

Heritage Community Improvement Plan

March 2007

Executive Summary

Recently, there has been increasing concern regarding the demolition of heritage buildings listed in the City's Inventory of Heritage Resources. In many instances, because the current zoning would permit more intensive or additional development, several more listed properties are threatened by demolition. Often, the justification to support demolition of these heritage structures is that it is more cost efficient to demolish and build anew than it is to rehabilitate an older building.

The Heritage Community Improvement Plan seeks to address some of the financial impacts of heritage preservation by offering incentives that promote building rehabilitation in conjunction with new development. There are two incentives proposed in this Community Improvement Plan. The first includes a Tax Increment Grant which provides a grant to the registered owner in the form of a refund of the increase in the municipal portion of the property tax ensuing from a reassessment as a result of a development or rehabilitation project related to an intensification or change of use which incorporates a designated heritage structure. The second incentive includes a Development Charges Equivalent Grant issued when a designated heritage building is preserved and rehabilitated in conjunction with a rehabilitation or development project relating to an intensification or change of use.

Both incentives offer the City a long term benefit in the form of increased municipal taxes and they facilitate the opportunity for Londoners to continue to benefit from the existence of these significant buildings. Without these incentives it is likely that those heritage buildings whose rehabilitation costs are a disincentive to preservation will face certain demolition. However, by providing incentives, these heritage buildings may once again have the opportunity to become viable economic generators for the City by housing residents and businesses through the ability of adaptive reuse.

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1.0 Background

1.1 Introduction

In February 2006, a planning report was written recommending the property located at 661 Talbot Street, known as Locust Mount, be designated under the provisions of subsection 29(3) of the *Ontario Heritage Act, 1990*. This report also recommended that the viability of establishing a Community Improvement Plan for the entire City be referred to staff for further review and report back. The Community Improvement Plan would allow the provision of financial incentives to encourage registered owners to designate their properties under the *Ontario Heritage Act, 1990*.

The Heritage Community Improvement Plan will join the growing list of incentive programs aimed at encouraging the retention and maintenance of London's heritage inventory. Other incentive programs include the Heritage Property Tax Relief Program and the London Endowment for Heritage Fund. These incentive programs may be issued concurrently or independently of one another.

Given that the retention and good stewardship of heritage structures serves a public benefit and to acknowledge the higher costs associated with the maintenance of heritage structures, the City of London endorses the provision of these incentive programs in order to ensure that our unique heritage is preserved. The goal of these incentives is to maintain the identity of our City, create a sense of place and ensure that our history is retained for future generations to enjoy.

For the purposes of this Community Improvement Plan, the cost of rehabilitation includes the direct costs to the designated heritage structure as well as the costs related to the construction and reconstruction of lands for rehabilitation purposes to accommodate intensification and change the use within the structure. Where these costs can clearly be illustrated to the satisfaction of the City, the portion of the costs attributed to the rehabilitation of the designated heritage structure may be eligible for a rebate under this program. However, in all situation, the value of the incentives are capped at the cost of rehabilitating the designated heritage structure.

1.2 Provincial Regulations

In Ontario, the *Municipal Act, 2001* outlines municipal powers and duties with respect to matters within their jurisdiction. Particularly, Part III of the *Municipal Act, 2001* delegates specific powers to municipalities. Section 106 of Part III forbids municipalities from providing financial assistance to business enterprises. Subsection 106(2) further describes the type of assistance that is prohibited. However, subsection 106(3) provides that these restrictions will "not apply to a council exercising its authority under subsection 28(6) or 28(7) of the *Planning Act, 1990*."

Section 28 of the *Planning Act, 1990* provides the legislative framework for the designation of a community improvement project area and the preparation of a community improvement plan. The Act states, "Where there is an official plan in effect in a local municipality that contains provision relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area." Subsection 28(6) prescribes council's authority with regard to land

and subsection 28(7) prescribes council's authority with regard to grants or loans. Therefore, if a municipality chooses to exercise its authority to undertake a community improvement initiative council is permitted to make grants or loans providing that it be done for the purposes of carrying out a community improvement plan that has come into effect.

