

# Report to Council



**Date:** June 13, 2022  
**To:** Council  
**From:** City Manager  
**Subject:** Water Regulation Bylaw Fine Assessments  
**Department:** Utility Services

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## **Recommendation:**

THAT Council receives for information, the report from Utility Services dated June 13, 2022, with regard to the assessment of Water Regulation Bylaw 10480 fines;

AND THAT Bylaw 12344, Amendment No. 33 to the Bylaw Notice Enforcement Bylaw No. 10475, be forwarded for reading consideration.

## **Purpose:**

To seek Council's approval to amend the Bylaw Notice Enforcement Bylaw to include various fines for Water Regulation Bylaw infractions.

## **Background:**

Water Regulation Bylaw 10480 regulates activities regarding the operation, rates and acceptable use of water and water related utility infrastructure. For relatively minor Bylaw infractions, compliance with the conditions is primarily addressed through education and notifications issued to the customer. When these steps do not generate an acceptable outcome or if more serious infractions are noted, enforcement action may need to be taken.

There is an enforceable penalty listed in the "Offence and Penalties" section of the Water Regulation Bylaw that requires civil litigation to apply and collect fines based on conviction with a fine up to \$10,000. Infractions that require such litigation have not occurred due to time and resource required to pursue. However, such wording is still required to recover costs above standard fine limits.

Watering restriction violation fines have already been adopted into the Bylaw Notice Enforcement Bylaw and the Utility has observed an increase in compliance by being able to reference a fineable amount, even if not fully executed.

**Discussion:**

Water Regulation Bylaw violations have been relatively minor to date, but there have been consistent, common observed infractions such as the installation of illegal water connections before the water meter, refusal to allow staff access to Utility meters for the purpose of replacement, unauthorized operation of Utility infrastructure, and wasteful discharge of Utility water for no useful purpose. These actions can lead to a reduction in Utility revenues, damaged infrastructure, a higher demand on water supply impacting daily operations and projects.

The Utility is currently undergoing a 5-year water meter replacement program that, in most cases, requires internal access to homes and businesses. Securing appointments are canvassed through multiple mail outs, phone calls, media communications, door hangers, and personal visits on-site over the period of several months. Approximately 10% of customers remain unresponsive or uncooperative resulting additional resources, and labor. These acts are in contravention of the Bylaw are causing significant delay to the overall water meter renewal project.

Education is the first course of action taken in an attempt to gain voluntary compliance with unresponsive customers and is usually successful; however, imposing the proposed additional fines for non-compliance will provide staff with the tools they need to escalate enforcement and supports the notion that violations must be taken seriously. This approach also enhances the ability to resolve issues in a timely fashion by allowing an expediated ticketing process without the need for a court hearing.

The proposed financial fines align with similar municipal bylaw enforcement fines across western Canada. Although not designed to be punitive, fine amounts should be deemed significant enough to warrant attention, encourage prevention, recover repair costs, and deter reoccurrence.

**Conclusion:**

The Bylaw Notice Enforcement Bylaw requires amendment to include proposed Water Regulation Bylaw infraction fines listed in Schedule A. This is consistent with other municipal bylaws while still having provision for liable class action suit for infractions that are deemed to be significant and serious in nature.

**Internal Circulation:**

Utility Services  
Financial Planning  
Bylaw Services  
Communications

**Considerations applicable to this report:**

***Financial/Budgetary Considerations:***

Although assessed fines are not expected to significantly contribute to revenues, additional funds may need to be recovered to cover the cost to repair and reinstate damaged Utility infrastructure through the Water Regulation Bylaw. .

***Communications Comments:***

Communication of infractions and resulting fines would be done through direct contact with violators. There would not be any notifications of these modifications issued publicly apart from what is referenced in the publicly available Bylaw Enforcement Notice Bylaw.

**Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***External Agency/Public Comments:***

**Submitted by:** E. Hoppe, Water Quality and Customer Care Supervisor

**Approved for inclusion:** M. Logan, Infrastructure General Manager

Attachment 1: Schedule A - Bylaw 12344 proposed amendments.

cc:

K. Van Vliet – Utility Services Manager  
A. Weremy – Water Operations Manager  
P. Gramiak – Revenue Supervisor  
K. Mead – Bylaw Services Manager  
N. Johal – Communications Advisor