

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Impose Storm and Sanitary Sewer Charges Upon Owners of
Land Abutting Rymal Road East from Approximately 150 Metres East of
Intersection with Messena Drive to Approximately 55 Metres West of Intersection
with Republic Avenue, in the City of Hamilton**

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm and Sanitary Sewer Works including Storm and Sanitary Private Drain Connections on Rymal Road East from approximately 150 metres east of intersection with Messena Drive to approximately 55 metres west of intersection with Republic Avenue, in the City of Hamilton (the “Works”), by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170);

WHEREAS the Developer, 1333664 Ontario Inc., in satisfaction of terms and conditions of External Works Agreement 323 Rymal Road East, DA-20-009, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$50,061.58, and this amount is the total amount eligible to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and has been funded from the City’s development charge reserve fund and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001, S.O., 2001, c. 25* as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999, S.O., 1999, c.14*, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,
 - (a) **“Assessed Owner(s)”** means the owners of land who benefit from the construction of the Works described in Schedule “B”.
 - (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
 - (c) **“Charges”** means the amount to be recovered from benefitting property owners as described in Schedule “B”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-Law comes into force and ending on the date which it expires.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Benefitting Properties
Schedule “B”:	Storm Sewer, Sanitary Sewer and Storm and Sanitary Private Drain Connection Charges

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Charges shall be based on a per metre frontage charge based on actual as construction costs divided by the frontage of the benefitting lands. The Storm and Sanitary Private Drain Connections are based on a flat rate charge per connection. The Storm Sewer charge of \$535.62 per metre of property frontage and \$844.68 for each Storm Private Drain Connection is attributable to each Assessed Owner of an existing residential lot and a Sanitary Sewer Charge of \$485.44 per metre of property frontage and \$844.68 for each Sanitary Private Drain Connection is attributable to each Assessed Owner of an existing residential lot. These Charges will be indexed from the date of construction completion, December 9, 2022, in

accordance with the City of Hamilton's 15-year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. For each Benefitting Property, the amount resulting from the application of the Charges (the "indebtedness") shall become due and payable and shall be collected upon the issuance of a Permit during the Effective Period for the connection of that Benefitting Property to the Works.
8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton's then-current 15 year borrowing rate (2025 rate 4.50%).
9. Despite Section 8, an Assessed Owner of a Parcel described in Schedule "B" may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Date By-Law Effective

11. This By-law shall come into force on the day following the date of its passing.

Date By-Law Expires

12. This By-law does not expire.

Application of By-Law

13. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk



Schedule "B" to By-Law No.

Rymal Road East
Storm, Sanitary Sewer and Storm and Sanitary Drain Connection Charges Upon Owners of Land Abutting Rymal Road East from Approximately 150 Metres East of Intersection with Massena Drive to Approximately 55 Metres West of Intersection with Republic Avenue, in the City of Hamilton.

Sewer Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge	Sanitary Sewer Charge	Storm Private Drain Connection Charge	Sanitary Private Drain Connection Charge	Total Charge
335 Rymal Road East	070 851 00280	CON 8 PT LOT 11 BTN HAM REG 0.24AC 75.00FR 142.00D	22.860	\$12,244.27	\$11,097.16	\$844.68	\$844.68	\$25,030.79
341 Rymal Road East	070 851 00340	CON 8 PT LOT 11 BTN HAM REG 0.25AC 75.00FR 143.00D	22.860	\$12,244.27	\$11,097.16	\$844.68	\$844.68	\$25,030.79
TOTAL				\$24,488.54	\$22,194.32	\$1,689.36	\$1,689.36	\$50,061.58

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Impose Storm Sewer (Including New Road), Sanitary Sewer and Watermain Charges Upon Owners of Land Abutting Cormorant Road from Approximately 90 Metres West of Tradewind Drive to Trinity Road South, in the City of Hamilton.

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm Sewer, (Including New Road), Sanitary Sewer and Watermain Works including Sanitary Private Drain Connections and Private Water Service Connections on Cormorant Road from approximately 90 metres west of Tradewind Drive to Trinity Road South, in the City of Hamilton (the “Works”), by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170);

WHEREAS the Developer, T. Valery (Chedoke Browlands) Development Inc., in satisfaction of terms and conditions of Subdivision Agreement Valery Ancaster Business Park/Cormorant Road Extension, 25T-200512, to be cost shared along with the City of Hamilton, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$85,578.07 in the event of Site Plan Application. In the event of Consent to Sever Application, the recoverable cost will depend on the size of the newly created lots. These amounts are the total amounts eligible to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and has been funded from the City’s Development Charge reserve fund and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001, S.O., 2001, c. 25* as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999, S.O., 1999, c.14*, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,
 - (a) **“Assessed Owner(s)”** means the owners of land who benefit from the construction of the Works described in Schedule “B”.
 - (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
 - (c) **“Charges”** means the amount to be recovered from benefitting property owners as described in Schedule “B”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-Law comes into force and ending on the date which it expires.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Benefitting Properties
Schedule “B”:	Storm Sewer (Including New Road), Sanitary Sewer, Watermain and Sanitary Private Drain Connection and Private Water Service Connection Charges

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Charges shall be based on a per metre frontage charge based on actual as construction costs. The Sanitary Private Drain Connections and Water Service Laterals are based on a flat rate charge per connection. The Sanitary Private Drain Connection charge is \$3,430.21 for each connection and the Watermain Service Lateral charge is \$6,861.20 for each connection. These Charges will be indexed from the date of construction completion, August 19, 2020, until October 2020. Then the charges will be adjusted yearly in accordance with the City of Hamilton’s

15-year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. For each Benefitting Property, the amount resulting from the application of the Charges (the “indebtedness”) shall become due and payable and shall be collected upon the issuance of a Permit during the Effective Period for the connection of that Benefitting Property to the Works.
8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton’s then-current 15 year borrowing rate (2025 rate 4.50%).
9. Despite Section 8, an Assessed Owner of a Parcel described in Schedule “B” may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Date By-Law Effective

11. This By-law shall come into force on the day following the date of its passing.

Date By-Law Expires

12. This By-law does not expiry.

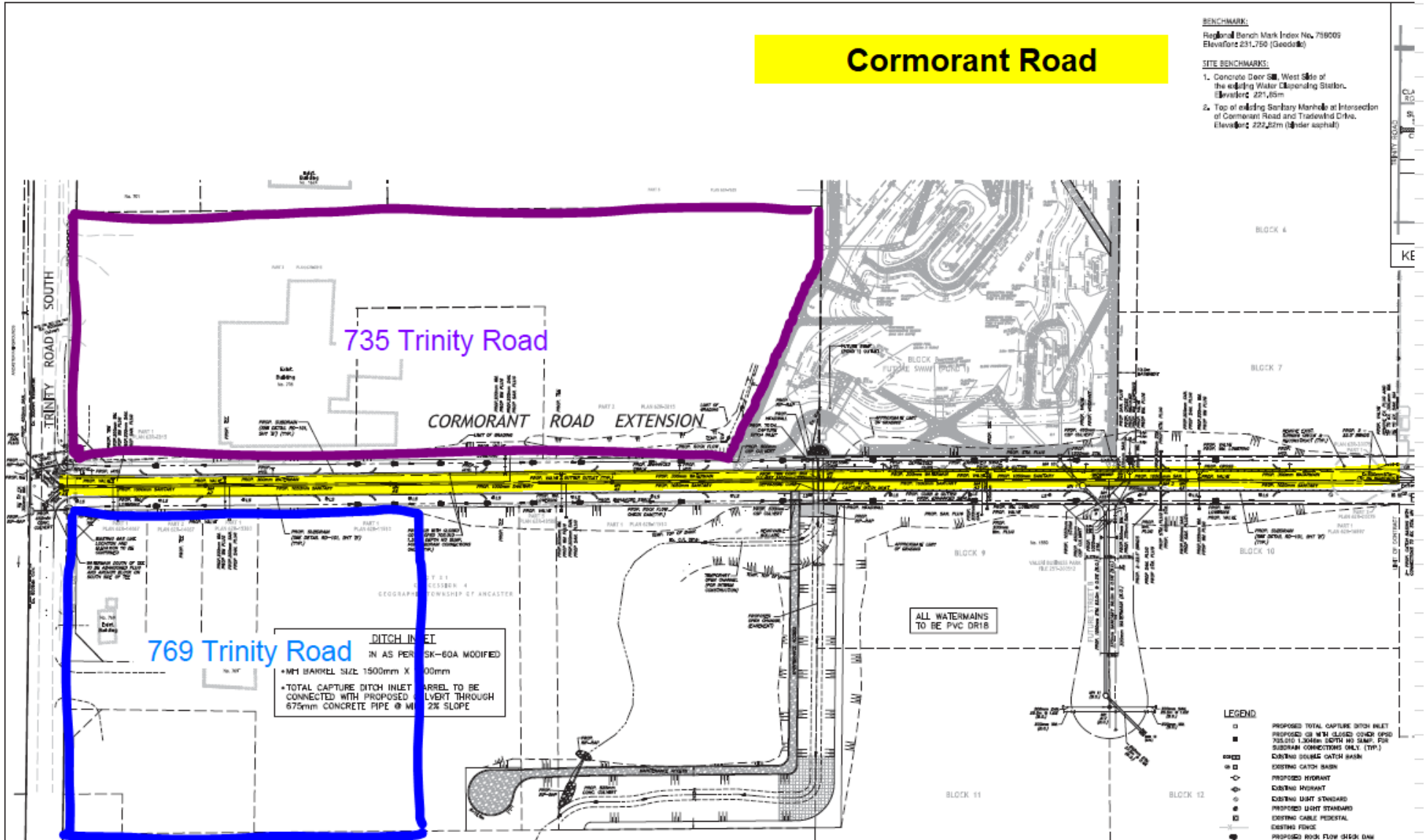
Application of By-Law

13. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk



Schedule “B” to By-Law No.

Cormorant Road

Storm Sewer, (Including New Road), Sanitary Sewer, Watermain, Private Sanitary Drain and Water Service Laterals Charges Upon Owners of Land Abutting Cormorant Road from Approximately 90 Metres West Tradewind Drive to Trinity Road South, in the City of Hamilton.

Sanitary Sewer and Watermain Charges for 769 Trinity Road South

	*769 Trinity Road South (PIN 174110328 and PIN 174110347)
Property Frontage (Metres)	135.00
Mainline Sanitary Sewer @\$251.03 per m/frontage	\$33,889.05
Private Sanitary Drain (2@\$3,430.21)	\$6,860.42
Mainline Watermain @\$281.24 per m/frontage	\$37,967.40
Water Service Lateral (1@\$6,861.20)	\$6,861.20
TOTAL	\$85,578.07

*In the event of site plan application or request for permit to connect to services at 769 Trinity Road; benefitting owner to pay the frontage rate for mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line.