Given that subsection 28(2) of the *Planning Act, 1990* enables a municipality to designate a community improvement project area the next matter that must be resolved is to determine the set conditions that must exist in order for an area to be qualified for a community improvement designation.

The *Planning Act, 1990* defines a community improvement project area as "...an area within a municipality, the community improvement of which in the opinion of council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason".

1.3 Official Plan Policies

Consistent with the requirements of Section 28 of the *Planning Act, 1990* the *City of London Official Plan, 1989* contains provisions relating to community improvement in the municipality. Specifically, Chapter 14 of the Plan identifies the desired objectives of community improvement initiatives, the selection of community improvement project areas and implementation of community improvement plans.

As it relates to the Heritage Community Improvement Plan, Section 14.1 of the Official Plan identifies the following community improvement objectives:

- Provide for the designation of "Community Improvement Project Areas" in areas of the City that exhibit problems of instability, building deterioration, inadequate municipal services and facilities or inappropriate arrangement of land uses.
- Promote the long-term stability and viability of designated "Community Improvement Project Areas".
- Stimulate private property maintenance and reinvestment activity.
- Enhance the visual quality of designated "Community Improvement Project Areas" through the recognition and protection of Heritage Buildings.

These objectives are consistent with the intent of the Heritage Community Improvement Plan which seeks to stimulate the retention and rehabilitation of heritage resources, encourage the designation of significant heritage resources and provide economic incentives to maintain important heritage structures.

Subsection 14.2.1i) of the Official Plan identifies the criteria by which the eligibility of residential community improvement project areas will be based. The eligibility to designate the entire City for a Heritage community improvement incentive is, therefore based on the criteria that permit community improvement in those areas exhibiting:

- A significant proportion of residential properties in need of rehabilitation.
- A stable pattern of land use.

- Eligibility for designation for assistance under a neighbourhood improvement program.

The City of London has a considerable number of designated properties as well as properties identified as having a strong basis for designation which are in need of rehabilitation. Additionally, these heritage structures are generally located in stable residential and commercial areas of the City. London currently has three heritage conservation districts approved under Part V of the *Ontario Heritage Act, 1990* with the intent of designating more such heritage conservation districts in the future. Some of these heritage conservation districts are eligible for assistance under a neighbourhood improvement program.

1.4 Purpose of the Heritage Community Improvement Plan

The purpose of the Heritage Community Improvement Plan is to maintain the unique identity for our City by preserving our inventory of distinctive heritage buildings, establishing a sense of place by preserving local heritage structures and ensuring that our history is retained for future generations to enjoy.

One need not look any further than to Quebec City to see an example of how heritage preservation can serve as an important element of a City's economic activity. In addition to Quebec City, places like Niagara-on-the-Lake and Kingston have also benefited from strong heritage preservation. The retention of significant heritage structures is an important element of a City's identity and provides both public and private benefits.

This community improvement initiative will work in conjunction with the other municipal initiatives aimed at preserving heritage to ease some of the financial constraints associated with the maintenance of heritage buildings.

1.5 The Need for Community Improvement

The City's heritage resources are threatened by deterioration and destruction because in some cases it is easier and more cost effective to simply demolish a heritage structure than it is to upgrade and preserve it. Once a heritage structure is demolished, its craftsmanship, its presence and its history are lost forever and that direct connection to our past that exists within every heritage structure can never be replicated again.

While it is noted that the upkeep and maintenance of a building is the responsibility of every registered owner, it is widely recognized that heritage properties may require more intensive care and rehabilitation at a higher cost than those associated with a newer building. In recognition of the community's interest and desire to retain and preserve our heritage resources there is justification for some form of public program to help assist with the maintenance efforts.

London is well positioned to benefit from a Heritage Community Improvement Plan. The City currently has approximately 2,900 buildings listed in its Inventory of Heritage Resources. These buildings are listed for their architectural, historical and contextual reasons of which about 270 heritage properties are designated under Part IV of the *Ontario Heritage Act, 1990*. In addition,

the City has three heritage conservation districts, containing roughly 1,600 properties, designated under Part V of the *Ontario Heritage Act, 1990*.

