

# LAND USE

## LATECOMER POLICY

### LAN.7

#### POLICY

*Date Policy Adopted: May 27, 1991*  
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1. DEFINITIONS

Benefiting Lands	means land deemed by the Municipality to benefit from an excess or extended service.
Certificate of Completion	means substantial completion of works and services in accordance with the provisions of the District of Mission's currently enacted Subdivision Control Bylaw as certified by the Director of Engineering and Public Works.
Designated Use	means land use of a parcel of benefiting land as designated in the District of Mission's current Official Community Plan.
Developer	means the person or business firm who/which undertakes and pays for the installation of excess or extended services.
Equivalent Development Units (EDU's)	means the number of development units that a parcel is deemed to have. The total number of EDU's shall be calculated using the actual area of the parcel located within the benefiting area together with the equivalency factors in Appendix D for the designated use(s) of the parcel.
Excess Service	means the oversizing built into a water, sewerage or drainage system in order to provide excess capacity to service benefiting lands. A service is not considered to be oversized if it does not exceed the minimum size as defined herein, even though it may be capable of servicing parcels other than the lands being subdivided or developed. A sewage pump station and forcemain system <b>and/or a community stormwater detention pond</b> will be considered to provide excess service.

Extended Service	means a highway, water, sewerage or drainage system that is not an excess service (oversized), but which extends the immediate capability of being serviced to benefiting lands adjacent to or abutting the service.
Highway	means a roadway which provides direct access to benefiting lands and may include pavement structure, curb and gutter, sidewalk, street lighting, traffic islands, paint marking, and signals.
Latecomer	means an owner of benefiting lands.
Latecomer Charge	means a charge imposed on benefiting lands by the municipality which will be collected by the Municipality as a condition of a latecomer connecting to or using excess or extended services.
Minimum Size	means 200mm diameter main for sanitary sewerage systems and 250mm diameter main for drainage systems. For the purposes of defining excess service with respect to water systems, a main will not be considered to be oversized if its diameter does not exceed 150mm for single family residential uses, 200mm for multi-family uses, or 300mm for commercial, industrial, or institutional uses.
Parcel	means any lot, block or other area in which land is held into which the land is subdivided, including strata lots created under the Strata Property Act.
Servicing Agreement	means an agreement pursuant to the District of Mission's currently enacted Subdivision Control Bylaw or the Local Government Act for the installation of services by the Developer.

## 2. GENERAL

2.1 This policy outlines the procedure to be followed for the processing of latecomer charges pursuant to the provisions set out in Section 939 of the Local Government Act. Appendix A outlines the process in point form.

2.2 This latecomer's policy applies to excess or extended services required as part of the subdivision or development approval process and to the extension of works and services. Latecomer charges shall apply to the following services:

a) Excess Service

- sewerage systems
- drainage systems

Highways are not considered to provide excess service.

b) Extended Services

- sewerage systems
- drainage systems      - highway systems
- water systems

2.3 Latecomer Charges do not apply to offsite works and services which are voluntarily installed by a Developer pursuant to approval of the rezoning of his lands.

2.4 Where the required works or services or portions thereof are included in the calculations to create municipal Development Cost Charges, the servicing cost used to calculate Latecomer Charges shall be net of any credit given by the Municipality towards Development Cost Charges payable.

2.5 A parcel with existing service connection(s) or highway access(es) will be re-connected to the new service(s) or access(es) without a Latecomer Charge. However, any additional development potential will be included in the calculation to determine what part of the excess or extended service benefits the parcel, and any further development will be subject to Latecomer Charges. Parcels not connected to municipal services (those which are currently undeveloped or serviced with wells, septic systems, or on site drainage disposal systems) shall not be entitled to this exemption.

- 2.6 Appendix B describes the general administrative approach for establishing the extent of benefiting areas.
- 2.7 This policy shall be considered as a guideline to assist in implementing latecomer charges. The provisions of Section 939 of the Local Government Act shall govern.

### 3. ADMINISTRATION

- 3.1 Latecomer charges do not have to be applied for. Where considered applicable by the Municipality in accordance with the Local Government Act they will as a matter of course be calculated and subsequently imposed by the Municipality. Appendix E illustrates the general form of the report which will be forwarded by the Director of Engineering and Public Works to Council.
- 3.2 Latecomer Charges will be calculated and subsequently processed only after detailed engineering drawings acceptable to the Director of Engineering and Public Works for the excess and/or extended services have been received.
- 3.3 Latecomer Charges shall be paid to the Developer by the Municipality by mail to his last known address. The Developer is responsible for notifying the Municipality of any change of address. The Developer may assign his right to receive Latecomer Charges only by the submission of a letter in the form of that shown in Appendix G.

