

CITY OF SURREY

BY-LAW NO. 15099

As amended by By-law No. 16789, 11/03/08; 16861, 01/19/09

A by-law to provide a procedure for consideration
of financial assistance for protected heritage sites

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WHEREAS:

- A. Pursuant to section 967 of *the Local Government Act* (the “Act”) the Council of the City of Surrey (the “Council”) has, by by-law, designated real property in whole or in part as protected.
- B. Pursuant to section 966 of the Act, the Council has, by by-law, entered into heritage revitalization agreements with owners of heritage properties.
- C. Pursuant to section 183.1 of the Act, the Council may provide assistance for property acquisition, education, public awareness, or any other matters Council deems necessary or desirable with respect to conservation of heritage property or other heritage resources.
- D. Pursuant to Section 183.1 of the Act, the Council may, by an affirmative vote of at least 2/3 of the votes cast, provide assistance for the conservation of property that is protected heritage property; property that is subject to a heritage revitalization agreement and property that is subject to a covenant under section 219 of *the Land Title Act* that relates to the conservation of heritage property.
- E. The Council wishes to provide for a procedure for reviewing the requests for financial assistance from owners of heritage properties or heritage sites.

NOW THEREFORE IN OPEN MEETING ASSEMBLED, THE COUNCIL ENACTS AS FOLLOWS:

Definitions

- 1. The following definitions shall apply throughout this by-law:
 - “Heritage Advisory Commission” means the Commission established by “Surrey Heritage Advisory Commission Establishment By-law, 1997, No. 13282”, as amended.
 - “City Heritage Site” means a building or structure, including selected interior features, or a natural feature or landscape, including land covered by water, which has

been designated in whole or in part as a protected heritage property under Section 967 of the Act, is subject to a heritage revitalization agreement under section 966 of the Act, or is subject to a heritage conservation covenant registered on title between the City of Surrey and the owner pursuant to Section 219 of *the Land Title Act* that relates to the conservation of heritage property.

“Owner” means the registered owner of an estate in fee simple or the purchaser under an agreement of sale which is registered against the title to the land, including a purchaser who has taken an assignment from another, if such assignment is also registered against the title.

Heritage Financial Assistance Account

2. The General Manager, Finance, Technology & Human Resources shall establish on an annual basis, a Heritage Financial Assistance Account (the “heritage account”) in an amount to be approved by Council in the General Operating Five Year Financial Plan. Funds so set aside at the date of adoption of this by-law shall be carried forward into the heritage account.
3. The heritage account shall be non-interest bearing.
4. Any funds not disbursed from the heritage account prior to December 31st in each year shall be carried forward for future expenditure.

Use of Heritage Account

5. Any owner of a City Heritage Site who wishes to carry out repairs or restoration may apply for financial assistance to pay for the works in accordance with section 183.1 of the Act. The works may include relocation, structural improvements, reinforcement, maintenance, fire protection or security of a City Heritage Site.
6. Any owner of a City Heritage Site who wishes to carry out repairs or restoration of interior features that are specified as protected in the by-law, agreement or covenant, may apply for financial assistance to pay for the works in accordance with section 183.1 of the Act.

Application for Assistance

7. Any application for financial assistance shall be made in writing by the owner to the City Clerk and shall contain a full description of the proposed works and the estimated cost thereof, to be presented in a form acceptable to the Council.
8. An owner may apply for financial assistance at any time in the year for which funds have been set aside for the City Heritage Site in question, and there shall be no limit to the number of applications in any given year except that for any particular City Heritage Site the total amount of financial assistance in any year shall not exceed \$5,000 except as provided in 10.(b) and 10.1.
9. No application will be accepted for financial assistance in respect of repairs or restoration which have already been completed.

10. Heritage financial assistance will be considered on the following basis:
 - (a) Up to 50% of the value of the work directed at repairs or restoration of the City Heritage Site in accordance with Section 5. to a maximum amount per City Heritage Site of \$5,000 will be considered in any year.
 - (b) The owner of a City Heritage Site will be permitted to carry forward for each site up to, but no more than, two years' financial assistance application entitlements. This, combined with the current year, could entitle the owner to apply for consideration of a total of three years financial assistance in one year.
 - (c) Applications from owners for assistance will be considered on a first-come basis and will be subject to the approval of a 2/3 vote of the Council, upon first being recommended to Council by the Heritage Advisory Commission.
- 10.1 Despite Section 8, the owner of a City Heritage Site may apply for three years' of financial assistance in the first year, and in advance of conducting repairs or restoration, for costs associated with the relocation of a heritage building to the protected heritage site. These funds will be disbursed at the discretion of Council upon the recommendation of the Heritage Advisory Commission, and subject to the owner meeting the conditions specified by and to the satisfaction of the General Manager, Planning and Development. Upon receiving this grant owners will not be eligible to apply for further financial assistance under this by-law for three years.

Disbursement of Funds

11. Payment of the financial assistance shall only be made upon completion of the works for which the financial assistance was approved and following inspection by appropriate City staff to ensure that the works have been undertaken in accordance with the original terms of the approved financial assistance application.
12. Payment of the financial assistance shall be made to the person who is the owner of the applicable City Heritage Site at the time of payment.
13. No payment shall be made more than one year after the date of approval of the financial assistance application by Council.
14. If any dispute arises on the question of whether, or to what extent, the works have been completed, or as to the cost thereof, the matter shall be referred to the Council whose decision shall be final.

Limits of Disbursement

15. Where a City Heritage Site qualifies for financial assistance from sources other than the City, that amount of financial assistance shall be calculated independently from the financial assistance which the owner is eligible to receive from the City except that in any case the total amount of financial assistance provided to the owner taking into account financial assistance and grants from all sources shall not exceed the value of the works for which the financial assistance and other grants are provided.

16. For any City Heritage Site that receives its heritage protection measure after the annual budget of the Heritage Advisory Commission is established and approved by the Council, the amount of the financial assistance for which the owner may apply in that year shall be pro rated based on the proportion of the year remaining as of the date of Council's approval of the heritage designation by-law or heritage revitalization agreement, or from the date of registration of the heritage conservation covenant on title.

Repeal

17. "Municipal Heritage Sites Financial Compensation By-law, 1983, No. 7692, Amendment By-law, 1986, No. 8671" is hereby repealed.
18. "Municipal Heritage Sites Financial Compensation By-law, 1983, No. 7692, Amendment By-law, 1991, No. 10947" is hereby repealed.
19. "Municipal Heritage Sites Financial Compensation By-law, 1983, No. 7692" is hereby repealed.
20. "Municipal Heritage Sites Financial Compensation By-law, 1983, No. 7692, Amendment By-law, 1988, No. 9247" is hereby repealed.

Title

21. This By-law shall be known and cited for all purposes as the "City of Surrey Heritage Sites Financial Assistance By-law, 2003, No. 15099".

PASSED THREE READINGS on the 21st of July, 2003.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 24th day of July, 2003.

_____MAYOR

_____CLERK