

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2019-16

A by-law to amend By-Law 2017-70, being a by-law to establish the inclusion of commercial and industrial properties designated under Part IV or Part V of the *Ontario Heritage Act* in the Designated Heritage Property Grant Program

WHEREAS the Council of the Corporation of the Town of Caledon deems it necessary to amend By-law 2017-70 to reflect the amended changes in the Designated Heritage Property Grant Program Guidelines (the "Guidelines");

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. That the "Designated Heritage Property Grant Program Guidelines" as set out in Schedule A of By-Law 2017-70 be deleted and replaced with Schedule A attached hereto.

Enactment

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

Enacted by the Town of Caledon Council this 5th day of March, 2019

Allan Thompson, Mayor

Amanda Fusco, Interim Town Clerk

SCHEDULE A

Designated Heritage Property Grant Program Guidelines

Program Purpose

The Town of Caledon's Designated Heritage Property Grant Program was established in 2006 to encourage and assist owners with the care of properties designated under the *Ontario Heritage Act*. The program is currently funded by an annual budget set by Council.

The grants are intended to assist property owners with small to mid-size preservation and/or restoration projects. Projects must focus on the maintenance and rehabilitation of existing heritage attributes or the restoration of attributes that would contribute to the cultural heritage value of the property.

Definitions

- (a) 'Applicant' shall mean the owner of the property applying for the grant, or their agent, if the agent is authorized in writing by the owner to act as agent.
- (b) 'Town' shall mean The Corporation of the Town of Caledon.
- (c) 'Designated Heritage Property' shall mean real property and includes all buildings, structures and landscape elements thereon that are designated under municipal by-law as being of cultural heritage value or interest under section 29 of the *Ontario Heritage Act*.
- (d) 'Heritage Attributes' shall mean the principal features, characteristics, context and appearance that contribute to the cultural heritage value of a designated heritage property.
- (e) 'Preservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.
- (f) 'Restoration' shall mean the process of accurately revealing, recovering, replicating or representing the state of a heritage attribute at a particular period in its history, while protecting the cultural heritage value of the property.

Grant Amount

The program funds matching grants of 50% of eligible costs to a maximum of four thousand dollars (\$4,000), subject to available funding.

Eligible Properties

To be eligible, a property must be:

- (a) located within the Town of Caledon;
- (b) designated under Part IV of the *Ontario Heritage Act*, wherein the designation by-law has been registered on title;
or
- (c) situated within a Heritage Conservation District, designated under Part V of the *Ontario Heritage Act* and be identified as a contributing property;

or,

- (d) situated in the Bolton Heritage Conservation District, designated under Part V of the *Ontario Heritage Act* and be identified as a contributing property under *Appendix 5: Building Inventory* of the Bolton HCD Plan

The property cannot be in tax arrears or subject to compliance and enforcement orders issued under property standards and maintenance by-laws, the Ontario Fire Code and the like.

Designated heritage properties owned by any level of government are not eligible, except where a non-profit, community group has assumed responsibility for maintenance of the property by long-term lease or legal agreement. In such cases, that organization may make an application.

Eligible Conservation Work

Any new work that directly and appropriately preserves, restores and/or enhances heritage attributes is deemed eligible. All work must be executed in such a manner as not to detract from or diminish the cultural heritage value of the property.

Eligible work includes the costs of labour, materials and equipment. The grant is based on the owner's actual expenditures as verified by invoices and receipts. Donated labour and materials are not considered part of the project costs.

Where a property contains non-heritage additions, only the heritage portion of a property will be eligible for the grant funding.

Preservation Projects

'Preservation' is the act or process of applying measures necessary to care for and sustain the existing form, integrity, materials and details of a heritage property. Preservation is appropriate when the existing heritage attributes and features are essentially intact.

The removal or replacement of intact or otherwise repairable heritage attributes on the property should always be avoided.

Occasionally rehabilitation may also be required if a property is to remain functional - usually through conversion of a property for a new, compatible use. Rehabilitation involves more intervention than simple preservation, usually by making certain, carefully considered alterations.

