

October 27, 2014

Report To: Doug Brown, Manager of Operations & Facilities
From: Douglas Herr, Environmental & Facilities Superintendent
**SUBJECT: Jack and Camie Gray
Re: 118 Third Street West
Letter Received October 23, 2014**

Find attached a letter from Jack and Camie Gray complaining about why they are responsible to pay for the repair of the sanitary sewer service, on Town's property that services their proposed new house.

First of all Mr. Gray indicates in his letter that the by-law excerpts, By-law No. 6/92 - 8 that he received from the Town doesn't state anything about sewer lines. The Town's by-law specifies "private drain connections", which is defined as that part of the drainage, which connects a building sewer to a main sewer and is situated in the limits of the highway. See Plumbing Standards – "definitions" City of Brantford attached.

On October 6, 2014 Trish Law completed a Building Permit Appraisal form for the development of a single detached dwelling at 118 Third Street West, copy attached. On this form it outlines what the Owner is required to do if he/she plans to reconnect to the existing services. Trish in fact made notes in the additional information section stating:

- a) Existing water/sewer services must be inspected by Public Works prior to connection - @ Owner's expense
- and
- b) Owner's sewer line full of roots & requires replacement.

A copy of the form was retained and placed in the property file while the original was sent to the Chief Building Official, Travis Rob.

Travis would have presented this form to the Owner as part of the Building Permit informing him/her of the conditions and had them sign and date the Building Permit Appraisal form indicating that he/she read and agreed to all the terms and conditions as described in the document. The Owner signed the document October 24, 2014. Travis had hand written two notes, in red on the form stating:

- a) Given to Owner pending result of letter to Council October 24/14
- b) Owner advised that occupancy will not be granted before this issue is resolved.

Completed form, accompanied with CCTV Inspection Report and GIS Map of location attached.

In accordance with Town's By-law No. 6/92 – A (March 14, 1994), paragraph 7 it specifically states that in the event of the demolition of any building serviced by private drain (i.e. sanitary sewer) or water connections and provided the said property is not rezoned or subdivided in any manner, application in the form of Schedule "C-1" - (Temporary Termination and Reconnection of Services) shall be made and the costs shall be borne by the applicant. To date the Owner has not filed an application for termination. Never the less the Owner was informed that the services would have to be inspected and repaired/replaced, if necessary at his/her cost.

Also identified in the Town's By-law No. 10/94 (March 14, 1994) pertaining to permits and related matters, under Part 4 – Permits; section 3) b) it states that when a demolition permit application is

filed, in addition to the requirements of the application satisfactory proof that arrangements have been made with the proper authorities for the termination and the capping of all the water, sewer, gas, electric, telephone or other utilities and services.

On September 15th, 2014 in my presence the sanitary sewer service was inspected by closed circuit television. A video was created and was placed in the property file. The inspection showed that the service line, on the Owner's property was clogged with roots and that at approximately 58 feet from the cleanout inside the basement there exists an offset pipe joint. This offset is severe enough to catch debris and eventually plug the service. I recommended to the Owner that he replace his portion and that the Town will have to repair the offset joint, at his cost. As you can see by Mr. Gray's letter he is unwilling to pay for this work. I have met with him a couple of times to explain that once he applies for a building permit the services are subject to inspection and if in need of repair/replacement the work within the Town's right-of-way will be performed by the Town at the Owner's cost. He expressed his unwillingness to pay for the repair on Town's property.

The Town over the past years have encountered several cases such as this one; i.e. 1005 Crowe Avenue and 228 Sixth Street East, where their services are scheduled for replacement next week. All were treated the same and in accordance with the Town's by-laws.

I did suggest to Mr. Gray at one of our meetings that a letter could be written and signed by him stating that in the event of ongoing issues with the sanitary sewer the Town could repair/replace the service, at the Owner's expense. Mr. Gray has since been advised that this is no longer an option.

In order for the Owner to obtain occupancy one of the conditions is to have the water and sewer services in place and the water turned on. In order to have the water turned on the Owner is to make application to have the sanitary sewer service repaired. Once the service is repaired notification will be given to the Chief Building Official informing him that this requirement of the building permit application has been met.

Respectfully Submitted,

Douglas Herr, Environmental & Facilities Supt.

Enclosed: Plumbing Standards – "definitions" City of Brantford
 By-law No. 6/92 (February 10, 1992) with amendments A through E
 By-law No. 10/94 (March 14, 1994) with amendment A
 Building Permit Appraisal