

**Agriculture, Food and Rural Affairs
Appeal Tribunal**

1 Stone Road West, 2nd Floor NW
Guelph, Ontario N1G 4Y2

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**Tribunal d'appel de l'agriculture, de
l'alimentation et des affaires rurales**

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NOTICE OF HEARING

IN THE MATTER OF THE *DRAINAGE ACT*, R.S.O. 1990, CHAPTER D.17, AS AMENDED.

AND IN THE MATTER OF: An Appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal by **John Russell** of Walkerton, Ontario under Sections 48 and 54 of the *Drainage Act*, with respect to the **Russell Municipal Drain** in the Municipality of Brockton.

TAKE NOTICE of the Hearing to be held by the Agriculture, Food and Rural Affairs Appeal Tribunal in this matter commencing at **9:00 a.m.** on **Thursday, November 28, 2019** in the **Training Room** of the **Walkerton Clean Water Centre, located at 20 Ontario Road, Walkerton, Ontario.** The hearing is open to the public.

AND FURTHER TAKE NOTICE THAT the Tribunal has ordered that:

- 1) By **Monday, November 4, 2019** the **parties deliver to the clerk of the Tribunal** (the clerk of the Municipality is the clerk of the Tribunal) **five copies** of all relevant documentary evidence including a signed witness statement for each witness the party intends to call at the hearing or, if a witness statement is not available for a witness, a written summary of the evidence to be given by the witness and other materials of any kind whatsoever intended to be relied upon at the hearing. The presentation of the parties may be included if desired.
- 2) By **Monday, November 4, 2019** the parties named in this notice (see addresses on last page of notice) deliver to each other party, one copy of all documents described in point 1.
- 3) On **Tuesday, November 5, 2019** the clerk of the Tribunal (the clerk of the Municipality is the clerk of the Tribunal) shall send **four copies** of the documents, described in point 1, to the Tribunal offices and make **one copy** available for review in the municipal offices. Additional copies may be made for parties and members of the general public by the Municipality.

AND FURTHER TAKE NOTICE THAT if you do not attend at this Hearing, the Tribunal may proceed in your absence and you will not be entitled to any further notice in the proceedings.

The notice of appeal has identified proposed modifications to the drainage works, benefits of the drainage works are not commensurate with the estimated cost, drainage

works should be modified on grounds to be stated and compensation or allowances provided by the engineer are inadequate or excessive. This appeal may result in the Tribunal ordering a change in the assessments proposed in the report. Accordingly, the Agriculture, Food and Rural Affairs Appeal Tribunal has made an order adding as parties to the appeals filed, all persons assessed or compensated in the engineer's report. As a party you may wish to attend at the hearing and participate.

AND FURTHER TAKE NOTICE THAT the hearing room is wheelchair accessible. If you are a participant in this proceeding and have specific accommodation needs due to a disability, please contact the Tribunal Coordinator at 519-835-4172 at least ten business days before the hearing.

AND FURTHER TAKE NOTICE THAT decisions of the Tribunal are a matter of public record and are available on the CanLII website at the following internet link: www.canlii.ca/en/on/onafraat/ or upon request to the Tribunal.

IF YOU WISH TO ACTIVELY PARTICIPATE in this hearing and have not been named as a party, OR if you have any questions concerning this hearing, please contact the Tribunal Coordinator at (519) 835-4172.



Rebecca Moffat-Vallée
Tribunal Coordinator

Dated at Guelph, Ontario this 30th day of August, 2019.

TO:

Fiona Hamilton
Clerk
Municipality of Brockton
100 Scott Street
P.O. Box 68
Walkerton, ON N0G 2V0
Email: fhamilton@brockton.ca

AND TO:

John Russell
[REDACTED]
[REDACTED]
[REDACTED]

AND TO:

All persons assessed or compensated in the engineer's report receive a copy of this notice.