

XXXXXXXXXX, Hamilton

Water Billing Dispute Delegation to Audit, Finance & Administration Committee

Summary

Table 1 on page 3, provides the recent water and wastewater/storm billings for XXXXXXXXXX (the property owner is the account holder). The crux of the owner's water billing issue lies with high water bills experienced in January and March 2020, while the owner was out of the country for a 3 month period. Unfortunately, the water supply to the home was not shut off despite the property being unoccupied. The City has long recommended shutting off water to one's property when away to avoid unauthorized water use or undetected leakage occurring at unoccupied properties.

Council approved water bill adjustment policies (City's Water Leak Adjustment Policy or Extraordinary Circumstance Policy) explicitly exclude adjustments where a dwelling is unoccupied and/or vacant for more than 72 hours. Staff conducted an online review to determine if Hamilton's bill adjustments policies differ with respect to the unoccupied/vacancy exclusion condition. Very few Canadian municipalities offer water bill adjustment policies recognizing that property owners are responsible for private plumbing and the need to maintain/safeguard water using private infrastructure. The online review identified a small number of municipalities that offer water bill adjustment policies (Brantford, Guelph, London, Kitchener, City of Waterloo, Bancroft and Winnipeg) and without exception, the policies exclude adjustments where the home was unoccupied/vacant when the high water consumption occurred.

For extended absences, customers should consider shutting off the water supply (except where water is used for heating) and draining all the pipes and appliances. The City has long promoted the water supply be shut off when a property will be unoccupied/vacant for extended periods via Alectra customer service staff, newspapers ads, bill inserts (including the October 2019 and November 2020 Hamilton Water newsletter bill inserts) and on the City/Alectra websites. The use of on-bill messaging (message appears just below the water consumption bar chart on the right-hand side of the water bill) has also been introduced with the January to April monthly water bills providing the following advice:

Leaving on vacation? Make sure your home's water valve is turned off before you leave to prevent expensive water bills from flooded basements due to leaky pipes or water theft from your outside taps. www.hamilton.ca/leaks

Furthermore, the City's Waterworks Bylaw R84-026, Section 18(4) requires of all property owners: "Whenever any premises having a water service becomes vacant, the owner is required within twenty-four (24) hours of vacancy to notify in writing, the City to shut off the water at the street line." This requirement recognizes that vacant properties often experience undetected water leaks and/or unauthorized water usage. Following the ice storm in December 2013, the City began suggesting specifically to "snowbirds"

to request the City shut the water service at the street as extended power outages can cause water pipes to burst.

In some circumstances, customers raise concerns with respect to the accuracy/functioning of the water meter suggesting high water consumption is a result of inaccurate measurement. Hamilton like most water utilities purchase meters that must be manufactured in accordance with American Waterworks Association (AWWA) standards.

The City uses an industry standard positive displacement meter for residential metering purposes. These meters have a design that is extremely reliable and inherently mitigates over recording. It also provides an accurate record of consumption for many years before requiring replacement. 98% of water meters installed in Canada are positive displacement meters. The replacement of these devices is driven by the wear of mechanical parts that leads to the *under recording* of water consumption. As such, Staff is confident that the City's meters don't account for the high water bills.

When customers raise doubts that the water meter is malfunctioning leading to high consumption billing, like most municipalities Hamilton has a process whereby a customer may have their meter tested for accuracy with a [Water Meter Testing Request Form](#) available on Alectra's website. The customer is required to pay an applicable service fee that varies with the meter size; the 2021 meter accuracy test fee for residential meters (15 – 16mm) is \$314.56 plus HST (fee includes removal of existing meter and installation of replacement meter). Unless the meter is found to be registering more than 2% in error, then the property owner is responsible for the cost of the test and the replacement cost of the water meter; otherwise the cost is borne by the City. If the meter is found to be over-registering the water account would be adjusted down to reflect the amount of over-registration. Over the past 15 years, there has not been a residential meter fail by over-registering consumption that required a billing adjustment. As there is no evidence that the water meters over-register, the application of the meter test fee avoids unnecessarily removing meters from service before the end of their useful life.

The City is not obligated at its expense to remove a water meter for accuracy testing where a customer contends the meter is inaccurate. The City was successful in defending at trial a Small Claims Court claim from a customer that alleged that his water meter was not functioning however the plaintiff chose not to have the meter tested for accuracy (*Radassao v. City of Hamilton et al*). The decision noted that the customer by not having the meter tested could not prove any malfunction.

TABLE 1

Read Date	Total Bill (\$)	Consumption (m3)	Read From	Read To	Avg Daily (m3)	Billing Days
12/15/20	\$ 37	7	1,792	1,799	0.212	33
11/12/20	\$ 32	7	1,785	1,792	0.259	27
10/16/20	\$ 35	7	1,778	1,785	0.233	30
9/16/20	\$ 37	9	1,769	1,778	0.31	29
8/18/20	\$ 50	12	1,757	1,769	0.343	35
7/14/20	\$ 48	12	1,745	1,757	0.375	32
6/12/20	\$ 29	3	1,742	1,745	0.097	31
5/12/20	\$ 30	3	1,739	1,742	0.091	33
4/09/20	\$ 30	5	1,734	1,739	0.179	28
3/12/20	\$ 262	76	1,658	1,734	2.714	28
2/13/20	\$ 26	3	1,655	1,658	0.111	27
1/17/20	\$ 353	104	1,551	1,655	3.152	33
12/15/19	\$ 36	10	1,541	1,551	0.37	27
11/18/19	\$ 37	8	1,533	1,541	0.25	32
10/17/19	\$ 33	8	1,525	1,533	0.296	27

The water billings have been paid in full to date as the account is on pre-authorized payment plan. There was no contact from the customer until her return in late March 2020 which suggests the water billings during the owner's absence were not reviewed when issued. If the January water bill was reviewed when issued in late January, at that point an investigation could have taken place to find the source of the high water usage.

