

# Staff Report



Infrastructure Services Department

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**REPORT TO:** Community and Infrastructure Services Committee

**DATE OF MEETING:** June 16, 2025

**SUBMITTED BY:** Bu Lam, Director of Sanitary and Stormwater Utilities (SSU), 519-783-8835  
Mike Seiling, Director of Building, 519-783-8252

**PREPARED BY:** Marko Kasunic, Manager, Maintenance & Operations (SSU), 519-783-8833  
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**WARD(S) INVOLVED:** All Wards

**DATE OF REPORT:** June 2, 2025

**REPORT NO.:** INS-2025-070

**SUBJECT:** Amendments to Municipal Code – Chapter 660, Plumbing & Drainage

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## RECOMMENDATION:

**That Chapter 660 of the Corporation of the City of Kitchener Municipal Code regarding Plumbing and Drainage be repealed and replaced with the updated By-law attached to report No. INS-2025-070.**

## REPORT HIGHLIGHTS:

- The purpose of this report is to advise on the need for an update to Municipal Code, Chapter 660, Plumbing & Drainage.
- The current by-law lacks clarity on who is responsible for maintaining private-side sanitary infrastructure when blockages occur (e.g., from tree roots).
- The update to Municipal Code, Chapter 660, Plumbing & Drainage will clarify the responsibility of private property owners and/or the City as it pertains to maintenance and repair of sanitary infrastructure, and will reflect current practices.
- The updated by-law also updates outdated language and removes duplicated sections that now appear in the Ontario Building Code (OBC) following recent regulatory changes.
- This report supports the delivery of core services.
- There are no financial impacts associated with the recommendations.

## BACKGROUND:

A staff review of the City of Kitchener's Municipal Code, Chapter 660, Plumbing & Drainage identified a number of provisions of the code that were out of date; i.e. regulation changes

duplicated within the Ontario Building Code (OBC), as well as sections that required updating and alignment with current practices.

For clarity, the Chapter 660 - Plumbing & Drainage by-law is specific to water, sanitary and storm drainage requirements. The Chapter 660 – Plumbing & Drainage by-law does not address final lot grading drainage, which are addressed through Site Plan and Subdivision processes administered through Engineering and/or Building.

## **REPORT:**

Sanitary and Stormwater Utilities (SSU) provides services to residents in response to sanitary blockages, which typically relate to sewage back-ups in residential basements. While the impact of a sewage back-up may be confined to private-property, it may be the result of a blockage in either a private-side pipe or from a City-owned pipe. When SSU responds to these types of service calls, crews will work to clear the blockage and will use a CCTV camera to help determine the cause of the blockage as well as inspect pipes for defects, both within the privately-owned and city-owned (i.e., road allowance) portions of the sanitary pipe. CCTV video footage helps pinpoint the exact location of the defect, which helps determine the responsible party for any repairs and associated costs.

There are many reasons why a sanitary blockage may occur, including resulting from tree roots that have entered via cracks or joints in the pipe. Root intrusion is most commonly found in older pipes, as pipes near the end of their useful service life often begin to degrade and crack. Roots are commonly mistaken as being the cause of pipe defects (i.e., creating cracks), when in fact, roots do not create pipe defects but rather penetrate through existing pipe defects.

The current by-law (Municipal Code – Chapter 660, Plumbing & Drainage) indicates that the City will be responsible for removing blockages and any costs related to tree roots when the tree is on City property, whereas the private property owner is responsible for any costs involved in clearing blockages resulting from tree roots where the tree is on private property. The by-law further states that the property owner is responsible for ensuring their private-side pipe is in good repair and be responsible for the maintenance and repair costs of the private-side lateral. These sections of the by-law are contradictory and confusing and do not clearly and consistently assign responsibility for pipe defects, root intrusion, and/or repair and maintenance costs. The lack of clarity in the by-law may cause residents to assume that the City is responsible for the cost of the private-side pipe repair, or result in residents delaying their pipe repairs as they believe the City will perform maintenance on their private pipe on an ongoing basis.

In consultation with City Arborists, Engineers and Solicitors, as well as aligning to current practice at the City of Kitchener and similar practices in other municipalities, the proposed changes to the by-law will simplify language and make private property owners responsible for repairs and maintenance of private-side sanitary pipes. This distinction clearly assigns responsibility to private property owners to assume the costs of removing blockages, including those caused by tree roots entering pipes on private property, as the location of a tree and its roots has no bearing on the creation of a pipe blockage, but rather it is the state of the pipe (i.e., pipe defects) that are the cause of roots entering the pipe. Similarly, the by-law change will clearly assign responsibility to the City to remove and pay for any blockages caused by tree

roots or other materials that occur due to a pipe defect on the non-private side (i.e., City road allowance).

This change to the by-law will improve customer service as updated language in Chapter 660 now clearly defines the responsibilities of private property owners and the City in relation to blockages in sanitary pipes, including those from tree root intrusion, and reflects current practice.

The Building Division also participated in the review of the existing Municipal Code – Chapter 660, Plumbing & Drainage because many of the requirements therein are also contained in the Ontario Building Code. This duplication has been removed in the updated by-law, along with updates to City contact information. A summary of key changes to Chapter 660 of the Municipal Code is provided in Table 1.

Table 1: Summary of key changes to Chapter 660 – Plumbing and Drainage.

<b>Key Change</b>	<b>New Document</b>	<b>Old Document</b>
Removal of content due to duplication (Building Division)	Not included	<b>Section 660.2.6</b> – redundant with Development processes <b>Article 6</b> – Ventilation – duplication with OBC <b>Article 7</b> – Fixtures Required – duplication with OBC
Blockages caused by tree roots (SSU)	Reference to tree ownership as determinant for cause of blockage removed. Clarified language regarding responsibility for pipe repairs and/or blockage removal based on the location of the pipe defect.	Blockages caused by roots from a tree on City property implies City is liable for costs involved in clearing the blockage. The reverse is implied for blockages caused by roots from a tree located on private property. However, location of tree has no bearing on a blockage caused by tree roots. Cause of blockage is due to defect in pipe (e.g., cracks, offset joints).
Updates required to reflect standard provisions of regulatory by-laws or existing City Policies (Legal Services)	Additional language required: <b>Article 7</b> – Repair at Owner's Expense <b>Article 8</b> – Inspection Powers <b>Article 9</b> - Enforcement <b>Article 10</b> - Administration	Included in original by-law; however, wording was out of date.

#### **STRATEGIC PLAN ALIGNMENT:**

This report supports the delivery of core services.

#### **FINANCIAL IMPLICATIONS:**

None

#### **COMMUNITY ENGAGEMENT:**

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

**PREVIOUS REPORTS/AUTHORITIES:**

- *Municipal Code – Chapter 660, Plumbing & Drainage*
- *Ontario Regulation 163/24 (Building Code) under the Building Code Act, 1992, S.O. 1992, c. 23, and amendments thereto*

**APPROVED BY:**

Denise McGoldrick, GM Infrastructure Services  
Justin Readman, GM Development Services

**ATTACHMENTS:**

Attachment A – Chapter 660 Plumbing and Drainage By-Law (2025)