

Revitalization  
Opportunity  
Investment

BROWNFIELDS IN WATERLOO REGION

Region of Waterloo

Development Charge Exemption  
Brownfields Financial Incentive Program

Application Package

July 2010

Revitalization  
Opportunity  
Investment

BROWNFIELDS IN WATERLOO REGION



**Table of Contents**

**A. GUIDELINES FOR APPLICANTS**.....2  
A1. ELIGIBILITY CRITERIA.....2  
A2. TERMS OF FINANCIAL ASSISTANCE.....3  
A3. ELIGIBLE REMEDIATION COSTS .....3  
A4. REVIEW OF ELIGIBLE COSTS .....4  
A5. APPLICATION PROCESS .....4  
A6. APPLICATION INSTRUCTIONS.....4  
**B. APPLICATION**.....6  
B1. APPLICANT INFORMATION .....6  
B2. AGENT INFORMATION.....7  
B3. FINANCIAL PARTNER.....7  
B4. SITE INFORMATION .....7  
B5. SITE REMEDIATION INFORMATION .....8  
B6. PROJECT DESCRIPTION .....9  
B7. OTHER FINANCIAL ASSISTANCE .....10  
B8. REQUIRED SUPPORTING DOCUMENTS.....11  
B9. AUTHORIZATION OF AGENT .....11  
B10. ACKNOWLEDGEMENT AND CONSENT .....12  
**C. ELIGIBILITY REQUIREMENTS FORM** .....13  
C1. DOES THE SITE MEET THE ELIGIBILITY CRITERIA? .....13  
**D. STATUTORY DECLARATION OF APPLICATION STATEMENT(S)  
TRUTHFULNESS** .....14  
**E. PROGRAM ADMINISTRATION – OFFICE USE** .....15

## **A. GUIDELINES FOR APPLICANTS**

The Region of Waterloo offers a Brownfields Regional Development Charge (RDC) Exemption for all brownfield sites located outside of the Community Core Areas. These exemptions for eligible remediation costs have been provided to assist property owners with the remediation and redevelopment of brownfield sites and are part of the Region's Brownfield Financial Incentive Pilot Program approved in June 2006. Program details are included in Schedule C of Regional Development Charges By-Law 09-024 adopted by Regional Council June 16, 2009.

An "applicant" is defined as the owner of a site applying for a Development Charge Exemption for Eligible Costs for a brownfield. Potential applicants are strongly encouraged to contact the Region of Waterloo for pre-consultation in advance of submitting the completed application form. Please note: applications should also be submitted to the Region in advance of any building permit application to allow for sufficient time for consideration and processing.

Questions regarding the criteria, the application form or the required supporting documents can be addressed to:

Brooke Lambert, Principal Planner, Brownfields Coordinator  
Planning, Housing and Community Services Department,  
Region of Waterloo  
150 Frederick Street, 8<sup>th</sup> Floor  
Kitchener, ON N2G 4J3  
Tel: (519) 575-4500 Ext. 3113  
Fax: (519) 575-4449  
Email: lbrooke@region.waterloo.on.ca

### **A1. ELIGIBILITY CRITERIA**

To be eligible for the Brownfields RDC Exemption, the following criteria must be met:

- An applicant must not have been the owner of the Brownfield during operational activities of the land use which created the Brownfield, nor have been found to be responsible for the subject contamination of the Brownfield;
- Sites must not be in a position of property tax arrears; and
- Sites must meet definition of a "Brownfield" as set out in Regional By-law 09-024.

By-Law 09-024 states that a:

"Brownfield means a property which contained environmental contamination either in the ground or buildings due to the operational activities of a previous land use, where the extent of the contamination rendered the property vacant, under-utilized, unsafe, unproductive or abandoned, and for which a RSC was filed on or after January 1, 2006."

## **A2. TERMS OF FINANCIAL ASSISTANCE**

The value of the Brownfields RDC Exemption is calculated as the sum of the direct costs of remediating a brownfield site plus a pre-determined allowance for indirect remediation costs. The Exemption is then reduced by the value of any other financial assistance provided by the Region of Waterloo under its Brownfields Financial Incentive Program (“BFIP”) or any successor thereto. This program is not applicable to any development charges or levies owing to an Area Municipality within Waterloo Region.

Eligibility for this exemption commences thirty (30) calendar days after a Record of Site Condition (RSC) has been filed for the subject property to allow for the Ministry of the Environment to complete its audit process. If a RSC does not pass the Ministry audit, the redevelopment shall be ineligible for the RDC Exemption.

Approval of the Exemption will only be granted after the Eligible Costs have been determined and verified in accordance with By-Law 09-024 of the Regional Municipality of Waterloo.

If a building permit is issued for the subject brownfield site prior to the determination of the Eligible Costs then the applicable development charge must be paid with full (regardless of the applicability of a Brownfield RDC Exemption for the development). In such cases, the development charge shall be held by the Region and any calculated RDC Exemption shall be refunded to the Applicant if and when approval of the Exemption is granted.

## **A3. ELIGIBLE REMEDIATION COSTS**

By-Law 09-024 states that:

“Eligible Costs means the sum of the direct costs of remediating the brownfield plus an allowance for indirect remediation costs less the value of any other financial assistance provided for the brownfield by the Region of Waterloo, all as set out in Schedule C of the By-law”.

Direct remediation costs include the actual cost incurred for:

- Phase I Environmental Site Assessments;
- Phase II Environmental Site Assessments (only for the portion not already funded by the Region of Waterloo under its BFIP or any successor thereto);
- Remedial work plans;
- Site specific risk assessments;
- Environmental rehabilitation
- Disposal of contaminated soil;
- Placing of clean fill and grading;
- Building demolition costs; and
- Filing of a RSC (provided that at least one other cost item has been incurred).

The allowance for indirect remediation costs is 20 per cent of direct remediation costs to account for indirect costs related to remediation, which includes the cost of an audit (see A4).

#### **A4. REVIEW OF ELIGIBLE COSTS**

As per By-Law 09-024, direct remediation costs submitted by the Applicant will be subject to an audit that confirms the link between the direct remediation costs submitted and the work plan followed to achieve filing of the RSC.

The audit will be carried out in accordance with the standards set out in Section 5815 of the Canadian Institute of Chartered Accountants Handbook – Special Reports - Audit Reports on Compliance with Agreements, Statutes and Regulations.

The audit report should clearly indicate that the direct remediation costs submitted by the Applicant relate to the rehabilitation of the brownfield and the work plan followed to achieve filing of the RSC.

The procurement and cost of the audit is the responsibility of the Applicant, and is included in the indirect remediation cost.

#### **A5. APPLICATION PROCESS**

Application for the Brownfield RDC Exemption should be made:

- After acknowledgement of the RSC has been received from the Ministry of the Environment; and
- In advance of any building permit application to allow for sufficient time for consideration and processing.

Applications will be reviewed by staff at the Region of Waterloo in order to determine program eligibility. Once eligibility has been determined and the application approved, staff will indicate the amount of the Brownfields RDC Exemption the Applicant is entitled to during the building permit certification process. The Regional Development Charges are collected in full at the time of building permit issuance, unless the application for the RDC Exemption has been approved at that time. If the application is not received in advance of the building permit application (allowing sufficient time for consideration and processing) the Applicant will be required to pay the Regional Development Charges owed in full at the time of building permit issuance. Once eligibility for the program is confirmed and the Applicant approved, the Region will reimburse the Applicant for the Regional Development Charges paid.

#### **A6. APPLICATION INSTRUCTIONS**

1. Ensure that you meet all eligibility criteria listed above.
2. Before completing the application, consult with the Region of Waterloo's Brownfields Coordinator.
3. Print or type the information requested on the application.
4. Attach a letter of intent to the front of the application.

