
TO: FINANCE AND CORPORATE SERVICES COMMITTEE

PREPARED BY AND KEY CONTACT: S. BRUNET, MANAGER OF ENVIRONMENTAL OPERATIONS (EXT. 6140)

SUBMITTED BY: J. THOMPSON, DIRECTOR OF ENVIRONMENTAL SERVICES
C. MILLAR, DIRECTOR OF FINANCE

GENERAL MANAGER APPROVAL: A. BOURRIE, RPP
GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH
MANAGEMENT (ACTING)

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

DATE: SEPTEMBER 26, 2018

SUBJECT: SERVICE FEES FOR DYE TESTING TO CONFIRM SEWAGE USE, 205
CHERRY COURT

RECOMMENDED MOTION

1. That the Report to the Finance and Corporate Services Committee dated September 26, 2018 concerning the service fees for dye testing to confirm sewage use - 205 Cherry Court, be received.

PURPOSE & BACKGROUND

2. Section 1 Clause c) of Water and Wastewater Billing By-Law 2016-115 defines a Class I – Water Only Exemption as:

“Class I – Water Only Exemption shall mean a property that is connected to the municipal drinking water system that uses a private wastewater system. Only water rates will be applicable to approved Class I exemptions.”

(i.e. properties with a valid Class I exemption do not have sewage charges applied to the water consumption bill.)
3. Although municipal wastewater services have been available to Cherry Street properties since 2010, 205 Cherry Court is a residential property for which no sewer connection has been reported. Therefore, if, in accordance with By-Law 2016-115, a Dye Test confirms that the property remains unconnected, a continued Class I – Water Only Exemption applies.
4. This Class I – Water Only Exemption has been included in the prevailing By-Law since 1984. Number 205 Cherry Court has had the benefit of this exemption without reverification for some 34 years.
5. Staff followed normal practices and procedures for the renewal of the Class I exemption for 205 Cherry Court, as identified in the Chronological Timeline of Events in Appendix A.
6. Mr. Gerald Wade, owner of 205 Cherry Court was invoiced in the amount of \$349.24 as per the By-Law and executed application for services provided for the renewal of his Class I – Water Only Exemption and associated dye testing fees.

7. Staff have responded to Mr. Wade's various requests for clarification on why he was subject to this fee when some of his neighbours had not been, for tests performed prior to the By-Law update. Despite given the option to call and discuss, Mr. Wade indicated that he would seek clarification through the Ombudsman.
8. A letter from Mr. Wade dated June 18th, 2018 (Appendix B) was received by the City of Barrie (City), requesting that members of Barrie City Council look into the fairness of being charged a fee when some of his neighbours had not previously been charged.

ANALYSIS

9. Dye testing is the method used for confirming the continued eligibility for Class I exemptions where municipal sewers are available adjacent to the property.
10. The Water and Wastewater Billing By-Law 2016-115 provides authority to ensure eligibility, as well as to charge a fee for testing associated with confirming the continued validity of the exemption.
11. On March 12th, 2018, the Environmental Operations Branch of the Environmental Services Department, received an application form completed and signed by Mr. Wade. All application forms include an Agreement Section indicating that fees may apply (Appendix C).
12. On March 13th, 2018, the Environmental Officer responsible for exemptions spoke to Mr. Wade explaining the application fee \$349.24 and scheduled a dye test with him.
13. The dye test was completed on March 14th, 2018 confirming no connection to the sanitary sewer. An invoice for the application fee and dye test was issued to Mr. Wade on March 27th, 2018.
14. Mr. Wade is one of 32 property owners to date that was issued an updated Approval Certificate for a Class I exemption as part of the 2018 program update; 11 of which dye testing fees applied to date as municipal sewers exist adjacent to their properties. The 21 properties for which Dye Testing and associated fees were not applied do not have access to municipal sewers (i.e. there are no sewers adjacent to their properties).
15. Dye tests performed for some Cherry Court residents were done so prior to the by-law amendment that added charges. Charges will apply for these properties when these approval certificates expire and require renewal.
16. The by-law currently indicates approval certificates for all exemptions will expire three (3) years from the date of issuance.
17. By-Law Fees have been established based on a full cost recovery basis to include the costs of staff time, materials, equipment and vehicles necessary to properly perform the confirming testing and administration.

ENVIRONMENTAL MATTERS

18. There are no environmental matters related to the recommendation.

ALTERNATIVES

19. The following alternatives are available for consideration by the Finance and Corporate Services Committee:

Alternative #1

The Committee could chose to recommend to Council to waive some or all of the fees brought into question by Mr. Wade.

This alternative is not recommended as the Water and Wastewater Billing By-Law is clear on the responsibilities of the City and the customer. This option would create a dangerous precedent that will ultimately place a heavier burden on all other ratepayers.