Should latecomer payments be returned to the Municipality due to a failure on the part of the Developer to notify the Municipality of a change of address or assignment of rights, these payments and all subsequent Latecomer Charges collected pursuant to this policy shall be held in trust by the Municipality until the expiration of the fifteen year period noted later herein.

- 3.4 Latecomer Charges will be collected by the municipality for a period of fifteen years from the date of issuance of the Certificate of Completion for the excess or extended services. Latecomer Charges will be levied against all latecomers who apply for subdivision or development of benefiting lands or to connect to or use the excess or extended services prior to expiration of the aforementioned fifteen year period.

The Municipality will maintain a record of Latecomer Charges collected and disbursed.

- 3.5 An executed Latecomer Agreement does not become effective until the date of issuance of the Certificate of Completion for the excess or extended services. In the event that an owner of a benefiting parcel applies for a subdivision or development approval, or to connect to or use an excess or extended service prior to the issuance of the Certificate of Completion for the excess or extended services, the applicable latecomer charges will be collected by the Municipality and held in trust pending issuance of the Certificate of Completion.
- 3.6 A Certificate of Completion will not be issued for works and services which are the subject of a Latecomer Charge until the Latecomer Agreement generally in the form of Appendix F has been executed.

#### 4. TECHNICAL PROCESS

- 4.1 The Developer shall provide the following information with the first submission of the detailed Engineering Drawings for the proposed development:
- (a) A plan for each excess or extended service showing minimum size(s) and length(s) of the service required to service the proposed development only.
  - (b) Where the development includes excess service, the size(s) of the services required to adequately service the entire catchment area for the designated uses therein shall be shown in brackets beside the minimum size(s) required to service the development only.
  - (c) Calculations supporting the size(s) determined in (a) and (b) above shall be submitted by the Developer's engineer.
  - (d) For each excess or extended service, a detailed estimate prepared by the Developer's engineer of the cost of the extended service, and in the case of excess service, the cost of both minimum and oversized services. In the case of a sewage pump station and forcemain system **and/or a community stormwater detention pond, the cost of the system being installed shall be estimated.** The estimated cost(s) shall include construction costs only, and shall not include land or right of way acquisition costs, costs of service connections or driveways, design and inspection costs, or financing costs. Highway cost may include pavement structure, curb and gutter, sidewalk, street lighting, traffic islands, paint markings and signals, but excludes hydro, telephone, gas, and cablevision utility costs.
- 4.2 The plans required in Section 4.1 shall be provided in the following format:
- (a) Scale 1:2500 base; legal and contour section maps as available in the Engineering Department shall be used.

- (b) Excess and/or extended services shall be clearly indicated in bold, heavy lines on the plan.
- (c) Each service, i.e. water, sewer, drainage, highways shall be shown on a separate drawing, and the benefiting area clearly shown for each.
- (d) The catchment area must be defined for sanitary and storm sewer services.
- (e) Each drawing shall be clearly labelled in the bottom right hand corner with the following information:
  - Development name
  - Project number
  - Service shown, i.e. storm, sanitary, water, highway
  - Whether service is excess or extended
  - Scale of drawing
  - Date drawn
  - Professional Engineer's seal and signature
  - Exhibit Number
    - 1A for sanitary sewer
    - 1B for drainage
    - 1C for highways (roads)
    - 1D for water

- 4.3 The Developer shall identify the designated use for each parcel of land located in the benefiting area and determine the equivalent number of development units per parcel using the Official Community Plan and the criteria outlined in Appendix D. This distribution shall be shown on Exhibit 2A for excess service and on Exhibit 2B for extended service. In the case of a sewage pump station and forcemain system **and/or a community stormwater detention pond**, the EDU's contained within the Developer's land shall be included in Exhibit 2A.

Exemptions pursuant to Section 2.5 herein shall be taken into account when determining benefiting areas.

- 4.4 The Developer shall, where applicable, determine the estimated costs per equivalent development unit for excess services using the cost estimate prepared by his engineer and the total number of EDU's from Exhibit 2A. This calculation shall be shown on Exhibit 3 as follows:

- 3A for sanitary sewer
- 3B for drainage

Any credits given to the Developer for Development Cost Charges pursuant to Section 2 herein shall be deducted from the estimated cost of the excess services to determine the Developer's net cost for excess services.

