

THE CORPORATION OF THE DISTRICT OF SAANICH

BYLAW NO. 5996

**A BYLAW TO PROVIDE FOR REFUNDS FOR THE PROVISION OF
EXCESS OR EXTENDED SERVICES**

WHEREAS the Council may require that the owner of land that is to be subdivided or developed, provide excess or extended services.

AND WHEREAS, the Council imposes requirements to install excess or extended services pursuant to the Subdivision Bylaw, the Building and Plumbing Bylaw and the Municipal Act.

AND WHEREAS the Council considers the costs of providing excess or extended services to be an excessive burden on Municipal taxpayers.

NOW THEREFORE the Municipal Council of The Corporation of the District of Saanich in open meeting assembled enacts as follows:

1. In this Bylaw, "Excess or Extended Services" means:
 - (a) A portion of a highway system that will provide access to land other than the land being subdivided or developed, and,
 - (b) A portion of a water, sewage or drainage system that will serve land other than the land being subdivided or developed.
2. Where an owner of land is required to provide excess or extended services, the cost of such services shall be paid for by the owner of the land being subdivided or developed PROVIDED HOWEVER that such owner shall be entitled to be paid any charges collected by the Municipality pursuant to section 990 (5) (c) of the Municipal Act.
3. Where an owner is required to provide excess or extended services, the Director of Engineering shall calculate the charge to be imposed under section 990 (5) (c) pursuant to the following:
 - (a) For each excess or extended service being provided, a map shall be prepared showing the service being provided and the lands that will be served by the service, including the lands being subdivided or developed. Such lands shall be known as the "Excess Capacity Charge Area".
 - (b) A parcel of land that is already developed to the highest use and density projected for the parcel under the current Official Community Plan shall only be included in the calculation for a service that will benefit that parcel of land.
 - (c) i) The Director of Engineering shall calculate the total number of units that may be developed on all lands in the Excess Capacity Charge Area according to the highest use and density projected for the lands under the current Official Community Plan.

- ii) In the case of land designated as Residential under the Official Community Plan, the calculation shall identify the maximum number of dwelling units capable of being developed on the lands under the current Official Community Plan.
 - iii) In the case of land designated under the Official Community Plan for a non-residential use, the maximum gross floor area, in square metres, of all buildings capable of being developed on the lands under the density regulations for that land use in the current Zoning Bylaw, shall be determined and shall then be divided by the number 93 and the result shall be deemed to be the number of units that may be developed on such land.
 - (d)
 - i) Upon completion of an Extended or Excess Service, the owner shall submit to the Director of Engineering a statement setting out the actual cost of providing the entire service.
 - ii) The Director of Engineering may, in his discretion, require the owner to supply invoices, contracts, receipts or other documentation to support the costs set out in the Statement.
 - iii) Upon receipt of a satisfactory statement of costs, the Director of Engineering shall determine the proportion of the cost of providing the highway or water, sewerage or drainage facilities that constitutes the excess or extended service and such cost shall be known as the "Excess or Extended Service Cost".
 - (e) The Director of Engineering shall calculate a unit charge for each excess or extended service by dividing the excess or extended service cost determined under sub-paragraph (d) by the number of units in the Excess Capacity Charge Area for that service calculated under sub-paragraph (c) to arrive at the "Excess Capacity Unit Charge".
4.
 - (a) Following the completion of an excess or extended service, there shall be imposed upon the owners of lands within the Excess Capacity Charge Area, as a condition of connecting to or using the service, the Excess Capacity Unit Charge calculated under section (3) (e).
 - (b) There shall be included in the charge interest at the rate of 6% per annum calculated annually from the date commencing when the excess or extended services were completed up to the date that the payment is made.
 - (c) No charge shall be imposed on the owner of land included within the subdivision or other development for which the excess or extended services were originally provided.
 - (d) Where land within an Excess Capacity Charge Area is subdivided for the purpose of single family development, the owner shall pay, prior to approval of the Subdivision Plan by the Approving Officer, an Excess Capacity Unit Charge for each lot to be created by the subdivision.
 - (e) Where land within an Excess Capacity Charge Area is to be developed other than by subdivision, the owner shall pay, prior to the issuance of a Building Permit:
 - i) In the case of a residential development, an Excess Capacity Unit Charge for each dwelling unit to be constructed;

- ii) In the case of a non-residential development, an Excess Capacity Unit Charge for each 93 square metres of gross floor area in the development.
 - (f) Where an existing building is connected to a sanitary sewer included within the meaning of "Excess or Extended Services" as herein defined, the Excess Capacity Unit Charge payable for that connection shall be paid for by the municipality.
- 5.
 - (a) Excess Capacity Unit Charges collected by the Municipality shall be paid to the owner who provided the excess or extended service at his sole expense.
 - (b) In the event the owner is deceased, or in the case of a company, has been dissolved, the Municipality shall remit the funds to the appropriate executor, administrator, successor or assignee of the owner who is legally entitled to receive such funds.
 - (c) If, after making all reasonable efforts, the Municipality is unable to contact the owner, the Municipality shall discontinue collecting Excess Capacity Unit Charges and shall remit any charges collected but not disbursed to the party who paid them to the Municipality.
- 6. Excess Capacity Unit Charges shall be collected by the Municipality for the period of time agreed upon by the Municipality and the owner, pursuant to section 990 (9) of the Municipal Act but no charges shall be collected beyond ten years from the date of completion of the service.
- 7. Bylaw No. 5197, being the "STORM DRAIN REFUND SYSTEM BYLAW, 1983" is hereby repealed except insofar as it may repeal any other Bylaw.
- 8. This Bylaw may be cited for all purposes as the "**EXCESS SERVICES BYLAW, 1989, NO. 5996**".

Includes Bylaw Amendment No. 6645