Every effort should be made to retain and preserve the heritage attributes that contribute to the significance of the property, while still permitting those changes necessary to ensure the building has renewed viability.

Restoration Projects

'Restoration' is 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.

Restoration is appropriate when the significance of the property during a particular period in its history far outweighs the potential loss of existing materials, spaces, finishes and other attributes. Restorations are usually considered when the heritage integrity and significance of the property has been greatly diminished over time.

Restoration should focus on accurately replicating decayed and missing elements or revealing intact elements that are hidden or obscured. Restoration can also focus on removing inappropriate finishes and features that obviously diminish the heritage value of the property.

The merits and scope of a restoration project is determined using appropriate documentary sources - either directly related to the property or based on solid research and relevant historical references that can be used to guide a project.

Restoration should never be the result of speculation or mere conjecture and should never be overly influenced by current design trends.

Examples of Eligible Conservation Work:

Eligible conservation work can include the preservation or accurate heritage restoration of:

- architectural and engineering services, feasibility studies, preparation of drawings (*Note: only applicable to designated heritage properties managed by not-for-profit community groups*)
- architectural elements such as porches, verandahs, cupolas, columns, brackets, soffits, and fascia
- exterior cladding such as clapboard, wood shingles, pebbledash stucco, board and batten
- windows, doors (including screen doors and storm windows) and other structural openings
- decorative architectural detailing, millwork and trim
- significant chimneys
- interior heritage attributes, features, materials and finishes identified in the heritage designation by-law and/or statement of significance in the heritage designation criteria report
- masonry and stonework
- cleaning of masonry and stone (if deemed necessary and if using non-destructive cleaning methods); chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used
- removal of non-heritage siding and detailing
- repairs deemed critical to the stabilization and preservation of the property, including repairs to the roof and eaves troughs, exterior cladding, windows, foundation and drainage, serious structural faults
- removal of inappropriate modern materials such as insulbrick, metal siding and the like
- introduction of an exterior period paint colour scheme
- conservation of any other features or character-defining element on the property that is cited and described as a cultural heritage attribute in the heritage designation by-law and/or statement of significance in the heritage designation criteria report

In-eligible Conservation Work

In-eligible work includes previously commenced or completed work, projects of a non-heritage nature, work that focus on non-heritage attributes, new additions, spaces, features or finishes, or work that might diminish the cultural heritage value of the property.

Examples of In-Eligible Conservation Work:

- any work completed or started before a grant has been formally approved
- architectural and engineering services, feasibility studies, cost estimates, preparation of drawings (except for such work undertaken for not-for-profit community groups as identified above in *Eligible Conservation Work*)
- repairs and upgrades ordered as a result of non-compliance with property standards by-laws and other applicable by-laws, regulations and legislation
- minor repairs; routine household maintenance
- construction of new additions or accessory structures that are not based on historical research and that do not incorporate historically appropriate forms, finishes, elements and materials
- re-insulating, installation of new heating or cooling systems or other energy efficiency upgrades
- improvements to mechanical or electrical systems
- removal of asbestos, mould, urea formaldehyde and other contaminants
- driveway paving and repairs
- exterior painting not based on historical research and not using appropriate period paint colour schemes
- non-heritage awnings, gutters, downspouts and signage
- moving of structures
- work focusing on non-heritage additions, sheds or outbuildings not specifically identified as heritage attributes
- new fencing or landscaping that is not based on historical research and that does not incorporate historically appropriate forms, finishes, elements and materials
- sandblasting or other cleaning methods that may damage a structure's finishes
- re-shingling a roof with non-heritage shingles such as asphalt

If there is doubt about the interpretation of what constitutes eligible conservation work in relation to a specific project proposal, the Town's Heritage Resource Officer or designate should be contacted for clarification.

The final determination of what constitutes eligible and in-eligible conservation work is at the discretion of the Town's Heritage Resource Officer in consultation with Heritage Caledon, with reference to the Program Guidelines as approved by Town Council.

Grant Application Form

[Application forms](#) are available in PDF format on the Town website.

Documentation with Each Grant Application

Applicants are to submit as much information and supporting documentation as necessary to describe the proposed project and demonstrate its merits. The Town may request additional information as required. Generally, the following types of information are required with each grant submission:

- Photographs of the project site and of the features showing what and where the work will take place

- Copies of historical photographs, illustrations or other forms of historical documentation of the property if available, and if applicable to the project; if not available, general historical references and graphic material that help illustrate what is proposed and why it is historically appropriate
- Drawings (as necessary) that adequately illustrate the scope and type of work, location as proposed; drawings rendered by the property owner are acceptable in many instances; if an architect or consultant has been otherwise retained, drawings should ideally be submitted by them as available
- At least two (2) competitive cost estimates for all labour and materials involved in the proposed work unless there is only one specialized supplier of a particular product, trade or service in the GTA. These estimates must be sufficiently detailed so as to clearly indicate the scope and nature of work. In a case where it is not possible to obtain two (2) estimates, the Town will use its discretion to allow a grant application to proceed with less than the required number of cost estimates
- Although not mandatory, applicants are encouraged to select suppliers, contractors and/or trades people with demonstrated experience with heritage properties
- A brief summary of the overall project budget

Pre Consultation

Property owners and/or their agents are encouraged to consult with the Town's Heritage Resource Officer or designate prior to submitting a grant application. This pre-consultation is to help ensure that applications are complete and that they meet the criteria and eligibility requirements.

A site inspection of the property and an assessment of possible impacts on existing designated heritage attributes will be made by the Heritage Resource Officer and available members of Heritage Caledon's grant program subcommittee (Designated Heritage Property Grant Review Group).

Pre Consultation for Emergency Work:

Eligible repair/restoration work undertaken for emergency purposes between grant application rounds (i.e. urgent structural repairs to foundation or roof) may be considered for retroactive grant support. Such consideration is dependent on pre-consultation with the Heritage Resource Officer prior to the work commencing.

Assessment of Applications

Project Merits Will Be Assessed Using the Following Criteria:

- is compatible and consistent with the design or physical value, historical value and contextual value of the property
- serves to rehabilitate the building or property by stabilizing and protecting existing architectural heritage attributes and/or other character defining elements
- if a restoration: serves to help restore the building or property by replicating lost or damaged architectural heritage attributes and/or other character-defining elements that were once part of the building fabric or property. Such work must not compromise existing heritage attributes in the process and must be justified using appropriate research and documentation methods
- is consistent with Town of Caledon by-laws and policies, along with relevant provincial and federal regulations and codes

- is consistent with the [Standards and Guidelines for the Conservation of Historic Places in Canada](#) and is consistent with good heritage conservation practices in general

Factors Used in Assessment of Grant Applications:

- the overall cultural heritage value of the property as determined by the Town of Caledon's criteria for assessing cultural heritage value or interest;
- documentation that indicates the suppliers of a particular product, trade or service have sufficient expertise and experience working with heritage properties;
- the use of historically appropriate materials and finishes as warranted;
- the availability of funds within the program budget;
- the relationship of the application to the long-term conservation plans and priorities of the Town

Application Deadlines

There will be an annual spring application deadline and, if funds permit, a fall application deadline. Designated property owners will be notified of the spring application deadline by email or letter early in the new year; similar notification will be sent in early summer should funding permit a second round of applications.

Grant Application Process

1. Grant applications shall be submitted to the Heritage Resource Office, Community Services Department, by mail or email (contact information provided below).
2. Applications will be screened by the Heritage Resource Officer to ensure they are complete. If any information is missing, applicants will be notified by phone and will have one week to supply the information. If the information is not provided, the application will be closed.
3. Receipt of a complete application will be acknowledged by email or telephone.
4. The Heritage Resource Officer will forward all eligible applications to the Designated Heritage Property Grant Review Group (the DHPG Review Group comprises the Heritage Resource Officer and a subcommittee of Heritage Caledon).
 - Priority will be given to new applicants who have not previously received funding under the DHPG program
 - Applications may be granted funding either with or without conditions and/or other considerations
5. The recommendations of the DHPG Review Group will be presented to Council in a staff report prepared by the Heritage Resource Office.
6. Caledon Council will make the final decision regarding approval or refusal of grant requests.
7. All applicants will be notified of Council's decision by email/phone, followed by letter.

