



**City Centre District Energy Utility Bylaw No. 9895
Amendment Bylaw No. 10412**

The Council of the City of Richmond enacts as follows:

1. The **City Centre District Energy Utility Bylaw No. 9895** is amended by deleting **Schedule D (Rates and Charges)** of the Bylaw in its entirety and replacing it with a new Schedule D as attached as Schedule A to this Amendment Bylaw.
2. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting Section 5 and replacing it with the following:

“ 5. Mandatory Use of DEU. Subject to the Service Provider providing Services pursuant to this Bylaw, each Owner of

 - (a) a building within the Service Area that is on a property that has a covenant registered on title requiring buildings constructed on the property to have the mechanical capability to connect to and receive annual space heating, domestic water, and space cooling through the DEU will, when available, connect to and utilise the DEU for internal space heating, domestic hot water, and space cooling in accordance with the terms and conditions of this Bylaw; or
 - (b) a new building proposed for construction or under construction within the Service Area after the date of enactment of this Bylaw, that is 10,000 ft² or larger in size, for which the City's Building Regulation Bylaw requires submission of a building permit application or issuance of final inspection notice permitting occupancy, to any one of which the Owner, as at the date of enactment of this Bylaw, is not yet entitled, will:
 - a. construct such building to have the mechanical capability to connect to and receive annual space heating, domestic water, and space cooling through the DEU; and
 - b. when available, connect to and utilise the DEU for internal space heating, domestic hot water, and space cooling, in accordance with the terms and conditions of this Bylaw.”
3. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting Section 7 and replacing it with the following:

“7. Permissive Use of DEU. An Owner of a new or existing building either located inside the Service Area that is not required to connect to and utilize the DEU pursuant to Section 5, or located outside the Service Area but within the City of Richmond, may apply to the City Engineer to utilize the DEU, and if:

- (a) the City Engineer is of the opinion that the DEU is capable of servicing the building that is the subject of the application;
- (b) the City Engineer is of the opinion that servicing the building is necessary or desirable; and
- (c) the Owner enters into an agreement with the City, in form and substance satisfactory to the City Engineer and City Solicitor, undertaking, among other matters, to wholly or partially, in the City's sole discretion, fund the capital cost of extending the DEU to the Owner's building in an amount and at a time determined by the City Engineer;

then the City Engineer may approve the application, in which case the Owner must utilize the DEU in accordance with the terms and conditions of this Bylaw.”

4. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting Section 12 and replacing it with the following:

“12. **Security.** The City authorizes its officers and employees and the officers and employees of the Service Provider to:

- (a) require persons applying for, connecting or connected to or using the Services to provide security with respect to the Services in an amount determined by the City or the Service Provider, in accordance with the General Terms and Conditions; and
- (b) require Owners responsible for the installation of Energy Transfer Stations, Service Connections, or Energy Generation Plants to provide security with respect to the such Energy Transfer Station, Service Connection, or Energy Generation Plant in an amount determined by the Service Provider, in accordance with the General Terms and Conditions.”

5. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting Schedule A – Boundaries of Service Area and replacing it with Schedule B attached to and forming part of this bylaw as a new Schedule A – Boundaries of Service Area of Bylaw No. 9895.

6. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended at section 1.1 of Schedule B by:

- a) deleting the definition of “Energy Generation Plant” in subsection (q) and replacing it with the following:

“(q) **Energy Generation Plant**” means a discrete energy generation plant that generates energy from a low carbon energy source as acceptable to the City Engineer, that is capable of connecting to the Distribution System as soon as the Distribution System is extended to reach the building(s) serviced by the Energy Generation Plant, that provides space heating, space cooling and domestic hot water heating (or any portion thereof required by the City Engineer) to one or more building(s), and that is located On Site of one or more of the buildings it provides energy to;”

- b) deleting the definition of “Service Area” in subsection (gg) and replacing it with the following:

“(gg) “Service Area” means the area in the City of Richmond as delineated in red in the boundaries map attached as Schedule A hereto or such portions thereof as may be designated by the Council and such other areas as may be added from time to time by Council;”

7. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting section 2.5 of Schedule B and replacing it with the following:

“2.5 Refusal of Application

The Service Provider may refuse to accept an application:

- (a) for any of the reasons listed in Part 15 below (Discontinuance of Services and Refusal of Services); or
- (b) if the DEU does not extend to the applicants property at the time their application is made.

8. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting the first sentence in section 4.6 of Schedule B and replacing it with the following:

“The Owner or Customer will, upon request of the Service Provider or the City and at no cost to the Service Provider or the City, at any time and from time to time, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered, all such further acts, bills of sale, assignments, transfers, conveyances, powers of attorney and assurances as may be required by the Service Provider or the City to evidence the transfer of legal and beneficial ownership of any Service Connections, Energy Transfer Stations, Energy Generation Plant Works, or any components thereof, procured, supplied or installed by the Customer, to the Service Provider or the City, in such form as requested by the Service Provider or the City.”

9. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended at section 4.4 of Schedule B by deleting subsections (c) and (d) and replacing them with the following:

- “c) approve such application subject to the Service Provider being satisfied with the design, materials, equipment, location and installation of the Service Connection and Energy Transfer Station, and each component thereof;
- d) waive or reduce payment of the applicable ETS and Service Connection Installation Fee set out in Schedule C (Fees) to this Bylaw; and
- e) require the Owner or Customer to provide security in such form and amount acceptable to the Service Provider.”

10. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended at section 15.1(h) of Schedule B by deleting the words “British Columbia Ministry of Water,

Land and Air Protection” and replacing them with the words “British Columbia Ministry of Environment and Climate Change Strategy”.

11. City Centre District Energy Utility Bylaw No. 9895, as amended, is further amended by deleting sections 17.4(a) and 17.4(b) of Schedule B and replacing them with the following:

“(a) directly attributable to the negligence of the Service Provider, its employees, contractors or agents, provided the Customer proves such negligence;

(b) caused by or resulting from a defect in the equipment, provided the Customer proves the existence of such defect and the Customer did not provide, supply or install such equipment.”

12. This Bylaw is cited as “City Centre District Energy Utility Bylaw No. 9895, Amendment Bylaw No. 10412”.

FIRST READING

NOV 14 2022

SECOND READING

NOV 14 2022

THIRD READING

NOV 14 2022

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
CR
APPROVED for legality by Solicitor
BRB

MAYOR

CORPORATE OFFICER

Schedule A to Amendment Bylaw No. 10412

SCHEDULE D

Rates and Charges

PART 1 - RATES FOR SERVICES

The following charges, as amended from time to time, will constitute the Rates for Services:

- (a) capacity charge - a monthly charge of \$0.0738 per square foot of gross floor area;
and
- (b) volumetric charge – a monthly charge of \$45.340 per megawatt hour of Energy returned from the Energy Transfer Station at the Designated Property.

PART 2 - EXCESS DEMAND FEE

Excess demand fee of \$0.184 for each watt per square foot of each of the estimated peak heat energy demand and estimated cooling demand referred to in section 19.1(f) (i), 19.1(f) (ii) and 19.1(f) (iii) that exceeds 6 watts per square foot.

Schedule B to Amendment Bylaw No. 10412

SCHEDULE A to BYLAW NO. 9895

Boundaries of Service Area

