

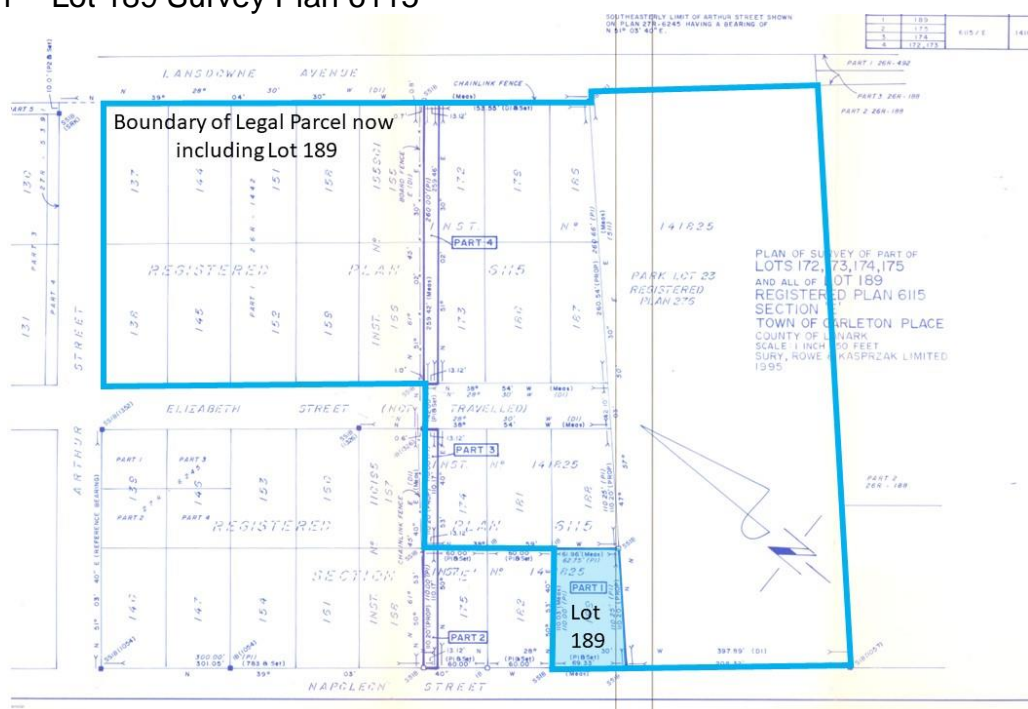
COMMUNICATION 134128

Received From: Niki Dwyer, Director of Development Services
Addressed To: Committee of the Whole
Date: December 5, 2023
Topic: Repeal of Cost Sharing By-law 40-1990

SUMMARY

The Town passed Cost Sharing By-law 40-1990 regarding the collection of fees associated with the installation of services on Napoleon Street by John Peckett. The By-law refers in particular to the collection of fees from Lot 189 on Plan 6115 at time of connection to the services at which time funds will be reimbursed to John S. Peckett for half of his costs associated with the service installation.

Figure 1 – Lot 189 Survey Plan 6115



BACKGROUND

During the consolidation of the municipal Cost Sharing By-laws and an analysis of the accounting to date on these files, staff identified that funds have not been collected under this by-law. In reviewing the history of this file, it was also determined that the benefactor is deceased.

Simultaneously, staff have pre-consulted on a consent application for 6 Arthur Street (including Lot 189) and identified that a future development of the site may trigger payment under the By-law. In order to conclusively determine if the funds are required to be collected, staff approached legal counsel.

COMMENT

In consultation with legal counsel, staff have concluded the following:

1. The total amount which the benefactor could have anticipated to collect in 1990 was \$8,100.00. The By-law contemplates an 0.83% monthly interest rate which would result in a total recoverable fee of \$26,600.00 (if paid today).
2. There does not appear to be a written agreement between the Town and the benefactor detailing the arrangement.
3. There is no information on file pertaining to the design and installation of the service and thus it cannot be conclusively determined if the property, including lot 189, would use capacity in the segment of pipe as originally proposed.
4. The Town has not received any notification from the heirs or successors of the benefactor indicating an interest in the recovery of fees.

FINANCIAL IMPLICATIONS

As the Cost Sharing By-law was structured to be a collection and reimbursement policy, there are no financial implications to the Town associated with repealing the by-law.

STAFF RECOMMENDATION

THAT Council repeal By-law 40-1990 being a by-law to authorize the collection of a connection fee from certain property owners along Napoleon Street.

ATTACHMENTS

1. By-law 40-1990