

Councillor Bill Evans's statement to Sackville Town Council on repeal of the heritage bylaw, Monday, July 9, 2018:

This is an issue that has been, well, I've agonized over it for a long time and I have spent hundreds of hours on this issue; at Heritage Board meetings (both before and after my appointment), at meetings during the re-drafting of the by-law in 2016, at council meetings, at meetings with staff, at meetings with lawyers, in court, before appeal boards, reading the legislation and speaking with citizens and current and former Heritage Board members. It hasn't been easy and I have learned more than I ever wanted to know about heritage.

I have also listened to public input since it was announced in May that we were considering repealing the bylaw. Some people feel that, if we don't act on their recommendations, that we haven't listened to them, but I can assure them that that is not the case. I have considered all the input and, while I may disagree with some of it, I am going to try to explain my reasons.

There are two big aspects to this question: What is heritage and what are we trying to do about it? And secondly, what is the right balance between public interest and private property?

The Cambridge dictionary defines heritage as: "features [in our case, buildings] belonging to the culture of a particular society that were created in the past and still have historical importance."

When we say that we want to protect our heritage, most would agree that that is a laudable goal because it seems right that we protect things from attack (an active threat). We might even agree with preserving our heritage because that implies protection from deterioration or decay (a passive threat). In principle, most people would support these, but in practice, it is not clear what it involves. Does it apply to all buildings that exist now? Do they have to be old? Is it every old building?

It's interesting to me that none of the buildings that people want to preserve now were originally old. They were brand new when they were constructed and people weren't thinking about heritage when they were built. They were modern in their day and they all replaced something --- older buildings, forests or green spaces. People have always been changing things and, for probably just as long, other people have been resisting change. One thing I have

learned over the years is that people tend to support change they initiate but resist change that is thrust upon them. Or, put another way, we all want things to stay the same unless we want to change them.

And people are different. They have different values, tastes and ideas. But one of our shared values is the notion of private property. While we certainly do have shared or public property, each of us takes it as a right that we can own property and do with it pretty much as we please. I can buy land, build a house, one storey or two, one bedroom or many, I can decide how many windows and doors and where they are located, what colour it is, whether I have a porch or not, and on and on.

Similarly, if I live in an existing home, I would expect that it would be up to me and my family whether or how we would maintain or renovate it because that's the way it's been since long before the town was founded. Over the years, some regulations have been established which impose some restrictions on what people can do with their property (primarily in the form of building codes). But there are very few because none of us likes to be told what we can or cannot do with our own stuff. One could say that the reason the heritage bylaw didn't have teeth was because there wasn't general support for biting.

I think that we all want things to look nice but, as I said earlier, people are different, and our ideas of "what looks nice" differ. It becomes a real challenge when we're talking about my opinion about what your property looks like. Recently my neighbours had their roof replaced and it's now blue. They didn't ask me. Should they have? Should we have regulations in place that dictate to property owners what they may or must do with their property? How would we feel about that legislation if it were to be applied to us. This is an issue that has come up recently in other contexts. But, while I would welcome having that debate, we haven't had it and, as a result, we don't have much, if any, legislation on this contentious issue.

Some time ago, a small group of people lobbied the town in an effort to preserve heritage and this eventually led to the establishment of a Heritage Board and the enacting of a heritage conservation area bylaw. Though done with the best intentions --- because it was never really clear what exactly we had agreed that we were trying to preserve nor had we produced legislation with "real teeth" in it --- it didn't work out as intended. It became a hugely

contentious issue on which there is little agreement except for one aspect --- almost everyone I've heard from agrees that what we currently have is not working.

While acknowledging that there are a significant number of citizens who don't think that heritage is an important issue, there are two groups who do have strong opinions on the heritage bylaw and their opinions can be summarized like this. On the one hand, we have those who think the existing bylaw needs to be strengthened because it's too weak and doesn't preserve heritage enough (e.g. neither it nor its predecessor prevented the demolition of buildings some people wanted saved) and, on the other hand, we have those who feel that the bylaw goes too far and places a burden on some property owners, that the town is interfering where it doesn't belong and that the bylaw has been nothing but trouble and should be repealed.

Unlike something like the street traffic bylaw which, though there has been discussion about tweaking it, it is, in large part, otherwise fine. In the case of the heritage bylaw, the status quo is not an option. We have been in violation of the Heritage Conservation Act for almost six months (we have had only three of the five minimum required members) and, even when we had the requisite number of members, we have not issued any permits in over a year and there isn't agreement (on the part of the Heritage Board and council) what the Heritage Conservation Act and bylaw mean precisely nor what the role and relationship of an independent Heritage Board should be.

I have spoken with people who would like to strengthen the bylaw, who agree that, if that can't be done, then repealing it is preferable to the status quo. The reason the problems we have experienced come partly from Act itself, partly from our bylaw, partly from our unfamiliarity with an independent board, but it also came from our experiences surrounding the demolition of the former United Church. This difficult experience exposed these weaknesses but those weaknesses were there all along.

Given the realities of our past experiences and our current circumstances, I don't believe that there is a consensus on what the right way to fix this dysfunction is. It didn't have to work out this way, but it did and the current situation is not satisfactory to anyone. Our experience has been hugely divisive. It has been extremely expensive and yet has not succeeded in doing what those who supported it had hoped. In fact, it has caused hardship for

some property-owners in the heritage zones. I think that this is one of those situations where if we can't agree on how to do something, the best (or least bad) thing to do is to stop doing it. But this doesn't mean that we don't care. It just means that what we have now isn't working for us.

I hope that you understand why I've come to these conclusions. If you don't understand, perhaps you can trust me that, even though this is not what I want, given what I know, I believe it is the right thing to do. And, if you can't do either (understand or trust me), then we will just have to accept that we disagree. But rest assured that this is not a decision I have taken lightly. This comes two months after the public was apprised of the possibility of repeal and I've considered what I've heard from those who have reached out. It also comes after many hours of agonizing reflection. However, just because this decision makes me sad, it doesn't mean I think it's the wrong one.

The Sackville that we know and love (and want to preserve) is the result of generations of people making their individual changes. This bylaw is relatively new (less than eight years old). Sackville survived without this bylaw until October 2010 and, it's important to remember, the existence of the bylaw didn't prevent the demolitions that so galvanized a segment of our population. My experience is that buildings get torn down because there are no practical ways for the owners to maintain them. It's sad but, like a timely death, inevitable and not wrong. Most owners want to maintain their property in an attractive manner if they can afford to. If the bylaw is repealed, I expect that the streetscape of Sackville will continue to evolve as it has for 150 years and, while not everyone will like everything, Sackville will continue to be the vibrant, attractive town that we call home. I speak in favour of the motion.