

north shore news

Judge rules North Vancouver homeowner must pay

District's 'call us first' policy tops call to private plumber after sewer blockage

Maria Spitale-Leisk / North Shore News

June 17, 2015 12:00 AM



Photo file

A North Vancouver homeowner who called a private plumber instead of the municipality after a blockage in the main sewer line caused his place to flood has learned a costly lesson.

In March, a provincial court judge ruled the District of North Vancouver would not have to reimburse claimant Mohammad Reza Ghaeli for any costs he incurred as a result of the sewer main collapse.

The case dates back to August 2013 when, according to court documents, Ghaeli discovered flooding in his home at 970 Melbourne Ave. in the Capilano Highlands neighbourhood. He took action by calling a private plumber who diagnosed the problem as a blockage in the lateral sewer line that connects Ghaeli's home to the main district line.

That same plumbing company, Mr. Rooter, was called again by Ghaeli to assess the situation, at which point the plumber decided to contact the district — three days after Ghaeli first discovered the flooding damage.

A district work crew dispatched to Ghaeli's home, on the same day the call came in, determined the sewer main collapse occurred on the district's side of the property line.

Ghaeli was seeking \$1,355.55 — the amount he paid the private plumber — in compensation from the district. While being cross-examined, **Ghaeli did not claim the district was negligent in failing to make known its policy to have homeowners contact them first in this type of emergency.**

In its defence, **the district cited a Local Government Act clause that insulates municipalities from being liable for certain "nuisance" actions including the breakdown of a sewer system.**

In his ruling, Judge Bryce Dyer said the clause was a complete defence to Ghaeli's claim, while also noting he could have just as easily found the sewer line collapse originated on the homeowner's side of the property.

As for whether or not the district's "call us first" policy is clearly laid out, including on its website, Dyer said he will leave that determination to the district.

On the municipality's website there is a link on the home page to a section called Report A Problem, said district spokeswoman Mairi Welman. Under the subheading After-hours Emergencies, the district defines water/sewage main breaks, dangerous debris on a street and damaging potholes as examples of an emergency and includes a phone number to call.

Welman could not say whether or not this information was online at the time of the incident in question, because the district's IT staff have since changed over.

"But this type of public information (after hours and emergency contact info) is not something new. Municipalities have always made that info public," said Welman, who added that the practice of homeowners calling private companies first rarely happens.

The district is launching a new website in early July, which should make it easier for the public to find the information they are looking for, according to Welman.

© 2015 North Shore News