

The Corporation of the Municipality of Brockton



By-Law 2023-049

Being a By-Law to Amend By-Law 2010-40 – Brockton Heritage Trust Fund Program within the Municipality of Brockton.

Whereas By-Law #84-53 the Former Town of Walkerton entered into an agreement with the Province of Ontario to establish a Community Heritage Trust Fund;

And Whereas by By-Law 88-50 the Council of the Former Town of Walkerton did revise the implementation policies for the Administration of the Heritage Fund Agreement established by By-Law #85-43;

And Whereas it is desirable that the Implementation Package approved by By-Law #2007-54 and revised again on June 28, 2010 by By-Law 2010-40 be again revised;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows;

- 1.0 That The Corporation of the Municipality of Brockton Council hereby amends Schedule “A” to By-Law 2010-40 being the Heritage Trust Fund Program By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 That By-Law 2010-40 be hereby amended.
- 4.0 This By-Law may be cited as the “Amend Brockton Heritage Trust Fund Program By-Law”.

Read, Enacted, Signed and Sealed this 25th day of April, 2023.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk) –
Fiona Hamilton

SCHEDULE "A" TO BY-LAW #2010-40 BROCKTON HERITAGE FUND PROGRAM

1. INTRODUCTION

The Brockton Heritage Fund Program functions under The Brockton Heritage Committee, a committee of the Municipality of Brockton, for the rehabilitation, restoration, conservation and improvement of designated buildings and properties. The Fund is administered by the Brockton Heritage Committee with final approval by the Council of the Municipality of Brockton.

Eligible properties must be designated under section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 (as amended).

2. OBJECTIVES

The Brockton Heritage Fund Program was established to encourage conservation and to promote the conservation and stabilization of properties and areas of architectural and historical value within the Municipality of Brockton. In 2007, the administration of the Brockton Heritage Fund fell under the jurisdiction of the Brockton Heritage Committee.

The revolving nature of the fund is intended to finance activities which both fulfill the mandate of the fund and also return money to the fund for further related activities.

3. FORM OF FINANCIAL ASSISTANCE

Financial assistance may be in the form of grants, loans and loan guarantees to: (1) owners of designated properties for restoration projects, (2) purchasers of designated properties under the Ontario Heritage Act. Loans under The Brockton Heritage Fund Program are available only for designated Heritage Properties/Buildings.

3.1 LOANS

Brockton Heritage Committee (BHC) and Brockton Council may approve loans to cover a restoration project, or purchase of a designated property. Generally, the loans granted will be up to a maximum of \$10,000; however, the maximum amount may be increased at the discretion of Brockton Heritage Committee (BHC)

and Brockton Council. Upon application approval and following execution of any required agreement, provisions of securities registration of lien, and meeting of any prior conditions, the initial 50% of the loan amount will be forwarded upon meeting of all other conditions. Satisfactory proof of actual costs must be provided along with photographs of the completed work.

At the discretion of the BHC and Council, the said initial 50% of the loan amount may be made payable to the applicant and/or jointly to the applicant and the approved contractor.

Loans under this Program may be used to finance the costs of a restoration project in conjunction with Provincial grants. Loans under this Program are not to be used to fund the applicant's portion of the work.

The rate of interest charged on loans made under the Program will be 1/2 the prime interest rate, at the time the agreement is signed. For the purpose of this loan, the term "prime interest rate" shall mean the rate charged to the Municipality of Brockton by their bankers. The amortization period shall be negotiated up to a maximum of 5 years. Repayment shall be by blended monthly payments of principal and interest for the term of the selected amortization period. Total debt on property may not exceed 70% of market value in order to qualify for a Brockton Heritage Fund loan. In event of the sale of the property, the loan shall immediately become due and payable.

All loans shall be secured by the registration of a lien upon the land in respect of which the loan is made.

Evidence must be provided by the applicant of adequate insurance coverage on an annual basis to the Municipality's satisfaction. Failure to provide copies of the annual insurance coverage will result in the loan becoming due and payable thirty (30) days after the yearly anniversary date of the loan. In addition, the applicant must provide such other securities as the Municipal Solicitor might deem appropriate.

The first loan must be discharged by the Municipality before the same named applicant may be permitted to apply for a second loan application. This will be at the discretion of the Brockton Heritage Committee and Municipal Staff.

3.2 GRANTS and LOANS

Under special circumstances, a grant may be authorized without a loan to a maximum of \$5,000.00.

