

CORPORATION OF THE TOWNSHIP OF HURON-KINLOSS

**Court of Revision
Pollard Municipal Drain Branches "J" & "K"**

7:00 p.m. - Council Chambers
April 16th, 2012

Court of Revision Members:

Mayor	Mitch Twolan	(P)
Deputy-Mayor	Wilfred Gamble (Chair)	(P)
Councillors	Lillian Abbott	(P)
	Jeff Elliott	(A)
	Jim Hanna	(A)
	Carl Sloetjes	(P)
	Don Murray	(P)

Staff:		
Administrator	Mary Rose Walden	(P)
Clerk	Sonya Watson	(P)
Treasurer	Jodi MacArthur	(P)
Drainage Superintendent	Grant Collins	(P)

OTHERS PRESENT: Greg Nancekivell, Doug & Charlene McEwan

MINUTES

1.0 CALL TO ORDER

Chair Gamble called the meeting to order.

2.0 DISCLOSURE OF PECUNIARY INTEREST

<u>Name</u>	<u>Item</u>	<u>Nature of Interest</u>
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None disclosed.

3.0 Pollard Municipal Drain – Branches "J" and "K"

3.1 List of Appeals of Assessments

We have received an appeal from Doug & Charlene McEwan in regards to their assessment due to an error in their acreage from the report.

STAFF COMMENTS: The letter has been copied for your review.
The Schedule of Assessment has also been copied for your review

ACTION: The McEwan are requesting a reduction in their outlet liability due to an error in the acreage on the final report. The Engineer explained there was an error in the original report prepared by H. M. Gibson which lead to an error in the acreage for establishing the watershed.

The following changes will result due to the error in acreage.

BRANCH "J"

Branch "J" Outlet for D. McEwan was \$1,423 and is now \$1,116 \$307 reduction
Statters Lake Road was \$568 and is now \$875 \$307 increase
Branch "J" Total Assessment remains the same (notice the grant amount has changed because of the reduced assessment to agricultural lands)

BRANCH "K"

Branch "K" Outlet for D. McEwan was \$6,412 and is now \$5,408 \$1,004 reduction
Statters Lake Road was \$2,796 and is now \$3,800 \$1,004 increase
Branch "K" Total Assessment remains the same (notice the grant amount has changed because of the reduced assessment to agricultural lands)

The Court has decided on the following changes to the engineer's report for Branches "J" & "K" of the Pollard Municipal Drain 2012, dated March 8, 2012:

Page 3 Watershed Characteristics

"The Drainage Area comprises approximately 80.5 hectares"
to read

The Drainage Area comprises approximately 78.7 hectares

Therefore, the engineer recommended that \$1311.00 of assessment had to be either transferred to the Township roads or divided among the remaining landowners which would result in another Court of Revision to notify them of the revised assessments.

3.2 Verbal Appeals from Landowners

Chair advises: *The purpose of the Court of Revision is to hear appeals regarding the Schedule of Assessment only. The Court of Revision has no authority to change the Engineer's Report in any way. The Schedule of Assessment may be altered but the total must remain the same. If one assessment is reduced than the other assessments must be increased to balance.*

Chair states: *Are there any other assessed landowners present who wish to appeal their assessment?*

ACTION: There were no additional appeals received.

3.3 Questions from Court of Revision Members

The Drainage Superintendent will be present to answer any questions.

ACTION: Chair Gamble raised concern with the error in acreage and should some responsibility not be taken by the engineer and not solely born by the municipality. The engineer reported that although they had not realized the acreage difference based on following H.M. Gibson's original report the owner did have time to comment as well and due to a mailing address error on the Township's part he was not at the site meeting. Therefore there were multiple errors that resulted in the difference. Councillor Murray also felt the error should be split with the engineer.

The Court of Revision decided it was their duty to deal with the \$1311.00 difference and to avoid the time and money required to set an additional Court of Revision they should assess the amount to the roads rather than spreading it over the remaining landowners. However, a letter could be sent to the engineer after the meeting requesting some compensation to the municipality for the error in the report.

3.4 Questions from Landowners

The Drainage Superintendent will be present to answer any questions.

ACTION: There were no further questions raised.

3.5 Court of Revision's decision

The following motion was passed.

Moved by Murray
Seconded by Sloetjes

POLLARD MUNICIPAL DRAIN THAT the Court of Revision for the Pollard Municipal Drain Branches "J" & "K" hereby revises the Schedule of Assessments adopted by By-Law 2012-32 for the Pollard Municipal Drain- Branches "J" and "K" dated March 8th, 2012 prepared by Dietrich Engineering Limited and as such allocates \$1311.00 from Doug and Charlene McEwan's assessment to the Township of Huron-Kinloss Roads.

Carried.

The revised Schedules are attached hereto.

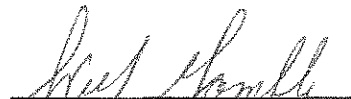
Chair advises: All parties to the drain will receive a written notice of the Court decision which will contain additional information on the process to appeal the decision of the Court of Revision to the Ontario Drainage Tribunal.


4.0 ADJOURN

Moved by Sloetjes
Seconded by Abbott

ADJOURN THAT the Court of Revision for the Pollard Municipal Drain Branches "J" & "K" does now adjourn.

Carried.


