

CITY OF BURNABY

BYLAW NO. 13722

A BYLAW in respect to contributions and fees for  
excess or extended storm sewer services

The Council of the City of Burnaby ENACTS as follows:

**PART 1: CITATION**

- 1.1 This Bylaw may be cited as **BURNABY STORM SEWER EXTENSION CONTRIBUTION AND FEE BYLAW 2017**.

**PART 2: INTERPRETATION**

2.1 In this Bylaw,

- “actual cost”** means the cost to the City to construct a **storm sewer extension project**, certified in writing by the **Director Engineering** following the completion of construction of the project, as set out in Schedule “A”
- “applicant”** means the owner of a parcel for which a subdivision or building permit application has been submitted to the **City** and in respect of which application the **Director Engineering** imposes a requirement under section 507(1) of the *Local Government Act* and section 3.1(a) of this bylaw
- “benefitting parcel”** means a parcel of land that the **Director Engineering** determines, on the basis of generally accepted civil engineering practice, will be served by a **storm sewer extension project**
- “City”** means the City of Burnaby
- “Council”** means the Council of the **City**
- “Director Engineering”** means the **Director Engineering** for the **City**, or his or her designate
- “estimated cost”** means the cost that the **Director Engineering** determines is likely to be incurred by the **City** to construct a **storm sewer extension project**
- “prime rate”** means the annual rate of interest announced from time to time by the Royal Bank of Canada as a reference rate then in effect for

determining interest rates on Canadian Dollar commercial loans in Canada

**“storm sewer extension project”** means a storm sewer system or storm sewer system component that will serve a parcel of land that is being subdivided or developed, as well as other land or lands

### PART 3: DELEGATION OF COUNCIL POWERS

- 3.1 **Council** delegates to the **Director Engineering** the powers, duties and functions of the **Council** under section 507(2) and section 508(1) of the *Local Government Act* for the purposes of:
- (a) requiring an **applicant** to provide excess or extended services, as defined in section 507(1) of the *Local Government Act*, in relation to a **storm sewer extension project**; and
  - (b) making the determinations and imposing the charges under section 508(1) of the *Local Government Act* for a **storm sewer extension project**, in accordance with Parts 4 and 5 of this bylaw.

### PART 4: DEVELOPER CONTRIBUTION

- 4.1 The **Director Engineering** may determine, in relation to any **storm sewer extension project** and on the basis of the **estimated cost**, the contribution towards the cost of the **storm sewer extension project** that an **applicant** shall pay, and shall require the **applicant** to pay the cost prior to the earlier of the approval of a subdivision of the **applicant’s** land and the issuance of a building permit in respect of the **applicant’s** land.
- 4.2 In the event that the **estimated cost** of a **storm sewer extension project** exceeds the **actual cost**, the **City** shall refund to the **applicant**, within thirty (30) days of determining the **actual cost**, the difference between the amount that the **applicant** has paid pursuant to section 4.1 of this bylaw and the amount that the **Director Engineering** would have required the **applicant** to pay had the **estimated cost** been equal to the **actual cost**.
- 4.3 In the event that the **actual cost** of a **storm sewer extension project** exceeds the **estimated cost**, the **applicant** shall pay to the **City** the difference between the amount that the **applicant** had paid pursuant to section 4.1 of this bylaw and the amount that the **Director Engineering** would have required the **applicant** to pay had the **estimated cost** been equal to the **actual cost**. The **applicant** shall pay such amount within thirty (30) days of the date of the invoice issued by the City pursuant to this section.
- 4.4 In the event that a subdivision of a **benefiting parcel** is approved or a building permit is issued in respect of a **benefiting parcel**, or portion thereof, prior to the amendment of this bylaw to impose a fee on the **benefiting parcel** based on the **actual cost** of a **storm sewer extension project** in accordance with section 5.1 of this bylaw, the **Director**

**Engineering** may require the owner of the **benefiting parcel** to make a payment to the **City** in respect of the **storm sewer extension project** on the basis of the **estimated cost** as if the owner were an **applicant** as defined in this bylaw, and sections 4.2 and 4.3 of this bylaw apply to the payment.

**PART 5: FEES FOR BENEFITING PARCELS**

- 5.1 A fee is imposed on the owner of every **benefiting parcel** whose parcel is set out in Schedule “A” of this bylaw, in the amount set out for that parcel in Schedule “A”, together with accrued interest, payable to the **City** prior to the earlier of the date of approval of a subdivision of the **benefiting parcel** and the date of issuance of a building permit in respect of the **benefiting parcel**, or portion thereof, for construction value exceeding \$250,000.
- 5.2 For the purposes of section 5.1 of this bylaw, “accrued interest” means simple interest calculated on January 1 of each year, at the rate of the **prime rate** plus 1%, commencing on the completion date of a **storm sewer extension project**, as set out in Schedule “A”, until December 31 of the year immediately prior to the interest calculation date.

