



The Corporation of the Town of Fort Erie By-law 79-2026

Being a By-law to Adopt a Brownfield Community Improvement Plan

Whereas the Town of Fort Erie Official Plan, 2025, contains provisions relating to Community Improvement Plans and empowers Council to designate Community Improvement Project Areas and adopt Community Improvement Plans pursuant to Section 28 of the *Planning Act*, R.S.O 1990, c. P.13, as amended; and

Whereas subsection 28(4) of the *Planning Act*, R.S.O 1990, c. P.13, as amended, provides for the adoption of Community Improvement Plans respecting areas designated as Community Improvement Project Areas; and

Whereas the Town of Fort Erie has prepared a Brownfield Community Improvement Plan to establish a coordinated framework to support the environmental assessment, remediation, rehabilitation and redevelopment of eligible brownfield properties within the Town's settlement areas; and

Whereas By-law 77-2026 passed by the Municipal Council of the Town of Fort Erie designated lands as a Community Improvement Project Area for the purpose of implementing the Town of Fort Erie Brownfield Community Improvement Plan; and

Whereas Report PBBS-42-2026 was considered by Council at the Council-in-Committee meeting held on September 14, 2026, to authorize the adoption of the Town of Fort Erie Brownfield Community Improvement Plan; and

Whereas it is deemed desirable and in the interest of the municipality to adopt the Town of Fort Erie Brownfield Community Improvement Plan;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the Town of Fort Erie Brownfield Community Improvement Plan, attached hereto as Schedule "A" and forming part of this By-law, is hereby adopted.
- 2. That** delegation authority be given to the Director of Planning, Building and By-law Services or their respective delegate to approve applications under the Environmental Site Assessment Grant Program established through the Town of Fort Erie Brownfield Community Improvement Plan, subject to the applicable program requirements, eligibility criteria and availability of funds.
- 3. That** By-law 109-10, being a By-law to Adopt a Brownfield Community Improvement Plan for the Town of Fort Erie, is hereby repealed.

- 4. **That** notwithstanding the repeal of By-law 109-10, any application approved, grant authorized, agreement entered into, or other financial assistance approved pursuant to the Brownfield Community Improvement Plan repealed by this By-law prior to the effective date of this By-law shall continue to be administered in accordance with the applicable former Community Improvement Plan and the terms and conditions of the applicable agreement.
- 5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 28th day of September 2026.

Mayor

Clerk

Town of Fort Erie

Brownfield Community Improvement Plan

September 2026



Prepared by

Town of Fort Erie Planning, Building and By-law Services



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1.0 Introduction

1.1 What is a Community Improvement Plan

A Community Improvement Plan (CIP) is a planning and economic development tool that enables a municipality to support the improvement, rehabilitation, and redevelopment of land and buildings within a defined geographic area, referred to as a Community Improvement Project Area.

Section 28 of the *Planning Act* authorizes municipalities to prepare and adopt Community Improvement Plans and to provide financial incentives in support of eligible community improvement activities.

Through a Community Improvement Plan, municipalities may support initiatives including:

- Identifying changes needed to land use planning policies, zoning, and other municipal by-laws, policies, and practices.
- Directing municipal funding toward improvements to public infrastructure and public spaces.
- Acquiring, rehabilitating, clearing, or disposing of land and buildings for community improvement purposes.
- Supporting affordable housing, environmental sustainability, and energy efficiency initiatives.
- Providing grants, or other financial incentives to property owners and tenants for eligible improvements; and
- Establishing a vision, goals, and objectives to guide coordinated and long-term community improvement.

Community Improvement Plans are implementation tools that translate municipal policy direction into on-the-ground outcomes. By reducing financial barriers and encouraging reinvestment, CIPs help municipalities achieve broader planning objectives related to intensification, revitalization, economic development, and environmental sustainability.

1.2 Purpose of the Brownfield Community Improvement Plan

The purpose of the Town of Fort Erie Brownfield Community Improvement Plan (CIP) is to establish a framework for encouraging the assessment, remediation, rehabilitation and redevelopment of eligible brownfield properties within the Town's settlement areas.

Brownfield properties can present significant barriers to redevelopment due to actual or perceived environmental contamination and the costs associated with environmental studies, remediation, risk assessment, site preparation and related works.

The financial incentive programs established through this Plan are intended to help address these barriers and improve the feasibility of returning contaminated, vacant or underutilized properties to productive use.

Through targeted financial incentives, the Brownfield Community Improvement Plan supports:

- Environmental assessment and remediation;
- The redevelopment and reuse of underutilized properties;
- More efficient use of existing infrastructure and municipal services; and
- Long-term increases in municipal assessment and property tax revenue resulting from redevelopment.

1.3 Background and Rationale

Brownfield properties can present significant challenges to redevelopment due to actual or perceived environmental contamination. The costs associated with environmental investigation, remediation, risk assessment, risk management, demolition, site preparation and related redevelopment activities can affect project feasibility and result in properties remaining vacant or underutilized.

The Town of Fort Erie has historically provided financial incentives to support the assessment, remediation and redevelopment of brownfield properties. These programs recognize that brownfield redevelopment can provide environmental, economic and community benefits by returning previously developed lands to productive use.

Brownfield redevelopment can also support more efficient land use by directing investment toward existing settlement areas and making use of existing municipal infrastructure and services.

This Brownfield Community Improvement Plan builds on the Town's existing brownfield incentive framework while clarifying program requirements, eligible costs and administrative procedures.

The Plan provides a coordinated framework for financial assistance at different stages of the brownfield redevelopment process, including environmental assessment, remediation and post-redevelopment assistance based on increased municipal property tax revenue.

1.4 Relationship to Other Town Initiatives

This Community Improvement Plan implements the community improvement policies of the Town of Fort Erie Official Plan and supports broader municipal objectives related to environmental remediation, redevelopment, efficient land use and economic development.

The Brownfield Community Improvement Plan operates independently from, but complements, the Town's Core Area Community Improvement Plan and Affordable Housing Community Improvement Plan.

Each Community Improvement Plan addresses a distinct community improvement objective and contains its own Community Improvement Project Area, eligibility requirements and financial incentive programs.

Where a property may be eligible for incentives under more than one municipal Community Improvement Plan, the applicable eligibility requirements and program conditions shall apply. The same eligible costs shall not be funded more than once through municipal financial incentive programs.

1.5 Community Improvement Project Areas

This Community Improvement Plan establishes a Brownfield Community Improvement Project Area for the purpose of implementing financial incentive programs that support the assessment, remediation and redevelopment of eligible brownfield properties.

The Brownfield Community Improvement Project Area applies to eligible properties located within the Town's settlement areas, as identified on the applicable schedule to this Plan.

The broader geographic application of the Brownfield Community Improvement Project Area recognizes that contaminated or potentially contaminated properties are not limited to specific downtowns, commercial areas or redevelopment corridors.

Eligible brownfield conditions may occur throughout the Town's settlement areas, and the Community Improvement Project Area is intended to allow the Town to respond to eligible brownfield redevelopment opportunities where they arise.

1.6 How to Use This Community Improvement Plan

This Community Improvement Plan is intended to be used by property owners, businesses, developers, and the Town of Fort Erie to understand available incentive programs and the process for participation.

Participation in any Community Improvement Program is voluntary and subject to meeting eligibility requirements, the availability of funding, and approval by the Town.

This plan operates in conjunction with the Town's planning and development approval processes, including the Zoning By-law, site plan control, and other applicable requirements, and does not replace or supersede these approvals.

Community Improvement Programs are subject to annual budget approval by Council and may be amended, suspended, or discontinued at the discretion of the Town.

2.0 Planning and Policy Context

2.1 Legislative Authority

This Community Improvement Plan (CIP) has been prepared under the authority of Section 28 of the *Planning Act*, R.S.O 1990, c. P.13 as amended. Section 28 of the Planning Act authorizes municipalities to designate Community Improvement Project Areas and adopt Community Improvement Plans to promote community improvement, redevelopment, rehabilitation, and revitalization within those areas. The *Planning Act* further authorizes municipalities to provide various forms of financial assistance, including grants and tax-based incentives, to implement the objectives of a Community Improvement Plan.

In addition to the *Planning Act*, certain financial incentive programs established through this Community Improvement Plan are authorized by the *Municipal Act, 2001*, S.O. 2001, c. 25, where applicable.

Section 106 of the *Municipal Act, 2001* provides an exception to the general prohibition on bonusing where financial assistance is provided in accordance with an approved Community Improvement Plan under Section 28 of the *Planning Act*.

Section 365.1 authorizes municipalities to establish tax assistance programs for eligible brownfield properties. Where applicable, municipalities may also apply to the Province for matching education property tax assistance in accordance with the *Municipal Act, 2001* and applicable regulations.

The policies and financial incentive programs established through this Community Improvement Plan shall be implemented in accordance with the *Planning Act*, the *Municipal Act, 2001*, and all other applicable legislation and regulations.

2.2 Provincial Policy Context

The Provincial Planning Statement (PPS), issued under Section 3 of the *Planning Act*, establishes policy direction on matters of provincial interest related to land use planning and development. It requires that planning decisions shall be consistent with the PPS.

Key PPS policy themes relevant to this CIP include:

- Promoting efficient development and redevelopment within existing settlement areas.
- Encouraging the reuse and remediating of brownfield sites; and
- Supporting long-term economic prosperity and sustainable development.

This CIP has been prepared to support these objectives by encouraging the remediation and productive reuse of eligible brownfield properties within the Town's settlement areas.

2.3 Conformity with the Town of Fort Erie Official Plan (2025)

The Town of Fort Erie Official Plan, adopted by Council in 2025, provides the primary local planning policy framework to guide growth and development to the year 2051. Section F.4.4 of the Official Plan establishes a comprehensive policy framework for Community Improvement Planning and authorizes Council to designate Community Improvement Projects Areas and adopt Community Improvement Plans pursuant to Section 28 of the *Planning Act*.

Section F.4.4 of the Official Plan identifies community improvement as a key implementation tool to support the revitalization of areas characterized by aging or obsolete buildings, underutilized or brownfield lands, conflicting land uses, infrastructure deficiencies, poor overall visual quality, and other environmental, social, or economic development challenges. The Official Plan further provides that Community Improvement Project Areas may be designated for specific areas of the Town or on a Town-wide basis and explicitly states Council's intent that the entirety of the Town may be designated as a Community Improvement Project Area by by-law.

The criteria set out in Section F.4.4.1.2 of the Official Plan for the designation of Community Improvement Project Areas include, among other matters, the presence of buildings or lands in need of rehabilitation or redevelopment, brownfields and underutilized lands, deficiencies in infrastructure or public realm, heritage and architectural significance, environmental contamination, high commercial vacancy, and poor overall streetscape or urban design quality. These criteria provide the policy basis for the identification of Core Areas within this Community Improvement Plan, as well as for the application of town-wide brownfield redevelopment incentive programs.

This Community Improvement Plan implements Section F.4.4 of the Official Plan by:

- Establishing a Brownfield Community Improvement Project Area within the Town's settlement areas;
- Providing financial incentives to support environmental assessment, remediation and redevelopment;
- Reducing financial barriers associated with the redevelopment of contaminated or potentially contaminated properties;
- Supporting the reuse of underutilized lands; and
- Encouraging long-term increases in property assessment and municipal tax revenue resulting from redevelopment.

2.5 Definitions and Interpretation

For the purposes of this Community Improvement Plan, the following definitions apply:

Applicant means the registered property owner(s), an Authorized Agent acting on behalf of the registered property owner(s) with written authorization, or a commercial tenant with written authorization from the registered property owner(s), where permitted under the applicable Community Improvement Program.

Authorized Agent means a person authorized in writing by the registered property owner(s) to submit an application and act on the owner's behalf for the purposes of this Community Improvement Plan.

Brownfield means an undeveloped or previously developed property where actual or perceived environmental contamination has hindered or may hinder redevelopment or reuse.

Community Improvement means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any combination thereof, within a Community Improvement Project Area, together with the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable, or other uses, buildings, structures, works, improvements, facilities, or spaces as may be appropriate or necessary.

Community Improvement Plan (CIP) means a plan for the community improvement of a Community Improvement Project Area prepared and adopted by Council in accordance with Section 28 of the *Planning Act*.

Community Improvement Project Area (CIPA) means a municipality or an area within a municipality, the community improvement of which, in the opinion of Council, is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social, or community economic development reason, and which has been designated by by-law pursuant to Section 28 of the *Planning Act*.

Council means the Council of the Corporation of the Town of Fort Erie.

Development means development as defined in the *Planning Act*, as amended from time to time.

Eligible Costs means those costs identified as eligible for financial assistance under the applicable Community Improvement Program.

Intensification means intensification as defined in the *Provincial Planning Statement, 2024*, as amended from time to time.

Property means a legally defined parcel of land or specific piece of real estate with unique boundaries and a recorded property identification number.

Qualified Professional means a person who possesses the qualifications, professional accreditation, licensing, or experience required to prepare the applicable study, report, design, or assessment in accordance with applicable legislation, professional standards, or to the satisfaction of the Town.

Redevelopment means the creation of new development on previously developed land, including the reuse of brownfield sites and the replacement, expansion, or adaptive reuse of existing buildings.

