

BY-LAW NO. 24

BRASS HILL SUBDIVISION STREET IMPROVEMENT BY-LAW

1. This By-law shall be known as “Brass Hill Subdivision Street Improvement By-law”.
2. In this By-law unless the context otherwise indicates:
 2. (a) “Brass Hill” means the Brass Hill Subdivision in the Municipality of the District of Barrington, and includes the street therein known as Island View Drive.
 2. (b) “Cost” means the amount of money paid or payable in respect of the street improvement to Island View Drive.
 2. (c) “Improvement” includes upgrading, construction and paving.
 2. (d) “Owner” includes part owner, joint owner, tenant-in-common, or joint tenant of the whole or a part of any real property fronting on a street or situate in a subdivision, and also includes any trustees, executor, guardian, agent, or other person having the care or control of such real property in the case of absence or disability of the person having title thereto.
 2. (e) “Special Tax” means a tax in respect of the street improvement based on a per lot basis.
 2. (f) “Street” means Island View Drive of Brass Hill Subdivision situate in the Municipality of the District of Barrington.
3. Where three-quarters of the owners of land fronting on Island View Drive petition the Municipality for an improvement to the street, the Municipality may make such improvement and shall be entitled to recover all the cost of such improvement by levying a special tax upon the owners of real property fronting on said street, and such tax be recoverable from each owner on a per lot basis.
4. The total amount of the special tax levied by the Municipality under this By-law shall not exceed the cost of the street improvements.
5. The special tax levied under this By-law is a lien on the whole of the property of each owner of real property fronting on said street with the same effect as rates and taxes under the Assessment Act, and each owner shall be liable for a portion of the total cost of the street improvement equal to the proportion that his lot bears to the number of lots fronting on Island View Drive.

6. The special tax levied under this By-law is collectable in the same manner as rates and taxes under the Assessment Act, and by the same procedure as are rates and taxes under the Assessment Act.
7. The lien provided for in this By-law shall become effective on the date on which the person appointed by the Municipal Council or the Chairman of the Public Works Committee, as the case may be, files with the Clerk of the Municipality a certificate stating the total cost of the street improvement and the amount of the special tax to be levied on each owner.
8. The Clerk of the Municipality shall keep a separate account of all monies due for the improvements under the terms of this By-law, and the account shall contain the names of the owners of property liable for the special tax and the amount of the special tax levied against each owner.
9. The Clerk of the Municipality shall notify the owner of each property upon the filing of the certificate referred to, and such notice shall state:
 9. (a) The basis of the special tax;
 9. (b) The tax payable by the owner in respect of the special tax.
10. (1) The amount payable in respect of the special tax by each owner of real property may be paid in one lump sum, or shall be paid in equal annual installments, together with interest, over a period of five (5) years.
10. (2) The first installment and each succeeding installment in respect of the tax imposed by this By-law shall be due on the 30th day of June, of each year, and in the event of default of payment of any installment, the whole balance with interest becomes due and payable.
10. (3) The tax imposed by this By-law shall bear interest at the rate of 15% on any outstanding balance owing, but not due, and at the rate of 20% per annum on any installment that is due and owing.