



7 August 2014

Dear landowner:

Re: Arbuckle Municipal Drain – Results of the Meeting to Consider the Engineer’s Report and Rights of Appeal under the Drainage Act

On July 9, 2014, the Council of the City of Ottawa, met to consider the Engineer’s Report for the Arbuckle Municipal Drain dated February 2010 (the “Engineer’s Report”).

Council decided to adopt the Engineer’s Report and, as required under the Drainage Act, gave 1st and 2nd reading to the By-law to provide for the construction and future maintenance of the drainage works. The By-law will receive 3rd and final reading only after the completion of any appeals filed under the Drainage Act. The drainage works under the Engineer’s Report will not be constructed until the By-law receives 3rd and final reading.

In addition to adopting the Engineer’s Report, City Council passed a motion regarding the payment of the costs of the drainage works to be constructed under the Engineer’s Report. A copy of the motion that City Council carried on July 9, 2014, is enclosed.

As a result of this motion, all of the costs of construction of the drainage works will be paid by Mattamy (Jock River) Limited, Richmond Village (North) Ltd., Richmond Village (South) Ltd. (the “Three Companies”), and the City of Ottawa.

As only the Three Companies and the City of Ottawa are now responsible for the payment of the costs of construction of the drainage works, the Drainage Engineer, Robinson Consultants Inc., has prepared an additional schedule of assessment to the Engineer’s Report that shows the breakdown of the costs of construction of the Arbuckle Municipal Drain.

A copy of “Schedule 1 –Distribution of costs for the construction of all sections of the Arbuckle Municipal Drain” dated July 30, 2014 is enclosed.

The first sitting of the Court of Revision for the Arbuckle Municipal Drain will be held on September 4, 2014. An information package pertaining to the Court of revision is enclosed.

Revision under Subsection 52 (1) of the Drainage Act because the Court of Revision only hears appeals or complaints on amounts of assessments.

Although there may be no need for you to file an appeal to the Court of Revision under Subsection 52(1) of the Drainage Act - as a result of the motion carried by Council on July 9, 2014 - you may still wish to file an appeal under the Drainage Act if you are dissatisfied with other aspects of the Engineer's Report.

The following are the grounds for appeals that don't involve a complaint about the amount of an assessment:

- An owner of land affected by the drainage works is dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of the Drainage Act.

If this is the ground for complaint then you should file an appeal to the Referee under Subsection 47(1) of the Drainage Act.

- An owner of land affected by the drainage works is dissatisfied with the report on the grounds that,
 - (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
 - (b) the drainage works should be modified on grounds to be stated;
 - (c) the compensation or allowance or allowances provided by the engineer are inadequate or excessive; or
 - (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed.

For any of the above grounds of complaint, you should file an appeal to the Tribunal under Subsection 48(1) of the Drainage Act.

The date by which you must file an appeal under Subsection 47(1) or Subsection 48(1) of the Drainage Act is **September 16, 2014**, because the Notice of the First Sitting of the Court of Revision was sent out on August 7, 2014.

A sample form of notice for an appeal under each of Subsection 47(1) and 48(1) is enclosed.

These forms are samples only. Owners of land wishing to file appeals under the *Drainage Act* may use the enclosed sample forms or any other form of written notice.

If you require any information before the said meeting please contact the undersigned at 613-580-2424 extension 25106.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ryan".

Dave Ryan
Drainage Superintendent
City of Ottawa

cc: Andy Robinson, P. Eng, Robinson Consultants Inc.
Councillor Scott Moffatt, Ward 21 Rideau-Goulbourn

List of enclosures:

1. Motion carried by City Council on July 9, 2014
2. Provisional By-law that received 1st and 2nd readings by City Council on July 9, 2014
3. Schedule 1 – Distribution of costs for the construction of all sections of the Arbuckle Municipal Drain dated July 30, 2014
4. Notice of First Sitting of Court of Revision sent August 7, 2014
5. Sample Notice of Appeal to the Referee
6. Sample Notice of Appeal to the Tribunal
7. Sample Notice of Appeal to the Court of Revision

MOTION

Moved by Councillor S. Moffatt

Seconded by Councillor T. Tierney

WHEREAS the proposed Arbuckle Drain is before Council for first and second reading; and

WHEREAS the drainage works to be completed through the proposed Arbuckle Drain will address erosion concerns resulting from existing development as well as accommodating growth, subject to such growth controlling stormwater flows; and

WHEREAS, the developers are prepared to share the costs of the proposed Arbuckle Drainage Works with the City, subject to such share being capped at approximately 50% (\$240,000) of the estimated cost of the works (\$481,714); and

WHEREAS there is existing budgetary authority for the City to finance the balance of the works;

THEREFORE BE IT RESOLVED that Council approve that, subject to Mattamy (Jock River) Limited, Richmond Village (North) Ltd and Richmond Village (South) Ltd agreeing to pay 50% of the cost of the Arbuckle Drainage Works, to a maximum of \$240,000, the balance of the cost of the works shall be paid by the City.

