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# The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** Revising the Niagara-on-the-Lake Heritage Grant Program  
(File No. HER-46-2023)

**DATE:** 2023-12-06

**REPORT #:** CDS-23-255

**PREPARED BY:** Denise Horne, Heritage Planner

**DEPARTMENT:** Community & Development Services

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## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council direct Staff to prepare updates and revisions to the Town's Heritage Grant Program and implementing by-law for designated heritage properties.

## 2. BACKGROUND INFORMATION

In 2006, the Region created a suite of programs referred to as the Smarter Niagara Incentive Program ("SNIP"), which provided matching funding to municipalities. One of the programs under the SNIP was the "Heritage Restoration and Improvement Grant," which provided matching funding for restoration projects for heritage designated properties. Under the auspices of the Heritage Restoration and Improvement Grant SNIP program, the Town allocated \$35,000 in funding annually, which was matched by the Region (subject to availability), for a total of \$70,000 provided for heritage restoration projects in one calendar year.

Since that time, heritage grant funding has been provided for successful heritage restoration projects ranging from the stabilization of historic buildings, to wood window restoration and cedar roof replacements. The Heritage Grant Program is an important tool to assist heritage property owners in completing restoration works and aims to offset the additional costs often accrued with the use of skilled tradespeople with specific heritage expertise and the use of traditional heritage materials.

On October 1, 2023, the Niagara Region ceased the allocation of funding for the Heritage Restoration and Improvement Grant SNIP program, as well as for other SNIP programs. All outstanding projects approved for funding prior to October 1, 2023 will need to be completed and invoiced by October 1, 2024.

Since the Town will no longer receive matching funding from the Niagara Region for the

Heritage Restoration and Improvement Grant SNIP program, it is recommended that the Town revise and update the Town's Heritage Grant Program in its entirety with specific consideration for how much funding should be provided to heritage designated properties.

The following by-laws and associated documents would need to be updated as part of a complete revision to the program:

- I. Heritage Grant Program Implementing By-law (**Appendix I**)
- II. Heritage Grant Program Parameters (**Appendix II**)
- III. Heritage Grant Application Form (**Appendix III**)
- IV. Heritage Grant Agreement (**Appendix IV**)
- V. Eligible Projects List (**Appendix V**)

### **I. Heritage Grant Program Implementing By-law**

The following revisions and updates to the program's implementing by-law should be considered:

- Heritage property owners found to be in contravention of the *Ontario Heritage Act* should not be eligible for a heritage grant for a period of 2 years after the offense, or otherwise at the discretion of Council
- Properties that receive a heritage grant for repainting of a building or structure should not be eligible to re-apply for repainting of that same building or structure for a period of 3 years after approval of funding by Council
- A property is only eligible for one heritage grant for one project annually
- Painting or staining of brick or masonry is not eligible for funding within the Heritage Grant Program
- Heritage Grant funding is not be provided retroactively. It is important the Staff is able to make a site visit to document and record existing conditions prior to approval for heritage grant funding
- All applicants must provide two comparative and detailed quotes by contractors with demonstrated heritage experience and expertise (a Professional Member of the Canadian Association of Heritage Professionals or equivalent at the discretion of the Director of Community and Development Services)
- Property Taxes for a property applying for a heritage grant must be in good standing at the time of approval of a heritage grant and prior to release of funding
- All projects are to be completed and invoiced within once calendar year from the date of approval by Council
- Projects/works for which insurance money is being provided are not eligible for heritage grant funding
- If contractors or specifications are proposed to be changed from what was reviewed by the Municipal Heritage Committee and approved by Council, that the property owner is first required to receive approval from Town Staff prior to any change, otherwise the property owner may be ineligible to receive the allocated funding

### **II. Heritage Grant Program Parameters**

The following should be considered under the revised program parameters:

- Creation of a brochure for property owners explaining program requirements and outlining the process for applications and expected timelines
- The classes of properties for which Council would provide funding (i.e., residential, commercial, and/or institutional zoned properties)
- The amount of funding that Council will provide annually for various classes of

- properties (i.e., \$5000 for residential properties versus \$7500 for commercial properties)
- The heritage grant application fee for each class of property (currently \$200 for residential properties and \$400 for commercial properties)
  - Whether HST should be covered by the grant

### **III. Heritage Grant Application Form**

The heritage grant application form will need to be updated. For clarity and simplicity, it is recommended that there be one single application form to be used for both Heritage Permit Applications and Heritage Grants, with an additional page for information related to Heritage Grant applications specifically.

### **IV. Heritage Grant Agreement**

Property owners that are approved, by Council, for a grant are required to enter into an agreement with the Town prior to the release of grant funding. The agreement must be updated to outline the type of work for which funding is being provided and the timelines for works to be completed.

### **V. Eligible Projects List**

The list of projects and classes of alterations that are eligible for grant funding should be updated as part of the program review. This list is recommended to include types of work that are eligible for grant funding and any projects that are strictly prohibited from receiving grant funding.

#### **2.1 Ontario Heritage Act, R.S.O. 1990, c. O.18**

The *Ontario Heritage Act* sets out the authority for providing heritage grants to property owners in Part IV, section 39 as follows:

##### *Grants and loans*

*39 (1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part 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. R.S.O. 1990, c. O.18, s. 39 (1).*

##### *Loan is lien or charge on land*

*(2) The amount of any loan made under a by-law passed under subsection (1), together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made. R.S.O. 1990, c. O.18, s. 39 (2).*

##### *Non-application of s. 106 of Municipal Act, 2001*

*(3) Section 106 of the Municipal Act, 2001 does not apply to a grant or loan made under subsection (1). 2009, c. 33, Sched. 11, s. 6 (14).*

### **3. NEXT STEP / CONCLUSION**

The recommendations of the Municipal Heritage Committee will go to Council for consideration within the Committee Minutes. If Council endorses the recommendation to direct Staff to prepare updates and revisions to the Town's Heritage Grant Program and implementing by-law

for designated heritage properties, Staff can proceed to update the necessary by-laws and documents. The draft documents would be provided to Municipal Heritage Committee for review prior to final adoption by Council, with the goal of implementation in 2024.

#### **4. ATTACHMENTS**

- **Appendix I** – Heritage Grant Program By-law
- **Appendix II** – Heritage Grant Program parameters
- **Appendix III** – Heritage Grant Application Form
- **Appendix IV** – Heritage Grant Agreement
- **Appendix V** – Eligible Projects List