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STAFF REPORT: Finance & IT Services



REPORT TO: Committee of the Whole
MEETING DATE: June 9, 2014
REPORT NO.: FIT.14.28
SUBJECT: Castle Glen Thunder Hill
 Development Summer and Winter
 Maintenance Cost Recovery By-law
PREPARED BY: Ruth Prince, Manager of Revenue

A. Recommendations

THAT Council receive Staff Report FIT.14.28 “Castle Glen Thunder Hill Development Summer and Winter Maintenance Cost Recovery By-law”; and

THAT Council enact a By-law to Impose a Charge for Summer and Winter Maintenance Services within the Castle Glen Thunder Hill Development.

B. Background

At the August 23, 2012 Infrastructure & Recreation Committee meeting, Staff Report EPW.12.066 was received for consideration and the following motion was recommended to Council and approved at the August 27, 2012 Council Meeting:

Moved by: Duncan McKinlay Seconded by: Joe Halos

THAT Council receive Staff Report EPW.12.066, “Castle Glen Thunder Hill Development 2012 & 2013 Maintenance Program”;

AND THAT Council approve the Town undertaking the winter maintenance of the Castle Glen Thunder Hill Development for the 2012/2013 and 2013/2014 winter seasons on a cost recovery basis;

AND THAT Council authorize award of the winter maintenance and spring clean-up of the roads within the Castle Glen Thunder Hill Subdivision to Blue Mountain Four Season Ltd. at the quoted hourly rates for an estimated cost of \$27,725.00 for the 2012/2013 winter maintenance season by negotiated agreement as permitted under the purchasing of Goods and Supplies Corporate Policy, POL.COR.07.05 and the Purchasing of Goods and Supplies Procedures Policy, FS.08.08, Schedule F, subsection 1(d) for the 2012/2013 winter season;

AND THAT Council authorize Staff to proceed with road signage and gravel maintenance work in the Castle Glen Thunder Hill Development on a cost recovery basis at an estimated cost of \$12,000;

AND THAT Council instruct Staff to prepare an annual fee and charges bylaw for consideration by Council to recover direct expenses including contracted services and materials from the benefiting properties within the Castle Glen Thunder Hill

Development upon the completion of the winter maintenance work in 2013 and 2014, CARRIED.

Staff has prepared the cost recovery By-law for consideration by Council to recover the actual expenses from the benefitting properties within the Castle Glen Thunder Hill Development for summer and winter maintenance services (Attachment 1).

The actual cost for Town staff to complete sign maintenance and grass cutting as requested by the residents in Castle Glen Thunder Hill Development for 2014 is \$462.98 while the cost from Blue Mountain Four Season Ltd. for winter snow removal is \$24,863.28.

The cost to be recovered per benefitting property is \$291.11 ($\$462.98 + \$24,863.28 = \$25,326.26$ divided by 87 benefitting properties).

Letters were sent to the 87 benefitting properties on May 20, 2014 advising them of the amount to be recovered, the date of the Finance and Administration Committee of the Whole meeting when the staff report would be discussed, as well as the intended date that the By-law will be enacted.

The amount to be recovered per benefitting property will be levied on the final 2014 property tax bill with due dates of August 27 and October 29, 2014.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government.

D. Environmental Impacts

None

E. Financial Impact

All expenditures related to summer and winter maintenance services will be paid by the benefitting property owners.

The following chart provides cost comparison from previous years:

Year	Total Cost to be Recovered	Cost per benefitting Property Owner
2013-2014	\$25,326	\$291.11
2012-2013	\$34,397	\$395.36
2011-2012*	\$18,459	\$212.07

*For 2011-2012 snow removal started January 1, 2012.

