

**City of Charlottetown
Switch Program Bylaw
Bylaw #2021-Switch-01**

BE IT ENACTED by the Council of the City of Charlottetown as follows:

1. Title

1.1. This bylaw shall be known as, and may be cited as, the “*Switch Program*” Bylaw

2. Purpose

2.1. The purpose of this bylaw is to establish financing of energy and water efficiency, renewable energy installations, or water and sewer lateral replacements to qualifying properties in the City of Charlottetown.

3. Authority

3.1. Section 206 and 207 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap.M12.1.

4. Definitions

4.1. “Act” means the Municipal Government Act.

4.2. “Building” means any structure placed on, over or under the land and every part of the same and any external chimney, staircase, porch, or other Structure used in connection with such Building.

4.3. “Certificate of Completion” means a form issued by the Program Administrator, completed and signed by the Contractor and counter-signed by the property owner, stating that the Greening Building Upgrade has been completed on the property.

4.4. “Charge” means the charge for financing the Installation, which includes any interest levied thereon.

4.5. “Chief Administrative Officer” or “CAO” means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the Municipal Government Act.

4.6. “City” means the City of Charlottetown established pursuant to the Municipal Government Act.

4.7. “Contractor” means the contractor engaged by the building owner to carry out the Installation.

4.8. “Council” means the Mayor and other members of the Council of the municipality.

4.9. “Installation” means any installation that is permanently affixed to the property and which will result in:

- (a) reduced greenhouse gas emissions, improved energy efficiency or reduced energy use;
 - (b) increased renewable energy production; or
 - (c) improved water use or conservation;
 - (d) improved water or sewer lateral.
- 4.10. "Owner" means a registered owner of real property in accordance with the records on file at the Province of Prince Edward Island's land registry office.
- 4.11. "Participation Agreement" means the written Switch Program Participation Agreement between the Owner of a Qualifying Property and the City to finance an Installation.
- 4.12. "Program Administrator" means the City staff person, or third party that is contracted by the City, to develop and implement the Switch Program.
- 4.13. "Qualifying Property" means a property located within City boundaries that meets the requirements of this Bylaw, the Switch Program Policy and the Participation Agreement.
- 4.14. "Switch Program" means the program established in this Bylaw under which Owners of Qualifying Properties may apply for and obtain financing for energy efficiency, renewable energy, electric car charging, water use and water conservation Installations, in accordance with the eligibility criteria, terms and conditions set forth in this Bylaw and in the Switch Program Policy and the Participation Agreement.
- 4.15. "Switch Program Policy" means the policy established by the Council to further delineate the requirements of the Switch Program.

5. Application and Approval

- 5.1. Council will annually, through the municipal budgeting process, establish the amount of funds that are available for the Switch Program.
- 5.2. An Owner of a Qualifying Property may apply to the City to finance an Installation to a maximum value of 15% of the Qualifying Property's tax assessed value, subject to the dollar value limit established in the Switch Program Policy and the available budget funds.
- 5.3. Financing of an Installation shall be subject to obtaining the written approval of the Chief Administrative Officer, or designate, on behalf of the City, and the execution of the Participation Agreement by the Owner of the Qualifying Property and the City.
- 5.4. The following conditions must be met in order for the Chief Administrative Officer, or designate, to grant approval:
- (a) The Owner of the Qualifying Property must not be in arrears in any property taxes, water and sewer charges or other City fees and charges.

- (b) The Installation must strive to achieve an overall savings-to-debt ratio for the Owner of the Qualifying Property equal to or greater than 1:1, as specified in the Participation Agreement.
- (c) Any additional conditions specified in the Switch Program Policy are met.

6. Payment of Charge

- 6.1. The Charge shall become payable upon submission of the Certificate of Completion to the Program Administrator, who will in turn submit it to the Chief Administrative Officer, or designate.
- 6.2. The charge may consist of:
 - (a) The cost of the Installation, including all equipment and labour costs, permitting fees, and applicable taxes, minus any federal, provincial, or other funding received for the installation,
 - (b) Applicable Switch Program service fees.
 - (c) Interest accrued on the Charge including any additional interest arising due to any default of payment.
- 6.3. The owner of a Qualified Property may elect to pay the Charge by equal installments over the period specified in the Participation Agreement, which period shall not exceed 15 years.
- 6.4. Interest will be levied on Charges as specified in the Participation Agreement and is payable annually on the entire amount outstanding and unpaid, whether or not the owner has elected to pay by installments.
- 6.5. In the event of default of any payment under the Participation Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the City for unpaid utility fees and charges in default.
- 6.6. The Chief Administrative Officer, or designate, shall maintain a separate account of all monies due for Switch Program Charges, identifying, for the subject property:
 - (a) The name(s) of the Owners, property assessment value, provincial parcel number (PID), and civic address.
 - (b) The amount of the Charge levied on the Qualifying Property;
 - (c) The annual financing interest rate and amount of financing interest charges included within the Charge.
 - (d) The amount paid on the Charge.
 - (e) The balance due on the Charge.

