

Chapter 849

WATER AND SEWAGE SERVICES

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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.

ARTICLE I

Rebates

[Adopted 1999-09-29 by By-law No. 660-1999¹]

§ 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 No. 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.

The City shall, where a 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 a consumer to the City in relation to the portion of the water that is not discharged by that consumer to the sanitary sewer system.

¹ Editor's Note: This by-law came into force 1999-11-01. This by-law also repealed § 292-4 of the Municipal Code of the former City of Toronto and By-law No. 32-93 of the former Municipality of Metropolitan Toronto.

§ 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.

§ 849-5. Criteria for approval of applications.

Applications shall be granted only if the amount of reduction in sewage discharged in relation to water supplied 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% 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% 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% 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% 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.

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 to that consumer.

§ 849-8. No rebate for cooling water discharged into storm sewers.

The City shall make no rebate to any consumer in relation to cooling water discharged into storm sewers.

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

[Amended 2007-03-06 by By-law No. 192-2007]

Each year consumers who have been granted a rebate, in order to receive a rebate 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 No. 869-2000; 2007-03-06 by By-law No. 192-2007]

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 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 No. 192-2007]

No consumer shall be entitled to a rebate until such rebate 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 from the date of the receipt of the application by the City Clerk.

§ 849-12. No rebate for outstanding arrears.

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

§ 849-13. Rate of rebate.

[Amended 2000-10-05 by By-law No. 869-2000; 2007-12-13 by By-law No. 1416-2007²]

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.

² Editor's Note: This by-law came into force 2008-01-01.

§ 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 No. 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 until such rebate is authorized by the City's Deputy City Manager and Chief Financial Officer 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 from the date of the receipt of the application by the City Clerk. **[Amended 2007-03-06 by By-law No. 192-2007]**
- D. Any consumer who is in arrears with regard to payments for water rates or sewer surcharges shall not be entitled to any rebate so long as such arrears remain outstanding.
- 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 granted to the consumer and to require the consumer to pay the full surcharge from the time of the change.
- 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 No. 153-2007³]**
- 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 Deputy City Manager and Chief Financial Officer 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 No. 192-2007⁴]**

³ Editor's Note: This by-law came into force 2007-03-01.

⁴ Editor's Note: This by-law came into force 2006-09-28.

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- (1) November 1, 1999; or
- (2) The date that the consumer became responsible for payment of water bills in connection with the property billed, and ending on September 28, 2006.

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 Deputy City Manager and Chief Financial Officer 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 No. 192-2007⁵]**

- (1) November 1, 1999; or
- (2) The date that the consumer became responsible for payment of water bills 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.

§ 849-14.1. Definitions.

[Added 2007-12-13 by By-law No. 1416-2007⁶]

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

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

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

⁵ Editor's Note: This by-law came into force 2006-09-28.

⁶ Editor's Note: This by-law came into force 2008-01-01.

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

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

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

LOW-INCOME DISABLED PERSON — A person:

- A. Who has owned and occupied the eligible property for a period of not less than one year immediately preceding the date of application for the rebate;
- B. Who is in receipt of one or more of the following:
 - (1) A disability pension under the *Canada Pension Plan Act (Canada)*;
 - (2) Income support under the *Ontario Disability Support Program Act, 1997*⁷;
 - (3) Benefits under the *Workplace Safety and Insurance Act, 1997*⁸;
 - (4) Benefits for the interruption of earnings due to a prescribed illness, injury or quarantine under the *Employment Insurance Act (Canada)*; and
 - (5) Benefits under a contract of individual or group accident, sickness or disability insurance, or any other disability benefits arising from a contract of insurance, which contracts are consistent with the *Ontario Insurance Act*⁹ or any similar legislation governing contracts of insurance in another Canadian province; and
- C. Who has a household income of \$40,000 or less.

LOW-INCOME SENIOR — A person:

- A. Who is 65 years of age or older, or in the case of a widowed person receiving the spouse's allowance under the *Old Age Security Act (Canada)* is between the age of 60 and 64, or in the case of a person receiving a pension from a pension plan registered under the *Income Tax Act (Canada)* or a pension annuity resulting from a pension plan registered under the *Income Tax Act (Canada)* is 50 years of age or older;

⁷ Editor's Note: See S.O. 1997, c. 25.

⁸ Editor's Note: See S.O. 1997, c. 16.

⁹ Editor's Note: See R.S.O. 1990, c. I.8.

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- B. Who has owned and occupied the eligible property for a period of not less than one year immediately preceding the date of the application for the rebate; and
- C. Who has a household income of \$40,000 or less.

OWNER — A person assessed as the owner of the eligible property, and includes an owner within the meaning of the *Condominium Act*.¹⁰

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

[Added 2007-12-13 by By-law No. 1416-2007¹¹]

- 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 bill rebate, provide a rebate in accordance with the provisions set out in §§ 849-14.1 to 849-14.5, inclusive.
- B. The water bill rebate shall be set at a rate representing a twenty-percent reduction from the Block 1 Rate, as set out in the City of Toronto Municipal Code, Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services, or at such other rate as determined by City Council from time to time.

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

[Added 2007-12-13 by By-law No. 1416-2007¹²]

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

- A. The person is an eligible low-income disabled person or low-income senior;
- B. The person occupies the eligible property, which is the subject of the rebate application, as his or her personal principal residence;
- C. The person has made an application for the water bill rebate program in accordance with the provisions of § 849-14.4;
- D. The application for a water bill rebate is in respect of only the water bill for the year in which the application is made;
- E. The person agrees to notify the City Treasurer of any change in circumstances which would alter his or her status as an eligible person, or the amount of the water bill rebate to which they are entitled;

¹⁰ Editor's Note: See S.O. 1998, c. 19.

¹¹ Editor's Note: This by-law came into force 2008-01-01.

¹² Editor's Note: This by-law came into force 2008-01-01.

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

§ 849-14.4. Applications for water bill rebate.

[Added 2007-12-13 by By-law No. 1416-2007¹³]

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

¹³ Editor's Note: This by-law came into force 2008-01-01.

§ 849-14.5. Credit to water bill account.**[Added 2007-12-13 by By-law No. 1416-2007¹⁴]**

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

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

¹⁴ Editor's Note: This by-law came into force 2008-01-01.

ARTICLE II

Rates¹⁵

[Adopted 2000-10-05 by By-law No. 690-2000¹⁶]

§ 849-15. Definitions.

[Amended 2001-10-04 by By-law No. 853-2001; 2001-12-06 by By-law No. 1086-2001; 2002-10-03 by By-law No. 740-2002; 2002-11-29 by By-law No. 1086-2002; 2003-09-24 by By-law No. 959-2003; 2004-03-03 by By-law No. 220-2004¹⁷; 2006-09-27 by By-law No. 1056-2006; 2007-12-13 by By-law No. 1416-2007¹⁸]

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

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

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

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

¹⁵ Editor's Note: By-law No. 1056-2006, enacted 2006-09-27, 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.

¹⁶ Editor's Note: This by-law superseded former Art. II, Rates, adopted 1999-09-29 by By-law No. 661-1999, as amended. This by-law came into force 2000-11-01.

¹⁷ Editor's Note: This by-law came into force 2004-04-01.

¹⁸ Editor's Note: This by-law came into force 2008-01-01.

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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 No. 220-2004¹⁹; 2006-09-27 by By-law No. 1056-2006; 2007-12-13 by By-law No. 1416-2007²⁰]

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

§ 849-17. Block 2 Rate.

[Amended 2001-10-04 by By-law No. 853-2001; 2001-12-06 by By-law No. 1086-2001; 2002-10-03 by By-law No. 740-2002; 2002-11-29 by By-law No. 1086-2002; 2003-09-24 by By-law No. 959-2003; 2004-03-03 by By-law No. 220-2004²¹; 2006-09-27 by By-law No. 1056-2006; 2007-12-13 by By-law No. 1416-2007²²]

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

¹⁹ Editor's Note: This by-law came into force 2004-04-01.

²⁰ Editor's Note: This by-law came into force 2008-01-01.

²¹ Editor's Note: This by-law came into force 2004-04-01.

²² Editor's Note: This by-law came into force 2008-01-01.

1 Rate, as set out in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix A, Schedule 2, Water-Revenue Services, or at such other rate as determined by City Council from time to time.

§ 849-18. Eligibility for Block 2 Rate.

[Amended 2001-10-04 by By-law No. 853-2001; 2001-12-06 by By-law No. 1086-2001; 2002-10-03 by By-law No. 740-2002; 2002-11-29 by By-law No. 1086-2002; 2003-09-24 by By-law No. 959-2003; 2004-03-03 by By-law No. 220-2004²³; 2006-09-27 by By-law No. 1056-2006; 2007-12-13 by By-law No. 1416-2007²⁴]

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

- A. The property, or a portion thereof, must be assessed on the annual returned assessment roll in the industrial property tax class;
- B. The customer must have an annual water consumption of over 6,000 cubic metres per year (m³/per year);
- C. The customer must be and remain in compliance with the City's sewer-use by-law, City of Toronto Municipal Code Chapter 681, Sewers;
- D. The customer must submit to the City a comprehensive water conservation plan, to the satisfaction of the General Manager of Toronto Water, by July 1 of the year for which eligibility is sought, which plan shall include:
 - (1) A corporate policy committing to water conservation and efficiency;
 - (2) Having undertaken a water use audit to identify measures to be implemented which will result in more efficient use of water, such as, but not limited to, water loss management strategies, water reclamation and recycling strategies, regular meter testing and calibration, implementing best available technologies for process water conservation, providing employee training and implementing best management practices for water conservation procedures within the property;
 - (3) An implementation timetable of measures identifying the water use audit findings along with target dates and expected water use reductions;
 - (4) An evaluation process to track the effectiveness of the company's plan implementation; and
 - (5) An annual progress report to the satisfaction of the General Manager of Toronto Water which shall continue to be submitted to the City on an annual

²³ Editor's Note: This by-law came into force 2004-04-01.

²⁴ Editor's Note: This by-law came into force 2008-01-01.

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- basis by July 1 of each subsequent year until such time as the General Manager of Toronto Water provides written notification to the customer that such annual reports are no longer required by the City.
- E. The customer must install and maintain such effluent monitoring equipment, as may be required, if at all, by the General Manager of Toronto Water, which shall be easily accessible to City staff on a 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 Municipal Code Chapter 851, Water Supply. In addition, the customer shall be responsible for ensuring the installation of the meter meets all requirements and is in compliance with all relevant legislation including the Ontario Plumbing Code and Ontario Building Code, if applicable, including all plumbing permits and inspections; and
 - (3) If the General Manager of Toronto Water determines that sub-metering is not feasible, the General Manager of Toronto Water may in the exercise of a sole discretion waive the criteria in § 849-18F and establish the proportion of water related to the industrial process use for the portion of the property assessed in the industrial property tax class after considering technical submissions and upon entering into an agreement with the customer on such terms and conditions as the General Manager of Toronto Water may require.

§ 849-19. (Reserved)²⁵

§ 849-20. (Reserved)²⁶

²⁵ Editor's Note: Former § 849-19, Consumers in former City of Toronto, amended 2001-12-06 by By-law No. 1086-2001, 2002-11-29 by By-law No. 1086-2002, 2003-09-24 by By-law No. 959-2003, 2004-03-03 by By-law No. 220-2004 and 2006-09-27 by By-law No. 1056-2006, was repealed 2007-12-13 by By-law No. 1416-2007. Said By-law No. 1416-2007 came into force 2008-01-01.

²⁶ Editor's Note: Former § 849-20, Consumers in former City of York, amended 2001-10-04 by By-law No. 853-2001, 2001-12-06 by By-law No. 1086-2001, 2002-10-03 by By-law No. 740-2002, 2002-11-29 by By-law No. 1086-2002, 2003-09-24 by By-law No. 959-2003, 2004-03-03 by By-law No. 220-2004 and 2006-09-27 by By-law No. 1056-2006, was repealed 2007-12-13 by By-law No. 1416-2007. Said By-law No. 1416-2007 came into force 2008-01-01.

§ 849-21. (Reserved)²⁷

§ 849-22. Due date.

[Amended 2007-03-06 by By-law No. 192-2007]

The City's Deputy City Manager and Chief Financial Officer shall include a due date on water 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 Deputy City Manager and Chief Financial Officer, but in no event shall it be any sooner than 21 calendar days from the date the bill is issued.

§ 849-23. Sewer service rate.

[Amended 2003-09-24 by By-law No. 959-2003; 2007-02-08 by By-law No. 153-2007²⁸]

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)²⁹

§ 849-25. Sanitary discharge agreement rate.

[Added 2003-09-24 by By-law No. 959-2003]

Commencing on the 1st day of October 2002, the sanitary discharge agreement rate, payable for the discharge of water obtained from a private waterworks system into the City of Toronto's 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 \$0.6082 per cubic metre.

²⁷ Editor's Note: Former § 849-21, Charges for water and sewer services, amended 2003-09-24 by By-law No. 959-2003, was repealed 2007-12-13 by By-law No. 1416-2007. Said By-law No. 1416-2007 came into force 2008-01-01.

²⁸ Editor's Note: This by-law came into force 2007-03-01.

²⁹ Editor's Note: Former § 849-24, Effect on other by-laws and resolutions, was repealed 2007-12-13 by By-law No. 1416-2007. Said By-law No. 1416-2007 came into force 2008-01-01.

ARTICLE III
Collections and Billing
[Adopted 2003-09-24 by By-law No. 924-2003³⁰]

§ 849-26. Definitions.

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

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

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

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

CFO — The City's Deputy City Manager and Chief Financial Officer, or his or her designate. [Amended 2007-03-06 by By-law No. 192-2007]

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 account in accordance with Article II of City of Toronto Municipal Code, Chapter 849, Water and Sewer Services, and any other provision of the Municipal Code or any law.

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 No. 1416-2007³¹]

PRIVATE WATER SYSTEM — An assembly of pipes, fittings, valves and appurtenances that convey water from the private water service pipe to water supply outlets, fixtures, plumbing appliances, devices, and appurtenances and all other points downstream of the water meter or downstream of the point where the private

³⁰ Editor's Note: This by-law came into force 2004-01-01.

³¹ Editor's Note: This by-law came into force 2008-01-01.

water service pipe enters a building or structure if there is no water meter.
[Amended 2007-12-13 by By-law No. 1416-2007³²]

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.
[Amended 2007-12-13 by By-law No. 1416-2007³³]

SEASONAL 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.

§ 849-27. Responsibility for water accounts.

- A. The owner shall be liable for the payment of the bill, except for fees relating to water supplied by the City for fire prevention services.
- B. Despite any water that may be lost or not consumed at a property as a result of a break, malfunction or leak in private water system, the owner shall be liable for the payment of all 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 account.
- D. An owner may direct the CFO to send the bill and all water and sewer related notices to a person other than the owner, provided that the owner:
 - (1) Submits to the CFO a fully completed and signed form designated for that purpose by the CFO;
 - (2) Acknowledges that, despite not having received any bill or notice, the owner will remain liable for payment of the fees and the City may exercise against the owner or the property any remedy it may have with respect to the collection of fees;
 - (3) Appoints the person to whom the bills 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 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 pursuant to § 849-27D(3) may result in the imposition of fees for which the owner shall be liable;

³² Editor's Note: This by-law came into force 2008-01-01.

³³ Editor's Note: This by-law came into force 2008-01-01.

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- (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.

§ 849-28. Adjustments.

- 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 an 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 account in order to ensure that the appropriate fees are paid in respect of a property. The CFO shall not make any such adjustment to an 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 an 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 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 account and include all fees that ought to have been payable in respect of the property as determined in accordance with § 849-31E. **[Amended 2007-12-13 by By-law No. 1416-2007³⁴]**

§ 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.

- A. With respect to a property equipped with a meter, the City shall issue a bill to an owner or his or her agent three times per year, except for seasonal accounts for which the owner or agent shall be issued a bill one time per year, and properties and accounts for which the party responsible was billed once per month as of December

³⁴ Editor's Note: This by-law came into force 2008-01-01.

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 bill to an owner or his or her agent two times per year except for properties in the former City of Etobicoke which shall be issued a bill three times per year and seasonal unmetered properties which shall be issued a bill one time per year.
- C. The CFO may issue a bill to an owner or his or her agent at a time other than or more frequently than as set out in §§ 849-30A and 849-30B, in the event of the demolition of a building supplied with water by the City, a change of meter or installation of a meter at a property, a change in ownership of a property, or a change in the appointment by the owner of an agent as permitted by and in accordance with § 849-27D.

§ 849-31. Basis for metered billing.

- A. This section only applies to properties with meters.
- 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 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.
- 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 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. Where a 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 account fees from the date of the last 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.

§ 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 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 fees payable with respect of the property ought to be adjusted in accordance with Article II of this chapter.
- E. Any adjustment to the 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.
- 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 No. 12-2007³⁵]**

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

- A. The CFO may send an overdue notice by prepaid mail to an owner setting out fees that remain unpaid 14 calendar days after they are due to be paid.
- B. The CFO may send a transfer to tax notice by prepaid mail to an owner with respect to 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 fees in arrears that remain

³⁵ Editor's Note: This by-law came into force 2006-09-27.

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 account. 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.

- C. The CFO, having due regard to Municipal Code 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 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.

- A. This section applies to bulk metered 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 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 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 fees in arrears. 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.

§ 849-35. Offences.

Any person who contravenes this article is guilty of an offence.³⁶

§ 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 former area municipalities and the Scarborough Public Utilities

³⁶ 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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Commission with regard to the billing and collection of water and sewer accounts shall remain in full force and effect.