

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2025-37

A BY-LAW TO AUTHORIZE THE COLLECTION OF THE COSTS OF CONSTRUCTION OF JOANNE CRESCENT AS A LOCAL IMPROVEMENT CHARGE UPON BENEFITING LAND UNDER THE PROVISIONS OF THE MUNICIPAL ACT, 2001

WHEREAS the owners of properties abutting Joanne Crescent, as set out in Schedule A attached hereto (the “Benefiting Lands”), have petitioned for the construction of the road and the installation of services, as applicable, as a local improvement, hereinafter referred to as “the Works”;

AND WHEREAS the Clerk of The Corporation of the Town of Wasaga Beach (the “Corporation”) had certified that the petition for undertaking the Works was sufficient pursuant to the requirements set out in *Ontario Regulation 586/06 Local Improvement Charges – Priority Lien Status (the “Regulation”)* under the *Municipal Act, 2001*, S.O. 2001 c.25 (the “Act”) on March 18, 2019;

AND WHEREAS the *Municipal Act, 2001* in accordance with the Regulation, authorizes the municipality pass to a by-law to undertake work as a local improvement for the purpose of raising all or any part of the cost of the Works by imposing special charges;

AND WHEREAS the Council of The Corporation of the Town of Wasaga Beach, at its meeting of March 24, 2022 adopted the recommendation of the Director of Public Works Staff Report, approving the construction of the Works described in Schedule “A” attached to and forming part of this By-Law as local improvements under the Act and Regulation;

AND WHEREAS notice of the Municipality’s intention to pass a by-law to undertake the Works as a local improvement was provided to each of the owners of the Benefiting Lands in January 2020, in accordance with Section 6 of the Regulation;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach deems it necessary and expedient to recover the cost of the construction of the Works from the owners of the Benefiting Lands as a local improvement charge under the provisions of the *Municipal Act, 2001* and the requirements of Ontario Regulation 586/06;

NOW THEREFORE this Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT the cost of the Works as set out in Schedule “A” to this By-Law being adopted by Council be specially assessed against the Benefiting Lands described in Schedule “A” and collected from the owners as provided in this By-law.
2. THAT pursuant to the Regulation, the total cost of the Works is allocated among the owners of the Benefiting Lands and the Municipality as follows:
 - a) the owners’ share of the estimated cost shall be \$1,537,934.84 being the sum \$866.26 per actual linear foot of assessable frontage/flankage plus \$4,521.05 per

set of services, as set out in Schedule "A" attached hereto and forming part of this by-law, and a mandatory connection fee as set out in the fees and service charges by-law; and

- b) the Municipality's share of the estimated cost shall be \$229,045.33
- 3 a) **THAT** any person whose lot is specially assessed in the local improvement roll certified by the Treasurer pursuant to Section 22 of the Regulation may commute for a payment in cash the special rate imposed by paying the portion of the cost in full of construction cost of the Works assessed upon the lot, without interest, within 30 days after the local improvement roll has been initially certified by the Treasurer.
- b) Repay the full amount over a 5 Year period with interest as determined to be added to the property owner's final tax bill each year. Once the charge is added to tax bill, that amount cannot be paid out unless both the principal and interest is paid for the remainder of the five (5) year financing term, and further that if those amounts remain unpaid on the tax account that it will accrue interest monthly.
- c) Repay the full amount over a 10 Year period with interest as determined to be added to the property owner's final tax bill each year. Once the charge is added to tax bill, that amount cannot be paid out unless both the principal and interest is paid for the remainder of the five (5) year financing term, and further that if those amounts remain unpaid on the tax account that it will accrue interest monthly.
4. **THAT** this By-law is passed in accordance with the Municipal Act, 2001, S.O. 2001, c.25 as amended and Ontario Regulation 586-06 for the allocation and recovery of the cost of the Works.
5. THAT this By-Law shall come into force and take effect on the date of its final passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
14TH DAY OF AUGUST, 2025.**

THE CORPORATION OF THE TOWN OF WASAGA BEACH

Brian Smith, Mayor

Nicole Rubli, Clerk

SCHEDULE "A" TO BY-LAW NO. 2025-37

Description of Work:

Local Improvement for the construction of Joanne Crescent as a paved urban road with concrete curbs, sidewalk and associated works including underground services to the property line, as a local improvement under the provisions of the *Local Improvement Charges Ontario Regulation 586/06* under the *Municipal Act, 2001, as amended*

Local Improvement Roll and Statement of Costs:

No.	Property Owner's Name	Property Address	Assessed Frontage (ft)	Frontage Rate	Services	# of Services	Total
1	BARTOSZEWICZ ALICJA	REG COMP PLAN 1700 LOT 52	114.3	\$866.26	\$4,525.05	3	\$112,588.67
2	J DONATO CONSTRUCTION LTD	REG COMP PLAN 1700 LOT 53	100	\$866.26	\$4,525.05	2	\$95,676.10
3	J DONATO CONSTRUCTION LTD	REG COMP PLAN 1700 LOT 51	47.6	\$866.26	\$4,525.05	1	\$45,759.03
4	MIGHTON JEFFREY LARRY	RCP 1700 PT LOTS 47 AND 48;RP 51R39118 PARTS 1 AND 3	95.7	\$866.26	\$4,525.05	2	\$91,951.18
5	TOWN OF WASAGA BEACH	REG COMP PLAN 1700 LOT 49	141.95	\$866.26	\$4,525.05	2	\$132,015.71
6	TOWN OF WASAGA BEACH	RCP 1700 PT LOTS 47 AND 48;AND RP 51R39118 PART 2	106.8	\$866.26	\$4,525.05	1	\$97,041.62
7	DONATO JOE	RCP 1700 PT LOT 50	102.3	\$866.26	\$4,525.05	2	\$97,668.50
8	DONATO JOE	REG COMP PLAN 1700 LOT 46	134	\$866.26	\$4,525.05	2	\$125,128.94
9	DONATO JOE	REG COMP PLAN 1700 LOT 55	157.5	\$866.26	\$4,525.05	2	\$145,486.05
10	J DONATO CONSTRUCTION LTD	REG COMP PLAN 1700 LOT 45	100	\$866.26	\$4,525.05	2	\$95,676.10
11	CABRAL EDWARD PACHECO	REG COMP PLAN 1700 LOT 57	140	\$866.26	\$4,525.05	3	\$134,851.55
12	DUNN KAREN EDITH TRUSTEE	REG COMP PLAN 1700 LOT 44	89.59	\$866.26	\$4,525.05	1	\$82,133.28
13	DONATO JOE	REG COMP PLAN 1700 LOT 58	149.5	\$866.26	\$4,525.05	2	\$138,555.97
14	ALONZI-PEEVER ANNA	REG COMP PLAN 1700 LOT 56	150	\$866.26	\$4,525.05	3	\$143,514.15
Total							\$1,538,046.84

Annual Special charges shall be paid:

- 1) Payment in full within 60 days of the receipt of the invoice;
- 2) Payment over a 5 year period with interest on an annual basis; or
- 3) Payment over a 10 year period with interest on an annual basis.

Please note where either a 5 year or 10 year period is requested, the entire interest amount will be charged in full even if early repayment applies.

Estimated lifetime of work:

80 years