



Court of Revision Agenda Municipal Drain 119-2025
Tuesday, July 8, 2025 3 p.m.

Dave Turton, Town of Minto Representative
Jean Anderson, Town of Minto Representative
Judy Dirksen, Town of Minto Representative

1. Call to Order
Clerk calls the meeting to order.
2. Appoint Chair
Recommendation:
That _____ (name) is hereby appointed as the chair to the Court of Revision for Municipal Drain 119-2025.
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. 119 construction of a new drain beginning in Lot 41, Concession 8, proceeding into Lot 41, Concession 7, in the Town of Minto. The following are attached to the agenda:

4.1 Court of Revision Jurisdiction (attached)

4.2 Notice of Court of Revision for Drain 119-2025 (attached)
5. Written Appeals of Assessments Received
All appeals are required to be received in writing 10 days (June 28, 2025) prior to the date of the Court of Revisions as per the June 18, 2025 notice.
6. Appeals from Landowners
At the discretion of the Court, persons who have not submitted an appeal in writing 10 days prior to the date of the Court of Revision, may by resolution allow an appeal to be heard on such conditions as to giving notice to all persons interested or as the Court considers just.
7. Engineering Evidence (If required)

Greg Nancekivell, R.J. Burnside & Associates Limited will give evidence regarding each appeal before the Court.

8. Questions from Members

Members of the Court of Revision may ask questions of the Engineer or staff.

9. Appellant Comments

Appellants that have submitted an appeal are permitted to address the Court. Written appeals will be heard in the order they were received. If late appeals are permitted, they will be heard following.

10. Questions from Landowners

Owners of land within the area requiring drainage that appear on the last revised assessment roll of the Town have an opportunity to ask questions

11. Court of Revision Deliberations

The Court of Revision members (if required) will retreat to deliberate the appeals and make the decision in private.

If the Court is considering reducing an assessment adding it to a property whose owner is not present, then the Court of Revision will adjourn and notice sent to the absent parties to allow them to appeal the change, then reconvene per s. 53 of the Act.

12. Court of Revision Decision

All parties to the drain will receive written notice of the Court of Revision decision which will contain additional information on the process to appeal the decision of the Court of Revision to the Ontario Drainage Tribunal.

13. 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.

Notice of Sitting of Court of Revision

Drainage Act, R.S.O. 1990, c. D.17, subs. 46(1) and (2)

To:

Re: Municipal Drain 119

(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 2025/05/05, which has been previously sent to you or is available at the municipal office.

Date (yyyy/mm/dd)

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)

2025/07/08

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)

2025/06/18

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).



The Corporation of the Town of Minto
By-law No. 2025-030

to provide for drainage works in the Town of Minto
known as Municipal Drain No. 119-2025

WHEREAS the Council of the Town of Minto has procured a report under Section 4 of the Drainage Act R.S.O. 1990 for a new municipal drainage works known as Municipal Drain No. 119:

WHEREAS a report prepared by RJ Burnside & Associates Limited of Wingham, Ontario dated May 5, 2025, has been filed with the Corporation of the Town of Minto.

WHEREAS the estimated total cost of constructing the drainage works is \$166,000.

AND WHEREAS the Council is of the opinion that the drainage of the area is desirable:

NOW THEREFORE, the Council of the Town of Minto under the Drainage Act hereby enacts as follows:

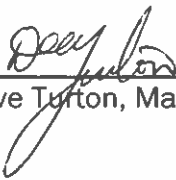
1. The report from RJ Burnside & Associates Limited of Wingham, Ontario dated February 3, 2025, is hereby provisionally adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. The following attachment is extracted from the Engineer's report and is hereby adopted and forms part of this by-law as Schedule "A" - Assessment of Costs
3. A special annual rate sufficient to recover the costs of the drainage works and associated interest costs shall be levied upon the lands as set forth in the attached Schedule "A" to be collected in the same manner and at the same time as other taxes are collected in each year for (5) five years after the passing of this by-law.
4. The Town of Minto may borrow on the credit of the Corporation the amount of \$160,000 being the amount necessary for construction of the drainage works. The Corporation may issue debentures for the amount borrowed less the total amount of:
 - a) grants received under Section 85 of the Act.
 - b) commuted payments made in respect of the lands and roads assessed within the Municipality.
 - c) monies paid under Subsection 61 (3) of the Act; and
 - d) monies assessed in and payable by another municipality, and such debentures shall be made payable within five years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by the lender on the date of sale of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in Schedule "A" attached to be collected in the same manner and at the same time as other taxes are collected in each year for five years after the passing of this By-law.
 - a) For paying the amount assessed upon the landowners in accordance with the schedule of Assessment as provided in the report, a special rate sufficient to pay the amount assessed plus interest therein shall be levied upon each of the assessed owners, to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments over \$1,000.00 will automatically be placed on the tax roll without further notification unless the Treasurer is contacted by the owner to have the amount debentured for five years at the going rate.
7. All assessments of \$1,000.00 or less are payable in the first year in which the assessment is imposed or will automatically be placed on the tax roll without further notification.

