

GM26.5.1

McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673



Sarit E. Batner
Partner
Direct Line: (416) 601-7756
Email: sbatner@mccarthy.ca

Assistant: Weekes, Mavis
Direct Line: (416) 601-8200 x542325
Email: mweekes@mccarthy.ca

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Via E-mail: gmc@toronto.ca

Government Management Committee
City of Toronto

c/o Carol Kaustinen
10th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Committee Members:

Re: Item GM26.5 – Arrears for Water Billings at 4700 Keele Street (York University)

I act for York University in respect of the water billings issue which the City of Toronto addressed in its March 16, 2018 Report for Action with Confidential Attachment which is coming before the Committee April 3, 2018. York University will be making a brief deputation on April 3, 2018 to convey directly to the Committee York's strong commitment to work with the City to resolve the Water Billing issue, including making a payment if it owes one. **York requests that any tabled action other than providing authority to the City to work with York collaboratively, and with the assistants of experts as necessary, towards resolution of the water billings issue, be deferred.**

York University and the City have a longstanding relationship which goes far beyond addressing water; York and the City's relationship spans many areas and touches many aspects of life at York. York's relationship with the City has been very cooperative and is of high importance and value to York. York would very much like to see this water billings matter through with the City without resort to litigation or other legal means which are not required given York's commitment to pay any amount determined to be owing, once the parties have an opportunity to ascertain the facts using independent third party experts.

York has been and continues to be amenable to working with the City to determine what the process to solve the water billings matter looks like and has offered to schedule a time for representatives of York and the City to meet with a view to putting in place an agreed upon process for resolving the dispute. The City's counsel and I have been communicating for the past year, and York understood that instructions and authority were being sought by the City for such a meeting to take place. Indeed, in the spirit of cooperation and the common goal of resolution, York and the City agreed that pending these talks and the process and investigation which will ensue, any limitation period which would otherwise run against the City will be tolled; so there is no prejudice to the City in allowing for this resolution process to unfold, and no impetus for the City to commence litigation. Instead of going to the Courts, the parties should

move straight to investigation, fact sharing and resolution, which is where litigation would head in any event.

I am sure it goes without saying that the utility bill at issue should not be added to York's tax roll and the City should not shut off York's water. Neither is necessary in the circumstances and would not achieve City goals. York University does not wish to have litigation with the City. These parties work together on so many fronts. Litigation is inimical to their significant relationship. York requests that the City approve a mandate to investigate and resolve this matter, not by compromising the amounts owing, which York is full prepared to pay, but by ascertaining what amounts in fact are owing. York is committed to paying any amount it owes.

Of course, the City needs to be satisfied as to any amounts properly owing by York. York has commenced an external investigation through retention of experts and recently received information from those experts which it will be sharing with the City on a without prejudice basis to advance the process. Those reports reference inaccurate meter readings due to installation and backflow problems. Of course, the City would have to be satisfied with the reports and York would be happy to work with the City to obtain further reports if needed.

We look forward to assisting in finding a collaborative way forward.

Yours truly,

McCarthy Tétrault LLP

A handwritten signature in black ink, appearing to read 'S.E. Batner', with a stylized flourish at the end.

Sarit E. Batner

SEB/mr