



The Corporation of the Municipality of

Central Elgin

BY-LAW No. 2718

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

WHEREAS the Council of the Corporation of the Municipality of Central Elgin authorized the installation of sanitary sewers 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 sewer and 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 use of a sewage system and 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(4) 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) "Annual Sewer Rate" is the amount added to the property taxes annually with the annual amount due divided evenly and shall show as a line item on the final tax bill of each year.
 - (ii) "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;
 - (iii) "Deferred Connection Rate" means the rate set out in Schedule "C" to this by-law which is the rate to be paid by the Lot owner at the time sewers are installed, adjusted annually adjusted annually in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Building Construction Price Indexes, Non-Residential Buildings";
 - (iv) "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 Works after January 1, 2023;
 - (v) "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;
 - (vi) "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 Works;
 - (vii) "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;

- (viii) "Lot" means a parcel, or more than one 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;
 - (ix) "Lot Line" means the boundary line of a Lot;
 - (x) "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;
 - (xi) "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 set out in Schedule "C" hereto in accordance with this by-law;
 - (xii) "Sewer Connection" means a sewer line which extends from a sewer main abutting a Lot to the Lot Line and to which a private drain is connected or is capable of being connected from a building on the Lot;
 - (xiii) "Specific Benefit Area" means all of the lands outlined and shaded in Schedule "A" hereto which represent the lands which will receive benefit, either immediate or deferred, from the construction of the Works; and
 - (xiv) "Works" means the sanitary sewer works constructed to service and benefit the Specific Benefit Area.
2. The amount of \$640,805.03 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 listed in Schedule "B" 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 at the time of passage of this bylaw:
 - (a) If not paid by lump sum payment, shall be paid annually with the annual amount due divided evenly plus the cost of interest payable on any debentures issued and shall show as a line item on the final tax bill of each year as the Annual Sewer Rate, the first payment of which shall be in 2023 and the final payment of which shall be in 2033 (which amount is referred to as the Immediate Connection Rate on Schedule "B" hereto), or
 - (b) As a lump sum payment in cash upon the issuance of a building permit for the connection to the sewer Works, which amount is referred to as the Immediate Connection Rate on Schedule "B" hereto.
 5. The Rate in respect of a Deferred Benefit Lot shown in Schedule "C" shall be payable as provided in this by-law when sewer services are installed and shall be known as the Deferred Connection Rate. The Deferred Connection Rate shall be adjusted annually in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Building Construction Price Indexes, Non-Residential Buildings".
 6. Every owner of a Lot is liable to pay the Rate as calculated and imposed hereunder.
 7. No land is exempt from any Rate imposed under this by-law by reason only that it is exempt from taxation under the Assessment Act.
 8. If an Immediate Connection Rate or a Deferred 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.
 9. Once the Rate is entered upon the tax collector's roll, the Rate shall be binding to all successors and assigns of the property.
 10. Once entered upon the tax roll, any Rate shall be deemed as and to constitute taxes.

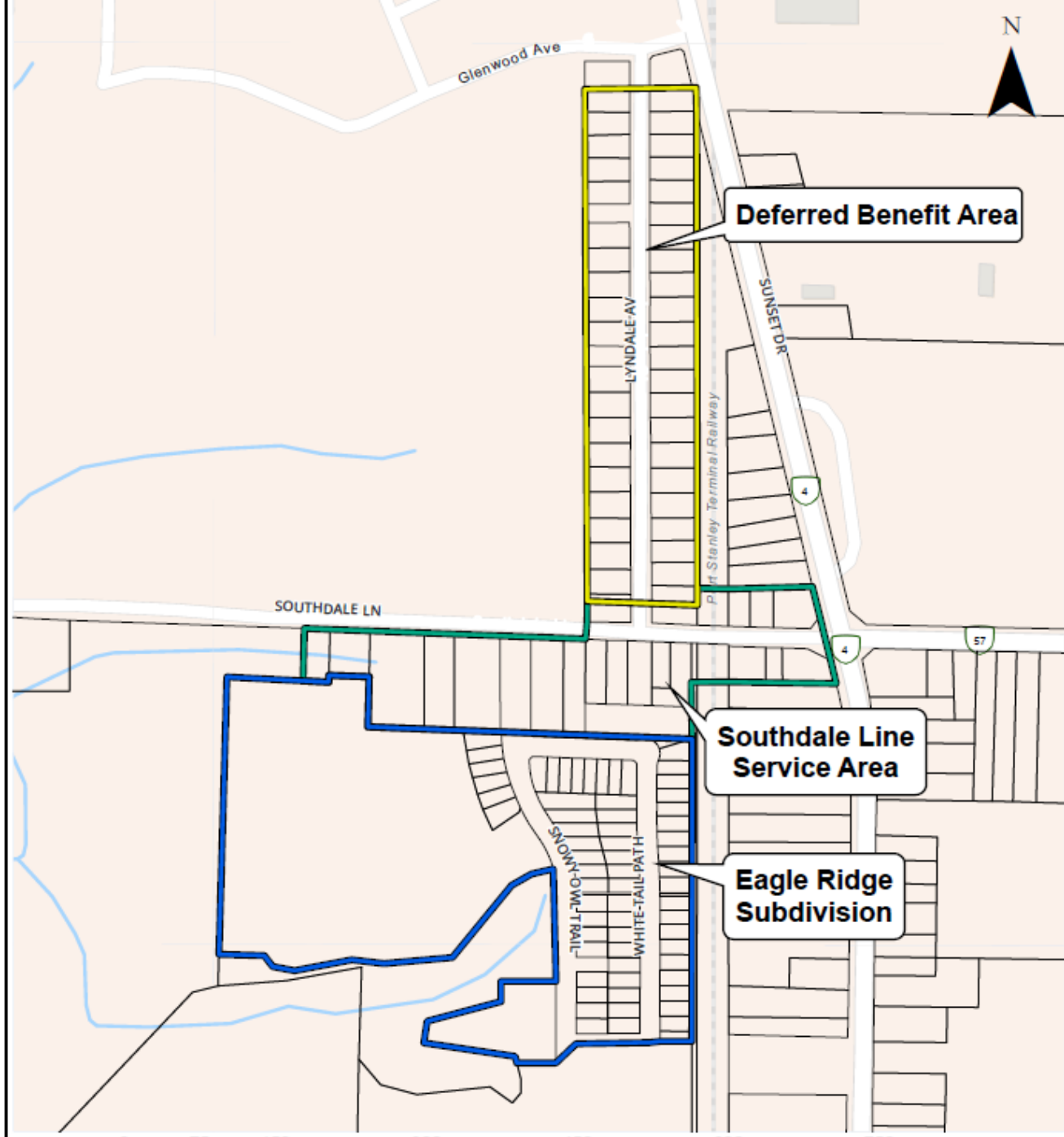
11. Despite any other provision of this by-law, if a new parcel of land is created within the whole or part of an existing Lot in respect of which a Connection Rate or Deferred Connection Rate has been imposed under this by-law, a Connection Rate or Deferred Connection Rate shall be imposed on each new part or parcel and adjusted annually in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Building Construction Price Indexes, Non-Residential Buildings".
12. The revenue from the Immediate Connection Rate or the Deferred 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 sanitary sewage systems.
13. 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 27th day of June, 2022.

Paul Shipway, CAO/Clerk

Sally Martyn, Mayor

Schedule A



Sanitary Service Areas

Southdale Line

- Legend
- Eagle Ridge Subdivision
 - Deferred Benefit Area
 - Southdale Line Service Area

SCHEDULE "B" Immediate Benefit Lots

PROPERTY OWNER	ADDRESS	ROLL NO.	Immediate Connection Rate
LAWRENCE, DONALD WILLIAM	42399 SOUTHDALE LINE	3418-000-00411000	\$10,518.54
PRSKALO, ILIJA and PRSKALO, MARA	42405 SOUTHDALE LINE	3418-000-00439501	\$10,518.54
PRSKALO, ILIJA and PRSKALO, MARA	42405 SOUTHDALE LINE	3418-000-00439501	\$10,518.54
SCOTT, ROGER BRUCE and SCOTT, ROBIN MARIE	42421 SOUTHDALE LINE	3418-000-00439500	\$10,518.54
BOWIE, SUSAN	42443 SOUTHDALE LINE	3418-000-00439600	\$10,518.54
MARCINKIEWICZ, STEPHEN E and MARCINKIEWICZ, AMANDA S	42483 SOUTHDALE LINE	3418-000-00439701	\$10,518.54
ZYLSTRA, BRADLEY JOHN LOUIS and CROSS, LESLIE MARIE	42489 SOUTHDALE LINE	3418-000-00439800	\$10,518.54
VANDEKEMP, JEFFREY JOHN and VANDEKEMP, JANICE LEE	42498 SOUTHDALE LINE	3418-000-00439000	\$10,518.54
VANDERWYST, JOHN WILLIAM and VANDERWYST, KELLY MICHELLE	42505 SOUTHDALE LINE	3418-000-00439900	\$10,518.54
VANDERWYST, JOHN WILLIAM and VANDERWYST, KELLY MICHELLE	42495 SOUTHDALE LINE	3418-000-00439902	\$10,518.54
COLLETT, ROGER HOWARD	42517 SOUTHDALE LINE	3418-000-00440000	\$10,518.54
TAYLOR, SHIRLEY ANN	42525 SOUTHDALE LINE	3418-000-00440100	\$10,518.54
FOSTER, JEREMY JAMES	42528 SOUTHDALE LINE	3418-000-00439100	\$10,518.54
BILLINGHURST, JUDE and CHAVEZ, JENIFFER	42531 SOUTHDALE LINE	3418-000-00440200	\$10,518.54
HILL, DUAIN BRUCE	42552 SOUTHDALE LINE	3418-000-00439200	\$10,518.54
PHELAN, MICHAEL PATRICK and PHELAN, CATHERINE MADELINE R	42557 SOUTHDALE LINE	3418-000-00440300	\$10,518.54
PHELAN, MICHAEL PATRICK and PHELAN, CATHERINE MADELINE R	42557 SOUTHDALE LINE	3418-000-00440300	\$10,518.54
BAKER, CHAD WILLIAM and BAKER, KRISTEN LEANNE	42564 SOUTHDALE LINE	3418-000-00439300	\$10,518.54
SMITH, PETER J	42569 SOUTHDALE LINE	3418-000-00440400	\$10,518.54
SPRIET, DANIEL CELEST and FISHER, KELLY ELIZABETH	42579 SOUTHDALE LINE	3418-000-00440500	\$10,518.54
BAERT, LARRY CAMIEL and BAERT, ELIZABETH KRISTINE	308 SUNSET DRIVE	3418-000-00435900	\$10,518.54
All Lots in all Phases of the Eagle Ridge Subdivision			\$1,087.96

SCHEDULE "C" Deferred Benefit Lots

PROPERTY OWNER	ADDRESS	ROLL NO.	Deferred Connection Rate ₁
HINDLEY, MARK WILSON and PRATT, LINDSAY DEAN	21 LYNDAL AVE	3418-000-00425300	\$1,542.50
KNIGHT, DANIEL PAUL and KNIGHT, DANIEL FREDERICK	10 LYNDAL AVE	3418-000-00426900	\$1,542.50
MARTELL, PATRICIA EDNA	11 LYNDAL AVE	3418-000-00424800	\$1,542.50
HAYCOCK, SHIRLEY MAE and HAYCOCK, RICHARD SCOTT	12 LYNDAL AVE	3418-000-00427000	\$1,542.50
Unopened Road Allowance between 12 Lyndale Ave and 14 Lyndale Ave			\$1,542.50
GAVIGAN, TREVOR and EVANS, AMY	13 LYNDAL AVE	3418-000-00424900	\$1,542.50
WEST, CAMERON HUGH and WEST, SARAH MAY	14 LYNDAL AVE	3418-000-00427100	\$1,542.50
JESSE, PAUL	15 LYNDAL AVE	3418-000-00425000	\$1,542.50
SMITH, JOYCE ELAINE	16 LYNDAL AVE	3418-000-00427200	\$1,542.50
LITTLER, DENNIS	17 LYNDAL AVE	3418-000-00425100	\$1,542.50
MCGUFFIN, ROSANNA ANTONIETTA and MCGUFFIN, MICHAEL WILLIAM	18 LYNDAL AVE	3418-000-00427300	\$1,542.50
LATAM, JAMES EDWARD and LATAM, VALERIE ANNE	19 LYNDAL AVE	3418-000-00425200	\$1,542.50
GUILBEAULT, DANIEL REJEAN and MCDONALD, KIMBERLEY ANN	20 LYNDAL AVE	3418-000-00427400	\$1,542.50
KENNEDY, JOHN SCOTT	22 LYNDAL AVE	3418-000-00427500	\$1,542.50
Unopened Road Allowance between 22 Lyndale and 24 Lyndale Ave			\$1,542.50
SIMS, CHARLES MARK and SIMS, HAZEL MARGARET	23 LYNDAL AVE	3418-000-00425400	\$1,542.50
LOWRY, PAUL G.S. and LAVERTY, AISLING E.	24 LYNDAL AVE	3418-000-00427600	\$1,542.50
BOGART, ERIN	25 LYNDAL AVE	3418-000-00425401	\$1,542.50
MATTE, ARTHUR IVAN and MATTE, EILEEN ROSE	26 LYNDAL AVE	3418-000-00427700	\$1,542.50
BOSKOVICH, VLATKO	28 LYNDAL AVE	3418-000-00427800	\$1,542.50
GHATTAS, SAMIR ISSA and GHATTAS, CAMELIA	29 LYNDAL AVE	3418-000-00425600	\$1,542.50
SHERWIN, BRETT GRAHAM	3 LYNDAL AVE	3418-000-00424400	\$1,542.50
RIDDELL, WILLIAM CARRIE and RIDDELL, CAROL LYNNE	30 LYNDAL AVE	3418-000-00427900	\$1,542.50
FINNEY, JACKI LYNN and FINNEY, LARRY CLIFFORD	31 LYNDAL AVE	3418-000-00425700	\$1,542.50
JARVIS, DAREN JAMES and JARVIS, TERRIE-LEE	32 LYNDAL AVE	3418-000-00428000	\$1,542.50
MORNEAU, RANDOLPH	33 LYNDAL AVE	3418-000-00425800	\$1,542.50

