HERITAGE ADVISORY COMMITTEE

November 18, 2026 @ 2:00 pm
Municipal Administration Building
Room 114

AGENDA

1. Call to Order

2. Election of Officers
   a. Chair
   b. Vice-Chair

3. Document Review
   a. Heritage Properties By-law
   b. Committee Terms of Reference
   c. Confidentiality Agreement
   d. Heritage Property Act

4. Guidance on Heritage Advisory Committee Roles & Responsibilities Presentation – Aleen Stanton, Lead, Heritage Property Program with NS Communities, Culture, Tourism and Heritage

5. Application Review – Olde Osborne Cemetery

6. Next Meeting Date

7. Adjournment

30(a)

Municipality of Shelburne

BYLAW 3
MUNICIPAL HERTIAGE PROPERTIES

RESPECTING THE REGISTRATION, DEREGISTRATION AND ALTERATION OR DEMOLITION OF A MUNICIPAL HERITAGE PROPERTY

BE IT ENACTED by the Council of the Municipality of the District of Shelburne, under authority of the *Municipal Government Act,* Chapter 18 of the Statutes of Nova Scotia 1998, as follows:

1. SHORT TITLE

This bylaw shall be known as Bylaw #3, and may be cited as the "Municipal Heritage Properties Bylaw".

2. DEFINITIONS

a. "Council" shall mean the Municipal Council of the District of Shelburne.

b. "Heritage Advisory Committee" shall mean a Heritage Advisory Committee within the meaning of the Heritage Property Act, having all the power and duties prescribed by the Act or incidental thereto.

c. "Municipal Clerk" shall mean the Municipal Clerk of the Municipality of the District of Shelburne.

d. "Municipal Heritage Property" shall mean a Municipal Heritage Property within the meaning of the Heritage Property Act.

e. "Municipal Registry of Heritage Property" shall mean a Municipal Registry of Heritage Property within the meaning of the Heritage Property Act, having all the powers and duties prescribed by the Act or incidental thereto.

3. MUNICIPAL REGISTRY OF HERITAGE PROPERTY

a. There shall be a Municipal Registry of Heritage Property wherein all prescribed documents relating to the registration of heritage property pursuant to the provisions of the Heritage Property Act or this Bylaw shall be filed.

b. The maintenance of the Municipal Registry of Heritage Property shall be the responsibility of the Municipal Clerk.

4. HERITAGE ADVISORY COMMITTEE

a. There shall be a Heritage Advisory Committee, which may advise the Municipality respecting:

i) The inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the Municipal Registry of Heritage Property;

ii) An application for permission to alter substantially or demolish a Municipal Heritage Property;

iii) Building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act;

iv) Any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.

b. The Heritage Advisory Committee shall be composed of no less than two (2) members of Council and no less than three (3) community members, all of whom shall be residents of the Municipality, appointed by Council for a term of three years.

5. REGISTRATION OF MUNICIPAL HERITAGE PROPERTY

a. The Heritage Advisory Committee may recommend to Council that a building, public-building interior, streetscape, cultural landscape or area be registered as a Municipal Heritage Property in the Municipal Registry of Heritage Property and the prescribed notice of such recommendation shall be served and filed by the Municipal Clerk in accordance with the Act and. in addition to the requirements of the Act, a copy of the notice shall be filed in the Municipal Registry of Heritage Property.

b. Notice of recommendation by the Heritage Advisory Committee that a building, public- building interior, streetscape, cultural landscape or area be registered shall be in accordance with the Heritage Property Act.

c. Council may register a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the Heritage Property Act.

d. Notice of such registration shall be sent to the registered owner of the Municipal Heritage Property.

One copy of the registration shall be filed in the Municipal Registry of Heritage Property.

6. DEREGISTRATION OF MUNICIPAL HERITAGE PROPERTY

a. Council may deregister a building, public-building interior, streetscape, cultural landscape or area as a Municipal Heritage Property in accordance with the Heritage Property Act, after holding a public hearing to consider the proposed deregistration. Such a public hearing shall be held not less than thirty (30) days after a notice of the hearing is served on the registered owner of the Municipal Heritage Property and published in a newspaper circulating in the area.

b. Notice of such deregistration shall be sent to the registered owner of the Municipal Heritage Property. One copy of the deregistration shall be filed in the Municipal Registry of Heritage Property.

7. ALTERATION OR DEMOLITION OF MUNICIPAL HERITAGE PROPERTY

a. Municipal Heritage Property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of Council.

b. Upon receipt of an application to substantially alter or demolish a Municipal Heritage Property, the Council shall refer the application to the Heritage Advisory Committee for its recommendation.

c. Council may approve an application for the substantial alteration or demolition of a Municipal Heritage Property in accordance with the Heritage Property Act., either with or without conditions, or may refuse it.

d. Where Council does not approve the application, the registered property owner may make the alteration or carry out the demolition at any time after three years but not more than four years from the date of the application.

8. COUNCIL AUTHORITY

a. Council may from time to time set out or amend the Terms of Reference within which the Heritage Advisory Committee shall operate. The Heritage Advisory Committee shall make recommendations on the document.

THIS IS TO CERTIFY that this Bylaw Respecting Municipal Heritage Properties has been duly approved by the Council of the Municipality of the District of Shelburne on the 26th day of November, 2025.

Warden Penny Smith

Warren MacLeod, Chief Administrative Officer

First Reading: September 25, 2017
Notice of Intent: October 4, 2017
Second Reading: October 23, 2017
Filed 3 certified copies of by-law with Minister of Municipal Affairs: November 14, 2017
***Notice of Passing: February 21, 2018**
*Effective Date of by-law unless otherwise specified in the text of the by-law.

Amendment (change responsible committee from Planning and Development to Heritage Advisory)

First Reading: October 22, 2025

Notice of Intent: November 6, 2025

Second Reading: November 26, 2025

Filed 3 certified copies of by-law with Minister of Municipal Affairs: May 26/26

***Notice of Passing:** June 24/26

*Effective Date of by-law unless otherwise specified in the text of the by-law.

I hereby certify that this is a true copy of the Municipal Heritage By-law approved by the Council of the Municipality of the District of Shelburne on November 26, 2025.

E Hartley

Erin Hartley, Municipal Clerk

MUNICIPALITY OF THE DISTRICT OF SHELBURNE
HERITAGE ADVISORY COMMITTEE

~ TERMS OF REFERENCE ~

1. The Heritage Advisory Committee is an Advisory Committee of the Council of the Municipality of the District of Shelburne.

2. Definitions

a) Advisory Committee means the Heritage Advisory Committee of the Municipality of the District of Shelburne.

b) Council means the Council of the Municipality of the District of Shelburne;

c) Councillor means a member of the Municipality of the District of Shelburne Council;

d) Municipality means the Municipality of the District of Shelburne;

e) Member means a member of the Advisory Committee;

f) Chair means the person appointed by the members as Chair to conduct meetings of the Advisory Committee;

g) Deputy Chair means the person appointed by the members as Deputy Chair to conduct meetings of the Advisory Committee in the absence of the Chair;

h) Administration means the responsible staff person(s) of the Municipality.

3. Objectives

a) To consult with, advise and make recommendations to Council through administration on matters affecting the development, preservation and maintenance of municipal heritage properties, programs and services.

b) To make recommendations with respect to by-laws relating to municipal heritage properties.

c) To annually review the short and long term goals and objectives of the Advisory Committee.

4. Membership

a) The members of the Advisory Committee shall be as follows:

i) Two (2) members of Council and one (1) alternate; and

ii) Three (3) Community Members, duly appointed by Council pursuant to MGA S. 24. Members of the community will submit a resume for consideration, reviewed by Administration and recommended to Council.

b) All appointments shall be for a three-year term.

c) Each member will serve without remuneration but shall be reimbursed for such expenses as are necessarily incurred by such member in the discharge of the member's duties, with prior approval by Administration.

d) The Deputy CAO will act as the staff resource for the Advisory Committee.

e) The alternate Council member present at regular meetings, when all elected members are present, will be considered a member of the public for the purposes of the meeting and not able to participate in discussion or vote.

5. Meetings

a) A quorum will consist of a majority of the membership.

b) Regular meetings of the Advisory Committee shall be held bi-annually or as required. Meetings will be scheduled by administration in consultation with the Chair.

c) Except as otherwise provided under MGA S. 22 (2), Advisory Committee meetings are open to the public. The Municipality will make efforts to accommodate virtual attendance of public, when technology is available.

d) Advisory Committee members are permitted to join meetings virtually, if the member and the Municipality have videoconferencing equipment available that will:

i) Enable the public to see and hear each member participating in the meeting virtually;

ii) Enable each member to see and hear every other member participating in the meeting virtually.

6. Voting

a) Unless otherwise prescribed by statute, a question arising at an Advisory Committee meeting shall be decided by a majority of votes.

b) Unless otherwise specified in a policy, a member who fails to vote on a question before the Advisory Committee is deemed to have voted in the negative.

c) In the event of a tie in a vote on a question, the motion is defeated.

