



TOWN OF MINTO

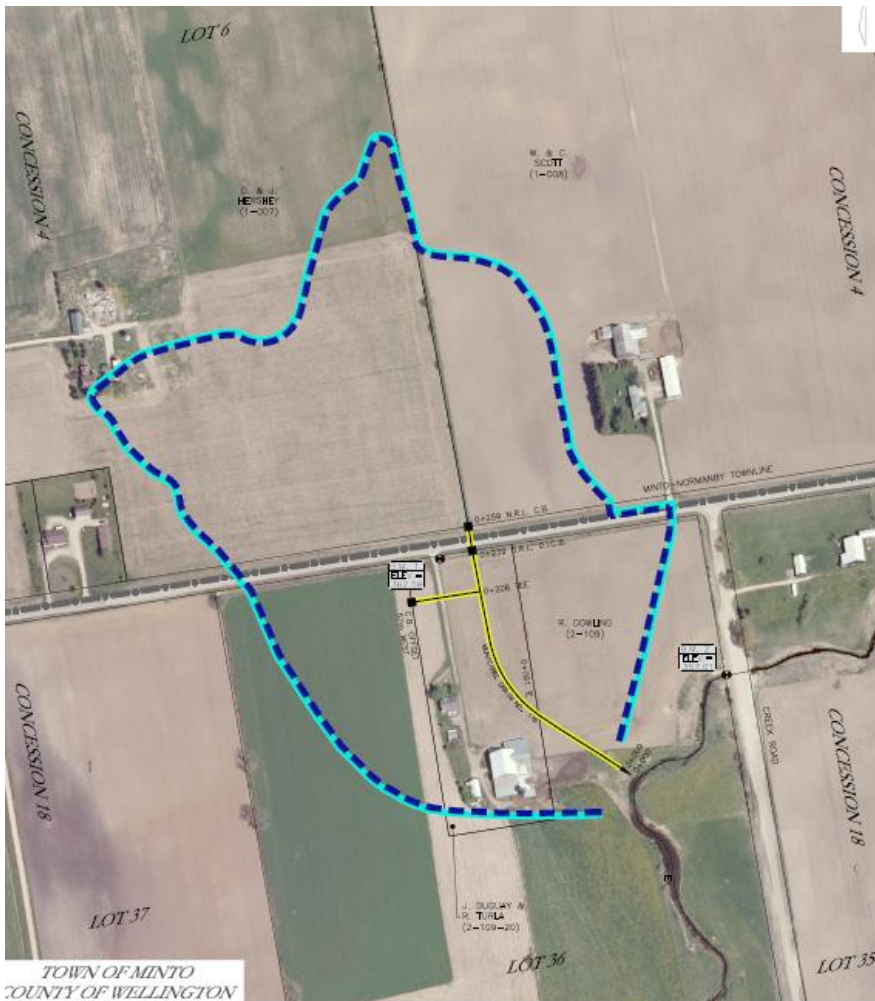
DATE: October 7, 2016
REPORT TO: Mayor and Council
FROM: Annilene McRobb, Deputy Clerk
SUBJECT: Ontario Drainage Act, Court of Revision

STRATEGIC PLAN:

Support programs that maintain Minto’s strong agricultural identity, enhance agricultural work, and protect and restore the natural environment given Minto’s location in the heartland of Ontario surrounded by farmland and acknowledging that farming and a healthy natural environment are inextricably linked.

BACKGROUND

The Town is currently considering municipal drain upgrades that were initiated by petition.



Municipal Drain 116 , serving parts of Lot 36, Concession 18 in the Town of Minto, County of Wellington and parts of Lots 6 and 7, Concession 4 in the Municipality of West Grey, County of Grey.

At the September 6th meeting Council conducted a public meeting where the engineering reports prepared by Dietrich Engineering were reviewed. A By-law to provisionally adopt the engineering reports received first and second reading by Council on October 4th.

The next step is to give notices to the landowners and agencies affected by the municipal drain. This provides a chance for owners to appeal the amount assessed against their property for the drainage improvements. That appeal is heard by the Court of Revision whose role is laid out in

Section 95 of the Drainage Act as follows:

- Court of Revision shall consist of three or five members appointed by the council
- Appointed member shall be members of Council or residents of the municipality eligible to be elected a member of council
- Where lands assessed in the municipal drain extend from the initiating municipality into a neighbouring municipality, the court of revision consists of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities
- Where neighbouring municipalities are involved the court shall hear and rule on appeals “as if the entire area affected by the drainage works were in one municipality”

In order to be considered at court of revision the owner must file an appeal 10 days before the court of revision sits. In the case of this drain Court of Revision is scheduled for November 15th at 6:00 pm, prior to regular Council meeting that evening.

Court of Revision was last held in September 2014 for two drains one crossing boundaries with North Perth. At that time there were three members appointed Councillors Elliott and Faulkner and Mayor Bridge.

COMMENTS:

Since the Act is very specific on numbers to sit on court of revision, Council can only appoint two members to sit for Drain 116 one of which will Chair the proceedings. The third member will be appointed by West Grey. When court of revision is convened there will be an agenda set and a method of proceeding provided. The court will also know beforehand if there are any appeals lodged.

FINANCIAL CONSIDERATIONS:

The cost of court of revision appointments is included in the drainage assessment.

RECOMMENDATION:

That Council of the Town of Minto receives the Deputy Clerk’s report dated October 4, 2016 regarding Ontario Drainage Act, Court of Revision and that two members be appointed to Court of Revision, to sit with West Grey member for proceedings respecting Municipal Drain 116.

Annilene McRobb, Deputy Clerk