

Authority: CC24.7, adopted as amended, by City of Toronto Council on June 6, 7 and 8, 2012

Enacted by Council: July 13, 2012

CITY OF TORONTO

BY-LAW No. 1005-2012

To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services and Utility Bill.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), (2) and (3) and section 259 of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the "*City of Toronto Act, 2006*"); and

WHEREAS the City considers it in its best interests that City of Toronto Municipal Code, Chapter 849, Water and Sewage Services and Utility Bill, be amended to allow for discretion be granted to the Treasurer in certain circumstances to adjust a customer's account on a one-time basis where an inexplicable and very unusual high temporary increase in a customer's recorded water consumption occurs in a billing period or in the case of an uncontrollable consumption increase which causes an undue financial hardship to a low income person;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 849, Water and Sewage Services and Utility Bill, of The City of Toronto Municipal Code is amended as follows:
 - A. Section 849-26. Definitions shall be amended to include the following terms:

CUSTOMER — For the purposes of § 849-31F and § 849-31G, is a person with a water account for which the subject property is classified within the residential property tax class and, in respect to the prior receipt of an adjustment for the subject property, includes an occupant of the household.

UNEXPLAINED CONSUMPTION INCREASE — A situation where:

- A. The water consumption recorded by a customer's water meter for a billing period indicates water consumption which is three or more times greater than the historical daily average consumption for that property; and
- B. The water meter has been tested and found to be measuring water consumption within prescribed standards for accuracy and is otherwise free from defects that could affect the measuring of water consumption; and no other City activity could have reasonably caused, in the determination of the Treasurer, the increase in recorded water consumption; and
- C. The increase in recorded water consumption, in the determination of the Treasurer, cannot reasonably be attributed to an act or omission of the customer, an occupant of the property or a person within the customer's or

occupant's control; or a leak or other defect in the private plumbing system of the customer's property.

- (1) For the purposes of such determination,
 - (a) The customer shall provide to the Treasurer, at the customer's cost, written verification from a plumbing contractor, licensed to carry on business in the City, that the private plumbing system for the property is free from leaks or other defects that may affect water consumption and that upon careful inspection of the system there are no other factors that may explain the increased consumption; and
 - (b) The customer shall provide to the Treasurer any documentation or other information in the customer's possession or knowledge in respect to the private plumbing system for the subject property, occupants of the subject property and the customer's water consumption during the billing period in question as the Treasurer may request; and
 - (c) City personnel may inspect the subject property.

LOW INCOME PERSON — A person who has a household income of \$50,000 or less, calculated on the combined gross income of all persons occupying the subject property, and is a customer.

TREASURER — A person appointed to the management position of Treasurer in the City's administrative organization and who has also been appointed as a deputy treasurer under section 138 of the *City of Toronto Act, 2006* and includes that person's designate or designates.

UNCONTROLLABLE CONSUMPTION INCREASE — A situation where:

- A. The water consumption recorded by a customer's water meter for a billing period indicates water consumption which is three or more times greater than the historical daily average consumption for that property; and
- B. The cause of the water consumption increase may be known but is beyond the reasonable control of the customer, as determined by the Treasurer.

- (1) For the purposes of such determination,
 - (a) The customer shall provide to the Treasurer any documentation or other information in the customer's possession or knowledge in respect to the private plumbing system for the subject property, occupants of the subject property and the customer's water consumption during the billing period in question as the Treasurer may request; and

(b) City personnel may inspect the subject property.

B. Section 849-31F of Chapter 849, Water and Sewage Services and Utility Bill, is renamed as § 849-31J and shall read as follows:

"J. Where a utility bill has not been issued for a period in excess of one year in respect of a property which does not have a meter in contravention of § 849-29, the CFO may add to the water account water fees from the date of the last utility bill issued in respect of the property, or from the commencement of the occupancy of the property, based on consumption calculated in accordance with § 849-31E."

C. The following is inserted as § 849-31F:

"F. Despite § 849-31D and provided the customer has not previously received an adjustment under § 849-31F or § 849-31G, in the event the Treasurer determines that a customer is subject to an unexplained consumption increase, the Treasurer may adjust the customer's water account for the subject billing period to an amount based on the historical average consumption for the same or a similar property during a similar period of time."

D. The following is inserted as § 849-31G:

"G. Despite § 849-31D and provided the customer is a low income person and has not previously received an adjustment under § 849-31F or § 849-31G, in the event the Treasurer determines that a customer is subject to an uncontrollable consumption increase and payment of the uncontrollable consumption increase would result in an undue financial hardship for the customer, the Treasurer may adjust the customer's water account for the subject billing period to an amount based on the historical average consumption for the same or a similar property during a similar period of time."

E. The following is inserted as § 849-31H:

"H. A customer requesting an adjustment under § 849-31F or § 849-31G shall apply in writing to the Treasurer clearly setting out the basis for the request and provide to the Treasurer all necessary documentation and information."

F. The following is inserted as § 849-31I:

"I. The Treasurer may consider and, where appropriate, allow a one-time adjustment under § 849-31F or § 849-31G for a billing period within the two-year period preceding the enactment of this by-law provided that:

- (a) the City has received a complaint or a request for investigation regarding an unexplained consumption increase or an uncontrollable consumption increase which would result in an undue financial hardship for the customer for a billing period within the two-year period preceding the enactment of this by-law; and
- (b) the City has investigated the complaint or request for investigation during the two-year period preceding the enactment of this by-law; and
- (c) there is sufficient information available, in the Treasurer's determination, for the Treasurer to determine that the criteria for a one-time adjustment under § 849-31F or § 849-31G, as the case may be, has been met."

2. This by-law comes into force upon enactment.

ENACTED AND PASSED this 13th day of July, A.D. 2012.

FRANCES NUNZIATA,
Speaker

ULLI S. WATKISS,
City Clerk

(Corporate Seal)