

Authority: Executive Committee Item 36.17, adopted as amended,
by City of Toronto Council on December 16, 17 and 18, 2013

CITY OF TORONTO

BY-LAW No. 1696-2013

To amend City of Toronto Municipal Code Chapter 681, Sewers.

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");

The Council of the City of Toronto enacts:

1. Municipal Code Chapter 681 is amended as follows:
 - A. By deleting in its entirety the definition of CONNECTION or DRAIN in § 681-1 and substituting it with the following:

"CONNECTION or DRAIN - That part or those parts of any pipe, channel or conduit or system of pipes, channels or conduits, including any appurtenances thereof, leading directly to sewage works."
 - B. By deleting in its entirety the definition of GENERAL MANAGER in § 681-1 and substituting it with the following:

"GENERAL MANAGER - The person appointed by the City from time to time as General Manager of Toronto Water or the successors to that position and includes that person's designate(s) or any person(s) duly authorized to act in that person's place."
 - C. By adding the following as § 681-1.1D:

"D. The General Manager shall be authorized to enter into and execute any agreements or permits required under this chapter on behalf of the City."
 - D. By adding the following as § 681-1.1E:

"E. The General Manager shall be authorized to amend or revise City standards and specifications relating to this chapter as may be required from time to time."
 - E. By deleting § 681-3 in its entirety and substituting it with the following:

"§ 681-3. Prohibition of dilution.

No person shall discharge directly or indirectly or deposit or cause or permit the discharge or deposit of sewage directly or indirectly into a sanitary sewer, combined sewer, storm sewer, municipal or private sewer connection to any sanitary sewer, combined sewer or storm sewer in circumstances where water or

any chemical, agent or additive has been added to the discharge or deposit for the purposes of dilution to achieve compliance with §§ 681-2 or 681-4 of this article or the consequences of which is dilution, to achieve or result in compliance with §§ 681-2 or 681-4 of this chapter."

F. By adding the following as § 681-4K:

"K. Contain water originating from:

- (1) a well or any other subsurface extraction of groundwater; or
- (2) a permanent or temporary wastewater pond, water retention site or other area or site of surface water collection, whether natural or man-made, created, used or caused by or for renovation, repair, maintenance, demolition, construction-related or land development activity or activities; or
- (3) a tank, tanker truck, vessel, or other means of water storage and not supplied by the City; or
- (4) the permanent or temporary alteration of a natural or pre-existing drainage pattern; or
- (5) Any combination of the above-noted activities, where the water from such activity would be discharged to a storm sewage works and such activity is related to a, renovation, repair, maintenance, demolition construction or land development activity or activities at a property.

except where, and only to the extent that, the person discharging has satisfied the General Manager that the other requirements of § 681-4 have been met and the General Manager has provided prior written approval by way of a permit for such discharge on such terms and conditions as the General Manager deems appropriate to protect the City, the sewage works, other City infrastructure and the natural environment including but not limited to those requirements in § 681-6H and I."

G. By deleting § 681-6A(5) in its entirety and substituting it with the following:

- "(5) (a) Where, under a proposed industrial waste surcharge agreement, the anticipated total fee for a one year or lesser term would be \$500 or less calculated in accordance with the rate set out in Chapter 441, Fees and Charges, Appendix D - Schedule 3, Wastewater Services, the General Manager may authorize a discharge or deposit of sewage in accordance with this section by way of a industrial waste surcharge permit in the place of an agreement.

- (b) Where, under a proposed sanitary discharge agreement, the anticipated total fee for a one year or lesser term would \$20,000 or less calculated in accordance with the rate set out in Chapter 441, Fees and Charges, Appendix D - Schedule 3, Wastewater Services, the General Manager may authorize a discharge or deposit of sewage in accordance with this section by way of a sanitary discharge permit in the place of an agreement."

H. By adding the following as § 681-6H:

- "H. The requirements, restrictions and limitations contained in § 681-6B, C, D, E, F and G applying to an agreement for the discharge or deposit of sewage shall apply equally to a permit issued under § 681-4K."

I. By adding the following as § 681-6I:

- "I. Prior to the approval of any permit or agreement under § 681-6 or § 681-4K, the General Manager may require the applicant to provide such plans, specifications, reports, studies, data, analytical results, samples, photographs, records, documentation or other information that would enable the General Manager to fully assess whether or not the actual or potential discharge could contravene this chapter or detrimentally affect the City's inhabitants, its sewer infrastructure or the environment."

