TO: Chair and Members
   General Issues Committee

COMMITTEE DATE: February 19, 2014

SUBJECT/REPORT NO: Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms (PED14031) (City Wide)

WARD(S) AFFECTED: City Wide

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SUBMITTED BY: Joe-Anne Priel
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               Planning and Economic Development Department

SIGNATURE: 

RECOMMENDATION

(a) That the revised Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program (RGP), Tax Assistance Program (TAP) and Downtown Hamilton / West Harbourfront Remediation Loan Program description and terms, attached as Appendix “A”, Appendix “B” and Appendix “C” to Report PED14031, be approved;

(b) That staff continue to monitor the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) and related programs with respect to detailed implementation measures to allow for the efficient administration of the Program.

EXECUTIVE SUMMARY

City Council, at its meeting held March 10, 2010, approved Report ECO05009(a) which included several amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP). One of those amendments was to remove the various program descriptions and terms from the ERASE CIP and add them as appendices to the CIP. This is consistent with the City’s other CIPs and further allows staff to be able to make changes to the Program.
descriptions and terms by way of Council resolution without having to do a full amendment to the ERASE CIP.

Report PED14031 includes some administrative changes to the ERASE Redevelopment Grant Program (RGP), Tax Assistance Program (TAP) and Downtown West Harbourfront Remediation Loan Program description and terms that will allow for more effective administration and implementation of the programs, (see Appendix “A”, Appendix “B” and Appendix “C” to Report PED14031 for complete amended program description and terms). Included in these administrative amendments are a few grammatical edits as well as additional wording that would allow staff to consider an application to the ERASE Redevelopment Grant Program, Tax Assistance Program (TAP) and the Downtown Hamilton / West Harbourfront Remediation Loan Program, where a risk assessment is required but a Record of Site Condition (RSC) is not required, by law (i.e. - when a property is not moving to a more sensitive land use). In those circumstances, it is proposed that a peer review of the risk assessment which certifies that the property has been remediated to the appropriate levels for the proposed use in accordance with the risk assessment be accepted instead of an RSC. The peer review would be conducted by a qualified person, risk assessment, acceptable to the City.

A mandatory record of site condition filing to the Ontario Ministry of Environment (MOE’s) Environmental Site Registry has always been an eligibility criteria for the above noted programs since their inception. However, recent amendments to O. Reg. 153/04 (Brownfield Records of Site Condition) – see Report PED09033 and PED09033(a) - market conditions, as well as several recent applications to the ERASE Redevelopment Grant Program have caused staff to consider the merits of the mandatory RSC requirement through the ERASE program and to seek potential alternatives to an RSC where a risk assessment is involved.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no additional financial implications to the City if the amended description and terms of the identified ERASE programs is approved.

Staffing: There are no staffing implications associated with the recommendations of Report PED14031.

Legal: There are no legal implications associated with the recommendations of Report PED14031.
HISTORICAL BACKGROUND:

The ERASE CIP has been in existence since it was originally approved by Council in April 2001. The ERASE CIP was the first Brownfield specific CIP in Canada and, as a result, the City of Hamilton continues to be seen as a leader in the Province and the rest of Canada when it comes to brownfield redevelopment programming. The most recent example of this is the City winning the nationally recognized "Brownie Award" in 2013 from the Canadian Urban Institute (CUI) for the Downtown Hamilton / West Harbourfront Remediation Loan Program. The ERASE CIP was expanded to the full limits of the urban area within the City in April 2005, from the original boundary which was considered the older industrial area of the City. Some program additions and adjustments were also made.

In March of 2010, Council again approved an amendment to the ERASE CIP which included the addition of a new program (Downtown Hamilton/West Harbourfront Remediation Loan Pilot Program), additions of eligible costs to the ERASE Redevelopment Grant Program, and some administrative changes to the CIP. One of the administrative changes was to remove the various program descriptions and terms, including the ERASE Redevelopment Grant Program (RGP), Tax Assistance Program (TAP) and Downtown Hamilton / West Harbourfront Remediation Loan Program from the ERASE CIP and add them as appendices to the CIP to allow staff to be able to make changes to the program descriptions and terms by way of Council resolution without having to do a full amendment to the ERASE CIP.

The ERASE Redevelopment Grant Program, ERASE Tax Assistance Program and the Downtown Hamilton / West Harbourfront Remediation Loan Program all provide a tax increment equivalent grant or a loan to help offset the cost of environmental remediation and rehabilitation of brownfield properties where redevelopment results in a re-valuation and tax increase on these properties. It has always been a requirement of these programs that at the end of the remediation stage, the owner shall submit to the Environmental Site Registry under section 168.4 of the Environmental Protection Act, a record of site condition (RSC) prepared by a qualified person. In addition, the owner must submit the MOE’s acknowledgement of the RSC to the City.