7. Role of the Chair/Vice-Chair

a) Members will elect the Chair and Vice-Chair on an annual basis.

b) The principal duties of the Chair/Vice-Chair are as follows:

i) To assist Administration with the scheduling of the meeting date and agenda items;
ii) To open the meeting at the appointed time by calling the meeting to order;
iii) To ascertain a quorum;
iv) To maintain an orderly meeting;
v) To announce proper sequence of the Agenda;
vi) To recognize members who are entitled to the floor;
vii) To state and put to vote all legitimate resolutions;
viii) To declare a meeting adjourned.

8. Administration

a) No Advisory Committee member shall instruct or give direction to, either publicly or privately, any employee of the Municipality.

b) No Advisory Committee member shall represent the Advisory Committee or the Municipality by making public comments or statements without prior approval from Administration.

9. Other

a) The Advisory Committee shall perform its responsibilities according to the Heritage Property Act, by-laws and/or policies of the Municipality and these Terms of Reference.

b) The Council Code of Conduct and other related municipal policies shall apply to the Advisory Committee members unless Council, by policy, decides otherwise.

Approved by Council: November 26, 2025

30

Municipality of the District of Shelburne
HERITAGE ADVISORY COMMITTEE MEMBERSHIP
CONFIDENTIALITY AGREEMENT

I, , in consideration of my position on the Heritage Advisory Committee and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, agree to the following:

1. In the course of my relationship with Municipality of the District of Shelburne ("Municipality"), I will hear, see and/or otherwise come to know, possess or have access to confidential information about and/or belonging to the Municipality, its clients and/or third parties interacting with the Municipality (the "Confidential Information").

2. I agree not use, disclose, reproduce, or otherwise make available, Confidential Information to any person, firm, or enterprise (other than to the Municipality's employees or agents who have a need to know such information for the purposes of this Agreement) unless specifically authorized in writing to do so by the Chief Administrative Officer of the Municipality.

3. I agree to exercise all due care and diligence and take all reasonable precautions to prevent any unauthorized collection, use, disclosure, retention, destruction, or disposal of any Confidential Information.

4. I agree to keep confidential all data and other Confidential Information which comes into my possession pursuant to, or as a result of, or in performance of this Agreement and will not divulge such information to any third party without prior written consent of the Chief Administrative Officer of the Municipality, during the term of this Agreement and after termination.

5. At no time, during or after I work for and/or provide services to the Municipality, will I use that Confidential Information for my own benefit or the benefit of others.

6. Upon termination of my relationship with the Municipality, I will return to the Municipality any and all documents and electronic information in my possession relating to the Municipality's business including all materials and all copies of such materials, that I obtained while working and/or providing services to the Municipality.

7. I recognize that if I violate this Agreement, the Municipality is entitled to an injunction to prevent me from disclosing any Confidential Information and/or using it for any purpose. I further recognize that the Municipality would be entitled to other legal remedies, including suspension or dismissal, and any legal fees and costs.

8. If any part of this Agreement is found to be invalid, illegal, or unenforceable, the remaining parts shall not be affected and shall remain in full force and effect.

9. This Agreement is binding on the parties, their heirs, executors, personal representatives, administrators, and assignees. No person shall have a right or cause of action arising out of or resulting from this Agreement except the parties to it and their successors in interest.

10. This document constitutes the entire agreement between the parties with respect to confidentiality. No representation or promises have been made except those that are set out in this Agreement. This Agreement may not be modified except in writing signed by both parties.

11. This Agreement shall be governed by the laws of Nova Scotia.

12. I have read and understand this confidentiality agreement and agree to be bound by its terms and conditions.

_____	_____
Heritage Advisory Committee Member	Witness
_____	_____
Date	Date

3(d)

Heritage Property Act

CHAPTER 199 OF THE REVISED STATUTES, 1989

as amended by

1991, c. 10; 1998, c. 18, s. 561; 2010, c. 54; 2024, c. 2, s. 41



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Halifax

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CHAPTER 199 OF THE REVISED STATUTES, 1989
amended 1991, c. 10; 1998, c. 18, s. 561; 2010, c. 54; 2024, c. 2, s. 41

An Act to Provide for the Identification, Preservation and Protection of Heritage Property

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Short title

1 This Act may be cited as the *Heritage Property Act*. R.S., c. 199, s. 1.

Purpose

2 The purpose of this Act is to provide for the identification, designation, preservation, conservation, protection and rehabilitation of buildings, public-building interiors, structures, streetscapes, cultural landscapes, areas and districts of historic, architectural or cultural value, in both urban and rural areas, and to encourage their continued use. R.S., c. 199, s. 2; 1991, c. 10, s. 1; 2010, c. 54, s. 1.

Interpretation

3 In this Act,

(a) "Advisory Council" means the Advisory Council on Heritage Property;

(b) "alter the exterior appearance" includes move in whole or in part;

(c) "building" includes the land and structures appurtenant thereto;

(ca) "certificate" means a certificate of appropriateness issued by a heritage officer certifying that a proposed development conforms with the requirements of a conservation by-law;

(caa) "character-defining elements" means the materials, forms, location, spatial configurations, uses and cultural associations or meanings that contribute to heritage value and that must be sustained in order to preserve heritage value;

(cb) "conservation by-law" means a heritage conservation district by-law adopted and approved pursuant to this Act;

(cc) "conservation plan" means a heritage conservation district plan adopted and approved pursuant to this Act;

(d) "council" means council of a municipality;

(da) "cultural landscapes" means a distinct geographical area or property uniquely representing the combined work of nature and of people.[;]

(daa) "development" includes the demolition or removal of a building or structure;

(e) "heritage advisory committee" means a heritage advisory committee established by a municipality pursuant to this Act;

(ea) "heritage conservation district" means an urban or rural area with historic or architectural value that is established as a heritage conservation district pursuant to this Act;

(eb) "heritage value" means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations and embodied in character-defining materials, forms, locations, spatial configurations, uses and cultural associations or meanings;

(f) "Minister" means the member of the Executive Council charged by the Governor in Council with the administration of this Act;

(g) "municipal heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in a municipal registry of heritage property;

(h) "municipality" means a regional municipality, incorporated town or municipality of a county or district;

(ha) "prescribed" means prescribed by the regulations;

(i) "provincial heritage property" means a building, public-building interior, streetscape, cultural landscape or area registered in the Provincial Registry of Heritage Property;

(ia) "public-building interiors" means character-defining elements of publicly accessible interiors of a building owned by the Government of the Province in the case of a provincial heritage property or owned by a municipality in the case of a municipal heritage property;

(ib) "regional municipality" means a regional municipality as defined in the *Municipal Government Act*;

(j) "registered owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the registry of deeds, and includes a person assessed in respect of the occupancy of the land;

(k) "streetscape" means two or more adjacent properties whose collective appearance from the streets has heritage value~~.~~[;]

~~(k)~~[(l)] "substantial alteration" means any action that affects or alters the character-defining elements of a property. R.S., c. 199, s. 3; 1991, c. 10, s. 2; 2010, c. 54, ss. 1, 2.

Advisory Council on Heritage Property

4 **(1)** The Governor in Council may appoint not less than five nor more than twelve persons to be the Advisory Council on Heritage Property.

(1A) The Governor in Council shall consider any criteria set out in the regulations in the selection of persons to be appointed pursuant to subsection (1).

(2) The Governor in Council shall designate one of the members of the Advisory Council to be Chairman and one of the members to be Vice-chairman.

(3) A member of the Advisory Council shall hold office for such term as the Governor in Council determines.

(4) The members of the Advisory Council shall be paid such remuneration as is determined by the Governor in Council and actual and reasonable expenses incurred by them in the discharge of their duties. R.S., c. 199, s. 4; 2010, c. 54, s. 3.

Powers of Advisory Council

5 The Advisory Council may advise the Minister respecting

(a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the Provincial Registry of Heritage Property;

(b) an application for permission to substantially alter or demolish a provincial heritage property;

(c) building or other regulations that affect the attainment of the intent and purpose of this Act;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Act. R.S., c. 199, s. 5; 2010, c. 54, s. 4.

Provincial Registry of Heritage Property

6 The Minister shall establish and maintain a Provincial Registry of Heritage Property. R.S., c. 199, s. 6.

Recommendation as provincial heritage property

7 (1) The Advisory Council may recommend to the Minister that a building, public-building interior, streetscape, cultural landscape or area be registered as a provincial heritage property in the Provincial Registry of Heritage Property.

(1A) Before making a recommendation pursuant to subsection (1), the Advisory Council shall evaluate the provincial heritage value of a property against any baseline criteria established by the regulations.

(2) The Minister shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, [public-building interior,] streetscape[, cultural landscape] or area in the Provincial Registry of Heritage Property.

(3) The notice shall contain

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the Provincial Registry of Heritage Property;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the Minister sooner refuses to register the property; and

(e) an invitation to the registered owner to comment on the proposed registration.

(4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public-building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the Minister refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building,

public-building interior, streetscape, cultural landscape or area is situate. R.S., c. 199, s. 7; 2010, c. 54, s. 5.

