

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

Bill No. 089

CITY OF HAMILTON

BY-LAW NO. 25-

To Impose Storm Sewer (Including New Road), Sanitary Sewer and Watermain Charges Upon Owners of Land Abutting Cormorant Road from Approximately 90 Metres West of Tradewind Drive to Trinity Road South, 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, (Including New Road), Sanitary Sewer and Watermain Works including Sanitary Private Drain Connections and Private Water Service Connections on Cormorant Road from approximately 90 metres west of Tradewind Drive to Trinity Road South, 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, T. Valery (Chedoke Browlands) Development Inc., in satisfaction of terms and conditions of Subdivision Agreement Valery Ancaster Business Park/Cormorant Road Extension, 25T-200512, to be cost shared along with the City of Hamilton, 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 \$85,578.07 in the event of Site Plan Application. In the event of Consent to Sever Application, the recoverable cost will depend on the size of the newly created lots. These amounts are the total amounts 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 (Including New Road), Sanitary Sewer, Watermain and Sanitary Private Drain Connection and Private Water Service 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. The Sanitary Private Drain Connections and Water Service Laterals are based on a flat rate charge per connection. The Sanitary Private Drain Connection charge is \$3,430.21 for each connection and the Watermain Service

Lateral charge is \$6,861.20 for each connection. These Charges will be indexed from the date of construction completion, August 19, 2020, until October 2020. Then the charges will be adjusted yearly 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 expiry.

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

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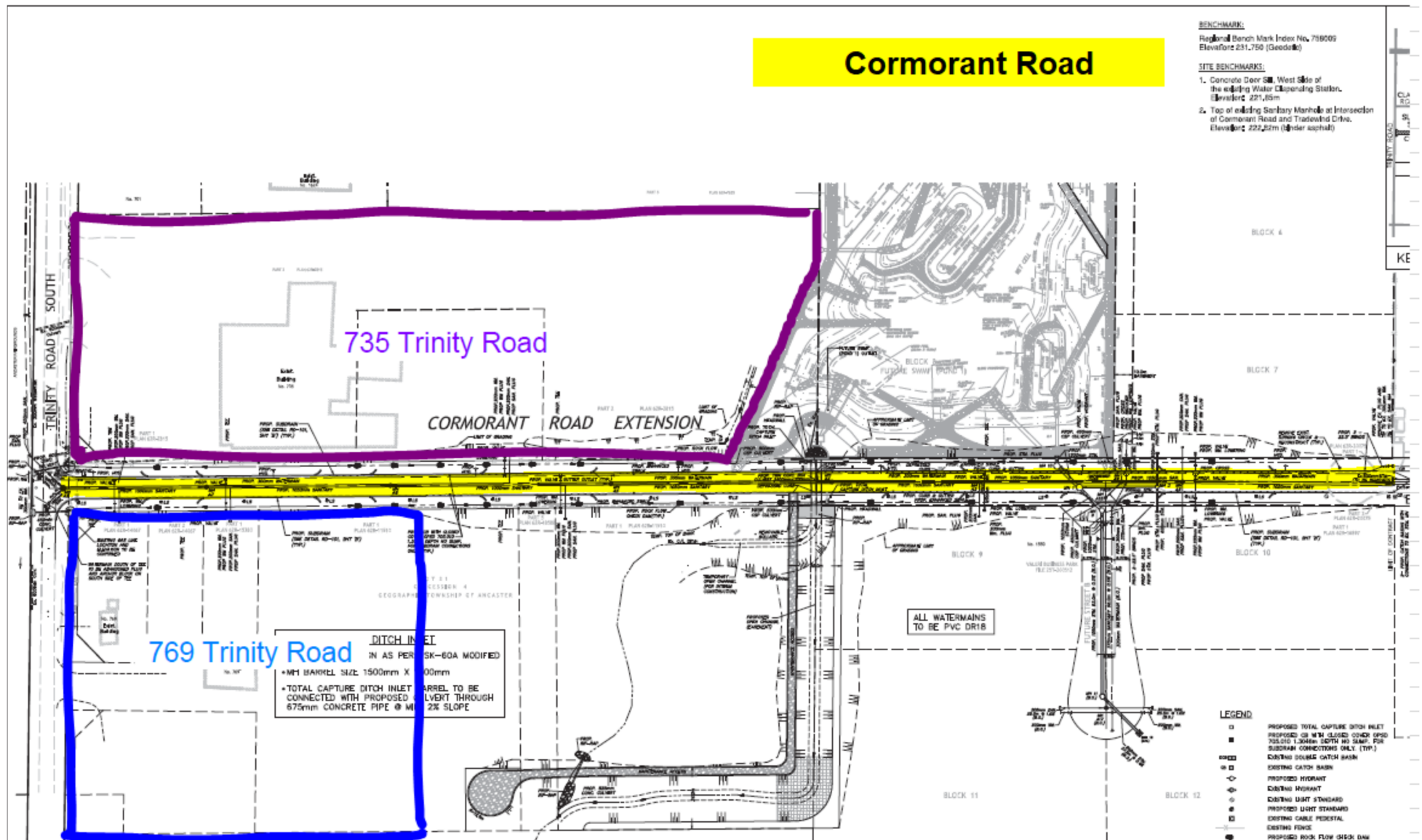
and enforceable.

PASSED this 7th day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule "A" to By-Law No. 25-089



Schedule "B" to By-Law No. 25-089

Cormorant Road

Storm Sewer, (Including New Road), Sanitary Sewer, Watermain, Private Sanitary Drain and Water Service Laterals Charges Upon Owners of Land Abutting Cormorant Road from Approximately 90 Metres West Tradewind Drive to Trinity Road South, in the City of Hamilton.

Sanitary Sewer and Watermain Charges for 769 Trinity Road South

	*769 Trinity Road South (PIN 174110328 and PIN 174110347)
Property Frontage (Metres)	135.00
Mainline Sanitary Sewer @\$251.03 per m/frontage	\$33,889.05
Private Sanitary Drain (2@\$3,430.21)	\$6,860.42
Mainline Watermain @\$281.24 per m/frontage	\$37,967.40
Water Service Lateral (1@\$6,861.20)	\$6,861.20
TOTAL	\$85,578.07

*In the event of site plan application or request for permit to connect to services at 769 Trinity Road; benefitting owner to pay the frontage rate for

mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line.

Costs are based on as-constructed costs and to be paid prior to permit issuance.

Sanitary Sewer, Storm Sewer (Including New Road), and Watermain Charges for 769 and 735 Trinity Road South

	**735 Trinity Road South (PIN 174110365)	**769 Trinity Road South (PIN 174110328 and PIN 174110347)
Property Frontage (Metres)	342.045	135.00
Road including Storm Sewer	\$1,567.00 per metre frontage	\$1,567.00 per metre frontage
Private Storm Drain	N/A	N/A
Mainline Sanitary Sewer	\$251.03 per metre frontage	\$251.03 per metre frontage
Private Sanitary Drain (2@\$3,430.21)	N/A	\$6,860.42
Mainline Watermain	\$281.25 per metre frontage	\$281.25 per metre frontage
Water Service Lateral (1@\$6,861.20)	N/A	\$6,861.20

**In the event of consent to sever application at 735 and 769 Trinity Road; for any newly created lots fronting Cormorant Road, the benefitting owner is to pay the frontage rate for road, mainline storm sewer, mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line. The frontage rate is based on as-constructed costs applied to the street frontage of the newly created lot. Benefitting owners are to pay the frontage rate for mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line in accordance with an approved consent to sever application.