

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10386-2022

ADOPTION OF A COMMUNITY IMPROVEMENT PLAN

A By-law to adopt a Community Improvement Plan for the Town of Smiths Falls.

WHEREAS By-Law No. 10385-2022, being a By-law to designate the Community Improvement Project Area, was passed by the Council of the Corporation of the Town of Smiths Falls on the 11th day of October, 2022, pursuant to its authority under to Section 28(2) of Part IV of the *Planning Act*, R.S.O. 1990, c. P. 13 (“The Planning Act”);

WHEREAS the Council of the Corporation of the Town of Smiths Falls has provided for the preparation of the Town of Smiths Falls Community Improvement Plan for Brownfield Redevelopment, Façade and Streetscape Improvements, Accessibility, and Affordable Housing (“Smiths Falls CIP”), pursuant to its authority under Section 28(4) of the *Planning Act*;

WHEREAS the Town of Smiths Falls Official Plan, as adopted in 2016, contains policies in Section 7.2.2 (Community Improvement Plans) that support the use of Community Improvement Plans by Council “to promote and focus public and private sector investment into maintenance, rehabilitation, and redevelopment activities that improve the living and working conditions in the Town”;

WHEREAS the Smiths Falls CIP conforms to the Town of Smiths Falls Official Plan;

AND WHEREAS the Council of the Corporation of the Town of Smiths Falls held a Public meeting with respect to the Smiths Falls CIP on October 11th, 2022, pursuant to its authority under Sections 17 and 28 of the *Planning Act*;

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls, pursuant to its authority under Sections 17 and 28 of the *Planning Act*, enacts as follows:

1. THAT the Downtown and Waterfront Area Community Improvement Plan, enacted through By-Law No. 8602-2013, is repealed.
2. THAT the Smiths Falls CIP, which consists of the attached explanatory text, maps, figures, and tables, is adopted and attached to this By-Law No. 10386-2022 as Schedule “A”. The Appendices to the Smiths Falls CIP do not constitute as part of the Plan.

Read a first, second and third time and finally passed this 11th day of October, 2022

Mayor

Clerk

Nadine Bennett, Deputy

Schedule "A"

Constitutional Statement

The Smiths Falls CIP, attached to this By-Law No. 10386-2022 and dated October 11th, 2022, consists of the explanatory text, maps, figures, and tables contained in Sections 1.0 through 7.0. The Appendices attached to the Smiths Falls CIP do not form a part of the Plan, but they are provided as support materials for information purposes only.

TOWN OF SMITHS FALLS

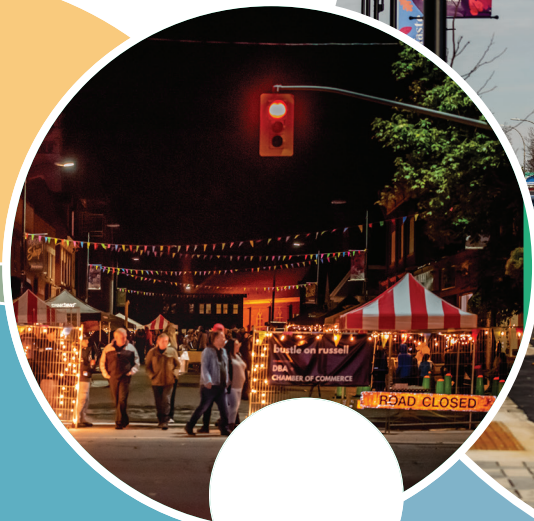
COMMUNITY IMPROVEMENT PLAN

October 11, 2022 Adoption

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1.0 Introduction

1.1 Background

The Town of Smiths Falls is an employment and commercial hub that serves a population of more than 25,000 households. With a regional population of approximately 70,000 residents within a 30-minute drive, the Town is well-positioned to accommodate future growth and offer opportunities for local and regional tourism. Its downtown, with its recently reconstructed main street (Beckwith Street), is characterized by heritage buildings and a diverse mix of uses.

Introduction

According to the Town's Official Plan 2034, Smiths Falls is expected to grow to a population of 10,100 people and add 250 jobs by the year 2034¹; therefore, mechanisms need to be in place to support, promote, and accommodate employment and housing growth while they help to reduce the environmental impacts associated with that growth. To stimulate investment in the revitalization of its community, the Town has created an incentive-based Community Improvement Plan (CIP). A primary goal of this CIP is to “preserve, redevelop, and rehabilitate the built environment, including residential, commercial, industrial, and mixed use areas” (Smiths Falls Official Plan, 2016, s. 7.2.2).

This incentive-based CIP reflects the current economic conditions in the Town and supports affordability, accessibility, good design, economic development, heritage enhancement, and sustainability. It also integrates what has worked in the previous Downtown and Waterfront Area CIP, which was adopted by Council in 2013 and launched in 2015.

1.2 How the CIP Works

A CIP is a tool that municipalities in Ontario can use to stimulate or support economic activity that is in accordance with local and provincial priorities. The requirements for a CIP are outlined under Section 28 of the Planning Act (refer to Appendix A for the policy rationale for using the Community Improvement provisions of the Planning Act and how this CIP is consistent with the Provincial Policy Statement and conforms to the Town's Official Plan, respectively). A CIP is a tool that enables municipalities to establish financial incentives to encourage certain types of development or improvements within defined study areas and allows them to direct funds to specific areas or initiatives that have a need for increased funding and/or attention. Through a CIP, programs are provided that can include municipal grants, loans, and/or rebates for private sector improvements. A CIP also helps municipalities set priorities for Town-led initiatives that complement the private sector investments.

1.3 Overview of this CIP

The purpose of this CIP is to help stimulate investment in the revitalization of Smiths Falls by offering financial incentives to eligible applicants of programs that cover the following four focus areas:

1. **Universal accessibility**, where internal and external improvements to a building are made with respect to a barrier-free design for everyone, regardless of age, physical ability, or stature;
2. **Attainable market-based housing**, where housing costs (excluding utilities) are less than 30% of a low- to moderate-income household's before-tax income;
3. **Brownfield development**, where a brownfield property is one that was previously developed, is currently vacant, and has indicated contamination through professional studies; and,

¹ At the time that this CIP was written, a Land Needs Study was planned for Smiths Falls; its completion may result in a change/update to these statistics.

Introduction

4. **Downtown and waterfront area revitalization** to help create a more inviting atmosphere for residents and visitors through:
 - façade, signage, and landscaping improvements to commercial, multi-unit residential, or mixed use properties; and,
 - restorations, renovations, and improvements to the interiors of commercial, institutional, or mixed use (commercial at grade) buildings.

This CIP:

- outlines the legislative, policy, and planning framework that supports this CIP and its tools to reduce costs to development (Section 2.0 and Appendix A);
- recommends a CIP project area that captures and prioritizes areas within the Town that are subject to the programs of this CIP (Section 3.0);
- Provides targeted incentive programs and associated conditions that can be offered by the Town to directly stimulate private sector investment in development within the CIP project areas (Sections 4.0 and 5.0);
- Provides direction on actions that the Town can take in support of the CIP, in the form of a Municipal Leadership Strategy (Section 6.0); and
- details how to implement, monitor, and update the CIP (Section 7.0).

1.3.1 Goals of this CIP

The goals of this CIP are to:

- improve accessibility of buildings in the Town by incentivizing the creation of new barrier-free design or retrofitting;
- promote and encourage the development of attainable housing to:
 - increase its supply, particularly that of attainable rental housing; and,
 - provide a greater range and mix of attainable housing types to help residents age in place;
- stimulate the Town's local economy by:
 - revitalizing its existing building stock through improvements to their façades, signage, and accessibility, as well as renovations and restorations to its interiors to meet codes in Ontario (Electrical Safety Code, Ontario Building Code);
 - preserving the traditional and heritage features of the Town; and,
 - enhancing walkability, vibrancy, and business vitality through the beautification of the downtown streetscape and public spaces; and,
- promote and encourage the redevelopment of vacant, potentially contaminated land (i.e., brownfield properties) in the Town to create new public spaces or developments that support the other goals of this CIP, as well as accommodate residential, commercial, and employment growth.

2.0 Financial Tools of the CIP

Legislation and policy (Appendix A) enable a series of financial tools that allow the Town to incentivize desired development, redevelopment, or rehabilitation by reducing costs associated with them. A CIP may incorporate into its different programs the following tools to reduce costs associated with development. In the case of this CIP, the following tools are used: rebates, tax increment equivalent rebates, and deferrals.

A **rebate** is where an approved applicant receives money to reimburse incurred expenses on eligible costs to a maximum set by Town Council.

A **tax increment equivalent rebate (TIER)** is where an approved applicant receives partial tax relief in the form of a rebate to cover the incremental municipal tax increase that occurs when a property is improved.

A **deferral** is where an approved applicant does not have to pay for something right away but, instead, will have to pay the amount at a later date.

3.0 CIP Programs by Area

3.1 Community Improvement Project Area

Section 7.2.2 of the Town of Smiths Falls Official Plan states that “Community Improvement Plans [will be utilized] to promote and focus public and private sector investment into maintenance, rehabilitation, and redevelopment activities that improve the living and working conditions in the Town”. As a result, the entire municipality is understood to be an area for community improvement, which is symbolized with a white outline in Figure 1 on the following page.

Applicants whose properties are located anywhere within the specified area for community improvement (CIP Project Area) are eligible to apply for the CIP’s financial incentive programs for attainable housing, brownfield development, and universal accessibility. However, only applicants whose properties are located in the Downtown and Waterfront Area Sub-Area within the CIP Project Area, as symbolized with a yellow overlay in Figure 2 on the following page, are eligible to apply for the CIP’s financial incentive programs associated with the Downtown and Waterfront Revitalization focus area.

