

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2016) -20074

A by-law to regulate customer accounts for Water and Wastewater services in the City of Guelph.

THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH

ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this by-law, the following terms shall have the corresponding meanings:

"Account Holder" means a person whose land is serviced by the Water Supply System and/or the Wastewater Treatment System, and who has a water and/or wastewater servicing account with the Billing Agent.

"Billing Agent" means the City or the contractor of the City responsible for water and/or wastewater meter reading, billing, revenue collection and related customer administration.

"City" means The Corporation of the City of Guelph, and/or its directors, officers, employees, agents and contractors.

"Fees and Charges By-law" means the City's Water and Wastewater Service Rates and Charges By-law Number (2015)-19977, as amended or replaced from time to time.

"Non-residential Property" means land zoned for non-residential use pursuant to the Zoning By-law.

"Plant Manager" includes the following individual employees of the City:

- i. The individual holding the position of Plant Manager of the City of Guelph's Water Services;
- ii. The individual holding a successor position to the Plant Manager with responsibility for similar matters;
- iii. Any individual responsible for supervision of either of the foregoing individuals; and
- iv. Any other individual acting under the direction of any of the foregoing individuals for the purposes of this By-law.

"Property Owner" includes every person who, alone or in conjunction with one or more others, has control over land, and, without limiting the generality of the foregoing, includes every registered owner and every owner as shown on the last revised assessment roll held by the City.

"Residential Property" means land zoned for residential use pursuant to the Zoning By-law.

"Tenant" means a person who rents or leases land from a Property Owner.

"Wastewater Treatment System" means the wastewater treatment plants and collection system operated by the City, consisting of all infrastructure necessary to collect, treat, and discharge wastewater.

"Water Supply System" means the water supply and distribution system operated by the City, consisting of various water sources, including groundwater wells, fire hydrants, and water filling stations, and all infrastructure necessary to collect, treat, and distribute the water.

"Zoning By-law" means the City's Zoning By-law Number (1995)-14864, as amended or replaced from time to time.

2.0 APPLICATION OF THIS BY-LAW

2.1 The provisions of this By-law govern and regulate customer accounts for water and wastewater services, including applicable fees and charges, and are in addition to any requirements set out in any agreement with a Billing Agent. The City, in its discretion, may resolve any conflict between the provisions of this By-law and the provisions of any agreement with a Billing Agent.

2.2 By applying for, or accepting, the supply of water from the Water Supply System or the discharge of wastewater into the Wastewater Treatment System, a Property Owner or Tenant is deemed to have expressed his, her, its or their consent to be bound by the provisions of this Bylaw.

3.0 GENERAL CITY AND ACCOUNT HOLDER RESPONSIBILITIES

- 3.1 For the purpose of this By-law, the City is responsible for:
- a) The general operation and management of the Water Supply System and the Wastewater Treatment System;
 - b) The installation and maintenance of water meters, meter wires, and meter remotes, and the reading of meters and remotes for the purposes of billing for water and wastewater services;
 - c) The operation, management and supervision of the accounts, billing and collection of water and wastewater fees and charges; and
 - d) The enforcement of the provisions of this By-law and the agreement with the Billing Agent relating to meter reading, accounts, billing and collection of water and wastewater fees and charges.
- 3.2 For the purpose of this By-law, the Account Holder shall:
- a) Pay water and wastewater fees and charges based on all metered water consumption, all fixed charges, and other fees and charges at the rates specified in the Fees and Charges By-law;
 - b) If a Tenant, obtain any permission from the Property Owner, and if a Property Owner, provide any permission, that may be required for the City to access the Water Supply System or Wastewater Treatment System, including water meters, meter wires, and meter remotes for activities including installation, maintenance, replacement, testing and meter reading;
 - c) Maintain, at the Account Holder's own expense, the privately-owned water service, plumbing system, irrigation system, water-using appliances, and related water fixtures and appurtenances in proper working order and good repair, and promptly repair deficiencies and leaks from any of the above;
 - d) If the land is unoccupied, ensure that it is inspected regularly for any leaking plumbing or abnormal water usage and, if necessary, ensure that the water supply to the land is temporarily turned off or isolated and drained until the land becomes occupied; and
 - e) Upon request, provide the City in a timely manner with accurate information on any leaking privately-owned water service, plumbing system, irrigation system, water-using appliances, and related water fixtures and appurtenances that could cause abnormal water consumption and corresponding abnormal billing.

4.0 CUSTOMER ACCOUNT CREATION

- 4.1 Every person who commences to occupy land serviced by the Water Supply System or Wastewater Treatment System shall immediately request the Billing Agent to create a new customer account.
- 4.2 Every person applying to receive water from the Water Supply System and/or to connect to the Wastewater Treatment System shall, at the time of application and in advance of such receipt and/or connection, pay the applicable deposits as determined by the Billing Agent.
- 4.3 Every Property Owner, Tenant or Account Holder, applying to receive water from the Water Supply System and/or to connect to the Wastewater Treatment System, shall make immediate arrangements with the City to allow access to the land by the City to install the water meter and water meter remote.

5.0 CUSTOMER ACCOUNT STATUS

- 5.1 An Account Holder may, at any time, request a certificate from the City and/or Billing Agent showing the amount of any water and/or wastewater fees or charges outstanding against the Account Holder's land and customer account, and the period to which such fees and charges apply.

6.0 CUSTOMER ACCOUNT TERMINATION

- 6.1 An Account Holder who wishes to cease water and wastewater service and close his, her, its or their customer account, shall provide a request for such closure to the Billing Agent. If the Account Holder proposes to vacate the land, he, she, it or they shall request a final meter reading before vacating the land. The Billing Agent shall continue to levy fees and charges until such notice has been received from the Account Holder

7.0 METERING – ACCOUNT HOLDER RESPONSIBILITIES

- 7.1 Every Account Holder, Property Owner, Tenant, or occupant of land on which a water meter, meter wire, or meter remote has been installed for billing purposes shall:
- a) Take all reasonable precautions to protect such water meter, meter wire, and meter remote and related connections from damage by frost, impact, or otherwise;

- b) Prevent freezing of the water meter, and maintain heat to it and the connected privately-owned plumbing;
- c) Allow safe access, upon request with reasonable notice, to the water meter, meter wire, meter remote and related connections for the Billing Agent to perform meter-reading duties;
- d) Allow safe, unrestricted access, upon request with reasonable notice, to the water meter, meter wire, meter remote and related connections for the City to perform maintenance work;
- e) Provide immediate notice to the City if any water meter, meter wire, meter remote or related connection has been damaged or interfered with, or made inaccessible to the City and/or Billing Agent;
- f) Maintain the condition of the privately-owned water service, the plumbing connected to the water meter, and the stop and waste or isolation water valve immediately upstream of the water meter, to allow the City to maintain the water meter;
- g) Immediately report to the City any leaks that develop from the water meter or the related connections;
- h) Report to the City, immediately, the opening of any water meter by-pass; and
- i) If possible, confirm the reading on the water meter with the account billing information and confirm the meter remote reading against the inside water meter. In the case of a discrepancy, the Account Holder shall pay in accordance with the reading on the inside water meter.

7.2 The Account Holder, Property Owner, Tenant, or occupant of land on which a water meter, meter wire, or meter remote has been installed shall not:

- a) Restrict the City's access to the land for the purpose of water meter, meter wire, or meter remote installation, reading, testing, or maintenance;
- b) Fail to provide immediate notice to the City when any meter, meter wire, or meter remote or related connection has been damaged or interfered with, or made inaccessible to the City;
- c) Upon receiving direction from the City, fail to repair, at the sole cost of the offending Account Holder, Property Owner, Tenant or occupant, the privately-owned plumbing or stop and waste or isolation valve in a timely manner to allow the City to carry out maintenance work;
- d) Fail to report to the City immediately the opening of a water meter bypass;
- e) Install, replace, alter, damage, interfere with, make inaccessible, or remove the City water meter, meter wire, meter remote, meter seal, or bypass seal; and
- f) Alter or impair any water meter, meter wire or remote, or the plumbing connected upstream or downstream of the meter, so as to lessen, stop, or alter the amount of water registered by the water meter or remote.

7.3 If an Account Holder, Property Owner, Tenant, or occupant commits any of the foregoing prohibited activities, the City may:

- a) With reasonable notice, turn off or reduce the water supply to the land until the deficiency is rectified and any outstanding related fees and charges are paid to the satisfaction of the Plant Manager. The Account Holder shall pay the related charges for turning the water off and on as specified in the Fees and Charges By-law;
- b) Bill the Account Holder for all applicable repair, replacement, administrative and account-adjustment costs for resolution of any damage to, or interference with, the water meter, meter wire, or meter remote in accordance with the Fees and Charges By-law;
- c) If water use has been unmetered as the result of an open by-pass, bill the Account Holder for immediate payment of all applicable water and wastewater fees and charges for the water used based on a City estimate of prior or future water use; and
- d) If water or wastewater service theft has occurred, bill the Account Holder the full real or City-estimated cost of all stolen services with applicable interest. Payment of these costs will be due immediately. If the Account Holder fails to pay these costs, the City may reduce or turn off the water to the land and bill related additional costs to the Account Holder.

8.0 UNDER-BILLING ADJUSTMENTS

8.1 If an Account Holder is under-billed, as the result of the failure of a water meter or remote, the actions of the City, or the unintentional actions of the Account Holder, Property Owner, Tenant, or occupant, the City shall:

- a) Determine a reasonable estimate of the under-billed volumetric charges owed for a back-billing period of up to two (2) years prior to the date of the most recent, accurate meter reading and/or billing as follows:
 - i. Using the following methods in the following priority order, estimate the water consumption for the back-billing period as follows: first, if applicable, calculate the consumption through an accurate mathematical correction; second, if practical, use the Account Holder's average consumption billed over one or more future billing periods; third, if available, use the Account Holder's average consumption billed over one or more past billing periods; and fourth, in the absence of following the above methods, apply the average consumption of customers from a similar customer group,

- ii. Apply the appropriate historic volumetric rates to that estimated water consumption, on a weighted average basis, to produce the estimated proper volumetric charges, and
- iii. Deduct the actual volumetric charges billing from the estimated proper volumetric charges billing to determine the under-billed volumetric charges;
- b) Calculate the under-billed fixed charges based on the period of time that these charges were not billed and the rates in effect over this period; and
- c) After calculating the under-billed volumetric and fixed charges, and without the addition of interest to these charges, notify the Account Holder of the back-billing charges and provide the option of a payment plan if the Account Holder so requests.

8.2 If the City, acting reasonably, determines that an Account Holder, Property Owner, Tenant, or occupant has intentionally caused an under-billing of the Account Holder, the City shall:

- a) Determine a reasonable estimate of the under-billed volumetric charges owed for the entire period over which the Account Holder has been under-billed following the process described in paragraph 8.1 a) above;
- b) Calculate under-billed fixed charges based on the period of time that these charges were not billed and the rates in effect over this period;
- c) Calculate and assess interest charges for all under-billed charges owing;
- d) Have the right to report cases of water and wastewater services theft, tampering or vandalism to the proper authorities and to charge the Account Holder with non-compliance with this By-law; and
- e) Once the under-billed volumetric and fixed charges have been calculated, notify the Account Holder of the back-charges and interest owed with these charges, payment of all of which is immediately due in full.

8.3 If the Account Holder fails to pay any back-billing charges or to comply with any payment plan, then the City may:

- a) Turn off or reduce the supply of water to the land until all outstanding fees and charges are paid in full;
- b) Assess interest on the outstanding fees and charges under this By-law; and/or
- c) Transfer all outstanding balances to the property tax roll for the land of the Account Holder.

9.0 OVER-BILLING ADJUSTMENTS

9.1 If an Account Holder is over-billed, as the result of the failure of a City water meter or remote, the actions of the City, or the unintentional actions of the Account Holder, Property Owner, Tenant, or occupant, the City shall:

- a) Determine a reasonable estimate of the over-billed volumetric charges for an over-billed period of up to two (2) years prior to the date of the most recent, accurate meter reading and/or billing as follows:
 - i. Using the following methods in the following priority order, estimate the water consumption for the back-billing period as follows: first, if applicable, calculate the consumption through an accurate mathematical correction; second, if practical, use the Account Holder's average consumption billed over one or more future billing periods; third, if available, use the Account Holder's average consumption billed over one or more past billing periods; and fourth, in the absence of following the above methods, apply the average consumption of customers from a similar customer group,
 - ii. Apply the appropriate historic volumetric rates to that estimated water consumption, on a weighted average basis, to produce the estimated proper volumetric charges, and
 - iii. Deduct the estimated proper volumetric charges billing from the actual volumetric charges billing to determine the over-billed volumetric charges;
- b) Calculate the over-billed fixed charges based on the period of time that these charges were over-billed and the rates in effect over this period;
- c) Calculate interest charges on the over-billed amount;
- d) After calculating the over-billed volumetric and fixed charges, and interest owing, notify the Account Holder of the amounts; and
- e) Pay the Account holder or credit the over-billed amounts and interest to the Account Holder's account.

10.0 METER AND BILLING DISPUTE RESOLUTION

10.1 In the event of a billing dispute related to the accuracy or function of a water meter, the reading of the water meter register will be the sole evidence of the quantity of water supplied to the Account Holder and will be used for all related billing purposes unless the water meter is proven to be defective through a third party meter test conducted by the City.

10.2 If a City water meter is equipped with a remote, and a discrepancy occurs between the reading at the meter register and the reading on the remote, the City shall consider the reading at the meter register to be correct, and will adjust and correct the Account Holder's account accordingly for billing purposes.

10.3 If an Account Holder questions the accuracy of the applicable City water meter, such Account Holder may request a meter test by entering into a meter testing agreement with the City and agreeing to pay, as outlined below, the meter testing fee as set out in the Fees and Charges By-Law. During the period of meter testing, the Account Holder shall continue to pay all ongoing undisputed bills.

10.4 Meter test results will be applied as follows:

- a) If the City meter test results confirm that the meter accuracy at the maximum rate is equal to or less than the applicable maximum rate accuracy limits set out in the most recent version of the American Water Works Association Manual M6, or equivalent, then the City shall add the meter testing fee to the Account Holder's account; or
- b) If the City meter test results confirm that the meter accuracy at the maximum rate is higher than the applicable maximum rate accuracy limits set out in the most recent version of the American Water Works Association Manual M6, or equivalent, then the City shall perform a billing correction as follows:
 - i. Calculate the consumption correction factor that represents the greatest difference between the tested meter maximum rate accuracy percent and the standard maximum rate accuracy percent,
 - ii. Determine the over-billed consumption amount by applying this correction factor to the total consumption over-billed to the Account Holder for a period of up to four (4) of the Account Holder's most recent bills, and
 - iii. Apply the remainder of the over-billing adjustment process described above to credit the customer with the charges related to the over-billed consumption total.

10.5 If an Account Holder wishes to appeal the accuracy of an account billing, a meter testing process, an under-billing adjustment process, or an over-billing adjustment process, then the Account Holder shall complete the City's appeal notice and submit it to the Plant Manager within thirty (30) calendar days after receiving the meter testing results or notice of the over-billing or under-billing (as applicable).

10.6 Upon receipt of an appeal form from an Account Holder, the Plant Manager shall, within thirty (30) days, review the appeal and provide a written final decision to resolve the Account Holder's appeal.

10.7 During the periods of Account Holder appeal preparation and Plant Manager appeal review, the Account Holder shall continue to pay all ongoing undisputed bills.

10.8 The outcome of the Plant Manger's final decision may be as follows:

- a) If the Plant Manager's final decision is that the Account Holder must pay the meter testing fee, all due regular billing charges, and any under-billing charges, then the Account Holder shall do so; or
- b) If the Plant Manager's final decision is that the City must pay any over-billed charges to the Account Holder, then the City shall do so.

11.0 UNPAID ACCOUNTS

11.1 If any account under this By-law remains unpaid after its payment due date, the City may issue an outstanding payment notice to the Account Holder.

11.2 If an account under this By-law remains unpaid after issuance of an outstanding payment notice, the City may issue a final outstanding payment notice to the Account Holder, Property Owner, Tenant and occupant of the land by personal service or prepaid mail or by posting the notices on the land in a conspicuous place.

11.3 If an account under this by-law remains unpaid after the provision of a final outstanding payment notice, the City may:

- a) Add the amount of the account to the tax roll for the property to which the water and wastewater services were supplied, providing notice of such action to the Property Owner, detailing the fees and charges so added; and
- b) Shut off or reduce the provision of water and wastewater services to the land.

11.4 If the City has shut off or reduced the provision of water and wastewater services to land, it shall not restore the provision of those services to that land until all fees and charges under this By-law, including any service charges, penalties and interest, have been paid in full, or the Account Holder has entered a payment plan with the City or Billing Agent.

12.0 OFFENCE

12.1 Every person who contravenes any provision of this by-law is guilty of an offence, and on conviction is liable to a maximum fine of \$10,000 for each offence.

13.0 RELATIONSHIP WITH WATER SUPPLY BY-LAW

13.1 If any provision of this By-law conflicts with any provision of By-law Number (1991)-13791, the provision of this By-law will prevail.

PASSED this TWENTY-EIGHTH day of JUNE, 2016.





CAM GUTHRIE – MAYOR



STEPHEN O'BRIEN – CITY CLERK