



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 25, 2022

From: Mike Cain, Bylaw Services Manager

File No: 274.01

Subject: **Amendments to Water Regulations Bylaw No. 274**

---

### RECOMMENDATION

**THAT** Council give first, second and third reading to City of West Kelowna Water Regulation Amendment Bylaw No. 274.01

### BACKGROUND

The majority of properties in the City of West Kelowna ("City") have water meters placed inside their residential dwellings. Historically, this was a common practice in West Kelowna and some other jurisdictions. Unfortunately, having water meters placed inside a building can create difficulties when access is required for water meters that either fail (non-transmitting) or provide inaccurate readings (i.e. zero consumption). When either of these scenarios occur, the result is a loss of revenue to the City until the meter can be repaired or replaced.

Access to repair or replace water meters has been an issue for the City for many years for various reasons, whether it is simply due to scheduling issues or because parcel owners refuse to allow the City access inside their dwelling. The result is a growing loss of revenue to the City with limited options for compliance such as fines, or the ability to accurately charge parcel owners by using an estimated consumption based on past history. Both of these options use significant City resources and requires coordination amongst various departments including (but not limited to) Bylaw, Public Works, Finance and Administration. To date, these options also have failed in achieving the desired objective and the result is a loss to the City at the expense of the taxpayers who provide access and pay their fair share for water.

The Water Regulation Bylaw No. 274 (the "Bylaw") states,

7.10 A parcel owner **must, at all reasonable times**, provide adequate, convenient, and unobstructed access to the City for installing, inspecting, repairing, maintaining, replacing and reading the Water Meter.  
**[Emphasis added]**

After the quarterly water meter read is complete, the City sends a letter from Public Works notifying the parcel owner that the City has identified a problem with their meter and asks them to schedule an appointment for repairing or replacing the meter at the City's expense within 10 working days. If that letter is ignored the City sends follow-up letters that escalate to a 3<sup>rd</sup> letter being hand-delivered by a Bylaw Officer indicating that a Municipal Ticket Utilization Information ("MTI") Bylaw ticket or Bylaw Offence Notice ("BON") Bylaw ticket will be issued. Currently, there are over 50 owners that have been issued a 3<sup>rd</sup> letter and are currently refusing to provide access. That number does not include the parcel owners who have only been issued a 1<sup>st</sup> or 2<sup>nd</sup> letter.

The City does have legislative authority through the *Community Charter* as well as its own Water Regulation Bylaw to take a more aggressive approach to achieving access, for example section 32 of the *Community Charter* provides a municipality the authority to enter into a dwelling provided it provides the requisite notice. Even more punitive, section 15 of the Water Regulation Bylaw allows the City to turn off a parcel owner's water service for failing to comply with the requirements of the Bylaw until the default is remedied. The City deems these two options to be overly harsh and has not utilized these legislative tools for the purpose of securing access to water meters in the past, nor is it the City's intention to do so in the future. Rather, the City proposes an amendment to the Water Regulation Bylaw such that when a parcel owner refuses to comply with the Bylaw by allowing the City reasonable access to their inside water meter, the City may, at the parcel owner's expense, install a new water meter in a water meter pit. These charges will be billed on their utility bill and if unpaid at the end of the year, these charges will transfer to the property tax account to accrue interest and penalties accordingly. Copies of the updated sample letters from Public Works are attached.

## **DISCUSSION**

Having water meters located inside buildings is no longer considered a best practice and many jurisdictions have implemented bylaws requiring water meters to be placed outside during the development of new construction. Outside water meters are generally located in water meter pits at, or near the property line within a municipality's statutory right of way so that access is available as necessary without permission of the parcel owner.

Attached to this report are the revised versions of the 3 letters that are sent by the Utilities Department. The escalating letters no longer contain the notification that noncompliance will result in tickets being issued, but now advise that if non compliance is not achieved the City will install the water pit meter at the owners expense.

Attached to this report as well is Appendix "A" which details the potential costs for the installation of a pit meter assembly and water meter.

**ALTERNATE MOTION:**

That Council postpone consideration of first, second and third reading to City of West Kelowna Water Regulations Amendment Bylaw No. 247.01

Should Council postpone consideration of the readings, it is requested that Council provide further direction.

**APPROVED FOR THE AGENDA BY**

Paul Gipps, CAO