



The Corporation of the Municipality of

# Central Elgin

BY-LAW No. 2717

**Being a By-law to Establish Rates to Recover Part of the Capital Cost of the Extension of Waterworks on Southdale Line, west of Sunset Drive**

**WHEREAS** the Council of the Corporation of Municipality of Central Elgin authorized the installation of waterworks on Southdale Line, west of Sunset Drive and it is now expedient to designate the Properties benefitting from the Works and to establish rates to recover the cost of the Works;

**AND WHEREAS** section 391 of the Municipal Act, 2001 provides that charges imposed for capital costs related to water services may be imposed on owners of land not receiving an immediate benefit from the services but who will receive a benefit at some later point in time;

**AND WHEREAS** Ontario Regulation 581/06 provides that fees or charges imposed for the supply of water under the Municipal Act, 2001 and added to the tax roll under subsection 398(2) of the Municipal Act, 2001 have priority lien status as described in subsection 1(1) of the Municipal Act, 2001;

**NOW THEREFORE the Council of the Corporation of the Municipality of Central Elgin hereby enacts as follows:**

1. For the purposes hereof, the following words when used in this by-law, shall have the following meanings:
  - (a) All of the following shall have the meaning hereinafter set forth:
    - (i) "Deferred Benefit Lots" are New Lots created by Development after the initial date of passage of this by-law which will become subject to a Rate upon their creation;
    - (ii) "Delayed Connection Rate" means the rate set out in Schedule "B" to this by-law which is the rate to be paid by the Lot owner to connect the Lot or part thereof to the waterworks after January 1, 2023 and calculated as the Immediate Connection Rate and adjusted per the requirements of this by-law;
    - (iii) "Development" means the creation of a New Lot from any parcel of land within the Specific Benefit Area, whether by way of severance, plan of subdivision, plan of condominium or otherwise, after this by-law comes into force, and the said New Lot(s) fronts on or has access to the Works, or any extension thereof, along existing or newly created public roads;
    - (iv) "Immediate Benefit Lots" are separate Lots identified by street address and assessment roll numbers in Schedule "B" hereto which will receive or be deemed to receive immediate benefit from the construction of the waterworks;
    - (v) "Immediate Connection Rate" means the rate set out in Schedule "B" to this by-law which is the rate to be paid by the Lot owner to connect a Lot to the Works prior to January 1, 2023;
    - (vi) "Lot" means a parcel, or more than one but adjoining parcels, of land under one ownership and appropriate for the exclusive use of a building and accessory buildings or for the exclusive use of a group of buildings comprising one undertaking or enterprise which said parcel or parcels upon a public street;
    - (vii) "Lot Line" means the boundary line of a Lot;

