

## DOWNTOWN / WEST HARBOUR REMEDATION LOAN PROGRAM (RLP) APPLICATION FORM

**APPLICATION FEE OF \$360.00 TO ACCOMPANY APPLICATION**

**PRIOR TO SUBMITTING THIS APPLICATION:**

- **CONTACT CITY STAFF TO DISCUSS PROGRAM ELIGIBILITY**
- **REVIEW THE ASSOCIATED RLP PROGRAM DESCRIPTION FOR DETAILED PROGRAM TERMS AND CONDITIONS**

**FOR OFFICE USE ONLY**

Application No.: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

### SECTION A – GENERAL PROGRAM REQUIREMENTS AND INSTRUCTIONS

- 1) An application for the Downtown / West Harbour Remediation Loan Program (RLP) must be submitted to the Economic Development Department prior to the commencement of any works and prior to application for building permit;
- 2) Applications shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan and Province of Ontario environmental regulations;
- 3) As part of a complete application, the applicant shall submit to the City the following documents for the subject site:
  - a) a Remedial Action Plan, prepared by a Qualified Person (as defined by regulation) outlining the proposed environmental remediation and estimated costs
  - b) a recent Phase II Environmental Site Assessment (ESA) and/or Phase III ESA/Risk Assessment prepared by a Qualified Person (as defined by regulation); and,
  - c) a Business Plan for the planned redevelopment prepared to the City's satisfaction;
  - d) planning and/or architectural drawings of the proposed redevelopment;
  - e) an estimate of the post-development assessment for the planned redevelopment, prepared by the Municipal Property Assessment Corporation (MPAC), undertaken at the applicant's expense, **except** where the planned development is one of the following:
    - i) a residential rental building containing six (6) or less units;
    - ii) a residential-only condominium development of any scale; or
    - iii) a mixed-use building containing a residential condominiums and commercial uses provided the commercial uses are limited to the first two (2) storeys of the building; and

**NOTE for 3) e):** Applicants must contact MPAC directly ([products@mpac.ca](mailto:products@mpac.ca)) to obtain the estimate advise that the estimate will be provided to the City of Hamilton and must include any necessary clauses to ensure the estimate can be provided to, and used by, the City for the purposes of this application, including in public reports to City Council.

- 4) This Program is only available to eligible properties located within Areas 3 and 4 only (see Section I (page 10) for geographic boundaries);
- 5) The property shall be redeveloped such that the amount of work undertaken is sufficient to, at a minimum, result in an increase in the assessed value of the property;
- 6) The total value of the loan provided under this program shall not exceed the total value of work done under eligible program costs to a maximum of \$400,000;
- 7) Eligible program costs include the costs of (see Section I (page 10) for geographic boundaries associated with Areas 3 and 4 referenced in this section):
  - a) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a Record of Site Condition (RSC) to be filed for the proposed use by a Qualified Person, including costs of preparing the RSC;
  - b) additional costs for Phase II ESAs, Remedial Action Plan and/or Risk Assessment not reimbursed through the ERASE Study Grant Program;
  - c) installing environmental and/or engineering controls/works, as specified in the Remedial Action Plan and/or Risk Assessment and/or Certificate of Property Use;
  - d) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Action Plan and/or Risk Assessment and/or Certificate of Property Use;
  - e) the following Leadership in Energy and Environmental Design (LEED) Program components up to a maximum of 50% as per the City of Hamilton's LEED Grant Program (LGP) to achieve LEED certification under the LEED rating system by the Canadian Green Building Council (CaGBC):
    - i) incremental construction costs;
    - ii) consultation costs;
    - iii) energy modeling; and
    - iv) certification fees; and
  - f) demolition not covered by demolition charge credits (Area 2 and 3 sites only);
  - g) removal of existing on-site infrastructure prior to replacement up to a maximum of 25% of construction/improvement costs for of on-site public works (water services, sanitary sewers and storm sewers) (Area 2 and 3 sites only); and
  - h) certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 sites only); and
- 8) The total of the loan provided under this program as well as any grants provided under ERASE Study Grant Program, tax assistance provided under the ERASE Tax Assistance Program (TAP) and any other grants or loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the land and buildings;
- 9) Actual costs for any or all of the items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;
- 10) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the loan;

