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**CITY OF KELOWNA**  
**MEMORANDUM**

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DATE: FEBRUARY 21, 2007  
FILE: 2250-70-74  
TO: CITY MANAGER  
FROM: DIRECTOR OF WORKS & UTILITIES  
SUBJECT: LATECOMER CHARGES – KETTLE VALLEY HOLDINGS LTD

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RECOMMENDATION:

THAT THE MUNICIPAL Council requires the owner of Lot 1 PL 22290 Sec 23 Twp 28 SDYD except Plans 24513, 25767 & 32591; Lot 168 PL 32591 Sec 24 Twp 28 SDYD; Lot A PL 29585 Sec 23 Twp 28 except PI 32591; Lot A PL 23380 Secs. 23 & 24 Twp 28 SDYD except PL 32591; Lot 1 PL 41091 Secs. 23 & 24 Twp. 28 SDYD, Part of the NE 1/4 , Twp 28 SDYD, which is to be subdivided or developed, to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-74 attached to the report of the Director of Works & Utilities, dated February 23, 2007;

AND THAT the Municipal Council consider the cost to provide the excess or extended services shown in Schedule C-2 of the Latecomer Agreement No. 2250-70-74, in whole or in part, to be excessive;

AND THAT the Latecomer charges be imposed for excess or extended services, as shown in Schedule C-2 of Latecomer Agreement No. 2250-70-74, which are required to be installed as part of the referenced Development Project;

AND THAT Latecomer charges be imposed on the benefiting lands listed in Schedule C-2 of Latecomer Agreement No. 2250-70-74;

AND THAT the City enter into Latecomer Agreement No. 2250-70-74 with the owner to be effective upon Substantial Performance of the Excess or Extended Services, and the Mayor and City Clerk be authorized to execute and affix the corporate seal to this Latecomer Agreement;

AND FURTHER THAT the owners of the benefiting lands be advised in writing of the Latecomer charge to be imposed on their land.

BACKGROUND:

Pursuant to the Local Government Act, where an owner of land that is to be subdivided or developed is required to provide excess or extended services by Council, and where Council

considers its cost to be provided these services are 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 highway or water, sewerage or drainage facilities that it considers constitutes the excess or extended service:
- (b) determine which part of the excess or extended service that it considers will benefit each of the parcels of land 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 under paragraph (b).

The purpose of this report is to establish these latecomer charges which will be collected from latecomers who connect to or use the designated services for a period fixed by the Latecomer Agreement which shall be no greater than 10 years commencing from the date of Substantial Performance September 28, 2005 as determined by the City Engineer.

In this particular development, the services which are the subject of a Latecomer charge are identified in Schedule C-2 of the Latecomer Agreement.

All of the benefiting parcels have been identified as Schedule C-2 of the Latecomer Agreement and the total Latecomer charge for each parcel is shown along with a breakdown by individual utility.

Where Development Cost Charge works are proposed to be constructed, a rebate will be made to the owner according to current Development Cost Charge rebate policy. Development Cost Charge works, are not eligible for Latecomer Charges.

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Steve Muenz, P. Eng  
Development Manager

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John Vos  
Director of Works & Utilities

Attach.

