



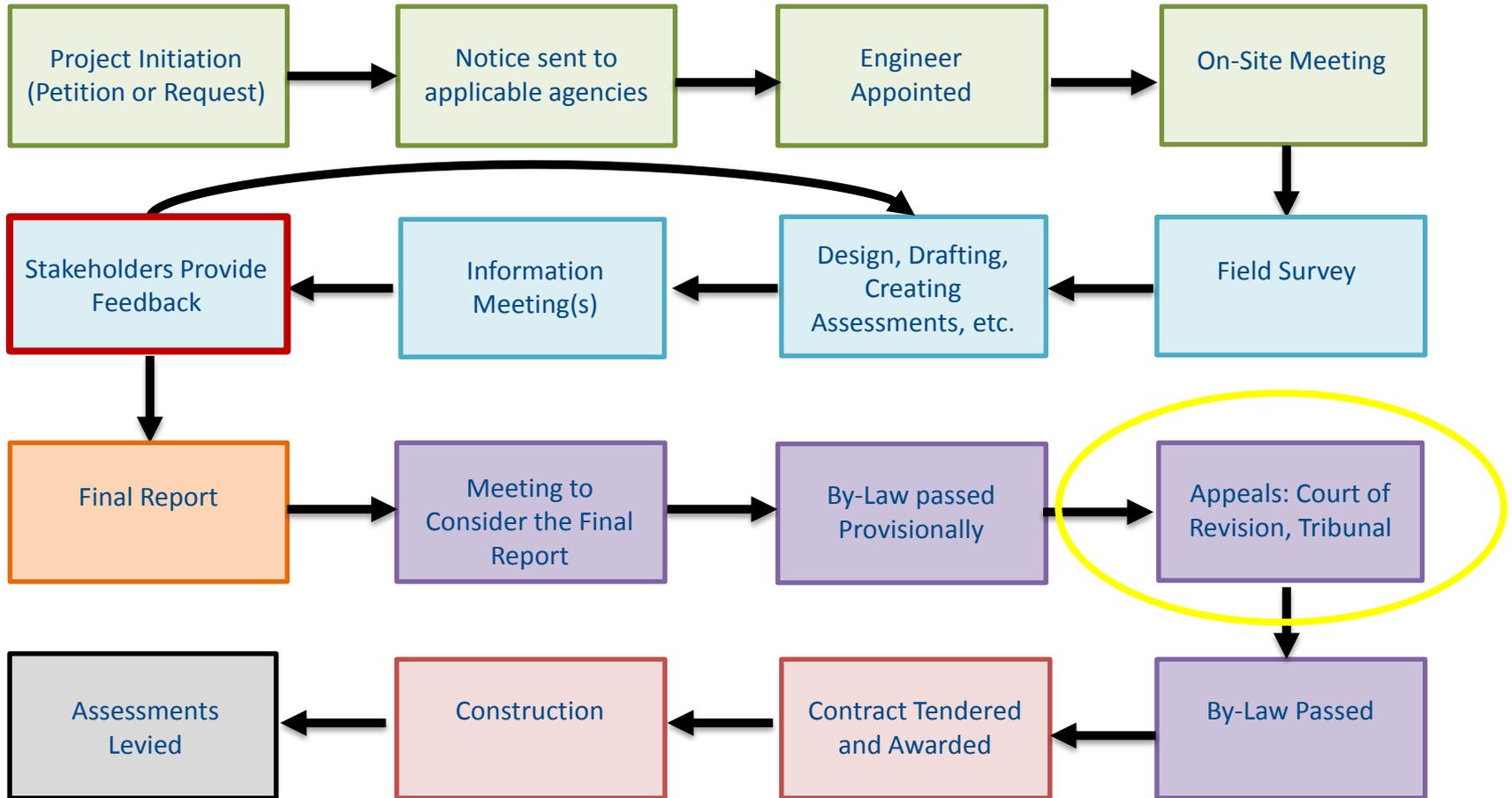
BURNSIDE

Park Street Municipal Drain Improvement – PHASE 1

Court of Revision

June 12, 2023

Project Steps



Court of Revision

Appeals (Section 52)

(1) 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.
3. Due consideration has not been given to the use being made of the land. 2010, c. 16, Sched. 1, s. 2 (21).