Read a first time this 27<sup>th</sup> day of February 2017

Read a second time this 27<sup>th</sup> day of February 2017

Read a third time this 27<sup>th</sup> day of February 2017

Reconsidered and adopted by Council this 6<sup>th</sup> day of March 2017

  
MAYOR



CLERK

**SCHEDULE "A"****Storm Extension – 2015 D-04 – 01 Holdom / Capitol****Actual Cost: \$65,324.00****Completion Date: December 8, 2015**

<b>Benefitting Parcels</b>	<b>Area in m<sup>2</sup></b>	<b>Fee per m<sup>2</sup></b>	<b>Fee on Completion Date</b>	<b>Accrued Interest (Effective Jan. 1, 2017)</b>	<b>Total Payable 2017</b>
Lot 92 District Lot 218 Group 1 NWD Plan 40062 (28 Holdom Avenue)	454.18	\$33.6005	\$15,260.66	\$603.32	\$15,863.98
Lot 4 Block 73 District Lot 218 Group 1 NWD Plan 4953 (26 Holdom Avenue)	372.49	\$33.6005	\$12,515.84	\$494.80	\$13,010.64
Lot 5 Block 73 District Lot 218 Group 1 NWD Plan 4953 (24 Holdom Avenue)	372.49	\$33.6005	\$12,515.84	\$494.80	\$13,010.64
Lot 6 Block 73 District Lot 218 Group 1 NWD Plan 4953 (16 Holdom Avenue)	372.49	\$33.6005	\$12,515.84	\$494.80	\$13,010.64

**Storm Extension – 2015 D-04 – 02b Portland****Actual Cost: \$88,900****Completion Date: December 15, 2015**

<b>Benefitting Parcel</b>	<b>Area in m<sup>2</sup></b>	<b>Fee per m<sup>2</sup></b>	<b>Fee on Completion Date</b>	<b>Accrued Interest (Effective Jan. 1, 2017)</b>	<b>Total Payable 2017</b>
Lot "B" District Lot 159 Group 1 NWD Plan 12811 (6212 Portland Street)	960.15	\$44.0016	\$42,248.16	\$1,640.27	\$43,888.43

**Storm Extension – 2015 D-04 – 03 Ellesmere****Actual Cost: \$114,590****Completion Date: May 5, 2016**

<b>Benefiting Parcel</b>	<b>Area in m<sup>2</sup></b>	<b>Fee per m<sup>2</sup></b>	<b>Fee on Completion Date</b>	<b>Accrued Interest (Effective Jan. 1, 2017)</b>	<b>Total Payable 2017</b>
Lot 134 District Lot 189 Group 1 NWD Plan 50854 (200 Ellesmere Ave N.)	664.72	\$20.8911	\$13,886.73	\$339.25	\$14,225.98
Lot 133 District 189 Group 1 NWD Plan 50854 (204 Ellesmere Ave N.)	720.76	\$20.8911	\$15,057.47	\$367.86	\$15,425.33
Lot 3 Block 45 District Lot 189 Group 1 NWD Plan 4953 (216 Ellesmere Avenue N.)	1,013.80	\$20.8911	\$21,179.40	\$517.42	\$21,696.82
Lot 4 Block 45 District Lot 189 Group 1 NWD Plan 4953 (220 Ellesmere Ave N.)	1,040.66	\$20.8911	\$21,740.54	\$531.12	\$22,271.66
Lot 5 Block 45 District Lots 189 AND 218 Group 1 NWD Plan 4953 (5620 Bessborough Dr.)	1,031.37	\$20.8911	\$21,546.46	\$526.38	\$22,072.84

**Storm Extension – 2015 D-04 – 04 Irmin**

**Actual Cost: \$146,238**

**Completion Date: December 23, 2015**

<b>Benefitting Parcel</b>	<b>Area in m<sup>2</sup></b>	<b>Fee per m<sup>2</sup></b>	<b>Fee on Completion Date</b>	<b>Accrued Interest (Effective Jan. 1, 2017)</b>	<b>Total Payable 2017</b>
East 66 Feet Lot "A" District Lot 97 Group 1 NWD Plan 4317 (5970 Irmin Street)	613.16	\$59.6522	\$36,576.33	\$1,390.40	\$37,966.73
Lot B Block 31 District Lot 97 Group 1 NWD Plan EPP45092 (6010 Irmin Street)	557.50	\$59.6522	\$33,256.09	\$1,264.19	\$34,520.28
Lot 6 Block 31 District Lot 97 Group 1 NWD Plan 1312 (6030 Irmin Street)	613.16	\$59.6522	\$36,576.33	\$1,390.40	\$37,966.73