- 11) A RLP application must be accompanied by an application to either the ERASE Redevelopment Grant (ERG) or Revitalizing Hamilton Tax Increment Grant (RHTIG) Programs in order to be considered.
- 12) Where a Record of Site Condition (RSC) is required as a condition of eligibility under this Program, the owner shall successfully file the RSC, prepared by a Qualified Person, to the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and notify the City.
- 13) The City reserves the right to require the submission to the City's satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use;
- 14) If a building(s) erected on a property participating in this program is demolished before the loan period expires, the remainder of the monies to be paid out under the loan shall be forfeited;
- 15) Approval of loan applications is at the absolute discretion of City Council and subject to availability of funds; and
- 16) Without limiting the discretion as set in paragraph 15, 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, or is in active litigation with the City, 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 is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

**FOR QUESTIONS ABOUT THE PROGRAM OR TO SUBMIT A COMPLETE APPLICATION CONTACT:**

Phillip Caldwell, RPP MCIP  
 Senior Project Manager  
 (905) 546-2424 x2359  
[phil.caldwell@hamilton.ca](mailto:phil.caldwell@hamilton.ca)

**MAILING ADDRESS:**

City of Hamilton – Attention: Phil Caldwell  
 Economic Development Division  
 Commercial Districts and Small Business  
 Section  
 71 Main Street West, 7th Floor  
 Hamilton ON, L8P 4Y5

**COMPLETE APPLICATION CHECKLIST:**

- Completed and signed application form**
- A Remedial Action Plan**  
Prepared by a Qualified Person
- A Business Plan for the proposed development**
- Planning and/or architectural drawings for the proposed development**
- Digital copies of all previous environmental studies for the site**
- An MPAC post-development assessment estimate for the proposed development** (If required - see Section A, 3) e) for more info)
- A cheque in the amount of the application fee**  
Made payable to the 'City of Hamilton'

**SECTION B – OWNER APPLICANT/AGENT INFORMATION**

Name of Registered Property Owner:

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Mailing Address of Property Owner:

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Phone: ..... Email: .....

**If an Agent is acting on behalf of the Registered Property Owner please provide the following:**

Name of Agent:

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Mailing Address of Agent:

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Phone: ..... Email: .....

**CRIMINAL OFFENCES**

Have you been convicted of any criminal offence for which you have not been granted a record suspension or pardon? Yes ..... No .....

- For applicants that are Corporations, this question must be answered for all principals of the Corporation.
- If the answer is “Yes”, submission of a criminal conviction record check may be required.

**SIGNATURE OF OWNER/AUTHORIZED AGENT CERTIFYING DATE OF APPLICATION SUBMISSION AND TO PROVIDE PERMISSION FOR THE CITY OF HAMILTON TO UTILIZE PHOTOGRAPHS OF THE PROPERTY IN PROMOTIONAL MATERIAL**

I, \_\_\_\_\_, certify that answers and information I have provided in this application are true and complete, including my answer to the question of whether or not I (or the principal(s) of the Corporation) have been convicted of any criminal offence for which a record suspension or pardon has not been granted.

I also give permission to the City of Hamilton to utilize photographs of the property in the City of Hamilton’s promotional material.

**SECTION C – PROPERTY INFORMATION**

Municipal Address of Property(s) for which this Application is being submitted:

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Property Roll  
Number(s):

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Property Legal  
Description(s):

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Total Size of Site: \_\_\_\_\_ acres

Existing Use of  
Property(s):

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Current Zoning of the property(s): .....

Are there any buildings designated under Part IV of  
the Ontario Heritage Act on the property(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Are there any outstanding work orders on the  
property(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Are there existing buildings on the property(s)?

Yes \_\_\_\_\_ No \_\_\_\_\_

**If yes**, please identify the total floor area

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**SECTION D – PROPERTY TAX/FINANCIAL ASSISTANCE INFORMATION**

Current Property taxes paid annually for all properties? \$ \_\_\_\_\_

Are any of the property(s) in tax arrears? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, specify value of the arrears? \$ \_\_\_\_\_

Have tax arrears been cancelled (in whole or in part) on any property? Yes \_\_\_\_\_ No \_\_\_\_\_

Has any property received grants/loans or any other financial assistance from the City of Hamilton? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please specify the program and amount of financial assistance received:

\_\_\_\_\_

\_\_\_\_\_

Will the development be the subject of any other sources of government funding? (including Federal, Provincial, Federation of Canadian Municipalities etc.) Yes \_\_\_\_\_ No \_\_\_\_\_

Approval Date	Approval #	Program Name	Value (\$)

**SECTION E – ENVIRONMENTAL INFORMATION**  
 (to be completed by a Qualified Person as defined by regulation for environmental studies)

Name of Consultant: \_\_\_\_\_

Mailing Address of Consultant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Has a Phase I Environmental Site Assessment (ESA) been conducted on the site? Yes ..... No .....