RIMNYAK, DEBORAH ANN	34 LYNDALE AVE	3418-000-00428100	\$1,542.50
SMETS, CONNIE DIANNE	35 LYNDALE AVE	3418-000-00425900	\$1,542.50
WHITE, GAVIN and WHITE, STEPHANIE	36 LYNDALE AVE	3418-000-00428200	\$1,542.50
BEACOM, JESSICA LYNN and CASSIDY, HUGH JOSEPH	37 LYNDALE AVE	3418-000-00426000	\$1,542.50
WELLS, MURRAY ALVIN and WELLS, KELLY ANNE	38 LYNDALE AVE	3418-000-00428301	\$1,542.50
KISHIMOTO, GERALD MASAJI and KISHIMOTO, JUDY LYNN	39 LYNDALE AVE	3418-000-00426100	\$1,542.50
DYMOCK, AMANDA KATHLEEN	4 LYNDALE AVE	3418-000-00426600	\$1,542.50
CHATT, MARK and CHATT, LYNNE	40 LYNDALE AVE	3418-000-00428400	\$1,542.50
BLAXALL, SANDRA MARGARET	41 LYNDALE AVE	3418-000-00426200	\$1,542.50
CHAPMAN, STEPHEN BRUCE and CHAPMAN, SUSAN MARIE	43 LYNDALE AVE	3418-000-00426300	\$1,542.50
COLLIER, BRANDON JAMES and LAWTON, COURTNEY LYNN	45 LYNDALE AVE	3418-000-00426400	\$1,542.50
BETTS, DONALD HERBERT and BETTS, CAROL LOUISE	5 LYNDALE AVE	3418-000-00424500	\$1,542.50
ONN, STEPHEN CHARLES and ONN, SUSAN JEAN	6 LYNDALE AVE	3418-000-00426700	\$1,542.50
GAJDOS, EDWARD and GAJDOS, SUSANNA	7 LYNDALE AVE	3418-000-00424600	\$1,542.50
THOMPSON, KAREN LOUISE	8 LYNDALE AVE	3418-000-00426800	\$1,542.50
MORRITT, GARRY LOUIS	9 LYNDALE AVE	3418-000-00424700	\$1,542.50
GREEN, HELEN MARIE and GREEN, WILLIAM KENNETH c/o SANDRA GRAHAM	27 LYNDALE AVE	3418-000-00425500	\$1,542.50

- (i) **Note**¹ The Deferred Connection Rate will be levied when sanitary sewers are constructed on Lyndale Ave and adjusted annually in accordance with the most recent twelve month change in the Statistics Canada Quarterly, "Building Construction Price Indexes, Non-Residential Buildings".