This requirement for a mandatory RSC has been in question previously, and more recently with applicants applying to the ERASE programs when a property requires remediation, but an RSC is not a formal requirement, by law, as per the Environmental Protection Act (EPA); Under the EPA, an RSC is not required when a property is remaining as its current use (e.g. - industrial to industrial) however, it is required when a property is changing to a more sensitive land use (e.g. - industrial/commercial to residential).

Moreover, and according to consultation with the brownfield industry, recent amendments to O. Reg. 153/04, Records of Site Condition regulation that took force
and effect in July of 2011 have also led to more sites across Ontario that may potentially require remediation due to more stringent standards for certain contaminants of concern (COCs). On many of these properties, a risk assessment may likely be the preferred remediation method employed on the site. A risk assessment is an assessment of the risks of the contamination, as conducted in accordance with the regulations and under the supervision of a qualified person prescribed in the regulations. In instances where a risk assessment may still be required for financing, liability, or other purposes outside of a requirement by provincial law, owners, developers and private companies require necessary financial assistance for environmental remediation and rehabilitation in order to redevelop sites into productive land uses. The brownfield properties in Hamilton that have a perceived value that exceeds their remediation value - the “low hanging fruit” - have all but been redeveloped already. Often times the remediation costs exceed the value of the property, and this is often the case when a property is staying at its current use.

The recommendations of Report PED14031 attempt to respond to changes to policy, and trends in redevelopment by finding an alternative to the mandatory RSC requirement of the ERASE programs where a risk assessment is involved. In doing so, it will continue the ERASE programs tradition of excellence and bring it in line with other progressive and successful brownfield programming efforts in the Province by building in needed flexibility.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The ERASE programs to be amended through this Report are contained within the Council approved ERASE Community Improvement Plan. With the administrative changes proposed in Report PED14031, the intent and purpose of each of the ERASE programs remain and are not compromised as staff would still have to be satisfied that the applicant properties are remediated to a level that is consistent with the Ministry of Environment (MOE) standards. The amendments would simply allow staff and Council discretion that would provide for the efficient administration of the Program and would still provide the needed financial assistance to owners of contaminated properties.

RELEVANT CONSULTATION

Staff from the Planning Division and Legal Services Division were consulted in the preparation of Report PED14031. In addition, staff has received correspondence from the City of Toronto, City of Kingston and City of Cornwall with respect to their brownfield community improvement plans (CIP’s) and eligibility criteria with respect to record of site condition requirement when it is not a requirement by law. All three municipalities have made adjustments to, or created their programs that allow them to accept and process applications absent of an RSC when it is not a requirement by law. This correspondence, particularly the information from the City of Toronto, was important in the formation of the recommendations contained in this Report as well as the wording
amendments contained within the appendices of this Report. Staff also consulted the brownfield industry through a meeting with the former Brownfield Sub-Committee of the Hamilton Chamber of Commerce for their input into the issue. Lastly, staff also received correspondence from environmental risk management staff at a large Canadian financial institution with respect to their willingness to provide financing to properties that have undergone a risk assessment which is peer reviewed and where an RSC is not required.

**ANALYSIS AND RATIONAL FOR RECOMMENDATION**

Every successful economic development program/process must be dynamic in nature and possess the ability to change in order to accommodate revisions to policy, trends in the market, and to satisfy the needs of the end user of the Program, while simultaneously delivering on the expectations of Council. Report PED14031 specifically speaks to all three aspects of a dynamic program and builds in flexibility to provide needed financial assistance to enable brownfield redevelopment.

A recent application to the ERASE Redevelopment Grant Program provided a detailed remediation program as part of the application to enable a brownfield redevelopment, but the proposal did not contemplate a RSC to be filed to MOE as it is not a requirement by law. According to the environmental consultant, the inclusion of an RSC as part of the remediation program would add a significant time delay to the project, which in turn would cost more money for the remediation. Recently, there have been other similar applications to the ERASE Redevelopment Grant Program where an RSC was not required by law but the applicant attained one in order to satisfy the requirements of the ERASE Redevelopment Grant Program or for other purposes (i.e. financing). Due to the suspected time delay and increased cost, the applicant referenced above and their environmental consultant recently made a delegation request to the General Issues Committee to speak to the Committee at a future meeting to request a waiver of the RSC requirement of the ERASE Redevelopment Grant Program for their specific project.

