

The Corporation of the Municipality of Brockton



Court of Revision Meeting Minutes  
Convened Pursuant to Section 52 of the Drainage Act

Walkerton Fire Hall, 510 Napier Street East, Walkerton

Wednesday, November 28, 2018

4:00 p.m.

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**Council**

David Inglis, Chair	Present
Dan Gieruszak, Member	Present
Bill Bell, Member	Present

**Staff**

Sonya Watson, CAO	Present
Fiona Hamilton, Clerk	Present
Stephen Cobean, Drainage Superintendent	Present
Terry Tuck, Chief Building Official	Present

**Engineer**

Ed De Lay, Engineer – R.J. Burnside & Associates Limited	Present
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**1. Call to Order**

Chair David Inglis called the Meeting to order at 4:00 p.m.

COR 18-02-06      Moved by B. Bill      Seconded by D. Gieruszak

That pursuant to the provisions of Section 52 of the *Drainage Act*, R.S.O. 1990, as amended, Chapter D.17, the Court of Revision for the purposes of hearing appeals to the Russell Municipal Drain 2018 is convened at 4:00 p.m.

Carried.

**2. Acceptance of Agenda**

COR 18-02-07      Moved by B. Bill      Seconded by D. Gieruszak

That the Court of Revision accept the Agenda for the Court of Revision, Wednesday, November 28, 2018 as presented.

Carried.

**3. Disclosure of Pecuniary Interest and the General Nature Thereof:**

There were no disclosures of pecuniary interest.

**4. Approval of the Minutes.**

COR 18-02-08      Moved by B. Bill      Seconded by D. Gieruszak

That the Court of Revision hereby approves the Minutes from the sitting of the Court of Revision on August 27, 2018 as presented.

Carried.

**5. Russell Municipal Drain 2018**

**5.1 Decline Verbal Appeals**

Chair Inglis advised that all owners were provided with a Notice of First Sitting of the Court of Revision by mail on November 8, 2018. The letter advised that any owner may appeal the owner's assessment to the Court of Revision by a notice given to the Clerk by Monday, November 19, 2018. To follow the process the Court of Revision will not be accepting verbal appeals during the Court of Revision.

COR 18-02-09

Moved by B. Bell

Seconded by D. Gieruszak

That the Court declines hearing verbal appeals during this Court of Revision.

Carried.

## 5.2 Written Appeals

Chair Inglis asked Fiona Hamilton, Clerk to read out the names of any assessed landowners any written appeals received from assessed landowners who wish to appeal their assessment.

Fiona Hamilton, Clerk advised that the only written appeal was received from Cynthia Weeks, the lawyer for John Russell on Monday, November 11, 2018. No other written appeals were received.

COR 18-02-10

Moved by D. Gieruszak

Seconded by B. Bell

That the Court declines receiving further written appeals during this Court of Revision.

Carried.

## 5.3 Engineer Comments

Chair David Inglis asked if the Engineer had any comments. Ed De Lay had reviewed the written appeal that was received on behalf of John Russell and prepared an additional technical memorandum outlining the method of calculating the assessments that was circulated to the Court of Revision. In particular, Ed De Lay reviewed how the terms "outlet" and "benefit" should be understood in the context of the Drainage Act.

Mr. De Lay then explained the methodology that was commonly used in Ontario to ensure equitable assessments and confirmed that he had used this method when determining the Schedule of Net Assessment for the Russell Municipal Drain.

## 5.4 Questions from Court of Revision Members

Chair Inglis opened the floor to the members of the Court of Revision. Councillor Bell asked what benefit Mr. Russell would receive from the proposed use of a solid pipe on his property. Mr. De Lay confirmed that although the solid pipe would not provide Mr. Russell the exact outcome he desired, Mr. Russell was still receiving a benefit in that the solid pipe would still be redirecting water.

Deputy Mayor Gieruszak asked Mr. De Lay to comment on the statements made on behalf of John Russell about potential injury to Mr. Russell's property resulting from water that could not be properly drained. Ed De Lay responded by pointing out that there was little that could be done to address the development of the wetland that had occurred over time and pointing out that the proposed drainage works would carry any water coming from upstream which would result in effective water removal.

There were no further questions from the Court of Revision.

## 5.5 Questions from Landowners

Wayne Poechman, John Russell, other members of the public and Councillor Peabody were in attendance at the meeting. Chair Inglis asked if any of the landowners in attendance wanted to ask any questions or offer any comments. No landowners asked any questions or offered any comments. The Court of Revision then retired to consider the Schedule of

Net Assessment.

**5. Decision of the Court**

The Court of Revision returned after deliberating the Schedule of Net Assessment and determined that no adjustments should be made.

COR 18-02-11                      Moved by B. Bell                      Seconded by D. Gieruszak

The Court of Revision for the Russell Municipal Drain 2018 approves the Russell Municipal Drain 2018 approves the Russell Municipal Drain 2018 Schedule of Net Assessment and drainage works as presented by R.J. Burnside & Associates Limited in their report received by the Municipality of Brockton on September 13, 2018.

Carried.

**6. Adjournment**

COR 18-02-12                      Moved by D. Gieruszak                      Seconded by B. Bell

That the Court of Revision convened to consider the Russell Municipal Drain 2018 does now adjourn at 4:25 p.m.

Carried.

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Chair – Chris Peabody

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Clerk – Fiona Hamilton