Costs are based on as-constructed costs and to be paid prior to permit issuance.

Sanitary Sewer, Storm Sewer (Including New Road), and Watermain Charges for 769 and 735 Trinity Road South

	**735 Trinity Road South (PIN 174110365)	**769 Trinity Road South (PIN 174110328 and PIN 174110347
Property Frontage (Metres)	342.045	135.00
Road including Storm Sewer	\$1,567.00 per metre frontage	\$1,567.00 per metre frontage
Private Storm Drain	N/A	N/A
Mainline Sanitary Sewer	\$251.03 per metre frontage	\$251.03 per metre frontage
Private Sanitary Drain (2@\$3,430.21)	N/A	\$6,860.42
Mainline Watermain	\$281.25 per metre frontage	\$281.25 per metre frontage
Water Service Lateral (1@\$6,861.20)	N/A	\$6,861.20

**In the event of consent to sever application at 735 and 769 Trinity Road; for any newly created lots fronting Cormorant Road, the benefitting owner is to pay the frontage rate for road, mainline storm sewer, mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line. The frontage rate is based on as-constructed costs applied to the street frontage of the newly created lot. Benefitting owners are to pay the frontage rate for mainline watermain and mainline sanitary sewer and for individual private sanitary drains and water service laterals installed to the property line in accordance with an approved consent to sever application.

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Impose a Storm Sewer Charge Upon Owners of Land Abutting Fiddler’s Green Road from Approximately 45 Metres North of Douglas Road to Approximately 140 Metres Northerly, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm Sewer Work on Fiddler’s Green Road from approximately 45 metres north of Douglas Road to approximately 140 metres northerly, in the City of Hamilton, (the “Works”) by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170);

WHEREAS the Developer, 2749947 Ontario Inc., in satisfaction of terms and conditions of Consent Agreement for External Works, DA-18-207, 121 Fiddler’s Green Road, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$70,090.96 and this amount is to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001, S.O., 2001, c. 25* as amended and pursuant to section 14 of the *City of Hamilton Act, 1999, S.O., 1999, c.14*, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,
 - (a) **“Assessed Owners”** means the owners of land who benefit from the construction of the Works described in Schedule “B”.
 - (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
 - (c) **“Charges”** means the amount be recovered from benefitting property owners as described in Schedule “B”.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedule to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Completed Works
Schedule “B”:	Storm Sewer Charges

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Storm Sewer Frontage Charge shall be based on the local storm sewer component of the City of Hamilton Rates for Over-sized Works Constructed Under Subdivision Agreements in effect at the time of approval of a land severance application or upon connection to the storm sewer. The 2023 rate is \$139.28 per metre of property frontage. An added overhead charge will be applied to the current local storm sewer rate at the time of connection. In the event of development of the benefitting lands, the balance of the actual Storm Sewer Charge will be collected as a condition of a Development Application on the benefitting lands based on the actual cost rate of \$631.78 per metre of property frontage. These charges will be indexed from the date of construction completion, December 7, 2020, in accordance with the City of Hamilton’s 15 year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. The amount resulting from the application of the Charges (the “Indebtedness”), shall be collected at the time of permit issuance for any connection to the Works, in addition to any other applicable fees.
8. Should an Assessed Owner sever or subdivide their parcel of land, the Charges owed to the City of Hamilton, whether or not the parcel of land is connected to the Works, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 9 below, shall be paid forthwith to the City of Hamilton in a lump sum, generally as a condition of the severance or subdivision approval.
9. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton’s then-current 15 year borrowing rate (2025 rate 4.50%).
10. Notwithstanding Section 9, an Assessed Owner of a Parcel described in Schedule “B” may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
11. The Developer, 2749947 Ontario Inc. or their successors or assigns, upon satisfying the City that it has completed its obligations with respect to the construction of the said Works, shall receive repayment of that portion of the associated cost of the construction hereunder, pursuant to the terms and conditions the Consent Agreement for External Works, DA-18-207, 121 Fiddler’s Green Road.
12. In accordance with the terms of Consent Agreement for External Works DA-18-207, 121 Fiddler’s Green Road, the City’s cost recovery obligation under this By-Law shall expire on a date that is ten (10) years after the date of registration of the agreement, being October 1, 2030 unless extended in writing by both parties prior to the expiry date, for a one-time extension of five (5) years.
13. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Application of By-Law

14. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.
15. This By-Law comes into force on the day following the date of its passing.

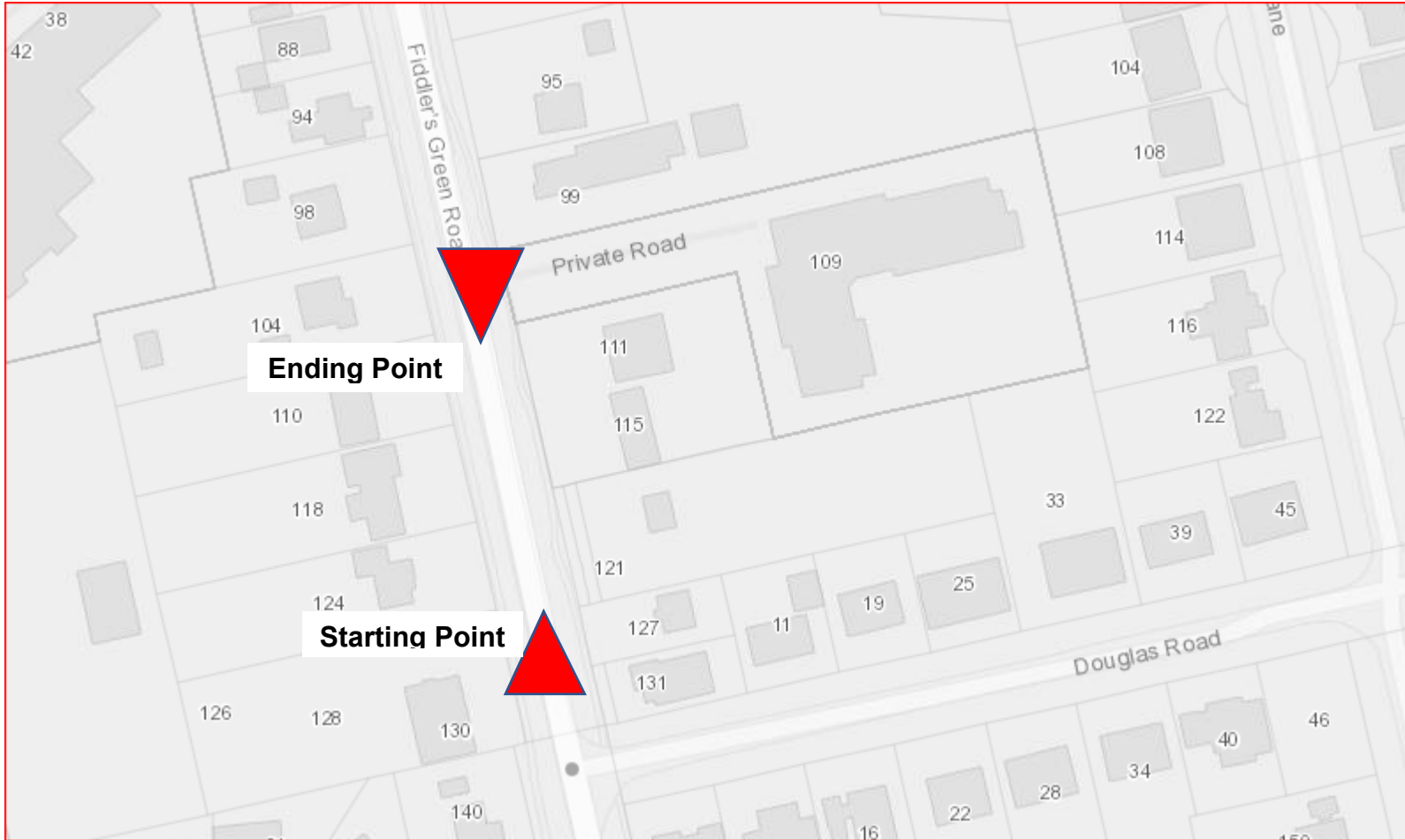
16. This By-Law shall expire following the expiry of the City's cost recovery obligation under Section 12 of this By-Law and in accordance with the terms of Consent Agreement for External Works DA-18-207, 121 Fiddler's Green Road.

PASSED this _____ , _____

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule "A" to By-Law No.



Schedule “B” to By-Law No.

Fiddler’s Green Road

Storm Sewer Charges Upon Owners of Land Abutting Fiddler’s Green Road from Approximately 45 Metres North of Douglas Road to Approximately 140 Metres Northerly, in the City of Hamilton.

Storm Sewer Charge

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge (2023 Rate \$139.28 Per Metre with Overhead)	Balance of Actual Storm Sewer Charge (In case of land development) *	Total Actual Charge
110 Fiddler’s Green Road, Ancaster	140 340 02200	CON 3 PT LOT 42 REG 0.45 AC 75.00 FR 264.00D	22.860	\$4,029.60	\$10,412.90	\$14,442.50
118 Fiddler’s Green Road, Ancaster	140 340 02400	CON 3 PT LOT 42 RP 62R17915 PART1 0.48AC 80.00FR 264.00D	24.380	\$4,297.53	\$11,105.27	\$15,402.80
124 Fiddler’s Green Road, Ancaster	140 340 02600	CON 3 PT LOT 42 REG 0.44AC 73.00 FR 264.00D	22.250	\$3,922.07	\$10,135.04	\$14,057.11

111 & 115 Fiddler's Green Road, Ancaster	140 350 27400	CON 3 PT LOT 43 0.58AC 136.06FR 184.33D	41.452	\$7,306.86	\$18,881.69	\$26,188.55
TOTAL CHARGE				\$19,556.06	\$50,534.90	\$70,090.96

*Storm Sewer Actual Cost is \$631.78 Per Metre

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056 / PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Impose Stormwater Management Facility Works Charge Upon Owners of
Land Abutting South Side of Medicorum Place, in the City of Hamilton**

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Stormwater Management Facility Works on land abutting south side of Medicorum Place, in the City of Hamilton (the “Works”), by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056 / PED23170);

WHEREAS the Developers, Flamborough Capital Corporation Inc. and Ankara Realty Limited, in satisfaction of terms and conditions of External Works Agreement DA-16-165 and Amending Subdivision Agreement Flamborough Power Centre North Stryker, 62M-1270, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that section 391(1)(a) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$594,636.78, and this amount is the total amount eligible to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001, S.O., 2001, c. 25* as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999, S.O., 1999, c.14*, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,

- (a) “**Assessed Owner(s)**” means the owners of land who benefit from the construction of the Works described in Schedule “B”.
- (b) “**Benefitting property(ies)**” means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.

