



**COURT OF REVISION - AGENDA**  
**Pursuant to the Drainage Act, R.S.O. 1990**

**Monday, April 23, 2018, 6:45 PM**

**Council Chambers**

**2021 Division Road N**

**Kingsville, Ontario N9Y 2Y9**

**Pages**

**A. OPENING COURT OF REVISION**

**B. DISCLOSURE OF PECUNIARY INTEREST**

When a member of the Court has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Court of Revision (or that was the subject of consideration at the previous Court of Revision at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

**C. BRIDGE OVER THE LOYST DRAIN (Replacement Bridge for Todd Porter and Monica Totten, Part Lot 264, Concession N.T.R., Geographic Township of Gosfield North)**

**1**

**Rood Engineering Inc., Consulting Engineers Project 2016D049**

*Gerard Rood, P. Eng., and Ken Vegh, Drainage Superintendent*

i) Notice of Sitting of Court of Revision, dated April 5, 2018;

ii) Excerpt of the Report Consideration Minutes, dated March 26, 2018;

iii) By-law 25-2018 with attached Schedule of Assessment, provisionally adopted on March 26, 2018

**1. ORDER OF APPEALS OF ASSESSMENTS**

**10**

The following Notice Of Appeal to the Court of Revision filed with the Clerk will be heard:

i) **Henry Armstrong and Linda Armstrong** (Parcel Roll No. 420-02450); Grounds for Appeal - Assessment may be too high based on Peralta Eng. Assessment to Upcott Drain. Our cost per acre higher than others?

D. DECISION OF THE COURT OF REVISION

E. CLOSE COURT OF REVISION

F. ADJOURNMENT



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Notice of Sitting of Court of Revision**  
*Drainage Act, R.S.O. 1990, c. D. 17, subs. 46(1) and (2)*

**Re: Loyst Drain**

Take notice that your property is assessed for the construction and/or improvement of the above mentioned drainage works under section 78 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer's report. Details of your assessment are contained in the engineer's report dated January 9<sup>th</sup>, 2018, which has been previously sent to you or is available at the municipal office.

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the **attention of the Clerk**, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

**Monday, April 23<sup>rd</sup>, 2018 at 6:45 p.m.**  
**Town of Kingsville Municipal Office**  
**2021 Division Road North, Kingsville**

DATED at the Town of Kingsville the 5<sup>th</sup> day of April, 2018.

*Ken Vegh*

**Ken Vegh, CRS**  
Drainage Superintendent  
Municipal Services Department  
The Corporation of the Town of Kingsville

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act, R.S.O. 1990, c. D. 17, subs. 47(1) and 48(1)*.

The Corporation of the Town of Kingsville

Excerpt from the Regular Meeting of Council Minutes held March 26, 2018

**F. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--ENGINEER'S REPORT CONSIDERATION--LOYST DRAIN**

G. Rood, P. Eng. and K. Vegh, Drainage Superintendent were in attendance.

i) Notice of Meeting to Consider the Engineer's Report, dated February 23, 2018;

ii) Report of Rood Engineering Inc. dated January 9, 2018 RE: Loyst Drain (Replacement Bridge for Todd Porter and Monica Totten); Part of Lot 264, Concession N.T.R., Geographic Township of Gosfield South;

iii) Proposed By-law 25-2018, being a by-law to provide for the construction of a replacement bridge over the Loyst Drain; Owner: Todd Porter and Monica Totten (590-07500) in the Town of Kingsville, in the County of Essex

Engineer Rood presented a summary of the Report to Council. He indicated the Town received questions from Henry Armstrong and Linda Armstrong (420-02450), that Mr. and Mrs. Armstrong's questions were responded to, and that they had no further questions or concerns with respect to the Report.

Comments from property owners:

Ms. Monica Totten inquired as to the timeline for completion of this project indicating that their home's roof is in need of replacement and workers will not drive their trucks over the bridge in its present condition. Drainage Superintendent Vegh explained the timelines in accordance with the *Drainage Act*, and suggested that the construction of the bridge might be able to be commenced in early May of 2018.

There were no other questions or comments from anyone in attendance.

**233-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council adopt Engineer's Report dated January 9, 2018 for the Loyst Drain (Replacement Bridge for Todd Porter and Monica Totten; Part Lot 264, Concession N.T.R.; Rood Engineering Inc. Project 2016D049); read By-law 25-2018 being a by-law to provide for the construction of a replacement bridge over the Loyst Drain a first and second time, and schedule Court of Revision for a future date.

