

City of Kingston By-Law Number 2026–...

A By-law to Approve a Heritage Property Grant Program for the City of Kingston

Whereas:

Section 39 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 (the “*Ontario Heritage Act*”) authorizes the council of a municipality to pass a by-law providing for the making of a grant or loan to the owner of a property designated under the *Ontario Heritage Act* for the purpose of paying for the whole or any part of the cost of alteration of the property on such terms and conditions as the council may prescribe; and

Section 45 of the *Ontario Heritage Act* authorizes the council of a municipality to pass a by-law 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 *Ontario Heritage 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

On January 23, 2018, council for The Corporation of the City of Kingston (the “*City*”) enacted *City of Kingston By-Law Number 2018-26, Heritage Grant By-law*; and

Council for the *City* (“*council*”) considers it necessary and desirable for the public to repeal and replace *City of Kingston By-Law Number 2018-26*.

Therefore, *council* enacts:

1. Approval of Heritage Property Grant Program

- 1.1 *Council* hereby approves the Heritage Property Grant Program (the “*Program*”) as outlined in Schedule “A” of this by-law.
- 1.2 *Council* delegates authority to the Director, Heritage Services (the “*director*”), to administer the *Program*.
- 1.3 The *director* may approve or prescribe the form of all applications and other

forms for the purpose of the *Program*, specify the procedure for the use of the forms and require their use for any purpose of the *Program*.

- 1.4 The *director* may prescribe supplemental *Program* guidelines, evaluation forms, or procedures to accompany the *Program*.
- 1.5 The *director* may rectify minor administrative oversights in respect of any application or form associated with the *Program*.

2. Coming into Force & Repeal of Former By-law

- 2.1 This by-law will come into force and take effect on the date of its passing.
- 2.2 As of the date that this by-law comes into force and takes effect, *City of Kingston By-Law Number 2018-26, Heritage Grant By-law*, is repealed in its entirety.

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Schedule "A"

City of Kingston Heritage Property Grant Program

City of Kingston Heritage Property Grant Program

1.0 Description and Intent of Program

- 1.1 The City of Kingston Heritage Property Grant Program (the “**Program**”) provides matching grants to assist owners of properties subject to a heritage conservation easement or designated under Part IV or Part V of the Ontario Heritage Act, R.S.O. 1990, c. O.18 (the “**Act**”) with the cost of undertaking eligible *conservation works*.
- 1.2 The *Program* is administered by the City of Kingston (the “**City**”) Heritage Services Department.
- 1.3 The *Program* is open to *eligible properties* within the geographic boundaries of the City of Kingston.
- 1.4 The *Program* is based on availability of funding, which is approved as part of the *City’s* annual budget. Once all available funds for a given calendar year have been allocated, no further applications will be accepted or approved until the following calendar year.
- 1.5 For clarity, the issuance of a grant under the *Program* does not absolve the owner of the *eligible property* from obtaining all other permits or approvals required by law to undertake the *eligible conservation works*.

2.0 Definitions

Act has the meaning set out in subsection 1.1 above.

Applicant means the applicant for a grant under the *Program* and may include the registered owner of the *eligible property* or a person authorized in writing to act on behalf of the registered owner.

City has the meaning set out in subsection 1.2 above.

Council means the council of the *City*.

Director means the *City’s* director of the Heritage Services Department.

Eligible conservation works means works to an *eligible property* that satisfy all of the requirements of section 4.0 below.

Eligible property(ies) means a property within the geographic boundaries of the City of Kingston that satisfies all of the requirements of section 3.0 below.

HCD means a heritage conservation district designated by *council* pursuant to Part V of the *Act*.

HCD Plan means an *HCD* plan adopted by *council* pursuant to section 41.1 of the *Act*.

Heritage attribute(s) means in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest, as same may be specifically or generally described in an *HCD Plan*, a heritage designation by-law, or a heritage conservation easement.

Large project means a project, or a series of related projects forming part of a single undertaking, consisting of *eligible conservation works* having an estimated *total cost* of at least \$50,000, as evidenced by quotations, estimates, or other documentation approved by the *director*.

