

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 98-2022

Being a by-law to impose water and wastewater capital charges to recover the capital cost of installing water and wastewater services necessary to service new users to the systems arising from private service conversions.

WHEREAS the Corporation of the Municipality of Thames Centre (“the Municipality”) has determined to construct certain water and sewage works to service and benefit new users connecting to the systems from private service conversions pursuant to its powers under Part XII of the *Municipal Act, 2001*, as amended (the “*Municipal Act*”);

AND WHEREAS the Municipality is authorized by Part XII of the *Municipal Act* to impose a water and/or sewer rate upon owners or occupants of land who derive or will or may derive a benefit from the construction of water and wastewater works sufficient to pay all or such portion of the capital costs of the works as Council deems appropriate;

AND WHEREAS the lands to be benefited and charged with the water and wastewater capital charges are existing private serviced land areas which will be serviced with municipal water and/or wastewater servicing;

AND WHEREAS the Municipality has determined that the capital costs of such water and wastewater works shall be rated against the water and sewer servicing areas and shall be borne by the new users connecting to the systems from time to time of said lands;

NOW THEREFORE the Council of The Corporation of the Municipality of Thames Centre **HEREBY ENACTS AS FOLLOWS:**

1. DEFINITIONS

In this by-law:

- (1) “Act” means the Municipal Act, S.O. 2001, c. 25, as amended;
- (2) “Apartment dwelling” means a dwelling unit in a building containing a non-residential use and/or more than four dwelling units in a residential building, including a stacked townhouse and a stand-alone additional residential unit, but does not include a multiple dwelling, back-to-back townhouse dwelling, nursing home, long term care home, retirement home, semi-detached dwelling or single detached dwelling or the residential portion of a live/work unit;
- (3) “Back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, which do not have rear yards;
- (4) “Bedroom” means a habitable room larger than seven square metres, including a den, study, or other similar area, but does not include a living room, dining room or kitchen;

- (5) “Benefiting area” means an area defined by a map, plan or legal description in a serviced area that will receive a benefit from the municipal water and/or wastewater services;
- (6) “Commercial” means the use of land, structure or building for the purpose of buying and selling of commodities and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing and/or an open storage yard;
- (7) “Council” means the Council of the Corporation of the Municipality of Thames Centre;
- (8) “Dwelling unit” means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons, including time share units;
- (9) “Discount Rate” means the rate to be based on the difference in the interest rate of the debt incurred by the Municipality and the Municipality’s investment rate;
- (10) “Gross floor area” means the total floor area measured between the outside of exterior walls, or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls;
- (11) “Industrial” means lands, buildings or structures, or portions thereof, used, designed or intended for use for production, compounding, processing, packaging, crating, bottling, or assembly (“manufacturing”) of raw goods or semi-processed goods or materials, research and development relating thereto, warehousing or bulk storage of goods, and includes office uses and the sale of commodities to the general public (if the retail sales are at the site where the manufacturing takes place) where such uses are accessory to an industrial use, and includes cannabis production facilities, but does not include the sale of commodities to the general public through a warehouse club or retail warehouse and does not include self-storage or mini-storage facilities;
- (12) “Institutional” shall mean any non-residential use which is not commercial or industrial;
- (13) “Interest” shall mean the interest rate equivalent to the Municipality’s investment rate;
- (14) “Live/work unit” means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas;
- (15) “Multiple dwelling” means all dwellings other than single-detached, semi-detached and apartment unit dwellings and includes but is not limited to back-to-back townhouses and the residential portion of a live/work unit;
- (16) “Municipality” means The Corporation of the Municipality of Thames Centre;

