

NOVA SCOTIA UTILITY AND REVIEW BOARD**IN THE MATTER OF THE PUBLIC UTILITIES ACT**

- and -

THE CAPE BRETON REGIONAL MUNICIPALITY on behalf of its **WATER UTILITY** has applied for approval of amendments to its Schedule of Rates and Charges for Water and Water Services and amendments to its Schedule of Rules and Regulations

BEFORE:

Bruce H. Fisher, MPA, CPA, CMA, Member

ORDER

The Cape Breton Regional Municipality, on behalf of its Water Utility, applied to the Board for approval to amend its Schedule of Rates and Charges for Water and Water Services and its Schedule of Rules and Regulations.

After due public notice, a hearing was held on February 22, 2023.

The Schedule of Rates and Charges, including the public fire protection charge, as amended and filed in the Responses to Information Requests, received December 29, 2022, and attached hereto as Schedules "A", "B" and "C" be approved, for Water and Water Services supplied on and after April 1, 2023, April 1, 2024, and April 1, 2025, respectively.

The Schedule of Rules and Regulations, as filed in the Responses to Information Requests and attached hereto as Schedule "D", be approved effective April 1, 2023.

DATED at Halifax, Nova Scotia, this 28th day of March, 2023.



Clerk of the Board

B

SCHEDULE "A"
CAPE BRETON REGIONAL MUNICIPALITY WATER UTILITY

SCHEDULE OF RATES FOR WATER AND WATER SERVICES

(Effective for water supplied on and after April 1, 2023)

RATES

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.25 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Cape Breton Regional Municipality Water Utility of the Cape Breton Regional Municipality.

1. **RATES:**

(a) <u>Unmetered</u>		<u>Quarterly</u>
	Based on 68 cubic meters per quarter	173.11

(b) <u>Base Charges</u>		<u>Quarterly</u>
Size of Meter		
5/8"		64.97
3/4"		95.82
1"		157.53
1.5"		311.80
2"		496.92
3"		990.57
4"		1,545.93
6"		3,088.61
8"		5,556.88

(c) Consumption Rate		
1st Block (0 to 35,000 c.m./year)	\$1.59	per cubic metre
2nd Block (>35,000 c.m. / year)	\$1.03	per cubic metre
Partially Treated	\$0.56	per cubic metre

(d) **Minimum Bill**

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Cape Breton Regional Municipality shall pay annually to the Utility for fire protection on or before October 1, 2023 the sum of \$7,076,391.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
Each building serviced by a sprinkler service pipe of 8" or more in diameter	\$250.00

4. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the water service box, the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

5. PRIVATE HYDRANT CONNECTION RATES

Per hydrant per year \$200.00.

6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial consumers of \$50.00 for connection and disconnection and a consumption charge for the amount of water used, as estimated by the water Utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility.

8. CONNECTION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred.

9. DISCONNECTION FEE

Whenever a customer requests the water be turned off from any premises for an extended period of time, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested.

10. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations except for water service repairs requested by the Utility. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

11. THEFT: The Utility may charge penalties in addition to the applicable water charges for each illegal water connection as follows:

i)	1 st Offence	\$300.00
ii)	2 nd Offence	\$750.00

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional fees charged by the bank for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$50.00 for each visit if, in the judgment of the Utility, it is required.

 SCHEDULE "B"

CAPE BRETON REGIONAL MUNICIPALITY WATER UTILITY

SCHEDULE OF RATES FOR WATER AND WATER SERVICES

(Effective for water supplied on and after April 1, 2024)

RATES

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.25 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Cape Breton Regional Municipality Water Utility of the Cape Breton Regional Municipality.

1. RATES:

(a) <u>Unmetered</u>		<u>Quarterly</u>
	Based on 65 cubic meters per quarter	165.29

(b) <u>Base Charges</u>		<u>Quarterly</u>
	Size of Meter	
	5/8	61.57
	"	
	3/4	90.75
	"	
	1"	149.12
	1.5	295.04
	"	
	2"	470.14
	3"	937.07
	4"	1,462.38
	6"	2,921.55
	8"	5,256.24

(c) Consumption Rate			
	1st Block (0 to 120,000 c.m./year)	\$ 1.60	per cubic metre
	2nd Block (>120,000 c.m. /	\$ 1.06	per cubic metre

year)
Partially Treated \$ 0.54 per cubic metre

(d) Minimum Bill

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Cape Breton Regional Municipality shall pay to the water Utility for fire protection on or before October 1, 2024 the sum of \$7,076,391.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
Each building serviced by a sprinkler service pipe of 8" or more in diameter	\$250.00

4. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the water service box, the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

5. PRIVATE CONNECTION HYDRANT RATES

Per hydrant per year \$200.00.

6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial consumers of \$50.00 for connection and disconnection and a consumption charge for the amount of water used, as estimated by the water Utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility.

8. CONNECTION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred.

9. DISCONNECTION FEE

Whenever a customer, requests for the water be turned off from any premises for an extended period of time, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested.

10. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations except for water service repairs requested by the Utility. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

11. THEFT: The Utility may charge penalties in addition to the applicable water charges for each illegal water connection as follows:

- | | | |
|-----|-------------------------|----------|
| i) | 1 st Offence | \$300.00 |
| ii) | 2 nd Offence | \$750.00 |

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional bank fees for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$50.00 for each visit if, in the judgment of the Utility, it is required.

 **SCHEDULE "C"**

CAPE BRETON REGIONAL MUNICIPALITY WATER UTILITY

SCHEDULE OF RATES FOR WATER AND WATER SERVICES

(Effective for water supplied on and after April 1, 2025)

RATES

The rates set out below are the rates approved by the Board for water and water services when payment is made within 30 days from the date rendered as shown on the bill.

When payment is made after 30 days from the date rendered as shown on the bill, the rates will include interest charges of 1.25 % per month, or part thereof.

Each bill shall show the amount payable within 30 days from the date rendered as shown on the bill.

In this Schedule, the word "Utility" means the Cape Breton Regional Municipality Water Utility of the Cape Breton Regional Municipality.

1. **RATES:**

(a) <u>Unmetered</u>		<u>Quarterly</u>
	Based on 64 cubic meters per quarter	169.10
(b) <u>Base Charges</u>		<u>Quarterly</u>
	Size of Meter	
	5/8 "	62.25
	3/4 "	91.72
	1" "	150.67
	1.5 "	298.04
	2" "	474.89
	3" "	946.47
	4" "	1,477.01
	6" "	2,950.72
	8" "	5,308.65
(c) Consumption Rate		
	1st Block \$ 1.67	per cubic metre
	Partially Treated \$ 0.56	per cubic metre

(d) Minimum Bill

The minimum bill shall be the Base Charge.

2. PUBLIC FIRE PROTECTION RATE

The Cape Breton Regional Municipality shall pay annually to the water Utility for fire protection on or before October 1, 2025 the sum of \$7,079,957.

For subsequent years, the annual public fire protection rate for the Cape Breton Regional Municipality shall be based on the above or:

- (a) the sum of 37.5% of transmission and distribution, taxes and depreciation expenses of the Utility and return on rate base of the immediately preceding year, plus
- (b) 10 % of all other expenses, whichever is the greater.

3. RATES FOR SPRINKLER SERVICE

Each building having a sprinkler system installed shall pay annually for the service as follows:

Each building serviced by a sprinkler service pipe of 6" or less in diameter	\$200.00
Each building serviced by a sprinkler service of 8" or more in diameter	\$250.00

4. PRIVATE CONNECTION HYDRANT RATES

Per hydrant per year \$200.00

5. WATER FOR BUILDINGS OR WORKS UNDER CONSTRUCTION

The Utility may furnish water to any person requiring a supply thereof for the construction of a building or other works. This person shall deposit with the Utility such sum as may be determined by the Utility as is sufficient to defray the cost of making the necessary connection to any water service or main together with the cost of the meter to be installed to measure the water consumed. Upon completion of the work and the return of the meter to the Utility, a refund will be made after deducting the cost, if any, of repairing the water service box, the meter and of testing the same and payment of the base and connection charges and the consumption rates in respect to such installation.

6. RATES FOR WATER SUPPLIED FROM FIRE HYDRANTS

Whenever the use of any fire hydrant is desired for supplying water for any purpose, excepting those of the Fire Department for fire use, the Utility may grant a permit containing such terms and conditions as it may provide, including arrangements regarding supervision of the opening and closing of the hydrant, and a service charge for commercial consumers of \$50.00 for connection and disconnection and a consumption charge for the amount of water used, as estimated by the water Utility, at meter consumption rates.

7. CHARGES FOR RE-ESTABLISHING WATER SERVICE

When water service has been suspended for any violation of the Rules and Regulations of the Utility, such water service shall not be re-established until a reconnection charge of \$50.00 has been paid to the Utility.

8. CONNECTION FEE

The Utility shall charge a \$50.00 fee for the creation of a water account, notwithstanding the fact that no physical disconnection of the system may have occurred.

9. DISCONNECTION FEE

Whenever a customer requests the water be turned off from any premises for an extended period of time, a charge of \$50.00 shall be made for turning off the water, and no additional charge shall be made for turning it on again when this is requested.

10. SPECIAL SERVICE CHARGE:

A special service charge of \$50.00 (\$150.00 if such work is performed after regular working hours) shall be made to each customer receiving a necessary or requested service, such as the shutting off or turning on of water service or other special services not provided for elsewhere in the schedules or the rules and regulations except for water service repairs requested by the Utility. In the case where the shutting off is requested because there is no operable shut off valve serving the dwelling, an isolation valve must be installed.

11. THEFT: The Utility may charge penalties in addition to the applicable water charges for each illegal water connection as follows:

- | | | |
|-----|-------------------------|----------|
| i) | 1 st Offence | \$300.00 |
| ii) | 2 nd Offence | \$750.00 |

12. CHARGE FOR NON-NEGOTIABLE CHEQUES

The Utility may charge a \$25.00 administration fee plus any additional bank fees for cheques that, due to non-negotiability, have been rejected by the Utility's bank.

13. CHARGE FOR MISSED APPOINTMENT BY CUSTOMERS

Where an appointment has been made by a customer to have a water service hooked up or a meter inspected, or water turned on to a property, or other visits to the property for the inception or maintenance of water service to the property, and the customer fails to keep the appointment or the plumbing is not completed to allow for installation of a water meter and the Utility's staff have to return to the property, there may be a charge of \$50.00 for each visit if, in the judgment of the Utility, it is required.



