

Authority: Public Works and Infrastructure Committee Item 9.5,
adopted as amended, by City of Toronto Council on October 22 and 23, 2007
Enacted by Council: December 13, 2007

CITY OF TORONTO

BY-LAW No. 1392-2007

To adopt a new City of Toronto Municipal Code Chapter 851, Water Supply.

WHEREAS Council has the authority to pass this by-law pursuant to subsections 8(1), 8(2), 8(3) and 259(1), sections 7, 62, 63, 64, 65, 67 and 72 and Part XV of the *City of Toronto Act, 2006*, S.O. 2006, Chapter 11, Schedule A; and

WHEREAS the City considers it in its best interests that The City of Toronto Municipal Code be amended to reflect the harmonization of water supply by-laws of the former municipalities through the enactment of the new Chapter 851;

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

Chapter 851 WATER SUPPLY

§ 851-1. Definitions.

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

ACCOUNT — The record of water consumption and all fees and charges related thereto at and for a property.

APPLICANT — Any person who makes an application under this chapter.

APPLICABLE LAW — Any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, policies, orders, directives and codes including but not limited to the *Building Code Act* and *Fire Code* as may be amended from time to time.

AUTOMATED METER READING PROGRAM — The programs or projects, as may be adopted by the City, for the supply and installation of water meters and a radio communications network capable of reading, transmitting and collecting water meter readings throughout the City and includes all related equipment, software and hardware. Automated Meter Reading Program includes the water meter replacement and automated meter reading system project currently undertaken by the City as at the enactment of this chapter.

AWWA STANDARDS — The standards adopted by the American Waterworks Association, as they may be amended from time to time.

BACKFLOW — The flowing back or reversal of the normal direction of the flow of water.

BACKFLOW PREVENTION DEVICE — A device or system that prevents backflow or back-siphonage into the waterworks and is designed to prevent contamination of the waterworks or water supply.

BACK-SIPHONAGE — Backflow caused by a negative pressure in the supply system.

BUILDING — Building as defined in the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.

BUILDING CODE ACT — *Building Code Act, 1992*, S.O. 1992, c.23, as amended, and the regulations thereunder.

CBO — The Chief Building Official as defined in the *Building Code Act*.

CFO — The Deputy City Manager and Chief Financial Officer of the City or designate.

CITY — The City of Toronto and where an authority or discretion is conferred upon a City official under this chapter, means the appropriate official or representative of the City as designated or appointed under its governing by-laws, resolutions or policies from time to time.

CONSUMER — The owner or occupier of property which is serviced by and connected to the waterworks.

CROSS CONNECTION — Any actual or potential connection between the waterworks and any source of pollution, contamination, or other material or substance that could change the quality of water in the waterworks. This includes any bypass, jumper connection, removable section of pipe, swivel or changeover device, and any other temporary or permanent connecting arrangement through which backflow can occur.

CSA — The Canadian Standards Association.

CSA - B64 SERIES STANDARDS — B64.10-01/B64.10.1-01, Manual for the Selection and Installation of Backflow Prevention Devices / Manual for the Maintenance and Field Testing of Backflow Prevention Devices as published by the CSA, as amended from time to time.

DEVELOPER — The owner or party named in a development agreement or a subdivision agreement.

DEVELOPMENT — The construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure which may have the result of increasing or decreasing the consumption of water at the property.

DWELLING UNIT — A unit that consists of a self contained room or set of rooms located in a building or structure, is used or intended for use only as a residential premises, contains kitchen and bathroom facilities that are intended for the use only of the unit, is used as a single housekeeping unit in which no occupier has exclusive possession of any part of the unit, and has a means of egress to the outside of the building or structure in which it is located, which means of egress may be through another residential unit or common area.

FIRE CODE — The regulations made under Part IV of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4.

GENERAL MANAGER — The General Manager of Toronto Water or that person's designate or any person duly authorized to act in that person's place.

HIGH VOLUME ACCOUNT — Any water account, where the annual consumption in any calendar year is greater than 6,000 cubic metres, or where the annual consumption is estimated by the City to be greater than 6,000 cubic metres for that subsequent calendar year. The basis for this estimate shall be the historical average for the account.

IRRIGATION SYSTEM — Fixed equipment, which includes sprinkler heads, piping and other components that are used primarily to apply water to vegetation.

OCCUPIER — A person residing on or in a property; a person entitled to the possession of the property if there is no other person residing on or in the property; and a tenant or leaseholder; and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation. An occupier includes an occupant.

OWNER — A person who has any right, title, estate, or interest in a property, other than that of only an occupant and, where that person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any person with authority or power over or control of that property on the behalf of an owner. An owner includes a developer.

OWWA — Ontario Water Works Association, a section of AWWA.

PERSON — A natural person, an association, a partnership or a corporation, and the heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

PREMISE ISOLATION — The isolation of the water located within a building, structure or property from the waterworks or water supply.

PRIVATE FIRE SERVICE MAIN — The pipes, fittings and appurtenances from the water service connection conveying water for fire protection or suppression to all points in a fire protection or suppression system.

PRIVATE METER — A water meter which is not owned, serviced or maintained by the City.

PRIVATE WATER SERVICE PIPE — The pipe, fittings and appurtenances which convey water from the water service connection to a water meter, or to the point where the pipe and fittings connected to the water service connection enters a building or structure if there is no water meter.

PRIVATE WATER SYSTEM — An assembly of pipes, fittings, valves and appurtenances that convey water from the private water service pipe to water supply outlets, fixtures, plumbing appliances, devices, and appurtenances and all other points downstream of the water meter or downstream of the point where the private water service pipe enters a building or structure if there is no water meter.

PROPERTY — Includes a house, building, structure, lot or any part of a house, building, structure or lot within the City which has a unique municipal address and is adjacent to the waterworks.

REMOTE READOUT UNIT — Any device which is used to record or transmit, or both, the water consumption reading of a water meter and may be installed at a separate location from the water meter but does not include the water meter register.

RENOVATED BUILDING — Any building or structure where the plumbing or piping around or adjacent to a water meter is changed or altered.

ROAD ALLOWANCE — A common and public highway including a portion of a highway as defined in the *Municipal Act, 2001*.

ROOM — An area, or part of an area, in which a person may normally stand upright, of four and sixty-four hundredths (4.64) square metres or more in a building, fully enclosed with a means of access and egress, which may include, without limitation, any bedroom, living room, dining room, kitchen, recreation room, summer kitchen, kitchenette, breakfast room, conservatory, sun room, enclosed veranda and enclosed back porch but does not include a bathroom.

SHUT-OFF VALVE — The valve on or at a water service connection owned and used by the City to shut off or turn on the water supply from the waterworks to a property.

STANDARDS AND SPECIFICATIONS — The City of Toronto's Standard Construction Specifications and Drawings for Sewers and Watermains as prescribed by the General Manager, from time to time.

STREETLINE — The boundary of a property which adjoins a road allowance.

SUBSTANTIALLY DEMOLISHED — The demolition of more than 50% of the exterior walls of the first story above grade of a building or structure, whether or not they are subsequently replaced.

TEMPORARY WATER METER — A water meter which measures the quantity of water consumed at, in or upon a property during the construction of a structure, or during any other temporary purpose as may be approved by the General Manager, intended to be temporary and removed upon completion of the structure or other temporary purpose and is read, serviced, maintained or supplied by the City.

TEMPORARY WATER SERVICE CONNECTION — A water service connection to the waterworks for the purpose of the construction of a structure, or any other temporary purpose as may be approved by the General Manager, intended to be temporary and removed upon completion of the structure or other temporary purpose and may also include a temporary connection to a fire hydrant.

UNIVERSAL METERING PROGRAM — Any program or project adopted by the City from time to time to supply and install new water meters, remote water meter reading devices and meter seals on all unmetered properties within the City.

WATER — Potable water supplied by the City.

WATER METER — An apparatus at a property which measures and records the quantity of water passing through it and is read, serviced, maintained or supplied by the City.

WATER SERVICE CONNECTION — That part of the waterworks, consisting of pipes, fittings and appurtenances which supplies water to a property, and which is located between the City watermain and the streetline or between the City watermain and the boundary line between a City easement or other City land containing the watermain and private land.

WATERWORKS — Any works for the collection, production, treatment, storage, supply, transmission and distribution of water by the City, or any part of any of those works including the water service connection, but does not include plumbing to which the *Building Code Act* or any amendments thereto apply.

§ 851-2. Administration.

- A. The administration of the waterworks and fixed water meter reading equipment shall be under the jurisdiction of the General Manager.
- B. The administration of water meter reading, water rates, accounting, billing and collection shall be under the jurisdiction of the CFO.
- C. The administration of the installation of new, renovated or altered private water service pipes, private fire service mains, private water systems and appurtenances, backflow prevention devices on private property shall be the responsibility of the CBO or the General Manager.
- D. The administration of inspections of existing private water service pipes, private fire service mains, private water systems and appurtenances, backflow prevention devices on private property shall be the responsibility of the General Manager.
- E. The General Manager shall be authorized to prescribe any City form under this chapter and to amend or revise those forms from time to time.
- F. 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.
- G. The City may authorize programs or projects which may exempt persons or properties from a provision or provisions of this chapter.

§ 851-3. Use and receipt of water.

- A. No person shall use, cause or permit water to be used otherwise than in connection with the property at which it is supplied nor shall water be sold or otherwise similarly disposed of without the prior written permission of the General Manager, other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties.

- B. No person shall obtain water without paying the applicable charges, fees or rates for that water, except with the prior written approval of the General Manager, other than authorized Toronto Fire Services personnel or other City personnel, acting in the course of their duties.

§ 851-4. Water service connections.

- A. New or changed connections.

- (1)
 - (a) No person shall erect or cause to be erected any building or structure, except an ancillary building, on lands which are serviced by the waterworks unless the new building or structure is connected to the waterworks.
 - (b) No owner or occupant shall permit to be erected any building or structure, except an ancillary building, on lands which are serviced by the waterworks unless the new building or structure is connected to the waterworks.
- (2)
 - (a) No person shall connect to the waterworks or change or alter an existing connection to the waterworks without the approval of the General Manager and compliance with the requirements of § 851-4.
 - (b) No owner or occupant shall permit a connection to the waterworks or change or alter or permit the change or alteration of an existing connection to the waterworks without the approval of the General Manager and compliance with the requirements of § 851-4.
- (3) The minimum size water service connection shall be no less than 19 mm in diameter.

- B. Application for connection.

- (1) Subject to § 851-9, all persons who require water to be supplied to a property or a change or alteration to the existing water service connection in relation to a property shall submit an application on the prescribed City form to the General Manager and shall pay to the City:
 - (a) At the time of making the application, all applicable fees, deposits and charges, including the cost of the new water meter if one is required; and
 - (b) Those applicable fees and charges shall be included in water account bill(s) or invoice(s) by the City for the subject property.
- (2) Any application under subsection § 851-4B(1) shall be accompanied by such plans as may be required by the General Manager to permit the General Manager to determine if the application is in accordance with the standards and specifications and the requirements of this chapter.

- (3) The owner of the property shall sign the application and shall be responsible for the completeness and accuracy of the information furnished on the application and in the plans.

C. Installation of water service connection.

- (1) Upon approval by the General Manager of an application submitted under § 851-4B(1) and compliance with § 851-4D, a water service connection shall be installed by the City, at the expense of the owner, in accordance with the standards and specifications and at rates, fees and charges prescribed by the City from time to time.
- (2) In the event that a person connects to the waterworks or installs a water service connection in a manner other than as provided for in this chapter, the General Manager may:
 - (a) Re-excavate the connection or water service connection for the purpose of inspection and testing and, if necessary, require the owner to reinstall the work in compliance with this chapter, all at the expense of the owner; or
 - (b) Disconnect the water service connection which shall not be reinstalled or reconnected except with the prior written permission of the General Manager and full compliance with the requirements of this chapter, all at the expense of the owner.

D. Costs of water service connection.

- (1) Upon approval by the General Manager of an application for a water service connection submitted under § 851-4B(1), with respect to a dwelling unit to be serviced by a water service connection not exceeding 25 mm in diameter, the General Manager shall determine:
 - (a) The cost of providing that water service connection under the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for that type of water service connection, as may be established or amended by the City from time to time; and
 - (b) The conditions upon which that water service connection shall be provided,

and the owner shall pay that amount to the City, prior to the commencement of the installation of the water service connection by the City, and comply with those conditions.

- (2) (a) Upon approval by the General Manager of an application for a water service connection submitted under § 851-4B(1), with respect to a property other than a dwelling unit to be serviced by a water service

connection not exceeding 25 mm in diameter, or of an application as set out in § 851-9A, the General Manager shall determine:

- [1] An estimated cost of providing that water service connection; and
- [2] The conditions upon which that water service connection shall be provided,

and the owner shall pay that estimated amount to the City as a deposit, specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, prior to the commencement of the water service connection installation by the City, and comply with those conditions.

- (b) Upon completion of the installation of a water service connection under § 851-4C(1) to which § 851-4D(2) applies, including surface restoration, the General Manager shall determine the actual cost of the water service connection installation and any restoration, and the owner shall pay those actual costs.

- [1] In the event that the actual cost of the work is greater than the deposit, the owner shall immediately pay to the City the difference between the actual cost and the deposit.
- [2] In the event that the actual cost of the work is less than the deposit, the General Manager shall refund the difference between the actual cost and the deposit to the owner.

- (3) (a) An owner shall include in an application for a water service connection submitted under § 851-4B(1) information in respect of the property including:

- [1] the estimated consumption and flow rates;
- [2] the type of business to be carried on at the property, if any; and
- [3] the number of employees working at the property, if any,

for the purpose of determining water meter size under § 851-5D.

