

Bill No. 204
2017

By-law No. A.- _____

A By-law to repeal and replace By-law A.-7015-285, being The Grants for Sump Pump, Sewage Ejector, and Storm Drain Connection Grant Program By-law.

WHEREAS section 5 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that the powers of a municipality shall be exercised by its council by by-law;

AND WHEREAS section 107 of the *Municipal Act, 2001* provides that a municipality may make grants to any person, group or body, including a fund, for any purpose that council considers to be in the interests of the municipality;

AND WHEREAS section 107 of the *Municipal Act, 2001* provides that a municipality's power to make grants includes the power to make a grant by way of loan and to charge interest on the loan;

AND WHEREAS on September 17, 2013 Municipal Council of The Corporation of the City of London passed By-law A.-7015-285, being The Grants for Sump Pump, Sewage Ejector, and Storm Drain Connection Grant Program By-law, to provide grants to certain owners of residential semi-detached dwellings, single detached dwellings and duplex dwellings, to condominium corporations for units used for residential purposes, and to non-profit housing co-operatives, to disconnect the footing tiles from either the sanitary or storm sewer, and install a sump pump system for disposal of weeping tile (foundation drain) water to a suitable outlet other than the sanitary sewer system;

AND WHEREAS it is deemed expedient to repeal and replace By-law A.-7015-285 being the Grants for Sump Pump, Sewage Ejector, and Storm Drain Connection Grant Program By-law, passed on September 17, 2013;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. That the City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program Guidelines, be established and implemented as per Schedule "A" attached to this by-law.
2. That the Program is not retroactive and shall not apply to any installations of sump pump systems, disconnections or connections of footing tiles, the installation of a backwater valve, nor the installation of a sewage ejector and holding tank, prior to the coming into force of this by-law.
3. That the issuance of grants under the Program is subject to availability of funds as determined by Council from time to time.
4. That the short title of this by-law is the "Basement Flooding Grant Program By-law".
5. That the Reserve Fund established for the Program be continued.

6. That By-law A.-7015-285 being the Grants for Sump Pump, Sewage Ejector, and Storm Drain Connection Grant Program By-law passed by Council on September 17, 2013 hereby be repealed.

7. That this by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on May 16, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 16, 2017
Second Reading – May 16, 2017
Third Reading – May 16, 2017

Schedule “A”

City of London Sump Pump, Sewage Ejector, and Storm Private Drain Connection Grant Program Guidelines

Purpose

To provide a grant to residential home owners, condominium corporations for units used for residential purposes, and to non-profit housing co-operatives, who have experienced sanitary sewer surcharging in their basements and who have installed an approved sump pump system in accordance with this by-law; to provide a grant to owners, condominium corporations for units used for residential purposes, or non-profit housing co-operatives, who are experiencing or are in an area likely to experience basement flooding caused by a surcharged sanitary or storm sewer and who subsequently disconnect the footing tiles from either the sanitary or storm sewer and install a sump pump system for disposal of footing tile water to a suitable outlet other than the sanitary sewer system.

Definitions

“*City Engineer*” means the General Manager of Environmental and Engineering Services & City Engineer, or designate;

“*condominium corporations*” means condominium corporations under the *Condominium Act, 1998* for units used for residential purposes;

“*non-profit housing co-operatives*” means a non-profit housing co-operative under the *Co-operative Corporations Act*

“*dwelling unit*” has the same meaning as contained in the City’s Zoning By-law;

“*owner*” means an owner in fee simple under the *Land Titles Act*, R.S.O. 1990, c. L.5;

“*property*” means a separate parcel of land which has been assigned a property identifier under section 141 of the *Land Titles Act*, R.S.O. 1990, c. L.5;

“*residential homes*” means residential semi-detached dwelling, single detached dwelling and duplex dwelling, as defined in the City’s Zoning By-law.

