

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

**Bill No. 092**

## **CITY OF HAMILTON**

### **BY-LAW NO. 25-**

#### **To Impose Storm Sewer and Private Storm Drain Connection Charges Upon Owners of Land Abutting Springbrook Avenue from Approximately 24.5 Metres South of Lockman Drive to Approximately 17 Metres South of Regan Drive, 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 Springbrook Avenue from approximately 24.5 metres south of Lockman Drive to approximately 17 metres south of Regan Drive, 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, LIV Communities, in satisfaction of terms and conditions of Amending Subdivision Agreement “Meadowlands Phase 10”, 62M-1116, 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 \$68,598.50, 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 Completed Works
Schedule “B”:	Storm Sewer and Private Storm Drain Connections 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. The Private Storm Drain Connection Charge is based on the actual construction cost and shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the completion date of construction, March 2020 until October 2020. Then the charges will be adjusted yearly by 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 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 LIV Communities, pursuant to section 1.47 (f) of the Subdivision Agreement with the City of Hamilton dated September 10, 2007, and section 1.47 (m) of its Amending Subdivision Agreement with the City of Hamilton dated on November 15, 2021.
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 November 15, 2031.

#### **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 7<sup>th</sup> Day of May, 2025.

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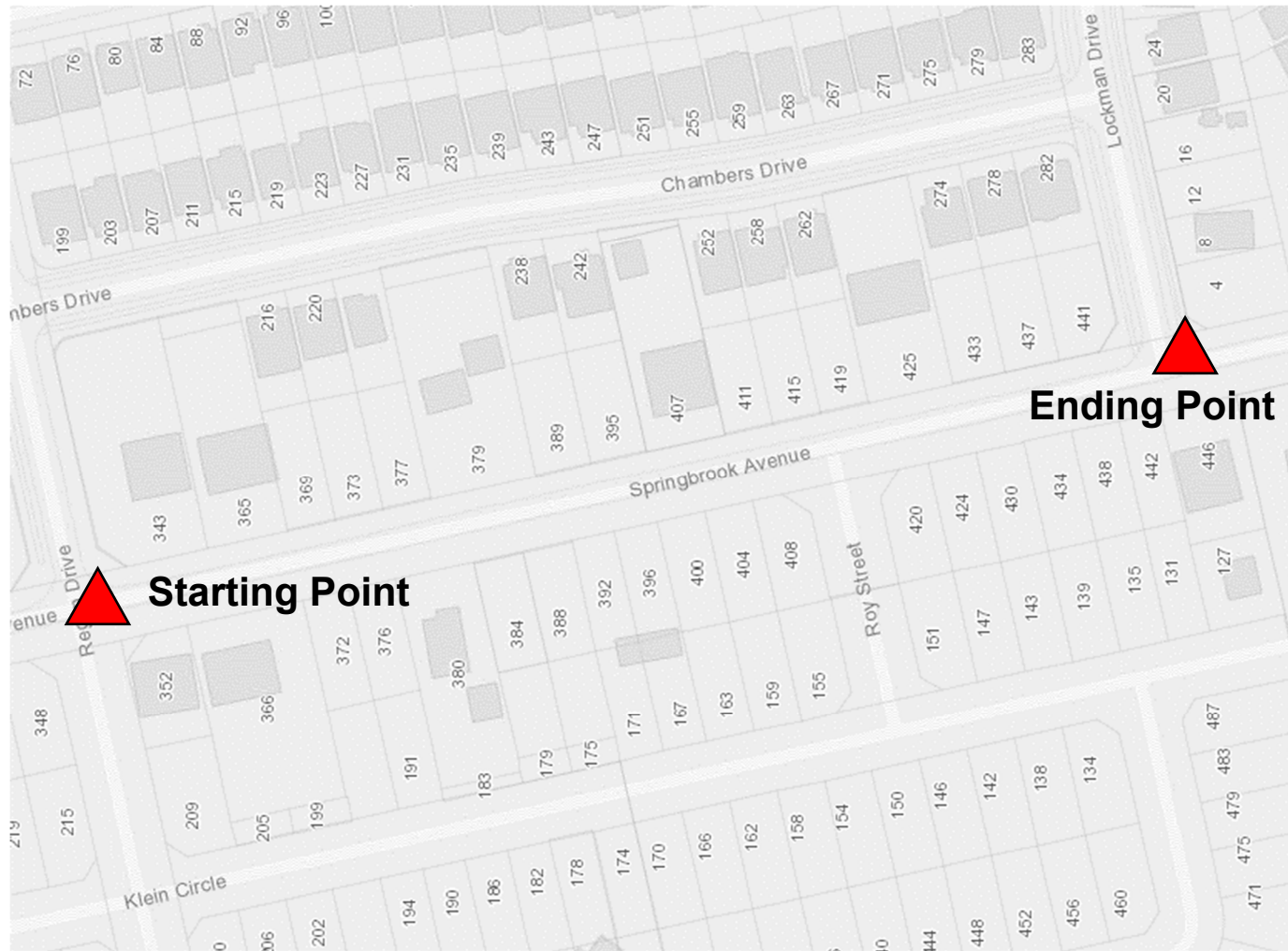
A. Horwath  
Mayor

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M. Trennum  
City Clerk

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## Schedule "A" to By-Law No. 25-092



## Schedule “B” to By-Law No. 25-092

Springbrook Avenue

Storm Sewer and Private Storm Connection Charges Upon Owners of Land Abutting Springbrook Avenue from Approximately 24.5 Metres South of Lockman Drive to Approximately 17 Metres South of Regan Drive, in the City of Hamilton.

### Storm Sewer and Private Storm Drain Connection Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge (2023 Rate \$139.28 Per Metre)*	Private Storm Connection Charge	Total Charge
343 Springbrook Avenue, Ancaster	140 280 21400	CON 3 PT LOT 50 RP 62R17493 PART 1 IRREG 21663.51SF 76.61FR	30.950	\$4,310.72	\$4,886.19	\$9,196.91
365 Springbrook Avenue, Ancaster	140 280 21200	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
366 Springbrook Avenue, Ancaster	140 280 24850	CON 3 PT LOT 50 RP 62R9231 PART 3 REG 0.48AC 110.00 FR 188.00D	33.528	\$4,669.78	\$4,886.19	\$9,555.97
372 Springbrook Avenue, Ancaster	140 280 24993	CON 3 PT LOT 50 RP 62R21531 PARTS 1 AND 3 REG 4567.34SF	26.520	\$3,693.71	\$4,886.19	\$8,579.90

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		43.50FR 104.99D				
379 Springbrook Avenue, Ancaster	140 280 20800	CON 3 PT LOT 50 REG 0.46AC 100.00FR 200.00D	30.480	\$4,245.25	\$4,886.19	\$9,131.44
380 Springbrook Avenue, Ancaster	140 280 25000	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
407 Springbrook Avenue, Ancaster	140 280 20400	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
446 Springbrook Avenue, Ancaster	140 280 25800	CON 3 PT LOT 50 RP 62R19390 PART 2 REG 9146.28SF 71.56FR 127.82D	21.810	\$3,037.70	\$4,886.19	\$7,923.89
<b>TOTAL</b>				<b>\$29,508.98</b>	<b>\$39,089.52</b>	<b>\$68,598.50</b>

\*New Roads Servicing Rate 2023 is \$139.28 Per Metre