



**Regional Municipality  
of Durham**

**Water Supply System**

**By-Law Number 89-2003,  
As Amended**

**Office Consolidation  
August 2022**

# **WATER SUPPLY SYSTEM BY-LAW NUMBER 89-2003**

## **OFFICE CONSOLIDATION**

### **A By-law Respecting the Water Supply System In the Regional Municipality of Durham and the Establishment of Water Rates and Water Charges**

Date of Passing: December 17, 2003

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**\*to re-enact the Water Supply System  
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**The Regional Municipality of Durham Water Supply System By-law  
Number 89-2003  
Office Consolidation  
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# THE REGIONAL MUNICIPALITY OF DURHAM

## By-Law Number 89-2003

### **A By-law Respecting the Water Supply System In the Regional Municipality of Durham and the establishment of Water Rates and Water Charges**

Pursuant to the powers vested in it by The Municipal Act, and other applicable legislation, the Council of the Regional Municipality of Durham hereby enacts the following by-law:

#### **PART I: INTERPRETATION**

1. In this by-law:

- (a) "Area Municipality" means a lower-tier municipality that forms part of the Region;
- (b) "Commissioner of Finance" means the Commissioner of Finance appointed by the Region or a delegate;
- (c) "Commissioner of Works" means the Commissioner of Works appointed by the Region or a delegate;
- (d) "Consumer" means the Owner, occupant, builder or developer of property which is serviced by, connected to or uses the Regional Water Supply System;
- (e) "Dwelling Unit" means real property used or designed for use as a home or as a place in which one or more persons may sleep;
- (f) "Finance and Administration Committee" means the Finance and Administration Committee of Regional Council;
- (g) (g)"Metered Water" means Regional Water supplied to Consumers through Water Meters;
- (h) (h)"Owner" means a Person holding a fee simple or equitable interest in land;
- (i) (i) "Person" includes an individual, sole proprietorship, partnership, unincorporated association, unincorporated organization, corporation, trustee, heir, executor, administrator or other legal representative;
- (j) "Potable Water" means treated Regional Water;
- (k) "Private Water Meter" means a meter purchased and installed by the Consumer for secondary measurement of water consumption;

- (l) "Raw Water" means untreated Regional Water;
- (m) "Region" means The Regional Municipality of Durham acting as a body corporate;
- (n) "Regional Council" means the Council of the Region;
- (o) "Regional Solicitor" means the Regional Solicitor appointed by the Region or a delegate;
- (p) "Regional Water" means Potable Water or Raw Water carried by the Regional Water Supply System;
- (q) "Regional Water Supply System" means the water supply system of the Region including all water supply plants, wells, intakes, outlets, equipment, water storage tanks and reservoirs, water supply pumping stations, Watermains, appurtenances, Water Service Connections, Water Meters and all other water works designated for the supply of water together with all lands appropriated for such purposes and uses;
- (r) "Residential Building" means a structure that contains one or more Dwelling Units;
- (s) "Service Pipe" means that part of a Water Service from the street line, property line or easement limit to a building;
- (t) "Source Protection Plan" means a plan, approved by the Ministry of the Environment, Conservation and Parks that contains a series of policies that, when implemented, will protect drinking water sources from current and future threats;  
*(By-law 49-2019)*
- (u) "Transport Pathways" means features or activities occurring at the surface that disturb the surface above the aquifer, or which artificially enhances flow to an aquifer and as may be further defined in the applicable Source Protection Plan. The presence of a transport pathway can increase the vulnerability rate of an area;  
*(By-law 49-2019)*
- (v) "Unit" means an area within a building that is self-contained with separate plumbing facilities and, in the case of multiple units, the units may be owned or rented by different Persons;
- (w) "Unmetered Fire Line" means a Water Service supplying Unmetered Water for the purpose of fire protection but does not include a water line serving hydrants owned and maintained by the Region;
- (x) "Unmetered Water" means Regional Water supplied to Consumers without the use of a Water Meter;

- (y) "Water Charges" mean the charges set out in Schedules "D", "E" and "F";
  - (z) "Watermain" means a pipe forming part of the Regional Water Supply System that conveys Regional Water from water supply plants and wells to Water Services;
  - (aa) "Water Meter" means a device and associated appurtenances supplied and installed by the Region used for measuring water consumption for billing purposes;
  - (bb) "Water Rates" mean the rates set out in Schedules "A", "B" and "C";
  - (cc) "Water Service" means a pipe connecting a Watermain to a building or facility for domestic or fire protection purposes consisting of a Water Service Connection and a Service Pipe;
  - (dd) "Water Service Connection" means that part of the Regional Water Supply System connecting a Watermain to a Service Pipe; and
  - (ee) "Works Committee" means the Works Committee of Regional Council.
2. The schedules referred to in this by-law shall form part of this by-law.
  3. If any section, subsection, or part of this by-law is declared by any court of competent jurisdiction to be illegal or ultra vires, such section, subsection or part shall be declared to be separate and independent and enacted as such.
  4. Wherever a word importing the singular number is used in this by-law, such word shall include the plural.
  5. The grammatical changes required to make the provisions of this by-law apply to individuals (male or female), sole proprietorships, partnerships, unincorporated associations, unincorporated organizations, corporations, trustees, heirs, executors, administrators and other legal representatives where the context so requires shall be assumed as though in each case fully expressed.

## **PART II: GENERAL**

6. (1) The responsibility for the construction, operation and maintenance of the Regional Water Supply System is vested in the Commissioner of Works who shall operate the same under the established policies of Regional Council.
- (2) No construction, operation or maintenance work of any kind or nature not specifically authorized by this by-law shall be performed on the whole or any part of the Regional Water Supply System by anyone

other than the Region except as authorized in writing by the Commissioner of Works.

7. (1) The Region may supply Regional Water as circumstances, equipment and capacity permit.
  - (2) No Regional Water shall be supplied to any property outside of the Regional Municipality of Durham except by special agreement with the Region.
  - (3) The Region does not guarantee to any Consumer an uninterrupted supply of Regional Water or that any standard of water pressure, water quantity or water quality will be met or maintained and any failure to provide an uninterrupted supply of Regional Water or to meet any such standard shall not be construed as neglect on the part of the Region.
  - (4) No employee or agent of the Region shall under any circumstances be permitted to give any guarantee that any set standards for water pressure, water quality or water quantity will be met or maintained.
8. (1) The Region may limit the amount of Regional Water supplied to a Consumer.
  - (2) During the months of May through September, lawn watering for odd-numbered addresses shall be allowed on odd-numbered calendar days only and for even-numbered addresses shall be allowed on even-numbered calendar days only.
  - (3) The Commissioner of Works may restrict the consumption and use of Regional Water, such as restricting lawn watering during evening peak hours.
  - (4) The installation of once-through process cooling systems with flows exceeding 1 gallon per minute, or single-pass water-cooled air conditioners is prohibited.
9. (1) The Commissioner of Works may upon reasonable notice to the Consumer shut off water within all or any part of the Regional Water Supply System, however, in emergency situations, notice need not be given.
  - (2) The Region is not liable for damages caused by the breaking of any Water Service, Watermain or appurtenance or for damage to boilers, fittings or other equipment or property or injury to any Person by reason of any disruption of water supply, including service shut-off and pressure fluctuations, even where no notice is given.



10. (1) Any Person authorized by the Commissioner of Works or the Commissioner of Finance for that purpose shall have free access, at all reasonable times, and upon reasonable notice given and request made, to all property and parts of every building or other premises to which Regional Water is supplied, for the purpose of inspecting, repairing, altering, disconnecting or shutting off any Service Pipe or appurtenances, or for installing, sealing, replacing, maintaining, repairing, testing, reading, inspecting, or removing any Water Meter as he or she considers expedient and for such purposes may set the Water Meter or alter its position.
- (2) Plants, Shrubs, trees, hedges, fences, other structures and vehicles shall not obstruct the free access to, and the repair or operation of a hydrant, hydrant valve, a Water Service Connection, a valve box, a service box, curb stop or chamber, by duly authorized employees or agents of the Region or Fire Department of an Area Municipality.
11. No Person shall proceed with, or authorize, any construction which is, or is proposed to be, located over, under, across or along any Watermain or other works forming part of the Regional Water Supply System without first notifying the Commissioner of Works in writing of his or her intention to proceed with the same. If, in the opinion of the Commissioner of Works, it becomes necessary to support, protect or relocate such Watermain or other works, the cost of supporting, protecting or relocating the Watermain or other works shall be charged to such Person and the Commissioner of Works shall have the power to supervise and direct the supporting, protecting or relocating of such works.
12. Any Person who has proceeded with or authorized any construction or work which is located under, over, across or along any Watermain or other part of the Regional Water Supply System shall be liable for any damage caused by such construction or work. The Commissioner of Works shall be notified immediately of any damage inflicted on the Regional Water Supply System. If the damage is not remedied to the satisfaction of the Commissioner of Works within a reasonable period of time, the Commissioner of Works may, upon giving reasonable notice, have such damage repaired, and the cost of repairs shall be borne by such Person.

### **PART III: WATER RATES, CHARGES AND REVENUES**

13. (1) If in any fiscal year the revenues generated by the Water Rates and Water Charges are not sufficient to meet the Region's expenditures for the Regional Water Supply System, the deficit may be covered by a duly authorized increase in Water Rates and Water Charges for the succeeding fiscal year. To the extent that such increases are not sufficient for such purposes, the required amounts shall be raised by a duly authorized special Regional levy as set out in The Municipal Act,

2001, on all of the Area Municipalities in the proportion that the whole rateable property in each Area Municipality bears to the whole rateable property in the Regional Municipality of Durham according to the last returned assessment rolls.

- (2) All revenue raised by the methods described in this by-law, or authorized, shall be applied to the Regional Water Supply System.
14. (1) Consumers of Metered Water shall be billed on the basis of their consumption of Regional Water and shall be charged the Metered Water rates set out in Schedule "A".
- (2) Consumers of Unmetered Water shall pay the Unmetered Water rates set out in Schedule "B".  
*(By-law 72-2008)*
  - (3) Consumers with Unmetered Fire Lines shall pay the Unmetered Fire Line rates set out in Schedule "C".
  - (4) Persons desiring to connect buildings that they own or occupy to the Regional Water Supply System shall, in accordance with Part V of this by-law, pay the connection related charges set out in Schedule "D" and, in accordance with part VI of this by-law, pay frontage charges as set out in Schedule "E".
  - (5) Persons desiring the extension of the Regional Water Supply System shall pay charges in accordance with Part VII.
  - (6) Persons requiring the miscellaneous services set out in various parts of this by-law shall pay the charges set out in Schedule "F" for such services.
15. The Water Rates and Water Charges shall be subject to periodic review by the Finance and Administration Committee, the Works Committee and Regional Council.

#### **PART IV: METERED WATER SERVICE**

16. (1) Water Meters shall be installed on all Water Services unless otherwise directed by the Commissioner of Works.
- (2) Consumers shall be responsible for providing a location and suitable plumbing for the installation of a Water Meter and any other devices or reading devices associated with the Water Meter. The Water Meter and associated devices shall be installed by the Region prior to occupancy of the building.
  - (3) The Water Meter location shall be readily accessible and located where the Service Pipe enters a building's full basement or in another

area of a building or location approved by the Commissioner of Works. The Water Meter shall not be covered or enclosed except with the approval of the Commissioner of Works.

- (4) All Water Meters shall be owned by the Region. The cost of additional private water meters, as well as those for sanitary sewer surcharge appeal purposes, including supply, installation, repair and replacement, shall be borne by the Consumer. Once installed, the Water Meter location shall not be changed except with the approval of the Commissioner of Works.
- (5) Water Meters shall be installed, sealed, replaced, maintained, repaired, tested, inspected, and removed only by employees or agents of the Region.
- (6) If the Region cannot gain access to a premises, for the purpose of installing, sealing, replacing, maintaining, repairing, testing, reading, inspecting or removing a Water Meter, the Region may shut off or restrict the supply of Regional Water to the property and the Consumer shall pay the water shut off charges set out in Schedule "F", paragraph 1.
- (7) The Region will not be responsible for any damage to buildings or property occasioned by, or in the course of, installing, sealing, replacing, maintaining, repairing, testing, reading, inspecting or removing any Water Meter provided that reasonable care has been taken by the employees or agents of the Region in the course of such activities.
- (8) Where a metered Water Service is in use, all Regional Water consumed on the property shall pass through the Water Meter authorized by the Region for use on the property except where unmetered use is permitted by this by-law.
- (9) Consumers shall be responsible for the safety and care of the Water Meter placed in the Consumer's building, meter room, chamber or other facility and shall be liable for all damage from any cause, and for the loss of the Water Meter. If the Water Meter is removed without the consent of the Region, whether stolen or otherwise, or damaged from any cause, the cost of replacement or repair shall be payable to the Region by the Consumer on demand in accordance with the charge for frozen or damaged Water Meters set out in Schedule "F", paragraph 6.
- (10) Only one Water Meter shall be installed on a Service Pipe whether the Service Pipe serves a single building, a number of buildings or a multi-unit building such as a mall, unless otherwise approved by the Commissioner of Works. For purposes of this subsection, each half of a semi-detached dwelling and each unit of street townhouses or link

houses with separate water services are to be considered a single building.

- (11) If a Consumer receiving Unmetered Water requests that a Water Meter be installed, the Commissioner of Works may, at his or her discretion, comply with such request. The cost of any plumbing alterations shall be borne by the Consumer.
  - (12) The Region will not supply, install, replace, repair or inspect private water meters or bill water consumption based on private water meters. Water supply pipes to private water meters must be connected to the Owner's plumbing on the outlet side of a Water Meter.
  - (13) No Person, except a Person authorized by the Commissioner of Finance or Commissioner of Works for that purpose, shall be permitted to open, or in any way tamper with, any Water Meter, or with the seals placed thereon, or do anything to interfere with the proper registration of the quantity of water passing through such Water Meter. Should any Person change, tamper with or otherwise interfere in any way with any Water Meter placed in any building, meter room, chamber or other facility, the Commissioner of Works may without notice shut-off the water for such building, or premises, and the water shall not be turned on to such building, or premises, without the approval of the Commissioner of Works.
17. (1) If the Commissioner of Works directs that a Water Meter be installed in a meter chamber or other facility, it shall be constructed, maintained and kept accessible to the employees or agents of the Region by the Consumer at the Consumer's cost in a manner satisfactory to the Commissioner of Works.
- (2) The size of Water Meters to be installed will be determined by the Commissioner of Works based on either maximum demand flow rates provided by the Consumer or on the consumption estimates of the Commissioner of Works where no flow rates are provided by the Consumer or where the flow rates provided by the Consumer are inappropriate in the opinion of the Commissioner of Works.
  - (3) Unless otherwise approved by the Commissioner of Works, no pipe connection shall be made to a Service Pipe other than after the outlet side of a Water Meter. Where required or approved by the Commissioner of Works, properly valved and sealed by-passes around the Water Meter shall be provided by and at the expense of the Consumer.
  - (4) A Water Meter by-pass is intended for meter maintenance purposes only and shall not be turned on except by the Region. In cases of an emergency, the by-pass may be opened by the Consumer, who shall immediately thereafter notify the Region.

- (5) Stop and waste corporation valves shall be installed on either side of Water Meters in accordance with subsection 25(4).
  - (6) Consumers shall immediately notify the Commissioner of Works of any breakage, stoppage or irregularity in a Water Meter.
  - (7) Before demolition or removal of a building, the Consumer shall make arrangements with the Commissioner of Works for the shutting off of the Water Service and for safe access for the removal of the Water Meter. All costs to repair or replace a Water Meter, damaged or lost due to building demolition or removal shall be borne by the Consumer. After demolition or removal of a building, the Consumer shall pay the standby charge set out in Schedule "F", paragraph 2, until the Consumer pays the Region the actual cost of disconnecting the Water Service at the Watermain.
18. (1) All Water Meter readings shall be obtained under the co-ordination and control of the Commissioner of Finance.
- (2) Water Meter readings may be obtained by duly authorized employees or agents of the Region who, while performing Water Meter reading duties, shall carry identification designating them as employees or agents of the Region.
  - (3) Consumers shall, when requested to do so by the Commissioner of Finance, take readings from the Water Meter serving their buildings and shall submit the readings so obtained to the Commissioner of Finance in the manner requested.
  - (4) Consumers shall provide free and clear access to Water Meters for purposes of reading or inspection, in accordance with Section 10 and subsection 16(6).
  - (5) Water Meters shall be read at such time as the Commissioner of Finance shall, in his or her absolute discretion, deem advisable.
  - (6) The Commissioner of Finance shall estimate the quantity of water used by the Consumer since the date of the last accurate meter reading or the last estimate of consumption and bill the Consumer in accordance with the rates set out in Schedule "A" in circumstances where,
    - (a) the Water Meter is broken, stopped, frozen or operates intermittently;
    - (b) the Water Meter or meter seal has been disconnected, altered, broken or tampered with in any way;
    - (c) the Water Meter has been incorrectly read;