Registered Property Owner means the person or persons registered on title as the legal owner of the property that is subject of an application under this Community Improvement Plan.

Rehabilitation means the improvement, repair, restoration, modernization, or adaptive reuse of existing buildings, structures, or lands to improve their condition, functionality, safety, accessibility, energy efficiency, or appearance.

3.0 Brownfield Community Improvement Project Area

3.1 Overview

This Community Improvement Plan establishes a Brownfield Community Improvement Project Area for the purpose of supporting the assessment, remediation, rehabilitation and redevelopment of eligible brownfield properties.

The Brownfield Community Improvement Project Area applies to eligible properties located within the Town's settlement areas where actual or perceived environmental contamination has hindered or may hinder redevelopment or reuse.

The Community Improvement Project Area is illustrated on the schedule attached to this Plan.

3.2 Basis for Designation

The designation of the Brownfield Community Improvement Project Area is based on the community improvement policies contained within Section F.4.4 of the Town of Fort Erie Official Plan.

The Official Plan identifies brownfields, underutilized lands and environmental contamination as conditions that may warrant community improvement initiatives and financial incentives.

Brownfield conditions are not limited to a single geographic area, commercial corridor or designated Core Area. Contaminated or potentially contaminated properties may occur throughout the Town's settlement areas.

A broader Brownfield Community Improvement Project Area therefore allows the Town to respond to eligible brownfield redevelopment opportunities where they arise, while directing financial assistance toward projects that satisfy the eligibility requirements established through this Plan.

The Brownfield Community Improvement Project Area is intended to support environmental remediation and redevelopment while encouraging the productive reuse of previously developed and underutilized lands.

4.0 Goals and Objectives

4.1 Purpose of Community Improvement

Community improvement under this Plan is intended to support the assessment, remediation and redevelopment of eligible brownfield properties where environmental conditions and associated costs may otherwise hinder investment and reuse.

Through targeted financial incentives, the Town may assist in reducing barriers associated with environmental investigation, remediation and redevelopment while supporting broader objectives related to efficient land use, environmental improvement and long-term economic sustainability.

4.2 Goals

The goals of this Community Improvement Plan are to:

Brownfield Remediation and Redevelopment

- Encourage the assessment, remediation and redevelopment of contaminated or potentially contaminated properties.
- Support the return of vacant and underutilized brownfield properties to productive use.

Efficient Land Use

- Encourage redevelopment within existing settlement areas.
- Support the efficient use of existing municipal infrastructure and services.
- Reduce barriers to the reuse of previously developed lands.

Environmental Improvement

- Address environmental contamination and associated risks.
- Encourage environmentally responsible remediation and redevelopment practices.

Economic and Fiscal Sustainability

- Reduce financial barriers that affect the feasibility of brownfield redevelopment.
- Encourage private sector investment in underutilized properties.
- Support long-term increases in municipal assessment and property tax revenue resulting from redevelopment.

4.3 Objectives

To achieve the above goals, this CIP establishes the following objectives:

- Support environmental studies and assessments required to identify and evaluate site contamination.
- Provide financial assistance to help offset eligible remediation and redevelopment costs.
- Support risk assessment, risk management and other measures required to facilitate redevelopment.
- Encourage the remediation and productive reuse of vacant, underutilized and contaminated properties.
- Improve the financial feasibility of eligible brownfield redevelopment projects.
- Support redevelopment that makes efficient use of existing infrastructure and municipal services.
- Encourage long-term increases in property assessment and municipal tax revenue.
- Ensure that Brownfield incentives programs are administered in a clear, consistent and fiscally responsible manner.

5.0 Community Improvement Programs

5.1 Overview

The Community Improvement Programs established through this Plan provide financial incentives to support the assessment, remediation and redevelopment of eligible brownfield properties within the Brownfield Community Improvement Project Area.

Brownfield redevelopment can involve significant upfront costs that affect the financial feasibility of a project. The programs established through this Plan are intended to address those barriers at different stages of the redevelopment process.

Financial assistance may be provided through grants and tax-based incentives, subject to:

- The eligibility requirements of the applicable program;
- Available funding;
- Applicable legislation;
- Financial review by the Town where applicable; and
- Council approval or other approval processes, where required.

Brownfield applications may be considered on a case-by-case basis due to the site-specific nature and financial complexity of environmental remediation and redevelopment projects.

5.1.1 Community Improvement Program Summary

Program	Eligible Area	Financial Incentive	Maximum Funding
Environmental Site Assessment Grant	Brownfield Community Improvement Project Area (Settlement Areas only)	50% Matching Grant	Up to \$13,000 per study (maximum \$20,000 per property)
Brownfield Tax Assistance Program	Brownfield Community Improvement Project Area (Settlement Areas only)	Municipal Property Tax Assistance	Up to five (5) years, subject to eligible costs
Brownfield Rehabilitation Grant	Brownfield Community Improvement Project Area (Settlement Areas only)	Annual Tax Increment Grant	Up to 60% of the increase in municipal property taxes for up to ten (10) years, subject to eligible costs

Additional eligibility requirements, eligible and ineligible costs, application procedures, and program-specific conditions are provided in the applicable appendices to this Plan.

Where eligible, Community Improvement Programs may be combined for a single project. However, the same eligible costs shall not be funded more than once, and the total amount of financial assistance provided through this Community Improvement Plan, together with any other applicable municipal financial incentive programs, shall not exceed the total eligible costs of the project, in accordance with subsection 28(7.3) of the *Planning Act*.

5.2 General Program Requirements

The following general requirements apply to all Community Improvement Programs established under this Plan unless otherwise specified in the applicable program appendix.

- All applications for financial assistance must be submitted to the Town and approved prior to the commencement of any works. Any costs incurred prior to approval shall not be eligible for funding under this Plan.

- Application forms, program guidelines, and supporting materials shall be provided by the Town and may be updated from time to time without amendment to this Plan.
- All proposed works must conform to the policies of the Town's Official Plan, the provisions of the Zoning By-law, and all other applicable municipal requirements.
- Applicants are responsible for obtaining all necessary planning approvals, building permits, and other required permissions prior to undertaking any work.
- Properties subject to an application must be in good standing with the Town, including no outstanding taxes, fees, work orders, property standards violations, or other compliance issues.
- Financial assistance may be provided to registered property owners, authorized agents acting on behalf of the property owner(s), and commercial tenants with written authorization from the property owner(s).
- The Town may require applicants to enter into a formal agreement, outlining the terms and conditions of funding.
- The Town may require applicants to submit a minimum of three (3) contractor quotations or estimates for eligible works.
- The Town may establish limits on program participation, including maximum funding per property and frequency of applications.
- The Town reserves the right to audit project costs and verify completion of approved works.
- All eligible costs and grant amounts shall be calculated exclusive of HST. Any applicable HST shall be the responsibility of the applicant
- All programs are subject to funding availability and Council approval.

