

# **The Corporation of The Town of The Blue Mountains**

## **By-law Number 2016 – 32**

### **Being a by-law to impose special charges for the undertaking of private sewage works as a local improvement on private property – Grey Condominium Corporation No. 28**

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

**And Whereas** on July 15, 2013 the Corporation, the Town and the Unit Owners entered into the agreement in accordance with section 36.2 of the Regulation and the Town Clerk has certified this agreement as a sufficient in accordance with section 36.4 of the Regulation;

**And Whereas** The Town enacted By-law 2013-30 on July 15, 2013 authorizing the private sewage works to be undertaken as a local improvement on private property in accordance with the provisions of the Regulation and the agreement;

**And Whereas** the private sewage works have now been installed and the Treasurer has prepared a local improvement roll in accordance with the requirements of section 36.10 and has given notice of this proposed local improvement roll in accordance with section 36.11(1) of the Regulation;

**And Whereas** the Treasurer on May 4, 2014 certified this proposed local improvement roll in accordance with section 36.11(2) of the Regulation (the “certified roll”)

**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;

**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;

“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 a sufficient in accordance with section 36.4 of the Regulation;

“certified roll” means local improvement roll certified by the Treasurer on May 4, 2016, a copy of which is attached as schedule “A” to this by-law;

“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;

“owner” means the registered owner of an estate in fee simple of a unit in the corporation;

“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 their designate;

“unit” means a unit in the Corporation.

**Special Charges**

2. The amount of \$22,371.75 specially charged on each unit as set out in the certified roll is sufficient to raise that unit’s share of the cost of private sewage works in accordance with the payment provisions set out in the certified roll.
3. A special charge of \$22,371.75 is imposed on each unit payable in full on June 15, 2016 or payable with interest thereon by such annual installment payments the unit owner may elect to pay in accordance with the requirements of the certified roll.
4. The special charges imposed shall have priority lien status as described in Section 1 of the Act;

**Administration**

5. This By-law shall be administered and by the Treasurer.

**Schedules**

6. Schedule “A” is hereby declared to form part of this By-law.
7. This By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed on this 9<sup>th</sup> day of May, 2016.

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John McKean, Mayor

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Corrina Giles, Clerk

# The Corporation of The Town of The Blue Mountains

## By-law Number 2016 – 32

### Schedule “A”

#### Certified Local Improvement Roll

- a) Municipal Act, 2001, as amended
- b) Ontario Regulation 586/06 as amended (the “Regulation”)
- c) Certified Local Improvement Roll (the “Roll”)
- d) In this Roll:

“Agreement” means the agreement made July 15, 2013 between the Corporation, the Town and the Unit Owners pursuant to section 36.2 of the Regulation certified by the Town Clerk as a 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;

“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;

“Special Charge” means the amount \$22,371.75 proposed to be specially charged on each Unit set out in the proposed Roll as set out in Schedule “A” hereto;

“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 unit in the Corporation;

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

1. 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. On July 15, 2013 the Corporation, the Town and the Unit Owners entered into the Agreement in accordance with section 36.2 of the Regulation and the Town Clerk has certified this Agreement as a sufficient in accordance with section 36.4 of the Regulation.
2. The Town has enacted By-law 2013-30 on July 15, 2013 authorizing the Private Sewage Works to be undertaken as a local improvement on private property in accordance with the provisions of the Regulation and the Agreement.
3. The Private Sewage Works have now been installed and the Treasurer has prepared this proposed Roll setting out the matters referred to in section 36.10 of the Regulation.
4. the following are the costs of the Private Sewage Works which will have a lifetime of 75 years:

Construction Costs	\$659,244.66
Engineering Costs	\$179,043.23
Legal Costs	\$2,591.37
Miscellaneous (Advertising etc.)	\$6,496.35
Financing Charges	<u>\$2,750.86</u>
SUB-TOTAL	\$850,126.47
Total Benefitting Units	38
Special Charge per unit	\$22,371.75

