

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2025-49

Being a by-law to Update municipal water and sanitary sewage services user rates

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, section 9, as amended, 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 8(1), as amended, provides that sections 8 and 11 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 11, as amended, provides that an upper-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein, *inter alia*; public utilities;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, section 391, as amended, authorizes a municipality to impose fees or charges for services or activities provided or done on behalf of it;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, section 80, as amended, provides that a municipality may at reasonable times enter on land to which it supplies a public utility, to inspect, repair, alter or disconnect the service pipe, wire, machinery, equipment and other works; to inspect, install, repair, replace or alter a public utility meter and for such purposes, to shut off or reduce the supply of the public utility to the land; and, if a customer discontinues the use of a public utility on land or the municipality lawfully decides to cease supplying the public utility to land, to shut off the supply of the public utility; remove any property of the municipality or determine whether the public utility has been or is being unlawfully used;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25, section 81, as amended, provides that a municipality may shut off the supply of a public utility to land if fees and charges payable by the owners or occupants of the land for the supply of the public utility are overdue, subject to the municipality providing reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail;

AND WHEREAS it is desirable that a portion of the costs of providing water and sanitary sewage services be recovered from the owners and/or occupants of premises connected to the municipal water and sanitary sewage systems;

AND WHEREAS by By-law 2024-33, as amended by By-law 2024-55 and By-law 2025-01, various user rates for water and sanitary sewage services were established;

AND WHEREAS it is desirable that the water and sanitary sewage user rates be updated;

THEREFORE the Council of The District Municipality of Muskoka ENACTS AS FOLLOWS:

A. Interpretation

1. In this by-law:

- (a) “business day” means any day other than Saturdays, Sundays or statutory holidays;
- (b) “consumption quantity issue” means any discrepancy, error, oversight or other consumption or usage quantity issue;

- (c) "District of Muskoka" means The District Municipality of Muskoka;
 - (d) "user" includes the following persons regardless of whether or not there is actual consumption of water, discharge of sanitary sewage or use of the District of Muskoka's water or sanitary sewage systems:
 - (i) all persons occupying and/or owning premises connected to the District of Muskoka's water and/or sanitary sewage systems;
 - (ii) all persons making connections to or requesting permission to connect to the said systems; and
 - (iii) all persons making connections to or requesting permission to make use of fire hydrants; and
 - (e) "Light Commercial" means commercial properties which:
 - (i) are supplied or would be supplied with a 16mm (5/8") or 19mm (3/4") meter; and(ii) demonstrate an average monthly water consumption of 30m3 or less, based on most recent twelve (12) months of metered data or a minimum of three (3) consecutive months of metered consumption where twelve (12) months of data are unavailable.
- All other uses shall be "other non-metered users".
- (f) "Reasonable Hours" means 08:00 to 17:00, Monday to Friday, statutory holidays excepted, or such other hours as may be prescribed by the Commissioner of Engineering and Public Works for the purposes of meter access, repairs, installation, inspection or maintenance.

B. Fees and Charges

- 2. Sanitary sewage service and water service user charges shall be and are hereby imposed on and shall be paid by all users of District of Muskoka sanitary sewage systems and water systems in accordance with Schedule "A" attached hereto.

C. Calculation and Payment

- 3.
 - (1) All fees and charges set forth in Schedule "A" hereto, except the usage and consumption fees set forth in Part A of Schedule "A" shall be effective on January 1, 2026.
 - (2) It is hereby acknowledged that the consumption and usage fees and charges set forth in Part A of Schedule "A" are invoiced in arrears. The rates described in the said sections shall be used to calculate the amounts due on all invoices for such services issued on or after January 1, 2026, and shall continue in force until this by-law is either repealed or superseded.
- 4. The rates and charges set forth in Schedule "A" inclusive hereto, are fixed as the rates or charges for the respective work, service and activities shown thereon, commencing in accordance with section 3 herein. For the purposes of calculating amounts due for previous time periods, the charges as established by by-laws in force at the time the work or services were provided, or the activity occurred shall be used.
- 5. Fees and charges shall commence on the date of first supply or provision of the services and shall continue, unless and until written notice is received by the District of Muskoka from the user to permanently discontinue service and such service is permanently discontinued, or the service is otherwise permanently discontinued by the District of Muskoka. Termination of service

shall not relieve the user from paying all amounts due up to and including the date of termination.

