



**SUBJECT: Grant application from the Community Heritage Fund for  
2222 Lakeshore Road**

**TO: Planning and Development Committee**

**FROM: Department of City Building - Planning Building and  
Culture**

Report Number: PB-07-18

Wards Affected: 2

File Numbers: 501-06.7

Date to Committee: July 10, 2018

Date to Council: July 16, 2018

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**Recommendation:**

Approve the grant application by Sokol Meta for painting and for restoration of chimney and woodwork, in the amount of \$14,815.06, to be funded by the Burlington Community Heritage Fund; and

Instruct the City Solicitor to prepare the necessary Heritage Conservation Agreement (Letter of Understanding); and

Authorize the Mayor and City Clerk to sign the Heritage Conservation Agreement (Letter of Understanding) in connection with this matter.

**Purpose:**

The subject report responds to an application for a grant from the Community Heritage Fund. The following objective of the Strategic Plan (2015-2040) is applicable to the subject application:

An Engaging City

- Community Building through Arts and Culture via Community Activities
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## **Background and Discussion:**

### **Description of Subject Property**

The subject property is located on the south side of Lakeshore Road, between Smith Ave and Seneca Ave. The property is the location of a twenty-unit residential condominium development called Brant's Landing (Halton Condominium Corporation 141). The condominium development comprises two buildings:

1. a three-storey apartment building constructed in the late 1980s, located on the south end of the property, containing eighteen units; and
2. a two-storey heritage building known as Chestnut Villa, containing two residential units, located at the north end of the property, fronting on Lakeshore Road.

The three-storey building is referred to by the address 2220 Lakeshore Road, while the heritage building, Chestnut Villa, is addressed 2222 Lakeshore Road.

Chestnut Villa was constructed circa 1855 and was expanded and modified by subsequent owners in the late nineteenth and early twentieth centuries. Consequently the building exhibits characteristics of various architectural styles including Georgian, Victorian, and Edwardian. In 1984 the villa was relocated approximately 110 feet from its original location on the property to its current situation close to Lakeshore Road. It was rehabilitated and converted into two condominium dwelling units in the late 1980s at the time that the new three-storey building was constructed behind it. The two condominium units (originally referred to in the Condominium Declaration as Level 1, units 7 and 8, but now referred to as units 17 and 18) include only the interior of Chestnut Villa, while the exterior of the building is a common element of the condominium development and is owned and maintained by Halton Condominium Corporation 141 (HCC 141).

The Villa was designated under the Ontario Heritage Act in 1992 by by-law 16-1992.



**Figure 1: Chestnut Villa, 2222 Lakeshore Road, front elevation**



**Figure 2: Chestnut Villa with modern apartment building behind**

## **Description of Applications**

On October 10, 2017, the Department of City Building (then known as the Planning and Building Department) received applications for a heritage permit and a grant from the Community Heritage Fund for the subject property. These applications were submitted by Sokol Meta of Wilson Blanchard Management Inc., property manager for HCC 141, on behalf of their client. The applications concerned the following work that had been completed without a heritage permit in the summers of 2016-2017:

- brick replacement and local repointing in exterior walls and chimney, and new concrete caps on chimney;
- walkway paving;
- painting exterior walls; and
- repairs to woodwork, terrace column, exterior stairs.

### ***Heritage Permit Application***

The heritage permit application retroactively requested permission for the above completed works. Staff have discussed with Wilson Blanchard and with the president of HCC 141 their obligation to apply for and obtain heritage permits prior to making any alteration that could affect the protected attributes of their designated heritage building, in accordance with the Ontario Heritage Act. Wilson Blanchard and the current president of HCC 141 had been unaware of their obligations but are now informed and committed to complying with applicable legislation in future.

Staff have no concerns with the works that occurred on the property and approved the heritage permit application through delegated authority on January 2, 2018, after consulting with Heritage Burlington.

