

City of St.Catharines

Community Improvement Plan (2015CIP)

Guidelines

For the

Brownfield Tax Assistance (BTA) Program

Brownfield Tax Assistance (BTA) Program

Guidelines

The Brownfield Tax Assistance (BTA) Program offers tax reimbursement to property owners, for a period of up to three years, to offset the costs of brownfield remediation projects.

The program is only available to environmentally contaminated properties located in 'Priority Neighbourhoods' as set out on Appendix 1 of these Guidelines, although not all projects may qualify under the programs eligibility and evaluation criteria.

The 2015CIP sets out the details and parameters of the BTA Program. These guidelines are a companion document, providing answers to frequently asked questions and assistance to prospective applicants on how the program works.

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Appendix 1: Map of Priority Neighbourhoods (see Section 8)

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1. How does the BTA Program incentive work?

Property owners can get reimbursed municipal property taxes for a 3 year period to offset the costs of a brownfield environmental remediation project.

Project costs that are eligible for the reimbursement are set out in Section 12.

The maximum amount that can be reimbursed is equal to 3 times the annual municipal tax levied against the property at the start of the project.

For example, Ellen is paying \$50,000 a year in municipal property taxes on her old industrial property which has environmental contamination. She decides to remediate her property so that it can be developed for a more sensitive use such as residential.

Ellen can get municipal taxes reimbursed up to a total of \$150,000 over the three years. However, the total amount that can be reimbursed at any one time cannot exceed the total of all municipal property taxes that have been paid on the property to date.

Ellen pays \$50,000 in taxes for the first year and spends \$100,000 on eligible project costs in that first year.

Although she has expended \$100,000 in the first year, she can only claim \$50,000 for that year, the equivalent of taxes paid to date. Ellen gets reimbursed \$50,000 after the first year, and carries over \$50,000 in unclaimed costs

In the second year, Ellen spends another \$25,000 in eligible costs to complete the project, and now has \$75,000 in unclaimed costs. After she pays property taxes for the second year, she gets reimbursed another \$50,000, the equivalent of taxes paid to date. She still has \$25,000 in unclaimed eligible costs.

After Ellen pays the taxes in the third year, she would be eligible to claim another \$50,000 in project costs.

However, the total amount that may be reimbursed cannot exceed the total of eligible costs incurred. Ellen spent \$125,000 on the project. She is reimbursed \$50,000 in each of the first two years, and \$25,000 in the third year, for a total of \$125,000.

The above example is illustrated in the following chart.

Year	<u>Taxes Paid</u>		<u>Costs Incurred</u>		<u>Refund</u>		<u>Unclaimed Costs Carried Over</u>	<u>Costs Not Eligible for Refund</u>
	Year	To Date	Year	To Date	Year	To Date		
1	\$50,000	\$50,000	\$100,000	\$100,000	\$50,000	\$50,000	\$50,000	-----
2	\$50,000	\$100,000	\$25,000	\$125,000	\$50,000	\$100,000	\$25,000	-----
3	\$50,000	\$150,000	-----	\$125,000	\$25,000	\$125,000	-----	-----

Another example. Ellen pays \$50,000 in property taxes. She undertakes a remediation project and spends \$100,000 in the first year. After paying taxes for the first year, Ellen gets reimbursed \$50,000, the equivalent of taxes paid to date.

She has \$50,000 in unclaimed expenses from the first year. Ellen spends another \$85,000 in the second year to complete the project, and now has \$135,000 in unclaimed expenses. After paying the taxes for the second year, she gets reimbursed another \$50,000, and over the first two years, the equivalent of taxes paid to date (\$100,000). Ellen still has \$85,000 in unclaimed expenditures. After Ellen pays \$50,000 in taxes in the third year, she would get reimbursed another \$50,000. She has now been reimbursed \$150,000 over the three years, the equivalent of taxes paid over that time.

Although Ellen still has \$35,000 in unclaimed expenses, she has been reimbursed the maximum \$150,000 permitted. The \$35,000 in unclaimed expenses is not eligible for a refund.

Year	<u>Taxes Paid</u>		<u>Costs Incurred</u>		<u>Refund</u>		<u>Unclaimed Costs Carried Over</u>	<u>Costs Not Eligible for Refund</u>
	Year	To Date	Year	To Date	Year	To Date		
1	\$50,000	\$50,000	\$100,000	\$100,000	\$50,000	\$50,000	\$50,000	-----
2	\$50,000	\$100,000	\$85,000	\$185,000	\$50,000	\$100,000	\$85,000	-----
3	\$50,000	\$150,000	-----	\$185,000	\$50,000	\$150,000	-----	\$35,000

And at no time will the amount reimbursed be greater than the total eligible costs expended.

Ellen pays \$50,000 in taxes per year, and spends \$40,000 in eligible costs the first year, \$70,000 the second year and \$20,000 the third year to complete the project.

She is eligible to get reimbursed \$50,000 for the first year, but only expends \$40,000. She gets reimbursed \$40,000 for the first year.

Ellen spends another \$70,000, and now has expended a total of \$110,000 over the first two years. She has been reimbursed \$40,000 and has \$70,000 in unclaimed expenses.

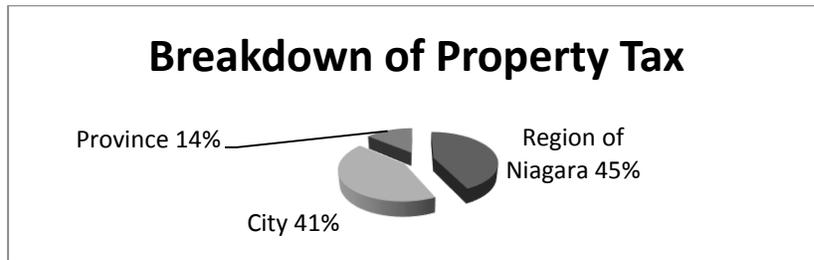
Ellen pays taxes for the second year, and since she has paid \$100,000 in taxes over the first two years, she may be reimbursed that amount over the two years. Ellen gets reimbursed \$60,000 in the second year, for a total of \$100,000 over two years, and the equivalent in taxes paid over that time. She still has \$10,000 in unclaimed expenditures, and spends another \$20,000 in the third year to complete the project. She now has \$30,000 in unclaimed expenditures.

After paying taxes the third year, she is eligible to get reimbursed another \$50,000. However, the amount reimbursed cannot be greater than the total eligible costs expended. As such, Ellen gets reimbursed the remaining \$30,000 in unclaimed expenses, and a total of \$130,000 over the three years.

Year	<u>Taxes Paid</u>		<u>Costs Incurred</u>		<u>Refund</u>		<u>Unclaimed Costs Carried Over</u>	<u>Costs Not Eligible for Refund</u>
	Year	To Date	Year	To Date	Year	To Date		
1	\$50,000	\$50,000	\$40,000	\$40,000	\$40,000	\$40,000	-----	-----
2	\$50,000	\$100,000	\$70,000	\$110,000	\$60,000	\$100,000	\$10,000	-----
3	\$50,000	\$150,000	\$20,000	\$130,000	\$30,000	\$130,000	-----	-----

2. What portion of property tax is eligible for reimbursement?

Property tax is divided into three portions – City, Region, and Provincial. As depicted in the chart below, approximately 41% of property taxes paid goes to the City, 45% to the Region of Niagara, and 14% to the Province.



The tax reimbursement provided by the BTA program is based on the City portion of property taxes paid. Upon approval from the Region of Niagara, the BTA also reimburses the Regional portion as well. During the application and approvals process, the City seeks confirmation from the Region for participation in the program.

The BTA incentive does not provide for reimbursement of the Provincial portion of property taxes paid.

Using the example in Section 1, Ellen actually pays \$58,140 in annual property taxes. The municipal (City and Region) portion of those taxes is 86%, or \$50,000. The Provincial portion is \$8,140. The amount the BTA reimbursement is based on is the municipal portion of annual property taxes (\$50,000).

However, successful applicants under the BTA program are also eligible to apply for reimbursement of the Provincial portion (\$8,140) of annual property taxes through the Provincial Brownfields Financial Tax Incentive Program (BFTIP). The City submits an application for the BFTIP on behalf of the applicant.

Reimbursement of Provincial taxes under the BFTIP program may, however, have different timelines and conditions than the BTA.

3. How do I apply?

The BTA application form is attached to these Guidelines as Appendix 3.

Complete Applications are to be submitted to the Planning and Building Services Department at City Hall, 50 Church Street, St.Catharines between the hours of 8:30 a.m. and 4:30 p.m.

Complete Applications may also be mailed to the following:
 City of St.Catharines
 Planning and Building Department
 PO Box 3012, 50 Church Street
 St.Catharines, ON
 L2R 7C2

Receipt of an application in no way implies that it satisfies Complete Application requirements or that it will be approved.

4. Is there an application fee?

There is no application fee.

5. Do I need to consult with staff prior to submitting an application?

It is not required but strongly encouraged to meet with Planning and Building Department staff prior to submitting an application.

In addition to these Guidelines, staff is available to assist prospective applicants and answer any questions on how the program works.

6. Who can apply for the program?

A property owner, or an authorized agent, can make application for the BTA incentive.

If an agent is making application on behalf of a property owner, please ensure that Part A of the application form and the necessary authorization for Consent of the Owner in Part G are completed.

An application with Original signatures is required.

7. Who can receive the tax reimbursement?

The tax reimbursement is only given to the owner of the subject property who enters into the BTA Agreement with the City, regardless of whether an authorized agent makes the application.

8. What properties are eligible for the program?

The program is only available to environmentally contaminated properties located in 'Priority Neighbourhoods', as set out on Appendix 1, although not all projects may qualify under the programs eligibility and evaluation criteria.

Before applying, a Phase II Environmental Site Assessment must be completed on the property at the cost of the applicant, and which identifies that a Record of Site

Condition (RSC) for the property cannot be filed on the Brownfields Environmental Site Registry because it does not meet certain Environmental Protection Act standards.

9. Are there minimum eligibility requirements to apply?

In addition to Section 8 above, the following are minimum requirements necessary to be considered for BTA approval.

- The property owner must not be in arrears of any municipal financial obligation including, without limitation, property taxes and water/wastewater charges, for **all** properties owned within the City.
- Any outstanding work orders on the subject property, and/or any orders or requests to comply from the Planning and Building Services Department, Fire Services or any other municipal department, must be satisfactorily addressed prior to any program approval.

10. What is required for a Complete Application?

The application form, attached as Appendix 3, sets out all the required information and attachments necessary to be submitted for a Complete Application, and includes:

- Submission of all estimated project costs (Part F, Section 4 of the application form) which sets out detailed and itemized cost estimates for the entire project prepared by Qualified Professionals (Engineer, Lawyer, etc.), including those costs associated with the items listed below.
- A Phase II Environmental Site Assessment and/or a Site Specific Risk Assessment (SSRA), undertaken by a Qualified Person as defined by Ontario Regulation 153/04, that identifies that a Record of Site Condition (RSC) for the property cannot be filed on the Brownfields Environmental Site Registry because it does not meet certain Environmental Protection Act standards;
- A remedial work plan, prepared by a Qualified Person as defined by Ontario Regulation 153/04, that identifies the estimated remediation works to be undertaken, the timing of works, and estimated costs of remediation required to permit a Record of Site Condition (RSC) to be filed with the Environmental Site Registry for the proposed use of the property.

Applications which are incomplete will not be processed.

11. Can I apply for another program at the same time?

- i) Applicants applying for the BTA program may also apply for the 2015CIP Tax Increment Finance (TIF) Program, subject to the eligibility requirements for that program, but are not eligible to apply for the 2015CIP Residential/Office Conversion (ROC) Program or the Façade Improvement (FIP) Program.
- ii) If applying for the BTA program, applicants may also apply for the Provincial Brownfields Financial Tax Incentive Program (BFTIP). While the BTA program reimburses the municipal (City and Region) portion of property taxes, the Provincial BFTIP reimburses the Provincial portion of property tax (see Section 2 above).

12. What project costs are eligible?

- i) Project costs eligible for reimbursement are generally described as follows:
 - A Phase II Environmental Site Assessment, Site Specific Risk Assessment (SSAR), and Record of Site Condition;
 - environmental remediation in accordance with Ministry of Environment regulations and standards;
 - placing of clean fill and grading;
 - interest charges related to the cost of financing the preparation of remediation studies and undertaking the remediation;
 - removal of waste materials.
- ii) Only those eligible costs that are directly paid for by the property owner who enters into the BTA Agreement with the City are eligible for the reimbursement.
- iii) If, other than through the BTA program or the Provincial BFTIP program, a grant or other financial incentive has or is being secured for the same remediation project from another government agency, non-profit group, or association, the amount, duration and provider of the grant or incentive must be declared.

If the amount of such grant or incentive, combined with the BFTIP and/or the BTA benefit, is greater than the total of all eligible project costs, the BTA benefit will be revised accordingly so that the total incentive provided does not exceed the total of eligible project costs.
- iv) Eligible remediation costs identified above may vary from eligible costs under the Provincial Brownfields Financial Tax Incentive Program (BFTIP).

13. Can I start the project before applying for or receiving program approval?

- i) No remediation works undertaken on the subject lands, or project costs incurred prior to formal execution of a BTA Agreement with the City are eligible for the municipal tax reimbursement, except for:
 - costs incurred for the preparation of environmental studies that are required to be submitted with the application (see Section 10 and the application form).
- ii) Approval under the Provincial BFTIP program may have different timelines and conditions than the BTA, and reimbursement of the Provincial portion of taxes may be provided retroactively for project costs already incurred.

14. When will I know if my application has been approved?

Once a Complete Application is submitted to the satisfaction of the municipality, the approximate timeline for a Staff report to City Council for recommendation of approval under the BTA Program, together with an applicable BTA By-law and related BTA Agreement authorizing such approval, is 120 days.

Applicants will be notified of the staff recommendation once the subject report is posted on the City Council agenda (approximately 10 days prior to the applicable Council meeting).

If approved, the applicant has up to 60 days after adoption of the BTA By-law to enter into a BTA agreement with the City. The agreement must be executed prior to commencement of the project.

15. Is there an appeal process if my application is denied?

The decision of City Council for approval or denial of a BTA application is final. There is no appeal process.

16. Are there timelines to start and complete the project?

A project cannot be started until after the adoption of a BTA By-law by City Council and the execution of a BTA Agreement between the property owner and the City. The approved applicant has up to 60 days from the date of adoption of the BTA By-

law to enter into the BTA Agreement with the City. The approval lapses and becomes null and void if this time frame is not met.

The project cannot be started until after execution of the Agreement, and must be completed within three (3) years of the date of the Agreement. If not completed within that time frame, the owner becomes liable for payment in full, with interest, for any property tax reimbursed from the date of the Agreement.

17. When do I start to receive the tax reimbursement?

The reimbursement of municipal property taxes is given for each year after the owner has paid all of the property taxes on the property, has submitted eligible costs for that year as set out in the Eligible Costs Form (attached as Appendix 2), and upon satisfaction of the conditions of the agreement (see section 18 below).

Reimbursement of the Provincial portion of property taxes under the Provincial BFTIP program, however, may have different timelines and conditions.

18. What conditions need to be satisfied before getting reimbursed?

The BTA Agreement sets out all conditions that must be satisfied prior to receiving the reimbursement for any given year. Any tax reimbursement received becomes liable for payment in full, with interest, where the owner or authorized agent defaults on any of the conditions as stipulated in the agreement.

The following provides a general outline of the minimum requirements that must be met prior to receiving the reimbursement of taxes.

For each year of program eligibility, the reimbursement of taxes will commence after:

- i) All property taxes, local improvement charges, and any other charges of the City have been paid in full for the applicable year;
- ii) An update prepared by a Qualified Person, as defined by Ontario Regulation 153/04, is filed with the City on the environmental contamination, the remediation activities and costs incurred to date, and the remaining estimated costs and duration of remediation; and

if remediation is completed, submission of written acknowledgment from the Ministry of the Environment that a Record of Site Condition (RSC) has been prepared by a Qualified Person as defined by Ontario Regulation 153/04 and may be filed with the Environmental Site Registry for the proposed use of the property.

The City reserves the right to require the submission to the City's satisfaction, environmental reports and documentation showing the subject property has been remediated to allow the proposed use.

iii) Submission of:

- A written declaration of the total project cost;
- A properly executed Statutory Declaration together with the Eligible Costs Form, attached as Appendix 2, setting out a complete itemized accounting of **all** eligible project costs incurred by the property owner for the applicable year, and not just those enough to cover the reimbursement, and must include the following;
 - Name of the Supplier of Service
 - Invoice date
 - Invoice Number
 - Dollar Amount of Invoice before HST
 - Amount of HST
 - Total Invoice Dollar Amount with HST
 - Brief Description of Expense
 - Cheque Number to Pay Invoice
 - Dollar Amount of Cheque
 - Date of Cheque
- A copy of all contracts, invoices, purchase orders, materials supplied, receipts for fees and other costs incurred by the approved applicant, proof of payment, and copies of processed cheques front and back, for the corresponding items listed on the Eligible Costs Form.

