



Council report

Meeting date:	August 3, 2021
Title:	Court of Revision - Wright Municipal Drain 2021
Prepared by:	G. Scharback, Director of Administration/Clerk
Reviewed by:	L. Johnston, CAO

Recommendation

That West Grey council receives the report from G. Scharback, Director of Administration/Clerk re: Court of Revision – Wright Municipal Drain 2021; and

That a Court of Revision is hereby scheduled for _____, 2021 at 9 a.m. for the Wright Municipal Drain 2021; and

That the following members are appointed to the Court of Revision for the Wright Municipal Drain 2021: _____, _____, _____.

Executive summary

The Drainage Act 1990, requires that a Court of Revision be held for the purposes of receiving appeals to the assessments for drainage work, as set out in the engineer's report. Council must set a date and time for the Court of Revision, as well as appoint members to the Court, following the acceptance of the engineer's report.

Background and discussion

Council's acceptance by resolution of the engineer's report for a municipal drain is formalized by the first and second reading of a provisional bylaw. The provisional bylaw and the Notice of Court of Revision for the drain must be mailed out to all landowners in the assessment schedule. The Court of Revision shall hold a hearing, within the municipality that initiated the drainage works, between 20 and 30 days after a copy of the provisional bylaw is mailed to all the affected landowners.

The Court of Revision is an appeal body established under the Drainage Act that allows landowners to challenge their drainage assessments. The jurisdiction of the Court of Revision is limited to specific types of appeals. Any owner of land assessed for the drainage works may appeal to the Court of Revision on the following grounds:



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- Land or road has been assessed too high or too low;
- Land or road should have been assessed but has not been assessed;
- Due consideration has not been given to the type of use of the land.

The Court of Revision has no authority to change the engineer's report in any way other than to alter the schedule of assessments.

The Court of Revision consists of three or five members appointed by council when a drainage work affects only one municipality. When the drainage work affects two or more municipalities the council of the initiating municipality appoints two members of the court, each other municipality affected appoints one person to be a member of the court. Any person who is eligible to be elected to council may serve as a member of the Court of Revision.

Legal and legislated requirements

Drainage Act, 1990

Financial and resource implications

None.

Staffing implications

Staff required to attend the Court of Revision.

Consultation

Stephen Cobean, P. Eng., West Grey Drainage Superintendent

Alignment to strategic vision plan

Pillar: Build a better future

Goal: Stewards of the environment

Strategy: Look for sustainable practices throughout municipal venues

Attachments

None.



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Next steps

Court of Revision:

Hearing, address any appeals to assessments at that time, second sitting of Court if required, provide direction to engineer to let tender for drain construction

Council:

Third and final reading of bylaw after schedule of assessment in provisional bylaw is updated with actual construction costs.

Respectfully submitted:

Genevieve Scharback, CMO
Director of Administration/Clerk