J. By deleting § 681-11A(1) in its entirety and substituting it with the following:

- "(1) Erect or cause or permit to be erected any new or substantially renovated building unless the building is connected to the sanitary sewer or combined sewer for sanitary drainage purposes, save and except a building not required to contain plumbing or a sewage system by the *Building Code Act, 1992*, S.O. 1992 or any other applicable federal or provincial law."

K. By deleting § 681-11C in its entirety and substituting it with the following:

- "C. The owner or owner's agent shall apply to the City for a new municipal sewer connection or installations and, where necessary, for the disconnection of the existing municipal sewer connections, and pay to the City the cost of such work on an actual cost basis with a minimum charge equal to the applicable flat rate for such works, as determined by the City from time to time, where there is:
 - (1) a subdivision or severance of a lot or parcel of land or change in location of a building on a lot; or
 - (2) a construction of a new or reconstructed building, except to the extent that § 681-11D applies; or
 - (3) a disconnection of a dwelling from a septic tank system."

L. By deleting § 681-11J in its entirety and substituting it with the following:

"J. Separate Connections

- (1) No person shall install or cause the installation of a municipal sewer connection that services more than one building on a property unless otherwise permitted under the *Building Code* and this section.
- (2) No person shall install or cause the installation of a municipal sewer connection that services more than one property.
- (3) The General Manager may authorize a single service connection to service a single property containing multiple buildings, parcels of tied land, condominiums, and/or freehold parcels, provided that:

(a) Such servicing complies with the Building Code; and

(b) The General Manager is satisfied that:

[1] The proposed servicing meets the Standards and Specifications;

[2] The owner of the lands upon which the service connection is located is directly responsible for the payment of any fees and charges for the supply of municipal sewer services to the property;

[3] The owner of the lands upon which the service connection is located is directly responsible for all discharges to municipal sewage works, compliance with this chapter and any enforcement measures and sanctions arising from non-compliance with this chapter;

[4] The manner of ownership of the property will not impede the City's ability to collect fees or charges or enforce compliance with this chapter or Chapter 441, Fees and Charges, and Chapter 849, Water and Sewage Services and Utility Bill; and

[5] The general intent of this subsection has been met.

- (4) Where an authorization is provided by the General Manager under § 681-11J(3), the General Manager may make such authorization conditional on such terms and conditions as the General Manager considers appropriate to meet the requirements of § 681-11J(3)(b).

- (5) For the purpose of § 681-J(3), a "parcel of tied land" shall be as defined under section 24(1) of Ontario Regulation 49/01, made under the *Condominium Act, 1998*, as amended from time to time."
- M. Subsection 681-11O(3)(i) is amended by deleting the word "and" at the end of the subsection.
- N. Subsection 681-11O(3)(j) is amended by adding the word "and" at the end of the subsection.
- O. Subsection 681-11O is amended by adding the following as § 681-11O(3)(k):
- "(k) The written agreement between the City and the owner of the property as required by Section 681-11O(3)(i) is registered on title to the property at the expense of the owner, where permitted by the applicable land registry legislation and in a form satisfactory to the City Solicitor."
- P. Subsection 681-11Q(2)(b) is deleted and replaced with the following:
- "(b) "Indirectly" shall mean in any manner whatsoever whereby storm water enters the sanitary sewer system, and for the greater certainty includes but is not limited to any situation where open joints in underground sewer connections on private property permit storm water to infiltrate the sanitary sewer system."
- Q. Subsection 681-11S(1) is deleted and replaced with the following:
- "(1) An owner shall discharge storm water, unless a connection to a combined or storm sewer is otherwise permitted or authorized by the General Manager in writing under this section or § 681-11O, in a manner that is in compliance with §§ 629-11A, 629-11A.1(1) and 629-20 of Chapter 629, Property Standards."
- R. Section 681-11 is amended by adding the following as § 681-11X:
- "X. Sewer investigations.
- (1) Where a person disputes the City's determination of the location of a defect in a sewer connection, that person may apply in writing to the General Manager to request the City to conduct an inspection of the sewer connection.
- (a) The applicant shall set out, in the application, the basis upon which the applicant disputes the City's determination of the location of a defect in the sewer connection and provide any available reports, photographs or other supporting information as may be available.

