The Corporation of the City of Peterborough

By-Law Number 19-027

Being a By-law to assess Special Area Charges to certain lands within Draft Plan of Subdivision 15T-10507 (Phase 2, Stage 3 Registered Plan 45M-254, and part of Phase 2, Stage 2, Registered Plan 45M-247)

Whereas Section 326 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may by by-law identify a special service and designate an area of the municipality in which the residents and property owners receive or will receive additional benefit from that special service that is not received or will not be received in other areas of the municipality;

And Whereas the Council for the Corporation of the City of Peterborough has granted Draft Plan Approval to Draft Plan of Subdivision 15T-10507 subject to a condition requiring the Subdivider to acknowledge that the City may implement a Special Area Charge pursuant to Section 326 of the Municipal Act, 2001, S.O. 2001, c.25, as amended for properties within the plan that abut and rely upon rear laneways in order to reflect the enhanced level of municipal services that will be provided to those properties;

And Whereas By-law 13-096 established a Special Area Charge for the first stage of Draft Plan of Subdivision 15T-10507 (Registered Plan 45M-238) that was valued at $96.52 in 2013, and is subject to an annual adjustment following the general tax levy increase, that will be added to the annual property tax bill for those properties within the plan that abut and rely upon rear laneways;

And Whereas the registered subdivision agreements (Instrument Nos. PE257264 and PE299569) for the second and third stages of Draft Plan of Subdivision 15T-10507 (Registered Plans 45M-247 and 45M-254) require the Subdivider to provide notice of the amount of the Special Area Charge in all Agreements of Purchase and Sale for those properties within the plan that abut and rely upon rear laneways;

And Whereas Lots 26 to 71, 84 to 99, 152 to 190 and 199 to 233 inclusive within Registered Plan 45M-254 and part of Block 64, Registered Plan 45M-247, more particularly described as Parts 7, 8 and 9 on Plan 45R-16651 and Parts 1 and 2 on Plan 45R-16692, abut and rely upon rear laneways and are subject to the Special Area Charge;

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

1. Pursuant to Section 326(1)(a) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the ongoing Public ownership and maintenance of rear laneways is hereby deemed to be a Special Service.

2. Pursuant to Section 326(1)(c) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, residential lots within Registered Plan 45M-254 and within Block 64, Registered Plan 45M-247 that abut and rely upon rear laneways are hereby designated as an area of the municipality in which the residents and property owners receive or will receive an additional benefit from the Special Service that is not received or will not be received in other areas of the municipality;
3. The City of Peterborough will add an annual charge to the 2019 property tax bill of designated residential lots and blocks for the 2019 taxation year at a rate of $112.32 (2018 rate) plus the annual adjustment following the general property tax levy increase for 2019.

4. The City of Peterborough will add the applicable annual charge to the tax bill of designated residential lots for subsequent years subject to an annual adjustment following the general property tax levy increase.

By-law read a first, second and third time this 28th day of January, 2019.

(Sgd.) Diane Therrien, Mayor

(Sgd.) John Kennedy, City Clerk