

**Town of Markham
Designated Heritage Property
Grant Program**

Guidelines

January 2010

**Planning and Urban Design Department
Heritage Section**

Designated Heritage Property Grant Program

1.0 Purpose of the Program

The purpose of the Designated Heritage Property Grant Program is to offer financial assistance on a cost sharing basis to owners of properties of cultural heritage significance towards the conservation and restoration of property's heritage attributes.

2.0 Definitions

'Act' means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended from time to time;

'Applicant' means 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 application;

'Eligible Heritage Property' means real property, including all buildings and structures thereon, located in the Town of Markham, that has either been designated under Part IV of the Act or is within a heritage conservation district designated under Part V of the Act and which has been identified in a Heritage Conservation District Plan as being of cultural heritage value or interest;;

'Eligible Conservation Work' means that which is described in section 5.1 of this document;

'Eligible Property' means that which is described in section 3.0 of this document;

'Guidelines' means the Town's Heritage Property Grant Program Guidelines, as may be amended from time to time;

'Heritage Attributes' means the principal external features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;

'Heritage Markham' means the Town's municipal heritage advisory committee;

'Manager' means the Manager, Heritage Planning, for the Town of Markham and includes his or her delegates;

3.0 Eligibility

3.1 Eligibility Requirements

- Only Eligible Heritage Properties, as defined herein, are eligible for this program.
- The Eligible Heritage Property must not be in arrears or default of any municipal taxes, local improvements charges or any other monies owed to the Town (fees or penalties).
- The Eligible Heritage Property must not be the subject of a contravention, work order or outstanding municipal requirements, unless the consent of the Commissioner of Development Services is obtained. A contravention includes offences under a municipal by-law, Act or regulation for which enforcement proceedings have been commenced, but not necessarily finalized, that relates specifically to the building or land for which a grant is sought or given.
- The proposed work cannot commence prior to application approval.
- Existing use of property must be in conformity with applicable zoning by-law regulations and other relevant planning controls.

3.2 Eligible Applicants

Owners and tenants of an Eligible Heritage Property may apply for assistance. Tenants are required to provide documentation of the property owner's consent to the improvements. Written consent may be either in the form of a lease indicating the lessee's authority for property renovation and repair, or written documentation of the property owner's agreement to the proposed alterations.

Heritage resources owned by any level of government are not eligible except in the following cases:

- (a) where the property is under long term lease to an individual and the tenant or lessee is the applicant; or
- (b) 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.

3.3 Commercial Façade Improvements

Commercial façade projects (front elevation) for commercial properties in heritage conservation districts are ineligible as there is a separate financial assistance program for this type of project.

3.4 Markham Heritage Estates Properties

Properties in Markham Heritage Estates subdivision are ineligible as property owners already receive a financial incentive through reduced lot prices.

4.0 Grant Information

4.1 Amount of Grant Assistance

The amount of a grant is calculated as a maximum of fifty percent (50%) of the eligible cost of the Eligible Conservation Work, as approved by the Town. Approved applicants who undertake at least \$500 in improvements are eligible to apply for a grant of up to 50% of the cost with a maximum limit of \$4,000 in grants per property for eligible work.

The owner of the property must pay the remaining fifty percent (50%) of the eligible costs as part of its contribution to the Eligible Conservation Work. Subject to approval, an applicant may use the Town of Markham Loan Fund as part of the matching component for grant assistance.

The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work provided proof of such costs are verified by invoices. Donated labour and materials are not considered part of the eligible costs or part of the owner's matching contribution.

Two cost estimates for the Eligible Conservation Work are to be provided by independent professional/licensed contractors other than the owner. The grant will be not necessarily be calculated based upon the lowest estimate, but will be based on the most appropriate quote for the proposed work as determined by Heritage Section staff, taking into consideration the cost quoted, the scope of work described and the capabilities of the contractor to complete the work. The grant will not address cost increases or over runs.

