



CITY OF EDMONTON

BYLAW 17943

BLATCHFORD RENEWABLE ENERGY UTILITY

BYLAW

(CONSOLIDATED ON JANUARY 1, 2022)

THE CITY OF EDMONTON
BYLAW 17943
BLATCHFORD RENEWABLE ENERGY UTILITY

Edmonton City Council enacts:

PART I - INTERPRETATION

PURPOSE

- 1 The purpose of this bylaw is to:
- (a) regulate connections between building mechanical systems and the DESS;
 - (b) regulate the access to DESS;
 - (c) prevent damage or misuse of the DESS; and
 - (d) prescribe fees and charges related to the DESS.

DEFINITIONS

- 2 (1) Unless otherwise specified, words used in this bylaw have the same meaning as defined in the Municipal Government Act including its regulations.
- (2) In this bylaw:
- (a) “**building**” means any structure used or intended for supporting or sheltering a use or occupancy, such as residential, commercial, institutional, and industrial buildings;
 - (b) “**building mechanical system**” means a mechanical system, including an internal space heating, space cooling and heating of domestic hot water distribution system for a building;

- (c) **“building mechanical system report”** means a design report for a building prepared in accordance with the requirements outlined in the DESS service requirements or as otherwise approved by the City Manager;
- (d) **“City”** means the The City of Edmonton;
- (e) **“City Manager”** means the chief administrative officer of the City or delegate;
- (f) **“customer”** means a person who owns or occupies a building who is being provided with the service or who has filed an application for service;
- (g) **“delivery point”** means the energy metering point for a building determined by the City Manager based on the type of building and in accordance with the DESS service requirements;
- (h) **“District Energy Sharing System” or “DESS”** means the material, machinery, equipment and fixtures forming part of the energy supply system used for the purpose of heating or cooling the fluid that flows through the distribution system and the service connections and all equipment including the pressure vessels, conduits, pipes, valves, lines, pumps, heat exchangers, energy transfer stations, and energy meters together with all fluid, ancillary appliances and fittings necessary to provide energy to buildings in the service area and all additions thereto and replacements thereof as such system is expanded, reduced or modified from time to time;
- (i) **“DESS service requirements”** means the district energy sharing system service requirements as determined by the City Manager;
- (j) **“distribution system”** means the system of pipes, fluids, fittings and ancillary components used for distributing fluids for the purposes of providing energy to buildings

in the service area including all communication conduit associated with the piping system and the system connecting the distribution system to the service connection including all additions thereto and replacements thereof;

- (k) “**energy**” means thermal energy provided through fluids provided by the DESS;
- (l) “**energy meter**” means an assembly consisting of a flow meter, two temperature sensors, and a calculator that measures the amount of energy consumed by a customer;
- (m) “**energy transfer station**” means equipment used to transfer energy between the delivery point and the building mechanical system in a building, and includes pipes for the supply and return of water, valves, controls, energy meters, heat pumps, pumps, heat exchangers, backup heat sources, storage tanks, and ancillary equipment located inside the energy transfer station mechanical room;
- (n) “**owner**” means the person registered under the Land Titles Act as owner in fee simple, a lessee, or any person who exercises the power and authority of ownership;
- (o) “**premises**” means a parcel of land and any buildings situated on that land;
- (p) “**rates**” means, collectively, the, fixed monthly charge and variable consumption charge specified in Schedule B - Fees and Charges for services;
- (q) “**service area**” means the area within the municipal boundaries of the City of Edmonton as delineated in Schedule A - Service Area;
- (r) “**service**” means the delivery of energy from and through the DESS to a delivery point and through an energy meter for use in a building, and any service provided in

connection with the DESS, including but not limited to providing a service connection, re-activating existing service connections, transferring an existing account, changing the type of service provided, or making alterations to existing service connections, energy transfer stations, and energy meters;

(s) “**service connection**” means that portion of the DESS extending from the distribution system to the delivery point as outlined in the DESS service requirements.

**RULES FOR
INTERPRETATION**

3 The marginal notes and headings in this bylaw are for reference purpose only.

PART II - ESTABLISHMENT OF DESS

THE DESS

4 The District Energy Sharing System will provide the generation, storage, transmission, and distribution of energy for space heating, space cooling and the heating of domestic hot water for buildings within the service area.

**OWNERSHIP OF
DESS**

5 Ownership of the DESS, including any expansion or extension of the DESS, is to remain vested in the City and is not to pass to any owner, or other person who has an interest in a building, and, despite any attachment or annexation to a building or other real property, the distribution system, service connections, energy transfer stations, and energy meters are not to become part of a building or other real property.

PART III - DESS SERVICE AREA

**MANDATORY USE
OF DESS**

6 The owner of a premises within the service area shall ensure that service connections to the DESS are installed for each building in accordance with the DESS service requirements.

**PERMISSIVE USE OF
DESS**

7 (1) An owner of a premises located outside the service area, but within the municipal boundaries of the City of Edmonton, may apply to the City Manager for service.

- (2) The City Manager may approve an application to service a premises outside the service area if:
 - (a) the City Manager is of the opinion that;
 - (i) the DESS is capable of servicing the premises that is the subject of the application; and
 - (ii) servicing the premises is necessary or desirable; and
 - (b) the owner enters into an agreement with the City, undertaking, among other matters, to pay for all or a portion of the capital cost of extending the DESS outside the service area to service the premises in an amount, at a time and upon terms and conditions acceptable to the City Manager.

**EXEMPTION
FROM DESS**

8

Despite section 6, the City Manager may exempt a building or group of buildings from being required to connect to the DESS, if it can be established to the satisfaction of the City Manager that the building or group of buildings will be built to at least a net-zero carbon standard.

DESS SERVICE

9

The City will provide service to customers through the DESS as outlined in this Bylaw.

**UNAUTHORIZED
SALE, SUPPLY OR
USE**

10

- (1) No person shall sell or supply energy supplied to it by the City to other persons or use energy supplied to it by the City for any purpose other than as specified in this Bylaw and the DESS service requirements unless the sale or supply has been approved by the City Manager.
- (2) Any person who contravenes section 10(1) must pay any costs incurred to remedy the unauthorized sale, supply or use.

PART IV - CONNECTIONS FOR DESS SERVICE

**SERVICE
CONNECTIONS**

11

Each building will have the number of service connections and energy meters and, if applicable, energy transfer stations specified in the DESS service requirements unless additional

service connections, energy transfer stations or energy meters are authorized by the City Manager pursuant to section 16.

**INSTALLATION OF
ENERGY TRANSFER
STATIONS AND
ENERGY METERS
BY CITY**

12

The City will supply and install the energy transfer station or energy meter for each building provided that the building and building mechanical system meets the requirements of the DESS service requirements and infrastructure fees set out in Schedule B- Fees and Charges have been paid.

**DESS SERVICE
CONNECTION
INSTALLATION BY
CUSTOMER**

13

- (1) The owner of a premises within the service area shall install each service connection by extending the piping and communication conduit from the boundary of the parcel of land to the energy transfer station (if applicable) and the energy meter in accordance with the DESS service requirements.
- (2) Service connections will be installed using routes which are most suitable for the City.
- (3) The service connection will be owned by the City upon completion to the satisfaction of the City Manager.
- (4) The owner of a premises within the service area shall furnish and maintain, at no cost to the City, the necessary space, housing, fencing, barriers, and foundations for the protection of the service connection to be installed within the premises which may include a dedicated room in accordance with the requirements of the DESS service requirements and based on building type, for the exclusive use of the City to install the energy transfer station or energy meter.
- (5) The owner of a premises within the service area shall design and install the building mechanical system in accordance with the DESS service requirements.
- (6) The City may take steps to make buildings and building mechanical systems within the service area compliant with the DESS service requirements, including without limitation, furnishing and maintaining the necessary protection for the service connection and charge the owner of the premises for all costs incurred by the City in doing so.

**CUSTOMER
REQUESTED DESS
SERVICE**

14

At the request of an owner of a premises, the City may install, or permit the installation of, a service connection, an energy transfer station or energy meter in a manner that is in variance

**REQUIREMENT
VARIATIONS**

with the requirements outlined in the DESS service requirements, if

- (a) the owner of the premises pays for any additional costs to install the service connection, energy transfer station or energy meter as requested; and
- (b) the City Manager is satisfied that approving the request will not have an adverse effect on the operations of the DESS or create any other undesirable consequences.

**APPROVAL OF
LOCATIONS -
GENERAL**

15

The location of each of the:

- (a) energy transfer station;
- (b) distribution system components; and
- (c) delivery points;

is subject to approval by the City Manager.