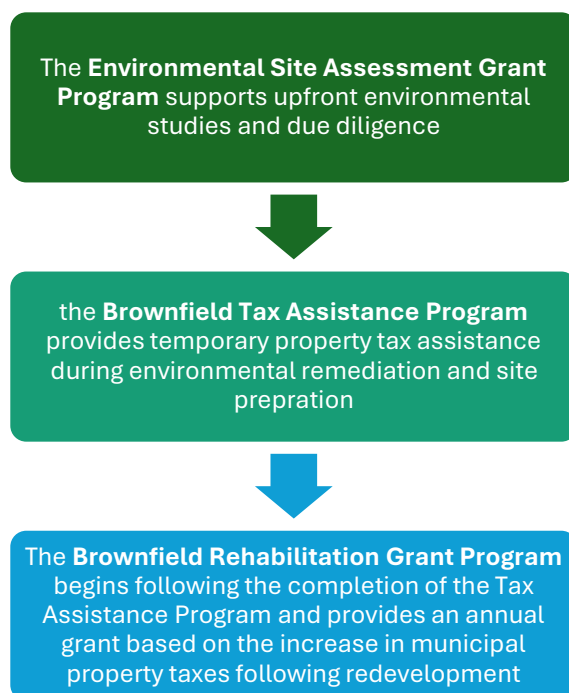
5.3 Brownfield Community Improvement Programs

5.3.1 Introduction

Brownfield Community Improvement Programs provide a coordinated set of financial incentives to support the assessment, remediation, and redevelopment of contaminated or potentially contaminated properties.

These Programs are intended to reduce financial barriers, improve project feasibility, and support the return of underutilized lands to productive use.

These programs are designed to be used together and provide support at key stages of the redevelopment process:



The Tax Assistance Program and Brownfield Rehabilitation Grant Program are intended to operate sequentially, such that the Rehabilitation Grant commences following the completion of the Tax Assistance period.

Together these programs are intended to improve project feasibility, reduce financial barriers, and support the return of underutilized lands to productive use while ensuring long-term increase in municipal assessment and tax revenue.

The total amount of financial assistance provided through all brownfield programs shall not exceed the total eligible costs of remediation and redevelopment.

Eligible costs include, but are not limited to, environmental studies, environmental remediation, risk assessment and risk management measures, demolition, site preparation, and other eligible redevelopment costs associated with brownfield remediation.

The Brownfield Community Improvement Programs, including detailed eligibility criteria, eligible costs, and administrative procedures, are further detailed in **Appendix A**.

5.3.2 Environmental Site Assessment Grant Program

5.3.2.1 Program Description

The Environmental Site Assessment Grant Program is intended to assist property owners in undertaking environmental studies required to determine the presence and extent of contamination on a property.

These studies are typically required as a first step in the redevelopment process and are necessary to support remediation and redevelopment activities.

5.3.2.2 Eligibility

The program applies to properties located within the settlement areas where environmental contamination is known or suspected and where redevelopment or site improvement is proposed.

Applicants must be the registered property owner(s) or an authorized agent acting on behalf of the registered property owner(s) with written authorization

5.3.2.3 Eligible Costs

Eligible costs generally include Phase II Environmental Site Assessments, risk assessments, and related environmental studies required to evaluate site conditions.

A detailed list of eligible costs is provided in **Appendix A**.

5.3.2.4 Financial Incentive

Financial assistance shall be provided in the form of a cost sharing grant equal to 50% of eligible costs, to a maximum of \$13,000 per study and \$20,000 per property.

Funding shall be provided upon completion of the study and submission of all required documentation.

5.3.2.5 Program Requirements

All studies must be completed by qualified professionals and in accordance with applicable environmental legislation and regulations.

For the purposes of this Community Improvement Plan, a “qualified professional” shall mean a person who is appropriately qualified through education, training, and professional credentials relevant to the type of study being prepared. This may include, but is not limited to, architects, engineers, professional planners, heritage consultants, archaeologists, or other specialists with demonstrated expertise in the subject matter.

The Town may require submission of final reports and supporting documentation.

5.3.3 Brownfield Tax Assistance Program

5.3.3.1 Program Description

The Brownfield Tax Assistance Program is intended to offset the costs associated with environmental remediation by providing relief from municipal property taxes during the remediation phase of a project.

Environmental remediation can represent a significant financial barrier to redevelopment, particularly where contamination is extensive or complex. This program is designed to

improve the financial feasibility of brownfield projects by reducing the property tax burden while remediation activities are underway.

Under this program, the Town may provide municipal property tax assistance to eligible brownfield properties for a defined period in accordance with Section 365.1 of the *Municipal Act, 2001*, thereby assisting property owners in undertaking environmental remediation and preparing properties for redevelopment. Where applicable, the Town may apply to the Province for matching education property tax assistance, which is subject to provincial approval in accordance with the *Municipal Act, 2001* and applicable regulations.

5.3.3.2 Eligibility

The program applies to properties within the settlement areas where environmental contamination is known or suspected and where remediation and/or risk assessment is required to permit redevelopment.

Applicants must be the registered owner(s). The proposed project must result in the remediation and redevelopment of the property and demonstrate the potential for increased assessment and municipal property tax revenue following redevelopment.

5.3.3.3 Eligible Costs

Eligible costs generally include the costs associated with environmental remediation required to permit redevelopment and the filing of a Record of Site Condition (RSC), in accordance with applicable legislation.

These may include environmental studies, remediation works, risk assessment and risk management measures, environmental monitoring, and related activities necessary to address contamination.

A detailed list of eligible costs is provided in **Appendix A**.

5.3.3.4 Financial Incentive

The Town may provide municipal property tax assistance for equal to all or a portion of the municipal property taxes payable on an eligible property for a period of up to five (5) years, or until the total amount of tax assistance provided equals the total eligible remediation costs associated with the project, whichever occurs first.

Municipal property tax assistance shall be provided through a by-law adopted by Council under Section 365.1 of the *Municipal Act, 2001* for each eligible property.

The total amount of tax assistance shall not exceed the total eligible remediation costs for the project.

5.3.3.5 Program Requirements

The property owner must undertake environmental remediation in accordance with an approved remediation plan and all applicable legislation and guidelines.

A Record of Site Condition must be filed in the Environmental Site Registry, and confirmation of filing must be provided to the Town.

All works must be completed in accordance with approved plans and program requirements. The Town may require the applicant to enter into a formal agreement outlining the terms and conditions of the program.