The Heritage Community Improvement Plan can assist the owners of these designated properties by offsetting some of the higher costs incurred due to the specialized maintenance of an older building. The Heritage Community Improvement Plan can also act to encourage owners of listed buildings to apply for designation and preserve these heritage structures for future generations.

2.0 Implementation

2.1 Eligibility Criteria and Requirements

The following general eligibility criteria apply to the incentives offered under the Heritage Community Improvement Plan. While the general and program-specific criteria are intended to be comprehensive in nature they are not intended to be exclusive and Municipal Council reserves the right to establish other criteria or requirements that may be deemed appropriate. These criteria include:

- Properties eligible for incentives corresponding with the Heritage Community Improvement Plan must be located within the Heritage Community Improvement Project Area defined in Section 2.2 and illustrated in Appendix 1 of this Plan.
- For the purpose of this Community Improvement Plan the term “applicant” means the registered owner of the lands and buildings within the community improvement project area which are participating in the programs under this Plan.
- For the purposes of this Community Improvement Plan the term “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or useability thereof,
- For the purposes of this Community Improvement Plan the term “rehabilitation” means the restoration or reconstruction of buildings, structures or parts thereof to modern building standards without the removal of the building or structures from the lot.
- The incentives offered under this program apply to a development or rehabilitation project related to an intensification or a change of use that incorporates the preservation of a correlated designated heritage building.
- No financial incentives offered in this Community Improvement Plan will be offered for upgrades that comprise the reasons for designation of a heritage structure. This may include, but not limited to, the installation of improper windows, inappropriate painting of the structure, utilization of unsuitable building materials, incompatible roofing colour or material and/or unsightly eaves installation.

- Any works undertaken on designated heritage properties participating in this program shall require a Heritage Alteration Permit. This Permit shall be issued prior to any works being undertaken.
- If the designated heritage property is demolished in whole before the grant period elapses it shall cause the grant to be forfeited and be repayable to the municipality.
- No financial incentives offered in this Community Improvement Plan will be offered retroactively for costs incurred prior to the approval of the Community Improvement Plan. Only those applications that are submitted for work or development undertaken subsequent to the approval date of this Community Improvement Plan will be eligible for financial incentives.
- To be eligible for the financial incentives offered in this Community Improvement Plan, properties must not be in tax arrears. All taxes owing shall be paid prior to the disbursement of any grant or tax assistance money offered under this Plan. All required local improvement charges, taxes and other charges of the City shall be paid for the duration of this incentive programs offered in conjunction with this Plan.
- All outstanding work orders and/or requests to comply from municipal departments and agencies shall be addressed to the satisfaction of the City of London prior to the disbursement of any financial incentives. For the duration of the incentives program, failure to address any work orders and/or requests to comply from municipal departments and agencies may result in the cancellation or postponement of the incentive(s).
- Municipal Council may review the eligibility criteria and incentives offered in the Community Improvement Plan to determine if the Community Improvement program should continue, be modified, or cease to issue any new commitments. Additional guidelines or eligibility requirements may be identified and implemented at any time in order to provide a more detailed description of how this Community Improvement Plan will be administered.
- Municipal Council may discontinue the incentive program at any time. However, any participants in the program prior to its cancellation will continue to receive the grant or tax assistance incentives as were approved for their properties.
- All applicants for the tax increment grant and development charge incentives offered under this Community Improvement Plan shall enter into an agreement with the City of London, that will specify the terms, conditions and obligations of the applicant and the City.
- In compliance with subsection 28(7.1) of the *Planning Act, 1990* the total of financial incentives granted in respect of particular lands and buildings offered under this

Community Improvement Plan or in combination with any community improvement plans shall not exceed the cost of rehabilitating the lands and buildings.

2.2 Area of Application

Prior to the adoption of a Community Improvement Plan, a Community Improvement Project Area must be designated to outline the area that will be eligible for the incentives identified in the Community Improvement Plan.