**ADDITIONAL DESS
SERVICE
CONNECTIONS,
ENERGY
TRANSFER
STATIONS, AND
ENERGY METERS**

16

The City may install, or approve the installation of, one or more additional service connections, energy transfer stations or energy meters for a building, if

- (a) the additional installation is requested by a customer;
- (b) the customer pays the infrastructure fees as outlined in Schedule B - Fees and Charges and any additional costs incurred by the City for the installation; and
- (c) the City Manager is satisfied that the requested installations will not have an adverse effect on the operations of the DESS.

**EASEMENT &
UTILITY RIGHT
OF WAY**

17

The owner of a premises within the service area is deemed to have granted to the City, without cost to the City, such easements or rights-of-way over, upon or under the premises as the City reasonably requires for the construction, installation, maintenance, repair, and operation of the DESS, including

service connections, energy transfer stations and energy meters, and the performance of all other obligations required to be performed by the City.

- RIGHT OF ENTRY** 18 (1) The City's employees, agents and other representatives shall have the right to enter a premises within the service area at all reasonable times for the purpose of construction, installation, maintenance, repair, and operation of the service connections, energy transfer stations, energy meters, and ancillary equipment.
- (2) No person shall prevent or hinder the City's entry to premises.
- (3) For any service connections, energy transfer stations or energy meters that are situated within a customer's premises, the City may require that customer to provide to it a key for the purpose of gaining access.
- (4) The City will endeavor to provide reasonable notice to the customer when the City requires entry to the customer's premises for planned maintenance or repairs.

- MAINTENANCE BY CITY** 19 (1) The City will maintain the service connections, energy transfer stations, and energy meters.
- (2) The City will provide water treatment services for building mechanical system fluids that pass through the energy transfer station.

- MAINTENANCE BY CUSTOMER** 20 Customers must maintain and repair building mechanical systems for their premises in accordance with the DESS service requirements, including:
- (a) taking necessary measures to prevent loss of fluid from the building mechanical system,
- (b) prevent contamination of the fluid within the building mechanical system, and
- (c) undertaking maintenance of the building mechanical system.

- RESPONSIBILITY** 21 Customers are responsible for all expense, risk and liability for

**BEFORE AND
AFTER DELIVERY
POINT**

any loss or damage caused by or resulting from:

- (a) the use or presence of energy, being delivered from the DESS to a customer's premises, before and after it passes the delivery point; and
- (b) the failure of a customer to maintain its building mechanical system in accordance with the DESS service requirements.

**TAMPERING WITH 22
DESS**

No person shall tamper, interfere with, damage, or destroy any part of the DESS.

DAMAGE 23

Customers must advise the City immediately of any damage to a service connection, energy transfer station, energy meter, or any other component of the DESS.

NO OBSTRUCTION 24

No person shall construct any structure which obstructs access to a service connection, energy transfer station, energy meter or any other part of the DESS or that could interfere with the proper and safe operation of the DESS.

**REMOVAL OF 25
SERVICE
CONNECTION,
ENERGY
TRANSFER
STATIONS AND
ENERGY METERS**

The City may remove a service connection, energy transfer station, energy meter and all other associated utility infrastructure from a premises if the service to that premises is discontinued or terminated for any reason.

MEASUREMENT 26

- (1) The quantity of energy delivered to a premises will be metered using the energy meter installed by the City.
- (2) The amount of energy registered by the energy meter during each billing period will be converted to kilowatts and rounded to the nearest one-tenth of a kilowatt.

**RESPONSIBILITY 27
FOR SERVICE
CONNECTION,
ENERGY
TRANSFER**

- (1) Each customer is responsible for all expense, risk and liability arising from any measures required to be taken by the City to ensure that the service connection, energy transfer station, energy meters or related equipment on the customer's premises are adequately protected, as well as any updates or alterations

**STATION AND
ENERGY METER**

which may be required as a result of changes made to the premises.

- (2) Each customer must take care of and protect all service connections, energy transfer stations, energy meters and related equipment on its premises.
- (3) Each customer is responsible for any damage to service connections, energy transfer stations, energy meters and related equipment on the customer's premises caused by the customer failing to take care and protect the equipment in accordance with the DESS service requirements.

**NO
UNAUTHORIZED
CHANGES**

- 28
- (1) No person shall install, connect, move, disconnect or otherwise tamper with service connections, energy transfer stations, energy meters or related equipment except as permitted by the City Manager.
 - (2) Customers must pay the City for costs incurred by the City to remedy any unauthorized changes on the customer's premises.