Registration as provincial heritage property

8 **(1)** At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 7 and on the advice of the Advisory Council, the Minister may register the building, public-building interior, streetscape, cultural landscape or area as a provincial heritage property in the Provincial Registry of Heritage Property.

(2) Notice of the registration or the refusal to register shall be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. R.S., c. 199, s. 8; 2010, c. 54, s. 6.

Deregistration of provincial heritage property

9 **(1)** On the application of an owner of a provincial heritage property or on its own motion, the Advisory Council may recommend to the Minister that the provincial heritage property cease to be registered in the Provincial Registry of Heritage Property.

(2) Such a recommendation may be made where

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Advisory Council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

(3) Where the Minister receives a recommendation for deregistration from the Advisory Council or where it appears to the Minister that the continued registration is inappropriate, the Minister may deregister a provincial heritage property not less than thirty days after a notice giving particulars of the proposed deregistration is served on the registered owner of the provincial heritage property and published in a newspaper circulating in the area where

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the Minister to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner.

(4) Where the Minister deregisters a property, the Minister shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. R.S., c. 199, s. 9; 2010, s. 54, s. 7.

Sign or plaque

10 The Minister may cause a sign, plaque or other marker to be placed on a provincial heritage property indicating the significance of that property. R.S., c. 199, s. 10.

Approval to alter or demolish

11 **(1)** Provincial heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the Governor in Council.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish provincial heritage property shall be made in writing to the Minister.

(3) Upon receipt of the application, the Minister shall refer the application to the Advisory Council for its recommendation.

(3A) The Advisory Council shall assess the application using any standards and guidelines set out in the regulations.

(4) Within thirty days after the application is referred by the Minister, the Advisory Council shall submit a written report and recommendation to the Minister respecting the provincial heritage property.

(5) The Minister shall present the recommendation of the Advisory Council to the Governor in Council for consideration.

(6) The Governor in Council may grant the application either with or without conditions or may refuse it.

(7) The Minister shall advise the applicant of the determination made by the Governor in Council. R.S., c. 199, s. 11; 2010, c. 54, s. 8.

Municipal registry of heritage property and heritage advisory committee

12 **(1)** A municipality may by by-law establish a municipal registry of heritage property.

(2) A by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee.

(3) The heritage advisory committee shall consist of at least two members of the council and such persons or such number of persons as the council may determine by by-law.

(4) The by-law may provide the term for which members of the heritage advisory committee shall serve.

(5) The by-law may provide that the planning advisory committee of the municipality shall be the heritage advisory committee of the municipality.

(6) A by-law made pursuant to this Section is subject to the approval of the Minister of Municipal Affairs, and when so approved has the force of law. R.S., c. 199, s. 12.

Powers of heritage advisory committee

13 The heritage advisory committee may advise the municipality respecting

(a) the inclusion of buildings, public-building interiors, streetscapes, cultural landscapes and areas in the municipal registry of heritage property;

(b) an application for permission to substantially alter or demolish a municipal heritage property;

(ba) the preparation, amendment, revision or repeal of a conservation plan and conservation by-law;

(bb) the administration of heritage conservation districts pursuant to the provisions of this Act;

(bc) an application for a certificate that is required by this Act or the conservation plan and conservation by-law to go to a public hearing;

(c) building or other regulations that affect the attainment of the intent and purpose of this Act;

(d) any other matters conducive to the effective carrying out of the intent and purpose of this Act. R.S., c. 199, s. 13; 1991, c. 10, s. 3; 2010, c. 54, s. 9.

Recommendation as municipal heritage property

14 (1) A heritage advisory committee may recommend to the municipality that a building, public-building interior, streetscape, cultural landscape or area be registered as a municipal heritage property in the municipal registry of heritage property.

(2) The municipality shall cause notice of the recommendation to be served upon each registered owner of the building, public-building interior, streetscape, cultural landscape or area that is the subject of the recommendation at least thirty days prior to registration of the building, public-building interior, streetscape, cultural landscape or area in the municipal registry of heritage property.

(3) The notice shall contain

(a) a statement that the building, public-building interior, streetscape, cultural landscape or area described in the notice has been recommended for registration in the municipal registry of heritage property;

(b) a brief statement of the reasons for the recommendation;

(c) a summary of the consequences of registration;

(d) a statement that no person shall substantially alter the exterior appearance of or demolish the building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after the notice is served unless the municipality sooner refuses to register the property; and

(e) notification of the right of the owner to be heard and of the time and place for the hearing.

(4) No person shall substantially alter the exterior appearance of or demolish a building, public-building interior, streetscape, cultural landscape or area for one hundred and twenty days after a notice respecting the building, public-building interior, streetscape, cultural landscape or area has been served pursuant to subsection (2) except in those cases where, prior to the expiration of one hundred and twenty days, the municipality refuses to register the property.

(5) A copy of the notice served pursuant to subsection (2) shall be deposited in the registry of deeds for the registration district in which the building, public-building interior, streetscape, cultural landscape or area is situate. R.S., c. 199, s. 14; 2010, c. 54, s. 10.

Registration as municipal heritage property

15 **(1)** At any time not less than thirty days nor more than one hundred and twenty days after service of the notice pursuant to Section 14 and on the advice of the heritage advisory committee, the municipality may register the building, public-building interior, streetscape, cultural landscape or area as a municipal heritage property in the municipal registry of heritage property.

(2) No registration pursuant to subsection (1) shall take place until the council has given the owner of the property an opportunity to be heard and such opportunity shall be given not earlier than three weeks after service of the notice pursuant to subsection (2) of Section 14.

(3) Notice of the registration shall be sent to each registered owner of the building, public-building interior, streetscape, cultural landscape or area and a copy thereof shall be deposited in the registry of deeds for the registration district in which the building, streetscape or area is situate. R.S., c. 199, s. 15; 2010, s. 54, s. 11.

Deregistration of municipal heritage property

16 **(1)** On the application of an owner of a municipal heritage property or on its own motion, the council may deregister a municipal heritage property where

(a) the property has been destroyed or damaged by any cause; or

(b) the continued registration of the property appears to the council to be inappropriate as a result of the loss of the property's heritage value, as identified in the property's heritage file or notice of recommendation, unless the loss of the heritage value was caused by neglect, abandonment or other action or inaction of the owner,

after holding a public hearing to consider the proposed deregistration.

(2) Such a public hearing shall be held not less than thirty days after a notice of the hearing is served on the registered owner of the municipal heritage property and published in a newspaper circulating in the area.

(3) Where a municipal heritage property is deregistered, the council shall cause notice of the deregistration to be sent to the registered owner of the property and a copy thereof to be deposited in the registry of deeds for the registration district in which the property is situate. R.S., c. 199, s. 16; 2010, c. 54, s. 12.

Approval to alter or demolish municipal heritage property

17 **(1)** Municipal heritage property shall not be substantially altered in exterior or public-building interior appearance or demolished without the approval of the municipality.

(2) An application for permission to substantially alter the exterior or public-building interior appearance of or demolish municipal heritage property shall be made in writing to the municipality.

(3) Upon receipt of the application, the municipality shall refer the application to the heritage advisory committee for its recommendation.

(4) Within thirty days after the application is referred by the municipality, the heritage advisory committee shall submit a written report and recommendation to the municipality respecting the municipal heritage property.

(5) The municipality may grant the application either with or without conditions or may refuse it.

(6) The municipality shall advise the applicant of its determination. R.S., c. 199, s. 17; 2010, c. 54, s. 13.

Consideration by municipality of application to alter or demolish

18 **(1)** The municipality may take up to three years to consider an application under Section 17.

(2) In its consideration of the application, the municipality may require public notice of the application and information meetings respecting the application to be held.

(3) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application.

(4) Where the property owner has made the alteration or carried out the demolition in accordance with this Section, the municipality may deregister the property if the municipality determines that the property has lost its heritage value. 2010, c. 54, s. 14.

Sign or plaque

19 The municipality may cause a sign, plaque or other marker to be placed on a municipal heritage property indicating the significance of that property. R.S., c. 199, s. 19.

Establishment of heritage conservation district

19A **(1)** A municipality may establish a heritage conservation district by concurrently adopting a heritage conservation district plan and a heritage conservation district by-law for a part of the municipality and there may be different conservation plans and conservation by-laws for different parts of the municipality.

(2) A conservation by-law made pursuant to this Section shall provide for the establishment of a heritage advisory committee and subsections (3) to (5) of Section 12 apply *mutatis mutandis* unless a heritage advisory committee is established pursuant to Section 12.

(3) A conservation plan and conservation by-law shall be adopted by a majority vote of the whole council after a public hearing and consideration of any submissions received, but only those councillors present at the public hearing may vote upon the adoption of the conservation plan and conservation by-law.

(4) The Minister shall forward a copy of the conservation plan and conservation by-law and the prescribed background studies and information to the Minister responsible for the *Municipal Government Act* for that Minister's recommendation.

