



The Corporation of the Town of Tecumseh

Public Works & Environmental Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Environmental Services

Date to Council: September 24, 2019

Report Number: PWES-2019-46

Subject: Court of Revision Appointment – 3rd Concession Drain

Recommendations

It is recommended:

That Councillor Tania Jobin **be appointed** to the October 3, 2019, Meeting of the Court of Revision in respect of the Drainage Report and Specifications, dated June 7, 2019, for the 3rd Concession Drain, prepared by Dillon Consulting and N.J. Peralta Engineering and filed with the Clerk's Office in the Town of LaSalle in accordance with Section 97(3) of the *Drainage Act*.

Background

The purpose of this report is to provide a summary of the background and other information in order to assist Council in appointing a member to the Court of Revision for the 3rd Concession Drain in accordance with Section 97(3) of the *Drainage Act* (Act).

The Town of LaSalle received a petition, dated February 17, 2012, in accordance with Section 4 of the Act to examine and report on the Municipal Drains that provide drainage outlet for the Rt. Hon. Herb Gray Parkway.

On January 11, 2013, a subsequent letter was received by the Town of LaSalle from the Ministry of Transportation (MTO) requesting the original appointment be in accordance with Section 78 of the Act. This included the appointment to examine and report on the 3rd Concession Drain.

On August 13, 2019, Town of LaSalle Council considered the Drainage Report and Specifications, dated June 7, 2019, for the 3rd Concession Drain and gave first and second reading to Provisional By-Law No. 8335.

Subsequently, the Town of LaSalle sent notice of the first sitting of the Court of Revision for the repair and improvement to the 3rd Concession Drain to the Town on August 19, 2019. The Court of Revision is scheduled to take place on Thursday, October 3, 2019, at 5:30 pm in the Council Chambers at the LaSalle Civic Centre, located at 5950 Malden Road.

Comments

Section 97(3) of the Act states that:

“Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring 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 the lands assessed in the Drainage Report extend from the Town of LaSalle into the Town of Tecumseh, the Town of Tecumseh is considered the neighbouring municipality. The Town of LaSalle Council is to appoint two (2) members to the Court of Revision to hear and rule on appeals while the Town of Tecumseh is to appoint one (1) member to the Court of Revision. These members appointed to the Court of Revision by each of the respecting Towns are to be persons eligible to be elected as a Member of Council, or shall be a Member of Council.

As the landowners within the Town of Tecumseh that are affected by the Drainage Report are located within Ward 5 and Councillor Tania Jobin is the representative of this Ward, it is recommended that she be appointed as the Town of Tecumseh’s representative member on the Court of Revision.

Consultations

Corporate Services & Clerk
Financial Services
Councillor Tania Jobin

Financial Implications

The Town of Tecumseh lands have been assessed \$2,114 in the Drainage Report for Benefit and Outlet Liability for works involving 6.119 hectares (15.12 acres) of roads and the Chrysler Greenway as depicted on Page 1 of the watershed plan in Attachment No. 2. This includes both a portion of South Talbot Road and Outer Drive. The Town will utilize the Lifecycle Reserve to pay for the Town’s drainage assessment.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Cameron Hedges, E.I.T.
Assistant Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Environmental Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	3rd Concession Drain Final Report – June 7 2019
2	3rd Concession Drain Final Report Drawings – June 7 2019
3	3rd Concession Drain Construction Assessment Schedule – June 7 2019