THE CITY OF WINNIPEG

BY-LAW NO. 9/2019

A By-law of THE CITY OF WINNIPEG to update the Gail Parvin Hammerquist Fund By-law

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

Short title

1 This By-law may be cited as the "Gail Parvin Hammerquist Fund - City-Wide Program By-law".

Definitions

2(1) In this By-law

"building" includes a structure, statue, memorial, monument, fountain, gate, bridge or any other fixture or immovable object;

"capital project grant" means a grant made under the Capital Project Grants Program established by Part 2 of this By-law;

"Charter" means *The City of Winnipeg Charter*, S.M. 2002, c. 39;

"city" means the geographical area within the boundaries of The City of Winnipeg;

"City" means The City of Winnipeg continued under section 8 of the Charter;

"Council" means the council of the City;

"designated employee" means the employee of the department of the City with responsibility for heritage planning who has been given responsibility for administering this By-law, and currently refers to the City's Heritage Planner;

"Director" means the director of the department of the City with responsibility for heritage planning and currently refers to the Director of Planning, Property and Development for the City;

"eligible project" means a capital project or a heritage research and interpretive project that meets the eligibility requirements for a grant under this By-law;

"eligible project costs" means the material and labour costs reasonably attributable to a project that has been approved for a grant;

"Fund" means the Gail Parvin Hammerquist Fund that was named as such by Council on December 14, 1994;

"grant" means a grant made under this By-law;

"heritage research and interpretive grant" means a grant made under the Heritage Research and Interpretive Grant Program established by this By-law;

"heritage values" means heritage values embodied by a resource based on the following criteria:

(a) its importance in illustrating or interpreting the history of the city or a neighbourhood;
(b) its association with important individuals, groups or events;
(c) its illustration of the architectural or design history of the city;
(d) its embodiment of distinct or unusual architectural or design characteristics or particular style or method of construction;
(e) its location in an area of historical or architectural interest; and
(f) its historical or architectural integrity;

"Historical Buildings and Resources Committee" means the committee continued by section 37 of the Historical Resources By-law;

"historical resource" means a building or other resource that is on the List of Historical Resources established under the Historical Resources By-law;

"in-kind contributions" means goods or services donated and for which no reimbursement or payment is provided;

"listed element" means a feature or aspect of a historical resource that is set out in the listing for that historical resource;

"listing" means an entry on the List of Historical Resources established by the Historical Resources By-law;

"owner" means

(a) the registered owner of real property under *The Real Property Act* on which a building, erection or structure is located; or

(b) the grantee of such real property pursuant to valid conveyance registered under *The Registry Act*; or

(c) the agent of either a registered owner or grantee with the written authorization of the registered owner or grantee;

"*Standards and Guidelines*" means most recent edition of *The Standards and Guidelines for the Conservation of Historic Places in Canada* published from time to time by Her Majesty the Queen in Right of Canada;

"Standing Policy Committee" means the standing policy committee of Council that is given responsibility for heritage matters and currently refers to the Standing Policy Committee on Property and Development, Heritage and Downtown Development;

PART 1 – GENERAL

Gail Parvin Hammerquist Fund continued
3(1) The Gail Parvin Hammerquist Fund is hereby continued.

3(2) 5% of the gross revenues of all sales of City-owned real estate shall annually be allocated to the Fund.

3(3) 20% of the amount allocated in accordance with subsection (2) must be made available for grants payable under the programs established by this By-law.

PART 2 - CAPITAL PROJECT GRANTS

Capital Grants Program established
4 A Capital Project Grants Program is hereby established to provide grants to support the conservation of historical resources throughout the city.

Application process
5(1) The owner of property on which a historical resource is located may apply to the designated employee for a capital project grant in respect of a capital project associated with that historical resource.

5(2) An application for a capital project grant is not complete until all information reasonably required in order to review the application has been submitted. If required by the designated employee, the information must be provided on a form or in a format approved by the designated employee.

5(3) The designated employee may establish time periods and deadlines for capital project grant applications, a process for notifying applicants of the decision in respect of their application and other procedures in respect of the application process.

Amount of grant available
6 Grants for capital project grants are limited to 50% of the eligible project costs to a maximum of $50,000. No applications seeking grants of less than $5000 in value may be approved.

Eligible projects
7(1) A project is not eligible for a capital project grant if work on the project has begun before the grant application is approved.

7(2) In order to be eligible for a capital project grant, a capital project must involve the conservation of the listed elements of a listed resource in a manner appropriate to the condition of those elements.

