

THE CORPORATION OF THE CITY OF NORTH BAYBY-LAW NO. 120-74

BEING A BY-LAW TO AUTHORIZE CONSTRUCTION
OF SANITARY SEWERS AND SERVICE CONNECTIONS
ON CERTAIN STREETS IN THE CITY OF NORTH BAY
AND TO IMPOSE A SPECIAL ASSESSMENT.

WHEREAS pursuant to the provisions of The Municipal Act being Revised Statutes of Ontario, 1970, Chapter 284, and more particularly Section 354 (1) (53) thereof, a Council may pass by-laws authorizing the construction of certain extensions and improvements to sanitary sewers in order to provide the necessary sanitary sewer system;

AND WHEREAS it is deemed desirable to make charges for the cost of construction of such works pursuant to Section 362 of The Municipal Act being Revised Statutes of Ontario, 1970.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

1. That a sanitary sewer system with the necessary mains, man-holes, connection to the lot lines and other appurtenances be constructed on certain streets, the description of which is contained in Schedules "A" to "F" attached hereto and forming part of this by-law.
2. (a) The lands upon which shall derive an immediate benefit shall be the lands described in Schedules "A", "B", "C" and "F" attached hereto and forming part of this By-law and;
(b) There is hereby imposed upon such land a sewer rate being an annual frontage rate sufficient to pay part of the cost of such works, the said rates being as set out in the said Schedules "A", "B", "C" and "F".
(c) That the Corporation's share of the cost of the works as set out in each of the said Schedules "A", "B", "C" and "F" shall be imposed upon all rateable property in the Urban Service Area as hereinafter provided in Paragraph 4.
3. (a) The lands upon which shall derive a deferred benefit shall be the lands described in Schedule "E" attached hereto and forming part of this By-law and;
(b) There shall be hereby imposed upon such land a sewer rate sufficient to pay the cost of such work, the said rate being as set out in the said Schedule "E".
4. That the Corporation's share of the cost of the works as set out in Schedules "A", "B", "C", "D", "E" and "F" shall be imposed as follows:
(a) Upon all the rateable property in the Urban Service area, established by By-law No. 68-71 of the Corporation of the City of North Bay, a sewer rate for a period of twenty (20) years, sufficient to pay the whole of the interest and principal charges of the debenture to be raised for the construction of the work as follows:
(1) A mill rate on the assessed value of all land in the Urban Service area designated by By-law No. 68-71 of the Corporation of the City of North Bay.
5. That the estimated annual foot frontage is as shown in Schedules "A" to "E" attached hereto and forming part of this by-law and shall be charged and imposed upon all lands as described in the aforementioned Schedules for a period of fifteen (15) years at 10½% interest.
6. That the assessment referred to herein or any debentures which may be and are hereby authorized shall be paid in fifteen (15) annual instalments of principal and interest at such rate as Council shall determine.

- 7. That the estimated life of the work is sixteen (16) years.
- 8. That the Treasurer of the City of North Bay is hereby authorized to borrow from time to time from any bank or person by way of Promissory Note or Notes temporary advances of money to meet the cost of construction as aforesaid pending the completion thereof and pending the issue and sale of debentures herein-after referred to but in no event shall the aggregate of such borrowings exceed the amount limited in this by-law.
- 9. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the work or for the carrying out of the work by day labour.
- 10. That the work shall be carried out and executed under the superintendence and according to the directions and orders of the Corporation's engineers.
- 11. That the Mayor and Clerk are hereby authorized to cause a contract for the construction of the work to be made and entered into with some person or persons, firm or corporation or make such other arrangement as may be necessary for the carrying out of the work by day labour, subject to the approval of this Council to be declared by resolution.
- 12. Any person whose lot is specially assessed, may at any time, before the passing of a debenture by-law implementing the provisions hereof, commute for payment the cost of the construction assessed upon such lot without interest, forthwith after the said assessment roll has been certified by the Clerk.
- 13. After the debentures have been sold, any person whose lot is specially assessed may commute the balance of the special assessment by paying to the Corporation an amount which, when invested at the then current interest rates will be sufficient to pay the unmatured annual debt charges of the special assessment.

READ A FIRST TIME IN OPEN COUNCIL THIS 25TH DAY OF NOVEMBER, 1974.
 READ A SECOND TIME IN OPEN COUNCIL THIS 25TH DAY OF NOVEMBER, 1974.
 READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED
 THIS 6TH DAY OF OCTOBER , 1975.

..... MAYOR CITY CLERK

THIS IS SCHEDULE "A" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

.....

DESCRIPTION OF LAND:

An 8" sanitary sewer commencing at the west limit of Rancier Street along an easement described as Parts 1 and 2 on Plan 36-R-3622, a distance of 1,045 feet to Ski Club Road.

<u>PROPERTIES TO BE SPECIALLY ASSESSED</u>	<u>FRONTAGE</u>
Parcel 10520 W & F	<u>1,409.76</u> feet
TOTAL FRONTAGE	1,409.76 feet
Cost to be paid by abutting property owners	\$22,457.48
Corporation's share of cost	<u>10,844.52</u>
TOTAL ESTIMATED COST	<u>\$33,302.00</u>
Charge Per foot frontage	\$ 15.93
Rate per foot frontage	\$ 2.15 per annum

THIS IS SCHEDULE "B" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

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DESCRIPTION OF LAND

An 8" sanitary sewer and service connections commencing at a point 250 feet south of Ski Club Road at the east property line of Parcel 1645 W&F (847 Ski Club Road,) running west a distance of approximately 630 feet along an easement to Part 2, Plan NR-25 (795 Ski Club Road).

<u>PROPERTIES TO BE SPECIALLY ASSESSED</u>	<u>FRONTAGE</u>
Pcl. 1647 W & F	100.00 feet
Pcl. 4285 W & F	125.00 "
Pcl. 4802 W & F	181.00 "
Part 1 NR 2308	128.00 "
Part 1 NR 25	59.72 "
Part 2 NR 25	<u>59.75 "</u>
TOTAL FRONTAGE	653.47 feet
Cost to be paid by abutting property owners	\$21,584.11
Corporation's share of cost	245.89
Cost of service connections	<u>706.20</u>
TOTAL ESTIMATED COST	\$22,536.20
Charge per foot frontage	\$ 33.03
Rate per foot frontage	\$ 4.47 per annum
Charge per service connections	\$ 117.70
Rate per service connection	\$ 15.92 per annum

THIS IS SCHEDULE "C" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

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DESCRIPTION OF LAND

An 8" sanitary sewer and service connections commencing at approximately the east property line of Lot 27, Plan M-296, running west a distance of 2,758 feet on Ski Club Road to Strathcona Street.

<u>PROPERTIES TO BE SPECIALLY ASSESSED</u>	<u>FRONTAGE</u>	
Pcl. 5962 W & F	175.89	feet
Lot 1, Plan m296	75.00	"
Lot 2, Plan M296	75.00	"
Lot 3, Plan M296	75.00	"
Lot 4, Plan M296	75.00	"
Lot 5, Plan M296	75.00	"
Part 1, Plan NR-2035	194.50	"
Part 2, Plan NR-2035	194.50	"
Lot 6, Plan M296	80.00	"
Lot 7, Plan M296	80.00	"
Lot 8, Plan M296	75.00	"
Lot 9, Plan M296	75.75	"
Lot 10, Plan M296	75.00	"
Lot 11, Plan M296	75.00	"
Lot 12, Plan M296	75.00	"
Lot 13, Plan M296	75.00	"
Lot 14, Plan M296	84.00	"
Lot 15, Plan M296	75.00	"
Lot 16, Plan M296	81.00	"
Lot 18, Plan M296	70.00	"
Lot 17, Plan M296	70.00	"
Lot 19, Plan M296	80.00	"
Lot 20, Plan M296	80.00	"
Lot 21, Plan M296	80.00	"
Lot 22, Plan M296	79.30	"
Lot 23, Plan M296	75.00	"
Lot 24, Plan M296	75.00	"
Lot 25, Plan M296	75.00	"
Lot 26, Plan M296	75.00	"
Lot 27, Plan M296	75.00	"
Laurentian Ski Club - Ski Club Road	10.00	"
Laurentian Ski Club	10.00	"
Part 1, Plan NR-761	425.00	"
Part 3, Plan NR-25	60.15	"
Part 4, Plan NR-25	60.15	"
Pcl. 6967, W & F	60.00	"
Part 5, Plan NR-25	60.00	"
Part 1, Plan NR-911	176.27	"
Rem. Pcl.8880 W & F	188.68	"
Part 1, Plan NR-1855	224.60	"
Rem. 2678 W & F	186.10	"
Part Rem. 2678	247.45	"
Parts 1 & 2 Plan NR-25	155.62	"
Part 1, Plan 36-R-2754	<u>212.34</u>	"

TOTAL FRONTAGE 4,701.30 "

Cost to be paid by abutting property owners	\$145,176.14
Corporations share of cost	26,039.86
Cost of service connections	<u>14,400.00</u>

TOTAL ESTIMATED COST \$185,616.00

Charge per foot frontage	\$ 31.00
Rate per foot frontage	4.19 per annum
Charge per service connection	\$ 480.00
Rate per service connection	\$ 64.92 per annum

THIS IS SCHEDULE "D" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

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DESCRIPTION OF LAND:

A 10" sanitary sewer commencing at Ski Club Road, running north along an easement described as Parts 2, 7, 8 & 9, Plan NR2367, a distance of approximately 763 feet to a point 33 feet north of the south limit of Part 2, Plan NR2367 being the centre of the reservoir access road.

PROPERTIES TO BE SPECIALLY ASSESSED

Not applicable

Corporation's share of cost \$34,830.00

TOTAL ESTIMATED COST \$34,830.00

Charge per foot frontage	\$ N/A
Rate per foot frontage	\$ N/A annum
Charge per service connection	\$ N/A
Rate per service connection	\$ N/A

THIS IS SCHEDULE E" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

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DESCRIPTION OF LAND

An 18" sanitary sewer commencing 33 feet north of the south limit of Part 2, Plan NR-2367 running generally north-east along an easement a distance of approximately 1965 feet to Surrey Drive at Francis Street.

<u>PROPERTIES TO BE SPECIALLY ASSESSED</u>	<u>FRONTAGE</u>	
Rem. Parcel 2929 W & F	1,764	feet
Parcel 2267 Nip.	<u>600</u>	feet
TOTAL FRONTAGE	2,364	feet
Estimated cost to be paid by abutting property owners	\$56,357.76	
Estimated Corporation's share of cost	\$56,980.24	
Cost of service connections	<u>n/a</u>	
TOTAL ESTIMATED COST	<u>\$113,338.00</u>	
Charge per foot frontage	\$	23.84
Rate per foot frontage	\$	3.22 per annum

No immediate benefit is derived from the properties listed on Schedule "E". The properties listed will, therefore, be subject to a deferred benefit rate.

The City Hall will pay the rates as outlined in Schedule "E" until such time as an immediate benefit is derived.

At the time of entering into a Subdivision Agreement for the development of the lands listed in Schedule "E", the properties will be deemed to derive immediate benefit and will be subject to the charges listed in Schedule "E".

THIS IS SCHEDULE "F" TO BY-LAW NO. 120-74 OF THE CORPORATION OF THE CITY OF NORTH BAY

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DESCRIPTION OF LAND:

A 12" sanitary sewer and service connections on Francis Street commencing at Surrey Drive running north-east a distance of 2,990 feet to Greenhill Avenue

PROPERTIES TO BE SPECIALLY ASSESSED

FRONTAGE

Block A, Plan M-270	131.04	feet
Lot 43, Plan M-270	107.14	"
Lot 42, Plan M-270	107.14	"
Lot 41, Plan M-270	107.14	"
Lot 40, Plan M-270	100.00	"
Lot 39, Plan M-270	100.00	"
Lot 38, Plan M-270	100.00	"
Lot 37, Plan M-270	100.00	"
Lot 36, Plan M-270	100.00	"
Lot 34, Plan M-270	100.00	"
Lot 33, Plan M-270	100.00	"
Lot 35, Plan M-270	100.00	"
Lot 32, Plan M-270	100.00	"
Lot 31, Plan M-270	100.00	"
Lot 30, Plan M-270	100.00	"
Lot 29, Plan M-270	100.00	"
Lot 28, Plan M-270	100.00	"
Lot 27, Plan M-270	100.00	"
Lot 26, Plan M-270	100.00	"
Lot 25, Plan M-270	100.00	"
Lot 24, Plan M-270	100.00	"
Lot 23, Plan M-270	100.00	"
Lot 22, Plan M-270	100.00	"
Lot 21, Plan M-270	100.00	"
Lots 64 & 65 Plan M-285		
Pcl. 4776 W & F Plan M-270		
Pcl. 5588 W & F	340.99	"
Lot 51, Plan M-285	42.76	"
Lot 63, Plan M-285	100.00	"
Lot 62, Plan M-285	100.00	"
Lot 61, Plan M-285	100.00	"
Lot 60, Plan M-285	100.00	"
Lot 59, Plan M-285	100.00	"
Lot 58, Plan M-285	100.00	"
Lot 57, Plan M-285	100.00	"
Lot 56, Plan M-285	100.00	"
Lot 55, Plan M-285	100.00	"
Lot 54, Plan M-285	100.00	"
Lot 53, Plan M-285	100.00	"
Lot 52, Plan M-285	100.00	"
Lot 46, Plan M-270	50.00	"
Lot 47, Plan M-270	100.00	"
Lot 48, Plan M-270	100.00	"
Lot 49, Plan M-270	100.00	"
Remainder Pcl. 2267 Nip.	<u>756.63</u>	

