

ITEM 6

MANAGER'S REPORT NO. 68

COUNCIL MEETING Oct. 23/72

6. Re: Request For a Refund
Lane Between Sussex and Dow Avenues From Victory Street
South 132 Feet to S.P.L. of Lot 38, P. 28975, D.L. 99
4450 Victory Street (Hussey)

Mr. John Hussey has written to the Engineer to advise that he paid \$222.75 on March 13, 1972, for paving of a lane -

"between Sussex and Dow Avenue from Victory Street south 132 feet to S.P.L. of Lot 38, P28975, D.L. 99 covered by receipt A4457.

Due to a series of erros (sic) the whole lane has been paved and it does not seem right that we should pay when the other owners on the lane have not paid.

We are requesting that under the circumstances this money be refunded."

Following is a reply from the Engineer concerning Mr. Hussey's request for a refund:

"The subject lane was initiated and defeated in our lane paving program of 1970.

Mr. Hussey approached the Engineering Department to determine how he might accomplish the paving of the lane abutting his property. He was offered a petition form to cover the subject portion of the lane, but he elected to pay cash on the basis of local improvement charges for both his share and his two neighbours' whose properties are on the opposite side of the lane to his, as indicated on the attached sketch.

The mathematics of the charge was based on 3 x 66 ft. lots x \$1.12½ being the assessed rate for pay-out of Local Improvement charges in the first year of assessment = \$222.75.

Work order 8-086 was made out and forwarded to the Operations Division for execution on April 25, 1972. Municipal crews subsequently paved in error the gravelled portion of the lane except that portion that Mr. Hussey had paid for. The error was discovered and Mr. Hussey's portion was also paved in July, 1972.

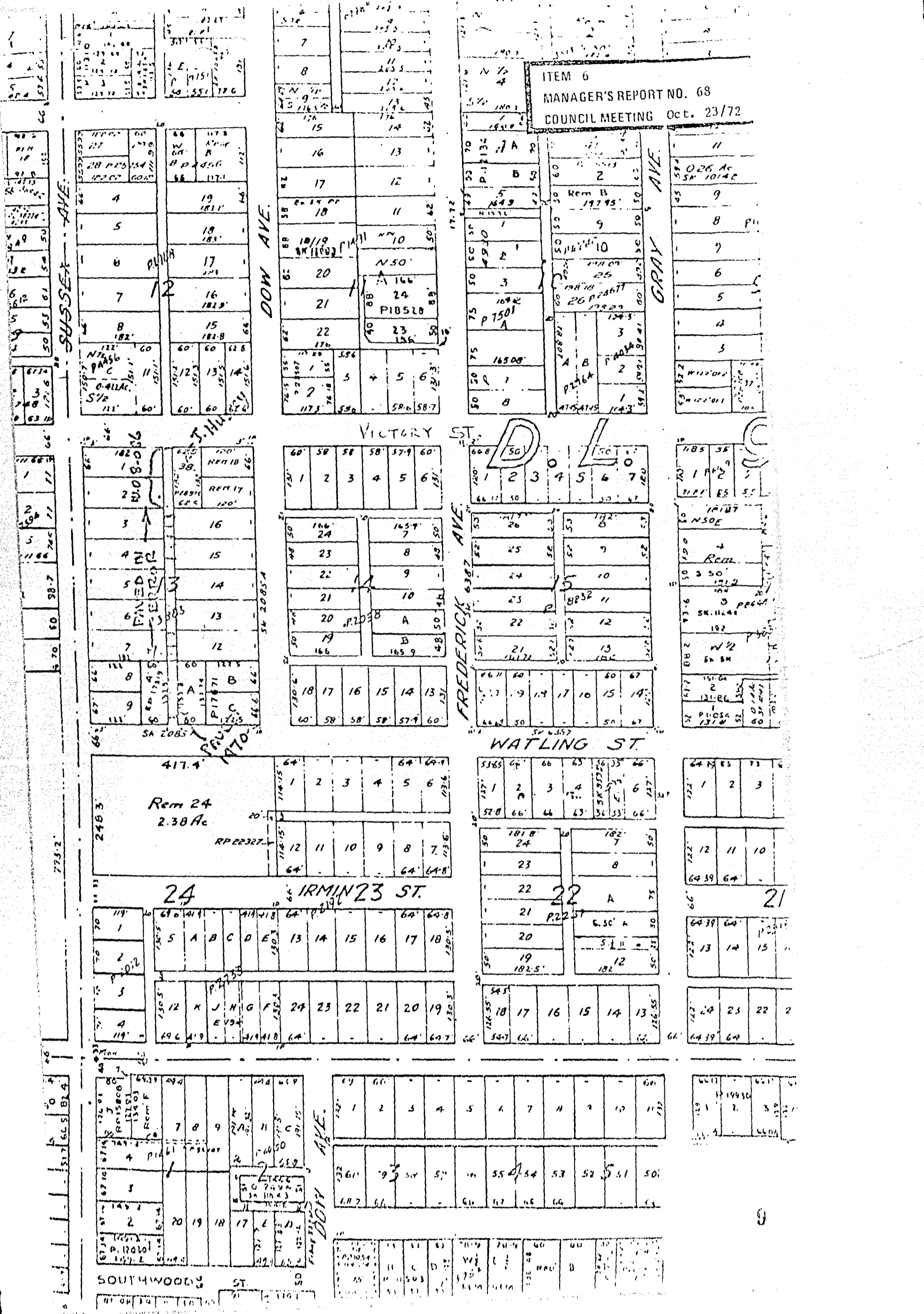
The pavement laid in error could not, of course, be removed, as it would be completely unthinkable to carry out such an operation.

Mr. Hussey has the point that it is not equitable that he be charged for the improvement and not the other property owners so benefited. I am sympathetic to his view and recommend that a refund be made to him in the amount of \$222.75."

RECOMMENDATION:

THAT Mr. John Hussey be given a refund in the amount of \$222.75.

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