CARRIED

BY-LAW NO. 2014 -

A by-law of the City of Ottawa to provide for the construction of drainage works in the City of Ottawa and the future maintenance of drainage works in the City of Ottawa to be known as the Arbuckle Municipal Drain.

WHEREAS drainage works commonly known as the Arbuckle Award Ditch were constructed in late 1800's and the City of Ottawa does not have the ability to maintain the existing drainage works in accordance with the provisions of the *Drainage Act*, R.S.O. 1990, c. D.17, as amended (the "*Drainage Act*");

AND WHEREAS six individuals purporting to own land within the southwest quadrant of Perth Street and Fortune Street in the City of Ottawa, petitioned the City of Ottawa under section 4 of the *Drainage Act*, , requesting that the lands described in the Petition For Drainage Works By Owners may be drained by means of drainage works under the *Drainage Act*,

AND WHEREAS a drainage engineer, Robinson Consultants Inc., was appointed on March 8, 2006 by the Council of the City of Ottawa under Section 8 of the *Drainage Act* to prepare an engineer's report for the area requiring drainage, being parts of Lots 19 to 23, Concession III, geographic Township of Goulbourn, part of Lot 20 and Lot 22, Concession II, geographic Township of Goulbourn, and part of the tributary area defined by the Van Gaal Municipal Drain Report, Robinson Consultants Inc., 2003;

AND WHEREAS a report entitled *Engineer's Report, Arbuckle Municipal Drain, Modifications and Improvements, Goulbourn Ward*, dated February 2010, was prepared by Robinson Consultants Inc. (the "Engineer's Report") and the report is attached hereto as Schedule "A";

AND WHEREAS on March 25, 2010 the Agriculture and Rural Affairs Committee of the City of Ottawa carried an amended report recommendation referring the Engineer's Report back to the drainage engineer pursuant to Section 57 of the *Drainage Act* so that the drainage engineer could reconsider the report and report back to the Agriculture and Rural Affairs Committee and Council as to whether the drainage works defined in the Engineer's Report as the Moore Branch may be removed for the drainage works to be constructed;

AND WHEREAS the drainage engineer reported back to the Agriculture and Rural Affairs Committee on May 5, 2014 that, in the event that the drainage engineer receives a letter requesting removal of the drainage works for the Moore Branch (as defined in the February, 2010 Engineer's Report), then the Moore Branch works may be removed from the works to be constructed as the Moore Branch works are no longer considered to be required on the basis that other measures will be implemented to provide the required drainage, and impractical on the basis that the Moore Branch works may hinder the development of some of the affected lands with regard to the required setbacks and lands used in the construction of the drain;

AND WHEREAS the drainage engineer reported back to the Agriculture and Rural Affairs Committee on May 5, 2014 that the drainage engineer did not receive a letter or email requesting removal of the drainage works for the Moore Branch (as defined in the February, 2010 Engineer's Report);

AND WHEREAS the Arbuckle Municipal Drain, after it is constructed in accordance with the Engineer's Report will be located entirely within the City of Ottawa and pursuant to section 74 of the of the *Drainage Act* the City of Ottawa is responsible to attend to the required future maintenance and repair;

AND WHEREAS the estimated total cost associated with the construction, engineering, contract administration, allowances, report and contingencies of the drainage works is \$481,713.75, as set out in *Table 8.1 Cost Estimate* of the Engineer's Report;

AND WHEREAS \$130,043.45 is the amount to be charged to the City of Ottawa for the construction of the drainage works, as set out in *Table 8.1 Cost Estimate* of the Engineer's Report;

AND WHEREAS the remaining cost of the construction of the drainage works, \$351,670.30, is to be charged to the landowners in the drainage basin as set out in *Table 8.1 Cost Estimate* and Schedule A, Summary for the Construction of Sections of the Arbuckle Municipal Drain of the Engineer's Report;

AND WHEREAS on May 14, 2014 Council of the City of Ottawa adopted the Engineer's Report so that Council is now required under Section 45 of the *Drainage Act* to give a by-law two readings so that the Engineer's Report shall be deemed to be adopted and the by-law known as a provisional by-law ;

THEREFORE the Council of the City of Ottawa enacts as follows:

1. The report attached hereto as Schedule "A" entitled *Engineer's Report, Arbuckle Municipal Drain, Modifications and Improvements, Goulbourn Ward*, dated February 2010 is hereby adopted and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the City of Ottawa may borrow on the credit of the Corporation the amount of \$481,713.75 being the amount necessary for construction of the drainage works.