TOTAL FRONTAGE 5,142.84 feet

Cost to be paid by abutting property owners	\$75,034.04
Corporation's share of cost	33,301.96
Cost of service connections	<u>17,664.00</u>

TOTAL ESTIMATED COST \$126,000.00

Charge per foot frontage	\$ 14.59
Rate per foot frontage	\$ 1.97 per annum
Charge per service connection	\$ 504.69
Rate per service connection	\$ 68.26 per annum



E 75302

Ontario Municipal Board

IN THE MATTER OF Section 64
of The Ontario Municipal Board
Act (R.S.O. 1970, c. 323), and

Sections 354(1)53 and 362 of The
Municipal Act, (R.S.O. 1970,
c. 284)

- and -

IN THE MATTER OF an application
by The Corporation of the City
of North Bay for an order approving
the construction of certain sanitary
sewers at an estimated cost of
\$515,622.20 and the borrowing of
money therefor, and the issuance of
the necessary debentures

- and -

IN THE MATTER OF the passing of
a by-law imposing a sewer rate

B E F O R E :

J. A. WHEELER,
Member

-and-

E. A. SEABORN,
Member

)
Thursday, the 18th day of
)
September, 1975
)

THIS APPLICATION having come on for public hearing and
further material having been filed, the Board orders that
this application be granted and that the applicant may
proceed with the construction of sanitary sewers on:

	<u>Cost</u>
1. Rancier Street (west limit) along an easement described as Parts 1 and 2, Plan 36-R-3622, a distance of 1,045 feet to Ski Club Road	\$33,302.00
2. (a) Easement (250 feet south of Ski Club Road) from east property line of Parcel 1645 W&F westerly for a distance of 630 feet to Part 2 Plan NR-25	\$21,830.00
(b) Connections for Item 2(a) above	\$ 706.20

Cost

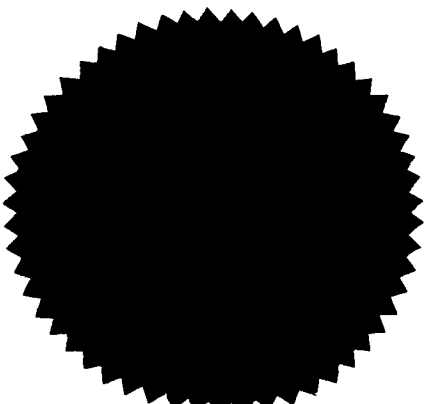
- 3. (a) Ski Club Road from east Property line of Lot 27, Plan M-296 westerly a distance of 2,758 feet to Strathcona Street \$171,216.00
- (b) Connections for Item 3(a) above \$ 14,400.00
- 4. Easement from Ski Club Road north along Parts 2, 7, 8 and 9, Plan NR-2367, a distance of 763 feet to a point 33 feet north of south limit of Part 2, Plan NR-2367, being the centre of the reservoir access road \$ 34,830.00
- 5. Easement, from 33 feet north of south limit of Part 2, Plan NR-2367 north-easterly a distance of 1,965 feet to Surrey Drive at Francis Street \$113,338.00
- 6. (a) Francis Street, from Surrey Drive to Greenhill Avenue, a distance of 2,990 feet \$108,336.00
- (b) Connections for Item 6(a) above \$ 17,664.00

and may pass all requisite by-laws, and may issue debentures therefor for a sum not exceeding \$515,622.20 and not to exceed the net cost of such undertaking to the applicant, for a term not to exceed fifteen years, provided that any by-law authorizing the said undertaking is passed by a three-fourths vote of all members of the council of the applicant corporation;

AND THE BOARD FURTHER ORDERS that the passing of a by-law imposing a sewer rate for a period of fifteen years to pay a portion of the annual payments with respect to the undertakings described in Items 1, 2(a), 3(a), 5 and 6(a) hereof by frontage rates on the owners or occupants of lands as set out in Schedules "A", "B", "C", "D" and "E" hereto annexed and signed by the Secretary, be and the same is hereby approved.

