

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 011-2025**

**A By-law to establish a Designated Heritage Property Grant Pilot Program.**

**WHEREAS** the Council of The Corporation of the City of Vaughan is authorized pursuant to section 39 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended (the “**Act**”), 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 as being of cultural heritage value or interest, for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the Council may prescribe;

**AND WHEREAS** the Council of the Corporation of the City of Vaughan is authorized, pursuant to section 45 of the Act to pass by-laws providing for the making of a grant or loan to the owner of any building or structure and the land appurtenant thereto that is situate within an area that has been designated by by-law under Part V of the Act, as a heritage conservation district, for the purpose of paying for the whole or any part of the cost of alteration of buildings or structures that have been identified in the district plan as being contributing to the cultural heritage value or interest of the heritage conservation district;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan has endorsed the implementation of a grant program to assist designated properties, and properties located in a designated heritage district identified as contributing to the cultural heritage value or interest of the heritage conservation district, on the terms set out in this by-law as an incentive to encourage and assist property owners to renovate and restore their heritage and heritage contributing properties, for the benefit of the City of Vaughan as a whole;

**AND WHEREAS** on November 19, 2024, the Council of The Corporation of the City of Vaughan approved the Designated Heritage Property Grant Pilot Program as a two (2) year pilot program;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

## **1. Definitions**

- 1.1 In this by-law, unless otherwise specified in this by-law:
- (a) 'Applicant' shall mean the owner of the property applying for a grant, or their agent, if such agent is authorized in writing by the owner to act as agent for making the applications;
  - (b) 'City' shall mean the Corporation of the City of Vaughan;
  - (c) 'Conservation' shall mean all action or processes that are aimed at safeguarding the heritage attributes of a designated heritage property so as to sustain its existing form, integrity, and materials, retain its heritage value and extend its physical life;
  - (d) 'Contravention' shall mean an offence under a municipal by-law, statute, or regulation for which enforcement proceedings have been commenced that relates specifically to the building or land for which a grant is sought or given;
  - (e) 'Council' shall mean the Council of the Corporation of the City of Vaughan;
  - (f) 'Designated Heritage Property' shall mean real property including all buildings and structures thereon that have been designated by municipal by-law as being of cultural heritage value or interest pursuant to Parts IV of the Act and/or is within the boundary of a Heritage Conservation District ("**HCD**") designated under Part V of the Act and which has been identified as being a contributing property within the HCD;
  - (g) 'Donation Agreement' means an agreement entered into pursuant to the City's Incoming Sponsorships and Donations Policy (09.C.02).
  - (h) 'Eligible Conservation Work' shall mean that which is described in section 5.1 of this by-law;
  - (i) 'Eligible Property' shall mean that which is described in section 4.1 of this by-law;

- (j) 'Guidelines' shall mean the City's Designated Heritage Property Grant Program Guidelines.
- (k) 'Heritage Attributes' shall mean the principle exterior features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;
- (l) 'Heritage Vaughan' shall mean the City's municipal heritage advisory committee, established pursuant to the Act;
- (m) 'Manager' shall mean a Manager in the City's Planning, Growth Management and Housing Delivery department, or their designate, who oversees heritage and conservation matters for the City;
- (n) 'Owner' shall mean the person registered on title in the applicable registry office as the owner of real property;
- (o) 'Preservation and/or Conservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of cultural heritage property;
- (p) 'Program' shall mean the City's Designated Heritage Property Grant Pilot Program;
- (q) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage property at a particular period in its history, while still protecting the cultural heritage value of the property.

## **2. TERM AND AMOUNT OF GRANT PROGRAM**

- 2.1 The Program shall be established in the amount of two-hundred thousand dollars (\$200,000), to be allocated over a two (2) year period at a maximum of one-hundred thousand dollars (\$100,000) per calendar year from the date of passing this by-law.
- 2.2 The funds to establish the Program may also come from eligible donations made pursuant to the City's Incoming Sponsorships and Donations Policy (09.C.02).

