

Jeff Shaw

From: Brendan Kearl <brendan.kearl@gmail.com>
Sent: Saturday, August 23, 2025 10:22 AM
To: Jill Heninger; Jeff Shaw
Subject: Re: Town water bill 750 Fairway Blvd
Attachments: Disputing Town Charges 2.0.docx

Follow Up Flag: Follow up
Flag Status: Completed

Jeff,
We would like to dispute our \$3,797.71 charge on our Enmax bill. Please add Megan and I to the next Council meeting on September 2nd. Attached is our official dispute letter.
Thank you

On Mon, Aug 18, 2025 at 1:29 PM Jill Heninger <Jill@cardston.ca> wrote:

Hi Brendan,

We've received a copy of the letter that was sent to ENMAX from Low & Company regarding your outstanding utility bill for your property at 750 Fairway Blvd.

I know Terah has sent you a letter regarding the issue and I think you've been in contact with other employees in the office regarding it as well.

ENMAX has billed you the charges based on what we have asked them to bill according to our Bylaw and Policy around utilities. In addition to what Terah noted in her letter, our Utility Bylaw stipulates that:

General 3(e) Owner's Responsibility to Obtain Utility Service

- 1) The owner of a property shall be responsible for making application to the appropriate authority for utility service as soon as a building on the owner's property is occupied or otherwise in use.

General 3(f)

- 2) (i) No person, except those authorized by the Town, shall turn on or off a water service valve or any other main valve or valves in the water system.

I've also attached our Policy where it specifies that we will go back 12 months for corrections to accounts.

If you are looking to dispute the payment to ENMAX, your best course of action would be to write a letter to Council explaining your reasons why you feel the charges are not warranted. Once the letter is submitted, Jeff can put you on the Council agenda and you may attend to offer further explanation if you wish.

The next meeting of Council is on the 2nd of September and if you'd like to be on that agenda, you would need to submit your letter to Jeff by August 28th at jeff@cardston.ca.

To also comment on the letter from Low & Company, it indicates that if the Town intends to pursue legal action to collect the amount, to let them know, however, the Town has the authority to apply the outstanding balance to the property to collect as taxes as per the MGA 553(1) so we would not need to use other legal actions to collect the charges.

Please let me know if you intend to submit a letter to Council and I will let Jeff know to expect it.

If you have any questions related to this matter, let me know and I will try to answer them the best I can.

Regards,

Jill Heninger

Office and Finance Manager

Town of Cardston

Box 280, 67 3rd Avenue West

Cardston, AB T0K0K0

403-653-3366

--

Brendan Kearl
403 715 9933

August 21, 2025
Town of Cardston,

This letter is intended to bring clarity and reason to the situation regarding water usage at the street address of 750 Fairway Blvd in Cardston, Alberta. The Town of Cardston has back-charged us through our Enmax utility bill in the amount of \$3,797.71 (July bill), and we are disputing those charges.

Timeline:

October 26, 2020 - Transfer of Land Title for 750 Fairway Blvd

December 10, 2020 - Town of Cardston approves Single dwelling with a basement suite.

April 21, 2021 - Development permit granted by the town of Cardston

April 30, 2021 - Construction on the home starts

- The water is turned on during this time by the contracted plumbers of “Kodiak Plumbing and Heating”

January 17, 2022 - Family moves into house

June 17, 2024 - Town worker knocks at the door and informs us that we do not have a water meter.

June 17, 2024 - We contact our builder (text pictures) and inform him of the situation and ask to send a plumber immediately.

June 18, 2024 - Pick up the water meter from the town utilities office from LaNark Duce and inform our builder the water meter is here ready to install.

July 2, 2024 - Another visit from the town worker reminding us about the water meter. We then immediately remind our builder to send plumber. (See attached pictures of the text message chain).

June 17- September 25th 2024 - We contact our builder six separate times over text and multiple phone calls.

March 2025 - Town of Cardston gives us a final deadline (April 7th, 2025) to install a water meter. We contacted Builder to get Kodiak plumbing to install a water meter.

April 5th, 2025 - Contact local plumber Cody Thompson to install water meter on the last day before the fine of \$250 on April 7th, 2025

April 6th 2025 - Water meter was installed by Cody Thompson and services and was paid for by us.

No contact or communication from the town until we see back-charges on our Enmax account.

June 26th, 2025 - Enmax calls to make us aware of the \$3,797.71 back charge.

July 15 2025 - Town employee drives past to read the meter and admits that this is the first time he has come by to check to see if our meter is installed and gives out a reading.

I would like to highlight some things about this timeline. The general practice when building a new home, according to our builder, Larry Bester, in any other town/ city would be having a city/town employee come and turn on the water. A Town of Cardston office employee

has said that they do not have enough workers/employees to make this happen, but the plumbers should know to install the water meter. This seems like an oversight from the town and should not be the problem of the owner. While building, water needs to be turned on for various purposes during the build and was done by Kodiak Plumbing and Heating according to the Utility bylaw: General 3(f)

- 1) No person, except those authorized by the Town, shall turn on or off a water service valve or any other main valve or valves in the water system.

