Bill No. 1432

BY-LAW No.

To Amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 849, Water and Sewage Services and Utility Bill, to reflect the 2012 water and wastewater consumption rates to be charged to metered and flat rate consumers and the water and wastewater service fees and charges, to set the water rebate for low-income seniors and low-income disabled persons, to reflect the changes, adopted by Council, related to the eligibility criteria for the Block 2 Rate and to make necessary related, formatting amendments to the City of Toronto Municipal Code Chapters 441 and 849.

WHEREAS section 259 of the City of Toronto Act, 2006 provides that the City may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it; and

WHEREAS City Council has the authority to pass this by-law pursuant to subsections 8 (1) and (2) and section 259 of the City of Toronto Act, 2006; and

WHEREAS at its meeting of November 29 and 30, 2011 City Council approved the water and wastewater consumption rates to be charged to metered and flat rate consumers effective January 1, 2012, public notice having been given, and approved the water rebate for eligible low-income seniors and disabled persons effective January 1, 2012; and

WHEREAS at its meeting of November 29 and 30, 2011 City Council increased and established various water and wastewater service fees and charges through its annual budget process, public notice having been given, which necessitates an update of the appendices and schedules of City of Toronto Municipal Code, Chapter 441, Fees and Charges related to water and wastewater; and

WHEREAS at its meeting of November 29 and 30, 2011 City Council adopted certain amendments related to the eligibility criteria for the Block 2 Rate; and,

WHEREAS Chapter 441 of the City of Toronto Municipal Code is the codified consolidated user fee by-law for the City of Toronto (“Municipal Code Chapter 441”); and

WHEREAS Chapter 849 of the City of Toronto Municipal Code is the Water and Sewage Services and Utility Bill by-law for the City of Toronto (“Municipal Code Chapter 849”); and

WHEREAS it is necessary to amend Municipal Code Chapter 441 to reflect the new water and wastewater consumption rates and water and wastewater service fees and charges authorized by City Council, to amend Municipal Code Chapter 849 to reflect the water rebate for eligible low-income seniors and disabled persons, to further amend Municipal Code Chapter 849 to reflect the amendments related to the Block 2 Rate eligibility criteria authorized by City Council, all effective January 1, 2012, and to make necessary related, formatting amendments to Municipal Code Chapters 441 and 849 necessitated by City Council's decision at its meeting on November 29 and 30, 2011;
The Council of the City of Toronto HEREBY ENACTS as follows:

1. Appendix D – Schedule 1, Water & Wastewater Consumption Rates, of the City of Toronto Municipal Code, Chapter 441, Fees and Charges, items 1-46, inclusive, is deleted in its entirety and replaced with Schedule “A” to this By-Law.

2. Appendix D – Schedule 2, Water Services, of the City of Toronto Municipal Code, Chapter 441, Fees and Charges, items 1-39, inclusive, is deleted in its entirety and replaced with Schedule “B” to this By-Law.

3. Appendix D – Schedule 3, Wastewater Services, of the City of Toronto Municipal Code, Chapter 441, Fees and Charges, items 1-14, inclusive, is deleted in its entirety and replaced with Schedule "C" to this By-Law.

4. Section 849-14.5. D., Chapter 849, Water and Sewage Services and Utility Bill, of the City of Toronto Municipal Code is amended by deleting “$0.6853/per cubic metre” and replacing it with “$0.7469/per cubic metre” so that the section reads as follows:

   “D. In any year, or eligible portion thereof, the water rebate or credit rate shall be calculated by the difference in the Block 1 Rate and Block 2 Rate, such rates being based on ‘paid on or before the due date’, applicable for the year or portion thereof in which the water rebate is being applied for, and such water rebate shall be at the rate of $0.7469/per cubic metre, or such other rate in other years as may be determined by City Council from time to time.”

5. Section 849-18, Chapter 849, Water and Sewage Services and Utility Bill, of the City of Toronto Municipal Code is amended by adding a new section 849-18.G as follows:

   "G. (1) "Despite §849-18.C, §849-18.D and §849-18.E, the General Manager of Toronto Water is authorized to resolve with a customer any non-compliance matter that affects the customer's entitlement to the Block 2 Rate, as detailed in these sections, in order to rectify the non-compliance to the satisfaction of the General Manager of Toronto Water within six months of the effective date of the non-compliance by the customer.

   (2) In the event that the General Manager elects to exercise the authority in subsection 849-18.G(1), the customer shall be entitled to receive the Block 2 Rate despite the existence of the non-compliance matter until such time as the customer receives written notice from the General Manager that, in the opinion of the General Manager, the matter cannot be resolved and it is no longer eligible for the Block 2 Rate, but in any event, this period will not exceed six months from the effective date of the non-compliance by the customer.

   (3) If the non-compliance matter is not rectified in accordance with subsections 849-18.G(1) and (2), then the customer shall not be entitled to receive the Block 2 Rate, effective from the date of the written notice set out in subsection 849-18.G(2), and §849-18.C, §849-18.D, and §849-18.E will apply, as applicable to the non-compliance.
(4) The application of §849-18.G shall be only in respect to the entitlement to the Block 2 Rate and shall in no way apply to waive, release, limit or restrict any enforcement for non-compliance under the Sewers Bylaw."

6. This by-law comes into force on January 1, 2012.

ENACTED AND PASSED this  th day November, 2011.

FRANCES NUNZIATA,                        ULLI S. WATKISS
   Speaker                                City Clerk

(Corporate Seal)