

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: December 5, 2023
TO: Committee of the Whole
FROM: Luke Harrington, Engineering Coordinator
SUBJECT: Riverfront Estates Phase 5 – Final Acceptance

RECOMMENDATION:

THAT Committee of the Whole recommend that Council authorize final acceptance for the finalized portion of plan of subdivision 27M-88 Riverfront Estates Phase 5, to be known as Phase 5, in accordance with Section 15 of the subdivision agreement with Houchaimi Holdings inc.;

AND THAT Committee of the Whole recommend that Council direct staff to prepare an assumption by-law for the roads and associated infrastructure works constructed with the development of the portion plan of subdivision 27M-88 to be known as Phase 5.

BACKGROUND:

On February 7, 2019, The Municipality of Mississippi Mills entered into a subdivision agreement with Houchaimi Holdings Inc. for the development of Riverfront Estates Phase 5. The subdivision which was registered on May 15, 2019, included townhouse blocks, lands for stormwater management purposes, and blocks for apartment buildings.

Section 15 states:

“When the Director of Roads and Public Works is satisfied that the Works set out in this agreement or any part thereof and any other works which may have been required have been executed in accordance with this agreement and the Municipal standards and specifications and requirements, and has also been satisfied that all Municipal accounts have been paid, and maintenance requirements met, the Director of Roads and Public Works will forthwith present a report to the Council of the Municipality stating that the Works or any part thereof has been completed satisfactorily and the roads are in the required condition for them to be assumed by the Municipality. Acceptance of any of the Works or any part thereof shall be evidenced by By-law of Council.

Upon the said By-law being passed, the ownership of the Works, except house numbers and sodding beyond the road boundary, shall vest in the Municipality and the

Owner shall have no claim or rights thereto, other than those accruing to it as Owner of the land abutting streets on which the Works were installed.”

All the works prescribed within the subdivision agreement for the part of Riverfront Estates Phase 5, entered into their warranty period in November 2022. The mandatory one year maintenance (warranty) period has now expired and required works have been completed to the Satisfaction of the Director of Public Works with all required certifications being submitted and accepted.

DISCUSSION:

The Municipality completed a final inspection of Riverfront Estates Phase 5 to mark the end of the mandatory one year maintenance period for the subdivision. During the inspection some minor sidewalk deficiencies were identified and the developer has committed to complete the repairs. The repairs are scheduled to be completed prior to the final release of securities. The Developer has satisfied all obligations of the subdivision agreement. Staff is therefore recommending that final acceptance be issued pursuant to Section 15 of the agreement for Phase 5.

In addition, staff is recommending that the required assumption by-law be prepared in accordance with Section 22 of the agreement. Final release and assumption is contingent on the successful demonstration that the requirements of the Construction Lien Act, 1990. C.30, have been met as per section 23.5 of the subdivision agreement.

OPTIONS:

1. Recommend Final Acceptance
2. Request Additional Information

FINANCIAL IMPLICATIONS:

There are no financial implications to the Municipality. However, the final release of securities for Phase 5 in the amount of \$40,301.87 will occur concurrently with demonstrating that the requirements of the Construction Lien Act have been met and the works being assumed by the Municipality are clear in title.

SUMMARY:

The Phase 5 portion of Riverfront Estates subdivision (Plan 27M-88) concluded the mandatory one year maintenance period for works constructed as part of the subdivision agreement. The developer, Houchaimi Holdings Inc., has completed all works to the satisfaction of the Director of Roads and Public Works. Staff is therefore recommending that the Municipality issue final acceptance and that the remaining securities totaling \$40,301.87 be released subject to the conditions as noted in this report. It is also recommended that the Municipality move forward with the preparation of the necessary by-law governing assumption of the works.

Respectfully submitted by,

Luke Harrington,
Engineering Coordinator

Reviewed by:

Cory Smith,
Director of Public Works