

Inactive By-law
(expired April 30, 2004)

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CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

**THE CENTREVENTURE
2002 HERITAGE TAX CREDIT BY-LAW
NO. 8058/2002**

**A By-law OF THE CITY OF WINNIPEG to
establish a program of property tax credits to
encourage and assist in the renovation and
improvement of designated structures in the
downtown area of The City of Winnipeg.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:
amended 8162/2002

1. This by-law may be cited as:

"The CentreVenture 2002 Heritage Tax Credit By-law".

2. In this by-law,

"CENTREVENTURE" means CentreVenture Development Corporation; a corporation without share capital, incorporated July 9, 1999 under *The Corporation Act* of Manitoba for the purposes of promoting and fostering economic, residential, and cultural growth and development in the Downtown district of the City.

"CITY" means The City of Winnipeg.

"DESIGNATED BUILDINGS" means those buildings identified from time to time on the Buildings Conservation List, attached as Schedule A to By-law No. 1474/77.

"DESIGNATED COMMITTEE" means the Executive Policy Committee of Council as established under The City Organizational By-law.

"DESIGNATED OFFICER" means the person designated in writing by the Chief Administrative Officer to administer this by-law.

"DOWNTOWN" means the geographic area of the City identified as CentreVenture Mandated Area forming part of and contained in the attached Appendix "A" to this by-law.

"HERITAGE INVESTMENTS RESERVE" means the reserve established by Council on March 15, 2000.

"LONG-TERM TENANT" means a tenant in a designated building who has entered into a signed lease agreement effective for 10 years following the completion of the proposed conservation project.

"NET PRIVATE INVESTMENT" means the cost of labour, material and equipment for eligible work in Designated Buildings and approved architectural, engineering and interior design fees, or a portion thereof.

"PROPERTY OWNER" means a person who is the registered owner under *The Real Property Act* of land on which a building, erection or structure is located, or the grantee thereof in a valid conveyance registered under *The Registry Act*, or an agent of either such owner.

amended 8162/2002

"STANDARDS FOR CONSERVATION" means the standards forming part of and contained in the attached Appendix "A" to this by-law, as adopted by the Historical Buildings Committee and approved by Council, to be applied to heritage rehabilitation projects.

- 3(1) Total tax credits are available under this by-law to a maximum of One Million (\$1,000,000.00) Dollars as funds are made available from the Heritage Investment Reserve.
- 3(2) For each approved project, fifty (50%) percent of the net private investment in eligible work is eligible for a tax credit to a maximum tax credit of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, for
 - (a) repairs deemed essential to the stabilization and preservation of the physical integrity of a designated building, including repairs to the roof, drainage system, foundation, and exterior cladding;

- (b) measures that protect significant original heritage elements, restore significant original elements, or reconstruct those that are missing;
- (c) repair or replacement of electrical, mechanical/heating and plumbing systems (including fire sprinkling, air conditioning and repair of heritage elevators) to ensure compliance with the Manitoba Building Code;
- (d) new interior construction where the work is sympathetic to the original fabric of the building;
- (e) measures to restore, upgrade or convert a designated building to a functional state for contemporary occupancy such as sympathetically designed, improved accessibility for the disabled;
- (f) asbestos removal;
- (g) energy efficient upgrading provided the exterior appearance of the building is not affected;
- (h) approved architectural, engineering and interior design fees;
- (i) replacement windows in non-original materials.

amended 67/2003

3(2.1) The following work is not eligible for a tax credit under this by-law:

- (a) non-heritage awnings and signage;
- (b) exterior paint colours not based on historical analysis;
- (c) application of water-repellant coatings;
- (d) sandblasting or other cleaning methods that may damage building materials or finishes;
- (e) demolition and haulage costs;
- (f) additions, new buildings, new fences;
- (g) landscaping or other work not done to the designated building unless the work is essential to the provision of physical access for persons with disabilities;

- (h) moving of buildings;
 - (i) work on a designated replica or reconstructed building;
 - (j) removing, preserving, storing or reusing portions of a demolished designated building;
 - (k) routine maintenance of a designated building and its site;
 - (l) soft costs including but not limited to plumbing fixtures, wall coverings, floor coverings and lighting fixtures;
 - (m) feasibility studies;
 - (n) permit costs, management fees and borrowing costs;
 - (o) equipment rental.
added 67/2003
- 3(3) A minimum of Fifty Thousand (\$50,000.00) Dollars in eligible work must be undertaken by the applicant in order to be eligible for a tax credit. The maximum value of net private investment in eligible work for which a tax credit may be allocated is Five Hundred Thousand (\$500,000.00) Dollars.
- 3(4) Designated Buildings used as single-family dwellings and undesignated buildings are ineligible for a tax credit under this by-law.
- 3.1(1) Applicants must be the property owner or the long-term tenant of a designated building located within the Downtown.
added 67/2003
- 3.1(2) If an applicant is a long-term tenant, the application must include written authorization from the property owner for the proposed project and a signed lease effective for ten (10) years following completion of the proposed conservation project.
added 67/2003
- 4(1) The tax credit may be used at the applicant's discretion for up to ten (10) years commencing in the 2003 tax year, to reduce City property and business taxes levied with respect to the designated building and land upon which the building is situated.