The Eligible Costs submitted may be subject to verification, third party review or independent audit at the expense of the Applicant, if required by the City.

19. PROCESS - from beginning to end.

- Step 1 - Consult Planning and Building Department staff before applying
- ▼
- Step 2 - Submit Complete Application –see Section 10
- ▼
- Step 3 - Staff review and evaluation of Complete Application
- ▼
- Step 4 - Recommendation to Council for approval of project; Adoption

of a BTA By-law to authorize execution of a BTA Agreement between the successful applicant and the City.

- Step 5 - City seeks Regional Council resolution for matching reimbursement of the Regions portion of municipal property taxes.
- Step 6 - Forward draft BTA Agreement to the successful applicant for execution.
- Step 7 - If applicant is also applying under the Provincial Brownfields Financial Tax Incentive Program (BFTIP), the BFTIP application, the BTA By-law and the draft BTA Agreement is submitted to the Minister of Finance for approval – see Section 2.
- Step 8 - Execution of the BTA Agreement by the successful applicant must take place within 60 days of the adoption of the BTA By-law.
- Step 9 - Commencement of the remediation project after execution of the BTA Agreement.
- Step 10 - Reimbursement of the municipal portion of property tax commences after all property taxes have been paid on the property for the applicable year of program eligibility, that all eligible project costs for that year have been submitted, and conditions of the BTA Agreement have been fulfilled.

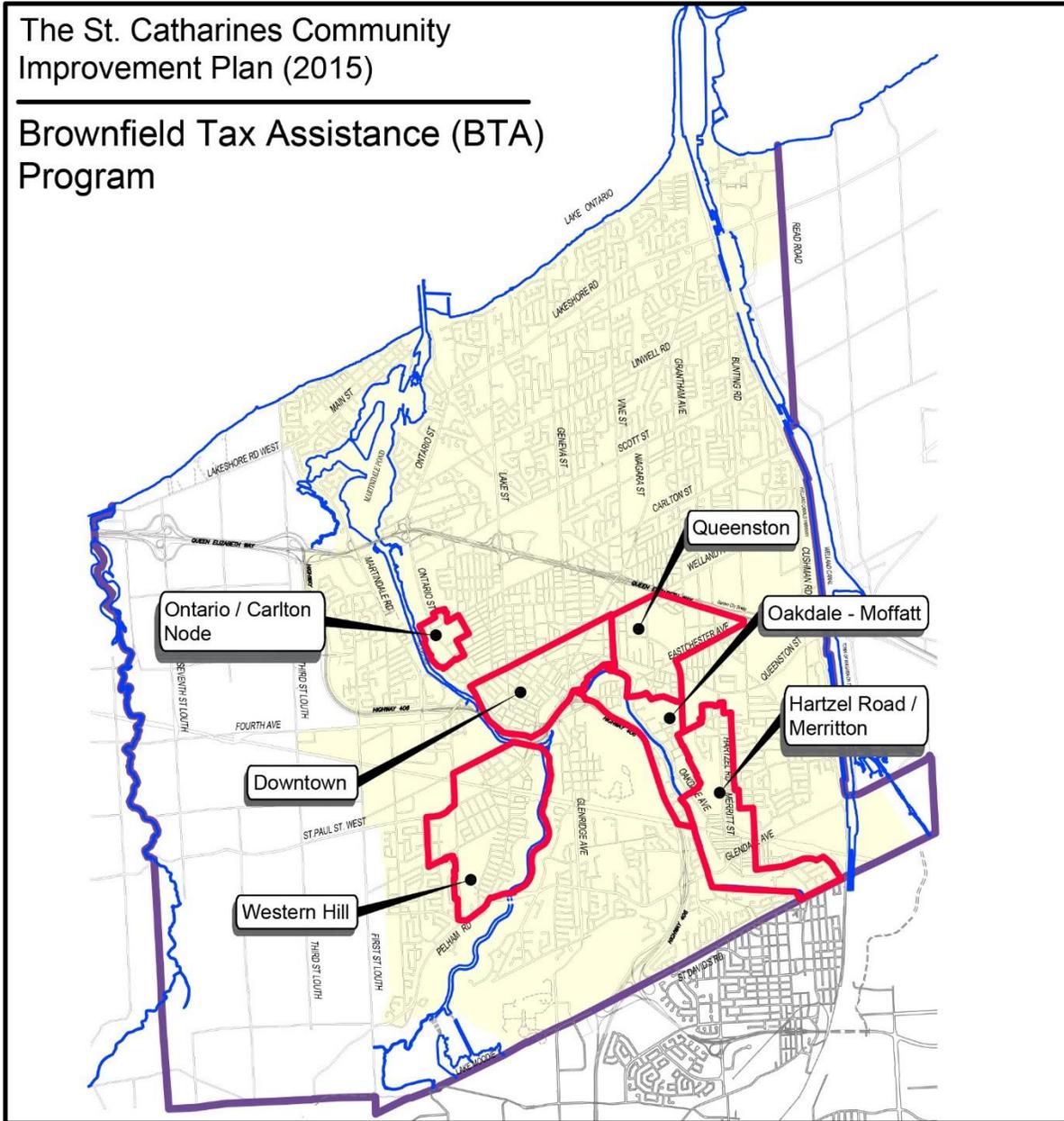
Reimbursement of the Provincial portion of property tax is subject to approval of a BFTIP Application and agreement by the Minister of Finance, and may have different terms, timing and conditions for reimbursement.

