

LAW AMENDMENTS COMMITTEE

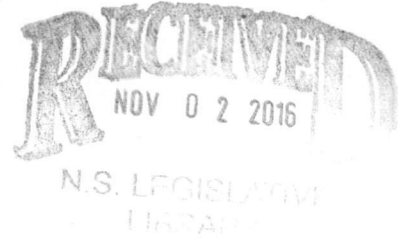
Red Chamber, Province House

Monday, October 31, 2016

Bill #22 - Halifax Regional Water Commission Act (amended)

2:00 p.m.

1. Peter Polley
2. Pamela Lovelace
3. Jeremy Jackson
Killam Properties



**Bill #33 - Fences and Detention of Stray Livestock Act (amended) and
Fences and Impounding of Animals Act (repealed)**

No representation

Bill #36 - Gaming Control Act (amended)

No representation

Bill #41 - Residential Tenancies Act (amended)

No representation

Bill #44 - Maintenance Enforcement Act (amended)

No representation

Peter Polley - Polycorp

From: Peter Polley - Polycorp
Sent: Wednesday, October 19, 2016 3:04 PM
To: brendan@brendanmaguire.ca
Subject: Halifax Regional Water Commission - Board Meeting not open to public, press or stakeholders
Attachments: Meetings.pdf

Brendan [and hopefully indirectly to Minister Churchill]

Below was created hastily just now to try to get in front of the 2nd reading of the proposed changes to the Halifax Water Commission Act – Bill # 2. I have asked the Legislative Office to confirm when it will go to law amendments, but the below could be made before it even gets there...

General Commentary :

As discussed, I have probably been the most active critic of Halifax Water in the private sector in Halifax. I honestly believe that they are making spending decisions for hundreds of millions of dollars of infrastructure based on faulty information. As a residential builder and landlord, and having attended the relevant consultations that they conduct as part of their “check the boxes” process, it is obvious that they are operating with incorrect information from misdirected or faulty engineering studies [I have seen both]. Some very senior staff agree with industry’s analysis, but there is zero accountability. I have lost faith in the UARB process as a result of the Halifax Water Regional Development Charge hearing process approx 2 years ago as I understood the engineering variables and assumptions and cannot believe what the UARB is letting them get away with getting even the 25% of what they had originally proposed to have as charges for new development. I have personally seen senior Halifax Water staff lie and misrepresent facts to serve their agenda. This is a strong statement and I stand by it.

Requested Change :

Halifax Water Board meetings be open to the public – same as Halifax Council meetings

Halifax Water Board meetings must be public to increase accountability. In September, I asked to attend a board meeting as an observer and was told by James Spurr, In House Counsel at Halifax Water “ **As I said in my previous email the Halifax Regional Water Commission Act would need to be amended to provide for your request of attendance at Halifax Water Board meetings.**” Please read through the full exchange below for more detail. They are using a provision in the City of Halifax charter that permit in-camera sessions as a justification for not letting people into their board meetings. This would be an opportune time to deal with that issue. They passed a motion for a \$500,000,000 capital levy on the local building industry behind closed doors and refused to let industry attend to hear the discussion.

Anything that can be done on this could possibly save A BILLION DOLLARS. I am not joking on this. The Halifax Water alleged infrastructure deficit is a multi-billion dollar number, and they are spending money building infrastructure that we don’t need. I think that you would know me well enough by now to know that I would not make statements like this if there was not a real problem.

Thanks,

POLYCORP

Peter Polley
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1

E-mail ppolley@polycorp.ca
web www.polycorp.ca
Mailing Address : PO Box 31369, Halifax NS B3K 5Z1
Courier Address : Suite 205, 339 Herring Cove Road, Halifax NS B3R 1V5

From: Peter Polley - Polycorp
Sent: Wednesday, October 12, 2016 7:14 AM
To: 'udi@udins.ca'; Andrew Giles (andrewgiles@eastlink.ca) (andrewgiles@eastlink.ca)
Cc: Robert Grant <rgrant@stewartmckelvey.com> (rgrant@stewartmckelvey.com)
Subject: FW: Halifax Regional Water Commission - Board Meetings

All

Please see the below exchange. It is obvious to me that the reference in the Halifax charter was written to permit council to have closed door sessions for meetings that are best to be not-public ...the clause says that meetings are to be public EXCEPT the following... he has it twisted around to justify that the meetings are to be closed door... and says “my hands are tied”. What a bunch of crap.

