

**Subject: Brownfields Redevelopment Community Improvement Plan By-law**

**File Number: ACS2024-PRE-PS-0053**

**Report to Finance and Corporate Services Committee on 2 April 2024**

**and Council 17 April 2024**

**Submitted on March 19, 2024 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

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**Ward: City Wide**

**Objet: Règlement sur le Plan d'améliorations communautaires pour le  
réaménagement des friches industrielles**

**Dossier: ACS2024-PRE-PS-0053**

**Rapport au Comité des finances et des services organisationnels le 2 avril 2024**

**et au Conseil le 17 avril 2024**

**Soumis le 19 mars 2024 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

**Personne ressource: Wendy Tse, Coordinatrice (i) Ententes préalables et  
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continue**

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**Quartier: À l'échelle de la ville**

## REPORT RECOMMENDATIONS

That Finance and Corporate Services Committee recommend Council:

1. Repeal By-law 2007-192, a by-law of the City of Ottawa implementing the Brownfields Redevelopment Community Improvement Plan;
2. Enact a new By-law of the City of Ottawa to implement an amended Brownfields Redevelopment Community Improvement Plan, in the form attached as Document 1, and as described in this report;
3. Establish a governance structure that will coordinate between all City CIP programs including Housing and Economic Development, to ensure that stacked CIP agreements on a single property do not annually exceed 100 per cent of the municipal property tax uplift;
4. Approve the Consultation Details Section of this report to be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of April 17, 2024," subject to submissions received between the publication of this report and the time of Council's decision.

## RECOMMANDATIONS DU RAPPORT

Que le Comité des finances et des services organisationnels recommande au Conseil municipal :

1. d'abroger le Règlement n° 2007-192 de la Ville d'Ottawa relatif à l'application du Plan d'améliorations communautaires pour le réaménagement des friches industrielles;
2. d'adopter un nouveau règlement visant l'application d'une version modifiée du Plan, dans la forme prévue au document 1 et comme il est décrit dans le présent rapport;
3. mettre en place une structure de gouvernance qui assure la coordination entre les différents programmes de PAC de la Ville, notamment pour le logement et le développement économique, afin que les ententes de PAC cumulées pour un même bien ne dépassent pas 100 % du relèvement de l'impôt foncier municipal par année;

- 4. d'approuver la section Détails de la consultation du présent rapport à inclure dans la « brève explication » au résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux “exigences d'explication” aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 17 avril 2024 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.**

## **EXECUTIVE SUMMARY**

This report repeals the existing Brownfields Redevelopment Community Improvement Plan (BRCIP) By-law 2007-192 and replaces it with the updated By-law based on Council's directions of November 22, 2023 and January 24, 2024 where changes were made to the eligibility, process, eligible costs and repayment terms for brownfields projects.

The goal of the Brownfields Redevelopment Community Improvement Plan is to help applicants overcome the impediments to redevelopment due to site contamination, leading to environmental, economic, and social benefits for the neighbourhood and the City overall.

The Brownfields Redevelopment Community Improvement Plan aligns with the *Planning Act*, Provincial Policy Statement and the City's Official Plan.

## **RÉSUMÉ**

Le présent rapport vise à abroger le Règlement n° 2007-192 relatif à l'application du Plan d'améliorations communautaires pour le réaménagement des friches industrielles et à le remplacer par un règlement respectant les directives formulées par le Conseil le 22 novembre 2023 et le 24 janvier 2024, qui modifient les critères d'admissibilité, le processus, les coûts admissibles et les modalités de remboursement pour les projets de friches industrielles.

Le Plan d'améliorations communautaires pour le réaménagement des friches industrielles sert à aider les personnes requérantes à abolir les entraves au réaménagement associées à la contamination des sites et à générer des retombées environnementales, économiques et sociales pour le voisinage et la ville dans son ensemble.

Ce plan est conforme à la *Loi sur l'aménagement du territoire*, à la Déclaration de principes provinciale et au Plan officiel de la Ville.

## **BACKGROUND**

The Brownfields Redevelopment Community Improvement Plan (BRCIP) is used to promote the redevelopment of brownfields lands which represent an environmental, economic and social concern for the community.

