

M A N I T O B A) **Order No. 16/16**
)
THE PUBLIC UTILITIES BOARD ACT) **February 1, 2016**

BEFORE: Susan Proven, P.H.Ec., Acting Chair
The Hon. Anita Neville, P.C., B.A. (Hons.), Member

RURAL MUNICIPALITY OF TACHÉ
L.I.D. No. 3 LANDMARK
AMENDMENT TO BY-LAW No. 23-2012

Executive Summary

By this Order, the Public Utilities Board (Board) approves Schedule “A” to By-law No. 11-2015 to amend By-law No. 23-2012 for the Rural Municipality of Taché (RM), Local Improvement District No. 3-Landmark.

Rates were previously set in Board Order No. 128/13 approving Schedule “A” to By-law No. 23-2012. The RM requests this amendment to include the Meter Testing clause as follows:

13. Meter Testing

Any customer wishing to have a meter tested for accuracy will pay in advance a meter testing fee of \$50.00, plus any applicable meter testing costs.

In the event the meter testing report proves that the meter is inaccurately recording water flows or is defective, the meter testing fee and associated costs if applicable will be refunded to the customer and the customer’s account will be reviewed and adjusted to the average of the previous 2 quarters (6 months).

In the event the meter testing report proves that the meter is functioning as it should, the customer will be required to pay the meter testing report cost, being the costs charged to the Municipality by the meter testing service provider.

Board Findings

The Board approves By-law No. 11-2015 to amend Schedule “A” to By-law No. 23-2012 for the Rural Municipality of Taché (RM), Local Improvement District No. 3-Landmark.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board’s Rules of Practice and Procedure (Rules). The Board’s Rules may be viewed on the Board’s website at www.pub.gov.mb.ca.

IT IS THEREFORE ORDERED THAT:

1. By-law No. 11-2015 to amend Schedule "A" to By-law No. 23-2012 for the Rural Municipality of Taché (RM), Local Improvement District No. 3-Landmark as reflected in Schedule "A", BE AND ARE HEREBY APPROVED.
2. The RM of Taché - L.I.D. of Landmark revise its water and sewer rate By-law to be consistent with the attached Schedule and submit a copy to the Board once it has received third and final reading.

Fees payable upon this Order are waived.

THE PUBLIC UTILITIES BOARD

"SUSAN PROVEN, P.H.Ec."
Acting Chair

"JENNIFER DUBOIS, CPA, CMA"
Acting Secretary

Certified a true copy of Order No. 16/16 issued by
The Public Utilities Board

Acting Secretary

SCHEDULE "A"
THE RURAL MUNICIPALITY OF TACHÉ
Local Improvement District No. 3
LANDMARK WATER & SEWER SYSTEM

1. **Quarterly service charge and commodity rates per cubic metre:**
Effective January 1, 2014

Quarterly service charge	\$30.00
Volumetric charge for water	\$1.30
Volumetric charge for sewer	\$1.15

2. **Minimum quarterly rates:**

Notwithstanding the commodity rates set forth in Paragraph 1 hereof, all customers will pay the applicable minimum charges set out below which will include the water allowances indicated.

a) **Water & sewer customers:**

January 1, 2014:

Meter size	Water Included (cubic meter)	Service Charge	Water Charge	Sewer Charge	Total Quarterly Minimum
5/8"	15	\$30.00	\$19.50	\$17.25	\$66.75
1"	60	\$30.00	\$78.00	\$69.00	\$177.00
1 1/2"	140	\$30.00	\$182.00	\$161.00	\$373.00
2"	340	\$30.00	\$442.00	\$391.00	\$863.00

b) **Water only customers:**

Quarterly minimum charge is the same for each meter size as shown in the table above, except that the sewer commodity charge is excluded.

In the event types of properties other than described in this Section are serviced in the future, they shall be assigned units in accordance with the principles and specifics set out in Schedule "A" to bylaw number 23 – 2012.

c) **Sewer only customers**

The average quarterly consumption in cubic meters of water used for residential customers at the domestic sewer rate plus the quarterly service charge.

Effective January 1, 2014 the quarterly charge for sewer only customers is (64 m³ x \$1.15) + \$30.00 (service charge) = \$103.60.

3. **Service to customers outside local improvement district limits:**

The Council of the RM of the Municipality of Taché may sign agreements with customers for the provision of water and sewer services to properties located outside the legal boundaries of the Municipality, or Local Improvement District. Such agreements shall provide for payment of the appropriate rates set out in section 1this Schedule, as well as a surcharge, set by Resolution of Council, which shall be equivalent to the frontage levy, in effect from time to time, and would be levied on the property concerned if it were within these boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

4. **Billings and penalties:**

Accounts shall be billed quarterly based on water used and the due date shall be at least 20 days after the mailing of the bills.

A late payment charge of 1.25% per month shall be charged on the dollar amount owing after the billing due date.

5. **NSF charge**

A charge of \$20 shall be added to the account when payment made by check or preauthorized payment is returned due to insufficient funds or inability to trace the checking account.

6. **Disconnections**

In the event that access to public utility equipment is denied by the customer, or in the event of nonpayment of the utility account, the Public Utilities Board has approved the Conditions Precedent to be followed by the RM with respect to disconnection of service for non-payment including such matters as notice and the right to appeal such action to The Public Utilities Board. A copy of the Conditions Precedent is available for inspection at the Municipality's Office.

7. **Reconnection:**

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties, and a reconnection fee of \$50.00 have been paid.

8. **Outstanding bills:**

Pursuant to Section 252(2) of *The Municipal Act*, the amount of all outstanding charges for water and sewer services, including fines and penalties, are a lien and charge upon the land serviced and shall be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies.

9. **Hydrant rentals:**

In the event water hydrants are installed in the same provide effective fire protection, charges of \$150.00 per hydrant per year shall be made upon the General Fund of the Municipality if the Municipality provides fire protection services in the Local Urban District of Landmark.

10. **Conditions of disrepair:**

In the event that there are conditions of disrepair in the sewer and water works on a property that detrimentally affects the system as a whole and, upon the failure of the owner of the property to correct the condition within reasonable time, the municipality or its agents may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

11. **Tipping fees:**

Septic haulers will be required to pay an annual fee of \$100 to dump septic in the lagoon.

Residents of the municipality of Taché who reside outside the district of landmark are permitted to dump septic into the lagoon. The Municipality of Taché will remit \$5000 annually to the utility in payment thereof.

12. **Sewer surcharges:**

- a) There may be levied annually, in addition to the rates set forth above, a special surcharge on sewage having a Biochemical Oxygen Demand in excess of 300 parts per million, to be set by Resolution of Council.
- b) A special surcharge for substances requiring special treatment shall be charged based on the actual costs of treatment required for the particular sewage or industrial waste.

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In the event the meter testing report proves that the meter is functioning as it should, the customer will be required to pay the meter testing report cost, being the costs charged to the Municipality by the meter testing service provider.