CIP Programs by Area



Figure 1: Community Improvement Plan Project Area (white outline)

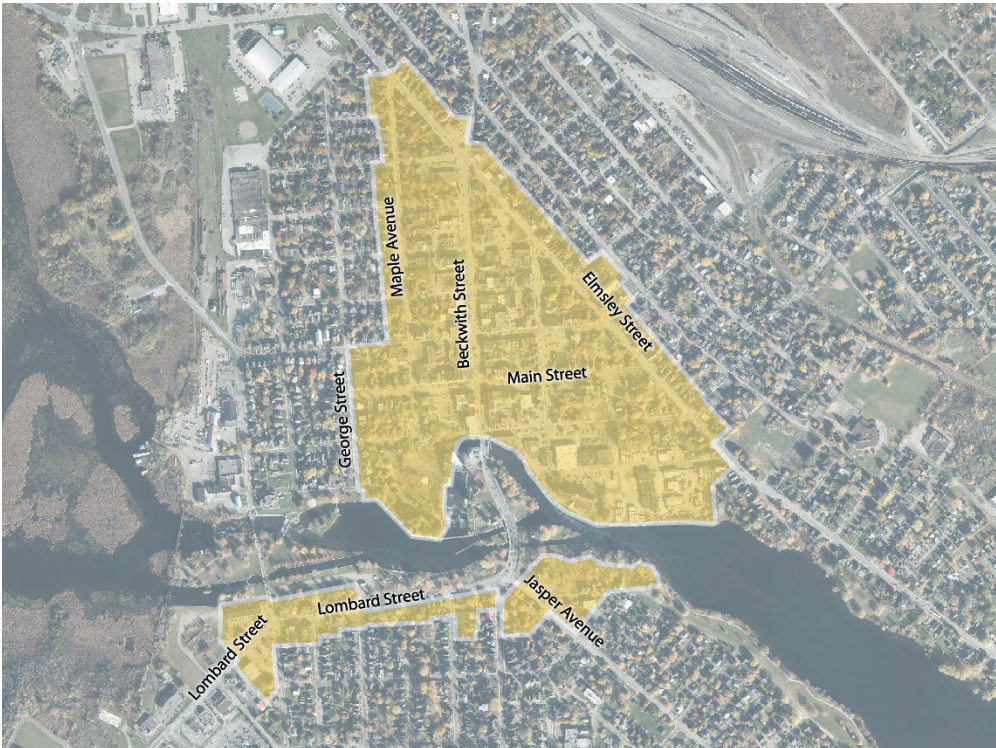


Figure 2: Downtown and Waterfront Area Sub-Area (yellow overlay)

3.2 Financial Incentive Programs by Focus Area

The CIP has 15 financial incentive programs. These programs and their areas of eligibility are summarized in Table 1 below:

Table 1: Area of Eligibility for Financial Incentive Programs by Focus Area

Focus Area	Financial Incentive Program	Area of Eligibility
Accessibility	<ol style="list-style-type: none"> 1. Exterior Universal Accessibility Improvement Program 2. Interior Universal Accessibility Improvement Program 	Town of Smiths Falls
Attainable Housing	<ol style="list-style-type: none"> 3. Development Charge Rebate 4. Building Permit Fee and Planning Application Fee Rebate 5. Tax Increment Equivalent Rebate 6. Additional Residential Unit Rebate 7. Universal Accessibility Co-Application 	Town of Smiths Falls
Brownfield Development	<ol style="list-style-type: none"> 8. Environmental Site Assessment Rebate 9. Tax Increment Equivalent Rebate 10. Building Permit Fee and Planning Application Fee Rebate 11. Development Charge Deferral Program 12. Attainable Housing Co-Application 	Town of Smiths Falls
Downtown and Waterfront Revitalization	<ol style="list-style-type: none"> 13. Front, Side, and Rear Façade Improvement Rebate 14. Building Restoration, Renovation, and Improvement Program 15. Universal Accessibility Co-Application 	Downtown and Waterfront Sub-Area

The CIP’s financial incentive programs are subject to the conditions in Section 4.0 of this Plan.

4.0 Conditions for CIP Incentive Programs

4.1 Conditions for All Incentive Programs

Conditions that are applicable to all financial incentive programs in this CIP are as follows:

1. Eligible program participants include registered property owners, assessed property owners, tenants and assignees as identified in Section 28(7) of the Planning Act.
2. All proposed development shall conform to the Smiths Falls Official Plan, Zoning By-law, any Council-approved design guidelines, and other planning requirements or approvals.

Conditions for CIP Incentive Programs

3. All improvements shall be made pursuant to a building permit and constructed in accordance with the Ontario Building Code where required.
4. In accordance with Section 28(7.3) of the Planning Act, the maximum amount of financial incentives² that is provided in respect of the lands and buildings shall not exceed the eligible cost of the CIP with respect to those lands and buildings.
5. Property taxes shall be in good standing at the time of application and throughout the length of any incentive commitment. Where arrears exist, an application shall not be approved and/or incentives shall not be advanced until arrears are eliminated.
6. There shall be no outstanding payments with respect to other municipal accounts or invoicing at the time of application and throughout the length of any incentive commitment. Where outstanding payments exist, an application shall not be approved and/or incentives shall not be advanced until arrears are eliminated.
7. The owner and/or applicant of the property shall not be involved with any ongoing litigation with the Town.
8. There shall be no outstanding work orders issued by the Town against the property – work orders or requests against the property shall be complied with prior to the consideration of any application or otherwise shall be rectified through the proposed improvements.
9. During the preparation of its annual budget, Town Council shall determine the contribution to be made available to the various programs under this CIP for the following year. The financial incentive programs available under this CIP shall be administered by Town staff within the budget established by Council. Projects that result in over-expenditure to what has been allocated to the CIP's program(s) by Town Council shall have an approved funding amount adjusted as to meet the budget allocated or not be approved, at the discretion of the approval authority.
10. The Town shall not be responsible for any costs incurred by an applicant in relation to applying for any of the incentive programs.
11. Incentive programs shall not apply to any required performance securities (i.e. Letter of Credit) posted by the proponent, to expenses incurred by the applicant because of Ontario Land Tribunal or Court proceedings, or to required professional studies (with exception to a Phase II ESA for the Environmental Site Assessment Rebate for brownfield redevelopment and/or remediation).
12. The Town reserves the right to audit any studies and/or works approved under an incentive program.
13. If the applicant is in default of any program requirement or any other requirement of the Town, the Town may delay, reduce, or cancel its financial incentive program approval.
14. The Town may, at its discretion and without further amendment to the CIP, extend or discontinue any program when and as it deems appropriate. Notwithstanding this, participants in various programs prior to their discontinuation may continue to receive approved incentives after the closing of the program, as determined through individual agreement with the Town and subject to available funding approved by the Town.

² provided in respect of particular lands and buildings under subsections (7) and (7.2) of the Planning Act and the tax assistance as defined in Section 365.1 of the Municipal Act, 2001.

Conditions for CIP Incentive Programs

15. Final decisions with respect to applications and the allocation of funds shall be made in accordance with Table 6 (Approval Authority by Program) in Section 7.1.
16. As a condition of approval, the applicant and/or owner of the property may be required to enter into agreements with the Town. Depending on the nature of the program for which the applicant and/or property owner has applied, these agreements may be registered on the title of the applicable property. The agreement may be made with respect to terms, duration, default, penalty, and termination provisions of the financial incentive. The agreement must be fully executed and registered, as applicable, within six (6) months of approval.
17. Works commenced after submitting an application but prior to application approval are done at the applicant's risk.
18. In no circumstance will the Town provide funding under this CIP for a project that commenced construction before the date this CIP came into force.

4.2 Conditions for Incentive Programs Specific to Attainable Housing

The conditions listed in this section are applicable to the financial incentive programs that incentivize the development of attainable housing. These conditions are to ensure that attainable rental units, specifically, remain attainable for 10 years and do not turn over into market rate housing stock. In addition to the general conditions outlined in Section 4.1 on the reverse, the following conditions apply to applicants who are eligible for incentives related to attainable housing development (i.e., Programs 3 through 7):

1. With respect to incentives related to the provision of attainable rental housing as defined by this Plan, to receive the benefits, eligible applicants shall be required to enter into an agreement with the Town made with the following considerations:
 - a) Each unit that receives a benefit through the program(s) shall meet the program definition of attainable³, as amended from time to time;
 - b) The agreement shall be registered on title;
 - c) The agreement shall be binding on the property owner's heirs, successors, and assigns;
 - d) If the property ownership changes, the agreement shall be binding on the transferee;
 - e) The housing provider must annually provide a statement to the Town of Smiths Falls that confirms that each unit remains attainable;
 - f) If the housing provider does not carry out its obligations under the agreement, the housing provider shall pay to the Town the entire amount of benefits conveyed under the agreement, together with any applicable costs and interest;
 - g) The agreement shall contain such other contractual provisions that are required to be inserted based on fundamental contractual drafting principles satisfactory to the Town of Smiths Falls; and

³ For this CIP, housing is "attainable", if housing costs (excluding utilities) are less than 30% of the before-tax income of a low- to moderate-income household.

Conditions for CIP Incentive Programs

- h) Other reasonable requirements and conditions will be included in the agreement on a project-specific basis.
2. Each year, to receive the rebate, the applicant is expected to provide unequivocal proof that each rental unit is provided in accordance with this Plan's definition of an attainable rental unit. This unequivocal proof may take the form of a signed lease agreement that shows the name of the lessee and the attainable rental rate, along with copies of cleared cheques from the lessee proving that the rent paid matches the attainable rental rate on the lease. If multiple attainable rental units are approved for the financial incentive, then unequivocal proof shall be provided for each unit.

4.3 Application Preparation

4.3.1 The Application Process

There are four steps in the financial incentive program application process and five steps overall with rebates involved. These steps are outlined in Table 2 below.

Table 2: Four Steps in the Application Process

No.	Step	Description
1	Required pre-application consultation	Schedule a meeting with Town staff to review any preliminary plans and factors such as program eligibility, scope of work and project timing.
2	Submit the completed application	Submit the completed application form and required supporting materials such as detailed work plans, cost estimates, and reports, where applicable (see 4.3.2 for more details). Town Staff shall screen the application to confirm that the applicant has satisfied its requirements. Should the Town deem that the application is lacking information needed for its approval, the Town shall return the application to the applicant to address any deficiencies.
3	Await an application assessment from the Working Committee and final approval	Prior to the commencement of project work, Town Staff shall review the application based on the criteria contained in this CIP, and they may require a visual inspection of the subject property in order to fully assess the application. The application is then presented to the Working Committee for approval in principle, and it is then forwarded to the appropriate authority for approval (see Table 6). If the completed application is approved, a letter and/or agreement shall be provided, and project work may begin.
4	Undertake the project work	Obtain relevant permits and relevant approvals from the Town prior to starting the project. All costs shall be borne by the applicant unless otherwise provided for in this CIP. The Town may require that the work be undertaken in accordance with a commitment agreement made with the Town.

Conditions for CIP Incentive Programs

No.	Step	Description
5	Provide financial evidence to substantiate any rebates	<p>Submit financial evidence meeting the CIP’s requirements for documentation to substantiate payment of any rebates. The Senior Planner or designate in consultation/conjunction with the Chief Building Official (CBO) or designate may inspect the completed project to ensure compliance with the requirements of the program, as stated in Section 5.0.</p> <p>The Senior Planner or designate may also obtain assistance from other Town staff as necessary. Once it has been determined that the applicant has met all program requirements, the payment of the approved incentive shall be issued in accordance with the general and specific program eligibility requirements. If actual costs are less than what were approved under the letter and/or agreement, the dollar amount of the payment shall be reduced. If costs are higher, however, the payment shall not be increased without the approval of the appropriate authority (see Table 6).</p>

4.3.2 Complete Application

At the discretion of the Town, applicants to CIP programs may be required to submit, as part of a complete application, the following:

1. Completed application form;
2. Copy of the parcel register for the subject property (available from the Land Registry Office) showing the name of the current property owner and legal description; and
3. Other relevant documentation, as indicated within the individual program requirements, such as evidence of the current condition of the eligible property via photos or video, a Site Plan or Conceptual Plan, or other reports or drawings that provide information on the proposed development to ensure conformity with the Official Plan, conformity with the objectives of the CIP, compliance with all relevant Town By-laws, and adherence to all applicable law.

4.3.3 Intake Periods for Applications

The intake periods for CIP applications are detailed in Table 3 below.