5.3.4 Brownfield Rehabilitation Grant Program

5.3.4.1 Program Description

The Brownfield Rehabilitation Grant Program is intended to support redevelopment following the remediation of a brownfield property by providing financial assistance based on the increase in municipal property taxes resulting from redevelopment.

Brownfield redevelopment often involves significant upfront costs associated with site cleanup, demolition, and site preparation. This program is designed to help offset these costs by providing a grant based on a portion of the increase in municipal property taxes that results from redevelopment, as determined through the reassessment of the property and subject to any subsequent changes in assessment or taxation.

This approach supports the financial viability of redevelopment projects while ensuring that the Town benefits from long-term increases in assessment and tax revenue.

5.3.4.2 Eligibility

Eligible costs generally include environmental remediation costs not otherwise offset through the Brownfield Tax Assistance Program, as well as costs related to demolition, site preparation, building rehabilitation, infrastructure upgrades, and other works directly related to environmental remediation, site preparation, rehabilitation, adaptive reuse, or infrastructure improvements supporting redevelopment.

A detailed list of eligible costs is provided in **Appendix A**.

5.3.4.3 Financial Incentive

Following redevelopment and assessment of the property, the Town may provide an annual grant based on up to 60% of the increase in municipal property taxes resulting from the project.

The Brownfield Rehabilitation Grant is funded from the increase in municipal property taxes resulting from redevelopment. The Town will continue to receive a portion of the increased tax revenue during the grant period and will retain the full increase following the completion of the program.

The grant shall be paid annually for a period of up to ten (10) years, or until the total grant payments equal the total eligible costs, whichever occurs first.

The total amount of assistance provided through the Brownfield Tax Assistance Program, the Brownfield Rehabilitation Program, and any other municipal incentives shall not exceed the total eligible costs associated with the project.

5.3.4.4 Program Requirements

The property must be remediated and redeveloped in accordance with approved plans and program requirements.

The applicant must demonstrate that redevelopment has resulted in an increase in property assessment.

Grant payment shall only be issued once taxes have been paid in full for the applicable year.

The Town may require that redevelopment be substantially commenced and completed within a specified timeframe, as set out in the program agreement. Where redevelopment does not proceed within the timeframe established in the agreement, the Town reserves the right to terminate the program and any associated financial incentives.

6.0 Program Administration

6.1 Application Process

Applications for financial assistance under this Community Improvement Plan shall be submitted to the Town in a form prescribed by the Town and in accordance with the requirements outlined in this Plan and the associated appendices.

Applicants are encouraged to consult with Town Staff prior to applying to confirm program eligibility, application requirements, and the availability of funding.

All applications must be submitted and approved prior to the commencement of any works. Any costs incurred prior to approval shall not be eligible for financial assistance under this Plan.

Upon receipt of a complete application, the Town shall review the application to determine eligibility, completeness, and conformity with the objectives of the Community Improvement Plan. The Town may request additional information or clarification as required to complete its review.

Incomplete applications shall not be processed until all required information has been provided to the satisfaction of the Town.

6.2 Required Documentation

Applicants shall submit all information required by the Town to evaluate the proposed project. This may include, but is not limited to:

- A completed application form
- Proof of property ownership or authorization from the property owner
- Proof that municipal taxes and all other municipal accounts are in good standing
- Detailed description of the proposed works
- Plans, drawings, or renderings, where applicable
- A minimum of 3 (three) cost estimates and/or contractor quotations
- Environmental reports or studies, where applicable
- For Brownfield Tax Assistance Program and Brownfield Rehabilitation Grant applications, financial and project information sufficient to allow the Town to evaluate eligible costs, project financial feasibility, anticipated increases in property assessment and municipal property tax revenue, and the proposed financial assistance
- Any other information deemed necessary by the Town

Detailed submission requirements for each program are provided in the appendices attached to this Plan.

6.3 Evaluation and Approval

Applications shall be evaluated by the Town based on their conformity with the objectives of this Community Improvement Plan, program eligibility requirements, and the availability of funding.

For Brownfield Tax Assistance Program and Brownfield Rehabilitation Grant applications, the Town may undertake a financial and project-specific review to assess the appropriateness and feasibility of the proposed financial assistance. The review may include consideration of the environmental conditions affecting the property, eligible remediation and redevelopment costs, the proposed redevelopment, project financial feasibility, anticipated increases in property assessment and municipal property tax revenue, and any other information considered necessary by the Town.

The Town may consider factors including, but not limited to:

- The extent to which the project supports the objectives of the Community Improvement Plan
- The quality and feasibility of the proposed works
- Alignment with strategic priorities
- The anticipated impact of the project on the surrounding area
- The financial viability of the project

- The availability of funding within the Town's budget

Approval of applications shall be in accordance with the Town's applicable Delegation of Authority By-law. Where delegated authority has not been established, approval shall be by Council.

Where funding is limited or multiple applications are received, the Town may prioritize applications based on alignment with the objectives of this Plan, strategic priorities, geographic focus areas, anticipated community benefit, or other relevant planning and community improvement considerations determined by the Town.

The Town reserves the right to approve, defer, or refuse any application at its sole discretion.

6.3.1 Appeals

An applicant whose application has been denied under delegated authority may submit a written request within thirty (30) days of the decision requesting that the application be referred to Council for reconsideration. Council's decision shall be final. The reconsideration process does not guarantee approval or funding and remains subject to the availability of Council-approved funding and all applicable requirements of this Community Improvement Plan.

6.4 Agreements

As a condition of approval, the Town may require the applicant to enter into a formal agreement outlining the terms and conditions of financial assistance.

Such agreements may include, but are not limited to:

- Description of the approved works
- Approved eligible costs and funding amounts
- Payment conditions and timing
- Requirements for maintaining improvements
- Timelines for commencement and completion of works
- Reporting and documentation requirements
- Default provisions and remedies

Agreements may be registered on title at the discretion of the Town.

6.5 Timing of Works

All approved works must be undertaken and completed within the timelines established in the program agreement.

The Town may require that:

- Approved works be commenced within a specified period following approval
- Construction be conducted in accordance with approved plans
- Projects be completed within a defined timeframe

Where a project is not commenced or completed within the required timeframe, the Town may terminate the program agreement and any associated financial incentives.

The Town may consider requests for extensions where they are warranted by site-specific conditions to the satisfaction of the Town.

6.6 Payment of Grants and Incentives

Financial assistance shall be provided upon completion of the approved works, submission of all required documentation, and confirmation by the Town that the works have been completed in accordance with the approved application, program requirements, and any applicable program agreement, to the satisfaction of the Town.