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

5. Attach the following materials with the application:
  - A copy of the RSC<sup>1</sup>;
  - Acknowledgement letter from the Ministry of the Environment indicating receipt of the RSC;
  - Remedial work plan used to achieve filing of the RSC;
  - Paid invoices from a Qualified Person as defined by Regulation 153/04 of the Environmental Protection Act;
  - Paid invoices from contractors in respect of remediation work;
  - Signed declaration that the subject property is not in property tax arrears; and
  - The audit report as required by Section 3.
6. If you require additional writing space, use a separate page and attach it to the application.
7. Ensure that all pages of the application are complete and include the required signatures. If an agent is acting on behalf of the owner, ensure that the owner completes and signs the authorization contained in the application.
8. Mail or deliver the Application Form (Part B, C and D) to the Region of Waterloo Brownfields Coordinator listed in Part A.

---

<sup>1</sup> Please note: an applicant for an exemption must provide a copy of the RSC and the associated acknowledgement from the Ministry of Environment to verify that environmental remediation has been completed in accordance with Regulation 153/04, as amended, of the *Environmental Protection Act*, as well as the standards set by the Canadian Standards Association, and all other applicable starts, all as may be amended or superseded from time to time.

## **B. APPLICATION**

To qualify for a Brownfields RDC Exemption, the Applicant must meet the eligibility criteria laid out in Section A – Guidelines for Applicants.

Applications should be submitted to :

Brooke Lambert, Principal Planner, Brownfields Coordinator  
Planning, Housing and Community Services Department,  
Region of Waterloo  
150 Frederick Street, 8<sup>th</sup> Floor  
Kitchener, ON N2G 4J3  
Tel: (519) 575-4500 Ext. 3113  
Fax: (519) 575-4449  
Email: lbrooke@region.waterloo.on.ca

The following application must be filled out in its **entirety**. Referencing applicable sections in supporting documents is not acceptable and may result in the application being deemed incomplete.

Date Application Received :

(Office Use Only)

Date Stamp  
Here

### **B1. APPLICANT INFORMATION**

Registered  
Site Owner(s):

---

Company (if applicable):

---

Contact:

---

Mailing Address:

---

---

---

Phone:

( )

---

Fax:

( )

---

Email:

---

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

Date of Site(s)  
Acquisition:

---

**B2. AGENT INFORMATION**

Contact:

---

Company (if applicable):

---

Mailing Address:

---

---

Phone:

(      )

---

Fax:

(      )

---

Email:

---

**B3. FINANCIAL PARTNER**

Contact:

---

Company (if applicable):

---

Mailing Address:

---

---

---

Phone:

(      )

---

Fax:

(      )

---

Email:

---

**B4. SITE INFORMATION**

Municipal Address  
of Site(s):

---

---

\*Include Ontario Land  
Survey (OLS) if available

---

---

Lot No(s):

---

Plan No(s):

---

Roll No(s):

---

PIN No(s):

---

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

Description of Site(s): \_\_\_\_\_  
\_\_\_\_\_

Size (hectares): \_\_\_\_\_

Past Know Use(s): \_\_\_\_\_  
\*Attach additional pages  
if required \_\_\_\_\_  
\_\_\_\_\_

Current Use (s): \_\_\_\_\_  
\*Attach additional pages  
if required \_\_\_\_\_  
\_\_\_\_\_

Is the property designated under Part IV of the Ontario Heritage Act?  Yes  No

Is the property designated under Part V of the Ontario Heritage Act?  Yes  No

Are there any outstanding Municipal or Regional work orders on this property?  Yes  No

*If yes to any of these, please attach separate page with an explanation.*

**B5. SITE REMEDIATION INFORMATION**

Please provide a description of the nature of the actual environmental contamination once present on the site(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please specify the total direct remediation costs being included in this application. Please note: All invoices must detail the type of work completed in relation to the remediation. They must also include the dates of the services provided and the amount before GST.

