

BY-LAW NO. 7187

BEING A BY-LAW of the City of Brandon to create a financial assistance program for eligible properties to encourage and assist in the remediation and redevelopment of brownfield properties.

WHEREAS Section 261.2 (1) of The Municipal Act, R.S.M. 1996, c. M225 authorizes the Council of a municipality to establish by by-law financial assistance programs;

AND WHEREAS the Council of The City of Brandon has recognized the importance of enhancing the attractiveness of investing and locating in Brandon;

AND WHEREAS City Administration has created and established a Brownfield Strategy, which is supported by City Council, to promote the remediation, rehabilitation, adaptive re-use, and redevelopment of brownfield sites throughout the community in a fiscally responsible and sustainable manner;

AND WHEREAS the Council of The City of Brandon has deemed it necessary and expedient to pass a by-law for the purpose of creating a financial assistance program for eligible properties to encourage and assist in the remediation and redevelopment of brownfield properties;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

1. In this by-law,
 - (a) **BASE YEAR** means the year prior to the year in which the property is reassessed, and the new structure added to the City's tax roll, as a result of remediation and redevelopment under the Brownfield Financial Assistance Program.
 - (b) **BRANDON** means the area contained within the boundaries of the municipality of the City of Brandon.
 - (c) **BROWNFIELD** means a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The Province of Manitoba classifies these sites as *impacted* or *contaminated*, following *The Contaminated Sites Remediation Act*, C.C.S.M. 1996, c.C205, and for the purpose of this document, this type of site will be referred to as a brownfield.
 - (d) **CITY** means the municipal corporation of The City of Brandon.
 - (e) **FINANCIAL ASSISTANCE** means a tax credit for municipal taxes.
 - (f) **GRANT** means monies provided through the Federation of Canadian Municipalities, or other organization, in support of brownfield remediation and redevelopment.
 - (g) **MUNICIPAL TAXES** means the property taxes imposed for general municipal purposes by the City.
 - (h) **OWNER** means a person who is the registered owner under *The Real Property Act*, R.S.M. 1988, c.R30, and, where applicable, may include a designated representative or agent of such owner.
 - (i) **REDEVELOPMENT** means any new construction on a site that is deemed a brownfield.
 - (j) **REMEDICATION COSTS** means the costs associated with removing the contaminated components from the property (i.e. soil) as outlined in the remediation plan approved by the Province of Manitoba.
 - (k) **TAX CREDIT** means an amount equal to the incremental municipal taxes resulting from the remediation and redevelopment of a brownfield property.

2. The Brownfield Financial Assistance Program (the "Program") is hereby established to encourage and assist with remediation and redevelopment of brownfield properties. Brownfield properties which experience any new municipal taxes as a result of an increase in the assessed value of the property due to remediation and redevelopment of that property would be eligible for a tax credit for a period of up to fifteen (15) years commencing in the year following the base year.
3.
 - (a) The tax credit shall be calculated annually to equal the municipal taxes for the property in a given year of the Program less the municipal taxes for the base year, as determined by clause (c) below.
 - (b) The maximum tax credit available through the Program shall not exceed the total approved cost of remediation less any grants received.
 - (c) The base year municipal tax amount will be recalculated annually to accommodate the current year mill rate and the impact of a city-wide average reassessment for the applicable assessment class.
 - (d) The tax credit is only available to the owner on record at the time the remediation and redevelopment is conducted. Sale of the property serves as forfeiture of the financial assistance available under the Program.
4. Eligibility for financial assistance under this by-law shall be determined in accordance with the attached Schedule "A" – Brownfield Financial Assistance Program Guidelines.
5. All applications must comply with the criteria established in the Program Guidelines, as set out in Schedule "A" hereto.
6. Applications shall be made in the form attached hereto as Schedule "B" – Brownfield Financial Assistance Program Application Form and will be reviewed and processed in the order they are received.
7. This by-law shall come into force and take effect on the day following its passage.

DONE AND PASSED by the Council of The City of Brandon duly assembled this 14th day of August A.D. 2017.

"R. Chrest"

MAYOR

"H. Ewasiuk"

CITY CLERK

Read a first time this 17th day of July A.D. 2017

Read a second time this 14th day of August A.D. 2017

Read a third time this 14th day of August A.D. 2017

I, Heather Coreen Ewasiuk, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7187.

Original Signed By

H. Ewasiuk

H. Ewasiuk, City Clerk

SCHEDULE "A" TO BY-LAW NO. 7187

CITY OF BRANDON BROWNFIELD FINANCIAL ASSISTANCE PROGRAM GUIDELINES

This Program is designed to assist the owner(s) of brownfield properties in the remediation and redevelopment of those properties.