City staff decided to look at the merits of the request across the board and as a potential adjustment to the description and terms of the programs as a whole rather than Council having to deal with a one off request. Research was conducted into the issue of a mandatory RSC requirement through municipal funding programs and found that, based on practices in at least three other municipalities, and at a leading Canadian financial institution, alternatives to the RSC requirement in certain circumstances are being accepted.

Correspondence received from the City of Toronto, City of Kingston and City of Cornwall all point to language existing within their CIP’s and program description and terms that speak to an RSC being a requirement only when required by law, with certain checks and balances in place to satisfy the municipality absent of an RSC when not
required by law in certain circumstances. The language contained within the amended program description and terms of the ERASE programs as outlined below is a result of the correspondence and a review of the language contained in other municipalities eligibility criteria. In addition, staff received correspondence from one leading Canadian financial institution that is willing to provide financing to properties where there is a peer reviewed process of a remediation in place when an RSC is not required by law.

The currently approved description and terms of the ERASE Redevelopment Grant Program, Tax Assistance Program and Downtown Hamilton / West Harbourfront Remediation Loan Program contain the following wording in their respective eligibility criteria:

“environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC”;

and;

“The owner shall submit to the Environmental Site Registry under section 168.4 of the Environmental Protection Act, a record of site condition prepared by a qualified person. The owner shall notify the City when the record of site condition has been submitted”.

Staff is proposing to add the following wording to the description and terms of the programs in all areas of the description and terms that speak to the City requiring a RSC to be submitted to the MOE:

“Where the submission of a signed RSC is not required under the Environmental Protection Act to permit the brownfield redevelopment, provided that the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and remediates the property to a standard that would enable the owner to submit an RSC, the owner may instead provide the City with a risk assessment prepared by a qualified person, risk assessment (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer review by a qualified person, risk assessment, who is acceptable to the City, certifying that the property has been remediated to the appropriate levels for the proposed use in accordance with the risk assessment, to the satisfaction of the City. The cost of the peer review will be an eligible cost.”

By adding this wording, it allows owners/applicants of brownfield properties to access the necessary financial assistance, in the form of a tax increment equivalent grant or a loan through the ERASE programs absent of an often timely and costly MOE review process. The City can still be satisfied that the property has been remediated to the applicable MOE standards by way of a peer review of the risk assessment and associated remediation program by a qualified person, risk assessment, who is
acceptable to the City. This is a practice that other municipalities that have existing and successful brownfield programming already have in place, particularly in the City of Toronto, and a practice that financial institutions are considering as acceptable when they are lending on contaminated properties.

**ALTERNATIVES FOR CONSIDERATION**

City Council may choose to not accept the recommendations contained within Report PED14031 and have the ERASE programs referenced continue as written. Council may also refer Report PED14031 back to staff to review alternative wording that has been provided as an administrative amendment to the ERASE programs description and terms.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Amended ERASE Redevelopment Grant Program Description and Terms

Appendix “B” – Amended ERASE Tax Assistance Program Description and Terms

Appendix “C” – Amended Downtown Hamilton / West Harbourfront Remediation Loan Program Description and Terms

BM/JL:dkm
8.2 ERASE Redevelopment Grant Program (ERG)

8.2.1 Purpose

The purpose of this program is to alleviate a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. The intent of the ERG is to encourage environmental remediation, rehabilitation, redevelopment and adaptive re-use of brownfield sites. Therefore, only those brownfield redevelopment projects that result in an increase in property assessment and taxes will be eligible for funding under the ERG. The ERG also leverages public sector investment and encourages development that would otherwise not take place without this incentive program.

8.2.2 Program Description

The ERG will provide a financial incentive in the form of a grant to help offset the cost of environmental remediation and rehabilitation of brownfield properties where redevelopment results in a re-valuation and tax increase on these properties. The ERG will be offered as a tax-increment grant on a “pay-as-you go” basis. The developer will initially pay for the entire cost of the remediation and redevelopment project. Then, when the municipality receives the incremental property taxes that result from the project, the municipality will reimburse the applicant or assignee in the form of an annual grant equivalent to 80% of the increase in City taxes that result from redevelopment. Each year, the property owner must first pay taxes owing and then the approved applicant or assignee will receive the grant. In no case will the total amount of the grant provided under this program exceed the value of the work done under eligible program costs that resulted in the assessment increase. Also, in no case, will the total amount of the grants provided under this program, the SGP (8.1), and the tax assistance provided under the Tax Assistance Program (TAP) (8.3) exceed the total cost of rehabilitating the land and buildings.

