

**City of Courtenay**  
**Mansfield Lift Station Latecomer Agreement**  
**BYLAW NO. 3119, 2023**

A bylaw to impose latecomer charges in relation to Mansfield Lift Station

**WHEREAS** pursuant to Section 507 of the *Local Government Act*, RSBC 2005, c 1, as amended, the Municipality considers the cost of certain excess or extended services to be excessive and the owner(s) of a leasehold interest in certain lands that are proposed to be developed has agreed to complete the excess or extended services;

**AND WHEREAS** pursuant to Section 508 of the *Local Government Act*, the Board of the Municipality may, by bylaw, impose a latecomer charge as a condition of connecting to or using an excess or extended service;

**NOW THEREFORE**, the Council for the Municipality in open meeting assembled enacts as follows:

**CITATION**

1. This Bylaw may be cited as the **“The Mansfield Lift Station Latecomer Agreement Bylaw No. 3119, 2023”**.

**LATECOMER CHARGES**

2. In this Bylaw:
  - (a) **“Benefitting Lands”** means those lands and premises shown in Schedule “A”;
  - (b) **“Excess Services Amount”** means the cost of constructing the Excess or Extended Services as set out in Schedule “B”;
  - (c) **“Excess or Extended Services”** means those civil works and services, including but not limited to the upgrading of the Mansfield Lift Station capacity for sanitary services, which after completion will provide access or services to the Benefitting Lands;
  - (d) **“Latecomer”** means a user, lessee, licensee, or other person who conducts an activity on the Benefitting Lands with the direct or indirect

consent or permission of the Municipality, and who is required to or wishes to connect to or use the Excess or Extended Services

- (e) **“Latecomer Agreement”** means the Agreement entered into between the Municipality and the Developer, effective [DATE], a copy of which is attached hereto as Schedule “C”; and
  - (f) **Latecomer Charges**” means the proportionate share of the Excess Services Amount, based on the size the Benefitting Lands, to be paid by a Latecomer as a condition of connecting to or using the Excess or Extended Services, which for convenience have been set out in the table attached as Schedule “D”, subject any adjustments in accordance with the Latecomer Agreement.
3. The Municipality hereby imposes Latecomer Charges on every Latecomer as a condition of any land in the Benefitting Area connecting to or using the Excess or Extended Services.
  4. The Latecomer Charges are due and payable on request by a person to connect or to use the Excess or Extended Services.
  5. Any Excess Services Amount that remains unpaid from the date of substantial completion as defined in the Latecomer Agreement will accrue interest annually pursuant to *“The Interest Charges on Latecomer Payments Bylaw No.2005, 1997”*.

**EFFECTIVE DATE**

This bylaw shall come into full force and effect and be binding on all persons as and from the date of adoption.

**Read a FIRST and SECOND TIME**                      **this 6th day of December, 2023.**

**Third Reading as Amended**                      **this                      day of                      , 2024**

**ADOPTED**    **this                      day of                      , 2024.**

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Mayor

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Corporate Officer