

By-law Number 31-2020
of The Regional Municipality of Durham

Being a by-law to authorize the construction of a watermain and the imposition of a water works rate upon the owners or occupants of lands who derive a benefit from the construction of a watermain (“water works”) to be constructed on Fielding Court, in the Town of Ajax, in the Regional Municipality of Durham (the Lands”).

Whereas the Regional Municipality of Durham proposes to construct water works in the Town of Ajax, in the Regional Municipality of Durham, on Fielding Court at an estimated cost of \$373,430.62 and to impose a water works rate upon the owners or occupants of the Lands who derive or will or may derive a benefit from the water works

And Whereas Section 5 of Ontario Regulation 586/06 under the Municipal Act, 2001, S.O. 2001, C. 25 authorizes a municipality to impose a fee or a charge for capital costs related to sewage or water services or activities

And Whereas it is desirable that the water works to service the Lands be constructed as improvements to the water works system of The Regional Municipality of Durham

And Whereas the estimated cost of the water works is \$373,430.62 and it is proposed to recover the cost of the water works through frontage charges together with interest thereon at the rate to be established at the prime rate of the Region’s financial institution plus 1.5 percent per annum, with the prime rate based on the date the final letter outlining fees owing is issued, through the imposition of a water rate on the owners or occupants of the Lands who derive or will or may derive a benefit from the water works

And Whereas the Regional Council did approve this project and thereby declared the construction of the water works to be desirable in the public interest, and it being necessary for such construction to finance a sum not exceeding \$373,430.62

And Whereas the estimated cost of the connections is \$113,000 and it is proposed to recover the cost of the connections together with interest at the time an application is made by each property owner for permission to connect to the watermain prior to obtaining water service

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. A water works rate is hereby imposed upon the owners or occupants of the Lands and in the amounts and with the frontages as set out in Schedule “A”;
2. A water works rate shall be imposed for a period of ten (10) or fifteen (15) years at the option of the property owner and shall be computed as a metre frontage rate per annum on the Lands that receive an immediate benefit from the water works;
3. The owners or occupants of the Lands may pay the total rates hereby imposed in equal annual instalments over a period of ten (10) or fifteen (15) years at the option of the property owner or may commute such water works rate for a lump sum cash payment as shown in Schedule “A”;
4. The total estimated cost of the water works described in Works Committee Report #2020-W-37, dated July 8, 2020 is \$373,430.62 which will be financed from Frontage Charges;

5. Schedule "A" attached hereto forms part of this By-law;
6. The Regional Municipality of Durham ("Region") shall approve the construction of the water works to service the Lands at an estimated cost of \$373,430.62;
7. The water works shall be carried on and extended under the superintendence and according to the direction of the Commissioner of Works of the Region;
8. The total estimated cost of the water works is \$373,430.62 and it is proposed to fully recover the sum together with interest thereon at the rate to be established at the prime rate of the Region's financial institution plus 1.5 percent per annum, with the prime rate based on the date the final letter outlining fees owing is issued, through the imposition of a water rate on the owners or occupants of the Lands who derive or will or may derive a benefit from the water works;
9. The sum of \$373,430.62 will be debentured for a period not exceeding fifteen (15) years, which will be retired by the imposition of a water rate on the owners or occupants of the Lands who derive or will or may derive a benefit from the water works;
10. Pending the issue and sale of debentures in the total sum of \$373,430.62, the Region may borrow upon the credit of the Region at large by way of temporary advances, such sum or sums as may be required for that purpose but not exceeding in aggregate the sum of \$373,430.62 and the Chair and Treasurer of the Region are hereby authorized to sign and deliver to the lender such promissory note or notes as may be required from time to time for the repayment of the monies so borrowed at such rate of interest as may be agreed upon with the lender and to affix to such promissory note or notes the seal of the Region;
11. The total estimated cost of the connections is \$113,000 and it is proposed to fully recover the cost of the connections together with interest at the time an application is made by each property owner for permission to connect to the watermain prior to obtaining water service;
12. In respect of the temporary advances authorized by this by-law, the Chair and the Treasurer of the Region are hereby authorized to hypothecate to the lender as collateral security for any sum or sums so borrowed and interest thereon, any debentures which may be issued to defray the cost of the water works undertaken under this by-law, and the proceeds of the sale of the said debentures or as much thereof as may be necessary shall be paid to the lender in satisfaction of the sum or sums so borrowed and interest thereon; and
13. This by-law shall be deemed to come into force and effect on the 29th day of July, 2020.

This By-law Read and Passed on the 29th day of July, 2020.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

Watermain Petition - Fielding Court, in the Town of Ajax				Schedule A				
Owner	Description of Property	Frontage Subject to Sanitary Rates (Metres)	Lump Sum Cash Payment \$427.45 /m	Response from Petition	Assessed Value of Lands as per MPAC	Frontage Subject to Water Rates (Metres)		
1 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10728	Lot 15, Registered Plan 40M-1376	43.67	\$18,666.74					
3 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10726	Lot 14, Registered Plan 40M-1376	62.37	\$26,660.06					
5 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10724	Lot 13, Registered Plan 40M-1376	71.23	\$30,447.26					
7 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10722	Lot 12, Registered Plan 40M-1376	86.23	\$36,859.01					
9 Fielding Court Ajax, ON I1T 4W5 1805 010 010 10720	Lot 11, Registered Plan 40M-1376	63.47	\$27,130.25					
11 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10718	Lot 10, Registered Plan 40M-1376	55.99	\$23,932.93					
13 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10716	Lot 9, Registered Plan 40M-1376	46.85	\$20,026.03					
16 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10714	Lot 8, Registered Plan 40M-1376	47.42	\$20,269.68					
14 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10712	Lot 7, Registered Plan 40M-1376	50.00	\$21,372.50					
12 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10710	Lot 6, Registered Plan 40M-1376	50.00	\$21,372.50					
10 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10708	Lot 6, Registered Plan 40M-1376	55.10	\$23,552.50					
8 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10706	Lot 4, Registered Plan 40M-1376	59.82	\$25,570.06					
6 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10704	Lot 6, Registered Plan 40M-1376	56.77	\$24,266.34					
4 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10702	Lot 2, Registered Plan 40M-1376	57.64	\$24,638.22					
2 Fielding Court Ajax, ON L1T 4W5 1805 010 010 10700	Lot 1, Registered Plan 40M-1376	67.06	\$28,664.80					
Total		873.62 Meters of Frontage	\$373,428.87					