

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NUMBER 2011-149

Being a by-law to authorize the entering into and execution of a front ending agreement related to By-law 2011-119, A By-law to impose and provide for the payment of Development Charges or a Storm Sewer on Coleraine Drive

WHEREAS a storm sewer was constructed and paid for by one owner in 2000 with the expectation that the Town would recover and reimburse a portion of the overall costs through the future collection of development charges from the other owners of land in the benefiting area; and

WHEREAS Subsection 2(1) of the Development Charges Act, 1997 provides that the council of a municipality may by by-law impose development charges against land to pay for increased capital expenditures required because of the increased need for services arising from development in the area to which the by-law applies; and

WHEREAS, at the direction of the Council of The Corporation of the Town of Caledon, Watson & Associates Economists Ltd. has prepared a development charge background study entitled "Town of Caledon Development Charge Background Study Concerning the Previous Installation of a Storm Sewer on Coleraine Drive by DiGregorio Investments Limited" dated November 15, 2010 updated to August 9, 2011; and

WHEREAS Council passed By-law 2011-119 on August 16, 2011; and

WHEREAS notice of a public meeting regarding Development Charges By-law 2011-119 and a Front Ending Agreement was given during the weeks of December 26, 2010 and January 2, 2011 as required by Paragraph 12(1)(b) of the Development Charges Act, 1997 and in accordance with Ontario Regulation 82/98; and

WHEREAS the Council of The Corporation of the Town of Caledon held a public meeting on January 26, 2011 at which all persons in attendance were provided with an opportunity to make representations relating to the draft version of By-law 2011-119 as required by Subsection 12(2) of the Development Charges Act, 1997; and

WHEREAS, by resolution passed on 16 August, 2011, the Council of The Corporation of the Town of Caledon determined that it was not necessary to hold any further public meetings with respect to this by-law;

NOW THEREFORE the Council of The Corporation of the Town of Caledon enacts as follows:

1. Definitions

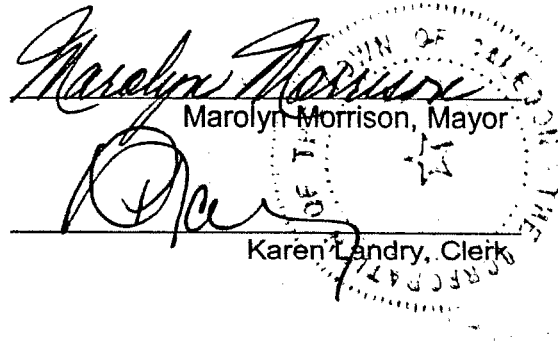
(1) In this By-law:

- (a) "benefitting area" means an area defined in Schedule "A" to this By-law and as described by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;
- (b) "front-ending agreement" means an agreement made under Section 44 of the Act between the municipality and any or all owners within a benefiting area providing for the costs of services for which there will be an increased need as a result of development to be borne by one or more of the parties to the agreement and providing for persons who, in the future, develop land within the area defined in Schedule "A" to this By-law and in the agreement to pay an amount to reimburse some part of the costs of the work.

Front Ending Agreements

- (1) Where a development charge by-law is in force, Council may enter into a front-ending agreement with any or all owners within the benefitting area, providing for the payment by the owner or owners of a front-end payment or for the installation of services by the owners or any combination of front-end payments and installation of services. The cost of the work that will benefit a defined benefitting area is to be borne by one or more of the parties to the agreement who will be reimbursed some part of the costs by persons who, in the future, develop land within the benefitting area.
- (2) The front-end payment required to be made by the benefitting owners under the front-ending agreement shall be adjusted annually, without amendment to this by-law on February 1st and August 1st in each year, commencing on February 1, 2012 in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) with the base index value being that in effect on February 1, 2012.
- (3) The Mayor and Clerk are hereby authorized to execute a front-ending agreement for the purposes of this By-law.

Read three times and finally passed this 15th day of November, 2011.



The image shows two signatures and two official seals. The top signature is in cursive and reads "Marolyn Morrison". Below it is the printed name "Marolyn Morrison, Mayor". The bottom signature is also in cursive and reads "Karen Landry". Below it is the printed name "Karen Landry, Clerk". Both signatures are written over circular official seals. The seal for the Mayor contains the text "MUNICIPALITY OF BRANTFORD" and "OFFICE OF THE MAYOR". The seal for the Clerk contains the text "MUNICIPALITY OF BRANTFORD" and "OFFICE OF THE CLERK".

SCHEDULE A
TO BY-LAW NO. 2011-149