It seems that the plumbers had authorization to turn on the water, seeming that town workers do not have the resources to do so.

In The Town of Cardston Utility Bylaws it states:

General 3(e) Owner's Responsibility to Obtain Utility Service

- 2) (i) The owner of a property shall be responsible for making application to the appropriate authority for utility service as soon as a building on the owner's property is occupied or otherwise in use.

There was no communication from the Town to us (the owner) about this owner responsibility of installing the water meter. So, if the water can be turned on by someone authorized (not a town worker) but there was no communication to the owner about the responsibility of installing a water meter, this seems like a contradicting bylaw in our situation.

After moving in, it took 29 months for the town to notify us of our water meter not being installed. We never thought anything of it as far as our monthly bill is concerned, as this is our first home in Cardston, and all our bills (electricity, natural gas, et cetera) run through the same company: Enmax. I can assure you this water meter oversight was never noticed or brought to our attention before June 17, 2024 when a town employee knocked on the door informing us, we did not have a water meter. I do not have any plumbing experience, so I contacted our builder to have charges and services done by our contracted plumber, "Kodiak Plumbing and Heating".

Since the contact with the town employee, you can see (text messages attached) immediate action was taken to rectify this situation. We did everything in our power to make this installment fast and easy. The urgency was communicated to our builder and was hoping the urgency was passed onto the plumbers. This urgency was not carried on by the plumbers, but we got responses such as "Ya, their service guy is supposed to do it right away when he is in that area" and "I'll have to call Monday. I'm assuming they've had so many people on holidays combined with them not currently doing work out that way, they just haven't got to it yet sorry". We did everything we could have possibly done to get our plumber back out to install the water meter. Going through our builder seemed to be the fastest, most cost-effective (free) and most efficient way to get a plumber here. Our request was lost in the cracks of the Kodiak plumber employee going on holidays (during summer) and us living in a more rural area. After reaching out to my builder six times in the span of three months, this is evident enough of our efforts to get the water meter installed.

Life is busy with three young kids, meanwhile coaching for the community's youth. But as we all know, time goes by fast. With more and more time going by, we would have the town

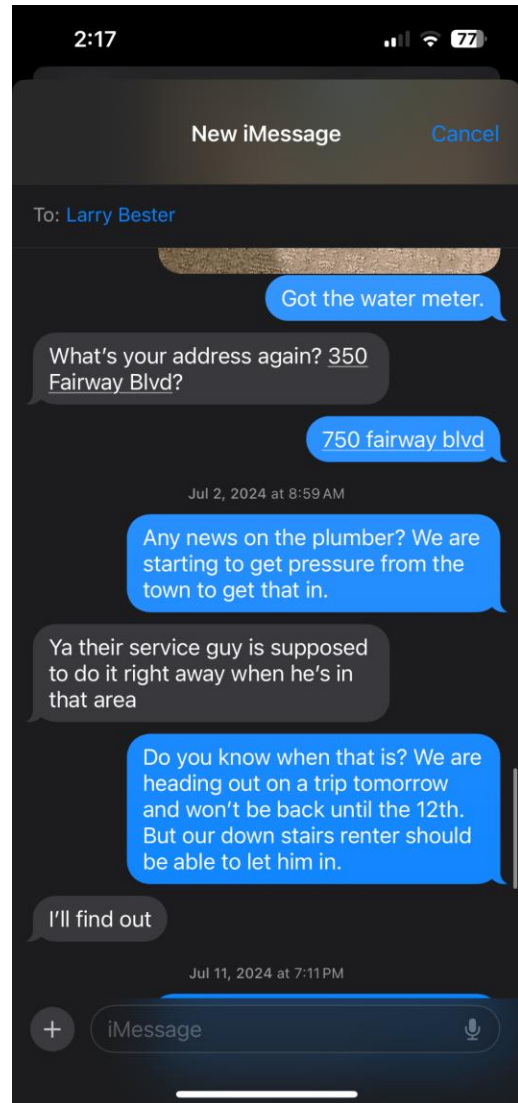
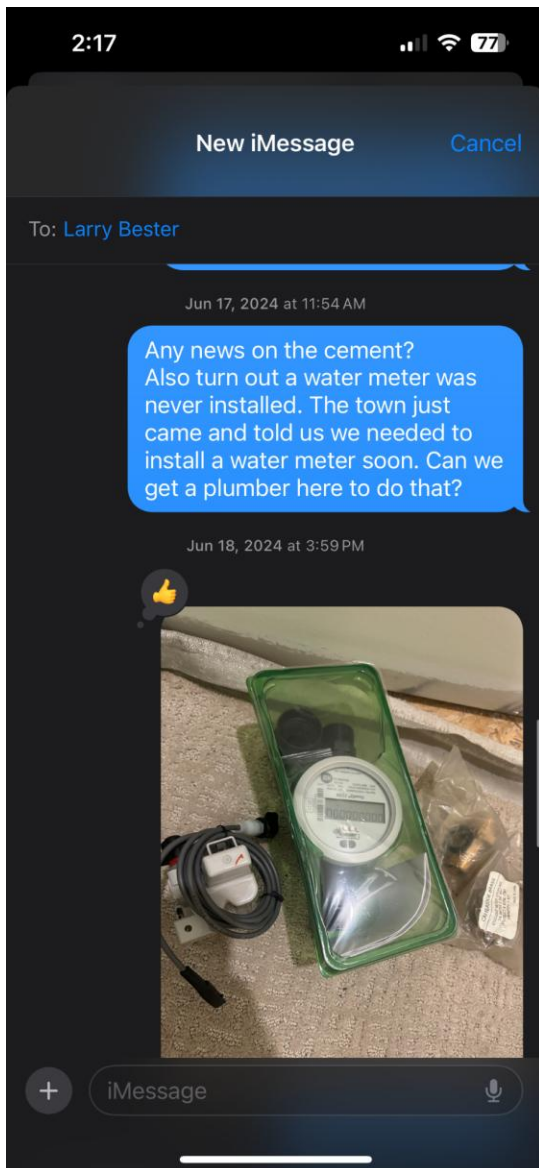
employee visit us between the fall of 2024 and spring of 2025 to ask if our meter was installed. We explained the situation, and he reassured us that we were doing all we could do. We asked how this is dealt with, and he flat-out told us "There is no way to back charge you." The Town worker did explain we would eventually start getting charged the flat rate fee for water usage (this was February of 2025). And to note, we never were told what the flat rate for water is and still don't know.

We received a letter from the town in March of 2025 outlining a deadline to install our water meter. The deadline was April 7th, 2025. In the letter, we were told we would be fined \$250 and will start getting charged a flat-rate fee. With the deadline looming, we ended up contacting and bringing in a local plumber, who installed the water meter on April 6th, 2025. We reached the deadline even though we had to pay for it ourselves, but we knew we would be in the clear. Come to find out on June 26th, 2025, we are being back-charged \$3,797.71 as if the meter was never installed. The letter from the Town also never explained that we needed to inform the town when the meter was installed; it implied that the Town was going to check on the 7th and institute the fine if no reading was given from our water meter. Then on July 15th, 2025 to hear a town employee in a Town owned truck say that was the first time they came to check if the water meter was installed, four months after the threatened deadline (which we met) is very frustrating. And just to reiterate, the letter informing us of the deadline of April 7th, 2025 just gave us a warning of a fine. There was no threat whatsoever of the \$3,797.71 arbitrary back-charge and not even an explanation of how the Town calculated that number. Was it a random number just pulled out of the air? Why did we get back-charged when we were told we would not? How did a threatened fine of \$250 increase into over \$3,500 back charge? Why did we not get charged the flat rate the multiple months before getting an arbitrary back charge number unloaded on us?

As an active, involved member of our Cardston community with a young family and the challenges of rising costs, I ask that this case be looked at with compassion and reason. It seems that these charges are reactionary, almost to "set a standard". However, I think the oversight and lack of communication should not result in your community members being financially punished. This longer than normal timeframe to install the water meter was the lack of tradesman urgency and lack of communication from the Town. I would ask that these charges be waived, not because of our lack of action (as shown in the timeline and text messages), but because of the original mistake of the Town to let this go on for two years before it was directed (causing this whole mess because it was after the construction period). As explained, there would be no way for a homeowner to realize this oversight, unless it was brought to their attention. After it was brought to our attention, urgency was shown from the home owner. Receiving a substantial back-charge did not seem fair, as we did our due diligence and reached the deadline given to us by the Town. Again, we ask that these charges be removed from our Enmax bill.

Thank you and sincerely,
Brendan and Megan Kearn

Below are pictures of exchanged text messages between Brendan Kearl and builder Larry Bester.



2:17



New iMessage

Cancel

To: Larry Bester

Jul 11, 2024 at 7:11 PM

Any chance the plumber came?
We have been gone.

Jul 14, 2024 at 8:29 AM

Do you have any word on when
the plumber is coming? The town
is really breathing down our
backs...

I'll have to call on Monday. I'm
assuming they've had so many
people on holidays combined with
them not currently doing work out
that way that they just haven't got
to it yet sorry.

Jul 14, 2024 at 10:28 AM



Tue, Aug 13 at 11:10 AM



iMessage



2:17



New iMessage

Cancel

To: Larry Bester

the plumber is coming? The town is really breathing down our backs...

I'll have to call on Monday. I'm assuming they've had so many people on holidays combined with them not currently doing work out that way that they just haven't got to it yet sorry.

Jul 14, 2024 at 10:28 AM



Tue, Aug 13 at 11:10 AM

Any luck with getting a plumber out here soon??

Wed, Sep 25 at 6:59 PM

Any news on a plumber coming out here?

Delivered



iMessage

