

**Date:** 2022-02-28

**Subject:** Special Charges for Noise Wall - 14 and 16 Madrid Crescent - Ward 7

**Contact:** Bishnu Parajuli, Manager, Infrastructure Planning, Public Works and Engineering (905 874 3644)

**Report Number:** Public Works & Engineering-2022-253

**Recommendations:**

1. That the report titled **Special Charges for Noise Wall - 14 and 16 Madrid Crescent - Ward 7 to the Council Meeting of March 23, 2022** be received; and
2. That a By-law be enacted in the form attached to this report to impose the special charges as set out in the Local Improvement Roll certified by the Treasurer for the noise wall to the benefitting property owners of 14 and 16 Madrid Crescent.

**Overview:**

- On June 21, 2017, Council passed By-law 136-2017 to undertake the construction of a noise wall adjacent to 14 and 16 Madrid Crescent at the southwest corner of Bramalea Road and North Park Drive.
- Construction of noise wall was completed in October, 2018 at the total cost of \$145,936.94.
- Pursuant to Ontario Regulation 586/06, a Local Improvement Roll and Statement of Actual Cost of Work were prepared and mailed to benefitting property owners on February 19, 2020.
- The cut-off date for any objections was March 17, 2020.
- No objections of the Local Improvement Roll were received from the owners of 14 and 16 Madrid Crescent by the cut-off date.
- However, given the onset of the COVID-19 pandemic, provincial restrictions and legislative orders were enacted that suspended certain

limitation periods, including statutory notice periods such as the March 17, 2020 deadline noted above.

- After the suspension of the limitation period had been lifted, a “Revised Notice” was issued to benefitting property owners on January 14, 2022 in the event they wished to object to the special charges for Local Improvement work.
- Objections to the Local Improvement Roll were received from the owners of 14 and 16 Madrid Crescent.
- A virtual meeting of the Committee of Revision to hear the objections was held on February 15, 2022.
- The Committee of Revision approved the Local Improvement Roll as prepared by the City without any changes and the Treasurer has certified the Local Improvement Roll.
- A By-law now is required to apply special charges to the benefitting property owners in accordance with the Ontario Regulation 586/06.

### **Background:**

On June 21, 2017, Council authorized (By-law 136-2017) the construction of a noise wall on the City’s right-of-way adjacent to 14 and 16 Madrid Crescent at the southwest corner of Bramalea Road and North Park Drive as a Local Improvement Project in accordance with Ontario Regulation 586/06.

Through the same By-law, Council also established the Committee of Revision to hear objections against the Local Improvement Roll by appointing the Committee of Adjustment to serve as the Committee of Revision.

The total estimated cost of the noise wall adjacent to 14 and 16 Madrid Crescent at the time of Council enacting By-law 136-2017 was \$136,000.00 with the property owners’ estimated share of the cost being \$19,926.00 and \$19,089.00, respectively. Property owners’ shares were on the basis of a 50/50 cost share between the City and the benefitting property owners based on mid-lot width with additional cost added to the City’s share.

### **Current Situation:**

Construction of the noise wall was completed in October 2018 at a total cost of \$145,936.94 that includes costs for construction, survey, design and contract administration. The unit cost of the noise wall was \$2,148.03 per metre and property owners are charged only for 50% of their mid-lot widths. Based on the actual cost, the property owners’ shares of the cost were calculated as \$23,778.66 and \$22,779.82 for 14 Madrid Crescent and 16 Madrid Crescent, respectively. The difference between the estimated cost and actual cost was due to small scale of the project and the relevant market condition.

The Engineer and the Treasurer prepared and certified a Statement of Actual Cost of Work (Attachment #1). The Statement of Actual Cost of Work shows the total cost incurred to construct the noise wall as well as the cost break down, which includes construction, survey, design and contract administration costs. It also shows the shares of the cost to be paid by the City and the benefitting property owners.

The Treasurer has prepared a Local Improvement Roll (Attachment #2). The Local Improvement Roll identifies each property owner's payable share of the cost of the work based on 50% paid by the City and 50% paid by the benefitting property owners. The property owner's share of the cost for irregular shaped lots was reduced by using mid-lot width with cost reduction added to the City's share of the cost, thereby, reducing the property owners' total share less than 50%. As a result, the actual cost share was approximately 32% for the property owners and 68% for the City.

The property owners have two options to pay their share of the cost. The first option is to pay their full share of the cost by April 14, 2022. The second option is to amortize their full share of the cost over a period of 15 years at an annual interest rate of 2.6% by making equal annual installment payments. With the second option, the property owners' share will be added to the final property tax bill which is scheduled to be sent to property owners in June 2022.

Pursuant to Ontario Regulation 586/06, before special charges can be imposed to collect the property owners' share of the cost, the City must enact a By-law.

The Statement of Actual Cost of Work and Local improvement Roll were mailed to the benefitting property owners on February 19, 2020 giving them an opportunity to file any objections by March 17, 2020. No objections were received by the cut-off date. However, given the onset of the COVID-19 pandemic, provincial restrictions and legislative orders were enacted that suspended certain limitation periods, including statutory notice periods such as the March 17, 2020 deadline. After the suspension of the limitation period had been lifted, in order to ensure adherence to the legislative Local Improvement Work process, a revised notice was issued to benefitting property owners on January 14, 2022 giving opportunity to object to the special charges for the Local Improvement work. The cut-off date for any objections was February 8, 2022. Objections to the Local Improvement Roll were received from the owners of 14 and 16 Madrid Crescent before the cut-off date. A virtual meeting of the Committee of Revision was held on February 15, 2022 at 3 PM to hear the objections. The City's position was confirmed by the Committee of Revision as set out in the Local Improvement Roll without any changes.

The Treasurer has certified the Local Improvement Roll to impose the special charges. Staff recommends that a By-law (Attachment #3) be enacted to impose special charges as set out in the Local Improvement Roll (Attachment #2) for the noise wall to benefitting property owners.

## **Corporate Implications:**

### Finance

Funding for the noise walls construction was budgeted under project # 144300-Noise Walls (various locations), which was funded from Development Charges. Recovery from residents was also budgeted under Cost Recovery account in the project. Actual cost recovery is estimated to be \$ 46,559 based on the 32% cost share for property owners and balance cost share of \$ 99,378 or 68% for the City.

### Legal

Legal is in agreement with the recommendation presented in this report

## **Term of Council Priorities:**

This report aligns with Term of Council Priorities “Safe and Healthy City” by investing in new infrastructure. Construction of a noise wall will improve living environment for residents by reducing traffic noise and upholding the reputation of the City.

## **Conclusion:**

Staff recommends that Council enact a By-law to impose special charges as set out in the Local Improvement Roll (Attachment #2) to the benefitting property owners of 14 and 16 Madrid Crescent.

Authored by:

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## **Attachments:**

Attachment #1: Statement of Actual Cost of Work  
Attachment #2: Local Improvement Roll  
Attachment #3: Draft By-law