5. Each Unit will be specially charged by the Town in accordance with the Agreement and this Roll in the amounts set out in Schedule "A" to this proposed Roll by the Town enacting a Special Charges By-law in accordance with Section 36.14 of the Regulation (the "By-law").
6. The Special Charges to be imposed by the By-law and subject to section 10, will become due and payable on June 15, 2016.
7. In the event a Unit Owner makes the election provided for in section 10 by June 15, 2016, the Special Charge imposed on that Unit shall become due and payable in the amounts, at the times and in accordance with section 10. .
8. In the event a Unit Owner fails to make an election provide for in section 10 by June 15, 2016 the full amount of the Special Charge imposed on that owner's Unit shall become due and payable on June 15, 2016.
9. In the event a Unit Owner makes an election provided for in section 10 by June 15, 2016, the Special Charge to be imposed on that Unit by the By-law will become due and payable in the amounts, at the times and in accordance with section 10.
10.
  - 1) A Unit Owner may elect, by notice of the payment election form delivered to the Treasurer no later than June 15<sup>th</sup>, 2016, in the form prescribed by the Treasurer in accordance with section 9, to pay the Special Charge of \$22,371.75 together with interest thereon in annual payments of \$1,991.09 at the rate of 3.85 percent per annum over a period of fifteen (15) years in four instalments per year (which include a portion of the special 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 two payments in 2016 to and including the interim tax instalments of 2031, (such instalments to be applied first in payment of the interest due from time to time, and the balance to be applied in reduction of the Special charge owing) and the balance of the special charge with interest thereon as aforesaid shall be due an payment on the date of the municipal instalments of 2031.
  - 2) A Unit Owner may elect, by notice of the payment election delivered to the Treasurer no later than June 15<sup>th</sup>, 2016, in the form prescribed by the Treasurer in accordance with section 9, to pay the Special Charge of \$22,371.75 together with interest thereon in annual payments of \$1,666.62 at the rate of 4.14 percent per annum over a period of twenty (20) years in four instalments per year (which include a portion of the special 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 two payments in 2016 to and including the interim tax instalments of 2036, (such instalments to be applied first in payment of the interest due from time to time, and the balance to be applied in reduction of the Special charge owing) and the balance of the special charge with interest thereon as aforesaid shall be due an payment on the date of the municipal instalments of 2036.
  - 3) Subject to section 10(4), a Unit Owner may at any time or times pay the whole unpaid balance of the Special Charge together with interest thereon to the date of payment.
  - 4) And further provided that in the event of a Unit Owner selling, conveying or transferring title to the Unit to any person or corporation the unpaid balance of
11. The Treasurer shall in accordance with Section 36.11 of the Regulation give notice of this proposed Roll to the Unit Owners by prepaid regular mail, together with a payment election form prescribed by the Treasurer for the purpose of the Unit Owners making the election referred to in section 10.

**Schedule "A"**

<b>Roll Number</b>	<b>Legal Description</b>	<b>Per Unit Cost</b>
000006421090000	GREY CONDO PLAN 28 UNIT 1	\$ 22,371.75
000006421100000	GREY CONDO PLAN 28 UNIT 10	\$ 22,371.75
000006421110000	GREY CONDO PLAN 28 UNIT 11	\$ 22,371.75
000006421120000	GREY CONDO PLAN 28 UNIT 12	\$ 22,371.75
000006421130000	GREY CONDO PLAN 28 UNIT 13	\$ 22,371.75
000006421140000	GREY CONDO PLAN 28 UNIT 14	\$ 22,371.75
000006421150000	GREY CONDO PLAN 28 UNIT 15	\$ 22,371.75
000006421160000	GREY CONDO PLAN 28 UNIT 16	\$ 22,371.75
000006421170000	GREY CONDO PLAN 28 UNIT 17	\$ 22,371.75
000006421180000	GREY CONDO PLAN 28 UNIT 18	\$ 22,371.75
000006421190000	GREY CONDO PLAN 28 UNIT 19	\$ 22,371.75
000006421080000	GREY CONDO PLAN 28 UNIT 2	\$ 22,371.75
000006421200000	GREY CONDO PLAN 28 UNIT 20	\$ 22,371.75
000006421210000	GREY CONDO PLAN 28 UNIT 21	\$ 22,371.75
000006421220000	GREY CONDO PLAN 28 UNIT 22	\$ 22,371.75
000006421230000	GREY CONDO PLAN 28 UNIT 23	\$ 22,371.75
000006421240000	GREY CONDO PLAN 28 UNIT 24	\$ 22,371.75
000006421250000	GREY CONDO PLAN 28 UNIT 25	\$ 22,371.75
000006421260000	GREY CONDO PLAN 28 UNIT 26	\$ 22,371.75
000006421270000	GREY CONDO PLAN 28 UNIT 27	\$ 22,371.75
000006421280000	GREY CONDO PLAN 28 UNIT 28	\$ 22,371.75
000006421290000	GREY CONDO PLAN 28 UNIT 29	\$ 22,371.75
000006421050000	GREY CONDO PLAN 28 UNIT 3	\$ 22,371.75
000006421300000	GREY CONDO PLAN 28 UNIT 30	\$ 22,371.75
000006421310000	GREY CONDO PLAN 28 UNIT 31	\$ 22,371.75
000006421320000	GREY CONDO PLAN 28 UNIT 32	\$ 22,371.75
000006421330000	GREY CONDO PLAN 28 UNIT 33	\$ 22,371.75
000006421340000	GREY CONDO PLAN 28 UNIT 34	\$ 22,371.75
000006421350000	GREY CONDO PLAN 28 UNIT 35	\$ 22,371.75
000006421360000	GREY CONDO PLAN 28 UNIT 36	\$ 22,371.75
000006421370000	GREY CONDO PLAN 28 UNIT 37	\$ 22,371.75
000006421380000	GREY CONDO PLAN 28 UNIT 38	\$ 22,371.75
000006421040000	GREY CONDO PLAN 28 UNIT 4	\$ 22,371.75
000006421010000	GREY CONDO PLAN 28 UNIT 5	\$ 22,371.75
000006421020000	GREY CONDO PLAN 28 UNIT 6	\$ 22,371.75
000006421030000	GREY CONDO PLAN 28 UNIT 7	\$ 22,371.75
000006421060000	GREY CONDO PLAN 28 UNIT 8	\$ 22,371.75
000006421070000	GREY CONDO PLAN 28 UNIT 9	\$ 22,371.75

Total Cost of the Works \$ 850,126.47

Lifetime of the Work 75 Years

Certified May 4, 2016 – Ruth Prince – Treasurer