



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: May 3, 2021

Prepared by: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Report Number: Legal and Legislative Services-2021-07

Subject: Appointment of Court of Revision Member for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality)

Number of Pages: 3

### Recommendation(s)

**That** Kirk Carter, member of the Drainage Board, be selected and appointed to sit as the third member of the Court of Revision for the Charles Shepley Drain, Town of Amherstburg (initiating Municipality) and Town of Essex (neighbouring Municipality), County of Essex, Project No. 2019-1021 as per the report prepared by Mike Gerrits, Professional Engineer, R. Dobbin Engineering Inc. dated January 18, 2021 and including amendments for June 1, 2021 (**hereinafter the "Report"**), **such Court of Revision to be scheduled** for 6:00 pm on June 1, 2021, in the Town of Amherstburg.

### 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"**).

According to Section 97 (3) of the Drainage Act, where lands assessed for the drainage works extend from the initiating municipality into a neighboring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality.

As it pertains to the drainage works identified in this Report, the Town of Essex is the neighbouring municipality and the Town of Amherstburg is the initiating municipality. As such the Town of Essex shall appoint one member to the Court of Revision and the Town of Amherstburg shall appoint two members to the Court of Revision.

## **Background and Discussion**

R. Dobbin Engineering Inc. was instructed by the Town of Amherstburg to prepare a report for the above Charles Shepley Drain, pursuant to Section 78 of the Drainage Act.

On January 18, 2021, the Report was prepared by R. Dobbin Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on March 2, 2021 at which time Amherstburg Town Council resolved to receive and accept said Report and further direct its Administration to prepare a provisional by-law for adoption by Amherstburg Town Council and to proceed to a Court of Revision. A Court of Revision meeting was held on April 6, 2021 and due to some issues brought up at the meeting, the engineer was instructed to review and make some amendments. This meeting being scheduled is a second sitting of the Court.

### **Appointment of Court of Revision Members:**

Accordingly, it is recommended that Kirk Carter be selected and appointed to sit as the third member of the Charles Shepley Drain Court of Revision (with the other two members

appointed by the Town of Amherstburg), such Court of Revision to be scheduled for June 1, 2021 at 6:00 pm. In the Town of Amherstburg.

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 is no financial impact.

## **Consultations**

Drainage Department

## Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ **Improve the Town's capacity to meet the ongoing and future service needs of its citizens** while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

## Report Approval Details

Document Title:	Charles Shepley Drain - Legal and Legislative Services-2021-07.docx
Attachments:	- 2019-1021 Charles Shepley Drain Report With Area Roll Numbers (January 18 2021).pdf
Final Approval Date:	May 11, 2021

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

**No Signature found**

**Lindsay Dean, Drainage Superintendent - May 11, 2021 - 9:40 AM**

A handwritten signature in black ink, appearing to be 'Lindsay Dean', with a long horizontal stroke extending to the right.

**Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - May 11, 2021 - 4:27 PM**

A handwritten signature in black ink, appearing to be 'Chris Nepszy', with a stylized 'N' and a period at the end.

**Chris Nepszy, Chief Administrative Officer - May 11, 2021 - 4:29 PM**