3. The Corporation of the City of Ottawa may arrange for the issue of debentures on its behalf for the amount borrowed less the total amount of:

- (a) grants received under Section 85 of the Act;
- (b) commuted payments made in respect of lands and roads assessed within the municipality;
- (c) money paid under Subsection 61(3) of the *Drainage Act*, and
- (d) money assessed in and payable by another municipality,

and such debentures shall be made payable within ten (10) years from the date of the debenture and shall bear interest at a rate to be set by the City of Ottawa.

4. Of the \$130,043.45 to be charged to the City of Ottawa for the construction of the drainage works, the sum of \$34,151.86 is assessed for special benefit.

5. The remaining cost of the construction and future maintenance of the drainage works shall be charged to the owners of the lands in the area requiring drainage as determined by the drainage engineer in accordance with Schedule A,

Summary for the Construction of Sections of the Arbuckle Municipal Drain, of the Robinson Consultants Inc., Consulting Engineer's Report dated February 2010.

6. All net assessments of \$1,000.00 or less are payable in the first year in which the assessment is imposed.

7. This by-law comes into force on the passing thereof and may be cited as the "Arbuckle Municipal Drain By-law, 2014".

ENACTED AND PASSED this day of 2014

CITY CLERK

MAYOR

BY-LAW NO. 2014 -

-0-

A by-law of the City of Ottawa to provide for the construction and future maintenance of drainage works in the City of Ottawa to be known as the Arbuckle Municipal Drain.

-0-

1st Reading..... May 14, 2014
2nd Reading..... May 14, 2014
3rd Reading..... XXXX XX, 2014

-0-

Enacted by City Council at its meeting of _____, 2014.

-0-

LEGAL SERVICES

CLC/ G04-01 ARBU

COUNCIL AUTHORITY:

The *Drainage Act*, sections 4, 40, 42, 45, 46, 52, 53, 57, 74, 78 and 84

City Council March 8, 2006

Agenda Item 10 (ARAC Report No. 17) City Council May 14, 2014

Agenda Item ____ (ARAC Report No. 40)

Robinson Consultants

**SCHEDULE 1 - DISTRIBUTION OF COSTS
FOR THE CONSTRUCTION OF
ALL SECTIONS
OF THE ARBUCKLE MUNICIPAL DRAIN**

PROJECT No.: B06005

DATE: July 30, 2014

DISTRIBUTION OF COSTS AS PER MOU AND COUNCIL REFERRAL

ROLL No.	ARE A	BENEFI T COST	OUTLE T COST	SUB- TOTAL COSTS	GRANTS	SPECIAL BENEFIT	ALLOWA NCES	TOTAL NET COSTS
	TOT AL							
0614 271810 02501	0.42	\$	\$	\$	\$	\$	\$	\$
0614 271810 02504	0.25	\$	\$	\$	\$	\$	\$	\$
0614 271810 02800	0.03	\$	\$	\$	\$	\$	\$	\$
0614 271810 06100	10.87	\$	\$	\$	\$	\$	\$	\$
0614 271810 06200	1.31	\$	\$	\$	\$	\$	\$	\$

0614 271810 06300	9.86	\$	\$	\$	\$	\$	\$	\$
0614 271810 06301	9.95	\$	\$	\$	\$	\$	\$	\$
0614 271810 06400	0.20	\$	\$	\$	\$	\$	\$	\$
0614 271810 06500	0.18	\$	\$	\$	\$	\$	\$	\$
0614 271810 06600	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06700	36.42	\$	\$	\$	\$	\$	\$	\$
0614 271810 06701	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06702	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06703	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06704	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06705	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 06800	13.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 06801	0.54	\$	\$	\$	\$	\$	\$	\$
0614 271810 06900	25.46	\$	\$	\$	\$	\$	\$	\$
0614 271810 07000	39.78	\$	\$	\$	\$	\$	\$	\$
0614 271810 07002	0.53	\$	\$	\$	\$	\$	\$	\$
0614 271810 08500	0.64	\$	\$	\$	\$	\$	\$	\$
0614 271810 08600	2.50	\$	\$	\$	\$	\$	\$	\$
0614 271810 08700	13.72	\$	\$	\$	\$	\$	\$	\$
0614 271810 08800	15.80	\$	\$	\$	\$	\$	\$	\$
0614 271810 08900	17.17	\$	\$	\$	\$	\$	\$	\$