Court of Revision

- **Assessment appeals**: Heard by the Court of Revision under section 52.
- **Court held for every drain**: held whether there is an appeal or not (S. 4, 76, 78)
- **S.52(4) May hear walk up appeals**: tougher on the Engineer but fair to landowners.
- Typically made up of 3 or 5 members of Council, including a chair (single muni.).

Court of Revision

- **Directing Traffic:** Engineer is commonly involved with logistics during the Court proceedings as it is often unfamiliar to both Council and Staff.
- The chair will lead the Court proceedings with the Engineer giving evidence prior to each appellant (S.55).

Court of Revision

- The Court members have the option to ask questions of both the appellant(s) and the Engineer.
- Prior to announcing their decision, the Court should **deliberate in private** (not in the presence of the appellants).
- Prior to announcing their decision, the chair will typically ask for a vote.

Court of Revision

- The Engineer should be actively following the proceedings to **ensure proper procedure is followed** and intervening where required to ensure the process is completed correctly (otherwise it will have to be re-held later).

Court of Revision

- **S.53:** If a landowner who may be affected by the decision (i.e. **increased assessment**) is not present at the C.O.R., the Court will adjourn and reconvene when all affected landowners are present for the announcement of the decision. This is followed by adjournment of the Court.
- The decision of the Court may be appealed to the Tribunal under S.54(1) within 21 days of the pronouncement of the Court.

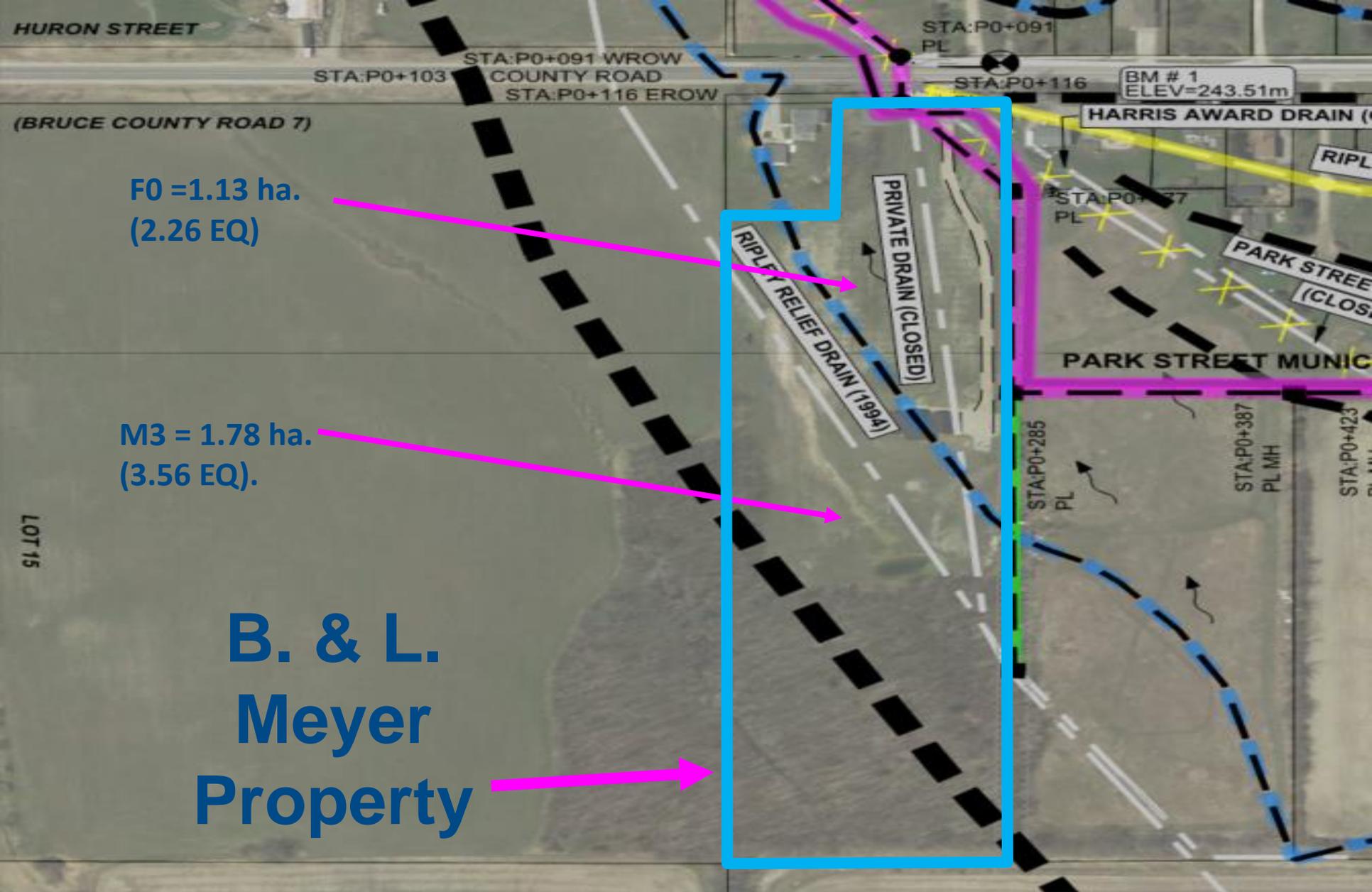
Individual C.O.R. Appeals

B. & L. Meyer Property

Appeal #1

B. & L. Meyer Property

- (Roll No. 11-001-00), property #2.
- Plan 232, Pt. 220 Huron, Residential tax class.
- This property is classed as rural residential with a land use factor of 2.0x.
- Property land use was evaluated by several methods – this was chosen based on fairness.
- Surface (0.5x) and sub-surface water (0.5x) are both assessed to the Park Street MD for the full affected area (**2.91 ha.**).
- **(Equivalent area = 5.82 ha.)**
- **Sections:**
 - Fair MD – Section F0
 - Park Street MD – Section M3
 - Ripley Street MD – Section RS1



Looking u/s along Ex. Park Street MD alignment (Meyer Property)



