

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 2024-037**

A BY-LAW TO PROVIDE FOR THE MAKING OF GRANTS TO THE OWNERS OF PROPERTIES DESIGNATED UNDER PART IV AND/OR UNDER PART V OF THE ONTARIO HERITAGE ACT AND TO RESCIND BY-LAW 3989-05

WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake is authorized by Section 39 of the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended, to pass by-laws providing for the making of a grant to the owner of a property designated under Part IV and/or Part V of the Ontario Heritage Act;

AND WHEREAS the above noted grant is for the purpose of paying the whole or any part of the costs of alteration of the above noted types of properties on such terms and conditions as the Council of the Corporation of the Town of Niagara-on-the-Lake may prescribe;

AND WHEREAS the Council of the Corporation of the Town of Niagara-on-the-Lake has determined that it wishes to update the program for grant to qualifying land owners to encourage the restoration and renovation of buildings designated under Part IV and/or Part V of the Ontario Heritage Act in By-law 2024-037.

NOW THEREFORE THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:


1. For purposes of this By-law:
 - (a) "Act" shall mean the Ontario Heritage Act, R.S.O. 1990, c.O.18 as amended from time to time;
 - (b) "Alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning. For the purposes of this by-law "altering" has the same meaning;
 - (c) "Council" shall mean the elected Council of the Corporation of the Town of Niagara-on-the-Lake,
 - (d) "Municipality" shall mean the Corporation of the Town of Niagara-on-the-Lake;
 - (e) "Property" shall mean land, buildings or structures, which have been designated under Part IV and/or Part V (only those properties identified by the Town of Niagara-on-the-Lake as "A – Significant" or "B – Contributing" within the Heritage Conservation District) of the Ontario Heritage Act;

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2. (a) The Municipality hereby established a “Heritage Grant Program” and authorizes the Director of Corporate Services to administer the program in accordance with the terms of this By-law.
- (b) The Heritage Grant Program shall continue at the discretion of Council and may be terminated at any time, without prior notice, by the passage of a duly enacted by-law by Council.
- (c) All Heritage Grants made prior to the termination of the Heritage Grant Program shall be paid in accordance with the terms and conditions set out in this By-law.
3. This By-law and the Heritage Grant Program shall only apply to buildings, structures and lands that have been designated under Part IV and/or Part V (only those properties identified by the Town of Niagara-on-the-Lake as “A – Significant” or “B – Contributing” within the Heritage Conservation District) of the Ontario Heritage Act.
4. (a) Any owner of property desiring to obtain a Heritage Grant shall make application in writing to the Municipality.
- (b) No Heritage Grant shall be made by the Municipality unless all of the following conditions have been satisfied or complied with, namely:
 - (i) The alteration for which the Heritage Grant is sought has been recommended by the Municipality’s Municipal Heritage Committee and approved by the Municipal Council or staff designate if delegated;
 - (ii) The owner of the property has signed a written acknowledgement, in the form of a grant agreement, Schedule ‘A’ attached to this By-law, being a sample agreement, that proceeds of the Heritage Grant shall be used solely for the purpose of altering the heritage features of a specific property to which this By-law applies;
 - (iii) That Council grant authority to the Lord Mayor and Town Clerk to sign the Heritage Grant agreement.
 - (iv) All municipal taxes and other charges, if any, levied against the property for which the Heritage Grant is sought are paid in full to date and in good standing.
 - (v) The application is in compliance with all requirements of the Heritage Restoration and Improvement Grant Program (Schedule B attached)

5. (a) The maximum amount of the Grant provided for the residential, commercial, industrial or institutional categories shall be determined by Council and can be amended from year to year.
6. The alteration for which the Heritage Grant is sought has been completed according to the Heritage Grant Agreement and to the satisfaction of the Municipal Heritage Committee and the Staff. The Municipal Heritage Committee could request a site visit to inspect the completed work. The Director of Community and Development Services reserves the right to refuse the payment for unsatisfactory work of the Heritage Grant if advised as such from the Municipal Heritage Committee.
8. If any term or provision of this By-law or the application thereof to any person shall to an extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby and each term and provision of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.
9. This By-law shall come into force and take effect upon final passing hereof.
10. That By-law 3989-05 is hereby rescinded in its entirety.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28TH DAY OF MAY, 2024.



LORD MAYOR GARY ZALEPA



TOWN CLERK GRANT BIVOL



HERITAGE GRANT AGREEMENT

This Grant Agreement is made at

The _____, this _____ of _____, _____ Year
(City/Town of...) Day

BETWEEN:

THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE

(the "Town")

and

_____ (the "Owner")

WHEREAS the owner represents that they are the registered Owner of the lands municipally addressed as:

_____ located in the Town of Niagara-on-the-Lake, in the Regional Municipality of Niagara;

WHEREAS the owner has applied to the Town for a Heritage Restoration and Improvement Grant, for eligible interior or exterior improvements to the property and the Town has agreed to make such a grant pursuant to Sections 39 and 45 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*, as amended, and under By-law No. 2024-037