6.
 - (1) Subject to sections 6 (3) and 6 (4), the readout on the water meter shall be determinative of the quantity of water supplied.
 - (2) For greater clarity, but subject to sections 6 (3) and 6 (4), in the event of a difference in readings between a remote reading device and the readout on a water meter, the reading on the water meter shall be determinative.
 - (3) Sections 6 (1) and 6 (2) do not apply where a premises is, with the consent of the District of Muskoka, unmetered.
 - (4) Sections 6 (1) and 6 (2) do not apply where:
 - (a) it has been demonstrated by way of calibration tests or otherwise, that a water meter is faulty or inaccurate; or
 - (b) there is evidence of tampering, whether it be by way of broken seals, circumvention or disconnection of metering devices or otherwise; or
 - (c) the owner or occupant of the premises supplied, or user of the District of Muskoka's water or sanitary sewage system is not registered as a customer in the District of Muskoka's water and/or sanitary sewage works billing systems.
 - (5)
 - (a) Where an inaccurate or faulty meter is suspected by the property owner or occupant of the premises supplied, a request may be made to remove and test the meter by the District of Muskoka.
 - (b) In the event that the meter is determined to be accurate, in accordance with the American Water Works Association (AWWA) standards, the meter testing fee shall apply.
 - (6) Where the circumstances described in sections 6 (4)(b) apply, the user shall, at their expense, immediately modify their plumbing to comply with the District of Muskoka's requirements.
 - (7) Where the circumstances described in section 6 (4)(c) apply, the user shall immediately apply to the District of Muskoka for services. The user shall pay any and all such connection and other fees as the District of Muskoka may determine. The District of Muskoka may, in its sole discretion, shut off the supply of services until the requirements of this section have been met.
 - (8) Where a consumption quantity issue has been discovered:
 - (a) Where the user is registered as a customer in the District of Muskoka's water and/or sanitary sewage works billing system and the consumption quantity issue is one of a discrepancy between a meter, and/or a meter reading device and/or a meter invoicing, adjustments shall be made to correct consumption amounts for a period as identified in 6 (8)(b) or (c). Under these circumstances:
 - (i) the District of Muskoka shall issue an invoice stating the corrected amounts;
 - (ii) where, based on the corrected amounts, an amount is due the District of Muskoka, the amount shall be paid immediately, together with interest at a rate as per 6 (8)(e); and

- (iii) where, based on the corrected consumption, a credit is due the user, the District of Muskoka may in its sole discretion credit the amount, with interest at a rate as per 6 (8)(e), to the user's next bills until the credit is fully utilized or issue a lump sum refund.
- (b) where the user is registered as a customer in the District of Muskoka's water and/or sanitary sewage works billing system and where the consumption quantity issue is as a result of a faulty or inaccurate meter and the actual consumption is unknown, the corrected consumption for the purposes of determining amounts due shall be calculated on the basis of the average consumption for three (3) months after a correct meter has been installed, applied retroactively for a maximum of a two (2) year period. Credits in favour of the user or amounts due the District of Muskoka, if any, shall be processed in accordance with section 6 (8)(a).
- (c) where the user is registered as a customer in the District of Muskoka's water and/or sanitary sewage works billing system and where the consumption quantity issue is as a result of an inaccurate meter or billing adjustment and the actual consumption can be determined, adjustments shall be made to correct the consumption amounts for the period between the date the discrepancy is corrected and the later of the following:
 - (i) date of commencement of water and sewer services; or
 - (ii) date the current meter was installed.Credits in favour of the user or amounts due the District of Muskoka, if any, shall be processed in accordance with section 6 (8)(a).
- (d) where the user is not registered as a customer, the amount due the District of Muskoka shall be calculated on the higher of the following:
 - (i) the average use of similar premises for the period commencing on the date the usage commenced and continuing until payment is received by the District of Muskoka, together with interest at a rate as per 6 (8)(e); or
 - (ii) an amount calculated in accordance with section 6 (8)(b); or
 - (iii) the corresponding flat rate applicable to the time period in question.
- (e) Interest indicated in Section 6 (8)(a) and (d) will be calculated as per the following:
 - (i) interest will be calculated at a rate equal to the prime rate charged by Muskoka's bank. The rate for each calendar year shall be equal to the rate at the close of business on January 2nd of the year and shall apply for the entire year.
 - (ii) in this section, the words "Muskoka's bank" mean the bank with whom The District Municipality of Muskoka transacts the majority of its business.

