

# The Corporation of the City of Guelph

## By-law Number (2026) - 21195

A by-law to regulate utility customer accounts for Water, Wastewater and Stormwater services in the City of Guelph and to repeal By-Law Number (2016) - 20074.

Whereas, pursuant to section 10 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "**Municipal Act**"), The Corporation of the City of Guelph (the "**City**") may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas City Council has enacted By-law Number (2024) – 20910, as amended or replaced from time to time, being a by-law to regulate the supply of water in the City of Guelph, and has constructed and is operating, maintaining, and upgrading municipal infrastructure for the supply and distribution of water (the "**Water By-law**");

And whereas City Council has enacted By-law Number (2024) – 20911, as amended or replaced from time to time, being a by-law respecting sanitary and storm sewer disposal from private property in the City of Guelph and to regulate discharges to the sewer and storm drainage facilities of the City of Guelph, and has constructed and is operating, maintaining, and upgrading municipal infrastructure for collection, transmission, detention and treatment of wastewater and stormwater (the "**Sewer Use By-law**");

And whereas, pursuant to section 391 of the Municipal Act, the City is authorized to pass by-laws imposing fees or charges on persons for services or activities provided by or on behalf of it;

And whereas City Council has enacted By-law Number (2024) – 21011, as amended or replaced from time to time, being a by-law to impose water and wastewater fees and charges and to set billing schedules (the "**Water and Wastewater Fees and Charges By-law**");

And whereas City Council has enacted By-law Number (2016)-20107, as amended or replaced from time to time, being a by-law to impose stormwater fees or charges (the "**Stormwater Fees and Charges By-law**");

And whereas City Council has enacted By-law Number (2024) – 21002, as amended or replaced from time to time, being a by-law to impose user fees or charges for certain services or activities as set forth in (the "**User Fees and Charges By-law**");

And whereas section 398 of the Municipal Act provides that fees and charges imposed by a municipality for the supply of service to a property constitute a debt to the municipality, and the treasurer may add fees and charges imposed by the municipality to the tax roll for the property to which the service was supplied, and collect them in the same manner as municipal taxes;

And whereas section 446 of the Municipal Act provides that if the municipality has the authority to direct or require a person to do a matter or thing, the municipality may provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs by adding the costs to the tax roll and collecting

them in the same manner as property taxes.

**The Council of the Corporation of the City of Guelph enacts as follows:**

**1. Definitions**

1.1. In this By-law, in addition to terms defined in the recitals, the following terms have the corresponding meanings:

- a) "**Account Holder**" means the registrant and holder of a Customer Account, which shall be the Owner of Land or another Person with authorization in accordance with this By-law;
- b) "**Back-bill**" or "**Back-billing**" means the portion of a bill which represents charges owing in respect of a Property for water, wastewater and/or stormwater services incurred before the current billing cycle but not previously billed, or other amount owing over more than one billing cycle. For metered services, Back-billing may include adjustments to a Customer Account based on the difference between the life-to-date use invoiced to the Customer and the use recorded by the Meter;
- c) "**Building Control Valve**" means the privately owned valve that controls the flow of potable water from the Private Water Service Pipe to the Private Plumbing System;
- d) "**Bulk Meter**" or "**Bulk Metering**" means a flow meter device that measures the aggregate consumption of water from a property, which may be further divided by building or units by Submeter to measure individual consumption;
- e) "**City**" means The Corporation of the City of Guelph, and/or its employees, agents and contractors;
- f) "**City Water Service Pipe**" means a City-owned water service pipe that is installed between the City-owned watermain and the Service Valve at the point of services to individual properties;
- g) "**Customer Account**" means an account established in accordance with this By-law for public utility services and the billing and collection of fees and other charges for such services;
- h) "**Meter**" means a water meter, meter wires, remotes, reading devices and other attachments and accessories;
- i) "**Occupant**" means any Person occupying the Property other than the Owner of Land;
- j) "**Owner of Land**" means every registered owner of a property;
- k) "**Person**" includes a natural person, a corporation, a partnership, a sole proprietorship, a trust, a joint venture, an association or any other organization or entity of any kind and their respective heirs, executors, administrators, successors, assigns or other legal representatives of a Person to whom the context can apply according to law;

- l) **“Private Water Service Pipe”** means a privately-owned water service pipe that is located on private property between the Service Valve and the entry point of the water supply to the premises;
- m) **“Private Water Supply”** means a private well that is installed on private property for the purpose of water supply;
- n) **“Private Plumbing System”** means the privately owned network of pipes, fixtures and related components that distribute water throughout a building or property;
- o) **“Service Valve”** means the City-owned valve located at the point of connection between a City Water Service Pipe and Private Water Service Pipe;
- p) **“Serviced Property”** is defined in section 2.2;
- q) **“Submeter”** or **“Submetering”** means a secondary Meter installed between the Bulk Meter and the Private Plumbing System to measure the water consumption of a specific building or unit within a building;
- r) **“Wastewater Treatment System”** means the City’s infrastructure system and works for the collection, treatment and discharge of sewage and wastewater, including collection facilities, wastewater treatment plants, including Meters;
- s) **“Water Supply System”** means the City-owned property, infrastructure system and works for the supply and distribution of water by the City, consisting of various water sources, including groundwater wells, fire hydrants and water filling stations, and all infrastructure necessary to collect, treat and distribute water, including Meters;

## 2. Application of this By-law

- 2.1 The provisions of this By-law govern and regulate Customer Accounts for water, wastewater and stormwater services, including the billing and collection of applicable fees and charges for such services imposed by by-law.
- 2.2 Every parcel of land that is subject to fees or charges for any of water, wastewater or stormwater services under the Water and Wastewater Fees and Charges By-law and/or Stormwater Fees and Charges By-law (each a **“Serviced Property”**) shall have an associated Customer Account.
- 2.3 All water consumed on property in the City or Guelph, whether from the Water Supply System or a Private Water Supply, shall pass through a Meter supplied by the City to measure water use for the purpose of water and/or wastewater billing based on the Meter readings for water and wastewater consumption. The requirement to measure water use through a Meter does not apply to unmetered connections to the Water Supply System authorized by the City for fire suppression or firefighting purposes.
- 2.4 Except as otherwise specified, the Account Holder is responsible for compliance with this By-law.
- 2.5 By applying for, or accepting, the supply of water from the Water Supply System or the discharge of wastewater into the Wastewater Treatment System, an Account Holder is deemed to have expressed their consent to be bound by the provisions of this By-law.

### **3.0 Customer Accounts**

- 3.1 Every Serviced Property shall have an associated Customer Account as a condition of service. A Person who becomes an Owner of Land is required to establish a new Customer Account for the Serviced Property.
- 3.2 Except as provided in section 3.3 and section 3.4, the Account Holder of the Customer Account for a Serviced Property shall be the Owner of Land.
- 3.3 If, on the Effective Date of this By-law, an existing Customer Account is in the name of an Occupant, that Occupant shall be the Account Holder. The Owner of Land may, in written form designated by the City, give direction and authorization to the City to transfer the account to the Owner of the Land.
- 3.4 An Owner of Land may, in written form specified by the City, request and authorize the City to designate an Occupant as an additional Account Holder. The decision to accept or reject a request from the Owner of Land to designate an Occupant as an additional Account Holder is at the sole discretion of the City and subject to applicable administrative fees.
- 3.5 If water is supplied to more than one tenant or unit through a single Meter, the Owner of Land shall be the Account Holder of the Customer Account.
- 3.6 Anyone may, at any time, request a certificate showing the amount of any water and/or wastewater and/or stormwater fees or charges outstanding against the Customer Account and the period to which such fees and charges apply, subject to an applicable fee.
- 3.7 Where the Account Holder is an Occupant, the City may, at any time and for any reason, upon reasonable notice to the Account Holder and Owner of Land, discontinue billing the Occupant and bill the Owner of Land directly for the water and wastewater charges for the Serviced Property.
- 3.8 The City will not perform final Meter readings and/or interim billing due to the Occupant vacating the property, unless they were the Account Holder.

### **4.0 Water Meters**

- 4.1 Every Serviced Property shall be equipped with a Meter supplied and installed by the City, or a Person authorized by the City, in a location determined by the City.
- 4.2 Every Meter installed by a Person other than the City must be authorized by the City and inspected in accordance with building permit requirements.
- 4.3 Every new water Meter installed on a Serviced Property shall be billed to the Customer Account associated with such property in accordance with the Water and Wastewater Fees By-law, and payment shall be required prior to the release of the Meter into operation.
- 4.4 If the Owner of Land requests relocation of a Meter, all costs associated with the relocation shall be the responsibility of the Owner of Land and recovered by the City through cost recovery billing, plus applicable fees, and charged to the Customer Account.
- 4.5 The City may, at any time in its sole discretion, install a Bulk Meter on the City Water Service Pipe to any Serviced Property. Where the City has installed a Bulk Meter, any existing Meters in subdivided properties or units are deemed to form part of the Private Plumbing System and will

not be read for utility billing purposes, and will not be inspected, maintained, removed or replaced by the City.

