorated water feature elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind: extensively deteriorated or missing parts of water features where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of water features to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to water features will be necessary.

Allowing mechanical systems to fall into a state of disrepair, resulting in the degradation of the water feature. For example, algae could develop if a pool's aeration system is not maintained.

Replacing or rebuilding water features that can be repaired or rejuvenated.

Removing deteriorated water feature elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire water feature element such as a fountain when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic water feature element.

Failing to undertake adequate measures to protect water features.

Additional Guidelines for Rehabilitation Projects

Recommended

Rehabilitating water features, if an evaluation of their overall condition determines that more than preservation is required.

Repairing water features by reinforcing materials or augmenting mechanical systems. Examples could include patching a crack in a pond liner or repairing a failed pump mechanism.

Replacing a deteriorated water feature by using the existing physical evidence of its form, depth and detailing to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered (for example, replacing a lead pond liner with one made of plastic).

Not Recommended

Failing to evaluate the overall condition of water features in order to determine the proper method of conservation.

Replacing or removing water features or systems when repair is possible, such as abandoning a settled-in retention pond.

Removing a water feature that is irreparable and not replacing it, or replacing it with a new feature that does not convey the same appearance. This could include replacing a single orifice nozzle with a spray nozzle, thus changing a fountain's historic character from a singular stem of water to a mist-like stream.

26 Guidelines — Landscapes — Water Features
The following REHABILITATION work has been highlighted to indicate that it involves a particular complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

**Recommended**

**Designing for the Replacement of Missing Historic Features**

Designing and installing a new water feature when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place (for example, a lost irrigation feature may be replaced by using materials that convey the same appearance), or a replica based on physical, documentary and oral evidence.

**Not Recommended**

Introducing a new design that is inconsistent with the style, era and overall historic character of the landscape, such as replacing a natural pond with a manufactured pool.

Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence.

**Alternatives/Additions for the New Use**

Designing and installing a compatible new water feature when required by the new use to assure the preservation of the historic character of the landscape. An example could include using a new retention basin in a secondary or non-significant space in the landscape.

**Not Recommended**

Placing a new water feature where it may cause damage to or is incompatible with the historic character, such as locating a baroque fountain within a picturesque garden.

Locating any new water feature in such a way that it detracts from or alters the historic character of the landscape (for example, installing a "period" fountain where one never existed).

Introducing a new water feature that is in an appropriate location, but is visually incompatible in terms of its shape, edge and bottom condition/materials, or water level, movement, sound and reflectivity quality. An example could include introducing a wading pool in a non-significant space, but utilizing non-traditional materials and colours.

**Additional Guidelines for Restoration Projects**

**Recommended**

Restores existing water features, if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to water features from the restoration period will be necessary.

**Repairing** deteriorated water features from the restoration period by reinforcing the materials that comprise these features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Not Recommended**

Failing to evaluate the overall condition of water features in order to determine the proper method of conservation.

Replacing an entire water feature from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate, or using destructive repair methods, thus causing further damage to fragile historic materials.

Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the water feature from the restoration period, nor is physically or environmentally compatible.

Guidelines — Landscapes — Water Features 27
Recommended

Replacing in kind an entire water feature from the restoration period that is too deteriorated to repair — if the overall form, depth and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Removing a deteriorated water feature from the restoration period that is irreparable and not replacing it, or recaping it with a new feature that does not convey the same appearance, or failing to document the new work.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing water features from periods other than the accepted restoration period, and the replacement of missing water features from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

Recommended

Removing Existing Features from Other Periods

Removing or altering water features, such as a later retention pond, dating from other periods.

Documenting water features from other periods prior to their alteration or removal. If possible, selective examples of these materials or features should be stored to facilitate future research.

Not Recommended

Failing to remove water features from another period, thus confusing the depiction of the landscape during the restoration period.

Failing to document water features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them.

Recreating Missing Features from the Restoration Period

Recreating a missing water feature that existed during the restoration period, based on physical, documentary and oral evidence. An example could include recasting a fountain from its original mould.

Not Recommended

Creating a water feature that was part of the original design but was never executed, thus creating a false historic appearance, or constructing a water feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.
Recommended

**Preserving** built features — such as gazebos, grottoes, bridges, fences, benches, light standards, drinking fountains, playground equipment, statuary and other constructed amenities, as well as culturally significant objects such as mukshaks — that are important in defining the overall heritage value of the landscape.

**Documenting** the condition, materials and surroundings of built features and the relationship of these features to each other, prior to beginning project work.

Evaluating the evolution of built features over time. Examples could include using historic aerial photographs to understand the relationship of windmills, silos and water troughs in a ranch compound, or the placement of light standards and benches along park paths, and understanding the cultural values embedded in built features such as mukshaks.

**Protecting and maintaining** built features by using non-destructive methods and daily, cyclical and seasonal tasks. This may include limited rust or paint removal and reappraisal of protective coating systems in kind (for example, painting metal wrought iron fences, or repointing masonry to match existing mortar material, colour and profile).

**Retaining** sound built features or deteriorated built features that can be repaired.

Retaining the relationships between the landscape and its built features.

**Repairing and stabilizing** deteriorated built feature elements by structural reinforcement or weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

**Replacing in kind** extensively deteriorated or missing parts of built features where there are surviving prototypes. The new work should match the old in form and detailing.

Not Recommended

Removing or radically changing built features that are important in defining the overall heritage value of the landscape.

Undertaking project work that will have an impact on character-defining built features without beginning a survey of conditions, materials, surroundings and interrelationships.

Undertaking project work without understanding the evolution of built features.

Failing to undertake preventive maintenance for built features, resulting in their damage or loss. An example could include failing to stop water infiltration on roofs and in foundations.

Utilizing maintenance practices and materials that are harsh, abrasive or unproven, for example using aggressive and potentially damaging cleaning methods such as grit blasting on wood, brick or soft stone, or using harsh chemicals on masonry or metals.

Replacing or rebuilding built features that can be repaired.

Removing or relocating built features or objects, such as removing stones that are integral to an Aboriginal sacred site, thus diminishing or destroying the relationship between the landscape and these features.

Removing deteriorated built feature elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire built feature element when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic built feature element.

Guidelines — Landscapes — Built Features

29
Recommended

Evaluating the overall condition of built features to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to structures, furnishings or objects will be necessary.

Additional Guidelines for Rehabilitation Projects

Recommended

**Rehabilitating** built features, if an evaluation of their overall condition determines that more than preservation is required.

**Repairing** features and materials of buildings, structures, furnishings or objects by reinforcing historic materials. Examples could include returning a children’s swing to good working order or reshaping a section of a deformed play structure.

**Replacing** a deteriorated built feature by using the existing physical evidence of its form, material and detailing to reproduce it. If using the same kind of material is not technically, economically or environmentally feasible, then a compatible substitute material may be considered, for example replacing redwood decking with wood from a less endangered tree species such as cedar.

Not Recommended

Failing to utdake adequate measures to protect the landscape’s built features.

Not Recommended

Failing to evaluate the overall condition of built features in order to determine the proper method of conservation.

Replacing or destroying a feature of structures, furnishings or objects when repair is possible. Examples could include replacing a pavilion’s tile roof with physically or visually incompatible roofing, or removing a non-working historic light fixture instead of rewiring it.

Removing and not replacing a built feature that is deteriorated, or replacing it with a new feature that does not convey the same visual appearance. An example could include removing a wooden rustic footbridge and replacing it with a concrete bridge.
<table>
<thead>
<tr>
<th>Recommended</th>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td>Designing for the Replacement of Missing Historic Features</td>
<td>Introducing a new design that is inconsistent with the style, era and overall historic character of the landscape, such as replacing a lost wooden fence with a chain-link fence</td>
</tr>
<tr>
<td>Designing and installing new built features when the historic features are missing. It may be a new design that is compatible with the style, era and character of a historic place. This could include replacing a picnic shelter with one of a new, compatible design, or a replica based on physical, documentary and oral evidence.</td>
<td>Creating a false history because the replaced feature is based on insufficient physical, documentary and oral evidence</td>
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<tr>
<td>Alterations/Additions for the New Use</td>
<td>Placing a new built feature where it may cause damage to or is incompatible with the historic character of the landscape, such as constructing a new maintenance facility in or near a character-defining space</td>
</tr>
<tr>
<td>Designing and installing a new built feature when required by the new use, which is compatible with the preservation of the historic character of the landscape. Examples could include constructing a new farm outbuilding, utilizing traditional building materials, or installing appropriately scaled and detailed signs.</td>
<td>Locating a new built feature in such a way that it detracts from or alters the historic character of the landscape, such as locating a gazebo in an open space that has always been a simple grassed area</td>
</tr>
<tr>
<td></td>
<td>Introducing a new built feature in an appropriate location, but making it visually incompatible in mass, locate, form, features, materials, texture or color. This could include constructing a structure that is incompatible with the historic character of the landscape.</td>
</tr>
</tbody>
</table>
Additional Guidelines for Restoration Projects

**Recommended**

- **Restoring built features**, if an evaluation of their overall condition determines that more than preservation is required; i.e., if repairs to built features from the restoration period will be necessary.

- **Repairing** deteriorated built features from the restoration period by reinforcing the materials that comprise those features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes such as roof features, windows, bollards and signs. The new work should be unobtrusively dated to guide future research and treatment.

- **Replacing in kind** an entire built feature from the restoration period that is too deteriorated to repair — if the overall form, material and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

**Not Recommended**

- Tailing to evaluate the overall condition of built features in order to determine the proper method of conservation.

- Replacing an entire structure, furnishing or object from the restoration period when repair of materials and limited replacement of deteriorated or missing components are appropriate, or using destructive repair methods, thus causing further damage to fragile historic materials.

- Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the structure, furnishing or object from the restoration period, nor is physically or environmentally compatible.

- Removing a deteriorated built feature from the restoration period that is irreplaceable and not replacing it, or replacing it with a new feature that does not convey the same appearance, or failing to document the new work.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing built features from periods other than the accepted restoration period, and the replacement of missing built features from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

<table>
<thead>
<tr>
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<tr>
<td>Removing Existing Features from Other Periods</td>
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<tr>
<td>Removing or altering built features dating from other periods</td>
<td></td>
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<tr>
<td>Documenting built features from other periods prior to their alteration or removal</td>
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</tbody>
</table>

- Failing to remove built features from another period, thus confusing the depiction of the landscape during the restoration period
- Failing to document built features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing or altering them

Recreating Missing Features from the Restoration Period

- Recreating a missing built feature that existed during the restoration period, based on physical, documentary and oral evidence, such as duplicating a corn crib from an existing prototype

- Constructing a built feature that was part of the original design but was never executed, thus creating a false historic appearance, or constructing a built feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.
Exterior Wood

Preserving exterior wood features — such as siding, corner boards, brackets, columns, window and door surrounds or architraves, cornices, pediments and balustrades, and their paints, finishes and colours — that are important in defining the overall heritage value of the building

Documenting the form, type and colour of coatings such as paint, and the condition of exterior wood features prior to beginning project work

Protecting and maintaining exterior wood elements by preventing water penetration and by maintaining proper drainage so that water or organic matter is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features

Inspecting painted exterior wood surfaces to determine whether repainting is necessary or if cleaning is all that is required

Retaining coatings such as paint that help protect the exterior wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program that involves repainting or applying other protective coatings in kind

Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (scraping and sanding by hand), then repainting in kind

Not Recommended

Removing or radically changing exterior wood elements that are important in defining the overall heritage value of the building

Undertaking project work that will have an impact on character-defining exterior wood elements without first documenting their existing character and condition

Failing to identify, evaluate and treat the causes of exterior wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungal infestation

Removing paint that is firmly adhering to and thus protecting exterior wood surfaces

Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering

Using destructive paint removal methods such as propane or butane torches, sandblasting or water-blasting. These methods can irreversibly damage exterior woodwork or cause catastrophic fires

Guidelines — Buildings — Exterior Wood 1
Recommended

Using electric hot-air guns carefully on decorative wood elements and electric heat plates on flat wood surfaces when paint is so deteriorated or so thick that total removal is necessary prior to repainting.

Using chemical strippers primarily to supplement other methods such as hand scraping, hand sanding and the thermal devices recommended above. Detachable wooden elements such as shutters, doors and columns may be chemically dip-stripped if proper safeguards are taken.

Creating conditions that are unfavourable to the growth of fungus, such as eliminating unintentional entry points for water, drying out the structure by opening vents, removing piled up earth resting against the building and applying a chemical preservative treatment using recognized preservation methods.

Applying compatible paint coating systems following proper surface preparation, such as washing with trisodium phosphate.

Repainting with colours that are appropriate to the building and district.

Applying chemical preservatives to exterior wood elements such as beam ends or outliers that are exposed to decay hazards and are traditionally unpainted.

Inspecting buildings to determine the reason(s) for any damage or degradation, such as abrasion, animal gnawing (e.g., rodents), fungal decay or insect infestation (e.g., beetles, horntails, wood borers, carpenter ants, carpenter bees, wasps, termites and weevils).

Treating the deterioration of log buildings from abrasion or animals by isolating, as far as possible, the building from the source of deterioration, such as blocking wind-borne sand and grit with a windbreak, or putting a wire mesh screen over floor posts in a crawlspace to thwart rodents.

Treating active infestations of insects by first identifying the type of insect and then implementing a program of elimination appropriate to that insect. If using pesticides, confirm that the chemical is registered for the intended purpose with Agriculture and Agri-Food Canada and follow the manufacturer’s product and application instructions. Fumigation should be done only by a licensed applicator.

2 Guidelines — Buildings — Exterior Wood

Not Recommended

Using thermal devices improperly so that the woodwork is scorched.

Failing to have a fire extinguisher nearby when using thermal devices.

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood elements to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Stripping character-defining painted exterior wood surfaces to bare wood, then applying clear finishes or stains in order to create a “natural” look.

Stripping paint or varnish to bare wood rather than repairing or reapplying the same finish (e.g., a grained finish) to an exterior wood element such as a front door.

Failing to follow the manufacturer’s product and application instructions when repainting exterior woodwork.

Using new colours that are inappropriate to the building or district.

Using chemical preservatives such as creosote or copper naphthanate, because if they have not been used historically, they can change the appearance of exterior wood elements.

Undertaking remedial project work on log buildings without first identifying the actual cause(s) of damage or degradation.

Neglecting to treat known conditions that threaten buildings, such as abrasion, animal gnawing, fungal decay or insect infestation, thus putting them at risk of further deterioration.
Recommended

Taking into account the settlement rate of a building when augmenting or reinforcing its structural components, so that the new components settle at the same rate.

Retaining sound exterior wood or deteriorated exterior wood that can be repaired.

Repairing and stabilizing deteriorated exterior wood elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of exterior wood elements where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of the exterior wood to determine whether more than protection, maintenance and limited repair or replacement in kind are required, in other words, if more extensive repairs to wood elements will be necessary.

Not Recommended

Structurally augmenting or reinforcing a building with components that do not have a similar rate of settlement.

Replacing wood elements that can be repaired.

Removing deteriorated exterior wood elements that could be stabilized, repaired and conserved, or using untreated consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire wood element such as a cornice when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic wood element.

Failing to undertake adequate measures to protect exterior wood elements.

Additional Guidelines for Rehabilitation Projects

Recommended

Rehabilitating an exterior wood element, if an evaluation of its overall condition determines that more than preservation is required.

Repairing exterior wood elements by patching, piecing-in, consolidating or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements where there are surviving prototypes such as brackets, moulding or sections of siding.

Replacing in kind an entire exterior wood element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples of wood elements include a cornice, entablature, or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Failing to evaluate the overall condition of an exterior wood element in order to determine the appropriate method of conservation.

Replacing an entire wood element such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that neither conveys the same appearance as the surviving parts of the wood element nor is physically or chemically compatible.

Removing an entire exterior wood element that is irreparable and not replacing it, or replacing it with a new element that does not convey the same appearance.
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

### Recommended

- Designing for the Replacement of Missing Historic Features
- Introducing a new exterior wood feature that is compatible with the style, era, and character of the historic place, or a replica based on physical and documentary evidence.

### Not Recommended

- Introducing a new exterior wood feature that is incompatible in scale, material, style, and colour
- Creating a false historical appearance because the replaced wood feature is based on insufficient physical and documentary evidence.
Recommended

Restoring an exterior wood element, if an evaluation of its overall condition determines that more than preservation is required, in other words, if repairs to wood features from the restoration period will be necessary.

Repairing, stabilizing and conserving fragile wood from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

Repairing exterior wood elements from the restoration period by patching, piecing-in or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of elements from the restoration period where there are surviving prototypes such as brackets, moul din or sections of siding. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind an entire exterior wood element from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples of exterior wood elements include a cornice, entablature or balustrade. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Failing to evaluate the overall condition of an exterior wood element in order to determine the appropriate method of conservation.

Removing wood from the restoration period that could be stabilized and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Replacing an entire exterior wood element from the restoration period such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.

Using substitute materials for the replacement part, which neither conveys the same appearance as the surviving parts of the wood element, nor is physically or chemically compatible.

Removing an entire exterior wood element from the restoration period that is irreparable and not replacing it.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing wood features from periods other than the accepted restoration period, and the replacement of missing wood features from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

### Recommended

**Removing Existing Features from Other Periods**

- Removing or altering wood features, such as a later doorway, porch or steps, dating from other periods
- Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research

**Recreating Missing Features from the Restoration Period**

- Recreating a missing wood feature that existed during the restoration period based on physical or documentary evidence, for example, duplicating a roof dormer or porch.

### Not Recommended

**Faking to remove a wood feature from another period, thus confusing the depiction of the building's significance**

**Failing to document wood features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.**

**Constructing a wood feature that was part of the original design of the building, but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.**


**Exterior Masonry**

**Brick, stone, terra cotta, concrete, stucco and mortar**

**Recommended**

**Preserving** masonry elements such as walls, brackets, railings, steps, columns, window and door surrounds or architraves, cornices, pediments, balustrades, and details such as pointing, tooling and bonding patterns, coatings and colour that are important in defining the overall heritage value of the building.

**Documenting** the form, materials and condition of masonry elements prior to beginning project work.

**Protecting and maintaining** masonry by preventing water penetration and by maintaining proper drainage so that water or organic matter does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

**Not Recommended**

Removing or radically changing masonry elements that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining masonry elements without first documenting their existing character and condition.

Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, failed flashings or extreme weather exposure.

Applying water-repellent coatings to stop moisture penetration when the problem could be solved by repairing failed flashings, deteriorated mortar joints or other mechanical defects.

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Guidelines — Buildings — Exterior Masonry 7
Recommended

Cleaning masonry using recognized preservation methods and only when necessary to halt deterioration or remove heavy soiling or graffiti.

Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate if acceptable, carrying out cleaning tests which should be observed over a sufficient period of time so that both the immediate and the long-range effects are known, the gentlest method possible is selected and appropriate level of cleanliness achieved.

Cleaning masonry surfaces using the gentlest method possible, such as low-pressure water and de-organisms, using natural bristle brushes.

Protecting adjacent materials during cleaning to avoid damage by abrasion or water infiltration.

Inspecting painted masonry surfaces to determine whether repainting is necessary.

Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand scraping) prior to repainting.

Applying compatible paint or stucco following proper surface preparation.

Not Recommended

Cleaning masonry surfaces when they are not heavily soiled in order to create a new appearance, thus needlessly introducing chemicals or moisture into the materials.

Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Blasting brick or stone surfaces using dry or wet grit sand or other abrasives that permanently erode the surface of the material and accelerate deterioration.

Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.

Cleaning with chemical products that will damage masonry or mortar such as using and on limestone or marble, or leaving chemicals on masonry surfaces.

Applying high-pressure water cleaning methods that will damage the masonry and the mortar joints.

Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.

Using methods of removing paint that are destructive to masonry, such as sandblasting, application of caustic solutions or high-pressure water-blasting.

Failing to follow manufacturers’ product and application instructions when repainting masonry.

Applying paint or stucco to masonry that has been historically unpainted or uncoated.

Removing paint from historically painted masonry, unless it is causing damage to the underlying masonry.

Removing stucco from masonry that was historically never exposed.

Radically changing the type of paint or coating or its colour.
The harsh climate in many parts of Canada can seriously damage masonry elements. This wall in Quebec City has suffered irreversible damage from water penetrating the brick façade and freezing, causing the faces of many bricks to pop off. To avoid damage such as this, it is recommended that moisture penetration be stopped by replacing failed flashings, deteriorated mortar joints or other mechanical defects, not by applying under-applied coatings, which can trap moisture inside the masonry.

**Recommended**

- Repainting or re-stuccoing with colours that are historically appropriate to the building and district
- Retaining sound exterior masonry or deteriorated exterior masonry that can be repaired
- Repairing and stabilizing deteriorated masonry elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible
- Replacing in kind extensively deteriorated or missing parts of masonry elements where there are surviving prototypes. The new work should match the old in form and detail

**Not Recommended**

- Using new paint or stucco colours that are inappropriate to the building and district
- Replacing or rebuilding masonry that can be repaired
- Removing deteriorated masonry elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements
- Replacing an entire masonry element such as a column when limited replacement of deteriorated and missing components is appropriate
- Using replacement material that does not match the historic masonry element

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Guidelines — Buildings — Exterior Masonry
Recommended

Repairing masonry walls and other masonry elements by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls or damaged plaster work.

Removing deteriorated or inappropriate mortar by carefully raking the joints using hand tools or appropriate mechanical means to avoid damaging the masonry

Using mortars that will ensure the long-term preservation of the masonry assembly. Mortar should be compatible in strength, porosity, absorption and vapor permeability with the existing masonry units. Bedding and pointing mortars should be less durable than the masonry units. Bedding mortars should meet structural requirements. Colour, texture, width and joint profile should be physically and visually compatible with the masonry.

Duplicating original mortar joints in colour, texture, width and joint profile, if the mortar joints are a character-defining element.

Evaluating the overall condition of the exterior masonry to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to masonry elements will be necessary.

Not Recommended

Removing, non-deteriorated or acceptable mortar from sound joints, then repointing the entire building to achieve a uniform appearance.

Using rotary grinders on thin joints or vertical joints, or electric saws to remove mortar from joints prior to repointing.

Repainting with mortar of high Portland cement content (unless it is the content of character-defining mortar) that can often create a bond that is stronger than the historic material (brick or stone) and can cause damage as a result of the differing coefficients of expansion and the differing porosity of the materials.

Repainting with a synthetic cementing compound using a "scrub" coating technique to repoint instead of traditional repointing methods.

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation.

Failing to undertake adequate measures to protect masonry elements.

Deteriorated mortar joints in masonry walls should be repaired by repointing. The deteriorated mortar should be removed by carefully hand raking. The joints to avoid damaging the masonry. If the new mortar will duplicate the prior mortar in strength, composition, colour, texture, width, and joint profile. Repointing with mortar of high Portland cement content is not recommended, unless this was the historic mortar.
Recommended

REHABILITATING an extenor masonry element, if an evaluation of its overall condition determines that more than preservation is required

Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, colour, porosity and texture

Cutting damaged character-defining concrete back to remove and correct the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with and match the character-defining concrete

Repairing character-defining masonry elements by patching, piecing-in or consolidating the masonry using appropriate conservation methods. Repair may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of masonry elements such as terra cotta brackets or stone balusters when there are surviving prototypes

Applying new or non-historic surface treatments such as proven water-repellent coatings to masonry only after repointing and only if masonry repairs, alternative design solutions or flashings have failed to arrest water penetration problems

Replacing in kind an entire character-defining masonry element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples can include large sections of a wall, a cornice, balustrade, column or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered

Not Recommended

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation

Removing sound stucco or repairing with new stucco that is stronger than the character-defining material or does not convey the same appearance

Patching concrete without removing the source of deterioration, or patching with a concrete that is incompatible with the existing

Replacing an entire character-defining masonry element such as a cornice when repair of the masonry and limited replacement of deteriorated or missing parts are feasible

Using a substitute material (in place of the replacement part) which neither conveys the appearance of the surviving parts of the masonry element, nor is physically or chemically compatible

Applying waterproof, water repellent or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary and expensive and may change the appearance of character-defining masonry as well as accelerate its deterioration

Removing a character-defining masonry element that is repairable and not replacing it, or replacing it with a new element that does not convey the same appearance
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

**Recommended**

Designing for the Replacement of Missing Historic Features

Introducing a new masonry feature that is incompatible in size, scale, material, style and colour

Creating a false historical appearance because the replaced masonry feature is based on insufficient physical and documentary evidence

**Not Recommended**

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

Cleaning masonry should be undertaken only when necessary to halt deterioration or remove heavy soiling. If surface cleaning is appropriate, tests using recognized preservation methods should be first be made in order to select the correct cleaning method possible, and be observed over time to determine the immediate and the long-term effects. The best cleaning of the left portion of this brick and stone wall using low-pressure water and detergents, when there was no chance of having created an acceptably clean wall.

12 Guidelines — Buildings — Exterior Masonry
Recommended

**Restoring** an exterior masonry element, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repair to masonry features from the restoration period will be necessary.

**Repairing, stabilizing and conserving** fragile masonry from the restoration period by well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

Repairing stucco by removing the damaged material and patching with new stucco that duplicates stucco of the restoration period in strength, composition, colour and texture.

Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement) and bonding it successfully with and match the historic concrete.

Repairing masonry features from the restoration period by patching, piecing-in or otherwise reinforcing the masonry using recognized preservation methods. Repair may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of masonry features from the restoration period when there are surviving prototypes such as terra cotta brackets or stone balusters. The new work should be unobtrusively dated to guide future research and treatment.

Applying new or non-historic surface treatments such as proven water-repellent coatings to masonry only after reporting and only if masonry repairs have failed to arrest water penetration problems.

**Replacing in kind** an entire masonry feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature. Examples can include large sections of a wall, a cornice, balustrade, column or stairway. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Failing to evaluate the overall condition of an exterior masonry element in order to determine the appropriate method of conservation.

Removing masonry from the restoration period that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Removing sound stucco, or repairing with new stucco that is stronger than the historic material or does not convey the same appearance.

Patching concrete without removing the source of deterioration, or patching with a concrete that is incompatable with the existing.

Replacing an entire masonry feature from the restoration period such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are inappropriate.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the masonry feature, nor is physically or chemically compatible.

Applying waterproof, water repellent or non-historic coatings such as stucco to masonry as a substitute for reporting and masonry repairs. Coatings are frequently unnecessary and expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

Replacing a masonry feature from the restoration period that is irreparable and not replacing it.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing masonry features from periods other than the accepted restoration period, and the replacement of missing masonry features from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

**Recommended**

**Removing Existing Features from Other Periods**

Removing or altering masonry features, such as a later doorway, porch or steps, dating from other periods. Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

**Recreating Missing Features from the Restoration Period**

Recreating a missing masonry feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a terra cotta bracket or stone balustrade.

**Not Recommended**

Failing to remove a masonry feature from another period, thus confusing the depiction of the building's significance. Failing to document masonry features from other periods which results in the loss of a valuable portion of the historic record, prior to removing them from the building.

Constructing a masonry feature that was part of the original design of the building but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.
**Recommended**

Preserving architectural metal elements — such as claddings, columns, capitals, brackets, window hoods, cornices, balustrades or stairways, and their finishes and colours — that are important in defining the overall heritage value of the building (See also Roofs for gutters and downspouts).

Documenting the form, materials and condition of architectural metal elements prior to beginning project work is critical to differentiate between metals prior to project work, since each metal has unique properties and thus requires a different treatment.

Protecting and maintaining architectural metals from corrosion by preventing water penetration and by maintaining proper drainage so that water or organic matter does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.

**Not Recommended**

Removing or radically changing architectural metal elements that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining architectural metal elements without undertaking a survey of existing conditions.

Failing to identify, evaluate and treat the causes of corrosion such as moisture from leaking roofs or gutters.

Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin and aluminum.

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*The first step in preserving architectural metal is to identify the type of metal. Before cleaning, determine the cleaning is appropriate for the particular metal; removing the paint from the bronze door shown above would not be appropriate since patina is a character-defining finish of the metal, or it provides a protective coating. If cleaning is appropriate, testing is recommended to ensure that the gentlest cleaning method possible is used.*

*Regular programme of cleaning and re-applying appropriate paint has preserved to a remarkable degree the metal entrance canopy of Winnipeg’s Union Station, which was completed in 1911. Protection from corrosion should be considered the first line of defence in preserving architectural metals.*
Recommended

Identifying the particular type of metal prior to any cleaning procedure and then testing to ensure that the gentlest cleaning method possible and the appropriate level of cleanliness are selected, or determining that cleaning is inappropriate for the particular metal.

Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.

Cleaning soft metals such as lead, tin, copper, teneplate and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.

Using the gentlest cleaning methods for cast iron, wrought iron and steel — hard metals — in order to remove excessive paint build-up and corrosion. If hand scraping and wire brushing prove ineffective, low-pressure grit blasting may be used as long as it does not abrade or damage the surface.

Protecting adjacent materials during cleaning so as to avoid damage by abrasion or chemical reaction.

Applying an appropriate protective coating such as lacquer or wax to an architectural metal element such as a bronze door that is subject to heavy pedestrian use.

Re-applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.

Repainting, if warranted, with colours that are appropriate to the building or district.

Retaining sound architectural metal elements or deteriorated architectural metal elements that can be repaired.

Repairing and stabilizing deteriorated architectural metal elements by structural reinforcement, weather protection or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Not Recommended

Using cleaning methods that alter or damage the character-defining colour, texture and finish of the metal, or cleaning when it is inappropriate for the metal.

Removing the character-defining patina of metal. The patinas may be a protective coating on some metals, such as bronze or copper, as well as a significant character-defining finish.

Exposing metals that were intended to be protected from the environment.

Applying paint or other coatings to metals such as copper, bronze or stainless steel that were meant to be exposed.

Cleaning soft metals such as lead, tin, copper, teneplate and zinc with grit blasting or other abrasive methods or tools such as wire brushing, which will abrade the surface of the metal.

Failing to employ gentler methods prior to abrassively cleaning cast iron, wrought iron or steel, or using high pressure grit blasting.

Failing to mask or otherwise protect adjacent masonry, wood or glass surfaces.

Failing to assess pedestrian use or new access patterns so that architectural metal elements are subject to damage by use or inappropriate maintenance such as scaling adjacent sidewalks.

Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.

Using new colours that are inappropriate to the building or district.

Radically changing a character-defining type of finish or character-defining colour or accent scheme, which detracts from the character of the building.

Replacing architectural metal elements that can be repaired.

Removing deteriorated architectural metal elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.
Recommended

**Replacing in kind** extensively deteriorated or missing parts of architectural metal elements where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of architectural metals to determine whether more than protection, maintenance and limited repair or replacement in kind are required; i.e., if more extensive repairs to architectural metal elements will be necessary.

**Not Recommended**

Replacing an entire architectural metal element such as a pressed metal ceiling when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic architectural metal elements in appearance or in physical or chemical properties.

Failing to undertake adequate measures to protect architectural metal elements.

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**Additional Guidelines for Rehabilitation Projects**

**Recommended**

**Rehabilitating** an architectural metal element, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** an architectural metal element by welding, soldering, patching, splicing, or otherwise reinforcing the metal following recognized conservation methods. Repairs may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes such as porch balusters, column capitals or bases, or roof cresting.

**Replacing in kind** an entire architectural metal element that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples could include cast iron porch steps or steel sash windows. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

**Not Recommended**

Failing to evaluate the overall condition of an architectural metal element in order to determine the appropriate method of conservation.

Replacing an entire architectural metal element such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are feasible.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the architectural metal element, nor is physically or chemically compatible.

Removing an architectural metal element that is repairable and not replacing it, or replacing it with a new architectural metal element that does not convey the same appearance.
### Additional Guidelines for Restoration Projects

<table>
<thead>
<tr>
<th>Recommended</th>
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</thead>
<tbody>
<tr>
<td><strong>Restores an architectural metal element, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to metal features from the restoration period will be necessary</strong></td>
<td><strong>Failing to evaluate the overall condition of an architectural metal element in order to determine the appropriate method of conservation.</strong></td>
</tr>
<tr>
<td><strong>Repairing, stabilizing and conserving fragile architectural metals from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.</strong></td>
<td><strong>Removing architectural metal from the restoration period that could be stabilized and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.</strong></td>
</tr>
</tbody>
</table>

In Rehabilitation, replacing in kind an entire architectural metal element that is too dimensioned to repair is recommended, if the overall form and detailing are still extant. Missing metal roof cresting on the Drawing Room House in Montreal was replaced by using existing physical evidence as a model to reproduce the element.
Recommended

Repairing architectural metal features from the restoration period by patching, splicing or otherwise reinforcing the metal using recognized preservation methods. Repairs may also include the limited replacement—preferably in kind—of those extensively deteriorated or missing parts of features from the restoration period when there are surviving prototypes such as porch balusters, column capitals or bases, or porch cresting. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind an entire architectural metal feature from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples could include cast iron porch steps or roof cresting. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Replacing an entire architectural metal feature from the restoration period such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the architectural metal feature, nor is physically or chemically compatible.

Removing an architectural metal feature from the restoration period that is irreparable and not replacing it.

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing architectural metal features from periods other than the accepted restoration period, and the replacement of missing architectural metal features from the restoration period with all new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

Recommended

Removing or altering architectural metal features, such as a later cast iron porch railing, or aluminum windows, dating from other periods.

Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

Recreating Missing Features from the Restoration Period

Recreating a missing architectural metal feature that existed during the restoration period based on physical or documentary evidence, for example, duplicating a cast iron storefront or porch.
Recommended

Preserving roofs — and their functional and decorative elements — that are important in defining the overall heritage value of the building.

Documenting the form, materials and condition of roofs and roof elements prior to beginning project work. This includes the roof’s pitch, shape, such as hipped, gambrel and mansard, decorative elements such as cupolas, cresting, chimneys and weathervanes, and roofing material such as slate, wood, clay tile and metal, as well as its size, colour and pattern.

Stabilizing and protecting a leaking roof with plywood and building paper until it can be properly repaired.

Protecting and maintaining a roof by cleaning and maintaining the gutters and downspouts and replacing deteriorated flashing in kind. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration, and to ensure that materials are free from insect infestation.

Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.

Retaining sound roofs or roof elements, or deteriorated roofs or roof elements that can be repaired.

Repairing and stabilizing deteriorated roofs and roof elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of roofs where there are surviving prototypes. The new work should match the existing elements in form and detailing.

Not Recommended

Damaging or destroying roofs that are important in defining the overall heritage value of the building so that, as a result, the heritage value is diminished.

Changing the configuration of a roof by adding new elements such as dormer windows, vents or skylights so that the character is diminished.

Undertaking project work that will have an impact on character-defining roofs and roof elements without first documenting their existing character and condition.

Permitting a leaking roof to remain unprotected so that accelerated deterioration of its building materials (such as masonry, wood, plaster, paint and structural members) occurs.

Failing to replace deteriorated flashing or to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing and the underlying structure.

Allowing roof fasteners such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.

Replacing or rebuilding roofs that can be repaired.

Stopping the roof of sound character-defining material such as slate, clay tile, wood and architectural metal.

Applying paint, stain or other coatings to roofing material that has been unaltered.

Removing deteriorated roof elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire roof element such as a dormer when limited replacement of deteriorated and missing components is appropriate.

Using replacement material that does not match the historic roof or roof element.

20 Guidelines — Buildings — Roofs
Recommended

Evaluating the overall condition of roofs and roof elements to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to roofs will be necessary.

**Recommended Guidelines for Rehabilitation Projects**

**Recommended**

**Rehabilitating a roof,** in an evaluation of its overall condition determines that more than preservation is required

**Repairing** a roof by reinforcing the character-defining materials that comprise roof elements. Repairs will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes such as cupola louvers, dents, dormer roofing, or slates, tiles or wood shingles on a main roof.

**Replacing in kind** an entire element of the roof that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the element. Examples can include a large section of roofing or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

**Not Recommended**

Failing to undertake adequate measures to protect roofs.

**Additional Guidelines for Rehabilitation Projects**

**Not Recommended**

Failing to evaluate the overall condition of a roof in order to determine the appropriate method of conservation.

Replacing an entire roof element such as a cupola, dormer or lighting protection when repair of the character-defining materials and limited replacement of deteriorated or missing parts is feasible.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the roof, nor is physically or chemically compatible.

Removing an element of the roof that is irreparable, such as a chimney or dormer and not replacing it, or replacing it with a new element that does not convey the same appearance.

Guidelines — Buildings — Roofs 21
### Additional Guidelines for Restoration Projects

**Recommended**

- **Restoring** a roof, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to a roof from the restoration period will be necessary.

- **Repairing** a roof from the restoration period by reinforcing the materials that comprise roof features. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features such as cupola louvers, dentils, dormer roofs or slates, tiles or wood shingles when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Not Recommended**

- Failing to evaluate the overall condition of a roof in order to determine the appropriate method of conservation.

- Replacing an entire roof feature from the restoration period such as a cupola or dormer when the repair of materials and limited replacement of deteriorated or missing parts are appropriate.

- Failing to reseat slate or tile when only the roofing substrate needs replacement.

- Using a substitute material for the replacement part that neither carries the appearance of the surviving parts of the roof, nor is physically or chemically compatible.

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**Guidelines — Buildings — Roofs**
**Recommended**

*Replacing in kind* an entire roof feature from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unreusely dated to guide future research and treatment.

**Not Recommended**

Removing a roof feature from the restoration period that is irreparable and not replacing it, or failing to document the new work.
### Standards and Guidelines

The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing roofs and roof features from periods other than the accepted restoration period, and the replacement of missing roof features from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

<table>
<thead>
<tr>
<th>Recommended</th>
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</tr>
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<tbody>
<tr>
<td>Removing Existing Features from Other Periods</td>
<td>Failing to remove a roof feature from another period, thus confusing the direction of the building's significance</td>
</tr>
<tr>
<td>Removing or altering roofs or roof features, such as a later dormer or asphalt roofing, dating from other periods</td>
<td>Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.</td>
</tr>
<tr>
<td>Recreating Missing Features from the Restoration Period</td>
<td>Failing to document missing materials and roof features from other periods (which results in the loss of a valuable portion of the historic record). Prior to removing them from the building.</td>
</tr>
<tr>
<td>Recreating missing roofing material or a roof feature that existed during the restoration period based on physical or documentary evidence, for example, duplicating a dormer or cupola</td>
<td>Constructing a roof feature that was part of the original design of the building, but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.</td>
</tr>
</tbody>
</table>

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24 Guidelines — Buildings — Roofs
Windows

Recommended

Preserving windows and their functional and decorative components — such as frames, sashes, muntins, glazing, sills, heads, hoodmoulds, panelled or decorated jambs and mouldings, interior and exterior shutters and blinds — that are important in defining the overall heritage value of the building.

Not Recommended

Removing or radically changing windows that are important in defining the heritage value of the building.

Changing the number, location, size or glazing pattern of windows by cutting new openings, blocking in windows and installing replacement sashes that do not fit the character-defining window opening.

Changing the character-defining appearance of windows through the use of inappropriate designs, materials, finishes or colours that noticeably change the sash, depth of reveal and muntin configuration, the reflectivity and colour of the glazing, or the appearance of the frame.

Obscuring character-defining window features with metal or other materials.

Documenting the location, form, style, materials and method of operation of windows and their elements prior to beginning project work.

Guidelines — Buildings — Windows 25
Recommended

Conducting an in-depth survey of the condition of windows early in the planning process so that repair and upgrading methods and possible replacement options can be fully explored.

Protecting and maintaining the wood and architectural metals that comprise the window frames, sashes, muntins and surrounds through appropriate surface treatments such as cleaning, rust removal, treated paint removal and re-application of protective coating systems of kind.

Making windows weather tight by re-putching and re-glazing or installing weatherstripping. These actions also improve thermal efficiency (see also section 4 Energy Efficiency Considerations, Buildings - Windows).

Retaining sound windows and window elements or deteriorated windows and window elements that can be repaired.

Repairing and stabilizing deteriorated windows and window elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of windows where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of windows and window elements to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to windows will be necessary.

Not Recommended

Undertaking project work that will have an impact on character-defining windows without first documenting their existing character and condition.

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of the window.

Retotiling or replacing windows rather than maintaining the sash, frame and glazing.

Replacing windows that can be repaired. Peeling paint, broken glass, stuck sashes or high air infiltration are NOT, in themselves, indications that windows are beyond repair.

Removing deteriorated materials such as wood, cast iron or bronze from windows that could be stabilized, repaired and conserved, or using untested consolidates and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire window element such as a shutter when limited replacement of deteriorated and missing components is appropriate.

Using replacement materials that do not match the historic window or window element.

Failing to undertake adequate measures such as cyclical maintenance to protect windows.

26 Guidelines — Buildings — Windows
Recommended

Rehabilitating a window, if an evaluation of its overall condition determines that more than preservation is required

Repairing window frames and sashes by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind — or with a compatible substitute material — of those parts that are either extensively deteriorated or are missing, when there are surviving prototypes such as architraves, hoodmolds, sashes, sills and interior or exterior shutters and blinds.

Replacing in kind an entire window that is too deteriorated to repair using the same sash and pane configuration and other design details. If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered.

Not Recommended

Failing to evaluate the overall condition of a window, in order to determine the appropriate method of conservation

Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts is feasible

Failing to reuse serviceable window hardware such as sash lifts and sash locks

Using substitute material for the replacement part, that neither conveys the same appearance as the surviving part of the window, nor is physically or chemically compatible

Removing a character-defining window that is irreplaceable and blocking it in, or replacing it with a new window that does not convey the same appearance
The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after the Preservation and Rehabilitation concerns listed above have been addressed.

**Recommended**

- Designing for the Replacement of Missing Historic Features
  - Designing and installing new windows when the historic windows (frames, sashes and glazing) are completely missing; it may be a new design that is compatible with the style, era and character of the historic place; or a replica based on physical and documentary evidence.

- Alterations/Additions for the New Use
  - Designing and installing additional windows on non-character-defining elevations if required by the new use. Such designs should be compatible with the overall style, era and character of the building, but not necessarily duplicate the fenestration pattern and detailing of a character-defining elevation.

- Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.

**Not Recommended**

- Introducing a new design that is inconsistent with the style, era and overall historic character of the building.

- Creating a false historical appearance because the replaced window is based on insufficient physical and documentary evidence.

- Installing new windows, including frames, sashes and muntins, that are incompatible with the building’s historic appearance or obscure, damage or destroy character-defining elements.

- Inserting new floors or turned-down ceilings that cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.

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**Additional Guidelines for Restoration Projects**

**Recommended**

- Restores a window, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to wood features from the restoration period will be necessary.

- Repairing window frames and sashes from the restoration period by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include limited replacement — preferably in kind — of extensively deteriorated or missing parts such as architraves, hoodmoulds, sash, sills and interior or exterior shutters and blinds when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Not Recommended**

- Failing to evaluate the overall condition of a window in order to determine the appropriate method of conservation.

- Replacing an entire window from the restoration period when replacement of materials and limited replacement of deteriorated or missing parts are appropriate.

- Failing to reuse serviceable window hardware such as boss sash lifts and sash locks.

- Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the window, nor is physically or chemically compatible.

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28 Guidelines — Buildings — Windows
Recommended

Replacing in kind a window feature from the restoration period that is too deteriorated to repair using the same sash and pane configuration and other design details. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Removing a window feature from the restoration period that is irreparable and not replacing it, or failing to document the new work.

<table>
<thead>
<tr>
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<tbody>
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<td>Removing or altering windows or window features, such as later single-pane glazing or inappropriate shutters, dating from other periods.</td>
<td>Failing to remove a window feature from another period, thus confusion the depiction of the building's significance.</td>
</tr>
<tr>
<td>Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.</td>
<td>Failing to document window features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.</td>
</tr>
<tr>
<td>Recreating a missing window or window feature that existed during the restoration period based on physical or documentary evidence, for example, duplicating a hoodmould or shutter.</td>
<td>Constructing a window feature that was part of the original design of the building, but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.</td>
</tr>
</tbody>
</table>
Recommended

Preserving entrances and porches — and their functional and decorative features such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades and stairs — which are important in defining the overall heritage value of the building

Documenting the form, materials and condition of entrances and porches prior to beginning project work

Protecting and maintaining the masonry, wood and architectural metals that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal and re-application of protective coating systems in kind

Retaining sound entrance and porch elements or deteriorated entrance and porch elements that can be repaired (see also section 4. Accessibility Considerations)

Repairing and stabilizing deteriorated entrance and porch elements by structural reinforcement, weather protection; or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible

Replacing in kind extensively deteriorated or missing parts of entrance and porch elements where there are surviving prototypes. The new work should match the existing elements in form and detailing

Evaluating the overall condition of materials to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to entrance and porch elements will be necessary

Not Recommended

Removing or radically changing entrances and porches that are important in defining the overall heritage value of the building so that, as a result, the heritage value is diminished

 Undertaking project work that will have an impact on character-defining entrances and porches without first documenting their existing character and condition

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of entrances and porches

Removing sound or repairable material such as wood, cast iron, terra cotta tile and brick from entrances and porches

Removing an entrance or porch because the building has been re-oriented to accommodate a new use

Creating new entrances on a character-defining elevation

 Altering utilitarian or service entrances so they appear to be formal entrances by adding paneled doors, fanlights and sidelights

Removing deteriorated entrance and porch elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements

Replacing an entire entrance or porch element when limited replacement of deteriorated and missing components is appropriate

Using a replacement material that does not match the historic entrance or porch element

Failing to undertake adequate measures to protect entrances and porches
**Recommended**

**Rehabilitating** an entrance or a porch, if an evaluation of its overall condition determines that more than preservation is required.

**Repairing** an entrance or porch by reinforcing the character-defining materials. Repair will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of repeated elements where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sconces and stairs, or where there is clear evidence such as old paint traces on adjacent surfaces.

**Replacing in kind** an entire entrance or porch that is too deteriorated to repair — if the form and detailing are still evident — using the physical evidence as a model to reproduce the element. If using the same kind of material is not technically or economically feasible, then compatible substitute materials may be considered.

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**Not Recommended**

Failing to evaluate the overall condition of an entrance or a porch in order to determine the appropriate method of conservation.

Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are feasible.

Using a substitute material for replacement parts that neither conveys the appearance of the surviving parts of the entrance and porch, nor is physically or chemically compatible.

Removing an entrance or porch that is irreparable and not replacing it, or replacing it with a new entrance or porch that does not convey the same appearance.

**Porches**, such as the one pictured of the old Barrebecrs Market in Maryland (built in 1854-55 with its Ionic order, iron cast iron columns, can play a very significant role in defining the character of a building. Maximizing the function of character-defining elements, including the porch, was the primary conservation objective when the building was rehabilitated for use as a Municipal office.
### Recommended

- **Designing for the Replacement of Missing Historic Features**
  - Designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a new design that is compatible with the style, era and character of the historic place, or a replica based on physical and documentary evidence.

- **Alterations/Additions for the New Use**
  - Designing enclosures or screening for character-defining porches on secondary elevations when required by the new use in a manner that preserves the character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing railings, posts or balustrades.
  - Designing and installing additional entrances or porches on non-character-defining elevations when required for the new use in a manner that preserves the character of the building, i.e., limiting such alteration to non-character-defining elements.

### Not Recommended

- Introducing a new entrance or porch that is incompatible in size, scale, material, style or colour.
- Creating a false historical appearance because the replaced entrance or porch is based on insufficient physical and documentary evidence.

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*In Rehabilitation, deteriorated features should be repaired, whenever possible, and replaced when the severity of the damage makes it necessary. Here, the character-defining stone steps of the entrance to a house in Saint John, New Brunswick were cracked. Appropriate work on the entrance included repair to the stone steps and walls, and the installation of a metal handrail to meet building code requirements.*
Recommended

Restoring an entrance or a porch, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to features from the restoration period will be necessary.

Repairing entrances and porches from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of repeated features such as balustrades, cornices, entablatures, columns, sidelights and stairs where there are surviving prototypes, or where there is clear evidence such as old paint traces or adjacent surfaces. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind an entire entrance or porch from the restoration period that is too deteriorated to repair — if the form and detailing are still evident — using the physical evidence as a model to reproduce the feature. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Failing to evaluate the overall condition of an entrance or a porch in order to determine the appropriate method of conservation.

Replacing an entire entrance or porch feature from the restoration period when the repair of materials and limited replacement of parts are appropriate.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving parts of the entrance and porch, nor is physically or chemically compatible.

Removing an entrance or porch feature from the restoration period that is repairable and not replacing it, or failing to document the new work.

In restoration, reinstating the historic paint colours from the restoration period should be based on physical or documentary evidence, such as site paint analysis or colour photographs.
<table>
<thead>
<tr>
<th>Recommended</th>
<th>Not Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removing Existing Features from Other Periods</td>
<td>Failing to remove an entrance or porch feature from another period, thus confusing the depiction of the building's significance</td>
</tr>
<tr>
<td>Removing or altering entrances and porches and their features, such as a later porch railing or balustrade, dating from other periods</td>
<td>Failing to document entrance or porch features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building</td>
</tr>
<tr>
<td>Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research</td>
<td>Recreating missing features from the Restoration Period</td>
</tr>
<tr>
<td>Recreating a missing entrance or porch or its features that existed during the restoration period, based on physical or documentary evidence, for example, duplicating a fanlight or porch column</td>
<td>Constructing an entrance or porch feature that was part of the original design of the building but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation</td>
</tr>
</tbody>
</table>
**Recommended**

Preserving storefronts — and their functional and decorative features such as display windows, doors, transoms, cornices, corner posts, awnings and signs — that are important in defining the overall heritage value of the building.

Documenting the form, materials and condition of storefronts prior to beginning project work. The careful removal of non-character-defining cladding, false mansard roofs and other cover-ups may reveal an earlier storefront beneath.

Stabilizing and protecting storefronts against arson and vandalism before work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.

Protecting and maintaining wood, masonry and architectural metals that comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal and re-application of protective coating systems in kind.

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**Not Recommended**

Removing or radically changing storefronts — and their features — that are important in defining the overall heritage value of the building.

Undertaking project work that will have an impact on character-defining storefronts and storefront elements without first documenting their existing character and condition.

Permitting entry into the building through unsecured or broken windows and doors so that interior elements and finishes are damaged by exposure to weather or vandalism.

Failing to provide adequate protection of materials on a cyclical basis, which results in the deterioration of storefronts.

The character-defining features of 19th century storefronts in Vancouver, including their large plate-glass display windows with multi-pane transom windows above and recessed central doorways, have been retained through restoration.
Recommended

Retaining sound storefronts and storefront elements, or deteriorated storefronts and storefront elements that can be repaired

Retaining character-defining signs and awnings that are sound or could be repaired

Repairing and stabilizing deteriorated storefront elements by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible

Replacing in kind extensively deteriorated or missing parts of storefronts where there are surviving prototypes. The new work should match the old in form and detailing

Evaluating the overall condition of storefronts to determine whether more than protection, maintenance and limited repair or replacement in kind is required, i.e., if more extensive repairs to storefronts will be necessary

Not Recommended

Shifting storefronts of character-defining material such as wood, brick, metal, structural glass (e.g., CemenGlass or Vitrailite), terra cotta and cast iron, or covering over character-defining material

Changing the storefront so that it appears residential rather than commercial in character

Changing the proportions of display windows

Changing the location of a storefront's main entrance

Removing material from the storefront to create a recessed arcade

Introducing coach lanterns, false mansard roofs, wood shakes, non-operable shutters and small-paned windows if they cannot be documented historically

Removing deteriorated storefront elements that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements

Replacing an entire storefront element such as a cornice when limited replacement of deteriorated and missing components is appropriate

Using replacement material that does not match the historic storefront element

Failing to undertake adequate measures to protect storefronts
Additional Guidelines for Rehabilitation Projects

Recommended

Restoring a storefront, if an evaluation of its overall condition determines that more than preservation is required.

Repairing storefronts by reinforcing the character-defining materials. Repairs will also generally include the limited replacement in kind — or with compatible substitute materials — of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, cornices, pilasters or signs.

Replacing in kind an entire storefront that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model if using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

Not Recommended

Failing to evaluate the overall condition of a storefront in order to determine the appropriate method of conservation.

Replacing an entire storefront when repair of materials and limited replacement of its parts are feasible.

Using a substitute material for replacement parts, which neither conveys the same appearance as the surviving parts of the storefront, nor is physically or chemically compatible.

Removing a storefront that is irreparable and not replacing it, or replacing it with a new storefront that does not convey the same appearance.
Recommended

Designing for the Replacement of Missing Historic Features

Designing and constructing a new storefront when the historic storefront is completely missing. It may be a new design that is compatible with the style, era and character of the historic place, or a replica based on physical and documentary evidence.

Not Recommended

Introducing a new design that is incompatible in size, scale, material, style and color.

Creating a false historical appearance because the replaced storefront is based on insufficient physical and documentary evidence.

Using inappropriately scaled signs and logos or other types of signs that are incompatible in size, scale, material, style, colour or illumination, or obscure, damage, or destroy character-defining elements of the building, or undermine its heritage value.

Using awnings, canopies or marquees that are incompatible in size, scale, material, style, colour or illumination, or obscure, damage, or destroy character-defining elements of the building, or undermine its heritage value.

A new storefront was constructed to replace the extensively altered storefront of this bank in Perth, Ontario when the building was Rehabilitated. The new storefront could have been a replica of the historic storefront, if there had been sufficient evidence. An acceptable alternative in this instance, as shown in the photo to the right, is a new design that is compatible in form, material and detailing with the style, era and character of the building.
Recommended

Restoring a storefront, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to storefront features from the restoration period will be necessary.

Repairing storefronts from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of storefronts such as transoms, cornices, pilasters or signs where there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind a storefront from the restoration period that is so deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

1. Failing to evaluate the overall condition of a storefront in order to determine the appropriate method of conservation.

Replacing an entire storefront feature from the restoration period when repair of materials and limited replacement of its parts are appropriate.

Using a substitute material for the replacement part, which neither conveys the same appearance as the surviving parts of the storefront, nor is physically or chemically compatible.

Removing a storefront feature from the restoration period that is irreparable and not replacing it, or failing to document the new work.
<table>
<thead>
<tr>
<th>Recommended</th>
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<tbody>
<tr>
<td><strong>Removing Existing Features from Other Periods</strong></td>
<td>Failing to remove a storefront feature from another period, thus confusing the depiction of the building's significance</td>
</tr>
<tr>
<td>Removing or altering storefronts and their features, such as inappropriate cladding or signage, dating from other periods</td>
<td>Failing to document storefront features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building</td>
</tr>
<tr>
<td>Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.</td>
<td></td>
</tr>
</tbody>
</table>

**Recreating Missing Features from the Restoration Period**

<table>
<thead>
<tr>
<th>Reconstruction of a missing storefront or storefront feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a display window or transom</th>
<th>Constructing a storefront feature that was part of the original design of the building but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing signs, awnings, canopies or marquees for which there is insufficient physical or documentary evidence, or that are inappropriate to the building and the restoration period.</td>
<td></td>
</tr>
</tbody>
</table>

Restoration of a storefront may involve removing inappropriate cladding dating from a later period. Recreating a missing feature, such as the awnings on this storefront in New Brunswick, should be based on physical or documentary evidence.
Interior Spaces, Features and Finishes

Recommended

Interior Spaces

Preserving circulation patterns or interior spaces — such as lobbies, reception halls, entrance halls, double parlours, theatres, auditoriums and industrial or commercial spaces — that are important in defining the overall heritage value of the building

Documenting  the form, materials and condition of circulation patterns or interior spaces prior to beginning project work. This includes the size, configuration, proportion and relationship of rooms and corridors; and the relationship of features to spaces

Retaining  sound circulation patterns or interior spaces, or deteriorated circulation patterns or interior spaces that can be repaired (see also section 4 Accessibility Considerations)

Not Recommended

Radically changing circulation patterns or interior spaces — including individual rooms — that are important in defining the overall heritage value of the building

Undertaking project work that will have an impact on character-defining circulation patterns or interior spaces without first documenting their existing character and condition

Altering the floor plan by demolishing principal walls and partitions in order to create a new appearance

Altering or destroying interior spaces by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls

Relocating an interior feature such as a staircase, thereby altering the relationship between features and spaces

Restoring theatre interiors includes preserving the proportion and form of spaces and furnishings, as well as other features and finishes that are important in defining the visual character of the building. The restoration of the interior of the Imperial Theatre in Saint John, New Brunswick included rehabilitation of the seating and circulation according to code requirements, and restoration of the ornamental plaster ceilings and light fixtures.

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Recommended

Interior Features and Finishes

Preserving interior features and finishes that are important in defining the character of the building, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware and flooring, wall-paper, plaster, paint and finishes such as stencilling, marble and graining, and other character-defining decorative materials that accent interior features and provide colour, texture and pattern to walls, floors and ceilings.

Documenting the form, materials and condition of interior features and finishes prior to beginning project work.

Stabilizing and protecting interior features and finishes against arson and vandalism before project work begins, in a non-damaging, reversible manner, such as erecting protective fencing, boarding up windows and installing fire alarm systems that are keyed to local protection agencies.

Not Recommended

Removing or radically changing features and finishes that are important in defining the overall character of the building.

 Undertaking project work that will have an impact on character-defining interior features and finishes without first documenting their existing character and condition.

Permissioning unauthorized entry into historic buildings through unsecured or broken windows and doors, exposing the interior features and finishes to damage caused by weather or vandalism.

Stripping interiors of decorative materials and features such as woodwork, doors, windows, light fixtures, copper piping, radiators.

An example of "limited replacement in kind" points out an appropriate scope of work within the treatment. Preservation: Only the damaged corner of a stair's newel post has been replaced; it will be stained to match. Targeting repairs to the deteriorating elements means that most of the character-defining elements were retained.

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**Recommended**

**Protecting and maintaining** masonry, wood and architectural metals, as well as wall treatments that comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal and re-application in kind of protective coating systems

Protecting interior features such as a staircase, mantel or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets, for example

Installing protective coverings in areas of heavy pedestrian traffic to protect elements such as wall coverings, parquet flooring and paneling

Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems

Using proven cleaning methods that do not damage interior features and finishes. Abrasive cleaning should only be considered when it is necessary to halt deterioration or remove heavy soiling and only after other, gentler methods have been proven in tests to be ineffective and the desired level of cleanliness has been established

Repainting with colours that are appropriate to the historic building

**Retaining** sound interior features and finishes, or deteriorated interior features and finishes that can be repaired

**Repairing and stabilizing** deteriorated interior features and finishes by addressing the root causes of the damage, opting for structural reinforcement or correcting unsafe conditions, as required, until any additional work is undertaken: Repairs should be physically and visually compatible

**Not Recommended**

Failing to provide adequate protection of materials on a cyclical basis, which results in the deterioration of interior features

Failing to provide proper protection of interior features and finishes during work so that they are gauged, scratched, dented or otherwise mechanically damaged

Failing to take new patterns of use and circulation into consideration, resulting in damage to interior features and finishes

Using destructive methods such as propane or butane torches or sandblasting to remove paint, whitewash or other coatings. These methods can irreversibly damage the materials that comprise interior features

Changing the texture and patina of interior features and finishes through sandblasting or use of abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry

Using new finishes or paint colours that are inappropriate to the historic building

Removing paint, plaster or other finishes from historically finished surfaces in order to create a new appearance (e.g., removing plaster to expose masonry surfaces such as brick walls or a chimney piece)

Stripping paint to bare wood rather than repairing or repainting grained or marbled finishes to features such as doors and paneling

Radically changing the type of finish or its colour, such as painting a previously varnished wood feature

Installing new decorative material that obscures or damages interior features or finishes, or undermines the heritage value of the space

Applying paint, plaster or other finishes to surfaces that have been historically unfinished in order to create a new appearance

Removing deteriorated interior features and finishes that could be stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements
Recommended

Replacing in kind extensively deteriorated or missing parts of interior features and finishes where there are surviving prototypes. The new work should match the old in form and detailing.

Evaluating the overall condition of interior features and finishes to determine whether more than protection, maintenance and limited repair or replacement in kind is required, i.e., if more extensive repairs to interior features and finishes will be necessary.

Additional Guidelines for Rehabilitation Projects

Recommended

Rehabilitating interior spaces, features and finishes, if an evaluation of their overall condition determines that more than preservation is required.

Repairing interior features and finishes by reinforcing the character-defining materials. Repair will also generally include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns, or decorative wall coverings or ornamental tin or plaster ceilings.

Not Recommended

Replacing an entire interior feature such as a staircase, panelled wall, parquet floor or cornice, or finish such as a decorative wall covering or ceiling, when repair of materials and limited replacement of such parts is feasible.

Replacing an entire interior feature or finish when limited replacement of deteriorated and missing components is appropriate.

Using replacement materials that do not match the historic interior feature or finish.

Failing to undertake adequate measures to protect interior features and finishes.

Failing to evaluate the overall condition of interior spaces, features and finishes in order to determine their proper conservation.

Using a substitute material for the replacement part that neither conveys the appearance of the surviving part or portions of the interior feature or finish, nor is physically or chemically compatible.
**Recommended**

Replacing in kind an entire interior feature or finish that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model for reproduction. Examples could include wainscoting, a pressed-metal ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

<table>
<thead>
<tr>
<th><strong>Recommended</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Designing for the Replacement of Missing Historic Features</strong></td>
<td><strong>Introducing a new interior feature or finish that is incompatible with the scale, design, materials, colour and texture of the surviving interior features and finishes.</strong></td>
</tr>
<tr>
<td>Designing and installing a new interior feature or finish if the historic feature or finish is completely missing. This could include missing partitions, stairs, elevators, lighting fixtures and wall coverings; or even entire rooms if all historic spaces, features and finishes are missing or have been destroyed by inappropriate renovations. It may be a new design that is compatible with the character of the historic place, or a replica based on physical and documentary evidence.</td>
<td>Creating a false historical appearance because the replaced feature is based on insufficient physical, historical and pictorial documentation or on information derived from another building.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Alterations/Additions for the New Use</strong></th>
<th><strong>Not Recommended</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodating service functions such as bathrooms, mechanical equipment and office machines required by the building’s new use in secondary spaces (or on upper floors).</td>
<td>Dividing rooms, lowering ceilings and damaging or obscuring character-defining elements such as fireplaces, niches, stairways or alcoves, so that a new use can be accommodated in the building.</td>
</tr>
<tr>
<td>Reusing decorative material or features that have had to be removed during the rehabilitation work, including wall and baseboard trim, door moulding, panelled doors and simple wainscoting; and relocating such material or features to areas appropriate to their historic placement.</td>
<td>Discarding character-defining material when it can be reused within the rehabilitation project or relocating it to historically appropriate areas.</td>
</tr>
<tr>
<td>Installing permanent partitions in secondary spaces; removable partitions that do not destroy the sense of space should be installed when the new use requires the subdivision of character-defining interior space.</td>
<td>Installing permanent partitions that damage or obscure character-defining spaces, features or finishes.</td>
</tr>
</tbody>
</table>

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### Recommended

- Enclosing an interior stairway where required by code so that its character is retained. In many cases, glazed fire-rated walls may be used.

- Placing new code-required stairways or elevators in secondary and service areas of the historic building.

- Creating an atrium or a light well to provide natural light when required for the new use in a manner that ensures the preservation of the structural system as well as character-defining interior spaces, features and finishes.

- Adding a new floor if required for the new use in a manner that preserves character-defining interior spaces, features and finishes.

### Not Recommended

- Enclosing an interior stairway with fire-rated construction so that the stairwell space or any character-defining elements are destroyed.

- Radically changing, damaging, or destroying character-defining spaces, features or finishes when adding new code-required stairways and elevators.

- Destroying character-defining interior spaces, features or finishes, or damaging the structural system, in order to create an atrium or light well.

- Inserting a new floor within a building that radically changes a character-defining interior space; obscures, damages, or destroys decorative detailing, or alters or destroys the arrangement of windows in a building.

### Additional Guidelines for Restoration Projects

**Restoring interior features and finishes,** if an evaluation of their overall condition determines that more than preservation is required, i.e., if repairs to interior features and finishes from the restoration period will be necessary.

**Repairing** interior features and finishes from the restoration period by reinforcing the historic materials. Repair will also generally include the limited replacement — preferably in kind — of extensively deteriorated or missing parts of repeated features such as stairs, balustrades, wood paneling, columns, or decorative wall coverings or ornamental metal or plaster ceilings when there are surviving prototypes. The new work should be unobtrusively dated to guide future research and treatment.

**Replacing in kind** any entire feature or finish from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model for reproduction. Examples could include wainscoting, a pressed-metal ceiling or interior stairs. The new work should be unobtrusively dated to guide future research and treatment.

**Failing to evaluate the overall condition of interior features and finishes in order to determine their proper conservation.**

**Replacing an interior feature from the restoration period such as a staircas, panelled wall, parquet floor or cornice, or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate.**

**Using a substitute material for the replacement part, which neither conveys the same appearance as the surviving parts or portions of the interior feature or finish, nor as physically or chemically compatible.**

**Removing, a feature or finish from the restoration period that is irreplaceable and not replacing it, or failing to document the new work.**

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46 Guidelines — Buildings — Interiors
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing interior spaces, features and finishes from periods other than the accepted restoration period, and the replacement of missing interior spaces, features and finishes from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

**Recommended**

**Removing Existing Features from Other Periods**

- Removing or altering interior spaces, features and finishes, such as a later suspended ceiling or wood paneling, dating from other periods.
- Documenting materials and features dating from other periods prior to their alteration or removal. If possible, select examples of these materials or features should be stored to facilitate future research.

**Recreating Missing Features from the Restoration Period**

- Recreating an interior space, or a missing feature or finish, from the restoration period based on physical or documentary evidence, for example, duplicating a marbleized mantel or a staircase.

**Not Recommended**

- Failing to remove or alter an interior space, feature or finish from another period, thus confusing the depiction of the building's significance.
- Failing to document interior spaces, features and finishes from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.
- Constructing an interior space, feature or finish that was part of the original design of the building but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

When adding any new features to meet functional requirements, it is recommended that adjacent character-defining elements be conserved. A new glass wall in the historic office building was carefully designed to complement the quality of the lobby's materials and finishes, and installed in a way that avoided damaging the adjacent character-defining plasterwork and stone-wainscoting in contemporary design elements to the space of the mid-19th-century building.
Recommended

Preserving structural systems and individual features of systems — such as load-bearing wood, brick, or stone walls, trusses, post-and-beam systems, summer beams, cast iron columns or above-grade stone foundation walls — that are important in defining the overall heritage value of the building.

Documenting the form, materials, function and condition of structural systems prior to beginning project work.

Stabilizing deteriorated structural systems by structural reinforcement or weather protection, or ensuring that unsafe conditions are corrected, as required, until any additional work is undertaken.

Protecting and maintaining the structural system by cleaning and maintaining the roof gutters and downspouts, replacing roof flashing in kind, keeping masonry, wood and architectural metals in a sound condition, and ensuring that structural members are free of fungal decay and insect infestation.

Examining and evaluating the physical condition of the structural system and its individual features using minimally destructive techniques such as radiographic, ultrasonic, electromagnetic or acoustic testing.

Retaining sound structural systems or deteriorated structural systems that can be repaired.

Repairing deteriorated structural systems in such a way that repairs are physically and visually compatible.

Not Recommended

Removing, covering or radically changing visible features of structural systems that are important in defining the overall heritage value of the building.

Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or rotting of structural members.

Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea formaldehyde foam insulation into frame walls.

Putting the building to a new use, which could overload the existing structural system, or installing equipment or mechanical systems that could damage the structure.

Undertaking project work that will have an impact on character-defining structural systems without first documenting their existing character and condition.

Failing to stabilize deteriorated structural systems, thus putting them at risk of further deterioration.

Failing to obtain advice from qualified personnel such as professional engineers for any structural systems that may be unsafe.

Failing to provide proper building maintenance, resulting in the deterioration of the structural system. Causes of deterioration include subsurface ground movement, rising damp, vegetation growing too close to foundation walls, improper grading, fungal rot and poor interior ventilation that results in condensation.

Utilizing destructive probing or sampling techniques that will damage or destroy structural material.

Replacing or rebuilding structural systems that can be repaired, e.g., demolishing a load-bearing masonry wall that could be augmented and retained and replacing it with a new wall, using the masonry only as an exterior veneer.

Removing deteriorated structural system elements that could be stabilized, repaired and conserved, or using untreated consolidants and untrained personnel, thus causing further damage to fragile elements.
Recommended

Replacing in kind extensively deteriorated or missing parts of structural systems where there are surviving prototypes. The new work should match the old in form and detailing and have adequate strength.

Evaluating the overall condition of structural systems to determine whether more than protection, maintenance and limited repair or replacement in kind is required if more extensive repairs to structural systems will be necessary.

Not Recommended

Replacing an entire structural system element such as a summer beam when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic structural system element.

Failing to undertake adequate measures to protect structural systems.

Additional Guidelines for Rehabilitation Projects

Recommended

REHABILITATING a structural system and its individual features, if an evaluation of its overall condition determines that more than preservation is required.

Repairing the structural system by augmenting or upgrading individual parts or features. For example, weakened structural members such as floor framing can be paired with a new member, braced or otherwise supplemented and reinforced.

Not Recommended

Failing to evaluate the overall condition of a structural system and its individual features in order to determine the appropriate method of conservation.

Upgrading the building structurally in a manner that diminishes the character of the exterior (such as installing strapping or channels, or removing a decorative cornice) or that damages exterior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.
Recommended

Replacing in kind — or with a substitute material — those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of load-bearing walls. Substrate material should convey the same form, design and overall appearance as the character-defining element, and at least be equal to its load-bearing capabilities.

Not Recommended

Installing a visible replacement feature that does not convey the same appearance, e.g., replacing an exposed wooden beam with a steel beam.

Using substitute material that does not equal the load-bearing capabilities of the character-defining material and design or is otherwise physically or chemically incompatible.

The following REHABILITATION work has been highlighted to indicate that it involves a particularly complex technical or design aspect and should only be considered after NO Presentation and Rehabilitation concerns listed above have been addressed:

Recommended

Limiting any new excavations adjacent to character-defining foundations to avoid undermining the structural stability of the building or adjacent historic building.

Studies should be done to ascertain potential damage to archaeological and landscape resources.

Correcting structural deficiencies in preparation for the new use in a manner that preserves the structural system and individual character-defining elements.

Designing and installing new mechanical or electrical systems when required for the new use that minimize the number of cutsouts or holes in structural members.

Adding a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage or destroy character-defining spaces, features or finishes.

Creating an atrium or a light well to provide natural light when required for the new use in a manner that ensures the preservation of the structural system, as well as character-defining interior spaces, features and finishes.

Not Recommended

Carrying out excavations or grading adjacent to or within a historic building that could cause the character-defining foundation to settle, shift or fail. This could have a similar effect on adjacent historic buildings or destroy significant archaeological or landscape resources.

Radically changing interior spaces or damaging or destroying features or finishes that are character-defining, while trying to correct structural deficiencies in preparation for the new use or installing new mechanical and electrical systems or equipment in a manner that results in numerous cuts, spaces of alterations to the structural members.

Inserting a new floor when such a radical change damages a structural system or obscures or destroys interior spaces, features or finishes.

Inserting new floors or lowered ceilings that cut across the glazed areas of windows so that the exterior form and appearance of the windows are radically changed.

Damaging the structural system or individual features, or radically changing, damaging or destroying character-defining interior spaces, features or finishes in order to create an atrium or a light well.

50 Guidelines — Buildings — Structural Systems
Recommended

Restoring a structural system and its individual features, if an evaluation of their overall condition demonstrates that more than preservation is required, i.e., if repairs to structural features from the restoration period will be necessary.

Repairing the structural system by augmenting or upgrading individual parts or features in a manner that is consistent with the restoration period. For example, weakened structural members such as floor framing can be paired with a new member, braced or otherwise supplemented and reinforced. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind — or with a substitute material — those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast-iron columns, roof rafters or trusses, or sections of load-bearing walls. Substitute material should convey the same form, design and overall appearance as the historic feature, and, at a minimum, be equal to its load-bearing capabilities. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Failing to evaluate the overall condition of a structural system and its individual features in order to determine the appropriate method of conservation.

Upgrading the building structurally in a manner that diminishes the historic character of the exterior (such as installing strapping channels or removing a decorative cornice) or that damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Installing a visible replacement feature that does not convey the same appearance, e.g., replacing an exposed wood summer beam with a steel beam, or failing to document the new work.

Using substitute material that does not equal the load-bearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing structural systems and features from periods other than the accepted restoration period, and the replacement of missing structural system features from the restoration period with new materials and restoration concerns listed above have been addressed. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

**Recommended**

**Removing Existing Features from Other Periods**

- Removing or altering visually intrusive structural features such as a non-matching column or exposed ceiling beams. Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

**Recreating Missing Features from the Restoration Period**

- Recreating a missing structural feature that existed during the restoration period based on physical or documentary evidence, for example, duplicating a cast iron column.

- Constructing a structural feature that was part of the original design of the building but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.

**Not Recommended**

- Failing to remove or alter a visually intrusive structural feature from another period, thus confusing the depiction of the building’s significance.

- Failing to document structural features from other periods which results in the loss of a valuable portion of the historic record prior to removing them from the building.

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52 Guidelines — Buildings — Structural Systems
Recommended

Preserving elements of mechanical systems — such as heating plants, radiators, vents, fans, grilles, plumbing fixtures, switch plates and lights — that are important in defining the overall heritage value of the building.

Documenting the form, materials, function and condition of mechanical systems prior to beginning project work.

Protecting and maintaining mechanical, plumbing and electrical systems and their elements through cyclical cleaning and other appropriate measures.

Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided, and by providing access for servicing.

Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment. Consideration should be given to installing storm windows, insulating attic crawl spaces, or adding awnings, if appropriate.

Retaining sound mechanical systems or deteriorated mechanical systems that can be repaired.

Repairing and stabilizing deteriorated mechanical systems until any additional work is undertaken. Repairs should be physically and visually compatible.

Replacing in kind extensively deteriorated or missing parts of mechanical systems where there are surviving prototypes. The new work should match the old in form and detailing and have adequate capacity.

Evaluating the overall condition of mechanical systems to determine whether more than protection, maintenance and limited repair or replacement in kind are required, i.e., if more extensive repairs to mechanical systems will be necessary.

Not Recommended

Removing or radically changing elements of mechanical systems that are important in defining the overall heritage value of the building.

 Undertaking project work that will have an impact on character-defining mechanical systems without first documenting their existing character and condition.

Failing to provide adequate protection of materials on a cyclical basis, which results in deterioration of mechanical systems and their visible elements.

Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results, or in areas that cannot be accessed easily for servicing or maintenance.

Installing unnecessary climate control systems that can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.

Replacing mechanical systems that can be repaired.

Removing deteriorated mechanical systems that could be salvaged, repaired and conserved, or using untested replacements and untrained personnel, thus causing further damage to fragile elements.

Replacing an entire mechanical system when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic mechanical system element.

Failing to undertake adequate measures to protect mechanical systems.
### Additional Guidelines for Rehabilitation Projects

<table>
<thead>
<tr>
<th>Recommended</th>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td><strong>Recommended</strong></td>
<td><strong>Not Recommended</strong></td>
</tr>
<tr>
<td><strong>REHABILITATING</strong> a mechanical system, if an evaluation of its overall condition determines that more than preservation is required</td>
<td>Failing to evaluate the overall condition of a mechanical system in order to determine the appropriate method of conservation</td>
</tr>
<tr>
<td><strong>Repairing</strong> mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts, rewiring or adding new compressors or boilers</td>
<td>Replacing a mechanical system or its functional parts when it could be upgraded and retained</td>
</tr>
<tr>
<td><strong>Replacing in kind</strong> — or with a compatible substitute material — those visible character-defining elements of mechanical systems such as ceiling fans, switch plates, radiators, grilles or plumbing fixtures that are extensively deteriorated</td>
<td>Installing a visible replacement element that does not convey the same appearance</td>
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**Recommended**

<table>
<thead>
<tr>
<th>Alterations/Additions for the New Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing a completely new mechanical system, if required, for the new use, while ensuring that it causes the least damage to the building’s floor plan and exterior elevations, and that the character-defining building materials are isolated for new mechanical equipment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td>Installing a new mechanical system so that character-defining structural or exterior elements are radically changed, damaged or destroyed.</td>
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<table>
<thead>
<tr>
<th>Alterations/Additions for the New Use</th>
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<tbody>
<tr>
<td>Providing adequate structural support and vibration isolation for new mechanical equipment.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td>Failing to consider the weight and design of new mechanical equipment, resulting in a weakening or cracking of character-defining structural members or finished surfaces.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alterations/Additions for the New Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing the vertical runs of ducts, pipes and cables in non-character-defining areas (e.g., closets, service rooms and wall cavities).</td>
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</table>

<table>
<thead>
<tr>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td>Installing vertical runs of ducts, pipes and cables in places where they will obscure character-defining elements.</td>
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<table>
<thead>
<tr>
<th>Alterations/Additions for the New Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installing heating/air conditioning units if required by the new use in such a manner that character-defining elements are not damaged or obscured and excessive moisture, which will accelerate deterioration of character-defining materials, is not generated.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Not Recommended</th>
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</thead>
<tbody>
<tr>
<td>Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of character-defining building material.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alterations/Additions for the New Use</th>
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<tbody>
<tr>
<td>Installing a “dropped” acoustical ceiling to hide mechanical equipment when it destroys the proportions of character-defining interior spaces.</td>
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<table>
<thead>
<tr>
<th>Not Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cutting through elements such as masonry walls in order to install heating/air conditioning units.</td>
</tr>
</tbody>
</table>
Recommended

**RESTORING** a mechanical system, if an evaluation of its overall condition determines that more than preservation is required, i.e., if repairs to mechanical features from the restoration period will be necessary.

**Repairing** mechanical systems from the restoration period by augmenting or upgrading system parts, such as installing new pipes and ducts, reworking or adding new compressors or boilers.

**Replacing in kind** — or with a compatible substitute material — those visible features of restoration period mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switch plates, radiators, grills or plumbing fixtures.

Installing a new mechanical system, if required, in a way that results in the least alteration possible to the building.

Providing adequate structural support for new mechanical equipment.

Installing the vertical runs of ducts, pipes and cables in closets, service rooms and wall cavities.

Installing heating/air conditioning units in such a manner that features are not damaged or obscured and excessive moisture, which will accelerate the deterioration of historic materials, is not generated.

**Not Recommended**

Radically changing the appearance of the historic building or damaging or destroying windows by installing heating/air conditioning units in character-defining window frames.

**Failing to evaluate the overall condition of a mechanical system in order to determine the appropriate method of conservation**

Replacing a mechanical system from the restoration period or its functional parts where it could be upgraded and retained.

Installing a visible replacement feature that does not convey the same appearance.

Installing a new mechanical system that alters the structural or interior features of the restoration period.

Installing vertical runs of ducts, pipes and cables in places where they will obscure features from the restoration period.

Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of building material from the restoration period.

Cutting through features such as masonry walls in order to install heating/air conditioning units.

Additional Guidelines for Restoration Projects

Guidelines — Buildings — Mechanical Systems 55
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing mechanical systems and features from periods other than the accepted restoration period, and the replacement of missing mechanical systems and features from the restoration period with new materials. This work should only be considered after the Preservation and Restoration concerns listed above have been addressed.

### Recommended

- **Removing Existing Features from Other Periods**
  - Removing or altering mechanical systems and features, such as an elevator or plumbing fixture, dating from other periods.

- **Documenting Materials and Features Dating from Other Periods Prior to Alteration or Removal**
  - If possible, selected examples of these features or materials should be stored to facilitate future research.

- **Recreating Missing Features from the Restoration Period**
  - Recreating a missing feature of the mechanical system that existed during the restoration period based on physical or documentary evidence, for example, duplicating a heating vent or gaslight fixture.

### Not Recommended

- **Failing to Remove a Mechanical System or Feature from Another Period, Thus Confusing the Depiction of the Building's Significance**
  - Failing to document mechanical systems and features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the building.

- **Installing a Mechanical System or Feature That Was Part of the Original Design of the Building But Was Never Actually Built, or Constructing a Feature That Was Thought to Have Existed During the Restoration Period, But for Which There Is Insufficient Documentation**

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56 Guidelines — Buildings — Mechanical Systems
Engineering works are structures created primarily for purposes other than habitation, such as industry, transportation, communications, energy development, resource extraction and processing, flood control and irrigation, and defence. These works may also include associated landscapes that have been transformed and defined by engineering works such as flood control systems.

Engineering and the Law

Engineering is a regulated profession in Canada. This means that, by law, no one can practice the profession of engineering without a licence. Licences are issued by twelve provincial and territorial engineering associations (Nunavut is represented by the Northwest Territories’ association), which set standards and regulate the profession. These associations are mandated to ensure public safety and serve the public interest on behalf of their provincial or territorial government.

Provincial and territorial laws on the practice of engineering vary considerably, and as a result, the information presented here is very general in nature. More complete information can be obtained from the engineering association of your province or territory.

The Practice of Professional Engineering

By law, only licensed engineers can approve engineering drawings or reports or in any way offer engineering services to the public. Most other technical work (e.g., work not considered part of the practice of professional engineering) may be performed by non-licensed persons without restriction. However, such work may be governed by other legislation, including acts governing architects or land surveyors. Buildings under a certain size or projects of less than a certain value may be exempted from the provisions of the relevant provincial or territorial act.

The definition of professional engineering varies from province to province to territory. The Ontario definition, for example, has three parts, or tests: (1) any act of designing, composing, evaluating, advising, reporting, directing or supervising, (2) where the safeguarding of life, health, property or the public welfare is concerned, and (3) that requires the application of engineering principles, but does not include practicing as a natural scientist. If the proposed project work meets all three tests, it must be carried out under the supervision and control of a licensed engineer.
Alberta, on the other hand, defines the practice of engineering as reporting on, advising on, evaluating, designing, preparing plans and specifications for, or directing the construction, technical inspection, maintenance, or operation of any structure, work, or process that (1) is aimed at the discovery, development or utilization of matter, materials, energy or in any other way designed for the use and convenience of man, and (2) requires the professional application of the principles of mathematics, chemistry, physics, or any related applied subject.

Where there is any doubt as to whether a project involves the practice of professional engineering, it is best to obtain expert advice.

Public Safety

One of the responsibilities of licensed engineers is to ensure the health and safety of people who may be affected by their work. Engineers may be held liable for injuries resulting from their failure to perform to a reasonable level of competence. The public safety responsibilities of engineering, therefore, require engineers to be aware of both the applicable standards for health and safety, and the laws relevant to practice. Knowing and complying with health and safety requirements is an essential component of any project.

Recognized Engineering Works

A number of historic places in Canada are recognized engineering works, or include an engineering component that is a character-defining element of the recognized historic place. General guidelines for such engineering works are provided in this document on the following pages.

The Britannia Suspension Bridge was built over the Hoosac River near Castlegar, British Columbia in 1914. Ensuring public safety is one of the primary concerns of professional engineers.

2 Guidelines — Engineering Works
Guidelines for Engineering Works

**Recommended**

*Preserving* engineering works that are important in defining the overall heritage value of the historic place.

*Documenting* the form, materials and condition of engineering works prior to beginning project work.

Analyzing and evaluating the engineering work in sufficient detail to fully understand its structural complexity and behaviour. This can include determining its load history, applied loads and load paths, measuring the actual strength of its materials and any deflections, monitoring its movements and rate of deterioration over time to understand the actual behaviour of the engineering work; and undertaking mathematical modelling that replicates the actual characteristics of and thus the potential risk to the engineering work.

**Not Recommended**

Removing or radically changing engineering works that are important in defining the overall heritage value of the historic place.

Undertaking work that will have an impact on character-defining engineering works without (a) first documenting their existing character and condition, (b) understanding their complexity and behaviour, and (c) being able to mathematically replicate what is observed in real life.
Recommended

Testing engineering works or their components in place in order to determine their actual rather than theoretical characteristics, provided the appropriate precautions are taken to avoid their failure or destruction.

Examining and evaluating the physical condition of engineering works and their components using minimal or non-destructive techniques such as fat jacks or radiographic, ultrasonic, electromagnetic or acoustic testing.

Taking into account the past performance of engineering works when determining their present or future capacity.

Stabilizing deteriorated engineering works on an interim basis by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken.

Protecting and maintaining engineering works through appropriate and regular treatments such as cleaning, removing noxious oxidation, maintaining protective coating systems, keeping materials and mechanical components in sound condition, lubricating working components and avoiding moisture problems.

Not Recommended

Undertaking testing in place without taking appropriate precautions against the failure or destruction of the engineering works being tested or their components.

Utilizing highly destructive probing techniques that damage or destroy engineering works or their components.

Making assumptions about the present or future capacity of engineering works without taking into account their past performance.

Failing to stabilize deteriorated engineering works, thus putting them at risk of further deterioration.

Neglecting to treat known conditions that threaten engineering works, such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Failing to provide adequate maintenance of engineering works on a cyclical basis, causing the materials and mechanical components to deteriorate.

Failing to identify, evaluate and treat the causes of surface or structural deterioration, including corrosion caused by moisture.

Utilizing treatments or products that accelerate the deterioration of engineering works, pollute the environment or create a health hazard.

A regular program of inspection and maintenance is recommended for the preservation of engineering works. This is particularly true for structures in adverse climate locations, such as bridges. Painting, cleaning, erosion or oxidation and re-application of protective paint coatings can help to mitigate the deterioration of materials and mechanical components, and thus reduce the need for extensive intervention in the future.
Recommended

Protecting engineering works against unauthorized activity before project work begins by, for example erecting protective fencing or installing alarm systems that are keyed into local protection agencies.

Protecting ecological features that are part of or associated with engineering works, such as wetlands in a canal corridor.

Imposing limits on the acceptable use and loading capacity of engineering works to protect them from damage. There is a need to balance present and anticipated usage demands with its historic character, and to avoid, if possible, any use that would damage or destroy the engineering work.

Retaining sound engineering works, or deteriorated engineering works that can be repaired.

Retaining the relationship between an engineering work and its location, when this relationship is part of its heritage value. In the case of an engineering work that is designed for a particular application rather than a particular location, and where its present location is not a character-defining element, it may be moved and re-established at another comparable location if the move is necessary to ensure its conservation, and if its character-defining elements can be maintained unaltered at the new location.

Repairing and stabilizing deteriorated engineering works by structural reinforcement, weather protection, or correcting unsafe conditions, as required, until any additional work is undertaken. Repairs should be physically and visually compatible.

Not Recommended

Failing to undertake adequate measures to protect engineering works against unauthorized activity before project work begins.

Failing to protect ecological features that are part of or associated with engineering works.

Subjecting engineering works to uses that could overload the existing structural systems, or installing equipment or mechanical systems that damage or destroy the historic character of the engineering works.

Replacing or rebuilding an engineering work that can be repaired.

Removing or relocating an engineering work when its heritage value is related to its location, thus destroying the relationship between the engineering work and its historic place.

Removing deteriorated engineering works that could be safely stabilized, repaired and conserved, or using untested consolidants and untrained personnel, thus causing further damage to fragile elements.
Recommended

Replacing in kind extensively deteriorated or missing parts of engineering works where there are surviving prototypes. The new work should match the old in form and detailing, and have adequate strength.

Evaluating the overall condition of engineering works to determine whether more than protection, maintenance, and limited repair or replacement in kind is required, that is, if more extensive repairs to engineering works will be necessary.

Additional Guidelines for Rehabilitation Projects

Recommended

Rehabilitating an engineering work, if an evaluation of its overall condition determines that more than preservation is required.

Repairing engineering works or their components by patching, strengthening, splicing, consolidating or otherwise augmenting them using recognized preservation methods. For example, weakened structural members in a truss could be paired with new members, braced, spliced or otherwise consolidated. Repairs may also include the limited replacement in kind — or with a compatible substitute material — of those extensively deteriorated or missing parts of elements when there are surviving prototypes.

Replacing in kind an entire component of an engineering work that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the component. Examples could include cast iron columns or sections of load-bearing walls. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. Substitute materials should have the same form and overall appearance, and material properties similar to a sound version of the replaced component and adequate strength or load-bearing capabilities.

Not Recommended

Replacing an entire element of an engineering work when limited replacement of deteriorated and missing components is appropriate.

Using a replacement material that does not match the historic engineering work.

Failing to undertake adequate measures to protect engineering works.

Not Recommended

Failing to evaluate the overall condition of an engineering work in order to determine its proper method of conservation.

Replacing an entire component of an engineering work such as a truss when repair and limited replacement of deteriorated or missing parts are feasible.

Using a substitute material for the replacement part that does not convey the appearance of the surviving parts of the engineering work or that is physically or chemically incompatible.

Removing an engineering work component that is irreparable and not replacing it, or replacing it with a new component that does not convey the same appearance.

Using a substitute material that does not have adequate strength or load-bearing capabilities, or is otherwise physically or chemically incompatible.

6 Guidelines — Engineering Works
### Recommended

**Designing for the Replacement of Missing Historic Features**
- Designing and constructing a new feature of an engineering work when the historic feature is completely missing, such as a country grain elevator, man-made hill, or a fortification rampart. It may be a new design that is compatible with the era and character of the historic place, or a replica based on physical and documentary evidence.

**Alterations/Additions for the New Use**
- When required by the new use, designing new additions such as onsite parking, ancillary structures or roadways that are compatible with the character and historic place and that preserve engineering works.

- Undertaking soil mechanics studies and limiting new excavations adjacent to engineering works to avoid undermining the structural stability of the engineering work or adjacent historic structures. Archaeological investigations should be undertaken prior to any excavation to avoid damage to archaeological sites.

- Correcting structural deficiencies in preparation for the new use in a manner that preserves the engineering work and its character-defining elements.

- Designing and installing new mechanical or electrical systems or equipment when required for the new use so as to minimize both the number and the adverse effects of changes made to the engineering work.

- Adding a new structural system when required for the new use if such an alteration does not obscure, damage or destroy character-defining elements.

- Creating a habitable space when required for the new use in a manner that assures the preservation of the character-defining elements.

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### Not Recommended

**Introducing a feature that is incompatible in size, scale, material, site or color.**

**Creating a false historical appearance because the replaced feature is based on insufficient physical and documentary evidence.**

**Introducing additions or new construction that is incompatible with the character of the historic place in terms of size, scale, design, materials, colour or texture.**

**Destroy the historic relationships of the historic place, or damage or destroy engineering works.**

**Carrying out excavations or grading adjacent to or within engineering works that could cause them to settle, shift or fail, have a similar effect on adjacent historic structures, or damage archaeological sites.**

**Damaging or destroying character-defining elements, such as interior spaces while trying to correct structural deficiencies in preparation for the new use.**

**Installing new mechanical or electrical systems or equipment in a manner which results in numerous or harmful changes to the engineering work.**

**Inserting new structural systems when such a radical change obscures, damages or destroys character-defining elements.**

**Radically changing, damaging or destroying character-defining elements in order to create a habitable space, such as removing the historic lighting apparatus from a lighthouse.**
Recommended

Restores an engineering work, if an evaluation of its overall condition determines that more than preservation is required, that is, if repairs to engineering works from the restoration period will be necessary.

Repairing engineering works or their components from the restoration period by patching, piecing-in, splicing, consolidating or otherwise augmenting them using recognized preservation methods. Repairs may also include the limited replacement — preferably in kind — of those extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should be physically and visually compatible, and be unobtrusively detailed, if possible, to guide future research and treatment.

Replacing in kind an entire component of an engineering work from the restoration period that is too deteriorated to repair — if the overall form and detailing are still evident — using the physical evidence as a model to reproduce the component. The replacement should have the same form and overall appearance and material properties similar to a sound version of the replaced component, and have adequate strength or load-bearing capabilities. Replacement mechanisms should function in the same way as the historic mechanism and operate using the same motive power, e.g., hand-operated or automated. The new work should be unobtrusively detailed, if possible, to guide future research and treatment.

Not Recommended

Failing to evaluate the overall condition of an engineering work in order to determine the proper method of conservation.

Replacing an entire component of an engineering work from the restoration period when the repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part which neither conveys the appearance of the surviving parts of the engineering work nor is physically or chemically compatible.

Removing an engineering work component from the restoration period that is repairable, and not replacing it, or failing to document the new work.

Using a substitute material that does not have adequate strength or load-bearing capabilities, or is otherwise physically or chemically incompatible.

The Rehabilitation of the Illinois Canal Waterway. Utmost involved replacing deteriorated portions of the canal, stone walls and lock gates. To keep with new stone blocks and wooden elements, using the physical evidence of the existing walls and gates to replicate their form and detailing. Nearly all thirteen gates and nineteen locks were rehabilitated using compatible substitute materials, including modern ceramic materials. Repaired stone blocks and replacement with compatible substitute material forms and detailing are both revolutionary aspects of the restoration.
The following RESTORATION work has been highlighted to indicate that it involves the removal or alteration of existing features from engineering works from periods other than the accepted restoration period, and the replacement of missing features from engineering works from the restoration period with all new materials. This work should only be considered after the Preliminary and Restoration concerns listed above have been addressed.

**Recommended**

**Removing Existing Features from Other Periods**
- Removing or altering visually intrusive features, such as a non-matching column or exposed ceiling beliefs, datable from other periods.
- Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.

**Recreating a Missing Feature from the Restoration Period**
- Recreating a missing feature of an engineering work that existed during the restoration period based on physical or documentary evidence, for example, duplicating a metal catchrail.

**Not Recommended**

- Failing to remove or alter a visually intrusive feature from another period, thus degrading the aesthetic and functional significance of the engineered work.
- Failing to document features from other periods (which results in the loss of a valuable portion of the historic record) prior to removing them from the engineering work.
- Constructing a structural feature that was part of the original design for the engineering work but was never actually built, or constructing a feature that was thought to have existed during the restoration period, but for which there is insufficient documentation.
Health and Safety Considerations

Recommended

Identifying the historic place’s heritage value and character-defining elements, i.e., materials, forms, location, spatial configurations, uses and cultural associations or meanings in order to avoid damaging or destroying them while making modifications to comply with health and safety requirements

Complying with health and safety requirements such as seismic standards or the use of chemicals in such a manner that character-defining elements are conserved and heritage value is maintained

Removing toxic materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate

Working with code officials to investigate systems, methods or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary interventions can be avoided

Upgrading character-defining elements to meet health and safety requirements in a manner that assures their conservation (e.g., upgrading a stairway without destroying its character-defining handrails and balustrades)

Not Recommended

Undertaking health and safety-required modifications before identifying the heritage value and those elements that are important in defining the overall character of the historic place

Radically changing, damaging or destroying character-defining elements or undermining the heritage value while making modifications to a historic place in order to comply with health and safety requirements

Damaging or destroying a historic place’s character-defining elements or heritage value when removing toxic materials by neglecting to conduct thorough testing first and not considering less invasive abatement methods

Making changes to historic places without first exploring equivalent health and safety systems, methods or devices that may be less damaging to character-defining elements and to the heritage value

Damaging or obscuring character-defining elements or adjacent areas, or undermining the heritage value while doing work to meet health and safety requirements

Other Considerations — Health and Safety
Recommended

Installing sensitively designed fire-suppression systems such as sprinklers, which retain character-defining elements and respect the heritage value

Applying the necessary materials to add protection to character-defining elements. An example could include applying fire-retardant intumescent paint coatings to a deck to add protection to its steel.

Limiting public access to fragile character-defining elements when, for technical, economic or environmental reasons, these elements cannot be protected immediately using recognized preservation methods.

Adding new features to meet health and safety requirements in a manner that conserves adjacent character-defining elements and respects the overall heritage value.

Placing a code-required stairway or elevator in a new exterior addition if it cannot be accommodated within the historic place. Such an addition should be on an inconspicuous, non-character-defining elevation.

Not Recommended

Covering flammable character-defining elements with fire-resistant sheathing that alters their appearance.

Using materials intended to provide additional protection, such as fire-retardant coatings, if they damage or obscure character-defining elements.

Replacing or reconstructing fragile character-defining elements when, for technical, economic or environmental reasons, they cannot be immediately protected.

Damaging or destroying adjacent character-defining elements or undermining the heritage value when adding new health and safety-required features.

Constructing a new addition to accommodate code-required stairs or elevators on highly visible, character-defining elevations, or in a location where it obscures, damages or destroys character-defining elements.
Accessibility Considerations

Recommended

Identifying the heritage value of the historic place and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that required accessibility modifications will not damage or destroy them.

Complying with accessibility requirements in such a way that character-defining elements are conserved and heritage value maintained.

Working with accessibility and conservation specialists and affected users to determine the most appropriate solution to access problems that will have the least impact on character-defining elements and overall heritage value.

Providing accessibility that promotes independence for the disabled person to the highest degree practicable, while conserving the heritage value and character-defining elements.

Adapting the intervention to its anticipated lifespan, so that short-term improvements remain as reversible as possible.

Finding solutions to meet accessibility requirements that minimize the impact on the historic place and its environment.

Not Recommended

 Undertaking required accessibility modifications before identifying those elements that are important in defining the overall character of the historic place.

Damaging or destroying character-defining elements or undermining the heritage value in attempting to comply with accessibility requirements.

Attending character-defining elements without consulting with the appropriate experts.

Making accessibility modifications that do not strike a reasonable balance between independent, safe access and conservation of character-defining elements and heritage value.

Intervening without taking into consideration the anticipated lifespan of the modification, so that a short-term improvement has an irreversible impact on the heritage value of the place.

Making accessibility-related modifications without considering the impact on the historic place and its environment.

This new ramp was discreetly integrated into one side of an existing entrance porch in order to minimize the impact on the historic building.

Other Considerations — Accessibility 3
**Energy Efficiency Considerations**

**Recommended**  
Identifying the historic place’s heritage value and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that energy efficiency modifications will not damage or eliminate them

Complying with energy efficiency objectives in such a manner that character-defining elements are conserved and the heritage value maintained

Working with energy efficiency and conservation specialists to determine the most appropriate solution to energy conservation problems that will have the least impact on character-defining elements and the overall heritage value

Weighing the total environmental cost of energy saving measures against the overall environmental costs of retaining the existing features or fabric, when deciding whether to proceed with energy saving measures

**Landscapes**  
Retaining and maintaining character-defining landscape elements such as deciduous trees, windbreaks and lakes or ponds that perform passive energy conserving functions and moderate the effects of climate on the historic place

Improving the energy efficiency of existing character-defining landscape elements through non-destructive means, such as utilizing a recirculating system in a fountain rather than uncontrolled discharge to a storm system

**Buildings: Insulation**  
Exercising caution and foreseeing the potential effects of insulating the building on the envelope system so as to avoid damaging changes such as displacing the dew point and creating thermal bridges

Installing thermal insulation in attics and in heated ceilings and crawl spaces to increase the efficiency of the existing mechanical systems unless this could adversely affect the building envelope

**Not Recommended**  
Undertaking energy efficiency modifications before identifying those elements that are important in defining the overall heritage value of the historic place

Damaging or destroying character-defining elements or undermining the heritage value while making modifications to a historic place to comply with energy efficiency objectives

Making changes to historic places without first exploring equivalent energy efficiency systems, methods or devices that may be less damaging to character-defining elements and heritage value

Removing or altering those character-defining landscape elements or parts of elements that serve an energy conservation purpose, creating a situation where the effects of wind, rain and sun result in accelerated deterioration of the historic place

Replacing energy inefficient character-defining landscape elements rather than improving their energy conservation potential, such as replacing an entire historic light standard rather than retrofitting the fixture to be more efficient

Installing insulation without anticipating its potential impact on the building envelope

Inserting thermal insulation with a high moisture content in wall cavities that might damage character-defining elements

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4 Other Considerations — Energy Efficiency
Recommended

Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior moulding around the windows or other character-defining interior architectural detailing

Buildings: Windows
Utilizing the inherent energy conserving features of a building by maintaining character-defining windows and/or louvred blinds in good operating condition for natural ventilation

Improving thermal efficiency with weatherstripping, storm windows, interior shades and, if historically appropriate, blinds and awnings

Installing interior storm windows with weather-tight gaskets, ventilating holes and/or removable clips to ensure proper maintenance and to avoid condensation damage to character-defining windows

Installing exterior storm windows that do not damage or obscure character-defining windows and frames

Buildings: Entrances and Porches
Maintaining character-defining porches and double vestibule entrances so that they can retain heat or block the sun and provide natural ventilation

Buildings: Interior Features
Retaining character-defining interior shutters and transoms for their inherent energy conserving features

Buildings: Mechanical Systems
Improving the energy efficiency of existing mechanical systems by installing insulation in attics and basements, unless this could adversely affect the building envelope

New Additions to Historic Places
Putting on a new addition that may be necessary to increase energy efficiency on non-character-defining elevations

Not Recommended

Installing wall insulation without considering its effect on character-defining interior moulding or other character-defining architectural detailing

Removing character-defining shading devices other than keeping them in an operable condition

Replacing character-defining multi-paned sashes with new thermal sashes utilizing false muntins

Installing interior storm windows that allow moisture to accumulate and damage character-defining windows

Installing new exterior storm windows that are inappropriate in size, design or colour and therefore damage or obscure character-defining windows and frames

Replacing character-defining operable windows or transoms with fixed thermal glazing, or allowing operable windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential

Altering character-defining porches or double vestibule entrances that serve an energy-conserving function so that they no longer retain heat or block the sun and provide natural ventilation

Removing character-defining interior elements that play an energy conserving role

Replacing existing mechanical systems that could be repaired for continued energy efficient use

Designing a new addition which obscures, damages or destroys character-defining elements

Other Considerations — Energy Efficiency
According to the Guidelines for Conservation, existing historic materials should be protected, maintained, and restored. In an exemplary project, the character-defining multi-pane windows and associated trim in the historic residence were carefully preserved.
Environmental Considerations

Recommended

Identifying the heritage value of a historic place and character-defining elements — materials, forms, location, spatial configurations, uses and cultural associations or meanings — so that environmentally motivated modifications will not damage or eliminate them.

Complying with environmental objectives in such a manner that character-defining elements are conserved and heritage value maintained. This could include protecting character-defining vegetation in which rare or endangered species nest.

Working with environment officials to investigate systems, methods, devices or technologies that are just as or even more effective than those prescribed by regulation so that unnecessary interventions can be avoided.

Reclaiming or re-establishing natural resources in a manner that promotes environmental protection, while conserving character-defining elements and maintaining the heritage value. An example could include reclaiming a character-defining wetland to meet ecological objectives, while re-establishing the feature as it appeared historically.

Not Recommended

Undertaking environmentally motivated modifications before identifying those elements that are important in defining the overall character of the historic place.

Altering, damaging or destroying character-defining elements, or otherwise undermining the heritage value while making modifications to a historic place to comply with environmental objectives.

Making changes to historic places without first exploring equivalent environmental protection systems, methods, devices or technologies that may be less damaging to character-defining elements and heritage value.

Making environmental modifications that do not provide a reasonable balance between improved environmental conditions and the conservation of character-defining elements and heritage value.

Other Considerations — Environment
Recommended

Placing functions and services required for the proposed use in existing non-character-defining spaces rather than constructing a new addition

Constructing a new addition to retain as many of the historic materials as possible and to ensure that the character-defining features are not obscured, damaged, or destroyed, or the heritage value undermined

Designing a new addition in a manner that draws a clear distinction between what is historic and what is new

Considering the design for an attached exterior addition in terms of its relationship to the historic place as well as the historic district or neighbourhood. Design for the new work may be contemporary or may reference design motifs from the historic place. In either case, it should be compatible in terms of mass, materials, relationship of solids to voids, and colour, yet be distinguishable from the historic place

Placing a new addition on a non-character-defining portion and limiting its size and scale in relationship to the historic place

When required for a new use of a building, designing a rooftop addition that is set back from the wall plane such that it is as inconspicuous as possible when viewed from the public realm

Not Recommended

Constructing a new addition when the proposed use could be met by altering existing non-character-defining spaces

Constructing a new addition so that the character-defining features of the historic resource are obscured, damaged or destroyed, or the heritage value is otherwise undermined

Duplicating the exact form, material, style and detailing of the historic resource in a new addition so that the new work appears to be part of the historic place

Replicating a historic style or period in a new addition

Designing and constructing new additions that diminish or eliminate the historic character of the resource, including its design, materials, workmanship, location or setting

Designing a new addition that obscures, damages or destroys character-defining features of the historic place or undermines its heritage value

Constructing a rooftop addition to a building so that the historic appearance of the building is radically changed

This addition to a bank in Calgary, Alberta was built as a greenhouse type rooftop structure set back from the wall plane. The existing high profile, making it as inconspicuous as possible from the street, largely conceals it. While distinguishable, it is visually compatible and subordinate to the historic building.
A number of definitions in this glossary are from A Notary of Canadian Architecture by Harold Kalman. Copyright © Oxford University Press Canada 1994. Reprinted by permission of Oxford University Press Canada.

Arch: (arche) mechanical arrangement of building elements which are put together generally along a curved line, in such a way that, supported by piers, abutments or walls, they carry the weight and resist the pressure.

Architrave: (architrave) moldings around openings such as doors, windows and chimneys and certain other locations — coecele joints or for decorative purposes.

Ashlar: (pierre de parement) stone that has been cut square and finished.

Atrium: (atrium) an interior courtyard that is open to the sky, or a significant interior space, often sky-lit.

Attic: (emblémy) the top floor of a building, often reduced in height and unfinished.

Awning: (auvent) a moveable, fabric-covered, sloped surface that projects from a wall — usually over a door, window or storefront — to provide shelter from the weather. See also canopy and marquee.

Balustrade: (balustrade) a railing composed of posts (balusters) and a handrail.

Bargeboard: (bordure de pignon) boards or other decorative woodwork fixed to the edges or projecting rafters of a gabled roof, sometimes called gingerbread.

Battens: (tasses) a narrow vertical strip of wood, placed over joints of window boards to protect the joints from the weather, the combination is called board-and-batten construction. See also siding.

Beam: (poutre) a principal horizontal structural member, also see post.

Berm: (talle) an embankment or ridge of earth, usually created to serve as a protective barrier.

Bracket: (consolle) a member, often triangular in form, that projects from a wall or other vertical surface and supports another component, such as an eave.

Bunkert: (ouemante) part of a fortification defence system built partly or entirely below ground.

Canopy: (auvent fixe) a fixed horizontal, sloped or arched surface that projects from a wall — usually over a door — to provide shelter from the weather. See also awning and marquee.

Capital: (chapiteau) the decorative head of a column, pilaster, par or other vertical support.

Casement: (fendre à battants) a window that opens by being hinged on one side.

Chamfer: (chamfren) a sloping or bevelled edge.

Character-defining elements: (éléments caractéristiques) the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to the heritage value of a historic place, and which must be retained in order to preserve its heritage value.

Cladding: (recouvrement) the external, non-structural material that protects the structural wall or frame from the weather.

Clapboard: (planche à gegré) a siding or cladding of bevelled boards laid horizontally and overlapping at the top and bottom, applied to the outside of a wood-framed building to make it weatherproof, the face of each board is oblique to the wall (also called bevelled siding).

Column: (colonne) an upright support post of circular section, a steel or iron member used vertically is also called a column.

Concrete: (bêton) a mixture of cement, aggregate (usually sand and gravel) and water that hardens and attains great compressive strength. When used structurally it is usually reinforced with embedded steel rods or mesh to give it tensile strength as well.

Conservation: (conservation) all actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes.
Corner board (bordure de toit) a narrow vertical component used to encase the corner of a wall, most often used on buildings clad in shiplap or similar horizontal siding.

Cornice (corniere) projecting horizontal element (to shed water and for decoration) at the top of a building or the top of a storefront, or a similar feature (often in plaster) at the top of a wall or a room.

Course (assise) a single horizontal row of brick, stone or other walling material.

Crépi (crèpi) a lime plaster used as a coating on stone buildings, particularly in New France, to protect the wall and the mortar joints from the weather.

Cresting (créte) a decorative row, a row of finials or another feature at the top of a building, often along the ridge of a sloped roof.

Cupola (cupole) a feature at the top of a roof, usually cylindrical with louvred openings and a dome-shaped roof on top.

Curtain wall (mur-rideau) an exterior wall that is fastened to a frame and protects the building from the weather, it has no structural function and supports only its own weight.

Dentil (dentdale) a small, tooth-like square block, used in a row as a decorative feature in a cornice.

Dormer (dame) a window that projects from a sloping roof, with a small roof of its own.

Dressed (taille) a stone cut square on all sides and smoothed on the face.

Earthworks (renfleur) in military architecture, a defensive structure constructed of earth.

Eave (démarr de toit) the projecting edge of a roof.

Ecosystem (écosysteme) the system formed by the interaction of all the living things of a particular environment with one another and with their habitat.

Entablature (entablement) the horizontal component, usually decorated, that lies directly above a column or other support, in Classical architecture, the entablature is composed of an architrave, a frieze and a cornice.

Fascia (bordure de toit) a finishing element covering the face of walls and roof projections.

Finial (échelon) an ornamental projection at the top of a gable, roof or other high component.

Frames (charpentis) the structural skeleton of a building.

Frieze (frieze) the middle portion of an entablature, or any decorated horizontal band.

Gable (pignon) the triangular portion of a wall beneath the end of a gabled roof.

Gabled roof (toit a pignon) a roof that slopes on two sides.

Guidelines (lignes directrices) statements that provide practical guidance in applying the Standards for the conservation of historic places. They are presented here in a format that provides recommended and non-recommended actions.

Herbaceous plants (plantes herbacées) plants with stems that are soft and not woody.

Heritage value (valeur patrimoniale) the aesthetic, historic, scientific, cultural, religious or spiritual importance or significance for past, present or future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configuration, and associated meanings.

Hipped roof (toit en doucine) a roof that slopes on four sides.

Historic place (lieu patrimonial) a structure, building, group of buildings, distinct, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value.

In kind: (à l'identique) with the same form, material and detailing as the existing element.

Intervention (intervention) any action, other than demolition or destruction, that results in a physical change to an element of a historic place.

Inukshuk (inukshuk) an Inuit stone cairn having the rough outline of a human figure.

2 References — Glossary
Joint: (lienm) a secondary horizontal structural member, usually supported by a beam at each end, and itself supporting a floor, ceiling, or roof

Lantern: (lanterne) a walled-in superstructure at the top of a roof or dome, a small cupola

Lintel: (linteau) the horizontal supporting member at the top of a door or window

Mansard roof: (toit en mansarde) a roof that has a double slope, with the lower part steeper than the upper one, also called a gambrel roof, especially for barns

Marquee: (marque) a fixed horizontal structure that projects from a wall — usually over a theater’s entrance — to provide shelter from the weather. See also awning and canopy

Masonry: (maçonnerie) stone, brick, concrete, tile, or any other earthen products used in construction

Maintenance (entretien) the routine, cyclical, non-destructive actions necessary to slow the deterioration of a historic place. It normally entails routine, periodic inspection, routine, cyclical, non-destructive cleaning associated with housekeeping, minor repair and refreshing operations, replacement of damaged, broken or deteriorated materials that are impractical to save (e.g., broken window glass), rust removal, cyclical pruning, top dressing, and cleaning of drainage inlets or outlets

Minimal intervention (intervention minimale) the approach which allows functional goals to be met with the least physical intervention

Moulding: (moulure) a shaped decorative element, usually a horizontal band, that projects slightly from the surface of a wall

Mullion: (meneau) a thin upright member within a window or between adjacent windows

Old-field successional species: (espèce de succession des champs) plant species that naturally establish themselves in abandoned fields as a precursor to forest cover

Parapet: (parapet) in a building, a portion of a wall that projects above a roof, in a fortification, a low wall or mound, usually of stone or earth, created to protect soldiers

Patching: (régénérer) the action of making defects disappear from a wood, stone, or concrete surface

Piecing-in: (rapiécage) the action of inserting a replacement piece as a substitute to a missing or irreparable portion of material

Pendiente: (pendentif) the triangular end of a gable, or a triangular ornamental element resembling it, defined by a moulding (or series of mouldings) along its three edges

Pier: (pile) an upright support post of square or rectangular section, usually of masonry

Pilaster: (pilastre) an upright shallow rectangular upright support post set into a wall and used mainly as decoration

Post: (poteau) a generic word for any upright support a pier is a post of square or rectangular section, usually of masonry, a column is a post of circular section, a steel or iron member used vertically is also called a column, a pilaster is a shallow rectangular upright support set into a wall and used mainly as decoration

Preservation (préserver) the action or process of protecting, maintaining and/or stabilizing the existing materials, form and integrity of a historic place, or of an individual component, while protecting its heritage value

Rafter: (charpente) a timber roof construction, a principal sloping component that runs from the top of the wall to the ridge

Rampart: (rampart) a wide bank of earth, usually with a parapet on top, built around a fort to help defend it

Rehabilitation: (réhabiliter) the action or process of making possible a continuing or compatible contemporary use for a historic place, or of an individual component, through repair, alterations and/or additions, while protecting its heritage value

Restoration: (restaurer) the action or process of accurately revealing, recovering or representing the state of a historic place, or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value

References — Glossary 3
Ridge: (fond) the uppermost part of a roof, usually horizontal, or the structural component at the top of a roof

Sash: (chaisse) a window, the wood or metal frame that holds the glass

Shed roof: (tente en appentis) a roof with only one slope, also used to describe the roof of a dormer window if it has only one slope

Shiplape: (plaque à faïence) a siding or cladding of horizontally laid boards with notched edges that make an overlapping joint, applied to the outside of a wood-framed building, or a stone wall, to make it weatherproof, the face of each board is parallel to the plane of the wall (also called drop siding)

Sidelight: (fenêtre latérale) a window beside a door, forming part of the door unit

Siding: (battage) a facing material, or cladding, applied to the outside of a wood-framed building to make it weatherproof, sometimes called weatherboarding

shiplape (or drop siding) consists of horizontally laid boards with notched edges that make an overlapping joint, the face of each board is parallel to the plane of the wall, clapboard (or beveled siding) consists of bevelled boards laid horizontally and overlapping at the top and bottom, the face of each board is oblique to the wall, board-and-batten siding is composed of vertically applied boards whose joints are covered by narrow strips (battens), shingles may also be used as a siding, as may composite materials such as asphalt, asbestos or synthetic materials, often imitating brick or shingle, metal and vinyl siding are also used

Sill: (saut) a horizontal member at the bottom of a window, or of a wall (sometimes called a sill plate)

Soffit: (soffit) the underside of an eave, beam, or other component

Spandrel: (tympan) the portion of a wall between the top of one window and the window sill above it, or the roughly triangular surface between two adjacent arches

Splicings: (juxtaposition) the action of joining an existing element with a new element in order to compensate for the weakness of a damaged edge. The splicing of structural members for reinforcement is a typical example

Stratigraphy: (stratigraphie) the composition and arrangement of geographic strata or layers of earth in a particular area

Standards: (normes) Norms for the respectful conservation of historic places

Stud: (petoire) in timber construction, one of a series of vertical supports

Terra cotta: (terre cuite) fired clay commonly shaped in a mould and frequently glazed after firing

Terrace: (terrass) a flat level of land, often a component of a series of step-like flat levels on a slope

Transom: (transom) a small window over a door or another window, often hinged for opening

Truss: (trame) a structural framework, made of either timber or metal, that is composed of individual members fastened together in a triangular arrangement

Windbreak: (brise-vent) a row of trees or bushes planted to provide protection from the wind and, often, to prevent soil erosion
Sections 1-2
Standards, Guidelines, Principles, and Practices


General Conservation


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Section 3

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Federal and Provincial Acts, and Associated Plans

Appendix N – Historic Sites and Monuments Act
Appendix O – Navigable Waters Protection Act
Appendix P – Fish and Wildlife Conservation Act
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Appendix R – Environmental Protection Act
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Appendix Y – Strategic plan for the Rideau Valley Conservation Authority
Appendix Z – Strategic plan for the National Capital Commission
Historic Sites and Monuments Act

NOTE: This legislation has been prepared for reference purposes only and therefore has no legal sanction.

For more information, please contact:
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CHAPTER H-4

An Act to establish the Historic Sites and Monuments Board of Canada

SHORT TITLE

Short title
1. This Act may be cited as the Historic Sites and Monuments Act

R.S., c. H-6, s. 1.

INTERPRETATION

Definitions
2. In this Act,

"Board" «Commission»
"Board" means the Historic Sites and Monuments Board of Canada established by section 4,

"historic place" «lieu historique»
"historic place" means a site, building or other place of national historic interest or significance, and includes buildings or structures that are of national interest by reason of age or architectural design;

"Minister" «ministre»
"Minister" means the Minister of Canadian Heritage

R.S., 1985, c. H-4, s. 2; 1995, c. 11, s. 23.

COMMEMORATION OF HISTORIC SITES

Powers of Minister
3. The Minister may
(a) by means of plaques or other signs or in any other suitable manner mark or otherwise commemorate historic places;

(b) make agreements with any persons for marking or commemorating historic places pursuant to this Act and for the care and preservation of any places so marked or commemorated;

(c) with the approval of the Governor in Council, establish historic museums;

(d) with the approval of the Treasury Board, acquire on behalf of Her Majesty in right of Canada any historic places, or lands for historic museums, or any interest therein, by purchase, lease or otherwise, and

(e) provide for the administration, preservation and maintenance of any historic places acquired or historic museums established pursuant to this Act.

R.S. c H-6, s 3

HISTORIC SITES AND MONUMENTS BOARD OF CANADA

Board established
4. (1) A Board to be called the Historic Sites and Monuments Board of Canada is hereby established, consisting of eighteen members as follows

(a) the National Archivist of Canada;

(b) an officer of the Canadian Museum of Civilization designated by the member of the Queen’s Privy Council for Canada who is designated by the Governor in Council pursuant to the Museums Act as the Minister responsible for the Canadian Museum of Civilization,

(c) an officer of the Department of Canadian Heritage designated by the Minister; and

(d) two representatives for each of Ontario and Quebec, one representative for each of the other provinces, and one representative for each of the Yukon Territory, the Northwest Territories and Nunavut, to be appointed by the Governor in Council.

Eligibility of appointed members
(2) A person is not eligible to be appointed or to continue as a representative for a province or a territory, unless that person resides in that province or territory.

Tenure of office
(3) A member appointed by the Governor in Council holds office during pleasure for such period not exceeding five years as may be fixed by the Governor in Council.

Re-appointment
(4) A retiring member of the Board is eligible for re-appointment.
Chairman
5. (1) The Governor in Council shall designate one of the members of the Board to be its Chairman.

Meetings
(2) The Board shall meet at least once in every calendar year at the call of the Chairman, but the time and place of each such meeting is subject to the approval of the Minister.

Idem
(3) The Board shall hold such other meetings at such times and places as the Minister may require.

Quorum
(4) Nine members of the Board constitute a quorum.

R.S., c. H-6, s. 4, 1976-77, c. 20, s. 1.

Secretary
6. (1) The Minister may designate an officer or employee of the Parks Canada Agency established under the Parks Canada Agency Act to be the Secretary of the Board, or appoint a Secretary of the Board at the remuneration and under the terms or conditions of employment that may be prescribed by the Governor in Council.

Other staff
(2) The Minister may, from among the persons employed in the Parks Canada Agency, provide the Board with any other employees or assistants that are necessary for the proper conduct of the business of the Board.

R.S., 1985, c. H-4, s. 6, 1995, c. 11, s. 25(E), 1998, c. 31, s. 51.

Powers and duties of Board
7. The Board may receive and consider recommendations respecting the marking or commemoration of historic places, the establishment of historic museums and the administration, preservation and maintenance of historic places and historic museums, and shall advise the Minister in carrying out his powers under this Act.

R.S., c. H-6, s. 5.

Travel and living expenses
8. (1) Each member of the Board appointed by the Governor in Council may be paid

(a) for each day the member is necessarily absent from his ordinary place of residence for the purpose of attending at meetings or to other business of the Board, such remuneration as is fixed by the Governor in Council, and

(b) actual travel expenses necessarily incurred in connection with the business of the Board.
Members of the Board other than those appointed by the Governor in Council are entitled to be paid actual travel and living expenses necessarily incurred in connection with the business of the Board.

Clerical and stenographic assistance

(2) There may be paid for clerical and stenographic assistance

(a) the sum of seventy-five dollars per year to the Chairman of the Board, and

(b) the sum of thirty dollars per year to the other members of the Board appointed by the Governor in Council.

R.S., c. H-6, s. 6

GENERAL

Regulations

9. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect.

R.S., c. H-6, s. 8.

Annual report

10. (1) As soon as practicable after the end of each calendar year, the Board shall submit to the Minister a report of its proceedings for the calendar year in such form as the Minister may prescribe.

Further reports

(2) In addition to the report required by subsection (1), the Board shall furnish the Minister with such other statements or reports in respect of its activities, at such time and in such manner, as the Minister may require.

R.S., c. H-6, s. 9
An Act respecting the protection of navigable waters

SHORT TITLE

1 This Act may be cited as the Navigable Waters Protection Act.

INTERPRETATION

Definitions

2 In this Act,
   "Minister"
   "Ministre"
   "Minister" means the Minister of Transport,
   "aux eaux navigables"
   "Navigable water" includes a canal and any other body of water created or altered as a result of
   the construction of any work

PART I

WORKS SUBJECT TO APPROVAL

Interpretation

Definitions

3. In this Part,
   "lawful work"
   "ouvrage légalement construit"
   "lawful work" means any work not contrary to the law in force at the place of construction of the
   work at the time of its construction,
   "owner"
   "propriétaire"
   "owner" includes a person authorizing or otherwise responsible for the erection or maintenance of
   any work and an actual or reputed owner or person in possession or claiming ownership thereof
   for the time being,
   "work"
   "ouvrages"
   "work" includes
(a) any bridge, boom, dam, wharf, dock, pier, tunnel or pike and the approaches or other works necessary or appurtenant thereto,

(b) any dumping of fill or excavation of materials from the bed of a navigable water,

(c) any telegraph or power cable or wire, or

(d) any structure, device or thing, whether similar in character to anything referred to in this definition or not, that may interfere with navigation.

Application

Extent to which inapplicable to statutory works

4 Except the provisions of this Part that relate to re-excavating, repairing or altering any lawful work, nothing in this Part applies to any work constructed under the authority of an Act of Parliament or of the legislature of the former Province of Canada, or of the legislature of any province now forming part of Canada passed before that province became a part thereof.

General

Construction of works in navigable waters

5.1 No work shall be built or placed in, on, over, under, through or across any navigable water unless

(a) the work and the site and plans thereof have been approved by the Minister, on such terms and conditions as the Minister deems fit, prior to commencement of construction;

(b) the construction of the work is commenced within six months and completed within three years after the approval referred to in paragraph (a) or within such further period as the Minister may fix; and

(c) the work is built, placed and maintained in accordance with the plans, the regulations and the terms and conditions set out in the approval referred to in paragraph (a)

Exceptions

(2) Except in the case of a bridge, boom, dam or causeway, this section does not apply to any work that, in the opinion of the Minister, does not interfere substantially with navigation.
Ministerial orders respecting unauthorized works

6.(1) Where any work to which this Part applies is built or placed without having been approved by the Minister, is built or placed on a site not approved by the Minister, is not built or placed in accordance with plans so approved or, having been so built or placed, is not maintained in accordance with those plans and the regulations, the Minister may

(a) order the owner of the work to remove or alter the work,

(b) where the owner of the work fails forthwith to comply with an order made pursuant to paragraph (a), remove and destroy the work and sell, give away or otherwise dispose of the materials contained in the work, and

(c) order any person to refrain from proceeding with the construction of the work where, in the opinion of the Minister, the work interferes or would interfere with navigation or is being constructed contrary to this Act.

Offence and punishment

(2) Any owner or person who fails to comply with an order given to that owner or person pursuant to paragraph (1)(a) or (c) is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

Cost of removal, destruction or disposal

(3) Where the Minister removes, destroys or disposes of a work pursuant to paragraph (1)(b), the costs of and incidental to the operation of removal, destruction or disposal, after deducting therefrom any sum that may be realized by sale or otherwise, are recoverable with costs in the name of Her Majesty from the owner.

Approval after construction commenced

(4) The Minister may, subject to deposit and advertisement as in the case of a proposed work, approve a work and the plans and site of the work after the commencement of its construction and the approval has the same effect as if given prior to commencement of the construction of the work.

Fee payable by person applying for approval

7.(1) Where a person applies for an approval referred to in paragraph 5(1)(a) or subsection 6(4), the person shall pay a fee therefor prescribed by the regulations.

Approval valid for period prescribed by regulations
(2) Where the Minister has approved a work, the approval is valid for a period of time prescribed by the regulations.

**Bridges prior to May 17, 1882 maintained**

8. Sections 5 to 7 do not affect any bridge constructed before May 17, 1882 that, after that date, requires to be rebuilt or repaired, if the bridge, when so built or repaired, does not interfere to a greater extent with navigation than on or before that date.

**Deposit of plans and description**

9 (1) A local authority, company or person proposing to construct, in navigable waters, any work for which no sufficient sanction otherwise exists may deposit the plans thereof and a description of the proposed site with the Minister, and a duplicate of each in the office of the registrar of deeds or the land titles office for the district, county or province in which the work is proposed to be constructed, and may apply to the Minister for approval thereof.

**Notice of deposit**

(3) The local authority, company or person referred to in subsection (1) shall give one month's notice of the deposit of plans and application by advertisement in the Canada Gazette, and in two newspapers published in or near the locality where the work is to be constructed.

**Rebuilding or repair of lawful work**

10 (1) Any lawful work may be rebuilt or repaired if, in the opinion of the Minister, interference with navigation is not increased by the rebuilding or repairing.

**Alteration of lawful work**

(2) Any lawful work may be altered if:

(a) plans of the proposed alteration are deposited with and approved by the Minister, and

(b) in the opinion of the Minister, interference with navigation is not increased by the alteration.

**Plans deemed to include alteration**

(3) For the purposes of sections 5, 6 and 12, a reference to the plans of a work shall be construed as including the plans of the alteration thereof referred to in subsection (2).
Where work endangers or interferes with navigation

(4) Where, in the opinion of the Minister, an existing lawful work has become a danger to or an interference with navigation by reason of the passage of time and changing conditions in navigation of the navigable waters concerned, any rebuilding, repairs or alteration of the work shall be treated in the same manner as a new work.

Where approval lapses

11. (1) Where an approval of a work granted pursuant to paragraph 5(1)(a) or subsection 6(4) lapses, the Minister may grant a new approval of that work for such period of time as, having regard to changing conditions in navigation and the condition of the work, the Minister deems fit.

Where application made for new approval

(2) Where an application is made for a new approval of a work pursuant to subsection (1), the work remains a lawful work pending the decision of the Minister in respect of the application.

Regulations

Orders and regulations by Governor in Council

12. (1) The Governor in Council may make such orders or regulations as the Governor in Council deems expedient for navigation purposes respecting any work to which this Part applies or that is approved or the plans and site of which are approved under any Act of Parliament and, without restricting the generality of the foregoing, may make regulations:

(a) prescribing the fees payable to the Minister on an application for an approval,

(b) prescribing, for the purpose of subsection 7(2), the period of time for which an approval of a work is valid

Punishment for contravening order or regulation

(2) Any order or regulation made under this section may prescribe therein the punishment to be imposed on summary conviction for any contravention thereof but that punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both.

Who is subject to orders or regulations

(3) A local authority, company or person constructing, owning or in possession of any work referred to in subsection (1) is subject to orders or regulations made under this section.
No approval of St. Lawrence River bridges

13. No approval of the site or plans of any bridge over the St. Lawrence River shall be given under this Part.

Interim Orders

13.1 (1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Part if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to safety or security.

Cessation of effect

(2) An interim order has effect from the time that it is made but ceases to have effect on the earliest of:

(a) 14 days after it is made, unless it is approved by the Governor in Council,
(b) the day on which it is repealed,
(c) the day on which a regulation made under this Part, that has the same effect as the interim order, comes into force, and
(d) one year after the interim order is made or any shorter period that may be specified in the interim order.

Contravention of unpublished order

(3) No person shall be convicted of an offence consisting of a contravention of an interim order that, at the time of the alleged contravention, had not been published in the Canada Gazette unless it is proved that, at the time of the alleged contravention, the person had been notified of the interim order or reasonable steps had been taken to bring the purport of the interim order to the notice of those persons likely to be affected by it.

Exemption from Statutory Instruments Act

(4) An interim order

(a) is exempt from the application of sections 3, 5 and 11 of the Statutory Instruments Act; and
(b) shall be published in the Canada Gazette within 23 days after it is made.

Deeming
(5) For the purpose of any provision of this Part other than this section, any reference to regulations made under this Act is deemed to include interim orders, and any reference to a regulation made under a specified provision of this Act is deemed to include a reference to the portion of an interim order containing any provision that may be contained in a regulation made under the specified provision.

Tabling of Order

(6) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made.

House not sitting

(7) In order to comply with subsection (6), the interim order may be sent to the Clerk of the House if the House is not sitting.

PART II
OBSTACLES AND OBSTRUCTIONS

Interpretation

Definitions

14 In this Part,

*owner*

*proprietaries*

"owner" means the registered or other owner at the time any wreck, obstruction or obstacle referred to in this Part was occasioned, and includes a subsequent purchaser,

*vessel*

*bateau*

"vessel" includes every description of ship, boat or craft of any kind, whether propelled by steam or otherwise and whether used as a sea-going vessel or on inland waters only, including everything forming part of its machinery, tackle, equipment, cargo, stores or ballast.

General

Notice and indication of obstacle or obstruction

15 (1) Where the navigation of any navigable water over which Parliament has jurisdiction is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, partial sinking, lying ashore or grounding of any vessel or part thereof or other thing, the owner, master or person in charge of the vessel or other thing by which any such obstruction or obstacle is caused shall
(a) forthwith give notice of the existence thereof to the Minister or to the chief officer of customs and excuse at the nearest or most convenient port, and

(b) place and, as long as the obstruction or obstacle continues, maintain, by day, a sufficient signal and, by night, a sufficient light to indicate the position thereof

Failure to signal and light rectifiable by Minister

(2) The Minister may cause the signal and light referred to in subsection (1) to be placed and maintained if the owner, master or person in charge of the vessel or other thing by which the obstruction or obstacle is caused fails or neglects to do so

Removal of obstruction of obstacle

(3) The owner of the vessel or thing referred to in subsection (1) shall forthwith begin the removal thereof and shall prosecute the removal diligently to completion, but nothing in this subsection shall be deemed to limit the powers of the Minister under this Act

Powers of Minister

16 If, in the opinion of the Minister,

(a) the navigation of any navigable water over which Parliament has jurisdiction is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, partial sinking, lying ashore or grounding of any vessel or part thereof or other thing,

(b) by reason of the situation of any wreck, vessel or part thereof or other thing so lying, sunk, partially sunk, ashore or grounded, the navigation of any such navigable water is likely to be obstructed, impeded or rendered more difficult or dangerous, or

(c) any vessel or part thereof, wreck or other thing cast ashore, stranded or left on any property belonging to Her Majesty in right of Canada is an obstacle or obstruction to the public navigation of any navigable water, or

the Minister may cause the wreck, vessel or part thereof or other thing to be removed or destroyed, in such manner and by such means as the Minister thinks fit, if the obstruction, obstacle, impediment, difficulty or danger continues for more than twenty-four hours

Conveyance from site and sale

17(1) The Minister may cause the vessel referred to in section 16 or its cargo, or anything causing or forming part of the obstruction or obstacle, to be conveyed to such place as the Minister thinks proper and to be there sold by auction or otherwise as he deems advisable, and the Minister may apply the proceeds of the sale to make good the expenses incurred by the
Minster in placing and maintaining any signal or light to indicate the position of the obstruction or obstacle, or in the removal, destruction or sale of the vessel, cargo or thing.

Surplus

(2) The Minster shall pay over any surplus of the proceeds referred to in subsection (1) or any portion of the proceeds to the owner of the vessel, cargo or thing sold or to such other persons as are entitled thereto.

Costs constituting debt

18 (1) When, pursuant to this Part, the Minster has

(a) caused to be placed and maintained any signal or light to indicate the position of any vessel or part thereof or other thing that, by reason of its wreck, sinking, partial sinking, lying ashore or grounding, caused or was likely to cause the navigation of any navigable water over which Parliament has jurisdiction to become obstructed, impeded or rendered more difficult or dangerous,

(b) caused to be removed or destroyed any wreck, vessel or part thereof or other thing that, by reason of its wreck, sinking, partial sinking, lying ashore or grounding, caused or was likely to cause the navigation of any such navigable water to become obstructed, impeded or rendered more difficult or dangerous, or

(c) caused to be removed or destroyed any vessel or part thereof, wreck or any other thing cast ashore, stranded or left on any public properly belonging to Her Majesty in right of Canada,

and the cost thereof has been defrayed out of public moneys of Canada, the amount of the cost, whether or not a sale has been held under section 17, constitutes a debt to which subsection (2) applies.

Recovery by Her Majesty

(2) A debt constituted by virtue of subsection (1) is due to and recoverable by Her Majesty in right of Canada

(a) from the owner, managing owner, master or person in charge of the vessel or other thing at the time of the wreck, sinking, partial sinking, lying ashore or grounding thereof, as the case may be, referred to in subsection (1), or

(b) from any person through whose act or fault or through the act or fault of whose servant that wreck, sinking, partial sinking, lying ashore or grounding was occasioned or continued.

Application of moneys recovered
(3) Any sum recovered under subsection (2) forms part of the Consolidated Revenue Fund

Order to remove vessel left anchored

19 (1) Where a vessel has been left anchored, moored or adrift in any navigable waters in such a manner that, in the opinion of the Minister, it obstructs or is likely to obstruct navigation in those waters, the Minister may order the owner, managing owner, master or person in charge of the vessel to remove it to such place as the Minister deems fit

Failure to comply with order

(2) Where a person to whom an order is given pursuant to subsection (1) fails forthwith to comply with the order,

(a) the person is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars, and

(b) the Minister may order the vessel to be removed to such place as the Minister deems fit, and the cost of removal of the vessel shall be recoverable against the person as a debt due to Her Majesty

Abandoned vessel

20 When any vessel or other thing is wrecked, sunk, partially sunk, lying ashore or grounded in any navigable water in Canada, the vessel and its cargo and every part thereof or other thing shall be deemed to be abandoned at the expiration of two years after the date of the casualty and, thereupon, the Minister may, under such restrictions as seem fit to the Minister, authorize any person to take possession of and remove the vessel or other thing for that person's own benefit, on giving to the owner, if known, one month's notice and, if the owner is unknown, public notice for a similar period in a local paper published nearest to the place of the vessel or other thing

Throwing or depositing sawdust, etc., prohibited

21 No person shall throw or deposit or cause, suffer or permit to be thrown or deposited any sawdust, edging, slabs, bark or like rubbish of any description whatever that is liable to interfere with navigation in any water, any part of which is navigable or that flows into any navigable water

Throwing or depositing stone, etc., prohibited

22 No person shall throw or deposit or cause, suffer or permit to be thrown or deposited any stone, gravel, earth, cinders, ashes or other material or rubbish that is liable to sink to the bottom in any water, any part of which is navigable or that flows into any navigable water, where there are not at least twenty fathoms of water at all times, but nothing in this section shall be construed so as to permit the throwing or depositing of any substance in any part of a navigable water where that throwing or depositing is prohibited by or under any other Act
Proclamation of exemption

23. The Governor in Council, when it is shown to the satisfaction of the Governor in Council that the public interest would not be injuriously affected thereby, may, by proclamation, declare any rivers, streams or waters in respect of which sections 21 and 22 apply, or any parts thereof, exempt in whole or in part from the operation of those sections, and may revoke the proclamation.

