

To: Chair of the Civic Works Committee

This following letter is sent without prejudice to the attention of members of the Civic Works Committee and City of London Council for their information and consideration at the October 30th 2018 meeting.

Since 2008 until the present moment - meetings and negotiations with the City of London have been and continue to be ongoing - to obtain permanent solutions to the Sanitary and Storm Water Flooding problems that have plagued our complex since that time. The pain, anguish and costs that this situation has inflicted on many of our unit holders are incalculable.

Primary Causes:

1. The original failure to build the complex's storm water management system in accordance with the plans and drawings submitted to and approved by the City of London.
2. The granting of an Easement/Right of Way and an 8" sanitary sewer line/ outlet that permitted other developments a conveyance outlet for their sanitary sewage into the original internal City of London Municipal Drain servicing the MCC122 Complex.
3. The City of London's failure to properly maintain the Pincombe Drain Outlet since 1976 to present.
4. The expansion and redevelopment of Southdale Road – to proceed and be built without totally recognizing the serious detrimental effects that this created to our Complex - due to its location, the vulnerability of the Westmount Pumping Station, and the effects of an un-maintained Pincombe Drain. This situation was additionally compounded by the problematic confluence chamber that limited and restricted the movement of storm water into the Pincombe Drain during heavy rain events causing storm water to surcharge.
5. Climate changes and the increasing numbers of heavy rain events/occurrences

Significant Events/Milestones

1. 2008 initial flooding occurred in fifteen units.
2. 2009 – Limited recognition by the City of issues.
3. Precedent setting By- Law obtained – to install Fullport backwater valves in the sanitary sewer lines as a preventative measure with partial funding to compensate unit owners.
4. The forced acceptance of ownership of formal internal municipal sanitary sewer to MCC122.
5. 2008 – 20012 - Continuously pressed the City of London for permanent fixes – upon the realization that the preventative measure of installing backwater valves - was a band aid solution at best.
6. Unsuccessfully fought against additional actions by third party engineers suggested by the City of London to modify internal storm water management services at substantial costs.
7. 2008 – 2017 Failure by the City of London's Plumbing Inspection Dept. and independent engineer's failure to detect improperly installed Fullport backwater valves.

8. Heavy rain events 2012 and 2015 resulted in substantial sewer and storm flooding in many units throughout complex – highlighted failure of flawed Fullport backwater valves as a solution and exposed the massive negative impact created by the failure of the Pincombe Drain Outlet and the Southdale Road's Expansion modifications to handle surface storm water and runoff – directly negatively impacting our Complex.

9. 2012 to 2017 numerous meetings with the City of London Engineering representatives were fruitless and frustrating primarily in our opinion due to a rational/or policy that would not or did not want to proactively address and solve the problems impacting our Complex.

9. 2015 Major accomplishment in having the City install and service a check valve in the storm water sewer servicing our complex – this valve stopped the resulting surge's and flooding impact of the Pincombe Drain/Southdale Roads modifications on our complex during a heavy rain event, also substantially verified our assessment of the problems.

10. 2017 Recognition and acceptance of our position and assessment by new city engineer and attendant staff – to finally address and implement permanent solutions to address and overcome the sanitary and storm water surcharges experienced by MCC122

Members of the Condo Corporation have worked closely with City Staff over the last 2 years to undertake work to protect our condo from future flooding. This work includes downstream sewer system improvements, installation of flap gates on an existing sewer, replacement of improperly installed backflow devices along with those that failed in flooded units – even though deemed operational, grading and drainage improvements and the removal of a weir in the Pincombe Drain. **It should be noted that the Water and Wastewater Division and its entire staff have been refreshingly cooperative, genuinely proactive and thoroughly professional throughout this process.**

As part of the 2010/11 agreement to receive compensation for flood protection for our condo we were required to assume ownership of a portion of the original municipal sewer that extends through the condo property. It is our opinion and position that this ownership assumption was unjust and forced upon our Complex by City of London's representatives for liability purposes and provided no benefit or protection whatsoever to MCC122. The costs related to maintaining this sewer are approximately \$1000.00 per yearly servicing. **We respectfully request that Committee and Council take back ownership of the sewer through the Pine Valley Condominium MCC122.**

In addition, the Condo Corporation has incurred significant costs related to dealing with the flooding issue faced on our property. Please see below a summary of the costs which total \$113,382.24

More details including itemized invoices can be provided to City Staff upon request.

- Legal fees to review the agreement with the City: \$8606.25
- Engineering consulting and technical input fees to resolve the flooding problem: \$44,949.24
- Construction costs related to resolving the flooding problem: \$60,427.00

- **We respectfully request that the City of London compensate the Pine Valley Condo Corporation for the costs incurred related to investigating flooding within the Pine Valley Condominiums.**

Respectively submitted,

P. Mc Laughlin

On Behalf of Middlesex Condo Corporation 122,

163 Pine Valley Drive, London, Ontario