

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 152-12

A BY-LAW TO REPEAL BY-LAW NO. 162-08 AND TO IMPOSE CONNECTION CHARGES FOR CONNECTIONS OF BUILDINGS TO THE WATERWORKS SYSTEM AND WASTEWATER WORKS (SEWAGE) SYSTEM OF THE REGIONAL MUNICIPALITY OF HALTON AND FOR SERVICE EXTENSIONS.

WHEREAS The Regional Municipality of Halton (hereinafter referred to as the Region) has constructed and operates and maintains a waterworks system and a wastewater works (sewage) system;

AND WHEREAS the aforementioned systems include any and all buildings, structures, plants, equipment, appurtenances, devices, conduits, intakes, outlets, underground pipelines and installations, and other works designed for the production, treatment, transmission, distribution and storage of water and/or wastewater, and includes lands and easements that are owned by the **Region** for such purposes and uses;

AND WHEREAS the Region permits **service extensions** pursuant to the **Service Extension Policy**;

AND WHEREAS from time to time the **Region** receives applications for **services permits** to allow **buildings on lots** abutting the aforementioned systems to connect to the systems for the first time;

AND WHEREAS **Council** is authorized under section 391 of the **Municipal Act** to impose charges for the **connection(s)**;

AND WHEREAS subject to such proposed **connection(s)** being in compliance with the provisions of the **Region's** Official Plan and subject to there being a sufficient supply and capacity of water and/or wastewater, as applicable, and subject to the **Region** granting such **connection(s)**, the Region shall impose charges for the **connection(s)**;

AND WHEREAS **Council** deems it expedient and appropriate to so impose such charges in accordance with the following provisions.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

Definitions

1. THAT in this By-law:

- (a) “**accessory dwelling**” means a **dwelling unit** that is naturally or normally incidental to or subordinate in purpose and is exclusively devoted to a **single detached dwelling** or **semi-detached dwelling**;
- (b) “**air-supported structure**” means a structure consisting of a pliable membrane that achieves and maintains its shape and support by internal air pressure;
- (c) “**applicant**” means the owner of the **lot** abutting the **water service** or the **wastewater service** or both on which the **building** is situated, or the authorized agent of the owner;
- (d) “**bedroom**” means a habitable room of at least seven square metres (7 m<sup>2</sup>), including a den, study, loft, or other similar area, but does not include a living room, dining room, kitchen or other space;
- (e) “**building**” means a permanent enclosed structure occupying an area greater than ten square metres (10 m<sup>2</sup>) and despite the foregoing, includes, but is not limited to:
  - (i) an above-grade storage tank;
  - (ii) an **air-supported structure**;
  - (iii) an industrial tent;
  - (iv) a roof-like structure over a gas-bar or service station; and
  - (v) an area attached to an ancillary to a retail development delineated by one or more walls or part walls, a roof-like structure or any of them.
- (f) “**charitable dwelling**” means a part of a residential **building** or a part of the residential portion of a **mixed-use building** maintained and operated by a corporation approved under the *Charitable Institutions Act*, R.S.O. 1990, c. C.9, as amended or successor legislation for persons requiring residential, specialized or group care and **charitable dwelling** includes a children’s residence under the *Child and Family Services Act*, R.S.O. 1990, c. C.11, as amended or successor legislation, a home or a joint home under the *Homes for the Aged and Rest Homes Act*, R.S.O. 1990, c. H.13, as amended or successor

legislation, an institution under the *Mental Hospitals Act*, R.S.O. 1990, c.M.8, as amended or successor legislation, a nursing home under the *Nursing Homes Act*, R.S.O. 1990, c. N.7, as amended or successor legislation, and a home for special care under the *Homes for Special Care Act*, R.S.O. 1990, c. H.12, as amended or successor legislation;

- g) **“connection”** means a connection to a **water service** or **wastewater service** or both;
- h) **“connection charge”** means the charge for the **connection(s)** imposed in accordance with the formulas set out in sections 11 and 12 of this By-law;
- i) **“connection rates”** means the rates set out in Schedule “A” and utilized in the formulas set out in sections 11 and 12 of this By-law to determine the **connection charge**;
- j) **“correctional group home”** means a residential **building** or the residential portion of a mixed-use **building** containing a single housekeeping unit supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof, and licensed, approved or supervised by the Ministry of Correctional Services as a detention or correctional facility under any general or special act as amended or successor legislation. A **correctional group home** may contain an office provided that the office is used only for the operation of the **correctional group home** in which it is located;
- k) **“Council”** means the Council of the **Region**;
- l) **“dwelling unit”** means either (i) 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, or (ii) in the case of a **special care/special need dwelling**, either (1) a room or suite of rooms used, or designed or intended for use by, one person with or without exclusive sanitary and/or culinary facilities, or (2) a room or suite of rooms used, designed or intended for use by more than one person with no more than two persons sharing a **bedroom** and with sanitary facilities directly connected and accessible to each room, or (3) every seven square metres (7 m<sup>2</sup>) of area within a room or suite of rooms used, designed or intended for use by more than one person as a **bedroom**;
- m) **“grade”** means the average level of proposed finished ground adjoining a **building** at all exterior walls;