Table 3: CIP Application Intake Periods

Intake Period	Description
Spring	Applications received following Council budget decision and before March 31st of a given year shall be evaluated on a “first come, first served” basis to the limit of the available funding, provided that the applicant has met all eligible criteria and conditions for each program. Where it is deemed that an application is not complete, Town Staff may return the application to the applicant with advice on how to remedy any deficiency. The resubmission of a previously incomplete application shall not be back-dated; rather, it shall be re-dated to the date that the Town received the complete application.

Conditions for CIP Incentive Programs

Intake Period	Description
Fall	Should there be available funding remaining following the evaluation of the applications received during the spring intake, a second intake period will occur to evaluate applications received before September 1st of a given year. Any application received after March 31st of any given year will be considered.

4.3.4 Frequently Asked Questions

To assist with understanding eligibility for the CIP programs, frequently asked questions are posed and addressed in Table 4 on the following page. Although they are written for ease of understanding, they are designed to both serve as policy and convey intent to assist with determining eligibility under these circumstances.

Table 4: Frequently Asked Questions on CIP Eligibility

No.	Frequently Asked Question	Response
1	What if my project is eligible for more than one program?	<p>Many of the programs can be bundled together, where eligibility requirements for different financial incentive programs can be met. However, incentive programs cannot be bundled to “double dip” – this means that a property that is eligible for a tax rebate, for example, will only be eligible to receive the rebate under one program, and it cannot have the same taxes rebated under multiple programs. Further, multi-year tax rebate programs cannot be bundled to increase their duration. For instance, two 10-year TIER programs cannot be used consecutively to receive tax benefits over a 20-year period.</p> <p>Similarly, each type of incentive is only permitted one time, per property, during the life of the CIP. For example, if a property goes through two major renovations, the building permit fee shall not be rebated for both renovations, even if the applicant has met all eligibility criteria; the property only gets a rebate once.</p> <p>In all situations, it is important to note that the total of all incentives cannot exceed the eligible costs of the proposal.</p>
2	Is my attainable housing project eligible for incentives, if I am already receiving incentives from other non-municipal funding source (e.g., funding from CMHC)?	<p>The Town encourages proponents of eligible projects to seek out other incentives in support of an attainable housing project and, as a result, shall not limit eligibility to CIP programs or reduce support on the basis of receiving assistance from other sources.</p>

Requirements for CIP Incentive Programs

No.	Frequently Asked Question	Response
3	If I received planning and building approvals before deciding to provide attainable units, can I still receive incentives from the programs?	No, the purpose of the attainable housing programs is to incentivize the construction of new attainable units that would otherwise not be built to increase the overall supply.
4	What if I had received funding for previous façade, signage, landscaping, and building improvement programs, before this CIP came into effect?	Programs 13, 14, and 15 shall be open to all properties located within the eligible area; however, priority shall be given to any properties that have not taken part in a façade program within the past 5 years.

5.0 Requirements for CIP Incentive Programs

The requirements for each of the financial incentive programs in this CIP are outlined in the following sections.

5.1 Incentive Programs for Universal Accessibility

5.1.1 Program 1: Exterior Universal Accessibility Improvement Program

Property Eligibility

Your property is eligible to receive a rebate for costs associated with exterior universal accessibility renovations if your property within the CIP Project Area undergoes exterior building accessibility improvements.

Criteria to Meet

A property owner or tenant (with the authorization of the property owner) may apply for a rebate for up to 50% of the cost of eligible exterior universal accessibility improvements to their building

Requirements for CIP Incentive Programs

that satisfy design criteria set out in this document, to a maximum rebate of \$15,000, meeting the criteria outlined below:

If you are an applicant to CIP Program 1 (Exterior Universal Accessibility Improvement Program):
Criteria for Program 1:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> The application is received in writing prior to the commencement of work AND
<input type="checkbox"/> The application is supported by professionally prepared drawings to a scale that is approved by the Town, illustrating the nature of proposed work AND
<input type="checkbox"/> The applicant agrees to enter into an agreement with the Town, which may be registered against the title to the subject property and may specify the components of the eligible works and their estimated cost and the anticipated timing for the approved works, including the estimated completion date AND
<input type="checkbox"/> The work being completed shall be in accordance with the Accessibility for Ontarians with Disabilities Act AND
<input type="checkbox"/> The applicant agrees that, should their application be approved, no changes to the approved exterior accessibility improvements shall be made for five years without first obtaining Town approval AND
<input type="checkbox"/> To receive the rebate, proof shall be provided that renovations have been completed in compliance with the Ontario Building Code and the terms of any agreements with the Town AND
<input type="checkbox"/> Proof of paid invoices for work undertaken shall be submitted to the Town within one year of the latest invoice date.

Additional Considerations

While eligible applications, if approved, would receive funding on a “first come, first serve” basis (see section 4.3.4), applications seeking funding for exterior universal accessibility improvements that contribute to the greater public good (e.g., universal accessibility improvements that exceed the minimum requirements of the Ontario Building Code and/or Accessibility for Ontarians with Disabilities Act) will be prioritized.

Eligible Costs

The following costs are eligible for Program 1:

- installing wheelchair ramps; and,
- installing new automatic/powered doors; and,
- widening the doorway opening of a primary entrance.

5.1.2 Program 2: Interior Universal Accessibility Improvement Program

Property Eligibility

Your property is eligible to receive a rebate for costs associated with interior universal accessibility renovations if your property within the CIP Project Area undergoes interior building accessibility improvements.

Criteria to Meet

A property owner or tenant (with the written authorization of the property owner) may apply for a rebate for up to 50% of the cost of eligible interior universal accessibility improvements to their building that satisfy design criteria set out in this document, to a maximum rebate of \$15,000, meeting the criteria outlined below:

If you are an applicant to CIP Program 2 (Interior Universal Accessibility Improvement Program): Criteria for Program 2:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> The application is received in writing prior to the commencement of work AND
<input type="checkbox"/> The application is supported by professionally prepared drawings to a scale that is approved by the Town, illustrating the nature of the proposed work AND
<input type="checkbox"/> The applicant agrees to enter into an agreement with the Town, which may be registered against the title to the subject property and may specify the components of the eligible works and their estimated cost and the anticipated timing for the approved works, including the estimated completion date AND
<input type="checkbox"/> The work being completed shall be in accordance with the Accessibility for Ontarians with Disabilities Act AND
<input type="checkbox"/> The applicant agrees that, should their application be approved, no changes to the approved interior accessibility improvements shall be made for five years without first obtaining Town approval AND
<input type="checkbox"/> To receive the rebate, proof shall be provided that renovations have been completed in compliance with the Ontario Building Code and the terms of any agreements with the Town AND
<input type="checkbox"/> Proof of paid invoices for work undertaken shall be submitted to the Town within one year of the latest invoice date.

Additional Considerations

While eligible applications, if approved, would receive funding on a “first come, first serve” basis (see section 4.3.4), applications seeking funding for interior universal accessibility improvements that contribute to the greater public good (e.g., universal accessibility

Requirements for CIP Incentive Programs

improvements made to publicly accessible private spaces, including but not limited to common areas of multi-unit residential buildings or interiors of commercial establishments) shall be prioritized.

Eligible Costs

The following costs are eligible for Program 2:

- renovating one or more washrooms to be universally accessible, as outlined in the Ontario Building Code and Accessibility for Ontarians with Disabilities Act;
- widening interior doorways or paths of travel;
- installing ramps or stair lifts; and,
- installing elevators.

5.2 Incentive Programs for Attainable Housing

As stated previously in Section 1.3, for the purpose of the Attainable Housing incentive programs outlined in this CIP, attainable market-based housing is where housing costs (excluding utilities) are less than 30% of a low- to moderate-income household's before-tax income.

5.2.1 Program 3: Attainable Housing Development Charge Rebate

Property Eligibility

Your property is eligible to receive a rebate for development charges associated with the development if you are seeking to build a new multi-unit residential building or mixed use (commercial at grade) building that contains attainable rental units.

Criteria to Meet

A developer may apply for a rebate of development charges (DCs) for attainable rental units. The assistance will be in the form of providing a rebate of up to 100% of the DCs associated with new attainable rental units, calculated based on the proportion of units that are attainable, meeting the criteria outlined on the following page:

If you are an applicant to CIP Program 3 (Attainable Housing Development Charge Rebate):
Criteria for Program 3:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Application is received in writing at the time of making an application(s) under the Planning Act AND
<input type="checkbox"/> Unit(s) created shall be attainable rental unit(s) (see Section 4.3) AND

If you are an applicant to CIP Program 3 (Attainable Housing Development Charge Rebate):

Criteria for Program 3:

One of the following:

- A new apartment building shall be built consisting entirely of attainable rental unit(s): 100% of development charges are eligible for rebate OR
- A new apartment building shall be built consisting partly of attainable units: rebate is prorated based on the percentage of attainable rental units to total units⁴.

Additional Considerations

Only the municipal portion of DCs are rebated, and furthermore, they are not waived outright. The DCs are to be paid when due and shall be reimbursed to approved applicants, to a maximum set by Council each year, upon the execution of required agreements and proof of full occupancy.

Fees associated with any other municipal processes or outside agencies are not subject to the rebate.

5.2.2 Program 4: Attainable Housing Building Permit Fee and Planning Application Fee Rebate

Property Eligibility

Your property is eligible to receive a rebate for fees associated with planning applications and approved applications for a Building Permit, if you are developing new buildings or making improvements to existing buildings that result in the creation of attainable rental unit(s).

Planning applications for which fees could be rebated include: Zoning By-law amendments; Official Plan Amendments; Site Plan Control for New Development and Additions; Minor Variance; Consent; and Deeming Applications.

Building permits for which fees could be rebated include: New Residential Construction & Residential Renovations, Additions, Repairs, Demolition, Relocation; Residential Permit; and Miscellaneous Permit Fees.

⁴ For example, if 5 units of a 10-unit building will be attainable, 50% of the development charges are eligible for rebate.

Requirements for CIP Incentive Programs

Criteria to Meet

A developer and/or homeowner may apply for a rebate on building permit fees and planning application fees for the attainable rental unit(s). The assistance shall be in the form of providing a rebate of up to 100% of the building permit fees and planning application fees associated with the attainable rental unit(s), calculated based on the proportion of units that are attainable, meeting the criteria outlined below:

If you are an applicant to CIP Program 4 (Attainable Housing Building Permit Fee and Planning Application Fee Rebate):
Criteria for Program 4:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Application is received in writing at the time of making an application(s) under the Planning Act AND
<input type="checkbox"/> A new legal Additional Residential Unit, as defined in the Town's Zoning By-law, shall be built: 100% of building permit fees and planning application fees are eligible for rebate OR
<input type="checkbox"/> Unit(s) created shall be attainable rental unit(s) (see Section 4.3) AND One of the following: <ul style="list-style-type: none"><input type="checkbox"/> A new multi-unit residential building or mixed use (commercial at grade) building shall be built consisting entirely of attainable rental unit(s): 100% of building permit fees and planning application fees are eligible for rebate OR<input type="checkbox"/> A new multi-unit residential building or mixed use (commercial at grade) building shall be built consisting partly of attainable units: rebate is prorated based on the percentage of attainable rental units to total units⁵.

