

September 23, 2015

Report To: Mayor & Council

From: Operations & Facilities Executive Committee

SUBJECT: Request from Kellie & Bob Whalen – 1316 - 6th Street East – Not to be Responsible for the Costs to Upgrade the water service line from ½ inch diameter to ¾ inch diameter from the watermain to the Curb Stop Valve.

Kellie & Bob Whalen, property owners of 1316 – 6th Street East wrote a letter dated August 12, 2015 to Mayor & Council requesting not to be responsible for the costs to upgrade the water service line from existing ½ inch diameter to ¾ inch diameter from the watermain to the curb stop valve based on the fact that the Town did not know the actual size of the service line and that they claim that incorrect information was obtained from Town employees. See attached copy of the letter from Kellie & Bob Whalen.

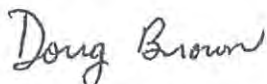
Also please find attached a chain of events report, prepared by Doug Herr, Environmental & Facilities Superintendent for your review which outlines the communication that took place prior to up-sizing the water service line on August 12, 2015 where the total cost including the asphalt patch was \$4,503.75 (No HST water work).

Based on the chain of events report, subsections 6.8 & 2.1 of existing Water System Management By-law No. 16/06 and clause 7.6.3.4 of the Ontario Building Code (See attached information), it is difficult to understand how the Town would be responsible for the cost to up-size the water service line for the property at 1316 – 6th Street East.

The Operations & Facilities Executive Committee recommends the following;

- 1) As a result of a difference in interpretation of the communication which took place between the property owners of 1316 6th Street East, Kellie and Bob Whalen and the staff in the O & F division (water& sewer dept.) the cost to upgrade the water service line from a ½ inch diameter line to a ¾ inch diameter line from the watermain to the property line will be spilt equally between both the Town and Kellie & Bob Whalen, the property owners of 1316 6th Street East. The cost each party is \$ 2,251.88 (No HST).
- 2) That Kellie & Bob Whalen will have the option to utilize a payment plan to pay off their portion \$ 2,251.88.

Respectfully submitted,



Doug Brown, P. Eng.
Operations & Facilities Manager

f/n: 2015Septwhalenwater

Council approval of this report will ensure the following:

- 1) As a result of a difference in interpretation of the communication which took place between the property owners of 1316 Sixth Street East, Kellie and Bob Whalen and the staff in the O & F Division (water and sewer department) the cost to upgrade the water service line from a ½ inch diameter line to a ¾ inch line diameter line from the watermain to the property line will be split equally between both the Town and Kellie and "Bob Whalen, the property owners of 1316 Sixth Street East. The cost to each party is \$2,251.88 (No HST)
- 2) That Kellie and Bob Whalen will have the option to utilize a payment plan to pay off their Portion of \$2,251.88.

1316 - 6TH STREET EAST



The Town of Fort Frances
320 Portage Ave.
Fort Frances, ON

August 12, 2015

Dear Mayor and Council;

We recently purchased a home with intentions to renovate.

While we debated the extent of our reno's, we had the sewer inspected (which was in great shape) and we were told that the water lines on our street were upgraded to $\frac{3}{4}$ inch at the curb stop. Due to this information we decided to proceed with a more extensive renovation and so we were aware that we would have to upgrade the $\frac{1}{2}$ inch water line on our property.

Imagine our disappointment when we dug it up and discovered it was still $\frac{1}{2}$ inch at the curb stop. Had we been given this information prior, we would not have done such an extensive reno, and we would not have had to upgrade the $\frac{1}{2}$ inch water line.

The Public Works manager said it didn't matter what we were told, only that we would now have to pay \$3-5000 to upgrade to the main on town property. This was never in our budget, and would have changed the course of events significantly had we known.

We do not believe this is fair to us at all, and in fact, we are very upset with this situation. The information given to us was incorrect. We should not be made responsible to pay for the upgrade from the curb stop to the main.

We are requesting the opportunity to attend the next Operations and Facilities meeting to discuss our situation. We can be reached at 274-6552 or 276-2581.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kellie Whalen'.

Kellie Whalen

A handwritten signature in dark ink, appearing to read 'Bob Whalen'.

Bob Whalen

Chain of Events
1316 SIXTH STREET EAST
(Bob and Kellie Whalen)
Water Service (Undersized)

- July 09, 2015 – Travis George and Kyle Turgeon completed an inspection of the sanitary sewer service using a closed circuit television camera. The inspection showed the service to be in good structural and serviceable condition. Owner advised of this. The water to the premises was also turned off at this time as per the Owner's request.

While at the site inspecting the sewer service the Owner, Bob Whalen asked Travis George about the condition of the water service line. Travis indicated to him that the water services into 1308 and 1324 Sixth St. E. had been upgraded in the past to ¾" (19 mm) diameter copper and thought the same would be for this property as well. Water service line was not excavated and exposed at the property line to verify this.

- August 04, 2015 – I received a telephone call from Travis Rob, Chief Building Official informing me that he had been made aware that the existing water service, Town side was only ½" (12 mm) copper. Travis told me that he had discussed with the Owner what was to take place regarding the under sizing of the water service.

