

RESORT MUNICIPALITY OF WHISTLER
CHEAKAMUS CROSSING DISTRICT ENERGY SYSTEM FEE BYLAW NO. 1951, 2010

A BYLAW TO IMPOSE A DISTRICT ENERGY SYSTEM FEE

WHEREAS section 3(1) of the Resort Municipality of Whistler Act provides that, subject to that Act, the Community Charter applies to the Municipality unless the Community Charter is inconsistent with the Resort Municipality of Whistler Act or regulations thereunder;

AND WHEREAS pursuant to section 8(3)(a) of the Community Charter, the Municipality may, by bylaw, regulate, prohibit and impose requirements in relation to its services;

AND WHEREAS pursuant to Section 194 of the Community Charter, the Municipality may impose fees payable in respect of all or part of a service of the Municipality and may, among other things, establish terms and conditions for payment, including discounts, interest and penalties;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as the “Cheakamus Crossing District Energy System Fee Bylaw No. 1951, 2010”.

2. In this bylaw:

“District Energy System” means the Municipality’s thermal energy supply system, comprised of infrastructure owned by the Municipality for the purpose of providing thermal energy to improvements within the Cheakamus Crossing neighbourhood.

“Cheakamus Crossing” means Block A and Block B, District Lot 8073, Group 1, New Westminster District, and any parcels into which Block A and Block B, District Lot 8073, Group 1, New Westminster District have been subdivided and are from time to time subdivided.

“Building Official” means the Manager of Building Services, building inspectors, plan checkers and plumbing inspectors designated by the Municipality.

“building permit” and “occupancy permit” mean, respectively, a building permit and occupancy permit under the Municipality’s Building and Plumbing Regulation Bylaw No. 1617, 2002.

“parcel” means any lot, block or other area in which land is held or into which it is subdivided, including a bare land strata lot or a building strata lot created by the deposit of a strata plan under the *Strata Property Act*.

“Due Date” means the date printed under the heading of “Due Date” on the Municipality’s billing notice to an owner respecting a fee imposed under this bylaw, which shall be no earlier than 30 days following the date the fee is imposed under this bylaw.

“improvement” means an improvement (as defined in the *Community Charter*), or part thereof, that is intended to be heated using the District Energy System and that is capable of being heated, directly or indirectly, by the District Energy System.

“interior floor area” means the floor area of an improvement calculated, if a strata plan has been registered at the Land Title Office for the parcel, by using the Habitable Area as indicated in the Schedule of Unit Entitlement registered on title of the parcel. If no strata plan has been deposited for an improvement, it means the area indicated on building permit plans, or the area as determined by the owner or his representative, and submitted in support of a building permit.

3. The District Energy System is a service of the Municipality.

4. On April 1, July 1, September 1, and December 31 of every calendar year, a quarterly fee is hereby imposed on the owner of every parcel containing an improvement that is connected, directly or indirectly, to the District Energy System, in the amount calculated in accordance with section 5 of this bylaw. For clarity, a separate quarterly fee is imposed under this section for each parcel containing an improvement that is connected directly or indirectly to the District Energy System.

5. The quarterly fee amount for a parcel shall be calculated by multiplying the interior floor area, in square metres, of all improvements located on or within the parcel on the date the quarterly fee is imposed by the unit area rate shown in Schedule ‘A’ of this bylaw and dividing that number by 4.

6. The fee payable for improvements located on or within common property shown on a strata plan under the *Strata Property Act* shall be imposed separately from the fees imposed with respect to other improvements located on or within the related strata lots and the notices for such common property improvement fees shall be sent to the applicable strata corporation or a strata property manager designated by the strata corporation.

7. With any building permit application within the Cheakamus Crossing area submitted to the Municipality, the owner of the parcel that is the subject of the application or their authorized representative shall submit to the Municipality, in a form satisfactory to the Building Official, a schedule setting out the floor areas for all proposed improvements.

8. With any application for an occupancy permit submitted to the Municipality, the owner of the parcel that is the subject of the application or their authorized representative shall submit to the Municipality as part of the application, in a form satisfactory to the Building Official, a schedule setting out the actual floor areas of all improvements included in the relevant building permit.

9. Each fee imposed under this bylaw is due and payable on the Due Date by the owner of the parcel to which the fee relates.

10. If all or part of a fee imposed on an owner under this bylaw respecting a parcel is due and payable and remains unpaid after the Due Date, the owner shall be subject to a penalty equal to 5% of the unpaid fee amount. For the purpose of calculating a penalty under this section, the unpaid fee amount shall include any fee amounts remaining unpaid by the owner respecting the

same parcel that were payable on or before a prior Due Date and any penalties imposed with respect to such prior non-payment.

12. Fee payments made respecting a parcel shall be credited firstly against unpaid fees and penalties imposed on the owner respecting the parcel for which the applicable Due Date has passed and secondly against fees imposed on the owner respecting the parcel for which the Due Date has not yet passed.

13. If all or part of any fee imposed on an owner under this bylaw that is due and payable before December 31 of a calendar year remains unpaid on December 31 of that calendar year, the outstanding amount is deemed to be taxes in arrear with respect to the parcel in respect of which the fee was imposed.

14. If any section or lesser portion of this bylaw is held to be invalid by a Court, the invalid portion shall be severed from this bylaw and such invalidity shall not affect the remaining portions of the bylaw.

GIVEN FIRST, SECOND and THIRD READINGS this 7th day of September, 2010.

ADOPTED by the Council this 21st day of September, 2010.

Ken Melamed,
Mayor

Laurie-Anne Schimek,
Acting Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Cheakamus Crossing District Energy System Fee Bylaw No. 1951, 2010".

Laurie-Anne Schimek,
Acting Corporate Officer

Schedule 'A'

Unit Area Rate
\$4.58 / m ² /year