Additional Considerations

Although the building permit fees and planning application fees are rebated, they are not waived outright. Fees are to be paid when due and shall be reimbursed to approved applicants, to a maximum set by Council each year, upon the execution of required agreements and proof of full occupancy.

Applicants receiving a rebate under this program are ineligible to receive the rebate under the Building Permit Fee and Planning Application Fee Rebate program for brownfields (Program 9).

Fees associated with any other municipal processes or outside agencies are not subject to the rebate.

⁵ For example, if 5 units of a 20-unit building will be attainable, 25% of the building permit fees and planning application fees are eligible for rebate.

5.2.3 Program 5: Attainable Housing Tax Increment Equivalent Rebate

Property Eligibility

Your property is eligible to receive a Tax Increment Equivalent Rebate (TIER) if you are developing new multi-unit residential buildings or mixed use (commercial at grade) buildings. The new building shall have at least six (6) new residential units. This program shields a property owner from the municipal portion of tax increases that occur as a result of the development if they provide attainable rental units.

Criteria to Meet

In the event that the creation of new attainable rental units results in an increase of the property's assessed value, a property owner may apply for the rebate equal to 50% of the increase in the municipal portion of property tax payments as a result of a reassessment for a period of 10 years, where they meet the criteria outlined below:

If you are an applicant to CIP Program 6 (Attainable Housing Tax Increment Equivalent Rebate):
Criteria for Program 5:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Application is received in writing at the time of making an application(s) for a Planning approval AND
<input type="checkbox"/> The applicant shall provide the Town with a copy of the reassessment of the property by MPAC (at the time of receipt), photographs of the building/units showing the completed project, and other relevant drawings or documentation in support of the completed project, or as required by the Town, in order to receive the rebate AND
<input type="checkbox"/> The applicant shall not file a property tax appeal while receiving the rebate under this program AND
<input type="checkbox"/> Units created shall be attainable rental units (see Section 4.3).

Additional Considerations

The property owner pays the property tax in full, which is then rebated in accordance with this financial incentive program, if the application is accepted.

The TIER financial incentive for a property is offered for a maximum of 10 years from the date of the re-assessment upon which the tax increment is calculated, as long as the units meet the criteria of attainable rental units.

For any mixed-use development, tax assistance is offered to the residential portion of the building only.

Requirements for CIP Incentive Programs

Notwithstanding any other policy in this CIP, an attainable housing project that is also a brownfield redevelopment is permitted to receive a stacked tax increment no greater than 100% of the municipal portion under Program 5 and Program 9.

The rebate is assignable by the owner of the property to another party (subsequent property owner, tenant or other assignment) at any time during the period of the agreement. Should the original property owner transfer its interest in the property, the rebate can, with the agreement of the municipality, continue to be assigned to the new property owner for the duration of the rebate period.

5.2.4 Program 6: Attainable Housing Additional Residential Unit (ARU) Rebate

Property Eligibility

Your property is eligible to receive a rebate if you are renovating existing dwellings to include a new legal additional residential unit (ARU), in accordance with the Town's Zoning By-law or other planning approvals.

Criteria to Meet

Rebate 1: Homeowners who renovate their home to accommodate a new legal ARU are eligible to receive a maximum rebate of up to \$15,000 to reduce costs associated with required professional studies/drawings, limited to:

- a. structural and/or servicing assessment by a Professional Engineer to confirm adequacy to accommodate an ARU;
- b. HVAC study by a qualified professional to determine appropriate heating, ventilation, and/or cooling requirements to accommodate an ARU; and/or,
- c. architectural drawings, prepared by a licensed architect or design professional with a Building Code Identification Number for a Building Permit application.

Rebate 2: Homeowners who receive Rebate 1 are eligible for an additional maximum rebate of \$5,000, where it can be proven that an investment of more than \$30,000 in construction costs was undertaken to accommodate the new legal ARU.

Rebate 3: Homeowners who receive Rebate 1 and Rebate 2 are eligible for an additional maximum pro-rated rebate of up to \$5,000 (at 50% of the cost), where the applicant can prove that improvements were made to reduce their home's carbon footprint. Applicants must obtain a written opinion from a qualified energy advisor at a service organization⁶ and install windows that meet the minimum U-factor or Energy Rating for:

- ENERGY STAR⁷ designation eligibility (U-factor of 1.22 watts per square metre or lower, or an Energy Rating of 34 or higher⁸) to receive 50% of Rebate 3; or,

⁶ <https://oee.nrcan.gc.ca/residential/personal/home-improvement/service/contact-advisors.cfm>

⁷ ENERGY STAR Canada is a voluntary partnership between the Government of Canada and industry. Having an ENERGY STAR designation means that the product, new home, building, or industrial facility is certified as energy-efficient.

⁸ <https://oee.nrcan.gc.ca/pml-lmp/index.cfm?action=app.search-recherche&appliance=WINDOWS>

Requirements for CIP Incentive Programs

- ENERGY STAR Most Efficient designation eligibility (U-factor of 1.05 watts per square metre or lower, or an Energy Rating of 40 or higher⁹) to receive 100% of Rebate 3.

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 6 (Attainable Housing Additional Residential Unit Rebate): Criteria for Program 6:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Application is received in writing at the time of making an application(s) for a Building Permit AND
Rebate 1: <input type="checkbox"/> Proof of paid invoices for professional fees related to required drawings or studies associated with the legal ARU have been submitted to the Town within one year of the latest invoice date.
Rebate 2: <input type="checkbox"/> Proof of paid invoices for construction costs of the legal ARU that demonstrate a total investment of no less than \$30,000, submitted to the Town within one year of full occupancy.
Rebate 3: <input type="checkbox"/> Proof of paid invoices for the replacement of older windows with energy-efficient windows that meet the minimum requirements for either the ENERGY STAR designation or the ENERGY STAR Most Efficient designation for the year that the application is made is provided to the Town within one year of the latest invoice date.

Additional Considerations

The ARU does not need to meet the description of attainable that is contained within this document, nor does it need to be rented during the time of application to be eligible for the rebate. It must, however, be available for rent as a bona fide housing unit and must not be marketed as short-stay accommodation (i.e., must not be listed on a website such as AirBnB, Tripping.com, VRBO, etc.), or the rebate will have to be repaid to the Town.

The Town may establish a guideline on the maximum gross floor area for different types of ARUs (e.g., studio, one-bedroom, two-bedroom, and three-bedroom ARUs, as well as basement apartments and garden suites) eligible for the rebate. Before applying, applicants must confirm their requirements with the Town.

⁹ Ibid

5.2.5 Program 7: Attainable Housing and Universal Accessibility Co-Application

Property Eligibility

Your property is eligible to receive a rebate under Program 7 if it meets the eligibility criteria for any attainable housing financial incentive program in this CIP AND Program 1 and/or Program 2.

Criteria to Meet

Property owners who create an attainable housing unit under Program 3, 4, 5, or 6 and provide universally accessible features under Program 1 and/or Program 2 may apply to receive a rebate under the following programs:

For Program 3 (Attainable Housing Development Charge Rebate):

- Program 3 and Program 1;
- Program 3 and Program 2; or
- Program 3 and Program 1 and Program 2.

For Program 4 (Attainable Housing Building Permit Fee and Planning Application Fee Rebate):

- Program 4 and Program 1;
- Program 4 and Program 2; or
- Program 4 and Program 1 and Program 2.

For Program 5 (Attainable Housing Tax Increment Equivalent Rebate):

- Program 5 and Program 1;
- Program 5 and Program 2; or
- Program 5 and Program 1 and Program 2.

For Program 6 (Attainable Housing Additional Residential Unit Rebate):

- Program 6 and Program 1;
- Program 6 and Program 2; or
- Program 6 and Program 1 and Program 2.

Note: If an applicant applies and meets the criteria for more than one of the above-mentioned Programs (3, 4, 5, or 6) and also meets the criteria for Program(s) 1 and/or 2, the applicant will receive funding for Program(s) 1 and/or 2 only once.

5.3 Incentive Programs for Brownfield Development

Eligible costs, sites, and priorities for brownfields are outlined in Appendix B.

5.3.1 Program 8: Brownfield Environmental Site Assessment Rebate

Property Eligibility

Your property is eligible to receive a rebate for fees associated with a Phase II Environmental Site Assessment (ESA) and the development of a Remediation Action Plan if you redevelop brownfield sites anywhere within the CIP Project Area requiring a Phase II ESA.

Criteria to Meet

A landowner/developer may apply for a rebate on fees for a Phase II ESA study. The assistance will be in the form of providing a rebate of up to \$25,000 per study or 50% of the cost of the ESA, whichever is less. There is a maximum eligibility of two studies per property, totalling up to \$40,000 in rebates.

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 8 (Brownfield Environmental Site Assessment Rebate):
Criteria for Program 8:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Provide a Phase I ESA conducted by a qualified environmental consultant that indicates a requirement for a Phase II ESA AND
<input type="checkbox"/> Provide a completed Phase II ESA in accordance with the recommendations of the Phase I ESA and in accordance with the appropriate standards for this type of study, signed by a qualified professional.

Additional Considerations

All study fees are to be paid to the qualified professional by the proponent. In order to receive the rebate(s), the proponent must submit the relevant paid invoices to the Town.

Based on the principle of achieving maximum leverage of non-Town funds, applicants who identify other sources of financial assistance for ESAs shall be given preference in the allocation of funds. Total combined assistance toward the costs of environmental site assessment from all public sources shall not exceed 50% of total costs. Town funding will be the funding of last resort, where other sources of public assistance exist.

5.3.2 Program 9: Brownfield Tax Increment Equivalent Rebate

Property Eligibility

Your property is eligible for a rebate that would offset the increased tax associated with the change in property valuation following redevelopment (the incremental property tax increase) if you remediate brownfield sites within the CIP Project Area.

Criteria to Meet

A landowner may apply for an annual rebate equivalent to 50% of the municipal portion of the incremental tax increase or total remediation costs, whichever is less. The maximum duration of this rebate is 10 years, or when the cumulative rebate equals the total eligible costs. Notwithstanding any other policy in this CIP, an attainable housing project that is also a brownfield redevelopment is permitted to receive a stacked tax increment no greater than 100% of the municipal portion under Program 5 and Program 9.

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 9 (Brownfield Tax Increment Equivalent Rebate): Criteria for Program 9:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Site is comprised of privately-owned lands proposed for development or redevelopment AND
<input type="checkbox"/> There is a need for remediation, defined as a site with a Phase II ESA that indicates that site conditions do not meet standards (under the Environmental Protection Act) to permit filing of a Record of Site Condition.

Additional Considerations

The landowner/developer pays for the full cost of remediation and rehabilitation as well as the resulting annual increase in property tax, which is then rebated the following calendar year, if the application is accepted.

The rebate is assignable by the owner of the property to another party (subsequent property owner, tenant or other assignment) at any time during the period of the agreement. Should the original property owner transfer its interest in the property, the rebate can, with the agreement of the municipality, continue to be assigned to the new property owner for the duration of the rebate period.

The maximum amount of the overall rebate over the duration of the term of the agreement/approval is limited to the value of the work undertaken under eligible costs in that year or the increase in municipal property tax on the property compared to the base (before redevelopment) property tax, whichever is less. Eligible costs not reimbursed in the year they are incurred can be rolled-over to subsequent years.

