

THE CITY OF WINNIPEG

THE GAIL PARVIN HAMMERQUIST FUND BY-LAW
NO. 7633/2000

A By-law of THE CITY OF WINNIPEG to establish a program of grants from a fund, named in honour of Gail Parvin Hammerquist, to encourage and assist in the renovation of buildings of architectural or historic significance and to provide for heritage research and heritage economic development initiatives in the City of Winnipeg.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

WHEREAS section 474 of The City of Winnipeg Act provides, in part:

"By-law re grants and tax credits

474(2) The council may by by-law establish a program of grants or tax credits to encourage and assist in the renovation of buildings listed in a by-law under subsection (1).

Contents of by-law

474(3) A by-law under subsection (2) may, without limiting the generality of that subsection,

- (a) specify the taxes against which there may be a tax credit;
- (b) determine the types of renovations and costs associated with renovations that are eligible for a grant or tax credit;
- (c) impose terms and conditions on the entitlement to a tax credit or grant;
- (d) provide for the amount, or means of determining the amount, of a grant or tax credit;
- (e) establish a maximum annual grant or tax credit for each building;
- (f) fix the period of time during which a tax credit may be applied to taxes or a grant may be paid;
- (g) make provisions for any other matter that council considers necessary or advisable."

AND WHEREAS Council wishes to establish such a grant program.

AND WHEREAS A Fund known as The Gail Parvin Hammerquist Fund has been established by Council with the intention that an annual allocation will be made available in the Capital Estimates, in addition to an allocation of a 5% share of gross revenues received from sales of City-owned real estate as funding for the grants program.

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

TITLE

1. This By-law may be cited as:

"The Gail Parvin Hammerquist Fund By-law".

DEFINITIONS

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.

"CENTREVENTURE DOWNTOWN HERITAGE PROGRAM" means a program to be carried out within the CentreVenture mandated area (attached plan).

"CITY" means the City of Winnipeg.

"CITY-WIDE HERITAGE PROGRAM" means a program to be carried out within the entire geographic area of the City.

"COUNCIL" means the Council of the City.

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

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

"EXECUTIVE POLICY COMMITTEE" means the Committee of Council of that name established under The City Organization By-law.

"FUND" means the Gail Parvin Hammerquist Fund.

"HISTORICAL BUILDINGS COMMITTEE" means the Committee constituted pursuant to section 4 of By-law No. 1474/77.

"OWNER" means 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.

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

"STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT" means the Committee of Council of that name established under The City Organization By-law.

THE GAIL PARVIN HAMMERQUIST FUND

- 3(1). The grants from the Fund shall be distributed through a CentreVenture Downtown Heritage Program and a City-Wide Heritage Program.
- 3(2). The CentreVenture Downtown Heritage Program shall be a partnership between CentreVenture and the City, while the City-Wide Heritage Program shall be a partnership between the Historical Buildings Committee and the City.
- 3(3). Upon adoption of the City's annual Capital program, and confirmation by the City Treasurer of the amount in the Fund arising from revenues from sales of City-owned real estate, the Standing Policy Committee on Property and Development shall determine the total amount to be provided as grant monies from the Fund in that fiscal year.
- 3(4). On an annual basis and following consultation with CentreVenture, the Designated Officer shall recommend to the Executive Policy Committee for approval, the grant criteria and procedures to be utilized within the CentreVenture Downtown Heritage Program.
- 3(5). On an annual basis and following consultation with the Historical Buildings Committee, the Designated Officer shall recommend to the Standing Policy Committee on Property and Development for approval, the grant criteria and procedures to be utilized within the City-Wide Heritage Program.

3(6). The grant criteria will consider:

- (a) the administrative procedures;
- (b) the maximum amount of grant(s) available;
- (c) the eligibility criteria;
- (d) the submission criteria;
- (e) the evaluation criteria;
- (f) the conditions for grant approval;
- (g) the conditions for grant payment;
- (h) the conditions for applicant appeal.

4. If a portion of the funding allocation remains unexpended at the fiscal year end, the unexpended amount shall be carried over and applied to the program's next annual budget.

5. For the purposes of this by-law, a fiscal year shall be from January 1 - December 31.

6. Grants to be provided under the Fund may include:

- (a) Capital Grants;
- (b) Heritage Economic Initiatives Grants; and
- (c) Heritage Research and Interpretive Grants.

7. All grants for capital works under this Fund must adhere to the Standards for Conservation.

8(1). Applications for grants shall be submitted to the Designated Officer and shall include any information, documentation or verification that the Designated Officer may require.

- 8(2). The Designated Officer, with the concurrence of CentreVenture in the case of the CentreVenture Downtown Heritage Program and the Historical Building Committee in the case of the City-Wide Heritage Program, shall approve grant applications for eligible projects which comply with the grant criteria as adopted by the Executive Policy Committee or the Standing Policy Committee on Property and Development from time to time until available funding is committed.

CONSEQUENTIAL AMENDMENT

9. By-law No. 7100/97 is hereby amended by adding the following as subsection (21) to Section 4:

“(21) Approving criteria and procedures for the CentreVenture Downtown Heritage Program in respect of grant applications pursuant to the Gail Parvin Hammerquist Fund By-law No. 7633/2000.”

10. By-law No. 7100/97 is hereby further amended by deleting subsection (x) of Section 11 and substituting therefore the following:

“(x) Approving criteria and procedures for the City-Wide Heritage Program in respect of grant applications pursuant to the Gail Parvin Hammerquist Fund By-law No. 7633/2000.”

11. By-law No. 7040/97 is hereby repealed.

DONE AND PASSED in Council assembled, this 24th day of May, 2000.

SCHEDULE "A"**STANDARDS FOR CONSERVATION**

On August 9, 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.
-