The Brownfields Redevelopment Community Improvement Plan was initially approved by Council in April 2007 with updates in May 2010 and October 2015. It was put on pause by Council on December 22, 2022 until a comprehensive review of the program was conducted. This comprehensive review report, *2023 City of Ottawa Community Improvement Plan Program Review*, was considered by the Finance and Corporate Services Committee (FCSC) on November 7, 2023 with the following recommendations to Council:

### **Recommendation 7**

Approve a direction to restructure the Brownfield Redevelopment Community Improvement Plan program such that all new applications are only eligible for projects qualifying under the new Affordable Housing Community Improvement Plan when implemented and direct staff to bring back to Council in Q1 2024 corresponding by-law amendments for approval;

### **Recommendation 8**

Approve a direction that all in-stream applications for the Brownfield Redevelopment Community Improvement Plan, deemed complete prior to December 14, 2022, be cancelled and that any funding requests be resubmitted and evaluated based on the new restructured Brownfield Redevelopment policy;

### **Recommendation 9**

Amend the existing brownfield application repayment provisions as detailed in this report.

At [Council](#) on November 22, 2023, the following three motions were introduced:

1. Two motions were not adopted:
  - a. amend Recommendation 7 to permit a Brownfield Community Improvement Plan at 50 per cent of eligible costs with an option to 100 per cent of eligible costs where the Affordable Housing Community Improvement Plan is met together with

a direction to staff to recommend an adjustment to the \$5 million cap for projects that qualify for the 100 per cent reimbursement.

- b. to provide for a \$20 million limit, indexed, for all Community Improvement Plan grants in a year, subject to certain projects qualifying under the Affordable Housing Community Improvement Plan to be exempt from this limit.

2. The third motion was carried:

- a. an amendment to Recommendation 8 to permit the seven deemed complete Brownfields applications to be brought forward for consideration under the rules in place prior to the pause approved by Council in 2022.

After the motions were considered, a vote occurred on Recommendation 7 together with Recommendation 8, as amended and were not adopted. A further vote led to the adoption of Recommendation 9.

Subsequently, at the January 24, 2024 [Council](#) meeting, a motion was tabled that will refer the following changes to the Brownfields Redevelopment Community Improvement Plan for consideration at the April 2, 2024 Finance and Corporate Services:

“...that the 2015 Brownfields Redevelopment Community Improvement Plan program be amended to include the following changes:

- The repayment be based on 75 per cent of Property Tax Uplift for applications that qualify under the Affordable Housing Community Improvement Plan or up to 100 per cent if both affordable and in a PMTSA to encourage faster development near transit;
- The repayment be based on 50 per cent of Property Tax Uplift for applications that include housing, but do not qualify for the Affordable Housing Community Improvement Plan;
- Projects without a housing component are not eligible;
- The maximum eligible grant for a standalone Brownfield Redevelopment Community Improvement Plan application be capped at \$3 million;
- The maximum eligible grant for a Brownfield Redevelopment Community Improvement Plan application stacked with any other CIP program, with the exception of the Affordable Housing Community Improvement Plan, be capped at \$5 million;

- Eliminate repayment of non-remediation related costs (including building demolition, feasibility studies, upgrades to onsite infrastructure as detailed in the [report](#));
- Eliminate the municipal leadership strategy program;
- A 20-year limit on the repayment of eligible costs;
- Any funding approval will become null and void if a building permit is not issued within 18 months post Council approval of the brownfields application.”

This report repeals the existing Brownfields Redevelopment Community Improvement Plan By-law 2007-192 and replaces it with the updated By-law based on Council’s directions.

## **DISCUSSION**

Council’s directions from November 22, 2023 and referral of [Motion No.2024 - 29-11](#) from the January 24, 2024 Council meeting make changes to the Brownfields Redevelopment Community Improvement Plan (BRCIP) eligibility, process, eligible costs, and repayment terms for brownfields projects. These are incorporated in the Brownfields Redevelopment Community Improvement Plan By-law attached as Document 1.

The following summarizes the amendments to the BRCIP:

### **Eligibility and Process**

To be eligible, brownfields projects must now include a housing component.

For applications that require site plan approval, the application for brownfields grant can only be made once the site plan application has been deemed complete. Staff will bring forward a Council report for consideration after site plan control approval is given or once there are no outstanding substantial comments related to the site plan application.

