



# MISSISSAUGA

## THE CORPORATION OF THE CITY OF MISSISSAUGA

### Heritage Grant By-law 0184-2007

(Amended by 0063-2009, 0385-2009)

**WHEREAS** section 8(1) of the *Municipal Act, 2001* provides that the powers of a municipality under any Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001*;

**AND WHEREAS** section 11 (3) 5 of the *Municipal Act, 2001* provides that a municipality may pass by-laws within the following sphere of jurisdiction: Culture, parks, recreation and heritage;

**AND WHEREAS** sections 39 (1) and 45 of the *Ontario Heritage Act* authorizes a municipality to pass by-laws providing for the making of a grant to an owner of property 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 alteration of such property on such terms and conditions as Council may prescribe;

**AND WHEREAS** section 23.1 of the *Municipal Act, 2001* provides that sections 9 and 11 of the *Municipal Act, 2001* authorize a municipality to delegate its powers under the *Municipal Act, 2001* or any Act, subject to certain limitations;

**AND WHEREAS** section 227 of the *Municipal Act, 2001* provides that it is the role of officers and employees of the municipality to implement Council decisions and establish practices and procedures to implement those decisions;

**AND WHEREAS** the Council of The Corporation of the City of Mississauga wishes to create a heritage designated property grant program whereby landowners can obtain grants to assist with offsetting the costs associated with the care and maintenance of properties designated under Part IV of the *Ontario Heritage Act* or found in Heritage Conservation Districts designated under Part V of the Act;

**Now therefore** the Corporation of the City of Mississauga enacts as follows:

#### **PART I – SHORT TITLE**

1. This By-law may be referred to as the “Heritage Grant By-law”

## **PART II – DEFINITIONS**

2. For the 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 City of Mississauga;
  - (d) **“Director”** shall mean the City’s Director, Culture Division. (0385-2009)
  - (e) **“Heritage Grant”** a grant given to a Property Owner pursuant to this By-law and the Heritage Property Grant Program;
  - (f) **“Owner”** means the person registered on title in the proper land registry office as owner of the property; and
  - (g) **“Property”** shall mean land, buildings or structures, which have been designated under Part IV or are located in a Heritage Conservation District designated under Part V of the Act.
  - (h) Definitions shall also include the plural form where applicable.

## **PART III – HERITAGE PROPERTY GRANT PROGRAM**

3. The City hereby establishes a Heritage Property Grant Program.
4. The Heritage Property 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.
5. This By-law and the Heritage Property Grant Program shall only apply to Properties that have been designated under Part IV of the Act or are located in a Heritage Conservation District designated under Part V of the Act, and are being altered pursuant to the Act.
6. Only a Property for which 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 is eligible to receive a Heritage Grant under this By-law and the Heritage Property Grant Program.

7. The minimum amount allowable for a Heritage Grant shall not be less than Five Hundred Dollars (\$500.00) and shall not exceed a maximum of Ten Thousand Dollars (\$10,000.00). The Heritage Grant amount provided under the Heritage Property Grant Program must be matched by an equal contribution by the Property Owner. If a Property Owner's contribution is less than the amount of the Heritage Grant, then the Heritage Grant paid out to the Owner shall be reduced to match the Owner's contribution. (0063-2009)

#### **PART IV – GRANT PROGRAM APPROVAL PROCESS**

8. An Owner of a Property designated under Part IV of the Act or located in a Conservation District designated under Part V of the Act, seeking to obtain a Heritage Grant shall submit an application for a Heritage Grant in writing to the Director and shall supply any information as required by the Director.
9. All applications for Heritage Grants accepted by the Director shall be forwarded to the City's Heritage Advisory Committee, or a sub committee of the Heritage Advisory Committee, for review.
10. After the applications have been reviewed by the Heritage Advisory Committee, and/or subcommittee, the Heritage Advisory Committee shall make a recommendation to the Director for approval or rejection of the application for a Heritage Grant.
11. The Director after receiving the recommendation from the Heritage Advisory Committee, shall approve the application for a Heritage Grant, with or without terms and conditions, or reject the application for a Heritage Grant.
12. It is within the discretion of the Director to set the amount of any Heritage Grant given between the minimum and maximum amounts as set out in this By-law.

#### **PART V – GRANT APPROVAL CRITERIA**

13. The following criteria shall be used by the Heritage Advisory Committee and the Director in determining whether an application for a Heritage Grant should be approved for grants between Five Hundred Dollars (\$500.00) and Five Thousand Dollars (\$5,000.00): (0063-2009)
  - (a) Whether the application seeks to conserve existing architectural elements which are significant to the cultural heritage value of the Property, such as doors, windows, bargeboard, siding, original roofing, and heritage attributes that may be described in the designation by-law.
  - (b) Whether the application seeks to reconstruct architectural elements which still exist but are beyond repair. The proposed repaired elements would have to be in the same shape, form and material as the original architectural element.

