



REPORT TO FINANCE AND CORPORATE SERVICES COMMITTEE

TO:	FINANCE AND CORPORATE SERVICES COMMITTEE
PREPARED BY AND KEY CONTACT:	C. SMITH, SENIOR MANAGER, ACCOUNTING AND REVENUE (X5128)
SUBMITTED BY:	C. MILLAR, DIRECTOR OF FINANCE AND TREASURER
GENERAL MANAGER APPROVAL:	D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES
CHIEF ADMINISTRATIVE OFFICER APPROVAL:	M. PROWSE, CHIEF ADMINISTRATIVE OFFICER
DATE:	DECEMBER 4, 2019
SUBJECT:	118 ATHABASKA ROAD WATER WASTEWATER BILL

RECOMMENDED MOTION

1. That the Report to Finance and Corporate Services Committee concerning the 118 Athabaska Road Water Wastewater Bill, dated December 4, 2019, be received.

PURPOSE & BACKGROUND

2. On October 4, 2019, the City received confirmation from the homeowner, Salter Property Management Inc., represented by Mr. Tim Salter that he wished to bring forward an open delegation regarding the matter of unpaid water bills left by his tenants (Appendix "A").
3. The City's Finance department (Revenue Branch) is responsible for the billing and collection of all water and wastewater billings issued bi-monthly for residential accounts as determined by the current rates and consumption of water.
4. The City offers the option for landlords to have their tenants billed directly for water and wastewater costs. The City handles the account administration, billing and collection of tenant water accounts on behalf of owners based upon the completion of a signed Owner Tenant Agreement Form ("Agreement") (Appendix "B") which is submitted by the owner.
5. There is an amount owing of \$952.29 related to a previous tenant at 118 Athabaska Road. This covers the period between November 1, 2018 and September 24, 2019.
6. City staff followed normal practices and procedures as identified in the Chronological Timeline of Events in Appendix "C". Under the City's Water and Wastewater Billing By-law 2016-115, the homeowner is responsible for the provision of water and wastewater services, in the event that the occupant fails to pay. This responsibility is also stated on the City's website and in the Agreement signed by the owner (Acknowledgement Section, point 4).
7. In discussion with Mr. Salter, City staff have offered the option to enter into a payment plan.

ANALYSIS

8. 118 Athabaska Road is a residential property and as such, is billed approximately every 60 days for water and wastewater charges.



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9. Salter Property Management Inc. has been the owner of the property since May 26, 2017.
10. As a signed Agreement was in place, the bi-monthly water and wastewater bills were issued to the property address in the names of the tenants for payment.
11. The property owner's contact information is also tied to the property address/account and when an account is in arrears, Reminder Notices are issued to the tenants and the owner (Appendix "D")
12. As per the City's water and wastewater billing by-law, if fees and charges remain unpaid on a tenant's active water and wastewater account:
 - a) The City will issue a reminder notice at least 21 days following the due date;
 - b) A copy of the reminder notice will be sent to the owner at the same time;
 - c) When the owner receives the reminder notice, they have the option to submit a completed Request for Consideration application, for the City to consider the account for the water shut off process;
 - d) The City will review all active tenant accounts and requests for shut off on a regular basis, and the City will determine which accounts in arrears will be moved to the water shut off process, following the City's policies and procedures.
13. Revenue staff regularly review reports of delinquent tenant accounts. The City manages approximately 44,400 active water and wastewater accounts including 5,500 tenant accounts. Of these tenant accounts, approximately 1,000 or 18% are overdue at any given time, and approximately 350 of these 1,000 are overdue by amounts greater than \$250.
14. City staff focus on larger delinquent balances (ie greater than \$250) for both owner and tenant accounts first as staff resources are limited and are required to physically perform any shut off service and once service is disconnected, the fee charged to reconnect the service is \$195.
15. All water and wastewater billing charges and fees under the water and wastewater billing by-law and following the Municipal Act 2001, are considered a lien on the property and as such, water and wastewater arrears are transferred to the appropriate property tax account following the City's policies and procedures.
16. Once this tenant account was overdue, Reminder Notices on the overdue balance were issued to the tenants and the owner by the City on February 14, 2019, April 18, 2019, June 13, 2019 and September 26, 2019.
17. During the arrears period, the tenants continued to correspond with the City with assurances that the overdue amounts would be paid, even as the City issued "flag for disconnection" letters to the tenants with the last letter dated July 26, 2019.
18. On August 13, 2019 the account was set to close as the City received a new Agreement for a new tenant to be set up as of August 1, 2019 at which point the City stopped the process of moving forward with disconnection.
19. Under the terms of the Agreement, the owner has the option to submit a Request for Consideration of Water Shut Off (Appendix "E") to the City asking that the City consider shutting off the water supply to the premises for the tenant who is in arrears. These submissions are reviewed by staff within days of receipt and therefore offer the option for owners to bring attention to their tenant's past due account for staff review and action more quickly than it may be reviewed through the standard process. No request was submitted.



