

Bill No. 088

CITY OF HAMILTON

BY-LAW NO. 25-

To Impose Storm and Sanitary Sewer Charges Upon Owners of Land Abutting Rymal Road East from Approximately 150 Metres East of Intersection with Messina Drive to Approximately 55 Metres West of Intersection with Republic Avenue, 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 and Sanitary Sewer Works including Storm and Sanitary Private Drain Connections on Rymal Road East from approximately 150 metres east of intersection with Messina Drive to approximately 55 metres west of intersection with Republic Avenue, 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, 1333664 Ontario Inc., in satisfaction of terms and conditions of External Works Agreement 323 Rymal Road East, DA-20-009, 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 \$50,061.58, and this amount is the total amount eligible to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and has been funded from the City’s development charge reserve fund 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 Owner(s)”** 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”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-Law comes into force and ending on the date which it expires.
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 schedules to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Benefitting Properties
Schedule “B”:	Storm Sewer, Sanitary Sewer and Storm and Sanitary Private Drain Connection 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 Charges shall be based on a per metre frontage charge based on actual as construction costs divided by the frontage of the benefiting lands. The Storm and Sanitary Private Drain Connections are based on a flat rate charge per connection. The Storm Sewer charge of \$535.62 per metre of property frontage and \$844.68 for each Storm Private Drain Connection is attributable to each Assessed Owner of

an existing residential lot and a Sanitary Sewer Charge of \$485.44 per metre of property frontage and \$844.68 for each Sanitary Private Drain Connection is attributable to each Assessed Owner of an existing residential lot. These Charges will be indexed from the date of construction completion, December 9, 2022, 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. For each Benefitting Property, the amount resulting from the application of the Charges (the "indebtedness") shall become due and payable and shall be collected upon the issuance of a Permit during the Effective Period for the connection of that Benefitting Property to the Works.
8. 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%).
9. Despite Section 8, 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.
10. 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.

Date By-Law Effective

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

Date By-Law Expires

12. This By-law does not expire.

Application of By-Law

13. 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.

PASSED this 7th day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

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Schedule "A" to By-Law No. 25-088



Schedule “B” to By-Law No. 25-088

Rymal Road East

Storm, Sanitary Sewer and Storm and Sanitary Drain Connection Charges Upon Owners of Land Abutting Rymal Road East from Approximately 150 Metres East of Intersection with Massena Drive to Approximately 55 Metres West of Intersection with Republic Avenue, in the City of Hamilton.

Sewer Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge	Sanitary Sewer Charge	Storm Private Drain Connection Charge	Sanitary Private Drain Connection Charge	Total Charge
335 Rymal Road East	070 851 00280	CON 8 PT LOT 11 BTN HAM REG 0.24AC 75.00FR 142.00D	22.860	\$12,244.27	\$11,097.16	\$844.68	\$844.68	\$25,030.79
341 Rymal Road East	070 851 00340	CON 8 PT LOT 11 BTN HAM REG 0.25AC 75.00FR 143.00D	22.860	\$12,244.27	\$11,097.16	\$844.68	\$844.68	\$25,030.79
TOTAL				\$24,488.54	\$22,194.32	\$1,689.36	\$1,689.36	\$50,061.58