- (b) The owner shall sign the application and shall be responsible for the completeness and accuracy of the information furnished on the application including any plans or other documentation accompanying that application.
- (c) Upon approval of the application by the General Manager, all costs for that water service connection, including the cost of the new water meter, shall be at the sole expense of the owner.

E. No installation in road allowance.

No person shall install or cause the installation of a water service connection to be installed within any road allowance, City easement or other City land, save and except an authorized employee, agent or contractor of the City or a person expressly authorized to do so by a written agreement with the City.

F. Single connections.

(1) (a) No person shall install or cause the installation of a water service connection that services more than one property.

(b) No owner or occupant of a property shall permit the installation of a water service connection that services more than one dwelling unit on a property which that person owns or occupies.

(2) Where a property contains or is altered to contain two or more dwelling units or two or more non-residential units, each dwelling unit or non-residential unit that is in contact with the ground and possesses a footprint on the surface of the ground shall have:

(a) a separate water service connection;

(b) a private water service pipe;

(c) a water meter;

(d) a conduit for a remote readout unit wire; and

(e) a wire for the remote readout unit,

except ground floor units of a building where the building contains units that do not have a footprint on the surface of the ground, or condominium properties meeting the exception set out in § 851-5S(1), or second suites and second dwelling units permitted by City of Toronto By-law No. 493-2000 or its successor.

G. Replacement of existing water service connection.

If a new water service connection replaces an existing water service connection, the existing water service connection shall be disconnected from the City watermain and the shut-off valve shall be removed, all at the same time as the new water service connection is installed. The owner shall pay all costs associated with the disconnection and the new connection.

H. Demolition of a property.

- (1) If a building or structure on a property is demolished or substantially demolished, the water service connection shall be disconnected by the City at the connection point to the City watermain.
- (2) The owner shall pay all costs associated with the disconnection prior to the demolition of the building or structure.

I. Costs of disconnection of water service connection.

- (1) In the event that an owner requests a disconnection of a water service connection, in relation to a dwelling unit serviced by a water service connection not exceeding 25 mm in diameter, the General Manager shall determine:

- (a) The cost of providing that disconnection under the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for that type of water service disconnection, as may be established by the City from time to time; and

- (b) The conditions upon which that disconnection shall be provided,

and the owner shall pay that amount to the City prior to the commencement of the disconnection of the water service connection by the City and comply with those conditions.

- (2) (a) In the event that an owner requests a disconnection of a water service connection in relation to any property, other than a dwelling unit serviced by a water service connection not exceeding 25 mm in diameter, or a disconnection of a water service connection installed for construction purposes under § 851-9, the General Manager shall determine:

- [1] An estimated cost of providing that disconnection; and

- [2] The conditions upon which that disconnection shall be provided.

- (b) The owner shall pay, as a deposit, the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for the type of water service disconnection under § 851-4I(2)(a), prior to the commencement of the disconnection by the City and the owner shall comply with those conditions set out in § 851-4I(2)(a)[2].

- (c) Upon completion of the disconnection, including surface restoration, the General Manager shall determine the actual cost of the disconnection and any restoration, and the owner shall pay those actual costs.

- [1] The deposit set out § 851-4I(2)(b) shall be applied by the City against the costs of providing that disconnection.

- [2] In the event that the actual cost of the work is greater than the deposit, the owner shall immediately pay to the City the difference between the actual cost and the deposit.
- [3] In the event that the actual cost of the work is less than the deposit, the General Manager shall refund the difference between the actual cost and the deposit to the owner.

J. Investigations.

- (1) Where a person disputes the City's determination of the location of a leak or defect in a water service connection, that person may apply in writing to the General Manager to request the City to conduct an inspection of the water service connection and to perform whatever excavation that may be necessary.
 - (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 leak or defect in a water service connection.
 - (b) If the General Manager, in that person's sole discretion, determines that an inspection by excavation is necessary to determine the location or cause of the leak or defect, the person requesting the inspection shall pay to the City the deposit specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, prior to the commencement of the excavation.
 - (c) 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 § 851-4J(1), a leak or defect is found by the City on the water service connection, the City shall refund the deposit paid.
- (3) If, upon an inspection under § 851-4J(1), no leak or defect is found by the City on the water service connection, 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.
 - (a) 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.
 - (b) 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.

K. Acceptance of temporary water service connection.

- (1) An owner may apply in writing on the form prescribed by the General Manager to have a temporary water service connection and temporary private water service pipe accepted as the permanent water service connection and permanent private water service pipe to a property.
- (2) Where the General Manager determines that the temporary water service connection and temporary private water service pipe comply with the City's standards and specifications for a permanent water service connection and permanent private water service pipe, the General Manager may approve and accept that temporary water service connection and temporary private water service pipe and shall advise the owner accordingly of the General Manager's decision.

L. Installation and inspection of private water service pipe and private fire service mains.

- (1) All private water service pipes and private fire service mains and their appurtenances shall be installed by the owner, at the owner's sole expense, in accordance with all applicable law including, but not limited to, the *Building Code Act*, the standards and specifications and this chapter.
- (2) No owner shall install a private water service pipe or private fire service main or permit a private water service pipe or private fire service main to be installed on that owner's property except where:
 - (a) The watermain to which the connection is to be made is fully completed and accepted by the City for operation; and
 - (b) A water service connection has been installed to the satisfaction of the General Manager.
- (3) In the event that a person installs or permits to be installed, a private water service pipe or private fire service main in a manner that is not in accordance with all applicable law including this chapter, the *Building Code Act* and the standards and specifications, the General Manager or CBO may order the excavation of the private water service pipe or private fire service main or any other action as may be necessary for the purpose of inspection and testing by the City.
- (4)
 - (a) If the CBO or General Manager determines, after an inspection and testing or otherwise, that a private water service pipe or private fire service main has not been installed in accordance with § 851-4L(1), the CBO or General Manager may direct the owner to perform whatever remedial work that may be required to comply all at the expense of the owner.
 - (b) Where the owner fails or refuses to perform the remedial work under § 851- 4L(4)(a), the General Manager may:

- [1] Order the owner to perform whatever remedial work may required by the General Manager, in addition to any requirements by the CBO, to bring the private water service pipe or private fire service main or both, as the case may be, into complete compliance with the standards and specifications and this chapter; or
 - [2] Disconnect the private water service pipe or private fire service main or both from the waterworks, or
 - [3] Both [1] and [2].
- (c) Upon a disconnection by the General Manager under § 851-4L(4)(b)[2] and [3], the owner shall not reinstall a private water service pipe or private fire service main or both except:
- [1] Upon the prior written approval of the General Manager;
 - [2] Upon the payment of all fees and charges payable to the City in respect to the disconnection; and
 - [3] In complete compliance with the standards and specifications and this chapter.

M. Maintenance and use of private water service pipe and private fire service main.

- (1) No owner of a property shall fail to keep all private water service pipes and private fire service mains on that property including but not limited to fittings, valves, meter chambers and supports thereof in good working order and repair at all times.
- (2)
 - (a) No owner of a property shall fail to repair any and all leaks, defects or malfunctions in, of or on the private water service pipe or private fire service main on that owner's property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, as soon as possible after becoming aware of any such leak or defect or malfunction.
 - (b) In the event that the owner fails or refuses to repair any and all leaks, defects or malfunctions in, of or on the private water service pipe or private fire service main on that owner's property, including leaks, defects or malfunctions related to valves, fittings or corroded piping, the General Manager may issue an order to the owner to do so.
 - (c) The owner shall comply with an order issued under § 851-4 M(2)(b) no later than forty-eight (48) hours after issuance.

- (3) If an order is issued under § 851-4M(2), the owner shall pay the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, with respect to any water not registered by a meter or for any water loss each day an order of the General Manager under § 851-4M(2)(b) is not complied with.
- (4) Despite § 851-4M(3), where the owner can provide, to the satisfaction of the General Manager, an accurate record of the actual water lost as a result of the leak, defect or malfunction, the amount payable shall be equal to the amount so recorded to the satisfaction of the General Manager.

N. Frozen water service pipe.

- (1) No owner of a property shall fail to ensure that all private water service pipes, the private water system and private fire service mains on that property are protected from freezing.
- (2) An owner shall be responsible for:
 - (a) Any damage incurred as a result of any private water service pipe, private water system or private fire service main on that owner's property freezing; and
 - (b) Any water loss or water discharge which occurs as the result of a leak in a frozen private water service pipe, private water system or private fire service main on that owner's property.
- (3)
 - (a) Thawing out frozen water service pipes shall be the owner's responsibility.
 - (b) Where, upon the owner's application, the City assists the owner in the thawing of frozen pipes on that owner's property, all work performed by the City to assist the owner in that regard shall be performed at the owner's risk and the owner shall have no claim whatsoever against the City by reason of that work.

§ 851-5. Metering of Water.

A. Water to be metered.

- (1) No person, other than authorized Toronto Fire Services personnel or other City personnel acting in the course of their duties or authorized agents or contractors of the City expressly acting within the scope of their work or services, shall use or permit the use of water that has not passed through a water meter.
- (2) No owner shall fail to have a water meter installed and in use at that owner's property where that property is supplied with water by the City.

- (3) § 851-5A(1) and (2) shall not apply where:
 - (a) Water is used by consumers at a property serviced by the City with water on a flat rate payment basis as of the date of the coming into force of this chapter.
 - (b) Water is used for construction under § 851-9; or
 - (c) The use of unmetered water is otherwise permitted by this chapter.
- (4) Subsections 851-5A(1) and (2) shall apply, despite § 851-5A(3), where water is used by consumers at a property serviced by the City with water on a flat rate payment basis as of the date of the coming into force of this chapter to:
 - (a) A property containing an irrigation system, in-ground swimming pool, spa, hot tub, a permanent above ground swimming pool, an ornamental fountain, or water cooled machinery or equipment; or
 - (b) A property is a commercial or industrial building, a place of worship building, an apartment building, or a building with four or more dwelling units; or
 - (c) The water service connection to the property is replaced, whether it is within the property or the street allowance adjacent to the property;
- (5) Any person who uses water, in contravention of § 851-5A(1), (2) or (4), shall pay the cost of all water used, as specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- (6) Despite § 851-5A(3), the General Manager may require the owner of a property serviced by the City on a flat rate basis as at the date of the coming into force of this chapter to have a water meter, a remote readout unit, and related equipment and materials installed by the City and in use at that owner's property under a universal metering program.
- (7) Despite § 851-5A(3), the General Manager may require the owner of a property serviced by the City and equipped with a water meter to have a new water meter or a remote readout unit, or both, and related equipment and materials installed by the City under a water meter installation or replacement program or project or automated meter reading program of the City.

B. Installation of water meter.

- (1) No person shall install a water meter other than as required by this chapter unless otherwise authorized in writing by the General Manager.

- (2) Water meters, including strainers, valves and water meter by-pass arrangements where required, for new or renovated buildings shall be installed by the owner, at the sole expense of the owner, in accordance with the standards and specifications.
- (3) Every owner, required to install a water meter under this chapter, shall install a water meter on that owner's property in a secure location within seven days of receiving it from the City.
- (4) Despite any other provision of this chapter, the water meter, conduit and wire for the remote readout unit shall be installed prior to occupancy of a new or renovated building or part thereof.
 - (a) The water meter, conduit and wire for the remote readout unit shall be installed by the owner and inspected and sealed by the General Manager.
 - (b) If a telephone line or electrical outlet or both is required by the standards and specifications, that telephone line together with a telephone jack or that electrical outlet or both, as the case may be, shall also be installed by the owner and shall be operational at the time that the water meter is installed.
 - (c) All costs in relation to the installation, including the costs of the necessary telephone line, shall be the responsibility of the owner.
- (5) Except as otherwise provided for in this chapter, the water supply to a property will not be turned on until the General Manager has inspected and sealed the water meter installed at the property as set out in § 851-6.
- (6) No person shall turn on the water supply to a property until the General Manager has inspected and sealed the water meter installed at the property, other than authorized Toronto Fire Services personnel or other City personnel acting in the course of their duties or authorized agents or contractors of the City expressly acting within the scope of their work or services.
- (7) In the event that the water supply to a property has been turned on prior to the General Manager's inspection and sealing of the water meter at the property, the General Manager shall be entitled to shut off the supply of water to the property.
- (8) Despite § 851-5B(3) and (4), in the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the City may install the water meter, conduit and wire for the remote readout unit and automated meter reading equipment.

C. Supply and payment for water meters.

- (1) The City shall supply water meters for all buildings to which a water service connection is provided.

- (a) Strainers and connection fittings including water meter flanges to be attached to the water meter shall also be provided by the City when required by the standards and specifications.
 - (b) The owner shall pay the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for the water meter and all required strainers, connection fittings, hardware and flanges supplied by the City in accordance with § 851-5C, at the time of submission of a water service connection application, except where:
 - [1] The owner's property does not have a water meter as of the date of this chapter coming into force and is subject to the universal metering program or is a property to which the City supplies with water meters as part of the automated meter reading program; and
 - [2] The program exempts the owner from payment of such fees and charges.
 - (c) No water service connection application shall be approved by the City until all amounts required to be paid under § 851-5C(1)(b), have been paid.
- (2) Private meters or water meters additional to the existing water meter(s) or water meters required by this chapter, may only be installed by the owner at the discretion of the General Manager.
 - (3) The City shall be the sole supplier of all water meters registering consumption of water supplied and billed by the City.
 - (4) The City shall retain ownership of all water meters, strainers and connection fittings including the water meter flanges supplied by the City.
- D. Size of water meter.
- (1) The General Manager shall determine the size of the water meters to be supplied to a property having regard to the consumption and flow rates required by the owner, based on the information supplied by the owner in its application as required by § 851-4D(2), and the standards and specifications.
 - (2) An owner may submit an application on the prescribed City form to the General Manager in respect of an existing building, for a change in the size of the water meter on the property.
 - (a) In the owner's application, the owner shall provide the General Manager with anticipated consumption and flow rates, type of business, if any, and number of employees working at the property, if any.

