

Authority: Policy and Finance Committee Report 12, Clause 1, adopted as amended, by City of Toronto Council on October 2, 3 and 4, 2001; Works Committee Report 3, Clause 3, adopted as amended, by City of Toronto Council on May 18, 19 and 20, 2004; Policy and Finance Committee Report 4, Clause 40, as adopted by City of Toronto Council on April 12, 13 and 14, 2005; Works Committee Report 5, Clause 10, as adopted by City of Toronto Council on July 25, 26 and 27, 2006; Executive Committee Item 9.1, adopted as amended, by City of Toronto Council on June 19, 20 and 22, 2007; Public Works and Infrastructure Committee Item 13.1, adopted by City of Toronto Council on March 3, 4 and 5, 2008; and Executive Committee Item 18.1, adopted as amended, by City of Toronto Council at its Special meeting on March 31, 2008

Enacted by Council: May 27, 2008

CITY OF TORONTO

BY-LAW No. 506-2008

To amend City of Toronto Municipal Code Chapter 844, Waste Collections, Residential Properties, Chapter 849, Water and Sewage Services and Chapter 441, Fees and Charges, with respect to the implementation of the new volume-based solid waste rate levy, and to make minor consequential technical amendments to Chapter 851, Water Supply.

WHEREAS subsection 8(1) of the *City of Toronto Act, 2006* provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

WHEREAS City Council has the authority to pass by-laws respecting matters related to services and things that the City considers necessary or desirable to provide to the public under subsection 8(2) of the *City of Toronto Act, 2006*; and

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

WHEREAS the City provides solid waste management services to the citizens of Toronto as a necessary and desirable service; and

WHEREAS on June 19, 20 and 22, 2007, City Council adopted the goal of achieving a 70% solid waste diversion rate by 2010; and

WHEREAS the City's current diversion rate of solid waste is about 42% and in order to help achieve a goal of 70% solid waste diversion rate by 2010, City Council, at the same meeting, adopted a volume-based rate system and grant system; and

WHEREAS at the same meeting, City Council adopted the use of garbage and recycling bins, which will be provided to residents of single household residences in four possible sizes which will be used to determine payment rates; and

WHEREAS a volume-based rate system is designed to encourage residential waste generators with a financial incentive to reduce the amount of waste they dispose of; and

WHEREAS at its special meeting on March 31, 2008, City Council adopted the fees for the volume-based rate system commencing on July 1, 2008 for multiple household residences that receive residential bulk collection and commencing on November 1, 2008 for single household residences that receive residential curbside collection; and

WHEREAS at the same special meeting, City Council adopted the design features for a new utility bill which combines the new fees for the volume-based rate system with the water and sewer fees charged under Chapter 849, Water and Sewage Services, of the Toronto Municipal Code; and

WHEREAS it is necessary to amend Chapter 849, Water and Sewage Services and Chapter 844, Waste Collection, Residential Properties, of the Toronto Municipal Code to implement the new utility bill and volume-based rate structure; and

WHEREAS it is necessary to amend Chapter 441, Fees and Charges, of the Toronto Municipal Code to include these new fees; and

WHEREAS it is necessary to make technical amendments to Chapter 851, Water Supply to reflect changes to Chapter 849 as a result of implementing the utility bill; and

WHEREAS at its meeting on October 2, 3 and 4, 2001, City Council adopted the implementation plan for a three-stream waste system, which allowed for the commingling of recyclable materials, such that the citizens of Toronto are not required to sort their recyclable materials set out for recycling collection; and

WHEREAS at its meeting on May 18, 19 and 20, 2004, City Council adopted the inclusion of plastic food jars, tubs and lids as additional recyclable materials that can be set out for recycling collection; and

WHEREAS at its meeting on July 25, 26 and 27, 2006, City Council adopted the inclusion of spiral wound containers as additional recyclable materials that can be set out for recycling collection; and

WHEREAS the ability to commingle recyclable materials and the inclusion of the additional recyclable materials has not yet been reflected in Chapter 844, Waste Collections, Residential Properties; and

WHEREAS at its meeting on March 3, 4 and 5, 2008, City Council adopted an extended leaf and yard waste and Christmas tree collection schedule;