Powers of harbor authorities

24. Nothing in this Part affects the legal powers, rights or duties of harbour commissioners, harbour masters, port wardens, The St. Lawrence Seaway Authority or a port authority established under the Casada Marine Act in respect of materials that, under this Part, are not allowed to be deposited in navigable waters.

Dumping places

25. The Minister may appoint places in any navigable waters not within the jurisdiction of any of the officers or corporations referred to in section 24, where stone, gravel, earth, cinders, ashes or other material may be deposited notwithstanding that the minimum depth of water at any such place may be less than twenty fathoms, and the Minister may make rules regulating the deposit of the materials.

Failure to give notice or to signal or light

26. Every person required by this Part to give notice to the Minister or to the chief officer of customs at any port of any obstruction or obstacle to navigation, or to place and maintain a signal or light to indicate the position of the obstruction or obstacle, who fails to give that notice or to place or maintain that signal or light is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

Offences and Punishment

Contravention of section 21

27. Any person who contravenes section 21 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

Fine

28. Any person who contravenes section 22 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars and, in any case where any materials referred to in that section are thrown from or deposited by a vessel and a conviction is obtained therefor, the vessel is liable for the fine and may be detained by any port warden or the chief officer of customs at any port until the fine is paid.
PART III
REGULATION OF FERRY CABLES AND SWING OR DRAW BRIDGES

Interpretation

Definitions

29 In this Part,
"ferry cable" 
" câble de traîle"
"ferry cable" includes any ferry cable, rod, chain or other device put across, over, in or under any navigable water for working a ferry.

"swing of draw bridge" 
"pont tournant ou pont-bascule"
"Swing or draw bridge" means any swing or draw bridge other than a railway bridge

General

Regulations

30. The Governor in Council may make regulations to govern

(a) the laying, stretching or maintaining of any ferry cable,

(b) the maintenance of lights and any other precautions for the safety of navigation in connection with such a ferry cable,

(c) the opening and closing of any swing or draw bridge over any navigable water, and

(d) the maintenance of lights and any other precautions for the safety of navigation in connection with such a bridge

Punishment for contravention of regulation

31 Any regulation made under this Part may prescribe the punishment to be imposed on summary conviction for any contravention thereof but that punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both
**Interim Orders**

32. (1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Part if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to safety or security.

**(Cessation of effect)**

(2) An interim order has effect from the time that it is made but ceases to have effect on the earliest of

(a) 14 days after it is made, unless it is approved by the Governor in Council,

(b) the day on which it is repealed,

(c) the day on which a regulation made under this Part, that has the same effect as the interim order, comes into force, and

(d) one year after the interim order is made or any shorter period that may be specified in the interim order.

**(Contravention of unpublished order)**

(3) No person shall be convicted of an offence consisting of a contravention of an interim order that, at the time of the alleged contravention, had not been published in the Canada Gazette unless it is proved that, at the time of the alleged contravention, the person had been notified of the interim order or reasonable steps had been taken to bring the purport of the interim order to the notice of those persons likely to be affected by it.

**(Exemption from Statutory Instruments Act)**

(4) An interim order

(a) is exempt from the application of sections 3, 5 and 11 of the Statutory Instruments Act, and

(b) shall be published in the Canada Gazette within 23 days after it is made.

**(Deeming)**

(5) For the purpose of any provision of this Part other than his section, any reference to regulations made under this Act is deemed to include interim orders, and any reference to a regulation made under a specified provision of this Act is deemed to include a reference to the portion of an interim order containing any provision that may be contained in a regulation made under the specified provision.
Tabling of Order

(6) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made

House not sitting

(7) In order to comply with subsection (6), the interim order may be sent to the Clerk of the House if the House is not sitting

List of amendments


CHAPTER N-22

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<tr>
<th>Section</th>
<th>Revised Statutes of Canada</th>
<th>In force yyyy/mm/dd</th>
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<td>1993/02/23</td>
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<td>15</td>
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<td>26</td>
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Fish and Wildlife Conservation Act, 1997

S O. 1997, CHAPTER 41

Notice of Currency: *This document is up to date
*This notice is usually current within two business days of accessing this document. For more current amendment information, see the Table of Public Statutes (Legislative History)
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1. (1) In this Act,

"animal" means a member of the class Mammalia (mammals), Aves (birds), Reptilia (reptiles) or Amphibia (amphibians), but does not include a human being, ("animal")

"aquaculture" means the breeding or husbandry of fish, and the verb "culture" has, with respect to fish, a corresponding meaning, ("aquaculture")

"boat" includes a motorboat, rowboat, canoe, punt, catboat or raft, ("boat")

"body-gripping trap" means a device designed to capture or kill an animal by seizing and holding it by a part of its body, and includes a spring trap, steel trap, gin, deadfall snare or leghold trap but does not include a device designed to capture or kill a mount or rat, ("pique à mâchoires")

"buy" or "sell" includes barter or trade for consideration, offer to buy, sell, barter or trade for consideration, or possess for the purpose of buying, selling, bartering or trading for consideration, and "buying or selling" has a corresponding meaning, ("acheter ou vendre")

"closed season" means, with respect to a species, the period during which hunting, trapping or fishing for that species is not permitted, ("préiode de fermeture")

"document" means anything recorded on paper or in electronic, photographic or other form, ("document")

"domestic animal" means an animal that belongs to a species that is not wild by nature, ("animal domestique")

"farmed animal" means a white-tailed deer, elk, bison, fisher, fox, lynx, marten, musk, raccoon or member of another species prescribed by the regulations that is being kept in captivity in Ontario for the purpose of commercial propagation or the commercial production of meat, hides, pelts, antler products or other products, ("animal d'élevage")

"farmer" means a person whose chief occupation is farming and

(a) who is living upon and tilling his or her own land, or land to the possession of which he or she is for the time being entitled, or

(b) who is a settler engaged in clearing land for the purpose of bringing it to a state of cultivation, ("exploitant agricole")

"firearms" includes an air gun, pliers gun, bow or crossbow, ("arme à feu")

"fish" has the same meaning as in the Fisheries Act (Canada), ("poisson")

"furbearer mammal" means a member of a species set out in Schedule 1 or prescribed by the regulations as a species of furbearing mammal, ("mammifère à fourrure")

"game animal" means a member of a species set out in Schedule 5 or prescribed by the regulations as a species of game animal, ("animal de chasse")

"game bird" means a member of a species set out in Schedule 3 or prescribed by the regulations as a species of game bird, ("oiseau à plumes")

"game bird hunting preserve" means an area in which game birds propagated under a licence are released for hunting purposes, ("réserve du chasse au gibier à plume")

"game mammal" means a member of a species set out in Schedule 2 or prescribed by the regulations as a species of game mammal, ("mammifère à plumes")

"game reptile" means a member of a species set out in Schedule 4 or prescribed by the regulations as a species of game reptile, ("reptile à plumes")

"game wildlife" means a furbearing mammal, game carnivora, game bird, game mammal or game reptile, ("oiseau sauvage")
"hunting" includes,

(a) being in wait for, searching for, being on the trail of, pursuing or shooting at wildlife, whether or not the wildlife is killed, injured, captured or harassed, or
(b) capturing or harassing wildlife, except that "hunting" does not include, (c) trapping, or
(d) lying in wait for, searching for, being on the trail of or pursuing wildlife for a purpose other than attempting to kill, injure, capture or harass it, unless the wildlife is killed, injured, captured or harassed as a result, and "hunt" and "hunter" have corresponding meanings, ("chasse", "chasseur")

"licence" means a licence or permit issued under this Act, and includes any document or thing deemed to be a licence by the regulations, ("permis")

"migratory bird" has the same meaning as in the Migratory Birds Convention Act, 1994 (Canada), ("oiseau migrateur")

"Minister" means the Minister of Natural Resources, ("ministre")

"Ministry" means the Ministry of Natural Resources, ("ministère")

"motorboat" means a boat with a motor that is attached to the boat and that is capable of being used as a means of propulsion, and includes any floating object being towed by a motorboat; ("bateau à moteur")

"non-resident" means a person who is not a resident; ("non-résident")

"Ontario Fishery Regulations" means the Ontario Fishery Regulations, 1989 made under the Fisheries Act (Canada) and any other regulations made under that Act that apply in Ontario and that are prescribed by the regulations made under this Act, ("règlements de la pêche en Ontario")

"open season" means, with respect to a species, the period during which hunting, trapping or fishing for that species is permitted, ("saison de chasse", "saison de pêche")

"pelt" means the unainted skin of a furbearing mammal, whether or not the skin is on a carcass, ("peau")

"regulations" means the regulations made under this Act, ("règlements")

"resident" means a person whose primary residence is Ontario and who has actually resided in Ontario for a period of at least six months during the 12 months preceding the day that residence becomes material under this Act, and includes a person who belongs to a class of persons deemed to be residents by the regulations, ("résident")

"snare" means a device for the capturing of animals by a noose, ("collet")

"specially protected amphibian" means a member of a species set out in Schedule 10 or prescribed by the regulations as a species of specially protected amphibian, (" amphibiens spécialement protégés")

"specially protected bird" means a specially protected raptor or a member of a species set out in Schedule 8 or prescribed by the regulations as a species of specially protected bird, ("oiseau spécialement protégé")

"specially protected invertebrate" means a member of a species set out in Schedule 11 or prescribed by the regulations as a species of specially protected invertebrate, ("invertébré spécialement protégé")

"specially protected mammal" means a member of a species set out in Schedule 6 or prescribed by the regulations as a species of specially protected mammal, ("mammifère spécialement protégé")

"specially protected raptor" means a member of a species set out in Schedule 7 or prescribed by the regulations as a species of specially protected raptor, ("rapace spécialement protégé")

"specially protected reptile" means a member of a species set out in Schedule 9 or prescribed by the regulations as a species of specially protected reptile, ("reptile spécialement protégé")

"transport" includes, with respect to a thing, taking the thing from one place to another, causing the thing to be taken from one place to another or possessing the thing for the purpose of taking it or causing it to be taken from one place to another; ("transporter", "transport")
"trap" means a body-gripping trap, box trap, cage trap or net used to capture an animal or invertebrate, and "trapping" "trapper" and the verb "trap" have corresponding meanings, ("pêge")

"vehicle" means any kind of vehicle that is driven, propelled or drawn on land or ice by any kind of power, including muscular power, and includes the rolling stock of a railway, ("véhicule")

"wildlife" means an animal that belongs to a species that is wild by nature, and includes game wildlife and specially protected wildlife ("animal sauvage")

Interpretation – Animal, Invertebrate or Fish

(2) A reference in this Act to an animal, invertebrate or fish, or to any word or expression that includes an animal, invertebrate or fish,

(a) includes a reference to the animal, invertebrate or fish, whether alive or dead,

(b) includes a reference to the whole or any part of the animal, invertebrate or fish,

(c) includes a reference to the animal, invertebrate or fish at any stage of its development, unless it is inside the body of its parent, and

(d) includes a reference to the animal, invertebrate or fish, whether or not it originated in Ontario

Interpretation – Gamete

(3) A reference in Part IV, V or VIII to an animal, invertebrate or fish, or to any word or expression that includes an animal, invertebrate or fish, includes a reference to its gamete

Interpretation – Species

(4) A reference in this Act to a species includes a reference to any subspecies of the species and to any other lower taxonomic classification of the species

Interpretation – Hybrids

(5) For the purposes of this Act, the offspring that results from the natural or artificial breeding of an animal or invertebrate, including a farmed animal, shall be deemed to belong to the species or subspecies of the parent that receives the most protection under this Act

Interpretation – Similar Species

(6) Subject to subsection (5), for the purposes of this Act,

(a) an animal or invertebrate that is not easily distinguishable from an animal or invertebrate to which this Act applies shall be deemed, in the absence of evidence to the contrary, to belong to the same species as the animal or invertebrate to which this Act applies, and

(b) a part of an animal or invertebrate that is not easily distinguishable from a part of an animal or invertebrate to which this Act applies shall be deemed, in the absence of evidence to the contrary, to be a part of the animal or invertebrate to which this Act applies

Interpretation – Loaded firearm

(7) For the purposes of this Act, a firearm is loaded if,

(a) in the case of a firearm that uses shells or cartridges, there is an unfired shell or cartridge in the chamber or in a magazine attached to the firearm,

(b) in the case of a single-shot muzzle-loading gun, there is a charge of powder and a projectile in the barrel and a percussion cap on the nipple,

(c) in the case of a muzzle-loading gun to which clause (b) does not apply, there is a charge of powder and a projectile in the barrel and the vent is unplugged,

(d) in the case of a gun to which clauses (a), (b) and (c) do not apply, there is a projectile in the gun or in a magazine attached to the gun,

(e) in the case of a crossbow, the bow is cocked and there is a bolt in the crossbow, and

(f) in the case of a bow other than a crossbow, the bow is strung and at arrow is nocked 1997, c 41, s 1.
Endangered Species Act

2. If a provision of this Act and a provision of the Endangered Species Act conflict with respect to an animal, invertebrate or fish, the provision that gives the animal, invertebrate or fish the most protection prevails 1997, c 41, s 2.

Farmed animals

3. (1) Except as specifically provided in this Act or the regulations, this Act and the regulations do not apply to farmed animals or to products made from farmed animals.

Definitions and interpretation provisions

(2) The definitions and interpretation provisions in section 1 apply to a provision of this Act or the regulations that applies to farmed animals or to products made from farmed animals 1997, c 41, s 3.

Animals for research

4. This Act does not apply to animals that are being kept in captivity in a research facility that is registered under the Animals for Research Act 1997, c 41, s 4.

PART II

HUNTING, TRAPPING, FISHING AND RELATED ACTIVITIES

GENERAL RESTRICTIONS

No hunting or trapping of certain species

5. (1) A person shall not hunt or trap,

(a) a specially protected mammal,

(b) a specially protected amphibian,

(c) a specially protected reptile,

(d) a specially protected invertebrate, or

(e) a specially protected bird or any other bird that belongs to a species that is wild by nature and is not a game bird.

Exceptions

(2) Clause (1) (e) does not apply to

(a) an American crow, brown-headed cowbird, common grackle, house sparrow, red-winged blackbird or starling,

(b) a bird that is declared to be a migratory game bird in the Convention set out in the Schedule to the Migratory Birds Convention Act, 1994 (Canada).

(c) a bird that has been transported into Ontario, or propagated from stock that was transported into Ontario, and that is released with the Minister’s authorization under section 54, other than a specially protected bird or a member of a species prescribed by the regulations for the purpose of this clause,

(d) any other bird, other than a specially protected bird, that is hunted with the authorization of the Minister 1997, c 41, s 5.

Requirement for hunting or trapping license

6. (1) Except under the authority of a licence and in accordance with the regulations, a person shall not hunt or trap,

(a) a black bear, white-tailed deer, moose, caribou or elk;

(b) a game mammal that is not referred to in clause (a),

(c) a game bird,

(d) a fur-bearing mammal,

(e) a game reptile,

(f) a game amphibian,

(g) a bird referred to in subsection 5 (2), or

(h) wildlife that is not referred to in clauses (a) to (g), the hunting of which is not prohibited by section 5.
Trappers

(2) Despite subsection (1)'s requirement for a licence but subject to section 9 and to any requirement for a licence under section 79, the holder of a licence to trap furbearing mammals may, in accordance with the licence and without any other licence, in the area described in the licence and to the extent that the open season falls within the period from September 1 in a year to June 30 of the following year,
   (a) hunt or trap black bear and other game mammals, other than white-tailed deer, moose, caribou or elk;
   (b) hunt game birds, other than wild turkey,
   (c) hunt birds referred to in subsection 5 (2), and
   (d) hunt wildlife referred to in clause (1) (b)

Farmers

(3) Despite subsection (1)'s requirement for a licence, a farmer or a member of a farmer's family who resides with the farmer may, during the open season and without a licence, on the farmer's land,
   (a) hunt or trap furbearing mammals;
   (b) hunt or trap game mammals, other than black bear, white-tailed deer, moose, caribou or elk,
   (c) hunt game birds, other than wild turkey,
   (d) hunt or trap game reptiles or game amphibians,
   (e) hunt birds referred to in subsection 5 (2), and
   (f) hunt wildlife referred to in clause (1) (b)

Nests and eggs

7. (1) A person shall not destroy, take or possess the nest or eggs of a bird that belongs to a species that is wild by nature

Exceptions

(2) Subsection (1) does not apply to the nest or eggs of an American crow, brown-headed cowbird, common grackle, house sparrow, red-winged blackbird or starling

Authorization

(3) Subsection (1) does not apply if the person has the authorization of the Minister

Migratory birds

(4) This section does not apply to nests or eggs that are subject to the Migratory Birds Convention Act, 1994 (Canada) 1997, c. 41, s 7.

Denz, beaver dams, etc.

Denz; black bears

8. (1) A person shall not interfere with a black bear in its den or intentionally damage or destroy a black bear's den

Denz: furbearing mammals

(2) A person shall not intentionally damage or destroy the den or habitual dwelling of a furbearing mammal, other than a fox or skunk, unless the person holds a licence to trap furbearing mammals

Beaver dams

(3) A person shall not damage or destroy a beaver dam unless the person holds a licence to trap furbearing mammals

Protection of property

(4) Subsection (3) does not apply to a person, or the agent of a person, who damages or destroys a beaver dam to protect the person's property

Minister's authorization

(5) The Minister may authorize a person to do anything that would otherwise be prohibited by this section 1997, c. 41, s 8
Provincial parks and Crown game preserves

9. (1) A person shall not hunt, trap or possess wildlife in a provincial park or Crown game preserve

Hunting equipment

(2) A person shall not possess in a provincial park or Crown game preserve a firearm, trap, other hunting or trapping device, or explosive

Exceptions

(3) Subsections (1) and (2) do not apply in the circumstances prescribed by the regulations 1997, c. 41, s 9.

Trespassing

10. (1) A person shall not,

(a) enter premises in contravention of the Trespass to Property Act for the purpose of hunting or fishing;
(b) enter premises in contravention of the Trespass to Property Act in possession of a firearm, fishing rod or other hunting or fishing device,
(c) engage in hunting or fishing in contravention of the Trespass to Property Act,
(d) fail to leave premises in contravention of the Trespass to Property Act, if the person was on the premises for the purpose of hunting or fishing, or
(e) fail to leave premises in contravention of the Trespass to Property Act, if the person was on the premises in possession of a firearm, fishing rod or other hunting or fishing device

Notice under Trespass to Property Act

(2) The Minister may authorize a person to give notice for the purposes of the Trespass to Property Act with respect to hunting or fishing on Crown land

Interference with notice

(3) A person shall not interfere with any signs or markings that, under the Trespass to Property Act, give notice that,

(a) hunting or fishing is prohibited, or
(b) entry is prohibited for the purpose of hunting or fishing

Parties of more than 12

(4) A person shall not enter private land as a party of more than 12 people without the express permission of the occupier if any of the members of the party possesses a firearm or other hunting device

Land with crops

(5) A person shall not, for the purpose of hunting or fishing, enter or permit a dog to enter land on which any crop is growing or standing without the express permission of the occupier.

Crown land used for recreation or propagation

(6) A person shall not enter Crown land used for the purpose of retaining wildlife or fish, propagating wildlife or cultivating fish without the express permission of the Crown

Railway lands

(7) Despite the Trespass to Property Act, the occupier of railway land,

(a) shall not prohibit hunting or fishing on the railway land and shall not prohibit entry to the railway land for those purposes, and
(b) shall not charge any fee for hunting or fishing on the railway land or for entry to the railway land for those purposes

Exception

(8) Subsection (7) does not apply in the circumstances prescribed by the regulations

Definitions

(9) In this section,
"occupier" has the same meaning as in the Trespass to Property Act, ("occupant")
"railway land" includes all land set apart under any Act as a land subsidy or otherwise in aid of a railway or any work related to a railway ("terres à usage ferroviaire") 1997, c 41, s 10

Hunting or trapping for game

11. (1) Except with the authorization of the Minister, a person shall not,
   (a) hunt for, lure, gain or the expectation of gain,
   (b) lure, entice or induce another person to hunt for gain,
   (c) trap for, lure, gain or the expectation of gain,
   (d) lure, employ or induce another person to trap for gain, or
   (e) pay or accept a bounty

Guards and black bear hunting services

(2) Clause (1) (a) does not apply to a guide within the meaning of section 32 or to a provider of black bear hunting services within the meaning of that section, and clause (1) (b) does not apply to a person who employs or hires the guide or the provider of black bear hunting services

Trappers

(3) Clauses (1) (a) and (c) do not apply to a person who hunts or traps fur-bearing mammals or black bear under the authority of a licence to trap

Sanctions

(4) Clauses (1) (b) and (d) do not apply to a person who holds a licence to trap and who hires, employs or induces another person who holds a licence to trap to hunt or trap fur-bearing mammals or black bear on his or her behalf.

Other exceptions

(5) Clauses (1) (c) to (d) do not apply in the circumstances prescribed by the regulations 1997, c 41, s 11.

Illegally killed wildlife, possession

12. A person shall not possess wildlife that has been killed, injured or captured contrary to this Act or the regulations 1997, c 41, s 12

Obstruction of hunting, trapping or fishing

13. (1) A person shall not interfere with lawful hunting, trapping or fishing by,
   (a) tampering with traps, nets, baits, firearms or any other thing used for hunting, trapping or fishing,
   (b) placing himself or herself in a position, for the purpose of interfering, that hinders or prevents hunting, trapping or fishing; or
   (c) engaging in an activity, for the purpose of interfering, that disturbs or is likely to disturb wildlife or fish

Notice without authority

(2) A person shall not purport to give notice that entry to premises is prohibited for the purpose of hunting or fishing or that hunting or fishing is prohibited on premises unless the person has authority to give the notice. 1997, c 41, s 13,

SAFETY AND METHODS

Unsafe areas

14. A person shall not hunt with a firearm in an area prescribed by the regulations as unsafe for hunting 1997, c 41, s 14

Hunter clothing

15. A person who holds a licence to hunt or trap shall, while hunting, wear coloured clothing in accordance with the regulations 1997, c 41, s 15.
Firearms, careless use and supersede

Careless use

16. (1) A person who is in possession of a firearm for the purpose of hunting or trapping shall not discharge or handle the firearm, or cause it to be discharged or handled, without due care and attention or without reasonable consideration for people or property.

Report of injuries

(2) A person shall notify a conservation officer as soon as practicable if an injury requiring treatment by a physician is caused by the discharge of a firearm while the person is in possession of the firearm for the purpose of hunting or trapping 1997, c 41, s 16.

Loaded firearms hunting areas

17. (1) A person who is in an area usually inhabited by wildlife or who is on the way to or from an area usually inhabited by wildlife shall not,

(a) have a loaded firearm in or on a vehicle, or discharge a firearm from a vehicle,

(b) have a loaded firearm in or on a motorboat, or discharge a firearm from a motorboat, unless the person is hunting migratory birds in accordance with the regulations under the Migratory Birds Convention Act, 1994 (Canada),

(c) have a loaded firearm in or on an aircraft, or discharge a firearm from an aircraft,

(d) in a part of Ontario prescribed by the regulations, have a loaded firearm in, or discharge a firearm in or across, a right of way for public vehicular traffic; or

(e) in a part of Ontario to which clause (d) does not apply, discharge a firearm in or across the travelled portion of a right of way for public vehicular traffic.

Unattended rights of way

(2) Clauses (1)(d) and (e) do not apply to an unattended right of way unless the regulations provide otherwise.

Person with disability

(3) Despite clauses (1)(a) and (b), the Minister may authorize a person with a disability to have a loaded firearm in a vehicle or motorboat, and to discharge a firearm from a vehicle or motorboat that is not in motion, if the person’s mobility is impaired in the manner prescribed by the regulations 1997, c 41, s 17.

Set firearms

18. A person shall not use a firearm to hunt wildlife in a manner designed to permit the firearm to discharge when it is not being physically held by the person 1997, c 41, s 18.

Shotguns

19. A person shall not hunt with a shotgun unless the shotgun has been permanently plugged or altered so that it cannot hold a total of more than three shells at one time in the chamber and magazine 1997, c 41, s 19.

Night hunting

20. (1) A person shall not, during the period from half an hour after sunset to half an hour before sunrise,

(a) hunt wildlife,

(b) have a firearm in the person’s possession in an area usually inhabited by wildlife, unless the firearm is unloaded and

(c) shine a light for the purpose of hunting wildlife.

Exceptions

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 20.

No trapping of certain mammals

21. (1) A person shall not kill, capture or injure a black bear, white-tailed deer, moose, caribou or elk by means of a trap, baited line or similar device.
(2) Despite subsection (1), the holder of a licence to trap fur-bearing mammals may trap black bear in accordance with subsection 6 (2) and the regulations.

No trapping of game birds

(3) A person shall not kill, capture or injure a game bird by means of a trap, banded line or similar device. 1997, c 41, s 21.

Body-gripping traps

22. (1) A person shall not trap wildlife or a domestic animal by means of a body-gripping trap.

Exceptions

(2) Subsection (1) does not apply to a person who uses a body-gripping trap in accordance with the regulations, if,

(a) the person holds a licence to trap fur-bearing mammals and uses the body-gripping trap pursuant to that licence,

(b) the person is a farmer or a member of a farmer’s family and uses the body-gripping trap to trap fur-bearing mammals under subsection 6 (3),

(c) the person is a farmer and uses the body-gripping trap to trap wildlife, other than a bird, under section 31;

(d) the person uses the body-gripping trap in a part of Ontario prescribed by the regulations, or

(e) the body-gripping trap is prescribed by the regulations as a humane trap 1997, c 41, s 22.

Swimming bears, deer, etc.

23. A person shall not hunt a black bear, white-tailed deer, moose, caribou or elk while it is swimming. 1997, c 41, s 23.

Vehicles, boats and aircraft, use for hunting, etc.

24. (1) A person shall not use a vehicle for the purpose of killing, injuring, capturing, harassing, pursuing or chasing wildlife.

(2) A person shall not use a boat for the purpose of killing, injuring, capturing, harassing, pursuing or chasing wildlife.

Aircraft

25. (1) A person shall not use an aircraft while hunting.

Exceptions

(2) Subsections (2) and (3) do not apply in the circumstances prescribed by the regulations. 1997, c 41, s 24.

Hunting with dogs

26. (1) A person shall not use or be accompanied by a dog while hunting white-tailed deer, moose, caribou, elk or black bear, except under the authority of a licence issued in respect of that dog.

Prescribed areas

(2) Despite subsection (1), a person shall not use or be accompanied by a dog while hunting white-tailed deer, moose, elk or black bear in an area prescribed by the regulations.

Dog running at large

(3) The owner of a dog or any other person responsible for a dog shall not permit it to run at large,

(a) during the open season for white-tailed deer, moose, elk or black bear, in an area prescribed for the purpose of subsection (2), or

(b) during the closed season for white-tailed deer, moose, elk or black bear, in an area usually inhabited by that species.

Power of conservation officer

(4) A conservation officer may kill a dog without incurring any liability if,
(a) the dog is running at large in an area prescribed for the purpose of subsection (2) during the open season for white-tailed deer, moose, elk or black bear, or
(b) the dog is chasing white-tailed deer, moose, elk or black bear during the closed season for that species in an area usually inhabited by that species 1997, c 41, s 25.

Dog hunting during closed season

26. A person shall not use a dog to chase game mammals or game birds during the closed season for the purpose of teaching the dog hunting skills or testing the dog’s hunting skills unless the person has the authorization of the Minister. 1997, c 41, s 26

Birds of prey

27. (1) A person shall not hunt with a specially protected raptor or any other bird of prey.

Exception

(2) Subsection (1) does not apply to a person who hunts in accordance with the regulations with a specially protected raptor or other bird of prey that belongs to a species prescribed by the regulations for the purpose of this subsection 1997, c 41, s 27.

Ferrets

28. A person shall not hunt with a ferret 1997, c 41, s 28

Poison

29. (1) A person shall not use poison to kill, injure or capture wildlife

Exception

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations. 1997, c 41, s 29

Adhesives

30. (1) A person shall not use adhesives to kill, injure or capture wildlife

Exception

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 30

PROTECTION OF PROPERTY

31. (1) If a person believes on reasonable grounds that wildlife is damaging or is about to damage the person’s property, the person may, on the person’s land,
(a) harass the wildlife for the purpose of deterring it from damaging the person’s property, or
(b) capture or kill the wildlife

Agents

(2) The person may use an agent to harass, capture or kill the wildlife under subsection (1) if the agent has the authorization of the Minister or belongs to a class of agents prescribed by the regulations

Exception

(3) Subsection (1) does not apply to,
(a) a moose, caribou or elk;
(b) a white-tailed deer, unless the person harasses or kills the deer in accordance with the authorization of the Minister, or
(c) other wildlife prescribed by the regulations, unless the person harasses, captures or kills the wildlife in accordance with the authorization of the Minister

Scope of authority

(4) A person who harasses, captures or kills wildlife under this section shall not harass, capture or kill more wildlife than is necessary to protect the property

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Unnecessary suffering

(5) A person who harasses, captures or kills wildlife under this section shall not cause it unnecessary suffering.

Certain provisions do not apply

(6) Sections 5 and 6, clauses 11 (1) (a) to (d), section 27 and such other provisions of this Act and the regulations as are prescribed by the regulations do not apply to a person who harasses, captures or kills wildlife under this section.

Night hunting

(7) Section 20 does not apply to a person who, under this section, harasses, captures or kills wildlife, other than white-tailed deer or wildlife prescribed for the purpose of clause (7) (a).

Capture and release

(8) Subsection 40 (1) and section 46 do not apply to a person who captures wildlife under this section and releases it in accordance with the regulations or in accordance with an authorization of the Minister.

Tapping bears

(9) Section 21 does not apply to an agent acting under subsection (2) who traps a black bear if the agent has the authorization of the Minister to trap black bears.

Disposal

(10) A white-tailed deer or other wildlife prescribed by the regulations that is captured or killed under this section shall be disposed of in accordance with the directions of the Minister 1997, c 41, s 31.

HUNTING AND FISHING SERVICES

Guides and black bear hunting services

32. (1) In this section—

"black bear hunting services" has the meaning defined by the regulations;  ("services de chasse à l'ours noir"

"guide" means a person who carries out the customary duties of a hunting or sport fishing guide for gain, but does not include a person who is providing black bear hunting services ("guide").

Licence required

(2) A person shall not, except under the authority of a licence and in accordance with the regulations,

(a) act as a guide with respect to a species of wildlife prescribed by the regulations, or

(b) provide black bear hunting services

Exceptions

(3) Subsection (2) does not apply in the circumstances prescribed by the regulations.

Employment of unlicensed person

(4) A person shall not hire or employ a person who requires a licence under subsection (2) unless the person holds the licence.

Acting for unlicensed client

(5) A person who requires a licence under subsection (2) shall not provide services to a person who is engaged in hunting or fishing but who does not possess a licence required for that purpose under this Act or the Ontario Fishery Regulations 1997, c 41, s 32

Game bird hunting preserves

33. (1) A person shall not own or operate a game bird hunting preserve except under the authority of a licence and in accordance with the regulations.

Exceptions

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 33

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34. (1) A person shall not own or operate a fishing preserve except under the authority of a licence and in accordance with the regulations.

Exceptions
(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 34.

Dog training and trials
35. (1) A person shall not own or operate an area in which wildlife is enclosed for the purpose of teaching dogs hunting skills or testing dogs hunting skills.

Exceptions
(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 35.

Abandoned and spoiled meat, pelt, etc.

Miscellaneous
36. (1) A hunter or trapper who kills a game mammal, game bird, game amphibian or game reptile shall not abandon it if its flesh may become unsuitable for human consumption.

Spoiled flesh
(2) A person who possess a game mammal, game bird, game amphibian or game reptile that was hunted or trapped shall not permit its flesh to become unsuitable for human consumption.

Abandonment or spoilage of pelts
(3) A hunter or trapper who-kills a fur bearing mammal shall not abandon the pelts or permit the pelts to be spoiled or destroyed.

Exceptions
(4) Subsection (3) does not apply in the circumstances prescribed by the regulations.

Abandonment or spoilage of fish
(5) A person who takes a fish whose flesh is suitable for human consumption shall not,
(a) abandon the fish if its flesh may become unsuitable for human consumption,
(b) permit the flesh to become unsuitable for human consumption.

Exceptions
(6) Subsection (5) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 36.

Fishing nets
37. (1) Except under the authority of a licence, a person shall not possess a gill net, hoop net, pound net, seine net, trap net, trawl net, trammel net, roll net or hook line.

Possession
(2) A person shall not sell a gill net, hoop net, pound net, seine net, trap net, trawl net, trammel net, roll net or hook line, except to a person who is authorized to possess it.

Exceptions
(3) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 37.

Ownership of bed of body of water
38. The ownership of the bed of a river, lake or navigable body of water does not give the owner the exclusive right to fish in the water that flows over the bed unless that right is granted by the Crown 1997, c 41, s 38.
39. The Minister may authorize a person to capture, kill or possess wildlife for educational or scientific purposes 1997, c 41, s 39

PART III
LIVE WILDLIFE AND FISH

Wildlife in captivity

40. (1) A person shall not keep live game wildlife or live specially protected wildlife in captivity except under the authority of a licence and in accordance with the regulations 1997, c 41, s 40 (1)

Exceptions

(2) Subsection (1) does not apply to,

(a) a person who keeps game amphibians or game reptiles in captivity for the purpose of personal consumption;

(b) a person who keeps in captivity for the purpose of personal education a single game reptile, game amphibian, specially protected mammal, specially protected reptile, specially protected amphibian or specially protected invertebrate, if it is not designated by the Committee on the Status of Endangered Wildlife in Canada or the Committee on the Status of Species at Risk in Ontario as endangered, threatened, special concern or vulnerable, or

(c) a person who keeps game wildlife or specially protected wildlife in captivity for any educational or scientific purpose, or for any other purpose, if the person has the authorization of the Minister. 1997, c 41, s 40 (3), 2002, c 18, Sch 1, s 3

Other exceptions

(3) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 40 (3)

Hunting wildlife to keep in captivity

(4) A person shall not hunt or trap game wildlife or specially protected wildlife for the purpose of keeping it in captivity unless the person has the authorization of the Minister 1997, c 41, s 40 (4)

Hunting animals in captivity

41. (1) A person shall not hunt or permit the hunting of,

(a) a farmed animal; or

(b) game wildlife, specially protected wildlife or any other wildlife prescribed by the regulations, if the wildlife is in captivity at the time it is hunted.

Exceptions

(2) Subsection (1) does not apply to the hunting of game birds in a game bird hunting preserve or in an area prescribed by the regulations

Other exceptions

(3) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 41.

Marking birds of prey

42. A person who keeps a specially protected raptor in captivity, or who keeps another bird of prey prescribed by the regulations in captivity, shall mark it in the manner prescribed by the regulations and shall keep the records prescribed by the regulations 1997, c 41, s 42.

Wildlife in transit

43. Except as prescribed by the regulations, subsection 40 (1) and section 42 do not apply to wildlife that originated outside Ontario and is in Ontario temporarily in transit or in quarantine 1997, c 41, s 43

Wildlife custodians

44. (1) In this section,

"wildlife custodian" means a person who has an authorization under subsection (2)
Rehabilitation or care

(2) The Minister may authorize a person to keep injured, sick or immature game wildlife or specially protected wildlife in captivity for the purpose of rehabilitating or caring for them.

Remuneration

(3) A wildlife custodian is not entitled to any remuneration from the Minister.

Wildlife not capable of release

(4) The Minister may authorize a wildlife custodian to kill injured, sick or immature game wildlife or specially protected wildlife that, in the custodian's opinion, will not be capable of being released into the wild after appropriate care.

Surrender to Minister

(5) On the request of the Minister, a wildlife custodian shall surrender to the Minister any game wildlife or specially protected wildlife in the custodian's possession, whether it is alive or dead, or shall dispose of it in such manner as the Minister may direct.

Liability of Crown

(6) The Crown in right of Ontario is not liable for any act or omission of a wildlife custodian and no action or other proceeding for damages may be instituted against the Crown in right of Ontario for any loss arising from the act or omission of a wildlife custodian.

Propagating wildlife

45. (1) A person shall not propagate or offer to propagate game wildlife or specially protected wildlife, or possess it for the purpose of propagation, except under the authority of a licence and in accordance with the regulations.

Exceptions

(2) Subsection (1) does not apply to a person who is keeping the wildlife in captivity under clause 40 (2) (e), if the person has the authorization of the Minister.

Release of wildlife

46. (1) Except with the authorization of the Minister, a person shall not release,

(a) a farmed animal, or
(b) game wildlife or specially protected wildlife that is kept in captivity.

Escape

(2) A person who keeps a farmed animal or who keeps game wildlife or specially protected wildlife in captivity shall ensure that it does not escape.

Objections on escape or release

(3) If, despite subsection (1) or (2), a farmed animal or game wildlife or specially protected wildlife escapes or is released without authorization, the person who kept it in captivity,

(a) shall immediately notify the Minister, and
(b) unless otherwise directed by the Minister, shall return the farmed animal or wildlife to captivity or kill it as soon as practicable.

Exceptions

(4) Subsection (3) does not apply to game wildlife or specially protected wildlife that was kept in captivity for the purpose of rehabilitation or care under section 44 or that was kept in captivity for the purpose of personal education under clause 40 (2) (b).

Certain provisions do not apply

(5) Sections 5 and 6, clauses 11 (1) (a) to (d), sections 20 and 27 and such other provisions of this Act and the regulations as are prescribed by the regulations do not apply to a person who captures or kills a farmed animal or wildlife under subsection (3).
Minister's powers

(6) If the Minister is of the opinion that a person has not complied with clause (3) (b), the Minister may capture or kill the farmed animal or wildfowl without incurring any liability.

Minister's expenses

(7) The person who kept the farmed animal or wildfowl in captivity is liable to the Minister for all expenses incurred by the Minister under subsection (6) unless the escape or release was caused by a natural disaster or act of vandalism that was beyond the control of the person. 1997, c 41, s 46.

Aquaculture

47. (1) A person shall not engage in aquaculture unless the fish that are cultured, (a) belong to a species prescribed by the regulations, and
(b) are cultured under the authority of a licence and in accordance with the regulations.

Exception

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations. 1997, c 41, s 47.

PART IV
SALE, PURCHASE AND TRANSPORT

Buying or selling wildlife and wildfowl

48. (1) A person shall not buy or sell game wildlife or specially protected wildlife, including pelts, except under the authority of a licence and in accordance with the regulations.

Farmed animal pelts

(2) Subject to subsection (5), subsection (1) applies to the pelts of farmed animals that are fur-bearing mammals.

Trappers

(3) Despite subsection (1)'s requirement for a licence, the holder of a licence to trap fur-bearing mammals may, without any other licence, sell all or part of the carcass of a fur-bearing mammal trapped by or on behalf of the holder of the licence, including the pelt.

Authorization for fur-bearing mammals

(4) Despite subsection (1), a person may buy or sell a live fur-bearing mammal in accordance with the regulations if the person has the authorization of the Minister.

Other exceptions

(5) Subsection (1) does not apply in the circumstances prescribed by the regulations. 1997, c 41, s 48

Sale of animals represented as wildlife

49. A person shall not sell any animal or invertebrate that the person represents as a species of game wildlife or specially protected wildlife unless the person is authorized to sell that species of wildlife. 1997, c 41, s 49

Black bear gall bladders

50. A person shall not possess a black bear gall bladder that has been removed from the bear's carcass. 1997, c 41, s 50.

Buying or selling fish

51. (1) A person shall not buy or sell fish that belong to a species that exists in Ontario waters or fish prescribed by the regulations, except under the authority of a licence and in accordance with the regulations.

Interpretation

(2) For the purposes of subsection (1), fish cultured in Ontario shall be deemed to belong to a species that exists in Ontario waters.

Exception

(3) Subsection (1) does not apply in the circumstances prescribed by the regulations. 1997, c 41, s 51
Serving wildlife or fish

52. (1) A person shall not serve game wildlife, specially protected wildlife or fish on a menu, or charge for serving it, unless the person has the authorization of the Minister.

Exceptions
(2) Subsection (1) does not apply to
(a) game wildlife that was propagated under the authority of a licence or was lawfully purchased by the person, or
(b) fish that was cultured under the authority of a licence or was lawfully purchased by the person. 1997, c 41, s 52

Transport into Ontario
53. A person shall not transport into Ontario game wildlife or specially protected wildlife for which a licence or permit is required by the regulations without first obtaining the licence or permit 1997, c 41, s 53

Release of imports
54. (1) Except with the authorization of the Minister, a person shall not release wildlife or an invertebrate that has been transported into Ontario or has been propagated from stock that was transported into Ontario

Escape of imports
(2) A person who possesses wildlife or an invertebrate referred to in subsection (1) shall ensure that it does not escape

Sauce
(3) If, despite subsection (1) or (2), wildlife or an invertebrate referred to in subsection (1) escapes or is released without authorization, the person who possessed it,
(a) shall immediately notify the Minister, and
(b) unless otherwise directed by the Minister, shall capture or kill the wildlife or invertebrate as soon as practicable

Certain provisions do not apply
(4) Sections 5 and 6, clauses 11 (1) (a) to (d), sections 20 and 27 and such other provisions of this Act and the regulations as are prescribed by the regulations do not apply to a person who captures or kills wildlife or an invertebrate under subsection (3)

Minister's powers
(5) If the Minister is of the opinion that a person has not complied with clause (3) (b), the Minister may capture or kill the wildlife or invertebrate without incurring any liability

Minister's expenses
(6) The person who possessed the wildlife or invertebrate is liable to the Minister for all expenses incurred by the Minister under subsection (5) unless the escape or release was caused by a natural disaster or act of vandalism that was beyond the control of the person 1997, c 41, s 54.

Transport out of Ontario
55. (1) A person shall not transport out of Ontario game wildlife or specially protected wildlife for which a licence or permit is required by the regulations without first obtaining the licence or permit

(2) Subsection (1) applies to the pelts of farmed animals that are fur-bearing mammals

Transport for sale or propagation
(3) A person shall not transport game wildlife or specially protected wildlife out of Ontario for the purpose of sale or propagation unless the person is entitled under this Act to sell or propagate the wildlife in Ontario 1997, c 41, s 55

Transport of wildlife or fish illegal killed
56. A person shall not transport wildlife or fish that was killed, captured, taken or possessed contrary to this Act, the regulations, or the Fisheries Act (Canada) or the regulations under that Act. 1997, c 41, s 56

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Transport of containers

57. (1) A person shall not transport a container that contains game wildlife, specially protected wildlife or fish unless the container is plainly marked on the outside with a description of the contents, the name and address of the person who is sending the container and the name and address of the person to whom the container is being sent.

Fur-bearing pelts

(2) Subject to subsection (3), subsection (1) applies to the pelts of farmed animals that are fur-bearing mammals.

Exception

(3) Subsection (1) does not apply in the circumstances prescribed by the regulations. 1997, c. 41, s. 57

PART V

LAWS OF OTHER JURISDICTIONS

Laws of other jurisdictions

58. (1) A person shall not possess wildlife, invertebrates or fish that,
(a) were killed, captured, taken, possessed, transported, bought or sold contrary to the laws of another jurisdiction, or
(b) were removed from another jurisdiction, contrary to the laws of that jurisdiction

Sale prohibited in other jurisdiction

(2) A person shall not sell or offer to sell wildlife or an invertebrate that has been transported into Ontario if the sale would not be permitted in the jurisdiction from which the wildlife or invertebrate was originally exported. 1997, c. 41, s. 58

Removing seals from pelts

59. If a pelt is transported into Ontario from a jurisdiction that requires the pelt to be sealed or marked, a person shall not remove the seal or mark or possess the pelt without the seal or mark. 1997, c. 41, s. 59.

PART VI

LICENSES AND OTHER AUTHORITY

Issue of licences

60. The Minister may issue licences for the purposes of,
(a) this Act; and
(b) the Ontario Fishery Regulations. 1997, c. 41, s. 60

Issuers

61. (1) The Minister may authorize a person to issue licences on the Minister’s behalf

Manual

(2) A person who is authorized to issue licences on the Minister’s behalf shall comply with any applicable manual of instructions issued by the Minister, as it may be amended from time to time

Fees held in trust

(3) Fees owing to the Crown in right of Ontario that are collected by a person who is authorized to issue licences on the Minister’s behalf shall be deemed to be held in trust for the Crown. 1997, c. 41, s. 61.

Conditions on licences and authorizations

Conditions on licence – regulations

62. (1) A licence is subject to the conditions prescribed by the regulations

Conditions on licence – Minister

(2) The Minister may impose written conditions on a licence that do not conflict with the regulations

Conditions on authorization

(3) The Minister may impose written conditions on an authorization that he or she gives under this Act

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Examples

(4) For example, the conditions imposed on a licence or authorization may,

(a) limit the species to which the licence or authorization applies,
(b) limit the area to which the licence or authorization applies,
(c) limit the time during which the licence or authorization applies,
(d) limit the circumstances in which the licence or authorization applies, and
(e) if the licence or authorization authorizes the hunting or trapping of wildlife, limit the number, sex, size, age or type of wildlife that may be killed, captured or possessed or limit the methods that may be used to hunt or trap the wildlife.

Compliance with conditions

(5) The holder of a licence or authorization shall comply with any conditions to which the licence or authorization is subject.

Authorizations

(6) If a provision of this Act permits something to be done with the authorization of the Minister, the Minister may, in the authorization, permit for the purpose of the authorization any act or omission that would otherwise contravene this Act or the regulations 1997, c 41, s 62

Only use licenses for certain species

63. (1) A person shall not hold more than,

(a) one licence to hunt black bear;
(b) one licence to hunt white-tailed deer,
(c) one licence to hunt moose,
(d) one licence to hunt caribou; or
(e) one licence to hunt elk.

Licence to trap fur-bearing mammals

(2) Despite clause (1) (a), a person who is authorized to hunt or trap black bear under subsection 6 (2) may also hold a licence to hunt black bear.

Exception

(3) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 63

Age limit

64. (1) A licence shall not be issued to a person who is under 16 years of age.

Exception

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations 1997, c 41, s 64.

Authorization in writing

65. Every authorization given under this Act shall be in writing 1997, c 41, s 65.

License or authorization to be carried

66. A person who is hunting, trapping or fishing shall carry on his or her person any licence or authorization issued under this Act 1997, c 41, s 66.

Production

67. On the request of a conservation officer, the holder of a licence or authorization shall produce and show it to the officer 1997, c 41, s 67.

Transfer of licenses

68. (1) A person shall not,
(a) transfer a licence or any component of a licence, or
(b) buy or sell a licence or any component of a licence.

Use of someone else’s licence

(2) A person shall not use a licence, or any component of a licence, that was issued to someone else.

Exception

(3) Subsections (1) and (2) do not apply to a transfer, purchase, sale or use that is authorized by the regulations or by a manual of instructions issued by the Minister to persons who issue licences on the Minister’s behalf.

Same

(4) A person shall not do anything to enable someone else to use a licence, or any component of a licence, that was issued to the person 1997, c. 41, s 68

Incomplete licences

69. A person shall not possess a licence that does not identify the holder of the licence, that is dated earlier than its date of issuance or that is incomplete in any material respect 1997, c. 41, s 69

Void licences and authorizations

70. (1) A licence or authorization is void if:
(a) the licence or authorization is obtained through a false or misleading representation,
(b) the issuance of the licence or the giving of the authorization is contrary to this Act or the regulations, or
(c) the licence or authorization is issued or given in reliance on a licence or authorization that is void under clause (a) or (b).

Alteration without authority

(2) A licence or authorization becomes void if it is altered without the authorization of the Minister.

Use of void licence, etc.

(3) A person shall not possess, use, display or cause or permit to be displayed a void licence or authorization.

Surrender of void licence, etc.

(4) On the request of a conservation officer, a person shall surrender a licence or authorization that is void or that the officer believes on reasonable grounds is void 1997, c. 41, s 70

Refusal of licences: general

71. The Minister may refuse to issue a licence for any reason consistent with the purposes of this Act, including the conservation or management of wildlife or fish 1997, c. 41, s 71.

Refusal of licences: conservation or management

72. (1) If the Minister refuses to issue a licence on the grounds that the refusal is reasonably necessary for the conservation or management of wildlife or fish, the Minister shall serve a notice of the refusal on the applicant.

Application

(2) The requirement to serve a notice under subsection (1) does not apply to a sport fishing licence, a licence to hunt, a licence to use or be accompanied by a dog while hunting, a licence or permit to transport wildlife or fish or a licence prescribed by the regulations 1997, c. 41, s 72.

Refusal of commercial fishing licences

73. If the Minister refuses to issue a commercial fishing licence on the grounds that the applicant is in default of the payment of royalties, the Minister shall serve a notice of the refusal on the applicant 1997, c. 41, s 73

Conditions on commercial fishing

74. (1) If a commercial fishing licence is issued subject to conditions, the applicant may, not later than 10 days after the licence is issued, give the Minister written notice of disagreement with the conditions

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Continuation of fishing

(2) An applicant who gives a notice of disagreement may fish under the licence, subject to its conditions, without prejudice to a hearing under section 77 or to the decision of the Minister under that section.

Notice from Minister

(3) If the Minister receives a notice of disagreement, he or she shall serve a notice of receipt on the licensee 1997, c 41, s 74

Cancellation of licences

75. (1) The Minister may cancel a licence if he or she is of the opinion that cancellation of the licence is reasonably necessary for the conservation or management of wildlife or fish

Application

(2) Subsection (1) does not apply to a sport fishing licence, a licence to hunt, a licence to use or be accompanied by a dog while hunting, a licence or permit to transport wildlife or fish or a licence prescribed by the regulations

Notice

(3) If the Minister proposes to cancel a licence under subsection (1), he or she shall serve a notice proposing to cancel the licence, with reasons, on the licensee 1997, c 41, s 75.

Service of notice

76. (1) A notice served by the Minister under section 72, 73, 74 or 75 shall be served personally or by registered mail addressed to the person to be served at the person’s last known address

Registered mail

(2) Notice served by registered mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice until a later date 1997, c 41, s 76

Hearing

77. (1) A notice under section 72, 73, 74 or 75 shall inform the person to whom the notice is given that the person may require a hearing by mailing or delivering a written request for a hearing to the Minister within 15 days after service of the notice

Appointment of hearing officer

(2) If the Minister receives a request for a hearing in accordance with subsection (1), the Minister shall appoint a hearing officer to hold the hearing

Parties

(3) The person who required the hearing and such other persons as the hearing officer may specify are parties to the hearing

Minister entitled to be heard

(4) The Minister is entitled to be heard at the hearing

Procedure

(5) Sections 51, 52, 6 to 15, 16, 21, 21.1, 22 and 23 of the Statutory Powers Procedure Act apply with necessary modifications to the hearing

Report

(6) After the hearing, the hearing officer shall issue a report to the Minister, that contains,

(a) a summary of the evidence presented at the hearing,

(b) the hearing officer’s opinion, having regard to what is reasonably necessary for the conservation and management of wildlife or fish, on the merits of refusing or cancelling the licence or on the merits of the conditions imposed on the licence, as the case may be, and

(c) the reasons for the hearing officer’s opinion

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(7) After considering the hearing officer’s report, the Minister may, as the case may be,
(a) confirm the refusal to issue the licence or decide to issue the licence,
(b) confirm the conditions imposed on the licence or decide to remove or amend the conditions, or
(c) carry out or refrain from carrying out the proposal to cancel the licence 1997, c 41, s 77

Cancellation for error
78. (1) The Minister may cancel a licence if an error was made in issuing it.

No compensation
(2) The licensee has no right to compensation with respect to the cancellation of a licence under this section 1997, c 41, s 78

Municipal licences
79. (1) A municipality may, with the authorization of the Minister, pass by-laws for issuing licences to hunt ring-necked pheasants, cottontails, varying hares and European hares in the municipality during the open season, for fixing the minimum and maximum number of licences that may be issued under a by-law and for charging such licence fees as the Minister may authorize.

Minimum number of licences
(2) The Minister may require that the minimum number of licences fixed by a by-law be not less than a number fixed by the Minister.

Prohibition
(3) Subject to subsection (5), if a by-law is passed under subsection (1), a person shall not hunt ring-necked pheasants, cottontails, varying hares or European hares in the municipality during the open season without a licence issued by the municipality.

Requirement for Monster's licence
(4) Subsection (3) applies in addition to section 6

Limited authorization
(5) The Minister may exempt from an authorization under subsection (1) any Crown land or any land in respect of which an agreement has been entered into under subsection 81 (3)

Repeal of by-law
(6) The Minister may authorize a municipality to repeal a by-law passed under subsection (1) and the repealing by-law may provide for the refund, in whole or in part, of licence fees paid under the repealed by-law 1997, c 41, s 79

PART VII
ADMINISTRATION

Administration of Act
80. The Minister is responsible for the administration of this Act 1997, c 41, s 80

Acquisition of land
81. (1) Land may be acquired under the Ministry of Government Services Act for the purpose of the conservation or management of wildlife or fish populations or the ecosystems of which those populations are a part

Gifts
(2) The Minister may, on behalf of the Crown in right of Ontario, accept gifts for the purpose mentioned in subsection (1)

Agreements
(3) The Minister or the Chair of the Management Board of Cabinet may enter into agreements for the purpose mentioned in subsection (1)
(4) An agreement under subsection (3) that relates to land may be registered in the proper land registry office and, during the term of the agreement, is binding on any person who acquires an interest in the land after the registration 1997, c 41, s 81.

Documents

Form

82. (1) Subject to the regulations, the Minister may establish the form or format of any licence, authorization or other document issued under this Act, including the components of the licence, authorization or other document.

Submission

(2) Subject to the regulations, the Minister may establish the form or format of any document submitted under this Act, and a person who submits the document shall do so in the form or format established by the Minister.

False statements

(3) A person shall not make a false statement in an application for a licence or authorization or in any document required to be submitted to the Minister under this Act 1997, c 41, s 82.

Fees and royalties

83. (1) The Minister may,—

(a) establish and charge fees for any licence, document, examination or other thing required under this Act,

(b) establish and charge fees for,

(i) the use of Crown land or land acquired under section 81 for the purpose of hunting, fishing, the propagation of wildlife or invertebrates, aquaculture, or the retention of wildlife, invertebrates or fish, or

(ii) the use of facilities, equipment, services or other things provided by the Ministry relating to wildlife, invertebrates or fish, and

(c) charge royalties established in accordance with the regulations.

Remittance

(2) The Minister may direct the refund of all or part of a fee or royalty if, in the Minister's opinion, it is equitable to do so.

Payment required

(3) A person shall pay any fees or royalties charged by the Minister under this Act 1997, c 41, s 83.

Sale of products and services

84. The Minister may sell products and services relating to wildlife, invertebrates or fish 1997, c 41, s 84.

Special purpose account

85. (1) All amounts received by the Crown under this Act shall be held in a separate account in the Consolidated Revenue Fund, including all fines, fees and royalties paid under this Act and all proceeds from sales under this Act, including sales of things forfeited to the Crown under this Act.

Money in account

(2) Money standing to the credit of the separate account is, for the purpose of the Financial Administration Act, money paid to Ontario for a special purpose.

Payments out of account

(3) The Minister may direct that money be paid out of the separate account to the Minister or a person specified by the Minister if,

(a) the payment will be used for the conservation or management of wildlife or fish populations or the ecosystems of which those populations are a part,

(b) the payment will be used for a matter related to the activities of people as they interact with or affect wildlife or fish populations, including any matter related to safety, or.
(e) the payment will be used to refund all or part of a fee or royalty under subsection 83 (2)

Annu al report

(4) The Minister shall ensure that a report as prepared annually on the financial affairs of the separate account, including a summary of advice received from any advisory committee established by the Minister relating to the operation of the separate account

Table of report

(5) The Minister shall submit the report to the Lieutenant Governor in Council and shall table the report in the Legislative Assembly. 1997, c 41, s 85

PART VIII
ENFORCEMENT

Interpretation, Part VIII – farmed animals

86. A reference in this Part to wildlife includes a reference to farmed animals 1997, c 41, s 86

Conservation officers

87. (1) The Minister may appoint a person or class of persons as conservation officers for the purposes of this Act

Same

(2) The following persons are conservation officers for the purposes of this Act by virtue of their office
1. A police officer or First Nations Constable appointed under the Police Services Act
2. A member of the Royal Canadian Mounted Police
3. A game officer designated under the Migratory Birds Convention Act, 1994 (Canada)
4. A park warden designated under the National Parks Act (Canada), if he or she is acting under the direction of a conservation officer appointed under subsection (1)
5. A person whose primary employment responsibility is the enforcement of fish and wildlife laws in Manitoba, Quebec, Michigan, Minnesota, New York, Ohio, Pennsylvania or Wisconsin, if he or she is acting under the direction of a conservation officer appointed under subsection (1)

Production of identification

(3) A conservation officer who is acting under this Part shall, on request, produce identification 1997, c 41, s 87.

Inspection of firearms or ammunition

88. For the purpose of this Act or the regulations, a conservation officer may inspect a firearm or ammunition in an area usually inhabited by wildlife, on a road leading to or from an area usually inhabited by wildlife or on the waters adjacent to an area usually inhabited by wildlife 1997, c 41, s 88

Inspection of vehicles, boats, aircraft

89. (1) For the purpose of this Act or the regulations, a conservation officer may stop a vehicle, boat or aircraft

Operator to stop

(2) On the conservation officer’s signal to stop, the operator of the vehicle, boat or aircraft shall immediately stop and produce for inspection any wildlife, invertebrate, fish, document or other thing requested by the officer for the purpose of this Act.

Stop signals

(3) For the purpose of subsection (2), signals to stop include,
(a) intermittent flashes of red light, in the case of a vehicle,
(b) intermittent flashes of blue light, in the case of a boat, and
(c) a sound signal to stop, in the case of a vehicle or boat 1997, c 41, s 89
Inspection of places

90. (1) For the purpose of this Act or the regulations, a conservation officer may enter and inspect a building or other place, including:
   (a) a building or other place where licences are issued;
   (b) a building or other place that relates to wildlife, invertebrates or fish; or
   (c) a building or other place that relates to hunting, trapping or fishing or to the transport, buying or selling of wildlife, invertebrates or fish

Farm animals

(2) Subsection (1) does not permit the entry or inspection of a building or other place for a purpose related to farmed animals.

Dwellings

(3) Subject to subsection (4), subsection (1) does not apply to a building or part of a building that is being used as a dwelling.

Warrant for dwelling

(4) A justice of the peace may issue a warrant authorizing a conservation officer to enter a dwelling if the justice is satisfied, by information given under oath or affirmation in an application without notice,
   (a) that the conditions required for entry under subsection (1) exist in relation to the dwelling, and
   (b) that entry to the dwelling has been refused or there are reasonable grounds to believe that entry will be refused.

Conditions in warrant

(5) A warrant is subject to any conditions specified in the warrant.

Time of entry

(6) An entry under this section shall be made at a time that is reasonable in view of the activity that is conducted in the building or other place.

Powers during inspection

(7) During the inspection, the conservation officer may,
   (a) inspect wildlife, invertebrates or fish,
   (b) inspect a document that is required to be kept by this Act or the regulations or that relates to wildlife, invertebrates or fish,
   (c) use or cause to be used any computer system, for the purpose of examining information contained in or available to the computer system, and produce or cause to be produced a printout or other output from the computer system;
   (d) inspect any other thing that is in the building or other place;
   (e) ask questions that may be relevant to the inspection; and
   (f) conduct any tests that may be relevant to the inspection.

Possession of information

(8) A person shall, during the inspection, provide information requested by the conservation officer that is relevant to the inspection.

Copies

(9) The conservation officer may make copies of any documents inspected or produced during the inspection.

Removal

(10) The conservation officer may remove any documents or things for the purpose of making copies or of further inspection, but the copying or further inspection shall be carried out with reasonable dispatch and the documents or things shall be returned promptly to the person from whom they were taken. 1991, c. 41, s. 90
91. (1) A conservation officer may obtain a search warrant under Part VIII of the *Provincial Offences Act*.

(2) If a conservation officer believes on reasonable grounds that there is in a building or other place any thing that will afford evidence of an offence under this Act but that the time required to obtain a search warrant would lead to the loss, removal or destruction of the evidence, the conservation officer may, without a search warrant, enter and search the building or other place.

**Dwellings**

(3) Subsection (2) does not apply to a building or part of a building that is being used as a dwelling.

**Computers**

(4) A conservation officer who is conducting a search may use or cause to be used any computer system for the purpose of examining information contained in or available to the computer system, and may produce or cause to be produced a printout or other output from the computer system.

**Necessary force**

(5) A conservation officer may use as much force as is necessary to execute a search warrant or to exercise any authority given by this section 1997, c. 41, s. 91.

**Seize and forfeit**

92. (1) A conservation officer who is lawfully in a building or other place may, without a warrant, seize any thing that he or she believes on reasonable grounds,

(a) has been obtained by the commission of an offence under this Act,

(b) has been used in the commission of an offence under this Act,

(c) will afford evidence of the commission of an offence under this Act, or

(d) is connected with a thing referred to in clause (a), (b) or (c).

(2) If the conservation officer is in the building or other place pursuant to a warrant, subsection (1) applies to any thing, whether or not it is specified in the warrant.

**Safekeeping**

(3) A conservation officer shall deliver any thing that he or she seizes to a person authorized by the Minister for safekeeping, unless the thing is required to be carried before a justice by a search warrant issued under Part VIII of the *Provincial Offences Act*.

**Return of seized things**

(4) Any thing seized and not forfeited under this section shall be returned to the person from whom it was seized if,

(a) a charge is not laid at the conclusion of the investigation, or

(b) a charge is laid but, when the prosecution is finally disposed of, the defendant is acquitted or the charge is dismissed or withdrawn.

**Payment of fine**

(5) If a person is convicted of an offence and a fine is imposed,

(a) a thing seized in connection with the offence and not forfeited to the Crown in right of Ontario under this section shall not be returned until the fine has been paid, and

(b) if payment of the fine is in default within the meaning of section 69 of the *Provincial Offences Act*, a justice may order that the thing be forfeited to the Crown in right of Ontario.
(6) If the identity of the person from whom a thing was seized has not been ascertained within 30 days after the seizure, the thing is forfeited to the Crown in right of Ontario.

(7) Despite any order under Part VIII of the Provincial Offences Act, any dead wildlife, invertebrate or fish that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it is likely to spoil.

(8) Despite any order under Part VIII of the Provincial Offences Act, any live wildlife, invertebrate or fish that is seized is forfeited to the Crown in right of Ontario if, in the opinion of the person who has custody of it, it cannot properly be maintained in custody.

(9) If a person is convicted of an offence under this Act,

(a) any wildlife, invertebrate or fish seized in connection with the offence, and any cage, shelter or enclosure seized in connection with the wildlife, invertebrate or fish, are forfeited to the Crown in right of Ontario;

(b) the justice may order that any other thing seized in connection with the offence be forfeited to the Crown in right of Ontario.

(10) Subsection (9) applies in addition to any other penalty.

(11) If possession of an offence

(1) On motion in a proceeding under the Provincial Offences Act, or on application in accordance with the rules of court applicable to applications under that Act, a justice shall determine whether possession of a thing seized is an offence under this Act and, if it is, the justice shall order that the thing be forfeited to the Crown in right of Ontario.

(12) Subsection (11) applies whether or not a charge is laid in respect of the thing seized and, if a charge is laid, subsection (11) applies even if the defence is acquit or the charge is dismissed or withdrawn.

(13) A thing forfeited to the Crown in right of Ontario shall be disposed of in accordance with the directions of the Minister.

(14) If a thing is forfeited to the Crown in right of Ontario following a conviction under this Act, a person who claims an interest in the thing and who is not the person from whom the thing was seized or the person who was convicted may apply to a justice, not later than 30 days after the thing is forfeited, on notice to the Minister and to the person from whom the thing was seized, for an order directing that the thing be released to the person claiming the interest.

(15) An order made under subsection (14) is subject to such conditions as may be imposed by the justice.

(16) Subsections (14) and (15) do not apply to a thing forfeited under subsection (7) or (8).

(17) If a person is convicted of an offence under this Act, the justice may, in addition to any other penalty, order the person to pay all or part of any expenses incurred by the Minister with respect to the seizure, storage or disposition of any thing seized in connection with the offence.

(18) In this section, "justice" has the same meaning as in the Provincial Offences Act 1997, c 41, s 92.
93. (1) A conservation officer may arrest without warrant a person that he or she believes on reasonable grounds committing, has committed or is preparing to commit an offence under this Act

Necessary force

(2) A conservation officer may use as much force as is necessary to make an arrest under this section.

Release

(3) If a conservation officer arrests a person under this section, he or she shall, as soon as practicable, release the person from custody, unless the officer has reasonable grounds to believe that,

(a) it is necessary in the public interest for the person arrested to be detained, having regard to all the circumstances, including the need to,

(i) establish the identity of the person,

(ii) secure or preserve evidence of or relating to the offence, or

(iii) prevent the continuance or repetition of the offence or the commission of another offence, or

(b) the person arrested, if released, will not respond to the summons or offence notice or will not appear in court

Persons to be taken before person

(4) Section 150 of the Provincial Offences Act applies if the person arrested is not released 1997, c 41, s 93

Entry on private land

94. A conservation officer acting under this Act may enter private land and may authorize any other person acting under his or her direction to enter private land, with or without the officer, for the purpose of assisting the officer. 1997, c 41, s 94

Exemption from Act or regulations, conservation officers

95. The Minister, for the purpose of investigations and other law enforcement activities under this Act, may exempt a conservation officer from the application of any provision of this Act or the regulations, subject to such conditions as the Minister considers necessary. 1997, c 41, s 95

Obstruction of conservation officer

96. A person shall not, 1997, c 41, s 96

(a) knowingly make a false or misleading statement to a conservation officer who is acting under this Act, or

(b) otherwise obstruct a conservation officer who is acting under this Act

PART IX

OFFENCES AND PENALTIES

Offence

97. (1) A person who contravenes any provision of this Act or the regulations is guilty of an offence

Attempts

(2) A person who attempts to do anything that would be an offence under this Act is guilty of the offence. 1997, c 41, s 97

Corporations

98. If a corporation commits an offence under this Act, an officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted for the offence 1997, c 41, s 98

Employers and principals

99. In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the defendant acting in the course of employment or agency, whether or not the employee or agent is
100. In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by a person as the course of operations under a licence issued to the defendant, whether or not the person is identified or has been prosecuted for the offence, unless the defendant establishes that the offence was committed without the knowledge or consent of the defendant 1997, c 41, s 100

Defence

101. A person shall not be convicted of an offence under this Act if the person establishes that,
(a) the person exercised due diligence to prevent the commission of the offence, or
(b) the person honestly and reasonably believed in the existence of facts that, if true, would render the person's conduct innocent 1997, c 41, s 101.

Penalty

102. (1) A person convicted of an offence under this Act is liable to a fine of not more than $25,000, to imprisonment for a term of not more than one year, or to both

Cancellation of licence

2. Despite subsection (1), a person convicted of an offence under section 16 is liable to a fine of not more than $25,000, to imprisonment for a term of not more than two years, or to both

Commercial offences

(3) Despite subsections (1) and (2), a person convicted of an offence under this Act is liable to a fine of not more than $100,000, to imprisonment for a term of not more than two years, or to both, if,
(a) the offence was committed under section 11, 48 or 51 or subsection 55 (3) or 58 (2), or
(b) the offence was committed for commercial purposes 1997, c 41, s 102

Limitation period

103. (1) A prosecution for an offence under this Act,
(a) shall not be commenced more than two years after the day evidence of the offence first came to the attention of a conservation officer, and
(b) shall not be commenced more than three years after the offence was committed

Game and Fish Act

(2) Subsection (1) also applies to an offence committed under the Game and Fish Act before section 119 comes into force, unless the offence was committed more than six months before that section comes into force 1997, c 41, s 103

Cancellation of licence and other court orders

104. (1) If a person is convicted of an offence under subsection 16 (1), the court shall order that,
(a) any licence to hunt issued to the person shall be cancelled,
(b) the person shall not possess, apply for or obtain a licence to hunt, and shall not hunt, during a period specified in the order, and
(c) the person shall successfully complete a hunter education course prescribed by the regulations and successfully pass an examination for applicants for licences to hunt before the person applies for a licence to hunt

Discretionary order

(2) If a person is convicted of an offence under this Act, the Fishers Act (Canada) or the Migratory Birds Convention Act, 1994 (Canada), other than an offence under subsection 16 (1) of this Act, the court may order that, during a period specified in the order,
(a) the person shall not possess, apply for or obtain a licence of a kind specified by the court that is related to the offence; and

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(b) the person shall not engage in any activity for which the person would be required to hold a licence of the kind specified under clause (a).

Same

(3) If the court makes an order under subsection (2) in respect of a kind of licence that the person holds at the time the order is made, the court shall order that the licence be cancelled.

No stay on appeal

(4) An appeal of the conviction does not stay the effect of an order under subsection (1), (2) or (3).

Surrender of licence

(5) A person whose licence is cancelled under this section shall promptly surrender the licence to the Minister.

Compliance with order

(6) A person shall comply with an order made under this section 1997, c 41, s 104

Suspension of licence if fine is in default

105. If the payment of a fine imposed for an offence under this Act or the Fishers Act (Canada) is in default, an order may be made under section 69 of the Provincial Offences Act directing that any licence under this Act that is related to the offence be suspended, and that any licence of that kind not be renewed, validated or issued, until the fine is paid 1997, c 41, s 105

Compensation for Ministry/Release of wildlife, nuisance licences

Compensation: if licence is in default or sub 46(1) or 54(1)

106. (1) A court that convicts a person of an offence under subsection 46(1) or 54(1) may order the person to compensate the Minister for expenses incurred by the Minister in capturing or killing any farmed animal, wildlife or invertebrate that was released.

Exemption

(2) Subsection (1) does not apply to the person who kept or possessed the farmed animal, wildlife or invertebrate before it was released

Compensation: offence under sub 61(2)

(3) A court that convicts a person of an offence under subsection 61(2) may order the person to compensate the Minister for any amount collected by the person on behalf of the Crown that has not been remitted to the Crown 1997, c 41, s 106

Proof of licence

107. If a licence is a defence to a prosecution for an offence under this Act, the defendant has the burden of proving that the defendant held the required licence 1997, c 41, s 107

Proof of suspected or seized documents

108. In a prosecution under this Act, a copy of a document purporting to be certified by a conservation officer as a true copy of a document impounded or seized under this Act or Part VIII of the Provincial Offences Act is admissible in evidence as proof, in the absence of evidence to the contrary, of the document 1997, c 41, s 108

Proof of hunting or trapping

109. In a prosecution under this Act in respect of hunting or trapping,

(a) proof that a person possessed, in an area usually inhabited by wildlife, a firearm, trap, decoy or other hunting or trapping device, a ferret or a specially protected raptor or other bird of prey, is proof, in the absence of evidence to the contrary, that the person was hunting or trapping, as the case may be, and

(b) proof that a person shot at or stalked a decoy or other device placed by a conservation officer to suggest the presence of wildlife is proof, in the absence of evidence to the contrary, that the person was hunting 1997, c 41, s 109
Proof of sunrise and sunset times

110. In a prosecution for an offence under section 20, a certificate purporting to be signed by an astronomer setting out the times of sunrise and sunset is admissible in evidence as proof, in the absence of evidence to the contrary, of those times 1997, c 41, s 110

Proof of document

111. In a prosecution under this Act, the production of a document that purports to have been made by a person is proof, in the absence of evidence to the contrary, that the person made the document and of its contents 1997, c 41, s 111.

PART X REGULATIONS

Regulations: LG no C

112. The Lieutenant Governor in Council may make regulations,
1. prescribing species for the purpose of the definition of “farmed animal” in subsection 1 (1),
3. prescribing regulations made under the Fisheries Act (Canada) for the purpose of the definition of “Ontario Fishery Regulations” in subsection 1 (1),
4. prohibiting or regulating the hunting, trapping or possession of wildlife, other than,
   i. prescribing open seasons or closed seasons for wildlife,
   ii. prescribing times of day during which the hunting of wildlife is or is not permitted, or
   iii. prescribing limits on the number of wildlife of a species, sex, size, age or type prescribed by the regulations that may be killed, captured or possessed,
5. prohibiting or regulating hunting or trapping by non-residents;
6. deeming a class of persons to be residents,
7. prescribing parts of Ontario as Crown game reserves for the purposes of this Act and prohibiting or regulating entry to or activities in Crown game reserves;
8. prescribing areas as unsafe for hunting for the purpose of section 14;
9. prescribing, for the purpose of section 15, colored clothing that shall be worn while hunting;
10. respecting public safety in connection with hunting or trapping activities, including prohibiting or regulating activities that may pose a threat to the safety of the public.
11. prescribing, for the purpose of clause 17 (1) (d), parts of Ontario in which a person shall not have a loaded firearm in, or discharge a firearm in or across, a right of way for public vehicular traffic,
12. defining “unmaintained right of way” for the purpose of subsection 17 (2) and prescribing circumstances in which clause 17 (1) (d) or (e) applies to an unmaintained right of way despite that subsection,
13. prescribing the manner in which a person’s mobility must be impaired before he or she may obtain an authorization under subsection 17 (3),
14. prescribing parts of Ontario in which body-gripping traps may be used under clause 22 (2) (d) and prescribing types of body-gripping traps as humane traps for the purpose of clause 22 (2) (e),
15. prohibiting or regulating the use or possession for the purposes of hunting or trapping of firearms and prohibiting or regulating the use or possession of blinds, decoys, traps or other hunting or trapping devices,
16. prescribing, for the purpose of subsection 25 (2), areas where a person shall not use or be accompanied by a dog while hunting white-tailed deer, moose, elk or black bear,
17. prescribing species of specially protected raptors and other birds of prey that a person may hunt with under subsection 27 (2),
prohibiting or regulating hunting with specially protected raptors, other birds of prey, dogs or other animals;

prescribing classes of agents for the purpose of subsection 31 (2),

prescribing, for the purpose of subsection 31 (3) (c), wildlife that may be harassed, captured or killed only in accordance with the authorization of the Minister,

governing the harassing, capturing or killing of wildlife under section 31 and governing the release of wildlife captured under that section,

prescribing provisions of this Act and the regulations that do not apply to a person who harasses, captures or kills wildlife under section 31;

prescribing, for the purpose of subsection 31 (10), wildlife that shall be disposed of in accordance with the directions of the Minister,

preserving species of wildlife for the purpose of clause 32 (2) (a) and governing guides within the meaning of that section,

defining "black bear hunting services" for the purpose of section 32 and prohibiting or regulating the provision of black bear hunting services in areas specified by the regulations,

governing game bird hunting preserves,

defining "fishing preserve" for the purpose of section 34 and governing fishing preserves,

governing the keeping of game wildlife and specially protected wildlife in captivity;

prescribing, for the purpose of clause 41 (1) (b), wildlife that a person shall not hunt or permit the hunting of while the wildlife is in captivity;

prescribing, for the purpose of subsection 41 (2), areas in which game birds may be hunted while they are in captivity,

prescribing birds of prey for the purpose of section 42, prescribing the manner of marking specially protected raptors and other birds of prey under that section and prescribing the records that shall be kept under that section;

circumstances in which subsection 40 (1) or section 42 applies, despite section 43, to wildlife that originated outside Ontario and that is in Ontario temporarily in transit or in quarantine;

provisions of this Act and the regulations that do not apply to a person acting under subsection 46 (3) or 54 (3), subject to such conditions as are prescribed by the regulations,

governing the propagation of game wildlife and specially protected wildlife,

governing aquaculture and prescribing, for the purposes of clause 47 (1) (a), species of fish that may be cultured,

governing the buying or selling of game wildlife or specially protected wildlife, including pelts;

requiring pelts to be sealed or marked in accordance with the regulations and governing the sealing and marking of pelts;

prohibiting or regulating the possession, tanning, treating or plucking of pelts;

governing the buying or selling of fish and prescribing, for the purpose of subsection 51 (1), fish that do not exist in Ontario waters that can be bought or sold only under the authority of a licence,

requiring, for the purpose of section 55, a licence or permit to transport into Ontario game wildlife or specially protected wildlife that is prescribed by the regulations,

requiring, for the purpose of subsection 55 (1), a licence or permit to transport out of Ontario game wildlife or specially protected wildlife that is prescribed by the regulations, including pelts,

governing the issuance, renewal, transfer, refusal, suspension or cancellation of licences, including the qualifications for licences and requirements to complete courses and pass examinations approved by the Minister or by other persons;

limiting the number of licences of any class that may be issued and establishing a system for limiting the number,

prescribing conditions to which a licence is subject;

authorizing a licence or component of a licence to be transferred, bought, sold or used, for the purpose of subsection 68 (3),
authorizing a person who holds a licence to trap to designate another person to hunt or trap under the licence in his or her stead, and governing the making of the designation and the effect of the designation;

governing the form or format of a licence, authorization or other document issued under this Act, including the components of the licence, authorization or other document;

dermining a document and other things to be a licence;

prescribing licences to which subsection 72 (1) or 75 (1) does not apply;

establishing and governing the calculation and payment of royalties for pelts, far-bearing mammals, fish or bait for fishing captured, killed or taken for commercial purposes,

requiring and governing the registration for the purposes of this Act of wildlife or vertebrates,

requiring records to be kept for the purposes of this Act, requiring information to be submitted to the Minister or another person for the purposes of this Act and governing the submission of the information,

governing the form or format of any document submitted under this Act;

prescribing exemptions from subsection 9 (1) or (2), subsection 10 (7), clauses 11 (1) (a) to (d), or subsection 20 (1), 24 (2), 24 (3), 29 (1), 30 (1), 32 (2), 33 (1), 34 (1), 36 (3), 36 (5), 37 (1), 40 (1), 41 (1), 47 (1), 48 (1), 51 (1), 57 (1), 63 (1) or 64 (1), subject to such conditions as are prescribed by the regulations,

exempting a person from subsection 35 (1) if, on June 9, 1997, the person owned and operated an area in which wildlife was enclosed for the purpose of teaching dogs hunting skills or testing dogs' hunting skills, prescribing conditions to which the exemption is subject, governing the management and operation of the area by the exempted person and exempting persons who use the area for teaching dogs hunting skills or testing dogs’ hunting skills from section 6 or 26 1997, c. 41, s 112

Regulations Minister

113. (1) The Minister may make regulations,

1. prescribing species or breeds that cannot be hunted or trapped under clause 5 (2) (6),

2. prescribing open seasons or closed seasons for wildlife,

3. prescribing times of day during which the hunting of wildlife is or is not permitted,

4. prescribing limits on the number of wildlife of a specified species, sex, size, age or type that may be killed, captured or possessed,

5. prohibiting or regulating the destruction, taking or possession of eggs of specially protected amphibians or specially protected reptiles,

6. respecting hunter or trapper education,

7. prohibiting or regulating the harvesting, propagation, transport, use, buying or selling of bait for fishing,

8. prohibiting or regulating the placing of nets on ice for the purpose of fishing, regulating their use, and requiring and regulating their removal,

9. prescribing wildlife management units, bear management areas, trapline areas and other areas for the purposes of this Act or the regulations

Concurrent authority

(2) The Lieutenant Governor in Council may make any regulation that the Minister has authority to make and may amend or revoke any regulation made by the Minister

Same

(3) The Minister may amend or revoke a provision of a regulation if the provision was made or amended by the Lieutenant Governor in Council under subsection (2) 1997, c 41, s 113

Scope of regulations

114. (1) A regulation made under this Act may be general in its application or may apply only to;

(a) a specified activity, species, licence, device or other thing, or a specified class of activities, species, licences, devices or other things,
(b) a specified part of Ontario, or
(c) a specified period of time

Fur-bearing mammals

(2) A regulation made under paragraph 36, 37, 38, 41 or 54 of section 112 that applies to pelts may provide that it applies to the pelts of fur-bearing mammals that are furbearing mammals

Licence requirements

(3) A regulation made under this Act that regulates or governs an activity may require a licence to engage in the activity.

115. 126. OMITTED (AMENDS OR REPEALS OTHER ACTS) 1997, c. 41, s. 115-126

127. OMITTED (PROVIDE FOR COMING INTO FORCE OF PROVISION OF THIS ACT) 1997, c. 41, s. 127.

128. OMITTED (ENACTS SHORT TITLE OF THIS ACT) 1997, c. 41, s. 128

Note: The Lieutenant Governor in Council may cause to revoke a regulation made by the Lieutenant Governor in Council under the Game and Fish Act that relates to a matter in respect of which the Minister may make regulations under this Act.

The Lieutenant Governor in Council may cause to revoke a regulation made by the Minister under the Game and Fish Act. See 1997, c. 41, s. 119 (4), 127.

SCHEDULE 1

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<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
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<tbody>
<tr>
<td>Badger</td>
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<td>Skunk, Striped</td>
<td>Mephitis mephitis</td>
</tr>
<tr>
<td>Squirrel, Red</td>
<td>Tamiasciurus hudsonicus</td>
</tr>
<tr>
<td>Wessell, Less</td>
<td>Mustela nivalis</td>
</tr>
<tr>
<td>Wessell, Long-tailed</td>
<td>Mustela frenata</td>
</tr>
<tr>
<td>Wessell, Short-tailed (Ermine)</td>
<td>Mustela erminea</td>
</tr>
<tr>
<td>Wolf</td>
<td>Canis lupus</td>
</tr>
</tbody>
</table>

SCHEDULE 2

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bear, Black</td>
<td>Ursus americanus</td>
</tr>
<tr>
<td>Can, Woodland</td>
<td>Rangifer tarandus</td>
</tr>
<tr>
<td>Caribou</td>
<td>Rangifer tarandus</td>
</tr>
<tr>
<td>Deer, White-tailed</td>
<td>Odocoileus virginianus</td>
</tr>
<tr>
<td>Elk, American (Wapiti)</td>
<td>Cervus elaphus</td>
</tr>
<tr>
<td>Horse, European</td>
<td>Equus caballus</td>
</tr>
<tr>
<td>COMMON NAME</td>
<td>SCIENTIFIC NAME</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Hare, Varyng</td>
<td><em>Lepus americanus</em></td>
</tr>
<tr>
<td>(Snowshoe)</td>
<td></td>
</tr>
<tr>
<td>Moose</td>
<td><em>Alces alces</em></td>
</tr>
<tr>
<td>Squirrel, Grey (Black)</td>
<td><em>Sciurus carolinensis</em></td>
</tr>
<tr>
<td>Squirrel, Fox</td>
<td><em>Sciurus niger</em></td>
</tr>
</tbody>
</table>

**SCHEDULE 3**

**GAME BIRDS**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bobwhite, Northern</td>
<td><em>Colinus virginianus</em></td>
</tr>
<tr>
<td>Grouse, Ruffed</td>
<td><em>Bonasa umbellus</em></td>
</tr>
<tr>
<td>Grouse, Sharp-tailed</td>
<td><em>Tympanuchus phasianellus</em></td>
</tr>
<tr>
<td>Grouse, Spruce</td>
<td><em>Dendragapus canadensis</em></td>
</tr>
<tr>
<td>Partridge, Grey</td>
<td><em>Perdix perdix</em></td>
</tr>
<tr>
<td>(Hungarian)</td>
<td></td>
</tr>
<tr>
<td>Pheasant, Ring-necked</td>
<td><em>Phasianus colchicus</em></td>
</tr>
<tr>
<td>Partridge, Rock</td>
<td><em>Lagopus muta</em></td>
</tr>
<tr>
<td>Pheasant, Willow</td>
<td><em>Lagopus lagopus</em></td>
</tr>
<tr>
<td>Turkey, Wild</td>
<td><em>Meleagris gallopavo</em></td>
</tr>
</tbody>
</table>

**SCHEDULE 4**

**GAME REPTILES**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turtle, Common</td>
<td><em>Chelonia serpentina</em></td>
</tr>
<tr>
<td>Snapping</td>
<td><em>serpentina</em></td>
</tr>
</tbody>
</table>

**SCHEDULE 5**

**GAME AMPHIBIANS**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullfrog</td>
<td><em>Rana catesbeiana</em></td>
</tr>
</tbody>
</table>

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**SPECIALY PROTECTED MAMMALS**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bat, Big Brown</td>
<td><em>Eptesicusfuscus</em></td>
</tr>
<tr>
<td>Bat, Eastern Pipistrelle</td>
<td><em>Pipistrellus subflavus</em></td>
</tr>
<tr>
<td>Bat, Henry</td>
<td><em>Lasiurus cinereus</em></td>
</tr>
<tr>
<td>Bat, Least (Small-footed)</td>
<td><em>Myotis lusci</em></td>
</tr>
<tr>
<td>Bat, Little Brown</td>
<td><em>Lasiurus pipistrellus</em></td>
</tr>
<tr>
<td>Bat, Northern Long-eared</td>
<td><em>Myotis septentrionalis</em></td>
</tr>
<tr>
<td>Bat, Red</td>
<td><em>Lasiurus borealis</em></td>
</tr>
<tr>
<td>Bat, Silver-haired</td>
<td><em>Lasiurus microtarsus</em></td>
</tr>
<tr>
<td>Chipmunk, Eastern</td>
<td><em>Tamias striatus</em></td>
</tr>
<tr>
<td>Chipmunk, Least</td>
<td><em>Tamias minimus</em></td>
</tr>
<tr>
<td>Flying Squirrel, Northern</td>
<td><em>Glaucomys volans</em></td>
</tr>
<tr>
<td>Shrew, Arctic</td>
<td><em>Sorex arcticus</em></td>
</tr>
<tr>
<td>Shrew, Cenetus (Masked)</td>
<td><em>Sorex cinereus</em></td>
</tr>
</tbody>
</table>

1997, c 41, Sched 2.

1997, c 41, Sched 3.

1997, c 41; Sched 4.

1997, c 41, Sched 5.
<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shrew, Least</td>
<td>Cryptotis parva</td>
</tr>
<tr>
<td>Shrew, Northern Short-tailed</td>
<td>Blarina brevicauda</td>
</tr>
<tr>
<td>Shrew, Pygmy</td>
<td>Soketes hyperoideus</td>
</tr>
<tr>
<td>Shrew, Smoky</td>
<td>Soketes fusipes</td>
</tr>
<tr>
<td>Shrew, Water</td>
<td>Soketes palustris</td>
</tr>
</tbody>
</table>

### SCHEDULE 7

**SPECIALY PROTECTED BIRDS (RAPTORS)**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eagle, Solid</td>
<td>Haliaeetus leucocephalus</td>
</tr>
<tr>
<td>Eagle Golden</td>
<td>Aquila chrysaetus</td>
</tr>
<tr>
<td>Falcon, Peregrine</td>
<td>Falco peregrinus</td>
</tr>
<tr>
<td>Goshawk, Northern</td>
<td>Accipiter gentilis</td>
</tr>
<tr>
<td>Gyrfalcon</td>
<td>Falco rusticolus</td>
</tr>
<tr>
<td>Harrier, Northern</td>
<td>Circus cyaneus</td>
</tr>
<tr>
<td>Hawk, Broad-winged</td>
<td>Buteo plagiurus</td>
</tr>
<tr>
<td>Hawk, Cooper’s</td>
<td>Accipiter cooperi</td>
</tr>
<tr>
<td>Hawk, Red-shouldered</td>
<td>Buteo lineatus</td>
</tr>
<tr>
<td>Hawk, Red-tailed</td>
<td>Buteo jamaicensis</td>
</tr>
<tr>
<td>Hawk, Rough-legged</td>
<td>Buteo lagopus</td>
</tr>
<tr>
<td>Hawk, Sharp-shinned</td>
<td>Accipiter striatus</td>
</tr>
<tr>
<td>Kestrel, American</td>
<td>Falco sparverius</td>
</tr>
<tr>
<td>Kite, American Swallow-tailed</td>
<td>Falco subbuteo</td>
</tr>
<tr>
<td>Merlin</td>
<td>Falco columbarius</td>
</tr>
<tr>
<td>Osprey</td>
<td>Pandion haliaetus</td>
</tr>
<tr>
<td>Owl, Barred</td>
<td>Strix varia</td>
</tr>
<tr>
<td>Owl, Boreal</td>
<td>Aegolius funereus</td>
</tr>
<tr>
<td>Owl, Barny</td>
<td>Athene cunicularis</td>
</tr>
<tr>
<td>Owl, Barn</td>
<td>Tyto alba</td>
</tr>
<tr>
<td>Owl, Eastern Screech</td>
<td>Otus scops</td>
</tr>
<tr>
<td>Owl, Great Gray</td>
<td>Strix nebulosa</td>
</tr>
<tr>
<td>Owl, Great Horned</td>
<td>Buho virginianus</td>
</tr>
<tr>
<td>Owl, Long-eared</td>
<td>Asio otus</td>
</tr>
<tr>
<td>Owl, Northern Hawk</td>
<td>Surnus ulula</td>
</tr>
<tr>
<td>Owl, Northern Saw-whet</td>
<td>Aegolius ocularis</td>
</tr>
<tr>
<td>Owl, Short-eared</td>
<td>Asio flammeus</td>
</tr>
<tr>
<td>Owl, Snowy</td>
<td>Nyctea scandiaca</td>
</tr>
<tr>
<td>Vulture, Turkey</td>
<td>Cathartes aura</td>
</tr>
</tbody>
</table>

### SCHEDULE 8

**SPECIALY PROTECTED BIRDS (OTHER THAN RAPTORS)**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blackbird, Brewer’s</td>
<td>Euphagus cyanoccephalus</td>
</tr>
<tr>
<td>Blackbird, Rusty</td>
<td>Euphagus erythronotus</td>
</tr>
<tr>
<td>Blackbird, Yellow-headed</td>
<td>Xenicophaus cyanoccephalus</td>
</tr>
<tr>
<td>Jay, Blue</td>
<td>Cyanocitta cristata</td>
</tr>
<tr>
<td>Jay, Grey</td>
<td>Perisorex canadensis</td>
</tr>
<tr>
<td>Kingfisher, Red-tailed</td>
<td>Ceryle alcyon</td>
</tr>
<tr>
<td>Pelican, White</td>
<td>Pelecanus</td>
</tr>
<tr>
<td>Raven, Common</td>
<td>Corvus corax</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Razor, Blue</td>
<td>Coluber constrictor fasciata</td>
</tr>
<tr>
<td>Rattlesnake, Eastern</td>
<td>Crotalus horridus</td>
</tr>
<tr>
<td>Mountain</td>
<td>Eumeces fasciatus</td>
</tr>
<tr>
<td>Black Rat Snake</td>
<td>Elaphe obsoleta obsoleta</td>
</tr>
<tr>
<td>Butler’s Garter Snake</td>
<td>Thamnophis sirtalis palustris</td>
</tr>
<tr>
<td>Eastern Hog-nose Snake</td>
<td>Heterodon platyrhinos</td>
</tr>
<tr>
<td>Eastern Smooth Green Snake</td>
<td>Opheodrys vernalis</td>
</tr>
<tr>
<td>Lake Erie Water Snake</td>
<td>Nerodia sipedon erythraea</td>
</tr>
<tr>
<td>Milk Snake</td>
<td>Lampropeltis triangulum nelsoni</td>
</tr>
<tr>
<td>Northern Water Snake</td>
<td>Nerodia sipedon sipedon</td>
</tr>
<tr>
<td>Queen</td>
<td>Rhabdophis tigrinus</td>
</tr>
<tr>
<td>Eastern Painted Turtle</td>
<td>Emydura blandingii</td>
</tr>
<tr>
<td>Map Turtle</td>
<td>Chrysemys picta marginata</td>
</tr>
<tr>
<td>Mud-pied Painted Turtle</td>
<td>Chelydra serpentina</td>
</tr>
<tr>
<td>Musk Turtle</td>
<td>Clemmys guttata</td>
</tr>
<tr>
<td>Spotted Turtle</td>
<td>Chrysemys picta bellii</td>
</tr>
<tr>
<td>Western Painted Turtle</td>
<td>Clemmys marmorata</td>
</tr>
</tbody>
</table>

1997, c 41, Sched 9

### SCHEDULE 10
**SPECIALLY PROTECTED AMPHIBIANS**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frog, Blanchard’s Crested</td>
<td>Arana croactus blanchardi</td>
</tr>
<tr>
<td>Salamander, Blue-spotted</td>
<td>Ambystoma laterale</td>
</tr>
<tr>
<td>Eastern Tiger Salamander</td>
<td>Ambystoma tigrinum</td>
</tr>
<tr>
<td>Four-toed Salamander</td>
<td>Ambystoma texanum</td>
</tr>
<tr>
<td>Jefferson Salamander</td>
<td>Ambystoma jeffersonianum</td>
</tr>
<tr>
<td>Northern Dusky Salamander</td>
<td>Ambystoma gracile</td>
</tr>
<tr>
<td>Redback Salamander, Smallmouth</td>
<td>Ambystoma texanum</td>
</tr>
<tr>
<td>Spotted Salamander, Two-lined</td>
<td>Ambystoma maculatum</td>
</tr>
<tr>
<td>Fowler’s Toad</td>
<td>Bufo woodhousei</td>
</tr>
<tr>
<td>Gray Treefrog</td>
<td>Hyla arenicolor</td>
</tr>
</tbody>
</table>

1997, c 41, Sched 10

### SCHEDULE 11
**SPECIALLY PROTECTED INVERTEBRATES**

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butterfly, Karner Blue</td>
<td>Lycaena melissa</td>
</tr>
<tr>
<td>Monarch</td>
<td>Danaus plexippus</td>
</tr>
<tr>
<td>West Virginia White</td>
<td>Paro saegeriana</td>
</tr>
</tbody>
</table>

39
Dartly Woog, Motiled
Elfin, Bog
Elfin, Frostled
Swallowtail, Black
Swallowtail, Giant
Swallowtail, Old World
Swallowtail, Pipevine
Swallowtail, Spotted
Swallowtail, Tiger
Swallowtail, Zebra

Evansia mariana
Incaea lamasaeus
Incaea orex
Papilio polyxenes
Papilio cresphontes
Papilio machaon
Papilio machaon
Papilio polyxenes
Papilio polyxenes

1997, c 41, Sched 11.

Note: [Refers to the repeal of the "Coles and fish Act" by the "Electoral Act," 1997], Chapter 41, Subsection 419 (1), "a licence, permit or authorization issued under the "Game and Fish Act" that was authorized an activity continues to authorize that activity until the date the licence, permit or authorization would have expired under that Act." [C. [1997, c 41, ss 419 (1), 527.}
Endangered Species Act

R.S.O. 1990, CHAPTER E.15

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Amended by, 1997, c 41, s 116

Purpose

Whereas it is considered expedient to provide for the conservation, protection, restoration and propagation of species of fauna and flora of the Province of Ontario that are threatened with extinction,

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows

Definitions

1. In this Act,

"Manter" means the Manter of Natural Resources, ("minister")

"officer" means a conservation officer under the Fish and Wildlife Conservation Act, 1997, ("agent") R.S.O. 1990, c E.15, s 1, 1997, c 41, s 116 (1)

Administration of Act

2. The administration of this Act is under the control and direction of the Minister R.S.O. 1996, c E.15, s 2.

Regulations

3. (1) The Lieutenant Governor in Council may make regulations declaring any species of fauna or flora to be threatened with extinction by reason of,

(a) the destruction of its habitat or a drastic modification or severe curtailment thereof,

(b) over-exploitation,

(c) disease,

(d) predacity,

(e) the use of chemicals, or

(f) any other factor or factors considered relevant

Regulations may be limited

(2) Any regulation may be limited territorially or as to time or otherwise R.S.O. 1990, c E.15, s 3

Powers and duties of an officer

4. For the purposes of this Act, an officer has the powers and duties of a conservation officer under the Fish and Wildlife Conservation Act, 1997. R.S.O. 1990, c E.15, s 4, 1997, c 41, s 116 (2)

Prohibited acts

5. No person shall wilfully,

(a) kill, injure, interfere with or take or attempt to kill, injure, interfere with or take any species of fauna or flora, or

(b) destroy or interfere with or attempt to destroy or interfere with the habitat of any species of fauna or flora,

declared in the regulations to be threatened with extinction R.S.O. 1990, c E.15, s 5

Offence

6. Any person who contravenes this Act is guilty of an offence and on conviction is liable to a fine of not more than $50,000, or to imprisonment for a term of not more than two years, or both R.S.O. 1990, c E.15, s 6
Environmental Protection Act

R.S.O. 1990, CHAPTER E 19

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Interpretation

1. (2) In this Act,

"adverse effect" means one or more of,

(a) impairment of the quality of the natural environment for any use that can be made of it,
(b) injury or damage to property or to plant or animal life,
(c) harm or material discomfort to any person,
(d) an adverse effect on the health of any person,
(e) impairment of the safety of any person,
(f) rendering any property or plant or animal life unfit for human use,
(g) loss of enjoyment of normal use of property, and
(h) interference with the normal conduct of business, ("conséquence préjudiciable")

"air" means open air not enclosed in a building, structure, machine, chimney, stack or flue, ("air")

"analyse" means an analysis appointed under this Act, ("analyse")

"certificate of property use" means a certificate of property use issued under section 148.6, ("certificat d'usage d’un bien")

"certification date" means, in respect of a record of use condition, a date determined in accordance with the regulations that is not later than the date the record of use condition is filed in the Environmental Site Registry, ("date d'attestation")

"contaminant" means any solid, liquid, gas, odor, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect, ("contaminant")

"discharge", when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak, ("ajouter", "ajouter")

"document" includes a sound recording, videotape, film, photograph, chart, graph, map, plan, survey, book of account and information recorded or stored by means of any device, ("document")

"fiduciary" means an executor, administrator, administrator with the will annexed, trustee, guardian of property or attorney for property, but does not include a trustee in bankruptcy or trustee in bankruptcy representative, ("représentant fiduciaire")

"fiduciary representative" means, with respect to a fiduciary, an officer, director, employee or agent of the fiduciary, or a lawyer, consultant or other advisor of the fiduciary who is acting on behalf of the fiduciary, ("représentant d'un fiduciaire")

"inspection" includes an audit, examination, survey, test and inquiry, ("inspection")

"justice" means a provincial judge or a justice of the peace, ("jugé")

"land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof, ("terrain")

"Minister" means the Minister of the Environment, ("ministre")

"Ministry" means the Ministry of the Environment, ("ministère")

"municipal representative" means, with respect to a municipality, an officer, employee or agent of the municipality, or a lawyer, consultant or other advisor of the municipality who is acting on behalf of the municipality, ("représentant municipal")

"municipality" includes a local board, as defined in the Municipal Affairs Act, and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unincorporated township or unincorporated territory, ("municipalité")

"natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario, ("environnement naturel")

"person" includes a municipality as defined in this subsection, ("personne")
“person responsible” means the owner, or the person in occupation or having the charge, management or control of a source of contaminant, ("personne responsable")

“place” includes a building, structure, machine, vehicle or vessel, ("lieu")

“provincial officer” means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations, ("agent provincial")

“receiver” means a person who has been appointed to take or who has taken possession or control of property pursuant to a mortgage, hypothec, pledge, charge, lien, security interest, encumbrance or privilege or pursuant to an order of a court, and includes a receiver-manager and an interim receiver, ("séquestre")

“receiver representative” means, with respect to a receiver, an officer, director, employee or agent of the receiver, or a lawyer, consultant or other advisor of the receiver who is acting on behalf of the receiver, ("représentant d’un séquestre")

“regulations” means the regulations made under this Act, ("règlements")

“secured creditor” means a person who holds a mortgage, hypothec, pledge, charge, lien, security interest, encumbrance or privilege on or against property, but does not include a person who has taken possession or control of the property, ("créancier garant")

“secured creditor representative” means, with respect to a secured creditor, an officer, director, employee or agent of the secured creditor, or a lawyer, consultant or other advisor of the secured creditor who is acting on behalf of the secured creditor, ("représentant d’un créancier garant")

“source of contaminant” means anything that discharges into the natural environment any contaminant, ("source de contamination")

“Tribunal” means the Environmental Review Tribunal, ("Tribunal")

“trustee in bankruptcy representative” means, with respect to a trustee in bankruptcy, an officer, director, employee or agent of the trustee in bankruptcy, or a lawyer, consultant or other advisor of the trustee in bankruptcy who is acting on behalf of the trustee in bankruptcy, ("représentant d’un syndic de faillite")

“water” means surface water and ground water, or either of them ("eau") R.S.O. 1990, c E 19, s 1 (1), 1992, c 1, s 22, 1998, c 35, s 1; 2006, c 36, Sch 4, s 12 (1-3); 2001, c 9, Sched O, s 5 (1), 2001, c. 17, s 2 (1), 2002, c 17, Sched F, Table

Ident. Director
(2) In this Act,

"the Director" means a Director appointed under section 5 R.S.O. 1990, c E 19, s 1 (2)

14. Penalties
(3) A municipality that is convicted of an offence under this Act is liable to the penalty provided for a corporation convicted of the offence. R.S.O. 1990, c E 19, s 1 (3)

Health or safety
(4) For the purposes of this Act, a danger to existing water supplies that are used for human consumption shall be deemed to be a danger to the health or safety of persons 2001, c 17, s 2 (2)

Secondary discharge within building
2. A contaminant that is discharged into the air within a building or structure as a result of the discharge of the same or another contaminant in another building or structure shall be deemed to be discharged into the natural environment by the owner or the person who has the charge, management or control of the contaminant discharged in the other building or structure. R.S.O. 1990, c E 19, s 2

PART I
ADMINISTRATION

Purpose of Act
3. (1) The purpose of this Act is to provide for the protection and conservation of the natural environment R.S.O. 1990, c E 19, s 3

Extra-provincial environment
(2) No action taken under this Act is invalid by reason only that the action was taken for the purpose of the protection, conservation or management of the environment outside Ontario’s borders.

Powers and duties of Minister

4. (1) The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

(a) investigate problems relating to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;

(b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;

(c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;

(d) conduct studies of environmental planning designed to lead to the wise use of the natural environment;

(e) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;

(f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;

(g) make grants and loans of such amounts and upon such terms as the Minister considers advisable for,

(i) research and training in relation to contaminants, pollution, waste, litter and the reduction of waste and the reuse and recycling of materials that are or could become waste,

(ii) planning, operating, developing, improving and enlarging waste management systems, waste disposal sites and programs to encourage the reduction of waste or the reuse or recycling of materials that are or could become waste,

(iii) discontinuing waste management systems or reduction, reuse or recycling programs or closing waste disposal sites;

(b) establish and operate demonstration and experimental sewage systems under Part VIII, waste management systems, waste disposal sites and programs concerning the reduction of waste or the reuse or recycling of materials that are or could become waste,

(i) appoint committees to perform such advisory functions to the Minister as the Minister considers advisable;

(ii) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment;

(k) establish and operate, use, alter, enlarge and extend waste management systems or waste disposal sites, and

(l) discontinue systems and close sites referred to in clause (k) of the Act. R.S.O. 1990, c E 19, s 4; 1992, c 1, s 24 (1, 2)

Limitation

(2) A waste disposal site or waste management system shall not be established under clause (1) (k) in a municipality for any function relating to waste from a source within the municipality or to existing waste located within the municipality unless,

(a) the municipality does not have a waste disposal site or waste management system that is adequate and available to perform that function for the waste; or

(b) the municipality consents to the establishment of the site or system. 1992, c 1, s 24 (3)

Delegation

(3) The Minister may delegate any of his or her powers under subsection (1) to the Director. 1992, c 1, s 24 (4)

Appointments

Directors

5. (1) The Minister may appoint in writing as Directors,

(a) such employees of the Ministry,

(b) the members of such classes of employees of the Ministry, and
(c) subject to the approval of the Lieutenant Governor in Council, such other persons or the members of such other classes of persons.

or any of them, as the Minister considers necessary, in respect of such sections of this Act and in respect of such of the regulations or sections of the regulations as are set out in the appointments.

(2) The Minister may in setting up as analysts or designates as provincial officers,
(a) such employees of the Ministry,
(b) the members of such classes of employees of the Ministry;
(c) such other persons, and
(d) the members of such classes of other persons,
or any of them, as the Minister considers necessary in respect of such section of any Act administered by the Minister and in respect of such of the regulations or sections of the regulations under such Act as are set out in the appointments or designation.

Limitation of authority
(3) The Minister, in an appointment or designation under subsection (1) or (2), may limit the authority of a Director, analyst or provincial officer in such manner as the Minister considers necessary or advisable. R.S.O. 1990, c.E.19, s.5.

Provincial officers
(4) A provincial officer is a peace officer for the purpose of enforcing this Act.

Investigation and prosecution
(5) A provincial officer may investigate offences under this Act and may prosecute any person whom the provincial officer reasonably believes is guilty of an offence under this Act 1998, c.35, s.2

PART II
GENERAL PROVISIONS

Prohibition, contaminant generally
6. (1) No person shall discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations. R.S.O. 1990, c.E.19, s.6 (1)

Exception
(2) Subsection (1) does not apply to animal wastes disposed of in accordance with both normal farming practices and the regulations made under the Nutrient Management Act, 2002, 2002, c.4, s.62 (1)

Control orders
7. (1) When the report of a provincial officer contains a finding that a contaminant discharged into the natural environment is a contaminant the use of which is prohibited by the regulations or is being discharged in contravention of section 14 or the regulations, the Director may issue a control order directed to,
(a) an owner or previous owner of the source of contaminant;
(b) a person who is or was in occupation of the source of contaminant; or
(c) a person who has or had the charge, management or control of the source of contaminant.

Public notice
(2) The Director shall give notice of the control order to every municipality in which the contaminant is discharged and to the public in such manner as the Director considers appropriate. R.S.O. 1990, c.E.19, s.7.

Stop orders
8. (1) When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a step order directed to,
(a) an owner or previous owner of the source of contaminant,
(b) a person who is or was in occupation of the source of contaminant, or
(c) a person who has or had the charge, management or control of the source of contaminant

Public notice

(2) The Director shall give notice of the stop order to every municipality in which the contaminant is discharged and to the public in such manner as the Director considers appropriate. R S O 1990, c E 19, s 8

Approval of Director, plant or production process

9. (1) No person shall, except under and in accordance with a certificate of approval issued by the Director, (a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water, or
(b) alter a process or rate of production with the result that a contaminant may be discharged into any part of the natural environment other than water or the rate or manner of discharge of a contaminant into any part of the natural environment other than water may be altered. R S O 1990, c. E 19, s 9 (1)

Directors may require information

(2) The Director may require an applicant for a certificate of approval under subsection (1) to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the discharge of any contaminant into any part of the natural environment other than water and, subject to subsection (4), the Director may issue a certificate of approval. R S O 1990, c E 19, s 9 (2)

Exceptions

(3) Subsection (1) does not apply to,
(a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;
(b) equipment for the combustion of fuel, other than waste incinerators, in buildings or structures designed for the housing of not more than three families;
(c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where the only contaminant produced by such equipment, apparatus, mechanism or thing is sound or vibration;
(d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
(e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture,
(f) any motor or motor vehicle that is subject to Part III. R S O 1990, c E 19, s 9 (3)

Powers of Director

(4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions as the Director considers necessary.
(a) to ensure that any construction, alteration, extension, replacement, use or operation of a plant, structure, equipment, apparatus, mechanism or thing referred to in clause (1) (a) or that any alteration of a process or rate of production referred to in clause (1) (b) will result in compliance with this Act and the regulations and any order, approval or certificate of property use hereunder, or
(b) on probable grounds, to prevent or alleviate an adverse effect. R S O 1990, c E 19, s 9 (4), 2001, c 17, s 2 (3)

Idem

(5) The Director may,
(a) alter any terms and conditions in a certificate of approval or impose new terms and conditions, or
(b) revoke or suspend a certificate of approval, as the Director considers necessary for the reasons set out in clause (4) (a) or (b). R S O 1990, c E 19, s 9 (5)

Exception
(6) A person to whom the Director has issued a certificate of approval under subsection (1) may make any changes in respect of which it is unsatisfactory to first obtain an amendment to the certificate if:
(a) the changes are not capable of increasing the potential for discharge of a contaminant into the natural environment, and
(b) the Director is notified in writing forthwith of the changes R S O 1990, c E 19, s 9 (6)

No use or operation without certificate of approval

(7) No person shall use or operate a plant, structure, equipment, apparatus, mechanism or thing for which a certificate of approval is required under clause (1) (a) unless the required certificate of approval has been issued and complied with R S O 1990, c E 19, s 9 (7)

Program for dealing with contaminants

10. (1) A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the discharge into the natural environment of any contaminant from the source of contaminant

Referral of program

(2) When a program referred to in subsection (1) is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of program

(3) The Director may issue a program approval, directed to the person who submitted the program R S O 1990, c E 19, s 10.

Program approvals

11. (1) The Director shall, in a program approval,
(a) set out the name of the person to whom the approval is directed,
(b) set out the location and nature of the source of contaminant,
(c) set out the details of the program, and
(d) approve the program

Amendment or revocation on consent

(2) The Director may, by order, amend or revoke a program approval that was issued in error or that no longer adequately provides for the protection and conservation of the natural environment

Amendment or revocation on consent

(3) The Director may, by order, amend or revoke a program approval with the consent of the person to whom the program approval is directed

Program approvals, order not to prevent control or stop order

(4) Subsection 149 (1) does not entitle any person to a hearing in respect of an amendment or revocation of a program approval on a consent mentioned in subsection (3) R S O 1990, c E 19, s 11

Program approvals, order not to prevent control or stop order

12. Despite the issue of a program approval or order, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any person or to property, the Director may issue a stop order or a control order directed to the person responsible. R S O 1990, c E 19, s 12

Ministry to be notified when contamination exceeds permitted level

13. (1) Every person,
(a) who discharges into the natural environment; or
(b) who is the person responsible for a source of contaminant that discharges into the natural environment,
any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the discharge

Exception

11
(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices R.S.O. 1990, c E 19, s 13

Prohibition, contamination causing adverse effect

14. (1) Despite any other provision of this Act or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect.

Exception

(2) Subsection (1) does not apply, in respect of an adverse effect referred to in clause (a) of the definition of "adverse effect" in subsection 1 (1), to animal wastes disposed of in accordance with normal farming practices R.S.O. 1990, c E 19, s 14.

When Ministry to be notified, adverse effect

15. (1) Every person who discharges a contaminant or causes or permits the discharge of a contaminant into the natural environment out of the normal course of events that causes or is likely to cause an adverse effect shall forthwith notify the Ministry.

Exception

(2) Subsection (1) does not apply to animal wastes disposed of in accordance with normal farming practices R.S.O. 1990, c E 19, s 15.

Application of Part not restricted

16. Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act R.S.O. 1990, c E 19, s 16.

Remedial orders

17. Where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

(a) repair the injury or damage;
(b) prevent the injury or damage, or
(c) where the discharge has damaged or endangered or is likely to damage or endanger existing water supplies, provide alternate water supplies R.S.O. 1990, c E 19, s 17.

Order by Director re preventive measures

18. (1) The Director, in the circumstances mentioned in subsection (2), by a written order may require a person who owns or controlled or has or had management or control of an undertaking or property to do any one or more of the following:

1. To have available at all times, or during such periods of time as are specified in the order, the equipment, material and personnel specified in the order at the locations specified in the order.
2. To obtain, construct and install or modify the devices, equipment and facilities specified in the order at the locations and in the manner specified in the order.
3. To implement procedures specified in the order.
4. To take all steps necessary so that procedures specified in the order will be implemented in the event that a contaminant is discharged into the natural environment from the undertaking or property.
5. To monitor and record the discharge into the natural environment of a contaminant specified in the order and to report the same to the Director.
6. To study and report to the Director upon,
   i. measures to control the discharge into the natural environment of a contaminant specified in the order,
   ii. the effects of the discharge into the natural environment of a contaminant specified in the order,
   iii. the natural environment into which a contaminant specified in the order is likely to be discharged.

Grounds for order

(2) The Director may make an order under this section where the Director is of the opinion, upon reasonable and probable grounds,
(a) that the nature of the undertaking or of anything on or in the property is such that if a contaminant is discharged into the natural environment from the undertaking or from or on the property, the contaminant will result or is likely to result in an effect mentioned in the definition of "contaminant" in subsection 1 (3), and
(b) that the requirements specified in the order are necessary or advisable so as,
(i) to prevent or reduce the risk of the discharge of the contaminant into the natural environment from the undertaking or from or on the property, or
(ii) to prevent, decrease or eliminate an effect mentioned in the definition of "contaminant" in subsection 1 (1) that will result or that is likely to result from the discharge of the contaminant into the natural environment from the undertaking or from or on the property. R.S.O. 1990, c.E 19, s. 18

Instruments under Act, who is bound

Successors and assigns

19. (1) A certificate of property use or an order or approval of a court, the Minister, the Director or a provincial officer under this Act is binding on the executor, administrator, administrator with the will annexed, guardian of property or attorney for property of the person to whom it was directed, and on any other successor or assignee of the person to whom it was directed 2001, c. 17, s. 2 (4)

Limitation

(2) If, pursuant to subsection (1), an order is binding on an executor, administrator, administrator with the will annexed, guardian of property or attorney for property, then obligation to incur costs to comply with the order is limited to the value of the assets they hold or administer, less their reasonable costs of holding or administering the assets 2001, c. 17, s. 2 (4)

Receivers and trustees

(3) A certificate of property use or an order or approval of a court, the Minister, the Director or a provincial officer under this Act that relates to property is binding on a receiver or trustee that holds or administers the property. 2001, c. 17, s. 2 (4)

Limitation

(4) If, pursuant to subsection (3), an order is binding on a trustee, other than a trustee in bankruptcy, the trustee's obligation to incur costs to comply with the order is limited to the value of the assets held or administered by the trustee, less the trustee's reasonable costs of holding or administering the assets 2001, c. 17, s. 2 (4)

Exception

(5) Subsection (3) does not apply to an order that relates to property held or administered by a receiver or trustee in bankruptcy if,

(a) within 10 days after taking or being appointed to take possession or control of the property, or within 10 days after the issuance of the order, the receiver or trustee in bankruptcy notifies the Director that they have abandoned, disposed of or otherwise released their interest in the property; or

(b) the order was stayed under Part I of the Bankruptcy and Insolvency Act (Canada) and the receiver or trustee in bankruptcy notified the Director, before the stay expired, that they abandoned, disposed of or otherwise released their interest in the property. 2001, c. 17, s. 2 (4)

Extension of period

(6) The Director may extend the 10-day period for giving notice under clause (5) (a), before or after it expires, on such terms and conditions as he or she considers appropriate 2001, c. 17, s. 2 (4)

Notice under subcl. (5)

(7) Notice under clause (5) (a) or (b) must be given in the manner prescribed by the regulations 2001, c. 17, s. 2 (4)

Holder

(8) For the purposes of this Act, a person who is bound by a certificate of property use or approval under this section shall be deemed to be the holder of the certificate or approval 2001, c. 17, s. 2 (4)

Index record

(9) The Ministry shall maintain an alphabetical index record of the names of all persons to whom orders, approvals or certificates of property use are directed under this Act 2001, c. 17, s. 2 (4)

Expiry of order, etc.
(10) When an order, approval or certificate of property use has expired or is revoked or set aside, the Ministry shall not
that fact in the index record 2001, c 17, s 2 (4)

Search of index record

(11) The Ministry shall, on the request of any person, make a search of the index record and inform the person making the
request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any
order, approval or certificate of property use relating to that person 2001, c. 17, s 2 (4)

Crown bound

20. This Act is binding upon the Crown R.S.O. 1990, c. E. 19, s 20

PART III
MOTOR AND MOTOR VEHICLES

Definitions, Part III

21. In this Part,

"motor" means an internal combustion engine used in a vehicle, ("moteur")

"motor vehicle" means a vehicle that uses or incorporates a motor as a source of power. ("véhicule automobile") R.S.O.
1990, c. E. 19, s 21.

Motor and motor vehicles. Environmental controls

Sale of motor vehicle that does not comply with regulations

22. (1) No person shall sell, or offer, expose or advertise for sale, a motor or motor vehicle that does not comply with the
regulations

Where system or device installed on motor vehicle

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to
prevent or lessen the discharge of any contaminant, no person shall sell, or offer, expose or advertise for sale, such motor or
motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such
system or device, when the motor or motor vehicle is operating, complies with the regulations R.S.O. 1990, c. E.19, s 2.

(1,2)

Repair or replacement of system or device

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to
prevent or lessen the discharge of any contaminant, no person shall remove or cause or permit the removal of the system or
device from the motor or motor vehicle, except as permitted by subsection (4)

Same

(4) A person may repair the system or device or replace the system or device by a system or device of the same type or of
a type prescribed by the regulations 1992, c. 35, s 3.

Operation of motor or motor vehicle

23. (1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a
motor or motor vehicle or any class or type thereof that does not comply with the regulations

Where system or device required

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to
prevent or lessen the discharge of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or
permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation.
unless such motor or motor vehicle has installed, attached to or incorporated in it such system or device, and such system
or device operates in accordance with the regulations when the motor or motor vehicle is in operation R.S.O. 1990, c. E.19,
s 22

PART IV
WATER

Ice shelters

24. (1) In this section,
“Ice shelter” means any structure that is located on or over ice over any water for more than one day and that is or may be used for shelter, privacy or the storage or sale of any thing (“barre le glace”).

“Owner”, when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter, (“propriétaires”).

“Waste” means human excrement or any refuse that is discharged or deposited in or from an ice shelter (“déchets”) R.S.O. 1990, c. E.19, s. 24 (1)

Discharge of waste prohibited

(2) No person shall discharge or cause or permit the discharge of any waste on ice over any water except in accordance with the regulations R.S.O. 1990, c. E.19, s. 24 (2)

Removal of ice shelter by provincial officer

(3) Except as provided in subsection (4), where an ice shelter is placed or allowed to remain on ice over any water in contravention of the regulations, a provincial officer may remove the ice shelter or cause it to be removed,

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal, or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith R.S.O. 1990, c. E.19, s. 24 (3)

Ident. out of respect

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal R.S.O. 1990, c. E.19, s. 24 (4)

Where owner may retitle possession of ice shelter

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection (3) or (4) may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection (4), as the case requires, upon payment to the Minister of Finance of the costs and charges for removal and storage of the ice shelter. R.S.O. 1990, c. E.19, s. 24 (5), 2001, c. 9, Sched. 6, s. 5 (22)

Where provincial officer may dispose of ice shelter

(6) Where the owner of an ice shelter that has been removed pursuant to subsection (3) or (4) does not take possession of the ice shelter pursuant to subsection (5),

(a) a provincial officer may dispose of the ice shelter without compensation therefor, and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person R.S.O. 1990, c. E.19, s. 24 (6)

Note

(7) A notice under subsection (3) or (4) shall be in such form as the regulations may prescribe and shall state that the owner may take possession of the shelter pursuant to subsection (5) and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefore and, where the ice shelter has been removed or caused to be removed pursuant to subsection (4) and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter R.S.O. 1990, c. E.19, s. 24 (7)

Means of removal

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection (3) or (4) but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal R.S.O. 1990, c. E.19, s. 24 (8)

Damage or destruction during removal

(9) Where an ice shelter is removed pursuant to subsection (3) or (4) and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction R.S.O. 1990, c. E.19, s. 24 (9)
PART V
WASTE MANAGEMENT

Definitions, Part V

25. In this Part,

"operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site, ("exploitant")

"owner" includes,

(a) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or
(b) the person that owns the land on which a waste disposal site is located, ("propriétaire")

"owner", in section 47, means a person that is responsible for the operation of a well that is a waste disposal site, ("propriétaire")

"waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other materials as are designated in the regulations, ("déchets")

"waste disposal site" means,

(a) any land upon, into, in or through which, in building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and
(b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a), ("système de gestion des déchets")

"waste management system" means any facility or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing or disposal of waste, and may include one or more waste disposal sites ("système de gestion des déchets") R.S.O. 1990, c. E.19, s. 25, 1992, c. 1, s. 25

Application of Part, domestic waste

26. This Part does not apply to the storage or disposal by any person of the person's own domestic wastes on the person's own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which the Ontario Water Resources Act or the regulations thereunder apply. R.S.O. 1990, c. E.19, s. 26.

Certificate of approval

27. (1) No person shall use, operate, establish, alter, enlarge or extend,

(a) a waste management system, or
(b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate. R.S.O. 1990, c. E.19, s. 27

Niagara Escarpment Plan Area

(2) Despite subsection (1), no person shall use, operate, establish, alter, enlarge or extend a waste disposal site in the Niagara Escarpment Plan Area as set out in the Niagara Escarpment Plan, unless the Director has issued a certificate of approval or a provisional certificate of approval before this subsection comes into force. 1994, c. 5, s. 1.

Exceptions

(3) Subsection (2) does not apply with respect to,

(a) a transfer station or recycling facility, including a composting site, which receives waste only from the local municipality in which it is located, or
(b) in the case of a site approved before this subsection comes into force, a proposed use, operation, alteration, enlargement or extension of a waste disposal site which will not result in a greater area at a waste disposal site being covered with waste than permitted under the existing approval. 1994, c. 5, s. 1

Lakes

(4) Despite subsection (1), no person shall use, operate, establish, alter, enlarge or extend a waste disposal site where waste is deposited in a lake 2004, c. 6, s. 7 (1)
same
(3.2) In subsection (3.1),
"lake" includes,
(a) a body of surface water that,
(i) results from human activities, and
(ii) directly influences or is directly influenced by ground water, and
(b) an area of land that was covered by a body of water described in clause (a) or a lake on the day this subsection came into force,
but does not include,
(c) a body of water described in clause (a) or a lake, if the body of water or lake is less than one hectare in area, or
(d) an area of land described in clause (b), if the body of water described in clause (a) or lake that covered the area of land on the day this subsection came into force was, in total, less than one hectare in area on that day. 2004, c. 6, s 7 (1)
No proceeding
(4) No proceeding directly or indirectly based upon the prohibition in subsection (3) or (3.1) may be brought against the Crown in right of Canada, the Government of Ontario, any member of the Executive Council or any employee of the Crown or Government 1994, c. 5, s 1; 2004, c 6, s 7 (2)
Transition, repeal of Part VIII
28. (1) If, except for the operation of Part VIII, a site would have been a waste disposal site under this Part or facilities would have been a waste management system under this Part, those sites and facilities are, on the day that Part VIII is repealed, continued as a waste disposal site or waste management system under this Part if a certificate of approval under section 77 or a permit under section 78 or both were issued and remain in force in respect of such works
Same
(2) The certificate of approval or permit or both are continued in force as if they were a certificate of approval under section 39, with such changes as necessary
Continuation, orders
(3) An order issued and continuing in force under section 79 in respect of a sewage system which except for the operation of Part VIII would have been a waste disposal site or a waste management system under this Part is, upon the repeal of Part VIII, continued as if it were an order under section 44, with such changes as necessary
Matters in progress
(4) The following matters commenced under Part VIII shall, upon the repeal of Part VIII, be continued under this Part:
1. An application for a certificate of approval submitted before the repeal of Part VIII where the certificate has been issued and has not been refused
2. An unexpired right of appeal where a certificate of approval has been refused or conditions were attached to the certificate before the repeal of Part VIII
3. An unexpired right of appeal where an appeal has been issued under section 79 before the repeal of Part VIII
4. An appeal of the conditions attached to a certificate of approval or the refusal to issue a certificate of approval or an appeal of an order under section 79 commenced before the repeal of Part VIII but not completed
Records
(5) If an agreement under section 81 was in force immediately before the repeal of Part VIII, the party which was administering Part VIII under the agreement shall,
(a) keep all records in their possession or under their control with respect to matters continued under this section for a period of six years from the date of the repeal or as otherwise prescribed under subsection (9),
(b) on the written request of the Director, deliver to the Director a record or certified copy of a record relating to Part VIII as specified in the request:
(c) on the written request of the Director, deliver to the Director a certificate as to the service of any document relating to Part VIII as specified in the request,

(d) on the written request of the Director, deliver to the Director a certificate as to the custody of any document relating to Part VIII as specified in the request, and

(e) on the written request of the Director, deliver to the Director a certificate as to whether or not any document relating to Part VIII as specified in the request was received or issued

Deemed official document

(6) A record, certified copy of a record or a certificate delivered under clause (f) (b) or (c) that is or relates to an approval, certificate, consent, licence, notice, permit, order or return under Part VIII shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 175

Same

(7) A certificate delivered under clause (f) (d) or (e) shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 175

References

(8) The references in sections 77, 78, 79 and 81 in this section are references to those provisions as they read immediately before the repeal of Part VII under Schedule B of the Services Improvement Act, 1997

Regulations

(9) The Lieutenant Governor in Council may make regulations prescribing transitional matters necessary to deal with issues arising out of the repeal of Part VIII, which regulations may be general or specific in their application and may be retrospective to the date this section comes into force.

Limitation

(10) This section applies only to sewage systems which, except for the operation of Part VIII, would have been waste disposal sites or waste management systems under this Part and to matters and documents related to such sewage systems 1997, c 36, Schd B, s 21.

Report by Minister

29. (1) Where the Minister reports in writing to the clerk of a municipality that the Minister is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the consent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified R.S.O 1990, c E 19, s 29

Reasons

(2) A report mentioned in subsection (1) must include a statement of the reasons for the Minister’s opinion.

What report may require

(3) A report may require a municipality,

(a) to collect or transport such waste as is specified in the report, including such waste from such source outside the boundaries of the municipality as is specified in the report, and

(b) to accept, process or otherwise deal with such waste as is specified in the report, including such waste from such source outside the boundaries of the municipality as is specified in the report, as a waste management system or as a waste disposal site located in or owned, operated or controlled by the municipality.

Compensation by persons benefiting

(4) If a report requires a municipality to do anything that will benefit a person, the report may specify compensation to be provided to the municipality by that person for the benefit and the following apply:

1. The person shall provide the compensation if the person has been served with a copy of the report unless the person,

2. If the person renounces the benefit, the municipality is, with respect to the benefit, relieved from its obligation to implement the report

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(5) Requirements in a report relating to waste from a source outside the boundaries of a municipality are binding on the municipality only during the five-year period following the making of the report or during such shorter period as the report may specify.

(6) A report is an order for the purposes of Part XIV of the MSA. The report shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality in which the waste disposal site is located.

When Tribunal hearing required

30. (1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Director accepts, having regard to the nature and quantity of the waste, it is equivalent to the domestic waste of not less than 1,500 persons, the Director shall, before issuing or refusing to issue the certificate of approval, require the Tribunal, by a notice in writing, to hold a hearing. R.S.O. 1990, c. E 19, s 30 (1), 2000, c. 26, Sched F, s 12 (12)

Notice of hearing

(2) At least fifteen days notice of the hearing shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to be located and to such other persons and in such manner as the Tribunal may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality in which the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week. R.S.O. 1990, c. E 19, s 30 (2), 2000, c. 26, Sched F, s 12 (12)

Where emergency situation exists

31. Despite section 30, where, in the opinion of the Director, an emergency situation exists by reason of,

(a) danger to the health or safety of any person,

(b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it, or

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life, and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Director may issue a certificate of approval therefor without requiring the Tribunal to hold a hearing. R.S.O. 1990, c. E 19, s 31; 2000, c. 26, Sched F, s 12 (12)

When Tribunal hearing discretionary

32. (1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of a waste disposal site, the Director may issue a certificate of approval therefor without requiring the Tribunal to hold a hearing. R.S.O. 1990, c. E 19, s 32 (1), 2000, c. 26, Sched F, s 12 (12)

Notice of hearing

(2) Where a hearing is held under subsection (1), at least fifteen days notice shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the owners or occupants of the lands adjoining any land upon or on which the waste disposal site is located or is intended to be located and to such other persons in such manner as the Tribunal may direct. R.S.O. 1990, c. E 19, s 32 (2), 2000, c. 26, Sched F, s 12 (12)

Hearing before Tribunal

33. (1) Upon receipt of a notice from the Director under section 30, 32 or 36, the Tribunal shall hold a hearing with respect to the subject matter of the notice. R.S.O. 1990, c. E 19, s 33 (1), 2000, c. 26, Sched F, s 12 (12)

Pertuis
(2) The applicant, the Director and any other persons specified by the Tribunal shall be parties to the hearing: R.S.O. 1990, c. E.19, s. 33 (h), 2000, c. 26, Sched. F, s. 12 (12)

(3) REPEALED 2000, c. 26, Sched. F, s. 12 (4)

Decision

(4) The Tribunal shall serve notice of its decision, together with reasons therefor, on the parties to the hearing, and the Director shall implement the decision: R.S.O. 1990, c. E.19, s. 33 (6), 2000, c. 26, Sched. F, s. 12 (12)

Costs

(5) The Tribunal may award the costs of a proceeding under this section: 2000, c. 26, Sched. F, s. 12 (5)

Payment

(6) The Tribunal may order to whom and by whom the costs are to be paid: 2000, c. 26, Sched. F, s. 12 (5)

Assessment

(7) The Tribunal may fix the amount of the costs or direct that the amount be assessed and it may direct the scale according to which they are to be assessed and by whom they are to be assessed: 2000, c. 26, Sched. F, s. 12 (5)

Considerations not limited

(8) In awarding costs, the Tribunal is not limited to the considerations that govern awards of costs in any court: 2000, c. 26, Sched. F, s. 12 (5)

Application

(9) Subsections (5) to (8) apply despite sections 17, 1 and 32 of the Statutory Powers Procedure Act: 2000, c. 26, Sched. F, s. 12 (5)

Appeal from decision of Tribunal

34. (1) A party to a proceeding under this Part before the Tribunal may appeal from its decision,
(a) on a question of law, to the Divisional Court,
(b) on a question other than a question of law, to the Lieutenant Governor in Council: R.S.O. 1990, c. E.19, s. 34 (1)

Time to appeal to Cabinet

2000, c. 26, Sched. F, s. 12 (6)

An appeal under clause (1) (b) shall be made in writing within sixty days after the appealing party receives the decision of the Tribunal: R.S.O. 1990, c. E.19, s. 34 (2)

Powers of Cabinet on appeal

(3) In an appeal under clause (1) (b) the Lieutenant Governor in Council shall confirm, alter or revoke the decision of the Tribunal, substitute for the decision of the Tribunal such decision as it considers appropriate or, by notice in writing to the Tribunal, require it to hold a new hearing with respect to all or any part of the subject-matter of the decision: R.S.O. 1990, c. E.19, s. 34 (3)

35. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,
(a) deposited a sum of money,
(b) furnished a surety bond, or
(c) furnished personal sureties,
in such amounts and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary: R.S.O. 1990, c. E.19, s. 35

Hearing as to by-law

36. (1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Director, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by notice in writing, and on such terms and conditions as he or she may direct, require the Tribunal to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site: R.S.O. 1990, c. E.19, r. 36 (1)

2000, c. 26, Sched. F, s. 12 (12)
When Tribunal to hold public hearing

(2) Upon receipt of notice from the Director, the Tribunal shall hold a public hearing with respect to the subject-matter of the notice. R.S.O. 1990, c. E.19, s. 36 (2), 2000, c. 26, Sched F, s. 12 (12)

(3) REPEALED 2000, c. 26, Sched F, s. 12 (7)

Parties and procedure

(4) Where the Director requires a public hearing under subsection (1),

(a) the applicant, the municipality and any other person specified by the Tribunal shall be given notice of the hearing in such manner as the Tribunal directs, and

(b) the Tribunal shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site. R.S.O. 1990, c. E.19, s. 36 (4), 2000, c. 26, Sched F, s. 12 (12)

Order

(5) The Tribunal may order that the by-law referred to in subsection (1) does not apply to the proposed waste disposal site and the by-law shall thereupon be deemed not to apply thereto. R.S.O. 1990, c. E.19, s. 36 (5), 2000, c. 26, Sched F, s. 12 (12).

Return of deposit

37. The deposit mentioned in clause 35 (a) may be returned to the depositor upon such terms and conditions as the regulations prescribe. R.S.O. 1990, c. E.19, s. 37

Information to be furnished

38. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. R.S.O. 1990, c. E.19, s. 38

Powers of Director, certificate of approval

39. (1) The Director, after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval.

Item

(2) The Director may,

(a) refuse to issue or renew,
(b) suspend or revoke, or
(c) impose, alter or revoke terms and conditions in,

a certificate of approval or provisional certificate of approval where,

(d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or
(e) the Director considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person. R.S.O. 1990, c. E.19, s. 39

Prohibition as to disposal of waste

40. No person shall deposit, cause, permit or arrange for the deposit of, waste upon, in, onto or through any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of the certificate. 1998, c. 35, s. 4

Prohibition as to use of facilities, etc.

41. No person shall use, cause, permit or arrange for the use of, any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of the certificate. 1998, c. 35, s. 5

Ownership of waste

42. (1) The ownership of waste that is accepted at a waste disposal site by the operator of the site is transferred to the operator upon acceptance
(2) Where waste is deposited but not accepted at a waste disposal site, the ownership of the waste shall be deemed to be transferred to the operator of the site immediately before the waste is deposited.

Certificate of approval

(3) Subsections (1) and (2) apply only in respect of a waste disposal site for which a certificate of approval or a provisional certificate of approval is in force.

Effect of contract

(4) Subsection (1) applies only in the absence of a contract to the contrary.

Liability

(5) Subsections (1) to (4) do not relieve any person from liability except liability as owner of waste that is delivered to and accepted by the operator of a waste disposal site in accordance with law including an applicable certificate of approval or provisional certificate of approval.

Owner of land

(6) Where the operator of a waste disposal site is not the owner of the land on which the site is located, subsections (1) and (2) do not prevent the ownership of waste that is accepted or deposited at the site from being transferred to the owner of the land. R.S.O. 1990, c. E.19, s. 42.