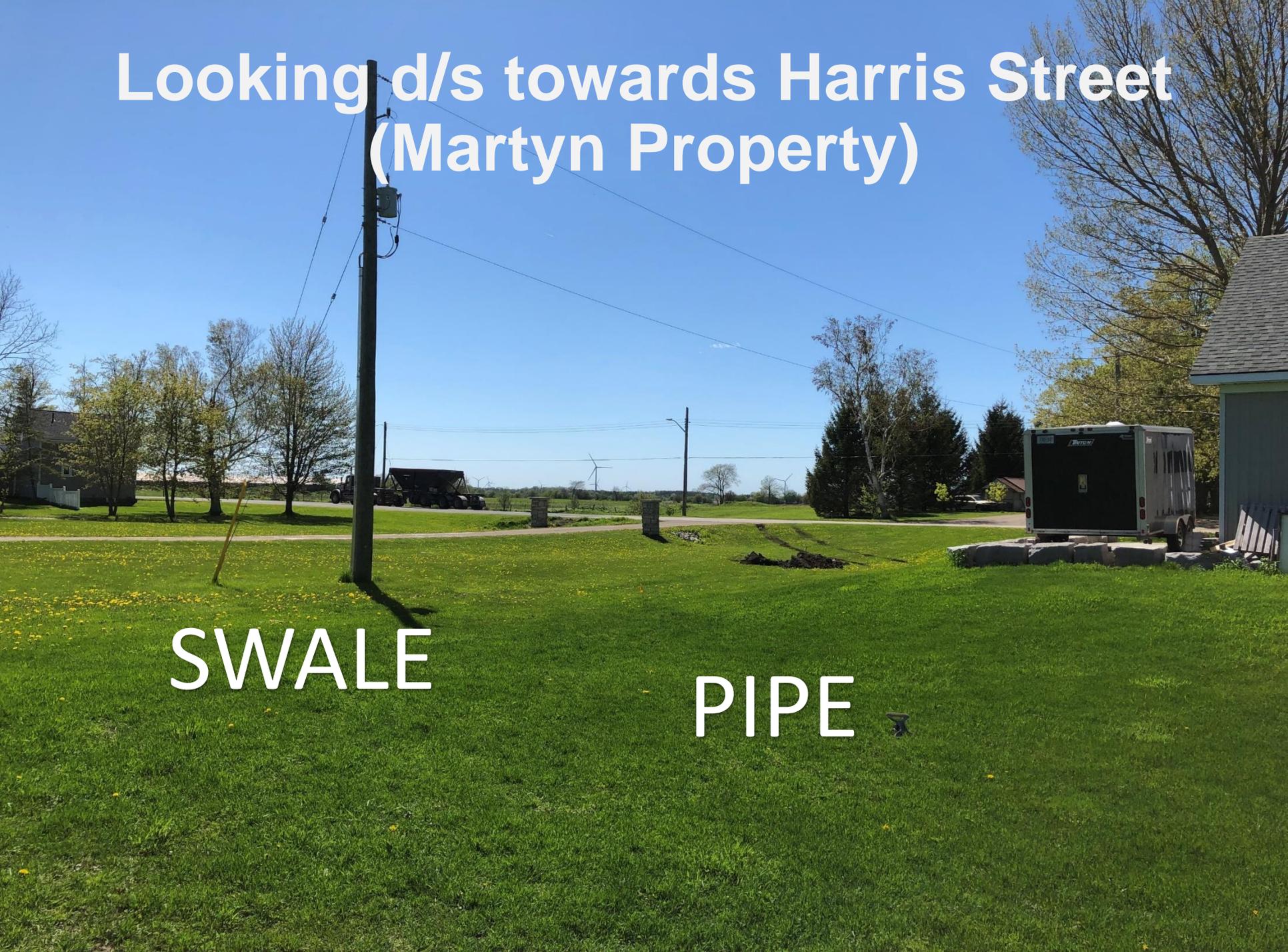
SWALE

PIPE

Looking d/s towards Harris Street (Martyn Property)

SWALE

PIPE



Looking u/s along Ex. Park Street MD alignment (Meyer Property)



PIPE

SWALE

B. & L. Meyer Property

Report Assessment:

1) Fair MD – Section F0:

- OUTLET - (\$500 outlet, non-grantable) – 5.81 EQ ha.
- OUTLET - (\$1,620 outlet, grantable) – 3.56 EQ ha.

2) Park Street MD - Section M3:

- BENEFIT - (\$10,690 benefit, grantable).
 - **\$5,150** Specific Asses. for pt. of CBs, culvert, d/w rest. and admin. For specific items associated with the property.
 - **\$5,540** Benefit Asses. For **25%** of the sectional benefit cost (based on fairness between benefitting properties).
- OUTLET - (\$2,720 outlet, grantable) – 2.26 EQ. ha.

B. & L. Meyer Property

Report Assessment:

3) Ripley Street MD – Section R1:

- BENEFIT - (\$350 benefit, grantable).
 - **\$350** Benefit Asses. For 4% of the sectional benefit cost (based on fairness between benefitting properties).
- OUTLET - (\$160 outlet, grantable) – 2.26 EQ. ha.

4) Total Assessment: \$16,040.

