

BYLAW NO. 4428, 2015

A bylaw to provide for the establishment and use of a water distribution system within the City of Coquitlam

WHEREAS:

- A. Council for the City of Coquitlam ("Council") considers it desirable to establish and maintain a water distribution system within the City and adjacent localities;
- B. Council considers it necessary to charge a utility fee to maintain the water distribution system within the City; and
- C. Pursuant to the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*"), Council may, by bylaw, regulate, prohibit and impose requirements in relation to municipal services,

NOW THEREFORE, the Council of the City of Coquitlam, in open meeting lawfully assembled, ENACTS AS FOLLOWS:

1. Name of Bylaw

This Bylaw may be cited for all purposes as the "Water Distribution Bylaw No. 4428, 2015."

2. Definitions

In this Bylaw, unless the context otherwise requires, the following words have the following meanings:

APARTMENT means a building used for three or more *residential dwelling units*, and includes such a building subdivided under the *Strata Property Act* which meets all applicable regulations contained within the City of Coquitlam Zoning Bylaw No. 3000, 1996, but does not include a *townhouse*;

APPROVAL means the written approval of the *Engineer* for the *works and services* applied for by the *owner* and may be in any form deemed acceptable by the *Engineer*;

CARRIAGE HOUSE means an accessory Residential Dwelling Unit in a building on a lot that is detached from the principal building and is subordinate to the principal building in terms of size, scale and massing, yet it is attached to and located above a detached accessory off-street building or structure and has its own separate entrance directly from the exterior of the building or structure, which meets all applicable regulations contained within the City of Coquitlam Zoning Bylaw No. 3000, 1996;

CITY means the City of Coquitlam;

CONNECTION means the physical connection between the *water service* and the *private water system*;

CORPORATION STOP means the valve located at, or near the point of connection between the *water system* and the *water service*;

COUNCIL means Council for the *City*;

CROSS CONNECTION means any actual or potential connection between the *water system* or any potable water system connected to the *water system*, and any other water source that may contain a non-potable fluid or other contaminants, such that it is possible to enter the *water system* or any potable water system due to backflow;

CURB STOP means any valve located at, or near the *connection* between the *water service* and the *private water system* and includes the *water service box*;

ENGINEER means the General Manager of Engineering and Public Works of the *City* or his or her designate;

FEES AND CHARGES BYLAW means the annual Fees and Charges Bylaw adopted by the *City*, as amended or replaced from time to time;

FIRE HYDRANT means a fire hydrant located on property owned or controlled by the *City*;

FLAT RATE means a fixed rate that is payable for the supply of water from the *water system* that does not vary with the volume of water delivered;

GARDEN COTTAGE means an accessory residential use in a single storey building on a lot that is detached from the principal building and is subordinate to the principal building in terms of size, scale and massing, which meets all applicable regulations contained within the City of Coquitlam Zoning Bylaw No. 3000, 1996;

METERED RATE means a charge that varies with the volume of water delivered to the property;

METERED SERVICE means a *water service* which includes a *water meter* to record the volume of water delivered through the *water service* to the property;

MOBILE HOME PARK means a use providing for the accommodation of persons in two or more mobile homes, which meets all applicable regulations contained within the City of Coquitlam Zoning Bylaw No. 3000, 1996;

NEW SERVICE means the installation of a new service where one does not exist or where the existing service does not meet the size, location or elevation needs of the development;

OWNER means “owner” as defined in the *Community Charter*, and includes an agent authorized in writing by the owner to act on their behalf;

PARCEL means “parcel” as defined in the *Community Charter*;

PERMANENT CAP means a disconnection of the existing *water service* at the main where the existing service is to be abandoned and a *new service* to the property provided;

PRIVATE WATER SYSTEM means the valves, pipes, hydrants and other devices providing a supply of water between the *curb stop* and the buildings or other improvements located on private property regardless of whether the *curb stop* is located on private property or property owned or vested in the *City*;

PROFESSIONAL ENGINEER means a person registered with the Association of Professional Engineers and Geoscientists of British Columbia;

RENEWAL SERVICE means the replacement of the existing *water service* in approximately the same location as an existing *water service*;

RESIDENTIAL DWELLING UNIT means a self-contained building, or portion of a building, used for residential accommodation, and includes a manufactured home and a mobile home pad;

SECONDARY SUITE means an additional dwelling unit contained within a building of residential occupancy containing only one other dwelling unit which meets all applicable regulations contained within the *City of Coquitlam Zoning Bylaw No. 3000, 1996*;

STREET-ORIENTED VILLAGE HOME RESIDENTIAL means a residential use consisting of one dwelling unit per principal building vertically attached by party walls to one or more principal building/s with each individual principal building located on a separate lot (including a strata lot) abutting a street and a lane; except that in the case of special needs and/or affordable housing on a site or sites owned by the City of Coquitlam and/or a registered non-profit agency, each principal building may contain more than one dwelling unit, which meets all applicable regulations contained within the *City of Coquitlam Zoning Bylaw No. 3000, 1996*;

TEMPORARY CAP means a cap on the existing *water service* at, or near, property line that will be removed when the *water service* is reconnected;

TOWNHOUSE means a single building comprised of three or more *residential dwelling units* separated one from another by party walls extending from the foundation to the roof, with each *residential dwelling units* having a separate, direct entrance from the grade and includes all row, linked, patio garden, court or other housing which meets such criteria, which meets all applicable regulations contained within the City of Coquitlam Zoning Bylaw No. 3000, 1996;

WATER METER means a meter or other measuring device for determining the volume of water delivered in a given period of time;

WATER SERVICE means the valves, pipes, meters, and other devices providing a *connection* between the mains of the *water system* and the *curb stop* for the *private water system* or, if there is no *curb stop*, the valves, pipes, meters, and other devices providing a *connection* between the mains of the *water system* and the property line;

WATER SERVICE BOX means a vertical pipe intended to provide access to a *curb stop* and includes a valve box;

WATER SYSTEM means all of the mains, pipes, taps, valves, controls, devices, fittings, meters and other items owned or controlled by the *City* or the Greater Vancouver Sewerage & Drainage District required for the collection, storage, transmission and distribution of potable water, and includes any *fire hydrant*, *water service*, *curb stop* and *corporation stop*;

WORKS AND SERVICES means any alteration to the *water system* and includes a *new service*, a *renewal service*, a *temporary cap*, a *permanent cap*, the installation of a *water meter*, a connection to the *water system*, a disconnection from the *water system*, or any other activity requiring *approval* from the *Engineer* or the *City* and any inspections of the *water system*.

3. Establishment and Operation

- 3.1 The *water system* is hereby confirmed as the water distribution system to supply water to real property and the inhabitants in the *City* and to adjacent localities as provided and authorized by the *Community Charter* and other applicable legislation.

- 3.2 The *water system* may be altered or extended, from time to time, in accordance with designs approved by the *Engineer*, to meet the needs of real property the inhabitants in the *City* and, with appropriate approvals, adjacent localities.
- 3.3 Nothing in this Bylaw shall be interpreted to mean that the *City* gives any assurance to any person with respect to the quality, pressure, volume or continuance of supply of water by way of the *water system*.
- 3.4 This Bylaw sets out the terms under which water from the *water system* shall be supplied and used.

4. Powers and Duties of the Engineer

- 4.1 The *Engineer* is granted the authority for the design, operation, maintenance, repair, improvement and extension of the *water system* and all *works and services* shall be under the supervision and control of the *Engineer*.
- 4.2 If the *Engineer* determines that an emergency exists, the *Engineer* may issue such directions, and take such steps as the *Engineer* determines are necessary for the protection of the health and safety of the residents of the *City*, or the protection of the *water system*, and all *owners* and users of water from the *water system* shall comply with such orders and directions.
- 4.3 The *Engineer* may require that any *owner* of real property:
 - 4.3.1 connect buildings, fixtures or other improvements on their property to the *water system* in the manner specified by the *Engineer*; and
 - 4.3.2 undertake any *works and services* set out in this Bylaw.
- 4.4 The *Engineer* may enter onto any real property to enforce the provisions of this Bylaw.
- 4.5 If an *owner* fails to take any action required under this Bylaw, including undertaking any *works and services* required to be done under the provisions of this Bylaw, the *Engineer* may enter on to the real property of that *owner* and fulfill the requirement.
- 4.6 If the *Engineer* takes action pursuant to section 4.5 of this Bylaw, the *Engineer* may fulfill the requirement at the expense of the *owner* and recover the costs incurred as a debt, and may cause the debt to be collected in the same manner and with the same remedies as property taxes.

