

CITY OF WELLAND

POLICY

Policy Title: Sewer Backup Compassionate Grant	
Date of Approval: November 2, 2021	Policy Number: FIN-001-0016
Lead Role: Director of Finance	Support Role: Director of Infrastructure Services
Cross Reference: SER-002-0006	Next Review Date:
Council File Number: 21-138	Revision Date:

POLICY STATEMENT

The objective of this policy is to offer financial aid to owners of City of Welland residential properties that experience sewer backup flooding as a result of significant rainfall storm events.

Sewer related claims against municipalities can no longer be pursued based on nuisance as per the Municipal Act, 2001, effective as of December 1991. Therefore, the claimants will still be required to prove negligence in order to be successful with their claims against the City.

Under Section 107 of the Municipal Act, 2001, municipalities may provide grants to persons for any purposes that the Council considers to be in the interest of the municipality. Section 106 of the Municipal Act, 2001, however prevents municipalities from providing grants to manufacturing businesses, industrial or commercial enterprises.

The eligibility and payment of any funds under the program is based on compassionate grounds only and is not to be construed as an admission of liability on the part of the City of Welland. Any funds paid under this program will be deducted from any potential future claim settlement to avoid duplication of damage payments. This program would not be implemented where disaster relief is provided by another level of government (i.e. Ontario Disaster Relief Assistance Program or ODRAP). In addition, residents who are currently in litigation with the City would not be eligible for assistance under this program.

POLICY DETAILS

To qualify, the property owner must satisfy all the following conditions:

- This grant only applies to residential properties
- Proof of two (2) or more sewer backups that are related to sewer surcharging as a result of significant rainfall
 - Claim for events prior to July 1, 2021
 - The first backup must have occurred between January 1, 2017 and June 30, 2021
 - The second backup must have occurred after July 1, 2021
 - Claims for events after July 1, 2021
 - Both events must have occurred after July 1, 2021

Sewer Backup Compassionate Grant – FIN-001-0016

- Properties are allowed one (1) successful claim every five (5) years, even if those properties experience more than two floods during that five-year timeframe.
 - The five (5) year window starts as of the date of the 2nd claim.
- Claims must be submitted within five (5) months of the second event
- Owned the home during both backups
- The property must have insurance coverage with a sewer backup rider.
 - If the property does not have sewer backup coverage, the property owner must show proof that the coverage was denied (ex. letter from insurance company)
- The property must disconnect from the storm sewer system or show proof of disconnection if already disconnected. Refer to Sewage Water Alleviation Program (SWAP).
- The grant will pay the eligible property owner's policy deductible owing up to a maximum of \$3,000, payments for any other costs are not eligible
- Water overland flow damage is not eligible
- Property taxes must be paid in full, or be on the City's PAP program
- Payment will be made once all the criteria have been satisfied

APPLICATION PROCESS

Applicants must complete the Sewer Backup Compassionate Grant application form, including all required supporting documentation, and submit to the Finance Department within five months of the second sewer backup event. The City of Welland reserves the right to deny any application received after this timeframe.

All applications will be reviewed by the Revenue Service Manager and approved by the Director of Finance. Applicants will be notified of either approval or denial via email. Funds will be issued by cheque to the homeowner only once all conditions have been met and verified.