

By-law Number 47-2023

of The Regional Municipality of Durham

Being a by-law to authorize the issue of a 10 year debenture in the principal amount of \$41,700.00 by The Regional Municipality of Durham in connection with a loan made at the request of The Corporation of the Township of Brock for eligible sub-surface drainage works under the *Tile Drainage Act*, R.S.O., 1990, c. T.8.

Whereas the *Municipal Act, 2001*, as amended (the "Municipal Act") provides that a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to the debt;

And Whereas the Municipal Act also provides that a municipality shall authorize long-term borrowing by the issue of debentures or through another municipality under section 403 or 404 of the Municipal Act;

And Whereas section 403 of the Municipal Act provides that a by-law of an upper-tier municipality authorizing the issuing of debentures for the purposes or joint purposes of one or more of its lower-tier municipalities may require those lower-tier municipalities to make payments in each year to the upper-tier municipality in the amounts and on the dates specified in the by-law and subsection 403 (7) of the Municipal Act provides that all debentures issued under a by-law passed by an upper-tier municipality under section 403 of the Municipal Act are direct, joint and several obligations of the upper-tier municipality and its lower-tier municipalities;

And Whereas subsection 408 (2.1) of the Municipal Act provides that a municipality may issue a debenture or other financial instrument for long-term borrowing only to provide financing for a capital work;

And Whereas The Corporation of the Township of Brock (the "Township of Brock") on behalf of an owner of the land within the Township of Brock has applied to The Regional Municipality of Durham ("Regional Municipality") under the *Tile Drainage Act*, R.S.O., 1990, c. T.8 (the "Act"), for a loan for the purpose of constructing sub-surface drainage works on the owner's land;

And Whereas the Regional Municipality deems it to be expedient to issue a debenture for the total sum of \$41,700.00 at the request of the Township of Brock to be repaid with interest at 6 percent per annum by means of a special rate to be imposed by the Township of Brock pursuant to By-law Number 3183-2023, in the prescribed form, in accordance with Form 4 of O. Reg. 382/12, made under the Act, such debenture attached as Schedule "B" hereto and forming part of this By-law (the "Debenture").

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

1. The borrowing upon the credit of the Regional Municipality at large of the principal amount of \$41,700.00 and the issue of the Debenture therefor within the term of 10 years are hereby authorized as set out in Schedule "A" attached hereto in each of the years 2024 to 2033 inclusive, and the loan is to be paid by the Township of Brock to the Regional Municipality as set out in Repayment Schedule as set out in Schedule "C" attached hereto.
2. The Regional Chair and the Regional Treasurer of the Regional Municipality are hereby authorized to cause the Debenture, as described in section 1, above. The Debenture shall bear the Regional Municipality's municipal seal and the signatures of the Regional Chair and of the Regional Treasurer of the Regional Municipality, all in accordance with the provisions of the Municipal Act and the Act. The Debenture is

sufficiently signed if it bears the required signatures and each person signing has the authority to do so on the date he or she signs. The Debenture shall provide for payment to the Minister of Finance of principal and interest on the 1st day of July in each of the years 2024 to 2033.

3. In each year in which a payment of an instalment of principal and interest becomes due in respect of the Debenture, there shall be raised as part of the general upper-tier levy the amounts of principal and interest payable in each year as set out in Schedule "B" to the extent that the amounts have not been provided for by any other available source including other taxes or fees or charges imposed on persons or property by a by-law of any municipality including, without limiting the generality of the foregoing, the equal annual drainage rates imposed by the Township of Brock on the agricultural land in respect of which the sum of \$41,700.00 will be borrowed pursuant to the Act.
4. The Treasurer of the Township of Brock shall pay to the Treasurer of the Regional Municipality the annual sum as set out in Schedule "A" on the dates specified in Schedule "C" attached hereto and such sums are a debt of the Township of Brock to the Regional Municipality.
5. If the Township of Brock fails to make any payments as provided in this by-law, the Township of Brock shall pay interest to the Regional Municipality on the amount in default at the rate of fifteen per cent per annum from the date the payment is due until it is made.
6. There shall be raised, pursuant to this By-law, in each year of the currency of the Debenture, as part of the general upper-tier levy, the amounts required to be paid to the Regional Municipality in any previous year by the Township of Brock to the extent that the amounts have not been paid to the Regional Municipality in accordance with this By-law, the Municipal Act and the Act.
7. (1) The Regional Chair and the Regional Treasurer are hereby authorized to cause the Debenture to be issued. One or more of the Regional Treasurer and the Regional Clerk are hereby authorized to generally do all things and to execute all other documents and papers in the name of the Regional Municipality in order to carry out the issue and sale of the Debenture and the Regional Treasurer or the Regional Clerk, as the case may be, is authorized to affix the Regional Municipality's municipal seal to any of such documents and papers.

