

Authority: Executive Committee Item 9.2, adopted as amended, by City of Toronto Council on June 19, 20 and 22, 2007; Motion M159, as adopted by City of Toronto Council on October 22 and 23, 2007; Public Works and Infrastructure Committee Item 9.5, adopted as amended, by City of Toronto Council on October 22 and 23, 2007; Executive Committee Item 14.3, as adopted by City of Toronto Council on November 19 and 20, 2007; and § 169-26B, Officials, City, of the Toronto Municipal Code

Enacted by Council: December 13, 2007

CITY OF TORONTO

BY-LAW No. 1416-2007

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 849, Water and Sewage Services.

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

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

WHEREAS at its meeting of June 19, 20 and 22, 2007, City Council approved a new water rate structure for the City of Toronto to commence January 1, 2008 replacing the former seven-block water rate structure with a new rate structure providing a single domestic-use block rate for all users and a second discounted block rate for industrial/manufacturing process-use on the volumes above 6,000 cubic metres per year (m³/ per year), subject to certain conditions; and

WHEREAS at its meetings of June 19, 20 and 22, 2007, October 22 and 23, 2007 and November 19 and 20, 2007, City Council further approved a water bill rebate program effective January 1, 2008 for assistance to eligible low-income seniors and low-income persons with disabilities; and

WHEREAS at its meeting of June 19, 20 and 22, 2007, City Council further approved an updated amendment to the rebate rate for the portion of water not returned to the City's sewer system; and

WHEREAS at its meeting of October 22 and 23, 2007, City Council approved a new harmonized City Water Supply By-law, Municipal Code Chapter 851, Water Supply ("Municipal Code Chapter 851"), and authorized the City Solicitor to amend any City by-laws or Municipal Code Chapters, or sections therein, to effect any changes necessitated by the enactment of the new Municipal Code Chapter 851 and amendments to Municipal Code Chapter 849 and Chapter 441, Appendix A, Schedule 3; and

WHEREAS at its meeting of November 19 and 20, 2007, City Council further approved the new water and wastewater rates to be charged to metered and flat rate consumers effective January 1, 2008, public notice having been given, and approved the additional administrative, eligibility and process criteria related to the rate restructuring for industrial process water use; and

WHEREAS § 169-26B of the City of Toronto Municipal Code Chapter 169, Officials, City, provides that the City Solicitor, in consultation with the City Clerk, may submit bills directly to City Council to make technical amendments to the Municipal Code and other by-laws to correct technical errors; and

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

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

WHEREAS it is necessary to amend Municipal Code Chapter 441 to reflect the new rates authorized by City Council, and to further amend Municipal Code Chapter 849 to include the water bill rebate program, the criteria related to the discounted block process-use service rate for high volume eligible industrial tax class properties, the amendment to the rebate rate for the portion of water not returned to the City’s sewer system and to effect changes necessitated by the enactment of Municipal Code Chapter 851 and the amendments to Municipal Code Chapter 441, Appendix A, Schedule 3;

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

1. Appendix A, Waste Collection and Disposal Fees and Water and Sewer Usage Rate, Schedule 2, Water-Revenue Services, of Municipal Code Chapter 441, Fees and Charges, is deleted in its entirety and replaced with the following:

**APPENDIX A
WASTE COLLECTION AND DISPOSAL FEES AND
WATER AND SEWER USAGE RATES**

**SCHEDULE 2
WATER - REVENUE SERVICES**

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

COMBINED WATER AND SEWER SERVICE RATES FOR METERED CONSUMERS EFFECTIVE JANUARY 1, 2008						
I		II	III	IV		V
Category		Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
1	Water	Block 1 Domestic-Use General Water Service Rate-Applicable to all consumers of water, including the first 6,000 cubic metres per year (m ³ /per year) consumed by industrial users	\$/m ³	\$ 1.8265	\$ 1.7352	No

COMBINED WATER AND SEWER SERVICE RATES FOR METERED CONSUMERS EFFECTIVE JANUARY 1, 2008						
	I	II	III	IV		V
				Fee		
	Category	Activity	Fee Basis	Paid after the due date	Paid on or before the due date	Annual Adjustment
2	Water	Block 2 Industrial Process - Use Service Rate- Applicable to industrial process use for eligible property or portions of property assessed on the annual returned assessment roll in the industrial property tax class and is applicable to volume of water consumed over 6,000 cubic metres per year (m ³ /per year) of such use	\$/m3	\$ 1.4612	\$ 1.3881	No

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

ANNUAL COMBINED WATER AND SEWER SERVICE RATES FOR FLAT RATE CONSUMERS IN DWELLING HOUSES AND ROOMING HOUSES IN THE FORMER CITY OF TORONTO EFFECTIVE JANUARY 1, 2008						
	I	II	III	IV		V
	Category	Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
3	Water	Dwelling houses rate: Annual combined water and sewer service rates for flat rate consumers.	Per Room Per Annum Subject to a minimum annual charge	\$ 27.16 \$ 163.45	\$ 25.80 \$ 155.28	No
4	Water	Rooming houses rate: Annual combined water and sewer service rates for flat rate consumers.	Per Room Per Annum	\$ 47.64	\$ 45.26	No

THE FOLLOWING RATES ARE IN ADDITION TO APPENDIX A • SCHEDULE 2 ROWS 3 & 4:						
5	Water	Flat Rate - Basins	Each	\$ 52.47	\$ 49.85	No
6	Water	Flat Rate - Baths	Each	\$ 52.47	\$ 49.85	No
7	Water	Flat Rate - Bidets	Each	\$ 52.47	\$ 49.85	No
8	Water	Flat Rate – Saunas connected to water or drains	Each	\$ 52.47	\$ 49.85	No
9	Water	Flat Rate – Shower baths	Not attached to bath tub – Each	\$ 52.47	\$ 49.85	No
10	Water	Flat Rate - Sinks	Sinks – Each	\$ 52.47	\$ 49.85	No
11	Water	Flat Rate - Urinals	Self-acting – Each	\$ 62.36	\$ 59.24	No
12	Water	Flat Rate – Water closets	Self Acting – Each	\$ 83.79	\$ 79.60	No
13	Water	Flat Rate – Laundry tubs	For pair of tubs (in one fixture)	\$ 52.47	\$ 49.85	No
14	Water	Flat Rate – Laundry tubs	For single or additional tub - each	\$ 31.19	\$ 29.63	No
15	Water	Flat Rates – Washing Machine	Washing Machines, Each	\$ 52.47	\$ 49.85	No

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

ANNUAL COMBINED WATER AND SEWER SERVICE RATES FOR FLAT RATE CONSUMERS IN THE FORMER CITY OF TORONTO EFFECTIVE JANUARY 1, 2008						
	I	II	III	IV		V
	Category	Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
16	Water	Factories, office buildings, stores, garages, warehouses and similar places of business	Per Flat Per Annum	\$ 83.74	\$ 79.55	No
17	Water	Private hospitals, rest homes, schools, fraternity houses, clubs, hotels and similar places	Per Room Per Annum	\$ 47.64	\$ 45.26	No

THE FOLLOWING RATES ARE IN ADDITION TO APPENDIX A • SCHEDULE 2 ROWS 16 & 17:						
18	Water	Flat Rate - Basins	Each	\$ 104.21	\$ 99.00	No
19	Water	Flat Rate - Baths	Each	\$ 104.21	\$ 99.00	No
20	Water	Flat Rate - Bidets	Each	\$ 104.21	\$ 99.00	No
21	Water	Flat Rate – Saunas connected to water or drains	Each	\$ 104.21	\$ 99.00	No
22	Water	Flat Rate – Shower baths	Not attached to bath tub – Each	\$ 104.21	\$ 99.00	No
23	Water	Flat Rate - Sinks	Sinks – Each	\$ 104.21	\$ 99.00	No
24	Water	Flat Rate - Urinals	Self-acting – Each	\$ 124.57	\$ 118.34	No
25	Water	Flat Rate – Water closets	Self Acting – Each	\$ 166.63	\$ 158.30	No
26	Water	Flat Rate – Laundry tubs	For pair of tubs (in one fixture)	\$ 104.21	\$ 99.00	No
27	Water	Flat Rate – Laundry tubs	For single or additional tub - each	\$ 52.47	\$ 49.85	No
28	Water	Flat Rates – Washing Machine	Washing Machines, Each	\$ 104.21	\$ 99.00	No

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

ANNUAL COMBINED WATER AND SEWER SERVICE RATES FOR FLAT RATE CONSUMERS IN THE FORMER CITY OF TORONTO EFFECTIVE JANUARY 1, 2008						
THE FOLLOWING RATES ARE IN ADDITION TO THE AMOUNTS SET FORTH IN APPENDIX A • SCHEDULE 2 ROWS 3 – 28:						
	I	II	III	IV		V
	Category	Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
29	Water	Baptistries	Each	\$ 35.24	\$ 33.47	No
30	Water	Barber shop or beauty parlour	Each	\$ 104.21	\$ 99.00	No
31	Water	Church buildings used as a place of worship	Each for fixture any such building so used coming within rows 21 - 33	1/3 of the rates in APPENDIX A • SCHEDULE 2 Rows 16 – 28		No
32	Water	Dental Fountains	Each	\$ 258.45	\$ 245.53	No
33	Water	Commercial dish washers	Each	\$ 207.62	\$ 197.24	No
34	Water	Drinking fountains	Each	\$ 104.21	\$ 99.00	No
35	Water	Fountains	For 1.6 mm orifice or less, each per season	\$ 166.63	\$158.30	No
36			All others, each per person	\$ 662.82	\$ 629.68	No
37	Water	Materials used in buildings or in alterations or repairs to buildings and other construction work	Bricks, per 1,000	\$ 1.80	\$ 1.71	No
38			Other masonry, including concrete blocks, tiles, and similar materials, on basis of equivalent number of bricks to replace same, per 1,000 bricks	\$ 1.80	\$ 1.71	No
39			Plastering per 1,000 sq. yd	\$ 62.69	\$ 59.56	No
40			Concrete, per cubic yd	\$ 4.37	\$ 4.15	No
41			Minimum rate for each building or for repairs or alterations, where any of the above material is used	\$ 20.95	\$ 19.90	No
42	Water	Photographic washing tanks	Each	\$ 104.21	\$ 99.00	No
43	Water	Wash racks	Each	\$ 517.61	\$ 491.73	No

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

COMBINED WATER AND SEWER SERVICE RATES FOR UNMETERED CONSUMERS IN THE FORMER CITY OF ETOBICOKE EFFECTIVE JANUARY 1, 2008						
	I	II	III	IV		V
	Category	Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
44	Water	Residential and commercial rates, tri-annual billing; Flat rate, single family	Tri-annual	\$ 171.17	\$ 162.61	No
45	Water	Hydro substations, tri-annual billing	Tri-annual	\$ 123.13	\$ 116.97	No
46	Water	Building water and sewer service rates; not metered up to three months not refundable	Each	\$ 364.09	\$ 345.89	No

APPENDIX A • SCHEDULE 2, WATER - REVENUE SERVICES

	I	II	III	IV		V
	Category	Activity	Fee Basis	Fee		Annual Adjustment
				Paid after the due date	Paid on or before the due date	
47	Water	Water Certificates Charge	Per Certification	\$25.00		No
48	Water	Special/Final Reads	Per Customer Request	\$15.00		No
49	Water	Consumption Statements	For One Year	\$40.00		No
50	Water	Consumption Statements	For each subsequent year	\$25.00		No
51	Water	Returned Cheques	Per NSF	\$35.00		No
52	Water	Collection-Field Visit	Per Field Visit	\$25.00		No
53	Water	Service Information Request	Per Request	Cost to City		No
54	Water	Document Printing Charges	Per Page	Cost to City		No

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

§ 849-14.1. Definitions.

As used in § 849-14.1 to § 849-14.5, inclusive, the following terms shall have the meanings indicated:

BLOCK 1 RATE — The water and waste water domestic-use general service rate for all consumers of water, including the first 6,000 cubic metres per year (m³/per year) consumed by industrial users, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services.

BLOCK 2 RATE — The water and waste water industrial process-use service rate for eligible properties or portions of properties assessed on the annual returned assessment roll in the industrial property tax class and applicable to volume of water consumed over 6,000 cubic metres per year (m³/per year) of such use, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services.

HOUSEHOLD INCOME — The combined gross income of all eligible persons occupying the eligible property in respect of which the application for a water bill rebate is made.

