



## 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:** April 26, 2022

**Report Number:** LCS-2022-12

**Subject:** Court of Revision Appointment – Lachance Drain

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### Recommendations

It is recommended:

**That** a Council representative **be appointed** to the Court of Revision for the City of Windsor respecting any appeals on the Drainage Report for the New Drain Alignment of a portion of the Lachance Drain in the City of Windsor and Town of Tecumseh, as prepared by Dillon Consulting, dated March 25, 2022.

**And that** LCS-2022-12 entitled “Court of Revision Appointment – Lachance Drain” **be received**.

### Background

The City of Windsor (City) received a request from Pointe East Windsor Ltd. to repair and improve the Lachance Drain. City Council accepted the request under Section 78 of the Drainage Act and appointed Dillon Consulting Limited to prepare a report dated December 20, 2021. The proposed works involve realigning a portion of the existing drain to accommodate a proposed development.

A Drainage Report for the New Drain Alignment of a portion of the Lachance Drain in the City of Windsor and Town of Tecumseh was prepared by Dillon Consulting and submitted to the City on or about March 25, 2022 (Drainage Report).

The Drainage Report will be considered by City Council and considered for Provisional adoption at a Public Meeting scheduled to be held virtually on April 25, 2022, at 4:00 pm. Notice of the meeting has been delivered to affected residents of the Town by regular mail.

Following provisional adoption of the Drainage Report, the City will be scheduling a meeting of its Court of Revision. Notice of the hearing by the Court will be delivered to affected landowners in both the Town and the 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 the City into the Town, the Town must appoint one (1) member to the Court of Revision to hear and rule on any appeals. The member appointed to the Court of Revision is to be a person 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 and the Cahill Drain.

## Consultations

Public Works & Engineering Services

## 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

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None