

By-Law Number 2024-XX

Special Charge By-Law

A By-Law to Authorize the Imposition of a Special Charge under the Better Homes Kingston Program in Accordance with Ontario Regulation 586/06 (2453 Battersea Road)

Passed: XXXX

Whereas at its meeting on February 2, 2021, Kingston City Council enacted By-Law 2021-23, A By-Law to Authorize the Undertaking of Energy Efficiency and Water Conservation Works on Private Residential Property as Local Improvements under the Kingston Home Energy Retrofit Program (KHERP), in accordance with Part III of Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25 (“O. Reg. 586/06”); and

Whereas the owner(s) of the Benefitting Property and the City of Kingston (the “City”) have entered into a Property Owner Agreement (the “POA”) pursuant to Section 36.2 of O. Reg. 586/06 for the City to undertake work as a local improvement (the “Work”) on the Benefitting Property and to raise the cost of the Work (the “Cost”) by imposing a special charge on the Benefitting Property; and

Whereas the City Clerk has certified the POA pursuant to Section 36.4 of O. Reg. 586/06; and

Whereas the Work has been completed; and

Whereas a local improvement roll was prepared in accordance with Section 36.10 of O. Reg. 586/06, setting out the Cost, the proposed special charges to be imposed on the Benefitting Property, when the special charges are to be paid, and the lifetime of the Work; and

Whereas the City has given notice of the proposed local improvement roll to the owner(s) of the Benefitting Property pursuant to Section 36.11 of O. Reg. 586/06; and

Whereas the City Treasurer has certified the proposed local improvement roll in accordance with Section 36.11(2) of O. Reg. 586/06; and

Whereas Section 36.14 of O. Reg. 586/06 provides that after the Treasurer has certified the local improvement roll, the City shall by by-law provide that the amount specially charged on the lot set out in the roll shall be sufficient to raise the lot’s share of the cost by a number of equal annual payments and that a special charge shall be imposed in each year on the lot equal to the amount of the payment payable in that year;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. The provisions of Section 36.14 of O. Reg. 586/06 apply to the Benefitting Property as a result of the completion of the Work pursuant to the POA.
2. The amounts specially charged on the lot as set out in the certified local improvement roll attached as Schedule “A” to this By-Law (the “Special Charge”) is sufficient to raise the lot’s share of the Cost and shall be imposed on and collected by annually adding the annual amount payable as set out in Schedule “A” to this By-Law (the “Annual Payments”) to the tax roll of the lot.
3. The Annual Payments as set out in certified local improvement roll attached as Schedule “A” do not extend beyond the lifetime of the Work.
4. The amount of each payment made in respect of the Special Charge shall be entered in the local improvement roll by the Treasurer.
5. This By-Law shall come into force and take effect on the date of its passing and shall be deemed repealed on the date on which the Treasurer certifies that the Special Charge has been paid in full.

Given all Three Readings and Passed: Meeting date (Month day, year)

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

City of Kingston – Better Homes Kingston

Local Improvement Charges Added to Taxes

BHK Number	Roll Number	Tenant Number	Site Address	Lot	Property Owner(s)

Local Improvement Charge								Detail Description
Cost of Work	Funding Amount	Interest Charge	Admin Charge	Special Charge (Total Amount owing)	When Special Charge to Be Paid	Lifetime of the Work	Annual Payment	
		0%	\$0					

Certified as sufficient, in accordance with O.Reg.586/06.

Desiree Kennedy, Chief Financial Officer and City Treasurer