

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. XXXX-24**

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 xxx-24.

**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;

Page 2 – Heritage Grant Program By-law

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. (Schedule B attached)
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 C 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 FINALLY PASSED THIS XX<sup>TH</sup> DAY OF XXXXX 2024.**

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LORD MAYOR GARY ZELAPA

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TOWN CLERK GRANT BIVOL