- 4.6 The City may, at any time in its sole discretion, install a Meter on any unmetered connection to the Water Supply System for the purpose of utility billing in accordance with this By-law.
- 4.7 The City may, at any time in its sole discretion, shut off any connection to the Water Supply System for the purpose of compliance with this By-law.

## **5.0 Access and Maintenance**

- 5.1 The Owner of Land and Account Holder shall provide the City, upon request with reasonable notice, safe access to all premises on a Serviced Property for the purpose of Meter installation, maintenance or replacement.
- 5.2 The Owner of Land and Account Holder shall provide the City, at all reasonable times, safe, free and clear access to the Meter for the purpose of reading, inspection, testing, maintenance and repair.
- 5.3 The Owner of Land shall take all reasonable precautions, including temperature control, to protect and maintain the Meter and the connected Private Plumbing System from damage by freezing, frost, impact, or otherwise. The Owner of Land is responsible for all costs to remedy damage or destruction of the Meter and related connections attributable to failure to take all reasonable precautions.
- 5.4 The Owner of Land shall ensure that all Service Valves are clear and accessible at all times to enable the City to turn the water supply to a Serviced Property off or on, as deemed necessary by the City.
- 5.5 The Owner of Land shall ensure the Private Water Service Pipe, the Private Plumbing System, and the Building Control Valve are maintained in a state of good repair and proper working condition for the prevention of prevent water loss, to enable isolation of the water supply to the Serviced Property, and for proper operation and maintenance of the Meter.
- 5.6 The Owner of Land and Account Holder must immediately report to the City, the opening of any Meter bypass.
- 5.7 The Owner of Land and Account Holder must immediately report to the City if any Meter or related component has been removed, damaged, destroyed, altered, impaired, interfered with, or rendered inoperable or inaccessible.
- 5.8 The Owner of Land and Account Holder must immediately report to the City any leaks that develop from the Meter or the related connections.
- 5.9 If a Serviced Property is unoccupied, the Owner of Land shall ensure that it is inspected monthly for any leaking plumbing or abnormal water usage and, if necessary, ensure that the water supply is temporarily turned off or isolated until the property becomes occupied, charges outlined in the Water and Wastewater Fees and Charges By-law will still apply.
- 5.10 Upon request, the Owner of Land shall provide the City in a timely manner with accurate information on any leaking Private Water Service Pipe, Private Plumbing System, and any irrigation system, water-using appliances, and other related water fixtures and appurtenances that could cause abnormal water consumption and corresponding abnormal billing.

- 5.11 If an Account Holder does not respond to requests made by the City to gain access to the Meter or any component for any reason, additional fees shall be charged as specified in the Fees and Charges By-law, and/or the water supply may be turned off until such time as the Account Holder makes arrangements suitable to the City to provide the City access to the Meter or component. The charges specified in the Fees and Charges By-law for turning the water off and on shall apply.
- 5.12 If the Owner of Land fails to maintain state of good repair and proper working order required under this By-law, the City may issue a notice with a description of the non-compliance and require the Owner of Land to rectify the non-compliance by the date specified in the notice, at the sole cost of the Owner of Land.

## **6.0 Unauthorized Interference with Meter**

- 6.1 No Person shall restrict the City's access to a Serviced Property for the purpose of Meter installation reading, testing, maintenance or replacement.
- 6.2 No Person, except a Person authorized by the City for that purpose, shall open, remove, bypass, damage, destroy, alter, impair, or tamper with a Meter or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such Meter or the operation of the Meter.
- 6.3 Should any person, without authorization of the City for such purpose, open, remove, bypass, damage, destroy, alter, impair, tamper with the water service or a Meter or do any manner of thing which may interfere with the proper registration of the quantity of water passing through such Meter or the operation of the Meter on or in a building or property, the City may shut off the water to such building or property and the water shall not be turned back on to such building or property without the express consent of the City. The Account Holder will be charged a fee for turning the water off and on, along with any applicable fees as specified in the Fees and Charges By-law.

