



Court of Revision Agenda Municipal Drain 120-2024
Tuesday, October 29, 2024 3 p.m.

1. Call to Order
Clerk calls the meeting to order
2. Appointment of Chair
Recommended (Move, Second)
THAT (Name) is hereby appointed as Chair to the Court of Revision for Municipal Drain 120.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

4. Purpose and Background information (Chair)

The purpose of the Court of Revision meeting is to hear appeals to the schedule of assessment for Minto Drain No. 120 located on Lots 20 & 21, Concessions 3, Town of Minto, County of Wellington. The following are attached to the agenda:

- Court of Revision jurisdiction
- Notice of Sitting of Court of Revision
- Drainage Report

5. Order of Appeals
No written appeals were received.

6. Late or Verbal Appeals
Members of the Court will consider if non written appeals would be accepted at this sitting of the Court.

7. Engineering Evidence (If required)
Michel Terzian, Headway Engineering. will give evidence regarding each appeal before the Court.

8. Deliberations (if required)
The Court may give consideration to appeals with all the attendee's present, or privately.

9. Decision of the Court
The Court shall issue its decision.

10. Adjournment



Court of Revision Jurisdiction

The Court of Revision is an appeal body established under the Drainage Act that allows landowners to challenge their drainage assessments. The Court of Revision has one power, to re-allocate funds in a drainage assessment schedule.

The Court may hear appeals on three grounds:

1. Land or road has been assessed too high or low;
2. Land or road should have been assessed but has not;
3. Due consideration has not been given to the land's use.

The Court only has the authority to change the schedule of assessments; they cannot make changes to the technical aspects of the report, and they cannot refer the report back to the engineer for modifications.

Although the Drainage Act requires the owner to give notice of appeal at least ten days prior to the first sitting of the Court of Revision, the Court may pass a resolution at the first sitting to accept verbal appeals at that time.

When considering assessment changes the Court must consider that:

- Total costs of the project must remain the same, which means that if the Court reduces an assessment, the Court re-allocates the shortfall among other assessed property owners.
- If the Court is considering adding to the assessment of one or more properties whose owners are not in attendance, the Court must adjourn and send notice to assessed property owners who were not at the Court of Revision at the time of the re-allocation. This allows the re-assessed landowners to appeal their new assessments.

To:

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Re: Municipal Drain 120

(Designation of drainage works)

Take notice that your property is assessed for the construction of the above mentioned drainage works

under section 4 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer's report. Details of your assessment are contained in the engineer's report dated 2024/08/23, which has been previously sent to you or is available at

Date (yyyy/mm/dd)

the municipal office

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the attention of the undersigned, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

Date (yyyy/mm/dd)

2024/10/29

Time

3:00 pm

Location

Town of Minto Council Chambers

Name of Clerk (Last Name, First Name)

McRobb, Annilene

Name of Municipality

Town of Minto

Signature of Clerk



Date (yyyy/mm/dd)

2024/10/04

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act, R.S.O. 1990, c. D.17, subs. 47(1) and 48(1).*

