

Bill No. 404
2019

By-law No. A.-7562(__)-____

A by-law to amend By-law No. A.-7562-160, as amended, being “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” by deleting Schedule “A” to the By-law and by replacing it with a new Schedule “A” to clarify language and terminology within the By-law and revise the funding upset limits to account for inflation.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised 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 May 16, 2017 Municipal Council of The Corporation of the City of London passed By-law No. A.-7562-160, being “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, 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 (weeping tiles or foundation drains) 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;

AND WHEREAS it is deemed appropriate to amend By-law No. A.-7562-160 by deleting Schedule “A” to the By-law and by replacing it with a new Schedule “A” to clarify language and terminology within the By-law and revise the funding upset limits to account for inflation;

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

1. By-law No. A.-7562-160, as amended, being “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” is hereby amended by deleting Schedule “A” to the By-law and by replacing it with a new Schedule “A”, attached Schedule “A” to this by-law.
2. The short title of this by-law is “Basement Flooding Grant Program By-law”.
3. That this by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on October 29, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 29, 2019
Second Reading – October 29, 2019
Third Reading – October 29, 2019

Schedule “A”

City of London Basement Flooding Grant Program Guidelines

Purpose

- To provide a grant to Residential Homeowners, Condominium Corporations for units used for residential purposes, and to non-profit housing co-operatives, with residential buildings built prior to 1985, who may have experienced basement flooding, or who are in an area likely to experience basement flooding, due to sanitary sewer surcharging in their basements, and who subsequently install eligible Approved works to reduce the likelihood of flooding, in particular the discharge of redirected Footing Tile water to a suitable outlet other than the sanitary sewer system, in accordance with this By-law.
- To provide a grant to Residential Homeowners who have experienced significant sump pump surface discharge issues including, but not limited to, surface erosion, icing on City sidewalks and/or streets and who lack suitable discharge alternatives on their Property to comply with the Drainage By-law WM-4 (subject to the discretion of the City Engineer), and who subsequently install eligible Approved works to alleviate these discharge issues (storm Building Sewer and Private Drain Connection to a suitable municipal storm sewer system), in accordance with this By-law.

Definitions

“*Approved*” means acceptable works meeting Ontario Building Code and Canadian Standards Association product and installation requirements, as well as manufacturer installation requirements.

“*Building Sewer*” means the private portion of the sanitary or storm service lateral for a private drainage or plumbing system (regulated by the Ontario Building Code) which conducts effluent to a Private Drain Connection.

“*City Engineer*” means the Managing Director, of Environmental and Engineering Services and City Engineer, or designate.

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

“*Footing Tile*” means the building foundation drain or weeping tile for a dwelling.

“*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.

“*Private Drain Connection*” or “P.D.C.” means the public/municipal portion of the sanitary or storm service lateral which joins the private building sewer to a City sewer main and which is upon lands that are either owned by the City or subject to a sewer easement in favour of the City.

“*Professional Engineer*” or “*Engineer*” means a person who holds an Ontario license or temporary license under the Professional Engineers Act, O. Reg 941/90 and O. Reg 260/08.

“*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 at 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.

A. Eligible Work – Residential Homes

1. For Residential Homes approved through the City's Basement Flooding Grant Program in writing, upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City may pay to the Owner up to 90% of the demonstrated eligible construction costs established as follows:
 - (i) up to a maximum of \$2,500.00 for out-of-pocket expenses to disconnect the existing Footing Tiles (when they are connected to the sanitary or storm system inside the basement) and direct to an Approved sump pit and pump (to discharge to a suitable outlet other than the sanitary sewer, in accordance with Drainage By-law WM-4), in the case where Footing Tiles previously drained to the sanitary sewer, or previously drained by gravity to the storm sewer;
 - (ii) up to a maximum of \$3,300.00 for out-of-pocket expenses to disconnect the existing Footing Tiles (when they are connected to the sanitary or storm Building Sewer outside the basement) and direct to an Approved sump pit and pump (to discharge to a suitable outlet other than the sanitary sewer, in accordance with Drainage By-law WM-4), in the case where Footing Tiles previously drained to the sanitary sewer, or previously drained by gravity to the storm sewer;
 - (iii) up to a maximum of \$1,200.00 for out-of-pocket expenses when an Approved sump pump battery backup is installed in a Residential Home, in combination with the installation of an Approved sump pit and pump, as part of the grant program works and a current application. (A sump pump battery backup for an existing sump pump is not eligible for funding);
 - (iv) up to a maximum of \$3,300.00 or out-of-pocket expenses to disconnect private catchbasins or drains on, or adjacent to, a driveway or garage that drain storm runoff from a reverse grade driveway, and direct to an Approved sump pit and pump (to discharge to a suitable outlet other than the sanitary sewer, in accordance with Drainage By-law WM-4), where the private catchbasins or drains were previously connected to the City's sanitary sewer;
 - (v) up to a maximum of \$1,300.00 for out-of-pocket expenses when an Approved backwater valve is installed in a semi-detached or single detached dwelling (in accordance with the Ontario Building Code) in combination with the installation of an Approved sump pit and sump pump, and provided that the backwater valve is serving only one dwelling unit; the installation of a backwater valve is recommended with Footing Tile disconnection for either (i) or (ii) and is subject to the City Engineer's discretion;
 - (vi) up to a maximum of \$1,300.00 for out-of-pocket expenses when an Approved backwater valve is installed in a semi-detached or single detached dwelling (in accordance with the Ontario Building Code) that does not have Footing Tiles due to age of construction, but is located in an area where sanitary sewer surcharging presents a potential risk, subject to the City Engineer's discretion, and provided that the backwater valve is serving only one Dwelling Unit. If Footing Tiles do not exist, or are not connected to the sanitary main drain or Building Sewer, the licensed plumber/drainage contractor must verify this in writing based on a camera/video inspection;
 - (vii) up to a maximum of \$1,300.00 for out-of-pocket expenses when an Approved backwater valve is installed in a semi-detached or single

