



The Corporation of the Town of Tecumseh

Legislative & Clerk Services

To: Mayor and Members of Council

From: Robert Auger, Director Legislative Services & Clerk

Date to Council: February 14, 2023

Report Number: LCS-2023-02

Subject: Court of Revision Appointment - 4th Concession Drain

Recommendations

That Report LCS-2023-02 entitled Court of Revision Appointment - 4th Concession Drain **be received**;

And that Council **appoint** one of its members to the Town of LaSalle Court of Revision (scheduled to convene and sit on March 23, 2023 at 4 p.m. in LaSalle Council Chambers) to hear any appeals on the assessment from the Drainage Report in relation to improvements for the 4th Concession Drain, as prepared by RC Spencer Associates Inc. dated August 5, 2022.

Executive Summary

The Town of LaSalle, as the initiating municipality (in respect of a drain affecting two or more municipalities) has scheduled a Court of Revision to convene on March 23, 2023 at 4 p.m. in LaSalle Council Chambers respecting any appeals on the assessment from the Drainage Report in relation to improvements for the 4th Concession Drain. Pursuant to the Drainage Act, the Town of Tecumseh (as an affected or involved municipality in respect of the 4th Concession Drain) shall also appoint one person to sit as a member of this Court of Revision.

Background

The Town of LaSalle procured a report pursuant to section 78(5) of the Drainage Act for the repair and improvement of the 4th Concession Drain. Such Report (see Attachment 1) was prepared by RC Spencer Associates Inc. dated August 5, 2022, and was provisionally adopted by the Town of Lasalle pursuant to its By-law 8764 on January 24, 2023 (see Attachment 2). The Town of LaSalle, as the initiating municipality (in respect of a drain affecting two or more municipalities), has now scheduled a Court of Revision to convene on March 23, 2023 at 4 p.m. in LaSalle Council Chambers.

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 also 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 of Tecumseh, The Town shall appoint one (1) member to sit on this Court of Revision to hear and rule on any appeals. The members appointed to the Court of Revision are to be persons currently eligible to be elected as a Member of Council or shall be a current Member of Council. Therefore, it is recommended that Town of Tecumseh Council appoint one of its members to so serve and sit on this Court of Revision as scheduled for March 23, 2023.

Consultations

Public Works & Engineering Services

Financial Implications

There are no anticipated financial implications.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input 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 type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" 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:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Engineers Report dated August 5, 2022 as prepared by RC Spencer Associates Inc.
2	Town of Lasalle By-Law 8764 as provisionally adopted on January 24, 2023