### ***Grant Application***

The Community Heritage Fund (CHF) was established in 1985 to encourage the preservation of structures designated under the Ontario Heritage Act by providing financial assistance to property owners in the form of loans and grants. It was also an objective of the CHF to encourage the designation of properties of cultural heritage value. The CHF was amended in 1993 and 2014 and now provides grants of up to 25% of the total eligible restoration project costs to a maximum of \$15,000, subject to specific guidelines. Loans may be provided for up to 50% of total eligible restoration project costs to a maximum of \$15,000. Applicants must sign a heritage conservation agreement with the City as a condition of approval of any grant or loan application. The agreement confirms the applicant's understanding of the terms of the grant and their acknowledgement of their obligations to maintain the heritage attributes of their property in accordance with the designation by-law passed under the Ontario Heritage Act and other applicable legislation.



The subject CHF application requests a grant to subsidize the cost of the completed works described above. The application requests the full grant amount, \$15,000.

## **Strategy/process**

### ***Heritage Permit Issue***

The subject application requests a grant for works that were completed without a heritage permit. Staff have informed the owner of their obligation to obtain a permit for any alteration that is likely to affect the protected heritage attributes of their property, in accordance with the Ontario Heritage Act. The owner had been unaware of their obligations but has since demonstrated a willingness to work with staff to formalize the completed works and to comply with applicable legislation in future. The owner has also sought zoning advice to ensure they understand the zoning regulations that apply to their property. The work to which the subject grant application applies does not have zoning implications.

While the Heritage Act does not provide for the issuance of retroactive heritage permits, staff supported the issuance of a retroactive permit for the completed works as a means to ensure the City has a written record of the alterations that have occurred. The issuance of a heritage permit, with the support of Heritage Burlington, is also a formal acknowledgement of the City's support for the completed restoration work.

The Heritage Conservation Agreement that owners must sign in order to receive a grant from the Community Heritage Fund stipulates that grant assistance can only be obtained for a project that has received municipal approval through a heritage permit process prior to work being initiated, unless Council has approved otherwise. The intent of the Community Heritage Fund is to provide financial assistance to property owners in preserving the heritage attributes of their designated heritage properties. In implementing the program, staff aim to educate and collaborate with property owners, and facilitate their access to the program, in order to increase owner awareness and engagement and improve long-term heritage conservation outcomes. With this in mind, the issuance in January 2018 of the retroactive heritage permit for the subject property supports staff's recommendation that Council approve the issuance of a grant despite the owner's error in completing the works prior to obtaining a permit.

### ***Project Eligibility***

Grants from the Community Heritage Fund cover 25% of project costs for eligible projects, to a maximum of \$15,000. Eligibility is determined based on a list of guidelines and requirements, available online at [https://www.burlington.ca/en/services-for-you/resources/Planning\\_and\\_Development/Heritage\\_Conservation/Information\\_Sheet\\_-\\_Community\\_Heritage\\_Fund.pdf](https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Heritage_Conservation/Information_Sheet_-_Community_Heritage_Fund.pdf). Generally grants or loans may be issued to

subsidize any work which conserves or enhances protected heritage attributes of a property. Short-term, routine maintenance is not eligible.

The applicant has requested a grant in the full amount of \$15,000 for brick and chimney work, walkway paving, painting, and wood restoration. Eligibility of each component of the application is described as follows:

#### Brick and chimney work

This work included local repointing and restoration of bricks, replacement of bricks that could not be repaired, and installation of precast concrete caps on the chimneys. The brick repointing and restoration is eligible for grants; however, the eligibility guidelines state that chimney repair is not eligible except for the restoration of a significant chimney.

Because the subject chimneys are not referred to in the designation By-law 16-1992, staff had originally intended not to support the issuance of a grant for the chimney repair component of the project; however, Heritage Burlington opposed the restrictive interpretation of the eligibility guidelines and considered the subject chimneys to have sufficient significance in supporting the character of Chestnut Villa. Heritage Burlington recommended that the approved grant amount include the amounts related to chimney repairs. Staff support the recommendation of Heritage Burlington to approve the grant for chimney work.

#### Walkway

Paving of a new (non-significant) walkway is considered landscaping and is not eligible for a grant. Heritage Burlington agrees with this interpretation.

#### Painting

A grant or loan may be issued for painting costs one time per property, subject to certain criteria. These include that the colour of paint be chosen based on analysis to determine the original paint colour of the subject building, or selection of a historically appropriate colour. In the case of the subject application, paint analysis did not occur prior to the owner selecting a colour and painting the building. Nonetheless, Heritage Burlington advised that the selected paint colour is contextually appropriate and the requested grant for painting should be approved. Staff are not opposed to this recommendation.

Woodwork restoration

Restoration of bargeboard or other decorative trim is eligible for grants, per the eligibility guidelines. Staff and Heritage Burlington support the issuance of a grant for the completed woodwork restoration.

Based on the eligibility discussion above, staff and Heritage Burlington support the approval of a grant in the amount of \$14,814.06, rather than the full \$15,000 requested by the applicant. The eligible and ineligible project costs and grant amounts are summarized in Table 1 below.

**Table 1: Requested and supported grants**

Activity	Cost	Requested Grant (25%)	Supported Grant
<b><i>Brick and chimney work</i></b>			
Brick replacement	\$29,400.00	\$7,350.00	\$7,350.00
Precast concrete caps on chimneys	\$4,255.00	\$1,063.75	\$1,063.75
Local repointing/ general brick and chimney work	\$5,635.00	\$1,408.75	\$1,408.75
<b><i>Brick and chimney subtotal</i></b>	<b>\$39,290.00</b>	<b>\$9,822.50</b>	<b>\$9,822.50</b>
New stamped concrete walkway	\$10,396.00	\$2,599.00	Not supported (ineligible)
Painting entire exterior of house	\$14,740.00	\$3,685.00	\$3,685.00
Restoring rotted woodwork	\$5,226.25	\$1,306.56	\$1,306.56
<b>Total</b>	<b>\$69,652.25</b>	<b>\$15,000.00 (maximum amount)</b>	<b>\$14,814.06</b>

***Owner Authorization***

The applicant is the property manager for Halton Condominium Corporation 141. The application was originally submitted with authorization of the owners of the condominium units located within Chestnut Villa (units 17 and 18). Staff later clarified that because the grant application was for works affecting the exterior of the building, and the exterior of the building is a common element of the condominium, the owner is considered to be HCC 141. The applicant then submitted a letter of authorization signed by the president of HCC 141. While the property manager is therefore authorized to make the application, if the grant is approved it will be paid directly to the property owner, HCC 141.

### ***Technical circulation***

In reviewing the subject application, Planning staff have consulted with Building staff to confirm that the works in question, which occurred without a heritage permit, did not require a building permit. Building staff have advised that no building permit was required, and that there are no open permits, complaints, or violations (orders) on the property. By-law and Fire staff have also confirmed that the property is in good standing with no violations or investigations ongoing. The completion of works without a heritage permit was itself an issue but has been addressed as described above.

### **Options considered**

The subject application requests a grant of \$15,000 for works that occurred without a heritage permit. Council has the option to refuse the grant application outright on the basis that the owner was obligated to obtain a heritage permit prior to undertaking alterations that could have an impact on the heritage attributes of their property. As discussed above, it is staff's objective to educate and support property owners rather than to penalize. The property owner has disclosed the nature of the work that occurred without permits and has demonstrated a willingness to work with the City to ensure the long-term conservation of the heritage attributes of the subject property. The owner applied for and obtained a retroactive heritage permit to legitimize the alterations that had been made. Staff support the issuance of a grant for these alterations, noting that prior to receiving the grant the owner must sign a Heritage Conservation Agreement acknowledging their obligations to maintain the property in accordance with applicable legislation.

The applicant has requested the full allowable grant amount of \$15,000. Based on the input of Heritage Burlington in how to apply the Community Heritage Fund project eligibility guidelines, as discussed above, staff support the approval of a grant for \$14,815.06. Council could take a more restrictive approach to interpreting the eligibility guidelines and approve a smaller grant by subtracting the amounts for precast concrete caps on the chimney (\$1,063.75) and/or painting (\$3,685.00), itemized in Table 1 above.

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### **Financial Matters:**

The Community Heritage Fund was established in 1985 with original contributions of \$35,000 from the Ministry of Citizenship and Culture and \$25,000 from the City of Burlington. The original \$60,000 has increased over time as interest has accrued and additional infusions of cash have occurred, including from Community Benefits under section 37 of the Planning Act.



The current balance of the CHF is \$273,096. If the subject application is approved in the amount of \$14,815.06 as recommended, the remaining balance of the CHF will be \$258,280.94. As the maximum amount of grant or loan that can be issued for any application is \$15,000, this remaining balance would be sufficient to accommodate the approval of subsequent applications for the foreseeable future.

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## **Connections**

In October 2012, Heritage Burlington presented a report to Council entitled “A New Approach to Conserving Burlington’s Heritage”. Council approved the recommendations of this report and passed a number of motions and staff directions as a result, including the following staff direction related to the Community Heritage Fund:

“Instruct the Planning and Building department to conduct a review of the effectiveness of the Community Heritage Fund with consideration being given to directing portions of the funds to offset any non-construction costs e.g. heritage consultants, design costs, compatibility studies, etc” (CDC-11-12-1).

Due to available resources and prioritization of the various motions and staff directions that were passed as a result of the “New Approach” report, this work has not yet been undertaken. Planning staff have had preliminary meetings with Finance Department staff to discuss the administration of the Community Heritage Fund, and in 2014 Planning staff produced report PB-82-14 which resulted in the passing of By-law 67-2014. This by-law amended the Community Heritage Fund by removing the requirement for an applicant to register a heritage conservation easement on title of their property as a condition of grant/loan approval; the easement requirement was replaced with a requirement for the owner to enter into a heritage conservation agreement (letter of understanding) that does not need to be registered on title.

By-law 67-2014 was considered a preliminary step to modernize the Community Heritage Fund to make applications less onerous and more appealing for property owners. Future reform of the program, in accordance with the staff direction described above, may further modernize the program to facilitate its accessibility to owners of designated properties, and its effectiveness as an incentive for other property owners to seek designation of their properties. Reforms could also include clarification of project eligibility criteria.

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## **Public Engagement Matters:**

Staff consulted Heritage Burlington with respect to the subject grant application (and the related heritage permit application) on November 14, 2017. This consultation included discussion of how eligibility guidelines for the Community Heritage Fund should be

applied to the subject grant application. Heritage Burlington's input was instructive for staff in determining whether to support the requested grants for painting and chimney repair. Generally Heritage Burlington supports the Community Heritage Fund as an incentive for designation and as a means to assist property owners in the long-term conservation of their heritage properties. Heritage Burlington supported all elements of the subject grant application except the funds requested for walkway paving.

Heritage Burlington supported the issuance of a retroactive heritage permit for the works that had been carried out and passed the following motion regarding the grant application:

“Heritage Burlington supports the issuance of a grant from the Community Heritage Fund for 25% of project costs to a maximum of \$15,000 for painting and for restoration of chimney and woodwork at 2222 Lakeshore Road.”

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## **Conclusion:**

Staff have reviewed the subject grant application in consultation with Heritage Burlington. Although the subject application requests funds for works which occurred without a heritage permit, staff are satisfied that the property owner has resolved this issue by applying for and obtaining a retroactive permit and demonstrating a commitment to comply with legislation in future. The subject application requests a grant of \$15,000, but this includes costs for an ineligible walkway paving project. Staff recommend approval of a grant from the Community Heritage Fund in the amount of \$14,815.06 for the eligible brick and chimney repair, painting, and woodwork restoration.

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Respectfully submitted,

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## **Notifications:**

Sokol Meta [Sokol.Meta@wilsonblanchard.com](mailto:Sokol.Meta@wilsonblanchard.com)

**Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.