AND WHEREAS the Owner will be doing conservation/repair work to the Property including the Owner's approved matching share work and any other work;

NOW THEREFORE IN CONSIDERATION of the Town approving this grant to

the Owner to a maximum amount of \$_____, The Owner and the Town hereby agree:

(Town Portion of the grant being 50% of eligible costs to a max of \$7,500)

WORKS TO BE COMPLETED

1. The Owner will complete all eligible works as specified in the approved grant application and approved design study (if required) and drawings, to the satisfaction of the Town, prior to the payment of the grant;

Brief description of approved works:

USE OF PROCEEDS

2. The Owner will use all of the proceeds of the grant to pay only for eligible works as specified in the approved grant application and approved design study and/or drawings, and described in attached Schedule A, to the satisfaction of the Town;

PROJECT COMPLETION

3. Construction of approved works will be completed no later than the following date: _____, being one year after issuance of the Town approved Heritage Permit. The Town, may consider an extension to completion dates if the Town is notified in advance of the required completion date.

DEFAULT & REMEDIES

4. The Owner agrees to maintain in good repair the improvements described in Schedule A. In the event the Owner does not maintain in good repair said improvements, the Town May:
 - a. serve on the Owner a written Notice to Repair detailing the particulars of the failure to maintain and the particulars of needed repairs; and,
 - b. provide the Owner with at least 30 days to make such repairs.
5. The Owner agrees that if the Owner is in default of any conditions of this Agreement, the city may, in its sole discretion, delay or cancel part or all of the grant payment.

6. If unapproved demolition, alteration, removal or destruction of heritage fabric that compromises Cultural Heritage Value takes place then all grant payments shall cease, and payments already made will be repayable to the municipality.
7. The Owner agrees that the Town is not responsible for any costs incurred by the Owner in any way relating to the program, including, without limitation, costs incurred in anticipation of a grant.
8. If the owner has been awarded a grant and sells the Property prior to receipt of the grant, the Town may in its sole discretion:
 - a. pay the grant to the Owner if the Owner has completed the approved works to the satisfaction of the Town;
 - b. pay the grant to the new Owner subject to the new Owner completing the approved works to the satisfaction of the Town; or,
 - c. cancel the approved grant.

AMENDMENTS TO DRAWINGS

9. The approved drawings referred to may be amended by the Owner and the Town from time to time, as they may agree. In such cases the agreement must be updated to outline the updated work.

FINAL INVOICE FOR PROJECT

10. The Owner shall provide the final invoice for the eligible works as specified in the approved grant application to the Town upon completion of construction. The Town, through the Director of Community and Development Services, reserves the right to reduce the amount of grant funding released if the final invoice for the eligible works is less than the maximum amount approved by the Town.

NOTICES

11. Any notice required to be given by either party to the other shall be given in writing or via email and delivered to:
 - a. in the case of the Town to:
Heritage Staff
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario, L0S 1T0
heritage@notl.com

b. in the case of the Property Owner to:

The last known mailing address or email address of the property owner or authorized agent/applicant (or such other address as the Owner may advise in writing)

BINDING UPON OTHERS

12. This Agreement shall be binding upon the parties and their heirs, executors, successors and assigns.

PROPERTY OWNER AUTHORIZATION

Dated at the _____,
Town/City

this _____ of _____, _____.
Day Month Year

Name of Property Owner

Signature of Property Owner

TOWN AUTHORIZATION

Dated at the _____, this ____ of _____,
Town/City Day Month Year

Lord Mayor Gary Zalepa

Town Clerk



Department of Community and
Development Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 | Fax: 905-468-0301
www.notl.com

Heritage Restoration and Improvement Grant Program

The Heritage Restoration and Improvement Grant Program provides financial incentive to owners of commercial, and residential and institutional zoned properties designated under the Ontario Heritage Act.



Who can apply?

Owners of Commercial Industrial, Residential or Institutional properties designated under Part IV or Part V (within the Queen-Picton Heritage Conservation District only 'A' & 'B' buildings), of the Ontario Heritage Act can apply.

What is the maximum grant amount?

The maximum grant amount for eligible properties is \$7,500 per property or 50% of the costs of eligible works, whichever is less.

What conditions must be met to be eligible?

- The owner must enter into a Heritage Grant Agreement with the Town of Niagara-on-the-Lake.
- No work can be carried out until approved by Council and a Heritage Permit has been issued.
- Approved work must be completed and invoiced within one (1) calendar year of the date of approval of the grant by Council.
- Heritage property owners found to be in contravention of the *Ontario Heritage Act* are not eligible for a heritage grant for a period of 2 years after the offense, or otherwise at the discretion of Council.
- Properties that receive a heritage grant for repainting of a building or structure are not eligible to re-apply for repainting of that same building or structure for a period of 3 years after approval of funding by Council.
- A property is only eligible for one heritage grant for one project annually.

