



OFFICE CONSOLIDATION

By-law 266-2011

TO ESTABLISH A DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT PROGRAM

(Amended by By-law 235-2020)

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 Designated Heritage Property 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; **(By-law 235-2020)**

AND WHEREAS the Council of The Corporation of the City of Brampton wishes to create a permanent Designated Heritage Property Incentive Grant program; **(By-law 235-2020)**

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

DEFINITIONS

Note the definitions outlined in Section 1.1 were re-alphabetized pursuant to By-law 235-2020.

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

- a) 'Applicant' **(deleted – By-law 235-2020)**
- b) 'Application Form' shall mean the application form attached as Appendix A to the Application Kit; **(By-law 235-2020)**
- c) 'Application Kit' shall mean the City of Brampton's 'Designated Heritage Property Incentive Grant Application Kit', which includes the Application Form and the Standard Agreement, as may be amended from time to time by the City of Brampton Heritage Staff; **(By-law 235-2020)**
- d) 'City' shall mean The Corporation of the City of Brampton;

- e) 'Complete Application' shall mean all the items set out in Section 7 of the Application Kit, a completed Application Form, and a signed and dated Standard Agreement, to the satisfaction of City of Brampton Heritage staff, in their sole discretion; **(By-law 235-2020)**
- f) 'Council' shall mean the elected Council of the Corporation of the City of Brampton;
- g) '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*;
- h) 'Eligible Conservation Work' shall mean that which is described in section 6.1 of this By-law;
- i) 'Eligible Property' shall mean that which is described in sections 5.1 to 5.3 of this By-law;
- j) 'Heritage Attributes' shall mean the exterior principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a property designated under either Part IV or Part V of the Ontario Heritage Act; **(By-law 235-2020)**
- k) 'Guidelines' **(deleted – By-law 235-2020)**
- l) 'Owner' means the person registered on title in the proper land registry office as owner of the Designated Heritage Property; **(By-law 235-2020)**
- m) 'Policy Statement' shall mean the City's "Policy Statement – Designated Heritage Property Incentive Grant Program";
- n) 'Preservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property; and,
- o) '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.
- p) 'Standard Agreement' shall mean the standard form agreement attached as Appendix B to the Application Kit" as may be amended from time to time by the City of Brampton Heritage Staff. **(By-law 235-2020)**

DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT PROGRAM ESTABLISHED (By-law 235-2020)

- 2.1 A Designated Heritage Property Incentive Grant is established by this By-law. **(By-law 235-2020)**

ADMINISTRATION OF DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT PROGRAM (BY-LAW 235-2020)

- 3.1 In order to apply for and be awarded a Designated Heritage Property Incentive Grant, the following steps must be taken: **(By-law 235-2020)**

- (a) the Owner must undertake a pre-consultation which includes contacting the City of Brampton Heritage staff to discuss the project and determine whether the Owner should complete an application form; **(By-law 235-2020)**
 - (b) if City of Brampton Heritage staff determines that an Application Form and Standard Agreement may be completed and executed by the Applicant, the Applicant may submit a Complete Application to City of Brampton Heritage staff; **(By-law 235-2020)**
 - (c) once a Complete Application is received by the City, a report will be written by City of Brampton Heritage staff to the Brampton Heritage Board providing a staff recommendation on the Complete Application; **(By-law 235-2020)**
 - (d) Council will consider the Complete Application, the City of Brampton Heritage staff recommendation and the recommendation from the Brampton Heritage Board to determine whether the heritage property incentive grant should be awarded to the Owner in accordance with the assessment criteria listed in Section 9 of the Application Kit, and Council's decision shall be final. **(By-law 235-2020)**
- 3.2. The administration of the Designated Heritage Property Incentive Grant Program shall be in compliance with this By-law and the Application Kit. **(By-law 235-2020)**
- 3.3 Designated 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 Designated Heritage Property Incentive Grant applications will be successful. **(By-law 235-2020)**

DESIGNATED HERITAGE PROPERTY INCENTIVE GRANT AMOUNT AND PAYMENT (BY-LAW 235-2020)

- 4.1 A Designated 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 ten thousand dollars (\$10,000). **(By-law 235-2020)**
- 4.2 The owner of the Heritage Designated Property must match the Designated Heritage Property Incentive Grant amount in its contribution to the Eligible Conservation Work. **(By-law 235-2020)**
- 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 Designated Heritage Property Incentive Grant will be paid by the City, the following must occur: **(By-law 235-2020)**
 - (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 of Brampton Heritage staff; **(By-law 235-2020)**

- (b) the Eligible Conservation Work must be completed within one (1) year from the date of approval of the Designated Heritage Property Incentive Grant by Council, in order to receive the heritage property incentive grant; **(By-law 235-2020)**

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 owner for review and approved at the discretion of the City of Brampton Heritage staff or designate, prior to the end of the first year following the date of Council approval of the grant. **(By-law 235-2020)**

- (c) City of Brampton Heritage staff or designate must be in receipt of all documentation and items listed in Section 7 of the Application Kit, and any additional documentation and items required to be submitted by City of Brampton Heritage staff; and **(By-law 235-2020)**
- (d) the Eligible Conservation Work as approved by Council, must be completed to the satisfaction of the City of Brampton Heritage staff. **(By-law 235-2020)**

If the Owner proposes to make changes to the approved Eligible Conservation Work, the City of Brampton Heritage staff 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 Designated Heritage Property Incentive Grant. **(By-law 235-2020)**

- 4.5 For the purposes of 4.5(d) above, the owner will permit the City of Brampton Heritage staff 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. **(By-law 235-2020)**
- 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 Designated Heritage Property Incentive Grant. **(By-law 235-2020)**

ELIGIBLE PROPERTY

- 5.1 For a property to be Eligible for a Designated Heritage Property Incentive Grant, a property must be: **(By-law 235-2020)**

- (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 Designated Heritage Property Incentive Grant. **(By-law 235-2020)**

- 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 Designated Heritage Property Incentive Grant as the agent for the owner. **(By-law 235-2020)**

ELIGIBLE CONSERVATION WORK

- 6.1 (1) For the proposed work to be eligible for a Designated 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 Application Kit of the District Plan will be eligible for consideration); **(By-law 235-2020)**
 - (c) it may include Restoration and Preservation work; and,
 - (d) it shall not include any work on interior heritage attributes, if any are identified in the by-law of a Designated Heritage Property, 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. **(By-law 235-2020)**
- (2) The final determination of what constitutes Eligible Conservation Work shall be made by City of Brampton Heritage staff, in consultation with the Brampton Heritage Board. **(By-law 235-2020)**
- (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 City of Brampton Heritage staff, the Designated Heritage Property Incentive Grant Owner fails to comply with the requirements of this By-law, the Standard Agreement or the Application Kit, or supply false information, the Owner of the Designated Heritage Property shall either not be paid the Designated Heritage Property Incentive Grant by the City, or, if the Designated Heritage Property Incentive Grant has already been paid, be required to forthwith repay the entire Designated Heritage Property Incentive Grant amount to the City. **(By-law 235-2020)**
- 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 14th DAY OF SEPTEMBER, 2011.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by:
Susan Fennell – Mayor
Peter Fay – City Clerk