detached dwelling (in accordance with the Ontario Building Code) that is located in an area where sanitary sewer surcharging presents a potential risk, subject to the City Engineer's discretion, and provided that the backwater valve is serving only one Dwelling Unit. The Footing Tiles must have an appropriate outlet, other than the sanitary sewer, in accordance with Drainage By-law WM-4;

- (viii) up to a maximum of \$4,600.00 for out-of-pocket expenses incurred when, in lieu of an Approved backwater valve being installed with the sump pit and pump, an Approved sewage ejector and holding tank is installed along with interior plumbing modifications to accommodate for the discharge of effluent from basement plumbing fixtures to the sanitary sewer system;
 - (ix) up to a maximum of \$7,000.00 for out-of-pocket expenses for the construction of a storm lateral, which includes a storm Private Drain Connection (P.D.C.) (within the City road allowance or within a City easement) and a storm Building Sewer on private property, to convey the Owner's pumped Footing Tile water from the dwelling unit to the municipal storm sewer;
 - (x) Up to a maximum of \$1,850.00 for out-of-pocket expenses to construct a storm Building Sewer on private Property from the Dwelling Unit and extending it to an existing storm P.D.C. within the City road allowance or within a City easement to convey Owner's pumped footing tile water to the municipal storm sewer; and
 - (xi) the works of either items (ix) or (x) are possible provided that there is a suitable municipal storm sewer outlet available for the Owner's Property, subject to the discretion of the City Engineer.
2. The demonstrated eligible construction costs include the fees to obtain a Building/Plumbing Permit for the eligible works and/or a Work Approval Permit, and efforts to coordinate inspection(s) identified in the permit, to achieve completed, Approved works that pass inspection(s) in full.
 3. The City assumes no liability whatsoever relating to the work undertaken by the Owner.
 4. The Owner must execute an appropriate liability release document (Page 2 of the Basement Flooding Grant Program application form), approved by the City's Risk Management Division and the City Solicitor's Office.
 5. Eligibility for this grant will be based on a demonstrable need for such work, as determined solely by the City Engineer.
 6. Also available for Residential Homeowners, upon completion of the installation of the eligible works and subject to grant funding being available in the yearly budget allocation for this purpose, the City will loan to the applicant Owner the remainder of the demonstrated eligible 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 annual 10-year financing rate for local improvements.
 7. Remediation or renovation works required by the homeowner in relation to these works are not eligible for grant or loan funding.