- *Less: \$6,330 Allowances, grant n/a.*
- **\$9,710 NET Assessment.**

L. & B. Beishuizen Property

Appeal #2

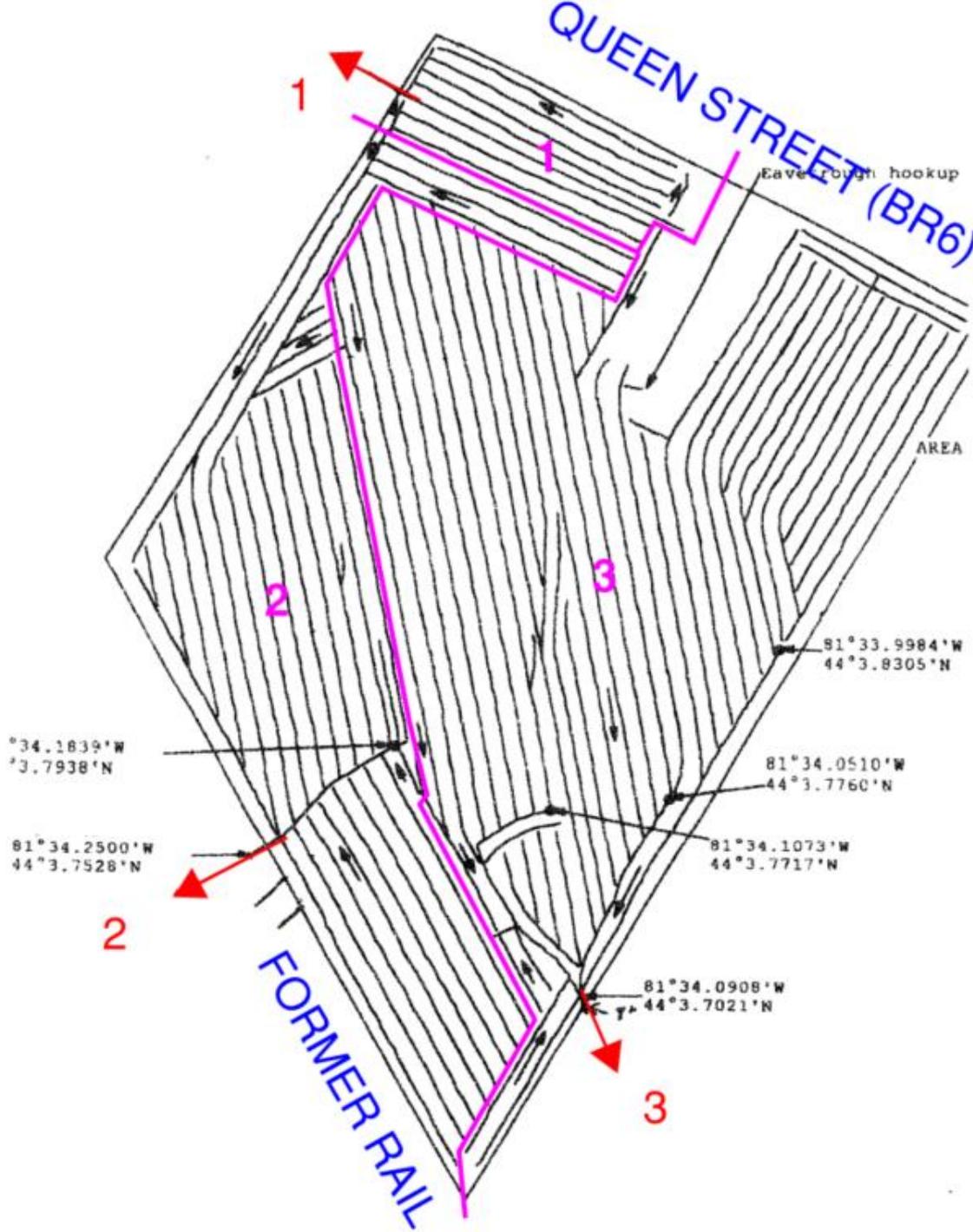
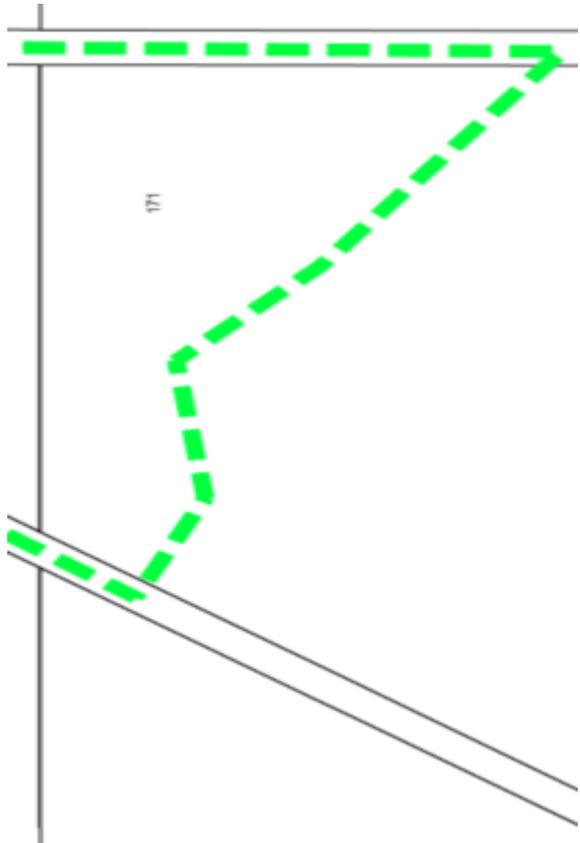
L. & B. Beishuizen Property

- (Roll No. 02-108-00), property #171.
- Concession 7, Pt. Lot 13, Farm tax class.
- This property is classed as rural agricultural with a land use factor of 1.0x for OUTLET assessment.
- Surface (0.5x) and sub-surface water (0.5x) are both assessed to the Park Street MD for the full affected area (**7.01 ha. (17.3 ac.)**).
- **Equivalent area = 7.01 ha. in Section F0 at 1.0x ag.**
- **Sections:**
 - Fair MD – Section F0

L. & B. Beishuizen Property

- A tile map was provided by the owner following the mailing of the report. We were not contacted by the landowner prior to this point. Therefore, the Engineer is asking the Court to modify the assessment at this time.
- **Tile map shows ap. 5.25 ha. is drained out through sub-surface drainage.**
- **1.76 ha.** remains tiled into watershed (0.5x sub-surface).
- **7.01 ha.** surface water remains in watershed (0.5x surface).