Alternative #2

The Committee could choose to support the enforcement the Water and Wastewater Billing By-Law 2016-115 requiring that the fees for the approval of a water only (Class I) exemption in the amount of \$349.24 be paid in full, with penalties and interest as calculated from the due date of the bill.

This alternative is recommended as it provides for full cost recovery for the administration of a service that benefits the resident without burdening other ratepayers.

FINANCIAL

20. The potential financial impact of the alternatives will depend upon the option that is chosen.

LINKAGE TO 2014-2018 STRATEGIC PLAN

21. The recommendation included in this Report support the following goals identified in the 2014-2018 Strategic Plan:

☒ Responsible Spending.

22. Limiting the exceptions to the City's Water and Wastewater Billing By-law will limit the City's financial risk.

APPENDIX “A”

Chronological Timeline of Events

<u>Date</u>	<u>Action</u>
March 5, 2018	An Environmental Officer issued a reapplication letter to Mr. Wade at 205 Cherry Court identifying the need to update and re-issue the Class I Exemption Approval Certificate as the last one issue was in 1984 and it is no longer valid.
March 12, 2018	A completed and signed application was received by the City (Appendix A) from Mr. Wade. Please note that the agreement section on the application regarding application fees has been reviewed and approved by the City of Barrie Legal Department.
March 13, 2018	An Environmental Officer spoke with Mr. Wade explaining the application fee of \$349.24. A dye test was agreed upon and scheduled at this time.
March 14, 2018	The dye test was performed confirming that the property was not connected to the municipal wastewater collection system. A dye test report was completed and Mr. Wade was informed that an invoice would be issued.
March 27, 2018	Invoice #50815 was issued by Finance.
April 5, 2018	An Environmental Officer informed Mr. Wade that the invoice was issued.
April 5-12, 2018	Ms. Sandra Brunet offered Mr. Wade an explanation to his concern about being treated unfairly through various emails.
April 16, 2018	Ms. Sandra Brunet offered to discuss the concerns over the phone to no avail. Mr. Wade indicated through email correspondence that he is appealing to the Ombudsman of Ontario.
April 20, 2018	Mr. Wade requested information to assist with his Appeal through email. Ms. Brunet provided this information.

APPENDIX "B"

Letter By Owner – Mr. G. Wade

C3

To the Members of Barrie City Council:

18 June 2018

Re: A Water Only Exemption Dye test

This was an unfair fee levied against me. On 5 March 2018, I received a notice concerning a dye test, so I could retain my status of Waste Water Fee being waived. The test was conducted on 7 March 2018 and proved, I was not connected to the Municipal Sewer system. My problem is that my neighbors received this test for FREE. I on the other hand am being billed for it \$349.24. My question to Sandra Brunet (Manager of Environmental Operations) is and was many times, WHY was I excluded from the free testing period? Although she admits in e-mails, that my neighbors were tested free of charge, I must pay. I just want to be treated the same as my neighbors and I want to have the fee that was eventually attached to my Municipal taxes dropped. I have also communicated my concerns to:

Manager of Operations

Director of Operations

Stakeholder and Special Projects Coordinator Lauren Wild, who has been the only truly helpful executive, with this unfair situation.

Like I said previously in this complaint, "WHY did my neighbors receive preferential treatment"? And why was I EXCLUDED? Environmental Operations staff, claim they don't know, and neither do I.

I am a long term resident of Barrie, a Senior Citizen and a Veteran. I served 23 years in the Royal Canadian Air Force, to ensure that we live in a Country that treats all of its Citizens fairly. Ironically I am now finding it necessary to contact you, so that I also, am treated fairly.

I have been requesting fairness in this matter since early March 2018.

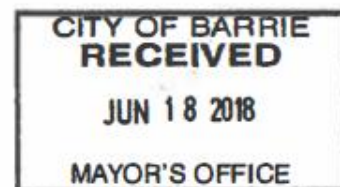
I am disappointed that instead of having this matter settled in a timely fashion, I have been shuffled from one office to another at Barrie City Hall, without any resolution.

Of special interest is the e-mail from Sandra Brunet (Manager of Environmental Operations) dated 6 April 2018, which states "at the time your neighbors had their dye test performed, it was NOT a chargeable service".