- (c) **“Charges”** means the amount to be recovered from benefitting property owners as described in Schedule “B”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-Law comes into force and ending on the date which it expires.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:
- | | |
|---------------|--|
| Schedule “A”: | Map of Benefitting Properties |
| Schedule “B”: | Stormwater Management Facility Works Charges |

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b / FCS02026b / PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Charges shall be based on a lump sum charge based on a percentage of the total cost of construction attributable to each Assessed Owner of an existing property. These Charges will be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the date of construction completion, November 1, 2018, until October 2020. Then the charges will be adjusted yearly in accordance with the City of Hamilton’s 15-year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. For each Benefitting Property, the amount resulting from the application of the Charges (the “indebtedness”) shall become due and payable and shall be collected upon the issuance of a Permit during the Effective Period for the connection of that Benefitting Property to the Works.
8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton’s then-current 15 year borrowing rate (2025 rate 4.50%).

9. Despite Section 8, an Assessed Owner of a Parcel described in Schedule "B" may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Payments received pursuant to this By-law shall be remitted to Flamborough Capital Corporation Inc. and Ankara Realty Limited pursuant to section 1.50(f) of its Amending Subdivision Agreement with the City of Hamilton dated on November 3, 2022 and registered on March 6, 2023 as instrument WE1663904.
11. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Date By-Law Effective

12. This By-law shall come into force on the day following the date of its passing.

Date By-Law Expires

13. This By-law expires on March 6, 2033.

Application of By-Law

14. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule "A" to By-Law No.



Schedule “B” to By-Law No.

Stormwater Management Facility Works Charges Upon Owners of Land Abutting South Side of Medicorum Place, in the City of Hamilton.

Stormwater Management Facility Works Charges

Benefitting Properties	Property Roll Number	Legal Description	Percentage Area of Benefitting Lands	Area of Benefitting Lands (ha)	Recoverable SWMF Works Charges	Recoverable Pond Land Charge
566 Highway No.6	303 390 15200	EAST FLAMBOROUGH CON 3 PT LOT 13 IRREG 19.49AC 586.49FR	49.84%	7.93	\$296,384.02	In accordance with the Amending Subdivision Agreement
570 Highway No.6	303 390 15400	CON 3 PT LOT 13 FE FLM REG 0.28AC 100.00FR 123.30D	0.69%	0.11	\$4,111.25	In accordance with the Amending Subdivision Agreement
578 Highway No.6	303 390 15600	CON 3 PT LOT 13 FE FLM REG 0.35AC 100.00FR 150.00D	0.88%	0.14	\$5,232.50	In accordance with the Amending Subdivision Agreement
586 Highway No.6	303 390 15800	CON 3 PT LOT 13 FE FLM L-SHPD 3.18AC 253.94FR 434.16D	8.05%	1.28	\$47,840.04	In accordance with the Amending Subdivision Agreement

Benefitting Properties	Property Roll Number	Legal Description	Percentage Area of Benefitting Lands	Area of Benefitting Lands (ha)	Recoverable SWMF Works Charges	Recoverable Pond Land Charge
28 Parkside Drive	303 390 16200	CON 3 PT LOT 13 FE FLM L-SHPD 5.03AC 163.00FR 689.25D	12.70%	2.02	\$75,497.57	In accordance with the Amending Subdivision Agreement
32 Parkside Drive	303 390 16400	CON 3 PT LOT 13 FE FLM REG 0.82AC 143.00FR 250.00D	2.07%	0.33	\$12,333.76	In accordance with the Amending Subdivision Agreement
40 Parkside Drive	303 390 16600	CON 3 PT LOT 13 FE FLM REG 0.57AC 100.00FR 250.00D	1.45%	0.23	\$8,596.26	In accordance with the Amending Subdivision Agreement
20 Parkside Drive	303 390 16000	CON 3 PT LOT 13 FE FLM L-SHPD 9.61AC 369.59FR 749.46D	24.32%	3.87	\$144,641.38	In accordance with the Amending Subdivision Agreement
TOTAL			100.00%	15.91	\$594,636.78	

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

To Impose Storm, Sanitary Sewer and Dual Private Drain Connection Charges Upon Owners of Land Abutting Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue, (North/South Leg), in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm and Sanitary Sewer Work on Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue, (North/South Leg), in the City of Hamilton (the “Works”), by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170),;

WHEREAS the Developer, Scarlett Homes (Ancaster) Ltd., in satisfaction of terms and conditions of Subdivision Agreement “Springbrook Meadows Phase 3”, AN/B-10:145-148, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that Section 391(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$8,908.22 and this amount is to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001*, S.O., 2001, c. 25 as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999*, S.O., 1999, c.14, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,

- (a) **“Assessed Owner(s)”** means the owners of land who benefit from the construction of the Works described in Schedule “B”.

Commented [GL1]: Please confirm my conclusion is correct

Commented [RJ2R1]: Nevena stated project but I will confirm this statement in bylaw request notes file

Commented [GL3R1]: “project” is not a type of agreement. The only notes file I see is from April.

Please confirm the originating development agreement with Nevena. I assumed it was the subdivision agreement saved in the folder

Note 7 in the by-law request states “The cost recoveries outlined in this by-law are in accordance with and in fulfilment of a City cost recovery obligation under the City’s Subdivision Agreement ...” which appears to support my conclusion

Commented [RJ4R1]: Confirmed as Subdivision Agreement

- (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
- (c) **“Charges”** means the amount be recovered from benefitting property owners as described in Schedule “B”.
- (d) **“Effective Period”** means the period beginning on the date that this By-law comes into force and ending on the date which it expires.

2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Completed Works
Schedule “B”:	Storm, Sanitary Sewer and Dual Private Drain Connection Charges

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

- 5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
- 6. The Storm and Sanitary Sewer Frontage Charges shall be based on a per metre frontage charge. The Storm Sewer rate is \$110.170 per metre frontage, the Sanitary Sewer rate is \$113.694 per metre frontage and the Dual Private Drain Connection is \$2,084.85. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the date of construction completion, November 02, 2011 until October 2020. Then the charges will be adjusted yearly by the City of Hamilton’s 15 year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

- 7. For each Benefitting Property, the amount resulting from the application of the Charges (the “Indebtedness”), shall become due and payable and shall be collected upon the issuance of Permit during the Effective Period for the connection of that Benefitting Property to the Works.
- 8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit

Commented [GL5]: Joy this conflicts itself

- 1. says will use per unit rated in effect at time of severance or connection
- 2. says charges will be indexed

Which is correct under the Funding methodology?

Commented [RJ6R5]:

Commented [RJ7R5]: This is taken from the by-law request. The per metre of frontage that is noted will be indexed at the time of severance or connection

Commented [GL8R5]: We cannot say

“based on the actual cost calculated storm and sanitary sewer rate in effect at the time of approval of a land severance application or upon connection to the storm sewer”

and say

“The Storm Sewer rate is \$110.170 per metre frontage, the Sanitary Sewer rate is \$113.694 per metre frontage and the Dual Private Drain Connection is \$2,084.85. The Sewer Charges shall be indexed in accordance with”

As those statements are in conflict with each other

Can we simply delete the section I have removed?

Commented [RJ9R5]: Agreed

issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton's then-current 15 year borrowing rate (2025 rate 4.50%).

9. Notwithstanding Section 8, an Assessed Owner of a Parcel described in Schedule "B" may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Payments received pursuant to this By-law shall be remitted to, Scarlett Homes (Ancaster) LTD., pursuant to section (8) of Schedule D of the Subdivision Agreement "Springbrook Meadows Phase 3", AN/B-10:145-148 with the City of Hamilton dated on November 10, 2011 and registered as instrument WE796961.
11. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Date By-Law Effective

