

## **Drain Grant Appeal - 38 Bellefair Avenue (East Toronto)**

*(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)*

**The Toronto Community Council recommends that the appeal for the drain grant claim at 38 Bellefair Avenue be granted in the amount of \$4,815.00, funds to be provided from the Water and Wastewater Services Division 1999 Operating Budget.**

The Toronto Community Council submits the following report (November 8, 1999) from the Director of Districts 1 and 2, Water and Wastewater Operations, Water and Wastewater Services Division:

### Purpose:

An appeal to a Drain Grant Claim has been made by the property owner, Ms. Jewell E. Betts, 38 Bellefair Avenue. The applicant is requesting an enhanced drain grant to cover her full costs of \$4,815.00.

### Financial Implications:

There are sufficient funds in the Water and Wastewater Services Division's 1999 Operating Budget to cover all or any portion of this appeal.

### Recommendations:

It is recommended that:

- (1) Community Council deny the appeal; or
- (2) Community Council grant all or a portion of the appeal; and

Community Council forward this report to the next meeting of the Works Committee.

### Background:

Toronto Community Council, on October 12, 1999, had before it a communication (August 24, 1999) from Ms. Jewell E. Betts respecting an Appeal to a Drain Grant Claim for 38 Bellefair Avenue (East Toronto).

Toronto Community Council also had before it Clause 3 of Works and Utility Committee Report No. 7, entitled "Sewer Connection Blockage Inspection and Repair Program, and Tree Root Removal and Grants Policy", which was adopted, as amended, by City Council at its meeting of May 11 and 12, 1999.

The Toronto Community Council requested the Commissioner of Works and Emergency Services to:

- (1) report to the Toronto Community Council at its meeting to be held on November 9, 1999 on the appeal to the drain grant claim for 38 Bellefair Avenue, based on proposed guidelines for dealing with such appeals previously requested by City Council; and
- (2) submit the previously requested guidelines to the Works Committee for its consideration at its meeting to be held on November 3, 1999.

On July 30 1999, staff received a claim from Ms. Betts, through Councillor Jakobek's office, for a drain grant in the amount of \$4,815. Staff responded promptly and, as per the new policy, approved and processed a grant in the amount of \$1,500 on August 12, 1999. On August 24, 1999, Ms. Betts wrote to the Toronto Community Council requesting Council to review her claim. In this letter, Ms. Betts indicated that she did not include the costs of driveway repair or carpet cleaning in her original claim. Ms. Betts also indicated that her contractor, Metropolitan Emergency Drain Service, encountered challenges in replacing the pipe. An estimated one-day project took them three days.

In her letter to Councillor Jakobek's office dated July 28, 1999, Ms. Betts made particular reference to her neighbours at 40 Bellefair Avenue, Mr. and Mrs. Taylor, who have had repeated problems with tree roots from a maple tree on adjacent City property.

Mr. Mario Crognale, Director of Districts 3 and 4, Water and Wastewater Operations and I are presently completing the requested report on the guidelines and criteria to be followed by Community Councils and will have it before the next meeting of the Works Committee.

#### Comments:

Staff and I met with Ms. Betts, after her deputation at Community Council and, as she had commented during her deputation that she was still having drain problems, we arranged for field staff to investigate the City's portion of the drain. Staff found roots in the City's portion of the drain and subsequently renewed it from the property line to the main sewer. Our dispatch records show no calls from 38 Bellefair Avenue.

Ms. Betts advised us that the previous owner of her property had filled in the driveway to what had been a basement garage. She stated that her contractor's extra time on the project was caused by the original driveway having been backfilled with rubble and broken concrete. Staff encountered some of the rubble when they were excavating at street line to renew the City's drain. Staff have attempted to contact the contractor but were advised that he was unavailable.

The private drain, that was replaced by hand digging, was 2.4 meters deep at the property line and approximately 3.9 meters long - consistent with most drains in the area. Staff have advised me that the average cost of a grant claim for full replacement is approximately \$2,500.

Staff also reviewed the records for 40 Bellefair Avenue and found that two drain grants had been approved in the past - \$857.00 in 1992 and \$827.00 in 1998 - both for partial repair or

replacement of the drain. In September of 1998 Toronto Community Council denied a request from the owners of 40 Bellefair Avenue to have a 32 cm diameter City-owned Norway maple tree removed.

The requested draft report on the guidelines and criteria to be followed by Community Councils in the implementation of the grant appeal's policy will be before the next meeting of the Works Committee. In simple terms, this draft report recommends that an eligible grant appeal will generate a staff report to the appropriate Community Council, detailing the homeowner's request, the nature of the repairs and all extenuating information. It is also recommended that Community Councils will review the appeals on a case-by-case basis and will recommend to City Council, through the Works Committee any enhanced grant, if any, to be given to the applicant.

#### Conclusions:

Ms. Betts's original application for a drain grant was approved by staff. There would appear to be some extenuating circumstances in that the contractor had to provide extra effort to complete the project due to the presence of rubble and broken concrete. It is unlikely, however, that there would have been significant additional costs if the contractor had used a backhoe instead of manual labour to carry out the excavation.

It is recommended that Toronto Community Council consider this appeal and make a recommendation to City Council through the Works Committee.

#### Contact:

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (October 20, 1999) from the City Clerk;
- (August 24, 1999) from Ms. Jewell E. Betts; and
- Clause 3 of Works and Utilities Committee Report No. 7, titled, "Sewer Connection Blockage Inspection and Repair Program, and Tree Root Removal and Grants Policy", which was amended adopted by City Council at its meeting held on May 11 and 12, 1999.

Ms. Jewell E. Betts appeared before the Toronto Community Council in connection with the foregoing matter.