- (b) By submitting an application and as a condition of the City conducting an inspection, the property owner shall be deemed to have consented to the City having reasonable access to the property owner's private plumbing and sewer system. Where the applicant is not the property owner, the application shall include the written consent of the property owner for such reasonable access.
 - (c) If the General Manager, in that person's sole discretion, determines that an inspection is necessary to determine the location or cause of the blockage or defect, the person requesting the inspection shall pay to the City the deposit specified in Chapter 441, Fees and Charges, Appendix D - Schedule 3, Wastewater Services, Reference Number 10, Sewers, prior to the commencement of the inspection.
 - (d) The method of inspection shall be in the sole discretion of the General Manager and, without limitation, may consist of excavation within the municipal road allowance, closed circuit television inspection of the connection via the sewer or otherwise as the General Manager deems appropriate.
 - (e) The deposit shall be in the form of either cash or a certified cheque, or applied to the applicant's water account, as may be determined by the General Manager.
- (2) If, upon an inspection under § 681-11X(1), a defect is found by the City on the municipal sewer connection and has not been caused or contributed to by the property owner, the City shall refund the deposit paid.
- (3) (a) If, upon an inspection under § 681-11X(1), no defect is found by the City on the municipal sewer connection or the property owner has been determined by the General Manager to have caused or contributed to the defect, the General Manager shall determine the actual cost of the excavation, restoration and any other services and work performed by the City in relation to the inspection and the applicant shall pay those actual costs in addition to any costs or damages which may be payable under Chapter 681 related to the cause of the defect which may be deducted by the City from the deposit required under § 681-11X(1).
- (b) In the event that the actual cost of the work is greater than the deposit, the applicant shall immediately pay to the City the difference between the actual cost and the deposit.
 - (c) In the event that the actual cost of the work is less than the amount deposit, the General Manager shall refund the difference between the actual cost and the deposit to the owner."

S. Section 681-12.1 is deleted and replaced with the following:

"§ 681-12.1. Contact information.

A. For administering or enforcing the requirements under this chapter or any other applicable chapter or by-law of the City, the General Manager may require an owner of a property to which sewer services or sewer works are supplied or will be supplied, to provide to the General Manager in writing:

- (1) That owner's full name and telephone number;
- (2) The full name and telephone number of any occupiers of the property; and
- (3) The full name and telephone number of a person authorized by the owner to provide the General Manager with access to the sewer services or sewer works or the location where sewer services or sewer works are to be supplied."

T. By adding as § 681-13.1C(3) the following:

"(3) No person shall furnish any false or misleading information to the General Manager or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty or administrative function under this chapter, including but not limited to any information provided or submitted on or with any application or in respect to any inspection or enforcement of this chapter."

U. By adding as § 681-13.2D(1) the following:

- (1) Any person constructing works including, without limitation, piles, caissons, boreholes, foundations, tie backs or intrusive below grade works within the vicinity of City municipal sewage works shall be responsible for ensuring that such construction works conform at all times to the provisions of this section and shall be liable for any damage or expense in respect to the City's municipal sewage works or infrastructure caused or contributed to by such person's undertaking of such construction works, including but not limited to the cost of investigation, repairing or replacing any part of any City municipal sewage works or infrastructure damaged thereby and for any damages or injury to any person or property caused by such undertaking, construction or installation.
- (2) (a) Where the General Manager determines that an inspection of the City municipal sewage works by closed circuit television or such other method of inspection that the General Manager considers appropriate in the circumstances is necessary to determine the pre and post condition of City municipal sewage works or infrastructure in the vicinity of proposed construction works

identified in Subsection 13.2D(1), the person constructing such works shall pay to the City the deposit specified in Chapter 441, Fees and Charges, prior to the commencement of the construction works, and the City may deduct the cost of such inspection from the deposit.

- (b) In the event that the actual cost of the inspection is greater than the deposit, the person shall immediately pay to the City the difference between the actual cost and the deposit.
 - (c) In the event that the actual cost of the inspection is less than the amount deposit, upon completion of the post-construction inspection, the General Manager shall refund the difference between the actual cost and the deposit to the person, subject to the City's right to set off any remaining balance of the deposit against any damages to the City's municipal sewage works or infrastructure caused or contributed by the construction works.
- (3) The deposit shall be in the form of either cash or a certified cheque, as may be determined by the General Manager."

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

Enacted and passed on December 18, 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)