- (d) the Water Meter reading has been incorrectly recorded;
  - (e) a Water Meter by-pass has been used or the by-pass seal has been disconnected, broken, altered or tampered with;
  - (f) the Person duly authorized to do so has been unable to obtain a Water Meter reading;
  - (g) no Water Meter reading has been submitted to the Commissioner of Finance by a Consumer requested to do so; or
  - (h) the Commissioner of Finance deems it necessary or desirable.
- (7) Where the quantity of water used by a Consumer has been estimated pursuant to subsection 18(6), the Commissioner of Finance may, at the time of the first accurate meter reading subsequent to such estimate, make a new estimate of the quantity of water used by the Consumer and adjust the billing to the Consumer accordingly.
- (8) In circumstances where, in the opinion of the Commissioner of Works, it is necessary or desirable that a Consumer run water continuously, the Commissioner of Works may authorize such usage and the Commissioner of Finance may adjust the Consumer's metered billing to conform with the Consumer's normal pattern of water use.
- (9) Where a Consumer's water supply freezes, and a temporary water supply is provided by another Consumer, the Commissioner of Finance may, during the period the service is frozen, temporarily suspend billing water and sanitary sewer consumption charges to both the Consumer whose service is frozen, and to the Consumer who is providing temporary water service to the affected premises.
19. (1) A Consumer, upon written application to the Commissioner of Finance, may have a Water Meter tested. Every application for testing shall be accompanied by the deposit for testing Water Meters set out in Schedule "F", paragraph 3.
- (2) If a Water Meter is shown by the test to measure the flow of water within or below American Water Works Association (AWWA) specifications, the Consumer shall be charged the fee for the test set out in Schedule "F", paragraph 3 and the deposit set out in subsection 19(1) shall be credited against that charge.
- (3) If a Water Meter is shown by the test to measure the flow of water above AWWA specifications, no fee shall be charged for the test, the Consumer's deposit will be returned and the Consumer's water bill will be adjusted in an amount determined by the Commissioner of Finance.

## **PART V: CONNECTIONS TO REGIONAL WATER SUPPLY SYSTEM**

20. (1) An Owner (referred to in this Part as an "Applicant") wishing to have a building connected to the Regional Water Supply System shall apply to the Region.
- (2) No connection shall be made to the Regional Water Supply System until,
  - (a) an Application for Sewer/Water Service in the form provided by the Commissioner of Works (referred to in this Part as an "Application") has been approved by the Region; and
  - (b) a plumbing permit has been approved by the appropriate Area Municipality.
- (3) All applicable connection charges must be paid and the Region's approval received at least three weeks prior to the date by which connection to the Regional Water Supply System is requested for any Water Service Connection to be installed by the Region.
- (4) An Application must be completed prior to the connection of the Service Pipe to the preinstalled Water Service Connection for each separate Water Service in housing developments built on lands subject to registered plans of subdivision where the Water Service Connection has been installed by the subdivider.
- (5) The Commissioner of Works may refuse approval of an Application where, in the Commissioner's opinion,
  - (a) the Regional Water Supply System may be adversely affected;
  - (b) there is insufficient water supply available;
  - (c) Regional Water pressures are high or low;
  - (d) a Watermain does not abut the Applicant's land; or
  - (e) the service would contravene existing by-laws or other regulations.
- (6) An application shall be approved and issued prior to an application being made to an Area Municipality for a building permit or plumbing permit where such permits are necessary.
- (7) Where a Water Service Connection is to be installed as part of an Unmetered Fire Line, or for any use other than a single family, semi-detached, street townhouse or street link houses, or where the proposed Water Service Connection is greater than one inch in diameter, detailed plans of the proposed Water Service or Unmetered

Fire Line acceptable to the Commissioner of Works shall be submitted with each Application.

- (8) Every application shall be accompanied by a payment equal to the Water Service Connection charge set out in Schedule "D", paragraph 1, or a deposit based on the estimated charge as set out in Schedule "D", paragraph 2, and the applicable frontage charge payment calculated in accordance with Part VI and Schedule "E". The deposit shall be applied against the actual cost of the Water Service Connection installation, however, if the deposit is insufficient, the Applicant shall pay the actual cost of the Water Service Connection installation to the Region. If the deposit exceeds the actual cost, the excess shall be reimbursed to the Applicant.
  - (9)
    - (a) Where a Water Service Connection is required and is not installed as part of a plan of subdivision, the Application shall be construed or interpreted to be an application for the Region to construct the Water Service Connection.
    - (b) The installation of the Water Service Connection shall not be scheduled or commenced in any way until the Applicant has met all requirements of this by-law.
  - (10) If any Water Service installation does not comply with the plans submitted pursuant to subsection 20(7), Regional Water shall not be supplied to the premises served, until the installation is made to comply with the approved plans.
  - (11) If the service box on a Water Service Connection, preinstalled as part of a plan of subdivision or newly installed for the development of the lot, has been damaged, the Region will repair the service box and invoice the Applicant any associated costs.
  - (12) Water Services for commercial, industrial, institutional and multi-residential buildings shall not be turned on until the systems on private property have been inspected, pressure tested, flushed and chlorinated and the water is determined by qualified personnel to be safe for drinking, all to the satisfaction of the Commissioner of Works. Test results shall be submitted to the Commissioner of Works prior to the Water Service being turned on.
21. (1) An Application in which the estimated amount of water consumption is in excess of 30 million gallons annually, or is in excess of 10% of the annual capacity of water supply facilities from which Regional Water is to be obtained, shall be subject to further review by the Region's Wet Industry Screening Committee.
- (2) For those Applications which are subject to the review of the Region's Wet Industry Screening Committee and for which there is insufficient



capacity within the water supply facilities servicing the Applicant's property to meet the request of the Applicant, the Region may,

- (a) deny the Application; or
  - (b) grant the Application if,
    - (i) capacity can otherwise be made available;
    - (ii) the Applicant enters into a consumption and discharge agreement with the Region;
    - (iii) approval is given by the Works Committee and the Finance and Administration Committee; and
    - (iv) the Applicant agrees to pay the cost of additional facilities necessary to meet the requirements set out in the Application.
- (3) For those Applications which are subject to the review of the Region's Wet Industry Screening Committee and for which there is sufficient capacity within the water supply facilities servicing the Applicant's property to meet the request of the Applicant, a consumption and discharge agreement between the Region and the Applicant shall be required prior to the provision of Regional Water.
- (4) The consumption and discharge agreement described in subsections 21(2) and 21(3) shall contain the terms and conditions that are to be met by the Applicant in order to receive the requested water service, including but not limited to, payment of all applicable Water Service Connection charges and capital surcharges.
22. (1) Following the approval by the Region of an Application, the Commissioner of Finance shall, in the case of a commercial building, establish a customer account in the name of the Consumer, and in the case of a residential building, establish a customer account in the name of the Owner, for the purpose of billing Water Rates and Charges.
- (By-Law 72-2008)*
- (2) Charges for Unmetered Water used for construction shall be levied in the amount set out in Schedule "F", paragraph 4, shall be payable by the Consumer.
  - (3) The Consumer shall notify the Region as soon as it is practicable for a Water Meter to be installed, such as when the internal plumbing is complete and inspected, the water is turned on and, during freezing conditions, heating is available.

- (4) On closing, the Consumer shall be charged at first block water rates for the volume of water used from the time a Water Meter is installed until the property is occupied or is sold to a new Owner, (referred to in this Section as the "closing date"). During the period from when the water meter is installed to the closing date, no monthly service charges set out in Schedule "A", paragraph 1(b) shall apply. In cases where there is no sale of property before it is occupied, such as where the builder is also the Owner, full normal Water Rates and Water Charges apply from the time the Water Meter is installed.
  - (5) The new Owner shall be charged the Change of Occupancy charge set out in Schedule "F", paragraph 12, and shall be responsible for all Water Rates and Water Charges subsequent to the closing date for the sale of the property.
23. (1) All work involved in the installation and maintenance of Water Service Connections shall be performed only by duly authorized employees or agents of the Region or by the Applicant in accordance with the terms of a servicing agreement.
- (2) Every Water Service shall be laid in a straight line and at a right angle to a Watermain, as nearly as practicable.
  - (3) Where the Applicant indicates in the Application a desired location for the Water Service Connection, it shall be located as indicated provided the proposed location is approved by the Commissioner of Works.
  - (4) Where the Applicant does not indicate in the Application a desired location for the Water Service Connection, it will be located as determined by the Commissioner of Works. If the Applicant subsequently requires a relocation of the Water Service Connection, such relocation shall be at the expense of the Applicant, which is in addition to the original Water Service Connection charge.
  - (5) No Water Service to one Owner's building shall be installed in, over or across the property of another Person or located on an easement on another Person's property, except by the written consent, in the form of an easement agreement, of the Persons concerned and the approval of the Commissioner of Works.
  - (6) Only one Water Service shall be installed on each lot, block or parcel of land unless otherwise approved by the Commissioner of Works.
  - (7) A Water Service shall be installed to each Unit of semi-detached houses, street townhouses and street link houses, unless the Commissioner of Works has approved an alternate form of connection.

- (8) Where more than one lot, block or parcel of land under separate ownership is served by a single Water Service, the Commissioner of Works may order the affected Consumers to disconnect from the single Water Service and to conform to subsection 23(6) and all costs, including those for installing new Water Service Connections, shall be borne by the Consumers.

The Commissioners of Finance and Works may offer a residential connection incentive to property owners with existing common shared services in an amount to be determined at their sole discretion based on the complexity and costs associated with each situation, and re-connection charges may be waived.

*(By-law 24-2022)*

- (9) Where the Region intends to remove a substandard Water Service Connection, the Consumer shall have a period of six (6) months from the date of written notice from the Commissioner of Works to replace and connect the Consumer's building to the new Water Service connection.

*(By-law 24-2022)*

- (10) Anti-tampering devices shall be installed on service boxes on new Water Service Connections, when deemed necessary by the Commissioner of Works.

- (11) Where anti-tampering devices are installed on service boxes, the cost of purchasing, installing and maintaining such devices shall be borne by the Consumer.

24. The Consumer shall be responsible for the installation of a Service Pipe.

25. (1) Water Services shall be installed in the size, material and to other specifications approved by the Commissioner of Works.

(2) Unless otherwise directed by the Commissioner of Works, Water Services shall be laid,

(a) at a depth of 1.8 metres below the surface of the soil surrounding the trench in which the pipes are laid or below the certified road grade where the pipes are laid on a road allowance; and

(b) at a distance of more than 0.5 metres from any other pipe, conduit or drain.

(3) Service Pipes shall enter a building where there is a full basement or in another area of a building or location approved by the

Commissioner of Works which allows free and easy access to install, maintain and read a Water Meter.

- (4) Each Service Pipe, in accordance with subsection 17(5), shall be fitted with two full port, stop and waste corporation valves (gate or ball type). One valve shall be located on the inlet side of the Water Meter immediately inside of the building. The other valve shall be on the outlet side of the Water Meter. The valves shall be well secured from frost and of the same size as the Water Meter inlet and outlet stubs. The valves shall be installed and maintained at the Consumer's expense unless otherwise directed by the Commissioner of Works.
  - (5) No soldered joints, fittings or other appurtenances shall be permitted on any Water Service.
  - (6) All Water Service trenches shall have proper bedding and be properly backfilled to the satisfaction of the Commissioner of Works and adequately protected against settlement.
26. (1) The Consumer is responsible for the repair or replacement of a leaking or defective Service Pipe or appurtenance and if, after written notice, it is not remedied, forthwith to the satisfaction of the Commissioner of Works, the Commissioner of Works may enter upon the land where the Service Pipe is located and repair or replace the same and the cost of such repair or replacement shall be borne by the Consumer.
- (2) The Commissioner of Works may shut off or restrict the supply of water to any building in which any leaking or defective pipe, tap or fixture exists, and may require that the pipe, tap or fixture be repaired or replaced by the Consumer in such manner as the Commissioner of Works may approve, before the water is turned fully on again.
  - (3) The Commissioner of Works or the Commissioner of Finance may estimate the amount of water lost from leaks and charge the Consumer accordingly.
27. (1) If a Service Pipe becomes frozen, the Commissioner of Works may upon request have such Service Pipe thawed, and the Owner shall be responsible for the charges for such services as set out in Schedule "F", paragraph 7. The repair costs for damages caused by the thawing operation shall be the responsibility of the Owner of the building.
- (2) Where any thawing operation undertaken pursuant to subsection 27(1) may in the opinion of the Commissioner of Works present a hazard, the Commissioner may refuse to perform such activity.

- (3) When directed by the Commissioner of Works, the Consumer shall replace the Service Pipe if it is subject to freezing. The associated replacement costs shall be borne by the Consumer.
28. No Person shall make any temporary connection to the Regional Water Supply System except by agreement with the Region.
29.
  - (1) Where a building has been or will be demolished or removed and an Owner wishes to reuse a Water Service Connection, which previously served the building, the Owner shall apply to reuse the Water Service Connection. Such Application shall be accompanied by an inspection fee in an amount set out in Schedule "D", paragraph 4.
  - (2) Before approval and issuance of an Application, the Owner shall expose the disused Water Service Connection and prepare it for inspection by the Commissioner of Works, who may, upon inspecting such Water Service Connection, refuse to allow its reuse if, in the opinion of the Commissioner of Works, it is not suitable material, of inadequate size, or defective. The opinion of the Commissioner of Works on this matter shall be final.
  - (3) Where the Commissioner of Works deems that the Water Service Connection referred to in subsection 29(1) cannot be used, the Region shall replace such Water Service Connection and charge for such work in accordance with Schedule "D", paragraph 4. If a deposit is required, any differential between the cost and the deposit shall either be refunded to or payable by the Owner, as appropriate.
30. When the Commissioner of Works decides that a Water Service Connection is no longer required due to property redevelopment or otherwise and can be abandoned, the Water Service Connection shall be disconnected at the Watermain by the Region, and the cost of the disconnection, as set out in Schedule "D", paragraph 5, shall be borne by the Owner of the lot, block or parcel of land which the Water Service Connection served or was intended to serve, or collected as otherwise directed by the Commissioner of Works.

#### **PART VI: FRONTAGE CHARGES**

31.
  - (1) Frontage charges shall be applied to all lots where no previous direct contribution to the capital cost of the Watermain has been made in relation to the lot.
  - (2) No frontage charges shall be payable in respect of Watermains that have been fully installed at private expense.
  - (3) Frontage charges for watermain sizes not specified in Schedule "E" or for projects initiated by petitions shall be based on actual cost.

*(By-law 59-2018)*

32. (1) Frontage charges shall be calculated by multiplying the frontage of the lot either by the standard frontage charge rates set out in Schedule "E" or, where the Owner has elected to pay frontage charges by instalments, by the annual frontage charge rates set out in Schedule "E", pursuant to subsection 35(1). Any frontage charges for non-standard sized mains shall be based on actual cost.
- (2) Subject to subsections 32(3) to (6), the frontage of a lot shall be the frontage as recorded in the Provincial Assessment Roll.
- (3) The Region may reduce the frontage of a lot for the purpose of calculating frontage charges for,
- (a) corner lots at the junction or intersection of streets or highways;  
*(By-Law 72-2008)*
  - (b) lots that are for any reason wholly or in part unfit for building purposes;  
*(By-Law 72-2008)*
  - (c) lots, other than corner lots, that have two limits that abut on two or more streets but which cannot make use or full use of extensions to the Regional Water Supply System installed in one or more of the said streets; and  
*(By-Law 72-2008)*
  - (d) lots having frontage in excess of 38 metres that are used for agricultural purposes or residences in connection with such agricultural purposes.  
*(By-Law 72-2008)*
- (4) The Region may reduce or increase the frontage of a lot for the purpose of calculating frontage charges for lots that are triangular or irregularly shaped.  
*(By-Law 72-2008)*
- (5) All reductions or increases of frontage charges pursuant to subsections 32(3) and (4) shall be made on a fair and equitable basis having regard, among other matters, to the situation, value and superficial area of the lot as compared with other lots and the Regional Water Supply System services provided to the lot. Any reductions or increases of frontage charges shall be approved by the Commissioners of Finance and Works.  
*(By-Law 72-2008)*
- (6) Where the Region has reduced the frontage of a lot for the purpose of calculating frontage charges pursuant to subsections 32(3) and (4), it may subsequently increase the frontage charges where the use of the land changes or where the lot is divided into two or more parcels.

33. Frontage charges are subject to reduction in specified areas within the Regional Municipality of Durham where grant funding, or financial assistance has been provided by the Province of Ontario, its ministries or agencies.
34. If the Regional Water Supply System does not extend to the whole frontage of a lot to be serviced, frontage charges shall nonetheless be based on the total frontage of the lot.
35. (1) Frontage charges shall be made payable either as a lump sum payment or, at the option of the Owner of the lot, by installments as set out in Schedule "E".  
  
(2) Any Owner electing to pay an annual frontage charge must provide the Region with a copy of the Transfer/Deed of Land by which the Owner took title to the lot and enter into an agreement with the Region that sets out the terms of payment, which agreement must be executed and registered against title to the lot prior to the Region granting the approval for the connection of the lot to the Regional Water Supply System.
36. Where an Owner has elected to pay an annual frontage charge and at a later date requests the commutation of the outstanding frontage charges, the frontage charges shall be commuted and the commutation amount to be paid by the Owner to the Region shall be determined as follows:
  - (a) Where the frontage charges relate to a project that was financed from the Region's current operating budget and the annual payments are based on the standard frontage charge rate in effect when the application was made to connect to the Regional Water Supply System, the commuted amount shall be the total of the current outstanding principal balance and any outstanding interest charges to the date the Region received the request to commute the charges. The interest rate to be used in this calculation shall be the original interest rate used in the determination of the annual frontage charge.
  - (b) Where the frontage charges relate to a project that was financed by means of a debenture and the frontage charges were established based on the repayment of the debenture, the commuted amount shall be the amount determined by the Commissioner of Finance that is required to be invested over the remaining term of the debenture to generate a cash flow sufficient to repay the Owner's share of the outstanding debenture. The interest rate used in this calculation shall be based on a forecast by the Commissioner of Finance of the

interest rate the Region can expect to receive in its general bank account over the remaining term of the debenture.

37. Where the frontage charges remain unpaid for a period of thirty (30) days, they may be added to the municipal tax bill for the lot and collected in the same way, as nearly as may be, as municipal taxes are collected.

#### **PART VII: EXTENSION OF THE REGIONAL WATER SUPPLY SYSTEM**

38. Extension of the Regional Water Supply System may be undertaken upon such terms and conditions as Regional Council may from time to time impose.
39. All extensions of the Regional Water Supply System shall be made upon the recommendation of the Works Committee and pursuant to by-laws of the Regional Council.
40. (1) Owners may file with the Commissioner of Works a written request for an extension of the Regional Water Supply System and shall supply the Commissioner of Works with such information with regard to the proposed extension as the Commissioner of Works may request.  
  
(2) The Commissioner of Works shall forward all requests for extensions of the Regional Water Supply System to the Works Committee.
41. (1) Where an extension of the Regional Water Supply System is required because of a residential land severance, the applicant's cost share shall be calculated in accordance with policies established by Regional Council for the servicing of new residential development.  
  
(2) Non-residential land severance applicants shall pay 100% of the cost of an extension.
42. Where the Regional Water Supply System has been extended, owners of lots abutting such extension shall pay frontage charges in accordance with part VI and Schedule "E".
43. If, at the same time that a request for the extension of the Regional Water Supply System is received, sufficient funds do not exist to finance any Regional share of the cost of such extension, the applicant's request shall either be deferred until the following year or proceeded with on the basis of the applicant prepaying the total cost of the extension.

#### **PART VIII: WATER SERVICE FOR FIRE PROTECTION**

44. (1) No Person other than duly authorized employees or agents of the Region or a Fire Department of an Area Municipality shall operate or take water from any Regional or private hydrant unless such Person is the holder of a hydrant permit issued under subsection 44(2) or is



using the water for maintenance purposes as provided in subsection 45(4).

- (2) The Commissioner of Works may, by issuing a hydrant permit, authorize the use of a specified Regional or private hydrant for a specified time under specified conditions, including the supervision of such use by the Commissioner of Works, at the charges set out in Schedule "F", paragraph 5. A hydrant permit may, at the discretion of the Commissioner of Works, be suspended at any time for any length of time.
45. (1) The Commissioner of Works may supply Regional Water to Consumers within the Regional Municipality of Durham who have Unmetered Fire Lines for fire protection purposes and such water may serve private hydrants, automatic sprinkler systems and standpipes and the Consumer shall pay the charges set out in Schedule "C".
- (2) An Unmetered Fire Line shall be separate from the domestic Water Service. An Unmetered Fire Line and Water Service Connection may be combined within a public road allowance or easement provided separation takes place within the public road allowance or easement and provided further that a valve is installed on each branch within the public road allowance or easement.
  - (3) The Region, or an Area Municipality, under an agreement with the Region, may inspect the installation of a separate fire line for the fee set out in Schedule "D", paragraph 3. If an Area Municipality undertakes the inspection, it shall provide the Region with the date and results of the inspection.
  - (4) Private hydrants shall be inspected, operated and maintained by the Owners on an annual basis or after every use as required by the Ontario Fire Code. Owners shall also flush private hydrants annually and repair them as required to ensure that they do not leak.
  - (5) Where an Unmetered Fire Line is provided, no water shall be taken other than for fire protection or testing of the fire protection system unless authorized by the Commissioner of Works.
46. Drain ports in private hydrants shall be plugged.
47. (1) If an Unmetered Fire Line or a private hydrant becomes frozen, the Commissioner of Works may upon request have such Unmetered Fire Line or hydrant thawed, and the Owner shall be responsible for the charges for such services as set out in Schedule "F", paragraph 8. The repair costs for damages caused by the thawing operation shall be the responsibility of the Owner of the building.

- (2) Where any thawing operation undertaken pursuant to subsection 47(1) may in the opinion of the Commissioner of Works present a hazard, the Commissioner may refuse to carry it out.
48. (1) Anti-tampering devices shall be installed on hydrants and valve boxes, when deemed necessary by the Commissioner of Works.
- (2) Where anti-tampering devices are installed on hydrants in new developments such as industrial or residential subdivisions, the cost of purchasing, installing and maintaining such devices shall be borne by the developer.
49. A driveway shall be constructed no closer than 1 metre from a hydrant.
50. If a person requests that a hydrant be relocated away from a driveway or for any other reason, the cost of relocating the hydrant shall be borne by the Person who requests such relocation.

#### **PART IX: MISCELLANEOUS SERVICES AND REQUIREMENTS**

51. (1) The Commissioner of Works shall, at the request of a Consumer, shut the Consumer's Regional Water Supply off or turn it on for the charges set out in Schedule "F", paragraph 1.
- (2) A Consumer who has had the supply of Regional Water turned off shall pay the standby charge set out in Schedule "F", paragraph 2, unless otherwise directed by the Commissioner of Finance, while such supply is shut off at the curb stop but not physically disconnected from the Watermain.
52. The Commissioner of Finance or Regional Solicitor shall, upon receiving a written request accompanied by payment of the fee set out in Schedule "F", paragraphs 9 and 10, respectively, in respect to each separate parcel of land or building, furnish any Person with a written certificate showing the arrears of Water Rates and Water Charges due or outstanding water frontage or connection charges, on or in respect of, any parcel of land or buildings, up to the date to which such rates or charges were last computed.
53. Payments submitted by Consumers and subsequently dishonoured by the financial institution on which they are drawn shall be processed by the Commissioner of Finance for the charge set out in Schedule "F", paragraph 11.

*(By-law 51-2012)*

54. (1) Payments submitted by Consumers whereby the Consumer has chosen the wrong account to pay, which subsequently results in the Region transferring the payment to the correct account, may be assessed a fee as set out in Schedule "F", Paragraph 12.

*(By-Law 62-2013)*

- (2) The Region may provide other services as approved by Regional Council. The cost of such services may be recovered from Consumers requesting such services in accordance with charges set out in Schedule "F".

*(By-Law 62-2013)*

55. (1) The Consumer shall notify the Commissioner of Finance in writing when vacating a building.
  - (2) When any building is empty, disused or vacated for a period which may exceed four weeks, or is without heat during below freezing weather, it is the Consumer's responsibility to shut off the water supply from within the building and to drain the piping and Water meter therein. The Consumer may apply verbally or in writing to the Commissioner of Finance to have the curb stop turned off in accordance with the conditions set out in Section 51.
  - (3) Where the water supply has not been shut off at the curb stop, and any building left vacant or without heat suffers damage or if any of the buildings contents are damaged from a leaking or burst water pipe, the Consumer shall have no claim against the Region. Should the Region become aware of such leaking or burst water pipes, the Commissioner of Works will turn off the water service at the curb stop and the water supply shall not be turned on until the Commissioner of Works considers it advisable.

*(By-Law 72-2008)*

#### **PART X: BILLING AND COLLECTING WATER RATES AND CHARGES**

56. (1) The Consumer shall notify the Commissioner of Finance in writing of any change of occupancy and shall pay the applicable charges as set out in Schedule "F", paragraph 12, for change of occupancy.
  - (2) The Commissioner of Finance may require that a new Consumer complete and sign a customer information form. If a Consumer fails to sign such form within 14 days of a written request from the Region, the supply of Regional Water to such Consumer may be shut off or restricted.
57. (1) All Water Rates and Water Charges shall be payable for water consumed and services provided and shall be due and payable when rendered.
  - (2) Regular billings for Water Rates and Water Charges may be rendered at any periodic interval deemed advisable by the Commissioner of Finance.
  - (3) The Commissioner of Finance may with reasonable notice advance or delay any regular billing of Water Rates or Water Charges.

- (4) Where any regular billing for Water Rates and Water Charges remains unpaid for thirty-seven (37) days after the date of mailing, the Commissioner of Finance may send the Consumer a second notice of non-payment.

*(By-law 46-2021)*

- (5) To protect the Region against potential losses from unpaid water billings, the Commissioner of Finance may demand in writing a security deposit by way of cash, certified cheque, letter of credit or guarantee from,
- (a) an existing Consumer who has been issued a disconnection notice or provided the Region with a dishonoured cheque, within the last two year period; or
  - (b) a new Consumer who does not own the property at which the Water Service is located except where (i) the Consumer provides written evidence from two utility companies that no disconnection notices have been issued and no dishonoured cheques have been received, within the last two year period, or, (ii) a credit check verifies that the Consumer has an excellent payment history.
- (6) The amount of the security deposit shall be equal to a Consumer's estimated water bill for a period of 120 days.
- (7) Interest on cash security deposits shall,
- (a) accrue at the rate of interest offered by the Region's bank from time to time for savings accounts;
  - (b) be calculated monthly or to the date that the security deposit is refunded, whichever is the lesser, based on simple interest.
  - (c) be applied firstly, together with the security deposit, to reduce any outstanding water bill; and
  - (d) subject to clause 57(7)(c), only be paid to the Consumer at the time when the security deposit is refunded.
- (8) The Consumer may be allowed 14 days from the date of the written demand for a security deposit within which to make the security deposit and if not so made within 14 days, then the water shall be turned off or restricted to the building or premises of the Consumer until such time as the security deposit is made.

58. (1) Repealed

*(By-law 51-2005)*

- (2) Where full payment for any regular billing for Water Rates is not received by the Region within sixteen (16) days after the date of mailing of the bill, the Consumer shall be assessed a late payment charge as set out in Schedule "F", paragraph 13."  
*(By-law 51-2005)*
- (3) Where any regular billing for Water Rates and Water Charges remains unpaid for twenty five (25) days after the date of mailing, the Commissioner of Finance may send the Consumer a notice of non-payment.
- (4) Where any regular billing for Water Rates and Water Charges remains unpaid for thirty-seven (37) days after the date of mailing, the Commissioner of Finance may send the Consumer a second notice of non-payment and such notice shall advise the Consumer that his or her Water Service may be shut off and that if additional collection action is required the Consumer may be assessed a collection charge as set out in Schedule "F", paragraph 1.
- (5) Where any regular billing for Water Rates and Water Charges remains unpaid for forty-four (44) days after the date of mailing, the Commissioner of Finance may authorize further collection action in the form of a notice delivered to the Consumer advising the Consumer of imminent collection action, which may include the water arrears being transferred to the municipal tax roll or water service shut off.  
*(By-law 46-2021)*
- (6) If it becomes necessary for the Region to initiate collection action indicated in subsection 58 (5), collection fees as set out in Schedule "F" will be charged to the Consumer.  
*(By-law 46-2021)*
- (7) Where any regular billing for Water Rates and Water Charges remains unpaid for 46 (forty-six) days after the date of mailing, the Commissioner of Finance may authorize further collection action in the form of a site visit to the property or have the Commissioner of Works shut off the water.
- (8) If it becomes necessary for the Region to initiate the collection action or water shut off action indicated in subsection 58(7), a collection fee as set out in Schedule "F", paragraph 1, will be charged to the Consumer whether the water service is shut off or not.
- (9) Where the water service has been shut off pursuant to subsection 58(7), the Consumer may be charged the fee as set out in Schedule "F", paragraph 1 for turning on the water service.
- (10) Where the Water Service has been shut off by the Region pursuant to subsection 58(7), or for any other reason, and where the water curb

stop shut off valve has been opened without lawful authority, the water curb stop shut off valve may have an anti-tampering device installed, or the water service may be disconnected or rendered inoperable by whatever means deemed appropriate by the Commissioner of Works. If the anti-tampering device has been removed, tampered with or in any way altered, the Consumer will be charged a fee set out in Schedule "F", paragraph 15. If the water service has been disconnected or rendered inoperable, the Consumer will be charged a fee set out in Schedule "D", paragraph 5, for disconnecting, rendering inoperable, reconnecting or restoring the Water Services.

*(By-law 77-2006)*

59. (1) Where full payment for any final billing for Water Rates is not received by the Region within sixteen (16) days after the date of mailing of the bill, the Consumer shall be assessed a late payment charge as set out in Schedule "F", paragraph 13.

*(By-law 51-2005)*

- (2) Where any final billing for Water Rates and Water Charges remains unpaid for twenty-five (25) days after the date of mailing, the Commissioner of Finance may send the Consumer a notice of non-payment.
- (3) Where any final billing for Water Rates and Water charges remains unpaid for thirty-seven (37) days after the date of mailing, the Commissioner of Finance may send the Consumer a final notice of non-payment and such notice shall advise the Consumer that if additional collection action is required the outstanding balance may be placed on the tax roll and/or transferred to a third party collection agency. Where any final billing for Water Rates and Water Charges remains unpaid and is transferred to a third party collection agency, a fee, equivalent to the collection agency commission fee, may be assessed, as noted in Schedule "F", paragraph 19.

*(By-Law 72-2008)*

60. (1) The amount payable to the Region by the Owner or occupant of any lands for Regional Water Supply System services, supplied to the Owner or occupant for use thereon, including but not limited to Water Rates and Water Charges or any other amount required to be paid in accordance with this by-law, is a lien and charge upon the estate of interest in such land of the Person from whom the amount is due and may be collected by distress upon the goods and chattels of the Person and by the sale of the Person's estate and interest in the lands and in the case of an amount payable by the Owner, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land.

- (2) The Clerk of an Area Municipality shall, upon notice of the amount due for unpaid charges referred to in subsection 60(1), of the Person from whom it is due and of the lands upon which a lien is claimed, enter the amount due including the Lien Administration Fee set out in Schedule "F", paragraph 14, upon the collector's roll and the collector shall proceed to collect the amount from the goods and chattels and the estate or interest in the lands of the Person liable in the same way, as nearly as may be, as municipal taxes are collected.
  - (3) The Region, before taking proceedings under subsection 60(2), may itself distraint upon the goods and chattels of the Person liable to pay the amount due for Water Rates or Water Charges.
  - (4) If the owner of the goods and chattels or of the land disputes the amount payable for Water Rates or Water Charges, the question of the amount due may be determined by a judge of the Ontario Court (General Division) upon a summary application at the instance of either party and the collector's roll or distress warrant shall, if necessary, be amended in accordance with the findings of the judge.
61. (1) All water bills shall be distributed to Consumers by ordinary, prepaid mail or by any other means deemed necessary or appropriate by the Commissioner of Finance.
- (2) Water Rates and Water Charges shall be charged and billed to,
    - (a) in the case of a Residential Building, the Owner of the Residential Building; and
    - (b) in the case of all other buildings and properties, the Consumer requesting the Water Services.
  - (3) Notwithstanding subsection 61(2)(a), Water Rates and Water Charges may continue to be charged and billed to the Consumer in whose name the account was established prior to the enactment of this by-law if and so long as such Consumer remains in possession of the Residential Building.
  - (4) All Water Rates and Water Charges for services rendered to buildings having multiple Units shall be charged and billed to the Owner of the property.
  - (5) All Water Rates and Water Charges for services rendered to buildings registered under the Condominium Act, R.S.O. 1990, c.C.26, as amended, shall be billed to the condominium corporation.
  - (6) Payment may be made, with no additional service charge, by personal cheque through the mail, by personal cheque or cash in person at Regional headquarters, or with a possible charge, at any chartered

bank within the Region or at any location or payment means as directed by the Commissioner of Finance.

*(By-Law 72-2008)*

62. The Commissioner of Finance may write off a portion of the customer's water and sanitary sewer bills related to billing complaints, which in the Commissioner's opinion are legitimate. The circumstances and amounts written off shall be subsequently reported to the Finance and Administration Committee. In the case of a residential water billing adjustment, the amount of the write off is limited to \$2,500 and, in the case of a small business water billing adjustment, the amount is limited to \$3,700.00.

*(By-law 51-2012)*



## **PART XI: SOURCE WATER PROTECTION PLAN PROVISIONS**

*(By-law 49-2019)*

63. Where services and capacity are available, the Region will require mandatory connection to municipal waste water systems in vulnerable areas, as defined by the Source Protection Plans.

*(By-law 49-2019)*

64. The Region will not approve a proposal that would result in the creation of a new Transport Pathway within the wellhead protection area A, as defined by the Trent Source Protection Plan, unless the application includes a statement from a qualified person stating that the proposal will not significantly increase the vulnerability of the municipal water source.

*(By-law 49-2019)*

## **PART XII: OFFENCES AND SANCTIONS**

65.(1) Every Person who,

- (a) wilfully hinders or interrupts, or causes or procures to be hindered or interrupted the Region, or any of its officers, contractors, employees or agents, in the exercise of any of the powers conferred by this by-law;
- (b) lets off or discharges water so that the water runs waste or useless out of the Regional Water Supply System;  
*(By-law 51-2012)*
- (c) being an Owner, a tenant, occupant, or inmate of any house, building or other place supplied with water from the Regional Water Supply System, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own, increases the supply of water agreed for without consent of the Region, or improperly wastes the water;
- (d) without lawful authority opens or closes or tampers with any hydrant, anti-tampering device, valve, curb stop, or other appurtenances;  
*(By-law 51-2012)*
- (e) obstructs free access by Regional employees to any part of the Regional Water Supply System;  
*(By-law 51-2012)*
- (f) throws or deposits any injurious, noisome or offensive matter into the water of the Regional Water Supply System, or upon the ice, if the water is frozen, or in any way fouls the water or commits

any damage, or injury to the Regional Water Supply System or Regional Water, or encourages or permits the same to be done;  
(By-law 51-2012)

(g) removes, alters or tampers with any Water Meter which includes the meter seal or opens any Water Meter by-pass so as to lessen or alter the amount of water registered or encourages or permits the same to be done;

(By-law 51-2012)

(h) lays or causes or permits to be laid any pipe or main to connect with any pipe or main of the Regional Water Supply System, or in any way obtains or uses Regional Water without the consent of the Region;

(By-law 51-2012)

(i) hinders, obstructs or refuses entry to any employee or agent of the Region in the discharge of any duty under this by-law;

(j) establishes, maintains, uses or permits any connection or cross connection to any part of the Regional Water Supply System whereby foreign matter, non potable water, water from a private well, wastewater, chemical or hazardous substance may enter the Regional Water Supply System;

(By-law 51-2012)

(k) fails to notify the Commissioner of Works of any breakage, stoppage or irregularity in any Water Meter for which he/she is responsible pursuant to subsection 17(6);

(l) fails to obey any restriction on consumption, hours of consumption and use of water pursuant to Section 8; or

(m) contravenes any provision of this by-law; is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.

(2) For purposes of subsection 63(1), a separate violation shall be deemed to have been committed for each and every day during which any violation continues, and conviction in respect of a violation shall not operate as a bar to further prosecution if such violation continues.

(3) The owner of a property who commits, causes, permits or allows any of the contraventions prescribed by subsections 63(1)(a), (b), (c), (d), (e), (f), (g), (h), (j) or (k) is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.

(By-law 51-2012)

66. Where any Consumer wilfully hinders or obstructs free access to any Regional hydrant valve, curb stop or other appurtenance by parking or placing a vehicle or other object above or adjacent to such Regional equipment, pursuant to subsection 10(2), the Commissioners of Works or Finance may cause such vehicle or object to be towed or taken away and stored in a suitable place, and all costs and charges for such towing, taking away and storage shall be the responsibility of such Consumer.
67. In addition to all other sanctions and remedies provided in this by-law, the Commissioner of Works may shut off, restrict, or disconnect the supply of Regional Water to any Consumer where such Consumer has violated any of the provisions of this by-law or for failure to pay any Regional invoice or Water Rates or Water Charges and may refuse to restore normal service until the violation complained of has been terminated or remedied. The Region will not be liable for any damages to property or injury to Person by reason of shut off, restriction or disconnection of water supply. The Consumer shall pay the applicable charges as set out in Schedule "F", paragraph 1 or Schedule "D", paragraph 5.

#### **PART XIII: ENFORCEMENT**

68. The provisions of this by-law may be enforced by any Person approved for the purpose by a by-law of the Region and/or employees of the Region whose duties include enforcement of this by-law.

#### **PART XIV: REPEAL**

69. By-law #51-97 and all amending by-laws to it are hereby repealed.

#### **PART XV: EFFECTIVE DATE**

70. This by-law shall become effective January 1, 2004.

## SCHEDULE "A"

### METERED WATER RATES

1. Consumers of Regional Water supplied through Water Meters shall pay the greater of: (1) the sum of the volumetric charge set out in clause (a) below plus the service charge set out in clause (b) below; or, (2) the minimum bill set out in clause (c) below.

a) Volumetric Rates:

The rates per cubic foot and cubic metre below are set to be equivalent to the corresponding gallonage block rates. All metered water billed to residential customers shall be at first block rates only.

i) Volumes Expressed in Imperial gallons.

First Block	
- 0 to 10,000 Imperial gallons per month	\$5.217/1,000 gallons
Second Block	
- 10,001 to 1,000,000 Imperial gallons per month	\$4.437/1,000 gallons
Third Block	
- Over 1,000,000 Imperial gallons per month	\$4.073/1,000 gallons

ii) Volumes Expressed in Cubic Feet

First Block	
- 0 to 1,600 cubic feet per month	\$3.250/100 cubic feet
Second Block	
- 1,601 to 160,000 cubic feet per month	\$2.764/100 cubic feet
Third Block	
- Over 160,000 cubic feet per month	\$2.537/100 cubic feet

iii) Volumes Expressed in Cubic Metres

First Block	
- 0 to 45 cubic metres per month	\$1.148/cubic metre
Second Block	
- 46 to 4,500 cubic metres per month	\$0.976/cubic metre
Third Block	
- Over 4,500 cubic metres per month	\$0.896/cubic metre

iv) Note: Water Meters Serving Multiple Units

For multiple units, the consumption block limits for non-residential customers are calculated by multiplying the above consumption block limits by the number of units. For example, the first block rate limit for an 8 unit commercial building is 80,000 gallons per month.

b) Service Charge:

Meter Size (millimetres & inches)	Rate (dollars per month)
Standard 16 mm & 19 mm (5/8" and 3/4")	19.29
25 mm (1 - inch)	39.20
38 mm (1½ - inch)	83.43
51 mm (2 - inch)	180.17
76 mm (3 - inch)	316.73
102 mm (4 - inch)	629.78
152 mm (6 - inch)	1,170.47
203 mm (8 - inch)	1,995.40
254 mm (10 - inch)	3,247.08

c) Minimum Bill:

Meter Size (millimetres & inches)	Rate (dollars per month)
25 mm (1 – inch)	65.00
38 mm (1½ - inch)	125.00
51 mm (2 - inch)	241.00
76 mm (3 - inch)	413.00
102 mm (4 - inch)	815.00
152 mm (6 - inch)	1,489.00
203 mm (8 - inch)	2,447.00
254 mm (10 - inch)	3,876.00

2. Volumetric Rates for Regional Raw Water Consumption: \$1.556 per 1,000 Imperial gallons or \$0.342 per cubic metre.

(By-law 46-2021)

SCHEDULE "B"  
UNMETERED WATER RATES

1. Flat Rate:

\$544.56/year/unit or  
\$136.14/quarter/unit or  
\$45.38/month/unit

*(By-law 46-2021)*

## SCHEDULE "C"

### UNMETERED FIRE LINE RATES

1. All Consumers with Unmetered Fire Lines shall pay the rates set out below:

Meter Size (millimetres & inches)	Rate (dollars per month)
25 mm (1 - inch)	14.89
38 mm (1½ - inch)	20.02
51 mm (2 - inch)	38.74
64 mm (2½ - inch)	51.34
76 mm (3 - inch)	68.07
102 mm (4 - inch)	136.13
127 mm (5 - inch)	182.80
152 mm (6 - inch)	251.40
203 mm (8 - inch)	418.89
254 mm (10 - inch)	668.44
305 mm (12 - inch)	942.46

*(By-law 46-2021)*

## SCHEDULE "D"

### WATER SERVICE CONNECTION RELATED CHARGES

	Dec. 1 to April 1 to	March 31 Nov. 30
<p>1. Water Service Connection Charges, for single family and semi-detached residential lots including those created by severance and pre-installed stubs (pursuant to subsection 20(8)):</p> <p style="margin-left: 20px;">a) 19 mm (3/4") diameter</p> <p style="margin-left: 20px;">b) 25 mm (1") diameter</p>	<p></p> <p></p> <p style="margin-left: 20px;">\$4,810.00</p> <p style="margin-left: 20px;">\$5,980.00</p>	<p></p> <p></p> <p style="margin-left: 20px;">\$3,700.00</p> <p style="margin-left: 20px;">\$4,600.00</p>
<p>2. Water Service Connections, not covered in paragraph 1 above, including apartment buildings (from duplexes to multi floor buildings), townhouses and condominiums on blocks of land or recreational, institutional, commercial and industrial buildings (pursuant to subsection 20(8)).</p>	<p>Charges shall be based on the actual cost of labour, equipment and materials used in the work. A deposit may be required in advance of the commencement of the work based on an estimate of the cost by the Commissioner of Works. The minimum charge shall be \$3,700.00 for 19 mm diameter, \$4,600.00 for 25 mm diameter</p>	
<p>3. Inspection of an installation of a separate fire line on private property (pursuant to subsection 45(3)).</p>	<p>\$125.00</p>	
<p>4. Reuse of Water Service Connections where building has been or will be demolished or removed:</p> <p style="margin-left: 20px;">a) Inspection fee (pursuant to subsection 29(1))</p> <p style="margin-left: 20px;">b) Where a disused Water Service Connection is to be replaced by the Region (pursuant to subsection 29(3)).</p>	<p>\$125.00</p>	<p>Charges shall be in accordance with the provisions of paragraphs 1 and 2 above.</p>
<p>5. Disconnecting, rendering inoperable, reconnecting or restoring Water Service connections (pursuant to Section 30, subsection 58(10) and Section 65).</p>	<p>Charges shall be based on the actual cost of labour, equipment and materials used in the work. A deposit may be required in advance of the commencement of the work based on an estimate of the cost by the Commissioner of Works.</p>	

*(By-law 46-2021)*



## SCHEDULE "E"

### FRONTAGE CHARGES

1. Frontage charges are to be assessed on the basis of a standard sized watermain. Customers requiring non-standard sized mains and/or for projects initiated by petition shall be charged actual cost.
2. Where an Owner has elected to pay an annual frontage charge, the annual frontage charge shall be based on:
  - a) the per metre charge for the applicable standard sized Watermain, and,
  - b) an annual interest rate of the prime rate of the Region's financial institution plus 1.5%, for a payment term of ten (10) or fifteen (15) years. The payment term is at the option of the Property Owner.

Standard 150-mm (6-inch) diameter Watermain

i) Cash cost (standard)	
-/metre	<b>\$460.00</b>
-/foot	<b>\$140.21</b>

Standard 200-mm (8-inch) diameter Watermain

i) Cash cost (standard)	
-/metre	<b>\$528.00</b>
-/foot	<b>\$160.93</b>

Standard 300-mm (12-inch) diameter Watermain

i) Cash cost (standard)	
-/metre	<b>\$570.00</b>
-/foot	<b>\$173.74</b>

*(By-law 46-2021)*

## SCHEDULE "F"

### MISCELLANEOUS CHARGES

#### 1. Water Shut Off/Turn On

##### **Initiated by Consumer** (pursuant to subsection 51(1)):

During normal Regional working hours:

- Shut water off \$80.00
- Turn water on \$80.00
- Shut water off and turn on during same call \$80.00

After normal Regional working hours:

- Shut water off \$120.00
- Turn water on \$120.00
- Shut water off and turn on during same call \$120.00

##### **Initiated by Region:**

- For failure by the Consumer to arrange with the Region for meter installation, replacement, repair or inspection (pursuant to subsection 16(6)) or meter reading \$80.00 (off or on, each)
- For water shut off notification prior to shut off action being taken (pursuant to subsections 58(5) and 58(6)) \$25.00
- For water shut off due to collection action for non-payment of water bill, or any Regional invoice, or for violation of any provision of the Water System By-law (water not necessarily shut off) (pursuant to subsections 58(4), 58(8) and Section 65) \$94.00
- Turn water on (pursuant to subsection 58(9)) \$80.00

#### 2. Standby charge while water service is shut off but not disconnected or water service is available for fire protection purposes but not connected (pursuant to subsections 17(7) and 51(2))

Standard Service Charge

#### 3. Testing of Water Meter

- Deposit (pursuant to subsection 19(1)) \$210.00

- Fee where the meter is found to measure the flow of water within or below AWWA specifications (pursuant to subsection 19(2)):	
- up to a maximum size of 25 mm	\$210.00
- over 25 mm	Actual Cost
- Fee if meter is found to measure the flow of water above AWWA specifications (pursuant to subsection 19(3))	No Charge – Deposit Returned
4. Charge for unmetered Water used for construction (building purposes) (pursuant to subsection 22(2))	\$231.00 per service
5. Charge for drawing Regional water from hydrants for purposes other than residential construction or fire protection (pursuant to subsection 44(2)):	
(All users)	\$3.88/cubic metre (\$17.64/1000 gal.)
Deposit	\$1,800.00
Minimum Charge	\$1,800.00
Administration Fee	\$134.77
Valve installation/removal	\$109.25
6. Repair or replacement of frozen, damaged or missing water meters up to a maximum size of 19 mm (3/4")	\$210.00
- Over 19 mm (3/4")	Actual Cost
7. Thawing of Service Pipes (pursuant to subsection 27(1))	No Charge
8. Thawing of private hydrants or Unmetered Fire Lines (pursuant to subsection 47(1))	Charges shall be based on the actual cost of labour, equipment and materials used in the work
9. Supply statements of account (pursuant to Section 52)	\$35.00 (per statement)
10. Charge for Regional Solicitor providing information (pursuant to Section 52)	\$94.00
11. Processing dishonoured payment (pursuant to Section 53)	\$48.00 (per payment)
12. Account Payment Transfer Fee	\$11.00 (per transfer)

13. New Account or Change of Occupancy	\$42.00 (per customer)
14. Late Payment Charge (Pursuant to subsections 58(2) and 59(1))	2.00%
15. Lien Administration fee	\$50.00
16. Installation & removal of anti-tampering device on fire hydrants and curb stops	\$138.00
17. Cross Connection Control Program Test Report	\$25.00
18. Water from Water Supply Plants, Water Pollution Control Plants and Works Depots	\$3.23/cubic metre (\$14.69/1000 gal.)
Service Charge \$/month	\$ 21.00
Key Deposit	\$218.80
Refundable on return of key (based on fee in year key deposit made)	\$181.64
New Account Fee	\$42.00
Access Card	\$ 36.45
19. Fire Flow Tests:	
- May 1 to October 31 (Full Test)	\$467.20
- May 1 to October 31 (Opening hydrant)	\$320.30
- November 1 to April 30 (Full Test)	\$812.90
- November 1 to April 30 (Opening hydrant)	\$652.80
20. Copies of By-law for Water System	\$20.50* (per Copy)
21. Fee for transferring outstanding balances to a third party collection agency	Actual Cost
22. For Final Collection Notification prior to tax roll transfer (lien) being taken	\$25.00

**NOTE: \* Includes all applicable taxes**

*(By-law 46-2021)*

SCHEDULE G

REGIONAL MUNICIPALITY OF DURHAM

Illustration of Water and Sanitary Sewer System Bylaw Definitions

