

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 51-68

Being a By-law passed pursuant to the provisions of the Local Improvement Act, R.S.O. 1960, Chapter 223, Section 8, declaring it is desirable that the construction of asphalt paving and curbs and gutters, as described in Schedule "A" to this by-law should be undertaken as a local improvement.


THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:

Pursuant to the provisions of The Local Improvement Act, R.S.O., 1960, Chapter 223, Section 8, it is hereby declared it is desirable that the construction of the asphalt paving and curbs and gutters on certain streets in the City of North Bay as specified and described in Schedule "A" attached (and which said Schedule "A" be deemed to be incorporated in and form a part of this By-law) should be undertaken as a local improvement.

READ A FIRST TIME IN OPEN COUNCIL THIS 17th DAY OF JUNE, 1968.

READ A SECOND TIME IN OPEN COUNCIL THIS 17th DAY OF JUNE, 1968.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY ENACTED AND PASSED THIS 17th DAY OF JUNE, 1968.

  
.....  
MAYOR

  
.....  
CITY CLERK

SCHEDULE "A"

TO

BY-LAW NO. 51-68

ASPHALT PAVING, CONCRETE CURBS AND GUTTERS

	<u>STREET</u>	<u>FROM</u>	<u>TO</u>
1.	Hammond Street (Curb & Gutter)	Third Avenue	Haig Street
2.	Edna Street	Franklin Street	Metcalf Street
3.	Hammond Street	Haig Street	Laurier Avenue
4.	Lorne Avenue	Algonquin Avenue	McLeod Street
5.	Metcalf Street	Edna Street	Laurier Avenue





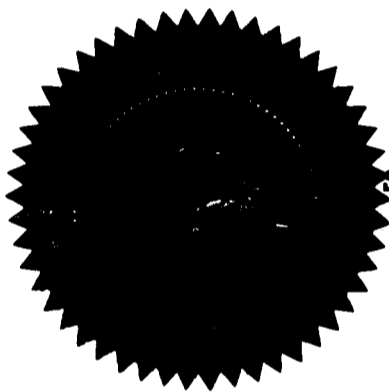
ONTARIO

ONTARIO MUNICIPAL BOARD

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(Item 4)

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2. that the amount to be debentured shall not exceed in any event the net cost to the Corporation after deducting any grant or contribution from the Province of Ontario or from any other source in respect of the said work, and
3. that the Corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



*[Handwritten signature]*

SECRETARY

ENTERED	
O. B. No. ....	<i>217</i>
Folio No. ....	<i>367</i>
AUG 29 1963	
<i>[Handwritten signature]</i>	
Secretary, Ontario Municipal Board	



ONTARIO

ONTARIO MUNICIPAL BOARD

G 5950-68

(Items 1, 2, and 3)

IN THE MATTER OF Section 64 of The Ontario Municipal Board Act, (R.S.O. 1960, c. 274), and

Section 8 of The Local Improvement Act, (R.S.O. 1960, c. 223)

- and -

IN THE MATTER OF an application by The Corporation of the City of North Bay for approval of the construction of certain asphalt pavement with concrete curb and gutter in accordance with its council's notice of intention first published on the 29th day of June, 1968, and of the borrowing of the sum of \$43,672.43, being the estimated cost thereof

B E F O R E :

H. E. ROBERTS,  
Vice-Chairman

- and -

J. V. LUDGATE,  
Member

FRIDAY, the 15th day of  
NOVEMBER, 1968

THIS APPLICATION having come on for public hearing at the City of North Bay on the 7th day of November, 1968 before D. Jamieson, a vice-chairman of the Board, duly authorized by the chairman of the Board pursuant to section 15 of The Ontario Municipal Board Act, in the presence of counsel for the applicant corporation and in the presence of certain ratepayers in opposition to the application, and it appearing that notice of the said hearing had been given in accordance with the directions of the Board, and the said vice-chairman having reported to the Board and the Board having considered his report;