- n) **“group home”** means a residential **building** or the residential portion of a mixed-use **building** containing a single housekeeping unit which may or may not be supervised on a twenty-four (24) hour basis on site by agency staff on a shift rotation basis, and funded wholly or in part by any government or its agency, or by public subscription or donation, or by any combination thereof and licensed, approved or supervised by the Province of Ontario for the accommodation of persons under any general or special act as amended or successor legislation;
- o) **“local board”** means a municipal service board, a municipal services corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any act with respect to the affairs or purposes of one or more **local municipalities** or the **Region**, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under the O. Reg 599/06 made under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or successor legislation and any corporation created under the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A as amended or successor legislation;
- p) **“local municipality”** means the Corporation of the City of Burlington, the Town of Oakville, the Town of Milton or the Town of Halton Hills;
- q) **“lot”** means a lot, block or parcel of land capable of being legally and separately conveyed;
- r) **“Municipal Act”** means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
- s) **“non-residential connection charge”** means a **connection charge(s)** for the **connection(s)** of a **building** used in whole or in part for a **non-residential purpose** to a **water service** or **wastewater service** or both;
- t) **“non-residential purpose”** means the use of land, **buildings** or portions thereof for any purpose other than for a **residential purpose**;
- u) **“nursing home”** means a residential **building** or the residential portion of a mixed-use **building** licensed as a nursing home by the Province of Ontario;
- v) **“Region”** means The Regional Municipality of Halton;

- w) **“residential connection charge”** means a **connection charge(s)** for the **connection(s)** of a **building** used in whole or in part for a **residential purpose** to a **water service** or a **wastewater service** or both;
- x) **“residential purpose”** means the use of land, **buildings** or portions thereof as living accommodation for one or more persons;
- y) **“retirement home or lodge”** means a residential **building** or the residential portion of a mixed-use **building** which provides accommodation primarily for retired persons or couples where each private **bedroom** or living accommodation has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided;
- z) **“semi-detached dwelling”** means a **building** divided vertically into two **dwelling units** each of which has a separate entrance and access to **grade**;
- aa) **“service extension”** means the extension, pursuant to the **Service Extension Policy**, of a **water service** or a **wastewater service** or both to existing premises within the defined urban areas of the Region of Halton or areas where services are permitted (through policy);
- bb) **“Service Extension Policy”** means the policy approved by **Council** through Report CS-62-06 entitled “Extension of Municipal Water and Wastewater Services (Service Extension Policy)” on July 12, 2006, as amended from time to time;
- cc) **“services permit”** means a written permission that is granted to an **applicant** by the Region’s Commissioner of Public Works and Engineering Services or his/her authorized representative for the construction and/or installation on public property of all of the physical and mechanical equipment and devices to fully and completely make a **connection**;
- dd) **“single detached dwelling”** means a completely detached **building** containing only one (1) **dwelling unit**;
- ee) **“special care/special need dwelling”** means a **building**:
  - (i) containing two or more **dwelling units** which units have a common entrance from street level;

- (ii) where the occupants have the right to use in common with other occupants halls, stairs, yards, common rooms and accessory **buildings**;
- (iii) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and
- (iv) where support services, such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services are provided at various levels;

and includes, but is not limited to, **retirement homes or lodges, charitable dwellings, group homes** (including **correctional group homes**) and hospices;

ff) **“total floor area”:**

- (i) includes the sum of the total areas of the floors in a **building** whether at, above or below **grade**, measured:
  - (1) between the exterior faces of the exterior walls of the **building**;
  - (2) from the centre line of a common wall separating two uses; or
  - (3) from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall; and
- (ii) includes the area of a mezzanine;
- (iii) excludes those areas used exclusively for parking garages or structures; and
- (iv) where a **building** has only one wall or does not have any walls, **the total floor area shall be the total area directly beneath any roof-like structure of the building**;

gg) **“wastewater service”** means a wastewater main that has been constructed within a municipal right-of-way or Regional easement. Multiple mains of the same type, e.g. two wastewater mains on the same street, are considered to be one **wastewater service**; and

hh) **“water service”** means a watermain that has been constructed within a municipal right-of-way or Regional easement. Multiple mains of the

same type, e.g. two watermains on the same street, are considered to be one **water service**.