B. Eligible Work – Condominium Corporations, and Non-Profit Housing Co-operatives

1. For Condominium Corporations, and Non-Profit Housing Co-operatives approved through the Basement Flooding Grant Program in writing upon completion of the installation and subject to funding being available in the yearly budget allocation for this purpose, the City may 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 \$3,000.00 for out-of-pocket expenses for an Engineering Report, which is subject to the City Engineer's approval, and the consulting engineer's written confirmation that works have been completed in accordance with the final Engineering Report; and
 - (ii) up to a maximum of \$2,000.00 per impacted unit (Condominium Corporation or Non-Profit Housing Co-operatives), where eligible works are proposed and installed, or for units that will directly benefit from these eligible works for out-of-pocket expenses including Approved sump pit and sump pump systems, and Approved sanitary backflow prevention systems.
2. Any grants provided to Condominium Corporations or Non-Profit Housing Co-operatives will be payable only if the entirety of the eligible works in the final Engineering Report are implemented.
3. Any grants provided to the Condominium Corporations or Non-Profit Housing Co-operatives which have existing Footing Tile connections to the City's sanitary sewer will be approved only if those Footing Tiles are disconnected (and discharged to a suitable outlet other than the sanitary sewer, in accordance with Drainage By-law WM-4). Any units which would continue to have footing tiles connected to the City's sanitary sewers are not eligible for grant funding.
4. The demonstrated eligible construction costs include the fees to obtain a Building/Plumbing Permit for the eligible works and or a Work Approval Permit, and efforts to coordinate inspection(s), identified in the permit, to achieve completed, Approved works that pass inspection(s) in full.
5. The City assumes no liability whatsoever relating to the work undertaken by the Condominium Corporation, or Non-Profit Housing Co-operative.
6. The Condominium Corporation, or Non-Profit Housing Co-operative must execute an appropriate liability release document, approved by the City's Risk Management Division and the City Solicitor's Office. The individual unit Owners must also sign a separate liability release document.
7. Eligibility for this grant will be based on a demonstrable need for such work, at the sole discretion of the City Engineer.

C. Eligibility for Grant

1. The applicant(s) for the grant must meet the following criteria in order to qualify for the Program:
 - (i) must be the Owner(s) of the Residential home, a Condominium Corporation, or a Non-Profit Housing Co-operative;
 - (ii) has not commenced any construction works they are applying for grant funding for prior to grant approval; and
 - (iii) the Owner(s), Condominium Corporation, or Non-Profit Housing Co-operative must meet all conditions of this Program.
2. Approval of all grant applications is also subject to availability of funding at any given time, as determined solely by Council.

3. Non-residential properties, including but not limited to, institutional, industrial, and commercial properties are not eligible for this Program.

D. Eligibility for Loan

1. The residential applicant(s) must meet the following criteria in order to qualify for the loan
 - (i) must be the Owner(s) of the Residential home and must have been approved in writing for a grant through this By-law and have expressed an interest in a loan;
 - (ii) all property taxes must be paid in full at the time of application and throughout the loan process; and
 - (iii) all registered owner(s) must complete and sign the Loan Agreement.
2. Approval of all loan applications is also subject to availability of funding at any given time, as determined solely by Council.
3. Condominium Corporation and Non-Profit Housing Co-operatives are not eligible for a loan.

E. Grant and Loan Details

1. Grants and loans will not be available to cover any other associated ineligible costs including, but not limited to, restoration, renovation, landscaping costs etc.
2. 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 applications will be processed in chronological order based on the date of receipt of applications, at the discretion of the City Engineer.
3. Grant approvals will be valid for six (residential) or nine (condominium corporations and non-profit housing co-operatives) months and will expire if the work is not completed within that time period (unless extended at the City Engineer's discretion).
4. The Basement Flooding Grant Program application procedure is outlined in Appendix "A".

Appendix "A"

A. Application Procedure - Residential

1. The applicant Owner(s), will be required to complete an application form provided by the City Engineer. In addition to the completed application form, the applicant Owner(s), must provide:
 - a. A minimum of 3 quotes for the work from licensed plumbing/drainage Contractors, not a 3rd party representative, for costs above \$10,000.00, to the City Engineer's satisfaction and subject to the City Engineer's discretion;
 - b. A minimum of 2 quotes for the work from licensed plumbing/drainage Contractors, not a 3rd party representative, for costs between \$5,000.00 and \$10,000.00, to the City Engineer's satisfaction and subject to the City Engineer's discretion;
 - c. One quote for the work from a licensed plumbing/drainage Contractor, not a 3rd party representative, for costs below \$5,000.00, to the City Engineer's satisfaction and subject to the City Engineer's discretion;
 - d. 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 P.D.C., etc.;

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, at the discretion of the City Engineer.

2. The City reviews the application and supporting documentation and decides whether to approve the grant amount and loan, and determines the approximate grant and loan amounts. The City advises the applicant in writing of its decision. Final grant and loan amounts are established based on the final paid invoice submitted once the work has been completed.
3. The Applicant or Contractor obtains any necessary permits, including a Building/Plumbing Permit from the City's Building Division and/or Work Approval Permit (7th Floor, City Hall, 300 Dufferin Avenue, London, 519-661-4555) prior to work commencing. Failure to obtain appropriate permits prior to work commencing will result in cancellation of any previously approved grant and loan amounts.
4. The Contractor must co-ordinate work with the City. 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 Building/Plumbing Permit and/or Work Approval Permit. Permits that have not had an inspection by the City will result in the cancellation of any previously approved grant and loan amounts.
6. Within six months of receiving grant approval, the Owner(s) must submit to the City the final invoice from the Contractor setting out the amount due and paid for the work. Any Owner submitting a final 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) must also resubmit the grant application form with the liability release section signed by all Owners.
7. 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 item (2) above to the qualified and licensed plumbing contractor who

completes the construction works for the applicant Owner(s) upon receipt of a final invoice for the completed construction works, confirmation of the homeowner's eligibility for a loan, and confirmation that the applicable permit(s) have been issued and passed in full.