0614 271810 09000	6.95	\$	\$	\$	\$	\$	\$	\$
0614 271810 09100	8.59	\$	\$	\$	\$	\$	\$	\$
0614 271810 09200	20.23	\$	\$	\$	\$	\$	\$	\$
0614 271810 09300	37.91	\$	\$	\$	\$	\$	\$	\$
0614 271810 09310	1.22	\$	\$	\$	\$	\$	\$	\$
0614 271810 09320	1.22	\$	\$	\$	\$	\$	\$	\$
0614 271810 09400	39.47	\$	\$	\$	\$	\$	\$	\$
0614 271810 09500	0.47	\$	\$	\$	\$	\$	\$	\$
0614 271810 09600	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 09800	0.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 09900	0.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 10000	5.87	\$	\$	\$	\$	\$	\$	\$
0614 271810 10001	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10002	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10003	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10004	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10005	29.16	\$	\$	\$	\$	\$	\$	\$
0614 271810 10006	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10007	0.81	\$	\$	\$	\$	\$	\$	\$

0614 271810 10100	0.25	\$	\$	\$	\$	\$	\$	\$
0614 271810 10200	0.20	\$	\$	\$	\$	\$	\$	\$
0614 271810 10300	0.20	\$	\$	\$	\$	\$	\$	\$
0614 271810 10400	12.69	\$	\$	\$	\$	\$	\$	\$
0614 271810 10401	0.85	\$	\$	\$	\$	\$	\$	\$
0614 271810 10402	8.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 10403	2.01	\$	\$	\$	\$	\$	\$	\$
0614 271810 10404	5.71	\$	\$	\$	\$	\$	\$	\$
0614 271810 10500	0.48	\$	\$	\$	\$	\$	\$	\$
0614 271810 10501	0.53	\$	\$	\$	\$	\$	\$	\$
0614 271810 10505	0.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10510	13.81	\$	\$	\$	\$	\$	\$	\$
0614 271810 10600	29.42	\$	\$	\$	\$	\$	\$	\$
0614 271810 10700	17.75	\$	\$	\$	\$	\$	\$	\$
0614 271810 10705	1.24	\$	\$	\$	\$	\$	\$	\$
0614 271810 10900	19.55	\$	\$	\$	\$	\$	\$	\$
0614 271810 11002	38.25	\$	\$	\$	\$	\$	\$	\$
0614 271810 12000	5.06	\$	\$	\$	\$	\$	\$	\$
0614 271810 12100	3.73	\$	\$	\$	\$	\$	\$	\$

0614 271810 12200	4.00	\$	\$	\$	\$	\$	\$	\$
0614 271810 12300	13.77	\$	\$	\$	\$	\$	\$	\$
0614 271810 12400	3.21	\$	\$	\$	\$	\$	\$	\$
0614 271810 12501	27.29	\$	\$	\$	\$	\$	\$	\$
0614 271810 12600	16.15	\$	\$	\$	\$	\$	\$	\$
0614 271810 12800	34.06	\$	\$	\$	\$	\$	\$	\$
0614 271810 13000	40.47	\$	\$	\$	\$	\$	\$	\$
0614 271810 13100	13.03	\$	\$	\$	\$	\$	\$	\$
0614 271810 13300	6.15	\$	\$	\$	\$	\$	\$	\$
0614 271810 13400	10.69	\$	\$	\$	\$	\$	\$	\$
0614 271810 13500	20.23	\$	\$	\$	\$	\$	\$	\$
0614 271810 13600	20.23	\$	\$	\$	\$	\$	\$	\$
0614 271810 13700	20.23	\$	\$	\$	\$	\$	\$	\$
0614 271810 13800	0.42	\$	\$	\$	\$	\$	\$	\$
0614 271810 13900	9.73	\$	\$	\$	\$	\$	\$	\$
0614 271810 13901	9.83	\$	\$	\$	\$	\$	\$	\$
0614 271810 14100	0.09	\$	\$	\$	\$	\$	\$	\$
0614 271810 14200	19.02	\$	\$	\$	\$	\$	\$	\$
0614 271810 14205	1.21	\$	\$	\$	\$	\$	\$	\$
0614 271810 14400	0.16	\$	\$	\$	\$	\$	\$	\$