Any funding approval will become null and void if a building permit is not issued within 18 months post Council approval of the brownfields application.

To add clarity, lands owned by higher levels of government (provincial or federal lands) will not be eligible for Brownfield grants. They are responsible for the costs of rehabilitating their lands.

### **Eligible Costs**

Eligible costs under the updated program will only be those that are directly related to the remediation of the site in order to focus the program on the core mandate of

property remediation. This eliminates previously permitted costs associated with the feasibility study, building permit, building demolition, building rehabilitation and upgrades to on-site infrastructure.

## **Repayment**

The municipal leadership program will be eliminated. This previously directed 15 per cent of the incremental taxes to the Brownfield Municipal Fund, until the completion of the grant. The Development Charge Deferral program will continue to be available to developers.

There will be a 20-year limit on the repayment of the eligible costs or until the approved amount is repaid, whichever occurs first. This period begins from Council approval and the 20-year limit will be regardless of whether the development is phased or not.

For projects which do not qualify for the Affordable Housing Community Improvement Plan, the repayment will be based on 50 per cent of Property Tax Uplift. The maximum eligible grant for a standalone Brownfields Redevelopment Community Improvement Plan application will be capped at \$3 million. The repayment will be based on 75 per cent of Property Tax Uplift for applications that qualify under the Affordable Housing Community Improvement Plan or up to 100 per cent if both affordable and within a Protected Major Transit Station Areas (PMTSA) as identified in the City's Official Plan in order to encourage faster development near transit. Where the Brownfields Redevelopment Community Improvement Plan application is stacked with any other Community Improvement Plan program, except the Affordable Housing Community Improvement Plan, the combined eligible grant will be capped at a total of \$5 million.

The repayment provisions will also be amended to allow a partial payment pro-rated to the taxes paid for a given year. This applies to developments where the developer no longer maintains ownership post transfer, such as for a condominium, which may result on one unit's lack of annual property tax payment prohibiting the developer from meeting the requirements for payment. Applicants are only able to apply for grant funding once in a given year and the remaining unpaid tax uplift will not be recoverable in future years. For properties which remain in the sole ownership of the developer, the full property taxes will continued to be required to be paid in full prior to issuance of grant payment.

## **Provincial Policy Statement**

The redevelopment of brownfields sites is consistent with the 2020 Provincial Policy Statement.

## **Official Plan**

The City's Official Plan (OP) supports the adaptive reuse or intensification of brownfields sites where feasible in order to collectively achieve intensification and sustainable and resilient design goals and targets. The Official Plan also has in place policies to ensure that development only takes place on sites where the environmental conditions are suitable for the proposed use in accordance with provincial legislation and regulations.

## **RURAL IMPLICATIONS**

There are no direct rural implications of this report. Projects in villages meeting the eligibility requirements may apply for the Brownfields Redevelopment Community Improvement Plan.

## **CONSULTATION DETAILS**

In response to the 2023 City of Ottawa Community Improvement Plan Program Review report ACS2023-PRE-GEN-0008 that was considered by City Council November 22, 2023, comments and questions were received by the Greater Ottawa Home Builders' Association (GOHBA) seeking clarification of the impact of the City Council decision on the Brownfield Redevelopment CIP program. Staff provided clarification on the Council decision as well as a copy of the Legal Memo that was issued to members of Council on December 21, 2023, outlining the impacts of the City Council decision on the current status of the City's Brownfield Redevelopment CIP program.

The Finance and Corporate Services Committee meeting on April 2, 2024 will serve as the statutory public meeting to consider the amendments to the Brownfield Redevelopment Community Improvement Plan program and associated by-law.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

This is a City-wide item.

## **LEGAL IMPLICATIONS**

There are no legal impediments to implementing the report recommendations.

## **FINANCIAL IMPLICATIONS**

The Brownfields Redevelopment Community Improvement Plan By-law will be updated as outlined in Document 1. All grant requests will be subject to Council approval with financial analysis and implications included in the associated report. Budget authority requirements for the program will be brought forward through the annual budget process.



## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications for this report.

## **ECONOMIC IMPLICATIONS**

Each proposed development project can be expected to produce an overall economic benefit as a direct result of the construction. During the development of the site, direct and indirect economic benefits to the local economy will be experienced as a result of site remediation, the construction period through payroll, purchased material supplies, services, and equipment rentals.

