



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Laura Moy, Director Legislative Services & Clerk

Date to Council: February 8, 2022

Report Number: LCS-2022-02

Subject: Court of Revision Appointment
Cahill Drain

Recommendations

It is recommended:

That a Council representative **be appointed** to the Court of Revision for the Town of LaSalle respecting any appeals on the Drainage Report and Specifications for the Cahill Drain, as prepared by Dillon Consulting and N.J. Peralta Engineering, dated October 9, 2020.

Background

The Town of LaSalle (LaSalle) was petitioned by the Ministry of Transportation to have certain drainage reports prepared to alter a number of drains, provide for an examination of the drains/outlets to ensure they are adequate, and set out liability and future maintenance responsibility. One of those drains is the Cahill Drain for which land owners in the Town of Tecumseh (Town) are affected.

LaSalle engaged the services of Dillon Consulting and N.J. Peralta Engineering under Section 4 of the *Drainage Act* (Act) to prepare a drainage report for the Cahill Drain.

The City of Windsor (City) subsequently requested that the Cahill Drain be extended upstream to include the portion of the Drain which crosses the Herb Gray Parkway and

continues along the north limit of the new highway corridor within the City. The City's request was mutually agreed upon by the City, LaSalle and Ministry of Transportation.

A Drainage Report and Specifications dated October 9, 2020 was prepared and submitted to LaSalle by Dillon Consulting and N.J. Peralta Engineering for the Cahill Drain (Drainage Report).

The Drainage Report will be considered by LaSalle Council and considered for Provisional adoption at a Public Meeting scheduled to be held virtually on Tuesday, February 22, 2022, at 4:00 pm. Notice of the meeting is to be delivered to affected residents of the Town by regular mail on or about February 3, 2022.

Following provisional adoption of the Drainage Report, the Town of LaSalle will be scheduling a meeting of its Court of Revision and Notice of the hearing by the Court will be delivered to affected land owners in LaSalle, the Town, and City.

Comments

The purpose of the Court of Revision is set out in Section 52(1) of the Act, which states that an owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

1. any land or road has been assessed an amount that is too high or too low;
2. any land or road that should have been assessed has not been assessed; or
3. due consideration has not been given to the use being made of the land.

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 for the drainage works extend from LaSalle into the Town and the City, both the Town and City are to appoint one (1) member each to the Court of Revision to hear and rule on the appeals. The members appointed to the Court of Revision are to be persons eligible to be elected a Member of Council, or shall be a Member of Council.

Previously, the Town appointed Tania Jobin, the Council representative of the affected landowners, to the Court of Revision for LaSalle on the Howard and Burke Drains.

Consultations

Manager Engineering Services
Drainage Superintendent/Engineering Technologist

Financial Implications

There are no financial implications.

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 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 checked="" 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:

Laura Moy, Dipl. M.M.
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None