

October 13, 2021

Via Email

Councillor Brad Clark
Ward 9 - Upper Stoney Creek
Room 262, 71 Main Street West
Hamilton, ON L8P 4Y5

Dear Councillor Clark:

RE: ■ Gatestone Drive, Stoney Creek Claim #061628

As you are aware, we put in a claim to the City and were advised on July 23, 2021, that the claim was received by the Legal and Risk Management Services. The claim was in response to the events listed below.

On the evening of April 11, 2021, our basement floor drain had backed up. Not knowing what to do and the urgency of it, we contacted a plumber. Temporarily, he helped clear the drain (and advised to call the City due to the blockage being within the ROW, however the reason for the blockage was due to tree roots located in the pipe which is on City property (The blockage was caused by a City asset (Tree) Located within the ROW. We were left with a bill of approximately \$900 of this work.

We called the City of Hamilton on Monday April 12, 2021, and spoke to a clerk. We advised the clerk on the issue and that we had a plumber come in to temporarily clear the blockage. The clerk then organized to have a plumber come out and review. We specifically asked the clerk "will our \$900 bill be covered along with the repair to the sanitary lateral?" The clerk said the bill will be covered and we were to hold onto the receipt and to pass it along after the repairs had been made.

That same day Monday April 12th, a plumber came by to locate the gas main and place a camera down the floor drain. He was able to locate the tree roots and verified/confirmed that the blockage was within the ROW and was caused by a City asset. It was verified that the location of the tree causing the damage is indeed on City property.

The City contractor (another plumber arrived) that same day. She snaked the drain to clear it up. She also confirmed the blockage was caused by a City asset and would need to dig up the pipe to repair it.

Upon review of our claim, the City stated that they are unable to reimburse us for the Plumber's invoice for the cleaning of tree roots as these costs are not covered under the Sewer Lateral Maintenance Program. The City does not pay for homeowners to clear their sewer laterals of tree roots as care and maintenance for the entire length of the lateral from the building to the City's sewer main, lies with the property owner. However, this is not the information that the City clerk

provided us during our phone conversation and advised that the plumber cost would be covered since the issue was caused by a City asset.

We respectfully disagree with the response as we needed to clear up our sewer from a City tree. We feel that the City of Hamilton should pay for the bill as the situation was caused by a City asset.

Having experience in development design and road reconstruction design, we fully feel this is a responsibility of the City. The street was designed in advance of the development taking place and PVC laterals were not used from the sewer to the property line. The material of the laterals along the street are susceptible to having trees roots penetrate the joints. When the development finally took place PVC was used, and used for the rest of the lateral from the property into the home. So why did the City allow a tree to be planted so close to the laterals? This was an oversight and should have not been permitted, therefore this is the responsibility of the City as it was the City's asset in a less than ideal location causing an issue to "our" lateral.

The tree that has caused these unexpected problems is on City property and we should not be on the hook for any fees and damages associated with it.

We submit this letter to appeal the decision by the City.

Should you have any questions, please reach me at [REDACTED].

Respectfully,

[REDACTED]

Diana Morris