K. C. Andrews

K. C. ANDREWS
SECRETARY



ENTERED	
O. B. No.	<i>ES-4</i>
Folio No.	<i>11</i>
SEP 19 1910	
<i>K. C. Andrews</i>	
SECRETARY, ONTARIO MUNICIPAL BOARD	

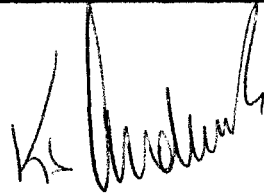
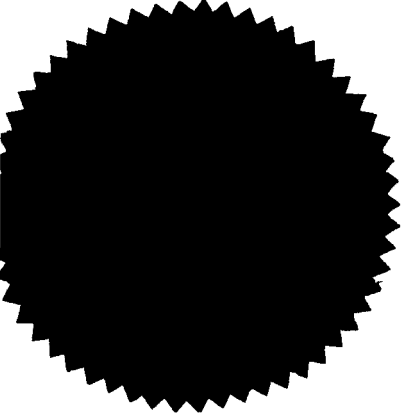


E 75302

Ontario Municipal Board

SCHEDULE "A"

to the order of the Ontario Municipal Board
made on the 18th day of September, 1975



K.C. ANDREWS
SECRETARY

DESCRIPTION OF WORK FOR WHICH SEWER RATE MAY BE IMPOSED:

A sanitary sewer commencing at the west limit of Rancier Street along an easement described as Parts 1 and 2 on Plan 36-R-3622, a distance of 1,045 feet to Ski Club Road.

PROPERTIES WHICH MAY BE SPECIALLY ASSESSED

FRONTAGE

Parcel 10520 W & F

1,409.76 feet

Rate per foot frontage per annum: \$2.15

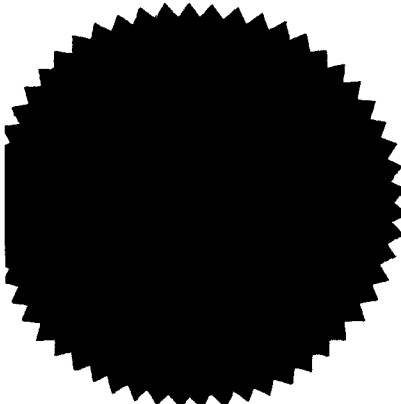


E 75302

Ontario Municipal Board

SCHEDULE "B"

to the order of the Ontario Municipal Board
made on the 18th day of September, 1975



K. C. ANDREWS
SECRETARY

DESCRIPTION OF WORK FOR WHICH SEWER RATE MAY BE IMPOSED:

A sanitary sewer commencing at a point 250 feet south of Ski Club Road at the east property line of Parcel 1645 W&F (847 Ski Club Road) running west a distance of approximately 630 feet along an easement to part 2, Plan NR-25 (795 Ski Club Road).

PROPERTIES WHICH MAY BE SPECIALLY ASSESSED

FRONTAGE

Pcl. 1647 W & F	100.00 feet
Pcl. 4285 W & F	125.00 "
Pcl. 4802 W & F	181.00 "
Part 1 NR 2308	128.00 "
Part 1 NR 25	59.72 "
Part 2 NR 25	59.75 "
	<u>653.47</u> feet

Rate per foot frontage per annum: \$3.24

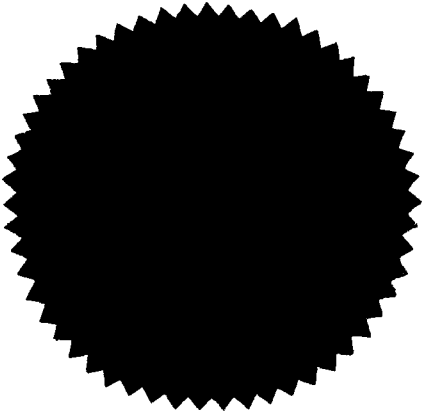


E 75302

Ontario Municipal Board
SCHEDULE "C"

TO THE ORDER OF THE ONTARIO MUNICIPAL BOARD
MADE ON THE 18TH DAY OF SEPTEMBER, 1975

K. C. ANDREWS
SECRETARY



DESCRIPTION OF WORK FOR WHICH A SEWER RATE MAY BE IMPOSED:

A sanitary sewer commencing at approximately the east property line of Lot 27, Plan M-296, running west a distance of 2,758 feet on Ski Club Road to Strathcona Street.

<u>PROPERTIES WHICH MAY BE SPECIALLY ASSESSED</u>	<u>FRONTAGE</u>
Pcl. 5962 W & F	175.89 feet
Lot 1, Plan M296	75.00 "
Lot 2, Plan M296	75.00 "
Lot 3, Plan M296	75.00 "
Lot 4, Plan M296	75.00 "
Lot 5, Plan M296	75.00 "
Part 1, Plan NR-2035 (94.5' exempt)	100.00 "
Part 2, Plan NR-2035 (94.5' exempt)	100.00 "
Lot 6, Plan M296	80.00 "
Lot 7, Plan M296	80.00 "
Lot 8, Plan M296	75.00 "
Lot 9, Plan M296	75.75 "
Lot 10, Plan M296	75.00 "
Lot 11, Plan M296	75.00 "
Lot 12, Plan M296	75.00 "
Lot 13, Plan M296	75.00 "
Lot 14, Plan M296	84.00 "
Lot 15, Plan M296	75.00 "
Lot 16, Plan M296	81.00 "
Lot 18, Plan M296	70.00 "
Lot 17, Plan M296	70.00 "
Lot 19, Plan M296	80.00 "
Lot 20, Plan M296	80.00 "
Lot 21, Plan M296	80.00 "
Lot 22, Plan M296	79.30 "
Lot 23, Plan M296	75.00 "
Lot 24, Plan M296	75.00 "
Lot 25, Plan M296	75.00 "
Lot 26, Plan M296	75.00 "
Lot 27, Plan M296	75.00 "
Laurentian Ski Club	10.00 "
Laurentian Ski Club	10.00 "
Part 1, Plan NR-761	425.00 "
Part 3, Plan NR-25	60.15 "
Part 4, Plan NR-25	60.15 "

