

# Switch Program Bylaw

## Bylaw Number 52



A Bylaw to establish a program to enable eligible property owners to finance energy efficiency, renewable energy, electric car charging, water use and water conservation installations in the Town of Stratford.

BE IT ENACTED by the Council of the Town of Stratford as follows:

### 1. Title

1.1. This Bylaw shall be known as the “*Switch Program*” Bylaw.

### 2. Authority

2.1. Sections 206 and 207 of the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

### 3. Purpose

3.1. The purpose of this Bylaw is to enable financing of improvements to properties that reduce greenhouse gas emissions and/or improve energy and water use and efficiency to qualifying properties within the Town.

### 4. Definitions

4.1. In this Bylaw:

- (a) “Act” means the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1. as amended from time to time;
- (b) “Chief Administrative Officer” means the Chief Administrative Officer of the Town;
- (c) “Certificate of Completion” means a form issued by the Program Administrator, completed and signed by the Contractor and counter-signed by the Owner, stating that the Installation has been completed on the Qualifying Property;
- (d) “Charge” means the charge for financing the Installation, which includes any interest levied on the Qualifying Property pursuant to Section 207 of the Act;
- (e) “Contractor” means the contractor engaged by the Owner to carry out the Installation;
- (f) “Council” means the means the Municipal Council for the Town;
- (g) “Installation” means any infrastructure that is permanently affixed to the Qualifying Property which will result in:
  - i. reduced greenhouse gas emissions, improved energy efficiency or reduced energy use;

- ii. increased renewable energy production; or
- iii. improved water use or conservation.
- (h) “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;
- (i) “Participation Agreement” means the written Switch Program Participation Agreement between the Owner of a Qualifying Property and the Town to finance an Installation;
- (j) “Program Administrator” means the Town staff person, or third party that is contracted by the Town, to develop and implement the Switch Program;
- (k) “Qualifying Property” means a property located within Town boundaries that meets the requirements of this Bylaw, the Switch Program Policy and the Participation Agreement;
- (l) “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;
- (m) “Switch Program Policy” means the policy established by the Council to further delineate the requirements of the Switch Program; and
- (n) “Town” means the Town of Stratford.

## **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 Town 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 Town, and the execution of the Participation Agreement by the Owner of the Qualifying Property and the Town.
- 5.4. The following conditions must be met in order for the Chief Administrative Officer 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 Town 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; and
  - (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.
- 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; and
  - (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 Town 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; and
  - (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 Town 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. Effective Date

8.1. This Bylaw is effective on the date of approval and adoption below.

### **First Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on January 13, 2021.

### **Second Reading:**

This Bylaw was read and formally approved by a majority of Council members present at the Council meeting held on March 10, 2021.

### **Approval and Adoption by Council:**

This bylaw was formally adopted by a majority of Council members present at the Council meeting held on March 10, 2021.

## Signatures

\_\_\_\_\_  
**Mayor** (signature sealed)

\_\_\_\_\_  
**Chief Administrative Officer** (signature sealed)

Certified to be a true copy of the Town of Stratford Switch Program Bylaw, Bylaw # 52.

\_\_\_\_\_  
**Chief Administrative Officer Signature**

\_\_\_\_\_  
**Date**

This Bylaw was filed with the Minister of Fisheries and Communities on this \_\_\_\_ day of \_\_\_\_\_  
2021