Large project stream means the *Program* stream described in subsection 5.1(a) below.

Preserve or *preserving* means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an *eligible property*.

Program has the meaning set out in subsection 1.1 above.

Restore or *restoring* or *restoration* means the process of accurately revealing, recovering, replicating, reproducing, reconstructing, or representing the state of an *eligible property* at a particular period in its history, while still protecting the *heritage attributes* of the *eligible property*.

Routine maintenance means cyclical, non-destructive actions, which are necessary to slow the deterioration of an *eligible property*, and includes:

periodic inspections;

property cleanup;

gardening and repair of landscaping features that are not *heritage attributes*;

replacement of broken window glass;

minor exterior repairs, including the like-for-like replacement of individual or limited

numbers of asphalt shingles, where there is no material change in colour, profile, material, or design, and which do not constitute full or partial re-roofing;

repointing areas of wall space under 1.5 square metres; and

any other work described as “maintenance” in the heritage designation by-law registered on title to the *eligible property* under Part IV of the *Act*.

Small project stream means the *Program* stream described in subsection 5.1(b) below.

Total cost means the aggregate of all costs actually and reasonably incurred and paid by the *applicant*, or to be incurred and paid by the *applicant*, in connection with the *eligible conservation works*, inclusive of HST, as evidenced by estimates, invoices, receipts and proof of payment satisfactory to the *City*.

3.0 Eligible Properties

3.1 To be eligible for a grant under the *Program*, a property must be:

subject to a heritage conservation easement or a heritage designation by-law registered on title to the property under Part II or Part IV of the *Act*; or

located within an *HCD* and identified in the *HCD Plan* as contributing to the heritage value or *heritage attributes* of the *HCD* (for example, the property is identified as ‘heritage’, ‘significant’ or ‘contributing’ in the *HCD Plan*). A property that is located within an *HCD*, but that is not identified as contributing to the heritage value or *heritage attributes* of the *HCD* (for example, the property is identified as ‘non-heritage’ or ‘non-contributing’ in the *HCD Plan*) is not eligible for a grant under the *Program*.

3.2 The following additional conditions must be met for a property to be eligible for a grant under the *Program*:

- (a) all property taxes, utility bills and other payment obligations to the *City* in respect of the property must be in good standing;
- (b) the property must be in compliance with all applicable by-laws, including being free of any outstanding compliance orders, enforcement orders, or contraventions; and
- (c) any additional conditions imposed by the *director* from time to time to maintain the objectives of the *Program*.

- 3.3 Despite subsection 3.2(b), the *director* may approve a grant application under the *Program* where there is an outstanding property standards order or other order that relates to a *heritage attribute* on an *eligible property*, provided the application satisfies all other requirements of the *Program* and the completion of the proposed *eligible conservation works* will achieve compliance with the order.
- 3.4 *Eligible properties* that are receiving funding through the *City's* Heritage Tax Refund Program as of the date of the *Program* application are not eligible for a grant under the *Program*.
- 3.5 An *eligible property* may not receive a grant under the *Program* and a Heritage Property Loan from the *City* in the same calendar year. If an *applicant* applies for both a grant under the *Program* and a Heritage Property Loan from the *City*, the application for a grant under the *Program* will be suspended until the following calendar year.
- 3.6 *Eligible properties* that are receiving funding through the *City's* Heritage Fund or any other grant program administered by the *City* as of the date of the *Program* application are eligible for a grant under the *Program*, provided that the proposed scope of work described in each application does not overlap, as determined by the *director*.
- 3.7 *Eligible properties* that have received approval for a grant under the *Program* are not eligible for additional grants under the *Program* until all *eligible conservation works* have been completed and inspected to the satisfaction of the *City*.
- 3.8 Properties owned by any level of government, or by any institution that receives funding from any level of government, are not eligible for a grant under the *Program*.