- 4.5 The Developer shall, where applicable, determine the estimated costs per equivalent development unit for extended services using the cost estimate prepared by his engineer and the total number of EDU's from Exhibit 2B. This calculation shall be shown on Exhibit 4 as follows:

- 4A for sanitary sewer
- 4B for drainage
- 4C for highways (roads)
- 4D for water

- 4.6 Using the information determined in Sections 4.3, 4.4, and 4.5, the Developer shall distribute the benefit for each service to parcels within the benefiting area. These calculations shall be shown on Exhibits 5 and 6 for excess and extended services respectively as follows:

- 5A for excess sanitary sewer
- 5B for excess drainage
- 6A for extended sanitary sewer
- 6B for extended drainage
- 6C for extended highways (roads)
- 6D for extended water

- 4.7 The Developer shall tabulate the total Latecomer Charge per parcel on Exhibits 7 and 8 for excess and extended services respectively.
- 4.8 The Developer shall submit the Exhibits 1 to 8 noted in sections 4.1 through 4.7 of this policy to the Engineering Department for review, and shall make such corrections as may be noted by Engineering Department staff and resubmit the exhibits to the satisfaction of the Director of Engineering and Public Works.

The Engineering Department will prepare a detailed summary sheet for each individual parcel of benefiting land in the form of Exhibit 9, and this shall be filed in the PRF files for the respective properties which are subject to Latecomer Charges.

- 4.9 The Director of Engineering and Public Works will forward a report to Council, generally in the form attached as Appendix E, which will provide the authority for the imposition of Latecomer Charges.
- 4.10 Latecomer charges so imposed shall be collected by the Municipality in accordance with this policy. Whenever an application to subdivide or develop a property or to connect to a service or construct an access is received, staff shall check the PRF for the property in question to determine whether Latecomer Charges are applicable. The



charges shall be levied against benefiting lands as calculated regardless of the actual number of dwelling units or their equivalent being developed by the Latecomer, or the portion of his property actually connected.

For phased developments, Latecomer Charges will be pro rated to reflect only the area being developed in each phase. The connection of a single family dwelling not qualifying for an exemption under Section 2.5 herein on a parcel designated for a future higher land use shall be charged as one EDU and the balance of calculated EDU's recorded for potential future collection.

Latecomer Charges collected and disbursed shall be recorded for each Latecomer Agreement on forms generally shown as Exhibit 10.

## 5. FINANCIAL

- 5.1 Any Latecomer Charges collected shall be paid to the Developer within 60 days of receipt or within 60 days of the issuance of the Certificate of Completion for the excess or extended services, whichever is later. No additional interest shall be payable within this 60 day period. No Latecomer Charge shall be collected after the Latecomer Agreement has expired.
- 5.2 Any payments for excess services due from the Municipality shall be paid to the Developer within 60 days of the date of the Certificate of Completion.
- 5.3 The total amount paid to the Developer shall not exceed the total estimated cost of the excess or extended services plus accrued interest.
- 5.4 Interest shall be calculated annually at a rate prescribed in the Subdivision Control Bylaw, and shall be calculated from the date of the Certificate of Completion to the date of application for subdivision or development approval or for connection to or use of an excess or extended service. Interest for partial years shall be calculated as a percentage of the annual interest to the nearest month. Interest collected shall be paid to the Developer with each Latecomer Charge paid.
- 5.5 A Latecomer Agreement shall become null and void on the earlier of the tenth anniversary of the date of Certificate of Completion, or when all excess or extended service costs, as estimated by the municipality, have been paid to the Developer.
- 5.5 Latecomer charges are payable as a condition of connecting to or using the excess or extended service. In the case of an existing building, this will be at the time of application for a connection or an access permit. In the case of a parcel being developed, this will be at the time of application for a building permit or a subdivision, as determined by the Director of Engineering and Public Works.

## APPENDIX "A"

PROCESS DOCUMENTATION

1. Application is submitted for subdivision or development approval or for extension of services.
2. Staff reviews application and determines whether there will be excess or extended services
3. If there are excess or extended services, the Developer's consultant is notified that he will be required to submit plans, exhibits, calculations, and estimates in accordance with the requirements of Sections 4.1 through 4.7 of this policy.
4. Application is processed to preliminary approval stage.
5. Consultant submits detailed engineering plans, estimates, and Exhibits 1 through 8 as applicable. Latecomer project file is established.
6. Engineering Department staff reviews the information submitted, makes corrections as required and returns the plans and/or exhibits to the consultant for revisions and resubmission.
7. Director of Engineering and Public Works submits a report to Council in the form of Appendix E herein. The report will include Exhibits 1 through 8, as applicable.
8. Latecomer Agreement is prepared and executed with the Developer. Exhibits 1 through 8, as applicable, are attached as schedules to the Agreement. Copy of Agreement is filed in Latecomer Project File.
9. Staff prepares Exhibit 9 for each property subject to a Latecomer Charge and files these in the Property Record File (PRF) for each. Exhibit 10 is also prepared and filed with the Latecomer Agreement for future recording of Latecomer Charges collected and paid back to the Developer.
10. Developer completes installation of services. Director of Engineering and Public Works issues Certificate of Completion for the works. The Latecomer Agreement comes into force and effect as of the date of issuance of this certificate. Copy of Certificate is placed in latecomer project File. PRF files for individual properties are updated to identify the term during which charges are applicable.
11. Customer applies for subdivision or development approval or for a permit to connect to a service or construct a driveway in conjunction with a building permit application. Staff checks the Latecomer Reference Map and PRF file to see if Latecomer Charges are applicable.