12. This By-Law shall come into force on the day following the date of its passing.

Date By-Law Expires

13. This By-Law expires November 10, 2026.

Application of By-Law

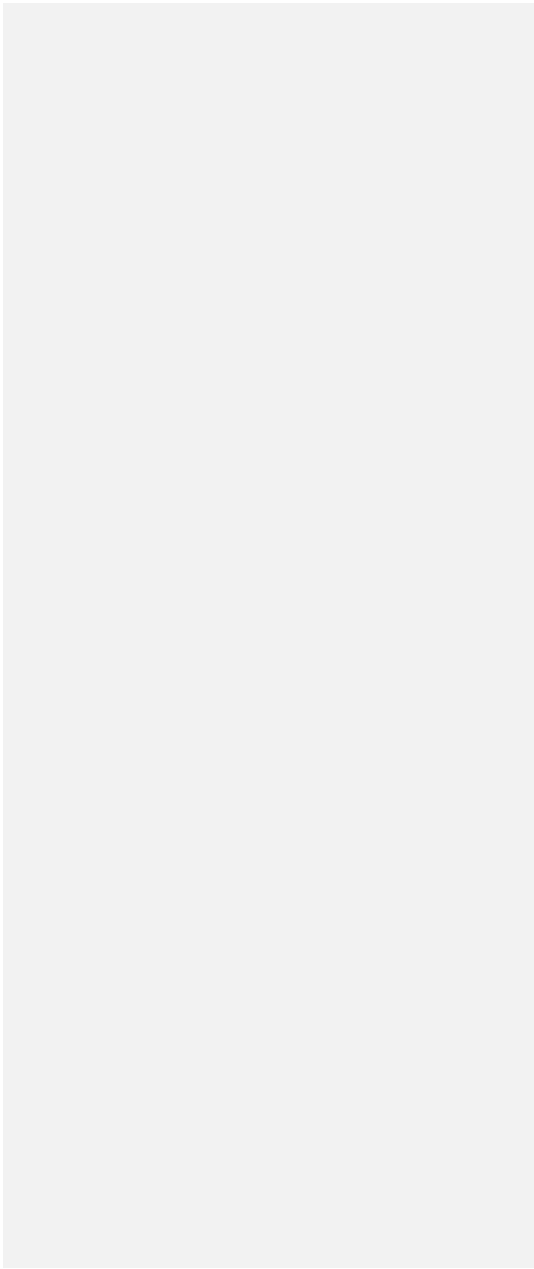
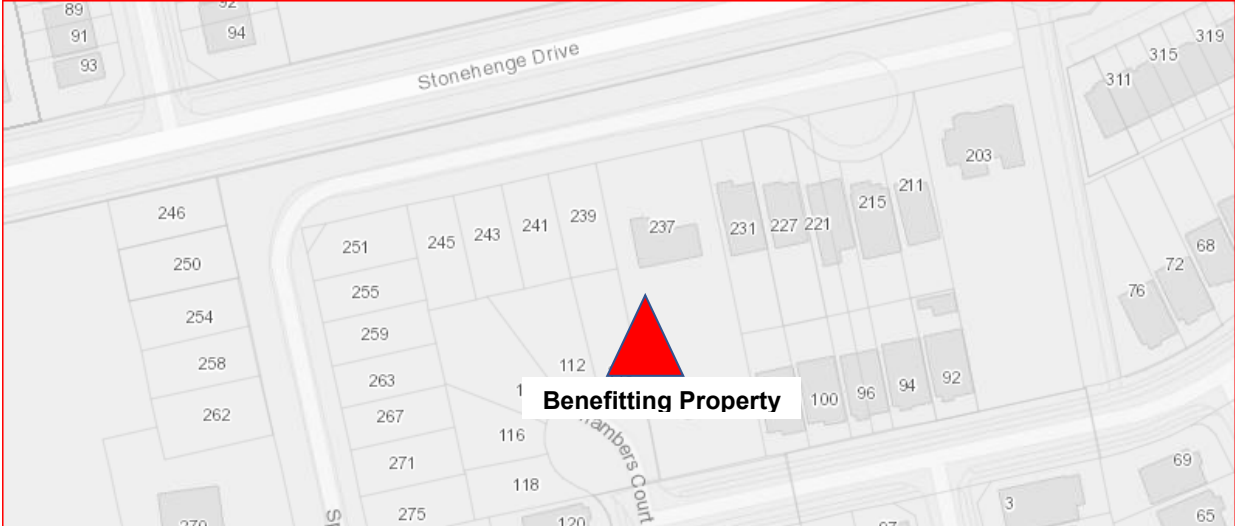
14. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule "A" to By-Law No.



Schedule “B” to By-Law No.

Springbrook Avenue
Storm, Sanitary Sewer and Dual Private Drain Connection Charges Upon Owners of Land Abutting Springbrook Avenue, from Easterly Limit of Springbrook Avenue at 203 Springbrook Avenue to 83 Metres West to the Intersection of Springbrook Avenue (North/South Leg), in the City of Hamilton.

Storm, Sanitary Sewer and Dual Private Drain Connection Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge	Sanitary Sewer Charge	Dual Private Drain Connection Charge	Total Charge
237 Springbrook Avenue, Ancaster	140 280 22400	CON 3 PT LOT 50 REG 0.68 AC 100.00 FR 298.25D	30.480	\$3,357.98	\$3,465.39	\$2,084.85	\$8,908.22

Authority: Item 4, General Issues Committee Report 23-024 (FCS23056/PED23170)
CM: September 13, 2023 Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Impose Storm Sewer and Private Storm Drain Connection Charges Upon
Owners of Land Abutting Springbrook Avenue from Approximately 24.5 Metres
South of Lockman Drive to Approximately 17 Metres South of Regan Drive, in the
City of Hamilton**

WHEREAS the Council of the City of Hamilton authorized the recovery of a portion of costs associated with the construction of a Storm Sewer Work on Springbrook Avenue from approximately 24.5 metres south of Lockman Drive to approximately 17 metres south of Regan Drive, in the City of Hamilton (the “Works”, by approving, on September 13, 2023, Item 4 of General Issues Committee Report 23-024 (Report FCS23056/PED23170);

WHEREAS the Developer, LIV Communities, in satisfaction of terms and conditions of Amending Subdivision Agreement “Meadowlands Phase 10”, 62M-1116, constructed the Works, in the City of Hamilton, as more particularly described in Schedule “B” attached to this By-Law;

WHEREAS the construction of the Works benefits the property owners described in Schedule “B”, and such Works were provided or done on behalf of the City of Hamilton with the express intention that Section 391(1)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended would apply thereto;

WHEREAS the cost of the Works, that relate to the benefitting property(ies) described in Schedule “B” is \$68,598.50, and this amount is the total amount eligible to be recovered from all benefitting property owners as set forth in this By-Law, (the “Charges”); and,

WHEREAS the Charges are imposed pursuant to Part XII of the *Municipal Act, 2001*, S.O., 2001, c. 25 as amended and pursuant to Section 14 of the *City of Hamilton Act, 1999*, S.O., 1999, c. 14, Schedule C as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

Interpretation

1. In this By-Law,

- (a) “**Assessed Owner(s)**” means the owners of land who benefit from the construction of the Works described in Schedule “B”.

- (b) **“Benefitting property(ies)”** means those lands that will derive a benefit from construction, installation and/or provision of the Works described in Schedule “B”.
 - (c) **“Charges”** means the amount to be recovered from benefitting property owners as described in Schedule “B”.
 - (d) **“Effective Period”** means the period beginning on the date that this By-law comes into force and ending on the date which it expires.
2. Any defined term in the *Municipal Act, 2001, S.O., 2001, c.25* that has not been defined in Section 1 of this By-Law, shall have the meaning given to it in the Act.

