



## BY-LAW NO. 2020-0039

A By-law to establish a Heritage Property Grant Program under Sections 39 and 45 of the Ontario Heritage Act.

**AND WHEREAS** Section 11(3)5 of the Municipal Act, 2001, S.O. 2001, c.25 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*, R.S.O. 1990, c. O.18 as amended authorizes the Council of 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 *Ontario Heritage Act* or located in a Heritage Conservation District designated under Part V of the *Ontario Heritage 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 condition, as Council may prescribe;

**AND WHEREAS** Council of the Corporation of the Town of Halton Hills since 2005 has been providing grants in accordance with Sections 39(1) and 45 of the *Ontario Heritage Act*, in order to encourage property owners to renovate, restore, maintain and care for designated properties, which has contributed significantly to the overall character and identity of the Town;

**AND WHEREAS** Council of the Corporation of the Town of Halton Hills now deems it expedient and in the public interest to enact a by-law in accordance with Sections 39(1) and 45 of the *Ontario Heritage Act* to formally establish the Heritage Property Grant Program for properties designated under Part IV and Part V of the *Ontario Heritage Act*, on such terms as set out in herein;

**AND WHEREAS** on July 27, 2020 Council of the Corporation of the Town of Halton Hills approved Report No. 2020-0024, dated June 20, 2020, in which certain recommendations were made relating to the Heritage Property Grant Program;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

### PART 1 – DEFINITIONS:

For the purposes of this By-law:

**Applicant(s)** means the registered owner(s) of a designated property applying for a Heritage Property Grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the application.

**Commissioner** means the Commissioner, Planning and Development of the Town of Halton Hills and, in addition, includes any person(s) designated to act on behalf of the Commissioner with respect to matters contained in this By-law.

**Committee** means the Municipal Heritage Committee for the Corporation of the Town of Halton Hills, "Heritage Halton Hills", and any person(s) or entity designated to act on its behalf.

**Council** means the Council of the Corporation of the Town of Halton Hills.

**Guidelines** means the practices and procedures established and approved by the Commissioner to effectively implement and administer the Heritage Property Grant Program, as may be amended from time to time.

**Owner(s)** means the registered owner of the property as reflected on title at the Land Registry Office or on a current transfer/deed of the lands.

**Program** means the Heritage Property Grant Program as established by this By-law.

**Property** means 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 *Ontario Heritage Act*.

**Town** means The Corporation of the Town of Halton Hills.

## **PART 2 – HERITAGE PROPERTY GRANT PROGRAM ESTABLISHED**

1. A Heritage Property Grant Program is hereby established by this By-law and shall be administered in accordance with the Guidelines.

## **PART 3 - LIMITATIONS**

2. The Program is subject at all times to the availability of funding for the Program. The Program may be eliminated by Council and this By-law repealed with no notice to Owners.
3. Applications for the Program are subject to approval by the Committee in accordance with the Guidelines and are limited to one application per heritage property per year.

## **PART 4 – ELIGIBILITY CRITERIA**

4. To be eligible for the Program, the Applicant must meet the requirements set out in the Guidelines, and shall provide proof of all of the following to the satisfaction of the Town:
  - a. The property has been designated as a property of cultural heritage value or interest under Part IV of the *Ontario Heritage Act* or it must be identified as a contributing property within a heritage conservation district designated under Part V of the *Ontario Heritage Act*;
  - b. The property is not subject to any contraventions, work orders or outstanding municipal requirements;
  - c. There are no outstanding municipal fines, arrears of taxes, fees or penalties assessed against the Owner; and,
  - d. The property is occupied and in good and habitable condition.

## **PART 5 – INSPECTION OF HERITAGE PROPERTY**

5. To ensure compliance with the Heritage Property Grant Program Guidelines, Town Staff shall inspect the Property from time to time or before issuing the grant having provided the Owner with at least 24 hours prior notice and having duly obtained the consent to the said Owner.

## **PART 6 – DELEGATED AUTHORITY**

6. The Commissioner is hereby delegated the authority to administer the Program in accordance with the *Ontario Heritage Act* and to establish any practice and procedures as set out in the Guidelines from time to time, including but not limited to:
  - a. Prescribing all forms necessary to implement and administer the Program and

to revise or amend such forms from time to time as the Commissioner deems necessary;

- b. Approving and signing documents; and,
  - c. Establishing a date by which all applications must be made in a calendar year.
7. Any person(s) designated to act on behalf of the Commissioner shall have all the rights, powers and authority of the Commissioner as delegated by this Bylaw.
8. In exercising the delegated authority in this By-law, the Commissioner may refer a Program application to Council. Any such reference or deferral shall be at the sole discretion of the Commissioner.

## **PART 5 - ADMINISTRATION**

9. On an annual basis, Town Staff shall present to Council a written list of grants approved under this By-law.
10. In the event any provisions of this By-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## **PART 6 – COMMENCEMENT**

11. This By-law shall come into full force and effect on its date of passing.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 27th day of July, 2020.

Originally Signed By:

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MAYOR – RICK BONNETTE

Originally Signed By:

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CLERK – SUZANNE JONES