L. & B. Beishuizen Property





L. & B. Beishuizen Property



← 3280 Bruce Rd 6

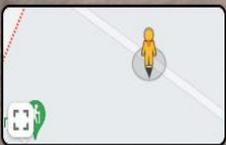
Ripley, Ontario

Google Street View

Aug 2009

L. & B. Beishuizen Property

Private Tile



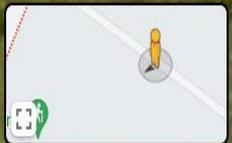
Google



← 3280 Bruce Rd 6
Ripley, Ontario
Google Street View
Aug 2009

L. & B. Beishuizen Property

Private Tile



Google



L. & B. Beishuizen Property

Report Assessment:

1) Fair MD – Section F0:

- OUTLET – (\$600 Outlet, non-grantable) - 7.01 EQ ha.
- OUTLET – (\$3,190 Outlet, grantable) - 7.01 EQ ha.

2) Total Assessment: \$3,790

- *Less: \$1,063 Grant, no allowances.*
- **\$2,727 NET Assessment.**

L. & B. Beishuizen Property

PROPOSED Assessment:

(EQ ha. Reduced from 7.01 to 4.39)

1) Fair MD – Section F0:

- OUTLET – (\$380 Outlet, non-grantable) – 4.39 EQ ha.
- OUTLET – (\$2,030 Outlet, grantable) – 4.39 EQ ha.

2) **Total Assessment: \$2,410**

- *(Was \$3,790, Reduced by \$1,380)*
- *Less: \$677 Grant, no allowances.*
- **\$1,733 NET Assessment.** *(Was \$2,727).*

Assessments (Background Information)

Benefit Assessment

Section 22 of the Drainage Act states:

“Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works **may be assessed for benefit**. R.S.O. 1990, c. D.17, s.22”

➤ Properties are typically assessed for benefit if the drain construction:

- Provides a direct **Connection** (for tile or surface flows);
- **Protects** a property from potentially harmful flows;
- **Increases** property value.



Direct connection of a Private Tile

Outlet Liability Assessment

- **All** properties within a watershed are assessed for outlet liability.
 - Depends on land type and where your property drains to

Affected Hectares

Actual Area in the Watershed



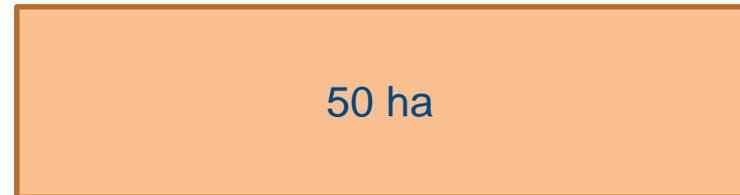
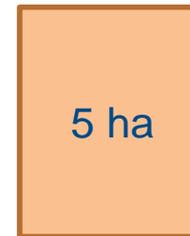
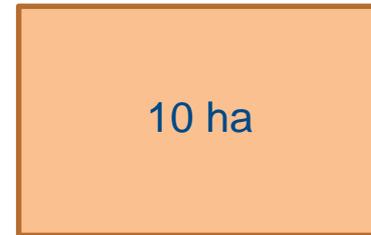
Factor = 1.0

Factor ~ 0.5

Factor ~ 5.0

Equivalent Hectares

Used in Outlet Assessment Calculations



Special Assessments

Roads and Utilities

Section 26 of the Act states:

“...a public utility or road authority...shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority.”