POLYCORP

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From: James Spurr [<mailto:james@halifaxwater.ca>]
Sent: Monday, September 19, 2016 2:21 PM
To: Peter Polley - Polycorp; ppolley@polycorp.ca
Cc: Cathie O'Toole
Subject: RE: Halifax Regional Water Commission - Board Meetings

My email was intended to convey the message that Halifax Water Board meetings are not open to the public, including what you attempt to describe as “Stakeholders”.

As you are no doubt aware, Halifax Water is a corporation created by statute, namely, the Halifax Regional Water Commission Act. The courts have clearly articulated that the rights and obligations between such corporations and the public must be found in the governing statute. In other words, no rights exist except as are expressly given by the governing statute. **As I said in my previous email the Halifax Regional Water Commission Act would need to be amended to provide for your request of attendance at Halifax Water Board meetings.**

Trusting this sufficiently clarifies your inquiry.

James G. Spurr
Corporate Legal Counsel &
Secretary to the Board
Halifax Regional Water Commission
450 Cowie Hill Rd, Halifax, NS B3P 2V3

2



From: Peter Polley - Polycorp [mailto:peter@polycorp.co]
Sent: Monday, September 19, 2016 10:32 AM
To: James Spurr; ppolley@polycorp.ca
Cc: Cathie O'Toole
Subject: RE: Halifax Regional Water Commission - Board Meetings

Mr. Spurr

Thank you for the below.

While there may not be any provision for the meetings to be open to the public, does the below constitute a formal refusal for the public to attend the Halifax Water board meetings ?

Members of the building industry and large landlords would not normally be considered to be the public in such a context, but I believe would more normally be properly considered to be "stakeholders". Does the below also constitute a refusal for stakeholders to attend the Halifax Water board meetings as well ?

Is it a requirement in the Halifax Regional Water Commission Act that in order for board meetings to be open to the public or stakeholders that it be formally noted as being allowed ? In the absence of such a provision, we do not understand the default position that the meetings are not open to the public or stakeholders.

While board minutes and packages may be available to the public, industry would like to be able to attend such meetings to be able to hear the full flow, tone and unedited nature of discussions at the board meetings.

Thank you,

POLYCORP

Peter Polley

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Courier Address : Suite 205, 339 Herring Cove Road, Halifax NS B3R 1V5

From: James Spurr [mailto:james@halifaxwater.ca]
Sent: Monday, September 19, 2016 10:20 AM
To: ppolley@polycorp.ca

Cc: Cathie O'Toole
Subject: Halifax Regional Water Commission - Board Meetings

Mr. Polley:

Your inquiry of Cathie O'Toole respecting the above noted has been referred to me for consideration and reply.

This will confirm that the Halifax Regional Water Commission Act does not contain any provision for Halifax Water Board meetings to be open to the public. By way of example I refer to Section 19 of the Halifax Regional Municipality Charter (attached) which makes provision for open meetings of HRM Council, subject to the exceptions set out in subsection (2). I note that, in any event, most of the agenda items for a typical Halifax Water Board meeting are made up of matters described in subsection 19(2) of the HRM Charter.

I can also advise that Halifax Water Board packages, including minutes of meetings (except in camera discussions), are available to the public on the Halifax Water website.

Trusting this is helpful.

James G. Spurr
Corporate Legal Counsel &
Secretary to the Board
Halifax Regional Water Commission
450 Cowie Hill Rd, Halifax, NS B3P 2V3
902-490-6101 or (c) 902-478-9957 | 902-490-4808
james@halifaxwater.ca



From: Peter Polley - Polycorp
Sent: Friday, September 16, 2016 2:51 PM
To: 'Cathie O'Toole'
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Cathie

I just wanted to follow up on this.