As noted below, there have been repeated requests by the customer for financial compensation and Alectra consistently has advised (following consultation with City Finance) that due to the property being unoccupied during the periods of high metered water usage the requests were ineligible under City policies.

Additionally, the customer, via the ward councillor's office, has had several discussions with Hamilton Water Community Outreach between May and December 2020 that mirrored the discussion the customer has had with Alectra.

As previously noted, there are two adjustment policies approved by City Council for City staff to adjust a high water billing (City's Water Leak Adjustment Policy and the Extraordinary Circumstance Policy) however, both policies exclude adjustments where a dwelling is unoccupied and/or vacant for more than 72 hours.

Alectra Utilities (AUC) Customer Contact Timeline

Jan 29/20 - As the Jan 17th water bill was high, AUC attempts to contact customer by phone however the phone number listed was not in service, no number found on Canada 411 & no email on file. Clerk issued meter re-read which confirmed meter reading so bill issued.

Mar 24 - Olympia (owner) called regarding high usage, she advised she was away for 3 months, AUC customer service representative (CSR) advised to check for leaks. Customer stated toilets are brand new. CSR asked for read from meter (WLA (water leak adjustment) not mentioned as property vacant).

Mar 25 – Olympia called with read which confirmed reads were OK and that usage had returned to normal – she advised she was away Dec 25 to Mar 24 and requested the meter be tested, she was advised work order was pending to confirm reads.

Apr 20 – Olympia called requesting reimbursement and the CSR suggested in future to turn water off when going away for extended period, customer requested escalation.

Apr 22 – AUC supervisor called Olympia and advised this type of usage usually suggests leaks, suggested read meter overnight to monitor and do dye test on toilets. Customer responded received our stickers and everything is fine. AUC supervisor advised would call back to discuss overnight reads, also advised she may need to get a plumber and understood her concerns about having someone in home during Covid 19.

Apr 24 – AUC supervisor called back to discuss overnight reads.

May 12 - Olympia's son in law Bob called, he advised same info Olympia – she was away, no leaks, no run on toilets, he requested relief as she is a senior, was advised by CSR no relief available.

May 14 – Email received from the City to call Bob. AUC supervisor called and Bob was concerned we could not explain the high – low – high invoices and wanted compensation.

May 19 - CSR spoke with Olympia – same matters as raised on May 14 were discussed.

June 3 – Bob spoke to Supervisor who pointed out that both years Olympia was away she experienced higher usage (2018 and 2020) in 2019 when she was home there were no issues (2018 Jan 5-Feb 8 16m3, Feb 8-Mar 6 28m3, Mar 6 to Apr 3 13m3)

June 9 – Bob spoke to AUC supervisor, requested credit as Olympia is senior on fixed income, was explained cannot offer compensation, also explained meter test option and payment arrangements. Bob requested further escalation before going to the media.

June 18 – AUC Manager called and spoke with Bob. Bob advised Olympia was away, 2 people were checking on home in her absence. No one detected water being used, they checked for leaks including toilet test and found none. Manager asked if plumber had checked premises, Bob advised no. Bob asked for compensation as Olympia is on fixed income and this is causing financial strain. Bob also stated he feels she shouldn't have to pay for the charges because she was not home. Manager explained how meter works and that since water had flowed through the meter charges apply. Customer requested a call back.

July 28 – Unexplained High Water Usage Billing Adjustment Request Application Form received from customer via email – was sent to call centre supervisors who forwarded to billing supervisors.

July 30 – Form reviewed and declined after billing clerk reviewed with COH. Denied as criteria not met, email was sent to billing supervisor to advise whomever was dealing with customer to advise the customer.

Aug 10 – CSR called and spoke to Olympia and advised did not meet criteria under the Extraordinary Circumstance Bill Adjustment Policy.

Aug 11 – Bob spoke with CSR who transferred him to COH to advise why criteria was not met.

Aug 18 – Email received from Hamilton Water Meter Operations inquiring why was customer contacting them.

Nov 25 – Email received from COH by call centre supervisor to contact Bob. Bob stated that they did not receive written notification for reason their request was declined under Extraordinary Circumstance Bill Adjustment Policy, advised declined verbally on Aug 10. Was advised of option to appear before City's Audit, Finance & Administration Committee. Supervisor advised would review request form and call back.

Dec 2 – Supervisor called Bob to advise reviewed compensation request and advised request is declined - reiterated option to appear before City Committee, Bob advised he would contact councillor, MPP and would take further action.