

BY-LAW NUMBER 208-2023

OF

THE CORPORATION OF THE CITY OF BRANTFORD

By-law to update the Heritage Grant Program (By repealing and replacing By-law 256-2021, Being a By-law to update a Heritage Grant Program).

WHEREAS section 37 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into of easements or covenants with owners of real property or interests in real property, for the conservation of cultural heritage value or interest; and

WHEREAS section 39 of the *Ontario Heritage Act* authorizes the Council of a municipality to pass by-laws providing for the making of a grant or loan to the owner of a property designated under the *Act* for the purpose of paying for the whole or any part of the cost of alteration of the property on such terms and conditions as the Council may prescribe; and

WHEREAS section 45 of the *Ontario Heritage Act* states that sections 37 and 39 of the *Ontario Heritage Act* apply to 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; and

WHEREAS section 23.1 of the *Municipal Act*, 2001, S.O. 2001, c.25 authorizes the Council of a municipality to delegate its powers and duties under the *Municipal Act*, 2001 or any other Act; and

WHEREAS The Corporation of the City of Brantford desires to assist heritage property owners and encourages the restoration and preservation of buildings or structures of historic or architectural value; and

WHEREAS The Corporation of the City of Brantford wishes to create a permanent heritage designated property grant program;

NOW THEREFORE BE IT RESOLVED THAT THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD ENACTS AS FOLLOWS:

1.0 Description and Purpose of the Program

The City of Brantford Heritage Grant Program provides financial assistance to owners of properties designated under Part IV or Part V of the *Ontario Heritage*

Act towards projects that conserve, preserve, rehabilitate, or restore a Designated Heritage Property's Heritage Attributes. The program is administered by Planning and Development Services.

2.0 Definitions

In this By-law:

"Applicant" means the owner of a property applying for the grant, or their agent, if the agent is authorized in writing by the owner to act as an agent.

"City" means The Corporation of the City of Brantford.

"Conserve" means all actions or processes that are aimed at safeguarding the Heritage Attributes of a Designated Heritage Property so as to retain its cultural heritage value or interest and extend its physical life. This may involve "Preservation", "Rehabilitation", "Restoration", or a combination of these actions or processes.

"Council" means the elected Council of The Corporation of the City of Brantford.

"Designated Heritage Property" means 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 of the *Ontario Heritage Act* or located within a Heritage Conservation District designated under Part V of the *Ontario Heritage Act*.

"Eligible Conservation Work" means that which is described in Section 4 of this By-law.

"Eligible Property" means that which is described in Section 3 of this By-law.

"Heritage Attributes" means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

"Preserve" means action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of a Designated Heritage Property or Heritage Attribute, while protecting its cultural heritage value or interest.

"Rehabilitate" means the action or process of making possible a continuing or compatible contemporary use of a Designated Heritage Property or Heritage Attribute, while protecting its cultural heritage value or interest.

“Restore” means the action or process of accurately revealing, recovering, replicating, or representing the state of a Designated Heritage Property or Heritage Attribute, as it appeared at a particular period in its history, while protecting its cultural heritage value or interest.

3.0 Eligible Property

- 1) To be eligible for a grant, a property must:
 - a) Be located within the City of Brantford; and
 - b) Be a Designated Heritage Property; and
 - c) Be free of any compliance orders, enforcement orders, or statutory violations; and
 - d) Be free of property tax arrears and any other outstanding fees owed to the City.
- 2) Designated Heritage Properties owned by any level of government are not eligible except where a non-profit community group or organization has assumed, by long-term lease or legal agreement, responsibility for maintenance of a building.
- 3) A Designated Heritage Property that is currently receiving funding through another City grant program may be eligible for this program, provided that the scope of the Eligible Conservation Work does not overlap.
- 4) A Designated Heritage Property may be deemed to be an Eligible Property notwithstanding the requirements of Section 3, clause 1).c) if the Manager of Long Range Planning, or their designate, in consultation with the Brantford Heritage Committee, is of the opinion that the provision of a grant under this By-law will assist in the Conservation of the Designated Heritage Property and the lack of a grant pursuant to this By-law may result in a loss of said property’s cultural heritage value or interest. Where a property is deemed an Eligible Property under this Section, no grant will be issued until both the Eligible Conservation Work has been completed by the Applicant and all other works required to ensure the property is free of any orders or violations have been completed by the Applicant.

4.0 Eligible Conservation Work

- 1) For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:

- a) It includes any work which directly and appropriately Conserves, Preserves, Rehabilitates, or Restores a Designated Heritage Property or its Heritage Attribute(s); and
 - b) It may include reconstruction of documented heritage attributes; and
 - c) For greater certainty, Eligible Conservation Work shall not include any: works or projects of a non-heritage nature; works that focus on non-heritage additions, spaces, features, finishes or other non-Heritage Attributes; or any works that might diminish the cultural heritage value or interest of the Designated Heritage Property or a Heritage Attribute.
- 2) Determination of what constitutes Eligible Conservation Work is at the discretion of the Manager of Long Range Planning, or their designate, in consultation with the Brantford Heritage Committee.