Applicants must submit itemized and detailed invoices, receipts, and any other documentation required to verify eligible costs. Applicants shall provide proof of payment in a form satisfactory to the Town, including but not limited to copies of paid invoices, certified cheques, or bank transfer documentation confirming that all eligible costs have been paid in full.

The Town may require inspection of completed works and confirmation that all applicable permits, approvals, and requirements have been satisfied prior to issuing payment.

As a condition of payment, the applicant may be required to provide confirmation satisfactory to the Town that no construction liens related to the approved works remain registered against the property. Where a construction lien has been registered, the Town may withhold payment until the lien has been discharged, withdrawn or otherwise resolved to the satisfaction of the Town.

For tax-based incentives, including the Brownfield Rehabilitation Grant Program, payments shall be made following the reassessment of the property and payment of applicable municipal property taxes.

Grants shall only be paid where all program requirements and agreement conditions have been satisfied.

The Town may require that improvements funded through this Plan be maintained in accordance with the terms of the applicable program agreement.

6.7 General Conditions

The following general conditions apply to all programs under this Plan:

Financial assistance shall not exceed the total eligible costs of the project

The Town reserves the right to audit all costs and supporting documentation submitted as part of an application.

The Town may reduce or cancel financial assistance where:

- The applicant has provided false or misleading information
- The project is not completed in accordance with the approved application or agreement
- The applicant is in default of any agreement with the Town
- The property is not in good standing with the Town

Where multiple sources of funding are provided, the total funding from all sources shall not exceed the total eligible costs of the project.

Where eligible, applications may be considered in conjunction with other Community Improvement Plan programs or municipal incentive programs, provided that the same eligible costs are not reimbursed more than once and total funding does not exceed 100% of eligible costs.

The Town reserves the right to modify, suspend, or discontinue any program at any time, subject to Council approval.

7.0 Monitoring, Reporting, and Amendments

7.1 Monitoring and Reporting

The Town may monitor the implementation and performance of this Community Improvement Plan on an ongoing basis.

Monitoring may include, but is not limited to, tracking:

- The number of applications received and approved
- The amount of financial assistance committed and distributed
- Leveraged private sector investment
- The number and type of projects completed
- The geographic distribution of applications and funded projects
- Changes in property assessment, where applicable
- Brownfield properties remediated and redeveloped, where applicable
- The overall effectiveness of the Community Improvement Plan in achieving its goals and objectives.

The Town may report on the status and performance of the Community Improvement Plan to Council from time to time, as deemed appropriate. Reporting may include information

regarding program participation, funding allocation, and outcomes achieved through the implementation of the Plan.

7.2 Promotion and Outreach

The Town may undertake promotional and outreach activities to increase awareness and uptake of the Community Improvement Plan and its associated programs.

This may include maintaining up to date information on the Town’s website, preparing program guides and application materials, direct engagement with property owners and businesses, and coordination with local business organizations and community groups.

The Town may also undertake targeted outreach initiatives to support participation in priority areas or programs.

7.3 Amendments

This Community Improvement Plan may be amended from time to time to ensure that it remains relevant, effective, and aligned with the Town’s priorities.

Council may approve changes to the program details, including funding limits, eligible costs, and administrative procedures, without requiring a comprehensive review of the Community Improvement Plan, provided such changes remain consistent with the intent of this Plan and applicable legislation.

Minor administrative amendments, including corrections, formatting changes, or updates required to improve the administration of the Plan, may also be approved by Council provided they remain consistent with the intent of this Plan and applicable legislation.

Major amendments, including changes to Community Improvement Project Areas, the introduction of new financial incentive programs, or other significant policy changes, may require a more comprehensive review and approval process in accordance with the *Planning Act* and other applicable legislation.

7.4 Interpretation

This Community Improvement Plan shall be interpreted by the Town. In the event of any ambiguity or conflict, the Town’s interpretation shall prevail, provided such interpretation is consistent with applicable legislation and the intent of this Plan.

8.0 Conclusion

This Brownfield Community Improvement Plan establishes a framework for supporting the assessment, remediation and redevelopment of eligible brownfield properties within the Town of Fort Erie.

Through the Environmental Site Assessment Grant, Brownfield Tax Assistance Program and Brownfield Rehabilitation Grant, the Town may provide financial assistance at different stages of the brownfield redevelopment process.

The programs are intended to reduce financial barriers associated with environmental contamination, encourage the productive reuse of underutilized properties and support long-term increases in municipal assessment and property tax revenue resulting from redevelopment.

The Plan provides a flexible framework that allows Brownfield projects to be evaluated based on their individual circumstances while maintaining financial oversight and ensuring that incentives are administered in a fiscally responsible manner.

Town of Fort Erie

Brownfield Community Improvement Plan



Appendix A

Brownfield Redevelopment Programs

Environmental Site Assessment (ESA) Grant Program

Brownfield Tax Assistance Program (TAP)

Brownfield Rehabilitation Grant Program (TIG)

1.0 Program Description

The Town of Fort Erie offers a coordinated suite of brownfield financial incentive programs intended to support the assessment, remediation, rehabilitation, and redevelopment of contaminated or potentially contaminated properties.

Brownfield redevelopment often includes additional costs and risks associated with environmental investigation and remediation. These programs are designed to reduce financial barriers, improve project feasibility, and support the return of underutilized lands to productive use.

The Town's Brownfield Redevelopment Programs include:

- Environmental Site Assessment (ESA) Grant Program
- Brownfield Tax Assistance Program (TAP)
- Brownfield Rehabilitation Grant Program (TIG)

These programs are intended to be used together to provide support at key stages of redevelopment:

- The ESA Grant supports upfront environmental studies
- The TAP provides property tax relief during remediation
- The TIG provides financial assistance following redevelopment based on increased municipal property tax revenue

Applications for the Tax Assistance Program and Brownfield Rehabilitation Grant Program may be submitted concurrently and are typically reviewed and approved together. Where both TAP and TIG are approved, the TIG commences only after completion of the TAP period.

The total amount of financial assistance provided through all brownfield programs shall not exceed the total eligible costs of remediation and redevelopment.

2.0 Environmental Site Assessment (ESA) Grant Program

2.1 Program Description

The ESA Grant provides financial assistance to support environmental studies required to assess site conditions and determine remediation requirements.

The program is intended to improve the availability of environmental information and reduce uncertainty associated with redevelopment.

2.2 Eligible Applicants

- The registered property owner; or
- An Authorized Agent or tenant with written authorization from the property owner(s).

For corporate applicants, all associated parties may be required to comply with the terms of the program agreement.

