

**THE CORPORATION OF THE TOWNSHIP OF PELEE
COURT OF REVISION
AGENDA**

Monday, April 19, 2021

5:30 p.m.

Electronic Meeting via Zoom (Notice and Details Attached)

1. Call to Order
2. Disclosures of Pecuniary Interest
3. Open Court of Revision
 - i. A motion and vote is required
4. Oaths of Members
5. Order of Appeals
 - i. There have been no written appeals submitted
 - ii. Confirm Verbal Appeals-from audience in attendance online
 - a. The Court can decide if they are willing to allow verbal appeals
6. Decision of the Court of Revision
 - i. Report No.: 2021-11 EC: Big Marsh Drain No. 4- First Sitting of Court of Revision
7. Close Court of Revision
 - i. A motion and vote is required
8. Adjournment



THE CORPORATION OF THE
Township Of Pelee

March 24, 2021

**SUBJECT: Big Marsh Drain No. 4 – New Maintenance Schedule
First Sitting of Court of Revision**

Dear Sir / Madam:

Pursuant to Section 46 (1) of the Drainage Act 1990, please find enclosed a copy of **By-law No. 2021-06** exclusive of the Engineer's Report provisionally adopted by the Council of the Township of Pelee at a meeting held on March 22, 2021.

A meeting is scheduled for the first sitting of Court of Revision on:

DATE: April 19, 2021
TIME: 5:30 p.m.
**PLACE: Regular Meeting of Council
Electronically via Zoom**

Join Zoom Meeting
<https://us02web.zoom.us/j/81175533242>
Meeting ID: 811 7553 3242

Dial by your location
+1 647 558 0588 Canada
+1 646 558 8656 US (New York)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 346 248 7799 US (Houston)

To register as a delegation for the meeting, please provide your contact information (name, address, email and phone) to the Pelee Clerical Staff via email kristine.horst@pelee.ca or phone (519) 724-2931 by April 16, 2021 no later than 12:00 pm. Delegates will be contacted directly with further details prior to the meeting.

If you are unable to attend the Zoom Meeting, residents can complete the Compliment/Comment/Complaint Form attached and email, fax or mail your comments on the proposed project.

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.

All notices of appeal shall be given in writing to Janice Hensel, CAO/Clerk Clerk of the Township of Pelee at least ten (10) days prior to the first sitting of the court and shall state the grounds of appeal. The last day for filing a notice is Monday, April 9, 2021 which is ten days prior to the first sitting of the Court of Revision. An appeal form is attached.

In addition to the appeal to the Court of Revision, landowners not satisfied with Council's decision to proceed with the Big Marsh Drain No. 4 – New Maintenance Schedule can appeal to the Drainage Tribunal under section 48 (1) of the Drainage Act. The form entitled "Notice of Appeal to Tribunal by Owner of Land or Public Utility Re: Engineer's Report" is attached. **All notices of appeal to the Drainage Tribunal shall be given in writing to Janice Hensel, CAO/Clerk of the Township of Pelee by April 30, 2021.**

If you have any questions, please feel free to contact the undersigned at (519) 736-3664 ext 2312.

Sincerely,



Eric Chamberlain
Drainage Superintendent

EC

Enclosure

- Provisional Bylaw 2021-06
- Notice of Appeal to Tribunal by Owner of Land and Public Utility
- Notice of Appeal to Court of Revision
- Drainage Comment Form

Report No: 2021-11-EC

Date: April 16, 2021

Submitted By: Eric Chamberlain

Subject: Big Marsh Drain No. 4 – First Sitting of the Court of Revision

Attachments: N/A

Purpose (Information/Action): To provide landowners the ability to appeal their assessment for the Big Marsh Drain No. 4 – New Maintenance Schedule.

Overview

On March 22, 2021, Council provisionally adopted the Big Marsh Drain No. 4 – New Maintenance Schedule by giving first and second reading to Bylaw 2021-06. The Court of Revision is the next step in the Drainage Act process.

The Court of Revision hears appeals on the property assessment for drainage works under the Drainage Act. There has been no appeals received by Pelee Office from the landowners assessed for this project.

Financial Impacts

The engineer has used the estimated value of the Big Marsh Drain No. 4 of \$7,500 in the creation of the new maintenance schedule. The following is a breakdown of cost:

Township Roads	\$1,530
Township Properties	\$790 + assessment from Block F & G
Privately Owned – Non Agricultural Lands	\$2,178
Privately Owned – Agricultural Lands	\$3,002
Total Estimated Cost	\$7,500

The Township estimated assessment of \$7,500.00 has been included in the 2020 Budget.

Recommendations

It is recommended that:

1. The report from the Drainage Superintendent dated April 16, 2021 regarding Big Marsh Drain No. 4 – New Maintenance Schedule **BE RECEIVED**; and,
2. The Court consider any assessment appeals raised by the landowners for the Big Marsh Drain No. 4; and,
3. The Court adopt the schedule of assessment subject to any alterations by the Court provided by the appointed engineer for the Big Marsh Drain No. 4 prepared by Rood Engineering Inc. dated January 28th, 2021.

The Corporation of the Township of Pelee
Regular Meeting of Council
COUNCIL RESOLUTION

Date: April 19, 2021

Resolution 2021 –	
Moved by:	Seconded by:

“BE IT RESOLVED that the Council of the Township of Pelee receives Report No.2021-11-EC from the Drainage Superintendent dated April 16, 2021 regarding Big Marsh Drain No. 4 – New Maintenance Schedule;

AND FURTHER THAT:

1. The Court consider any assessment appeals raised by the landowners for the Big Marsh Drain No. 4; and,
2. The Court adopt the schedule of assessment subject to any alterations by the Court provided by the appointed engineer for the Big Marsh Drain No. 4 prepared by Rood Engineering Inc. dated January 28th, 2021.

RESOLUTION RESULT	RECORDED VOTE	
	YES	NO
CARRIED		
DEFEATED		
DEFERRED		
REFERRED		
PECUNIARY INTEREST DECLARED		
RECORDED VOTE (SEE RIGHT)		
WITHDRAWN		
MAYOR-Raymond Durocher	CAO/Clerk-Janice Hensel	

The above is a certified to be true copy of resolution number 2021 –

Janice Hensel
CAO/Clerk