

M A N I T O B A                    )     Order No. 77/01  
  )  
THE MUNICIPAL ACT                 )     April 25, 2001

BEFORE: G. D. Forrest, Chairman  
          M. Girouard, Member

**THE TOWN OF MORRIS - COMPLAINT  
OF MR. LARRY JONES**

---

In a letter dated January 24, 2001 Mr. Larry Jones, a resident in the Town of Morris (the "Town") and a user of the water and sewer utility services of the Town with Account Number 43100-0 complained to The Public Utilities Board (the "Board") regarding a water and sewer bill of \$1,092.40 for service to November 30, 2000 (the "disputed bill").

Following the filing of the complaint, correspondence was exchanged between the complainant, the Town and the Board's office to obtain a better understanding of the issues leading to a public hearing scheduled on April 20, 2001 in the offices of the Board at 1:00 p.m.

The following persons were in attendance:

Mr. Larry Jones	complainant
Ms. Tara Braun	Chief                 Administrative Officer, Town of Morris

Mr. Robert Collette           Utility person  
  Town of Morris

The following information was provided to the Board by the complainant and the Town:

1. The complainant took occupancy of his home in August of 1998. At that time the meter reading was estimated at 710410 gallons.
2. The home is a bungalow with one bathroom and an outdoor swimming pool. The pool has not been used for two years. The complainant indicated that the toilet had been leaking at the tank bolts causing a small drip onto the bathroom floor. He approximated 1 or 2 cups of water per day could be found on the floor. The date of the commencement leak was not provided. This leak was only recently repaired. The home is occupied by a family of 3 but on most occasions occupied by 2 people as Mr. Jones works out of Town.
3. The complainant's first quarter use which was based on an actual meter reading reflected a consumption of 36,420 (meter reading was 746,830) gallons which he accepted and noted was high because of the work required to settle into the newly acquired home. The period of consumption was September, October and November.
4. From November 30, 1998 to August 31, 2000 consumption was based on estimates and an actual reading was taken on November 30, 2000. The reading was 019890 which reflected a meter turnover and which reflected a total consumption of

273,060 gallons since the last read meter reading of 746,830. During this period bills based on estimated consumption were forwarded to the owner and paid.

5. Upon receipt of the disputed bill, Mr. Jones complained to Town officials who indicated that the consumption was high when compared to consumption patterns for similar customers.
6. To investigate the high water use, the Town installed a new meter in line with the existing water meter to verify the accuracy of the meter. The installation was monitored for several weeks and the existing meter was proven to be working within specifications.
7. From his personal knowledge of water use in the home, the complainant felt the high water use was unexplained and accordingly, he should not be required to pay the large bill.
8. Following the conclusion of an investigation the Town, on March 9, 2001, wrote Ms. Debbie Northcliffe, the co-occupant of the home to advise that "Council has decided that the bill you received in December 2000 will remain owing as originally billed as the evidence compiled to date provides that your old meter was not faulty." And further, that "As the bill was due on January 19, 2001, penalties in the amount of \$109.24 have accrued. As this matter was under review at the time, we will waive these penalties, leaving the balance owing as \$1092.40."
9. The complainant stated that he lived at another location in

the Town and the Town could verify his usage by reviewing the records at the other address.

10. The owner maintained that no water was added to the swimming pool as they kept it only 2/3rds full and relied on rainfall for water.
11. Mr. Jones indicated that he could not confirm whether self read meter cards were returned to the Town on a regular basis as he worked out of Town although he recalls forwarding two cards himself.
12. Mr. Jones further indicated that he had no reason to question the accuracy of the Town's bills during the period as they reflected what he believed were fair bills representative of his water use during the period. The Town was never denied access to read the meter.
13. The Town confirmed that they have never been denied access but indicated that they only read meters once a year and that they rely on customer read meter data submitted to them on meter cards to prepare and forward quarterly bills. The Town reviewed all returned meter cards and could find no cards from the owners. Accordingly, billing during the period was based solely on estimates.
14. The Town's computer system is capable of flagging large and unusual variations in billing and did so when the November 2000 bill was prepared. When it did so, the Town called the home owners to discuss the variation which resulted in the extensive investigation done by the Town.

15. The Town advised that comparing bills with other customers or bills from prior addresses is not always useful. In this particular instance, the home had a swimming pool and a confirmed water leak which may have contributed to the significant water use.
16. The Town is satisfied that the water meter read accurately during the period and other than the confirmed water leak, they could not explain the high water use and accordingly, felt that the bill was fair and reasonable.
17. The Town confirmed the meter turned-over once only and brought the meter with them to demonstrate that it shows 5 moving digits plus a stationary 0. The Town also confirmed that the readings taken from the meter reflect consumption and do appear on the bills.

#### **BOARD FINDINGS**

The Board is satisfied that reasonable steps were taken by parties to verify the accuracy of the meter and that such efforts proved to the parties' and the Board's satisfaction that the meter was operating within specifications. There was no reason to suspect that during the period of ownership by the complainant that the meter was not registering consumption accurately.

The Board is also satisfied that for metering and billing purposes the complainant was treated in the same manner as all other customers of the utility. This includes making efforts to read the meter annually, to forwarding meter cards

for customers to provide self read meter readings and to preparing bills using estimates in absence of the receipt of such cards.

The reliability of the estimated consumption could only be doubtful during the period of the complainant's occupancy as the only measured consumption obtained was for the first quarter of occupancy. The Board noted the complainants' explanation that that quarter's consumption was not typical as it reflected abnormal use associated with taking possession of the home.

The Board accepts the position of the Town that while in general terms customers like to compare bills, such comparisons are not useful and further, to compare one address to another is not always useful. In this particular case, the complainant owns a pool unlike the prior owned property.

While acknowledging frequently working away from home, Mr. Jones was not able to explain the high water consumption. In his opinion the billing process used by the Town was suspect but as noted earlier, the Board did not accept this argument.

While the Town attempted to explain the high water use because of a leaky toilet, the complainant argued that that does not explain the high consumption in total. The Board noted that a leak accumulating to 2 cups of water per day would only amount to approximately 10 gallons per quarter which does not fully explain the consumption. The Board also notes that the City of Winnipeg has estimated that a leak the size of 1/16 of an inch in diameter can amount to 218,000 gallons per year.

The Board does not believe that it is the Town's responsibility to demonstrate the homeowner's water use. The Town correctly relied on an accurate meter to prepare its bills. Accordingly, the Board will not vary the bill and will set aside the complaint. In so doing, the Board noted that the Town has waived associated late payment charges to date.

The Board noted that part of the disputed bill includes water consumption for that quarter plus a catch-up portion for the under-estimations.

**IT IS THEREFORE ORDERED THAT:**

The appeal of Mr. Larry Jones to vary the disputed bill is denied.

THE PUBLIC UTILITIES BOARD

"G. D. FORREST"

\_\_\_\_\_  
Chairman

"G. O. BARRON"

\_\_\_\_\_  
Secretary

Certified a true copy of  
Order No. 77/01 issued by  
The Public Utilities Board

\_\_\_\_\_  
Secretary