Order for removal of waste

43. Where waste has been deposited upon, in, into or through any land or land covered by water or in any building that has not been approved as a waste disposal site, the Director may issue an order to remove the waste and to restore the site to a condition satisfactory to the Director, where:

(a) an owner or previous owner or a person who otherwise has or had charge and control of the land or building or waste,

(b) an occupant or previous occupant of the land or building, or

(c) a person that the Director reasonably believes engaged in an activity prohibited by section 40 or 41 that resulted in the deposit of the waste.

Order by Director

44. Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order an owner or previous owner to take such action as is required to bring the system or the site into conformity with this Part or the regulations within the time specified in the order. R.S.O. 1990, c. E.19, s. 44.

Right to compensation

45. (1) Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting the owner's waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner,

(a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision, and

(b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

R.S.O. 1990, c. E.19, s. 45 (1)

Notice of decision and right to appeal

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at the owner's last known address. R.S.O. 1990, c. E.19, s. 45 (2)

Right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection (2), the owner may by written notice received by the Ministry and the Tribunal, appeal the amount of compensation, if any, to the Tribunal, and such appeal shall be a new hearing and the Tribunal may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Tribunal shall be final. R.S.O. 1990, c. E.19, s. 45 (3), 2000, c. 26, Sched. F, s. 12 (12)

Payment of compensation

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(4) Where the Director or the Tribunal, as the case may be, has established the amount of the compensation, if any, the Minister of the Environment shall certify the amount thereof to the Minister of Finance and the Minister of Finance shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund. R.S.O. 1990, c. E.19, s. 45 (4), 2006, c. 26, Sched F, s. 12 (12), 2001, c. 9, Sched G, s. 5 (2)

Former disposals

46. No use shall be made of land or cover be done by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. R.S.O. 1990, c. E.19, s. 46

Secretary Fund

47. (1) There shall be an account in the Consolidated Revenue Fund to be known as the "Waste Disposal Security Fund" and in French as "Caisse de garantie des propriétaires de puits d'élimination des déchets", referred to in this section as the "Fund", into which shall be paid the prescribed fees received under Act R.S.O. 1990, c. E.19, s. 47 (1)

Note: On or 30 days to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2001, chapter 9, Schedule C, subsection 3 (3) by striking out "the prescribed fees received under this Act" at the end and substituting "the fees received under this section", Sec. 2001, c. 9, Sched G, ss. 3 (3), 8 (2).

Interest

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year. R.S.O. 1990, c. E.19, s. 47 (2)

Owner of waste disposal well to pay fee

(3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well. R.S.O. 1990, c. E.19, s. 47 (3)

Fee paid to Minister of Finance

(4) The fee shall be paid to the Minister of Finance for payment into the Fund. R.S.O. 1990, c. E.19, s. 47 (4), 2001, c. 9, Sched G, s. 5 (22)

Calculation and payment of fee

(5) The fee shall be the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year. R.S.O. 1990, c. E.19, s. 47 (5)

Note: On or a day to be named by proclamation of the Lieutenant Governor, subsection (5) is amended by the Statutes of Ontario, 2001, chapter 9, Schedule G, subsection 3 (4) by striking out "the prescribed fees received under this Act" at the end and substituting "the fees received under this section", Sec. 2001, c. 9, Sched G, ss. 3 (3), 8 (2).

Estimate by Director

(6) The Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Director shall estimate the fee on the basis of the amount and type of waste that in the Director's opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection (7). R.S.O. 1990, c. E.19, s. 47 (6)

Payment of estimated fee

(7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Director. R.S.O. 1990, c. E.19, s. 47 (7)

Adjustment of fee

(8) At the end of each calendar year, the Director shall calculate the amount of the fee for the year and,

(a) where the fee estimated and paid for the year is less than the calculated fee, the Director shall add to the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference for which the Minister has paid, and

(b) where the fee estimated and paid for the year is greater than the calculated fee, the Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Minister of Finance the amount of such difference and the Minister of Finance shall pay such amount to the owner of the well. R.S.O. 1990, c. E.19, s. 47 (8), 2001, c. 9, Sched G, s. 5 (22)

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Person suffering damage to be compensated

(9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering of livestock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to be compensated out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if the person gives notice to the Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection (10) within six months, or such longer period of time as may be determined by the Director, from the date that the Director received the notice that the water has been rendered unfit. \text{R S O 1990, c. E.19, s. 47(9)}

Claim for compensation

(10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Director in writing, setting out therein the person's full name and address and the particulars of the person's claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within the person's knowledge. \text{R S O 1990, c. E.19, s. 47(10)}

Determination by Director

(11) The Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection (9) has been rendered unfit for any of the purposes set out thereon and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. \text{R S O 1990, c. E.19, s. 47(11)}

Director's certificate

(17) The Director shall set out his or her determination as a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. \text{R S O 1990, c. E.19, s. 47(17)}

When certificate final

(13) The certificate of the Director is final at the end of thirty days from the date of mailing to the claimant unless notice of appeal is served within that time. \text{R S O 1990, c. E.19, s. 47(13)}

Appeal

(14) The claimant may appeal to the Tribunal at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part XIII. \text{R S O 1990, c. E.19, s. 47(14), 2004, c. 26, Sched F, s. 12(12)}

Payment out of Fund

(15) Where the Director has sent the certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, c is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Director shall certify to the Minister of Finance the sum found to be payable and the Minister of Finance shall pay such sum to the claimant out of the Fund. \text{R S O 1990, c. E.19, s. 47(15), 2001, c. 9, Sched G, s. 5(22)}

Recovery of money

(16) Where a claimant who has recovered any payment out of the Fund recovers any money directly or indirectly from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Minister of Finance for credit to the Fund an amount equal to the payment out of the Fund or the money recovered from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown. \text{R S O 1990, c. E.19, s. 47(16); 2001, c. 9, Sched G, s. 5(22)}

Recovery of fees owing

(17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause (8) (a) that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown. \text{R S O 1990, c. E.19, s. 47(17)}

PART V.1

VEHICLE PERMITS AND NUMBER PLATES

Seizure of permits and number plates
48. (1) In this section and in sections 49 to 55,

"number plates" means number plates issued under the Highway Traffic Act, ("plaques d'immatriculation");

"offence" means offence under this Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act or the Pesticides Act, ("infraction");

"permit" means permit issued under section 7 of the Highway Traffic Act, ("certificat d'immatriculation");

"Registrar" means Registrar of Motor Vehicles under the Highway Traffic Act ("registre"), R.S.O. 1990, c E 19, s 48 (1), 1998, c. 35, s 8 (1, 2), 2002, c 4, s 62 (2)

Secrecy of permit and number plates

(2) A police officer or a provincial officer may seize the permit and the number plates for a vehicle where he or she reasonably believes that the vehicle was used or is being used in connection with the commission of an offence and the seizure is necessary to prevent the continuation or repetition of the offence, 1998, c 35, s 8 (3)

Safekeeping

(3) The police officer or provincial officer,

(a) shall deliver the permit and the number plates into the custody of the Registrar pending disposition as provided in sections 49 to 55, and

(b) shall give notice to the Registrar of the date when the permit and the number plates were seized, 1998, c 19, s 48 (3)

Notice by Registrar

(4) The Registrar shall give notice of the delivery into custody and of the date of the seizure to the person to whom the permit and the number plates were issued, 1998, c 19, s 48 (4)

Suspended or detention of number plates

49. (1) Where a person is convicted of an offence, the court may order the suspension of the permit and the detention of the number plates for any vehicle that the court is satisfied was used in connection with the commission of the offence, 1998, c 35, s 9 (1)

Term of suspension and detention

(2) The court may fix such period of time, not exceeding five years, for the suspension of the permit and the detention of the number plates as the court considers proper.

(3) Where the permit and the number plates were seized under section 48, the period of the suspension and detention shall be calculated from the day of the seizure.

Order for seizure

(4) Where the permit and the number plates have not been seized, the court may order that the permit and the number plates shall be seized and delivered to the Registrar.

Out-of-province permit and number plates

(5) Where the permit to drive the vehicle on a highway and the number plates were issued by an authority outside Ontario and not under the Highway Traffic Act, the court shall not act under subsection (1) but may order the Registrar to return the permit and the number plates to the authority that issued them.

Order is additional to any other penalty

(6) The court may issue an order under this section in addition to any other penalty imposed.

Notice of commencement of proceeding

(7) The prosecutor shall give to the Registrar and to the person to whom the permit and the number plates were issued notice of the commencement of the proceeding in respect of the offence mentioned in subsection (1).
(8) Subsections (1) and (5) do not apply unless the court is satisfied that the person to whom the permit and the number plates were issued was notified, before the defendant entered a plea, that an order would be sought under this section R.S.O. 1990, c. E.19, s. 49 (2-8)

Rights to be added as a party
(9) A person given notice under subsection (5) has the right to be added as a party to the proceeding in respect of the offence for one or both of the following purposes:
1. Satisfying the court that the vehicle was not used in connection with the commission of the offence
2. Making submissions to the court with respect to the issuance of an order under this section 1998, c. 35, s. 9 (2)

Duty to give notice
(10) A prosecutor who intends not to seek a penalty under this section shall give notice of that fact to the court, to the Registrar and to the person to whom the permit and the number plates were issued.

Notice of intention not to seek penalty
(11) Subsections (1), (4) and (5) do not apply where the prosecutor gives notice to the person to whom the permit and the number plates were issued that a penalty will not be sought under this section R.S.O. 1990, c. E.19, s. 49 (10, 11)

Order to detain permit and number plates pending payment of penalty
50. (1) Where,
(a) a person is convicted of an offence, and
(b) the court is satisfied,
(i) that the permit and the number plates for a vehicle used in connection with the commission of the offence are in the possession of the Registrar or are the subject of an order for return and delivery to the Registrar, and
(ii) that the person to whom the permit and the number plates were issued was notified that a penalty would be sought under section 49,

the court may order the Registrar to detain the permit and the number plates until any fine imposed upon the conviction mentioned in clause (a) is paid R.S.O. 1990, c. E.19, s. 50 (1), 1998, c. 35, s. 10

Duty of court clerk
(2) The clerk of the court shall transmit to the Registrar,
(a) a copy of the order made under subsection (1) together with a certificate as to the issuance of the order, and
(b) upon payment of the fine, a certificate by the clerk as to the payment R.S.O. 1990, c. E.19, s. 50 (2)

Appeal order under ss. 49 and 50
51. An appeal lies from an order or a refusal to issue an order under sections 49 or 50 in the same manner as an appeal from a conviction or acquittal in respect of an offence mentioned in such section R.S.O. 1990, c. E.19, s. 51.

Return of permit and number plates
52. (1) Where the Registrar is satisfied as to the circumstances set out in subsection (2), the Registrar upon application by the person to whom the permit and the number plates were issued shall return the permit and the number plates or, upon payment of any fees prescribed thereunder under the Highway Traffic Act,
(a) shall return the permit and return or issue new number plates; or
(b) shall issue a new permit and new number plates, as the case requires R.S.O. 1990, c. E.19, s. 52 (1)

When return to be made
(2) The circumstances referred to in subsection (2) are that,
(a) the prosecutor has given notice to the Registrar that an order will not be sought,
(i) for the suspension of the permit and the detention of the number plates, or
(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them,
(b) at the conclusion of an investigation, no proceeding is commenced in respect of the offence mentioned in subsection 49 (1),

(c) notice of the commencement of the proceeding in respect of the offence mentioned in subsection 49 (1) is not given to the Registrar or to the person to whom the permit and the number plates were issued within thirty days of the seizure of the permit and the number plates,

(d) every charge that has been laid is withdrawn,

(e) any proceeding that has been commenced is finally disposed of without the issuance of an order,

(i) for the suspension of the permit and the detention of the number plates,

(ii) for the return of the permit and the number plates to the authority outside Ontario that issued them, or

(iii) for the detention of the permit and the number plates pending payment of a fine,

(f) where an order has been issued for the suspension of the permit and the detention of the number plates, the period of the suspension and detention has been completed and, if an order has been issued for the detention of the permit and the number plates pending payment of a fine, the fine has been paid,

(g) where an order has been issued for the detention of the permit and the number plates pending payment of a fine, the permit has been paid, or

(h) except where the permit and number plates are in the custody of the Registrar under a court order, a provincial officer has given notice to the Registrar that the suspension of the permit and number plates is no longer necessary to prevent the continuation or repetition of the offence R.S.O. 1990, c.E 19, s 52 (2), 1998, c 35, s 11

Prevention, applications for permits and number plates

Permits

53. (1) No person whose permit or number plates for a vehicle,

(a) have been seized and are held in custody under section 48,

(b) are under suspension or detention under section 49 or 51; or

(c) are detained under section 50,

shall apply for, procure the issue or renewal of or have possession of a permit for the vehicle

Number plates

(2) No person whose permit or number plates for a vehicle,

(a) have been seized and are held in custody under section 48,

(b) are under suspension or detention under section 49 or 51; or

(c) are detained under section 50,

shall apply for, procure the issue of or have in the person’s possession or on the vehicle number plates for the vehicle R.S.O. 1990, c E 19, s 53

Transmittal of copy of order

54. Where, under section 49 or 51, an order is made or a charge is dismissed, the clerk or registrar of the court shall transmit to the Registrar a copy of the order or the minute of dismissal certified by the clerk or registrar R.S.O 1990, c E 19, s 54

Substituted service

55. (1) On application without notice, a justice who is satisfied that reasonable efforts have been made without success to give a notice, in accordance with section 182, under section 48 or 49, or that such reasonable efforts would not be successful, may order substituted service of the notice in such manner as the justice may direct 1998, c 35, s 12.

Effect

(2) A notice given by substituted service in the manner directed under subsection (1) shall be deemed to be given on the day on which the substituted service is carried out R.S.O 1990, c E 19, s 55 (2)
PART VI

OZONE DEPLETING SUBSTANCES

Definitions, Part VI

56. In this Part-

"designated" means designated by the regulations, ("désigné")

"ozone depleting substance" means a chlorofluorocarbon, a halon or any other substance that has the potential to destroy ozone in the stratosphere ("substance appauvrissant la couche d'ozone") R.S.O. 1990, c. E19, s. 56

Application

57. Sections 58 and 59 apply only in respect of the following ozone depleting substances

1. CFC-11, also known as fluorotrichloromethane.
2. CFC-12, also known as dichlorodifluoromethane.
3. CFC-113, also known as 1,1,2-trichloro-1,2,2-trifluoroethane.
4. CFC-114, also known as 1,2-dichloro-1,1,2-tetrafluoroethane.
5. CFC-115, also known as 1-chloro-1,1,2,2-pentafluoroethane.
6. Halon-1211, also known as bromochlorodifluoromethane.
7. Halon-1301, also known as bromotrifluoromethane.
8. Halon-2402, also known as dibromotetrafluoroethane.
9. Such other ozone depleting substances as may be designated R.S.O. 1990, c. E19, s. 57

Prohibitions, ozone depleting substances

58. No person shall make, use, transfer, display, transport, store or dispose of,

(a) any thing, other than a prescription drug, containing an ozone depleting substance that acts as a propellant, or
(b) any designated thing or any thing of a designated class if that thing contains an ozone depleting substance R.S.O. 1990, c. E19, s. 58

Prohibitions, manufacture using ozone depleting substances

59. No person shall make, use, transfer, display, transport, store or dispose of,

(a) any packaging, wrapping or container that is made in a manner that uses an ozone depleting substance, or
(b) any designated thing or any thing of a designated class if that thing is made in a manner that uses an ozone depleting substance. R.S.O. 1996, c. E19, s. 59.

PART VII

ABANDONED MOTOR VEHICLES

Definitions, Part VII

60. In this Part-

"abandoned motor vehicle" means a vehicle that has been left unattended without lawful authority and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of number plates, to be abandoned, ("véhicule automobile abandonné")

"abandoned motor vehicle site" means,

(a) a waste disposal site,
    (i) that is classified by the regulations as a derelict motor vehicle site,
    (ii) that is not exempt under the regulations relating to Part V or this Part, and
    (a) for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or
(b) any place that is approved an writing by the Director for the purpose of receiving and storing abandoned motor vehicles, ("emplacement de véhicules automobiles abandonnés")
“officer” means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found ("agent") R.S.O. 1990, c. E.19, s. 60

Removal of abandoned motor vehicle

61. An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site R.S.O. 1990, c. E.19, s. 61.

Notice to owner, removal

62. Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined R.S.O. 1990, c. E.19, s. 62

Contents of notice

63. A notice under section 62 shall, (a) contain a description of, (i) the abandoned motor vehicle, (ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed, (iii) the date of removal, and (iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle, and (b) state, (i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and (ii) that the owner shall forthwith upon receipt of the notice notify any person having a right or interest in the abandoned motor vehicle, of whom the owner has knowledge, of the receipt and contents of the notice of removal R.S.O. 1990, c.E.19, s. 63

Where owner may retain possession

64. The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 62 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site R.S.O. 1990, c. E.19, s. 64

Disposal of vehicle

65. Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 64, the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Minister of Finance R.S.O. 1990, c. E.19, s. 65, 2001, c. 9, Schd. G, s. 5 (22)

Ownership of vehicle

66. Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 65, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 65 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle R.S.O. 1990, c.E.19, s. 66

Compensation, disposal of vehicles

67. Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 65 does not, acting in good faith through any cause beyond the owner or other person’s control, receive notice of removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying
therefor pursuant to section 68 within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site R S O 1990, c E 19, s 67.

Claim for compensation

68. A person applying for compensation pursuant to section 67 shall make application therefor to the Director in writing, setting out therein the person’s full name and address and the particulars of the person’s claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within the person’s knowledge R S O 1990, c E 19, s 68

Director’s certificate, compensation

69. The Director may award compensation under section 67 in such amount and on such terms and conditions as appear just under the circumstances and shall set out the award in a certificate together with written reasons therefor and send a copy thereof to the applicant by registered mail at the address set out in the application R S O 1990, c E 19, s 69

When certificate issued

70. The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice of appeal is served within that time R S O 1990, c E 19, s 70

Appeal certificate of compensation

71. The applicant may appeal to the Tribunal at any time before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part XIII R S O 1990, c E 19, s 71, 2000, c 26, Sched F, s 12 (12)

Payment of compensation

72. Where the Director has sent the certificate by registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Minister of Finance the sum found to be payable and the Minister of Finance shall pay such sum to the applicant out of the Consolidated Revenue Fund R S O 1990, c E 19, s 72, 2001, c 9, Sched G, s 5 (22)

Reimbursement of compensation payment

73. Where an applicant who has received any payment out of the Consolidated Revenue Fund pursuant to section 72 recovers any money directly or indirectly from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Minister of Finance for credit to the Consolidated Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the money received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown R S O 1990, c E 19, s 73, 2001, c 9, Sched G, s 5 (22)

PART VIII (ss 74-83) REPEALED 1997, c 30, Sched B, s 22.

PART IX

LITTER, PACKAGING, CONTAINERS, DISPOSABLE PRODUCTS AND PRODUCTS THAT POSE WASTE MANAGEMENT PROBLEMS

Meaning of “litter”, Part IX

84. In this Part,

“litter” includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and “littering” has a corresponding meaning R S O. 1990, c E 19, s 84

Research and studies, litter, packaging, etc.

85. The Minister, for the purposes of administering and enforcing this Part and the regulations related to it, may conduct research and studies concerning,

(a) the management and disposal of litter,
(b) the reduction of waste from packaging, containers and disposable products and the reuse or recycling of packaging, containers and disposable products;
(c) the degradability of packaging, containers and disposable products,
(d) the environmental appropriateness of packaging, containers and disposable products

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(e) the environmental appropriateness of materials used in packaging, containers and disposable products,

"(f) products that pose or that may pose waste management problems 1992, c 1, s 29

Littering prohibited

86. No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter. R S O 1990, c E 19, s 86.

Subsidiary and grants

87. The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe. R S O 1990, c E 19, s 87

Prohibition, use or sale of packaging, etc.

88. (1) No person shall use, offer for sale or sell any packaging, container or disposable product or any material for use in packaging, containers or disposable products contrary to this Act or the regulations.

(2) No person shall use, offer for sale or sell any product that is declared in the regulations to be a product that poses waste management problems contrary to this Act or the regulations 1992, c 1, s 30

Offence, litter

89. (1) Every person who fails to comply with a provision of this Part or a provision of a regulation relating to this Part that relates to litter is guilty of an offence and is liable on conviction to a fine of not more than $1,000 on a first conviction and not more than $2,000 on each subsequent conviction

Idem, corporation

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed is $2,000 on a first conviction and $5,000 on each subsequent conviction and not as provided in subsection (1). R S O 1990, c E 19, s 89

Offence, packaging, etc.

90. (1) Every person who fails to comply with a provision of this Part or a provision of a regulation relating to this Part that relates to packaging, containers or disposable products or to products that are declared in the regulations to be products that pose waste management problems rather than to litter is guilty of an offence and is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more than $2,000 on a first conviction and not more than $5,000 on each subsequent conviction. R S O 1990, c E 19, s 90 (1), 1992, c 1, s 31.

Idem, corporation

(2) Where a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed for each day or part of a day on which the offence occurs or continues is $5,000 on a first conviction and $10,000 on each subsequent conviction and not as provided in subsection (1). R S O 1990, c E 19, s 90 (2)

PART X

SPILLS

Interpretation and application, Part X

91. (1) In this Part,

"municipality" means an upper-tier municipality, a lower-tier municipality or a single-tier municipality, ("municipalité")

"owner of the pollutant" means the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and

"owner of a pollutant" has a corresponding meaning, ("propriétaire du polluant", "propriétaire d'un polluant")

"person having control of a pollutant" means the person and the person's employee or agent, if any, having the charge, management or control of a pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and "person having control of the pollutant" has a corresponding meaning, ("personne qui exerce un contrôle sur un polluant", "personne qui exerce un contrôle sur le polluant")

"pollutant" means a contaminant other than heat, sound, vibration or radiation, and includes any substance from which a pollutant is derived, ("polluant")
"practicable" means capable of being effected or accomplished, ("réalisable")

"restore the natural environment", when used with reference to a spill of a pollutant, means restore all forms of life, physical conditions, the natural environment and things existing immediately before the spill of the pollutant that are affected or that may reasonably be expected to be affected by the pollutant, and "restoration of the natural environment", when used with reference to a spill of a pollutant, has a corresponding meaning, ("récupérer l'environnement naturel", "récupération de l'environnement naturel")

"spill", when used with reference to a pollutant, means a discharge,

(a) into the natural environment,
(b) from or out of a structure, vehicle or other container, and
(c) that is abnormal in quality or quantity in light of all the circumstances of the discharge, and when used as a verb has a corresponding meaning, ("déverser", "déverser")

"substance" means any solid, liquid or gas, or any combination of any of them ("substance") R.S.O. 1990, c. E 19, s 91 (1), 2001, c 9, Sched G, s 5 (5, 6), 2002, c 17, Sched F, Table

Abnormal discharge

(2) A discharge of a pollutant designated by the regulations at a location designated by the regulations shall be deemed to be in a quantity or with a quality abnormal at the location R.S.O. 1990, c. E 19, s 91 (2)

Practicable

(3) In determining what is practicable for the purposes of this Part, regard shall be had to the technical, physical and financial resources that are or can reasonably be made available. R.S.O. 1990, c. E 19, s 91 (3)

Exceptions to farming

(4) This Part does not apply to the disposal of animal wastes in accordance with normal farming practices R.S.O. 1990, c. E 19, s 91 (4)

Statutory, etc.

(5) A reference in this Part, other than in section 92, to an owner of a pollutant or a person having control of a pollutant includes a successor, assignee, executor or administrator of the owner of the pollutant or the person having control of the pollutant. R.S.O. 1990, c. E 19, s 91 (5)

Notice of spills

92. (1) Every person having control of a pollutant that is spilled and every person who spills or causes or permits a spill of a pollutant that causes or is likely to cause an adverse effect shall forthwith notify the following persons of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto,

(a) the Ministry,
(b) any municipality within the boundaries of which the spill occurred or, if the spill occurred within the boundaries of a regional municipality, the regional municipality,
(c) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant, and
(d) where the person is not the person having control of the pollutant and knows or is able to ascertain readily the identity of the person having control of the pollutant, the person having control of the pollutant R.S.O. 1990, c. E 19, s 92 (1), 2002, c 17, Sched F, Table

When duty enforced

(2) The duty imposed by subsection (1) comes into force in respect of each of the persons having control of the pollutant and the person who spills or causes or permits the spill of the pollutant immediately when the person knows or ought to know that the pollutant is spilled and is causing or is likely to cause an adverse effect R.S.O. 1990, c. E 19, s 92 (2)

Additional information to Director

(3) The person required by subsection (1) to give notice and the owner of the pollutant shall give to the Director such additional information in respect of the pollutant, the source of the pollutant and the spill of the pollutant as may be required by the Director. R.S.O. 1990, c. E 19, s 92 (3)

Note to Ministry by person moving

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(4) A member of a police force or an employee of a municipality or other public authority who is informed of or who investigates the spill of a pollutant shall forthwith notify the Ministry of the spill of the pollutant unless he or she has reasonable grounds for believing that such notice has been given to the Ministry by another person. R.S.O. 1990, c.E.19, s 92 (f)

Duty to mitigate and restore

93. (1) The owner of a pollutant and the person having control of a pollutant that is spilled shall take all reasonable steps to prevent, eliminate and ameliorate the adverse effect and to restore the natural environment.

When duty effective

(2) The duty imposed by subsection (1) comes into force in respect of each of the owner of the pollutant and the person having control of the pollutant immediately when the owner or person, as the case may be, knows or ought to know that the pollutant is spilled and is causing or is likely to cause an adverse effect. R.S.O. 1990, c.E.19, s 93

Directions by Minister, spds

94. (1) Where a pollutant is spilled and the Minister is of the opinion that there is or is likely to be an adverse effect as a result of the spill, the Minister, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the employees and agents of the Ministry

Where Minister may give directions

(2) The Minister may give directions in accordance with subsection (3) where the Minister is of the opinion that it is in the best interest of the public to do so and,

(a) the Minister is of the opinion that neither the person having control of the pollutant nor the owner of the pollutant will carry out promptly the duty imposed by section 93;

(b) the Minister is of the opinion that the person having control of the pollutant or the owner of the pollutant cannot be readily identified or located and that as a result the duty imposed by section 93 will not be carried out promptly, or

(c) the person having control of the pollutant or the owner of the pollutant requests the assistance of the Minister in order to carry out the duty imposed by section 93.

Contents of directions

(3) Under this section, the Minister may direct the employees and agents of the Ministry to do everything practicable or to take such action as may be specified in the directions in respect of the prevention, elimination and amelioration of the adverse effect and the restoration of the natural environment.

Further directions

(4) The Minister may give directions amending or revoking directions given under this section.

Employed and agents

(5) No Act, regulation, by-law, order, permit, approval or licence bars the employees and agents of the Ministry from acting in accordance with directions given by the Minister under this section.

Hearing

(6) The Minister need not hold or afford to any person an opportunity for a hearing before giving directions under this section. R.S.O. 1990, c.E.19, s 94

Entry and removal

95. (1) For the purpose of carrying out any duty imposed or order or direction made or given under this Part, any person subject to the duty or to whom the order or direction is made or given and that person’s employees and agents may,

(a) enter any place;

(b) construct structures and use machinery, structures, materials and equipment thereon or therefor; and

(c) remove therefrom the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant. R.S.O. 1990, c E.19, s 95 (1)

Enforcement of right of entry, etc.
(2) The rights set out in subsection (1) may be enforced by application without notice to a judge of the Superior Court of Justice by a person, employee, or agent referred to in subsection (1) R.S.O. 1990, c. E.19, s. 95 (2), 2001, c. 9, Sched. G, s. 5 (1)

Order by judge

(3) Where the judge is satisfied that there is reasonable ground for believing that it is necessary to do anything mentioned in subsection (1), the judge may issue an order authorizing the person and the person's employees and agents or any one or more of them to do anything mentioned in subsection (1) and specified in the order. R.S.O. 1990, c. E.19, s. 95 (3).

When to be executed

(4) An order under subsection (3) shall be carried out between 6 a.m. and 9 p.m. standard time, unless the order otherwise authorizes R.S.O. 1990, c. E.19, s. 95 (4)

Dispense of pollutees, etc.

96. (1) No person, employee or agent exercising any authority under subsection 150 (1) or carrying out any duty imposed or order or direction made or given under this Part shall dispose of or use any pollutant, or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollution except,

(a) in accordance with an order of or direction by the Minister under this or any other Act,

(b) in accordance with a direction by or the approval of the Director, but such a direction or approval shall not be contrary to the regulations; or

(c) in accordance with an approval order, certificate of property use, requirement or direction by the Director under any other Part of this Act or by a Director or provincial officer under any other Act administered by the Minister, but such an approval order, certificate of property use, requirement or direction shall not be contrary to the regulations R.S.O. 1990, c. E.19, s. 96 (1), 2001, c. 17, s. 2 (5)

Director or approval by Director

(2) The Director may give to any person, employee, or agent mentioned in subsection (1), and may amend or revoke, a direction or approval mentioned in clause (1) (b) and may do no dispute the terms of or conditions in a certificate of approval issued under Part V in respect of a waste disposal site. R.S.O. 1990, c. E.19, s. 96 (2)

Conditions

(3) The Director may attach such conditions as the Director considers necessary to an approval mentioned in clause (1) (b) R.S.O. 1990, c. E.19, s. 96 (3).

Hearing

(4) The Director need not hold or afford to any person an opportunity for a hearing before giving, amending or revoking a direction or approval referred to in clause (1) (b) R.S.O. 1990, c. E.19, s. 96 (4)

Orders by Minister, spills

97. (1) Where a pollutant is spilled and the Minister is of the opinion that there is or is likely to be an adverse effect and that it is in the best interest of the public to make an order under this section, the Minister may make an order directed to one or more of the following:

1. The owner of the pollutant
2. The person having control of the pollutant
3. The owner or the person having the charge, management or control of any real property or personal property that is affected or that may reasonably be expected to be affected by the pollution
4. The municipality within whose boundaries the spill occurred
5. Any municipality contiguous to the municipality within whose boundaries the spill occurred
6. Any municipality that is affected or that may reasonably be expected to be affected by the spill of the pollutant
7. Any public authority
8. Any person who is or may be adversely affected by the pollutant or whose assistance is necessary, in the opinion of the Minister, to prevent, eliminate or ameliorate the adverse effects or to restore the natural environment R.S.O. 1990, c. E.19, s. 97 (1), 2002, c. 17, Sched. F, Table 34
Content of orders

(2) In an order under this section, the Minister may require the doing of everything practicable or the taking of such action as may be specified in the order in respect of the prevention, elimination and amelioration of the adverse effects and the restoration of the natural environment within such period or periods of time as may be specified in the order. R S O 1990, c. E.19, s 97 (2)

(b) any matter, thing, plant or animal or any part of the natural environment affected or that may reasonably be expected to be affected by the pollutant,

within such period or periods of time as may be specified in the order. R S O 1990, c. E.19, s 97 (3)

Amendment or revocation of order

(4) The Minister by an order may amend or revoke an order made under this section. R S O 1990, c. E.19, s 97 (4)

Effect of any Act, regulation, etc.

(5) The Minister may make an order under this section despite any Act, regulation, by-law, order, permit, approval or licence R S O 1990, c. E.19, s 97 (5)

Hearing

(6) The Minister need not hold or afford to any person an opportunity for a hearing before making an order under this section. R S O 1990, c. E.19, s 97 (6)

Notice of order

(7) The Minister may direct, orally or in writing, a representative of the Ministry to give a written notice setting out an order of the Minister made orally or in writing under this section. R S O 1990, c. E.19, s 97 (7)

Effect of notice

(8) An order of the Minister set out in a notice under subsection (7) is for all purposes an order of the Minister made under this section. R S O 1990, c. E.19, s 97 (8)

Service of order or notice

(9) Where an order under this section or a notice under subsection (7) that sets out an order is given to an employee or agent of an employer or principal named in the order, the order shall be deemed to be given to the employer or principal. R S O 1990, c. E.19, s 97 (9)

Writing required

(10) An order under this section is not effective unless it is set out in writing or is set out in a notice referred to in subsection (7). R S O 1990, c. E.19, s 97 (10)

Effect of compliance with duty, or order, etc.

98. A person who in good faith and in a reasonable manner, in carrying out or attempting to carry out,

(a) a duty imposed by this Part, or

(b) an order or direction by the Minister or a direction or approval by the Director under this Part, takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action. R S O 1990, c. E.19, s 98

Compensation, etc.

99. (1) In this section, "loss or damage" includes personal injury, loss of life, loss of use or enjoyment of property and pecuniary loss, including loss of income. R S O 1990, c. E.19, s 99 (1)

Right to compensation

(2) Her Majesty in right of Ontario or in right of Canada or any other person has the right to compensation,
(a) for loss or damage incurred as a direct result of,
(1) the spill of a pollutant that causes or is likely to cause an adverse effect,
(2) the exercise of any authority under subsection 1(1) or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part or
(m) neglect or default in carrying out a duty imposed or an order or direction made under this Part;
(b) for all reasonable cost and expense incurred in respect of carrying out or attempting to carry out an order or direction made under this Part,
from the owner of the pollutant and the person having control of the pollutant. R.S.O. 1990, c. E.19, s. 99 (2)

Exception
(3) An owner of a pollutant or a person having control of a pollutant is not liable under subsection (2) if they establish that they took all reasonable steps to prevent the spill of the pollutant or if they establish that the spill of the pollutant was wholly caused by,
(a) an act of war, civil war, insurrection, an act of terrorism or an act of hostility by the government of a foreign country;
(b) a natural phenomenon of an exceptional, inevitable and irresistible character, or
(c) an act or omission with intent to cause harm by a person other than a person for whose wrongful act or omission the owner of the pollutant or the person having control of the pollutant is by law responsible, or
or any combination thereof. R.S.O. 1990, c. E.19, s. 99 (3)

Qualification
(4) Subsection (3) does not relieve the owner of the pollutant or the person having control of the pollutant,
(a) from liability for loss or damage that is a direct result of neglect or default of the owner of the pollutant or the person having control of the pollutant in carrying out a duty imposed or an order or direction made under this Part or
(b) from liability, under clause (2)(b), for cost and expense incurred or, under clause (2)(b), for all reasonable cost and expense incurred,
(i) to do everything practicable to prevent, abate or ameliorate the adverse effect, or
(ii) to do everything practicable to restore the natural environment,
or both R.S.O. 1990, c. E.19, s. 99 (4)

Enforcement of right
(5) The right to compensation under subsection (2) may be enforced by action in a court of competent jurisdiction. R.S.O. 1990, c. E.19, s. 99 (5)

Liability under subsection (2) does not depend upon fault or negligence R.S.O. 1990, c. E.19, s. 99 (6)

Contribution
(7) In an action under this section,
(a) where the plaintiff is an owner of the pollutant or a person having control of the pollutant, the court shall determine the degree, if any, in which the plaintiff would have been liable to make contribution or indemnification under subsection (8) if the plaintiff were a defendant, and
(b) where the plaintiff is not an owner or a person having control referred to in clause (a), the court shall determine the degree, if any, in which the plaintiff caused or contributed to the loss, damage, cost or expense by fault or negligence, and the court shall reduce the compensation by the degree, if any, so determined R.S.O. 1990, c. E.19, s. 99 (7)

Extent of liability
(8) Where two or more persons are liable to pay compensation under this section, they are jointly and severally liable to the person suffering the loss, damage, cost or expense to which they are liable to make contribution or indemnify the other in accordance with the following principles.
1 Where two or more persons are liable to pay compensation under this section and one or more of them caused or contributed to the loss, damage, cost or expense by fault or negligence, such one or more of them shall make contribution to and indemnify,

i where one person is found at fault or negligent, any other person liable to pay compensation under this section, and

ii where two or more persons are found at fault or negligent, each other and any other person liable to pay compensation under this section as the degree in which each of such two or more persons caused or contributed to the loss, damage, cost or expense by fault or negligence.

2. For the purpose of subparagraph ii of paragraph 1, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense, such two or more persons shall be deemed to be equally at fault or negligent.

3. Where no person liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense by fault or negligence, each of the persons liable to pay compensation is liable to make contribution to and indemnify each other in such degree as is determined to be just and equitable in the circumstances. R.S.O. 1990, c E.19, s 99 (4)

Enforcement of contribution

(9) The right to contribution or indemnification under subsection (8) may be enforced by action in a court of competent jurisdiction. R.S.O. 1990, c E.19, s 99 (9)

Adding parties

(10) Wherever it appears that a person not already a party to an action under this section may be liable in respect of the loss, damage, cost or expense for which compensation is claimed, the person may be added as a party defendant to the action upon such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties. R.S.O. 1990, c E.19, s 99 (10)

Settlement and recovery between persons liable

(11) A person liable to pay compensation under this section may recover contribution or indemnity from any other person liable to pay compensation under this section in respect of the loss, damage, cost or expense for which the compensation is claimed by settling with the person suffering the loss, damage, cost or expense and continuing the action or commencing an action against such other person. R.S.O. 1990, c E.19, s 99 (11)

Amount of settlement

(12) A person who has settled a claim and continued or commenced an action as mentioned in subsection (11) must satisfy the court that the amount of the settlement was reasonable, and, if the court finds the amount was excessive, the court may fix the amount at which the claim should have been settled. R.S.O. 1990, c E.19, s 99 (12)

(13) REPEALED 2002, c 24, Sched B, s 25.

(14) REPEALED 2002, c 24, Sched B, s 25.

Actions by municipality or designated person, spills

180. (1) Where a pollutant is spilled and causes or is likely to cause an adverse effect,

(a) a municipality, and

(b) REPEALED 2002, c 17, Sched F, Table.

(c) a person or a member of a class of persons designated by the regulations, or any one or more of them, may do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment. R.S.O. 1990, c E.19, s 180 (1), 2002, c 17, Sched F, Table

Right of entry and immunity from prosecution

(2) A municipality or a person or member of a class of persons designated by the regulations acting under subsection (1) or an employee or agent of any of them so acting has the rights of a person under section 95 and, if acting in good faith and in a reasonable manner, the immunity conferred on a person by section 98. R.S.O. 1990, c E.19, s 180 (2), 2002, c 17, Sched F, Table

Co-operation with others

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(1) A municipality or a person or a member of a class of persons designated by the regulations acting under subsection (1) must,

(a) co-ordinate efforts with,

(b) make use of the expertise of, and

(c) not impede,

a person carrying out a duty, order or direction under this Part R.S.O. 1990, c. E.19, s. 100 (3), 2002, c. 17, Sched. F, Table.

Right to compensation

(4) A municipality or a person or member of a class of persons designated by the regulations has the right to compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable cost and expense incurred in acting under subsection (1). R.S.O. 1990, c. E.19, s. 100 (4), 2002, c. 17, Sched. F, Table.

Enforcement

(5) The right to compensation under subsection (4) may be enforced by action in a court of competent jurisdiction R.S.O. 1990, c. E.19, s. 100 (5)

Application of subsection 99 (6) to (12)

(6) Where the right to compensation under subsection (4) arises, subsections 99 (6) to (12) apply with necessary modifications R.S.O. 1990, c. E.19, s. 100 (6), 2002, c. 24, Sched. B, s. 35.

Right to compensation from Crown

101. (1) A person, other than a person referred to in subsection (2), entitled under clause 99 (2) (b) to compensation for reasonable cost and expense has the right, subject to the conditions prescribed by the regulations, to payment of such compensation from Her Majesty in right of Ontario

Application of sub. (1)

(2) Subsection (1) does not give a right to payment of compensation to,

(a) the owner of the pollutant;

(b) the person having control of the pollutant;

(c) a person liable at law other than under this Part for loss, damage, cost or expense arising from the spill of the pollutant;

(d) a person that has a right under a contract to payment of the reasonable cost and expense referred to in subsection (1), or an employee or agent of any of them.

Enforcement of right

(3) The right to payment of compensation under subsection (1) may be enforced by action in a court of competent jurisdiction

Recovery by Crown

(4) Where compensation has been paid under subsection (1), Her Majesty in right of Ontario has the right to recover in the place of the person to whom the compensation was paid to the extent of the amount of the payment of compensation by and any costs of Her Majesty.

Ideas

(5) Her Majesty in right of Ontario is entitled under subsection (4) to all rights of recovery whether under this Part or otherwise that the person has against any other person

Ideas

(6) For the purposes of subsection (4), the payment of compensation by Her Majesty in right of Ontario under subsection (1) shall not be construed to affect the right of the person under subsection 99 (2) to compensation for reasonable cost and expense so paid by Her Majesty.

Enforcement

(7) The right to compensation under subsection (4) may be enforced in a court of competent jurisdiction by Her Majesty in right of Ontario in Her Majesty's name or in the name of the person to whom the compensation has been paid.
(8) A person that fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before payment of compensation under subsection (1) is dissolved to the payment

(9) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to the payment of compensation under subsection (1), Her Majesty in right of Ontario has the right to recover the amount of the compensation paid and the right may be enforced in a court of competent jurisdiction

Right of insurer

(10) An insurer as defined in the Insurance Act only acquires its subrogated right of recovery under any law, including sections 152 and 278 of the Insurance Act, or the provisions of any contract of insurance in respect of a person to whom a payment of compensation has been made under subsection (1) when Her Majesty in right of Ontario consents in writing to a settlement in accordance with which the right of recovery is released or to the bringing of an action to enforce the right of recovery.

Where consent not obtained

(11) If an insurer referred to in subsection (10) purports to make a settlement or brings an action without the consent of Her Majesty, the insurer is liable to Her Majesty in right of Ontario in an amount equal to the amount of the payment of compensation under subsection (1) to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement.

Effect of release

(12) A release in full or in accordance with a purported settlement made without the consent of Her Majesty in right of Ontario is a nullity.

Withholding of consent

(13) Her Majesty shall not unreasonably withhold the consent referred to in subsections (10), (11) and (12), but Her Majesty may attach conditions to the consent and may revoke the consent for breach of such a condition.

Conflict

(14) This section applies despite any other law or any contract of insurance. R.S.O. 1990, c. E 19, s 101.

Definitions

102. In this section and in sections 103 to 121,

"corporation" means the Environmental Compensation Corporation referred to in section 111, ("society");

"director" means director of the corporation, ("administrator")

"payment" means payment referred to in subsection (1) in respect of a spill of a pollutant, ("payout") R.S.O. 1990, c. E 19, s 102,1993, c. 27, Sch 6

Note: [No application for payment of a spill that is similar to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See, 1995, c. 7, s. 17; 1996, c. 15, s. 41, 1997, c. 15, s. 124, 1998, c. 23, s. 33, 1999, c. 59, s. 10, or 2000, c. 26, Sch. 3, s. 13.]
(a) any person who has incurred loss or damage as a direct result of,
   (i) the spill of a pollutant that causes or is likely to cause an adverse effect,
   (ii) the exercise of any authority under subsection 109 (1) or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part, or
   (iii) neglect or default in carrying out a duty imposed or an order or direction made under this Part,
(b) any person who has incurred reasonable cost and expense in respect of carrying out or attempting to carry out an order or direction under this Part, and
(c) the owner of the pollutant and the person having control of the pollutant who are liable to pay compensation under this Part,
   if such person, owner of the pollutant or person having control of the pollutant is a member of a class prescribed by the regulations and meets the conditions prescribed by the regulations.

Amount
(2) The amount of the payment that the corporation shall authorize under subsection (1) shall be calculated in the manner prescribed by the regulations,
(a) generally;
(b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member, or
(c) in respect of a class prescribed by the regulations,
   (i) of spills of pollutants,
   (ii) of loss or damage, or
   (iii) of cost or expense.

Limit
(3) The corporation shall not authorize payment under subsection (1) in excess of a limit prescribed by the regulations in excess of a limit calculated in the manner prescribed by the regulations and, in either case,
(a) generally;
(b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member, or
(c) in respect of a class prescribed by the regulations,
   (i) of spills of pollutants,
   (ii) of loss or damage, or
   (iii) of cost or expense.

Note: The application for payment of a claim that is made to the Environmental Compensation Corporation after April 1, 1996 may be processed and no payment shall be made pursuant to such an application. See: 1997, c. 7, S. 41.

Note: 4A day to be named by proclamation of the Lieutenant Governor, section 103 is repealed by the Statutes of Ontario, 1997, Chapter 7, section 2 and its following subsections.

42 A person who receives payment pursuant to a certificate of the Environmental Compensation Corporation from the Minister of Finance of Ontario for loss or damage as a result of a spill and recovers compensation from another person for the same loss or damage shall repay to the Minister of Finance an amount equal to the total amount recovered from the Minister of Finance and the other person less the financial value of the loss or damage suffered, but the amount repayable does not exceed the payment received from the Minister of Finance.
Failure to comply with condition precedent

104. (1) The corporation shall not authorize a payment to a person who fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before the payment.

Failure to comply with condition subsequent

(2) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to a payment, the corporation has the right to recover on behalf of Her Majesty in right of Ontario the amount of the payment and the costs of the corporation, and the right may be enforced by action in a court of competent jurisdiction R.S.O. 1990, c. E.19, s. 104

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See: 1997, c. 7, s. 12 (2).

Testimony

104. Except in a proceeding under this Act or the regulations, no person who obtained information in the course of his or her duties or employment with the Environmental Compensation Corporation in connection with the administration of, or a proceeding under, this Act or the regulations is required to give testimony, other than testimony about a spill of a pollutant, in a civil suit or proceeding with regard to that information. 1997, c. 7, s. 2

Matters to be considered by corporation

105. In assessing the amount of a payment, the corporation, except as may be prescribed by the regulations, shall take into consideration any benefit, compensation or indemnity payable to the person from any source R.S.O. 1990, c. E.19, s. 105

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See: 1997, c. 7, s. 11.

Proposed re payment of compensation

106. (1) The corporation shall make a proposal in respect of payment in connection with each application for payment and shall give notice of its proposal, together with written reasons therefor, to the applicant

Investigations

(2) The corporation may cause an investigation and report to be made in respect of the performance of its function and the exercise of its powers in any matter. R.S.O. 1990, c. E.19, s. 106

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See: 1997, c. 7, s. 11.

Procedure

107. The Statutory Powers Procedure Act does not apply to proceedings or proposals in respect of payment by the corporation under this Part or the regulations R.S.O. 1990, c. E.19, s. 107.

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See: 1997, c. 7, s. 11.

Rights of applicant

108. (1) An applicant for payment may accept a proposal by the corporation by notice in writing given to the corporation within twenty days after the application is given notice of the proposal or, if the applicant is dissatisfied with the proposal, the
applicant may apply within the twenty days to the Ontario Court (General Division) by notice of application for the
determination of the right of the applicant to payment and the amount of the payment, and on such application the court,
accordance with the rules of court, may determine the right to payment and the amount or may direct the trial of the issue
Minister entitled to be heard
(2) The Minister is entitled to be heard, by counsel or otherwise, upon the hearing of an application by the Ontario Court
(General Division) under subsection (1) or any proceeding or appeal with respect thereto
Extension of time for acceptance of proposal
(3) The corporation may extend the time for accepting a proposal by the corporation under subsection (1), either before or
after the expiration of the time, where the corporation is satisfied that there are reasonable grounds for applying for the extension
Extension of time for application to Ontario Court (General Division)
(4) The Ontario Court (General Division) may extend the time for applying to the Ontario Court (General Division) under
subsection (1), either before or after the expiration of the time, where the Ontario Court (General Division) is satisfied that
there are apparent grounds for making a determination in favour of the applicant following the hearing or the trial of the issue
under subsection (1) and that there are reasonable grounds for applying for the extension, and the Ontario Court (General Division)
may give such directions as it considers proper consequent upon the extension. R.S.O. 1990, c.E.19, s. 108
Note: No application for payment of a sum due is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed
and no payment shall be made pursuant to such an application. Set 1997,c.2, s.7, 7.
Note: On a day to be named by proclamation of the Lieutenant Governor, section 308 is repealed by the Statutes of Ontario, 1993, chapter 7,
section 2. Set: 1997,c.7, m. 2. 12(3) R.S.O.1990, c. E.19, s. 108
Payment by Treasurer of Ontario
110. (1) Where, in accordance with this Part and the regulations, an applicant has accepted a proposal by the corporation
or has applied to the Ontario Court (General Division) and it has been finally determined that the applicant is entitled
to payment and the amount of the payment has been finally determined, the corporation shall certify to the Treasurer of Ontario
in the form prescribed by the regulations the amount of the payment and the person to whom it is payable and, subject to
subsection (2), the Treasurer shall pay such amount to the person out of the Consolidated Revenue Fund
(2) The Treasurer of Ontario shall make payments under subsection (1) only during such period of time and subject
to such conditions as may be prescribed by the regulations. R.S.O. 1990, c. E.19, s. 109
Note: No payment for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed
and no payment shall be made pursuant to such an application. Set 1997,c.2, s.7, 7.
Note: On a day to be named by proclamation of the Lieutenant Governor, section 308 is repealed by the Statutes of Ontario, 1993, chapter 7,
section 2. Set: 1997,c.7, m. 2. 12(3) R.S.O.1990, c. E.19, s. 109
Recovery by corporation
118. (1) Where a payment is made in accordance with a certificate of the corporation, the corporation has the right on
behalf of Her Majesty in right of Ontario to recover in the place of the person to whom the payment was made to the extent
of the payment and any costs of the corporation
(2) The corporation is entitled under subsection (1) to all rights of recovery whether under this Part or otherwise that the
person has against any other person
Right to recover
(3) The payment of an amount to a person in accordance with a certificate of the corporation shall not be construed to
affect the right of the person to compensation under this Part or otherwise at law
Enforcement
(4) The right of the corporation to recover under subsection (1) may be enforced in a court of competent jurisdiction by the
corporation in its name or in the name of the person to whom the payment has been made
Right of insurer
(5) An insurer is defined in the Insurance Act only acquires its subrogated right of recovery under any law, including
sections 152 and 278 of the Insurance Act, or the provisions of any contract of insurance in respect of a person to whom a

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payment has been made in accordance with a certificate of the corporation when the corporation gives its consent in writing to a settlement in accordance with which the right of recovery is released or to the bringing of an action to enforce the right of recovery

Where consent not obtained

(6) If an insurer referred to in subsection (5) purports to make a settlement or brings an action without the consent of the corporation, the insurer is liable to the corporation in an amount equal to the amount of the payment made in accordance with the certificate of the corporation to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement.

Effect of release

(7) A release in accordance with a purported settlement made without the consent of the corporation is of no effect.

Withholding of consent

(8) The corporation shall not unreasonably withhold the consent referred to in subsections (5), (6) and (7) but the corporation may attach conditions to the consent and may revoke the consent for breach of such a condition.

Conflict

(9) This section applies despite any law or any contract of insurance R.S.O. 1990, c. E. 19, s. 110.

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. Sec. 197, c. 7, s. 19.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 110 is repealed by the Statutes of Ontario, 1997, chapter 7, section 2. Sec. 197, c. 7, ss. 2, 32 (2).

Environmental Compensation Corporation

111. (1) The Environmental Compensation Corporation is continued as a corporation without share capital under the name Environmental Compensation Corporation in English and Société d'indemnisation environnementale in French.

Appointment of directors

(2) The corporation shall be composed of not fewer than three directors who shall be appointed by the Lieutenant Governor in Council.

Term of office

(3) The term of office of a director of the corporation is three years or until a successor is appointed and a director is eligible for reappointment.

Chair

(4) The Lieutenant Governor in Council shall designate one of the directors as chair.

Quorum

(5) A majority of the directors of the corporation constitutes a quorum.

Conduct of business by less than quorum

(6) The chair may in writing authorize less than a quorum of the directors of the corporation to exercise the powers of the corporation in any matter specified by the chair R.S.O. 1990, c. E. 19, s. 111.

Note: No application for payment of a claim that is made to the Environmental Compensation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. Sec. 197, c. 7, s. 11.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 111 is repealed by the Statutes of Ontario, 1997, chapter 7, section 2. Sec. 197, c. 7, ss. 2, 12 (2).

Management

112. (1) The affairs of the corporation are under the management of its directors.

By-laws

(2) The directors may make by-laws regulating the proceedings of the corporation, governing the exercise of its powers and generally for the conduct and management of the affairs of the corporation.

By-laws by Lieutenant Governor in Council

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113. The powers of the corporation are,
(a) to receive and assess applications for payment in accordance with sections 102 to 120 and the regulations;
(b) to authorize payments in accordance with sections 102 to 120 and the regulations;
(c) to take actions or commence proceedings in any case where the corporation is authorized to do so by or under any Act or law, and
(d) to carry out such other duties as may be prescribed by the regulations. R.S.O. 1990, c. E.19, s. 113

114. The corporation shall pay those of its directors who are not employees in the public service of the Province of Ontario such remuneration and expense allowance as may be fixed from time to time by the Lieutenant Governor in Council. R.S.O. 1990, c. E.19, s. 114

115. (1) The corporation is an agency of the Crown in the field of public interest and the operation of activities by the corporation is not a Crown corporation within the meaning of the "Corporate Act, 1990". R.S.O. 1990, c. E.19, s. 115

116. The corporation may engage on a temporary basis the services of persons having technical or specialized knowledge to advise and assist the corporation in performing its function and exercising its powers and, with the approval of the Lieutenant Governor in Council, the corporation may fix and pay the remuneration and expenses of such persons. R.S.O. 1990, c. E.19, s. 116

117. (1) The corporation may appoint inspectors to make investigations in respect of spills of pollutants in order to assist the corporation in the performance of its function and the exercise of its powers and to carry out such additional duties as may be prescribed by the regulations. R.S.O. 1990, c. E.19, s. 117
(2) It is the duty of an inspector appointed by the corporation,
(a) to make investigations in respect of spills of pollutants in order to assist the corporation in assessing applications for payment received by the corporation;
(b) to make such other investigations in respect of spills of pollutants as may be necessary or advisable to assist the corporation to perform its function and to exercise its powers, and
(c) to carry out such additional duties as may be prescribed by the regulations. *RS O 1990, c. E.19, s. 117.*

Note: [No application for payment of a claim that is made to the Environmental Compensation Corporation after June 2, 1996 shall be processed and no payment shall be made pursuant to such an application. *Sec. 1997, c. 7, s. 11.*]

Matters confidential

118. (1) Except as to information in respect of a spill of a pollutant, every director and every employee of the corporation and every person engaged or appointed by the corporation shall preserve secrecy with respect to all matters that come to the person's knowledge in the course of the person's duties or employment under this Act and shall not communicate any such matter to any other person except,
(a) in connection with the administration of this Act and the regulations or in connection with any proceeding under this Act or the regulations,
(b) to the person's counsel, or
(c) with the consent of the person to whom the information relates.

Testimony

(2) Except in a proceeding under this Act or the regulations, no person to whom subsection (1) applies shall be required to give testimony, other than testimony in respect of a spill of a pollutant, in any civil suit or proceeding with regard to information obtained by the person in the course of the person's duties or employment. *RS O 1990, c. E.19, s. 118.*

Note: [No application for payment of a claim that is made to the Environmental Compensation Corporation after June 2, 1996 shall be processed and no payment shall be made pursuant to such an application. *Sec. 1997, c. 7, s. 11.*]

Note: On a day to be named by proclamation of the Lieutenant Governor, section 118 is repealed by the Statutes of Ontario, 1997, chapter 7, section 2; see: *Sec. 1997, c. 7, sh. 2, r. 12 (5).*

Application of s 180

119. Section 180 (which provides protection from personal liability) applies to the directors and the employees of the corporation and to persons engaged or appointed by the corporation in the same manner as it applies to persons described in that section. *RS O 1990, c. E.19, s. 119.*

Note: [No application for payment of a claim that is made to the Environmental Compensation Corporation after June 2, 1996 shall be processed and no payment shall be made pursuant to such an application. *Sec. 1997, c. 7, s. 11.*]

Note: On a day to be named by proclamation of the Lieutenant Governor, section 119 is repealed by the Statutes of Ontario, 1997, chapter 7, section 2; see: *Sec. 1997, c. 7, sh. 2, r. 12 (5).*

Audit

120. The accounts and financial transactions of the corporation shall be audited annually by the Auditor General, and reports of the audit shall be made to the corporation and to the Minister. *RS O, 1990, c. E.19, s. 120, 2004, c. 17, s. 12.*

Note: [No application for payment of a claim that is made to the Environmental Compensation Corporation after June 2, 1996 shall be processed and no payment shall be made pursuant to such an application. *Sec. 1997, c. 7, s. 11.*]

Note: On a day to be named by proclamation of the Lieutenant Governor, section 120 is repealed by the Statutes of Ontario, 1997, chapter 7, section 2; see: *Sec. 1997, c. 7, sh. 2, r. 12 (5).*

Annual report

121. (1) The corporation shall make a report annually to the Minister upon the affairs of the corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Other reports

(2) The corporation, in addition to making an annual report, shall make to the Minister such other reports on its affairs and operations as the Minister may require. *RS O 1990, c. E.19, s. 121.*
Note: No application for payment of a claim that is minor to the Environmental Conservation Corporation after June 3, 1996 shall be processed and no payment shall be made pursuant to such an application. See: R.S.O. 1990, c. E.19, s. 11.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 122 is repealed by the Statute of Ontario, 1997, chapter 7, section 2. See: R.S.O. 1990, c. E.19, s. 11.

Right of review

122. Except as expressly provided in this Part, nothing in this Part limits or restricts any right or remedy that any person may have against another person R.S.O. 1990, c. E.19, s. 122.

Limitation of farmers' liability

123. The liability under this Part of farmers who are owners of polluting or persons having control of pollutants and who are members of a class prescribed by the regulations is limited to the amount prescribed by the regulations or the amount calculated in the manner prescribed by the regulations in respect of such farmers R.S.O. 1990, c. E.19, s. 123.

PART XI
CONTROL ORDERS AND STOP ORDERS

Control orders

124. (1) The Director may, where he or she is authorized by this Act to issue a control order, order the person to whom it is directed to do any one or more of the following, namely,

(a) to limit or control the rate of discharge of the contaminant into the natural environment in accordance with the directions set out in the order,

(b) to stop the discharge of the contaminant into the natural environment,

(i) permanently,

(ii) for a specified period, or

(iii) in the circumstances set out in the order,

(c) to comply with any direction set out in the order relating to the manner in which the contaminant may be discharged into the natural environment,

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the discharge of the contaminant into the natural environment,

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment,

(f) to measure and record, both in the manner specified in the order, the discharge into the natural environment of the contaminant specified in the order and to report thereon to the Director,

(g) to study and report to the Director upon,

(i) measures to control the discharge into the natural environment of the contaminant specified in the order,

(ii) the effects of the discharge into the natural environment of the contaminant specified in the order,

(iii) the natural environment into which the contaminant specified in the order is being or is likely to be discharged, and

(h) to report to the Director in respect of fuel, materials and methods of production used and intended to be used, and the wastes that will or are likely to be generated

Report to Director

(2) A person required under subsection (1) to study and to report to the Director on a matter shall report to the Director in the manner, at the times, and with the information specified by the Director in the order. R.S.O. 1990, c. E.19, s. 124.

Compliance with control order

125. Subject to section 140, when a copy of a control order is served upon the person to whom it is directed, that person

(a) shall comply with the order forthwith, or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date. R.S.O. 1990, c. E.19, s. 125.
Further order
126. The Director may, by a further order, amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed R S O 1990, c E 19, s 126.

Where Director proposes to issue control order
127. (1) Where the Director proposes to issue a control order, the Director shall serve notice of his or her intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.

Submission to Director
(2) The person to whom the Director intends to issue the control order may make submissions to the Director at any time before the control order is issued R S O 1990, c E 19, s 127.

Context of stop order
128. The Director may, where he or she is authorized by this Act to issue a stop order, order the person to whom it is directed to immediately stop or cause the source of contaminant to stop discharging into the natural environment any contaminant either permanently or for a specific period of time R S O 1990, c E 19, s 128.

Form of stop order
129. A stop order shall be in writing and shall include written reasons for the order R S O 1990, c E 19, s 129.

Stop orders, compliance and revocation
Compliance
130. (1) When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation
(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed R S O 1990, c E 19, s 130.

PART XII
FINANCIAL ASSURANCE

Definitions, Part XII
131. In this Part, “approval” means program approval, certificate of approval or provisional certificate of approval, and includes a permit or approval issued by a Director under the Ontario Water Resources Act, but does not include an approval under Part X of this Act, (“authorization”).

“bank” means a bank named in Schedule I or Schedule II to the Bank Act (Canada), (“banque”)

“environmental measures” means one or more of the measures set out in clauses 132 (1) (a) to (c) or 132 (1.1) (a) to (c), (“mesures d’ordre environnemental”)

“financial assurance” means one or more of,

(a) cash, in the amount specified in the approval, order or certificate of property use,
(b) a letter of credit from a bank, in the amount and terms specified in the approval, order or certificate of property use,
(c) negotiable securities issued or guaranteed by the Government of Ontario or the Government of Canada in the amount specified in the approval, order or certificate of property use,
(d) a personal bond accompanied by collateral security, each in the form, terms and amount specified in the approval, order or certificate of property use,
(e) the bond of an insurer licensed under the Insurance Act to write surety and fidelity insurance in the form, terms and amount specified in the approval, order or certificate of property use,
(f) a bond of a guarantor, other than an insurer referred to in clause (e), accompanied by collateral security, each in the form, terms and amount specified in the approval, order or certificate of property use.
(g) an agreement, in the form and terms specified in the approval, order or certificate of property use, and

(b) an agreement, in the form and terms prescribed by the regulations ("garantie financière")

"order" means an order by the Director under this Act, and includes an order, notice, direction, requirement or report made by a Director under the Ontario Water Resources Act, but does not include an order under section 136 (order for performance of environmental measures) of this Act. ("Ordre")

"works" means an activity, facility, thing, undertaking or site in respect of which an approval or an order is issued ("travaux")

R.S.O. 1990, c.E.19, s.132; 1993, c.27, Sch.1: 1997, c.19, s.34, 2001, c.17, s.2 (6, 7)

Financial assurance

Approval or order

132. (1) The Director may include an approval or order in respect of a works a requirement that the person to whom the approval is issued or the order is directed provide financial assurance to the Crown in right of Ontario for any one or more of:

(a) the performance of any action specified in the approval or order;

(b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by the works to which the approval or order is related, and

(c) measures appropriate to prevent adverse effects upon and following the cessation or closing of the works R.S.O. 1990, c.E.19, s.132 (1)

Certificate of property use

(1) The Director may include in a certificate of property use a requirement that the person to whom the certificate is issued provide financial assurance to the Crown in right of Ontario for any one or more of:

(a) the performance of any action specified in the certificate of property use;

(b) the provision of alternate water supplies to replace those that the Director has reasonable and probable grounds to believe are or are likely to be contaminated or otherwise interfered with by the certificate of property use relates, and

(c) measures appropriate to prevent adverse effects in respect of the property in which the certificate of property use relates 2001, c.17, s.2 (8)

Changes in amount of financial assurance

(2) A requirement under subsection (1) or (1.1) may provide that the financial assurance may be provided, reduced or released in stages specified in the approval, order or certificate of property use 2001, c.17, s.2 (9)

Amendment of approval, order or certificate of property use

(3) The Director may amend an approval, order or certificate of property use to change a requirement as to financial assurance contained in the approval, order or certificate of property use 2001, c.17, s.2 (9)

Failure to provide financial assurance

133. (1) Failure to provide financial assurance specified in an approval or in accordance in an approval is grounds for revocation of the approval and for an order in writing by the Director prohibiting or restricting the carrying on, operation or use of the works in respect of which the financial assurance is required R.S.O. 1990, c.E.19, s.133 (1)

Ibid., order

(2) Failure to provide financial assurance specified in an order or in accordance with a stage specified in an order is grounds for an order in writing by the Director prohibiting or restricting the carrying on, operation or use of the works in the respect of which the financial assurance is required R.S.O. 1990, c.E.19, s.137(2)

Same, certificate of property use

(3) Failure to provide financial assurance specified in a certificate of property use or in accordance with a stage specified in a certificate of property use is grounds for an order in writing by the Director prohibiting or restricting the use of the property to which the certificate of property use relates 2001, c.17, s.2 (10)

Return or release of financial assurance

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134. (1) Upon request, part or all of the financial assurance given in respect of a works or certificate of property use may be returned or released pursuant to an order in writing by the Director. R.S.O. 1990, c. E.19, s. 134(1), 2001, c. 17, s. 2 (11)

Grounds for order

(2) The Director may make an order mentioned in subsection (1) if satisfied that the financial assurance returned or released is not required in respect of the works or certificate of property use. R.S.O. 1990, c. E.19, s. 134(2), 2001, c. 17, s. 2 (12)

Combination of financial assurance

135. The Director may consent a financial assurance to cash to be held by the Crown to the same purposes as the financial assurance or otherwise realize the financial assurance unless the financial assurance is renewed at least thirty days before it would otherwise expire. R.S.O. 1990, c. E.19, s. 135

Order for use of financial assurance

136. (1) In the circumstances set out in subsection (2), the Director by order may require the performance of environmental measures for which the Crown holds financial assurance and may require the use of the financial assurance for the performance of the environmental measures. R.S.O. 1990, c. E.19, s. 136(1)

Basis for order

(2) The Director may make an order mentioned in subsection (1) if the Director has reasonable and probable ground to believe that any environmental measure required by the approval, order or certificate of property use is an aspect of which the financial assurance was given has not been or will not be carried out in accordance with the requirement. R.S.O. 1990, c. E.19, s. 136(2), 2001, c. 17, s. 2 (15)

Parties affected

(3) An order under this section shall be directed to,

(a) the person to whom the approval, order or certificate of property use was issued or any other person who is bound by the approval, order or certificate of property use, and

(b) any person that to the knowledge of the Director has provided the financial assurance for or on behalf of a person referred to in clause (a), or any successor or assignee of a person that to the knowledge of the Director has provided the financial assurance for or on behalf of a person referred to in clause (a). 2001, c. 17, s. 14 (14)

Performance

(4) Upon the issuance of an order by the Director under subsection (1), the Crown may,

(a) use any cash,

(b) realize any bond or other form of security, and use the money derived therefrom, and

(c) enforce any agreement,

provided or obtained as the financial assurance for the performance of the environmental measures and may carry out the environmental measures. R.S.O. 1990, c. E.19, s. 136 (d)

PART XIII

APPEALS TO TRIBUNAL

137. REPEALED 2000, c. 26, sched F, s. 12 (6)

Note to sections, terms, orders and decisions

138. When the Director makes an order or decision under this Act of a class prescribed by the regulations, the Director shall serve notice of the order or decision, together with written reasons therefor, on the clerk of any local municipality in which there is land on which the order or decision requires something to be done, permits something to be done or prohibits something from being done. R.S.O. 1990, c. E.19, s. 138

Notice of decision, general

When Director refuses approval, etc.

139. (1) When the Director,

(a) refuses to give his or her approval of plans and specifications;

(b) requires a condition precedent to the giving of his or her approval,
(c) refuses to issue a certificate of approval or a provisional certificate of approval,
(d) refuses to renew a certificate of approval or a provisional certificate of approval,
(e) suspends or revokes a certificate of approval or a provisional certificate of approval, or
(f) issues a certificate of property use,

the Director shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Tribunal within fifteen days after the service of the notice, require a hearing by the Tribunal. R S O 1990, c E 19, s 139 (1), 2000, c 26, Sch 26, s 12 (12); 2001, c 17, s 2 (13)

When Director refuses licence or permit
(2) When the Director,
(a) refuses to issue or renew or cancel or suspends a licence or permit,
(b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval,
(c) alters the terms and conditions of a certificate of approval, provisional certificate of approval, certificate of property use, licence or permit after it is issued, or
(d) imposes new terms and conditions on a certificate of approval or certificate of property use,

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence, permit, certificate of approval, provisional certificate of approval or certificate of property use is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Tribunal within fifteen days after the service of the notice, require a hearing by the Tribunal. R S O 1990, c E 19, s 139 (2), 2000, c 26, Sch 26, s 12 (12), 2001, c 17, s 2 (16, 17)

Exception
(3) Subsections (1) and (2) do not apply with respect to a decision of the Tribunal that is implemented by the Director in accordance with subsection 33 (4). R S O 1990, c E 19, s 139 (3), 2000, c 26, Sch 26, s 12 (12)

Appeal of order
140. (1) A person to whom an order of the Director is directed may, by written notice served upon the Director and the Tribunal within fifteen days after service upon the person of a copy of the order, require a hearing by the Tribunal. R S O 1990, c E 19, s 140 (1), 2000, c 26, Sch 26, s 12 (12)

Failure or refusal to issue, etc., order
(2) No failure or refusal to issue, amend, vary or revoke an order is an order. R S O 1990, c E 19, s 140 (2)

Extension of time for requesting hearing
141. The Tribunal shall extend the time in which a person may give a notice under section 139 or 140 requiring a hearing on an order or decision where, in the Tribunal’s opinion, it is just to do so because service of the order or decision on the person did not give the person notice of the order or decision. R S O 1990, c E 19, s 141; 2000, c 26, Sch 26, s 12 (12)

Contents of notice requiring hearing
142. (1) An applicant for a hearing by the Tribunal shall state in the notice requiring the hearing,
(a) the portion of the order, certificate of property use, direction, term, condition, suspension, revocation or licence or other form of permission in respect of which the hearing is required, and
(b) the grounds on which the applicant for the hearing intends to rely at the hearing. R S O 1990, c E 19, s 142 (1), 2000, c 26, Sch 26, s 12 (12), 2001, c 17, s 2 (18)

Effect of contents of notice
(2) Except with leave of the Tribunal, at a hearing by the Tribunal an applicant is not entitled to appeal a portion of the order, certificate of property use, direction, term, condition, suspension, revocation or licence or other form of permission, or to rely on or a ground, that is not stated in the applicant’s notice requiring the hearing. R S O 1990, c E 19, s 142 (2), 2000, c 26, Sch 26, s 12 (12), 2001, c 17, s 2 (19)

Leave by Tribunal
(3) The Tribunal may grant the leave referred to in subsection (2) where the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give such directions as the Tribunal considers proper consequent upon the granting of the leave. R.S.O. 1990, c. E.19, s. 142 (3), 2000, c. 26, Sched. F, s 12 (12)

No automatic stay on appeal

143. (1) The commencement of a proceeding before the Tribunal does not stay the operation of a decision or order made under this Act, other than an order to pay the costs of work made under section 156. R.S.O 1990, c. E.19, s. 143 (1), 2000, c. 26, Sched. F, s 12 (12)

Tribunal may grant stay

(2) The Tribunal may, on the application of a party to a proceeding before it, stay the operation of a decision or order, other than,

(a) an order to enter, record and report, or

(b) an order issued under section 168 8, 168 14 or 168 20, 2001, c. 17, s 2 (20)

When stay may not be granted

(3) The Tribunal shall not stay the operation of a decision or order if doing so would result in,

(a) danger to the health or safety of any person,

(b) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it, or

(c) injury or damage or serious risk of injury or damage to any property or to any plant or animal life. R.S.O 1990, c. E.19, s 143 (3), 2000, c. 26, Sched. F, s 12 (12)

Right to apply to remove stay: new circumstances

(4) A party to a proceeding may apply for the removal of a stay if relevant circumstances have changed or have become known to the party since the stay was granted, and the Tribunal may grant the application. R.S.O 1990, c. E.19, s. 143 (4), 2000, c. 26, Sched. F, s 12 (12)

Right to apply to remove stay: new party

(5) A person who is made a party to a proceeding after a stay is granted may, at the time the person is made a party, apply for the removal of the stay, and the Tribunal may grant the application. R.S.O 1990, c. E.19, s. 143 (5), 2000, c. 26, Sched. F, s 12 (12)

Removal of stay by Tribunal

(6) The Tribunal, on the application of a party under subsection (4) or (5), shall remove a stay if failure to do so would have one or more of the results mentioned in clauses (3) (a) to (c). R.S.O 1990, c. E.19, s. 143 (6), 2000, c. 26, Sched. F, s 12 (12)

Tribunal powers and appeals from Tribunal decisions

Powers of Tribunal

144. (1) A hearing by the Tribunal shall be a new hearing and the Tribunal may confirm, alter or revoke the action of the Director that is the subject-matter of the hearing and may by order direct the Director to take such action as the Tribunal considers the Director should take in accordance with this Act and the regulations, and, for such purposes, the Tribunal may substitute its opinion for that of the Director. R.S.O 1990, c. E.19, s. 144 (1), 2000, c. 26, Sched. F, s 12 (12)

Appeal to court

(2) Any party to a hearing before the Tribunal under this section may appeal from its decision or order on a question of law to the Divisional Court in accordance with the rules of court. R.S.O 1990, c. E.19, s. 144 (2), 2000, c. 26, Sched. F, s 12 (12)

Appeal to Minister

(3) A party to a hearing before the Tribunal may, within thirty days after receipt of the decision of the Tribunal or within thirty days after final disposition of an appeal, if any, under subsection (2), appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Tribunal as to the matter in appeal as the Minister considers in the public interest. R.S.O 1990, c. E.19, s. 144 (3), 2000, c. 26, Sched. F, s 12 (12)

Decree of Tribunal not automatically stayed on appeal

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(4) An appeal of a decision of the Tribunal to the Divisional Court or to the Minister does not stay the operation of the decision, unless the Tribunal orders otherwise. R.S.O. 1990, c E.19, s 144(4), 2000, c 26, Sched F, s 12 (12)

Divisional Court or Minister may grant or set aside stay

(5) Where a decision of the Tribunal is appealed to the Divisional Court or to the Minister, the Divisional Court or the Minister may,
   (a) stay the operation of the decision, or
   (b) set aside a stay ordered by the Tribunal under subsection (4) R.S.O. 1990, c E.19, s 144(5), 2000, c 26, Sched F, s 12 (12)

Parties to hearing

145. (1) The person requiring the hearing, the Director and any other person specified by the Tribunal are parties to the hearing. R.S.O. 1990, c E.19, s 145(1), 2000, c 26, Sched F, s 12 (12)

(2) REPEALED 2000, c 26, Sched F, s 12 (9)

145.1 REPEALED 2000, c 26, Sched F, s 12 (10).

PART XIV
WORK DONE BY MINISTRY

Minister may cause things to be done

146. Where an order or decision made under this Act is stayed, the Minister may cause to be done any thing required by the order or decision. R.S.O. 1990, c E.19, s 146

Director may cause things to be done

147. (1) Where an order or decision made under this Act is not stayed, the Director may cause to be done any thing required by it if,
   (a) a person required by the order or decision to do the thing,
      (i) has refused to comply with or is not complying with the order or decision,
      (ii) is not likely, in the Director’s opinion, to comply with the order or decision promptly,
      (iii) is not likely, in the Director’s opinion, to carry out the order or decision competently, or
      (iv) requests the assistance of the Director in complying with the order or decision;
   (b) a receiver or trustee in bankruptcy is not required to do the thing because of subsection 19 (5) or 168 (7), or
   (c) in the Director’s opinion, it would be in the public interest to do so. R.S.O. 1990, c E.19, s 147(1), 2001, c 17, s 2 (21)

Notice of intent to cause things to be done

(2) The Director shall give notice of an intention to cause a thing to be done under subsection (1),
   (a) to each person required by an order or decision made under this Act to do the thing, and
   (b) if a receiver or trustee in bankruptcy is not required to do the thing because of subsection 19 (5) or 168 (7), to the receiver or trustee in bankruptcy 2001, c 17, s 2 (22)

Ident

(3) A person who receives a notice under subsection (2) shall not do the thing referred to in the notice without the permission of the Director. R.S.O. 1990, c E.19, s 147 (3)

Person liable unknown. Director may cause things to be done

148. Where the Director is authorized by this Act to make a decision or order requiring a person to do a thing and the identity of the person cannot be ascertained, the Director may cause the thing to be done. R.S.O. 1990, c E.19, s 148

Parts XV.1 and XV.2. Director may cause things to be done

148.1 (1) If but for Part XV.1 or XV.2, the Minister, the Director or a provincial officer would be authorized by this Act to make an order requiring a person to do a thing, the Director may cause the thing to be done. 2001, c 17, s 2 (23)
(2) Subsection (1) applies even if the Director is authorized to make an order requiring another person to do the thing 2001, c 17, s 2 (23)

Powers of entry for ss 146 to 148

Entry without judicial order

149. (1) A person who is responsible for doing a thing under section 146, 147, 148 or 148.1 may, for the purpose, enter on or into any land or place on or in which the thing is to be done and any adjacent land or place without an order if,
(a) the entry is made with the consent of an occupier or owner of the land or place, or
(b) the delay necessary to obtain an order under subsection (2) would result in,
(i) danger to the health or safety of any person,
(ii) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it, or
(iii) injury or damage or serious risk of injury or damage to any property or to any plant or animal life 1998, c 35, s 13 (1), 2001, c 17, s 2 (24)

Order authorizing entry

(2) A justice who is satisfied on evidence under oath that there is reasonable ground to believe that entry on land or into or on a place is necessary for the purpose of doing a thing under section 146, 147, 148 or 148.1, may issue an order authorizing the person named in the order to make the entry and do the thing 1998, c 35, s 12 (1), 2001, c 17, s 2 (25)

Execution and expiry of order

(3) An order issued under subsection (2) shall,
(a) specify the times, which may be 24 hours each day, during which the order may be carried out, and
(b) state when the order expires 1998, c 35, s 12 (1)

Renewal

(4) Before or after the order expires, a justice may renew the order, for such additional periods as the justice considers necessary 1998, c 35, s 13 (1)

Use or force

(5) A person authorized under clause (1) (b) or subsection (2) to enter land or a place for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing R.S.O. 1990, c E.19, s 149 (5), 1998, c 35, s 13 (2)

Assistance

(6) A person named in an order issued under subsection (2) may call on any other persons he or she considers advisable to assist in executing the order R.S.O. 1990, c E.19, s 149 (6), 1998, c 35, s 13 (3)

Application without notice

(7) A justice may receive and consider an application for an order or renewal of an order under this section without notice to the owner or occupier of the land or place 1998, c 35, s 13 (4)

Identification

(8) On the request of an owner or occupier of the land or place, a person who exercises a power conferred under subsection (1) or (2) shall identify himself or herself and shall explain the purpose of the entry R.S.O. 1990, c E.19, s 149 (8), 1998, c 35, s 13 (5)

Order to pay

150. (1) The Director may issue an order to pay the costs of doing any thing caused to be done by the Minister or Director under this Act to any person required by an order or decision made under this Act to do the thing R.S.O. 1990, c E.19, s 150 (1)

Idem

(2) If, after the Minister or Director causes anything to be done under this Act, the Director ascends the identity of a person to whom a decision or order requiring the thing to be done could have been issued under this Act, the Director may issue an order to pay the costs of doing the thing to that person R.S.O. 1990, c E.19, s 150 (2)
SAME

(2.1) If the Minister or Director has caused any thing to be done under this Act in circumstances where, pursuant to subsection 19 (5) or 168 20 (7) or a stay granted under Part 1 of the Bankruptcy and Insolvency Act (Canada), a receiver or trustee in bankruptcy was not required to do the thing, the Director may issue an order to the Receiver or Trustee in Bankruptcy to pay the costs of doing the thing 2001, c 17, s 2 (26)

SAME

(2.2) If an order to pay the costs of doing a thing is issued under subsection (1), (2) or (2.1) to a receiver or trustee in bankruptcy, the receiver or trustee in bankruptcy is not personally liable for those costs unless the order or decision that required the thing to be done arose from the gross negligence or willful misconduct of the receiver or trustee in bankruptcy or of a receiver representative or trustee in bankruptcy representative 2001, c 17, s 2 (26)

Order to pay costs

(3) An order under subsection (1), (2) or (2.1) to pay costs shall include,

(a) a description of things that the Minister or Director caused to be done under this Act,

(b) a detailed account of the costs incurred in doing the things, and

(c) a direction that the person to whom the order is issued pay the costs to the Minister of Finance. R.S.O 1990, c E.19, s 150 (3), 2001, c E.9, Sched G, s 5 (22), 2001, c 17, s 2 (27)

Ident

(4) An order under subsection (2) to pay costs shall also include a brief statement of the circumstances giving rise to the decision to cause the things to be done R.S.O 1990, c E.15, s 150 (4)

Costs specified in order to pay may be increased by Tribunal

151. At a hearing by the Tribunal on an order to pay costs, the Director may, on reasonable cause to all parties, ask the Tribunal to amend the order by adding new items of cost or by increasing the amounts set out in the order. R.S.O 1990, c E.19, s 151; 2001, c E.25, Sched G, s 12 (12)

What Tribunal may consider at hearing as to order to pay

152. (1) At a hearing by the Tribunal on an order under subsection 150 (1) to a person to pay the costs of doing things, the Tribunal shall consider only whether any of the costs specified in the order.

(a) do not relate to a thing that the person was required to do by an order or decision made under this Act, as amended by any Tribunal decision or on any appeal from a Tribunal decision, or

(b) are unreasonable having regard to what was done R.S.O 1990, c E.19, s 152; 2000, c 26, Sched F, s 12 (12)

Same, receiver or trustee in bankruptcy

(2) For the purposes of subsection (1), if the order under subsection 150 (2) or (2.1) was issued to a receiver or trustee in bankruptcy,

(a) the receiver or trustee in bankruptcy shall be deemed to have been required to do any thing that was required to be done by the person whose property the receiver or trustee in bankruptcy holds or administers, and

(b) the receiver or trustee in bankruptcy shall be deemed to have been required to do a thing that, pursuant to subsection 19 (5) or 168 20 (7), the receiver or trustee in bankruptcy was not required to do 2001, c 17, s 2 (28)

Order to Pay may be enforced by Judgment of the Superior Court of Justice

153. (1) An order to pay costs may be filed with a local registrar of the Superior Court of Justice and enforced as if it were an order of the court R.S.O 1990, c E.19, s 153 (1), 2001, c E.9, Sched G, s 5 (21)

Interest

(2) Section 129 of the Courts of Justice Act applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. R.S.O 1990, c E.19, s 125 (2), 2001, c E.9, Sched G, s 5 (21)

Collection of court tax here

154. (1) For the purposes of subsections (2) and (3), a thing done as a result of activities or conditions on real property as a thing done in connection with that property, whether or not the work is done on that property. R.S.O 1990, c E.19, s 154 (1)
(2) If an order to pay costs is directed to a person who owns real property in a local municipality, and the Director instructs the municipality to recover amounts specified in the order that relate to things done in connection with that property, the municipality shall have a lien on the property for those amounts and they shall have priority lien status, as described in section 1 of the Municipal Act, 2001, in respect of the property and shall be added by the treasurer of the municipality to the tax roll.

Same

A lien created under subsection (2) in favour of a municipality is not an estate or interest of the Crown within the meaning of clause 379 (7) (b) of the Municipal Act, 2001.

Ident

(4) Subject to subsection (6), money collected in accordance with subsection (2), less the costs reasonably attributable to the collection, shall be paid by the municipality to the Minister of Finance.

Interpretation

(5) In subsections (6) and (7), "cancellation price" has the same meaning as in Part XI of the Municipal Act, 2001.

Proceeds of tax sale

(6) Where there is a sale of land under Part XI of the Municipal Act, 2001 and amounts are payable out of the proceeds to the Minister of Finance under this Act, the Fire Protection and Prevention Act, 1997 or the Ontario Water Resources Act, those amounts shall not be paid until after payment of all other amounts payable out of the proceeds in respect of the cancellation price of the land.

Cancellation price

(7) Despite Part XI of the Municipal Act, 2001, the treasurer of a municipality may sell land under that Part for less than the cancellation price, so long as the land is not sold for less than what the cancellation price would have been but for this Act, the Fire Protection and Prevention Act, 1997 and the Ontario Water Resources Act, and the purchaser may be declared to be the successful purchaser under Part XI of the Municipal Act, 2001.

Ident, territory without municipal organization

(8) If an order to pay costs is directed to a person who owns real property in territory without municipal organization, and the Director instructs the Land Tax Collector appointed under the Provincial Land Tax Act to recover amounts specified in the order that relate to things done in connection with that property, the Crown shall have a lien on the property for those amounts and they shall be deemed to be taxes in respect of the property imposed under section 3 of the Provincial Land Tax Act and may be collected in the same way and with the same priorities as taxes under that Act.

Ident

(9) An instruction under subsection (2) or (6) shall state which of the amounts specified in the order to pay relate to things done in connection with the property.

Costs may be recovered from deposit or financial assurance

155. Where an order to pay costs is directed to a person who has given a deposit under section 35 or is in respect of works or property for which financial assurance is required under Part XII, the deposit or financial assurance may be used to recover amounts specified in the order to pay costs.

PART XV
PROVINCIAL OFFICERS

Inspection by provincial officers

156. (1) For the administration of this Act or the regulations, a provincial officer may, without a warrant or court order, at any reasonable time and with any reasonable assistance, make inspections, including,

(a) entering any part of the natural environment to ascertain the extent, if any, to which contaminants have caused an adverse effect, the cause, for any adverse effect, and how any adverse effect may be prevented, eliminated or ameliorated and the natural environment restored,
(b) entering any place in which the provincial officer reasonably believes to be found any waste to which Part V applies, any or waste or substance, as defined in section 56, or any other thing the dealing with which is governed or regulated under this Act,

c) entering any place in or from which the provincial officer reasonably believes a contaminant is being, has been or may be discharged into the natural environment,

d) entering any place that the provincial officer reasonably believes is likely to contain documents related to,

(i) an activity or undertaking that is, or is required to be, the subject of a permit, licence, approval, certificate of approval, provisional certificate of approval, certificate of property use, program approval, agreement, or order under this Act,

(ii) an activity or undertaking that is exempted by a regulation from any requirement to have a permit, licence, certificate of approval or provisional certificate of approval under this Act and that is regulated by the provisions of the regulation,

(iii) the discharge of a contaminant into the natural environment;

e) entering any place that the provincial officer reasonably believes,

(i) is, or is required to be, subject to or referred to in a permit, licence, approval, certificate of approval, provisional certificate of approval, certificate of property use, program approval, agreement, or order under this Act, or

(ii) is subject to or referred to in a regulation that provides for an exemption from any requirement to have a permit, licence, certificate of approval or provisional certificate of approval under this Act, where the regulation includes provisions that regulate the place,

(f) entering any property for which a record of site condition has been filed in the Environmental Site Registry established under section 168.3 for the purpose of sampling, testing or examining anything referred to in the record of site condition;

g) entering any place where a motor, motor vehicle or beverage container regulated under this Act is stored, displayed, sold or offered for sale, to carry out his or her duties under Part III or IX, as the case may be;

(h) entering any establishment for the repair of motor or motor vehicle, to carry out his or her duties under Part III,

(i) entering any home shelter to carry out his or her duties under Part IV,

(j) entering any abandoned motor vehicle to carry out his or her duties under Part VII,

(k) entering any place where the provincial officer reasonably believes the permit and plates of a vehicle may be found, in order to seize them in accordance with section 48 or 49, and

(l) where a pollutant as defined in Part X is spilled and is likely to cause an adverse effect, entering any place for the purpose of carrying out any duty imposed or order or direction made or given under that Part. 1998, c. 35, s 14 (1). 2001, c. 17, r 2 (30-32)

Name

(2) During an inspection under subsection (1), the provincial officer may,

(a) make necessary excavations;

(b) require that anything be operated, used or set in motion under conditions specified by the provincial officer;

(c) take samples for analysis;

(d) conduct test or take measurements;

(e) examine, record or copy any document or data, in any form, by any method,

(f) record the condition of a place or the natural environment by means of photograph, video recording or other visual recording;

(g) require the production of any document or data, in any form, required to be kept under this Act and of any other document or data, in any form, related to the purposes of the inspection;

(h) remove from a place documents or data, in any form, produced under clause (g) for the purpose of making copies; and

(i) make reasonable requires of any person, orally or in writing. 1998, c. 35, s 14 (2)
Limitation re records

(3) A record made under clause (2) (f) must be made in a manner that does not intercept any private communication and that accords with reasonable expectations of privacy. 1998, c 35, s 14 (2)

Limitation re removal of documents, data

(1) A provincial officer shall not remove documents or data under clause (2) (h) without giving a receipt for them and shall promptly return the documents or data to the person who produced them 1998, c 35, s 14 (2)

Power to exclude persons

(4) A provincial officer who exercises the power set out in clause (2) (i) may exclude from the questioning any person except counsel for the individual being questioned R S O 1990, c E19, s 156 (4), 1998, c 35, s 14 (3)

Entry to dwellings

(5) A person shall not exercise a power conferred by this Act to enter a room actually used as a dwelling without the consent of the occupier except under the authority of an order under section 158 R S O 1990, c E 19, s 156 (5)

(6) REPEALED 1998, c 35, s 14 (4)

Power to inspect vehicle or vessel

156.1 (1) In this section, "vehicle" includes a trailer or other equipment attached to the vehicle

Requirement to stop

(2) For the administration of this Act or the regulations, a provincial officer may signal a vehicle or vessel to stop

Same

(3) On the provincial officer's signal to stop, the operator of the vehicle or vessel shall immediately come to a safe stop

Same

(4) For the purposes of this section, a signal to stop includes:

(a) intermittent flashes of red light, in the case of a vehicle,

(b) intermittent flashes of blue light, in the case of a vessel, and

(c) a hand signal to stop by a provincial officer who is readily identifiable as a provincial officer

Sign to report

(5) Where a clearly marked sign is posted indicating that a class of vehicles or vessels should report to a certain place in the vicinity of the sign, the operator of a vehicle or vessel that passes the sign and that falls within the class of vehicles or vessels indicated shall report forthwith to the place the sign directs

Same

(6) Where the operator of a vehicle or vessel stops under subsection (5) or reports under subsection (3), the provincial officer may make any reasonable inquiries of the operator and the operator shall produce for inspection any documents related to the operation or ownership of the vehicle or vessel, including licenses, permits and any documents that are required to be kept by the law of any jurisdiction in relation to the carriage of any cargo or container

Inspection powers

(7) Based on questioning or examination of documents conducted under subsection (3), the provincial officer may, without warrant or court order, inspect any means of containment that the provincial officer reasonably believes is being used for the handling or transportation of a thing the handling or transportation of which is governed or regulated under this Act, the Dangerous Goods Transportation Act or the Transportation of Dangerous Goods Act, 1992, (Canada)

Same

(8) As part of an inspection under subsection (7), the provincial officer may open or require the operator to open any cargo hold, container or other means of containment

Same

(9) During an inspection conducted under subsection (6) or (7), the provincial officer may exercise such powers under subsection 156 (2) as are reasonably required for the administration of this Act or the regulations

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Subsections 156 (3), (3.1), (4) and (5) apply to the exercise of a power under subsection (9) 1998, c 35, s 15

Power to administer other Acts

156.2 A provincial officer who exercises any power set out in section 156, 156.1, 160, 161 or 161.1 may, if the provincial officer is designated as such under the nutrient Management Act, 2002, the Ontario Water Resources Act or the Pesticides Act, as the case may be, do anything authorized by:

(a) section 11, 13 or 23 of the Nutrient Management Act, 2002,

(b) section 15, 15.1, 19, 20 or 20.1 of the Ontario Water Resources Act, or

(c) section 19, 19.1, 22, 23 or 23.1 of the Pesticides Act, 2002, c 4, s 62 (3)

Identification

156.3 On request, a provincial officer who exercises a power under this Act shall identify himself or herself as a provincial officer either by the production of a copy of his or her designation in some other manner and shall explain the purpose of the exercise of the power 1998, c 35, s 15

Entry, etc., may be prohibited

156.4 (1) A provincial officer may by order prohibit entry into all or part of any land or place or prohibit the use of, interference with, disruption of, or destruction of any thing in any of the following circumstances:

1. During an inspection under section 156, 156.1 or 158

2. During a search under section 161

3. During the time required for the provincial officer to obtain an order under section 158 of this Act or a warrant under section 158 of the Provincial Offences Act.

4. During a search carried out under a warrant issued under section 158 of the Provincial Offences Act.

Requirements for order

(2) An order under subsection (1) shall not be issued unless the provincial officer reasonably believes that,

(a) in the case of an order prohibiting entry, there is on the land or in the place a thing that will afford evidence of an offence under this Act,

(b) in the case of an order prohibiting the use of, interference with, disruption of, or destruction of a thing, the thing will afford evidence of an offence under this Act,

(c) in the case of an order prohibiting entry or an order prohibiting the use of, interference with, disruption of, or destruction of a thing, there is a discharge or a likelihood of discharge of a contaminant into the natural environment from the land, place or thing and an adverse effect has resulted or is likely to result from the discharge

Notice of order

(3) The provincial officer shall give notice of the order in the manner that he or she considers appropriate in the circumstances.

Contents of notice

(4) Notice of the order shall include an explanation of the rights provided by subsections (6) and (7).

Order not effective when no notice

(5) An order under subsection (1) is not effective in any court proceeding against a person where the person satisfies the court that the person neither knew nor should have known of the order.

Request for rescission

(6) A person aggrieved by the order may make an oral or written request to the Director to rescind a and may make oral or written submissions to the Director in support of the request

Power of Director

(7) The Director shall give prompt consideration to any request or submissions made under subsection (6) and may rescind the order.

Same
(8) For the purposes of subsection (7), the Director may substitute his or her own opinion for that of the provincial officer.

Same

(9) A Director who receives an order under subsection (7) shall give such directions to a provincial officer as the Director considers appropriate to bring the restriction to the attention of persons affected.

Same

(10) A request for rescission of an order under subsection (1) does not stay the order, unless the Director orders otherwise in writing.

Duration of order

(11) An order under subsection (1) shall,

(a) expire on the earlier of the date specified for the purpose in paragraph (b) of subsection (3), or the day that is 30 days after the date on which the order is made;

(b) where the inspection or search referred to in subsection (1) is under an order under section 158 of this Act or under a warrant issued under section 158 of the Provincial Offences Act and a time limit for the inspection or search is specified in the order or warrant, be effective until the expiration of that time. 1998, c 35, s 15.

Order of justice prohibiting entry

156.5 (2) Where a justice is satisfied, on evidence under oath by a provincial officer, that there is reasonable ground for believing that it is appropriate for the administration of this Act or the regulations or necessary to protect human health or safety or to protect property, the justice may issue an order prohibiting entry into all or part of any land or place or prohibiting the use of, interference with, disruption of, or destruction of anything.

Same

(2) The prohibition under the justice’s order shall, subject to subsection (3), be for such period of time as is set out in the order.

Expiry

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order or the day that is 30 days after the date on which the order is made.

Renewal

An order under this section may be renewed for any reason set out in subsection (1), before or after expiry, for one or more periods each of which is not more than 30 days.

Notice of application

(5) An initial order under subsection (1) may be issued on application without notice.

Same

(6) A renewal order under subsection (4) may be issued on application made with such notice, if any, as is specified for the purpose under subsection (7).

Same

(7) In an order under subsection (1) or (4), a justice may specify notice requirements that must be met by a person applying for a renewal of the order or for a further renewal of the order, as the case may be.

Notice of order

(8) A provincial officer may give notice of an order under subsection (1) or (4) in the manner that he or she considers appropriate in the circumstances.

Order not effective where no notice

(9) An order under subsection (1) or (4) is not effective in any court proceeding against a person where the person satisfies the court that the person neither knew nor should have known of the order. 1998, c 35, s 15.

Seizing of place, thing

156.6 Where an order under section 156.4 or 156.5 is in effect, a provincial officer may take measures to secure the land, place or thing to which the order relates by means of locks, gates, fences, security guards or such other means as the
provincial officer deems necessary to prevent entry into the land or place or to prevent the use of, interference with, disruption of, or destruction of the thing 1998, c 35, s 15

Order by provincial officer; contraventions

187. (1) A provincial officer may issue an order to any person that the provincial officer reasonably believes is contravening or has contravened,
(a) a provision of this Act or the regulations,
(b) a provision of an order made under this Act, or
(c) a term or condition of a certificate of approval, provisional certificate of approval, certificate of property use, licence or permit under this Act 1998, c 35, s 16, 2001, c 17, s 2 (33)

Information to be included in order

(2) The order shall,
(a) specify the provision, term or condition that the provincial officer believes is being or has been contravened,
(b) briefly describe the nature and, where applicable, the location of the contravention, and
(c) state that a review of the order may be requested in accordance with section 157.3 1998, c 35, s 16

What order may require

(3) The order may require the person to whom it is directed to comply with any directions set out in the order within the time specified relating to,
(a) achieving compliance with the provision, term or condition,
(b) preventing the continuation or repetition of the contravention,
(c) securing, whether through locks, gates, fences, security guards or other means, any land, place or thing;
(d) where the contravention is related to the deposit of waste, removing the waste,
(e) where the contravention has injured, damaged or endangered animal life, plant life, human health or safety, or the natural environment or is likely to injure, damage or endanger animal life, plant life, human health or safety, or the natural environment,
(i) repairing the injury or damage,
(ii) preventing the injury or damage,
(iii) decreasing, eliminating or ameliorating the effects of the damage, and
(iv) restoring the natural environment,
(f) where the contravention has caused damage to or endangered or is likely to cause damage to or endanger existing water supplies, providing alternate water supplies,
(g) submitting a plan for achieving compliance with the provision, term or condition, including the engagement of contractors or consultants satisfactory to a provincial officer,
(h) submitting an application for a certificate of approval, provisional certificate of approval, licence or permit;
(i) removing and recording in relation to the natural environment and reporting on the removing and recording, and
(j) posting notice of the order 1998, c 35, s 16

Order by provincial officer; preventive measures

187.1 (1) A provincial officer may issue an order to any person who owns or who has management or control of an undertaking or property where the provincial officer reasonably believes that,
(a) the circumstances in respect of the undertaking or property conform to those specified in clause 18 (2) (a), and
(b) the requirements specified in the order are necessary or advisable for the reasons specified in clause 18 (2) (b)

Information to be included in order

(2) The order shall,
(a) briefly describe the reasons for the order and the circumstances on which the reasons are based, and
(b) state that a review of the order may be requested in accordance with section 157.3.

What the order may require

(3) The order may require the person to whom it is directed to comply with any directions specified under subsection (4), within the time specified.

Same

(4) The following directions may be specified in the order:

1. Any direction listed in subsection 18 (1)

2. A direction to secure, by means of locks, gates, fences, security guards or other means, any land, place or thing

Where order requires report

(5) Where the order requires a person to make a report, the report shall be made to a provincial officer. 1998, c 35, s 16

Amendment or revocation of orders under ss 157 and 157.1

157.2 (1) An order issued under section 157 or 157.1 may, by order, be amended or revoked by the provincial officer who issued it or by the Director

Same

(2) A provincial officer or Director who amends or revokes an order shall give written notice of the amendment or revocation to the person to whom the order is directed. 1998, c 35, s 16

Request for review, orders under ss 157 to 157.2

157.3 (1) A person to whom an order under section 157, 157.1 or 157.2 is directed may, within seven days after being served with a copy of the order, request that the Director review the order. 1998, c 35, s 16

Manner of making request

(2) The request may be made orally, with written confirmation served on the Director within the time specified in subsection (1) or in writing. 1998, c 35, s 16

Contents of request for review

(3) A written request for review under subsection (1) or a written confirmation of an oral request under subsection (2) shall include:

(a) the portions of the order in respect of which the review is requested,

(b) any submissions that the applicant for the review wishes the Director to consider, and

(c) for the purpose of subsection (7), an address for service by mail or by electronic facsimile transmission or by such other means of service as the regulations may prescribe. 1998, c 35, s 16

No automatic stay

(4) The request for review does not stay the order, unless the Director orders otherwise in writing. 1998, c 35, s 16

Decision of Director

(5) A Director who receives a request for review may,

(a) revoke the order of the provincial officer, or

(b) by order directed to the person requesting the review, confirm or alter the order of the provincial officer. 1998, c 35, s 16

Same

(6) For the purposes of subsection (5), the Director may substitute his or her own opinion for that of the provincial officer. 1998, c 35, s 16

Notice of decision

(7) The Director shall serve the person requesting the review with a copy of,

(a) a decision to revoke the order of the provincial officer; or
(b) an order to confirm or amend the order of the provincial officer, together with reasons 1998. c. 35, s. 16

Automatic confirmation of order

(8) If, within seven days of receiving a written request for review or a written confirmation of an oral request for review, the Director does not make a decision under subsection (3) and give oral or written notice of the decision to the person requesting the review, the order in respect of which the review is sought shall be deemed to have been confirmed by order of the Director. 1998, c. 35, s. 16

Same

(9) For the purpose of an appeal to the Tribunal, a confirming order deemed to have been made by the Director under subsection (8),

(a) shall be deemed to be directed to each person to whom the order of the provincial officer was directed, and

(b) shall be deemed to have been served on each person to whom the order of the provincial officer was directed, at the expiry of the time period referred to in subsection (4) 1998, c. 35, s. 16, 2000, c. 26, Sched. F, s. 12 (2)

Entry or inspection order

158. (1) A justice may issue an order authorizing a provincial officer to do anything set out in subsection 156 (1) or (2) or section 156.1 if the justice is satisfied, on evidence under oath by a provincial officer, that there is reasonable ground to believe that it is appropriate for the administration of this Act or the regulations for the provincial officer to do anything set out in subsection 156 (1) or (2) or section 156.1 and that the provincial officer may not be able to effectively carry out his or her duties without an order under this section because,

(a) to occupier is present to grant access to a place that is locked or otherwise inaccessible,

(b) a person has prevented the provincial officer from doing anything set out in subsection 156 (1) or (2) or section 156.1;

(c) there is reasonable ground to believe that a person may prevent a provincial officer from doing anything set out in subsection 156 (1) or (2) or section 156.1;

(d) it is impractical, because of the remoteness of the place to be inspected or because of any other reason, for the provincial officer to obtain an order under this section without delay if access is denied, or

(e) there is reasonable ground to believe that an attempt by the provincial officer to do anything set out in subsection 156 (1) or (2) or section 156.1 without the order,

(f) might not achieve its purpose, or

(g) might endanger human health or safety, property or the natural environment.

Same

(2) Subsections 156 (3), (3.1), (4) and (5) apply to an inspection under an order under this section.

Expire

(3) Unless renewed, an order under this section expires on the earlier of the day specified for the purpose in the order and the day that is 30 days after the date on which the order is made.

Renewal

(4) An order under this section may be renewed in the circumstances in which an order may be made under subsection (1), before earlier expiry, for one or more periods each of which is not more than 30 days.

When to be executed

(5) An order under this section shall be carried out between 6 a.m. and 9 p.m., unless the order otherwise authorizes.

Application without notice

(6) An order under this section may be issued or renewed on application without notice 1998, c. 35, s. 17.

Samples and copies

159. A provincial officer may detain samples and copies obtained under section 156, 156.1 or 158 for any period and for any of the purposes specified in the Act and the regulations. R.S.O. 1990, c. E.19, s. 159, 1998, c. 35, s. 18

Seizure during inspection

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160. During an inspection under section 156, 156.1 or 158, a provincial officer may, without a warrant or court order, seize any thing that is produced to the provincial officer or that is in plain view, if,
(a) the provincial officer reasonably believes that the thing will afford evidence of an offence under this Act,
(b) the provincial officer reasonably believes that the thing was used or is being used in connection with the commission of an offence under this Act and that the seizure is necessary to prevent the continuation or repetition of the offence, or
(c) the thing is discharging or is likely to discharge a contaminant into the natural environment and an adverse effect has resulted or is likely to result from the discharge 1998, c. 35, s 19

Warrantless search, exigent circumstances

161. (1) In this section,
"offence" means an offence under this Act related to,
(a) the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect, or
(b) hazardous waste or hazed liquid industrial waste

Search by provincial office as actual pollution

Search by provincial officer as actual pollution

(2) A provincial officer may, without a search warrant, search any place other than a room actually used as a dwelling if the provincial officer has reasonable ground to believe,
(a) that an offence has been committed,
(b) that there is in such place any thing that will afford evidence as to the commission of the offence, and
(c) that there are exigent circumstances that make it impractical to obtain a search warrant. R.S.O 1990, c E 19, s 161

Seizure during search

(3) During a search under subsection (2), a provincial officer may, without warrant or court order, seize any thing if,
(a) the provincial officer reasonably believes that the thing will afford evidence of an offence; or
(b) the provincial officer reasonably believes that the thing was used or is being used in connection with the commission of an offence and that the seizure is necessary to prevent the continuation or repetition of the offence 1998, c. 35, s 20

(4) REPLACED 1998, c 35, s 20

Detention or removal, things seized

161.1 (1) A provincial officer who seizes any thing under section 160 or 161 may remove the thing or may detain it in the place where it is seized

Receipt

(2) Where possible, the provincial officer shall inform the person from whom a thing is seized under section 160 or 161 as to the reason for the seizure and shall give the person a receipt for the thing seized 1998, c. 35, s 21

Report to Justice, things seized

162. (1) A provincial officer who seizes any thing during an inspection or search under section 160 or 161 shall bring the thing seized before a justice or, if that is not reasonably possible, shall report the seizure to a justice 1998, c. 35, s 22

Application of Provincial Offence Act

(2) Sections 159 and 160 of the Provincial Offences Act apply with necessary modifications in respect of a thing seized by a provincial officer during an inspection or search under section 160 or 161 R.S.O 1990, c.E.19, s 162 (2)

Disposition of things seized

162.1 (1) Where the Director believes that, given the nature of a thing seized under section 160 or 161, the thing may pose a risk to human health or safety or to property, the Director may direct the person having custody of the thing, to dispose of the thing in a manner satisfactory to the Director

Disposition of seized perishables

(2) Where the person having custody of any thing seized under section 160 or 161 believes that the thing will rot, spoil or otherwise perish, the person may dispose of the thing

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(2) Section 160 does not apply to a thing disposed of in accordance with this section.

(4) A thing disposed of in accordance with this section is forfeited to the Crown 1998, c 35, s 23.

Notice of disposal of things seized

162.2 (1) Where a thing has been disposed of in accordance with section 162.1 the Director shall ensure that a provincial officer gives written notice of the seizure and disposal, within 15 days of the disposal,

(a) to every person whom the provincial officer knows or has reason to believe is an owner of the thing seized, and

(b) to every person who has a security interest in the thing that is perfected by registration under the Personal Property Security Act against the name of any person whom the provincial officer knows or has reason to believe is the owner 1998, c 35, s 23.

Contents of notice

(2) Notice under subsection (1) shall include,

(a) a description of the thing seized sufficient to enable it to be identified,

(b) the location at which the thing was seized,

(c) the date of the seizure and disposal,

(d) the name and telephone number of the provincial officer who seized the thing or of his or his delegate,

(e) a statement of the reason for the seizure and disposal,

(f) a reference to the statutory provision authorizing the seizure and disposal, and

(g) a reference to the statutory provision permitting the person to apply to the Superior Court of Justice for relief against the forfeiture 1998, c 35, s 23; 2001, c 9, Sch 6, s 5 (21).

Forfeiture may be ordered

162.3 (1) On the application of the Director, the Superior Court of Justice may order that a thing seized under section 160 or 151 or under a warrant issued under the Provincial Offences Act in connection with the commission or suspected commission of an offence under this Act be forfeited to the Crown 1998, c 35, s 23; 2001, c 9, Sch 6, s 5 (21).

Where no order be made

(2) No order shall be made under subsection (1) unless the court is satisfied that,

(a) the seizure was lawful, and

(b) no later than seven days before the hearing of the application, written notice was provided by a provincial officer,

(i) to every person whom the provincial officer knows or has reason to believe is an owner of the thing seized,

(ii) to every person who has a security interest in the thing that is perfected by registration under the Personal Property Security Act against the name of any person whom the provincial officer knows or has reason to believe is the owner,

(iii) where the thing seized is a vehicle, to every person who has a security interest in the vehicle that is perfected by registration under the Personal Property Security Act against the vehicle identification number of the vehicle, and

(iv) where the thing seized is a vehicle and the vehicle is registered under the Highway Traffic Act, to the registered owner 1998, c 35, s 23.

Contents of notice

(3) Notice under subsection (2) shall include,

(a) a description of the thing seized sufficient to enable it to be identified,

(b) the location at which the thing was seized,

(c) the date of the seizure,

(d) the name and telephone number of the provincial officer who seized the thing or of his or her delegate;

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(e) a statement of the reason for the seizure,

(f) a reference to the statutory provision authorizing the seizure,

(g) a statement that an order for forfeiture of the thing is being sought under this section, and

(h) a statement that the person to whom the notice is provided may make submissions to the Superior Court of Justice with respect to the rescission of an order under this section 1998, c. 35, s 23, 2001, c 9, Sched G, s 5 (21)

Definition of things forfeited

A thing forfeited under this section may be disposed of as the Director directs 1998, c. 35, s 25.

Relief against forfeiture

(5) A person who had an interest in a thing forfeited under section 162.1 or this section may apply to the Superior Court of Justice for relief against the forfeiture and the court may make an order providing for any relief that it considers appropriate, including, but not limited to, one or more of the following orders:

1 An order directing that the thing or any part of the thing be returned to the applicant

2 An order directing that any interest in the thing be vested in the applicant

3 An order directing that an amount be paid by the Crown to the applicant by way of compensation for the forfeiture 1998, c. 35, s 23, 2001, c 9, Sched G, s 5 (21)

When relief to be ordered

(6) The court shall not make an order for relief under subsection (5) in respect of a thing forfeited where the person applying for the relief

(a) has been served with a notice under section 182.1 requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the requirement to pay the administrative penalty is rescinded under section 182.1, or

(b) has been charged with an offence that was associated with the seizure of the thing, unless the charge has been withdrawn or dismissed 1998, c. 35, s 25.

Use of force

163. A provincial officer may use such force as is reasonably necessary

(a) to carry out an order or direction issued under Part X,

(b) to carry out a court order issued under this Part,

(c) to execute a warrant issued under the Provincial Offences Act, or

(d) to prevent the destruction of any thing that the provincial officer reasonably believes may afford evidence of an offence under this Act 1998, c. 35, s 24.

Order to justify, use of devices, etc.

163.1 (1) In this section

"device" means a substance or tracking device that, when placed or installed in or on any place, land or thing, may be used to help ascertain, by electronic or other means, the origin, identity or location of anything

"order may be issued

(2) On application without notice, a justice may issue an order authorizing a provincial officer, subject to this section, to use any device, investigative technique or procedure or to do any thing described in the order if the justice is satisfied by evidence under oath that there are reasonable grounds to believe that an offence against this Act has been or will be committed and that information concerning the offence will be obtained through the use of the device, technique or procedure or the doing of the thing

Luminous

(3) An order under this section shall not authorize the interception of any private communication

Same

(4) No device, technique or procedure shall be used to intercept any private communication under an order issued under this section

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Terms and conditions of order

(5) An order issued under this section shall contain such terms and conditions as the justice considers advisable in the circumstances.

Activities under order

(6) An order issued under this section may authorize a provincial officer,

(a) to place, install, maintain or remove a device in or on any land, place or thing; and

(b) in monitoring, a device or information from a device placed or installed in or on any land, place or thing.

Duration of order

(7) An order issued under this section is valid for a period of 60 days or for such shorter period as may be specified in the order.

Further orders

(8) A justice may issue further orders under subsection (2) 1998, c. 35, s 24

Restoration of property

164. A provincial officer who makes or causes the making of an excavation in the course of his or her duties under this Act shall restore the property, so far as is reasonably possible, to the condition it was in before the excavation was made.


Licence, etc., condition, permission to inspect

165. It is a condition of every licence, permit, certificate of approval, provisional certificate of approval or certificate of property use under this Act that the holder must forthwith on request permit provincial officers to carry out inspections authorized by section 156, 156.1 or 158 of this Act, section 13, 14 or 16 of the Nutrient Management Act, 2002, section 15, 15.1 or 17 of the Ontario Water Resources Act or section 19, 19.1 or 20 of the Pesticides Act of any place, other than any room actually used as a dwelling, to which the licence, permit, certificate of approval, provisional certificate of approval or certificate of property use relates.


Records

165.1 (1) Every person required by this Act or the regulations to retain a record shall make it available to a provincial officer for inspection upon his or her request.

1992, c. 1, s 33

Copies or extracts

(2) The provincial officer may, on giving a receipt, remove any record referred to in subsection (1) for the purpose of making copies or extracts and shall promptly return the record.

2001, c 17, s 2 (33)

Records in electronic form

(3) If a record is retained in electronic form, the provincial officer may require that a copy of it be provided to him or her on paper or on a machine-readable medium or both.

2001, c 17, s 2 (33)

Police assistance and motor vehicle inspections

Calling for assistance of member of police force

166. (1) Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

R.S.O 1990, c. E.19, s 166 (1)

Stop and summon motor vehicle emissions

(2) For the purpose of ascertaining whether a system or device installed on, attached to or incorporated in any motor vehicle to prevent or lessen the discharge of any emission is operating in compliance with this Act and the regulations, a provincial officer or a police officer may stop and inspect the motor vehicle.

Some

(3) An inspection under subsection (2) shall be limited to what is reasonably required to ascertain whether the system or device is operating in compliance with this Act and the regulations.

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(4) In an inspection under subsection (2), the provincial officer or police officer may,
(a) require the driver of the motor vehicle to submit the motor vehicle to such tests at such places and times as the provincial officer or police officer considers reasonable,
(b) require the driver of the motor vehicle to produce any documents, including licenses and permits, related to the operation or ownership of the motor vehicle, and
(c) require the driver of the motor vehicle to operate, use or set in motion the vehicle or any part of the vehicle, under the conditions specified by the provincial officer or police officer.

Police assistance

(5) Where a provincial officer considers it necessary or expedient to do so, he or she may call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required for an inspection under subsection (2), and it is the duty of every member of a police force to render the assistance. 1998, c. 35, s. 26.

167. Repealed 1998, c. 35, s. 27.

Matters confidential

168. (1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, every provincial officer shall preserve secrecy in respect of all matters that come to his or her knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,
(a) as may be required in connection with the administration of this Act or the regulations or any proceeding under this Act or the regulations,
(b) to the provincial officer's counsel, or
(c) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) Except as in proceeding under this Act or the regulations, no provincial officer shall be required to give testimony, other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment, in any civil suit or proceeding with regard to information obtained by him or her in the course of any survey, examination, test or inquiry under this Act or the regulations. R.S.O. 1990, c. E.19, s. 168.

PART XVI

RECORDS OF SITE CONDITION

Definitions, Part XV.1

168.1 In this Part,
(i) "building" has the same meaning as in the Building Code Act, 1992, ("Code")
(ii) "conductor" has the same meaning as in the Building Code Act, 1992, ("conducteur")
(iii) "owner" includes a person prescribed by the regulations, ("propriétaire")
(iv) "phase one environmental site assessment" means an assessment of property conducted in accordance with the regulations by or under the supervision of a qualified person to determine the likelihood that one or more contaminants have affected all or part of the property, ("évaluation environnementale de site de phase I")
(v) "phase two environmental site assessment" means an assessment of property conducted in accordance with the regulations by or under the supervision of a qualified person to determine the location and concentration of one or more contaminants in the natural environment, ("évaluation environnementale de site de phase II")
(vi) "qualified person" means a person who meets the qualifications prescribed by the regulations, ("personne compétente")
(vii) "Register" means the Environmental Site Register, ("Registre")
(viii) "risk assessment" means an assessment of risks prepared in accordance with the regulations by or under the supervision of a qualified person ("évaluation des risques") 2001, c. 17, s. 2 (36).

Interpretation, effect on cause of action

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168.2 Except as provided in subsections 168.3(1) and 168.9(2), this Part shall not be construed as affecting any cause of action that a person would have in the absence of this Part 2001, c 17, s 2 (36).

Environmental Site Registry

168.3 (1) The Director shall establish, maintain and operate a registry known in English as the Environmental Site Registry and in French as Registre environnemental des sites 2001, c 17, s 2 (36).

(2) The purposes of the Registry are

1. To allow persons to file records of site condition for the purpose of this Part.
2. To facilitate public access to information contained in records of site condition that have been filed under this Part and to other information filed in accordance with this Act and the regulations.
3. Such other purposes as are prescribed 2001, c 17, s 2 (36). Protection from liability

(3) Despite subsection 180(2), no action or other proceeding shall be commenced against the Crown in right of Ontario, a Crown employee within the meaning of the Public Service Act, a person or body to whom powers and duties of the Director are delegated under section 168.9 or an employee of a person or body to whom powers and duties of the Director are delegated under section 168.9 arising from any inaccuracy contained in a record of site condition that is filed in the Registry under this Act 2001, c 17, s 2 (36).

Note: On a day to be named by proclamation of the Lieutenant Governor, an Act to Amend the Ontario Environmental Protection Act, 1990, c 17, s 1 and 2 (36), is added to the beginning of this Act.

168.3.1 (1) Subject to subsection (2), a person shall not:

(a) change the use of a building if the building will be used in connection with a change of use that is prohibited by clause (a)
(b) 2001, c 17, s 2 (37).

Exception

(2) Subsection (1) does not apply if,

(a) a record of site condition has been filed in the Registry in respect of the property under section 168.4; and
(b) the record of site condition is the use to which the property is changed under clause (1) (i) or (ii) 2001, c 17, s 2 (37).

Filing record of site condition

168.4 (1) An owner of property may file a record of site condition in the Registry in respect of the property if all of the following criteria are satisfied:

1. A qualified person has certified in the record of site condition that a phase one environmental site assessment of the property has been conducted.
2. A qualified person has certified in the record of site condition that,

   i. a phase two environmental site assessment of all or part of the property was conducted with respect to one or more contaminants, or
   ii. as of the certification date, no phase two environmental site assessment is required by the regulations for any part of the property and, in the opinion of the qualified person, it is not necessary for any other reason to conduct a phase two environmental site assessment for any part of the property.
3. If a phase two environmental site assessment was conducted but for only part of the property, a qualified person has certified in the record of site condition that, as of the certification date, no phase two environmental site assessment was required by the regulations for any other part of the property.

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In the opinion of the qualified person, it was not necessary for any other reason to conduct a phase two environmental site assessment for any other part of the property.

4 If a phase two environmental site assessment was conducted for all or part of the property, a qualified person has certified in the record of site condition that,

i as of the certification date, the property for which the phase two environmental site assessment was conducted meets,

A the applicable full depth background site condition standards prescribed by the regulations for all contaminants prescribed by the regulations, except for those contaminants specified by the qualified person,

B the applicable full depth generic site condition standards prescribed by the regulations for all contaminants prescribed by the regulations, except for those contaminants specified by the qualified person, or

C the applicable stratified site condition standards prescribed by the regulations for all contaminants prescribed by the regulations, except for those contaminants specified by the qualified person, and

ii for each contaminant excepted by the qualified person from the certification under subparagraph i,

A a risk assessment was prepared for the contaminant with respect to the property for which the phase two environmental site assessment was conducted,

B the Director has accepted the risk assessment under clause 168.5(1)(a), and

C as of the certification date, the property for which the phase two environmental site assessment was conducted meets the standards specified in the risk assessment for the contaminant.

5 The record of site condition contains everything required by subsection (2) and has been completed in accordance with the regulations 2001, c 17, s 2 (36)

Contents of record of site condition

(2) The person who files a record of site condition in respect of a property shall ensure that, in accordance with the regulations, the record contains the following

1. A description of the property.

2. The name of the person filing the record of site condition and the names of any other owners of the property.

3. The type of property site for which the record is filed.

4. Which standards prescribed by the regulations were applied for the purpose of the record of site condition.

5. A description of any soil removals or other action taken to reduce the concentration of contaminants on, in or under the property.

6. For each contaminant for which sampling and analysis has been performed, the maximum known concentration of the contaminant on, in or under the property as of the certification date.

7. A statement indicating whether a certificate of property use has been issued in respect of the property.

8. A list of all reports relied on by qualified persons in making the certifications referred to in subsection (1).

9. Such other certifications, information and documents as are prescribed by the regulations. 2001, c 17, s 2 (36)

Acknowledgment of filing

(3) If a record of site condition is filed in the Registry under this section, the Director shall promptly give the person who filed the record of site condition a written acknowledgment in the form approved by the Minister. 2001, c 17, s 2 (36)

Date of filing

(4) A record of site condition that is filed in the Registry under this section shall be deemed to have been filed in the Registry on the date specified in the acknowledgment given under subsection (3). 2001, c 17, s 2 (36)

Retention of reports

(5) A qualified person who relied on a report in making a certification referred to in subsection (1) shall retain a copy of the report for the period prescribed by the regulations. 2001, c 17, s 2 (36)

Transaction

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(6) If, pursuant to the Ministry publication entitled "Guideline for Use at Contaminated Sites in Ontario", originally dated June 1996 and later revised, a record of site condition in respect of a property was submitted to the Ministry before this section came into force, the owner of the property may, despite subsections (1) and (2), file the record of site condition in the Registry of both of the following criteria are satisfied:

1. The Ministry has acknowledged in writing receipt of the record of site condition.

2. The owner of the property files a notice at the Registry certifying that the requirements prescribed by the regulations have been complied with 2001, c. 17, s 2 (36)

Same

(7) If a record of site condition is filed in the Registry under subsection (6),

(a) the notice referred to in paragraph 2 of subsection (6) shall be deemed to be part of the record of site condition;

(b) the land use specified in the record of site condition shall be deemed to have been specified as the type of property use under paragraph 3 of subsection (2), and

(c) the record of site condition shall be deemed to contain,

(i) a certification under subparagraph 4.1 A of subsection (1), if the record of site condition indicates that a background assessment or restoration approach was used,

(ii) a certification under subparagraph 4.1 B of subsection (1), if the record of site condition indicates that a generic full depth assessment or restoration approach was used,

(iii) a certification under subparagraph 4.1 C of subsection (1), if the record of site condition indicates that a generic stratified assessment or restoration approach was used, or

(iv) a certification under subparagraph 4.1 D of subsection (1), if the record of site condition indicates that a site-specific risk assessment approach was used 2001, c. 17, s 2 (36)

Director's response to risk assessment

568.5 (1) If an owner of property submits a risk assessment relating to a contaminant and the property to the Director, the Director shall, within the time prescribed by the regulations,

(a) give the person notice in writing that the Director accepts the risk assessment, or

(b) give the person notice in writing that the Director does not accept the risk assessment for reasons specified by the Director in the notice 2001, c. 17, s 2 (36)

Validity of decision

(2) A decision of the Director to accept or not accept a risk assessment is not voided solely on the ground that the decision was not made within the time prescribed by the regulations 2001, c. 17, s 2 (36)

Certificate of property use

568.6 (1) If the Director accepts a risk assessment relating to a property, he or she may, when giving notice under clause 568.5 (1) (a), issue a certificate of property use to the owner of the property, requiring the owner to do any of the following things:

1. Take any action specified in the certificate that, in the Director's opinion, is necessary to prevent, eliminate or ameliorate any adverse effect on the property, including installing any equipment, monitoring any contaminant or recording or reporting information for that purpose

2. Refrain from using the property for any use specified in the certificate or from constructing any building specified in the certificate on the property 2001, c. 17, s 2 (36)

Restriction

(2) A certificate of property use shall not require an owner of property to take any action that would have the effect of reducing the concentration of a contaminant on, in or under the property to a level below the level that is required to meet the standards specified for the contaminant in the risk assessment 2001, c. 17, s 2 (36)

Revocation or amendment

(3) The Director may, on his or her own initiative or on application by the owner of the property in respect of which a certificate has been issued under subsection (1),

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(a) alter any terms and conditions in the certificate or impose new terms and conditions, or

(b) revoke the certificate. 2001, c 17, s 2 (36)

Omissions

(4) if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property,

(a) the owner of the property shall ensure that a copy of the provision is given to every occupant of the property;

(b) the provision applies, with necessary modifications, to every occupant of the property who receives a copy of the provision, and

(c) the owner of the property shall ensure that every occupant of the property complies with the provision. 2001, c 17, s 2 (36)

Note: On 1 day to be anned by proclamation of the Lieutenant Governor, section 168 is amended by the Statutes of Ontario 2001, Chapter 17, subsection 2 (36) by adding the following subsection:

(5) If a certificate of property use is issued, altered or revoked under this section, the Director shall give notice of the certificate, alteration or revocation to the person prescribed by the regulations. 2001, c 17, s 2 (38)

Prohibitions on construction or use in specified areas

Despite any other Act, if a certificate of property use contains a provision requiring the owner of property to refrain from using the property for a specified use or from constructing a specified building on the property, no person, licence, approval or other instrument shall be issued by any person under any provision prescribed by the regulations that would authorize the person to use the property for the specified use to construct the specified building or to construct a building that will be used for the specified use. 2001, c 17, s 2 (39)

Consequences of being record of site condition

168.7 (1) If a record of site condition is filed in the Registry in accordance with section 168.4, no order shall be issued to any of the following persons under section 7, 8, 12, 17, 18, 97, 157 or 157.1 in respect of a contaminant that was discharged into the natural environment before the certification date and was on, in or under the property on the certification date

1 The person who filed the record of the condition or a subsequent owner of the property

2 A person who in an occupation of the property or who was in occupation of the property at any time after the record of site condition was filed

3 A person who has charge, management or control of the property or who had charge, manage the property at any time after the record of site condition was filed

4 A person who meets the requirements prescribed by the regulations and who, before the certification date,

1. owned the property,

2. was in occupation of the property, or

3. had charge, management or control of the property. 2001, c 17, s 2 (36)

False or misleading information

(2) Subsection (1) does not apply if the record of site condition contains false or misleading information. 2001, c 17, s 2 (36)

Contaminants that move to other property

(3) Subsection (1) does not apply if, after the certification date, any of the contaminant moved from the property to which the record of site condition relates to another property. 2001, c 17, s 2 (36)

4) If the actual use of the property is different from the use specified under paragraph 3 of subsection 168.4 (2) in the record of site condition, subsection (1) does not apply to a person who causes or permits the actual use unless

(a) the record of site condition did not contain any certification under subparagraph 4 of subsection 168.4 (1),

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(b) all of the full depth background site condition standards that are applicable under the regulations to the actual use or less stringent than the full depth background site condition standards that are applicable in the use specified in record of site condition, if the record of site condition contained a certification under sub-subparagraph 4 i A of subsection 168 4 (1).

(c) all of the full depth generic site condition standards that are applicable under the regulations to the actual use are less stringent than the full depth generic site condition standards that are applicable to the use specified in the record of site condition, if the record of site condition contained a certification under sub-subparagraph 4 i B of subsection 168 4 (1), and

(d) all of the stratified site condition standards that are applicable under the regulations to the actual use are less stringent than the stratified site condition standards that are applicable to the use specified in the record of site condition, if the record of site condition contained a certification under sub-subparagraph 4 i C of subsection 168 4 (1) 2001, c 17, s 2 (36)

Contravention of certificate of property use, etc.

(5) Despite subsection (1), an order may be issued under section 157 against a person who contravenes a term or condition of:

(a) a certificate of property use, or

(b) an order made under this Act in respect of risk management measures described in a record of site condition filed in the Registry under subsection 168 4 (6) 2001, c 17, s 2 (36)

Contravention of soil management or disposal regulations

(6) Despite subsection (1), an order may be issued under section 157 against a person who contravenes a provision of a regulation made under clause 176 (1) (g) or 176 (10) (m) 2001, c 17, s 2 (36)

Consent order

(7) Subsection (1) does not apply if the person to whom the order is issued consents in writing to the order. 2001, c 17, s 2 (36)

Emergencies relating to soil contamination

168 4 (1) If a record of site condition is filed in the Registry in accordance with section 168 4 with respect to a property the Director may issue an order described in subsection (2) to the owner of the property if the Director has reasonable grounds to believe that, as a result of the presence of a contaminant that was on, in or under the property as at the certification date, there is danger to the health or safety of any person 2001, c 17, s 2 (36)

Scope of order

(2) An order under subsection (1) may only require the owner, within such times as are specified in the order, to comply with such directions specified in the order as are reasonably necessary to ensure that there is no danger to the health or safety of any person 2001, c 17, s 2 (36)

Same

(3) The directions referred to in subsection (2) may include the following

1. A direction requiring the doing of anything mentioned in section 124
2. A direction requiring the removal or disposal of the contaminant or anything affected by the contaminant.
3. A direction to secure, by means of locks, gates, fences, security guards or other means, any land, place or thing
4. If the presence or discharge of the contaminant has damaged or endangered or is likely to damage or endanger existing water supplies, a direction to provide alternate water supplies 2001, c 17, s 2 (36)

Information to be included in order

(4) An order under subsection (1) shall briefly describe the reasons for the order and the circumstances on which the reasons are based. 2001, c 17, s 2 (36)

Notice of order to be filed in Registry

(5) The Director shall file notice of an order under subsection (1) in the Registry in accordance with the regulations 2001, c 17, s 2 (36)

Notice of compliance with order

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If the Director is satisfied that an order under subsection (1) has been complied with, the Director shall file notice of the compliance in the Registry in accordance with the regulations.

Delegation agreement

168.9 (1) The Minister may enter into an agreement with an individual, partnership or corporation, delegating to the individual, partnership or corporation any of the Director's powers and duties relating to the establishment, maintenance and operation of the Registry, including the Director's duties under subsection 168.4 (3). 2001, c. 17, s 2 (36)

Contents of agreement

(2) A delegation agreement shall contain any limitations, conditions and requirements applicable to the delegation and such other provisions as the Minister considers advisable in the public interest, including provisions,

(a) requiring that the delegate comply with applicable Ministry standards and policies, including standards and policies relating to quality assurance and audits,

(b) setting the financial terms of the delegation,

(c) requiring the delegate to obtain and maintain specified kinds and amounts of insurance;

(d) providing that the Minister may appoint persons to the board of directors of the delegate, if the delegate is a corporation without share capital,

(e) authorizing the delegate to carry on other activities unrelated to the delegated powers and duties.

Regulation

(3) A delegation under a delegation agreement is not effective unless the Minister makes a regulation,

(a) prescribing the powers and duties that are to be delegated by the agreement, and

(b) specifying the individual, partnership or corporation to which the powers and duties are to be delegated.

Revocation of delegation

(4) The Minister may by regulation revoke a delegation if, in the opinion of the Minister,

(a) the delegate has contravened or failed to comply with this Act or the regulations, or

(b) the delegate has contravened or failed to comply with the delegation agreement, or

(c) it is in the public interest to do so.

Effect of regulation

(5) The delegation is revoked by a regulation made under subsection (4) on the day specified in the regulation or, if no day is specified in the regulation, on the day the regulation comes into force.

Notice

(6) The Minister may give the delegate such notice of the intention to make a regulation under subsection (4) as the Minister considers reasonable in the circumstances.

Other remedies not affected

(7) The power to revoke a delegation is in addition to and does not bar or affect the Minister's right to exercise any other remedy under the delegation agreement or at law.

Obligations of delegate

(8) The delegate shall exercise and perform the powers and duties delegated to the delegate in accordance with the law and, in particular, in accordance with this Act, the regulation prescribing the delegated powers and duties and the delegation agreement.

Minister may appoint directors

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(9) If a delegation agreement with a corporation without share capital to provide, the Minister may appoint one or more persons to the board of directors of the delegate, as specified in the agreement, for such terms of office as the Minister considers appropriate 2001, c 17, s 2 (36)

Remuneration, expenses of Ministerial appointees

(10) The remuneration and expenses of the directors appointed by the Minister shall be the responsibility of the delegate. 2001, c 17, s 2 (36)

Delegate not a Crown agency

(11) A delegate is not an agent of Her Majesty for any purpose, despite the Crown Agency Act, and shall not hold himself out as such 2001, c 17, s 2 (36)

Crown not liable for delegate’s acts

(12) No action or other proceeding shall be instituted against the Crown, the Minister or any employee of the Ministry,

(a) for any act done in the execution or intended execution of a power or duty delegated under this section or for an alleged neglect or default in the execution of a power or duty delegated under this section, or

(b) for any act committed by a delegate or an employee or agent of a delegate in relation to a power or duty delegated under this section 2001, c 17, s 2 (36)

Annual report

(13) A delegate shall report annually to the Minister on its activities over the previous year with respect to the delegated powers and duties 2001, c 17, s 2 (36)

Additional reports

(14) A delegate shall provide additional reports to the Minister as may be required by the delegation agreement or requested by the Minister. 2001, c 17, s 2 (36)

Regulations

(15) The Minister may make regulations,

(a) prescribing the powers and duties of the Director that are to be delegated under a delegation agreement,

(b) specifying the individual, partnership or corporation to whom such powers and duties are to be delegated;

(c) respecting any matter that the Minister considers advisable to carry out effectively the intent and purpose of this section 2001, c 17, s 2 (36)

General or particular

(16) A regulation made under subsection (15) may be general or particular in its application 2001, c 17, s 2 (36)

Definition

(17) In this section, “delegation agreement” means an agreement under subsection (1) 2001, c 17, s 2 (36)

PART XV.2 SPECIAL PROVISIONS APPLICABLE TO MUNICIPALITIES, SECURED CREDITORS, RECEIVERS, TRUSTEES IN BANKRUPTCY, FIDUCIARIES AND PROPERTY INVESTIGATORS

INTERPRETATION

Definitions, Part XV.2

158.10 In this Part, “contaminant” means,

(a) a contaminant as defined in section 1, or

(b) waste as defined in Part V (“contaminant”);

“fiduciary property” means property held or administered by a fiduciary in the capacity of fiduciary, or property in respect of which a fiduciary has powers or duties in the capacity of fiduciary, (“fideicommis”)
"non-municipal property" means with respect to a municipality, property that is not owned, leased or occupied by the municipality ("born non-municipal") 2001, c 17, s 2 (39)

Interpretation, effect on cause of action

168.11 This Part shall not be construed as affecting any cause of action that a person would have in the absence of this Part 2001, c 17, s 2 (39)

MUNICIPALITIES

Actions taken by municipalities

168.12 (1) A municipality or a municipal representative who takes an action described in subsection (2) is not, for that reason alone,
(a) a person who is or was in occupation of a source of contaminant for the purpose of subsection 7 (1) or 5 (1),
(b) a person who has or had the charge, management or control of a source of contaminant for the purpose of subsection 7 (1) or 8 (1),
(c) a person responsible for the purpose of section 12;
(d) a person who has or had management or control of an undertaking or property for the purpose of subsection 18 (1),
(e) a person who has or had charge and control of land, a building or waste for the purpose of section 43;
(f) an occupant or previous occupant of land or a building for the purpose of section 43,
(g) a person having control of a pollutant for the purpose of subsection 97 (1),
(h) a person having the charge, management or control of any real property or personal property for the purpose of subsection 97 (1), or
(i) a person who has management or control of an undertaking or property for the purpose of subsection 157.1 (1) 2001, c 17, s 2 (39)

Actions

(2) The actions referred to in subsection (1) are the following

1. Any action taken for the purpose of conducting, completing or confirming an investigation relating to non-municipal property
2. Any action taken for the purpose of preserving or protecting non-municipal property, including action to,
   i. ensure the supply of water, sewage services, electricity, artificial or natural gas, steam, hot water, heat or maintenance,
   ii. secure the property by means of locks, gates, fences, security guards or other means, or
   iii. ensure that the property is insured under a contract of insurance
3. Any action taken in non-municipal property for the purpose of responding to,
   i. any danger to the health or safety of any person that results from the presence or discharge of a contaminant on, in or under the property,
   ii. any impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it that results from the presence or discharge of a contaminant on, in or under the property, or
   iii. any injury or damage or serious risk of injury or damage to any property or to any plant or animal life that results from the presence or discharge of a contaminant on, in or under the property
4. Any action taken with respect to non-municipal property to exercise a right under any Act to collect rent or levy by distress in relation to an unpaid amount
5. Any action taken on non-municipal property under or for the purpose of Part XI of the Municipal Act, 2001.
6. Any action taken on non-municipal property under or for the purpose of the Building Code Act, 1992, the Fire Protection and Prevention Act, 1997 or an Act prescribed by the regulations
7. Any other action prescribed by the regulations 2001, c 17, s 2 (39), 2002, c 17, Schd C, s 11 (1)

Ownership under Part XI of Municipal Act, 2001
188.13 (3) If a municipality becomes the owner of property by virtue of the registration of a notice of vesting under Part XI of the Municipal Act, 2001, the Minister, the Director or a provincial officer shall, in respect of the period described in subsection (4), issue any order under any provision of this Act to the municipality or a municipal representative with respect to the property unless the order arises from,
(a) the gross negligence or wilful misconduct of the mayor, the chief executive officer or any municipal representative, or
(b) circumstances prescribed by the regulations.

Exception
Subsection (1) does not apply to an order under paragraph 4, 5 or 6 of subsection 97 (1) 2001, c. 17, s. 2 (39)

 Consent order
(2) Subsection (1) does not apply to an order issued with the written consent of the municipality or municipal representative.

Time period
Subsection (1) only applies to the municipality or municipal representative in respect of the period that begins on the day the municipality became the owner of the property by virtue of the registration of the notice of vesting and ends on the fifth anniversary of that day. 2001, c. 17, s. 2 (39)

Extension of period
The Director may extend the period referred to in subsection (1), before or after it expires, on such terms and conditions as he or she considers appropriate. 2001, c. 17, s. 2 (39)

Exceptional circumstances, municipalities
188.14 (1) Despite section 188.13, the Director may issue an order described in subsection (3) to a municipality if the municipality has become the owner of property by virtue of the registration of a notice of vesting under Part XI of the Municipal Act, 2001 and the Director has reasonable grounds to believe that, as a result of the presence or discharge of a contaminant on, in or under the property, any of the following circumstances exist:

1. There is danger to the health or safety of any person.
2. There is impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it.
3. There is injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

Restriction of record of site condition
If a record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property, no order shall be issued under subsection (1) unless the Director has reasonable grounds to believe that, as a result of the presence of a contaminant that was on, in or under the property as of the certification date, there is danger to the health or safety of any person.

Scope of order
An order under subsection (1) may only require the municipality, within such times as are specified in the order, to comply with such directions as specified in the order as are reasonably necessary to ensure that,
(a) none of the circumstances listed in subsection (1) exist, if no record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property,
(b) there is no danger to the health or safety of any person, if a record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property.

Notice
The directions referred to in subsection (3) may include the following:
1. A direction requiring the doing of anything mentioned in subsection 124
2. A direction requiring the removal or disposal of the contaminant or anything affected by the contaminant
3. A direction to secure, by means of locks, gates, fences, security guards or other means, any land, place or thing
If the presence or discharge of the contaminant has damaged or endangered or is likely to damage or endanger existing water supplies, a direction to provide alternate water supplies 2001, c 17, s 2 (39)

Information to be included or order

(5) An order under subsection (1) shall briefly describe the reasons for the order and the circumstances on which the reasons are based, including the circumstances listed in subsection (1) that exist 2001, c 17, s 2 (39)

When notice of order filed in Registry

(6) The Director shall file notice of an order under subsection (1) in the Environmental Site Registry in accordance with the regulations of a record of site condition has been filed in the Registry under section 168 4 with respect to the property 2001, c 17, s 2 (39)

Notice of compliance with order

(7) If notice of an order has been filed in the Registry under subsection (6) and the Director is satisfied that the order has been complied with, the Director shall file notice of the compliance in the Registry in accordance with the regulations 2001, c 17, s 2 (39)

Filing of new record of site condition

(8) If notice of an order has been filed in the Registry under subsection (6) and the Director is satisfied that the order has been complied with but the Director is of the opinion that a certification contained in the record of site condition filed in the Registry does not accurately reflect the current state of the property, subsection (7) does not apply until a new record of site condition is filed in accordance with section 168 4 2001, c 17, s 2 (39)

Notice of prescribed circumstances, municipalities

168.15 (1) If, in the course of or as a result of taking any action described in subsection 168.12 (2), a municipality or municipal representative becomes aware of circumstances prescribed by the regulations, the municipality shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c 17, s 2 (39)

Same

(2) If a municipality became the owner of property by virtue of the registration of a notice of vesting under Part XI of the Municipal Act, 2001 and, during the period described in subsection 168.13 (4), the municipality or a municipal representative becomes aware of circumstances prescribed by the regulations, the municipalities shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c 17, s 2 (39), 2002, c 17, Sched C, s 11 (4)

Reports of investigations of contaminants, municipalities

168.16 On the written request of the Director, a municipality shall, within the time specified in the request, provide the Director with a copy of any report that is in the possession or control of the municipality and that was prepared in the course of or as a result of an investigation to determine whether a contaminant is present or is being discharged on, in or under property. 2001, c 17, s 2 (39)

SECURED CREDITORS, RECEIVERS AND TRUSTEES IN BANKRECEP

Actions taken by secured creditors

168.17 (1) A secured creditor or a secured creditor representative who takes an action described in subsection (2) is not, for that reason alone,
(a) a person who is or was in occupation of a source of contaminant for the purpose of subsection 7 (1) or 8 (1),
(b) a person who has had the charge, management or control of a source of contaminant for the purpose of subsection 7 (1) or 8 (1),
(c) a person responsible for the purpose of section 12,
(d) a person who has or had management or control of an undertaking or property for the purpose of subsection 18 (1),
(e) a person who has or had charge and control of land, a building or waste for the purpose of section 43,
(f) an occupant or previous occupant of land or a building for the purpose of section 43,
(g) a person having control of a pollutant for the purpose of subsection 97 (1),
(h) a person having the charge, management or control of any real property or personal property for the purpose of subsection 97 (1), or
(i) a person who has management or control of an undertaking or property for the purpose of subsection 157.1 (1) 2001, c. 17, s 2 (39)

Actions

2. The actions referred to in subsection (1) are the following
1. Any action taken for the purpose of conducting, completing or confirming an investigation relating to the secured property
2. Any action taken for the purpose of preserving or protecting the secured property, including action to,
   i. ensure the supply of water, sewage services, electricity, artificial or natural gas, steam, hot water, heat or maintenance,
   ii. ensure the property by means of locks, gates, fences, security guards or other means,
   iii. ensure that the property is insured under a contract of insurance, or
   iv. pay taxes due or collect rents owing with respect to the property
3. Any action taken on the secured property for the purpose of responding to,
   i. any danger to the health or safety of any person that results from the presence or discharge of a contaminant on, in or under the property,
   ii. any impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it that results from the presence or discharge of a contaminant on, in or under the property, or
   iii. any injury or damage or serious risk of injury or damage to any property or to any plant or animal life that results from the presence or discharge of a contaminant on, in or under the property.
4. Any other action prescribed by the regulations 2001, c. 17, s 2 (39)

Secured creditor becoming owner by foreclosure

168.18 (1) If a secured creditor becomes the owner of the secured property by virtue of a foreclosure, the Minister, the Director or a provincial officer shall not, in respect of the period described in subsection (3), issue any order under any provision of this Act to the secured creditor or a secured creditor representative with respect to the property unless the order arises from,
   (a) the gross negligence or willful misconduct of the secured creditor or secured creditor representative, or
   (b) circumstances prescribed by the regulations. 2001, c. 17, s 2 (39)

Consent order

2. Subsection (1) does not apply to an order issued with the written consent of the secured creditor or secured creditor representative 2001, c. 17, s 2 (39)

Time period

3. Subsection (2) only applies to the secured creditor or secured creditor representative in respect of the period that begins on the day the secured creditor becomes the owner of the property by virtue of a foreclosure and ends on the fifth anniversary of that day 2001, c. 17, s 2 (39)

Extension of period

4. The Director may extend the period referred to in subsection (3), before or after it expires, on such terms and conditions as he or she considers appropriate 2001, c. 17, s 2 (39)

Receivers and trustees in bankruptcy

168.19 (1) The Minister, the Director or a provincial officer shall not issue any order under any provision of this Act to a receiver, receiver representative, trustee in bankruptcy or trustee in bankruptcy representative with respect to the property held or administered by the receiver or trustee in bankruptcy unless the order arises from,
   (a) the gross negligence or willful misconduct of the receiver, receiver representative, trustee in bankruptcy or trustee in bankruptcy representative, or
   (b) circumstances prescribed by the regulations 2001, c. 17, s 2 (39)

Consent order

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(3) Subsection (1) does not apply to an order issued with the written consent of the receiver, receiver representative, trustee in bankruptcy or trustee in bankruptcy representative 2001, c. 17, s. 2 (39)

Exception: circumstances, secured creditors, receivers and trustees in bankruptcy

Secured creditor.

168.20 (2) Despite section 168.18, the Director may issue an order described in subsection (4) to a secured creditor who has become the owner of the secured property by virtue of a foreclosure if the Director has reasonable grounds to believe that, as a result of the presence or discharge of a contaminant on, in or under the property, any of the following circumstances exist.

1. There is danger to the health or safety of any person
2. There is impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it
3. There is injury or damage or serious risk of injury or damage to any property or to any plant or animal life 2001, c 17, s. 2 (39)

Receivers and trustees in bankruptcy

(2) Despite section 168.19, the Director may issue an order described in subsection (4) to a receiver or trustee in bankruptcy if the Director has reasonable grounds to believe that, as a result of the presence or discharge of a contaminant on, in or under the property held or administered by the receiver or trustee in bankruptcy, any of the circumstances listed in subsection (1) exist 2001, c 17, s. 2 (39)

Restriction if record of site condition

(3) If a record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property, no order shall be issued under subsection (1) or (2) unless the Director has reasonable grounds to believe that, as a result of the presence of a contaminant that was on, in or under the property as of the certification date, there is danger to the health or safety of any person 2001, c. 17 s 2 (39)

Scope of order

(4) An order under subsection (1) or (2) may only require the secured creditor, receiver or trustee in bankruptcy, within such times as are specified in the order, to comply with such directions specified in the order as are reasonably necessary to ensure that,

(a) none of the circumstances listed in subsection (1) exist, if no record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property; and

(b) there is no danger to the health or safety of any person, if a record of site condition has been filed in the Environmental Site Registry under section 168.4 with respect to the property 2001, c 17, s. 2 (39)

Same

(5) The directions referred to in subsection (4) may include the following:

1. A direction requiring the doing of anything mentioned in section 124
2. A direction requiring the removal or disposal of the contaminant or anything affected by the contaminant
3. A direction to secure, by means of locks, gates, fences, security guards or other means, any land, place or thing.
4. If the presence or discharge of the contaminant has damaged or endangered or is likely to damage or endanger existing water supplies, a direction to provide alternate water supplies 2001, c 17, s. 2 (39)

Information to be included in order

(6) An order under subsection (1) or (2) shall briefly describe the reasons for the order and the circumstances on which the reasons are based, including the circumstances listed in subsection (1) that exist 2001, c 17, s. 2 (39)

Exception

(7) A receiver or trustee in bankruptcy is not required to comply with an order under subsection (2) if the order did not arise from the gross negligence or willful misconduct of the receiver or trustee in bankruptcy, or of a receiver representative or trustee in bankruptcy representative, and,
(a) not later than 10 days after being served with the order, or within such longer period as may be specified by the Director in the order, the receiver or trustee in bankruptcy notifies the Director that they have abandoned, disposed of, or otherwise released their interest in the property to which the order relates; or

(b) the order was stayed under Part I of the *Bankruptcy and Insolvency Act* (Canada) and the receiver or trustee in bankruptcy notified the Director, before the stay expired, that they abandoned, disposed of, or otherwise released their interest in the property 2001, c. 17, s 2 (39).

**Notice under this.**

(8) Notice under clause (7) (a) or (b) must be given in the manner prescribed by the regulations 2001, c. 17, s 2 (39).

When notice of order filed in Registry

(9) The Director shall file notice of an order under subsection (1) or (2) in the Environmental Site Registry in accordance with the regulations if a record of site condition has been filed in the Registry under section 168.4 with respect to the property 2001, c. 17, s 2 (39).

**Notice of compliance with order**

(10) If notice of an order has been filed in the Registry under subsection (9) and the Director is satisfied that the order has been complied with, the Director shall file notice of the compliance in the Registry in accordance with the regulations 2001, c. 17, s 2 (39).

**Filing of new record of site condition**

(11) If notice of an order has been filed in the Registry under subsection (9) and the Director is satisfied that the order has been complied with but the Director is of the opinion that a certification contained in the record of site condition filed in the Registry does not accurately reflect the current state of the property, subsection (10) does not apply until a new record of site condition is filed in accordance with section 168.4. 2001, c. 17, s 2 (39).

**Notice of preexisting circumstances, secured creditors, receivers and trustees in bankruptcy**

**Secured creditors**

168.21 (1) If, in the course of or as a result of taking any action described in subsection 168.17 (2), a secured creditor or secured creditor representative becomes aware of circumstances prescribed by the regulations, the secured creditor shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c. 17, s 2 (39).

Same

(2) If a secured creditor becomes the owner of the secured property by virtue of a foreclosure and, during the period described in subsection 168.18 (2), the secured creditor or a secured creditor representative becomes aware of circumstances prescribed by the regulations, the secured creditor shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c. 17, s 2 (39).

**Receivers and trustees in bankruptcy**

(3) If a receiver, trustee in bankruptcy, receiver representative or trustee in bankruptcy representative becomes aware, during the period that the receiver or trustee in bankruptcy holds or administers property, of circumstances prescribed by the regulations, the receiver or trustee in bankruptcy shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c. 17, s 2 (39).

**Reports of investigations of contamination, secured creditors, etc.**

168.22 On the written request of the Director, a secured creditor, receiver or trustee in bankruptcy shall, within the time specified in the request, provide the Director with a copy of any report that is in the possession or control of the secured creditor, receiver or trustee in bankruptcy and that was prepared in the course of or as a result of an investigation to determine whether a contamination is present or is being discharged on, in or under property 2001, c. 17, s 2 (39).

**Fiduciaries**

**Obligations of fiduciaries**

168.23 If the Minister, the Director or a provincial officer issues an order under any provision of this Act to a fiduciary or fiduciary representative with respect to fiduciary property, the obligation of the fiduciary or fiduciary representative to incur costs to comply with the order is limited to the value of the assets they hold or administer on the date they are served with the order, less their reasonable costs of holding or administering the assets, unless the order arose from the gross negligence or willful misconduct of the fiduciary or Fiduciary representative. 2001, c. 17, s 2 (39).

Notice of prescribed circumstances, fiduciaries
168.24 If, in the course of or as a result of exercising or performing the fiduciary's powers or duties with respect to fiduciary property, a fiduciary or fiduciary representative becomes aware of circumstances prescribed by the regulations, the fiduciary shall give notice to a provincial officer in the manner prescribed by the regulations 2001, c 17, s 2 (39)

Reports of investigations of contaminants, fiduciaries
168.25 On the written request of the Director, a fiduciary shall, within the time specified in the request, provide the Director with a copy of any report that is in the possession or control of the fiduciary and that was prepared in the course of or as a result of an investigation to determine whether a contaminant is present or is being discharged on, in or under property 2001, c 17, s 2 (39)

INVESTIGATIONS OF PROPERTY

Investigations of property
168.26 A person who conducts, completes or confirms an investigation in relation to property is not, for that reason alone, (a) a person who is or was in occupation of a source of contaminant for the purpose of subsection 7 (1) or 8 (1),
(b) a person who has or had the charge, management or control of a source of contaminant for the purpose of subsection 7 (1) or 8 (1),
(c) a person responsible for the purpose of section 12,
(d) a person who has or had management or control of an undertaking or property for the purpose of subsection 18 (1);
(e) a person who has or had charge and control of land, a building or waste for the purpose of section 43,
(f) an occupant or previous occupant of land or a building for the purpose of section 43,
(g) a person having control of a pollutant for the purpose of subsection 97 (1),
(h) a person having the charge, management or control of any real property or personal property for the purpose of subsection 97 (1), or
(i) a person who has management or control of an undertaking or property for the purpose of subsection 157 1 (1) 2001, c 17, s 2 (39)

PART XVI
ENVIRONMENTAL COUNCIL

Meaning of "Council", Part XVI
169. In this Part,

Environmental Council established
170. (1) A council to be known in English as the Environmental Council and in French as Conseil de l'environnement may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years

Chair and vice-chair
(2) The Lieutenant Governor in Council may appoint one of the members of the Council as chair and another of the members as vice-chair

Members
(3) The composition of the Council shall be such as to provide for competent and knowledgeable persons in matters relating to the natural environment

Vacancies
(4) Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council

Remuneration
(5) The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine R.S.O. 1990, c. E.19, s 170

Duty of Council

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171. The Council, through its chair, shall,
(a) advise the Minister as to the results of current research related to,
(i) pollution, and
(ii) the natural environment, and
(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chair. R.S.O. 1990, c. E.19, s. 171

PART XVII
MISCELLANEOUS

Where contaminant causes damage to crops or livestock
172. (1) Where a person complains that a contaminant is causing or has caused injury or damage to livestock or to crops, trees or other vegetation which may result in economic loss to such person, the person may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

Request for investigation
(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.

Report of investigation
(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage.

Right of person responsible to view damage, etc.
(4) The claimant shall permit the person responsible for such source of contaminant or the person's agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage.

Board of negotiation
(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chair.

Quorum
(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.

Place of sitting
(7) The board of negotiation may sit at any place in Ontario.

Notice of amount of claim
(8) If a claimant who has requested an investigation under subsection (1) desires to have his or her claim for injury or damage negotiated by the board of negotiation, the claimant shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of the claimant's claim within a reasonable time after the amount can be determined.

Notice of negotiation
(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection (8), the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he or she requires a settlement of the claim to be negotiated by the board of negotiation.

Negotiation procedures
(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent procedure, proceed in a summary and informal manner to negotiate a settlement of the claim. R.S.O. 1990, c. E.19, s. 172.

Agreement by municipality

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173. A municipality may enter into an agreement with the Minister under clause 4 (1) (g) and a municipality that enters into such an agreement has all the powers necessary to carry out the agreement. 1908, c. 35, s. 28

Union dissolved, compliance with Acts, etc.

174. (1) In this section,

"Board" means the Ontario Labour Relations Board R.S.O. 1990, c. E.19, s. 174 (1)

Union dissolved

(2) No employer shall,

(a) dismiss an employee,

(b) discipline an employee,

(c) penalize an employee, or

(d) coerce or intimidate or attempt to coerce or intimidate an employee,

because the employee has complied with or may comply with,

(e) the Environmental Assessment Act,

(f) the Environmental Protection Act,

(g) the Fisheries Act (Canada),

(h) the Nutrient Management Act, 2002,

(i) the Ontario Water Resources Act, or

(j) the Pesticides Act,

or a regulation under one of those Acts or an order, term or condition, certificate of approval, certificate of property use, licence, permit or direction under one of those Acts or because the employee has sought or may seek the enforcement of one of those Acts or a regulation under one of those Acts or has given or may give information to the Ministry or a provincial officer or has been or may be called upon to testify in a proceeding related to one of those Acts or a regulation under one of those Acts R.S.O. 1990, c. E.19, s. 174 (2), 2001, c. 17, s. 2 (40), 2002, c. 4, s. 62 (5)

Complete.

(3) A person complaining of a contravention of subsection (2) may file the complaint in writing with the Board R.S.O. 1990, c. E.19, s. 174 (3)

Where complaint referred to O.L.R.B.

Where complaint referred to O.L.R.B.

(4) Where a complaint is filed in writing with the Board,

(a) the Board may authorize a labour relations officer to inquire into the complaint, or

(b) the Board may inquire into the complaint R.S.O. 1990, c. E.19, s. 174 (4)

-Labour relations officer

(5) A labour relations officer who is authorized to inquire into the complaint shall make an inquiry forthwith and shall endeavour to effect a settlement of the matter complained of and shall report the results of the inquiry and endeavours to the Board R.S.O. 1990, c. E.19, s. 174 (5)

Where settlement not reached

Where settlement not reached

(6) Where the labour relations officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint R.S.O. 1990, c. E.19, s. 174 (6)

Inquiry by O.L.R.B.

Inquiry by O.L.R.B.

(7) Where the Board inquires into the complaint and is satisfied that an employer has contravened subsection (2), the Board shall determine what, if anything, the employer shall do or refrain from doing with respect thereto. R.S.O. 1990, c. E.19, s. 174 (7)

Determination

Determination

(8) A determination under subsection (7) may include, but is not limited to, one or more of,

(a) an order directing the employer to cease doing the act or acts complained of.
(b) an order directing the employer to rectify the act or acts complained of, or
(c) an order directing the employer to reinstate or employ the complainant, with or without compensation, or

Application

A determination by the Board under subsection (7) applies despite a provision of an agreement. R.S.O. 1990, c. E.19, s 174 (9)

Burden of proof

On an inquiry under this section, the burden of proof that an employer did not contravene subsection (2) lies upon the employer. R.S.O. 1990, c. E.19, s 174 (10)

Failure to comply

(11) Where there is a failure to comply with a term of the determination made under subsection (7), the complainant, after the expiration of fourteen days from the date of the release of the determination by the Board or from the date provided in the determination for compliance, whichever is later, may notify the Board in writing of the failure. R.S.O. 1990, c. E.19, s 174 (11)

Filing of determinations

(12) Where the Board receives notice in accordance with subsection (11), the Board shall file in the office of the local registrar of the Superior Court of Justice a copy of the determination, exclusive of the reasons therefor, if any, and the determination shall be entered in the same way as a judgment or order of the court and is enforceable as such. R.S.O. 1990, c. E.19, s 174 (12), 2001, c. 9, Sch. G, s 5 (21)

Compliance with settlement

Where the matter complained of has been settled, whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed, the settlement is binding and shall be complied with according to its terms, and a complaint that a settlement has not been complied with shall be deemed to be a complaint under subsection (3) R.S.O. 1990, c. E.19, s 174 (13)

Application of Labour Relations Act

(14) The Labour Relations Act and the regulations under that Act apply with necessary modifications in respect of a proceeding under subsections (2) to (13). R.S.O. 1990, c. E.19, s 174 (14)

Act performed on behalf of employer

For the purposes of subsections (2) to (14), an act mentioned in subsection (2) that is performed on behalf of an employer shall be deemed to be the act of the employer. R.S.O. 1990, c. E.19, s 174 (15)

Note: On the day to be named by proclamation if the Lieutenant Governor, the Act is referred to the Lieutenant Governor. 1998, c. 25, Sch. 28, s 28.

Electronic signatures

174.1 Electronic signatures are admissible in evidence in any proceeding, regardless of whether a party or witness at any time consents to the use of electronic signatures. R.S.O. 1990, c. E.19, s 174.1 (1)

Electronic filing

Despite any requirement under this Act for the preservation or delivery of documents, any electronic document filed under this Act shall be deemed to have been filed in accordance with the regulations. 1998, c. 6, s 29.

Enumera of documents

175. (1) In this section, "official document" means,

(a) an approval, consent, licence, notice, permit, order, return or certificate of approval, certificate of property use or other certificate under this Act or the regulations,
(b) a certificate as to service of a document mentioned in clause (a),

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(c) a certificate or report as to the antitypus, description, ingredients, quality, quantity or temperature of any solid, liquid or gas or any combination of any of them,

(d) a certificate or report as to the analytical, description, quality or quantity of any odour, heat, sound, vibration, radiation or any combination of any of them,

(e) a certificate or report as to the custody of any solid, liquid or gas or any combination of any of them,

(f) a certificate as to the custody of any book, record or report or as to the custody of any other document, or

(g) a certificate as to whether or not any document or notification was received or issued by the Minister or the Ministry under this Act or the regulations

R S O 1990, c E 19, s 175 (1), (2), (6), (7) (2) (2)

(d) An official document, other than an official document mentioned in clause (1) (c) or (d), that purports to be signed by the Minister, the Director or an employee of the Ministry shall be received in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the facts stated in the official document without proof of the signature or position of the person appearing to have signed the official document.

R S O 1990, c E 19, s 175 (3)

Regulations, general

175.1 The Lieutenant Governor in Council may make regulations,

(a) exempting any person, licence holder, insurer, industry, contaminant, source of contaminant, motor vehicle, motor, waste, waste disposal site, waste management system, activity, area, location, matter, substance, sewage system, product, material, beverage, packaging, container, discharge, spill, pollutant or thing from any provision of this Act and the regulations and prescribing conditions for the exemptions from this Act and the regulations,

(b) prohibiting, regulating or controlling (including prescribing conditions for the prohibition, regulation or control) the making, use, sale, display, advertising, transfer, transportation, operation, maintenance, storage, recycling, disposal, or discharge, or manner thereof, of any contaminant, source of contaminant, motor vehicle, motor, waste, waste disposal site, waste management system, activity, area, location, matter, substance, sewage system, product, material, beverage, packaging, container, discharge, spill, pollutant or thing,

(c) prescribing the payment of fees to the Crown or to any other person or body specified by the regulations, including prescribing the amounts or the method of calculating the amounts of the fees, and governing the procedure for the payment,

(i) in respect of a certificate of approval, provision certificate of approval, permit, licence or renewal of licence, examination, inspection or certification,

(ii) in respect of any registration or record required by this Act or the regulations,

(iii) in respect of an activity pursuant to a provision of a regulation that exempts a person from the requirement to obtain a certificate of approval, provision certificate of approval or permit, or

(iv) in respect of the supply of information, services, or copies of documents, maps, plans, recordings or drawings;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) is repealed by the Nature of Ontario, 2001, Chapter 5, Schedule C, subsection 1 (9) (2001, c 9, Sch C, s 1 (9) (2)), and subsection (9) is repealed by the Nature of Ontario, 2001, Chapter 5, Schedule C, subsection 1 (9) (2001, c 9, Sch C, s 1 (9) (2)).

(d) providing for the retention by a person or body specified by the regulations of all or part of the fees paid, under this Act, to the person or body;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed by the Nature of Ontario, 2001, Chapter 5, Schedule C, subsection 5 (9) (2001, c 9, Sch C, s 5 (9) (2)).

(e) providing for refunds of fees paid under this Act to the Crown or to a person or body specified by the regulations;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (c) is repealed by the Nature of Ontario, 2001, Chapter 5, Schedule C, subsection 5 (9) (2001, c 9, Sch C, s 5 (9) (2)).
(f) providing for the issue, renewal, suspension and revocation of certificates of approval, provisional certificates of approval, certificates of property use, permits and licences, and prescribing conditions for the issuing, renewal, suspension and revocation,

(g) defining the desirable quality criteria of the natural environment,

(h) prescribing documents or data required to be created, stored and submitted by any person and the methods of creating, storing and submitting the documents and data,

(i) prescribing the location at which documents or data must be created or stored,

(j) providing for the inspection and examination of documents and data,

(k) providing for the preparation and signing of documents by electronic means, the filing of documents by direct electronic transmission and the printing of documents filed by direct electronic transmission,

(l) providing for forms and their use,

(m) providing for the method of service of any document given or served under this Act;

(n) deeming a person to be a person involved in carrying out a program of the Ministry for the purpose of subsection 184 (2),

(o) designating any matter required to be designated or authorized by or referred to in this Act as designated,

(p) prescribing any matter required to be prescribed or authorized by or referred to in this Act as prescribed 1997, c. 7, s. 3, 1998, c. 35, s. 30, 2001, c. 9, Sched G, s. 5 (10), 2001, c. 17, s. 2 (42)

Regulation, additional

176. (1) The Lieutenant Governor in Council may make regulations,

(a) Repealed 1997, c. 7, s. 4 (1)

(b) requiring the persons responsible for sources of contaminants in a class of sources of contaminants to monitor, record and report to the Ministry or to the persons specified in the regulations on the sources of contaminants including, but not limited to, fuel, materials and methods of production used and intended to be used, the wastes and contaminants that will or are likely to be generated, the natural environment that may be affected by the discharge of the contaminants and the effects of the discharge of the contaminants, and to perform and report to the Ministry on research respecting methods of reducing or preventing the generation of wastes and contaminants from the sources of contaminants;

(c) Repealed 1997, c. 7, s. 4 (1)

(d) Repealed 1997, c. 7, s. 4 (1)

(e) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them,

(f) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them,

(g) governing the disposal of solid, rock or related material from property,

(h) governing the discharge of any contaminant and prescribing requirements for any plant, structure, equipment, apparatus, mechanism or thing that may discharge a contaminant or from which a contaminant may be discharged in relation to,

(i) planning, design, siting, public notification and consultation, establishment, insurance, facilities, staffing, operation, maintenance, monitoring, record-keeping, submission of reports to the Director and improvement, and

(j) the discontinuance of the operation of any plant, structure, equipment, apparatus, mechanism or thing,

(b.1) governing the alteration or cessation of a process, rate of production or a rate or manner of discharge of contaminants into the natural environment,

(b.2) deeming a certificate of approval to exist in respect of any plant, structure, equipment, apparatus, mechanism, thing, process, rate of production or rate or manner of discharge of a contaminant to which subsection 9 (1) would apply but for an exemption from the requirement to obtain a certificate of approval set out in a regulation,
(i) classifying plants, structures and things, prescribing clauses thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing clauses thereof for which the approval of the Director as to the plans and specifications is not required,

(j) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;

(k) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans,

(l) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations,

(m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations,

(n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations,

(o) REPEALED 1997, c 7, s 4 (1)

(p) REPEALED 1997, c 7, s 4 (1)

(q) REPEALED 1997, c 7, s 4 (1)

(r) REPEALED 1997, c 7, s 4 (1)

(s) regulating the quality of fuels that may be used for heating, generating steam or electricity, industrial processes or incineration,

(t) requiring and regulating the storage, treatment and disposal of sewage in vessels and the equipment thereof, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in vessels unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment and prohibiting and regulating the discharge of sewage from such vessels,

(u) regulating and controlling, for the purpose of preventing or reducing the pollution of any water or places located on or adjacent to any water where moorings are provided for vessels or where any services are provided for vessels or the occupants thereof, and regulating and governing persons providing such moorings or services,

(v) defining sewage for the purposes of regulations made under clauses (i) and (e)

(w) REPEALED 1997, c 7, s 4 (1)

(x) REPEALED 1997, c 7, s 4 (1)


Regulations relating to Part III

(2) The Lieutenant Governor in Council may make regulations relating to Part III,

(a) REPEALED 1997, c 7, s 4 (2)

(b) REPEALED 1997, c 7, s 4 (2)

(c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed therein or incorporated therein one or more systems or devices to prevent or lessen the discharge of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of discharge of any contaminant into the natural environment with which any such system or device shall comply and providing for testing and inspection of any such system or device;

(d) prescribing the standards of emission into the natural environment of any contaminant or any by-product or product of combustion with which any motor or motor vehicle or any class or type of motor or motor vehicle shall comply and providing for the testing and inspection of any such motor, motor vehicle, class or type;

(e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario,

(f) prescribing types of systems and types of devices for the purposes of subsections 22 (3) and (4) R.S.O. 1990, c. E.19, s 176 (2), 1997, c 7, s 4 (2), 1998, c 33, s 31 (1, 2)

Regulations under clause (2) (d)

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(2) A regulation under clause (2) (d) may prescribe standards of emission with reference to any criteria that the Lieutenant Governor in Council considers appropriate, excluding but not limited to standards prescribed with reference to the visibility or opacity of emissions: 1998, c 35, s 31 (3)

Regulations relating to Part IV

(3) The Lieutenant Governor in Council may make regulations relating to Part IV,
(a) REPEALED 1997, c 7, s 4 (3)
(b) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;
(c) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations,
(d) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water: R S O 1990, c E 19, s 176 (3), 1997, c 7, s 4 (3).

Regulations relating to Part V

(i) The Lieutenant Governor in Council may make regulations relating to Part V,
(a) REPEALED 1997, c 7, s 4 (4)
(b) REPEALED 1997, c 7, s 4 (4)
(c) REPEALED 1997, c 7, s 4 (4)
(d) governing the management of waste and prescribing requirements for waste management systems and waste disposal sites in relation to,
(i) planning, design, siting, buffer zones, public notification and consultation, establishment, insurance, facilities, staffing, operation, maintenance, monitoring, record-keeping, submission of reports to the Director and improvement,
(ii) the discontinuance of systems,
(iii) the closure of sites;
(e) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 35, and prescribing the terms and conditions upon which deposits may be returned under section 37,
(a) REPEALED 1997, c 7, s 4 (6)
(b) prescribing the form of application and the procedure to be followed in applying for any compensation under Part V;
(c) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into the fund known as The Waste Well Disposal Security Fund and in French as Caisse de garantie des propriétaires de puits d’élimination des déchets;
(j) for the purpose of furthering the diversion of waste from final disposal, requiring municipalities and such other persons as may be specified in the regulation to establish such waste disposal sites or waste management systems as may be specified in the regulation,
(k) requiring the persons referred to in clause (j) to maintain, operate, improve, enlarge, alter, repair or replace the waste disposal sites or waste management systems in such manner as may be specified in the regulation;
(l) requiring municipalities and waste generators to conduct such studies in relation to waste management as may be specified in the regulation and requiring them to submit reports concerning the studies to the Director,
(m) requiring municipalities and waste generators to submit to the Director plans concerning waste management;
(n) prescribing plans concerning waste management,
(c) requiring municipalities and waste generators to seek any approval required for the plans referred to in clause (m) or (n) or required for the implementation of those plans and to implement the plans;

(p) requiring waste generators to achieve such objectives relating to waste management as are specified in the regulation;

(q) regulating, with respect to the diversion of waste from final disposal, the waste management activities of such owners or operators or users or owners of such premises as are specified in the regulation;

(r) requiring persons referred to in clause (q) to prepare, implement and maintain a program under which such classes of wastes as are specified in the regulation are kept separate in the manner specified in the regulation;

(s) enacting a certificate of approval to exist in respect of a waste management system or waste disposal site other than a site in respect of which subsection 20 (1) applies R.S.O. 1990, c. E.19, s. 175 (4), 1992, c. 1, s. 24(1), (2); 1997, c. 7, s. 4 (4-6) .

 Regulations relating to Part VI

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

(a) REPEALED 1997, c. 7, s. 4 (7)

(b) REPEALED 1997, c. 7, s. 4 (7)

(c) REPEALED 1997, c. 7, s. 4 (7)

(d) prescribing that designated industries devote a designated percentage of their budget to undertake research and development to develop substances for ozone-depleting substances. R.S.O. 1990, c. E.19, s. 176 (5), 1997, c. 7, s. 4 (7)

(e) REPEALED 1997, c. 30, Sched B, s. 23.

 Regulations relating to Part IX

(7) The Lieutenant Governor in Council may make regulations relating to Part IX,

(a) defining standard, refillable, returnable, non-refillable or non-returnable in respect of containers and returnable or non-returnable in respect of packaging or defining any product for the purposes of the regulations;

(b) requiring payment of a deposit at the time of purchase of any material or any beverage packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;

(c) requiring and regulating the stocking, display, sale, advertising or offering for sale of any product,

 (i) in any class of container in relation to the stocking, display, sale, advertising or offering for sale of the product in any other class of container, or

 (ii) only in a class of container that may be prescribed,

(d) prohibiting the sale, stocking, display, advertising or offering for sale in Ontario of any product in any class of container or in or by means of a vending machine;

(e) requiring and regulating the advertising or display of,

 (i) the price of a product that is sold or offered for sale exclusive of the amount of any deposit payable on the purchase of the product,

 (ii) the amount of any deposit payable on the purchase of a product,

 (iii) the amount payable in return for any container,

 (iv) the amount payable in return for any packaging or product,

(f) copies of the regulations or portions of the regulations or a summary thereof in such form as may be prescribed by the regulations;

(g) requiring or authorizing the placement of a notice or mark on products, containers, packaging or labels on products, containers or packaging to indicate such matters of waste management or environmental concern as are specified in the regulations,
(f1) requiring the placement of a notice or mark on products, containers, packaging or labels on products, containers or packaging respecting any payment to be made for their return,

(f2) governing the size, form, content and position of the notice or mark referred to in clause (f) or (f1),

(f3) prohibiting the unauthorized use of a notice or mark referred to in clause (f),

(g) requiring and regulating the payment of an amount in return for any packaging or container, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any packaging or container by such classes of persons as may be designated by the regulations,

(h) requiring and regulating the payment of an amount in return for any product, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any product by such classes of persons as may be designated by the regulations;

(i) REPEALED. 1997, c 7, s 4 (12)

(j) REPEALED. 1997, c 7, s 4 (12)

(k) requiring, regulating and prohibiting the use, advertising, offering for sale or sale in Ontario of any packaging or container, or any material or combination of materials used as packaging or a container,

(l) providing a schedule for the regulation and the prohibition within five years of the use, offering for sale or sale in Ontario of non-refillable or non-returnable containers for any beverage,

(m) regulating or prohibiting the sale and use of disposable products and of products that pose waste management problems;

(l1) requiring that disposable products and products that pose waste management problems be capable of being reused or recycled,

(n) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

(o) prescribing the amounts of grants or persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants,

(p) requiring persons who manufacture, package, offer for sale or sell a packaged product to examine the impact of the packaging on the waste management needs, activities and opportunities of other persons and governments and requiring them to submit reports concerning the examination to the Director,

(q) requiring persons who manufacture, package, offer for sale or sell a packaged product to conduct such examinations in relation to the packaging and waste management as may be specified in the regulations and requiring them to submit reports concerning the examinations to the Director,

(r) requiring persons who manufacture, package, offer for sale or sell a packaged product to submit to the Director waste management plans in relation to the packaging of the products they manufacture, package, offer for sale or sell or any waste generated by their activities;

(s) prescribing plans concerning waste management in relation to the packaging of packaged products;

(t) requiring persons who manufacture, package, offer for sale, sell or purchase a packaged product to implement the plans referred to in clauses (q) and (r);

(u) requiring persons who manufacture, package, offer for sale or sell a packaged product to achieve such waste management objectives in relation to the packaging of the products they manufacture, package, offer for sale or sell or any waste generated by their activities as are specified in the regulations,

(v) declaring a product to be a product that poses waste management problems, R.S.O. 1990, c E.19, s 176 (7), 1992, c 1, s 34 (3-16), 1997, c 7, s 4 (13)

Regulations relating to Part X

(6) The Lieutenant Governor in Council may make regulations relating to Part X,

(a) designating persons for the purposes of subsection 100 (7) and prescribing limitations that shall attach to any such designation,

(b) prescribing conditions that must be complied with by applicants for payment of compensation under subsection 101 (7) before payment of the compensation;
(c) prescribing conditions that shall attach to the payment of compensation under subsection 101 (1),
(d) designating discharges of pollutants and locations of discharges for the purposes of subsection 91 (2), but no discharge of a pollutant or location of discharge shall be designated that is in accordance with an approval, licence, permit, order, certificate of property use or regulation under this Act or an approval, direction, notice, order, regulation or report under the Ontario Water Resources Act or a licence, order, permit or regulation under the Pesticides Act R.S.O. 1990, c. E.19, s. 176 (8), 1997, c. 7, s. 4 (14, 15), 2001, c. 17, s. 2 (45)

Regulations relating to Part XII

(9) The Lieutenant Governor in Council may make regulations relating to Part XII prescribing requirements for financial assurance in respect of the classes of approvals, orders or certificates of property use specified in the regulations R.S.O. 1990, c. E.19, s. 176 (9), 2001, c. 17, s. 2 (45)

Regulations relating to Part XV.1

(10) The Lieutenant Governor in Council may make regulations relating to Part XV.1,
(a) governing the establishment, operation and maintenance of the Registry, including the information that may be filed in the Registry and the Director's powers and duties relating to the establishment, operation and maintenance of the Registry,
(b) governing the conduct of phase one environmental site assessments,
(c) prescribing circumstances in which phase two environmental site assessments are required,
(d) governing the conduct of phase two environmental site assessments,
(e) prescribing the qualifications of qualified persons, including requiring approval of qualified persons by a person or body specified in the regulations and governing the approval process, requiring the payment of fees in respect of any approval required by the regulations, governing the revocation or suspension of any approval required by the regulations, requiring qualified persons to carry insurance specified by the regulations and delegating to a person or body specified in the regulations any power to make regulations under this clause,
(f) governing the form, content and completion of records of site condition,
(g) governing the determination of the certification date applicable to a record of site condition,
(h) prescribing full depth background site condition standards, full depth generic site condition standards and stratified site condition standards for property, including standards related to maximum contaminant amounts, concentrations or levels,
(i) governing the determination of which full depth background site condition standards, full depth generic site condition standards or stratified site condition standards are applicable to a property,
(j) prescribing the methods to be used in determining whether property meets standards prescribed by the regulations or standards specified in a risk assessment,
(k) governing the preparation of risk assessments, the form and content of risk assessments, and procedures relating to the submission of risk assessments to the Director under subsection 168.5 (1),

(1) prescribing a dispute resolution system, including mediation and conciliation, that may be used in connection with risk assessments that are submitted to, but not accepted by, the Director under subsection 168.5 (1),
(m) governing the management of soil on property for which a record of site condition has been filed in the Registry, if the record of site condition contained a certification under sub-subparagraph 4 i C of subsection 168.4 (1) or subparagraph 4 ii of subsection 168.4 (1),
(n) governing the filing in the Registry of notices under section 168.8;
(o) defining any word or expression used in Part XV.1 that is not already defined,
(p) respecting any matter that the Lieutenant Governor in Council considers advisable to carry out effectively the intent and purpose of Part XV.1, 2001, c. 17, s 2 (40)

Regulations, market-based approaches, etc.

176.1 The Lieutenant Governor in Council may make regulations,
(a) establishing programs and other measures for the use of economic and financial instruments and market-based approaches, including without being limited to emissions trading, for the purposes of maintaining or improving
existing environmental standards, protecting the environment and achieving environmental quality goals in a cost
appropriate manner,
(b) providing for or designating a body to administer the program and other measures referred to in clause (a)
(b) of Schedule E, s 10

Regulations, general rule

177. (1) A regulation may be general or particular in its application, may be limited as to time or place or both and
may exclude any place from the application of the regulation.

(2) A regulation may apply in respect of any class of activity, matter, person or thing.

(3) A class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or
combination thereof and may be defined to consist of or include or exclude any specified member whether or not with
the same attributes, qualities or characteristics

Adoption of codes or regulations

(4) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council
considers necessary, any code, formula, standard, protocol or procedure, and may require compliance with any code, formula,
standard, protocol or procedure so adopted.

Amendments to codes

(5) The power to adopt by reference and require compliance with a code, formula, standard, protocol or procedure in
subsection (4) includes the power to adopt a code, formula, standard, protocol or procedure as it may be amended from time
to time.

Whole effective

(6) The adoption of an amendment to a code, formula, standard, protocol or procedure that has been adopted by reference
comes into effect upon the Ministry publishing notice of the amendment in The Ontario Gazette or in the registry under the
Environmental Bill of Rights, 1993, c 7, s 5

Bar of action

177.1 No action or other proceeding shall be brought against the Crown, the Minister or an employee or agent of the
Crown because of anything arising out of or in relation to a matter carried on or purported to be carried on pursuant to a
regulation that exempts a person from the requirement to obtain a licence, certificate of approval, provisional certificate of
approval or permit, 1997, c 7, s 5

178. REPEALED 2001, c 25, s 484(2)

Conflicts with other legislation

11.9 Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in
a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of
this Act or the regulations shall prevail.

Idem

(2) Subsection (1) does not apply in respect of section 178 and the enactment of section 278 or a by-law pursuant to
section 278 does not affect the validity of an Act that was in force immediately before the 8th day of October, 1975. R.S.O.
1990, c E 19, s 179

Fees

179.1 The Minister may establish and require the payment of fees in respect of any matter under this Act, specify to whom
the fees are paid, provide for the retention of all or part of the fees by the person to whom they are paid and provide for the
refund of fees 2001, c 9, Sch 3, s 5(12)

Provision from personal liability, Ministry employees, etc.

180. (1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for
with respect to a person referred to in this subsection in any Act or in a regulation under that Act, no action or other
proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Tribunal
or a Crown employee within the meaning of the Public Service Act who is a provincial officer or a CONST under the direction

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of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority, R.S.O. 1990, c. E.19, s. 180(1), 2000, c. 26, Sched. E, s. 3 (2), 2000, c. 26, Sched. F, s. 12 (11)

Crown not relieved of liability

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the Proceedings Against the Crown Act, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection (1) had not been enacted, R.S.O. 1990, c. E.19, s. 180 (2)

Service on commercial drivers of offence notice or summons

181. (1) In this section,

"commercial motor vehicle" and "motor vehicle" have the same meanings as in the Highway Traffic Act, ("véhicule utilitaire", "véhicule automobile")

"offence notice or summons" means,

(a) an offence notice or summons under Part I of the Provincial Offences Act, or

(b) a summons under Part III of the Provincial Offence Act ("avis d'infraction ou assignation") R.S.O. 1990, c. E.19, s. 181 (1), 1998, c. 35, s. 32 (1)

Same

(2) Delivery of an offence notice or summons to the operator of a commercial motor vehicle in respect of an offence under this Act related to the use of the vehicle shall be deemed to be personal service of the offence notice or summons on the owner or lessee of the vehicle who is named in the offence notice or summons

Employer

(3) Delivery of an offence notice or summons to the operator of a commercial motor vehicle in respect of an offence under this Act related to the use of the vehicle in the course of the operator's employment shall be deemed to be personal service of the offence notice or summons on the employer of the operator of the vehicle

R.S.O. 1990, c. E.19, s. 181 (2, 3)

(4) REPEALED 1998, c. 35, s. 32 (2)

Exception

(5) Subsection (2) does not apply if, at the time of the offence, the vehicle was in the possession of the operator without the consent of the owner or lessee of the vehicle, as the case may be, but the burden of proof of that shall be on the owner or lessee of the vehicle

Permit holder deemed owner

(6) For the purposes of this section, the holder of a permit under Part II of the Highway Traffic Act shall be deemed to be the owner of the vehicle referred to in the permit and a number plate under that Part bearing a number that corresponds to the permit was displayed on the vehicle at the time the offence was committed

Application of subs. (6)

(7) Subsection (6) does not apply if the number plate was displayed on the vehicle without the consent of the holder of the permit, but the burden of proof of that shall be on the holder of the permit

R.S.O. 1990, c. E.19, s. 181 (5-7)

Service on various entities of offence notice or summons

Municipal corporations

181.1 (1) Service of an offence notice or summons on a municipal corporation may be effected by delivering it personally to the mayor, warden, reeve or other chief officer of the municipal corporation or to the clerk of the municipal corporation

Other corporations

(2) Service of an offence notice or summons on a corporation other than a municipal corporation may be effected by delivering it personally to the manager, secretary or other officer of the corporation or to a person apparently in charge of a branch office of the corporation

Partnership
(3) Service of an offence notice or summons on a partner may be effected by delivering it personally to a partner or to a person apparently in charge of an office of the partnership.

Sole proprietorship

(4) Service of an offence notice or summons on a sole proprietor may be effected by delivering it personally to the sole proprietor or to a person apparently in charge of an office of the sole proprietorship.

Subsection 5

(5) On application without notice, a justice, on being satisfied that service cannot be made effectively in accordance with subsections (1) to (4), may by order authorize another method of service that has a reasonable likeliness of coming to the attention of the municipal corporation, other corporation, partnership or sole proprietorship 1998, c. 35, s. 33

Service generally

182. (1) Any document given or served under this Act or the regulations is sufficiently given or served if it is,

(a) delivered personally,

(b) sent by mail addressed to the person to whom delivery or service is required to be made at the latest address for the person appearing on the records of the Ministry, or

(c) given or served in accordance with regulations respecting service.

When service is made

(2) Where service is made by mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice or order until a later date. R.S.O. 1990, c. E.19, s. 182.
(4) A notice of an administrative penalty shall be served on the person who is required to pay the penalty and shall—

(a) contain a description of the contravention or failure to which the notice relates, including, where appropriate, the date and location of the contravention or failure;

(b) specify the amount of the penalty determined by the Director in accordance with the regulations under subsection (12),

(c) give the person who is required to pay the penalty the right to request a hearing of the matter by the Board, and

(d) provide information to the person as to the person's right to require a hearing of the matter by the Board. 1999, c. 55, s. 4.

Note: On the day before section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, clause (d) is amended by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 4.

Hearing may be required

(5) A person who is required to pay an administrative penalty may, within 15 days after service of the notice on the person, by written notice served on the Director and the Board, require the Board to hold a hearing with respect to the matter to which the notice relates and, in such cases, the requirement to pay is stayed until the determination of the matter. 1999, c. 55, s. 4.

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (5) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).

Board's powers on hearing

(6) At a hearing by the Board of a matter to which a notice of an administrative penalty relates, the Board shall determine whether in the circumstances, the notice should be confirmed, reduced or amended "1999, c. 55, s. 4.

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (6) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).

(7) The Board shall not vary the amount of the penalty unless the Board considers the amount to be unreasonable. 1999, c. 55, s. 4.

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (7) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).

(8) For greater certainty, the regulations made under subsection (11) apply to the Board's decisions under subsections (6) and (7). 1999, c. 55, s. 4.

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (8) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).

No offence to be charged if penalty is paid

(9) Where a person is required by a notice by the Director or, after a decision of the Board to pay an administrative penalty in respect of a contravention or failure, the person shall not be charged with an offence in respect of the contravention or failure. 1999, c. 55, s. 4.

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (9) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).

Failure to pay while required

(10) Where a person who is required to pay an administrative penalty, in accordance with a notice by the Director fails to comply with the requirement and no hearing is provided for under this section or pending in the matter or, after such hearing, fails to pay an administrative penalty in accordance with a decision of the Board, the Board may—

Note: On the day section 34 of the Environmental Statute Law Amendment Act, 1999 comes into force, subsection (10) is added by the Statutes of Ontario, 2000, chapter 26, schedule F, subsection 12 (12) by striking out "Board", and substituting "Tribunal". See: 2000, c. 26, schedule F, s. 12 (12).
(a) The notice of decision may be filed with a local registrar of the Ontario Court (General Division) and the decision may be entered as if it were an order of the Court.

Note: [The day period] (a) of the Environmental Solid Waste Management Act, 1997 comes into force, but is suspended by the regulations of Ontario, 2001, Chapter 7, Schedule C, subsection 5 (3) by reason of “Ontario Court (General Division)” and “Superior Court of Justice”, Dec. 2001, O.S. & A.R. 2001, c. 3, s. 11, (a) of the Environmental Solid Waste Management Act, 1997.

(b) The Director may give notice of the decision to the person whose waste was described in the notice if the decision is not appealable. The notice of decision may be served by registered mail or personal service

Note: [The day period] (b) of the Environmental Solid Waste Management Act, 1997 comes into force, but is suspended by the regulations of Ontario, 2001, Chapter 7, Schedule C, subsection 5 (3) by reason of “Ontario Court (General Division)” and “Superior Court of Justice”, Dec. 2001, O.S. & A.R. 2001, c. 3, s. 11, (b) of the Environmental Solid Waste Management Act, 1997.

(5) Anyone who, after a notice of decision under subsection (4) has been given, and before the date at which the decision takes effect, appeals to an administrative tribunal against the decision, may apply to the tribunal to stay the operation of the decision. Any decision of the tribunal staying the operation of subsection (4) has the same effect as if the decision were an order of the tribunal.

Note: [The day period] (5) of the Environmental Solid Waste Management Act, 1997 comes into force, but is suspended by the regulations of Ontario, 2001, Chapter 7, Schedule C, subsection 5 (3) by reason of “Ontario Court (General Division)” and “Superior Court of Justice”, Dec. 2001, O.S. & A.R. 2001, c. 3, s. 11, (5) of the Environmental Solid Waste Management Act, 1997.

Section 117 of the Courts of Justice Act applies in respect of a notice of decision filed in the Ontario Court (General Division) under subsection (4) in that, for the purpose of the notice of decision, as if it were an order of the court


(6) The Lieutenant Governor in Council may make regulations

(b) Presumably the types of contraventions or failures in respect, of which a notice may not be issued under this section and the circumstances under which a notice shall be issued under this section

(c) Presumably the determination of the summation of administrative penalties, including the criteria to be considered in the summation and including providing for different amounts depending on when an administrative penalty is paid

(d) Presumably any other matter necessary for the administration of a system of administrative penalties provided for by this section, 1997, c. 35, s. 34.

General or particular

(15) A regulation under subsection (17) may be general or particular in its application 1997, c. 35, s. 34

(16) This section does not apply to contraventions or failures that occurred before this section came into force 1997, c. 35, s. 34

Section 1997, c. 35, s. 34

Power to restrain

By action

183. (1) Where this Act or any regulations made thereunder provide for a right of action for a contravention of any requirement under this Act, any person who is aggrieved by the contravention may bring an action in the name of the Minister. R.S.O. 1990, c. E.19, s. 183 (1), 2001, c. 17, s. 2 (48)

(2) Any order under subsection (1) may be made in any of the courts of competent jurisdiction by a judge who is satisfied by affidavit or otherwise that the person named in the order is in default.

Compliance with investigations, etc.

Obstruction

184. (1) No person shall hinder or obstruct any provincial officer or any employee of the Ministry in the performance of his or her duties under this Act 1998, c. 35, s. 35

False information

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(2) No person shall orally, in writing or electronically, give or submit false or misleading information in any statement, document or data, to any provincial officer, the Minister, the Ministry, any employee or agent of the Ministry or any person involved in carrying out a program of the Ministry in respect of any matter related to this Act or the regulations. 1998, c. 55, s 35, 2001, c. 9, Sched. G, s 5 (15)

Same

(3) No person shall include false or misleading information in any document or data required to be created, stored or submitted under this Act. 1998, c. 35, s 35

Relate to furnish information

(4) No person shall refuse to furnish any provincial officer, the Minister, the Ministry or any employee or agent of the Ministry with information required for the purposes of this Act and the regulations. 1998, c. 35, s 35

Presenting judge

185. The counsel or agent acting on behalf of the Crown, by notice to the clerk of the Ontario Court of Justice, may require that a provincial judge preside over a proceeding in respect of an offence under this Act. R.S.O. 1990, c. E.19, s. 185; 2001, c. 9, Sched. G, s 5 (16)

Offences

General

186. (1) Every person who contravenes this Act or the regulations is guilty of an offence. R.S.O. 1990, c. E.19, s. 186 (1)

Offence re order

(2) Every person who fails to comply with an order under this Act, other than an order under section 150, is guilty of an offence. R.S.O. 1990, c. E.19, s 186 (2)

Offence re approval, licence or permit, etc.

(3) Every person who fails to comply with a term or condition of a certificate of approval, provisional certificate of approval or certificate of property use or of a licence or permit under this Act or who fails to comply with the terms of a report under section 29 is guilty of an offence. R.S.O. 1990, c. E.19, s 186 (3), 2001, c. 17, s 2 (49)

Offence re fine

(3) (1) Every person who fails to pay a fee that is required to pay under section 179 is guilty of an offence. 2001, c. 9, Sched. G, s 5 (17)

Exception when order or program approval complied with

(4) Despite subsections (1), (2) and (3), a person to whom an order of the Minister, the Director or a provincial officer or a program approval of the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval that occurs during the period within which the order or program approval is applicable. 1998, c. 35, s 36

Same

(5) The prosecution from prosecution under subsection (4) does not include prosecution from the imposition of an administrative penalty under section 182.1. 1998, c. 35, s 36.

(6) REPEALED. 1998, c. 35, s 36

Penalties

Individuals

187. (1) Every individual convicted of an offence under subsection 186 (1) or (3) or section 194 is liable,

(a) on a first conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than $20,000, or

(b) on each subsequent conviction,

(i) for each day or part of a day on which the offence occurs or continues, to a fine of not more than $50,000,

(ii) to imprisonment for a term of not more than one year, or

(iii) to both such fine and imprisonment. 1998, c. 35, s 37, 2001, c. 9, Sched. G, s 5 (18)

Corporations

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(2) Every corporation convicted of an offence under subsection 186 (1) is liable,
(a) on a first conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than $100,000, and
(b) on each subsequent conviction, for each day or part of a day on which the offence occurs or continues, to a fine of not more than $200,000 1998, c. 35, s. 37.

Application of sections 44 and 45

(3) Subsections (4) and (5) apply to the following offences

1. An offence under subsection 186 (1) or 194 (2) that posed, poses or may pose a risk of an adverse effect.
2. An offence under subsection 186 (2), other than an offence of failing to comply with an order under section 8
3. An offence of contravening section 184
4. An offence under subsection 186 (3) 1998, c. 35, s. 37, 2000, c. 22, s. 1 (3)

Certain offences: corporations

(4) Every corporation convicted of an offence described in subsection (3) is liable, in substitution for any penalty provided in subsection (2), for each day or part of a day on which the offence occurs or continues, to a fine of not more than $250,000 on a first conviction and not more than $500,000 on each subsequent conviction 1998, c. 35, s. 37.

Certain offences: individuals

(5) Every individual convicted of an offence described in subsection (3) is liable, in substitution for any penalty provided in subsection (1),
(a) for each day or part of a day on which the offence occurs or continues, to a fine of not more than $50,000 on a first conviction and not more than $100,000 on each subsequent conviction,
(b) to imprisonment for a term of not more than one year, or
(c) to both such fine and imprisonment 1998, c. 35, s. 37.

Application of sections 7 and 8

(6) Subsections (7) and (8) apply to the following offences

1. An offence under subsection 186 (1) or 194 (2) that results in an adverse effect.
2. An offence under this Act in respect of hazardous waste or industrial waste as designated in the regulations relating to Part V of this Act, if the offence may result in an adverse effect
3. An offence of failing to comply with an order under section 8 1998, c. 35, s. 37, 2000, c. 22, s. 1 (4)

Other offences: corporations

(7) Where a corporation is convicted of an offence described in subsection (6), the corporation is liable, in substitution for any penalty elsewhere provided for the offence, for each day or part of a day on which the offence occurs or continues, to a fine of not more than $6,000,000 on a first conviction and not more than $10,000,000 on each subsequent conviction 1998, c. 35, s. 37, 2000, c. 22, s. 1 (5)

Other offences: individuals

(8) Where an individual is convicted of an offence described in subsection (6), the individual is liable, in substitution for any penalty elsewhere provided for the offence,
(a) for each day or part of a day on which the offence occurs or continues, to a fine of not more than $4,000,000 on a first conviction and not more than $6,000,000 on each subsequent conviction,
(b) to imprisonment for a term of not more than five years less one day, or
(c) to both such fine and imprisonment 1998, c. 35, s. 37, 2000, c. 22, s. 1 (6)

Subsequent conviction

188. For the purposes of determining the penalty to which a person is liable under section 187, a conviction of the person for an offence under this Act is a subsequent conviction if the person has previously been convicted of an offence under,
(a) this Act, other than for an offence related to Part IX,
(a) the Nutrient Management Act, 2002,
(b) the Ontario Water Resources Act, or
(c) the Pesticides Act 1998, c 35, s 38, 2002, c 4, s 62 (6)

Penalty or monetary benefit

189. The court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may increase a fine imposed upon the person by an amount equal to the amount of the monetary benefit acquired by or on behalf of the person as a result of the commission of the offence, despite any maximum fine elsewhere provided R.S.O. 1990, c E 19, s 189.

Order to prevent damage, etc.

190. (1) On its own initiative or on the request of the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may order the person

(a) to take such action, including but not limited to providing an alternate water supply, as the court directs within the time specified in the order to prevent, eliminate or ameliorate damage that results from or is in any way connected to the commission of the offence,

(b) where the offence is in relation to a waste management system or waste disposal site, to take such action as is required to bring the system or site into conformity with Part V or the regulations within the time specified in the order, and

(c) to comply with any order that the Director has issued to the person in relation to damage that results from or is in any way connected to the commission of the offence 1998, c 35, s 39 (3)

Other conditions

(2) An order under subsection (1) may contain such other conditions relating to the circumstances of the offence and of the person that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to rehabilitation R.S.O. 1990, c E 19, s 190 (2)

(3) The court that made an order under subsection (1) may, at any time on its own initiative or on application by counsel for the prosecutor or upon the application of the person convicted or counsel or agent for the person convicted, with notice to the other party, after a hearing or, with the consent of the parties, without a hearing, make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances R.S.O. 1990, c E 19, s 190 (3)

Conflict

(4) Nothing in subsection (1) authorizes the making of an order that conflicts with an order previously made under this Act by the Minister or the Director, but an order may be made under subsection (1) supplementing the provisions of an order in respect of the prevention, decrease or elimination of harm to the natural environment and the restoration of the natural environment R.S.O. 1990, c E 19, s 190 (4)

(5) Repealed 1998, c 35, s 39 (2)

Continuance in force

(6) Where a person bound by an order under subsection (1) is imprisoned, the order continues in force except in so far as the imprisonment renders it impossible for the person to comply for the time being with the order R.S.O. 1990, c E 19, s 190 (6)

Revision of order

190.1 (1) On its own initiative or on the request of the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other penalty imposed by the court, may make an order for restitution against the person convicted of the offence, requiring the person to pay another person for reasonable expenses actually incurred by the other person on account of damage to property in which the other person has an interest that results from or is in any way connected to the commission of the offence, in such amount and on such terms and conditions as the court considers just 1998, c 35, s 40

Expenses incurred, interpretation

(2) For the purposes of subsection (1), expenses are incurred on account of damage to property if they are incurred,

(a) to prevent, eliminate or ameliorate the damage,

(b) to replace the property that suffered the damage, or
(c) to restore the property to the state that it was in before the damage 1998, c. 35, s. 40

Same

(3) For greater certainty, for the purposes of clause (2) (a), expenses incurred to provide an alternate water supply may be expenses incurred to prevent, eliminate or ameliorate damage 1998, c. 35, s. 40

Amount of order

(4) The amount of the order for restitution shall not exceed the replacement value of the property as of the date the order is issued 1998, c. 35, s. 40

No restitution to person who committed offence

(5) The court shall not make an order for restitution in favour of any person on account of damage that is the result of,

(a) the commission of an offence by the person; or

(b) a contravention or failure in respect of which a notice under section 182.1 has been served on the person requiring the person to pay an administrative penalty, unless the requirement to pay the administratve penalty has been rescinded, 1994, c. 35, s. 40

Notice of order

(6) Where a court makes an order for restitution, it shall cause a copy of the order or a notice of the content of the order to be given to the person to whom the restitution is ordered to be paid 1998, c. 35, s. 40.

Filing of order in court

(7) An order for restitution may be filed with a local registrar of the Superior Court of Justice and the responsibility for filing shall be on the person to whom the restitution is ordered to be paid 1998, c. 35, s. 40, 2001, c. 9, Sched. C, s. 5(21).

Enforcement of order

(8) An order for restitution filed under subsection (7) may be enforced as if it were an order of the court 1998, c. 35, s. 40.

Same

(9) Section 129 of the Courts of Justice Act applies in respect of an order for restitution filed under subsection (7) and, for the purpose, the date of filing shall be deemed to be the date of the order 1998, c. 35, s. 40.

Civil remedy

(10) A civil remedy for an act or omission is not affected by reason only that an order for restitution under this section has been made in respect of that act or omission 1998, c. 35, s. 40.

Forfeiture on remission

1998.2 (1) On its own initiative or on the request of the prosecutor, the court that convicted a person of an offence under this Act, in addition to any other penalty imposed by the court, may, if conviction is in respect of an offence in connection with which a thing has been seized under section 160 or 161 or under a warrant issued under the Provincial offences Act, order that the thing be forfeited to the Crown 1998, c. 35, s. 40

Same

(2) The court shall not make an order under subsection (1) unless the court is satisfied that,

(a) the seizure of the thing was lawful, and

(b) no later than seven days before the hearing of the request, written notice was provided by a provincial officer,

(i) to every person whom the provincial officer knows or has reason to believe is an owner of the thing seized,

(ii) to every person who has a security interest in the thing that is perfected by registration under the Personal Property Security Act against the name of any person whom the provincial officer knows or has reason to believe is the owner,

(iii) where the thing seized is a vehicle, to every person who has a security interest in the vehicle that is perfected by registration under the Personal Property Security Act against the vehicle identification number of the vehicle, or

(iv) where the thing seized is a vehicle and the vehicle is registered under the Highway Traffic Act, to the registered owner. 1998, c. 35, s. 40
Contents of notice

(3) Notice under subsection (2) shall include,
(a) a description of the thing seized sufficient to enable it to be identified,
(b) the location at which the thing was seized,
(c) the date of the seizure,
(d) the name and telephone number of the provincial officer who seized the thing or of his or her delegate,
(e) a statement of the reason for the seizure,
(f) a reference to the statutory provision authorizing the seizure,
(g) a statement that an order for forfeiture of the thing is being sought under this section, and
(h) a statement that the person to whom the notice is provided may make submissions to the court with respect to the issuance of an order under this section 1998, c. 35, s. 40.

Disposition of things forfeited

(4) A thing forfeited under this section may be disposed of as the Director directs 1998, c. 35, s. 40

Relief against forfeiture

(5) A person who had an interest in a thing forfeited under this section may apply to the Superior Court of Justice for relief against the forfeiture and the court may make an order providing for any relief that it considers appropriate, including, but not limited to, one or more of the following orders:
1. An order directing that the thing or any part of the thing be returned to the applicant
2. An order directing that any interest in the thing be vested in the applicant
3. An order directing that an amount be paid by the Crown to the applicant by way of compensation for the forfeiture 1998, c. 35, s. 40, 2001, c. 9, Sched G, s. 5 (21)

When fine not to be ordered

(6) The court shall not make an order for relief under subsection (5) in respect of a thing forfeited where the person applying for the relief,
(a) has been served with a notice under section 182.1 requiring the person to pay an administrative penalty in connection with a matter that was associated with the seizure of the thing, unless the requirement to pay the administrative penalty is rescinded under section 182.1; or
(b) has been charged with an offence that was associated with the seizure of the thing, unless the charge has been withdrawn or dismissed 1998, c. 35, s. 40

Where fine not paid

190.3 (1) Where a person is convicted of an offence under this Act and a fine is imposed.
(a) a thing seized in connection with the offence and not forfeited to the Crown under section 162.1, 162.3 or 190.2 shall not be returned until the fine has been paid, and
(b) if payment of the fine is in default within the meaning of section 69 of the Provincial Offences Act, a justice may order that the thing be forfeited to the Crown

Application of subss. 190.2 (2) to (6)

(2) Subsections 190.2 (2) to (6) apply with necessary modifications in relation to an order under clause (1) (b) 1998, c. 35, s. 40

Costs of seizure, etc.

190.4 If a person is convicted of an offence under this Act, the justice may, in addition to any other penalty, order the person to pay all or part of the expenses incurred by the Ministry with respect to the seizure, storage or disposition of any thing seized in connection with the offence 1998, c. 35, s. 40

Suspension for default in payment of fine

191. (1) Where a person is in default of payment of a fine imposed upon conviction for an offence against this Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act or the regulations made under any of
them, on the application of the Director, an order may be made under subsection 69 (2) of the Provincial Offences Act directing that,

(a) one or more of the person's licences be suspended, and
(b) no licence be issued to the person,

until the fine is paid. R.S.O. 1990, c. E.19, s. 191 (1). 2002, c. 4, s. 62 (7)

Duty of Director

(2) The Director shall,

(a) on being informed of an outstanding order referred to in subsection (1), suspend the person's licence, if it is not already suspended under another order referred to in subsection (1), and
(b) on being informed that the fine and any applicable prescribed administrative fee for the reinstatement of the licence are paid, reinstate the licence, unless the Director has been informed that,

Note: See a day to be named by provision of the Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this section. R.S.O. 1990, c. E.19, s. 191 (2)

(3) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this section. R.S.O. 1990, c. E.19, s. 191 (2)

Regulations

(3) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any other matter considered necessary or advisable to carry out effectively the intent and purpose of this section. R.S.O. 1990, c. E.19, s. 191 (2)

Definition

“licence” means a certificate of approval or provisional certificate of approval or a licence issued under this Act, R.S.O. 1990, c. E.19, s. 41.

Act of officer, etc.

192. For the purposes of this Act and the regulations, an act or thing done or omitted to be done by an officer, official, employee or agent of a corporation in the course of his or her employment or in the exercise of his or her powers or the performance of his or her duties shall be deemed to be also an act or thing done or omitted to be done by the corporation.

R.S.O. 1990, c. E.19, s. 192

193. REPEALED 1998, c. 35, s. 42

Duty of Director or officer

194. (1) Every director or officer of a corporation that engages in an activity that may result in the discharge of a contaminant into the natural environment contrary to this Act or the regulations has a duty to take all reasonable care to prevent the corporation from causing or permitting such unlawful discharge.

Offence

(2) Every person who has a duty under subsection (1) and who fails to carry out that duty is guilty of an offence.

Liability to conviction

(3) A director or officer of a corporation is liable to conviction under this section whether or not the corporation has been prosecuted or convicted. R.S.O. 1990, c. E.19, s. 194

Limitations on proceedings

195. (1) Proceedings for an offence under this Act or the regulations shall not be commenced later than two years after the later of,

(a) the day on which the offence was committed, and
(b) the day on which evidence of the offence first came to the attention of a person appointed under section 5.

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196. (1) The authority to make an order under this Act includes the authority to require the person or body to whom the order is directed to take such intermediate action or such procedural steps or both as are related to the action required or prohibited by the order and are specified in the order.

Same, authority to order access

(2) A person who has authority under this Act to order that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing.

Application

(3) Subsection (1) applies in respect of every order made under this Act whether or not the order was made before the 1st day of January, 1994. R.S.O. 1990, c. E.19, s. 196

Administrative changes to certificates of approval, etc.

196.1 The Director may revoke a certificate of approval or provisional certificate of approval, alter the terms and conditions of a certificate of approval or provisional certificate of approval, or make an order revoking or amending a program approval or order issued by the Director under this Act if the Director is satisfied that the revocation, alteration or amendments in the public interest and is desirable for administrative reasons, to:

(a) reflect changes that have occurred with respect to the identity or description of any person or place, or
(b) eliminate provisions that are spent or obsolete 2001, c. 9, Sched G, s. 5 (20)

Disclosure of orders and decisions

197. (1) A person who has authority under this Act to make an order or decision affecting real property also has authority to make an order requiring any person with an interest in the property, before dealing with the property in any way, to give a copy of the order or decision affecting the property to every person who will acquire an interest in the property as a result of the dealing. 2001, c. 17, s. 2 (50)

Registration of requirement

(2) A certificate setting out a requirement imposed under subsection (1) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection (1) and is accompanied by a registrable description of the property. 2001, c. 17, s. 2 (50)

Same

(3) A requirement imposed under subsection (1) that is set out in a certificate registered under subsection (2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property. 2001, c. 17, s. 2 (50)

Deals voidable

(4) A dealing with real property by a person who is subject to a requirement imposed under subsection (1) or (3) is voidable at the instance of a person who was not given the copy of the order or decision in accordance with the requirement. 2001, c. 17, s. 2 (50)

Registration of withdrawal of requirement

(5) A certificate of withdrawal of a requirement imposed under subsection (1) or (3) may be registered in the proper land registry office on the title of the real property to which the requirement relates, if the certificate is in a form approved by the Minister, is signed or authorized by a person who has authority to make orders imposing requirements under subsection (1) and is accompanied by a registrable description of the property. 2001, c. 17, s. 2 (50)

Same

(6) On the registration under the Registry Act of a certificate of withdrawal of a requirement in accordance with subsection (5), the land registrar may delete the entries in the abstract index of the certificate setting out the requirement and the certificate of withdrawal of the requirement. 2001, c. 17, s. 2 (50)

Same
(7) Registration of a certificate of withdrawal of a requirement in accordance with subsection (5) has the effect of revoking the requirement. 2001, c. 17, s. 2 (30)

(8) This section, as it read immediately before the day subsection 2 (50) of the Brownfields Statute Law Amendment Act, 2001 came into force, continues to apply in respect of prohibitions issued under this section before that day. 2001, c. 17, s. 2 (50)
Ontario Heritage Act

R.S.O. 1990, CHAPTER O.18

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Definitions

1. In this Act,
   “alter” means to change in any manner and includes to remove, renovate, repair or disturb and “alteration” has a corresponding meaning. (“transformer”, “transformation”)
   “Board” means the Ontario Municipal Board, (“Commission”)
   “building permit” means a building permit issued under section 8 of the Building Code Act, 1992; (“permis de construire”)
   “donation” includes any gift, testamentary disposition, deed or trust or other form of contribution; (“donit”)
   “Foundation” means the Ontario Heritage Foundation, (“Foundation”)
"heritage attributes", in relation to a property, means the attributes of the property that cause it to have cultural heritage value or interest, ("attributs patrimoniaux")

"inspector" includes a survey, photograph, measure and record, ("inspecteur")

"license" means a licence issued under this Act, ("licence")

"Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council, ("ministre")

"municipality" means a local municipality and includes a band under the Indian Act (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act, ("municipalité")

"owner" means the person registered or title in the proper land registry office as owner, ("propriétaire")

"permit" means a permit issued under this Act, ("permis")

"person" includes a municipality, ("personne")

"regulations" means the regulations made under this Act, ("règlements")

"Review Board" means the Conservation Review Board ("Commission de révision") R.S.O. 1990, c. O.14, s. 1; 1993, c. 27, Sched.: 2002, c. 17, Sched. F, Table., 2002, c. 18, Sched. F., s. 2 (1,2)

PART I

HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

Administration of Act

2. The Minister is responsible for the administration of this Act and may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario. R.S.O. 1990, c. O.18, s. 2

Employees

3. Such employees may be appointed or transferred under the Public Service Act as are considered necessary from time to time for the administration of this Act. R.S.O. 1990, c. O.18, s. 3

PART II

ONTARIO HERITAGE FOUNDATION

Definition, Part II

4. In this Part,

"property" means real and personal property. R.S.O. 1990, c. O.18, s. 4

Ontario Heritage Foundation continued

5. (1) The Ontario Heritage Foundation is continued as a body corporate under the name Ontario Heritage Foundation in English and Fondation du patrimoine ontarien in French R.S.O. 1990, c. O.18, s. 5(1)

Composition of Foundation

(2) The Foundation shall consist of a board of directors of not fewer than 12 persons who shall be appointed by the Lieutenant Governor in Council R.S.O. 1990, c. O.18, s. 5(2); 1997, c. 34, s. 2

Board to manage affairs of Foundation

(3) The board of directors shall manage and conduct the affairs of the Foundation

Chair

(4) The Lieutenant Governor in Council shall designate one of the directors to be the chair and one or more of them to be vice-chair or vice-chairs of the board of directors

Term of office

(5) A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms

Quorum

(6) A majority of the directors constitutes a quorum R.S.O. 1990, c. O.18, s. 5(3-6)
Vacancy

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his or her predecessor. R.S.O. 1990, c O 18, s 5 (7), 1993, c 27, SchI

Non-application of Corporations Act


Objects of Foundation

7. The objects of the Foundation are,

(a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario,
(b) to receive, acquire and hold property in trust for the people of Ontario,
(c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario,
(d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest,
(e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation. R.S.O 1993, c O 18, s 7.

By-laws

8. The directors of the Foundation may, subject to the approval of the Minister, make such by-laws as are necessary for,

(a) the administration of the Foundation,
(b) the establishment, appointment and condition of membership thereto,
(c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and
(d) any other matter necessary for carrying out the objects of the Foundation. R.S.O. 1990, c O 18, s 8.

Powers of Foundation

9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder. R.S.O 1990, c O 18, s 9.

Further powers of Foundation

10. (1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

(a) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario,
(b) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario,
(c) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters,
(d) enter into agreements with prospective donors, subject to any conditions governing the use of property,
(e) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons under any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property,
(f) engage the services of experts and other persons,
(g) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal;
(b) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 11,

(c) invest its funds, and sections 27 to 31 of the Trustee Act apply, with necessary modifications, to the investment of those funds,

(d) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken,

(e) with the consent of the owner of the property, place markers, signs, claimy, or other interpretive facilities for the interest and guidance of the public,

(f) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation. R.S.O. 1990, c. O. 18, s 10 (1), 1998, c. 18, Sch. B, s 10, 2002, c. 18, Sch. A, s 14.

11. (1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

12. (1) The Foundation shall maintain a fund, hereinafter called the “general fund”, which shall, subject to section 13, consist of money received by it from any source, including grants made under section 17.

13. (1) The Foundation shall maintain a reserve fund, which shall consist of money received by the Foundation expressly for allocation thereto.

14. (1) The members of the board of directors of the Foundation shall serve without remuneration but they shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Foundation.

15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any
property of the Foundation while leased under clause 10 (1) (a) to a person or organization not registered as a charitable organization under the Income Tax Act (Canada) R.S.O. 1990, c. O.18, s. 15, 2004, c 16, Sched D, Table.

And

16. The accounts and financial transactions of the Foundation shall be audited annually by the Auditor General R.S.O. 1990, c. O.18, s 16, 2004, c 17, s 32

Grants

17. The Minister may make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he or she considers advisable and may allocate any grants so made to the general fund or reserve fund R.S.O. 1990, c. O.18, s 17

Guarantee of loans

18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation R.S.O 1990, c O.18, s 18

Form of guarantee

19. The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee R.S.O 1990, c O.18, s .9

Payment of guarantee

20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario R.S.O 1996, c O.18, s 20

Annual report and other reports

21. (1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session

Reports

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require R.S.O. 1990, c O.18, s 21.

Easements and covenants

22. (1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office.

Idem

(2) Where an easement or covenant is registered against real property under subsection (1), such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefited by such easement or covenant.

Assignment

(3) Any easement or covenant entered into by the Foundation under subsection (1) may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefited by such easement or covenant.

Conflict

(4) Where there is a conflict between an easement or covenant entered into by the Foundation and section 33 or 34, the easement or covenant shall prevail R.S.O 1998, c O.18, s 22

Register
23. The Foundation shall keep a register in which particulars of all properties designated under Parts IV and VI and particulars of all heritage conservation districts designated under Part V shall be entered 2002, c 18, Sched F, s 2 (3)

PART III
CONSERVATION REVIEW BOARD

Review Board
24. (1) The Review Board known as the Conservation Review Board in English and Commission des biens culturels in French, and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council

Term of office
(2) A member of the Review Board may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a member shall not serve for more than two consecutive terms, but any such member shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms

Chair
(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chair and another of the members as vice-chair.

Quorum
(4) One member of the Review Board constitutes a quorum

Remuneration and expenses
(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Professional assistance
(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board

Hearings
(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this or any other Act or regulation thereunder. R.S.O. 1990, c O 18, s 24

Expenditures
25. The money required for the purposes of the Review Board shall be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c O 18, s 25

PART IV
CONSERVATION OF PROPERTY OF CULTURAL HERITAGE VALUE OR INTEREST

DEFINITIONS, PART IV

Designation of Properties by Municipalities
In this Part,
"designated property" means property in respect of which a by-law under this Part is in effect designating such property, ("bien désigné")
"property" means real property and includes all buildings and structures thereon. ("bien") R.S.O. 1990, c O 18, s 26

Register
27. (1) A register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain,
(a) a legal description of the designated property,
(b) the name and address of the owner, and
(c) a short statement of the reason for the designation of the property, including a description of the heritage attributes of the property. R.S.O. 1990, c O 18, s 27 (1); 2002, c 18, Sched F, s 2 (5)
The clerk of a municipality shall issue extracts from the Register referred to in subsection (1) to any person on payment of the fee set by the municipality by by-law. R.S.O. 1990, c. O-18, s. 27 (2), 2002, c. 18, Sch. F, s. 2 (6).

Municipal heritage committee

28. (1) The council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by by-law. 2002, c. 18, Sch. F, s. 2 (7)

Members

(2) The committee shall be composed of not fewer than five members appointed by the council. 2002, c. 18, Sch. F, s. 2 (7)

Continuance of old committees

(3) Every local architectural conservation advisory committee established by the council of a municipality before the day subsection 2 (7) of Schedule F to the Government Efficiency Act, 2002 comes into force is continued as the municipal heritage committee of the municipality, and the persons who were the members of the local architectural conservation advisory committee immediately before that day become the members of the municipal heritage committee. 2002, c. 18, Sch. F, s. 2 (7)

Designation process

29. (1) Subject to subsection (2), where the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection (2). R.S.O. 1990, c. O-18, s. 29 (1), 2002, c. 18, Sch. F, s. 2 (8)

Consultation

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property under subsection (1), consult with its municipal heritage committee. R.S.O. 1990, c. O-18, s. 29 (2), 2002, c. 18, Sch. F, s. 2 (9)

Notice of intention

(3) Notice of intention to designate under subsection (1) shall be,

(a) served on the owner of the property and on the Foundation, and

(b) published in a newspaper having general circulation in the municipality. R.S.O. 1990, c. O-18, s. 29 (3)

Contents of notice

(4) Notice of intention to designate under subsection (1) shall contain

(a) an adequate description of the property so that it may be readily ascertained,

(b) a short statement of the reason for the proposed designation, including a description of the heritage attributes of the property, and

(c) a statement that notice of objection to the designation may be served on the clerk within thirty days after the date of publication of the notice of intention in a newspaper having general circulation in the municipality. R.S.O. 1990, c. O-18, s. 29 (4); 1996, c. 4, s. 55 (1), 2002, c. 18, Sch. F, s. 2 (10)

Objection

(5) A person who objects to a proposed designation shall, within thirty days after the date of publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality a notice of objection setting out the reason for the objection and all relevant facts. R.S.O. 1990, c. O-18, s. 29 (5), 1996, c. 4, s. 55 (2)

If no notice of objection

(6) If no notice of objection is served within the 30-day period under subsection (5), the council shall,

(a) cause a copy of the by-law, together with a short statement of the reason for the designation, including a description of the heritage attributes of the property, to be served on the owner of the property and on the Foundation, and

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(B) to be registered against the property affected in the proper land registry office, and

(a) publish notice of the by-law in a newspaper having general circulation in the municipality, or

(b) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,

(i) to be served on the owner of the property and on the Foundation, and

(ii) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (11)

Referral to Review Board

(7) Where a notice of objection has been served under subsection (5), the council shall, upon expiration of the thirty-day period under subsection (4), refer the matter to the Review Board for a hearing and report. R.S.O. 1990, c. O.18, s. 29 (7)

Hearing

(8) Pursuant to a reference by the council under subsection (7), the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection (5) and such other persons as the Review Board may specify, are parties to the hearing. R.S.O. 1990, c. O.18, s. 29 (8)

Place of hearing

(9) A hearing under subsection (8) shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing. R.S.O. 1990, c. O.18, s. 29 (9)

Review Board may combine hearings

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing. R.S.O. 1990, c. O.18, s. 29 (10)

Procedure

(11) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under subsection (8). R.S.O. 1990, c. O.18, s. 29 (11)

Report

(12) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. R.S.O. 1990, c. O.18, s. 29 (12)

Failure to report

(13) Where the Review Board fails to make a report within the time limited by subsection (12), such failure does not invalidate the procedure. R.S.O. 1990, c. O.18, s. 29 (13)

Decisions of council

(14) After considering the report under subsection (12), the council, without a further hearing,

(a) shall,

(i) pass a by-law designating the property,

(ii) cause a copy of the by-law together with a short statement of the reason for the designation, including a description of the heritage attributes of the property,

(A) to be served on the owner of the property and on the Foundation, and

(B) to be registered against the property affected in the proper land registry office, and

(iii) publish notice of the by-law in a newspaper having general circulation in the municipality, or

(iv) shall withdraw the notice of intention to designate the property by causing a notice of withdrawal,

(i) to be served on the owner of the property and on the Foundation, and

(ii) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched. F, s. 2 (12)

Decisions Rejctd
Withdrawal of objection

(15) A person who has served a notice of objection under subsection (5) may withdraw the objection at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the clerk of the municipality and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the council shall act in accordance with subsection (6) as if no notice of objection had been served 1996, c 4, s 55 (3)

Transiton

(16) If, on the day subsection 2 (8) of Schedule F to the Government Efficiency Act, 2002 comes into force, the clerk of a municipality has given a notice of intention to designate a property as a property of historic or architectural value or interest but the council has not yet passed a by-law so designating the property and has not withdrawn its notice of intention,

(a) this section does not apply to the notice of intention,

(b) despite its amendment by section 2 of Schedule F to the Government Efficiency Act, 2002, this section, as it read immediately before its amendment, continues to apply to the notice of intention 2002, c 18, Sched F, s 2 (13)

Permission to alter or demolish void

38. Where a notice of intention to pass a by-law designating a property is served and published under subsection 29 (1) and has not been withdrawn under clause 29 (6) (b) or 29 (14) (b), sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void 1990, c O.18, s 30

Repeal of designating by-law, council's initiative

31. (1) Subject to subsection (2), where the council of a municipality intends to repeal a by-law or part thereof designating a property, it shall cause a notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection (3) 1990, c O.18, s 31 (1)

Consultation

(2) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before repealing a by-law or part thereof designating property, consult with its municipal heritage committee 1990, c O.18, s 31 (2), 2002, c 18, Sched F, s 2 (14)

Notice of intention

(3) Notice of intention to repeal a by-law or part thereof under subsection (1) shall be,

(a) served on the owner of the property and on the Foundation, and

(b) published in a newspaper having general circulation in the municipality 1990, c O.18, s 31 (3)

Contents of notice

(4) Notice of intention to repeal a by-law or part thereof under subsection (1) shall contain,

(a) an adequate description of the property so that it may be readily ascertained,

(b) a statement of the reason for the proposed repealing by-law; and

(c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of publication of the notice of intention in a newspaper having general circulation in the municipality 1990, c O.18, s 31 (4), 1996, c 4, s 56 (1)

Objection

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 29 (5) 1990, c O.18, s 31 (5)

Applicator

(6) Subsections 29 (6) to (15) as they apply to an intention to designate a property apply with necessary modifications to the intention to repeal a by-law or part thereof designating a property under this section 1990, c O.18, s 31 (6), 1996, c 4, s 56 (2)

Deletion from Register
(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 27 (1) R.S.O. 1990, c. O.18, s. 31 (7)

Repeal of designating by-law, owner's appellate 

32. (1) An owner of property designated under this Part may apply to the council of the municipality in which the property is situated to repeal the by-law or part thereof designating the property R.S.O 1990, c. O.18, s. 32 (1)

Decree of council 

(2) After consultation with its municipal board committee, where one is established, the council shall consider an application under subsection (1) and within ninety days of receipt thereof shall,
(a) refuse the application and cause notice of its decision to be given to the owner and to the Foundation, or
(b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,
(i) a copy of the repealing by-law to be served on the owner and the Foundation,
(ii) reference to the property to be deleted from the Register referred to in subsection 27 (1),
(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and
(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office R.S.O 1990, c. O.18, s. 32 (2) 2002, c. 18, Sch. P, s. 2 (15)

Extension of time 

(3) The applicant and the council may agree to extend the time under subsection (2) and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application R.S.O. 1990, c. O.18, s. 32 (3)

Application for hearing 

(4) Where the council refuses the application under subsection (2), the owner may within thirty days after receipt of the notice under subsection (2) apply to the council for a hearing before the Review Board R.S.O. 1990, c. O.18, s. 32 (4)

Rejection to Review Board 

(5) The council shall, upon receipt of an application under subsection (4), refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing R.S.O 1990, c. O.18, s. 32 (5)

Hearing 

(6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing R.S.O. 1990, c. O.18, s. 32 (6)

Place of hearing 

(7) A hearing under subsection (6) shall be held at such place in the municipality as the Review Board may determine R.S.O 1990, c. O.18, s. 32 (7)

Procedure 

(8) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under subsection (6) R.S.O. 1990, c. O.18, s. 32 (8)

Report 

(9) Within thirty days after the conclusion of a hearing under subsection (6), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing R.S.O 1990, c. O.18, s. 32 (9)

Failure to report 

(10) Where the Review Board fails to make a report within the time limited by subsection (9), such failure does not invalidate the procedure R.S.O 1990, c. O.18, s. 32 (10)
Decree of council
(11) After considering a report under subsection (9), the council, without a further hearing shall,

(a) refuse the application and cause notice of its decision to be given to the owner, or

(b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 27 (1),

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office, and its decision is final. R.S.O. 1990, c.O.18, s.32 (11)

Reapplication
(12) Where the council refuses an application under clause (11) (6), the owner of the property affected by the refusal may not repudiate to have the designation revoked for twelve months from the service of the notice required under the said clause (a), except with the consent of the council. R.S.O. 1990, c.O.18, s.32 (12)

Withdrawal of application
(13) The owner may withdraw an application made under subsection (4) at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the clerk of the municipality and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the council shall act in accordance with subsection (2) as if no application had been made under subsection (4). 1996, c.4, s.57.

Alteration of property
33. (1) No owner of property designated under this Part shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes that was required to be served and registered under subsection 29 (6) or (14), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2002, c.18, Sched F, s.2 (16)

Preservation
(1) If property is designated under this Part as property of historic or architectural value or interest, either before the day section 29 of this Act is amended by section 2 of Schedule F to the Government Efficiency Act, 2002 or under subsection 29 (16) of this Act after that day,

(a) subsection (1) of this section does not apply to the property;

(b) despite its amendment by subsection 2 (16) of Schedule F to the Government Efficiency Act, 2002, subsection (1) of this section, as it read immediately before the day subsection 2 (16) of Schedule F to the Government Efficiency Act, 2002 came into force, continues to apply to the property. 2002, c.18, Sched F, s.2 (16)

Application
(2) An application under subsection (1) shall be accompanied by a detailed plan and shall set out such information as the council may require. R.S.O. 1990,c.O.18, s.33 (2)

Notice of receipt
(3) The council, upon receipt of an application under subsection (1) together with such information as it may require under subsection (2), shall cause a notice of receipt to be served on the applicant. R.S.O. 1990,c.O.18, s.33 (3)

Decree of council
(4) Within 50 days after the notice of receipt is served on the applicant under subsection (3), the council, after consultation with its municipal heritage committee, if one is established,

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or
(ii) refuse the application, and
(ii) give notice of its decision to the owner of the property and to the Foundation. 2002, c 18, Sched F, s 2 (17)

Extension of time

(5) The applicant and the council may agree to extend the time under subsection (4) and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application. R.S.O. 1990, c O.18, s 33 (5)

Application for hearing

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the owner may, within thirty days after receipt of the notice under subsection (4), apply to the council for a hearing before the Review Board. R.S.O. 1990, c O.18, s 33 (6)

Referred to Review Board

(7) The council shall, upon receipt of a notice under subsection (6), refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing. R.S.O. 1990, c O.18, s 33 (7)

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing. R.S.O. 1990, c O.18, s 33 (8)

Place for hearing

(9) A hearing under subsection (8) shall be held at such place in the municipality as the Review Board may determine. R.S.O. 1990, c O.18, s 33 (9)

Procedure

(10) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under subsection (8). R.S.O. 1990, c O.18, s 33 (10)

Report

(11) Within thirty days after the conclusion of a hearing under subsection (8), the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing. R.S.O. 1990, c O.18, s 33 (11)

Failure to report

(12) Where the Review Board fails to make a report within the time limited by subsection (11), the failure does not invalidate the procedure. R.S.O. 1990, c O.18, s 33 (12)

Decision of council

(13) After considering the report under subsection (11), the council without a further hearing shall confirm or revise its decision under subsection (4) with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final. R.S.O. 1990, c O.18, s 33 (13)

Withdrawal of application

(14) The owner may withdraw an application made under subsection (5) at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the clerk of the municipality and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the council shall act in accordance with subsection (4) as if no application had been made under subsection (5) 1996, c 4, s 58

De emulation or removal of structure

(4) (1) No owner of property designated under the Part shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal. 2002, c 18, Sched F, s 2 (18)
Decree of council

(2) Within 90 days after receipt of an application under subsection (1) or within such longer period as is agreed upon by the owner and the council, the council, after consultation with its municipal heritage committee, if one is established,

(a) may,

(i) consent to the application, or

(ii) refuse the application,

(b) shall give notice of its decision to the owner and to the Foundation, and

(c) shall publish its decision in a newspaper having general circulation in the municipality 

2002, c. 18, Sched F, s. 2 (18)

Decree final

(3) The decree of the council under subsection (2) is final. 2002, c. 18, Sched F, s. 2 (18)

Deemed consent

(4) If the council fails to notify the owner under clause (2) (b) within the time period mentioned in subsection (2), the council shall be deemed to have consented to the application. 2002, c. 18, Sched F, s. 2 (18)

Requirements for demolition or removal if council refuses consent

(5) If the council refuses the application for consent to the demolition or removal, the owner shall not demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,

(a) 180 days have elapsed from the date of the council’s decision to refuse the application, and

(b) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed 2002, c. 18, Sched F, s. 2 (18)

Transition, prior application

(6) If the decision of the council of a municipality on an application under subsection (1) is made or to be made on or after the day subsection 2 (18) of Schedule F to the Government Efficiency Act, 2002 comes into force, subsections (2) to (5) of this section apply even if the application was made before that day. 2002, c. 18, Sched F, s. 2 (18)

Transition, prior refusal

(7) If, before the day subsection 2 (18) of Schedule F to the Government Efficiency Act, 2002 comes into force, the council of a municipality has refused an application by an owner of a property designated under this Part for consent to the demolition or removal of a building or structure on the property and has prohibited any work to demolish or remove the building or structure for a period of 180 days from the date of the council’s decision, the owner shall not, on or after the day subsection 2 (18) of Schedule F to the Government Efficiency Act, 2002 comes into force, demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,

(a) 180 days have elapsed from the date of the council’s decision to refuse the application, and

(b) the owner has obtained a building permit to erect a new building on the site of the building or structure sought to be demolished or removed 2002, c. 18, Sched F, s. 2 (18)

Transition, work commenced

(8) Subsection (7) applies even if work on the demolition or removal of the building or structure has been commenced before the day subsection 2 (18) of Schedule F to the Government Efficiency Act, 2002 comes into force 2002, c. 18, Sched F, s. 2 (18)

Requirement for new building

34.1 (1) An owner to whom subsection 34 (5) or (7) applies shall, within two years after commencing the demolition or removal of the building or structure or any part of it, substantially complete the new building to be erected on the site 2002, c. 18, Sched F, s. 2 (18)

Application to council

(2) An owner who is subject to the requirement imposed by subsection (1) may apply to the council if the owner considers that,
(a) it is not possible to substantially complete the new building within the two-year period specified in subsection (1), or
(b) the construction of the new building is not feasible on economic or other grounds. 2002, c 18, Sched F, s 2 (18)

Notice of application
(3) To apply to the council under subsection (2), the owner must give the clerk of the municipality a notice of application not less than 90 days before the expiry of the two-year period within which the new building must be substantially completed. 2002, c 18, Sched F, s 2 (18)

Decision of council
(4) After considering an application under subsection (2), the council may,
(a) extend the time for substantial completion of the new building for such further period as the council considers reasonable,
(b) relieve the owner from the requirement of constructing the new building, or
(c) refuse the application. 2002, c 18, Sched F, s 2 (18)

Extension of time
(5) If the council extends the time for substantial completion of the new building under clause (4) (a), the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Relief from construction requirement
(6) If the council relieves the owner from the requirement of constructing the new building under clause (4) (b), the owner’s failure to substantially complete the new building shall be deemed not to contravene this Act. 2002, c 18, Sched F, s 2 (18)

Refusal of application
(7) If the council refuses the application under clause (4) (c), the council may extend the time for substantial completion of the new building for such further period as the council considers reasonable, and the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Second application
(8) An owner who is subject to the requirement imposed by subsection (5) may apply to the council if the owner considers that,
(a) it is not possible to substantially complete the new building within the extended completion time; or
(b) the construction of the new building has become not feasible on economic or other grounds. 2002, c 18, Sched F, s 2 (18)

Notice of application
(9) To apply to the council under subsection (8), the owner must give the clerk of the municipality a notice of application not less than 90 days before the expiry of the extended completion time. 2002, c 18, Sched F, s 2 (18)

Decision of council
(10) After considering an application under subsection (8), the council may,
(a) extend the time for substantial completion of the new building for such further period as the council considers reasonable,
(b) relieve the owner from the requirement of constructing the new building, or
(c) refuse the application. 2002, c 18, Sched F, s 2 (18)

Extension of time
(11) If the council extends the time for substantial completion of the new building under clause (10) (a), the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Relief from construction requirement
(12) If the council relieves the owner from the requirement of constructing the new building under clause (10) (b), the owner’s failure to substantially complete the new building shall be deemed not to contravene this Act. 2002, c 18, Sched F, s 2 (18)
Refusal of application

(13) If the council refuses the application under clause (10) (e), the council may extend the time for substantial completion of the new building for such further period as the council considers reasonable, and the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Appeal to Board

34.2 (1) An owner who makes an application under subsection 34.1 (2) may appeal to the Board,
(a) from a decision of the council under clause 34.1 (4) (a) or (c), or
(b) if the owner has not received any notice of a decision of the council under subsection 34.1 (4) within 90 days after the notice of application is given to the clerk under subsection 34.1 (3). 2002, c 18, Sched F, s 2 (18)

Same

(2) An owner who makes an application under subsection 34.1 (8) may appeal to the Board,
(a) from a decision of the council under clause 34.1 (10) (a) or (c), or
(b) if the owner has not received any notice of a decision of the council under subsection 34.1 (10) within 90 days after the notice of application is given to the clerk under subsection 34.1 (9). 2002, c 18, Sched F, s 2 (18)

Notice of appeal

(3) To appeal to the Board, the owner must give the Board a notice of appeal,
(a) for an appeal under clause (1) (a) or (2) (a), within 30 days after the day notice of the council’s decision is given to the owner, and
(b) for an appeal under clause (1) (b) or (2) (b), within 30 days after the expiration of the period set out in that clause. 2002, c 18, Sched F, s 2 (18)

Deemed extension of time

(4) If an appeal is made to the Board under subsection (1) or (2), the period within which the new building is to be substantially completed shall be deemed to be extended to the date of the Board’s decision. 2002, c 18, Sched F, s 2 (18)

Board’s powers

(5) If an owner appeals under subsection (1) or (2), the Board shall hear the appeal and shall,
(a) extend the time for substantial completion of the new building for such further period as the Board considers reasonable;
(b) relieve the owner from the requirement of constructing the new building; or
(c) dismiss the appeal. 2002, c 18, Sched F, s 2 (18)

Extension of time

(6) If the Board extends the time for substantial completion of the new building under clause (5) (a), the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Relief from construction requirement

(7) If the Board relieves the owner from the requirement of constructing the new building under clause (5) (b), the owner’s failure to substantially complete the new building shall be deemed not to contravene this Act. 2002, c 18, Sched F, s 2 (18)

Disposal of appeal

(8) If the Board dismisses the appeal under clause (5) (c), the Board may extend the time for substantial completion of the new building for such further period as the Board considers reasonable, and the owner shall substantially complete the new building within the extended completion time. 2002, c 18, Sched F, s 2 (18)

Decision final

(9) The decision of the Board on the appeal is final. 2002, c 18, Sched F, s 2 (18)

Repeal of by-law enacting property

34.3 (1) The council of a municipality shall pass a by-law to repeal a by-law or the part thereof designating a property under this Part, if the owner of the property has applied to the council for consent in writing to the demolition or removal of a building or structure on the property and,
(a) the council consents to the application under subclause 34 (2) (c) (i) or is deemed to have consented to the application under subclause 34 (4),

(b) the owner has substantially completed the new building to be erected on the site, or

(c) the council or the Board has relieved the owner from the requirement of constructing the new building 2002, c. 18, Sched F, s 2 (18)

Date upon passing a repealing by-law

(2) When the council passes a repealing by-law under this section, the council shall cause,

(a) a copy of the repealing by-law to be served on the owner of the property and on the Foundation,

(b) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality,

(c) reference to the property to be deleted from the Register referred to in subsection 27 (1), and

(d) a copy of the repealing by-law to be registered against the property affected in the proper land registry office 2002, c. 18, Sched F, s 2 (18)

Transition

34.4 If, on the day section 4 of Schedule F to the Government Efficiency Act, 2002 comes into force, a process relating to a matter dealt with in any of sections 34 to 24 3 of this Act has been commenced but not completed under an Act or a part of an Act repealed by section 4 of Schedule F to the Government Efficiency Act, 2002, the process shall be continued under sections 34 to 24 3 of this Act 2002, c. 18, Sched F, s 2 (18).

New owner to give notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days after becoming owner of the property. R.S.O. 1990, c O 18, s 35

Purchase or lease by-laws

36. (1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part. R.S.O. 1990, c O 18, s 36 (1)

Expropriating by-law

(2) Subject to the Expropriations Act, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part R.S.O. 1990, c O 18, s 36 (2)

Delegation

(3) The council of a municipality that forms part of an upper-tier municipality may delegate its powers under this Part to the council of the upper-tier municipality 2002, c. 17, Sched F, Table

Easements

37. (1) Despite subsection 30 (1), after consultation with its municipal heritage committee, if one is established, the council of a municipality may pass by-laws providing for the entering into of easements or covenants with owners of real property or interests in real property, for the conservation of property of cultural heritage value or interest 2002, c. 18, Sched F, s 2 (19)

Ibid

(2) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected, in the proper land registry office. R.S.O 1990, c O 18, s 37 (2)

Ibid

(3) Where an easement or covenant is registered against real property under subsection (2), such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefited by such easement or covenant R.S.O 1990, c O 18, s 37 (3)
Assignment

(4) Any easement or covenant entered into by the council of a municipality under subsection (2) may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefited by such easement or covenant. R.S.O. 1990, c.O. 18, s. 37 (4)

Conflicts

(5) Where there is a conflict between an easement or covenant entered into by a council of a municipality under subsection (1) and section 33 or 34, the easement or covenant shall prevail. R.S.O 1990, c. O 18, s 37 (5)

Inspection

38. (1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification,inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 29 (3).

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject matter of the investigation. R.S.O 1990, c. O 18, s 38

Grants and loans

39. (1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying the whole or any part of the cost of alteration in such designated property on such terms and conditions as the council may prescribe.

Loss or lien or charge on land

(2) The amount of any loan made under a by-law passed under subsection (1), together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made. R.S.O 1990, c. O 18, s. 39

PART V

HERITAGE CONSERVATION DISTRICTS

Definition

39.1 In this Part, "property" means real property and includes all buildings and structures thereon. 2002, c. 18, Sched F, s. 2 (20)

Register

39.2 (1) The clerk of a municipality shall keep a register of all heritage conservation districts designated under this Part that are situated in the municipality and shall ensure that the register contains a map or description of the area of each such heritage conservation district. 2002, c. 18, Sched F, s. 2 (21)

Exemption

(2) The clerk of a municipality shall issue extracts from the register referred to in subsection (1) to any person on payment of the fee set by the municipality by by-law. 2002, c. 18, Sched F, s. 2 (21)

Heritage conservation districts

40. (1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation. R.S.O 1990, c. O 18, s. 40 (1)

Conservation

(2) Where the council of a municipality has established a municipal heritage committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection (1), consult with its municipal heritage committee. R.S.O 1990, c. O 18, s. 40 (2); 2002, c. 18, Sched F, s. 2 (22)

Designation of heritage conservation district

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41. (1) Where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district. R.S.O. 1990, c.O-18, s. 41 (1), 2002, c. 18, Sched F, s. 2 (23)

Property designated under Part IV

(2) A property that is designated under Part IV may subsequently be included in an area designated as a heritage conservation district under this Part, and a property that is included in an area designated as a heritage conservation district under this Part may subsequently be designated under Part IV. 2002, c. 18, Sched F, s. 2 (24)

Part IV applies

(2.1) If a property is designated under Part IV and is included in an area designated as a heritage conservation district under this Part, the property is subject to Part IV and is not subject to Part V. 2002, c. 18, Sched F, s. 2 (24)

Notice of by-law

(3) If the council of a municipality passes a by-law under this section designating the municipality or any defined area or areas of the municipality as a heritage conservation district, the council shall cause notice of the passage of the by-law,

(a) to be served on each owner of property located in the heritage conservation district and on the Foundation, and
(b) to be published in a newspaper having general circulation in the municipality. 2002, c. 18, Sched F, s. 2 (25)

Appeal to Board

(4) Any person who objects to the by-law may appeal to the Board by giving the clerk of the municipality, within 30 days after the date of publication under clause (3) (b), a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act. 2002, c. 18, Sched F, s. 2 (25)

If no notice of appeal

(5) If no notice of appeal is given to the clerk within the time period specified in subsection (4), the by-law comes into force on the day following the last day of the period. 2002, c. 18, Sched F, s. 2 (25)

If notice of appeal

(6) If a notice of appeal is given to the clerk within the time period specified in subsection (4), the Board shall hold a hearing open to the public and, before holding the hearing, shall give notice of the hearing to such persons or bodies and in such manner as the Board may determine. 2002, c. 18, Sched F, s. 2 (25)

Powers of Board

(7) After holding the hearing, the Board shall,

(a) dismiss the appeal, or
(b) allow the appeal in whole or in part and,
   (i) repeal the by-law,
   (ii) amend the by-law in such manner as the Board may determine,
   (iii) direct the council of the municipality to repeal the by-law, or
   (iv) direct the council of the municipality to amend the by-law in accordance with the Board’s order. 2002, c. 18, Sched F, s. 2 (25)

Dismissal without hearing of appeal

(8) Despite the Statutory Powers Procedure Act and subsections (6) and (7), the Board may, on its own motion or on the motion of any party, dismiss all or part of the appeal without holding a hearing on the appeal if,

(a) the Board is of the opinion that,
   (i) the reasons set out in the notice of appeal do not disclose any apparent ground upon which the Board could allow all or part of the appeal, or
   (ii) the appeal is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay;
(b) the appellant has not provided written reasons in support of the objection to the by-law;
(c) the appellant has not paid the fee prescribed under the Ontario Municipal Board Act, or
(d) the applicant has not responded to a request by the Board for further information within the time specified by the Board 2002, c. 18, Sched F, s 2 (25)

Representations

(9) Before dismissing all or part of an appeal on any of the grounds mentioned in subsection (8), the Board shall, (a) notify the appellant of the proposed dismissal, and (b) hold a hearing with respect to the proposed dismissal or give the appellant an opportunity to make representations with respect to the proposed dismissal 2002, c 18, Sched F, s 2 (25)

Coming into force

(10) If one or more notices of appeal are given to the clerk within the time period specified in subsection (4), (a) the by-law comes into force when all of such appeals have been withdrawn or dismissed, (b) if the by-law is amended by the Board under subsection (7) (b) (ii), the by-law, as amended by the Board, comes into force on the day it is so amended, or (c) if the by-law is amended by the council pursuant to subclause (7) (b) (iv), the by-law, as amended by the council, comes into force on the day it is so amended 2002, c 18, Sched F, s 2 (25)

Transitional

(11) If, on the day subsection 2 (25) of Schedule F to the Government Efficiency Act, 2002 comes into force, a by-law designating a heritage conservation district has been passed by a municipality and the Board has not begun to hold a hearing under subsection (6) of this section, as it read immediately before that day, subsections (3) to (10) of this section apply to the by-law 2002, c 18, Sched F, s 2 (25).

Same

(12) If, on the day subsection 2 (25) of Schedule F to the Government Efficiency Act, 2002 comes into force, a by-law designating a heritage conservation district has been passed by a municipality and the Board has completed or has begun to hold a hearing under subsection (6) of this section, as it read before that day, but has not yet issued its formal order, (a) subsections (3) to (10) of this section do not apply to the by-law, (b) despite their repeal by subsection 2 (25) of Schedule F to the Government Efficiency Act, 2002, subsections (3) to (9) of this section, as they read immediately before the day subsection 2 (25) of Schedule F to the Government Efficiency Act, 2002 came into force, continue to apply to the by-law. 2002, c 18, Sched F, s 2 (25)

Erection, demolition, alteration or removal of structure

42. (1) If a by-law passed under section 41 designating a heritage conservation district is in force, no owner of property located in the heritage conservation district shall erect, demolish or remove, or permit the erection, demolition or removal of, any building or structure on the property or alter, or permit the alteration of, the external portions of any building or structure on the property, unless the owner applies to the council of the municipality in which the property is situate and is given a permit for the erection, demolition, removal or alteration 2002, c 18, Sched F, s 2 (26)

Application

(2) An application under subsection (1) shall contain or be accompanied by such information as the council may require 2002, c 18, Sched F, s 2 (26)

Notice of receipt

(3) The council, upon receipt of an application under subsection (1) together with such information as it may require under subsection (2), shall cause a notice of receipt to be served on the applicant 2002, c 18, Sched F, s 2 (26)

Decree of council

(4) Within 90 days after the notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant, (a) the permit applied for, (b) notice that the council is refusing the application for the permit, or (c) the permit applied for, with terms and conditions attached, in the case of an application for a permit to erect, or alter the external portions of, a building or structure. 2002, c 18, Sched F, s 2 (26)
Deemed permit

(5) If the council fails to do any of the things mentioned in subsection (4) within the time period mentioned in subsection (4), the council shall be deemed to have applied the permit applied for. 2002, c 18, Sched F, s 2 (26)

Receipt or rejection

(6) In the case of an application under this section for a permit to erect, or alter the external portions of, a building or structure, if the council refuses the application or gives the owner the permit with terms and conditions attached, the owner may appeal to the Board 2002, c 18, Sched F, s 2 (26)

Notice of appeal

(7) To appeal to the Board, the owner must give a notice of appeal to the Board within 30 days after the owner receives notice that the council is refusing the application, or receives the permit with the terms and conditions attached, as the case may be 2002, c 18, Sched F, s 2 (26)

Board's powers

(8) The Board shall hear the appeal and shall,
(a) dismiss the appeal, or
(b) direct that the permit be issued without terms and conditions or with such terms and conditions as the Board by its order may direct 2002, c 18, Sched F, s 2 (26)

Transition, prior failure to give permit or notice

(9) If, on the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 comes into force, an appeal to the Board, that was commenced under subsection 44 (1) of this Act as a result of the council's failure to make a decision within the period provided for in section 43 of this Act, has not been finally disposed of,
(a) subsection (5) of this section does not apply;
(b) despite its repeal by subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002, subsection 44 (1) of this Act, as it read immediately before the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 came into force, continues to apply to the appeal 2002, c 18, Sched F, s 2 (26)

Requirements for demolition or removal of council refuses permit

(10) In the case of an application under this section for a permit to demolish or remove a building or structure, if the council refuses the application, the council's decision is final and the owner shall not demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,
(a) 180 days have elapsed from the date of the council's notice to the owner that the council is refusing the application for the permit, and
(b) the owner has applied to the council under this section and been given a permit to erect a new building on the site of the building or structure sought to be demolished or removed 2002, c 18, Sched F, s 2 (26)

Transition, prior application

(11) In the case of an application under this section for a permit to demolish or remove a building or structure, if the decision of the council of a municipality is made or to be made on or after the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 comes into force, subsections (2), (3), (4), (5) and (10) of this section apply even if the application was made before that day. 2002, c 18, Sched F, s 2 (26)

Transition, prior refusal

(12) If, before the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 comes into force, the council of a municipality has refused an application by an owner of property located in a heritage conservation district designated under this Part, for a permit to demolish or remove a building or structure on the property, the owner shall not, on or after the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 comes into force, demolish or remove the building or structure or do any work or cause or permit any work to be done in the demolition or removal of the building or structure or any part of it, unless,
(a) 180 days have elapsed from the date of the council's notice to the owner that the council is refusing the application for the permit, and
(b) the owner has applied to the council under this section and been given a permit to erect a new building on the site of the building or structure sought to be demolished or removed. 2002, c 18, Sched F, s 2 (26)

Transition, work commenced

(13) Subsection (12) applies even if work on the demolition or removal of the building or structure has been commenced before the day subsection 2 (26) of Schedule F to the Government Efficiency Act, 2002 comes into force. 2002, c 18, Sched F, s 2 (26)

Requirement for new building

43. (1) A person to whom subsection 42 (10) or (12) applies shall, within two years after commencing the demolition or removal of the building or structure or any part of it, substantially complete the new building to be erected on the site, 2002, c 18, Sched F, s 2 (26)

Application to council

(2) A person who is subject to the requirement imposed by subsection (1) may apply to the council, and section 34.1 applies to the application with the necessary modifications. 2002, c 18, Sched F, s 2 (26)

Appeal to Board

(3) A person who makes an application under subsection (2) may appeal to the Board, and section 34.2 applies to the appeal with the necessary modifications. 2002, c 18, Sched F, s 2 (26)

Transition

44. If, on the day section 4 of Schedule F to the Government Efficiency Act, 2002 comes into force, a process relating to a matter dealt with in any of sections 41 to 43 of this Act has been commenced but not completed under an Act or a part of an Act repealed by section 4 of Schedule F to the Government Efficiency Act, 2002, the process shall be continued under sections 41 to 43 of this Act. 2002, c 18, Sched F, s 2 (26)

Application, s 36 to 39

45. Sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situated within the area that has been designated by by-law under this Part as a heritage conservation district. R.S.O. 1990, c O 18, s 45.

Delegation

46. The council of a municipality that forms part of an upper-tier municipality may delegate its power under this Part to the council of the upper-tier municipality. 2002, c 17, Sched F, Tabl.
(c) the activity undertaken is prescribed, or belongs to a class of activities prescribed, by the regulations 2002, c 18, Sch 1, s 2 (27)

(3) REPEALED 1996, c 4, s 29

Limits of licence

(4) A licence issued under this Part,

(a) is effective only in the geographic area specified in the licence;

(b) subject to subsection (9), is effective only for the term specified in the licence or, if the licence does not specify a term, is effective indefinitely;

(c) permits the carrying out of a type of archaeological fieldwork only if that type of archaeological fieldwork is specified in the licence, and

(d) may contain such other terms and conditions to give effect to the purposes of this Part as the Minister may direct. 2002, c 18, Sch 1, s 2 (28)

Licence not transferrable

(5) A licence is not transferrable. R S O 1990, c O 18, s 48 (5)

Application

(6) An application to the Minister for a licence or renewal of a licence to carry out archaeological fieldwork may be made only by an individual 2002, c 18, Sch 1, s 2 (29)

Same

(7) The application shall contain such information as the Minister may require and shall be submitted in such form and manner as the Minister may require 2002, c 18, Sch 1, s 2 (29).

Issuance of licence

(8) The Minister may issue a licence to an applicant if the applicant proves, to the satisfaction of the Minister, that,

(a) the applicant is competent to conduct archaeological fieldwork in a responsible manner in accordance with this Part and the regulations,

(b) the past conduct of the applicant does not afford reasonable grounds for the belief that the archaeological fieldwork will not be carried out in accordance with this Part and the regulations,

(c) the activities proposed by the applicant are consistent with the conservation, protection and preservation of the heritage of Ontario, and

(d) the applicant is in compliance with such eligibility criteria and other requirements for the issuance of the licence as may be prescribed by the regulations. 2002, c 18, Sch 1, s 2 (29)

Revocation and refusal to renew

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence,

(a) for any reason that would prevent the Minister from issuing a licence to the licensee under subsection (8) if the licensee were an applicant, or

(b) if the licence is in breach of a term or condition of the licence. 2002, c 18, Sch 1, s 2 (29)

Refusal or revocation, etc., of licence

49. (1) When the Minister proposes to refuse to issue or renew a licence or proposes to suspend or revoke a licence, he or she shall give notice of the proposal, together with written reasons therefor, to the applicant or licensee R S O 1990, c O 18, s 49 (1), 2002, c 18, Sch 1, s 2 (36)

Notice requiring hearing

(2) A notice under subsection (1) shall inform the applicant or licensee of the entitlement to a hearing by the Review Board if the applicant or licensee mails or delivers to the Minister, within fifteen days after the notice under subsection (1) is served, notice within requiring a hearing, and the applicant or licensee may so require such a hearing R S O 1990, c O 18, s 49 (2), 1995, c 27, Sch 1

Powers of Minister where no hearing

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(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection (2), the Minister may carry out the proposal stated in the notice under subsection (1). R.S.O. 1990, c. O.18, s. 49 (3)

Referral to Review Board

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection (2), the Minister shall refer the matter to the Review Board for a hearing and report. R.S.O. 1990, c. O.18, s. 49 (4)

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to issue or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing. R.S.O. 1990, c. O.18, s. 49 (5), (6), 2002, c. 18, Sch. F, s. 2 (31)

Place of hearing

(6) A hearing under subsection (5) shall be held at such place in the municipality in which the property is situated as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situated at least ten days prior to the date of such hearing. R.S.O. 1990, c. O.18, s. 49 (6)

Procedure

(7) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under this section. R.S.O. 1990, c. O.18, s. 49 (7).

Report

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. R.S.O. 1990, c. O.18, s. 49 (8)

Failure to report

(9) If the Review Board fails to make a report within the time limited by subsection (8), such failure does not invalidate the procedure. R.S.O. 1990, c. O.18, s. 49 (9)

Decisions of Minister

(10) After considering the report under this section, the Minister, without a further hearing, shall carry out the proposal or refrain from carrying it out or take such action as he or she considers proper in accordance with this Part and the regulations, and the Minister's decision is final. R.S.O. 1990, c. O.18, s. 49 (10)

Request for cancellation

(11) Despite subsection (3), the Minister may cancel a licence if the licensee requests its cancellation in writing (2002, c. 18, Sch. F, s. 2 (22).

Withdrawal of hearing request

(12) An applicant or licensee who has submitted a notice requiring a hearing under subsection (2) may withdraw the notice at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the Minister and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the Minister may carry out the proposal stated in the notice under subsection (1) as if no notice had been submitted under subsection (2). 1998, c. 4, s. 60

Extension of time

(13) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, if satisfied that there are apparent grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he or she considers proper consequent upon the extension. R.S.O. 1990, c. O.18, s. 50 (1)

Contassion pending renewal

(1) If a licensee applies for renewal of a licence before the end of the term of the licence, the licence shall be deemed to continue,

(2) until the renewal is granted, or
(b) where the licensee is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 49(1) R.S.O. 1990, c. O.18, s. 59(2), 2002, c 18, Sched F, s 2 (33)

Provisional refusal or revocation, etc

51. Despite sections 49 and 30, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister’s opinion it is necessary to do so for the immediate protection and preservation of a property or an artifact for the purposes of this Part or where the continuation of archaeological fieldwork under the licence is in the Minister’s opinion an immediate threat to the public’s interest and the Minister or a party in such notice, giving his or her reasons therefore, and thereafter section 49 applies as if the notice given under this section were a notice of a proposal to revoke the licence under subsection 49(1) R.S.O. 1990, c O.18, s 51, 1993, c 27, Sched., 2002, c 18, Sched F, s 2 (34)

Designation process

52. (1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he or she shall cause notice of intention to designate to be given by the Foundation in accordance with subsection (2)

Notice of intention

(2) Notice of intention to designate under subsection (1) shall be,
(a) served on the owner of the property and on the clerk of the municipality in which the property is situated, and
(b) published in a newspaper having general circulation in the municipality in which the property is situated R.S.O. 1990, c O.18, s 52 (1, 2)

Contents of notice

(3) Notice of intention to designate under subsection (1) shall contain,
(a) an adequate description of the property so that it may be readily ascertained,
(b) a statement of the reason for the proposed designation,
(c) a statement of the period of time that the designation of the property is to remain in effect; and
(d) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situated R.S.O. 1990, c O.18, s 52 (3), 1996, c 4, s 61 (1)

Objection

(4) A person who objects to a proposed designation may, within thirty days of the date of publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situated, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts R.S.O. 1990, c O.18, s 52 (4), 1996, c 4, s 61 (2)

Where no notice of objection

(5) Where no notice of objection is served within the thirty-day period under subsection (4), the Minister shall,
(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection (3) and cause a copy of the order together with the reasons for the designation,
(i) to be registered against the property affected in the proper land registry office, and
(ii) to be served on the owner and on the clerk of the municipality in which the property’s situate, and
publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situated, or
(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection (2)

Referred to Review Board

(6) Where a notice of objection has been served under subsection (4), the Minister shall, upon expiration of the thirty-day period under subsection (4), refer the matter to the Review Board for a hearing and report
Hearing
(7) Pursuant to a reference by the Minister under subsection (6), the Review Board, as soon as is practicable, shall hold the hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection (4) and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing
(8) A hearing under subsection (7) shall be held at such place in the municipality in which the property is situated as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situated at least ten days prior to the date of such hearing.

Review Board may combine hearings
(5) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes as one hearing.

Statutory Powers Procedure Act, application
(10) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under subsection (7).

Report
(11) Within thirty days after the conclusion of a hearing under subsection (7), the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under the Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report
(12) Where the Review Board fails to make a report within the time limited by subsection (11), such failure does not invalidate the procedure.

Decision of Minister
(13) After considering the report under subsection (11), the Minister, without a further hearing shall,
- (a) make an order designating the property for the period provided for in the notice of intention referred to in subsection (3) and cause a copy of the order together with the reasons for the designation, to be registered against the property affected in the proper land title register office,
- (b) cause a notice of such order to be served on the owner and on the clerk of the municipality in which the property is situated, and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situated, or

Withdrawal of objection
(14) A person who has served a notice of objection under subsection (4) may withdraw the objection at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the Minister and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall no longer hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the Minister shall act in accordance with subsection (5) as if no notice of objection had been served. 1999, c 4, s 61 (3)

Withdrawal of objection
(15) A person who has served a notice of objection under subsection (4) may withdraw the objection at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the Minister and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall no longer hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the Minister shall act in accordance with subsection (5) as if no notice of objection had been served. 1996, c 4, s 61 (3)

Application of s 56
53. Where a notice of intention to designate a property has been served and published under subsection 52 (2) and has not been withdrawn under clause 52 (5) (b) or 52 (13) (b), section 56 applies as if such property were designated property. R S O 1990, c O 18, s 53.

Revocation of designation, Minister's initiative
54. The Minister may, at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,
(a) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate,
(b) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;
(c) cause reference to the property to be deleted from the Register referred to in section 23, and
(d) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

R.S.O. 1990, c.O.18, s. 54

Reversion of designation, owner's initiative

55. (1) An owner of property designated under this Part may apply to the Minister to have the designation revoked

Section of Minister

(2) The Minister after consultation with the Foundation shall consider an application under subsection (1) and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall, (a) refuse the application and cause notice of the decision to be given to the owner, or
(b) consent to the application and order the designation of the property to be revoked, and shall cause,
(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,
(ii) notice to the property to be deleted from the Register referred to in section 23,
(iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and
(iv) a copy of the order to be registered against the property affected in the proper land registry office.

Extension of time

(3) The applicant and the Minister may agree to extend the time under subsection (2) and, where the Minister fails to notify the applicant of the decision within ninety days after receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application

Application for hearing

(4) Where the Minister refuses an application under subsection (2), the owner may, within thirty days after receipt of the notice under subsection (2), apply to the Minister for a hearing before the Review Board

Referral to Review Board

(5) The Minister shall, upon receipt of a notice under subsection (4), refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(7) A hearing under subsection (6) shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

Statutory Powers Procedure Act, application

(8) Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under subsection (6).

Report

(9) Within thirty days after the conclusion of a hearing under subsection (6), the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

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(10) Where the Review Board fails to make a report within the time limited by subsection (9), such failure does not invalidate the procedure.

Decision of Minister

(11) After considering the report under subsection (9), the Minister without a further hearing shall,

(a) refuse the application and cause notice of the decision to be given to the owner, or

(b) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

(ii) reference to the property to be deleted from the Register referred to in section 23,

(iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and

(iv) a copy of the order to be registered against the property affected in the proper land registry office, and the decision is final. R.S.O. 1990, c.O.18, s. 55

Withdrawal of application

(12) The owner may withdraw an application made under subsection (4) at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the Minister and on the Review Board and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the Minister shall act in accordance with subsection (2) as if no application had been made under subsection (4). R.S.O. 1990, c. O.18, s. 62

Permit for excavation, etc

56. (1) No person shall excavate or alter property designated under this Part or remove any artifact therefore without first applying to the Minister and receiving a permit therefor. R.S.O. 1990, c. O.18, ss. 56(1), 2002, c. 18, Sched. F, s. 2 (33).

Issuance of permit

(2) An applicant is entitled to a permit or renewal of a permit by the Minister to excavate or alter designated property and remove artifacts therefore except where the Minister is of the opinion that such excavation, alteration or the taking or removal of artifacts would impair or interfere with the protection of the designated property. R.S.O. 1990, c. O.18, ss. 56(2), 2002, c. 18, Sched. F, s. 2 (36)

Terms and conditions of permit

(3) A permit is subject to such terms and conditions to give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations. R.S.O. 1990, c. O.18, s. 56 (3)

Permit not transferable

(4) A permit is not transferable. R.S.O. 1990, c. O.18, s. 56 (4)

Permit, grounds for revocation and refusal to renew

57. Subject to section 58, the Minister may refuse to renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 56 if the permittee were an applicant or where the permittee is in breach of a term or condition of the permit. R.S.O. 1990, c. O.18, s. 57, 2002, c. 18, Sched. F, s. 2 (37)

Revocation or revocation, etc., of permit

58. (1) Where the Minister proposes to refuse to issue or renew a permit or proposes to suspend or revoke a permit, he or she shall serve notice of the proposal together with written reasons therefor on the applicant or permittee. R.S.O. 1990, c. O.18, ss. 58 (1), 2002, c. 18, Sched. F, s. 2 (38)

Contents of notice

(2) A notice under subsection (1) shall state that the applicant or permittee is entitled to a hearing by the Review Board if the applicant or permittee mails or delivers to the Minister a written request for a hearing within fifteen days after service of the notice under subsection (1). R.S.O. 1990, c. O.18, s. 58 (2)

Minister may carry out proposals

28
Where an applicant or permittee requests a hearing by the Review Board in accordance with subsection (2), the Minister shall refer the matter to the Review Board for a hearing and report, R.S.O. 1990, c. O.18, s. 58(4).

Hearing

Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing, R.S.O. 1990, c. O.18, s. 58(5).

Place of hearing

A hearing under subsection (5) shall be held at such place in the municipality in which the property is situated as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situated at least ten days prior to the date of such hearing, R.S.O. 1990, c. O.18, s. 58(6).

Procedure

Sections 6 to 16 and 21 to 23 of the Statutory Powers Procedure Act apply to a hearing under this section, R.S.O. 1990, c. O.18, s. 58(7).

Report

Within thirty days after the conclusion of a hearing under subsection (5), the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing, R.S.O. 1990, c. O.18, s. 58(8).

Decisions of Minister

After considering a report made under this section, the Minister shall without further hearing confirm or revise the decision under subsection (1) with such modifications as the Minister considers proper and shall give notice of the decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and the decision is final, R.S.O. 1990, c. O.18, s. 58(9).

Withdrawal of hearing request

An applicant or permittee who has requested a hearing under subsection (2) may withdraw the request at any time before the conclusion of a hearing into the matter by serving a notice of withdrawal on the Minister and on the Review Board, and, upon receipt of the notice of withdrawal, the Review Board shall not hold a hearing into the matter or, if a hearing into the matter is in progress, shall discontinue the hearing and the Minister may carry out the proposal stated in the notice under subsection (1) as if the applicant or permittee had not requested a hearing, 1996, c. 4, s. 65.

Extension of time

The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, if satisfied that there are reasonable grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as he or she considers proper consequent upon the extension, R.S.O. 1990, c. O.18, s. 59(1).

Continuance pending renewal

If a permittee applies for renewal of a permit before the end of the term of the permit, the permit shall be deemed to continue, until the permit is granted, or

(2) where the permittee is served with notice under section 58 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 58(1) of 2002, c. 18, Sched. F, s. 2(39).

Revocation or retraction, etc.

Despite sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of, or suspend the permittee’s permit where the continuation of operations under the permit is, in the Minister’s
opinion an immediate threat to the public’s interest and the Minister so states in such notice, giving reasons therefor, an
thereafter section 58 applies as if the notice given under this section were a notice of a proposal to revoke the permit under
subsection 58 (1). R.S.O. 1990, c O 18, s 60.

Licence or permit not authority to enter

61. The issuer of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or
permit to enter upon any property. R.S.O. 1990, c O 18, s 61

Stop order

62. (1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or
historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural,
residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial,
industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than
180 days, and within that period the Minister or any person authorized by the Minister in writing may examine the property
and remove or salvage artifacts from the property. R.S.O. 1990, c O 18, s 62 (1), 2000, c 18, Sched F, s 2 (40)

Compensation

(2) Where a stop order is made by the Minister under subsection (1) and no agreement as to payment of compensation has
been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled
to compensation for personal or business damages resulting from the stop order, and the Expropriations Act with respect to
the negotiation, payment and fixing of compensation applies with necessary modifications as if the stop order imposed by
this Part were an expropriation of rights. R.S.O. 1990, c O 18, s 62 (2)

Compensation where property designated

63. Where property is designated under section 52 and no agreement as to the payment of compensation has been reached
by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period
provided for in the order designating the property, and the Expropriations Act with respect to the negotiation, payment and
fixing of compensation applies with necessary modifications as if the designation and the resulting restrictions imposed by
this Act were an expropriation of rights. R.S.O. 1990, c O 18, s 63

Inspection

64. (1) For the purpose of carrying out this Part, any person authorized by the Minister is warranted may, upon producing
proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part
where a notice of intention to designate has been served and published under subsection 52 (2)

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything
relevant to the subject matter of the investigation. R.S.O. 1990, c O 18, s 64.

Report of field work

65. (1) Within a reasonable time after the close of each season’s field work, every licensee shall furnish to the Minister a
report containing all details of the work done and such other information as the Minister may require. R.S.O. 1990, c O 18,
s 65 (1), 2002, c 18, Sched F, s 2 (41)

Report of archaeological site

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or
corporation. R.S.O. 1990, c O 18, s 65 (2)

Form and manner

(3) A report under subsection (1) shall be furnished to the Minister, and particulars under subsection (2) shall be filed with
the Minister, in such form and manner as the Minister may require. 2002, c 18, Sched F, s 2 (42)

Artifacts may be held in trust

66. (1) The Minister may direct that any artifact taken under the authority of a licence or a permit be deposited in such
public institution as the Minister may determine, to be held in trust for the people of Ontario. 2002, c 18, Sched F, s 2 (43)

Same
(2) Any artifact that is taken by a person who is not a licensee or by a licensee in contravention of a licence or this Part may be seized by a person authorized to do so by the Minister and deposited in such public institution as the Minister may determine, to be held in trust for the people of Ontario. 2002, c. 18, Sch. 3, s. 2 (43)

PART VII
GENERAL

Service

67. (1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at that person’s last known address.

Ideon

(2) Where service is made by mail, the service shall be deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice or order until a later date. R.S.O. 1990, c. O.18, s. 67 (1, 2)

(3) REPEALED 1996, c. 4, s. 64.

Pre-hearing conference

67.1 (1) In any case under this Act where the Review Board is required to hold a hearing, the Review Board may direct the parties to a hearing to participate in a pre-hearing conference to consider,

(a) the settlement of any or all of the issues;
(b) the simplification of the issues;
(c) facts or evidence that may be agreed upon,
(d) the dates by which any steps respecting the hearing are to be taken or begun;
(e) the estimated duration of the hearing, and
(f) any other matter that may assist in the just and most expeditious disposition of the hearing

Who conducts conference

(2) The chair of the Review Board may designate a member of the Review Board or any other person to conduct a pre-hearing conference.

Orders

(3) A member of the Review Board who conducts a pre-hearing conference may make such orders as he or she considers necessary or advisable with respect to the conduct of the hearing, including adding parties

Disqualification

(4) A member of the Review Board who conducts a pre-hearing conference at which the parties attempt to settle issues shall not conduct the hearing into the matter unless the parties consent

Electronic pre-hearing conference

(5) A pre-hearing conference may be held by conference telephone or some other form of electronic technology that allows persons to hear one another.

Exception

(6) A pre-hearing conference shall not be held in the manner described in subsection (5) if one of the parties satisfies the person conducting the conference that such a conference is likely to cause the party significant prejudice

Same

(7) Subsection (6) does not apply if the only purpose of the pre-hearing conference is to deal with procedural matters

Participants to be able to hear one another

(8) In a pre-hearing conference held in the manner described in subsection (5), all the parties and the person conducting the conference must be able to hear one another throughout the conference. 1996, c. 4, s. 65.

Designation under public or private Acts
168. (1) Where, before the 5th day of March, 1975, a building or structure is designated by by-law under any public or private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and Part IV applies.

Land deemed to be property under Part VI

(2) Where, before the 5th day of March, 1975, land was designated under The Archaeological and Historic Sites Protection Act as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and Part VI applies.

Conflict

(3) Where there is a conflict between this Act or the regulations and any other Act or regulation, this Act or the regulations shall prevail.

R.S.O. 1990, c.O.18, s.68

69. (1) Subject to subsection (2), every person who,

(a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations,

(b) fails to comply with any order, director or other requirement made under this Act, or

(c) contravenes this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1990, c.O.18, s.69(1)

Corporations

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is $250,000 and not as provided through

R.S.O. 1990, c.O.18, s.69(2)

Exception

(2.1) Despite subsections (1) and (2), if a person is convicted of the offence of contravening section 34, 34.1 or 34.2, demolishing or removing a building or structure in contravention of section 42 or contravening section 43, or if a director or officer of a corporation is convicted of knowingly concuring in such act by the corporation, the maximum fine that may be imposed is $1,000,000.