The grant provided under the ERG will equal 80% of the increase in the City portion of property taxes. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP).

The grants may be received by an owner in conjunction with any other available municipal program except for other tax increment financing programs. The approved grants are assignable by the owner, including to the initial purchaser of any condominium unit. The total of each property’s ten years of approved grants shall not exceed the City’s share of the incremental construction cost.

A limited assignment of the grant under the terms of the Program may be made from a registered or assessed owner of the property to the initial purchaser of each new condominium unit. The assignment of the grant shall not apply to any subsequent resale of any such unit. The assigned grant shall be restricted to the balance of the ten (10) year term following the date of the registration of the condominium. The first year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a rateable per unit basis. A one-time administration fee of $340 per unit shall be deducted from the initial grant payment. Fees
will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.

For applicants who choose not to assign the grant, the grant will be earned by the applicant if they have met all terms and conditions of the Program including payment of taxes during the development stage only. The annual grant to the applicant will be prorated if an appeal has been filed with the Municipal Property Assessment Corporation by any of the condominium unit owners. The grant for condominium units that are under appeal will not be released until the appeals are settled through the Assessment Review Board. The first year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a rateable per unit basis.

The ERG will commence on or after the date of approval of this CIP, and will continue for a period of approximately 10 years from the date of approval of this CIP by Council. All grant payments will cease:

a) when total grant payments provided under this program equal the total value of work done under “eligible program costs” that resulted in the re-valuation; or,

b) After 10 years; whichever comes first.

The ERG is an application-based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the program by filing an ERG Application with the Economic Development Department. Before accepting this application, the Economic Development Department will screen the application to ensure that it is for a property within the designated Community Improvement Project Area and the application meets the eligibility requirements. Applications that are not within the project area or applications that clearly do not meet the eligibility requirements will not be accepted. Acceptance of the application by the Economic Development Department in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of the application and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the ERG must enter into an agreement with the City. This Agreement will specify the terms and conditions of the grant. All ERG applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes ("base rate") will be determined before commencement of the project. The increase in the municipal portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the amount of City taxes levied as a result of re-valuation by the Municipal Property Assessment Corporation (MPAC) following project completion. The municipal tax increment will be used to fund the grant. This program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

The applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment undertaken by a qualified person that:
a) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,

b) Contains a detailed work plan and budget for said environmental remediation.

The applicant will be required to submit a detailed work plan and cost estimate for the demolition and on-site improvement of public works that is eligible for the ERG.

The actual component costs for all eligible cost items will be supplied to the City upon completion of the project. Payment of the grant will be based on the City’s review and satisfaction with all reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the property owner. The grant may be reduced or cancelled if the eligible work is not completed, or not completed as approved.

If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the City reserves the right to increase or decrease the total amount of the grant. The annual grant payment will be based on the actual increase in property taxes as calculated, based on the actual re-valuation by the MPAC following project completion.

The City may discontinue the ERG at any time. However, participants in the ERG with applications and agreements that were approved prior the closing of the program will continue to receive grant payments as determined through their ERG Agreement with the City. The City is not responsible for any costs incurred by the owner/applicant in any way relating to the program, including without limitation, costs incurred in anticipation of a grant.

8.2.3 Eligibility Requirements

All owners of properties within the ERASE Community Improvement Project Area are eligible to apply for funding under this program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

a) An application for the ERG must be submitted to the Economic Development Department prior to the commencement of any works and prior to application for building permit;

b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the CIP;

c) The applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment undertaken by a qualified person that:

i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,
ii) Contains a detailed work plan and budget for said environmental remediation.

d) As a condition of the grant application, the City may require the applicant to submit a Business Plan, with said Plan to the City’s satisfaction;

e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the grant provided under this program shall not exceed the total value of work done under eligible program costs;

g) Eligible program costs include the costs of:

i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;

ii) Phase II and ESA’s, risk assessments or remedial work plans not covered by the SGP;

iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

iv) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

v) the following Leadership in Energy and Environmental Design (LEED) Program components up to a maximum of 50% as per the City of Hamilton’s LEED Grant Program (LGP) to achieve LEED certification under the LEED rating system by the Canadian Green Building Council – CaGBC:

   a) incremental construction costs,
   b) consultation costs,
   c) energy modeling, and
   d) certification fees

vi) demolition not covered by demolition charge credits (Areas 2 and 3 only);

vii) removal of existing on-site infrastructure prior to replacement up to a maximum of 25% of construction/improvement costs for of on-site public works (water services, sanitary sewers and storm sewers) (Areas 2 and 3 only); and,

viii) certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only).
h) The total of the grant provided under this Program and the SGP (8.1), and the tax assistance provided under the Tax Assistance Program (TAP) (8.3) and grants or loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the land and buildings;

i) Actual costs for any or all of the items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;

j) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the grant;

k) All RGP applications must be approved by City Council or City Council’s designate;

l) The owner shall submit to the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, a record of site condition prepared by a qualified person. The owner shall notify the City when the record of site condition has been submitted. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

m) The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use.

n) If a building(s) erected on a property participating in this Program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;

o) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code, and in compliance with all applicable official plan and zoning requirements and approvals; and,

p) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to grant approval.

8.2.4 Administration

The Economic Development Department will be responsible for administering the RGP, in consultation with other departments as necessary. Applications shall be submitted to the Economic Development Department and shall be accompanied by a Phase II ESA and/or risk assessment undertaken by a qualified person that:
i) identifies the extent and provides a cost estimate for the environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works of the eligible property; and,

ii) contains a detailed work plan and budget for said environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

In addition, a cost estimate for all eligible LEED program component costs by a LEED’s certified specialist must be provided.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or risk assessment undertaken by a qualified person that identifies the estimated cost of environmental remediation and a written contractor’s estimate for other eligible works. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

In instances where an applicant cannot satisfy staff with all necessary eligible cost estimates and required back-up documentation, staff reserves the right to consider an application as part of a two step application and approval process, with the ultimate approval residing with City Council.

A recommendation on the ERG Application (including estimated eligible costs) will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or Council’s designate) approves the ERG Application, the ERG Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement.

The Owner shall submit to the MOE, a signed record of site condition (RSC) prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and
the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

Once the redevelopment project is complete and the property has been re-valued by the MPAC, the property owner will be sent a new tax bill. After the property owner has paid in full the new taxes for one (1) year, the City will check to see that the property is not in tax arrears and that the property is still in conformity with the terms of the ERG Agreement. The City will calculate the actual tax increment and grant payment. The City will then issue payment of the grant in the form of a cheque in the amount specified as per the calculation of the actual grant payment.
8.3 ERASE Tax Assistance Program (TAP)

8.3.1 Purpose

The purpose of the TAP is similar to the RGP, i.e., to remove a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. Specifically, the TAP applies only to the costs of environmental remediation.

The legislative authority for the TAP is established under Sections 365.1(2) and (3) of the Municipal Act which allow municipalities to pass a by-law providing tax assistance to an eligible property in the form of a freeze or cancellation of part or all of the taxes levied on that property for municipal and school purposes during the rehabilitation period (maximum 18 months from the date that tax assistance begins) and the development period of the property. Matching assistance from the education property tax is subject to approval by the Ministry of Finance.

8.3.2 Program Description

The Tax Assistance Program consists of two stages. In the first stage, taxes may be frozen. In the second stage, the developer will initially pay for the entire cost of the remediation and redevelopment project. When the municipality receives the incremental property taxes that result from the project, the municipality may cancel a portion of the increase in City taxes that result from redevelopment. The tax assistance will continue for a period of up to three years, at which point, if the City so chooses, continued assistance may be offered either through TAP or through the ERASE Redevelopment Grant Program (RGP).

Under the TAP, 80% of the increase in the City and education portion of taxes that results from remediation and rehabilitation of the property will be cancelled. Cancellation of the education portion of taxes will only be undertaken if the City of Hamilton receives the approval of the Minister of Finance. Approval for the education portion of the property tax under the TAP may be provided by the Minister of Finance on a case-by-case basis by means of individual applications. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

The TAP will commence on or after approval of this CIP, and the TAP will continue for a period of approximately 10 years from the date of approval of this CIP by the Minister of Municipal Affairs and Housing. All tax assistance provided under the TAP to a property will cease:

a) when the total tax assistance provided equals the total cost of environmental remediation, i.e., the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; or,

b) after ten (10) years for the municipal portion of taxes, and after such time period as is approved by the Minister of Finance for the education portion of the taxes; whichever comes first.

If tax assistance is approved by the Minister of Finance, the timing and conditions associated with matching tax assistance relating to the education portion of taxes may be different from
those of the municipality. Education Tax Assistance will be to a maximum of a three year period unless otherwise approved by the Minister of Finance.