- (17) “Non-residential uses” means a building or structure used for purposes other than a residential use;
- (18) “Nursing Home” means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment may be provided for gain or profit or as a charitable public service and includes a rest home or a convalescent home, as licensed under the *Nursing Homes Act*, as amended from time to time, but does not include a hotel/motel, hospice to provide end of life care, emergency care establishment, or a hospital.
- (19) “Residential uses” means lands, buildings, structures, or portions thereof used, or designed or intended for use as a home or residence of one or more individuals, and shall include a single detached dwelling, a semi-detached dwelling, a multiple dwelling, an apartment dwelling, nursing home, and the residential portion of a mixed-use building or structure;
- (20) “Semi-detached dwelling” means a building divided vertically into two dwelling units each of which has a separate entrance and access to grade;
- (21) “Services” means services set out in Schedule “A” to this By-law;
- (22) “Single detached dwelling” means a completely detached building containing only one dwelling unit.
- (23) “Stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;
2. **THAT** the water charges provided in this by-law shall provide for the capital costs related to the supply, treatment, storage, and pumping of water but shall not include linear works or localized works to service individual properties;
3. **THAT** the wastewater charges provided in this by-law shall provide for the capital costs related to the treatment and pumping of sanitary sewage but shall not include linear works or localized works to service individual properties;
4. **THAT** the water charge shall be imposed as per Schedule A to this by-law, in the benefiting areas within the Municipality, as per Schedule B to this by-law, as amended from time to time. These areas are deemed as the benefiting areas as provided by Part XII of the *Municipal Act*;
5. **THAT** the wastewater charge shall be imposed as per Schedule A to this by-law, in the benefiting areas within the Municipality, as per Schedule B to this by-law, as amended from time to time. These areas are deemed as the benefiting areas as provided by Part XII of the *Municipal Act*;
6. **THAT** the water and wastewater capital charges are set forth in Schedule A and shall be imposed against all new connections, related to existing private service conversions, to the water and wastewater services at the time of connecting to the municipal system;
7. **THAT** benefiting landowners may elect to pay the commuted water and wastewater capital charges at the time not to precede one year from the time of substantial

project completion, regardless of connection status of connecting to the municipal system in accordance with Schedule A, or pay the charge in equal annual installments over a term of term, as agreed to with the Municipality, as allowed under the Municipality's, "Extension of Municipal Water and Wastewater Services Policy", as may be amended from time to time, including interest, set at an interest rate not higher than 2% more than the municipal lending rates, as posted by Infrastructure Ontario, on the date of the sale of such debentures;

8. **THAT** the debt incurred refers to the debt the Municipality would be required to incur recognizing that the collection period would be delayed from existing property owners converting from private services;
9. **THAT** notwithstanding Clause 7, if a development charge for water treatment services has been paid, no further charge for water services will be imposed under this by-law;
10. **THAT** notwithstanding Clause 7, if a development charge for wastewater service has been paid, no further charge for sanitary sewer services will be imposed under this by-law;
11. **THAT** water and wastewater capital charges in Schedule A and imposed pursuant to this by-law shall be adjusted annually, without amendment to this by-law, commencing on January 1, 2023, in accordance with the Statistics Canada Quarterly Construction Price Statistics;
12. **THAT** the following schedules to this by-law form an integral part thereof:

Schedule A - Residential and Non-Residential Water and Wastewater Capital Charges

Schedule B – Map of Urban Service Areas;
13. **THAT** this by-law shall come into force and take effect on the day of final passing thereof.

READ a **FIRST** and **SECOND** time this 19th day of December, 2022

READ a **THIRD** time and **FINALLY PASSED** this 19th day of December, 2022.



Deputy Mayor, M. Smibert



Deputy Clerk, S. Henshaw

“Schedule A” to By-law No. 98-2022

Residential and Non-Residential Water and Wastewater Capital Charges

Schedule of *Municipal Act* Capital Charges for Water and Wastewater Facilities

Service	Residential: Single and Semi-Detached Dwelling	Residential: Other Multiples	Residential: Apartments - 2 Bedrooms+	Residential: Apartments - Bachelor and 1 Bedroom	Residential: Nursing Home Bedroom Units	Non- Residential: (per sq.ft. of Gross Floor Area)
Wastewater Services - Facilities	8,668	5,653	5,395	3,401	2,925	4.10
Water Services - Facilities	3,928	2,562	2,445	1,541	1,325	1.86
Total Urban Services - Facilities	\$12,596	\$8,215	\$7,840	\$4,942	\$4,250	\$5.96

“Schedule B” to By-law No. 98-2022

Map of Urban Service Areas

