

January 28, 2020

IN RE: Jamillah Griffin  
DOCKET NO: 35WRMERZW3359

STATEMENT OF RECORD:

1. Jamillah Griffin (hereafter "Petitioner") filed a Petition for Appeal with the Office of Administrative Review on June 9, 2017. The petition requested a review of the water/sewer bill for the periods June 10, 2013 through August 9, 2014 and July 8, 2015 through May 14, 2017 for the property at 1731 Francis Street, Philadelphia, PA.
2. A public hearing before the Tax Review Board Master was held on September 22, 2017. The decision of the Master, as ratified by the Tax Review Board, was adjusted to abate the penalty, contingent on petitioner entering into a payment arrangement within 60 days of the adjusted bill date.
3. Petitioner requested and was granted a hearing before the full Tax Review Board.
4. A public hearing before the Tax Review Board was scheduled for March 26, 2019. At the conclusion of the public hearing, the Tax Review Board denied the petition.
5. Petitioner has appealed to the Philadelphia Court of Common Pleas.

FINDINGS OF FACT:

1. Petitioner requested a review of a delinquent water/sewer bill for the property at 1731 Francis Street, Philadelphia, PA. This bill covered the periods from June 10, 2013 through August 9, 2014 and July 8, 2015 through May 14, 2017. The principal amount due for that period was \$3, 804.98 and lien charges of \$60.00. There were no accrued penalties.
2. The Board also included the bill period from June 2017 through October 2017.
3. Petitioner was the owner of the property during all periods in question.
4. The property is a duplex. Petitioner resides on the first floor and has rented out the second floor in the past.
5. Petitioner claimed that the meter must have been malfunctioning as it continued to give "faulty readings" (Notes of Testimony, p. 4, l. 14). She presented no evidence to substantiate that claim.
6. Petitioner suggested that the meter was not functioning properly because it was ultimately replaced.
7. Ms. Evette Johnson from the Water Revenue Bureau testified that the majority of the billings were based on actual readings from the meter. There was nothing in their records to indicate that a meter problem had been reported or found.
8. Ms. Johnson noted that technicians had visited the property only to verify the meter information after Petitioner had applied to participate in the Water Revenue Assistance Program (WRAP).

CONCLUSIONS OF LAW:

The party initiating an action carries the burden of proving his or her claim in an administrative hearing. Department of Transportation v. Pa. Human Relations Commission, 84 Pa. Cmwlth. 98, 480 A.2d 342 (1984). Petitioner failed to meet the burden of proof to establish that the bills she was contesting were issued in error or did not accurately reflect the water that had been used at the property during the period in question.

On cross-examination, Petitioner testified that at any given time, "maybe three" people have resided in the property. (Notes of Testimony, p. 14, l. 16). However, the City provided two Landlord and Tenant Complaints filed with the First Judicial District of Pennsylvania that indicated that Petitioner had tenants in the property during the periods in question which could account for the large amount of water usage.

The Board found that there was no evidence provided to establish that the water meter in the property was not working properly. Furthermore, the Board found that there was no evidence provided to establish that the meter was recording higher water usage amounts than were actually being used in the property. Therefore, the decision was to deny the petition.

Concurred:

Nancy Kammerdeiner, Chair

Gaetano Piccirilli, Esq.

Joseph Ferla

Ryan Boyer

George Mathew