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20. The City has no evidence of any communication from the property owner with respect to the balance or status of the account, nor inquiring as to options or steps for collection, nor providing us with any information regarding any court or eviction proceedings.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

21. There are no environmental and climate change impact matters related to the recommendation.

ALTERNATIVES

22. There are three alternatives available for consideration by Finance and Corporate Services Committee:

Alternative #1

Finance and Corporate Services Committee could choose to waive some or all of the balance of the water bills in question. As the Water and Wastewater Billing By-law is clear on the responsibilities of the City and the homeowner in this situation, this option would create a dangerous precedent which ultimately places a heavier burden on all other ratepayers and as such, this alternative is not recommended.

Alternative #2

Finance and Corporate Services could choose to enforce the Water and Wastewater Billing By-law which would require that the water bills in the amount of \$952.29 be paid in full, with penalties and interest as calculated from the due dates of the bills.

Alternative #3

Finance and Corporate Services Committee could choose to require that the water bills be paid in full, but waive some or all of the penalties and interest that have accumulated on the overdue bills. Staff have previously presented to the property owner the option of a reasonable monthly payment plan.

FINANCIAL

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

LINKAGE TO 2018–2022 STRATEGIC PLAN

24. The recommendation(s) included in this Report are not specifically related to the goals identified in the 2018-2022 Strategic Plan.



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Appendix "A"

Resident Communication

From: Tim Salter [mailto:[REDACTED]]
Sent: October 4, 2019 10:54 AM
To: Wendy Cooke <Wendy.Cooke@barrie.ca>
Cc: Mary-Lyn Gervais <Mary-Lyn.Gervais@barrie.ca>
Subject: Finance committee appeal - 118 Athabaska

Re: Water bill outstanding balance at 118 Athabaska - [REDACTED] (tenants)

Dear Ms. Cooke,

I would like to formally petition the finance committee in regard to the amount owing for the water and sewer service from the tenancy of [REDACTED] at 118 Athabaska Rd.

I believe that there was an oversight of the finance department of a 9 month delay of initiating a disconnection of the utility from the residence due to non-payment of the account balance. This resulted in a large amount owing that is ultimately the responsibility of the property owner.

Please provide me with the process and procedures in regard to preparing a petition.

Regards,

Tim

Salter Holdings Inc.


[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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Appendix "B"

Water Wastewater Billing Owner Agreement Form



Water Wastewater Billing Owner Agreement Form - Tenant

To be completed by the property owner or their representative.

EFFECTIVE DATE *

Select Date

Owner Information:

ADDRESS (WHERE WATER METER IS LOCATED) *

Enter Address

WATER ACCOUNT NUMBER

Enter Account Number

ASSESSMENT ROLL NUMBER (19 DIGITS)

Enter Roll Number

PROPERTY OWNER(S) NAME (FIRST, LAST) *

Enter Owner(s) Name

CURRENT TAX MAILING ADDRESS *

Enter Tax Mailing Address

COUNTRY *

Enter Country

CITY/TOWN *

Enter City

PROVINCE/STATE *

Enter Province/State

POSTAL CODE/ZIP *

Enter Postal/Zip

PHONE NO (E.G. 705-111-2222) *

Enter Phone No.

EMAIL ADDRESS *

Enter Email



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Tenant Information:

TENANT NAME (FIRST, LAST) *

Enter Tenant Name

TENANT ADDRESS*

Enter Tenant Address

TENANT CITY/TOWN*

Enter Tenant City

TENANT PROVINCE*

Ontario ▼

TENANT POSTAL CODE*

E.G. L4N 4W5

Enter Tenant Postal

TENANT PHONE NO

E.G. 705-111-2222*

Enter Tenant Phone No.

TENANT ALTERNATE PHONE NO

Alternate Tenant Phone

TENANT EMAIL

Tenant Email Address

Acknowledgement

1. I (We) are the Owner(s) of the property at the above noted Service Address.
2. I (We) rent the property to a tenant.
3. I (We) request that the City of Barrie bill the tenant noted below directly at the service address for all water and wastewater charges and other related charges attributed to the above property, including penalty for overdue accounts.
4. I understand that despite not having received bills in respect of the water service, if the tenant defaults in payments, all rates and charges shall be recoverable against me (us) as a debt owed to the City of Barrie, as per By-Law #2016-115.
5. All rates and charges shall be a lien on my (our) interest in the property pursuant to the Municipal Act, 2001, S.O. c.25, s.398 (2).
6. I (We) acknowledge that the City of Barrie is not precluded from pursuing its legal remedies against the Tenant.
7. I (We) undertake to inform the City of Barrie of all Tenant(s), Occupant(s) and/or Owner(s) changes (including address), in a timely manner.
8. This agreement is non-transferable and must be renewed for any and all Ownership and/or Tenancy changes.
9. I (We) specifically acknowledge and agree to the City of Barrie's right to revoke this agreement for any reason and to revert the account to me (us) as registered owner(s) for payment of all services and any outstanding balance. The owner will be advised of the account being moved into the homeowner's name in writing.
10. I (We) appoint the person(s) to whom the bills and notices are directed as my (our) representative(s) for the purposes of granting the City access to the property in relation to the City's provision of water and wastewater services and related activities including but not limited to inspection, at or to the property, even if these activities result in charges on the property.

PROPERTY OWNER/MANAGER

ACKNOWLEDGEMENT *

FIRST NAME, LAST NAME *

Enter Name

Submit

Cancel

Print

Fax: 705-739-4237

Phone: 705-797-5340

Email: FinanceAdmin@barrie.ca

Mail: City of Barrie, Finance Dept

PO Box 400

Barrie, ON L4M 4T5

In Person: 70 Collier St. Barrie

(1st Floor, Service Barrie)

Personal information contained on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used to process your request. Questions regarding this collection of personal information should be directed to the Manager of Revenue, City of Barrie Finance Department, 70 Collier Street Barrie, Ontario L4M 4T5, (705) 726-4242.



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Appendix "C"

Chronological Timeline of Events

Date	Observation / Action
November 1, 2018	Water wastewater account created in tenants' names as per a completed Water Wastewater Billing Owner Agreement Form.
December 20, 2018	Water wastewater bill issued \$250.82, due January 24, 2019.
January 21, 2019	\$75.00 payment received on account.
February 14, 2019	Reminder notice regarding overdue balance issued to tenants and homeowner.
February 21, 2019	Water wastewater bill issued \$366.66, due March 28, 2019.
February 28, 2019	\$180.00 payment received on account.
April 18, 2019	Reminder notice regarding overdue balance issued to tenants and homeowner.
April 18, 2019	Water wastewater bill issued \$257.75, due May 23, 2019.
April 25, 2019	Received call from tenant promising payment and informing staff of second tenant's departure. No new Agreement was received from the owner indicating the change in tenancy.
May 29, 2019	City issued a flag for disconnection letter to the tenants.
June 4, 2019	Tenant called and made payment arrangements.
June 13, 2019	Reminder notice regarding overdue balance issued to tenants and homeowner.
June 20, 2019	Water wastewater bill issued \$165.74, due July 25, 2019.
July 26, 2019	City issued a flag for disconnection letter to the tenants.
August 13, 2019	New agreement form received indicating new tenants whereupon previous account was closed.
August 15, 2019	Water wastewater final bill issued \$130.48, due September 19, 2019.
September 26, 2019	Reminder notice regarding overdue balance issued to tenants and homeowner.
October 4, 2019	Homeowner advised Legislative Services of intent to file an Open Delegation (Appendix "A").



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Appendix "D"

Sample Reminder Notice – Sent to Tenants and Homeowners

THE CORPORATION OF THE CITY OF BARRIE

November 15, 2019

<CUSTOMER NAME>
<ADDRESS LINE 1>
<ADDRESS LINE 2>
<ADDRESS LINE 3>

Reminder Notice
Address: <SERVICE ADDRESS>
Account Name: <CUSTOMER NAME>
Account #: <XXXXXX-XXXXXX>

Dear CUSTOMER NAME,

A review of our records indicates that the above water wastewater account is past due. This notice is a reminder that an outstanding balance in the amount of \$XXX.XX has not yet been paid. Please be sure to include this account number in order to facilitate proper processing when making payment.

Acceptable payment methods are cheque, cash, debit, or by phone or online through your financial institution which will require setting the City of Barrie up as a payee to direct payments to your water billing account. For payment purposes, you must insert 3 zeros in front of each set of six digits of your account number stated above: e.g. 000XXXXXX-000XXXXXX.

Please be advised that penalty/interest is charged at a rate of 1.25% on any balance owing after a due date.

If payment has been recently made please accept our thanks and disregard this notice.

If you are a Tenant at this address, be advised that City of Barrie by-law #2016-115 has given City staff the authority to turn off the water supply to the premises if your water wastewater bill is not paid on time. Fees associated for this process will be added to your account if the City has to commence the formal shut off process. Past due Owner accounts are not disconnected.

If you would like to make alternate payment arrangements, please contact the City of Barrie at (705) 726-4242, Monday to Friday, 8:30am – 4:30pm or by email to Servicebarrie@barrie.ca.

Sincerely,
Revenue Branch]

FINANCE DEPARTMENT • 70 COLLIER STREET, P.O. BOX 400, BARRIE, ONTARIO L4M 4T5

P (705) 726-4242 • servicebarrie@barrie.ca • www.barrie.ca



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Appendix "E"

Water Wastewater Billing Request for Consideration of Water Shut Off



Water Wastewater Billing Request for Consideration of Water Shut Off

The request for water shut off can only be made for a property that is occupied by a Tenant whose water wastewater account is in arrears.

Tenant's Water Account Number	Service Address (where the water meter is located) *		
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>		
Tenant's Contact Information: <i>Fields Marked With * Are Required</i>			
<input style="width: 95%;" type="text"/>			
<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 10%;" type="text"/>
Owner/Designate Contact Information:			
Name(s) (1) *		Are you the <input type="checkbox"/> * Owner or <input type="checkbox"/> Designate? (2)	
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	
<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 10%;" type="text"/>
<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 30%;" type="text"/>	<input style="width: 10%;" type="text"/>
Declaration:			
<p>1. I (We) are the Owner(s) or Designate(s) of the property listed in the service address above</p> <p>2. I (We) are responsible for the Tenant who rents this property</p> <p>3. I (We) are only making this request because the Tenant's water wastewater account is in arrears and we are asking for assistance in the collection of the account</p> <p>4. I (We) understand that the decision to shut off the water supply is the sole responsibility of the City of Barrie</p> <p>5. I (We) understand that the City will decide when the water will be turned back on, based on payment in full, payment commitment or assistance from another source.</p> <p>6. I (We) understand and agree that the charge for turning the water off and then back on will be the fees as listed in the City of Barrie current Fees By-Law, which will be billed to my attention. If these fees are not paid, they will be added to the property tax roll of the service address listed above.</p>			
Signature (1) *		Date *	
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	
<input style="width: 95%;" type="text"/>		<input style="width: 95%;" type="text"/>	

Please complete the form and return to the City of Barrie, Water Billing Branch
Fax: 705-739-4237 Email servicebarrie@barrie.ca In Person 70 Collier St, Barrie Website www.barrie.ca
Phone 705-726-4242 Mail City of Barrie, Finance Dept, PO Box 400, Barrie ON, L4M 4T5

City of Barrie Use Only	
Tax Roll # _____	
Verified Owner or Designate described above is correct?	Y or N _____
Verified Tenant is in arrears for at list 63 days from date of bill?	Y or N _____
Registered Letter issued with scheduled shut off date of _____	
Service Order # generated _____	
Administrative Fees added to Tenant's account _____	Y or N _____ Date: _____
Copy of form forwarded to Accounts Receivable for billing Owner/Designate? _____	Y or N _____
Completed By _____	Verified By _____
Date _____	

Information for Owner and or Designate

- 1) The only reasons the City of Barrie will turn off the water supply at a property are:
 - A) Tenant water wastewater account is in arrears
 - B) Renovations to the building(s)
 - C) Seasonal shut down for extended period of time
 - D) Demolition of the building(s)
 - E) Fire destroyed part or all of the building(s)
- 2) As part of the initial process for the shut off of water, the City will be scheduling all the water shut offs on Tuesdays of every other week. This date will change to Wednesday if there is a holiday Monday. The City reserves the right to change the schedule based on workload, emergencies and/or staff availability. The shut off of the water will not occur prior to 63 days after the bill date.
- 3) The Owner or Designate will be contacted by the City to advise when the water is scheduled to be turned off, in case the Tenant contacts the Owner. It is recommended that the Owner or Designate attend the shut off appointment to speak to the Tenant but it is not a requirement.
- 4) The City of Barrie accepts no responsibility or liability for damages or leaks that may be caused by shutting off or turning the water back on.
- 5) There may be instances where the City cannot completely turn the water off, however, it should be a substantial enough decrease in flow to cause an inconvenience to the occupants.
- 6) There are also locations where the City cannot turn off the water from the outside of the premises due to the location of the curb box (under pavement or sidewalk, car parked over it, located on private property etc). If the City cannot turn the water off at the road, the Owner or Designate will be contacted to determine the next best course of action.
- 7) The City requires a minimum of 48 hours notice to turn the water back on. While other emergencies and priorities will take precedence, the City will endeavor to schedule it as quickly as possible. A specific request to turn the water on in less than the 48 hours, whom ever is requesting the speedier service will be responsible for the additional fees for the afterhours service rates.
- 8) The City requires that the Owner, Designate or Tenant must be in attendance when the water is turned back on. The City must have access to the inside of the building to ensure the water is properly flowing, and that there is no broken equipment or leaks. The water will not be turned back on unless a responsible person is present. If the Owner, Designate and/or Tenant do not appear for the appointment, they will be charged a 'missed appointment' fee.
- 9) If leaks or damage to the water equipment (i.e. curb stop, meter valve, meter) is found on the Owner's side of the connection, the City will make the necessary repairs and the Owner is liable for these specific costs.
- 10) The City will not accept payments for arrears while staff is on site, turning the water off. The customer will be directed to City Hall Finance Department and the water shut off will continue.
- 11) If any City staff feel that their safety is at risk (hostile Tenant or Occupant) during this process of shutting off the water, City staff have been instructed to leave the area immediately, whether the water is shut off or not. The Owner or Designate will be notified by the Manager of Revenue. At this point in time, the City will cease all attempts to shut off the water and the arrears will be added to the Owner's property tax account. It will then be responsibility of the Owner or Designate to work with the Tenant for all future payments of the water wastewater account.