SCHEDULE "D"

CAPE BRETON REGIONAL MUNICIPALITY WATER UTILITY

SCHEDULE OF RULES AND REGULATIONS
GOVERNING THE SUPPLY OF WATER AND WATER SERVICES

(Effective April 1, 2023)

1. In these Rules and regulations, unless the context otherwise requires, the expression:

"Municipality" means the Cape Breton Regional Municipality

"Utility" means the Cape Breton Regional Municipality Water Utility.

"Customer" means a person, a property owner, firm or corporation who, or which, contracts to be supplied with water at a specific location or locations.

"Unmetered Service" means that type of unmetered service charged for by flat rates.

"Metered Rate Service" means that type of service charged for at metered rates and is supplied to customers other than those supplied by fixture and flat rate service. Metered rate service is required for all new services.

"Regular Working Hours" means the hours of operation whereby utility employees are compensated at a regular rate of pay.

"Automated Meter Infrastructure (AMI)" means a system which uses radio frequency transmission technology for measuring individual Customer's water consumption at intervals of an hour or less and communicating such information at frequent intervals to the Utility.

"Encoder Receiver Transmitter (ERT)" means a device used to transmit data from a water meter to the Utility and is deemed to be part of such meter.

2. **LIABILITY FOR PAYMENT OF WATER BILL:** An agreement is deemed to exist between a customer and the Utility for the supply of water service at such rates and in accordance with these Regulations by virtue of:

a) the customer applying for and receiving approval for water service;

b) the customer consuming or paying for water service from the date that the customer who is a party to an agreement pursuant to clause (a) (the customer of record) moves out of the premises, in which case the customer of record shall remain jointly and severally liable for the water service account up to the date the Utility is notified that the customer of record wishes to terminate the supply of water service.

A property owner who rents or leases a property or self contained unit to a tenant or lessee shall be

required to open an account for the provision of water at the property rented or leased.

- c) Any person, business or corporation that receives water service without the consent of the Utility, shall be liable for the cost of such water service which cost shall be determined in the sole discretion of the Utility based upon its reasonable estimate of the amount of water utilized.
 - d) Where service is supplied to a condominium unit, the Condominium Corporation in which the unit is situated shall be deemed to be the customer of record and shall be liable for payment of the service bill for the condominium unit.
3. **DEPOSITS**: When required, an applicant for service shall deposit with the Utility a sum equal to the previous year's average bill for the meter size for such service for a period of three months, or such lesser amount as the Utility may demand (a minimum of \$50.00). This deposit shall be held by the Utility as collateral security for the payment of the customer's bills, but is not to be considered as a payment on account thereof. When the customer ceases to use the service and discharges all their liability to the Utility in respect of such service, the deposit shall be returned to him with interest based on the rate of interest obtained by the Cape Breton Regional Municipality on its surplus cash balances on deposit with its banker as at March 31 of each fiscal year.
4. **REFUSAL OF SERVICE**: Service may be refused or suspended to any customer who has failed to discharge all of his liabilities to the Utility.
5. **PAYMENT OF BILLS**: Bills shall be rendered to each customer at intervals of either monthly or approximately three months (quarterly) and shall be payable within thirty days after the date rendered. Bills are due on the billing date and bills not paid within thirty days after the billing date shall be subject to the interest charge as set out in the Schedule of Rates and Charges.
6. **BILLING**: If an agreement/contract is entered into or terminated at any time other than a regular billing date, the amount to be charged to the customer shall be the pro rata proportion to the next billing date, of the regular service charge for the billing period, plus the consumption charge, if any.
7. **ADJUSTMENT OF BILLS**:
- (a) Where meters exist - If the seal of a meter is broken or if a meter does not register correctly, the bill for that water service shall be estimated in accordance with the best data available. Any customer desiring to question a water bill must do so in writing within 30 days of the bill being rendered.
 - (b) Customers Under billed - Should it be necessary for the Utility to make a billing adjustment as a result of a customer being under billed for any reason, such adjustment shall be retroactive for a maximum of four billing periods or one year, whichever is the longest. Notwithstanding the above, in the event that a billing adjustment is the result of

the customer's illegal connection to the water system or willful interference or damage of metering equipment (where they exist), the billing adjustment in such circumstances will not be limited to one year or four billing periods, but rather the customer shall be responsible for all payments of such accounts from the date such illegal connection or interference to meter equipment took place.

- (c) Customer Over billed - Should it become necessary for the Utility to make a billing adjustment as a result of a customer being over billed for any reason, such adjustment will be estimated by the Utility, and the Utility will be responsible for payment of the over billed amount with interest calculated on the basis of current simple interest paid by the bank such period not to exceed five years.
8. **METER READING:** In the case of Metered Service Customers who are billed quarterly, meters shall be read in at least two of the four quarters, normally, the second and fourth, and, subject to Regulation 8, each billing for these quarters shall be based upon the meter reading with adjustment for any earlier estimated reading. The Utility may, at its option, estimate the readings in the alternate quarters based on the actual consumption from the previous quarter. In the case of Metered Service Customers who are billed monthly, meters shall be read monthly.
9. **ESTIMATED READINGS FOR BILLING PURPOSES - METERED CUSTOMERS:** If the Utility is unable to obtain a meter reading for billing purposes, after exercising due diligence in the usual practice of meter reading, the bill for that service shall be estimated in accordance with the best data available, subject, however, to the provision that in no circumstance will an estimated reading be used for more than two (2) consecutive billing periods. If an estimated bill is rendered for two (2) consecutive billing periods, the Utility shall notify the customer by regular mail that arrangements must be made for the Utility to obtain a reading and failing such arrangements, the Utility may suspend service until such arrangements are made. When such meter reading has been obtained the previous estimated bill or bills shall be adjusted accordingly.
10. **SUSPENSION OF SERVICE FOR NON PAYMENT BILLS:** The Utility shall have the right to enter onto customers' premises within reasonable hours to suspend service to customers whose bills remain unpaid for more than forty calendar days after the date rendered. The customer shall pay the reconnection fee as set out in the Charges for Re-establishing Water Service in the Schedule of Rates and Charges after each suspension. Service suspension can be delayed if approved payment arrangements have been made and the customer is not in compliance with arrangements. Customers who fail to comply with the payment arrangements will not be approved. In the event of a violation of these Regulations by a person or Customer, including liabilities and obligations owed to the Utility by any person or Customer under a private contract for Services entered into between the Utility and such person or Customer, the Utility may refuse or immediately suspend Service to such person or Customer and may continue such refusal or suspension until the violation has been cured. The Utility may, in considering the circumstances respecting a request to reconnect Service, decline to reconnect such Service outside Regular Working Hours where the Service was disconnected as a result of a violation of these Regulations.

11. **WATER TO BE SUPPLIED BY METER:** Except where water is used for construction purposes from a hydrant under the supervision of the Utility and except as in these regulations otherwise provided, all services other than those used exclusively for fire protection shall be metered. Any building occupied by more than one tenant may have a separate meter with appropriate isolation valves for each tenant. With the Utility's approval, such a building may be serviced by one meter, provided the landlord is the customer. The Utility shall determine the size and type of meter to be installed in each case. All meters shall be the property of the Utility. A Customer shall not sell unmetered water to any person without the written approval of the Utility.

Where AMI becomes available to a Customer, the Utility is authorized to require such Customer to have an AMI meter installed for the metering of Service. Where AMI is the standard meter in use, and an AMI meter is not installed, such Customer will be subject to a charge of \$50.00 per read for the measurement of Service by a meter which is required to be read manually and such meter will be read on a quarterly basis. Where a Customer has water Service measured by a meter using radio frequency technology to report meter reading to a receiving device, such Customer cannot refuse replacement of such meter with an AMI meter.

12. **INSTALLATION AND REMOVAL OF METERS:** Meters shall be installed and removed only by employees or duly authorized representatives of the Utility and no other person shall install, alter, change or remove a meter without the written permission of the Utility. The plumbing and connections shall be properly prepared to receive the installation of such meters to the approval of and without expense to the Utility. Each metered Service shall have a stop device located at the property line or outside the building foundation wall of a premises where Service is provided, as determined by the Utility, to permit control of such Service. Each water Service line shall be metered individually. A Service Connection to a meter shall be installed with a shut off valve on both sides of the meter, inside the building, to the satisfaction of and without expense to the Utility and as prescribed by the Utility.
13. **METER READERS:** Each meter reader shall be provided with an official identification, which he/she shall exhibit on request.
14. **ACCESS TO CUSTOMER'S PREMISES:** Representatives of the Utility shall have right of access to all parts of a customer's property or premises at all reasonable hours for the purpose of inspecting any water pipes or fittings, or appliances, or discontinuing service, or for the purpose of installing, removing, repairing, reading or inspecting meters. If entry to the property on which such meter is located is required, the Utility shall notify the Customer by registered mail and undertake its reasonable efforts to obtain a reading, and failing such arrangements being made despite its reasonable efforts, the Utility shall have the right to suspend service to any customer who refuses such access.
15. **LOCATION OF METERS:** The Utility shall have the right to refuse service to, or suspend the service of, any customer who does not provide a place which, in the opinion of the Utility, is suitable for the meter and a related reading device located on the exterior of the building to which Service is provided. It should be in the building served, at or near the point of entry of the service pipe, in a place where it can be easily read and replaced and where it will not be exposed to freezing temperatures.

Where the premises of a customer are of such a nature that a meter cannot be properly installed in a building or if the building is not sufficiently frost-proof as to guarantee the safety of the meter, the Utility may order the construction of a suitable frost-proof box in which the meter can be in- stalled. Service to such premises may be refused or suspended until such a frost-proof box approved by the Utility is installed. In the event of an alteration to a building to which water Service is provided, the Customer shall be responsible, as required by the Utility, to relocate the meter, including, as may be required by the Utility, a meter reading device located on the exterior of such building, at the Customer's expense and to a location approved by the Utility.

16. **MASTER WATER METERS:** In circumstances where a Customer or Customers is or are, as the case may be, provided Service by the Utility with multiple water meters, the Utility may supply, at its expense, a master meter and install such master meter in a location on such Customer's premises in a manner approved by the Utility. A Customer is liable to pay for water which passes through the meter measuring Service to such Customer, provided, however, that if the aggregate of the amounts of water passing through the meters of individual Customers is less than the amount of water passing through the master meter associated with the meters of such individual Customers, the difference in cost of Service obtained by subtracting the aggregate cost of metered water Service measured by the meters of individual Customers from the cost of metered water Service measured by the master meter shall be shared equally among such individual Customers. The Utility may suspend water Service without notice to those individual Customers who fail to pay their respective portion of the difference in cost of water Service described therein. Customers receiving water Service where there is a master meter providing Service as described in this section are jointly and severally liable for all water passing through such master meter and for the minimum charges therefore as provided herein. The Customer, or group of individual Customers referred to in this section, as the case may be, is responsible for the distribution of water from the Utility's master meter to the properties of a Customer or Customers, and the Utility shall be under no obligation to install, maintain or replace any pipes, appliances, fixtures or other apparatus connected therewith.

17. **DAMAGE TO WATER METERS:** Each customer shall be responsible for the condition of the ERT and the water meter installed on his service and shall protect it. They shall be liable for any damage to the meter resulting from carelessness, hot water or steam, or the action of frost or from any other cause not the fault of the Utility or its employees. The cost to the Utility occasioned by such damage to the meter or the replacement of a meter seal either broken or removed illegally shall be paid by the customer. The cost shall be charged to the customer in the form of a bill consisting of the amount of the actual costs incurred (a \$25.00 minimum charge shall apply). If after the rendering of a bill by the Utility to the customer for such cost the same is not paid within 40 days from the date rendered, the supply of water to the customer concerned may be suspended until all charges are paid. Repetitive occurrences of damage to the meter or the illegal breaking or removal of the seal of the meter may result in the suspension of water services to that customer by the Utility. Where the Utility determines a Customer is liable pursuant to subsection (2), such customer shall pay to the Utility:

<u>(i)</u>	Damaged ERT	\$80.00
<u>(ii)</u>	Wire to ERT cut	\$80.00
<u>(iii)</u>	Damaged water meter	market price/cost recovery

18. **METER TESTING:** On the request of a customer to have their meter tested (meter sized 15 mm (5/8 inch to 50 mm (2 inch))), the Utility may charge the sum of one hundred dollars (\$100.00) to defray in part the cost of making the test. If the tests show that:
- a. for positive displacement meters (disc type) the meter is over-registering by more than 1½%, or
 - b. for turbine or compound meters the meter is over-registering by more than 3%,

The sum so charged shall be refunded to the customer and the bill for service rendered to the customer shall be adjusted accordingly. No adjustment shall extend for a period beyond one year prior to the test and one refund shall be made only to the person who overpaid.

Meters 80 mm (3 inch) and larger require on-site testing. The Utility shall be entitled to a fee to cover the expenses involved in contracting a third party for testing. This amount shall be billed to the customer if the meter should be found to be registering satisfactorily.

19. **PLUMBING TO BE SATISFACTORY:** All plumbing, pipes and fittings, fixtures, and other devices for conveying, distributing, controlling, or utilizing water which are used by a customer and are not the property of the Utility, shall be installed in the manner provided by the Building Code Act (Nova Scotia) and Regulations of and be approved by the proper official of the Municipality and/or the operators of the Utility. The water shall not be turned on (except for construction or testing purposes) until the applicant for service has satisfied the Utility that these requirements have been met. The supply of water may be discontinued to any customer at any time if, in the opinion of the proper official of the Municipality and/or the operator of the Utility, the plumbing, pipes, fittings, fixtures, or other devices as hereinbefore mentioned, or any of them, fail to comply with the above requirements, or if any part of the water system of such customer or the meter is in any unsuitable, dirty, unsanitary or inaccessible place. Service shall not be re-established until such condition is corrected to the satisfaction of the Utility. Water Service to a Customer may be discontinued at any time if, in the opinion of the Utility, the water meter measuring such Service is in a dirty, unsanitary or inaccessible place.

20. **REMOTE REGISTERING WATER METERS:** When a remote registering water meter is installed on a customer's premises under a general outside register installation program of the Utility, then the cost of the meter and its installation shall be paid by the Utility. The meter shall become the property of the Utility which shall become responsible for its operation, maintenance and replacement. Any damage to the meter caused by the negligence or wrongful acts or omissions by the customer, his agents or members of his family, shall be paid for by the customer, and the failure by the customer to make the payment shall entitle the Utility, after making a forty day written demand for the payment, to disconnect the water service to the customer.

21. **CROSS CONNECTION CONTROL & BACKFLOW PREVENTION:**

(a) No owner, consumer, customer or other person hereinafter collectively referred to in this rule and regulation as "person" shall connect, cause to be connected, or allow to remain connected to the water system, or plumbing installation, without the express written consent of the Utility, any piping fixtures, fittings container or appliance in a manner which,

under any circumstances, may allow water, wastewater, or any other liquid, chemical or substance, to ingress or egress the water system.

(b) Where, in the opinion of the Utility, there may be a risk of contamination to the potable water system, notwithstanding the provisions of subparagraph (a), the Utility may require the customer, at the customer's sole cost and expense, to install at any point on the customer's water service connection or water service pipe, one or more backflow prevention (BFP) devices, which devices shall be of a quality and type approved by the Utility.

(c) All BFP devices shall be maintained in good working order. Such devices must be inspected and tested by a certified tester, approved by the Utility, at the expense of the customer. Such inspections shall take place upon installation, and thereafter annually, or more often if required by the Utility. The customer shall submit a report in a form approved by the Utility on any or all tests performed on a BFP device within 30 days of a test. A record card shall be displayed on or adjacent to the BFP device on which the tester shall record the name and address of the owner of the device; the location, type, manufacturer, serial number and size of the device; and the test date, the tester's initials, the tester's name, the name of his employer, and the tester's license number.

(e) The Utility shall maintain a program for the issuance, renewal and cancellation of Cross Connection Control Tester's Licenses. The Utility's program shall establish minimum standards, minimum insurance requirements, fees and administrative procedures.

(f) Installation, maintenance, field-testing and selection of all BFP devices shall fully conform to the latest revision of CSA B64.10 and CSA B64 series.

(g) The owner, consumer, customer or other person hereinafter collectively referred to in this rule and regulation as "person" shall immediately notify the Utility of any failure of the Cross Connection Control & Backflow Prevention Device as soon as they are aware of such a failure whether or not it resulted in a backflow to the Utility's water system

(h) In the event of any breach, contravention or non-compliance by a person of any of the provision and regulations in a sub-paragraphs (a),(b),(c) or (d) the Utility may:

- (i) suspend water service to such person, or
- (ii) give notice to the person to correct the breach, contravention or non-compliance within 96 hours, or a specified lesser period. If the person fails to comply with such notice, the Utility may immediately thereafter suspend water service to such person.

22. **ALTERNATE WATER SUPPLY PROHIBITED:** Connection of any customer's water system, which is served by the Utility, to any other source of water supply is prohibited. Failure to comply with this regulation shall entitle the Utility to suspend the service.

23. **DANGEROUS CONNECTIONS:** No connection shall be permitted to any installation; equipment or source in such a manner as may allow any contamination to pass from such installation, equipment or source into the Utility's water supply system. If any such connection exists the Utility may discontinue the supply of water to such customer.

24. **PROHIBITED DEVICES**: Service may be refused or suspended by the Utility to any customer who installs or uses any device or appurtenance, as, for example, booster pumps, quick-opening or quick-closing valves, flushometers, water operated pumps or siphons, standpipes, or large outlets for supplying locomotives or ships, etc., which may occasion sudden large demands of short or long duration, thereby requiring oversize meters and pipe lines, or affect the stability or regulation of water pressure in the Utility's system. Permission to install or use any such device or appurtenance must be obtained from the Utility, which permission shall specify what special arrangements, such as elevated storage tanks, surge tanks or equalizing tanks, etc., must be provided by the customer.
25. **IMPROPER USE OR WASTE OF WATER**: No customer shall permit the improper use or waste of water, such as providing water to more than one single family dwelling and /or apartment building from a single service, nor shall he sell or give water to any person except upon such conditions and for such purposes as may be approved in writing by the Utility.
26. **SERVICE PIPES**: Upon receipt of an application for service to any premises located on any portion of a street through which portion a main water pipe is laid and which premises are not already provided with water service, the Utility shall install a service pipe which it considers to be of suitable size and capacity from the water main to the street line. No pipe smaller than 3/4" in (19 mm) diameter shall be laid for any service.

The necessary excavation for the laying of the service pipe, backfilling and replacement of the street and sidewalk surfaces from the water main in the street shall be the responsibility of the Utility. The cost of supplying and laying 3/4 inch water pipe and fittings in the trench between the main pipe and the street line shall be paid by the Utility. From the street line to the premises, all costs shall be paid by the customer.

The excavation may be the same excavation as is used for the sewer service pipe or if minimum horizontal and vertical separation between the water and sewer pipes cannot be obtained, a separate excavation for the water service pipe shall be required. In either case, the excavation is to be provided by the applicant to the satisfaction of the Utility.

For water service pipes larger than 3/4 inch, the whole cost shall be borne by the customer, less the cost of 3/4 inch service pipe and fittings in the trench provided from the main to the street line.

Should any person make application for more than one service to his premises, the decision as to the necessity of the additional service shall be made by the Utility, and if the additional service is installed, the total cost thereof from the main to the customer's premises shall be paid by such applicant.

All services must be installed in accordance with the Rules and Regulations of the Municipality and to the satisfaction of the Utility.

When a service has been installed without objection from the customer as to the location of the same, no subsequent removal of or alteration to the position of the pipe shall be made except at the expense of the customer requesting such removal or alteration.

Each water Service Connection shall be individually metered.

In the event of a change of the use of such premises, including by way of rezoning, re-subdivision, condominium conversion or otherwise, where such use would result in an increased occupancy of the premises, the owner of such premises shall apply to the Utility to request the use of the existing Service Connection or new Connections suitably sized to provide the increased demand required, pursuant to which application:

- (i) The applicant may be required to provide a hydraulic analysis of the proposed water use and existing system to determine the suitability of the Service for the new use, subject to the Utility in its sole discretion, determining whether existing Service Connections are not suitable;
- (ii) All such Service Connections shall be installed at the owner's expense, from the main water line in the public street or right of way to the applicant's premises, such installation to be in accordance with the Building Code Act, R.S.N.S. 1989, c46 and regulations made under the authority of that Act and to the satisfaction of the Utility.

When a Water Service Connection is abandoned or is to be abandoned, the Utility may require the owner of the property serviced by such Water Service Connection to, at its expense, cap off such Water Service Connection at the water main or as otherwise prescribed by the Utility.

The Utility may require the owner referred to in this section to provide either a maintenance bond in the amount of ten thousand dollars (\$10,000) per residential Water Service Connection and twenty thousand dollars (\$20,000) per ICI Water Service Connection, or a certified cheque payable to the Utility to ensure performance of such abandonment.

Where an owner fails to carry out an abandonment referred to in section within six months of notice to the Utility, the Utility shall be entitled to negotiate the maintenance bond or certified cheque, as the case may be, without notice to the owner, and apply the proceeds to the cost of completing such abandonment, together with other costs related thereto, and the balance of the proceeds, if any shall be returned to the owner without interest.

Where an application for a Service Connection is submitted to the Utility with a building permit for a construction project with a value greater than \$100,000, or where a property is being redeveloped, and the Service Connection is 30 years of age or older, the owner shall install a replacement or new Service Connection at the owner's expense and in accordance with the Utility's design specifications.

27. **REPAIRS TO SERVICES:** If a leak or other trouble occurs it shall be repaired as soon as possible. If the leak or trouble occurs in a service line providing non-fire protection water supplies between the main and the street line it shall be repaired by the Utility at its expense. If the leak or trouble occurs elsewhere in a service line providing non-fire protection water supplies, it shall be repaired by the customer at their expense.

If the leak or trouble occurs in a service line which provides private fire protection services (sprinkler or hydrant) it shall be repaired by the customer at his expense.

The Utility may make such repairs for any customer provided the customer agrees to pay the cost of same. When required, each customer desiring the Utility to do such work shall deposit with the Utility a sum equal to the estimated cost of the work.

If a leak occurs on the customer's portion of their service pipe and, after being notified of same, they refuse or unduly delay to have repairs made, the Utility may discontinue the supply of water to such service pipe if, in its opinion, such action is necessary in order to prevent wastage of water. The Utility shall notify the customer affected of its intention to discontinue such supply.

28. **CUSTOMER WORK PERFORMED BY THE UTILITY:** Whenever a customer requests the Utility to do work for which the customer is required to pay and the Utility agrees to do the work, the customer shall deposit with the Utility, before the work is started, a sum of money equal to the Utility's estimate of the probable cost of said work. When the actual cost is determined, an adjustment in the payment shall be made. Installations shall be made in accordance with the Cape Breton Regional Municipality Water Utility specifications and be subject to inspection by the Utility's Engineer or Utility's Employees prior to water service being made available.
29. **PIPE INSTALLATION:** The Utility shall not be required to install pipe in any short term or seasonal conditions which, in its opinion, are not suitable for such installations and under which the Utility cannot guarantee a free flow of water and or water quality, in service pipes.
30. **UNAUTHORIZED EXTENSIONS, ADDITIONS OR CONNECTIONS:** No person shall, without the written consent of the Utility, make or cause to be made any connections to any pipe or main or any part of the water system or in any way obtain or use water therefrom in any manner other than as set out in these Regulations. Any unauthorized connection shall be subject to removal by the Utility. The cost of the removal including labour and materials and an estimate of the water used together with a \$200 service charge shall be paid by those who made the unauthorized connection.
31. **SEASON FOR LAYING PIPES:** The Utility shall not be required to lay any pipe at any season of the year or at any time which, in its opinion, is not suitable.
32. **PRIVATE FIRE PROTECTION:** Fire protection lines within buildings shall be installed so that all pipes will be open and readily accessible for inspection at any time, and no connection for any purpose other than fire protection shall be made thereto. Unless approved by the Utility in writing, no fire protection line shall be connected in any way to a metered service. A Customer is solely responsible for the maintenance, repair and replacement of all privately owned fire protection systems, including fire protection plumbing, valves, sprinklers, hydrants and related appurtenances.
33. **LIABILITY OF UTILITY:** The Utility shall not be deemed to guarantee an uninterrupted supply or a sufficient or uniform pressure and shall not be liable for any damage or injury caused or done

by reason of the interruption of supply, variation of pressure or on account of the turning off or turning on of the water for any purpose.

34. **INTERFERENCE WITH UTILITY PROPERTY:** No person, unless authorized by the Utility in writing, shall draw water from, open, close, cut, break, or in any way injure or interfere with any fire hydrant, water main, water pipe, or any property of the Utility or obstruct the free access to any hydrant, stop cock, meter, building, etc., provided, however, that nothing in this paragraph contained shall be deemed to prevent an officer or member of the Fire Department engaged in the work of such Department, from using any hydrant or other source of water supply designated by the Utility for fire protection purposes.
35. **SUSPENDING SERVICE FOR VIOLATION:** Whenever, in the opinion of the Utility, violation of any of these Rules and Regulations is existing or has occurred, the Utility may cause the water service to be suspended from the premises where such violation has occurred or is existing and may keep the same so suspended until satisfied that the cause for such action has been removed.
36. **RESUMPTION OF SERVICE:** In all cases where water service has been suspended for violation of any of these rules, service shall not be restored until the cause for violation has been removed.
37. **SPRINKLER SERVICE MAINS AND HYDRANT SYSTEM:** The customer shall be responsible for the cost of installing and maintaining a sprinkler service pipe from the main in the street to the building. It shall include a proper size control valve so that the service may be shut off if necessary. If requested by the applicant, a domestic service pipe may be connected to the sprinkler service pipe, but only if it is connected outside the building foundation wall and is provided with an approved shutoff valve located outside the building to permit control of the domestic service pipe without the necessity to enter the building. Before any domestic service pipe is connected to a sprinkler service pipe, the applicant must obtain approval from the appropriate authority and provide the Utility with a certified copy of such approval. The Utility shall supervise the installation of same. When the private fire protection system includes private hydrants, these hydrants must be flushed during the Utility's regular flushing periods, under the supervision of the Utility's personnel. These hydrants shall be maintained in a manner, or on a regular basis as approved by the Utility. Fire protection lines within buildings shall be so installed that all pipes will be open and readily accessible for inspection at any time and no connection other than for fire protection shall be made thereto.

The location and spacing of hydrants in new construction shall be installed in accordance with the Cape Breton Regional Municipality Water Utility specifications.

38. **FIRE HYDRANT FLOW TESTING:** The Utility may, upon request, attend a site to operate the Water System for the purpose of facilitating fire hydrant flow testing. Where a person or company has made a request and the Utility grants approval pursuant to this section such person or company shall
- (a) Pay for all traffic control expenses, as deemed necessary by the Utility; and
 - (b) Pay the Utility the cost of having Utility staff attend as follows:
 - i. One Utility staff attending: \$300;
 - ii. Two Utility staff attending: \$600;

- iii. More than two Utility staff attending: cost-recovery basis.
- (c) The Utility is not obligated to provide equipment or materials required for testing it is solely the responsibility of the person/company requesting the service.

- 39. **PRESSURE REDUCING VALVES:** Where, in the opinion of the Utility, it is necessary for proper water service, a customer shall install on the service pipe, between the meter and the shut off valve on the customer's side of the meter, a pressure reducing valve of a type satisfactory to the Utility. The customer shall be responsible for the cost of installing and maintaining the pressure reducing valve at all times.
- 40. **PRESSURE RELIEF VALVES:** Whenever a pressure reducing valve has been installed by a customer in accordance with Regulation 36, the customer shall, for his own safety and protection, install on his hot water boiler and any other hot water heating device connected to the building's plumbing system, a pressure relief valve of an approved type, as well as an approved temperature limiting device. It shall be the customer's responsibility to maintain and keep in service the pressure relief valve at all times.
- 41. **EXTENSIONS:** Any owner of property situated on a street or highway in which no water main has been laid (or where the main has been laid, but has not been extended to the point opposite the owner's property), may make application to the Utility requesting permission to have such a servicing extension carried out. The Utility would review the application and either give approval in principle for the extension, or advise the property owner that the extension is not feasible, and will provide the owner with the reason for refusing permission.

After approval in principle has been granted, the owner may sign a contract with the Utility requesting that the Utility install the water extension at his expense, or the owner may have the water line extended by a private contractor approved by the Utility. Where the latter is done, the extension must be designed and the construction supervised by a registered professional engineer with the design being approved by the Utility.

In any event, the cost of the extension shall be paid fully by the owner and the ownership of the water line turned over to the Utility before any water services are connected to the extended line.

After the water line has been turned over to the Utility, it shall become a part of the water utility and all of these regulations affecting the operation of the Utility shall apply.

- 42. **WATER CONSERVATION DIRECTIVES:** The Utility may issue conservation of water directives to its customers, if in the opinion of the Utility, such directives are required to permit the Utility to provide reliable continuous water service to all customers served by the Utility. During such times as these directives are in force, customers who do not comply with the directives may have their water service suspended until such time as they agree to comply with the directive or upon suspension of the water conservation directive, whichever occurs first. Such customers shall be required to pay the Charge for Re-establishing Water Service as laid out in the approved Schedule of Rates for the Utility.

43. **CURB STOP/CONTROL VALVE SERVICE BOX:** The curb stop/control valve service box housing the customers control valve shall be exposed for access by the Utility at all times. The Utility requires all curb stop/control valve service boxes and/or valves to be fully exposed and adjusted to final landscape grade before the installation of a customer's water meter. Any adjustment of the service box or valve box is the responsibility of the customer.

The customer shall ensure the curb stop/control valve service box and/or the valve box is exposed at all times. In the event that the curb stop/control valve service box is buried, paved over, back- filled or damaged as a result of carelessness, willful obstruction or any other occurrence that, in the opinion of the Utility, results in the requirement for the Utility to expose, re-expose, adjust or repair the curb stop /control valve service box, it shall be at the customer's expense. The Utility may undertake such activities as it deems necessary to gain access to the premises curb stop/control valve service box without expense to the Utility. When such action is undertaken, the reinstatement of the road, right-of-way, driveway, sidewalk, curb or landscape will be charged back to the customer if such activity is undertaken by the Utility.