

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2025-08
Dated May 7, 2025

Bill No. 093

CITY OF HAMILTON

BY-LAW NO. 25-093

To Impose Storm, Sanitary Sewer and Dual Private Drain Connection Charges Upon Owners of Land Abutting Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue, (North/South Leg), in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm and Sanitary Sewer Work on Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue, (North/South Leg), in the City of Hamilton (the “Works”), by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170),;

WHEREAS the Developer, Scarlett Homes (Ancaster) Ltd., in satisfaction of terms and conditions of Subdivision Agreement “Springbrook Meadows Phase 3”, AN/B-10:145-148, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that Section 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$8,908.22 and this amount is to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001, S.O., 2001, c. 25* as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999, S.O., 1999, c.14*, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,

- (a) **“Assessed Owner(s)”** means the owners of land who benefit from the construction of the Works described in Schedule “B”.

- (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
 - (c) **“Charges”** means the amount be recovered from benefitting property owners as described in Schedule “B”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-law comes into force and ending on the date which it expires.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:
- | | |
|---------------|---|
| Schedule “A”: | Map of Completed Works |
| Schedule “B”: | Storm, Sanitary Sewer and Dual Private Drain Connection Charges |

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Storm and Sanitary Sewer Frontage Charges shall be based on a per metre frontage charge. The Storm Sewer rate is \$110.170 per metre frontage, the Sanitary Sewer rate is \$113.694 per metre frontage and the Dual Private Drain Connection is \$2,084.85. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the date of construction completion, November 02, 2011 until October 2020. Then the charges will be adjusted yearly by the City of Hamilton’s 15 year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. For each Benefitting Property, the amount resulting from the application of the Charges (the “Indebtedness”), shall become due and payable and shall be collected upon the issuance of Permit during the Effective Period for the connection of that Benefitting Property to the Works.

8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton's then-current 15 year borrowing rate (2025 rate 4.50%).
9. Notwithstanding Section 8, an Assessed Owner of a Parcel described in Schedule "B" may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Payments received pursuant to this By-law shall be remitted to, Scarlett Homes (Ancaster) LTD., pursuant to section (8) of Schedule D of the Subdivision Agreement "Springbrook Meadows Phase 3", AN/B-10:145-148 with the City of Hamilton dated on November 10, 2011 and registered as instrument WE796961.
11. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Date By-Law Effective

12. This By-Law shall come into force on the day following the date of its passing.

Date By-Law Expires

13. This By-Law expires November 10, 2026.

Application of By-Law

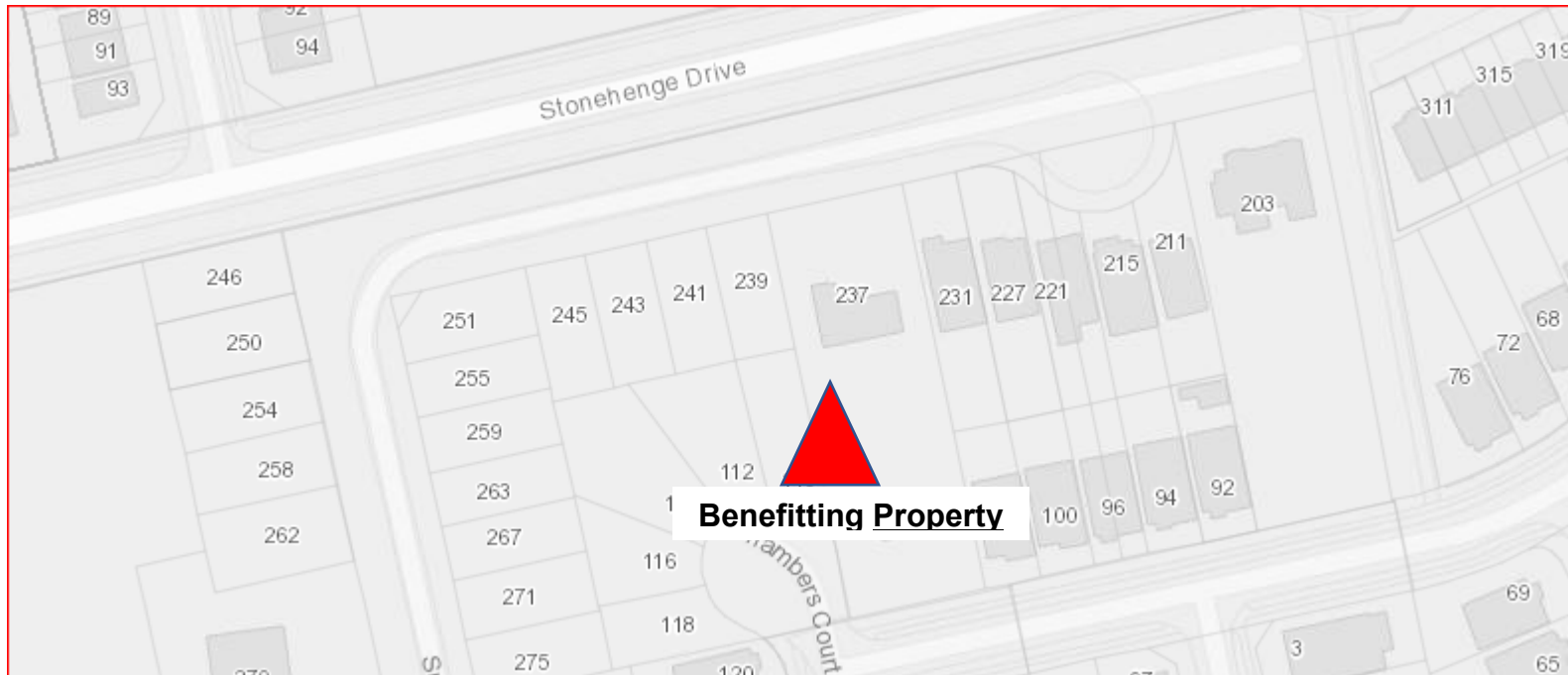
14. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule “A” to By-Law No. 25-093



Schedule “B” to By-Law No. 25-093

Springbrook Avenue
 Storm, Sanitary Sewer and Dual Private Drain Connection Charges Upon Owners of Land Abutting Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue (North/South Leg), in the City of Hamilton.

Storm, Sanitary Sewer and Dual Private Drain Connection Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge	Sanitary Sewer Charge	Dual Private Drain Connection Charge	Total Charge
237 Springbrook Avenue, Ancaster	140 280 22400	CON 3 PT LOT 50 REG 0.68 AC 100.00 FR 298.25D	30.480	\$3,357.98	\$3,465.39	\$2,084.85	\$8,908.22