



Committee of the Whole Report

Report Number: CORP2024-022
Meeting Date: October 8, 2024
Title: **Mandatory Connection By-Law Review**
Description: Request to review By-Law 2014-255, being the Mandatory Connection to Water and Wastewater Systems By-Law.
Author and Title: Linda Liotti, Manager, Revenue & Taxation

Recommendation(s):

That Report CORP2024-022, **Mandatory Connection By-Law Review**, be received; and

That Council approve the amendments to By-Law 2014-255, A By-Law To Require Owners of Buildings To Connect Such Buildings To Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes, as specified in Appendix B; and

That these recommendations be brought forward to Council for consideration at the next regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of May 21, 2024, the following resolution was carried:

CR2024-267

Moved By Councillor Joyce

Seconded By Councillor Smeaton

That Staff be directed to review By-Law 2014-255, being the Mandatory Connect By-Law for the City of Kawartha Lakes, and report back to Council by the end of Q3, 2024 regarding billing requirements for properties that are subject to By-Law 2014-255 but not connected to municipal services; and

That no action be taken on the lands owned by Troy Karkoulas, with regard to By-Law 2014-255, pending the report back to Council.

This report addresses the above noted directions.

Rationale:

Mandatory connection is an established practice where Municipalities enact requirements for qualifying properties to connect to municipal services such as water and wastewater systems.

The process is supported by the Municipal Act pursuant to the following:

Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act, 2001") The City of Kawartha Lakes has exclusive jurisdiction with respect to the collection of sewage and water distribution

Section 11 of the Municipal Act, 2001, Council for The City of Kawartha Lakes may pass by-laws requiring owners of buildings or any class or classes of buildings in a municipality or in any defined area thereof to connect the said buildings to municipal water distribution and sewage collection works;

Section 391 of the Municipal Act, 2001, The City of Kawartha Lakes may impose fees or charges in relation to services or activities provided by or done on behalf of the municipality, and for the use of municipal property;

Section 425 of the Municipal Act, 2001, provides the authority for a municipality to create an offence for failure to comply with a by-law, section 426 of the

Municipal Act, 2001, provides for the offence of obstruction and section 429 provides the authority for a municipality to create a system of fines;

Section 445(1) of the Municipal Act, 2001, if a municipality is satisfied that a contravention of a by-law has occurred, the municipality may make an order requiring the person who contravened the by-law to do the work required to correct the contravention;

Section 446 of the Municipal Act, 2001, provides then authority for a municipality to create a by-law that allows the municipality to enter and conduct work where the owners fails to do so, and to recover the costs in the same manner as property taxes.

The requirement to connect to municipal water and or wastewater is undertaken to ensure residents have access to safe drinking water, to protect the environment, to ensure fiscal sustainability of the systems and to ensure that property owners are paying for the benefits they are receiving.

Appendix A (embedded) is Council Report WWW2022-001, titled Mandatory Connection By-Law Review, was included in the Council agenda on March 22, 2022. This report provides comprehensive information regarding the evolution of the Mandatory Connect By-Law and the corresponding changes.

There are currently 151 total properties that meet the criteria set out in By-law 2014-255. The property owners are charged a \$50 mandatory connect fee for water and or sewer, each billing quarter.

The change resulting from the amendments to By-Law 2014-255, A By-Law To Require Owners of Buildings To Connect Such Buildings To Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes, is to remove 63 properties from the current list of mandatory connect properties.

The focus of this review has been to explore amendments to the By-law 2014-255 which would align to the City of Kawartha Lakes' Official Plan urban settlement areas and the City's requirement to service those areas as defined in the Official Plan. If amendments to this by-law are approved, they would come into effect as of January 1, 2025.

Section 2.00 reads:

Mandatory Connection

2.01 Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation, refer to Appendix 1: Connection Diagram.

Where "building" means and includes but is not limited to any building, trailer, or other covering or structure with a water supply which is located on a parcel of land abutting a public highway or street or right of way in front of which a water distribution main and/or wastewater collection main is located or a parcel of land not more than one foot from a public highway or street in which a water distribution main and/or wastewater collection main is located, and

- i. Contains, or is required by this or any other by-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
- ii. Contains or is required by this or any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
- iii. Is connected, or is required by this or any other by-law, regulation or statute to be connected, to a water supply or drinking water system, or
- iv. Is connected or is required by this or any other by-law, regulation or statute to be connected, to a drain or wastewater collection system or
- v. Which is a source of sewage

Other than a barn used for agricultural purposes and which contains no sleeping accommodation for humans.

Consultation across the Development Services, Public Works, Engineering and Corporate Assets, Legal Services and Corporate Services departments was undertaken.

The consensus is that the proposed amendments to the by-law, found in Appendix B, would be an appropriate narrowing of the by-law scope.

Staff recommend that the inventory of mandatory connect properties be those properties that fall within the revised urban settlement boundaries and are not currently connected to City water and/or wastewater systems.

To ensure all properties are captured accurately a geographic information system (GIS) layer has been created which overlays the recently revised urban settlement boundaries, with current mandatory connect properties within said settlement boundaries. The second phase of the review will confirm the current mandatory connects are within the revised settlement boundary and which properties, previously excluded, now fall within the boundary.

Staff undertake to provide findings of the second phase of the review at a Committee of the Whole Meeting in Q2 2025, identifying:

1. How many mandatory connect properties are within the revised urban settlement boundaries:
 - a. Which are currently being billed;
 - b. Which are not currently being billed and need to be added to the mandatory connect billing list;
 - c. A process with internal stakeholders to ensure inventory of mandatory connect properties remains current;
 - d. Recommendations for Council's consideration:
 - Requirement of properties to connect to City services within a specified timeline, with options to promote compliance;
 - Strategy of when to transition properties from mandatory connect to full servicing, eg. at time of development
 - Financial assistance for those properties required to connect.
2. DRAFT of Amendment to By-Law 2014-255.

Other Alternatives Considered:

None

Alignment to Strategic Priorities

This report aligns with the City's strategic priorities as noted below:

“A Heathy Environment” – connection to municipal water and wastewater systems supports enhancement and protection of source water and ground water.

“Vibrant and Growing Economy” – through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

“Good Government” – through increasing the efficiency and effectiveness of service delivery by streamlining rate adjustments within the by-law and ensuring that the municipal assets are well maintained and managed.

Financial/Operation Impacts:

The City currently collects approximately \$42,600 per annum in utility revenue from this By-Law. Removing the properties outside the boundary will result in a \$17,000 revenue reduction.

Consultations:

City Solicitor
Director of Engineering and Corporate Assets
Director of Public Works
Director of Development Services

Attachments:

Appendix A – WWW2022-001-Water Wastewater Mandatory Connection Bylaw Review-
March 22, 2022



APPENDIX A - CORP2024-022 - Mandatory Connection By-Law Review.pdf

Appendix B – DRAFT – Amendments to By-Law 2014-255 -
A By-Law To Require Owners of Buildings To Connect Such Buildings To Drinking Water
Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes



APPENDIX B - DRAFT - Amendments - 2014-255 Consolidated Mandatory Connection to Water and Wastewater Systems By-law.pdf

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