In order to encourage the retention and rehabilitation of London's inventory of heritage buildings it is vital that the entire City be incorporated to facilitate this initiative. Given that London's heritage structures are threatened by demolition in both the developed central area as well as the growing suburban areas it is appropriate to include all heritage structures within the City in this incentive program. This will allow the City of London to benefit from the existence of its heritage stock while taking advantage of the sense of place and identity they create.

Generally, the Community Improvement Project Area will be bounded by the Municipal Boundary illustrated in Schedule A – *Heritage Community Improvement Project Area* in Appendix 1 of this Plan.

3.0 Tax Increment Grant Program

3.1 Program Description

The Tax Increment Grant Program is intended to encourage the retention of existing designated heritage buildings in the City by removing some of the cost disincentives associated preservation. The Program provides a grant to the registered owner equivalent to the increase in the municipal portion of the property tax ensuing from a reassessment resulting from a development or rehabilitation project related to an intensification or a change of use that rehabilitates a correlated designated heritage property. The development or rehabilitation project, however, must not compromise the reasons for designation of a heritage structure. For this reason, a Heritage Alteration Permit shall be required prior to undertaking any work on a designated heritage building.

Subsection 28(7) of the Planning Act permits a municipality to provide grants for the purposes of carrying out a community improvement plan to owners and tenants of land and buildings within a community improvement project area and to any person to whom such an owner or tenant has assigned the right to receive such a loan. However, the cumulative value of the grants and loans may not exceed the costs of rehabilitating the lands.

For the purposes of this Community Improvement Plan, it is intended that only the registered owners of the land and buildings within the community improvement project area which are participating in the programs under this Plan shall be eligible for the incentives provided under this Plan.

The amount of the tax increment grant is equal to the difference between the municipal portion of the property tax prior to rehabilitation or development for rehabilitation purposes and the

municipal portion of property taxes after the rehabilitation or development project. Tax increases that result from a general reassessment, a change in tax legislation or an increase in the tax rate will not be considered for the purposes of calculating the grant. Grants are not provided for the education portion of property taxes. The annual grants are provided to eligible registered owners over a ten (10) year period on a declining scale.

Tax increment grants have been successful in Downtown and Old East Village to encourage development and rehabilitation. A similar incentive program will apply to heritage designated properties to improve the condition of existing heritage buildings, to promote good stewardship of the properties and to encourage owners of listed properties to designate their buildings under Part IV of the *Ontario Heritage Act, 1990*.

In all cases, the value of the Tax Increment Grant shall not exceed the cost of rehabilitating the designated heritage property.

3.2 Program Eligibility Requirements

- The implementation of the Tax Increment Grant is subject to the General Eligibility Criteria and Requirements identified in Section 2.0 of this Plan, the specific criteria and requirements listed in Section 3.2 of this Plan as well as the availability of funding, as approved by Municipal Council.
- Those properties that are designated under Part IV of the *Ontario Heritage Act, 1990* and are to be incorporated into a development or rehabilitation project are eligible to apply for the incentives offered under this Community Improvement Plan.
- Applicants who choose to designate their heritage properties after the adoption of this Heritage Community Improvement Plan are eligible to apply for a Tax Increment Grant subject to the General Eligibility Criteria and Requirements identified in Section 2.0 of this Plan, the specific criteria and requirements listed in Section 3.2 of this Plan as well as the availability of funding, as approved by Municipal Council.
- Any construction activity undertaken in conjunction with the preservation of a designated heritage building participating in this Community Improvement Plan will preserve the building's designated feature(s) and be sensitive to its historic context.
- Any works undertaken on heritage properties participating in this program shall require a Heritage Alteration Permit. This Permit shall be issued prior to any works being undertaken.
- Each application will be considered on a case-by-case basis to consider the public and economic benefit of providing one or more incentive(s) to a property. In evaluating applications, approval of the incentive(s) may be recommended where:
 - There are no outstanding property taxes, municipal orders or by-law infractions on the subject property;