4.0 Eligible Conservation Works

- 4.1 To be eligible for a grant under the *Program*, the proposed work must:
- (a) be authorized by a valid heritage permit issued under the *Act*; or
 - (b) be subject to a heritage permit application submitted to the *City* concurrently with the grant application, in which case, grant approval will be conditional upon issuance of the required heritage permit.
- 4.2 Grant funding under the *Program* will be limited to work approved under the *Act* that conserves, *preserves*, *restores* or enhances *heritage attributes*, and does not

detract from the cultural heritage value of the *eligible property* or the *HCD*. Eligible work includes only the following:

- (a) the repair, conservation or reconstruction of existing *heritage attributes*;
- (b) the repair or replacement of windows in accordance with the *City's Window Policy and Guidelines*;
- (c) the repair of masonry elements in accordance with the *City's Policy on Masonry Restoration in Heritage Buildings*;
- (d) the *restoration* of lost *heritage attributes* where their form and appearance can be accurately determined through archival or documentary evidence, or physical evidence;
- (e) the introduction or repair of protective elements that are intended to safeguard *heritage attributes*;
- (f) conservation works on *heritage attributes* which are necessary to ensure structural soundness, including the correction of serious structural deficiencies that threaten the integrity or survival of a building;
- (g) the repair of commemorative features, including interpretive signage, plaques, and display features;
- (h) professionally prepared condition assessments, window assessments, and heritage impact assessments, related to *heritage attributes*; and
- (i) any other work that the *director* determines will uphold and support the objectives of the *Program*.

4.3 The following types of work are not eligible for a grant under the *Program*:

(a) interior work, unless the work relates to an interior *heritage attribute* identified in the applicable *HCD Plan*, heritage conservation easement or heritage designation by-law registered on title to the *eligible property* under Part II or Part IV of the Act;

(b) *routine maintenance*;

(c) work on any portion of a building that is not identified as a *heritage attribute* in the applicable *HCD Plan*, heritage conservation easement or heritage designation by-law registered on title to the *eligible property* under Part II or Part IV of the Act;

(d)landscaping, unless the landscaping relates to a *heritage attribute* identified in the applicable *HCD Plan*, heritage conservation easement or heritage designation by-law registered on title to the *eligible property* under Part II or Part IV of the Act;

(e)lighting, unless the lighting is a *heritage attribute*;

(f) mechanical systems and insulation;

(g)skylights; and

(h)non-permanent fixtures.

4.4 All *eligible conservation works* must be completed in accordance with the following to be eligible for a grant under the *Program*:

(a) heritage conservation easements and heritage designation by-laws registered on title to the *eligible property* under Part II or Part IV of the *Act*;

(b) applicable *HCD Plans*;

(c) the Ontario Ministry of Citizenship and Multiculturalism’s “Ontario Heritage Tool Kit”; and

(d) Parks Canada’s “Standards and Guidelines for the Conservation of Historic Places in Canada”.

4.5 All *eligible conservation works* approved under the *Program* must be completed within three years from the date of issuance of the heritage permit to which the *eligible conservation works* relate. In exceptional cases, as determined by the *director*, the timeframe for completion of the *eligible conservation works* may be extended for up to one year upon the written request of the *applicant* prior to the expiry of the three year period, which request must specify the exceptional circumstances warranting the extension.

5.0 Funding Formula

5.1 Each calendar year, the *Program* provides grant funding for *eligible conservation works* as follows:

Large project stream: the *Program* will fund one *large project* grant per calendar year, in an amount equal to the lesser of:

50% of the *total cost* of the *eligible conservation works*; or

\$50,000.

Small project stream: the *Program* will provide one or more small project grants per calendar year, each in an amount equal to the lesser of:

50% of the *total cost* of the *eligible conservation works*; or

\$10,000.

- 5.2 Where the *applicant* completes the *eligible conservation works* themselves, the cost of materials, contracted labour, rented equipment, and other directly related expenses may be included in the *total cost*, provided that receipts or other proof of payment satisfactory to the *City* are submitted. The value of any labour performed by the *applicant* (or other non-contracted persons) will not be included in the *total cost*.
- 5.3 An *eligible property* may receive no more than one *large project stream* grant within any three-year period.
- 5.4 An *eligible property* may receive not more than one *small project stream* grant per calendar year.
- 5.5 Where a *large project stream* grant is not awarded or disbursed in any calendar year, any unallocated or undistributed grant funds will be reallocated to the *small project stream* for that calendar year.
- 5.6 Where there are any unallocated or undistributed grant funds under the *small project stream* at the end of a calendar year, the unallocated or undistributed grant funds will be carried forward and added to the allocation for the *small project stream* in the following calendar year.

