



North Westside
Ratepayers Assn.

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September 26, 2012

Central Okanagan Regional District
1450 KLO Road
Kelowna, B.C. V1W 3Z4



Attention: R. Hobson, Chair; Regional Board Members; Paul Maklem;
Chris Radford;

Re: New Water Rates - Bylaw #1307 passed March 2012

Enclosed is a petition signed by 300 plus residents of the North Westside with respect to new water rates. Also enclosed is a copy of a letter to Bill Bennett, Minister of Community, Sport and Cultural Development which we believe is self explanatory.

We are asking that the Petition and letter be entered into record by the Board. By copy of this letter we are also asking the Board's cooperation in negotiating more reasonable water rates for residents as specified in the enclosed letter.

yours truly

Diane Baldwin (for) the Board
North Westside Ratepayers Association

enclosures: - petition
- letter to Bill Bennett, MLA



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September 25, 2012

Honourable Bill Bennett
Minister of Communities, Sport
& Cultural Development
East Annex, Parliament Buildings
Victoria, B. C. V8V 1X4
(email: bill.bennett.mla@leg.bc.ca)

Dear Mr. Bennett:

**Re: Regional District of Central Okanagan - Central Okanagan
West - Exorbitant Water Rates (Taxes) ByLaw #1307 enacted
March 2012**

We, as ratepayers in the Regional District of Central Okanagan (RDGO), have attended regional budget meetings over the past several years. At these meetings the Regional District's elected officials have a common goal - to keep tax increases to a minimum. Indeed, we have seen them disagree over the spending of several dollars and even cents to keep general tax increases to a minimum. Perhaps this is because tax increases are very public information usually disseminated to the public via radio, television and paper media.

Therefore in March 2012, we were rather shocked to see our taxes in some cases doubling because of huge water rate increases in Central Okanagan West. With no advance notice the RDGO passed Bylaw #1307 that raised our water rates 190%. Where was the impetus to keep these taxes at a reasonable rate? For residents this water increase has the cumulative effect of raising "after grant" taxes in some cases by 100%. Ratepayers remain outraged and consider this an unnecessary tax grab. I have included a chart (see Bylaw #1307) which shows the increases and is self explanatory. For instance in the Westshores subdivision there are 500 lots, 50% of them are vacant. These vacant lots are expected to pay a \$432 yearly "asset renewal fee" (previously "maintenance fee") up from \$232 in 2012. Residences will be required to pay \$432 "user fee" plus \$582 "asset renewal fee" or

\$1,014 total in 2016 and we have been told there will be more increases past 2016. Many residents in our community are summer residents and they will be paying these huge increases as well. A summer resident will be paying \$1014 in 2016 and that would be for 6 months water useage. If they use over the threshold level in one quarter, they will pay more than \$1014 for 6 months!

These new rates were put in effect **before** the new water meter threshold rates were implemented. What this shows us is that RDCO knows that we are not large water consumers or they would have taken that route rather than flat user fees **plus** metered rates. RDCO is asking residences to pay for future generations and in some cases unnecessary equipment. This is benevolent; however, these tax increases are a burden on the present taxpayers who are mainly retired or struggling young families.

We are being told by RDCO these increases are largely because of **your** Government's initiatives. We know the Provincial Government has made some changes with respect to water service delivery and realize some improvements are needed. This does not mean that all recommendations in the 2 consultant's reports (to the Board) must be adhered to. Our contingency fund is depleted because many improvements have been made over the past 2 years. We strongly feel there are ways to cut these exorbitant increases and keep taxes at affordable rates in this largely senior community. We are asking for a chance to discuss and negotiate what is necessary and not.

We attempted to obtain the names of absentee property owners to inform them of this tax increase; however, RDCO will not release the names of the property owners. We challenged this through BC Freedom of Information and Privacy Office, however, they denied our requests stating it was personal information. This is difficult to accept when the Provincial Government "sells" this very information to private individuals, real estate agents and land developers on a daily basis. It seems it is the proverbial "David vs. Goliath" situation.

We, of course, attempted to challenge Water Bylaw #1307 but find that to do this we must go to the BC Supreme Court. This is a perfect scenario for Government; however, is very detrimental and unfair to the ordinary taxpayers of the Province for reasons which are obvious. We have done nothing wrong but wish challenge a bylaw - the remedy seems heavy handed and perhaps unconstitutional and/or unlawful. There really is no timely remedy. You may be aware of the present and much publicized RDCO court

case: "Regional District of Central Okanagan v. Dave Smith" which involves a dog which was imprisoned for 18 months and now has been sentenced to die. The case has been appealed. I have attached a page wherein the Judge at para 44 states: *"In the case at bar the animal has been locked in the Animal Control Center for a year and a half waiting for the Court to be able to accommodate a four day hearing. Both the expert for Mr. Smith and the expert for the District found the conditions very harsh and stressful for the animal. I would go further and, having seen the conditions in which the animal is kept, describe the treatment as cruel. Caged kennels are meant for short term containment of the animal, not conditions under which the animal ought to be kept for months or years."* Understandably, the owner is asking for donations to assist with legal fees. This is just one example where using the BC Supreme Court to challenge bylaws is ridiculous.

Locally residents have collected more than 300 signatures asking that RDCO negotiate more reasonable rates with the affected communities and will be presenting these to the RDCO Board in the near future. Appealing to the BC Supreme Court would be futile time-wise and too expensive for most residents to undertake. Our Regional Director, Jim Edgson had formed "a water advisory committee" and we were awaiting the outcome of those discussions; however, found out quite by accident the committee has been disbanded.

In light of the foregoing, we are asking your good Office to:

- 1) Look into the method of resolve for by-law disputes generally which presently must be adjudicated through the BC Supreme Court; and
- 2) Encourage RDCO staff/elected officials to meet with Community representatives to negotiate water (tax) increases more in line with residents' ability to pay; and
- 3) Review why parcel taxes (called asset renewal fees) were introduced on every lot (with or without residences) absent a parcel tax by-law; and
- 4) Show **"real"** amount of taxes by adding dollar amounts paid for water and other services on our tax notices so we can clearly see the end result.

5) Review RDCO's taxing policies **and** administrative fees which, we find, are unreasonable and unfair and are creating hardships on the community.

It is interesting to note that we have had 2 parcel tax by-laws over the past 5 years (\$50.00 for fire services) and a much smaller one for maintenance of the Killiney Beach Hall. The Regional Director instituted referendums for both of these small expenditures; however, did not even notify the constituents of the huge increase in water fees. Absent any information to the contrary, we must assume the Regional Director's failure to communicate (prior to the Board Meeting) was intentional and to serve a purpose. Clearly the Regional Director and RDCO staff knew, or ought to have known, well in advance these increases would be a huge burden on affected taxpayers.

yours truly

Diane Baldwin, (for) the Board
North Westside Ratepayers Association

attachments: By-Laws#1307 & #695

c.c. Tara Richards, Executive Director, Surveyor of Taxes

Robert Hobson, Chair RDCO Board
All Board Members (RDCO)
Chris Radford, Director, Environmental Services
Paul Macklem, CAO
Marsali Maclver, NWCA