

Authority: Administration Committee Report No. 7, Clause No. 6,  
as adopted by City of Toronto Council on July 22, 23 and 24, 2003  
Enacted by Council: September 24, 2003

## **CITY OF TORONTO**

### **BY-LAW No. 924-2003**

**To amend Municipal Code Chapter 849, Water and Sewage Services, to set out responsibility for payment of bills, to permit the Chief Financial Officer to make adjustment to water accounts and to provide for harmonized billing and collection procedures.**

WHEREAS Council is desirous to set out that owners of property are responsible for payment for water and sewer services provided to properties that they own; and

WHEREAS owners will be permitted to direct bills to agents provided they remain responsible for payment of the water account; and

WHEREAS the Chief Financial Officer should be permitted to adjust water accounts in situations and to the extent set out in this by-law, and

WHEREAS the City is desirous of harmonizing water billing and collection procedures,

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

1. City of Toronto Municipal Code Chapter 849, Water and Sewage Services, is amended by adding the following Article:

#### **ARTICLE III Collections and Billing**

##### **§ 849-26. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**ACCOUNT** - the record kept by the City in relation to a property for the purpose of recording, billing and collecting fees.

**AGENT** - the person appointed by the owner pursuant to § 849-27D.

**BILL** - the document sent by the City to the owner setting out, in respect of a property, a statement of the account, the fees due, the due date, and such other terms and conditions with respect to the fees and their payment and such other information as the CFO may deem appropriate or necessary in order to administer the account and collect the fees.

**CFO** - the City's Chief Financial Officer and Treasurer, or his designate.

**FEES** - all fees, charges and rates imposed by the City in relation to the consumption of water supplied by the City and all fees, charges and rates related to the water and sewer services supplied to a property by the City, and all other water and sewer related fees and

charges placed on the owner's account in accordance with Article II of City of Toronto Municipal Code Chapter 849, Water and Sewer Services, and any other provision of the Municipal Code or any law.

METER - the water meter used by the City to measure the consumption of water at a property.

OWNER - the registered owner of a Property.

PRIVATE WATER SYSTEM - the assembly of pipes, fittings, valves and appurtenances that convey water from the water meter, or any other point where it enters a building or structure on a property where there is no meter, to water supply outlets, fixtures, plumbing appliances, devices and appurtenances and all other points downstream of the meter or entry point, and includes all such outlets, fixtures, plumbing appliances devices and appurtenances.

PROPERTY - a house, building, structure, lot or part of a lot which is serviced by the City's water system or sewer system.

REMOTE READ OUT UNIT - any device, not including the register on a meter, used by the CFO to transmit and record the amount of water passing through a meter in respect of a property.

SEASONAL ACCOUNT - is a property where the supply of water is required by the owner for only a portion of each year which portion of the year is similar in respect of each year.

**§ 849-27. Responsibility for water accounts.**

- A. The owner shall be liable for the payment of the bill, except for fees relating to water supplied by the City for fire prevention services.
- B. Despite any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in private water system, the owner shall be liable for the payment of all fees in relation to any such water.
- C. In the event that a property has more than one owner, each owner shall be jointly and severally liable for payment of the account.
- D. An owner may direct the CFO to send the bill and all water and sewer related notices to a person other than the owner provided that the owner:
  - (1) submits to the CFO, a fully completed and signed form designated for that purpose by the CFO,

- (2) acknowledges that despite not having received any bill or notice, the owner will remain liable for payment of the fees and the City may exercise against the owner or the property any remedy it may have with respect to the collection of fees,
- (3) appoints the person to whom the bills and notices are directed as his agent for the purposes of granting the City access to the property in relation to the City's provision of water and sewer services and related activities including but not limited to inspections, at or to the property,
- (4) acknowledges that the acts of the agent pursuant to § 849-27D(3) may result in the imposition of fees for which the owner shall be liable,
- (5) at all times, provides the CFO with current information with respect to the name and telephone number of any tenants or occupants of the property.

**§ 849-28. Adjustments.**

- A. Where the CFO determines that a meter is defective, that a remote read out unit is inaccurately recording the amount of water consumed at a property, that a meter's dial capacity coding is incorrect, or that an account is incorrect as a result of any other error on the part of the City or City owned equipment, the CFO may adjust the account in order to ensure that the appropriate fees are paid in respect of a property. The CFO shall not make any such adjustment to an account to cover a period of more than one year. The adjustment shall be calculated by the CFO based on the actual amount of water consumed at a property, if that can be determined or otherwise, an estimate, by the CFO, of the amount of water consumed at the property, in accordance with §§ 849-31D and 849-31E.
- B. The CFO may adjust an account by re-applying the due date discount as set out in § 849-22. The CFO shall be authorized to make such an adjustment only in accordance with such guidelines for doing so as may be adopted by Council from time to time. In no event shall an owner be entitled to an adjustment under this section more than once with respect to the same property.
- C. In the event the CFO inaccurately determines water consumption in respect of a property as a result of the acts or omissions of an owner or agent or any other person for reasons including, but not limited to; meters that have been unsealed or have an unsealed by-pass valve, meters that have not been installed, meters that have been removed, meters that have been by-passed temporarily or permanently, or meters that have been tampered with in any way, the CFO shall be entitled to adjust the account and include all fees that ought to have been payable in respect of the property.

**§ 849-29. Meters required.**

Except as specifically permitted under this or any other by-law or policy of the City, all properties shall be required to be equipped with a meter.

