

The Rural Municipality of Dauphin

By-Law No. 3012 (Water Rates)



BEING a by-law of the Rural Municipality of Dauphin to establish water rates within the said Dauphin Utility.

WHEREAS the Rural Municipality of Dauphin owns and operates a water distribution system generally within the limits of the Rural Municipality of Dauphin;

AND WHEREAS *The Municipal Act*, S.M. 1996, C58, states in part:

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;"

NOW THEREFORE, the Council of the Rural Municipality of Dauphin, in council duly assembled, hereby enacts as follows:

THAT all accounts for minimum quarterly charges for metered services as set forth in the Schedule of Quarterly Rates shall be billed quarterly together with any excess consumption charges for metered water services for the quarter. Consumers shall pay for water service supplied to them by the Rural Municipality of Dauphin at the rates and terms set out in Schedule "A" attached hereto and forming part of this by-law.

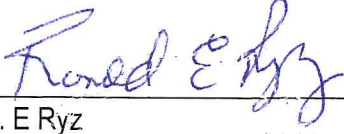
THAT the Conditions Precedent Allowing for the Collection and Disconnection of Water Services for Non-Payment of Accounts ("Conditions Precedent") are set out in Schedule "B" attached hereto and forming part of this by-law.

THAT this By-law shall come into force and become effective on, from and after both approval by The Public Utilities Board and receipt of third and final reading thereof.

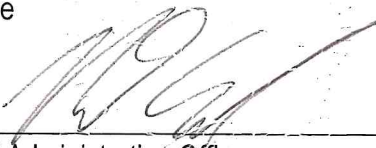
THAT By-Law No. 3001 be hereby repealed upon passing of this by-law.

DONE AND PASSED as a by-law of The Rural Municipality of Dauphin at Dauphin, in the Province of Manitoba this 12th day of January, A.D. 2021.

Read a first time this 27th day of August, 2019
Read a second time this 12th day of January 2021
Read a third time this 12th day of January 2021.



Ronald. E Ryz
Reeve



Chief Administrative Officer
Nicole Chychota

SCHEDULE "A"
 THE RURAL MUNICIPALITY OF DAUPHIN
 BY-LAW NO 3012
 DAUPHIN WATER RATES

SCHEDULE "A" SCHEDULE OF QUARTERLY RATES

- | | |
|---------------------------------------|------------------------|
| 1. <u>Schedule of Commodity Rates</u> | <u>January 1, 2021</u> |
| Quarterly Service Charge | \$21.65 |
| Water consumption, per Cubic Meter | \$7.03 |

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) Water Customers

Meter Size	Group Capacity Ratio	Water Included Cubic Meters	Customer Service Charge	Water Commodity Charges	Total Quarterly Minimum
5/8 inch	1	14	\$21.65	\$98.42	\$120.07
3/4 inch	2	28	\$21.65	\$196.84	\$218.49
1 inch	4	56	\$21.65	\$393.68	\$415.33
1 1/2 inch	10	140	\$21.65	\$984.20	\$1,005.85

The following clauses take effect January 1, 2021:

1. Service To Customers Outside Utility's Limits

The Council of the Rural Municipality of Dauphin may sign Agreements with customers for the provision of water services to properties located outside the boundaries of RM of Dauphin Water Utility. Such Agreements shall provide for payment of the appropriate rates set out in this Schedule, 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 RM of Dauphin Water Utility boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

2. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty charge of 1 ¼% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least fourteen (14) days after the mailing of the bills.

3. Disconnection and Reconnection due to Non-payment of Account

The Public Utilities Board has approved the Conditions Precedent to be followed by the Municipality with respect to disconnection of service for non-payment including such matters as notice and the right to appeal such action to The Public Utilities Board. A copy of the conditions precedent is available for inspection at the Municipality's office.

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a disconnection fee of \$75.00 plus a reconnection fee of \$75.00 have been paid.

4. Disconnection and Reconnection at Request of Customer

The Municipality shall charge a fee as shown below for a disconnection or a reconnection of a service, if requested by a customer.