2.3 Eligible Properties

Eligible properties must:

- Be located within the Town-wide Community Improvement Project Area, as identified on Schedule A of this Plan
- Have known or suspected environmental contamination

2.4 Eligible Costs

Eligible costs may include:

- Phase II Environmental Site Assessments
- Designated Substances and Hazardous Materials Surveys
- Remedial Work Plans
- Risk Assessments and Risk Management Plans

2.5 Ineligible Costs

The following are not eligible:

- Phase I Environmental Site Assessments
- Studies completed prior to application approval
- Legal or administrative costs
- Labour or service provided by the property owner, tenant, or persons related to the applicant, unless otherwise approved by the Town
- Any costs deemed ineligible by the Town

2.6 Financial Incentive

- a. The program shall be structured as a cost-sharing grant
- b. The Town may provide funding equal to 50% of eligible costs
- c. Maximum funding shall be:
 - i. \$13,000 per study
 - ii. \$20,000 per property
- d. Funding shall be provided upon completion of the study and submission of all required documentation

2.7 Program Requirements

- Application must be approved prior to the commencement of any work
- Studies must be completed by a qualified professional
- A Phase 1 ESA must be completed to demonstrate potential contamination.
- Final reports must be submitted to the Town

2.8 Payment of Grant and Incentives

- a. Grants shall be paid upon completion of the approved work and fulfillment of all program requirements
- b. Payment is conditional upon:
 - i. Completion of works in accordance with approved plans
 - ii. Inspection by the Town confirming compliance
 - iii. Submission of final invoices containing a detailed description of the completed work and itemized costs, issued by a third-party vendor, and clearly identifying the applicant and subject property
 - iv. Submission of proof of payment, including certified cheques, bank transfer documentation, or other documentation satisfactory to the Town confirming who made the payment, the amount paid, the date of payment, and the recipient of payment
 - v. Submission of photographic documentation
 - vi. Confirmation that all municipal accounts are in good standing
- c. Proof of payment by electronic transfer must include confirmation showing the sender, recipient, date, and amount, and must clearly correspond to the associated invoice. The Town reserves the right to request additional supporting documentation where necessary to verify eligible project costs
- d. The Town reserves the right to reject invoices or supporting documentation that are incomplete, unclear, or not directly related to approved project costs
- e. The Town may require an affidavit confirming that all contractors have been paid in full

2.9 Agreements

The Town may require the applicant to enter into a formal agreement outlining the terms and conditions of funding, including eligible costs, reporting requirements, and payment conditions.

3.0 Brownfield Tax Assistance Program

3.1 Program Description

The Brownfield Tax Assistance Program provides municipal property tax assistance to eligible brownfield properties during the remediation and redevelopment phase in accordance with Section 365.1 of the *Municipal Act, 2001*. The program is intended to reduce carrying costs associated with environmental remediation and is designed to be used in conjunction with the Brownfield Rehabilitation Grant Program. Where applicable, the Town may apply to the Province for matching education property tax assistance, which is subject to provincial approval in accordance with the *Municipal Act, 2001* and applicable regulations

3.2 Eligible Applicants

- The registered property owner; or
- An Authorized Agent or tenant with written authorization from the property owner(s).

For corporate applicants, all associated parties may be required to comply with the terms of the program agreement.

3.3 Eligible Properties

Eligible properties must:

- Be located within the Town-wide Community Improvement Project Area, as identified on Schedule A of this Plan
- Require remediation or risk management
- Be expected to result in increased property assessment and municipal property tax revenue

3.4 Eligible Costs

Eligible costs may include:

- Phase II Environmental Site Assessments and supporting studies
- Environmental remediation
- Environmental monitoring and controls
- Risk assessment and management measures
- Preparation and filing of a Record of Site Condition (RSC)
- Related environmental works required to permit development

3.5 Ineligible Costs

The following are not eligible:

- Phase I ESAs
- Work complete prior to approval
- Legal or administrative costs
- Costs associated solely with new building construction, except where specifically approved by the Town
- Labour or service provided by the property owner, tenant, or persons related to the applicant, unless otherwise approved by the Town
- Any costs deemed ineligible by the Town

3.6 Financial Incentive

- a. The Town may provide municipal property tax assistance for all or a portion of the municipal property taxes payable on an eligible property for a period of up to five (5) years, or until the total amount of tax assistance provided equals the total eligible remediation costs associated with the project, whichever occurs first.
- b. Municipal property tax assistance shall be provided through a by-law adopted by Council under Section 365.1 of the Municipal Act, 2001 for each eligible property.
- c. The total amount of tax assistance shall not exceed the total eligible remediation costs associated with the project.
- d. Where applicable, the Town may apply to the Province for matching education property tax assistance, which is subject to provincial approval in accordance with the Municipal Act, 2001 and applicable regulations.

3.7 Program Requirements

- The Town must approve a remediation plan
- A Record of Site Condition must be filed
- All works must comply with applicable legislation and approvals
- The Town shall require the applicant to enter into a formal agreement

3.8 Agreements

As a condition of approval, the applicant shall be required to enter into a formal agreement with the Town.

The agreement may include, but is not limited to:

- Description of the approved remediation works
- Eligible costs and estimated tax assistance
- Duration of the tax assistance period

- Requirements for filing a Record of Site Condition (RSC)
- Timing requirements for remediation and redevelopment
- Default provisions and termination conditions
- Any other terms deemed necessary by the Town

Agreements may be registered on title at the discretion of the Town.

4.0 Brownfield Rehabilitation Grant Program (TIG)

4.1 Program Description

The Brownfield Rehabilitation Grant Program provides financial assistance to offset eligible remediation and redevelopment costs through annual grants based on the increase in municipal property taxes following redevelopment.

This program supports long-term feasibility by allowing recovery of costs over time.

4.2 Eligible Applicants

- The registered property owner; or
- An Authorized Agent or tenant with written authorization from the property owner(s).

For corporate applicants, all associated parties may be required to comply with the terms of the program agreement.

4.3 Eligible Properties

Eligible properties must:

- Be located within the Town-wide Community Improvement Project Area, as identified on Schedule A of this Plan
- Be subject to remediation and redevelopment
- Result in an increase in property assessment and municipal property taxes

4.4 Eligible Costs

Eligible costs may include:

- Phase II ESAs and related environmental studies not funded through other programs
- Remedial work plans and Risk Assessments
- Environmental remediation costs
- Preparation and filing of a Record of Site Condition
- Placement of clean fill and grading
- Installation of environmental and engineering controls

- Monitoring and maintenance of remediation systems
- Demolition and site preparation (excluding permit fees)
- Building rehabilitation and retrofitting
- Upgrading on-site infrastructure (water, sewer, stormwater)
- Upgrading off-site infrastructure required for redevelopment.