(5) The Minister shall approve a conservation plan and conservation by-law unless

(a) the conservation by-law does not carry out the intent of the conservation plan;

(b) the conservation plan is not implemented by the conservation by-law;

(c) the prescribed background studies or information do not support the conservation plan or conservation by-law;

(d) the conservation plan or conservation by-law conflicts with an applicable provincial land-use policy or regulation adopted pursuant to the *Municipal Government Act*;

(e) the conservation plan or conservation by-law conflicts with the applicable municipal planning strategy or land-use by-law;

(f) in the opinion of the Minister, there is a conflict with any other provincial interest,

and they take effect on and not before approval by the Minister.

(6) A conservation plan and conservation by-law approved by the Minister pursuant to subsection (5) may concurrently be amended, revised or repealed by the council and subsections (3) to (5) apply *mutatis mutandis*.

(7) Where a proposed heritage conservation district includes a provincial heritage property, the Minister shall refer the proposed conservation plan and conservation by-law to the Advisory Council for its recommendation and, upon consideration of the recommendation, shall determine that the conservation plan and conservation by-law

(a) apply to the provincial heritage property and that Sections 7 to 11 do not apply to the provincial heritage property;

(b) apply to the provincial heritage property to the extent determined by the Minister and subject to such conditions as the Minister determines; or

(c) do not apply to the provincial heritage property.

(8) Where a building, streetscape or area in an established heritage conservation district is to be designated as a provincial heritage property, the Minister may determine that the conservation plan and conservation by-law apply or do not apply to the provincial heritage property to the extent determined by the Minister and subject to such conditions as the Minister determines. 1991, c. 10, s. 4; 2010, c. 54, s. 15.

Consequences of establishing district

19B (1) Where a heritage conservation district is established,

(a) no further building, streetscape or area in the district shall be registered as a municipal heritage property;

(b) Section 18 does not apply to any municipal heritage property within the district;

(c) the conservation plan and conservation by-law shall include

(i) policies respecting demolition or removal of municipal heritage properties within the district, and

(ii) a requirement that a certificate be issued for demolition or removal of any municipal heritage property within the district; and

(d) notwithstanding clause (c) and for greater certainty, Section 17 continues to apply to a municipal heritage property within the district.

(2) Subject to subsection (1), a municipal heritage property located in a heritage conservation district continues to be a municipal heritage property. 1991, c. 10, s. 4.

Design guidelines

19C Design guidelines included in a conservation by-law shall

(a) with respect to a building or structure, address only the exterior of the building or structure;

(b) not address the use to which land, a building or a structure may be put. 1991, c. 10, s. 4.

Prohibited restriction in by-law

19D A restriction in a conservation by-law that does not permit a building of any kind on a lot is *ultra vires*. 1991, c. 10, s. 4.

Certificate for development

19E (1) Where a council has adopted a conservation plan and conservation by-law, a certificate is required to undertake the types of development for which a certificate is required by the conservation by-law.

(2) A certificate shall be issued for a proposed development if the development meets the requirements of the conservation by-law or is approved by the council following a public hearing where the conservation plan and conservation by-law require such a hearing.

(3) No certificate that is or may be inconsistent with the proposed amendment or revision of a conservation by-law shall be issued for a period of one hundred and twenty days from the date of publication of the first notice advertising the intention of the council to amend or revise the conservation plan and conservation by-law.

(4) Where the proposed amendment or revision of the conservation plan and conservation by-law has not come into effect after the expiry of the time specified in subsection (3), the certificate shall be issued if, in all other respects, it meets the requirements of the conservation by-law or is approved by the council, as the case may be, following a public hearing, where one is required pursuant to this Act or the conservation plan and conservation by-law.

(5) No development permit granted pursuant to the *Planning Act* and no permit granted pursuant to the *Building Code Act* and regulations that is or may be inconsistent with a proposed conservation by-law, or an amendment or revision thereof, shall be issued for a period of one hundred and twenty days from the publication of the first notice advertising the intention of the council to adopt, amend or revise the conservation plan and conservation by-law.

(6) Where the proposed conservation plan and conservation by-law, or amendment or revision thereof, has not come into effect after the expiry of the time specified in subsection (5), the permits referred to in subsection (5) shall be issued if, in all other respects, they meet the requirements of applicable by-laws of the municipality. 1991, c. 10, s. 4.

Public hearing and conditions for approval of demolition or removal

19F (1) Where the conservation plan and conservation by-law require that a certificate be issued for demolition or removal of a building or structure in a heritage conservation district, the council shall hold a public hearing.

(2) Where the council considers an application for a certificate for demolition or removal of a building or structure, the council shall not approve the application unless

(a) there is irreversible structural damage or deterioration to the building or structure; or

(b) the applicable policies of the conservation plan respecting demolition or removal of the building or structure are met. 1991, c. 10, s. 4.

Heritage officer

19G (1) A council that has adopted a conservation plan and conservation by-law shall designate a person employed by the municipality as the heritage officer and the heritage officer shall be responsible for the administration of the conservation plan and conservation by-law and the issuance of certificates.

(2) A council may, from time to time, authorize another person to act in the heritage officer's stead.

(3) Within fifteen days of receiving an application for a certificate, the heritage officer shall inform the applicant whether or not the application is complete.

(4) Where no public hearing is required pursuant to a conservation plan and conservation by-law, within thirty days of receiving a completed application, the heritage officer shall grant the certificate if it meets the requirements of the conservation by-law or inform the applicant, in writing, of the reasons for not granting the certificate.

(5) Where required to do so by a conservation plan and conservation by-law, the heritage officer shall refer the application for a certificate to the council for a public hearing and shall issue or deny the certificate in accordance with the decision of council, but no certificate shall be issued until the time for appeal has elapsed or the appeal has been disposed of, whichever is the longer. 1991, c. 10, s. 4; 1998, c. 18, s. 561.

Appeal re subsections 19G(4) and (5)

19H (1) The denial of a certificate or the imposition of conditions on a certificate granted pursuant to subsection 19G(4) may be appealed to the Nova Scotia Regulatory and Appeals Board by the applicant for the certificate.

(1A) The approval, imposition of conditions on or denial of a certificate pursuant to subsection 19G (5) may be appealed to the Nova Scotia Regulatory and Appeals Board by

(a) the applicant for the certificate;

(b) an aggrieved person;

(c) the council of a municipality adjoining the heritage conservation district to which the certificate relates;

(d) an official in the public service designated by the Minister.

(2) In subsection (1), "aggrieved person" includes

(a) an individual who *bona fide* believes that the proposed certificate will adversely affect

(i) the value of or the reasonable enjoyment of that person's property, or

(ii) the reasonable enjoyment of the property occupied by that person;

(b) an incorporated organization the objects of which include promoting or protecting

(i) the quality of life of persons resident in the neighbourhood affected by the council's decision, or

(ii) features, structures or sites of the community affected by the council's decision of significant historic, architectural or cultural value; and

(c) an incorporated or unincorporated organization of which the majority of its members

are persons who are aggrieved persons pursuant to clause (a).

(3) The Board shall

(a) confirm the decision of the heritage officer or the council, as the case may be;

(b) make any decision the heritage officer or the council, as the case may be, could have made; or

(c) refer the matter back to the heritage officer or council, as the case may be, for reconsideration.

(4) The Board shall not interfere with the decision of the heritage officer or the council, as the case may be, unless the decision cannot reasonably be said to be consistent with the conservation by-law or clause (a) of subsection (2) of Section 19F. 1991, c. 10, s. 4; 1998, c. 18, s. 561; 2024, c. 2, s. 41.

Conflict with Building Code Act

19I Where there is a conflict between this Act or the regulations and the *Building Code Act* or regulations, the *Building Code Act* and regulations prevail. 1991, c. 10, s. 4.

Severability of by-law

19J The provisions of a conservation by-law are severable and the illegality of any part does not affect the validity of the rest of the conservation by-law. 1991, c. 10, s. 4.

Agreement between Minister and owner

20 (1) The Minister may enter into an agreement with the owner of a provincial heritage property, and the council may enter into an agreement with the owner of municipal heritage property or property located in a heritage conservation district, whereby the owner grants to the Minister or the council a right or incurs an obligation respecting the use, preservation or protection of the heritage property or property located in a heritage conservation district.

(2) An agreement entered into pursuant to subsection (1) shall be deposited in the registry of deeds for the registration district within which the heritage property or property located in a heritage conservation district is situate.

(3) Where an agreement is deposited in the registry of deeds, the right or obligation given by the owner becomes an encumbrance upon and runs with the property, and the Minister, in respect of provincial heritage property, and the municipality, in respect of municipal heritage property or property located in a heritage conservation district, may enforce the right or obligation against the property and against the owner or any subsequent owners of the property.

(4) A right or obligation created by an agreement made pursuant to subsection (1) may be waived or discharged by the Governor in Council in respect of provincial heritage property and by the municipality in respect of municipal heritage property or property located in a heritage conservation district. R.S., c. 199, s. 20; 1991, c. 10, s. 5.