PART V - BUILDING MECHANICAL SYSTEM

SPECIFICATIONS	29	<p>The owner of a premises within the service area will:</p> <ul style="list-style-type: none">(a) design each building mechanical system in accordance with the DESS service requirements for connection to the DESS; and(b) submit to the City;<ul style="list-style-type: none">(i) description and design of mechanical systems including schematics, schedules, details and fixture types and service connection,(ii) schematic and complete drawings of major mechanical systems, structures and applicable DESS compliance components.(iii) ground and parkade floor plans showing location of service connection, energy transfer station (if applicable), and energy meter.(iv) DESS service connection routing and specifications;(v) building mechanical system report; and(vi) any other information as the City may reasonably require to confirm compliance with DESS service requirements; <p>prior to the construction of any buildings on the premises.</p>
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CHANGES TO BUILDING MECHANICAL SYSTEM	30	<p>The owner of a premises shall make any changes to the building mechanical system report and implement any additions, repairs or alterations to any portion of a building mechanical system as the City Manager deems necessary to conform to DESS service requirements.</p>
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PART VI - FEES, CHARGES & OTHER COSTS

APPLICATION FEES	31	<p>Each person who submits an application shall pay the applicable application fee as determined by the City Manager.</p>
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WAIVER OF APPLICATION FEE	32	The City may waive the application fee for a customer if services to a customer are reactivated after they were discontinued at the discretion of the City Manager.
INFRASTRUCTURE FEE	33	The owner of a premises shall pay the infrastructure fee as outlined in Schedule B - Fees and Charges for each service connection for the premises within 30 days of a building permit being issued.
RATES PAYABLE	34	Each customer shall pay the rates for service as outlined in Schedule B - Fees and Charges.
ELECTRICITY COSTS	35	Each customer is responsible for the cost of electricity used by an energy transfer station installed on its premises.
ENERGY TRANSFER STATION EQUIPMENT CHARGE	36	The owner of premises shall be responsible for payment of the costs incurred by the City for installation of energy transfer stations and associated equipment (including design, construction and commissioning) in an amount determined by the City Manager. (S 2 Bylaw 19899, January 1, 2022)
TAX ROLL	37	Unpaid fees, charges and costs that are owing by an owner may be added to the tax roll for that parcel in accordance with the Municipal Government Act.

PART VII - INTERRUPTION OF DESS SERVICE

REGULAR SUPPLY	38	The City will use reasonable efforts to provide the constant delivery of energy through the DESS.
RIGHT TO RESTRICT	39	<p>The City may require some or all customers, at times determined by the City to discontinue, interrupt or reduce to a specified degree or quantity, the use of energy for any of the following purposes or reasons:</p> <ul style="list-style-type: none"> (a) in the event of a temporary or permanent shortage of energy, whether actual or perceived by the City; (b) in the event of a breakdown or failure of the DESS;

- (c) to comply with any legal requirements;
- (d) to make repairs or improvements to any part of the DESS;
- (e) in the event of fire, flood, explosion or other emergency to safeguard persons or property against the possibility of injury or damage; or
- (f) for any other reason that the City considers necessary.

NOTICE 40

The City will, to the extent practicable, give notice of any service limitations to customers.

**SUSPENSION OR
TERMINATION OF
SERVICE** 41

The City may suspend or terminate service to a premises if, in the opinion of the City,

- (a) the building management system is not compliant with the DESS service requirements;
- (b) the service connection, energy transfer station, or energy meter are not in compliance with the DESS service requirements or as otherwise approved by the City Manager;
- (c) the customer has failed to ensure that there is an adequate supply of electricity required to operate the building mechanical system, and the proper operation of the energy transfer station or energy meter have been negatively affected;
- (d) the premises contains contamination which could adversely affect the DESS, or the health or safety of the City's workers or which may cause the City to assume liability for cleanup and other costs associated with the contamination;
- (e) the premises contains defective pipe, appliances, or mechanical systems;
- (f) the building mechanical system has a defect which causes the loss of fluid from the building mechanical system, energy transfer station, or service connection at the premises;

- (i) may lead to a dangerous situation; or
 - (ii) may cause undue or abnormal fluctuations in the temperature of energy in the DESS;
- (h) the customer fails to make modifications or additions to the customer's equipment which have been required by the City to prevent the danger or to control the undue or abnormal fluctuations; or
- (i) providing service to the premises may have an adverse effect on the DESS as a result of the building mechanical system, service connection, energy transfer station or energy meter on the premises.