At full development, the reassessed property would be added to the property tax assessment roll and once the grant payment ends, the total tax amount would subsequently be added to the City's general revenues.

## **ENVIRONMENTAL IMPLICATIONS**

The Brownfields Redevelopment Community Improvement Plan can help ensure that contaminated sites are properly remediated prior to development. The remediation and redevelopment of brownfields sites assist in meeting the Environmental Strategy goal of clean air, water and earth.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities for a city which provides the following:

- affordable housing and is more liveable for all;
- is green and resilient; and
- a diversified and prosperous economy

## **SUPPORTING DOCUMENTATION**

Document 1 Brownfields Redevelopment Community Improvement Plan By-law

## **CONCLUSION**

This report implements the changes brought forward by Council via [Motion No.2024 - 29-11](#) from the with respect to the Brownfields Redevelopment Community Improvement Plan.

**DISPOSITION**

Following enactment of the by-law, Planning Operations, Planning Services to undertake the statutory notification.

Planning, Real Estate and Economic Development Department to make the necessary text modifications to the Brownfields Redevelopment Community Improvement Plan, all application forms and the program description on Ottawa.ca.

Planning, Real Estate and Economic Development Department to advise the Ministry of Municipal Affairs and Housing of Council's decision regarding modifications to the Brownfields Redevelopment Community Improvement Plan.

Planning, Real Estate and Economic Development Department to continue to implement the Brownfields Redevelopment Community Improvement Plan.

Planning Operations Branch, Planning Services to undertake the statutory notification.

**Document 1 - Brownfields Redevelopment Community Improvement Plan By-law**

BY-LAW 2024-XXX

BROWNFIELDS REDEVELOPMENT COMMUNITY IMPROVEMENT PLAN BY-LAW

A by-law of the City of Ottawa respecting the Brownfields Redevelopment Community Improvement Plan for the City of Ottawa, and to repeal By-law 2007-192.

WHEREAS pursuant to Section 28 of the *Planning Act*, R.S.O. 1990. C. P.13, City Council may, may where it has passed a by-law designating the whole or part of an area covered by an official plan as a community improvement project area, adopt a plan as a community improvement plan for the community improvement project area;

AND WHEREAS on April 25, 2007 City Council enacted By-law 2007-191 which designated 1) those lands within the Urban Area Boundary of the Official Plan for the City of Ottawa; and (2) those lands designated “Village” in the Official Plan for the City of Ottawa as the Ottawa Brownfields Redevelopment Community Improvement Plan Area;

AND WHEREAS on April 25, 2007 City Council also enacted By-law 2007-192, “A by-law of the City of Ottawa to adopt the Ottawa Brownfields Redevelopment Community Improvement Plan.”

AND WHEREAS on November 22, 2023 and January 24, 2024 City Council directed modifications be made to the Brownfields Redevelopment Community Improvement Plan

AND WHEREAS Council has convened a public meeting to consider the adoption of the amended Ottawa Brownfields Redevelopment Community Improvement Plan;

THEREFORE, the Council of the City of Ottawa enacts as follows:

1. By-law 2007-192, a By-law of the City of Ottawa is hereby repealed;
2. Attachment 1, being the Ottawa Brownfields Redevelopment Community Improvement Plan is hereby adopted.
3. This by-law shall come into force in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended

## **Attachment 1 - Brownfields Redevelopment Community Improvement Plan**

### **Part I**

#### **History**

Council adopted its first Brownfields Redevelopment Community Improvement Plan (BRCIP) on April 27, 2007 which was subsequently amended on May 12, 2010 and October 14, 2015. After a comprehensive review, the program was further amended on November 22, 2023 and January 24, 2024.

The goal of the Brownfields Redevelopment CIP is to help applicants overcome the impediments to redevelopment due to site contamination, leading to environmental, economic, and social benefits for the neighbourhood and the City overall.

#### **Basis of the Plan**

Brownfields are abandoned, vacant, or underutilized properties where past actions have resulted in actual or perceived environmental contamination and/or derelict or deteriorated buildings. They are usually, but not exclusively, former industrial or commercial properties. Brownfields can include old landfills, abandoned factories, dry cleaners, gas stations, storage areas, bulk fuel storage/oil terminals, asphalt plants and print shops.

The Ottawa Brownfields Redevelopment Community Improvement Plan (BRCIP) is a comprehensive framework for promoting brownfield development within the City's urban area boundary and designated villages.

#### ***Provincial Legislation***

Section 28 of the *Planning Act* allows municipalities with provisions in their Official Plans relating to community improvement to designate through by-law a “community improvement project area” and prepare and adopt a community improvement plan for the community improvement project area. Once the community improvement plan has been adopted by the municipality and comes into effect, the municipality may exercise authority to make grants in conformity with the Community Improvement Plan By-law.

Section 28 (7.1) specifies that the eligible costs of a community improvement plan may include costs related to ‘environmental site assessment, environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for the provision of energy efficient uses, buildings, structures, works, improvements or facilities.’

Section 28 (7.3) of the *Planning Act* specifies that the total of all grants and loans made in respect of particular lands and buildings under subsections 28 (7) and (7.2) of the *Planning Act* shall not exceed the eligible costs of the community improvement plan with respect to those lands and buildings. The grant program contained in Section II of this report sets out the program details for a Brownfields Redevelopment Community Improvement Plan that ensure that this legislation requirement is met.

With the implementation of a CIP under the provisions of the *Planning Act*, the municipality is exempt from the bonusing prohibition in Section 106 of *Municipal Act*. Further, Section 365.1 provides the authority to the municipality to provide tax assistance.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2020, issued under Section 3 of the *Planning Act*, guides municipalities as planning decisions are made. The *Planning Act* requires that municipal decisions in respect of the exercise of any authority that affects a planning matter “shall be consistent with” the Provincial Policy Statement.

The Provincial Policy Statement supports the long-term economic prosperity and well being of Ontario including strong, sustainable and resilient communities for people of all ages, a clean and healthy environment and a strong and competitive economy which includes the redevelopment of brownfield sites.

### **Ottawa Official Plan**

The Community Improvement policies in Section 11.3 of the Official Plan set out the direction for preparing a community improvement plan, conditions to be considered when designating a community improvement project area, priority areas for community improvement, and the range of actions that Council may undertake to implement community improvement plans. A Community Improvement Plan may be prepared and adopted to facilitate the renovation, repair, rehabilitation, remediation, development or other improvement of lands and/or buildings.

### **Term of Council Priorities**

The Brownfields Redevelopment Community Improvement Plan directly aligns with the following 2023-2026 Term of Council Priorities to create an Ottawa that:

- has affordable housing and is more liveable for all;
- is green and resilient; and

- has a diversified and prosperous economy.

## **Part II**

### **General Program Requirements**

1. This program applies to brownfields sites within the City of Ottawa's urban boundary and designated villages.
2. Lands under the ownership of the Federal Crown, or the Crown in right of Ontario (or any other Province), or lands under the ownership of a Crown Corporation (including but not limited to the National Capital Commission) are not eligible.
3. For the purposes of this CIP, an applicant is the registered owner, assessed owner and tenant of lands and buildings within the community improvement project area, and any person to whom such an owner or tenant has assigned the right to receive a grant or loan, to pay for the whole or any part of the eligible costs of the community improvement plan.
4. The general and program specific requirements contained in this Community Improvement Plan are not necessarily exhaustive and the City reserves the right to include other requirements and conditions as deemed necessary on a property specific basis.
5. The City reserves the right to audit the cost of any studies or works that have been approved under this program, at the expense of the applicant;
6. The City is not responsible for any costs incurred by an applicant in relation to the program, including without limitation, costs incurred in anticipation of a grant payment;
7. If the applicant is in default of any of the program requirements, or any other requirements of the City, the City may delay, reduce or cancel the approved grant payment;
8. The City may discontinue any of the programs at any time, but applicants with approved grants and/or tax assistance will still receive said grant and/or tax assistance, subject to meeting the program requirements;
9. All proposed works approved under the incentive programs and associated improvements to buildings and/or land shall conform to all municipal by-laws, policies, procedures, standards and guidelines, including applicable Official Plan and zoning requirements and approvals;

10. The improvements made to buildings and/or land shall be made pursuant to a Building Permit, and/or other required permits, and constructed in accordance with the Ontario Building Code;
11. Outstanding work orders, and/or orders or requests to comply, and/or other charges from the City (including tax arrears, where applicable) must be satisfactorily addressed prior to grant payment;
12. City staff, officials, and/or agents of the City may inspect any property that is the subject of an application for any of the financial incentive programs offered by the City.