- 4(2) The tax credit may be used to reduce amusement taxes imposed with respect to the building, provided that the building was not in use for amusement tax purposes prior to February 28, 1998.
5. When calculating the net private investment in eligible renovations, any other government grants or rebates, including any provincial sales tax or federal goods and services tax refunds or credits which applicants may be eligible for, regardless of having applied for or received those entitlements, shall be excluded.
6. Applications will be evaluated based on the proposals that best meet the following criteria:
- (a) Priority One: Buildings that bring new residential units onto the market;
 - (b) Priority Two: Eligible work in buildings that are more than fifty (50%) percent vacant;
 - (c) Priority Three: Projects that contain a building that includes a combination of residential uses with commercial or institutional uses, preferably on separate floors;
 - (d) Priority Four: Building conservation projects that include significant exterior repair.
amended 67/2003
7. All applications must comply with the following:
- (a) the proposed conservation project must conform with all applicable provisions of the City's zoning and building by-laws, and with any applicable design approval process; and
 - (b) construction of the proposed project must not be commenced prior to approval of the tax credit.
8. One application is sufficient to cover all phases of a multi-phase conservation project.
9. *repealed 102/2003*
10. Applicants of applications which do not meet the criteria of this by-law, or which are received after the program has been fully subscribed, shall be notified in writing by the Designated Officer.

11(1) When a proposed project has been approved, the applicant shall be required to:

- (a) enter into a commitment agreement;
- (b) enter into a written heritage agreement with the City;
- (c) submit all costs and work plans;
- (d) pay all outstanding taxes, utility charges or rates of any nature whatsoever which have become due to the City;
- (e) complete the project as set out in the application;
- (f) provide proof satisfactory to the Designated Officer that all costs related to the project have been paid in full; and
- (g) provide any other information as may be required by the Designated Officer.

added 67/2003

11(2) When a multi-phase conservation project is approved, the tax credit available shall be proportioned and released to the applicant only as the completion of each phase is documented and inspected to the satisfaction of the Designated Officer.

amended 67/2003

12(1) If the net private investment is less than approved, or if the proposed project is not completed in accordance with the application, the amount of the approved tax credit shall be reduced accordingly.

12(2) If the net private investment is greater than approved due to structural or other conservation problems which could not have been anticipated prior to the commencement of the project, the applicant may submit information regarding the excess net private investment to the Designated Officer for consideration for further tax credit. The Designated Officer shall forward the information to the Designated Committee for a final determination.

13(1) Subject to subsection (2), if an applicant wishes to sell or transfer title or the long-term lease in the designated building, any approved tax credit or portion thereof which has not been released to the applicant is not transferable and will be cancelled.

- 13(2) If the Designated Committee so approves and if the new Property Owner or Long-term Tenant of the designated building agrees to assume all obligations of the applicant as hereinbefore set out, the approved tax credit or portion thereof may be transferred to the new Property Owner or Long-term Tenant.

amended 8162/2002

- 13(3) Notwithstanding the foregoing, in the event that

- (a) the applicant is the property owner of a designated building which is or becomes governed by *The Condominium Act of Manitoba* during the period within which the applicant is entitled to use the approved tax credit or any portion thereof; and
- (b) the applicant has assigned the approved tax credit or any portion thereof to CentreVenture for the purpose of obtaining gap financing for the project;

the tax credit or any portion thereof to which the applicant is entitled shall not be cancelled upon the sale or transfer of any or all of the condominium units to a new property owner or property owners.

amended 8162/2002

- 14(1) Notwithstanding the foregoing, at the option of the applicant, a tax credit or any portion thereof may be assigned as security for gap financing provided by CentreVenture, in which case the tax credit or any portion thereof to which the applicant would otherwise be entitled shall be paid in the form of a grant to CentreVenture in accordance with the terms of the agreement entered into between the City and CentreVenture for that purpose.

- 14(2) The amount of the grant payable pursuant to subsection (1) shall not exceed the amount of the tax credit otherwise payable.

- 15(1) *repealed 8162/2002*

- 15(2) *repealed 8162/2002*

16. CentreVenture shall administer all grants received by it from the City pursuant to this by-law in accordance with the terms of the agreement entered into between the City and CentreVenture for that purpose.

