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Date April 20, 2021 **Report No.** 2021-109

To Chair and Members
Committee of the Whole – Community Development

From Heidi de Vries
General Manager – People, Legislated Services & Planning

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Heritage Register Project: Owner Consultation Program for Listing Group B Properties – Procurement of Consulting Services [Financial Impact - \$79,320]**

3.0 Recommendation

- A. THAT Report 2021-109, titled “Heritage Register Project: Owner Consultation Program for Listing Group B Properties – Procurement of Consulting Services”, BE RECEIVED; and
- B. THAT Council APPROVE the non-competitive procurement of services to complete the owner consultation program for listing Group B properties on the Heritage Register, pursuant to Section 4.02(e) of the Purchasing Policy, to Archaeological Services Inc., to an upset limit of \$79,320.00; and
- C. THAT the costs of the services set out in B above BE FUNDED as follows:
 - i. THAT \$67,653 BE TRANSFERRED from project PL1601 Heritage Register; and

ii. THAT \$11,667 BE FUNDED from the Capital Funding Envelope Reserve (RF0556); and,

D. THAT the necessary contract, in a form satisfactory to the City Solicitor or delegate, between The Corporation of the City of Brantford and Archeological Services Inc. BE PLACED on a Signing By-law for execution by the Mayor and City Clerk.

4.0 Executive Summary

The City retained the services of Archaeological Services Inc. (ASI) in 2017 to work with Planning Staff to complete the Heritage Register project. The project resulted in the identification of 832 properties that warrant inclusion on the City's Heritage Register as listed properties (refer to [Report 2020-212](#)). Listed properties have heritage value, but are not designated, and are provided with interim protection from demolition under the *Ontario Heritage Act*. The properties recommended for listing are organized into two priority groups: Group A with 101 properties and Group B with 731 properties. On August 25, 2020, Council added the majority of Group A properties to the City's Register as listed properties. At the same time, Council directed Staff to report back with a proposal from ASI to assist with owner consultation associated with listing the Group B properties on the Register. This Report responds to Council's direction and presents a proposal and cost estimate from ASI to complete this owner consultation for Council's consideration.

The owner consultation program proposed by ASI will consist of a phased approach where the City will be subdivided into eight geographical areas and for each area, one Public Information Centre (PIC) will be held with owners of Group B properties in that area. Before each PIC, ASI will complete a windshield survey of the area to confirm with Planning Staff that the properties previously identified in Group B still warrant listing on the Register. Prior to initiating this consultation program, Planning Staff will consult with the Brantford Heritage Committee to identify which areas should be prioritized first. Each PIC will be held virtually; however a budget for in-person meetings has been included which may be feasible depending on the COVID restrictions in place over the course of the work program. The purpose of the PICs will be to inform property owners of the project, recommendations for listing, and what being included on a Heritage Register means for owners. After the completion of each PIC, Planning Staff will report back to Council to seek direction on adding properties to the Heritage Register as non-designated, listed properties.

Staff recommends the non-competitive procurement of consulting services to retain ASI as the consultant to complete this consultation for the next phase of the project. This approach will be advantageous in terms of timing, expenses, and consistency in work. The estimated cost of the ASI's consulting services to complete the owner consultation program is \$78,320 (including applicable HST), and an additional \$1000 is estimated to be required for costs incurred by the City, including mailing notices to property owners. Council allocated \$250,000 for the Heritage Register project through the 2016 budget process and \$67,653 of the project budget remains. Planning Staff recommends that those funds be reallocated to this phase of the project and that the additional \$11,667 required be funded from the Capital Funding Envelope Reserve (RF0556).

5.0 Purpose and Overview

The purpose of this Report is to present a proposal from Archaeological Services Inc. (ASI) to complete the owner consultation program for listing Group B properties on the City's Heritage Register. Staff is seeking Council approval to use a non-competitive procurement process for the selection of consulting services to complete this consultation program.

6.0 Background

The Heritage Register project began in 2017 as a result of direction from Council. The main focus of the project was to review all properties currently included on the City's Heritage Inventory to identify which properties have heritage value and warrant inclusion on the Register as non-designated, listed properties. Listed properties are provided with interim protection from demolition under the *Ontario Heritage Act*. Council allocated a total budget of \$250,000 for the project through the 2016 budget process, and the City retained the services of Archaeological Services Inc. (ASI) to work with Planning Staff to complete the project.

Staff presented the final Recommendations Report for the Heritage Register project through [Report 2020-212](#) and a total of 832 properties were identified as candidates to be included on the City's Register as listed properties. These properties were organized into two priority groups (Group A and Group B) to allow for a phased approach to adding properties to the Register to ensure appropriate consultation with property owners could be accommodated. Owner consultation and notification had already occurred for the 101 properties in Group A, and on August 25, 2020, Council added the majority of Group A properties to the Register as listed properties. At the same time, Council

directed Staff to report back with a proposal from ASI to assist with owner consultation associated with listing the remaining 731 Group B properties. Council's resolution is provided below:

- A. *THAT Report 2020-212, Final Report - Heritage Register Project, BE RECEIVED; and*
- B. *THAT the Group A properties identified in Appendix A of Report 2020-212 BE ADDED to the Heritage Register as non-designated, listed properties and that 1 Webster Street, 74 Dufferin Avenue and 92 Dufferin Avenue BE EXCLUDED from the Heritage Register; and*
- C. *THAT with respect to the Group B properties identified in Appendix A of Report 2020-212:*
 - i. *Staff BE DIRECTED to initiate consultation with the property owners in phases based on priority areas identified in consultation with the Brantford Heritage Committee; and*
 - ii. *Staff BE DIRECTED to report back to Council after the completion of each consultation phase to seek direction on adding properties to the Heritage Register as non-designated, listed properties; and*
 - iii. *Staff BE DIRECTED to solicit a proposal for consulting services to assist with owner consultation from Archaeological Services Inc. (ASI) and report back to Council for consideration of the proposal; and*
- D. *THAT the Areas of Archaeological Potential mapping of the Archaeological Master Plan BE AMENDED to reflect the mapping in Appendix C of Report 2020-212; and*
- E. *THAT a copy of Report 2020-212 BE FORWARDED to the Brantford Heritage Committee for their information.*

This Report responds to Council's direction, as per C (iii) of the resolution above, and presents a proposal from ASI (attached as **Appendix A**) for consulting services to assist Planning Staff with the property owner consultation associated with listing the Group B properties on the City's Heritage Register.

7.0 Corporate Policy Context

7.1 2021-2022 Council Priorities

This Report is consistent with Desired Outcome 1: All neighbourhoods in the City are safe, vibrant, attractive, and inclusive, as outlined in City Council's priorities for 2021-2022. Adding additional listed properties to the City's Heritage Register will recognize and celebrate the unique architecture and history across Brantford, and support the preservation of built heritage to contribute to a unique sense of place in these neighbourhoods.

7.2 Corporate Policy – 012 Purchasing Policy

The *Municipal Act*, 2001 requires every municipality to have a policy with respect to its Procurement of Goods and Services. The goals of the City of Brantford Corporate Policy – 012 Purchasing Policy are as follows:

- a) To ensure openness, accountability and transparency while protecting the financial best interest of the City of Brantford;
- b) To encourage competitive bidding for the Acquisition and disposal of Goods and Services where practicable;
- c) To ensure fair treatment and respectful business practice to all Vendors; and,
- d) To obtain efficiencies where possible by maximizing buying power through economies of scale and participating in cooperative and Group Purchasing Organizations.

Although all acquisitions of goods and services in the City of Brantford shall include a competitive process, Chapter 4 of the City's Purchasing Policy includes provisions which permit Non-Competitive Procurement of goods and services in limited circumstances. Specifically, Section 4.02(e) states that a Non-Competitive Acquisition process may be used in any case where Council has granted specific approval for the use of Non-Competitive Acquisition processes. In this instance, Planning Staff recommends that Council approve the non-competitive procurement of Archaeological Services Inc. as the consultant for the owner consultation program for listing Group B properties on the Heritage Register, pursuant to Section 4.02(e) of the Purchasing Policy.

7.3 Ontario Heritage Act

The *Ontario Heritage Act* requires municipalities to maintain a Heritage Register, which is an official record of all designated heritage properties in the City. It also allows municipalities to include other properties that are not designated but have heritage value, often referred to as “listed” properties. Listed properties require further review and analysis to determine if a heritage designation is warranted. Accordingly, the Act provides listed properties with interim protection from demolition to give the municipality time to assess whether to begin the designation process after a demolition application has been received.

Currently, the *Ontario Heritage Act* does not require municipalities to notify property owners before or after listing a property on the City’s Heritage Register. Although not required by the Act, owner consultation and notification before listing a property is generally regarded as a best practice and is currently implemented by several Ontario municipalities. Prior to Council listing the Group A properties on the City’s Register, property owners were notified and had an opportunity to attend a Public Information Centre.

8.0 Input From Other Sources

Planning Staff consulted with staff from the Finance Department, specifically the Purchasing Division and the Financial Analysis Division, in the preparation of this Report.

9.0 Analysis

In accordance with Council’s direction, and as discussed in Section 6.0, this Report presents a proposal and cost estimate from ASI, attached as **Appendix A**, to complete the owner consultation associated with listing 731 Group B properties on the City’s Heritage Register. The proposed owner consultation program will consist of a phased approach, whereby the City will be subdivided into eight (8) geographical areas and one Public Information Centre (PIC) will be held for Group B property owners in each of the eight areas. This will ensure that each PIC is appropriately sized to allow for meaningful conversation and to adequately address questions and concerns raised by property owners. Planning Staff will consult with the Brantford Heritage Committee to identify which areas should be prioritized first.

Prior to each PIC, ASI proposes to complete a review of background materials (e.g. building permits and demolition permits) and conduct a windshield survey of each area to confirm with Planning Staff that the properties previously identified in Group B still warrant listing on the Register. Any properties that are no longer recommended for listing due to substantial changes to buildings will not need to be included in the consultation sessions.

Each PIC will be focused on informing property owners of the project, recommendations for listing, and what being included on a Heritage Register means for owners. These PICs are anticipated to occur sequentially and at a rate of one area per quarter, for a total two-year project schedule. The work plan allows for a seamless transition between virtual consultation sessions held through the Zoom platform when necessary due to the COVID-19 pandemic, and in-person engagement sessions if this format becomes possible during the course of this project. After the completion of each PIC, Planning Staff will report back to Council to seek direction on adding properties to the Heritage Register as non-designated, listed properties.

Staff is of the opinion that ASI has the professional expertise to lead this work program, given their familiarity with the City of Brantford and experience working on the Heritage Register project. Further, given their already in-depth knowledge of the work undertaken to date, the City will see efficiencies in terms of schedule and timing associated with starting the work until its completion. A systematic and rigorous approach was employed to identify which properties merit listing on the Register, which included completing a field survey where property data and photographs were gathered, followed by assessing the material integrity and heritage value of properties against evaluation criteria developed to reflect Brantford's unique heritage. Given that ASI developed the evaluation criteria with the City and completed the original field work and property assessments as well as the owner consultations for Group A properties, retaining them will allow for consistency and a seamless transition to this next phase of the Heritage Register project.

As noted in [Report 2020-212](#), listing of these Group B properties is recommended to be completed within three years to limit the need to repeat field work and property evaluations. Taking into account existing Staff resources and priorities, Planning Staff are unable to meet this timeframe without additional resources. Should Council approve the non-competitive procurement of consulting services, Staff will immediately begin working with ASI to undertake the owner consultation program and listing of Group B properties. Given the

immediate start up time to begin this owner consultation program, Staff anticipates this project can be completed within the recommended timeframe.

10.0 Financial Implications

The proposal from ASI, attached as **Appendix A**, provides a cost estimate to complete the owner consultation associated with listing the Group B properties on the City's Heritage Register, and includes a breakdown of cost variations for virtual PICs versus in-person PICs. The upset limit is \$78,320 (including applicable HST), which is the maximum cost for ASI's services if each of the eight consultation phases can be held in-person. Other costs to be incurred by the City, including mailing notices for PICs and hall rentals, are estimated to be a maximum of \$1,000; therefore the total costs for this phase of the project are \$79,320.

Council allocated \$250,000 for the Heritage Register project through the 2016 budget process and \$67,653 of the project budget remains. It is recommended that those funds be reallocated to this phase of the project. An additional \$11,667 would be required to retain ASI to complete this work program and to cover the costs incurred by the City and it is recommended that this be funded from the Capital Funding Envelope Reserve (RF0556).

11.0 Conclusion

This Report presents a proposal from Archaeological Services Inc. for consulting services to complete the owner consultation associated with listing 731 Group B properties on the City's Heritage Register. Staff recommends the non-competitive procurement of consulting services to retain ASI as the consultant to complete this consultation for the next phase of the project. This approach will be advantageous in terms of timing, expenses, and consistency in work. Also,

given that ASI developed the evaluation criteria with the City and completed the original field work and property assessments as well as the owner consultations for Group A properties, retaining them will allow for consistency and a seamless transition to this next phase of the Heritage Register project.



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Attachments:

Appendix A – ASI Proposal for Owner Consultation Program

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☒ yes ☐ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no