THE BOARD ORDERS, under and in pursuance of the legislation hereinbefore referred to, and of any and all other powers vested in the Board, that this application be and the same is hereby granted, and that the Corporation may now proceed with the undertaking described in Schedule "A" attached hereto, and for such purpose may pass all requisite by-laws, including



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(Items 1, 2, and 3)

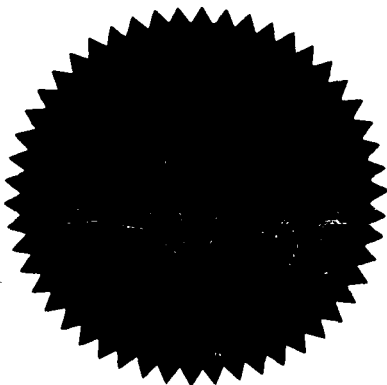
ONTARIO

ONTARIO MUNICIPAL BOARD

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by-laws providing for the issue of debentures in a principal amount not exceeding \$43,672.43 repayable over a term of not more than five years, and may borrow money to the extent sufficient to provide an amount not exceeding \$43,672.43 therefor, provided:

1. that the said Corporation may borrow the whole or any part of the said sum of \$43,672.43 as required pending receipt of subsidies and the sale of debentures, or of moneys to be received from any other source, and
2. that the amount to be debentured shall not exceed in any event the net cost to the Corporation after deducting any grant or contribution from the Province of Ontario or from any other source in respect of the said work, and
3. that the Corporation in exercising any of its powers approved by this order shall comply with all statutory and other legal requirements related thereto.



*[Signature]*  
SECRETARY

ENTERED	
O. B. No. ....	1520
Folio No. ....	396
NOV 29 1963	
<i>[Signature]</i>	
Secretary, Ontario Municipal Board	



ONTARIO MUNICIPAL BOARD

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(Items 1, 2, and 3)

SCHEDULE "A"

to the order of The Ontario Municipal Board made on  
15th day of November, 1968

Construction of ASPHALT PAVEMENT with  
CONCRETE CURB AND GUTTER, on:

1. HAMMOND STREET from Third Avenue  
to Haig Street \$28,889.66

Construction of ASPHALT PAVEMENT, on:

2. EDNA STREET from Franklin Street  
to Metcalfe Street 8,395.00

3. HAMMOND STREET from Haig Street  
to Laurier Avenue 6,387.77

Total estimated cost \$43,672.43



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(Items 1,2,3 and 5)

ONTARIO

THE ONTARIO MUNICIPAL BOARD  
IN THE MATTER OF Section 64  
of The Ontario Municipal Board  
Act, (R.S.O. 1960, c. 274),  
and

Section 8 of The Local Improve-  
ment Act, (R.S.O. 1960, c. 223),

- and -

IN THE MATTER OF an application  
by The Corporation of the City  
of North Bay for approval of the  
construction of certain asphalt  
pavement with concrete curb and  
gutter in accordance with its  
council's notice of intention  
first published on the 29th day  
of June, 1968, and of the borrow-  
ing of the sum of \$54,106.01, being  
the estimated cost thereof, re-  
payable over a term of five years

C O U N S E L:

T. R. Langdon, Q.C. - for City of North Bay

REPORT TO THE BOARD

This application was heard by me at the City of North  
Bay on November 7, 1968, by authority granted pursuant to  
Section 15 of The Ontario Municipal Board Act.

This is an application for approval of the construction  
of the following works:

Construction of Asphalt Pavement with concrete curb  
and gutter on:

1. Hammond Street from Third Avenue to Haig  
Street - \$28,889.66

Construction of Asphalt Pavement on:

2. Edna Street from Franklin Street to  
Metcalf Street - 8,395.00
3. Hammond Street from Haig Street to  
Laurier Avenue - 6,387.77
5. Metcalf Street from Edna Street to  
Laurier Avenue - 10,433.58

The evidence for the city corporation showed that a  
continuing policy of roadway improvements was carried on with  
a priority list and the city was of the opinion that the pave-  
ments should be constructed on the four sections of streets



referred to above in order to eliminate road maintenance and to complete the pattern of paved streets in this part of the city. A street plan was filed as Exhibit 2 and existing pavements are shown on this exhibit by a solid blue line and the proposed works are shown in red. No objection was made at the hearing to the paving of Hammond Street from Third Avenue to Haig Street and Exhibit 3 is a petition filed by residents of the street who request that the work be done as described above.

No person appeared in connection with item 2 above, the paving of Edna Street from Franklin Street to Metcalfe Street.

One owner appeared to oppose the granting of the application as it referred to the paving of Hammond Street from Haig Street to Laurier Avenue and he stated that he was not opposed to the construction but must oppose the work because the burden of this extra charge added to his present taxes would create a hardship for him.

Four owners appeared and opposed the granting of the application as it applied to the paving of Metcalfe Street from Edna Street to Laurier Avenue and I believe that their objections can be correctly summarized as follows:

1. The fear that the paving of the street would result in the increase in the assessment of the lands which abut it.  
For the city it was stated that land assessments are not increased when services of this kind are installed.
2. The pavement is satisfactory as it is. It has been in its present condition for some years past and traffic volumes are not heavy on the street.
3. The street in question is not a direct route, almost a dead end, and is only used by those who live there and visitors to their homes.
4. The cost of local improvements and taxes is becoming burdensome. These owners would prefer to use the streets as they are rather than pay the cost of improvements.

5. There is no storm sewer and this area is drained by ditches on both sides of the street. These ditches become blocked and at times it is necessary to dig a trench across the surface of the roadway to permit the water to flow from one side of the roadway to the other and so drain away from the area.
6. One ratepayer stated that he lived in a relatively new home and sanitary sewage was backing up into his basement and he felt that this condition should be rectified before the street is paved.
7. The paving of the street before all underground services were installed was objected to and it was pointed out that certain houses were not connected to the water-main on this street, that they believe that the local gas company intended to lay a main on the street and that perhaps a culvert should be installed across the street to facilitate the drainage problem already referred to.
8. One owner who was aware of the necessity to excavate rock as part of this work felt that the work should be done in stages and that perhaps the base of the road should be installed and travelled over for a few years and the pavement could then be installed at a later date.
9. There was some concern about the exact position of the pavement as it was feared that this would be in a different position from the existing gravel surface and a relocation of this pavement could affect drainage to the detriment of the houses abutting the street.

Mr. Langdon, counsel for the city, in his argument pointed out that the same method of assessment has been followed in paving the streets and that the owners who are objecting to the several parts of this application have for some time been driving on pavements in other parts of the city which had been

paid for by those owners whose property abut on them and that it is now the turn of those who are objecting to pay for the pavement in front of their own properties thus completing the pattern of paved streets in the city. It was also pointed out that the experience of the city has been that the costs of paving are increasing year by year and it was felt that it was preferable to have this work done now rather than wait for a later date when the costs would be greater than they are at the present time.

My recommendation respecting items 1, 2 and 3 is that they be approved. One owner objected to the cost of the work which is a normal objection. However, I do not believe that the weight of opposition raised by a single ratepayer should prevent the construction of this work.

Respecting item 5, the paving of Metcalfe Street from Edna Street to Laurier Avenue, it would appear that there is no urgency respecting the paving of this street which is, as the owners maintained, isolated from the general street system. It would appear too, that it would not be reasonable to pave this street until all services are installed and also that further engineering studies may be necessary before the position of the pavement and the effect of this on drainage is known. For these reasons I recommend that item 5 be not approved.

DATED at TORONTO, this 15th day of November, 1968

D. JAMIESON,  
Vice-Chairman

The foregoing report is hereby adopted as the decision of the Board.

DATED at TORONTO, this 15th day of November, 1968

H. E. ROBERTS,  
Vice-Chairman

J. V. LUDGATE,  
Member