

ORIGINAL

The Corporation of the Town of Innisfil

By-Law No. 012-23

A By-law of The Corporation of the Town of Innisfil to approve rates for water services and wastewater services provided by InnServices Utilities Inc. to customers in the Town of Innisfil and others, and the mechanism to prescribe such rates, and to repeal By-law No. 012-22.

Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 8 (1) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act; and

Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, Section 11, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, inter alia: public utilities; and

Whereas subsection 203(1) of the *Municipal Act, 2001* as amended authorizes a municipality to establish a corporation to provide a system or service, as expressly authorized under O. Reg. 599/06, s.3; and

Whereas the Council of the Town of Innisfil has established Ontario Corporation Number 002473117, operating as "InnServices Utilities Inc." to provide water and wastewater services to customers in the Town of Innisfil and others; and

Whereas it is now deemed necessary to repeal By-Law No. 012-22 and replace it with this by-law.

Now Therefore the Council of The Corporation of the Town of Innisfil enacts the following:

1. THAT for the purpose of this by-law, the following definitions shall apply:
 - 1.1 "**Billing Agent**" means InnPower Corporation in its capacity as InnServices' billing and collection agent.
 - 1.2 "**Customer**" means any person, firm or body corporate that receives Water or Wastewater Services or other services related to or incidental to Water Services or Wastewater Services from InnServices, as well as a registered owner of a property where Water Services or Wastewater Services are being received.
 - 1.3 "**InnServices**" means InnServices Utilities Inc., a corporation established by the Town of Innisfil under O. Reg. 599/06 and the *Business Corporations Act* (Ontario).
 - 1.4 "**Town**" means The Corporation of the Town of Innisfil.

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- 1.5 **“Wastewater Rate”** means a charge for the provision of the Wastewater Services on a full cost recovery basis using cost of service principles.
- 1.6 **“Wastewater Services”** means the collection, transmission, treatment or disposal of wastewater.
- 1.7 **“Wastewater Works”** means InnServices’ works for Wastewater Services, or any part of such works.
- 1.8 **“Water Services”** means the collection, production, treatment, storage, supply or distribution of water.
- 1.9 **“Water Rate”** means a charge for the provision of the Water Services on a full cost recovery basis using cost of service principles.
- 1.10 **“Water Works”** means InnServices’ works for the provision of Water Services, or any part of such works.
2. That all Water Services and Wastewater Services provided within the boundaries of the Town of Innisfil shall be provided solely by InnServices except for services that are provided by a person solely on that person’s own private property for use on that property.
3. That the Town authorizes InnServices to charge Customers, for its own account, the Water Rates and Wastewater Rates prescribed by this by-law.
4. That every Customer connected to the Water Works shall pay a Water Rate to be calculated as determined in Schedule A attached.
5. That every Customer connected to the Wastewater Works shall pay a Wastewater Rate to be calculated as set out in Schedule A attached and forming part of this by-law.
6. That the Billing Agent shall bill for and collect all Water and Wastewater Charges.
7. That the Water and Wastewater Rate charges, where applicable, shall be included by the Billing Agent on the same billing.
8. That annual base rates and variable consumption rate billing for both Water Services and Wastewater Services, where applicable, will commence on date of water meter installation at a property. The rate shown on Schedule A as “Residential Flat Rate” shall apply to residential properties supplied with Wastewater Services only. The rates shown on Schedule A as “base rates” shall not apply to properties that have been demolished or are subject to demolition as confirmed by a demolition permit issued by the Town, and that are no longer provided with Water Services or Wastewater Services.
9. That if, for any cause, any meter at a property shall be found to not be working properly, then the amount of water or wastewater, where applicable, to be charged for shall be estimated on the average reading for the previous months, when the meter was working properly, or, if unavailable or proven inaccurate, the amount of water or wastewater to be charged for shall be based on the typical user average.

