



Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: February 22, 2022

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

Report Number: Legal and Legislative Services-2022-07

Subject: Court of Revision for Brush Drain: Repair and Improvement

Number of Pages: 4

Recommendation(s)

That the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Felix Weigt-Bienze be appointed to sit as members of the Court of Revision to be convened for the Brush Drain: Repair and Maintenance, Geographic Township of Colchester North, Project REI2020Do30 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated December 23, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on March 22, 2022 via electronic meeting, and

That By-Law 2131 being a by-law to provide for the Brush Drain: Repair and Maintenance, Geographic Township of Colchester North, Project REI2020Do30, be read a first and second time and be provisionally adopted on February 22, 2022.

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

Rood Engineering Inc. was instructed by the Town of Essex on or about October 19, 2020 to prepare a report for the above Brush Drain, pursuant to Section 78 of the Drainage Act.

On December 23, 2021 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on February 3, 2022. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments 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 February 3, 2022 consideration meeting, which minutes are included under Item 14 of the February 22, 2022 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 Kirk Carter, Percy Dufour and Felix Weigt-Bienzle be selected and appointed to sit as the Court of Revision for the Brush Drain: Repair and Improvements.

It is further recommended that By-law 2131 adopting the recommendations in the Rood Engineering Inc. Report dated December 23, 2021 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 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:	Court of Revision Brush Drain - Legal and Legislative Services-2022-07.docx
Attachments:	- y-rpt Brush Dr REI2020D030.pdf - By-Law No. 2131 Brush Drain Repair and Improvement.docx
Final Approval Date:	Feb 9, 2022

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

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

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Feb 9, 2022 - 9:10 AM

A handwritten signature in black ink, appearing to be 'Doug Sweet', with a stylized 'D' and 'S'.

Doug Sweet, Chief Administrative Officer - Feb 9, 2022 - 9:47 AM