Jodi Brown
[redacted]

Mayor and Councillors
West Hants Regional Municipality
76 Morison Dr.
P.O. Box 3000
Windsor, NS B0N 2T0

Re: Request for independent review and accountability — Sewer billing at The Crossing

Dear Mayor and Councillors,

Please include this correspondence in the public agenda for Council's consideration. Please confirm which meeting will receive it and whether it will appear in the publicly available agenda package. As public participation does not include debate, I am requesting a written response to each question.

What legal authority allowed the Municipality to stop billing the landlord for sewer costs and start billing tenants at The Crossing in 2019? What happened to the landlord's responsibility for those costs?

Before the change, tenants paid for water, and the landlord paid for sewer as part of the landlord's operating expenses. After billing was combined, tenants were charged for both.

The UARB provided the following explanation to me:

> "This in response to your email. The Board approved the amalgamation of the Three Mile Plains, Falmouth and Hantsport water utilities, to form the West Hants Water Utility, effective July 1, 2019, in a Board Order dated June 4, 2019 (Matter M09013). Further, the Board approved the amalgamation of the West Hants Water Utility and the Windsor Water Utility, to form the West Hants Regional Water Utility, effective October 1, 2024, in a Board Order dated September 3, 2024. (Matter M11538). The Board does not regulate wastewater utilities in the Province, except for Halifax Water."

The UARB also stated:

> "From a search of these matters, it does not appear that the Board approved a specific request related to the water bills of the tenants of The Crossing land-lease community in Garlands Crossing."

The UARB further explained:

“Prior to July 1, 2019, the Three Mile Plains, Falmouth and Hantsport water utilities were separate utilities, each with their own Schedule of Rates, Rules and Regulations. I’m assuming that the Garlands Crossing community was part of the Three Mile Plains/Wentworth water utility (please correct me if I’m wrong). That utility had the following Regulation, approved effective July 1, 2014 (see Board matter M06072):

2. Liability for Payment of Water Bill - An agreement is deemed to exist between a customer and the Utility for the supply of water service at such rates and in accordance with these Regulations by virtue of:

1. *the customer applying for and receiving approval for water service;*

2. *the customer consuming or paying for water service from the date that the customer who is a party to an agreement pursuant to clause (a) (the customer of record) moves out of the premises, in which case the customer of record shall remain jointly and severally liable for the water service account up to the date the Utility is notified that the customer of record wishes to terminate the supply of water service.*

   At the discretion of the Utility, a property owner who rents or leases a property or self-contained unit to a tenant or lessee may be required to open an account for the provision of water at the property rented or leased.

3. *Any person, business or corporation that receives water service without the consent of the Utility, shall be liable for the cost of such water service which cost shall be determined in the sole discretion of the Utility based upon its reasonable estimate of the amount of water utilized.*

4. *Where service is supplied to a condominium unit, the Condominium Corporation in which the unit is situated shall be deemed to be the customer of record and shall be liable for payment of the service bill for the condominium unit.*

The Three Mile Plains/Wentworth water utility also had its own set of rates for water service that remained in effect until the amalgamation, as did Falmouth and Hantsport. Up until July 1, 2019, the Three Mile Plains/Wentworth rates, rules and regulations applied. After July 1, 2019, the amalgamated utility’s rates, rules and regulations applied.”

The UARB's response does not identify Board approval to transfer sewer costs from the landlord to tenants at The Crossing. Its explanation concerns water-utility amalgamation and water-account rules, and it expressly states that the Board does not regulate wastewater utilities except Halifax Water.

Council's vote does not, by itself, explain the legal authority for the transfer.

Please answer each question directly:

1. **What specific law and bylaw provisions authorized directly billing tenants for sewer?** Please identify the sections in force in 2019 and explain how they applied to land-lease tenants at The Crossing.
2. **How were the existing leases and Nova Scotia's Residential Tenancies Act considered?**
3. **Was permission obtained from the Director of Residential Tenancies, or was another lawful process followed?** If neither was required, please explain the legal basis for that position.
4. **Did the landlord provide the Municipality with any approval or order authorizing the transfer of costs to tenants?** Please provide copies showing who issued them, when, and what they authorized. If none were received or located, please confirm that in writing.
5. **Why did the Municipality choose to bill tenants for both water and sewer rather than maintain the existing arrangement or bill the landlord for both services?**
6. **Why did the Municipality begin the billing change in April 2019 when the UARB's approval of the water-utility amalgamation took effect on July 1, 2019?** What separate authority allowed the Municipality to start in April? Please provide the law, bylaw or approval relied upon and its effective date.

My father has been seeking answers for 8 years. The continuing lack of a clear explanation, a deadline and meaningful action shows a lack of accountability.

I have been corresponding with municipal staff since March. Months ago, I was told a legal letter explaining the Municipality's position was being prepared. I still have not received it. When I asked about the delay, CAO Phillips verbally told me this was "not a priority." That response is deeply concerning while residents continue paying the disputed charges and waiting for answers.

Many affected residents are seniors on fixed incomes. They have faced annual lot-rent increases while also paying sewer costs previously paid by their landlord. This leaves less money for food, medication and other essentials. They deserve a timely, respectful response.

What due diligence did Council undertake before voting to assess whether the change was lawful and how it would affect land-lease tenants' existing rights and payment responsibilities?

Residents deserve confidence that everyone is treated fairly. **What steps were taken then, and are being taken now, to ensure that any relevant personal friendships, business ties or financial connections with the landlord did not influence the original decision and do not influence the handling of residents' complaints?** Please explain whether any relevant relationships were disclosed and how they were managed. This is a request for transparency, not an allegation against any individual.

I am asking Council to:

- Conduct a thorough and impartial review. If Council cannot do so, arrange an independent review by someone who was not involved in the original decision or subsequent handling of these concerns.
- Provide written answers to each question, supporting records and the promised explanation of the Municipality's legal position.
- Determine whether tenants paid costs that remained the landlord's responsibility.
- Correct future billing and reimburse any payments the review finds the Municipality improperly collected.
- Identify who will lead the review and provide a firm date for a written response.
- Explain how any failures in handling residents' concerns will be addressed.

Residents deserve both a resolution to the billing issue and accountability for how their concerns have been handled.

Will Council and the Municipality now take responsibility for ensuring this matter is independently reviewed and resolved?

Thank you,
Jodi Brown
A concerned daughter
[redacted]