The TAP is an application based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the grant program by filing an ERASE TAP Application with the Economic Development Department. Before accepting this application, the Economic Development Department will screen the application to ensure that it is for a property within the designated Community Improvement Project Area and the application meets all of the eligibility requirements. Applications that are not within the Project Area or applications that clearly do not meet the eligibility requirements will not be accepted. Acceptance of the application by the Economic Development Department City in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of applications and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the TAP must enter into an agreement with the City. This Agreement will specify the terms and conditions of the tax assistance. All TAP applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes ("city base rate") and the amount of education taxes ("education base rate") will be determined before commencement of the project and before the record of site condition is filed in the Environmental Site Registry. For stage 1 of the TAP, taxes may be frozen at this city base rate and, if approval granted by the Minister of Finance, education base rate. For stage 1 of the TAP, taxes may be frozen. For stage 2 of the TAP, the increase in the City portion of real property taxes (or "municipal tax increment") will be calculated as the difference between the city base rate and the amount of City taxes levied as a result of re-valuation by MPAC following project completion. The increase in the education portion of real property taxes (or "education tax increment") will be calculated as the difference between the education base rate and the amount of education taxes levied as a result of re-valuation by MPAC following project completion. This program does not exempt property owners from an increase/decrease in municipal or education taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

The applicant shall obtain and submit to the City a Phase II ESA, risk assessment and/or remedial work plan undertaken by a qualified person that:

a) identifies the extent and provides a cost estimate environmental remediation of the eligible property; and,

b) contains a detailed work plan and budget for said environmental remediation.

To qualify for education tax assistance, the subject property, as of the date of the phase two environmental site assessment was completed, did not meet the standards that must be met under subparagraph 4 i of subsection 168.4 (1) of the Environmental Protection Act to permit a record of site condition to be filed under that subsection in the Environmental Site Registry. The actual component costs of the environmental remediation work done will be supplied to the City upon completion of the project. Provision of the tax assistance will be based on the City’s review and satisfaction with all reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to an independent audit, at the expense of the property owner.
If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the municipality reserves the right to increase or decrease the total amount of the tax assistance, subject to any conditions or restrictions with respect to taxes for school purposes as required by the Minister of Finance. The actual amount of the tax assistance will be based on the actual increase in property taxes as calculated based on the actual revaluation by the MPAC, following project completion.

The City may discontinue the TAP at any time. However, participants in the TAP with applications and agreements that were approved prior the closing of the program will continue to receive tax assistance as determined through their TAP Agreement with the City. No right to any tax assistance until it has been duly authorized by the City. The City is not responsible for any costs incurred by the owner/applicant in any way relating to the program, including without limitation, costs incurred in anticipation of tax assistance in stage two of the TAP (e.g., after project completion).

8.3.3 Eligibility Requirements

All owners of property within the ERASE Community Improvement Project Area are eligible to apply for funding under this tax assistance program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

a) An application for the TAP must be submitted to the Economic Development Department prior to the filing of a record of site condition in the Environmental Site Registry under section 168.4 of the Environmental Protection Act, and prior to the commencement of any works and prior to application for building permit;

b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the CIP;

c) As soon as possible the applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment undertaken by a qualified person that:

i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,

ii) contains a detailed work plan and budget for said environmental remediation;

d) As a condition of the tax assistance application, the City may require the applicant to submit a Business Plan, with said Plan to the City’s satisfaction;

e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the tax assistance provided under this program shall not exceed the total value of work done under eligible program costs;
Appendix “B” to Report PED14031
Page 4 of 6

g) Eligible program costs include the costs of:

i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;

ii) Phase II ESAs, risk assessments and remedial work plans not covered by the SGP;

iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

iv) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use.

h) The total of the tax assistance provided under this program, and any grants provided under the SGP (8.1) and the RGP (8.2), and grants and loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the lands and buildings.

i) Actual costs for any or all items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;

j) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the tax assistance;

k) All TAP applications and agreements must be approved by City Council or City Council’s designate;

l) The owner shall submit to the Environmental Site Registry under section 186.4 of the Environmental Protection Act, a record of site condition prepared by a qualified person. The owner shall notify the City when the record of site condition has been submitted. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

m) The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use.

n) If a building(s) erected on a property participating in this program is demolished before the tax assistance period expires, the remainder of the tax assistance shall be forfeited;
The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code, and in compliance with all applicable official plan and zoning requirements and approvals;

p) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to tax assistance approval;

q) For all applications for the TAP that meet the eligibility requirements for matching tax assistance under the provisions of section 365.1 of the Municipal Act, 2001, the City will forward a separate application to the Minister of Finance in order that the Minister may consider providing matching education property tax assistance.

