

**Authority:** Item 17, Public Works Committee  
Report 07-011  
(TOE02005(b)/PED07248)  
CM: September 26, 2007  
Ward: 12

**Bill No. 178**

## **CITY OF HAMILTON**

### **BY-LAW NO. 18-**

#### **To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Springbrook Avenue from Stonehenge Drive to Regan Drive, 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 Works by approving, on September 26, 2007, Item 17 of Public Works Committee Report 07-011 (Report TOE02005b/FCS02026b/PED07248); and approving, on February 5, 2008, Item 11(ii) of Economic Development & Planning Committee Report 08-003, OMB decision 1493; and

**WHEREAS** a developer, Scarlett Homes (Ancaster) Ltd., in satisfaction of terms and conditions of subdivision agreement "Springbrook Meadows - Phase 2", Plan 62M-1171, did construct Sewer 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 Works to be recovered from all benefitting property owners is \$10,000.00.

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

1. Sewer Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer Works (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and 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), and OMB decision 1493 which established a flat fee Sanitary Sewer Charge of \$5,000.00, which includes one sanitary drain connection, attributable to each Assessed Owner of an existing residential lot. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from February 2009 to the date of permit issuance.

4. The amount resulting from the application of the Sewer Charges (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 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 a property identified in Schedule "A" is subdivided into two or more parcels a Sanitary Sewer Charge of \$203.73 per metre shall apply to the street property frontage of each newly created parcel plus \$1,952.91 for each private drain connection where applicable, in addition to OMB decision 1493 cost recovery. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from February 2009 to the date of permit issuance.
8. Should as Assessed Owner sever or subdivide their parcel of land, the Sewer 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, Scarlett Homes (Ancaster) Ltd., upon satisfying the City of Hamilton 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.
10. Unpaid Sewer 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.
12. This By-law comes into force on the day following the date of its passing.

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**PASSED** this 27<sup>th</sup> day of June, 2018.

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F. Eisenberger  
Mayor

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J. Pilon  
Acting City Clerk

**Schedule "A" to By-law No. 18-178**

**Springbrook Avenue**

**Sanitary Sewer on Springbrook Avenue from Stonehenge Drive to Regan Drive**

**Sewer Charges OMB DECISION 1493**

<b>Property Address</b>	<b>Property Frontage (m)</b>	<b>Sanitary Sewer &amp; 1 Drain Connection</b>
288 Springbrook Avenue	30.480	\$5,000.00
334 Springbrook Avenue	33.528	\$5,000.00
<b>TOTAL</b>		<b>\$10,000.00</b>

**In addition to above cost; below cost recovery should an existing resident sever or subdivide**

<b>Property Address</b>	<b>Property Frontage (m)</b>	<b>Sanitary Sewer per Metre Charge</b>	<b>1 Drain Connection</b>
288 Springbrook Avenue	30.480	\$203.73	\$ ---
334 Springbrook Avenue	33.528	\$203.73	\$1,952.91