**CARRIED**



THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 25-2018

*Being a by-law to provide for the construction of  
a replacement bridge over the Loyst Drain  
Owner: Todd Porter & Monica Totten [590-07500]  
in the Town of Kingsville, in the County of Essex*

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78 of the *Drainage Act* for the bridge construction over the Loyst Drain;

AND WHEREAS the report dated January 9<sup>th</sup>, 2018 has been authored by Gerard Rood, P. Eng. and the attached report forms part of this by-law;

AND WHEREAS \$26,900.00 is the amount to be contributed by the Town of Kingsville for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Town of Kingsville may borrow on the credit of the Corporation the amount of \$26,900.00 being the amount necessary for the completion of the drainage works.

3. DEBENTURES

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- a) Grants received under section 85 of the *Drainage Act*;
- b) Monies paid as allowances;
- c) Commuted payments made in respect of lands and roads assessed with the municipality;
- d) Money paid under subsection 61(3) of the *Drainage Act*; and
- e) Money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- 1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) after the passing of this by-law.
- 2) For paying the amount \$26,900.00 being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Town of Kingsville in each year for 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) after the passing

of this by-law to be collected in the same manner and at the same time as other taxes collected.

3) All assessments of \$100.00 or less are payable in the first year in which the assessments are imposed.

**5. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

Loyst Drain  
Town of Kingsville

**SCHEDULE OF ASSESSMENT**

**LOYST DRAIN**

**Porter & Totten Bridge**

**Town of Kingsville**

**3. MUNICIPAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aff'd	Acres Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
		County Road 34		2.430	6.00	County of Essex	\$ -	\$ 864.00	\$ -	\$ 864.00
		North Talbot Road		4.320	10.67	Town of Kingsville	\$ -	\$ 1,538.00	\$ -	\$ 1,538.00
		Inman Side Road		1.100	2.72	Town of Kingsville	\$ -	\$ 392.00	\$ -	\$ 392.00
		Road 7 East		0.150	0.37	Town of Kingsville	\$ -	\$ 53.00	\$ -	\$ 53.00
		Road 6 East		0.485	1.20	Town of Kingsville	\$ -	\$ 173.00	\$ -	\$ 173.00
<b>Total on Municipal Lands</b>							<b>\$ -</b>	<b>\$ 3,020.00</b>	<b>\$ -</b>	<b>\$ 3,020.00</b>

**4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aff'd	Acres Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00520	STR	Pt Lot 259	0.89	0.360	0.89	Andreas & Elvira Miller	\$ -	\$ 36.00	\$ -	\$ 36.00
410-00650	STR	Pt Lot 260	1.14	0.461	1.14	Dale Chen	\$ -	\$ 43.00	\$ -	\$ 43.00
420-00700	NTR	Pt Lot 259	1.69	0.684	1.69	Ronald & Emily Hicks	\$ -	\$ 55.00	\$ -	\$ 55.00
420-00901	NTR	Pt Lot 260	1.10	0.445	1.10	Heinrich & Helena Redecop	\$ -	\$ 42.00	\$ -	\$ 42.00
420-02500	NTR	Pt Lot 263	0.48	0.194	0.48	Frank Shepley & Judith Pfohl	\$ -	\$ 45.00	\$ -	\$ 45.00
420-02701	NTR	Pt Lot 262	0.86	0.348	0.86	Chad & Sonya Bedal	\$ -	\$ 70.00	\$ -	\$ 70.00
420-02900	5	Pt Lot 16	2.00	0.809	2.00	Jack & Cheryl Robinson	\$ -	\$ 121.00	\$ -	\$ 121.00
480-00270	6	Pt Lot 16	0.55	0.223	0.55	Douglas & Ruby Cowell	\$ -	\$ 49.00	\$ -	\$ 49.00
480-00510	6	Pt Lot 16	0.46	0.186	0.46	Brian & Sharon Haggins	\$ -	\$ 45.00	\$ -	\$ 45.00
590-07500	NTR	Pt Lot 264	0.28	0.057	0.14	Todd Porter & Monica Totten	\$ 9,873.00	\$ 15.00	\$ -	\$ 9,888.00
<b>Total on Privately Owned - Non-Agricultural Lands</b>							<b>\$ 9,873.00</b>	<b>\$ 521.00</b>	<b>\$ -</b>	<b>\$ 10,394.00</b>



Loyst Drain  
Town of Kingsville

5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):

Tax Roll No.	Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aftfd	Acres Aftfd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00400	STR	Pt Lot 259	49.80	10.117	25.00	Juhus & Mantha Iles	\$ -	\$ 328.00	\$ -	\$ 328.00
410-00600	STR	Pt Lot 260	65.95	20.234	50.00	Hillside Hothouse Limited	\$ -	\$ 655.00	\$ -	\$ 655.00
410-00800	STR	Pt Lot 260	53.95	3.237	8.00	John & Linda Upcott	\$ -	\$ 105.00	\$ -	\$ 105.00
420-00600	NTR	Pt Lot 259	50.00	4.047	10.00	John Sinclair	\$ -	\$ 131.00	\$ -	\$ 131.00
420-00800	NTR	Pt Lot 259 & 260	125.29	42.221	104.33	Richard & Jennifer Hicks	\$ -	\$ 1,708.00	\$ -	\$ 1,708.00
420-00900	NTR	Pt Lot 260 & 261	49.00	18.656	46.10	Gordon Daniher	\$ -	\$ 604.00	\$ -	\$ 604.00
420-01000	NTR	Pt Lot 261	21.00	6.475	16.00	John & Linda Upcott	\$ -	\$ 210.00	\$ -	\$ 210.00
420-01100	NTR	Pt Lot 261	59.01	9.915	24.50	Jeffrey & Stewart Stevenson	\$ -	\$ 321.00	\$ -	\$ 321.00
420-01200	NTR	Pt Lot 261	115.00	32.375	80.00	Roger & Bonita Moore	\$ -	\$ 1,048.00	\$ -	\$ 1,048.00
420-02400	NTR	Pt Lot 263	47.90	4.280	10.58	Kelly Armstrong	\$ -	\$ 277.00	\$ -	\$ 277.00
420-02450	NTR	Pt Lot 263	49.42	20.000	49.42	Linda & Henry Armstrong	\$ -	\$ 1,295.00	\$ -	\$ 1,295.00
420-02600	NTR	Pt Lot 262	50.00	10.522	26.00	James Stevenson	\$ -	\$ 681.00	\$ -	\$ 681.00
420-02700	NTR	Pt Lot 262	49.14	10.578	26.14	Wanda Stevenson	\$ -	\$ 685.00	\$ -	\$ 685.00
420-02800	5	Pt Lot 16	16.60	6.718	16.60	Faye DeVries	\$ -	\$ 435.00	\$ -	\$ 435.00
420-03000	5	Pt Lot 17	92.26	6.455	15.95	Delellis Farms Limited	\$ -	\$ 418.00	\$ -	\$ 418.00
480-00300	6	Pt Lot 16	55.94	5.145	12.71	Douglas & Ruby Cowell	\$ -	\$ 333.00	\$ -	\$ 333.00
480-00400	6	Pt Lot 16	39.60	4.047	10.00	405851 Ontario Limited	\$ -	\$ 262.00	\$ -	\$ 262.00
480-00500	6	Pt Lot 16	49.54	5.463	13.50	Raymond & Brian Haggins	\$ -	\$ 354.00	\$ -	\$ 354.00
590-00100	NTR	Pt Lot 264	72.75	10.927	27.00	Thomas & Carole Boyd	\$ -	\$ 707.00	\$ -	\$ 707.00
590-00300	NTR	Pt Lot 264	45.90	3.238	8.00	Gordon Daniher	\$ -	\$ 210.00	\$ -	\$ 210.00
590-07600	NTR	Pt Lot 264	26.55	8.596	21.24	Patrick Gaspar	\$ -	\$ 557.00	\$ -	\$ 557.00
590-07700	NTR	Pt Lot 264	51.30	20.760	51.30	Robert Boyd	\$ -	\$ 1,344.00	\$ -	\$ 1,344.00
Total on Privately Owned - Agricultural Lands (grantable)							\$ -	\$ 12,668.00	\$ -	\$ 12,668.00

