

Authority: Item 17, Public Works Committee
Report 07-11
(TOE02005(b)/PED07248)
CM: September 26, 2007
Ward: 7

Bill No. 070

CITY OF HAMILTON
BY-LAW NO. 18-070

**To Impose a Sanitary Sewer and Watermain Charge Upon Owners of Land
Abutting Brenda Street from Halo Street to Eleanor Avenue, in the City of
Hamilton**

WHEREAS the Council of the City of Hamilton authorized recovering a portion of costs associated with the construction of Sewer and Watermain Works by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-11 (Report TOE02005b/FCS02026b/PED07248); and

WHEREAS a developer, 1677181 Ontario Limited, in satisfaction of terms and conditions of subdivision agreement "Sherman Oaks", Plan 62M-1198, did construct certain Sewer and Watermain Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law; and

WHEREAS the cost of the Sewer and Watermain Works to be recovered from all benefitting home owners is \$32,707.92.

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

1. Sewer and Watermain Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer and Watermain Works (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Sewer and Watermain Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Sewer and Watermain Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a Sewer Charge of \$120.84 per metre of property frontage attributable to each Assessed Owner of an existing residential lot and a Watermain Charge of \$156.01 per metre of property frontage attributable to each Assessed Owner of an existing residential lot. The Sewer and Watermain Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the completion date of construction, November 2013, to the date of permit issuance.

4. The amount resulting from the application of the Sewer and Watermain Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Sewer and Watermain Works, in addition to any applicable permit fee.
5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years from the date of permit issuance for connection by entry on the tax roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2018 rate – 3.25%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Where the benefiting lands are subdivided, recovery rates shall be imposed against the street property frontage of only the portion of the lands where a new parcel has been created. In the case where the existing dwelling is connected to the sewer or watermain, recovery rates shall be imposed based on the property frontage on Brenda Street measured from the corner at Eleanor Avenue to a distance of 7.5m beyond the rear of the existing dwelling.
8. Should an Assessed Owner sever or subdivide their parcel of land, the Sewer and Watermain Charges owed to the City of Hamilton, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above, shall be paid forthwith to the City of Hamilton in a lump sum as a condition of severance or subdivision approval.
9. The developer, 1677181 Ontario Limited, upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer and Watermain Works, shall receive repayment of that portion of the associated cost of the construction collected hereunder, pursuant to the terms and conditions of its subdivision agreement.
10. Unpaid Sewer and Watermain Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
11. 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.

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12. This By-law comes into force on the day following the date of its passing.

PASSED this 28th day of March, 2018

F. Eisenberger
Mayor

R. Caterini
City Clerk

Schedule "A" to By-law No.18-070

Brenda Street

Sanitary Sewer and Watermain on Brenda Street from Halo Street to Eleanor Avenue

Sanitary Sewer Charges

Property Address	Property Frontage in Metres	Sanitary Sewer Charge	Total Charge
170 Eleanor Ave.	62.32	\$120.84	\$7,530.75
180 Eleanor Ave.	62.76	\$120.84	\$7,583.92
TOTAL			\$15,114.67

Watermain Charges

Property Address	Property Frontage in Metres	Sanitary Sewer Charge	Total Charge
170 Eleanor Ave.	60.96	\$156.01	\$9,510.37
180 Eleanor Ave.	51.81	\$156.01	\$8,082.88
TOTAL			\$17,593.25