5.0 Administration of Heritage Grant Applications

- 1) Applications to the Heritage Grant Program may be administered through two streams: “Minor” or “Major”.
- 2) For Minor Applications, the Heritage Grant Program provides a grant with a maximum value that is equal to the lesser of:
 - a) Half of the costs (50%) of the Eligible Conservation Work that has been approved by the City and completed by the Applicant, or
 - b) Seven thousand, five hundred dollars (\$7,500).
- 3) For Major Applications, the Heritage Grant Program provides a grant with a maximum value that is equal to the lesser of:
 - a) Half of the costs (50%) of the Eligible Conservation Work that has been approved by the City and completed by the Applicant, or
 - b) Twenty thousand dollars (\$20,000).
- 4) Funding for Minor and Major Applications shall come from a Council-approved budget.
- 5) The administration of Minor Applications shall be as follows:
 - a) Minor Applications will undergo an assessment by Planning and Development Services Staff.
 - b) The recommendation of Planning and Development Services Staff shall be provided to the Chief Planner and Director of Planning and Development Services.

- c) The Chief Planner and Director of Planning and Development Services may approve or deny the Minor Application; the approval of a Minor Application is subject to the following conditions:
 - i) The approval of the Minor Application is carried out in accordance with Heritage Grant Program requirements.
 - ii) Funds for the approved grant must be within a Council-approved budget.
- 6) The administration of Major Applications shall be as follows:
 - a) Major Applications will undergo an assessment by Planning and Development Services Staff.
 - b) Staff will consult with the Brantford Heritage Committee prior to the grant being approved. Where the Brantford Heritage Committee cannot be consulted as a body due to a lack of quorum, members may be consulted individually in order to provide their comments via email and shall be given until the Thursday morning following the cancelled meeting to provide comments. Planning and Development Services Staff will compile any such comments and provide a copy to the Brantford Heritage Committee at its next meeting.
 - c) The recommendation of Planning and Development Services Staff together with the comments from the Brantford Heritage Committee, or its members individually, shall be provided to the Chief Planner and Director of Planning and Development Services.
 - d) The Chief Planner and Director of Planning and Development Services may approve or deny the Major Application; the approval of a Major Application is subject to the following conditions:
 - i) The approval of the Major Application is carried out in accordance with Heritage Grant Program requirements.
 - ii) Funds for the approved grant must be within a Council-approved budget.
- 7) Where an application is approved, the Applicant shall be required to sign an agreement governing the disbursement of grant funding and other matters related to the administration of the Heritage Grant Program with respect to their application.
- 8) The Chief Planner and Director of Planning and Development Services will execute an agreement between the City of Brantford and an Applicant for a

grant, subject to the following conditions in accordance with the City's Delegation of Authority Policy:

- a) The application has been approved in accordance with Heritage Grant Program requirements; and
 - b) The agreement is in a form approved by the City Solicitor.
- 9) The issuance of grant funding will not occur until the following are completed:
- a) The agreement referenced in Section 5.0, clause 7) of this By-law has been executed by the Applicant and the Chief Planner and Director of Planning and Development Services.
 - b) The approved work is completed to the satisfaction of the Manager of Long Range Planning or their designate.
 - c) The work must be completely paid for, and written documentation to verify such payments must be submitted to Planning and Development Services Staff.
- 10) The work must be completed within one (1) year from the date of the approval of the Heritage Grant application or the approval will lapse unless the approval is extended pursuant to Section 5.0, clause 11).
- 11) Provided there is no change in scope of work, an Applicant may request an extension of the term the grant approval for one (1) additional year. The extension must be requested prior to the lapsing of the approval. The Chief Planner and Director of Planning and Development Services is delegated the authority to grant or deny requests for extension.
- 12) The determination of application quality is at the sole discretion of the Manager of Long Range Planning.
- 13) The City may, at the determination of the Manager of Long Range Planning, refuse to accept more than one application per property per calendar year in order to ensure more than one property can benefit from the Heritage Grant Program.

6.0 Application Requirements

- 1) Applicants are required to formally consult with the City's Planning and Development Services to discuss their project prior to submitting an application.
- 2) The submission of an application for a grant must include the following:
 - a) A completed application form, in the form established by the City's Planning and Development Services department.

- b) A record of the formal consultation required under Section 6.0, clause 1) of this By-law.
- c) A written description of the proposed works.
- d) For Minor applications, one cost estimate for the proposed works that includes information such as a detailed breakdown of the cost of material, contract labour, and related expenses necessary to complete the work.
- e) For Major applications, two cost estimates for the proposed works, each of which includes information such as a detailed breakdown of the cost of materials, contract labour, and related expenses necessary to complete the work.
- f) Any additional information or materials that are, in the opinion of the Manager of Long Range Planning or their designate, necessary to sufficiently review the Application.

7.0 Repeal of Prior By-law

- 1) City of Brantford By-law 256-2021 is hereby repealed in its entirety upon the completion and closure of any outstanding applications approved pursuant to the terms and provisions of By-law 256-2021.
- 2) Upon the adoption of this By-law, any new application for a grant shall be administered in accordance with the terms and provisions of this By-law.

8.0 Effective Date

This By-law comes into force on the date of its passing.

READ A FIRST TIME: December 19, 2023

READ A SECOND TIME: December 19, 2023

PASSED: December 19, 2023

MAYOR

CITY CLERK