

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

Bill No. 091

CITY OF HAMILTON

BY-LAW NO. 25-

To Impose Stormwater Management Facility Works Charge Upon Owners of Land Abutting South Side of Medicorum Place, 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 Stormwater Management Facility Works on land abutting south side of Medicorum Place, 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 Developers, Flamborough Capital Corporation Inc. and Ankara Realty Limited, in satisfaction of terms and conditions of External Works Agreement DA-16-165 and Amending Subdivision Agreement Flamborough Power Centre North Stryker, 62M-1270, 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 \$594,636.78, 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,

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”: | Stormwater Management Facility Works 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 lump sum charge based on a percentage of the total cost of construction attributable to each Assessed Owner of an existing property. These Charges will be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the date of construction completion, November 1, 2018, 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. Payments received pursuant to this By-law shall be remitted to Flamborough Capital Corporation Inc. and Ankara Realty Limited pursuant to section 1.50(f) of its Amending Subdivision Agreement with the City of Hamilton dated on November 3, 2022 and registered on March 6, 2023 as instrument WE1663904.
11. 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

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

Date By-Law Expires

13. This By-law expires on March 6, 2033.

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.

PASSED this 7th day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

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Schedule "A" to By-Law No. 25-091



Schedule “B” to By-Law No. 25-091

Stormwater Management Facility Works Charges Upon Owners of Land Abutting South Side of Medicorum Place, in the City of Hamilton.

Stormwater Management Facility Works Charges

Benefitting Properties	Property Roll Number	Legal Description	Percentage Area of Benefitting Lands	Area of Benefitting Lands (ha)	Recoverable SWMF Works Charges	Recoverable Pond Land Charge
566 Highway No.6	303 390 15200	EAST FLAMBOROUGH CON 3 PT LOT 13 IRREG 19.49AC 586.49FR	49.84%	7.93	\$296,384.02	In accordance with the Amending Subdivision Agreement
570 Highway No.6	303 390 15400	CON 3 PT LOT 13 FE FLM REG 0.28AC 100.00FR 123.30D	0.69%	0.11	\$4,111.25	In accordance with the Amending Subdivision Agreement
578 Highway No.6	303 390 15600	CON 3 PT LOT 13 FE FLM REG 0.35AC 100.00FR 150.00D	0.88%	0.14	\$5,232.50	In accordance with the Amending Subdivision Agreement
586 Highway No.6	303 390 15800	CON 3 PT LOT 13 FE FLM L-SHPD 3.18AC 253.94FR 434.16D	8.05%	1.28	\$47,840.04	In accordance with the Amending Subdivision Agreement

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Benefitting Properties	Property Roll Number	Legal Description	Percentage Area of Benefitting Lands	Area of Benefitting Lands (ha)	Recoverable SWMF Works Charges	Recoverable Pond Land Charge
28 Parkside Drive	303 390 16200	CON 3 PT LOT 13 FE FLM L-SHPD 5.03AC 163.00FR 689.25D	12.70%	2.02	\$75,497.57	In accordance with the Amending Subdivision Agreement
32 Parkside Drive	303 390 16400	CON 3 PT LOT 13 FE FLM REG 0.82AC 143.00FR 250.00D	2.07%	0.33	\$12,333.76	In accordance with the Amending Subdivision Agreement
40 Parkside Drive	303 390 16600	CON 3 PT LOT 13 FE FLM REG 0.57AC 100.00FR 250.00D	1.45%	0.23	\$8,596.26	In accordance with the Amending Subdivision Agreement
20 Parkside Drive	303 390 16000	CON 3 PT LOT 13 FE FLM L-SHPD 9.61AC 369.59FR 749.46D	24.32%	3.87	\$144,641.38	In accordance with the Amending Subdivision Agreement
TOTAL			100.00%	15.91	\$594,636.78	