


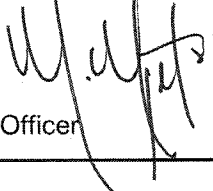
Request for Decision City Council




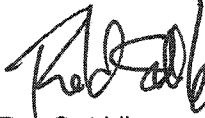
Type of Decision									
Meeting Date	August 9, 2006				Report Date	July 27, 2006			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed

Report Title
Skead Heritage Homes Inc. Safe Drinking Water Act Order

Budget Impact / Policy Implication	Recommendation
<p>This report has been reviewed by the Finance Division and the funding source has been identified.</p>	<p>That the City provide a formal response to the Director of the Ministry of the Environment on the Skead Heritage Homes Inc. Safe Drinking Water Act Order and Notice indicating its concurrence with the Order;</p> <p>That a by-law be passed to levy a water rate against Skead Heritage Homes Inc. equal to the actual costs incurred by the City; and</p> <p>That the City explore avenues for developing alternative systems to provide safe drinking water to these residents.</p>
<p><input checked="" type="checkbox"/> Background Attached</p>	<p>Recommendation Continued</p>

Recommended by the Department	Recommended by the C.A.O.
 Alan Stephen, General Manager of Infrastructure and Emergency Services	 Mark Mieto Chief Administrative Officer

Date: July 27, 2006

Report Prepared By	Division Review
 Ron Swiddle City Solicitor	 Ron Swiddle City Solicitor

Introduction

The City has received a Notice of Intention to Issue Order under Section 114 of the *Safe Drinking Water Act*. This report outlines the history of the subject property and the responsibilities of the City under the Act, along with some recommendations for action by the City and some suggestions for some further studies in an attempt to better the situation.

History

In the early 1970s, many of the homes within the area of the Regional Municipality were owned by mining companies such as INCO or Falconbridge or by lumber companies. In many cases, these lands were subdivided and sold off to individuals. In other cases, however, the lands were not suitable for subdivisions for various reasons, and other arrangements were made wherein a number of houses remain under common ownership.

One such area that was not subdivided is a portion of Skead. The 14 homes in question had been owned by M. J. Poupore Lumber Company Limited. In 1991, this company sold the subject land to a new corporation, Skead Heritage Homes Inc.

This new corporation owns the fourteen residences in question. This corporation also owns a pumphouse which is used to provide water to the corporation and its residences.

This pumphouse and the drinking water system has been maintained by one of the residents who is a Certified Water Treatment Operator in accordance with the *Safe Drinking Water Act*. The residents have been paying fees to the Corporation to cover the price of necessary chemicals and upkeep of the drinking water system.

Present Situation

In May of this year, the resident Water Treatment Operator informed the corporation that he would be ceasing to maintain the water system on June 1.

Later in May, a letter was received from the corporation indicating its intent to "absolve the incorporation of ownership of the water system". It is not altogether clear what this meant.

On June 1, the Ministry of the Environment issued an Order to the corporation requiring proper maintenance and operation of the drinking water system. This was accompanied by a Provincial Officer's report which noted four contraventions of the Act occurring:

Date: July 27, 2006

- a) raw and treated water microbiological samples are not being taken in accordance with the requirements of O. Reg. 170/03;
- b) turbidity samples are not being taken in accordance with the requirements of O. Reg. 170/03;
- c) chlorine residuals are not being monitored; and
- d) weekly inspections of water treatment equipment are not being conducted in accordance with the requirements of O. Reg. 170./03.

Further, the Provincial Officer's report noted that there was no Certified Operator for daily operation and maintenance of the drinking water system.

The Ministry of the Environment Director was of the opinion that the identified deficiencies with the drinking water system, lack of a qualified operator and failure to comply with the Order posed a significant health risk to users of the system. As the corporation was no longer taking responsibility for ensuring compliance with the Act, there could be no assurance that the users of the system were being provided with properly treated water.

The Director of the Ministry of the Environment reviewed the matter with the Medical Officer of Health who was also concerned with the continued operation of the drinking water system. The Director was of the opinion that the continued use of the system would result in a drinking water health hazard.