Thanks,

Peter

POLYCORP

Peter Polley

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From: Cathie O'Toole [<mailto:cathieo@halifaxwater.ca>]
Sent: Thursday, September 15, 2016 9:24 AM
To: Peter Polley - Polycorp
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

I am not sure Peter, that is why I am deferring the question to Jim. This question has not come up for me before.

Cathie

From: Peter Polley - Polycorp [<mailto:peter@polycorp.co>]
Sent: Thursday, September 15, 2016 9:05 AM
To: Cathie O'Toole
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Thanks. I had assumed that they were public meetings and that anybody could go to them – is there any indication that they are not ?

Peter



Peter Polley
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From: Cathie O'Toole [<mailto:cathieo@halifaxwater.ca>]
Sent: Thursday, September 15, 2016 9:00 AM
To: Peter Polley - Polycorp
Cc: James Spurr
Subject: RE: Halifax Water - board meeting schedule for Fall 2016

Hi Peter – all is well. The next Halifax Water Board meeting is September 29th. Historically Board meetings have been once a month, but this year we are transitioning to a quarterly meeting schedule. The schedule of meetings for the next year will be set very shortly. All of the Board Agendas and Reports are on our website.

With respect to attending a meeting, I will refer that question to the Corporate Secretary Jim Spurr.

Cathie

From: Peter Polley - Polycorp [<mailto:peter@polycorp.co>]
Sent: Wednesday, September 14, 2016 3:42 PM
To: Cathie O'Toole
Subject: Halifax Water - board meeting schedule for Fall 2016

Cathie

I hope all is well with you. The summer went by fast.

I wanted to know how I could get information on Halifax Water board meetings... how often they are held, upcoming schedule of date, time, location, etc. as I thought that it would be interesting to attend a few of them as an observer.

Thanks,

Peter

(2) Subject to the *Municipal Conflict of Interest Act*, all Council members present, including the person presiding, shall vote on a question.

(3) Unless otherwise specified in a policy, a member of the Council who fails or refuses to vote on a question before the Council is deemed to have voted in the negative.

(4) In the event of a tie in a vote on a question, the question is determined in the negative.

(5) The person presiding at a meeting of the Council may cause to be expelled and excluded any person, including a Council member, who is disrupting the proceedings of the Council. 2008, c. 39, s. 18.

Open meetings and exceptions

19 (1) Except as otherwise provided in this Section, Council meetings and meetings of committees appointed by the Council are open to the public.

(2) The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to

- (a) acquisition, sale, lease and security of municipal property;
- (b) setting a minimum price to be accepted by the Municipality at a tax sale;
- (c) personnel matters;
- (d) labour relations;
- (e) contract negotiations;
- (f) litigation or potential litigation;
- (g) legal advice eligible for solicitor-client privilege;
- (h) public security.

(3) No decision may be made at a private Council meeting except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the Municipality.

(4) A record that is open to the public shall be made, noting the fact that the Council met in private, the type of matter that was discussed, as set out in subsection (2) and the date, but no other information.

(5) Subsections (3) and (4) apply to committee meetings or parts of them that are not public.

(6) Any councillor or employee of the Municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the

HRM Council
Meetings
public
except
for
specific
exceptions !!!

-3A5

Date: 31/03/2015 11:34 AM Submitted By Page 1

144408

Application Information

Stages	Date / Time	By	Date / Time	By
Processed			Temp COO	
Issued			COO	
Final			Expires	

Associated Information

Type of Work	STATS Canada	NEWMUD CONSTRUCT MULTI-UNIT DWELLING	# Plans	4	Valuation Declared Valuation: 12000000.00 Calculated Valuation: 0.00 Actual Valuation: 0.00
Priority	1.000	Auto Reviews	# Pages	0	
Square Meters		Name	Bill Group		