- 4.7 Where authority is given to the *City* or the *Engineer* by this Bylaw to take any action, or to do or cause to be done any work with respect to the *water system* or *water service*, nothing in this Bylaw shall be interpreted to mean that the *City* or the *Engineer* has any duty to take such action.

5. Works and Services

- 5.1 No person shall cause, allow or permit any *works and services* which may affect the *water system*, without first obtaining *approval* issued by the *Engineer*.
- 5.2 An owner may apply for *approval* for *works and services* by submitting to the *City*:
- 5.2.1 a completed written application in the form approved by the *Engineer*, stating the location of the property and the *works and services* being requested, and:
 - 5.2.1.1 if the requested *approval* is for installation of a *water service*, the requested size, the expected water consumption and location of the *connection* to the *water system*, the location of the *water service* at property line, and other details as required by the *Engineer*;
 - 5.2.1.2 if the requested *approval* is for disconnection from, or maintenance, repair or improvement of the *water system*, the size and location of the *water service*, the reason for the disconnection, maintenance, repair or improvement, the requested date of the disconnection, maintenance, repair or improvement and other details as required by the *Engineer*, or
 - 5.2.1.3 if the requested *approval* is for other *works and services* not specifically mentioned, any details required by the *Engineer*; and
 - 5.2.2 the applicable fees set out in the *Fees and Charges Bylaw*.
- 5.3 The *Engineer* may refuse to issue an *approval* for *works and services* if:
- 5.3.1 the intended use of the water is contrary to any applicable *City* Bylaw or other law;
 - 5.3.2 in the opinion of the *Engineer*, the *water system* has insufficient capacity to supply the volume of water required for the intended or likely use on the property; or

- 5.3.3 the installation or removal of the *water service* would, in the opinion of the *Engineer*, pose a risk to the proper operation of the *water system*, risk of damage to the *water system*, a risk to public health or safety, or otherwise be contrary to the public interest.
- 5.4 Without limiting the generality of the foregoing, as a condition of an *approval*, the *Engineer* may require an *owner* to, at their own expense, install:
 - 5.4.1 a *water meter*, a *curb stop* and a *water service box*; and
 - 5.4.2 a *renewal service* if, in the opinion of the *Engineer*, the *water service* is in need or replacement.
- 5.5 Any *works or services* which have received *approval* from the *Engineer* must be undertaken by the *City*, and may be undertaken by others only with the prior *approval* of the *Engineer*.
- 5.6 Any person who has received *approval* for persons other than those employed or otherwise engaged by the *City* to undertake *works and services* must ensure that those *works and services* are undertaken in compliance with all terms and conditions, specifications, designs and requirements provided by, or approved by, the *Engineer*.
- 5.7 Prior to issuing an *approval*, the *Engineer* may require that specifications and drawings be prepared and sealed by a *Professional Engineer* at the expense of the *owner*, and specify that all work must be carried out by the *City* or under the supervision and inspection of the *Engineer* or a *Professional Engineer*.
- 5.8 If the *City* undertakes, or causes to be undertaken, *works and services* referred to in this Bylaw, then the costs of such work, including all costs of engineering services and supervision, shall be payable by the *owner*.
- 5.9 If, in the estimate of the *Engineer*, the value of any work to be undertaken to the *water system*, including all restoration of the *City* lands or rights of way, exceeds the applicable fees as set out or referenced in *Fees and Charges Bylaw*, then, as a condition of *approval* the *owner* shall pay in full the amount of the estimate of the *Engineer* for the value of *works and services*.
- 5.10 The *owner* shall supply and install all fittings, fixtures, piping and other equipment required to complete a *private water service* from the *curb stop* at, or near, the property line to the building or other destination location, unless specified otherwise in this Bylaw.

5.11 The *owner* shall be deemed to own:

5.11.1 the *water service box*; and

5.11.2 the *private water system*.

5.12 The *City* shall be deemed to own the *curb stop* and all of the pipes, facilities and equipment located on, in, or under the real property owned by or vested in the *City*, except for those parts of the *water system* that are owned by an *owner* pursuant to section 5.11.