Eligible Costs

The following costs are eligible for Program 9:

- Environmental remediation and costs of achieving acknowledgement of a Record of Site Condition by the Ministry of the Environment, Conservation, and Parks and Certificate of Property Use as may be required. This includes both remedial action plans and risk management plans, and implementation costs;
- Waste transfer to landfill and tipping fees for contaminated soils landfill;
- Fill and grading to replace contaminated soils;
- Demolition of existing buildings or structures;
- Site development and infrastructure work, including improvement or reconstruction of existing on-site infrastructure and development triggered by the existence of contamination and requirements for remediation;
- Legal fees directly related to site investigation, remediation and filing of a Record of Site Condition and compliance with any Certificate of Property Use;
- Insurance premiums for Cost Cap Insurance and Pollution Legal Liability (PLL) Insurance;
- Ongoing site environmental monitoring and management (part of risk management strategies); and,
- Interim financing costs (interest and financing fees) related to eligible costs. Long-term debt financing costs are not eligible.

5.3.3 Program 10: Brownfield Building Permit Fee and Planning Application Fee Rebate

Property Eligibility

Your property is eligible to receive a rebate for fees associated with planning applications and applications for approved Building Permit if you redevelop brownfield sites in need of remediation within the CIP Project Area.

Planning applications for which fees could be rebated include: Zoning By-law amendments; Official Plan Amendments; Site Plan Control for New Development and Additions; Minor Variance; Consent; and Deeming Applications.

Building permits for which fees could be rebated include: New Residential Construction & Residential Renovations, Additions, Repairs, Demolition, Relocation; Residential Permit; and Miscellaneous Permit Fees.

Criteria to Meet

A developer and/or landowner may apply for a rebate of the building permit and planning fees for a development on land that requires remediation. The assistance shall be in the form of a rebate equivalent to 50% of the building permit and planning fees associated with the development up to the cost of remediation. The maximum rebate is \$50,000.

Requirements for CIP Incentive Programs

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 10 (Brownfield Building Permit Fees Rebate): Criteria for Program 10:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Site is comprised of privately-owned lands proposed for development or redevelopment AND
<input type="checkbox"/> There is a need for remediation, defined as a site with a Phase II ESA that indicates that site conditions do not meet standards (under the Environmental Protection Act) to permit filing of a Record of Site Condition.

Additional Considerations

Although the building permit fees and planning application fees are rebated, they are not waived outright. Fees are to be paid in advance and are to be reimbursed upon successful completion, approval of an application, and full occupancy.

Fees associated with any other municipal processes or outside agencies are not subject to the rebate.

Applicants receiving a rebate under this program are ineligible to receive the rebate under the Building Permit Fee and Planning Application Fee Rebate program for attainable housing development (Program 4).

5.3.4 Program 11: Brownfield Development Charge Deferral Program

Property Eligibility

Your property is eligible to postpone the cost of DCs through a DC deferral if you redevelop brownfield sites in need of remediation within the CIP Project Area. The development proposal must not be eligible for DC annual installment payments under Bill 108.

Criteria to Meet

A developer and/or landowner may apply for a deferral of up to 100% of the DC for a period of 24 months without interest, subject to an Agreement that outlines the terms of the deferral.

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 11 (Development Charge Deferral Program): Criteria for Program 11:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> Site is comprised of privately-owned lands proposed for development or redevelopment AND

**If you are an applicant to CIP Program 11 (Development Charge Deferral Program):
Criteria for Program 11:**

- There is a need for remediation, defined as a site with a Phase II ESA that indicates that site conditions do not meet standards (under the Environmental Protection Act) to permit filing of a Record of Site Condition.

5.3.5 Program 12: Brownfield Development and Attainable Housing Co-Application

Property Eligibility

Your property is eligible to receive rebate funding under Program 12 if it meets the eligibility criteria for Program 3, 4, or 5 AND Program 8, 9, 10, or 11.

Criteria to Meet

Property owners who remediate a brownfield property to create attainable housing units on that property may also apply to receive further rebate funding under Programs 3, 4, or 5, if they are able to meet the criteria for one of those programs.

5.4 Incentive Programs for Downtown and Waterfront Area Revitalization

5.4.1 Program 13: Front, Side, and Rear Façade Improvement Rebate

Property Eligibility

Your property is eligible to receive a rebate for costs associated with a façade renovation if your:

- commercial, institutional, or mixed use (commercial at grade) property within the Downtown and Waterfront Sub-Area undergoes improvements to rehabilitate and improve its façade(s).

Criteria to Meet

Rebate 1: A property owner or tenant (with authorization of the property owner) of a building zoned for a commercial, mixed use (commercial at grade), or institutional use may apply for a rebate of:

- **Rebate 1A:** up to 50% of the cost (to a maximum of \$20,000 in costs, for a maximum rebate of \$10,000 per property) of a non-heritage building's eligible front, side, and/or rear façade improvements that satisfy design criteria set out by the Town; or,

Requirements for CIP Incentive Programs

- **Rebate 1B:** up to 85% of the cost (to a maximum of \$20,000 in costs, for a maximum rebate of \$17,000 per property) of a heritage-designated¹⁰ building's eligible front, side, and/or rear façade improvements that satisfy design criteria set out by the Town.

Rebate 2: An additional pro-rated rebate of up to \$2,500 (based on 50% of the cost) may also be given to applicants who have received Rebate 1A, that additionally implement a façade improvement with a heritage design, as prepared by a qualified heritage professional (e.g., licenced architect, Professional Membership status in the Canadian Association of Heritage Professionals).

Rebate 3: An additional pro-rated rebate of \$5,000 (based on 50% of the cost) may also be given to applicants who have received Rebate 1A or Rebate 1B, that additionally implement building technology features that would help to reduce the carbon footprint of the building, specifically:

- by replacing older windows with those that are more energy-efficient, with a U-factor of 1.22 W per square metre or lower, or an Energy Rating of 34 or higher¹¹; and/or,
- by replacing older doors with those that are more energy-efficient, with a U-factor of 1.22 W per square metre or lower, or an Energy Rating of 34 or higher.

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 13 (Front, Side, and Rear Façade Improvement Program):
Criteria for Program 13:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> The side and/or rear façade(s) of the building is/are on the same side of the building's property line that abuts a public street, public parking area, and/or public open space ¹² AND
<input type="checkbox"/> The existing heritage features on the exterior of the building are not removed or altered, unless they are replaced with a comparable heritage feature (as approved by both a qualified heritage professional and the Town) or restored to their original design and quality AND
<input type="checkbox"/> The application is received in writing prior to the commencement of work AND
<input type="checkbox"/> The application is in keeping with the Downtown Core Design Guidelines, as approved by Council AND
<input type="checkbox"/> The application is supported by professionally prepared drawings to scale of the building's façade, illustrating the nature of the proposed work AND

¹⁰ Designated under Part IV within the meaning of the Ontario Heritage Act.

¹¹ <https://oee.nrcan.gc.ca/pml-lmp/index.cfm?action=app.search-recherche&appliance=WINDOWS>.

¹² This criterion does not apply to applicants who are making improvements to only the front façade of their building.

Requirements for CIP Incentive Programs

If you are an applicant to CIP Program 13 (Front, Side, and Rear Façade Improvement Program):

Criteria for Program 13:

- The applicant agrees to enter into an agreement with the Town, which may be registered against the title to the subject property and may specify the components of the eligible works and their estimated cost and the anticipated timing for the approved works, including the estimated completion date AND
- The applicant agrees that, should their application be approved, no changes to the approved façade improvements shall be made for five years without first obtaining Town approval AND
- To receive the rebate, the applicant provides proof that renovations have been completed in compliance with the terms of any agreements with the Town AND
- The applicant provides proof of paid invoices for work undertaken and submits them to the Town within one year of the latest invoice date.

Eligible Costs

The following costs are eligible for Program 13:

- restoring, repairing, or replacing brickwork, wood, masonry, and metal cladding;
- restoring, repairing, or replacing building signage;
- installing or replacing siding or cladding;
- replacing or repairing architectural details;
- replacing or repairing windows;
- replacing or repairing doors;
- replacing or repairing exterior lighting fixtures;
- adding and/or replacing landscaping that is permanent/non-removable (e.g., a planter box that is not anchored to the ground nor attached to the building would not be an eligible form of landscaping);
- adding public art, in accordance with the Public Art Master Plan and as approved by the Town; and
- other improvements as approved by the Town.

Additional Considerations

Applicants who have not participated in a façade program in the last five (5) years will be given priority.

Other relevant drawings or studies to support the proposed scope of work may be requested at the discretion of the Town.

If a building tenant is the applicant and paying for the renovation, then the signature of the building owner shall also be required on the application to acknowledge that the Town will issue the rebate to the tenant rather than the building owner.

5.4.2 Program 14: Building Restoration, Renovation, and Improvement Program

Property Eligibility

Your property is eligible to receive a rebate for costs associated with interior building improvements if your non-residential, mixed use (at-grade commercial)¹³ or institutional property within the Downtown and Waterfront Sub-Area undergoes improvements to restore, renovate and/or improve its interior to address deficiencies in code.

Criteria to Meet

Rebate 1: A property owner or tenant (with authorization of the property owner) of a building zoned for a non-residential, commercial, mixed use (commercial component only) or institutional use may apply for a rebate of up to 50% of the cost of eligible interior renovations, restorations, and/or improvements to their building that satisfy criteria set out in this document, to a maximum rebate of \$45,000. The rebate would be provided to the applicant in equal instalments that are tied to the following project milestones:

1. Instalment at agreement/approval execution;
2. Instalment at the time of substantial completion/occupancy; and,
3. Instalment at the time of full completion/occupancy.

Rebate 2: An additional pro-rated rebate of up to \$5,000 may be given to applications that implement a heritage design of the restoration and/or renovation to the interior of a heritage-designated¹⁴ building, as prepared by a qualified heritage professional (e.g., licenced architect, Professional Membership status in the Canadian Association of Heritage Professionals).

The applicant must meet the criteria outlined below:

If you are an applicant to CIP Program 14 (Building Restoration, Renovation, and Improvement Program):
Criteria for Program 14:
<input type="checkbox"/> The property is located in the eligible area (see Section 3.0) AND
<input type="checkbox"/> The application is received in writing prior to the commencement of work AND
<input type="checkbox"/> The application is supported by professionally prepared drawings to a scale that is approved by the Town, illustrating the nature of the proposed work AND

¹³ Improvements to the residential component of a mixed use property are not eligible for CIP funding under Program 14. Please refer to the Program 2 (Interior Universal Accessibility Improvement Program) and Program 6 (Attainable Housing Additional Residential Unit Rebate) for eligibility requirements related to interior renovations or improvements to residential properties.

¹⁴ Designated under Part IV within the meaning of the Heritage Act.