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

Direct remediation costs include the cost of:

- Phase I Environmental Site Assessments \$ \_\_\_\_\_
- Phase II Environmental Site Assessments<sup>2</sup> \$ \_\_\_\_\_
- Remedial work plans \$ \_\_\_\_\_
- Site specific risk assessments \$ \_\_\_\_\_
- Environmental rehabilitation \$ \_\_\_\_\_
- Disposal of contaminated soil \$ \_\_\_\_\_
- Placing of clean fill and grading \$ \_\_\_\_\_
- Building demolition costs \$ \_\_\_\_\_
- Filing of a RSC \$ \_\_\_\_\_

Total Direct Remediation Costs \$ \_\_\_\_\_

Total Allowance (20 percent of Direct Costs) \$ \_\_\_\_\_

**Total Eligible Remediation Costs** \$ \_\_\_\_\_

**B6. PROJECT DESCRIPTION**

On a separate page, provide a detailed description of the proposed development to take place on the site. Include building sizes and uses, marketing, timing/staging, financing and any other pertinent information.

Attach any relevant documents such as planning applications or concept drawings of the site redevelopment.

List and briefly describe any planning applications that have been or will be submitted.

---



---



---



---



---

Density (expected jobs and people per hectare): \_\_\_\_\_

Expected Development Stages : \_\_\_\_\_

Current Development Stage and Future Requirements (OPA, Zoning, Site Plans, etc.):

---



---



---



---

<sup>2</sup> Only for the portion not already funded by the Region of Waterloo under its Brownfield Financial Incentive Program or any successor thereto.

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

Projected value of the proposed development: \$ \_\_\_\_\_

Estimated Construction commencement date: \_\_\_\_\_ / \_\_\_\_\_  
Month Year

Estimated Construction completion date: \_\_\_\_\_ / \_\_\_\_\_  
Month Year

**B7. OTHER FINANCIAL ASSISTANCE**

Have you previously received a grant or other financial assistance for the subject site from the Region of Waterloo or any other source?

Yes     No

*If yes, please select the appropriate program and provide details below (e.g. file number(s), reference number(s), value of assistance, and any other relevant information):*

<b>Brownfield Assistance Programs</b>	<b>Details (e.g. file number(s), reference number(s), and any other relevant information)</b>	<b>Value of Assistance (\$)</b>
Regional Phase II Environmental Site Assessment Grant		
Other (please specify)		
<b>TOTAL:</b>		

Do you expect to apply for any other financial assistance for the subject site from the Region of Waterloo or any other source?

Yes     No

*If Yes, please provide details below (e.g. program name, government source, application timing, value of assistance, etc.):*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B8. REQUIRED SUPPORTING DOCUMENTS**

Please include the following documents to support your application:

- A copy of the RSC;
- Acknowledgement letter from the Ministry of the Environment indicating receipt of the RSC;
- Remedial work plan used to achieve filing of the RSC;
- Paid invoices from a Qualified Person as defined Regulation 153/04, as amended, of the Environmental Protection Act;
- Paid invoices from contractors in respect of remediation work;
- Signed declaration that the subject property is not in property tax arrears; and
- The audit report as required by Section 3.

Please note that applications will only be considered complete when all supporting documents have been submitted.

**B9. AUTHORIZATION OF AGENT**

I, \_\_\_\_\_ own the land that is subject of this application, and I hereby authorize my Agent \_\_\_\_\_ to complete this application and to act on my behalf regarding this application.

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

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

\_\_\_\_\_  
Date

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

**B10. ACKNOWLEDGEMENT AND CONSENT**

I/We hereby apply for assistance under the program specified and agree to abide by the terms and conditions of the program as established by the Region of Waterloo.

I/We hereby state that the subject property for which the application for the Brownfields RDC Exemption is made is not in a position of tax arrears nor is it subject to a Ministry of Environment order.

I/We hereby certify that the information given herein is true, correct and complete in every respect and consent that the Region of Waterloo reserves the right to verify any information contained herein.

I/We acknowledge and consent that the Region of Waterloo may provide a copy of the report to government agencies or other interested parties.

Signature of Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
If Corporation - "I have authority to bind the Corporation."

Title: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Notes: Personal information contained on this form and attached documents is collected pursuant to the Municipal Act and in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and will be used for the purposes of processing your application. Questions regarding the collection of information in accordance with MFIPPA should be directed to the Region of Waterloo's Brownfields Coordinator referenced within this application form.

## **C. ELIGIBILITY REQUIREMENTS FORM**

### **C1. DOES THE SITE MEET THE ELIGIBILITY CRITERIA?**

Applications for the Brownfields RDC Exemption will be received and screened based on the following requirements. Please complete this form and submit with the application.

<b>ELIGIBILITY CRITERIA (PASS/FAIL)</b>	<b>YES</b>	<b>NO</b>
Was the Applicant the owner of the brownfield during operational activities of the land use which created the brownfield, or have they been found to be responsible for its subject contamination?		
Is the site in a position of property tax arrears?		
Does the site meet the definition of a brownfield as set out in Regional By-law 09-024?		

Note: Shaded boxes indicate a "pass".

**D. STATUTORY DECLARATION OF APPLICATION  
STATEMENT(S) TRUTHFULNESS**

I, \_\_\_\_\_ of the City/Township of \_\_\_\_\_,  
in the Regional Municipality of \_\_\_\_\_, solemnly declare that:

All statements contained in this application are true and complete, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath or affirmation by virtue of the Ontario Evidence Act and the Canada Evidence Act.

Declared before me at the \_\_\_\_\_ )  
City/Township of \_\_\_\_\_ in the \_\_\_\_\_ )  
Regional Municipality of \_\_\_\_\_, this )  
\_\_\_\_\_ day of \_\_\_\_\_, 201\_ )

\_\_\_\_\_  
Signature of Registered Owner of lands that are subject of the application or  
Authorized Officer or Director if Corporate Registered Owner

\_\_\_\_\_  
A Commissioner, etc.

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

## **E. PROGRAM ADMINISTRATION – OFFICE USE**

### **Administration and Responsibilities**

Administration and responsibilities of the Region of Waterloo’s Brownfield RDC Exemption will follow the guidelines and steps outlined in the following table:

<b>Program Process and Administration (for RDC Exemption at time of BP issuance)</b>		
<b>Step</b>	<b>Details</b>	<b>Responsibility</b>
1	Applicant completes site remediation, collects all direct remediation cost invoices and procures an audit report demonstrating the connection between the completed remediation work and the eligible costs incurred.	Applicant
2	Provide applicant with Brownfields RDC Exemption Application and arrange a pre-consultation meeting if required.	Region of Waterloo
3	Applicant files for a RSC, receives MOE acknowledgment	Applicant
4	Applicant submits complete Brownfields RDC Exemption Application to Region’s Brownfields Coordinator at least two months in advance of BP application.	Applicant
5	Region’s Brownfields Coordinator reviews the application and determines if it is complete. Once it is determined that it is complete, the Brownfields Coordinator will date stamp the application.	Region of Waterloo
6	Region’s Brownfields Coordinator will notify appropriate Area Municipality that an application for the RDC Exemption has been received and will establish review schedule.	Region of Waterloo
7	Applicant applies to Area Municipality for Building Permit.	Applicant
8	The Region will review the application for eligibility as per internal process. If the Region deems the Applicant eligible; the application will move to step #10.	Region (Planning & Finance)
9	If the Applicant is deemed ineligible by the Region, the Region will: - Identify the reasons for ineligibility;and - Contact applicant to identify reasons for ineligibility and discuss next steps for resubmission.	Region of Waterloo
10	Region’s Brownfields Coordinator prepares a memo that states the Applicant’s eligibility and forwards to the Finance department.	Region of Waterloo
11	RDC Certification sent to the Region for review.	Area Municipality
12	Director of Financial Services and Development Financing signs off that the Applicant will be provided a RDC Exemption based on the eligible remediation costs. RDC certification is returned to the Area Municipality for processing.	Region of Waterloo
13	Applicant is provided with the RDC Exemption at time of BP issuance.	Area Municipality