- All relevant supporting documentation and reports have been provided to the City;
 - Providing financial support toward the application is considered to be both cost effective for the City and in the public interest;
 - The amount of available and budgeted municipal funding is sufficient to cover the cumulative cost of all incentives that have been approved; and
 - Municipal Council deems that the benefits associated with providing the program incentives outweigh the cumulative costs of providing the incentive(s).
- Applications for the Tax Increment Grant Program may only be submitted for properties on which development and/or rehabilitation has been initiated after this Community Improvement Plan has come into effect.
 - The combined benefits provided through tax increment grants and development charge equivalent grants as a result of this Community Improvement Plan or in conjunction with other community improvement plans cannot exceed the costs of rehabilitation. Therefore, the Tax Increment Grant may be limited to less than the entitled grant or cease altogether if the cumulative value of the incentives equals the cost of the rehabilitation work.
 - Where overlapping community improvement plans each offer a similar incentive program, such as the Tax Increment Grant, it is not intended that the incentive program provided in one community improvement plan be supplemented with the same incentive program provided in the Heritage Community Improvement Plan. In cases where overlapping community improvement plans each offer a similar incentive program, eligible applicants will only be able to access the incentive program provided in one community improvement plan.
 - The annual grant is defined as the grant amount that would be given to the applicant in any one (1) year of the ten (10) year grant period. The annual grant is based on a declining scale over a ten (10) year period in the proportions illustrated in Section 3.3 below. If necessary, the total amount of financial benefits issued under this Community Improvement Plan or in conjunction with other community improvement plans may be adjusted to ensure that the incentives do not exceed the total amount of eligible rehabilitation costs.
 - Tax increment grants become liable for payment in full, with interest, in cases where the applicant defaults on by-law or agreement requirements.

3.3 Grant Period

- Grants for the municipal portion of property taxes will be paid over a ten (10) year period based on a declining scale, or until the total amount of the financial assistance and grants issued under this Community Improvement Plan or in conjunction with other community

improvement plans equals the total amount of eligible rehabilitation costs, which ever occurs first.

- “Year 1” of the program will be defined as the first full calendar year that taxes are paid after the project is completed (ie. After the development period) and the property is reassessed.
- Annual Tax Increment Grant Proportion:

Year	Year/Level Factor %	Year	Year/Level Factor %
1	50%	6	30%
2	50%	7	20%
3	40%	8	20%
4	40%	9	10%
5	30%	10	10%

3.4 Program Administration

- The grant application form must be submitted prior to the improvements being undertaken and can be submitted concurrently with the Building Permit request.
- All applications related to the Tax Increment Grant Programs shall be submitted to Municipal Staff, and shall include the following information:
 - Name and address of the applicant and agent;
 - Assessment roll number;
 - A plan illustrating existing development and land uses on the subject property;
 - Legal property description including easements, restrictive covenants, rights-of-way and any other encumbrances or instruments registered on title;
 - A description of the rehabilitation work that is being proposed;
 - Cost estimate, name and qualifications of the contractor who will be conducting the proposed rehabilitation;
 - A description of any applications for development that are currently under review, or are being proposed for the subject property.
- Municipal Staff will review the application and determine if it is complete. The application will be circulated and evaluated by a review committee comprised of representatives from the Building Division, the Planning Division, the Finance & Administration Department, the City’s Solicitor’s Office and the Environmental & Engineering Services Department.
- If the application is complete and in conformity with the General Eligibility Criteria and Requirements identified in Section 2.0 as well as the specific criteria and requirements identified in Section 3.2 of this Plan, the Tax Increment Grant offered under this Plan may be granted at the discretion of Civic Administration.

- In the case where incentives are not being recommended for approval, the applicant may appeal the decision of the Board of Control. Upon being notified of an appeal, Civic Administration will submit a report to the Board of Control. The Board of Control will make a recommendation for approval or refusal of any incentive or combination of incentives to City Council.
- An agreement is executed between the City and the applicant outlining the terms and conditions of the approved incentive(s). If the applicant does not comply with all conditions of the agreement and other relevant municipal requirements, all financial incentives, assistance and grants provided under this program will be repaid to the City, with interest.
- A copy of the agreement is provided to the City's Finance & Administration Department who will determine and record the pre-approved assessed value of the property to be used for the purpose of calculating the annual tax increment.
- The applicant obtains building permit(s), Heritage Alteration Permit(s) and/or other required permits from the City and commences development or rehabilitation.
- The applicant engages the consultant and/or contractor to proceed with the site rehabilitation work.
- Once the development is complete and the property has been revalued by MPAC, the applicant will be issued a new tax notice based on the post-rehabilitation assessment value.
- After the applicant has paid the taxes in full for one (1) year the City will confirm that the property is not in tax arrears and all other requirements of this Community Improvement Plan have been met.
- The City calculates the eligible municipal portion of the tax increment and issues a cheque for the equivalent grant amount to the applicant.