Description of Work

to construct a 192 residential building with 2 towers with shared podium

Parent A/P#

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Applicants/Contacts

Primary	Y	Capacity	APPL	Contact ID	AC566861	Foreign
Effective		Expire				
Name	POLYCORP GROUP OF COMPANIES			Organization	PETER POLLEY	
Day Phone	(902)431-9917 x	Eve Phone		Position		
Pager		PIN #		Profession		
Fax	(902)431-9915	Mobile	(902)830-6165			
E-Mail						
Address	PO BOX 31369 HALIFAX, NS B3K 5Z1					
Seasonal Addr						
Valid From		To				
Comments	No Comments					

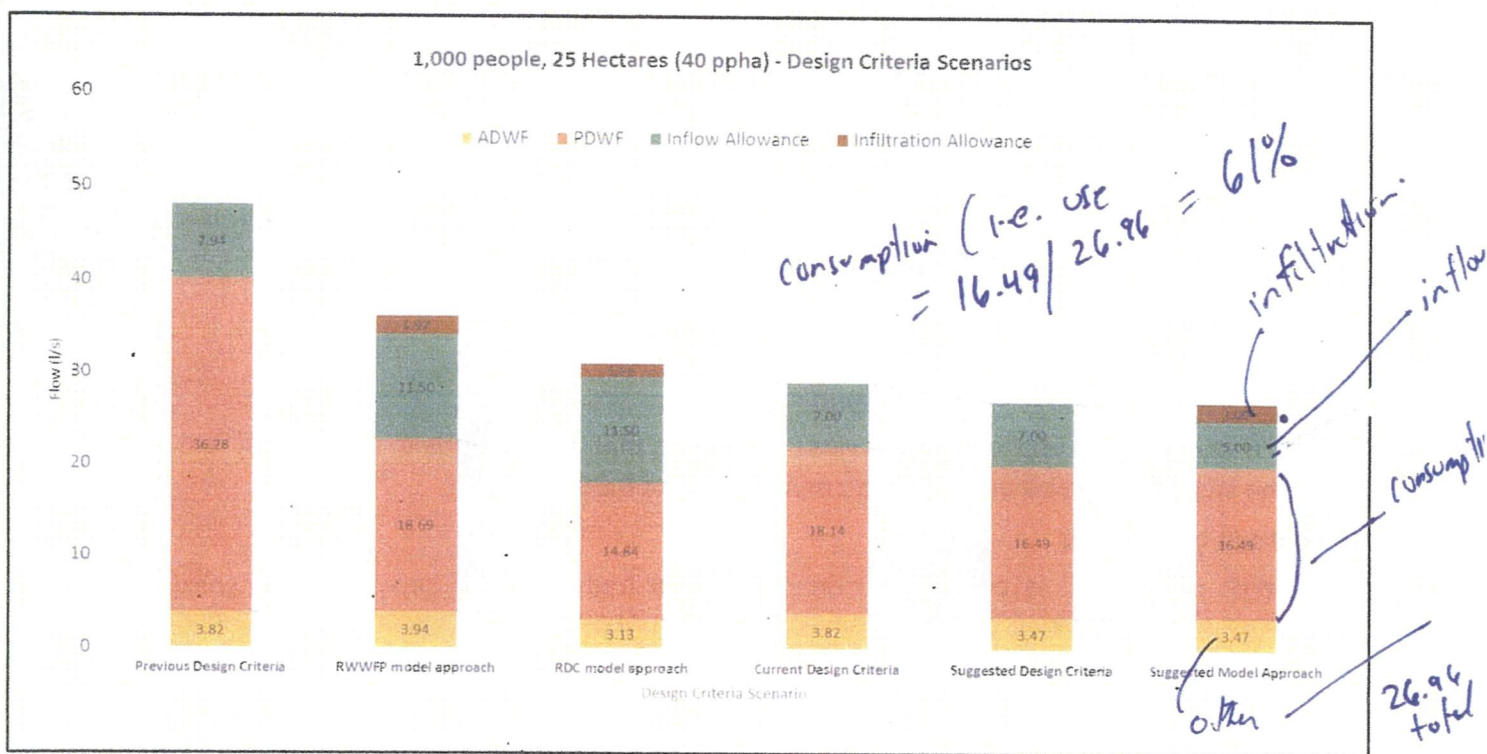
Contractors

Primary	N	Capacity Type	
Effective		Expire	
Contact ID	SACTRE	Name	SACKVILLE TRENCHING
Phone	(902)865-8335 x	Fax	(902)864-5556
Comments	No Comments		
		Address	P.O. BOX 447 SACKVILLE, NS B4C-3G4

License #	Type	Contact ID	Name
COM23204162LAT	SANLAT	AC484303	SACKVILLE TRENCHING LTD

Fees	Status	Paid Date	Amount
PLUMBING FEE	U	1 - Plumbing Permit	① 4800.00 \$25/unit
DEVELOPMENT PERMIT FEE	U	2 - Water Conn Fees	② 250.00 \$61.42/unit
IRWC INSPECTION FEE	U	3 - Sewer Dev Fee, water conn	③ 165.00
URBAN CORE - WATER NEWMUD	U	4 - Dev Permit solid waste	④ 11792.64 } Note ⑥
SOLID WASTE CCC, RESIDENTIAL UNITS	U	5 - Bldg Permit water room	⑤ 47671.68 } Note ④
URBAN CORE - WASTEWATER (MUD)	U	6 - Bldg Permit	⑥ 34798.64
APPLICATION FEE (VALUE OF CONSTRUCTION)	U		⑦ 66000.00
\$248.29/unit \$1812.42/unit \$5.5/1000 declared value			Total Unpaid 478683.96 Total Paid 0.00 \$478,663.96

The graph below shows the application of design criteria as it has changed over time and projects. It shows the resulting theoretical peak flows that are generated, based on the combination of the dry weather and wet weather flow components. It shows how the design criteria has reduced from before the RWWFP project to the current design criteria and lastly, the suggested approach. By using better available information over time and additional investigations into best practices, there is opportunity to decrease the design criteria.



The results from the criteria review and analysis are summarized below:

Analysis		Flow Type	Per Capita Sanitary Flow (L/cap/d)	Range	I/I (L/s/ha)	Range
WWTF Flow Trend (May- October)	2013	Dry Weather Flow	274	250 - 292	-	-
	2014		261	237 - 281		
	2015		283	247 - 339		
Billing Data (Residential)		Consumption	206	107 - 319	-	-
Catchment Flow		Sanitary Flow	208	84 - 533	0.52	0.19 - 1.18
Industry Best Practice		Sanitary Flow Criteria	286	240 - 345	0.22	0.10 - 0.40
Recommendation			300		0.28	

Halifax Water - Regional Development Charges Analysis

Cost to build new capacity, versus cost of conserving capacity

20-Feb-2013

201,178 population growth
30 years
6,706 per year

Year	Progressive Annual decrease	litres/person per day H2O use 320.0	Population			New Capacity	
			Beginning	New Year Growth	Incremental Population	litres	M3/day
1	-1.50%	315.2	-	6,706	6,706	2,113,710	2,114
2	-1.50%	310.5	6,706	6,706	13,412	4,164,009	4,164
3	-1.50%	305.8	13,412	6,706	20,118	6,152,323	6,152
4	-1.50%	301.2	20,118	6,706	26,824	8,080,051	8,080
5	-1.50%	296.7	26,824	6,706	33,530	9,948,563	9,949
6	-1.50%	292.3	33,530	6,706	40,236	11,759,202	11,759
7	-1.50%	287.9	40,236	6,706	46,942	13,513,283	13,513
8	-1.50%	283.6	46,942	6,706	53,647	15,212,095	15,212
9	-1.50%	279.3	53,647	6,706	60,353	16,856,903	16,857
10	-1.50%	275.1	60,353	6,706	67,059	18,448,944	18,449
11	0.00%	275.1	67,059	6,706	73,765	20,293,839	20,294
12	0.00%	275.1	73,765	6,706	80,471	22,138,733	22,139
13	0.00%	275.1	80,471	6,706	87,177	23,983,627	23,984
14	0.00%	275.1	87,177	6,706	93,883	25,828,522	25,829
15	0.00%	275.1	93,883	6,706	100,589	27,673,416	27,673
16	0.00%	275.1	100,589	6,706	107,295	29,518,311	29,518
17	0.00%	275.1	107,295	6,706	114,001	31,363,205	31,363
18	0.00%	275.1	114,001	6,706	120,707	33,208,099	33,208
19	0.00%	275.1	120,707	6,706	127,413	35,052,994	35,053
20	0.00%	275.1	127,413	6,706	134,119	36,897,888	36,898
21	0.00%	275.1	134,119	6,706	140,825	38,742,783	38,743
22	0.00%	275.1	140,825	6,706	147,531	40,587,677	40,588
23	0.00%	275.1	147,531	6,706	154,236	42,432,571	42,433
24	0.00%	275.1	154,236	6,706	160,942	44,277,466	44,277
25	0.00%	275.1	160,942	6,706	167,648	46,122,360	46,122
26	0.00%	275.1	167,648	6,706	174,354	47,967,255	47,967
27	0.00%	275.1	174,354	6,706	181,060	49,812,149	49,812
28	0.00%	275.1	181,060	6,706	187,766	51,657,043	51,657
29	0.00%	275.1	187,766	6,706	194,472	53,501,938	53,502
30	0.00%	275.1	194,472	6,706	201,178	55,346,832	55,347
Max/ending New capacity				201,178			55,347

Development Caused Costs :

Cost per M3 - Upgrades Required for new development

Per M3 new capacity

Program/Item	Sewer	\$ 607,317,707	\$ 10,972.94
	Water	\$ 26,844,934	\$ 485.03
	Total	\$ 634,162,641	\$ 11,457.98
	Population Growth	201,178	
	Per Person	\$ 3,152.25	
	People per house	2.40	
	Cost per house	\$ 7,565.39	

Conservation program :

"Typical House"

320 litres/person/day
3.35 people / house

1,072 litres/day consumption per Halifax Water
30% reduction possible via conservation programs
322 litres/day
0.32 M/day

	Scenario 1	Scenario 2
Cost of Conservation program		
per house	\$ 500	\$ 1,000
Calculated cost per M3 Capacity saved	\$ 1,555	\$ 3,109

Household Savings

Litres/day 322 0.32 M3
Cost/M3 \$ 2.80000
Daily Savings \$ 0.90
Days 365
Annual Savings \$ 328.68 annual savings

SUBMISSION TO LAW AMENDMENTS COMMITTEE OCTOBER 31, 2016

By PAMELA LOVELACE, Hammonds Plains, NS

Thank You for the opportunity to speak today. In the next few minutes, I will provide you with an overview of how Halifax Water billed stormwater fees and demanded payment by threatening liens against property owners who were non-customers of the water utility in Halifax Regional Municipality (HRM). That's not good government.

There are three key terms I ask you to listen for: customer, service, and assumption.

According to Halifax Water's website, approximately 14,000 HRM properties receive stormwater service only. They do not receive any other service from the utility. These property owners maintain their own onsite septic fields and wells. We call it the "Ditch Tax".

In early 2014, 14,000 customer accounts were created in the names of commercial and residential property owners without permission or knowledge of the property owners. 14,000 customer accounts were secretly opened by Halifax Water.

The areas affected in HRM are: Upper Tantallon, Stillwater Lake, Hammonds Plains, Eastern Passage, Cow Bay, Middle Sackville, Beaver Bank, Wellington, Windsor Junction; these communities are on municipal roads. Road ownership defines the service boundary of Halifax Water. However, there are accounts of some properties on private roads receiving bills from Halifax Water.

Once we won the right to appeal, the water utility agreed not to charge interest or send to collections while accounts were in the appeal process.

More than 4000 appeals for the "Ditch Tax" have been issued by property owners. This number continues to rise as more people become aware of the option to appeal. There are many who have ignored the bills and not paid the fee because they never agreed to a service agreement with the water utility.

In 2015, close to 1100 additional exemptions were approved by Halifax Water since the appeal process started in 2014. This number demonstrates that the water utility billed properties on the assumption of a service delivered.

Property owners on provincial owned roads, such as Lake of the Woods subdivision in Hubble, on one side of Highway 103, do not receive a bill from the water utility. However, homeowners in Haliburton Heights on the other side of Highway 103, they do receive a bill from the water utility.

PROTECTING CONSUMERS

The definition of "customer" must be included in the Halifax Regional Water Commission Act. The term customer is not included in the Halifax Charter or the Municipal Government Act of Nova Scotia. The amendments to the Act as it stands today do not include a definition of "customer". Halifax Water created customers by opening accounts in the names of property owners.

AN OVERVIEW OF THE MISMANAGED "DITCH TAX"

2013

April 15-17 NSUARB Public Hearing:

In April 2013, a Public Hearing was held on Halifax Regional Water Commission's (HRWC) application for stormwater. The Halifax Water advertisements posted in the daily newspaper to promote the hearing were directed at "customers" of Halifax Water.

Non-customers were **not** informed of the opportunity to address the Board with concerns in regards to the upcoming "Ditch Tax". Non-customers were not informed by Council, NSUARB or Halifax Water that a new charge would be billed to non-customers.

NSUARB's June 2013 decision guaranteed Halifax Water the ability to bill "customers" for stormwater service charges.

The report concluded "that the current rate structure for wastewater/stormwater is not fair and equitable and need to be revised to meet the requirements of a regulated environment set out by the Board [NSUARB]. This will require some realignment of rates between customer classes as well as the separation of the cost of providing wastewater and stormwater service from one common rate".

2014

Under the authority of the Data Sharing Agreement between the Province, CBRM, and HRM, Halifax Water requested civic address information from Property Valuation Services Corporation (PVSC) for property owners within the water service boundary (as defined by municipal road ownership).

Contrary to the **Consumer Protection Act of Nova Scotia and the Interest Act of Canada**, Halifax Water created customer accounts for residential and commercial property owners without their permission or knowledge.

Bills were sent to rural HRM property owners with well and septic on the assumption of service delivery. The bills included the threat of a property lien if not paid. Blanket billing took place without any requirement to prove a service was being delivered or permission to bill had been granted. That's not good government.

On April 8, Halifax Water held a meeting in Upper Tantallon to explain the charges to non-customers after bills were sent to them.

Shortly after the April 2014 meeting, I petitioned the NSUARB for fairness. In June 2014, the NSUARB sided with property owners and stated in its written decision, "It should be the responsibility of HRWC to prove that the charge is appropriate."

Prior to the UARB's 2014 decision, the onus was on property owners to prove they did not receive service from the utility. Property owners, residential and commercial, were forced to hire an engineer at great personal expense to demonstrate to the water utility that they did not receive any service.

Under the jurisdiction of the Nova Scotia Utility and Review Board, the water utility billed property owners on the assumption of service delivery.

At the time of billing, property owners were not aware of business accounts being opened in their names. They did not give permission to anyone for customer accounts to be opened in their names.

Property owners were not aware and did not agree to a service. If it was a service, customers would be able to disconnect. But we can't. The Ditch Tax is taxation without representation. This concept was further demonstrated in 2015 by Halifax Council.

2015

In spring 2015, all Halifax Water customers received a new charge on their water bills – the Right-of-Way fee.

Halifax Council had ordered Halifax Water to collect the fee on their behalf in 2014. However, a utility does not have the legal authority to collect taxes, and under the Municipal Government Act of Nova Scotia, tax collection by a water utility amounts to “taxation without representation”.

Another public meeting was held in Upper Tantallon, this time organized by the community, to discuss ways of pressuring Halifax Council to do the right thing.

In June 2015, after significant public pressure, Halifax Council rescinded their original motion which ordered Halifax Water to collect the tax.

Another fee starting appearing on Halifax Water bills in 2015 – a \$25 connection fee. Halifax Water added the charge on the bills after it was recognized that the new rural customers had never agreed to a service agreement.

2016

In 2016, the fees are still not fair or equitable.

Over \$1million has been spent on a faulty appeal system, where it is in the best interest of the adjudicator - Halifax Water - to deny appeals.

All the property owners who won their appeals and were exempt from all stormwater charges, have now been charged the Right-of-Way fee on their property tax bill. That includes every property within Halifax Water's service boundary, even the individual condominiums, but not individual apartments.

Halifax Water sent notice to customers with the threat of collection by Service Nova Scotia even though the property owners were in the appeal process.

Service Nova Scotia does not require any proof that a debt actually exists. That's not good government.

In July 2016, I filed a complaint of abuse of power with the Provincial Ombudsman Office and was informed, "this Office does not have the legislative authority to investigate decisions by the Utility and Review Board. As such, this Office will not be proceeding further with your complaint."

Question:

If the provincial **Ombudsman does not have the ability to review complaints against the water utility** and the municipality does not have an Ombudsman, than what entity has the legislative authority to hold Halifax Water accountable?

DANGEROUS PRECEDENT

There is no other legal example of forcing a customer to pay a bill that they haven't agreed to or had knowledge of prior to receiving the bill.

A dangerous precedent has been set. The water utility appears to evade penalty for creating customer accounts without permission and demanding payment by threat of lien.

Question:

Do the current amendments of the Halifax Regional Water Commission Act protect rural property owners from being charged for water consumption from their private wells?

HIGHLIGHTS FOR CONSIDERATION:

- 1) Non-customers had accounts created in their names **without permission or knowledge.**
- 2) In 2014, Halifax Water bills were sent with the **threat of a lien against properties** if bill was not paid.
- 3) Halifax Water ignored the **Consumer Protection Act of Nova Scotia** when creating customer accounts without permission.
- 4) Halifax Water ignored the **Interest Act of Canada** when creating customer accounts without permission.
- 5) If Halifax Water is providing a "service" then **property owners should be able to disconnect.** However, there is no ability for a property owner to disconnect from Halifax Water's "Ditch Tax".
- 6) **Good municipal government respects legislation that exists** at other levels of government.
- 7) **Taxpayers deserve to have their rights recognized. We deserve fairness.**
- 8) **Definition of "customer" must be included in Halifax Regional Water Commission Act.**
- 9) **Definition of "service" must be included in Halifax Regional Water Commission Act.**
- 10) **Define legislative authority in Halifax Regional Water Commission Act** to hold the water utility accountable.
- 11) **Protect property owners' right to water on private land.**

Bill #22
Halifax Regional Water Commission Act (amended)

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE

PAGE 2 - add the following after clause 5:

6 Chapter 55 is further amended by adding immediately after Section 4D the following Section:

4DA (1) Except as otherwise provided in this Section, meetings of the Commission Board are open to the public.

(2) The Commission Board may meet in closed session to discuss matters relating to

- (a) acquisition or sale of water systems, facilities and utilities;
- (b) setting a minimum price to be accepted for the sale of water systems, facilities and utilities;
- (c) personnel matters;
- (d) labour relations;
- (e) contract negotiations;
- (f) litigation or potential litigation;
- (g) legal advice eligible for solicitor-client privilege;
- (h) public security.

(3) No decision may be made at a private meeting of the Commission Board except a decision concerning procedural matters or to give direction to staff of, or solicitors for, the Commission.

(4) A record which is open to the public shall be made, noting the fact that the Commission Board met in private, the type of matter that was discussed, as set out in subsection (2) and the date, but no other information.

(5) Any Commissioner or employee of the Commission who discloses any report submitted to, or details of matters discussed at, a private meeting of the Commission Board, as a result of which the Commission has lost financially or the Commission has gained financially, is liable in damages to the Commission for the amount of the loss or gain.

PAGES 2 to 4, clauses 6 to 10 - renumber as 7 to 11.

LAW AMENDMENTS COMMITTEE

Red Chamber, Province House

Thursday, November 3, 2016

11:00 a.m.

Bill #22 - Halifax Regional Water Commission Act (amended)

Deferred from previous meeting

