



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2020

A by-law to amend By-law 266-2011, 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 has enacted By-law 266-2011 to Establish A Designated Heritage Property Incentive Grant Program;

AND WHEREAS the Council of The Corporation of the City of Brampton is desirous of amending the By-law 266-2011 to make changes to the Designated Heritage Property Incentive Grant Program;

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

1. THAT By-law 266-2011 be amended by:

- 1.1. deleting the definition of "Applicant" in Section 1.1 in its entirety.
- 1.2. deleting the definition of "Guidelines" in Section 1.1 in its entirety.
- 1.3. deleting the definition of "Heritage Attributes" in Section 1.1 in its entirety and replacing it with the following:

"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 ".

- 1.4. by adding the following new definitions to Section 1.1:
- “(a) ‘Application Form’ shall mean the application form attached as Appendix A to the Application Kit;
 - (b) ‘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;
 - (c) ‘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;
 - (d) ‘Owner’ means the person registered on title in the proper land registry office as owner of the Designated Heritage Property.
 - (e) ‘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.
- 1.5. re-alphabetizing Section 1.1 as amended according to the alphabetical order of the definitions therein.
- 1.6. replacing all references to “Heritage Coordinator” with “City of Brampton Heritage staff”.
- 1.7. replacing all references to “heritage property incentive grant” with “Designated Heritage Property Incentive Grant”.
- 1.8. replacing all references to “Guidelines” with “Application Kit”.
- 1.9. replacing all references to “Applicant” and “Recipient” with “Owner”.
- 1.10. deleting Sections 3.1(b), (c) and (d) in their entirety and replacing them with the following new clauses:
- “(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;
 - (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;
 - (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."

- 1.11. deleting Section 3.2 in its entirety and replacing it with the following new clause:

"The administration of the Designated Heritage Property Incentive Grant Program shall be in compliance with this By-law and the Application Kit."

- 1.12. by deleting Section 4.1 in its entirety and replacing it with the following:

"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)."

- 1.13. by deleting the first paragraph of Section 4.4 in its entirety and replacing it with the following:

"Before the Designated Heritage Property Incentive Grant will be paid by the City, the following must occur:"

- 1.14. by deleting Section 4.4(c) in its entirety and replacing it with the following:

"(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,".

- 1.15. by deleting Section 6.1(1)(d) and replacing it with the following:

"(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."

- 1.16. by deleting Section 6.1(2) in its entirety and replacing it with the following:

"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."

- 1.17. by deleting Section 7.1 and replacing it with the following:

"Should, in the opinion of City of Brampton Heritage staff, the Designated Heritage Property Incentive Grant Recipient fail 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."

2. Effective date

This By-law will come in to effect on January 1st, 2021.

ENACTED and PASSED this 25th day of November, 2020.

Approved as to
form.

2020/11/4

AGD

Patrick Brown, Mayor

Approved as to
content.

2020/11/3

RJB

Peter Fay, City Clerk