Funding

This Program will be funded in an amount determined by Council in its sole discretion from time to time. Grant commitments will be provided subject to funding availability as determined by Council at its sole discretion from time to time. The amended grant commitment program identified below is retroactive to January 1, 2017, applicants who applied and received a grant payment through the program after this time are eligible for grant payments equal to the difference between what they received and what they would have received under this amended by-law.

Eligible Work

A) For residential homes, upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City pay to the owner up to 90% of the demonstrated construction costs established as follows:

- (i) up to a maximum of \$2,475.00 for out-of-pocket expenses to disconnect the footing tiles when they are connected to the main drain inside the basement when the home has an approved backwater valve installed, in the case where footing tiles previously drained to the sanitary sewer; or
- (ii) up to a maximum of \$3,125.00 for out-of-pocket expenses to disconnect the footing tiles when they are connected to the main drain outside the basement when the home has an approved backwater valve installed, in the case where footing tiles previously drained to the sanitary sewer;
- (iii) up to a maximum of \$1100.00 for out-of-pocket expenses when a sump pump battery backup is installed in a residential home that already has an approved sump pump and an approved backwater valve installed as part of the grant program works
- (iv) up to a maximum of \$2,475.00 for out-of-pocket expenses to disconnect the private catchbasins or drains on, or adjacent to, a driveway or garage that drain storm runoff from a reverse grade driveway, where the private catchbasins or drains are connected to the City's sanitary sewer;
- (v) up to a maximum of \$1,200.00 for out-of-pocket expenses when a full port type backwater valve is installed in a residential home that already has an approved sump pump;
- (vi) up to a maximum of \$1,200.00 for out-of-pocket expenses when a full port type backwater valve is installed in a residential home that does not have weeping tiles due to age of construction but is located in an area where sanitary sewer surcharging is a risk and provided that the backwater valve is serving only one dwelling unit;
- (vii) up to a maximum of \$2,050.00 for out-of-pocket expenses incurred when, in lieu of a full port type backwater valve being installed with the sump pump, a sewage ejector and holding tank is installed for the disposal of effluent from basement plumbing fixtures;
- (viii) up to a maximum of \$190.00 for out of pocket expenses when an alarm is installed on the full port type backwater valve on the condition that; the installed alarm logs when the backwater valve flap is engaged or fluctuates, the homeowner agrees to allow the City to download the data as needed for up to 5 years after the installation date, and the City Engineer deems it necessary to collect information from the backwater valve to aid in sewer performance research;
- (ix) up to a maximum of \$7,025.00 for out of pocket expenses incurred by an owner for the construction of a storm private drain connection within the City road allowance or within a City easement, including a storm building sewer on private property where the owner extends the storm P.D.C. onto the property and connects it to pumped footing tile water it being pointed out that this subsidy applies to the construction of a storm P.D.C. within a City road allowance or within a City easement, and extending it through private property;
- (x) Up to a maximum of \$1,750.00 for out-of-pocket expenses to construct a storm building sewer on private property from the dwelling unit, from an existing storm PDC on the City road allowance or within a City easement;
- (xi) the works of either items (viii) or (ix) are mandatory, provided that there is a storm sewer outlet available, if the owner is undertaking works of items

- (i) or (ii) or (iii) and when the discharge point of the sump pump is less than 4 metres away from a City sidewalk, City road, or neighbouring property, or at the City Engineer's discretion based on the soil type and grading of the lot which makes sump pump discharge water unable to infiltrate into the lot's ground adequately;
- (xii) the owner execute an appropriate liability release document, approved by the Manager of Risk Management and the City Solicitor's Office; and
- (xiii) that eligibility for this grant will be based on a demonstrable need for such work, as determined solely by the General Manager of Environmental Services & City Engineer.

Also available for residential homes, upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City will loan to the applicant owner the remainder of the demonstrated construction costs established as above. This loan is to be paid back to the City in ten equal annual instalments including interest in accordance with the 10-year financing rate for local improvements. Remediation or renovation works required by the homeowner are not eligible for grant or loan funding.