The Program's purpose is to encourage the remediation, reuse, and redevelopment of eligible properties by providing municipal tax off-setting credits up to the total cost of brownfield remediation for the property, as determined by the provincial approval of a remediation plan.

A. Eligibility

In order to be eligible for a tax credit under this Program, the applicant must ensure all of the following criteria are complied with:

1. Properties must be located within Brandon.
2. Properties must have been previously used for commercial or industrial purposes.
3. Properties must be included on the Province of Manitoba's list of all sites on file with the Contaminated/Impacted Sites Program.
4. Properties must have a completed Phase II Environmental Site Assessment prepared by a qualified person that demonstrates remediation is required.
5. Properties must have a remediation plan approved by the Province of Manitoba as defined by The Contaminated Sites Remediation Act.
6. All information required in the Program Application Form must be submitted.
7. All proposed redevelopment work must be approved by the City's Development Services Division prior to commencement with respect to such matters as, but not limited to, zoning, building, and site design approvals, as deemed relevant by the City.

B. Eligible Work Items

1. Remediation work outlined in the remediation plan approved by the Province of Manitoba.

C. Administrative Procedure

1. Completed application forms shall be submitted to the City's Environmental Initiatives Coordinator (the "Coordinator"). The cost of any work undertaken prior to the application being approved is not eligible for reimbursement, with the exception of ESA Phase I and II costs.
2. The Coordinator will ensure the application is complete, that all required documents have been received, and that all necessary approvals have been obtained. Once deemed complete, the application is date stamped to establish the cost eligibility date. Incomplete applications will not be accepted and will be returned to the applicant.
3. Upon completion of the site remediation, the applicant will provide to the Coordinator a final site assessment that has been reviewed and confirmed with the provincial authority having jurisdiction. Official documentation from the Province of Manitoba is required.
4. The applicant, upon completion of the redevelopment, will provide to the Coordinator copies of invoices and proof of payment for all eligible costs in relation to site remediation. Completion of the redevelopment is considered achieved when the City has issued an Interim Occupancy Permit and provided written confirmation of compliance with all site development requirements.
5. Upon costs being verified by the Coordinator, the Finance Department will be notified of the total remediation cost eligible for the Program.
6. Once Provincial Assessment has reassessed the property, the Finance Department, on an annual basis, will calculate the municipal tax off-setting credit to be applied to the property owner's tax account.
7. The owner continues to pay property taxes, less the annual municipal tax off-setting credit. The tax credits continue until the end of the 15th year, or until all eligible remediation costs are reimbursed, or until ownership of the property changes, whichever comes first.

SCHEDULE "B" TO BY-LAW NO. 7187

**CITY OF BRANDON
BROWNFIELD FINANCIAL ASSISTANCE PROGRAM
APPLICATION FORM**

Please read the Program Guidelines and all instructions carefully before completing this application form. Attach support material as required. Applications must be complete. Please type or print clearly.

Section 1. Applicant Information

1. Name and contact information of the registered owner of the property:

Owner: _____

Mailing Address: _____ Postal Code: _____

Telephone: _____ Email address: _____

2. Name and address of the authorized representative, if different than the property owner:
(written proof of authorization by Owner required)

Representative: _____

Mailing Address: _____ Postal Code: _____

Telephone: _____ Email address: _____

Section 2. Site Information

1. What is the property civic address? _____

2. Roll Number(s) of property? _____

3. Current Assessment of Property? Land _____ Buildings _____

4. What is the present use of the property? _____ Current Zoning: _____

Section 3. Project Proposal

1. What are the planned project timelines? Start Date: _____ Completion Date: _____

2. What will the property be used for after project completion? _____

Section 4. Required Documentation

1. Phase III ESA, as approved by the Province of Manitoba
2. Estimates for eligible remediation costs, completed by a "Qualified Environmental Professional" as defined by the provincial authority having jurisdiction
3. Any other details as may be required to satisfy the City with respect to eligible costs.

Section 5. Acknowledgement

I hereby acknowledge that the property and this application meet all of the criteria established by the Brownfield Financial Assistance Program Guidelines and that all required documents are included. I commit to providing all required documentation upon completion of the remediation and redevelopment of the property. I understand and agree that any non-compliance with the Program Guidelines, or any other provisions established by City of Brandon By-law No. 7187, may render this application invalid and/or the property ineligible for the tax credit incentive.

Signature of Owner/Authorized Representative

Date

For internal use only:

Application accepted by: _____ Date: _____

Application deemed complete by: _____ Date: _____
Environmental Initiatives Coordinator