

Authority: Item 17, Public Works Committee
Report 07-011
(TOE2005b/FCS02026b/PED07248)
CM: September 26, 2007
Ward: 12

Bill No. 207

**CITY OF HAMILTON
BY-LAW NO. 20-**

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Garner Road West from Hamilton Drive to Approximately 420m Westerly, 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);

WHEREAS a developer, LIV Communities, in satisfaction of terms and conditions of site plan application DA-18-047 and an external works agreement, did construct certain Sewer Works, in the City of Hamilton, as more particularly described in Schedule "A" attached to this By-law;

WHEREAS to the extent that the construction of the said Sewer Works benefits the property owners described in Schedule "A", such works were services or activities that were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the Municipal Act, S.O. 2001, c. 25 as amended would apply thereto;

WHEREAS the cost of the said Sewer Works, including sanitary drain connections, that relate to the benefitting property owners described in Schedule "A" is \$205,149.25, and this amount is to be recovered from all benefitting property owners as set forth in this By-law; and,

WHEREAS the said Sewer Charges are imposed pursuant to Part XII of the Municipal Act, 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:

1. Sewer Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewers Works (the "Assessed Owners").
2. The Assessed Owner's 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),

establishing a Flat Fee Sanitary Sewer Charge of \$7,745.00 attributable to each Assessed Owner of an existing residential lot, in addition to the actual cost of the connection for each sanitary drain connection. A per metre charge of \$958.82 for 467 Garner Road West shall be applied to the street frontage of the entire property along Garner Road West less the amount of the flat rate sanitary sewer charges, if previously recovered. 446 Garner Road West is subject to an additional flat rate charge in the event a second building is connected to the sanitary sewer.

The Flat Fee and per metre charge shall be annually adjusted to the current rate in the City's User Fees and Charges By-law. The Sanitary drain connection charges shall be indexed in accordance with the percentage change in the composite Canada Cost Index (Ontario Series) commencing from the completion date of construction, December 31, 2019 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 fees.
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 the same 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 (2020 rate 3.00%).
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. Should an 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 the severance or subdivision approval.
8. The developer, LIV Communities, 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 hereunder, pursuant to the terms and conditions of its external works agreement.
9. 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.
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, and each provision and requirement of this By-law shall be separately valid and enforceable.

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

PASSED this 14th day of October 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule "A" to By-law No.

Garner Road West
Sanitary Sewer including Sanitary Drain Connections on Garner Road West from Hamilton Drive to approximately 420m Westerly.

Sewer Charges

Property Address	Sanitary Sewer Charge	Sanitary Sewer Drain Connection	Total Charge
446 Garner Road W	\$ 15,490.00	\$ 5,284.97	\$ 20,774.97
500 Garner Road W	\$ 7,745.00	\$ 6,686.34	\$ 14,431.34
506 Garner Road W	\$ 7,745.00	\$ 6,686.34	\$ 14,431.34
516 Garner Road W	\$ 7,745.00	\$ 5,593.78	\$ 13,338.78
PIN 17412006	\$ 7,745.00	\$ 6,686.34	\$ 14,431.34
451 Garner Road W	\$ 7,745.00	\$ 5,184.64	\$ 12,929.64
467 Garner Road W (existing house)	\$ 7,745.00	\$ 5,184.64	\$ 12,929.64
467 Garner Road W (land severance charges)	\$ 75,922.59	\$ 0.00	\$ 75,922.69
487 Garner Road W	\$ 7,745.00	\$ 5,184.64	\$ 12,929.64
424 Garner Road W	\$ 7,745.00	\$ 5,284.97	\$ 13,029.97
TOTAL	\$153,372.59	\$ 51,776.66	\$205,149.25