4.0 Development Charge Equivalent Grant

4.1 Program Description

A Development Charge Equivalent Grant may offer an additional enticement to protect designated heritage buildings from destruction when faced with a development proposal. The Development Charge Equivalent Grant can be issued as an added benefit when a designated heritage building is rehabilitated or incorporated into a development project.

The intent of this incentive is to counter the Development Charges By-law which offers a development charge credit as a result of a demolition when a registered owner constructs a new building to replace it. This by-law unwittingly offers a benefit to registered owners who demolish a heritage building as part of a development project. The Development Charge Equivalent Grant seeks to offer an incentive to registered owners by offering a grant in the amount of the development charges rate that would have applied to the heritage building, had it been built today, when that structure is rehabilitated or incorporated into a development project.

It is intended that the registered owner preserve the heritage features and/or historic context of the designated building. To maintain this intent, any works undertaken on properties participating in this program shall require a Heritage Alteration Permit. This permit shall be issued prior to any works being undertaken.

In all cases, the incentives offered under the Development Charge Equivalent Grant in this Community Improvement Plan, or in conjunction with additional incentives offered in this or other Community Improvement Plans, will not exceed the value of the cost of rehabilitating the designated building.

Creative use of development charges to encourage construction activity has been used by the City in the Downtown and in Old East Village. However, in those areas the residential development charges are exempt in order to stimulate development whereas the use of a Development Charge Equivalent Grant in this Community Improvement Plan is a unique adaptation of this tool in order to target historic preservation. While recognizing that a registered owner who lawfully demolishes an existing building and replaces it with a new building is eligible to receive an incentive, the intent of this incentive is to provide an equal benefit to a registered owner who chooses to rehabilitate a heritage building or incorporate it into a development plan.

In all cases where Development Charges do apply, the Development Charges are to be paid by the registered owner and the eligible rebate will be issued at a later date. When a heritage structure is located in an area of the City exempt from Development Charges for residential development, such as Downtown or Old East Village, this tool cannot be utilized to recoup unpaid development charges. However, this tool can be utilized for development charges which apply to non-residential development.

4.2 Program Eligibility Requirements

- The implementation of the Development Charges Equivalent Grant is subject to the General Eligibility Criteria and Requirements identified in Section 2.0 of this Plan, the specific criteria and requirements listed below as well as the availability of funding, as approved by Municipal Council.

- Those properties that are designated under Part IV of the *Ontario Heritage Act, 1990* and are to be rehabilitated or incorporated into a development project are eligible to apply for the incentives offered under this Community Improvement Plan.
- The subject building must be located in the Heritage Community Improvement Project Area defined in Section 2.2 and illustrated in Appendix 1 of this Plan to be eligible for a Development Charges Equivalent Grant.
- Applicants that choose to designate their heritage buildings after the adoption of this Heritage Community Improvement Plan are eligible to apply for a Development Charges Equivalent Grant subject to the General Eligibility Criteria and Requirements identified in Section 2.0 of this Plan, the specific criteria and requirements listed in Section 4.2 of this Plan as well as the availability of funding, as approved by Municipal Council.
- Any construction activity undertaken in conjunction with the preservation of a designated heritage building participating in this Community Improvement Plan will preserve the building's designated feature(s) and be sensitive to its historic context.
- Any works undertaken on heritage properties participating in this program shall require a Heritage Alteration Permit. This Permit shall be issued prior to any works being undertaken.
- Each application will be considered on a case-by-case basis to consider the public and economic benefit of providing one or more incentive(s) to a property. In evaluating applications, approval of the incentive(s) may be recommended where:
 - There are no outstanding property taxes, municipal order or by-law infractions on the subject property.
 - All relevant supporting documentation and reports have been provided to the City;
 - Providing financial support toward the application is considered to be both cost effective for the City and in the public interest;
 - The amount of available and budgeted municipal funding is sufficient to cover the cumulative cost of all incentives that have been approved; and
 - Municipal Council deems that the benefits associated with providing the program incentives outweigh the cumulative costs of providing the incentive(s).
- Applications for a Development Charge Equivalent Grant may only be submitted for properties on which development and/or rehabilitation has been initiated after this Community Improvement Plan has come into effect.
- The combined benefits provided through tax increment grants and development charge equivalent grants as a result of this Community Improvement Plan or in conjunction with other community improvement plans cannot exceed the costs of rehabilitation. Therefore, the Development Charge Equivalent Grant may be limited to less than the