## **7.0 Account Holder Responsibility for Fees and Charges**

- 7.1 Fees and charges for water, wastewater and stormwater service, and related administrative fees and charges, shall be established by Council from time to time by by-law. These are currently set out under the Water and Wastewater Fees and Charges By-law, the Stormwater Fees and Charges By-law, and the User Fees and Charges By-law.
- 7.2 The Account Holder shall pay all water, wastewater, and stormwater fees in respect of a Serviced Property based on metered supply rates established under the Water and Wastewater Fees and Charges By-law and the Stormwater Fees and Charges By-law, and applicable administrative fees and charges specified in the User Fees and Charges By-law.
- 7.3 Stormwater services and activities shall be charged for any Serviced Property which is an "eligible property" as defined in the Stormwater Fees and Charges By-law. Customer Accounts with only stormwater services may be billed on a quarterly or annual billing cycle.
- 7.4 Utility bills shall be deemed to be served on the Account Holder if sent by regular mail to the municipal address recorded in the Customer Account, or to the email address recorded in the Customer Account if the Account Holder has opted for electronic delivery of documents.
- 7.5 Meters may be read, and billing rendered, at the discretion of the City.

- 7.6 Any water, wastewater and stormwater rebate and credit programs approved by the City may be processed as credit to the Customer Account for the Serviced Property, at the City's sole discretion.
- 7.7 Water, wastewater and stormwater services used on a property prior to occupancy shall be recovered by applying a fee according to by-law. All properties shall be billed at the discretion of the City.

## **8.0 Billing Adjustments and Disputes**

- 8.1 In the case of discrepancy between an invoice and the reading on the Meter, charges are payable in accordance with the reading on the Meter and the City shall reconcile the Customer Account accordingly.
- 8.2 If a Meter is equipped with a remote reading device and a discrepancy occurs between the reading at the register and the reading on the remote, the City shall consider the reading at the Meter register to be correct and will adjust and correct the Customer Account accordingly for billing purposes.
- 8.3 If a Meter becomes out of order and fails to register, the Account Holder shall be charged at the average consumption as shown by the Meter when in order.
- 8.4 If an Account Holder is under-billed for water, wastewater, stormwater or other charges due to failure of a Meter or component, the unintentional actions of the City, or the unintentional actions of the Account Holder, the City may adjust the Customer Account to Back-bill for the under-billed amounts for a period not to exceed the preceding twenty-four (24) months. At the discretion of the City, the Account Holder may enter into a payment arrangement for Back-billing.
- 8.5 If the City, acting reasonably, determines that an Account Holder has intentionally or as a result of their negligence caused an under-billing, the City shall Back-bill the water, wastewater and/or stormwater charges retroactively[ to the date at which it is determined, in the opinion of the City Engineer, that the circumstances causing the under-billing occurred, and the decision of the City Engineer shall be final. The Back-billed amounts shall be immediately due and payable.
- 8.6 If the Account Holder fails to pay any Back-billing when due or fails to comply with any payment arrangement for Back-billing, the City shall perform collection efforts as outlined in this By-law.
- 8.7 If an Account Holder is over-billed for water, wastewater, stormwater or other charges due to failure of a Meter or remote, the unintentional actions of the City, or the unintentional actions of the Account Holder, the City shall adjust the Customer Account to reconcile or credit for the over-billed charges and any interest on overdue over-billed amounts, retroactively for a period not to exceed the preceding twenty-four (24) months.
- 8.8 The City may, at any time in its sole discretion, charge fees for unmeasured water use at the rates in the by-law in an amount estimated based on an average of previous consumption in the prior year, or previous billing cycle, or other information available to the City to estimate volume of unmetered use, at the City's sole discretion.
- 8.9 In the event of a billing dispute related to the accuracy or function of a Meter, the reading of the Meter register will be the sole evidence of the quantity of water supplied to the Account Holder and will be used for all related billing purposes unless the Meter is proven to be defective through a third-party meter test facilitated by the City. The Account Holder shall complete the required Agreement as acknowledgement of the process for testing and receipt of results as it pertains to billing. The

actual cost incurred by the City for testing the accuracy of a Meter is recoverable from the Account Holder if the Meter is determined to be reading accurately.

- 8.10 During a billing dispute, including Meter testing, the Account Holder shall continue to pay all ongoing undisputed bills. The Account Holder shall complete the required Agreement as acknowledgement of the process for testing and receipt of results as it pertains to billing.

