

Smiths Falls councillor sues his own town over water charges



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A file photo of Joe Gallipeau from 2011. Gallipeau is a Smiths Falls developer and town councillor. He is suing the town he represents because he says the municipality has been overcharging his business for water and related services. *POSTMEDIA*

Joe Gallipeau, a Smiths Falls developer and town councillor, is suing the town he represents because he says the municipality has been overcharging his business for water and related services.

A statement of claim filed at the Ontario Superior Court in Perth on Nov. 22 claims that in December 2015, Gallipeau became aware that his business, the Gallipeau Centre, was being improperly billed for a base water rate, a residential water rate, and a sewer charge, and claims that these charges should not apply as billed.

He also alleges that in December 2013 and January 2014, as well as in July and August 2014, there were water main breaks that resulted in his business receiving significantly higher than usual water and sewer bills.

The operational costs of water lines and metres are built into the cost of a customer's water rate in Smiths Falls. Gallipeau's claim states that because he is responsible for maintaining the Gallipeau Centre's water and sewer lines, as well as the one water meter coming into the centre, he should be classed and charged as a private system operator — which would result in a

cheaper monthly bill.

He is seeking to have the court declare that the Gallipeau Centre is not subject to the town's water charges as they have been billed, and is also seeking special damages in excess of \$205,000.

Gallipeau told the Citizen that suing the town he represents as a councillor was not his first option.

"We've been almost two years now trying to work with the municipality with very little success," said Gallipeau.

Town CAO Malcolm Morris wouldn't comment specifically on the allegations, but told the Citizen that, in general, the overall objective of water and sewer rates is to cover the cost of providing the service.

"With water there are two elements—a base fee and a consumption fee," said Morris, adding that the base fee is spread out across all users. "So, you can influence your costs based on how much water you use, but the base price is fixed. Commercial and residential pay different base rates, and the overall purpose is to recover the fixed costs of providing the service."

An email to the Citizen from Coun. Chris Cummings on behalf of the town said that town council has been working very hard over the last two years to increase efficiency and bring its spending under control.

"The fact that TAG Gallipeau is suing the taxpayers has forced us to hire a legal team to defend the community."

The email also said that the town has been advised that further public comment could jeopardize the community's defence.

The town has yet to file an official statement of defence in response to the allegations. The allegations have not been tested in court.

When asked how suing the town will affect his ability to serve as a councillor, Gallipeau said it won't.

"My position on this issue has nothing to do with council—it's got no bearing on council," said Gallipeau, adding that he simply feels there's an issue he wants corrected. "Any (related) discussions as far as council or the town goes, I'll sit out as a conflict of interest."

The Gallipeau Centre is a community hub located on the outskirts of Smiths Falls that hosts 34 residential units, as well as a number of businesses offering entertainment, food, recreational and other services. It is located on the site of the former Rideau Regional Centre, a residential hospital that was owned and maintained by the Ontario government before closing in March 2009.

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Ottawa Flyers

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- Home Depot:** Features a 'BOYING WEEK' promotion with various appliances like LG and Samsung. The text 'HOVER FOR FLYER' is at the bottom with the Home Depot logo.
- Walmart:** Promotes 'walmart.ca' and 'All items only'. It features an HP Stream laptop. The text 'HOVER FOR FLYER' is at the bottom with the Walmart logo.
- London Drugs:** Promotes 'TECH SAVINGS!' and 'LONDON DRUGS'. It features a 360° video camera. The text 'HOVER FOR FLYER' is at the bottom with the London Drugs logo.
- Vistek:** Promotes 'Give Amazing' and 'Knock their socks off'. The text 'HOVER FOR FLYER' is at the bottom with the Vistek logo.

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