

westvancouver

ENGINEERING AND TRANSPORTATION

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September 8, 2009

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RE: Response to Letter Submitted July 24th, 2009

I am in receipt of your letter dated July 24, 2009 to Mayor and Council related to the District's current method of addressing servicing requirements for development applications. As you noted in your letter, the District does have a lot of underground infrastructure that will need to be replaced at some point in its lifespan and this includes service connections. While the majority of this infrastructure will be replaced coincident with the replacement of the main, service connections are known to have shorter lifespans than distribution mains. This is the reason why we do on occasion need to complete repairs on service connections before full main replacement.

To aid in reducing the number of leaks and hence the amount of water potentially wasted, when a development application is submitted to the District, a couple of conditions are reviewed to determine if it would be appropriate to have the service connections replaced at that time. These conditions are related to the age of the installation, the need for an upgraded size, and the extent of the re-development works both in terms of overall cost and impact on the water system. Within the current bylaw, the conditions consist of a minimum \$50,000 project value, a service that is 30 years or older, or if there is a need for a size upgrade. For larger re-developments, this upsizing can extend further to include a main replacement, though that was not the case for your application. Due to increased construction costs over the last few years, District staff currently use \$100,000 rather than the \$50,000 value contained in the bylaw. As development applications can include everything from small renovations in an existing house to large scale subdivisions, the value of the work was selected for use as a surrogate to ensure small scale projects didn't trigger the need for service replacement.

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In your case, the application included a number of water related enhancements, the overall cost of the works was in excess of even the \$100,000 value currently used, and the service connection was also upsized. As such, your development application satisfied all three categories used to evaluate the need for a service replacement and hence resulted in the requirement to replace the service.

A number of years ago, the bylaw was changed from charging a flat fee for a water service connection upgrade to the actual cost due to the large number of potential factors which could influence the final cost. This user pay approach was felt to be fairer to all residents.

While the provision for water service upgrades is clearly described in the Waterworks Regulation Bylaw No. 4490 (available on the District website), we take your comment about communication under advisement and will work with land development and permits staff to improve the level of clarity. We trust the above explanation addresses your concerns, but if you have additional questions or comments please feel free to contact the undersigned at your convenience by phone at 604.921.2197 or by email at jmcmahon@westvancouver.ca.

Yours truly,



John A. McMahon, M.Eng., P.Eng.
Manager of Utilities

cc: Mayor and Council
Raymond Fung, Director, Engineering & Transportation
Tony Tse, Manager of Land Development Engineering

JM/br

1815-01
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July 24, 2009.

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Mayor and Council,
Municipality of West Vancouver
750-17th Street,
West Vancouver, B.C.
V7V 3T3

Dear Mayor Goldsmith-Jones and Members of Council:

We are West Vancouver home owners who have recently gone through the process of applying for and receiving a permit for altering our home. During the process of applying for the permit we were charged a very large amount for a new water connection and sanitary inspection chamber that were not requested by us, and not related to our renovations. Instead these are automatic upgrades triggered when a building permit for over \$50,000 value of work is issued for homes where the water service was installed over 29 years ago (Bylaw 3859 Part 13). We take great exception to this process which we consider to be of questionable legality, blatantly unfair, and a deceptive manner of raising money for essential improvements to infrastructure.

Firstly, we question the right of the Municipality to charge us for a service that most would deem to be a municipal government responsibility. Surely the guaranteed delivery of water and sanitation services to the property line of existing homes is part of the understood contract between homeowners and their local government. When we pay our taxes, we are paying them in part for the delivery of utilities. In our case the District of West Vancouver should bear the cost of maintaining this service. Our responsibility as homeowners begins at the property line. If our understanding is incorrect we would like a clarification by your legal counsel in this regard.

Another major objection we have is the unfairness of this system. If a neighbour has a break in their water lines on the District side, then the cost of the repairs/replacements are born by the District, not the homeowner. This situation occurred in our neighbourhood a couple of years ago when a major leak necessitated the replacement of pipes for a whole section of homes. These homeowners will never have to pay for upgrades, and yet others like us who have had no problems with our existing lines but who have applied for building permits bare the complete cost.

Moreover, within the fee process there is also gross inequity. Because the District pipes outside our property are made up of asbestos, the process of installing new connections is more complicated and costly than an "average" hook-up. We, the homeowner, foot the bill for the increased cost even though the original decision about the type of pipes to be installed was never under homeowner control - rather it was decided by past District policy. The cost for the work related to our property was \$6015.00, as we understand almost twice the cost of a more standard upgrade. So, we not only pay for a service we did not request and do not think is our responsibility, but we even have to pay a premium for decisions made by the District of West Vancouver a long time ago!

And finally, we take exception to the way in which this policy, by which the District raises money for capital improvements and upgrades related to infrastructure, lacks transparency. This process for recovering costs for sewer and water upgrades is not commonly known by residents of West Vancouver (as we have discovered by talking to friends and neighbours), nor does it appear to be addressed at all on your web-site. We have looked under the information related to building permits, under utilities....nowhere is it spelled out that a permit for a home over a certain age will trigger this process. It is only in the process of applying for a permit that it becomes known, and at that stage the homeowner is in no position to argue: with contractors engaged and materials purchased, there is no recourse except to pay the fee and get on with the project.

We can understand that infrastructure in our community is aging and needs to be replaced, however it should be done in a more open, cost-effective, rational, and equitable method. Surely, it is far more costly to upgrade infrastructure one house at a time, rather than in a planned and systematic way. Moreover, it is illogical to link funding for infrastructure upgrades to the permitting process – there is no natural link between the two. There is obviously a need for capital funding and the appropriate place to obtain that is through the general tax structure rather than placing an unfair surcharge on individual homeowners. As homeowners and voters we elect a Council to prioritize and attend to the necessary and fundamental needs of our community. If infrastructure is in need of funding then it should be placed as a priority well ahead of attention-grabbing, glamorous projects such as community centres and beautification.

We are sending an identical letter to the Director of Engineering and Transportation, Mr. Fung, as we believe this matter needs to be addressed by both the elected and appointed leaders within the Municipality. We believe this matter warrants re-examination through open public discussion with the goal of changing this unfair and poorly-designed practice.

Yours truly,

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P.S. On a positive note we would like to comment on how impressed we have been with our dealings with District staff, especially in the engineering department. At all times we could talk with "real" people, obtain the information we needed, and were treated with courtesy and respect. We hope this culture of communication and openness, which is a great strength of the District, is fostered and maintained over time.