

By-Law No. 7342

BEING A BY-LAW OF THE CITY OF BRANDON TO ESTABLISH WATER AND WASTEWATER RATES.

WHEREAS The City of Brandon has undertaken a water and wastewater rate study that indicates water and wastewater rates require to be increased;

AND WHEREAS The Municipal Act, S.M. 1996, c. 58, states in part as follows:

- 232(1)** A Council may pass by-laws for municipal purposes respecting the following matters:
- (l)** public utilities:
- 232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division
- (d)** establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;
- 250(2)** Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:
- (c)** acquire, establish, maintain and operate services, facilities and utilities;
- 252(1)** A municipality exercising powers in the nature of those referred to in clauses 250(2)(b),(c) and (e) may set terms and conditions in respect of users, including
- (a)** setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;
- (b)** providing for a right of entry onto private property to determine compliance with other terms and conditions, to determine the amount of deposits, fees or other charges, or to disconnect a service; and
- (c)** discontinuing or disconnecting a service and refusing to provide the service to users who fail to comply with the terms and conditions.
- 252(2)** A charge referred to in clause (1)(a) may be collected by the municipality in the same manner as a tax may be collected or enforced under this Act.

AND WHEREAS it is deemed advisable to provide rates for October 1, 2023, January 1 2024, 2025, and 2026 and thereafter to be paid by persons to whom water is supplied by the City of Brandon and who use the wastewater system of the City of Brandon and to provide for the collection thereof;

NOW THEREFORE THE COUNCIL OF THE CITY OF BRANDON IN SESSION DULY ASSEMBLED, HEREBY ENACTS A BY-LAW AS FOLLOWS:

- 1) THAT all accounts for charges for metered services for the City of Brandon Utility as set forth in Schedule "A" shall be billed quarterly, unless approved by the City to be billed monthly. Consumers shall pay for water and wastewater service supplied to them by the Utility at the rates and terms set out in Schedule "A", and other Administrative fees and terms set out in Schedule "B" and attached hereto and forming part of this by-law.
- 2) THAT the City of Brandon reserves the right to discontinue the supply of water for fountains, jets, hoses and sprinklers, or to limit the hours for use of the same, whenever, at the discretion of Council if it is in the best interests of the public to do so.
- 3) THAT no person, other than the Fire Chief or someone acting on his/her behalf, or a representative of the City duly authorized in writing by the City Manager, shall open or use any fire hydrant, either for construction purposes, street cleaning, or any other purpose.

- 4) THAT the meter shut off valve inside premises serviced with water by the City, shall be readily accessible and not used by the owner except for the protection of the premises. No person shall tamper with the meter or cause the water supply to bypass the meter. All pipes and valves inside the premises shall be kept in good repair by the owner or occupant. Any damage through neglect or otherwise, by a contractor for the owner or occupant, to the water service pipes from the street to the premises including the meter shall be the responsibility of the owner or occupant.
- 5) THAT no person shall wilfully or maliciously hinder or cause to hinder the City or its representative in the exercise of their duties in relation to the operation and maintenance of the water or wastewater system.
- 6) THAT any person violating any provision of this by-law shall:
 - a) be guilty of an offence and, upon conviction, liable to a fine not exceeding one thousand dollars (\$1,000) and costs for each violation;
 - b) be liable to the City of Brandon for any expense, loss or damage suffered by the City as a result of the violation;
 - c) be liable for the repairs and costs of the repairs to the system as a result of the violation. If that person is in default of effecting the repairs, the City may effect the repairs and charge the cost thereof to that persons, or add the cost to property taxes and collect those property taxes in the same manner as other property taxes.
- 7) This by-law and rates for October 1, 2023, January 1, 2024, 2025 and 2026 and thereafter, shall come into force and be effective on, from and after both approval of the Public Utilities Board of Manitoba and receipt of third and final reading thereof.
- 8) That By-law No 7139 be repealed as of October 1, 2023 and upon final approval of this By-law by the Public Utilities Board of Manitoba.

PASSED AND ENACTED BY THE CITY OF BRANDON IN COUNCIL DULY ASSEMBLED THIS 6th day of November, 2023.

 "J. Fawcett"
MAYOR


 "R. Sigurdson"
CITY CLERK

Read a first time this 18th day of July , A.D. 2022.

Read a second time 6th day of November , A.D. 2023.

Read a third time 6th day of November , A.D. 2023.

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7342.