Schedules

3. The following schedules to this By-Law forms an integral part of this By-Law:

Schedule “A”:	Map of Completed Works
Schedule “B”:	Storm Sewer and Private Storm Drain Connections Charges

Lands Affected

4. Charges are imposed upon the owners of land who benefit from the construction of the Works (the “Assessed Owners”).

Amount of Charge

5. The Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE205b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update).
6. The Storm Sewer Frontage Charge shall be based on the local storm sewer component of the City of Hamilton Rates for Over-sized Works Constructed Under Subdivision Agreements in effect at the time of approval of a land severance application or upon connection to the storm sewer. The 2023 rate is \$139.28 per metre of property frontage. The Private Storm Drain Connection Charge is based on the actual construction cost and shall be indexed in accordance with the percentage change in the composite Canadata Construction Index (Ontario Series) commencing from the completion date of construction, March 2020 until October 2020. Then the charges will be adjusted yearly by the City of Hamilton’s 15 year serial all-in interest rate for each year, (2025 rate 4.11%) to the date of payment.

Collection of Charge

7. For each Benefitting Property, the amount resulting from the application of the Charges (the “Indebtedness”), shall become due and payable and shall be collected upon the issuance of Permit during the Effective Period for the connection of that Benefitting Property to the Works.
8. The Assessed Owners have the option of paying the Indebtedness by way of instalments over a period of fifteen (15) years. Charges are calculated at permit

issuance and entered onto the property tax roll beginning on the subsequent property tax bill, to be collected in the same manner as municipal taxes. Where the Assessed Owner elects to pay the Indebtedness by way of instalments over 15 years, annual interest shall be added, to the amount of the Charges calculated in accordance with Section 6, at the City of Hamilton's then-current 15 year borrowing rate (2025 rate 4.50%).

9. Despite Section 8, an Assessed Owner of a Parcel described in Schedule "B" may partially or fully pay the Indebtedness without penalty, but including interest accrued to the date of payment, at any time.
10. Payments received pursuant to this By-law shall be remitted to LIV Communities, pursuant to section 1.47 (f) of the Subdivision Agreement with the City of Hamilton dated September 10, 2007, and section 1.47 (m) of its Amending Subdivision Agreement with the City of Hamilton dated on November 15, 2021.
11. Unpaid Indebtedness constitutes a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.

Commented [DR1]: The original Subdivision Agreement was agreed to with Landmart Realty Corp. - did Landmart become LIV or transfer its interest to LIV?

Depending on the answer the wording for this portion may need to be clarified further.

Date By-Law Effective

12. This By-Law shall come into force on the day following the date of its passing.

Date By-Law Expires

13. This By-Law expires November 15, 2031.

Application of By-Law

14. If any provision or requirement of this By-Law or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.

PASSED this 7th Day of May, 2025.

A. Horwath
Mayor

M. Trennum
City Clerk

Schedule "B" to By-Law No.



Schedule "B" to By-Law No.

Springbrook Avenue

Storm Sewer and Private Storm Connection Charges Upon Owners of Land Abutting Springbrook Avenue from Approximately 24.5 Metres South of Lockman Drive to Approximately 17 Metres South of Regan Drive, in the City of Hamilton.

Storm Sewer and Private Storm Drain Connection Charges

Benefitting Properties	Property Roll Number	Legal Description	Property Frontage	Storm Sewer Charge (2023 Rate \$139.28 Per Metre)*	Private Storm Connection Charge	Total Charge
343 Springbrook Avenue, Ancaster	140 280 21400	CON 3 PT LOT 50 RP 62R17493 PART 1 IRREG 21663.51SF 76.61FR	30.950	\$4,310.72	\$4,886.19	\$9,196.91
365 Springbrook Avenue, Ancaster	140 280 21200	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
366 Springbrook Avenue, Ancaster	140 280 24850	CON 3 PT LOT 50 RP 62R9231 PART 3 REG 0.48AC 110.00 FR 188.00D	33.528	\$4,669.78	\$4,886.19	\$9,555.97
372 Springbrook Avenue, Ancaster	140 280 24993	CON 3 PT LOT 50 RP 62R21531 PARTS 1 AND 3 REG 4567.34SF	26.520	\$3,693.71	\$4,886.19	\$8,579.90

		43.50FR 104.99D				
379 Springbrook Avenue, Ancaster	140 280 20800	CON 3 PT LOT 50 REG 0.46AC 100.00FR 200.00D	30.480	\$4,245.25	\$4,886.19	\$9,131.44
380 Springbrook Avenue, Ancaster	140 280 25000	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
407 Springbrook Avenue, Ancaster	140 280 20400	CON 3 PT LOT 50 REG 0.34AC 75.00FR 200.00D	22.860	\$3,183.94	\$4,886.19	\$8,070.13
446 Springbrook Avenue, Ancaster	140 280 25800	CON 3 PT LOT 50 RP 62R19390 PART 2 REG 9146.28SF 71.56FR 127.82D	21.810	\$3,037.70	\$4,886.19	\$7,923.89
TOTAL				\$29,508.98	\$39,089.52	\$68,598.50

*New Roads Servicing Rate 2023 is \$139.28 Per Metre