APPENDIX 1

Map of the Urban Area and Priority Neighbourhoods

The St. Catharines Community Improvement Plan (2015)

Brownfield Tax Assistance (BTA) Program



Urban Area
 Priority Neighbourhoods
 Downtown
 Queenston
 Hartzel Road / Merritt
 Oakdale - Moffatt
 Western Hill
 Ontario / Carlton Node
 Municipal Boundary


 City of St. Catharines

APPENDIX 2

**STATUTORY DECLARATION
And
ELIGIBLE COSTS FORM**

Statutory Declaration and Eligible Costs Form

CANADA)	IN THE MATTER OF the work undertaken
)	under the Community Improvement Plan
PROVINCE OF ONTARIO)	described as a _____
)	_____ Project
)	at the property municipally known as
)	_____
)	_____
REGIONAL MUNICIPALITY OF NIAGARA)	in the City of St. Catharines, in the
)	Regional Municipality of Niagara
)	
To wit:)	

I, _____, of the _____ of _____, in the Regional Municipality of Niagara, and Province of Ontario, DO SOLEMNLY DECLARE that:

1. I am the Owner of the property identified above, and am a resident of _____, hereby swear and declare that as such, I have personal knowledge of the facts hereunto declared and that all accounts for labour, subcontracts, products, construction, machinery, and equipment and other indebtedness which may have been incurred by myself for the performance of costs set out in the attached Eligible Costs Form, and for which as Owner, I am responsible, all accounts have been paid in full.
2. Further, that I have personal knowledge of the facts hereunto declared and swear that there are no outstanding work orders, or orders or requests to comply from any municipal department, Regional Department or other regulatory authority in respect of the redevelopment and/or remediation of the property and the business of the Owner conducted on the lands herein identified. Further, I do swear that all accounts that have become due and payable in connection with the redevelopment and/or remediation of the subject property, and construction, installation, and maintenance of the building, services and requirements of the Construction Lien Act have been complied with.
3. And I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

DECLARED before me at the City _____)
of St. Catharines, in the _____)
Regional Municipality of Niagara, _____)
this day of 20 . _____)
_____)
_____)

A Commissioner, etc.

APPENDIX 3
APPLICATION FORM

THE CORPORATION OF THE
CITY OF ST. CATHARINES

www.stcatharines.ca

PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2
Tel : 905.688.5600 | Fax: 905.688.5873
TTY: 905.688.4TTY (4889)

**PLANNING AND BUILDING SERVICES
DEPARTMENT**

COMMUNITY IMPROVEMENT PLAN (2015CIP)

**APPLICATION FOR BROWNFIELD TAX ASSISTANCE PROGRAM
(BTA)**

1. If an Agent is applying on behalf of a property Owner, please ensure that Part A of the Application form has been completed and signed authorization by the Owner has been given in Part G. An application with a photocopied Owner's signature is not acceptable.
2. Please type or print legibly the requested information on the Application form.
3. Please ensure that all of the required information and attachments are provided to ensure it is a Complete Application. Any application which is deemed incomplete will not be processed.

Part A: Applicant, Agent Information

Applicant Information

Name of Registered Property Owner (s):

Address of Registered Property Owner:

Phone Number - Primary:

Secondary:

Fax Number:

Email Address:

Signature: _____

Date: _____

Agent Information (if applicable)

Name of Agent:

_____+

Address of Agent: _____

Phone Number - Primary: _____

Secondary: _____

Fax Number:

Email Address: _____

Signature: _____

Date: _____

Part B: Application Information

Please check the appropriate box

1. Is a concurrent application also being made for:

- the 2015CIP Tax Increment Finance (TIF) Program - Yes [] No []
- the Provincial Brownfield Financial Tax Incentive (BFTIP) Program - Yes [] No []
- any non 2015CIP program or incentive - Yes [] No []

Part C: Property Information

1. Address of subject property:

2. Legal Description (Lot and Plan No):

3. Status of taxes on the subject property.

Are there any outstanding property taxes and/or appeals of property taxes on the subject property? - Yes [] No []

4. Property Size: _____
5. Existing Official Plan Designation: _____
6. Existing Zoning: _____
7. Is the property designated under Part IV or Part V of the Ontario Heritage Act?
- Yes [] No []
8. Description of Current Property Use(s) and Existing Buildings or Structures:

Part D: Description of Proposed Project

1. Proposed end use: Residential [] Commercial [] Employment []
Mixed Use residential/commercial [] Undetermined []
2. Please provide a detailed description of the proposed Project.

Part E: Project Schedule

Estimated commencement date of remediation: _____
 Estimated completion date of remediation: _____

Part F: Complete Application Requirements

The following information is required to be attached to and submitted with this form as a Complete Application

1. A Phase II Environmental Site Assessment and/or a Site Specific Risk Assessment (SSRA), undertaken by a Qualified Person as defined by Ontario Regulation 153/04, that identifies that a Record of Site Condition (RSC) for the property cannot be filed

on the Brownfields Environmental Site Registry because it does not meet certain Environmental Protection Act standards.

2. A remedial work plan prepared by a Qualified Professional as defined by Ontario Regulation 153/04 that identifies the estimated remediation works to be undertaken, the timing of works, and estimated costs of remediation required to permit a Record of Site Condition (RSC) to be filed with the Environmental Site Registry for the proposed use of the property.
3. A written declaration, prepared by a Qualified Person(s), of the total Project cost.
4. Detailed, itemized, cost estimates for the entire project, determined and prepared by a Qualified Persons(s), including the following:
 - A Phase II Environmental Site Assessment, Site Specific Risk Assessment (SSAR), and Record of Site Condition;
 - environmental remediation in accordance with Ministry of Environment regulations and standards;
 - placing of clean fill and grading;
 - interest charges related to the cost of financing the preparation of remediation studies and undertaking the remediation;
 - insurance premium to guarantee remediation completion;
 - removal of waste materials.

The City reserves the right to request additional information as deemed necessary on a site specific basis.

Part G: Acknowledgement / Authorization/ Declaration

Acknowledgement

I, _____ as the Owner of the land that is the subject of this
(Name of Owner – printed)

application, acknowledge that **I DO** [] / **I DO NOT** [] have a pecuniary interest in the Costs set out in Part F and as required and provided with this application. (Please check the appropriate box).

Authorization

I, _____ as the Owner of the land that is the subject of this application, (Name of Owner – printed)

authorize:

_____ of
(Name of Applicant – printed)

(Name of Company – printed)

of the City of _____, to make this application on my/our behalf.

Declared before me at the _____)

of _____)

in the _____)

of _____)

this _____ day of _____ 20__)

Signature

A Commissioner

Declaration

I, _____ of the City of _____,
solemnly
(Name of applicant - printed)

declare that:

All statements contained in this application are true, 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 and by virtue of the *Canada Evidence Act*.

Declared before me at the _____)
of _____)
in the _____)
of _____)
this _____ day of _____ 20__)

Signature

A Commissioner