- (b) The owner shall sign the application, and the owner shall be responsible for the completeness and accuracy of the information furnished on that application including any plans or other documentation accompanying that application.
- (3) The General Manager may conduct flow monitoring tests on the private water service pipe or private water system of the subject property to determine the appropriate size and type of water meter to be installed on the property as may be required under § 851-4D(1) or to confirm the accuracy of the information provided by the owner on an application made under § 851-4D(2), including any plans or other documentation accompanying that application.
- (4) An owner of a property shall, at reasonable times, provide the General Manager with clear and unobstructed access to the owner's private water service pipe and private water system to:
 - (a) For the purpose of installing a non-intrusive flow monitoring device on the private water service pipe or private water system near the water meter; and
 - (b) For the purpose of conducting any flow monitoring tests under § 851-5D(3) to determine if the existing water meter is the appropriate size for the property.
- (5) In the event that the result of the flow monitoring tests under § 851-5D(3), indicate that the capacity of the water meter is not appropriately sized for the property, the owner shall, at the owner's sole expense, change the water meter and adjacent piping to comply with the standards and specifications, if directed by the General Manager.
- (6) For buildings provided with a new service connection, the charge payable by an owner for a water meter shall be based on the size of the water service connection, despite any other provision of this chapter.
- (7) For existing water service connections, the General Manager may install a water meter of a size more appropriate, in the General Manager's determination, for the owner's water supply requirements if flow monitoring tests indicate that the capacity of the existing water meter is not properly sized for the property, and make any necessary adjustments to the piping around an existing water meter.
- (8) For flow monitoring tests required under § 851-5D, the owner shall be responsible to protect the flow monitoring device installed at the owner's property against loss or damage.

E. Refusals to Install

- (1) Under a universal metering program or automated meter reading program, no owner shall refuse or obstruct the City in the installation of:

- (a) A water meter and related items; and
 - (b) Automated meter reading equipment.
- (2)
 - (a) No owner of a property shall fail to install a water meter and any related items and equipment as required under this chapter.
 - (b) In the event that the owner fails or refuses to install a water meter and any related items and equipment as required the General Manager may issue an order to the owner to do so.
 - (c) The owner shall comply with an order issued under § 851-5E(2)(b) no later than seven (7) days after issuance.
 - (d) If an owner fails to comply with an order under § 851-5E(2)(b), the General Manager may undertake the work at the owner's expense in accordance with § 851-22D.

F. Notification by owner.

- (1) Upon receipt of an approval from the CBO for the installation of new plumbing or for all new or replacement private water service pipe installations, where a water meter is required to be installed under this chapter, the owner shall immediately notify the General Manager when the property is ready for the installation of the water meter.
- (2) For all new or replacement water service connection installations, the owner shall notify the General Manager upon installation of the water meter in accordance with the standards and specifications and within seven days of receipt of the water meter from the City as required by § 851-5B, except where § 851-5B(8) applies.

G. Provision for water meter.

An owner of a property shall ensure that provision is made in the piping system of all existing, new and renovated buildings or structures for the installation of a water meter of the same diameter as the private water service pipe in accordance with the standards and specifications.

H. Water meter by-pass piping.

- (1) When the property is not in compliance with this chapter, the General Manager may require the owner of a property which is not a dwelling unit, containing a water meter, to supply, install and maintain in good working order a by-pass pipe and valves in accordance with the standards and specifications, at the owner's sole cost.
- (2) The by-pass pipe and valves to be supplied and installed by the owner in accordance with § 851-5H(1) shall be configured so as to permit the testing, repair or replacement of the water meter without an interruption of the water supply.

- (3) The General Manager shall seal the by-pass valve, to be supplied and installed in accordance with § 851-5H(1), in the closed position upon notification of its installation by the owner.
- (4) No person shall break the seal of the General Manager on a by-pass valve, except with the prior authorization of the General Manager.
- (5) If the owner fails or refuses to supply and install the by-pass pipe or valves in accordance with the standards and specifications, the General Manager may order the owner:
 - (a) To supply and install a new or replacement water meter by-pass pipe or valves;
 - (b) To remove any defective pipe or valves and install new pipe or valves; and
 - (c) To repair and maintain the water meter by-pass pipe or valves,in accordance with the standards and specifications, at the owner's expense.
- (6) An owner shall comply with an order made under § 851-5H(5) within seven (7) calendar days from receipt of the order from the General Manager.
- (7) If an owner fails to comply with an order made under § 851-5H(5) within the time required, the General Manager may undertake the work, at the owner's expense, in accordance with § 851-22D.

I. Water meter chamber.

- (1) If the General Manager is of the opinion that a water meter cannot be located inside a building or structure in accordance with the standards and specifications or if the distance between the streetline and the location where the water meter would be located inside the building or structure is greater than thirty (30) metres beyond the streetline, the General Manager may require the water meter to be installed in a water meter chamber constructed by the owner in accordance with the standards and specifications, at the owner's expense.
- (2) Where required under § 851-5I(1), a water meter chamber shall be located within the property of the owner and within three metres of the streetline, in a location approved by the General Manager prior to construction.
- (3) No owner shall obstruct nor permit the obstruction of a water meter chamber.
- (4) No owner shall place shrubs, trees or other landscaping within one and one half metres of the outer perimeter of a water meter chamber.
- (5) An owner shall keep all landscaping on that owner's property cut back and clear of a water meter chamber.

- (6) (a) To facilitate the reading of the water meter, the General Manager may require the owner to prepare the water meter chamber cover for the installation of a chamber cover type remote readout unit in accordance with the standards and specifications for water meters, at the owner's sole expense.
- (b) If the General Manager determines that a chamber cover type remote readout unit device is not appropriate for a location, the General Manager may:
 - [1] Require the owner, at the owner's expense, to install a mounting post and plate to accommodate the remote readout unit at a location satisfactory to the General Manager, or
 - [2] Determine the appropriate type and location of the remote readout unit and the owner shall install that unit at the owner's expense,all in accordance with the standards and specifications.

J. Remote readout unit and remote readout unit wire.

- (1) (a) For each water meter at a property, the City may provide each metered property with a remote readout unit or units and a wire for each remote readout unit or units.
- (b) The City shall be the sole supplier of remote readout units and wires to each property.
- (c) Ownership of the remote readout unit(s) and wires shall remain with the City.
- (2) The owner of a property shall supply and install a metallic electrical quality conduit, which complies with the City standards and specification, to contain the remote readout unit wire in accordance with the standards and specifications for new buildings or renovated buildings or properties where the remote readout unit wire has become damaged.
- (3) The owner of a property shall protect the remote readout unit and wire from damage.
- (4) The owner of a property, at the owner's sole expense, using wire supplied by the City, shall install remote readout unit device wire for new installations at new or renovated properties or replace any damaged remote readout unit device wire in accordance with the standards and specifications.

- (5) If the wire or the metallic electrical conduit required under § 851-5J(2) becomes damaged the General Manager shall provide new wire at the owner's sole expense and the owner shall replace the existing wire and damaged conduit within fourteen 14 days of written order from the General Manager to do so.
- (6) If the remote readout unit becomes damaged, the owner of the property shall pay the full cost to the City for the City to supply and install a new remote readout unit, as specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- (7) The General Manager shall inspect and connect the new wire or remote readout unit installation and the owner of the property shall provide access to the General Manager to the property to permit the General Manager to do so.
- (8) If damage occurs to the remote readout unit, the General Manager may require the owner to make space available for a protective device and to install that protective device, supplied by the General Manager at the owner's cost, over the remote readout unit in accordance with the City's standards and specifications.
- (9) If damage occurs to the remote readout unit wire, the General Manager may require the owner of the property to make space available for a metallic electrical quality conduit over that remote read out unit wire and the owner shall, at the owner's sole expense, supply and install that conduit and install any replacement remote readout wire supplied by the City, all in accordance with the standards and specifications.
- (10) An owner of the property shall ensure that the remote readout unit is easily accessible to the General Manager at all times and at no time shall access to it be obstructed.
- (11) An owner of the property may submit an application on the prescribed City form to the General Manager to change the location of a remote readout unit.
- (12) The General Manager shall only approve the relocation of a remote readout unit if the proposed location is in compliance with the standards and specifications.
- (13)
 - (a) If an application for the relocation of a remote readout unit is approved, the owner of the property shall relocate the remote readout unit, the wire and conduit in compliance with the standards and specifications.
 - (b) In no event shall any splices be permitted in the remote readout unit wire.
 - (c) New wire of sufficient length shall always be used when a remote readout unit is relocated.
- (14) The owner of the property shall pay all costs associated with the relocation of a remote readout unit.

- (15) Despite § 851-5J, in the case of a property subject to meter installation or replacement under a universal metering program or automated meter reading program, the City may install a remote readout unit and wire for the remote readout unit at its cost.

K. Dedicated telephone line and electrical outlet

- (1) (a) Every owner shall install a dedicated telephone line or an electrical outlet, or both, for a remote readout unit complete with telephone jack or electrical outlet, or both, if required by the standards and specifications or if so required by the General Manager.
- (b) The telephone line and electrical outlet shall be operational at the time that the water meter is installed.
- (2) (a) If a water meter is to be installed at a property where the installation is not required to be in a water meter chamber and the water account will be a high volume account, the owner shall provide a dedicated telephone line and connection and electrical outlet within one metre of the water meter if so required by the General Manager.
- (b) For the purpose of reading the water meter, the dedicated telephone line and electrical outlet shall be installed in accordance with the standards and specifications and shall provide uninterrupted service and be dedicated for the sole purpose of reading and monitoring the water meter.
- (3) The owner shall pay all costs, including installation, maintenance and rental costs for the telephone line and connection and any costs in relation to the electrical outlet.

L. Number of water meters.

- (1) If two or more water service connections supply water to a property, each water service connection shall be separately metered.
- (2) If required by the CFO for billing purposes, an owner of a property shall install the number of water meters necessary in the determination of the CFO to meet those purposes and the owner shall pay all costs associated with those installations.

M. Water meter on private fire service main.

Where a property has a new private fire service main the owner shall, at the owner's cost, provide and install a detector check valve and install a water meter at that main in accordance with the standards and specifications.

N. Temporary water meter.

- (1)
 - (a) If the installation of a temporary water meter is required under this chapter, the owner of the property, or
 - (b) If the installation of a temporary water meter is requested and permitted under this chapter, the applicantshall be responsible for any loss or damage to the temporary meter and any backflow prevention device that may be installed.
- (2) The owner of the property or applicant shall pay for the water consumption registered on the temporary water meter and shall be billed in accordance with current water rates as set out in Chapter 849, Water and Sewage Services, and Chapter 441, Fees and Charges.
- (3) Where a temporary water meter will be installed, the City may supply and the owner or applicant, under § 851-5N(1), shall install a backflow prevention device in accordance with § 851-8 and the standards and specifications.
- (4)
 - (a) As an alternative to the General Manager supplying the backflow prevention device, the General Manager may require the owner or applicant, under § 851-5N(1), to supply, install and maintain a backflow prevention device in accordance with § 851-8 and the standards and specifications approved by the General Manager for that purpose.
 - (b) Prior to installation of the backflow prevention device by the owner or applicant, under § 851-5N(1), that person shall demonstrate to the satisfaction of the General Manager, including providing original documentation, that the backflow prevention device is in compliance with the standards and specifications and will function properly.

O. Water meter loss or damage.

- (1) Every owner shall be responsible for any loss or damage to every water meter on that owner's property including any damage from freezing.
- (2) If a water meter is lost or damaged the owner shall pay the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for the full replacement cost of the water meter, strainer, connection fittings, hardware, and flanges.
- (3) If a water meter is lost or damaged, the owner shall remove the damaged water meter, where applicable, and install the new water meter within seven (7) calendar days from the date the General Manager delivers the new water meter to the owner.

- (4) (a) As an alternative to the owner removing the damaged meter or installing the new meter or both, the General Manager may undertake any repair or removal of a damaged water meter or installation of a new water meter of a similar size and type or both, if no repair or removal of the private water system or piping is required.
 - (b) The General Manager may otherwise order the owner to install a new replacement water meter or remove the damaged water meter and install a new water meter, as may be required, at the expense of the owner.
 - (c) If the General Manager orders the owner to remove the damaged water meter or install a new water meter, or both, in accordance with § 851-5O(4)(b), the owner shall comply with that order to remove the damaged water meter, where applicable, and to install the new water meter within seven (7) calendar days from the date the General Manager delivers the new water meter to the owner.
- (5) If an owner fails to comply with an order of the General Manager under § 851-5O(3) and (4), the General Manager may undertake the work, at the owner's expense, in accordance with § 851-22D.

P. Temporary spacer piece.

No person shall install, or permit to be installed, a temporary spacer piece in or on a property in place of a water meter, except the City in the event of an emergency.

Q. Seasonal water service connection and meter.

- (1) (a) If an owner requires a permanent water service connection that will be used only for a portion of each year, which portion of the year is similar in respect of each year, the owner may submit an application on the prescribed City form to the General Manager for a seasonal water meter and seasonal water service connection.
 - (b) The owner shall pay all costs associated with the installation of that seasonal water meter and seasonal water connection as set out in § 851-4.
- (2) The initial installation of a seasonal water meter shall be done by the owner, at the owner's sole expense.
- (3) All removals of a seasonal water meter and subsequent installations, if any, shall be done by the General Manager and the owner shall pay the seasonal activation charge specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- (4) (a) Seasonal water meters shall be installed in a seasonal water meter chamber in accordance with the standards and specifications or as otherwise approved in writing by the General Manager.

- (b) Seasonal water meter chambers shall be located on the owner's property at a location within three metres of the streetline and as approved by the General Manager.
- (c) The owner shall be solely responsible for the installation and maintenance of the seasonal water meter chamber.

