TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARDS 1, 2, 3, 4, 6, 7, 9, 12, 13, 15

COMMITTEE DATE: August 9, 2010

SUBJECT/REPORT NO: Proposed Amendment to the Downtown and Community Renewal Community Improvement Plan and, Request to the Ministry of Culture to Amend the Ontario Heritage Act. (PED10164)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Hazel Milsome 905-546-2424 ext 2755

RECOMMENDATION:

(a) That staff be directed to advertise for a public meeting regarding the proposed amendment to the Downtown and Community Renewal Community Improvement Plan for the purpose of introducing a heritage grant program that would be available to eligible condominium corporations for the restoration/conservation/stabilization of designated properties within the Downtown Core and active Business Improvement Areas.

(b) That the Ministry of Tourism and Culture be requested to amend the Ontario Heritage Act, Sub-Section 39.(1), to allow a municipality to make a loan or grant to any person to whom an owner has assigned the right to receive a grant or loan, including a condominium corporation, for the cost of alterations to designated properties.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
EXECUTIVE SUMMARY

Report PED10164 recommends that staff be directed to amend the Downtown and Community Renewal Community Improvement Plan for the purpose of introducing a financial incentive program for the restoration/conservation/stabilization of heritage properties that would be available for eligible condominium corporations.

The Downtown and Community Renewal Division received an application under the Hamilton Heritage Property Improvement Grant Program from a condominium corporation for the restoration of a significant designated property within the Downtown Core. However, Legal Services has confirmed that the Ontario Heritage Act allows a municipality to make loans and grants to registered property owners only. As such, condominium corporations cannot be granted money under the Ontario Heritage Act.

Report PED10164 also recommends that the Ministry of Tourism and Culture be requested to amend the Ontario Heritage Act, Section 39 (1) to allow a municipality to make loans and grants to any person to whom an owner has assigned the right to receive a grant or loan, including a condominium corporation, for alterations to designated properties. In the interim, amending the Downtown and Community Renewal Community Improvement Plan by introducing a financial incentive program available for eligible condominium corporations for the restoration/conservation/stabilization of designated properties would allow the City of Hamilton to invest in the restoration of designated properties that are governed by condominium corporations within Downtown Hamilton and active Business Improvement Areas. Condominium corporations would be eligible for applications under a Community Improvement Plan under the Planning Act.

Alternatives for Consideration – See Page 4.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: Funding for the proposed heritage financial incentive program is contained in the Main Street Program Reserve (102048) and Capital Project ID# 8200803803; 8200903803; and, 8201003803. Payments from the Reserve account will flow through Dept. ID 58201-815025. These accounts were established to fund the existing Hamilton Heritage Property Grant Program. Sufficient monies are contained in the accounts to fund the new heritage program.

Staffing: Administration of the proposed heritage program can be accommodated within the Downtown and Community Renewal Division and Community Planning and...
SUBJECT: Proposed Amendment to the Downtown and Community Renewal
Community Improvement Plan and, Request to the Ministry of Culture to Amend the Ontario Heritage Act. (PED10164) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15)

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Design Section of the Planning and Economic Development Department as well as the Corporate Services Department.

Legal: Sub-Section 39 (1) of the Ontario Heritage Act states that a 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 the Act 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. Under the Ontario Heritage Act, an owner is defined as the registered owner of the property and does not include condominium corporations.

By-law 07-346 passed and enacted by City Council at its meeting held December 7, 2007 authorizes the City to loan or grant monies to owners of properties designated under the Ontario Heritage Act.

Section 28, Sub-section (7) of the Planning Act states that a municipality may make grants or loans, in conformity with the community improvement plan, to registered owners, assessed owners and tenants of lands and buildings within the community improvement project area, and to any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan. The Condominium Act gives a condominium corporation the authority to make improvements, repairs and alterations on behalf of the individual unit owners.

Should Council approve recommendation (a) in Report PED10164 staff will advertise for a public meeting of the Economic Development and Planning Committee in accordance with Section 28 of the Planning Act.

HISTORICAL BACKGROUND (Chronology of events)

The City of Hamilton created the Hamilton Heritage Property Grant Program in December 2007. The Program provides financial assistance in the form of a grant based on 25% of total cost of the regeneration of the property, to a maximum grant of $150,000.00 for eligible work. The program is offered for: structural/stability work required to conserve and restore heritage features of properties; and, the conservation and restoration of heritage features of properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within the Downtown Hamilton Community Improvement Project Area or an active Business Improvement Area. The Program also offers an additional $20,000 grant for heritage related reports/assessments/studies.

Staff intended that the Hamilton Heritage Property Grant Program would be available to condominium corporations when initially creating the Program. However, due to the
restrictive nature of the Ontario Heritage Act, a similar program will be created under the Downtown and Community Renewal Community Improvement Plan, a Plan that is governed by the Planning Act that permits a municipality to loan or grant monies to a condominium corporation.

**POLICY IMPLICATIONS**

**Hamilton Downtown Secondary Plan:** The Hamilton Downtown Secondary Plan contains objectives to retain and enhance the historic fabric of Downtown Hamilton. Administering a financial incentive program for designated properties would assist in meeting that objective and direction.

**The Official Plan of the Former City of Hamilton:** Sub-section C.6.1 encourages the preservation, maintenance, reconstruction, restoration and management of property that is considered to have historic, architectural, archaeological or aesthetic value.

**The Hamilton-Wentworth Official Plan:** Part B, Section 9. Sub-section 9.5 supports municipal endeavours to provide for the reuse of heritage buildings, where such use will not affect the character of the building.

**New Urban Official Plan:** The program implements the policy of the new Urban Official Plan, Section 3.4.3. that calls for the conservation and protection of heritage properties in our Downtowns.

**RELEVANT CONSULTATION**

Staff from the Community Planning and Design Section, Planning and Economic Development Department and Legal Services, City Manager’s Office were consulted and concur with the recommendations of Report PED10164.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

An amendment to the Downtown and Community Renewal Community Improvement Plan is required in order to offer financial assistance to condominium corporations when they invest in conserving/preserving/stabilizing designated properties under their governance. This initiative is in recognition that heritage properties are valuable to the urban revitalization and regeneration of our community.
ALTERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Non-acceptance of the recommendations contained in Report PED10164 would result in the City of Hamilton not being able to assist in the rehabilitation and re-use of heritage properties in the Downtown Core and Business Improvement Areas. This is not a recommended alternative.

Financial: Not applicable.
Staffing: Not applicable
Legal: Not applicable

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Growing Our Economy
• Investment in Hamilton is enhanced and supported. Property owners invest in their properties leading to property assessment increases.

Environmental Stewardship
• This program will support the preservation/conservation of heritage properties.

Healthy Community
• Partnerships are promoted.

APPENDICES / SCHEDULES
N/A.

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Main Street Housing Loan and Grant Program- 255 West Avenue North

(B.I.A.) Expansion of Boundaries

Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PED07006(e)) (Ward 2)

Extension of 60% Complete Deadline

Downtown Hamilton Business Improvement Area

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