2002, c.18, Sched. F, s.2(44)

(3) REPEALED 2002, c.18, Sched. F, s.2(45)

No effect

(4) A person is not guilty of an offence under subsection (1) for altering or permitting the alteration of a property designated under Part IV in contravention of section 33 or for altering or permitting the alteration of the external portions of a building or structure located in a heritage conservation district designated under Part V in contravention of section 42, if the alteration is carried out for reasons of public health or safety or for the preservation of the property, building or structure, after notice is given to the clerk of the municipality in which the property, building or structure is situated.

2002, c.18, Sched. F, s.2(46)

Recovery of restoration costs

(5) If a property designated under Part IV is altered in contravention of section 33 or if the external portions of a building or structure located in a heritage conservation district designated under Part V are altered in contravention of section 42, the council of the municipality may, in addition to any other penalty imposed under this Act, if it is practicable, restore the property, building or structure as nearly as possible to its previous condition and may recover the cost of the restoration from the owner of the property, building or structure, unless

(a) in the opinion of the council, the property, building or structure is in an unsafe condition or incapable of repair, or

(b) the alteration was carried out for reasons of public health or safety or for the preservation of the property, building or structure.

2002, c.18, Sched. F, s.2(46)

Remedies

(6) For the purpose of subsection (5), the council of a municipality may authorize any person in writing to enter on the property to carry out restoration.

R.S.O. 1990, c.O.18, s.69(6)

2002, c.18, Sched. F, s.2(47)

Regulations
70. The Lieutenant Governor in Council may make regulations,
(a) governing applications for payment of grants or loans under this Act;
(b) REPEALED 2002, c 18, Sched F, s 2 (48)
(c) affixing fees or charges for services rendered under this Act.
(d) governing applications for a licence or renewal of a licence;
(d) prescribing classes of a licence,
(d) prescribing terms, conditions and limitations of a licence or a class of licence, including prescribing the type of archaeological fieldwork that may be carried out by the holder of the licence or the class of licence,
(e) prescribing the eligibility criteria and other requirements for the issuance of a licence or a class of licence,
(f) prescribing for the apportionment and distribution of money appropriated by the Legislature for,
(g) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the conditions covering the payment thereof,
(h) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, curbs or other interpretive facilities for the interest and guidance of the public,
(i) prescribing sites or classes of sites for which no licence is required,
(j) prescribing activities or classes of activities for which no licence is required,
(k) defining "archaeological fieldwork", "archaeological site", "artifact", "cultural heritage" and "marine archaeological site" for the purposes of this Act and the regulations. R.S.Q. 1990, c. O.18, s 70, 2002, c 18, Sched F, s 2 (48-50)
Planning Act

R.S.O. 1990, CHAPTER P.13

A proclamation has been issued naming July 1, 2005 as the day on which the amendments made by 2002, c. 9, s. 56 come into force

Notice of Currency:* This document is up to date

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Public Statutes - Legislative History Overview.


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Interpretation

1. (1) In this Act,

"area of settlement" means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation, ("zone de peuplement")

"committee of adjustment" means a committee of adjustment constituted under section 44, ("comité de dérogation")

"First Nation" means a band as defined in the Indian Act ("Canada", ("première nation")

"land division committee" means a land division committee constituted under section 56, ("comité de morcellement des terres")

"local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, police services board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof, ("conseil local")

"Minister" means the Minister of Municipal Affairs and Housing; ("ministre")

"Municipal Board" means the Ontario Municipal Board, ("Commission des affaires municipales")

"prescribed" means prescribed by the regulations, ("prescrit")

"public body" means a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation, ("organisme public")

"public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board, ("travaux publics")

"regulations" means regulations made under this Act ("règlements") R.S.O 1990, c P 13, s 1, 1994, c 23, s 3 (2), 1996, c 4, s 1 (1-3), 2002, c 17, Sch A, s 1, 2004, c 18, s 1

Limitation

(2) The term "public body" in subsection (1) excludes all ministries of the Province of Ontario except the Ministry of Municipal Affairs and Housing in respect of subsections 17 (24) and (36), 34 (19), 38 (4), 45 (12), 51 (39), (43) and (48) and 53 (19) and (27) 1996, c 4, s 1 (4)

Designation

(3) Despite subsection (2), the Minister may by regulation designate any other ministry of the Province of Ontario to be a public body for the purpose of the provisions referred to in subsection (2) 1996, c 4, s 1 (4)

Exception
(4) The Minister may by regulation exclude any board, commission, agency or office of the Province of Ontario from the definition of “public body” set out in subsection (1) in respect of the provisions referred to in subsection (2) 1996, c. 1 s 1(4)

Purposes
1.1 The purposes of this Act are,
(a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
(b) to provide for a land use planning system led by provincial policy;
(c) to integrate matters of provincial interest in provincial and municipal planning decisions;
(d) to provide for planning processes that are fair by making them open, accessible timely and efficient,
(e) to encourage co-operation and co-ordination among various interests;
(f) to recognize the decision-making authority and accountability of municipal councils in planning 1994, c. 23, s. 4

PART I
PROVINCIAL ADMINISTRATION

Provincial interest
2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,
(a) the protection of ecological systems, including natural areas, features and functions,
(b) the protection of the agricultural resources of the Province,
(c) the conservation and management of natural resources and the mineral resource base,
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest,
(e) the supply, efficient use and conservation of energy and water,
(f) the adequate provision and efficient use of transportation, sewerage, sewage and water services and waste management systems,
(g) the minimization of waste,
(h) the orderly development of safe and healthy communities,
(i) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
(j) the adequate provision and distribution of educational, health, social, cultural and recreational facilities,
(k) the adequate provision of a full range of housing;
(1) the adequate provision of employment opportunities,
(m) the protection of the financial and economic well-being of the Province and its municipalities,
(n) the co-ordination of planning activities of public bodies,
(o) the resolution of planning conflicts involving public and private interests,
(p) the protection of public health and safety,
(q) the appropriate location of growth and development 1994, c. 23, s. 5, 1996, c. 4, s. 2, 2001, c. 32, s 31 (1)

Policy statements
3. (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest R S O 1990, c P 13, s 3 (1)

Manner to confer
(2) Before issuing a policy statement, the Minister shall confer with such persons or public bodies that the Minister considers have an interest in the proposed statement 1994, c. 23, s. 6 (1)
(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in The Ontario Gazette and shall give such further notice of it, in such manner as the Minister considers appropriate, to all members of the Assembly and to any other persons or public bodies that the Minister considers have an interest in the statement. 1994, c. 23, s. 6 (1)

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. R.S.O. 1990, c. R.13, s. 3 (4)

Exercising authority

(5) In exercising any authority that affects a planning matter, the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, shall have regard to the policy statements issued under subsection (1). 1996, c. 4, s. 3; 1998, c. 18, Sched. E, s. 27 (3)

Note: See a day to be named by proclamation of the Lieutenant Governor, subsection (5) is repealed by the statute of Ontario, 2004, chapter 18, section 2 and the following subsections,

Consistency with policy statements

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed by the statute of Ontario, 2004, chapter 18, section 2 and the following subsections.

(6) In providing comments, submissions or advice that affect a planning matter, a minister or ministry, board, commission or agency of the government shall have regard to policy statements issued under subsection (1). 1996, c. 4, s. 3; 1998, c. 15, Sched. E, s. 27 (2)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed by the statute of Ontario, 2004, chapter 18, section 2 and the following subsections.

Advise

(6) In providing comments, submissions or advice that affect a planning matter, a minister or ministry, board, commission or agency of the government shall have regard to policy statements issued under subsection (1). 1996, c. 4, s. 3; 1998, c. 15, Sched. E, s. 27 (2)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (6) is repealed by the statute of Ontario, 2004, chapter 18, section 2 and the following subsections.

Dates of Minister unaffected

(7) Except as provided in subsections (5) and (6), nothing in this section affects nor restricts the Minister in carrying out the Minister’s duties and responsibilities under this Act. 1996, c. 4, s. 3

(8) REPEALED 1996, c. 4, s. 3

(9) REPEALED 1996, c. 4, s. 3

Review

(10) The Minister shall, at least every five years from the date that a policy statement is issued under subsection (1), ensure that a review of the policy statement is undertaken for the purpose of determining the need for a revision of the policy statement. 1994, c. 23, s. 6 (2)

Delegation of Minister’s powers

4. (1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council of any of the Minister’s authority under this Act and section 59 of the Condominium Act, other than the authority to approve or the authority to exempt from approval the official plan or amendments to the official plan of the municipality of which n is the central and, where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board. R.S.O. 1990, c. P.13, s. 4 (1), 1996, c. 4, s. 4 (1), 1999, c. 12, Sched. M, s. 21.

Same

5
(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve or the authority to exempt from approval an official plan or amendments to an official plan, and where the Minister has delegated any such authority the planning board shall, in lieu of the Minister, exercise the powers and duties conferred by the Act in respect of any matter pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board R.S.O. 1990, c.P.13, s.4(2), 1996, c.4, s.4(2)

Delegation where no request is made

(2.1) The Minister may, after the prescribed notice is given, by order delegate to the council of an upper-tier municipality or a single-tier municipality any of the Minister's authority described in subsection (1) if the municipality has an official plan 2002, c. 17, Sched. B, s.2.

Delegation to planning board

(2.2) The Minister may, after the prescribed notice is given, by order delegate to a planning board any of the Minister's authority described in subsection (1) if the planning board has an official plan 1996, c.4, s.4(3)

(3) REPEALED 1994, c.23, s.7.

Conditions

(4) A delegation made by the Minister under this section may be subject to such conditions as the Minister may by order provide 1996, c.4, s.4(4)

Withdrawal of delegation of powers

(5) The Minister may, by order, accompanied by a written explanation therefor, withdraw any delegation made under this section and, without limiting the generality of the foregoing, such withdrawal may be either in respect of one or more applications for approval specified in the order or in respect of any or all applications for approval made subsequent to the withdrawal of the delegation, and immediately following any such withdrawal the council or the planning board, as the case may be, shall forward to the Minister all papers, plans, documents and other material in the possession of the municipal corporation or the planning board that relate to any matter in respect of which the authority was withdrawn and of which a final disposition was not made by the council or the planning board prior to such withdrawal R.S.O. 1990, c. P.13, s.4(5); 1993, c. 26, s.49(4), 1996, c.4, s.4(5)

Further delegation of powers

5. (1) Where the Minister has delegated any authority to a council under section 4, such council may, in turn, by by-law, and subject to such conditions as may be imposed by the Minister, delegate any of such authority, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, to a committee of council or to an appointed officer identified in the by-law either by name or position occupied and such committee or officer, as the case may be, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority and shall be responsible for all matters pertaining thereto including the referral of any matter to the Municipal Board R.S.O. 1990, c.P.13, s.5(1), 1996, c.4, s.7(1)

Limitation

(2) Despite subsection (1), a council may not delegate the authority to approve or the authority to exempt from approval amendments to official plans without the prior written approval of the Minister, which approval may be subject to such further conditions as the Minister considers appropriate R.S.O. 1990, c.P.13, s.5(2), 1996, c.4, s.5(2)

Further delegation of powers

(3) In addition to the authority of a council to, in turn, delegate any authority under subsection (2), where the Minister has delegated to a council his or her authority for the giving of consents under section 53, such council may, in turn, by by-law, and subject to such conditions as may have been imposed by the Minister, delegate the authority for the giving of consents to a committee of adjustment constituted under section 44

Conditions

(4) A delegation made by a council under subsection (1) or (3) may be subject to such conditions as the council may by by-law provide and as are not in conflict with any conditions provided by order of the Minister under section 4

Withdrawal of delegation of powers

(5) A council may by by-law withdraw any delegation made under subsection (1) or (3), whereupon subsection 4(5) applies with necessary modifications R.S.O 1990, c.P.13, s.5(5-5)

Consultation

6
6. (1) In this section,

"ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government. R.S.O. 1990, c. P.13, s 6 (1), 1998, c. 15, Sched E, s 27 (2)

Planning policies.

(2) A ministry, before carrying out or authorizing any undertaking that the ministry considers will directly affect any municipality, shall consult with, and have regard for, the established planning policies of the municipality. R.S.O. 1990, c. P.13, s 6 (2)

Grants

7. The Minister may, out of the money appropriated therefor by the Legislature, make grants of money to assist in the performing of any duty or function of a planning nature. R.S.O. 1990, c. P.13, s 7.

PART II

LOCAL PLANNING ADMINISTRATION

Planning advisory committee

8. (1) The council of a municipality may appoint a planning advisory committee composed of such persons as the council may determine.

Joint planning by agreement

(2) The councils of two or more municipalities may enter into agreement to provide for the joint undertaking of such matters of a planning nature as may be agreed upon and may appoint a joint planning advisory committee composed of such persons as they may determine.

Remuneration

(3) Persons appointed to a committee under this section may be paid such remuneration and expenses as the council or councils may determine, and where a joint committee is appointed, the councils may by agreement provide for apportioning to their respective municipalities the costs of the payments. R.S.O. 1990, c. P.13, s 8.

Planning area defined by Minister

9. (1) The Minister may define and name a planning area consisting of the whole of two or more municipalities that are situated in a territorial district or consisting of the whole of one or more municipalities and territory without municipal organization.

Planning board of the planning area

(2) Where a planning area is defined under subsection (1), the Minister shall establish the planning board for the planning area and specify the name of the board and the number of members to be appointed to it by the council of each municipality within the planning area and the number of members, if any, to be appointed by the Minister.

Appointments to board

(3) The council of each municipality shall appoint to the planning board the number of members specified by the Minister under subsection (2) and, after the initial appointments, the appointments shall be made by each successive council as soon as practicable after the council is organized.

Term of office

(4) The members,

(a) appointed by the council of each municipality shall hold office for the term of the council that appointed them, and

(b) appointed by the Minister shall hold office for the term specified by the Minister in their appointment, and until their successors are appointed. R.S.O. 1990, c. P.13, s 9

Planning area as unorganized territory

10. The Minister may define and name a planning area consisting of territory without municipal organization and may establish and name a planning board for the planning area and appoint the members thereof. R.S.O 1990, c. P.13, s 10

Body corporate

11. (1) A planning board is a body corporate and a majority of its members constitutes a quorum.

Chair

7
(2) A planning board shall annually elect a chair and a vice-chair who shall preside in the absence of the chair.

Secretary-treasurer, employees, consultants

(3) A planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as are considered appropriate.

Execution of documents

(4) The execution of documents by a planning board shall be evidenced by the signatures of the chair or the vice-chair and of the secretary-treasurer, and the corporate seal of the board. R.S.O. 1990, c. P.13, s. 11.

Estimates

12. (1) A planning board established by the Minister for a planning area consisting of one municipality and territory without municipal organization shall submit annually to the council of the municipality an estimate of its financial requirements for the year and the council may amend such estimate and shall pay to the secretary-treasurer of the planning board out of the money appropriated for the planning board such amounts as may be requisitioned from time to time.

Two or more municipalities

(2) In the case of a planning board established for a planning area consisting of two or more municipalities or consisting of two or more municipalities and territory without municipal organization, the planning board shall annually submit its estimates to the council of each of such municipalities together with a statement as to the proportion thereof to be chargeable to each municipality.

When estimates binding

(3) If the estimates submitted under subsection (2) are approved; or are amended and approved, by the councils of municipalities representing more than one-half of the population of the planning area for which the board was established, the estimates are binding on all the municipalities.

Notification

(4) After the estimates have been approved as provided in subsection (3), the planning board shall so notify each municipality involved and shall notify each such municipality of the total approved estimates and the amount thereof chargeable to it, based on the apportionment set out in the statement submitted under subsection (2).

Where apportionment not satisfactory

(5) If the council of any municipality is not satisfied with the apportionment, it may, within fifteen days after receiving the notice under subsection (4), notify the planning board and the secretary of the Municipal Board that it desires the apportionment to be made by the Board.

Power of O.M.B.

(6) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Payment

(7) Each municipality shall pay to the secretary-treasurer of the planning board such amounts as may be requisitioned from time to time up to the amount determined by the planning board under subsection (4) or by the Municipal Board under subsection (6), as the case may be. R.S.O. 1990, c. P.13, s. 12.

Municipal grants

13. Any municipality within a planning area may make grants of money to the planning board of the planning area R.S.O. 1990, c. P.13, s. 13.

Duties of planning board

14. (1) A planning board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the board,

(a) by the councils to which the board submits its estimates under section 12, or by any of such councils; or

(b) by the Minister, in the case of a planning board appointed for a planning area consisting solely or partially of territory without municipal organization.

Preparation of official plan

9
(1) A planning board shall prepare a plan suitable for adoption as the official plan of the planning area, or as the request of any of the councils mentioned in subsection (1), prepare a plan suitable for adoption as the official plan of the municipality of which it is the council R.S.O. 1990, c. P.13, s. 14

Joint planning areas

14.1 (1) The councils of two or more local municipalities that are within one or more counties whether or not they form part of a county for municipal purposes may by by-law define a municipal planning area, establish a municipal planning authority for the area and specify the name of the authority

Approval of by-law

(2) The council of a municipality shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister after consulting with the council of any affected county

Body corporate

(3) A municipal planning authority is a body corporate

Composition

(4) All the members of a municipal planning authority shall be members of council

Number of members

(5) The council of each local municipality shall appoint to the municipal planning authority the number of members prescribed and, after the initial appointments, the appointments shall be made by each successive council as soon as possible after the council is organized.

Term

(6) The members of the municipal planning authority shall hold office for the term of the council that appointed them and until their successors are appointed

Vacancies

(7) If a vacancy occurs from any cause, the council shall, as soon as possible, appoint a member of the council to the municipal planning authority who shall hold office for the remainder of the unexpired term. 1994, c. 23, s. 8

Municipal planning authority

14.2 (1) Each member of a municipal planning authority is entitled to one vote. 1994, c. 23, s. 8

Quorum

(2) A majority of the members of a municipal planning authority constitutes a quorum. 1994, c. 23, s. 8

Chair

(3) A municipal planning authority shall annually elect a chair and a vice-chair who shall preside in the absence of the chair. 1994, c. 23, s. 8

Secretary-treasurer

(4) A municipal planning authority shall appoint a secretary-treasurer who may be a member of the authority. 1994, c. 23, s. 8

Documents

(5) The execution of documents by a municipal planning authority shall be evidenced by the signatures of the chair or the vice-chair and of the secretary-treasurer and the corporate seal of the authority. 1994, c. 23, s. 8

Records

(6) The secretary-treasurer shall keep on file minutes and records of all applications and the decisions on them and of all other business of the authority, and section 253 of the Municipal Act, 2001 applies with necessary modifications in respect of the documents kept. 1994, c. 23, s. 8; 2002, c. 17, Sched. B, s. 3

Fines

14.3 (1) On or before March 31 of each year, a municipal planning authority shall determine its financial requirements and the proportion of it to be chargeable to each municipality and shall notify the council of each of the municipalities within the municipal planning area of its financial requirements together with a statement as to the proportion of it to be chargeable to each municipality
(2) If the council of any municipality is not satisfied with the apportionment, it may, within 15 days after receiving the notice, notify the municipal planning authority and the Municipal Board that it desires the apportionment to be made by the Board.

(3) The Municipal Board shall hold a hearing and determine the apportionment and its decision is final.

Payments

(4) Each municipality shall pay to the treasurer of the municipal planning authority such amounts as may be requisitioned from time to time up to the amount determined by the municipal planning authority under subsection (7) or by the Municipal Board under subsection (3), as the case may be. 1994, c. 23, s. 8

County levy

(5) If a municipal planning authority has been established, a county shall raise the amounts required for county land use planning purposes by levying a special rate on rateable property not in the municipal planning area. 1997, c. 29, s. 65

Expansion

14.4 (1) A municipal planning authority may, upon the request of the council of a local municipality that is within a county, whether or not it forms part of the county for municipal purposes, by by-law redefine the municipal planning area to add the municipality to the planning area and rename the municipal planning authority.

Approval of by-law

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister after consulting with the council of any affected county.

Appointments

(3) The council of a municipality added to a municipal planning authority under subsection (1) shall, as soon as possible, appoint to the authority the number of members prescribed and, after the initial appointment, the appointments shall be made by the council, as soon as possible, after the council is organized. 1994, c. 23, s. 6

Removal

14.5 (1) Upon the request of the council of a local municipality that is within a municipal planning area, the municipal planning authority shall by by-law redefine the municipal planning area to remove the municipality from the planning area and may rename the municipal planning authority.

Approval

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister.

Adjustment

(3) The members of a municipal planning authority appointed by a local municipality which is removed from the authority shall cease to be members of the authority on the date the by-law passed under subsection (1) comes into effect. 1994, c. 23, s. 8

Dissolution

14.6 (1) A municipal planning authority may by by-law dissolve the municipal planning area and the municipal planning authority.

Approval

(2) A municipal planning authority shall not pass a by-law under subsection (1) unless the proposed by-law is approved by the Minister.

Dissolution by Minister

(3) The Minister may by order dissolve a municipal planning area and a municipal planning authority.

Assets, liabilities

(4) All the assets and liabilities of a municipal planning authority dissolved under this section are assets and liabilities of the municipalities that formed part of the municipal planning area and, if such municipalities cannot agree as to the
disposition of the assets and liabilities, the Municipal Board, upon the application of one or more of the municipalities, shall direct a final disposition.

Same

(3) If assets or liabilities are transferred or assigned to a municipality under an agreement or an order of the Municipal Board under this section, the municipality stands in the place of the municipal planning authority for all purposes.

Transitional matters

(4) Despite this or any other Act, the Minister may by order provide for transitional matters which, in the opinion of the Minister, are necessary or expedient to establish, expand or dissolve a municipal planning authority or to remove a municipality from a municipal planning authority. 1994, c. 23, s. 8

Official plan

14.7 (1) If land in a municipal planning area is covered by the official plan of a county, the parts of the official plan which affect the land in the municipal planning area shall be deemed for all purposes to be the official plan of the municipal planning authority on the day the municipal planning authority is established and the county shall forward to the municipal planning authority all by-laws, plans and documents and other material that relate to the parts of the official plan that are deemed to be the official plan of the municipal planning authority.

Restriction

(2) The council of a county shall not exercise any power under section 17 in respect of land in the county that is in a municipal planning area. 1994, c. 23, s. 8

Preparation of plan

(3) A municipal planning authority shall prepare and adopt a plan and, unless exempt from approval, submit it for approval as an official plan in respect of the land in the municipal planning area that is not covered by an official plan deemed under subsection (1) to be the official plan of the municipal planning authority. 1994, c. 23, s. 8, 1996, c. 4, ss. 6 (1)

Application

(4) Section 17 applies with necessary modification to the preparation and adoption of a plan by a municipal planning authority and, unless exempt from approval, the approval of the plan as an official plan as though the planning authority were the council of the municipality and the secretary-treasurer were the clerk of the municipality. 1996, c. 4, ss. 6 (2)

Deemed official plan

(5) If land that is in a local municipality that forms part of a county for municipal purposes is removed from a municipal planning area, the parts of the official plan of the municipal planning authority which affect the land removed from the municipal planning area shall be deemed for all purposes to be the official plan of the county on the day the by-law removing the land is passed and the municipal planning authority shall forward to the county all plans, documents and other materials that relate to the parts of the plan that are deemed to be the official plan of the county.

Reversion

(6) If land that is in a local municipality that does not form part of a county for municipal purposes is removed from a municipal planning area, the parts of the official plan of the county which affect the land removed from the municipal planning area are revoked.

Deemed plan

(7) If land that is in a local municipality that forms part of a county for municipal purposes is in a municipal planning area that is dissolved, the parts of the official plan of the municipal planning authority which affect land in the local municipality shall be deemed for all purposes to be the official plan of the county on the day the municipal planning authority is dissolved.

Reversion

(8) If land that is in a local municipality that does not form part of a county for municipal purposes is in a municipal planning area that is dissolved, the parts of the official plan of the municipal planning authority which affect land in the local municipality are revoked.

Continuity with upper tier plan

(9) Section 27 applies with necessary modifications to the official plan of a planning authority as though the official plan of the municipal planning authority were the official plan of a county and the municipal planning authority were the council of a county. 1994, c. 23, s. 8.

Deemed council, municipality
14.8 (1) Sections 2 and 3, subsections 4 (1), (4) and (5), 5 (1), (2), (4) and (5), 6 (2), 8 (1) and (3), sections 16, 16.1, 20, 21, 22, 23 and 26, subsection 51 (37) and (45), sections 62 1, 65, 66, 68 and 69 apply to a municipal planning area or municipal planning authority, as appropriate, and the municipal planning area and municipal planning authority shall be deemed to be a municipality or a council of a municipality, respectively, for those purposes. 1994, c. 23, s 8

(2) REPEALED 1996, c. 4, s 7.

Upper-tier municipalities, planning functions

15. The council of an upper-tier municipality, on such conditions as may be agreed upon with the council of a lower-tier municipality, may;

(a) assume any authority, responsibility, duty or function of a planning nature that the lower-tier municipality has under this or any other Act, or

(b) provide advice and assistance to the lower-tier municipality in respect of planning matters generally. 2002, c. 17, Sched B, s 4

PART III

OFFICIAL PLANS

Contents of official plan

16. (1) An official plan,

(a) shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it, or an area that is without municipal organization; and

(b) may contain a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning by-law. 1994, c. 23, s 9, 1996, c 4, s 8 (1)

(2) REPEALED 1996, c. 4, s 8 (2)

(3) REPEALED 1996, c. 4, s 8 (2)

(4) REPEALED 1996, c. 4, s 8 (2)

Prescribed process

16.1 The council of a municipality or a planning board may by by-law elect to follow the prescribed processes and develop the materials prescribed for the preparation of an official plan and any processes followed or materials developed in the preparation of the plan may be considered under the Environmental Assessment Act with respect to any requirement that it must meet under that Act. 1994, c. 23, s 9.

Approvals

17. (1) Except as otherwise provided in this section, the Minister is the approval authority in respect of the approval of a plan as an official plan for the purposes of this section. 1996, c. 4, s 9.

Approval by upper-tier municipality

(2) An upper-tier municipality is the approval authority in respect of an official plan of a lower-tier municipality for the purposes of this section if the upper-tier municipality has an approved official plan. 2002, c. 17, Sched B, s 5 (1)

(3) REPEALED. 2002, c 17, Sched B, s 5 (2)

Upper-tier becomes approval authority

(4) On the day that all or part of a plan that covers an upper-tier municipality comes into effect as the official plan of a municipality, the upper-tier municipality is the approval authority in respect of the approval of a plan as an official plan of a lower-tier municipality. 2002, c. 17, Sched B, s 5 (3)

(5) REPEALED 2002, c. 17, Sched B, s 5 (4)

Removal of power

(6) The Minister may by order, accompanied by a written explanation for it, remove the power given under subsection (2) or (4) and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of
any or all plans or proposed official plan amendments submitted for approval after the order is made 1996, c 4, s 9, 2002, c 17, Sched B, s 5 (5)

Transfer of approval authority

(7) If an order is made under subsection (6), the Minister becomes the approval authority in respect of the plans and proposed official plan amendments to which the order relates and the council of the former approval authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter in respect of which the power was removed and of which a final disposition was not made by the approval authority. 1996, c 4, s 9

Revocation

(8) If the Minister revokes the order or part of the order made under subsection (6), the council reverts back to being the approval authority in respect of all plans or proposed official plan amendments to which the revoked order or revoked part of the order applied 1996, c 4, s 9

Exemption

(9) The Minister may by order exempt a plan or proposed official plan amendment from his or her approval under this section and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments 1996, c 4, s 9.

Authority to exempt

(10) The Minister may by order authorize an approval authority to pass a by-law,

(a) exempting any or all plans or proposed official plan amendments from its approval under this section, and

(b) exempting a plan or proposed official plan amendment from its approval under this section 1996, c 4, s 9

Conditions

(11) An exemption under subsection (9) or (10) or an authorization under subsection (10) may be subject to such conditions as the Minister or the approval authority may provide in the order or by-law 1996, c 4, s 9

Removal of exemption or authorization

(12) The Minister may by order or an approval authority may by by-law, accompanied by a written explanation for it, remove any exemption made under subsection (9) or (10) or any authorization made under subsection (10) 1996, c 4, s 9.

Mandatory adoption

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of a prescribed municipality 2002, c 17, Sched B, s 5 (6)

Discretionary adoption

(14) The council of a municipality not prescribed under subsection (13) may prepare and adopt a plan and, unless the plan is exempt from approval, submit it for approval 2002, c 17, Sched B, s 5 (7)

Public meeting

(15) In the course of the preparation of a plan, the council shall ensure that,

(a) the appropriate approval authority, whether or not the plan is exempt from approval, is consulted on the preparation of the plan,

(b) adequate information, including a copy of the current proposed plan, is made available to the public; and

(c) at least one public meeting is held, notice of which shall be given in the manner and to the persons and public bodies and containing the information prescribed 1996, c 4, s 9

Copy of plan

(16) A copy of the current proposed plan referred to in subsection (15) shall be made available to the public at least 20 days before the public meeting is held 1996, c 4, s 9

Timing

(17) The meeting shall be held no earlier than 20 days after the requirements for giving notice have been complied with and any person who attends the meeting shall be given the opportunity to make representation in respect of the plan 1996, c 4, s 9

Alternative procedure
(18) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of amendments that may be proposed for the plan, subsections (15), (16) and (17) do not apply to the proposed amendments if the measures are complied with but the information required under subsection (19) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of the proposed amendments 1996, c 4, s 9.

Information

(19) At a meeting under subsection (15), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (45) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a plan is adopted. 1996, c 4, s 9.

Submissions

(20) Any person or public body may make written submissions to the council before a plan is adopted 1996, c 4, s 9.

Comments

(21) The council shall provide to any person or public body that the council considers may have an interest in the plan adequate information, including a copy of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council 1996, c 4, s 9.

Adoption of plan

(22) When the requirements of subsections (15) to (21), as appropriate, have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, the council may by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit it for approval 1996, c 4, s 9.

Notice

(23) The council shall, not later than 15 days after the day the plan was adopted, ensure that written notice is given of its adoption containing the prescribed information to,

(a) the appropriate approval authority, whether or not the plan is exempt from approval, unless the approval authority has notified the municipality that it does not wish to receive copies of the notices of adoption;

(b) each person or public body that filed with the clerk of the municipality a written request to be notified if the plan is adopted.

(c) any other person or public body prescribed 1996, c 4, s 9.

Right to appeal

(24) If the plan is exempt from approval, any person or public body may, not later than 20 days after the day that the giving of written notice under subsection (23) is completed, appeal all or part of the decision of council to adopt all or part of the plan to the Municipal Board by filing with the clerk of the municipality a notice of appeal 1996, c 4, s 9.

Notice of appeal

(25) The notice of appeal filed under subsection (24) must,

(a) set out the specific part of the plan to which the notice applies, if the notice does not apply to all of the plan;

(b) set out the reasons for the appeal; and

(c) be accompanied by the fee prescribed under the Ontario Municipal Board Act. 1996, c 4, s 9.

Time

(26) For the purposes of subsections (24) and (25), the giving of written notice shall be deemed to be completed,

(a) where notice is given by personal service, on the day that the serving of all required notices is completed;

(b) where notice is given by mail, on the day that the mailing of all required notices is completed, and

(c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed 1996, c 4, s 9.

Decision final

(27) If no notice of appeal is filed under subsection (24) in respect of all or part of the decision of council and the time for filing appeals has expired,

(a) the decision of council or the part of the decision that is not the subject of an appeal is final, and
the plan or part of the plan that was adopted and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal 1996, c. 4, s 9

Declaration

(28) A sworn declaration of an employee of the municipality or of the approval authority that notice was given as required by subsection (23) or (35) or that no notice of appeal was filed under subsection (24) or (36) within the time allowed for appeal is conclusive evidence of the facts stated in it 1996, c. 4, s 9.

Forwarding of record, etc.

(29) If a notice of appeal under subsection (24) is filed, the clerk of the municipality shall ensure that,

(a) a record is compiled which includes the prescribed information and material,
(b) the record, the notice of appeal and the fee prescribed under the Ontario Municipal Board Act are forwarded to the Municipal Board within 15 days after the last day for filing a notice of appeal,
(c) the notice of appeal and the record are forwarded to the appropriate approval authority within 15 days after the last day for filing a notice of appeal, whether or not the plan is exempt from the requirement for an approval, unless the approval authority has notified the municipality that it does not wish to receive copies of the notices of appeal and the records, and
(d) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board 1996, c. 4, s 9, 1999, c 12, Sched M, s 22 (2)

Exemption

(29.1) Despite clause (29) (b), if all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (29) (b) and (d) to the Municipal Board and under clause (29) (c) to the appropriate approval authority 1999, c 12, Sched M, s 22 (3)

Withdrawal of appeals

(30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (30) (a) and (b) apply 1999, c 12, Sched M, s 22 (3)

Record

(31) If the plan is not exempt from approval, the council shall cause to be compiled and forwarded to the approval authority, not later than 15 days after the day the plan was adopted, a record which shall include the prescribed information and material and any fee under section 69 or 69.1 1996, c. 4, s 9

Other information

(32) An approval authority may require that a council provide such other information or material that the approval authority considers it may need 1996, c. 4, s 9

Refusal to consider

(33) Until the approval authority has received the information, material and fee referred to in subsection (31),

(a) the approval authority may refuse to accept or further consider the plan, and
(b) the time period referred to in subsection (40) does not begin 1996, c. 4, s 9

Action by approval authority

(34) The approval authority may confer with any person or public body that it considers may have an interest in the plan and may,
(a) approve, modify and approve as modified or refuse to approve a plan, or
(b) approve, modify and approve as modified or refuse to approve part or parts of the plan 1996, c. 4, s. 9.

Note:
(35) If the approval authority makes a decision under subsection (34) it shall ensure that written notice of its decision containing the prescribed information is given to,
(a) the council or planning board that adopted the plan,
(b) each person or public body that made a written request to be notified of the decision;
(c) each municipality or planning board to which the plan would apply if approved, and
(d) any other person or public body prescribed 1996, c. 4, s. 9

Appeal to O.M.B
(36) Any person or public body may, not later than 20 days after the day that the giving of written notice under subsection (33) is completed, appeal all or part of the decision of the approval authority to the Municipal Board by filing a notice of appeal with the approval authority 1996, c. 4, s. 9

Contents of notice
(37) The notice of appeal under subsection (36) must
(a) set out the specific part or parts of the plan to which the notice of appeal applies unless the notice applies to all of the plan;
(b) set out the reasons for the appeal, and
(c) be accompanied by the fee prescribed under the Ontario Municipal Board Act 1996, c. 4, s. 9

Decision final
(38) If no notice of appeal is filed under subsection (36) in respect of all or part of the decision of the approval authority and the time for filing appeals has expired,
(a) the decision of the approval authority or the part of the decision that is not the subject of an appeal is final, and
(b) the plan or part of the plan that was approved and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal 1996, c. 4, s. 9

Withdrawal of appeals
(39) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn and if the time for filing notice of appeal has expired, the secretary of the Municipal Board shall notify the approval authority that made the decision and,
(a) the decision or part of the decision that was the subject of the appeal is final, and
(b) the plan or part of the plan that was approved and in respect of which all the appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn 1996, c. 4, s. 9

Appeal to O.M.B
(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority, any person or public body may appeal to the Municipal Board with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority. 1996, c. 4, s. 9, 2004, c. 18, s. 3 (1)

Notice of appeal
(41) A notice of appeal filed under subsection (40) must,
(a) set out the specific part of the plan to which the appeal applies, if the notice does not apply to all of the plan; and
(b) be accompanied by the fee prescribed under the Ontario Municipal Board Act 1996, c. 4, s. 9

Documents to O.M.B
(42) If an approval authority receives a notice of appeal under subsection (36) or (40), it shall ensure that,
(a) a record is compiled which includes the prescribed information and material,

(b) the record, notice of appeal and the fee prescribed under the Ontario Municipal Board Act are forwarded to the Municipal Board within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, as the case may be, and

(c) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board 1996, c 4, s 9

Exception

(42.1) Despite clause (42) (b), if all appeals in respect of all or part of the plan are withdrawn within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, the approval authority is not required to forward the materials described under clauses (42) (b) and (c) to the Municipal Board 1996, c 12, Sched M, s 22 (3)

Appeals withdrawn, decision

(42.2) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (39) (a) and (b) apply. 1999, c 12, Sched M, s 22 (3)

Appeals withdrawn, plan

(42.3) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn within 15 days after the last day for filing a notice of appeal, the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be 1999, c 12, Sched M, s 22 (3)

Appeals withdrawn

(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Municipal Board shall notify the approval authority and the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be 1996, c 4, s 9

Hearing

(44) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to such persons or such public bodies as and in such manner as the Board may determine 1996, c 4, s 9

Dismissal without hearing

(45) Despite the Statutory Powers Procedure Act and subsection (44), the Municipal Board may dismiss all or part of an appeal without holding a hearing on its own motion or on the motion of any party if,

(a) it is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Board,

(a) the appeal is not made in good faith or is frivolous or vexatious, or

(iii) the appeal is made only for the purpose of delay,

(b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council before the plan was adopted and, in the opinion of the Board, the appellant does not provide a reasonable explanation for having failed to make a submission,

(c) the appellant has not provided written reasons with respect to an appeal under subsection (24) or (36),

(d) the appellant has not paid the fee prescribed under the Ontario Municipal Board Act, or

(e) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board 1996, c 4, s 9

Representation

(46) Before dismissing all or part of an appeal, the Municipal Board shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (45) (e) 2000, c 26, Sched K, s 5 (1)

Dismissal
(46) The Municipal Board may dismiss all or part of an appeal after holding a hearing or without holding a hearing under the discretion of the Board. (45), as it considers appropriate. 2000, c 26, Sched K, s 5 (1)

Dismissal

(47) If the Municipal Board dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision without holding a hearing and if the time for filing notices of appeal has expired, the secretary of the Municipal Board shall notify the clerk of the municipality of the approval authority and,

(a) the decision or that part of the decision that was the subject of the appeal is final, and

(b) any plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 1996, c 4, s 9

Same

(48) If the Municipal Board dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the secretary of the Board shall notify the approval authority and the approval authority may then proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 1996, c 4, s 9

Transfer

(49) If a notice of appeal under subsection (24), (36) or (40) is received by the Municipal Board, the Board may require that a municipality or approval authority transfer to the Board any other part of the plan that is not in effect and to which the notice of appeal does not apply. 1996, c 4, s 9

Powers of O.M.B.

(50) On an appeal or a transfer, the Municipal Board may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c 4, s 9

Matters of provincial interest

(51) Where an appeal is made to the Municipal Board under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify

(a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected, and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2004, c 18, s 3 (2)

No hearing or notice required

(52) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (51). 2004, c 18, s 3 (2)

Confirmation by L.G. or C.

(53) If the Municipal Board has received notice from the Minister under subsection (51), the decision of the Board is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of the provisions. 2004, c 18, s 3 (2)

Action of L.G. or C.

(54) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the provisions of the plan identified in the notice and in doing so may direct the Minister to modify the provisions of the plan. 2004, c 18, s 3 (2)

Delegation of approval authority

17.1 (1) If an upper-tier municipality is the approval authority under section 17 in respect of the approval of official plans of lower-tier municipalities, the council may by by-law delegate all or any of the authority to approve amendments to official plans to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 2002, c 17, Sched B, s 4

Conditions

18
A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council by-law may prescribe. *R.S.O. 1990, c. P.13, s. 10*

Withdrawal of delegation

A council may by by-law withdraw a delegation of authority made by it under subsection (1) and the withdrawal may be in respect of one or more requests for approval specified in the by-law or any or all requests for approval in respect of which a final disposition was not made by the committee or officer before the withdrawal. *R.S.O. 1990, c. P.13, s. 10*

Recommendation of plan

A plan as prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board.

Submission of plan to council

When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area, and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality, together with a recommendation that it be adopted by the council. *R.S.O. 1990, c. P.13, s. 18 (1, 2)*

Adoption of plan

Each council to which the plan is submitted may, subject to subsections 17 (15) to (22), by by-law adopt the plan and the clerk of each municipality, the council of which adopted the plan, shall provide the secretary-treasurer of the planning board, with a certified copy of the adopting by-law and shall comply with subsections 17 (23), (32), (33) and (34). *R.S.O. 1990, c. P.13, s. 18 (3), 1994, c. 23, s. 11 (1), 1996, c. 4, s. 11 (1)*

Submission of plan

When the secretary-treasurer of the planning board has received a certified copy of an adopting by-law from a majority of the councils to which the plan was submitted, he or she shall, unless it is exempt from an approval, submit the plan for approval together with each certified copy of the adopting by-law and subsections 17 (31) to (50) apply with necessary modifications in respect of the plan as if the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. *R.S.O. 1990, c. P.13, s. 18 (5), 1994, c. 23, s. 11 (1), 1996, c. 4, s. 11 (3)*

Application of subsection 17 (35-58)

... (5) Where a planning area consists of the whole of one or more municipalities and territory without municipal organization subsections 17 (15) to (50) apply with necessary modifications, in respect of the part of the planning area that consists of territory without municipal organization as though the planning board were the council of a municipality and the secretary-treasurer of the planning board were the clerk of the municipality. *R.S.O. 1990, c. P.13, s. 18 (5), 1994, c. 23, s. 11 (3), 1996, c. 4, s. 11 (3)*

Unorganized territory

19. In a planning area consisting solely of territory without municipal organization, section 17 applies with necessary modifications to a plan being prepared and adopted by a planning board and that at to come into effect as the official plan of the planning board as if the planning board were a council of a municipality and the secretary-treasurer were the clerk. *R.S.O. 1990, c. P.13, s. 18 (5), 1994, c. 23, s. 11 (3)*

Deemed council

19.1 Sections 34 to 39 and 45 apply in respect of land within the planning area consisting of territory without municipal organization and the planning board shall be deemed to be a council of a local municipality and the secretary-treasurer of the planning board shall be deemed to be the clerk of the municipality for those purposes. *R.S.O. 1990, c. P.13, s. 18 (5), 1994, c. 23, s. 12*

Lodging of plan

20. (1) A certified copy of the official plan shall be lodged in the office of the clerk of each municipality to which the plan or any part of the plan applies.

(2) The lodging required by subsection (1) shall be carried out.
(a) in the case of an official plan that applies to only one municipality or part thereof or to only one municipality territory without municipal organization, by the clerk of the municipality,

(b) in the case of an official plan that applies to more than one municipality or parts thereof, by the clerk of the municipality that has the largest population

Public inspection

5. All copies lodged under subsection (1) shall be available for public inspection during office hours R S O 1990, c. P.13, s 20

Amendment or repeal of plan

21. (1) Except as hereinafter provided, the provisions of this Act with respect to an official plan apply, with necessary modifications, to amendments thereto or the repeal thereof, and the council of a municipality that is within a planning area may institute an amendment to or the repeal of any official plan that applies to the municipality, and section 17 applies to any such amendment or repeal R S O 1990, c. P.13, s 21 (1)

(2) REPEALED 1994, c 23, s 13

Request for amendment

22. (1) If a person or public body requests a council to amend its official plan, the council shall, (a) forward a copy of the request and the information and material required under subsection (4) to the appropriate approval authority, whether or not the requested amendment is exempt from approval, and

(b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan 1996, c. 4, s 13, 2004, c. 18, s 4 (1)

Request to planning board

(2) If a person or public body requests a planning board to amend its official plan and the plan applies in whole or in part to territory without municipal organization, the planning board or council of the municipality having jurisdiction over the land to which the proposed amendment applies shall, (a) forward a copy of the request and the information and material required under subsection (4) to the appropriate approval authority, whether or not the requested amendment is exempt from approval, and

(b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan 1996, c. 4, s 13, 2004, c. 18, s 4 (2)

No public meeting

(3) Despite subsections (1) and (2), the requirement to hold a public meeting under subsection 17 (15) is waived if the council or the planning board refuses to adopt an amendment to its official plan requested by a person or public body. 1996, c. 4, s 13

Prescribed information

(4) A person or public body that requests an amendment to the official plan of a municipality or planning board shall provide the prescribed information and material to the council or planning board. 1996, c. 4, s 13.

Other information

(5) A council or a planning board may require that a person or public body that requests an amendment to its official plan provide such other information or material that the council or planning board considers it may need 1996, c. 4, s 13

Referral and timing

(6) Until a council or planning board has received the prescribed information and material required under subsection (4) and any fee under section 69,

(a) the council or planning board may refuse to accept or further consider the request for an amendment to its official plan;

(b) the time periods referred to in clauses (7) (c) and (d) do not begin 1996, c. 4, s 13, 2004, c 18, s 4 (3)

Appeal to the Municipal Board

(7) A person or public body that requests an amendment to the official plan of a municipality or planning board may appeal to the Municipal Board in respect of all or any part of the requested amendment by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board if
Repealed 2004, c 18, s 4 (4)
Repealed 2004, c 18, s 4 (6)

(3) the council or the planning board fails to adopt the requested amendment within 180 days after the day the request is received,

(4) a planning board recommends a requested amendment for adoption and the council or the majority of the council fails to adopt the requested amendment within 180 days after the day the request is received,

(5) a council, a majority of the councils or a planning board refuses to adopt the requested amendment or

(a) a planning board refuses to approve a requested amendment under subsection 18 (1) 1996, c 4, s 13; 2004, c 18, s 4 (4-6)

Restrictions re' appeal

(7.1) Despite subsection (7), a person or public body may not appeal to the Municipal Board in respect of all or any part of a requested amendment if the amendment or part of the amendment proposes to alter all or any part of the boundary of an area of settlement in a municipality or to establish a new area of settlement in a municipality 2004, c 18, s 4 (7)

Same

(7.2) Despite subsection 17 (36), a person or public body may not appeal to the Municipal Board in respect of the refusal of the approval authority to approve any part of a plan that proposes to alter all or any part of the boundary of an area of settlement in a municipality or to establish a new area of settlement in a municipality if the part of the plan formed all or part of an amendment requested under subsection (1) or (2) 2004, c 18, s 4 (7)

Same

(7.3) Despite subsection 17 (40), a person or public body may not appeal to the Municipal Board in respect of any part of a plan that proposes to alter all or any part of the boundary of an area of settlement in a municipality or to establish a new area of settlement in a municipality if the part of the plan formed all or part of an amendment requested under subsection (1) or (2) 2004, c 18, s 4 (7)

Exception

(7.4) Despite subsections (7.1); (7.2) and (7.3), a person or public body may appeal to the Municipal Board in respect of any part of a plan that proposes to alter all or any part of the boundary of an area of settlement in a lower-tier municipality or to establish a new area of settlement in a lower-tier municipality if that part of the plan confirms with the official plan of the upper-tier municipality. 2004, c 18, s 4 (7)

Contents

(8) A notice of appeal under subsection (7) shall,

(a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment, and

(b) be accompanied by the fee prescribed under the Ontario Municipal Board Act 1996, c 4, s 13.

Record and forwarding material

(9) The clerk of a municipality or the secretary-treasurer of a planning board who receives a notice of appeal under subsection (7) shall ensure that,

(a) a record is compiled which includes the prescribed information and material,

(b) the notice of appeal, the record and the fee are forwarded to the Municipal Board within 15 days after the notice is received,

(c) the notice of appeal and the record are forwarded to the appropriate approval authority within 15 days after the notice is received, whether or not the plan is exempt from approval, unless the approval authority has notified the municipality or the planning board that it does not wish to receive copies of the notices of appeal and the records, and

(d) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board 1996, c 4, s 13; 1999, c 12, Sched M, s 23 (1)

Exception

21
(9) Despite clause (9) (b), if all appeals under subsection (7) are withdrawn within 15 days after the notice of appeal is filed, the municipality or planning board is not required to forward the materials described under clauses (9) (b) and (d) to the appropriate approval authority. 1999, c. 12, Sched. M, s 23 (2)

Apeals withdrawn, amendment

(9) If all appeals under clause (7) (c) or (d) in respect of all or any part of the requested amendment are withdrawn within 15 days after the last day for filing a notice of appeal, the council or planning board may proceed to give notice of the public meeting or adopt or refuse to adopt the requested amendment, as the case may be. 1999, c. 12, Sched M, s 23 (2), 2004, c. 18, s 4 (8)

Decision final

(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Municipal Board the prescribed information or material and such other information as the Board may require. 1996, c. 4, s 13

Application

(11) Subsections 17 (44), (45), (46), (49) and (50) apply with necessary modifications to a requested official plan amendment under this section. 1996, c. 4, s 13.

Matters of provincial interest

(11.1) Where an appeal is made to the Municipal Board under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the amendment or any part of the amendment in respect of which the appeal is made, may to advise the Board or writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify

(a) the provisions of the amendment or any part of the amendment by which the provincial interest is, or is likely to be, adversely affected, and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 1996, c. 18, s 4 (9)

No hearing or notice required

(11.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (11.1) 2004, c. 18, s 4 (9)

Confirmation by L.G. in C.

(11.3) If the Municipal Board has received notice from the Minister under subsection (11.1), the decision of the Board is not final and binding in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions 2004, c. 18, s 4 (9)

Act of L.G. in C.

(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice and in doing so may direct the Minister to modify the amendment to the plan. 2004, c. 18, s 4 (9)

Withdrawal of appeal

(12) If all appeals under clause (7) (c) or (d) are dismissed by the Municipal Board without holding a hearing or are withdrawn, the secretary of the Board shall notify the council or the planning board and the council or the planning board may proceed to give notice of the public meeting or adopt or refuse to adopt the requested amendment, as the case may be. 1996, c. 4, s 13, 2004, c. 18, s 4 (10)

Same

(13) If all appeals under clause (7) (e) or (f) are dismissed by the Municipal Board without holding a hearing or are withdrawn, the secretary of the Board shall notify the council or the planning board and the decision of the council or the planning board is final on the day that the last outstanding appeal has been withdrawn or dismissed 1996, c. 4, s 13

Request for Minister to amend plan

22
23. (1) Where the Minister is of the opinion that a matter of provincial interest as set out in a policy statement issued under section 3 is, or is likely to be, affected by an official plan, the Minister may request the council of a municipality to adopt such amendment as the Minister specifies to an official plan and, where the council refuses the request or fails to adopt the amendment within such time as is specified by the Minister in his or her request, the Minister may make the amendment.

R.S.O. 1990, c. P.13, s. 23 (1)

Hearing by O.M.B.

(2) Where the Minister proposes to make an amendment to an official plan under subsection (1), the Minister may, and on the request of any person or municipality shall, request the Municipal Board to hold a hearing on the proposed amendment and the Board shall thereupon hold a hearing as to whether the amendment should be made. R.S.O. 1990, c. P.13, s. 23 (2)

Referral to refer to O.M.B.

(3) Despite subsection (2), where the Minister is of the opinion that a request of any person or municipality made under subsection (2) is not made in good faith or is frivolous or vexatious or is made only for the purpose of delay, the Minister may refuse the request. R.S.O. 1990, c. P.13, s. 23 (3)

Notes

(4) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection (2), notice of the hearing shall be given in such manner and to such persons as the Board may direct, and the Board shall hear any submissions that any person may desire to bring to the attention of the Board. R.S.O. 1990, c. P.13, s. 23 (4)

Decision of O.M.B.

(5) The Municipal Board, after the conclusion of the hearing, shall make a decision as to whether the proposed amendment, or an alternative form of amendment, should be made but the decision is not final and binding unless the Lieutenant Governor in Council has confirmed it. R.S.O. 1990, c. P.13, s. 23 (5), 1994, c. 23, s. 15 (1), 2004, c. 18, s. 5 (1)

Powers of L.G. at C.

(6) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board made under subsection (5) and in doing so may direct the Minister to amend the plan in such manner as the Lieutenant Governor in Council may determine. 2004, c. 18, s. 5 (2)

Public works and by-laws to conform with plan

24. (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1), 1999, c. 12, Sched M, s. 24

Pending amendments

(2) If a council or a planning board has adopted an amendment to an official plan, the council or any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect, and the by-law shall be conclusively deemed to have conformed with the official plan on and after the day it was passed if the amendment comes into effect. 1996, c. 4, s. 14 (1)

Preliminary steps that may be taken where proposed public work would not conform with official plan

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. R.S.O. 1990, c. P.13, s. 24 (3)

Deemed conformity

(4) If a by-law is passed under section 24 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Municipal Board or as directed by the Board, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 1994, c. 23, s. 16 (2), 1996, c. 4, s. 14 (2)

Acquisition of lands in accordance with provisions of plan
25. (1) If there is an official plan in effect in a municipality that includes provisions relating to the acquisition of land, which provisions have come into effect after the 28th day of June, 1974, the council may, in accordance with such provisions, acquire and hold land within the municipality for the purpose of developing any feature of the official plan, and any land so acquired or held may be sold, leased or otherwise disposed of when no longer required. R.S.O. 1990, c. P.13, s. 25(1), 1994, c. 23, s. 17, 1996, c. 4, s. 15

Contribution towards cost

(2) Any municipality may contribute towards the cost of acquiring land under this section. R.S.O. 1990, c. P.13, s. 25(2)

Determining need for revision

26. (1) If an official plan is in effect in a municipality, the council of the municipality that has adopted the official plan shall, not less frequently than every five years, hold a special meeting of council, open to the public, to determine the need for a revision of the official plan and in determining the need for a revision council shall have regard to policy statements issued under subsection 3(1) 1996, c. 4, s. 16(1)

Notice

(2) Notice of every special meeting held under subsection (1) shall be published at least once a week in each of two separate weeks, such publication to be completed not later than thirty days before the date of the meeting, and the council shall have regard to any written submissions in respect of the need for a revision of the plan and shall afford any person who attends the meeting an opportunity to be heard in respect of the need for a revision of the plan. R.S.O. 1990, c. P.13, s. 26(2). 1996, c. 4, s. 16(2)

Direction by approval authority

(3) Despite subsection (1), the approval authority may, at any time, direct the council of a municipality to undertake a revision of any official plan or part thereof in effect in the municipality and when so directed the municipal council shall cause the revision to be undertaken without undue delay. R.S.O. 1990, c. P.13, s. 26(3), 1994, c. 22, s. 18(2).

(4) REPEALED 1996, c.4, s. 16(3)

Amendments to conform to official plan

27. (1) The council of a lower-tier municipality shall amend every official plan and every by-law passed under section 34, or a successor to it, to conform with a plan that comes into effect as the official plan of the upper-tier municipality. 2002, c. 17, Sched B, s. 7.

Failure to make amendments

(2) If the official plan of an upper-tier municipality comes into effect as mentioned in subsection (1) and any official plan or zoning by-law is not amended as required by that subsection within one year from the day the plan comes into effect as the official plan, the council of the upper-tier municipality may amend the official plan of the lower-tier municipality or zoning by-law, as the case may be, in the like manner and subject to the same requirements and procedures as the council that failed to make the amendment within the one-year period as required 2002, c. 17, Sched B, s. 7.

Deemed by-law

(3) An amending by-law passed under subsection (2) by the council of an upper-tier municipality shall be deemed for all purposes to be a by-law passed by the council of the municipality that passed the by-law that was amended. 2002, c. 17, Sched B, s. 7.

Conflict

(4) In the event of a conflict between the official plan of an upper-tier municipality and the official plan of a lower-tier municipality, the plan of the upper-tier municipality prevails to the extent of the conflict but in all other respects the official plan of the lower-tier municipality remains in effect. 2002, c. 17, Sched B, s. 7.

PART IV

COMMUNITY IMPROVEMENT

Community improvement project area

28. (1) In this section, "community improvement" means the planning or replanning, design or redesign, subdivision, clearance, development or redevelopment, reconstruction and rehabilitation, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses,
buildings, works, improvements or fixtures, or spaces therefor, as may be appropriate or necessary, ("ameliorations communitaires")

"community improvement plan" means a plan for the community improvement of a community improvement project area, ("plan d'ameliorations communitaires")

"community improvement project area" means a municipality or an area within a municipality, the community improvement of which is not in the opinion of the council as desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason ("zone d'ameliorations communitaires")

Designation of community improvement project area

(2) Where there is an official plan in effect in a local municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area.

Acquisition and clearance of land

(3) When a by-law has been passed under subsection (2), the municipality may,

(a) acquire land within the community improvement project area with the approval of the Minister if the land is acquired before a community improvement plan mentioned in subsection (4) comes into effect and without the approval of the Minister if the land is acquired after the community improvement plan comes into effect;

(b) hold land acquired before or after the passing of the by-law within the community improvement project area, and

(c) clear, grade or otherwise prepare the land for community improvement.

Community improvement plan

(4) Where a by-law has been passed under subsection (2), the council may provide for the preparation of an official plan suitable for adoption as a community improvement plan for the community improvement project area and the plan may be adopted and come into effect in accordance with subsections (4.1) to (4.4)

Same

(4.1) If a community improvement plan includes provisions that authorize the exercise of any power or authority under subsection (6) or (7), or under section 365.1 of the Municipal Act, 2001, that would be prohibited under subsection 106 (1) or (2) of the Municipal Act, 2001, subsections 17 (15) to (22) and (31) to (50) apply, with necessary modifications, in respect of the community improvement plan and any amendments to it.

Same

(4.2) If a community improvement plan does not include provisions that authorize the exercise of any power or authority under subsection (6) or (7), or under section 365.1 of the Municipal Act, 2001, that would be prohibited under subsection 106 (1) or (2) of the Municipal Act, 2001, subsections 17 (15) to (50) apply, with necessary modifications, in respect of the community improvement plan and any amendments to it.

Same

(4.3) The Minister shall be deemed to be the approval authority for the purpose of subsections (4.1) and (4.2).

Same

(4.4) Despite subsections (4.1) and (4.2), if an official plan contains provisions describing the alternative measures mentioned in subsections 17 (14), 17 (15), (16) and (17) do not apply in respect of the community improvement plan and any amendments to it, if the measures are complied with.

Deviation from community improvement plan

(5) For the purposes of this section, the Minister, in writing, deem the provisions relating to community improvement mentioned in subsection (2) to be a community improvement plan that has been adopted and has come into effect under subsection (4), 2001, c 17, s 7 (5)

Powers of coming to land

(6) For the purpose of carrying out a community improvement plan that has come into effect, the municipality may,
(a) construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any buildings and the land appurtenant thereto,

(b) sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan. R.S.O. 1990, c. P.13, s. 28 (6), 2001, c. 17, s. 7 (6)

Grants or loans

(7) For the purpose of carrying out a community improvement plan that has come into effect, the municipality may make grants or loans to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan. 2001, c. 17, s. 7 (7)

Maximum amount

(7.1) The total of the grants and loans made in respect of particular lands and buildings under subsection (7) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 that is provided in respect of the lands and buildings shall not exceed the cost of rehabilitating the lands and buildings 2001, c. 17, s. 7 (7.1), 2002, c. 17, Sch. B, s. 8 (3)

Approval of Minister

(8) Where the council of the municipality proposes to exercise any power or authority under subsection (6) or (7), or under section 365.1 of the Municipal Act, 2001, that would be prohibited under subsection 106 (1) or (2) of the Municipal Act, 2001, the Minister may approve the exercise of such power or authority in order that the exception provided for in subsection 106 (3) of the Municipal Act, 2001 will apply. 2001, c. 17, s. 7 (8), 2002, c. 17, Sch. B, s. 8 (4)

Application of 32 (2) and (3) apply with necessary modifications to any loan made under subsection (7) of this section

R.S.O. 1990, c. P.13, s. 28 (9)

Coadjoint or sold, etc.

(10) Until a by-law or amending by-law passed under section 34 after the adoption of the community improvement plan in force in the community improvement project area, no land acquired, and no building constructed, by the municipality in the community improvement project area shall be sold, leased or otherwise disposed of unless the person or authority to whom it is disposed of enters into a written agreement with the municipality that the person or authority will keep and maintain the land and building and use thereof in conformity with the community improvement plan until such a by-law or amending by-law is in force, but the municipality may, during the period of the development of the plan, lease any land or any building or part thereof in the area for any purpose, whether or not in conformity with the community improvement plan, for a term of not more than three years at any one time. R.S.O. 1990, c. P.13, s. 28 (10)

Registration of agreement

(11) An agreement entered into under subsection (10) may be registered against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners or tenants of the land. R.S.O. 1990, c. P.13, s. 28 (11)

Debentures

(12) Despite subsection 408 (3) of the Municipal Act, 2001, debentures issued by the municipality for the purpose of this section may be for such term of years as the debenture by-law, with the approval of the Municipal Board, provides 2002, c. 17, Sch. B, s. 9

Demolition of area

(13) When the council is satisfied that the community improvement plan has been carried out, the council may, by by-law, dissolve the community improvement project area. R.S.O. 1990, c. P.13, s. 28 (13)

Agreement re studies and development

29. (1) A municipality, with the approval of the Minister, may enter into agreement with any governmental authority or any agency thereof created by statute, for the carrying out of studies and the preparation and implementation of plans and programs for the development or improvement of the municipality.

Where approval of Minister not required
(2) Despite subsection (1), a municipality may enter into agreement with one or more other municipalities under subsection (1) without the approval of the Minister R.S.O. 1990, c P.13, s 29

Agreements for grants in aid of community improvement

30. The Minister, with the approval of the Lieutenant Governor in Council, and a municipality may enter into agreement providing for payment to the municipality on such terms and conditions and in such amounts as may be approved by the Lieutenant Governor in Council to assist in the community improvement of a community improvement project area as defined in section 28, including the carrying out of studies for the purpose of selecting areas for community improvement R.S.O. 1990, c P.13, s 30

31. Repealed 1997, c 24, s 226 (1)

Next: Disposal of vacant school; an order made under that section is confirmed as an order made under the corresponding provision of the Building Code Act, 1992, text 30, c 24, s 226 (2), 226 (3), 226 (4), 226 (5), 226 (6)

Grants or loans for repairs

32. (1) When a by-law under section 15.1 of the Building Code Act, 1992 is in force in a municipality, the council of the municipality may pass a by-law for providing for the raising of grants or loans to the registered owners or assessed owners of lands in respect of which an order has been made under subsection 15.2 (2) of that Act to pay for the whole or any part of the cost of the repairs required to be done, or of the clearing, grading and levelling of the land or in the terms and conditions as the council may prescribe R.S.O. 1990, c P.13, s 32 (1), 1997, c 24, s 226 (3)

Loans collected as taxes, lien on land

(2) The amount of any loan made under a by-law passed under this section, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made

Regulation of certificate

(3) A certificate signed by the clerk of the municipality setting out the amount loaned to any owner under a by-law passed under this section, including the rate of interest thereon, together with a description of the land in respect of which the loan has been made, sufficient for registration, shall be registered in the proper land registry office against the land, and, upon repayment in full to the municipality of the amount loaned and interest thereon, a certificate signed by the clerk of the municipality showing such repayment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the loan was made shall be discharged R.S.O. 1990, c P.13, s 33 (2), 33 (3)

Diemensional versus area by-law

33. (1) In this section:

"dwelling unit" means any property that is used or designed for use as a domestic establishment in which one or more persons may sleep and prepare and serve meals, ("logement")

"residential property" means a building that contains one or more dwelling units, but does not include subordinate or accessory buildings of the use of which is incidental to the use of the main building ("immobilie d'habitation") R.S.O. 1990, c P.13, s 33 (1)

Establishment of demolition control areas by by-law

(2) When a by-law under section 15.1 of the Building Code Act, 1992 or a predecessor thereof is in force in a municipality or when a by-law prescribing standards for the maintenance and occupancy of property under any special Act is in force in a municipality, the council of the local municipality may by by-law designate any area within the municipality to which the standards of maintenance and occupancy by-law applies as an area of demolition control and thereafter no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council under this section R.S.O. 1990, c P.13, s 33 (2), 1997, c 24, s 226 (4)

Counterpart issue or refuse to issue permit

(3) Subject to subsection (6), where application is made to the council for a permit to demolish residential property, the council may issue the permit or refuse to issue the permit

Appeal to O.M.B

(4) Where the council refuses to issue the permit or neglects to make a decision thereon within thirty days after the receipt by the clerk of the municipality of the application, the applicant may appeal to the Municipal Board and the Board shall hear

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the appeal and either dismiss the same or direct that the demolition permit be issued, and the decision of the Board shall be final.

Notice of Appeal

(5) The person appealing to the Municipal Board under subsection (4) shall, in such manner and to such persons as the Board may direct, give notice of the appeal to the Board.

Application for demolition permit where building permit issued

(6) Subject to subsection (7), the council shall, on application therefor, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished.

Conditions of demolition permit

(7) A demolition permit under subsection (6) may be issued on the condition that the applicant for the permit construct and substantially complete the new building to be erected on the site of the residential property proposed to be demolished by not later than such date as the permit specifies, such date being not less than two years from the day demolition of the existing residential property is commenced, and on the condition that on failure to complete the new building within the time specified in the permit, the clerk of the municipality shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, such sum of money as the permit specifies, but not in any case to exceed the sum of $20,000 for each dwelling unit contained in the residential property in respect of which the demolition permit is issued and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.

Registration of notice

(8) Notice of any condition imposed under subsection (7) may be registered in the proper land registry office against the land to which it applies.

Registration of certificate

(9) Where the clerk of the municipality adds a sum of money to the collector's roll under subsection (7), a certificate signed by the clerk setting out the sum added to the roll, together with a description of the land in respect of which the sum has been added to the roll, sufficient for registration, shall be registered in the proper land registry office against the land, and upon payment in full to the municipality of the sum added to the roll, a certificate signed by the clerk of the municipality showing such payment shall be similarly registered, and thereupon the lien or charge upon the land in respect of which the sum was added to the roll is discharged.

Appeal to O.M.B.

(10) Where an application for a demolition permit under subsection (6) is not satisfied as to the conditions on which the demolition permit is proposed to be issued, the applicant may appeal to the Municipal Board for a variation of the conditions and, where an appeal is brought, the Board shall hear the appeal and may dismiss the same or may direct that the conditions upon which the permit shall be issued be varied in such manner as the Board considers appropriate, and the decision of the Board shall be final.

Application to council for relief from conditions of demolition permit

(11) Where a condition has been imposed under subsection (7) and the holder of the demolition permit considers that it is not possible to complete the new building within the time specified in the permit or where the holder of the permit is of the opinion that the construction of the new building has become not feasible on economic or other grounds, the permit holder may apply to the council of the municipality for relief from the conditions on which the permit was issued.

Notice of application

(12) Notice of application under subsection (11) shall be sent by registered mail to the clerk of the municipality not less than sixty days before the time specified in the permit for the completion of the new building and, where the council under subsection (14) extends the time for completion of the new building, application may similarly be made for relief by sending notice of application not less than sixty days before the expiry of the extended completion time.

Extension of time

(13) Despite subsection (12), the council may, at any time, extend the date specified in that subsection for the making of an application for relief from the conditions on which the permit was issued.

Powers of council on application

(14) Where an application is made under subsection (11), the council shall consider the application and may grant the same or may extend the time for completion of the new building for such period of time and on such terms and conditions as
the council considers appropriate or the council may relieve the person applying for the requirement of constructing the new building.

Appell to G.M.B.

(15) Any person who has made application to the council under subsection (11) may appeal from the decision of the council to the Municipal Board within twenty days of the mailing of the notice of the decision, or where the council refuses or neglects to make a decision thereon within thirty days after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and the Board on the appeal has the same powers as the council has under subsection (14) and the decision of the Board shall be final.

Offence

(16) Every person who demolishes a residential property, or any portion thereof, in contravention of subsection (2) is guilty of an offence and on conviction is liable to a fine of not more than $50,000 for each dwelling unit contained in the residential property, the whole or any portion of which residential property has been demolished.

Standards for health and safety remain in force

(17) The provisions of any general or special Act and any by-law passed thereunder respecting standards relating to the health or safety of the occupants of buildings and structures remain in full force and effect in respect of residential property situated within an area of demolition control R.S.O. 1990, c. P.13, s. 33 (O-17)

Certain proceedings stayed

(18) Subject to subsection (17), an application to the council for a permit to demolish any residential property operates as a stay to any proceedings that may have been initiated under any by-law under section 15.1 of the Building Code Act, 1992 or a predecessor thereof or under any special Act respecting maintenance or occupancy standards in respect of the residential property sought to be demolished, until the council disposes of the application, or where an appeal is taken under subsection (4), until the Municipal Board has heard the appeal and issued its order thereon R.S.O. 1990, c. P.13, s. 33 (18), 1997, c. 24, s. 226 (E).

Exemption to Building Code

(19) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in subsection 8 (1) of the Building Code Act, 1992 R.S.O. 1990, c. P.13, s. 33 (19), 1997, c. 24, s. 226 (6).

PART V

LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34. (1) Zoning by-laws may be passed by the councils of local municipalities

Restricting use of land

1 For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erection, locating or using of buildings

2 For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands, etc.

3 For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

Contaminated lands or sensitive areas

3 1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is contaminated, that is a sensitive ground water recharge area or head-water area or on land that contains a sensitive aquifer.

Natural features and areas
3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas, and

i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,

ii. that is a significant corridor or shoreline of a lake, river or stream, or

iii. that is a significant natural corridor, feature or area

Significant archaeological resources

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

Loading or parking facilities

6. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1), (1.1), 1994, c. 23, s. 21 (1, 2), 1996, c. 4, s. 20 (1-3)

Pits and quarries

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purpose of paragraph 1 of subsection (1) R.S.O. 1990, c. P.13, s. 34 (2)

Minimum area and density provisions

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development on the municipality or in the area or areas defined in the by-law. R.S.O. 1990, c. P.13, s. 34 (3)

Interpretation

(4) A trailer as defined in subsection 168 (5) of the Municipal Act, 2001 and a mobile home as defined in subsection 46 (1) of this Act shall be deemed to be a building or structure for the purposes of this section 2002, c. 17, Sched B, s. 10

Prohibition of use of land, etc., availability of municipal services

(5) A by-law passed under paragraph 1 or 2 of subsection (1) or a predecessor of that paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to serve the land, buildings or structures, as the case may be. R.S.O. 1990, c. P.13, s. 34 (5)

Certificate of occupancy

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1990, c. P.13, s. 34 (6)

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein. R.S.O. 1990, c. P.13, s. 34 (7)

Acquisition and disposal of non-conforming lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum established for the
erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality. R.S.O. 1990, c. P.13, s. 34 (8), 1996, c. 4, s. 20 (4)

Exempted lands and buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for the same purpose;

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under section 5 of the Building Code Act, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under section 6 of the Building Code Act R.S.O. 1990, c. P.13, s. 34 (9)

By-law may be amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed R.S.O 1990, c. P.13, s. 34 (10)

Prescribed information

(10) 1 A person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section shall provide the prescribed information and material to the council 1996, c. 4, s. 20 (5)

Other information

(10) 2 A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide such other information or material that the council may need 1996, c. 4, s. 20 (5)

Refusal and timing

(10) 3 The council has received the prescribed information and material required under subsection (10.1) and any fee under section 69,

(a) the council may refuse to accept or further consider the application for an amendment to the by-law; and

(b) the time period referred to in subsection (11) does not begin 1996, c. 4, s. 20 (5)

Appeal to OMB

(11) Where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council refuses or neglects to make a decision thereon within 120 days after the receipt by the clerk of the applications, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and determine the same or amend the by-law in such manner as the Board may determine or direct that the by-law be amended in accordance with its order R.S.O 1990, c. P.13, s. 34 (11), 1994, c. 23, s. 27 (3); 2004, c. 18, s. 6 (1)

Restriction

(11) 0 1 Despite subsection (11), a person or public body may not appeal to the Municipal Board in respect of all or any part of a requested amendment to a by-law if the amendment or part of the amendment proposes to implement an alteration to all or any part of the boundary of an area of settlement in a municipality or to implement a new area of settlement in a municipality 2004, c. 18, s. 6 (2)

Withdrawal of appeal

(11) 1 If all appeals under subsection (11) are withdrawn, the secretary of the Municipal Board shall notify the clerk of the municipality and the decision of the council or final and binding or the council may proceed to give notice of the public meeting or pass or refuse to pass the by-law, as the case may be 1999, c. 12, Sched M, s. 25 (1)

Information and public meeting

(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11) or (26), the council shall ensure that sufficient information is made available to enable the public to understand generally the zoning proposal that is being considered by the council and, for this purpose, shall hold at least one
public meeting, notice of which shall be given in the manner and to the persons and public bodies prescribed R.S.O. 1990, c P.13, s 34 (12), 1994, c 23, s 21 (4)

Tune for meeting, etc.

(13) The meeting mentioned in subsection (12) shall be held not sooner than twenty days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the zoning proposal R.S.O. 1990, c P.13, s 34 (13).

Alternative procedure

(14) Where there is an official plan in effect in the municipality that contains provisions describing the measures for informing and securing the views of the public in respect of proposed zoning by-laws subsections (12) and (13) do not apply to such proposed by-laws if the measures are complied with R.S.O. 1990, c P.13, s 34 (14)

Notice of denial of power

(15) The council may forward to such public bodies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal R.S.O. 1990, c P.13, s 34 (15), 1994, c 23, s 21 (5)

(16) REPEALED. 1996, c 4, s 20 (6)

Further notice

(17) Where a change is made in a proposed by-law after the holding of the meeting mentioned in subsection (12) the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law R.S.O. 1990, c P.13, s 34 (17)

Notice of passing of by-law

(18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Municipal Board made under subsection (11) or (26), the clerk of the municipality shall give written notice of the passing of the by-law not later than 15 days after the day the by-law is passed in the manner and in the form and to the persons or public bodies prescribed and the notice shall contain the prescribed information 1994, c 23, s 21 (7), 1996, c 4, s 20 (7)

Appeal to O.M.B.

(19) Any person or public body may, not later than 20 days after the day that the giving of written notice as required by subsection (18) is completed, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act 1994, c 23, s 21 (8)

When giving of notice deemed completed

(20) For the purposes of subsection (19), the giving of written notice shall be deemed to be completed,
(a) where notice is given by publication in a newspaper, on the day that such publication occurs;
(b) where notice is given by personal service, on the day that the serving of all required notices is completed;
(c) where notice is given by mail, on the day that the mailing of all required notices is completed; and
(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed R.S.O. 1990, c P.13, s 34 (20), 1994, c 23, s 21 (9)

When by-law deemed to have come into force
(21) When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the official plan comes into effect.

R.S.O. 1990, c P.13, s 34 (21), 1994, c 23, s 21 (10), 1996, c 4, s 20 (8)

Affidavit re no appeal, etc.

(22) An affidavit or declaration of an employee of the municipality that notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein. R.S.O. 1990, c P.13, s 34 (22), 1996, c 4, s 20 (9)

Record

(23) The clerk of a municipality who receives a notice of appeal under subsection (19) shall ensure that,

(a) a record is compiled which includes,

(i) a copy of the by-law certified by the clerk of the municipality,

(ii) a sworn declaration by an employee of the municipality that notice was given as required by subsection (18), and

(iii) the original or true copy of all written submissions and material in support of the submissions received in respect of the by-law before the passing of it;

(b) the notice of appeal, record and fee are forwarded to the Municipal Board within 15 days after the last day for filing a notice of appeal under subsection (19), and

(c) such other information or material as the Municipal Board may require in respect of the appeal is forwarded to the Board.

Withdrawal of appeals

(23.1) If all appeals to the Municipal Board under subsection (19) are withdrawn and the time for appealing has expired, the secretary of the Board shall notify the clerk of the municipality and the decision of the council as final and binding. 1993, c 26, s 23 (3)

Exception

(23.2) Despite clause (23)(b), if all appeals under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (23) (b) and (c) to the Municipal Board. 1999, c 12, Sched. M, s 25 (2)

Decision final

(23.3) If all appeals to the Municipal Board under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council is final and binding. 1999, c 12, Sched. M, s 25 (2)

Hearing and notice thereof

(24) On an appeal to the Municipal Board, the Board shall hold a hearing of which notice shall be given to such persons or bodies in such manner as the Board may determine. R.S.O. 1990, c P.13, s 34 (24)

Dismissal without hearing

(25) Despite the Statutory Powers Procedure Act and subsections (11) and (24), the Municipal Board may dismiss all or part of an appeal without holding a hearing, on its own motion or on the motion of any party, if,

(a) it is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Board could allow all or part of the appeal,

(ii) the appeal is not made in good faith or is frivolous or vexatious, or

(iii) the appeal is made only for the purpose of delay;

(b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council before the by-law was passed and, in the opinion of the Board, the appellant does not provide a reasonable explanation for having failed to make a submission,

(c) the appellant has not provided written reasons for the appeal;

(d) the appellant has not paid the fee prescribed under the Ontario Municipal Board Act, or
(d) the appellant has not responded to a request by the Municipal Board for further information within the time specified by the Board. 1994, c 23, s 21 (11), 1996, c 4, s 20 (11, 12)

Representation

(25) 1) Before dismissing all or part of an appeal, the Municipal Board shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (25) (d) 2000, c 26, Schd K, s 5 (2)

Dismissal

(25) 2) The Municipal Board may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (25), as it considers appropriate 2000, c 26, Schd K, s 5 (2)

Powers of O M B

(26) The Municipal Board may,

(a) dismiss the appeal, or

(b) allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine or direct the council of the municipality to repeal the by-law in whole or in part or to amend the by-law in accordance with the Board's order R S O 1990, c P.13, s 34 (26)

Matters of provincial interest

(27) Where an appeal is made to the Municipal Board under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Board in writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,

(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected, and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected 2004, c 18, s 6 (3)

No hearing or notice required

(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27) 2004, c 18, s 6 (3)

No order to be made

(29) If the Municipal Board has received notice from the Minister under subsection (27) and has made a decision on the by-law, the Board shall not make an order under subsection (11) or (26) in respect of the part or parts of the by-law identified in the notice 2004, c 18, s 6 (3)

Action of L G in C

(29) 1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine 2004, c 18, s 6 (3)

Coming into force

(30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed or amended under subsection (26) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29) l, shall be deemed to have come into force on the day it was passed 1996, c 4, s 20 (13), 2004, c 18, s 6 (4)

Unappealed portions

(31) Despite subsection (30), before all of the appeals have been finally disposed of, the Municipal Board may make an order providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed. 1993, c 26, s 53 (5)

Method

(32) The Municipal Board may make an order under subsection (31) on its own motion or on the motion of any person or public body 1993, c 26, s 53 (5), 1996, c 4, s 20 (14)

Notice and hearing

(33) The Municipal Board may,
(a) dispense with giving notice of a motion under subsection (32) or require the giving of such notice of the motion as it considers appropriate, and

(b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate. 1993, c 26, s 23 (5)

Notice

(34) Despite clause (33) (a), the Municipal Board shall give notice of a motion under subsection (32) to any person or public body who filed with the Board a written request to be notified if a motion is made. 1993, c 26, s 33 (5), 1994, c 23, s 21 (14)

No decision on the basis of relationship

35. (1) REPEALED 1996, c 4, s 21 (1)

(2) The authority to pass a by-law under section 34, subsection 38 (1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single household unit. 1994, c 2, s 43.

Provision of no effect

(3) A provision in a by-law passed under section 34, subsection 38 (1) or section 41 or in an order made under subsection 47 (1) is of no effect to the extent that it contravenes the restrictions described in subsection (2). 1994, c 2, s 43, 1996, c 4, s 21 (2)

(4) REPEALED 1996, c 4, s 21 (3)

Holding provisions by-law

36. (1) The council of a local municipality may, in a by-law passed under section 34, by the use of the holding symbol “H” (or “H”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. R.S.O. 1990, c P.13, s 36 (1)

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect as the local municipality that contains provisions relating to the use of the holding symbol mentioned in subsection (1). R.S.O. 1990, c P.13, s 36 (2)

Appeal to O.M.B.

(3) Where an application to the council for an amendment to the by-law to remove the holding symbol is refused or the council refuses or neglects to make a decision thereon within 120 days after receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the board shall hear the appeal and make the same or amend the by-law to remove the holding symbol or direct that the by-law be amended in accordance with its order. R.S.O. 1990, c P.13, s 36 (3), 1994, c 23, s 22 (1), 2004, c 18, s 7 (1)

Matters of provincial interest

(3.1) Where an appeal is made to the Municipal Board under subsection (3), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Board as writing not later than 30 days before the day fixed by the Board for the hearing of the appeal and the Minister shall identify,

(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected 2004, c 18, s 7 (2)

No hearing or notice required

(3.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (3.1) 2004, c 18, s 7 (2)

No order to be made

(3.3) If the Municipal Board has received notice from the Minister under subsection (3.1) and has made a decision on the by-law, the Board shall not make an order under subsection (3) in respect of the part or parts of the by-law identified in the notice 2004, c 18, s 7 (2)
(3) (4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Municipal Board in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine 2004, c. 18, s 7 (2)

Application of s. 34 (1) to (25) does not apply to an amending by-law passed by the council to remove the holding symbol, but the council shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of its intention to pass the amending by-law. R.S.O. 1990, c P.13, s 36 (4), 1994, c. 23, s 22 (2) 1996, c. 4, s 22.

Increased density, etc., provision by-law

37. (1) The council of a local municipality may, by by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.

Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

Registration of agreement

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. R.S.O. 1990, c P.13, s 37.

Interim control by-law

38. (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study of a by-law is undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of the land, buildings or structures within the municipality or within the defined area or areas thereof, for, except for, such purposes as are set out in the by-law for a period of time specified in the by-law.

(2) The council of the municipality may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of the passing of the interim control by-law. R.S.O. 1990, c P.13, s 38 (1, 2)

Notice of passing of by-law

(3) No notice of hearing is required prior to the passing of a by-law under subsection (1) or (2) but the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of a by-law passed under subsection (1) or (2) within thirty days of the passing thereof. R.S.O. 1990, c P.13, s 38 (3); 1994, c 23, s 23 (3)

Appeal to O.M.R.

(4) Any person or public body to whom notice of a by-law was given under subsection (3) may, within sixty days from the date of the passing of the by-law, appeal to the Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection. R.S.O. 1990, c P.13, s 38 (4), 1994, c. 23, s 23 (2)

Application

(5) If a notice of appeal is filed under subsection (4), subsection 34 (23) to (26) apply with necessary modifications to the appeal. 1996, c 4, s 23.

When by-law zoned by-law again has effect
(6) Where the period of time during which an interim control by-law is in effect has expired and the council has not passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, or where an interim control by-law is repealed or the extent of the area covered thereby is reduced, the provisions of any by-law passed under section 34 that applied immediately prior to the coming into force of the interim control by-law or that came into force and have effect in respect of all lands, buildings or structures formerly subject to the interim control by-law R S O 1990, c P 13, s 38 (6)

Where by-law appealed

(6.1) If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34 (15), the interim control by-law continues in effect as if it had not expired until the date of the order of the Municipal Board or until the date of a notice issued by the Secretary of the Board under subsection 34 (23) unless the interim control by-law is appealed 1994, c 27, s 23 (3)

Prohibition

(7) Where an interim control by-law ceases to be in effect, the council of the municipality may not for a period of three years pass a further interim control by-law that applies to any lands to which the original interim control by-law applies

Application of s 34 (9)

(8) Subsection 34 (9) applies with necessary modifications to a by-law passed under subsection (1) or (2). R S O 1990, c P 13, s 38 (7, 8)

Temporary use provisions

39. (1) The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law R S O 1990, c P 13, s 39 (1)

(1), (1.2) REPEALED 2002, c 17, Sched B, r 11 (1)

Area and time in effect

(2) A by-law authorizing a temporary use under subsection (1) shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law, 2002, c 17, Sched B, s 11 (2)

Extension

(3) Despite subsection (2), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized R S O 1990, c P 13, s 39 (3)

Non-application of cl 34 (19) (a)

(4) Upon the expiry of the period or periods of time mentioned in subsections (2) and (3), clause 34 (9) (a) does not apply so as to permit the continued use of the land, buildings or structures for the purpose temporarily authorized R S O 1990, c P 13, s 39 (4)

Garden suites

39.1 (1) Despite subsection 39 (2a), as a condition to passing a by-law authorizing the temporary use of a garden suite under subsection 39 (1), the council may require the owner of the suite or any other person to enter into an agreement with the municipality dealing with such matters related to the temporary use of the garden suite as the council considers necessary or advisable, including

(a) the installation, maintenance and removal of the garden suite,
(b) the period of occupancy of the garden suite by any of the persons named in the agreement, and
(c) the security or other form of security that the council may require for actual or potential costs to the municipality related to the garden suite. 2002, c 17, Sched B, c 12

Definitions

(2) In this section, "garden suite" means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable 2002, c 17, Sched B, s 12

Area and time in effect

37
(3) A by-law authorizing the temporary use of a garden suite shall define the area to which it applies and specify the period of time for which the authorization shall be in effect, which shall not exceed 10 years from the day of the passing of the by-law 1990, c. 17, Sch. B, s. 12

Agreement

(4) Despite subsection (3), the council may by by-law grant further periods of not more than three years each during which the temporary use is authorized 1990, c. 17, Sch. B, s. 12

Non-application

(5) Upon the expiry of the period or periods of time mentioned in subsections (3) and (4), clause 14(9) (a) does not apply so as to permit the continued use of the garden suite 1990, c. 17, Sch. B, s. 12

Agreement

(6) Where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities RSO 1990, c. P.13, s. 46(1)

Payment of money

(2) An agreement entered into under subsection (1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated RSO 1990, c. P.13, s. 40(2)

Special account

(3) All money received by a municipality under an agreement entered into under this section shall be paid into a special account and,

(a) the money in that account shall be applied for the same purposes as a reserve fund established under section 417 of the Municipal Act, 2001 may be applied,

(b) the money in that account may be invested in securities in which the municipality is permitted to invest under section 418 of the Municipal Act, 2001,

(c) earnings derived from the investment of the money in the special account shall be paid into that account, and

(d) the auditors of the municipality, in the auditor's annual report, shall report on the activities and position of the account 1990, c. 17, Sch. B, s. 13 (1)

Registration of agreement

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies and, when so registered, any money payable to the municipality under the agreement that has become due for payment shall have priority lien status as described in section 1 of the Municipal Act, 2001 1990, c. 17, Sch. B, s. 13 (2)

Certificate

(5) When all money payable to the municipality under an agreement registered under subsection (4) has been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registered in the proper land registry office certifying that the money has been paid or that the agreement has been terminated RSO 1990, c. P.13, s. 40 (5)

Site plan control areas

41. (1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or utility thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 168 (5) of the Municipal Act, 2001 or of sites for the location of three or more mobile homes as defined in subsection 46 (1) (a) of this Act or of sites for the construction, erection or location of three or more land lease commodity homes as defined in subsection 46 (1) (b) of this Act RSO 1990, c. P.13, s. 41 (1), 1994, c. 4, s. 14, 2002, c. 17, Sch. B, s. 14 (1)

Establishment of site plan control areas

38
(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area. R.S.O. 1990, c. P.13, s. 41 (2)

Designation of site plan control area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. R.S.O. 1990, c. P.13, s. 41 (3)

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the council of the municipality or, where a referral has been made under subsection (12), the Municipal Board has approved one or both, as the case may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a)

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display:
   (a) the massing and conceptual design of the proposed building;
   (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access, and
   (c) the provisions of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, but which exclude the layout of interior areas, other than the interior walkways, stairways, elevators and escalators referred to in clause (c) the colour, texture and type of materials, window detail, construction details, architectural detail and interior design. R.S.O. 1990, c. P.13, s. 41 (4)

Note: A day to be named by proclamation of the Lieutenant Governor, paragraph 3 is contained by the Lieutenant Governor, see "chapter 4" Subsection 5 (6) (a) by amending the provisions of clause (6). See 2001, c. 9, s. 46 (1), 57.

Exclusions from site plan control

(a) The colour, texture and type of materials, window detail, construction details, architectural detail and interior design of buildings described in paragraph 2 of subsection (4) are not subject to site plan control.

(b) The layout of interior areas of buildings described in paragraph 2 of subsection (4), excluding interior walkways, stairways, elevators and escalators referred to in clause (c) of that paragraph, are not subject to site plan control.

(c) Dispute about scope of site plan control

(4.1) The owner of land for the municipality may apply to the Municipal Board for a return of a notice (or motion for directions) to determine a dispute about whether a matter referred to in paragraph 2 or 2 of subsection (4) is subject to site plan control and the Board shall make a final determination that is not subject to further appeal or review. R.S.O. 1990, c. P.13, s. 41 (4.1)

(d) Drawings for residential buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing less than twenty-five dwelling units of the proposed building to be located in an area specifically designated as the official plan mentioned in subsection (3) as an area wherein such drawings may be required. R.S.O. 1990, c. P.13, s. 41 (5)

Proviso

(6) Nothing in this section shall be deemed to confer on the council of the municipality the power to limit the height or density of buildings to be erected on the land. R.S.O. 1990, c. P.13, s. 41 (6)

Conditions to approval of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,
(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that are on the land
2. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from
   land such as access ramps and curblines and traffic direction signs
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including
   driveways for emergency vehicles, and the surfacing of such areas and driveways
4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access
5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the
   protection of adjoining lands
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other
   waste material.
8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses,
   ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local
   board thereof on the land
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste
   water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities
   or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access
   ramps and driveways, parking and loading areas and walkways,
(c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the
   facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or
   with the provision and approval of the plans and drawings referred to in subsection (4),
(d) subject to subsection (9), convey part of the land to the municipality to the satisfaction of and at no expense to the
   municipality for a public transit right of way R S O 1990, c. P.13, s 41 (7); 1996, c 4, s 24 (1, 2)

Where area is in upper-tier municipality

(8) If an area designated under subsection (2) is within an upper-tier municipality, plans and drawings in respect of any
development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised
of the proposed development and afforded a reasonable opportunity to require the owner of the land to

(a) provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:

(i) subject to subsection (9), widenings of highways that are under the jurisdiction of the upper-tier municipality and
   that are on the land,
(ii) subject to the Public Transportation and Highway Improvement Act, where the land abuts a highway under the
   jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps
   and curblines and traffic direction signs,
(iii) where the land abuts a highway under the jurisdiction of the upper-tier municipality, offstreet vehicular loading
   and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles,
   and the surfacing of such areas and driveways,
(iv) where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in
   elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm
   and surface water from the land,
(b) enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or
   all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and
   expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;
(c) subject to subsection (9), convey part of the land to the upper-tier municipality to the satisfaction of and at no
   expense to the municipality for a public transit right of way. 2002, c 17, Sched. B, s 14 (7)

Widening must be described in official plan
(9) An owner may not be required to provide a highway widening under paragraph 1 of clause (7) (a) or under paragraph 1 of clause (8) (a) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. R.S.O. 1990, c. P.13, s 4f (9)

Limitation

(9) 1 An owner of land may not be required to convey land under clause (7) (d) or (8) (c) unless the public transit right of way to be provided is shown on or described in an official plan 1994, c. 23, s 24 (3), 1996, c 4, s 24 (5)

Requisites of agreements

(10) Any agreement entered into under clause (7) (c) or under clause (8) (b) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s 4f (10), 2002, c. 17, Sched. B, s 14 (3)

Application of Municipal Act, 2001

(11) Section 427 of the Municipal Act, 2001 applies to any requirements made under clauses (7) (a) and (5) and to any requirements made under an agreement entered into under clause (7) (c) R.S.O 1990, c. P.13, s 4 (13), 2002, c. 17, Sched. B, s 14 (4)

Appeal to O.M.B.

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 30 days after they are submitted to the municipality or if the owner of the land is not satisfied with any requirement made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner may require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or upper-tier municipality, as appropriate. 2002, c. 77, Sched. B, s 14 (5)

Hearing

(12) 1 The Municipal Board shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provision of any agreement required, and the decision of the Board is final 2002, c. 17, Sched. B, s 14 (5)

Clause of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law:

(a) define any class or classes of development that may be undertaken without the approval of plans and drawings, otherwise required under subsection (4) or (5), and

(b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or province occupied, any of the council’s powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a) R.S.O 1990, c. P.13, s 4f (13)

Proviso

(14) Section 35a of the Planning Act, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day. R S O 1990, c. P.13, s 4f (14)

Certain agreements declared valid and binding

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of The Planning Act, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, as hereby declared to be valid and binding. R S O 1990, c. P.13, s 4f (15)

Conveyance of land for park purposes

42. (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes R S O 1990, c. P.13, s 42 (1)
Definition
(2) For the purposes of subsection (3), "dwellin unit" means any property that is used or designed for use as a domicile establishment in which one or more persons may sleep and prepare and serve meals R S O 1990, c P 13, s 42 (2)

Alternative requirement
(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law R S O 1990, c P 13, s 42 (3)

Official plan requirement
(4) The alternative requirement authorized by subsection (3) may not be provided for in a by-law passed under this section unless there is an official plan in effect in the local municipality that contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement R S O 1990, c P 13, s 42 (4)

Use and sale of land
(5) Land conveyed to a municipality under this section shall be used for park or other public recreational purposes, but may be sold at any time R S O 1990, c P 13, s 42 (5)

Payment instead of conveyance
(6) The council of a local municipality may require the payment of money to the value of the land otherwise required to be conveyed under this section in lieu of the conveyance and the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, where more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued 1994, c 23, s 25

Where land conveyed
(7) If land has been conveyed or is required to be conveyed to a municipality for park or other public purposes or a payment of money in lieu of such conveyance has been received by the municipality or is owing to it under this section or a condition imposed under section 51 1 or 53, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by a municipality in respect of subsequent development or redevelopment unless:
(a) there is a change in the proposed development or redevelopment which would increase the density of development
(b) land originally proposed for development or redevelopment for commerical or industrial purposes is now proposed for development or redevelopment for other purposes 1994, c 23, s 25

Non-application
(8) Despite clauses 74.(2) (b) and (i), subsection (7) does not apply to land proposed for development or redevelopment if, before this subsection comes into force, the land was subject to a condition that land be conveyed to a municipality for park or other public purposes or that a payment of money in lieu of such conveyance be made under this section or under section 51 or 53 1994, c 23, s 25

Changes
(9) If there is a change under clause (7) (a) or (b), the land that has been conveyed or is required to be conveyed or the payment of money that has been received or that is owing, as the case may be, shall be included in determining the amount of land or payment of money in lieu of it that may subsequently be required under this section on the development, further development or redevelopment of the lands or part of them in respect of which the original conveyance or payment was made 1994, c 23, s 25

Dispute
(10) In the event of a dispute between a municipality and an owner of land on the value of land under subsection (6), either party may apply to the Municipal Board to have the value determined and the Board shall, in accordance as nearly as may be with the Espropriations Act, determine the value of the land and, if a payment has been made under protest under subsection (12), the Board may order that a refund be made to the owner 1994, c 23, s 25

Same
(11) In the event of a dispute between a municipality and an owner of land as to the amount of land or payment of money that may be required under subsection (9), either party may apply to the Municipal Board and the Board shall make a final determination of the matter 1994, c 23, s 25

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Payment under protest

(12) If there is a dispute between a municipality and the owner of land under subsection (10), the owner may pay the amount required by the municipality under protest and shall make an application to the Municipal Board under subsection (10) within 20 days of the payment of the amount. 1994, c. 23, s 25

Special account

(14) The council of a municipality may include in its estimates an amount to be used for the acquisition of land to be used for park or other public recreational purposes and may pay into the fund provided for in subsection (15) that amount, and any person may pay any sum into the same fund. 1994, c 25, s 25

Investments

(16) The money in the special account may be invested in securities in which the municipality is permitted to invest under section 418 of the Municipal Act, 2001, and the earnings derived from the investments shall be paid into the special account, and the auditor or the auditor’s annual report shall report on the activities and status of the account. 1994, c 23, s 25, 1996, c 32, s 80, 2002, c 17, Sched I, s 15

Application of subsec. 34 (12-24)

44. (1) Subsections 34 (12) to (34) do not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule 1 of the Weights and Measures Act (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

(a) does not change the accuracy of any measurement expressed in the by-law, or

(b) does not vary by more than 5 per cent any measurement expressed in a by-law. R.S.O 1990, c. P.13, s 43 (1), 1993, c. 26, s 55.

Effect of amendment that conforms with subsec. (1)

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 34 or a predecessor thereof or an order made by the Minister under section 47 or a predecessor thereof does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection (1). R.S.O 1990, c. P.13, s 43 (2)

Committee of adjustment

44. (1) If a municipality has passed a by-law under section 34 or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such person, not fewer than three, as the council considers advisable. R.S.O 1990, c. P.13, s 44 (1)

Copy of by-law to Minister

(2) Where a by-law is passed under subsection (1), a certified copy of the by-law shall be sent to the Minister by registered mail by the clerk of the municipality within thirty days of the passing thereof. R.S.O 1990, c. P.13, s 44 (2)

Term of office

(3) The members of the committee who are not members of a municipal council shall hold office for the term of the council that appointed them and the members of the committee who are members of a municipal council shall be appointed annually. R.S.O 1990, c. P.13, s 44 (3)

43
Municipal Official Plans

Survey of Municipal Official Plans

The following survey of municipal official plans is intended to illustrate the broad range of cultural and natural heritage land-use policies in place along the Rideau Canal Corridor. The survey is a selective review to provide the World Heritage Committee with an understanding of the protective measures in place that complement the efforts of the Parks Canada Agency to conserve cultural and natural resources under its jurisdiction.

The following map illustrates the municipal boundaries along the Rideau Canal.
A. City of Ottawa

The city of Ottawa is the largest municipality along the Rideau Canal. About one-third of the canal, extending from the Ottawa River to Burritts Rapids, is located within the Ottawa's boundaries. The section of Ottawa's official plan quoted below indicates the progressive approach that the city is taking to the protection of its cultural and natural heritage resources.

"Cultural Heritage Resources

Heritage is a crucial aspect of the city's planning and infrastructure. It has the power to transform mundane daily experiences into a deeper understanding of where we have come from and enhances our quality of life by engendering an appreciation of local identity and shared community. Our cultural heritage, more than any other element of urban design, defines what is unique and distinct about Ottawa, and contributes to the livability of our communities.

In recognition of the non-renewable nature of cultural heritage, and as the steward of Ottawa's cultural heritage resources, the city will continue to preserve those resources in a manner which respects their heritage value, ensures their future viability as functional components of Ottawa's urban and rural environments, and allows them to continue their contribution to the character, civic pride, tourism potential, economic development, and historical appreciation of the community.

Cultural heritage resources generally fall into four categories:

Built heritage includes buildings, structures and sites that contribute to our understanding of our heritage and are valued for their representation of that heritage. They may reveal architectural, cultural, or socio-political patterns of our history or may be associated with specific events or people who have shaped that history. Examples include buildings, groups of buildings, dams and bridges.

Cultural heritage landscapes are any geographic area that has been modified, influenced, or given special cultural meaning by people. They provide the contextual and spatial information necessary to preserve and interpret the understanding of important historical settings and changes to past patterns of land use. Examples include a burial ground, historical garden or a larger landscape reflecting human intervention, such as the Rideau Canal, the Rideau and Ottawa Rivers etc.

Archaeological resources include the physical remains and contextual setting of any structure, event activity, place, cultural feature or object which, because of the passage of time, is on or below the surface of the land or water, and is important to understanding the history of a people or place. Examples include individual artefacts or grouped features such as the remains of a pre-European aboriginal settlement.

The Official Plan provides for the conservation of cultural heritage resources by:

- Identifying cultural heritage resources and general policies for their protection in this section;
- Requiring conservation of cultural heritage resources in the preparation of community design plans;
- Applying very specific requirements when reviewing development applications impacting on cultural heritage resources.

Policies

The city will provide for the conservation of cultural heritage resources for the benefit of the community and posterity. Cultural heritage resources include:

- Buildings, structures, sites;
- Archaeological resources;
- Cultural heritage landscapes.

Individual buildings, structures, sites and cultural heritage landscapes will be designated as properties of cultural heritage value under Part IV of the Heritage Act. Groups of buildings, cultural landscapes, and areas of the city will be designated as Heritage Conservation Districts under Part V the Heritage Act. Any application to alter or demolish buildings, which are individually designated or within designated Heritage Conservation Districts, will be supported by a cultural heritage impact statement to ensure that the city's conservation objectives are achieved.

The city may recognize core areas of villages, older residential neighbourhoods, cultural landscapes or other areas in both the urban and rural areas as Cultural Heritage Character Areas, where designation under the Heritage Act may or may not be appropriate. In these areas, the city will prepare design guidelines to help private and public landowners construct new buildings, or additions or renovations to existing buildings, to reflect the identified cultural heritage features of the community.

The city will maintain a municipal heritage committee, known as the Local Architectural Conservation Advisory Committee (LACAC), composed of citizens to advise and assist city Council on heritage matters under the Heritage Act and on other heritage matters associated with the built environment and cultural heritage landscapes. The city will also maintain a Heritage Advisory Committee to advise and assist City Council on any other heritage matter, excluding research and recommendations related to heritage designation under the Heritage Act.

The city will give immediate consideration to the designation of any cultural heritage resources under the Heritage Act if that resource is threatened with demolition.

The comprehensive zoning by-law will include heritage overlay provisions to ensure that the development of heritage resources and the development of properties adjacent to heritage resources achieve the objective of conserving our cultural heritage.

The city's Archaeological Resource Potential Mapping Study (ARPMS) will form the basis for determining the archaeological potential of a site. In areas of resource potential, any application for development will be supported by an archaeological resource assessment to ensure that the city's conservation objectives are met.

The city will undertake a study by 2005 to enhance its inventory of cultural heritage landscapes to be conserved through the policies of this Plan.
The city will maintain a current and publicly accessible database of cultural heritage resources by:

- Documenting and evaluating potential heritage resources in accordance with accepted practices and City Council's Handbook for Evaluating Heritage Buildings and Areas, and updating the inventory of heritage resources known as the Heritage Reference List,
- Maintaining and updating a map of existing Heritage Conservation Districts designated under the Heritage Act,
- Engaging a licensed archaeologist, at five-year intervals, to make a comprehensive review of all archaeological data in order to refine the ARPMS and to recommend any necessary changes to the Implementation Guidelines for the Protection of Archaeological Resources.

The city will maintain a heritage grant program for owners of designated heritage properties, in accordance with City Council's Handbook for the Administration of the Heritage Grant Program, and may participate in financial aid programs of other levels of government or of non-governmental organizations.

The city may participate in the development of heritage resources through acquisition, assembly, resale, joint ventures, tax credits, tax exemptions, or other forms of involvement that will result in the sensitive conservation, restoration, and/or rehabilitation of those resources.

The city will enhance the environs of heritage resources when undertaking its capital works and maintenance projects through such means as tree planting, landscaping, street improvements, underground wiring, and the provision of street furniture, lighting, signage and other streetscape components, consistent with the heritage character of the streetscape.

The city will utilize its maintenance and occupancy by-laws to facilitate the maintenance and conservation of heritage resources, and to ensure that the application of these by-laws is not detrimental to their conservation.

The city will administer the Building Code and other related codes and regulations to permit maximum conservation and re-use of heritage resources while still ensuring the health and safety of the public.

In addition to requiring specific assessments as described above, the city will support its objective to conserve heritage resources and to promote the stewardship of those resources by:

- Endeavouring to identify and protect building interiors of significant heritage merit;
- Commemorating cultural heritage resources with heritage plaques, awards and other forms of interpretation;
- Entering into heritage easement agreements with owners of designated heritage properties or properties eligible for heritage designation, including entering into registered agreements with the owners of such properties if the city deems that financial securities are required from an owner to ensure the retention and conservation of heritage properties as part of a development approval, the amount of such financial securities to be determined by a qualified heritage architect, and to be
sufficient to ensure completion of the agreed-upon stabilization and conservation work;
• Increasing its collaboration with the National Capital Commission and other federal departments and agencies, as well as the provincial government, to promote the conservation and enhancement of Ottawa’s cultural heritage resources

As the owner of many heritage resources, the city will protect, improve and manage its heritage resources in a manner which furthers the heritage objectives of this Plan and sets an example of leadership for the community in the conservation of heritage resources, including:
Designating its heritage resources under the Heritage Act where appropriate and reviewing all conservation plans for their maintenance with LACAC; and registering a heritage easement on a property to ensure its on-going protection when ownership is transferred from the city to others.

The city will recognize the cultural heritage policy infrastructure outlined by the preceding policies, and will allocate the necessary financial resources to ensure its maintenance and preservation, thereby ensuring that development occurs in harmony with, and respect for, unique and irreplaceable cultural heritage resources.

River Corridors

Ottawa’s defining natural features are its rivers. The Ottawa and Rideau rivers and their tributaries have historically determined the location of communities and continue to define their boundaries. In the past, the Ottawa River served as the principal highway into the Canadian Shield for aboriginal people, explorers, loggers and settlers. Its cultural heritage, natural environment resources and recreational opportunities contribute to the tourism potential of the communities along its shore.

The Rideau River is a Canadian Heritage River and the Rideau Canal is a national historic site. The canal’s value lies in the combination of historic engineering works and buildings, open spaces, natural features, the canal itself, and adjacent diverse landscapes, which together constitute a cultural heritage resource of outstanding national significance. The Parks Canada Agency owns the bed of the Rideau Canal and land at lock stations along the canal.

The city will ensure that the shoreline of the Ottawa River, Rideau River and Canal, and other shorelines in the city remain accessible and that the river landscapes, which include farms and wooded areas, are maintained and improved. In terms of their cultural heritage, scenic quality, and recreation and economic benefits. The natural environment functions of rivers and streams are protected through provisions elsewhere in this Plan for planning on a watershed basis, environmentally sensitive development practices, and other measures.

Policies

The city will conserve the natural environment, cultural heritage, scenic qualities, and recreational potential of the Ottawa River, Rideau River and Canal by:
• Reviewing development applications adjacent to these rivers to ensure that the visual quality of the waterway and view from the waterway, as well as natural and cultural features, are evaluated. In this respect, a cultural heritage impact statement will be required for any development application adjacent to the Rideau River and Canal,
which will be reviewed in consultation with the Parks Canada Agency and the National Capital Commission;

- Requiring an assessment of the potential impact of the development on boating safety in parts of the Rideau Canal experiencing boating congestion and other impediments to safe navigation and on the aquatic environment where significant aquatic natural features are known to exist. The study will be reviewed in consultation with the Parks Canada Agency;
- Prohibiting pits and quarries along the Ottawa and Rideau Rivers;
- Prohibiting land uses that require outside storage or large paved areas or that produce noise, fumes and dust

For plans of subdivision abutting the shoreline, the city will secure public access along the shoreline of all waterways in the urban area and Villages, unless there are compelling reasons not to do so. This will be accomplished by requiring that land dedicated for public purposes be located at the shoreline or adjacent to environmental constraints. The dedicated lands should be accessible from a public road.

In addition, the city will use such measures as public acquisition, conservation easements or other appropriate means to secure public access to the shoreline where there is agreement of the property owner.”

**B. Township of North Grenville**

This municipality is located south of the city of Ottawa and is experiencing rapid growth. The official plan contains policies to protect wetlands, and other environmentally sensitive areas. The creation of lots fronting onto the Rideau Canal requires measures to preserve environmentally sensitive features and water quality.

**C. Merrickville/Wolford**

This township is located on the south side of the canal between Nicholsons Lock Station and Smiths Falls. The official plan includes innovative policies to protect the heritage values of the shoreline through a special heritage designation. The plan also contains policies to protect the natural values of the shoreline and the historic core of the village of Merrickville.

**D. Township of Montague**

The Township of Montague is situated along the north side of the Rideau River between Smiths Falls and Burritts Rapids. The official plan includes policies for the protection of wetlands, endangered and threatened species habitat, and environmentally sensitive areas.

**E. Township of Drummond – North Elmsley**

This municipality is located on the north side of Lower Rideau Lake and includes the Tay Canal. The official plan recognizes the Rideau Canal as a significant natural and recreational
resource and commits the township to work with the Parks Canada Agency and other agencies and the private sector. The plan contains policies for the protection of natural shorelines and the township’s cultural and natural resources.

F. Town of Perth

Perth is one of Canada’s best-preserved historic towns. Its long history of heritage conservation is reflected in the official plan’s policies for the protection of the town’s built heritage. The plan contains objectives for heritage conservation and specific policies to achieve them. Most noteworthy is the policy to enter into heritage easement agreements with owners of designated buildings. As well, the plan requires new in-fill construction to be compatible with existing heritage resources.

G. Tay Valley Township

Tay Valley Township is located along the north shore of Big Rideau Lake. The official plan has specific policies for the preservation, enhancement and re-vegetation of shoreline areas using native species of vegetation. The cultural heritage policies require that any new development be planned so as to preserve and enhance cultural heritage resources and that the Parks Canada Agency be consulted on new development lying within 300 m of Big Rideau Lake.

H. Town of Smiths Falls

The Smiths Falls official plan has a number of policy statements specific to the Rideau Canal. One of its objectives is: “To recognize the Rideau Canal as the town’s major tourist asset, and to support and co-operate with the federal government’s development plans along the canal.” The plan contains an entire section on development policies for lands along the Rideau Canal. These policies are intended to ensure that shoreline development occurs in a manner that is sensitive to the natural, historic and recreational character of the Rideau Canal. As well, the plan states that the town will take the canal’s management plan into consideration when examining development proposals along the canal.

I. Township of Rideau Lakes

This township includes the major lakes along the canal, those being: Whitefish, Sand, Opinicon, Clear, Newboro, Upper, Big and Lower Rideau lakes. The official plan makes specific reference to the Rideau Canal Corridor, stating the requirement to have “particular regard to the Rideau Canal Corridor and all its component parts – its scenic elements, its historic value – all its built and natural attributes”. The plan has clear objectives for the preservation of cultural heritage resources and significant natural heritage features. The township is committed to working with non-profit organizations and government agencies to achieve common recreational, conservation and tourism objectives.

The plan has comprehensive waterfront development policies with regard to setback and water frontage requirements, and the capacity of water bodies to accommodate increasing
levels of development. These policies are intended to protect the natural, scenic, recreational and cultural values of the waterbodies in the township. Policies for environmentally sensitive developments will ensure that new development occurs in a manner that respects the natural environment.

The plan recognizes the value of the township’s cultural heritage resources and contains policies to encourage their preservation. "In reviewing development applications, the township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest, having regard to the Environmentally Sensitive Development and other relevant sections of this Plan. The Ministry of Culture, as well as the Parks Canada Agency and the relevant conservation authority will be consulted, as appropriate. New development will be planned so as to preserve, complement and enhance cultural heritage resources."

The plan contains comprehensive policies for protecting natural heritage features including wetlands, areas of natural and scientific interest, fish habitat, wildlife habitat, woodlands, valley lands and portions of the habitat of endangered and threatened species.

J. Township of South Frontenac

The Township of South Frontenac includes the west shore of Cranberry Lake, all of Dog Lake and the River Styx, much of which is in a natural, undeveloped state. The official plan contains policies for development adjacent to lakes and rivers with restrictions on all development within 90 metres of them, to protect shoreline vegetation, water quality and the natural appearance of the shore lands. Development or site alterations within 30 metres will require an environmental impact assessment to evaluate the potential impacts on fish habitat. The plan also protects the habitats of threatened and endangered species, environmentally sensitive areas and significant wetlands.

The shoreline development policies of this plan will ensure that its natural character will be protected.

K. City of Kingston

Kingston’s official plan has comprehensive policies to protect cultural heritage resources. The plan includes criteria for designation of buildings and districts and specific policies for heritage districts and heritage areas. In addition to policies to protect, conserve and enhance the city’s heritage resources, the plan has the following strategies:

- Continue the process of designating buildings under the Ontario Heritage Act,
- Ensure that any alterations, additions or renovations to heritage buildings are appropriate;
- Continue to increase awareness of the value of the city’s heritage;
- Develop guidelines to assist owners and developers wishing to alter or renovate heritage buildings;
- Maintain an inventory of all designated buildings;
• Develop zoning controls to ensure that new development is sympathetic to heritage buildings within heritage areas

In addition to the heritage policies, the plan contains progressive policies to preserve the natural values of the city especially the Great Cataract Marsh, which is a significant wetland on the Rideau Canal

L. Township of Kingston (now part of the City of Kingston)

The cultural heritage policies of this official plan are based on a comprehensive heritage strategy for the township. Of particular interest is the policy to “to promote the preservation of the Kingston Mills Lockstation and encourage development which respects the heritage value of the site and surrounding area.” The plan includes policies to integrate heritage preservation considerations into the planning and development process, and encourage the maintenance of the rural character of specific parts of the township. The plan has strong environmental protection policies designed to protect natural shorelines and other environmentally sensitive areas.
Provincial Parks Act

P.S.O. 1990, CHAPTER P.34

Notice of Currency: This document is up to date. This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Public Siminars (Legislative History).


Definitions

1. In this Act,
- "assistant superintendent" means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations, ("directeur adjoint")
- "conservation officer" means a conservation officer under the Fish and Wildlife Conservation Act, 1997, ("agent de protection de la nature")
- "district manager" means the person in charge of the administrative district of the Ministry of Natural Resources in which a provincial park is situated, ("chef de district")
- "management plan" means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy, ("plan directeur")
- "Minister" means the Minister of Natural Resources, ("ministre")
- "park warden" means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations, ("gardien de parc")
- "provincial park" includes provincial campgrounds, provincial picnic grounds and provincial camp and picnic grounds, ("pare provincial")
- "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water, ("terres publiques")
- "regulations" means the regulations made under this Act, ("règlements")
- "superintendent" means a person who is designated by the Minister as a superintendent to have charge of a provincial park, ("directeur")
- "provinceal parks" R.S.O. 1990, c P.34, s 3 (1)

Existing parks continued

2. All provincial parks are dedicated to the people of the Province of Ontario and others who may use them for their healthful enjoyment and education, and the provincial parks shall be maintained for the benefit of future generations in accordance with this Act and the regulations R.S.O. 1990, c P.34, s 2

New parks and additions, etc

(2) The Lieutenant Governor in Council may set apart as a provincial park any area in Ontario, may increase or decrease the area of any provincial park and may delimit any provincial park. R.S.O. 1990, c. P.34, s 3 (2)

Acquisition of land

(3) Land may be acquired under the Ministry of Government Services Act for the purposes of this Act. R.S.O. 1990, c P.34, s 3 (3)
Unopened road allowances vested in Crown

(4) Despite the Municipal Act, 2001, every unopened road allowance that is within a provincial park and that has not been closed and conveyed shall be deemed to have been vested in the Crown from the day on which the provincial park was established or the area in which the unopened road allowance is located was added to a provincial park, as the case may be, and the Minister may close to travel any such road allowance one month after having caused notice of the proposed closing to be published once a week for four consecutive weeks in a newspaper having general circulation in the locality in which the road allowance is located or one month after having caused such a notice to be posted in a conspicuous place at or near the road allowance. R.S.O. 1990, c. P.34, s. 3 (4), 2002, c. 17, Sched. F, Table Municipal purposes

(5) For municipal purposes, any land set apart as a provincial park or added thereto shall, so long as it remains part of the provincial park, be deemed to be separated from any municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (5)

Judicial purposes

(6) For judicial purposes, any land set apart as a provincial park or added thereto shall continue to form part of the county, or any of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (6)

Taxation, assessment

(7) Despite subsection (5), for the purposes of the Municipal Tax Assessment Act, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof. R.S.O. 1990, c. P.34, s. 3 (7).

Hunting in designated provincial parks

4. The Lieutenant Governor in Council may designate any provincial park or any part of a provincial park as an area in which section 9 of the Fish and Wildlife Conservation Act, 1977 does not apply from and including the Tuesday following the second Monday in October to and including the 31st day of March next following. R.S.O. 1990, c. P.34, s. 4, 1977, c. 41, s. 124 (2)

Classification of provincial parks

5. The Lieutenant Governor in Council may classify any provincial park as a natural environment park, a historical park, a nature reserve, a wilderness park, a recreation park and a waterway park or such other class of park as the Lieutenant Governor in Council may designate. 1998, c. 18, Sched. J, s. 42.

Advisory committees

6. The Minister, with the approval of the Lieutenant Governor in Council, may appoint committees to perform such advisory functions as he may consider necessary or desirable in connection with the administration of one or more of the provincial parks and fix the terms of reference and procedures of such committees. R.S.O. 1990, c. P.34, s. 6

Administration

7. (1) Each provincial park is under the control and management of the Minister and shall be under the charge of a district manager or a superintendent designated by the Minister. R.S.O. 1990, c. P.34, s. 7 (1)

Zoning in provincial parks

(2) Without limiting the generality of subsection (1), in the management of a provincial park the Minister may from time to time define areas on maps or plans, designate such areas as zones, and classify any zone as an historical zone, natural environment zone, wilderness zone, nature reserve zone, access zone, development zone and recreation-utilization zone or otherwise as the Minister considers proper. R.S.O. 1990, c. P.34, s. 7 (2), 1998, c. 18, Sched. I, s. 43

Idem

(3) Without limiting the generality of subsection (1), the district manager or the superintendent, with the approval of the Minister, may, in respect of the provincial park under his or her charge,

(a) construct and operate on public lands golf courses, bowling greens or other facilities for sports or amusement,

(b) construct and operate on public lands restaurants, refreshment booths, shops, sleeping accommodations and other facilities for the convenience of the public,
(c) construct and operate on public lands toilet, dressing-room, picnic, camping, cooking, bathing, parking and other facilities for the convenience of the public;
(d) acquire and operate boats, vehicles and other means of transportation in connection with the park;
(e) make agreements with respect to the establishment or operation of any works, facilities or services on public lands;
(f) prescribe, by the erection, posting or other display of notices, the time or times of the day or year during which the park or any part thereof is open or closed, as the case may be, for the use of the public;
(g) erect, post or otherwise display notices in the provincial park that,
(i) prohibit camping, or prohibit camping for a period longer than a specified maximum period, in specified locations at specified times of the year, or
(ii) prohibit the operation of power boats, or power boats of a specified horsepower, in specified locations at specified times of the day or year. R.S.O. 1990, c. P-34, s 7(3), 1994, c. 27, s 132 (1), 1996, c. 14, s 3 (1)

Fees and rentals
7.1 The Minister may establish and charge,
(a) fees for entrance into provincial parks of persons, vehicles, boats or aircraft;
(b) fees for the use of provincial parks or of any facilities or services in provincial parks; and
(c) fees and rentals for any licence, permit, lease or other right issued, made or given in respect of a provincial park. 1996, c 14, s 3 (2).

Separate account
7.2 (1) The following amounts shall be held in a separate account in the Consolidated Revenue Fund
1. All fines, fees and rentals paid under this Act or the regulations
2. All amounts received by the Crown under agreements made under this Act or the regulations
3. All costs recovered by the Crown under subsection 22 (3)

Money in account
(2) Money standing to the credit of the separate account is, for the purpose of the Financial Administration Act, money paid to Ontario for a special purpose.

Payments out of account
(3) The Minister may direct that money be paid out of the separate account to the Minister or a person specified by the Minister if,
(a) the payment will be used for a purpose related to provincial parks, or
(b) the payment will be used to,
(i) refund all or part of an amount paid under this Act or the regulations, or
(ii) make a payment under subsection 15 (2)

Annual report
(4) The Minister shall ensure that a report is prepared annually on the financial affairs of the separate account

Tabling of report
(5) The Minister shall submit the report to the Lieutenant Governor in Council shall table the report in the Legislative Assembly. 1996, c 14, s 3 (3)

Management plan
8. (1) The Minister may prepare a management plan in respect of any provincial park or proposed provincial park. R.S.O. 1990, c. P-34, s 8 (3), 1998, c 18, Sched l, s 44 (1)
(2) The Minister may review a management plan from time to time and make amendments thereto. R.S.O. 1990, c. P 34, s. 8 (2), 1998, c. 18, Sched. 1, s. 44 (2)

Access roads to provincial parks, in municipalities

9. (1) The Minister and any municipality, with the approval of the Lieutenant Governor in Council, may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction and control of the municipality for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. P 34, s. 9

Idem

(2) A road constructed, reconstructed or maintained under an agreement made under subsection (1) remains under the jurisdiction and control of the municipality. R.S.O. 1990, c. P 34, s. 9

Idem, in unorganized territory

(3) The Minister, with the approval of the Lieutenant Governor in Council. may arrange with the road commissioners elected under the Statute Labour Act or with a person who is the owner of land in territory without municipal organization for the construction or maintenance of a road therein for the purpose of providing access to a provincial park, and the provincial share of the cost thereof may be paid out of the money appropriated therefor by the Legislature. R.S.O. 1990, c. P 34, s. 9

Gifts

10. (1) The Minister may receive and take from any person by grant, gift, devise, bequest, sale or otherwise, any property, real or personal, or any interest therein, for the purposes of a provincial park. R.S.O. 1990, c. P 34, s. 10

Surface rights

(2) Where only the surface rights in lands are received and taken by the Minister under subsection (1) and the minerals and minerals are not vested in the Crown, subsection 20 (1) does not apply to such lands. R.S.O. 1990, c. P 34, s. 10

Inquiry into leases, etc.

11. (1) The Minister may acquire into and ascertain all the facts concerning any leases and other agreements in respect of any lands in a provincial park. R.S.O. 1990, c. P 34, s. 11

Cancellation of leases

(2) If the Minister is satisfied that any person claiming to be entitled to any rights in respect of public lands in a provincial park, or any person claiming under or through such person, has been guilty of a fraud or imposition, or has contravened any of the conditions of a lease or other agreement, the Minister may cancel such lease or other agreement and resume the land and dispose of it as if the lease or other agreement had never been made, and upon such cancellation all money paid in respect of such lease or other agreement remains the property of the Crown and the improvements, if any, on the land are forfeited to the Crown. R.S.O. 1990, c. P 34, s. 11

Power to acquire possession

(3) Where a person refuses to deliver up land or where a trespasser is in possession, the Minister may obtain possession in a manner similar to that provided in section 24 of the Public Lands Act. R.S.O. 1990, c. P 34, s. 11

Use and acceptance of public lands

12. Except as provided by this Act or the regulations, no person shall use or occupy any public lands in a provincial park. R.S.O. 1990, c. P 34, s. 12

Powers of superintendent, etc.

13. The superintendent, the assistant superintendent, a park warden and a conservation officer have all the power and authority of a member of the Ontario Provincial Police as it relates to the enforcement of this Act, the Liquor Licence Act, the Trespass to Property Act, the Highway Traffic Act, the Criminal Code (Canada), the Off-Road Vehicles Act and the Motorised-Snow Vehicles Act within a provincial park. 1998, c. 18, Sched. 1, s. 45

Seizure and confiscation

14. Any person having the power and authority of a member of the Ontario Provincial Police Force may seize any motor or other vehicle, or any aircraft, or any boat, skiff, canoe, punt or other vessel, or any equipment or appliance, or any other
article used in contravention of this Act and found in the possession of a person suspected of having committed an offence against this Act or the regulations, and upon conviction thereof the court may order the chattel so confiscated to be forfeited to the Crown in right of Ontario, and after the expiration of thirty days it may be disposed of in such manner as the Minister considers proper. R S O 1990, c. P.34, s 14

Lost, mislaid or abandoned property

15. (1) Any lost, mislaid or abandoned property coming into the custody of the district manager, superintendent or other person in charge of a provincial park and not claimed by the owner within three months is the property of the Crown in right of Ontario and may be sold under the direction of the Minister, but, where any such property is perishable or has no commercial value, it may be given to a charitable institution or destroyed R S O 1990, c. P.34, s 15 (1)

Idea

(2) Where a person establishes to the satisfaction of the Minister within one year of the date of sale that the person was the owner of property sold under subsection (1), the Minister may direct the payment to such person of an amount equal to the price received for the property less the cost of the sale and other expenses incurred in connection with the property. R S O 1990, c. P.34, s 15 (2), 1996, c 14, s 3 (4)

Roads, trails and portages

16. (1) The district manager or superintendent in charge of a provincial park may open or close to travel any road or trail in the provincial park that is not under the control of the Ministry of Transportation, or any portage in the provincial park.

Prohibitions against travel on closed roads

(2) No person who has knowledge of the closing of a road or trail under subsection (1) shall travel thereon R S O 1990, c. P.34, c 16

Definition

17. (1) In this section, "road" includes a trail

Stop signs

(2) The district manager or superintendent in charge of a provincial park may erect at the entrance to the provincial park or at the entrance of any roads therein a stop sign conforming with the regulations under the Highway Traffic Act.

Stop at entrances

(3) The driver or operator of a vehicle, upon approaching a stop sign at the entrance to a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before proceeding past the stop sign.

Stop at through roads

(4) The driver or operator of a vehicle,

(a) upon approaching a stop sign at an intersection in a provincial park, shall bring the vehicle to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another road so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another road shall yield the right of way to the vehicle so proceeding in the intersection R S O 1990, c. P.34, s 17.

18. REPEALED 1994, c 27, s 132 (2)

Conservation of wildlife, etc.

19. Subject to the Fish and Wildlife Conservation Act, 1997 and the regulations under that Act, the Minister may take such measures as are necessary to protect the fish in a provincial park of fish, wildlife and invertebrates within the meaning of that Act and for the protection of a provincial park of any property of the Crown in right of Ontario. R S O 1990, c. 41, s 124 (3)

Prospecting, mining, etc

20. (1) Subject to the regulations, prospecting, staking mining claims, developing mineral interests, working mines or extracting sand, gravel, topsoil or peat resources in provincial parks is prohibited 1998, c. 18, Sched 1, s 46
Licences of occupation

(2) A licence of occupation may be issued under the regulations to the recorded holder of a lawfully staked mining claim in a provincial park.

No title acquired in surface rights

(3) The taker or recorded holder of a mining claim or the holder of a licence of occupation staked to the recorded holder of a mining claim does not acquire any right, title or interest in or to the surface rights in the land.

Necessary use of surface rights

(4) Where it is necessary to interfere with the surface rights in any such land in order to carry on mining operations, the district manager or superintendent in charge of the provincial park in which the land is may permit such interference with the surface rights as he or she considers necessary. R.S.O. 1990 c. P 34, s. 20 (2-4)

Agreements re powers and duties

20.1 (1) The Minister may enter into an agreement with any person authorizing or requiring the person to exercise any power or perform any duty that is granted to or vested in the Minister or a superintendent under this Act.

Exceptions

(2) Subsection (1) does not apply to the powers of the Minister under sections 10 and 14.

Terms and conditions

(3) An agreement under subsection (1) may contain such terms and conditions as the Minister considers appropriate.

Penalties and contracts

(4) Section 6 of the Executive Council Act does not apply to a deed or contract that is executed under an agreement made under subsection (1).

Offence

(5) A person who enters into an agreement with the Minister under subsection (1) and knowingly contraves the agreement is guilty of an offence and, on conviction, is liable to a fine of not more than $25,000.

Limitation period

(6) A proceeding in respect of an offence under subsection (5) shall not be commenced more than five years after the date on which the offence was, or is alleged to have been, committed. 1996, c. 14, s. 3 (9).

Regulations

21. (1) The Lieutenant Governor in Council may make regulations,

(a) for the care, preservation, improvement, control and management of the provincial parks,

(b) regulating and controlling prospecting or the staking out of mining claims or the development of mineral interest or the working of mines in provincial parks;

(c) prohibiting or regulating and controlling the occupation of public lands in provincial parks or designating areas therein in which land may be leased or occupied under licence of occupation and describing such areas by metes and bounds or in relation to highways, lakes, rivers or railways;

(d) regulating and controlling the use of lands in provincial parks;

(e) prohibiting the erection of buildings or structures in provincial parks, or regulating and controlling the nature, cost, type of construction or the location of buildings or structures that may be erected therein;

(f) governing the granting, issue, form, renewal, transfer and cancellation of leases, licences of occupation and other rights to public lands in provincial parks and prescribing terms and conditions in connection therewith;

(g) prohibiting or regulating and controlling the use or keeping of horses, dogs and other animals in provincial parks;

(h) prohibiting or regulating and controlling the erection, posting or other display of notices, signs, signboards and other advertising devices in provincial parks;

(i) prohibiting or regulating and controlling the use, setting out and extinguishment of fires in provincial parks;
(c) prohibiting or regulating and controlling pedestrian, vehicular, boat or air traffic in provincial parks;

(k) prohibiting or regulating and controlling and issuing permits for the use of vehicles, boats or aircraft or any defined class thereof in provincial parks;

(l) for issuing permits to persons to enter and travel in provincial parks;

(m) prohibiting or regulating, controlling and licensing trades, businesses, amusements, sports, occupations and other activities or undertakings in provincial parks;

(n) regulating, controlling and licensing and requiring the use of guides in provincial parks;

(p) prescribing the maximum periods of stay of persons, vehicles, boats, vessels or aircraft in provincial parks;

(r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act R S O 1990, c P.34, s 21 (1), 1996, c 14, s 3 (6)

Application

(2) Any regulation under subsection (1) may be made applicable to all provincial parks or to any provincial park or to any class of provincial park or to any part or zone of a provincial park R S O 1990, c P.34, s 21 (2)

Offence

22. (1) Every person who contravenes any of the provisions of this Act or of the regulations is guilty of an offence and on conviction is liable to a fine of not more than $25,000 R S O 1990, c P.34, s 22 (1), 1998, c 18, Sched 1, s 47.

Restrain by action

(2) Where any regulation is contravened, in addition to any other remedy and to any penalty, the contravention may be restrained by action at the instance of the Minister. R S O 1990, c P.34, s 22 (2)

Recovery of restoration costs

(3) If a person is convicted of an offence under subsection (1) and if the Crown in right of Ontario repairs or restores any of the facilities or other property that were damaged as a result of the offence, the cost to the Crown of the repair or restoration is a debt due to the Crown by the person convicted of the offence and may be recovered in a court of competent jurisdiction 1994, c 27, s 132 (3)

Niagara and St. Lawrence Parks not affected

23. Nothing in this Act applies to or affects any park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission R S O 1990, c P.34, s 23
Conservation Authorities Act

R S O 1990, CHAPTER C.27

Notice of Currencies* This document is up to date
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Definitions

1. In this Act,
"administration costs" means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenditures and maintenance costs of projects, ("franc d'administration")
"advisory board" means an advisory board appointed by an authority, ("conseil consultatif")
"authority" means a conservation authority established by or under this Act or a predecessor of this Act, ("office")
"executive committee" means the executive committee appointed by an authority, ("comité de direction")
"land" includes buildings and any estate, term, easement, right or interest in, to, over or affecting land, ("biens fonciers")
"maintenance costs" means all expenditures required specifically in relation to the operation or maintenance of a project, ("franc d'entretien")
"Minister" means the Minister of Natural Resources, ("ministre")
"municipality" means a local municipality, and includes a band under the Indian Act (Canada) that is permitted to control, manage and spend its revenue money under section 69 of that Act, ("municipalité")
"participating municipality" means a municipality that is designated by or under this Act as a participating municipality, ("municipalité participante")
"project" means a work undertaken by an authority for the furtherance of its objects, ("projet")
"watershed" means an area drained by a river and its tributaries ("basin hydrographique") R.S.O. 1990, c C-27, s 1, 1996, c 1, Sch 1, s 40, 1998, c 18, Sch 1, s 1, 2005, c 17, Sch F, Table

Meeting to establish authority for watershed

2. (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c C-27, s 2 (1)

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:
1. Where the population is 1,000,000 or more, seven representatives
2. Where the population is 500,000 or more but less than 1,000,000, six representatives
3. Where the population is 250,000 or more but less than 500,000, five representatives
4. Where the population is 100,000 or more but less than 250,000, four representatives
5. Where the population is 50,000 or more but less than 100,000, three representatives
6. Where the population is 10,000 or more but less than 50,000, two representatives
7. Where the population is less than 10,000, one representative R.S.O. 1990, c C-27, s 2 (2), 2001, c 9, Sch 6, s 1 (1)

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c C-27, s 2 (3)

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time. R.S.O. 1990, c C-27, s 2 (4)

Establishment, jurisdiction and initial financing
Establishment and jurisdiction of authority

3. (1) Upon receipt by the Minister of a resolution passed at a meeting or adjourned meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1)

Where only part of municipality is watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2)

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words “conservation authority” in English and shall include the words “office de protection de la nature” in French. R.S.O. 1990, c. C.27, s. 3 (3)

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4)

Borrowing power

(5) Every authority may, for its purposes, borrow on the security of the authority, at such rate of interest as the Minister approves, such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5)

Regional municipality to act in place of local municipalities

4. (1) Where a regional municipality has been established, the regional municipality, on and after the 1st day of January after it is established,

(a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled, and

(b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such authority the number of members in which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1)

Members appointed by local municipality continue

(2) When a regional municipality is established, the members of an authority then holding office who were appointed by a local municipality wholly or partly within the regional municipality shall continue to hold office until their respective terms of office expire and shall be deemed to have been appointed by the regional municipality. R.S.O. 1990, c. C.27, s. 4 (2)

Toronto and Region Conservation Authority

5. (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French. And has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act 1997, c. 26, Sched

(2) REPEALED 2001, c. 5, Sched K, s 1 (2)

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

(a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority, and

(b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities 1997, c. 26, Sched., 2001, c. 9, Sched K, s 1 (3)

Hamilton Region Conservation Authority
6. (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton en French and has jurisdiction in matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act R.S.O. 1990, c C.27, s 6 (1)
(2) REPEALED 2001, c 9, Sched K, s 1 (4)

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction R.S.O 1990, c C.27, s 6 (3)
(4) REPEALED 2000, c 5, s 8

Grand River Conservation Authority

7. (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la rivière Grand in French as a conservation authority under this Act R.S.O 1990, c C.27, s 7 (1)

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction 2001, c 9, Sched K, s 1 (5)
(3) REPEALED 2001, c 9, Sched K, s 1 (5)

Grouping of municipalities

8. The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities R.S.O 1990, c C.27, s 8, 1998, c 18, Sched I, s 2

Establishment of authority for two or more watersheds

9. Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined part thereof, the provisions of sections 2 and 3 apply with necessary modifications R.S.O 1990, c C.27, s 9

Enlargement of authority's area

10. (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality 1998, c 18, Sched I, s 3 (1)

Notice of meeting

(1) The council of every municipality completely or partly within the jurisdiction of the authority or the area specified under subsection (1) shall be given notice of the meeting 1998, c 18, Sched I, s 3 (1)

Representatives

(2) With respect to each municipality so notified, subsection 2 (2) applies R.S.O 1990, c C.27, s 10 (2)

Quorum

(3) At any meeting called under this section, a quorum consists of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than two members of the authority and three municipal representatives are present at a meeting or an adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time R.S.O 1990, c C.27, s 10 (3)

Resolution

(4) A joint resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the members of the authority present at the meeting and not less than two-thirds of the municipal representatives present at the meeting, agreeing to the enlargement of the area over which the authority has jurisdiction, amends the order in council establishing the authority and has the effect of enlarging the area and designating the additional municipalities and the additional area over which the enlarged authority has jurisdiction in accordance with the resolution 1998, c 18, Sched I, s 3 (2)

Amalgamation of authorities
11. (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a municipality situated completely or partly within the jurisdiction of one of the authorities may call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions 1998, c 18, Sched I, s 4 (1)

Notice of meeting

(1.1) The council of every municipality situated completely or partly within the jurisdictions of the authorities shall be given notice of the meeting 1998, c 18, Sched I, s 4 (1)

Representatives

(2) With respect to each municipality so notified, subsection 2 (2) applies  R S O 1990, c C 27, s 11 (2)

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint, but, where not fewer than three representatives are present at a meeting or adjourned meeting, they may adjourn the meeting or adjourned meeting from time to time  R S O 1990, c C 27, s 11 (3)

Resolution

(4) A resolution, passed at a meeting held under this section, at which a quorum was present, by not less than two-thirds of the representatives present at the meeting, agreeing to the establishment of one authority, has the effect of establishing the new authority, dissolving the existing authorities and designating the municipalities that are the participating municipalities and the area over which the new authority has jurisdiction in accordance with the resolution 1998, c 18, Sched I, s 4 (2)

Assets and liabilities of former authorities

(5) Upon the establishment of a new authority and the dissolution of the existing authorities under subsection (4), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority  R S O 1990, c C 27, s 11 (5)

12. Repealed 1998, c 18, Sched I, s 5

Parsimonious municipalities following amalgamation, etc.

13. Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council  R S O 1990, c C 27, s 13

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting 1996, c 1, Sched M, s 41

Quorum

(2) Despite subsection 16 (1), a quorum at a meeting called under this section consists of two-thirds of the members of the council of the authority who were appointed by participating municipalities 1996, c 1, Sched M, s 41

Members not entitled to vote

(3) Despite subsection 16 (1), members of the authority who were appointed by the Lieutenant Governor in Council before section 42 of Schedule M of the Savings and Restructuring Act, 1996 came into force are not entitled to vote at a meeting held under this section 1996, c 1, Sched M, s 41

Notice of meeting

(4) The authority shall ensure that notice of the meeting is published in a newspaper having general circulation in each participating municipality at least 14 days before the meeting 1996, c 1, Sched M, s 41

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue 1996, c 1, Sched M, s 41

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,
(a) the Minster receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present, and

(b) the Minster is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority 1996, c 1, Sched M, s 41

Authority may be continued by s 5.6.4.

(7) If an authority continued by section 5, 6 or 7 is dissolved under subsection (6), the Lieutenant Governor may, by proclamation, repeal that section on a day named in the proclamation 1996, c 1, Sched M, s 41.

Members of authority

14. (1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 (2) for the appointment of representatives, and each member shall hold office until the first meeting of the authority after the term for which he or she was appointed has expired 1989, c C 27, s 14 (1)

Changes in number of members

(2) The total number of members of the authority and the number of members that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes 2001, c 9, Sched K, s 1 (6)

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities 2001, c 9, Sched K, s 1 (6)

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction 1990, c C 27, s 14, (3)

Term

(4) No member of an authority shall be appointed to hold office for more than three years at any one time 1990, c C 27, s 14 (4)

Where part of municipality in authority’s area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality 1990, c C 27, s 14 (5)

(6) REPEALED 1996, c 1, Sched M, s 42

Meetings of authority

15. (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minster and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority 1990, c C 27, s 15 (1)

Copies of minutes to be kept

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of six minutes of the meeting to each member of the authority 1990, c C 27, s 15, (2), 1994, c 18, Sched L, s 7.

Decisions-making at meetings

16. (1) Each member of an authority is entitled to one vote 1998, c 18, Sch 4, L, s 8

Quorum

(2) At any meeting of an authority, a quorum consists of one-third of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case two such members constitute a quorum 1990, c C 27, s 16 (2)

Majority vote

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(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R S O 1990, c. C 27, s 16 (3)

Chair, vice-chair
17. (1) At the first meeting of an authority and thereafter at the first meeting held in each year, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority 1996, c 1, Schd M, s 43

Vacancy
(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R S O 1990, c. C 27, s 17 (2)

Absence of chair and vice-chairs
(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair R S O 1990, c C 27, s 17 (3)

Employees and advisory boards

Employees
18. (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary; who shall hold office during the pleasure of the authority; and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority R S O 1990, c C 27, s 18 (1)

Advisory boards
(2) An authority may appoint one or more advisory boards R S O 1990, c C 27, s 18 (2)

Executive committee
19. (1) The authority may appoint an executive committee from among the members of the authority R S O 1990, c C 27, s 19 (1)

Chair, vice-chair
(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee R S O 1990, c C 27, s 19 (2)
(i) REPEALED 1998, c 18, Schd I, s 9

Objects
20. (1) The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals R S O 1990, c C 27, s 20

Same
(2) Despice subsection (1) and subject to any other legislation pertaining to these resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if, (a) the use is compatible with the conservation, restoration, development and management of other natural resources, and (b) extraction occurs on land adjacent to, but not on, conservation authority land 1998, c 18, Schd I, s 10

Powers of authorities
21. (1) For the purposes of accomplishing its objects, an authority has power,
(a) to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed,
(b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary,
(c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired,
(d) despite subsection (2), to lease for a term of five years or less land acquired by the authority.
(e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith,

(f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project,

(g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project,

(h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them,

(i) to erect works and structures and create reservoirs by the construction of dams or otherwise,

(j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof,

(k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole,

(l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper,

(m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof.

(n) to charge fees for services approved by the Minister,

(o) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations,

(p) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose,

(q) generally to do all such acts as are necessary for the due carrying out of any project R.S.O. 1990, c C 27, s 21, 1997, c 1, Sch 44 (1, 2), 1998, c 18, Sch 4, s 11

Approval of Minister

(2) If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (e) without the approval of the Minister. 1996, c 1, Sch 44 (3)

Terms and conditions

(3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister 1996, c 1, Sch 44 (3)

Agreement re road

22. An authority and any municipality may enter into agreement for the construction or maintenance of a road on the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes R.S.O. 1990, c C 27, s 22

Minister’s powers

23. (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary, on the public interest,

(a) require an authority to carry out flood control operations in a manner specified by the Minister,

(b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority’s water control structures, or

(c) take over the operation of one or more of an authority’s water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as at result 1996, c 1, Sch 44 (3)

Acts not under prerogative of authority

8
(2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,

(a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister,

(b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council, or

(c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result

1996, c 1, Sched M, s 45

Definition
(3) In subsection (2),

"municipality" includes an upper-tier municipality 2002, c 17, Sched V, Table

Projects of authority
24. (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing 1996, c 32, s 66 (1)

(2) REPEALED 1996, c 32, s 66 (1)

Notice or raising of portion of cost
(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years 1996, c C 27, s 24 (3)

Time for notice where apportionment under review
(4) When a municipal council has, in accordance with subsection 25 (3), notified the secretary of the Ontario Municipal Board that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment 1996, c C 27, s 24 (4)

(5) REPEALED 1996, c 32, s 66 (2)

Approval of works on lakes or rivers
(6) Despite the Lakes and Rivers Improvement Act, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act 1990, c C 27, s 24 (6)

Applications
(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39, 1996, c 1, Sched M, s 46

Apportionment of benefits
25. (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail 1996, c C 27, s 25 (1)

Review of apportionment by OMB
(2) Any municipal council that is dissatisfied with any apportionment made, within thirty days after it receives notice of the apportionment, notify the secretary of the Ontario Municipal Board and the authority in writing by registered mail that it applies for a review of the apportionment by the Ontario Municipal Board 1990, c C 27, s 25 (2)

Hearing
(3) Upon application, the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing 1990, c C 27, s 25 (3)

Powers of OMB on hearing
(4) The Ontario Municipal Board has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal 1990, c C 27, s 25 (4)

Variation of apportionment
(5) In the event of the authority varying any apportionment made by x, this section applies with necessary modifications.

R S O 1990, c C 27, s 25 (5)

Determination of capital expenditure

26. (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R S O 1990, c C 27, s 26 (1)

Portion to be raised by participating municipalities

(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R S O 1990, c C 27, s 26 (2)

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R S O 1990, c C 27, s 26 (3), 1996, c 32, s 66 (3)

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R S O 1990, c C 27, s 26 (4)

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R S O 1990, c C 27, s 26 (5)

(6) REPEALED 1994, c 27, s 127

Maintenance and administration costs

27. (1) REPEALED 1997, c 29, s 54 (1)

Apportionment of maintenance costs

(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R S O 1990, c C 27, s 27 (2), 1996, c 1, Sched M, s 47 (1)

Apportionment of administration costs

(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c 29, s 54 (2)

Maximum levy for administration costs

(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against each participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against that municipality. R S O 1990, c C 27, s 27 (4), 1996, c 1, Sched M, s 47 (3)

Notice of apportionment

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R S O 1990, c C 27, s 27 (5)

Levy where only part of municipality in area

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R S O 1990, c C 27, s 27 (6)

Enforcement of payment

10
(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C 27, s 21(7)

Appeal

(8) A municipality against which a levy is made under this section may appeal the levy to the Mining and Lands Commissioner appointed under the Ministry of Natural Resources Act 1996, c 1, Sched M, s 47(4)

Time for appeal

(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c 1, Sched M, s 47(4)

Parties

(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Commissioner. 1996, c 1, Sched M, s 47(4)

Compliance pending determination

(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c 1, Sched M, s 47(4)

Matters to be considered at hearing

(12) The Commissioner shall hold a hearing on the appeal and shall consider,

a) whether the levy complies with this section and the regulations made under subsection (16), and

b) whether the levy is otherwise appropriate. 1996, c 1, Sched M, s 47(4)

Powers of Commissioner

(13) The Commissioner may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c 1, Sched M, s 47(4)

No appeal

(14) No appeal lies from the decision of the Commissioner. 1996, c 1, Sched M, s 47(4)

When subsections (8) to (14) begin to apply

(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c 1, Sched M, s 47(4)

Regulations re levies

(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c 1, Sched M, s 47(4)

Regulations by authority re area under its jurisdiction

28, (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

(a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams,

(b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland,

(c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development,

(d) providing for the appointment of officers to enforce any regulation made under this section or section 29,

(e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c 18, Sched 1, s 12

Delegation of powers
(2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation.

(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met.

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office hours.

(5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that:
(a) are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to shallow lakes that may be affected by flooding, erosion or dynamic beach hazard;
(b) are river or stream valleys;
(c) are hazardous lands;
(d) are wetlands, or
(e) are other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority.

(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by the authority under subsection (1), including flood event standards and other standards that may be needed, and setting out what must be included or excluded from regulations made by the authority under subsection (1).

(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid.

(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force.

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation.

(10) No regulation made under subsection (1) shall:
(a) limit the use of water for domestic or livestock purposes;
(b) interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
(c) interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario, or
(d) interfere with any rights or powers under the Electricity Act, 1998 or the Public Utilities Act, 1998.
(11) A requirement for permission of an authority in a regulation made under clause (1) (a) or (c) does not apply to an activity approved under the Aggregate Resources Act after the Red Tape Reduction Act, 1998 received Royal Assent 1998, c 18, Sched 1, s 12.

Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority’s executive committee 1998, c 18, Sched 1, s 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,
(a) refuse the permission, or
(b) grant the permission, with or without conditions 1998, c 18, Sched 1, s 12.

Reason for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision 1998, c 18, Sched 1, s 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,
(a) refuse the permission, or
(b) grant the permission, with or without conditions 1998, c 18, Sched 1, s 12.

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to a term of imprisonment of not more than three months 1998, c 18, Sched 1, s 12.

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,
(a) remove, at that person’s expense, any development within such reasonable time as the court orders, and
(b) rehabilitate any watercourse or wetland in the manner and within the time the court orders 1998, c 18, Sched 1, s 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated 1998, c 18, Sched 1, s 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction 1998, c 18, Sched 1, s 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,
(a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c), or
(b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage 1998, c 18, Sched 1, s 12.
(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time, 1998, c 18, Sched 1, s 12

Notes of entry
(22) The power to enter property under subsection (20) shall not be exercised unless,
(a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property, or
(b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a) 1998, c 18, Sched 1, s 12

No use of force
(23) Subsection (20) does not authorize the use of force 1998, c 18, Sched 1, s 12

Offence. obstruction
(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than $10,000 1998, c 18, Sched 1, s 12

Definitions
(25) In this section,
“development” means,
(a) the construction, reconstruction, erection or placing of a building or structure of any kind,
(b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
(i) site grading, or
(d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere, (“land management”)
“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock, (“terrain dangerous”)
“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1)(c) applies, (“pollution”)
“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“course d’eau”)
“wetland” means land that,
(a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
(b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
(c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
(d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,
(b) providing for the protection and preservation from damage of the property of the authority,
(c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services,
(d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits,
(e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles,
(f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices,
(g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof,
(h) subject to the Forest Fires Prevention Act and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires
R S O 1990, c C 27, s 29 (1), 1998, c 18, Sched 1, s 13 (1)

Regulations by L. G. or C. governing content of authority's regulations

(1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be fixed, and setting out what must be included or excluded from regulations made under subsection (1) 1998, c 18, Sched 1, s 13 (2)

Invalid regulations

(2.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1) is not valid unless it has been approved by the Minister 1998, c 18, Sched 1, s 13 (2)

Offence: contravening regulations

(2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than $1,000 R S O 1990, c C 27, s 29 (2), 1998, c 18, Sched 1, s 13 (3)

Regulations by authority: mandatory regulations

30. (1) Subject to the approval of the Minister, an authority shall make regulations,
(a) providing for the calling of meetings of the authority and prescribing the procedure at those meetings,
(b) prescribing the powers and duties of the secretary-treasurer,
(c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority, and
(d) delegating all or any of its powers to the executive committee except,
(i) the termination of the services of the secretary-treasurer,
(ii) the power to raise money, and
(iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority R S O 1990, c C 27, s 30 (1)

Time for making regulations

(2) Every authority shall make regulations under subsection (1) within one year after its establishment R S O 1990, c C 27, s 30 (2)

Restriction on entry

30.1 (1) An authority or an officer appointed under a regulation made under clause 28 (1)(d) or (e) shall not enter land without,
(a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land, or
(b) the authority of a warrant under the Provincial Offences Act 1998, c 18, Sched 1, s 14

Exceptions

(2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20) 1998, c 18, Sched 1, s 14

Expropriation
31. The *Expropriation Act* applies where land is expropriated by an authority or where land is unnecessarily affected by an authority in the exercise of its statutory powers. R.S.O. 1990, c C.27, s 31

Reserve on projects

Crown land affected

32. (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c C.27, s 32 (1)

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Government Services a plan and description of the project or a part thereof, together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Government Services. R.S.O. 1990, c C.27, s 32 (2), 1998, c 15, Sched E, s 3 (3)

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c C.27, s 32 (3)

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c C.27, s 32 (4), 1998, c 15, Sched E, s 3 (5)

Assessment of lands of authority

33. (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable municipal purposes by levy under section 312 of the *Municipal Act, 2001* upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on the land had not been erected. 1997, c 5, s 64 (3), 1997, c 43, Sched G, s 19, 2061, c 8, s 203, 2002, c 17, Sched F, Table

Assessment of rental property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c C.27, s 33 (2)

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c 5, s 64 (2), 1997, c 43, Sched G, s 19, 2001, c 8, s 203

Reassessment under Assessment Act

(4) The authority may request a reassessment under section 59 of the *Assessment Act* 1997, c 5, s 64 (3)

Complaint to the Assessment Review Board

(5) The authority or the municipality may make a complaint to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for making the complaint is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 1997, c 5, s 64 (3), 1998, c 3, s 33

Assessment Act to apply

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or a complaint 1997, c 5, s 64 (3)

(7) *Repealed* 1997, c 5, s 64 (3)

Assessments for next year's taxation
(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C 27, s. 33 (8), 1997, c. 5, s. 64 (4), 1997, c. 43, Sched. G, s. 19, 2001, c. 8, s. 203

Cemetery lands

34. (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment R.S.O. 1990, c. C 27, s. 34 (1)

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein R.S.O. 1990, c. C 27, s. 34 (2)

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

(a) that the cemetery or other place of interment has been acquired for the purposes of the authority,

(b) that other land, describing it, has been acquired by the authority for the purpose of reinterring the bodies,

(c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date, and

(d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines R.S.O. 1990, c. C 27, s. 34 (3)

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment R.S.O. 1990, c. C 27, s. 34 (4)

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment R.S.O. 1990, c. C 27, s. 34 (5)

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed R.S.O. 1990, c. C 27, s. 34 (6)

Right to use water power

35. (1) The authority has the right to use any water power created upon lands vested in it for its own uses 1998, c. 15, Sched. E, s. 3 (5)

Restriction on rate

(2) Despite subsection (1), the authority shall not market or sell water power created upon lands vested in it 1998, c. 15, Sched. E, s. 3 (5)

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power 1998, c. 15, Sched. E, s. 3 (5)

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the Arbitration Act, 1991 1998, c. 15, Sched. E, s. 3 (5)
Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of
establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the
watershed for any additional power generated from increased head or flow due to the works undertaken by the authority
R.S.O. 1990, c. C.27, s. 35 (4), 1986, c. 15, Sched. A, s. 3 (6)

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the Public Lands Act R.S.O. 1990, c. C.27,
s. 35 (5)

Assent of electors not necessary

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality,
including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the
municipality without the assent of the electors R.S.O. 1990, c. C.27, s. 36

Payments to and spending by authority

37. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority, and the
authority may spend moneys as it considers proper, except that no salary, expenses or allowances of any kind shall be paid to
any of the members of the authority without the approval of the Ontario Municipal Board R.S.O. 1990, c. C.27, s. 37

Annual audit

38. (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the
Public Accountability Act R.S.O. 1990, c. C.27, s. 38 (1)

Note: “On a day to be named by proclamation of the Lieutenant Governor, subsection (1) is amended by the Statutes of Ontario, 2004, c. 81, s. 46, table by striking out “Public Accountability Act” and substituting “Public Accounting Act, 2004”, SFC, 2004, c. 81, s. 46, table; s. 51 (2).”

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the
authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with
the authority other than for services within his or her professional capacity R.S.O. 1990, c. C.27, s. 38 (2)

Auditor’s report

(3) An authority shall, upon receipt of the auditor’s report of the examination of its accounts and transactions, forthwith
forward a copy of the report to each participating municipality and to the Minister R.S.O. 1990, c. C.27, s. 38 (3)

Grants

39. Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in
accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council R.S.O. 1990,
c. C.27, s. 39
The Conservation Authorities Act, enacted in 1946, provides the CRCA with a unique, watershed-based mandate to conserve and manage natural resources across its jurisdiction. The Authority has important roles as a trustee for the environment, as an advocate for the public open spaces, and as a manager of its natural resources.

The CRCA has a long, well-documented history of strategic planning. Factors such as municipal and provincial downsizing, changing demographics, more frequent severe climatic events resulted in this reevaluation of our long-term directions. This plan, Catarrahi to 2020, will be used by staff and members of the Authority as a guide to establish priorities for programs over the next twenty year period. To focus efforts through times characterized by a challenging fiscal climate and organizational upheavals, three general overriding themes continue to be important in the Authority's work: Research, Leadership and Coordination, and Education. Our Vision Statement provides a view of the future for all staff, members, and residents.

Our vision is that the natural environment of the Catarrahi Region Conservation Authority watersheds will be conserved, that degraded natural resources will be restored, that our regional diversity will be valued by the watershed residents, and that the public will understand the role that everyone needs to play in resource management and resource enjoyment.

The Authority is associated with many other groups and agencies to achieve a range of mutually supportive objectives. Overall, goals describe general, long-term purposes, and following each of the five listed, are the key objectives which the Authority will strive to meet. These goals have been adapted from those approved by Conservation Ontario, and similarly, the order is not intended to suggest ranking

Goal A: To conserve CRCA’s water resources, including the safeguarding, management and restoration of rivers, lakes and streams, and to work cooperatively with our partners to protect the water cycle.

- Produce watershed management plans for our major watersheds to help ensure their long-term health
- Develop with other groups a coordinated approach to managing water quantity,
- Cooperate with agencies on research to maintain or improve the quality of surface water and groundwater resources.
- Provide technical advice to municipalities in implementing storm water management.

Catarrahi to 2020: Executive Summary
Goal B: To implement policies that will protect life and property from natural hazards such as flooding and erosion.

- Implement preventive policies for lands which may be subject to natural hazards

Goal C: To conserve woodlands, wetlands and natural habitat.

- Protect significant natural heritage features through planning policies and procedures.
- To cooperate with other partner agencies to fulfill terms of agreement to review impact of development proposals on fish habitat.

Goal D: To facilitate protection of natural resources in order to conserve, restore, develop or manage them.

- Implement a land management program reflecting the different types of properties under CRCA ownership.
- Enhance the Authority's technical advisory program to member municipalities and the public to protect or enhance natural areas and functions.

Goal E: To provide opportunities for the public to learn from the public open spaces within the jurisdiction, and to respect the local natural environment.

- Promote a range of conservation education opportunities for watershed residents.
- Promote our role and message to watershed residents, member municipalities, and partner agencies.

Catarqui to 2020 outlines an ambitious program for the Authority. Changing priorities, or unforeseen needs on the part of member municipalities can result in changes to priorities as envisioned in this document, or in the addition of tasks to those outlined. Implementation of the plan, as proposed through a work plan, will ensure prudent use of available resources by complimenting the plans of other agencies, community groups and citizens working within the watershed.

Catarqui to 2020 is designed as a long-range plan for twenty years, with renewed direction through regular work plans, to focus efforts of the Authority where priorities have shifted or staff need to assess new circumstances.
INTRODUCTION

Our lives depend on a clean, healthy environment. We face numerous environmental issues, including environmental degradation, competing development pressures, cottage development, loss of open space, and questionable water quality. The mandate of Conservation Authorities is given by the Ontario Legislature. The Conservation Authorities Act states in Section 20(1):

The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

For the Authority to act wisely, and in a coordinated fashion, we must set goals, and outline how to achieve them to ensure adherence to them within the watershed and to inform other bodies, interested parties and the public of the Authority’s policies and the basis of them.

Why a Conservation Authority?

The Conservation Authorities Act, enacted in 1946, established Conservation Authorities as local agencies, for the management of natural resources. Their geographic jurisdictions are watershed-based ecological systems. The legislation gives the Authority a broad mandate. (Appendix A) Combining local and provincial concerns for the wise use of natural resources in Ontario, Conservation Authorities make a positive contribution to resource management in Ontario—one that is sensitive to local needs, and undertaken in a manner that satisfies needs that cannot be met as effectively otherwise. As an agency with a local identity extending beyond political boundaries, and which serves its client municipalities, the Conservation Authority has important roles as a trustee for the environment, as an advocate for the public open spaces, and as a manager of its natural resources.

The Cataraqui Region Conservation Authority (CRCA)

Each Conservation Authority is different, reflecting local circumstances and priorities. For the CRCA, the organizing committee’s leaflet published in 1963 outlined the following “If it is possible to reduce an Authority’s aims to one phrase, it would be to encourage, by aid and example, the efficient utilization of the area’s resources for the profit, education and recreation of its people. So complex is the interdependence of water, soil, forest and wildlife that the carrying out of this mandate brings it into many fields 1) land use, land improvement and forestry, 2) control of water levels and flows and 3) education and recreation.”
The jurisdiction of the Cataraqui Region Conservation Authority (CRCA) is large, encompassing 3506 square kilometres, ten major drainage basins, all or part of 11 municipalities, and over 250 km of Lake Ontario and St. Lawrence River shoreline. Reaching from Hay Bay in the west to Brockville in the east, and from Newboro in the north to the Lake Ontario and St. Lawrence River shoreline, the watershed has a very diverse collection of land forms and land uses. It is also a major land trust, holding more than 4000 hectares or just over 1% of the area within the watershed.

Why a Strategic Plan?

Planning is important. A strategic plan provides a long-term direction to guide the Conservation Authority. From the 1968 Conservation Report which made recommendations to guide the Authority in developing its conservation program, to the 1983 Interim Watershed Plan, and then to the 1993 Conservation Strategy which most recently set out the CRCA's strategic plan, we have recognized an ongoing need for strategic planning to focus our efforts on the matters of greatest importance.

Currently, factors such as a changing political structure, changing demographics, more frequent severe climatic events, and new opportunities in technology point to the need for a review of future directions. In addition to the increased stresses upon our natural resources, more limited staff and financial resources mean that efforts need to be focused to deliver optimum results. The Authority is associated with many other groups and agencies to achieve a range of mutually supportive objectives.

The Conservation Authority's strategic plan will be used by staff and members of the Authority as a guide to establish priorities for programs, over the next twenty year period. It will help provide direction to staff, which in turn, will help to complement the management efforts of associated agencies. Implementation of the plan, as proposed through a work plan will ensure prudent use of available resources by complementing the plans of other agencies, community groups and citizens working within the watershed.

To appropriately focus our efforts through times characterized by a challenging fiscal climate, and organization upheavals, there are three general areas of interest. Research, Leadership and Coordination, and Education.

Research, specifically the collection of basic resource data, and its analysis and implications for policy direction, must be one of our highest priorities because information on which to base policy, plans and actions is often lacking, incomplete or outdated. Research includes the collection of the resource data that are needed to improve our ability to make informed decisions and recommendations. The Authority needs data relating to the wide range of natural resources. Concern has been expressed about the quality of surface and groundwater. The Conservation Authority is concerned that our groundwater may not be widely recognized as the crucial resource that it is, and feels that research into protection of its quantity and quality is vital. Another focus of our research efforts must be on natural heritage areas. Not only must these areas be
identified, but also means of protection must be implemented. The Authority will also focus research efforts on water use and water conservation.

Research is the collection and analysis of information. By itself, research is of limited use. We must assess that information, and apply it in managing our natural resources. There is also an obligation to make the information available - both to use it for internal purposes and to make it available to others or to reform their understanding and action. Helping others to better understand the natural environment is a more effective way of achieving objectives of mutual interest than by coercion through direction and regulation. Also, sharing of information should lead to clearer understanding and therefore better decisions. This may involve the use of new mapping tools and the development of new techniques, and would be done in cooperation with other government and non-government agencies.

A lack of coordination and leadership in assessing and managing our natural resources often results in duplication of effort, lack of direction, confusion about who does what, and in missed opportunities. This is an area where the Conservation Authority raises the profile of environmental issues, and often plays a positive role because of our watershed-based jurisdiction that crosses numerous political boundaries. We can make a positive contribution in the resource management field because we have the flexibility and willingness to work with a wide range of agencies or individuals within our jurisdiction, and the staff members often facilitate equitable solutions to environmental problems.

This concern underlies all aspects of our strategic plan because it is recognized that most initiatives will not be undertaken alone, but will be carried out in cooperation with one or more of the groups with whom we work. The Conservation Authority may assume a leadership or coordinating role in some instances, while in others it may take a participatory role.

Education

Education is another area of cooperative endeavour. The Authority sees a need to increase awareness, understanding and appreciation of natural resources. Staff educate the public about stewardship of our natural resources, and how interconnected our various resources are. Individuals and private groups can play a significant role in the protection of our natural resources, because what is done locally will have a cumulative effect, and can contribute to a global improvement of our natural resources. The Authority shall attempt to provide facilities and opportunities for educational purposes, so that this need can be met. We shall continue to offer conservation, education and other stewardship programs in cooperation with local school boards, environmental organizations and others.

Education is seen by the Authority as a multifaceted activity. Much of it involves providing general information to the public at large, and ranges widely from enhancing public understanding and knowledge of the natural environment to activities focused on particular topics such as woodlot and beaver management. Methods will include publications and public information advertisements. Some also involves making heritage lands more accessible by ownership of land and providing trails, washrooms and
information kits. One aspect of public programs is the more narrowly defined activities
done in cooperation with school boards for classroom related programs. The
arrangements vary from formal contracts at Gould Lake and Mac Johnson, to Authority
delivery of programs at the Little Catarqui Creek Conservation Area. Education is
needed to ensure that understanding and motivation or support for basic concepts of
environmental protection will continue so that our natural resources will be preserved for
future generations. Advocating the development of appropriate policies to deal with our
changing world and with specific areas of concern is crucial to consistent and appropriate
watershed management.

**PRINCIPLES OF CONSERVATION**

The principles underlying *Catarqui to 2020* are:

An *ecological approach* explains the interdependence within our natural world, and
deals with the connectivity of issues relating to the use of land and water. This approach
is fundamental to healthy watersheds, and forms the foundation for planning within our
watershed.

*Sustainable development* is a use or development that can be sustained by the
environment without significantly impairing its natural values. Sustainable development
is development that "meets the needs of the present without compromising the ability of
future generations to meet their own needs." (The World Commission on Environment
and Development, 1987).

We need to *educate* our watershed residents about the importance of stewardship of
land and water resources, and how they contribute to our quality of life.

*Stewardship of land*, where individuals, partners and corporations understand and
protect the natural resources on the lands under their control, should be encouraged and
promoted.

In our important role as an *advocate for the environment*, we will partner with others to
attain our vision for the watershed.

**VISION STATEMENT**

The Vision of the Catarqui Region Conservation Authority is intended to provide a view
of the future. If our Vision is fully achieved, future generations may be able to
experience a higher quality of life. Therefore, one of the most important things that the
Authority envisions, is a watershed with environmentally aware and involved participants—
with a greater commitment to good stewardship. To this end, education is fundamental.

The Authority will also strengthen its association with other agencies effective in service
delivery, as well as with citizens, community groups, and corporations. With a watershed
based jurisdiction, we have a unique opportunity to cross political boundaries, just as natural resources cross these man-made limits.

Our vision is that the natural environment of the Cataraqui Region Conservation Authority watersheds will be conserved, that degraded natural resources will be restored, that our regional diversity will be valued by the watershed residents, and that the public will understand the role that everyone needs to play in resource management and resource enjoyment.

CATARAQUI TO 2020: GOALS, OBJECTIVES, AND PRIORITIES

The goals, objectives and priorities detailed in the following pages are the planned actions, or programs to be implemented in the next twenty years to ultimately fulfill the Vision of the Conservation Authority. The order in which they are presented does not convey any ranking. Nor are the groupings independent of one another. These goals, which have been adapted from those guiding the 38 Conservation Authorities making up Conservation Ontario, describe general long-term purposes. It is recognized that they may not be entirely achievable within the life span of this plan, and that one of the keys to the success of meeting these priorities will be in building our partnerships and the level of cooperation with, and facilitation between other groups, public bodies and the community.

• GOAL A: SAFEGUARDING WATER RESOURCES

To conserve CRCA’s water resources, including the safeguarding, management and restoration of rivers, lakes and streams, and to work cooperatively with our partners to protect the water cycle.

The Cataraqui Region Conservation Authority provides advice to all levels of government concerned with the responsible management of CRCA’s water resources, for advocating protection of rivers, lakes and streams, as well as for awareness of, and respect for the water cycle. In order to protect our water resources, there are five important water-related elements:

• WATERSHED MANAGEMENT PLANNING

To provide for proper management of resources and to ensure a comprehensive, coordinated approach, we need to develop environmentally sound watershed management plans using an ecological approach. Since the CRCA jurisdiction now includes a total of ten watersheds, including the Lake Ontario and St. Lawrence River
shoreline, the long-term objective is to carry out individual basin studies, based on natural watershed boundaries.

To prepare and implement watershed management plans for all ten basins, integrating the fragmented approach to resource management that presently exists.

To develop and apply plan input policies that are consistent with the Provincial Policy Statement, as amended.

- WATER QUANTITY

Our water quantity strategies focus on addressing the amount of water in various areas of the watershed, including areas where high waters or flooding potential is a concern. The CRCA owns and manages ten water control structures in the watershed. There are many structures operated by others, and this complexity of control is a challenge to the management of water in the area. Recognizing the predicted incidence of severe climatic events, the Authority has improved its forecasting and warning system, and has initiated low flow studies in critical areas.

To coordinate an approach to the management and use of water including the operation of water control structures across the jurisdiction.

To work with other agencies to monitor streamflow and develop water budgets in the watershed, and implement remedial measures where water quantity problems are identified.

To maintain flood/drought forecasting and warning capabilities, and to assist our member municipalities in preparing emergency response plans.

- WATER QUALITY

The CRCA and the Ministry of the Environment conduct a surface water sampling program limited to selected streams across the jurisdiction. Standard water quality parameters are examined, and used to assess the status of water quality in these parts of the watershed. We must remember that streams are a part of a system of water, which flow into and out of the numerous lakes in our region. Initiatives by senior levels of government influence the extent of sampling and the Authority's involvement.

To assist in monitoring surface water quality in the watershed, in cooperation with other agencies, and to identify areas of water quality concern and information deficiencies.

To protect and enhance water quality through promotion of proper stormwater management, plan input and review, stewardship, education, demonstration, and conservation services, such as erosion control, forestry, and wildlife habitat improvement.
• GROUNDWATER

The CRCA is working with the Ministry of the Environment and member municipalities to assess the quantity and quality of groundwater resources within the watershed, recognizing that this is an area where knowledge of the resource is most needed. Part of our message about the water cycle relates to the important link between ground and surface water resources, and what people can do to protect these resources.

To work with other agencies, including adjacent Conservation Authorities, to assess the groundwater resources in the watershed, particularly the relationship between surface and groundwater.

To promote research into the ways in which the quality and quantity of groundwater supplies can be sustained, protected and enhanced.

To protect and enhance the groundwater recharge and discharge areas through use of techniques such as management guidelines, plan input and review, forest management, conservation services, acquisition, conservation easements, development standards, and promotion of effective stewardship.

• URBAN & RURAL STORMWATER

The CRCA has a role in the management of both the quality and quantity of urban and rural stormwater. Stormwater concerns are a large part of the review process for proposed changes in land use across the jurisdiction. The Authority has initiated or promoted Master Drainage Plans in critical areas.

To provide technical advice and develop and apply policies for urban and rural stormwater management suitable for the jurisdiction in cooperation with other agencies, and member municipalities.

GOAL B: PROTECTING AGAINST NATURAL HAZARDS

To implement policies that will protect life and property from natural hazards such as flooding and erosion.

Conservation Authorities play an important role in protecting life and property from natural hazards including flood and erosion control as well as developing programs to minimize the impact of natural disasters.
• FLOODPLAINS AND HAZARD LANDS

The CRCA is concerned about the protection of natural shorelines and river corridors. Floodplains exist in river valleys, on lakes and along coastal areas. We regard floodplains as an integral part of a water body's space—an area that is occupied infrequently, but naturally. The Authority has mapped substantial areas within the watershed to identify areas where floodplains exist. Fill line mapping has also identified hazard land areas that require recognition. In addition, the Conservation Authority helps to ensure that the provincial policies related to flooding, erosion and dynamic beaches are implemented.

To identify floodplain areas or hazard lands within the CRCA watershed by undertaking floodplain and fill line mapping.

To protect natural hazard areas and to prevent new development in areas which are subject to natural hazards on shoreline properties and watercourses.

To reduce flood risk to existing development located in floodplains by using techniques such as flood forecasting and warning, plan input and review, structural measures, acquisition of land, protection of wetland and forested areas and by means of regulations.

To coordinate the provision of information to member municipalities, land owners and developers concerning floodplain and fill line mapping.

GOAL C: STEWARDSHIP OF OUR NATURAL HERITAGE

To conserve woodlands, wetlands and natural habitat.

What we do on land is reflected in our water, and consequently, Conservation Authorities develop programs that maintain lands that contribute to the water cycle, including a sustainable and accountable agriculture, tourism and woodland industries. In addition, Conservation Authorities are actively involved in the protection of open space, aquatic and natural habitat protection and restoration, and shoreline issues.

• NATURAL HERITAGE

The protection of provincially significant wetlands and areas of natural and scientific interest (ANSIs) has been a long-standing concern of the CRCA. The Provincial Policy Statement requires that a wider range of natural heritage features be recognized and protected in planning documents to include not only the wetlands, but also forested areas, valleylands, and areas of outstanding natural beauty. Several such areas are recognized through acquisition of lands, and are reflected in current planning documents. The CRCA believes that the diversity of our lakes, forests, stream and river valleys, and special views should also be recognized and conserved. Improving our knowledge and
understanding of these resources is one of the greatest concerns that must be addressed.

To undertake or update research on natural heritage features within the CRCA watershed, and to map these features in cooperation with private landowners.

To encourage and assist landowners and municipalities to identify and protect such natural heritage features, including areas of wildlife habitat, special natural landscapes or vistas, and forested lands recognizing that the natural heritage provincial policies do not limit the ability of agricultural uses to continue.

To use cooperative mechanisms such as conservation easements, management agreements, education through demonstration, plan review comments, fostering of stewardship by private individuals and groups of landowners, conservation organizations, and land acquisition to protect natural heritage features within the watershed and enhance biodiversity within these areas.

To develop and conserve, in cooperation with other agencies and groups, natural corridors linking open space areas.

To secure/conserve areas in a natural state for nature appreciation and for their intrinsic value, in cooperation with other agencies and groups.

• FISH HABITAT PROTECTION

The Conservation Authority has an agreement with Fisheries and Oceans Canada (DFO) to review all in-water development proposals on the shores of Lake Ontario and St. Lawrence River, as well as on all inland lakes and smaller rivers. The Authority can change its level of responsibility, if desired.

To continue working with Fisheries and Oceans Canada, to determine what impact individual development proposals have on fish habitat.

To continue cooperating with municipalities and agencies to improve the fish habitat information base across the jurisdiction, and provide information when enforcement issues need to be addressed.

To promote fish habitat enhancement projects

GOAL D: MANAGING OUR NATURAL RESOURCES

To facilitate protection of resources within the jurisdiction in order to conserve, restore, develop or manage them.
Conservation Authorities provide opportunities for our citizens to appreciate the value of our natural environment and the many economic and social benefits of protecting this environment. For over 50 years, Conservation Authorities have worked cooperatively with local municipalities and partner agencies to ensure access to Ontario’s greenspace for tourism and recreation.

• **MANAGING CRCA PROPERTIES**

The CRCA recognizes the importance of managing its different types of properties in different, appropriate ways. Some Authority land holdings are primarily for such purposes as recreation or forestry, and nearly all are important for more than one function.

To develop management plans, master plans, or user policies that recognize the natural, cultural, and historic values of the Conservation Authority properties.

To demonstrate sound and sustainable resource management techniques and practices on Conservation Authority lands.

To undertake resource inventories on new properties that may be acquired, and to update existing inventories, as feasible.

To inform our watershed residents about the various functions of Authority properties, and the role that they can have in maintaining and improving these areas.

To develop a property acquisition and disposal policy explaining Authority priorities to help focus these efforts, and to help the public understand these issues.

To assess existing outdoor recreational facilities in the watershed and determine the Conservation Authority’s role in providing additional outdoor recreational opportunities with a conservation focus.

To continue supporting development of a regional trails network to provide links between CRCA properties and other open spaces across the area.

• **CONSERVATION SERVICES**

The Conservation Authority currently offers a range of Conservation Services, to landowners, groups, agencies and municipalities. These include technical advice on a wide variety of resource management topics, as well as forestry services for which the Authority has established programs.

To promote our role in providing technical advice on conservation services throughout the watershed, and to continue coordinating with community groups and municipalities in the provision of conservation services programs.

To deliver enhanced seedling and large stock forestry programs across the jurisdiction.
To continue to provide educational demonstration projects showing sound and sustainable resource conservation techniques in order to better focus our efforts.

To act as a repository for data to facilitate our technical services function.

To promote research and development of new techniques of resource conservation, in cooperation with other agencies and organizations.

**GOAL: E: EDUCATION AND ENCOURAGING PUBLIC INVOLVEMENT**

*To provide opportunities for the public to learn from the public open spaces within the jurisdiction, and to respect the local natural environment.*

The CRCA’s dedicated professional staff and committed volunteers develop and deliver ongoing programs to ensure health of natural environments within our communities.

- **COMMUNITY RELATIONS AND EDUCATION**

The CRCA has an active public relations and conservation education program. Staff members face opportunities and challenges in adapting our forms of communication.

To provide information about the Authority to municipalities, agencies, the media and the public.

To focus the Authority’s education efforts on stewardship of the natural environment through coordination with school boards and other community groups.

To improve communications and working relationships with other resource management agencies, member municipalities, special interest groups, educational bodies, the private business sector, and members of the public.

To promote our role and message to watershed residents, municipal clients and our associates.

To continue working with our volunteer organizations, including the Conservation Authority Foundation, in order to promote the Authority and to build support to achieve common objectives.

To make information about the natural environment widely available.
WAYS AND MEANS TO IMPLEMENTATION

Cataraqui to 2020 outlines an ambitious program for the Authority. Recognizing the staffing and funding constraints is important. To successfully implement the strategies planned during the life of this strategic plan may require more staff and more funds. As financial and other resources, public expectations, and the activities of related agencies with complimentary programs change, the Authority’s mixture of activities will change. Also, as grants have been drastically reduced over the last ten years, capital projects have almost vanished from the budget. Future changes to the structure and funding of Conservation Authorities could create further challenges in our ability to implement Cataraqui to 2020. In order to focus the Authority's attention and monetary resources in these specific directions, we need to set out our new strategies to help identify projects which are a priority for the next five years.

Conservation Authorities are remarkably flexible in adapting a program to fill a need and they generally respond fairly quickly to local needs and funding availability. Changing priorities, or unforeseen needs on the part of member municipalities can result in changes to priorities as envisioned in this implementation section, or in the addition of tasks to those outlined. A work plan must be developed by members and staff that examines the human and financial resources of the CRCA, recognizing that the key ways whereby the CRCA does its job are through Research, Leadership and Coordination, and Education.

With updated research, staff can collectively improve their ability to make informed recommendations, which should result in more environmentally-friendly decisions. Research efforts also need to be focused on better understanding of the water cycle and the general interconnectedness of the components of our natural resources.

The concerns of better leadership and coordination form the basis of our strategic plan because we recognize that most initiatives will be undertaken in cooperation with one or more of our partners. Sometimes, the Conservation Authority assumes a leadership role in these efforts, and sometimes we play facilitating or participatory roles.

The Authority sees a continuing need for the improved education in understanding and appreciating natural resources, and our role as stewards of our natural resources. Individuals and private groups play important roles in protecting natural resources, because increasingly, people understand that they can contribute to global protection of our natural resources. Supplying information to others so they can improve their decision is also effective in terms of cost and long term benefits. The Authority shall also continues to offer a wide range of programs in cooperation with local school boards, and other environmental organizations.

Clearly, there is an interdependence between these three elements. Our goals and priorities are related and depend on other steps occurring. Often, our efforts are affected by external forces, both natural and the action of related public bodies. Strategies set out in Cataraqui to 2020 have been broken down into categories for ease of reference.
Many of them cannot be entirely successful without others being completed. For example, certain fundamentals are necessary, such as acquiring particular resource data, and continued facilitation with agencies. Only then are successive steps possible, such as development of policy, and the application of those policies. Many ongoing programs will continue so that while staff collect and analyze data, we will continue to carry out our community relations programs. And while we continue our role of promoting integrated resource management, we will continue to provide information and recommendations to our member municipalities regarding natural resources.

Much of the Authority’s mandate is carried out in conjunction with others, whether by explicit cooperation, or by persuasion, or by changing the way others act. In the long run it is far better, more efficient, and more effective to persuade others to modify their behaviour than by direct intervention. One of the Conservation Authority strengths is their knowledge of the locality, its needs and circumstances. Also because it is local, it can respond more quickly and with simpler less bureaucratic procedures to adopt a public policy to address the unique need of a particular place, circumstance and people. Not only is it locally accessible, it is accountable locally, not in some remote capital.

THIS STRATEGIC PLAN AND YOU

Cataragui to 2020 is designed as a long-range plan for twenty years. As such, a regular review of the plan is necessary to assess its successes and limitations, and to redirect the efforts of the Authority where our priorities have shifted or staff need to assess new circumstances. We know that we must constantly direct our effort where it has the greatest benefit.

In today’s world it is more difficult than ever to know how to "act locally while thinking globally." Cataragui to 2020 is a document that will give the Conservation Authority direction in setting its programs at the local level. Next in this process is to develop a work plan. But to a great extent, our strategic thinking needs to be supported by residents, agencies, and corporations.

Careful and wise stewardship of individual land holdings, from the small suburban home to large institutional, industrial or rural land holdings of vast hectares, is something that will benefit future generations, and is an ethic that can be instilled in our own children and grandchildren. Conservation of our water resources can be practised by the individual farmer, the apartment dweller, industry, and urban and rural landowners. The importance of the individual, of your role in seeing these priorities met, is critical to our success. Each of us can help to protect our environment at the local level, in our own environment.
APPENDIX A

POWERS OF CONSERVATION AUTHORITIES

Sections of the Conservation Authorities Act set out how the objects shall be achieved. The provisions most relevant to Catanqul to 2020 found in Section 21 state:

For the purposes of accomplishing its objects, an authority has power,

a) to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed, and managed

b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary,

c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2) to sell, lease or otherwise dispose of land so acquired

d) despite subsection (2) to lease for a term of five years or less land acquired by the authority,

e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith,

f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project,

g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project,

h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them,

i) to erect works and structures and create reservoirs by the construction of dams or otherwise,

j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;

k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole,

l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper

m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof,

m 1) to charge fees for services approved by the Minister;

n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations;

o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

p) to cause research to be done,

q) generally to do all such acts as are necessary for the due carrying out of any project
APPENDIX B

DEFINITIONS

The following definitions are intended to be used in conjunction with the Catarquai to 2020 text.

Areas of Natural or Scientific Interest (ANSI) means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

Basin Study: A study consisting of the collection of data pertaining to one basin. This information would normally be used for the preparation of a watershed management plan.

Conservation: Wise use. This phrase is not intended to be restricted narrowly to preservation of any management, but may include either or both.

Conservation Services: Refers to all services that the Catarquai Region Conservation Authority provides to private and municipal landowners.

Cumulative Impacts: Long-term impacts that increase by successive additions, although such additions might be minor individually.

Community Relations: A broad concept intended, including public relations, information, education, promotions, and fund raising.

Diversity: Intended to include both the maintenance of different plant and animal types, as well as the genetic differences that are important in sustaining viable populations of any species.

Ecological Approach to Land-Use Planning: An ecological approach to land-use planning simply means taking a holistic approach to managing human activities, rather than traditional, piecemeal management.

Education: In the broadest sense, education is used to mean more than formal education. As well as repeated instruction on a particular theme, we intend that this term include the provision of information, and increased public awareness.

Environmentally Significant Areas (ESAs): These are areas that have been evaluated as Class I through IV wetlands (based on the Environment Canada and Ministry of Natural Resources Evaluation System for southern Ontario), or have been identified as Areas of Scientific Interest.

Fish*: means fish, shellfish, crustaceans, and marine animals, as all stages of their life cycles.

Fish Habitat*: means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flooding Hazards*: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water.

a) Along the shoreline of the Great Lakes - St Lawrence River System and large inland lakes, the flooding hazard limit is based on the 100 year flood level plus a allowance for wave uprush and other water related hazards.

b) Along river and stream systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins Storm (1961), transposed over a specific...
watershed and combined with the local conditions, where evidence suggests that the storm
 event could have potentially occurred over watersheds in the general area;
 2. the hundred year flood, or
 3. a flood which is greater that 1) or 2) which was actually experienced in a particular
 watershed or portion thereof as a result of ice jams and which has been approved as the
 standard for that specific area by the Minister of Natural Resources

Goals: The general, long-term purposes to which the Authority aspires

Groundwater: The water contained within the ground that supplies wells and springs, and that helps sustain
our surface waters.

Hazardous Lands*: means property or lands that could be unsafe for development due to naturally
occurring processes, generally considered to include the furthest landward limit of the flooding, erosion or
dynamic beach hazard limits

Land Owner: An owner of title to land, which includes limited rights to use that land. Land ownership does
not imply the right to alter it in any way desired, however, as all land is ultimately held of the Crown

Management: The judicious use of various means to accomplish a specific end

Natural Heritage features and areas*: means features and areas, such as significant wetlands, fish habitat,
significant woodlands south and east of the Canadian Shield, significant valleyslands south and east of the
Canadian Shield, significant portions of the habitat or endangered and threatened species, significant
wildlife habitats, and significant areas of natural and scientific interest, which are important for their
environmental and social values as a legacy of the natural landscapes of an area

Objectives: Results that can be measured.

Open Space: Lands that are retained in an open, green state. These lands may or may not be maintained as
natural areas, but could include Conservation Areas, municipal parks, or green belts along stream or
river corridors

Partner Agencies: Other government agencies that share common concerns with the Authority. These
may include, but are not limited to the following: the Ministry of Natural Resources, the Ministry of the
Environment, the Ministry of Municipal Affairs and Housing, the Ministry of Citizenship, Culture and
Recreation, the Ontario Ministry of Agriculture and Food and Rural Affairs, the Ministry of Education and
Training, Environment Canada – Canadian Parks Service, the St. Lawrence Parks Commission, all Health
Units and School Boards, as well as cottage associations, Ducks Unlimited, Ontario Federation of
Agriculture, Kingston Field Naturalists

Participants: To include watershed residents, tourists, corporations, interest groups, the development
industry, and the general public. It is important to stress that there are non-residents using the watershed
whom we want to reach as well

Plan Input and Review: A two-part Authority program, which involves the Authority identifying any concerns
and make recommendations to the municipality or the developer before the proposal is actually made.
Review of proposals to change land use (such as severance applications, minor variances, zoning by-law
and official plan amendments, and applications for subdivision) provides an opportunity for the Authority to
identify concerns and make recommendations to its member municipalities. Both parts of the program are
important, and the Authority’s involvement at the draft, stage helps to speed processing and ensure
acceptable applications at the later official review stage.

Priorities: The planned actions, measures, or programs to achieve a desired end

Public: This term is intended to include all residents of the Cataracu Region Conservation Authority, but
also the tourists, the summer residents, and the other travellers and visitors to the area
Regional Diversity refers to physiographic and social aspects of our regional diversity

Representative Features: These may include varied features of the Cataracqui Region Conservation Authority watershed, primarily natural but may include cultural, that are representative of the watershed as a whole. They might include such things as a broad area of Great Lakes-St. Lawrence Forest.

Resources: This term is used to mean a natural value in a very broad sense. By this we mean that the lands and forests, the waters and animals, are not simply a commodity, but are a basic element of life. They are of economic value, but they are just as importantly of intrinsic value to the quality of life within the watershed. As well, we include an area's attributes as part of its resources. Scenic views, forested lands, and other attributes of an area are considered to be resources.

Stewardship: The individual or group's responsibility to manage their property with proper regard to the rights and common natural heritage of others, including the Crown, and to the fundamental value of the natural ecosystem.

Sustainable Use/Development: Means a use or development that can be sustained by the environment without significantly impairing its natural values. Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Threatened Species*: means any native species that is at risk of becoming endangered through all or a portion of its Ontario range if the limiting factors are not reversed.

Unique Features: These may include varied features (natural or cultural) of the Cataracqui Region Conservation Authority watershed that are of particular interest. Such features may include a meteor crater, or a historical site or structure.

Valleylands*: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vision: Our Vision, as expressed in our Vision Statement, is a future-oriented statement intended to describe our watershed as we would like it to be in twenty years.

Watercourse refers to flowing water, though not necessarily continuous, within a channel possessing bed and banks that usually discharge into some other stream or body of water.

Watershed: This term has two meanings in the Conservation Strategy. The first meaning is that of all lands drained by a river or stream and its tributaries, and defined by a height of land, in other words, a basin. The second meaning is that of a jurisdiction Conservation Authority "watersheds" often include more than one true watershed that of the Cataracqui Region Conservation Authority includes 8 major watersheds.

Watershed Management Plan: A management plan for one basin or watershed.

Wave Uprush*: means the rush of water up onto a shoreline or structure following the breaking of a wave, the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

*Wetlands*: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

*Provincial Policy Statement, Revised February 1, 1997
Making it Happen 2005—2007
Three-Year Strategy and Work Plan Booklet

“A healthy watershed is the greatest legacy to our children and the key to our continued economic growth and future prosperity”

RIDEAU VALLEY CONServation AUTHORITY
Rideau Valley Conservation Authority

Who We Are

The Rideau Valley Conservation Authority is the lead intermunicipal agency working to address river-related environmental issues and concerns within the Rideau Valley watershed.

It’s our job, through partnership with government and non-governmental groups, to make sure that the water is looked after by everyone in today’s society so that tomorrow’s generations inherit a clean, healthy, functioning watershed.

By working with many like-minded people, the scope of our environmental protection work includes Source Protection Planning, tackling flooding and erosion problems and researching water movement and use in the valley. We also help people maintain healthy shorelines, provide advice on development-related issues and report to municipalities, colleague agencies and the public at large about watershed conditions and trends. We and our partners help make a significant contribution to the outstanding quality of life enjoyed by the people of the Rideau Valley through providing public access to natural waterfront areas, community-based stewardship, improving fish and wildlife habitat, and reducing water pollution.

Our proposed operating budget in 2005 is $6.5 million. About half of this funding comes from income we raise through various fee schedules, admission charges, fundraising efforts and government grants. The other half is provided by the 18 member municipalities in the form of an annual levy based on Current Value Assessment of the portion of each municipality within the watershed. We employ close to 50 people including many professionals in the areas of hydrology, engineering, forestry, planning, biology, and computer modeling. The Authority is directed by an appointed Board of Directors representing the interests of the member municipalities and residents of the Rideau Valley.

The Rideau Valley Conservation Authority is a partnership of municipalities within the Rideau Valley watershed created under the Conservation Authorities Act of Ontario to deliver a range of programs in watershed management and natural resource conservation.

We are one of 36 Conservation Authorities in Ontario serving all major river valleys in southern Ontario and several major population centres in the north. “Conservation Ontario” represents the 36 Authorities in province-wide issues and discussions.
Who We Are

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To Our Member Municipalities

The Cities of Clarence-Rockland and of Ottawa, the Municipality of North Grenville, the Towns of Perth and Smiths Falls, the Townships of Athens, Augusta, Beckwith, Central Frontenac, Drummond/North Elmsley, Elizabethtown-Kitley, Montgomery, North Dundas, Rideau Lakes, South Frontenac, Tay Valley and the Villages of Merrickville-Wolford and Westport

We are pleased to present the Rideau Valley Conservation Authority’s Three Year Strategy and Work Plan for 2005 – 2007

How municipalities benefit

We are grateful for the sustained municipal support of the Conservation Authority (CA) budget last February, 2004 which carried us through the middle year of an aggressive three year program to build CA capacity, competency and efficiency on behalf of our municipalities. As the lead intermunicipal agency responsible for river-related issues and concerns, we undertake work that municipalities would find either financially or environmentally unreasonable to do on their own. We operate on a “watershed” basis. The “watershed” (the natural drainage basin of a river or group of rivers) is the most logical, cost-effective and widely-accepted standard in river management worldwide. It is our job to undertake studies, research and reporting on groundwater resources, river hydrology, water budget modeling for the watershed, and watershed planning. Municipalities share the cost of the projects and the results are then shared with the participating municipalities for local use. The job is done once, done well and at reasonable cost.

Our priorities

Over the period of this strategy, we will be tackling the agenda of deliverables related to the lasting improvements in water protection as set out in our detailed work plans. Elaboration of these three year work plans has resulted in a rigorous review of all current work programs. The pace at which we can deliver the full list of priorities while maintaining service levels in our baseline work areas has also been addressed.

A major priority is the need to maintain and enrich the Watershed Information System for municipalities and the general public launched in 2004. Partial information, scattered across many different library locations, with incompatible operating systems, is not working well. We have focused efforts initially on getting our own information on water quality and quantity, water levels and flow, shoreline classifications, fauna, flora and groundwater available for everyone’s use through the internet. We are committed to keeping this watershed database up-to-date and accessible and building its efficiency and ease of use. Eventually it will be the best and most respected one-stop river information shop in the watershed to support municipal decision-making, lake association priority-setting and media background sourcing.

In 2005, we will be developing important new sampling and modeling programs to increase our understanding of how the watershed works. The most basic and urgently needed is an enhanced ability to make reasonable estimates of the water budget at any location in the watershed through numerical modeling. This long-awaited analytical tool will allow people in the valley to better understand how much water goes where and how the water reacts to different scenarios such as high or low precipitation, climate change and human use. This investment in watershed monitoring and numerical modeling is equipping the CA and its municipal partners with information and tools necessary for watershed-based Source Protection Planning.
Source Protection Planning, with recently-announced 100 per cent funding provided by Ontario, will be another major activity over the next three years. We will be coordinating the development of comprehensive Source Protection Plans with the help and cooperation of all drinking water partners in the Mississippi-Rideau source protection region. The benefits to our municipalities and our citizens include increased confidence that water supplies are safe and comfort that a multi-barrier approach to protecting our drinking water sources is in place. A better quality of life is built on these solid fundamentals.

In addition to the above priorities, we are committed to producing the final two Watershed Plans (the Rideau Lakes area and the Middle Rideau area) and thus complete the first phase of the watershed management planning cycle on the six major watersheds in the valley. The Lower Rideau Watershed Strategy is wrapping up in 2004. The Kemptville Creek, Jock River and Tay River watershed plans will be reviewed, monitored and implemented as resources and partner initiatives permit.

This Three Year Strategy and Work Plan sets out in some detail the progress we plan to deliver in the 2005 – 2007 period. Through the commitment and dedication of our appointed members and staff, we are confident that we can continue to make progress towards our goal of making lasting improvements to the quality of life in our valley.

We commend this Strategy and Work Plan to our member municipalities.

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John H. Miller, Chair

Dell Hallett, General Manager
Maintaining the Quality of Life in the Watershed

People's quality of life depends in large part on the quality of the environment in which they live.

We want people to have peace of mind knowing that they live in a clean, healthy environment, rich in wildlife and natural diversity, with safe and plentiful supplies of water and natural areas, which they will care for and can use, appreciate and enjoy.

Environmental quality is the key underpinning for both social well being and economic growth. We are honoured to play a key role in delivering environmental quality in cooperation with our many river partners and at a shared cost well below what our member municipalities would pay on their own.

**Focusing Our Work**

Our work and resources are primarily aimed at achieving:

1. **BETTER WATER QUALITY** — RVCA helps improve the quality of water in our streams, lakes, rivers and groundwater reserves. Improvements in water quality will continue through reduction or elimination of previous threats such as faulty septic systems, expanded monitoring programs, continuing incentive grants for rural residents and shoreline landowner information programs.

2. **GOOD WATER SUPPLY** — Adequate, safe and sustainable water supply is crucial to economic growth and social well-being in the Rideau watershed. Our Source Protection Planning activities will help eliminate past, current and future threats to our drinking water sources, both surface water and groundwater. This activity results in a better quality of life for all residents.

3. **REDUCED FLOOD RISK** — RVCA will maintain and improve flood and erosion protection using a series of programs based on the protection of the natural floodplain. We will ensure that unnecessary costs and risks are not incurred by our municipal partners.

4. **IMPROVED WATERSHED HABITAT** — We will continue to restore damaged habitat, protect threatened habitats and encourage stewardship of habitat on private land throughout the watershed, especially those related to or adjacent to shorelines. Improved habitats support a better quality of life for people in the watershed.

5. **CONSERVATION AREAS AND PROGRAMS** — RVCA will continue to accept and manage, using sound resource management principles, critical pieces of environmental land offered as gifts often through the Rideau Valley Conservation Foundation. We will continue to offer recreational opportunities and conservation education programs contributing significantly to better quality of life for residents of the watershed.

6. **BETTER WATERSHED INFORMATION** — We will continue improvements in reporting watershed conditions and trends to the people of the valley through our website, the Watershed Information Management System (WIMS) program and publications such as newsletters and lake reports.

We will continue to provide experienced, objective opinions to municipalities, conservation groups, community associations and others through the provision of planning advice and consultation on water management issues. Accessible, credible and current watershed information provides comfort and confidence in making decisions at the individual and family as well as the municipal level contributing to a better quality of life in the watershed.

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*4: Making it Happen*
Our work touches many parts of people’s lives and is aimed at making the aquatic environment clean and safe, and managed in a sustainable way – for the benefit of the present generation, and for our children and future generations to inherit.

Building Partnerships

We cannot secure the environmental outcomes we want on our own. Municipalities, landowners, businesses, community organizations of many kinds, the public and government agencies at all levels have a significant role to play in achieving a better quality of life through a healthy environment. In recognition of this, we will, as a key part of our project strategy, work with others to understand how we and they can contribute to a better watershed environment within the framework of our wider goals.

Our priorities will be based on good scientific evidence, take due account of risk and be influenced by our 38 years of practical experience and monitoring of the Rideau Valley watershed. We will use our collective understanding of wider economic and social policy issues to influence and inform government, business and others as to how their plans affect our goals. In delivering our projects, we aim to shift our contributions to where it can make the greatest difference in improving the watershed environment.

Our Long-Term Vision

Our rivers, lakes, streams, groundwater and wetlands will be clean and sustainable, and our surface and groundwater reserves of water will be protected against overuse and from threats of contamination. Our water and related land areas will support diverse and healthy ecosystems and contribute to thriving and healthy economies and communities by supporting domestic, industrial, commercial, recreational and tourist opportunities.

We make progress towards this long-term vision through smaller, month-by-month cumulative programs and projects that all build on existing foundations and bring us closer to a healthy, sustainable watershed. Wherever possible, these program parts are rationalized amongst the many partners, both government and non-government, who have the mandate, some resources and some capacity to help deliver the services to the public. These work programs include four main program areas: Watershed Planning, Monitoring and Reporting, Planning Advisory and Regulatory Services, Stewardship Services, and Conservation Land Management. Corporate Services provides the administrative support for these programs.
Watershed Planning, Monitoring and Reporting

Progress Delivered in 2004:
The five highlights of 2004 include the anticipated completion of the Lower Rideau Watershed Strategy, the Municipal Drain Classification work, the Rideau River Shoreline Classification Project (Rideau Falls to Smokey Falls), the Watershed Information System, and the successful startup to development of the much-anticipated and essential watershed computer model. These five projects combined will give all environmental partners an up-to-date, science-based summary of some of the key elements that are under threat in the watershed.

A number of other projects were also undertaken in 2004, including a partners’ review of progress on the Tay River Watershed Plan implementation, a review and update of the Kemptville Creek Watershed Plan, encouraging discussions with lake associations about Lake Management Planning, projects, and start of a planning process for the Rideau Lakes Watershed Plan. The lake sampling program called Watershed Watch continued on five new lakes: Carnahan, Elbow, Leggot, Long (Central Frontenac) and Wolfe. RVCA will continue to facilitate sampling on Black, Christie, Long (Tay Valley) and Pike. The number of water quality testing stations now in the network is 50.

Baseline surveys and groundwater monitoring continued with further progress on integration of groundwater information into a single database. Updated Jock River Flood Risk maps will be completed by year end and we have started to generate updated topographic mapping for Kemptville Creek using 2001 aerial photography.

The City Stream Watch program continued with eight urban streams now completely assessed with data available in the Watershed Information System. The first version of this internet-based, central, watershed information depository is now available for public use from the RVCA website at www.rideauvalley.on.ca.

The Graham Creek Structures Inspection and the Haggart Island Dam Feasibility Study were completed using Infrastructure Renewal funding from Superbuild through the Ministry of Natural Resources. Routine operation and maintenance was carried out on our water control structures.

What to Expect in 2005:
The areas of major effort in 2005 include the many elements needed for Source Protection Planning work, collaborative implementation of the Lower Rideau Watershed Strategy and the provision of technical support for the Generic Regulations needed by April 2006. Other priorities include major progress in developing the digital watershed computer model, continuing progress on the Rideau Lakes Watershed Plan, expanding the streamflow monitoring network with new gauges on Stevens Creek, Beckett Creek, Graham Creek and installing a year-round operation on the Tay River in Perth. Also foreseen is the start a multi-year program of major repairs on Graham Creek structures, assessment of dam structures at Motts Mills and Bellamy Pond, assessment the storm water pumping stations at Brewer and Windsor parks, and continuation of our Flood Warning and Advisory Service to municipalities.

We foresee continued progress in all other program areas including Watershed Watch, City Stream Watch, Macro-Stream Assessments and local subwatershed or lake plans lead by partners, our water quality monitoring network and baseflow surveys, further enhancement of the watershed information system, Rideau River Ice Management project, and routine maintenance and operations of water control structures. We intend to prepare and distribute an Annual Report on 2004 Watershed Monitoring Activity. We will also assist the City of Ottawa and the Britannia Village community in making a decision to proceed or not with coordinated flood control works in that community.

6 | Making It Happen
Planning Advisory and Regulatory Service

We review and comment to approval agencies on a range of development activities in the floodplain and other critical water-related areas to minimize their impact on the surface and groundwater system.

Progress Delivered in 2004:
RVCA provides Site Specific Planning advice to approval agencies on planning applications such as official plan amendments, zoning changes, minor variances and lot creation submitted under the Ontario Planning Act. In addition, we have agreements with the City of Ottawa, Lanark County and the United Counties of Leeds and Grenville to provide an array of environmental services from the watershed perspective (hydrogeology, storm water, and wetland protection reviews) related to the approval of new subdivisions. Over 1,000 applications were dealt with in 2004. This program area is largely funded by user fees.

We also provide assistance in Non Site Specific Plan Review to municipalities for the preparation of Official Plans, Comprehensive Zoning By-laws and projects requiring an Environmental Assessment. Provincial policy as well as information from watershed and sub-watershed studies are used to help create appropriate policy that will meet the social, economic and environmental needs of the municipality. This work program is supported by levies.

The number of septic system permits in Ottawa has fluctuated in the past two years. We expect a stabilization around 800 permits annually. The Well Inspection Pilot Program continues to show slow uptake due to uncertainty of well drillers about compliance with the new provincial well regulations of August 2003. Ottawa's Rural Wastewater Management Study is coming before Council in 2005 and will contain a recommendation for a septic re-inspection program delivered by RVCA. The Tay Valley Re-Inspection Program started in 2004 with 120 inspection visits done and letters being issued.

Under Section 28 of the Conservation Authorities Act and O Reg 166 written approval from RVCA must be obtained before any development occurs on lands considered hazardous (flood plains, unstable slopes and bedrock). This regulation is administered according to a Provincial Policy and a local set of implementation guidelines to test for impacts on the "control of flooding, pollution, erosion and the conservation of land". There were almost 200 applications in 2004. The program operates with 40% user fees and 60% municipal levy.

A new "generic" regulation dealing with development, interference and alteration to wetlands, shorelines and watercourses has been passed by the Province. The Provincial CA's have until April 2006 to bring their existing regulations/schedules into conformity. Updating mapping and the test of the regulation is vital to ensuring that our present regulations remain in effect in 2006. A work plan to do so is being followed. This area is funded by municipal levy at 100%.

RVCA has a Level II (mitigation) agreement with Fisheries and Oceans Canada to ensure that harmful alteration, destruction or disturbance of fish habitat does not occur during or as a result of development activity. Costs are partially recovered through fees.

What to Expect in 2005:

An increase in Site Specific Planning Advisory Services user fees is anticipated in 2005 to assist with more effective cost recovery.

We see an advantage for our clients and the environment for the Ottawa Septic System Office (OSSO) to have and manage all existing septic permits including those prior to 1977. We will approach the Health Department about reissuing these files. We anticipate development of a Well Specialist to assist homeowners with well-related problems.

Making It Happen | 7
The OSSO, in cooperation with city staff, will attempt to coordinate the approvals of the individual's site grading plan with the septic plan to ensure the homeowner's building construction considers all the property as the development, not just the building envelope.

The OSSO will work with the City of Ottawa Staff and other municipalities to develop a septic reinspection program as recommended by the City's new Rural Wastewater Management Strategy.

An increase in user fees is planned in the area of Fill, Construction and Alteration to Waterways review process in 2005 such that a higher proportion of the program cost is borne by user fees.

A sustained effort will be made in 2005 to solicit input and prepare a submission to MNR in support of the new generic regulations.

We expect the same level of activity and effort in the Non Site Specific Plan Review and in the Fish Habitat Protection programs as in 2004.
Stewardship Services

Progress Delivered in 2004:
We continued to be a partner in the delivery of the Ottawa Rural Clean Water Program. We were successful in raising over $30,000 in additional incentive grant money for the Rideau Valley Clean Water Program in which approximately 70 new projects will be completed by year end.

A similar fundraising program in the winter of 2004 was successful in maintaining the Green Acres Tree Planting Program. A total of 138,000 trees were planted in 2004 (108,000 in Ottawa and 60,000 in the remainder of the watershed). We participated in the federal Forest 2000 Program.

The Landowner Resource Centre continued to provide initial contact and answer landowner questions about conservation concerns.

The Beaver Management Pilot Project on Kemptville Creek continued with removal of dams and animals.

What to Expect in 2005:
The increased budget for Stewardship Services in 2005 reflects a shift towards stable long-term funding for these critical programs. More than 85% of the land in the valley is privately owned. Stewardship by private individuals must therefore be a key ingredient in achieving our vision of a healthy Rideau watershed.

Stewardship Services has been flat-lined for several years as we invested in the watershed science and monitoring portions of our work. We believe that 2005 is the year to build the core capacity in Stewardship Services with the levy requirements leveling off again in 2006 and beyond.

A new staff position (Shoreline Stewardship Coordinator) will be recruited. We foresee an increase in funding to the Beaver Management Program due to interest from areas other than the Kemptville Creek area and the need for a Final Report on the pilot project.

The LandOwner Resource Centre continues to respond to public calls and serves as the environmental hotline for several programs.

General levy will support the core staff/delivery costs for ongoing Tree Planting, Clean Water Programs and Shoreline Stewardship Program. Special funds and fundraising can be used to provide the incentive grants for on-the-ground projects. This will create a good balance between mandatory/regulatory and voluntary/incentive programs around our key environmental themes.
Progress Delivered in 2004:
Baxter remained as the flagship outdoor education centre with another successful Jay Camp program, the second Annual Eastern Ontario Childrens Water Festival, a major new wetland education program with partners at Ducks Unlimited and the Royal Bank, and success at fundraising for major infrastructure enhancement (boardwalks, education platform, observation tower and signage).

Progress was made on the Sandy Slater Memorial Walk and foot bridge installation at the Meszel Woods Conservation Area and a new major property, the Curtis lands on the Rideau River within the City of Ottawa, was accepted in donation.

Summer students and an HRDC crew helped maintain our conservation lands throughout the seasons.

What to Expect in 2005:
Conservation Land Management is a work program which has seen cutbacks in recent years. Work to be done in this area includes opening, maintaining and serving 35 properties (5,550 acres) including 10 developed Conservation Areas. In addition, we accept new important environmental properties - Chapman Mills and the Meszel Woods Conservation Areas for example, there is increased outdoor education demand at Baxter (Childrens Water Festival, new marsh programs), increased fixed costs, the problems of aging infrastructure (most of our Conservation Areas were developed over 30 years ago), and new government requirements such as the drinking water regulations to deal with.

We have been fortunate over the years to have secured some funding from other sources such as capital development funds for Baxter, Chapman Mills and Meszel Woods, Ice Storm crews for area maintenance, HRDC crews for short term labourers, and summer student grants and subsidies for summer crews for land management. This uncertain situation is not entirely satisfactory in terms of maintaining and protecting our investments in land and facilities on behalf of the people of the Rideau Valley.

The budget increase proposed in 2005 is in keeping with the amount of land and capital infrastructure we own and operate. It will sustainably support core staff/resource needs to manage our existing lands and programs at current standards. In 2006 and beyond, the amount of municipal levy required will level off again.
Corporate Services

Progress Delivered in 2004:
The work program in Corporate Services includes Corporate Finances, Corporate Communications, Human Resources and Member Services. Financial management at RVCA involves less than two staff. Our new Human Resource Specialist has organized and streamlined our hiring procedures for new staff and has started bringing our Personnel Policy in line with provincial legislation. In 2004, we made an effort to ask our municipal partners about how they preferred to receive RVCA reports, and then tailored a new and increased Flow of Authority Information to all elected members, senior staff and interested individuals in the municipalities. Another major achievement in 2004 was advancing towards a new administrative office for RVCA.

What to Expect in 2005:
Overall management of staff and member services will continue. We are in the process of preparing a new payroll system to be launched in early 2005 to save time and money. Corporate communications will continue to fine-tune and target its messages and information to be as effective as possible in reaching the intended audiences. It is expected that plans for the new office will be finalized in 2005.
Our Commitment to Managing Public Money

RVOA is committed to sound and effective management of funds entrusted to us for conservation purposes whether it be from municipal levy, entrance fees to Conservation Areas or permit fees to cover the cost of environmental services.

RVOA plans to spend $63 million dollars on protecting, regulating, improving and reporting on the watershed environment in 2005-2006. This is the final year of the original three year capacity-building work plan and a significant increase in resources is required in order to maintain the momentum achieved in the Watershed Planning, Monitoring and Reporting program and bring the Stewardship Services and Conservation Land Management program to a level appropriate to the amount of work, the number of years of lack of investment and peoples' expectations.

The 2005 budget will enable RVOA to provide the comprehensive review of all development proposals, technical reports and environmental assessments for the entire year. Similarly, regulations for which RVOA is responsible will be administered and enforced properly. It will also bring RVOA closer to the desired state of having appropriate core staff supported on a continuous basis to administer clean water, tree planting and shoreline stewardship programs. Once these staff positions are in place, RVOA will be able to secure incentive grant money that is necessary to undertake environmental protection work on private property.


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| Chart 2 — Overall Three Year Program Summary |

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*Intgw, y-generated revenue should not be included in total for budget purposes.
Funding for Corporate Services will support necessary financial management and human resource functions.

Our sources of income:
- Municipal levy
- Fees for service and other earned income
- Government grants

Chart 2 shows a summary of RVCA’s overall three-year program costs (as of November 2004). The original three-year work plan (2003 – 2005) called for significant increases in resources for the RVCA, in all program areas, to be applied on a priority basis through to 2006. By the end of 2005, we are looking to be at or very close to the mature organizational state capable of delivering the proper environmental program and the better quality of life described in the work plan and approved by the RVCA Board of Directors.

The 2006 year is complicated by the expenditures related to the new office building. The cost of building the new office causes the peak seen in the total expenditures in 2006 (Chart 1). A similar peak is not seen in the general levy since the financing proposed for the office construction relies heavily on the generosity of the City of Ottawa. We propose that the City of Ottawa frontends the cost of construction which the RVCA would pay back over a 30-year mortgage. The cost of carrying the mortgage is almost equal to the savings achieved through consolidating staff in one building instead of the current five. Apart from a modest increase due to new office costs, reasonable levy increases in 2006 and beyond are expected to be in accordance with assessment growth and inflation. This is shown in Chart 1.

For 2005, the levy apportionment percentage for the City of Ottawa is 90.55%, up from 90.25% in 2004. If this trend continues (as expected), levies to rural municipalities in the watershed will begin to reduce in 2006 and beyond, even though overall levy increases are expected to be in accordance with increases in assessment growth and inflation. In addition, once geo-referencing of assessment is done by MPAC, levies to the rural municipalities will dramatically decline. The approach taken to identify income from other sources has been deliberately conservative. During the next three years, between 2005 and 2007, we have forecasted a multiplier of 2.1. In other words, for every dollar of levy contributed through the municipalities, the RVCA will generate an additional dollar from other sources. Historical performance for the RVCA has been to achieve an even higher multiplier effect, and there is no reason to believe that this won’t be realized again in the near future. New staff will be able to attract new partners and money from a variety of sources to achieve a higher ratio. The long-term impact will be to reduce pressure on future levy increases.

Chart 3 shows the expected sources and distribution of conservation funds in 2005.

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Financing Conservation 2005

**2005 REVENUES**
- Municipal Levy: $3,119,000
- Special Levies: $286,500
- Government Grants: $242,000
- Program Revenue: $2,865,500

**2005 EXPENDITURES**
- Watershed Planning:
  - Monitoring & Reporting: $2,240,000
  - Planning, Advisory & Regulatory Services: $1,230,000
- Stewardship Services: $1,147,000
- Conservation/Land Management: $623,000
- Corporate Services: $1,073,000

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1-800-267-3504 ext 1128 or 1132

**General Manager’s Desk**
(613) 692-3577 ext. 1114
1-800-267-3504 ext 1114

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RIDEAU VALLEY CONSERVATION AUTHORITY
Plan for Canada's Capital

1999
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Acknowledgements

Bibliography
Chairperson’s Message

I am pleased to introduce the 1999 Plan for Canada’s Capital — the federal government’s lead land use planning policy document for the National Capital Region. The Plan will help prepare for the challenges of the coming years.

The Plan’s message is clear. In the midst of economic, political, social and technological changes, the best features of today’s Capital are to be preserved and enhanced for future generations of Canadians.

The Plan for Canada’s Capital has been prepared by the National Capital Commission on behalf of the federal government. The Plan is designed to provide high-level, strategic advice to the federal government. The Plan explains the federal government’s perspective on the vocation of its land base in the National Capital Region.

We view Capital planning and development as a responsibility shared by all governments, communities, the private sector and individuals throughout the National Capital Region and across Canada. The Plan has therefore benefited from an extensive consultation program that contributed many ideas to the plan’s development. I invite you to explore the Plan for Canada’s Capital, and welcome your involvement in bringing this exciting vision of the future to fruition.

Thank you for your interest in planning Canada’s Capital.

Yours sincerely,

[Signature]

Marcel Beaulieu
Chairman
Executive Summary

The Plan for Canada's Capital is the federal government's lead policy statement on the physical planning and development of the National Capital Region (or the Capital) over the next fifty years.

This Plan is an update to the 1988 Plan for Canada's Capital (A Federal Land Use Plan). This update has been prepared to address situations that have emerged since the late 1980s or that may become important in coming years — opportunities and issues not anticipated in the 1988 Plan. These include:

- the impact of continued changes in the roles and size of the federal government;
- a renewed commitment by the federal government to a vital Core Area;
- the need to harmonize planning policies prepared by lower-tier governments and federal government agencies;
- the continuing challenge of creating a symbolic Capital, and
- the influence of sustainable development on planning practice.

In this context, the Plan is designed to:

- communicate the federal government's vision for the Capital;
- provide principles, goals, a concept and policies to guide land use decisions in support of the key functions of the Capital;
- identify the lands and land uses required for the Capital's future needs;
- guide accommodation decisions for federal departments;
- reinforce the relationship between Gatineau Park, the Greenbelt, and lands in the Urban Area;
- guide more detailed land use planning of federal lands in the Capital; and
- direct the federal government's land and investment strategy in the Capital.

The Plan offers planning direction that reflects ideas from and the interests of:

- the Canadian people,
- residents of the National Capital Region;
- the Government of Canada, in particular federal departments and cultural agencies with land and property holdings in the National Capital Region;
- provincial, regional and local governments; and
- diplomatic missions and international non-governmental organizations with a presence in the Capital.

The land is the source of our collective identity — it shapes our culture and our language. The land is our life.

James Arness, Land spokesperson.
Key Initiatives

The key planning directions proposed in this document include the following:

- a Capital that communicates national pride and fosters national unity
- a continued emphasis on the political, cultural and administrative aspects of the Capital with priority on institutions and events in the Core Area
- the long-term vitality of the Capital Core Area — specifically the North Shore in Hull, the Islands, LeBreton Flats, and the Parliamentary Precinct Area — as a priority
- the continuing role of Confederation Boulevard as the primary focus of public programming and capital investment
- enhancement and protection of the region’s ecosystems and its green image through the designation of a system of natural heritage areas, and protection of valued ecosystem components
- enhanced recreational and programming links between the Core Area, Capital urban green spaces, the Greenbelt and Gatineau Park
- the provision of spaces and infrastructure required to facilitate public programming, national celebrations and events
- the location of national cultural institutions, diplomatic missions and national agencies in the Core Area, in areas supported by public transit, and on prominent sites along selected segments of the Capital Parkway Network
- a physical presence in the Capital for Canada’s provinces and territories, Aboriginal peoples, diplomatic missions, and international non-governmental organisations
- urban design that befits the image of the Capital and contributes to a pleasant, safe and stimulating urban environment
- the preservation and conservation of the Capital’s cultural and natural landscapes, and historical and archaeological resources of Capital interest
- continued and enhanced access to shore lands and shorelines for public use
- management of the Capital Parkway Network as multipurpose, scenic roadways that link Capital settings and destinations
- continued improvement of the Capital Parkway Network
- improvement to the quality and appearance of Capital Arrivals and Scenic Entries to the Capital
- extended navigation along the Ottawa and Gatineau Rivers and
- commitment to harmonisation and cooperation among the various agencies and authorities involved in the planning and development of land use and transportation in the National Capital Region.
Vision for Canada’s Capital

Imagine Canada’s Capital fifty years from now. What kind of place will it be?

The Capital of today is the result of remarkable plans produced over the 100 years since 1899 by visionary planners—individuals such as Frederick G. Todd, E.H. Bennett and Jacques Greber. The past century of planning and development has created a place of pride for Canadians, a Capital which combines the beauty of its natural setting with the symbolic buildings and spaces that pay tribute to Canada’s history.

What about the next century? How will the Capital continue to grow as a meeting place and seat of our national government?

The future Capital will remain a place where city and nature meet, a green space of rolling hills, powerful rivers and dramatic forests. Its rivers have seen the Aboriginal peoples, explorers and voyageurs pass on their way to the interior or to the sea. Its lands have been shaped by the arrival of European settlers, who harvested the immense forests and created farms and small towns in the wilderness. The lakes, hills and valleys of Gatineau Park, and the working farms and rural landscapes of the Greenbelt are timeless reminders of the natural and early cultural history of the Capital Region.

With imagination, we can see how, in the future, the natural settings and vistas of the Capital continue to shape the experiences and the lives of visitors and residents alike. As imagined by the first planners of the Capital themselves, the natural landscapes and perspectives are integrated with the urban and built landscapes of the Capital to form dramatic backdrops for national events, festivals, and daily life for visitors and residents alike.

Imagine the heart of the Capital as a unified space for working, living and celebrating Canada. This space, with its core on Parliament Hill, includes the Ottawa River basin, the shore lands and the islands (Chaudières and Victoria), the northern part of LeBreton Flats, the sweep of the ceremonial Confederation Boulevard, and the heart of Ottawa-Hull itself. Imagine the extensive and diverse built heritage of this area, the urban parks, scenic pathways, public spaces and monuments sustained and improved through the creation of new public spaces and vistas of the “Hill”.

Imagine the beautiful and busy heart of the Capital, ringed by the Gatineau Hills, the urban parks and the Greenbelt, safeguarded for the benefit of all Canada’s citizens. Imagine pleasant and clear sailing along the Ottawa River from Montreal to the Capital and on to Temiscaming, boating farther north along the Gatineau River, and access to the Capital via the internationally-recognized heritage Rideau Canal Corridor.

Imagine a capital city that reflects both the great history and the exciting reality of 21st century Canada. As we begin the next century of Capital planning, this is the vision which has inspired the new Plan for Canada’s Capital.
Plan Structure

The Plan comprises three sections. In chapters 1-2, the Plan identifies key issues and trends, as well as past planning decisions that influence current and future planning in the National Capital Region. Planning principles (Capital and Regional Planning) that provide the philosophical basis for the Capital Plan are included here.

Chapters 3-4, The Capital Plan form the "heart" of the Plan. This section describes the Capital Concept. Supporting policies are organised under the headings of Capital Settings, Capital Descriptions and Capital Links. Conceptual maps provide context for the planning policies. The Plan concludes with Chapter 7, Plan Implementation. A glossary of technical terms and a list of research references are also provided.

Implementation

The NCC's Master and Sector Plans, already prepared for large areas such as Gatineau Park, the Greenbelt and forthcoming for the Urban Area, are the main policy planning instruments for implementing goals and policies of the Plan for Canada's Capital. Plans prepared by other federal departments and agencies will also comply with and advance the policies of the Plan for Canada's Capital.

Similarly, the Plan's goals and policies have been designed in compliance with and further to related federal, government policies and procedures (and to respect provincial and municipal policies and procedures). This includes the NCC's land use and design approval authority exercised under the National Capital Act (1988). Amendments to the goals and policies articulated in sections 4-6 of the Plan are subject to the NCC's Federal Land Use, Land Transaction and Federal Design Approval processes.

In keeping with the spirit of intergovernmental harmonisation, local and regional governments will be encouraged to recognize the policies of this Plan.

The Plan is designed to be reviewed on a five- to seven-year cycle, generally concordant with the plan review cycles of the three regional governments.
The National Capital Commission

The Plan has been prepared by the NCC on behalf of the Government of Canada. The NCC is a federal Crown corporation. Planning Canada's Capital has been the responsibility of the NCC and its predecessors since 1899.

The NCC operates under the National Capital Act (1988) which confers unique responsibilities upon the NCC to plan, develop and improve the Capital, and to organise and promote the public programs that enrich the cultural and social fabric of Canada. This mandate translates into three main goals that guide the Plan:

1. Developing a Meeting Place — to make the Capital Canada’s meeting place, and to encourage the active participation of Canadians in the evolution of their Capital,

2. Communicating Canada to Canadians — to use the Capital to communicate Canada to Canadians and to develop and highlight Canada’s national identity, and

3. Safeguarding and Preserving — to safeguard and preserve the nation’s cultural heritage and the Capital’s physical assets and natural setting for future generations.

In 1999, the federal government celebrated a century of planning Canada’s Capital through:

- Ottawa Improvement Commission (1899-1927)
- Federal District Commission (1927-58)
Preparation of the Plan

The Plan was developed over the period 1995-99. Its preparation involved continuing research, a review of policy issues in the National Capital Region, strategic environmental assessment, consultations with departments and agencies of all levels of government, and public consultations.

Public and agency consultations were held over a 3½ month period on a draft plan and strategic environmental assessment from early June to the end of September 1998. Many comments from these consultations were incorporated into the final plan. A public consultation report documents the consultation comments and the NCC response to them, as well as resulting revisions to the draft plan. The strategic environmental assessment was also revised as a result of the consultations.

Strategic Environmental Assessment

This Plan has been subject to a continuous strategic environmental assessment (SEA). SEA is a systematic, iterative process that evaluates the environmental consequences of policy, plan or program proposals. The process ensures that environmental considerations, along with social and economic issues, are addressed at the earliest, appropriate stage of decision making. A copy of the Executive Summary of the SEA is appended to the Plan (Appendix 1). Both the SEA and its supporting workbook are available from the NCC.
The National Capital Region: Past, Present and Future

Introduction

The National Capital Region's diverse and rugged landscapes epitomise the geographic variety of this vast country. Rivers and green spaces structure the physical character of the Capital. A whole complex of ecological systems has influenced and continues to influence the region's natural environment.1

The region sits on the boundary of two Canadian ecozones, separated by the Ottawa River. The Quebec part sits in the Boreal Shield and Mixed Wood Plain Ecozones, while the Ontario part lies in the Mixed Wood Plain Ecozone. A section of the Canadian Shield, the Gatineau Hills, juts into the Capital's Core Area, and features richly forested hills, escarpments, rock outcrops, and bogs and marshes. The urban environment features a network of natural areas, including woodlots, wetlands and waterways.

The region is located on the northwestern fringes of the Quebec City-Windsor urban corridor. The National Capital Region covers approximately 4660 km², of which 2720 km² are in Ontario and 1940 km² are in Quebec. In the post-1945 era, the region experienced rapid population and economic growth, driven by the expansion of the federal government. Canada's Capital is now Canada's fourth-largest metropolitan region, with a culturally diverse and highly educated population exceeding one million residents. Approximately 75 percent of the region's population is located in Ottawa-Carleton, and 25 percent in the Outaouais.

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1 Braaten (1988: 10)
2 Ecological Sensitivities Working Group (1996: 60, 84)
The Capital’s essence is the Core Area of Ottawa-Hull in which Parliament Hill — with its striking neo-Gothic architecture — and the national museums are set in a modern urban environment. The Core Area remains the centre of the region’s cultural, retail and office activities, and is the focal point of the region’s public transit systems. It is the heart of the Capital and of the region.

As with many Canadian cities, most of the region’s recent population growth has been accommodated in suburban and outlying communities. An extensive, varied and accessible network of open spaces, shore lands, recreational pathways and conservation areas meets the needs of visitors and regional residents for green space, helps define individual communities, and supports the region’s eco-systems.

1.1 The 19th Century and Before

The National Capital Region is historically significant as a meeting place for both Aboriginal and later cultures. The Ottawa Valley was first inhabited by Aboriginal peoples. The region is part of the Great Lakes, Ottawa Valley and New England corridor established by Aboriginal traders. For nomadic Laurentian peoples, the Ottawa River was an important route for moving or trading copper on trips to Lake Superior. Recently, archaeologists have uncovered evidence of a pre-European settlement at Leamy Lake in Hull, which dates to 3,000 B.C.

In the 16th century, the French began to explore the rivers flowing into the St. Lawrence valley. The search for a route across the continent to Asia was a common motive for early explorers. The main route between Huronia and the St. Lawrence was the Georgian Bay-French River-Lake Nipissing-Ottawa River route. This was Canada’s first economic spine, and it remained the sole route across Canada for mail and passengers until the railway came in the 1860s.

The names of these European explorers are familiar to all Canadians: Samuel de Champlain, Brébeuf and Lalemant, the Jesuit martyrs; Nicolet, Radisson and DesGroseilliers, Lamothe Cadillac, LaVerendrye, Frobisher, Mackenzie, Alexander Henry, David Thompson and Simon Fraser. Although the missionaries, explorers and traders of New France travelled frequently by the Grande Rivière des Outaouais, few Europeans settled along its

3 Buckley (1975: 1)

4 Henry (1977: Vol. 1, Plate 36)

5 Buckley (1975: 8. 20)
shores except for communities near the mouth of the Ottawa River along Lac des Deux Montagnes. 6

At the beginning of the 19th century, only scattered settlements were to be found along the Ottawa River for about 60 kilometres west of Montreal. After this point, the country was forest broken only by the occasional permanent settlement. 7 However, the region's natural features were appreciated by the booming forest industry, which was responsible for the early growth of the community. 8 The Ottawa Valley was filled with the finest growth of valuable red and white pines in North America. 9

The permanent settlement of the Capital dates back to the turn of the 19th century when a Massachusetts Yankee, Philemon Wright, discovered that loads of majestic white pine could be rafted from the Ottawa River to the tidewater at Quebec City. Wright made this discovery in 1806, just a year before Napoleon sealed off the Baltic ports, separating the British Navy from its timber supply.10

The name Bytown was given to the new settlement after Colonel John By, who arrived in 1826 to establish a military canal with 47 locks connecting Kingston to the Ottawa River. The Scottish stonemasons who came with Colonel By stayed on to build some of the most graceful stone houses in the country.11

For many years, the location of the capital was the subject of intense competition among centres in Upper and Lower Canada. In 1857, Queen Victoria selected Ottawa as the new capital, citing its natural beauty, security and location along the border of the two linguistic and

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6 Bond (1968 15)
7 Bickley (1975 Part Il. 5)
8 Bond (1968 17)
9 Bond (1968 17)
10 Grey (1964 37-38)
11 Grey (1964 37-38)
cultural groups of Upper and Lower Canada. In the period after its selection as capital, Ottawa was still very much a lumber town, despite a growing governmental presence. In fact, with a population of some 16,000, Ottawa could claim to be little more than just a "lumber village." 13

The trouble was that, away from the immediate confines of Parliament Hill, Ottawa was a community "unfit for gently-bred city folk." 14 The town's rough character obscured its picturesque setting. This conflict caused Sir Wilfrid Laurier to comment in 1884:

I would not like to say anything disparaging of the capital, but it is hard to say anything good of it. Ottawa is not a handsome city, and does not appear to be destined to become one, either. 15

This situation led to the intervention of the federal government in the planning and improvement of the Capital — a responsibility that continues today.

The American press "endorsed" the choice of the new capital because "it could not be captured, even by the most courageous soldiers, because the invaders would get lost in the woods trying to find it." 16

1.2 A Century of Capital Planning

Early 20th Century

Clearly, something had to be done. Between 1899 and 1939, the federal government responded to Laurier's challenge. It established two planning commissions, produced at least two comprehensive planning reports, held two major architectural competitions, and engaged four different planners to plan and beautify the Capital. 17 This was a tremendously exciting and creative period of Capital planning.

The comprehensive planning of the Capital began in 1899 with the establishment by the federal government of the Ottawa Improvement Commission (OIC). A landscape architect from Montreal named Frederick Todd provided the Capital with its first plan in 1903. This was to be the first of the "City Beautiful" plans prepared for the Capital.

Todd sought to create a city that would reflect the character of the nation and the dignity, stability and good taste of its citizens. 18 Todd's vision of a green, open capital in a distinctive northern setting began a tradition in civic planning ideals for Canada's Capital and set the tone for later approaches to Capital planning. The Todd Report (1903) recommended the preservation of large natural parks adjacent to Parliament Hill and the linking of the Parliamentary Precinct with Rideau Hall (the residence of the Governor General). Public buildings would be key to creating this image of dignity, stability and good taste. 19

12 NCC (1991a: 10)
13 Gage (1984)
14 Gage (1984)
15 NCC (1991a: 12)
16 Wright (1997: 126-133)
17 Wright (1997: 129)
18 Wright (1997: 111)
Subsequently, the Federal Plan Commission (overseen by Herber Holt) engaged Edward Bennett to prepare a new vision for the Capital. The Bennett Plan (1915) proposed uniformly designed streetscapes and the creation of a great civic centre. Bennett also advocated the relocation of railway corridors, the decentralization of federal facilities and the construction of a National Gallery along Sussex Drive. However, the First World War intervened and halted further design work.

The recommendations of the Federal Plan Commission were never abandoned. During the 1920s, the government intended to proceed with the work once funds were available. The Cauhnon Report (1922), commissioned by the City of Ottawa, proposed a new federal district, the development of a large network of parks and parkways, and the relocation of railways and terminals.

The influences of the Todd, Bennett and Cauhnon plans are apparent in later exercises, such as Jacques Gréber’s 1931 Plan for the National Capital. However, none of these early plans was fully implemented. This was due in part to the complexities inherent in the federal bureaucracy. Further, new initiatives were frequently delayed by the introduction of competing plans produced by the federal government and local government. The planning process was complicated by changes in government and spending priorities. Together, these realities undermined any sustained campaign of development and construction until after the Second World War.

The Gréber Plan

The Capital we know today is largely the product of post-Second World War planning, when Canada enjoyed unprecedented population and economic growth. The end of the war rekindled the government’s enthusiasm for building the national capital. By 1945, the concepts prepared during the 1920s were dated, and a successor plan was needed.

The Prime Minister of the day, Mackenzie King, hired a well-known Parisian planner/architect, Jacques Gréber, to prepare a new Capital plan. In 1951, the Gréber Plan was tabled in the House of Commons. The Gréber Plan was designed to make the National Capital a reflection and symbol of the country. Gréber envisioned a “grand and dignified capital” in the tradition of Paris and Washington. The Gréber Plan advocated large-scale works that would dramatically alter the face of the Capital.
Many of the recommendations found in Todd’s and Bennett’s plans were found in Greber’s work. Key recommendations of the Greber Plan included:

- the continued prominence of the Parliamentary Precinct

- the removal of railway tracks from the Core Area and relocation of the train station to the inner suburbs

- the decentralization of federal office complexes to suburban satellite locations (e.g., Tunney’s Pasture, Confederation Heights)

- the acquisition by the federal government of river-fronts and green corridors for public access and recreation, and

- the enlargement of Gatineau Park into a federally-administered park, the creation of the Greenbelt, and the construction of a scenic parkway network.

The Greber Plan also called for the elimination of pollution from the Ottawa River, restoration of the islands and shores of the river, and the improvement of urban infrastructure. Some of Greber’s proposals could not be fully implemented or were considerably modified. Only a few federal public buildings were constructed according to the architectural models presented in the National Capital Plan (1951) — the East and West Memorial Buildings, and the National Printing Bureau. The railway station was moved to a different location, and a number of grand boulevards and inter-provincial bridges proposed by Greber were never built. Nevertheless, Greber’s influence has been truly significant on the physical form of today’s Capital.

Many Greber plan proposals were implemented, including rail relocation, employment notes for federal departments, expansion of Gatineau Park, creation of a Greenbelt, shoreline protection, and parkway construction. Other proposals in the plan that were not implemented include:

- replacement of the Alexandra Bridge across the Ottawa River;
- relocation and development of most of the Central Experimental Farm;
- a parking lot on the Daly Building site.

23 Wright (1997: 21b)  
24 Wright (1997: 21b)
Plan for Canada’s Capital (A Federal Land Use Plan — 1988)

The Gréber Plan remained the federal government’s vision for the Capital until 1988, when the Capital’s planning evolution continued with the Plan for Canada’s Capital (A Federal Land Use Plan) 25

The 1988 Plan sought to make the Capital a national symbol for all Canadians. As with earlier plans, it recognised the importance of Confederation Boulevard, focused on the political, judicial and cultural functions of the Capital, advocated the presence of the provinces and territories in the Capital, as well as of the international community, and preserved the Capital’s green spaces. The Plan also sought to improve visitor attractions, provide better access to the Capital and encourage cooperation among planning agencies in the National Capital Region.

The major objectives for the 1988 Plan included:

- the use of federal lands to support the programming and interpretation of the symbolic Capital
- the rationalisation of federal land holdings
- the preservation of the existing built heritage of the Capital and the character of its open spaces
- improvements to visitor services through diversification of programs, activities and centres of attraction, and
- the identification of locations for major national and international institutions

Towards the New Century and Millennium

Between 1988 and 1998, a number of master and sector plans were prepared, inspired by the 1988 Plan for Canada’s Capital. These plans included the Gatineau Park Master Plan (1990), the Greenbelt Master Plan (1996) and preliminary research in support of a forthcoming Urban Area Master Plan.

The year 1999 also marked the centennial of the National Capital Commission and its predecessors in planning, building and governing the Capital. At the dawn of a new century, and of a new Millennium, the 1999 Plan for Canada’s Capital integrates new ideas and inspiration with our reflections on past contributions to the evolution of Canada’s Capital.

25 The 1988 Plan for Canada's Capital was received by the Treasury Board Secretariat.
1.3 Common Planning Themes

This review of the major characteristics of almost 106 years of Capital planning indicates considerable consistency in planning issues and solutions. Each of these major plans has been concerned with:

- the symbolic role of the Capital as the seat of government
- the beautification of the Capital, and the federal government’s century-long commitment to achieving a physical presence that befits a national capital
- the enhancement of the Capital’s green image through the creation of extensive parks and open space systems, the preservation of river edges and shore lands, and the protection of significant natural areas
- the federal government’s investments in high-quality design of federal buildings and spaces, including preservation of the Capital’s heritage buildings, especially for national cultural and political institutions in the Core Area
- the design and implementation of the infrastructure required to support the “business” of the federal government (e.g., administration, research and development)
- the need for long-term planning, to leave an enduring legacy for future generations of Canadians, and
- the complex issue of fragmented governance in the National Capital Region.

While the general intent of these plans has remained relatively constant and many of these themes remain topical, the means of achieving these plans has evolved and will continue to do so.
Planning Canada’s Capital

Introduction

The Capital’s unique roles and functions require planning, and often ownership, of lands by the federal government.

2.1. Functions of the Capital

The Capital is the symbolic heart of the nation and its political centre. It is the site of crucial political decision making, yet it is also a stage for the nation’s culture and history where the past is illuminated, the present displayed and the future glimpsed. The Capital is the administrative base for the federal government’s operations. These national political, cultural and administrative functions are unique to a national capital.
The Political Function

The political function of the Capital is a manifestation of the federal system of government. The Capital is the seat of Canada’s federal government. The political function is fulfilled through the accommodation of those institutions, facilities, and events that are required for the federal parliamentary process. Other key roles include formal affairs of state, representation, discussion, and reconciliation of national interests, representation of Canada to the world, and the formal representation of the international community in Canada.

Federalism is a form of government where political power is divided between a central or national authority and smaller, locally autonomous units such as provinces or states, generally under the terms of a constitution. Other nations with a federal system of government include Australia, the United States, Mexico, and Brazil.

The Cultural Function

The cultural function of the Capital represents the achievements, cultural ideals, customs and beliefs of the Canadian people. This occurs through the accommodation of those institutions, events, attractions, symbols, parks, pathways, and associated facilities that are required to present the nation’s human and natural resources and to display Canadian history, creativity, and knowledge, as well as cultural values, aspirations, and traditions. The Capital also expresses the importance and significance of the nation’s natural environment.

The Administrative Function

The administrative function of the Capital has many dimensions, including housing the headquarters for many federal departments, wherein decision-making processes are managed and research and development activities are carried out by federal departments and agencies. The planning challenge is to provide the facilities required to ensure the effective and efficient operation of the federal government.

Approximately 100,000 people, or 20 percent of the federal civil service, were employed in the National Capital Region in 1990.

2.2 Lands of Capital Significance in the National Capital Region

The planning environment of the National Capital Region is complex. Four levels of government — federal, provincial, regional, and local, plus special-purpose bodies such as conservation authorities — have land-use planning mandates in the National Capital Region.
Local and regional governments are responsible for the location and form of urban development, the location of municipal infrastructure, and the staging of public sector investments. These decisions are reflected in land use plans and/or zoning bylaws prepared by regional and local governments in compliance with the respective planning acts and related statutes of the provinces.

In the absence of any statutory authority to control land use on private lands, the federal government must own, and/or plan for, all federal lands as well as other assets of capital significance in the National Capital Region. In this way, the federal government ensures that the unique and long-term functions of the Capital are met, and its character and enduring symbols are preserved for future generations. In exercising this planning mandate, the federal government acknowledges the presence of complementary planning responsibilities and processes of lower-tier governments.

Federal assets — which include lands, buildings and infrastructure such as bridges and parkways — as well as other key non-federal lands, can play one or more of the following roles in support of the three Capital functions: 26

• convey, through their location, design and built form, the political, cultural and administrative functions of the Capital;

• provide support facilities for events and activities that express our culture;

• provide an appropriate setting for the Capital's historic and archaeological sites and monuments that help communicate the story of this country or significantly enhance the unique character of the Capital;

• provide highly visible sites for, and enhance access to, Capital destinations such as Parliament Hill, national museums, Gatineau Park and the Greenbelt;

Federal lands comprised over 11 percent of the total land area in the National Capital Region. 26

26 To Communicate Canada to Canadians, the Capital as a Metropole, and Safeguard and Preserve the Capital on behalf of all Canadians
• support the accommodation and space needs of federal or national political, administrative or cultural institutions, including official residences, national museums and galleries;

• meet the accommodation needs of foreign delegations whose requirements are not met by other means (e.g., the commercial real estate market);

• provide locations for the headquarters of Canadian or international non-governmental organisations;

• meet the special needs of the federal government (e.g., departmental headquarters, research and development facilities, and high-security activities for federal agencies),

• help tell the story of Canada through the Capital's cultural landscapes, shape the urban form, and preserve the character of the region through the ownership of large parcels of land such as Gatineau Park, the Greenbelt, the Central Experimental Farm, park lands or environmentally sensitive areas and river frontage lands; and

• facilitate inter-provincial transportation between the Ontario (Ottawa-Carleton) and Quebec (Outaouais) parts of the National Capital Region and beyond.

The Host Environment

Federal lands and infrastructure also help to provide a suitable host environment that supports the national and international image of the Capital, and that also contributes to the health and vitality of the region. Therefore, the federal government cannot take the position that it is responsible for planning only the "federal" Capital. The federal government will continue to participate in the creation of a quality host environment on a selective basis, while recognizing that its central role as a catalyst and leader lies with the three Capital functions.
2.3 The Need for an Update of the 1988 Plan

Common Planning Challenges

The style of planning in Canadian cities and regions is evolving in the face of considerable change in our social, economic and political system. These changes present opportunities, as well as concerns, for all public planning authorities. The key challenges for the National Capital Region, shared by many communities across Canada, are:

- **Demographic.** Ours is an aging society, with slower rates of natural population growth partially-compensated for by increasing numbers of immigrants. Our planning must also consider the future needs of today’s youth. The Canadian population is generally well-educated and well-informed, understands how governments work, is aware of its rights and obligations, and has high expectations of the public sector to be accessible and accountable.

  *From 1971 to 1996, the percentage of the population in the National Capital Region aged 65 and over increased from 6 to 11 percent. This percentage is expected to continue to rise.*

- **Environmental.** Planning initiatives are expected to reflect and support the continuing effort to protect ecosystems, preserve historical and archaeological resources, and enhance the quality of life in communities. Planning practice is governed by the related concepts of biodiversity, the healthy community and sustainable development, each of which emphasizes the need to balance environmental with social and economic considerations when planning communities and regions.

- **Economic.** Changes in the economy, such as a shift from a dominant federal government employment base to a growing advanced technology sector and tourism sector (e.g., eco-tourism and cultural tourism), present opportunities for com-
munities with the necessary skills base and infrastructure.

- Political/Institutional. A common challenge is how to plan effectively in complicated intergovernmental settings. There is considerable potential for intergovernmental cooperation as a means to make more efficient use of limited resources. The public has expectations of greater access to, and meaningful roles in, government decision making processes. Our planning processes, structures and plans need to facilitate decisions and implementation in a timely, equitable and cost-effective manner.

- Socio-Cultural. Canada is an increasingly multicultural society with diverse values, needs and priorities. The needs of Canada’s Aboriginal peoples are part of the planning considerations for many communities. Many Canadians are exploring new concepts of their communities, and of Canada, leading to a renewed vision of their nation.

- Technological. Our communities are affected by the dramatic effects of communications and transportation technologies on the nature and location of work, on recreation, and on the future physical structure of communities. Communications technologies are recognised as integral land use and transportation elements and important means to achieve energy savings, reduce roadway infrastructure demands, and encourage more flexible work arrangements and environments.

The Evolving Region

The next few years present considerable challenges to, and opportunities for, the National Capital Region. It is expected that the region will experience moderate rates of economic and population growth in the early years of the next century, a reflection of general economic conditions and the region’s historic economic dependence on a smaller federal government presence. However, the dynamism of the advanced technology and service sectors suggests considerable opportunity for economic growth.

The region’s economy is increasingly information-based Service sector activities, such as consulting and business-support enterprises, account for an increasing share of the region’s workforce. The federal government remains the region’s dominant single employer, although its share of direct employment has decreased significantly as a result of the federal government’s refinement of its program obligations and roles. This trend is expected to continue into the next decade.

In this context, the vitality of the region’s economy will be a major concern for all levels of
government, as will governance issues generally. Planning in this region will be guided by issues of affordability and environmental preservation. There will be considerable concern about the costs of accommodating new urban developments. According to regional government planning agencies, areas already designated for urban development will be sufficient to accommodate growth in the foreseeable future.

The regional governments intend to accommodate future population growth through compact forms of residential development within the existing urban boundaries of both the Outaouais and Ottawa-Carleton. No expansion of the urban development zone is anticipated in this planning period. In Ottawa-Carleton, three satellite communities—east, south and west urban centres—could each eventually support populations of 105,000-170,000 persons. In the Outaouais, the existing communities of Hull, Gatineau and Aylmer will absorb the majority of new population growth. However, a significant amount of development will occur in outlying rural areas and small towns.

Efforts are under way to optimize existing services such as the public transit system and water/waste-water management infrastructure, and to minimize the effects of development on agricultural uses or environmentally sensitive areas.

Aging urban public infrastructure such as roads and bridges will continue to be a major concern for municipalities facing resource constraints. The replacement or rehabilitation of infrastructure with a Capital role could involve federal support.

Regional governments, as well as the cities of Ottawa and Hull, intend to encourage mixed land uses in the Urban Area as a way to minimize negative environmental impacts, and to make better use of resources. Some Core Area office buildings could be retrofitted for residential or other uses (e.g., hotels). Over the horizon of this Plan (25-50 years), the condition of many Core Area buildings will change, requiring significant investments in rehabilitation. There will also be opportunities to enhance the urban design of the Core Area to meet both Capital and urban needs.

The Core Area of Ottawa-Hull will remain the focus of regional employment and cultural life, although other key sectors of the regional economy, such as the advanced technology sector, will continue to expand in areas such as Kanata and Hull. Development in rural areas is to occur adjacent to existing small communities to make optimal use of infrastructure and to minimize impacts on the natural environment.

The Changing Federal Government Presence

The process of redefining the mandate of the federal government will continue for several years to come. The federal government is expected to continue rationalizing its real assets—its lands and buildings—across Canada, and throughout the National Capital Region, with sensitivity to environmental, social and economic effects in the host community.

The number and size of federal departments and agencies will change. The creation of new types of federal agencies could make the coordination of planning and real asset management a challenge for the federal government. These will likely be fewer but larger federal departments that will be accommodated (wherever possible) in federally owned buildings.
It is expected that federal lands without a demonstrable Capital or departmental program role will be exchanged with or divested to other agencies, disposed of, or developed. Many buildings built during the construction "booms" of the 1950s and 1960s will become obsolete. Some of these buildings could be renovated and re-used, in line with current federal government practice. Other buildings could be demolished and their sites redeveloped. Some federal buildings in the Core Area, federal nodes, or other non-Core Area locations (e.g., Natural Resources Canada’s Booth Street complex) could be adapted for residential or other uses.

Federal accommodation location decisions affect and are affected by local and regional retail, commercial and real estate sectors in the Core Area. Most of the federal government’s leased office accommodation is in Ottawa, while the majority of Crown-owned office accommodations are in Hull. Without careful consideration, the Ottawa part of the Core Area could be affected by the government’s Crown-owned consolidation policy.

Telecommuting and other work relationships may affect the nature and location of work throughout the region. Increasing rates of computerization could require significant investments in new communications technologies and infrastructure (e.g., “smart” buildings). New buildings will require the latest communications infrastructure to support advanced computer and communications systems. Older buildings will require extensive retrofits to remain viable work spaces.

Ottawa-Hull is the third largest francophone community in North America (after Montreal and Quebec City).
There are also land redevelopment opportunities to be realised, particularly outside the Core Area. Federal government land holdings within the Urban Area are extensive, and offer considerable potential for helping lower-tier governments in their efforts to intensify development. Large land blocks such as the surplus Canadian Forces Base Rockcliffe, and part of LeBreton Flats, as well as numerous smaller surplus parcels, could be used for residential development or redevelopment in the region's urban area.

If the Capital is to reflect the true values and realities of Canadians, it will be necessary to determine how best to meet the needs of an aging and multicultural society. A continuing concern for the environment expressed by Canadians means that the federal government will continue to work with provincial and municipal government counterparts to preserve its built heritage and natural environment.

2.4 Summary of Need

The policy recommendations of some sections of the 1988 Plan have been overtaken by events and are no longer relevant. New challenges have emerged that require a planning response. To address these challenges, regional-scale plans such as the Plan for Canada's Capital should be more strategic than comprehensive in nature, less concerned with detail and more with direction setting. Details for site-specific decisions are provided by master plans, such as the Gatineau Park (1990) or Greenbelt (1996) plans, and by sector plans. These plans did not exist in 1988.

As a result, parts of the 1988 Plan need to be updated and supplemented with new policies. In summary, the update to the Plan is designed to address:

- the expectations Canadians have of their Capital as a key symbol of national pride and unity;
- the changing land use needs of federal government departments and agencies whose mandates, program needs and resources will continue to evolve,
• the effect on the region of the continuing rationalization of federal real property holdings,

• the redefinition of responsibilities that has accelerated during the 1990s among levels of government in the National Capital Region,

• the regional-scale impacts of policies presented by master plans prepared for Gatineau Park (1990) and the Greenbelt (1996). The Plan for Canada's Capital needs to reflect the key points of these plans and guide future updates,

• the opportunities and challenges presented by aging building stock, infrastructure and/or heritage, especially in the Core Area;

• the directions provided by the common planning principles, prepared by the three regional governments and the NCC, to guide their respective planning exercises (see Appendix 3),

• the way the policies and themes of the 1988 Plan that remain relevant could be implemented in this changing context;

• the need to enhance Canadians' understanding of federal departmental and institutional roles;

• the continuing challenge of how to represent the contributions of Canada's Aboriginal peoples, and those of the provinces and territories, to the country's development;

• the cultural dimensions of the Capital — events, interpretation, celebrations and commemorations, for example — and their expression within the built environment;

• the opportunity to integrate Capital planning issues and goals, such as the tourism/visitor destination role, into regional plans in the National Capital Region, and

• the best way to apply the frameworks of sustainable development and healthy communities to Capital planning.

These trends and issues provide context for the principles that guide the Plan for Canada's Capital.
2.5 Planning Principles

Planning a capital is a unique responsibility. Capital planning needs a solid foundation that addresses the special character and needs of a national capital, and is based on sound urban and regional planning principles.

Sustainable Development

The Plan is guided by the concept of sustainable development, which is supported as a policy by the federal government. Sustainable development means development that meets present needs without compromising the ability of future generations to meet their own needs.

Sustainable development also means recognizing the links that exist between the three dimensions of the environment — the economic, the social and the natural (or biophysical) — and making decisions and taking action in an integrated manner. A healthy and sustainable environment is characterised by: a vital and dynamic economy; a community that fosters individual well-being, health and safety; and an ecosystem that functions well and has integrity.

With sustainable development as an umbrella principle, there are two sets of principles that provide the basis for this Plan. Capital Planning principles and Regional Planning principles. Together, these principles guide the creation of goals and policies in the Plan.

Capital Planning Principles

Capital planning principles distinguish how capital planning complements, yet is distinct from, generic urban and regional planning practice. A capital plan must consider attributes such as the symbolic role of a capital, and reflect the trust that Canadians place in the federal government to plan the Capital properly on their behalf. Key Capital planning principles include:

- Symbolism. The Capital is a national symbol and a window on Canada. Canadians should be able to recognize themselves and their country in the events, activities, commemorations, displays and physical design of the Capital throughout the entire year. Furthermore, the plan should promote integration between the Ontario and Quebec portions of the NCR in terms of Capital orientation.
The Beautiful Capital. Federal lands and facilities in the region should be designed and maintained to reflect the unique image and roles of a national capital. This is especially true for federal facilities that are visible and accessible to visitors to the Capital.

- **Capital Stewardship.** There are federal lands and buildings, natural features, historical and archaeological treasures, and symbols that must be preserved and protected as an enduring legacy for all Canadians.

- **Effective Orientation Services.** Suitable spaces, advanced communications technologies and orientation services, such as wayfinding systems, are needed to enhance the visitor's opportunities to enjoy the Capital's attractions and programs throughout the year.

- **Safety and Comfort.** Lands and buildings owned by the federal government should contribute to a safe, convenient and aesthetically pleasing pedestrian environment for visitors and federal employees.

- **Communicating Canada.** Lands and buildings should promote a better understanding of the Capital and the nation through interpretation, animation, outreach, and other means of communicating messages of relevance.

- **Accessibility.** Government policy requires that, wherever practical, persons with disabilities have the same level of access to and use of a federal department’s facilities as the general populace does.

- **Integrated Transportation and Communications.** Capital destinations, facilities and events should be accessible through a balance of transportation modes that can serve all users in a manner consistent with sustainable transportation principles. The Capital should also be accessible through evolving forms of communication (e.g., use of computer networks).

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In 1978, the National Capital Commission began winter programming in the Capital with the introduction of Winterlude festivities on the Rideau Canal.

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See TBH, Real Property Manual, chapter 1-6.
Regional Planning Principles

Regional Planning principles signal the federal government's understanding of planning directions followed by the three regional governments in the National Capital Region: the Region of Ottawa-Carleton, the Communauté urbaine de l'Outaouais, and the Municipalité régionale du comté des Collines-de-l'Outaouais. These regional governments, along with the NCC and local municipalities, jointly cooperate in the planning and development of the National Capital Region.

These agencies recognize that the economic, environmental and social effects of planning decisions will be considered part of the region's planning processes. In carrying out their responsibilities, these planning agencies will be guided by shared principles. The following principles represent the federal government's articulation of the common planning principles shown in Appendix 3:

- **Cooperation in Planning.** The federal government will endeavour to harmonize its planning processes and policies with those of local, regional and provincial governments, and to pursue opportunities for projects of mutual benefit with other governments, the private and non-profit sectors.

- **Efficiency.** In times of resource constraint, it is essential that optimal and timely use is made of federal and other governments' investments in land, infrastructure, amen-
ities, public transit and related facilities. Accordingly, the Plan supports development that will make the most efficient use (and adaptive re-use) of land, infrastructure and public services and facilities.

• The Livable Region. The maintenance of a high quality of life in the region is a responsibility shared by all governments, communities and the private sector. The Plan seeks to assist in the improvement of the region’s quality of life by fostering healthy communities and by facilitating the provision of services and facilities to meet the needs of current and future residents. The Plan also subscribes to planning and design approaches that are appropriate to a northern climate.

• Environmental Stewardship. The maintenance of a high quality natural environment is also a shared responsibility. The policies of this Plan indicate the federal government’s leadership role in applying best practices to land stewardship, natural resource management, and the protection of ecosystems of Capital significance.

• Economy. The Plan recognizes the need to plan, develop and manage federal assets in a sustainable manner that facilitates a strong, integrated and diverse regional economy, and enhances the region’s competitive position within the global economy.

• Capital Core Priority. A healthy, dynamic Core Area is considered essential to the Capital’s future. Accordingly, the Plan seeks to maintain and enhance the Core Area of Ottawa-Hull as a focus for economic, cultural and political activities in the National Capital Region. Over the life of this Plan, a coordinated effort among governments will be required to create and implement a vision of the Core Area that integrates Capital and urban needs.

• Accessibility. The Plan supports sustainable, affordable, accessible and integrated transportation and communication networks within the National Capital Region, and between the Capital and the rest of the world.
The Capital Plan

A capital is unique because it acts as a symbol of its country. Through careful building and preservation, the federal government has helped to ensure that Canadians have inherited, in their Capital, a combination of built and natural environments that contribute to this symbolic role.

The Capital’s built and natural environments educate, instil pride, please the senses and enrich the quality of life for residents and visitors. They are remembered by Canadians and international visitors alike as integral parts of the Capital’s symbolic image. By enhancing built elements, and by protecting natural elements, we ensure that such experiences can be enjoyed for many years to come.

From the 1950s to the 1970s, the federal government’s capital-building efforts involved land acquisition for Capital parks, large open spaces, and large-scale infrastructure and office complex construction. The result is a Capital known for its well-developed system of federal institutions, for its excellent physical infrastructure, and for the high quality of its open spaces and natural environment. This is the legacy of Greber.
Since 1988, the federal government has concentrated on capital investments that support the functions of the Capital that are unique to the federal mandate — the political, cultural and administrative functions. In the Core Area of Ottawa-Hull, priority has been given to national symbols, and political and cultural functions. This Plan builds on this foundation by providing goals, policies and ideas designed to reinforce these earlier initiatives and to address the spatial implications of the federal government’s changing roles and resources.

The physical interpretation of the Capital Vision — the Capital Concept — is expressed in the following section, complemented by figures in the policy sections of this plan (sections 4 through 6).

3.1 The Capital Concept

Over the next 25 to 50 years, Canada’s Capital will evolve as a large metropolitan urban area surrounded by, and connected to, a network of open spaces, parks and natural areas.

As future visitors approach the Capital, some will pass through and experience the natural landscapes of the Greenbelt and Gatineau Park, each providing examples of our shared natural heritage. Visitors to the Capital will arrive by road, rail, air and water. Some will travel along the Ottawa River, navigable from Montreal to Témiscamingue. Others will arrive via the historic Rideau Canal, rich in history and one of the best examples of an operating 19th century canal. Those travelling along highways, scenic roads and parkways will find signage, banners, design and landscaping to herald their arrival at a special destination —
the nation’s capital. The
gateways of the Ottawa
Macdonald-Cartier
International Airport and the
train and bus terminals will
provide displays of Canadian
culture and information
about the Capital.

An extensive network of
recreational pathways, park-
ways and parklands will help
define residential communi-
ties. Much of the shore lands
of the Ottawa River, Rideau
Canal and Gatineau River
will be accessible to the pub-
lc, and will provide spaces
for wildlife habitats and
year-round recreation. The
recreational pathway system
and
the network of parkways and scenic entries will
connect destinations in the Core Area of
Ottawa-Hull with those elsewhere in the Urban
Area, Gatineau Park and the Greenbelt, and
with significant throughout (and outside) the
National Capital Region. Interpretation and
public programming activities, services and
amenities will support public enjoyment of the
Capital’s protected natural environment.

The natural qualities of Gatineau Park as a
part of the Canadian Shield will be protected.
Recreational activities, interpretation for con-
servation topics and historical sites, commer-
cial facilities and events compatible with the
preservation of the Park will ensure that it is
used without losing its natural beauty.

The Greenbelt, a diverse rural mosaic of
farms, working forests, natural areas, research
establishments and recreational areas, will con-
tinue to provide a fitting and symbolic setting
for the Capital of a country rich in agricultural
and forest resources. Visitors to the Greenbelt
will be able to experience and learn about the
rural lifestyle that has been so important to
Canada’s past. The Greenbelt will provide
rural-related visitor attractions, farm vacations,
interpretation areas and an extensive network
of recreational pathways.

The Urban Area will provide a rich symbolic
setting for the seat of national government, as
well as accommodation for key federal depart-
ment. It will be the focus in the Capital for
expressing Canadian culture, history and values.
Within the Urban Area, the system of
parkways and scenic entries will be completed
and, along with the rivers and the historic
Rideau Canal, will lead the visitor to key desti-
nations in and around the Capital. The Rideau
Canal will remain a key venue for recreational
activities and an important component of the
visitor experience. Access between Gatineau
Park and the Core Area will be enhanced.
The Core Area will be the preferred location for headquarters activities of most federal departments and agencies, as well as non-governmental organisations. The Core Area will serve as the main public stage for communication of Canadian culture and history, and hosting of national events, ceremonies and celebrations.

The magnificent buildings and monuments of Parliament Hill will be made more accessible to pedestrians. Views and vistas of the Parliament Buildings and of the Ottawa River, and pedestrian access to the Ottawa River will be improved.

Confederation Boulevard will be fully developed to become the focal point of the nation's cultural heritage, including most of the national museums, the National Archives and Library, the National Gallery and the National Arts Centre. Other national cultural institutions, such as the Canadian Museum of Nature, National Aviation Museum, and National Museum of Science and Technology, will be more closely linked to the Boulevard.

With the construction of the American Embassy, the Sussex Drive section of Confederation Boulevard will become an even stronger focus for diplomatic missions, non-governmental organisations and public programming with an international theme (e.g., "Canada and the World"). This part of Confederation Boulevard could become an International District.

The Ottawa River's shoreline and the Islands will be revitalized to make the most of their natural beauty and programming potential within an urban setting. LeBreton Flats will be developed to provide sites for national cultural institutions, major meeting spaces, and mixed uses to the south. The industrial heritage of the Islands (Chaudières and Victoria islands) could
be restored and interpreted as part of a complex of activity spaces, green areas, and mixed uses. The eastern end of Victoria Island could become an interpretation centre for Canada's Aboriginal peoples that complements related programming provided at national cultural institutions.

On the North Shore, adjacent to the Ottawa River, new or relocated national cultural institutions could be built within Confederation Boulevard in Hull, on lands previously used for industrial purposes. Existing bridges could be rehabilitated or replaced with structures that enhance pedestrian, cycle and vehicular access between LeBreton Flats, the Islands and the North Shore.

The majority of federal employees in the National Capital Region will continue to work in the Core Area. Several large-scale employment nodes (e.g., Tunney's Pasture and Confederation Heights) located in the inner suburbs and linked to the Capital Core by parkways, scenic entries and recreational pathways will continue to accommodate those federal departments and agencies with special locational needs. These nodes will be integrated with adjacent communities and public transit systems. Other lands in the Urban Area considered surplus to departmental needs could be redeveloped to meet the region's need for housing, economic development or recreation.

Toward the end of this planning period, a new crossing could be constructed across the Ottawa River to link communities in the Outaouais and Ottawa-Carleton, and to facilitate access to visitor destinations and federal office accommodations. Existing cross-river bridges would be renovated or replaced to accommodate bicycles and pedestrians to the greatest extent possible, and where appropriate, public transit and high-occupancy vehicle lanes.

Ottawa River west of the Capital Core Area
3.2 Capital Settings, Destinations and Links

This physical expression of the Capital Vision is further interpreted as goals and policies in three groupings of Capital characteristics — Capital Settings (Chapter 4), Capital Destinations (Chapter 5) and Capital Links (Chapter 6). While presented here as distinctive elements, in reality, most lands of Capital significance feature two and often all three elements. These elements are therefore to be considered complementary rather than mutually exclusive characteristics of lands throughout the National Capital Region.

The first element — Capital Settings — provides the visual backdrop and natural setting for Capital Destinations and Capital Links. The Capital's image and much of its environmental quality are created by the Capital Settings. Gatineau Park, the Greenbelt, the rivers, the Rideau Canal, green corridors and major public spaces are key elements of Capital Settings.

The Capital Settings are created through lands, landscapes and buildings that add visual beauty to the Capital, and mirror the Canadian environment and way of life. For the most part, these lands are parks and open spaces that may be formal in character (e.g., manicured gardens) or very informal (e.g., naturalised shore lands). Some lands identified as Capital Settings also play an important conservation role and provide recreation space, such as waterway and shore land corridors. Capital Settings also provide important stages for public programming and commemorations of national significance. The natural charm and attractiveness of the Capital is attributed to this ensemble of Capital Settings.

The second element — Capital Destinations — comprises two major groups: Visitor Destinations, and Federal Offices and Facilities. Visitor Destinations include Parliament Hill, Confederation Boulevard, historic sites and monuments, and national cultural institutions. Federal Offices and Facilities refers to the places where the federal government's administration functions are carried out — the federal nodes, office buildings in the Core of the Capital, research complexes, as well as Parliament Hill. These spaces are meant to be visible and well connected to transportation links, making them accessible to visitors and employees alike.

The third element — Capital Links — connects and provides access to the Capital Settings and Destinations. Capital Links include recreational pathways and parkway networks and inter-provincial crossings, and can often be found in open space links. The Capital Links connect and provide access to Capital Destinations, while revealing the high-quality experiences found in Capital Settings. In Capital Links, the emphasis is on the experience of the journey as well as the arrival.
3.3 Structure

Each of these three elements features the following structure:

Goal — a statement of general intent and broad purpose, a preferred end-state for the National Capital Region, realised in part by the Plan for Canada’s Capital, other land use plans prepared by the federal government, and by other agencies and levels of government;

Context — an orientation and review of key characteristics that provide the necessary background for the Plan’s goals and policies;

Opportunities and Issues — opportunities as well as issues that could be addressed in support of the Capital Vision; and

Policies — statements of direction and intent regarding the long-term planning of the National Capital Region. These statements reflect the interests and contributions of federal departments and agencies, as well as advice from other parties (e.g., regional governments, public).
Capital Settings

Introduction

The Canadian experience has been profoundly influenced by our relationship with our landscapes and a demanding climate. The natural and rural landscapes, and our built heritage, are also part of our shared experience as Canadians.

Diverse in character, Capital Settings symbolise many landscapes that are familiar to most Canadians. The Capital Settings are composed of large areas of federal lands such as Gatineau Park and the Greenbelt, as well as rivers and green corridors within the Urban Area. Capital Settings provide the backdrop for Capital Destinations and Capital Links.

Capital Settings play several roles and include natural, rural and built landscapes that epitomise the boldness and diversity of Canadian geography. Visitors to the Capital enjoy the rivers, lakes, forests, and farms. Heritage buildings reflect the history of the region and the country as a whole. The Parliament Buildings are the most powerful symbol of Canadian democracy at work, and of our relationship to the landscape. Their setting, on top of a striking, heavily treed escarpment overlooking the Ottawa River, is an expression of the affinity that Canadians have for their geography.

Extensive open spaces provide stages for Capital events and programs, contribute to the Capital’s green image, help to structure urban communities, and direct the location of future development. The Capital Settings policy areas include:

- Natural Heritage Areas;
- Rural Lands;
- The Capital Core Area;
- Capital Urban Green Spaces;
- Capital Waterways and Shore Lands;
- Urban Design;
- Built and Landscape Heritage, and
- Archaeology.
4.1 Natural Heritage Areas

Goal

A network of natural heritage areas that protects valued ecosystems.

Context

Natural Heritage Areas include the following: one or more ecological communities that are defined in extent by unbroken areas of vegetation, significant natural features, or key ecological processes. Many different habitats are associated with natural heritage areas, including significant wetlands, forests, and wildlife habitat; critical portions of the habitat of endangered, threatened, and vulnerable species; and natural or restored corridors such as significant ravines and streams.

Natural heritage areas include bold examples of the Canadian Shield, wetlands and other natural features that are common to, and provide striking symbols of, many of Canada's natural landscapes. Natural heritage areas also include forests and lands whose primary function is to support the National Capital Region's ecosystem.

In 1995, the Greenbelt's Mer Bleue bog was designated a wetland of international importance— one of 26 Canadian wetlands under the RamSar Convention.

In 1995, the Greenbelt's Mer Bleue bog was designated a wetland of international importance— one of 26 Canadian wetlands under the Ramsar Convention.

Pint Lake, Gatineau Park

The Greenbelt's Mer Bleue Bog

item The Shield and wetlands, in particular, were not extensively developed. Consequently, we have a cross-section of these natural environments to enjoy today and, because of their ease of accessibility, to preserve for future generations.

Gatineau Park is a large, dramatic section of Canadian Shield that pierces the urban fabric.

Another natural heritage area— Mer Bleue in the Greenbelt— is an internationally recognized wetland. Others, such as Mud Lake, are notable because they are relatively high-quality areas either in or close to a large urban area and, because of their ease of accessibility by visitors to the Capital, require special attention.
Opportunities and Issues

• These areas offer considerable opportunities for Canadians to learn about their natural environment.

• There are concerns about the long-term ecological health of natural heritage areas due to urban development pressures (e.g., fragmentation by infrastructure corridors, adjacent uses, and pollution).

• There is a need to protect valued ecosystem components (VECs — see margin note) such as rare or endangered plant and animal species, woodlands, wetlands, and wildlife habitats.

• Competing demands arise between the natural heritage protection needs of certain areas and the pressure for local recreational use as a result of urban proximity.

• The management of natural heritage areas transcends political boundaries; therefore, intergovernmental co-ordination is required.

Policies

• Allow natural processes to predominate to the greatest extent possible.

• Implement federal environmental and natural heritage resource policies and legislation, and take related provincial and municipal government policies and laws into account.

• Protect VECs identified on federal lands, and encourage other agencies to protect VECs on other lands.

• Develop tools to manage federally-owned natural heritage areas according to internationally recognised standards and practices, and respect the inherent carrying capacity of the lands.

• Facilitate the restoration of degraded natural heritage on federal lands.

• Designate Gatineau Park as a protected area managed first for ecosystem protection and then for recreation.28

• Designate the conservation areas of the Greenbelt as protected areas managed first for ecosystem protection and then for recreation, and manage the rest of the Greenbelt using best management practices to support the maintenance of habitats.29

• Endeavour to secure (e.g., by acquiring, zoning, private stewardship or by other means) inadequately protected portions of Natural Heritage Areas identified on the maps and assign the highest priority to those under threat through co-operative

28 Gatineau Park should be managed as an IUCN Category II Area (see margin note on the next page).

29 Greenbelt Natural Areas should be managed as IUCN Category II Areas.

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Valued Ecosystem Components (VECs) are identified in an MCC reference document entitled Sources for Environmental Priority Maps (MCC, 1998). An Environmental Synthesis map from this report is provided in Appendix 2.

Champlain Lookout, Gatineau Park

Gatineau Park's Pink Lake is a meromictic lake, where waters in deep oxygen-deprived depths do not circulate. A rare and ancient species of fish thrives here. Only 28 such lakes are known in North America.
Policies (continued)

- arrangements with other governments, non-profit agencies, the private sector and landowners.
- Protect lands that function as natural links owned by the federal government between Natural Heritage Areas and waterways.
- Collaborate with other owners and organizations to integrate the management of conservation areas and to protect natural links beyond the federal government's holdings.
- Co-operate with other governments and agencies to program and interpret natural heritage areas, where appropriate.

IUCN, International Union for Conservation of Nature but more recently known as the World Conservation Union is a union of over 70 nations, over 150 government agencies, and more than 700 non-governmental organizations working at the field and policy levels to protect nature around the world. The IUCN's (1994) Guidelines for Protected Area Management Categories include

Category II National Park. Protected area managed mainly for ecosystem protection and recreation

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</table>
4.2 Rural Lands

Goal
Productive rural lands that provide opportunities to learn about Canada's rural and resource heritage.

Context
Rural land activities such as agriculture, forestry and recreation are important uses on lands of Capital significance. Farms and forests owned by the federal government, particularly those in the Greenbelt, help to structure the urban Capital, along with the provincially-mandated agricultural and rural zones in the Outaouais and Ottawa-Carleton. They also contribute to the Capital’s supply of green spaces, and provide venues for agricultural research and demonstration by the federal government.

Some rural lands also help to buffer areas designated for federal government accommodation in cases where an extensive open area or a rural environment is required.

The proximity of farms and forests to developed urban areas provides a dramatic example of how urban development, agriculture, and forestry can exist in a mutually beneficial state. Passive recreational services related to the rural environment also broaden the visitor's exposure to the rural landscapes of the Capital.

The Central Experimental Farm is a National Historic Site. Both it and Greenbelt lands provide a means for urban Canadians to enjoy and to learn about farming, forestry and rural lifestyles. Farms, forests and sites for rural recreational uses also assist in buffering more sensitive natural and conservation areas such as Gatineau Park and Mer Bleue, and help ensure a continuous expanse of diverse green lands.

Opportunities and Issues

- Urban proximity offers outstanding opportunities for public programming and nearby markets for rural products and services. It can also affect neighbouring agriculture and forestry through the demand for urban services (e.g., roadways, recreational facilities and utilities) and constraints on operating procedures (e.g., fencing, trespassing).

- There are opportunities for the development of recreational pathways, the demonstration of new and innovative farming techniques, the display of mature forests, the establishment of unique woodlands and the interpretation of Canadian rural heritage.

- Large blocks of high-quality, viable agricultural soils (e.g., Class 1-3) are rare in this region and need to be protected to support sustainable agricultural activity.
• The federal government’s diminished role in agricultural research has created opportunities to meet local demand for farmland, improved visitor access and environmental management.