- (viii) "New Lots" are separate Lots created by Development within the Specific Benefit Area which are not in existence as separate Lots as of the date of the passage of this by-law;
  - (ix) "Rate" means the Rate assessed or to be assessed and imposed upon owners or occupants of Immediate Benefit Lots which rate in accordance with this by-law as is set out in Schedule "B" hereto, and Deferred Benefit Lots in accordance with this by-law;
  - (x) "Water Connection" means a water service line which extends from a watermain abutting a Lot to the Lot Line and to which a water service is connected or is capable of being connected from a building on the Lot;
  - (xi) "Specific Benefit Area" means all of the lands outlined in Schedule "A" hereto which represent the lands which will receive benefit, either immediate or deferred, from the construction of the waterworks shown as the water service area; and
  - (xii) "Works" means the waterworks constructed to service and benefit the Specific Benefit Area.
2. The amount of \$36,566.72 is the portion of the capital cost of the Works that is to be paid by owners and occupants of land in the Specific Benefit Area as outlined on Schedule "A".
  3. The Owner of any Lot within the Special Benefit Area that applies to connect the Lot to the Works or is ordered by the Chief Building Official to connect to the waterworks prior to January 1, 2023 shall pay the Immediate Connection Rate. The Immediate Connection Rate is hereby imposed on each Lot or part thereof referred to in Schedule "B" and on the owners and occupants from time to time of such Lot or part thereof in the amounts shown for their share of the capital cost of the Works.
  4. The Immediate Connection Rate shall be payable as a lump sum payment in cash upon the issuance of a building permit for the connection to the waterworks, which amount is referred to as the Immediate Connection Rate on Schedule "B" hereto.
  5. The Delayed Connection Rate assessable and payable for an Immediate Benefit Lot that is not connected to the Works on or prior to January 1, 2023 or for a Deferred Benefit Lot shall be calculated, adjusted and assessed in accordance to Schedule "B".
  6. The Delayed Connection Rate shall be adjusted annually, on January 1, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Building Construction Price Indexes, Non-Residential Buildings".
  7. The Rate in respect of a Deferred Benefit Lot shall be payable as provided in this by-law.
  8. Every owner of a Lot is liable to pay the Rate as calculated and imposed hereunder.
  9. No land is exempt from a Rate imposed under this by-law by reason only that it is exempt from taxation under the Assessment Act.
  10. If an Immediate Connection Rate or a Delayed Connection Rate remains unpaid after it is due, the Director of Finance /Treasurer is directed to enter the amount unpaid upon the tax collector's roll.
  11. Once the Rate is entered upon the tax collector's roll, the Rate shall be binding to all successors and assigns of the property.
  12. Once entered upon the tax roll, any Rate shall be deemed as and to constitute taxes.
  13. Despite any other provision of this by-law, if a new parcel of land is created within the whole or part of an existing Lot in respect of which a Rate has been imposed under this by-law, a Rate shall be imposed on each new part or parcel.
  14. The revenue from the Immediate Connection Rate or the Delayed Connection Rate, if not required for payment of any part of the outstanding capital cost of the Works, shall be used for capital improvements of the Municipality's water systems.
  15. The Mayor and the proper officers and employees of the Corporation are hereby authorized and directed to execute under the Corporation's Seal and deliver such documents and take such actions as are necessary or advisable to carry out the intent and provisions of this by-law as it exists from time to time and this shall be sufficient authority for so doing.

**READ a FIRST, SECOND TIME, THIRD TIME and FINALLY PASSED this 27<sup>th</sup> day of June 2022.**

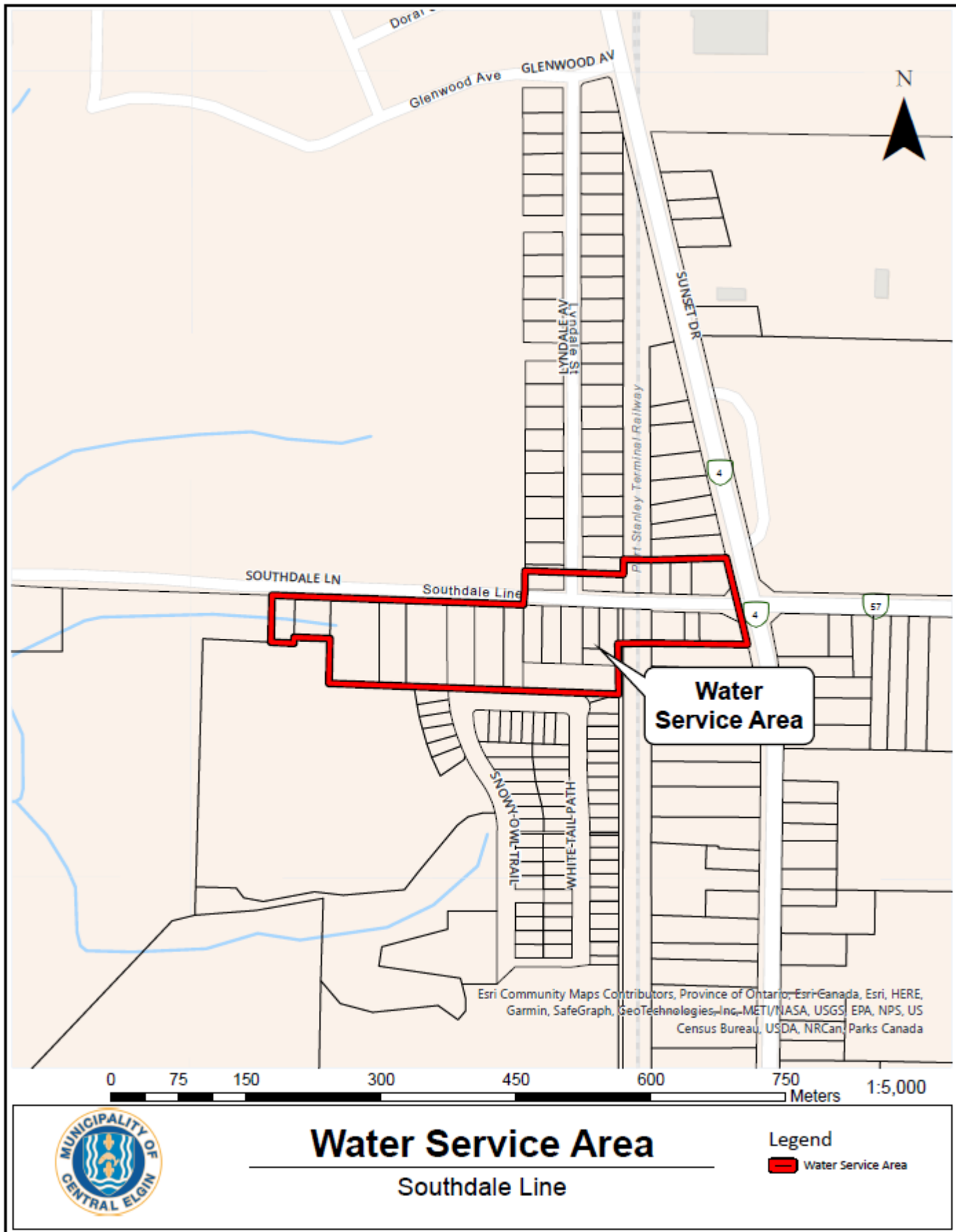
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Paul Shipway, CAO/Clerk