12. If Latecomer charges are applicable, Engineering Department staff determines the amount of the initial charge, adds interest charges, collects the charges, and forwards the money to Finance. Exhibits 9 and 10 are updated and returned to file.
13. Finance forwards the charges collected to the Developer or anyone to whom he has assigned his right to collect Latecomer Charges within 60 days of receipt. If Developer cannot be located, monies are held in trust until end of fifteen year period.
14. Steps 12 through 14 are repeated until all Latecomer Charges are collected or the fifteen year period expires.

## APPENDIX "B"

GUIDELINES FOR DETERMINATION OF BENEFITING AREAS1. General

These guidelines will provide the general approach to establishing benefiting areas. Site specific situations may require the variation of these general guidelines.

2. Excess Services

2.1 Benefiting area for excess sanitary works shall comprise all properties in the gravity catchment area which are serviced by a main or mains which are sized in excess of 200 mm in diameter or by a sewage pump station and forcemain system. Where the Director of Engineering and Public Works is satisfied that an area can be reasonably expected to pump into a sewer system, and that the system is designed to accommodate such a pumped area, the pumped area may be included as part of the overall catchment area.

The total actual area of each property shall be used to complete the calculations in Exhibit 2A except for those properties at the extremities of the catchment area which may be only partially tributary to the sanitary works. For these properties, the total area within the catchment area shall be used.

Catchment areas shall be determined using good engineering practice and available topographic information.

2.2 Benefiting areas for excess storm sewer services shall comprise all properties in the gravity catchment area which are serviced by **a community stormwater detention pond and/or** mains sized in excess of the minimum size required to service the lands of the Developer only. This size shall not be less than 250mm diameter.

The areas of properties used to complete the calculations in Exhibit 2A shall be as described for sanitary works in 2.1 above.

3. Extended Services

3.1 The benefiting area for extended sanitary sewer services shall comprise those properties which directly front the main and which are located within the catchment area of the main. The actual area of the properties within the catchment boundaries shall be used to complete the calculations in Exhibit 2B.

- 3.2 The benefiting area for extended storm sewer services shall be as described in Section 3.1 above for sanitary sewer works.
- 3.3 The benefiting area for extended highways (roads) shall comprise the total actual area of all parcels adjacent to the road and which are capable of obtaining physical access to the road. For clarity, where a Developer builds a half road only, there will be no benefit deemed to accrue to properties located on the other side of the road.
- 3.4 The benefiting area for watermains shall comprise the total actual area of all parcels which directly abut the watermain and which are capable of being serviced by it. In the case where a pressure zone boundary traverses a property, only the portion of the abutting property located in the same pressure zone as the main shall be considered to be benefiting, unless the Director of Engineering and Public Works deems that the portion of the property located outside the pressure zone could reasonably be serviced via a pressure reducing station or a booster pump station.

## APPENDIX "C"

GUIDELINES FOR THE DETERMINATION OF EXCESS VS EXTENDED SANITARY  
AND DRAINAGE SERVICES1. General

A single main can be either excess, extended, or both. If a main is oversized, but has no potential for connections to properties directly abutting the main, then it is purely an excess service. Conversely, if the main is not oversized in the sense that the Developer would be required to install that size of main purely to service his own property, but there is some residual capacity in the main due to minimum sizing requirements or due to the discrete nature of available pipe sizes, and there are properties which directly abut the main and could potentially connect to it, then the main would be purely an extended service.

Where a main is oversized to service a catchment area outside the Developer's lands, and there are properties in this catchment area which directly abut the main and could connect to it, then the main is both extended and excess. In this case, properties abutting the main would benefit from the oversizing as well as from the ability to directly connect to it. In such cases, a separate calculation must be made for the benefit derived from the minimum sized main (extended service) as well as for the oversizing (excess service).

2. Sanitary

The minimum size for a sanitary main is 200mm. Although it is quite commonplace that a 200mm main has capacity to service properties other than the Developer's lands, such a main will not be considered to be an excess service. If directly abutting properties can connect to a 200mm main, it will be considered to be an extended service with respect to those properties.

