

The Corporation of The Town of The Blue Mountains

By-law Number 20XX – XX

Being a By-law to impose Capital Sewer Charges for the use of the Town's Sewage System (Craigleith Service Area – Birch View Trail)

Whereas sections 9, 11 and Part XII of the Municipal Act, 2001, as amended, (the Act) and the Regulations thereto enables a municipality to impose by By-law, fees or charges for the use of a sewage system;

And Whereas Ontario Regulation 581/06 provides that fees or charges imposed for the use of a sewage system under the Act and added to the tax roll under subsection 398(2) of the Act have priority lien status as described in section 1 of the Act;

And Whereas the sewage system which consists of the sewage collection works and the sewage plant will provide a benefit to the benefitting owners;

And Whereas the Council deems it necessary to impose upon the benefitting owners a capital sewer charge for the use of the sewage system to pay a portion of the capital cost of the sewage collection works and to pay a portion of the capital cost of the sewage plant;

Now therefore the Council of The Corporation of the Town of The Blue Mountains enacts as follows:

Definitions

1. In this By-law, including the recitals thereto:

“Act” means the Municipal Act, 2001, as amended;

“benefit” means an immediate benefit accruing to the benefitting owners which is derived or derivable from the sewage system;

“benefitting owner” means the registered owner of an estate in fee simple of a benefitting property;

“benefitting property” means each separately assessed property connected to or fronting on the sewage system as set out in Schedule “A”;

“capital cost” means the cost of constructing the sewage collection works and the sewage plant, inclusive of all items of cost usually and properly chargeable to a capital account, and where applicable, the interest amounts payable on the debentures to be issued for these works and the imputed interest cost on the money supplied from the funds of the Town to finance the benefitting owners’ share of the cost of these works;

“capital sewer charge” means the capital sewer charge on a per unit basis in the amount set out in Schedule “D” which includes the capital sewer charge (sewage collection works) and the capital sewer charge (sewage plant) as set out in Schedule “D”;

“Council” means the Council of The Corporation of the Town of The Blue Mountains;

“sewage plant” means the Craigleith Wastewater Treatment Plant for the treatment and disposal of sewage;

“sewage system” means the sewage plant and the sewage collection works, all of which are necessary for the collection, transmission, treatment and disposal of sewage;

“Town” means The Corporation of the Town of The Blue Mountains;

“Treasurer” means the person appointed by Council, as the Treasurer for the Town or their designate;

“unit” means a residential dwelling unit.

Unless the context otherwise requires in this By-law, words importing the singular include the plural and vice versa and words importing gender includes all genders.

Capital Costs

2. The capital cost of the sewage collection works and the portions of this capital cost to be paid by the benefitting owners are set out in Schedule “B”.
3. The capital charge of the sewage plant to be paid by the benefitting owners are set out in Schedule “C”;

Charges Imposed

4. The roll number and description of each benefitting owner’s benefitting property and the number of units on each benefitting property for which a capital sewer charge is imposed by this By-law are set out in Schedule “A”. Any benefitting property shown as vacant land on the latest revised assessment roll shall be deemed to have one unit on it for the purposes of this By-law.
5. A capital sewer charge for the use of the sewage system on a per unit basis in the amounts set out in Schedule “D” is hereby imposed on each of the benefitting owners to pay for a portion of the capital cost of the sewage collection works and to pay for a portion of the capital cost of the sewage plant.
6. In accordance with section 90(3) of the Act, if new parcels of land are created from existing benefitting properties or new units are constructed on existing benefitting properties, the capital sewer charge as set out in Section 5 is imposed on the benefitting owner of the new parcel of land or of the new unit in the manner set out in this By-law.

Notification

7. The Treasurer shall forthwith after the enactment of this By-law mail to the benefitting owners, by prepaid regular mail or by email, a copy of this By-law together with an explanation of this By-law and a payment election form prescribed by the Treasurer for the purpose of the benefitting owners making the election referred to in section 11.

Charges Due and Payable

8. The capital sewer charges imposed by this By-law constitute a debt of the benefitting owners to the Town and subject to Section 9, are hereby due and payable on January 31, 2025.
9. In the event a benefitting owner makes the election provided for in section 11 by January 31, 2025, the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable in the amounts, at the times and in accordance with Section 11 and the installment provisions as set out in Schedule “D”.
10. In the event a benefitting owner fails to make an election provided for in Section 11 by January 31, 2025 the payment option over a 25-year period, payable with property taxes will be elected as set out in Schedule “D” option (a).

Payment Option

- 11.(1) A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than January 31, 2025, in the form prescribed by the Treasurer in accordance with Section 7, to pay the capital sewer charge in installments, with interest thereon as set out in Schedule “D”.
- (2) Subject to Section 11(3), a benefitting owner may at any time pay the whole of the unpaid balance of the capital sewer charge together with interest thereon to the date of payment.

(3) In the event of a benefitting owner selling, conveying or transferring title to the benefitting property to any person or corporation the unpaid balance of the capital sewer charge and interest thereon shall forthwith become due and payable.

Collection of the Capital Sewer Charges

12. The Treasurer is hereby authorized and directed to add the capital sewer charges to the tax rolls for the benefitting properties set out in Schedule "A" in accordance with Subsection 398(2) of the Act and to collect the capital sewer charges in the same manner as municipal taxes.