### **Program Eligibility Requirements**

1. If the applicant or one of its associated companies caused the contamination on-site, they are not eligible for an application for grant funding.
2. The proposed development shall include a housing component.
3. For large developments with a portion of the site meeting the eligibility requirements, only costs related to that portion for the development is eligible for funding. For example, if fill is required for the site with fifty percent contamination, only the cost of the fill related to that fifty percent portion is eligible for funding.
4. Eligibility for Brownfields Redevelopment Community Improvement Plan grant funding can be stacked with any other Community Improvement Plan programs. However, the maximum grant funding in any given year cannot exceed 100 per cent of the property tax uplift.
5. Any brownfields funding approval will become null and void if the development is not issued a building permit within 18 months post Council approval of the brownfields application.

### **Eligible Rehabilitation Items and Costs**

Below is a table summarizing the eligible items and maximum eligible costs.

Table 1

<b>Program Eligible Item and Description</b>	<b>Program Item Eligible Cost</b>
1. Environmental studies, Remedial Work Plan and Risk Assessment, including the	50 per cent

cost of preparing a Record of Site Condition	
2. Environmental Remediation	50 per cent, may include costs of Phase II ESAs, Remedial Work Plans, and Risk Assessment not covered in 1 above.
3. Placing clean fill and grading	50 per cent
4. Installing environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment	50 per cent
5. Monitoring, maintaining and operating environmental and engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment	50 per cent
6. Environmental Insurance Premiums	50 per cent

1. Only those items listed in Table 1 are considered eligible items at the percentage of costs indicated.
2. All proposed costs shall exclude HST.
3. All proposed costs shall be the incremental cost between a greenfield and brownfields development. For example, if excavation and shoring is required regardless of whether the site is a brownfields project, these costs are not eligible. However, the tipping fee which is only associated with a brownfields project is eligible.
4. Project management costs shall have an upset limit of ten per cent of the total remediation cost and shall be supported by backup invoices or timesheets.
5. Any cost associated with the remediation of future City parkland is not eligible.

### **Application Submission Requirements**



1. All environmental studies (Phase I ESA, Phase II ESA, Remedial Action Plan (RAP), Risk Assessment).
2. Detailed work plan and cost estimate prepared by a qualified person (as defined by the *Environmental Protection Act* and Ontario Regulation 153/04 as amended) for all eligible environmental remediation and risk assessment/risk management works (if not already included in the above environmental studies).
3. A cost estimate prepared by a bona fide contractor for eligible rehabilitation costs.
4. A detailed architectural/design and/or construction drawings.
5. Estimated post-project assessment value prepared by a private sector property tax consultant.
6. A completed application form.

### **Process**

1. An optional pre-consultation process to identify required submission material and determination of project eligibility may be requested by the property owner/agent.
2. Applicant submits the completed package. For applications which are also subject to site plan control approval, the application may only be submitted after the site plan control approval application is deemed complete.
3. City staff will review the submission package and provide any comments relating to the submission.
4. The applicant will respond and resubmit to address the comments.
5. City will retain the right to request a peer review on any of the submission material and the full cost will be borne by the applicant.
6. Once all the comments are addressed, staff will deem the application complete and prepare a report to Finance and Corporate Services Committee for final deliberation at Council. For applications which are subject to site plan control approval, the report will be brought forward once site plan control approval has been granted or once there are no outstanding substantial issues.
7. Any remediation costs following application deemed complete are eligible for recovery and the applicant may proceed with remediation at their own risk subject to final Council approval of the Brownfields Redevelopment application.

8. Following Council approval, an agreement will be prepared by the City and registered on the property. The incentives are not transferable except that where the Owner ceases to own the lands or part thereof, the remaining grant and provisions of the agreement may be assigned by the Owner to another registered owner, upon the consent of the City.
9. When amendments to this CIP are made, the City will pass a by-law to adopt such amendments.
10. Should staff not support approval of an application, the applicant may request a report be brought to Finance and Corporate Services Committee and Council. Council is the final approval authority.