- 2 -

Pcl. 6967, W & F	60.00	feet
Part 5, Plan NR-25	60.00	"
Part 1, Plan NR-911	176.27	"
Rem. Pcl. 8880 W & F	188.68	"
Part 1, Plan NR-1855	224.60	"
Rem. 2678 W & F	186.10	"
Part Rem. 2678	247.45	"
Parts 1 & 2 Plan NR-25	155.62	"
Part 1, Plan 36-R-2754	212.34	"
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	4,701.30	feet

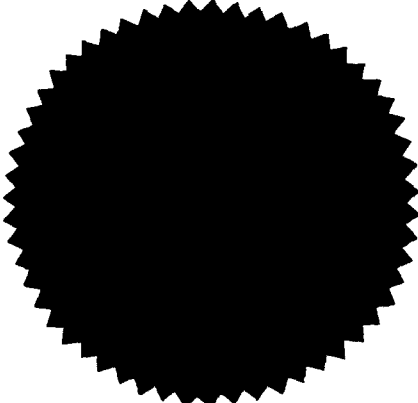
Rate per foot frontage per year \$3.24



E 75302

Ontario Municipal Board
SCHEDULE "D"

to the order of the Ontario Municipal Board
made on the 18th day of September, 1975



K. C. ANDREWS
SECRETARY

DESCRIPTION OF WORK for which sewer rate may be imposed,

A sanitary sewer commencing 33 feet north of the south limit of Part 2, Plan NR-2367 running generally north-east along an easement a distance of approximately 1965 feet to Surrey Drive at Francis Street.

PROPERTIES which may be specially assessed at the time of entering into a Subdivision Agreement for the development of lands listed herein:

	<u>Frontage</u>
Rem. Parcel 2929 W&F	1,764 feet
Parcel 2267 Nip.	<u>600 "</u>
	2,364 feet

Rate per foot frontage per annum: \$3.22

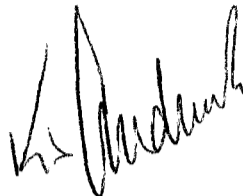
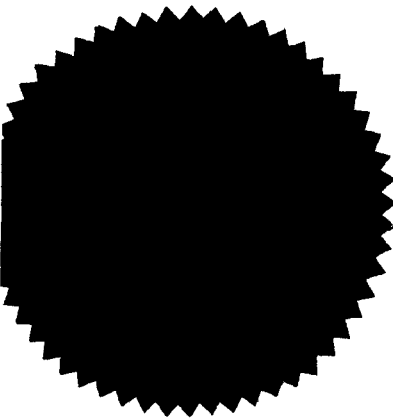


E 75302

Ontario Municipal Board

SCHEDULE "E"

to the order of the Ontario Municipal Board
made on the 18th day of September, 1975



K. C. ANDREWS
SECRETARY

DESCRIPTION OF WORK FOR WHICH SEWER RATE MAY BE IMPOSED:

A sanitary sewer on Francis Street commencing at Surrey Drive running north-east a distance of 2,990 feet to Greenhill Avenue

PROPERTIES WHICH MAY BE SPECIALLY ASSESSED

FRONTAGE

Block A, Plan M-270	131.04 feet
Lot 43, Plan M-270	107.14 "
Lot 42, Plan M-270	107.14 "
Lot 41, Plan M-270	107.14 "
Lot 40, Plan M-270	100.00 "
Lot 39, Plan M-270	100.00 "
Lot 38, Plan M-270	100.00 "
Lot 37, Plan M-270	100.00 "
Lot 36, Plan M-270	100.00 "
Lot 34, Plan M-270	100.00 "
Lot 33, Plan M-270	100.00 "
Lot 35, Plan M-270	100.00 "
Lot 32, Plan M-270	100.00 "
Lot 31, Plan M-270	100.00 "
Lot 30, Plan M-270	100.00 "
Lot 29, Plan M-270	100.00 "
Lot 28, Plan M-270	100.00 "
Lot 27, Plan M-270	100.00 "
Lot 26, Plan M-270	100.00 "
Lot 25, Plan M-270	100.00 "
Lot 24, Plan M-270	100.00 "
Lot 23, Plan M-270	100.00 "
Lot 22, Plan M-270	100.00 "
Lot 21, Plan M-270	100.00 "
Lots 64 & 65 Plan M-285	
Pcl. 4776 W & F Plan M-270	
Pcl. 5588 W & F	340.99 "
Lot 51, Plan M-285	42.76 "
Lot 63, Plan M-285	100.00 "
Lot 62, Plan M-285	100.00 "
Lot 61, Plan M-285	100.00 "
Lot 60, Plan M-285	100.00 "

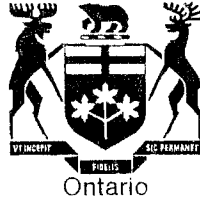
E 75302

PROPERTIES WHICH MAY BE SPECIALLY ASSESSED

FRONTAGE

Lot 59, Plan M-285	100.00 feet
Lot 58, Plan M-285	100.00 "
Lot 57, Plan M-285	100.00 "
Lot 56, Plan M-285	100.00 "
Lot 55, Plan M-285	100.00 "
Lot 54, Plan M-285	100.00 "
Lot 53, Plan M-285	100.00 "
Lot 52, Plan M-285	100.00 "
Lot 46, Plan M-270	50.00 "
Lot 47, Plan M-270	100.00 "
Lot 48, Plan M-270	100.00 "
Lot 49, Plan M-270	100.00 "
Remainder Pcl. 2267 Nip.	756.63 "
	<u>5, 142.84 feet</u>

Rate per foot frontage per annum \$1.97



E 75302

Ontario Municipal Board

IN THE MATTER OF Section 64 of The Ontario Municipal Board Act (R.S.O. 1970, c. 323), and

Sections 354(1)53 and 362 of The Municipal Act, (R.S.O. 1970, c. 284)

- and -

IN THE MATTER OF an application by the Corporation of the City of North Bay for an order approving the construction of certain sanitary sewers and connections at an estimated cost of \$515,622.20 and the borrowing of money therefor, and the issuance of debentures in the sum of \$515,622.20 for a term of fifteen years

RECEIVED
JUL 4 1975

- and -

IN THE MATTER OF the passing of a by-law imposing a sewer rate

C O U N S E L :

- J.A. O'Neill - for the City of North Bay
- G.D. Olah - for Joseph A. Mercier and others
- R.D. Tafel - for E. Wilson and others

DECISION OF THE BOARD delivered by E.A. SEABORN

The sanitary sewer works that are the subject of this hearing are located in the north-east area of the City of North Bay in the general vicinity of the Laurentian Ski Club and the airport. The main streets to be serviced are Francis Street to the north and running in a north-east to south-west direction and Ski Club Road running roughly west to east. The two main sections above are joined by easements and a portion of Rancier Street at the south-east extremity of the works area.

Francis Street is not presently served with either municipal water or sewerage. Evidence was adduced that there was a general problem of well water supply and quality,

no fire protection for the area (which includes an elementary school) and problems reported by the Department of Health as far as septic tanks are concerned with permits being issued on a temporary basis only. There was no objection to the need for the works on Francis Street.

Ski Club Road has municipal water supply but is served by septic tanks that appear to be functioning in a satisfactory manner. However the residents of this street petitioned for sewers in 1970 and again in 1973. As on Francis Street need for the works is not an issue, only the costs to the abutting land owners. The water application is dealt with separately on File 75303.

A main trunk sewer, the Chippewa Valley Trunk, would be the normal outlet for the Francis Street sewer but it will not be extended to accommodate such works until 1976 or 1977. Accordingly, the only means of servicing Francis Street (the area of greatest need) is to also service Ski Club Road and connect Francis Street sewers to Ski Club Road by easements on the west side and at the end of the new Ski Club Road sewer through further easements to Rancier Street.

Counsel for twenty-nine Ski Club Road residents argued that while his clients were among those who petitioned for sewers, the greatest need was on Francis Street and for the development between these two main streets known as the Fricker-Wallace subdivision. It was also stated that the average fronting charge in the city was \$2.10 per foot per year whereas the proposed charge for the Ski Club Road line was \$3.24. It is noted that the original annual frontage charge was established at \$4.19 but under heavy ratepayer pressure, North Bay Council asked staff to re-examine the costs and in February of this year reduced the charge from \$4.19 per foot to \$3.24.