7. All amounts are due on or before the due date specified in the billing date in the invoice. Every user shall pay the full amount of the rates and charges invoiced on or before the due date shown on the billing invoice.
8. Where an amount due is not paid on or before the due date, a late payment surcharge in an amount equal to five (5) percent of the invoiced amount, together with any and all expenses the District of Muskoka may have incurred in collecting the amounts due shall be paid by the user.
9. In addition to other collection methods available at law, where an amount owing for water and/or sanitary sewage services remains unpaid after the due date, the said amount may be added to the tax roll for the property to which services are supplied and collected in the same manner as municipal taxes in accordance with section 398 (2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended. All such amounts added to the tax roll shall have priority lien status in accordance with O. Reg. 581/06, as amended from time to time.

D. Termination of Services

(a) For Violations

10. (1) In addition to other remedies available at law, the District of Muskoka may shut off the supply of water to any premises without notice where a user is in violation of:
 - a. any provisions of any of the District of Muskoka's by-laws regulating connections to and/or the use of the District of Muskoka's water and/or sanitary sewage systems.
 - b. any provisions of the *Building Code Act, 1992*, that results in an order prohibiting occupancy of an unsafe building.
- (2) Where the water service is shut off pursuant to section 10 (1) a shut off fee in accordance with section E. 10 of Schedule "A" shall be immediately due and payable by the user.
- (3) Where service is restored after it is shut off in accordance with section 10 (1) a service restoration (turn-on) fee in accordance with section E. of Schedule "A" shall be immediately due and payable by the person requesting restoration of service.

(b) For Non-payment

11. Pursuant to section 81 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the District of Muskoka may, subject to section 13 of this by-law, shut off or restrict the supply of water to any premises of a user where an amount payable to the District of Muskoka by such user for water service, sanitary sewage service, and/or other charges, expenses or fees under this by-law remains unpaid more than thirty days after such amount was due and payable.
12. (1) Prior to terminating service for non-payment, a reminder notice shall be forwarded to the user by ordinary mail at the last known billing address. The reminder notice shall be deemed to have been received by the user on the fifth business day after the date the notice is mailed.
- (2) If full payment is not received within 10 business days of the date appearing on the reminder notice, a disconnection notice shall be given in accordance with section 12 (3). On issuance of a disconnection notice in accordance with this section, a disconnection notice charge in accordance with section E. of Schedule "A" shall be added to the amount due and shall be immediately due and payable. If full payment is not received by the District of Muskoka within five (5) business days

after the date the disconnection notice is received or deemed to have been received by the user, service may be terminated (shut off).

- (3) Disconnection notices under section 12 (2) may be served on the user by forwarding the notice by ordinary mail to the user at the last known billing address.

The method of service shall be in the sole discretion of the District of Muskoka.

- (4) (a) A disconnection notice served in accordance with section 12 (3)(i) shall be deemed to have been received by the user on the fifth business day after the date of mailing regardless of whether or not the user actually collects or receives the ordinary mail.
- (5) Where water service is shut off for non-payment, or the District of Muskoka is on site for the purpose of shutting off water services due to non-payment, a shut off fee in accordance with section E. of Schedule "A" shall be added to the amount due and shall be due and payable immediately.
- (6) (a) Where service is restored after being shut off a service restoration (turn-on) fee in accordance with section E. of Schedule "A" shall be added to any amounts already due and shall be immediately due and payable.
 - (b) The District of Muskoka may in its sole discretion require that the service restoration fee described in section 12 (6)(a) be paid prior to service being restored.

E. Supply – Installation – Ownership – Replacement

- 14. The District of Muskoka may shutoff or restrict the supply of water to a property if the District of Muskoka requires access to the property to install, replace, repair, read or inspect a water meter. Any person authorized by the Commissioner of Engineering and Public Works may enter and access any property serviced by municipal water services during reasonable hours and upon notice as set out in section 15, to all parts of the premises to which any water 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 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.

