Minute No. 34
Report – Executive Policy Committee – November 17, 2010

Item No. 3 Amendments – Residential Toilet Replacement Credit Program By-law No. 111/2009

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the amendments to the City of Winnipeg Residential Toilet Replacement Credit Program By-law No. 111/2009 be approved and enacted, as outlined in Appendix A contained in the report from the Winnipeg Public Service dated October 22, 2010.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – November 17, 2010

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2010, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the amendments to the City of Winnipeg Residential Toilet Replacement Credit Program By-law No. 111/2009 be approved and enacted, as outlined in Appendix A contained in the report from the Winnipeg Public Service dated October 22, 2010.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

ADMINISTRATIVE REPORT

Issue: **RESIDENTIAL TOILET REPLACEMENT CREDIT PROGRAM BY-LAW NO. 111/2009 AMENDMENTS**

Critical Path: **Executive Policy Committee – Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. A. Shkolny, P. Eng. Manager of Engineering	B. D. MacBride, P. Eng Director of Water and Waste	M Ruta	Alex Robinson Deputy CAO

RECOMMENDATIONS

1. That Council approve and enact the proposed amendments (attached as Appendix A) to the City of Winnipeg Residential Toilet Replacement Credit Program By-law No. 111/2009.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing.

REASON FOR THE REPORT

Amendments to the By-law are necessary to effect improvements to the Residential Toilet Replacement Credit Program. Only Council can enact amendments to the By-law.

IMPLICATIONS OF THE RECOMMENDATIONS

The proposed By-law amendments would:

- Benefit Winnipeg residents by providing a wider selection of water efficient toilets on our approved list. The new approved toilet list would expand to 652 high efficiency toilets (or HETs), including both dual flush and single flush 4.8 litre or less, from the current 294 dual flush toilets.
- Clarify to toilet suppliers and retailers that the WaterSense label is becoming the standard for rebate and credit programs of this nature in Canada. The City of Calgary, City of

Guelph, Region of Peel and York have adjusted their approved toilet lists to include the WaterSense label.
- Continue to:
  - Provide a credit based on water efficiency.
  - Meet the long term water conservation goals of reducing water consumption and wastewater flows.

Key changes to the By-law:
- As of January 1, 2011, HETs (dual flush and single flush 4.8 litre or less) with the WaterSense label would be approved for the Residential Toilet Replacement Credit Program. WaterSense is a certification and labelling program sponsored by the United States Environmental Protection Agency. No similar or complimentary certification program currently exists in Canada. The WaterSense label ensures consumer confidence in that these products are tested and certified by an independent third party.
- The current approved dual flush toilet list would be phased out December 31, 2010. After that, only WaterSense labelled HETs would be eligible for a credit under the program.

The Water and Waste Department will communicate these changes to all water account holders and retailers.

HISTORY

The Residential Toilet Replacement Credit Program By-law 111/2009 was enacted by Council on September 30, 2009, and the program commenced on October 16, 2009.

Currently, Winnipeg residents that purchase single flush HETs, which use the same amount of water or less than dual flush toilets, are not eligible for a credit.

Based on feedback from residents, toilet suppliers and retailers, including single flush HETs would encourage more participation because residents would be able to purchase the most water efficient toilet technology available and be eligible for a credit.

FINANCIAL IMPACT

Financial Impact Statement **Date:** 15-Oct-10

Project Name:

RESIDENTIAL TOILET REPLACEMENT CREDIT PROGRAM BY-LAW AMENDMENTS

COMMENTS:

There are no financial implications associated with this report

"original signed by Lucy Szkwarek, C.G.A."
Lucy Szkwarek, C.G.A.
Acting Manager of Finance and Administration

CONSULTATION

In preparing this report there was consultation with:

City of Winnipeg:

- Legal Services Division

SUBMITTED BY

Department:	Water and Waste Department
Division:	Engineering Services Division
Prepared by:	Brent Houle, Water Conservation Coordinator
Date:	October 22, 2010
File No.:	020-18-21-01-05

APPENDICES:

Appendix A Residential Toilet Replacement Credit Program By-law Amendments



Appendix A -
Residential Toilet Rep

THE CITY OF WINNIPEG

BY-LAW NO.

A By-law of THE CITY OF WINNIPEG to amend the Residential Toilet Replacement Credit Program By-law.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Residential Toilet Replacement Credit Program By-Lawamended

1. The Residential Toilet Replacement Credit Program By-Law No. 111/2009 is amended by this By-law.

Title replaced

2. The title of the By-law is repealed and the following is substituted:

A By-law of THE CITY OF WINNIPEG to implement a credit program to encourage the replacement of less efficient toilets with high efficiency toilets in single family residences.

Definitions repealed and added

3 Section 2 is amended by adding the following definitions in alphabetical order:

"approved toilet" means a make and model of toilet that, on the date that it was purchased, had received a WaterSense label;

WaterSense label" means the certification and approval of WaterSense, a partnership program sponsored by the United States Environmental Protection Agency;

Section 4 amended

4(1) Clause 4(c) is repealed and the following is substituted:

(c) provides a proof of purchase demonstrating that he or she has purchased

(i) an approved dual flush toilet between October 16, 2009 and December 31, 2010; or

(ii) an approved toilet on or after January 1, 2011.

4(2) Clause 4(f) is amended by adding "approved toilet or" *immediately before* "approved dual flush toilet".

Section 5 amended

5 Subsection 5(2) is amended by adding "approved toilet or" *immediately before* "approved dual flush toilet".

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Provisions repealed and amended on January 1, 2011

6(1) The following provisions are repealed:

(a) the definition ***"approved dual flush toilet****";*

(b) Subclause 4(c)(i); and

(c) clause 5(3)(e).

6(2) Clause 4(f) is amended by striking out "or approved dual flush toilet".

6(3) Subsection 5(2) is amended by striking out "or approved dual flush toilet".

6(4) This section comes into force on January 1, 2011.

DONE AND PASSED, this day of , 2010.

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Mayor

_____
City Clerk

Approved as to content:

_____
Director of Water and Waste

Approved as to form:

_____
For City Solicitor/Manager of
Legal Services

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