• Federal managed forests have tended to be located on marginal lands and be monocultures. There are opportunities to diversify existing managed forests and to create new high-quality forests on better soils.

• Forests are perceived as a local recreational resource, rather than as a demonstration of renewable resource management.

• In the past, programming and public involvement has been restricted to themes of local interest, whereas considerable potential exists to explore national themes.

Federal farms and forests can include creeks, viewpoints, and attractive vistas.

### Policies

- Continue to encourage measures that will enhance agricultural or forestry sustainability and productivity on federal land (e.g., farm stewardship, diversity in the scope and range of operations).

- Conserve federal properties with high quality (Class 1-3) agricultural soils.

- Encourage activities that are compatible with adjacent urban developments (e.g., avoid intensive livestock operations).

- Encourage research and display of new and innovative farm and forest management techniques on federal farms and forests.

- Provide opportunities for the public to learn about significant events, individuals or practices associated with the development of Canadian agriculture or forestry.

- Extend the Capital’s recreational pathway network through federal agriculture and forestry lands to facilitate public enjoyment and learning, while at the same time ensuring that the development and use of such pathways are sensitive to the needs of farming and forestry.

- Encourage recreational uses with an outdoor orientation that complement rural activities and maintain the rural qualities of the landscape.

- Direct the more intensive permitted forms of recreational development away from shore lands and wetlands.
4.3 The Capital Core Area

Goal

The vitality of the Capital Core Area, and the reinforcement of exchange between the federal and city parts of the Core, as well as to and across the Ottawa River.

Context

The Capital Core Area extends to inner urban lands on both sides of the Ottawa River. It includes the downtown cores of Ottawa and Hull, as well as the Byward Market and the cluster of lands immediately west of the Parliamentary Precinct Area, including LeBreton Flats, the Islands (Victoria and Chaudière islands), and the adjacent industrial lands along the north shore of the Ottawa River in Hull.

The Capital Core Area is a unique mix of the symbolic and the practical, accentuated by a splendid assembly of political, cultural and administrative institutions situated along Confederation Boulevard. It is also the focus of economic, cultural, political and administrative life for the metropolitan area.

Historically, considerable work has been focused on reinforcing a distinction — physically, visually, and symbolically — between the Capital presence (e.g., Parliament Hill) and the city fabric of the downtown core. The Core Area has undergone significant change over the past decade in terms of employment, building and infrastructure viability, and a changing role vis-à-vis the expanding urban area. Several major long-standing Capital initiatives are also nearing completion, such as Confederation Boulevard.

With these trends in mind, a re-examination of the Capital role of the Core Area and its relationship to the “urban” core was launched in the summer of 1998 with public consultations concerning ideas to consider for the future.

Opportunities and Issues

- While substantial work in the Core Area has focussed on the area in and around Confederation Boulevard, the appropriateness of stronger integration between the Capital presence and the urban fabric merits investigation.
- There are opportunities to better integrate the symbolic and urban aspects of the Core.

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20 The document titled A Capital for Future Generations — Vision for the Core Area of Canada’s Capital Region contains a number of ideas to enhance the Capital Core over the next 50 years.
Area, physically and visually, to the Ottawa River.

- Over the next 25-50 years, much infrastructure and many buildings in the Core Area will require significant and large-scale rem-vestment.

- There will be a need to accommodate national cultural institutions, federal departments, diplomatic missions, and government institutions in high-profile, Core Area locations.

- The connections between Confederation Boulevard and the Ottawa River need to be improved. Pedestrian access to the Ottawa River also requires attention (e.g., the north end of Bank Street).

- The Islands present an opportunity to make one of the most significant industrial and cultural landscapes in the Capital more publicly accessible. This could eventually lead to improved public access to, for example, the Chaudières Falls.

- The Islands are important to Aboriginal peoples as a passage and meeting place, and are considered sacred.

- There is a legacy of industrial sites along the river edges that could eventually be converted to greater public use.

*See Special Study Area on the Capital Core Area Concept 2056, which refers to future studies of Chaudières and Victoria Islands.*

**Policies**

- Give priority to the Capital/Core Area as an area for federal presence and attention (e.g., investment, maintenance).

- Investigate alternative plans for enhancing the symbolic approaches to Parliament Hill through streetscaping or other means, and investigate the creation of new links into the Parliamentary Precinct (e.g., along Bank Street).

- Encourage better public access to the Ottawa River (e.g., extension of the Bank Street axis).

- Investigate means to improve cross-river access to cultural institutions in both Ottawa and Hull (e.g., water axis).

- Investigate means to use capital improvements in the south of the Parliamentary Precinct to help revitalise the adjacent Capital core area.

- Work with regional and local governments and the private sector to prepare and implement land use plans for the river edges and the Islands.

- Work with Aboriginal groups to enhance their representation in the Capital Core Area (e.g., Le Breton Flats, the Islands).

- Rely on public/private and inter-jurisdictional cooperation to undertake the built and natural rehabilitation of the river edges and islands.

- Investigate ways in which to improve access between the Core Area and Gatineau Park, having regard for the balance between accessibility and natural carrying capacity in the Park.
4.4 Capital Urban Green Spaces

Goal

Urban green spaces that are key elements of the Capital's setting and open space network, and provide stages for Capital events, activities and interpretation.

Context

Capital urban green spaces are a major element of the Capital experience. They are an enduring legacy from the early days of federal involvement in the beautification of the Capital. They include Capital parks (e.g., Majors Hill Park) and green corridors (e.g., along the Rideau Canal, the Western Corridor west of the Central Experimental Farm). Most of these spaces are found in the urban area, primarily along Confederation Boulevard, the Capital waterways, and the parkway network.

Capital urban green spaces are often related to a natural, cultural or historical feature, and are generally visible and accessible to visitors to the Capital.

Capital urban green spaces contribute to the Capital's network of open space corridors, link Gatineau Park and the Greenbelt to the Capital.

Key Capital Parks include the following:
- Confederation Park
- Jacques Cartier Park
- Rockcliffe Park
- Majors Hill Park
- Rideau Falls Park
- Commissioner's Park
- Hog's Back Park/Vincent Massey Park
- Leamy Lake Park
-Slide Park and
- Laurier

Core, and communicate messages of Capital interest. They also provide important habitats for plants and wildlife. Capital urban green spaces also support a mix of formal and informal activities, and active and passive recreation. Capital Parks, an important subset of the Capital urban green spaces system, provide green oases for visitors and residents, stages for events, activities, and interpretation, sites for monuments, and views of national symbols.
Opportunities and Issues

- The size and diversity of the Capital urban green spaces network make it possible to plan, program and manage individual parks as part of a network or larger visitor experience.

- The role of each Capital Park within the network of Capital urban green spaces could be more clearly defined.

- Certain lands proposed as “Capital Parks” in the 1988 Plan for Canada’s Capital are not expected to serve the roles envisaged for them as a result of the 1995-99 review. Others are not considered to serve a Capital role (see margin note).

- The management and use of some Capital Parks are characterised by competing demands for public use and park protection.

- A concentration of Capital Parks along Confederation Boulevard offers many opportunities for co-ordinated public programming.

- The existing level of wayfinding and orientation within and between Capital urban green spaces and Capital destinations could be improved.

- The range of landscapes, cultural and natural features, and history associated with Capital urban green spaces (and within individual areas) offers potential for a wide range of learning experiences and programming.

- Federal parklands tend to constitute the majority of public open space available to local communities and commercial cores, and as a result could be subjected to competing user demands.

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Margin Note:

- Prince of Wales site is not considered to be of Capital significance, except for the shore lands.
- Shirley’s Bay was redesignated as a Natural Heritage Area.
- Gatineau Park south of Gamelin Boulevard has been redesignated to Natural Heritage Area.
Policies

- Manage Capital urban green spaces as multiple-use, year-round, public spaces of green and open character that can support a range of appropriate activities.

- Focus public events and programming in Capital Parks

- Base public use, facilities development (e.g., eating facilities, washrooms) and conservation of individual Capital urban green spaces on their accessibility, visibility, centrality, size, views of Capital symbols, landscape history, natural features and functions (e.g., VCOs), and other relevant factors (e.g., character of surrounding areas).

- Protect environmental components of corridors (e.g., VCOs, ecological links between a natural heritage area and a waterway).

- Co-ordinate the planning of corridors and recreational pathways with other governments, and ensure these corridors are of a size and character that will enrich the visitor’s experience of the urban Capital, and will contribute to community identity.

- Reserve appropriate locations in Capital urban green spaces for interpretation that communicates Capital messages (e.g., the Green Capital, historical aspects), commemorations, monuments, public art and other visitor destinations that celebrate individuals, events and ideas of national significance.

- Ensure appropriate visitor wayfinding and visitor support services (e.g., permanent or temporary event signage, drinking fountains, telephones) within and between Capital urban green spaces and other visitor destinations in the Capital.

- Continue to encourage local and regional governments to provide lands that meet the open space requirements of their citizens.

31 For a definition of VCOs, see Appendix 2.
4.5 Capital Waterways and Shore Lands

Goal

Waterways that serve as accessible, continuous symbols of Canada’s natural and cultural heritage.

Context

The National Capital Region is blessed with an abundance of rivers and lakes, several of which hold national significance. The region’s waterways can be seen as symbols of the Canadian landscape. They are a reflection of our country and its beginnings, and have played a key role in the economic and political history of Canada. They play a symbolic role today by linking Quebec and Ontario, and by creating a backdrop for many national institutions. The Rideau Canal provides a unique historic waterway and leisure resource of international stature that penetrates the heart of the Capital.

Examples of heritage features and landmarks include the Rideau Canal, Gatineau River, and former portage routes. A scenic feature might include a major view of Ottawa River.

Capital waterways are a reflection of our country and its beginnings. Like other communities, the region’s waterways and their shore lands serve many roles: they are an important source of drinking water, they are an essential part of the Capital experience, they increase the quality of life through their navigational and recreational functions, and they provide wildlife habitat.

The federal government, as the largest landowner in the region, has a special responsibility to preserve shore lands under its ownership, and to manage all federal lands in a manner that respects local watersheds and their receiving waters. It also has a role in communicating the significance and symbolic value of shore lands, as well as providing opportunities for public enjoyment through facilities (e.g., beaches and marinas) and programming.

Historically, in June of 1613, Samuel de Champlain reached the falls of the Rideau River, so-named by later French explorers because the falls resemble a peaceful drapery.
Opportunities and Issues

- The region's waterways and shore lands offer many more opportunities for interpretation and programming activities than have been recognised in the past.

- Larger waterways in the region such as the Rideau Canal and the Gatineau and Ottawa rivers are key communicators of Capital identity and a link to the geography and history of the country.

- Urban and rural activities have a major impact on water resources and related habitat quality, by shoreline erosion and deterioration, increasing water runoff and pollution loads into water courses, or by depleting and polluting ground-water.

- There is little likelihood of creating continuous shore lands accessible to the public in areas where the shore lands are currently privately owned.

- There are opportunities to create and extend navigation along both the Ottawa and Gatineau rivers.

- While the water quality in major rivers has improved significantly in recent years, occasional closure of beaches continues to occur.

In the 1998 "In Touch" survey of visitors to the Capital, 62 percent indicated that it was "essential" to make waterfronts and shore lands more accessible and meaningful to visitors.
Policies

- Encourage the use of waterways and shorelands as potential stages for Capital interpretation, cultural programs and commemorations, and for recreational pathways.

- Ensure public facilities and programming of waterways and shore lands is compatible with their natural, cultural, and scenic contexts, and that proposed uses provide benefit to, and benefit from, proximity to water.

- Plan and manage Capital waterways to protect their environmental integrity (e.g., through naturalization) and encourage the rehabilitation of shorelines.

- Encourage public access to waterways and shore lands in a manner compatible with environmental protection.

- Safeguard, communicate and enhance the significance of the heritage features and landmarks, scenic features, and the natural environment along Waterways and Shore Lands.

- Make the Core Area river basin (comprising parts of the Ottawa River, Rideau Canal, Rideau Falls and the Gatineau River) more accessible and meaningful to visitors, and a key setting to tell the story of both Canada and the Capital.

- Encourage the expansion of the network of navigable waterways to the Capital (e.g., Ottawa River to Temiscamingue, Rideau Canal, Gatineau River).

- Work with local and provincial government agencies to adopt contemporary planning and management practices on and off federal lands in dealing with storm water in order to preserve or enhance surface- or ground-water resources to make them safe for aquatic life, recreation and other uses.

- Encourage, with local government and provincial agencies, the prevention or reduction of environmental impacts from flooding or erosion (e.g., community disruption, property damage, damage to archaeological resources).

- Encourage, with local government and provincial agencies, the prevention or reduction of environmental impacts (e.g., pollution) to Waterways and Shore Lands.

Water-related or water-dependent activities and uses include the following:

- Swimming
- Recreational boating (e.g., canoeing, kayaking)
- Water-skiing
- Interpretation (e.g., tour boats, facilities)
- Wetland/nature study
- Birdwatching
- Certain cultural institutions
- Eavestock establishment
- Fishing, ice-fishing
- Skating
- Contemplation, and
- Squirrel watching
- Access to and within the Capital (e.g., water taxis)

32 See the NCC's Corporate Administrative Policies and Procedures on Stormwater Management (CAP 227).
4.6 Urban Design

Goal

Urban design that integrates architecture, streets, public spaces, and built and natural environments, to create a sense of place befitting a national capital.

Context

The role of lands of capital significance is to locate and communicate important Capital functions, symbols, and events. The highest standards in design should differentiate governmental, cultural and administrative areas as being of special significance, including the Capital Core and parks, the Greenbelt and Gatineau Park, as well as links such as parkways, driveways, and boulevards.

The unique character and special sense of place of the Capital Core has evolved from the interaction between national symbols, set within open, waterside landscapes, and the city fabric and urban activities, which surrounds them on both sides of the Ottawa River. Retaining and enhancing the experience of the Capital and national landmarks such as Parliament Hill, the Supreme Court, and national cultural institutions will depend on the active protection of these landmarks and views, and the preparation of urban design guidelines to set appropriate standards for the future planning and development of Capital sites.
Opportunities and Issues

- While there is an emphasis on the protection and renovation of Capital buildings for health, safety, and security, more attention must be paid to the rehabilitation and improvements of the public spaces between them, and to the recognition of their interdependence as "cultural landscapes."

- Key assets such as Gatineau Park and the Greenbelt are not strongly connected to the Core Area and, therefore, do not fulfill their potential for attracting visitors. There is a need to improve these links (e.g., via signage, interpretation resources, direct vehicular links, and pathways).

- The development of non-federal lands, especially in the Core Area, requires coordination in order to positively influence the image and experience of the Capital.

- The architectural quality and landscaping of federal buildings and urban parks should be appropriate to their significance.

- There is a need to ensure that the maintenance of lands of Capital significance is appropriate to their role and location.

- Physical assets have a fixed life span and require rehabilitation, reconstruction, and preventive maintenance to ensure their long-term quality and utility.

- The Capital's four-season climate presents a number of challenges and opportunities to urban design that fosters a comfortable and environmentally-sound visitor experience.

- Confederation Boulevard and the Capital's parkways provide an example of the successful marriage of streetscape, landscape, and programming.

In the 2007 "To the Touch" survey for visitors to the National Capital Region, 59 percent considered it "essential" to create architecture and design excellence that befits the image of the Capital, and contributes to a pleasant, stimulating urban environment.
Policies

- Continue to protect and enhance the views and symbolic prominence of the Parliament Buildings and other national symbols, through height controls and urban design guidelines in co-operation with the municipalities on both sides of the Ottawa River.

- Identify and develop principles for the enhancement of cultural landscapes in the Capital, recognizing the integrated experience of buildings, spaces and landscapes.

- "Create high-quality connections (e.g., through streetscaping, landscaping, signage, and banners) between destinations such as Gatineau Park, the Greenbelt, the Core Area, Capital Urban Green Spaces, and Confederation Boulevard — in co-operation with municipal and other agencies.

- Work with federal and municipal partners and other agencies to achieve a high standard of architectural design appropriate to lands and buildings of Capital significance.

- Adopt a life-cycle approach as a way to preserve and protect assets.

- Ensure that standards of maintenance on lands of Capital significance are appropriate to their location and role.

- Work with municipalities and other agencies to strengthen the sense of the "central place" within the Capital, focused on the Core Area and the Ottawa River basin, and enhancing the relationship between Capital and local urban design.

- Use high quality street furniture and appropriate signage (permanent or temporary) where required on highly visible lands of Capital significance (e.g., Confederation Boulevard, parkways).

- Encourage the use of imaginative lighting, while recognizing the need to reduce light pollution.

- Respond to the Capital's four-season climate and the increasing importance of environmentally-responsible design in urban design and architecture."
4.7 Built and Landscape Heritage

Goal

Built and landscape heritage that is protected and preserved as an important part of the Capital's cultural milieu.

Context

The built and landscape heritage of national value in Canada's Capital — buildings such as Parliament, monuments, heritage landscapes such as the Central Experimental Farm and the MacKenzie King Estate in Gatineau Park, transportation routes such as the historic Rideau Canal, and physical remains left by centuries of human activity — provides a visible record of an important part of the Canadian story, and makes a symbolic statement of Canadian identity. This heritage has national significance and forms an important part of the Capital's cultural landscape.

Opportunities and Issues

- Progressive forms of urban development include ways to preserve and re-use heritage structures.
- Some federal heritage buildings may be vacated as the government continues its organisational restructuring efforts.
- The management and rehabilitation of heritage buildings, particularly those that have been designated as national historic sites, requires an approach that is appropriate to their historic value.
- Cooperation between all levels of government, the community, and the private sector is required to preserve the Capital's built and landscape heritage.
- The public's awareness and appreciation of, and access to, Canada's built and landscape heritage in the National Capital Region must be enhanced.
- There is a need to complete, in a comprehensive manner, data bases on designated heritage buildings, national historic sites, and cultural landscapes as a means to set priorities for future interventions.
- In preserving heritage, the NCC must find solutions that reflect the realities of a growing city. The challenge is to balance the protection of built and landscape heritage with the development of the Capital in the interest of all Canadians.
Policies

- Improve public access to heritage properties in the National Capital Region in a manner that respects the features for which the property has been designated.

- Introduce visitors to the built and landscape heritage of the Capital in ways that will enhance their experience of these cultural resources, while protecting the resources from undue exploitation.

- Prefer repair to replacement, respect original materials, and limit intervention as much as possible when undertaking works on federal heritage buildings.

- Ensure that new elements are compatible with and subordinate to the building’s historical parts when undertaking new construction adjacent to federal heritage buildings.

- Endeavour to respect, to the extent possible, those sites designated under provincial legislation that contribute in some way to the national mosaic in the Capital.

- Federal buildings and grounds which are designated as national historic sites should receive the highest level of protection, and their significance should be communicated to the public.

- Work cooperatively with local and provincial government heritage agencies to identify, interpret and preserve heritage properties of Capital significance.

- Ensure that heritage buildings, sites and landscapes on lands of Capital significance are properly identified and assessed in order to establish priorities.

- Make best efforts to arrange for appropriate alternative uses compatible with the character of a federal heritage building when program needs end, or the building is no longer fully used by the federal government.

- Work to ensure that the protection provided by federal heritage legislation continues for buildings that leave the federal inventory by encouraging the appropriate province to apply its historic resource protection to the building.

- Any disposal of federal heritage buildings should be accompanied by legal instruments (e.g., easements) designed to ensure the continued protection of its heritage character.

- Contact and encourage the provincial ministry responsible for heritage to apply its historic resource legislation to federally-designated buildings that leave the federal inventory.

33 In a physical sense, accessibility means that the property is accessible to the public. In a psychological sense, accessibility means making the resource known to the public for its true heritage value, through oral, written or visual media.

34 This policy reflects heritage conservation principles provided by the FIBRO Code of Practice (1996).

35 Built Heritage Policy (NCC, 1994-2)
4.8 Archaeology

Goal

Archaeological resources that are preserved and interpreted as a way to tell part of the story of Canada.

Context

Relatively little emphasis has been placed on the preservation of archaeological resources in Canada. Early occupation of the land in Canada tended to follow its rivers. The National Capital Region’s history and pre-history is reflected in artifacts and other heritage resources that are related to the presence of Aboriginal peoples, European explorers and voyageurs, and later settlers, primarily along its waterways.

Opportunities and Issues

- Regional and municipal plans increasingly recognize that archaeology is a subject requiring policy guidance
- Our knowledge and understanding of the region’s archaeological resources is incomplete. The diversity of original inhabitants and settlers, and their presence in the region for over 5,000 years, however, indicates that considerable archaeological potential exists.
- There is a need to comply with accepted standards of archaeological practice and conservation
- Despite the dense settlement around the Capital, much of the region’s archaeological potential is still in place
- There are many opportunities to interpret the region’s rich archaeological resources for visitors to the Capital, while respecting their integrity. Site interpretation could reveal Canadian history and pre-history to the public.

36 An archaeological potential study entitled \textit{Potentiel archéologique des terrains fédéraux de la Région de la capitale nationale (Elmsharcha)} was completed by the NCC in 1991. A draft archaeological resources policy was issued by the NCC in 1991.
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| - Comply with established international standards concerning archaeological practices, especially the International Charter for Archaeological Heritage Management adopted by ICOMOS in 1990.  
- Comply with recognised conservation standards when conducting archaeological research (e.g., data conservation, integrity of collections, protection of sites).  
- Undertake necessary actions to identify, conserve and interpret archaeological resources of national interest on federal lands.  
- Respect and take into account archaeological resources of local or regional interest on federal lands when undertaking environmental assessments.  
- Where archaeological resource potential exists and is threatened by a project or land development (e.g., as identified through an environmental assessment or at the concept stage of any project), require a qualified archaeologist to undertake a site assessment.  
- Continue to develop interpretation programs in which archaeological resources help tell the story of Canada (e.g., through agencies such as the Canadian Museum of Civilization) and of the Capital.  
- Follow provincial legislation if unmarked cemeteries or human remains are encountered on federal lands. |
Capital Destinations

Introduction

The Capital is a meeting place for all Canadians. It is a place that should communicate Canada to both Canadians and foreign visitors. It is also a place where the national cultural and political heritage is safeguarded and preserved.

The first set of policies in this Section, Visitor Destinations, recognizes those sites and activities of interest to visitors to Canada’s Capital. The second set of policies, Federal Offices and Research Facilities, are intended to guide decisions by federal departments and agencies concerning the location and design of office buildings and research facilities in the Core Area and in federal nodes, and other peripheral areas such as the Greenbelt.

5.1 Visitor Destinations

Goal

A network of visitor destinations that helps visitors explore the Capital and learn about Canada.

Context

Every year, the Capital welcomes millions of visitors from all parts of Canada and the world. The Capital should be the place where the Canadian story is told, its culture is expressed, and the role of its national institutions is conveyed. Visitor destinations are cultural (e.g., museums, exhibitions), political (e.g., the Parliament Buildings, the Peace Tower) and natural/recreational (e.g., Gatineau Park, the Greenbelt, the Central Experimental Farm, and Rideau Canal).

Visitor destinations include the following:

- Parliamentary Precinct,
- Confederation Boulevard;
- Public Art and Commemorations,
- National Cultural Institutions;
- Official Residences, and
- Diplomatic Missions and International Non-Governmental Organisations.

Visitor destinations with a natural/recreational orientation generally cover a large area, and are therefore listed in Section 4, Capital Greens.
5.1.1 Parliamentary Precinct Area

Goal

A Parliamentary Precinct Area that is planned, protected and interpreted as the symbolic and political heart of the nation, as a national landmark and centre stage for national celebrations, and as the focus of the Nation's Capital.

Context

The Parliamentary Precinct Area encompasses federal lands between Sparks Street and the Ottawa River, extending from the Rideau Canal in the east to the Portage Bridge in the west. These lands, in addition to Parliament Hill, contain the Judicial Precinct, the National Archives and National Library, the Wellington Street South properties, and the Garden of the Provinces. Their location atop an escarpment has made for a dramatic setting unlike any other Parliamentary institutions in the world.

Parliament Hill is more than the workplace of Canada's government — it is a national symbol, a site of architectural beauty and historical significance, and the centre of national political decision making. The Hill is also one of the most visited heritage sites in Canada with 1.5 million visitors each year, the site of major national events such as the Canada Day celebrations, and a National Historic Site. A visit to Parliament Hill fosters a better understanding of Parliament, of the federal government, of the Capital and of Canada.

Because of its significance, any development within the Precinct should occur in a comprehensive and integrated manner. The planning framework for this area is the Parliamentary Precinct Area Long Range Development Plan, jointly prepared by Public Works and Government Services Canada (PWGSC) and the NCC, and tabled in the House of Commons in 1988. Its goals are threefold.

- to accommodate and improve the functions and growth of the Precinct's main institutions
- to express the symbolic and ceremonial roles of the Precinct, and
• to establish the pattern for development of the highest aesthetic order, while protecting the inherent natural and heritage qualities of the Precinct

Works that have been designed or are under construction, consistent with the terms of the plan, include a new Federal Court, renovation to the Centre, East and West Blocks and to the Justice, Confederation and East Memorial Buildings, and the renewal and provision of underground facilities and services. These projects will continue until 2010.

Opportunities and Issues

• Parliament Hill is the Capital’s premier symbol and visitor attraction. As a national heritage treasure, the Hill belongs to all Canadians

• The size and design of Parliament Hill (buildings, grounds and landscape) have set a high standard for architecture and planning within the Capital, and indeed, within Canada.

• There is a unique but fragile relationship between national symbols and their natural setting on the escarpment.

• There is a growing demand for commemoration of key national figures and events on the Hill. These requests need to be balanced with environmental capacity, the protection of views and landscapes, and the role of the Hill as the Capital’s premier symbol and tourist destination.

• The environmental capacity of the Precinct needs to be recognized in any future expansion of government, judicial and/or public record facilities.

• The views of the Parliament Buildings and other national symbols from around Confederation Boulevard and the main approach routes to the Capital, and to the Core Area (e.g., Metcalfe and York streets) need to be protected and enhanced to ensure the visual integrity and symbolic pravity of these and other national symbols in the Core Area. For this reason, the heights of downtown development on both sides of the river must continue to be regulated.

• The needs of visitors and those who work within the Precinct must be recognized and accommodated. The rising concern for security, health and safety must be balanced with the desire to make the site as accessible as possible to the Canadian public and other visitors (whether involved constituents, visitors, demonstrators or spectator at programs and events).

34 In 1997, the City of Ottawa approved a height control by-law that reinforces and potentially enhances the protection of national symbols in the Core Area.
- Increased security measures should result in real, substantive improvements to the public experience of the Precinct, and reduce conflicts between pedestrians and vehicles.

- Future site, vehicular, parking, security and servicing improvements need to be undertaken in a manner that respects the unique heritage, organisation and topography of the area and the principles of the approved plan.

- The ultimate extent and location of new accommodation and its relationship to the established building groupings should remain focused on the Centre Block and the Supreme Court.

- The relationship between Parliament Hill and the Wellington Street South buildings needs to be visually coherent and user-friendly.

- A permanent place is needed on Parliament Hill to accommodate visitor services. In the past, these essential functions have been provided on a seasonal basis by the Infotext.

- The long-term role for the front lawn on Parliament Hill as the premier events space for national celebrations (e.g., Canada Day), seasonal celebrations (e.g., Christmas Lights Across Canada) and symbolic interpretation (e.g., the Sound and Light Show) needs to be enhanced.
Policies

- Retain the visual and symbolic pre-eminence of Parliament Hill within the Precinct and within the National Capital Region as a first priority.

- Secure the long-term role of Parliament Hill as the key location for major national celebrations, commemorations and events.

- Protect and enhance the unique relationship between the national institutions of the Precinct and their dramatic natural setting as the Capital’s pre-eminent cultural landscape.

- Ensure protection of the escarpment in the Precinct Area.

- Work with local governments to protect views of the Parliament Buildings and other national symbols from Confederation Boulevard as well as from major approach routes to and within the Core Area.

- Improve pathway links between Confederation Boulevard and the Ottawa River.

- Ensure that the Parliamentary Precinct Area offers a secure environment and maintains a high level of accessibility so that Canadians can continue to understand the significance of its symbols, appreciate its relation to their own lives and witness first-hand democracy in action.

- Provide a comprehensive level of services and amenities that meet the needs of visitors to the Parliamentary Precinct Area (e.g., designated pedestrian entrances, an appropriate and permanent indoor visitor facility, coherent signage, interpretation programs and a range of services for organised groups).

- Ensure that events and programming activities, as well as new or modified structural changes to buildings, occur within accepted environmental impact standards for the Precinct, and respect Valued Ecosystem Components (see Appendix 2).

- Ensure that new buildings, streetscapes, landscape interventions, and commemorations in the Parliamentary Precinct Area are designed to be both of their own time and compatible with the existing architecture and cultural landscape.

- Any public activities such as national celebrations should respect the Precinct’s built, natural, and cultural setting.
5.1.2 Confederation Boulevard

Goal

Confederation Boulevard as the location of Canada's foremost political and cultural institutions, the Capital's official ceremonial route, and the focus of Capital programming and interpretation.

Context

The national institutions, treasures and symbols located on or near Confederation Boulevard make it an area of major symbolic value both to the National Capital Region and to Canada as a whole. Confederation Boulevard and the Core Area offer the ideal setting to tell the story of Canada as well as the story of the Nation's Capital. The rational cultural and political institutions located along Confederation Boulevard express the culture and vitality of a nation, build a bridge between the present and past, and provide a glimpse of what the future may hold.

Confederation Boulevard and the lands it surrounds represent the nation in the heart of the Capital. It connects the Ontario and Quebec sides of the Capital. The Boulevard area serves as the focus for the visitor's experience of the National Capital Region, and as a springboard to all of the attractions in the Region. It provides a window to Canada, introducing Canadians to the variety of ways in which the Capital represents them and their country. Confederation Boulevard is "Canada's Discovery Route."

The major institutions, treasures and symbols that represent and influence all Canadians are dramatically presented in a setting of impressive natural beauty. The Boulevard setting also serves as a stage for the national events, commemorations, celebrations and everyday activities that bring Canadians together and enable them to experience their Capital in diverse ways. It is the Capital's central meeting place.

Opportunities and Issues

- A high standard has been achieved in the design and construction of the first phase of the Boulevard route. These standards need to be maintained throughout subsequent phases, and Boulevard improvements need to be completed in a timely fashion.

- As construction of the Boulevard nears completion, additional efforts need to be made to promote the role of Confederation Boulevard as Canada's Discovery Route, to ensure that it functions well as a national meeting place, as a stage for activities and events, and as a place to represent the regions of this country and Canada's place in the world.

Confederation Boulevard. A ceremonial route that encompasses Wellington, Macdonald and King (north of Lisgar) streets and Sussex Drive in Ottawa, Laurier Street in Hull, as well as the Portage and Alexandra Bridges. This route has special historic, institutional, and cultural attributes that make it suitable for occasional ceremonial functions and special cultural or recreational events. Such events also link various significant areas within the Capital's core.
The pedestrian experience of Confederation Boulevard needs to be planned and designed with the highest of standards to integrate permanent outdoor interpretative nodes in high interest locations along the route.

The Boulevard lacks certain key elements such as physical and conceptual connections between the various attractions in the area, and public programs that communicate the significance of the Boulevard area as the heart of Canada's Capital. Initiatives to improve pedestrian connections in the Ottawa Core Area could help in this regard.

Confederation Boulevard has long been the traditional ceremonial route for state occasions. This role needs to be sustained and enhanced. There is also a need to ensure that the Boulevard can function as the ideal backdrop for public visibility and national media coverage (e.g., TV, Internet).

There is a need to strengthen the physical and information links between Confederation Boulevard and national cultural institutions located outside the Core Area.

The symbolic and physical dominance of existing heritage buildings along Confederation Boulevard needs to be enhanced, and new buildings must be properly planned and designed in a manner compatible with this setting while meeting the future office accommodation needs of political, judicial, and research activities of institutions in the Core Area.

The Boulevard's natural setting not only plays an important role in contributing to the national character of the Core Area, it also provides an appropriate context and fitting ambiance for the national institutions and symbols.

The Boulevard's distinctive setting also has potential to serve as Capital stages or venues for programming, commemorations and events.

Institutions located along the Boulevard have particular responsibilities to ensure appropriate building design, landscape architecture and marketing activities, and opportunities associated with their location on this nationally significant route.

Confederation Boulevard near the Museum of Civilization.
Policies

- Give the completed construction of Confederation Boulevard and its maintenance a high priority.

- Confirm and enhance the ceremonial route role for Confederation Boulevard.

- Consolidate a year-round package of creative programming that encourages visitors to interact with the resources of the Boulevard area and with each other, allowing visitors to discover what is special about Canada's Capital, Canada, and Canada's place in the world.

- Conserve, enhance, communicate and promote an understanding of the significance of heritage features, landmarks and the natural environment associated with the lands and buildings in designated areas along Confederation Boulevard, and along nearby segments of Capital Parkways, Arrivals, and Sense Entries that connect to the Boulevard.

- Protect views of the Parliament Buildings and other national symbols from points around Confederation Boulevard.

- Designate sites along the Boulevard for animation and physical presentations such as public art, interpretative panels, signage (permanent, event-related where the Boulevard plays a role, orientation), and activity areas that communicate Capital and national messages.

- Designate sites along the Boulevard that offer opportunities to acknowledge the contributions of generations of Capital builders — the planners, architects, landscape architects and engineers (e.g., a Todd or Greber tribute).

- Continue to protect the natural setting of the Boulevard.

- Designate, where appropriate, selected natural or heritage areas (e.g., Capital Parks, shore lands, and canal lock stations) adjacent to Confederation Boulevard as locations for interpretative programming, commemorations or events, while avoiding sensitive environments (e.g., Valued Ecosystem Components).

- Continue to link Confederation Boulevard — through signage, pathways and parkways, streetscaping, wayfinding tools, and programming — to key national cultural institutions in other areas of the Capital (e.g., the National Aviation Museum, the Canadian Museum of Nature, and the National Museum of Science and Technology).

- Further develop and maintain a safe, comfortable and pleasant environment to facilitate an adequate range and distribution of amenities, services, and access throughout the area (e.g., superior walking surfaces, lighting, accessible washrooms, concessions, information and telephones).
5.1.3 Public Art and
Commemorations

Goal

Commemorations of nationally significant Canadians, events or ideas in visible, accessible and symbolically appropriate locations.

Context

It is a long-standing tradition to express national values through commemorations — the celebration of people, events or ideas that have meaning and value for the community at large. Commemorations are expressed in a great variety of ways (e.g., the dedication of streets, parks, buildings, the erection of memorials, and public art). 39

The Capital is the most appropriate location for commemorations of national significance, such as Parliament Hill, Confederation Boulevard, the parkway and pathway network and the Capital's shore lands, as well as Gatineau Park and the Greenbelt. These offer many opportunities for properly locating these commemorations.

Opportunities and Issues

- Compared with other national capitals, there are comparatively few physical monuments to, or commemorations of, individuals, events or ideas significant to Canada's history and evolution.

- Over the years, the Capital has benefitted from investments in public art, much of which is located on federal lands in Capital parks. There is an opportunity to continue

39 Based on research undertaken for the NCC by Afrive, Architects, Planners (NCC, 1988)

this practice, with a specific focus on Canadian art and artists.

- While Canada's historically important national political figures are well recognized, especially on Parliament Hill, the contributions of many others, specifically Canada's Aboriginal peoples, are not properly addressed.

- Many nationally historic sites are not properly marked, are inadequately maintained or are not properly interpreted (e.g., Aboriginal campsites, early European explorer routes along the Ottawa and Gatineau rivers).

- A number of national and provincial heritage organizations play a role in designating sites, requiring co-operation and coordination (e.g., Historic Sites and Monuments Board of Canada).
Policies

- Facilitate the commemoration of individuals, events or ideas of national significance on highly visible and accessible lands owned by the federal government.

- Locate commemorations where their subjects are appropriate to the nature, significance and environment of the site, and where their symbolic importance and prestige is enhanced by virtue of association with the site.

In this context, Parliament Hill should be reserved for Canada’s prime ministers, Fathers of Confederation, and Royalty. Confederation Boulevard from the Peacekeeping Monument to Rideau Hall has an existing “international” character that should be reinforced by siting commemorations of Canada’s role in the global community, and through long-term public programming strategies. Other commemorations of important people, events in Canada’s history, and the achievements of Canadian heroes should be located along Confederation Boulevard, or in visible and accessible locations along the Parkway Network. Other sites could include key federal accommodations (e.g., Banting and Best at Health Canada).

- Develop appropriate interpretative programs to explain the significance of these people, events or ideas (e.g., through programming, panels).

- Enhance the quality and extent of interpretive materials that explain the significance of places in the history of the National Capital Region and their role in the development of Canada.

- Locate and interpret public art created by Canadian artists in high-profile lands of Capital significance, such as Capital Parks.

- Promote the presence of under-represented themes in public art and commemorations.

Examples of under-represented themes include the following:

- Aboriginal culture and history, and their contributions to Canada
- the achievements of Canadian women
- the role of the provinces and territories in Confederation
- Canada’s contributions to the world community, and
- the role of immigrants in building Canada and opening up the West.
5.1.4 National Cultural Institutions

Goal:

National cultural institutions that showcase Canada's cultures, history, and achievements, meet program needs, and are visible and accessible.

Context:

One of the Capital's main functions is to act as a cultural showcase for the nation. This is achieved through the presence of national cultural institutions - the museums, galleries, National Archives and National Library, and National Arts Centre - and complimentary events. These national cultural institutions display, protect, and explain past, present and future natural phenomena and human achievements. They are also used to communicate social, cultural, political, scientific, technical, or other knowledge through various media.

Opportunities and Issues:

- Some national cultural institutions are neither highly visible nor easily reached by visitors to the Capital.

- National cultural institutions require unique location, site and infrastructure planning to support their programs. The management of tour boxes is one high-profile example of the special needs of national cultural institutions.

- National cultural institutions, under increasing pressure to minimize subsidies, use a variety of methods to attract visitors.

- Federal government funds for the construction of new national museums and galleries are limited. However, over the life of this Plan, the structures housing some national cultural institutions will become obsolete and require rehabilitation or replacement.

- While several national cultural institutions display and interpret Aboriginal artifacts, there is no building or interpretation centre in the Capital that is solely dedicated to Aboriginal peoples, whose traditions, beliefs and contribution to Canada's development could be shared.
Policies

- Locate, as opportunities arise, national cultural institutions in highly visible and accessible locations on or adjacent to Confederation Boulevard, the pathway network, and regional roads served by public transit (in this order of priority).

- Design and carry out events or other public programming in a manner appropriate to the location and significance of the national cultural institution.

- Enhance access to national cultural institutions through a diversified transportation system (see margin note) and visitor orientation system (e.g., wayfinding symbols, maps), especially for those institutions in the Core Area that are removed from Confederation Boulevard, and in non-Core Area locations.

- Work in cooperation with national cultural institutions, along with local and regional governments, to create a tourism management strategy.

- Achieve a level of quality in urban design, architecture and site planning of national cultural institutions that is appropriate to the location, function and stature of the facility.

- Work in cooperation with Canada’s Aboriginal peoples to identify a site in the Capital appropriate for an interpretation venue that complements interpretation and programming carried out in national cultural institutions.
5.1.5 Official Residences of Canada

Goal

Official residences that provide accommodation appropriate to our country's most senior public officials.

Context

In most countries, official residences are provided to key political leaders. The specific number and location of official residences vary considerably and as such are not always found within a country's capital cities.

In Canada, the number of official residences is small and they are concentrated within the National Capital Region. Canada also has the Governor General's second official residence in Quebec City. The residences and their grounds support both the public and private lives of the occupants and offer official visitors to Canada an opportunity to enjoy Canada's hospitality and cultural diversity.

The six official residences in the National Capital Region are: Rideau Hall (the Governor General), 24 Sussex Drive and Harrington Lake (the Prime Minister), Sommefay (the Leader of the Official Opposition in the House of Commons), The Farm at Kingsmere (home to the Speaker of the House of Commons), and 7 Rideau Gate, Canada's Guest House (for foreign guests to Canada).

Opportunities and Issues

- All of the official residences are designated as Federal Heritage Properties, with four of the six dating back to the 19th century. Rideau Hall is designated a National Historic Site. The primary challenge facing the federal government for these properties is to balance heritage considerations with the requirements of creating a healthy, safe and functional environment.

- In addition to the grounds and buildings, the contents of the residences are considered both individually and collectively as national treasures.

- Rideau Hall offers thousands of visitors extensive opportunities to experience the grounds and the main building's interiors.

- The life-cycle management of these heritage properties is key to their continued utility for future generations.

- Maintaining public and security objectives will vary with individual sites.

24 Sussex Drive, residence of the Prime Minister
Policies

- Maintain the portfolio of official residences through an efficient life-cycle maintenance program.

- Balance public, private, and security objectives of the official residences.

- Manage the portfolio of official residences in a manner that offers visitors an example of Canadian life today as well as of Canada's vast cultural heritage.

- Prepare plans for each official residence to ensure a level of quality in the planning, architecture, cultural resource management, and landscape design that is appropriate to the stature and function of each residence.
5.1.6 Diplomatic Missions and International Non-governmental Organisations

Goal

Diplomatic missions and international non-governmental organisations whose symbolic role, physical presence and accessibility is enhanced.

Context

The presence of foreign embassies and diplomatic missions is another attraction for visitors to the Capital. The Capital currently hosts more than 100 foreign delegations from countries with which Canada maintains diplomatic relations. Most diplomatic missions maintain both a chancery and a residence. Diplomatic missions may be situated anywhere in the National Capital Region, on either side of the Ottawa River. Many countries rent space for their chanceries in commercial office buildings located throughout the region.

International organisations, such as the European Community and United Nations agencies, have important connections with federal departments such as Foreign Affairs and International Trade. Diplomatic missions and international organisations make a significant contribution to the image of the Capital, and represent an important facet of Canada’s role on the world stage.

Opportunities and Issues

- Canadians, and visitors to the Capital, are interested in learning more about Canada’s roles in world affairs. The presence of the diplomatic community offers an opportunity to learn about life in other countries.
- The residences and chanceries of the diplomatic community are depicted throughout the region. Consequently, their symbolism and role in the Capital are understated.
- Along Sussex Drive, there is an opportunity to capitalize upon the current and future presence of diplomatic missions, the presence of Canada’s Department of Foreign Affairs and International Trade, and current NCC programming about Canada’s role in the global community (“Canada and the World”),
- International organisations, e.g., United Nations agencies, and some diplomatic missions lack a visual identity in the Capital because many are located in commercial office buildings in the Core Area.

International Organisations - This refers to public organisations within the meaning of the Privileges and Immunities (International Organisations) Act. It can also refer to an organisation established by treaty or by some other form of international agreement.
• Affordable and secure accommodation is increasingly important for diplomatic missions and international organisations, especially in the Core Area.

• Embassies and missions located in residential neighbourhoods can affect traffic and parking. Embassies can also provide a certain prestige to residential neighbourhoods.

Over 310 embassies or high commissions are located in the National Capital Region

British High Commission

Model of the Saudi Arabian Embassy

Policies

• Acknowledge the right of diplomatic missions and international organisations to make autonomous location decisions on the basis of factors such as affordability, security and other considerations.

• Set aside federal land on or adjacent to Confederation Boulevard (e.g., the International District along Sussex Drive) as the preferred locations for high-profile diplomatic missions and international organisations.

• Recognise Sussex Drive as the focal point for public programming that explains Canada’s role in the international community, and as a formal diplomatic precinct in the Core Area.

• Encourage site-specific planning to deal with development and design issues and required municipal approvals for locations involving federal land.

• Encourage diplomatic missions and international organisations to create an accessible, visible “public face” and interpretative program at their chanceries and offices for visitors to the Capital, consistent with their operational requirements and sensitive to effects on adjacent communities.

• Encourage municipal land use plans and zoning bylaws to recognise the unique contribution and special needs of the diplomatic community (e.g., special parking requirements).
5.2 Federal Office and Research Facilities

5.2.1 General Policies

Goal

Federal accommodations that meet program needs, provide a healthy work environment, and whose location has regard for regional and local planning objectives.

Context

The federal government has long been the region's single largest employer, largest landlord and largest single tenant in leased office accommodations, especially in the Core Area. Since 1995, the federal government has extensively reorganised its operations. This process will result in fewer federal employees and, in some cases, the creation of new, more arms-length agencies to deliver services. The emergence of these new agencies, with their specialised accommodation needs, may make the coordination of federal land use and accommodation planning especially challenging. Bearing in mind the distribution of federal employees between Ontario and Quebec, the portion of the Core Area within Ottawa will remain a major focus of federal employment.

Continued fiscal restraint means that location decisions will reflect stringent cost-effectiveness criteria. The federal government will reduce its size and — to the extent possible — concentrate departmental staff in federally-owned office buildings. Whether space is Crown-owned or leased, other factors have become important and must be considered.

when meeting the demand for federal accommodations (or considering the life-span of federal buildings)

The federal government will require buildings able to support its activities. For example, offices built as recently as the 1980s may be technologically deficient or obsolescent. There will be a demand for work spaces with updated heating, ventilation and air conditioning (HVAC) systems, electrical systems and fibre optic wiring systems.

The size and nature of work spaces will change considerably. Demolition and the advent of

Federal Accommodations policies are divided into three sections:

- Section 5.2.1 policies apply to federal accommodations at a general level
- Section 5.2.2 policies deal with federal accommodations in the Core Area of Ottawa-Hull.
- Section 5.2.3 policies cover federal accommodations that are part of outside the Core Area, and include Federal Nuclei such as Tunney's Pasture, Greenbelt sites, and such facilities as the National Archives in Gatineau.
alternative work arrangements — such as telework and shared work spaces — reduce the need for space and require more flexible arrangements in building floor space.

Furthermore, the benefits of on-site services such as day-care, fitness facilities and restaurants are recognised as a means of saving time and enhancing personal productivity and quality of life.

Opportunities and Issues

• After salaries, accommodation is the largest component of federal government administration costs.

• The spatial distribution of federal employees has important regional economic and symbolic roles. Since 1969, the government’s policy guideline has been to locate approximately 75 percent of federal employees in Ontario and 25 percent in the Ottawa-Hull portions of the National Capital Region.

• Within the life of this Plan, many federal-owned buildings will reach the end of their life-cycle, requiring decisions about potential retrofit, re-use, redevelopment or other options.

• Federal buildings or lands that may be vacated as the result of obsolescence could appear derelict and contrary to the green, vital image of the Capital. Previously developed sites may be contaminated and require remediation.

• Surplus federal lands and buildings could be redeveloped or re-used in a manner that supports national, regional or community economic development goals.

• There will be opportunities for federal departments to share accommodations with other departments and other complementary organisations (e.g., private or not-for-profit).

• There is an opportunity to enhance access to federal employment centres by making better use of regional public transit. Similarly, there is an opportunity to reduce demands on transportation systems because of changes in communications technology that may affect work behaviour and location (e.g., telework).

• Many federal office complexes lack on-site employee services and amenities.

• Many federal government office complexes lack visitor orientation facilities, thereby missing the opportunity to communicate their mandates and achievements to visitors.

• Federal buildings and grounds generally lack public art, sufficient identification or interpretation materials.
<table>
<thead>
<tr>
<th>Policies</th>
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<tbody>
<tr>
<td>- Accommodate 75% of federal employment in the Ontario portion of the</td>
<td>- Redevelop or adapt previously developed federal lands before</td>
</tr>
<tr>
<td>National Capital Region and 25% in the Quebec portion, subject to the</td>
<td>considering the use of undeveloped lands to meet federal</td>
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<tr>
<td>regular review of permitted variations that achieve best value and</td>
<td>accommodations needs, where possible.</td>
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<tr>
<td>operational flexibility.</td>
<td></td>
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<tr>
<td>- Locate federal agencies and departments (particularly headquarters</td>
<td>- Encourage development and redevelopment concepts for federal</td>
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<tr>
<td>functioning in the Core Area as a first priority, unless</td>
<td>employment areas that support alternatives to the use of</td>
</tr>
<tr>
<td>inappropriate due to departmental requirements.</td>
<td>personal automobiles, demonstrate a preference for travel</td>
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<tr>
<td>- As a second priority, locate federal agencies in federal nodes,</td>
<td>demand management measures, and support public transit,</td>
</tr>
<tr>
<td>followed by employment centres or transit nodes identified by local</td>
<td>cycling, and pedestrian access</td>
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<tr>
<td>and regional government plans (e.g., Tunney's Pasture, Confederation</td>
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<td>Heights).</td>
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<tr>
<td>- In all other cases, locate federal employees in proximity to public</td>
<td>- Promote alternative work arrangements in the allocation and</td>
</tr>
<tr>
<td>transit services, and by exception in areas without such</td>
<td>accommodation of federal employees in the Capital (e.g., tele-</td>
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<td>services (e.g., locations that meet special operational needs)</td>
<td>work).</td>
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<tr>
<td>- Locate federal agencies and departments, as well as other</td>
<td>- Locate federal employees in office and research facilities that</td>
</tr>
<tr>
<td>organisations with compatible activities, in Crown-owned buildings</td>
<td>are energy efficient, and feature modern and flexible HVAC,</td>
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<tr>
<td>where common services can be shared.</td>
<td>electrical, telecommunications, and infrastructure such as</td>
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<tr>
<td>- Explore opportunities for adaptive re-use or retrofit of federal</td>
<td>resource reduction (e.g., recycling).</td>
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<tr>
<td>buildings to accommodate federal employees before considering new</td>
<td>- Ensure that the function, scale, and design of federal</td>
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<tr>
<td>construction elsewhere, while demonstrating regard for building</td>
<td>buildings and services are properly integrated with adjacent</td>
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<td>character and any heritage characteristics.</td>
<td>community land uses and services (e.g., retail and</td>
</tr>
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<td></td>
<td>commercial services, and recreational infrastructure).</td>
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<td></td>
<td>- Encourage the use of informative signage, appropriate</td>
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<td>landscape treatments, and public art at buildings owned or</td>
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<td></td>
<td>leased by the federal government, especially in areas of</td>
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<td>high visitor exposure (e.g., the Core Area).</td>
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</table>
Policies (continued)

- Encourage departments to provide a 'public face' (e.g., visitor centre and public programming, related commemorations) on-site to explain their mandates and activities

- Apply standards of urban design, signage, architecture and landscape treatments to federal buildings and lands that are appropriate to their location, visibility and role

- Consider issues such as the symbolism of building location, heritage status, use, community stability, demands on urban infrastructure and effects on the natural environment

- Designate land outside urban areas to accommodate those federal installations that require specialised locations for isolation, buffering, or other needs (e.g., CANMET laboratories in the Greenbelt)

- Develop or redevelop lands that have low rather than high ecological value when considering the future role of surplus federal lands

- Redevelop surplus federal lands or buildings in a manner that meets federal government needs and complements regional and local government objectives (e.g., urban intensification, mixed land uses, regional economic development).

- Promote, where appropriate, the incorporation of additional land uses within federal office complexes which provide on-site services to enhance the quality of life for employees
5.2.2 The Core Area: Federal Accommodations

Goal

A Core Area in which the federal government maintains a significant physical and employee presence.

Context

The federal government is the largest single property owner and consumer of commercial office space in the National Capital Region. Location decisions made by the federal government therefore significantly affect the use of public transit systems, traffic flows, commercial and retail activity, and building vacancy rates.

The federal government’s presence is a major contributor to a healthy Core Area for both Ottawa and Hull — the traditional location of most federal office workers.

Opportunities and Issues

- A significant number of federal employees work in non-Core Areas throughout the region. This distribution of employees can impede ease of access to departments by visitors, and can contribute to the inefficient use of Core Area municipal infrastructure (e.g., regional public transit).
- The federal government intends to continue to use a mix of leased and crown-owned accommodation in the National Capital Region. Any change in this mix could affect the Core Area of Ottawa, where much of the federal government’s leased space is located.
- The Core Area is the location for the majority of national cultural and political institutions, and is the primary destination for visitors to Canada’s Capital. An opportunity exists for departments to communicate their mandates and activities through initiatives such as an on-site departmental interpretation centre.
- Consider the Core Area as the preferred location for the majority of federal office employees based in the National Capital Region.
- Locate, to the extent practicable, the headquarters functions of departments and agencies with national or international significance within the Core Area.
- Locate different federal departments in shared accommodations (co-location) where opportunities arise.
- Encourage departments to enhance their ‘public face’ through on-site information, landscaping, art, and other means that help communicate their mandates and activities.
5.2.3 Non-Core Areas: 
Federal Accommodations

Goal
Federal employment nodes and facilities that meet the program needs of federal departments, and whose functions and character are compatible with adjacent communities.

Context
Nearly 50 years ago, the Greber Plan advocated decentralised employment nodes as a means of alleviating downtown congestion and shortening commuter distances between home and work. Decentralisation was also seen as a means of consolidating federal functions and reducing the scattered pattern of temporary war-time buildings.

In 1957, the federal government undertook an extensive construction program to accommodate a rapidly growing public service. In the years that followed, federal employment nodes were established in non-Core Area locations such as Tunney's Pasture, Confederation Heights, Booth Street, Montréal Road and other sites. Most of these nodes are recognised in local and regional plans as employment centres, and are connected to the Core Area via parkways and public transit.

A number of smaller facilities have also been built, including a number in the Greenbelt such as National Resources Canada’s Geomagnetic Laboratory and Communications Canada’s Shirley’s Bay Research Centre. More recently, the National Archives building in Gatineau and the Canadian Museum of Nature’s facility in Aylmer have been constructed.

Significant trends in both federal accommodation demand and office space supply may require adaptation of building use and infrastructure. These trends include the following declining size of the federal public service, major changes in the employment status of federal government employees, physical changes to the workplace, devolution of federal responsibilities to other levels of government, and decentralisation of federal staff to other regions in Canada.
Opportunities and Issues

- Some federally-owned office buildings at various nodes will become obsolete and will need repairs and retrofits.

- Older buildings constructed during the 1950s and 1960s may not meet the workplace standards of the future.

- There is often a lack of consumer services and facilities in federal nodes for federal government employees (e.g., food outlets, banking). Many nodes need to be made more "livable" for federal employees.

- Some federal nodes and facilities are difficult to service by regional transit (e.g., the National Research Council and Canada Mortgage and Housing Corporation node on Montréal Road), and may not be compatible with local or regional long-term transit planning objectives (e.g., transitway routes) or regional employment centre polies.

- Traffic congestion and parking spill-over by federal employees can occur in adjacent neighbourhoods.

Federal Facility: A smaller cluster of buildings outside of the Core Area usually associated with a single department for specialized needs. In some cases, isolation and buffering may be required to accommodate operational needs. The range of employee services is usually limited.

Federal Node: Large campus-style complexes located outside the Core Area that accommodate federal institutions, including those of more than one department. The density and intensity of development in a federal node depends on the program needs of its subject departments, and includes a range of employee services.
Policies

- Locate federal departments and agencies with special program requirements (e.g., research and development, security) in non-Core Area sites (e.g., federal nodes) that meet their respective operating needs.

- Classify non-core accommodations into federal nodes and federal facilities, as shown on the Urban Capital Concept 2050 after page 86, and as defined in the margin notes on page 75.

- Intensify accommodation development in existing federal nodes (e.g., Tunney’s Pasture, Confederation Heights, Montreal Road) before creating new nodes or dispersing federal accommodation wherever possible.

- Encourage a comprehensive and consultative approach to the planning, real asset management and development of federal nodes and facilities.

- Maintain a high level of quality in urban design, architecture and landscaping appropriate to the node or facility and its location.

- Locate employees in federal nodes that are close to (e.g., within walking distance) regional public transit stations or bus stops wherever possible.

- Integrate commercial, private/public sector research and development, institutional and/or residential forms of development that complement existing land uses in federal nodes wherever possible.

- Locate consumer services such as restaurants, banking facilities, day-care, recreation and fitness complexes in federal employment nodes wherever possible.

- Encourage a ‘public face’ that explains the site program of a node or facility.

- Plan and design federal facility development located in the Greenbelt to respect the Greenbelt’s rural character.

- Endeavour to work with regional authorities to identify ways to increase the share of transit at nodes and facilities not currently well-served by transit.40

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40 The policy does not imply financial support from the federal government.

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Capital Links

Introduction

These policies concern access to the Capital and accessibility within the Capital. There are two types of Capital Links. One comprises Capital Arrivals and Scenic Entries, extending in from the edges of the National Capital Region, including the major rail, bus and air terminals that serve the Capital. A second set of Capital Links comprises elements of the region’s transportation system. This includes inter-provincial bridges, Capital parkways and the Capital parkway system.

The federal government recognizes that safe, attractive, effective and efficient transportation is integral to the future evolution of the Capital. The spine of the Capital network is formed by parkways owned by the federal government. The primary objective of these parkways is to provide access to and between Capital institutions, attractions, scenic areas, parks and federal accommodations.

Some federal transportation infrastructure has been used to help meet regional transportation needs (e.g., some parkway segments for transit purposes, recreational pathways). This allowance has been by exception and special agreement with regional transit agencies, where the regional transportation function does not jeopardize primary federal objectives.

Links extending in from the edges of the National Capital Region comprise:

- Capital Arrivals and Scenic Entries, and
- Inter-provincial Access

Links within the National Capital Region include:

- the Capital Parkways Network; and
- the Capital Pathway Network
6.1 Capital Arrivals and Scenic Entries

Goal

Transportation links to the Capital that create a sense of arrival to the Capital and meet the needs of visitors for information, orientation and services.

Context

The National Capital Region’s arrivals play a key role in influencing the visitor’s perception of the Capital. The Capital is accessible by highway, rail, air and water (e.g., along the historic Rideau Canal). Capital Arrivals denote major routes to and from the Capital within the National Capital Region. Capital Arrivals are also key points of arrival, including the train and bus stations, the Ottawa MacDonald-Cartier International Airport (including the main terminal and the Canada Reception Centre), certain Rideau Canal lockstations, and the Capital InfoCentre.

Capital Arrivals influence visitors’ perceptions of the region and, indeed, of the nation. They are the visitor’s first point of contact with the Capital, and are therefore significant in terms of image creation and communication of the Capital. Arrival corridors and terminals should therefore be well designed and serve to orient visitors to the region through proper landscaping, signage and related facilities.

Scenic entries are complementary routes, found mostly in the built-up areas, that offer a scenic and alternative access to the core of the Capital. These scenic routes are generally under the jurisdiction of regional governments, and can also connect to the Capital Parkway network.

Opportunities and Issues

- Key Capital Arrivals such as the Ottawa MacDonald-Cartier International Airport, the train and inter-city bus stations, and certain lockstations along the Rideau Canal are key points of first impressions and information on the Capital.
- The amount of visitor orientation at key Capital Arrivals could be improved.
- Many arrivals are owned or managed by other governments, or the operation of the facility has been commercialised (e.g., the Ottawa MacDonald-Cartier International Airport is now managed by a local airport authority). This highlights the need for co-operation among agencies.
- Major provincial highways and roads could, with proper design, signage and landscaping treatments, play a significant role as Capital Arrivals (e.g., Highway 450 in the Outaouais, and Highway 416 in Ontario) in addition to their basic transport...
functions. For example, the treatment of the new Highway 416 arrival in the Greenbelt should set a standard for the rest of the National Capital Region.

- The major Capital arrivals (e.g., Ottawa Macdonald-Cartier International Airport) and corridors (e.g., Highways 416, 417, the Airport Parkway, inter-city rail corridors, and McConnell/Urmston) are controlled by non-federal agencies with different interests and requirements.

- The Capital role of Arrivals and Scenic Entries is more important than issues of ownership. For example, the arrival role of the Airport Parkway needs to be maintained despite its divestiture to the regional government.

- Two scenic entries await completion on the Québec side: the Voyageur corridor in Aylmer and the Draveur corridor in Gatineau.

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**Policies**

- Continue to support the improvement of air, rail, water and highway access for visitors to the Capital.

- Provide informative and high-quality signage, protect scenic views and natural elements, and feature enhanced landscape quality and sensitive lighting at Capital Arrivals on and adjacent to federal lands.

- Work with other jurisdictions to create quality visitor orientation signage, tourist information facilities, interactive displays, orientation materials or other media that communicate the "Capital experience" at high-profile, high-volume arrivals (e.g., Ottawa Macdonald-Cartier International Airport, train and inter-city bus stations, selected Rideau Canal lockstations, intersections of provincial highways).

- Work with other jurisdictions to achieve consistency and high-quality design standards worthy of a national Capital at Capital Arrivals (e.g., the Airport Parkway, key provincial highways and regional roads, Rideau Canal lockstations).

- Encourage policies of other jurisdictions that enhance the visitor experience of Scenic Entries through pleasing landscaping, street furniture and lookouts, signage and other relevant attributes which respect the primary function of the road (e.g., Riverside Drive, Draveur corridor).

- Co-operate with other levels of government in the design and development of future scene entries (e.g., the proposed Draveur and Voyageur corridors).
6.2 Inter-provincial Access

Goal

Inter-provincial crossings that facilitate the movement of people and goods between the Ontario and Québec parts of the National Capital Region.

Context

The National Capital Region is a single economic entity that encompasses communities in both Ontario and Québec. The regional and provincial highway systems, along with the bridges that cross the Ottawa and other rivers in the National Capital Region, are critical links in the region’s transportation and economic system.

Most transportation infrastructure falls under the control of provincial or regional governments or is managed by the private sector (e.g., the local airport authority at the Ottawa Macdonald-Cartier International Airport). For historical and legal reasons, the federal government owns and manages key cross-river bridges in the region, and has contributed to the construction of regional-scale roads (e.g., the Québec Road Agreement and the Queeneway section of Highway 417).

Inter-provincial access in the region is achieved by means of five federally-owned bridges spanning the Ottawa River. A rail bridge also spans the river at Lémieux Island.

Opportunities and Issues

- Inter-provincial crossings (e.g., existing bridges) play an important symbolic and functional role as physical links between Ottawa-Carleton and the Outaouais.
- The Alexandra ("Inter-Provincial") and Portage bridges are key elements of Confederation Boulevard and support Capital events in the Core Area.
- Inter-provincial bridges are congested with peak-period traffic (with the exception of the Macdonald-Cartier Bridge), while some older bridges have major structural problems (e.g., Champlain Bridge) or significant heritage or historical value (e.g., Alexandra Bridge, CP rail bridge).
- Projections of regional economic and population growth indicate that a new Ottawa River crossing will be required by 2011 as the capacity of existing inter-provincial bridges is exceeded.
- The location and design of future river crossings and their approaches can affect adjacent residential communities, and the location and form of urban development generally.
- Bicycling, walking and public transit are increasingly important travel choices that are not well accommodated on existing inter-provincial bridges.
Policies

- Co-operate with provincial, regional and local governments to monitor and evaluate the performance of various travel demand management measures (e.g., staggered work hours, telework) to determine the need and timing for future inter-provincial crossings.

- Co-operate with provincial, regional and local governments and the private sector to promote measures to reduce the demand for inter-provincial and regional travel while recognizing political, social and economic considerations.

- Continue to co-operate with other levels of government and the private sector to reach a consensus regarding the most appropriate corridors for the possible implementation of new inter-provincial crossings in the long term.

- Consult, with other jurisdictions, the need for a transportation authority to manage future river crossings.

- Design inter-provincial crossings (including rehabilitated bridges) to accommodate cyclists and pedestrians to the greatest extent possible, and where appropriate and feasible, public transit and high-occupancy vehicles.

- Continue to protect federal lands for the possible implementation of a new inter-provincial crossing in the long term (beyond 2011).

- Work with all interested parties to minimize the environmental effects of future river crossings on adjacent areas.

- Consider the possibility of water links, in co-operation with regional governments and private interests, where feasible and appropriate.

- Amend this plan as a result of any inter-agency agreements to pursue an inter-provincial crossing strategy.
6.3 Capital Parkway Network

Goal

A parkway network that facilitates safe, scenic and efficient road access to Capital settings and destinations.

Context

Parkways communicate the green quality and image of the Capital. They provide motorised access to Capital destinations (visitor destinations and federal offices) in Ottawa-Carleton and the Outaouais. Occasionally, Parkways are venues for public events and celebrations (e.g., Winterlude).

Today, portions of Capital parkways provide key links in the regional transportation and transitway system (e.g., Ottawa River Parkway). Parkways also continue their historic role as recreational and leisure driveways for visitors and residents.

The arrival function of Parkways remains key to influencing the perception of visitors and to communicating the image and landscape of the Capital. The majority of Parkways are located in Ottawa-Carleton. The Gatineau, Champlain, and Fortune Parkways are located in Gatineau Park.

Opportunities and Issues

- Certain Parkway segments are heavily used by commuters and by regional public transit vehicles (e.g., the Ottawa River Parkway)
  While not the original role for the Parkways, the granting of access, as an exception, to regional public transit vehicles on some segments has reduced the need in the short to medium term to construct transtways in adjacent communities.
- The approach to Parkway corridor management has changed over the years, with additional opportunities to shift from maintained landscapes toward naturalized landscapes.
Policies

- Ensure that Capital Parkways continue to function primarily as key parts of the green image of the Capital and as a means of communicating the Capital to visitors.

- Use the Parkway Network as a key form of access to Capital destinations for visitors and federal employees (e.g., federal employment nodes) via Capital Parkways.

- Accommodate by special arrangement public transit service along segments of the Parkway Network to enhance visitor access to Capital destinations and settings, where appropriate and feasible.

- Encourage the maintenance of approved standards of design and landscaping for all Parkways.

- Ensure that orientation and temporary signage (e.g., limited to special events) in Parkway corridors is properly designed, informative, and relevant to and harmonious with the setting.

- Encourage compatible land uses and built forms alongside Parkway corridors that complement the parkway experience.

- Protect existing natural features in Parkway corridors (e.g., Valued Ecosystem Components) and where the landscape character and adjacent land uses permit, facilitate the naturalization of Parkway corridors.

- Highlight parkway links extending from provincial and regional road networks (e.g., Aviation Parkway from Highway 417) as the preferred visitor approaches to Capital destinations (e.g., national cultural institutions, Core Area).

- Incorporate recreational pathways or lanes as part of repair or reconstruction programs along Parkway corridors to facilitate sustainable and alternative forms of transportation (e.g., walking as well as commuter and recreational cycling).

- Permit visitor supportive uses and ancillary facilities in appropriate locations along the Parkway Network with low environmental and community impacts.

- Maintain high quality limited access parkway and greenway corridors, free of commercial vehicles, that provide a unique, safe, and comfortable experience of the Capital for motorists and non-motorists.

To do so, control the density, types and scale of vehicular traffic and, through standards of design, landscaping, and maintenance, ensure appropriate environments in terms of noise, air, and scenic qualities, views and vistas.

[The forthcoming Urban Area Master Plan will provide policies for specific sections of the Parkway Network.]
6.4 Capital Pathway Network

Goal

A pathway network that provides safe, scenic and non-motorized access to Capital settings and destinations.

Context

The creation of an integrated network of recreational pathways for the National Capital Region has been part of the federal government's planning of the Capital since the 1950s. The Capital Pathway Network has a strong influence in structuring and communicating the landscape of the region. The network comprises pathways along waterways and green corridors set within the urban and natural environment of the Capital. Its role is similar to that of the Parkway network because it provides links between visitor destinations and activity nodes throughout the region.

The Capital Pathway network has significant environmental, recreational and aesthetic value. It helps preserve natural resources and advances the principles of sustainable development. The network is a key element and asset of the Green Capital and helps to provide a symbolic link to Capital attractions along with destinations outside the National Capital Region. The network is also an excellent example of cooperation among federal, regional and municipal governments. In 1994, these partnerships produced a strategic development plan (which was approved by the NCC and regional and local governments in the National Capital Region) entitled "Integrated Network of Recreational Pathways for the National Capital Region."

Opportunities and Issues

- There is an opportunity to link the Capital Pathway network with the evolving system of national trails (e.g., Trans-Canada Trail and other pathways), and with a proposed conceptual regional network of pathways.
- There are opportunities to communicate the significance of the Capital Pathway network as a key element of the Capital experience.
- Missing links in the Pathway system require completion to achieve a continuous, integrated pathway network.
- Recreational pathways are fairly uniform in appearance and function, but the use of some segments by commuter traffic has introduced multiple functions and potential user conflicts.
More could be offered in the way of compatible facilities to enhance the enjoyment of the experience (e.g., service facilities and rest areas, commercial facilities such as bicycle rentals and refreshment stands).

- While an integrated system of directional and orientation signage has been installed on pathways owned and managed by the NCC, a continuing commitment is required to complete the task on pathways of other jurisdictions.

- Many pathways are located in remote areas, are not lit, or are screened by vegetation.

- Pathways are often located within, and span, areas that have played significant roles within the development of the region. There is a need for more extensive interpretation of the capital, using the pathway network and adjacent lands (e.g., archeology, natural resources, waterways).

- While many existing pathways have been rehabilitated to new standards, a continuing commitment is required to complete the task (e.g., pathway width).

- There are opportunities to naturalize many segments of the pathway network, thereby protecting environmental integrity and reducing maintenance costs.

- The majority of recreational pathways are maintained and used only during spring, summer, and fall. Winter use of selected corridors needs to be explored in relation to access to Capital destinations and features.
Policies

- Continue to cooperate with local and regional governments to plan, implement and manage an integrated network of recreational pathways that complements a separate commuter network managed by other levels of government.

- Connect the Capital Pathway Network with other networks that link the Capital to the rest of Canada (e.g., Trans-Canada Trail, Route Verte), and with a proposed conceptual regional network.

- Provide continuous green links between the Greenbelt, Gatineau Park, the Core Area and other Capital destinations (e.g., natural cultural institutions, federal employment nodes, Capital urban green spaces/parks), and ensure the protection of open space corridors required to achieve these links.

- Continue efforts to enhance and upgrade existing Pathways to new design and safety standards (e.g., standard width, universal accessibility).

- Facilitate the naturalisation of Pathway corridors, where the landscape character and adjacent land uses permit.

- Develop and implement interpretation infrastructure, including a uniform and integrated signage/wayfinding system throughout the network in order to create visitor circuits and link major destinations along Pathways.

- Identify and manage segments of the Capital Pathway network for all-season use (e.g., cross-country skiing in winter) in relation to access to Capital destinations and features.

- Permit and encourage land uses and ancillary facilities in appropriate locations along the Pathways (e.g., restaurants, bicycle rentals, rest areas and washrooms) that involve low environmental impacts and considerable community benefits.

- Promote, in conjunction with other jurisdictions, the extension and integration of all recreational pathway networks in the National Capital Region, and encourage the linkage of visitor attractions throughout the Greenbelt, Gatineau Park and rural areas around the Capital.

- Ensure the protection of Capital Pathway corridors within surplus federal lands.

- Co-operate with other levels of government and local communities to preserve existing, abandoned, or underused transportation corridors (e.g., surplus rail lines) as potential corridors for transit, recreational pathways, other transportation modes, or utilities — where feasible, with priority on recreational pathway use where overlap with the Capital Pathway network exists.
Plan Implementation

Introduction

The NCC will use this Plan in its role as the planning authority for federal lands in the National Capital Region, and as the guiding policy document for all land use decisions that it makes or influences. The Plan will also serve as a statement of federal land use intent for consideration by the other planning jurisdictions in the National Capital Region.

The success of this Plan will depend on the capability and commitment of the partners responsible for its implementation — that is, federal agencies and departments, other levels of government, and other potential contributors to Capital building. Extensive consultation with other interested parties is seen as an essential component of their implementation and includes a recognition of regional and municipal planning processes and public consultation.

Master, Sector and Area Plans

This Plan is regional in scope and strategic in nature. The designations shown on the maps are broad and conceptual. Specific guidance for individual parcels of land is available at the Master, Sector and Area Plan levels. By working within the parameters set by the Plan for Canada's Capital, existing and future Master, Sector or Area plans will provide detailed land use policy guidance for more specific areas.

Amendments

The policies and policy maps of this Plan will be subject to amendment. Other sections such as the Context or Opportunities and Issues will not require formal amendment. When a proposed land use cannot be supported by the existing provisions of the Plan, an evaluation will determine whether the proposal should proceed or whether the Plan should be amended to allow the proposal.

Proposed amendments may come from the NCC, from other federal agencies and departments, or from other interested parties. Any proposed amendment will be subject to a thorough review carried out under the NCC’s Federal Land Use Approval process which, depending on the scale of the amendment, may include public consultations.
Environmental Synthesis

Significant Physical Features: Hydrology and Geology (consisting of wetlands, significant geological and geomorphological features, floodplains, landslide areas and escarpments)

Significant Biological Features: Flora and Fauna (consisting of significant trees, wooded areas and forests; rare or/and endangered flora and fauna and wildlife species)

Federal Ownership

Urban Lands Boundary

Greenbelt Boundary

Gatineau Park Boundary

Note: In some areas, Significant Physical Features and Significant Biological Features may overlap.

Map for conceptual purposes only

0 1 2 3 4 Km
7.1 Land Use and Design Approvals

The day-to-day administration of requests to use federal lands in the Capital and the continuing implementation of the Plan will be conducted through the NCC's Federal Land Use, Design and Land Transaction processes. Proposals for the use of federal lands may come from within the NCC, from other federal departments and agencies, or from other interested parties such as municipalities, the private sector, not-for-profit agencies or individuals.

Federal Land Use and Federal Design Approvals. There are two types of approvals are required: the Commission's regulatory responsibilities under Section 12(1) of the National Capital Act. One or both of these approvals may be needed for a particular project.

Federal Land Use Approval. Federal land use review examines the specific land use implications of a project and its conformity with existing plans and policies such as the Plan for Canada's Capital, the project's impacts on existing site conditions, and the project's relationship to and impact on the surrounding land uses and ownership. As a result, federal land use approval is usually granted before specific designs are prepared or approved.

Federal Design Approval. Federal design review is primarily concerned with the layout, design or site development of the project, its inherent significance, and how it fits into and contributes to the Capital context. It is initially granted after the Federal Land Use Approval. However, the NCC always follows an Integrated and streamlined process and, wherever possible, will provide joint land use and design approval.

Federal Land Transaction Approval. All proposals by departments and agencies of the federal government to dispose of, to acquire or to exchange land in the National Capital Region are reviewed in this process.

All proposals will be reviewed through the Federal Land Use and Design Approvals and Land Transaction processes for conformity with the policies of this Plan, as well as the objectives and policies of any applicable Master, Sector or Area Plan.

Building Confederation Boulevard on Elgin Street, 1999.
7.2 Monitoring and Evaluation

The goal of monitoring and evaluation is to ensure that the goals and policies of the Plan remain current, relevant and effective over time.

The Plan for Canada's Capital is a high-level, strategic land use plan. It provides key directions to decision makers. Other planning instruments such as Master, Sector or Area Plans present increasing levels of detail to implement the Plan's broad goals and policies.

These differences in roles require different approaches to monitoring and evaluation. The strategic nature of the Plan suggests that broad Opportunities and Issues should be tracked and their consequences analysed. The key is to ensure that the Plan's goals and policies remain sufficient to guide the progressively finer detail of Master, Sector and Area Plans.

Characteristics

In this context, the monitoring and evaluation process should:

- be carried out on a cyclical basis
- be cost-effective (not require significant expenditures in studies or monitoring processes)
- make optimal use of existing studies or reports
- produce useful information for project managers and decision makers
- be time-effective
- be simple, relevant and easy to administer, and
- be strategic in scope and scale (with details left to Master, Sector or Area Plan monitoring and evaluation).

Monitoring Methods

Plan monitoring and evaluation is an essential component of land use planning. Monitoring and evaluation should be carried out on a continuous basis and should address the following.

- pay attention to specific sections or subsections and policy areas,
- review qualitative and quantitative information acquired and assessed,
- assess information via content analysis, discussions, media analysis, scenario building, trend extrapolation, etc., and
- pay specific attention to exceptional issues or opportunities.

In this context, NCC staff should convene periodically to consider trends, patterns, and their implications concerning the integrity of the Plan's goals and policies. Plan amendments should be undertaken as required.

Other Federal Departments and Agencies

The Plan for Canada's Capital incorporates ideas and directions from federal real property agencies, as well as national cultural institutions. These agencies and institutions should be consulted regularly.

Information Sources

Participants in the monitoring and evaluation process should review, on a continuous basis, the following types of information in order to assess the currency of Plan directions:

- new, significant trends in the operating environment,
- changes in legislation (federal, provincial or municipal).
• creation of new policies (all governments),
• new Master, Sector or Area Plans,
• new studies, findings or reports,
• corporate plan statements (NCC and other agencies), and
• applications for changes to land use or design.

Strategic Environmental Assessment

Strategic Environmental Assessment (SEA) is an integral part of the continuing monitoring and evaluation process. During the Plan preparation phase, SEA ensured that the Plan incorporated sound environmental planning principles and policies. The key is to ensure that future changes to the Plan are based on up-to-date environmental goals, principles and practices. Accordingly, the monitoring requirements of the SEA should be integrated with those of the Plan.

A summary of the Strategic Environmental Assessment is provided in Appendix 1.

Products — Monitoring and Evaluation

This monitoring and evaluation process will produce the following products:

• a periodic Summary Report to the Executive Management Committee and advisory committees, which should contain the amendments, research and modifications, as required, to the Plan and to the SEA,
• updates to the Statistical Handbook every five years, linked to the Census, and
• updates to the Federal Employment Survey (every five years, to coincide with the Census and regional government database research).

These reports would be available for public distribution.

Comprehensive Review

The Plan for Canada’s Capital should be analyzed every five years, or as required, to determine the need for comprehensive review, based on the findings of the continuous monitoring and evaluation process. This assessment would help ensure that the Plan remains a current and effective policy instrument, given the cumulative changes that typically occur over such a period. The five-year cycle would also coincide with the review periods for the three regional government land use plans, thereby offering opportunities for harmonization of planning policies. Both public consultation and environmental assessment would be an integral part of the comprehensive review of the Plan for Canada’s Capital.

7.3 Land Status

The Plan applies to lands of Capital significance within the National Capital Region, the vast majority of which are owned by the federal government. However, some lands fall outside federal jurisdiction, while other federal lands currently in federal ownership are not included as lands of Capital significance in this plan. The following considerations will guide the federal government in dealing with both types of land.
Lands of Capital Significance Not in Federal Ownership

These lands serve important Capital functions, yet are owned and managed by others, including other levels of government (e.g., Capital District), private owners (e.g., E.B. Eddy's farm in the core of Hull). In such cases, the following sections will aid the application of Plan policies to these lands:

- Consideration of National Interest Land Mass (see the explanatory note on this page).
- Encouraging relevant and municipal jurisdictions to apply supportive official plan and zoning designations.
- Possible acquisition (through purchase, land exchange, or other means), and
- Other formal land use and management controls, such as protective easements and management agreements.

Other Federal Lands

Some federal lands in the National Capital Region are not considered to be of Capital importance. These lands are not included in the plan and do not fall under the National Interest Land Mass. These lands will be subject to possible disposal, transfer of management, and/or development. Decisions concerning the future use of such lands will have regard for federal, provincial, and municipal considerations, including:

- maximise benefits to federal government objectives (e.g., further accomplishment of this plan, asset exchange with other governments, etc.),
- the presence of Valued Ecosystem Components,
- corridors required to implement the Capital Pathway Network,
- federal and NCC policies (e.g., Federal Policy on Wetland Conservation, environmental assessment, heritage, archeology), and
- regional and municipal planning policies and planning processes, including public consultations, where a change in land use is contemplated.

National Interest Land Mass (NLM) A key implementation vehicle for the 1999 Plan is the NLM. The NLM lands reflect the NCC's efforts to: preserve its land ownership and management activities on those lands most supportive of the NCC's 1996 Montréal, whose basic tenets are to use the Capital to communicate Canada to Canadians, make the Capital Canada's meeting place, and safeguard and preserve the Capital for future generations.

The existing (1988) NLM definition is the following:

The National Interest Land Mass is considered essential to the realization of the Vision of the Capital. It generally consists of the following in the National Capital Region: national shrines such as Parliament Hill, the Rideau Canal and Ottawa River, the ceremonial route encompassing Confederation Boulevard, Gatineau Park; the Greenbelt, and other properties owned by the federal government in the national interest. It should be noted that NLM lands may or may not be in federal ownership (e.g., the La Bate site in Gatineau). The NLM will be revised as part of the implementation of this Plan.
Appendix 1

Executive Summary of the Strategic Environmental Assessment (SEA) of the Plan

The Plan for Canada's Capital is a strategic regional prescription for the federal presence in the National Capital Region in two major respects. First, like previous National Capital Commission (NCC) plans for the National Capital Region, it presents the federal perspective on the types and amounts of red assets — land, parkways, buildings, parks, bridges, statuary — that the Government of Canada should own or make available to residents and visitors to the Capital. Second, it provides the federal vision concerning the prescribed uses and functions to be associated with federal assets, as well as other lands considered to be of Capital significance.

It is NCC policy to undertake a strategic environmental assessment (SEA) of all of its plans. Since the Initial Environmental Evaluation (IEE) process of the Plan for Canada’s Capital was initiated in July 1994, it falls under the requirements of the federal Environmental Assessment and Review Process Guidelines Order (EARPGO). The IEE is supported by a SEA process that has three primary functions:

1. to bring environmental considerations directly into the planning process (e.g., through the minimisation of negative impacts or the provision for supplemental policy coverage concerning priority scoped environmental issues),

2. to generate interim IEE documents to facilitate dialogue among interested parties and record environmental input into the planning process, and

3. to provide guidance/direction for plan- and site-specific (if applicable) environmental assessments that may be undertaken for future initiatives generated or guided by plan policies.

Details concerning the methodology and specific SEA results are provided in the comprehensive background reports entitled Strategic Environmental Assessment of the Plan for Canada's Capital and Strategic Environmental Assessment Workbook. The related IEE documentation reports on the following elements of the SEA:

- the context for the Plan for Canada's Capital
- the regulatory framework for the SEA of the Plan
- an introduction to the proposal
- the SEA framework, and
- the primary findings of the SEA.

The Plan consists of a regional vision, planning principles, and goals and policies related to specific federal interests. In the SEA, the environmental analysis begins by breaking the Plan down into its component planning principles and policies. The environmental implications of each planning principle and policy are then extended into space and time and assessed according to prioritised environmental issues, environmental planning objectives and cumulative effects criteria.

The primary findings of the most recent SEA exercise are organised into four categories:

- principle/policy add-ons
- principle/policy deletions
- principle/policy adjustments, and
- specific mitigation measures (to be
employed to minimise unavoidable environmental effects).

All planning principles and policies were assessed.

Since the Plan is strategic (i.e., more concerned with direction than detail), it is assumed that many site-specific environmental considerations will be dealt with at the Master, Sector, Area or Development Plan levels. Through this SEA, it was determined that the draft Plan for Canada’s Capital meets the conditions of Section 12(c) of EARPGO.

Potentially adverse environmental effects that may be caused by the Plan are insignificant (i.e., minor or mitigable with known technology or policy adjustment) when considered individually and cumulatively. Moreover, many positive effects associated with the Plan will result, including the following:

1. Consolidation of conservation efforts, visioning efforts and environmental planning efforts,

2. Recognition of government downsizing, fiscal austerity, growth in the advanced technology sector and aging of the baby boom, and

3. Facilitation of the integration of programming, realty and planning, inter-jurisdictional cooperation and planning, and the user-friendliness of planning products.

Appendix 2

Valued Ecosystem Components

The accompanying map highlights those areas on federal lands with environmental significance. These areas were identified by the Environmental Priority Maps project, undertaken by the NCC between 1993 and 1998. This project outlined significant valued ecosystem components on federal land or involving areas of federal jurisdiction. The project culminated in a series of maps contained in the report entitled Sources for Environmental Priority Maps (NCC, 1998).

The Appendix B map is a synthesis of several maps that comprise the report, including the following:

- Significant Trees, Wooded Areas and Forests
- Significant Wildlife Habitats and Rare and/or Endangered Species
- Significant Geologic and Geomorphological Features
- Wetlands
- Hazard Lands, and
- Designated Natural Areas

This map is to be used in conjunction with policies in the Plan that refer to Valued Ecosystem Components.
Appendix 3
Common Planning Principles

The shared planning principles developed jointly by the National Capital Commission, the Region of Ottawa-Carleton, the Communauté urbaine de l’Outaouais and the Municipalité régionale de comté des Collines-de-l’Outaouais were finalized in 1996. They are intended to guide and coordinate regional planning in the NCR and include the following.

Common Planning Principles

The NCC, ROC, CUO and MRC des Collines-de-l’Outaouais are partners in the planning and development of the National Capital Region. They recognize that the economic, environmental and social impacts of planning decisions will be considered as part of the region’s planning processes.

In carrying out their responsibilities, these planning agencies will be guided by seven planning principles. These principles must be considered as a whole, not separately, and will require interpretation and trade-off in their application.

Environment: To safeguard and preserve the natural environment and architectural heritage.

Economy: To encourage the development of a strong, integrated and diverse economy which enhances the region’s competitive position within the global economy.

Community Development: To improve the quality of life by fostering healthy communities and by facilitating the provision of services and facilities to meet the needs of current and future residents.

National Capital: To reinforce the symbolic and functional roles of the Capital as the seat of our national government, the home of national cultural institutions and the headquarters of federal government departments while fostering a more important presence on the international scene.

Capital Core: To maintain and enhance the core of Ottawa and Hull as a focus for economic, cultural and political activities in the NCR.

Efficiency: To manage development in a way that will make the most efficient use of land, infrastructure, and public services and facilities.

Transportation and Communication: To encourage affordable, accessible and integrated transportation and communication networks.
Glossary

Area of Natural and Scientific Interest (ANSI). Area of land or water identified by the Province of Ontario as representing distinctive elements of geological, ecological or species diversity and including natural landscapes or features of value for natural heritage protection, scientific study or education. Particular areas may be referred to as Life science or earth science sites, depending on their features. These areas may vary in their level of significance and their vulnerability to environmental impacts.

Area Plan. An Area Plan is a land use plan, approved by the NCC’s Executive Committee, that articulates specific development and management recommendations for a specific federal property, or set of properties. An Area Plan can identify the location of specific land uses, access and circulation, environmental features, typology and integrity of development, land management, and water requirements. Where appropriate, an Area Plan establishes design guidelines for the development, improvement, protection or restoration of land, buildings, and structures. Area Plans also provide implementation strategies associated with specific proposals (NCC, 1999).

Biodiversity. The variety of life in all forms, levels, and combinations. It includes ecosystem and landscape diversity, species diversity, and genetic diversity (Miller, 1997).

Communauté urbaine de l’Outaouais (CUO). A municipal corporate body established by the Loi sur la Communauté urbaine de l’Outaouais. Its mandate is land use planning, the provision of potable water, sewage treatment, property assessment, property tax collection, and economic development. The CUO is composed of the municipalities of Hull, Gatineau, Aylmer, Buckingham and Masson.

Corridors. These are land corridors that provide the principal links among the Capital’s open space lands. Radiating from the Core Area, these linear green spaces provide the basic vehicular and pedestrian connections among the Capital’s parks, attractions and institutions. In some locations, the lands associated with the Capital parkways also accommodate Capital attractions, events and recreational facilities.

Development. The construction, erection or placement of a building or structure; activities such as site grading, excavation, removal of top soil or peat, and the placement and dumping of fill; and drainage works, except for the maintenance of existing municipal and agricultural drains.

Ecosystem. A community of different species interacting with one another and with the chemical and physical factors making up its nonliving environment (Miller, 1997).

Endangered Species. An endangered species is one facing imminent extirpation or extinction (COSEWIC, 1999).

Environment. The components of the Earth, including:

- land, water and air, including all layers of the atmosphere;
- all organic and inorganic matter and living organisms, and
- the interacting natural systems that include the above components (EAA, 1997).
Environmental Effects. Environmental effects are changes that a proposal or initiative may cause in the environment, including any effect of such changes on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by Aboriginal peoples, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance (CEAA, 1997).

High-Profile Core Area Locations. Locations in the Core Area, as defined in the Capital Core Area Concept 2050, and more particularly along Confederation Boulevard, in the northern part of LeBreton Flats, and potentially on the islands, that provide a high level of visibility, symbolism, and accessibility for visitors to the Capital, while meeting the functional needs of the organization.

Intensification. The construction of small-scale housing units on vacant lots or underdeveloped lots in existing residential or commercial areas in a form compatible with the surrounding community.

Infrastructure. Physical structures that form the foundation for development. Infrastructure includes: sewage and water works, waste-management systems, electric power, communication, transit and transportation corridors and facilities (including bridges), as well as oil and gas pipelines and associated facilities (e.g., road or rail-based).

Mixed Uses. A variety of uses in a building or community in proximity, including housing, recreational, commercial, institutional, industrial or other employment uses.

Municipalité régionale du comté (MRC) des Collines-de-l'Outaouais. A regional municipality created in 1991 following the dissolution of the Communauté régionale de l’Outaouais. The MRC is composed of the municipalities of Chelsea, Cantley, L’Ardoise-Garbon, Notre-
Dame-de-la-Salette, Pontiac, La Pêche and Val-des-Monts.

**Official Plan.** A policy document that contains the goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality. An official plan may contain a description of the measures and procedures for informing and obtaining the views of the public with respect to a proposed amendment to the official plan or zoning bylaw.

**Policy Plan.** A Policy Plan is a land use plan, approved by the National Capital Commission, that directs, through broad policies or strategies, the future development and management, and programming of all federal lands within the National Capital Region. The Plan for Canada's Capital (PPCC) is a Policy Plan. The Policy Plan's goals and policies are carried out, and refined, in Master and Sector Plans (NCC, 1999).

**Protected Area.** Defined by the IUCN (1994) as "an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means."

**Public Realm.** Publicly owned roads, sidewalks, rights-of-way, parks and other publicly accessible open spaces and portions of public and civic buildings and facilities.

**Regional Element.** National Capital symbols that are readily defined and visible at the regional scale (e.g., the Ottawa River, the Gatineau Hills and the parkway/driveway network.)

**Region of Ottawa-Carleton.** A regional municipality established in 1969 by Ontario statute that includes 11 municipalities centred by the City of Ottawa. Regional responsibilities include land use planning, roads, public transit, water supply, sewage treatment, social services, and other responsibilities.

**Sector Plan.** Sector Plan is a land use plan for a smaller geographic area, approved by the NCC's Executive Committee, that refines the general themes, goals and policies of a Master Plan. It provides precise interpretations of land designations, and can address long-term development, environmental, circulation, heritage, and visitor objectives, among others. A Sector Plan provides a framework to simplify management and resolve specific planning issues, and provides general directions for implementation (NCC, 1999).

**Sustainable Development.** Sustainable development is development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. Sustainable development provides a framework for the integration of environmental policies and development strategies. It recognizes that development is essential to satisfy human needs and improve the quality of human life.

Development must be based on the efficient and environmentally responsible use of all society's scarce resources—our natural, human and economic resources. Economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development.

Principles of sustainable development include the following:
• fulfillment of human needs for safety, clean air and water, food, education, and useful and satisfying employment,
• maintenance of ecological integrity through careful management, rehabilitation, reduction in waste, and protection of diverse and important natural species and system;
• achievement of equity with the fairest possible sharing of limited resources among contemporaries, and between our generation and our descendants; and
• public involvement in the definition and development of local solutions to environmental and development problems (Government of Canada, 1995)

Sustainable Transportation Planning Goals. The Transportation Association of Canada (1993) identifies the following sustainable transportation planning goals:
• Plan for increased densities and more mixed land uses
• Promote walking as the preferred mode for person trips
• Increase opportunities for cycling as an optional mode of travel
• Provide higher quality transit service to increase its attractiveness relative to the private auto
• Create an environment in which automobiles can play a more balanced role
• Plan parking supply and price to be in balance with walking, cycling, transit, and auto priorities
• Improve the efficiency of the urban goods transportation distribution system
• Promote inter-modal and inter-line connections
• Promote new technologies which improve urban mobility and help protect the environment.

• Optimize the use of existing transportation systems to move people and goods
• Design and operate transportation systems which can be used by the physically challenged
• Ensure that urban transportation decisions protect and enhance the environment
• Create better ways to pay for future urban transportation systems.

Threatened Species. A threatened species is one likely to become endangered if limiting factors are not reversed (COSEWIC, 1999)

Valued Ecosystem Components (VEC). All natural elements and functions that are ecologically important and contribute to the quality and integrity of a region in terms of content, quantity or impact on the natural environment. Examples include the following:
• Rare or endangered plant and animal species, including insects and other invertebrates, reptiles and amphibians, birds and mammals (existing federal legislation and policies on rare species are taken into consideration)
• Woodlands or forests of special interest to the National Capital Region
• Rare or old trees
• Wetlands and their functions
• Wildlife habitats
• Geomorphologically important sites, and
• Natural heritage areas such as areas of natural and scientific interest in Ontario and ecologically sensitive areas, as well as other natural areas protected by various designations in municipalities.

Visitor Facilities and Services. A range of elements that are vital to a visitor's stay in the Capital. These include reception and informa-
tion services, transportation, accommodation, refreshment facilities, recreational activities, tours and guide services.

Vulnerable Species. A species of special concern because of characteristics that make it particularly sensitive to human activities or natural events (COSEWIC, 1999)

Watershed. All lands drained by a river or stream and its tributaries

Wetland. Land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity that are adapted to a wet environment. Wetlands include bogs, fens, marshes, swamps and shallow waters — usually two metres deep or less (Canada, 1991)

Wetland Functions. The natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production (e.g., peat, agricultural crops, wild rice, peatland forest products), fish and wildlife habitat, organic carbon storage, water supply and purification (ground-water recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific and aesthetic opportunities (Canada, 1991)

Wildlife Habitat. Areas of the natural environment where plants, animals and other organisms, excluding fish, survive in self-determining populations and from which they derive services such as cover, protection or food
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- Mark Savenon, Project Manager, 1995-98
- Richard Scott, Project Manager, 1998-99
- Enn Novakowski, 1995-99
- Marc Sarrazin, 1995-97
- David Petrovich, 1995-97
- Michel Célet, 1997-99
- Pierre Malo, 1999

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- Arto Kekkian, Daniel Moron, Beth McMullen, and Jude Smith-Dakin, CFRAM, Planning Division
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- Marc Monette, CFRAM, Design and Construction Division
- Marc Lalonde and Gershou Rother, Park Services and Land Management Branch
- Marie Poulet and Laurence Petek, National Programming and Marketing Branch

The project was guided by a Steering Committee comprised of:

- Curry Wood, Vice-President, CPRAM
- Jaap Schouten, Vice-President, National Programming and Marketing
- André Bonuin, Vice-President (1996-98) and Michèle Couette, Vice-President (1998-99)
- Park Services and Land Management Branch
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- Micheline Dubé, Strategic Planning and Information Management Branch
- Sandra Péce, Executive Officer
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2. NATIONAL HISTORIC SITES OF CANADA

INTRODUCTION

CANADA'S NATIONAL HISTORIC SITES REPRESENT THOUSANDS OF YEARS OF HUMAN HISTORY IMPRINTED ON THE LANDSCAPE OF THE COUNTRY. THESE SPECIAL PLACES DEMONSTRATE NOT ONLY THIS COUNTRY'S DIVERSITY OF GEOGRAPHY AND CULTURES OVER THE COURSE OF ITS HISTORY, BUT ALSO EXPRESS ELEMENTS OF OUR NATIONAL IDENTITY AND ILLUSTRATE KEY ASPECTS OF OUR COLLECTIVE PAST. EACH PLACE CONTRIBUTES AN IMPORTANT THREAD TO THE CANADIAN TAPESTRY. EVERY ONE HAS BEEN RECOGNIZED AS BEING SIGNIFICANT TO THE NATION.

While these sites are part of the nation's past, they are not detached from the present. However different their technologies, styles and values may appear to be from ours today, the continuum of history links the past to the present. They are tangible examples of this continuity. Indeed, many sites continue in their historic function as hotels, churches, markets and places of business or government. Some commemorated places have been converted to other private or public purposes; others serve as community museums or sites of historic interest in park-like settings.

Our historic sites are located in more than 400 communities from coast to coast. Some are large and imposing, others are unassuming and part of everyday life; and a few speak to us in a subtle way. A sacred Aboriginal site, for example, may be little more than a hilltop, a raised mound or a circle of stones. Yet they all allow us to experience the spirit of their time and gain a sense of the past that can span many centuries and cultures.

This chapter is a progress report on the state of the national historic sites program of Parks Canada since the 1997 State of the Parks Report.

COMMEMORATIVE INTEGRITY AND THE COMMEMORATIVE INTEGRITY STATEMENT

The need for a broad conceptual framework to assess and report on the overall state of a national historic site of Canada led Parks Canada to develop the concept of commemorative integrity. This concept integrates the key protection, presentation and operational aspects of a site into a single, comprehensive framework. Commemorative integrity defines the health and wholeness of a national historic site. A site is said to possess commemorative integrity when
While there are many wide-ranging achievements, the program remains focused on ensuring the commemorative integrity of Canada's national historic sites. Two important trends continue. First, the application of the concept of commemorative integrity at sites administered by Parks Canada is expanding. Second, the program's support of national historic sites not owned by Parks Canada (by far the majority of the total) in order to build relationships and ensure commemorative integrity is increasing. The range of activities described in the pages that follow demonstrates Parks Canada's active leadership in the national historic sites community.

**MEASURING COMMEMORATIVE INTEGRITY AT TWELVE NATIONAL HISTORIC SITES OF CANADA**

The Parks Canada Agency Act (1998) states that it is in the national interest to ensure the commemorative integrity of national historic sites of Canada.

Since its development in 1994, the commemorative integrity statement has become a valuable planning and management tool for national historic sites. The indicators contained in the statement form the basis for an evaluation of the state of protected heritage areas as well as an assessment of a site's management practices.

**A REPORT ON TWELVE NATIONAL HISTORIC SITES OF CANADA: MEASURING COMMEMORATIVE INTEGRITY**

The State of the Parks 1997 Report was the first time that commemorative integrity was used as a yardstick to report on the state of individual national historic sites. This year's report reviews the progress of the eight sites assessed in 1997 as well as four others.

These 12 sites provide a good representation of the diversity of national historic sites across Canada. Geographically, they span the country. The time frame they represent covers nearly 500 years of the nation's past. Some are located in southern Canada while others are far removed from major population centres. Their stories tell of immigration and deportation, the fur trade, the clash of cultures, great feats of engineering, a gold rush and skiing in the Rocky Mountains. Their physical size ranges from sites that consist of little more than a single dwelling to large complexes with many buildings. One of the largest is a 200-km transportation corridor. Each one
represents a significant aspect of Canada's history. Each one also presents particular management challenges for ensuring commemorative integrity. They are listed below.

- **Batoche**
  A Métis village and the site of the 1885 Battle of Batoche on the South Saskatchewan River midway between Saskatoon and Prince Albert

- **R Dawson Historical Complex**
  Buildings from Dawson's early history associated with the search for gold in the Klondike, Dawson City, Yukon Territory

- **Fort Langley**
  A nineteenth-century Hudson's Bay Company post on the Fraser River, 48 km east of Vancouver

- **Fort Témiscamingue**
  The remains of a fur trading post dating from the seventeenth and eighteenth centuries in northwestern Quebec, six km south of Ville-Marie

- **Grand-Pré**
  A site associated with Acadian settlement and the Deportation of 1755, near Wolfville, Nova Scotia

- **Grosse-Île and the Irish Memorial**
  The immigrant quarantine station from 1832 to 1937, on an island in the St Lawrence River, 46 km downstream from Quebec City

- **Prince of Wales Fort**
  An eighteenth-century masonry fortification associated with the fur trade at the mouth of the Churchill River on Hudson Bay near Churchill, Manitoba

- **Red Bay**
  A site containing extensive and outstanding archaeological remains from the sixteenth-century Basque whaling industry on the southern Labrador coast near the north end of the Strait of Belle Isle

- **Rideau Canal**
  A remarkable survival from the nineteenth century, an operational canal 202 km long in eastern Ontario connecting Ottawa and Kingston

- **Rocky Mountain House**
  The remains of rival Hudson's Bay Company and North West Company posts on the shores of the North Saskatchewan River near the town of Rocky Mountain House, Alberta

- **Sir John Johnson House**
  A late eighteenth-century house associated with Sir John Johnson and Loyalist immigration to Upper Canada in Williamstown, Ontario

- **Skoki Ski Lodge**
  A 1930s rustic ski lodge in Banff National Park, Alberta

* These sites were not included in the State of the Parks 1997 Report

**THE COMMEMORATIVE INTEGRITY REPORTING TABLE**

This table on page 51 details the state of the 12 sites. As in the State of the Parks 1997 Report, the table reports on the state of commemorative integrity by means of 19 key indicators divided
into three general categories: resource condition, effectiveness of communication and selected management practices. The measurements are based on the concept of the traffic signal. Green, yellow and red lights are universally understood and are intended to make meaningful comparisons possible between both sites and indicators. Differences between a green light (the desired state) and the actual state are indicated by either a yellow light (some discrepancy) or a red light (significant discrepancy). More specific information on the rating system is provided in the legend at the bottom of the table.

RESULTS:
READING THE COMMEMORATIVE INTEGRITY REPORTING TABLE

Overall, the reporting table shows improvements in all three general categories from what was reported in 1997. These improvements indicate that the concept of commemorative integrity is being applied as an effective management tool. For most national historic sites of Canada assessed here, indications are that the application of the concept of commemorative integrity is showing positive results.

Resource Condition
This section deals with the condition of the sites' heritage resources. These ratings focus on the historic value of the particular resource. For example, if the resource consists of a vestige—a chimney and the remains of a foundation it is assessed accordingly. Similarly, a heritage structure would not be given a red rating just because it did not meet current building code specifications.

A review of the Resource Condition category shows that a number of the sites contain numerous resources of a single type. This often requires some generalization in the condition assessment. Grosse Ilîe and the Irish Memorial, for example, has more than 30 nationally significant buildings on the site whose condition ranges from good to poor. As a result, it receives a yellow light to reflect this range. The up arrow (i) beside the light indicates that remedial action is planned or, as in this example, is underway to address the impairments.

Summary of Results for Resource Condition
Three sites report that their heritage resources are in a good state overall (green); eight others are in the fair range (yellow) and one, Skoki Ski Lodge, remains seriously impaired. A good indication of progress toward commemorative integrity is that four of the eight sites from 1997 indicate that remedial action has resulted in an improvement of their overall condition rating. None of the sites had their overall rating lowered from the 1997 assessment.

Of the four new sites reporting this year, three report their overall condition assessment as fair and one as good. Two sites, Dawson Historical Complex and the Rideau Canal, indicate that their respective designated places are under threat because of change or potential change in areas beyond their jurisdictional limits. Sites such as these, which derive much of their value from being an integral part of larger, functioning communities, face the recurring problem that outside
development may threaten some of their most significant resources and values. Management at such sites must rely on education and cooperative work with stakeholders in the larger community to ensure the commemorative integrity of the site.

**Effectiveness of Communications**

Measuring the effectiveness of heritage presentation is a critical step in assessing the state of commemorative integrity at a national historic site of Canada. Generally, this effectiveness is measured in three ways: 1) audience understanding of the messages, 2) audience satisfaction; and 3) audience utilization of the presentation programs, publications, and media. Measuring the last two parts is usually straightforward; evaluating an audience's understanding of the messages is more complex. For example, a number of sites report that visitor surveys indicate a high level of satisfaction with the interpretative programs offered. These same sites acknowledge, however, that most visitors surveyed cannot identify what is nationally important about the place following a visit. This lack of understanding calls into question both the effectiveness of the presentation program and the measurement techniques employed.

Currently, most sites measure the effectiveness of their communications by using a standardized client survey card. While these surveys are an important tool for collecting a variety of information, they are not designed to assess audience understanding of the site's primary messages accurately. Considering that effective communication is an integral component of commemorative integrity, an accurate measure of audience understanding is crucial and one that requires more attention. Some preliminary work to address this challenge is underway; for details, see Heritage Presentation in Chapter Three.

Note: As in 1997, the Effectiveness of Media and Audience Understanding indicator columns in the table are reported as N/R (not reported) unless the site had specific, reliable survey data available.

**Summary of Results for Effectiveness of Communications**

This category was the most disappointing and problematic in the *State of the Parks 1997 Report*. Four of the eight sites reported serious deficiencies (red) in their overall communication work as well as under the key indicator of the communication of national significance. Three sites reported some impairments (yellow) and only one site had an overall rating of good. As the 1997 Report noted, the results were cause for concern.

The 1999 results provide evidence of improvement but there is still cause for concern. Of the eight sites reviewed from 1997, only two continue to report serious impairments overall (red), four indicate moderate problems in their communications (yellow), and two rate as good (green) overall. Of the four new sites, two are green, one yellow, and one red. The situation of Fort Témiscamingue requires clarification. This national historic site of Canada has been closed to the public since May 1998 because of a land claims issue. Because the site has been closed through 1999 and hence unable to communicate its messages of national significance, it receives a red rating. Fort Témiscamingue, however, has made considerable progress in developing new interpretation strategies and programs which will be in place when the site reopens.
One problem that remains from 1997 is that two sites, Batoche and Grand Pré, continue to have serious impairments under the indicator Range and Complexity of Perspectives Presented. The national significance of these sites deals with highly controversial subjects and their interpretive programs tend to emphasize only one perspective. This imbalance derives in part from the direction of recent historiography and also from the views of their respective local community. Parks Canada, however, is required to present the range and complexity of human history commemorated at a national historic site, not just the current or popular view. The red rating indicates that differing historical perspectives are not presented in a balanced fashion. It is important to note that both sites plan to address the imbalance in their current presentation programs.

The communication problem at Grosse île and the Irish Memorial is somewhat different. This site faces the challenge of communicating three major themes of national significance associated with immigration. To date only one of the three has been addressed adequately in the site's heritage presentation program. This accounts for the red rating in the Effectiveness of Communications category. Again, it should be noted that the site has specific plans to broaden its presentation and incorporate the additional themes.

**Selected Management Practices**

Cultural resource management is based on the premise that if sound management principles and practices are in place, the decisions made and actions taken will contribute to the achievement of commemorating integrity. Over time, good conservation and effective communications depend on the solid foundation of good management.

The Parks Canada Cultural Resource Management Policy describes some 60 management actions and practices necessary to ensure sound cultural resource management. It would be impractical to report on all of these, so five practices have been selected as indicators of the state of cultural resource management for national historic sites of Canada.

**Inventory and Cultural Resource Evaluation**

The first and fundamental management requirement at a national historic site is that all the site's cultural resources be identified and their historic values defined. These values must be articulated so the resources can be managed accordingly. This practice includes the whole site covered under the designation as well as the component parts.

**Respect for Cultural Resource Management Principles and Practice**

Cultural resource management considerations must be factored into all decision-making.

**Records (Archaeology)**

Ideally, this indicator should cover all site records dealing with cultural resources but, as was the case in 1997, this report addresses archaeological records only.
Maintenance Programs
This indicator assesses the extent to which ongoing maintenance programs are an integral part of the management of the site's cultural resources.

Monitoring and Remedial Action
This indicator assesses the degree to which critical matters like resource condition and effectiveness of communication are monitored, and whether remedial actions are taken to address deficiencies identified as a result of monitoring. State of protected heritage area reporting can be considered a form of monitoring.

Summary of Results of Selected Management Practices
This category reveals the most impressive results of the three. Five sites are rated overall as having only minor impairments in this category, with the remaining seven sites reporting a good or green status.
## Commemorative Integrity Reporting Table

<table>
<thead>
<tr>
<th>RESOURCE CONDITION:</th>
<th>Overall</th>
<th>Fort Langley</th>
<th>Fort Langley/Summit</th>
<th>Govt. Rd.</th>
<th>Intricate House</th>
<th>Ross Bay House</th>
<th>Strathallan House</th>
<th>Queen's Park</th>
<th>Bentley Court</th>
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<tbody>
<tr>
<td>Resources Related to Historical Significance</td>
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<td>- Designated Plane</td>
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<td>- Landscape Features</td>
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<td>- Archeological Sites</td>
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## EFFECTIVENESS OF COMMUNICATIONS (Overall)

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<th>Overall</th>
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<th>Intricate House</th>
<th>Ross Bay House</th>
<th>Strathallan House</th>
<th>Queen's Park</th>
<th>Bentley Court</th>
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<td>Effectiveness of Public</td>
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## SELECTED MANAGEMENT PRACTICES (Overall)

<table>
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<tr>
<th>Inventories and Cultural Resource Evaluation</th>
<th>Overall</th>
<th>Fort Langley</th>
<th>Fort Langley/Summit</th>
<th>Govt. Rd.</th>
<th>Intricate House</th>
<th>Ross Bay House</th>
<th>Strathallan House</th>
<th>Queen's Park</th>
<th>Bentley Court</th>
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<tr>
<td>Monitoring and Audits/Action</td>
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</table>

### LEGEND The Symbols

The coloured dots in the left-hand column under the first eight sites are intended to represent traffic signals. They refer to the actual state of the site at the time the assessment was done (August-September 1999).
- Green means good, effective or not currently impaired. Indicators shown in green are not a threat to the commemorative integrity of the site although there may be minor impairments present.
- Yellow means fair, acceptable, or minor impairment or threat. Requires minor improvement.
- Red means poor, ineffective, seriously impaired or a significant attribute missing (whether related to condition, communications or selected management practices).

"N/A" means not applicable. "NR" means not rated or not reported on. Plus (+) or minus (-) means the actual state is on the high or low borderline side of the colour. An arrow used in conjunction with a coloured dot refers to a current trend but is not part of the measure of the current condition or state of effectiveness.

Under the right-hand column for each of the first eight sites:
- An up arrow indicates that the current condition or level of effectiveness has improved measurably from the 1997 Report.
- No measurable change since the 1997 Report.
- A down arrow indicates that the current condition or level of effectiveness has deteriorated measurably since the 1997 Report.
Commemorative Integrity at National Historic Sites of Canada

Since the mid-1990s, Parks Canada has promoted the concept of commemorative integrity for all national historic sites. Commemorative integrity describes the health and wholeness of a site. It is achieved when:

- resources directly related to the reasons for the site's designation as a national historic site are not impaired or under threat;
- the reasons for the site's designation as a national historic site are effectively communicated to the public; and
- the site's heritage values are respected in all decisions and actions affecting the site.

For those sites it administers, Parks Canada is directly accountable for ensuring commemorative integrity. This involves protecting and presenting the sites for the benefit, education and enjoyment of present and future generations. For sites it does not administer, Parks Canada encourages and supports their protection and presentation, but the Agency cannot directly control the integrity of the sites or the actions of their owners. Parks Canada seeks to build the stewardship capacity of third-party owners by providing professional and technical advice, promoting awareness through publications and training in cultural resource management, and funding initiatives for conservation and preservation.

Planning for Commemorative Integrity at Parks Canada-Administered National Historic Sites of Canada

Commemorative Integrity Statements (CIS) and national historic site management plans are the basic direction-setting documents with respect to maintaining the commemorative integrity of national historic sites administered by Parks Canada. A CIS identifies where the site's values lie, what conditions must be met for its values and resources not to be impaired, and what constitutes effective communication of the reasons for its national historic significance.

Parks Canada's target is to have approved commemorative integrity statements for 125 of the 149 national historic sites it administers by December 2004. As of March 2004, 129 sites had a CIS of which 108 were completed and 21 were in draft form. Given the
pace of completion of a CIS (16 approved between April 2002 and March 2004), Parks Canada is unlikely to achieve its target. In the light of current resource constraints, Parks Canada will revise the target for completed CIS in its next Corporate Plan.

**Performance Expectation**
All national historic sites administered by Parks Canada have a current management plan by December 2006.

Under the Parks Canada Agency Act, Parks Canada must provide the Minister with management plans for the national historic sites it administers. Management plans set forth the strategies and actions necessary to ensure the commemorative integrity of the site or sites covered in the plan, and are subject to review every five years. A CIS is required before a site can develop a management plan. Between April 2002 and March 2004, the Minister approved thirteen management plans covering 14 national historic sites administered by Parks Canada, bringing the total number of Parks Canada administered sites with approved management plans to 31 (21% of the 149 Parks Canada sites). Parks Canada expects to have plans for 80 sites approved by December 2004, and to have plans for all sites approved by December 2006.

**State of Commemorative Integrity at Parks Canada-Administered National Historic Sites**

The *Parks Canada Agency Act* states that it is in the public interest to ensure the commemorative integrity (CI) of national historic sites. Knowing the state of CI at a site informs decisions about priority actions and investments, both locally and nationally. Parks Canada has committed to evaluating the state of commemorative integrity at all 149 sites it administers between April 2001 and March 2011. Consistent with this expectation, 32 sites were evaluated between April 2002 and March 2004. Figure 20 shows ratings of each of the three dimensions of commemorative integrity for these sites, as well as an overall rating of impairment.

**Performance Expectation**
Improve elements of commemorative integrity that are rated as poor.

Since April 2001, 22 (45% of 45) of the assessed national historic sites had at least one poor rating on an aspect of commemorative integrity. Effectiveness of communications was the most common aspect of CI to be rated as poor with 15 of the 22 sites having this as one of the poor ratings, either alone (10 sites) or with some other dimension(s) also rated as poor. Parks Canada expects to report on actions taken at sites to improve the elements of commemorative integrity in future reports.
Figure 20: Ratings of Condition and Impairment of 32 National Historic Sites (April 2002 to March 2004).

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Resource Condition</th>
<th>Effective Communication</th>
<th>Management Practices</th>
<th>Overall Rating of Impairment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003-2004</td>
<td>Fort Anne</td>
<td>Fair</td>
<td>Fair</td>
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<td></td>
<td>Fort St James</td>
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<td>Fair</td>
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<td></td>
<td>Gulf of Georgia</td>
<td>Fair</td>
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<td>Minor</td>
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<td></td>
<td>Cannery</td>
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<td></td>
<td>Grassy Island</td>
<td>Good</td>
<td>Fair</td>
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<td>Minor</td>
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<td></td>
<td>Fort Edward</td>
<td>Good</td>
<td>Fair</td>
<td>Fair</td>
<td>Minor</td>
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<td></td>
<td>Fort George</td>
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<td>Fair</td>
<td>Poor</td>
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<td></td>
<td>Point Clark</td>
<td>Good</td>
<td>Fair</td>
<td>Fair</td>
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<td>Lighthouse</td>
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<td>Canso Islands</td>
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<td></td>
<td>Fort Wellington</td>
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<td>Good</td>
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<td>Fort Walsh</td>
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<td>Minor</td>
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<td>Chilkoot Trail</td>
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<td>Minor</td>
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<td></td>
<td>Scots Fort</td>
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<td>Poor</td>
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<td>Significant</td>
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<td></td>
<td>Signal Hill</td>
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<td>Poor</td>
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<td>Fort Mississauga</td>
<td>Fair</td>
<td>Poor</td>
<td>Poor</td>
<td>Major</td>
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<tr>
<td>2002-2003</td>
<td>L'Anse aux</td>
<td>Good</td>
<td>Fair</td>
<td>Fair</td>
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<td>Port-la-Joye -</td>
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<td>Fair</td>
<td>Fair</td>
<td>Minor</td>
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<td></td>
<td>Fort Amherst</td>
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<tr>
<td>Sault Ste. Marie Canal</td>
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<td>Minor</td>
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<td>York Factory</td>
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<td>Minor</td>
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<td>Rogers Pass</td>
<td>Fair</td>
<td>Fair</td>
<td>Fair</td>
<td>Minor</td>
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<tr>
<td>Alexander Graham Bell</td>
<td>Fair</td>
<td>Good</td>
<td>Poor</td>
<td>Significant</td>
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<td>Battle of the Chateauguay</td>
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<td>Fair</td>
<td>Poor</td>
<td>Significant</td>
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<td>Murney Tower</td>
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<td>Poor</td>
<td>Fair</td>
<td>Significant</td>
<td></td>
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<td>Shoal Tower</td>
<td>Good</td>
<td>Poor</td>
<td>Fair</td>
<td>Significant</td>
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<td>Poor</td>
<td>Fair</td>
<td>Fair</td>
<td>Significant</td>
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<td>Fair</td>
<td>Poor</td>
<td>Fair</td>
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<td>Fort Livingstone</td>
<td>Fair</td>
<td>Poor</td>
<td>Fair</td>
<td>Significant</td>
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<tr>
<td>Cave and Basin</td>
<td>Fair</td>
<td>Fair</td>
<td>Poor</td>
<td>Significant</td>
<td></td>
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<tr>
<td>Fort Henry</td>
<td>Poor</td>
<td>Fair</td>
<td>Poor</td>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Cathcart Tower</td>
<td>Poor</td>
<td>Poor</td>
<td>Fair</td>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Twin Falls Teahouse</td>
<td>Poor</td>
<td>Poor</td>
<td>Fair</td>
<td>Major</td>
<td></td>
</tr>
<tr>
<td>Canillon Canal</td>
<td>Poor</td>
<td>Poor</td>
<td>Poor</td>
<td>Severe</td>
<td></td>
</tr>
</tbody>
</table>

5 No impairment means that all three CI dimensions were rated as good. Minor impairment means that at least one CI dimension was rated less than good but no aspect of CI was rated as poor. Significant impairment means one CI dimension was rated as poor. Major impairment means two CI dimensions were rated as poor and severe impairment means that all three CI dimensions were rated as poor.
STATE OF THE PARKS
1997 REPORT
The State of National Historic Sites

Canada's national historic sites are a valuable, non-renewable resource. It is, therefore, a principal objective of Parks Canada to protect and present the significant, irreplaceable legacy represented by these sites and their associated resources for this and future generations.

This section of the State of the Parks 1997 Report provides a system-wide overview of the condition of cultural resources, the state of heritage presentation and reported threats for 132 national historic sites administered by Parks Canada.

The Condition of Cultural Resources

From a delicate bronze Viking pin displayed at L'Anse aux Meadows National Historic Site to the totem poles at Nunsting National Historic Site, the cultural resources associated with the sites are an important part of our heritage. Parks Canada's Cultural Resource Management Policy defines cultural resources as places or human works that have been determined to have historic value. Cultural resources include those directly related to the reasons for the site's national significance (level 1 cultural resources) and those not directly related but possessing historic value (level 2 cultural resources). For reporting purposes, these resources are subdivided into three categories: 1) buildings, structures and landscapes; 2) archaeological sites; and 3) objects (both on-site and off-site).

This section of the report focuses on the condition of cultural resources - specifically the physical condition during the November 1996 to March 1997 reporting period - at each of the 132 sites administered by Parks Canada, based on information in Appendix 4: Condition of Resources in National Historic Sites. Appendix 4 also provides comparative ratings, where available, for conditions detailed in the 1990 and 1994 reports.

Methodology

Reporting on cultural resources begins with specialists in the fields of conservation architecture and engineering, archaeology, objects conservation and collections management gathering data from across the country. The basic data are then tabulated and forwarded to each site for field verification.

Explanation of the Ratings

The condition of cultural resources is rated on a scale of good, fair and poor. The meaning of each rating is fully described in Appendix 4.
Because heritage resources are being rated, ratings must derive from the historic values and character of resources. For example, a "ruin" would not be rated as being in poor condition simply because it is a ruin. Indeed, if it was consolidated and in a stable state, it would be in good condition.

BUILDINGS, STRUCTURES AND LANDSCAPES

To be included in this category, a building, structure or landscape must be essentially intact or retain enough of its form to be identifiable. It cannot be a vestige, in other words. On the Rideau Canal, for example, the lockmasters' houses, dams, weirs, and the locks and the grounds themselves are all resources included in this category.

Since the 1994 report, considerable progress has been made inventorying resources to determine which buildings, structures and landscapes are cultural resources, and in evaluating those resources to classify them as either level 1 or level 2 cultural resources. A total of 950 resources in this category are rated for this report; three quarters are level 1 resources, the remainder are level 2.

The composition of level 1 resources is as follows: buildings 39 per cent; fortifications 27 per cent; marine resources 16 per cent; grounds 11 per cent; other 7 per cent. The composition of level 2 resources is as follows: buildings 45 per cent; marine resources 36 per cent; grounds 9 per cent; other 10 per cent.

THE RATING SYSTEM

A "risk to resource" assessment system is used to rate the condition of these resources. This rating system measures the consequences to the resource if an unsatisfactory condition is not remedied. A leaking roof, for example, can affect many aspects of a building, including interior finishes, and structural and mechanical systems. The ratings can be interpreted as a measure of the increase in damage (and accompanying conservation costs) to the heritage qualities of the resource if corrective work is delayed.

SUMMARY OF RESULTS

A comparison of the 1997 data with the 1994 data indicates a decrease in the number of resources in good and poor condition combined with an increase in the number in fair condition. As documented in Appendix 4, the condition of about two-thirds of the resources shows no change. Of the remainder, approximately two-thirds have shown improvement and one-third experienced a decline.

For buildings and fortifications, the number of resources in good and fair condition has increased, and those in poor condition have decreased. For marine works, the number of resources in poor condition has decreased substantially. That improvement is reflected in the number of marine resources currently in fair condition.
The trends reflect the fact that conservation interventions have been carried out for resources in poor condition as a first priority. The news is not all good however. The increase in the number of resources in fair condition that were formerly in good condition is a concern. Their deterioration could accelerate in the next few years, increasing the number of resources in poor condition if appropriate conservation treatment is not provided at the right time.

**Figure 40. The Condition of Buildings, Structures and Landscapes**

<table>
<thead>
<tr>
<th>Condition</th>
<th>CRM Level 1</th>
<th>CRM Level 2</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>34%</td>
<td>30%</td>
<td>33%</td>
</tr>
<tr>
<td>Fair</td>
<td>48%</td>
<td>57%</td>
<td>50%</td>
</tr>
<tr>
<td>Poor</td>
<td>18%</td>
<td>13%</td>
<td>17%</td>
</tr>
</tbody>
</table>

**ARCHAEOLOGICAL SITES**

For purposes of this report, an archaeological site is a site consisting primarily of surface vestige or the subsurface or submerged remains of human activity. The sites of Norse activity at L'Anse aux Meadows and of Aboriginal activity at Kitwanga Fort are good examples of this.

**Figure 42: Archaeological Site Inventories**

<table>
<thead>
<tr>
<th>Complete</th>
<th>Incomplete</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Historic Sites</td>
<td>28</td>
<td>75</td>
<td>7</td>
</tr>
</tbody>
</table>

*110 National historic sites out of 130 reported on archaeological resources*

Since few archaeological sites were reported on in 1994, there is little on which to base comparisons and analyze major trends. Significant progress has occurred in this category, particularly in the areas of inventories and condition reporting. Archaeological site inventories
are complete for 28 rational historic sites. Across the country, a higher percentage of inventories are complete (25 per cent) or partially complete (69 per cent) than in 1994. Resource inventories are vital, otherwise information will be lost. Good sources of information for planning, managing, and evaluating inventories are required when a site is under consideration for development, recapitalization or maintenance. As part of a predevelopment survey, the Bar U Ranch was recently the subject of a detailed inventory. The information yielded made it easier to mitigate the impacts of site restoration and development. Inventories are also undertaken in areas believed to have concentrations of archaeological resources (the rifle pits at Batoche, for example) or at sites where the resources show potential for presentation, such as the industrial vestiges at Les Forges du Saint-Maurice. For sites threatened by the effects of humans, including visitation, and natural forces, such as erosion, inventories are vital. The paleo-historic resources at Fort Lennox, for example, are threatened by riverbank erosion. Without an inventory, this information would be lost. Given other pressures, the work on inventories will fall behind unless new resources are invested in the system.

The Rating System

The assessments of the condition of archaeological sites reflect the nature and degree of work required to address potential problems while respecting the physical integrity of the cultural resource.

Figure 43: Condition Ratings for Archaeological Sites

<table>
<thead>
<tr>
<th>Condition</th>
<th>Number of national historic sites reporting on archaeological sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>71</td>
</tr>
<tr>
<td>Fair</td>
<td>11</td>
</tr>
<tr>
<td>Poor</td>
<td>13</td>
</tr>
<tr>
<td>Combination (of good, fair, or poor)</td>
<td>9</td>
</tr>
<tr>
<td>Unknown</td>
<td>16</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>120</td>
</tr>
</tbody>
</table>

Summary of Results

Archaeological sites are reported to be in good condition at 65 per cent of the national historic sites.

The 1994 State of the Parks Report reported that the archaeological sites were in fragile or poor condition at six national historic sites - Fortress of Louisbourg, Les Forges du Saint-Maurice, Navy Island, Fort Wellington, Mnjikaning Fish Weirs (included in the Trent-Severn Waterway)
and Batoche. Two others - York Factory and Fort Anne - were seriously affected by erosion. Erosion remains a significant threat at Louisbourg, though in 1995 a program was initiated to mitigate its impacts. The vestiges at Les Forges du Saint-Maurice and at Batoche are now in good condition. At Navy Island, the erosion problem has become extreme. Fort Wellington reports that its vestiges are now in a good state, but vandals threaten the waterfront property. Marina activities continue to threaten Mállekaning Fish Weir. The site is monitored regularly. At York Factory, burial remains threatened by erosion were reburied, but the entire site is threatened by erosion. Major chunks of the riverbank are lost each year. A strategy is now in place to determine the rate of erosion. A major stabilization program is in progress at Fort Anne.

OBJECTS

Original hydrofoil models, medical devices, botanical specimens, archaeological objects, the personal belongings of former prime ministers and paleontological resources - all fall within this category. Some are displayed and stored at the site, while others are stored off site.

ON-SITE OBJECTS

The Rating System

Positive changes, indicated with the symbol of the upwards arrow in Appendix 4, occurred where conservation - either remedial or preventive - has been carried out since the 1994 report. Remedial conservation describes direct intervention by a conservator on an individual object, which is in fair or poor condition, either on site or in a service centre conservation laboratory.

Summary of Results

This report contains more comprehensive reporting on objects than in previous years. In addition to the objects themselves, information is also provided on the environment in which the objects are stored and the state of collections management.

- **Objects** - Most objects in most collections were reported to be in good condition. There are, however, exceptions at both extremes. At 11 sites, 100 per cent of the objects were reported in good condition, at 10 sites, significant numbers of objects were reported in fair or poor condition.

- **Storage environment** - Objects at 22 sites were reported to be under threat as a result of a fair or poor storage conditions. Of these 22 sites, the objects at 13 can also be described as under impairment because an unfavourable environment is contributing to the poor condition of the collection (more than 10 per cent of the objects are in fair or poor condition).

- **Collections management** - Object collections at 16 sites were under threat because of fair or poor collections management. Collections at four of these 16 sites can also be described as under impairment because of the impact of management on the collection (more than 10 per cent of the objects in are in fair or poor condition).
Figure 44: Inventories for Off-site Archaeological Objects

<table>
<thead>
<tr>
<th>Complete</th>
<th>Incomplete</th>
<th>Unknown</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Archaeological objects</td>
<td>24</td>
<td>65</td>
<td>21</td>
</tr>
</tbody>
</table>

This table shows that progress is required for inventories of archaeological objects for 86 national historic sites.

Since the last report remedial conservation has been carried out on objects from 29 sites. Interventions at nine of these sites were part of major conservation projects. The dominant trend in conservation today, as it was in 1990 and 1994, is toward increasing emphasis of preventive conservation. These measures may be undertaken by conservators, but are most often performed by site staff under the guidance of conservation staff. Examples include filtering of harmful ultraviolet light to prevent fading, upgrading storage and display conditions, good housekeeping techniques to keep infestations under control, and careful handling of objects to prevent damage and breakage. Preventive conservation measures - some of them major projects, including the installation of sprinkler systems - have been undertaken at 22 sites since 1993.

Recognizing the importance of preventive conservation and preparing site staff for conservation responsibilities, site-specific maintenance plans are being written and site staff trained in preventive measures. Maintenance plans or manuals exist for the collections at 18 sites. Three training videos, providing instruction on proper handling, housekeeping practices and the Cultural Resource Management Policy, are being completed for site use. Archaeologists and conservators are developing a monitoring program for cultural resources underwater, including the fish weir at Mungkana.
**Figure 45: Condition Ratings for Off-site Archaeological Objects**

<table>
<thead>
<tr>
<th>Condition</th>
<th>Number of national historic sites reporting on archaeological objects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good</td>
<td>51</td>
</tr>
<tr>
<td>Fair</td>
<td>12</td>
</tr>
<tr>
<td>Poor</td>
<td>4</td>
</tr>
<tr>
<td>Combination (of good, fair, or poor)</td>
<td>23</td>
</tr>
<tr>
<td>Unknown</td>
<td>20</td>
</tr>
<tr>
<td>TOTAL</td>
<td>110</td>
</tr>
</tbody>
</table>

This table shows that progress is required for inventorying the archaeological objects for 86 national historic sites.

**OFF-SITE OBJECTS**

**The Rating System**

For these objects, ratings of "good," "fair" and "poor" relate to the degree and urgency of intervention or treatment required. The ratings are based upon a combination of the physical condition of the collection, the state of its organization and its storage environment.

**Summary of Results**

 Inventories of off-site archaeological objects have yet to be completed for 86 of the national historic sites (see Figure 44: Inventories for Off-site Archaeological Objects). The state of current knowledge concerning the condition of these resources is described in Figure 45: Condition Ratings for Off-site Archaeological Objects.
CONCLUSION

The concept of commemorative integrity has made it possible to report on the health and wholeness of national historic sites, and to refocus the work of Parks Canada on fundamentals - the attributes of national historic sites that relate to national significance. Commemorative integrity and Commemorative Integrity Statements have also resulted in a more systematic and comprehensive identification and consideration of all heritage values. Commemorative integrity (and the Cultural Resource Management Policy) demonstrate that the inclusion of one value need not be at the expense of another. It provides a place for all heritage values.

There will always be room for refinement. This report has advanced thinking in a number of areas, including wholeness, range, complexity and management practices. The report also shows the soundness of commemorative integrity as the basis for reporting.

Parks Canada is already working on the next report, collecting benchmark data for four national historic sites that will be the subject of detailed reports comparing the state of commemorative integrity between 1997 and 2000. These sites are Dawson Historical Complex in the Yukon Territory, the Rideau Canal in Ontario, Grosse Île and the Irish Memorial in Quebec, and Red Bay in Newfoundland and Labrador. In the next report, coverage may be expanded to include national historic sites that are not administered by Parks Canada. This extension will better reflect the diversity of places, ownership, and operating purposes, as well as the national partnership among owners and managers that characterize the family of Canada’s national historic sites.
APPENDIX 4: CONDITION OF RESOURCES IN NATIONAL HISTORIC SITES

Legend

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<tr>
<td>P</td>
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<td>positive change since last report</td>
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<td>«</td>
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<tr>
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<td>F/5</td>
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<tr>
<td>Grounds</td>
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<td></td>
<td>P/1</td>
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<td></td>
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<tr>
<td>Dams without control or flow</td>
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<td>Shoal Tower</td>
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<td>Cathcart Tower</td>
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<td>Archaeological Sites</td>
<td>G</td>
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<td>---------------------</td>
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<td>04019-HAMPTON WALL IN US BASIN</td>
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<td>04020-MOHawk BACKFWD BRIDGE</td>
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<tr>
<td>04021-Hamilton Site PR BRIDGE</td>
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<td>04022-954 Site PR BRIDGE</td>
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</table>

**Total**: 

| 07051- RIDEAU CANAL, NORTHERN SECTOR |          |      |      |      |      |      |      |       |                |

**Notes**: 

- Total of Assets with Intervention
- Total of Assets with Intervention for CFH 2
- Total of Assets with Intervention for CFH 1
## Long Term Capital Plan for 0 Year (Leveled plan)

### Rideau Canal

#### ESTIMATED INTERIM PATENT COST (M$)

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<td>3011 - Port Dr Abut</td>
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<td>0206 - GILLIS'S RAPIDS LOCK 17</td>
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<td>0207 - HOPKINS LOCK 16</td>
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<td>3019 - Lock 16</td>
</tr>
<tr>
<td>0208 - HOPKINS LOCK 16</td>
<td>528.5</td>
<td>3017 - Otao ONT LOCKS</td>
</tr>
<tr>
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<td>528.5</td>
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<td>0210 - HOPKINS LOCK 16</td>
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<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
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</table>

### Notes:
- Only 50% of tone in occupation with Bundles
- 50% of Construction Works
- Needs Review - Assume EBM
- Tilt Support
- Includes wiper removal
- Includes with adjusted cost
- Requires lift, base of heritage
- Calcination
- Critical Mass, Quick Fix (Q), Rahat 10
- Historic fabric of real
- Inundated cost due to deferred
- Ficks Corinam, unless no delay
- Inundated good to bad, balanced workflow
- Inundated good to bad, balanced workflow
- 124 M$ of Developmental research (down Canal HCl)
- 124 M$ of Developmental research (down Canal HCl)

### Other Notes:
- 124 M$ of Developmental research (down Canal HCl)
### Long Term Capital Plan - 0 Year (Leveled plan)

**Rideau Canal**

<table>
<thead>
<tr>
<th>Asset Name</th>
<th>Real Cost</th>
<th>Component</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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<tr>
<td>Total # of Assets with Interventions</td>
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<td>104</td>
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<tr>
<td>2010 Total Interventions for CRF 1.2</td>
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<td>104</td>
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</table>
### Long Term Capital Plan 0 year (Leveled plan)

#### Rideau Canal

**8780 - RIDEAU CANAL, SHOP 1 ONTARIO EAST**

| Asset Name | Plan Code | Component | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | Total | Unit Cost | Total Estimated Expenditure (to $)
|------------|-----------|-----------|------|------|------|------|------|------|------|------|------|------|-------|-----------------|

#### Estimation Table

<table>
<thead>
<tr>
<th>Plan Code</th>
<th>Unit Cost</th>
<th>Total Estimated Expenditure (to $)</th>
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</thead>
</table>

**Note:** Detailed budget and cost information is provided in the attached document.

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**Page 5**
Eastern Ontario Field Unit

Sustainable Business Plan

Executive Summary, Situation Analysis and Sustainable Business Plan Strategies

Doug Stewart, Field Unit Superintendent
December 2003
Approval of Eastern Ontario Field Unit Business Plan

D. C. Stewart  
Field Unit Superintendent

Date

Alan Latourelle  
Chief Executive Officer  
Parks Canada

Date
Executive Summary

1. Asset Management:
   - EOFU manages assets valued at $526 Million (excluding Fort Henry)
   - Based on the Long Term Capital Plan for the EOFU, which is more modestly costed than industry standard indicators, the Field Unit should invest approximately $3.5 Million annually.
   - The EOFU has established and will maintain an asset management fund equal to 65% of original Field Unit Capital Allocation in Year 1. Value is approximately $1.4 Million (02/03 level) (adjusted for inflation).
   - 10% of the Asset Fund is dedicated to Heritage Presentation assets as part of the Engaging Canadians Strategy. Value is approximately $140 K (adjusted for inflation).
   - $1.26 Million ($1.4 Million - $ .14 Million) (adjusted for inflation) is available for contemporary and heritage assets annually.
   - At the projected level of asset investment, there will be an annual deficit of approximately $2.3 Million, with a cumulative deficit of $12 Million by year five of the plan.
   - Based on this projection and the worsening scenario beyond year 5, the sustainability of the Field Unit is seriously in doubt.

