

My Car Drowned But Did The City Fine The Culprit, No Way ?

By Kerry Morris (December 6, 2014)

Mid September of this year, contractors working on the Pinnacle Trophy construction site damaged the storm-sewer outfall located south of Victory Ship Way at St. Georges Street. The damage caused water to flow backwards into the below-ground parking spaces in the Pinnacle Atrium building, destroying all the automobiles parked below sea-level in the level two parking spaces. The exact count of the cars ruined by the flood has not been disclosed.



The damage at the Atrium building was not limited to ruination of the cars parked within the below-ground parking stalls. Several of the owners, down-bound for the parkade in the buildings elevators, were trapped in those elevators in water up to their chests by the time the elevator came to a halt, and then stopped operating. As did all the other elevators in the building.

By the time the condo owners living in the Atrium came to see me the damaged cars had all been towed away. As Pinnacle, who controls the Strata Council, refused to take any significant action against themselves, affected owners came to see me for help. I contacted the City who had not been notified of this event by Pinnacle or its contractor. City staff took no immediate action relating to the Atrium flooding, believing the complaint was in relation to the below ground parking lots on the north side of Esplanade, which have historical flooding issues caused by a drainage system design or construction failure, where the drains have repeatedly become fountains during periods of high-tide when coupled with heavy rain-falls. But to my knowledge this phenomenon has only affected Pinnacle buildings located on the north-side of Esplanade. The Atrium flooding on the south of Esplanade was an all new phenomenon.

With the help and persistence of councillor Don Bell, who finally tracked down City Engineer Douglas Pope that weekend, who in-turn sent a City crew to inspect the Atrium premises, the City finally learned of the damage to the publicly owned storm-water sewer system. By the time the City attended the building, a new temporary pipeline had been installed, but it was incorrectly sized and hopelessly inadequate. The City subsequently employed ROV cameras and determined the point of damage. A single elevator was put into service about 1 week after the flood event occurred, and subsequently the rest of the elevators have been brought back on line. I do not know if the storm-water outfall has been repaired to its former condition.

None of these events were ever publicly reported by the North Shore News or the City. I raised this issue before council during the two minute input period in October, suggesting the City has an obligation to ensure a policy of insurance that holds harmless those damaged as a result of developer construction projects, but have never heard of any response from City staff. I am not aware if the affected parties have received restitution, or if they were compelled to place insurance claims against their underwriters and suffer the deductibles. Nor have I heard of the City levying fines against Pinnacle for any of these matters ?

At this point you may want to join me in asking the question; 'How could such a major event, with safety implications relating to potential life threatening impact on people trapped in flooded elevators evade public scrutiny?' Could it be the cosy relationship between the City and the development community which provides Pinnacle and others with immunity? Thats my bet. Whats yours? If this happened to you in relation to damage you caused to public infrastructure, would you receive a fine ?