



Mark R. Giavedoni  
[mgiavedoni@esblawyers.com](mailto:mgiavedoni@esblawyers.com)

December 5, 2013

**SENT VIA EMAIL: [carolyn.biggs@hamilton.ca](mailto:carolyn.biggs@hamilton.ca)**

General Issues Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attention: Ms. Carolyn Biggs, Legislative Co-ordinator

Dear Ms. Biggs:

Re: Budget 2014 Water, Wastewater & Stormwater User Fees, Charges and Rates  
Our File No. 7-3423

---

Kindly include the attached letter as part of the submissions to General Issues Committee in response to Item FCS13082/PW13085-2014 Recommended Water, Wastewater and Stormwater Budget.

Please contact the writer with any concerns and confirm receipt.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Mark R. Giavedoni', is written over the typed name.

Mark R. Giavedoni

MRG/tl  
attachment



Mark R. Giavedoni  
[mgiavedoni@esblawyers.com](mailto:mgiavedoni@esblawyers.com)

December 5, 2013

**SENT VIA EMAIL: [carolyn.biggs@hamilton.ca](mailto:carolyn.biggs@hamilton.ca)**

General Issues Committee  
City of Hamilton  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Attention: Ms. Carolyn Biggs, Legislative Co-ordinator

Dear Ms. Biggs:

Re: Budget 2014 Water, Wastewater & Stormwater User Fees, Charges and Rates  
Our File No. 7-3423

---

We act as solicitors to HWDSB and submit this correspondence on its behalf for your consideration as you debate the 2014 proposed budget for water, wastewater and stormwater fees.

The proposed budget and recommended increases from staff are largely set out in the materials and reports submitted to you. The rates and fees are generally structured into three classes: residential (metered); commercial, industrial, institutional, and multi-residential (bulk metered); and non-metered.

It is not appropriate for the institutional landowners within the City of Hamilton to be classified with the industrial, commercial and multi-residential owners on the basis that institutional clients are fundamentally different, often from a legal, accounting and policy structure and framework. Generally, institutional owners are often tax-exempt, contribute to the municipal, social and cultural fabric of the community and serve a specific, statutory mandate and purpose. In this case, HWDSB, as a public district school board, has as its primary objective the care and education of school aged children.

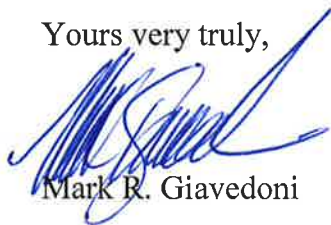
As a significant landowner in this City, HWDSB has many properties to manage and maintain. It does so almost entirely by provincial funding. Increasing costs for water consumption diverts this funding from its core mandate of education. The proposed budget seeks to increase water rates for institutional owners. This is not acceptable.

We attach for your reference, recent correspondence from the Ministry of Education to the City of Waterloo and City of Kitchener. These municipalities recently passed levies for stormwater fees. Section 58 of the *Education Act* exempts school boards from payment of municipal fees. The Minister's letter affirms this interpretation.

Accordingly, the classification of ratepayers for water, stormwater and wastewater should isolate the unique nature of institutional landowners and specifically exempt HWDSB and its co-terminous boards from any levy, fee or rate for this purpose.

We respectfully submit that the budget as proposed by staff be amended to account for this development.

Yours very truly,



Mark R. Giavedoni

MRG/tl  
attachment

cc: Ms. Stacey Zucker, Superintendent of Business and Treasurer, HWDSB  
Mr. Dan Del Bianco, Senior Facilities Officer, HWDSB  
Mr. Kevin Morton, Manager, Maintenance and Energy, HWDSB

**Ministry of Education**

Minister

Mowat Block  
Queen's Park  
Toronto ON M7A 1L2

**Ministère de l'Éducation**

Ministre

Edifice Mowat  
Queen's Park  
Toronto ON M7A 1L2



OFFICE OF THE DIRECTOR  
OF EDUCATION

NOV 26 2013

WATERLOO REGION  
DISTRICT SCHOOL BOARD

November 20, 2013

Her Worship Mayor Brenda Halloran  
Mayor's Office  
City of Waterloo  
100 Regina Street South  
P.O. Box 337, Station Waterloo  
Waterloo ON N2J 4A8

His Worship Mayor Carl Zehr  
Office of the Mayor and Council  
City of Kitchener  
2<sup>nd</sup> Floor, 200 King Street West  
P.O. Box 1118  
Kitchener ON N2G 4G7

Dear Brenda Halloran and Mayor Zehr,

<b>ACTION:</b>
<b>INFO COPIES SENT TO:</b>
_____
_____
_____

I am following up with you on the letter dated September 17, 2012 from the Ministry of Education to the school boards in your municipalities, and the letter dated January 29, 2013 from the Ministry of Municipal Affairs and Housing to each of your Chief Administrative Officers regarding the issue of school boards and the payment of stormwater fees in your municipalities.

As you are both aware, the Ministry of Education and the Ministry of Municipal Affairs and Housing have been working together to assess the authority of municipalities to levy a stormwater fee on school boards. This letter is intended to confirm that the Government of Ontario understands section 58 of the *Education Act* provides school boards with an exemption to stormwater fees imposed under the *Municipal Act, 2001*.

The Province supports, in principle, the stormwater cost recovery initiative that each of your municipalities have put in place. This support, however, does not extend to taking away the exemption that school boards have from paying user fees and charges for municipal infrastructure. School boards are integral partners providing a necessary service on a not-for-profit basis to your communities, as such the Government does not support education funds being diverted from the classroom to pay for municipal infrastructure and maintenance costs. This approach is consistent with the long-standing exemption that school boards have had from paying municipal property taxes and development charges.

While I understand your municipalities hold a different opinion on this issue, which you have consistently sought to explain, from the Province's perspective this issue has been resolved. For the reasons outlined above, I strongly encourage the cities of Kitchener and Waterloo to discontinue billing and pursuing the collection of stormwater fees from your school boards. However, I would like to encourage you to continue working with the school boards to find ways to conserve water, since I believe strong local partnerships can produce significant results to making school boards and municipalities more sustainable.

Sincerely,

A handwritten signature in black ink, appearing to read "Liz Sandals". The signature is fluid and cursive, with a large initial "L" and "S".

Liz Sandals  
Minister

c: The Honourable Linda Jeffrey  
Minister of Municipal Affairs and Housing

John Bryant, Director of Education  
Waterloo Region District School Board

Larry Clifford, Director of Education  
Waterloo Catholic District School Board

Réjean Sirois, Directeur de l'éducation  
CSD catholique Centre-Sud

Gyslaine Hunter-Perreault, Directrice de l'éducation  
CS Viamonde