F. In Consultation With

Robert Cummings, Director Finance & IT Services
John Metras, Town Solicitor
Reg Russwurm, Director of Engineering and Public Works
Jim McCannell, Manager of Roads and Drainage

G. Attached

1. Draft By-law to Impose a Charge for Summer and Winter Maintenance Services within the Castle Glen Thunder Hill Development
2. Letter to Residents

Respectfully submitted,

Ruth Prince

Ruth Prince, Manager of Revenue

Robert Cummings

Robert W. Cummings, CPA, CMA
Director of Finance & IT Services

For more information, please contact:

Ruth Prince
rprince@thebluemountains.ca
519-599-3131 x228

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2014-

BEING A BY-LAW TO IMPOSE A CHARGE FOR SUMMER AND WINTER MAINTENANCE SERVICES FOR CASTLE GLEN THUNDERHILL DEVELOPMENT

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 on persons for winter maintenance services;

WHEREAS the highways were dedicated as public highways on the plans;

AND WHEREAS the Town has not passed a by-law pursuant to the Act assuming the highways for public use and the Town is not responsible in law for maintaining and keeping the highways in a reasonable state of repair, including providing summer and winter maintenance services;

AND WHEREAS the person performing winter maintenance services on behalf of the benefitting owners has advised the Town and the benefitting owners that it no longer intends to provide the winter maintenance services effective December 31, 2011 and the benefitting owners have requested the Town to provide the winter maintenance services;

AND WHEREAS the Town has agreed to provide the summer and winter maintenance services at benefitting owners sole cost and expense;

AND WHEREAS the Council deems it necessary to impose upon the benefitting owners a charge to pay the cost of providing the summer and winter maintenance services:

NOW THEREFORE the Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

Definitions

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

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

“benefit” means a benefit accruing to the benefitting owners which is derived or derivable from the winter maintenance services;

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

“benefitting property” means a separately assessed property fronting on a highway as described in Schedule “A”;

“cost” means the costs incurred by the Town of providing the summer and winter maintenance services;

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

“highways” means the streets and lanes dedicated as public highways on the plans;

“plans” means Registered Plans 910 and 921.

“summer maintenance services” means gravel maintenance and road signage.

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

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

“unit” means a residential dwelling unit;

“winter maintenance services” means snowplowing and sanding the highways and includes other maintenance work on the highways related to snowplowing and sanding

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.

Costs

2. The cost of the summer and winter maintenance services to be paid by the benefitting owners is set out in Schedule “B”.

Charges Imposed

3. The roll number and description of each benefitting owner’s benefitting property and the number of units on each benefitting property for which a 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.
4. A charge for summer and winter maintenance services on a per unit basis in the amounts set out in Schedule “C” is hereby imposed on each of the benefitting owners to pay cost of the winter maintenance services.
5. 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 charges as set out in section 4 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.

Charges Due and Payable

6. The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are due and payable in accordance with the provisions of Schedule “C”.

Collection of Cost Recovery for Summer and Winter Maintenance Services

7. The Treasurer is hereby authorized and directed to add the charges to the tax rolls for the benefitting properties in accordance with subsection 398(2) of the Act and to collect the charges in the same manner as municipal taxes.

Non-payment of Fees

8. On all charges which are in default on the day following each due date a penalty of 1 ¼ per cent shall be added and thereafter a penalty 1 ¼ per cent per month will be added on the first day of each and every month the default continues until December 31 in the current year. On all charges in default on January 1 of the following year, interest will be added at the rate of 1 ¼ per cent per month for each month or fraction thereof of default.
9. No application shall be made to the Ontario Municipal Board under clause 71(c) of the *Ontario Municipal Board Act* on the grounds that the winter maintenance services charges imposed under this By-law are unfair or unjust.

Administration

10. This By-law shall be administered and enforced by the Treasurer.
11. This By-law is not a by-law to assume the highways for public use.

Schedules

12. Schedules “A”, “B” and “C” are hereby declared to form part of this By-law.
13. This By-law shall come into force and take effect upon the enactment thereof.

ENACTED AND PASSED this ____ day of _____, 2014

The Corporation of the Town of The Blue Mountains

.....
Ellen Anderson, Mayor

.....
Corrina Giles, Clerk

DRAFT

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2014 -

Schedule "A"

BENEFITTING PROPERTIES

Roll Number	Legal Description	Number of Units
424200000217700000	PLAN 910 LOT 1	1
424200000217800000	PLAN 910 LOT 2	1
424200000217900000	PLAN 910 LOT 3	1
424200000218000000	PLAN 910 LOT 4	1
424200000218100000	PLAN 910 LOT 5	1
424200000218200000	PLAN 910 LOT 6	1
424200000218300000	PLAN 910 LOT 7	1
424200000218400000	PLAN 910 LOT 8	1
424200000218500000	PLAN 910 LOT 9	1
424200000218600000	PLAN 910 LOT 10	1
424200000218700000	PLAN 910 LOT 11	1
424200000218800000	PLAN 910 LOT 12	1
424200000218900000	PLAN 910 LOT 13	1
424200000219000000	PLAN 910 LOT 14	1
424200000219100000	PLAN 910 LOT 15	1
424200000219200000	PLAN 910 LOT 16	1
424200000219300000	PLAN 910 LOT 17	1
424200000219400000	PLAN 910 LOT 18	1
424200000219500000	PLAN 910 LOT 19	1
424200000219700000	PLAN 910 LOT 20	1
424200000219800000	PLAN 910 LOT 21	1
424200000219900000	PLAN 910 LOT 22	1
424200000220000000	PLAN 910 LOT 23	1
424200000220100000	PLAN 910 LOT 24	1
424200000220200000	PLAN 910 LOT 25	1
424200000220300000	PLAN 910 LOT 26	1
424200000220400000	PLAN 910 LOT 27	1
424200000220500000	PLAN 910 LOT 28	1
424200000220600000	PLAN 910 LOT 29	1
424200000220700000	PLAN 910 LOT 30	1
424200000220800000	PLAN 910 LOT 31	1
424200000220900000	PLAN 910 LOT 68	1
424200000221000000	PLAN 910 LOT 69	1
424200000221100000	PLAN 910 LOT 70	1
424200000221200000	PLAN 910 LOT 71	1
424200000221300000	PLAN 910 LOT 72	1
424200000221400000	PLAN 910 LOT 73	1
424200000221500000	PLAN 910 LOT 74	1
424200000221600000	PLAN 910 LOT 75	1
424200000221700000	PLAN 910 LOT 76	1
424200000221800000	PLAN 910 LOT 77	1
424200000221900000	PLAN 910 LOT 78	1
424200000222000000	PLAN 910 LOT 79	1
424200000222100000	PLAN 910 LOT 80	1
424200000222200000	PLAN 910 LOT 81	1
424200000222300000	PLAN 910 LOT 51	1
424200000222400000	PLAN 910 LOT 50	1

