

Date: 7/19/2016

In Re: Shunny Han

Docket#: 35WRMERZW6513

Case#: 160500967

Statement of Record:

- 1) Shunny Han (hereafter "Petitioner") filed a Petition for Appeal on November 15, 2012 requesting review of a Water Revenue Bureau ("WRB") bill for the property at 5734-38 Old Second Street, Philadelphia, PA
- 2) A public hearing before a Tax Review Board (TRB) Master was scheduled for May 31, 2013 and continued at the time.
- 3) A public hearing before a TRB Master was scheduled for November 25, 2013 and continued at that time.
- 4) A public hearing before a TRB Master was scheduled for March 26, 2014. The decision of the Mast, as ratified by the TRB, was to abate the penalty.
- 5) Petitioner requested and was granted a rehearing before the full TRB.
- 6) A public hearing before the TRB was scheduled for July 1, 2014.
- 7) Petitioner requested and was granted a continuance.
- 8) A public hearing before the TRB was scheduled for January 15, 2015. The matter was taken under advisement. The parties were provided with 60 days to attempt to settlement and to so notify the TRB of the results.
- 9) Following notification by the City that the parties could not reach a settlement, the matter was rescheduled for a public hearing before the TRB on May 29, 2015.

At the conclusion of this hearing, the case was again held under advisement for the City to provide additional information as to the #001 water account and for the parties to confer for settlement.

- 10) A public hearing was scheduled before the TRB for January 19, 2016.

At the conclusion of the hearing, the Board announced its decision to grant the petition and abate the bill under appeal.

- 11) The City of Philadelphia WRB filed an appeal to the Court of Common Pleas.

Finding of Fact:

- 1) Petitioner purchased the property at 5734-38 Old Second St. Philadelphia PA in 2006.
- 2) This property has a small strip shopping mall.
- 3) Petitioner requested review of a Water Revenue Bureau (WRB) bill for this property for the period 4/10/2007 to 6/26/2012. The principal amount billed was \$19,279.07, with penalties due, as of the TRB hearing, of \$65.97 and a lien charge of \$10, for a total due of \$19,355.04.
- 4) At the time of purchase, the property had one water meter designated as the #001 account which provided water service to all of the stores.
- 5) In 2007, Petitioner leased part of the mall to a tenant to open a laundromat. The laundromat operated until 2012 and then closed.
- 6) Through the years 2007-2012, Petitioner paid all bills she received for the account designated as #001.
- 7) At some point, between 2007 and 2012, Petitioner called the WRB to ask if the laundromat had a separate meter installed and whether there was another bill. The WRB personnel told her there was no second meter or second billing for this property.
- 8) In 2012, Petitioner received the large bill now under appeal.
- 9) As per the City representative, a second water meter was installed at the property in 2007. This meter was set up to service all of the property with the exception of the laundromat. This new meter was labeled as the property's #002 account.

The original meter, then began serving the laundromat only and continued to be labeled as the #001 account.
- 10) Petitioner continued to receive and pay the #001 account bills, now billing the laundromat portion of the property.
- 11) The WRB failed to send any bills for the #002 account which serviced all of the property other than the laundromat portion.
- 12) Petitioner was never notified of the existence of a second meter and second account. It was not until 2012 when the first large bill arrived that Petitioner learned of the second meter's existence. This was after the laundromat tenant had vacated the premises.
- 13) In addition, in 2012, the WRB sent the first bill for special charges specific to the handling of water from laundromats. This bill was later adjusted and had no balance due at the time of the TRB hearing.

Conclusions of Law:

It was the finding of the Tax Review Board that the City was estopped from moving forward to collect this bill that had lain dormant for 5 years, despite Petitioner's efforts to ascertain its existence.

It was the City's multiple errors that made it impossible for Petitioner to know that the bill she was faithfully paying each month had been connected to the laundromat-tenant and that the delinquent bill she was now appealing even existed and was for water service to the remaining units of her property.

From the time of purchase, Petitioner had paid the bill labeled #001 which at that time was for all of the property's water service. She had no way to ascertain and was never notified that when her laundromat tenant moved in, the WRB on its own, moved the #001 water service to the laundromat unit and then created an #002 account for the remaining units that was never billed to anyone. It is not even clear that the laundromat-tenant was notified that a separate billing and service had been created for its water service and usage.

Petitioner testified that through the 5 years, she periodically called the WRB or Water Department asking if there was a separate laundromat bill and was told there was not. What more can a property owner be expected to do in that circumstance when the government agency has the only access to the needed information and gives incorrect information, even if unintentionally, when asked by the property owner about the existence or status of an account.

In 2012, the laundromat-tenant vacated the premises, and at that point, the bill under appeal was sent to Petitioner. The tenant was gone and she had no recourse against them to recover this cost.

The remaining tenants had been contributing pro-rate to the #001 bill for all years in question, essentially chipping into pay the laundromat bill while under the impression they were paying for their own shares of the water bill.

The City conceded these errors and rested on the argument that the service was there and water was used as part of this #002 account, so therefore Petitioner, as the property owner was obligated to pay it.