

## THE BARTON / KENILWORTH COMMERCIAL CORRIDOR BUILDING IMPROVEMENT GRANT PROGRAM

### PROGRAM DESCRIPTION

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The Barton / Kenilworth Commercial Corridor Building Improvement Grant Program (the “Program”) was created to support the development of property and the maintenance, functionality, viability, accessibility and aesthetics of existing building stock used for commercial, multi-residential or institutional uses within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The Program supports the “Barton and Kenilworth Commercial Corridors Final Recommendations Report” received by City Council at its meeting held September 10, 2014.

### PROGRAM TERMS

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1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the Program.
2. Grants will be paid on a matching basis up to a maximum of \$50 K for eligible work under the Program.
3. Grants will be based on one grant per deeded property.
4. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner may present an estimate based on material only.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the development / improvements will improve the marketability of the property for prospective tenants and / or improve the business vitality and / or utilize formerly under-utilized properties.
6. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
7. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development Department and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one-year extension can be authorized by the Manager of the Commercial Districts and Small Business Section if an applicant has extenuating circumstances which would warrant an extension.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Commercial Districts and Small Business Section.
10. The Applicant shall provide to the City's Commercial Districts and Small Business Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
12. At the sole discretion of the Manager of the Commercial Districts and Small Business Section, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of the Commercial Districts and Small Business Section, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.

15. The Program may also be received by an owner in conjunction with any other available City program in support of the building improvements / development of the property. However, grants for specific work will be contingent on the total grants not exceeding 50% of the total cost of the specific work.
16. An application fee of \$423.75 for grants greater than \$12.5 K, or \$271.20 for grants less than or equal to \$12.5 K must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
18. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. Without limiting the discretion as set out in paragraph seven, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.
20. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.
21. Applicants shall disclose if any residential units are occupied at the time an application has been submitted to the City and, if so, identify the specific units occupied. For additional clarity, the City is not requesting or requiring the disclosure of tenant names or any other personal contact information.

22. Where this program will provide a financial incentive to facilitate the undertaking of external and/or internal property improvements which are not for the sole benefit of a non-residential use, and where the subject property contains occupied unit(s) at the time of application to the City, the occupied unit(s) shall not be the subject of an approved Above Guideline Increase (AGI) request (also referred to as an L5 request) to the Landlord and Tenant Board (LTB) for a period beginning from the date the application is received by the City and ending upon completion of the prescribed term of the incentive to be provided, or five years from the date of the initial financial disbursement, whichever is greater. This condition will continue to apply whether or not the tenancy of the unit(s) changes during this period. Exceptions to this condition may be provided where it can be demonstrated, to the City's satisfaction, that:
- a) the affected tenant(s) have consented to the proposed AGI. Where there is more than one occupied unit in the building at the time of application to the City, this exception only applies where all affected tenants have consented to the proposed AGI request;
  - b) that the requested AGI is a result of improvements or other matters not related to those improvements facilitated by the City's financial incentive; and,
  - c) notwithstanding the provision of a financial incentive by the City, an AGI request would be required to facilitate the property improvements due to site or building specific circumstances.

In the event an AGI request is approved by the LTB and determined to be in contravention of the City's condition, and this approval occurs after the City's approval under this incentive program but prior to the entering into any agreement required by this program, the application approval will be deemed to be rescinded, no incentive will be provided, and no agreement will be entered into by the City. Where the AGI approval occurs after the City's approval and after the execution of any agreement required by this program, any remaining incentive yet to be provided over the remaining term of the program will be cancelled and enforcement action will be initiated to recoup financial incentives provided to-date.

This condition shall not apply to units registered as a condominium.

## **ELIGIBILITY REQUIREMENTS**

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;
- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;

- Improvements commenced prior to submitting an application are ineligible improvements commenced after submitting an application but prior to application approval do so at the applicant's risk;
- Properties must be located within the boundaries of the Barton Village BIA, the Barton or Kenilworth commercial corridors or, properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law;
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls; and,
- Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development Department, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

## **ELIGIBLE IMPROVEMENTS**

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**Note: New development and façade improvements are required to be in compliance with the Barton / Kenilworth Urban Design Guidelines that form part of the Application Form.**

- Construction of new building;
- Façade improvements;
- Reinforcement of floors, walls, ceilings and foundations;
- Construction or alteration of stairs, guardrails, handrails;
- Roofing;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators;
- Installation or improvement of signage (Signage must comply with Sign By-law 10-197); and,
- Trees, shrubs, soil, mulch, grass on private property to improve the street edge conditions (to a maximum of \$3 K per application as part of the total grant awarded).

**Fees:** Architectural, engineering, lawyer's, BCIN designer, landscape architect, building permit, site plan application, road occupancy permit, street occupancy permits, and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development Department.