424200000222500000	PLAN 910 LOT 49	1
424200000222600000	PLAN 910 LOT 48	1
424200000222700000	PLAN 910 LOT 47	1
424200000222800000	PLAN 910 LOT 46	1
424200000222900000	PLAN 910 LOT 45	1
424200000223000000	PLAN 921 LOT 1	1
424200000223100000	PLAN 921 LOT 2	1
424200000223200000	PLAN 921 LOT 3	1
424200000223300000	PLAN 921 LOT 4	1
424200000223400000	PLAN 921 LOT 5	1
424200000223500000	PLAN 921 LOT 6	1
424200000223600000	PLAN 921 LOT 7	1
424200000223700000	PLAN 921 LOT 8	1
424200000223800000	PLAN 921 LOT 9	1
424200000223900000	PLAN 921 LOT 10	1
424200000224000000	PLAN 921 LOT 11	1
424200000224100000	PLAN 921 LOT 12	1
424200000224200000	PLAN 921 LOT 13	1
424200000224300000	PLAN 921 LOT 14	1
424200000224400000	PLAN 921 LOT 15	1
424200000224500000	PLAN 921 LOT 16	1
424200000224600000	PLAN 921 LOT 17	1
424200000224700000	PLAN 921 LOT 18	1
424200000224800000	PLAN 921 LOT 19	1
424200000224900000	PLAN 921 LOT 20	1
424200000225000000	PLAN 921 LOT 21	1
424200000225100000	PLAN 921 LOT 22	1
424200000225200000	PLAN 921 LOT 23	1
424200000225300000	PLAN 921 LOT 24	1
424200000225400000	PLAN 921 LOT 25	1
424200000225600000	PLAN 921 LOT 26	1
424200000225700000	PLAN 921 LOT 27	1
424200000225800000	PLAN 921 LOT 28	1
424200000225900000	PLAN 921 LOT 29	1
4242000002259010000	PLAN 921 LOT 30	1
424200000226000000	PLAN 921 LOT 31	1
4242000002260010000	PLAN 921 LOT 32	1
424200000226100000	PLAN 921 LOT 33	1
4242000002261010000	PLAN 921 LOT 34	1
424200000226200000	PLAN 921 LOT 35	1
Total Benefitting Properties		87

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2014 -

Schedule "B"

Cost of the Winter Maintenance Services

Blue Mountain Four Season Ltd Winter Maintenance	\$24,863.28
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Total Costs for Winter Maintenance Services **\$24,863.28**

Costs of the Summer Maintenance Services

Town of The Blue Mountains – Sign Maintenance and Grass Cutting	\$ 462.98
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Total Costs for Summer Maintenance Services **\$ 462.98**

TOTAL COST FOR SUMMER AND WINTER MAINTENANCE **\$25,326.26**

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THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2014 -

Schedule "C"

Cost of Summer and Winter Maintenance Services (Per Unit)

Total Units = 87

\$291.11

The charges imposed by this By-law constitute a debt of the benefitting owners to the Town and are payable on the 2014 Final Property Tax bill (less the amount on the interim) and will be due on the dates the municipal taxes are due.

DRAFT



Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, ON N0H 2P0

Tel: (519) 599-3131 / Fax (519) 599-2474
Email: info@thebluemountains.ca
Website: www.thebluemountains.ca

May 20, 2014

Name
Address

**RE: Castle Glen Thunderhill Development Summer and Winter Maintenance
Cost Recovery
Roll #**

Dear Resident,

A proposed draft Cost Recovery By-law will impose charges on your property relating to summer and winter maintenance that occurred between September 1, 2013 and April 30, 2014 at Castle Glen Thunderhill Development. The current draft By-law proposes that as the owner of the property, you will be assessed a total charge of \$291.11. Upon passage of the By-law, the amount due will be added to the final property tax bill (less the amount paid on the interim property tax bill) with 2 payment installments of August 27, 2014 and October 29, 2014.

A full report will be presented to Council through the Finance and Administration Committee of the Whole on June 9, 2014. This report will be available on the Town's website at www.thebluemountains.ca within the Finance and Administration Committee of the Whole Meeting Agenda and document package after June 4, 2013. Alternatively, copies of same can be made available by contacting the Town Office.

Please see below for an estimated timeline for completion of the various steps in the finalization of the billing process.

Timeline

May 20, 2014	Letter to residents with costs and Notice of Intent to Enact a By-law
June 09, 2014	Report FIT.14.28 to Finance & Administration Committee of the Whole
June 23, 2014	Enact By-law

For information regarding the scope of the work completed contact **Jim McCannell**, Manager of Roads and Drainage at jmccannell@thebluemountains.ca or **519-599-3131 x271**. For information regarding the cost of the work assignment, please contact **Ruth Prince**, Manager of Revenue at rprince@thebluemountains.ca or **519-599-3131 x228**.

Sincerely,

The Town of The Blue Mountains