

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Court of Revision Meeting**

**Hugh Davidson, MacEachern Brown, and Martin Municipal Drains**

**Thursday, May 12, 2022**

**6:30 P.M.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

**Members:**

**Councillor Patrick O'Reilly**

**Charles Clarke**

**Jim Oriotis**

**Alternate Members:**

**Councillor Andrew Veale**

**Mike Verbik**

**Drainage Board Members Attending:**

**Councillor Ron Ashmore**

**Tim Willcox**

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**1. Call to Order and Administrative Business**

**1.1 Call to Order**

Deputy Clerk and Recording Secretary J. Watts called the meeting to order at 6:31 p.m. Court of Revision members Councillor P. O'Reilly, and J. Oriotis, and alternate member Councillor A. Veale were in attendance.

Drainage Board members Councillor R. Ashmore, and T. Willcox, Manager of Technical Services M. Farquhar, Drainage Superintendent R. Monaghan, Deputy Clerk S. O'Connell, and Administrative Assistant J. Berger were also in attendance.

Absent: Court of Revision Member C. Clarke and Alternate Court of Revision Member M. Verbik

**1.2 Signing of the Oath of Members of the Drainage Act Court of Revision**

Each member of the Court of Revision signed the Oath of a Member of the Drainage Court of Revision, as administered by Deputy Clerk and Recording Secretary J. Watts.

**1.3 Appointment of Chairperson for Court of Revision**

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

Councillor O'Reilly nominated J. Oriotis for the position of Chair. J. Oriotis consented to the nomination

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

J. Oriotis took the Chair.

**1.4 Convening of the Court and Adoption of the Agenda**

Chair Oriotis convened the Court of Revision for the Hugh Davidson Section 78 Improvement, Martin, and MacEachern Municipal Drains.

**COFR2022-001**

**Moved By** Councillor Veale

**Seconded By** Councillor O'Reilly

**That** the agenda be adopted as circulated.

**Carried**

**1.5 Declaration of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

## **2. Appeals - Court of Revision**

The Chair stated that the Court of Revision will now consider three preliminarily adopted Municipal Drainage Assessment Schedules and any associated appeals, and noted that all comments received today by the Court of Revision may be considered as evidence in accordance with the Drainage Act.

### **2.1 Hugh Davidson Municipal Drain - Section 78 Improvement**

#### **2.1.1 Appeals Received Prior to May 2, 2022 Deadline**

The Chair stated that no appeals were received by the May 2, 2022 deadline.

#### **2.1.2 Late Appeals**

The Chair confirmed with the Deputy Clerk if any late appeals were received. The Deputy Clerk confirmed no late appeals were received.

The Chair asked the Engineer assigned to the Hugh Davidson Municipal Drain Section 78 Improvement if they wished to make any final comments to the Engineer's Report or Preliminary By-law.

M. Gerrits, P. Eng. of M. Gerrits Consulting confirmed that his office received no appeals, and that he had nothing further to add at this time.

The Chair stated that with no further comments or appeals to be heard on this Municipal Drain, the Court of Revision would recess and make final deliberations on this matter at Item 3 on the Agenda.

### **2.2 Martin Municipal Drain**

#### **2.2.1 Appeals Received Prior to May 2, 2022 Deadline**

The Chair stated that no appeals were received by the May 2, 2022 deadline.

#### **2.2.2 Late Appeals**

The Chair confirmed with the Deputy Clerk if any late appeals were received. The Deputy Clerk confirmed no late appeals were received.

The Chair asked the Engineer assigned to the Martin Municipal Drain if they wished to make any final comments to the Engineer's Report or Preliminary By-law.

M. Gerrits, P. Eng. of M. Gerrits Consulting confirmed that his office received no appeals, and that he had nothing further to add at this time.

The Chair stated that with no further comments or appeals to be heard on this Municipal Drain, the Court of Revision would recess and make final deliberations on this matter at Item 3 on the Agenda.

## **2.3 MacEachern Brown Municipal Drain**

### **2.3.1 Appeals Received Prior to May 2, 2022 Deadline**

The Chair confirmed that two appeals were received by the May 2, 2022 deadline:

- The appeal of Carson and Margaret Thorn received on April 29, 2022; and
- The appeal of Paul Lokoff received on May 2, 2022.

#### **2.3.1.1 Appeal from Carson and Margaret Thorn**

##### **Section 52 (1) Appeal of Assessment**

The Chair inquired if the appellants were participating electronically at the meeting today.

The Deputy Clerk replied that the appellants were not in attendance.

The Chair asked the Deputy Clerk to read the appeal into the record. The Deputy Clerk read the appeal filed by Carson and Margaret Thorn on April 29, 2022 that was attached to, and circulated with the agenda.

The Chair inquired if the Engineers assigned to the Municipal Drain wished to address the appeal.

K. Smith, P. Eng. of D.M. Wills stated that he had nothing further to add at this time.

The Chair advised that the Court would consider the next appeal.

#### **2.3.1.2 Appeal from Paul Lokoff**

##### **Section 52(1) Appeal of Assessment**

The Chair inquired if the appellant was attending the meeting electronically.

The Deputy Clerk confirmed that Mr. Lokoff was in attendance.

The Chair asked if Mr. Lokoff would read his appeal into the record.