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10. That variable rate charges for unbilled water or wastewater, where applicable, due to a discrepancy will apply retroactively for the current year and the two years previous based on current year rates. If reasonable requests for access to repair metering equipment at a property have been denied by the owner then retroactivity shall be to the date of the first request for access.
11. That where the water meter at a property is equipped with a remote read-out unit of any type and a discrepancy occurs between the reading at the register of the water meter itself and the reading on the readout device InnServices will deem the reading at the meter to be correct and will adjust and correct the Customer's account accordingly.
12. That a meter must be installed at a building prior to occupancy of such building. The meter shall remain the exclusive property of InnServices and may be removed as and when InnServices may see fit, upon the same being replaced by another meter, or for any other reason which InnServices may, in its discretion, deem necessary.
13. That InnServices may shut off or restrict the supply of water to a property if InnServices requires access to the property to install, replace, repair or inspect a water meter and the remote read out unit. Any person authorized by InnServices for that purpose has free access, at all reasonable times, and upon notice given, to all parts of every building or other premises to which any Water Service or Wastewater Service is supplied for the purpose of inspecting or repairing, or of altering or disconnecting, within or without the building, or for placing meters upon any Water Service or Wastewater Service pipe or connection within or without the building as he/she considers expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it.
14. That upon a Customer's request to InnServices for a new or upgraded service connection involving construction of new facilities or an extension to the Water Works or Wastewater Works, as applicable:
 - a) InnServices shall prepare a proposal outlining the estimated cost of the service connection including all necessary new facilities or extensions to the Water Works and/or Wastewater Works.
 - b) The works shall not be constructed unless the Customer has executed a services agreement for the proposed services.
 - c) The full cost shall be paid by the Customer unless a cost sharing program is offered by InnServices.
15. That the Treasurer or Chief Financial Officer of InnServices Utilities Inc. shall be responsible to carry out the financial provisions of this by-law and to administer this by-law.
16. That for the purpose of clarification, no exemptions from the Water or Wastewater Rate shall be permitted solely because of tax exempt status under the Assessment Act.
17. That all amounts billed by the Billing Agent are due and payable to the Billing Agent as at the due date established.

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18. That if for any reason any charges prescribed by this by-law and owed by a Customer remain unpaid after the due date, same shall bear interest at the rate of 1.25% per month until paid in full.
19. That all amounts pertaining to water or wastewater services invoiced and owing to the Billing Agent and remain unpaid are deemed, for purposes of section 398(2) of the *Municipal Act, 2001* as amended, a debt owing to InnServices and the Town and, together with all interest and penalties accumulated thereupon, shall be sold and assigned by InnServices to the Town for face value and may be collected by the Town through appropriate actions or added to the property tax account and collected in the same manner as permitted under section 398(2) of the *Municipal Act*.
20. That By-law No. 012-22 is hereby repealed when By-law No. 012-23 comes into effect.
21. That By-law 012-23 hereby **comes into effect on April 1, 2023.**

Passed this 8nd day of February, 2023.



Lynn Dollin, Mayor



Patty Thoma, Clerk

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SCHEDULE A

Water and Wastewater Rates
Effective April 1, 2023

Annual Rates

Wastewater

Residential Base	\$ 234.29
Residential Flat	\$ 584.18
Residential Mixed Use Base	\$ 468.79
Residential Mixed Use Flat	\$ 818.18
Commercial & Industrial Base	\$ 1,265.86
Commercial & Industrial Flat	\$ 1,967.16
Institutional Base	\$ 7,231.55
Institutional Flat	\$ 11,661.77
Per Cubic Meter	\$ 1.54

Sandy Cove Acres Wastewater Rate

70% of Annual Residential Wastewater Base Rate	\$ 163.94
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Water

Residential Base	\$ 303.75
Commercial Base	\$ 542.02
Industrial Base	\$ 1,219.47
Institutional Base	\$ 3,159.99
Per Cubic Meter	\$ 2.31