



## STAFF REPORT ACTION REQUIRED

### Authority for City Solicitor to Recover Unpaid Industrial Waste Surcharges

<b>Date:</b>	January 31, 2008
<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 566264 Ontario Inc., 1632735 Ontario Inc. and 1671193 Ontario Inc. operating as Wing Loon Food Products Company Ltd. a.k.a. Wing Loon Food Products Co. a.k.a. Wing Loon Food Products Co. Ltd. a.k.a. Wing Loon Food Products Co., Ltd. a.k.a. Wing Loon Food Products Company a.k.a. Wing Loon Food Products Company Ltd. (collectively referred to as the “Companies”), to recover unpaid industrial waste surcharges totalling \$44,776.81, plus interest and costs.

#### RECOMMENDATIONS

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The City Solicitor recommends that:

1. Council ratify all steps taken to date in the litigation commenced against the Companies to recover unpaid industrial waste surcharges totalling \$44,776.81, 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, Toronto Water, or his designate; and
2. the appropriate City Officials be authorized and directed to take the necessary action to give effect hereto.

## **FINANCIAL IMPACT**

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

## **ISSUE BACKGROUND**

Pursuant to Chapter 681 of the City of Toronto Municipal Code (the "By-law"), persons may discharge certain types of sewage into the City's sanitary or combined sewers that may otherwise be prohibited by the By-law, if they have entered into an industrial waste surcharge agreement with the City. Pursuant to such agreements, depending on the amount of discharge referred to in the agreement that a person puts into the City's sewers, a surcharge fee is paid.

The Companies all operate out of the same location, appear to be related to each other and use similar corporate names.

The Companies, or, alternatively, any one of them, entered into one or several industrial waste surcharge agreements with the City. The Companies subsequently discharged into the City's sewers. As a result, surcharges accumulated which remain unpaid in the total amount of \$44,776.81.

An action was commenced against the Companies on October 12, 2007. Two of the Companies, 566264 Ontario Inc. and 1632725 Ontario Inc., did not defend the action and default judgments have been obtained against them. The action continues as against 1671193 Ontario Inc. It is recommended that Council ratify the commencement of the action and the steps taken to date, and grant authority to take such further steps as are considered necessary in the interests of the City with respect to this claim.

## **CONTACT**

Glenn K. L. Chu, Solicitor, Legal Services Division, Tel: (416) 397-5407  
Fax: (416) 397-1765, e-mail: [gchu2@toronto.ca](mailto:gchu2@toronto.ca)

## **SIGNATURE**

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Anna Kinastowski  
City Solicitor