

**Agriculture, Food and Rural Affairs
Appeal Tribunal**
1 Stone Road West
Guelph, Ontario N1G 4Y2
Tel: (519) 826-3433, Fax: (519) 826-4232
Email: AFRAAT@ontario.ca

**Tribunal d'appel de l'agriculture, de
l'alimentation et des affaires rurales**
1 Stone Road West
Guelph (Ontario) N1G 4Y2
Tél.: (519) 826-3433, Téléc.: (519) 826-4232
Courriel: AFRAAT@ontario.ca



FILE NO.: 015BruceBeach21

DATE: 2022/03/03

IN THE MATTER OF THE *DRAINAGE ACT*, R.S.O. 1990, CHAPTER D.17, AS AMENDED.

AND IN THE MATTER OF an appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal ("Tribunal") by **Gary and Karen Pollack and Mark and Samira Gancevich** under section 54 of the *Drainage Act* with respect to the **Bruce Beach Municipal Drain, Phase 1** in the Township of Huron-Kinloss.

AND IN THE MATTER OF an electronic hearing to be held pursuant to Rule 18 of the Tribunal's Rules of Procedure.

BETWEEN:

Gary and Karen Pollock

) Self-Represented

Mark and Samira Gancevich

) Represented by Carolina Campos

)
)
) Appellants)

– and –

The Township of Huron-Kinloss

)
)
) Respondent)

) Represented by Paul Courey

AMENDED NOTICE OF ELECTRONIC HEARING

TAKE NOTICE of the Electronic Hearing to be held by the Agriculture, Food and Rural Affairs Appeal Tribunal in this matter at **10:00 a.m. on Wednesday, March 23 and Thursday, March 24, 2022** by way of video conference. This Electronic Hearing will be held subject to Rule 18 of the Tribunal's Rules of Procedure.

To participate in this hearing, please accept the Zoom meeting calendar appointment with connection instructions. The calendar appointment will be sent to the named parties and representatives; any member of the public who wishes to observe the hearing should contact the Tribunal Coordinator at (226) 962-2175 or via email at tania.meresz@ontario.ca. The hearing is open to the public.

AND FURTHER TAKE NOTICE THAT the Tribunal has ordered that:

- 1) By **March 9, 2022** the **parties shall deliver to the clerk of the Tribunal** (the clerk of the Municipality is the clerk of the Tribunal), **and to each other party** (see addresses on last page of this notice), **in the format provided for in the Procedural Order** all relevant documentary evidence including a signed witness statement for each witness the party intends to call at the hearing or, if a witness statement is not available for a witness, a written summary of the evidence to be given by the witness and other materials of any kind whatsoever intended to be relied upon at the hearing. At the same time the parties shall deliver the said documents, exclusive of any witness statements, to the Tribunal Coordinator. The presentation of the parties may be included if desired.
- 2) The clerk of the Tribunal (the clerk of the Municipality is the clerk of the Tribunal) shall make the documents described in point 1 available for review in the municipal offices. Copies may be made for parties and members of the general public by the Municipality, if requested.

AND FURTHER TAKE NOTICE THAT if you do not attend at this Hearing, the Tribunal may proceed in your absence and you will not be entitled to any further notice in the proceedings.

The notice of appeal is regarding the decision of the Court of Revision and may result in the Tribunal ordering a change in the assessments proposed in the report. Accordingly, the Tribunal has made an order adding as parties to the appeals filed, all persons assessed in the engineer's report. As a party you may wish to attend the hearing and participate.

AND FURTHER TAKE NOTICE THAT if you are a participant in this proceeding and have specific accommodation needs due to a disability, please contact the Tribunal Coordinator at (226) 962-2175 at least ten business days before the hearing.

AND FURTHER TAKE NOTICE THAT decisions of the Tribunal are a matter of public record and available on the CanLII website at the following internet link www.canlii.ca/en/on/onafraat/, or upon request to the Tribunal.

AND FURTHER TAKE NOTICE THAT a Procedural Order dealing with the specifics of the video conference hearing will be issued by the Tribunal.

IF YOU WISH TO ACTIVELY PARTICIPATE in this hearing and have not been named as a party, OR if you have any questions concerning this hearing, please contact the Tribunal Coordinator at (226) 962-2175 or via email at tania.meresz@ontario.ca.

Tania Meresz

Tania Meresz
Tribunal Coordinator

Dated at Guelph, Ontario this 3rd day of March 2022

TO:

Mark and Samira Gancevich
54 Golf View Place
Kitchener, ON N2M 2Y2
c/o Carolina Campos
Email: Carolina.Campos@gowlingwlg.com

AND TO:

Gary and Karen Pollock
2086 Liverpool Road N.
Pickering, ON L1X 1C9
Email: pollocks@sympatico.ca

AND TO:

Emily Dance, Clerk
Township of Huron-Kinloss
21 Queen Street - P.O. Box 130
Ripley, ON N0G 2R0
Email: edance@huronkinloss.com

AND TO:

Paul Courey
The Law Offices of O'Brien, Courey & Miller
18 Queen St. S., Box 178
Tilbury, ON N0P 2L0
Email: paul@ocmlaw.ca

AND TO:

Stephen Brickman, P.Eng.
Project Engineer and Manager
Headway Engineering
23-500 Fairway Road South - Suite 308
Kitchener, ON N2C 1X3
Email: stephen.brickman@headwayeng.ca

AND TO:

All persons assessed or compensated in the engineer's report receive a copy of this Order.