



## **Court of Revision Minutes**

**Location: Zoom Video Conferencing**

Wednesday, August 12, 2020 – 5 PM

**The purpose of the meeting is to hold the Court of Revision for:**

**Crystal Beach Drain: Repair and Improvements of Covered Drains**

**Geographic Township of Colchester South**

**Project REI2018D012, Town of Essex, County of Essex**

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated April 15<sup>th</sup>, 2020 which was considered and adopted at Consideration Meetings held May 21 and July 9, 2020 and pursuant to By-Law No.1920 which received two readings by Council at its regular meeting held July 20, 2020.

This sitting of this Court of Revision was duly appointed by Council on July 20, 2020.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is September 2, 2020. At the first Council meeting after this date the third reading to By-Law No. 1920 will be given.

### **1. Roll Call**

Present: Dan Boudreau

Percy Dufour

Luke Martin

Regrets: None

Also Present: Shelley Brown, Deputy Clerk

Norm Nussio, Manager, Operations and Drainage

Lindsay Dean, Drainage Superintendent

Tanya Tuzlova, Operations/Drainage Clerk

Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: Frankie Ouimette & Bart Scott, 108 Crystal Beach Road

Ian Wright, 134 Crystal Beach Road

Willie and Barbara Ross, 104 Crystal Beach Road

Eric Campbell and Allison Van Geest, 120 Crystal Beach Road

Jean and John Stewart, 161 Crystal Beach Road

Sharon Lidstone, 153/151 Crystal Beach Road

Eric M. Card, 130 Crystal Beach Road

Carol MacPherson, 105 Crystal Beach Road

The Deputy Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

## **2. Declarations of Conflict of Interest**

None declared.

## **3. Adoption of Published Agenda**

Court of Revision Agenda

Moved by Board Member Martin

Seconded by Board Member Dufour

**(COR20-08-001) That** the published agenda for the August 12, 2020 Court of Revision be adopted as presented.

## **4. Adoption of Minutes**

Court of Revision for James Shepley Drain Bolger Bridge

Moved by Board Member Dufour

Seconded By Board Member Martin

**(COR20-08-002) That** the minutes of the Court of Revision for James Shepley Drain Bolger Bridge held on June 24, 2020 be adopted as circulated.

## **5. Appeals from Landowners**

The Chair advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

## **6. List of Written Appeals of Assessment Received by the Clerk**

Refer to Item 7. Correspondence.

## **7. Correspondence**

Deputy Clerk noted that the appeals were not received 10 days prior to the Court of Revision.

Moved by Board Member Dufour

Seconded By Board Member Martin

**(COR20-08-003) That** the appeals included in Agenda Item 7 be received as official appeals.

## **8. Engineer to provide a Background on the Drain and the Proposed Project**

Gerard Rood, Professional Engineer, Rood Engineering Inc. advised that he has issued Addendum 1 to the Report to clarify the watershed boundaries between the North and South portions of the drain and separation between two systems.

Mr. Rood informed that he has received the request from Ian Wright to remove the assessment of Special Benefit instead of restoring his driveway to hard surface. Mr. Rood also added that he will prepare the adjustment to the Tender to reflect this change.

Mr. Rood advised that he has received an appeal from Allison Van Geest to remove the assessment of the Value of Special Benefit on the Schedule of Assessment for Crystal Beach Drain South. Mr. Rood explained that the surface will remain gravel and therefore he has recommended the Court of Revision to remove the amount of Special Benefit from the schedule.

Mr. Rood also informed that he has received the updated information about the property line between the properties of Ms. Van Geest and Mr. Pickle.

Consequently Mr. Pickles' property would be adjusted to \$595.00 for the Value of Benefit and Ms. Van Geest's property would be adjusted to \$1,201.00 for the Value of Special Benefit. For the South Portion Schedule, the Value of Benefit should be adjusted to \$2,605.00 shown for each to \$1,726.00 for the Pickle parcel and \$3,484.00 for the Van Geest parcel. Mr. Rood also recommended that their Value of Outlet assessments be adjusted so that the Pickle parcel is assessed \$2,112.00 and the Van Geest parcel is assessed \$4,291.00 to reflect the change in lot areas.

