

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:

Bishnu Parajuli, P. Eng.
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Public Works and Engineering Department

Approved by:

Jason Schmidt- Shoukri, MPA
Commissioner
Public Works and Engineering Department

Reviewed by:

Sunil Sharma, P. Eng.
Director, Capital Works
Public Works and Engineering Department

Submitted by:

Paul Morrison
Interim Chief Administrative Officer

Attachments:

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

STATEMENT OF ACTUAL COST OF WORK

Date: December 9, 2021

As per Ontario Regulation 586/06 s. 22 (1) under the Municipal Act, 2001

Project Number: 17-NWLS-101

Project Description:

Construction of a Noise Wall adjacent to 14 and 16 Madrid Crescent, Ward 7
at the Southwest Corner of Bramalea Road and North Park Drive, City of Brampton.

Cost Details:

Construction Cost	\$121,614.12
Survey, Design and Contract Administration	\$24,322.82
Total Cost	\$145,936.94
Property Owners' Share of the Cost	\$46,558.48
City of Brampton's Share of the Cost	\$99,378.46

Certified by:



Bishnu Parajuli, P.Eng.
Manager, Infrastructure Planning
Public Works & Engineering, City of Brampton

Certified by:



Nash Damer
Treasurer
City of Brampton

Dec 14, 2021

Date: December 9, 2021

Local Improvement Roll for the Construction of a Noise Wall at the Southwest Corner of Bramalea Road and North Park Drive, City of Brampton
Under Ontario Regulation 586/06 under the Municipal Act, 2001

Municipal Address	Property Roll Number	Property Owner(s)	Actual Reverse Frontage Width (m)	Width Charged (mid-lot width) to Property Owner (m)	Property Owner's Share of Cost ¹	Percentage of Property Owners' Cost	Annual Installment Payment Based on 15 Year Amortization at an Interest Rate of 2.6% Annually ²
14 Madrid Cres Brampton, ON L6S 2X4	10-09-0-036-84600-0000	Ai Ying, Guo	36.76	22.14	\$23,778.66	51.07	\$1,934.67
16 Madrid Cres Brampton, ON L6S 2X4	10-09-0-036-84500-0000	Boulton William, Paul	31.18	21.21	\$22,779.82	48.93	\$1,853.41
		Wilson Doreen, Louise					
Total			67.94	43.35	\$46,558.48	100.00	

Total length fully paid by the City for irregular lots (m): 24.59
Total cost of wall: \$145,936.94
Property owners' portion of total cost: \$46,558.48
City of Brampton's portion of total cost: \$99,378.46 (50% of net cost plus the additional cost for irregular lots)

Estimated service life of noise wall : 25 Years
Due date for full payment: April 14, 2022

If full payment is not received by the due date, the property owner's share of the cost will be added to the property tax bill for the City of Brampton amortized over 15 years beginning in 2022.
An annual installment will be applied to the property owner's second tax bill each year.

1. Property Owners' Share of Cost = Mid-Lot Width to be Charged x \$2148.03/m (Total cost/Total length) = \$145,936.94/67.94)*0.50. Cost for width of irregular shaped lots was reduced by using mid-lot width with cost reduction added to cost for City of Brampton portion.
2. Amortization interest rate of 2.6% annually is based on market borrowing rate on December 4, 2019, the day this document was created.

Certified by:



Nash Damer
Treasurer
City of Brampton

Dec. 14, 2021



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____ - 2022

To establish and impose special charges as set out in the Local Improvement Roll for the construction of the Noise Wall for 14 and 16 Madrid Crescent

WHEREAS the Council of The Corporation of the City of Brampton, at its meeting of June 21, 2017, enacted By-law 136-2017 to undertake the construction of noise wall as a Local Improvement pursuant to Ontario Regulation 586/06 under the *Municipal Act, 2001*. S.O. 2001, c.25 as amended, adjacent to 14 and 16 Madrid Crescent in the southwest corner of Bramalea Road and North Park Drive;

WHEREAS the construction of noise wall adjacent to 14 and 16 Madrid Crescent was completed in 2018;

AND WHEREAS benefitting property owners were given a notice of the hearing by the Committee of Revision on the proposed Local Improvement Roll for the costs of such work on February 19, 2020 and a revised notice was issued on January 14, 2022 due to pandemic related Provincial restrictions and limitation periods for proceedings;

AND WHEREAS objections were received from both the property owners on the special charges;

AND WHEREAS a meeting of the Committee of Revision was held virtually on February 15, 2022;

AND WHEREAS the Committee of Revision confirmed the special charges as set out in the Local Improvement Roll after hearing objections and the Treasurer certified the Local Improvement Roll;

AND WHEREAS notice of the City's intention to pass a by-law to impose special charges to the benefitting property owners in accordance with the Ontario Regulation 586/06 was given to the public on or about March 31, 2022.

NOW THEREFORE the Council of The Corporation of the City of Brampton hereby **ENACTS** as follows:

1. To establish as special charges, the amounts as set out in the Local Improvement Roll attached hereto as Schedule "A", for the noise wall to the benefitting owners of 14 and 16 Madrid Crescents.

2. The total cost of the works adjacent to 14 and 16 Madrid Crescent, being \$145,936.94 shall be financed as follows:

a) The amount of \$99,378.46 shall be financed by The Corporation of the City of Brampton.

- b) The amount of \$46,558.48 being the property owners’ share of the total cost of the works shall be recovered by means of special charges imposed against each of the lots abutting the works, as set out in Schedule “A” attached hereto, at a rate of approximately \$2,148.03 per metre of mid-lot width, payable over fifteen (15) years, plus interest, as certified by the Treasurer.
3. The amount specially charged on each lot as set out in the Local Improvement Roll shall be sufficient to raise that lot’s share of the cost over a fifteen (15) year amortization.
4. A special charge shall be imposed in each year on each lot equal to the amount of the payment payable in that year.

ENACTED THIS _____ day of _____, 2022.

Approved as to
form.
20__/_/month/day
[insert name]

Patrick Brown, Mayor

Approved as to
content.
20__/_/month/day
[insert name]

Peter Fay, City Clerk