For mains larger than 200mm, the main will be considered to be an excess service with the cost difference between the actual size and 200mm being distributed to properties in the catchment area. Those properties in the catchment area which can directly connect to the main will also be deemed to derive benefit from an extended service calculated as the cost of a 200mm main for the length over which direct connections can be made.

Where the Developer installs a sewage pump station and forcemain, these works shall be considered to be an excess service and the cost per EDU shall be calculated using the total EDU's contained in the Developer's lands and the upstream catchment area.

3. Drainage

While the absolute minimum size for a storm sewer main is 250mm, in general the minimum size necessary to service the Developer's property will be larger than this. Where a main is designed to handle drainage from properties other than the Developer's lands, the

minimum size for the purpose of determining what the oversizing costs are will be determined by calculating the smallest pipe size that has the capacity to accommodate the design flow from the Developer's lands at the same grades and slopes as the oversized main, with the proviso that this cannot be less than 250mm.

For mains larger than the minimum size described above, the mains will be considered to be an excess service with the cost difference between the actual size and the minimum size as described above being distributed to properties in the catchment area. Any credit towards DCC's payable shall be subtracted and the net cost distributed.

Distribution of costs of extended services to properties directly abutting the oversized main shall be based on the minimum size required as described above. Those properties in the benefiting area for extended service will also be included in the calculation for distribution of excess service costs.

Where the main being installed does not exceed the minimum sized main as calculated above, and this provides enough capacity to service other properties directly abutting it, the main will be considered to be an extended service with respect to those properties.

## APPENDIX "D"

EQUIVALENT DEVELOPMENT UNITS PER HECTARE

The following factors shall be used to determine the potential number of equivalent development units a property is deemed to have for the purpose of allocating benefit from an excess or extended service. The total number of EDU's for a parcel shall be calculated by multiplying the total benefiting area of the parcel in hectares by the appropriate factor for the land use designation of the Official Community Plan. In the event that current zoning of a parcel allows a higher density of land use than that designated under the OCP, the OCP designation which would be consistent with the current zoning shall be used.

**a) Mission General**

<u>OCP Land Use Designation</u> (or existing zoning if higher density)	<u>EDU/Hectare</u>
Rural	0.55
Rural Residential	1.10
Suburban Residential	2.70
Urban Residential	13.00
Multi Family Residential RM-2	30.00
RM-2A	40.00
RM-3	50.00
RM-4	82.00
RM-5	135.00
Low Density Multi Family Residential	14.00
Central Business District	20.00
Service Commercial	20.00
Downtown Residential Business Area	20.00
Downtown West Expansion Area	20.00
Downtown East Area	20.00
Mixed Use Commercial/Residential	20.00
Neighbourhood Commercial	20.00
Waterfront District Area	20.00
Commuter Rail Redevelopment Area	20.00
Resort	20.00
General Industrial	15.00
Service Industrial	15.00
Schools	15.00
Institutional	15.00
Parks, Recreation, Open Space	0.00
Municipal Forest	0.00



**b) Cedar Valley Comprehensive Development Plan Area**

<u>CVCDP Residential Category</u>	<u>EDU/Hectare</u>
Suburban Single Family Residential	2.70
Single Family Residential	13.00
Compact Single Family Residential	18.50
Cluster Compact Single Family Residential	18.50
Townhouse Multiple Family	30.00
Garden Apartment Multiple Family	70.00
Institutional Residential	70.00

APPENDIX "E"

<date>  
File: >

TO: Chief Administrative Officer  
FROM: Director of Engineering and Public Works  
SUBJECT: Latecomers Charges

**Recommendation**

Re: Developer: \_\_\_\_\_  
Project No: \_\_\_\_\_  
Description: \_\_\_\_\_  
\_\_\_\_\_

1. That Council require the owner of the above noted land that is to be subdivided or developed to provide the excess and/or extended services shown on the attached Exhibit 1.
2. That Council consider the cost to provide the excess and/or extended services shown on the attached Exhibit 1, in whole or in part, to be excessive, and that the cost of providing these services shall be paid for by the owner of the land being subdivided or developed.
3. That Latecomer Charges be imposed for excess and/or extended services, as shown on the attached Exhibit 1, which are required to be installed as part of the referenced development project.
4. That Latecomer Charges will be imposed on the parcels listed in the attached Exhibit(s) '6' and/or '8' in the amounts shown.
5. That the Mayor and Director of Corporate Administration be authorized to enter into a Latecomer Agreement with the owner of the land that is being subdivided or developed.
6. The cost of excess water service in the amount of <amount> will be funded out of account number < # > and paid to the owner of the lands being subdivided or developed upon issuance of a Certificate of Completion for the works installed.