## **3. SPECIFIC GRANT AMOUNT**

- 3.1 Each grant may be awarded in the amount of up to fifty percent of the eligible

cost (50%) of the following:

- (a) For structural repairs, up to a maximum \$10,000 for both commercial and residential properties; and
  - (b) For non-structural or aesthetic repairs, up to a maximum of \$5,000 for commercial or industrial properties and up to a maximum of \$10,000 for residential properties.
- 3.2 A property shall only receive one (1) Program grant per calendar year irrespective of a change in ownership.
- 3.3 The decision to approve a grant as well as the amount of the grant shall be subject to available funding within the Program budget of the City.
- 3.4 As a condition of approval for Program funding, the Owner of the property shall match the City's grant amount, for the remaining fifty percent (50%) of the costs, as part of his or her contribution to the Eligible Conservation Work.
- 3.5 Donated labour and materials shall not be considered part of the costs or part of the owner's matching contribution.
- 3.6 The costs of labour, materials, and equipment may be considered part of the cost of the Eligible Conservation Work, provided proof of such costs are verified by invoices.
- 3.7 Before another grant is considered by the City, the work associated with a Program grant approved for the last calendar year must be completed, inspected, and approved by the Manager or their designate.
- 3.8 If a grant has been approved, but not yet paid out as of the date the Program expires, being the day after the two-year anniversary of when this by-law is passed, the approved grant amount shall still be provided in accordance with the provisions of this by-law.

#### **4. ELIGIBLE PROPERTY**

- 4.1 For a property to be considered Eligible Property, it must be:
- (a) designated under the Act:
    - (i) for a single property, a designation by-law under Part IV of the Act must have been passed and registered; or
    - (ii) for a property located within a heritage conservation district, a

designation by-law must have been passed under Part V of the Act and only properties identified in the District Plan as being of cultural heritage value or interest are eligible; and

- (b) located within the City of Vaughan;
- (c) free of property tax arrears, local improvement charges, or any other fees or penalties owed to the City;
- (d) free of any compliance orders, enforcement orders, or contraventions under a municipal by-law, Act or regulation, unless written consent of the Deputy City Manager of Community Services is obtained; and
- (e) using the property in conformity with applicable zoning and by-law regulations as well as other planning controls.

4.2 Where a Designated Heritage Property contains non-heritage additions or elements, or the proposed work involved new additions, only the Heritage Attributes of the Designated Heritage Property will be subject to grant assistance under the Program.

## **5. ELIGIBLE CONSERVATION WORK**

5.1 Program grant funding for Eligible Conservation Work will be determined to the discretion of the Manager and subject to a final decision by Council, when it is associated with Conservation work, which directly preserves, restores, or enhances specific Heritage Attributes and does not detract from or diminish the cultural heritage value of an Eligible Property or the Heritage Conservation District, as prescribed in section 5.1 of the Guidelines, and includes:

- (a) Preservation or Conservation of existing architectural elements or features which are significant;
- (b) Restoration of significant architectural elements or features which still exist but are beyond Conservation or repair;
- (c) Restoration or re-introduction of significant architectural elements or features which have been lost, but for which the appearance can be clearly determined from archival or documentary sources, or physical evidence that supports the existence of the missing feature;

- (d) introduction or repair of protective elements to protect original features;
- (e) any Preservation/Conservation work necessary to restore the building to structural soundness including the correction of serious structural faults which threaten the building's survival, but not routine maintenance;
- (f) any work necessary to restore the building to structural integrity including the correction of serious structural faults which threaten the building's survival, but not routine maintenance;
- (g) any work which directly and appropriately preserves, restores or enhances specific Heritage Attributes associated with historic cemeteries and their features such as mausolea, dead houses, stone walls, wrought iron gates and fences which are part of the original design, but not specific grave markers, tombs or monuments; and
- (h) any other alterations which the Manager, in his or her sole discretion, determines are important to the cultural heritage significance of the property.

5.2 Any approval of Program grant funding for Eligible Conservation Work must:

- (a) Correspond with a heritage permit application which has received approval within the last twelve (12) months; or
- (b) Correspond with a heritage permit application which is made concurrent with a Program grant application, in which case the approval of Program grant funding will be dependent on the approval of the heritage permit.

## **6. INELIGIBLE PROPERTY OR WORK**

6.1 The following property is ineligible for Program grant approval:

- (a) Property that does not meet the requirements of section 4.1(a) – (e) of this by-law; and
- (b) Heritage resources owned by any level of government, unless:
  - (i) The property is under a long-term lease to an individual and the tenant or lessee is the Applicant; or
  - (ii) Where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for the building and the non-profit community group is the Applicant.

6.2 Ineligible work for Program grant funding may include:

- (a) Interior work, unless related to structural issues;
- (b) Short term, routine maintenance;
- (c) Work on modern additions or work to accommodate modern renovations to a building of cultural heritage value;
- (d) Landscaping;
- (e) Paving;
- (f) Lighting, unless repair or restoration of a Heritage Attribute;
- (g) Signs and commemorative plaques;
- (h) Eaves-trough, unless considered significant architectural features of the building such as those with decorative elements or those made from long-lasting materials such as copper and lead;
- (i) Mechanical systems and insulation;
- (j) Skylights;
- (k) Poor or defective work;
- (l) Non-permanent fixtures; and

## **7. APPLICATION REQUIREMENTS**

7.1 The submission of an application for a Program grant shall include:

- (a) A completed application form with a detailed description of the property;
- (b) Professionally prepared and scaled plans and drawings of the property and the Eligible Conservation Works proposed;
- (c) Photographs of the building(s) and areas where work is proposed;
- (d) Two separate estimates of the total cost, inclusive of tax, with an itemized breakdown of the costs of materials, contracted labour, rented equipment, and related expenses necessary to complete the work; and
- (e) A letter indicating the Owner's authorization for the submission of the application where an Applicant is acting on behalf of an Owner.

## **8. EVALUATION OF APPLICATIONS**

8.1 Applications will be reviewed by heritage staff against the provisions of this by-law and the Guidelines, where applicable.

8.2 The Manager may request additional information, for the purposes of

reviewing the application and providing a recommendation for Program grant approval to Heritage Vaughan and Council.

8.3 All applications shall be considered by Council after having been reviewed and a recommendation provided by the Deputy City Manager, Planning, Growth Management, and Housing Delivery and Heritage Vaughan.

8.4 The City reserves the right to deny, approve all, or part of the requested Program grant funding.

8.5 The following considerations shall apply when reviewing applications for Program grant assistance:

(a) Preference will be given to applications where the integrity of the Eligible Heritage Property may be threatened if the proposed Conservation work is not undertaken;

(b) Preference will be given to applications proposing work visible to the general public;

(c) The project should generally comply with acknowledged heritage conservation principles, policies and guidelines including, but not limited to, a specific Vaughan heritage conservation district plan, policies of the Ontario Ministry of Citizenship and Multiculturalism (or its successor), and the Standards and Guidelines for the Conservation of Historic Places in Canada;

(d) The scope of the work is clear, logical and demonstrates the maximum retention of the historic fabric and Heritage Attributes;

(e) Grant assistance can only be obtained for projects which have received building and heritage permits and other municipal approval, as may be applicable, prior to work being initiated; and

(f) Preference will be given to first-time Applicants each year and repeat Applicants will be considered only if the total annual grants to first-time Applicants are less than the annual allocation of funds to the Program.

8.6 Approval to provide Program grant funding does not release the Applicant and/or Owner from obtaining all other municipal or other required approvals to undertake the associated Eligible Conservation Works.

## 9. ADMINISTRATION

- 9.1 Grants are to be awarded on an annual cycle following a request for applications with a deadline established by the Manager and published from time to time on the City's website and in other media, at the discretion of the Manager.
- 9.2 The Owner of a property whose Program grant application is approved by Council shall sign a Letter of Understanding stipulating the terms of the Program grant for which the Director of Policy Planning and Special Programs is delegated the authority to sign on behalf of the City.
- 9.3 The payment of an approved Program grant by the City is subject to the following:
- (a) the Eligible Conservation Work must be completely paid for by the Owner and/or Applicant with documentation to verify such payment, and completed to the satisfaction of the Deputy City Manager, Planning, Growth Management and Housing;
  - (b) the Eligible Conservation Work must be completed within one (1) year from the date of approval of the grant by Council, in order to receive the grant;
  - (c) a site visit is completed by City staff to verify that the Eligible Conservation Work has been completed in accordance with what was approved by Council;
- 9.4 Notwithstanding section 9.4(b), the timeframe for project completion may be extended, subject to a written request, stating the reasons required for the extension, must be submitted by the Applicant for review and approval, at the discretion of the Manager;
- 9.5 The City reserves the right to withhold the payment of all or a portion of the Program grant if the work has not been substantially completed in accordance with the approved plans and specifications, or payment documentation is unclear or is not submitted.
- 9.6 If the cost of completed work is less than the original cost estimate upon which the grant was calculated, the grant will be revised to reflect 50% of the

new cost.

- 9.7 Any funds remaining in the budget for this Program and not allocated during a calendar year shall be transferred for use as part of the Program in the next calendar year. Any funds that remain in the Program by the end of the two-year period shall be reported to Council.

## **10. COMMENCEMENT**

- 10.1 This by-law shall come into force and effect on the date of its passing.

Voted in favour by City of Vaughan Council this 28<sup>th</sup> day of January, 2025.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk