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TSAWWASSEN FIRST NATION

Community Governance Act

ANNUAL UTILITY CHARGE REGULATION (2019)

Date Enacted: 30 April 2019

Order Number: O.029-2019

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

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SCHEDULE A – 2019 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;

“**commercial and industrial properties**” means all properties classified as Class 04 ‘major industry’, Class 05 ‘light industry’ or Class 06 ‘other business’ under the BC Assessment Act and Regulations; and

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

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

(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) Residential properties and commercial and industrial 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) Utility rates for individual services levied under subsection (1) may differ based on the characteristics of the improvement located on a residential property.
- (3) For greater certainty, properties that have been granted a permissive exemption pursuant to section 16 of the *Property Taxation Act* are liable for a utility charge applied under this regulation.

Deadline for payment of utility charge

4 (1) Utility charges are due and payable on or before July 2, 2019.

- (2) Notwithstanding subsection (1), for all properties that are charged a metered rate for water, the water and sewer utility rates in Schedule A are payable on the last day of the month that follows the date of billing.

Liability for registered interests on residential properties

- 5
- (1) If a leasehold interest on a residential property is registered in the Land Title Office (British Columbia), the registered holder of that leasehold interest is liable to pay the utility charge set out in Schedule A.
 - (2) Notwithstanding subsection (1), if both a leasehold and a sublease interest on a residential property are registered in the Land Title Office (British Columbia), the registered holder of the sublease interest is liable to pay the utility charge set out in Schedule A.

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 owner of that property.

Liability for commercial and industrial properties

- 7
- 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 (British Columbia), 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 remains unpaid after the date set out in section 4, a penalty of 10% 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) 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) For new residential buildings, an owner, contractor or lessee may use water for construction purposes only, without charge, for a period of four months commencing from the date of the building permit, and the water and sewer rates set out in Schedule A shall apply to the property upon the expiry of the four months, or upon the date of the granting of the occupancy permit, whichever event occurs first.

- (2) For new residential buildings, waste and recycling and landscaping charges set out in Schedule A shall apply to the property upon the date that an occupancy permit is granted.
- (3) For all utility charges set out in Schedule A, the rate in the calendar year in which the utility charges begin to apply to a new residential property under subsections (1) or (2), shall be one-three hundred and sixty fifth ($1/365$) of the applicable rate, multiplied by the number of days remaining in that calendar year.
- (4) Notwithstanding section 3, if the date those utility charges begin to apply to a new residential premise under subsections (1) or (2) is between June 2, 2016 and December 31, 2016, the utility charges in subsection (3) will be due on the last day of the month that follows the date of billing.
- (5) Notwithstanding section 4 or subsections 9(1) and 9(2), for residential properties that were granted building or occupancy permits between June 2, 2013 and December 31, 2019, utility charges set out in Schedule A of the *Annual Utility Charge Regulation (2013)*, the *Annual Utility Charge Regulation (2014)*, the *Annual Utility Charge Regulation (2015)*, the *Annual Utility Charge Regulation (2016)*, *Annual Utility Charge Regulation (2017)*, *Annual Utility Charge Regulation (2018)*, or the *Annual Utility Charge Regulation (2019)*, as the case may be, begin to apply to the property on the date that the occupancy permit was granted.

New construction metered rates

- 10 For commercial and industrial properties that are charged a metered rate for water, the water and sewer utility rates in Schedule A, including the metered rate and the monthly metered charge, apply and are payable from the date that the water meter is installed. Water and sewer utility charges will be billed quarterly, March 31, June 30, September 30 and December 31.

SCHEDULE A – 2019 Annual Utility Rates

Property Type	Water	Sewer	Waste and Recycling**	Landscaping***
Residential Single Family	\$531.00	\$550.00	\$327	\$121
Residential Townhouse	\$531.00	\$550.00	\$327	N/A
Residential Apartment or Condominium	\$319.00	\$329.00	\$327	N/A
Residential Other	\$319.00	\$329.00	\$327	
Strata Corporation (unmetered common area or landscaping irrigation)	\$319.00	\$329.00	N/A	N/A
Commercial/Industrial/Residential Strata Corporation (metered common area or landscaping irrigation) – per cubic meter of water	\$1.003 plus monthly metered charge*	Water Charge x 1.2	N/A	N/A

*Commercial/Industrial/Strata Corporation 2019 Monthly Fixed Charge for Water

**Beach Lot Residential Waste and Recycling Charge: \$216.00

***Landscaping only charged to Stahaken neighbourhood properties

Commercial/Industrial/Residential 2019 Monthly Fixed Charge for Water

Water Meter Size (inches)	Monthly Rate per meter
1	\$26.00
1.5	\$54.00
2	\$90.00
3	\$187.00
4	\$313.00
6	\$650.00
8	\$1,090.00
10	\$1,630.00

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