

Authority: Government Management Committee Item 12.5, adopted as amended by City of Toronto Council on April 10 and 11, 2012 and Government Management Committee Item 16.2, as adopted by City of Toronto Council on October 2, 3 and 4, 2012

Enacted by Council: October 4, 2012

## **CITY OF TORONTO**

### **BY-LAW No. 1253-2012**

#### **To amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services and Utility Bill to provide for the apportionment of water arrears on condominium properties and adding such apportioned water arrears to the property tax roll.**

WHEREAS City Council approved apportioning water fee arrears owing by condominium corporations for 58 days or more among the owners of units within a condominium corporation and transferring such apportioned water arrears to the property tax roll for each unit with the condominium property; and

WHEREAS it is necessary to amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services and Utility Bill, to reflect this decision;

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:
  - (1) By amending § 849-26 to amend the definition of UTILITY BILL by adding the words "and in the case of condominiums, to the condominium corporation and, where applicable, those unit owners who are separately metered by the City" after the words "The document issued by the City to the owner and his or her agent, if applicable,".
  - (2) By amending § 849-27A by adding the words ", which in the case of a condominium corporation includes the unit holders," after the words "The owner".
  - (3) By amending § 849-30 by deleting the words "to an owner or his or her agent" wherever they appear.
  - (4) By amending § 849-33 by:
    - (a) changing § 849-33A to § 849-33B, § 849-33B to § 849-33C, and § 849-33C to § 849-33D; and
    - (b) by adding the following as § 849-33A:
      - A. For the purposes of this Section, where the account holder is a condominium corporation, the notice shall be sent to the condominium corporation.

(5) By adding the following:

**§ 849-34.1. Collection of water arrears: apportionment and adding to the tax roll condominiums.**

- A. This section applies to bulk metered water accounts of condominium corporations
- B. Where any water fees remain unpaid by a condominium corporation 28 calendar days after they are due to be paid, the CFO may send a notice by prepaid mail to each unit owner within that condominium corporation advising the respective unit owners that, unless the amount of water fees owing as specified in the notice is paid in full within 30 calendar days of the notice date, the City may apportion among the then individual unit owners of the condominium corporation those water fees remaining in arrears together with any collection charges as may be approved by the City from time to time and transfer such respective amounts to the real property tax rolls for each respective unit.
- C. If the amount required is not paid in the time set out in subsection B, the CFO may apportion among the then individual unit owners of the condominium corporation those water fees remaining in arrears together with any collection charges as may be approved by the City from time to time and transfer such respective amounts to the real property tax rolls for each respective unit. For clarity, the apportionment of water fees owing amongst each unit owner within a condominium corporation shall be done on a pro-rata basis equal to the proportions, expressed in percentages allocated to the units, in which the owners are to contribute to the common expenses as set out in the declaration of the condominium corporation.
- D. Despite Subsections B and C, in the case of a unit supplied directly with water metered by the City, authority is delegated to the Treasurer to exempt owners of such units within the condominium corporation, in whole or in part, from having a proportionate share of water arrears apportioned to them.

ENACTED AND PASSED this 4th day of October, A.D. 2012.

FRANCES NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)