Notwithstanding that Financial Assistance may be in the form of grants, the maximum grant which may be made from the Brockton Heritage Fund shall not exceed 10% of the total loan and where a loan is applied for, no grant shall be payable without loan application and approval. No Grant monies may be accessed unless the approved project is undertaken.

The approved Grant/Loan must be signed by the applicant within 30 days from the approval date failing which the Grant/Loan shall be null and void and the approved funds will revert back to the Brockton Heritage Fund

If the project is not undertaken within 12 months of Municipal approval the application will be considered abandoned and the property owner will need to re-apply.

Under special circumstances, on a case by case basis, a grant may be authorized without a loan to a maximum of ~~\$5,000.00~~ amount at the discretion of Council. Such discretion may include consideration of factors such as:

- 1) The type and purpose of the project being undertaken**
- 2) Efficiency of completing the project**
- 3) Publicly or privately owned property**
- 4) Number of previous grant requests**
- 5) Confirmation that the property is not in arrears of municipal taxes.**

4.0 PROGRAM ADMINISTRATION

4.1 APPLICATION PROCESS

The property owner or property purchaser shall submit an application for a loan/grant to the Municipality of Brockton. Application forms are available from the Municipal Office.

All applications for funding must be approved by the Municipality of Brockton before any work may proceed.

Where necessary, the municipality may request plans, specifications, drawings, historic photographs and present day photographs.

Project proposals will be referred to Brockton Heritage Committee (BHC).

In conjunction with municipal staff, Brockton Heritage Committee (BHC) will prepare comments and provide Brockton Council with reasons for accepting or rejecting the project proposal.

Brockton Council's decision is final. The applicant will be informed in writing of Brockton Council's decision.

Work undertaken must be inspected to ensure conformity to the proposal submitted.

Inspections will be carried out by a municipal appointee/Heritage Consultant or Chief Building Official engaged for that purpose.

4.2 CLAIM PROCEDURE

On completion of the project and submission of pre and post renovation photographs, invoices, the Chief Building Official's report concerning satisfactory completion of the project, will be submitted to the Brockton Heritage Committee for approval.

After approval of, payment of the final 50% loan will follow submission of the claim form to the Chief Financial Officer, Municipality of Brockton.

5.0 **ELIGIBLE PROJECTS**

5.1 **PROPERTIES DESIGNATED UNDER PART IV, ONTARIO HERITAGE ACT.**

5.1.1 **General**

Any work which conserves or enhances elements specified in the reason for designation is eligible.

It is important that the reason for designation be sufficiently detailed and explicit to include all significant elements of the property.

Landscape is not eligible.

The reconstruction of significant architectural features for which the appearance can be clearly determined from documentary sources.

These may be any of the elements cited in the preceding section.

Also included is the reconstruction of shop fronts which have been altered or replaced.

The documentation should be in the form of historic photographs clearly showing the feature(s) to be reconstructed

Short-term, routine maintenance is not eligible.

5.1.2. Exterior

a) The conservation of significant architectural features are as follows:

This might include the conservation or restoration of:

- doors
- windows
- verandahs
- chimneys
- bargeboard or other decorative trim
- any other feature important to the overall composition of the structure as specified in the reasons for designation
- fences and outbuildings if specifically referred to in the reasons for designation.
- The conservation or renewal of original siding and roofing materials.

These might include repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). It also includes removal of a modern replacement with the original material (where original material can be documented).

b) It does not include:

- work on modern additions
- sheds or outbuildings not specifically referred to in the reasons for designation
- modern doors and windows unless replicas of the original
- new storm or screen doors and windows
- chimney repairs other than restoration of a significant chimney
- repair of eavetrough unless its nature is such that it is significant to the heritage of the structure
- repairs or renewal of modern materials

- This includes minor repairs (such as repairing a broken step or a broken window), painting (other than as specified in section 5.1.3), repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)

Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. Under no circumstances will loans/grants be granted for sandblasting. Removal of paint from brick or other surfaces must be approved by the Brockton Heritage Committee according to established Heritage guidelines, methods and practices.

Any construction, re-construction, structural change, repairs, replacements and alternations for a designated building must be applied for in writing and approved by the Brockton Heritage Committee under the Ontario Heritage Act 1990, Chapter 0.18 (as amended) Part IV Section 33(1)(2)(3)(4)(a,b). This Section also applies to Grants and Loans approved under the Brockton Heritage Fund.

5.1.3 Painting

Any property may receive a loan/grant for exterior painting in documented colours.

Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area at the time of the original construction.

5.1.4 Structure

Work necessary to restore the building to structural soundness, but not including structural work to accommodate modern renovations, is eligible.

This includes the correction of serious structural faults which threaten the building's survival, but does not include routine maintenance.

Structural work necessitated by modern renovation (e.g. a new supporting beam over the opening for a patio door) is not eligible.

5.1.5 Interior

Interior work is not eligible except for the conservation of features specifically referred to in the reasons for designation.

Eligible interior features, if specified in the reasons for designation, including woodwork, plaster work, wall or ceiling murals, etc.

New services (electrical, plumbing, heating) and insulation are not eligible.

5.2 PROPERTIES DESIGNATED UNDER PART V, ONTARIO HERITAGE ACT

Any improvements to the property as specified in a Heritage Conservation District Plan

In the case of properties identified in a plan as being of specific heritage value, the definition of an eligible project for a property designated under Part V may apply.

For other properties within a district, an eligible project is defined as any work in accordance with the design guidelines for the property as specified in the Heritage Conservation District Plan.

Short-term maintenance is not eligible.

6.0 FINAL APPROVAL

Notwithstanding the policy statements and guidelines contained in this package, final approval of all applications shall be at the total discretion of the Council of the Municipality of Brockton or its designated agent and is not appealable.

THE BROCKTON HERITAGE FUND PROGRAM

The Fund:

The Brockton Heritage Fund was established by the Former Town of Walkerton in agreement with the Ontario Ministry of Culture and Communications for the purpose of providing monies for the preservation and improvement of Heritage Designated Properties.

The Fund is administered by the Brockton Heritage Committee with final approval by the Council of the Municipality of Brockton.

The Fund is administered by the Municipality and may be used to:

- i. Lend money for the purchase and/or conservation of designated heritage properties;
- ii. Guarantee loans for the purchase and/or conservation of designated heritage properties; and
- iii. Award grants to owners of designated heritage properties for the conservation of those properties.

FURTHER INFORMATION:

If you are interested in obtaining more information about the Brockton Heritage Fund Program or making an application, please contact:

Fiona Hamilton, Clerk
Municipality of Brockton
100 Scott Street
P.O. Box 68
Walkerton, ON N0G 2V0
Telephone: (519) 881-2223 Ext. 124
Email: fhamilton@brockton.ca

**MUNICIPALITY OF BROCKTON HERITAGE FUND PROGRAM
APPLICATION FOR A DESIGNATED PROPERTY LOAN**

TO BE COMPLETED BY APPLICANT AND RETURNED TO MUNICIPAL OFFICE.

NOTE: IN ORDER TO BE ELIGIBLE FOR A LOAN, PROPERTIES MUST BE DESIGNATED UNDER THE ONTARIO HERITAGE ACT.

1. Applicant

Name: _____

Address: _____

2. Property for which application is being made:

3. Property Ownership

(a) Owned by applicant: ☐ Yes ☐ No

(b) Title of property is in name(s) of: _____

Address: _____

(c) Legal Description: Lot(s) Plan No. Deed No.

(d) Date property acquired: Day Month Year

(e) Amount paid: \$ _____

(f) Are there any liens or mortgages outstanding on property? _____
If so please specify:

Amount owed: \$ _____

Interest rate: _____ %

Monthly payments: \$ _____

Term: _____

Amortization period: _____

4. Designation of the Property

(a) By-Law No. _____

(b) Date of By-Law Designating Property: day month year

5. Provide a description of the project and cost breakdown. Include details such as materials to be used, sizes, mortar mixes, etc. Enclose all drawings, photos and/or other material necessary for a complete understanding of the proposed work (use additional sheets as required). Please include copies of any available historic photographs and building plans/specifications.

Description:	:Cost
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_____ : \$

6. If applicable, list other sources and amounts of funding for project.

7. Total capital budget for project:

Acquisition: _____:\$_____

Construction: _____: \$ _____

Total _____: \$ _____

8. Proposed dates of project commencement/completion:

Commencement: day month year

Completion: day month year

I certify that to the best of my knowledge the information provided in this application for a Heritage Fund Designated Property Loan is accurate and complete.

Applicant: _____ Date: _____

For Municipal Use Only – To Be Completed By The Municipality

Application received by: _____

Date: _____

Date of referral: _____

Project

☐ Accepted (conditions)

☐ Not Accepted (conditions)

Authorization: _____

Date: _____

Municipal Council Decision

Project

☐ Accepted (conditions)

☐ Not Accepted (reasons)

Municipal Clerk: _____

Date: _____

Project Evaluation/Comments:[illegible]