Five other property owners on Ski Club Road (Nos. 795 to 847) have a specific problem due to the

topography of their lands and will be dealt with separately in the decision. Also treated separately will be the properties known as 702 and 724 Ski Club Road.

Objections to the Francis Street section were presented by one owner who purported to speak for a number of his neighbours. As stated previously, there was no argument as to need and the Board is satisfied that the frontage rate under Schedule "F" of \$1.97 per foot per annum and connection rate of \$68.26 per annum are reasonable. The individual frontages on Francis Street are mainly 100 feet with only two of forty-six properties having less than 100 feet while six are over 100 feet. The average owner's present taxes are \$319.00 and the annual local improvement costs for the sewer (combined with the new water line) will be almost an additional \$500.00 per year - a very heavy burden.

Now to Ski Club Road (not including the five properties referred to previously) and shown as Schedule "C". Objections to the rates (not the need) were stated previously but more specific data should now be given.

There appear to be forty-four properties varying from 60 feet to 425 feet with an average of approximately 100 feet. Owners with average sized lots currently pay taxes of about \$325.00. Proposed annual rate per foot frontage is \$3.24 with annual connection charges of \$64.92. Such charges will increase an average abutting owner's taxes by 100% or more - again a very heavy charge.

In the case of the Ski Club Road sewer, the Board is satisfied that every effort has been made by the city to reduce the costs to the abutting owners by absorbing the extra costs for extra depth, special difficulties due to the presence of three water mains and a large conduit serving the Sage installation, reconstruction of the paved roadway and rock out-cropping in some sections. It is noted again that Council already has reduced the frontage by almost \$1.00 per foot. The costs estimates are very close to tenders received also.

The only way that charge to the abutting owners covered by Schedule C (with two exceptions) can be reduced is by arbitrarily reducing the charges to a lower figure and thereby placing that portion of the costs on the general rate borne by all property owners in the City. The Board is sympathetic towards owners asked to pay such a heavy tax increase but feels that the benefit accrues to the abutting owners and increases the value of their properties quite substantially. Those with large frontages may wish to avail themselves of severance possibilities since the minimum lot frontage allowed is 60 ft. in an R1 zone.

Now to the special cases.

Schedule "B" of the by-law is concerned with five properties on the south side of Ski Club Road located at the eastern end of the work nearest to the Rancier Street connection. These properties because of their elevation in relation to Ski Club Road cannot be serviced from the street and must be looked after by a special spur sewer line running along the rear of the properties through a special easement 250 feet south of Ski Club Road. This spur line will not be used now or later for any other purpose except to serve these five properties. The City gave evidence that the rather large (250 ft.) distance from the rear of these homes was necessary because of the marked drop in elevation in this area.

Evidence was called by counsel for these ratepayers from a consulting engineer who provided drawings and an indication of substantially reduced cost by placing the line much closer to the rear of the homes. The City indicated that it had studied alternative proposals before arriving at the one covered by Schedule "B" and rejected the proposal outlined above.

The Board does not purport to have the technical knowledge to rule on an engineering matter but is inclined to feel that there is justification for a reduction in charges and rates on Schedule "B". The proposed, per foot frontage

rate is \$4.47 per annum with connection rate of \$15.92 per year. This compares with rates of \$3.24 and \$64.92 per annum for the balance of the forty-four properties on Ski Club Road more topographically fortunate.

The Board believes that the frontage rate under Schedule "B" should be reduced to the same figure of \$3.24 per foot as for Schedule "C" and so orders.

The Board believes that the City's Engineering Department will be able to reduce costs of this special spur line and that the difference will not be placed on the general rate.

Lastly to the Guillemette and Hogan properties, 702 and 724 Ski Club Road. These two large lots, each with a frontage of 194.50 feet have a specific common feature - a hydro easement crossing their properties in a north-east/south-west direction. While the owners can enjoy the amenities of a larger lot, they cannot sever or build on a large portion of them and accordingly deserve some relief from the frontage costs.

The Board rules that the frontage of these two properties, known as Parts 1 and 2, Plan NR-2035 to be used for sewage frontage charges be the average frontage of properties on Ski Club Road - 100 feet.

There were no objections to Schedules A, D, and E.

The application of the Corporation of the City of North Bay for the construction of sanitary sewers and connections is therefore approved at an estimated cost of \$515,622.20, the borrowing of money therefore and the issuance of debentures in the sum of \$515,622.20 for a term of 15 years. On By-law 120-74 being revised in accordance with changes made in Schedules B and C and submitted to the Board, the Board's order will issue without further notice or hearing.

DATED at Toronto this 2nd day of July, 1975.

J.A. WHEELER
MEMBER

E.A. SEABORN
MEMBER