Loyst Drain  
Town of Kingsville

5. PRIVATELY OWNED - AGRICULTURAL LANDS (non-grantable):

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Affid	Acres Affid	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00510	STR	Pt Lot 259	48.85	19.769	48.85	John & Jennifer Fittler	\$ -	\$ 640.00	\$ -	\$ 640.00
480-00301	6	Pt Lot 16	29.4	2.746	6.79	Richard & Debra Cowell	\$ -	\$ 178.00	\$ -	\$ 178.00
Total on Privately Owned - Agricultural Lands (non-grantable).....							\$ -	\$ 818.00	\$ -	\$ 818.00
TOTAL ASSESSMENT							\$ 9,873.00	\$ 17,027.00	\$ -	\$ 26,900.00

1 Hectare = 2.471 Acres  
Project No REI2016D049  
January 9th, 2018

**6. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "Bridge over the Loyst Drain – Todd Porter & Monica Totten [590-07500]" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 26<sup>th</sup> DAY OF MARCH, 2018.**

  
\_\_\_\_\_  
MAYOR, Nelson Santos

  
\_\_\_\_\_  
CLERK, Jennifer Astrologo

**READ A THIRD TIME AND FINALLY PASSED THIS      DAY OF  
2018.**

\_\_\_\_\_  
MAYOR, Nelson Santos

\_\_\_\_\_  
CLERK, Jennifer Astrologo

April 13 2018

Ken Vagh # CLERK

April 12, 2018

Ken, I received your notice of  
the court of revisions meeting  
re. THE LOYST DRAIN.

AGAIN A question the amount of acreage  
assessed to this drain as it does not  
agree with the assessment by  
Perotta Eng. and assessment to the  
Upcott drain.

also A question the different assessments  
per acre

Henry Cunningham

**Notice of Appeal to Court of Revision**  
 Drainage Act, R.S.O. 1990, c. D.17, subs. 52(1) and 76(4)

To: The Clerk of the Corporation of the TOWN of KINGSVILLE

Re: LOYST DRAIN  
 (Designation of drainage works)

Take notice that I/we, an owner or owners of land assessed for the above-mentioned drainage works, appeal to the Drainage Court of Revision under:

- Section 52 (1) for the construction or improvement of a drain; or
- Section 76 (4) for the development of a new assessment schedule for the drain on the grounds that:
- My/our land has been assessed too high;
  - My/our land has been assessed too low;
  - Other land or road has been assessed too high;
  - Other land or road has been assessed too low;
  - Other land or road that should have been assessed has not been assessed;
  - Due consideration has not been given as to type of use of land.

Include Details of Appeal (attach additional pages if needed):  
ASSESSMENT MAY BE TOO HIGH BASED ON PERALTA ENG ASSESSMENT TO UPGRADE DRAIN? OUR COST PER ACRE HIGHER THAN OTHERS?

**Property Owners Appealing to Court of Revision**

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.
- If appealing to Court of Revision regarding multiple properties, attach additional page with property information.

Property Description <u>NTR R/L LOT 263 49.42 ACRES</u>	
Ward or Geographic Township <u>KINGSVILLE</u>	Parcel Roll Number <u>420-02450</u>

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Court of Revision.

**Partnership**

**Partnership** (Each partner in the partnership must complete this section).

Name (Last Name, First Name)	Signature	Date (yyyy/mm/dd)
<u>ARMSTRONG, LINDA</u>	<u>Linda Armstrong</u>	<u>2018/04/13</u>
<u>ARMSTRONG HENRY</u>	<u>Henry Armstrong</u>	<u>2018/04/13</u>

Enter the mailing address and primary contact information of property owner below:

Last Name <b>ARMSTRONG</b>		First Name <b>HENRY</b>		Middle Initial <b>E</b>
Mailing Address				
Unit Number <b>2639</b>	Street/Road Number	Street/Road Name <b>SOUTH MIDDLE ROAD</b>		PO Box
City/Town <b>WOODSLEE</b>			Province <b>ONT.</b>	Postal Code <b>NOR-1V0</b>
Telephone Number [REDACTED]	Cell Phone Number (Optional) [REDACTED]	Email Address (Optional) [REDACTED]		

To be completed by recipient municipality:

Notice filed this 19 day of April 20 18

Name of Clerk (Last Name, First Name) <b>ASTROLOGO, JENNIFER</b>	Signature of Clerk 
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