Chair


Clerk

**SCHEDULE OF ASSESSMENT FOR CONSTRUCTION AS REVISED BY COURT OF REVISION
Branches 'J' & 'K' of the Pollard Municipal Drain 2012
Township of Huron-Kinloss**

LOT OR PART	CON.	APPROX. HECTARES AFFECTED	OWNER	ROLL NO.	(SECTION 22) BENEFIT LIABILITY	(SECTION 23) OUTLET LIABILITY	TOTAL ASSESSMENT	LESS 1/3 GOV'T GRANT	LESS ALLOWANCES	NET ASSESSMENT
<u>Branch 'J'</u>										
4	9	29.1	K. & J. Eadie	3-005	\$13,400	\$2,049	\$15,449	\$5,150	\$2,760	\$7,539
5	9	37.6	J. Wilken	3-006	\$3,500	\$7,868	\$11,368	\$3,789	\$300	\$7,279
Pt. 6	9	5.9	D. McEwan	3-007-01		\$1,116	\$1,116	\$372		\$744
4	10	0.4	G. & M. Rhody	3-034		\$6	\$6	\$2		\$4
5	10	3.2	A. Martin	3-035		\$599	\$599	\$200		\$399
Total Assessment on Lands					<u>\$16,900</u>	<u>\$11,638</u>	<u>\$28,538</u>	<u>\$9,513</u>	<u>\$3,060</u>	<u>\$15,965</u>
Statters Lake Rd.						\$875	\$875			\$875
Sideroad 5-6						\$187	\$187			\$187
Total Assessment on Roads						<u>\$1,062</u>	<u>\$1,062</u>			<u>\$1,062</u>
Total Assessment on Lands and Roads, Branch 'J' of the Pollard Municipal Drain 2012					<u>\$16,900</u>	<u>\$12,700</u>	<u>\$29,600</u>	<u>\$9,513</u>	<u>\$3,060</u>	<u>\$17,027</u>

- NOTES: 1. All the above lands are eligible for ADIP grants.
2. The NET ASSESSMENT is the total estimated assessment less a one-third (1/3) Provincial grant, and allowances, if applicable.

**SCHEDULE OF ASSESSMENT FOR CONSTRUCTION AS REVISED BY COURT OF REVISION
Branches 'J' & 'K' of the Pollard Municipal Drain 2012
Township of Huron-Kinloss**

LOT OR PART	CON.	APPROX. HECTARES AFFECTED	OWNER	ROLL NO.	(SECTION 22)	(SECTION 23)	TOTAL ASSESSMENT	LESS 1/3	LESS ALLOWANCES	NET ASSESSMENT
					BENEFIT LIABILITY	OUTLET LIABILITY		GOVT GRANT		
Branch 'K'										
4	9	0.0	K. & J. Eadie	3-005	\$2,800		\$2,800	\$933	\$760	\$1,107
5	9	13.5	J. Wilken	3-006	\$15,300	\$5,370	\$20,670	\$6,890	\$3,080	\$10,700
Pt. 6	9	5.9	D. McEwan	3-007-01	\$2,000	\$5,408	\$7,408	\$2,469		\$4,939
5	10	3.2	A. Martin	3-035	\$1,000	\$2,001	\$3,001	\$1,000		\$2,001
Total Assessment on Lands					<u>\$21,100</u>	<u>\$12,779</u>	<u>\$33,879</u>	<u>\$11,292</u>	<u>\$3,840</u>	<u>\$18,747</u>
Statters Lake Rd.					\$4,000	\$3,800	\$7,800			\$7,800
Sideroad 5-6					\$2,000	\$521	\$2,521			\$2,521
Total Assessment on Roads					<u>\$6,000</u>	<u>\$4,321</u>	<u>\$10,321</u>			<u>\$10,321</u>
Total Assessment on Lands and Roads, Branch 'K' of the Pollard Municipal Drain 2012					<u>\$27,100</u>	<u>\$17,100</u>	<u>\$44,200</u>	<u>\$11,292</u>	<u>\$3,840</u>	<u>\$29,068</u>

- NOTES: 1. All the above lands are eligible for ADIP grants.
2. The NET ASSESSMENT is the total estimated assessment less a one-third (1/3) Provincial grant, and allowances, if applicable.

SCHEDULE OF NET ASSESSMENT FOR CONSTRUCTION AS REVISED BY COURT OF REVISION
Branches 'J' & 'K' of the Pollard Municipal Drain 2012
Township of Huron-Kinloss

LOT OR PART	CON.	OWNER	ROLL NO.	BRANCH "J"	BRANCH "K"	TOTAL ASSESSMENT	LESS 1/3 GOV'T GRANT	LESS ALLOWANCES	NET ASSESSMENT
4	9	K. & J. Eadie	3-005	\$15,449	\$2,800	\$18,249	\$6,083	\$3,520	\$8,646
5	9	J. Wilken	3-006	\$11,368	\$20,670	\$32,038	\$10,679	\$3,380	\$17,979
Pt. 6	9	D. McEwan	3-007-01	\$1,116	\$7,408	\$8,524	\$2,841		\$5,683
4	10	G. & M. Rhody	3-034	\$6		\$6	\$2		\$4
5	10	A. Martin	3-035	\$599	\$3,001	\$3,600	\$1,200		\$2,400
Total Assessment on Lands				<u>\$28,538</u>	<u>\$33,879</u>	<u>\$62,417</u>	<u>\$20,805</u>	<u>\$6,900</u>	<u>\$34,712</u>
Statters Lake Rd. Township of Huron-Kinloss				\$875	\$7,800	\$8,675			\$8,675
Sideroad 5-6 Township of Huron-Kinloss				\$187	\$2,521	\$2,708			\$2,708
Total Assessment on Roads				<u>\$1,062</u>	<u>\$10,321</u>	<u>\$11,383</u>			<u>\$11,383</u>
Total Assessment on Lands and Roads, Branches 'J' & 'K' of the Pollard Municipal Drain 2012				<u>\$29,600</u>	<u>\$44,200</u>	<u>\$73,800</u>	<u>\$20,805</u>	<u>\$6,900</u>	<u>\$46,095</u>

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