



## STAFF REPORT ACTION REQUIRED

### Authority for City Solicitor to Recover Unpaid Fees for Waste Disposal

<b>Date:</b>	May 25, 2007
<b>To:</b>	Government Management Committee
<b>From:</b>	City Solicitor
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### SUMMARY

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This report is to obtain ratification of all steps taken to date to initiate litigation against 1281694 Ontario Limited, carrying on business as Blue Environmental Services (“Blue Environmental”), to recover unpaid solid waste disposal fees totalling \$46,176, plus interest and legal fees.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. Council ratify all steps taken to date in the litigation commenced against 1281694 Ontario Limited, carrying on business as Blue Environmental Services, to recover unpaid solid waste disposal fees totalling \$46,176, and to grant authority to continue the litigation, to appeal any decision where warranted, to discontinue or to settle the action or claim where it is concluded that it is reasonable to do so (including authority to effect a write off of any amounts as necessary), and to execute any documents in furtherance hereto, all in consultation with the General Manager, Solid Waste Management Services; and
2. the appropriate City Officials be authorized and directed to take the necessary action to give effect hereto.

## **FINANCIAL IMPACT**

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The Recommendations will have no financial impact beyond what has already been approved in the current year's budget.

## **ISSUE BACKGROUND**

Blue Environmental owes the City \$46,176 in unpaid waste disposal fees incurred between February and April, 2004.

Blue Environmental is a company that advertises itself as offering industrial, commercial and residential waste removal and recycling services in the Greater Toronto Area. In 2004, it disposed of waste at the City's Commissioner Street waste transfer facility.

Blue Environmental's position is that it has paid all the fees that are owed to the City and it owes no more. Blue Environmental asserts that the City is attempting to overcharge it.

An action was commenced against Blue Environmental on January 31, 2006 to prevent the expiry of a limitation period. It is recommended that Council ratify the commencement of the action, and grant authority to take such steps as are considered necessary in the interests of the City with respect to this claim.

The action is proceeding by way of the simplified procedure. A mandatory mediation is scheduled for June 11, 2007, and a pretrial conference is scheduled for June 26, 2007. If the matter is not settled, a trial date will likely be obtained within 6 to 12 months.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor