

**Report to
Rapport au:**

**Environment and Climate Protection Committee
Comité de l'environnement et de la protection climatique
15 May 2018 / 15 mai 2018**

**and Council
et au Conseil
23 May 2018 / 23 mai 2018**

**Submitted on May 8, 2018
Soumis le 8 mai 2018**

**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-CSD-REV-0005

**SUBJECT: AMENDMENTS TO WATER BY-LAW 2013-360 AND REPEAL OF
HOME DIALYSIS GRANT BY-LAW 2007-454**

**OBJET: MODIFICATIONS AU RÈGLEMENT MUNICIPAL SUR L'EAU N^o 2013-
360 ET L'ABROGATION DU RÈGLEMENT MUNICIPAL N^o 2007-454**

REPORT RECOMMENDATIONS

That the Environment and Climate Protection Committee recommend that Council approve:

1. The amendments to the Water By-law as described in this report; and
2. That further to the introduction in 2017 of the Home Hemodialysis Utility Grant funded by the Province of Ontario, the City of Ottawa's Home Dialysis grant program be discontinued and By-law 2007-454 be repealed.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'environnement et de la protection climatique recommande au Conseil d'approuver:

1. Les modifications au Règlement municipal sur l'eau, comme elle est décrite dans le présent rapport;
2. La cessation du programme annuel de subvention pour la dialyse à domicile de la Ville d'Ottawa ainsi que l'abrogation du Règlement municipal n° 2007-454, à la suite de l'introduction en 2017 de la Subvention énergétique pour hémodialyse à domicile financée par la province de l'Ontario.

BACKGROUND

In 2003, Council approved the first amalgamated City of Ottawa (City) Water By-law ([ACS2003-TUP-INF-0013](#)). The by-law (2003-500) came into effect on October 1, 2003. Prior to this, post amalgamation, the City relied of Part 4 of the Regional Municipality of Ottawa-Carleton Regulatory Code (RRC) to enforce the design, installation, and maintenance of the municipal potable water distribution system including water services, hydrants and appurtenances. In 2013, Council approved updates to the original Water By-law to address the City's on-going role of managing meter maintenance, enhancing requirements to improve system safety, operations, maintenance, and repair and other administrative requirements ([ACS2013-COS-ESD-0013](#)). In 2013, By-law 2003-500 was repealed and replaced with By-law 2013-360. Further to the organizational changes of 2016, staff are recommending an update to the Water By-law to address this and other administrative changes.

In 2006, Council approved a Home Dialysis grant program ([ACS2006-CCS-HRS-0011](#)). The Home Dialysis grant program was introduced (By-law 2007-454) in response to a

growing number of residents with chronic kidney disease seeking to have Hemodialysis provided to them at home. With the introduction of the provincially funded Hemodialysis Utility grant in 2017, which rebates 100 per cent of water and electricity costs related to treatment, staff are recommending that the City's Home Dialysis grant program be discontinued in 2018.

DISCUSSION

1. Water By-Law Updates

Staff have reviewed the existing Water By-law (2013-360) and propose amendments to address the following broad categories:

- 1) Update roles, responsibilities and authorities to reflect the organizational alignment in 2016.
- 2) Administrative changes to provide clarity and reflect current operations.

In preparation for these proposed amendments staff from Corporate Services Department, Public Works and Environmental Services Department, Planning, Infrastructure and Economic Development Department, By-law and Regulatory Services, and Legal Services, met regularly in 2017 to complete a comprehensive review and update of the current Water By-law 2013-360. Impacted Department General Managers, Directors and Managers were also consulted with regard to the proposed amendments to this by-law. The feedback and considerations obtained from these joint inter departmental consultations and have been addressed in the recommendations in this report.

The recommendations are summarized below along with the rationale for the changes.