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Service may be interrupted or disconnected as follows:

Curb Stop Turn-off \$75.00

Curb Stop Turn-on \$75.00

(Customers will continue to receive their quarterly utility bills, even if the curb stop has been turned off)

Meter Removal \$300.00

Re-installation of Meter \$150.00

(Customers will cease receiving quarterly utility billings when the water meter is removed and will not receive further quarterly utility bills until the meter has been re-installed and the curb stop has been turned on)

5. Liability for Charges

Pursuant to Section 252 (2) of the Municipal Act, the amount of all outstanding charges for water services, including fines and penalties, are a lien and charge upon the land serviced, and may be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies

6. Water Allowance Due to Line Freezing

That in any case where, at the request of Council, 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 of the billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.

7. Water Meters

Water meters are owned by the Municipality but are the responsibility of the utility customer to maintain. If the water meter is broken, frozen, etc., the utility customer will be billed for a new meter at the current cost of replacement.

8. Meter Testing

That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Municipality with a deposit of \$100. The Municipality will then remove the subject meter and send it to an independent lab for testing. If the meter is found to be faulty, all costs associated with the testing process will be borne by the Municipality and the deposit will be refunded to the customer and the customer's account will be adjusted for the preceding four (4) months. If the meter is found to be in proper working order, all costs associated with the testing process will be borne by the customer and the customer will be billed or refunded any balance owing.

9. Cross Connections

No customer or person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance in a manner which under any circumstances may allow water, wastewater or any harmful liquid or substance to enter the Municipality's water system.

If a condition is found to exist which, in the opinion of the Municipality, is contrary to the aforesaid, the Municipality may either:

Shut off the service or services; or

Give notice to the customer to correct the fault at his or her own expense within a specified time period.

10. Conditions of Disrepair

In the event that there are conditions of disrepair in the water works on a property that detrimentally affects the system as a whole and, upon the failure of the owner of the property to correct the condition within a reasonable time, the Municipality, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

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11. Authorization For Officer To Enter Upon Premises

The Public Works Supervisor, or other employee authorized by the Municipality in the absence of the Public Works Supervisor, shall be authorized to enter upon any premise for the purpose of:

Affixing to any pipe, wire or apparatus connected with any such utility, a meter or any other measuring or testing device; or taking readings from, repairing, inspecting or removing any meter or apparatus belonging to the Municipality.

SCHEDULE "B"
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CONDITIONS PRECEDENT ALLOWING FOR COLLECTION
AND DISCONNECTION OF WATER SERVICES
FOR NON-PAYMENT OF ACCOUNTS

1.0 PURPOSE:

- 1.1 The purpose of this document is to outline and define the disconnection and reconnection policies and procedures for customers with water services.
- 1.2 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.
- 1.3 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:

- 2.1 The policy and procedures apply to customers receiving water services. The procedures are detailed to reflect the variety of situations that may occur for each of the following customers.
 - 2.1.1 All property owners and/or tenants responsible for water services.
 - 2.1.2 All landlords responsible for providing tenant water services covered under The Residential Tenancies Act (C.C.S.M. c R119).
 - 2.1.3 Where water services are added to taxes.
 - 2.1.4 Where water service is provided beyond the boundaries of a municipality, if applicable.

3.0 DEFINITIONS:

- 3.1 **Account Holder/Customer** – shall refer to the person or persons who have applied for water service at a particular residence, whether it be the property owner or renter
- 3.2 **Property Owner** – shall refer to the person or persons who are listed on the title of a specific property.
- 3.3 **Renter** – is not the property owner of the subject property and shall refer to the utility account holder/customer of the subject property.
- 3.4 **Security Deposit** – shall be based on the risk to the utility and should not exceed an estimated bill for three months.

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

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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 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 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. 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.]

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"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 service could be disconnected.</p> <p>The Public Utilities Board adopted Order No. 39/09 governing the disconnection of water service for non-payment of account.</p>	<p>To make payment arrangements, please contact the utility at:</p> <p>1-204-638-4531</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 \$100.00

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.

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- 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.