**§ 849-30. Billing Frequency.**

- A. With respect to a property equipped with a meter, the City shall issue a bill to an owner or his agent three times per year, except for seasonal accounts for which the owner or agent shall be issued a bill one time per year, and properties and accounts for which the party responsible was billed once per month as of December 31, 2003, in respect of which the owners or agents shall continue to be billed once per month.
- B. With respect to a property not equipped with a meter, the City shall issue a bill to an owner or his agent two times per year except for properties in the former City of Etobicoke which shall be issued a bill three times per year and seasonal unmetered properties which shall be issued a bill one time per year.
- C. The CFO may issue a bill to an owner or his agent at a time other than or more frequently than as set out in §§ 849-30A and 849-30B, in the event of the demolition of a building supplied with water by the City, a change of meter or installation of a meter at a property, a change in ownership of a property, or a change in the appointment by the owner of an agent as permitted by and in accordance with § 849-27D.

**§ 849-31. Basis for metered billing.**

- A. This section only applies to properties with meters.
- B. The CFO shall be entitled to determine the amount of water consumed at a property by reading the register on the meter at the property, a remote read out unit for a property or in any other way in accordance with this Article of the Municipal Code.
- C. In the event there is a discrepancy between the reading obtained from the register on a meter and the reading obtained from the remote read out unit in respect of that meter, the amount obtained from the reading of register on the meter shall be deemed to be the correct reading.
- D. The CFO shall be entitled to issue bills based on actual water consumption at a property determined by meter or remote read out readings, or based on an estimated reading, calculated in accordance with the daily average water consumption at a property during a similar period of time, as determined by the CFO.

- E. Despite § 849-31D, in the event the CFO determines that a meter is defective, that a meter is not registering the correct amount of water used, that a meter is unsealed or has an unsealed by-pass valve, that a meter has not been installed, or that a meter has been removed, the CFO shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period.
- F. Where a 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 account fees from the date of the last 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.

**§ 849-32. Basis for flat rate billing.**

- A. This section only applies to properties not required to have a meter in accordance with § 849-29.
- B. Every owner, shall, upon the request of the CFO, truthfully, accurately and fully, complete, sign and return within 14 days of receipt, the flat rate self-rating form provided by the CFO in respect of his property.
- C. Every owner or his agent, shall notify the CFO and provide him with particulars within 14 days of any change in use of the property, or any change at the property in the fixtures and appliances, or otherwise, or if any water service connections are installed or removed and such changes, fixtures, appliances, installation or removal would have an effect on the amount to be billed under Article II of this Chapter.
- D. Any adjustment to the account in favour of the owner that may result pursuant to information received by the CFO under § 849-32B or C, shall be calculated from the date that the CFO receives notice of the change and verifies that the fees payable with respect of the property ought to be adjusted in accordance with Article II of this Chapter.
- E. Any adjustment to the account which would increase the amount payable pursuant to Article II of this Chapter shall be effective from the date of the change to or at the property, despite the fact that the CFO may not have discovered or received notice of such change until some later time.
- F. Where fixtures are used in common by the owners or occupants of two or more dwelling units, or in duplex, triplex or apartment houses, each owner shall pay the rate set out in Article II of this Chapter, Schedules B and C in respect of each such fixture.

**§ 849-33. Collection of arrears and shut off.**

- A. The CFO may send an overdue notice by prepaid mail to an owner setting out fees that remain unpaid fourteen (14) calendar days after they are due to be paid.
- B. The CFO may send a transfer to tax notice by prepaid mail to an owner with respect to fees that remain unpaid twenty-eight (28) calendar days after they are due to be paid. Such notice shall advise the owner that unless the amount specified in the notice is paid in full within thirty (30) calendar days of the notice date, the fees in arrears that remain outstanding at that time will be transferred to the real property tax roll. Collection charges as may be approved by the City from time to time will be added to the account. In the event the amount required is not paid in the time set out, the CFO may transfer the outstanding amount to the property tax roll.
- C. The CFO, having due regard to Municipal Code Chapter 835- Discontinuance of Vital Services, and after having given appropriate notice, may shut off the supply of water to a property where the CFO determines that is not feasible or financially prudent to exercise other collection measures, including the transfer of the fees arrears to the tax roll. The CFO shall be entitled to not resume the supply of water to the property until such time as the arrears are paid to the City or an arrangement to repay the arrears, satisfactory to the CFO, has been made.

**§ 849-34. Collection of arrears and shut off- bulk metered accounts and condominiums.**

- A. This section applies to bulk metered accounts including condominiums and multi-residential properties, despite § 849-33.
- B. The CFO may send an overdue notice by prepaid mail to an owner or a condominium corporation setting out fees that remain unpaid fourteen (14) calendar days after they are due to be paid.
- C. The CFO may send a shut off notice by prepaid mail to an owner or a condominium corporation with respect to fees that remain unpaid twenty-eight (28) calendar days after they are due to be paid. Such notice shall advise the owner or condominium corporation that unless the amount specified in the notice is paid in full within thirty (30) calendar days of the notice date, the supply of water to the property will be shut off until such time as it is paid in full, or arrangements satisfactory to the CFO are made for the payment of the fees in arrears. The CFO shall have due regard to Municipal Code Chapter 835 - Discontinuance of Vital Services, before he shuts off the supply of water to a property.

**§ 849-35. Offences.**

Any person who contravenes this article is guilty of an offence.

**§ 849-36. Effect on other by-laws and resolutions.**

Except to the extent in conflict with or superceded by this Article, or Article II of this Chapter of the Municipal Code, all other terms and conditions set out in the by-laws and resolutions of the former area municipalities and the Scarborough Public Utilities Commission with regard to the billing and collection of water and sewer accounts shall remain in full force and effect.

2. This by-law comes into force on January 1, 2004.

ENACTED AND PASSED this 24th day of September, A.D. 2003.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)