New Organizational Structure

In 2016, the City organizational structure was realigned to achieve Council directed priorities. The realignment simplified reporting relationships by collapsing the existing organizational structure into eight departments reporting to the City Manager, each led by a General Manager, as well as the City Clerk and Solicitor. As a result of this change, the two Deputy City Manager portfolios (Planning and Infrastructure Portfolio and City Operations Portfolio) were removed to create clearer reporting roles between the departments and the City Manager. Services areas were also grouped within departments in ways that break down silos and allow for greater collaboration, integrated planning and service execution. As a result of these changes, the Water By-

law needs to be updated to reflect the roles, responsibilities and authorities of the each impacted General Manager and corresponding department in order to maintain the integrity of day-to-day operations.

In order to align the Water By-law to the new organizational structure staff propose the following amendment's to the by law:

- 1) Delete reference to the positions of Deputy City Manager of Operations and Deputy City Manager Planning and Infrastructure.
- 2) Allocate Roles and Responsibilities to the positions of City Treasurer, General Manager Public Works and Environmental Services and General Manager Planning Infrastructure and Economic Development as follows:
 - a. The City Treasurer shall be responsible for City water meters, maintenance of City water meters, water consumption, billing, payment and collection.
 - b. The General Manager Public Works and Environmental Services shall be responsible for the production or water, the water distribution system, connections to the water distribution system, maintenance of the water distribution system and the integrity of the water distribution system.
 - c. The General Manager Planning, Infrastructure and Economic Development shall be responsible for issuing permits and allowing connections to the water distribution system in line with the water distribution system and City water meter requirements set forth by the General Manager Public Works and Environmental Services and City Treasurer respectively.

Administrative Amendments

The proposed administrative amendments add more operational rigor and clarity to all users of the By-law. As a result of this review, staff recommend the following specific amendments to the By-law:

- 1) New or modified definitions or clauses to improve interpretation of the By-law:

Through the review process, it became apparent to staff that certain definitions in the By-law needed to be updated or revised to provide further clarity and as required new definitions were added.

2) Clarification of enforcement clauses for non-compliance or violation of this by-law:

To allow for improved compliance and enforcement staff recommend the following updates:

In the case where an owner or occupant of a property willfully impairs or knowingly permits a water meter reading to be altered so that it indicates less than the actual amount that passes through the water meter; staff recommend that a fine and/or cost recovery be imputed toward the owner/occupant of the property that benefits from such an offence. The current By-law narrowly applies the consequences of such an offence towards a person caught in the act, which makes enforcement difficult for the City.

In the case where an owner or occupant of a property opens a by-pass valve, except in the case of an emergency allowing them to use water that is not recorded through the water meter, staff recommend that a fine and/or cost recovery be imputed toward the owner/occupant of the property that benefits from such an offence. The current By-law narrowly applies the consequences of such an offence towards a person caught in the act, which makes enforcement difficult for the City.

In the case where a person or organization opens a Hydrant or an Unmetered Service, except in the case of an emergency allowing them to use water that is not recorded through the water meter, staff recommend that a fine and/or cost recovery be imputed toward the person or Organization that benefits from such an offence. The current By-law has no consequence provisions for this offence.

Staff recommend that the refusal of service provisions be extended to cases where an owner occupant fails to comply with a request from the City to remediate a deficiency to a water meter. Under the currently By-law if an Owner/Occupant fails to comply the City has no recourse.

3) Clarification on the installation temporary water service:

A temporary water service may only be installed on a property, having met all conditions set forth by the City and with the permission of the City Treasurer or the General Manager of Public Works and Environmental Services or the General Manager of Planning, Infrastructure and Economic Development. This change eliminates any operational ambiguity regarding this service.

4) Clarification on blanking of water services:

Where an owner requests a new water service on a property that has an existing water service that is not in use, the owner must blank the existing service before the new service can be installed. The current by-law does not address new services where existing ones not in use already exist. Live services in the ground that are not blanked risk leaking or incurring damage from excavation which would result in costs to the City to complete repairs.

5) Clarification of owner responsibility for water used for system maintenance:

Where the City requests or when deemed necessary, the City may require flushing of a new Drinking Water System to maintain water quality and the Owner shall pay based on water consumption or estimate as outlined in the estimation section of the by-law. In some cases, a property owner may have multiple newly built dwellings that have been vacant for a long time causing the water to stagnate. The water stagnation causes a risk to the drinking water system and the City may require the property owner to “flush” the system of the stagnant water to eliminate this risk. The current by-law does not have a clear provision on how to recuperate the cost of water and wastewater treatment of this flushing.

All amendments are in accordance with the City’s authority under the *Municipal Act 2001*.

2. City of Ottawa Home Dialysis Grant

In 2006, Council approved a Home Dialysis grant program (ACS2006-CCS-HRS-0011). The annual grant program was introduced in response to a growing number of residents with chronic kidney disease seeking to have Hemodialysis provided to them at home. Home hemodialysis decreases the amount of time an individual must spend in the hospital and increases the amount of time one can spend at home with their families and the community. It was estimated that the household water consumption for an individual on home dialysis would increase from 20 cubic meters to 80 cubic meters per billing period. In 2006, the Hemodialysis Grant was established to grant between \$250 to \$500 annually to qualifying individuals and By-Law 2007-454 was enacted to implement the program.

The number of household applicants was estimated to grow to 60, with a total annual grant cost of \$10,000 by 2012. The table below provides a summary of the number of

applicants and the total grant value paid for each year since the establishment of the grant.

Table 1: Home Dialysis Grant Program – Annual Summary

Year	Applicants	Total Paid
2007/2008	22	\$6,937
2009	9	\$3,079
2010	13	\$5,371
2011	16	\$6,441
2012	17	\$7,589
2013	17	\$7,290
2014	16	\$6,260
2015	14	\$5,706
2016	14	\$6,375
2017	10	\$4,224

In 2017, the Ontario Renal Network (ORN), and its Regional Renal Program partners introduced the Home Hemodialysis Utility Grant. The grant is funded annually by the Province and is designed to offset the added electricity and water costs for patients who are conducting hemodialysis treatments in their homes. In order to be eligible, Ontario residents must conduct home hemodialysis treatments as part of a Regional Renal Program, have a valid OHIP card, and pay for the utility costs in their home.

The grant is paid out every six months and is based upon the equipment used in the home hemodialysis set-up, the local municipal water rate, the treatment schedule prescribed by their nephrologist, and the proportion of time the individual has been on home hemodialysis during the six-month period. The grant fully covers the additional water and electricity utility costs related to the treatment compared to the Ottawa grant, which only covers a portion of the additional water utility costs.

The Ottawa Hospital Regional Renal Program has informed all its patients on Home Dialysis about the ORN grant and all are enrolled. The ORN has also committed to issue the grant retroactively to the inception (Spring 2017), for late applicants.

The ORN Home Hemodialysis Utility Grant fully covers the additional cost of water related to treatments provided at home by the patient therefore rendering the City's grant, which only covered part of the additional water costs redundant.

This report recommends that further to the introduction in 2017 of the Home Hemodialysis Utility Grant funded by the Province of Ontario, the City of Ottawa's Home Dialysis grant program be discontinued and By-law 2007-454 be repealed.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

There are no external consultation implications for this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city wide report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report supports the Term of Council priorities of Financial Sustainability as well as Governance, Planning and Decision Making.

SUPPORTING DOCUMENTATION

Document 1: New Water By-Law and associated schedules.

DISPOSITION

Upon approval of the report by City Council, the Revenue Service in conjunction with the Office of the City Clerk and Solicitor will prepare the required by-laws and place any amending by-laws on the agenda of Council with an effective date of May 1, 2018. City

staff in applicable departments will implement changes to all related processes, procedures and by-laws, which are required to carry out the reports as approved.