Appeal re agreement

20A (1) The entering into an agreement or waiving or discharging of a right or condition in an agreement by a council pursuant to Section 20 may be appealed to the Nova Scotia Regulatory and Appeals Board by

(a) an aggrieved person;

(b) the council of a municipality adjoining the heritage conservation district to which the agreement relates;

(c) an official in the public service designated by the Minister.

(2) In subsection (1), "aggrieved person" includes

(a) an individual who *bona fide* believes that the proposed agreement or waiver or discharge of a right or condition in the agreement will adversely affect

(i) the value of or the reasonable enjoyment of that person's property, or

(ii) the reasonable enjoyment of the property occupied by that person;

(b) an incorporated organization the objects of which include promoting or protecting

(i) the quality of life of persons resident in the neighbourhood affected by the council's decision, or

(ii) features, structures or sites of the community affected by the council's decision of significant historic, architectural or cultural value; and

(c) an incorporated or unincorporated organization of which the majority of its members are persons who are aggrieved persons pursuant to clause (a).

(3) The Board shall

(a) confirm the decision of the council;

(b) make any decision the council could have made; or

(c) refer the matter back to the council for reconsideration.

(4) The Board shall not interfere with the decision of the council unless the decision cannot reasonably be said to be consistent with the conservation by-law. 1991, c. 10, s. 6; 2010, c. 54, s. 16; 2024, c. 2, s. 41.

Acquisition by municipality

21 (1) The municipality may acquire municipal heritage property or property located in a heritage conservation district or any right therein.

(2) Municipal heritage property or property located in a heritage conservation district or any right therein acquired by a municipality shall be and shall be deemed to be property acquired for a city, town or municipal purpose within

the meaning of the *Municipal Act*, the *Municipal Affairs Act*, the *Towns Act*, the *Dartmouth City Charter*, the *Halifax City Charter* and Chapter 174 of the Acts of 1903, *An Act to Incorporate the City of Sydney*. R.S., c. 199, s. 21; 1991, c. 10, s. 7.

Financial assistance

22 **(1)** The Minister, subject to the approval of the Governor in Council, may provide financial assistance in respect of provincial heritage property and the council may provide financial assistance in respect of municipal heritage property or property located in a heritage conservation district to any person to assist in the restoration or renovation of such property upon such terms and conditions as the Minister or the council, as the case may be, deems fit.

(2) The Minister of Municipal Affairs may provide financial assistance to a municipality to assist it in exercising its authority pursuant to this Act.

(3) Any money required by the Minister of Municipal Affairs to exercise his authority pursuant to this Act may be paid out of money voted for that purpose by the Legislature or out of the Consolidated Fund upon the recommendation of the Governor in Council.

(4) Any money required by a municipality in the exercise of its authority pursuant to this Act may be raised, levied or collected as part of the general rates or taxes of the municipality. R.S., c. 199, s. 22; 1991, c. 10, s. 8.

Service of notice

23 **(1)** Service of any notice required to be made by this Act shall be sufficient if served upon the person by registered mail at his last known address.

(2) Where a person upon whom service should be made cannot be identified or his address is not known, service shall be sufficient if notice is affixed in a conspicuous place on the building, streetscape or area and a copy is delivered to any occupant of the property. R.S., c. 199, s. 23.

Manner of entry of notice in registry

24 A notice deposited in a registry of deeds pursuant to this Act shall be indexed as if it were a conveyance by or to, as the case may be, the registered owner of the building, streetscape or area. R.S., c. 199, s. 24.

Contravention of Act

25 **(1)** A person who contravenes the provisions of this Act is guilty of an offence and is liable on summary conviction to a penalty of not more than ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding six months.

(2) Where a corporation is convicted of an offence against this Act, the maximum penalty that may be imposed upon the corporation is two hundred and fifty thousand dollars and not as provided in subsection (1).

(3) Where there is a contravention or failure to comply with the terms of this Act or any agreement made pursuant to this Act, the Minister, with respect to a provincial heritage property, and a municipality, with respect to a

municipal heritage property or property located in a heritage conservation district, may bring an action in the Trial Division of the Supreme Court and the Court may, in addition to any other remedy or relief,

(a) make an order restraining the continuance or repetition of any such contravention or failure;

(b) make an order directing the restoration of the property as nearly as may be to its condition prior to the contravention or failure to comply, and directing that upon failure to comply with the order the Minister or the council, as the case may be, may restore the property or may cause it to be restored at the expense of the owner thereof;

(c) make such other order as is required to enforce the provisions of this Act and as to costs and as to the recovery of the expense of any such restoration as the Court deems just. R.S., c. 199, s. 25; 1991, c. 10, s. 9; 2010, c. 54, s. 17.

Regulations

26 (1) The Governor in Council may make regulations

(a) determining the form of the Provincial Registry of Heritage Property;

(aa) respecting heritage conservation districts, conservation plans and conservation by-laws and, without restricting the generality of the foregoing,

(i) respecting the adoption and approval of a conservation plan and conservation by-law, including background studies and information, public participation programs and public hearings,

(ii) respecting the purpose of a conservation plan and conservation by-law,

(iii) respecting the content of a conservation plan and conservation by-law,

(iv) respecting certificates required to undertake development in a heritage conservation district, including public hearings, the imposition of conditions to which the certificates are subject and requirements for the issuance of certificates on or before the issuance of permits pursuant to the *Planning Act* and the *Building Code Act*,

(v) respecting appeals;

(ab) determining the criteria to be used to select appointments of persons to the Advisory Council;

(ac) determining the baseline criteria to be used by the Advisory Council to evaluate the heritage value of a property under consideration for provincial heritage registration;

(ad) determining the standards and guidelines to be used for the conservation of registered provincial heritage property;

(ae) respecting cultural landscapes;

(b) respecting forms to be used for the purpose of this Act;

(c) defining any expression used in this Act and not defined herein;

(d) determining whether or not compensation for anything done pursuant to this Act is payable and, if payable, the circumstances in which, the extent to which, by whom and to whom such compensation is payable and the manner in which and the person by whom the amount of such compensation is to be determined;

(e) respecting any matter or thing, whether of the foregoing kind or not, that is necessary to effectively carry out the purpose of this Act.

(2) The exercise by the Governor in Council of the authority conferred by this Section shall be regulations within the meaning of the *Regulations Act*. R.S., c. 199, s. 26; 1991, c. 10, s. 10; 2010, c. 54, s. 18.

Act binds Crown

27 This Act binds His Majesty in right of the Province. R.S., c. 199, s. 27.

Deemed municipal heritage property and deemed agreement

28 **(1)** A building, streetscape or area which is a heritage resource pursuant to subsection (5) of Section 27 of Chapter 8 of the Acts of 1980 is and is deemed to be registered in the City of Halifax municipal registry of heritage property.

(2) An agreement, easement or covenant entered into by the City of Halifax and another person pursuant to subsection (10) of Section 27 of said Chapter 8 is and is deemed to be an agreement entered into by the City and such person pursuant to subsection (1) of Section 20 of this Act. R.S., c. 199, s. 28; revision corrected 1999.

5

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

APPLICATION TO REGISTER A HERITAGE PROPERTY

Application Number _____

Name of Property: Olde Osborne Cemetery

Civic Address: _____

Assessment Account Number: 10198781

Present Owner: Osborne Cemetery

Actual Owners:
Mary Elaine Hayden
Catherine Hayden
Malcolm Hayden

EVALUATION CRITERIA
(Note: A building constructed less than 85 years ago will not be considered for registration)

1. Date of Erection / Age

A) Age of property? approx 240 years old.

B) How was age determined (attach documentation)? See attached – Cemeteries of N.S.'s South Shore by E. Edward Burt. March 20

C) Association with individuals (i.e. has it belonged to a particular family for a long period of time)

unsure if it was owned by a individual but, Mr Burt determined the name as "Olde Osborne Cemetery.

D) Association with an organization, group or business? _____

This Cemetery falls under the umbrella of the present Osborne Cemetery, which is still active.

E) Association with a historic event? _____

2. Architecture

A) Architect (if known) _____

B) Builder (if known) _____

C) Does the structure have a design which is unique to the local area? _____
_____
_____
_____

D) Is the building on the original site of first construction, if not how close to the original site is it? _____
_____
_____
_____

E) Has the building ever been structurally altered from its original appearance? _____
_____
_____
_____

F) Has the structure ever burnt down? If yes when (approximate date)? ____
_____
_____

G) Describe any unique features on the building (i.e. windows, trim, widows walk, decorative shingling) _____
_____
_____
_____

H) Is the building reminiscent of a particular architectural style (i.e. Gothic Revival)? _____
_____
_____

3. Landmark

A) Do you consider this property to be a landmark? If yes, why? _____
_____
_____
_____
_____

4. Additional Information

A) Is there any additional information that you feel is important and should be included?

The Osborne Cemetery Association is the Caretaker of the Olde Osborne Cemetery but are not the legal owners of the property on which it sits. The Osborne Cemetery Association is requesting a third-party application to register the Olde Osborne Cemetery as a Municipal Heritage Property with the verbal understandy ⇒

B) Do you know of any other source i.e. book, report, newspaper article or individual that has additional information about this property? _____

5. Photographs

Must show total building, plus doors, windows and details.