6. Interruption of Service

6.1 The *Engineer* may interrupt or discontinue the supply of water to any property, or to any *water service*:

6.1.1 at any time, and from time to time, as the *Engineer* determines is required to protect, repair, operate, extend or maintain the *water system*, or to protect public health or safety; or

6.1.2 upon reasonable notice in writing to the registered *owner* of the property if:

6.1.2.1 the water is being used contrary to this or any other applicable *City* bylaw or other law;

6.1.2.2 any portion of the *water service* or *private water system* malfunctioning, or incorrectly installed, or creating a nuisance to others; or

6.1.2.3 if there are any unauthorized *water services*, additions or alterations of *water services* which have been installed without the *approval* of the *Engineer*.

6.2 If the *Engineer* discontinues the supply of water to any property pursuant to section 6.1.2 of this Bylaw, the *owner* of that property may, within fourteen (14) days of notice of the discontinuance being sent, make written representations to *Council*, requesting that the water supply be continued.

6.3 If any *cross connection* is installed or created the *owner* shall, upon notice from the *Engineer*, immediately, or as directed by the *Engineer*, close valves, or take other steps as directed, to cease and prevent such *cross connections*, including installation of backflow devices as approved by the *Engineer*.

7. Responsibilities of Users

- 7.1 No person shall without the prior written *approval* of the *Engineer* interfere in any way with the *water system* or part of the *water system*.
- 7.2 An *owner* shall not make any changes to *water service*, or install or remove a *water service*, or devices, or make changes to any *water meter* on the *owner's* property, if any, or do any other work without the written *approval* of the *Engineer*.
- 7.3 An *owner* shall operate and maintain the *private water system* on private property in good condition, so as to prevent leakage and waste of water and so as to prevent possible contamination and any threat to public health.
- 7.4 An *owner* shall at all times keep all *water system* control devices, including valves, a *water service box*, a *curb stop*, hydrants, pressure reducing devices and *water meters*, if any on their property, accessible for use, inspection, maintenance, repair and reading.
- 7.5 If at any time the *Engineer* determines that insufficient access is available to any part of the *water system*, including any part of a *private water system*, then the *owner* shall, on reasonable notice to the *owner*, do all necessary work required to provide access.
- 7.6 If the *owner* fails to the work required under section 7.5 in the time required by the *Engineer*, then the *Engineer* may enter the property to do such work, or retain others to do the work and the *owner* shall pay for all costs incurred by the *Engineer*, as a charge under this Bylaw, and the provisions of the Works and Services section of this Bylaw shall apply.
- 7.7 An *owner* shall permit the *Engineer* and other representatives and authorized agents of the *City*, including contractors retained or appointed by the *Engineer*, to have access to property with a *water service* for the purpose of:
 - 7.7.1 inspecting the *water service*, the *private water system* and related devices;
 - 7.7.2 inspecting, maintaining, repairing and reading *water meters*, if any;
 - 7.7.3 enforcing this Bylaw; or
 - 7.7.4 preventing an escape or contamination of the water in the *water system*.
- 7.8 An *owner* shall not make any significant changes to the volumes of water demanded, or the use of water, without the prior *approval* of the *Engineer* and the *Engineer* may require the *owner* to provide full design and construction details, prepared and sealed by a *Professional Engineer*, as a condition of *approval*.

- 7.9 An *owner* shall notify the *Engineer* of any loss of service, loss of pressure, or other *water system* failure.
- 7.10 In the event of *water system* failure, the *owner* shall take all reasonable steps to mitigate losses including shutting off *owner* owned valves, diverting water flow and run off and installing reasonable works to mitigate damage and losses.
- 7.11 In the event of an escape of water from the *water system* or a *water service*, an *owner* shall take all reasonable steps to mitigate damage and losses.
- 7.12 Every *owner* and user and user of the *water system* shall comply with all water conservation measures as defined by this Bylaw.

8. Water Meters

- 8.1 The *Engineer* may require that an *owner* of an existing non *metered water service* install a *water meter*.
- 8.2 When a *water meter* is required, it shall be installed at the expense of the *owner* of the property, in accordance with the requirements of the *Engineer*.
- 8.3 A *water meter* shall be of a model and type as approved by the *Engineer*.
- 8.4 A *water meter*, if any, shall remain the property of the *City*.
- 8.5 If a *water meter* has been installed, no person shall bypass such *water meter* or use un-metered water without the *approval of the Engineer*.
- 8.6 No person shall interfere with, modify or damage a *water meter*.