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Sally Martyn, Mayor

Schedule "A" Specific Benefit Area



**Schedule "B"**

PROPERTY OWNER	ADDRESS	ROLL NO.	Immediate Connection Rate (Note 1)
LAWRENCE, DONALD WILLIAM	42399 SOUTHDALE LINE	3418-000-00411000	\$2,285.42
PRSKALO, ILIJA and PRSKALO, MARA	42405 SOUTHDALE LINE	3418-000-00439501	\$2,285.42
PRSKALO, ILIJA and PRSKALO, MARA	42405 SOUTHDALE LINE	3418-000-00439501	\$2,285.42
SCOTT, ROGER BRUCE and SCOTT, ROBIN MARIE	42421 SOUTHDALE LINE	3418-000-00439500	\$2,285.42
BOWIE, SUSAN	42443 SOUTHDALE LINE	3418-000-00439600	\$2,285.42
MARCINKIEWICZ, STEPHEN E and MARCINKIEWICZ, AMANDA S	42483 SOUTHDALE LINE	3418-000-00439701	\$2,285.42
ZYLSTRA, BRADLEY JOHN LOUIS and CROSS, LESLIE MARIE	42489 SOUTHDALE LINE	3418-000-00439800	\$2,285.42
VANDERWYST, JOHN WILLIAM and VANDERWYST, KELLY MICHELLE	42505 SOUTHDALE LINE	3418-000-00439900	\$2,285.42
VANDERWYST, JOHN WILLIAM and VANDERWYST, KELLY MICHELLE	42495 SOUTHDALE LINE	3418-000-00439902	\$2,285.42
TAYLOR, SHIRLEY ANN	42525 SOUTHDALE LINE	3418-000-00440100	\$2,285.42
BILLINGHURST, JUDE and CHAVEZ, JENIFFER	42531 SOUTHDALE LINE	3418-000-00440200	\$2,285.42
HILL, DUAINÉ BRUCE	42552 SOUTHDALE LINE	3418-000-00439200	\$2,285.42
PHELAN, MICHAEL PATRICK and PHELAN, CATHERINE MADELINE R	42557 SOUTHDALE LINE	3418-000-00440300	\$2,285.42
PHELAN, MICHAEL PATRICK and PHELAN, CATHERINE MADELINE R	42557 SOUTHDALE LINE	3418-000-00440300	\$2,285.42
BAKER, CHAD WILLIAM and BAKER, KRISTEN LEANNE	42564 SOUTHDALE LINE	3418-000-00439300	\$2,285.42
SMITH, PETER J	42569 SOUTHDALE LINE	3418-000-00440400	\$2,285.42
<p><b>Note 1:</b> The Delayed Connection Rate will be the Immediate Connection Rate indexed annually in accordance with Section 6 of this by-law. The First indexation will occur on January 1, 2023.</p>			