Mr. Lokoff provided an overview of his appeal statement that was attached to, and circulated with the agenda. In summary, he noted his reasoning for his appeal being:

- His assessment is too high;
- The reasoning for the Drainage Petition was because of the work done by Mr. Brown, and therefore DS&B Farms should be responsible for the assessment costs; and
- The Engineering costs are too high, as there already is an existing award drain in the area

Mr. Smith provided his evidence as to how the assessments on the Lokoff property were determined and responded to the issues put forth by Mr. Lokoff and members of the Court of Revision.

The Chair asked Mr. Lokoff if he wished to proceed with his appeal.

Mr. Lokoff confirmed that he wished his appeal be considered.

The Chair confirmed that there were no further comments at this time on this appeal.

#### 2.3.2 Late Appeals

The Chair confirmed with the Deputy Clerk if any late appeals were received. The Deputy Clerk confirmed no late appeals were received.

The Chair asked the Engineer assigned to the MacEachern Brown Municipal Drain if they wished to make any final comments to the Engineer's Report or Preliminary By-law.

K. Smith, P. Eng. of D.M. Wills and Associates confirmed that his office received no appeals, and that he had nothing further to add at this time.

The Chair stated that with no further comments or appeals to be heard on this Municipal Drain, the Court of Revision would recess and make final deliberations on this matter at Item 3 on the Agenda.

### 3. Recess of the Court of Revision for Deliberations

The Chair confirmed that the Court would now recess for deliberations on the matters in front of the Court today. He stated that the Court would deliberate with the Deputy Clerk/Recording Secretary, and the City's Drainage Superintendents.

All those participating electronically were placed in the waiting room, and Mr. Willcox and Mr. Gerrits left the Council Chambers, and the doors were closed.

The Court of Revision recessed at 7:07 p.m. to review the appeals and the evidence put forth.

The Court of Revision reconvened at 7:20 p.m.

All those participating electronically were brought out of the waiting room, and Mr. Willcox and Mr. Gerrits returned to the Council Chambers.

#### **4. Decisions of the Court of Revision**

##### **4.1 Hugh Davidson Municipal Drain - Section 78 Improvement**

###### **4.1.1 Decision Regarding Any Appeals**

No appeals were heard.

###### **4.1.2 Decision Regarding Assessments and Provisional By-law**

###### **COFR2022-002**

**Moved By** Councillor Veale

**Seconded By** Councillor O'Reilly

**That** the assessments contained in the **Hugh Davidson Municipal Drain - Section 78 Improvement Report**, by Drainage Engineer M. Gerrits, and as provisionally adopted by By-law 2022-050, are hereby confirmed; and

**That** should no other appeals be heard within the prescribed timelines, that Council proceed with the third reading of By-law 2022-050 at the next possible City Council meeting.

**Carried**

##### **4.2 Martin Municipal Drain**

###### **4.2.1 Decision Regarding Any Appeals**

No appeals were heard.

###### **4.2.2 Decision Regarding Assessments and Provisional By-law**

###### **COFR2022-003**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the assessments contained in the **Martin Municipal Drain Report**, by Drainage Engineer M. Gerrits, and as provisionally adopted by By-law 2022-065, are hereby confirmed;

**That** should no other appeals be heard within the prescribed timelines, that Council proceed with the third reading of By-law 2022-065 at the next possible City Council meeting.

**Carried**

#### **4.3 MacEachern Brown Municipal Drain**

##### **4.3.1 Decisions Regarding Any Appeals**

**COFR2022-004**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** we the Court of Revision for the MacEachern Brown Municipal Drain make the following decision with respect to the appeal filed by Carson and Margaret Thorn:

- That the appeal of Carson and Margaret Thorn be dismissed as the outlet and benefit liability assessments are consistent with other lands in the watershed; and
- That the owners failed to show justification for changes to their assessment.

**Carried**

**COFR2022-005**

**Moved By** Councillor Veale

**Seconded By** Councillor O'Reilly

**That** we the Court of Revision for the MacEachern Brown Municipal Drain make the following decision with respect to the appeal filed by Paul Lokoff:

- That the appeal of Paul Lokoff be dismissed as the outlet and benefit liability assessments are consistent with other lands in the watershed; and
- That the owner failed to show justification for changes to their assessment.

**Carried**

##### **4.3.2 Decision Regarding Assessments and Provisional By-law**

**COFR2022-006**

**Moved By** Councillor O'Reilly

**Seconded By** Councillor Veale

**That** the assessments contained in the **MacEachern Brown Municipal Drain Report**, by Drainage Engineers M. Hoar and K. Smith, and as provisionally adopted by By-law 2022-049, are hereby confirmed; and

**That** should no other appeals be heard within the prescribed timelines, that Council proceed with the third reading of By-law 2022-049 at the next possible City Council meeting.

**Carried**

**5. Other Business**

Chair Oriotis provided notice that if the affected property owners are dissatisfied with decisions made today by the Court of Revision, anyone may appeal this decision to the Agriculture, Food, and Rural Affairs Tribunal by filing a Notice of Appeal with the Office of the City Clerk within 21 days of the date of this decision.

**6. Adjournment**

**COFR2022-007**

**Moved By** Councillor Veale

**Seconded By** Councillor O'Reilly

**That** the Court of Revision adjourn at 7:32 p.m.

**Carried**