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

**Program Process and Administration  
(for RDC Exemption after BP issuance and full DC payment)**

Step	Details	Responsibility
1	Applicant completes site remediation, collects all direct remediation cost invoices and prepares an audit demonstrating the connection between the completed remediation work and the eligible costs incurred.	Applicant
2	Provide applicant with Brownfields RDC Exemption Application and arrange a pre-consultation meeting if required.	Region of Waterloo
3	Applicant files for a RSC, receives MOE acknowledgment	Applicant
4	Applicant applies to Area Municipality for Building Permit.	Applicant
5	RDC Certification sent to Region for review before RDC Exemption Application has been received or approved.	Area Municipality
6	Region informs Area Municipality that all RDCs must be paid at time of BP issuance.	Region of Waterloo
7	Applicant pays full RDC's owing at time of Building Permit Issuance	Applicant
8	Submit complete Brownfields RDC Exemption Application to Region's Brownfields Coordinator.	Applicant
9	Region's Brownfields Coordinator reviews the application and determines whether it is complete. Once it is determined to be complete, the Brownfields Coordinator will date stamp the application.	Region of Waterloo
10	Region's Brownfields Coordinator consults with Finance to determine if RDC's have already been paid in full.	Region of Waterloo
11	The Region will review the application for eligibility as per internal process. If the Region deems the Applicant eligible, the application will move to step #13.	Region (Planning & Finance)
12	If the Applicant is deemed ineligible by the Region, the Region will: - Identify the reasons for ineligibility; and - Contact applicant to identify reasons for ineligibility and discuss next steps for resubmission.	Region of Waterloo
13	Region's Brownfields Coordinator prepares a memo that states the Applicant's eligibility, prepares a cheque requisition, and forwards these items to the Finance department.	Region of Waterloo
14	Director of Financial Services and Development Financing signs off that applicant will be provided a RDC Exemption based on the eligible remediation costs.	Region of Waterloo
15	Finance provides a cheque to applicant reimbursing them for the RDCs paid in relation to Eligible Costs for Brownfield remediation.	Region of Waterloo

**REGION OF WATERLOO  
REGIONAL DEVELOPMENT CHARGE EXEMPTION  
BROWNFIELDS FINANCIAL INCENTIVE PROGRAM**

<b>SCREENING OF SUBMITTED APPLICATION (OFFICE – USE)</b>	<b>YES</b>	<b>NO</b>
Does the application include a letter of intent?		
Has the application been filled out in its entirety (Part B, C and D)?		
Does the Applicant meet all the eligibility criteria stated in A.1.?		
Has the Applicant submitted all the required supporting documentation, including: <ul style="list-style-type: none"> <li>▪ A copy of the RSC;</li> <li>▪ Acknowledgement letter from the Ministry of the Environment indicating receipt of the RSC;</li> <li>▪ Remedial work plan used to achieve filing of the RSC;</li> <li>▪ Paid invoices from a Qualified Person as defined Regulation 153/04, as amended, of the Environmental Protection Act;</li> <li>▪ Paid invoices from contractors in respect of remediation work;</li> <li>▪ Signed declaration that the subject property is not in property tax arrears;</li> <li>▪ The audit report as required; and</li> <li>▪ Any other relevant documentation.</li> </ul>		

Note: Shaded boxes indicate a “pass”.