

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Trisha McKibbin, Director of Corporate Services / Deputy Clerk
Date of Meeting:	28 November 2017
Subject:	COR 40-2017 Heritage Conservation and Maintenance Agreement Delegation of Authority

PURPOSE

The purpose of this report is to present to Council a copy of the Heritage Conservation and Maintenance Agreement that is a requirement of participating in the Heritage Property Tax Rebate Program. This report also seeks to receive Council's approval, by bylaw, for the delegation of authority to the Director of Building & Development to sign these agreements.

RECOMMENDATION

THAT Council receive COR 40-2017 Heritage Conservation and Maintenance Agreement Delegation of Authority, and;

THAT Council approve By-law 102-2017 delegating authority to the Director of Building & Development to sign Heritage Conservation and Maintenance Agreements on behalf of Council.

BACKGROUND

On September 12, 2017 Council passed By-law 79-2017 establishing a Heritage Property Tax Rebate Program for those eligible properties located within the Heritage Conservation District.

A Heritage Conservation Agreement is a mandatory requirement of a Heritage Property Tax Rebate Program. To be eligible for the Heritage Tax Rebate the *Municipal Act* requires the property to be subject to a Heritage Conservation Agreement. A Heritage Conservation Agreement is a legal agreement between the Town of St. Marys (Town) and the owner of a property to protect the heritage features of a property, and to encourage good stewardship of the property.

The *Municipal Act* provides three options for the agreement; 1) an easement agreement with the local municipality; or 2) an easement agreement with the Ontario Heritage Foundation; or 3) an agreement with the local municipality in which the property is located respecting the preservation and maintenance of the property. With the passing of By-law 79-2017, Council determined that an agreement with the local municipality would be the option utilized in the Heritage Property Tax Rebate Program. A property owner would be required to sign the Heritage Conservation Agreement prior to the disbursement of their eligible tax rebate.

REPORT

As the Heritage Conservation and Maintenance Agreement must be executed prior to the processing of the Heritage Property Tax Rebate applications, granting the authority to sign the Agreement on behalf of the Town to a staff member will enable the efficient and timely processing of both the Conservation and Maintenance Agreement as well as Heritage Property Tax Rebate Program applications.

Section 23.1 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, authorizes a municipality to delegate its powers and duties under the *Municipal Act* or any other legislation to a person or body, subject to the restrictions set out in the *Municipal Act*. By-law 101-2017 would delegate authority to the Director of Building & Planning to sign the Heritage Conservation and Maintenance Agreement on behalf of Council. Currently, all applications for the Heritage Property Tax Rebate Program are submitted to the Building & Development Department for review as Part B of the application may require Building and / or Heritage permits. By delegating authority to the Director of Building & Planning all applications and agreements for the Heritage Tax Rebate Program would remain within one department. Consultation with other departments, including Finance and Corporate Services may still occur under this process.

SUMMARY

This report contains information and a recommendation that the delegation of authority to sign Heritage and Maintenance Agreements for the Heritage Property Tax Rebate Program be delegate to the Director of Building & Planning to ensure the timely execution and process of both the Agreement and the Tax Rebate Application.

FINANCIAL IMPLICATIONS

None.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
- Pillar #5 Economic Development:
 - Outcome: Emphasize culture as a key economic driver the community
 - Tactic(s): Provide an attractive and well-functioning streetscape in the downtown core.
 - Pillar #5 Economic Development:
 - Outcome: Downtown revitalization plan
 - Tactic(s): Investigate prospect of turning second storey downtown space into rentals or studios.
 - Pillar #4 Culture & Recreation:
 - Outcome: Downtown revitalization plan
 - Tactic(s): Create the winning conditions to attract cultural/commercial enterprises into the core.

OTHERS CONSULTED

Grant Brouwer, Director of Building & Planning

ATTACHMENTS

Heritage Conservation and Maintenance Agreement

REVIEWED BY

Recommended by the Department



Trisha McKibbin
Director of Corporate Services / Deputy Clerk

Recommended by the CAO

A handwritten signature in black ink, appearing to read 'Brent Kittmer', followed by a horizontal line.

Brent Kittmer
CAO / Clerk