0614 271810 14401	9.56	\$	\$	\$	\$	\$	\$	\$
0614 271810 14405	9.77	\$	\$	\$	\$	\$	\$	\$
0614 271810 14500	18.32	\$	\$	\$	\$	\$	\$	\$
0614 271810 14501	0.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 14600	2.03	\$	\$	\$	\$	\$	\$	\$
0614 271810 14601	13.38	\$	\$	\$	\$	\$	\$	\$
0614 271810 14700	12.40	\$	\$	\$	\$	\$	\$	\$
0614 271810 14701	0.35	\$	\$	\$	\$	\$	\$	\$
0614 271810 14900	9.38	\$	\$	\$	\$	\$	\$	\$
0614 271815 20400	12.62	\$	\$	\$	\$	\$	\$	\$
0614 271825 02701	3.08	\$	\$	\$	\$	\$	\$	\$
0614 273815 02100	0.18	\$	\$	\$	\$	\$	\$	\$
0614 273815 02101	3.44	\$	\$	\$	\$	\$	\$	\$
0614 273815 02200	18.40	\$	\$	\$	\$	\$ 42,273.93	\$	\$42,273.93
0614 273815 02201	0.53	\$	\$	\$	\$	\$	\$	\$
0614 273815 02300	6.58	\$	\$	\$	\$	\$	\$	\$
0614 273815 02350	1.09	\$	\$	\$	\$	\$	\$	\$
0614 273815 02400	0.20	\$	\$	\$	\$	\$	\$	\$
0614 273815 02500	6.11	\$	\$	\$	\$	\$	\$	\$
0614 273815 02600	1.21	\$	\$	\$	\$	\$	\$	\$
0614 273815 34000	3.47	\$	\$	\$	\$	\$7,972.31	\$	\$ 7,972.31

0614 273815 34100	32.22	\$	\$	\$	\$	\$ 43,353.76	\$	\$ 43,353.76
0614 273815 34200	20.23	\$	\$	\$	\$	\$ 74,657.73	\$	\$ 74,657.73
0614 273815 34300	2.56	\$	\$	\$	\$	\$ 9,447.54	\$	\$ 9,447.54
0614 273815 34400	7.54	\$	\$	\$	\$	\$	\$	\$
0614 273815 34460	16.88	\$	\$	\$	\$	\$ 62,294.73	\$	\$62,294.73
0614 273815 35410	0.05	\$	\$	\$	\$	\$	\$	\$
0614 273815 35415	0.07	\$	\$	\$	\$	\$	\$	\$
BLOCKS								
BLOCK A	0.75	\$	\$	\$	\$	\$	\$	\$
BLOCK B	1.97	\$	\$	\$	\$	\$	\$	\$
BLOCK C	3.16	\$	\$	\$	\$	\$	\$	\$
BLOCK D	2.19	\$	\$	\$	\$	\$	\$	\$
BLOCK E	2.00	\$	\$	\$	\$	\$	\$	\$
BLOCK F	1.63	\$	\$	\$	\$	\$	\$	\$
BLOCK G	2.49	\$	\$	\$	\$	\$	\$	\$
BLOCK H	8.04	\$	\$	\$	\$	\$	\$	\$
BLOCK I	4.38	\$	\$	\$	\$	\$	\$	\$
BLOCK J	4.41	\$	\$	\$	\$	\$	\$	\$
BLOCK K	0.82	\$	\$	\$	\$	\$	\$	\$
BLOCK L	4.51	\$	\$	\$	\$	\$	\$	\$
BLOCK M	18.43	\$	\$	\$	\$	\$	\$	\$
BLOCK A -- ROADS								
BLOCK A -- ROADS	0.00	\$	\$	\$	\$	\$	\$	\$