6.0 Application Requirements

- 6.1 All applications for a grant under the *Program* must include the following in the form prescribed by the *director*:
 - (a) a completed application form;
 - (b) a description of the proposed *eligible conservation works*;
 - (c) photographs of the building and the area of the proposed *eligible conservation works*;

- (d) the estimated *total cost* of the proposed *eligible conservation works*, including a detailed breakdown of the cost of materials, contracted labour, equipment rentals, and related expenses;
- (e) a written owner's authorization where the *applicant* is not the registered owner of the *eligible property*; and
- (f) any other information or documents reasonably required by the *director*.

6.2 All applications for a grant under the *large project stream* of the *Program* must be submitted between January 1 and the last business day of March in each calendar year, and must include, in addition to the requirements set out in subsection 6.1, a detailed rationale outlining the importance of the proposed works to the *heritage attributes* and to the *City*, and the benefit provided by the grant to the *eligible property*.

6.3 Applications for a grant under the *small project stream* of the *Program* will only be considered after a determination has been made with respect to the *large project stream* grant, including a decision to award or not award a grant.

6.4 Applications that satisfy the requirements of the *Program*, but that are not approved for grant funding due to a lack of available funding may apply for a grant under the *Program* in the following calendar year, provided the associated heritage permit is still active.

7.0 Evaluation of Applications

7.1 The following evaluation process applies to *large project stream* applications:

- (a) the *director* will review each application to confirm that it satisfies the requirements of the *Program*;
- (b) applications that satisfy the requirements of the *Program* will be presented to the *City's* Heritage Properties Sub-Committee for ranking and evaluation based on the following criteria:
 - (i) the extent to which the *eligible conservation works* preserve and retain *heritage attributes*;

the degree to which the *eligible conservation works* provide a public benefit or enhance public understanding of heritage conservation;

the urgency of the *eligible conservation works*, including whether the integrity of the *eligible property* is at risk if the *eligible conservation works* are not undertaken;

whether the *eligible property* has previously received funding under the *Program*; and

whether the owner of the *eligible property* is a not-for-profit organization;

the Heritage Properties Sub-Committee will select the application with the highest overall score based on the criteria above and the *director* will recommend the successful application to *council* for approval; and

council will select the successful application for the *large project stream* grant each calendar year and *council's* decision is final.

7.2 The *director* will select the successful applications for the *small project stream* grants each calendar year in accordance with the *Program* requirements and the *director's* decision is final.

7.3 All applications for a *small projects stream* grant under the *Program* will be considered on a first-come, first-served basis based on available funding.

8.0 Award of Grant Funding

8.1 The *City* will not issue an approved grant under the *Program* until the following requirements are satisfied:

- (a) the *City* has completed an inspection of the *eligible property* and has verified that the *eligible conservation works* have been completed in accordance with the *Program* requirements and the heritage permit issued under the *Act*;
- (b) the *applicant* has provided to the *City* evidence of the *total cost* in the form of an itemized invoice; and
- (c) the *City* has received direction regarding payment of the grant funds to the *applicant* or to the registered owner of the *eligible property*.

8.2 Despite anything to the contrary, for the *small project stream* only, where the actual

total cost of eligible conservation works exceeds the estimated *total cost* of the *eligible conservation works* provided in the application, the *director* may, subject to available and unallocated budget, approve an increase to the *small project stream* grant. Any such increase will not exceed 30% of the originally approved grant amount, and in no case will the total grant exceed \$10,000.

- 8.3 Despite anything to the contrary, where the *total cost of eligible conservation works* is less than the estimated *total cost* of the *eligible conservation works* provided in the application, the grant amount will be calculated based on the actual *total cost* of the *eligible conservation works*.