Application prepared by: Debra J. Williams

Address: _____

Phone: _____ (w) _____ (h)

Date: _____

Signature of Owner Debra Date March 24 2025

For further information please contact the Municipality of the District of Shelburne Office at 136 Hammond Street, P.O. Box 280, Shelburne, Nova Scotia, B0T 1W0
Phone: (902) 875-3544

that there is support for the designation from the current occupants of the land. The Hayden family.

March 24,2025

To: Erin Hartley

Deputy Chef Administrative Officer

Municipality of the District of Shelburne, NS

Dear Erin.

You may remember we had correspondence about a year ago concerning a request to have the Ole Osburne Cemetery designated as a Heritage Property. As a result and upon your direction I reached out to Mr Kevin Barrett, Coordinator, Heritage Property Program Communities Culture Tourism and Heritage. As such, I was informed to complete a application to Register a Heritage Property with the Municipality of the District of Shelburne. Please find attached to this letter, application.

I am also including a copy of relevant pages from " Cemeteries of Nova Scotia's South Shore, as completed by Mr. Edward Burtt. On March 2000.

You will notice in the introduction, Mr. Burtt, states, " the hand lettered fieldstone of Abigal Mathews, 1785, in the Olde Osburne Cemetery is by far the oldest stone listed in this book". You will also see the Headstone for Hannah wife of John Cole who died in February 18,1847, at the age of 31 years. She was the wife of John Cole. You will also find a Index of the known people in the Olde Osborne Cemetery.

I had recearched the name of John Fredrick Cole and the information has told me, In July of 1856, he was returning from a voyage to the West Indies when his Brigantine the "Winslow Locke" was swamped in a squall while entering the harbour off Lockeport and Osborne. He was lost at sea. See atached.

I have also included the newest Pictures of the Olde Osborne Cemetery sign as made by Mr Russel Ringer some two years ago to mark this grave yard. Attached you will also find pictures of the grave. The stone for Hannah Cole can not be read now due years of build up. I could not find the the Abigal Matthews stone for the same reason.

Further, the there is no civic number for this graveyard, as it is part of the property owned by Mr Gene Hayden at Civic Number 117, Osborne NS. You can access it through Civic number 193, Osborne Harbour. If you are wanting to see this property I am more than pleased to make the arrangements to do so, just let me know.

Thank-you for the chance to have this property to be registered under the the Heritage Property Act. Once this is done we can then apply for funding to make repairs, clean stone and also identify other perhaps who have been put to rest there.

Debra J. Williams

Chairperson Of Osborne Cemetery

103 Osborne Cemetery Association

Osborne Nova Scotia. B0T 1L0

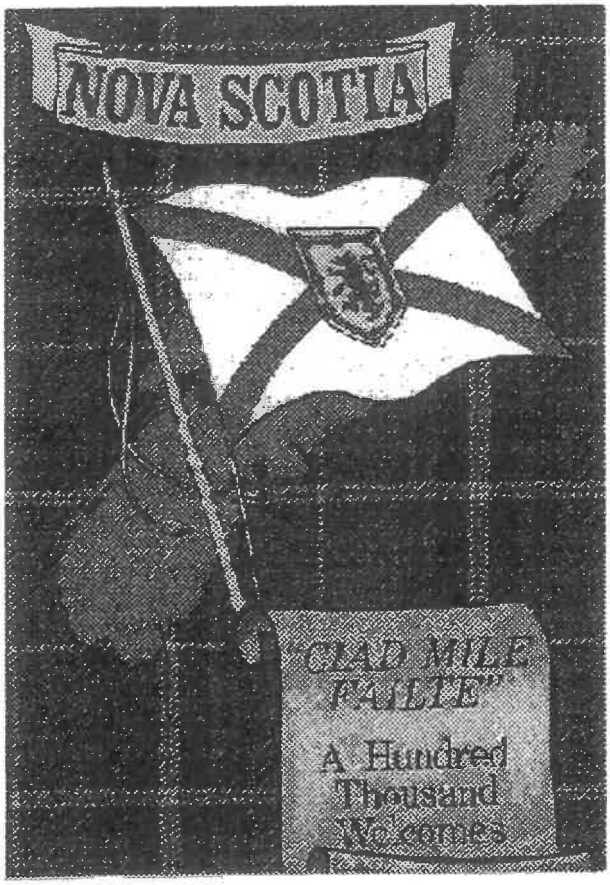
Attached correspondence concerning this application

CEMETERIES

of Nova Scotia's South Shore,

Sable to Shelburne.

PRICE 1.50



A Companion Book to
Our Nova Scotian Ancestors.

Dana Burtt
167 Old Nottingham Rd.
Epping, NH 03042

M. Edward Burtt,
1859 West Sable Road,
Louis Head, Shelburne County, Nova Scotia.
Tel. 902-656-2051

March, 2000.

Introduction

This is a record of the names, dates, and verses found on the stones in some of the cemeteries in Shelburne, Queens and Annapolis Counties. It is a record prompted by work on the genealogies and history of many of the families in the area. To this end, the names on each stone are listed both by inscription as well as by alphabetical index.

The inscriptions, epitaphs and verses were copied verbatim, with the only alterations being the replacement of abbreviations with the full word. Spacing and formatting were altered as necessary for a degree of readability and uniformity.

There were two stones that were broken and incomplete, and on a third stone the inscription was completely obliterated. For these stones, the information was located elsewhere and included it in this book.

Each cemetery is listed separately. The **pink** section at the back of the book is the master index of all the names in all the cemeteries. Additional genealogical information is often added. The person's full name is used, when known, so an unused first name can cause considerable confusion. Occasionally the names are listed both ways.

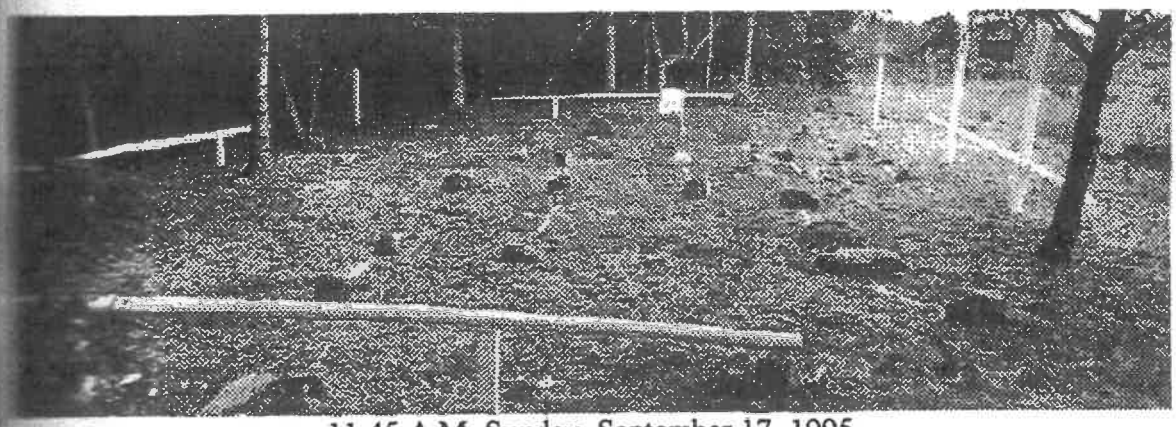
Wives are listed under their married name, any previous married names, and under their maiden names when known.

Much of this genealogical information comes from other research, and some of it is from the inscriptions on the stones themselves. However, some assumptions were made, depending on the location of the names on the stone, identical stones closely spaced, and even the location of the stones within the lot.

Some of the more common names are spelled according to the individual's whim. There are also a few stone cutters errors. In the times long past, the spelling was often not as exacting as today's standards, and this was sometimes modified even more with the attitude that, although the spelling was not letter perfect, it was "close enough." Even the punctuation was often most casual.

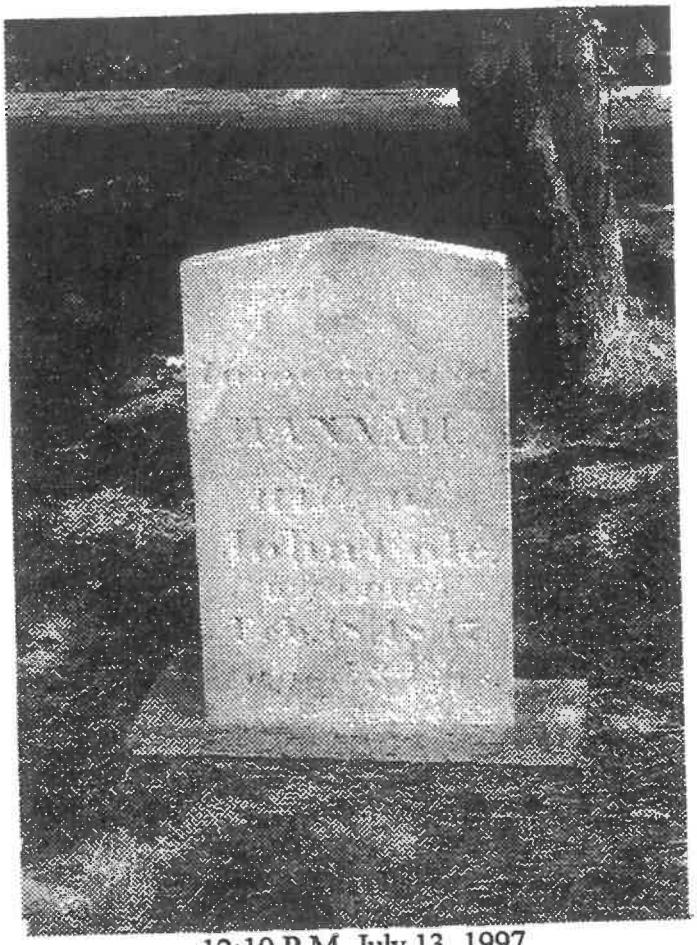
The hand lettered fieldstone of Abigal Mathews, 1785, in the Olde Osborne Cemetery is by far the oldest stone listed in this book.

