

Chapter 849

WATER AND SEWAGE SERVICES AND UTILITY BILL¹

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¹ Editor's Note: The title of this chapter was changed from "Water and Sewage Services" to "Water and Sewage Services and Utility Bill" May 27, 2008 by By-law 506-2008. This by-law came into force July 1, 2008.

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**[History: Adopted by the Council of the City of Toronto as indicated in article histories.
Amendments noted where applicable.]**

General References

Fees and charges - See Ch. 441.

Sewers - See Ch. 681.

Discontinuance of vital services - See Ch. 835.

Water supply - See Ch. 851.

City of Toronto Act, 2006 - See S.O. 2006, c. 11.

Ontario Disability Support Program Act, 1997 - See S.O. 1997, c. 25.

Ontario Insurance Act - See R.S.O. 1990, c. I.8.

Workplace Safety and Insurance Act, 1997 - See S.O. 1997, c. 16.

ARTICLE I
Rebates

[Adopted 1999-09-29 by By-law 660-1999²]

§ 849-1. Definitions.

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

CONSUMER - A residential, industrial, commercial or institutional consumer of water in the City of Toronto.

§ 849-2. Application form.

[Amended 2000-10-05 by By-law 869-2000]

Consumers may submit to the City Clerk an application in the form set out by the City.

§ 849-3. Rebate on portion of surcharge on water rates for sewage service.

[Amended 2009-03-31 by By-law 359-2009]

The City shall, where an industrial or commercial consumer has made a successful application under this article, rebate to the consumer that portion of the surcharge on water rates for sewage service purposes paid by an industrial or commercial consumer to the City in relation to the portion of the water that is directly consumed or used on site at the industrial or commercial consumer's premises for their industrial or commercial processes, and is not:

- A. Discharged by that consumer to the sanitary or combined sewer system;
- B. Used, consumed or released outdoors, whether for irrigation purposes or otherwise; or
- C. Used, consumed or released off site of the industrial or commercial consumer's premises.

§ 849-4. Submission of detailed engineering report.

Consumers shall be required, at their sole expense, to submit to the City a detailed engineering report issued by an independent licensed professional engineer no later than nine months from the date of the application, setting out the consumer's water consuming processes and providing a water balance for the account. The water balance shall cover a minimum period of five days over a minimum of three separate occasions and shall include at least one balance showing seasonal variation.

² Editor's Note: This by-law came into force November 1, 1999. This by-law also repealed § 292-4 of the Municipal Code of the former City of Toronto and By-law 32-93 of the former Municipality of Metropolitan Toronto.

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§ 849-5. Criteria for approval of applications.

[Amended 2009-03-31 by By-law 359-2009]

A rebate to an industrial or commercial consumer under § 849-3 shall be granted only if the water purchased is used for the industrial or commercial consumer's on site operations and if the amount of reduction in sewage discharged in relation to water purchased is in conformance with the following:

- A. For consumers with a total annual water consumption of up to and including 1,500 cubic metres, sewage flow must be more than 20 percent less than total annual water consumption; or
- B. For consumers with a total annual water consumption between 1,500 cubic metres and up to and including 15,000 cubic metres, sewage flow must be more than 15 percent less than total annual water consumption; or
- C. For consumers with a total annual water consumption between 15,000 cubic metres and up to and including 1,500,000 cubic metres, sewage flow must be more than 10 percent less than total annual water consumption; or
- D. For consumers with a total annual water consumption of over 1,500,000 cubic metres, sewage flow must be more than 5 percent less than total annual water consumption.

§ 849-6. Inspection of premises by City.

The City shall be entitled to conduct an inspection of the consumer's premises to verify any and all information in relation to the application submitted by the consumer.

§ 849-7. No rebate for discharging to storm sewer system routed to treatment plants.

[Amended 2008-05-27 by By-law 506-2008³]

If the consumer is discharging to a storm sewer system which is routed to a City treatment plant for treatment, the City shall not grant any rebate under § 849-3 to that consumer.

§ 849-8. No rebate for cooling water discharged into storm sewers or for off-site use.

[Amended 2008-05-27 by By-law 506-2008;⁴ 2009-03-31 by By-law 359-2009]

No rebate to any consumer shall be made in relation to:

- A. Cooling water discharged into storm sewers; and

³ Editor's Note: This by-law came into force July 1, 2008.

⁴ Editor's Note: This by-law came into force July 1, 2008.

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- B. Water used or consumed outdoors or off site of the consumer's premises by the customer or any other person including but not limited to use or consumption for irrigation, construction or cleaning purposes.

§ 849-9. Annual verification of water consumption and sewage discharge.

[Amended 2007-03-06 by By-law 192-2007; 2008-05-27 by By-law 506-2008⁵]

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.

§ 849-10. Notification of change in sewage discharge.

[Amended 2000-10-05 by By-law 869-2000; 2007-03-06 by By-law 192-2007; 2008-05-27 by By-law 506-2008⁶]

In the event of any change concerning sewage discharge in relation to the amount of water supplied, the consumer shall immediately notify the City's General Manager of Toronto Water. Any failure to comply with this requirement shall entitle the City to revoke or suspend any rebate under § 849-3 granted to the consumer and to require the consumer to pay the full surcharge from the time of the change.

§ 849-11. Effective date of rebate.

[Amended 2007-03-06 by By-law 192-2007; 2008-05-27 by By-law 506-2008⁷]

No consumer shall be entitled to a rebate under § 849-3 until such rebate under § 849-3 is authorized by the City's General Manager of Toronto Water in accordance with this article. However, once authorized, the consumer shall be entitled to a rebate under § 849-3 from the date of the receipt of the application by the City Clerk.

§ 849-12. No rebate for outstanding arrears.

[Amended 2008-05-27 by By-law 506-2008⁸]

Any consumer who is in arrears with regard to payments for water rates or sewer surcharges shall not be entitled to any rebate under § 849-3 so long as such arrears remain outstanding.

⁵ Editor's Note: This by-law came into force July 1, 2008.

⁶ Editor's Note: This by-law came into force July 1, 2008.

⁷ Editor's Note: This by-law came into force July 1, 2008.

⁸ Editor's Note: This by-law came into force July 1, 2008.

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§ 849-13. Rate of rebate.

[Amended 2000-10-05 by By-law 869-2000; 2007-12-13 by By-law 1416-2007⁹]

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.

§ 849-14. Consumers who discharge to private septic systems.

- A. Consumers who discharge all of the sewage produced at their premises to a private septic system that is not connected to the City's sewage system or a municipal sewer system may make an application to the City Clerk in the form set out by the City for a rebate of the surcharge on water rates for sewage service purposes paid by the consumer to the City. **[Amended 2000-10-05 by By-law 869-2000]**
- B. The City shall be entitled to conduct an inspection of the consumer's premises to verify any and all information in relation to the application submitted by the consumer.
- C. No consumer shall be entitled to a rebate under this section until such rebate under this section is authorized by the City's Chief Financial Officer and Treasurer or the City's General Manager of Toronto Water in accordance with this article. However, once authorized, the consumer shall be entitled to a rebate under this section from the date of the receipt of the application by the City Clerk. **[Amended 2007-03-06 by By-law 192-2007; 2008-05-27 by By-law 506-2008¹⁰; 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019¹¹]**
- D. Any consumer who is in arrears with regard to payments for water rates or sewer surcharges shall not be entitled to any rebate under this section so long as such arrears remain outstanding. **[Amended 2008-05-27 by By-law 506-2008¹²]**
- E. In the event of any change in relation to the consumer's connection to a private septic tank or connection to a City sewer, the consumer shall immediately notify the Clerk of the City. Any failure of the consumer to comply with this subsection shall entitle the City to revoke or suspend any rebate under this section granted to the consumer and to require the consumer to pay the full surcharge from the time of the change. **[Amended 2008-05-27 by By-law 506-2008¹³]**

⁹ Editor's Note: This by-law came into force January 1, 2008.

¹⁰ Editor's Note: This by-law came into force July 1, 2008.

¹¹ Editor's Note: By-law 17-2019 deleted all references to the title "Chief Financial Officer" and replaced the title with "Chief Financial Officer and Treasurer". By-law 17-2019 is deemed to have come into force on October 23, 2018.

¹² Editor's Note: This by-law came into force July 1, 2008.

¹³ Editor's Note: This by-law came into force July 1, 2008.

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- F. The rebate pursuant to this section 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 determined by City Council from time to time. **[Amended 2007-02-08 by By-law 153-2007¹⁴]**
- G. Consumers who discharge all the sewage produced at their premises to a private septic system that is not connected to the City's sewage system or a municipal sewer system and who may have previously qualified to receive a rebate pursuant to § 849-14A but who have not previously made such an application to the City, be eligible to apply for and receive a one-time retroactive rebate, in the form of either a direct payment or credit to their water account, as determined by the City's Chief Financial Officer and Treasurer or General Manager of Toronto Water, in an amount equivalent to the sewer charge that the consumer has paid to the City for the period commencing on the later of: **[Added 2007-03-06 by By-law 192-2007¹⁵; 2018-07-27 by By-law 1206-2018]**
- (1) November 1, 1999; or
 - (2) The date that the consumer became responsible for payment of water fees in connection with the property billed, and ending on September 28, 2006. **[Amended 2008-05-27 by By-law 506-2008¹⁶]**
- H. Consumers who discharge all the sewage produced at their premises to a private septic system that is not connected to the City's sewage system or a municipal sewer system and who are currently receiving a rebate of the surcharge pursuant to § 849-14A effective from the date of receipt of their application, as prescribed in § 849-14C, be eligible to apply for and receive a one-time retroactive rebate, in the form of either a direct payment or credit to their water account, as determined by the City's Chief Financial Officer and Treasurer or General Manager of Toronto Water, in an amount equivalent to the sewer charge that the consumer has paid to the City for the period commencing on the later of: **[Added 2007-03-06 by By-law 192-2007¹⁷; 2018-07-27 by By-law 1206-2018]**
- (1) November 1, 1999; or
 - (2) The date that the consumer became responsible for payment of water fees in connection with the property billed, and ending on the earlier of September 28, 2006, or the date of receipt of their application pursuant to § 849-14A and 849-14C. **[Amended 2008-05-27 by By-law 506-2008¹⁸]**

¹⁴ Editor's Note: This by-law came into force March 1, 2007.

¹⁵ Editor's Note: This by-law came into force September 28, 2006.

¹⁶ Editor's Note: This by-law came into force July 1, 2008.

¹⁷ Editor's Note: This by-law came into force September 28, 2006.

¹⁸ Editor's Note: This by-law came into force July 1, 2008.

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§ 849-14.1. Definitions.

[Added 2007-12-13 by By-law 1416-2007¹⁹]

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 5,000 cubic metres per year (m³/per year) consumed by industrial users, as set out in Chapter 441, Fees and Charges, Appendix D, Schedule 1, Water & Wastewater Consumption Rates. **[Amended 2009-12-04 by By-law 1206-2009²⁰; 2011-02-24 by By-law 335-2011²¹; 2015-12-10 by By-law 1323-2015²²]**

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 5,000 cubic metres per year (m³/per year) of such use, as set out in Chapter 441, Fees and Charges, Appendix D, Schedule 1, Water & Wastewater Consumption Rates. **[Amended 2009-12-04 by By-law 1206-2009²³; 2011-02-24 by By-law 335-2011²⁴; 2015-12-10 by By-law 1323-2015²⁵]**

CONTROLLER - A person appointed to the management position of Controller in the City's administrative organization and who has also been appointed as a deputy treasurer under section 138 of the City of Toronto Act, 2006. **[Added 2009-05-27 by By-law 605-2009²⁶; amended 2018-12-13 by By-law 17-2019²⁷]**

ELIGIBLE PERSON - A low-income person, or the spouse, or widow of such a person, who has a household income of \$50,000 or less. **[Amended 2009-05-27 by By-law 605-2009²⁸]**

ELIGIBLE PROPERTY - Real property classified as residential property on the assessment roll, or a portion of real property classified as residential property on the assessment roll which: **[Amended 2009-05-27 by By-law 605-2009²⁹; amended 2020-06-30 by By-law 525-2020]**

A. Is occupied by the eligible person making the application for the water rebate as his or her principal residence; and

¹⁹ Editor's Note: This by-law came into force January 1, 2008.

²⁰ Editor's Note: This by-law came into force April 1, 2009.

²¹ Editor's Note: By-law 335-2011 came into force March 1, 2011.

²² Editor's Note: By-law 1323-2015 came into force January 1, 2016.

²³ Editor's Note: This by-law came into force April 1, 2009.

²⁴ Editor's Note: By-law 335-2011 came into force March 1, 2011.

²⁵ Editor's Note: By-law 1323-2015 came into force January 1, 2016.

²⁶ Editor's Note: This by-law came into force January 1, 2009.

²⁷ Editor's Note: By-law 17-2019 deleted all references to the title "Treasurer" and replaced the title with "Controller". By-law 17-2019 is deemed to have come into force on October 23, 2018.

²⁸ Editor's Note: This by-law came into force January 1, 2009.

²⁹ Editor's Note: This by-law came into force January 1, 2009.

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- B. (1) Is owned solely by one or more eligible persons for no less than one year immediately preceding August 31 of the year in respect of which the application for the water rebate is made;
- (2) Is owned solely by the estate of a low-income person, by the widow, or by both; or
- (3) Is owned jointly by the persons set out in either (1) or (2), together with one or more other persons who do not reside at the property.

HOUSEHOLD INCOME - The combined gross income of all eligible persons occupying the eligible property in respect of which the application for a water rebate is made. **[Amended 2008-05-27 by By-law 506-2008³⁰]**

LOW-INCOME DISABLED PERSON - A person who is in receipt of one or more of the following: **[Amended 2008-05-27 by By-law 506-2008;³¹ 2009-05-27 by By-law 605-2009³²]**

- A. A disability pension under the Canada Pension Plan Act (Canada);
- B. Income support under the Ontario Disability Support Program Act, 1997;
- C. Benefits under the Workplace Safety and Insurance Act, 1997;
- D. Benefits for the interruption of earnings due to a prescribed illness, injury or quarantine under the Employment Insurance Act (Canada); or
- E. 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.
- F. Such other financial benefits, support(s) or circumstances in respect of a person's disability that, in the opinion of the Controller establish that a person is a low-income disabled person for the purposes of this Article. **[Added 2019-03-07 by By-law 392-2019]**

LOW-INCOME PERSON - A low-income disabled person or a low-income senior. **[Added 2009-05-27 by By-law 605-2009³³]**

LOW-INCOME SENIOR - A person who is: **[Amended 2008-05-27 by By-law 506-2008;³⁴ 2009-05-27 by By-law 605-2009³⁵]**

- A. (1) 65 years of age or older; or

³⁰ Editor's Note: This by-law came into force July 1, 2008.

³¹ Editor's Note: This by-law came into force July 1, 2008.

³² Editor's Note: This by-law came into force January 1, 2009.

³³ Editor's Note: This by-law came into force January 1, 2009.

³⁴ Editor's Note: This by-law came into force July 1, 2008.

³⁵ Editor's Note: This by-law came into force January 1, 2009.

