



**Meeting Date:** June 15, 2022

**Submitted by:** M. Di Lullo, CAO

**Report No:** CAO-19-2022

**Subject:** Tribunal Decision for the Komoka Drainage Works – Union Ave. Branch

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**Recommendation:**

THAT Report CAO-19-2022, re: Tribunal Decision for the Komoka Drainage Works – Union Ave. Branch be received for information.

**Purpose:**

The purpose of this report is to advise of a decision by Agricultural, Food and Rural Affairs Appeal Tribunal in regards to an appeal that was filed for the Komoka Drainage Works – Union Ave. Branch.

**Background:**

The Municipality proceeded with drainage works for the Komoka Drain - Union Ave. which consisted of improvements based on the Engineer's Report dated July 2021 which was presented to Municipal Council on August 11, 2021. The total estimated cost was \$131,000.

As per the Engineer's Report, the costs of any future maintenance or repair would be distributed to the landowners proportionately.

Sitting as the Court of Revision, an appeal was heard from one of the assessed landowners. The Court of Revision did not make changes to the assessment during this appeal.

A further appeal under section 54 of the Drainage Act was brought forward by Campbell Hillview Farm Corp. based on the assessment attributed to those lands.

**Analysis:**

A hearing took place on April 19 and 21, 2022 under the Agricultural, Food and Rural Affairs Appeal Tribunal.

Included to this report is the Tribunal decision which Orders that:

[69] That there shall be no changes to the Appellants' assessments and the appeal shall be dismissed.

[70] The non-administrative costs of the Municipality incurred with respect to this appeal shall form part of the cost of the drainage works.

[71] There shall be no Order as to costs and all parties are responsible for their own costs.

The Municipality can now proceed with the said improvements.

**Financial Implications:**

The costs for this hearing will be assumed as part of the drainage works as part of clause 70 identified in the Order.

**Strategic Plan:**

This matter aligns with following strategic priorities:

- Sustainable Infrastructure and Services

The Municipality is carrying out its legislative duty as part of the Drainage Act and has responded to an appeal which is now dismissed, which now enables the Municipality to move ahead based on the recommendations noted in the Engineer's Report .

**Attachments:**

Appendix – Decision of the Tribunal for the Komoka Drainage Works – Union Ave