



CLERK SERVICES

August 6, 2014

VIA REGULAR MAIL

Dear Land Owner:

**Re: South Innisfil Creek Drain Improvements – Notice of Procedural Hearing Date**

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You are receiving this letter because your property may be impacted by proposed repairs to the South Innisfil Creek Drain. Properties within the affected area may be required to pay for the cost of the Court Ordered repairs through tax assessment levies. Following a recent application by the Town of Innisfil, a hearing has been granted to obtain direction respecting the Order which was handed down on August 31, 2006.

Prior to the hearing, a preliminary procedural hearing under provisions contained in the Drainage Act, R.S.O. 1990, c.D.17, will start on **Wednesday, September 3<sup>rd</sup>, and 4<sup>th</sup> 2014, at 10:00 a.m. at the Court House, 75 Mulcaster Street, Barrie, Ontario.** The purpose of the procedural hearing is to determine timing, duration and procedure for the hearing, which will be scheduled following the outcome of the procedural hearing.

In order to be involved in the procedural hearing starting on September 3, 2014, you or your legal representative must provide written notice to the undersigned by **Wednesday, August 20, 2014.** If you do not provide notice by that date your participation will be subject to approval by the Referee at the start of the procedural hearing.

The Notice of Preliminary Procedural Hearing is enclosed with this letter, along with a brief chronology of events and a key map identifying the boundary of impacted properties. Additional information is also available on the Town's website at <http://www.innisfil.ca/residents/south-innisfil-drain> or by contacting Town Hall during business hours (Monday to Friday 8:30 a.m. to 4:30 p.m.).

A link to the Final Drainage Report, also found on the Town's website is provided below: <http://www.innisfil.ca/sites/all/files/uploads/Clerks/13sep16SouthInnisfilDrainReport.pdf>

Please do not hesitate to contact us should you have questions at (705) 436-3710.

Yours truly,

A handwritten signature in blue ink, appearing to read "Karen Fraser".