entitled refund or cease altogether if the cumulative value of incentives equals the cost of the development or rehabilitation work.

- Where overlapping community improvement plans each offer a similar incentive program, it is not intended that the incentive provided in one community improvement plan be supplemented with the same incentive provided in the Heritage Community Improvement Plan. In cases where overlapping community improvement plans each offer a similar incentive, eligible applicants will only be able to access the incentive provided in one community improvement plan and in doing so forfeiting the comparable incentive provided in the other community improvement plan(s).
- The Development Charge Equivalent Grant becomes liable for payment in full, with interest, in cases where the applicant defaults on by-law or agreement requirements including, but not limited to, the demolition of the designated property.

4.3 Program Administration

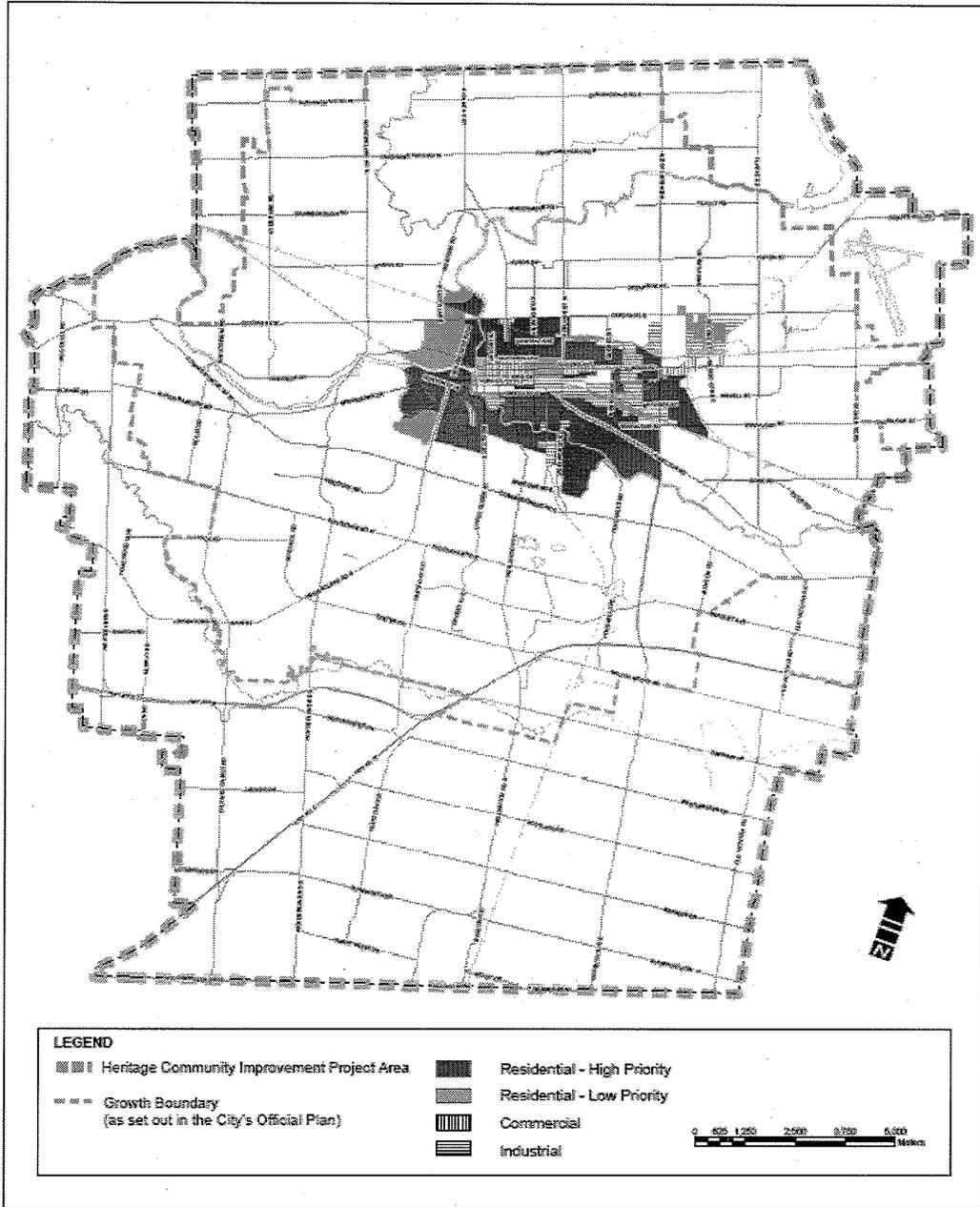
- The Development Charge Equivalent Grant application form must be submitted prior to the improvements being undertaken and can be submitted concurrently with the Building Permit request.
- All applications related to the Development Charge Equivalent Grant Program shall be submitted to Municipal Staff, and shall include the following information:
 - Name and address of the applicant and agent;
 - Assessment roll number;
 - A plan illustrating existing development and land uses on the subject property;
 - Legal property description including easements, restrictive covenants, rights-of-way and any other encumbrances or instruments registered on title;
 - A description of the development work that is being proposed;
 - Cost estimate, name and qualifications of the contractor who will be conducting the proposed rehabilitation;
 - A description of any applications for development that are currently under review or are being proposed for the subject property.
- Municipal Staff will review the application and determine if it is complete. The application will be circulated and evaluated by a review committee comprised of representatives from the Building Division, the Planning Division, the Finance & Administration Department, the City Solicitor's Office and the Environmental & Engineering Services Department.