B) For condominium corporations, and non-profit housing co-operatives upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City pay to a condominium corporation, or non-profit housing co-operative up to 90% of the demonstrated cost established as follows:

- (i) up to a maximum of \$2,000.00 for out-of-pocket expenses for an Engineering Report, which is subject to City Engineer's approval, and the consulting engineer's confirmation that works have been completed in accordance with the Engineering Report;
- (ii) up to a maximum of \$1500.00 (per condominium unit, or non-profit housing co-operative unit, that are having construction works completed to them or are directly benefiting from construction works) for out-of-pocket expenses for lot grading, sump pump systems, backflow prevention systems, and certification;
- (iii) that any grants provided to condominium corporations or non-profit housing co-operatives will be payable only if the entirety of the Engineering Report is implemented;
- (iv) that any grants provided to the condominium corporations or non-profit housing co-operatives which have weeping tile connections to the City's sanitary sewer will be payable only if those weeping tiles are disconnected, any units which still have weeping tiles connected to the City's sanitary sewers are not eligible for grant funding;
- (v) the City assumes no liability whatsoever relating to the work undertaken by the condominium corporation, or non-profit housing co-operative;
- (vi) the condominium corporation, or non-profit housing co-operative execute an appropriate liability release document, approved by the Manager of Risk Management and the City Solicitor's Office; and
- (vii) that eligibility for this grant will be based on a demonstrable need for such work, as determined solely by the General Manager of Environmental Services & City Engineer.

Eligibility for Grant

The applicant(s) for the grant must meet the following criteria in order to qualify for the Program:

- must be the owner(s) of the property, a condominium corporation, or a non-profit housing co-operative;
- has not commenced any construction works they are applying for grant funding for prior to grant approval;
- there must be no other outstanding debts to the City of London;
- the owner(s), condominium corporation, or non-profit housing co-operative must meet all conditions of this Program.

Approval of all grant applications is also subject to availability of funding at any given time, as determined solely by Council.

Manufacturing businesses or industrial or commercial enterprises are not eligible for this Program.

Grant and Loan Details

Grants and loans will not be available to cover any other associated costs including, but not limited to, renovation costs.

The maximum amount of each grant and loan will be determined in each case by the City Engineer, based on the City Engineer's determination of the reasonable cost and scope of the proposed work. Grant and loan approvals are subject to the availability of funding at any given time, as determined by Council. Grant and loan applications will be processed in chronological order based on the date of receipt of applications.

Grant and loan approvals will be valid for six months and will expire if the work is not completed within that time period (unless extended at the City Engineer's discretion).

Application Procedure

1. The applicant owner(s), condominium corporation, or non-profit housing co-operative will be required to complete an application form provided by the City Engineer.

In addition to the completed application form the applicant owner(s), condominium corporation, or non-profit housing co-operative must provide:

- A minimum of 3 quotes for the work from *bona fide* qualified Contractors, not a 3rd party representative, for costs above \$10,000.00, to the City Engineer's satisfaction;
- A minimum of 2 quotes for the work from *bona fide* qualified Contractors, not a 3rd party representative, for costs between \$5,000.00 and \$10,000.00, to the City Engineer's satisfaction;
- One quote for the work from a *bona fide* qualified Contractor, not a 3rd party representative, for costs below \$5,000.00, to the City Engineer's satisfaction;
- The quotes must detail what work is to be done, and separate out costs for each portion of construction work, i.e. total cost of labour and materials to install backwater valve, total cost of labour and materials to install PDC, etc.;
- Condominium corporations and non-profit housing co-operatives must also submit a quote from a licenced professional engineer for the cost of the engineer's report and subsequent engineer's letter confirming that works have been completed in accordance with the engineer's report;
- Such other further information or documentation as may be required by the City Engineer.

At the discretion of the City Engineer, any work that is started or completed prior to the grant application approval may be deemed ineligible under this Program.