7(3) For greater certainty, the following capital projects and activities are eligible for capital project grants:

(a) repair and restoration of exterior and interior listed elements of historical resources;

(b) structural repairs, work to increase building stability or ensure moisture control in respect of historical resources;

(c) repairs and replacements in kind of listed roofs;

(d) reconstruction of missing or damaged listed architectural elements of historical resources;

(e) repainting or recoating of listed elements;

(f) routine repairs to listed elements, such as repointing of brickwork, re-puttying of glazing, repairing doors and windows;

(g) building condition assessments of historical resources;

(h) assessments of structural viability and viability of remediation of historical resources;

(i) preservation plans that analyze listed elements and provide options for preservation treatment of historical resources; and

(j) professional architectural, engineering and interior design plans to execute one or more eligible capital projects.

7(4) For greater certainty, the following projects, activities and costs are not eligible for capital project grants:

(a) studies to determine the feasibility of reusing or adding new construction to historical resources;

(b) exterior cleaning of the building unless this is integral to stabilizing the cladding of a historical resource;

(c) work that is identified as not recommended in the most recent edition of *Standards and Guidelines*;

(d) work to components of a building or of property that are not listed elements of a historical resource;

(e) new construction or demolition of a historical resource;

(f) removal, storage, restoration, or reuse of any portion of demolished historic resources;

(g) relocation of a building; and

(h) permit or other regulatory fees, legal fees, borrowing costs and other costs that are not directly related to the eligible project or activity.

Financial eligibility

8(1) Subject to this section, in order to be eligible for a capital project grant, at least 50% of the eligible project costs must be paid for by the owner's contribution to the capital project. A grant from the City may not be included as part of the owner's contribution.

8(2) In-kind contributions made by the owner or a third party may be included as part of the owner's contribution only if the in-kind contributions are directly related to and reasonably required for the project. In-kind contributions must be measured at the fair market value for the goods and services contributed. The following in-kind contributions are not permitted to be included:

(a) fundraising;

(b) preparation of grant applications;

(c) compliance with financial reporting requirements; and

(d) other similar administrative activities.

Evaluation of applications

9(1) The designated employee is authorized to evaluate applications for capital project grants and to determine which eligible projects will receive grants in any year. The designated employee must consult with the Historical Buildings and Resources Committee before making a final decision with respect to the disbursement of capital project grants.

9(2) When evaluating applications for capital project grants, the designated employee must take the following into account:

(a) the extent to which a proposed project will conserve listed elements of a historical resource;

(b) the extent to which the proposed project will prevent damage to, or will restore, the integrity of the building envelope or the structural integrity of the historical resource, as determined by a professional architect or engineer registered to practice in Manitoba;

(c) the extent to which, and urgency with which, the historical resource requires the restoration work being proposed;

(d) the likelihood that the a heritage permit will be granted for the project;

(e) whether the proposed project is economically feasible, including whether funding from non-City sources has been secured;

(f) whether the proposed project is technically feasible;

(g) the level of compliance of the proposed project with the Manitoba Building Code, the City's zoning by-laws and other City by-laws;

(h) the likelihood that the owner, design consultant and contractor associated with the proposed project will complete the project successfully; and

(i) the likelihood that the project will be completed in compliance with conditions imposed on the capital project grant.

Grant conditions

10(1) The following conditions are imposed on approved capital project grants:

(a) the owner must execute an agreement with the City in respect of the grant;

(b) no work on the project may have been undertaken prior to approval of the grant;

(c) a heritage permit issued under the Historical Resources By-law must be obtained prior to any alterations to listed elements;

(d) work on listed elements must comply with *Standards and Guidelines*, other City guidelines for heritage conservation, and conditions imposed on the heritage permit;

(e) design work and structural assessments must be conducted by architects, interior designers, landscape architects and/or engineers entitled to practice in Manitoba unless the designated employee approves otherwise;

(f) applicable City permits and authorizations must be obtained prior to work being undertaken on the project;

(g) work must be completed and proof of payment submitted to the designated employee within 24 months after the grant has been approved; and

(h) significant changes to project costs, scheduling or scope of work must be reported to the designated employee immediately.

10(2) In the event of the owner's failure to comply with these conditions, the designated employee is authorized to refuse to pay out the grant or may reduce the amount of the grant paid.

Payment of grants

11(1) Grants are payable when all of the following have taken place:

(a) the project has been completed;

(b) the work has been inspected by the designated employee and the designated employee has determined that the work has been satisfactorily completed;

(c) city permits with respect to the project have been closed;

(d) photographic or other evidence of the completed work has been submitted to the designated employee; and

(e) proof of payment of project costs – including invoices, receipts, accounting ledgers, and evidence of labour or materials donated as contributions in kind - has been submitted to the designated employee.

11(2) A grant is only payable to the owner of the property on which the historical resource which was the subject of the approval is located.

11(3) The amount of the capital project grant payable to the applicant must not exceed 50% of the eligible project costs or $50,000, whichever is less.

