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Getting to the root of a cellar flood

City trees could be causing blockage on your private property

For several days last month, our house exhibited a pronounced but untraceable smell. One minute it was noticeable and pungent, the next minute it was gone. We had no idea where it was coming from.

At first, the finger of suspicion pointed to Benjy, our year-old, blonde Lhasa Apso puppy. Benjy has been part of our family since January (see [Who's liable if dog bites?](#)), and although he's virtually trained, we suspected he had deposited a little "surprise" in some hidden corner. We searched high and low, or rather low and low, without success.

Finally one day, my wife, Dorothy, phoned me at the office and announced she had discovered the source of the mysterious odour. It seems the sanitary sewer had backed up into the furnace room, and the furnace fan had been efficiently distributing the aroma to every corner of the house.

I'm not sure why they call it the sanitary sewer, but when it covered the floor of the furnace room it seemed anything but sanitary. In fact, it was ... (well, maybe not in a family newspaper).

Living in a sophisticated urban environment in the 21st century, we all take for granted that when we use running water in our households, the excess will be efficiently carried away somewhere, anywhere without a second thought. But when the system fails and household sewage ends up on the basement floor, it suddenly becomes a matter of urgency.

Before you could say, "Don't flush the toilet," Dorothy had pulled out the Yellow Pages and after numerous phone calls, reached a drain company who sent someone with an electric snake to try to clear the blockage. The snake found a number of tree roots in the drain, but was unable to clear it. That experience cost \$185 literally down the drain.

Like most houses in Toronto, part of our front lawn belongs to us, and part belongs to the city. I dragged out our 1951 survey and my tape measure to locate the street line, which is exactly 26 feet from the front wall of the house. The curb is a further 19 feet out, which means that the first 19 feet of the front lawn belongs to the city and the rest is ours.

On the city portion of our front lawn is a beautiful silver birch. The neighbours on both sides have mature maple trees, and the roots from any of the three trees could have crept inside the drains on our front lawn to wreak havoc.

Two vertical clean-out pipes or "breathers" are located on the front lawn on our side of the street line. Another trip through the Yellow Pages finally turned up a company, which could start immediately to dig out the breathers and try to unblock the drain from the front lawn. We choked at the \$1,950 quote but decided it was urgent to unblock the drains.

A two-man crew immediately started digging a trench six feet long, four feet wide and 10 feet deep. When they got to the bottom, they were able to clear the line and remove some of the roots blocking the pipe. The drain flowed again, and the backup cleared.

The next day, they showed up with a tiny camera at the end of a long cable, and TV monitor. I watched while the device snaked its way from the clean-out back toward the house. Every few feet I could see the roots of the city trees, which had invaded the drains. It was obvious more digging, and more money, would be needed.

At this point, I called the City of Toronto works and emergency services department. Even though it was a weekend, a friendly city representative showed up within minutes, handed me a brochure, and explained the "action steps" necessary for blocked sewer connections on private property.

Homeowners with blocked pipes can call the city 24 hours a day for inspection and emergency repair service. If an inspection reveals a defective connection beneath city-owned property, repairs will be carried out at no cost to the property owner. If the excavation reveals no problems under city property, the owner has to reimburse the city for the cost.

When an inspection reveals that roots from a city tree are blocking the pipe on private property, the city provides financial assistance. For a partial drain replacement, the city pays up to \$500 for repairs. When a complete replacement from the house to the street line is necessary, the city will cough up \$1,500.

After the television inspection, we decided to spring for a complete replacement of the storm and sanitary drains from the house to the street line. The old clay pipes would be replaced with white plastic PVC and the joints would be sealed forever to discourage intrusion by tree roots.

City policy requires three written quotes, but just to be sure we obtained four, again calling advertisers in the Yellow Pages. Two firms wanted \$2,500, one wanted \$4,000 and another \$5,100 with GST extra in every case. We went with one of the \$2,500 quotes after receiving a good reference from a neighbour.

The front lawn is now more or less back to normal, but we will have to replace some missing grass.

I was fortunate to have a comprehensive insurance policy, which covers us for damage to the interior of the house resulting from sewer backup (see "Don't take your home insurance for granted," Title Page, Dec. 28, 2000 at <http://aaron.ca/columns/2000-12-28.htm>). Immediately after they were notified, our insurance company sent over an adjuster and a company called Servicemaster, which cleaned up the room and dried up the carpet.

The basement carpet has to be replaced, at a cost of several thousand dollars, but our only contribution to the cleanup and the new carpet is the \$500 deductible.

There's only one outstanding matter from the whole unpleasant experience: we owe Benjy a big apology.

Bob Aaron is a leading Toronto real estate lawyer.

Please send your inquiries and questions to bob@aaron.ca or call 416-364-9366.