B. Application Procedure – Condominium Corporations, Non-Profit Housing Co-operatives

1. Screening of potential eligibility for the Basement Flooding Grant Program is reviewed by the City Engineer for a particular Condominium Corporation and Non-Profit Housing Co-operative.
2. At the sole discretion of the City Engineer, the Condominium Corporation or Non-Profit Housing Co-operative is provided with an application for the Basement Flooding Grant Program – Condos and Housing Co-ops if they meet the screening criteria for potential eligibility.
3. The Condominium Corporation or Non-Profit Housing Co-operative may then elect to proceed with the program by retaining a Consulting Engineer to complete an engineering report (to be sealed by a Professional Engineer). The grant program covers a maximum of \$3,000.00 for the completion of the engineering report (draft and final).
4. The engineering report must specifically address the basement flooding risks and recommend preventative measures to reduce the likelihood of basement flooding. The report must clearly identify the selected units where eligible works are proposed such as weeping tile disconnection and redirection to a sump pit and sump pump, sump pump battery back-up and sanitary backwater valve. The report must also clearly identify ongoing maintenance requirements.
5. The draft engineering report is provided to the City for review of completeness related to basement flooding risk and proposed recommended preventative measures. The City provides report comments to the Consulting Engineering firm.
6. The Consulting Engineering firm updates and finalizes the report by addressing each of the comments provided by the City. The final engineering report must be sealed by a Professional Engineer and provided to the City.
7. The Consulting Engineering firm and/or Condominium Corporation or Housing Co-operative is responsible to collect multiple quotations from licensed plumbers/drainage contractors for the eligible works outlined in the final engineering report, including applicable permits. The quotes must detail what work is to be done and for which specific units, and separate out costs for each portion of work, in accordance with this By-law.

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, at the discretion of the City Engineer.

8. City reviews the quotations and provides grant approval in writing to the Condominium Corporation or Non-Profit Housing Co-operative regarding the overall grant coverage and coverage per unit (based on participating units).
9. The Condominium Corporation or Non-Profit Housing Co-operative may then choose to proceed with the installation/construction of the eligible works outlined in the final engineering report, with costs directed to the licensed plumber/drainage contractor by the Condominium Corporation, Non-Profit Housing Co-operative or by the individual unit owners.
10. The applicant or Contractor obtains any necessary permits, including a Building/Plumbing Permit and/or Work Approval 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 appropriate permits prior to work

commencing will result in cancellation of any previously approved grant and loan amounts.

11. The Contractor must co-ordinate work with the City. The Contractor is responsible to obtain all utility locates for the work for both private Property and City Property.
12. The Contractor or the applicant must arrange for an inspection by the City with respect to the Building/Plumbing Permit and/or Work Approval Permit. Permits that have not had an inspection by the City will result in the cancellation of any previously approved grant and loan amounts.
13. Certification of the completed works is required based on the recommendation outlined in the sealed final Engineering Report. Certification of the completed works must be provided in writing by the Professional Engineer, who sealed the final Engineering Report.
14. Within nine months of receiving grant approval, the Condominium Corporation, or Non-Profit Housing Co-operative or individual unit owners must submit to the City the final 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 invoice from the consulting engineering firm setting out the amount due and paid for the Engineer's Report(s) and confirmation that the works were completed in accordance with the report. Any Owner, Condominium Corporation, or Non-Profit Housing Co-Operative submitting a final invoice nine 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 for an amount greater than the grant or loan amount set out in item (8) above, even where the final invoice is greater than the grant amount. The Condominium Corporation, or Non-Profit Housing Co-operative must also submit the grant application form (page 2) with the liability release section signed by all Owners or representatives able to bind the Condominium Corporation or non-profit housing co-operative. The individual Owners must also sign a separate liability release document.
15. Subject to approval of the submission, The City will issue a cheque for the grant either to the Condominium Corporation, or Non-Profit Housing Co-operative or individual unit owners.

C. Not Retroactive

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

D. 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.

E. City Not Liable

In order to qualify for a grant and loan, the residential home 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.