PART VIII - ENFORCEMENT

OFFENSE	42	A person who contravenes this bylaw is guilty of an offence.
CONTINUING OFFENCE	43	In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw for each such day.
VICARIOUS LIABILITY	44	For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent's exercising the powers or performing the duties on behalf of the person under their agency relationship.
CORPORATIONS AND PARTNERSHIPS	45	(1) When a corporation commits an offence under this bylaw, every principal, director, manager, employee or agent of the corporation who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence whether or not the corporation has been prosecuted for the offence.

		(2) If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership who authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence.
FINES AND PENALTIES	46	(1) A person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding the limits under the Municipal Government Act, RSA 2000, c M-26, as amended, and to imprisonment for not more than six months for non-payment of a fine.
		(2) A fine in the amount of \$1,000 is established for use on municipal tags and violation tickets if a voluntary payment option is offered.
MUNICIPAL TAG	47	If a municipal tag is issued in respect of an offence the municipal tag must specify the fine amount established in this bylaw for the offence.
PAYMENT IN LIEU OF PROSECUTION	48	A person who commits an offence may, if a municipal tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
VIOLATION TICKET	49	If a violation ticket is issued in respect of an offence, the violation ticket may: (a) specify the fine amount established by this bylaw for the offence; or (b) require the person charged to appear in court without the alternative of making a voluntary payment.
VOLUNTARY PAYMENT	50	<p>A person who commits an offence may:</p> <p>(a) if a violation ticket is issued in respect of the offence; and</p> <p>(b) if the violation ticket specifies the fine amount established by this bylaw for the offence;</p> <p>make a voluntary payment equal to the specified fine.</p>

PART IX - GENERAL

POWERS OF THE CITY MANAGER

51

Without restricting any other power, duty or function granted by this bylaw the City Manager may:

- (a) determine the requirements for the DESS, the manner in which the DESS will operate and the DESS service requirements;
- (b) determine the requirements that will apply to premises that have applied for an exemption to connect to the DESS, including any ongoing requirements that may be required to maintain the exemption;
- (c) carry out any inspections to determine compliance with this bylaw or any other requirements granted to the City Manager through this Bylaw;
- (d) establish systems and develop procedures for billing and administration of accounts as may be required by this bylaw;
- (e) establish forms for the purpose of this bylaw;
- (f) issue permits and approvals with such terms and conditions as are deemed appropriate;
- (g) establish the criteria to be met for a permit or approval to be issued pursuant to this bylaw;
- (h) establish the amount payable for an application, permit, plan examination, or inspection required under this bylaw;
- (i) establish the amount payable for any search, certificate, document or other service related to the administration of this bylaw;
- (j) waive or vary any fee, charge or costs payable pursuant

to this bylaw; and

- (k) delegate any powers, duties or functions under this bylaw.

PERMIT CANCELLATION	52	The City Manager may revoke, suspend, refuse to issue, vary or impose conditions on any permit or approval if, in the opinion of the City Manager it is in the public interest to do so.
PROOF OF PERMIT	53	The onus of proving a permit or approval has been issued in relation to any activity otherwise regulated restricted or prohibited by this bylaw is on the person alleging the existence of such a permit on a balance of probabilities.
CERTIFIED COPY OF RECORD	54	A copy of a record of the City certified by the City Manager as a true copy of the original shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, and printed under the City Manager's authority)

Bylaw 17943, passed by Council December 4, 2018

Amendments:

Bylaw 19062, January 1, 2020

Bylaw 19494, January 1, 2021

Bylaw 19899, January 1, 2022

SCHEDULE A - BOUNDARIES OF SERVICE AREA



SCHEDULE B

FEES AND CHARGES

Description of Fee or Charge	Rate
Infrastructure Fee (Residential)	\$1,845.78 per unit
Infrastructure Fee (Commercial)	\$21.09 per square meter
Fixed Monthly Charge (Townhouses)	\$ 1.55 per unit per day
Fixed Monthly Charge (Apartments)	\$ 1.21 per unit per day
Variable Rate (Heating and Cooling)	\$ 0.0269 per kWh

(S.2, Bylaw 19899, January 1, 2022)

Townhouses - Blatchford Row Housing, Row Housing, Stacked Row Housing, Blatchford Accessory Suites and Blatchford Lane Suites as provided in Edmonton Zoning Bylaw 12800.

Apartments - Apartment Housing, and Mixed Use Apartment Housing as provided in Edmonton Zoning Bylaw 12800.

(S.2, Bylaw 17943, January 1, 2021)