BLOCK B -- ROADS	0.77	\$	\$	\$	\$	\$	\$	\$
BLOCK C -- ROADS	1.22	\$	\$	\$	\$	\$	\$	\$
BLOCK D -- ROADS	0.30	\$	\$	\$	\$	\$	\$	\$
BLOCK E -- ROADS	0.37	\$	\$	\$	\$	\$	\$	\$
BLOCK F -- ROADS	0.37	\$	\$	\$	\$	\$	\$	\$
BLOCK G -- ROADS	0.62	\$	\$	\$	\$	\$	\$	\$
BLOCK H -- ROADS	2.08	\$	\$	\$	\$	\$	\$	\$
BLOCK I -- ROADS	0.95	\$	\$	\$	\$	\$	\$	\$
BLOCK J -- ROADS	1.42	\$	\$	\$	\$	\$	\$	\$
BLOCK K -- ROADS	0.00	\$	\$	\$	\$	\$	\$	\$
BLOCK L -- ROADS	1.54	\$	\$	\$	\$	\$	\$	\$
BLOCK M -- ROADS	5.73	\$	\$	\$	\$	\$	\$	\$
JOY'S ROAD	7.06	\$	\$	\$	\$	\$	\$	\$
OTTAWA STREET	1.58	\$	\$	\$	\$	\$	\$	\$
PERTH STREET/ FRANKTOWN ROAD	7.83	\$	\$	\$	\$	\$	\$	\$
GARVIN ROAD	8.11	\$	\$	\$	\$	\$	\$	\$
CONLEY ROAD	1.08	\$	\$	\$	\$	\$	\$	\$
BLEEKS ROAD	0.20	\$	\$	\$	\$	\$	\$	\$
CITY OF OTTAWA	0.00	\$	\$	\$	\$	\$241,713.75	\$	\$241,713.75

- SPECIAL CONSIDERATION								
TOTAL	1100. 42	\$	\$	\$	\$	\$ 481,713.75	\$	\$ 481,713.75

All costs for the construction of this project are to be paid by the developers of the lands highlighted above and the City of Ottawa. Costs for future maintenance (where incurred) will be distributed to landowners in proportion to the Schedule(s) for Future Maintenance.



**NOTICE OF FIRST SITTING OF COURT OF REVISION
under Subsection 46(2) of the
Drainage Act, R.S.O. 1990, chapter D.17 (Ontario)**

To: Owners of land assessed for the drainage works in the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010

On July 9, 2014, under Section 44 of the *Drainage Act*, the Council of the City of Ottawa adopted the engineer's report entitled *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010, and provided 1st and 2nd reading to a by-law to provide for the construction and future maintenance of drainage works under the *Drainage Act* in the City of Ottawa to be known as the *Arbuckle Municipal Drain Modifications and Improvements*. A copy of the said by-law, which is now known as a provisional by-law in accordance with Subsection 45(1) of the *Drainage Act*, is attached to this notice.

Notice is hereby given under Subsection 46 (2) of the *Drainage Act* that the time and place of the first sitting of the Court of Revision for the purpose of hearing appeals filed under Subsection 52(1) of the *Drainage Act* is as follows:

Date: **Thursday, 4 September 2014**

Time: **6:00 p.m.**

Place: **Bearbrook Community Centre
8720 Russell Road, Navan**

If you require any clarification regarding the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010, prepared by Robinson Consultants Inc., please contact Andy Robinson, P. Eng of Robinson Consultants Inc., at 613-592-6060 ext. 104

An owner of land assessed for the drainage works in the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010 may appeal to the Court of Revision under Subsection 52(1) of the *Drainage Act*

by sending a notice to the City Clerk and Solicitor City of the City of Ottawa setting out the grounds of appeal at least ten (10) days before the first sitting of the court of revision on 4 September 2014.

The City Clerk and Solicitor must therefore receive the notice of appeal by no later than Monday 25 August 2014.

The “Notice of Appeal to Court of Revision” that is enclosed with this notice may be used by an owner of land to provide to the City Clerk and Solicitor of their appeal under Subsection 52(1) of the *Drainage Act*. Please send a notice of appeal under Subsection 52(1) and/or a notice of appeal under Section 47 and/or a notice of appeal under Subsection 48(1) * of the *Drainage Act* to the following address:

M. Rick O'Connor, City Clerk and Solicitor, City of Ottawa
c/o Drainage Superintendent, City of Ottawa
2155 Roger Stevens Drive,
Ottawa, ON K0A 2T0



Dave Ryan, Drainage Superintendent, City of Ottawa

Date that this notice was sent by mail to each person or body entitled to notice under Section 41 of the *Drainage Act*: 7 August 2014

***The *Drainage Act* provides three bodies to which an owner of land assessed for the drainage works in an engineer's report may appeal when drainage works are to be constructed and maintained under the *Drainage Act* as follows:**

(i) Appeals to the court of revision under Subsection 52(1)

Subsection 52(2) of the *Drainage Act* states that a Subsection 52 (1) notice of appeal to the court of revision shall be sent to the City Clerk and Solicitor of the City of Ottawa at least ten (10) days before the first sitting of the court of revision.