4.2 Frequency of Grant

Subject to approval, an Eligible Property may receive one grant per calendar year. If a grant is provided, the work must be completed and inspected before another grant application may be submitted to the municipality.

4.3 Completion of Work

Grant commitments are valid for one (1) year and expire if the work is not completed within that time period. This timeframe may be extended at the discretion of the Manager.

5.0 Eligible Projects

5.1 Eligible Conservation Work

For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:

- (a) any conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes and does not detract from or diminish the cultural heritage value of the property or the district including:
 - (i) preservation or conservation of existing exterior architectural elements or features which are significant (i.e. repair of deteriorated original elements such as doors and windows, siding and roofing materials, architectural trims, verandas, historic chimneys, fences and other significant features; repointing and cleaning of masonry only if the materials and methods will not cause harm to the historic masonry);
 - (ii) re-construction of significant exterior architectural elements or features which still exist, but are beyond conservation or repair (this would include accurate reconstructions of original features using materials, sizes and configurations which match the original);
 - (iii) restoration or re-introduction of significant exterior 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 (i.e. removal of modern material such as vinyl and aluminium siding and replacement with original material).
 - (iv) introduction or repair of protective elements to protect original features (i.e. wooden storm windows).
- (b) any 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 (i.e. introduction of supporting beam, alterations to correct a failing foundation);
- (c) 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;

- (d) Other alterations which the Manager, in his or her sole discretion, determines are important to the cultural heritage significance of the property.

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

The final determination of what constitutes Eligible Conservation Work is at the discretion of the Manager, Heritage Planning, in consultation with Heritage Markham, with reference to the Guidelines, and the final decision is made by the Council of the Town of Markham.

5.2 Ineligible Work/Projects

Ineligible work includes, but is not limited to, the following:

- (a) Interior work, unless related to structural issues;
- (b) Short term, routine maintenance, including painting;
- (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;
- (m) Commercial façade projects (front elevation) in heritage conservation districts; and
- (n) Projects in Markham Heritage Estates subdivision.

5.3 Eligible Costs

Eligible costs shall be the cost of materials, equipment and contracted labour to complete eligible conservation, restoration or preservation work, documented by invoices to the satisfaction of the Manager. Labour provided by the applicant or tenant of the building will not be an eligible cost.

Other reimbursable expenses include professional architectural/ engineering/ design fees, to a maximum grant of \$1,000 (as part of the maximum permitted grant).

The grant is paid, subject to compliance with these Guidelines, upon completion of the previously approved work.

5.4 Approval Considerations

The following considerations will apply when reviewing all applications for 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 also 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 Markham heritage conservation district plan, policies of the Ontario Ministry of Culture, 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 municipal approval for financial assistance prior to work being initiated;
- f) The grant program should not reward poor stewardship.

6.0 Application Details

6.1 Application Deadline

Grants are to be awarded on an annual cycle following a request for applications within a deadline established by the Manager, and published from time to time on the Town's website and in other media, at the discretion of the Manager.

6.2 Application Requirements

1. Application Form

The applicant is required to fill out an application form available from the Planning and Urban Design Department (Markham Civic Centre). The applicant is encouraged to engage a professional (architect, engineer or designer) to assist with decisions on alterations and provide the necessary drawings.

2. Information to Accompany Application

The application must include all the details necessary for a full understanding of the proposed work, and shall include:

- a) A professionally prepared and scaled drawing of the proposed work, including any specific details as may be required by the Manager. Depending on the nature and extent of the work, a building permit and the required drawings may be required.
- b) Samples of proposed materials or colours, and any product information.
- c) the cost estimates required by clause 4.1 hereof.

6.3 Application Process

The Designated Heritage Property Grant Program will be administered by Markham's Planning and Urban Design Department. The Heritage Planning Section will co-ordinate the program.