R. Private water meters.

- (1) No person shall connect or permit the connection of a private meter to any water supply pipes unless it is connected on the downstream side of the City water meter and any by-pass pipe.
- (2) Except for existing properties with a private meter that is read by the CFO and used to measure the quantity of water consumed at a property for billing purposes, as of the date of the coming into force of this chapter, the City will not supply, install, inspect or read a private meter nor will it use water consumption registered on a private meter for the purposes of calculating fees and charges payable to the City for water consumption.
- (3) When, in the opinion of the General Manager, a private meter used for billing purposes as set out in § 851-5R(2) requires repair or replacement, that private meter shall be replaced by a water meter that is supplied, owned, serviced, maintained and read by the City.

S. Condominium applications.

- (1) Every owner of a property who has a condominium development application approved by the City with respect to that property shall install or cause to be installed a separate water service connection, private water service pipe, water meter, a conduit for a remote readout unit wire and a wire for the remote readout unit in respect of each condominium unit that:
 - (a) is in contact with the ground and possesses a footprint on the surface of the ground; and
 - (b) has either the front, rear or flank of the unit adjacent to the waterworks; and
 - (c) has no other condominium unit directly above or below the condominium unit,

except in a condominium development where there are 4 or fewer condominium units which meet all of the criteria in paragraphs (a), (b) and (c) above.

- (2) For condominium developments where all of the condominium units in the development meet the conditions of § 851-5S(1), a common element watermain for domestic water service to any of the condominium units in the development shall not be constructed.
- (3) Where the condominium units in a condominium development are to be serviced by a shared common element watermain, every owner of a condominium unit serviced by that common element watermain shall be responsible for installing or cause to be installed a single water meter on that common element watermain.
- (4)
 - (a) Any water service connection, private water service pipe, water meter, conduit, remote readout unit and wire required under § 851-5S(1), (2) and (3) shall be installed by, or be caused to be installed by the owner, before any condominium unit is occupied or upon substantial completion of construction of any condominium unit, whichever is sooner.
 - (b) The water service connection, private water service pipe, water meter, conduit, remote readout unit and wire required under § 851-5S(1), (2) and (3) shall be installed in accordance with this chapter and the standards and specifications.
- (5) For the purpose of § 851-5S, a “condominium unit” shall exclude a condominium unit used for parking or storage purposes, but shall include a “parcel of tied land” as defined under section 24(1) of Ontario Regulation 49/01, made under the *Condominium Act, 1998*, as amended from time to time.
- (6) In the event that a water service connection, private water service pipe, water meter, a conduit, a remote readout unit, or a wire are not installed in accordance with § 851-5S(1), (2), (3), (4) and (5), then the owner under that provision shall pay for the water used by that condominium unit in accordance with the construction water rates under § 851-9 until the time that a water service connection, private water service pipe, water meter, conduit, remote readout unit and wire are all installed and functioning properly, all in accordance with the standards and specifications.
- (7) The provisions in § 851-5S shall not apply to any development for which either site plan approval under section 41 of the *Planning Act*, or a building permit, was issued prior to the date of the enactment of this chapter.

§ 851-6. Water meter inspection.

A. Inspection and sealing.

- (1) Every water meter installed on a property shall be inspected and sealed by the General Manager at or about the time of installation.

B. Access.

- (1) (a) Every owner and occupier shall, at reasonable times and on reasonable notice, permit the General Manager to have free, clear and unobstructed access to that person's property and to the location where a water meter is to be installed in or on that property or to permit the General Manager to test, read, repair, maintain, alter, disconnect, remove, replace or install a water meter or seal a water meter which has been installed.
 - (b) Without limiting the generality of § 851-6B(1)(a), the location of a water meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (2) Every owner and occupier shall, at reasonable times and on reasonable notice, provide the CFO with free, clear and unobstructed access to the property for the purpose of reading the water meter or for the purpose of determining the number of rooms and fixtures in the premises where the property is billed on a flat rate basis.
- (3)
 - (a) When requested by the General Manager or CFO, an owner or occupier, as the case may be, shall remove any insulating or other material from, on or around a water meter in order to provide the General Manager or CFO with full, unobstructed access to the water meter.
 - (b) Any replacement of the material referenced in § 851-6B(3)(a) shall be done by the owner at the owner's sole expense in accordance with the standards and specifications for water meters and all applicable law, including but not limited to the *Occupational Health and Safety Act* and its Regulations.
- (4) As part of an inspection, the General Manager or CFO shall at all times be permitted to take photographs, including digital images, of any water meter, private meter, by-pass pipe and valves, inlet and outlet valves, backflow prevention device, private water system, private water service pipe, private fire service main or water meter chamber.

C. Water meter interference prohibited.

- (1) No person, except a person authorized by the General Manager, shall open, or in any way alter or tamper with any water meter or seal or do anything which may interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter.

- (2) No owner or occupier shall permit any person, except a person authorized by the General Manager, to open, or in any way alter or tamper with any water meter on that owner's or occupier's property, or seal or do anything which may interfere with the proper registration of the quantity of water that passes through a water meter or ought to pass through a water meter on that owner's or occupier's property.
- (3) No person shall connect or permit to be connected any pipe or other thing to a private water service pipe upstream of a water meter or the by-pass pipe and valves.
- (4) If the General Manager determines that a seal on a by-pass valve or a water meter has been tampered with or is broken, the General Manager may chain and lock the by-pass valve in the closed position and may reseal the water meter and the owner.

§ 851-7. Maintenance.

A. Maintenance of water meter appurtenances and piping.

- (1) Every owner shall ensure that all valves are fitted with proper handles and shall provide, install and properly maintain all valves to, from and around the water meter as required by the standards and specifications.
- (2) To allow for proper flow of water or maintenance of equipment, the General Manager may require an owner to install, or cause to be installed, the proper valving arrangement in respect of the supply of water to the property in accordance with the standards and specifications at the owner's sole expense.
- (3) Every owner shall maintain all plumbing including all piping, by-pass arrangements, fittings and valves to and from and around a water meter in good working order and shall replace and repair them as necessary all in accordance with the standards and specifications. Owners shall not be responsible for maintaining the water meter or strainer.
- (4) Every owner shall, at reasonable times, permit the General Manager to inspect the private water service pipe, private water system, private fire service main, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the water meter.
- (5) If the General Manager determines that the condition of a private water service pipe, private fire service main, or private water system or valves on piping adjacent to the water meter prevents the water meter from being properly or safely tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the owner shall, at the owner's sole expense, repair or, if necessary, replace the private water service pipe, private fire service main, or private water system or valves, as the case may be, to enable the General Manager to test, calibrate, repair or remove the water meter.

- (6) Where the General Manager makes that determination under § 851-7A(5), the General Manager may issue an order to the owner to repair or replace, at the owner's expense, the private water service pipe or private fire service main or private water system or valves, as the case may be, within 21 days of the receipt of the General Manager's order.
- (7)
 - (a) If an owner does not carry out the work as required in an order under § 851-7A(6), the General Manager shall be entitled to carry out the work and shut off the water supply to the property during the removal, replacement, repair, testing and calibration of the water meter.
 - (b) The City shall not be responsible for any loss or damage to the owner's property or loss or damage otherwise suffered by the owner arising from work carried out by the City or the shut off of the water supply in accordance with § 851-7A(7)(a).
- (8) The General Manager may undertake the work, at the owner's expense, in accordance with § 851-22D.
- (9) If, after removing, replacing, repairing, testing or calibrating the water meter, the General Manager determines that the private water service pipe or private water system or any valves or fittings leaks or may develop a leak, then the General Manager shall be entitled to shut off the water supply to the property until the time that the owner makes repairs to stop or prevent leakage, at the owner's expense.
- (10) The General Manager shall replace an existing water meter where the General Manager determines it requires replacement due to normal wear and tear, at the expense of the City.

B. Maintenance of water meter chamber.

- (1) Every owner shall be responsible for maintaining, repairing and replacing any water meter chamber containing a water meter for the owner's property and for keeping it in a safe condition.
- (2)
 - (a) Every owner of property with a water meter chamber or seasonal water meter chamber or both shall remove or cause to be removed, and shall dispose of, all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the water meter or may be hazardous, toxic, combustible or explosive in nature, from the water meter chamber.
 - (b) The removal and disposal of the material referenced in § 851-7B(2)(a) is subject to all applicable law including Chapter 681, Sewers.

- (3) (a) At the request of the General Manager or CFO, and upon reasonable notice, every owner shall provide the General Manager or the CFO, as the case may be, with access to any water meter chamber or seasonal water meter chamber or both for the owner's property to permit the General Manager or the CFO to maintain, repair, replace or read the water meter.
- (b) The owner shall ensure that all solid and liquid material is removed from the chamber to enable the access required by § 851-7B(3)(a).
- (4) (a) The owner shall notify the General Manager or the CFO a minimum of 48 hours in advance of the scheduled date and time for access, under § 851-7B(3), of the removal of the material.
- (b) If the owner is unable to remove the material from the water meter chamber or seasonal water meter chamber or both so as to provide access within the time set out in the notice, the owner shall so notify the General Manager or the CFO no less than 48 hours before the time of the proposed inspection or other purpose for which the access is required, and shall, at the same time, further advise the General Manager or the CFO of a date and time, no more than 5 days later, when access will be provided.
- (5) No owner shall fail to provide the General Manager or the CFO with access to a water meter chamber or seasonal water meter chamber or both in accordance with § 851-7B(3) or the required notice in § 851-7B(4).

C. Water meter accuracy.

- (1) All water meters measuring consumption for billing purposes shall meet or exceed all current minimum AWWA standards for accuracy.
- (2) (a) An owner, upon written application to the General Manager or CFO on the prescribed City form, may have the water meter at the owner's property tested by the General Manager or CFO to determine if the water meter is over-registering the amount of water consumed at the property.
- (b) The owner shall pay to the City the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water for the testing provided for in § 851-7C(2)(a).
- (3) (a) If a water meter is found to over-register when tested by the General Manager at the combined weighted average flow rate in accordance with AWWA standards for accuracy, the CFO shall credit the owner's account with an amount equal to the difference between the amount that had been billed and the amount that would have been billed had the water meter been recording consumption accurately.

- (b) The credit adjustment provided for under § 851-7C(3)(a) shall cover a period of no more than 24 months and shall be subject to any limitations contained in Chapter 441, Fees and Charges, Chapter 681, Sewers, and Chapter 849, Water and Sewage Services, unless the owner can verify that the City was notified at an earlier date of concerns about over-registration in which case the owner shall be entitled to a credit adjustment from at least that date.
 - (c) The credit provided in § 851-7C(3)(a) shall include the testing fee set out in § 851-7C(2).
- (4) Despite § 851-7C(3), in the event that the water meter had been installed, replaced, or tested and calibrated within the 24 month period prior to the test under § 851-7C(2), then instead of the adjustment set out in section § 851-7C(3), the CFO shall credit the owner's account with an amount equal to half of the difference between the excess amount billed from the time of the installation, replacement or testing and calibration, whichever is later, to the time of the accuracy test requested by the owner, and shall be subject to any limitations contained in Chapter 441, Fees and Charges, Chapter 681, Sewers, and Chapter 849, Water and Sewage Services.
- (5) Despite § 851-7C(3) and (4), in the event the accuracy test indicates over-registration by the water meter in an amount less than or equal to 1.5 % then no credit shall be applied to the owner's account.
- (6) In the event that the flow monitoring device is lost or damaged, the owner shall be responsible for the cost of replacement or repair of that device.
- (7)
 - (a) Positive displacement type water meters up to and including 50mm in size may be removed by the General Manager and tested at an off-site location specified by the General Manager.
 - (b) Compound, turbine, electromagnetic and fire service water meters 50 mm in size or greater shall, in the General Manager's sole discretion, be tested either on site or at an off-site location specified by the General Manager.
- (8) Under § 851-7C(2), the weighted average used to determine the accuracy of a water meter in a dwelling unit shall be in accordance with the current AWWA standards for accuracy, and the weighted average used to determine the accuracy of a water meter in a non dwelling unit or non-residential building or property may be as determined by a flow monitor placed on the private water service pipe or private water system, in accordance with the current AWWA standards for accuracy.
- (9) If an owner requests a flow monitor, in the case where the owner is disputing the accuracy of the water meter, the owner shall provide sufficient room for the installation of the flow monitoring device on the private water service pipe adjacent to the water meter prior to the installation of the flow monitor.

D. Relocation of water meter.

- (1) No person shall change or permit to be changed the location of a water meter at a property once the water meter is installed to the satisfaction of the General Manager or CBO, without the prior written consent of the General Manager, and as required by the *Building Code Act*.
- (2) An owner may submit an application on the prescribed City form to the General Manager or the CBO, to change the location of a water meter on that owner's property.
- (3) The General Manager or the CBO shall not approve an application for a water meter re-location if:
 - (a) The application is incomplete; or
 - (b) The prescribed fee is not paid; or
 - (c) The proposed relocation is not in accordance with the standards and specifications with respect to the location of the water meter or otherwise.
- (4) Any relocation of the water meter shall include the installation of a new wire for any existing or required remote readout unit by the owner, in accordance with the standards and specifications, all at the expense of the owner.
- (5) The General Manager may require the relocation of an installed water meter, at the sole cost of the owner, if its location is not in compliance with the standards and specifications or any applicable law.
- (6) An owner of a property shall bury a private water service pipe in concrete on the upstream side of the water meter to a point within one metre of the relocated water meter if the relocation of the water meter would result in the water meter being placed at a distance greater than one metre from the point where the private water service pipe enters a building or structure on the property.
- (7) An owner of a property shall install the relocated private water service pipe in a trench in the floor of any building serviced by the private water service pipe and shall provide a minimum of 100mm of concrete cover for that pipe.
- (8) Every owner of a property shall permit the General Manager or CBO to inspect a private water service pipe and private water system installation prior to any backfilling with concrete taking place.
- (9) In the event that an owner has placed concrete backfill over the private water service pipe or private water system prior to the inspection by the General Manager or the CBO under § 851-7D(8) and all applicable law including but not limited to the *Building Code Act*, the owner shall remove any concrete which has been placed, at the owner's expense, to permit the inspection.

- (10) All relocation work and material shall conform to the standards and specifications and comply with the requirements of the *Building Code Act*.
- (11) (a) If an owner fails to relocate a water meter, private water service pipe or private water system in accordance with the standards and specifications and all applicable law including but not limited to the *Building Code Act*, the General Manager may order the owner:
 - [1] To supply and install a new or replacement water meter by-pass pipe or valves;
 - [2] To remove any defective pipe or valves and install new pipe or valves; and
 - [3] To repair and maintain the water meter by-pass pipe or valves,in accordance with the standards and specifications, at the owner's expense.
- (b) An owner shall comply with an order made under § 851-7D(11) within seven (7) calendar days from receipt of the order from the General Manager.
- (c) If the owner fails or refuses to comply with an order made under § 851-7D(11) within the time required, the General Manager may undertake the work, at the owner's expense, in accordance with § 851-22D, and the owner may be subject to a fine.

E. Water meter leaks.

- (1) An owner of a property shall immediately, and no later than within 72 hours, notify the General Manager if any leaks develop at the water meter or its couplings.
- (2) The City shall not be responsible for any damage to the property as a result of any leaks at the water meter or its couplings.

F. Building demolition.

- (1) No person shall demolish a building, or permit a building to be demolished until the final water meter reading is obtained and the water meter and remote readout unit are recovered by the General Manager.
- (2) An owner who has received a permit to demolish a property shall notify the General Manager in writing at least seven days in advance of the date on which the water supply to the property is no longer required and shall make an appointment with, and provide access to, the General Manager to enable the General Manager to take a final water meter reading and to remove the water

meter and the remote readout unit from the property and turn off the water supply at the shut-off valve.

- (3) The owner or the owner's representative shall be present at the property when the final water meter reading is taken, the water meter is removed and the water supply is turned off.
- (4) The owner shall pay the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water for the turn off of the water supply to the property and shall pay all costs of the City related to the disconnection of the water service connection from the waterworks in accordance with § 851-4.
- (5) In the event an owner fails to provide access to a property prior to the demolition of a building or structure on the property, in accordance with § 851-7F(1), the owner shall pay to the City an amount equal to the cost of a new water meter and remote readout unit of the same type and size as was unable to be recovered by the General Manager from the property in accordance with the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- (6) In addition to the amounts payable under § 851-7 F(5), the owner shall also pay the amount of water consumption, from the last water meter reading date to the date of disconnection of the water service connection from the waterworks, estimated by the CFO in accordance with § 849-31E of Chapter 849, Water and Sewage Services.
- (7)
 - (a) Despite § 851-7F(1) and (5), if the General Manager determines that it is not necessary to recover a water meter from a property to be demolished, the General Manager shall so notify the owner in writing after receipt of the notice from the owner that the owner has received a permit to demolish a building or structure.
 - (b) Upon receipt of the notice from the General Manager under § 851-7F(7)(a), the owner may proceed with the demolition of the building.

§ 851-8. Private water system.

A. Installation.

- (1) Private water systems shall be designed, constructed, installed, altered and repaired by the owner, at the owner's expense, in accordance with all applicable law including but not limited to the *Building Code Act*, this chapter, and the standards and specifications.
- (2) No person shall commence any work under § 851-8 unless a building permit has been issued for the work by the CBO.

- (3) No owner or occupant shall commence or permit the commencement of any work under § 851-8 on that owner or occupier's property unless a building permit has been issued for the work by the CBO.
- (4) No owner or occupant shall perform or permit the performance of any installation, renovation or alteration of private water service pipes, private fire service mains, private fire hydrants, private water systems and appurtenances, backflow prevention devices and all related items on that owner or occupier's property until they have been issued a permit for the work by the CBO.

B. Disinfection.

- (1) No person shall connect or permit to be connected any private water service pipes, private water systems or private fire service mains, of a size equal to or greater than 100 mm in diameter to a water service connection or the waterworks until the private water service pipes, private water systems or private fire service mains have been disinfected in accordance with this section and a backflow prevention device has been installed by the owner to the satisfaction of the General Manager, in accordance with the standards and specifications.
- (2) Every person requesting the connection of private water service pipes, private water systems or private fire service mains of a size equal to or greater than 100mm in diameter to the waterworks shall, in addition to complying with all other requirements of this chapter and other applicable laws:
 - (a) Submit an application, on the prescribed City form, to the General Manager;
 - (b) Disinfect the private water service pipes, private water systems or private fire service mains under the supervision of a professional engineer, authorized by the Professional Engineers Ontario to perform that work, all at the expense of the owner and in accordance with the standards and specifications;
 - (c) Ensure that water sampling, transportation of the water sample to the laboratory and analytical testing of the water sample is conducted by an accredited laboratory which is licensed by the Ontario Ministry of the Environment for the provision of drinking-water testing services and also ensure that a complete water sample chain of custody is properly established from the taking and transportation of the water sample through to the report of the test results; and
 - (d) Prepare a report setting out the results of the testing and submit the test results to the General Manager as set out in § 851-8B(3).
- (3) (a) The General Manager will turn on the water supply to properties requiring testing under § 851-8B only if an original copy of the water sampling laboratory test results showing satisfactory disinfection and written

verification of satisfactory disinfection by the owner's professional engineer, who is authorized by the Professional Engineers Ontario to perform that work, is received by the General Manager within 48 hours of the tests being completed.

- (b) The documentation required under § 851-8B(2)(d) and § 851-8B(3)(a) shall be stamped, signed and sealed by the professional engineer.
- (4) All disinfection, laboratory testing and report preparation and verification shall be done at the expense of the owner.

C. Contamination prevention.

No person shall directly or indirectly connect, permit or cause to be connected, allow to remain connected to the waterworks or construct, install or maintain any piping, fixture, fitting, container, appliance, equipment or any other connection which may or could enable non-potable water, wastewater, or any other liquid, chemical or substance to enter the waterworks that may affect the quality of the water supply.

D. Cross connection and backflow prevention.

- (1) If the General Manager determines that a contravention of § 851-8C may exist at a property, the General Manager may immediately carry out an inspection and may issue an order or orders to the owner or occupier of the property or any other person as may be required to remedy the contravention.
- (2) Where, in the opinion of the General Manager, there is a risk of contamination at a property, the owner of the property, upon an order from the General Manager, shall install a backflow prevention device or devices approved by the General Manager for the purpose of achieving premise isolation, regardless of any other protective devices that may be installed on the private water system.
- (3) All backflow prevention devices required for premise isolation shall be selected, installed, replaced, maintained and tested by the owner in accordance with this chapter, the *Building Code Act* and CSA - B64 Series Standards.
- (4) Unless otherwise required by § 851-8C or § 851-8D, every owner of new or existing industrial, commercial, institutional properties and any other buildings, structures and properties that contains a hazard resulting in a risk of contamination of the waterworks as identified in Schedule 5 of this chapter, shall install premise isolation devices in accordance with the standards and specifications, and by the installation date identified in Schedule 5 or upon an order under § 851-8D.
- (5) Owners shall, design, construct, install and maintain a premise isolation system for each water service connection so that the system is in compliance with all applicable law, including this chapter and the *Building Code Act*, and CSA - B64 Series Standards.

- (6)
 - (a) Any owner, occupier or other person required to install a premise isolation backflow prevention device shall obtain a building permit for each premise isolation backflow prevention device to be installed.
 - (b) Every owner required to install a premise isolation backflow prevention device shall determine the proper device in accordance with CSA - B64 Series Standards and this chapter.
 - (c) Despite § 851-8D(6)(b), where an owner is required to install a premise isolation backflow prevention device under this chapter, the General Manager may direct the owner to install a specific type of premise isolation backflow prevention device where the General Manager determines that such specified device is necessary to prevent contamination of the waterworks.
 - (d) Every owner required to install a premise isolation backflow prevention device shall install the device in a location satisfactory to the General Manager and ensure that all piping between the water meter and the backflow prevention device is clearly labeled “no connection permitted”.
 - (7)
 - (a) Each premise isolation backflow prevention device shall be inspected and tested at the installation location, at the expense of the owner, by a person authorized to do so in accordance with § 851-8F.
 - (b) The owner shall ensure that the person inspecting and testing the premise isolation backflow prevention device is in compliance with § 851-8F.
 - (c) Owners shall cause the inspections and testing of a premise isolation backflow prevention device to be performed:
 - [1] Upon the installation of the backflow prevention device;
 - [2] Immediately, and no later than 72 hours after the backflow prevention device is cleaned, repaired, replaced, serviced or overhauled;
 - [3] When the backflow prevention device is relocated;
 - [4] Annually;
 - [5] As required by this chapter and standards and specifications, including CSA - B64 Series Standards and AWWA standards for test procedures; and
 - [6] As may be required by the General Manager.

- (8) Every owner shall submit a complete report, on the prescribed City form, to the General Manager in respect of any tests performed on a premise isolation backflow prevention device within seven days of the performance of the test.
- (9) The owner shall cause to be displayed a legibly marked record card on the premise isolation backflow prevention device that indicates the address of the property, the location, type and date of installation of the device, manufacturer, serial number and size of the device, the test date, the tester's initials, the tester's printed name, the printed name of the tester's employer and the tester's certificate number.
- (10) If an owner fails to have a premise isolation backflow prevention device inspected, tested and approved as required under all applicable law, including this chapter, the General Manager may order the owner to test the device within seven calendar days of the order being sent.
- (11) If a test of a premise isolation backflow prevention device reveals that the device is not in proper working condition, or is not in conformance with the standards and specifications, the owner shall repair or replace the device within 48 hours of the performance of the test.
- (12)
 - (a) The General Manager may require the owner of an existing industrial, commercial, institutional building, structure or property or any other property, that has the potential to contaminate the waterworks, to submit a backflow prevention device survey on the City prescribed form to the General Manager, at the owner's expense.
 - (b) If a backflow prevention device survey is required, the owner shall submit it to the General Manager by the date specified in the General Manager's notification to the owner of its requirement.
 - (c) Where the General Manager has not specified a date by which the backflow prevention device survey must be submitted in the notification to the owner of the requirement for a survey, the survey shall be submitted to the General Manager within 30 days of the date of the General Manager's notification.
- (13) Owners required to submit a backflow prevention device survey to the General Manager shall update those surveys and submit those updated surveys to the General Manager at a frequency of not less than once every five years from the date of the previous backflow prevention device survey, unless otherwise required by the General Manager for that premise based on the level of hazard determined by the survey, or within thirty (30) days of any increase in the level of hazard as defined under CSA – B64 Series Standards.

- (14) (a) All backflow prevention device surveys shall include:
- [1] Number of service connections with the waterworks;
 - [2] Level of hazard for each service connection;
 - [3] Number, type and condition of any existing premise isolation backflow prevention devices;
 - [4] Recommended and planned corrective measures, if any;
 - [5] Schedule of work required for any corrective measures; and
 - [6] Recommendations for appropriate premise isolation backflow prevention device or devices, if any, all in accordance with CSA - B64 Series Standards.
- (b) The survey shall be prepared and signed by a person authorized under § 851-8G to perform that work.
- (15) The preparation and submission of the backflow prevention device surveys, and all related reports, documentation and work shall be carried out at the expense of the owner.
- (16) (a) Any person testing premise isolation backflow prevention devices shall ensure that the testing equipment is, at all times, maintained so that it performs within the manufacturer's tolerances and specifications.
- (b) The equipment shall be tested, calibrated and certified by the manufacturer, or the manufacturer's representative authorized to do so, to meet the requirements of CSA - B64 Series Standards and shall be maintained in accordance with those standards.
- (c) The testing and calibration required under § 851-8D(16)(b) shall be done on an on-going basis but in no event shall it be carried out less often than once every twelve months.
- (17) No person shall remove or cause or permit to be removed a premise isolation backflow prevention device after it has been installed unless that removal is:
- (a) Necessary to facilitate the repair of the device and that device is immediately replaced by a temporary device, until the time that the original device is satisfactorily repaired or replaced and tested; or
 - (b) For the purpose of immediately replacing the device with another device that meets or exceeds the requirements of this section; or

- (c) Warranted due to alterations to the private water system which completely remove the risk of contamination for which the backflow prevention device was required, in which case:
 - [1] The owner shall submit to the General Manager a survey prepared and signed by a person authorized under § 851-8G attesting to the fact that the device or devices are no longer required; and
 - [2] The device shall not be removed until the General Manager approves of the removal, which approval shall be made if the altered system no longer requires the device or devices in accordance with the standard and specifications and the CSA - B64 Series Standards; and
 - [3] The cost of obtaining the necessary documentation under this subsection shall be the responsibility of the owner; or
 - (d) Otherwise authorized by the General Manager.
- (18) All temporary backflow prevention devices shall meet or exceed the requirements of the standards and specifications, CSA - B64 Series Standards and this chapter.

E. Access to Devices.

- (1)
 - (a) Every premise isolation backflow prevention device shall be installed in a location that is readily accessible for operational, renewal, servicing, maintenance and inspection purposes.
 - (b) The location of the premise isolation backflow prevention device shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- (2) The General Manager or the CBO may, at reasonable times, or in the case of an emergency, at any time, enter a property for the purpose of inspecting or testing a private water service pipe, private water system, a private fire service main, a premise isolation backflow prevention device.
- (3)
 - (a) Owners shall remove any insulating or other material on or adjacent to the private water service pipe, private water system, private fire service main, premise isolation backflow prevention device so that full access to that pipe, system or devices are available for the testing and inspection purposes.
 - (b) All of the removal and any subsequent replacement carried out under § 851-8E(3)(a) shall be performed by the owner at that owner's expense in accordance with all applicable law including but not limited to *Occupational Health and Safety Act* and its Regulations.