16.1 The Chief Administrative Officer and his/her delegates may take steps to administer and enforce this by-law and any decisions made shall be made in accordance with *The City of Winnipeg Charter*.

added 8162/2002

16.2 Any decisions made by the Designated Committee or the Chief Administrative Officer or his/her delegates shall be given to the applicant by delivering a copy of the decision to the applicant or the agent of such applicant or by sending a copy of the decision to the applicant or the agent of such applicant, addressed to the person's address as provided in the applicant's application, in accordance with *The City of Winnipeg Charter*.¹

16.3 Any decisions made by the Chief Administrative Officer or his/her delegates may be appealed in accordance with *The City of Winnipeg Charter* to the designated Committee.²

added 8162/2002

17. The tax credit program created by this by-law shall expire on April 30, 2004.

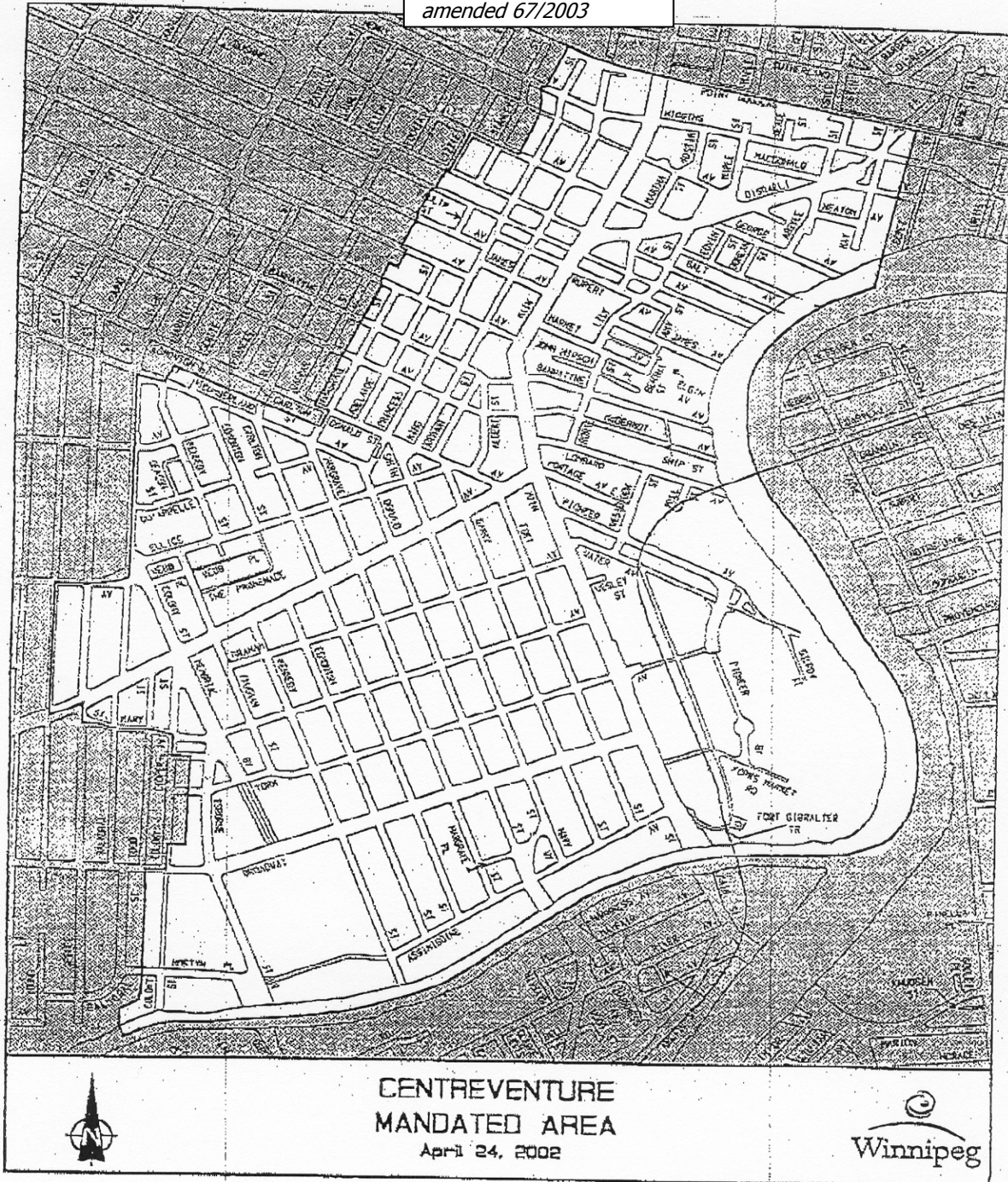
DONE AND PASSED in Council assembled, this 22nd day of May, 2002.

1 [See sections 116 and 117 of The City of Winnipeg Charter for information about how to serve orders, decisions and other documents.](#)

2 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)

APPENDIX "A"

amended 6/7/2003



APPENDIX "B"*amended 6/7/2003***Standards for Conservation**

On August 19, 1995, City Council approved a Consolidated Policy for Funding the Conservation of Heritage Buildings. This policy includes a series of standards which are to be applied to specific heritage projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, colour, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.