Respectfully

Gerald Wade CD 

Barrie, On



APPENDIX "C"**Completed Application Form**

ENVIRONMENTAL CENTRE
272 FERNDAL DRIVE NORTH
TEL. (705) 739-4219
FAX (705) 739-4251



THE CORPORATION OF THE CITY OF BARRIE
ENVIRONMENTAL SERVICES DEPARTMENT
"Committed to Service Excellence"

P.O. BOX 400
BARRIE, ONTARIO
L4M 4T5



WATER ONLY EXEMPTION APPLICATION
Class I – City Water Supply with no Sanitary Sewer Connection

1. Complete lot and flow diagram (2nd page)

Property Owner:	GERALD WADE
Full Address:	205 CHERRY COURT
Telephone:	705 722 6163
Address of Exemption Request:	205 CHERRY COURT
	BARRIE

2. Waste Disposal System in use:

- ☒ Septic Tank-Tile Bed ☒
☐ Privy
☐ Other (Specify) _____

AGREEMENT

I hereby make application for a Class I – Water Only Exemption as per By-law #2016-115 (and any subsequent revisions) and that I agree to:

- Abide by all relevant By-laws and amendments and regulations of the City of Barrie,
- Provide the required details and access to the premises by identified City of Barrie employees,

I understand that an Application Fee may apply and this fee must be paid prior to the issuance of an Approval Certificate.

Name (Print): GERALD WADE Date: 7 MARCH 2018

Signature: G Wade

Should you have any questions regarding Class I - Water Only Exemption's, please contact The City of Barrie's Environmental Services Department at Exemption.Admin@barrie.ca

ENVIRONMENTAL CENTRE
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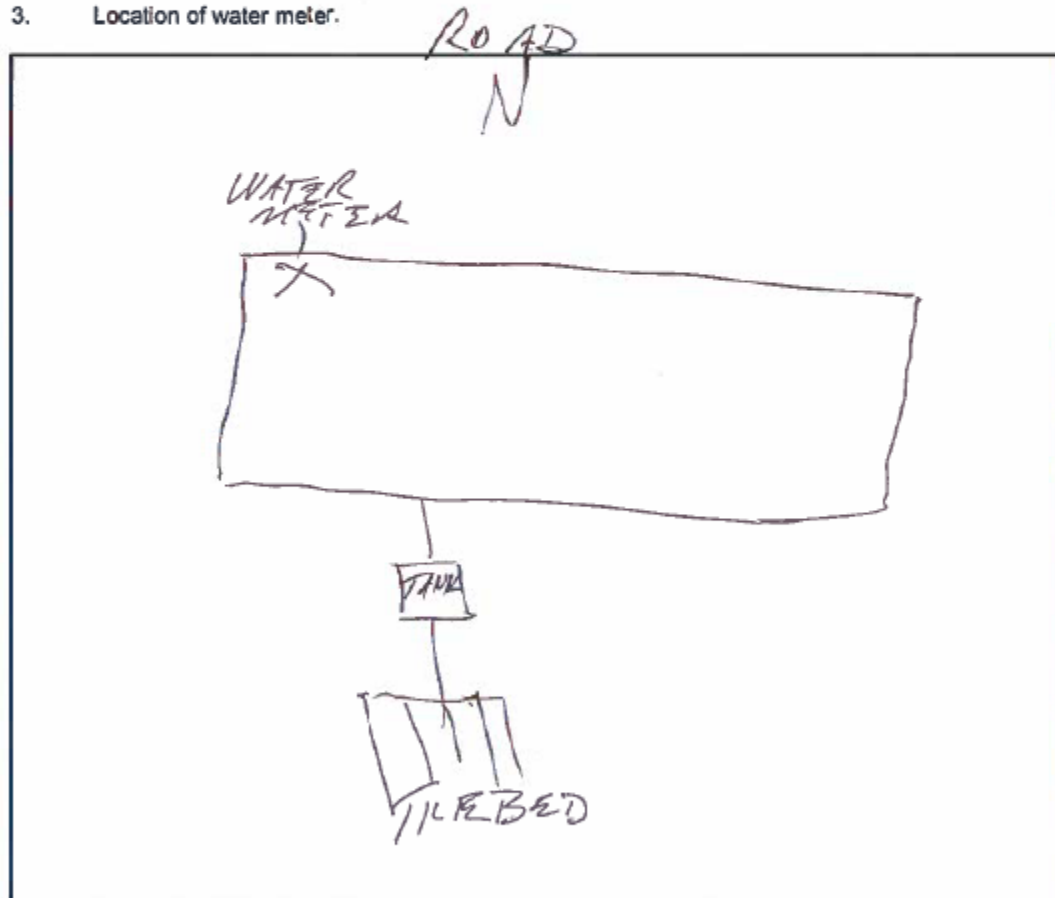
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LOT AND FLOW DIAGRAM

Draw to scale indicating north point and showing the following:

1. Buildings, streets, topographic features (watercourses, swamps and steep slopes).
2. Waste disposal system with connection (Septic tank-tile bed, privy, etc).
3. Location of water meter.



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