Original Signed by
R. Sigurdson

 R. Sigurdson, City Clerk

CITY OF BRANDON
WATER & WASTEWATER RATES BY-LAW NO. 7342
SCHEDULE "A"

1. Schedule of Commodity Rates

a. Commodity Rates per Cubic Meter

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Water	\$1.80	\$2.10	\$2.40	\$2.71
Wastewater	\$1.79	\$2.14	\$2.49	\$2.84
Water & Wastewater	<u>\$3.59</u>	<u>\$4.24</u>	<u>\$4.89</u>	<u>\$5.55</u>

b. Deficit Rate Rider

In addition to the aforesaid commodity rates, a deficit rate rider shall be charged, for 7 years commencing October 1, 2023 to recover the 2015, 2016, 2017, 2020, & 2021 operating deficits as follows:

Water	\$0.19 per cubic meter
Wastewater	\$0.21 per cubic meter

c. Debenture Surcharge

In addition to the aforesaid commodity rates, the following debenture surcharges shall be charged:

- i. \$0.083 per cubic meter of water shall be charged for 20 years commencing October 1, 2021 in accordance with Public Utilities Board Order No. 108/21;
- ii. \$0.089 per cubic meter of water shall be charged for 20 years commencing October 1, 2022 in accordance with Public Utilities Board Order No. 83/22.

d. Service Charge

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Quarterly	\$18.00	\$19.17	\$20.34	\$21.51
Monthly	\$4.80	\$5.11	\$5.42	\$5.74

Service Charge Rates are per water meter

e. Wastewater Only

Residential Customers	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Quarterly	\$108.00	\$124.92	\$141.84	\$158.76
Monthly	\$34.80	\$40.36	\$45.92	\$51.49

Wastewater only charge is based on **45 cubic meters quarterly or 15 cubic meters monthly, plus the customer service charge.**

2. Wastewater Septic Truck Tipping Fees

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Per Cubic Meter	\$8.00	\$8.25	\$8.50	\$9.00

3. Bulk Water

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Per 445 Litres	\$1.00			
Per 400 Litres		\$1.00		
Per 355 Litres			\$1.00	
Per 310 Litres				\$1.00

4. Meter/Bypass Resealing

When damages or meter tampering, or both are reported, all costs to restore or replace the meter, as determined by the Director of Utilities or Delegate, plus payment for the estimated quantity of unmetered water and related wastewater commodity charge, plus a fee for resealing the meter/bypass shall be charged and added to the utility account and collected along with the next scheduled billing, unless prior written authorization for breaking the seal was issued by the Director of Utilities or Delegate.

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Resealing Fee	\$90.00	\$93.00	\$95.00	\$98.00

5. Meter Testing

If any owner or customer wishes to have the water meter in their premises tested, the Director of Utilities or Delegate shall have such meter tested. If the test finds the meter to be accurate, a fee shall be charged for the test. Testing fees shall be added to the utility account and collected along with the next scheduled billing.

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
1" or Less	\$170.00	\$175.00	\$180.00	\$185.00
Greater than 1"	\$245.00	\$255.00	\$260.00	\$270.00

6. Meter Replacement

Where the meter requires replacement due to damage or freezing, the cost of the meter, or meter replacement parts, plus 20%, and a labour fee shall be added to the utility account and collected along with the next scheduled billing.

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Labour Fee	\$90.00	\$93.00	\$95.00	\$98.00

7. Water Curb Stop Turn On/Turn Off

The fee to turn on or turn off the water service at the curb stop shall be:

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
During working hours	\$90.00	\$93.00	\$95.00	\$98.00
Outside working hours	\$475.00	\$490.00	\$505.00	\$520.00

Working hours shall be between 8:00am-4:00pm, Monday-Friday, not including statutory holidays

Such fee shall be added to the utility account and collected along with the next scheduled billing.

8. Hydrant Connection/Disconnection

The fee for either a temporary hydrant connection or disconnection shall be:

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
Connect/Disconnect	\$90.00	\$93.00	\$95.00	\$98.00

Such fee shall be added to the utility account and collected along with the next scheduled billing.

9. Hydrant Fees

The City of Brandon or any other hydrant owner of an active and useable hydrant for the purpose of firefighting operations will pay to the Utility an annual fee for each hydrant connected to the system and a fee for the cost of an annual inspection by the City.

Hydrants that have no firefighting purpose and are used solely for City of Brandon watermain maintenance activities shall not be charged a system connection fee.