2. Operational Sustainability Strategy
   - The projected operating deficit for the EOFU will be $1.1 Million by Year 5 (08/09) of the plan, based on the initial 02/03 deficit and with projected increases in accordance with SBF assumptions.
   - The deficit will be managed by:
     - Increasing revenue (Target 400K)
     - Continuing, but reducing, the level of capital fund subsidy (Target 200K)
Reducing Costs (Target $500K)

Cost Reductions will be achieved by:

- Stopping certain work or functions (Target 110K)
- Finding internal efficiencies (Target 140K)
- Reducing programs which provide service to the public (Target 250K)

Reduced Service to the Public

- Options were identified and evaluated
- Plan identifies the need to eliminate the costs of operating one national historic site by year 3.
- Human Resource impacts are moderate and manageable

3. Achieving Priorities

- Although constrained by limited financial resources the EOFU will continue to make progress on the following priorities:

  - The Asset Management function capacity will be enhanced with improving data and analytical capacity
  - Progress will be made on Ecological Integrity subject to new funding through EI allocations.
  - Several key components related to Engaging Canadians will be delivered
  - Performance on Occupational Health and Safety will be significantly improved.
  - The restoration of Fort Henry, within the limits of approved funding, will be completed.


- The analysis identified high challenge levels for the FU with insufficient capacity in most cases.
- Capacity issues can not be effectively addressed because of the limitations of financial resources.
Situation Analysis

Principles for SBP Development

• The FU intends to regularize most of the FTE's presently funded from the capital program into the base over the next five years. The costed current organization chart for the Field Unit is $7,500.0 K including student salaries of $625.0 K. The salary and wage expenditures by year cannot be maintained over the next five to ten years at the current level without continuing to subsidize the operations from over programming and the capital programme. The existing operational deficit of $500 thousand would continue to grow to an estimated $1.1 M by 2008/2009.

• By year five of the planning program 29.34 FTE's in the FU will have reached 60 years of age or have 55 years of age plus 30 years of service. Although it is difficult to predict, there may be 15 or more positions that will become unencumbered by 2009. The FU will use these opportunities to reduce its workforce where possible, and redeploy staff into new positions that will more closely realign the FU to the Resource Template recommendations. A number of the actions that have been identified to achieve sustainability revolve around internal reorganization as a result of expected retirements, however, as a result, the overall capacity of the Field Unit will decline.

• There are a number of areas identified through the Resource Template exercise that will require the FU to move toward a different organizational model. Weaknesses were identified in the areas of Ecological Integrity and Resource Protection, Commemorative Integrity and Cultural Resource Management, Communications, Realty Management, and Programme Management. The FU will take steps to move toward the organizational model suggested by the template through shifting internal resources and positions as possible. However any large scale progress for EI and cultural assets can only be achieved if new funding is obtained.

• Real progress could be made to achieving organizational capacity to manage the FU challenge if positions could be reallocated to the FU from the OSC where better efficiencies and improved productivity would result. The FU has identified critical shortfalls in the areas of ecological integrity, planning, asset management, cultural resource management, communications and reality services. The FU has a sufficient level of need to devote full time professionals to work exclusively on issues and projects for Eastern Ontario. This is a reorganization of Parks Canada resources that should be explored during the present review of the Service Centres.
Asset Forecasting Assumptions

- The FU has over 1000 built assets with a replacement cost of $526 million of which 269 are heritage structures valued at $282 million (excluding Fort Henry NHS). Of these 1000 plus assets, there are over 162 with a $148 million replacement value that currently have significant issues that need to be addressed.

- Using targets provided in the SBP Guide, Annex 4, Asset Investment Forecasting Assumptions, the annual funding level for the management of assets in the Eastern Ontario FU should be $11.6 million. The LTCP for the Field Unit identifies an annual investment requirement of $3.5 million. In fact, at the recommended funding level of 69% (minus 10% for Heritage Presentation assets) of its capital allocation the FU has only $1.26 million to spend on asset related issues annually.

- Presently, there are over $16.7 million in unfunded asset projects in the FU, as well as an additional $20 million required to fund serious structural problems at Fort Henry (in addition to the $15 million already allocated to Fort Henry). The consequence of continuing to fund asset issues at this very low level is serious. With only a $1.26 million annual budget, it is evident that critical, large (>=$500k) replacement/recapitalization projects will never occur without supplementary funding. Some notable examples where cultural resources are in poor or threatened condition and funding is beyond the capability of the FU’s annual allocation are Inverarden NHS, Cathcart Tower, Jones Falls Flight Locks and Burritts Rapids Waste Weir stabilization.

- Only a fraction of the highest priorities in the FU can be funded each year. Many of projects continue to be deferred year after year without being done. Deferral of this work will result in increased health and safety risk and eventual loss of operational capacity and integrity. In some cases, the results of asset failure could be catastrophic i.e. flooding.

- A large number of heritage assets are in an advanced state of deterioration. Valuable historic fabric is at risk of being lost due to the inability of the FU to properly maintain these assets. As well, heritage structures are deteriorating to the point that major restorations or reconstructions are required. This is a critical sustainability issue.

*Note: The above FU figures do not include Fort Henry.

- Contemporary assets are also in declining condition and some have been identified for closure and/or removal in the sustainability scenarios for the FU i.e. docks and wharves, toilets.
The FU has made a decision to fund the recapitalization of heritage presentation assets at 10% of the 65% directed toward asset management. This translates to a $1400/year investment. This investment in HP assets is a strategic opportunity to ensure that renewed products are directed toward the Engaging Canadians strategy of Parks Canada.

With almost 2/3 of the FU assets being built heritage assets, the management of these and other associated cultural resources is historic and archaeological objects, landscape features is directly related to the Commemorative Integrity mandate of Parks Canada. The FU clearly identifies with a Level 4 or higher challenge level. CI cannot be achieved at the present funding levels.

Presently the FU is subsidizing its operations with more than $400K from the capital program to S&W and G&S. This subsidy will be reduced each year, to a target of $200K in year five.

**Engaging Canadians**

The Field Unit will develop a EC Strategy by March 31, 2004, which will be appended to this plan for implementation.

The EQFU EC Strategy will be used to refine and direct planned expenditure in 04/05 and will be fully integrated into the plan at its next update in Fall 2004.
<table>
<thead>
<tr>
<th>Template Element</th>
<th>Field Unit Self-Assessment</th>
<th>Rationale for Differences in self-assessment ratings</th>
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</thead>
<tbody>
<tr>
<td>Ecological Integrity/</td>
<td></td>
<td>Progress will be made, but it is not expected to reach the challenge level capacity within existing resources.</td>
</tr>
<tr>
<td>Resources Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Resources Management</td>
<td></td>
<td>Business Plan Strategies can only hold existing capacity. Challenge level can not be realized within existing resources.</td>
</tr>
<tr>
<td>Communications</td>
<td></td>
<td>Implementation of Engaging Canadians Strategy will facilitate increased capacity to meet challenge level.</td>
</tr>
<tr>
<td>Visitor Services</td>
<td></td>
<td>Activities are sustainable as per plan.</td>
</tr>
<tr>
<td>Townsite/Realty Management</td>
<td></td>
<td>Capacity issues cannot be addressed with existing resources.</td>
</tr>
<tr>
<td>Roads and Highways</td>
<td></td>
<td>Plan identifies some increase in capacity to manage assets but still short of challenge level.</td>
</tr>
<tr>
<td>Program – Asset Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Human Resources</td>
<td></td>
<td>HR Management activities are sustainable.</td>
</tr>
</tbody>
</table>
Sustainable Business Plan Strategies

- The FU has developed an approach to achieving a sustainable operation over the next five years and beyond. Notwithstanding a capital funding shortfall of approximately $2.7 million per year, the FU has developed an approach to achieving a sustainable operating budget over the next five years. The overall approach is a blended formula that will see the FU addressing its operational deficit of $600K which is anticipated to balloon to $1.1 million by 2008/2009 based on SBP assumptions.

- The FU has identified targets in each of these categories for each year of the five-year plan. The approach taken is shown by the following equation:

<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Increased Revenue +</td>
<td>New Funding +</td>
<td>Capital Subsidy +</td>
<td>Cosx Reductions = $1.1 million</td>
</tr>
<tr>
<td>Target ($400K)+</td>
<td></td>
<td>Target (0)+</td>
<td>Target ($200K)+</td>
<td>Target ($500K)+</td>
<td>$1.1 million</td>
</tr>
</tbody>
</table>

Factor A - Increased Revenue

- Increased revenue will be realized through the implementation of the National Revenue Strategy. It is assumed that the Field Unit will have the latitude to increase and retain revenue over the planning period. $400K is equal to a 25% increase in revenue from all sources including rights and privileges. If revenue performance varies from the target ($400K), the formula will be adjusted to reflect changes to the targets for the capital programme subsidy and further operational reductions. The previous target of $300K has been increased to $400K to deal with 08/09 pressures. These revenues will be derived from rights and privileges.

Factor B - New Funding

- No new funding has been factored into the SBP. If new money comes to the FU for EI or other targeted initiatives, it would not be identified for the sustainability formula as it would be directed to new initiatives. However, it may be possible to allocate some new funding for EI to cover EI Strategy investments made in the last two years for which no funding was previously available.
Factor C - Capital Subsidy

- The subsidy from the capital programme to operations will be reduced from the present level of over $400K to $200K by 07/08. It is unlikely that the subsidy can be reduced further due to the severity of consequences related to other factors. The FU has booked the 65% for asset management leaving approximately $750K capital for other requirements. In Year 1 it is anticipated that a $400K subsidy will remain leaving $350K for other investment needs. By reducing the capital funding subsidy to $200K in Year 5, the FU will have $550K available to respond to strategic priorities in EII and CI and move itself closer to the levels recommended in the Resource Template. Any surplus in the long term will be used to invest in Asset Management.

Factor D - Cost Reductions

- Based on the reasonable assumptions related to Factors A, B and C, it is clear that the sustainability strategy must include the reduction of approximately $300K in operations costs by year 5 of the planning period. Operational reductions will be achieved through a combination of factors. All planned reductions were developed using a hierarchical approach where reductions and efficiencies which could be met internally would be used before service to the public would be effected. Cost reductions options that are available to the FU include:

<table>
<thead>
<tr>
<th>X</th>
<th>Y</th>
<th>Z</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Functions/activities that will be terminated +</td>
<td>Internal efficiencies to be achieved +</td>
<td>Reduced service to the public =</td>
<td>$500K</td>
</tr>
<tr>
<td>Target (110K)</td>
<td>Target (140K) +</td>
<td>Target (250K) =</td>
<td>$500K</td>
</tr>
</tbody>
</table>

Sub Factor X - Stop Functions

Certain activities that the FU has been engaged in in the past will be terminated. There is however very little latitude in this regard as most opportunities were acted on during program review. It is planned to achieve the target of 110K by a number of actions including; stopping the subsidies to the Bytown Museum and Rideau Canal Museum, reducing the number of TODS provincial tourism signs to only certain strategic locations throughout the FU, eliminating vacant positions in the Rideau Canal shops and by finding an operator/partner/owner for Inverarden House NHS.

Easternario Field Unit, December 2003
Sub Factor Y - Efficiencies

Efficiencies will be realized through reorganization of work, combining some positions and reallocating functions. There is however very little latitude in this regard as most opportunities were actioned during program review. Costs will be reduced for some activities like weed harvesting on the Ottawa Reach of the Rideau Canal. Island infrastructure will be reduced at SLI and certain efficiencies will result. The target is $140K in efficiencies.

Sub Factor Z - Service to the Public

Many options were reviewed during the planning process. Given the order of magnitude of the reductions necessary, it has been determined that only major decisions will achieve the result required. Otherwise, the EOUF would be required to make a myriad of minor changes many of which would be questionable in terms of reliability. It is also believed that such changes would only serve to erode the quality of our public service, the marketability of our programs and negatively impact our revenue.

To achieve the reduction targets identified for the FU certain actions will affect service to the public. Two scenarios have been developed that will have profound effect on the public. The first scenario (OPTION 1: Table 3) is to find a 3rd party operator for one of the NHSs within the FU, or failing that, closing the site. The second (OPTION 2: Table 3) is to reduce the operating season at all sites in the FU from Victoria Day weekend to Labour Day weekend. Either one of these options will result in reduced service, and both will be politically distasteful. Option 1 is the preferred option for reducing service to the public. After careful analysis it is believed that one major cut is preferable to a general reduction in public service at every location.

- The specific actions proposed by the FU by service line are outlined in Table 3.
Rideau Canal Asset List

The responsibility for the condition of the Rideau Canal’s complex mix of contemporary and heritage assets is delegated to Rideau Canal Engineering. Of the canal's 487 built assets, 175 are historic structures dating back to the 1826 - 1832 construction period. Their replacement in kind value is estimated to be $260 000 000.

To ensure that maintenance and conservation activities take place in an effective and timely manner, particularly for the heritage assets, Rideau Canal Engineering undertakes an inspection program to monitor the condition of the canal’s assets. Each year, one-third of the canal’s assets receive a thorough inspection. In addition, the canal’s maintenance and operations staff monitor the condition of assets as part of their normal, daily routine during the operation season.

To track the condition history of every asset, the findings of the annual inspection program are documented in a computer software database, the Asset Information Management System (AIMS), and in an electronic image library which now contains approximately 10,000 images. Examples of the type of information that the database documents for each asset are:

- Asset number and name,
- Asset replacement cost,
- Date of construction,
- Dates and brief description of significant maintenance interventions,
- Historic significance ranking,
- A brief statement of the historic significance of a heritage asset,
- An Overall Asset Condition (OAC) rating, and asset condition subcategory ratings for:
  - Health & safety issues,
  - Risk to asset issues (specifically risk to historic fabric),
  - Level of service (or loss thereof), and
  - Urgency for intervention,
- A brief statement of asset condition and issues needing to be addressed,
- Dates of past inspections,
- The date of the next scheduled inspection, and
- Priority for intervention, timing of intervention and budgetary requirements.

The annual inspection program enables decisions to be made relating to the maintenance and conservation of assets. These decisions are incorporated in the canal’s Long-term Capital Plan (LTCP) which identifies priorities, year of intervention and budgetary requirements for the upcoming ten year period. The plan is updated annually.

Rideau Canal Engineering oversees, or is directly responsible for, all major maintenance and conservation activities undertaken on the system. It should be noted that the canal attempts to undertake the most sensitive work using in-house forces rather than outside contractual firms because of the special care required when dealing with historic structures.
The monitoring program described above is augmented by a Preventive Maintenance (PM) Program for certain types of assets. The PM process is directed at the canal’s more complex structures, heritage and contemporary swing bridges, for example, in an attempt to identify and correct potential issues before they deteriorate into actual problems.

The Rideau Canal Structures report of January 17, 2005, is attached to illustrate the types of reports that are generated from the AIMS database. The following is a key to the terminology used in the report:

**Replacement Cost**: Cost to replace asset in kind in Canadian dollars

**CRM**: Cultural Resource Management ranking:

"1" – Nationally significant, as recommended by the Historic Sites and Monuments Board and approved by the Minister,

"2" – Regionally significant, as approved by Parks Canada,

"0" or Blank -> not historically significant.

**OAC**: Overall Asset Condition

**H&S**: Condition of asset in terms of health & safety Issues

**RTA**: Condition of asset in terms of risk to asset (including historic fabric)

**LOS**: Condition of asset in terms of level of service (as influenced by its condition)

**URG**: Urgency for remedial action

**Date**: Use of this field is currently being updated

**Notes**: 1. For OAC, H&S, RTA, LOS:

A: indicates Good
B: indicates Fair
C: indicates Poor

2. For URG:

A: indicates no intervention required within 5 years
B: indicates probable intervention required within 4 - 5 years
C: indicates probable intervention required within 3 years
<table>
<thead>
<tr>
<th>Asset Number</th>
<th>Name</th>
<th>Replacement Cost (K$)</th>
<th>CR M</th>
<th>OAC</th>
<th>H&amp;S</th>
<th>RTA</th>
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2005/01/17

Asset List (With CRM Level)

Rideau Canal Structures

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<td>MERRICKVILLE - GAUGE HOUSE</td>
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<td>KILMAR - WEIRS (5 BAYS)</td>
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<td>H&amp;S</td>
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<td>02703</td>
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**Note:** The table above lists various assets related to the Rideau Canal Structures, including names, replacement costs, and dates. The details include various segments of the canal such as bridges, locks, weirs, and associated buildings and infrastructure. The assets are listed with their respective identifiers and descriptions. The costs appear to be in thousands of dollars, and the dates are in the format of 'YYYY/MM/DD'.
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Report: assetlistwiththenivel fxr | 2005/01/17
## Asset List (With CRM Level)

### Rideau Canal Structures

(index by park/asset)

### Asset Number | Name | Replacement Cost (K$) | CRM | OAC | H&S | RTA | LOS | URG | Date
--- | --- | --- | --- | --- | --- | --- | --- | --- | ---
0770-1 | RIDEAU CANAL, SOUTHERN SECTOR
07205 | WOLFE LAKE: GROUNDS | 2,948.0 | B | B | A | B | A | A | 1993/01/08
07300 | MORTON OVERFLOW DAM | 2,948.0 | B | A | B | A | A | 1993/01/08
07301 | MORTON DAM: WEIR | 211.0 | A | A | A | A | A | 1993/08/11
07301 | MORTON DAM: GROUNDS | 211.0 | A | A | A | A | A | 1993/08/11
07304 | MORTON WHARF FLOATING | 20.0 | B | B | B | A | A | 1993/08/11
07306 | Morton Dam: Guard House Keenam | 10.0 | A | A | A | A | A | A | 1993/08/11
07500 | BEAUPRE ISLAND | 10.0 | C | C | C | C | C | C | 1993/08/11
07501 | BEAUPRE: COTTAGE | 10.0 | C | C | C | C | C | C | 1993/08/11
07502 | BEAUPRE: ICE HOUSE | 10.0 | C | C | C | C | C | C | 1993/08/11
07503 | BEAUPRE: BRICK FARMHOUSE | 10.0 | C | C | C | C | C | C | 1993/08/11
07504 | Beaufre - Servants Quarters | 10.0 | C | C | C | C | C | C | 1993/08/11
07505 | BEAUPRE: BARN | 10.0 | C | C | C | C | C | C | 1993/08/11
07506 | BEAUPRE: GROUNDS | 10.0 | C | C | C | C | C | C | 1993/08/11

### General Equipment - SA

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2005/01/17

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RIDEAU CANAL AND
TRENT–SEVERN WATERWAY
NATIONAL HISTORIC SITES OF CANADA

Policies for In-Water and Shoreline Works
and Related Activities

Draft for public review and comment
RIDEAU CANAL AND
TRENT–SEVERN WATERWAY
NATIONAL HISTORIC SITES OF CANADA
Policies for In-Water and Shoreline Works
and Related Activities

June, 2004

Draft for public review and comment
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1.0 INTRODUCTION

Parks Canada's Historic Canals

Parks Canada manages and protects seven historic canals for the use, enjoyment and benefit of all Canadians. In Ontario, the Trent-Severn Waterway and the Rideau Canal are historically and environmentally significant heritage resources that find their roots as nineteenth century transportation systems, but continue to contribute to Canadian society today. These heritage waterways provide outstanding recreation and learning opportunities and make significant economic contributions to their regions and to Ontario.

As part of its responsibility for setting long term management direction for historic canals, Parks Canada is putting in place balanced and responsible shoreline management policies that will facilitate the needs of shoreline property owners, yet ensure that the heritage and recreational values of the waterways will continue to be sustained for the benefit of current and future generations of Canadians.

Objective

The objective of this document is to provide clear direction for the construction of in-water and shoreline works and related activities normally associated with the development and use of waterfront properties for residential purposes adjacent to the Rideau Canal and Trent-Severn Waterway National Historic Sites of Canada.

The policies will:

- provide shoreline residents with clear and consistently applied policies with respect to shoreline development activities,
- minimize the cumulative effects of shoreline and in-water works,
- contribute to the ecological health and sustainability of the Canals,
- contribute to public enjoyment of the canals by preserving the visual landscape and minimizing noise disturbance, and,
- protect public safety by ensuring that in-water and shoreline works do not interfere with navigation or other uses of the canals.

Key Policy Directions

The Rideau Canal and Trent-Severn Waterway National Historic Sites of Canada are managed to provide a wide range of benefits to Canadians. They protect extremely important elements of the historic fabric of Canada including First Nations cultural sites dating back 6,000 years and historic features which are remnants of Canada in the early 19th century.

The Historic Canals also make important ecological contributions to Ontario through protection of wetlands, attention to water quality and preservation of habitats for many species including an impressive array of species at risk. Both canals also play an important role in managing water to provide for navigation, hydro-electric production and flood mitigation.

The Canals are important recreational assets providing outdoor recreation opportunities for boaters, fishers, picnickers, campers, cottagers, resort goers and others. In an age when our population is growing and access to public open space is diminishing, this is an important contribution.

There is little doubt that the Canals also make valuable contributions to the economic well-being of the Province and of Canada. Many thousands of boaters use the canals each year. Millions visit and enjoy the lock stations and other public sites along the Canals. Many community businesses thrive by providing...
service to those who visit and use the canals and, indeed, some communities are literally built around the lifestyles that are associated with water.

The broad purpose of these policies is to ensure that the many values which the Canals provide to Canadians are sustained. Parks Canada will use these policies to evaluate proposed in-water and shoreline through the permit process. The intent is that landowners, in planning and designing for in-water and shoreline work, will ensure that their project has the lowest possible impact on the environment and will not interfere with navigation and public safety. These policies apply to work associated with single residential lots. Policies for commercial development and infrastructure work will be included in a separate document.

These requirements are consistent with widely accepted standards for the construction of in-water and shoreline works and are based on the most current understanding of environmental effects as well as being consistent with the current legislative authorities and policies noted in Appendix A.

A list of the beds of the lakes and rivers owned by the federal government and administered by Parks Canada on which these policies apply is provided in Appendix B.

2. IN-WATER AND SHORELINE WORKS AND RELATED ACTIVITIES SUBJECT TO THE POLICIES

In-water and shoreline works are defined as all work taking place, and all structures built on or over the beds of the Trent-Severn Waterway and Rideau Canal and those at the shoreline which clearly impact on Parks Canada’s interests.

The following among other things, are considered to be in-water, shoreline works and related activities over which Parks Canada has jurisdiction and include but are not limited to installation, repairs & replacements, modifications or additions and annual or sporadic maintenance:

- Docks and boatlifts
- Boathouses & boat ports
- Dredging including the removal or relocation of logs, stumps or rocks
- Shoreline stabilization
- Beach creation
- In-land Boat slips, and Mooring Basins
- Launch ramps
- Marine railways
- Waterlines
- Mooring buoys, Swimming buoys, Swimming rafts, and Water ski Courses and ramps
- In-water and shoreline works in narrow channels
- In-water and Shoreline works in Wetlands

All of the above activities require written permission from Parks Canada in accordance with the Historic Canals Regulations and other legislation identified in Appendix A. Provincial legislation regarding water quality, fish and wildlife habitat, floodplains and hazard lands may also apply.
3. GENERAL POLICIES

The following general policies apply to in-water and shoreline works and related activities. Proponents of projects must ensure that the policies applicable to a particular type of work are considered when submitting an application. In addition, specific policies for each type of work or activity must also be adhered to.

POLICIES

3.1 Construction of in-water and shoreline works and related activities must conform to the approved permit. Parks Canada may inspect the work to ensure compliance.

3.2 It is the applicant's responsibility to ensure that the proposed work meets the requirements of all other federal and provincial agencies and the municipality.

3.3 Where an encroachment onto the bed of the waterbody already exists, permission to undertake in-water and/or shoreline works will only be considered if the property owner obtains authority to occupy to the filled area.

3.4 No more than 25% or 15 m (50 ft), whichever is less, of any one residential property owner's shoreline may be developed with in-water or shoreline structures, exclusive of shoreline erosion protection/retention works.

3.5 To protect warm water fish spawning activity, no in-water work will be permitted during spawning activity between March 15th or March 31st depending on the water body, and June 30th inclusive in any year. Additional restrictions during the fall/winter may also apply to coldwater lakes to protect lake trout and whitefish spawning activity.

3.6 Sediment and erosion control measures are required to prevent the entry of sediments into the water and to control turbidity levels.

3.7 In-water and shoreline works and activities are not permitted within identified fish spawning areas and other significant fish habitats, and impacts on wildlife habitat will be minimized.

3.8 Species at risk and their habitats will be protected.

3.9 Wetlands will be protected. No new in-water and shoreline works that could have a significant adverse impact will be permitted.

3.10 Proponents may be required to provide a detailed environmental assessment for projects where significant environmental impacts may occur.

3.11 Cultural resources on the bed of the Canal and Waterway will be protected.

3.12 Shoreline and in-water works must be located a minimum of 4.5 m (15 ft) away from the side lot line as projected into the water perpendicular from the shoreline. In unusual circumstances a variance may be granted provided the proponent also seeks to obtain the written consent of adjacent property owners.

3.13 Regular maintenance and repair that does not alter an existing structure or involve an addition will be allowed without a permit. All other repairs, renovations or replacement will require a permit and where possible have a net positive impact on the environment.
3.14 In-water works, shoreline works and activities must not constitute a public safety hazard.

3.15 Treated wood that meets provincial and federal standards will be allowed provided the wood is pre-treated and dry before it is placed in the water. Creosote preservative and wood treated with creosote will not be approved.

3.16 Applications for replacement works must conform with the policies.

3.17 All applications for shoreline and in-water works require detailed plans or sketches showing the location and nature of the work.

3.18 All activities excluding maintenance procedures shall be controlled to prevent the entry of petroleum products, debris, rubble, concrete or other deleterious substances into the water.

3.19 Structures, works, facilities and activities must not interfere with or pose a hazard to navigation.
4. DOCKS AND BOATLIFTS

CONTEXT

Docks are the most common form of in-water work. A boatlift is a device used to lift a boat clear of the water. Docks and boatlifts are allowed in most circumstances as long as there are no significant adverse environmental or cultural resource impacts, and public safety and navigation is not compromised.

Docks have a great potential for harmful effects owing to their popularity and location in the most sensitive part of the littoral zone.

The potential impacts include:

- Detrimental impacts on, or destruction of fish spawning habitat as a result of dredging and construction activities;
- The loss of natural shoreline and aquatic vegetation;
- Erosion, siltation and other impacts caused by altering natural water flows;
- Blocking of sunlight needed by aquatic plants thus resulting in a loss of fish habitat;
- Associated human use on land and water, which can result in further habitat loss and disturbance of natural shore vegetation.

POLICIES

1. Generally, cantilevered, floating, and docks supported on legs, posts or pipes are recommended. crib style docks with open spans may also be permitted if certain circumstances warrant such as areas of heavy wave action and large vessels. Open pole-supported docks are also allowed. docks consisting of solid in-water structures will not be approved.

2. When crib and span arrangements are used (e.g. crinf & span design), they must be open-faced.

3. Rocks used must be clean and free of soil, taken or imported from land but not from a lake or river bottom or shoreline.

4. Structures to secure docks to the shore shall be installed above the upper controlled navigation (water) level.

5. Size limits for new or replacement docks, including any attached fingers are as follows:
   - It will fit within an 8 m x 10 m (26 ft x 32 ft) rectangular area or envelope adjacent to the shore.
   - A maximum of two fingers from the main dock section.

   - The combined maximum surface area of a dock and fingers is 46 m² (496 ft²).
   - The maximum width of the section of dock projecting into the water is 2.4 m (8 ft) and the maximum length is 3.7 m (12 ft). Access ramps, if used, are normally included as part of this length limit and are not to exceed 1.2 m (4 ft) in width.

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• The maximum width of any additional section is 1.8 m (6 ft)

• The maximum depth of a dock installed parallel to or along (rather than perpendicular to) the shore is 2 m (6 ft)

• The first 3 m (10 ft) of dock adjacent to the shore must be provided as an open span to accommodate water circulation and exchange and fish movement

• The maximum total footprint of crbs in a dock is 15 m² (160 sq ft)

• A minimum of 50% of the total length of a dock, including any attached fingers, must be one or more open spans

6. Boatlifs must be located within the specified dock area or upland fronting onto the specified dock area

7. Boatlifs must be an open design; enclosed walls are not permitted

8. Gazebos on docks are not permitted

9. In the case of very shallow water an extension may be granted to allow for sufficient depth for boat mooring

10. Docks must not interfere with water flow and currents

11. Flotation for floating docks shall be enclosed and contained, where necessary, to prevent the escape or breakup of the flotation material into the water

12. The installation of floating docks will be permitted during the mid-March to June 30th period provided they can be floated in and secured to their anchors without causing harmful disturbance to fish spawning activity or habitat. No heavy equipment is allowed on the bed during this period
5. BOATHOUSES AND BOAT PORTS

CONTEXT

Boathouses and boat ports are structures designed to shelter boats from the sun and rain and are often used to provide storage during the winter. A boathouse has walls and a front door while a boat port consists of a roof only without walls. These structures are usually built over water and may include docks on both sides to allow for boat mooring and access to deep water. Care must be exercised in site planning and design of these structures in order to avoid harmful effects owing to their scale and highly visible location in both the littoral or riparian zone.

Boathouses and boat ports have much the same potential impacts as docks in addition to the following:

- A change in the visual character of the waterfront, with the introduction of a highly visible structure on the shoreline,
- A potential to affect views from neighbouring properties,
- Owing to their larger overall footprint, boathouses prevent sunlight from reaching the littoral zone thereby altering the characteristics of the aquatic ecosystem,
- The potential for more contaminants to leach into the water body (eg from an asphalt shingle roof)

POLICIES

1. The outside dimensions of the structure including any cnbs, attached walkway or dock must fit within an 8 m x 10 m (26 ft x 32 ft) rectangular area or envelope

2. The width of the structure parallel to the shore will be included in the 25% or 15 m (which ever is less) limit on the development of in-water works along the water frontage of a property.

3. The maximum footprint of supporting structures is 15 m².

4. While the structure is to be built as close as possible to the natural shoreline, a 3 m open span along the shore is required to allow for longshore current movement.

5. A minimum of 50% of the total length of the supporting structure that extends out from the shoreline must be one or more open spans.

6. A maximum of one boathouse attached to one lot.
7. To minimize the visual impact of boathouses and boat ports the following design conditions will apply

- The roof line of double pitched or hipped roofs will be no more than 4.5 m above the upper controlled navigation level,
- Flat roofs will be no more than 3.5 m above the upper controlled navigation level. Access to the roof for use as a deck will not be allowed,
- No services other than electricity are permitted. External illumination will be designed to minimize light pollution,
- The application for a boathouse or boat port will require photographs from a variety of angles of the land and along the shoreline during the navigation season to clearly show the proposed location and setting of the structure and its relationship with the existing shoreline and in-water works, and adjacent properties,
- Proponents will use materials and colours that blend in with the surrounding landscape,
- Elaborate building are generally discouraged,
- A boathouse may have up to two openings towards the water

8. Proponents must provide proof that they have informed adjacent property owners of their intent to apply for permission to build a boathouse or boatport and provide them with an opportunity to comment on the application to Parks Canada.

9. For the construction of upland boathouses, the following policies apply

- All excavated and dredged material must be placed upland at least 15 m from the shoreline, or in accordance with the requirements of another agency, whichever is greater, and must be stabilized to prevent the dredged material from re-entering the water,
- The policies for dredging would apply if dredging is required to provide access to the boathouse,
- The removal of upland shoreline vegetation shall be the minimal amount necessary to accommodate the installation of the new boathouse.

10. Conversion of a boatport into a boathouse will require a new application
6. DREDGING INCLUDING THE REMOVAL OR RELOCATION OF LOGS, STUMPS OR ROCKS

CONTEXT
Dredging is the removal, relocation or dislodging by digging, gathering or pulling out or otherwise, or to alter any natural or other material or object for the purpose of the following activities: commercial harvesting, creating new channels or boat slips, altering the shoreline, constructing or placing any in-water structures such as wharves or retaining walls or maintaining previously dredged areas or openings to any dredged area on private land.

The potential impacts are:
- Loss of aquatic habitat for a wide variety of aquatic organisms;
- Destruction of fish and fish spawn;
- Turbidity and re-suspension of sediments from the bed;
- Alteration of water circulation and exchange;
- Deposition of sediment in nearby waters.

POLICIES
1. Logs, stumps and rocks may not be removed from the bed and in some circumstances may be relocated in front of the property in an area of similar water depths.

2. Dredging will not be allowed in wetlands dominated by emergent vegetation or in areas containing rock rubble on the lake or river bed.

3. The size and depth of the area proposed for dredging should be minimized. No more than 25% of the shoreline length to a maximum of 15 m may be dredged in front of residential property.

4. A single boat channel dredged through a shallow area to deeper water may be no wider than 6 m (20 ft), dredging of communal boat channels shared among adjacent property owners may not exceed 8 m (26 ft) in width.

5. Proprietary for dredging must demonstrate that there will be no significant adverse environmental impacts, fish spawning and nursery areas should be avoided.

6. Dredged material must be placed upland at least 15 m from the shoreline, or in accordance with the requirements of another agency, whichever is greater, and must be stabilized to prevent the dredged material from re-entering the water.

7. For open water dredging, a silt or turbidity curtain should be properly installed and maintained around the entire work area prior to the start of dredging.
7. SHORELINE STABILIZATION

CONTEXT

Shoreline stabilization refers to a variety of works designed to prevent or reduce erosion. These works include the preferred methods of bio-engineering or rip-rap, or a variety of vertical shore walls which are usually composed of armour stone, masonry rock, concrete, steel, wood, plastic, or gabion baskets.

While vertical shore walls have short-term benefits, the retention of existing emergent aquatic vegetation and planting of additional trees and shrubs on the shoreline bank (bio-engineering) is the preferred and most effective method of arresting and preventing further erosion in an environmentally responsible manner. Rip-rap, which is the placement of clean angular stone or rock rubble on a slope, may be used in combination with, or where bio-engineering methods alone would not be effective. Properly sized rip-rap placed along a waterfront over a geo-textile filter fabric is quite effective in dissipating wave action, and preventing soil particles from washing out while allowing land-based moisture to naturally percolate back into the water body.

The most damaging impacts of vertical shore walls as opposed to other methods of shoreline stabilization are:

- Transformation and hardening of the shore,
- Encroachment onto the bed of the Canal or Waterway,
- Alteration, disruption or destruction (loss) of fish habitat;
- Altered wave energy and current patterns;
- Sediment transport, turbulence and scouring of the bottom;
- Disruption of the life cycle of aquatic organisms, such as blocking access by amphibians and reptiles back and forth between water and land,
- Short or long-term loss of native waterfront vegetation that plays an important role in preventing erosion and sheet runoff into the water body;
- Poorly constructed walls are far more prone to damage due to frost-heaving, erosion when inundated by water or pounded by waves, and destruction by ice movement.
POLICIES

1. New shore walls must be constructed above the upper controlled navigation level high water mark and must not alter the existing shoreline contour.

2. The retention of native shoreline vegetation, bio-engineering and rip-rap are, in order, the preferred methods for shoreline stabilization.

3. Rip-rap is normally approved for shoreline stabilization subject to the following:
   - The material used is clean imported angular stone or rock between 10 and 45 cm (4 - 18 in) in size.
   - A geotextile filter fabric is to be installed under and behind the rock.
   - A 3:1 (horizontal:vertical) slope ratio is recommended and may not be steeper than 2:1 unless justifiably proposed in an accredited geo-technical report.
   - Excavation to create the slope shall be upland, excavation or dredging of the bed is not normally permitted.
   - Natural stone must be imported and not removed from the lake or river bed for shoreline stabilization.

4. Encroachment of rip-rap shoreline stabilizations onto the lake or river bed of up to 1 m (3 ft) may be permitted if it can be demonstrated that:
   - The encroachment is required to protect significant trees threatened by erosion,
   - The encroachment onto the bed will not harmfully affect fish or fish spawning sites;
   - The shore stabilization work would not result in the removal of significant natural shoreline vegetation.

5. In exceptional circumstances an encroachment beyond 1 m may be allowed if supported by a geotechnical study.

6. New vertical type shorewalls may be considered if:
   - Other methods of shore stabilization such as bio-engineering or rip-rap have been considered and found to be unacceptable due to site conditions,
   - The shore wall will be excavated upland of the high water mark and no encroachment onto the bed of the waterbody will occur,
   - The shore wall will not alter the existing shoreline contours,
   - The shore wall construction will not result in the removal of natural shoreline vegetation,
   - The shore wall will not result in the harmful alteration, disruption or destruction of fish habitat or other wildlife habitat,
   - The backfill will be clean imported material,
   - Filter cloth will be installed behind the shore wall to prevent the migration of fines into the water,
   - Clean imported rip-rap or rock rubble, of a size approved by the Canal or Waterway & free of silts and organic debris, will be placed along the toe of the wall to prevent scour and create aquatic habitat;
   - The construction of these works has been approved by the appropriate agency with jurisdiction over waterfront development.
8. BEACH CREATION

CONTEXT

Natural sand beaches and swimming areas are uncommon along much of the Rideau Canal or Trent–Severn Waterway. As a result, some property owners have created upland beaches and swimming areas to enhance the recreational use of the waterfront.

The negative effects of placing sand for beaches or swimming areas can include:

- Encroachment onto the bed of the Canal and Waterway,
- Alteration, disruption or destruction of fish habitat,
- Destruction of habitat for bottom dwelling organisms,
- Removal of native waterfront and aquatic vegetation,
- Transport of sand or aggregate materials to other sensitive aquatic habitats by water currents or wind, waves, or ice action,
- Transport of sand in front of neighbouring properties.

Upland beaches are usually less environmentally disruptive than the installation of in-water beaches. In occasional instances (and providing the beach is seldom used in spring and early summer), in-water beach creation and swimming areas can improve fish spawning sites if the material is suitable for fish spawning activity and is placed in an area where spawning habitat is marginal. Experience has shown, however, that in areas where a natural beach does not exist, in-water beach building efforts are usually unsuccessful and/or require continual maintenance that can be costly to the environment and expensive.

POLICIES

1. Beaches will be allowed above the high water mark provided the aggregate material is stabilized and contained to prevent entry into the water.

2. Aggregate may not be placed over areas of larger material such as natural rock rubble, or within wetland areas.

3. Beaches and swimming areas created below the high water mark will be permitted if it can be demonstrated that fish spawning sites will not be affected and there will be a net gain of fish habitat.

4. The maximum sized area approved for in-water beaches is 4.6 m (15 ft) width by 15 m (50 ft) distance out onto the lake or river bed, provided the 25% rule is respected.

5. The material placed on the lakebed shall be either pea gravel or clean or washed sand. The material placed on the bed will not be placed over larger-sized materials, including rock or stone.

6. The work must not result in the removal of rock, stone, logs or stumps.
9. INLAND BOATSLIPS AND MOORING BASINS

CONTEXT
An inland boat or wet slip is a small artificial slip or basin excavated into the shoreline bank and designed to provide a protected mooring area for one or possibly two boats. The term mooring basin is used to describe an upland excavated enclosure for several boats usually with a small narroW access channel to the waterbody. Mooring basins are often constructed and used by commercial operators. These types of facilities are on private land and can offer greater protection for boats from wave action and currents.

The impacts of these facilities can be:
- The removal of aquatic, shoreline and waterfront vegetation and associated upland habitats;
- Dredging of the shallow littoral zone to provide adequate depth for vessel access and use;
- Siltation, erosion and alteration of currents which in turn could negatively affect the aquatic environment on a long-term or on-going basis.

- Creating areas which can trap floating debris and thereby affect water quality;
- The potential creation (often nominal) of new fish habitat.

POLICIES
1. Shoreline stabilization: Requested for the walls of a basin shall normally be assessed according to the shoreline stabilization policies.
2. Any dredging of the water body bed to provide sufficient depth for boat access shall be assessed according to the dredging policies.
3. Material removed during the construction of the basin shall be disposed 15 m upland or above the floodplain.
4. Mooring basins will not be allowed in wetlands or near known fish spawning areas.
5. The width of the basin shall be incorporated into the maximum shoreline disturbance limit of 25% of the frontage or the dock/boat house envelope of 8 m (26 ft), which ever is less.
6. Efforts should be made where possible to enhance fish habitat in the basin by placing suitable substrate material.
10. LAUNCH RAMPS

CONTEXT

Boat launch ramps are usually located at marinas or public parks but are occasionally proposed for a residential waterfront property. The requirements for a ramp usually require excavating or cutting into the shoreline and placing gravel, rock or concrete to accommodate the launching of a boat.

Installation of a ramp involves dredging, filling or cutting of the bank, which may result in:

- Short term or on-going siltation, erosion and alteration of water movement patterns,
- The loss of fish habitat resulting from the placement of ramp material,
- Removal of shoreline vegetation;
- A public safety hazard when the launch ramp is constructed in a narrow channel or near the navigation channel.

POLICIES

1. Boat launches shall be incorporated into the maximum shoreline disturbance limit of 25% of the frontage or 15 m (50 ft.), whichever is less.

2. Launch ramps must not be constructed in known fish spawning areas or result in the destruction of emergent aquatic vegetation.

3. Concrete and wood may be used above the high water mark, the in-water portion of a launch ramp shall be an aggregate mixture such as clean granular "B" pit run material 60 - 70% sand, 30 - 40% gravel (0.2 cm 1/8 in - 0.8 cm (3 in) diam). A steel grid base may also be permitted.

4. Neither in-water nor near-shore upland based asphalt surfaces will be approved for such facilities due to the detrimental leaching impacts (on water environments) of this petroleum-based product.

5. Launch ramps must be stabilized to prevent runoff or erosion caused by wake.

6. Launch ramps must not be located within 30 m (100 feet) of navigation channels.

7. Shoreline modifications to accommodate launch ramps must be minimized.
11. MARINE RAILWAYS

CONTEXT

A marine railway consists of a set of tracks and carriage leading into the water that will allow a boat to be lifted entirely out of the water and transported upland when not in use. Marine railways are sometimes associated with upland boathouses or boat ports that provide safe vessel storage and over-wintering of boats.

Although usually less intrusive than other structures such as in-water boathouses, the construction of a marine railway can still require dredging, filling and/or cutting of the bank, all of which can have negative effects such as:

- Removal of shoreline vegetation;
- A navigation or swimming hazard;
- Trapping floating aquatic vegetation which decays and can affect water quality;
- In-water supports can harmfully alter fish habitat.

POLICIES

Parks Canada will allow the construction of marine railways under the following conditions:

1. The track and its supports must be constructed of material that will not leak contaminants into the water.
2. The marine railway must not constitute a hazard to navigation or other recreational users of the water.
3. The railway must be located within the allowable specified dock area.
4. The railway must not be placed in a known fish spawning area.
5. The railway must be constructed and placed in a manner that will minimize the removal of shoreline vegetation and will not require substantial alteration to the shoreline.
12. HEAT PUMP LOOPS

CONTEXT
When properly installed, these type of facility do not have any significant environmental impacts. Fewer impacts (and restrictions) result if these works are also proposed outside of the critical fish spawning/nursery periods and away from significant wetlands. Licensing of these works may be required to ensure that there are no adverse impacts to navigation or the environment.

Possible implications resulting from improper installation of heat pump loops can be:

- Disruption or minor alteration of fish spawning sites,
- Increased erosion of shorelines,
- Short-term turbidity in the water,
- Loss of emergent aquatic vegetation during the installation,
- Damage to the line or loop resulting from ice movement,
- A hazard to navigation if installed improperly or at too shallow a depth.

POLICIES
1. Installation of submarine cables and heat pump loops must not occur during fish spawning activity.
2. Removal of shoreline vegetation shall be minimized.
3. Heat pump loops may have to be trenched into the bed or laid in a minimum depth of water to protect them from ice damage. Any excavation of the shoreline to accommodate the submarine cable or heat pump loop must be stabilized to prevent erosion.
4. Excavated material from the bed must be placed upland a minimum of 15 m (50 ft.).

Material used to cover the submarine cable or heat pump loop on the bed must be clean imported material free of silts and organic debris.
13. WATERLINES

CONTEXT
Waterlines for residential properties can often be seasonal, which lay on top of the shoreline bank and extend out onto the bed of the water body, or permanent waterlines which are excavated into the shoreline and into the bed of the lake or river to provide water year round.

Potential implications for the installation of waterlines include:

- Alteration, disruption or destruction of fish habitat,
- The removal of a portion of the shoreline and the associated vegetation,
- Loss of emergent aquatic vegetation during the installation.

POLICIES
1. The installation of waterlines shall not result in a loss of wetland habitat or rock rubble on the bed of the waterbody.
2. Where rock rubble habitat exists, there may be allowances for this material to be carefully scraped to the side and then replaced back in the same location once the work is complete.
3. If dredging is required to install the waterline, the work shall be assessed according to the shoreline polices for dredging.
4. For waterlines excavated into the shoreline, the shoreline area shall be stabilized and restored back to its original state or better.
14. MOORING BOUYS, SWIMMING BUOYS, RAFTS AND WATER SKI COURSES AND RAMPS

CONTEXT

These types of floating facilities are installed offshore to allow for recreational use of the water surface. If carefully installed and maintained, the environmental impact can be negligible as all that is required is an anchor to secure them to the bottom.

Potential implications of these facilities can be:
- Hazard to navigation,
- Noise,
- Breaking loose of anchor cables,
- Obstruction of other waterfront recreational uses,
- In the cases of water ski courses and ramps, high speed vessels in proximity to the shore.

The following policies apply to these facilities:

POLICIES

Moorings Buoy

1. Moorings buoys will only be allowed in exceptional circumstances e.g. where there is insufficient depth for a deep draft vessel near shore, and only for the mooring of a vessel owned by the adjacent waterfront property owner.

2. The anchor to secure the buoy shall be sufficiently heavy to prevent movement.

3. The chain shall be of an adequate strength to provide a secure, permanent connection, its length shall be no less than twice and no more than three times the depth of the water.

4. The mooring swing, that being the combined length of the chain from the anchor to the buoy plus the mooring rope from the buoy to the boat plus the length of the boat, must be more than 4.5 m (15 ft) from the side lot line as projected into the water and at least 30 m (100 ft) from the navigation channel.

5. The mooring buoy must be as close as possible to the property of the boat owner and located directly in front of the boat owner’s property.

6. The moored boat must not interfere with access from neighbouring properties to the navigation channel or interfere with traditional recreational use patterns and activities on the waterbody.

7. Moorings buoys must come under licence for the occupation of the bed of the Canal or Waterway.

8. Moorings buoys must comply with the Private Buoy Regulations.

9. All vessels moored to a mooring buoy must comply with the Canada Shipping Act, Collision Regulations.

Swimming Buoy

1. Approval must be received from the Canadian Coast Guard in addition to an approval from the Rideau Canal or Trent-Severn Waterway.

2. The facility must conform to the boating restriction regulations.
3 The swimming buoys shall not extend closer than 4.5 m (15 ft) to either side lot line projected into the water.

4 The placement of the swimming buoys shall not interfere with access to or from neighbouring properties, or with traditional recreational use patterns and activities in the area.

5 The swimming buoys shall be white in colour with yellow reflective material.

6 The swimming buoys shall be removed from the water at the end of the swimming season.

Swimming Rafts
1 The raft must be connected to an anchor with a chain, with a 360 degree swivel at the anchor.

2 The size can be no greater than 3 m X 3 m (10 ft X 10 ft) and the deck must be at least 50 cm (20 in.) above the water.

3 The raft must be as close as possible to the shore but no more than 30 m (100 ft) out from the shore, and must be at least 15 m (50 ft) distance from the edge of the official navigation channel of the TSW or Rideau Canal where such applies.

4 The raft must be removed from the water at the end of the swimming season.

5 The raft will be painted yellow or white and must have a 30 cm X 30 cm reflector at opposite corners.

6 The raft must be at least 4.5 m (15 ft) from the side lot lines as projected into the water and located directly in front of the owners property.

7 The raft must not interfere with access from neighbouring properties to the navigation channel or interfere with traditional recreational use patterns and activities on the waterbody.

8 Approval must be received from the Canadian Coast Guard in addition to approval from the Rideau Canal or Trent-Severn Waterway.
Water Ski Courses and Ramps

1. The facility must be approved by the Coast Guard and Parks Canada.
2. The ramp must be connected to an anchor with a chain.
3. The course and ramp must be located in an area that will not interfere with navigation, other recreational users or cause undue noise to waterfront property owners.
4. An annual permit is required for all water ski courses and ramps.
5. The course owner is responsible for the removal of skier turning balls when the course is not in use and all course markers must be removed by the end of October each year.
6. The course owner has the right to determine who uses the course, is responsible for all course users and for instructing these users in proper course etiquette and applicable ski course conditions and restrictions.
7. The course owner must acquire liability insurance in the amount of two million dollars and the insurance must be valid for the time period the course is in use.
8. The ramp must be removed from the water each winter.
9. The ramp will be painted yellow and must have a 30 cm X 30 cm reflector at opposite corners.
10. The ramp must not interfere with access from neighbouring properties to the navigation channel or interfere with traditional recreational use patterns and activities on the waterbody.
11. The facilities are located a minimum distance of 150 m (500 ft.) from cottages or residences (unless consent is given in writing), beaches, camp grounds, marinas, or commercial docks (unless consent is given in writing), waterfowl nesting areas, fish spawning beds, erosion prone banks, traditional angling spots, or any structure and 60 m (200 ft.) away from any navigation channel.
12. The facilities are located a minimum of 20 m (100 feet) from any shore.
13. Local residents, landowners and waterway users have been given an opportunity to comment (referral by letter to residents and landowners and by newspaper ad for water users).
14. Water depths are conducive to installation in the area proposed.
15. Ski jumps if installed will have lights visible 360 degrees, reflectors on all four sides and painted white or yellow. If lights are not installed the ramp will be removed to shore each night and at times of poor visibility.
15. IN-WATER AND SHORELINE WORKS IN NARROW CHANNELS

For the purposes of these policies, a narrow channel is defined as a navigable water body that is less than 100 m wide from shore to shore. These sections of the waterway and canal constitute more of a potential safety hazard to boaters and waterfront residents owing to the restricted space, short sight lines & concentrated boat traffic. Among other impacts, the effects of noise, competing water recreational uses, and the visual impacts of waterfront development are often more problematic or noticeable in narrow channels. Some narrow channels already support a high (or increasing) level of waterfront development, while others so far remain areas of significant scenic (natural landscape) appeal.

Implications of in-water and shoreline works in narrow channels include:

- Public safety concerns relating to competing recreational uses within a restricted portion of the waterbody;
- Accelerated erosion of shorelines as a result of concentrated recreational activity;
- Loss of wetland habitat as a result of encroaching boat traffic;
- Less habitat available for use by wildlife species (e.g., basking turtles), and increased vulnerability of animals that remain in the area, and conflicts with people and boats (e.g., by reptiles, amphibians, waterfowl broods, etc.);
- Further habitat fragmentation where wildlife travel corridors are seasonally disturbed.

POLICIES

1. Requirements to ensure public safety will take priority over, and may thus limit the type, size, location or even presence of in-water or shoreline works.

2. New docks will normally not be approved where the natural channel is less than 30 m wide or the channel is a man-made cut 30 m (100 ft) as the width of the navigation channel as defined in the Historic Canals Regulations.

3. Where the natural channel is between 30 and 50 m wide and there are no sharp curves or turns to obstruct sight lines, small single residence docks may be allowed subject to review by Parks Canada (including the results of any requested environmental assessment). Approval is also subject to the navigation channel not being located in too close proximity to the shoreline and provided there are no existing or traditional testing activities that might be significantly impacted by the installation of the facility.

4. Single residential docks will normally be allowed where the narrow channel is between 50 and 100 m wide, except where the navigation channel is located in close...
proximity to the shoreline and/or traditional boating use patterns would be significantly impacted by the installation of the facility, and subject to the results of an environmental review, or an environmental assessment if requested by Parks Canada.

5 Other new marine facilities such as boathouses, boat ports, and boat launches will not normally be allowed in narrow channels.

6 Municipalities are encouraged to identify narrow channels in current or future changes to their Official Plans, along with policies or means to discourage high-density shoreline development in these areas.
16. IN-WATER AND SHORELINE WORKS IN WETLANDS

Wetlands are one of the most important and threatened natural resources along both waterways. Further significant loss of wetlands will result in the decline of biological diversity, water quality, manageable water flows, and recreational and educational values. The maintenance (federal no net loss policy) of the wetland function takes precedence over access to water and proposals for the construction or installation of associated marine works or facilities.

Although all applications are reviewed with an eye towards avoiding or minimizing impacts on wetland habitat, the highest level of protection is afforded provincially-significant wetlands.

The implications of in-water and shoreline works in or adjacent to wetlands include:

- Loss of wetland function,
- Reduction in biological diversity and habitats for species at risk;
- Habitat fragmentation and the loss of other wildlife species that require large undisturbed marsh areas to thrive within,
- Deterioration of water quality within the adjacent waterbodies,
- A reduction in flood level protection,
- Loss of educational and recreational value.

POLICIES

1. Dredging or filling in significant wetlands located on the bed of the waterway or canal will not normally be allowed.

2. The construction or installation of new docks, boathouses, boat ports, boat launch ramps and other similar types of marine facilities will not normally be permitted in provincially significant wetlands.

3. The construction of docks may not be permitted in certain wetlands where losses have already been significant or to protect other significant wetland resources, habitat or species at risk.

4. Proposals for in-water and shoreline works in, or adjacent to designated wetlands of regional or local significance (former provincial class 4 - 7 wetlands) will be subject to environmental review. In some cases, the proponent may be required to provide Parks Canada with an environmental assessment that demonstrates neither significant (unacceptable) adverse impacts nor net loss of wetland or fish habitat function will be caused by the construction and associated use of a proposed in-water and shoreline work before approval can be considered.
APPENDIX A:
LEGISLATIVE AND POLICY FRAMEWORK

The Parks Canada Agency Act (ref: PCA Act, s 1, 1998) requires that management plans be prepared for national historic sites.

The Historic Canals Regulations under the Department of Transport Act provide the regulatory framework for the management, use and protection of the Rideau Canal and Trent-Severn Waterway in accordance with the Historic Canals Policy and the Management Plan.

The Canadian Environmental Assessment Act requires that the environmental impact of certain projects or activities on or directly affecting federal lands be assessed, and if significant, mitigated where possible, and not be permitted if the impacts are potentially significant and cannot be mitigated.

The Fisheries Act requires the protection of fish habitat. Under a Level 3 agreement between Parks Canada and Fisheries and Oceans, the Canals have a responsibility to protect fish habitat.

The Species at Risk Act requires the protection of species at risk and their habitats on federal crown lands.

The Canada Shipping Act regulates boating activities.

The Navigable Waters Protection Act protects the integrity and navigation safety of navigable waters.

The Historic Canals Policy, which is part of the Guiding Principles and Operating Policies, sets out policies for managing and operating historic canals.

The Federal Wetlands Policy requires that there be no net loss of wetland functions in federally owned wetlands.
APPENDIX B:
LIST OF WATERBODIES UNDER THE JURISDICTION OF PARKS CANADA

Trent–Severn Waterway National Historic Site of Canada
Trent River
Rice Lake
Otonabee River including Little Lake
Lake Katchewan
Stoney Lake including Lake Clear
Lovesick Lake
Lower Buckhorn Lake
Upper Buckhorn Lake (includes Chemong lake, Pigeon Lake, Little Bald Lake and Big Bald Lake)
Sturgeon lake
Lake Scugog
Cameron Lake
Balsam Lake
Mitchell Lake
Canal Lake
Severn River including Gloucester Pool and Little Lake

Rideau Canal National Historic Site of Canada
Rideau Canal from Ottawa Locks to Hogs Back
Rideau River to the Hogs Back Dam
Kemptville Creek to Highway 43
Lower Rideau Lake
Big Rideau lake
Adams Lake

Tay River to Port Elmsley
Tay Canal
Upper Rideau Lake
Newboro Lake
Loon Lake
Pollywog Lake
Benson Lake
Mosquito Lake
Stevens Creek
Indian lake
Lake Clear
Opinicon Lake
Sand Lake
Whitelsk Lake
Cranberry Lake
Little Cranberry Lake
Dog Lake
The River Styx
Cataract River including Colonel By Lake, and the Great Cataract Marsh
1. Integrity

**Comment:** While the nomination for the Rideau Canal addresses the issues of Authenticity, it does not contain any text on Integrity. We would be pleased if you could supply this information.

As the Government of Canada’s nomination of the Rideau Canal for inscription on the World Heritage List demonstrates, the property fully satisfies all the conditions of integrity.

Parks Canada’s legislated mandate related to historic places is to ensure their Commemorative Integrity; that is, to ensure their “wholeness” and “health,” or intactness. A property is said to possess Commemorative Integrity when the resources that symbolize or represent its importance are not impaired or under threat; when the reasons for its significance are effectively communicated to the public; and when the heritage values of the property are respected in all decisions or actions that affect the property. Integrity is, and has long been, the cornerstone of Parks Canada’s management of the nominated property.

**Wholeness:**
The nominated property includes the watercourse, engineering works, buildings, fortifications, lockstation grounds and related archaeological resources which together represent all of the elements necessary to express the totality of the property’s significance, and its outstanding universal value as the most complete and intact surviving example of an early 19th century slackwater canal system in the world. Clearly defined boundaries ensure the complete representation of the property’s features and processes, and the full expression of the outstanding universal value, integrity and authenticity of this exceptional technological achievement.

**Intactness:**
The nominated property’s significant features are in good condition. Protected under three federal statutes, the property does not suffer from adverse effects of development or neglect, and the impact of deterioration processes is controlled. The nominated property is managed in accordance with internationally accepted conservation principles, and to the greatest degree possible, traditional techniques and materials are used in the maintenance and repair of the property’s cultural resources. The Rideau Canal has fulfilled its original dynamic function as an operating waterway without interruption since its construction; moreover, its lock gates and sluice valves are still operated by hand-powered winches.

**Protection:**
The nominated property is protected by a comprehensive and coordinated federal planning and regulatory framework and is managed effectively to the highest level by the federal government to ensure that its outstanding universal value, integrity and authenticity are maintained and enhanced, and will continue to be maintained and enhanced in the future. Complementary restrictions in the buffer zone provide an added layer of protection to the outstanding universal value, integrity and authenticity of the nominated property. (See **2. Buffer Zone and Setting of the Canal** below.) The Government of Canada’s commitment to protect the nominated property, as well as its buffer zone and its general setting, is summarized in the Rideau Canal World Heritage Site Management Plan 2005, Section 10.0, Protection of the World Heritage Site.

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1. See Nomination, Chapter 4.A, Present State of Conservation; Chapter 5.C, Means of Implementing Protective Measures; Chapter 6.C, Results of Previous Reporting Exercises; and Appendices Volume 1, Management Plans and Commemorative Integrity Statements for the Nominated Property.
2. See Nomination, Chapter 1, Identification of the Property: Serial Nomination Table; and Chapter 2.A, Description of Property.
2. Buffer Zone and Setting of the Canal

Comment: It is not clear how the buffer zone was established or how the area included in the buffer zone relates to or complements the nominated property.

The nominated property is an engineering work comprised of a watercourse, canal locks, dams, weirs, sluices, reservoirs, bridges, buildings, defensive fortifications, lockstation grounds and related archaeological resources. Its boundaries were drawn to ensure the complete representation of the features and processes related to the outstanding universal value of this exceptional technological achievement. The buffer zone was established to provide effective protection for the nominated property, including all the above-mentioned engineering works, and has complementary restrictions placed on its use and development to give an added layer of protection to the nominated property.10

After careful analysis of the characteristics of the nominated property, it was determined that a 30-metre-wide buffer zone provided an appropriate layer of added protection.11 A 30-metre setback:

(a) fully ensures the continuing dynamic function and operation of the canal;
(b) fully ensures the survival of the totality of the property’s watercourse, engineering works, buildings, fortifications, lockstations and related archaeological resources; and
(c) fully ensures their protection against development and change that could negatively impact the property’s outstanding universal value, integrity and authenticity.

Under existing policies and practices, no substantive development is allowed in the buffer zone. All municipalities along the Rideau Canal have a 30-metre setback for development that corresponds with the buffer zone. Control is implemented through municipal planning policies, primarily Official Plans and Zoning Bylaws,12 and through regulations under the Conservation Authorities Act.13 Development adjacent to lockstations is also controlled through policies in the Official Plans and Zoning Bylaws. In addition, the Government of Canada, the Conservation Authorities and other land management agencies have a considerable ability to influence land management decisions in the buffer zone. There is public support for and widespread acceptance of stringent controls over development within the 30-metre setback area. The overall effect of the 30-metre buffer zone is that the nominated property is fully protected from any land use and development activity that could compromise the integrity of the nominated property, or the outstanding universal value of the nominated property. As well, the buffer zone helps to protect the visual quality of the canal, its water quality and shoreline, and the integrity of its natural systems.

Comment: Please can you confirm that all Municipalities along the length of the canal adhere to this precept [30-metre setback] and that all development is kept back from the edge of the Canal.

In the municipalities along the rural portion of the Rideau Canal, which constitutes more than 95% of its length, all new development except for marinas must adhere to the 30-metre setback requirement. Within the older developed urban areas, which represent less than 5% of its length, the setbacks are somewhat less since the development pattern predates the establishment of the 30-metre standard. (It must be remembered that construction of the Rideau Canal was intended to encourage development and growth in the region.) Nevertheless, the effective setback in the older urban areas is often 30 metres or more, owing to the presence of linear public open space such as parkland, flood plains and wetlands that preclude development near the shore. Extensive linear parkland in Ottawa and wetlands in Smiths Falls are two instances where development is set back considerably more than 30 metres.

Minor structures such as decks, gazebos, sheds and stairs are generally allowed within the buffer zone, so that property owners are able to enjoy the use of their waterfront. Such structures would typically represent only 0.7% of the total area of the buffer zone for a waterfront lot with a frontage of 60 metres. Structures such as docks, boathouses and shoreline stabilization works are strictly controlled by Parks Canada through its Policies

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10 See Nomination, Map Annex, Map Series 3.0 to 3.57.
11 Ref. Operational Guidelines, paras 103-104.
13 See Nomination, Chapter 5.C, Role of Conservation Authorities; and Appendix W, Conservation Authorities Act.
for In-Water and Shoreline Works and Related Activities, which prescribe detailed standards and requirements for these works. Thus, the overall impact of these minor structures and works in the buffer zone is negligible.

**Comment:** On page 111 of the nomination dossier, under South Frontenac, development appears to be permitted within 30 metres if it does not damage fish. Is this correct?

The Official Plan for the Township of South Frontenac allows for a reduction in the 30-metre setback, but only if it is demonstrated through an environmental assessment that there will be no adverse impact on water quality and fish habitat. The reduction is determined on a case-by-case basis and is affected by variables such as slope, ground cover, soil depth and soil composition. In practice, a reduction of the 30-metre setback requirement is rarely granted.

**Comment:** What is not entirely clear from the nomination text is how the setting of the Canal is defined and what is protected under these [municipal] plans.

The Rideau Canal has been nominated as an outstanding technological achievement. The outstanding universal value of the property lies in its highly creative concept, design, and engineering; in its innovative adaptation of existing European technology to the North American environment; and in its important association with the global strategy developed by Great Britain as it vied for control of the northern portion of the North American continent. The “setting” of the canal – which is understood to refer to lands beyond the nominated property and buffer zone – complements and contributes to the overall scenic appeal of the Rideau Canal, but the canal’s setting is not the focus of this nomination of a technological achievement.

In the general setting of the canal, municipal Official Plans provide the policy framework for identifying cultural and natural values and ensuring that development and land use decisions are consistent with their protection and sustainable use. Official Plans include the location and status of wetlands and areas of natural and scientific interest; especially important cultural [historic] sites are identified in most Official Plans. These plans are reviewed and updated every five years to add new information on valued resources such as wildlife habitat, cultural heritage resources and provincially significant woodlands, along with measures to protect them, and to ensure that they contain adequate policy direction to protect the cultural and natural values within the municipalities that comprise the general setting of the canal.

**Comment:** Can confirmation be given as to whether or not [Ottawa] is the only Municipality that actively protects the visual qualities of the Canal’s setting? Overall it would be helpful for a clearer appraisal to be provided of how the visual setting of the Canal is defined in these Plans and how it will be protected as a linear landscape rather than piecemeal.

All municipalities have policy statements that recognize the importance of the visual setting of the canal’s shoreline areas. For visual aspects outside the nominated property and its buffer zone (no substantive development is allowed within), the City of Ottawa (population 859,704) has a design review process and the capacity to undertake evaluations of the impact of proposed development on the visual environment, while the other municipalities along the canal use a less comprehensive mechanism – the site plan control process – to minimize the visual impact of new development.

While not the focus of this nomination, the canal’s setting and the protection of its visual qualities has always been of primary concern to the Government of Canada, which owns the canal. To encourage the protection of the scenic vistas and features of the canal setting, the Rideau Canal Management Plan contains a commitment to identify lands of outstanding scenic value (page 31) and to encourage the use of architectural styles that complement the architectural heritage of the canal corridor (page 20). To implement these actions, Parks Canada is undertaking two studies to identify the scenic vistas and features of the canal and to produce guidelines for new construction. These studies will thus raise awareness of the location and character-defining features of scenic vistas, and features of appropriate architectural design. In addition, recent amendments to

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14 See Nomination, Appendix EE, Policies for In-Water and Shoreline Works and Related Activities.  
15 See Nomination, Appendix U, Municipal Official Plan Extracts.  
the *Ontario Planning Act* will provide municipalities with the power to protect scenic values through zoning and other land use control mechanisms.17

Parks Canada has worked in close partnership with the Province of Ontario to create the Rideau Heritage Network. This coalition brings together civil society, heritage professionals, non-governmental agencies and all levels of government under a mandate to nurture, celebrate and promote the conservation of the Rideau Canal corridor’s diverse and distinctive cultural heritage. Supporting this broad-based coalition, the Rideau Canal World Heritage Site Management Plan provides a coordinated approach to the management of the nominated property, its buffer zone and its setting.18 Together, these initiatives will ensure a linear rather than piecemeal approach to preserving and promoting the heritage values and visual setting of this outstanding technological achievement.

**Comment:** Please can further details be provided of where such development [houses near the canal] would be permitted and where it would not and how this is justified in terms of the setting of the Canal.

No substantive new development is allowed in the buffer zone. New houses are permitted beyond the buffer zone on land where there are no environmental constraints, which is not suitable for agriculture and where municipal services can be provided. The development of such land is controlled through policies in municipal Official Plans that stipulate where and under what conditions such development may occur. As required by provincial planning policy, lands designated as agricultural resources, flood plains, steep and unstable slopes, environmental protection areas, areas of natural and scientific interest and lots with inadequate setback requirements cannot be developed. As well, there are severe restrictions on the development of lands adjacent to Provincially Significant Wetlands, many of which are located along the canal. Other policies dealing with municipal road access and services also come into play in the more remote regions of the canal. In other areas – for example, the scenic Rideau Lakes that are the focus of cottage development – other environmental factors such as the need to preserve fish habitat and water quality further restrict residential development. Finally, Parks Canada influences the location of residential development adjacent to narrow channels for public safety reasons, and near critical aquatic habitats such as wetlands and fish spawning areas as well as near lockstations to protect the integrity of these areas.

The net effect of these official policies is that housing development outside the buffer zone is severely restricted. Furthermore, efforts are underway in the few areas with such development to naturalize the shoreline to further mitigate the impact on the aquatic environment and the view from the canal. The importance of preserving the setting of the canal through sound municipal planning policies, wise stewardship by landowners and the leadership of Parks Canada and other government agencies is well recognized.

### 3. Mining

**Comment:** ICOMOS would welcome clarification of the controls in place to resist mining in the buffer zone and in what is protected as the setting of the canal.

The nominated property is exclusively under federal jurisdiction, and all mining activity is prohibited. In the buffer zone and adjacent lands, there is effectively no chance that mining activity would occur. Under the Ontario Mining Act there is a prohibition on mineral exploration and extraction activities within 120 metres of all lakes and rivers; this reservation applies to the full extent of the Rideau Canal. Privately held lands in the buffer zone on either side of the canal are not open to staking. There are also severe restrictions on such activity beyond the 120-metre setback, and strict legislation governing mineral exploration and development for the few lots on which the Crown owns the mineral rights.19 In addition to the Ontario Mining Act, prospectors must comply with legislation administered by the provincial Ministry of Natural Resources, the Ministry of Labour, the Ministry of the Environment and the Ministry of Culture, as well as municipal Zoning Bylaws. The mineral potential in the broader vicinity of the canal is generally low and the land is highly valued for natural, recreational and aesthetic purposes, thus making the likelihood of any mining activity extremely remote.

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17 See Nomination, Appendix T, Ontario Planning Act.
19 Over the entire length of the canal there are only eight such lots: in South Crosby Township, Lot 13, Concession 7; Bedford Township, Lots 1 and 2, Concession 17; Bedford Township, Lots 1 and 2, Concession 16; and Storrington Township, Lots 17, 18 and 19, Concession 15. Although mining rights for these lots are held by the Crown, surface rights are patented and the 120-metre surface reservation from water bodies also applies.
The Rideau Canal (Canada)

No 1221

Official name as proposed by the State Party: The Rideau Canal

Location: Province of Ontario

Brief description:

Extending 202 kilometres from Ottawa in the north to Kingston Harbour on Lake Ontario in the south, the monumental early 19th century Rideau Canal was built primarily for strategic military purposes at a time when Great Britain and the United States of America vied for control of the region, and a safe supply line was needed for the British colony of Upper Canada. The Canal’s ‘slackwater’ system, flooding river rapids with the use of high dams, displays the results of North American use of European technologies. The Canal was one of the first to be designed specifically for steam-powered vessels. Associated with the canal is an ensemble of fortifications along its length and around the harbour.

Category of property:

In terms of the categories of cultural property set out in Article 1 of the 1972 World Heritage Convention, this is a site.

1. BASIC DATA

Included in the Tentative List: 1st October 2004

International Assistance from the World Heritage Fund for preparing the Nomination: No

Date received by the World Heritage Centre: 26 January 2006

Background: This is a new nomination.

Consultations: ICOMOS has consulted its International Scientific Committee on Fortifications and Military Heritage, as well as TICCIH.

Literature consulted (selection):


Legget, Robert, John By; Builder of the Rideau Canal, Founder of Ottawa, Ottawa, 1982

Legget, Robert, Ottawa River Canals and The Defence of British North America, Toronto, 1988

Legget, Robert, Rideau Waterway, Toronto, 1955


Technical Evaluation Mission: 2-10 September 2006

Additional information requested and received from the State Party: ICOMOS sent a letter to the State Party on 5 December 2006, and the State party submitted supplementary information on 9 January 2007.

Date of ICOMOS approval of this report: 21 January 2007

2. THE PROPERTY

Description

The site extends to 21454.81 hectares and is surrounded by a buffer zone of 2363.20 hectares.

Built to create a defensible and reliable transport link between Lake Ontario and Ottawa in the British colony of Upper Canada, the Rideau Canal is made up of canalised sections of the Rideau and Catarqui Rivers, rather than newly excavated channels. Water raised by dams to flood the rivers, made previously difficult waterways readily navigable by large steamships.

This so-called ‘slackwater’ system was initiated by Lieutenant Colonel John By of the Royal Engineers Corp who had been appointed by the British Government to supervise the construction of a connection between Lake Ontario and the interior of Upper Canada colony in 1826. John By’s solution avoided the need for extensive excavations of new channels and called for series of dams which backed up river water to a navigable depth and in effect created a chain of 50 locks. John By opted for fewer locks with high lifts rather than more locks with lower lifts. As a result the Rideau lifts were up to 4.6 metres high. It was John By who pressed for the design of the locks to be large enough to accommodate steamboats, then newly introduced into North America. The locks were up to 37.8m long and 9.1metre wide and this scale combined with the high lifts, necessitating lock walls, gates etc all being substantial structures to hold back the force of the extremely large volumes of water.

The locks were supported by a series of lakes that served as reservoirs, storing water in the dry summer months and releasing flood water gradually in periods of heavy rainfall.

Construction of the Canal began in 1828 and was completed in 1832. Six ‘blockhouses’, defensive positions, were built along its lengths at what were deemed to be vulnerable points, and a fort, Fort Henry, on the eastern side of Kingston harbour. Subsequently, in response to rebellions in the colony, defensible lockmaster’s houses were added at several lock stations. Finally between 1846 and 1848 four ‘Martello’ towers were constructed to strengthen the fortifications at Kingston harbour.

By the mid 19th century the canal had lost its strategic position but had become a successful commercial transportation system. This success led to a profound impact on the surrounding previously almost deserted region, through the development of numerous small
settlements, based on farming, mills and service industries, and one large town at its northern end. Originally called Bytown after John By, its name was changed to Ottawa in 1855 and it became the capital of the new Dominion of Canada in 1867. By the 1870s the canal had been discovered by tourists and a number of resorts were developed in the 1890s and summer cottages appeared in increasing numbers after the First World War. The canal is now used almost exclusively for recreation.

The nominated area consists of the following:

- Canal dams, locks, weir
- Bridges
- Lockmaster’s houses
- Defensive Blockhouses
- Fort Henry & the Martello towers

These are considered separately:

**Canal dams, locks, weir**

To join up the rivers Rideau and Catarqui and make them navigable, the river water had to be raised to eliminate rapids, shallows and swamps. This was achieved by the construction of dams that raised the water level into a series of navigable steps with boats lifted from one to the others through a system of locks. In total 74 dams and 50 locks were constructed along its 202km length. The dams were mainly constructed of earthen embankments; seven are stone arched dams (curved in a horseshoe shape with the high centre upstream and tapering in height at the ends), all surviving in their original form. At some lock stations a series of dams were constructed together, for instance earthen dams, stone masonry arch dams and stone masonry water control weirs at Kingston Mills. At Jones Falls the stone arch dam had a span of 107 metres and a height of 19metres, double the height of any previous dams in North America. 23 of the original 74 dams retain their original structures.

There were 47 locks grouped together at 24 lock sites. Locks had either stone or timber floors and stone faced walls. None of the timber floors survive. One lock has been rebuilt in concrete.

When the canal opened, all the locks were operated by hand-powered winches. Today, three have been converted to hydraulic/electric operating systems.

**Bridges**

When built the landscape surrounding the canal was only sparsely populated and no bridges were constructed. As the population increased in the 19th century, bridges were built at lock stations; 12 are included in the nominated property and demonstrate the evolution of bridge design. Three are original steel king-post swing bridges constructed around 1900; four are copies of original timber bridges and the remaining five are steel replacements.

**Lockmaster’s houses**

The original houses were built as small one storey readily defendable structures. In more peaceful times many were enlarged with the addition of a second storey. In the late 19th and early 20th centuries further lockmasters houses were constructed. Thirty-three buildings dating from the construction of the channel remain today.

**Defensive Blockhouses**

Of the six blockhouses originally constructed to guard vulnerable positions along the canal, four survive. Although adapted after their defensive use had disappeared, all have now been restored to their original appearance.

**Fort Henry & the Martello towers**

Fort Henry on the headland of Kingston was constructed in 1830 on the site of a fortress of the so-called Vauban type of fortification. Fort Henry in plan followed Prussian models which were designed to be defendable against the newer artillery.

This vast military unit was completed with the addition of a battery and four Martello towers, constructed between 1846 and 1848. Frederick and the Cathcart tower were constructed in the east of the estuary; and Shoal and Murney in the west. These round two storey towers with a gun platform defended by a parapet and dry ditch, followed a model developed in Britain at the time of the Napoleonic Wars.

**History and development**

As a result of the American War of Independence, thousands of people who remained loyal to the British Crown moved northwards to Canada. The government immediately began identifying areas suitable for the development of settlements for the loyalists. The Catarqui and the Rideau rivers was one of the areas surveyed and by 1800, a number of mills had been built, the first, at Kingston Mills, in 1784. Within a few years, there were mills at most of the major falls along the two rivers. However the difficulty of navigation along the rivers north to the St Lawrence river, the main settlement area, hindered much concentrated development.

The impetus to improve the waterway came though not from agriculture or other economic stimuli but from the needs of defence. The War of 1812-1814 between Britain and the United States of America had brought into focus the vulnerability of the St Lawrence River as the main supply line for the colony. Not only was it slow with a series of rapids, but it was vulnerable to attack from America along much of its length between Montréal and Lake Ontario. After the end of hostilities, America was still seen as a potential threat and the need for a secure military supply route a key necessity. Accordingly military planners turned their attention to the Catarqui and the Rideau rivers.

After an exploratory mission, at the end of the war, the canal project was really launched in 1824-1825, with two studies, one by the civil engineer Samuel Clowes, at the request of the authorities of Lower Canada, and the other at the request of the Duke of Wellington, then commander-i-
chief of the army. The strategic dimension of the canal led the British government to take charges of its realisation.

Lieutenant Colonel John By of the Royal Engineers Corp was appointed by the British Government to supervise the construction of the canal in 1826. Before his appointment, military engineers had mapped out a scheme to construct new channels to bypass the rapids and swamps along the rivers. This would have necessitated around 40km of new channels along the 202 km route. By took a different approach and persuaded the government to adopt a ‘slackwater’ system that raised the level of the water above the rapids and swamps thorough the use of tall dams. This created a practical route with the minimum of excavation. By also pressed for the canal to accommodate the then newly introduced steamships and this necessitated dams that were taller and wider than anything previously constructed in North America. Canal construction begun in 1828 and involved around 6,000 workers at multiple sites along the length of the canal. The whole length was navigable in 1832.

The choice of route for the Rideau Canal, and the use of a slack water canal design, were influenced by the underdeveloped nature of the country through which the canal was to pass. In many parts of Europe, for instance, owners of riverside agricultural land, water mills and fishing rights would have resisted the alteration in river levels required by such a system. Slackwater canals are easier to build, and require fewer workers. Therefore this method will be chosen instead of a more costly conventional canal where the environment allows, as was the case with the Rideau Canal.

As with many canals, the Rideau Canal seems to have formed a catalyst for development. Ottawa grew around the canal as it runs southward from the Ottawa River, and elsewhere towns sprung up on the canal’s banks. This is typical of economic development associated with canals, and mirrors the development of towns following canal building elsewhere in the world.

The Rideau Canal has survived almost in its original condition as it was by-passed following the improvement in relations between Britain and the USA and the development of the much larger St Lawrence Seaway. Its military capacity was never put to the test. It now functions mainly as a waterway for leisure craft.

3. OUTSTANDING UNIVERSAL VALUE, INTEGRITY AND AUTHENTICITY

Integrity and Authenticity

Integrity

The nominated property includes all the main elements of the original canal together with relevant later changes in the shape of watercourse, dams, bridges, fortifications, lockstations and related archaeological resources.

Authenticity

The original plan of the canal as well as the form of the channels has remained intact. The sitting of the original 47 locks survive. None of the wooden floors survive nor the lock gates. Gates only last approximately 20-25 years and are replaced on a regular basis. 41 locks are considered to be in Canadian terms Level 1 cultural resource – i.e. to have high authenticity.

Of the 74 dams, 23 have level 1 status and the remainder level 2. The most significant engineering achievements are found in the stone horseshoe dams which all survive.

The Rideau Canal has fulfilled its original dynamic function as an operating waterway without interruption since its construction. Most of its lock gates and sluice valves are still operated by hand-powered winches.

ICOMOS considers that the nominated property adequately demonstrates integrity and authenticity.

Comparative analysis

The nomination gives an overview of canals built for irrigation, water control and transportation – and puts the Rideau Canal into the latter category and provides comparators for this category of canals built using slackwater principles. Comparators are also given for canals built for military purposes although this is limited to examples post 1804. ICOMOS considers that wider comparators should have been provided and these are added below. No slackwater or military canals are currently inscribed on the WH list; the only two canals are the 360 km Canal du Midi, France, (1996) built in the 17th century, and widely regarded as the first canal of the modern era and a forerunner of the Industrial Revolution, the Four Lifts on the Canal du Centre and their Environs, La Louviere and Le Roeulx (Hainaut), Belgium (1998). Neither of these is comparable to the extensive Rideau Canal; nor was either used for military purposes.

Military Canals

The military use of canals has been underplayed both by canal historians and in the nomination. The role of military engineering and transport is not well recognised in the development of canal technology. The Romans built military canals such as the Fossa Drusiana of 12 BC which links the Rhine with the Ijssel near Arnhem. Earlier, in 101BC, the Fossa Mariana had been built from Arles to the Mediterranean avoiding the difficult passage of the Rhone delta. Trajan also improved the Danube by building a towing path through the Iron Gates to help with his invasion of Dacia.

The first military canal after the Roman period was the Fossa Carolina in Bavaria. Built by Charlemagne in 793AD, it linked tributaries of the Danube and Main, and allowed him to move his army by boat into the Rhine Valley. He also envisaged a similar connection between the Elbe and the Danube. The Fossa Carolina used simple inclines along which the small boats of the time could be hauled between deepened sections of river or excavated channels. Such simple systems continued in use in northern Russia until the early twentieth century and their remains can still be identified.

The Spanish Wars in the Low Countries also led to a military canal, the Fossa Eugenia, which linked the Rhine, near Duisburg, to the Maas, at Venlo. Work began in 1626 on the canal which had straight channels between
fortifications, but its construction was interrupted by the Dutch in 1628. It remained uncompleted but its remains can still be found.

The Prussians also built canals for military reasons, such as the Bromberg (Bydgoszcz) Canal which was built after Prussia had begun to expand eastwards through Poland in the 1770s. The canal created a through route from the Oder to the Vistula, allowing troops and supplies to be sent efficiently to Prussia's eastern front.

In France, Napoleon began building the Canal de Nantes à Brest in Brittany in 1806 to avoid the British naval blockade of coastal shipping. Between 1810 and 1832 the Gota Canal in Sweden was considered to have strategic importance for the defence of Sweden. Also in France, the Canal de l'Est was built avoiding Prussian gains in the Franco-Prussian War of 1870-1.

In Britain, the Royal Military Canal of 1804-6 was similar in design to the Fossa Eugenia, and was built to discourage Napoleon from landing troops on the poorly defended Romney Marshes. It was not the only one built in Britain for military purposes. The Caledonian Canal, 1803-22, was built so that small sailing warships could avoid the dangerous passage around the north of Scotland, as well as providing a passage for fishing boats. The nomination dossier only considers that Royal Military Canal in details and concludes that its importance in military terms was far less than the Rideau Canal and it was less heavily fortified. The crucial difference between the use of the Rideau Canal and others is that it played a crucial part in a military campaign which can be linked to a significant stage in human history – the resistance of the colony of Canada to the United States of America – and it survives in use and largely as built.

The Rideau Canal is an excellent example of a canal built for a military purpose that had far-reaching economic and social consequences.

Slackwater Canals

The nomination dossier considers slackwater canals in North America and concludes that none advanced technology as the Rideau Canal had done. However the Erie Canal, USA, is also a slackwater canal completed in 1825 and the Erie was far more economically significant and its engineering works more considerable than the Rideau. However it has been altered in places since it was built.

Further examples could have been considered in Europe. The Caledonian Canal, Scotland, UK, and the Gota Canal, Sweden, are similar to the Rideau Canal in that they use natural lakes and rivers for much of their route, with locks often grouped together in flights, though both do have some man-made channels. Lt-Col By would undoubtedly have had knowledge of the Caledonian Canal through the many government papers published about its progress. The locks on the Rideau Canal were similar in size. Those on the Caledonian Canal were soon found to be too small for the increasing size of ocean-going steamboats, and the canal was never a great success. Such a problem would not have affected the Rideau Canal whose boats would be purely for inland use and consequently of smaller size.

Three other slackwater canals thus exist that are similar in design to the Rideau although the Gota Canal and the Erie do show more change over time. The Rideau Canal is thus not unique but displays the way technology from Europe was imported into North America: the engineering of the Rideau Canal is typical of best practice at the time in North America. It is the only canal dating from the great North American canal-building era of the early 19th century that remains operational along its original line with most of its original structures intact.

In conclusion, ICOMOS considers that the Rideau Canal is of significance as a North American exemplar of a slackwater technology canal designed for military use, which had an impact on the development in its area and is still in use.

Justification of the Outstanding Universal Value

The State Party considers that in concept, design, and engineering, the Rideau Canal is the most outstanding surviving example of an early 19th century slackwater canal system in the world, and one of the first canals designed specifically for steam-powered vessels. It is considered to be an exceptional example of the transfer of European transportation technology and its ingenious advancement in the North American environment and a rare instance of a canal built primarily for strategic military purposes. The Rideau Canal, together with its ensemble of military fortifications, is said to illustrate a significant stage in human history when Great Britain and the United States of America vied for the control of the northern portion of the North American continent.

ICOMOS considers that the Rideau Canal demonstrates Outstanding Universal Value as a large strategic canal constructed for military purposes which played a crucial contributory role in allowing British forces to defend the colony of Canada against the United States of America leading to the development of two distinct political and cultural entities in the north of the American continent, which can be seen as a significant stage in human history.

Criteria under which inscription is proposed

The Rideau Canal is nominated on the basis of criteria i, ii and iv:

Criterion i: The justification of this criterion revolves around the choice by Lt-Col John By to use what is described as a highly innovative technology - that of slackwater- on a scale large enough to take steamboats. As has been detailed under Comparative Analysis, the use of slackwater technology was not new but could only be employed where existing land-use did not conflict with raised water levels. The creativity of John By was limited to using this technology as an expedient approach which minimized labour costs and time and was manageable in the low density land use of the area. Similar technology was used in the Erie Canal but this has been altered since it was built. The Rideau Canal thus remains the best preserved example of a slackwater canal in North America demonstrating the use of European slackwater technology in North America on a large scale. It is the only canal dating from the great North American canal-building era of the early 19th century that remains operational along its original line with most of its original structures intact.
Nevertheless its existence did prove to be a significant contributory factor in the defence of Canada. The Rideau success was not solely because of the Rideau Canal. Why Britain ultimately kept the Americans at bay – their intervisibility a key feature of their planning – has been linked to a significant stage in human history - that of the fight to control the north of the American continent.

The four Martello towers and Fort Henry are not represented technology transfer. Although the surveying techniques and locks were similar to those used in the Caledonian Canal, the dams however were much larger than those constructed elsewhere; the Kingston Mills dams which were of greater size than anything previously contracted in North America. Although all the forts were well suited to the purpose, the Murney fort was the most sophisticated to be built in north America using European design and construction.

In both slackwater and fort technologies, European techniques were introduced to North America and successfully employed and to a degree stretched in the case of the dams. What it is more difficult to justify is how this transfer of technology had a major impact on a whole area of the world; rather its impact was confined to the Rideau and Erie canals. The canal did in time come to have a significant economic impact on the area, but that is different from a technological impact.

Criterion ii: This criterion is justified on the grounds that the use of European slackwater technology advanced this technology to a new level in North America, and the use of military technologies in the construction of forts represented technology transfer. Although the surveying techniques and locks were similar to those used in the Caledonian Canal, the dams however were much larger than those constructed elsewhere; the Kingston Mills dams which were of greater size than anything previously contracted in North America. Although all the forts were well suited to the purpose, the Murney fort was the most sophisticated to be built in north America using European design and construction.

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Criterion iv: The distinct stage of human history is defined as the conflict between two great world powers, Great Britain and the United States of America. It is suggested that the Rideau Canal was instrumental in ensuring that the security of Canada was not undermined by insecure supply lines. It is further suggested that the canal’s successful creation was fundamental to the growth of colonial Canada. ICOMOS considers that there were other reasons why Britain ultimately kept the Americans at bay – their success was not solely because of the Rideau Canal. Nevertheless its existence did prove to be a significant contributory factor in the defence of Canada. The Rideau Canal is thus an extensive, well preserved and significant example of a canal which was used for a military purposes linked to a significant stage in human history - that of the fight to control the north of the American continent.

Criterion ii: This criterion is justified on the grounds that the use of European slackwater technology advanced this technology to a new level in North America, and the use of military technologies in the construction of forts represented technology transfer. Although the surveying techniques and locks were similar to those used in the Caledonian Canal, the dams however were much larger than those constructed elsewhere; the Kingston Mills dams which were of greater size than anything previously contracted in North America. Although all the forts were well suited to the purpose, the Murney fort was the most sophisticated to be built in north America using European design and construction.

ICOMOS considers that this criterion has been justified.

ICOMOS does not consider that this criterion has been justified.

ICOMOS considers that this criterion has been justified.

ICOMOS considers that the canal is not under any major threat but that incremental development over time could impact on the setting of the canal.

4. FACTORS AFFECTING THE PROPERTY

Development pressures

The main threat is to the setting of the site. The Buffer Zone is very narrow (see below) only 30 metres deep. Since the 1950s residential development has taken place on shore land particularly south of Ottawa and in the Rideau Lake area, such that only half the shore lands remain undeveloped. The remaining land is said to be subject to only minimum development pressure.

The four Martello towers and Fort Henry are not individually threatened by development but their intervisibiltiy a key feature of their planning – has been partly compromised by modern development although what remains is protected.

Natural disasters

The major threat would come from an exceptional flood, linked to climate change, that could damage the dams and banks. Protocols are in place for responding to such a threat. This is supported by inspection to pick up at the earliest opportunity any lack of stability in the dams.

Mining

Mining was not identified as a major threat in the nomination dossier. It was however highlighted in the local press as a possible issue and discussed during the mission. The State Party was asked for confirmation that any new mining activity could not impact adversely on the setting of the canal. In response it was stated that under the Ontario Mining Act there is a prohibition on mineral exploration and extraction activities within 120 metres of all lakes and rivers; this reservation applies to the full extent of the Rideau Canal.

Beyond the 120 metre line, there are severe restrictions and it is stated that the mineral potential in the broader vicinity of the canal is generally low and the land is highly valued for natural, recreational and aesthetic purposes, thus making the likelihood of any mining activity extremely remote.

5. PROTECTION, CONSERVATION AND MANAGEMENT

Boundaries of the nominated property and buffer zone

The nominated site consists of the canal structure and associated Blockhouses and defensive structures. The Buffer Zone is a 30 metre strip along both banks.

It is stated that this 30 metre strip represents a mandatory setback of development from the shoreline under Municipal Planning policies. The State Party confirmed that all Municipalities along the length of the canal adhere to this precept and that all development is kept back from the edge of the Canal. However it also says although that for more than 95% of its length, all new development except for marinas must adhere to the 30 metre setback requirement, while within the older developed urban areas, which represent less than 5% of its length, the setbacks are somewhat less since the development pattern predates the establishment of the 30 metre standard. And further that the Official Plan for the Township of South Frontenac allows for a reduction in the 30 metre setback, if it is demonstrated through an environmental assessment that there will be no adverse impact on water quality and fish habitat. The reduction of the 30 metre setback requirement is determined on a case-by-case basis and in practice, it is apparently rarely granted.

The proposed narrow buffer zone protects the immediate setting of the canal but not its wider setting. Although no substantive new development is allowed in the buffer zone,
new houses are permitted beyond the buffer zone where they do not cause environmental damage.

In response to how the wider setting has been defined and is protected, the State Party has said that the setting is not the focus of the nomination. However all municipalities have policy statements that recognize the importance of the visual setting. The City of Ottawa has a design review process and the capacity to undertake evaluations of the impact of proposed development on the visual environment, while the other municipalities along the canal use a less comprehensive mechanism – the site plan control process – to minimize the visual impact of new development. Furthermore to encourage the protection of the scenic vistas and features of the canal setting, the Management Plan contains a commitment to identify lands of outstanding scenic value and to encourage the use of architectural styles that complement the architectural heritage of the canal corridor. To implement these actions, Parks Canada is undertaking two studies to identify the scenic vistas and features of the canal and to produce guidelines for new construction.

The State Party has also acknowledged that importance of preserving the setting of the canal through sound municipal planning policies, wise stewardship by landowners and the leadership of Parks Canada and other government agencies. In some areas of the Canal, such as Long Island to Burriats Rapids, many houses have been constructed near the Canal. Although most of these seem to adhere to the 30m rule large numbers of houses, even on fairly large plots, can have a substantial impact on the setting of the Canal.

ICOMOS considers that the visual setting of the canal needs clearer identification and where appropriate tighter controls to protect identified vistas and the background to key features of the canal, which needs protection. The current arrangement which allow development only if it does not cause environmental damage could be strengthened to include constraints against development that might cause damage to the visual setting of the canal.

Ownership

The structures of the nominated property, that is to say the canal structure and associated lockhouses and defensive structures, are all owned by the government of Canada.

The Buffer Zone, a 30 metre strip along both banks, is in multiple ownerships, private and municipal.

Protection

Legal Protection

All the elements of the nominated area (canal, associated buildings and forts) are protected as national historic sites under the Historic Sites and Monuments Act 1952-3.

ICOMOS considers that the protective measures for the property are adequate – apart from the wider setting – see above.

Conservation

History of Conservation

The dossier provides details of conservation work over the past ten years. Most of this is enhanced maintenance work. Major restoration projects have been completed at the Martello Towers. A list is also given of forthcoming work: again most are fairly small projects as major work is not needed.

State of Conservation

Repairs and conservation of the locks, dams, canal walls and banks is carried out directly under the control of Parks Canada. Each year one third of the canal’s assets are thoroughly inspected by engineers. A complete inventory thus exists of the state of conservation of all parts of the property. This indicates that conservation of the majority of the property is considered to be fair or good. Work arising from this inspection is carried out by Parks Canada.

ICOMOS considers that the conservation of the property is good and on-going resources are in line with the needs of the property.

Management

The Agency of Canada Parks is the authority which exerts the right of ownership, under the control of the Canadian Parliament and of a minister of supervision appointed by the Prime Minister of Canada, for the whole property, except for Fort Frederick which is under the supervision of the Ministry for Defence. The Historic Monuments Act requires each historic site to have in place a Management Plan. Currently a plan exist for the canal (completed in 1996 and updated in 2005), and plans are nearing completion for Fort Henry and the Kingston fortifications. The Canal Plan is underpinned by the Historic Canals Registrations which provide an enforcement mechanism for any activities that might impact on the cultural values of the monument. Being in one ownership and under one management greatly facilitates the management of the long canal and ensures a consistency of approach.

Parks Canada staff together present a wide array of expertise covering all the elements of then nominated site – archaeologists, planners, engineers ecologists etc and receive good continuing professional development. They are located in Cornwall, Ontario and in Ottawa.

Management and control of the buffer zone and setting of the canal is provided by land-use planning in cities and townships rather than designation. Each province has slightly different regulatory mechanisms; in some cases this appears to be limited to protection of the natural environment (see above).

Overall the natural environment is well protected by a the Conservation Authorities Act which protects water resources, wetlands, woodlands and natural habitats in Ontario, and by the Cataraqui Regional Conservation
authority and the Rideau Valley Conservation authority which together span the canal and protect natural habitats.

ICOMOS considers that the management regime is effective and well targeted to the needs of the nominated property.

6. MONITORING

Monitoring arrangements include monitoring the state of buildings and engineering works, development projects and visitor trends and impacts.

ICOMOS considers that the current monitoring could be extended to include the wider setting of the canal once key vistas and visual envelopes have been identified.

7. CONCLUSIONS

Although the Canal is being nominated for its technological achievements, appreciation of its scale and its impact on its surroundings have a visual dimension. Currently the canal itself and its narrow 30 metre buffer zone are well protected. Its wider setting is protected for environmental reasons but less so for visual attributes.

ICOMOS considers that the proposed study of vistas should be extended to identify the visual setting of the canal along its length and on the basis of this, considerate should be given to extending protection to those areas which contribute to the quality and understanding of the canal in its setting.

Recommendations with respect to inscription

ICOMOS recommends that the Rideau Canal, Canada, be inscribed on the World Heritage List on the basis of criteria i and iv.

Recommended Statement of Outstanding Universal Value

The Rideau Canal is a large strategic canal constructed for military purposes which played a crucial contributory role in allowing British forces to defend the colony of Canada against the United States of America, leading to the development of two distinct political and cultural entities in the north of the American continent, which can be seen as a significant stage in human history.

Criterion i: The Rideau Canal remains the best preserved example of a slackwater canal in North America demonstrating the use of European slackwater technology in North America on a large scale. It is the only canal dating from the great North American canal-building era of the early 19th century that remains operational along its original line with most of its original structures intact.

Criterion iv: The Rideau Canal is an extensive, well preserved and significant example of a canal which was used for a military purposes linked to a significant stage in human history - that of the fight to control the north of the American continent.

ICOMOS further recommends that following the completion of the study of the visual setting of the canal,

consideration is given to strengthening its visual protection outside the buffer zone, in order to ensure the visual values of the setting are protected alongside environmental values.
Map showing the location of the nominated properties
Ottawa Lockstation

Edmonds spillway
Smith Falls

Fort Henry in Kingston
Le canal Rideau (Canada)

No 1221

Nom officiel du bien tel que proposé par l’État partie : Le canal Rideau

Lieu : Province de l’Ontario

Brève description :

S’étendant sur 202 km depuis Ottawa au nord jusqu’au port de Kingston sur le lac Ontario au sud, le monumental canal Rideau a été construit au début du XIXe siècle à des fins principalement militaires et stratégiques, à une époque où la Grande-Bretagne et les États-Unis se disputaient le contrôle de la région et où la colonie britannique du Haut Canada avait besoin d’une ligne de ravitaillement sûre. La solution choisie, un système en plans d’eau (slackwater canal) consistant à inonder des rapides grâce à de hauts barrages de retenue, illustre l’utilisation en Amérique du Nord de technologies européennes. Ce canal fut l’un des premiers à avoir été spécialement conçu pour des bateaux à vapeur, et il est associé à un ensemble de fortifications s’étendant sur toute sa longueur et autour du port.

Catégorie de bien :

En termes de catégorie de biens culturels, telles qu’elles sont définies à l’article premier de la Convention du Patrimoine mondial de 1972, il s’agit d’un site.

1. IDENTIFICATION

Inclus dans la liste indicative : 1er octobre 2004

Assistance internationale au titre du Fonds du patrimoine mondial pour la préparation de la proposition d’inscription : Non

Date de réception par le Centre du patrimoine mondial : 26 janvier 2006

Antécédents : Il s’agit d’une nouvelle proposition d’inscription.

Consultations : L’ICOMOS a consulté son Comité scientifique international sur les fortifications et le patrimoine militaire, ainsi que le TICCIH.

Littérature consultée (sélection):


Legget, Robert, John By; Builder of the Rideau Canal, Founder of Ottawa, Ottawa, 1982

Legget, Robert, Ottawa River Canals and The Defence of British North America, Toronto, 1988

Legget, Robert, Rideau Waterway, Toronto, 1955


Mission d’évaluation technique : 2-10 septembre 2006


Date d’approbation de l’évaluation par l’ICOMOS : 21 janvier 2007

2. LE BIEN

Description

Le bien s’étend sur 21 454,81 hectares et est entouré d’une zone tampon de 2 363,20 hectares.

Construit pour assurer une liaison facile à défendre et sûre entre le lac Ontario et Ottawa dans la colonie britannique du Haut Canada, le canal Rideau se compose de tronçons canalisés des rivières Rideau et Cataraqui et non de nouveaux canaux creusés. L’élévation du niveau d’eau des rivières au moyen de barrages transforma ces cours d’eau jadis difficiles aisément navigables pour les grands bateaux à vapeur.

Ce système de canaux en plans d’eau (slackwater canal) fut mis au point par le lieutenant colonel John By, du Corps des ingénieurs royaux (Royal Engineers Corp), nommé en 1826 par le gouvernement britannique pour superviser la construction d’un lien fluvial entre le lac Ontario et l’intérieur de la colonie du Haut Canada. La solution de John By évitait les importants travaux de creusement de nouveaux canaux, préconisant à la place la construction d’une série de barrages rehaussant le niveau des rivières jusqu’à les rendre navigables et créant une chaîne constituée de 50 écluses. John By privilégia un nombre limité d’écluses avec des levées importantes plutôt que des écluses plus nombreuses mais de moindre hauteur. De ce fait, les écluses du canal Rideau s’élèvent parfois jusqu’à 4,6 mètres de haut. John By insista pour qu’elles soient suffisamment larges pour permettre le passage des bateaux à vapeur, qui faisaient alors leur appariation en Amérique du Nord. Elles pouvaient atteindre 37,8 m de long et 9,1 m de large, une échelle qui, combinée à leur hauteur, nécessitait une résistance importante des parois et des portes des écluses, afin de contenir la force d’immenses volumes d’eau.

Les écluses étaient associées à des lacs servant de réservoirs, stockant l’eau pendant les mois chauds de l’été et libérant progressivement les eaux de crue pendant les fortes pluies.

La construction du canal commença en 1828 et s’acheva en 1832. Six postes défensifs (blockhouses) furent édifiés le long du canal aux points considérés comme étant vulnérables, ainsi qu’un fort, le fort Henry, à l’est du port de Kingston. Plus tard, suite à des mouvements insurrectionnels dans la colonie, on ajouta des maisons de
maîtres éclusiers défendables à plusieurs postes d’éclusage. Finalement, entre 1846 et 1848, quatre tours Martello furent érigées pour renforcer les fortifications du port de Kingston.

Au milieu du XIXe siècle, le canal avait perdu son importance stratégique mais était devenu une voie de transport commercial prospère. Ce succès eut un profond impact sur la région environnante, jadis quasi déserte, et entraîna le développement de nombreux petits peuplements basés sur des activités agricoles, des moulins et des industries de service, et d’une grande ville à l’extrémité nord. Appelée à l’origine Bytown en l’honneur de John By, elle fut rebaptisée Ottawa en 1855 et devint capitale du nouveau dominion du Canada en 1867. Dans les années 1870, les touristes découvrirent les attraits du canal et plusieurs lieux de villégiature virent le jour dans les années 1890, suivis par des cottages d’été de plus en plus nombreux après la Première Guerre mondiale. Aujourd’hui, le canal n’a pratiquement plus qu’une utilisation récréative.

La zone proposée pour inscription se compose des éléments suivants :

- Barrages de retenue du canal, écluses, épanchoirs
- Ponts
- Maisons de maîtres éclusiers
- Postes défensifs (Blockhouses)
- Fort Henry et tours Martello

Ceux-ci sont considérés séparément.

**Barrages de retenue du canal, écluses, épanchoirs**

Pour relier les rivières Rideau et Cataraqui et les rendre navigables, il fallait relever les eaux pour éliminer des rapides, des zones insuffisamment profondes et des marécages. Ce qui fut fait au moyen de barrages rehaussant le niveau des eaux et créant une série de tronçons navigables pour des bateaux passant de l’un à l’autre grâce à un système d’écluses. On construisit au total 74 barrages et 50 écluses le long des 202 km de trajet. Les barrages étaient principalement constitués de digues de terre, sept étaient des barrages-voûtes en maçonnerie (en forme de fer à cheval, dont la hauteur est maximale au point central situé vers l’amont, et va en diminuant jusqu’aux points de butée), qui subsistent tous sous leur forme d’origine. Au niveau de certains sites éclusiers, une série de barrages fut construite en une seule fois, et comprend par exemple des barrages en terre, des barrages-voûtes en maçonnerie de pierre et des épanchoirs en pierre, pour le contrôle des eaux. C’est le cas par exemple à Kingston Mills. À Jones Falls, le barrage-voûte en pierre, avait une portée de 107 mètres et une hauteur de 19 mètres, c’est-à-dire une hauteur deux fois plus importante que celle de n’importe quel autre barrage alors construit en Amérique du Nord. 23 des 74 barrages de retenue originaux conservent leur structure intacte.

On comptait 47 écluses regroupées sur 24 sites éclusiers. Elles avaient un fond en pierre ou en bois et des murs parés de pierre. Il ne reste aucun des fonds de bois. L’une des écluses a été reconstruite en béton.

Quand le canal ouvrit, toutes les écluses étaient actionnées grâce à des treuils manuels. Aujourd’hui, trois ont été transformées et sont actionnées par des systèmes hydro-électriques.

**Ponts**

Au moment de la construction, le paysage aux alentours était peu peuplé, et aucun pont ne fut édifié. Avec la croissance démographique du XIXe siècle, des ponts furent construits au niveau des sites éclusiers ; 12 sont inclus dans le bien proposé pour inscription et illustrent l’évolution de la construction dans ce domaine. Trois sont des ponts mobiles en poutrelles en acier, construits vers 1900 ; quatre sont des copies des ponts d’origine en bois et les cinq autres sont des structures en acier tardives.

**Maisons de maîtres éclusiers**

Les maisons originales étaient des petites structures de plein pied aisément défendables. Quand les temps furent moins troublés, beaucoup d’entre elles furent agrandies avec l’ajout d’un étage. À la fin du XIXe siècle et au début du XXe siècle, d’autres maisons de maître éclusier furent construites. 33 bâtiments remontant à la construction du canal existent encore aujourd’hui.

**Postes défensifs (Blockhouses)**

Sur les six postes défensifs (blockhouses) bâtis à l’origine pour défendre les positions vulnérables le long du canal, quatre subsistent à ce jour. Quoique modifiés une fois leur usage d’origine tombé en désuétude, ils ont tous retrouvé leur aspect initial.

**Fort Henry et tours Martello**

Le fort Henry, sur le promontoire de Kingston, a été bâti en 1830 sur le site d’une forteresse de type Vauban. Le plan du fort Henry suivait des modèles prussiens, conçus pour permettre de résister aux nouvelles technologies de l’artillerie.

Cette vaste unité militaire fut achévée par l’ajout de la batterie du marché et de quatre tours Martello construites entre 1846 et 1848 : Les tours Frederick et Cathcart ont été construites dans l’est du débouché du canal Rideau et celles de Shoal et Murney dans l’ouest. Ces tours circulaires à un étage, avec une plate-forme de guet défendue par un parapet et un fosse à sec, faisaient partie d’un modèle élaboré en Grande-Bretagne à l’époque des guerres napoléoniennes.

**Histoire et développement**

Suite à la guerre d’indépendance américaine, des milliers de personnes restées fidèles à la Couronne britannique partirent vers le nord, au Canada. Le gouvernement se lança immédiatement dans la recherche de régions susceptibles d’accueillir les loyalistes. Les rivières Cataraqui et Rideau faisaient partie des zones envisagées et, en 1800, plusieurs moulins furent construits, dont le premier à Kingston Mills en 1874. En quelques années, des moulins se dressaient près de la plupart des grandes chutes
Les difficultés de navigation sur ces rivières au nord du Saint-Laurent, la principale zone de peuplement, entravèrent le développement et la concentration démographiques.

La nécessité d’améliorer la voie fluviale vint non pas des milieux agricoles ou d’autres sphères économiques, mais de celui de la défense. La guerre de 1812-1814 entre la Grande-Bretagne et les États-Unis d’Amérique avait mis en évidence la vulnérabilité du fleuve Saint-Laurent, principale voie de ravitaillement de la colonie. Non seulement c’était une voie lente, à cause des rapides, mais il ne pouvait pas faire face à attaque de l’Amérique sur une grande partie de son tracé entre Montréal et le lac Ontario. Après la fin des hostilités, l’Amérique continua d’être considérée comme une menace potentielle et le besoin d’une voie d’approvisionnement militaire sûre resta un impératif vital. Par conséquent, les urbanistes militaires portèrent leur attention sur les rivières Cataracte et Rideau.

Après une mission d’exploration à la fin de la guerre, le projet du canal vit réellement le jour en 1824-1825, avec deux études, l’une de l’ingénieur civil Samuel Clowes à la demande des autorités du Haut Canada, et l’autre à la demande du duc de Wellington, alors commandant en chef des armées. La dimension stratégique du canal incita le gouvernement britannique de se charger de sa réalisation.

En 1826, le gouvernement britannique nomma le lieutenant colonel John By, du Corps des ingénieurs royaux (Royal Engineer Corp), pour superviser la construction du canal. Avant sa nomination, des ingénieurs militaires avaient réalisé un plan de construction de nouveaux canaux permettant de contourner les rapides et les marécages le long des rivières. Il aurait fallu pour cela une quarantaine de km de nouveaux canaux le long du parcours de 202 km. By adopta une autre approche et persuada le gouvernement d’opter pour un système en plans d’eau (slackwater canal), une surélévation du niveau d’eau au-dessus des rapides et des marécages grâce à de hauts barrages de retenue. Ceci créa une voie praticable avec un minimum de travaux de creusement. John By insista également pour que le canal puisse accueillir les bateaux à vapeur qui faisaient alors leur apparition, ce qui impliquait des barrages plus hauts et plus larges que tous ceux construits jusqu’alors en Amérique du Nord. La construction du canal débuta en 1828 et fit travailler quelque 6 000 ouvriers sur plusieurs sites tout le long du canal. Il était navigable sur toute sa longueur en 1832.

Le choix du tracé du canal Rideau et la canalisation en plans d’eau (slackwater canal) qui fut adoptée furent influencés par l’absence de développement urbain du pays que devait traverser le canal. Dans de nombreuses régions d’Europe, par exemple, les propriétaires des terres agricoles en bord de rivière, des moulins à eau et des droits de pêche se seraient opposés à l’altération du niveau des eaux qu’impliquait ce genre de système. Les canaux en plans d’eau sont plus facile à construire et nécessitent moins d’ouvriers. Quand l’environnement le permet, comme c’était le cas avec le canal Rideau, cette méthode est donc choisie de préférence à un canal conventionnel, plus onéreux.

Comme de nombreux canaux, le canal Rideau semble avoir joué un rôle de catalyseur du développement urbain. Ottawa se développa autour du canal, partant vers le sud depuis la rivière Ottawa, et ailleurs des villes naquirent sur les rives du canal. Il s’agit d’un trait typique du développement économique associé aux canaux ; il reflète le développement de villes après la construction d’un canal, phénomène qu’on retrouve ailleurs dans le monde.

Le canal Rideau a survécu quasiment dans son état d’origine, grâce à une dérivation instaurée après l’amélioration des relations entre la Grande-Bretagne et les États-Unis et au développement de la voie fluviale du Saint-Laurent, bien plus importante. Sa capacité militaire ne fut jamais mise à l’épreuve. Aujourd’hui, c’est essentiellement un cours d’eau de plaisance.

**3. VALEUR UNIVERSELLE EXCEPTIONNELLE, INTÉGRITÉ ET AUTHENTICITÉ**

**Intégrité et authenticité**

**Intégrité**

Le bien proposé pour inscription conserve tous les éléments principaux du canal d’origine, ainsi que des modifications pertinentes apportées ultérieurement au lit du cours d’eau, aux barrages, aux ponts, aux fortifications, aux postes d’éclusage et aux ressources archéologiques associées.

**Authenticité**

Le plan original du canal ainsi que la forme des canaux sont restés intacts. Le cadre des 47 écluses d’origine subsiste. En revanche, il ne reste aucun fonds d’écluse en bois, et aucune porte éclusière de ce matériau. La durée de vie de ces dernières ne dépasse pas en effet 20-25 ans et elles doivent être régulièrement remplacées. 41 écluses sont considérées comme des ressources culturelles de Niveau 1 par le Canada, c’est-à-dire qu’elles possèdent un degré élevé d’authenticité.

Sur les 74 barrages, 23 ont un statut de niveau 1, le reste sont de niveau 2. Les barrages de retenue en pierre, en forme de fer à cheval, qui subsistent tous à ce jour, sont les réalisations les plus significatives en termes de génie civil.

Le canal Rideau répond à sa fonction dynamique d’origine, celle d’être un cours d’eau praticable et ce, sans interruption depuis sa construction. La plupart de ses portes d’écluse et de ses vannes d’arrêt sont toujours actionnées par des treuils manuels.

L’ICOMOS considère que le bien proposé pour inscription répond de façon appropriée aux conditions d’intégrité et d’authenticité.

**Analyse comparative**

La proposition d’inscription donne une vision d’ensemble des canaux construits pour l’irrigation, le contrôle des eaux et le transport. Elle situe le canal Rideau dans cette dernière catégorie, et apporte des éléments de comparaison pour la catégorie de canaux construits sur les principes d’élévation des eaux (slackwater canal). Elle avance aussi des éléments de comparaison pour les canaux construits à des fins militaires, bien que ceux-ci soient limités aux exemples postérieurs à 1804. L’ICOMOS considère que

Canaux militaires

L’usage militaire des canaux a été sous-estimé à la fois par les historiens des canaux et par la proposition d’inscription. Le rôle du génie et du transport militaires n’est pas reconnu à sa juste valeur dans le développement de la technologie des canaux. Les Romains construisirent des canaux militaires, tels que la Fossa Drusiana de 12 av. J.-C. qui relie le Rhin à l’IJsse, près de Amhem. Auparavant, en 101 av. J.-C., la Fossa Mariana avait été construite entre Arles et la Méditerranée pour éviter le difficile passage du delta du Rhône. Trajan améliora aussi le Danube en construisant un chemin de halage au travers de la région des Portes de Fer pour faciliter son invasion de la Dacie.


Les guerres espagnoles aux Pays-Bas initierent la construction d’un canal militaire, la Fossa Eugenia, qui reliait le Rhin, près de Duisbourg, à la Meuse, à Venlo. Les travaux commencèrent en 1626. Il s’agissait de chenaux rectilignes entre des fortifications, mais les Hollandais interrompirent la construction en 1628. Il resta inachevé mais ses vestiges existent toujours.

Les Prussiens construisirent eux aussi des canaux pour des raisons militaires : le canal de Bromberg (Bydgoszcz), par exemple, qui fut construit après le début de l’expansion de la Prusse vers l’est via la Pologne dans les années 1770. Le canal permit de relier l’Oder à la Vistule et d’envoyer efficacement troupes et ravitaillement sur le front oriental de la Prusse.

En France en 1806, Napoléon initia la construction du Canal de Nantes à Brest, en Bretagne, afin d’éviter le blocus naval britannique de la navigation côtière. Entre 1810 et 1832, le canal de Göta en Suède était considéré comme élément d’importance stratégique pour la défense de la Suède. En France, le canal de l’Est fut construit pour éviter les avancées prussiennes pendant la guerre franco-prussienne de 1870-1871.

En Grande-Bretagne, le canal militaire royal de 1804-1806, semblable par sa conception à la Fossa Eugenia, fut construit pour dissuader Napoléon de faire débarquer ses troupes dans la région mal défendue des Romney Marshes. Ce ne fut pas le seul canal construit en Grande-Bretagne à des fins militaires. Le canal Calédonien, construit entre 1803 et 1822, fut construit pour que les petits navires de guerre puissent éviter le couronnement dangereux du nord de l’Écosse, tout en permettant l’accès des bateaux de pêche. Le dossier de proposition d’inscription n’étudie en détail que le canal militaire royal et conclut qu’il était d’importance bien moindre, en termes militaires, que le canal Rideau et qu’il était moins lourdement fortifié. La différence cruciale entre l’usage du canal Rideau et d’autres réside dans son rôle prépondérant dans une campagne militaire qui peut être mise en rapport avec une période significative de l’histoire humaine – la résistance de la colonie du Canada contre les États-Unis d’Amérique et dans le fait qu’il demeure en usage et largement dans son état initial.

Le canal Rideau est un excellent exemple de canal construit à des fins militaires mais qui eut d’immenses conséquences économiques et sociales.

Canaux en plans d’eau (slackwater canal)

Le dossier de proposition d’inscription étudie les canaux en plans d’eau (slackwater canal) d’Amérique du Nord et conclut qu’aucun ne fit avancer la technologie comme le canal Rideau. Cependant, le canal Érié, aux États-Unis, est aussi un canal en plans d’eau (slackwater canal) achevé en 1825 et il fut économiquement bien plus significatif, avec des travaux d’ingénierie bien plus considérables que le Rideau. Toutefois, il a été altéré à certains endroits depuis sa construction.

D’autres exemples auraient pu être pris en compte en Europe. Le canal Calédonien, en Écosse, et le canal de Göta, en Suède, sont similaires au canal Rideau, car ils utilisent des lacs naturels et des rivières sur une grande partie de leur tracé, avec des écluses souvent regroupées en volées, bien que tous deux présentent également des canaux artificiels. Le lieutenant-colonel By connaissait de nombreux rapports gouvernementaux publiés au sujet de l’avancement des travaux. Les écluses du canal Rideau avaient une taille comparable. Celles du canal Calédonien se révélèrent vite trop petites pour des bateaux de haute mer à vapeur de plus en plus grands, et le canal ne connut jamais un grand succès. Un tel problème n’a pas touché le canal Rideau, dont les bateaux étaient purement destinés à la navigation fluviale et, par conséquent, de moindre taille.

En conclusion, l’ICOMOS considère que le canal Rideau est significatif en tant que modèle nord-américain d’un canal à plans d’eau (slackwater canal) conçu pour un usage militaire qui eut un impact sur le développement dans sa région et qui demeure en usage.

**Justification de la valeur universelle exceptionnelle**

L’État partie considère que, sur le plan conceptuel, sur celui de la conception et de l’ingénierie, le canal Rideau est, au niveau mondial, l’exemple le plus remarquable encore existant d’un système de canal en plans d’eau du début du XIXe siècle, et l’un des tout premiers canaux spécifiquement conçus pour les bateaux à vapeur. Il est considéré comme un exemple exceptionnel de transfert d’une technologie de transport européenne et de son progrès ingénieux dans l’environnement nord-américain, et comme un exemple rare de canal construit principalement à des fins militaires et stratégiques. Le canal Rideau, avec son ensemble de fortifications militaires, est présenté comme l’illustration d’une période significative dans l’histoire humaine, l’époque durant laquelle la Grande-Bretagne et les États-Unis d’Amérique luttaient pour le contrôle de la partie septentrionale du continent nord-américain.

L’ICOMOS considère que le canal Rideau démontre une valeur universelle exceptionnelle en tant que grand canal stratégique construit à des fins militaires et ayant joué un rôle crucial dans la défense des forces britanniques de la colonie du Canada contre les États-Unis d’Amérique, qui mena au développement de deux entités politiques et culturelles distinctes dans le nord du continent américain, que l’on peut considérer comme une période significative dans l’histoire humaine.

**Critères selon lesquels l’inscription est proposée**

Le canal Rideau est proposé pour inscription sur la base des critères i, ii et iv.

**Critère i :** La justification de ce critère est axée sur la décision du lieutenant colonel John By d’utiliser ce qu’on décrit comme une technologie hautement novatrice, la canalisation en plans d’eau (slackwater canal), à une échelle suffisamment grande pour accueillir des bateaux à vapeur. Comme le détaille l’analyse comparative (ci-dessus), cette technologie n’était pas nouvelle mais ne pouvait être employée que là où l’occupation des sols ne s’opposait pas à une hausse du niveau des eaux. La créativité de John By se limita à utiliser cette technologie comme un moyen approprié pour minimiser les coûts de main-d’œuvre et la durée des travaux, et aisément gérable étant donné le faible taux d’occupation des sols dans la région.

Une technologie similaire fut utilisée pour le canal Érié mais celui-ci a été altéré depuis sa construction. Le canal Rideau reste donc l’exemple de canal en plans d’eau (slackwater canal) le mieux préservé d’Amérique du Nord, et un témoignage de l’usage à grande échelle de cette technologie européenne en Amérique du Nord. C’est le seul canal datant de la grande èpoque de la construction de canaux en Amérique du Nord, au début du XIXe siècle, qui reste opérationnel sur tout son tracé initial et qui conserve intacte la plupart de ses structures d’origine.

L’ICOMOS considère que ce critère a été justifié.

**Critère ii :** Ce critère est justifié aux motifs que l’utilisation de la technologie européenne de canalisation en plans d’eau (slackwater canal) en Amérique du Nord permit son amélioration, et que l’utilisation des technologies militaires dans la construction des forts représentait un transfert de technologie. Bien que les techniques de levé de terrain et les écluses soient similaires à celles utilisées pour le canal Calédonien, les barrages de retenue étaient bien plus grands que ceux qui furent construits ailleurs ; les barrages de Kingston Mills étaient incomparablement plus imposants que ceux qui existaient alors en Amérique du Nord. Et, si les forts étaient tous bien adaptés à leur usage, le fort de Murney fut le plus sophistiqué à avoir été construit en Amérique du Nord d’après une conception et une construction européenne.

Pour la canalisation en plans d’eau (slackwater canal) comme pour la construction des forts, des techniques européennes furent introduites avec succès en Amérique du Nord, employées et, en ce qui concerne les barrages, améliorées dans une certaine mesure. Il est cependant plus difficile de justifier en quoi ce transfert de technologie eut un impact majeur sur une région du monde ; son impact fut en fait confiné aux canaux Rideau et Érié. Le canal joua effectivement un rôle économique significatif dans cette région, mais ce n’est pas la même chose qu’un impact technologique.

L’ICOMOS considère que ce critère n’a pas été justifié.

**Critère iv :** La période significative de l’histoire humaine est définie ici comme celle du conflit entre deux grandes puissances mondiales, la Grande-Bretagne et les États-Unis d’Amérique. Le dossier suggère que le canal Rideau joua un rôle dans la protection du Canada en assurant la sécurité de ses voies de ravitaillement. Il y est également avancé que, par son succès, la création du canal fut fondamentale pour l’expansion du Canada colonial.

L’ICOMOS considère que d’autres raisons permirent en fin de compte à la Grande-Bretagne de tenir les Américains en échec, et que le canal Rideau ne suffit pas à lui seul à expliquer leur succès. Cependant, son existence fut effectivement un facteur non négligeable dans la défense du Canada. Le canal Rideau est donc un exemple important, bien conservé et significatif de canal utilisé à des fins militaires et associé à une période significative dans l’histoire humaine, celle de la lutte pour le contrôle du nord du continent américain.

L’ICOMOS considère que ce critère a été justifié.

**4. FACTEURS AFFECTANT LE BIEN**

**Pressions liées au développement**

La principale menace concerne le cadre du bien. La zone tampon est particulièrement étroite (voir ci-dessous), elle ne fait que 30 m de large. Depuis les années 1950, on assiste à un développement résidentiel sur les berges, particulièrement au sud d’Ottawa et dans la région du lac Rideau, de telle sorte que seule la moitié des terres sur les
rives ne sont pas urbanisées. Les terres qui restent ne sont soumises, dit-on, qu’à des pressions de développement minimales.

Les quatre tours Martello et le fort Henry ne sont pas menacés individuellement par le développement, mais leur intervisibilité, un trait fondamental de leur aménagement, a été en partie compromise par le développement moderne, quoique ce qui en reste soit protégé.

**Catastrophes naturelles**

La principale menace viendrait d’une crue exceptionnelle due au changement climatique, qui pourrait endommager les barrages de retenue et les rives. Des protocoles sont en place pour faire face à une telle menace. Des inspections sont aussi régulièrement effectuées afin de repérer le plus rapidement possible toute instabilité dans les barrages de retenue.

**Exploitation minière**

La proposition d’inscription n’identifie pas l’exploitation minière comme une menace majeure, mais elle a toutefois été soulignée dans la presse locale comme un problème potentiel et a été évoquée lors de la mission.

L’État partie s’est vu demander de garantir qu’en cas de nouvelle activité minière, le cadre du canal ne serait touché par aucun impact. En réponse, il a été déclaré que la loi sur l’extraction minière de l’Ontario interdisait les activités d’exploration et d’extraction de minerai à moins de 120 mètres des lacs et des fleuves. Cette réserve s’applique pleinement au canal Rideau. Au-delà de la limite des 120 mètres, des restrictions sévères sont en place. Il est en outre déclaré que la présence potentielle de minerai dans le voisinage plus lointain du canal est généralement faible, tandis que les terres sont très présées pour leur valeur naturelle, récréative et esthétique, ce qui rend infime la probabilité d’une activité minière.

**5. PROTECTION, CONSERVATION ET GESTION**

**Délimitations du bien proposé pour inscription et de la zone tampon**

Le site proposé pour inscription se compose de la structure du canal, des postes défensifs (blockhouses) et des structures défensives associées. La zone tampon est une bande de 30m de large s’étendant le long de chaque rive.

Selon l’État partie, cette bande de 30 mètres de large oblige le développement urbain à s’établir en retrait des rives en vertu des politiques d’urbanisme municipales. L’État partie a confirmé que toutes les municipalités le long du canal adhéraient à ce précepte et que tout nouveau développement était tenu à l’écart des bords du canal. Toutefois, il déclare aussi que sur plus de 95 % de son parcours, tout nouveau développement à l’exception des marinas, doit respecter la limite des 30 mètres, tandis que dans les zones urbaines plus anciennes, qui représentent moins de 5 % de sa longueur, la limite est un peu réduite car le schéma de développement est antérieur à l’établissement de cette règle. En outre, le plan officiel de la municipalité de South Frontenac tolère une réduction de la limite des 30 mètres, si une évaluation environnementale prouve qu’il n’y aura pas d’impact sur la qualité de l’eau et l’habitat des poissons. La réduction de la limite des 30 mètres est décidée au cas par cas et, dans la pratique, il semble qu’elle soit rarement accordée.

L’étroite zone tampon proposée protège les abords immédiats du canal mais non son environnement plus large. Bien qu’aucun nouveau développement substantiel ne soit autorisé dans la zone tampon, les nouvelles maisons sont tolérées au-delà si elles ne causent pas de préjudice environnemental.

En réponse aux questions sur les modalités de définition et de protection de l’environnement plus large, l’État partie a déclaré que le cadre n’était pas la priority de la proposition d’inscription. Toutefois, toutes les municipalités disposent de politiques générales qui reconnaissent l’importance de l’environnement visuel. La ville d’Ottawa a mis en place une procédure de révision de l’aménagement et a la possibilité d’évaluer l’impact du développement envisagé sur l’environnement visuel, tandis que les autres municipalités le long du canal se sont dotées d’un dispositif moins complet – un processus de contrôle du plan du site – pour minimiser l’impact visuel d’un nouveau développement. De surcroît, pour encourager la protection des perspectives panoramiques et des caractéristiques de l’environnement du canal, le plan de gestion comporte l’engagement d’identifier les zones ayant une valeur panoramique exceptionnelle et d’encourager l’utilisation de styles architecturaux qui s’accordent avec le patrimoine architectural dans la région qui longe le canal. Pour mettre en œuvre ces actions, l’Agence Parcs Canada mène deux études visant à identifier les vues panoramiques et les caractéristiques du canal et à élaborer des directives applicables aux nouvelles constructions.

L’État partie a aussi reconnu l’importance de la préservation de l’environnement du canal grâce à des politiques d’urbanisme solides, à une gestion raisonnée de la part des propriétaires fonciers, le tout sous la tutelle de l’Agence Parcs Canada et des autres agences gouvernementales.

Dans certaines zones du canal, par exemple entre Long Island et Burritts Rapids, de nombreuses maisons ont été construites à proximité du canal. Bien que celles-ci semblent respecter la règle des 30 mètres, la présence de nombreuses maisons peut avoir un impact non négligeable sur l’environnement du canal, même si elles sont situées sur des parcelles assez vastes.

L’ICOMOS considère que l’environnement visuel du canal nécessite une identification plus claire et vis-à-vis du développement. De surcroît, pour encourager la protection des perspectives panoramiques et des caractéristiques du canal et à élaborer des directives applicables aux nouvelles constructions.

Dans certaines zones du canal, par exemple entre Long Island et Burritts Rapids, de nombreuses maisons ont été construites à proximité du canal. Bien que celles-ci semblent respecter la règle des 30 mètres, la présence de nombreuses maisons peut avoir un impact non négligeable sur l’environnement du canal, même si elles sont situées sur des parcelles assez vastes.

L’ICOMOS considère que l’environnement visuel du canal nécessite une identification plus claire et, le cas échéant, des contrôles plus stricts pour protéger les points de vue identifiés ainsi que l’environnement des caractéristiques principales du canal, qui ont besoin de protection. Le dispositif actuel, qui n’autorise le développement que s’il ne cause pas de préjudice environnemental, pourrait être renforcé et être contraignant vis-à-vis du développement susceptible de nuire à l’environnement visuel du canal.
structure du canal. L’ICOMOS considère toutefois que l’environnement visuel du canal nécessite une définition plus claire et une protection appropriée, afin d’assurer que les valeurs visuelles de l’environnement soient prises en compte à l’instar des valeurs environnementales.

**Droit de propriété**

Les structures du bien proposé pour inscription, c’est-à-dire la structure du canal, les postes défensifs (blockhouses) et les structures défensives associées, sont toutes la propriété de l’État canadien.

La zone tampon, une bande de 30 mètres qui s’étend sur chaque rive, appartient à divers propriétaires, privés et municipaux.

**Protection**

**Protection légale**

Tous les éléments du bien proposé pour inscription (canal, bâtiments associés et forts) sont protégés en tant que sites historiques nationaux en vertu du *Historic Sites and Monuments Act* 1952-1953.

L’ICOMOS considère que les mesures de protection du bien sont appropriées, sauf pour l’environnement plus large du canal (voir ci-dessus).

**Conservation**

**Historique de la conservation**

Le dossier détaille les travaux de conservation des dix dernières années. Il s’agit essentiellement de travaux d’amélioration de maintenance. Les principaux projets de restauration ont été réalisés dans les tours Martello. La liste des travaux à venir est aussi fournie. Ce sont là encore des projets d’envergure assez limitée, car des travaux majeurs ne s’imposent pas.

**État actuel de conservation**


L’ICOMOS considère que la conservation du bien est bonne et que les ressources actuelles sont conformes aux besoins du bien.

**Gestion**

L’Agence Parcs Canada est l’autorité qui exerce le droit de propriété, sous le contrôle du Parlement canadien et du ministre en charge de sa supervision, nommé par le premier ministre du Canada, pour l’ensemble du bien, à l’exception du fort Frédéric, confié au ministère de la Défense.

Le *Historic Monuments Act* impose la mise en place d’un plan de gestion pour chaque site historique. Il en existe actuellement un pour le canal (complété en 1996 et mis à jour en 2005), et des plans sont en cours de finalisation pour le fort Henry et les fortifications de Kingston. Le plan de gestion du canal est renforcé par le registre des canaux historiques, qui offre un cadre d’application pour toutes les activités susceptibles d’avoir un impact sur les valeurs culturelles d’un monument. Le fait que la propriété et la gestion de ce long canal relèvent chacune d’un seul organisme facilite grandement sa gestion et assure la cohérence de l’approche.

L’ensemble du personnel de l’Agence Parcs Canada présente un large éventail d’expertises, couvrant tous les aspects du bien proposé pour inscription : archéologues, urbanistes, ingénieurs en écologie, etc., et tous reçoivent une bonne formation professionnelle continue. Ils sont basés à Cornwall, dans l’Ontario, et à Ottawa.

La gestion et le contrôle de la zone tampon et de l’environnement du canal sont assurés par les services d’aménagement du territoire et d’urbanisme des villes et des municipalités plutôt que par désignation. Chaque province possède des mécanismes réglementaires légèrement différents ; dans certains cas, ceux-ci semblent limités à la protection de l’environnement naturel (cf. ci-dessus).

Globalement, l’environnement naturel est bien protégé par le *Conservation Authorities Act*, qui assure la préservation des ressources en eau, des marais, des bois et des habitats naturels de l’Ontario, et par la *Cataract Regional Conservation Authority* et la *Rideau Valley Conservation Authority*, qui couvrent à elles deux tout le canal et protègent les habitats naturels.

L’ICOMOS considère que le système de gestion est efficace et bien ciblé pour répondre aux besoins du bien proposé pour inscription.

**6. SUIVI**

Les dispositions de suivi comprennent le suivi de l’état des bâtiments et des travaux d’ingénierie, des projets de développement ainsi que des tendances et des impacts des visiteurs.

L’ICOMOS considère que le suivi actuel pourrait être élargi au cadre plus large du canal pour inclure les principaux panoramas et les zones de points de vue auront été identifiés.

**7. CONCLUSIONS**

Bien que l’inscription du canal soit proposée pour ses réussites technologiques, l’appréciation de son échelle et de son impact sur ses alentours a une dimension visuelle. Actuellement, le canal lui-même et son étroite zone tampon de 30 mètres sont bien protégés. Son environnement élargi est protégé pour des raisons...
environnementales, mais ses qualités visuelles sont moins respectées.

L’ICOMOS considère que l’étude des panoramas qui est proposée devrait être élargie à l’identification de l’environnement visuel du canal sur toute sa longueur et, sur cette base, qu’il conviendrait de considérer la possibilité d’étendre la protection aux zones contribuant à la qualité et à la compréhension du canal dans son environnement.

**Recommandations concernant l’inscription**

L’ICOMOS recommande que le canal Rideau, Canada, soit inscrit sur la Liste du patrimoine mondial sur la base des *critères i et iv*.

**Déclaration de valeur universelle exceptionnelle recommandée**

Le canal Rideau est un grand canal stratégique construit à des fins militaires qui a joué un rôle crucial dans la défense par les forces britanniques de la colonie du Canada contre les États-Unis d’Amérique, ce qui contribua au développement de deux entités politiques et culturelles distinctes dans le nord du continent américain ce qui peut être considéré comme une période significative de l’histoire humaine.

**Critère i** : Le canal Rideau reste l’exemple de canal en plans d’eau (*slackwater canal*) le mieux préservé d’Amérique du Nord, et il illustre l’utilisation à grande échelle de cette technologie européenne en Amérique du Nord. C’est le seul canal datant de la grande époque de construction de canaux en Amérique du Nord, au début du XIXe siècle, qui soit encore opérationnel sur son parcours initial et qui conserve intactes la plupart de ses structures d’origine.

**Critère iv** : Le canal Rideau est un exemple de grande envergure, bien préservé et significatif de canal utilisé à des fins militaires et illustrant une période significative de l’histoire humaine, celle de la lutte pour le contrôle du nord du continent américain.

L’ICOMOS recommande en outre que, une fois l’étude de l’environnement visuel du canal achevée, il soit envisagé de renforcer la protection visuelle de celui-ci au-delà de la zone tampon, afin d’en protéger les valeurs visuelles à l’instar de ses valeurs environnementales.
Plan indiquant la localisation des biens proposés pour inscription
Écluses de Ottawa

Déversoir d'Edmonds
Chutes de Smith

Fort Henry à Kingston