



TOWN OF MINTO

DATE: June 28, 2018
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 the following three municipal drain upgrades and may have more coming through this term:

- 1) Drain 24 is located on lands known as Parts of Lots 104 to 110, Concession C and Parts of Lots 103 to 108, Concession D
- 2) Drain 39 is located on lands known as Parts of Lots 5 to 7, Concessions 6 and 7,
- 3) Drain 60 is located on lands known as Lots 23 & 24, Concession 14 Lots 24, Concession 15

June 19th meeting Council conducted a meeting where the engineering reports prepared by Dietrich Engineering were reviewed for Drain 24 and 39. At the current July 3rd Council meeting, Council will conduct similar meetings for the amended report for Drain 39 and for Drain 60. By-laws to provisionally adopt the engineering reports for all three drains are to receive first and second reading by Council on July 3rd.

The next step will be to give notices to the landowners and agencies affected by the municipal drains to provide a chance for them to appeal the amount assessed against their property for the 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"

The purpose of this report is to appoint at least three Council members to Court of Revision.

COMMENTS:

Since the Act is very specific on numbers to sit on court of revision, Council can only appoint three members to sit for the Court of Revisions, one of which will Chair the proceedings. It is recommended that the Mayor, Deputy Mayor and Chair of Public Works sit as court of revision. If either of these members will not be present August 7th then a third member will need to be identified. Council could appoint an alternate now as well. When court of revision convenes there will be an agenda set for the proceedings.

In order to be considered at court of revision an owner must file an appeal 10 days before the court of revision sits. In the case of these three drains Court of Revision is scheduled for August 7th at 5:00pm, which will be after the regular Council meeting that afternoon. 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 receives the Deputy Clerk's report dated June 28, 2018 regarding Ontario Drainage Act, Court of Revision and that the Mayor, Deputy Mayor and Chair of Public Works plus one alternate be appointed to Court of Revision to sit for proceedings respecting Municipal Drain 24, Municipal Drain 39 and Municipal Drain 60 and any other municipal drains that may come forward during this term of Council.

Annilene McRobb, Deputy Clerk