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- Heritage Grant funding is not provided retroactively. It is important the Staff is able to make a site visit to document and record existing conditions prior to approval for heritage grant funding.
- All work must comply with the description of the works as provided in the grant application form and will be inspected by staff and/or a member of the Municipal Heritage Committee before funds are released.
- All applicants must provide two comparative and detailed quotes by contractors with demonstrated heritage experience and expertise (a Professional Member of the Canadian Association of Heritage Professionals or equivalent at the discretion of the Director of Community and Development Services).
- If contractors or specifications are proposed to change from what was reviewed by the Municipal Heritage Committee and approved by Council, that the property owner is first required to receive approval from Town Staff prior to any change, otherwise the property owner may be ineligible to receive the allocated funding.
- Property Taxes must be in good standing at the time of the application and at the time the project is completed.
- If unapproved demolition, alteration, removal or destruction of heritage fabric that compromises Cultural Heritage Value takes place then all grant payments shall cease, and payments already made will be repayable to the municipality.
- All work must be made pursuant to a Building Permit (if required) and constructed in accordance with the Ontario Building Code and all applicable zoning requirements and planning approvals.
- All other sources of government and/or non-profit organization funding, whether Federal or Provincial that have been secured for the project must be declared as part of the grant application. The Municipal grant will be reduced on a pro-rated basis accordingly.
- If a Heritage Grant application is unable to be processed in the calendar year due to availability of the grant fund, the application would be processed on priority basis in the following year given that the Heritage Grant program is still in affect.



\$ Is there a fee to apply?

Yes. There is an application fee of \$210 for eligible properties. The fee is non-refundable.

What is the application process?

1

Complete the application form and make sure all of the required supporting documentation is included. The documentation should include two quotes from qualified professionals.

2

Applicants arrange a pre-application meeting with staff in order to determine program eligibility, proposed scope of work, project timing etc.

Incomplete applications will be NOT accepted.

What happens next?

1. Your application will be reviewed by staff and the Municipal Heritage Committee (MHC) in conjunction with the required Heritage Permit application under the Ontario Heritage Act. If necessary, Municipal staff and members of the MHC will make an initial site visit and inspect the property,
2. A recommendation on the grant application will be made by the MHC and forwarded to Council. You will be notified of Council's decision in writing within approximately 4-6 weeks.
3. Once you have received your Heritage Permit you may begin the approved work.
4. When the work is complete, staff and/or members of the MHC will conduct a final site visit to ensure compliance with the Heritage Permit. If work has not been conducted as per the approved specifications, the grant money will not be released.
5. If alterations have been undertaken that damage the cultural heritage value of the property, the grant money will not be released until the damage caused by the alterations is remedied.
6. Photos of the completed work/project must be submitted to staff for review along with a final invoice for the work(s).
7. The Town will issue a grant cheque to the property owner for the approved funding.



Eligible works for a grant/loan include:

1. Works that conserve or enhance elements specified in the List of Heritage Attributes in the applicable Designation By-law or which contribute to the cultural heritage value under the Ontario Heritage Act;
2. Works that preserve, conserve, renew or restore significant architectural features, including:
 - (i) doors, windows, verandahs, cupolas, chimneys, or other decorative trim, parapets, cornices, hood mouldings and any other features

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- important to the overall composition of the structure as specified in the Reasons for Designation;
 - (ii) fences and outbuildings if specifically referred to in the Reasons for Designation;
 - (iii) original siding and roofing materials including repair and replacement where necessary of wood clapboard or board and batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.);
- 3. Removal of modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials;
- 4. Reconstruction or construction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.), e.g. for commercial properties, the reconstruction and restoration of shop fronts which have been altered or replaced. Documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed. Eligible work will be guided by appropriate reference material as deemed appropriate by staff;
- 5. Cleaning of masonry buildings if it is necessary for the building's preservation. Abrasive cleaning techniques that degrade the original structure (such as sand blasting, chemical cleaning or high-pressure washes) are not eligible;
- 6. All final finishes, such as paint and masonry are eligible for funding subject to approval given, they are the original final finishes of the building;
- 7. Interior works specifically referred to in the List of Heritage Attributes, including, but not limited to: woodwork, plasterwork, wall or ceiling murals, or metal work, and other decorative features; and,
- 8. Works required to maintain or preserve significant architectural features.

Ineligible Works include:

The following works, including repair, maintenance, reconstruction or improvements to the following are not eligible for grant/loan assistance under this program:

1. Short-term, routine maintenance including minor repairs (such as repairing a broken step or a broken window), and painting (other than as specified above);
2. Landscaping. (Unless it can be demonstrated that such is an important part of the Heritage attributes);
3. Work on modern additions;
4. Work on sheds or outbuildings not specifically referred to in the heritage attributes;
5. Installation of modern doors and windows unless they are replicas of the original with original materials;
6. Installation of aluminum clad storm or screen doors and windows unless replicas of the original with original materials;

7. Chimney repairs other than the restoration of a significant chimney;
8. Repair of eaves trough unless its nature is such that it is significant to the heritage of the structure;
9. Painting or staining of original brick or stone masonry;
10. Any other works that the local municipality may deem inappropriate as identified on a case-by-case basis. Works not included on this list are not necessarily included on the eligible work list;
11. Projects/works for which insurance money is being provided.