

APPENDIX “A”

Authority:

Enacted by Council:

CITY OF TORONTO

BY-LAW No.

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) of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A (the “*City of Toronto Act, 2006*”);

WHEREAS Council may pass by-laws with respect to any service or thing provided or done by or on behalf of the City pursuant to section 8 of the *City of Toronto Act, 2006*;

WHEREAS City Council, at its meeting on [insert date], adopted certain amendments to the eligibility criteria for the Block 2 water and wastewater industrial process-use service rate (the “Block 2 Rate”); and,

WHEREAS it is necessary to amend Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code, to reflect the amendments made by Council.

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

1. Section 849-18. C. and §849-18. D., Chapter 849, Water and Sewage Services and Utility Bill, of the City of Toronto Municipal Code, are amended by deleting these sections in their entirety and replacing them with the following:

“C. The customer must be and remain in compliance with the City’s sewers by-law, City of Toronto Municipal Code Chapter 681, Sewers (the “Sewers By-law”); and, for the purposes of this section:

- (1) A customer shall be considered to be in non-compliance upon the occurrence of either of the following events, as may be applicable:
 - a. the issuance by the City to the customer of a written notice of violation under the Sewers By-law; or
 - b. when a customer has not complied with a required date for the submission and delivery to the City of a document as set in the Sewers By-law.
- (2) In the event of a customer’s non-compliance with the Sewers By-law as set out in this section, the customer will cease to be eligible to receive the Block 2 Rate effective as of either of the following effective dates, as may be applicable:

- a. the date of the issuance of the written notice of violation under the Sewers By-law; or
 - b. the required date for the submission and delivery to the City of a document set under the Sewers By-law which the customer failed to satisfy.
- (3) Provided that the customer has rectified the non-compliance as set out in this section, to the satisfaction of the General Manager, Toronto Water, and the customer is then in compliance with the Sewers By-law, in all respects, and is otherwise eligible under this section, the customer may reapply to receive the Block 2 Rate which, upon approval, shall be effective from the date the General Manager, Toronto Water is satisfied that the customer has met all eligibility requirements.
- (4) Notwithstanding subsection C.(3) above, in the event that a customer has three instances of non-compliance within the same billing year, whether the non-compliance is evidenced by the issuance of written notices of violation or the customer's failure to have complied with any required dates for the submission and delivery to the City of a document as set by the Sewers By-law, or any combination of both, the customer shall cease, effective from the date of the third instance of non-compliance, to be eligible to receive the Block 2 Rate until such time as the customer has demonstrated, to the satisfaction of the General Manager, Toronto Water, that the customer has been in complete compliance with the Sewers By-law for at least 12 consecutive months since the date of the third instance of non-compliance.

D. The customer must submit to the City a comprehensive water conservation plan and, upon approval by the General Manager, Toronto Water, implement this plan, all to the satisfaction of the General Manager, Toronto Water.

- (1) The comprehensive water conservation plan shall include:
 - (a) A corporate policy committing to water conservation and efficiency;
 - (b) Written confirmation that the customer has undertaken a water use audit to identify measures to be implemented which will result in more efficient use of water, such as, but not limited to, water loss management strategies, water reclamation and recycling strategies, regular meter testing and calibration, implementing best available technologies for process water conservation, providing employee training and implementing best management practices for water conservation procedures within the property;

- (c) An implementation timetable of measures, identified in the water use audit findings, which will result in more efficient use of water along with target dates and expected water use reductions; and
- (d) An evaluation process to track the effectiveness of the customer's plan implementation.

(2) The customer shall annually submit, by July 1 of each year following the approval of the comprehensive water conservation plan, a progress report, satisfactory to the General Manager, Toronto Water, on the implementation of the customer's comprehensive water conservation plan, until such time as the General Manager, Toronto Water provides written notification to the customer that such annual progress reports are no longer required by the City.

(3) If a comprehensive water conservation plan is submitted by the customer and approved by the General Manager, Toronto Water, and the customer is otherwise eligible under this section, the customer will be entitled to receive the Block 2 Rate effective on the date the water conservation plan is received by the City.

(4) If a customer fails to submit a satisfactory annual progress report as required by subsection D.(2) above, the customer will cease to be eligible to receive the Block 2 Rate, effective July 1st of that year and shall continue to be ineligible until such time as a satisfactory progress report is received and approved by the General Manager, Toronto Water.

(5) If a customer fails to implement the customer's approved water conservation plan to the satisfaction of the General Manager, Toronto Water, the customer's water conservation plan progress report will not be approved and the customer will cease to be eligible to receive the Block 2 Rate effective July 1st of the year the progress report was submitted or to be submitted for approval.

(6) Notwithstanding subsection D.(5), where the customer subsequently implements the approved water conservation plan and submits a water conservation progress report demonstrating that implementation, all to the satisfaction of the General Manager, Toronto Water, the customer will be eligible to receive the Block 2 Rate effective the date that the approved water conservation plan progress report was received by the General Manager, Toronto Water, provided that all other eligibility requirements have been met."

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

ENACTED AND PASSED this day of , A.D. 2009.

SANDRA BUSSIN,
 Speaker

ULLI S. WATKISS
 City Clerk

(Corporate Seal)