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

1. Chapter 441, Fees and Charges.

- A. Appendix A, Waste Collection and Disposal Fees and Water and Sewer Usage Rate, Schedule 1, Solid Waste Management, of Municipal Code Chapter 441, Fees and Charges, is amended by inserting the following after Line 84, as follows:

Annual Residential Bulk Collection Fees (\$/dwelling unit/year)								
	I	II	III	IV				V
	Category	Activity	Fee Basis	Fee				Annual Adjustment
				Small Bin	Medium Bin	Large Bin	Extra-Large Bin	
85	Collections	Residential bulk collection	Annual Collection fee	\$150.00	\$175.00	\$205.00	\$235.00	No
86	Collections	Residential bulk collection	Collection fee for un-compacted waste beyond Extra Large Bin (\$/cubic yard)	\$9.56	\$9.56	\$9.56	\$9.56	No
87	Collections	Residential bulk collection	Collection fee for compacted waste beyond Extra Large Bin (\$/cubic yard)	\$28.67	\$28.67	\$28.67	\$28.67	No
Annual Residential Curbside Collection Fees (\$/dwelling/year)								
88	Collections	Residential Curbside collection	Annual Collection fee	\$199.00	\$248.00	\$342.00	\$399.00	No
Other Bin Fees								
89	Collections	Residential Curbside collection	Garbage Bin downsizing exchange fee	\$0.00	\$0.00	\$0.00	\$0.00	No
90	Collections	Residential Curbside collection	Garbage Bin upsizing or Recycling Bin upsizing or downsizing exchanges (November 1, 2008 to January 31, 2009)	\$10.00	\$10.00	\$10.00	\$10.00	No
91	Collections	Residential Curbside collection	Garbage Bin upsizing or Recycling Bin upsizing or downsizing exchanges (November 1, 2008 to January 31, 2009)	\$20.00	\$20.00	\$20.00	\$20.00	No

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92	Collections	Residential Curbside collection	Replacement of Lost or Stolen Bin	\$50.00	\$55.00	\$60.00	\$65.00	No
Bag Tags								
	I	II	III	IV				V
	Category	Activity	Fee Basis	Fee				Annual Adjustment
93	Collections	Residential Curbside collection	Bag Tag (\$/tag)	\$3.10				No

- B. Appendix C – All Other Fees, Schedule 5, Revenue Services of Municipal Code Chapter 441, Fees and Charges, is amended by inserting the following after Line 18, as follows:

	I	II	III	IV	V
	Category	Activity	Fee Basis	Fee	Adjustment
19	Utility Bill	Owner request to send additional bill to agent	Per additional bill	\$16.00	Yes

2. Chapter 844, Waste Collections, Residential Properties.

- A. By amending § 844-1 as follows:

- (1) By deleting the following definitions:

COMMISSIONER.

CURBSIDE COLLECTION.

DEPARTMENT.

MECHANICAL COLLECTION.

- (2) By adding the following in alphabetical order:

DIVISION — The City's Solid Waste Management Services Division.

GARBAGE BIN — A container owned by the City and made available to an owner who receives residential curbside collection as described in § 844-13.1.

GENERAL MANAGER — The General Manager of the Division, or his or her designate.

RECYCLING BIN — A container owned by the City and made available to an owner who receives residential curbside collection as described in § 844-13.1.

RESIDENTIAL BULK COLLECTION — The collection of garbage and recyclable materials in the appropriate regulation containers described in §§ 844-10B and 844-11B.

RESIDENTIAL BULK COLLECTION FEES — The fees imposed under § 844-26 on an owner who receives residential bulk collection.

RESIDENTIAL CURBSIDE COLLECTION — The collection of garbage, recyclable materials, organic materials and yard waste in the appropriate regulation containers described in §§ 844-10A, 844-11A and 844-12, at a collection point that is at or near a curb.

RESIDENTIAL CURBSIDE COLLECTION FEES — The fees imposed under § 844-25 on an owner who receives residential curbside collection.

- (3) By deleting “Commissioner” and substituting “General Manager”, in each case, in the following definitions:

BULKY ITEM.

COLLECTION POINT.

EXEMPTION POLICY.

- (4) By deleting “eight” and substituting “nine”, in each case, in the following definitions:

HOUSEHOLD RESIDENCE.

MULTIPLE HOUSEHOLD RESIDENCE.

- (5) By deleting “recyclable materials” in the definition of RECYCLABLE MATERIALS and substituting “organic materials”.

- B. By amending §§ 844-3C, 844-3D, 844-4B, 844-6B, 844-6C, 844-7D, 844-10B, 844-11B, 844-12A, 844-12C, 844-18B, 844-18C, 844-19, 844-20C; 844-20E; 844-22A; 844-22B; 844-23A; 844-23B; 844-23C; 844-24; 844-24C, and § A(12) of Schedule A, §§ A(16), B(4) and C(12) of Schedule B and §§ N, V and W of Schedule C by deleting “Commissioner” and substituting “General Manager”, in each case.
- C. By amending the title of Article VI by deleting “Commissioner” and substituting “General Manager”.
- D. By amending § 844-7A by deleting “Department” and substituting “Division”, in each case.
- E. By amending §§ 844-4A, 844-4B, 844-5A, 844-6C, 844-9A and 844-12C by deleting “curbside collection” and substituting “residential curbside collection”, in each case.

- F. By amending §§ 844-4C, 844-5B, 844-10B and 844-11B by deleting “mechanical collection” and substituting “residential bulk collection”, in each case.
- G. By adding the following to § 844-3:
- F. An owner may opt out of receiving all of the services provided by the Division, if the owner provides notice to the Division, in a form satisfactory to the General Manager setting out an effective date the services are to end.
 - G. If an owner opts out of all of the services in accordance with Subsection F, the applicable residential curbside collection fees or residential bulk collection fees in §§ 844-25 and 844-26, respectively, will be charged to the owner up to the effective date of the end of the services.
 - H. If an owner opts out of all of the services in accordance with Subsection F, the applicable annual garbage rebate in § 844-27 will be prorated to the effective date of the end of the services.
 - I. If an owner opts out of all of the services in accordance with Subsection F, the owner will not be eligible for the applicable annual garbage rebate in § 844-27 beyond the effective date of the end of the services.
- H. By amending § 844-6 as follows:
- (1) By deleting § 844-6A and substituting it with the following:
 - A. The City shall collect yard waste from household residences and multiple household residences approved by the General Manager once every two weeks during the months of March, April, May, June, July, August, September, October, November and December on days specified by the General Manager.
 - (2) By adding the following:
 - A.1 The City shall collect Christmas trees from household residences and multiple household residences approved by the General Manager during the first three weeks of January on days specified by the General Manager.
- I. By deleting § 844-10A and substituting it with the following:
- A. Owners of household residences shall use a container described below for setting out garbage:
 - (1) One or more garbage bins as provided to the owner of a household residence by the City under § 844-13.1; or

- (2) If the City has not provided a garbage bin to the owner under § 844-13.1, the owner shall use:
 - (a) A rigid container, in good working order with:
 - (1) A capacity greater than 30 litres and less than 125 litres;
 - (2) An external height no greater than 95 centimetres;
 - (3) An internal width or diameter no greater than 60 centimetres;
 - (4) A lid which may be easily and completely removed to facilitate collection;
 - (5) Any device used to tie down the lid must be completely removed prior to collection; and
 - (6) Handles set above the midpoint of the container; or
 - (b) A plastic bag measuring approximately 66 centimetres by 90 centimetres and capable of supporting 20 kilograms when lifted.

J. By deleting § 844-11A and substituting it with the following:

- A. Unless otherwise required under this chapter, owners of household residences shall use a container described below for setting out recyclable materials:
 - (1) One or more recycling bins provided to the owner of a household residence by the City under § 844-13.1; or
 - (2) If the City has not provided a recycling bin to the owner under § 844-13.1, the owner shall use:
 - (a) A blue box or grey box which meets the requirements of the City; or
 - (b) Such other container provided by the City or designated by the General Manager as acceptable for setting out recyclable materials.

K. By amending § 844-11B by deleting “three-hundred-forty-litre” and substituting “340 litre”.

L. By deleting §§ 844-12A(3) and 844-12B.

M. By adding the following sections:

§ 844-13.1. Garbage and recycling bins.

- A. The City will provide owners of household residences who receive residential curbside collection with garbage and recycling bins as set out in this section.
- B. Owners of household residences may choose the size and quantity of garbage bins for the property, but if no choice is made, the General Manager will select a default size and quantity of garbage bins.
- C. Owners of household residences, with one or two dwelling units, will be given only one recycling bin.
- D. Owners of household residences, with one or two dwelling units, may choose the size of the recycling bin, but if no choice is made, the General Manager will select a default size of recycling bin.
- E. Owners of household residences with three to eight dwelling units may choose the size and quantity of recycling bins for the property, but if no choice is made, the General Manager will select a default size and quantity of recycling bins.
- F. Owners of household residences may request additional recycling bins from the Division.
- G. The General Manager may, in his or her discretion, determine whether to provide additional recycling bins as requested by an owner under Subsection F.
- H. The size of garbage and recycling bins available to choose from are:
 - (1) Small – approximately 75 litres capacity;
 - (2) Medium – approximately 120 litres capacity;
 - (3) Large – approximately 240 litres capacity; and
 - (4) Extra-Large – approximately 360 litres capacity.
- I. The garbage and recycling bins remain the property of the City at all times.
- J. Each owner to whom a garbage and a recycling bin is issued shall keep the garbage and recycling bins in good condition, and not in a condition that is noxious, offensive or dangerous to public health.
- K. Each owner shall return either the garbage bin or the recycling bin or both to the City upon request.

- L. If either a garbage bin or a recycling bin is damaged, the owner to whom the bin is issued may make a request to the Division to repair the bin at no cost to the owner.
- M. If either a garbage bin or a recycling bin is lost or stolen, the owner shall contact the Division to issue a new garbage bin or recycling bin as appropriate.
- N. The owner shall pay the fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges for the replacement of the lost or stolen bin.
- O. Each owner to whom a garbage bin or a recycling bin is provided may exchange the bin for a different size by making a request to the Division and paying the applicable bin exchange fee set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.
- N. By amending ARTICLE IV by deleting the title “Setting Out Garbage and Recyclable Materials” and substituting the title “Setting Out Garbage, Recyclable Materials, Special Collection Services Items and Yard Waste”.
- O. By amending § 844-14B by deleting “kg” and substituting “kilograms”.
- P. By adding the following to § 844-14:
- E. An owner shall not fill a garbage bin or recycling bin:
- (1) To a gross weight that exceeds the weight limit for the bin in the following table:
- | Garbage Bin/Recycling Bin Size | Weight Limit |
|----------------------------------|--------------|
| Small (approx. 75 litres) | 30 kg |
| Medium (approx. 120 litres) | 50 kg |
| Large (approx. 240 litres) | 100 kg |
| Extra-Large (approx. 360 litres) | 150 kg |
- (2) To the extent that the lid does not close.
- Q. By deleting § 844-16 and substituting it with the following:

§ 844-16. Preparation of recyclable materials for collection.

Owners of household residences and multiple household residences who receive recycling collection services shall set out the recyclable materials listed in Schedule B to this Chapter, loose and free of plastic bags or any other wrapping in the appropriate recycling container.

R. By inserting the following:

ARTICLE VII
Rates and Rebates

§ 844-25. Residential curbside collection fees.

- A. An owner of a household residence shall pay the applicable residential curbside collection fees based on the quantity and size of garbage bins used by the household residence as set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.
- B. For the first year during which this section is in force, the residential curbside collection fees will be prorated on a daily basis.
- C. When the owner of a household residence requests a garbage bin exchange under § 844-13.1N, requests an additional garbage bin, or when there is a change in ownership of a household residence, the residential curbside collection fees under Subsection A will be prorated on a daily basis.
- D. Despite Subsection A, if an owner of a household residence uses a specialized in-home compactor to reduce its garbage volume and, as a result, uses a smaller sized garbage bin, the General Manager reserves the right to increase the residential curbside collection fees for the household residence to a larger sized garbage bin to compensate for the compaction, as the residential curbside collection fees are based on the collection of un-compacted garbage.
- E. The City will bill each owner of a household residence, who receives residential curbside collection, the residential curbside collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

§ 844-26. Residential bulk collection fees.

- A. An owner of a multiple household residence who receives residential bulk collection shall pay the applicable residential bulk collection fees per dwelling unit set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges, which is based on the garbage container size calculated in accordance with subsection D.
- B. For the first year during which this section is in force, the residential bulk collection fees will be prorated on a daily basis.
- C. When a change in ownership of a multiple household residence occurs, the residential bulk collection fees will be prorated on a daily basis.

- D. The residential bulk collection fees are based on garbage being un-compacted or compacted to a 3:1 compaction ratio and the equivalent garbage container size between un-compacted garbage and compacted garbage is as set out in the following table:

Equivalent garbage container size	Uncompacted garbage set out per month (yd³/dwelling unit/month)	Compacted garbage set out per month (yd³/dwelling unit/month)
Small	0.000 – 0.142	0.000 – 0.047
Medium	0.143 – 0.227	0.048 – 0.076
Large	0.228 – 0.453	0.077 – 0.151
Extra-large	0.454 – 0.680	0.152 – 0.227

- E. Multiple household residences that set out garbage in excess of 0.680 cubic yards per dwelling unit per month for un-compacted garbage, or 0.227 cubic yards per dwelling unit per month for compacted waste, shall pay the “extra large bin” fee per dwelling unit plus the additional per cubic yard charge set out in Schedule 1 of Appendix A of Chapter 441, Fees and Charges.
- F. Despite Subsection A, if a multiple household residence’s garbage is more densely compacted than a 3:1 compaction ratio and, as a result, uses smaller or fewer garbage containers, the General Manager reserves the right to increase the residential bulk collection fees for the building to compensate for the compaction.
- G. The City will bill each owner of a multiple household residence, who receives residential bulk collection, the residential bulk collection fee on the utility bill issued pursuant to Article III of Chapter 849, Water and Sewage Services and Utility Bill.

§ 844-27. Annual garbage rebates.

- A. The City shall rebate to an owner of a household residence the annual amount of \$209 in the form of a credit on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill.
- B. The City shall rebate to an owner of a multiple household residence which receives residential bulk collection the annual amount of \$157 per dwelling unit in the form of a credit on the utility bill issued under Article III of Chapter 849, Water and Sewage Services and Utility Bill.
- C. The rebate amount in Subsections A and B will be prorated based on the appropriate billing frequency as set out in § 849-30 of Chapter 849, Water and Sewage Services and Utility Bill, to reflect the appropriate portion of a full year rebate amount.

- D. If the rebate in Subsections A and B represents a credit on the utility bill as set out in Article VIII of Chapter 849, Water and Sewer Services and Utility Bill, the credit will be applied to any applicable fees related to water and sewage services that appear on the utility bill in accordance with Chapter 849, Water and Sewage Services and Utility Bill.

§ 844-28. Due date.

- A. The Deputy City Manager and Chief Financial Officer shall include a due date on the utility bill sent to an owner under Article III of Chapter 849, Water and Sewage Services and Utility Bill and his or her agent, if applicable, which will designate the date on or before which the amounts in respect of either the residential curbside collection fees or the residential bulk collection fees required to be paid by the owner shall be paid to the City.
- B. In the event that the owner or his or her agent, if applicable, fails to pay the amount due on or before the due date, a late payment charge will be applied on either the outstanding residential curbside collection fees or the outstanding residential bulk collection fees, as applicable, to the utility bill as more specifically set out in § 441-5 of Chapter 441, Fees and Charges.
- C. The due date shall be set at the discretion of the Deputy City Manager and Chief Financial Officer, but in no event shall it be any sooner than 21 calendar days from the date the bill is issued.
- S. By amending Subsection A of Schedule B, Recyclable Materials, Yard Waste And Organic Materials by adding the following to the list of items deemed to be recyclable materials:
- Plastic food jars, tubs and lids.
- Spiral Wound Containers (for example, Orange Juice, dough and potato chip containers).
- Paper gift wrap and cards.

3. Chapter 849, Water and Sewage Services.

- A. By renaming Chapter 849, Water and Sewage Services to Chapter 849, Water and Sewage Services and Utility Bill.
- B. By amending §§ 849-7, 849-8, 849-10, 849-11 and 849-12 by inserting “under § 849-3” after “rebate”, in each case.

- C. By amending § 849-9 by inserting “under § 849-3” after “rebate” in the first two instances of the word “rebate”, such that the section now reads as follows:

Each year consumers who have been granted a rebate under § 849-3, in order to receive a rebate under § 849-3 for the current year, shall submit to the City’s General Manager of Toronto Water in a form and content satisfactory to the City’s General Manager of Toronto Water, annual verification of the consumer’s water consumption and sewage discharge, no later than the 1st day of February of each calendar year. Any failure to comply with this requirement shall result in the revocation of any rebate granted to the consumer pursuant to this article.

- D. By amending §§ 849-14C, 849-14D and 849-14E by inserting “under this section” after “rebate”, in each case.
- E. By amending §§ 849-14G and 849-14H by deleting “water bills” and substituting “water fees”, in each case.
- F. By amending § 849-14.1 as follows:
- (1) By deleting “water bill rebate” in the definition of HOUSEHOLD INCOME and substituting “water rebate”, in each case.
 - (2) By deleting “rebate” in the definitions of LOW-INCOME DISABLED PERSON and LOW-INCOME SENIOR and substituting “water rebate”, in each case.
- G. By amending the title of §§ 849-14.2, 849-14.3 and 849.14 by deleting “water bill rebate” and substituting “water rebate”, in each case.
- H. By amending §§ 849-14.2A, 849-14.2B, 849-14.3, 849-14.4 and 849-14.5 by deleting “water bill rebate” and substituting “water rebate”, in each case.
- I. By amending §§ 849-14.2A, 849-14.3B, 849-14.3F, 849-14.3G, 849-14.3H, 849-14.3I, 849-14.3J, 849-14.3K, 849-14.5A, 849-14.5C and 849-14.5D by deleting “rebate” and substituting “water rebate”, in each case.
- J. By amending §§ 849-14.3D, 849-14.5A and 849-14.5B by deleting “water bill” and substituting “utility bill”, in each case.
- K. By amending § 849-14.3H by deleting “water bill” and substituting “utility”, in each case.
- L. By amending the title of § 849-14.5 by deleting “water bill account” and substituting “utility bill”.

M. By amending § 849-26 as follows:

(1) By deleting the following definitions:

ACCOUNT.

BILL.

FEES.

SEASONAL ACCOUNT.

(2) by adding the following in alphabetical order:

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

SOLID WASTE MANAGEMENT ACCOUNT — The record kept by the City in relation to a residential property for the purpose of recording, billing and collecting solid waste management fees.

SOLID WASTE MANAGEMENT FEES — All fees, charges and rates imposed by the City in relation to providing garbage services to a property by the City, placed on the owner's solid waste management account under Article VII of Municipal Code, Chapter 844, Waste Collections, Residential Properties, and any other provision of the Municipal Code or any law.

UTILITY ACCOUNT — The solid waste management account and the water account.

UTILITY BILL — The document issued by the City to the owner and his or her agent, if applicable, setting out, in respect of a residential property, a statement of the utility account, the utility fees due, the due date, and such other terms and conditions with respect to the utility fees and their payment and such other information as the CFO may deem appropriate or necessary in order to administer the utility account and collect the utility fees.

UTILITY FEES — The solid waste management fees and water fees combined.

WATER ACCOUNT — The record kept by the City in relation to a property for the purpose of recording, billing and collecting water fees.

WATER FEES — All fees, charges and rates imposed by the City in relation to the consumption of water supplied by the City and all fees, charges and rates related to the water and sewer services supplied to a property by the City, and all other water and sewer related fees and charges placed on the owner's water

account under Article II of Municipal Code, Chapter 849, Water and Sewer Services, and any other provision of the Municipal Code or any law.

- N. By amending §§ 849-28A, 849-28C, 849-31F, 849-32D, 849-33C and 849-34C and by deleting “fees” and substituting “water fees”, in each case.
- O. By amending §§ 849-33A, 849-33B and 849-34B by deleting “fees” and substituting “utility fees”, in each case.
- P. By amending §§ 849-28A, 849-28B, 849-28C, 849-31F, 849-32D and 849-32E by deleting “account” and substituting “water account”, in each case.
- Q. By amending §§ 849-30A and 849-34A by deleting “accounts” and substituting “water accounts”, in each case.
- R. By amending § 849-30A by deleting “seasonal accounts” and substituting “seasonal water accounts”.
- S. By deleting § 849-27 and substituting the following:

§ 849-27. Responsibility for utility accounts.