- 15. Notice required - access

Before shutting off or restricting the supply of water, except where specifically authorized elsewhere in this by-law, the District of Muskoka shall,

- (a) by personal service or by registered mail, serve the owners and occupants of the premises as shown on the last returned assessment roll of the municipality with a notice of the date upon which the District of Muskoka intends to shut off or restrict the supply of water if access to the property is not obtained before that date;
- (b) ensure that a copy of the notice described in clause (a) is securely attached to the premises in a conspicuous place.

- 16. No shut off - reasonable effort - gain access

The District of Muskoka shall not shut off or restrict the supply of water unless it has made reasonable efforts to gain access to the premises and has been unable to gain access within fourteen (14) days after the later of,

- (c) the day the last notice under part (a) of section 15. of this by-law was personally served;
- (d) the day the last notice under part (a) of section 15. of this by-law was mailed; and,
- (e) the day a copy of the notice was attached under part (b) of section 15. of this by- law.

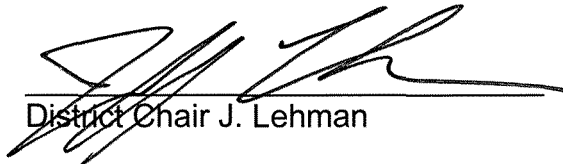
General

17. Except for the purposes of establishing the fees and charges payable prior to the fees and charges set forth in this by-law being applicable, By-law 2024-33, By-law 2024-55 and By-law 2025-01 shall be and are hereby repealed effective January 1, 2026.
18. This by-law shall come into force and take effect on January 1, 2026.

Enacted and **Passed** this 15th day of December, 2025.

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:


District Chair J. Lehman


District Clerk A. Back

Schedule “A” to By-law 2025-XX

Water and Wastewater User Rates

A. Consumption Fees

For premises in which a water meter permit has been paid/issued, and/or a water meter has been installed, the water user charge shall be calculated as the sum of a monthly basic service charge and a consumption charge.

Installed Water Meter (monthly basic service charge)	Rate
Less than 25mm (1") meter	\$24.62
25 mm (1") meter	\$45.09
38mm (1.5") meter	\$82.64
50 mm (2") meter	\$112.73
75 mm (3") meter	\$358.74
100mm (4") meter or larger	\$459.17
The consumption component shall be calculated on the basis of the volume of water supplied to the premises multiplied by the following factor: Rate/per m3.	\$2.2295

For premises in which a water meter has not been installed or the water meter has not functioned for reasons other than disconnection or external damage or modifications, the fixed monthly rates shall be as follows:

No Water Meter Installed (monthly service charge)	Rate
Residential and Light Commercial Users	\$113.79
Other Non-metered Users Cost per Equivalent Residential Unit (ERU). Number of ERU as determined by District	\$113.79/ERU

For premises which are connected to both water and sanitary sewage systems and/or a water meter permit has been paid/issued, sanitary sewage service user charges shall be calculated as the sum of a monthly basic service charge and a consumption charge, as applicable.

Wastewater rates for Water Meter Size (monthly basic service charge)	Rate
Less than 25mm (1") meter	\$7.69
25mm (1") meter	\$12.31
38mm (1.5") meter	\$31.44
50mm (2") meter	\$42.60
75mm (3") meter	\$127.67
100mm (4") meter or larger	\$164.16
Consumption/m3	\$2.9580

Wastewater Rates for Non-Metered (fixed monthly rates)	Rate
Residential and Light Commercial Users	\$130.42
Other Non-metered Users Cost per Equivalent Residential Unit (ERU). Number of ERU as determined by District	\$130.42/ERU

B. Connection Fees (permit required)

Connection Fees	Rate
New Water/Wastewater Account	\$39.00
Final Meter Reading	\$45.00
Service Connection - any size	Actual Cost
Application for Permit to Connect - per service (Where an applicant wishes to connect to both water and sanitary sewage systems at the same time, only a single permit application fee shall be payable.)	\$78.00

Connection Fees	Rate
Meter/service tampering - for those who turn their own water on without inspection/reporting, are found to have bypassed their meter or have made unauthorized connections.	\$5,000.00

