

City of Kawartha Lakes Webster Municipal Drain Court of Revision Minutes

Meeting: August 15, 2019 at 7:00 p.m.

Members Present: Councillor A. Veale (alternate), C. Clarke, & J. Oriotis,

Member Absent: Councillor R. Ashmore

**Other Drainage
Board Members
Present:**

M. Verbik (alternate)

Staff Present: Michael Gerrits, P. Eng., Drainage Engineer
Joel Watts, Deputy Clerk and Recording Secretary
Michael Farquhar, Supervisor of Technical Services
Lucas Feitler, Drainage Superintendent
Ann Rooth, Deputy Clerk
Cathie Ritchie, City Clerk

Owners Present: C. Graves, T. Bottan, & M. Wechsel.

Location: Victoria Room, City Hall, Lindsay, ON

1. Signing of the Oath

At the beginning of the meeting each member signed the Oath of a Member of the Drainage Court of Revision, conducted by Deputy Clerk and Recording Secretary J. Watts.

2. Appointment of Chairperson

The Recording Secretary asked for nominations for the appointment of Chair.

C. Clarke nominated J. Oriotis for the position of Chair. J. Oriotis consented to the nomination

The Secretary asked for nominations a second and third time and there were no further nominations.

Moved by: C. Clarke
Seconded by: A. Veale

That J. Oriotis be appointed as the Chair for the Court of Revision to hear assessment appeals against the Webster Municipal Drain, as adopted by Provisional By-Law Number 2019-110.

Carried

J. Oriotis took the Chair.

3. Convening of the Court:

Chair Oriotis convened the Court of Revision for the Webster Municipal Drain at 7:10 p.m. to hear assessment appeals for the Webster Municipal Drain, as adopted by Provisional By-Law Number 2019-110.

Moved By: C. Clarke
Seconded By: Councillor Veale

That the Agenda for the August 15, 2019 Webster Municipal Drain Court of Revision be adopted as circulated to all.

Carried

4. Recommendation for Revision from Drainage Engineer:

Mr. Gerrits provided an overview of the amendments made to his report documented in his correspondence to the Drainage Board dated July 5, 2019. He noted that other than the amendments listed in his correspondence, all other aspects of the original Webster Municipal Drain report remain unchanged.

Moved By: C. Clarke
Seconded By: Councillor Veale

That the July 5, 2019 recommendations for amendments to the Webster Municipal Drain Report from Drainage Engineer M. Gerrits be adopted as circulated.

Carried

5. Appeals:

There was one written appeals filed with the Clerk prior to August 2nd (appeal deadline).

The Chair read the written appeal filed by T. Bottan.

The Chair was asked if he wished to speak to the appeal.

Tony Bottan spoke on behalf of Tricia Bottan. He stated that he feels the assessment is too high, based on their current use of the land, and he didn't see any benefit to the municipal drain to their lands. He responded to questions from the members of the Court of Revision

Mr. Gerrits, P. Eng., provided his evidence as to how the assessments on the Bottan property were determined and answered the questions put forth by Mr. Bottan and members of the Court of Revision.

6. Recess of Court of Revision for Deliberations

The Court of Revision recessed at 7:30pm to review the appeals and the evidence put forth.

The Court of Revision reconvened at 7:49pm.

7. Decision of the Court of Revision

Moved By: Councillor Veale
Seconded By: C. Clarke

That we, the Court of Revision for the Webster Municipal Drain, make the following decision with respect to the appeal filed by Tricia Bottan:
That the appeal of Tricia Bottan be dismissed as the outlet and benefit liability assessments are consistent with other lands in the watershed; and
That the owner(s) failed to show justification for changes to their assessment.

Carried

Moved By: C. Clarke
Seconded By: Councillor Veale

That the assessments contained in the Webster Municipal Drain Report, as amended on July 5, 2019 by Drainage Engineer M. Gerrits, are hereby confirmed;
That Provisional By-Law Number 2019-110 be amended to reflect the amended report and schedules, as advised by the Drainage Engineer M. Gerrits on July 5, 2019; and
That the amended Drainage Engineer's Report be adopted with the corresponding By-law 2019-110 being forwarded to Council for third reading.

Carried

6. Adjournment

Moved By: Councillor Veale
Seconded By: C. Clarke

That the Court of Revision adjourn at 7:52 p.m.

Carried