

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 31

Being a By-law to impose capital sewer charges for the use of the Town's Sewage System (Grey Condominium Corporation #28)

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 the 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 Council deems it necessary to impose upon the benefitting owners, capital sewer charges for the use of the sewage system to pay a portion of the capital costs of the sewage system;

And Whereas the Town has held a public meeting before passing this By-law and has provided Notice of the Public Meeting and its intentions to pass this By-law and has made available to members of the public information with respect to the capital sewer charges.

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 a separately assessed property connected to and receiving a benefit from the sewage system;

“capital sewer charge” means the capital sewer charge on a per unit basis in the amount set out in Schedule “B” imposed by this by-law on the benefitting owners receiving a benefit of the sewage system;

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

“sewage system” means the Thornbury Wastewater Treatment Plant and the Highway 26 Trunk sewage works, all of which are necessary for the collection, transmission, treatment and disposal of sewage from the benefitting properties;

“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.

Capital Costs

2. The portion of the capital sewer charges for the use of the sewage system to be paid by the benefitting owners under this By-law is \$10,207.00 for each unit on a benefitting property as set out in Schedule "B".

Charges Imposed

3. The name of each benefitting owner on which a capital sewer charge is imposed by this By-law, the roll number and description of the benefitting owner's benefitting property and the number of units on the benefitting property is as 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 capital sewer charge on a per unit basis for the use of the sewage system in the amount set out in Schedule "B" is hereby imposed on each benefitting owners set out in Schedule "A" to pay for a portion of the existing sewage works.
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 capital sewer charges are 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.

Notification

6. The Treasurer shall forthwith after the enactment of this By-law mail to the benefitting owners, by prepaid regular mail, a copy of this By-law together with an explanation of this By-law and an election form prescribed by the Treasurer for the purpose of the benefitting owners making the election referred to in Section 10.

Charges Due and Payable

7. The capital sewer charges imposed by this By-law constitute a debt of the benefitting owners to the Town and subject to Section 10, are hereby due and payable on June 15, 2016.
8. In the event a benefitting owner makes the payment election provided for in Section 10 by June 15, 2016, 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 10 and the instalment provisions as set out in Schedule "B".
9. In the event a benefitting owner fails to make a payment election provided for in Section 10 by June 15, 2016, the full amount of the capital sewer charge imposed on that benefitting owner by this By-law shall become due and payable on June 15, 2016.

Payment Options

10.
 - 1) A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 15, 2016, in the form prescribed by the Treasurer in accordance with Section 6, to pay the capital sewer charge in instalments, with interest thereon as set out in Schedule "B".
 - 2) Subject to Section 10(3), a benefitting owner may at any time or times pay the whole unpaid balance of the capital sewer charge together with interest thereon to the date of payment.
 - 3) And further provided that 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

11. 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.
12. 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

13. On all capital sewer charges which are in default on the day following each due date a penalty of 1 ¼ percent shall be added and thereafter a penalty 1 ¼ percent 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 capital sewer charges in default on January 1 of the following year, interest will be added at the rate of 1 ¼ percent per month for each month or fraction thereof of default.

Application to the Ontario Municipal Board

14. 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

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

Schedules

16. Schedules "A", and "B" are hereby declared to form part of this By-law.
17. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed on this 9th day of May, 2016.

John McKean, Mayor

Corrina Giles, Clerk

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 31

Schedule "A"