Temporary Water Service - Low Volume Users	Rate
First Two Weeks (minimum charge)	\$75.00
Per Week Thereafter	\$47.00

Service Charge Turning Water and or Wastewater Service On or Off	Rate
Pre-scheduled During Working Hours	\$119.00
Unscheduled service (all times)	\$265.00

C. Meter Purchase and Inspection Fees (permit required)

Meter Purchase and Inspection	Rate
To provide a 16mm (5/8") diameter meter and radio read device (no installation) and inspect after installation	\$506.00
To provide a water meter, including radio read device (no installation), other than that described above	Actual Cost

D. Hydrant Maintenance Fees

Hydrant Maintenance	Rate
Municipal Hydrant (Annual)	\$85.00
Private Hydrant (Post firefighting event)	Actual Cost
Additional Hydrant Installation	Actual Cost
Connection Fee	Actual Cost

Hydrant Maintenance - Non-Firefighting Use (each bulk water filling station)	Rate
Per Day per hydrant/bulk water station, plus usage/m3	\$135.00 + \$2.2295/m3
Per Season (3 months) per bulk water station or one hydrant, plus usage/m3	\$944.00 + \$2.2295/m3
Per Non-Freezing Season, plus usage/m3	\$1,904.00 + \$2.2295/m3
Per Year per hydrant/bulk water station, plus usage/m3	\$2,382.00 + \$2.2295/m3

*The connection fee includes the installation and removal of a valve and meter.

E. Other Fees

Request for Property Servicing Information	Rate
Excludes field work	\$65.00
Includes field work	\$133.00

*Once fee is paid, a completed form with service information will be returned within 5 working days.

Tests and Inspections	Rate
Water Service Only Inspection Fee	\$572.00
Sanitary Sewage Only Inspection Fee	\$626.40
Inspection of both water and sewer services	\$910.00
Meter Service Fee - determined customer issue (cut meter wire, frozen meter, damaged meter/MXU)	Actual Cost
Inspect and/or test a16mm (5/8") meter – if found to be functioning correctly	\$119.00

Tests and Inspections	Rate
Inspect and/or test a 16mm (5/8") meter – not functioning properly due to external damage or misuse	\$106.00 + cost of new meter
Inspect or test a 16mm (5/8") meter – if not functioning properly due to reasons other than above	No Charge
Third party testing of any meter or to inspect or test all other water meters except those outlined above	Actual Cost
Missed Appointment (on site)	\$112.00
Thawing of frozen water service (\$300 deposit required)	Actual Cost
Replace/repair frozen water meter	Actual Cost

Tapping Fee (excluding water service parts)	Rate
Water Service Tapping Fee (< or equal to 50mm (2") diameter)	Actual Cost
Water Service Tapping Fee (> 50mm (2") diameter)	Actual Cost

Other Fees	Rate
Water and Wastewater Modeling	Actual Cost
Water Permit Amendments - Form 1 Drinking Water System Application Review	Actual Cost
Performing a Sewer Dye test	\$119.00
Environmental records search	\$130.00
Environmental Compliance Approvals	Fees as set by the Ministry of the Environment
Sewer spill response/incident	Actual cost
Disposal of sand and grit removed from sanitary sewers (minimum charge)	\$613.00/m³
Disconnection Notice Charge	\$46.00
Shut Off Fee for Shut Off due to Violation	\$119.00
Pre-scheduled Service Restoration if Service was shut off for violation – During Working Hours	\$119.00
Unscheduled Service Restoration if Service was shut off for violation (All Times)	\$265.00

The Commissioner of Finance and Corporate Services and Chief Administrative Officer shall be and are hereby delegated authority to waive late payment surcharges in extraordinary circumstances during which the timely delivery of notices and payment information is compromised.

Users who are enrolled in the Pre-Authorized Debit Plan or who pay a bill with a cheque, which is returned by the bank as non-sufficient funds (N.S.F.) will be charged an administration fee as outlined in the District of Muskoka’s General User Fees, Charges and Rates By-law, as amended.

Late payment surcharge – five (5) percent of the invoiced amount, together with any and all expenses the District of Muskoka may have incurred in collecting the amounts due.

End of Schedule