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- (2) Between 60 and 64 years of age, and:
 - (a) Is in receipt of the Guaranteed Income Supplement Allowance under the Old Age Security Act (Canada); or
 - (b) Is a widowed person receiving the spouse's allowance under the Old Age Security Act (Canada); or
- (3) 50 years of age or older, and:
 - (a) Is in receipt of a pension from a pension plan registered under the Income Tax Act (Canada); or
 - (b) Is in receipt of a pension annuity resulting from a pension plan registered under the Income Tax Act (Canada);

and, any reference in this definition to the age of a person is reference to the age of the person during any part of the year for which the application for the water rebate is made.³⁶

SPOUSE - Has the same meaning as in section 29 of the Family Law Act, R.S.O. 1990, c. F.3. **[Added 2009-05-27 by By-law 605-2009³⁷]**

WIDOW - A surviving spouse of a deceased low-income person who is also a low-income person. **[Added 2009-05-27 by By-law 605-2009³⁸]**

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

[Added 2007-12-13 by By-law 1416-2007³⁹; amended 2008-05-27 by By-law 506-2008⁴⁰]

- A. 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 rebate, provide a water rebate in accordance with the provisions set out in §§ 849-14.1 to 849-14.6, inclusive. **[Amended 2014-08-28 by By-law 968-2014]**
- B. The water rebate shall be set at a rate representing a 30 percent reduction from the Block 1 Rate, as set out in Chapter 441, Fees and Charges, Appendix D - Schedule 1, Water & Wastewater Consumption Rates, or at such other rate as determined by Council from time

³⁶ Editor's Note: The former definition of "owner," which immediately followed this definition, was repealed May 27, 2009 by By-law 605-2009. This by-law came into force January 1, 2009.

³⁷ Editor's Note: This by-law came into force January 1, 2009.

³⁸ Editor's Note: This by-law came into force January 1, 2009.

³⁹ Editor's Note: This by-law came into force January 1, 2008.

⁴⁰ Editor's Note: This by-law came into force July 1, 2008.

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to time. [Amended 2008-11-06 by By-law 1172-2008;⁴¹ 2009-12-04 by By-law 1206-2009⁴²; 2011-02-24 by By-law 335-2011⁴³]

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

[Added 2007-12-13 by By-law 1416-2007⁴⁴; amended 2008-05-27 by By-law 506-2008⁴⁵]

A person is eligible to receive a water 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 water rebate application, as his or her principal residence; [Amended 2009-05-27 by By-law 605-2009⁴⁶]
- C. The person has made an application for the water rebate program in accordance with the provisions of § 849-14.4;
- D. The application for a water rebate is in respect of only the utility bill for the year in which the application is made;
- E. The person agrees to notify the City Controller of any change in circumstances which would alter his or her status as an eligible person, or the amount of the water rebate to which they are entitled;
- F. ⁴⁷Payment to the City for all taxes payable for all previous years and utility charges payable for the current year related to the eligible property, which is the subject of the water rebate application, have been made in full.
- G. The water consumption for the eligible property, which is the subject of the water rebate application, must be less than 400 cubic metres of water per calendar year; [Amended 2009-12-04 by By-law 1206-2009⁴⁸]
- H. The eligible property, which is the subject of the water rebate application, must be metered and the applicant must either provide to the City an actual meter reading or provide access to City staff to obtain an actual meter reading by January 31, of the year following the year for which the rebate is sought; or [Amended 2009-12-04 by By-law 1206-2009⁴⁹]

⁴¹ Editor's Note: This by-law came into force January 1, 2009.

⁴² Editor's Note: This by-law came into force January 1, 2010. This by-law was extended and continued on and after January 1, 2011 by By-law 1075-2010, enacted August 27, 2010, until such time as the Council of the City of Toronto adopts such other rates.

⁴³ Editor's Note: By-law 335-2011 came into force March 1, 2011.

⁴⁴ Editor's Note: This by-law came into force January 1, 2008.

⁴⁵ Editor's Note: This by-law came into force July 1, 2008.

⁴⁶ Editor's Note: This by-law came into force January 1, 2009.

⁴⁷ Editor's Note: Former § 849-14.3F and G, which provided eligibility requirements with respect to duration of occupancy and title to the eligible property, were repealed May 27, 2009 by By-law 605-2009. This by-law also redesignated former § 849-14.3H through K as § 849-14.3F through I, respectively. This by-law came into force January 1, 2009.

⁴⁸ Editor's Note: This by-law came into force January 1, 2010.

⁴⁹ Editor's Note: This by-law came into force January 1, 2010.

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- I. 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 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 water rebate is being sought, to a maximum water rebate that an eligible metered customer would be entitled to receive for a consumption of 400 cubic metres. **[Amended 2009-12-04 by By-law 1206-2009⁵⁰]**

§ 849-14.4. Applications for water rebate.

[Added 2007-12-13 by By-law 1416-2007⁵¹; amended 2008-05-27 by By-law 506-2008;⁵² 2009-05-27 by By-law 605-2009⁵³]

For a calendar year, an application for the water rebate in respect of an eligible property may be made by one eligible person, which application:

- A. Must be in writing on a form, or in another manner, approved by the Controller for this purpose. **[Amended 2020-01-29 by By-law 117-2020]**
- B. Must be received by the Controller as follows:
- (1) Subject to Subsections B(2) or B(3), as may be applicable, on or before August 31 of the year for which the water rebate is sought;
 - (1.1) Despite Subsection B(1) and subject to Subsection B(2) or B(3), on or before October 30, 2020, for the 2020 calendar year. **[Added 2020-04-30 by By-law 338-2020]**
 - (2) Despite Subsection B(1), the Controller may, in his or her discretion, accept a late application for the water rebate after August 31, but before December 31, of the year for which the water rebate is sought provided that the Controller has not previously, under this subsection, Subsection B(3) or any other applicable provision, accepted any application made in respect of the eligible property after the August 31 deadline in any previous calendar year;
 - (3) Despite Subsection B(1), in respect of the 2008 calendar year, the Controller may, in his or her discretion, accept an application for the water rebate on or before May 31, 2009, in which case the application shall be governed by the eligibility criteria and applicable provisions in effect in §§ 849-14.1 to 849-14.5, inclusive, as at December 31, 2008, subject to the following change:
 - (a) Despite any other provision in effect as at December 31, 2008, the surviving spouse of an eligible person who has a household income of \$40,000 or less is

⁵⁰ Editor's Note: This by-law came into force January 1, 2010.

⁵¹ Editor's Note: This by-law came into force January 1, 2008.

⁵² Editor's Note: This by-law came into force July 1, 2008.

⁵³ Editor's Note: This by-law came into force January 1, 2009.

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deemed to be an eligible person and an owner of the eligible property for the 2008 calendar year.

- C. Must include supporting documentation satisfactory to the Controller: **[Amended 2020-01-29 by By-law 117-2020]**
- (1) to establish that the eligible property with respect to which the application is made is eligible for such water rebate and to establish the amount of the water rebate to which the eligible person is entitled; and
 - (2) (a) to establish that the applicant is an eligible person; or
(b) containing a statement on behalf of all eligible persons occupying an eligible property authorizing the City to:
 - [1] indirectly collect and use information, including personal information, from the Canada Revenue Agency for the purpose of establishing that the applicant is an eligible person; and
 - [2] collect, and disclose to the Canada Revenue Agency, any additional personal information that is required by the Canada Revenue Agency for purposes of indirect collection of personal information concerning income.

§ 849-14.5. Credit to utility bill.

[Added 2007-12-13 by By-law 1416-2007⁵⁴; amended 2008-05-27 by By-law 506-2008⁵⁵]

The following provisions shall apply to the water rebate program:

- A. The water 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 utility bill for the eligible property which is the subject of the water rebate application, unless a water 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 utility bill of the following year, or if requested, a rebate cheque shall be issued in or around the time the first utility 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 water 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

⁵⁴ Editor's Note: This by-law came into force on January 1, 2008.

⁵⁵ Editor's Note: This by-law came into force on July 1, 2008.

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- D. In any year, or eligible portion thereof, the water 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 water rebate is being applied for, and such water rebate shall be at the rate of 1.2221/per cubic metre, or such other rate in other years as may be determined by City Council from time to time. **[Amended 2008-11-06 by By-law 1172-2008⁵⁶; 2009-12-04 by By-law 1206-2009⁵⁷; 2010-08-27 by By-law 1075-2010; 2011-02-24 by By-law 335-2011⁵⁸; 2011-12-01 by By-law 1423-2011⁵⁹; 2012-11-29 by By-law 1636-2012⁶⁰; 2013-12-18 by By-law 1698-2013⁶¹; 2015-03-11 by By-law 346-2015⁶²; 2015-12-10 by By-law 1323-2015⁶³; 2016-12-15 by By-law 1239-2016⁶⁴; 2017-12-08 by By-law 1399-2017⁶⁵; 2019-03-28 by By-law 515-2019⁶⁶; 2019-12-18 by By-law 1792-2019⁶⁷]**

§ 849-14.6. False statements.

[Added 2014-08-28 by By-law 968-2014]

If the Controller, in his or her discretion, is satisfied that an applicant has made false or deceptive statement or participated in, assented to, or acquiesced in the making of false or deceptive statements in a water rebate application under § 849-14.4, and, on the basis of the false or deceptive statement, the City erroneously provided a water rebate under § 849-14.2, the Controller may:

- A. Disqualify the property from eligibility for a water rebate for the year in respect of which the application was made; and
- B. Require repayment of any water rebate paid or credited, and add the amount of water rebate paid or credited back onto the person's utility bill from the date that the water rebate was originally made, such that the water rate payable as a result of the reversed rebate may be higher than the water rate originally payable for reasons of not have been paid by the original due date.

⁵⁶ Editor's Note: This by-law came into force on January 1, 2009.

⁵⁷ Editor's Note: This by-law came into force on January 1, 2010.

⁵⁸ Editor's Note: By-law 335-2011 came into force on March 1, 2011.

⁵⁹ Editor's Note: By-law 1423-2011 came into force on January 1, 2012.

⁶⁰ Editor's Note: By-law 1636-2012 came into force on January 1, 2013.

⁶¹ Editor's Note: This section of By-law 1698-2013 came into force on January 1, 2014.

⁶² Editor's Note: By-law 346-2015 came into force on March 13, 2015.

⁶³ Editor's Note: By-law 1323-2015 came into force on January 1, 2016.

⁶⁴ Editor's Note: By-law 1239-2016 came into force on January 1, 2017.

⁶⁵ Editor's Note: By-law 1399-2017 came into force on January 1, 2018.

⁶⁶ Editor's Note: By-law 515-2019 came into force on April 1, 2019.

⁶⁷ Editor's Note: Section 4 of By-law 1792-2019, which amended this Section came into force on January 1, 2020.

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

[Added 2018-07-27 by By-law 1259-2018]

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.

[Added 2018-07-27 by By-law 1259-2018]

The home dialysis water rebate program will be administered by the City's Revenue Services Division under the jurisdiction of the Controller. The Controller 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 Controller and the General Manager, Toronto Water. The Controller 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.

[Added 2018-07-27 by By-law 1259-2018]

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.

[Added 2018-07-27 by By-law 1259-2018]

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

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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 Controller, 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 Controller in the proper form, but a new application for the rebate program is not required.

- C. The person referenced in Subsection 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 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 to the satisfaction of the Controller.
- 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 Controller.
- G. The person consents and agrees to provide the City and its personnel access to the residential property, if required by the Controller, 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

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directly related to the home dialysis treatment as determined by and to the satisfaction of the Controller.

- I. There are no outstanding taxes or utility charges owing to the City, in the determination of the Controller, 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 Controller 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.

[Added 2018-07-27 by By-law 1259-2018]

- 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 Controller 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 Controller and include supporting documentation, in a form satisfactory to the Controller, 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 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

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- (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.

[Added 2018-07-27 by By-law 1259-2018]

- 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 Subsection 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 Controller 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 Controller, 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.

[Added 2018-07-27 by By-law 1259-2018]

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

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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.

[Added 2018-07-27 by By-law 1259-2018]

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.

[Added 2018-07-27 by By-law 1259-2018]

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 Controller 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.

[Added 2018-07-27 by By-law 1259-2018]

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.

[Added 2018-07-27 by By-law 1259-2018]

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.

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ARTICLE II
Rates⁶⁸

[Adopted 2000-10-05 by By-law 690-2000⁶⁹]

§ 849-15. Definitions.

[Amended 2001-10-04 by By-law 853-2001; 2001-12-06 by By-law 1086-2001; 2002-10-03 by By-law 740-2002; 2002-11-29 by By-law 1086-2002; 2003-09-24 by By-law 959-2003; 2004-03-03 by By-law 220-2004⁷⁰; 2006-09-27 by By-law 1056-2006; 2007-12-13 by By-law 1416-2007;⁷¹ 2009-03-31 by By-law 359-2009; 2009-12-04 by By-law 1206-2009⁷²; 2011-02-24 by By-law 335-2011⁷³; 2015-12-10 by By-law 1323-2015⁷⁴]

As used in this article and Appendix D, Schedule 1, Water & Wastewater Consumption Rates, and Schedule 3, Wastewater Services, to 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 5,000 cubic metres per year (m³/per year) consumed by industrial users, as set out in Chapter 441, Fees and Charges, Appendix D, Schedule 1, Water & Wastewater Consumption Rates.

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 5,000 cubic metres per year (m³/per year) of such use, as set out in Chapter 441, Fees and Charges, Appendix D, Schedule 1, Water and & Wastewater Consumption Rates.

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.

⁶⁸ Editor's Note: By-law 1056-2006, enacted September 27, 2006, repealed the following schedules, which were part of this article and previously appeared at the end of this chapter: Schedule A to Ch. 849, Art. II, Combined Water and Sewer Service Rates for Metered Consumers; Schedule B to Ch. 849, Art. II, List of Annual Combined Water and Sewer Service Rates for Flat Rate Consumers in Dwelling Houses and Rooming Houses in the Former City of Toronto; Schedule C to Ch. 849, Art. II, List of Annual Combined Water and Sewer Service Rates for Flat Rate Consumers in the Former City of Toronto; Schedule D to Ch. 849, Art. II, List of Annual Combined Water and Sewer Service Rates for Flat Rate Consumers in the Former City of Toronto; Schedule E to Ch. 849, Art. II, Summary of Water and Sewer Charges; and Schedule F to Ch. 849, Art. II Combined Water and Sewer Service Rates for Unmetered Consumers in the Former City of Etobicoke. See now Ch. 441, Fees and Charges.

⁶⁹ Editor's Note: This by-law superseded former Art. II, Rates, adopted September 29, 1999 by By-law 661-1999, as amended. This by-law came into force November 1, 2000.

⁷⁰ Editor's Note: This by-law came into force April 1, 2004.

⁷¹ Editor's Note: This by-law came into force January 1, 2008.

⁷² Editor's Note: This by-law came into force April 1, 2009.

⁷³ Editor's Note: By-law 335-2011 came into force March 1, 2011.

⁷⁴ Editor's Note: By-law 1323-2015 came into force January 1, 2016.

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FLAT - Each floor or part of a floor of a place of business, or a place of business separately occupied on one 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 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.

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

[Amended 2004-03-03 by By-law 220-2004⁷⁵; 2006-09-27 by By-law 1056-2006; 2007-12-13 by By-law 1416-2007;⁷⁶ 2009-12-04 by By-law 1206-2009⁷⁷; 2011-02-24 by By-law 335-2011⁷⁸]

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 Chapter 441, Fees and Charges, Appendix D - Schedule 1, Water & Wastewater Consumption Rates and Chapter 441, Fees and Charges, Appendix D - Schedule 2, Water Services and Schedule 3, Wastewater Services.

§ 849-17. Block 2 Rate.

[Amended 2001-10-04 by By-law 853-2001; 2001-12-06 by By-law 1086-2001; 2002-10-03 by By-law 740-2002; 2002-11-29 by By-law 1086-2002; 2003-09-24 by By-law 959-2003; 2004-03-03 by By-law 220-2004;⁷⁹ 2006-09-27 by By-law 1056-2006; 2007-12-13 by By-law 1416-

⁷⁵ Editor's Note: This by-law came into force April 1, 2004.

⁷⁶ Editor's Note: This by-law came into force January 1, 2008.

⁷⁷ Editor's Note: This by-law came into force April 1, 2009.

⁷⁸ Editor's Note: By-law 335-2011 came into force March 1, 2011.

⁷⁹ Editor's Note: This by-law came into force April 1, 2004.

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2007;⁸⁰ 2008-11-06 by By-law 1172-2008;⁸¹ 2009-12-04 by By-law 1206-2009⁸²; 2011-02-24 by By-law 335-2011⁸³; 2015-12-10 by By-law 1323-2015⁸⁴]

The Block 2 Rate, as set out in Chapter 441, Fees and Charges, Appendix D - Schedule 1, Water & Wastewater Consumption Rates, 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 5,000 cubic metres per year (5,000 m³/per year) of such use. The Block 2 Rate shall be set at a rate representing a 30 per cent reduction from the Block 1 Rate, as set out in Chapter 441, Fees and Charges, Appendix D - Schedule 1, Water & Wastewater Consumption Rates, or at such other rate as determined by City Council from time to time.

§ 849-18. Eligibility for Block 2 Rate.

[Amended 2001-10-04 by By-law 853-2001; 2001-12-06 by By-law 1086-2001; 2002-10-03 by By-law 740-2002; 2002-11-29 by By-law 1086-2002; 2003-09-24 by By-law 959-2003; 2004-03-03 by By-law 220-2004⁸⁵; 2006-09-27 by By-law 1056-2006; 2007-12-13 by By-law 1416-2007⁸⁶; 2009-03-31 by By-law 360-2009; 2015-12-10 by By-law 1323-2015⁸⁷]

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 5,000 cubic metres per year (m³/per year);
- C. The customer must be and remain in compliance with the City's sewers by-law, Chapter 681, Sewers (the "Sewers By-law"); and, for the purposes of this section:
 - (1) A customer shall be considered to be in non-compliance upon the occurrence of either of the following events, as may be applicable:
 - (a) The issuance by the City to the customer of a written notice of violation under the Sewers By-law; or
 - (b) When a customer has not complied with a required date for the submission and delivery to the City of a document as set in the Sewers By-law.

⁸⁰ Editor's Note: This by-law came into force January 1, 2008.

⁸¹ Editor's Note: This by-law came into force January 1, 2009.

⁸² Editor's Note: This by-law came into force January 1, 2010. This by-law was extended and continued on and after January 1, 2011 by By-law 1075-2010, enacted August 27, 2010, until such time as the Council of the City of Toronto adopts such other rates.

⁸³ Editor's Note: By-law 335-2011 came into force March 1, 2011.

⁸⁴ Editor's Note: By-law 1323-2015 came into force January 1, 2016.

⁸⁵ Editor's Note: This by-law came into force April 1, 2004.

⁸⁶ Editor's Note: This by-law came into force January 1, 2008.

⁸⁷ Editor's Note: By-law 1323-2015 came into force January 1, 2016.

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- (2) In the event of a customer's non-compliance with the Sewers By-law as set out in this section, the customer will cease to be eligible to receive the Block 2 Rate effective as of either of the following effective dates, as may be applicable:
 - (a) The date of the issuance of the written notice of violation under the Sewers By-law; or
 - (b) The required date for the submission and delivery to the City of a document set under the Sewers By-law which the customer failed to satisfy.
 - (3) Provided that the customer has rectified the non-compliance as set out in this section, to the satisfaction of the General Manager, Toronto Water, and the customer is then in compliance with the Sewers By-law, in all respects, and is otherwise eligible under this section, the customer may reapply to receive the Block 2 Rate which, upon approval, shall be effective from the date the General Manager, Toronto Water, is satisfied that the customer has met all eligibility requirements.
 - (4) Notwithstanding Subsection C(3) above, in the event that a customer has three instances of non-compliance within the same billing year, whether the non-compliance is evidenced by the issuance of written notices of violation or the customer's failure to have complied with any required dates for the submission and delivery to the City of a document as set by the Sewers By-law, or any combination of both, the customer shall cease, effective from the date of the third instance of non-compliance, to be eligible to receive the Block 2 Rate until such time as the customer has demonstrated, to the satisfaction of the General Manager, Toronto Water, that the customer has been in complete compliance with the Sewers By-law for at least 12 consecutive months since the date of the third instance of non-compliance.
- D. The customer must submit to the City a comprehensive water conservation plan and, upon approval by the General Manager, Toronto Water, implement this plan, all to the satisfaction of the General Manager, Toronto Water. **[Amended 2009-03-31 by By-law 360-2009]**
- (1) The comprehensive water conservation plan shall include:
 - (a) A corporate policy committing to water conservation and efficiency;
 - (b) Written confirmation that the customer has 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;
 - (c) An implementation timetable of measures, identified in the water use audit findings, which will result in more efficient use of water along with target dates and expected water use reductions; and
 - (d) An evaluation process to track the effectiveness of the customer's plan implementation.

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- (2) The customer shall annually submit, by July 1st of each year following the approval of the comprehensive water conservation plan, a progress report, satisfactory to the General Manager, Toronto Water, on the implementation of the customer's comprehensive water conservation plan, until such time as the General Manager, Toronto Water, provides written notification to the customer that such annual progress reports are no longer required by the City.
 - (3) If a comprehensive water conservation plan is submitted by the customer and approved by the General Manager, Toronto Water, and the customer is otherwise eligible under this section, the customer will be entitled to receive the Block 2 Rate effective on the date the water conservation plan is received by the City.
 - (4) If a customer fails to submit a satisfactory annual progress report as required by Subsection D(2) above, the customer will cease to be eligible to receive the Block 2 Rate, effective July 1st of that year and shall continue to be ineligible until such time as a satisfactory progress report is received and approved by the General Manager, Toronto Water.
 - (5) If a customer fails to implement the customer's approved water conservation plan to the satisfaction of the General Manager, Toronto Water, the customer's water conservation plan progress report will not be approved and the customer will cease to be eligible to receive the Block 2 Rate effective July 1st of the year the progress report was submitted or to be submitted for approval.
 - (6) Notwithstanding Subsection D(5), where the customer subsequently implements the approved water conservation plan and submits a water conservation progress report demonstrating that implementation, all to the satisfaction of the General Manager, Toronto Water, the customer will be eligible to receive the Block 2 Rate effective the date that the approved water conservation plan progress report was received by the General Manager, Toronto Water, provided that all other eligibility requirements have been met.
- 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 twenty-four-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 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

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- (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.
- G. (1) Despite § 849-18C, § 849-18D and § 849-18E, the General Manager of Toronto Water is authorized to resolve with a customer any non-compliance matter that affects the customer's entitlement to the Block 2 Rate, as detailed in these sections, in order to rectify the non-compliance to the satisfaction of the General Manager of Toronto Water within six months of the effective date of the non-compliance by the customer. **[Added 2011-12-01 by By-law 1423-2011⁸⁸]**
- (2) In the event that the General Manager elects to exercise the authority in § 849-18G(1), the customer shall be entitled to receive the Block 2 Rate despite the existence of the non-compliance matter until such time as the customer receives written notice from the General Manager that, in the opinion of the General Manager, the matter cannot be resolved and it is no longer eligible for the Block 2 Rate, but in any event, this period will not exceed six months from the effective date of the non-compliance by the customer. **[Added 2011-12-01 by By-law 1423-2011⁸⁹]**
- (3) If the non-compliance matter is not rectified in accordance with §§ 849-18G(1) and (2), then the customer shall not be entitled to receive the Block 2 Rate, effective from the date of the written notice set out in § 849-18G(2), and § 849-18C, § 849-18D, and § 849-18E will apply, as applicable to the non-compliance. **[Added 2011-12-01 by By-law 1423-2011⁹⁰]**
- (4) The application of § 849-18G shall be only in respect to the entitlement to the Block 2 Rate and shall in no way apply to waive, release, limit or restrict any enforcement for non-compliance under the Sewers By-law. **[Added 2011-12-01 by By-law 1423-2011⁹¹]**

§ 849-19. (Reserved)⁹²

§ 849-20. (Reserved)⁹³

⁸⁸ Editor's Note: By-law 1423-2011 came into force January 1, 2012.

⁸⁹ Editor's Note: By-law 1423-2011 came into force January 1, 2012.

⁹⁰ Editor's Note: By-law 1423-2011 came into force January 1, 2012.

⁹¹ Editor's Note: By-law 1423-2011 came into force January 1, 2012.

⁹² Editor's Note: Former § 849-19, Consumers in former City of Toronto, was repealed December 13, 2007 by By-law 1416-2007. By-law 1416-2007 came into force January 1, 2008.

⁹³ Editor's Note: Former § 849-20, Consumers in former City of York, was repealed December 13, 2007 by By-law 1416-2007. By-law 1416-2007 came into force January 1, 2008.

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§ 849-21. (Reserved)⁹⁴

§ 849-22. Due date.

[Amended 2007-03-06 by By-law 192-2007; 2008-05-27 by By-law 506-2008;⁹⁵ 2008-10-30 by By-law 1146-2008⁹⁶; 2018-07-27 by By-law 1206-2018]

The City's Chief Financial Officer and Treasurer shall include a due date on utility bills sent to consumers which will designate the date on or before which the amounts in respect of water rates and service rates required to be paid by the consumer shall be paid to the City. In the event that the consumer fails to pay the amount due on or before the due date, the consumer shall be required to pay a greater amount as more specifically set out in this article. The due date shall be set at the discretion of the City's Chief Financial Officer and Treasurer, but in no event shall it be any sooner than 21 calendar days from the date the utility bill is issued.

§ 849-23. Sewer service rate.

[Amended 2003-09-24 by By-law 959-2003; 2007-02-08 by By-law 153-2007⁹⁷]

The sewer service rate is 57 percent of the combined water rate and sewer service rate, as set out in this article, or such other rate as shall be determined by City of Toronto Council from time to time.

§ 849-24. (Reserved)⁹⁸

§ 849-25. Sanitary discharge agreement rate.

[Added 2003-09-24 by By-law 959-2003; amended 2009-03-31 by By-law 359-2009]

The sanitary discharge agreement rate, payable to the City of Toronto for the discharge of water obtained from a private waterworks system into the City of Toronto's sanitary or combined sanitary sewer system as permitted under an agreement with the City of Toronto or the Municipality of Metropolitan Toronto or any former area municipality, shall be equal to, and vary with, the sewer service rate, as established by § 849-23 of the Municipal Code or any successor provision, calculated at the Block 1 Rate.

⁹⁴ Editor's Note: Former § 849-21, Charges for water and sewer services, was repealed December 13, 2007 by By-law 1416-2007. By-law 1416-2007 came into force January 1, 2008.

⁹⁵ Editor's Note: This by-law came into force July 1, 2008.

⁹⁶ Editor's Note: This by-law came into force November 1, 2008.

⁹⁷ Editor's Note: This by-law came into force March 1, 2007.

⁹⁸ Editor's Note: Former § 849-24, Effect on other by-laws and resolutions, was repealed December 13, 2007 by By-law 1416-2007. Said By-law 1416-2007 came into force January 1, 2008.

ARTICLE III
Collections and Billing

[Adopted 2003-09-24 by By-law 924-2003⁹⁹]

§ 849-26. Definitions.

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

AGENT - The person appointed by the owner pursuant to § 849-27D.¹⁰⁰

CFO - The City's Chief Financial Officer and Treasurer, or his or her designate.¹⁰¹ [Amended 2007-03-06 by By-law 192-2007; 2018-07-27 by By-law 1206-2018]

CONTROLLER - A person appointed to the management position of Controller in the City's administrative organization and who has also been appointed as a deputy treasurer under section 138 of the City of Toronto Act, 2006 and includes that person's designate or designates. [Added 2012-07-13 by By-law 1005-2012]

CUSTOMER - For the purposes of §§ 849-31F and 849-31G, is an owner with a water account for which the subject property is classified within the residential property tax class and, in respect to the prior receipt of an adjustment for the subject property, includes another occupant of the household. [Added 2012-07-13 by By-law 1005-2012; amended 2019-12-18 by By-law 1792-2019]

LOW INCOME PERSON - A person who has a household income of \$50,000 or less, calculated on the combined gross income of all persons occupying the subject property, and is a customer. [Added 2012-07-13 by By-law 1005-2012]

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

OWNER - The registered owner of a property.

PRIVATE WATER 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. [Added 2007-12-13 by By-law 1416-2007¹⁰²]

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

⁹⁹ Editor's Note: This by-law came into force January 1, 2004.

¹⁰⁰ Editor's Note: The former definitions of "account," which immediately preceded this definition, and "bill," which immediately followed this definition, were repealed May 27, 2008 by By-law 506-2008. This by-law also provided that it came into force July 1, 2008.

¹⁰¹ Editor's Note: The former definition of "fees," which immediately followed this definition, was repealed May 27, 2008 by By-law 506-2008. This by-law also provided that it came into force July 1, 2008.

¹⁰² Editor's Note: This by-law came into force January 1, 2008.

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downstream of the point where the private water service pipe enters a building or structure if there is no water meter. **[Amended 2007-12-13 by By-law 1416-2007¹⁰³]**

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

REMOTE READ OUT UNIT - Any device 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.¹⁰⁴ **[Amended 2007-12-13 by By-law 1416-2007¹⁰⁵]**

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. **[Added 2008-05-27 by By-law 506-2008¹⁰⁶]**

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. **[Added 2008-05-27 by By-law 506-2008¹⁰⁷]**

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 Chapter 844, Waste Collection, Residential Properties, under §§ 841-6, 841-6.1 and 841-6.4 of Chapter 841, Waste Collection, Commercial Properties, and any other provision of the Municipal Code or any law. **[Added 2008-05-27 by By-law 506-2008;¹⁰⁸ amended 2009-10-27 by By-law 1073-2009¹⁰⁹; amended 2012-06-08 by By-law 773-2012¹¹⁰]**

UNCONTROLLABLE CONSUMPTION INCREASE - A situation where: **[Added 2012-07-13 by By-law 1005-2012]**

- A. The water consumption recorded by a customer's water meter for a billing period indicates water consumption which is three or more times greater than the historical daily average consumption for that property; and
- B. The cause of the water consumption increase may be known but is beyond the reasonable control of the customer, as determined by the Controller.
 - (1) For the purposes of such determination,

¹⁰³ Editor's Note: This by-law came into force January 1, 2008.

¹⁰⁴ Editor's Note: The former definition of "seasonal account," which immediately followed this definition, was repealed May 27, 2008 by By-law 506-2008. This by-law came into force July 1, 2008.

¹⁰⁵ Editor's Note: This by-law came into force January 1, 2008.

¹⁰⁶ Editor's Note: This by-law came into force July 1, 2008.

¹⁰⁷ Editor's Note: This by-law came into force July 1, 2008.

¹⁰⁸ Editor's Note: By-law 506-2008 came into force July 1, 2008.

¹⁰⁹ Editor's Note: By-law 1073-2009 came into force November 1, 2009.

¹¹⁰ Editor's Note: By-law 773-2012 came into force July 1, 2012.

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- (a) The customer shall provide to the Controller any documentation or other information in the customer's possession or knowledge in respect to the private plumbing system for the subject property, occupants of the subject property and the customer's water consumption during the billing period in question as the Controller may request; and
- (b) City personnel may inspect the subject property.

UNEXPLAINED CONSUMPTION INCREASE – A situation where: **[Added 2012-07-13 by By-law 1005-2012]**

- A. The water consumption recorded by a customer's water meter for a billing period indicates water consumption which is three or more times greater than the historical daily average consumption for that property; and
- B. The water meter has been tested and found to be measuring water consumption within prescribed standards for accuracy and is otherwise free from defects that could affect the measuring of water consumption; and no other City activity could have reasonably caused, in the determination of the Controller, the increase in recorded water consumption; and
- C. The increase in recorded water consumption, in the determination of the Controller, cannot reasonably be attributed to an act or omission of the customer, an occupant of the property or a person within the customer's or occupant's control; or a leak or other defect in the private plumbing system of the customer's property.
 - (1) For the purposes of such determination,
 - (a) The customer shall provide to the Controller, at the customer's cost, written verification from a plumbing contractor, licensed to carry on business in the City, that the private plumbing system for the property is free from leaks or other defects that may affect water consumption and that upon careful inspection of the system there are no other factors that may explain the increased consumption; and
 - (b) The customer shall provide to the Controller any documentation or other information in the customer's possession or knowledge in respect to the private plumbing system for the subject property, occupants of the subject property and the customer's water consumption during the billing period in question as the Controller may request; and
 - (c) City personnel may inspect the subject property.

UTILITY ACCOUNT - The solid waste management account and the water account. **[Added 2008-05-27 by By-law 506-2008¹¹¹]**

UTILITY BILL - The document issued by the City to the owner and his or her agent, if applicable, and in the case of condominiums, to the condominium corporation and, where

¹¹¹ Editor's Note: This by-law came into force July 1, 2008.

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applicable, those unit owners who are separately metered by the City 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. **[Added 2008-05-27 by By-law 506-2008¹¹²; amended 2012-10-04 by By-law 1253-2012]**

UTILITY FEES - The solid waste management fees and water fees combined. **[Added 2008-05-27 by By-law 506-2008¹¹³]**

WATER ACCOUNT - The record kept by the City in relation to a property for the purpose of recording, billing and collecting water fees. **[Added 2008-05-27 by By-law 506-2008¹¹⁴]**

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 Chapter 849, Water and Sewage Services and Utility Bill, and any other provision of the Municipal Code or any law. **[Added 2008-05-27 by By-law 506-2008¹¹⁵]**

§ 849-27. Responsibility for utility accounts.

[Amended 2008-05-27 by By-law 506-2008¹¹⁶]

- A. The owner, which in the case of a condominium corporation includes the unit holders, 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. **[Amended 2012-10-04 by By-law 1253-2012]**
- 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;

¹¹² Editor's Note: This by-law came into force July 1, 2008.

¹¹³ Editor's Note: This by-law came into force July 1, 2008.

¹¹⁴ Editor's Note: This by-law came into force July 1, 2008.

¹¹⁵ Editor's Note: This by-law came into force July 1, 2008.

¹¹⁶ Editor's Note: This by-law came into force July 1, 2008.

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- (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.

§ 849-28. Adjustments.

[Amended 2007-12-13 by By-law 1416-2007¹¹⁷; 2008-05-27 by By-law 506-2008¹¹⁸; 2016-11-09 by By-law 1082-2016]

- A. Where the CFO determines that a meter is defective, that a remote read out unit is inaccurately recording the amount of water consumed at a property, that a meter's dial capacity coding is incorrect, or that a water account is incorrect as a result of any other error on the part of the City or City-owned equipment, the CFO may adjust the water account in order to ensure that the appropriate water fees are paid in respect of a property. The CFO shall not make any such adjustment to a water account to cover a period of more than one year. The adjustment shall be calculated by the CFO based on the actual amount of water consumed at a property, if that can be determined or otherwise, an estimate, by the CFO, of the amount of water consumed at the property, in accordance with §§ 849-31D and 849-31E.
- B. The CFO may adjust a water account by re-applying the due date discount as set out in § 849-22. The CFO shall be authorized to make such an adjustment only in accordance with such guidelines for doing so as may be adopted by Council from time to time. In no

¹¹⁷ Editor's Note: This by-law came into force January 1, 2008.

¹¹⁸ Editor's Note: This by-law came into force July 1, 2008.

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event shall an owner be entitled to an adjustment under this section more than once with respect to the same property.

- C. In the event the CFO inaccurately determines water consumption in respect of a property as a result of the acts or omissions of an owner or agent or any other person for reasons including, but not limited to, meters that have been unsealed or have an unsealed 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 water account and include all water fees that ought to have been payable in respect of the property as determined in accordance with § 849-31E.
- 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 multi-residential property 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.

§ 849-29. Meters required.

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

§ 849-30. Billing frequency.

[Amended 2008-05-27 by By-law 506-2008¹¹⁹; 2009-04-30 by By-law 491-2009¹²⁰; 2012-10-04 by By-law 1253-2012; 2016-11-09 by By-law 1082-2016]

- A. With respect to a property equipped with a meter, the City shall issue a utility bill three times per year, except for seasonal water accounts for which the owner or agent shall be issued a utility bill one time per year, and properties and water accounts for which the party responsible was billed once per month as of December 31, 2003, in respect of which the owners or agents shall continue to be billed once per month.
- B. With respect to a property not equipped with a meter, the City shall issue a utility bill two times per year except for properties in the former City of Etobicoke which shall be issued a utility bill three times per year and seasonal unmetered properties which shall be issued a utility bill one time per year.
- C. The CFO may issue a utility bill, 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:

¹¹⁹ Editor's Note: This by-law came into force July 1, 2008.

¹²⁰ Editor's Note: This by-law comes into force on the 30th day after the date on which the application for the set fines of Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, is approved under the Provincial Offences Act. Set fine approval was received February 1, 2010.

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- (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 § 844-15N in Chapter 844, Waste Collection, Residential Properties;
- (6) Revised volume/tip information for a multi-residential property as defined in Chapter 844, Waste Collection, Residential Properties; or
- (7) A change in garbage bin size pursuant to § 841-10.1 in Chapter 841, Waste Collection, Commercial Properties. **[Added 2009-10-27 by By-law 1073-2009¹²¹]**

§ 849-31. Basis for metered billing.

- A. This section only applies to properties with meters, except in the case of § 849-31E in respect to a property in which a meter has not been installed or has been removed. **[Amended 2010-07-08 by By-law 870-2010]**
- B. The CFO shall be entitled to determine the amount of water consumed at a property by reading the register on the meter at the property, a remote read out unit for a property or in any other way in accordance with this article of the Municipal Code.
- C. In the event there is a discrepancy between the reading obtained from the register on a meter and the reading obtained from the remote read out unit in respect of that meter, the amount obtained from the reading of register on the meter shall be deemed to be the correct reading.
- D. The CFO shall be entitled to issue utility bills based on actual water consumption at a property determined by meter or remote read out readings, or based on an estimated reading, calculated in accordance with the daily average water consumption at a property during a similar period of time, as determined by the CFO. **[Amended 2008-05-27 by By-law 506-2008¹²²]**
- E. Despite § 849-31D, in the event the CFO determines that a meter is defective, that a meter is not registering the correct amount of water used, that a meter is unsealed or has an unsealed bypass valve, that a meter has not been installed, or that a meter has been removed, the CFO shall be entitled to estimate the water consumption at a property based on either the average consumption as shown by subsequent readings from a properly functioning meter accurately registering the water consumed at the property, or based on

¹²¹ Editor's Note: This by-law came into force November 1, 2009.

¹²² Editor's Note: This by-law came into force July 1, 2008.

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historical average consumption for the same or similar premises or use as shown by an accurately registering meter at such premises during a similar time period.

- F. Despite § 849-31D, in the event the Controller determines that a customer is subject to an unexplained consumption increase, the Controller may adjust the customer's water account for the subject billing period to an amount based on the historical average consumption for the same or a similar property during a similar period of time, provided that: **[Added 2012-07-13 by By-law 1005-2012; amended 2019-12-18 by By-law 1792-2019]**
- (a) the customer has not previously received an adjustment under § 849-31F or § 849-31G;
 - (b) the customer resides and has resided at the property for a minimum of one year immediately preceding the consumption event and the customer's request for an adjustment under this provision; and
 - (c) the property is not tenanted.
- G. Despite § 849-31D, in the event the Controller determines that a customer is subject to an uncontrollable consumption increase and payment of the uncontrollable consumption increase would result in an undue financial hardship for the customer, the Controller may adjust the customer's water account for the subject billing period to an amount based on the historical average consumption for the same or a similar property during a similar period of time, provided that: **[Added 2012-07-13 by By-law 1005-2012; amended by 2019-12-18 by By-law 1792-2019]**
- (a) the customer is a low income person;
 - (b) the customer has not previously received an adjustment under § 849-31F or § 849-31G;
 - (c) the customer resides and has resided at the property for a minimum of one year immediately preceding the consumption event and the customer's request for an adjustment under this provision; and
 - (d) the property is not tenanted.
- H. A customer requesting an adjustment under § 849-31F or § 849-31G shall apply in writing to the Controller clearly setting out the basis for the request and provide to the Controller all necessary documentation and information. **[Added 2012-07-13 by By-law 1005-2012]**
- I. The Controller may consider and, where appropriate, allow a one-time adjustment under § 849-31F or § 849-31G for a billing period within the two-year period preceding the enactment of this by-law provided that: **[Added 2012-07-13 by By-law 1005-2012]**
- (a) the City has received a complaint or a request for investigation regarding an unexplained consumption increase or an uncontrollable consumption increase which would result in an undue financial hardship for the customer for a billing period within the two-year period preceding the enactment of this by-law; and
 - (b) the City has investigated the complaint or request for investigation during the two-year period preceding the enactment of this by-law; and

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- (c) there is sufficient information available, in the Controller's determination, for the Controller to determine that the criteria for a one-time adjustment under § 849-31F or § 849-31G, as the case may be, has been met.
- J. Where a utility bill has not been issued for a period in excess of one year in respect of a property which does not have a meter in contravention of § 849-29, the CFO may add to the water account water fees from the date of the last utility bill issued in respect of the property, or from the commencement of the occupancy of the property, based on consumption calculated in accordance with § 849-31E. **[Amended 2008-05-27 by By-law 506-2008¹²³; 2012-07-13 by By-law 1005-2012¹²⁴]**

§ 849-32. Basis for flat rate billing.

- A. This section only applies to properties not required to have a meter in accordance with § 849-29.
- B. Every owner shall, upon the request of the CFO, truthfully, accurately and fully complete, sign and return, within 14 days of receipt, the flat rate self-rating form provided by the CFO in respect of his or her property.
- C. Every owner or his or her agent shall notify the CFO and provide him or her with particulars within 14 days of any change in use of the property, or any change at the property in the fixtures and appliances, or otherwise, or if any water service connections are installed or removed and such changes, fixtures, appliances, installation or removal would have an effect on the amount to be billed under Article II of this chapter.
- D. Any adjustment to the water account in favour of the owner that may result pursuant to information received by the CFO under § 849-32B or C shall be calculated from the date that the CFO receives notice of the change and verifies that the water fees payable with respect of the property ought to be adjusted in accordance with Article II of this chapter. **[Amended 2008-05-27 by By-law 506-2008¹²⁵]**
- E. Any adjustment to the water account which would increase the amount payable pursuant to Article II of this chapter shall be effective from the date of the change to or at the property, despite the fact that the CFO may not have discovered or received notice of such change until some later time. **[Amended 2008-05-27 by By-law 506-2008¹²⁶]**
- F. Where fixtures are used in common by the owners or occupants of two or more dwelling units, or in duplex, triplex or apartment houses, each owner shall pay the rate set out in Chapter 441, Fees and Charges, in respect of each such fixture. **[Amended 2006-12-06 by By-law 12-2007¹²⁷]**

¹²³ Editor's Note: This by-law came into force July 1, 2008.

¹²⁴ By-law 1005-2012 renamed this section from Subsection F to J.

¹²⁵ Editor's Note: This by-law came into force July 1, 2008.

¹²⁶ Editor's Note: This by-law came into force July 1, 2008.

¹²⁷ Editor's Note: This by-law came into force September 27, 2006.

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

[Amended 2008-05-27 by By-law 506-2008¹²⁸; 2012-10-04 by By-law 1253-2012¹²⁹]

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

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

[Amended 2008-05-27 by By-law 506-2008¹³⁰]

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

¹²⁸ Editor's Note: This by-law came into force July 1, 2008.

¹²⁹ Editor's Note: By-law 1253-2012 added a new subsection A and renumbered Subsections 849-33A, B and C to B, C and D.

¹³⁰ Editor's Note: This by-law came into force July 1, 2008.

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The CFO shall have due regard to Municipal Code Chapter 835, Discontinuance of Vital Services, before he or she shuts off the supply of water to a property.

§ 849-34.1. Collection of water arrears: apportionment and adding to the tax roll condominiums.

[Added 2012-10-04 by By-law 1253-2012]

- A. This section applies to bulk metered water accounts of condominium corporations.
- B. Where any water fees remain unpaid by a condominium corporation 28 calendar days after they are due to be paid, the CFO may send a notice by prepaid mail to each unit owner within that condominium corporation advising the respective unit owners that, unless the amount of water fees owing as specified in the notice is paid in full within 30 calendar days of the notice date, the City may apportion among the then individual unit owners of the condominium corporation those water fees remaining in arrears together with any collection charges as may be approved by the City from time to time and transfer such respective amounts to the real property tax rolls for each respective unit.
- C. If the amount required is not paid in the time set out in subsection B, the CFO may apportion among the then individual unit owners of the condominium corporation those water fees remaining in arrears together with any collection charges as may be approved by the City from time to time and transfer such respective amounts to the real property tax rolls for each respective unit. For clarity, the apportionment of water fees owing amongst each unit owner within a condominium corporation shall be done on a pro-rata basis equal to the proportions, expressed in percentages allocated to the units, in which the owners are to contribute to the common expenses as set out in the declaration of the condominium corporation.
- D. Despite Subsections B and C, in the case of a unit supplied directly with water metered by the City, authority is delegated to the Controller to exempt owners of such units within the condominium corporation, in whole or in part, from having a proportionate share of water arrears apportioned to them.

§ 849-35. Offences.

Any person who contravenes this article is guilty of an offence.¹³¹

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

Except to the extent in conflict with or superseded by this article, or Article II of this chapter of the Municipal Code, all other terms and conditions set out in the by-laws and resolutions of the

¹³¹ Editor's Note: This section was passed under the authority of section 425 of the Municipal Act, 2001, S.O. 2001, c. 25, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

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former area municipalities and the Scarborough Public Utilities Commission with regard to the billing and collection of water and sewer accounts shall remain in full force and effect.