



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** July 17, 2017

Report No. EPW-17-034

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Jeff Miller, Director of Engineering and Public Works

**SUBJECT:**

Reimbursement of Additional Costs Incurred at 841 Kindersley Road for a Sewer Backup

**RECOMMENDATION:**

That Council does not approve the requested reimbursement to the owner of 841 Kindersley Road for a sewer backup and that the current policy and practice are maintained.

**RELEVANT POLICY:**

Council Policy E&PW-04 Sewer and Drains Blockages - Private Property

**STRATEGIC RELEVANCE:**

Well Managed and Maintained Infrastructure - Identify infrastructure repair and proactively plan for replacement needs

**BACKGROUND:**

On the evening of Sunday, March 6, 2016, 841 Kindersley Road suffered a sewer backup. The Owner contacted a Contractor (Roto Rooter) to review the issue and provide relief after trying to address the issue themselves. Work carried out by the Contractor included snaking the line via the outside clean out and removal of blockage items. This work allowed the service to begin to function. For this instance, the Contractor or Owner did not contact the Township about the blockage.

841 Kindersley Road suffered a second backup on Wednesday, March 9, 2016. During this incident the Owner did contact the Contractor but decided to deal with the issue with the caretaker due to the time of the backup. The caretaker undertook the snaking of the lines. These efforts were effective in allowing the service to function. The Owner then made arrangements to have the Contractor do further work at a later date during regular business hours. For this instance, the Contractor or Owner did not contact the Township about the blockage.

On Sunday, March 13, 2016, the Contractor was on site to carry out additional work. This work included snaking the service through the exterior clean out and having a camera inspection of the

service line from the property side of the service. The camera inspection revealed that the line was blocked and that the location of the blockage was on the public side of the service. At this time the Township was contacted.

Public Works Call Out staff attended at the property to verify the nature and location of the blockage. When it was confirmed that the blockage was on the public side, a work order was initiated for its repair. Public Works staff arrived on Monday, March 14, 2016 to carry out repairs to the public portion of the service line. With the completion of this work, no further sewer backups have occurred at this property.

The Owner has presented three costs for reimbursement to the Township (see Attachment 1). These are:

- Work carried out on March 6, 2016 by the Contractor for a total of \$512.40
- Work carried out on March 9, 2016 by the off-site caretaker for a total of \$112.50
- Work carried out on March 13, 2016 by the Contractor for a total of \$382.20

On April 29, 2016, the Owner was reimbursed by the Township in the amount of \$382.20 for the March 13, 2016 work. The March 6 and March 9 invoices were denied.

On October 24, 2016, the Owner appeared before Council as a delegation. The purpose of this delegation was to request reimbursement for the costs associated with the work carried out on March 6 and 9, 2016. Council directed staff to prepare a report for Council consideration, outlining the history of events and Policy guidelines pertaining to this matter and advising the Owner of the future meeting details.

## **ISSUES:**

### **1. Rationale for Selected Option**

The Owner has requested that they be reimbursed for the costs incurred on March 6 and March 9, 2016. At this time, this request has been denied. On both of these dates the Owner/Contractor/Caretaker did not contact Public Works to inform the department of any issues with the service or that this blockage was the Township's responsibility as is required by Council Policy E&PW-04 (See Attachment 2).

As outlined in Council Policy E&PW-04, unless notification is made to the Township about a blockage and that its location is verified to be on the public side, the management of the blockage (i.e. investigation and repair) remains with the owner of the private portion of the service. This has been the case even when a blockage has been determined to be on the public side of the service at a later date.

In this case, the Contractor utilized for the work is well aware of the Township's policy and has dealt with the Township on a number of instances. In other instances the Contractor has not had any issue with contacting the Township to verify a location of a blockage if they think it is within the public realm. As this did not happen, the assumption is that the Contractor felt this blockage was on the private side of the service.

## 2. Organizational Implications

The current practice assigns the responsibility for a blockage to the home owner until it has been verified that the blockage is on the public side. This practice has evolved to this point because unless verification is made and a repair/surface restoration is carried out by the Owner, there is no way to confirm where the blockage was and what amount of work was necessary to complete the project. It is extremely difficult for the Township to verify the nature and extent of the work without first assessing the matter before any work commences.

If the practice is modified where verification is not required and home owners can claim that the blockage was on the public side, it is expected that the number of reported blockages will decrease. The unreported blockages would then result in an increased degree of work within the public realm by contractors. This is a concern as there would be no oversight by the Township and no chance to ensure that Township standards are met.

## 3. Financial Implications

The financial implications are fairly minor if this request for reimbursement is approved. The Owner has already been reimbursed for the March 13, 2016 work (\$382.20). The costs still in question totals \$624.90. If these costs are approved, the total cost for this blockage will exceed the allowable maximum amount of reimbursement of \$800.00 set out in the Council Policy by \$207.10.

## 4. Sustainability & Environmental Implications

There are no sustainability or environmental implications.

## 5. Communication & Engagement

Once Council has provided direction regarding the request for additional reimbursement, the Owner will be notified of Council's decision.

### ALTERNATIVES:

1. That Council does not approve the requested reimbursement to the owner of 841 Kindersley Road for a sewer backup and that the current policy and practice are maintained.
2. That Council approve the requested reimbursement and that the current policy and practice be modified.