(This item to be included only if applicable)

## Background

Pursuant to Section 939 of the Local Government Act, where an owner of land that is to be subdivided or developed is required by Council to provide excess or extended services, and where Council considers that the cost to the municipality to provide these services would be excessive, then Council can require the services to be paid for by the owner.

However, where the owner is required to pay for these costs, Council is required to:

- a) determine the proportion of the cost of providing the sewer, drainage, highway or water services that it considers constitutes the excess or extended services;
- b) determine which part of the excess or extended service that it considers will benefit each of the parcels of land that will be served 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 under (b) above.

The purpose of this report is to establish these Latecomer Charges which will be collected, together with interest as specified in the Subdivision Control Bylaw, from latecomers who connect to or use the designated services within a fifteen year period commencing from the date of Substantial Completion as determined by the Director of Engineering and Public Works, as well as the excess service charges payable by the Municipality for water facilities, where such are applicable.

Exhibits 1 through 8 inclusive give details of the services required, the benefiting area, and distribution of costs to each parcel within the benefiting area. Copies of these exhibits have been placed in Council's reading basket.

Funding in the amount of < \$ > is available in the current waterworks budget under account number < > for the recommended oversizing payment of < \$ >. The balance in the account will be < \$ >. Payment of oversizing is recommended due to the difficult nature of defining a benefiting area for excess water capacity.

(This paragraph to be included only if applicable)

(Insert general description of project and attach summary sketch)

Carl W. Berg, P. Eng.,  
DIRECTOR OF ENGINEERING  
AND PUBLIC WORKS.

<filename and path>

Encl.  
(Sketch)

APPENDIX "F"

LATECOMER AGREEMENT

THIS AGREEMENT made this > day of >, 200> :

BETWEEN:

>

(hereinafter called the 'Developer')

OF THE FIRST PART

AND

DISTRICT OF MISSION, a Municipal Corporation duly incorporated under the laws of the Province of British Columbia, with offices at 8645 Stave Lake Street, in the District of Mission, British Columbia

(hereinafter called the 'Municipality')

OF THE SECOND PART

WHEREAS

A. The Developer is the owner of and proposes to develop certain lands known and described as:

>

(hereinafter called the 'said lands')

for > use.

B. The Municipality has required the Developer to install or provide certain excess or extended services in connection with the proposed development which may provide access to or serve land other than the said lands.

- C. The Municipality does not have sufficient funds to make a contribution towards the cost of all the said excess or extended services.
- D. The Municipality intends to provide for the collection of a share of the construction cost of the required excess or extended services from the owners of other lands who may connect to or use the said excess or extended services and provide for the repayment of these monies to the Developer.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements hereafter set forth, it is agreed by and between the parties hereto as follows:

1. The terms and expressions used in this agreement shall be as defined in the Municipality's currently enacted Subdivision Control Bylaw and adopted Latecomer Policy.
2. The determination of Latecomer Charges shall be in accordance with the Municipality's adopted Latecomer Policy.
3. The extent of the excess or extended services upon which the Latecomer Charges are determined shall be as shown on Exhibit '1' attached hereto.
4. This agreement shall take effect as of the date of issuance of a Certificate of Completion of the construction of the excess or extended services as certified by the Director of Engineering and Public Works.
5. The maximum total Latecomer Charge imposed by the Municipality, exclusive of accrued interest, shall be as follows:
  - (i) excess service:
    - (a) Sanitary system \$ \_\_\_\_\_
    - (b) Drainage system \$ \_\_\_\_\_
  - (ii) extended service:
    - (a) Sanitary system \$ \_\_\_\_\_
    - (b) Drainage system \$ \_\_\_\_\_
    - (c) Highway system \$ \_\_\_\_\_
    - (d) Water system \$ \_\_\_\_\_

The actual total Latecomer Charge imposed by the Municipality will depend on the number of properties within the benefiting area which connect to or use the excess or extended services during the time that this Agreement is in force.