- If the application is complete and in conformity with the General Eligibility Criteria and Requirements identified in Section 2.0 as well as the specific criteria and requirements identified in Section 4.2 of this Plan the Development Charge Equivalent Grant offered under this Plan may be granted at the discretion of Civic Administration.

- In the case where incentives are not being recommended for approval, the applicant may appeal the decision to the Board of Control. Upon being notified of an appeal, Civic Administration will submit a report to the Board of Control. The Board of Control will make a recommendation for approval or refusal of any incentive or combination of incentives to City Council.
- An agreement is executed between the City and the applicant outlining the terms and conditions of the approved incentive(s). If the applicant does not comply with all conditions of the agreement and other relevant municipal requirements, all financial incentives, assistance and grants provided under this program will be repaid to the City, with interest.
- The Planning Division advises Finance & Administration and the Building Division of any Development Charge Equivalent Grant(s) approved under this Community Improvement Plan.
- The applicant obtains building permit(s), Heritage Alteration Permit(s) and/or other required permits from the City and commences rehabilitation or development.
- The applicant engages the consultant and/or contractor to proceed with the site rehabilitation work.
- The applicant provides payment for the full amount required under the City's Development Charges By-law and requests a rebate in the amount of the eligible costs.
- The applicant provides a copy of the invoices for all completed rehabilitation work to the City.
- The Planning Division conforms that all relevant requirements and conditions of the Community Improvement Plan have been satisfied and advises Finance & Administration.
- Finance & Administration issues a rebate cheque in the amount of the eligible benefit to the applicant.

Appendix 1

Schedule A – Heritage Community Improvement Project Area

HERITAGE COMMUNITY IMPROVEMENT PROJECT AREA



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