Accordingly, for appeals of assessments in the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010, the City Clerk and Solicitor of the City of Ottawa must receive a Subsection 52(1) notice of appeal by no later than Monday August 25, 2014.

If the City Clerk and Solicitor for the City of Ottawa receives a Subsection 52 (1) notice of appeal to the court of revision, the City Clerk and Solicitor shall provide the notice to the members of the court of revision at the first sitting of the court of revision.

(ii) Appeals to the Tribunal under Subsection 48(1)

Under the *Drainage Act*, Tribunal is defined as the "Agriculture, Food and Rural Affairs Appeal Tribunal".

Under Section 99 of the *Drainage Act*, the City Clerk and Solicitor of the City of Ottawa must receive a Subsection 48(1) notice of appeal to the Tribunal concerning the Engineer's Report by no later than 16 September 2014.

If the City Clerk and Solicitor for the City of Ottawa receives a Subsection 48(1) notice of appeal to the Tribunal, the City Clerk and Solicitor will record the notice and send a copy of the notice to the Tribunal and to all persons assessed for the drainage works in accordance with Section 99 of the *Drainage Act*.

(iii) Appeals to the referee under Subsection 47(1)

Under Subsection 47 (2) the City Clerk and Solicitor of the City of Ottawa must receive a Subsection 47 (1) notice of appeal to the referee concerning the Engineer's Report by no later than 16 September 2014.

If the City Clerk and Solicitor for the City of Ottawa receives a Subsection 47 (1) notice of appeal to the referee, the City Clerk and Solicitor will record the notice and send a copy of the notice to the clerk of the court of the referee in accordance with Subsection 47(2) of the *Drainage Act*.

It is the responsibility of an owner of land assessed for drainage works to ensure that he/she makes his/her appeal to the correct judicial (i.e. the referee) or quasi-judicial (i.e. the Tribunal and the court of revision) body that has legislative authority or "jurisdiction" to hear the appeal under the provincial *Drainage Act*.

A sample form of notice for an appeal under each of Subsection 47(1), 48(1) and 52(1) is enclosed. These forms are samples only. Owners of land wishing to file appeals under the *Drainage Act* may use the enclosed sample forms or any other form of written notice.

NOTICE OF APPEAL TO the REFEREE
under Subsection 47(1) of the *Drainage Act*, R.S.O. 1990, chapter D.17 (Ontario)

To: The Council of the City of Ottawa
Attention: M. Rick O'Connor, City Clerk and Solicitor, City of Ottawa
c/o Drainage Superintendent, City of Ottawa
2155 Roger Stevens Drive,
Ottawa, ON K0A 2T0

Re: This appeal is with respect to the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010 (the "Report of the Engineer").

Legal Description of my/our land as set out in the Engineer's Report:

I/we hereby appeal to the Referee under Subsection 47(1)* of the *Drainage Act* because I/we am/are dissatisfied with the Report of the Engineer on the grounds that it does not comply with the requirements of the *Drainage Act*.

Details of my/our appeal

The Report of the Engineer does not comply with the following requirements of the *Drainage Act*:

*** Appeal from report to referee**

47. (1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with

the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a notice of appeal shall be served upon the council of the initiating municipality within 40 days after the sending of the notices under section 40 or subsection 46 (2), as the case may be.

Notice to court clerk

(2) Upon receipt of a notice of appeal under subsection (1), the clerk of the municipality shall forthwith record the notice and send a copy of the notice to the clerk of the court of the referee.

Print name of assessed landowner
Date: _____

Signature of assessed landowner

Print name of assessed landowner
Date: _____

Signature of assessed landowner

Address including postal code: _____

Telephone: _____

Email address (optional): _____

Notes:

1. This notice must be received by the City Clerk and Solicitor City of the City of Ottawa within forty (40) days of the date that Notice of the First Sitting of the Court of Revision was sent by mail. As the said Notice was mailed on August 7, 2014, the City Clerk and Solicitor c/o the Drainage Superintendent, City of Ottawa must receive this Notice of Appeal by no later than Tuesday September 16, 2014.