Step 1. Determine if you are eligible (pre-application consultation)

Prior to submitting a formal application for financial assistance, it is recommended that the following steps be undertaken:

- a) Determine if the property is eligible to receive funding. Contact the Heritage Section.
- b) Discuss any restoration or rehabilitation proposal with the Building Department to determine any zoning or other building regulations.
- c) Discuss any restoration or rehabilitation proposal with a Heritage Section staff member
- d) If an application appears eligible, consider reviewing it with Heritage Markham for feedback purposes.
- e) Secure a grant application form from the Development Services Counter and complete and return it with the necessary documentation.

This pre-application consultation stage should help to avoid ineligible proposals.

Step 2. Submit your application

Submit a completed application with all required materials before the deadline date.

Step 3. Staff Review

The application will be reviewed by Town Staff to ensure that it meets all the eligibility requirements, including confirmation that no municipal requirements are outstanding.

Step 4. Grant Review Committee

The review of all grant applications will be undertaken by Heritage Section staff. All applications will be forwarded to Heritage Markham for its consideration and recommendation. Heritage Section staff will report on applications that are recommended for approval to Council, through the Development Services Committee. The submissions will be reviewed against the Guidelines, and grants will be recommended for the projects that are most deserving in the opinion of Heritage Staff.

Step 5. Approval by Council

All grants will require approval by Council, through the Development Services Committee.

Step 6. Notification/ Legal Agreement

Applicants who secure grant approval will be required to enter into a Letter of Understanding with the municipality. This document establishes a formal arrangement between the applicant and the Town and outlines the amount of the grant, and the project completion date. The Letter of Understanding must be signed and returned to the Town. If an application is unsuccessful, a letter will be sent confirming that a grant will not be issued.

Step 7. Undertaking the Improvements

Nothing contained in the grant application procedures or approval relieves the applicant from obtaining all necessary municipal planning and building department approvals. All work must be carried out in accordance with the requirements of the Ontario Building Code and municipal by-laws.

The applicant is required to obtain the consent of the Manager for any changes to the project which are proposed during the course of the work.

Step 8. Issuing the Grant

Before a grant will be paid by the Town, the following must occur:

- (a) the Eligible Conservation Work must be completed within one (1) year from the date of approval of the grant by Council, and be completed to the satisfaction of the Manager.

In exceptional cases, the timeframe for project completion may be extended. In such cases, a written request, stating the reasons for required for the extension, must be submitted by the applicant for review and approval at the discretion of the Manager, Heritage Planning;

- (b) The Owner shall pay all accounts and invoices in respect of the Eligible Conservation Work and provide documentation to the Manager to verify such payments;
- (c) the Manager must be in receipt of all required documentation as identified in the Guidelines (i.e. paid invoices), and any other documentation reasonably required by the Manager;
- (d) the completed Eligible Conservation Work must reflect the Eligible Conservation Work that was approved by Council or as amended by the Manager. Heritage Section is responsible for the inspection to ensure that works have been completed as proposed.

If the cost of the completed work is less than the approved amount, the amount of the grant will be reduced to fifty percent (50%) of the new cost.

The Town reserves the right to reduce the amount of the grant or revoke the grant upon completion of the project, where the Manager is of the opinion that unapproved modifications or poor or defective work diminishes the beneficial effects of the project.

7.0 General Information

7.1 Funding Availability

Funding for this grant program will be considered on an annual basis by Markham Council as part of its overall annual budget process. Individual grants are approved subject to the availability of funding.

7.2 Continuation of the Program

The Town, in its sole discretion, may change or discontinue this program at any time.