Requirements for CIP Incentive Programs

If you are an applicant to CIP Program 14 (Building Restoration, Renovation, and Improvement Program):
Criteria for Program 14:
<input type="checkbox"/> The applicant agrees to enter into an agreement with the Town, which may be registered against the title to the subject property and may specify the components of the eligible works and their estimated cost and the anticipated timing for the approved works, including the estimated completion date AND
<input type="checkbox"/> The work being completed shall be in accordance with the Accessibility for Ontarians with Disabilities Act AND
<input type="checkbox"/> The applicant agrees that, should their application be approved, no changes to the approved interior restorations, renovations, and/or improvements shall be made for five years without first obtaining Town approval AND
<input type="checkbox"/> To receive the rebate, proof shall be provided that renovations have been completed in compliance with the Ontario Building Code, Electrical Safety Code, and the terms of any agreements with the Town AND
<input type="checkbox"/> Proof of paid invoices for work undertaken shall be submitted to the Town within one year of the latest invoice date.

Eligible Costs

Costs eligible for Program 14 are interior renovations, restorations, or improvements related to code compliance, including:

- fire-proofing, including establishing fire separations;
- upgrading electrical rough-in to meet Ontario's Electrical Safety Code;
- making structural improvements to meet the Ontario Building Code; and,
- improving plumbing, heating, and ventilation systems.

Additional Considerations

Applicants who have not participated in the Program in the last five (5) years will be given priority.

Other relevant drawings or studies prepared by a professional in support of the proposed scope of work may be requested at the discretion of the Town.

If a building tenant is the applicant and paying for the renovation or restoration, then the signature of the building owner shall also be required on the application to acknowledge that the Town will issue the rebate to the tenant rather than the building owner.

If the property is sold or interest in the property is transferred to another entity before all rebate instalments have been released, remaining instalments to be paid may be assigned by the Town to the new property owner.

5.4.3 Program 15: Downtown and Waterfront Area Revitalization and Universal Accessibility Co-Application

Property Eligibility

Your property is eligible to receive rebate funding under Program 15 if it meets the eligibility criteria of Program 13 AND Program 1 and/or Program 2.

Criteria to Meet

Owners who renovate their front façade under Program 13 and provide accessible features under Program 1 and/or Program 2 may apply to receive rebate funding under one of these programs, as follows:

- Program 13 and Program 1;
- Program 13 and Program 2; or
- Program 13 and Program 1 and Program 2.

6.0 Municipal Leadership Strategy

6.1 Background

A Municipal Leadership Strategy identifies and prioritizes municipally-led initiatives for the Town to enhance its infrastructure, streetscapes, and public areas that are fully or partially within the CIP Project Area. Potential candidate projects, or strategic opportunities, for the Municipal Leadership Strategy emerged through public and stakeholder engagement, as well as consultation with the Town. Presented in the following section are these strategic opportunities, which were prioritized based on the following considerations: public realm and connectivity; ability to implement; timeline to implement; potential costs; and tangible benefits to the community.

6.2 Roadmap of Strategic Opportunities

The Municipal Leadership Strategy includes 8 strategic opportunities, which are outlined below in Table 5 on the following page. It is important to note that, at the time that this CIP was written, several of these strategic opportunities were already underway (strategic opportunities 4 through 6). The Town, however, may consider how to build upon these strategic opportunities during the lifespan of this CIP.

Table 5: Strategic Opportunities and their Anticipated Timeframe for Implementation

No.	Strategic Opportunity	Short Term (implemented in fewer than 3 years)	Medium Term (implemented in 3 to less than 6 years)	Long Term (implemented in 6 to 10 years)
1	Revisit the Downtown Core Design Guidelines (2014), the existing set of urban design guidelines for the Downtown, to reduce opportunities for overly subjective interpretation.	●		
2	Prepare urban design guidelines that have a Town-wide applicability (e.g., for gateway areas outside of the downtown core).		●	
3	Create an attainable housing rental rate monitoring program ¹⁵ .	●		
4	Create and implement a new sign-by-law.	●		
5	Add accessibility improvements where needed, e.g., audible crosswalks, longer crosswalk times, and curb cuts with tactile surface indicators.	●		
6	Explore opportunities to partner with local business owners and create mural art.	●		
7	Review and revise the Terms of Reference for the Working Committee.	●		
8	Review Official Plan policy on CIPs and explore the opportunity to create more flexibility around gateway improvements.			●

¹⁵ The attainable housing rental rate monitoring program would be a document that is prepared and updated annually by Town staff that establishes a future year's rental rates for different types of attainable rental units. As noted elsewhere in this CIP, housing is "attainable" if housing costs (excluding utilities) are less than 30% of the before-tax income of a low- to moderate-income household.

7.0 CIP Implementation, Monitoring, and Update

7.1 Implementing the CIP

The general administration of the program shall be the responsibility of the Planning Department, in consultation with other departments as appropriate.

The authority or authorities shall determine approvals under each program indicated in Table 6.

Table 6: Approval Authority by Program

No.	CIP Program Name	Approval in Principle	Confirmed By
1	Exterior Universal Accessibility Improvement Program	Approved in principle by the Senior Planner or Designate	Town Council
2	Interior Universal Accessibility Improvement Program	Approved in principle by the Senior Planner or Designate	Town Council
3	Attainable Housing Development Charge Rebate	Approved in principle by the Senior Planner or Designate	Town Council
4	Attainable Housing Building Permit Fee and Planning Application Fee Rebate	Approved in principle by the Senior Planner or Designate	Town Council
5	Attainable Housing Tax Increment Equivalent Rebate	Approved in principle by the Senior Planner or Designate	Town Council
6	Attainable Housing Additional Residential unit Rebate	Approved in principle by the Senior Planner or Designate	Town Council
7	Attainable Housing and Accessibility Co-Application	Approved in principle by the Senior Planner or Designate	Town Council
8	Brownfield Environmental Site Assessment Rebate	Approved in principle by the Senior Planner or Designate	Town Council
9	Brownfield Tax Increment Equivalent Rebate	Approved in principle by the Senior Planner or Designate	Town Council
10	Brownfield Building Permit Fee and Planning Application Fee Rebate	Approved in principle by the Senior Planner or Designate	Town Council

CIP Implementation, Monitoring, and Update

No.	CIP Program Name	Approval in Principle	Confirmed By
11	Brownfield Development Charge Deferral Program	Approved in principle by the Senior Planner or Designate	Town Council
12	Brownfield Development and Attainable Housing Co-Application	Approved in principle by the Senior Planner or Designate	Town Council
13	Front, Side, and Rear Façade Improvement Program	Approved in principle by the Working Committee	Town Council
14	Building Restoration, Renovation, and Improvement Program	Approved in principle by the Working Committee	Town Council
15	Downtown and Waterfront Area Revitalization and Universal Accessibility Co-Application	Approved in principle by the Senior Planner or Designate	Town Council

7.1.1 The Working Committee

A Working Committee shall be established to review CIP applications and recommend to Town Council that they be approved or denied, depending on applicants’ satisfaction of eligibility criteria for the applicable CIP program(s). It shall be at the discretion of Town Council to outline the responsibilities of the Working Committee, however possible responsibilities include but are not limited to:

- reviewing and advising Town Council on applications for the specified programs as shown in Table 6;
- advising on the regular monitoring of the CIP;
- advising on the regular updating of the CIP; and,
- promoting the CIP.

Town Council shall work to appoint members of the Working Committee as soon as possible after CIP adoption, so that the Working Committee is prepared to evaluate CIP applications at the time that the CIP program(s) is/are launched. The appointment of the Working Committee shall be at the discretion of Town Council. If the Working Committee consists of Town staff, the following representatives may be considered:

1. The Finance Department;
2. The Senior Planner or their designate;
3. The Manager of Economic Development and Tourism or their designate;
4. The Chief Building Official (CBO) or their designate; and,
5. The Chief Administrative Officer (CAO) or their designate.

From time to time, the Working Committee, once established, may call upon technical experts (structural engineer, hydrogeologist or risk assessment professional, qualified heritage professional, etc.) to advise the Working Committee on specific matters related to any CIP application.

7.1.2 Funds for the CIP

During the preparation of its annual budget, Town Council shall determine the contribution to be made available to the various programs under this CIP for the current year, where funding would be allocated into a CIP Reserve Fund. Town Staff shall administer the financial incentive programs available under this CIP within the budget established by Council.

Projects will not be approved that result in over-expenditure to what has been allocated to the CIP's active program(s) by Town Council. The decision to fund projects through this CIP is at the discretion of the Town of Smiths Falls. The Town of Smiths Falls reserves the right to determine the level of funding that the applicant shall receive, whether to fund at all or in part, and what conditions, obligations, and other requirements are attached to funding allocations.

If there are municipal budget constraints to support the CIP programs, the Town shall prioritize funding to rebate attainable housing with barrier-free design, given the demand for these housing units and their scarcity. Next, the Town shall prioritize funding for attainable housing units, given the demand for these housing units and their scarcity. Otherwise, the Town may prioritize funding for any other program based on the Town's monitoring of interest in the various funding programs.

Should there be CIP funding remaining at the conclusion of the approvals resulting from the spring intake period (see Section 4.3.3), additional applications may be received and evaluated for a fall intake period. Any unspent funds at year-end may be placed in the CIP Reserve Fund to be used in subsequent years. Properties may only receive incentives through any given program one time during the life of the CIP, unless otherwise indicated within this document.

7.2 Monitoring and Updating the CIP

Programs named in this CIP may be offered at the discretion of Council, and they may be established or rescinded by Council without an amendment to this CIP. Council may also amend the administrative details of the specific programs without a formal amendment. The incentive programs may apply, at the discretion of Council, to the whole or to part of the community improvement project area. Additions of other community improvement project areas and additions of programs shall require a formal amendment to this CIP.

The Town of Smiths Falls shall review this CIP and its programs per term of Council (end of term) to ensure that the intent and project objectives are being met. An annual CIP Monitoring and Evaluation Report would be written by Staff and include reviewing the financial incentive programs, Municipal Leadership Strategy, municipal financial contribution to the programs, and use of the programs. To monitor the effectiveness and uptake of the various CIP programs annually, this report would outline key performance indicators (KPIs) and how or whether they have changed from baseline (i.e., at the outset of the CIP). KPIs may include but are not limited to:

- number of applications received per program;
- number and location of grants per program;
- number (and type) of new attainable housing units added to the total rental housing stock for the Town;

CIP Implementation, Monitoring, and Update

- number of building façades improved;
- number of heritage building façades restored;
- number of building interiors restored, renovated, and/or improved;
- number of heritage building façades restored;
- hectares of land developed;
- projected and actual increase in assessed value of participating properties, as applicable;
- approved/denied value of the rebate; and,
- total value of construction.

Appendix A

Legislative and Policy Framework



Appendix A: Legislative and Policy Framework

Planning Act, 1990

A CIP is a municipal planning tool used to set out financial programs and strategies for improving identified areas within a municipality. Section 28(1) of the Planning Act defines community improvement as “the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.”

Section 28(1) establishes and defines the term “community improvement project area” as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

After a municipality has identified the CIP project area, then they can prepare a community improvement plan for the designated area. Section 28(1) defines “community improvement plan” as “a plan for the community improvement of a community improvement project area.”

