



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 386-2006

TO ESTABLISH A DESIGNATED HERITAGE PROPERTY
INCENTIVE GRANT PROGRAM (NON-COMMERCIAL)

WHEREAS the Council of The Corporation of the City of Brampton is authorized, pursuant to Section 39 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "Act"), to pass by-laws providing for the making of a grant or loan to the owner of a property that has been designated under Part IV of the Act, as being of cultural heritage value or interest, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Brampton is authorized, pursuant to Section 45 of the Act, to pass by-laws providing for the making of a grant or loan to the owner of any building or structure and the land appurtenant thereto that is situate within an area that has been designated by by-law under Part V of the Act as a heritage conservation district, for the purpose of paying for the whole or any part of the cost of alteration of such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it advisable and in the public interest to provide an incentive grant program for designated Non-Commercial Property on the terms set out in this by-law as an incentive to encourage property owners to renovate and restore such buildings, and thereby contribute to the overall character and identity of the City of Brampton;

AND WHEREAS the Council of The Corporation of the City of Brampton approved the incentive grant program as a three-year pilot project, through Council approval of Recommendation PDD263-2005 on October 24, 2005, and Council approved the Guidelines for the program on July 5, 2006, through By-law 221-2006;

NOW THEREFORE the Council of The Corporation of the City of Brampton enacts as follows:

DEFINITIONS

1.1 In this by-law, unless otherwise specified in this by-law:

- (a) 'Applicant' shall mean the owner of the property applying for a grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application;

- (b) 'City' shall mean The Corporation of the City of Brampton;
- (c) "Designated Heritage Property" shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Parts IV or V of the Act;
- (d) "Eligible Conservation Work" shall mean that which is described in sections 6.1 and 6.2 of this by-law;
- (e) "Eligible Property" shall mean that which is described in sections 5.1 to 5.3 of this by-law;
- (f) 'Heritage Attributes' shall mean, the principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property or heritage conservation district, and if there are specific attributes listed in a designation by-law for a property or area, those attributes shall be considered Heritage Attributes;
- (g) 'Guidelines' shall mean the City's "Guidelines – Designated Heritage Property Incentive Grant Program Non-Commercial", as may be amended from time to time;
- (h) "Non-Commercial Property" shall mean property which is not owned by or used as a manufacturing business or other industrial or commercial enterprise;
- (i) "Policy Statement" shall mean the City's "Policy Statement – Designated Heritage Property Incentive Grant Program (Non-Commercial)";
- (j) "Preservation" shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property; and,
- (k) "Restoration" shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

TERM OF INCENTIVE GRANT PROGRAM

- 2.1 The incentive grant program shall operate for a 3-year period from the date of the passing of this by-law – until the end of the business day on December 13, 2009.
- 2.2 If a grant has been approved by Council, but not paid out on the day this program expires, the grant amount shall still be provided in accordance with this by-law.

ADMINISTRATION OF PROGRAM

- 3.1 In order to apply for and be awarded a grant, the following steps must be taken:
 - (a) the Applicant must contact the City's Heritage Coordinator to discuss the project and determine whether the Applicant should complete an application form;
 - (b) if the Heritage Coordinator determines that an application form may be completed by the Applicant, the Applicant must do so;
 - (c) a report will be written by the Heritage Coordinator to City Council recommending for or against the application, and Council will determine whether the grant should be awarded, and Council's decision shall be final.
- 3.2 For the City's Heritage Coordinator to determine whether the Applicant should complete an application form, and for Council to determine whether the grant should be awarded, the Heritage Coordinator and Council will be analyzing whether the property is an Eligible Property, and whether the proposed work is Eligible Conservation Work, pursuant to this by-law, and it will also be applying other provisions of this by-law, and the Guidelines and Policy Statement.

- 3.3 The overall administration of the grant incentive program shall be in compliance with this by-law, the Guidelines and the Policy Statement.

GRANT AMOUNT AND PAYMENT

- 4.1 Each grant may be awarded in the amount of up to half of the cost of the Eligible Conservation Work up to a maximum of five thousand dollars (\$5,000).
- 4.2 The owner of the property must match the grant amount in its contribution to the Eligible Conservation Work.
- 4.3 Whether a grant is awarded, and the amount of the grant, shall be subject to available funding within annual program budgets of the City.
- 4.4 The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work, provided proof of such costs can be verified by invoices (donated labour and materials are not considered part of the costs or part of the owner's matching contribution);
- 4.5 Before the grant will be paid by the City, the following must occur:
- (a) the Eligible Conservation Work must be completely paid for by the owners (with documentation to verify such payment), and completed to the satisfaction of the City's Heritage Coordinator;
 - (b) the Eligible Conservation Work must be completed within 1 year from the date of approval of the grant by City Council, in order to receive the grant;

In exceptional cases, projects may extend into a second year. In such instances a written request, stating the reasons for the extension, must be submitted by the applicant for review and approved at the discretion of the City Heritage Coordinator or designate.