Approximately 20 minutes after talking with Travis Rob, Mr. Whalen came into the Public Works building to see me. Mr. Whalen claimed that he was told that the Town portion of the water service had been upgraded to ¾" diameter copper. It was only when they excavated down to the curb stop at the property line to make the connection did they discover the water service was ½" diameter on the Town's side. I explained to Mr. Whalen that the service would have to be upgraded to ¾" diameter copper line at his expense. Mr. Whalen questioned why he would have to pay for the upgrade when the line is on the Town's property. I informed him that this is in respect to the Town's water by-law. Mr. Whalen then asked what the cost would be for the installation. I gave him a price of \$3,000 - \$5,000. Mr. Whalen was not impressed and walked out of the office implying that he was going to see his lawyer.

An hour or so later I received a telephone call from Mr. Whalen's lawyer. He informed me that he was calling in respect to Mr. Whalen's request. He asked me what had taken place and I informed him that all was being done in accordance with the Town's water by-law. He told me he would explain this to his client.

Shortly after my conversation with Mr. Whalen's lawyer I received a telephone call from Mr. Whalen telling me that his wife would be in later that day to fill an application for the installation of the new water service.

Shortly thereafter Mrs. Whalen came into the Public Works building. She made it quite clear that she wasn't happy with the situation. She did though complete the necessary application and paid the deposit. I informed her that the work could not be done this week

as the Town had to arrange for utility locates, which could take up to seven days to receive. Once they are obtained the Town would proceed with the work.

- August 12, 2015 -- The Town replaced the existing ½" copper water service with new ¾" copper line from the water main to the property line at a cost of \$4,503.75.

- a) Where the water service pipe is to be permanently terminated the service pipe, at the discretion of the Engineer is to be disconnected at the water main, the water main plugged, and the curb box and rod removed at the owner's expense.
- b) Where the water service pipe is to be temporarily terminated, the Town shall turn off the shut-off valve (curb stop), at the owner's expense.

6.8 Terminated of service – reconnection – Inspection

Where a water service connection is required to be reconnected to a premises, such service shall be dug by the Owner/Applicant at the property line, water service exposed and inspected by the Town to ensure that such service meets present standards.

If existing service is acceptable the Owner may proceed with its installation. Connections to existing services are to be inspected by the Town prior to backfilling at the inspection rate as set within this by-law.

If existing service does not meet present standards or by-law requirements the Owner shall make application for new service as described in Section 2.4 of this by-law.

The Owner/Applicant shall be liable for the cost of locating water service connections upon application for reconnection.

6.9 Maintenance of service stub – Town

The Town of Fort Frances at its expense shall maintain the water service stub.

6.10 Maintenance of service extension and private main – Owner

Any and all defects to the water service extension and private main shall be repaired by the owner of the property being serviced. Should the Town become aware of any such defect, and upon written notification to the owner, the said defect is not repaired, within seven (7) days of the date of the notification or within such time as the Engineer may deem necessary, then the Town may turn off the water supply to the property. Once the owner has repaired the water service extension the Town will restore the water supply to the premises. The owner shall be charged for the turn "off"/"on" of the water supply in accordance with the Town's User Fee By-law.

6.11 Access to shut-off valves

All shut-off valves must be left clear and accessible at all times so that the water in the water service pipe and private mains may be turned off or on as may be found necessary by the Engineer.

6.12 Responsibility for protection, water loss, damage

All water service extensions to and including the meter shall be properly protected from frost and any other damage at the expense and risk of the owner of the property being serviced. The owner shall be responsible for the water loss occasioned by a leak in the water service extension and/or private main and the charge for such water loss shall be determined by the Engineer, shall be paid by the owner upon demand by the Town, and the Town shall not be held responsible for any damages arising from such leakage.

6.13 Responsibility - vacant and unheated premises

When any premises is left vacant or without heat, it is the owner's responsibility to shut off the water supply from within the premises and to drain the piping therein. The owner may apply in writing to the Town to have the shut-off valve turned off to stop water supply. The valve will be turned on only at the owner's request and in the owner's presence. The owner shall pay for this service at the rate shown in accordance with the Town's User Fee By-law.

6.14 Responsibility - water damage

When any premises left vacant, unattended or without heat, where the water supply has not been shut off, suffers damage to it and its contents from a leaking or burst water pipe, the owner or the occupant shall have no claim against the Town. Should the Engineer become aware of such leaking or burst pipes, the Engineer shall turn off the shut-off valve, and the water supply shall not be turned on until the Engineer, in his/her discretion, shall consider it advisable.

6.15 Responsibility for frozen pipes - Town - Owner

Thawing out frozen water service stubs shall be the Town's responsibility. Thawing out frozen service extensions and private mains shall be the owner's responsibility. Where any employee of the Town assists the owner in the thawing of frozen pipes on the owner's property, all such work will be the owner's expense as outlined in this by-law. The owner shall have no claim against the Town by reason of such work.

6.16 Responsibility for Hydrant Maintenance – Town – Private

Any hydrant situated within the road allowance is the property of the Town and shall be maintained by it. Hydrants privately owned and paid for by any persons, other than the Town shall be maintained by qualified persons or the Town through a written agreement. All hydrants are to be maintained as per the *Ontario Fire Code*.