	Oct. 1, 2023	Jan. 1, 2024	Jan. 1, 2025	Jan. 1, 2026
System Connection	\$125.00	\$130.00	\$135.00	\$140.00
Annual Inspection	\$90.00	\$93.00	\$95.00	\$98.00

10. Billings and Penalties

Accounts shall be billed monthly or quarterly, at the discretion of the City, based on water used. A late payment penalty charge of 1.25% monthly shall be charged on the dollar amount owing after the billing due date. The due date will be a minimum of fourteen (14) days after the invoice date of the bills.

11. Outstanding Bills

Pursuant to Section 252(2) of the Municipal Act, the amount of all outstanding charges for water and wastewater services, and other service fees, including penalties, are a lien and charge upon the land serviced, and shall be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies. Where charges and penalties pursuant to this by-law are not paid within sixty (60) days from the date when they were incurred, the Director of Finance, or Delegate, may add said charges and penalties to the taxes on the property and collect them in the same manner as other taxes.

The fee to add outstanding water and wastewater charges to the property tax roll shall be \$10.00 per account.

CITY OF BRANDON
WATER & WASTEWATER RATES BY-LAW NO. 7342
SCHEDULE "B"

1. Change of Customer Subsequent to Billing
Split water and wastewater billings for a change of customer may only occur prior to each quarterly or monthly billing. Quarterly and monthly water and wastewater billings are payable by the customer of record at the time of the billing.

2. Minimum Refund for Inactive Accounts
Inactive accounts, for water and/or wastewater customers who do not have any other active utility account, with balances less than \$5.00 will not be refunded by the City.

3. Water Service Disconnection for Non-payment
The Public Utilities Board has approved the Conditions Precedent, attached to this by-law as Schedule "C", to be followed by the City with respect to the disconnection of service for non-payment including such matters as notice and the right to appeal such action to the Public Utilities Board.

4. Wastewater Surcharges
There may be levied annually, in addition to rates set forth in Schedule "A", a special surcharge on sewage based on the strength of various parameters above average domestic strength sewage as established from time to time by the City.

5. Water Allowance due to Line Freezing
That in any case where at the request of the Director of Utilities or Delegate, a customer allows water to run continuously for any period of time to prevent the water lines in the water system from freezing, the charge to that customer for the current quarter shall be the average consumption for the last four previous quarters to the same customer, or the same premises if the occupant has changed, and billed at the rates and terms set out in Schedule "A".

6. Temporary Water Service
That in any case where at the request of the Director of Utilities or Delegate, a customer is provided with a temporary water service from another utility customer, the charge to both customers for the current quarter shall be the average consumption for the last four previous quarters to the same customer, or the same premises if the occupant has changed, and billed at the rates and terms set out in Schedule "A".

7. Additional Meters

Where deemed expedient:

- a. the City may elect to install auxiliary meters to separately record the amount of wastewater or water for billing purposes; or
- b. upon application to the Director of Utilities or Delegate, by an owner or operator of a premise where a wastewater service is installed, the City shall install an auxiliary meter at the expense of the applicant, for such purpose.
- c. the City may enter into written agreements with large volume wastewater customers that provides for the customer to install a City approved wastewater meter at the customer's expense with wastewater volumes for billing purposes then determined by the wastewater meter. The agreement must provide that the wastewater meter is calibrated at the customer's cost on a schedule recommended by the meter manufacturer or if no schedule is available, then annually, with proof of calibration supplied to the City.

8. Service To Customers Outside Utility's Limits

The Council of the City of Brandon may sign Agreements with customers for the provision of water and wastewater services to properties located outside the boundaries of the City of Brandon. Such Agreements shall provide for payment of the appropriate rates set out in the Schedule "A", as well as a surcharge, set by Resolution of Council, which shall be equivalent to the frontage levy, general taxes, and special taxes for the Utility purposes in effect at the time or may be in effect from time to time, and which would be levied on the property concerned if it were within City boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

CITY OF BRANDON
WATER & WASTEWATER RATES BY-LAW NO. 7342
SCHEDULE "C"

**Conditions Precedent Allowing for Collection and Disconnection of Water
and/or Sewer Services for Non-Payment of Accounts**

POLICY AND PROCEDURES REVISED APRIL 17, 2009 (REPLACES SEPTEMBER 4, 2008 ORDER 127/08)

1.0 PURPOSE:

The purpose of this document is to outline and define the disconnection and reconnection policies and procedures for customers with water and/or sewer services.

Disconnection, in accordance with the steps outlined in the following policy and procedures may occur if a customer is in arrears and full payment or payment arrangements suitable to the utility have not been made and if so, such disconnections must occur in conformance with these conditions precedent.

Reconnection, in accordance with the following policy and procedures will occur as soon as it is reasonably possible after the account returns to good standing. This Policy and Procedure does not apply to disconnection practices for routine maintenance of the utility including emergencies.

2.0 SCOPE:

The policy and procedures apply to customers receiving water and/or sewer services. The procedures are detailed to reflect the variety of situations that may occur for each of the following customers.

- 2.1 All property owners and/or tenants responsible for water and/or sewer services.
- 2.2 All landlords responsible for providing tenant water and/or sewer services covered under The Residential Tenancies Act (C.C.S.M. c R119).
- 2.3 Where water and/or sewer services are added to taxes.
- 2.4 Where water is sold in bulk.
- 2.5 Where sewage is dumped into a treatment facility.
- 2.6 Where water and/or sewer service is provided beyond the boundaries of a municipality, if applicable.

3.0 DEFINITIONS:

Account Holder/Customer – shall refer to the person or persons who have applied for water and/or sewer service at a particular residence, whether it be the property owner or renter

Property Owner – shall refer to the person or persons who are listed on the title of a specific property.

Renter – is not the property owner of the subject property and shall refer to the utility account holder/customer of the subject property.

Security Deposit – shall be based on the risk to the utility and should not exceed an estimated bill for three months.

POLICY AND PROCEDURES REVISED APRIL 17, 2009 (REPLACES SEPTEMBER 4, 2008 ORDER 127/08)

4.0 POLICY:

- 4.1** The Utility will normally confine collection activity to the person(s) identified on the account who requested the service(s) with an implied agreement to pay or the person or agency who has agreed to pay for the service(s), with the following exception: where a reasonable person would expect that a customer not named on the bill is implicitly responsible for the service(s), i.e. husband or wife (legal or common-law), that person will also be presumed to have liability for the outstanding balance.
- 4.2** In order to satisfy provisions of *The Freedom of Information and Protection of Privacy Act*, Utilities are encouraged to develop an agreement between the utility and the account holder/customer, with provisions that establish at minimum conditions for service, recourse for unpaid bills, deposits required, and for renter's acknowledgement that information relating to their account status and other information may be released to the property owner to assist with collections.
- 4.3** The Public Utilities Board (Board) may, on its own initiative, or at the request of a customer, review a Utility's action and make recommendations and/or orders with respect to same as the Board may determine.
- 4.4** Every effort is to be made by the Utility to resolve outstanding accounts, disconnection and reconnection issues directly with its customer(s). If a solution cannot be reached the customer may apply to the Board for dispute resolution.
- 4.5** The Utility should familiarize itself with legislated provisions and the duty to report when a child is in need of protection and/or where the life, health or emotional well-being of the child (or children) is endangered. These provisions are contained in Part III – Child Protection - of *The Child and Family Services Act*.
- 4.6** The Utility must make special application to the Board prior to disconnecting service to a community or multiple residences/properties. Such an application must be shared with the affected community (ies) and/or multiple residences/properties. The Board will consider the circumstances and particulars of the application and provide the Utility with direction, following such process as the Board may deem appropriate.
- 4.7** If a landlord is responsible for the provision of water and/or sewer services to tenant occupied premises, arrears will be based on the outstanding account balance and will be subject to Residential Tenancy Branch (RTB) procedures at the tenant occupied premises. Landlords failing to bring their outstanding account balance to good standing will be subject to disconnection of services of the same utility at their personal residence and any vacant premises under the same name.
- 4.8** This policy does not affect the Utility's right to disconnect in times of emergency and/or for reasons of safety or for failure to comply with water rationing requirements.
- 4.9** The Utility will keep current data of all disconnected customers in accordance with the following procedures.
- 4.10** The Utility may seek Board exemption from full disconnection procedures when faced with customers who consistently and deliberately show patterns of payment avoidance and who clearly understand the consequences of their actions.

5.0 PROCEDURES:

5.1 DISCONNECTION PROCEDURE

Steps 1, 2 and 3 must be followed on water and/or sewer services in arrears.

Step 1

Customers shall receive a billing statement each billing cycle for services. In some cases the bill is for past consumption and/or minimum quarterly bill for the prior quarter and in other cases, for past consumption over the minimum quarterly bill in the prior quarter plus the next minimum quarterly bill in advance. The due date which appears on the bill shall be no less than 14 days after the billing date. Bulk water customers or customers dumping sewage may have special billing arrangements. However, failure to pay an outstanding bill may result in the removal of the right to use the service.

Step 2

If payment is not received within 31 days from the last billing date, a message similar to the following shall appear on a reminder statement:

“Our records indicate your account is past due. Please give this your prompt attention. If payment or payment arrangements have been made, kindly disregard this notice.”

[The following is applicable to residential premises.]

“Information on service disconnection, payment arrangements and financial assistance is enclosed.”

Sample Insert:

<p>If your account is past due and you have not made payment arrangements, your water and/or sewer service could be disconnected.</p> <p>The Public Utilities Board adopted Order No. 39/09 governing the disconnection of water and/or sewer service for non-payment of account.</p>	<p>To make payment arrangements, please contact the utility at:</p> <p><i>[Insert contact information here]</i></p> <p>If you have already made payment arrangements, please disregard this notice.</p>	<p>Financial assistance may be available through Employment and Income Assistance:</p> <ul style="list-style-type: none">• 1-800-626-4862 <p>Additional financial counseling and support may be available through Community Financial Counseling Services:</p> <ul style="list-style-type: none">• 1-888-573-2383
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Step 3

If payment is not received within 45 days of the last billing date, a message similar to the following shall appear on the second and final reminder notice. Reconnection fees will be charged as approved by the Board from time to time:

IMPORTANT PAST DUE NOTICE

Your **account** is past due. If suitable payment arrangements or full payment of the arrears are not made on or before (*enter Date {14 calendar days from date of issue}*) your account will be subject to disconnection. If payment of the arrears has already been made, please notify us immediately.

If payment arrangements have already been made kindly disregard this notice.

If your service(s) is disconnected, full payment of the arrears balance plus a reconnection fee will be required before service is fully restored. A security deposit may also be required.

Customers may appeal the Utility's action by contacting the Public Utilities Board.

The Utility is not responsible for any damages or losses that may occur as a result of services which are disconnected for non-payment. Please ensure you protect people, animals and property that may be impacted by disconnection of service.

Reconnect Fees are \$_____.

Your service will be disconnected on _____ in the a.m. or p.m.

5.2 Where the Utility bills the minimum quarterly bill in advance, and where service is not reconnected, the bill should be adjusted and prorated accordingly, for the period from the date of disconnection to the end of the next quarter.

5.3 The following are exceptions to the above notice requirements before disconnection:

(a) Where the customer's account was past due and where a payment arrangement was made and subsequently broken, the Utility may disconnect the customer's service with 7 calendar days notice.

(b) Where the customer's account was past due for services billed at a previous premise, the Utility may, with 10 days notice, disconnect the customer's service at the new premise if the customer fails to make a payment arrangement.

The Utility shall take all reasonable steps to collect the arrears from its account holder/customer before adding any arrears to taxes.

5.4 A message similar to the following shall appear on any future billing statements where services have been disconnected:

"Your account remains outstanding despite previous requests for payment. Failure to pay the outstanding account balance may make your account subject to legal action. Please call the phone number on the front of your billing statement or pay in person. If payment of the arrears has already been made please notify the Utility immediately. If payment arrangements have already been made kindly disregard this notice."

6.0 RECONNECTION OR RESTORATION OF SERVICE PROCEDURE:

6.1 No reconnection of service(s) shall occur unless full payment of the arrears or payment arrangements is made suitable to the Utility including a reconnection fee. Reconnection terms may also include the payment of a security deposit.

6.2 All reasonable efforts shall be made to reconnect or restore the service as soon as possible.

7.0 GENERAL GUIDELINES FOR RENTAL PROPERTIES:

7.1 The renter and property owner are both responsible for providing notice and meter readings to the utility when vacating or renting a premise for the first time.

7.2 If the new renter has an unpaid amount, the utility may refuse service to the tenant.

7.3 The departing tenant will be responsible for services to the date of departure and the arriving tenant or the property owner will be responsible on the date the new tenant takes occupancy.

7.4 If there is a period of time between departing tenant and the arriving tenant the property owner will be responsible for the service charge.

7.5 The renter's deposit, if applicable, will be applied to the utility bill at this time.

In the case where the amount of the deposit, if applicable, exceeds the amount of the final bills and a credit is shown on the utility account, the credit is then refunded to the renter in the form of a cheque.

8.0 REPORTING REQUIREMENTS:

8.1 The Utility shall record the following information which the Board may request at any time:

(a) the name of the account holder disconnected;

(b) efforts made by the Utility to contact the customer (bill messages, letters, telephone calls, personal visits) and the results of such efforts.