7. Lien

- 7.1. On completion of the Installation pursuant to a Participation Agreement, the Charge shall be levied against the Qualifying Property.

- 7.2. The Charge imposed pursuant to this Bylaw constitutes a lien on the Qualifying Property in accordance with subsection 162(4) of the Act and may be collected in the same manner as other City charges and levies.
- 7.3. The lien, or notice thereof, shall be registered on the title of the Qualifying Property, at the Owner's expense.
- 7.4. The lien shall become effective when the Certificate of Completion has been issued by the Program Administrator.
- 7.5. The lien shall remain in effect until the total Charge, plus interest, has been paid in full.

8. Municipal Liability

- 8.1. The City is not responsible for the quality of the equipment or of the work carried out by the Contractor, or for guaranteeing any energy savings, water savings or renewable energy production, and as a result, the City shall not be liable for any damage, direct or consequential, loss or liability or injury caused by the supply of equipment, its installation, or use by the owner.

9. Effective Date

- 9.1. This Switch Program Bylaw, Bylaw #2021-Switch-01, shall be effective on the date of approval and adoption below.

First Reading:

This Switch Program Bylaw, Bylaw #2021-Switch-01, was read a first time and approved by a majority of members present at the Council meeting held on the 12th day of April, 2021

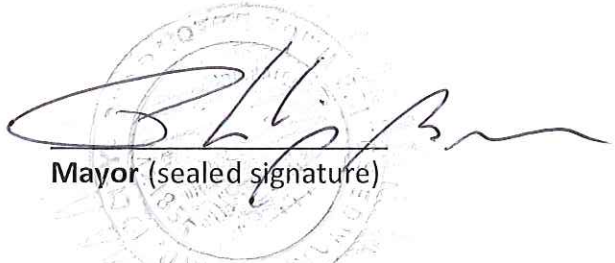
Second Reading:

This Switch Program Bylaw, Bylaw #2021-Switch-01, was read a second time and approved by a majority of members present at the Council meeting held on the 20th day of April, 2021

Approval and Adoption by Council:

This Switch Program Bylaw, Bylaw #2021-Switch-01, was approved and adopted by a majority of Council members present at the Council meeting held on the 20th day of April, 2021.

Witness the corporate seal of the City



Mayor (sealed signature)



Chief Administrative Officer (sealed signature)

This Switch Program Bylaw, Bylaw #2021-Switch-01 adopted by the Council of the City of Charlottetown on the 20th of April is certified to be a true copy.



Chief Administrative Officer Signature

4-22-21

Date



**CITY OF CHARLOTTETOWN
SWITCH PROGRAM BYLAW
#2021-SWITCH-01**

To establish a bylaw which provides low-interest financing to homeowners and business owners to invest in energy efficiency upgrades and renewable energy installations on qualifying properties within the City of Charlotte.

RESOLVED: THAT the attached bylaw "CITY OF CHARLOTTETOWN SWITCH BYLAW (#2021-SWITCH-01)" be read a first time.

*9-0
Carried*

Moved by Councillor *Mitchell Tweel* Mitchell Tweel

Seconded by Councillor *Greg Rivard* Greg Rivard
Date: April 12, 2021

*9-0
Councilor
moved
absent*

RESOLVED: THAT the bylaw be now approved as a City Bylaw and that it be entitled the "CITY OF CHARLOTTETOWN SWITCH BYLAW (#2021-SWITCH-01)" and that it be read a second time at the next public meeting of Council.

Carried

Moved by Councillor *Mitchell Tweel* Mitchell Tweel

Seconded by Councillor *Greg Rivard* Greg Rivard
Date: April 12, 2021

*9-0
Councilor
moved
absent*

THEREFORE; BE IT RESOLVED: THAT the "CITY OF CHARLOTTETOWN SWITCH BYLAW (#2021-SWITCH-01)" be read a **second** time, approved and that the said Bylaw be now adopted.

*9-0
Councilor
moved
absent*

Moved by Councillor *Mitchell Tweel* Mitchell Tweel

Seconded by Councillor *Greg Rivard* Greg Rivard
Date: *APRIL 20, 2021*

*10-0
Carried*

This Switch Program Bylaw, #2021-Switch-01, was approved and adopted by a majority of Council members present at the Council meeting held on 20th day of April, 2021.

*10-0
Carried*

Peter Kelly, CAO

Philip Brown, Mayor