- (c) the Heritage Coordinator must be in receipt of all documentation and items, as are listed in the Guidelines, and as are requested by the Heritage Coordinator; and
- (d) the completed Eligible Conservation Work, must be exactly the Eligible Conservation Work that was approved by City Council.

If the Applicant or owner proposes to make changes to the approved Eligible Conservation Work, the City's Heritage Coordinator or designate must be contacted, and he/she may determine whether the owner may proceed with any changes to the Eligible Conservation Work, and still receive the grant.

- 4.6 For the purposes of 4.5(d) above, the owner will permit the City's Heritage Coordinator or designate to take photographs of the property to document its condition before, during and after the Eligible Conservation Work. In addition, the owner will permit the City to inspect the completed project to ensure conformity to the proposal submitted.
- 4.7 There shall be no applications permitted with respect to a property for which a grant has already been awarded until two (2) years after the date of City Council approval of the initial grant.

ELIGIBLE PROPERTY

- 5.1 For a property to be Eligible for a grant, a property must be

- (a) designated (in the case of a single property, a designation by-law has been passed and registered, and in the case of a Heritage District, a designating by-law has been passed); and
 - (b) located within the City of Brampton, and
 - (c) a Non-Commercial Property, and
 - (d) free of property tax arrears, compliance orders, enforcement orders issued under property standards and maintenance by-laws, the Ontario Fire Code and the like.
- 5.2 Where a Designated Heritage Property contains non-heritage additions, or elements, or the proposed work involves new additions, only the Heritage Attributes of the property will be subject to the grant funding.
- 5.3 Heritage resources owned or used by any level of government are not eligible except where a non-profit, community group has assumed, by long-term lease or legal agreement, responsibility for maintenance of the building. In these cases, such organizations may make an application for a grant as the agent for the owner.

ELIGIBLE CONSERVATION WORK

- 6.1 For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:
- (a) any conservation work, which directly and appropriately preserves, restores or enhances specific Heritage Attributes, and does not detract from or diminish the cultural heritage value of the property or district;
 - (b) when proposed for properties within a Heritage Conservation District, it must clearly conserve or enhance specific heritage attributes on the property itself and/or contribute to the cultural heritage value of the Heritage Conservation District (such works must be consistent with the existing District Plan. Improvements to a property within a Heritage Conservation District, as recommended in the design guidelines of the District Plan will be eligible for consideration);
 - (c) it may include Restoration and Preservation work; and,
 - (d) it shall not include any works or projects of a non-heritage nature, works that focus on non-heritage attributes, additions, spaces, features and finishes, or any works that might diminish the cultural heritage value of the Property.
- 6.2 The final recommendation of what constitutes Eligible Conservation Work is at the discretion of the City's Heritage Coordinator, in consultation with the Brampton Heritage Board, with reference to the Guidelines and Policy Statement, and the final determination is made by City Council.

REMEDIAL ACTIONS

- 7.1 Should, in the opinion of the City, the grant recipient fail to comply with the requirements of this by-law, the Guidelines or the Policy Statement or supply false information, the grant recipient shall either not be paid the grant by the City, or, if the grant has already been paid, be required to forthwith repay the entire grant amount to the City.
- 7.2 Failing immediate repayment upon notice from the City, the grant shall be deemed to be a loan, for which the amount of the loan together with interest (at the Prime Interest Rate as set out by the Bank of Canada as of the date of notice from the

City, plus 2%) may be added by the City Clerk to the collector's roll and collected in like manner as municipal taxes, and such amount and interest shall be a lien or charge upon the land in respect of which the loan was made.

EXPIRY

8.1 This By-law shall expire on December 13, 2009.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 13th DAY OF DECEMBER, 2006.

Approved as
to form
C. V. ...
11 29 06

Susan Fennell
SUSAN FENNEL - MAYOR

Kathryn Zammit
KATHRYN ZAMMIT - CLERK

Approved as to Content:

Karl Walsh

Karl Walsh, Director, Community Design,
Parks Planning and Development