ELIGIBLE PERSON — A low-income disabled person or a low-income senior or the spouse of such a person who meets the qualifications set out in § 849-14.1 to § 849-14.5, inclusive.

ELIGIBLE PROPERTY — A property classified as residential real property on the annual assessment roll, or a portion of real property classified as residential real property.

LOW-INCOME DISABLED PERSON — A person:

- A. Who has owned and occupied the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- B. Who is in receipt of one or more of the following:
 - (1) A disability pension under the *Canada Pension Plan Act (Canada)*;
 - (2) Income support under the *Ontario Disability Support Program Act, 1997*;
 - (3) Benefits under the *Workplace Safety and Insurance Act, 1997*;
 - (4) Benefits for the interruption of earnings due to a prescribed illness, injury or quarantine under the *Employment Insurance Act (Canada)*; and

- (5) Benefits under a contract of individual or group accident, sickness or disability insurance, or any other disability benefits arising from a contract of insurance, which contracts are consistent with the Ontario *Insurance Act* or any similar legislation governing contracts of insurance in another Canadian province; and
- C. Who has a household income of \$40,000 or less.

LOW-INCOME SENIOR — A person:

- A. Who is 65 years of age or older, or in the case of a widowed person receiving the spouse's allowance under the *Old Age Security Act (Canada)* is between the age of 60 and 64, or in the case of a person receiving a pension from a pension plan registered under the *Income Tax Act (Canada)* or a pension annuity resulting from a pension plan registered under the *Income Tax Act (Canada)* is 50 years of age or older;
- D. Who has owned and occupied the eligible property for a period of not less than one year immediately preceding the date of the application for the rebate; and
- E. Who has a household income of \$40,000 or less.

OWNER — A person assessed as the owner of the eligible property, and includes an owner within the meaning of the *Condominium Act*.

§ 849-14.2. Water bill rebate for eligible low-income disabled persons and low-income seniors.

The City shall, where an eligible person has made a successful application in relation to an eligible property under this portion of this article relating to the water bill rebate, provide a rebate in accordance with the provisions set out in § 849-14.1 to § 849-14.5, inclusive.

The water bill rebate shall be set at a rate representing a twenty percent (20%) reduction from the Block 1 Rate, as set out in the City of Toronto Municipal Code, Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services, or at such other rate as determined by City Council from time to time.

§ 849-14.3. Eligibility to receive a water bill rebate.

A person is eligible to receive a water bill rebate if:

- A. The person is an eligible low-income disabled person or low-income senior;
- B. The person occupies the eligible property, which is the subject of the rebate application, as his or her personal principal residence;
- C. The person has made an application for the water bill rebate program in accordance with the provisions of § 849-14.4.

- D. The application for a water bill rebate is in respect of only the water bill for the year in which the application is made;
- E. The person agrees to notify the City Treasurer of any change in circumstances which would alter his or her status as an eligible person, or the amount of the water bill rebate to which they are entitled;
- F. The person is an owner who has occupied the eligible property, which is the subject of the rebate application, for a period of not less than one year immediately preceding the date of application for the rebate;
- G. Where title to the eligible property, which is the subject of the rebate application, is held by an eligible person and his or her spouse or same sex spouse and no other owner, one of the joint owners must qualify as an eligible person, but where title to the eligible property is held jointly by an eligible person and a person or persons who are not his or her spouse or same sex spouse, all of the joint owners must qualify as an eligible person;
- H. Payment to the City for all taxes payable for all previous years and water bill charges payable for the current year related to the eligible property, which is the subject of the rebate application, have been made in full.
- I. The water consumption for the eligible property, which is the subject of the rebate application, must be less than 300 cubic metres of water per calendar year;
- J. The eligible property, which is the subject of the rebate application, must be metered and the applicant must provide to the City an actual meter reading in or around December 31 or the last quarter of the year, and/or provide access to City staff to obtain an actual reading; or
- K. if the eligible property is one that is on the flat-rate billing system, the applicant must have made a request to Toronto Water for the installation of a water meter and made a reasonable effort to provide the City access to install the new meter, in which case, the water bill rebate shall be calculated as the product of the percentage reduction in the Block 2 Rate over the Block 1 Rate times the flat rate bill for accounts paid on or before the due date for the year in which the rebate is being sought, to a maximum rebate that an eligible metered customer would be entitled to receive for a consumption of 300 cubic metres.

§ 849-14.4. Applications for water bill rebate.

Applications for the water bill rebate must be in writing on a form prepared by the City Treasurer for this purpose and must be submitted to the City of Toronto on or before August 31 of the year for which the water bill rebate is sought. An application must include documentation in support thereof in a form satisfactory to the City Treasurer, to establish that the applicant or, in the case of property held jointly in accordance with § 849-14.3G, the applicant's spouse, is an eligible person, that the eligible property with respect to which the application is made is eligible for such water bill rebate and to establish the amount of water bill rebate to which the eligible person is entitled.

§ 849-14.5. Credit to water bill account.

The following provisions shall apply to the water bill rebate program:

- A. the rebate for eligible low-income seniors and low-income disabled persons shall be in the form of a credit applied to the eligible person's water bill for the eligible property which is the subject of the rebate application, unless a rebate is otherwise specifically requested by the eligible person;
 - B. if all eligibility requirements are met, the credit shall be applied to the eligible person's first water bill of the following year, or if requested, a rebate cheque shall be issued in or around the time the first water bill of the following year would be issued for that account;
 - C. if an eligible person sells their eligible property during the year, and provided that a final read was forwarded to the City prior to the change in ownership, a rebate cheque for the portion of the year the eligible property was owned by the eligible person shall be issued based on the consumption used up to the change of ownership date calculated on a pro-rated basis; and
 - D. in any year, or eligible portion thereof, the water bill rebate or credit rate shall be calculated by the difference in the Block 1 Rate and Block 2 Rate, such rates being based on 'paid on or before the due date', applicable for the year or portion thereof in which the rebate is being applied for, and such rebate shall be at the rate of \$0.34710/per cubic metre for 2008, or such other rate in other years as may be determined by City Council from time to time.
3. Section 849-13 Rate of Rebate, Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code, is amended by deleting:

"The rebate provided for in § 849-3 shall be at a rate of \$0.3858 per cubic metre of discharge, or at such other rate as determined by City Council from time to time."

and replacing it with the following:

"The rebate provided for in § 849-3 shall be at the rate of 57 percent of the retail combined water and sewer service rate applicable to the consumer, or at such other rate as determined by City Council from time to time."

4. Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting § 849-15 in its entirety and replacing it with the following:

“§ 849-15. Definitions.

As used in this Article and Appendix A, Schedule 2, Water – Revenue Services, to the City of Toronto Municipal Code, Chapter 441, Fees and Charges, the following shall have the meanings indicated:

BLOCK 1 RATE — The water and waste water domestic-use general service rate for all consumers of water, including the first 6,000 cubic metres per year (m³/per year) consumed by industrial users, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services.

BLOCK 2 RATE — The water and waste water industrial process-use service rate for eligible properties or portions of properties assessed on the annual returned assessment roll in the industrial property tax class and applicable to volume of water consumed over 6,000 cubic metres per year (m³/per year) of such use, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services.

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.

FLAT — Each floor or part of a floor of a place of business, or a place of business separately occupied on one (1) floor of a building.

PREMISES — Any dwelling unit, building, lot or part of a lot, or both, in, through or past which the water pipes run.

RATE — The price, rate or rent, as fixed from time to time by the City, which any owner or occupant of premises shall pay as water rate or rent.

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.

ROOMING HOUSE — Any place of residence other than a dwelling unit, except private hospitals, rest homes, schools, fraternity houses, clubs, hotels and similar places.”

5. Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting § 849-16 in its entirety and replacing it with the following:

“§ 849-16. Charges for water and sewer services.

Consumers in the City of Toronto shall pay the fees and charges with regard to the distribution and supply of water and the provision of water and sewer services and the rates and charges in relation thereto as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedules 2 and 3.”

6. Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting § 849-17 in its entirety and replacing it with the following:

“§ 849-17. Block 2 Rate.

The Block 2 Rate, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue services, is available to an eligible industrial process water user for a property, or a portion thereof, assessed on the annual returned assessment roll in the industrial property tax class and is applicable to volume of water consumed over 6,000 cubic metres per year (6,000 m³/per year) of such use. The Block 2 Rate shall be set at a rate representing a twenty percent (20%) reduction from the Block 1 Rate, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services, or at such other rate as determined by City Council from time to time.”

7. Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting § 849-18 in its entirety and replacing it with the following:

“§ 849-18. Eligibility for Block 2 Rate.

To be eligible for the Block 2 Rate as set out in § 849-17, an industrial process water user customer must meet the following eligibility criteria:

- A. the property, or a portion thereof, must be assessed on the annual returned assessment roll in the industrial property tax class;
- B. the customer must have an annual water consumption of over 6,000 cubic metres per year (m³/per year);
- C. the customer must be and remain in compliance with the City’s sewer-use by-law, City of Toronto Municipal Code Chapter 681, Sewers;
- D. the customer must submit to the City a comprehensive water conservation plan, to the satisfaction of the General Manager of Toronto Water, by July 1 of the year for which eligibility is sought, which plan shall include:
 - (1) a corporate policy committing to water conservation and efficiency;

- (2) having undertaken a water use audit to identify measures to be implemented which will result in more efficient use of water, such as, but not limited to, water loss management strategies, water reclamation and recycling strategies, regular meter testing and calibration, implementing best available technologies for process water conservation, providing employee training and implementing best management practices for water conservation procedures within the property;
 - (3) an implementation timetable of measures identifying the water use audit findings along with target dates and expected water use reductions;
 - (4) an evaluation process to track the effectiveness of the company's plan implementation; and
 - (5) an annual progress report to the satisfaction of the General Manager of Toronto Water which shall continue to be submitted to the City on an annual basis by July 1 of each subsequent year until such time as the General Manager of Toronto Water provides written notification to the customer that such annual reports are no longer required by the City.
- E. the customer must install and maintain such effluent monitoring equipment, as may be required, if at all, by the General Manager of Toronto Water, which shall be easily accessible to City staff on a 24 hour basis.
- F. In the event that only a portion of the property is assessed in the industrial property tax class, the following additional eligibility criteria shall apply:
 - (1) the customer must isolate its industrial process water use by installing a separate meter which will allow for separate billing, for the portion of the property assessed in the industrial property tax class, of the industrial process water use;
 - (2) the customer will be responsible, all at its cost, to request, purchase and install the meter referenced in § 849-18F(1) above, in accordance with the provisions of Municipal Code Chapter 851, Water Supply. In addition, the customer shall be responsible for ensuring the installation of the meter meets all requirements and is in compliance with all relevant legislation including the Ontario Plumbing Code and Ontario Building Code, if applicable, including all plumbing permits and inspections; and
 - (3) If the General Manager of Toronto Water determines that sub-metering is not feasible, the General Manager of Toronto Water, may in the exercise of a sole discretion waive the criteria in § 849-18F and establish the proportion of water related to the industrial process use for the portion of the property assessed in the industrial property tax class after considering technical submissions and upon entering into an agreement with the customer on such terms and conditions as the General Manager of Toronto Water may require.

8. Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting § 849-19, § 849-20, § 849-21 and § 849-24 in their entirety.
9. Section 849-26 of Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting:

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

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

and replacing those definitions with the following:

“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.”

“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.”

10. Section 849-28 of Chapter 849, Water and Sewage Services, of the City of Toronto Municipal Code is amended by deleting:

“C. In the event the CFO inaccurately determines water consumption in respect of a property as a result of the acts or omissions of an owner or agent or any other person for reasons including, but not limited to, meters that have been unsealed or have an unsealed bypass valve, meters that have not been installed, meters that have been removed, meters that have been bypassed temporarily or permanently, or meters that have been tampered with in any way, the CFO shall be entitled to adjust the account and include all fees that ought to have been payable in respect of the property.”

and replacing it with the following:

- “C. In the event the CFO inaccurately determines water consumption in respect of a property as a result of the acts or omissions of an owner or agent or any other person for reasons including, but not limited to, meters that have been unsealed or have an unsealed bypass valve, meters that have not been installed, meters that have been removed, meters that have been bypassed temporarily or permanently, or meters that have been tampered with in any way, the CFO shall be entitled to adjust the account and include all fees that ought to have been payable in respect of the property as determined in accordance with § 849-31E.”

- 11.** This by-law comes 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)