9. Rates and Payment

- 9.1 An *owner* of *parcel* served by a *water service* shall pay the rates as set out in Schedule A, on the dates and according to the terms as set out in Schedule A.
- 9.2 The following shall apply to a *metered service*:
 - 9.2.1 subject to the provisions of this section, *water meter* readings taken by the *Engineer* shall be deemed to be accurate for the purposes of payment of rates;
 - 9.2.2 No deduction shall be allowed on account of any waste of water;

- 9.2.3 If the *Engineer* determines that the *water meter* is faulty or inaccurate, and an accurate estimate of the actual volume of water delivered to the property cannot be determined, then the *Engineer* shall determine the volume that shall be as the basis for payment of the rates, taking into consideration the volume delivered in the previous 12 month period then ended, seasonal variations, changes in occupancy, and any other factors which, in the opinion of the *Engineer* may have affected the volume of water used;
- 9.2.4 Upon written request from the *owner*, the *Engineer* will test the accuracy of the *water meter* from which readings have been taken to determine the water use charges of that *owner*, and:
 - 9.2.4.1 if the *Engineer* determines that the *water meter* was in error by less than 3% then:
 - 9.2.4.1.1 there shall be no adjustment to the rates paid by the *owner*; and
 - 9.2.4.1.2 the *owner* shall pay the cost of the test;
 - 9.2.4.2 if the *Engineer* determines that the *water meter* was in error by more than 3% with the result that the *owner* has been overcharged, then:
 - 9.2.4.2.1 the *City* shall give a credit to the *owner's* billing in the amount equal to the amount of the overcharge the *owner* paid for water in the previous 12 month period then ended; and
 - 9.2.4.2.2 the *City* shall pay the cost of the test; and
 - 9.2.4.3 if the *Engineer* determines that the *water meter* was in error by more than 3% with the result that the *owner* has been undercharged, then:
 - 9.2.4.3.1 the *City* shall include on a subsequent billing an adjustment in the amount equal to the amount of the undercharge that occurred over the previous 12 month period; and
 - 9.2.4.3.2 the *owner* shall pay the cost of the test.
- 9.3 Pursuant to the provisions of *Community Charter*, any charge or fee imposed under this Bylaw that remains unpaid on December 31 of the year in which it is imposed, shall be deemed taxes in arrears in respect of the property and may be collected in the same manner and with the same remedies as property taxes.

10. Fire Hydrants

- 10.1 No person shall use or operate a *fire hydrant* for any purpose without the *approval* of the *Engineer*.
- 10.2 The *Engineer* may, on terms and conditions he or she considers appropriate, grant an *approval* to any person to use a *fire hydrant*.
- 10.3 Without limiting the generality section 10.2, the *Engineer* may require as a condition of approval to use a fire hydrant that:
 - 10.3.1 a backflow prevention device be installed; and
 - 10.3.2 a *water meter* is installed prior to the temporary use of a fire hydrant to measure the volume of water used.
- 10.4 Any person granted *approval* to use a *fire hydrant* under this Bylaw must:
 - 10.4.1 pay the fee set out in the *Fees and Charges Bylaw*; and
 - 10.4.2 follow all terms and conditions required by the *Engineer*.

11. Offence

- 11.1 Any person who:
 - 11.1.1 violates any provision of this Bylaw or neglects or fails to do anything required to be done by this Bylaw; or
 - 11.1.2 causes or permits any other person to violate any provision of this Bylaw or to neglect or fail to do anything required to be done by this Bylaw with respect to real property of which he or she is the registered *owner*, occupant, lessee or licensee,
- commits an offence under this Bylaw and is subject to the imposition of any and all penalties or remedies available to the *City* pursuant to this Bylaw or to other applicable bylaws or legislation.

12. Penalties and Remedies

- 12.1 Any person who commits an offence under this Bylaw, in addition to being subject to any remedies or penalties specifically provided for in this Bylaw, is also subject to prosecution and, upon conviction for such offence, is subject to a fine of \$10,000 or up the maximum as permitted in the *Offence Act*, R.S.B.C. 1996, c. 338 or successor legislation, whichever is higher.

13. Severance

- 13.1 The provisions of this Bylaw are intended to be severable and, should any part of this Bylaw be found to be invalid by a court of competent jurisdiction, the finding of invalidity will not affect the validity of the remainder of this Bylaw.

14. Repeal

- 14.1 The City of Coquitlam Water Distribution Bylaw No. 2973, 1995, as amended, is hereby repealed in its entirety.

READ A FIRST TIME this 25th day of May, 2015.