PART 3 – HERITAGE RESEARCH AND INTERPRETIVE GRANTS

Purpose of Heritage Research and Interpretive Grants Program
12 A Heritage Research and Interpretive Grants Program is hereby established to assist research, educational and exhibition projects that promote Winnipeg's built heritage.

Application process
13(1) Only one grant application may be submitted in respect of a specific heritage research and interpretive project in a calendar year. Recipients of a grant may apply for an additional grant in subsequent years for the same project. A separate application is required for each heritage research and interpretive grant project. An organization may submit multiple applications for funding for multiple heritage research and interpretive projects.

13(2) An application for a heritage research and interpretive grant is not complete until all information reasonably required to review the application has been submitted. If required by the designated employee, the information must be provided on a form or in a format approved by the designated employee.

13(3) The designated employee may establish time periods and deadlines for heritage research and interpretive grant applications, a process for notifying applicants of the decision in respect of their application and other procedures in respect of the application process.

Amount of grant available
14 Heritage research and interpretive grants are limited to a maximum of $15,000. No applications seeking grants of less than $2000 in value may be approved.

Eligible projects
15(1) A project is eligible to be supported by a heritage research and interpretive grant if it will improve knowledge of Winnipeg's heritage through research into or interpretation of the city's built environment, architecture, landscape architecture, interior design, community and city planning or local designers. The project's product or result must be publicly accessible and made available for free or on a cost-recovery basis.

15(2) Without restricting the generality of subsection (1), eligible projects include

(a) publications, audio and visual or web-based heritage interpretive or technical guides;

(b) heritage conservation displays and exhibits;

(c) heritage tours and information packages;

(d) presentations and written material on heritage properties or districts;

(e) inventories of heritage sites, districts or materials; and

(f) heritage studies, reports, or plans.

15(3) Costs of preparing grant applications, financial record-keeping, reporting and fundraising are not eligible project costs for a heritage research and interpretive grant.

Evaluation of applications

16(1) The designated employee is authorized to evaluate applications for heritage research and interpretive grants and to determine which eligible projects will receive grants in any year. The designated employee must consult with the Historical Buildings and Resources Committee before making a final decision with respect to the disbursement of heritage research and interpretive grants.

16(2) When evaluating applications for heritage research and interpretive grants, the designated employee must take the following into account:

(a) the merits of a project, including

(i) the impact of the project in promoting, conserving, commemorating or promoting understanding of municipal heritage resources and sites – whether listed or unlisted - as well as local designers of heritage resources; and

(ii) the extent to which the project's results will be available to the public;

(b) the likelihood that the project will be completed, including

(i) the economic feasibility of the project; and

(ii) evidence that the organization will be able to complete the project, including the availability of human and financial resources; and

(c) the qualifications of the applicant to engage in the project, including

(i) the applicant's history of work on similar projects; and

(ii) endorsements and support from experts in the field.

Grant conditions

17(1) The following conditions are imposed on heritage research and interpretive projects for which grants have been approved:

(a) the successful applicant must execute an agreement with the City in respect of the grant;

(b) no work on the project may be undertaken prior to approval of the grant;

(c) the project must be completed and proof of payment of all costs in respect of the project must be submitted to the designated employee within 24 months after the grant has been approved; and

(d) significant changes to project costs, scheduling or scope of work must be reported to the designated employee immediately.

Payment of grants
18(1) Heritage research and interpretive grants are payable when all of the following have taken place:

(a) the project has been completed;

(b) the project result has been inspected by the designated employee and the designated employee has determined that the project has been satisfactorily completed;

(c) photographic or other evidence of the completed work has been submitted to the designated employee; and

(d) proof of payment of project costs – including invoices, receipts, and accounting ledgers - has been submitted to the designated employee.

18(2) The amount of a grant that is paid to the applicant must not exceed the eligible costs of the project.

PART 4 – APPEALS, CONSEQUENTIAL AMENDMENTS AND TRANSITION

Appeals
19 Any appeal in respect of decisions made pursuant to this By-law that is authorized by *The City of Winnipeg Charter* may be made to the Standing Policy Committee on Property and Development, Heritage and Downtown Development or whichever other standing policy committee is assigned responsibility for heritage buildings.

City Organization By-law amended
20 The City Organization By-law No. 7100/97 is amended by repealing subsection 4(21) and clause 11(x).

Existing By-law repealed
21 The Gail Parvin Hammerquist Fund By-law No. 7633/2000 is repealed.

Transition

22 Grants made, and agreements with respect to grants, from the Gail Parvin Hammerquist Fund made prior to the enactment of this By-law pursuant to authority delegated by resolution of Council are hereby ratified.

DONE AND PASSED this 28th day of February, 2019.

Mayor

City Clerk

Approved as to content:

Director of Planning, Property and Development

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor