

Authority: Executive Committee Item EX34.13, as adopted by City of Toronto Council on May 22, 23 and 24, 2018

## **CITY OF TORONTO**

### **BY-LAW 1259-2018**

#### **To Amend City of Toronto Municipal Code Chapter 849, Water and Sewage Services and Utility Bill to Reflect the Establishment of a Home Dialysis Water Rebate Program.**

Whereas the City of Toronto (the "City") is responsible for the supply and distribution of water within its jurisdiction and the related water utility billing for the provision of this municipal service; and

Whereas the City recognizes the added water utility costs associated with dialysis patients who have elected to undergo home dialysis treatment for reduced kidney function and wishes to relieve the financial impact of home dialysis treatment to offset those additional costs in the form of a financial rebate, to an annual maximum amount; and

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 subsection 8 (1) of the City of Toronto Act, 2006 prescribes that the City may provide any service or thing that the City considers necessary or desirable for the public; and

Whereas subsection 8 (2) of the City of Toronto Act, 2006 provides that the City may pass by-laws respecting, among other matters, the services and things that the City is authorized to provide under subsection 8 (1) and, also, the health, safety and well-being of persons; and

Whereas section 83 of the City of Toronto Act, 2006 further provides that the City may make grants to any person, group or body, on such terms as Council considers appropriate for any purpose that Council considers to be in the interests of the City; and

Whereas at its meeting on May 22, 23 and 24, 2018 City Council authorized the establishment and implementation of a home dialysis water rebate program in accordance with approved terms of reference; and

Whereas Chapter 849 of the City of Toronto Municipal Code is the Water and Sewage Services and Utility Bill by-law for the City of Toronto ("Municipal Code Chapter 849") and it is necessary to amend Municipal Code Chapter 849 to reflect the establishment of the home dialysis water rebate program authorized by City of Toronto Council;

The Council of the City of Toronto enacts:

1. Chapter 849, Water and Sewage Services and Utility Bill, of the City of Toronto Municipal Code, is amended by adding the following to Article 1 Rebates immediately after § 849-14.6 False Statements.:

#### **§ 849-14.7. Home dialysis water program and rebate.**

The City will provide a home dialysis water rebate under a home dialysis water rebate program in accordance with the provisions of this article set out in § 849-14.7. to § 849-14.17, inclusive.

**§ 849-14.8. Administration of the home dialysis water rebate.**

The home dialysis water rebate program will be administered by the City's Revenue Services Division under the jurisdiction of the Treasurer. The Treasurer is authorized to establish and implement additional administrative program details and eligibility criteria of the home dialysis water rebate program as may be necessary on terms and conditions satisfactory to the Treasurer and the General Manager, Toronto Water. The Treasurer is also authorized to prescribe any City form required for the home dialysis water rebate and program and to amend or revise such forms from time to time.

**§ 849-14.9. Home dialysis water rebate.**

Where a person has received written notification of approval from the City authorizing the person's entitlement to receive the home dialysis water rebate, the City will provide the home dialysis water rebate to the person in accordance with the provisions set out in § 849-14.7. to § 849-14.17, inclusive, provided the person remains eligible during the applicable period of the rebate.

**§ 849-14.10. Eligibility to apply for and receive the home dialysis water rebate.**

A person is eligible to apply for and to receive, during the person's period of eligibility, the home dialysis water rebate, to the annual maximum rebate amount specified in § 849-14.12., if all of the following conditions are met:

- A. The person is a resident of the City of Toronto.
- B. The person is either an owner or a designated tenant, who has a water account and receives a utility bill issued in their name, as those terms are defined under this Chapter, for a residential property, equipped with a meter under the City's Water Meter Program, and at which residential property the person resides. In the case of a person who is an owner, any change in ownership of the residential property, which is the subject of the home dialysis water rebate application, will automatically terminate the person's entitlement, if any, to receive the home dialysis water rebate. In this circumstance, to continue to be eligible for the home dialysis water rebate, the person will be required to submit a new application for the rebate and meet the eligibility conditions of the home dialysis water rebate program at that time. In the case of a person who is a designated tenant, any change in the tenancy of the residential property, which is the subject of the home dialysis water rebate application, will automatically terminate the person's entitlement, if any, to receive the home dialysis water rebate. In this circumstance, to continue to be eligible for the home dialysis water rebate, the person will be required to submit a new application for the rebate and meet the eligibility conditions of the home dialysis water rebate program at that time. If, however, the ownership of the residential property has changed but the designated tenant continues to reside at the residential property, a new utility bill designate mailing request is required to be submitted to the City's Revenue Services Division, to the satisfaction of the Treasurer, in the proper form and no later than 45 days prior to the end of the current billing period to continue eligibility, failing which eligibility will be suspended until the request is received by the Treasurer in the proper form, but a new application for the rebate program is not required.

- C. The person referenced in subsection § 849-14.10. B., or the person's dependent or family member who resides with the person at the residential property, is receiving and must continue to receive home dialysis treatment as a necessary and prescribed medical treatment at the residential property for which the utility account is issued. The home dialysis water rebate will only be considered for the duration of the home dialysis treatment period and will not be available to the person, or provided by the City, if the home dialysis treatment ends. The person must notify in writing the City's Revenue Services Division immediately of any termination of the home dialysis treatment.
- D. Neither the person, nor the person's dependent or family member, as referenced in subsection § 849-14.10. C., is receiving a home hemodialysis utility grant through the Ontario Renal Network, or its successor, or any other agency, or any other financial relief funding for water from any source related in any way to the home dialysis treatment at the residential property. The person will provide such information as the City may require in order for the City to determine in its sole discretion whether the person, or the person's dependent or family member, receives such funding and must sign a consent form, and/or provide the written consent of the dependent or family member, if applicable, that authorizes the City to collect and share such information with the Ontario Renal Network, or its successor, or any other agency, so that the City can verify this information for the purposes of determining a person's eligibility for the home dialysis water rebate.
- E. The person has made a proper and complete application for the home dialysis water rebate in accordance with the provisions of § 849-14.11. of this article to the satisfaction of the Treasurer.
- F. The person has properly completed and submitted any application, forms, information or documentation and provided any consents required under the home dialysis water rebate program to the satisfaction of the Treasurer.
- G. The person consents and agrees to provide the City and its personnel access to the residential property, if required by the Treasurer, to verify any and all information in relation to the application submitted for the home dialysis rebate.
- H. The water consumption for the residential property, which is the subject of the home dialysis water rebate application, must be increased because of the home dialysis treatment and the person's utility bill must reflect that increased water consumption directly related to the home dialysis treatment as determined by and to the satisfaction of the Treasurer.
- I. There are no outstanding taxes or utility charges owing to the City, in the determination of the Treasurer, related to the residential property, which is the subject of the home dialysis water rebate application.
- J. The person has received written notification of approval from the City authorizing the person's entitlement to the home dialysis water rebate.

- K. The person agrees to notify the Treasurer of any change in circumstances which would alter his or her status as a person eligible to apply for and to receive the home dialysis water rebate, or the amount of the home dialysis water rebate to which they are entitled.

In the event a person receiving the home dialysis water rebate ceases to meet any one or more of the above conditions, the person will become ineligible to receive the home dialysis water rebate and the home dialysis water rebate will cease effective the date of the person's ineligibility. In order to reinstate eligibility, the person must reapply and meet the eligibility conditions at that time.

**§ 849-14.11. Application for the home dialysis water rebate.**

- A. An application for the home dialysis water rebate under the home dialysis water rebate program may only be made by one person, named in the utility bill for the residential property at which the home dialysis treatment is being administered.
- B. An application for the home dialysis water rebate must be in writing, on a form prescribed by the Treasurer for this purpose, and must be submitted to the Revenue Services Division Utility Billing Unit.
- C. An application must provide the information required by the form prescribed by the Treasurer and include supporting documentation, in a form satisfactory to the Treasurer, to establish that the applicant is an eligible person who meets the conditions under § 849-14.10 for the rebate and other requirements under § 849-14.7. to § 849-14.17; and to establish the amount of rebate, if any, to which the eligible person is entitled.
- D. Without limiting the generality of subsection § 849-14.11. C., the application must include the following:
- (1) the name of the person receiving home dialysis treatment;
  - (2) the address where the person receives the home dialysis treatment;
  - (3) the applicable utility account information for the address;
  - (4) a description of the home dialysis unit being used, including the approximate number of gallons or cubic metres of water per use of the machine and the frequency and duration of the home treatments received; and
  - (5) a signed letter from the attending hospital/physician confirming the person is receiving the home dialysis treatment as part of his or her necessary and prescribed medical treatment program, the start date of the in-home treatment and the anticipated length and duration of the home dialysis treatment.

**§ 849-14.12. Basis for and calculation of the home dialysis water rebate and maximum rebate amount.**

- A. The amount of the home dialysis water rebate, if any, will be equal to the applicable water rates charged to the owner or designated tenant named in the utility bill for the residential property for the actual portion of water consumption directly attributable to the home dialysis treatment during the applicable billing period, calculated in accordance with § 849-14.12. B. The City will use data from the automated meter reading system, in correlation with the information provided in the application for the home dialysis water rebate, including information related to the type of dialysis equipment utilized and the frequency of treatments received, and such other information as the Treasurer may consider relevant in the circumstances, in order to determine the water consumption for the residential property directly attributable to the home dialysis treatment.
- B. The home dialysis rebate payable, if any, under the home dialysis rebate program will be calculated by the Treasurer, in his or her sole discretion, for each applicable utility billing period as follows:

Current recorded water consumption for the billing period minus any additional water consumption not considered directly attributable to the home dialysis treatment (while receiving home dialysis treatment)	-	Historical recorded daily average water consumption for similar period (not receiving home dialysis)	=	Water consumption to be rebated
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The water consumption to be rebated is then multiplied by the applicable water rate to establish the dollar value of the rebate payable, if any, for the applicable utility billing period. The water consumption to be rebated shall not exceed the maximum rebate amount of 600 cubic metres per calendar year.

**§ 849-14.13. Effective date of the home dialysis water rebate.**

An eligible person, as defined in § 849-14.10., who has made a successful application for the home dialysis water rebate under § 849-14.11. will not be entitled to the home dialysis water rebate until such time as the home dialysis water rebate has been approved by the City in accordance with § 849-14.9. However, once approved, the home dialysis water rebate will be effective and applied from the date the proper and complete application for the home dialysis water rebate was received by the City.

**§ 849-14.14. Credit to water/sewer portion of utility account.**

The home dialysis water rebate payable, if any, will be in the form of a credit applied to the water/sewer portion of the eligible person's utility bill for the residential property which is the subject of the application under § 849-14.11., unless the rebate is otherwise specifically requested by the eligible person to be in the form of a cheque issued to the eligible person.

**§ 849-14.15. False statements.**

Any false or deceptive statement by a person in an application or related documentation under the home dialysis water rebate program, or otherwise false pretense, as determined by the Treasurer in his or her sole discretion, will render the person ineligible for the home dialysis water rebate and require repayment by the person to the City of any rebate amount paid or credited to the utility bill. In these circumstances, the City will be entitled to add the amount of the rebate paid or credited back onto the person's utility bill from the date that the home dialysis rebate was originally made.

**§ 849-14.16. City's right to cancel.**

The City may cancel the home dialysis water rebate, including the payment of the rebate, and the home dialysis water rebate program at any time without notice.

**§ 849-14.17. Annual home dialysis water rebate program review.**

The home dialysis water rebate program will be reviewed annually by Revenue Services staff and will consist of a review of all utility accounts receiving the home dialysis water rebate under the program.

Enacted and passed on July 27, 2018.

Glenn De Baeremaeker,  
Deputy Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)