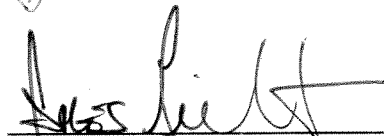
READ A SECOND TIME this 25th day of May, 2015.

READ A THIRD TIME this 25th day of May, 2015.

GIVEN FOURTH AND FINAL READING and the Seal of the Corporation affixed this 15th day of June, 2015.



MAYOR



CLERK



SCHEDULE "A"

WATER RATES COMMENCING JANUARY 1, 2015

1. FLAT RATE ANNUAL WATER SERVICE CHARGE

The following annual flat rate charges for water services shall apply to all Residential Dwelling Units receiving water, directly or indirectly, from the Water System.

Use	Flat Rate
For each Residential Dwelling Unit except those with a different Rate set out in this Schedule.	\$457.00
For each Residential Dwelling Unit in an Apartment building, Street-Orientated Village Home Residential, Townhouse or Mobile Home Park.	\$420.00
For a Secondary Suite, Carriage House or Garden Cottage	\$183.00

Applies to each calendar year period of January 1st to December 31st.

If any Flat Rate is not received on or before March 31st in the year to which the Flat Rate applies, a late payment charge equal to 5% percent of the amount of the Flat Rate will apply. If any a Flat Rate is not received on or before September 30th in the year to which it applies, an additional late payment charge equal to 5% of the amount of the Flat Rate will apply.

No refund of any Flat Rate will be made should a Connection be terminated for any reason during the period to which the Flat Rate applies.

Where an existing Residential Dwelling Unit, Secondary Suite, Carriage House or Garden Cottage makes a Connection, directly or indirectly, to the Water System during the course of a calendar year the Flat Rate will be pro-rated on a daily basis for the remaining portion of that year. For new construction the pro-rated period will be from the date the building permit is issued less an allowance for the construction period. The allowance shall be as follows:

single family, duplex and accessory dwelling sites	90 days
multifamily sites – low to medium density	180 days
multifamily sites – high density	360 days

The Annual Flat Rate charged pursuant to this paragraph will be due and payable within 30 days of receipt of an invoice for the same and the late payment provisions described in this section 1 will apply to any payment not received within the 30 day invoice period. Pro-rated Flat Rate Charges are due and payable prior to issuance of building permit.

2. **METERED RATES – SERVICE CHARGES**

Any Connection which, directly or indirectly, supplies water from the Water System to any use other than for a Residential Dwelling Unit(s) (which shall include all institutional, commercial, industrial, agricultural use) shall be, or shall be deemed to be, a Metered Connection. Properties serviced with metered connection(s) shall pay for service at the following rates:

<u>Volume per Quarter</u>	<u>Metered Rate</u>
Each cubic metre	\$0.7949

In addition a fixed quarterly charge of \$36.50 shall also apply to each metered utility account.

Customers charged Metered Rates shall be invoiced quarterly with all payments due and payable within 30 days of the invoice date.

A late payment charge equal to 5% of each quarterly Metered Rate will apply to any Metered Rate not paid on or before its due date.

3. **MIXED USE RATES**

For buildings with mixed or multiple uses which include a Connection or service to a Residential Dwelling Unit as well as another use, the Owner shall pay:

- a) the Flat Rate for each Residential Dwelling Unit that, directly or indirectly, receives water from the Water System as shown in section 1 of this Schedule for a Residential Dwelling Unit; plus
- b) the Metered Rates set out in section 2 of this Schedule for Metered Connections for all uses other than any Residential Dwelling Unit use.

4. STRATA LOT RATES

Each Residential Dwelling Unit strata property receiving water, directly or indirectly, from the Water System shall pay the Flat Rate set out in Section 1 of this Schedule for a Residential Dwelling Unit notwithstanding that the Connection to the strata title property may be a Metered Connection.

For strata titled properties with a single Metered Connection, the City may send a single invoice for Metered Rates for all strata lots to the Strata Corporation or to Strata Lot 1, as the City may, on a case by case basis, decide. If the Metered Rates as set out in the invoice remain unpaid as of December 31st of the billing year, the Engineer shall allocate the volume of water as set out on the invoice equally among the total number of Strata Lots in the Strata Corporation and each Strata Lot shall pay the Metered Rates as set in section 2 of this Schedule based on such allocated volume of water together with such penalties and interest as are applicable to late payments of any fees or charges under this Bylaw.