Example of a Road Crossing

Road Authority Pays as a Special Assessment:

20 m Road Crossing (Bore Pipe + Catchbasins)	\$20,000
LESS 20 m Equivalent Drain through Field (Concrete Tile)	(\$1,000)
	<hr/>
	\$19,000

Upstream Landowners Pay:

\$1,000

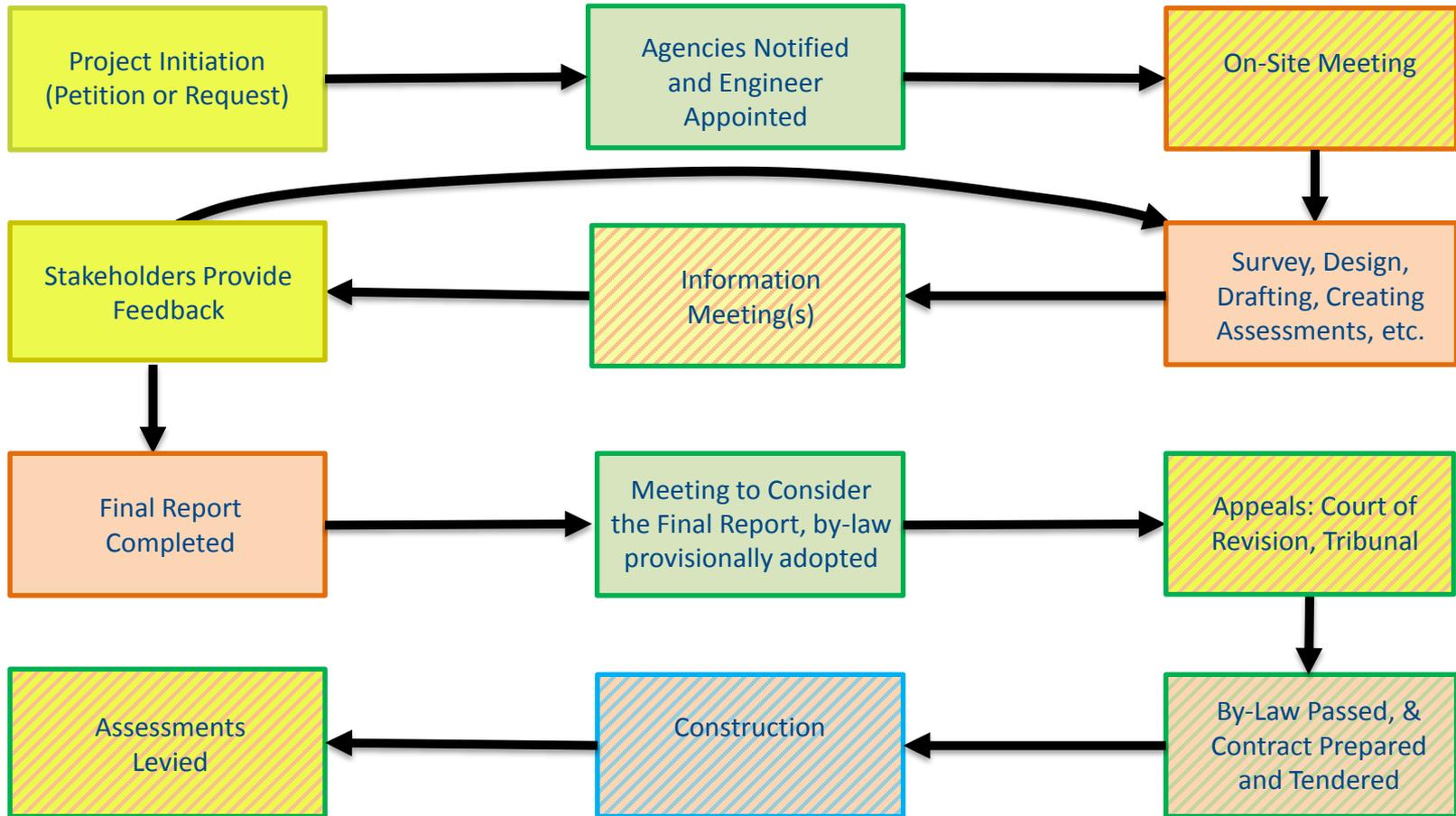


Provincial Grants

- Assessments on land used for agriculture (***Farm Tax Class***) may be eligible for grants through OMAFRA.
- Grant rate in southern Ontario is 1/3 of the assessment on the property for typical Municipal Drainage projects.
- *Drain enclosures and properties with an approved development plan are NOT eligible for ADIP grant.*

Next Steps

From this point on what are the “next steps” in the process under the Act?



Engineer Task



Stakeholder Involvement



Township/ Municipality Task



Contractor Task

Questions?

If you have any questions or concerns, you can always email or call us:

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Township of Huron-Kinloss

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