### **Requirements Prior to Rehabilitation Grant Payment**

Prior to the Rehabilitation Grant payment, the applicant shall complete the below requirements to the City's satisfaction. The City will then process the initial and yearly payments until the upset limit or a maximum of 20 years from Council approval is reached, whichever occurs earlier.

1. Receive the building permit within 18 months of Council approval of the brownfields application.
2. Complete the Rehabilitation Work.
3. Post remediation, submit a Record of Site Condition with the Ministry of Environment, Conservation and Parks, in accordance with all applicable laws, to demonstrate that the site has been properly remediated and meets the relevant Ministry standards and provide proof to the City.
4. Satisfy the City that the Rehabilitation Costs incurred have been paid in full and that there are no liens, claims or litigation in respect of the Owner's obligation to pay the Rehabilitation Costs, or in the event of any such lien, claims or litigation the Owner is, in good faith, disputing same.
5. Satisfy the City that there are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the initial development of the Project, the Lands and the business of the Owner to the extent it relates directly to and in respect of the Lands.
6. Have requested that the Lands be assessed by the Municipal Property Assessment Corporation and that the revised assessment be added to the tax roll of the City, which assessment must demonstrate to the satisfaction of the

City, acting reasonably, that the rehabilitation and development of the Lands has resulted in the occurrence of a Tax Increment.

7. Pay or cause to be paid all outstanding property taxes levied on the Lands for a minimum of one year after the Lands have been reassessed by the Municipal Property Assessment Corporation. However, if the development has been sold to individual homeowners and there are outstanding property tax payment(s), the grant payment can still be issued but shall be made pro-rated based on the total amount of property taxes paid for that given year. The remaining unpaid tax uplift will not be recoverable in future years. If the development remains within the sole ownership of the original developer, the full property taxes continued to have to be paid prior to issuance of grant payment.
8. Satisfy the City that the building has been constructed in accordance with the building permit.
9. Provide a written request to the City for the initial payment of the Rehabilitation Grant.

### **Repayment**

1. The eligible costs, including for phased developments, are recoverable over a maximum of 20 years from the date of Council approval or up until the total eligible funding is recovered, whichever occurs earlier.
2. The total of all grants provided in respect of the particular lands and buildings of an applicant under the programs contained in the Brownfields Redevelopment Community Improvement Plan shall not exceed 50 per cent of the cost of rehabilitating said lands.
3. The maximum eligible grant for a standalone Brownfields Redevelopment Community Improvement Plan application is capped at \$3 million.
4. Brownfields Redevelopment Community Improvement Plan may be stacked with other Community Improvement Plan's but shall not exceed an annual tax incremental grant funding above 100 per cent of the yearly tax uplift and shall include a funding cap of up to \$5 million for all the Community Improvement Plans combined, with the exception of the Affordable Housing Community Improvement Plan.
5. The annual repayment will be based on 50 per cent of Property Tax Uplift for applications that do not qualify for the Affordable Housing Community Improvement Plan.

6. The annual repayment be based on 75 per cent of Property Tax Uplift for applications that qualify under the Affordable Housing Community Improvement Plan or up to 100 per cent if the project is both affordable and identified as Protected Major Transit Station Areas (PMTSA) in the City's Official Plan to encourage faster development near transit;
7. If the combined grant funding of all the Community Improvement Plan programs exceeds 100 per cent of the property tax uplift, only 100 per cent of the municipal property tax uplift will be paid in a given year. The grant funding will continue to be payable up to 100 per cent of the municipal property tax uplift in a given year to the maximum eligible amount, or until the 20-year period has been reached. Once the 20-year period has been reached, no additional payments will be made.

### **Development Charge Deferral Program**

Under the Development Charge Deferral Program, the owner of the property is eligible for a 50 per cent deferment of eligible items costs towards development charges, by entering into a Deferral Agreement with a preferred annual interest charge of the issued index interest rate with the City of Ottawa. The term of the agreement would be subject to a maximum of either two years after issuance of a building permit or three years after the approval by the Council of the Brownfield Redevelopment Community Improvement Plan application by the developer, whichever one occurs first, at which time the payment of the Development Charge deferred amount, plus interest, would be made by the developer.