

# **Private Utilities Regulation Review**

## **Planning & Development Committee**

June 19, 2025

# Regulating Private Utilities

## Background (2025):

- **February 6, 2025:** P&D Committee of the Board directs that amendments to OCP, Zoning, SDS and DP bylaws be initiated.
- **March 6, 2025:** 1<sup>st</sup> & 2<sup>nd</sup> reading of amendment bylaws and public hearing scheduled for March 20, 2025
- **March 20, 2025:**
  - Public Hearing is attended by ten (10) persons; and
  - consideration of 3<sup>rd</sup> reading is deferred so “further information” may be gathered.

# Regulating Private Utilities

## Overview:

- There is seen to be a strong rationale for the Board to regulate in favour of publicly operated utility systems versus those operated by business or strata corporations or other private utilities.
- Principal change is to the definitions of community water and sewer systems (i.e. prohibit private and strata systems).
- Kaleden Zone Review *may* no longer be necessary.
- Merits of this approach warrant it being applied regionally.

# Regulating Private Utilities

## Considerations:

- Proposed amendments do **not** compel the Board to take ownership of all proposed water and sewer utilities;
- The proposed amendments provide the Board with the following *discretion*:
  1. to allow a new utility to be privately owned;
  2. to require a new utility be owned by the RDOS; or
  3. to prohibit the creation of a proposed new utility.

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## Considerations:

- When asked to make a decision on a proposed new water and/or sewer utility, the Board will be presented with the following:
  1. a “Utility Condition Assessment” from a qualified professional engineer addressing the following:
    - a) that the system design meets RDOS standards;
    - b) an assessment of any existing works; and
    - c) certification that the system has capacity to support the intended development.

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## Considerations:

2. the following information if the system(s) were to be owned and administered by the RDOS:
  - a) required staff resources (e.g. new employees);
  - b) anticipated annual rates; and
  - c) legislative amendments (e.g. service area creation).

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## “Further Information” (March 20, 2025)

- Request by Electoral Areas “C”, “E”, “G” & “H” to be removed from the proposed amendments.
- In response, it is proposed that the following Exemption be introduced:

*Despite Section XX (Definitions), in Electoral Areas “C”, “E” and “H” a community water system or community sewer system does not exclude a system owned and operated by a strata corporation, private water utility or business corporation.*

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## Options:

1. Proceed with Private Utility Regulations as approved at 2<sup>nd</sup> reading;
2. Proceed with Private Utility Regulations with an amendment at 3<sup>rd</sup> reading in to introduce an Exemption for Electoral Areas “C”, “E” & “H”; or
3. Abandon the amendment bylaws (e.g. status quo).



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Questions?