2. City reviews application and supporting documentation and decides whether to approve the grant amount and loan, and determines approximately how much the grant and loan amounts will be. City advises applicant in writing of its decision.

3. Applicant or Contractor obtains any necessary permits, including a plumbing permit from the City's Building Division (7th Floor, City Hall, 300 Dufferin Avenue, London, 519-661-4555) prior to work commencing. Failure to obtain a plumbing permit prior to work commencing will result in cancellation of any approved grant and loan amounts.

4. The Contractor must co-ordinate work with the City well in advance. The Contractor is responsible to obtain all utility locates for the work for both private property and City property.

5. The Contractor or the applicant must arrange for an inspection by the City with respect to the plumbing permit. Plumbing permits that have not had an inspection by the City will result in cancellation of any approved grant and loan amounts.

6. Within six months of receiving grant approval, the owner(s), condominium corporation, or non-profit housing co-operative must submit to the City the final paid invoice from the Contractor setting out the amount due and paid for the work. Condominium corporations and non-profit housing co-operatives must also submit to the City the final paid invoice from the consulting engineering setting out the amount due and paid for the Engineer's Report(s). Any owner, condominium corporation, or non-profit housing co-operative submitting an invoice six months after the grant approval will be ineligible for payment of the grant and loan (subject to the discretion of the City Engineer). The City will not provide a grant or loan for an amount greater than the grant or loan amount set out in paragraph 2 above, even where the final invoice is greater than the grant amount. The owner(s), condominium corporation, or non-profit housing co-operative must also resubmit the grant application form with the liability release section signed by all owners or representatives able to bind the condominium corporation or non-profit housing co-operative.

7. If the owner(s) are having a backwater valve alarm installed as part of the works as approved by the City Engineer, along with the items required for submission in paragraph 6, the homeowner must submit a signed 'Consent to Enter' form detailing the frequency of data downloading the City will perform and the expiration date of the consent.

8. Where there is a request to do so and subject to the discretion of the City Engineer, the City may advance 100% of the grant and loan amounts as set out in paragraph 2 above to the qualified plumbing contractor who completes the construction works for the applicant owner(s), condominium corporation, or non-profit housing co-operative, upon receipt of an invoice for the completed construction works and confirmation that a plumbing permit has been issued and passed in full.

Information to Accompany Application

- Complete application form completed by owner(s), condominium corporation, or non-profit housing co-operative;
- A minimum of 3 quotes for the work from *bona fide* qualified Contractors, not a 3rd party representative, for costs above \$10,000.00, to the City Engineer's satisfaction. The quotes must detail what work is to be done, and separate out costs for each portion of work.
- A minimum of 2 quotes for the work from *bona fide* qualified Contractors, not a 3rd party representative, for costs between \$5,000.00 and \$10,000.00, to the City

Engineer's satisfaction. The quotes must detail what work is to be done, and separate out costs for each portion of work.

- One quote for the work from a *bona fide* qualified Contractor, not a 3rd party representative, for costs below \$5,000.00, to the City Engineer's satisfaction. The quote must detail what work is to be done, and separate out costs for each portion of work.
- One Engineer's report subject to revisions and approval of the City Engineer if applicant is a condominium corporation or non-profit housing co-operative.
- One quote for the Engineer's report and approval letter if the applicant is a condominium corporation or non-profit housing co-operative.
- Such other further information or documentation as may be required by the City Engineer.

Not Retroactive

The Program will not be retroactive to apply to works started before the commencement of the Program.

Discontinuation of Program

The terms of the Program are subject to change. Council may periodically review the Program Guidelines to determine if the Program should continue, be modified, or cease to issue any new grants. The City may discontinue the Program at any time, without notice.

City Not Liable

In order to qualify for a grant, the owner, condominium corporation, or non-profit housing co-operative agrees that the City shall not be liable for any damages to the owner's property or property for which the condominium corporation, or non-profit housing co-operative is responsible as a result of any of these installations.