## **9. Questions from Landowners**

- a) Frankie Ouimette & Bart Scott, 108 Crystal Beach Road, had no questions.
- b) Ian Wright, 134 Crystal Beach Road, thanked for resolving his request.
- c) Willie and Barbara Ross, 104 Crystal Beach Road, had no questions.
- d) Eric Campbell and Allison Van Geest, 120 Crystal Beach Road, had no questions.
- e) Jean and John Stewart, 161 Crystal Beach Road, had no questions.
- f) Mr. Lidstone, 153/151 Crystal Beach Road, stated that he has a stamped-concrete driveway and asked if he restored it himself at a later date could the Value of Special Benefit be removed.

Mr. Rood advised that the Value of Special Benefit can be removed similar to the Wright and Van Geest properties.

Mr. Lidstone asked by how much his assessment will be adjusted.

Mr. Rood advised that Mr. Lidstone's assessment to be reduced by \$3,450.00.

Mr. Lidstone also asked how the debenture option works.

Lindsay Dean, Drainage Superintendent, advised that the 5 or 10 debenture option is available as per by-law depending on the amount of the total actual assessment.

g) Eric M. Card, 130 Crystal Beach Road, asked what the amount of \$898.00 is for.

Mr. Rood advised that there is a Value of Benefit assessed to the property for the North Portion of the Drain. Mr. Rood explained that this is a cut-off benefit assessment to the south lands because the water from the North portion of the drain is diverted into a separate outlet.

Mr. Card asked if the \$898.00 is a credit to his assessment.

The Chair further explained the definition of the Value of Benefit and added that the \$898.00 is a cost to Mr. Card property and not a credit.

h) Carol MacPherson, 105 Crystal Beach Road, had no questions.

## 10. Court of Revision Decision

Moved by Board Member Dufour

Seconded by Board Member Martin

**(COR20-08-004) That** the Schedule of Assessment for the Crystal Beach Drain – South for the following Tax Roll No.'s be amended:

Tax Roll No. 670-27450 be amended to reflect the following changes:

- Hectares owned and affected be changed from 0.070 to 0.939
- Value of benefit be changed from \$2,605 to \$3,484
- Value of outlet be changed from \$3,199 to \$4,291; and

Tax Roll No. 670-27500 be amended to reflect the following changes:

- Hectares owned and affected be changed from 0.070 to 0.047
- Value of benefit be changed from \$2,605 to \$1,726
- Value of outlet be changed from \$3,204 to \$2,112; and

**That** the Schedule of Assessment for the Crystal Beach Drain – North for the following Tax Roll No.'s be amended:

Tax Roll No. 670-27450 be amended to reflect the following changes:

- Hectares owned and affected be changed from 0.070 to 0.939
- Value of benefit be changed from \$898 to \$1,201

Tax Roll No. 670-27500 be amended to reflect the following changes:

- Hectares owned and affected be changed from 0.070 to 0.047
- Value of benefit be changed from \$898 to \$595; and

**That** the Value of Special Benefit in the amount of \$2,500 as shown in the assessment schedule on page 19 for Roll Number 670-27450 be removed; and

**That** the Value of Special Benefit in the amount of \$2,050 as shown in the assessment schedule on page 19 for Roll Number 670-27900 be removed; and

**That** the Value of Special Benefit in the amount of \$3,450 as shown in the assessment schedule on page 17 for Roll Number 670-29300 be removed.

Moved by Board Member Martin  
Seconded by Board Member Dufour

**(COR20-08-005) That** the assessments contained in the report for the Crystal Beach Drain: Repair and Improvements of Covered Drains, Geographic Township of Colchester South Project REI2018D012, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated April 15<sup>th</sup>, 2020 and as amended by resolutions adopted at this August 12, 2020 Court of Revision, be confirmed as presented.

**11. Adjournment**

Moved by Board Member Dufour  
Seconded by Board Member Martin

**(COR20-08-006) That** the meeting be adjourned at 5:28 PM. “Carried”

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Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
Date