Has a Phase II ESA ever been conducted on the site? Yes ..... No .....

Has a Phase III ESA/Remedial Action Plan/Risk Assessment ever been conducted on the site? Yes ..... No .....

If yes to any of the above, please provide a digital copy of the study(s) completed.

Describe any known or suspected environmental contamination issues (soil, groundwater, designated substances if applicable) affecting the site, including type of contaminants, extent, causes (brief site use history), underground storage tanks, above-ground storage tanks, etc.

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1. Estimated Costs for Environmental Remediation (Areas 3 and 4) \$ .....

2. Estimated Costs for Environmental Studies not subject to reimbursement under the ERASE Study Grant Program (Areas 3 and 4) \$ .....

3. Estimated Costs for LEED Components (Areas 3 or 4) \$ .....

4. Estimated Costs for Building Demolition (Area 3 only) \$ .....

5. Estimated Costs for on-site infrastructure upgrades (Area 3 only) \$ .....

**TOTAL ESTIMATED COSTS (sum of items 1-5 above) \$ .....**

**SECTION F – DEVELOPMENT INFORMATION**

Provide a detailed description (building size/type, number of stories, construction materials, etc.) of the proposed development to take place on the site once this site has been environmentally remediated (please attach detailed plans)

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Estimated Construction Value of the Proposed Development

\$

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Estimated Construction Start Date (Month/Year)

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Estimated Construction End Date (Month/Year)

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**SECTION G – AUTHORIZATION**

I, \_\_\_\_\_ am the owner of the land that is subject of this application, and I hereby authorize our agent / solicitor \_\_\_\_\_ to make this application and to act on my behalf in regard to this application.

Dated at the \_\_\_\_\_, this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(City/Town of...) Day Month Year

\_\_\_\_\_  
Name of Owner

\_\_\_\_\_  
Signature of Owner



**SECTION H – SWORN DECLARATION**

I/WE HEREBY APPLY for a loan under the RLP Program.

I/WE HEREBY AGREE to abide by the terms and conditions of the RLP Program as specified in this application and in the City of Hamilton ERASE Community Improvement Plan (please refer to Plan for additional details).

I/WE HEREBY AGREE to enter into an RLP Loan Agreement with the City of Hamilton that specifies the terms and conditions of the loan.

I/WE HEREBY AGREE to abide by the terms and conditions of the RLP Loan Agreement.

I/WE HEREBY CERTIFY that the information contained in this application is true, correct and complete in every respect and may be verified by the City of Hamilton by such inquiry as it deems appropriate, including inspection of the property for which this application is being made.

I/WE HEREBY GRANT PERMISSION to the City, or its agents, to inspect my/our property prior to, during, and after environmental remediation, site rehabilitation and project construction.

I/WE HEREBY AGREE that the program for which application has been made herein is subject to cancellation and/or change at any time by the City in its sole discretion, subject to the terms and conditions specified in the Program. Participants in the program whose application has been approved and who have entered into the RLP Loan Agreement with the City, will continue to receive loan payments, subject to their RLP Loan Agreement.

I/WE HEREBY AGREE that all loans will be calculated and awarded in the sole discretion of the City. Notwithstanding any representation by or on behalf of the City, or any statement contained in the program, no right to any loan arises until it has been duly authorized, subject to the applicant meeting the terms and conditions of the RLP Program and RLP Loan Agreement. The City is not responsible for any costs incurred by the Owner/Applicant in any way relating to the program, including, without limitation, costs incurred in anticipation of a loan.

Dated at the \_\_\_\_\_, this \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_  
(City/Town of...) Day Month Year

\_\_\_\_\_  
Name of Owner or Authorized Agent  
(Please print)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Date

**SECTION I – ERASE PROGRAM AREAS**