## 9.0 **Overdue Accounts and Collections**

- 9.1 The Account Holder shall ensure payment before the payment due date noted upon the invoice.
- 9.2 Payments by mail will be processed as of the date the payment is received at City Hall.
- 9.3 Invoiced amounts that remain unpaid after the payment due date will be subject to a late payment charge on overdue accounts, calculated monthly on the overdue balance.
- 9.4 Late payment charges are assessed and applied to the Customer Account on the first day of payment default. Late payment charges shall be imposed thereafter on the outstanding balance due, at a rate of 1.50% per month, following the City's policies and procedures for overdue accounts.
- 9.5 All unpaid fees charged under this By-law, constitute a debt to the municipality and a lien for supply or service to the Serviced Property as outlined in the *Municipal Act, 2001* Section 398 (2).
- 9.6 If any account balance remains unpaid after the provision of the late payment reminder notice, following the City's policies and practices the City may transfer the outstanding overdue amount, plus accrued interest, to the property tax account for the Serviced Property together with an administrative fee in accordance with the Fees and Charges By-law.

## 10.0 **Administration and Enforcement**

- 10.1 The City retains the authority to establish and implement billing systems, policies and procedures, to prescribe the form of any application, request, notice or consent provided for in this By-law, and the authority to revise such forms.
- 10.2 The City is responsible for the operation, management and supervision of the billing and collection of water, wastewater and stormwater related fees and charges; and the enforcement of the provisions of this By-law.
- 10.3 The City is authorized to exercise the discretion, rights and remedies under this By-law.
- 10.4 The City reserves the right to shut off the supply of water to any premise that has unpaid fees and charges. The City shall restore the supply of water upon suitable payment to the City of such overdue amounts plus any applicable late payment charges, interest and administrative fees.
- 10.5 Without limiting the City's rights and remedies, in the event of non-compliance with this By-law, the City may:
  - a) with reasonable notice, turn off or reduce the water supply to a Serviced Property until the non-compliance is rectified to the satisfaction of the City and any arrears are paid, including charges for water shut off/on;

- b) bill the Account Holder for the cost of inspection, repair, replacement and other costs incurred by the City to rectify damage, destruction, alteration, impairment or interference with the Meter or any component or related connection;
- c) in the event of open Meter bypass, bill the Account Holder for all applicable water and wastewater fees and charges based on actual consumption, if known, or the City's estimate of prior or future water use, payable immediately with interest; and
- d) if water or wastewater service theft has occurred, bill the Account Holder for all applicable water and wastewater fees and charges, immediately due and payable, based on actual consumption, if known, or the City's estimate of all stolen services, payable immediately with applicable interest;
- e) and bill and collect from the Account Holder all applicable fees and charges in accordance with any applicable by-law

## 11.0 Offences

- 11.1 The City may issue notice of non-compliance to any Person who fails to comply with any provision of this By-law including a description of the non-compliance and requirements and timeframe for rectification.
- 11.2 The City and may issue notice and take steps to exercise the discretion, rights and remedies of the City under this By-law.
- 11.3 Contravention of this By-law may result in application of administrative fees and penalties as set out in applicable by-laws.
- 11.4 Contravention of this By-law may result in the billing of actual or estimated costs of services to the Account Holder or the Owner of Land and collection of such costs.
- 11.5 Every Person who contravenes section 6.2 of this By-law is guilty of an offence and on conviction, is liable to a fine payable to the City to a maximum of \$10,000 for each offence, and for any expenses of repairing or replacing the Meter or any appurtenances and the value of the services consumed or supplied, as determined by the City, all of which is recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.
- 11.6 If there is a contravention of any provision of this By-law and the contravention has not been corrected, then the contravention of the provision shall be deemed to be a continuing offence for each day or part of a day that the contravention remains uncorrected.

## 12.0 Interpretation

- 12.1 If any billing and collection provision of this By-law conflicts with any other By-law, this By-law will prevail.
- 12.2 The headings contained throughout this document are for reference purposes only and do not form a part of this By-law. This By-law is to be interpreted without reference to such headings.
- 12.3 Should any provision, or any part of a provision, of this By-law, be declared invalid, or to be of no force and effect, by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, be severed from this By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

### **13.0 Effective Date**

13.1 This By-law shall come into force and effect on the 1<sup>st</sup> day of June, 2026

**Passed this twenty-first day of April, 2026.**

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**Cam Guthrie, Mayor**

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**Dylan McMahon, City Clerk**