4.5 Ineligible Costs

The following are not eligible:

- Costs incurred prior to approval
- Non-redevelopment related improvements
- Routine maintenance
- Costs associated solely with new building construction, except where specifically approved by the Town
- Labour or service provided by the property owner, tenant, or persons related to the applicant, unless otherwise approved by the Town
- Any costs deemed ineligible by the Town

4.6 Financial Incentive

- a. The Town may provide an annual grant based on a maximum of up to 60% of the municipal tax increment resulting from redevelopment
- b. Grants may be provided for a period of up to ten (10) years
- c. The total grant shall not exceed total eligible costs

The Brownfield Rehabilitation Grant is funded from the increase in municipal property taxes resulting from redevelopment. The Town will continue to receive a portion of the increased tax revenue during the grant period and will retain the full increase following the completion of the program.

4.7 Program Requirements

- The property must be remediated and redeveloped in accordance with approved plans
- The property must be reassessed to reflect increased value
- Property taxes must be paid in full prior to grant payment
- The Town shall require the applicant to enter into a formal agreement outlining terms and conditions

Grant payments will be provided annually for a maximum period of up to ten (10) years, or until the total amount of grants equals the eligible program costs, whichever occurs

first. Annual grant payments shall only be issued following payment in full of all municipal property taxes owing for the applicable taxation year.

4.8 Agreements

As a condition of approval, the applicant shall be required to enter into a formal agreement with the Town.

The agreement may include, but is not limited to:

- Description of the approved redevelopment project
- Eligible costs and maximum grant amount
- Calculation and method for the municipal tax increment
- Duration of the grant period
- Payment conditions, including confirmation of tax payment
- Requirements for maintaining the development
- Default, termination, and repayment provisions
- Any other terms deemed necessary by the Town

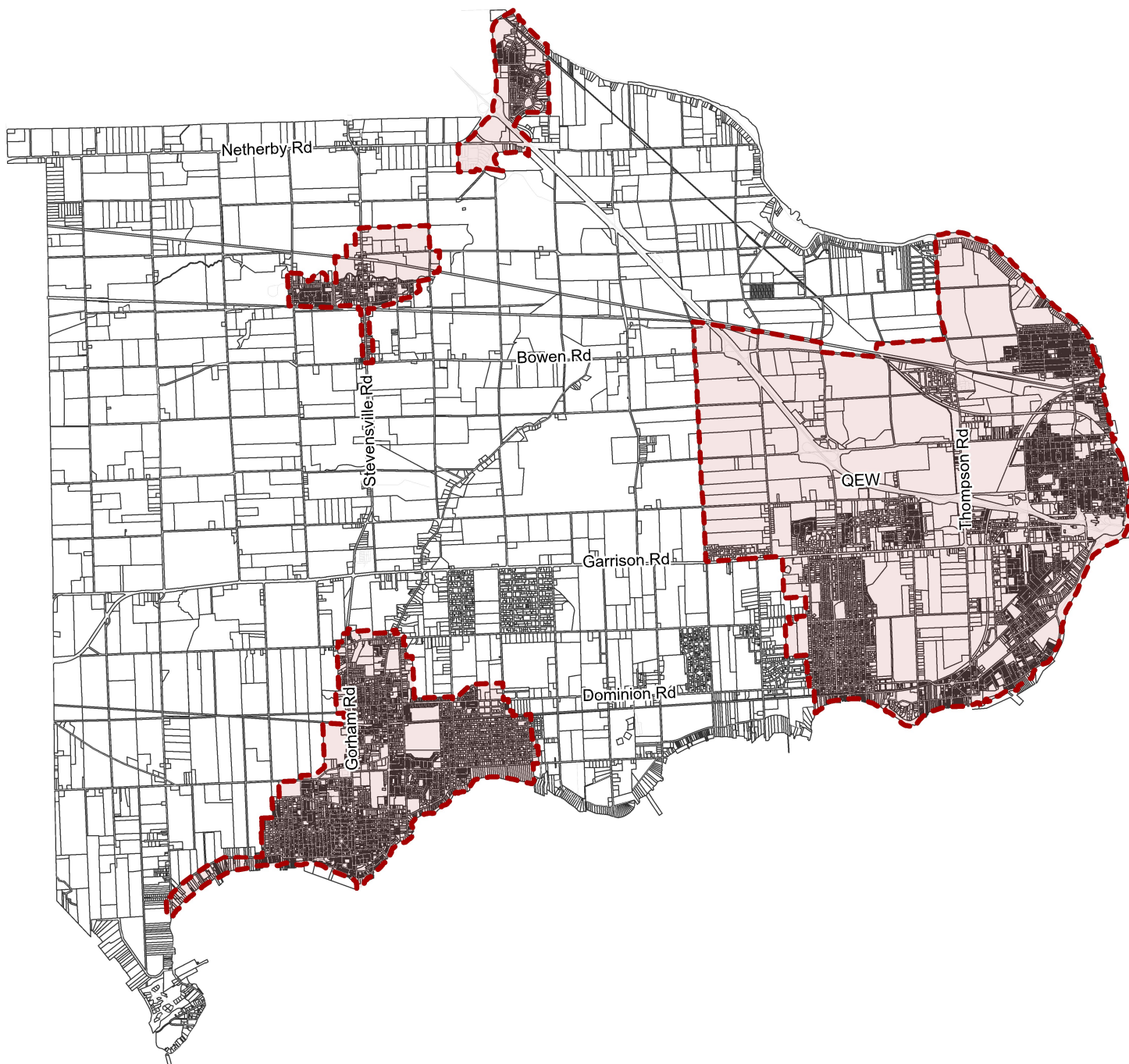
Agreements may be registered on title at the discretion of the Town.

5.0 General Brownfield Program Requirements

- Applications must be approved prior to commencement of work
- Property taxes must be in good standing with the Town
- Applicants must enter into a formal agreement with the Town of Fort Erie
- A Record of Site Condition (RSC) must be filed where required
- All works must comply with applicable legislation and approvals
- Funding may be reduced where other government funding is received
- The Town may determine the eligibility of any cost, project, or application not explicitly identified, provided it aligns with the intent of the program
- The Town may evaluate applications based on financial feasibility, environmental benefit, and alignment with municipal priorities
- Properties that have received funding through the same or substantially similar Community Improvement Program within the previous ten (10) years may be deemed ineligible, unless otherwise approved by the Town
- Under no circumstances shall funding exceed 100% of eligible costs

6.0 Mapping

These programs apply to lands within the Settlement Areas, as shown on **Schedule A** of this Plan.



Schedule "A" - Brownfield Community Improvement Program Project Areas



Brownfield CIP Project Areas



Parcel Fabric

0 1.25 2.5 5 Kilometres

