

The Corporation of the  
Town of New Tecumseth

## By-law

Number 2021-099

### “Water/Wastewater Billing & Collection By-law”

A by-law to provide for the billing and collection of water and/or wastewater services for the Town of New Tecumseth

**Whereas** section 11(3) of the Municipal Act, 2001, S.O. 2001 c. 25, (the “Municipal Act”), authorizes a municipality to pass by-laws respecting matters concerning public utilities;

**And Whereas** Section 81(1) of the Municipal Act provides that a municipality may shut off the supply of a public utility by the municipality to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue;

**And Whereas** Section 391(1) of the Municipal Act provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of it, and for the use of its property including property under its control;

**And Whereas** Section 398(1) of the Municipal Act provides that fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

**And Whereas** Section 398(2) of the Municipal Act provides that a municipality may add fees and charges to the tax roll of the property to which the public utility is supplied and collect them in the same manner as municipal taxes;

**Now Therefore** the Council of the Corporation of the Town of New Tecumseth hereby enacts as follows:

#### Definitions

1. For the purpose of this by-law:
  - a. “Town” shall mean the Corporation of the Town of New Tecumseth and its employees.
  - b. “Director, Financial Services/Treasurer” shall mean the Director, Financial Services/Treasurer and/or his or her designate.
  - c. “Director, Public Works” shall mean the Director, Public Works or his or her designate.
  - d. “Faulty” shall refer to the inability of a water meter to accurately record the volume of water taken in or the inability of a water meter to be read, for reasons such as the glass on the meter is frosted or broken, the meter dial or display is obscured, or the meter is not functioning to allow remote reading of the meter.
  - e. “Meter” shall mean the water meter and all equipment, cabling and remote reading device supplied and owned by the Town, to measure the quantity of water used by the property for billing purposes.
  - f. “Owner” shall include any and all persons or any firm or corporation that is the registered owner(s) of the property under consideration, a

person entitled to a limited estate in land, a trustee in whom land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

- g. "Wasted" shall mean the indiscriminate, unreasonable or excessive running or dissipation of water, including but not limited to the following: waste caused by correctable leaks, breaks and/or malfunctions.

### **Water Meter Installation**

- 2. That not more than one meter shall be installed on each parcel of land containing a commercial, industrial, institutional, condominium, apartment, house or other structure, or any combination thereof, for billing purposes.
- 3. That where there are existing properties at the time of the passing of this by-law, which have more than one (1) water service and corresponding meter for each service, they shall continue to be billed independently, until such time as a vacancy or change of ownership occurs and the Town exercises its right to reconfigure the service and metering (at the Town's cost) to comply with Section 2 above.

### **Water and Wastewater Billing**

- 4. That the Town shall only bill the property owner of any property which has water and/or wastewater service(s) provided to it by the Town.
- 5. That water and wastewater service rates are not subject to refund nor adjustment due to vacancy.
- 6. That all water passing through the water meter shall be billed for whether used or wasted. Water usage and plumbing beyond the water meter is the responsibility of the property owner, therefore any consumption resulting from a plumbing leak or failure is the responsibility of the property owner.
- 7. That water restrictions are subject to the provisions of any current by-law which regulates the time, manner, extent, and nature of the supply of water and every other matter or thing related to or connected therewith in order to secure to the inhabitants of the Town, a continued and abundant supply of water.
- 8. That every owner of land connected to Town water and/or wastewater services shall pay water and/or wastewater charges calculated and billed based on consumption readings collected at the end of the scheduled billing cycle, except;
- 9. That where a water meter fails to record properly, or the meter technician is unable to obtain a reading, the property owner is liable to pay the water and/or wastewater charges in an amount estimated based on an average of previous consumption in the prior year, or billing cycle, whichever is available. The provisions of the Sewer/Water Maintenance By-law, as amended shall apply with respect to faulty water meters.
- 10. That in an instance where there is a discrepancy between the reading taken from the water meter register, and the reading taken from the remote reading device, the reading taken from the water meter register will be deemed to be the correct reading.
- 11. That if a property is occupied prior to a water meter and remote reading device being installed and inspected by Town staff, the owner shall be billed for water and/or wastewater services at an estimated rate of consumption back to the date of occupancy based on information available at time of billing. If actual historical consumption is available, estimated consumption will be based on historical consumption.
- 12. That where there is evidence of errors in billings, or faulty water meter operation, the Director, Financial Services/Treasurer, in consultation with the Director, Public Works, may authorize a reasonable settlement of rendered accounts disputed by users, provided that each such settlement is clearly


- warranted and thoroughly documented and available for audit and reference purposes.
13. That a request for final billing is the responsibility of the property owner of the respective property. Notice is required no less than 5 business days prior to the date of closing to ensure an accurate final reading is conducted on the date of closing.
  14. That final readings and/or billings will not be accommodated for tenancies. At the passage of this bylaw, meter readings for tenant requests will not be accommodated. Existing tenant accounts will be phased out by December 30<sup>th</sup>, 2021.
  15. That fees and charges associated with connection or creation of the water account and usage of the municipal utility shall commence on the date of first supply or provision of the services.
  16. That fees and charges associated with the usage of the municipal utility shall cease when the provision of the service is discontinued due to sale of the respective property, or discontinuation of the public utility at the respective property.
  17. That all ownership changes resulting in a change of utility account shall be subject to an activation fee, and final fee, in the amount specified in the Fees and Charges By-law, as amended. The activation fee and final fee shall be applied to a builder's account for any period of time, and subsequent consumption used, between the date of water meter inspection and the date of closing to first purchaser.

### **Collections**

18. That all water and wastewater bills issued by the Town shall be payable to the Town on or before the due date. The following payment options are available at the date this bylaw is passed:
  - a. In person or by internet or telephone banking at all major financial institutions. Payments made at financial institutions shall be deemed to be paid to the Town on the date payment is received at the Municipal Office. The property owner will be responsible to pay any applicable service charge to the financial institution accepting the payment.
  - b. By pre-authorized payment plan offered by the Town
  - c. By credit card via an independent third-party provider (any provider service charges will be applicable to the property owner). Credit card payments in office will be accepted at a limit set at the Treasurer's discretion. Payment may be subject to recovery charges collectable at time of payment.
  - d. In person or by dropbox at the Municipal Office, 10 Wellington Street East, Alliston, Ontario.
19. That penalty shall be assessed to all accounts not paid in full by the specified due date in accordance with the current Fees and Charges By-law, as amended.
20. That the billing for water and wastewater services, including penalty for late payment and other administrative fees, shall be in accordance with the provisions of the current Fees and Charges By-law, as amended.
21. That a reminder notice shall be mailed to each property owner on or about the 14<sup>th</sup> calendar day following the due date should their bill remain unpaid.
22. That if the amount overdue remains unpaid greater than thirty calendar days following the initial due date, a final notice for payment shall be mailed to the property owner.
23. That any amount in default for a period exceeding sixty calendar days from the initial due date by the property owner of any lands, will be transferable to the tax roll and considered as a lien and charge upon the estate or interest in such land by whom the amount is due in the same manner and to the same extent as municipal taxes.

- 24. That termination of service shall not relieve the user from paying all amounts due up to and including the date of closure of account.
- 25. That the Town, through legislation, is provided the discretion to terminate the supply of water services resulting from delinquent payments, operational requirements, etc.
- 26. That notice will be provided to the property owner prior to shut off occurring. All fees associated with water shut off and reconnection will be congruent with charges set out in the current Fees and Charges By-law.
- 27. That the Town will not insert itself into a dispute between the owner and tenant of a property over the failure of either party to pay the utility billed. Payment for the utility is the responsibility of the property owner.
- 28. That By-law No. 99-38 is hereby repealed.
- 29. That this by-law shall be cited as the "Water/Wastewater Billing and Collection By-law".
- 30. That this by-law shall come into force and take effect on the date of final passing thereof and shall apply to all water/wastewater billings issued on or after July 26<sup>th</sup>, 2021.

**Read a first, second and third time and finally passed this 26<sup>th</sup> day of July, 2021.**

  
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**Mayor**

  
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**Clerk**