- A. The owner shall be liable for the payment of the utility bill, except for water fees relating to water supplied by the City for fire prevention services.
- B. Despite any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in a private water system, the owner shall be liable for the payment of all water fees in relation to any such water.
- C. In the event that a property has more than one owner, each owner shall be jointly and severally liable for payment of the utility account.
- D. An owner may direct the CFO to issue the utility bill and all solid waste, water and sewer related notices to a person other than the owner, provided that the owner:
 - (1) Submits to the CFO a completed and signed application in the form designated for that purpose by the CFO;
 - (2) Acknowledges that the owner will remain liable for payment of the utility fees and the City may exercise against the owner or the property any remedy it may have with respect to the collection of utility fees;
 - (3) Appoints the person to whom the utility bill and notices are directed as his or her agent for the purposes of granting the City access to the property in relation to the City’s provision of waste services, water and sewer services and related activities, including but not limited to inspections, at or to the property;
 - (4) Acknowledges that the acts of the agent under Subsection D(3) may result in the imposition of utility fees for which the owner shall be liable; and

- (5) At all times, provides the CFO with current information with respect to the name and telephone number of any tenants or occupants of the property.

- E. If an owner directs the CFO to issue a utility bill to an agent under Subsection D, the CFO will also issue to the owner a copy of the utility bill for the owner's records and information.

- F. If an owner directs the CFO to issue the utility bill under Subsection D to his or her agent, an administration fee as set out in Schedule 5, Revenue Services of Appendix C of Chapter 441, Fees and Charges shall be applied to the utility bill.

- G. In the event that the owner or his or her agent, if applicable, remits partial payment and there remains an outstanding amount on the utility bill, the payment will be applied in proportion to any water fees and any solid waste management fees.

- T. By adding the following to § 849-28:
 - D. Where the CFO determines that a solid waste management account is incorrect as the result of any error on the part of the City or as a result of City owned equipment, change in ownership of the property, an incorrect garbage bin size, or application of an incorrect billing volumes/number of tips for multiple household residences has been applied, the CFO may adjust the solid waste management account, specific to the applicable billing period, in order to ensure that the appropriate charges and the solid waste management fees are paid in respect of the property and any such adjustments will be reflected on the next utility bill.

- U. By amending §§ 849-22, 849-30A, 849-30B, 849-31D and 849-31F by deleting "bill" and substituting "utility bill", in each case.

- V. By deleting § 849-30C and substituting it with the following:
 - C. The CFO may issue a utility bill to an owner or his or her agent, if applicable, at a time other than or more frequently than as set out in §§ 849-30A and 849-30B, in any of the following events:
 - (1) Demolition of a building supplied with water by the City;
 - (2) A change of meter or installation of a meter at a property;
 - (3) A change in ownership of a property;
 - (4) A change in the appointment by the owner of an agent as permitted by and in accordance with § 849-27D;
 - (5) A change in garbage bin size pursuant to § 844-13.1N in Chapter 844, Waste Collections, Residential Properties; or

- (6) Revised volume/tip information for a multiple household residence as defined in Chapter 844, Waste Collections, Residential Properties.

W. By amending § 849-33B by deleting “account” and substituting “utility bill”, in each case.

4. Chapter 851, Water Supply.

A. By amending §§ 851-5N(2), 851-7C(3)(b), 851-7C(4), 851-7F(6) and 851-13G(2) by deleting “Water and Sewage Services” and substituting “Water and Sewage Services and Utility Bill”, in each case.

B. By amending § 851-1 as follows:

(1) By deleting the definition of ACCOUNT.

(2) By adding the following:

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

(3) By amending the definition of HIGH VOLUME ACCOUNT by deleting “account” and substituting “water account” so that the definition for HIGH VOLUME ACCOUNT reads as follows:

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 water account.

C. By amending §§ 851-7C(3)(a), 851-7C(4), 851-7C(5) and 851-14G(2)(a) by deleting “account” and substituting “water account”, in each case.

5. In force date.

A. Except as provided in Subsection B, this by-law comes into force on July 1, 2008.

B. The following come into force on November 1, 2008:

(1) Section 844-13.1O as enacted by Section 2M.

(2) Sections 844-25 and 844-27A as enacted by Section 2R.

ENACTED AND PASSED this 27th day of May, A.D. 2008.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)