For further information, please contact:

Heritage Section
Planning and Urban Design Department
Town of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

905-477-7000, ext. 2585

905-475-4739 (FAX)

heritage@markham.ca

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BY-LAW 2010-XXX

Being a By-law to establish a Designated Heritage Property Grant Program

WHEREAS the Council of the Corporation of the Town of Markham 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 property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council of the Corporation of the Town of Markham 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 such property on such terms and conditions as the Council may prescribe;

AND WHEREAS the Council for the Corporation of the Town of Markham deems it advisable and in the public interest to provide an incentive grant program for specific designated properties on the terms set out in this by-law as an incentive to encourage property owners to renovate and restore such buildings, and thereby contribute to the overall character and identity of the Town of Markham;

AND WHEREAS the Council of the Corporation of the Town of Markham approved the Heritage Property Grant Program as a four year project, through Council approval on January 19, 2010, and Council approved the Grant Program Guidelines on the same date;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM HEREBY ENACTS AS FOLLOWS:

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 application;
- (b) 'Contravention' shall mean an offence under a municipal by-law, Act 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;
- (c) '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 and V of the Act;
- (d) 'Eligible Conservation Work' shall mean that which is described in sections 5.1 and 5.2 of this by-law;
- (e) 'Eligible Property' shall mean that which is described in sections 4.1 to 4.3 of this by-law;
- (f) 'Heritage Attributes' shall mean the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of an eligible property;
- (g) 'Heritage Markham' shall mean the Town's municipal heritage committee;
- (h) 'Guidelines' shall mean the Town's Heritage Property Grant Program Guidelines, as may be amended from time to time;
- (i) 'Preservation and/or Conservation' shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of a cultural heritage property;
- (j) '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.

TERM AND AMOUNT OF GRANT PROGRAM

- 2.1 The Heritage Designated Property Grant Program shall be established in the amount of one hundred thousand dollars (\$100,000) with funds allocated to the program over a four (4) year period at a minimum of twenty-five thousand dollars (\$25,000) per year from the date of the passing of this by-law.

- 2.2 If a grant has been approved by Council, but not paid out on the day this program expires, the grant amount shall still be provided in accordance with this by-law.
- 2.3 Any funds remaining in the Heritage Designated Grant Program at the end of the four year period shall be transferred to the Heritage Loan Fund.

SPECIFIC GRANT AMOUNT AND OWNER CONTRIBUTION

- 3.1 Each grant may be awarded in the amount of up to half the cost (50%) of the Eligible Conservation Work up to a maximum of four thousand dollars (\$4,000).
- 3.2 The owner of the property must match the Town's grant amount as part of its contribution to the Eligible Conservation Work.
- 3.3 The owner may use the Town of Markham Heritage Loan Fund as part of the owner's matching contribution to the Eligible Conservation Work.
- 3.4 Donated labour and materials are not considered part of the costs or part of the owner's matching contribution.
- 3.5 The costs of labour, materials and equipment related to the Eligible Conservation Work may be considered part of the cost of the Eligible Conservation Work provided proof of such costs are verified by invoices.
- 3.6 A property may receive only one grant per calendar year.
- 3.7 Before another grant is considered by the Town, the work associated with the current grant must be completed and inspected.
- 3.8 Whether a grant is awarded, and the amount of the grant, shall be subject to available funding within annual program budgets of the Town.

ELIGIBLE PROPERTY

- 4.1 For a property to be considered Eligible for a grant, the property must be:
- (a) designated under the Ontario Heritage Act:
 - (i) for a single property, a designation by-law under Part IV of the Act must have been passed and registered;
 - (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 Town of Markham; and
- (c) free of property tax arrears, any fees or penalties owed to the Town, compliance orders, enforcement orders, contraventions of municipal requirements and the like.

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

4.3 Heritage resources owned by any level of government are not eligible except in the following cases:

- (a) where the property is under long term lease to an individual; or
- (b) where a non-profit, community group has assumed, by long-term lease or legal agreement, responsibility for the building.

In these cases, such parties may make an application for a grant as the agent of the owner.

4.4 Commercial façade projects (front elevation) for commercial properties in heritage conservation districts are not eligible for this grant program as there is a separate financial assistance program for this type of project.

4.5 Properties in Markham Heritage Estates subdivision are not eligible for this grant program as properties owners have already received a financial incentive through reduced lot prices.

