



scəw'athən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

*Community Governance Act*

**ANNUAL UTILITY CHARGE REGULATION (2022)**

**Date Enacted: 3 May 2022**

*Order Number:* O.040-2022

This version of the Regulation is not the official version, and is for informational purposes only. Persons who need to rely on the text of the Regulation for legal or other purposes may access the official version held in the TFN Laws Registry by contacting the TFN Administration Office at (604) 943-2112.

## Table of Regulation Changes

Section(s) Amended	Date	Order number	Come Into Force Date

## *Contents*

- 1 Authority
- 2 Definitions

### **PART 1 – UTILITY CHARGE**

- 3 Application of Utility Charge
- 4 Deadline for payment of utility charge
- 5 Liability for registered interests on residential properties
- 6 Liability and issuance of notices for unregistered interests on residential properties
- 7 Liability for commercial and industrial properties
- 8 Unpaid utility charges
- 9 New residential construction
- 10 New non-residential construction

### **SCHEDULE A – 2022 ANNUAL UTILITY RATES**

## Authority

1 This regulation is made under the *Community Governance Act*, section 3 (3).

## Definitions

2 (1) In this regulation,

“**Act**” means the *Community Governance Act*;

“**apartment**” has the same meaning as in the Zoning Regulation;

“**flat rate utility billing**” means a billing method for utility charges in which a set annual fee is payable for each of water, sewer, waste and recycling, and landscaping services, regardless of consumption;

“**metered utility billing**” means a billing method for utility charges in which a set fee annual is payable for waste and recycling and landscaping services, and the fee payable for water and sewer services is based on consumption;

“**non-residential properties**” means all properties not classified as Class 01 ‘residential’ under the *Assessment Act* (BC) and Regulations;

“**occupancy permit**” means any occupancy permit, including final, interim, and temporary occupancy permits, issued by TFN.

“**residential properties**” means all properties classified as Class 01 ‘residential’ under the *Assessment Act* (BC) and Regulations;

“**strata corporation**” means a strata corporation established under the *Strata Property Act* (BC);

“**townhouse**” has the same meaning as in the Zoning Regulation;

“**Tsatsu Shores**” is identified as Strata Plan BCS3086 (formerly Lot 2 District Lot 169 Group 2 NWD Plan BCP38106).

(2) Unless specifically provided otherwise in these regulations, the terms used have the same meaning as defined in the Act.

## PART 1 – UTILITY CHARGE

### Application of Utility Charge

3 (1) All properties that are supplied

(a) water,

(b) sewer,

(c) waste and recycling, or

(d) landscaping

services by Tsawwassen Government are liable to pay a utility charge for that service at the rate set out in the Schedule A to this regulation.

- (2) For greater certainty, properties that have been granted a permissive exemption pursuant to section 16 of the *Property Taxation Act* are liable for utility charges applied under this regulation.
- (3) This regulation applies to utility services supplied from January 1, 2022 to December 31, 2022.

#### **Deadline for payment of utility charge**

- 4 (1) Utility charges for properties that have flat rate utility billing are due and payable by the close of business on July 4, 2022. Bills issued after May 31, 2022 are due and payable by the close of business on the last day of the month following the month in which the bill is issued.
- (2) Utility charges for properties that have metered utility billing will be billed quarterly and are due and payable by the close of business on the last day of the month following the month in which the bill is issued.
- (3) Notwithstanding subsections (1) and (2), strata corporations, other than Tsatsu Shores, will be billed quarterly for all apartment utility charges, and all charges are due and payable by the close of business on the last day of the month following the month in which the bill is issued.

#### **Liability for registered interests on residential properties**

- 5 (1) If a leasehold interest on a residential property is registered in the Land Title Office (BC), the registered holder of that leasehold interest is liable to pay the utility charge set out in Schedule A.
- (2) If both a leasehold and a sublease interest on a residential property are registered in the Land Title Office (BC), the registered holder of the sublease interest is liable to pay the utility charge set out in Schedule A.
- (3) Notwithstanding subsections (1) and (2), where an apartment, other than Tsatsu Shores, is subdivided under the *Strata Property Act* (BC), the strata corporation shall be liable for all utility charges imposed by this regulation.

#### **Liability and issuance of notices for unregistered interests on residential properties**

- 6 (1) If a leasehold interest on a residential property exists and is liable for a utilities charge under section 3 (1) but is not registered in the Land Title Office (British Columbia), the registered owner of the property on which the interest exists is liable to pay the utility charge set out in Schedule A.
- (2) If there is more than one unregistered interest on a residential property, each interest is liable to pay a utilities charge at the rate set out in Schedule A.
- (3) Utility charge notices for properties under subsections (1) and (2) will be sent to the address of the registered owner of that property.

### **Liability for commercial and industrial properties**

- 7 (1) If a leasehold interest, or both a leasehold and sublease interest(s), on a commercial or industrial property are registered in the Land Title Office (BC), the registered holders of those leasehold interest(s) are jointly and severally liable to pay the utility charges set out in Schedule A.

### **Unpaid utility charges**

- 8 (1) If all or part of the utility charge applied under this regulation remains unpaid after the dates set out in section 4 a penalty of 5% of the portion that remains unpaid must be added to the amount of the unpaid utility charge and the amount so added is deemed for all purposes to be part of the utility charge.
- (2) If all or part of the flat rate utility billing charges billed on or before May 31, 2022, excluding those billed quarterly per section 4(3), under this regulation remains unpaid after September 2, 2022, a penalty of 5% of the portion that remains, excluding any penalty amount applied under section 8(1), must be added to the amount of the unpaid utility charge and the amount so added is deemed for all purposes to be part of the utility charge.
- (3) If all or part of the utility charges applied under this regulation, with the exception of the flat rate utility billing charges billed on or before May 31, 2022, remains unpaid after the last day of the month following the due date, a second penalty of 5% of the portion that remains unpaid must be added to the amount of the unpaid utility charge and the amount so added is deemed for all purposes to be part of the utility charge.
- (4) Any outstanding charge levied, including penalties, from this regulation at December 31 in any year shall be treated as taxes in arrears and collected in accordance with the *Property Taxation Act* (2009).

### **New residential construction**

- 9 (1) Properties with new residential building construction in progress will not accrue water and sewer utility charges until four months from the issuance of the associated building permit.
- (2) Properties with new residential building construction in progress will be liable for waste and landscaping utility charges from the date the associated occupancy permit is issued.

### **New non-residential construction**

- 10 (1) Properties with non-residential building construction in progress will be liable for all utility charges from the date the associated occupancy permit is issued.
- (2) For non-residential properties with newly installed water meters, the first bill for water and sewer utility charges will be deemed to have an initial water reading of 1 cubic meter.

## SCHEDULE A – 2022 Annual Utility Rates

### FLAT RATES

<b>Property Type</b>	<b>Water</b>	<b>Sewer</b>	<b>Waste and Recycling</b>
Residential Single Family	\$607	\$628	\$327
Residential Townhouse (per unit)	\$607	\$628	\$327
Residential Apartment or Condominium (per unit)	\$364	\$376	\$327
Tsatsu Shores Apartment or Condominium (per unit)	\$364	\$376	\$327
Non-dwelling Strata Units	\$364	\$376	\$327

### METERED RATES

<b>Property Type</b>	<b>Water m3</b>	<b>Sewer</b>
Commercial and Industrial Properties	\$1.284	Water Charge x 1.2

**FIXED MONTHLY METER CHARGE FOR 2022\***

<b>Water Meter Size (inches)</b>	<b>Monthly Rate per Meter</b>
≤ 1	\$32
1.5	\$65
2	\$110
3	\$227
4	\$381
6	\$790
8	\$1,325
10	\$1,981

**\* Protective services meters will be billed proportionally for non-protective uses.**

**MISCELLANEOUS UTILITIES FEES**

<b>Service</b>	<b>Cost</b>
Beach Lot Residential Waste and Recycling Charge (per unit)	\$225
Sales Centre Water and Sewer Charges (per unit)	\$1,313