- (c) Whether the application seeks to restore architectural elements of the Property which no longer exist, but for which there exist documentation of the original architectural elements for the Property from which those elements can be reproduced in the same shape, form and material as the original architectural element.
- (d) Whether a property in a Heritage Conservation District contributes to the cultural heritage value of the Heritage Conservation District.
- (e) Whether the application seeks to restore a Property to structural soundness.
- (f) The criteria listed in (a) to (d) of this section only apply to the exterior elements of a Property unless a designation by-law specifically lists interior elements of a Property as being significant to the cultural heritage value of the Property.

13.1 The following criteria shall be used by the Heritage Advisory Committee and the Director in determining whether an application for a Heritage Grant should be approved for grants between Five Thousand and One Dollars (\$5,001.00) and Ten Thousand Dollars (\$10,000.00): (0063-2009)

- a) Whether the application seeks to repair or replace any of the Property's structural members.
- b) Whether the application seeks to replace or reconstruct the Property's sill, beams and supporting structural members.
- c) Whether the application seeks to repair, reconstruct or rehabilitate the Property's foundation, columns and footings for the sole purpose of supporting and conserving the foundation
- d) Whether the application seeks to mitigate insect infestations, such as carpenter ants or termites, that have, or may cause damage to the Property's wooden structural members.
- e) Whether the application seeks to repair or replace a chimney based upon archival evidence for the original feature.
- f) Whether the application seeks to restore the original wood, shingle or slate roofing material based upon documentation of the original materials.
- g) These criteria will only apply to the structural elements in subsections (a) to (f) that require repair or replacement in order to conserve and stabilize the original structure of the Property that has fallen, or is likely to fall, into a state of disrepair. These criteria do not apply to the repair or replacement of the structural elements in subsection (a) to (f) that may be required for a renovation to a Property that is not necessary in order to conserve and stabilize the original structure of the Property.

## **PART VI- DELEGATION**

14. Council delegates to the Director all of the powers that Council has to administer the Heritage Property Grant Program in accordance with the terms of this By-law and to establish any practices and procedures necessary to implement the Heritage Property Grant Program in accordance with the terms of this By-law and any decisions made by Council pursuant to this By-law.
15. The Director shall prescribe all forms necessary to implement the Heritage Property Grant Program in accordance with this By-law and may amend such forms from time to time as the Director deems necessary.
16. The Director is authorized to undertake all acts necessary to carry out the authority vested in the Director under this By-law, including affixing his or her signature to documents.
17. When the Director is absent through illness or vacation or his/her office is vacant, then his or her delegate shall act in the place and stead of the Director. While so acting, the delegate has all the rights, powers and authority of the Director as delegated by this By-law.
18. The powers delegated to the Director include the authority to establish a date by which all applications must be made in a calendar year.

## **PART VII - GENERAL**

19. A property owner shall have no more than one Heritage Grant per calendar year.
20. A property owner shall allow City Heritage staff to enter onto or in the Property and carry out an inspection as required to verify that any and all terms and conditions of the Heritage Grants have been complied with.
21. A Property Owner must supply to the City all invoices for the work described in the approved application by such a date as prescribed by the Director for that calendar year in which the Heritage Grant was awarded.
22. The amount determined by the Director to be given as the Heritage Grant will be provided to the Owner of Property approved for the Heritage Grant after all of the work under the approved application has been completed and all of the necessary documentation, as requested by the Director, has been supplied.
23. Heritage Grants are subject to the availability of sufficient funding for the Heritage Property Grant Program and the quality of the Heritage Grant application. Not all Heritage Grant applications will be successful.

24. An application for a Heritage Grant shall not be accepted by the Director if the work or construction forming the subject matter of the application has already commenced before the application was submitted.
25. A Property Owner shall not commence any work or construction forming the subject matter of an application for a Heritage Grant until an initial inspection of the Property has been carried out by City Heritage staff.

#### **PART VIII – COUNCIL MAY RETAIN ANY DELEGATED AUTHORITY**

26. Regardless of any authority delegated to the Director under this By-law, Council may, after notifying the Director, exercise any authority that it delegated to the Director.
27. The decision by Council to exercise any authority that it delegated to the Director may be exercised with respect to the administration of this By-law, or with respect to a particular application made under this By-law.

#### **PART IX - VALIDITY**

28. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

ENACTED AND PASSED this 9th day of May, 2007

Signed by Maja Prentice, Acting Mayor and Crystal Greer, City Clerk