- (4) No person shall obstruct or permit or cause the obstruction of the access to a private water service pipe, private water system, or premise isolation backflow prevention device, either permanently or temporarily.

F. Requirements for backflow prevention device testers.

No owner of a property shall permit a person to test, install, replace, maintain, repair, relocate, clean or overhaul a premise isolation backflow prevention device unless that person meets the following requirements:

- (1) The person holds a valid and current Certificate of Achievement in Cross Connection Control endorsed by the Ontario Water Works Association; and
- (2) The person possesses a current calibration certificate as required by § 851-8D(16) for the test equipment to be employed; and
- (3) The person is authorized to perform the specified task as indicated in the Authorized Functions List Table set out in Schedule 6 of this chapter, as amended from time to time.

G. Persons Authorized to Perform Backflow Prevention Device Surveys.

The following persons are authorized to perform surveys under § 851-8:

- (1) The persons authorized to perform the specified task as indicated in the Authorized Functions List Table set out in Schedule 6 of this chapter, as amended from time to time.

§ 851-9. Construction water.

A. Application.

- (1) Where an owner makes an application for a water service connection for the supply of water to the owner's property for construction purposes, the owner shall submit an application, on the prescribed City form, to the General Manager for either a construction water permit or a metered construction water service connection as provided in § 851-9.
- (2) The application requirements of § 851-4B shall apply to an application under § 851-9.

B. Construction water permit.

- (1) A person who applies for a construction water permit shall, at the time of making the application, pay to the City all applicable amounts as specified in § 851-9B(4), Water and this section for that permit and water service connection and for the supply of water.

- (2) Under § 851-4D(2), the person shall pay all costs for the installation of any temporary or permanent water service connection of any size and under § 851-4I(2) all costs for the disconnection of any temporary water service connection.
- (3)
 - (a) The commencement date for the construction water permit shall be the date water is first supplied to the property.
 - (b) An applicant shall pay for a three month supply of water, calculated in accordance with § 851-9B(4) at the time the application is submitted.
- (4) The monthly construction water charge shall be calculated by multiplying the size in square metres of the floor area, including common areas, of the buildings and structures to be constructed by the construction water rate in accordance with the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- (5)
 - (a) If an applicant installs a properly functioning water meter, supplied by the City, prior to the end of the three month period, the owner may apply for a prorated refund of the fee payable in accordance with § 851-9B(3) for the unused portion of the three month period calculated from the date of installation of the water meter to the date of the end of the three month period.
 - (b) The General Manager shall approve the refund application where the General Manager is satisfied that the water meter is functioning properly and all water supplied by the City to the property is registered on the water meter and § 851-9B(6) shall apply thereafter for all water consumption registered on the water meter.
- (6) Once the water meter is installed and properly functioning the owner shall be charged the then current water rates for all water consumption registered on the water meter in place of the construction water rate specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.

C. Extension of permit.

- (1)
 - (a) The holder of a construction water permit who has not installed a properly working water meter, within the initial three month period set out in § 851-9B, may apply for an extension of the permit beyond that initial three month period.
 - (b) The extension period set out in § 851-9C(1)(a) shall be for no less than three additional months.
 - (c) A payment for the supply of water for the full term of the extension applied for, calculated in accordance with § 851-9B(4) and the amounts specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3,

Water, shall be made by the permit holder at the time the application for the extension is submitted.

- (2) (a) If the permit holder installs a properly functioning water meter, supplied by the City, prior to the end of the extension period, the owner may apply for a prorated refund of the fee payable in accordance with § 851-9B(3) for the unused portion of the extension period calculated from the date of installation of the water meter to the date of the end of the extension period.
- (b) The General Manager shall approve the refund application where the General Manager is satisfied that the water meter is functioning properly and all water supplied by the City to the property is registered on the water meter.
- (c) Section § 851-9B(6) shall apply thereafter for all water consumption registered on the water meter.
- (3) A permit holder shall be entitled to apply for additional extension periods but must comply with the requirements of § 851-9C(1) with respect to each application for an extension.
- (4) The General Manager shall be entitled, after giving notice, to shut off the supply of water to a property where a person issued a construction water permit under § 851-9A has not installed a properly functioning meter and has not applied for and received an extension of the permit for the property at the end of the initial three month term or any approved extension term.

D. Metered construction water service connection.

- (1) (a) If a person applies for a metered construction water service connection, either temporary or permanent, water shall be metered from the date water is first supplied to the property.
- (b) Water consumption registered on the water meter shall be billed in accordance with current City water rates.
- (c) No monthly construction water rate shall apply provided the water meter remains installed, undamaged, sealed and functioning properly.
- (2) The applicant for a metered construction water service connection shall pay all costs for the installation of the temporary or permanent water service connection and all costs for the disconnection of any temporary water service connection in accordance with § 851-4.
- (3) The water meter shall be protected from damage and installed in a secure location which is not subject to freezing conditions.

- E. (1) For properties, developments or projects where more than one water meter will ultimately be installed, a temporary water meter or water meters may be installed by the owner on the new watermain, new water service connection or new private service water pipe supplying that property, development or project and the owner shall pay for water consumed at the property in accordance with current water rates.
- (2) The temporary water meter or meters shall be installed in a water meter chamber in accordance with the standards and specifications.
- (3) The temporary water meters shall be supplied by the City and installed and removed by the owner at the owner's sole expense.
- F. The owner shall pay to the City all costs for the installation and disconnection of any temporary or permanent water service connection for construction purposes in accordance with § 851-4.
- G. (1) (a) An approved, testable backflow prevention device shall be installed in accordance with the CSA – B64 Series Standards on each temporary or permanent water service connections to private water service pipes, and tested as required under § 851-8D(7).
- (b) The owner shall pay all costs associated with the supply, installation, replacement or repair, and testing of the backflow prevention device or devices.
- (2) If the backflow prevention device, required under § 851-9G(1), becomes either missing or damaged, the General Manager shall be entitled to immediately shut-off the water supply to the property until the time that the backflow prevention device is either replaced or repaired.
- H. (1) If any loss or damage occurs to the water meter or backflow prevention device, the owner shall immediately notify the General Manager.
- (2) (a) If a water meter installed at a property under this section, is damaged, removed or missing, the owner shall pay construction water charges calculated under § 851-9B(4) from the time the water meter was last read by the General Manager or the CFO until the time that the water meter is either repaired or replaced, in addition to an amount for a further three month supply of water calculated in accordance with § 851-9B(3) and the provisions of § 851-9B(5) shall apply.
- (b) Payment for all construction water shall be due immediately.
- (3) The General Manager, after having given notice, shall be entitled to shut off the supply of water to the property if the fees and charges for the construction water are not paid in full when due.

- (4) The owner shall pay all costs associated with the replacement or repair of the water meter, or backflow prevention device.
 - (5) The General Manager shall not be obligated to turn the water on until the time that the construction water charges have been paid in full.
- I. The owner shall ensure that the installation of the temporary or permanent private water service pipe complies with the requirements of the *Building Code Act* and the standards and specifications.
- J.
- (1) If a fire hydrant is used for the supply of construction water, a temporary water meter, valve and backflow prevention device shall be installed on the hydrant.
 - (2) The owner shall pay for all water supplied from the fire hydrant.
 - (3)
 - (a) Water consumption registered on the temporary water meter shall be billed in accordance with current water rates.
 - (b) No monthly rate for construction water shall apply provided the water meter remains installed, undamaged and functioning properly.
 - (4)
 - (a) The General Manager may supply, install and seal the temporary water meter, valve and backflow prevention device at the owner's cost.
 - (b)
 - [1] As an alternative to the General Manager supplying and installing the backflow prevention device, the General Manager may require the applicant to supply and install a backflow prevention device approved by the General Manager.
 - [2] Prior to installation, the applicant shall demonstrate to the satisfaction of the General Manager, that the backflow prevention device is in accordance with the standards and specifications and is functioning properly.
 - (5) The owner shall protect the temporary water meter, backflow prevention device and fire hydrant from freezing or any other damage.
 - (6) If any loss or damage occurs to the temporary water meter, backflow prevention device, valve or fire hydrant the owner shall immediately notify the General Manager and the owner shall pay all costs associated with the replacement or repair of the temporary water meter, backflow prevention device or fire hydrant.

§ 851-10. Shut off and turn on by request.**A. Water shut off.**

- (1) (a) An owner of a property shall notify the General Manager no less than 48 hours in advance of the date on which the owner requires the General Manager to temporarily or permanently shut off the water supply to a property.
 - (b) The owner's notification shall be in writing if the owner requires the water supply to the property to be shut off permanently.
- (2) (a) In the event that the property is occupied by tenants, the owner shall also provide the tenants and the City's Medical Officer of Health with notice of the water shut off at the same time as the owner notifies the General Manager under § 851-10A(1).
- (b) The owner shall also comply with Chapter 835, Vital Services, Discontinuance of.
- (3) (a) The owner shall make an appointment with the General Manager so that the General Manager may attend at the property and shut off the water supply at the shut-off valve.
- (b) The owner or the owner's representative shall attend at the property at the time of the appointment to ensure the General Manager has access to the property, the water meter and the shut off valve.
- (4) In the case of an emergency, the advance notice requirements in § 851-10A(1) and (2) do not apply but the owner shall provide the notice as soon as possible in the circumstances.

B. Water turn on.

- (1) An owner of a property shall notify the General Manager at least 48 hours in advance of the date on which a supply of water to a property is to be turned on.
- (2) (a) The owner shall make an appointment with the General Manager so that the General Manager may attend at the property and turn on the water supply.
- (b) The owner or the owner's representative shall attend at the property at the time of the appointment to ensure the General Manager has access to the property, water meter and the shut off valve.

C. Except in the case of an emergency or maintenance being performed on the waterworks by the General Manager, the owner shall be present at the property when the water is either shut off or turned on by the General Manager.

- D. The owner shall pay to the City for any shut off or turn on of the water supply to a property the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water.
- E. No person shall turn on or shut off the supply of water to a property at the shut-off valve without the prior authorization of the General Manager.

§ 851-11. Water shut off initiated by the City.

- A
 - (1) Except in cases of emergency, no person shall turn on or shut off or permit the turn on or shut off of the water supply to a property at the shut-off valve without the authorization of the General Manager.
 - (2) If the water supply to a property has been shut off by the General Manager or CFO, no person shall turn on or use the water supply or permit the water supply to be turned on or used without the prior written approval of the General Manager or CFO.
- B. The General Manager may shut off the supply of water to a property if:
 - (1) The charges, fees or rates imposed by this chapter or any other chapter or City by-law providing for charges, fees or rates in relation to the treatment and supply of water or collection and treatment of wastewater are overdue; or
 - (2) A fine imposed under this chapter remains unpaid after the time required for payment of the fine has expired; or
 - (3) The owner has failed to comply with an order of the General Manager made under this chapter within the time required for same.
 - (4) A leak or other fault is found on the private water service pipe or water service connection and is creating or is likely to create an emergency situation, including but not limited to, injury to persons or damage to adjacent properties including those of the City, and may keep the supply of water to a property shut off until the time that the leak or fault is completely repaired.
 - (5) The General Manager determines that an immediate threat of contamination to any part of the waterworks exists that may endanger public health or safety, for the purposes of preventing, limiting or containing any such threat of contamination.
 - (6) An emergency or potential emergency exists and an owner or occupier has not provided to the General Manager immediate free, clear and unobstructed-access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device in accordance with this chapter, until the time that free, clear and unobstructed access to the property, premises, private water service pipe, private water system, water meter and any backflow prevention device is provided to the General Manager.

- C. In the event that water has been shut off for any reason provided in this chapter or applicable laws, the City shall not be required to restore the supply of water to a property until all outstanding fines, charges, fees and rates in arrears in relation to the treatment and supply of water and collection and treatment of wastewater have been paid in full, or arrangements satisfactory to the CFO are made to pay all outstanding fines, charges, fee and rates in arrears, and all orders of the General Manager have been complied with.
- D. With respect to any shut off or subsequent turn on of the water supply to a property under § 851-11B, the owner shall pay to the City the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for water shut off or subsequent turn on.
- E. The General Manager shall, prior to the shut off of a water supply, provide reasonable notice of the shut-off to the owners and occupiers of the land or property by personal service or prepaid mail or by posting the notice on the land or property in a conspicuous place.
- F. Despite § 851-11E, in the event of an emergency or potential emergency including circumstances set out in § 851-11B(4), (5) and (6), the General Manager shall provide only such notice as may be practical and possible in the circumstances.
- G. The City shall not be liable for damages or loss caused by the stoppage, interruption or reduction of the amount of water supplied to the land or property of any person as a result of an emergency or a breakdown, repair or extension of the waterworks if, in the circumstances, reasonable notice of the General Manager's intention to stop, interrupt or reduce the supply of water is given.
- H. Chapter 835, Vital Services, Discontinuance of, shall not apply to the shut-off of water by the City except to the shut-off of water to a rental unit, as defined by Chapter 835, for non-payment of a water account.

§ 851-12. Fire hydrants.

- A. Fire hydrant flow test.
 - (1) (a) A person may submit an application on the prescribed City form to the General Manager for a permit to conduct a fire hydrant flow test to determine the characteristics of the local waterworks system, and pay the permit fee required under § 851-13A.
 - (b) A fire hydrant flow test shall be conducted by the applicant with the assistance of City personnel and on such other terms and conditions, including indemnification of the City, as may be required by the General Manager, from time to time, and identified on the permit.
- (2) (a) A person requesting a fire hydrant flow test shall pay in advance of the test the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, in respect of the permission and assistance of the City with respect to the performance for the test and shall supply the

General Manager with a copy of the a fire hydrant flow test results promptly upon the completion of the test.