Benefitting Properties

Roll Number	Legal Description	Number of Units
6421090000	GREY CONDO PLAN 28 UNIT 5	1
6421100000	GREY CONDO PLAN 28 UNIT 6	1
6421110000	GREY CONDO PLAN 28 UNIT 7	1
6421120000	GREY CONDO PLAN 28 UNIT 4	1
6421130000	GREY CONDO PLAN 28 UNIT 3	1
6421140000	GREY CONDO PLAN 28 UNIT 8	1
6421150000	GREY CONDO PLAN 28 UNIT 9	1
6421160000	GREY CONDO PLAN 28 UNIT 2	1
6421170000	GREY CONDO PLAN 28 UNIT 1	1
6421180000	GREY CONDO PLAN 28 UNIT 10	1
6421190000	GREY CONDO PLAN 28 UNIT 11	1
6421080000	GREY CONDO PLAN 28 UNIT 12	1
6421200000	GREY CONDO PLAN 28 UNIT 13	1
6421210000	GREY CONDO PLAN 28 UNIT 14	1
6421220000	GREY CONDO PLAN 28 UNIT 15	1
6421230000	GREY CONDO PLAN 28 UNIT 16	1
6421240000	GREY CONDO PLAN 28 UNIT 17	1
6421250000	GREY CONDO PLAN 28 UNIT 18	1
6421260000	GREY CONDO PLAN 28 UNIT 19	1
6421270000	GREY CONDO PLAN 28 UNIT 20	1
6421280000	GREY CONDO PLAN 28 UNIT 21	1
6421290000	GREY CONDO PLAN 28 UNIT 22	1
6421050000	GREY CONDO PLAN 28 UNIT 23	1
6421300000	GREY CONDO PLAN 28 UNIT 24	1
6421310000	GREY CONDO PLAN 28 UNIT 25	1
6421320000	GREY CONDO PLAN 28 UNIT 26	1
6421330000	GREY CONDO PLAN 28 UNIT 27	1
6421340000	GREY CONDO PLAN 28 UNIT 28	1
6421350000	GREY CONDO PLAN 28 UNIT 29	1
6421360000	GREY CONDO PLAN 28 UNIT 30	1
6421370000	GREY CONDO PLAN 28 UNIT 31	1
6421380000	GREY CONDO PLAN 28 UNIT 32	1
6421040000	GREY CONDO PLAN 28 UNIT 33	1
6421010000	GREY CONDO PLAN 28 UNIT 34	1
6421020000	GREY CONDO PLAN 28 UNIT 35	1
6421030000	GREY CONDO PLAN 28 UNIT 36	1
6421060000	GREY CONDO PLAN 28 UNIT 37	1
6421070000	GREY CONDO PLAN 28 UNIT 38	1

The Corporation of The Town of The Blue Mountains

By-law Number 2016 – 31

Schedule “B”

Description and Capital Cost of the Existing Sewage Works

Capital Sewer Charge –Sewage Plant

(per unit)

\$3,661.00 (Interest Bearing)

Capital Sewer Charge – Camperdown Area Specific Sewage Collection Works

(per unit)

\$6,546.00 (Non-Interest Bearing)

Total Capital Sewer Charge Imposed

(per unit)

\$10,207.00

Payment Options

A benefitting owner may elect, by notice of election delivered to the Treasurer by no later than June 15, 2016, in the form prescribed by the Treasurer in accordance with Section 6, to pay the capital sewer charge in instalments as follows:

- (a) the capital sewer charge (Collection Works) of \$6,546 over a period of Fifteen (15) years in four instalments per year. Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2016 to and including the last municipal tax instalment of 2030, and the balance of this capital sewer charge shall be due and payable on the date of the last municipal tax instalment of 2030, or
- (b) the capital sewer charge (Collection Works) of \$6,546 over a period of Twenty (20) years in four instalments per year. Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2016 to and including the last municipal tax instalment of 2035, and the balance of this capital sewer charge shall be due and payable on the date of the last municipal tax instalment of 2035, and
- (c) the capital sewer charge (Sewage Plant) of \$3,661 with interest thereon at the rate of 2.85% per annum over a period of Fifteen (15) years in four instalments per year (which include a portion of the capital sewer charge and interest thereon). Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2016 to and including the last municipal tax instalment of 2030 (such instalments to be applied first in payment of the interest due from time to time, and the balance applied in reduction of the capital sewer charge owing), and the balance of these capital sewer charge with interest thereon as aforesaid shall be due and payable on the date of the last municipal tax instalment of 2030, or
- (d) the capital sewer charge (Sewage Plant) of \$3,661 with interest thereon at the rate of 3.14% per annum over a period of Twenty (20) years in four instalments per year (which include a portion of the capital sewer charge and interest thereon). Instalments will be due on the dates the municipal taxes are due in each and every year from and including the first instalment in 2016 to and including the last municipal tax instalment of 2035 (such instalments to be applied first in payment of the interest due from time to time, and the balance applied in reduction of the capital sewer charge owing), and the balance of these capital sewer charge with interest thereon as aforesaid shall be due and payable on the date of the last municipal tax instalment of 2035.