8.3.4 Administration

The Economic Development Department will be responsible for administering the TAP, in consultation with other departments as necessary.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or Phase III ESA/SSRA undertaken by a qualified person that identifies the estimated cost of environmental remediation. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

A recommendation on the TAP Application and a TAP Agreement will be prepared by City staff. Staff will also prepare a Draft by-law under Section 365.1 of the Municipal Act to effect tax assistance equal to 80% of the increase in taxes levied for City, and taxes levied for school purposes. This Draft by-law will be forwarded to the Minister of Finance for approval of the tax assistance equal to the increase in taxes levied for school purposes. Once written approval of the by-law is received from the Minister of Finance, any conditions or restrictions specified by the Minister will be included in the by-law.

The recommendation on the TAP Application and the TAP Agreement will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or City Council’s designate) approves the TAP Application and the TAP Agreement, the TAP Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The implementing by-law will then be forwarded to Council for adoption. The by-law requesting matching education tax assistance will be forwarded to the Minister of Finance for approval within 30 days of Council’s adoption.
The Owner shall submit to the MOE a signed RSC prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

Once the redevelopment project is complete and the property has been re-valued by the MPAC, the property owner will be sent a new tax bill from which 80% of the City tax increment and the portion of the education tax increment that will be cancelled. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining portion (if any) of the increase in the education portion of property taxes will be remitted to the Province of Ontario.
8.4 Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program (RLP)

8.4.1 Purpose

The purpose of this program is to help remove a serious financial impediment to brownfield redevelopment efforts. Because it is often difficult to secure traditional financing for the remediation of contaminated properties, the City, by providing a low interest loan, is offering financing assistance and the economic stimulus for the remediation of properties being developed/redeveloped as residential or residential/commercial use within the defined areas of Downtown Hamilton and the West Harbourfront.

8.4.2 Program Description

The Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program (RLP) has been developed to stimulate residential or residential/commercial development/redevelopment on properties requiring remediation (i.e. brownfield properties) that are located within Downtown Hamilton or the West Harbourfront. Downtown Hamilton is defined as the Downtown Hamilton Community Improvement Project Area (as such boundaries are presently defined). The West Harbourfront is defined by the boundaries of the Setting Sail Secondary Plan. The Program is an “add on” to the existing ERASE Community Improvement Plan implemented by the Economic Development Division.

The Program offers a loan for the remediation of properties being developed/redeveloped for residential or residential/commercial use. The Program will provide financial assistance through a low interest loan equal to 80% of the cost of remediating a property within the defined areas to a maximum of $400,000 per property/project. The loan is to be a ‘bridge’ until such time as the property owner receives their ERASE Redevelopment Grant money or the Hamilton Downtown Property Improvement Grant Program.

The development/redevelopment arising from this Pilot Program must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, the West Harbourfront Secondary Plan, relevant Urban Design Guidelines, and Zoning By-laws as well as any other City Council approved policy/regulation.

The Program is offering financial assistance for qualifying projects through a low interest loan equal to 80% of the remediation costs of the property, up to a maximum loan per property/project of $400,000.

The Program is not intended to provide a loan for the total development/redevelopment of the property but solely for the remediation costs that qualify under the criteria of the ERASE Redevelopment Grant Program, excluding LEED eligible component costs.
Actual costs for which the City loan is being provided may be subject to audit.

Prior to a loan being approved, realty taxes are required to have been paid in full as billed each year and remain in good standing throughout the development/redevelopment of the property.

The loan under this Program, once approved, will be provided to the owner, in progress payments based on 80% of the actual qualifying remediation costs incurred as evidenced by copies of paid invoices. Such progress payments will be advanced within 30 days of submission of the property owner’s request for a loan draw. There will be a limit of six draws, spaced no less than 30 days apart.

The loan provided under this Program will be subject to a Loan Agreement, and will be specifically secured by an assignment of the grant payments under the ERASE Redevelopment Grant Program. Payments under the ERASE Redevelopment Grant will be applied directly to the remediation loan until such time as the loan is repaid, and any balance in the grant will then and only then flow directly to the owner.

The owner has the option of securing the loan by an assignment of the grant payments under the City of Hamilton’s Hamilton Downtown Property Improvement Grant Program if eligible. Note: The ERASE Redevelopment Grant is transferable to new property owners. City Council at its sole discretion may cease grants under the Hamilton Downtown Property Improvement Grant Program if property ownership changes. The Hamilton Downtown Property Improvement Grant Program shall not be transferred if the development/redevelopment of the property is incomplete.

Remediation of the property will commence no longer than one year following City Council’s approval of the loan commitment and be completed no longer than two years following City Council’s approval of the loan commitment. The one and two year periods may be extended by City Council at its absolute discretion.