1.31 Service Stub - defined

"service stub" shall mean the portion of a water service pipe from a main to the property line, which will always include shut-off valve.

1.32 Shut-Off Valve - defined

"shut-off valve" shall mean the valve on the water service or private main owned and used by the Town to shut off or turn on the water supply from the Town's waterworks distribution system to any premises. Where the context so requires, "shut-off valve" means a "curb stop".

1.33 Single Detached Residence - defined

"single detached residence" shall mean a single dwelling, which is freestanding, separate and detached from other main buildings or main structures, including a split-level dwelling, but does not include a mobile home.

1.34 Subdivider - defined

"subdivider" shall mean the owner or party specifically named in a Subdivision Agreement.

1.35 Termination of service - defined

"termination of service" shall mean the discontinuation of use of a water service to supply water to a premises, either on a permanent or temporary basis.

Permanent termination -- where the existing water service will not or cannot be used or where no building requiring a water service is planned.

Temporary termination -- where the existing water service will or can be used, or where a building requiring a water service is planned for construction within a specified period of time.

1.36 Town - defined

"Town" shall mean The Corporation of the Town of Fort Frances.

1.37 Water - defined

"water" shall mean potable water supplied by the Town.

1.38 Water Distribution System - defined

"water distribution system" shall mean mains with connections to feeder mains, feeder mains within subdivision lands, private mains, services, fire hydrants, and shut-off valves and all other appurtenances thereto.

1.39 Water Related Services - defined

"water related services" shall include but not be limited to those items set out under the heading "Miscellaneous Charges" in accordance with the Town's User Fee By-law.

1.40 Water Service Pipe - defined

"water service pipe" shall mean the pipe and fittings that convey potable water from a connection on a main or private main to the meter location, or, for a fire service, to the inside of the exterior wall of a structure.

1.41 Waterworks - defined

"waterworks" shall mean any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing to which the *Building Code Act, 1997*, or any amendments thereto apply.

**Part 2
ADMINISTRATION**

2.1 Application - payment prior to installation

An application for water service from the Town shall be completed on the standard forms and any required deposit payments shall be made by the owner or their authorized agent before any work is commenced on the installation of the water service and before the water service is turned on.

2.2 Application -- termination of service -- building demolition -- permanent/temporary

In the event of the demolition of any building or buildings on a premise serviced with water and the appropriate application is to be made with the Town for termination of such water service:

- a) Where the existing water service will not or cannot be used or where no building requiring a water service is planned is to be permanently terminated.
- b) Where the existing water service will or can be used, or where a building requiring a water service is planned for construction within a specified period of time is to be temporarily terminated.

Table 7.6.3.2.C.
Sizing of Water Distribution Systems for Water Closets with Direct Flush Valves
Forming Part of Sentences 7.6.3.2.(4) and 7.6.3.4.(5)

Number of Valves	Individual Fixture Units Assigned in Decreasing Values	Fixture Units in Accumulative Values ⁽¹⁾
1	40	40
2	30	70
3	20	90
4	15	105
5 or more	10 for each <i>public use</i> , and 6 for each <i>private use</i>	115, plus 10 for each <i>public use</i> additional fixture in excess of 5, and 111, plus 6 for each <i>private use</i> additional fixture in excess of 5
Column 1	2	3

Notes to Table 7.6.3.2.C.:

- (1) The accumulative fixture unit values are the total values to be used in conjunction with Table 7.6.3.2.A.

Table 7.6.3.2.D.
Hydraulic Loads of Fixtures Not Listed in Table 7.6.3.2.A.
Forming Part of Sentences 7.6.3.2.(2) and (3) and 7.6.3.4.(5)

Size of Supply Pipe, in.	Hydraulic Load, fixture units	
	Private Use	Public Use
$\frac{3}{8}$	1	2
$\frac{1}{2}$	2	4
$\frac{3}{4}$	3	6
1	6	10
Column 1	2	3

7.6.3.3. Static Pressure

- (1) Where the static pressure at any fixture may exceed 550 kPa, a pressure reducing valve conforming to Article 7.2.10.12. shall be installed to limit the maximum static pressure at the fixture to 550 kPa.

7.6.3.4. Size

- (1) Every water service pipe shall be sized according to the peak demand flow but shall not be less than $\frac{3}{4}$ in. in size.
- (2) Except as permitted in Sentence (3), the size of a supply pipe that serves a fixture or device shall conform to Table 7.6.3.2.A.
- (3) For fixtures listed in Table 7.6.3.2.A that have a permitted supply pipe size of $\frac{3}{8}$ in., a connector not more than 750 mm long and not less than 6.3 mm inside diameter may be used to supply water to the fixture or device.
- (4) No water system between the point of connection with the water service pipe or the water meter and the first branch that supplies a water heater that serves more than one fixture shall be less than $\frac{3}{4}$ in. in size.
- (5) Where both hot and cold water is supplied to fixtures in residential buildings containing one or two dwelling units or row houses with separate water service pipes, the water system may be sized in accordance with Table 7.6.3.4. where,