

# PAQUETTE, CAMPBELL & LALANDE

BARRISTERS AND SOLICITORS  
AVOCATS, NOTAIRES ET PROCUREURS

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HANMER OFFICE,  
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P. O. BOX 639,  
**HANMER, ONTARIO**  
TELEPHONE: 969-5820

IN REPLY, PLEASE REFER TO **Randall W. Lalande**  
**Sudbury Office**

June 26th, 1978

██████████  
633 Lavoie Street  
SUDBURY, Ontario  
P3A 2B6

Dear Sir:

RE: ██████████

1198 Rideau Street  
SUDBURY, Ontario

Please be advised that we are solicitors for  
██████████ and as you are aware ██████████ occupies the residence  
partially situate behind your property.

██████████ advises that ██████████ has been having problems  
relating to the escape of water from your premises onto ██████████  
property which is unfortunately four or five feet lower than  
yours.

Apparently there are eavestroughs extending from  
the edge of your carport in an L-shape around the back of ██████████  
's home. In addition there is an eavestrough extending  
from the opposite corner of your house which as well leads into  
an area where water obviously escapes and funnels down onto  
██████████'s property.

The problem is rather substantial in that the  
water in the spring and winter months freezes and causes  
damage to the pavement of the driveway. In addition the  
quantity of water causes flooding into ██████████'s basement  
which of course is very aggravating and costly.

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It would appear that without too much expense the matter can easily be corrected and the water can be directed to the ditch area in front of your property rather than to the rear of the property. [REDACTED] advises that [REDACTED] has attempted to indicate to you that [REDACTED] does have this problem however [REDACTED] has been unsuccessful in arranging something suitable to correct the situation. You will also note that the tile wall located in back of your property somewhat extends onto [REDACTED]'s property. [REDACTED] has no objection to this although legally [REDACTED] probably could urge you to move the wall and suffer this expense.

Please be advised that insofar as the law is concerned you are not entitled to use property as you wish. In fact if the use of your land causes water or any other substance to escape and this results in damage to the property of a neighbour then you will be answerable for all of the damage which is the natural consequence of the water's escape.

[REDACTED] does not wish to pursue the matter of damages at this stage. We would expect you to cooperate and to correct the existing situation without the necessity of costs and possibly civil litigation. I have advised [REDACTED] to await the expiry of 14 days from your receipt of this letter prior to becoming further involved with the matter.

If you correct the situation then the matter of course will be at an end. If you wish to dispute the situation then I would appreciate being contacted by your lawyer forthwith.

Yours very truly,

PAQUETTE, CAMPBELL & LALANDE

Randall W. Lalande

RWL/pp  
c.c. - [REDACTED]

1198 Rideau Street  
SUDBURY, Ontario  
P3A 3A4