13. The capital sewer charges added to the tax rolls under Subsection 398(2) of the Act have priority lien status as described in Section 1 of the Act, and the capital sewer charges, including interest:

- (1) may be collected in the same manner as taxes on the benefitting property;
- (2) may be recovered with costs as a debt due to the Town from the assessed owner of the benefitting property at the time the capital sewer charges are added to the tax roll and from any subsequent owner of the benefitting property or any part of it;
- (3) are a special lien on the property in the same manner as are taxes under Subsection 349(3) of the Act; and
- (4) may be included in the cancellation price under Part XI of the Act in the same manner as are taxes on the benefitting property.

Non-payment of Charges

14. Penalty will be charged on all Capital sewer charges which are in default in the same manner as property taxes.

Application to the Ontario Municipal Board

15. No application shall be made to the Ontario Municipal Board under clause 71 of the Ontario Municipal Board Act on the grounds that the capital sewer charges imposed under this By-law are unfair or unjust.

Administration

16. This By-law shall be administered and enforced by the Treasurer.

Schedules

17. Schedules "A", "B", "C" and "D" are hereby declared to form part of this By-law.

18. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 16th of December, 2024.

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk

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Schedule “A”

Benefitting Properties

ROLL NUMBER	LEGAL DESCRIPTION	NUMBER OF UNITS
000003331000000	PLAN 824 PT LOT 32 RP 16R1415 PART 2	1
000003330010000	PLAN 824 PT LOT 32 RP 16R1415 PART 1	1
000003330000000	PLAN 824 PT LOT 31 RP 16R849 PART 2	1
000003329030000	PLAN 824 PT LOT 31 RP 16R849 PART 1	1
000003329020000	PLAN 824 PT LOT 30 RP 16R1132 PART 1	1
000003329010000	PLAN 824 PT LOT 30 RP 16R1132 PART 2	1
000003329000000	PLAN 824 S PT LOT 29 RP 16R910 PART 1	1
000003328110000	PLAN 824 PT LOT 29 RP 16R7865 PART 1	1
000003328100000	PLAN 824 PT LOT 28 PT LOT 29 RP 16R7865 PART 2 PART 3	1
000003328080000	PLAN 824 LOT 27 PT LOT 28 RP 16R5991 PART 1	1
000003328070000	PLAN 824 PT LOT 26 RP 16R1008 PART 2	1
000003328060000	PLAN 824 PT LOT 26 RP 16R1008 PART 1	1
000003328050000	PLAN 824 PT LOT 25 RP 16R1133 PART 1	1
000003328040000	PLAN 824 PT LOT 25 RP 16R1133 PART 2	1
000003328030000	PLAN 824 PT LOT 24 RP 16R1133 PART 3	1
000003328020000	PLAN 824 PT LOT 24 RP 16R1133 PART 4	1
000003328010000	PLAN 824 LOT 23	1
000003328000000	PLAN 824 LOT 22	1
000003327000000	PLAN 824 LOT 21	1
000003326000000	PLAN 824 LOT 20	1
000003325000000	PLAN 824 LOT 19	1
000003324080000	PLAN 824 LOT 18	1
000003324070000	PLAN 824 LOT 17	1
000003324060000	PLAN 824 LOT 16	1
000003324050000	PLAN 824 LOT 15	1

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Schedule “B”

Capital Cost of the New Sewage Works

Construction Costs	\$647,687.31
Engineering Costs	<u>\$55,205.92</u>
TOTAL	\$702,893.23
Total Benefitting Units (as per Schedule A)	25
Capital Costs incurred per unit	\$28,115.73

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Schedule “C”

Description and Capital Cost of the Existing Sewage Works

Based on the Master Servicing Plan and as identified in the Development Charges Background Study, each benefitting property owner has been imposed with the Craigleith Wastewater Treatment Plant capital infrastructure cost equivalent as follows:

Craigleith Wastewater Treatment Plant per Unit Cost	\$3,628.00
Craigleith Wastewater Collection per Unit Cost (Detailed under by-law 2019-17 and further indexed each year)	<u>\$1,694.00</u>
Total Capital Sewer Charges Imposed	
Per Unit Cost	\$5,322.00

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Schedule “D”

Capital Sewer Costs –Local Servicing (per unit)

New Sewage Works \$28,115.73 (Interest Bearing)

Capital Sewer Charge –Sewage Plant (per unit)

\$3,628.00 (Interest Bearing)

Capital Sewer Charge –Craigleith Area Specific Sewage Collection Works (per unit)

\$1,694.00 (Interest Bearing)

Total Capital Sewer Charge Imposed (per unit)

\$33,437.73

Payment Options

A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than January 31, 2025, in the form prescribed by the Treasurer in accordance with Section 7, to pay the capital sewer charge in instalments over either a 25-year period or a 10-year period as follows:

- (a) the total capital sewer charge of \$33,437.73 together with interest thereon at the rate of 4.39% per annum over a period of twenty-five (25) years. Annual payment of \$2,229.55 will be collected through the municipal property tax billings, each year spread over the four tax installment due dates.
- (b) the total capital sewer charge of \$33,437.73 together with interest thereon at the rate of 3.97% per annum over a period of ten (10) years. Annual payment of \$4,116.41 will be collected through the municipal property tax billings, each year spread over the four tax installment due dates.