It is the responsibility of an owner of land assessed for drainage works to ensure that he/she makes his/her appeal to the correct judicial (i.e. the referee) or quasi-judicial (i.e. the Tribunal and the court of revision) body that has legislative authority or “jurisdiction” to hear the appeal under the provincial *Drainage Act*.

**NOTICE OF APPEAL TO the Agriculture, Food and Rural Affairs Appeal
TRIBUNAL
under Subsection 48(1) of the *Drainage Act*, R.S.O. 1990, chapter D.17 (Ontario)**

To: The Council of the City of Ottawa
Attention: M. Rick O'Connor, City Clerk and Solicitor, City of Ottawa
c/o Drainage Superintendent, City of Ottawa
2155 Roger Stevens Drive,
Ottawa, ON K0A 2T0

Re: This appeal is with respect to the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010 (the "Report of the Engineer").

Legal Description of my/our land as set out in the Engineer's Report:

I/we hereby appeal to the Tribunal because I/we am/are dissatisfied with the Report of the Engineer on the following grounds listed under Subsection 48(1)* of the *Drainage Act* (insert an "X" beside the applicable ground(s) for appeal):

____ (a) The benefits to be derived from the drainage works are not commensurate with the estimated cost thereof.

____ (b) The drainage works should be modified on the following grounds:

____ (c) the compensation or allowances provided by the engineer are inadequate or excessive as follows:

____ (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed.

*** Appeal to Tribunal**

48. (1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive;
- (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed,

may appeal to the Tribunal, and in every case a notice of appeal shall be served within 40 days after the sending of the notices under section 40 or subsection 46 (2), as the case may be.

Print name of assessed landowner
Date: _____

Signature of assessed landowner

Print name of assessed landowner
Date: _____

Signature of assessed landowner

Address including postal code: _____

Telephone: _____

Email address (optional): _____

Notes:

1. This notice must be received by the City Clerk and Solicitor City of the City of Ottawa within forty (40) days of the date that Notice of the First Sitting of the Court of Revision was sent by mail. As the said Notice was mailed on August 7,

2014, the City Clerk and Solicitor c/o the Drainage Superintendent, City of Ottawa must receive this Notice of Appeal by no later than Tuesday September 16, 2014.

It is the responsibility of an owner of land assessed for drainage works to ensure that he/she makes his/her appeal to the correct judicial (i.e. the referee) or quasi-judicial (i.e. the Tribunal and the court of revision) body that has legislative authority or “jurisdiction” to hear the appeal under the provincial *Drainage Act*

**NOTICE OF APPEAL TO COURT OF REVISION
under Subsection 52(1) of the *Drainage Act*,
R.S.O. 1990, chapter D.17 (Ontario)**

To: M. Rick O'Connor, City Clerk and Solicitor, City of Ottawa
c/o Drainage Superintendent, City of Ottawa
2155 Roger Stevens Drive,
Ottawa, ON K0A 2T0

Re: My/our assessment in the amount of \$_____ in the following schedule to the *Engineer's Report, Arbuckle Municipal Drain Modifications and Improvements, Goulbourn Ward*, dated February 2010 (the "Engineer's Report") *insert an "X" beside the applicable Schedule:*

- ___ Schedule "1" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "A", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "B" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "C", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "D" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "E", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "F" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "G", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "H" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "I", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "J" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "K", Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "L" Assessment Schedule Arbuckle Municipal Drain
- ___ Schedule "M", Assessment Schedule Arbuckle Municipal Drain

Legal Description of my/our land as set out in the Engineer's Report:

Insert a brief description of the grounds of appeal under Subsection 52(1)* of the *Drainage Act*.

* 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.

Print name of assessed landowner

Signature of assessed landowner

Date: _____

Print name of assessed landowner

Signature of assessed landowner

Date: _____

Address including postal

code: _____

Telephone: _____

Email address

(optional): _____

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Notes:

1. This notice must be received by the City Clerk and Solicitor City of the City of Ottawa at least ten (10) days before the first sitting of the court of revision on September 4, 2014. The City Clerk and Solicitor must therefore receive this notice of appeal by no later than Monday August 25, 2014.

It is the responsibility of an owner of land assessed for drainage works to ensure that he/she makes his/her appeal to the correct judicial (i.e. the referee) or quasi-judicial (i.e. the Tribunal and the court of revision) body that has legislative authority or “jurisdiction” to hear the appeal under the provincial *Drainage Act*.