6. The total amount of contribution for excess water services to be paid to the Developer within 60 days of the date of issuance of the Certificate of Completion is \$ \_\_\_\_\_.
7. This Agreement shall become null and void upon the earlier of the tenth anniversary of the date of issuance of the Certificate of Completion for the excess or extended services, or when the total Latecomer Charges pursuant to clause 5 herein, plus accrued interest, have been paid.
8. The Municipality shall collect from the latecomers within the benefiting areas, the charges up to the amount recorded in Exhibit '8' at the time the latecomer applies to connect to or use the excess or extended service. For phased development, the charges will be prorated and collected in each phase. The connection of a single family dwelling on a parcel designated for future higher use shall be considered a special case of a phased development and dealt with in accordance with the adopted Latecomer Policy.
9. The Latecomer Charges shall be collected by the Municipality at the time the latecomer applies to connect to or use the excess or extended services installed by the Developer within the time this Agreement is in effect as described in clauses 4 and 7 herein.
10. The Municipality shall pay any collected Latecomer Charges to the Developer within the time specified in the Municipality's adopted Latecomer Policy at the address of the Developer set forth in this Agreement, or at such other address as the Developer may provide. If the said payments are returned to the Municipality, they will be held in trust until the expiration of this Agreement, at which time the monies will be treated as unclaimed money in accordance with applicable legislation.
11. Should the Developer wish to assign his right to receive Latecomer Charges to others, he shall complete an Assignment or Transfer of Rights form pursuant to the Municipality's adopted Latecomer Policy.
12. The Developer covenants and agrees that there are no financial agreements or arrangements by which owners of land within the benefiting area as listed on Exhibit(s) 7' and/or '8' have contributed or will be contributing to the cost of the excess or extended services which are the subject of this Agreement.
13. The Municipality accepts no liability in the event that Latecomer Charges cannot be collected due to subsequent changes in design or catchment areas.
14. In the case that the Developer fails to complete the construction of excess or extended services to the point where a Certificate of Completion is issued in accordance with the Servicing Agreement covering the works, this Agreement shall become null and void and be of no further force or effect.

15. It is MUTUALLY UNDERSTOOD, agreed and declared by and between the parties hereto that:

- a) Municipality has made no representations, covenants, warranties, guarantees, promises or agreements, oral or otherwise, with the Developer other than those contained in this Agreement;
- b) nothing contained or implied herein shall prejudice or affect the rights and powers of the Municipality in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the said lands as if this Agreement had not been executed and delivered by the Developer;
- c) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine, or the body corporate or politic where the context of the parties so require and, where the Developer consists of more than one person, the term 'Developer' shall mean all such persons jointly and severally;
- d) this Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns; and
- e) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this contract the day and the year first above written.

FOR CORPORATE BODY  
THE CORPORATE SEAL OF  
>  
was hereunto affixed in the presence of:  
\_\_\_\_\_  
Authorized Signatory  
\_\_\_\_\_

)  
)  
)  
)  
) SEAL  
)  
)  
)  
)  
)  
)  
)  
)

DELIVERED )  
FOR the )  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

)  
) SIGNED SEALED AND  
) PRIVATE by the above named in  
) INDIVIDUAL presence of: )  
)  
) Name:  
) \_\_\_\_\_  
) Developer's signature  
)  
)  
)  
)  
) Occupation: \_\_\_\_\_

DELIVERED )  
THE ) SEAL  
DISTRICT OF MISSION was hereunto affixed in the presence of:  
\_\_\_\_\_  
MAYOR  
\_\_\_\_\_

)  
) SIGNED SEALED AND  
)  
) THE CORPORATE SEAL OF  
)  
)  
)  
)  
)  
)  
)  
) CLERK )



APPENDIX "G"

ASSIGNMENT OR TRANSFER OF RIGHTS

<date>  
File: < >

Letter to:  
Director of Engineering and Public Works,  
The District of Mission,  
8645 Stave Lake Street,  
Box 20, Mission, B.C.  
V2V 4L9

Dear Sir:

Re: Assignment or Transfer of Rights  
to Receive Latecomer Payments  
(Developer)  
(Project Number)  
(Description)

This is to inform you that any right to payment of Latecomer Charges, pursuant to the Latecomer Agreement for the above noted development dated <date> has been duly assigned to:

Name of Assignee \_\_\_\_\_

Address of Assignee \_\_\_\_\_  
\_\_\_\_\_

Payment of any latecomer charges accruing due under the said Latecomer Agreement to the above named Assignee shall constitute valid performance under the provisions of the said Latecomer Agreement as if the said Latecomer Charges had been paid to the undersigned.

Yours truly,

\*

\_\_\_\_\_  
Signature and Title of Authorized Signatory

\* e.g. 1234 Developments Ltd.  
per J.R. Builder, President

**EXHIBIT 2**  
**EQUIVALENT DEVELOPMENT UNITS PER PARCEL**

z 2A EXCESS SERVICES    z 2B EXTENDED SERVICES    (Check One)

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Service: \_\_\_\_\_

No.	Legal Description Benefiting parcel	Civic Address	Designated use per OCP	Area in Ha	EDU's per Ha	EDU's per parcel
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16	etc as required					

excess To Exhibit 5 for \_\_\_\_\_  
 extended To Exhibit 6 for \_\_\_\_\_  
 Developer's Lands 

--	--	--	--	--	--

excess To Exhibit 5 for \_\_\_\_\_  
 extended To Exhibit 6 for \_\_\_\_\_

Note: Developer's lands to be included in Exhibit 2A Excess Services only if service is a sewage pump station and forcemain system **or a community stormwater detention pond**. Developer's lands must be included in Exhibit 2B Extended Services.