#### Application of By-law

2. THAT this By-law applies to all applications for **connection(s)** of a **building** where the **building** receiving the **connection(s)** was previously serviced privately or not connected to a **water service** or **wastewater service** or both, and to all **service extensions** to a **lot** with an existing **building**, subject to the provisions of section 6 of this By-law.

#### Filing of Application

3. THAT, regardless of the timing of the **connection charge** payment pursuant to this By-law, every **applicant** shall make application to the **Region's** Public Works by requesting a **services permit**. The **applicant** shall provide to the **Region** all required information, including but not limited to information required for the **services permit**, any required declarations as to ownership or authorizations to act as agent for the owner, and all surveys, engineering drawings, etc. as required by the **Region**.

#### Applicant's Responsibilities Where Services Permit Granted

4. THAT when a **services permit** has been granted, the **applicant** shall be responsible for the actual cost of laterals and any other infrastructure required to facilitate the **connection(s)**, as well as the construction of the **connection(s)**, including the cost of the construction, which costs are in addition to the **connection charges** imposed under this By-law.

#### Where Services Permit Not Granted

5. THAT when the **Region** determines that a **services permit** will not be granted, the **connection charges** imposed under this By-law shall not apply.

#### Exemptions From By-law

6. (1) THAT applications for **connections** for the following are exempt from the **connection charges** set out in this By-law:
  - a) a **building** on a **lot** created by a plan of subdivision and/or consent and which is being provided with **connection(s)** constructed and installed and paid for by the developer to provide servicing to the **lots** in the plan of subdivision and/or consent, including this **lot**, as part of the requirements and obligations imposed on the developer through a subdivision or servicing agreement with the **Region**, unless such **building** existed prior to the creation of the **lot**;

- b) a **building** used as a hospital governed by the *Public Hospitals Act*, R.S.O. 1990, c. P.40, as amended or successor legislation unless such **building** or part thereof is used, designed or intended for use primarily for or in connection with any commercial purpose ;
  - c) a **building** owned by and used for the purposes of any **local municipality**, the **Region** or any **local board** unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose;
  - d) a **building** owned by and used for the purposes of a conservation authority, unless such **building** is used primarily for or in connection with (i) recreational purposes for which the conservation authority charges admission and/or fees or (ii) any commercial purposes;
  - e) a **building** owned by and used for the purposes of a board of education unless such building or part thereof is used, designed or intended for use primarily for or in connection with any commercial purpose;
  - f) a **building** or part thereof that is exempt from taxation as a place of worship pursuant to paragraph 3 of section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31 or as amended or successor legislation;
  - g) a **building** that is part of a bona fide farming operation, including sod farms and farms for the breeding and boarding of horses, and includes, but is not limited to a barn, silo and other ancillary **building** to such bona fide farming operation but excluding any residential or commercial component thereof and greenhouses.
  - h) a **building** that is not subject to development charges by virtue of section 71 of the *Legislation Act*, 2006, S.O. 2006, c. 21, Schedule F.
- (2) THAT applications for water **connections** for the following are exempt from the water **connection charges** set out in this By-law:
- a) a **building** or that part of a building that has a record of the water development charges having been previously paid and for which the related exemption is claimed;
  - b) a **building** that has a record of the water **connection charges** having been previously paid as a result of a **service extension**.



- (3) THAT applications for wastewater **connections** for the following are exempt from the wastewater **connection charges** set out in this By-law:
- a) a **building** or that part of a building that has a record of the wastewater development charges having been previously paid and for which the related exemption is claimed;
  - b) a **building** that has a record of the wastewater **connection charges** having been previously paid as a result of a **service extension**.

#### Imposition of Charges

7. THAT the following **connection charges** are imposed based on the **connection rates** as set out in Schedule "A" and calculated in accordance with the provisions set out in the sections following.
8. THAT the **connection rates** set out in Schedule "A" shall be adjusted annually without amendment to this By-law on January 1st of each year, commencing January 1st, 2013, in accordance with the Statistics Canada Quarterly, Construction Price Statistics (catalogue number 62-007).
9. THAT each **connection** shall require payment of the **connection charges**. A water **connection** and a wastewater **connection** are two **connections** requiring the payment of two separate **connection charges** as set out below and in accordance with the **connection rates** set out in Schedule "A".
10. THAT each **service extension** shall require payment of the **connection charges**. A water **service extension** and a wastewater **service extension** are two **service extensions** requiring the payment of two separate **connection charges** as set out below and in accordance with the **connection rates** set out in Schedule "A".