Redevelopment/development of the property will commence no longer than three years following City Council’s approval of the loan commitment and be completed no longer than four years following City Council’s approval. The three and four year periods may be extended by City Council at its absolute discretion.

The loan, if being repaid through the assignment of grant payments under the ERASE Redevelopment Grant Program, will be fully amortized over a maximum 10 year period calculated from the first full year in which the property is reassessed by MPAC. 100% of the grant amount will be applied to the repayment of the loan until the loan is fully repaid. In the event that the full 10 year grant amount is not sufficient to repay the loan in its entirety, supplemental payments will be a requirement of the applicant in order that each year through the 10 year repayment term, one-tenth of the loan amount is repaid.

The loan, if being repaid through the assignment of grant payments under the Hamilton Downtown Property Improvement Grant Program, will be fully amortized over a
maximum five year period calculated from the first full year in which the property is reassessed by MPAC. 100% of the grant amount will be applied to the repayment of the loan until the loan is fully repaid. In the event that the full five year grant amount is not sufficient to repay the loan in its entirety, supplemental payments will be a requirement of the applicant in order that each year through the five year repayment term, one-fifth of the loan amount is repaid.

In the event that the development/redevelopment of the property has not proceeded within one year of the remediation being completed or, the owner invalidates their qualification under the ERASE Redevelopment Grant, the loan will be capped immediately (unless alternate security acceptable to the City is provided) at the drawn amount and shall be repaid in annual installments over no longer than a five year period calculated from the date City Council approved the loan commitment.

Interest on the principal amount only will be repaid annually by the applicant commencing one year following the date of the first advance of the loan until such time as the repayment terms of the principal plus interest are confirmed.

The annual interest rate on the loan will be 1% below the prime rate as established by the Royal Bank of Canada. Such rate shall be established at the time the first installment of the loan is advanced by the City and reset annually on the anniversary date of the first advance.

The loan, together with interest can be prepaid in full by the owner without notice, penalty or bonus at any time.

Approval of loan applications is at the absolute discretion of City Council and subject to availability of funds.

In order to support the redevelopment/development within the defined areas, the remediation loan may be received by an owner in conjunction with any other available municipal incentive program.

In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the property by the Owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with interest accrued to date.

In the case where the owner is a corporation, the owner covenants and agrees that in the event that there is a change in the effective control of the majority of the voting shares of the owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with interest accrued to date.

Regardless of whether or not an Applicant otherwise satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the
opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

8.4.3 Eligibility Requirements

Qualifying owners are owners of properties who qualify for financing under the ERASE Redevelopment Grant Program and/or the Enterprise Zone Grant Program.

Qualifying properties are properties that fall within the Downtown Hamilton or West Harbourfront as defined by the Downtown Hamilton Community Improvement Project Area or the boundaries of the Setting Sail Secondary Plan.

Eligible program costs are the same as those established for the ERASE Redevelopment Grant Program excluding LEED eligible component costs. Eligible costs include:

- The cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;
- Phase II and Environment Site Assessments (ESA's), risk assessments or remedial work plans not covered by the ERASE Study Grant Program;
- Installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;
- Monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;
- Demolition not covered by demolition charge credits (Area 3 only);
- Removal of existing on-site infrastructure prior to replacement up to a minimum of 25% of construction/improvement costs for on-site public works (water services, sanitary sewers and storm sewers) (Area 3 only);
- Certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only).

The following terms specifically apply:

a) The improvements made to buildings and/or land shall be in accordance with the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning requirements and site plan approvals.

b) All owners receiving approval for a City loan under this Program shall be required to enter into a Loan Agreement with the City.
8.4.4 Administration

The Economic Development Department will be responsible for administering the Loan, in consultation with other departments as necessary, specifically the Downtown and Community Renewal Division. Applications shall be submitted to the Economic Development Department and shall be accompanied by a Phase II ESA and/or risk assessment undertaken by a qualified person that:

i) identifies the extent and provides a cost estimate for the environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works of the eligible property; and,

ii) contains a detailed work plan and budget for said environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or risk assessment undertaken by a qualified person that identifies the estimated cost of environmental remediation and a written contractor’s estimate for other eligible works. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies loan approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

An application fee of $250.00.00 must accompany the application. All fees will be authorized through a user-fee by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.

A recommendation on the application (including estimated eligible costs) and RLP Agreement will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or Council’s designate) approves the RLP Application, the RLP Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy
will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement.

The Owner shall submit to the MOE a signed record of site condition (RSC) prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

The Program is being introduced as a pilot program. Staff will review the success of the pilot program and report back to the Economic Development and Planning Committee recommending its continuance or expansion in Q2/13.