



Report n° CLERK2023-03

Date: June 14, 2023

Submitted by: Monique Ouellet, Clerk

Subject: Court of Revision - Appointment

### Nature/Goal

To establish a Court of Revision under the Drainage Act further to the provisional approval of By-law No. 2023-37 regarding the Cobb's Lake Creek Municipal Drain Engineer's Report.

### Directive/Previous policy

n/a

### Department's recommendation

WHEREAS Council has given two (2) readings to a by-law no 2023-37, provisionally adopting the Engineer's Report for the Cobb's Lake Creek Municipal Drain on June 5, 2023;

BE IT RESOLVED THAT the Council of the City of Clarence-Rockland hereby appoint five (5) members to the Court of Revision as required under the Drainage Act, being:

- Three (3) members of the Council of the City of Clarence-Rockland, being:
  - Mayor Mario Zanth
  - Councillor xx
  - Councillor xx
- One (1) member to be appointed by the Council of the Township of Alfred and Plantagenet
- One (1) member to be appointed by the Council of the Nation Municipality

BE IT FURTHER RESOLVED THAT it is hereby confirmed that the Court of Revision for the Cobb's Lake Creek Municipal Drain has been scheduled for July 19, 2023 at 6:00 p.m.

ATTENDU QUE le Conseil a donné deux (2) lectures au règlement no 2023-37, adoptant provisoirement le rapport de l'ingénieur pour le drain municipal Cobb's Lake Creek, le 5 juin 2023;

QU'IL SOIT RÉSOLU QUE le Conseil de la Cité de Clarence-Rockland nomme par cinq (5) membres à la Cour de révision, comme l'exige la Loi sur le drainage, soit

- Trois (3) membres du Conseil de la Cité de Clarence-Rockland:
  - Maire Mario Zanth
  - Conseiller xx
  - Conseiller xx

- Un (1) membre nommé par le Conseil du Canton d'Alfred et Plantagenet
- Un (1) membre nommé par le Conseil de la municipalité de La Nation

QU'IL SOIT AUSSI RÉSOLU QU'IL soit confirmé que la Cour de révision du drain municipal du Cobb's Lake Creek a été fixée au 19 juillet 2023 à 18h.

### Background

On June 5, 2023, Council gave two (2) readings to By-law No. 2023-37, provisionally adopting the Engineer's Report for the Cobb's Lake Creek Municipal Drain.

### Discussion

As per Section 46 of the Drainage Act, the next steps for the Cobb's Lake Creek Municipal Drain Project include holding a Court of Revision, which is an appeal body established under the Drainage Act and administered by the City of Clarence-Rockland.

The Court of Revision consists of three to five members appointed by Council to consider any appeals from landowners who wish to challenge their drainage assessment with the Cobb's Lake Creek Municipal Drain. To be appointed, the member must either be on Council or eligible to be elected to Council. Also, as per Section 97 of the Drainage Act, if the drain involves more than one municipality, (in this case, the Township of Alfred and Plantagenet and The Nation Municipality) each municipality involved is required to each appoint a member to the Court of Revision. Therefore, the Court of Revision for the Cobb's Lake Creek Municipal Drain shall consist of five members, being three (3) members from the City of Clarence-Rockland, one (1) member from the Township of Alfred and Plantagenet, and one (1) member from The Nation Municipality.

As per Section 52, the Court of Revision may only hear appeals on the following grounds:

- Any land or road that has been assessed an amount that is too high or too low.
- Any land or road that should have been assessed but was not assessed.
- Due consideration that has not been given to the use being made of the land.

The Court of Revision only has the authority to change the schedule of assessment to any property but must not change the total value of the project; therefore, any addition or subtraction in assessment must be allocated/deducted elsewhere. The Court cannot make changes to the technical aspects of the report, and they cannot refer the report back to the engineer for modifications.

Any decision coming from the Court of Revision may be appealed to the Ministry of Agriculture, Food and Rural Affairs Appeal Tribunal within 21 days of the decision.

#### NEXT STEPS:

If no appeals are submitted to the Tribunal or the Referee within 40 days of the provisional By-law receiving first and second reading; and

If no appeals are submitted to the Tribunal within 21 days from any decision forming from the Court of Revision,

Then By-law 2023-37 can be given final reading.

#### Consultation

n/a

#### Recommendations or comments from committee/ other departments

n/a

#### Financial impact (expenses/material/etc.)

There is no financial implications to the appointment of this Court of Revision.

#### Legal implications

- If no appeals are submitted to the Tribunal or the Referee within 40 days of the provisional By-law receiving first and second reading;

AND

- If no appeals are submitted to the Tribunal within 21 days from any decision forming from the Court of Revision,

THEN By-law 2023-37 can be given final reading.

#### Risk management

n/a

#### Strategic implications

n/a

#### Supporting documents

- By-law No. 2023-37 to adopt Engineer's Report (two readings)
- [Engineer's Report](#) for the Cobb's Lake Creek Municipal Drain