Once a CIP has been designated and the by-law has been passed under subsection 28, the municipality may:

- acquire land within the community improvement project area (s. 28(3));
- hold land acquired before or after the passing of the by-law within the community improvement project area (s. 28(3));
- clear, grade or otherwise prepare the land for community improvement (s. 28(3));
- construct, repair, rehabilitate or improve buildings on land acquired or held by it in the CIP area (s. 28(6)); and,
- sell, lease or otherwise dispose of any land acquired or held by it in the CIP area (s. 28(6)).

Section 28(7) provides guidance on the eligible costs of the CIP and states that municipalities may make grants or loans to registered property owners, assessed owners and tenants of lands and buildings within the project area once the CIP has come into effect. Costs may include costs related to environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities as identified in Section 28(7.1) of the Planning Act.

Section 28(7.3) of the Planning Act specifies that the total of the grants and loans made in respect of particular lands and buildings under subsections (7) and (7.2) and the tax assistance as defined in section 365.1 of the Municipal Act, 2001 shall not exceed the eligible cost of the CIP with respect to those lands and buildings.

Section 28(11) allows a municipality to register an agreement concerning a grant or loan made under subsection 28(7) or an agreement entered into under subsection 28(10) against the land to which it applies and the municipality shall be entitled to enforce the provisions thereof against any party to the agreement and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent property owners or tenants of the land.

Section 69 allows municipalities to reduce or waive the amount of a fee in respect of a planning application where it feels payment is unreasonable. Municipalities can use this tool to waive all matter of planning application fees to promote community improvement without inclusion in a CIP. Alternatively, a municipality can collect fees and then provide a partial or total rebate of fees in the form of a grant, but this must be done within a CIP.

Municipal Act, 2001

The Municipal Act, 2001 regulates a municipality's ability to provide financial incentives. Section 106(1) of the Municipal Act sets out the provision as follows:

Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2001, c. 25, s. 106 (1).

Section 106(2) states the municipal actions prohibited consist of giving or lending any property of the municipality, including money; guaranteeing borrowing; leasing or selling any property of the municipality at below fair market value; or giving a total or partial exemption from any levy, charge or fee.

Despite these prohibited actions, there are exceptions from these polices. Section 106(3) provides the exception to this bonusing for municipalities exercising authority under subsection 28(6), (7) or (7.2) of the Planning Act or under section 365.1 of the Municipal Act. Section 28 of the Planning Act allows municipalities through the parameters of an adopted CIP makes it possible to provide grants, loans and tax incentives to property owners and tenants within the identified CIP area. Section 365.1 of the Municipal Act authorizes municipalities to pass a by-law to provide tax assistance or tax relief for eligible properties.

Section 107 outlines the power a municipality has to make grants including the power to provide a grant in the form of a loan and guaranteeing a loan. The municipality also has the power to:

s. 107 (2) - sell or lease land for nominal consideration or to make a grant of land; to provide for the use by any person of land owned or occupied by the municipality upon such terms as may be fixed by council; to provide for the use by any person of officers, employees or agents of the municipality upon such terms as may be fixed by council; to sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by council.

This prohibition is generally known as the “bonusing rule”. Section 106(3) of the Municipal Act, 2001 provides an exception to this bonusing rule for municipalities exercising powers under subsection 28(6), (7) or (7.2) of the Planning Act or under section 365.1 of the Municipal Act, 2001. It is this exception under Section 28 of the Planning Act that allows municipalities with enabling provisions in their official plans to prepare and adopt CIP’s. CIP’s provide municipalities with a comprehensive framework for the planning and provision of economic development incentives in areas requiring community improvement.

Section 107 of the Municipal Act, 2001 describes the powers of a municipality to make a grant, including the power to make a grant by way of a loan or guaranteeing a loan, subject to Section 106 of the Municipal Act, 2001. In addition to the power to make a grant or loan, these powers also include the power to sell or lease land for nominal consideration or to make a grant of land; provide for the use by any person of land owned or occupied by the municipality, upon such terms as may be fixed by council; sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the municipality or to provide for the use of the personal property on such terms as may be fixed by Council.

Development Charges Act

Through Section 5 of the Development Charges Act, municipalities are allowed to exempt a type(s) of development from a development charge, but without the ability to have any resulting shortfall be made up through higher development charges on other types of development. This allows upper and lower tier municipalities to offer partial or total exemption from municipal development charges in order to promote community improvement, such as downtown redevelopment, brownfield redevelopment or intensification in core areas. This tool is often influential as it is traditionally offered before construction.

Through Section 28 of the Planning Act, municipalities can also use a CIP to offer a reduction in development charges in the form of a grant equivalent to part or all of the development charge normally payable. A CIP gives flexibility and can provide grants based on meeting intensification targets and/or project performance criteria.

Provincial Policy Direction

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 is issued under Section 3 of the Planning Act and provides direction on matters of provincial interest related to land use planning and development. Section 3 of the Planning Act requires that, “decisions affecting planning matters shall be consistent with policy statements issued under the Act”.

Housing and Accessibility

With respect to housing and accessibility, this CIP considers the following PPS policy objective:

- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
-

- b) permitting and facilitating:
 - 1. All housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including special needs¹⁶ requirements and needs arising from demographic changes and employment opportunities.

Public Spaces, Recreation, Parks, Trails, and Open Space

With respect to public spaces, recreation, parks, trails, and open space, this CIP considers the following PPS policy objective:

- 1.5.1 Healthy, active communities should be promoted by:
 - a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; and,
 - b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.

Long Term Economic Prosperity

With respect to long term economic prosperity, this CIP considers the following PPS policy objectives:

- 1.7.1 Long-term economic prosperity should be supported by:
 - a) promoting opportunities for economic development and community investment-readiness;
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

¹⁶ In the PPS, special needs means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- f) promoting the development of brownfield sites; and,
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people.

Brownfields

The PPS provides direction to municipalities regarding the redevelopment of brownfield sites. It identifies the redevelopment of brownfield sites as an important element in the Province's provision for Land Use Planning to achieve efficient development land use patterns and create strong communities. The PPS seeks to strike a balance in municipal land use planning between efficient development and land use patterns, strong communities (fiscally, socially and environmentally), a clean and healthy environment and long-term economic growth.

The PPS requires the following policies to be pursued with respect to brownfield redevelopment:

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.6.3 Before consideration is given to developing new infrastructure and public service facilities:
 - a) the use of existing infrastructure and public service facilities should be optimized; and,
 - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.7.1 Long-term economic prosperity should be supported by:
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
 - f) promoting the redevelopment of brownfield sites;

PPS policies on brownfield sites aim to both promote the redevelopment of these sites and ensure that required environmental due diligence is undertaken by municipalities with respect to development applications for contaminated sites.

Brownfield Statute Law Amendment Act, 2001

The Brownfields Statute Law Amendment Act, 2001 revised three Ontario statutes (Environmental Protection Act, Planning Act, and Municipal Act) to provide regulatory and

financial support to remediation of contaminated lands. Together, these and other legislative revisions provided scoped changes that:

- affected the treatment of contaminated lands with respect to environmental orders (regulatory matters);
- gave protections to property owners, municipalities, and fiduciary interests; and,
- provided alternative means of financial support through the Ontario property tax system.

Environmental Protection Act

A number of the provisions relating to the environmental investigation and Record of Site Condition process required under Part XV.1 of the Environmental Protection Act came into force on October 1, 2004 with the issuance of Regulation 153/04. Ontario Regulation 153/04 was amended by Ontario Regulation 511/09, which came fully into effect on July 1, 2011. There have been further amendments increasing the flexibility of the Record of Site Condition process.

County of Lanark Policy Direction

Foundations for the Future - Lanark County Housing and Homelessness Plan, 2019

The 2019 Housing and Homelessness Plan was developed in conjunction with the 2018 Lanark County Housing Study. The study provided a comprehensive analysis of the current need and supply for all forms of housing, specifically affordable housing. A series of recommendations was produced to address immediate, short and long-term housing needs within the County. The five strategic directions are:

- **Strategic direction #1:** increase the supply of affordable housing;
- **Strategic direction #2:** plan for a diverse range of housing choices;
- **Strategic direction #3:** stabilize and revitalize current social housing stock;
- **Strategic direction #4:** ensure an adequate supply of appropriate, supportive and universal housing; and,
- **Strategic direction #5:** educate the community on local housing needs and offer incentives to build affordable housing.

Town of Smiths Falls Policy Direction

Smiths Falls Official Plan 2034, 2016

The Smiths Falls OP, adopted in 2016, sets the policy framework to guide land use decisions within the Town's boundaries from 2014 through 2034. With respect to its policies on CIPs, Section 7.2.2 (Community Improvement Plans) states the following:

S. 7.2.2 ...It is the intent of Council to utilize Community Improvement Plans to promote and focus public and private sector investment into maintenance, rehabilitation, and redevelopment activities that improve the living and working conditions in the Town.

The primary goals of a CIP for Smiths Falls are also outlined in Clause 1 of Section 7.2.2. They are as follows:

- a. preserve, redevelop and rehabilitate the built environment, including residential, commercial, industrial, and mixed-use areas;
- b. to make efficient use of existing community uses and other amenities;
- c. to ensure private and public community improvement activities are coordinated;
- d. to address existing land use conflicts, and minimize or mitigate future land use conflicts;
- e. to assist the Town in identifying priorities for municipal expenditure regarding community improvement projects; and,
- f. to participate, wherever possible, in Federal and/or Provincial programs that facilitate community improvement.

The Smiths Falls CIP will also help to meet the following objectives outlined in Clause 2 of Section 7.2.2 of the OP:

- a. Encouraging private sector renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or building, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities;
- b. Improving or upgrading community uses;
- c. Encouraging or facilitating intensification;
- d. Preserving and enhancing the Downtown Core area as a major focal point and destination for investment in institutional and region-wide public services, regional-serving land uses and activities such as recreational, social, cultural, entertainment, office, tourism, and significant employment uses;
- e. Maintaining and improving the transportation network and associated transportation infrastructure, including the active transportation network, and provide sufficient parking facilities, particularly within the Downtown Core area;
- f. Facilitating improvements to the built form or streetscape;
- g. Eliminating, mitigating or relocating incompatible land uses;
- h. Facilitating brownfield remediation; and,
- i. Improving environmental, social, cultural, economic development, or safety conditions.

Clause 3 of the OP provides criteria for which an area must satisfy, one or preferably more than one, to be designated as a Community Improvement Project Area. These criteria are as follows:

- a. Building stock or property in need of rehabilitation or redevelopment;
 - b. Opportunities exist to realize energy efficiency improvements or expand housing opportunities through redevelopment or conversion of residential lands and/or buildings;
 - c. Known or perceived contamination of land or buildings;
 - d. The presence of incompatible land uses or activities, including non-conforming uses, that disrupt the land use and/or lifestyle of the citizens of the area due to factors such as noise, odour, vibration, parking, loading, and traffic circulation;
-

- e. Deterioration or deficient community infrastructure, such as, but not limited to, road, sanitary and storm sewers, water mains, curbs and sidewalks, community facilities, open spaces, parks, streetscapes, and utilities;
- f. The presence of cultural heritage resources which would benefit from enhancement;
- g. Opportunities exist to facilitate intensification within Targeted Growth Areas;
- h. Deteriorated or insufficient parking facilities, road access or traffic circulation;
- i. Built form and/or streetscapes being incoherent or detracting from a neighbourhood; and
- j. Other significant environmental, social or community economic development reasons for community improvement.

The OP also details policies around implementation (Section 7.2.2, Clause 4) and phasing (Section 7.2.2, Clause 5). With respect to implementation, the Town may create Community Improvement Plans to address the goals and objectives of these policies, and may include any of the following actions within defined Community Improvement Project Areas:

- a. Strategically use public monies to repair or upgrade community infrastructure;
- b. Utilize public monies to fund grants and/or loans to property owners of land and their assignees for the purposes of carrying out the Community Improvement Plan, including rehabilitation of contaminated properties;
- c. Municipal acquisition, and subsequent clearance, rehabilitation, redevelopment or sale/lease or otherwise dispose of land and buildings;
- d. Support of the conservation of cultural heritage resources through authorities provided in the Ontario Heritage Act, and the use of funding programs under that Act; and,
- e. Participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purpose of community improvement, including application for financial assistance from such senior government programs.

With respect to phasing, community improvements shall be prioritized according to:

- a. The ability for the Town to fund community improvement projects;
 - b. The availability of senior level government programs that provide assistance for community improvement; and,
 - c. The alignment of required capital expenditures to undertake community improvement with departmental priorities and associated capital budgets.
-

Appendix B

Guide to Financial Incentive Programs for Brownfield Development

Appendix B: Guide to Financial Incentive Programs for Brownfield Development

Eligible Brownfield Costs

Successful applications for financial assistance involving tax-based assistance will necessitate a site-specific brownfield redevelopment funding agreement between the Town and the applicant for Program 10 (Brownfield Tax Increment Equivalent Rebate) of the CIP. This agreement will establish the magnitude of anticipated eligible costs as well as provide for mechanisms to verify actual costs as eligible under the CIP.

Eligible costs are generally defined as costs incurred in the remediation of a property that, as of the date of site assessment, does not meet the standards of the Ontario Environmental Protection Act to permit a Record of Site Condition to be filed in the Ontario Environmental Site Registry. The Town shall require verification of these costs when applying the programs to individual projects that have been approved for funding assistance.

Assistance under the Brownfield Development programs contained in the CIP is limited to the costs of environmental site assessment, remediation, and risk management and compliance with environmental regulatory approval requirements. Assistance is limited to the stated eligible costs. All other rehabilitation-related costs are ineligible under this Plan.

Eligible costs for Program 9 (Brownfield Environmental Site Assessment Rebate) are Phase II ESAs and Risk Assessments.

For all other Brownfield Development programs (i.e., Programs 11 through 13), the following costs are eligible for assistance:

- Environmental remediation and costs of achieving acknowledgement of a Record of Site Condition by the Ministry of the Environment, Conservation, and Parks and Certificate of Property Use as may be required. This includes both remedial action plans and risk management plans, and implementation costs;
 - Waste transfer to landfill and tipping fees for contaminated soils land fill;
 - Fill and grading to replace contaminated soils;
 - At the discretion of Council, demolition of existing buildings or structures;
 - At the discretion of Council, site development and infrastructure work including improvement or reconstruction of existing on-site infrastructure and development, triggered by the existence of contamination and requirements for remediation;
 - Legal fees directly related to site investigation, remediation and filing of a Record of Site Condition and compliance with any Certificate of Property Use.
-

- Insurance premiums for Cost Cap Insurance and Pollution Legal Liability (PLL) Insurance;
- Ongoing site environmental monitoring and management (part of risk management strategies); and/or,
- Interim financing costs (interest and financing fees) related to eligible costs. Long-term debt financing costs are not eligible.

Eligible Sites and Priorities

Brownfield ESA Rebate (Program 9) eligibility:

- Private sector landowners/developers who are actively seeking renovation/ redevelopment or re-use of the property and provide Phase I ESA conducted by a qualified environmental consultant indicating a requirement for a Phase II ESA.
- Site may be located anywhere within the boundaries of the Town of Smiths Falls.

All other Brownfield Development program applications shall meet all of the following conditions:

- Privately-owned lands proposed for development or redevelopment.
- The need for remediation is defined as a site with a Phase II ESA that indicates that site conditions do not meet standards (under the Environmental Protection Act) to permit filing of a Record of Site Condition.

Prioritization:

- Sites that meet the eligibility criteria of the Attainable Housing programs shall be prioritized for assistance.
- Highest priority will be given to sites to attainable housing projects within or near the Downtown and Waterfront Sub-Area (refer to Figure 1 and Figure 2 in Section 3.1).
- Attainable housing projects shall be eligible for greater assistance for remediation costs via the TIER program.

Brownfield Redevelopment Financial Incentive Programs

Program 8: Brownfield ESA Rebate

Category	Summary
Description	For sites with a Phase I ESA, assistance to further specify extent and nature of environmental contamination through rebate assistance of Phase II ESA and study and development of any Remediation Action Plan.
Intended Recipient	Private sector landowners/developers who are actively seeking renovation/ redevelopment or re-use of the property and provide Phase I ESA conducted by a qualified environmental consultant indicating a requirement for a phase II ESA.

Category	Summary
Program Specifics	<ul style="list-style-type: none"> • Town of Smiths Falls shall reimburse the property owner for costs associated with eligible studies. • Maximum individual rebate is \$25,000 or 50% of the cost of the ESA, whichever is less. • Maximum assistance per property of: <ul style="list-style-type: none"> ○ Maximum of 2 studies per property; and ○ Maximum of \$40,000 per property. • The above limits are at the discretion of the Town of Smiths Falls. Funding may be increased at the discretion of the Town based on the merits of each individual application as determined by the Town. Applicants may be required to furnish the Town with additional information, relinquish ownership of ESA reports and enter into additional agreements as necessary to the satisfaction of the Town.
Implementation Specifics	<ul style="list-style-type: none"> • Based on the principle of achieving maximum leverage of non-Town funds, applicants who identify other sources of financial assistance for environmental site assessments shall be given preference in the allocation of funds. • Total combined assistance toward the costs of environmental site assessment from all public sources shall not exceed 50% of total environmental site assessment costs. Town funding shall be the funding of last resort where other sources of public assistance exist.

Program 9: Brownfield Tax Increment Equivalent Rebate

Category	Summary
Description	<p>Tax Increment means the difference between the property tax liability for the lands in any year of the Program and the existing “base” tax liability. The TIER is a rebate equal to a portion of the tax increment. It is limited to the Municipal Portion of the tax liability. The TIER is provided for under Section 28(7) of the Ontario Planning Act.</p>
Intended Recipient	<p>Private sector owners of environmentally contaminated sites that have significant potential for redevelopment or rehabilitation.</p> <ul style="list-style-type: none"> • To be eligible for assistance, sites must demonstrate the existence of environmental contamination of the surface, soils, groundwater or built structures. • Equal preference given to commercial and residential development, reuse and/or conversion.

Category	Summary
Program Specifics	<ul style="list-style-type: none"> • The Town reimburses the landowner for all eligible costs by way of an annual rebate equivalent to 50% of the municipal portion of the incremental property tax increase over an established “base” assessment (value at the time the application is approved) and tax liability. • Attainable housing projects developed on brownfield sites are eligible to receive 100% of the tax increment. Eligibility for remediation cost assistance shall be established through the Brownfield TIER application process, but distribution of assistance can occur through either the Attainable Housing TIER or the Brownfield TIER (whichever program’s requirements are satisfied first) – there will only be one TIER per project. • Rebate represents foregone income for the Town. Site redevelopment creates tax income, a portion of which is foregone under this program. • Town should be cognizant of any significant increase in annual municipal operating costs as a result of redevelopment of the property in receipt of tax assistance. • One rebate per property. • The maximum program duration is 10 years or when the total cumulative rebate equals the total eligible costs, whichever occurs first.
Implementation Specifics	<ul style="list-style-type: none"> • Rebate based on the “Reimbursing Developer” approach – the landowner/developer pays for the full cost of remediation and rehabilitation as well as the resulting annual increase in property tax. • The rebate is assignable by the owner of the property to another party (subsequent property owner, tenant or other assignment) at any time during the period of the agreement. Should the original property owner transfer its interest in the property, the rebate can, with the agreement of the municipality, continue to be assigned to the new property owner for the duration of the rebate period. • The maximum amount of the rebate in any year is limited to the value of the work undertaken under eligible costs in that year or the increase in municipal property tax on the property compared to the base (before redevelopment) property tax, whichever is less. • Eligible costs not reimbursed in the year they are incurred can be rolled-over to subsequent years. • The rebate is limited by the maximum eligible costs in combination with all other programs of assistance provided by this CIP.

Program 10: Brownfield Building Permit Fees and Planning Application Fees Rebate

Category	Summary
Description	Assistance to private sector landowners for redevelopment of brownfield sites for residential and non-residential use by rebating the cost of Building Permit fees and fees associated with planning applications.
Intended Recipient	Private sector landowners/developers who are actively seeking redevelopment of contaminated lands and which provide: <ol style="list-style-type: none"> 1) Applications for redevelopment/re-use of the property which necessitates environmental site assessment and remediation. 2) A Phase II ESA that demonstrates that the proposed use does not meet Ministry of the Environment, Conservation, and Parks standards for property use as contained in the Soil, Ground Water and Sediment Standards for use under Part XV.1 of the Environmental Protection Act.
Program Specifics	<ul style="list-style-type: none"> • 50% reduction in building permit fees and planning application fees for developments on Brownfield sites. • Maximum rebate of \$50,000 per property or 50% reduction in building permit fee and planning application costs (up to the cost of remediation), whichever is less.
Implementation Specifics	<ul style="list-style-type: none"> • As necessary, the Town may amplify or adjust the application and approval protocols associated with this program. • Applicants who receive a permit rebate under this program are ineligible for access to a building permit fee and planning application fee rebate under the other CIP programs offering building permit fee and planning application fee rebates.

Program 11: Brownfield Development Charge Deferral Program

Category	Summary
Description	Assistance to redevelopment of brownfield sites for residential and non-residential use by deferring the cost of development related to development charges.
Intended Recipient	Private sector land owners/developers who are actively seeking redevelopment of contaminated lands and which provide: <ol style="list-style-type: none"> 1) Applications for redevelopment/re-use of the property which necessitates environmental site assessment and remediation. <p>A Phase II ESA that demonstrates that the proposed use does not meet Ministry of the Environment, Conservation, and Parks standards for property use as contained in the Soil, Ground Water and Sediment Standards for use under Part XV.1 of the Environmental Protection Act.</p>

Category	Summary
Program Specifics	<ul style="list-style-type: none"> • Deferral of up to 100% of the Development Charge for a period of up to 24 months without interest, subject to a Deferral Agreement • Limited to properties that are not eligible for annual installments under Bill 108. <ul style="list-style-type: none"> ○ At the time of this policy, rental housing, institution, commercial, industrial are eligible for the installment program and, as a result, would not be eligible under this deferral program.
Implementation Specifics	<p>Town has the right to review and amend any and all aspects of the program, including the purpose, form, method of application, evaluation and amount of funding of the program, from time to time, or at any time, for any reason, and at the sole and absolute discretion of the Town.</p>