Charges under the Act against the corporation are possible, but none have been issued to this point.

The Director, on June 2, provided formal Notice to the City of its intention to issue an Order. It should be noted that this is the first time that such a notice has proceeded to this stage in the Province of Ontario. It is to be expected, however, that many more such notices and orders may occur in the future. Under the new regulations, many private water system owners will be required to upgrade their systems in order to remain in compliance. There are many trailer parks, hunting lodges and other small communal systems that may have difficulty in doing so, and municipalities such as the City may be ordered to step in to rectify and maintain the systems.

The Notice ordered the City to immediately fulfill all of the requirements of the Act regarding the water system. Since that date, the city has been attending upon the property and performing all necessary works at City expense.

Action Required on Notice

The Notice provides that the City has the opportunity to respond to the Notice by August 25, 2006. Accordingly, this is the only regular scheduled Council meeting before that date, and if Council wishes to take any action, it will have to do so at this meeting.

It is recommended that the City provide a formal response to the Director and to the Minister of Health indicating its concurrence with the Order to assume responsibility for the drinking water system. We concur fully with the Director and the Minister of Health and feel that this is the only avenue to ensure safe drinking water to the residents.

Date: July 27, 2006

Action On Costs

Since June 2, the City has been performing all required works on the water system. In the month of June, these costs amounted to approximately \$4,200. These costs are expected to vary month by month, but it is anticipated that the amount of \$4,000 per month would represent 100% of the City's cost, and it is this number that is recommended for inclusion in a water rates by-law.

It is recommended that a by-law be passed for payment of costs incurred by the City from June 2 and ongoing against the property owner, Skead Heritage Homes Inc.

Future Action

Staff is working with the Ministry of Environment in the hopes of developing improvements to the system that will be cheaper in the long run. Point of Entry Systems are being explored. These systems would allow the City to install filters and ultraviolet sterilizing equipment in each of the residences. If feasible this would have the effect of lowering the costs of the system for the users while still maintaining compliance with the Act and safety for all users. Some preliminary work is now being done to explore this proposed course of action.

Summary

It should be expected that this Order received by the City may be the first of several it receives over the next few years. The Ministry has hired a complement of enforcement officers to ensure compliance with the Act and this may result in orders to the City to take over certain water systems. These should be reviewed on a case by case basis and the cost of such private systems should be recovered against the land owners involved.

Request for Decision City Council



Type of Decision									
Meeting Date		August 9, 2006				Report Date		July 31, 2006	
Decision Requested		X	Yes		No	Priority		X	High
		Direction Only				Type of Meeting		X	Open
									Closed


Report Title
Election By-law - Alternative Voting Methods

Budget Impact / Policy Implication		Recommendation
N/A	This report has been reviewed by the Finance Division and the funding source has been identified.	
<p><u>Budget Implications:</u> This item is included in the 2006 Current Budget.</p> <p><u>Policy Implications:</u> There are no policy implications.</p>		<p>In accordance with the Municipal Elections Act, 1996 (MEA), that Council pass a by-law for the 2006 Municipal Election establishing procedures for the use of any voting and vote-counting equipment.</p>
X	Background Attached	Recommendation Continued

Recommended by the Department
 For Caroline Hallsworth Executive Director, Administrative Services

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: July 31, 2006

Report Prepared By	Division Review
 Angie Haché City Clerk	

Background

In November of 2005, Council authorized the use of optical scan vote tabulators (vote counting equipment) and voter assist terminals for voters with special needs for the November 13, 2006 Election.

Section 42(3) of the MEA requires the Clerk, in the case of a regular election, by September 1, 2006 to establish procedures and forms for the use of any voting and vote-counting equipment authorized by by-law and to provide a copy of the procedures and forms to each candidate.

The procedures proposed for the Optical Scan Vote Tabulators for the 2006 Municipal Election are the same as those used in the 2003 Municipal Election with a number of minor modifications. A section has been added to the Procedures with respect to the use of Voter Assist Terminals.

A copy of the Alternate Voting Procedures and forms will be provided to all candidates running in the 2006 election.

Finally, Section 42(4) of the MEA provides that the procedures and forms established by the Clerk, if they are consistent with the principles of the MEA, prevail over anything in the MEA and the regulations made under it.

Request for Decision City Council



Type of Decision											
Meeting Date		August 9, 2006				Report Date		July 31, 2006			
Decision Requested		<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority		<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
		Direction Only			Type of Meeting		<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed	


Report Title
Tax Adjustments under Sections 357 and 358 of the Municipal Act

Budget Impact / Policy Implication	Recommendation
<p>This report has been reviewed by the Finance Division and the funding source has been identified.</p> <p>Of the total taxes to be struck from the tax roll, the City's portion is \$2,515.07. This amount, as well as previous amounts struck from the roll for 2006, is well within the budget amount for the tax write offs.</p>	<p>THAT the amount of \$3,012.33 be struck from the tax roll.</p>
<input checked="" type="checkbox"/> Background Attached	Recommendation Continued

Recommended by the Department
 Lorella Hayes Chief Financial Officer / Treasurer

Recommended by the C.A.O.
 Mark Mieto Chief Administrative Officer

Date: July 31, 2006

Report Prepared By	Division Review
 Tony Derro Supervisor of Tax / Chief Tax Collector	

Background

Sections 357 and 358 of the Municipal Act provide the authority for the cancellation, reduction or refund of realty taxes.

Section 357

Section 357 authorizes the cancellation, reduction or refund of realty taxes in the current year for such reasons as change in rate of taxation, change in tax status, fire / demolition or gross error. Section 357 applications are verified by the Municipal Property Assessment Corporation and processed by the municipality.

Section 358

Section 358 of the Municipal Act authorizes the reduction of realty taxes for clerical errors such as errors in key punching, transposition of figures or mathematical calculations. Such errors occur with the preparation of the assessment roll and are confirmed by the Municipal Property Assessment Corporation prior to the tax adjustment by the municipality. Section 358 applications are limited to the two (2) taxation years prior to the year in which the error(s) was made.

The Treasurer's recommendations for the cancellation, reduction or refund of realty taxes under the Municipal Act are presented to Council for approval. Attached for Council's information and action is Schedule A, summarizing the tax adjustments by authority, reason and amount. Also attached is Schedule B which provides a more detailed property by property description of the tax adjustments.

The Municipal Act provides for a notification / appeal process for property owners that have applied for a tax adjustment. Notices were sent to property owners on or before June 23, 2006 and all queries / concerns were addressed by the Tax Department prior to the preparation of the attached Schedule B and none of the applicants have requested an appearance before the Hearing Committee of Council.

SCHEDULE 'A'
APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS
UNDER SECTIONS 357 / 358 OF THE MUNICIPAL ACT
August 09, 2006 Council Meeting

<i>Reason for Adjustment</i>	<i>Applications</i>	<i>City Portion</i>	<i>Education Portion</i>	<i>Business Improvement Area</i>
Fire / Demolition	8	\$2,465.30	\$413.19	
Gross or Manifest Clerical Error	5	\$49.77	\$84.07	
Change in Tax Class / Rate	1	\$0.00	\$0.00	
TOTAL:	14	\$2,515.07	\$497.26	\$0.00

Schedule 'B'

APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS
UNDER SECTIONS 357 / 358 OF THE MUNICIPAL ACT
REASON: FIRE AND OR DEMOLITION

August 09, 2006 Council Meeting

Item #	Roll #	Class	Location	Assessed Property Owner	Assessment Value	Year	# Days	General Rate	City Portion	Education Rate	Education Portion	CBI / FBI Rate	CBI / FBI Portion	Total	Comments
1	170.020.30004.0000	n/a	0 GRAVEL DRIVE S/S	OUELLETTE ROMEO OUELLETTE CARMEN	0	2006	224	N/A	0.00	N/A	0.00	N/A	0.00	0.00	NO RECOMMENDATION - 'PROPERTY NOT ON 2006 TAX YEAR ROLL'
2	020.014.00200.0000	RTES	2308 SAN FRANCISCO ST	BOSSE ESTELLE MARIE	6,000	2006	365	0.01642385	98.54	0.00264000	15.84			114.38	REMOVED INGROUND POOL
3	030.027.10500.0000	RTFS	1375 WEDGEWOOD DR	PORTELANCE PAUL PORTELANCE LISE	0	2006	365	0.01642385	0.00	0.00264000	0.00			0.00	NO RECOMMENDATION
4	090.015.03400.0000	RTEP	585 ESTER ST	MIDDLE LAKE DEVELOPMENT LIMITED	49,000	2006	365	0.01642385	804.77	0.00264000	129.36			934.13	DEMOLITION
		RTEP			17,130			0.01642385	281.34	0.00264000	45.22			326.56	
5	090.019.08500.0000	RTES	2345 SOUTHLANE RD	1058031 ONTARIO INC	0	2006	365	0.01642385	0.00	0.00264000	0.00			0.00	MOBILE UNIT REMOVED
		RTFP			0			0.01642385	0.00	0.00264000	0.00			0.00	
		RTFS			0			0.01642385	0.00	0.00264000	0.00			0.00	
		RTEP			21,200			0.01642385	348.19	0.00264000	55.97			404.16	MOBILE UNIT REMOVED
6	090.019.08500.0000	RTES	2345 SOUTHLANE RD	1058031 ONTARIO INC	0	2006	365	0.01642385	0.00	0.00264000	0.00			0.00	
		RTFP			0			0.01642385	0.00	0.00264000	0.00			0.00	
		RTFS			0			0.01642385	0.00	0.00264000	0.00			0.00	
		CTN			0			0.02539245	0.00	0.01984045	0.00			0.00	
7	110.001.31200.0000	RTEP	411 BLACK LAKE RD	RINTALA ESME	33,183	2006	365	0.01475813	489.72	0.00264000	87.60			577.32	MOBILE UNIT REMOVED
		RTES			0			0.01475813	0.00	0.00264000	0.00			0.00	
		RTFS			0			0.01475813	0.00	0.00264000	0.00			0.00	
8	160.020.02900.0000	RTFS	0 DEL ST SNIDER CON 6 LOT 9 PCL 19093 M357 PT LOTS 12 & 13 RPSR516 PTS 2 & 3 PCL 19094 WHITEWATER LAKE	LAMARCHE ROBERT HERVE LAMARCHE LINDA LOUISE	30000	2006	365	0.01475813	442.74	0.00264000	79.20			521.94	DEMOLITION OF CAMP
									2465.30		413.19			2878.49	
				TOTAL:											

August 09, 2006 Council Meeting

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Schedule 'B'
 RECOMMENDED APPLICATIONS TO CITY COUNCIL FOR TAX ADJUSTMENTS
 UNDER SECTIONS 357 / 358 OF THE MUNICIPAL ACT
 REASON: CHANGE IN TAX CLASS / RATE

August 09, 2006 Council Meeting															
Item #	Roll #	Class	Location	Assessed Property Owner	Assessed Value	Year	# Days	General Rate	City Portion	Education Rate	Education Portion	CBI / FBI Rate	CBI / FBI Portion	Total	Comments
1	050.006.00900.0000	CTN	321 LORNE ST 00323	1168069 ONTARIO LIMITED		2006	231	0.02825845	0.00	0.01984045	0.00			0.00	NO RECOMMENDATION - NO CHANGE. CORRECTIONS MADE UNDER REQUEST FOR RECONSIDERATION EFFECTIVE JAN 01/06
		RTES						0.01642385	0.00	0.00264000	0.00			0.00	
		RTFS						0.01642385	0.00	0.00264000	0.00			0.00	
									0.00		0.00			0.00	
				Total:					0.00		0.00			0.00	