

BROWNFIELD TAX ASSISTANCE PROGRAM (TAP)

Program Description

The purpose of this program is to encourage the remediation and substantial rehabilitation, adaptive reuse, and development/redevelopment of brownfield sites (where actual contamination has been confirmed). The financial assistance is provided in the form of tax assistance, a cancellation of part or all of the property taxes on a property that is undergoing or has undergone remediation and development, to assist with payment of the cost of environmental remediation and/or risk assessment/management. This program applies only to properties requiring environmental remediation and/or risk assessment/management.

An application for the Brownfield TAP must be accompanied by an application for the TIEG Program. Stand-alone applications for the Brownfield TAP are not permitted, and a Brownfield TAP application can only be approved if the corresponding TIEG Program Application is approved.

Only owners of property within the CIPA that have applied for a TIEG are eligible to apply for funding under this program.

What is the Maximum Grant Amount?

The “assistance period” for the Brownfield TAP is the period of time starting on the date on which the tax assistance by-law is passed by the Township, and ending on the:

- the date when the total tax assistance provided equals the total eligible costs; or,
- the end date specified in the by-law (maximum of 3 years from the date the by-law was passed), whichever comes first.

“Eligible costs” for the Brownfield TAP are the costs of any action taken to reduce the concentration of contaminants on, in, or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act. Eligible costs include:

- a Phase I ESA, Phase II ESA, Designated Substances and Hazardous Materials Survey, Remedial Work Plan, and Risk Assessment/Risk Management Plan not disbursed by the Study Grant Program.
- environmental remediation, including the cost of preparing a Record of Site Condition (RSC) and Certificate of Property Use (CPU).
- placing, compacting, and grading of clean fill required to replace contaminated soils/fill disposed of off-site.
- installing, monitoring, maintaining, and operating environmental and/or engineering controls/works as specified in the Remedial Work Plan and/or Risk Assessment/Management Plan and/or CPU.
- testing of on-site excess soils for potential reuse but shall not include the excavation, management, transportation or disposal of such soil except where the soil is found to be contaminated.
- environmental insurance premiums.

In no case will the total amount of the tax assistance provided under the Brownfield TAP exceed the total of these eligible costs.



BROWNFIELD TAX ASSISTANCE PROGRAM (TAP) CONTINUED

What Type of Properties & Costs are Eligible for This Program?

An “eligible property” for the Brownfield TAP is a property within the Community Improvement Project Area that is also eligible for the Tax Increment Equivalent Grant (TIEG) Program where a Phase II ESA has been conducted in accordance with O. Reg. 153/04 and, as of the date the Phase II ESA was completed, did not meet the required standards under subparagraph 4i of Section 168.4(1) of the Environmental Protection Act to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry.

What Additional Information Needs to be Included with the Application?

- An application must be submitted to the Township and approved by the Township prior to the start of any remediation and/or risk management works to which the tax assistance will apply.
- An application for the Brownfield TAP must be accompanied by a description of the development that will take place on the site post remediation/risk assessment.
- An application for the Brownfield TAP must be accompanied by a Phase I ESA, and also a Phase II ESA that shows that the property does not meet the standards under subparagraph 4i of Section 168.4(1) of the Environmental Protection Act to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry.
- The application must be accompanied by a Phase II ESA and a Remedial Work Plan or Risk Assessment/Risk Management Plan that contains or is accompanied by:
 - a minimum of two cost estimates for the actions that will be required to reduce the concentration of contaminants on, in, or under the property to permit a Record of Site Condition (RSC) for the proposed use to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; and,
 - a work plan and budget for said environmental remediation and/or risk assessment/risk management actions, including a description of the proposed remediation, including the methods and technologies to be used.
- As a condition of the application, the Township may require the applicant to submit a Business Plan for redevelopment of the property (as applicable).
- The total value of the tax assistance provided under this program shall not exceed total eligible costs.
- All applicants participating in this program will be required to enter into an Agreement with the Township that will specify the terms, duration, and default provisions of the tax assistance.
- Should the owner of the property default on any of the conditions in the Tax Assistance agreement or by-law, cancelled property taxes (plus interest) will become payable to the Township, the County (if applicable), and the Province.
- The owner shall file in the Environmental Site Registry a RSC for the property signed by a qualified person, and the owner shall submit to the Township proof that the RSC has been acknowledged by the Ministry of the Environment, Conservation and Parks (MOECP).

