

The Corporation of the Town of The Blue Mountains

By-law Number 2013 - 30

Being a by-law to authorize the undertaking of private sewage works as a local improvement on private property – Grey Condominium Corporation No. 28

Whereas Part XII of the Act and the Regulation enables a municipality to undertake local improvements on private property by agreement;

And Whereas the Corporation and all of the Unit Owners have made an application to the Town for the Town to undertake the private sewage works as a local improvement on private property;

And Whereas the Town has agreed to undertake the private sewage works as a local improvement on private property and to provide financing for the installation costs of the private sewage works in accordance with the provisions of an agreement between the Corporation, the Town and the Unit Owners made pursuant to section 36.2 of the Regulation;

And Whereas the Regulation provides that the Town may raise the cost of undertaking the private sewage works as a local improvement on private property by imposing special charges on all of the units and that the special charges imposed in accordance with the Regulation have priority lien status as described in Section 1 of the Act;

And Whereas the Corporation, the Town and the Unit Owners have entered into an agreement in accordance with section 36.2 of the Regulation and the Town Clerk has certified this agreement as sufficient in accordance with section 36.4 of the Regulation;

And Whereas the Town has given public notice of its intention to pass this by-law in accordance with section 36.6 of the Regulation;

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

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

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

“agreement” means the agreement between the Corporation, the Town and the Unit Owners made pursuant to section 36.2 of the Regulation certified by the Town Clerk as sufficient in accordance with section 36.4 of the Regulation;

“Corporation” means Grey Condominium Corporation No. 28 consisting of thirty eight (38) units and the common elements all as described in the condominium declaration for the Corporation registered in the Grey Registry Office No. 16 as Instrument No. 287715;

“Council” means the council of the Town;

“private property” means all of the units and the common elements of the Corporation;

“private sewage works” means the sewage works described in Building Permit No. PRSS20120000434 issued by the Town for the installation of the private sewage works which includes the plans, specifications and drawings and any other information on the basis of which the permit was issued;

“Regulation” means Ontario Regulation 586/06, as amended;

“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 his designate;

“unit” means a unit described in the condominium declaration for the Corporation;

“Unit Owner” means the registered owner of an estate in fee simple of a 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.

2. The Council hereby authorizes the property sewage works to be undertaken as a local improvement on private property in accordance with the provisions of the Regulation and the agreement at an estimated installation cost of \$795,000.
3. The installation costs of the private sewage works shall be raised by imposing special charges on all of the units by a special charges by-law passed pursuant to section 36.14 of the Regulation and the special charges shall be paid by the Unit Owners in the manner set out in the agreement and the special charges by-law.
4. The special charges imposed by the special charges by-law shall have priority lien status as described in Section 1 of the Act;
5. This By-law shall be administered by the Treasurer.
6. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 15th day of July, 2013

The Corporation of the Town of The Blue Mountains

Ellen Anderson, Mayor

Corrina Giles, Clerk