ELIGIBLE CONSERVATION WORK

5.1 For the proposed work to be eligible for a grant, it must be Eligible Conservation Work, which means the following:

- (a) any conservation work which directly and appropriately preserves, restores or enhances specific Heritage Attributes and does not detract from or diminish the cultural heritage value of the property or the district including:
 - (i) preservation/conservation of existing architectural elements or features which are significant;
 - (ii) re-construction of significant architectural elements or features which still exist, but are beyond conservation or repair;
 - (iii) 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.

- (iv) introduction of protective elements to protect original features.
- (b) 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;
- (c) any preservation/conservation 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 fences and gates which are part of the original design, but not specific grave markers, tombs or monuments; and
- (d) any architect, designer and engineering professional fees to a maximum of one thousand dollars (\$1,000) as a component of the maximum grant amount for work directly related to the proposed preservation/conservation, rehabilitation or restoration project.

5.2 The final determination of what constitutes Eligible Conservation Work is at the discretion of the Manager, Heritage Planning, in consultation with Heritage Markham, with reference to the Guidelines, and the final decision is made by Markham Council.

5.3 Eligible Conservation Work will be generally guided by the following policies and principles: individual heritage conservation district plans, Conservation Principles from the Ontario Ministry of Culture and the Standards and Guidelines for the Conservation of Historic Places in Canada.

INELIGIBLE WORK/ PROJECTS

- 6.1 Ineligible work will include, but limited to, the following:
- (a) Interior work, unless related to structural issues;
 - (b) Short term, routine maintenance, including painting;
 - (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-troughs, unless considered significant architectural features of the building such as those with decorative elements or those made from long-lasting materials such as copper or lead;
 - (i) mechanical systems and insulation;
 - (j) skylights;

- (k) poor or defective work; and
 - (l) non-permanent fixtures
- 6.2 Commercial façade projects (front elevation) in heritage conservation districts are ineligible as there is a separate financial assistance program for this type of project.
- 6.3 Projects in Markham Heritage Estates subdivision are ineligible as property owners already receive a financial incentive through reduced lot prices.

ADMINISTRATION OF THE PROGRAM

- 7.1 The Designated Property Grant Program shall be administered by the Manager, Heritage Planning (or designate).
- 7.2 The overall administration of the grant program shall be in compliance with this by-law and the Guidelines.
- 7.3 At minimum, the grant program shall be offered at least once per calendar year.
- 7.4 All applications shall be considered by Council for approval after having been reviewed and a recommendation provided by Heritage Planning staff and Heritage Markham.
- 7.5 Approval of a grant does not absolve the owner from obtaining all other approvals required by law to under the project
- 7.6 Before a grant will be paid by the Town, the following must occur:
 - (a) the Eligible Conservation Work must be completely paid for by the owner with documentation to verify such payment, and completed to the satisfaction of the Manager, Heritage Planning;
 - (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;

In exceptional cases, the timeframe for project completion may be extended. In such cases, a written request, stating the reasons for required for the extension, must be submitted by the applicant for review and approval at the discretion of the Manager, Heritage Planning;
 - (c) the Manager, Heritage Planning must be in receipt of all required documentation as identified in the Guidelines, and as requested by the Manager;

- (d) the completed Eligible Conservation Work must reflect the Eligible Conservation Work that was approved by Council or as amended by the Manager, Heritage Planning.

- 7.7 The Town reserves the right to withhold the payment of all or a portion of the grant if the work has not been substantially completed in accordance with the approved plans and specifications.
- 7.8 If the cost of completed work is less than the original amount upon which the grant was calculated, the grant will be revised to reflect 50% of the new cost.
- 7.9 Any monies remaining in the budget for this grant program and not allocated during a calendar year shall be transferred for use to the next calendar year for use as part of the grant program.

READ A FIRST, SECOND, AND THIRD TIME AND PASSED THIS
19th DAY OF JANUARY, 2010.

KIMBERLEY KITTERINGHAM,
TOWN CLERK

FRANK SCARPITTI, MAYOR