By signing the application form, the applicant certifies that no work eligible for grant funding has yet been contracted or undertaken.

Work and projects under consideration with a grant submission shall not commence prior to receiving written confirmation from the Town of Caledon that a grant has been awarded.

If the proposed project includes both work eligible for a heritage grant and work not eligible for a heritage grant, the cost estimates must clearly differentiate between eligible and ineligible work.

Administration of Grants

Each grant may be awarded in the amount of up to half of the cost of the Eligible Conservation Work to a maximum of four thousand dollars (\$4,000).

All grants are made subject to available funding within the Town's annual program budget.

Changes to Approved Eligible Conservation Work

The grant recipient shall contact the Heritage Resource Officer concerning any changes to the approved Eligible Conservation Work that are proposed during the course of the work. The grant recipient shall not proceed with any changes to the proposed project unless approved by the DHPG Review Group.

Grant Payment Requirements

Before the grant is paid by the Town, the following must occur:

- a) the Eligible Conservation Work must be completely paid for by the owners (with documentation to verify such payment through submission of original invoices, receipts and proof of payment (i.e. cancelled cheques / credit card statements);
- b) The completed Eligible Conservation Work must be exactly the Eligible Conservation Work that was approved by the DHPG Review Group, or any subsequently approved changes, and be completed to the satisfaction of the DHPG Review Group;
- c) The owner will permit the DHPG Review Group to inspect and photograph the completed project to ensure conformity to the proposal submitted;
- d) Eligible Conservation Work must be completed within three (3) years from the date of approval of the grant; and,
- e) The Heritage Resource Officer must be in receipt of all documentation listed in the Guidelines, or as are requested by the Heritage Resource Officer or DHPG Review Group.

Remedial Actions

Should, in the opinion of the DHPG Review Group, the grant recipient fail to comply with the requirements of the program Guidelines or supply false information, the grant recipient shall either not be paid the grant by the Town, or, if the grant has already been paid, be required to forthwith repay the entire grant amount to the Town.

Failing immediate repayment upon notice from the Town, the grant shall be deemed to be a loan, for which the amount of the loan together with interest (at the Prime Interest Rate as set out by the Bank of Canada as of the date of notice from the Town, plus 2%) may be added by the Town Clerk to the collector's roll and collected in like manner as municipal taxes, and such amount and interest shall be a lien or charge upon the land in respect of which the loan was made.

Frequency of Grant

A single property is eligible to receive two (2) grants in the calendar year at the sole and absolute discretion of Council and subject to available annual funding.

In the event that a second grant is approved, the applicant waives his/her right to apply for a grant under the Designated Heritage Property Grant Program in the following calendar year in respect of the same Designated Heritage Property.

Completion of Work

Eligible Conservation Work must be completed within three (3) years from the date of approval of the grant.

Grant Application Checklist

- Completed and signed application form
- Drawings / renderings necessary to accurately describe the existing condition and proposed work
- Current colour photographs documenting the heritage features or area of the proposed work
- Copies of archival photographs, if applicable
- Attached cost estimates for labour and materials

Further Information

Douglas McGlynn, Heritage | Urban Design Planner
Community Services
Town of Caledon
6311 Old Church Road
Caledon, ON L7C 1J6
Phone: 905.584.2272 x4232
Fax: 905.584.4325
Email: douglas.mcglynn@caledon.ca

DHPG program information is posted on the Town's [website](#). In addition, the Heritage Resource Office will send out letters and/or e-mails regarding program updates and whether funding allows a fall submission to occur.

To ensure that the Heritage Resource Office has current email addresses on file, designated property owners are encouraged to contact Heritage Resource Officer Kyle Munro at 905-584-2272 x4247 or kyle.munro@caledon.ca with updates.