(2) That the money received by the Regional Municipality from the sale of the Debenture, after providing for the expenses related to its issue, if any, shall be delivered to the Township of Brock on the basis that the Township of Brock shall apportion and apply such money to the sub-surface drainage works in respect of which the \$41,700.00 loan will be made under the Act, in accordance with this By-law, the Municipal Act and the Act, and to no other purpose.
8. The right is reserved for the Regional Municipality to prepay the Debenture in whole or in part at any time or times on payment, at the place where and in the money in which the Debenture is expressed to be payable, of the whole or any amount or principal and interest owing at the time of such prepayment.
9. Schedules "A", "B" and "C" attached hereto form part of this By-law.

This By-law Read and Passed on the 28th day of June, 2023.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk

Schedule A

<u>Municipality</u>	<u>Date Debenture</u>	<u>Repayment Date</u>	<u>Sum Loaned</u>
Township of Brock	July 1, 2023	July 1, 2024 to July 1, 2033	\$41,700.00

Schedule B



Ministry of Agriculture,
Food and Rural Affairs

Tile Drainage Debenture – Form 4 *Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 2(1)*

\$ **\$41,700.00**

Number **23-07**

The Corporation of the **Regional Municipality** of **Durham** hereby promises to pay to the Minister of Finance, the principal sum of **\$41,700.00** of lawful money of Canada, together with interest thereon at the rate of **6** per cent per annum in ten equal instalments of **\$5,665.69** on the first day of **July** in the years **2024 to 2033**, both inclusive.

The right is reserved to the Corporation of the **Regional Municipality** of **Durham** to prepay this debenture in whole or in part at any time or times on payment, at the place where and in the money in which this debenture is expressed to be payable, of the whole or any amount or principal and interest owing at the time of such prepayment.

This debenture or any interest therein, is not, after a Certificate of Ownership has been endorsed thereon by the treasurer of this Corporation, or by such other person authorized by by-law of this Corporation to endorse such Certificate of Ownership, transferable.

Dated at the **Regional Municipality** of **Durham**, in the province of Ontario, this 1st day of **July**, 20**23**, under the authority of By-law Number **46-2023** of the Corporation entitled "A by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*".

Name of Head of Council (Last, First Name)

Henry, John

Signature

Name of Treasurer (Last, First Name)

Taylor, Nancy

Signature

Corporate Seal

[Clear Form](#)

[Print Form](#)

Schedule C

Repayment Schedule for Township of Brock

<u>Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>	<u>Balance</u>
2023-07-01	-	-	-	\$41,700.00
2024-07-01	3,163.69	2,502.00	5,665.69	38,536.31
2025-07-01	3,353.51	2,312.18	5,665.69	35,182.80
2026-07-01	3,554.72	2,110.97	5,665.69	31,628.08
2027-07-01	3,768.01	1,897.68	5,665.69	27,860.07
2028-07-01	3,994.09	1,671.60	5,665.69	23,865.98
2029-07-01	4,233.73	1,431.96	5,665.69	19,632.25
2030-07-01	4,487.75	1,177.94	5,665.69	15,144.50
2031-07-01	4,757.02	908.67	5,665.69	10,387.48
2032-07-01	5,042.44	623.25	5,665.69	5,345.04
2033-07-01	5,345.04	320.65	5,665.69	0
TOTAL	\$41,700.00	\$14,956.90	\$56,656.90	