8. The Treasurer and Collector of taxes are hereby authorized to accept part payment, from time to time, on account of any taxes due and to give a receipt for such payment provided that acceptance of any such payment shall not affect the collection of any percentage charge imposed and collectable under this Clause hereof in respect of nonpayment of any taxes or any class of taxes or of any installment thereof.


9. In respect to the payment of taxes by tenants of lands owned by the Crown or in which the Crown has an interest provision is hereby provided that where any such tenant has been employed either within or outside the municipality by the same employer for not less than thirty (30) days such employer shall pay over to the Treasurer or Collector on demand out of any wages, salary or other remuneration due to such employee the amount then payable for taxes under this By-law and any such payment shall relieve the employer from any liability to the employee for the amount so paid.

10. This by-law shall come into force and effect upon the third and final reading and may be cited as "Municipal Drain No. 119-2025 By-law, 2025-030"

Read a first and second time and provisionally adopted in open Council this 17th day of June, 2025.



Dave Turton, Mayor



Annilene McRobb, Clerk

Read a third time and passed in open Council this day of 2025.

Dave Turton, Mayor

Annilene McRobb, Clerk



SUMMARY ASSESSMENTS FOR CONSTRUCTION
MINTO DRAIN 119 - 2024 (REVISED)

Conc. or Plan	Lot or Part	Owner	Roll No.	Affected Area (Ha.)	Main Drain	West Branch	East Branch	Totals	Less 1/3 Grant	Less Allowances	Net Assessment	
		Agricultural Lands										
7	40	Antonio Andrade	1-156	38.87	\$ 2,160	\$ -	\$ -	\$ 2,160	\$ 720	\$ -	\$ 1,440	
7	41	William and Catherine Wilken	1-157	17.20	\$ 5,640	\$ -	\$ -	\$ 5,640	\$ 1,880	\$ 4,270	\$ (510)	
7	42	James and Colleen Gibson	1-157-50	0.00	\$ 5,510	\$ -	\$ -	\$ 5,510	\$ 1,837	\$ 5,690	\$ (2,017)	
8	40	Archibald and Lisa Wilson	1-158-50	4.67	\$ 5,850	\$ -	\$ 2,430	\$ 8,280	\$ 2,760	\$ -	\$ 5,520	
8	40	Lavolit Limited	1-162	19.43	\$ 3,930	\$ -	\$ 1,100	\$ 5,030	\$ 1,677	\$ -	\$ 3,353	
8	41	John and Miriam Martin	1-159	29.76	\$ 87,580	\$ 3,130	\$ 15,850	\$ 106,560	\$ 35,520	\$ 6,140	\$ 64,900	
8	42	Lavolit Limited	1-158	4.34	\$ 7,250	\$ 22,940	\$ -	\$ 30,190	\$ 10,063	\$ -	\$ 20,127	
TOTAL ON LANDS									\$ 117,920	\$ 26,070	\$ 19,380	\$ 163,370
		Roads										
Unopened Road Allowance		Town of Minto		2.44	\$ 1,860	\$ -	\$ 770	\$ 2,630	\$ -	\$ -	\$ 2,630	
TOTAL ON ROADS									\$ 1,860	\$ -	\$ 770	\$ 2,630
ALL LANDS AND ROADS									\$ 119,780	\$ 26,070	\$ 20,150	\$ 166,000
									\$ 54,457	\$ 16,100	\$	95,443

- Notes:
- (1) It is presumed that all private lands are Agricultural, within the meaning of the Drainage Act except properties denoted with *
 - (2) Eligibility for an OMAFA grant will be verified by the Town of Minto at time of billing
 - (3) It is the responsibility of the landowner to confirm whether their property is eligible for an OMAFA grant, under ADIP policies