A National Heritage Trust for Canada: Implications for Planning

by Douglas Franklin

Summary

In recent years, the concept of a national heritage trust for Canada has been raised and discussed by government, the voluntary heritage movement and conservation professionals. Based on the precedent established by the National Trust in the United Kingdom, such a trust could protect properties and encourage stewardship through funding, education and legal advocacy. A national heritage trust could complement the work of government at all levels, and would have at its disposal an array of tools currently not available, even in those jurisdictions with advanced heritage legislation, policies and programs. As this body would likely significantly affect the preservation of real property, its influence would be felt at the municipal level. It could therefore become a strong partner in planning.

Sommaire

Depuis quelques années, le gouvernement, les bénévoles s’intéressant au patrimoine et les spécialistes en conservation discutent de la possibilité de créer une fiducie nationale du patrimoine au Canada. L’exemple du National Trust du Royaume-Uni révèle qu’un tel organisme peut servir à protéger les propriétés patrimoniales et à en encourager la préservation par voie de financement, de sensibilisation et de recours juridiques. Une fiducie nationale du patrimoine compléterait les actions de tous les échelons gouvernementaux et disposerait d’outils qui sont actuellement inaccessibles, même dans les juridictions qui ont adopté des lois, des politiques et des programmes avancés en matière de patrimoine. Comme cet organisme exercerait probablement une incidence profonde sur la préservation des biens immobiliers, son influence se ferait sentir à l’échelon municipal. Il serait donc appelé à devenir un partenaire dynamique en urbanisme.

Through its recently announced Historic Places Initiative (HPI), the federal government has conducted a policy discussion on the concept of a national heritage trust for Canada. The discussion comprises a third phase in the unfolding of the HPI. The first phase consists of the creation of a national register of historic property (buildings and places), the establishment of standards and guidelines for preservation and rehabilitation, and a certifying process for projects that might qualify for recognition and financial assistance. The second phase consists of the adoption and administration of the financial incentives themselves.

Heritage Trusts in Canada and the United Kingdom

Although the federal government is only now considering the desirability of a national trust, a significant history of trust-like activity exists in Canada. A number of provincial heritage trusts and the Heritage Canada Foundation have been designed to fulfill two
important trust functions, namely, the stewardship of heritage property and the generating of public support for heritage. Created in 1973 as a registered charity and trustee of the Crown, the Heritage Canada Foundation has fulfilled several functions associated with national trusts, especially those in Commonwealth countries. When the then minister responsible for funding the Heritage Canada Foundation, the Honourable Jean Chretien, Minister of Indian Affairs and Northern Development, announced its creation, he referred to it as Canada's new heritage trust. Absent from the original mandate of the Foundation, however, has been a legal advocacy role and a funding role.

The phenomenon of national heritage trusts dates to the 1890s, when the first and most renowned such trust, the National Trust of the United Kingdom, was created. The essential role of a national trust is to protect, manage and interpret properties of natural and cultural significance. During its evolution, the National Trust in the United Kingdom has acquired statutory authority, empowering it to act as a trustee of the Crown. Owing to the constitutional nature of the United Kingdom as a unitary state, however, the National Trust subsumes many of the functions that in Canada belong to both the federal and provincial heritage institutions. Parks Canada, the Historic Sites and Monuments Board of Canada and a number of provincial Crown agencies have fulfilled these trust functions over the years.

While the National Trust has acted as a guardian of heritage for more than 100 years, its programs have evolved and developed considerably. Notable among its achievements has been the acquisition of many stately residences and fragile shoreline and historic urban structures, the creation of a network of volunteer nodes to assist in the stewardship of properties and, above all, a membership of some four million worldwide. Not entirely philanthropic in its motives, the National Trust, benefiting from exceptionally high death duties, obtains donations of historic structures that would otherwise become property of the Crown through taxation.

The National Trust is the model for heritage trusts worldwide, but more especially in Commonwealth countries acquire heritage buildings of many different varieties, large and small, urban and rural, particularly where forces of the property marketplace dictate that the land has a value greater than the buildings on it. The trust, therefore, could have a significant brokerage role in a market economy. Until now, the conventional approach to threatened heritage property has been to have one or more levels of government acquire it, or else simply to let market forces prevail. In some jurisdictions, where special heritage zoning is in effect, this problem may be mitigated. However, in the larger cities of Canada, the sheer pressures of best and highest use often translate into an unfortunate conflict between the real property market and desirable public policy to retain the historic fabric of communities.

Given this background, how would a new national heritage trust affect planning, especially heritage and preservation planning, in Canada?

A New National Trust for Canada

First, a national trust would reinforce and complement the current policies and programs provided by all levels of government aimed at supporting historic preservation. Such a body would need to be equipped with a variety of tools to ensure that each function worked to its fullest capacity. Take property stewardship, for example. A trust would require flexible means to

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draw upon the experience and examples found in several countries, including Canada. The National Trust in the United States, for example, has an arm that conducts litigation to ensure compliance with existing laws, and also to undertake test cases to create important legal precedents in the protection of heritage property. A regrettable small body of case law exists in Canada, at any level, relating to either common law or statutory law in the field of heritage preservation. (In the area of natural conservation in Canada, the Sierra Legal Defence Fund successfully serves this legal advocacy role.) A dedicated unit, with adequate financial and professional resources, would assist municipal government to strengthen and improve heritage by-laws.

Education as an activity of a national heritage trust might be considered in the broad sense, incorporating activities ranging from publication of information of professional and technical interest to sensitizing Canadians about the importance of heritage. In relationship to planning, a national trust could ensure that best practices are recognized and promoted among municipalities. A trust could also offer its services to heritage planners in developing and refining policies, and act as a national forum for debate and discussion through seminars and conferences. In this role, a national trust could draw upon expertise both within Canada and from abroad.

In numerous consultations, the granting function has been considered an essential role for a national trust. Canada's record in providing funding for heritage preservation is remarkably weak and sporadic. A new, dedicated preservation fund, complementing the proposed HPI financial incentives and other sources of funding, would have a significant effect. The opening of the Infrastructure Canada Program to heritage projects several years ago demonstrated that responsible sharing among the three levels of government can be most beneficial to municipalities, especially those with official preservation planning programs.

**Conclusion**

A new national heritage trust for Canada would be an asset and an important resource for municipal planning. While heritage planning as such is still in its early stages, several municipalities with heritage planners and active preservation programs have employed the normative trust functions described and worked in partnership with agencies and organizations to fulfill these functions. In Canada today, a national trust could balance the needs of the public and private sectors, providing leadership and tangible assistance to those who work in the heritage field.

**References and Notes**


**Photo credit:** All photos were taken by Kevin Barrett, Heritage Planner, Halifax Regional Municipality.