



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: May 20, 2025
Prepared by: Joe Malandruccolo, Director/Legal and Legislative Services/Clerk
Report Number: Legal and Legislative Services-2025-10
Subject: Rush Drain Relocation Amendments
Number of Pages: 4

Recommendation(s)

That the following three (3) members of the Drainage Board: Daniel Bezaire-Arevalo, Tiffany Pocock, and Percy Dufour be appointed to sit as members of the Court of Revision to be convened for the Rush Drain Relocation Amendments in the Town of Essex, File No. 19-1023 pursuant to the Report prepared by Mark D. Hernandez, Professional Engineer, Dillon Consulting, and dated May 2, 2025 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on June 19, 2025, and

That By-Law 2446 being a by-law to provide for the Rush Drain Relocation Amendments in the Town of Essex, File No. 19-1023, be read a first and second time and provisionally adopted on May 20, 2025.

Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the “Drainage Act”).

Background and Discussion

Dillon Consulting was instructed by the Town of Essex on or about March 20, 2023 to prepare a report for the Rush Drain Relocation Amendments, pursuant to Section 78 of the Drainage Act.

On May 2, 2025, the Report was prepared by Dillon Consulting to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on May 15, 2025. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional by-law be prepared for Council’s consideration (see Drainage Board minutes from the May 15, 2025 consideration meeting, which minutes are included in the addendum to the May 20, 2025 Regular Council Meeting Agenda.)

Appointment of Court of Revision Members:

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical

order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Daniel Bezaire-Arevalo, Tiffany Pocock and Percy Dufour be selected and appointed to sit as the Court of Revision for the Rush Drain Relocation Amendments.

It is further recommended that By-law 2446 adopting the recommendations in the Dillon Consulting Report dated May 2, 2025 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

Financial Impact

There are no financial impacts as a result of this report.

Consultations

Lindsay Dean, Drainage Superintendent


Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.
- Take care of our natural environment and strengthen the sense of belonging to everyone who makes Essex "home".
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Rush Drain Relocation Amendments - Legal and Legislative Services-2025-10.docx
Attachments:	- _Rush Drain Relocation Amendment Report (2 May 2025).pdf - By-Law No. 2446 Rush Drain Relocation Amendments.pdf
Final Approval Date:	May 12, 2025

This report and all of its attachments were approved and signed as outlined below:



Joseph Malandrucolo, Director, Legal and Legislative Services/Clerk - May 12, 2025 - 3:21 PM



Doug Sweet, Chief Administrative Officer - May 12, 2025 - 3:24 PM