

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

Bill No. 090

CITY OF HAMILTON

BY-LAW NO. 25-

To Impose a Storm Sewer Charge Upon Owners of Land Abutting Fiddler's Green Road from Approximately 45 Metres North of Douglas Road to Approximately 140 Metres Northerly, 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 Storm Sewer Work on Fiddler's Green Road from approximately 45 metres north of Douglas Road to approximately 140 metres northerly, 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, 2749947 Ontario Inc., in satisfaction of terms and conditions of Consent Agreement for External Works, DA-18-207, 121 Fiddler's Green Road, 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 \$70,090.96 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 Owners”** 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 be recovered from benefitting property owners as described in Schedule “B”.
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 schedule to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Completed Works
Schedule “B”:	Storm Sewer 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 Storm Sewer Frontage Charge shall be based on the local storm sewer component of the City of Hamilton Rates for Over-sized Works Constructed Under Subdivision Agreements in effect at the time of approval of a land severance application or upon connection to the storm sewer. The 2023 rate is \$139.28 per metre of property frontage. An added overhead charge will be applied to the current local storm sewer rate at the time of connection. In the event of development of the benefitting lands, the balance of the actual Storm Sewer Charge will be collected as a condition of a Development Application on the benefitting lands based on the actual cost rate of \$631.78 per metre of property frontage. These charges will be indexed from the date of construction completion, December 7, 2020, in accordance with the City of Hamilton’s 15 year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. The amount resulting from the application of the Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the Works, in addition to any other applicable fees.
8. Should an Assessed Owner sever or subdivide their parcel of land, the Charges owed to the City of Hamilton, whether or not the parcel of land is connected to the Works, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 9 below, shall be paid forthwith to the City of Hamilton in a lump sum, generally as a condition of the severance or subdivision approval.
9. 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%).
10. Notwithstanding Section 9, 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.
11. The Developer, 2749947 Ontario Inc. or their successors or assigns, upon satisfying the City that it has completed its obligations with respect to the construction of the said Works, shall receive repayment of that portion of the associated cost of the construction hereunder, pursuant to the terms and conditions the Consent Agreement for External Works, DA-18-207, 121 Fiddler's Green Road.
12. In accordance with the terms of Consent Agreement for External Works DA-18-207, 121 Fiddler's Green Road, the City's cost recovery obligation under this By-Law shall expire on a date that is ten (10) years after the date of registration of the agreement, being October 1, 2030 unless extended in writing by both parties prior to the expiry date, for a one-time extension of five (5) years.
13. 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.

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.

15. This By-Law comes into force on the day following the date of its passing.
16. This By-Law shall expire following the expiry of the City's cost recovery obligation under Section 12 of this By-Law and in accordance with the terms of Consent Agreement for External Works DA-18-207, 121 Fiddler's Green Road.

PASSED this 7th day of May, 2025.

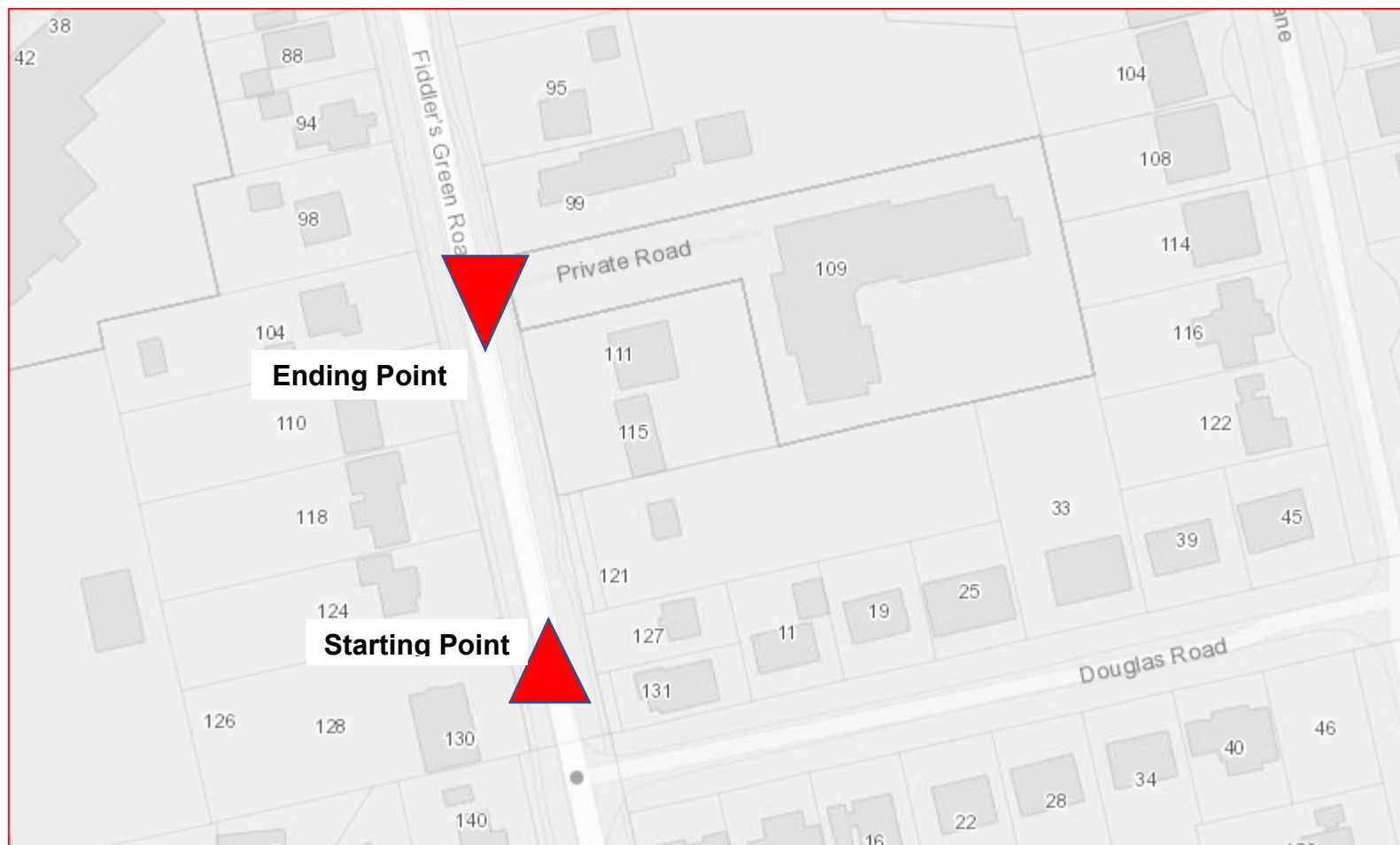
A. Horwath
Mayor

M. Trennum
City Clerk

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Schedule "A" to By-Law No. 25-090



Schedule "B" to By-Law No. 25-090

Fiddler's Green Road

Storm Sewer Charges Upon Owners of Land Abutting Fiddler's Green Road from Approximately 45 Metres North of Douglas Road to Approximately 140 Metres Northerly, in the City of Hamilton.

Storm Sewer Charge

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge (2023 Rate \$139.28 Per Metre with Overhead)	Balance of Actual Storm Sewer Charge (In case of land development) *	Total Actual Charge
110 Fiddler's Green Road, Ancaster	140 340 02200	CON 3 PT LOT 42 REG 0.45 AC 75.00 FR 264.00D	22.860	\$4,029.60	\$10,412.90	\$14,442.50
118 Fiddler's Green Road, Ancaster	140 340 02400	CON 3 PT LOT 42 RP 62R17915 PART1 0.48AC 80.00FR 264.00D	24.380	\$4,297.53	\$11,105.27	\$15,402.80
124 Fiddler's Green Road, Ancaster	140 340 02600	CON 3 PT LOT 42 REG 0.44AC	22.250	\$3,922.07	\$10,135.04	\$14,057.11

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		73.00 FR 264.00D				
111 & 115 Fiddler's Green Road, Ancaster	140 350 27400	CON 3 PT LOT 43 0.58AC 136.06FR 184.33D	41.452	\$7,306.86	\$18,881.69	\$26,188.55
TOTAL CHARGE				\$19,556.06	\$50,534.90	\$70,090.96

*Storm Sewer Actual Cost is \$631.78 Per Metre