

**Authority:** Item 17, Public Works Committee  
Report 07-011 (TOE02005b/  
FCS02026b/PED07248)  
CM: September 26, 2007

**Bill No. 150**

**CITY OF HAMILTON**

**BY-LAW NO. 11-150**

**To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting Upper Wellington Street from approximately 70 metres north of Desoto Drive to approximately 145 metres north of Desoto Drive, in the City of Hamilton.**

**WHEREAS** the Council of the City of Hamilton authorized recovering a portion of the costs associated with the construction of Sewer Works by a developer in the City of Hamilton, by approving Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and approved by council on September 26, 2007.

**AND WHEREAS** a developer, 712176 Ontario Ltd., in satisfaction of terms and conditions of subdivision agreement "Vittoria Gardens", Plan 62M-1140, did construct certain Sewer Works including dual private sanitary drain connections, in the City of Hamilton, as more particularly described in Schedule "A" attached to this by-law;

**AND WHEREAS** the costs of the said Sewer Works to be recovered from all benefiting home owners is \$60,726.75.

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

1. Sewer Charges are hereby imposed upon the owners or occupants of land who benefit from the construction, hereinafter referred to as "Assessed Owners".
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "B" hereto, which Schedule forms part of this By-law.
3. The Sewer 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 \$13,289.28 per property and \$2,523.21 for each dual private drain connection attributable to each Assessed Owner of an existing residential lot. The Sewer Charges shall be indexed annually in accordance with the percentage change in the composite Canadata Construction

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Cost Index (Ontario Series), commencing one year from the date of the passage of this by-law.

4. The amount resulting from the application of the Sewer Charges, hereinafter referred to as the "Indebtedness", shall be collected at the time of permit issuance for any connection to the said Sewer 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 fifteen (15) years from the date of permit issuance for connection by entry on the collector's 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 (2011 rate – 5.00%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "B" may pay the commuted value of the Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the amount owed to the City hereunder, 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 in a lump sum as a condition of the severance or subdivision approval.
8. The developer, 712176 Ontario Ltd., upon satisfying the City that it has completed its obligations with respect to the construction of the said Sewer 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.
9. The Sewer Charge and the resulting Indebtedness imposed by this By-law shall be a lien and charge upon the Assessed Owner's lands. If the Indebtedness, or any portion thereof, remains unpaid after the due date established in Section 5 above, the unpaid amount may be entered on the collector's roll and collected in like manner as municipal taxes.
10. 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 thereby, and each provision and requirement of this by-law shall be separately valid and enforceable.

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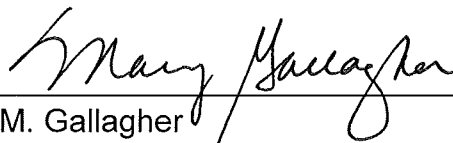
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11. This by-law shall come into force and take effect on the day following the date of its passing and enactment.

**PASSED** this 15 day of June, 2011



R. Bratina  
Mayor



M. Gallagher  
Acting City Clerk

**Schedule "A" to By-Law No. 11-150**

250mm diameter sanitary and 300mm diameter storm sewer on Upper Wellington Street from approximately 70 metres north of Desoto Drive to approximately 145 metres north of Desoto Drive at \$13,289.28 per property

150mm dual private drain connection at \$2,523.21 per connection

Schedule "B" to By-Law No. 11-150

City of Hamilton

Cost Break-Down Storm & Sanitary Sewer & Dual Private Drain Connection

Upper Wellington Street ("Vittoria Gardens", Plan 62M-1140)

712176 Ontario Ltd.

Property Address		Storm & Sanitary Sewer	Private Drain Connection	Total For Each Property
	1335	Upper Wellington Street	\$13,289.28	\$13,289.28
	1347	Upper Wellington Street	\$13,289.28	\$15,812.49
	1350	Upper Wellington Street	\$13,289.28	\$15,812.49
	1354	Upper Wellington Street	\$13,289.28	\$15,812.49
<b>Total</b>		<b>\$53,157.12</b>	<b>\$7,569.63</b>	<b>\$60,726.75</b>