



Report to: General Committee

Report Date: November 14th, 2016

SUBJECT: Milmar Court Sanitary Sewer - Amendment of By-law No. 2007-65

PREPARED BY: Shane Manson, Senior Manager, Revenue & Property Taxation

RECOMMENDATIONS:

1. **THAT** the report entitled “Milmar Court Sanitary Sewer – Amendment of By-law No. 2007-65” be received;
2. **AND THAT** By-Law 2007-65, a by-law to levy the actual costs of construction of the sanitary sewer on Milmar Court, be amended as outlined in Appendix A;
3. **AND THAT** staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To obtain approval to amend By-Law No. 2007-65, a by-law to levy the actual costs of construction of the sanitary sewer on Milmar Court, as outlined in Appendix A.

BACKGROUND:

On April 24, 2007, Council received a report entitled “Milmar Court Sanitary Sewer System – Fees By-Law” and enacted a fee by-law pursuant to Section 391 of the *Municipal Act, 2001*.

The final costs of \$167,817.20, which includes the cost for the construction, engineering, contract administration, easements, and other project related costs, were equally shared by the six (6) property owners on Milmar Court. Based on the final actual costs, the cost per lot for the Milmar Court Sanitary Sewer System was \$27,969.53.

In a decision dated January 20, 2016, the Ontario Municipal Board approved a severance application that created one additional property located on Milmar Court. One of the conditions of approval of the severance application was that the property owner of the new lot pays their share of the total final cost of the Milmar Court Sanitary Sewer System construction project. Full payment in the amount of \$23,973.89 was received from the owner of 1 Milmar Court on June 21, 2016. This amount will be equally allocated back to the original six (6) properties involved in the Milmar Court Sanitary Sewer System construction project.

The conditions require Council to pass an amendment to the applicable by-law to incorporate the additional property.

OPTIONS & DISCUSSIONS:

The amendment to By-Law No 2007-65 reflects the additional property which resulted from the creation of an additional lot at 1 Milmar Court. The amendment to the by-law allocates the total actual costs of \$167,817.20 equally to each of the seven (7) lots located on Milmar Court.

Staff recommends that Council approve the amended by-law to fully implement the decision of the Ontario Municipal Board. This will ensure that all costs of the Milmar Court Sanitary Sewer are distributed equally amongst the seven (7) properties on Milmar Court.

FINANCIAL CONSIDERATIONS:

Not applicable

HUMAN RESOURCE CONSIDERATIONS:

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Not applicable.

BUSINESS UNITS AFFECTED AND CONSULTED:

Legal Services Department

RECOMMENDED BY:

11/7/2016



Joel Lustig
Treasurer

07/11/2016



Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Appendix A: By-Law to amend By-Law No 2007-65

Appendix B: Inventory of Properties and Repayment Schedule

BY-LAW 2016-XX

Being a by-law to levy the actual cost of construction of the
sanitary sewer on Milmar Court
(Repealing By-law 2007-65)

WHEREAS paragraph 391(1)(a) of the *Municipal Act, 2001* provides that a municipality may pass a by-law for imposing fees or charges or activities provided by or done on behalf of it; and,

AND WHEREAS Council of The Corporation of the City of Markham on June 12, 2006 authorized a by-law to levy the actual cost of construction of a sanitary sewer system on Milmar Court; and,

AND WHEREAS Council of The Corporation of the City of Markham on April 24, 2007 passed By-law 2007-65 to levy the actual cost of construction of a sanitary sewer system on Milmar Court; and,

AND WHEREAS one of the properties on Milmar Court has been severed since the passing of By-law 2007-65.

NOW THEREFORE the Council of The Corporation of The City of Markham enacts as follows:

1. **THAT** Milmar Court is comprised of those properties on Milmar Court as set out in Schedule "A" hereto. These properties shall hereinafter be referred to collectively as "Milmar Court".
2. **THAT** the actual cost of construction of the sanitary sewer system installed on Milmar Court is \$167,817.20 (the "Actual Cost").
3. **THAT** the Actual Cost allocated equally to each lot on Milmar Court (the "Lot Cost") shall be \$23,973.89.
4. **THAT** each property owner on Milmar Court shall pay the Lot Cost by making annual payments, comprised of principal and interest, as set out in Schedule "B" attached hereto. The payments shall be made in instalments' as set by the final annual tax levy by-law until the Lot Cost is paid in full.
5. **THAT** interest shall be calculated and paid by each property owner on the outstanding principal amount at the rate of 4.6% annually.
6. **THAT** notwithstanding section 4 above, the outstanding balance, plus accrued interest up to the date of payment, may be paid at any time prior to December 31, 2021.

APPENDIX A: BY-LAW TO AMEND BY-LAW NO 2007-65

7. **THAT** the Schedules attached hereto shall be and form part of this By-law.
8. **THAT** by-law 2007-65 be repealed in its entirety.

READ a first, second, and third time and passed on XXXXXX.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

APPENDIX B: INVENTORY OF PROPERTIES AND REPAYMENT SCHEDULE

FIGURE 1: INVENTORY OF PROPERTIES (7) INCLUDED IN THE MILMAR COURT SANITARY SEWER

1. 1 Milmar Court
2. 6 Milmar Court
3. 7 Milmar Court
4. 9 Milmar Court
5. 10 Milmar Court
6. 11 Milmar Court
7. 15 Milmar Court

FIGURE 2: REPAYMENT SCHEDULE FOR THE MILMAR COURT SANITARY SEWER

Repayment: 15 year Term

Cost per Lot: \$23,973.89

Interest: 4.6%

Year	Payment	Principle	Interest	Balance
2007	\$2,622.29	\$27,969.53	\$1,286.60	\$26,633.84
2008	\$2,622.29	\$26,633.84	\$1,225.16	\$25,236.70
2009	\$2,622.29	\$25,236.70	\$1,160.89	\$23,775.30
2010	\$2,622.29	\$23,775.30	\$1,093.66	\$22,246.68
2011	\$2,622.29	\$22,246.68	\$1,023.35	\$20,647.73
2012	\$2,622.29	\$20,647.73	\$949.80	\$18,975.24
2013	\$2,622.29	\$18,975.24	\$872.86	\$17,225.81
2014	\$2,622.29	\$17,225.81	\$792.39	\$15,395.91
2015	\$2,622.29	\$15,395.91	\$708.21	\$13,481.83
2016	\$2,622.29	\$13,481.83	\$620.16	\$11,479.70
2017	\$1,709.56	\$7,484.07	\$344.27	\$6,118.78
2018	\$1,709.56	\$6,118.78	\$281.46	\$4,690.68
2019	\$1,709.56	\$4,690.68	\$215.77	\$3,196.89
2020	\$1,709.56	\$3,196.89	\$147.06	\$1,634.39
2021	\$1,709.56	\$1,634.39	\$75.18	\$0.01