EXHIBIT 3

COST PER EDU FOR EXCESS SERVICE

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Service: \_\_\_\_\_ Reference Plan \_\_\_\_\_

- A. Total excess service cost as per attached detailed estimate \$ \_\_\_\_\_
- B. Total EDU's from Exhibit 2A (includes Developer's lands) \_\_\_\_\_
- C. Excess service cost per EDU ( A divided by B ) \$ \_\_\_\_\_

NOTE:

For this Exhibit the Total EDU's shall include the Developer's lands only if the excess service consists of a sewage pump station and forcemain system **or a community stormwater detention pond**.

Costs in A shall be net of any credit given by the Municipality for Development Cost Charges payable where works are included in a Development Cost Charge Program.

Attach copy of detailed estimate.

EXHIBIT 4

COST PER EDU FOR EXTENDED SERVICE

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Service: \_\_\_\_\_ Reference Plan \_\_\_\_\_

- A. Total extended service cost as per attached detailed estimate \$ \_\_\_\_\_
- B. Total EDU's from Exhibit 2B (includes Developer's lands) \_\_\_\_\_
- C. Extended service cost per EDU ( A divided by B ) \$ \_\_\_\_\_

NOTE:

For this Exhibit the Total EDU's shall include the Developer's lands.

Costs in A shall be net of any credit given by the Municipality for Development Cost Charges payable where works are included in a Development Cost Charge Program.

Attach copy of detailed estimate.

EXHIBIT 5

DISTRIBUTION OF EXCESS LATECOMER CHARGES BY SERVICE

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Service: \_\_\_\_\_

No.	Legal Description Benefiting parcel	Civic Address	EDU's Excess (from Ex 2A)	Cost/EDU Excess (from Ex 2)	Excess Latecomer Charge Total
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21	etc. as required				

EXHIBIT 6

DISTRIBUTION OF EXTENDED LATECOMER CHARGES BY SERVICE

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Service: \_\_\_\_\_

No.	Extended Legal Description Benefiting parcel	Civic Address	EDU's Excess (from Ex 2B)	Cost/EDU Excess (from Ex 4)	Extended Latecomer Charge Total
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21	etc. as required				

EXHIBIT 7

TOTAL EXCESS LATECOMER CHARGE PER PARCEL

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

<----- Latecomer Charge ----->

No.	Legal Description Benefiting parcel	Civic Address	Sanitary	Drainage	Total
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21	etc. as required				
<b>Totals</b>					

EXHIBIT 8

TOTAL EXTENDED LATECOMER CHARGE PER PARCEL

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

<----- Latecomer Charge ----->

No.	Legal Description Benefiting parcel	Civic Address	Sanitary	Drainage	Total			
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15	etc. as required							
<b>Totals</b>								



EXHIBIT 9A

INDIVIDUAL PROPERTY LATECOMER RECORD

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Latecomer Charge Reference:

Developer: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Date of Expiry of Latecomer Charges \_\_\_\_\_

Total Latecomer Charges Applicable (not including interest):

Excess:	Sanitary	\$ _____
	Drainage	\$ _____
Extended:	Sanitary	\$ _____
	Drainage	\$ _____
	Highways	\$ _____
	Water	\$ _____

Record of Payment of Latecomer Charges

Phase Number	Percent of Total Area	Date of Application	Comments
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____

Note: Attach one payment record sheet for each phase.

EXHIBIT 9B

PAYMENT RECORD SHEET

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Payment Made by: \_\_\_\_\_

Address \_\_\_\_\_

Date: \_\_\_\_\_

	Phase Number	Original Change	Interest Factor	Total Paid	Receipt Number
Excess Sanitary					
Drainage					
Extended Sanitary					
Drainage					
Highways					
Water					

EXHIBIT 10

SUMMARY OF LATECOMER CHARGES COLLECTED AND DISBURSED

Developer's Name: \_\_\_\_\_

S/D File or Bldg. Permit No. \_\_\_\_\_; Latecomer File No. \_\_\_\_\_

Date of Expiry of Latecomer Agreement: \_\_\_\_\_

No.	Legal Description of Benefiting Parcel	Amount of Charges Collected			Phased? Yes/No	Date of Payment
		Excess	Extended	Total		
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21	etc. as required					

Attach a copy of Exhibit 9 for each Latecomer Charge collected.

For phased developments the first payment will be recorded on this sheet. See attached Payment Record Sheets for subsequent payments.