The Olde Osborne Cemetery, Osborne Harbour.



11:45 A.M. Sunday, September 17, 1995
Panorama of ***The Olde Osborne Cemetery,*** looking from west to east.

OLD, LITTLE HARBOUR | GOOSE HEAD | MIC MAC | OLDE OSBORNE | ALLENDALE | ROCKLAND | WOODLAWN



12:10 P.M. July 13, 1997
The stone of Hannah Cole that was repaired and set in the new base, September, 1995.

"In memory of
HANNAH,
wife of
JOHN COLE,
who died
February 18, 1847,
aged 31 years."



3:45 P.M. Friday, July 21, 1995.
The hand carved inscription on the fieldstone memorial of Abigal Mathews.

"In memory of
Mrs. ABIGAL MATHEW(S?)
who departed this
life(i ?) ? ? ? the(?)
1785, aged 71 year(s?)"

Index of the Olde Osborne Cemetery.

Cole, Benjamin

Cole, Hannah (Perry) born 1816, married Captain John Frederick Cole on January 29, 1833, died February 18, 1847.

Cole, Captain **John Frederick** born October 15, 1801, the son of Benjamin and Lydia (Peach) Cole Lost at sea in the foundering of the ***Winslow Locke*** in 1855.

Mathews, Abigal died 1785, aged 71 years.

(Perry) Cole, Hannah born 1816, married Captain John Frederick Cole on January 29, 1833, died February 18, 1847.



John Frederick Cole (abt. 1818 - aft. 1862)

Captain John Frederick Cole

Born **about 18 Jan 1818** in **Liverpool, Queens County, Nova Scotia**

Son of Benjamin Cole III and Lydia (Peach) Cole

Brother of Elizabeth (Cole) Slocombe, John Cole, Mary (Cole) Foster, Lydia (Cole) West, Drucilla Cole, Almira (Cole) Clements, Drucilla Cole and Drucilla (Cole) Hayden

Husband of **Hannah (Perry) Cole** — married 29 Dec 1832 in Liverpool, Queens, Nova Scotia

Husband of **Susan Ann (MacMillan) Spence** — married 29 Sep 1848 in Liverpool, Queens, Nova Scotia, Canada

Father of William F. Cole, Elmira (Cole) Hayden, Asenath (Cole) Manthorn, John Wilson Cole, Letitia Cole and Anna C (Cole) McLeod

Died **after 1862** after about age 43 in **Lockeport, Nova Scotia, Lost at Sea** [uncertain]

Profile manager: Dana Burtt [send private message]
Profile last modified 10 Aug 2024 | Created 30 Jan 2016
This page has been accessed 1,388 times.

Biography

John F. Cole was born October 15, 1801, the son of Benjamin Cole and Lydia Peach of Liverpool, Queen's County, Nova Scotia[1]

On December 29, 1832, he married Hannah Perry[2], and had children, including:

- (1) William F. Cole born circa. 1843, died 1871 in Mass. U.S.
- (2) Elmira Cole, born circa 1847, who married Freeman Hayden in 1884[3]

Hannah died February 18, 1847.[4]

On September 9, 1848, John married Susan Ann MacMillan, daughter of William McMillan[5] [6], and had children, including:

1. Asenath Cole, born circa 1850, who married Foster Manthorn[7]
2. John Wilson Cole, born , who married Jane MacMillan[8], and Lena Abbott[9]
3. Letitia Cole, born circa 1856[10]
4. Anna C. Cole, who was apparently born after her father's death. She married Harvey McLeod[11]

John Frederick Cole (Drucilla and Lydia's brother, also Dana Burtt's G.G.Grandfather) lived in Osborne and raised his family there.

In July 1856, he was returning from a voyage to the West Indies when his Brigantine the "Winslow Locke"[12] was swamped in a squall while entering the harbor off Lockeport and Osborne. He was lost at sea. [13]

Notes

• From manager, I think the marriage date of 12-29-1832 is for "Hannah Perriot" and "John Cole" (b. 1806), son of "William Cole" and "Mary Hatt" of Chester, N.S. because "Henry Hatt" signed with "John Cole".

- A note for thought from Dana Burtt
  - I see in the "Liverpool Vital Statistics, Marriages, births, and deaths,1735-1888" they list the children of Benjamin Cole III and Lydia Peach.
    - https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSV5-J7FS-S?i=91

Is John your ancestor? Please **don't go away!**
Login to collaborate or comment, *or*
contact the profile manager, *or*
ask our community of genealogists a question.

Sponsored Search by Ancestry.com
John
Cole
SEARCH RECORDS

DNA Connections

It may be possible to confirm family relationships.
Paternal line Y-chromosome DNA test-takers:

Stephen Cole : Family Tree DNA Y-DNA Test 111 markers, haplogroup I-M253, FTDNA kit #100722

It is likely that these autosomal DNA test-takers will share some percentage of DNA with John:

~6.25% Dana Burtt : AncestryDNA

~1.56% Bill Bond : 23andMe

~0.78% Barbara Bond : 23andMe, GEDmatch NZ2834280 [compare] + AncestryDNA, GEDmatch TU8670589 [compare], Ancestry member barbamity

~0.78% Ringo Cole : AncestryDNA

Have you taken a test? If so, login to add it. If not, see our friends at Ancestry DNA.

Garden machine Tractors

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- Their son "John Cole" born Oct. 15, 1801, is listed as being lost in a boat near the W. head of Liverpool on the night of the twelfth of October, eight hundred & fourteen. Oct. 12, 1814.
- There is also in "Family Search" Pedigree Resource File - PriscillaBlakeHaines, that show's a 2nd. son named "John Frederic Cole" born on January 18, 1818, in Liverpool, to Benjamin Cole 3rd. and Lydia Peach, and Christened on July 26, 1818, in Liverpool.
  - https://www.familysearch.org/ark:/61903/2:2:3DCQ-T2R
- In the "International Maritime Library" they show the "Winslow Locke" built in "Ragged Island, Canada" launched 1855. Master "Cole" (1862), Owners "Dawson & O" (1862), Homeports, Liverpool, N.S. Canada, (1862). [14]. If this is correct "John F. Cole" was alive in 1862.
- Any help is welcomed

When editing a red flag will show for a child born after his death. Please push the "save anyway" button

Sources

1. ↑ Listed in the parish register, found in the Shelburne County Archives and Genealogical Society
2. ↑ Nova Scotia Vital Records showing Hannah Perio (sic) and John Cole marriage bond 1832 in Halifax County can be found in Registration Year: 1832 - Book: 1800 - Page: 6280
3. ↑ Nova Scotia Vital Records showing Almira Cole and Freeman O'Hayden married 1884 in Shelburne County can be found in Registration Year: 1884 - Book: 1836 - Page: 144 - Number: 8
4. ↑ [There is a gravestone in the old Osborne Cemetery] that reads "In memory of HANNAH. wife of John Cole, who died February 18, 1847, aged 31 years. The house they lived in was a stones throw from the cemetery. The only other grave in the cemetery with a names is Mrs. Abigail Mathews. Abigail is the wife of John Matthews, they are the parents of Bethia/Bertha Matthews. Bertha Matthews married Thomas Hayden.
5. ↑ "Genealogical Records of Queen's County Nova Scotia" papers by TB Smith on microfilm, Queens County Museum, accessed April 4, 2017. See person 12758 for Captain John Cole, and 12759 for Susan Ann MacMillan. This reference cites Robert J. Long, see below
6. ↑ Robert J. Long, Annals of Queens County, NS typescript by Miss Marion Mack, Registrar, Liverpool, 1926, accessed April 4, 2017, pages 96 and 812 of the year 1848 show the marriage of Captain John Cole and Susan Ann MacMillan in Liverpool on September 9
7. ↑ Nova Scotia Vital Records showing Assnath Cole and Foster Manthorn married 1876 in Queens County can be found in Registration Year: 1876 - Book: 1834 - Page: 65 - Number: 16
8. ↑ Nova Scotia Vital Records showing Jane G. McMillan and John W. Cole married 1881 in Shelburne County can be found in Registration Year: 1881 - Book: 1836 - Page: 119 - Number: 12
9. ↑ Nova Scotia Vital Records showing Lena Abbott and John W. Cole married 1891 in Shelburne County can be found in Registration Year: 1891 - Book: 1836 - Page: 201 - Number: 44
10. ↑ The 1871 Census shows Susan with her second husband and her children in Nova Scotia; District Name: Queens; District Number: 194; Sub-District Name: Liverpool; Sub-District Number: b; Page Number: 46; Line Number: 3; Microfilm: C-10548; Reference: RG31 - Statistics Canada; Item Number: 3029087
11. ↑ Nova Scotia Vital Records showing Anna Cole and Harvey McLeod married 1877 in Queens County can be found in Registration Year: 1877 - Book: 1834 - Page: 70 - Number: 10

