

The Corporation of the City of Kawartha Lakes

Council Report

Report Number CORP2017-026

Date: October 10, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier:

Subject: CORP2017-026 High Water Bill Adjustment Appeals Committee

Author Name and Title: Angela Vickery, Manager of Revenue and Procurement

Recommendation(s):

RESOLVED THAT Report CORP2017-026, **High Water Bill Adjustment Appeals Committee**, be received; and

THAT no action be taken to implement a High Water Bill Adjustment Appeals Committee.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of June 6, 2017, Council adopted the following resolution:

10.3.4 CORP2017-017

Christine Norris, Manager, Revenue and Procurement
High Water Bill Appeals

CR2017-497

Moved By Councillor Breadner

Seconded By Councillor Yeo

RESOLVED THAT Report CORP2017-017, **High Water Bill Appeals**, be received;

THAT an Appeal Body for High Water Bills be established to hear and adjudicate applications relating to high water bill appeals with the same decision making powers as the Property Standards Committee; and

THAT staff provide an establishing by-law by the end of Q3, 2017 for consideration.

CARRIED

This report addresses that direction.

Rationale:

By-Law 2011-260, a By-Law to Govern Water and Wastewater Services in the City of Kawartha Lakes, defines the responsibility of the home owner for water and wastewater services, including maintenance and use of water/sewer systems and associated utility billing fees. Where there is an unexpected high consumption of water, the High Bill Adjustment Policy, Policy Number CP2017-006, provides property owners a platform to appeal and seek relief, pending certain criteria are met. The policy provides for only one leak adjustment per property during the term of the applicant's ownership. Most municipalities do not have these programs as once the water has travelled through the meter, the responsibility becomes that of the home owner.

Council Report CORP2017-017 is attached and provides background information on why staff does not recommend a High Water Bill Adjustment Appeals Committee. Reasons as noted in the report include:

- increase administrative costs as staff would have to be reassigned from normal work duties to prepare and defend decisions made based upon a Council approved Policy
- potential for increased number of frivolous appeals

- recommendation for any adjustment outside of the Policy would have to be presented to Council for final approval, which will create duplication of effort for both staff and Council
- potential for inconsistent application of policy creating negative precedents for future application of policy.

To date, issues have been resolved in accordance with the Policy without having to bring the matter to an appeal.

In order to satisfy Council's request, staff developed for consideration terms of reference for a High Water Bill Adjustment Appeals Committee with the same decision making powers as the Property Standards Committee. The Property Standards Committees' terms of reference are included within By-Law 2016-112, a By-Law to Regulate and Govern the Standards for Maintaining and Occupying Property within Kawartha Lakes. The Committee is comprised of three members of Council, appointed by Council, for the duration of the term of Council. As the regulations for Water and Wastewater services are already defined in By-Law 2011-260, Council could choose to amend this By-Law to include terms of reference for an appeals body instead of creating a new by-law.

Other Alternatives Considered:

If Council chooses to move forward with an appeals body, Staff recommend the Council resolution in this report be amended to the following:

REMOVE

THAT no action be taken to implement a High Water Bill Adjustment Appeals Committee.

REPLACE WITH:

THAT By-Law 2011-260 be amended to include terms of reference for a High Water Bill Adjustment Appeals Committee as per the following:

- 1.01 **High Water Bill Adjustment Appeals Committee:** A High Water Bill Adjustment Appeals Committee is established to hear and rule on appeals against High Water Bill Adjustment decisions.
- 1.02 **Authority:** The High Water Bill Adjustment Appeals Committee may recommend to Council approval of high water bill adjustments without prejudice or precedent to any other similar matter.
- 1.03 **Composition and Appointment:** The High Water Bill Adjustment Appeals Committee shall be comprised of three members of Council appointed by Council.
- 1.04 **Term:** The Term of the Appointment of the High Water Bill Adjustment Appeals Committee shall be the same as the term of Council.

- 1.05 **Administration:** The High Water Bill Adjustment Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.
- 1.06 **Governance:** The High Water Bill Adjustment Committee shall be governed by the City's Procedural Water and Wastewater By-Law as amended from time to time by Council.

Staff is currently reviewing By-Law 2011-260 and intends to bring forward to Council proposed changes in Q4 2017. If Council chooses to implement a High Bill Adjustment Appeals Committee, the terms will be brought forward with the other proposed changes before the end of Q4 2017.

Financial/Operation Impacts:

Creating another option for customers to bring their concerns has the potential to result in unnecessary financial burden to the tax/ratepayer through costs associated with additional meetings, reallocation of staff resources; the potential for inconsistent application of the policy and increases in the user rates associated with water and wastewater services.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Strategic Enabler – Responsible Fiscal Resource Management

Consultations:

N/A

Attachments:



CORP2017-017 High Water Bill Appeals.pdf

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Department Head: Ron Taylor

Department File: