

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 28, Report No. 26, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 23, 2015.

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NATIONAL ESTATES ENTRANCE FEATURE ANNUAL MAINTENANCE FEE INCREASE WARD 3

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim Commissioner of Legal & Administrative Services/City Solicitor, dated June 16, 2015:

Recommendation

The Interim Commissioner of Legal & Administrative Services/City Solicitor recommends:

1. That a by-law be enacted to amend By-law 337-98 to increase the annual maintenance fee for the National Estates Entrance Feature as requested by the National Estates Ratepayers Association from \$25 per household to \$100 per household, and to authorize the extension of the term of the tri-party encroachment agreement between the City, the Region and the National Estates Ratepayers Association.

Contribution to Sustainability

Not applicable.

Economic Impact

The City collects the fee from owners along with the taxes and forwards the funds to the National Estates Ratepayers Association, retaining the City's 3% administration fee. The Entrance Feature is maintained by the Ratepayers Association.

Communications Plan

The National Estates Ratepayers Association (NERA) delivered the agenda of the Annual General Meeting which contained this item to all owners in the National Estates Subdivision, called all owners, posted a sign at the entrance to the National Estates Subdivision notifying of the meeting, and mailed the meeting minutes to all affected owners.

Purpose

The purpose of this report is to seek Council approval amending By-law 337-98 to increase the annual maintenance fee for the National Estates Entrance Feature to be paid by owners in the subdivision, and to extend the term of the tri-party encroachment agreement.

Background - Analysis and Options

In September 1998, at the request of NERA, Council enacted By-law 337-98, a by-law which authorized the location, construction and maintenance of the National Estates Entrance feature, shown on Attachment 3. It is located on the City road allowance at the intersection of Langstaff Road, Balding Boulevard and Cowan Drive, on the north side of Langstaff Road, east of Pine Valley Drive shown on Attachments 1 and 2. In January 1999, the City, the Region, and NERA entered into a tri-party encroachment agreement to authorize use of the road allowance for the entrance feature.

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By-law 337-98 was enacted pursuant to Section 220.1 of the Municipal Act, RSO 1990, which permitted a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by the municipality and for the use of property under municipal control. That section also allowed the municipality to add the fees and charges to the tax roll of all owners responsible for paying the fees. The By-law provides for annual maintenance fees to be paid by the benefitting owners.

NERA constructed the entrance feature and is responsible for its maintenance. The original annual charge of \$25 per lot was added to the tax roll for the lots in the subdivision, and is collected with the taxes and forwarded to NERA.

The NERA Annual General meeting was held on December 16, 2014, and the increase of the annual fee per household from \$25 to \$100 was moved and approved unanimously.

NERA wrote to the City in April, requesting that Council amend By-law 337-98 to increase the annual fee per household from \$25 to \$100. The previous Section 220.1 is now contained in Sections 390 to 400 of the Municipal Act, 2001, and the City has the authority to enact the by-law to increase the annual maintenance fee.

Staff note that the tri-party agreement will expire at the end of 2018, and it is appropriate to extend the term of the agreement for a further 5 years, to 2023.

Relationship to Vaughan Vision 2020/Strategic Plan

The report is consistent with the priorities set out in Vaughan Vision 2020.

Regional Implications

The Region will be requested to execute an amending agreement to extend the tri-party encroachment agreement.

Conclusion

The National Estates Ratepayers Association has requested the City amend By-law 337-98 which authorized the location and construction of the National Estates Entrance Feature, to increase the annual fee collected from owners in National Estates to continue maintenance of the entrance feature. Staff support the request as set out in the recommendation section of this report.

Attachments

Attachment 1 – Context Location Map
Attachment 2 – Location Map
Attachment 3 – Photo of Entrance Feature

Report prepared by:

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Administrative Services/City Solicitor

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)