

POLICY STATEMENT AND REGULATIONS

Number: 400.2

LATECOMER POLICY

1.0 GENERAL

- 1.1 All Latecomer Agreements are subject to the approval of Council.
- 1.2 This Policy outlines the procedures to be followed for the processing of Latecomer charges pursuant to Section 939 of the Local Government Act.
- 1.3 This policy applies to excess or extended services that may be required as part of the subdivision or development of land.
- 1.4 'Excess or extended service' means a portion of highway system that will provide access to land other than the land being subdivided or developed, and a portion of a water, sewage, or drainage system that will service land other than the land being subdivided or developed.
- 1.5 'Benefiting Area' means the area that defines the lands that will benefit from the excess or extended services.
- 1.6 'Latecomer' means any owner of land within the Benefiting Area who is connecting to or using an excess or extended service.
- 1.7 'Latecomer Charge' means the charges imposed on any Latecomer in accordance with this Policy.
- 1.8 'Latecomer Agreement' means the agreement between the Owner, providing the excess and extended service, and the District in the format as contained in Schedule 'A.6' – Latecomer Agreement, of the Subdivision and Development Servicing Bylaw

2.0 ADMINISTRATION

- 2.1 The Director of Works and Utilities (the 'Director') will determine if an Owner has provided excess or extended services and will notify the Owner, in writing, of his decision. If the Owner wishes to appeal the Notice of Decision, he must submit a written appeal to the Director. The appeal must clearly state the reasons the Owner feels he has provided excess or extended services. Under this process, if the Owner is not satisfied with the Director's decision on his appeal, the appeal will be forwarded to the Chief Administration Officer for his consideration.
- 2.2 Latecomer Charges will be payable as a condition of a Latecomer connecting to or using an excess or extended service.
- 2.3 Latecomer Charges will be collected as follows:
 - a. for an existing building, the Latecomer Charges will be collected at the time of application for a connection;
 - b. for a parcel being developed, the Latecomer Charges will be collected prior to the issuance of a Building Permit;

- c. for a subdivision, the Latecomer Charges will be collected prior to the issuance of a Certificate to Commence Construction or prior to final subdivision approval, whichever occurs first.
- 2.4 For phased development, the Latecomer Charges will be pro-rated and collected at each phase.
- 2.5 Latecomer Charges collected by the District will be paid to the Owner as soon as reasonably possible after the date the Latecomer has connected to or is using the excess or extended services.
- 2.6 Latecomer Charges will be forwarded to the Owner at the address set out in the Latecomer Agreement or such other address as requested by the Owner by registered mail. It is the Owner's responsibility to notify the District of any changes to his mailing address.
- 2.7 Latecomer Charges returned to the District will be placed into a trust fund and, if they remain unclaimed by the Owner for a period of 3 years, the District will treat the returned Latecomer Charges as unclaimed money and they will be dealt with in accordance with existing legislation.
- 2.8 The Latecomer Agreement will remain in force for a period as specified in the Latecomer Agreement but at no time will this period exceed 15 years from the date of Substantial Performance.
- 2.9 The Owner shall not assign his right to receive Latecomer Charges to another party unless prior approval is provided by the District.

3.0 TECHNICAL PROCESS

- 3.1 The Owner will be requested to provide the following information in support of their request for Latecomer Charges for the proposed subdivision or development:
 - a. a separate plan for each service indicating:
 - the minimum sizes and lengths of each service that would be required, in accordance with the Subdivision and Development Servicing Bylaw, if the Owner was only required to service his subdivision or development; and
 - the over sizing and additional lengths of each service that is required to provide the excess or extended services required to service the entire catchment or design area as required by the District;
 - b. the difference in material costs for each excess service; and
 - c. the cost of each extended service.
- 3.2 Where the Director deems that an owner has provided excess or extended services, the Director will:
 - a. determine the proportion of the cost of providing the highway or water, sewage, or drainage facilities that the Director considers constitutes the excess or extended service;
 - b. determine which part of the excess or extended service the Director considers will benefit each property that will be serviced by the excess or extended service; and

- c. impose, as a condition of an owner connecting to or using the excess or extended service, a charge related to the benefit determined in accordance with this Section.

4.0 FINANCIAL

- 4.1 No Latecomer Charges will be payable to the Owner until the Director has issued a Certificate of Substantial Performance and the excess or extended services are being used for their intended purpose.
- 4.2 The total amount paid to the Owner shall not exceed the total cost of the excess or extended services, as outlined in the Latecomer Agreement, plus any applicable interest.
- 4.3 Interest shall be calculated annually at a rate prescribed by by-law and shall be calculated from the date of Substantial Performance as approved by the Director.
- 4.4 Interest collected shall be paid to the Owner with each Latecomer Charge paid.
- 4.5 No Latecomer Charges shall be collected beyond the earlier of the Expiry Date of the Latecomer Agreement or the date when the total amount of Latecomer Charges have been paid to the Owner.
- 4.6 If the Director deems the Owner is entitled to cost sharing by the District of the excess or extended services, the Director of Finance will consider the District's ability to pay their portion of the excess or extended services out of approved budgeted funds. Council may deem the subdivision or development to be premature if there are insufficient funds in the District budgets for cost sharing and the Owner is unwilling to do the work and enter into a Latecomer Agreement for entire cost.

5.0 CALCULATION

- 5.1 For a property to be in the Benefiting Area and subject to a Latecomer Charge, the property must be immediately adjacent to the excess or extended service unless the Director deems the excess or extended service, such as a reservoir, lift station, force main, trunk main, or distribution main, will benefit a larger area in which case the Director will identify the area and all properties within this expanded area will be subject to Latecomer Charges.
- 5.2 Latecomer Charges will be determined based on the projected density, expressed in single family equivalent units, of all properties in the benefiting area.
- 5.3 Development Cost Charges will not be included in the calculation of Latecomer Charges.

6.0 EXEMPTIONS

- 6.1 Properties with existing connections to the District's infrastructure will be reconnected to the applicable infrastructure without charge. Any further change in use, or increase in density for the same use, on the property will be subject to Latecomer Charges.