#### Quantum of Charges

11. THAT the **applicant** for a **connection** or the benefiting property owner of a **service extension** for a **building** used in whole or in part for a **residential purpose** shall pay the **residential connection charge** as calculated by multiplying the residential **connection rate** set out in Schedule "A" for the applicable type of service (water or wastewater) by the number of **dwelling units** to be connected with reference to Schedule "B"(Urban Area).
12. THAT the **applicant** for a **connection** or the benefiting property owner of a **service extension** for a **building** used in whole or in part for a **non-**

**residential purpose** shall pay the **non-residential connection charge** as calculated by multiplying the non-residential **connection rate** set out in Schedule “A” for the applicable type of service (water or wastewater) by the **total floor area** in square feet of that part of the **building** used for a **non-residential purpose** with reference to Schedule “B” (Urban Area).

13. THAT, for greater certainty, the **applicant** for a **connection** or the benefiting property owner of a **service extension** for a **building** used in part for a **residential purpose** and in part for a **non-residential purpose** shall pay both the **residential connection charge** calculated in accordance with section 11 and the **non-residential connection charge** calculated in accordance with section 12.

#### Timing of Connection Charge Payment

14. THAT **connection charges** imposed pursuant to this By-law shall be paid:
- a) in the case of an application for **connection(s)** of a **building**, either as a single payment by cash or cheque on the issuance of the **services permit**, or added as a special assessment to the municipal tax roll and payable over 10 years with interest at the **Region’s** cost of borrowing at the time of the addition of these charges to the local municipal tax roll. The fee for cheques which are returned to the **Region** unhonoured and marked N.S.F. is in accordance with the Region’s Fees and Charges for Services By-law 165-11 as amended or successor by-law; and
  - b) in the case of a **service extension** to a **lot** with an existing **building**, on completion of the maintenance period of the **service extension** and passage of the associated by-law as set out in the **Service Extension Policy**. Payment of the **connection charges** shall be made together with the payment of the **service extension** cost and shall be either as a single payment by cash or cheque, or added as a special assessment to the municipal tax roll and payable over 10 years with interest at the Region’s cost of borrowing at the time of the addition of these charges to the local municipal tax roll, in accordance with the **Service Extension Policy**.

#### Relief for Hardship Cases

15. THAT in the case of legitimate financial distress arising from the imposition of **connection charges** demonstrated to **Council’s** satisfaction, **Council** may allow an **applicant** for a **connection** or a benefiting property owner of a **service extension** to defer payment of all or part of the **connection charges** until such time as the **lot** is either sold or a change in ownership occurs by

another means. In these, cases, the **connection charges** shall be registered on title as a lien against the **lot**.

#### Schedules

16. THAT the following Schedules to this By-law form an integral part of this By-law:

Schedule "A" - Connection Rates

Schedule "B" - Map of the Regional Municipality of Halton

#### Headings for Reference Only

17. THAT the headings inserted in this By-law are for convenience of reference only and shall not affect the construction or interpretation of this By-law.

#### Severability

18. THAT if, for any reason, any provision, section, subsection, paragraph or clause of this By-law is held invalid, it is hereby declared to be the intention of **Council** that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

#### Repeal of By-law No. 162-08 and Date By-law Effective

19. THAT By-law No. 162-08 is hereby repealed effective the 31st day of December, 2012.
20. THAT this By-law comes into force on the 1st day of January, 2013.

READ and PASSED this 12th day of December, 2012.

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REGIONAL CHAIR

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REGIONAL CLERK

## SCHEDULE "A" TO BY-LAW NO. 152-12

Rates in Effect January 1, 2013

Connection Rates

For Residential (per Unit) and Non-residential (per Sq. Ft.) Connections

Region-Wide Services	Residential (per SDE)	Non-Residential (per Sq.Ft.)
Water	\$ 3,738.89	\$ 1.32
Wastewater	4,341.37	1.75
Total	\$ 8,080.26	\$ 3.07

\*Connection Rates are to be indexed annually in accordance with Section 8

# SCHEDULE "B" TO BY-LAW NO. 152-12