12. ↑ Nova Scotia registry of shipping : with standard rules for construction and classification by DeWolf, Thomas R; Publication date 1866; Digitizing sponsor University of Alberta Libraries; shows the Winslow Locke, a 75 ton brigantine, built in 1855, Registered 37451 on page 506
13. ↑ The obituary of Captain John F. Cole was published in the Christian Messenger of 1856
14. ↑ https://internationalmaritimelibrary.org/winslow-locke/

- This profile was based on Ed Burtt's research, which came from stories he heard as a kid from his mother and grandmother and the "Old Timers" while in Louis Head. A lot of his research was in support of the Shelburne Nova Scotia Historical Society, whose records have not been digitized - its worth a visit!

Sponsored Search

We found records about John Cole

10,000+ Marriage & Divorce | 10,000+ Birth Records | 10,000+ Death, Burial, Cemetery & Obituaries | 10,000+ Census & Voter Lists | 4,771 Mili

Start a new search

First Name | Last Name | Year of Birth

Comments: 1 [hide]

Leave a message for others who see this profile.

Login to post a comment.

David Horsley

Colley-992 and Cole-9771 do not represent the same person because: Different Last Name At Birth

Different Continent Different Parents

posted Aug 05, 2022 by David Horsley

Rejected matches › John Cole (abt.1800-abt.1858) › John Cole (1793-1855) › John Colley (abt.1800-)

Floral connections: John is 15 degrees from Mary Von Pless, 17 degrees from Narcisse-Fortunat Belleau, 15 degrees from Poppy Cook, 15 degrees from Viola Desmond, 16 degrees from Guy Lafleur, 21 degrees from Nigella Lawson, 20 degrees from Charles Lilley, 18 degrees from Heather Locklear, 17 degrees from Flora MacDonald, 22 degrees from Rosa Parks, 19 degrees from Joaquin Phoenix and 16 degrees from Pete Rose on our single family tree. Login to see how you relate to 33 million family members.

C > Cole > John Frederick Cole

Abigail Matthews

‹ Back to Matthews surname



Abigail Matthews (Averill) (1713 - 1785)

Birthdate:	February 10, 1713
Birthplace:	York Village, York County, Maine, United States of America (United States)
Death:	before May 19, 1785 East Side of Ragged Island, Shelburne County, Nova Scotia, Canada
Place of Burial:	Osborne Harbour, Shelburne County, Nova Scotia, Canada
Immediate Family:	Daughter of Job Averill and Mary Averill Wife of John C. Matthews, Sr. Mother of John Matthews; Bertha Hayden and Daniel Matthews, Sr *Sister of Samuel Averill; Elizabeth Barter Barto* and Mary Brewer
Managed by:	Martin Severin Eriksen
Last Updated:	July 13, 2024

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Abigail Matthews's Geni Profile

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Abagail Matthews (born *Avrill (Averell)*) *in* MyHeritage family trees (brown-libby)

Abigail Matthews (born *Averell*) *in MyHeritage* family trees (Worthington Web Site)

Abigail Matthews (born *Averill*) *in MyHeritage family* trees (Johnson Web Site)

Immediate Family

view all

John C. Matthews, Sr. husband	***John Matthews*** son	***Bertha Hayden*** daughter
Daniel Matthews, Sr son	**Job Averill** father	**Mary Averill** mother
Samuel Averill brother	**Elizabeth Barter Barto** sister	**Mary Brewer** sister

About Abigail Matthews

GEDCOM Source

@R300473034@ The New England Historical & Genealogical Register, 1847-2011 Ancestry.com Ancestry.com Operations, Inc. 1,2129::0

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1,2129::437441

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Book Title: The Averell-Averill-Avery family : a record of the descendants of William and Abigail Averell of Ip 1,61157::1158215

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Book Title: The Averell-Averill-Avery family : a record of the descendants of William and Abigail Averell of Ip 1,61157::1158215

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@R300473034@ *Ancestry Family Trees Online publication - Provo, UT, USA: Ancestry.com. Original data: Family Tree* files submitted by Ancestry members.

GEDCOM Source

Ancestry Family Tree http://trees.ancestry.com/pt/AMTCitationRedir.aspx?tid=40323802&pid...

Abigail Matthews's Timeline view all

1713 **February 10, 1713 Birth of Abigail Matthews**
York Village, York County, Maine, United States of America (United States)

1739	1739	**Birth of John Matthews** **Dover, Strafford, New Hampshire, United States**
1741	1741	**Birth of Bertha Hayden**
1751	1751	**Birth of Daniel Matthews, Sr**
1785	**May 19, 1785** Age 72	**Death of Abigail Matthews** **East Side of Ragged Island, Shelburne County, Nova Scotia, Canada**
????		**Burial of Abigail Matthews** **Osborne Harbour, Shelburne County, Nova Scotia, Canada**

Genealogy Directory:

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The Olde Osborne Cemetery



November 9,2026

To: Erin Hartley

Deputy Chef Administrative Officer

Municipality of the District of Shelburne, NS

Dear Erin.

Thank you for meeting with Jane Ringer and I at the site of the Ole Osborne Cemetery on November 6,2026. As you quickly learned, this little gem of a graveyard is tucked away in a remote peace of Mr. Gene Hayden's property PID: 82559477 Osborne Road Osborne Harbour NS. As identified on Property online, as provided by you. Also included was a Plan of Survey showing lot no. 20 and lot no.21 belonging to Jessie Bernetta McClearn. Interesting in her plan you can see clearly "Marsh Road or John Coles Hay Road" located at the top of her survey. As you are aware a John Fredrick Coles was lost at the mouth of the Lockeport Harbour returning from the West Indies. I am now wondering if this identified road is John Fredrick Cole or another family member. Regardless, it appears there is a Cole's sir name is connected to the Osborne community.

Erin you requested that I also write to the Heritage Committee the importance to the Community and Shelburne County, of having the "Ole Osburne Cemetery" designated as a Heritage Property.

This site although is a space for the dead, it is a vital asset for the living. Let me explain, the graveyard is an outdoor archive and a physical anchor to the community's identity. In my original application letter to

you date March 24, 2025. It is believed by the date identified in Mr Burtt book "Cemeteries of Nova Scotia's South Shore, March 2000, that the by far the oldest stone listed in his book and found in the "Olde Osburne Cemetery is a fieldstone of Abigal Mathews, 1785. This in itself serves as a tangible link to the possible area's founders. The unique architectural markers, headstones as in upright flat rocks form a somewhat interesting headstone art. I forwarded digital pictures on November 6,2026.

Genealogical and Tourism . It will draw researchers, historians and families tracing their roots, which brings outside visitors to our municipality.

Educational Asset. It functions as an open-air classroom for schools, Universities studying history, anthropology, and local history.

Environmental and Ecological value.

Spaces for reflection: they offer rare, quite, contemplative spaces free from commercialization, which supports community mental health.

Community Events: Many historic cemeteries successfully host low impact community events, such as guided historical walks, bird watching tours etc.

It is our vision to look at this opportunity to enhance the municipality's green space portfolio and cultural prestige.

In conclusion, A restored or well-maintained graveyard is a magnet for the public. Lack of funding and maintenance reflect the threat of permanent loss of information. Acid rain, weathering, are actively erasing these physical records. Once a limestone marker or a simple rock with hand itched information is lost, it is lost. It is said that "within 5 years, 30% of these inscriptions will be illegible due to neglect".

Having the graves digitally mapped to be included in the Billion Graves or Find a Grave integration will also be helpful too.

Today we are asking to secure a heritage designation and funding that follows that designation. This designation as we understand it, will unlock Government Grants. We as a volunteer Society for the Osborne Cemetery (the newer one, separate from the one we are asking designation for) and as such, we are maintaining the Olde Osborne Cemetery by putting up signs, fence markers and whipper snippering the graves.

The Olde Osborne Cemetery is not just a place of rest; it is a primary historical text. The headstone art presents and represents a rare style to our community. We are asking for your official endorsement. Your voice carries the weight needed to convince council that this site is worth saving.

Thank-you for your time in considering this matter.

Debra J. Williams

Chairperson

Osborne Cemetery

103 Osborne Cemetery Association

Osborne Nova Scotia, BOT 1L0