

Staff Report to Council

Title: Mandatory Water and Sewer Connection 124 King Street and 30 Rae Street Tiverton

Report Number: Development Services-2024-27

Director: Infrastructure & Development

Manager: Development Services

Meeting Date:
Wednesday, September 11, 2024

Date to be considered by Council:
Wednesday, September 11, 2024

Recommendation:

That Council pass a mandatory connection By-law and direct staff to proceed with servicing the properties known as 124 King Street and 30 Rae Street.

Executive Summary:

The properties known as 124 King Street and 30 Rae Street in the Village of Tiverton are currently not serviced by water or sewer. Typically, the Municipality requires a developer to install servicing, and the Municipality assumes the services once inspections are satisfied. However, due to multiple properties being involved in this area of the community, staff have worked towards a solution that would be beneficial to ensure the service is installed for both 124 King Street and 30 Rae Street. Staff brought Council a legal opinion in closed session and Council directed staff to bring forward a mandatory connection By-law for their consideration. The prepared By-law requires both properties to pay their respective proportion of costs based on the proposed number of units for each development and outlines that costs would be collected upon the completion of installation of services.

Strategic Priorities:

B.5-Evaluate and proactively plan for infrastructure to meet population growth and long-term sustainability

Financial Considerations:

The capital costs associated with installing water and sewer services for these two properties will be collected as per the By-law. Fees are to be collected upon completion of installation of services.

Policy:

Section 391 of the Municipal Act

Context and Background Information:

The property known municipally as 124 King Street completed a site-specific zoning in 2010 to permit two-four plex's on the property. As a result, the owner at the time entered into a site plan agreement which proposed water and sewer connections off King Street (Highway 21). However, when MTO upgraded Highway 21 through Tiverton in 2011, the service connections were not installed before MTO completed construction. This led to an easement being created on Parts 1 to 4 Plan 3R-93553 (see attached) to facilitate the servicing from Rae Street over private property. At the time it was anticipated to be strictly for sewer lines, but it was later determined through discussions with MTO, that both water and sewer would need to come from Rae Street through the easement.

A building permit for the first four plex was issued in 2010 since the property was under an active site plan agreement. After the easement was in place, the developer did not proceed with installing servicing. This is when the development became stagnant, and the site has sat unfinished since that time. The site plan agreement has since expired and the development would not require a new site plan agreement for 8 units as per Bill 23.

In 2018 a planning application to sever, merge and rezone the property known today as 30 Rae Street was brought forward. The OLT issued a decision in September 2020 and an Amended decision due to a revisal request in December of 2023. This development proposed water and sewer service installation in the easement that would be assumed by the Municipality and provide services to both 30 Rae Street and 124 King Street. The site plan for 30 Rae Street is in the final approval stages. However, the property has been listed for sale, with administrative requirements outstanding before a site plan agreement can be entered.

Consultation Overview:

The mandatory connection By-law was prepared in consultation with the Municipality's lawyer. Both benefiting property owners are aware of the mandatory connection By-law coming forward to Council.

Origin:

Council directed staff to bring forward a mandatory connection By-law.

Implementation Considerations:

The mandatory connection By-law outlines that the cost breakdown recommended is based on the number of proposed units for each property. The total number of proposed units on the two properties is 37.

22% for 124 King Street (8 units) and 78% for 30 Rae Street (29 units).

Should Council proceed with passing the By-law staff will proceed with the servicing project.

Risk Analysis:

The risk of the Municipality not facilitating the servicing of these two properties is that the property at 124 King Street continues to sit in a derelict condition, with a 4-plex that is incomplete and un-serviced.

By passing a mandatory connection By-law the Municipality will facilitate the installation of services and is guaranteed to recover the costs. All fees and charges imposed by a mandatory connection By-law constitute debts of the property owner and can therefore be added to the tax roll and collected as municipal taxes.

Attachments: Mandatory Water and Sewer Connection By-law

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