

Authority: Item 4, General Issues
Committee
Report 23-024
(FCS23056/PED23170)
CM: September 13, 2023
Ward: City Wide

Bill No.

CITY OF HAMILTON BY-LAW NO.

To Impose Sanitary Sewer and Sanitary Private Drain Connection Charges Upon Owners of Land Abutting Glover Road, from approximately 50 Metres West of Rymal Road to approximately the end of Property 71 Glover Road, 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 Sanitary Sewer Work on Glover Road, from approximately 50 Metres West of Rymal Road to approximately the end of Property 71 Glover Road, 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, 810294 Ontario Limited, in satisfaction of terms and conditions of Consent Agreement for External Works and Lot Grading, GL/B-22:43, 0 Rymal Road, Glanbrook, 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 \$518,905.15 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 to 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”:	Sanitary Sewer and Sanitary 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 Sanitary Sewer Frontage Charges shall be based on a proportionate frontage share of the total project cost equally distributed to each benefitting owner of an existing residential lot; being the actual per metre frontage cost of \$1,323.10. The Sanitary Private Drain Connection Charges are based on the actual cost of \$9,257.53 per connection. Non-residential benefitting owners are subject to the actual cost per metre applied to the property’s street frontage abutting the works. The Sewer Charges shall be adjusted commencing from the date of construction completion, November 29, 2023, to the date of payment, by the City of Hamilton’s 15-year serial all-in interest rate for each year, (2025 rate 4.11%).

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 permit issuance 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, 810294 Ontario Limited, pursuant to Section 1(h) of Schedule D of the Consent Agreement for External Works and Lot Grading, GL/B-22:43, 0 Rymal Road, Glanbrook, with the City of Hamilton, registered as instrument WE1700605 on September 22, 2023.
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 September 22, 2033.

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 _____ , _____

A. Horwath
Mayor

M. Trennum
City Clerk



Schedule “B” to By-Law No.

Glover Road

Sanitary Sewer and Sanitary Private Drain Connection Charges Upon Owners of Glover Road, from approximately 50 Metres West of Rymal Road to approximately the end of Property 71 Glover Road, in the City of Hamilton.

Sanitary Sewer and Sanitary Private Drain Connection Charges

Benefitting Residential Properties	Property Roll Number	Legal Description	Property Frontage	*Sanitary Sewer Main Charge	Sanitary Private Drain Connection Charge	Total Charge (before indexing)
31 Glover Road	06 07610 5090	CON 1 PT LOT 16 62R894 PART 2 REG 0.46AC 100.00FR 200.00D	30.480	\$31,254.31	\$9,257.53	\$40,511.84
37 Glover Road	06 07610 5060	CON 1 PT LOT 16 REG 0.34AC 75.00FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
39 Glover Road	06 07610 5030	CON 1 PT LOT 16 REG 0.34AC 75.00FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
45 Glover Road	06 07610 5000	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
49 Glover Road	06 07610 4970	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84

53 Glover Road	06 07610 4940	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
57 Glover Road	06 07610 4910	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
63 Glover Road	06 07610 4880	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
67 Glover Road	06 07610 4850	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
71 Glover Road	06 07610 4820	CON 1 PT LOT 16 REG 0.34AC 75.00 FR 200.00D	22.860	\$31,254.31	\$9,257.53	\$40,511.84
TOTAL				\$312,543.10	\$92,575.30	\$405,118.40

Benefitting Non-Residential Properties	Property Roll Number	Legal Description	Frontage Part Abutting Sanitary Sewer	*Sanitary Sewer Main Charge	Sanitary Private Drain Connection Charge	Total Charge (before indexing)
1562 Rymal Road East (part abutting Sewer Works)	06 07610 0160	CON 1 PT LOT 16 RP 62R894 PARTS 1 AND 2 PT PART 3 IRREG 14.04AC	86.000	\$113,786.75	N/A	\$113,786.75
TOTAL				\$113,786.75		\$113,786.75
GRAND TOTAL				\$426,329.85	\$92,575.30	\$518,905.15

*Based on actual cost of sanitary main per metre rate calculated \$1,323.10