



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 266-2011

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TO ESTABLISH A DESIGNATED HERITAGE PROPERTY  
INCENTIVE GRANT PROGRAM

**WHEREAS** sections 39 and 45 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the "Act"), authorizes a municipality 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 or located in a Heritage Conservation District designated under Part V of the Act for the purpose of paying for the whole or any part of the cost of the alteration of such property on such terms and conditions as 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 property designated under Part IV and Part V of the Act, on such terms as set out in this By-law in order to encourage property owners to renovate, restore, maintain and care for such designated properties, 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 wishes to create a permanent heritage designated property incentive grant program;

**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 a designated property applying for a heritage property incentive 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) 'Council' shall mean the elected Council of the Corporation of the City of Brampton;

- (d) '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 Part IV or are located in a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*;
- (e) 'Eligible Conservation Work' shall mean that which is described in section 6.1 of this By-law;
- (f) 'Eligible Property' shall mean that which is described in sections 5.1 to 5.3 of this By-law;
- (g) '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;
- (h) 'Guidelines' shall mean the City's "Guidelines – Designated Heritage Property Incentive Grant Program", as may be amended from time to time;
- (i) 'Policy Statement' shall mean the City's "Policy Statement – Designated Heritage Property Incentive Grant Program";
- (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.

#### **HERITAGE PROPERTY INCENTIVE GRANT PROGRAM ESTABLISHED**

2.1 A heritage property incentive grant program is established by this By-law.

#### **ADMINISTRATION OF HERITAGE PROPERTY INCENTIVE GRANT PROGRAM**

3.1 In order to apply for and be awarded a heritage property incentive grant, the following steps must be taken:

- (a) the Applicant must undertake a pre-consultation which includes contacting 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 may do so;
- (c) once a complete application is received by the City a report will be written by the Heritage Coordinator to the Brampton Heritage Board providing a staff recommendation on the application,
- (d) Council will consider the staff recommendation and the recommendation from the Brampton Heritage Board and determine whether the heritage property incentive grant should be awarded to the Applicant, and Council's decision shall be final.

3.2 The administration of the heritage property Incentive grant program shall be in compliance with this By-law, and the Heritage Property Incentive Grant Program Guidelines.

- 3.3 Heritage property incentive grants are subject to availability of sufficient funding and the quality of the application at the sole discretion of Council, and not all heritage property incentive grant applications will be successful.

#### **HERITAGE PROPERTY INCENTIVE GRANT AMOUNT AND PAYMENT**

- 4.1 A heritage property incentive grant may be awarded in an amount not exceeding the cost of the Eligible Conservation Work and up to a maximum of five thousand dollars (\$5,000).
- 4.2 The owner of the Heritage Designated Property must match the heritage property incentive grant amount in its contribution to the Eligible Conservation Work.
- 4.3 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);
- 4.4 Before the heritage property incentive 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 written documentation to verify such payment submitted to the City and completed to the satisfaction of the City's Heritage Coordinator;

(b) the Eligible Conservation Work must be completed within one (1) year from the date of approval of the heritage property incentive grant by Council, in order to receive the heritage property incentive 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, prior to the end of the first year following the date of Council approval of the grant. .

(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 Eligible Conservation Work as approved by Council, must be completed to the satisfaction of the City Heritage Coordinator.

If the Applicant 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 heritage property incentive grant.

- 4.5 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 enter the property and inspect the completed project to ensure conformity to the proposal submitted.

- 4.6 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 heritage property incentive grant.

### **ELIGIBLE PROPERTY**

- 5.1 For a property to be Eligible for a heritage property incentive grant, a property must be:
- (a) A Designated Heritage Property; and
  - (b) located within the City of Brampton, and
  - (c) free of property tax arrears, compliance orders, enforcement orders issued under property standards and maintenance By-laws, the Ontario Fire Code and any other outstanding fees, fines, orders or statutory violations.
- 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 heritage property incentive grant.
- 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 heritage property incentive grant as the agent for the owner.

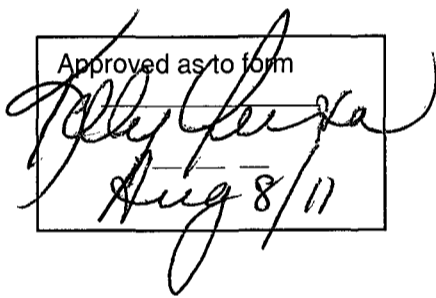
### **ELIGIBLE CONSERVATION WORK**

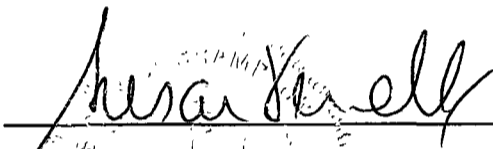
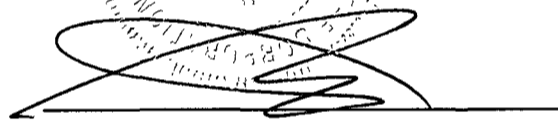
- 6.1 (1) For the proposed work to be eligible for a heritage property incentive grant, it must be Eligible Conservation Work, which means the following:
- (a) any conservation work, which directly and appropriately preserves, restores or enhances specific Heritage Attributes, and does not detract from 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 Eligible Property.
- (2) The final recommendation of what constitutes Eligible Conservation Work shall be at the discretion of the City's Heritage Coordinator, in consultation with the Brampton Heritage Board.
- (3) The final determination of what constitutes Eligible Conservation Work shall be made by Council when it considers the application under section 3.1 paragraph (c) of this By-law.

**REMEDIAL ACTIONS**

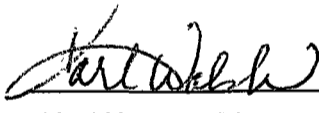
- 7.1 Should, in the opinion of the City's Heritage Coordinator, the heritage property incentive grant recipient fails to comply with the requirements of this By-law, or the Heritage Property Incentive Program Guidelines, or supplied false information, the heritage property incentive grant recipient shall either not be paid the heritage property incentive grant by the City, or, if the heritage property incentive grant has already been paid, be required to forthwith repay the entire heritage property incentive grant amount to the City.
  
- 7.2 Failing immediate repayment upon notice from the City pursuant to section 7.1, 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 to the collector's roll and collected in like manner as municipal taxes over a period fixed by Council, not exceeding five years, and such amount and interest shall be a lien or charge upon the land in respect of which the loan was made.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 14<sup>th</sup> DAY OF Sept. 2011.

Approved as to form  
  
Aug 8/11

  
SUSAN FENNELL - MAYOR  
  
PETER FAY - CLERK

Approved as to Content:

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