- (b) The fire hydrant flow test results to be provided to the General Manager under § 851-12A(2)(a) shall include the date, time, location and duration of the fire hydrant flow test.
- (c) The applicant shall make an appointment with the General Manager and attend at the property at the time of the appointment for the General Manager to undertake the test.

B. Fire hydrant relocation.

- (1)
 - (a) A person may submit an application on the prescribed City form to the General Manager for the relocation of a fire hydrant.
 - (b) If the General Manager approves the relocation in accordance with the standards and specifications, the applicant shall pay all costs incurred by the City, in relation to the relocation of the fire hydrant, and shall pay the amount of the deposit specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, prior to the relocation of the fire hydrant by the City.
 - (c) 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)
 - (a) Upon completion of the fire hydrant relocation, including surface restoration, the General Manager shall determine the actual cost of the fire hydrant relocation and restoration and the applicant shall pay those actual costs.
 - (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 deposit, the General Manager shall refund to the applicant the difference between the actual cost and the deposit.

- C.
- (1) Every owner shall ensure that all fire hydrants located on their property or on City property adjacent to their property are clearly visible and unobstructed at all times in accordance with the *Ontario Fire Code Regulation 388/97*.
 - (2) No person shall cause or place, and no owner or occupier shall permit, any obstruction or encroachment, including snow, in front of or within 1.2 m of any side of a fire hydrant.

- (3) If an owner fails to provide the proper clearances on or around the fire hydrant within 24 hours of being notified to do so by the General Manager, the General Manager may remove any and all obstructions or encroachments and the owner shall pay to the City all costs associated with the removal of those obstructions or encroachments.

§ 851–13. Fire hydrant permits.

- A.
 - (1) A person may submit an application on the prescribed City form to the General Manager for a temporary supply of water from a fire hydrant.
 - (2) The applicant shall pay in advance the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for a fire hydrant permit.
- B.
 - (1) Once an application has been approved for a temporary supply of water from a fire hydrant, the General Manager may provide and install a backflow prevention device, valve and a temporary water meter on the fire hydrant if the total usage of water by the applicant, as estimated by the General Manager, will exceed fifty cubic metres.
 - (2)
 - (a) As an alternative to the General Manager supplying and installing the backflow prevention device or valve or both, the General Manager may require the applicant to supply and install a backflow prevention device or valve or both, approved by the General Manager and in accordance with CSA – B64 Series Standards for that purpose.
 - (b) Prior to installation of the backflow prevention device by the applicant, the applicant shall demonstrate to the satisfaction of the General Manager, including providing original documentation, that the backflow prevention device is in accordance with the standards and specifications and is functioning properly.
 - (3) The applicant shall be responsible for the safe return and proper working condition of any backflow prevention device, temporary water meter or valve supplied by the City.
 - (4) Once the water meter is installed and properly functioning, the applicant shall be charged the current water rates for all water consumption registered on the water meter.
- C.
 - (1) If the General Manager determines that the total usage of water from a fire hydrant will be equal to or less than fifty cubic metres, a temporary water meter is not required.
 - (2) The provisions of § 851-13B with respect to a backflow protection device shall still apply.

- D. In the event the applicant uses more than fifty cubic metres of water, the applicant shall immediately notify the General Manager and the requirements set out in § 851-13B shall apply with respect to a temporary water meter and the fees and charges for the supply of water.
- E. The applicant may be required to pay the cost of any necessary repair or replacement of the temporary water meter, valve or backflow prevention device.
- F. No person shall use or permit the use of any fire hydrant for the supply of water without a fire hydrant permit issued by the General Manager in accordance with § 851-13.
- G. (1) Every person supplied with water from a fire hydrant shall pay for the cost of the water supplied.
- (2) If the fire hydrant is metered, the person shall pay the current City water rates as set out in Chapter 849, Water and Sewage Services.
- (a) If the applicant has a water account, cost of metered water shall be applied to that person's account in accordance with rates set out in Chapter 849.
- (b) If the applicant does not have a water account, the applicant shall pay a deposit specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, which shall be applied against the actual cost of consumed water.
- [1] In the event that the actual cost of water used is greater than the deposit, the applicant shall immediately pay to the City the difference between the actual cost and the deposit.
- [2] In the event that the actual cost of the water used is less than the amount deposit, the General Manager shall refund the difference between the actual cost and the deposit to the owner.
- (3) If the hydrant is not metered, the person shall pay the amount specified in Chapter 441, Fees and Charges, Appendix A, Schedule 3, Water, for the use of the water.

§ 851-14. Water conservation and water use restriction orders.

- A. Subject to § 851-14B, no person shall:
- (1) (a) Use, or cause or permit the use of, water for the purpose of watering, spraying, washing, cleaning or wetting any surface; or
- (b) Spray, or cause or permit the spraying of, water on lawns, vegetation or other landscaping,

where the use of that water results in the excessive collecting, pooling, or flowing of water into any gutter, street, sidewalk, swale, water course or storm drain; or

- (2) Operate, or permit to be operated, on the person's property, any garden fountain or similar device that does not utilize a water re-circulating system.

B. Water used for:

- (1) firefighting purposes and for the training of firefighters, or
- (2) otherwise used for purposes relating to the health or safety of persons or animals, or
- (3) for the washing of motor vehicles, provided that the person washing the motor vehicle uses a hose equipped with a self closing nozzle,

shall be exempt from § 851-14A.

- C. (a) In the case where the General Manager determines that there is insufficient water in the waterworks, or any part thereof, for the purpose of maintaining an appropriate volume of water or water pressure for the continued, proper and safe operation of the waterworks, or any part thereof, or insufficient water pressure for fire fighting purposes, or in the event of an upset in, or restriction to, or maintenance of, the waterworks or any part thereof, the General Manager may issue a water use restriction order.

- (b) [1] Once the situation that gave rise to the issuance of the water use restriction order has been resolved or is no longer in effect, the General Manager shall withdraw the water use restriction order.

- [2] A water use restriction order may be imposed on all persons or properties in the City or such person(s) or property(ies), or any combination of the foregoing, as the General Manager considers appropriate to address the insufficiency of water.

- D. The General Manager shall give reasonable notice, in the circumstances, to the public of the issuance of a water use restriction order, the date on which it is to take effect and the conditions of the water use restriction order.

E. A water use restriction order may contain any or all of the following conditions:

- (1) Prohibitions or limitations on watering of lawns, sports fields, grassy areas and golf courses, trees, shrubs, gardens, flowers or other vegetation, or any or all of the foregoing, for specified periods of time or within specified time limitations set out in the water use restriction order;
- (2) Prohibitions or limitations on the filling of swimming pools, wading pools, hot tubs, garden ponds, fountains and other outdoor water features;

- (3) Prohibitions or restrictions on the use of devices for outdoor water play;
 - (4) Prohibitions on the washing of motor vehicles;
 - (5) Prohibitions on the use of outdoor misting systems; and
 - (6) Prohibitions or limitations on the filling with water of tanker trucks, tanks, containers, or any other storage device that holds over 100 litres of water.
- F. Despite § 851-14E(1), the General Manager may exempt from a water use restriction order, or place lesser restrictions on, the watering of tee-off areas and putting greens on golf courses, newly sodded or seeded lawns, newly planted trees, nurseries, turf farms or tree farms or any or all of the foregoing.
- G. No person shall use or cause or permit the use of water in contravention of a condition contained in a water use restriction order issued by the General Manager under this chapter.

§ 851-15. 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 or CFO may require an owner of a property provided with a water service connection or equipped with a water meter, or an owner of a property where a water meter is to be installed, to provide them with:
- (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 and CFO with access to the water meter or the location where a water meter is to be installed.
- B. Every owner shall provide the General Manager and the CFO with a current contact name and telephone number within 28 days of a change in ownership or occupancy of a property.

§ 851-16. Access.

- A. No person shall deny access to the General Manager, CBO or CFO to a property for any purpose provided for in this chapter and all applicable law including but not limited to the *Building Code Act*.
- B. No person shall deny access to the General Manager, CBO or CFO to a property where that person has been given reasonable notice by the General Manager, CBO or CFO, as the case may be, of the intent to exercise a power of entry in accordance with the *City of Toronto Act, 2006*.

- C. The General Manager, CBO or CFO may, in accordance with the requirements of this chapter and all applicable law including but not limited to the *Building Code Act*, enter upon a property to which water is supplied by the City:
- (1) To inspect, maintain, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply water;
 - (2) To read, inspect, install, repair, replace, maintain or alter a water meter;
 - (3) To inspect a backflow prevention device; or
 - (4) To shut off or reduce the supply of water.
- D. If an owner discontinues the use of water at a property or the General Manager or CFO lawfully decides to cease supplying water to land or property, the General Manager or CFO may enter on the land or Property:
- (1) To shut off the supply of water;
 - (2) To remove any property of the City from the property; or
 - (3) To determine whether water has been, or is being, unlawfully used.
- E. The powers of entry of the City and General Manager are subject to sections 375 to 379, inclusive, of the *City of Toronto Act, 2006*.

§ 851-17. Inspection.

- A. Despite any other provision in this chapter, the General Manager may enter on a property at any reasonable time for the purpose of carrying out an inspection to determine compliance with this chapter or an order or direction of the City, General Manager, CBO or CFO issued in accordance with this chapter.
- B. For the purposes of any inspection, the General Manager may,
- (1) Require the production for inspection of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (3) Require information from any person concerning a matter related to the inspection; and
 - (4) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

- C. No person shall fail or refuse to comply with a request by the General Manager to produce for inspection any document or thing or information relevant to the inspection carried out by the General Manager in accordance with § 851-17.
- D. (1) The City or the General Manager may enter upon lands for the purposes of an inspection and the other activities set out in § 851-17B under an order issued under section 378 of the *City of Toronto Act*, 2006.
- (2) Where a provincial court judge or justice of the peace has issued an order authorizing the City to enter on a property for the purpose of carrying out an inspection for the purposes and to exercise the powers set out in this section, no person, when requested to do so by the General Manager, shall neglect or refuse to produce or deliver any information or documents or things required by this chapter.

§ 851-18. Obstruction.

- A. No person shall represent or cause to be represented that he or she is an owner or occupier of a property if he or she is not.
- B. (1) No person shall prevent, hinder, obstruct or interfere, or attempt to prevent, hinder, obstruct or interfere, in any manner, the General Manager, CBO or CFO or their respective designate or any City personnel, agents or contractors in the exercise of an activity, power or performance of a duty under this chapter or the administration or enforcement of this chapter.
- (2) The activities of the General Manager, CBO or CFO or their respective designate or any City personnel, agents or contractors referred to in § 851-18B(1) may include, without limitation, the following:
- (a) Entering in or upon, at any reasonable time without a warrant, any land, property or premises, except premises being used as a dwelling house in which case reasonable notice shall be provided under this chapter and the *City of Toronto Act*, 2006; or
 - (b) Making such tests or taking such samples as the General Manager, CBO or CFO deems necessary; or
 - (c) Inspecting or observing any plant, machinery, equipment, work, activity or documents; or
 - (d) Reading, repairing, maintaining, altering, disconnecting, removing, replacing, installing or sealing a water meter, remote readout unit, backflow prevention device or any related item or any or all of the foregoing.

§ 851-19. General.

A. Protection from damage.

No person shall uncover, make any connection with, or opening into, break, alter, remove, damage, destroy, deface or tamper or cause or permit the breaking, removal, damaging, destroying, defacing or tampering with:

- (1) Any part of the waterworks; or any seal placed thereon, or attached thereto, or
- (2) Any permanent or temporary device installed in or on the waterworks for the purposes of flow measuring, sampling, testing, contamination prevention or other purpose that the General Manager may deem necessary for the administration of this chapter or the operation or maintenance of the waterworks.

B. Damage to the waterworks.

Any owner or person receiving water from the waterworks shall be responsible for ensuring that any action taken by that owner or person conforms at all times to the provisions of this chapter and that owner or person shall be liable for any damage or expense arising out of their failure to properly protect the waterworks or to properly protect water from contamination or any other damage including the cost of investigation, disinfection, repairing or replacing any part of any waterworks damaged or water contaminated thereby.

C. Unauthorized entry to waterworks.

Unless specifically authorized by the General Manager, no person shall enter into any chamber, structure, building or property associated with the waterworks.

§ 851-20. Offences.

- A. Every person who contravenes any provision of this chapter, and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any provision of this chapter, is guilty of an offence.
- B. Any fine imposed under § 851-21 shall be payable in addition to any fees and charges payable under this chapter, Chapter 849 and Chapter 441, as applicable.

§ 851-21. Penalties.

A. Fine – for contravention

- (1) Every person who contravenes a provision of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of a provision of this chapter, upon conviction, shall be liable to a fine of not less than \$50 and not more than \$50,000 for a first offence and to a fine of not less than \$100 and not more than \$75,000 for any subsequent offence.

- (2) Despite § 851-21A(1), every person who contravenes any of the sections set out in Schedule 1 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of those sections, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$50,000 for a first offence and to a fine of not less than \$495 and not more than \$100,000 for any subsequent offence.
- (3) Despite § 851-21A(1) and (2), every person who contravenes any of the sections set out in Schedule 2 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of those sections, upon conviction, shall be liable to a fine of not less than \$300 and not more than \$50,000 for a first offence and to a fine of not less than \$495 and not more than \$100,000 for any subsequent offence.
- (4) Despite § 851-21A(1), (2) and (3), every person who contravenes any of the sections set out in Schedule 3 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of those sections, upon conviction, shall be liable to a fine of not less than \$300 and not more than \$100,000 for a first offence and to a fine of not less than \$495 and not more than \$100,000 for any subsequent offence.

B. Fine - for contravention – corporation

Despite § 851-21A, if a corporation is convicted of an offence under this chapter, it shall be liable to a fine of not less than \$495 and not more than \$100,000 for a first offence and to a fine of not less than \$1,000 and not more than \$100,000 for any subsequent offence.

C. Fine - for contravention – Continuing Offence

Despite § 851-21A and B, every person who contravenes any of the sections set out in Schedule 4 of this chapter and every director or officer of a corporation who knowingly concurs in a contravention by the corporation of any of those sections, upon conviction, shall be liable to a fine of not less than \$100 and not more than \$10,000 for each day or part day that the offence continues.

D. Fine - for contravention – Continuing Offence – corporation

Despite § 851-21A, B and C, if a corporation is convicted of an offence any of the sections set out in Schedule 4 of under this chapter, it shall be liable to a fine of not less than \$495 and not more than \$10,000 for each day or part day that the offence continues.

E. Special Fine

In addition to any other fine under § 851-21A, B, C and D, every person who gains an economic advantage or economic gain from contravening this chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.

§ 851-22. General enforcement powers.**A. Restraining Order**

If this chapter is contravened, in addition to any other remedy or penalty imposed by this chapter, the contravention may be restrained by application by the City under the provisions of section 380 of the *City of Toronto Act, 2006*.

B. Order to Discontinue Activity

(1) Under the provisions of section 384 of the *City of Toronto Act, 2006*, the General Manager may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.

(2) Any person who contravenes an order under § 851-22 B(1) is guilty of an offence.

C. Work Order

(1) Under the provisions of section 385 of the *City of Toronto Act, 2006*, the General Manager may order any person who has contravened this chapter or who has caused or permitted the contravention of this chapter or the owner or occupier of the property on which the contravention occurred to do work to correct the contravention.

(2) Any person who contravenes an order under § 851-22C(1) is guilty of an offence.

D. Remedial Action

(1) In accordance with section 386 of the *City of Toronto Act, 2006*, where any matter or thing is required to be done under this chapter, in default of it being done by the person directed or required to do so, that matter or thing may be done by the City which shall be at that person's expense and the City may recover the costs incurred for doing such matter or thing from the person directed or required to do it by adding the costs to the tax roll and collecting them in the same manner as municipal property taxes.

(2) For the purposes of § 851-22D(1), the General Manager may enter upon the subject property at any reasonable time.

§ 851-23. Document retention.

A. Any document required to be produced for inspection or approval or retained under this chapter by an owner of a property shall be retained by the owner for a period of seven years.

§ 851-24 Notice.

- A. Where an order is issued by the General Manager, the person to whom the order is made shall be deemed to have received the order on the date it is posted in a conspicuous place at the subject property or delivered in person or three days after being posted by first class prepaid mail to the person at the last known address provided to the General Manager or, where no address for the person has been provided to the General Manager, by first class prepaid mail to the address for the person identified on the tax rolls.
- B. The manner of delivery, set out in § 851-24A, shall be in the discretion of the General Manager.

§ 851-25. Severability.

Despite that any section or sections of this chapter, or any part or parts thereof, may be found by any court of law to be invalid or illegal or beyond the power of the Council to enact, that section or sections or part or parts thereof shall be deemed to be severable, and all other sections of this chapter, or parts thereof, are separate and independent therefrom and enacted as such.

§ 851-26. Repeal.

The following are repealed:

- (a) Former City of Toronto Municipal Code Chapter 340, Water;
- (b) Former City of Etobicoke Municipal Code Chapter 257, Water, being a by-law with respect to the “Waterworks System Regulations”;
- (c) Former City of Scarborough, Public Utilities Commission, By-law No. 30, being a by-law to regulate the supply of water in the City of Scarborough;
- (d) Former City of North York, By-law No. 32789, being a by-law with respect to “The Rules and Regulations for the Maintenance and Operation of a Water Works Distribution System in the City of North York”;
- (e) Former Borough of York, Bylaw No. 1259-71, being a by-law “To establish regulations for the distribution and supply of water by the Borough of York”; and
- (f) Former Borough of East York, Bylaw No 11-90, being a by-law “To provide for the Management and Maintenance of the Waterworks Systems Of The Corporation of the Borough of East York and to establish Water Rates and Charges”.

§ 851-27. Effective date.

This chapter shall come into force on January 1, 2008.

ENACTED AND PASSED this 13th day of December, A.D. 2007.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE 1

§ 851-4L(2)		§ 851-5I(5)		§ 851-6C(3)
§ 851-4L(3)		§ 851-5I(6)(a)		§ 851-7A(3) § 851-7A(4)
§ 851-4L(4)		§ 851-5I(6)(b)		§ 851-7A(5)
§ 851-5B(1)		§ 851-5J(2)		§ 851-7A(6)
§ 851-5B(2)		§ 851-5J(3)		§ 851-7B(1)
§ 851-5B(3)		§ 851-5J(4)		§ 851-7B(2)
§ 851-5B(4)		§ 851-5J(5)		§ 851-7B(3)
§ 851-5B(6)		§ 851-5J(7)		§ 851-7B(4)
§ 851-5D(1)		§ 851-5J(8)		§ 851-7D(1)
§ 851-5D(4)		§ 851-5J(9)		§ 851-7D(5) § 851-7D(11)
§ 851-5D(5)		§ 851-5J(10)		§ 851-9H(1)
§ 851-5E(1)		§ 851-5J(13)		§ 851-9J(6)
§ 851-5F(1)		§ 851-5L(2)		§ 851-12C(1)
§ 851-5F(2)		§ 851-5M		§ 851-12C(2)
§ 851-5G		§ 851-5O(4)(b) § 851-5O(4)(c)		§ 851-13D
§ 851-5H(1)		§ 851-5O(5)		§ 851-14A(1)
§ 851-5H(2)		§ 851-5P		§ 851-14A(2)
§ 851-5H(5)		§ 851-5Q(2)		§ 851-14AG
§ 851-5H(6)		§ 851-5Q(4)		§ 851-15A
§ 851-5I(1)		§ 851-5R(1)		§ 851-15B
§ 851-5I(2)		§ 851-6B(1)		§ 851-16A
§ 851-5I(3)		§ 851-6B(2)		§ 851-17B(1)
§ 851-5I(4)		§ 851-6B(3)		§ 851-17C
				§ 851-17D(2)

SCHEDULE 2

§ 851-4A(1)(a)		§ 851-5A(2)		
§ 851-4A(1)(b)		§ 851-5A(4)		
§ 851-4A(2)(a)		§ 851-5A(6)		
§ 851-4A(2)(b)		§ 851-5A(7)		
§ 851-4C(2)(a)		§ 851-5E(2)		
§ 851-4C(2)(b)		§ 851-5H(4)		
§ 851-4E		§ 851-6C(1)		
§ 851-4F(1)(a)		§ 851-6C(2)		
§ 851-4F(1)(b)		§ 851-7F(1)		
§ 851-4F(2)				
§ 851-4M(1)				
§ 851-4M(2)				

SCHEDULE 3

§ 851-5N(3)		§ 851-8D(13)		
§ 851-5N(4)		§ 851-8D(14)		
§ 851-8B(1)		§ 851-8D(15)		
§ 851-8B(2)(b)		§ 851-8D(16)		
§ 851-8B(2)(c)		§ 851-8D(17)		
§ 851-8B(2)(d)		§ 851-8D(18)		
§ 851-8C		§ 851-8E(1)		
§ 851-8D(2)		§ 851-8E(2)		
§ 851-8D(3)		§ 851-18B(2)(d)		
§ 851-8D(4)		§ 851-19A(1)		
§ 851-8D(5)		§ 851-19B		
§ 851-8D(6)		§ 851-19C		
§ 851-8D(7)		§ 851-23		
§ 851-8D(8)				
§ 851-8D(9)				
§ 851-8D(10)				
§ 851-8D(11)				
§ 851-8D(12)				

SCHEDULE 4

§ 851-5A(1)

CHAPTER 851, WATER SUPPLY, SCHEDULE 5
BACKFLOW PREVENTION DEVICE FOR PREMISE ISOLATION
INSTALLATION DATES BASED ON INDUSTRY SECTOR

INDUSTRY SECTOR	HAZARD LEVEL	INSTALLED BY:
Aircraft Manufacturing	Severe	December 31, 2008
All Printing Industry	Severe	December 31, 2008
Automobile Manufacturing	Severe	December 31, 2008
Beverage Manufacturing	Severe	December 31, 2008
Breweries	Severe	December 31, 2008
Car Washes	Severe	December 31, 2008
Chemical Manufacturing	Severe	December 31, 2008
Cosmetic Product Manufacturing	Severe	December 31, 2008
Distilleries	Severe	December 31, 2008
Dry Cleaners	Severe	December 31, 2008
Dye & Pigment Manufacturing	Severe	December 31, 2008
Electroplating, Plating, Polishing, Anodizing, & Colouring	Severe	December 31, 2008
Food Processing	Severe	December 31, 2008
Funeral Homes/ Cemetery	Severe	December 31, 2008
Industrial Laundries	Severe	December 31, 2008
Lubricating Oil & Grease Manufacturing	Severe	December 31, 2008
Machine Tool Manufacturing	Severe	December 31, 2008
Machine Tool Operations	Severe	December 31, 2008
Meat Processing	Severe	December 31, 2008
Medical Laboratories	Severe	December 31, 2008
Metal Can Manufacturing	Severe	December 31, 2008
Metal Coating, Engraving	Severe	December 31, 2008
Metal Fabrication	Severe	December 31, 2008
Metal Window & Door Manufacturing	Severe	December 31, 2008
Mortuary	Severe	December 31, 2008
Nonferrous Metal Manufacturing	Severe	December 31, 2008
Other Metal Container Manufacturing	Severe	December 31, 2008
Paint & Coating Manufacturing	Severe	December 31, 2008
Paper Processing Plants	Severe	December 31, 2008
Personal Care Products Manufacturing	Severe	December 31, 2008
Petro-Chemical Manufacturing	Severe	December 31, 2008
Petroleum Bulk Storage Facilities	Severe	December 31, 2008
Petroleum Refining	Severe	December 31, 2008
Pharmaceutical Manufacturing	Severe	December 31, 2008
Photographic Film Manufacturing	Severe	December 31, 2008
Photographic Plate / Paper Manufacturing	Severe	December 31, 2008
Plastic Manufacturing	Severe	December 31, 2008
Plastic Material & Resin Manufacturing	Severe	December 31, 2008
Printed Circuit Board Manufacturing	Severe	December 31, 2008
Rubber Manufacturing	Severe	December 31, 2008
Soap & Detergent Manufacturing	Severe	December 31, 2008
Textile Manufacturing/ Processing	Severe	December 31, 2008
Veterinary Hospitals	Severe	December 31, 2008
Wastewater Treatment Plants	Severe	December 31, 2008
Water Treatment Plants	Severe	December 31, 2008

INDUSTRY SECTOR	HAZARD LEVEL	INSTALLED BY:
Agricultural/ Landscaping Applications	Severe	March 31, 2009
Air Conditioning & Refrigeration	Severe	March 31, 2009
Allied Services to Manufacturing	Severe	March 31, 2009
Analytical Laboratories	Severe	March 31, 2009
Asphalt Paving Mixture & Block Manufacturing	Severe	March 31, 2009
Auto Dealers	Severe	March 31, 2009
Autobody Refinishing	Severe	March 31, 2009
Automotive Repairs	Severe	March 31, 2009
Automotive Transmission Repair	Severe	March 31, 2009
Carpet Cleaners	Severe	March 31, 2009
Clinical Laboratories	Severe	March 31, 2009
Death Care Services	Severe	March 31, 2009
Dental Clinics	Severe	March 31, 2009
Gas Stations	Severe	March 31, 2009
Greenhouses	Severe	March 31, 2009
Hospitals	Severe	March 31, 2009
Milk/ Dairy Product Processing	Severe	March 31, 2009
Photo Finishing	Severe	March 31, 2009
Research Laboratories	Severe	March 31, 2009
Wineries	Severe	March 31, 2009

INDUSTRY SECTOR	HAZARD LEVEL	INSTALLED BY:
Air compressor oil cooler	Moderate	June 30, 2009
Apartment building	Moderate	June 30, 2009
Commercial premises	Moderate	June 30, 2009
Hotels & Motels	Moderate	June 30, 2009
Schools (elementary, junior high, senior high)	Moderate	June 30, 2009
Swimming pools	Moderate	June 30, 2009
Swimming pools (direct connection)	Moderate	June 30, 2009
Technical institutes	Moderate	June 30, 2009
Universities	Moderate	June 30, 2009
Veterinary clinic	Moderate	June 30, 2009
Vending Machine Suppliers	Low	September 30, 2009

Authorized Functions List City of Toronto Municipal Code Chapter 851, Schedule 6								
Item	Function	Professional engineer with OWWA certification	Certified engineering technologist with OWWA certification *	Licensed master plumber with contractor's and OWWA certification	Journeyman plumber or pipe fitter with OWWA certification †	Apprentice plumber or pipe fitter with OWWA certification ‡	Fire system sprinkler fitter with OWWA certification	Lawn irrigation system installer with OWWA certification
1	Carry out cross-connection / backflow prevention device survey	√	√	√	√			
2	Install, relocate, or replace backflow prevention device			√	√	√		
3	Repair backflow prevention device	√	√	√	√	√		
4	Test backflow prevention device	√	√	√	√	√		√
5	Complete Items 1, 2, 3, and 4 in relation to fire protection systems	√	√	√	√	√	√	
6	Complete Items 3 and 4 in relation to lawn sprinkler systems	√	√	√	√	√		
√	Authorized to perform function.							
*	Required to be under the direction of a professional engineer							
†	Required to be employed by a licensed plumbing contractor							
‡	Required to be employed by a licensed plumbing contractor and under the direct supervision of a journeyman plumber or master plumber							
Note:	Ontario Water Works Association (OWWA) certifies Cross Connection Control Specialists who have successfully completed approved courses							