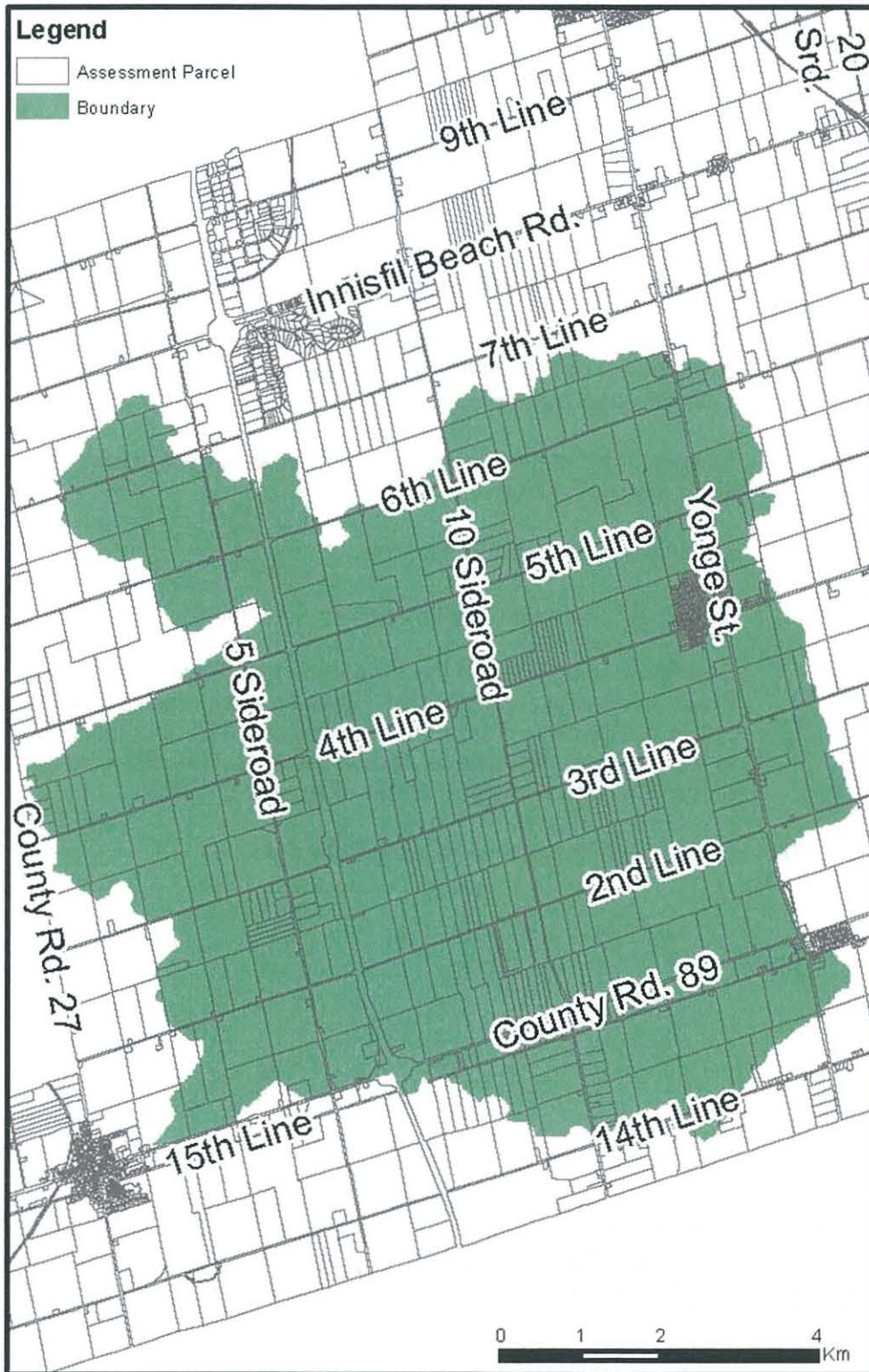
Karen Fraser  
Acting Clerk

**SOUTH INNISFIL CREEK DRAIN – OVERVIEW OF SIGNIFICANT EVENTS  
(Attachment to Letter to Land Owners, August 6, 2014)**

1903	Drain first created as result of petition.
December 17, 1956	Initial construction of drain – design did not provide flood protection.
June 25, 2000	Flooding event.
August 10, 2000	Petition by land owner for maintenance/upgrade of municipal drain.
November 27, 2000 to July, 2004	Estimate received and budget process for drainage work commenced; Burnside Engineering appointed as the Drainage Engineer; Provincial and Federal permits obtained.
July, 2004	Flooding event.
July, 2004	Court of the Drainage Referee considers major drain improvements; Approval from Nottawasaga Valley Conservation Authority and Department of Fisheries and Oceans to undertake work.
August 17, 2004	Court Order issued by Drainage Referee to carry out repairs pursuant to prescribed timetable and to advise of requirement for Hearing.
September 20, 2004	Drainage Engineer certifies work as complete.
November 3-5, 2004	Drainage Referee Hearing.
February 24, 2005	Preliminary Report for drainage work prepared.
March 29-31, 2005	Continuation of Drainage Referee Hearing.
March 31, 2005	Court Order issued by Drainage Referee to appoint a Drainage Engineer and provide a schedule of repair, prepare a preliminary and final report on the matter, and to carry out the work, pending appropriate approvals; Dillon Consulting appointed.
July, 2005	Removal of unauthorized crossing structures;
August 3, 2005	Public Meeting with appointed Engineer received comments from assessed landowners.
April 6, 2006	Court Order issued by Drainage Referee to continue Hearing in July, 2006.

July 25-26, 2006	Drainage Referee Hearing.
August 31, 2006	Decision and Order issued by Drainage Referee to retain Dillon Consulting Limited to prepare a complete drainage report, a full assessment schedule and an allowance schedule.
September 26, 2006	Drainage Engineer directed to complete the Final Report.
November 27, 2006	Dillon Consulting provided Proposed Schedule and Estimated Engineering Costs.
September 24, 2008 To August, 2013	Compliance with Endangered Species legislation required;  Necessary Federal, Provincial and Agency approvals sought (such as Department of Fisheries and Oceans, Nottawasaga Valley Conservation Authority, MNR);  Development of final report including assessment schedules and estimated cost break-down.
August 15, 2013	Final Drainage Report Prepared
September 11, 2013	Notice of Proposed Drainage Works Circulated
October 2, 2013	Council consideration of the Final Drainage Report, and passed Council Resolution CR-225-07.13 requesting, among other things, that the Final Drainage Report be deferred and that an application be made to the Drainage Referee for reconsideration, direction and clarification of the Drainage Referee's Order of August 31, 2006
September 3 & 4, 2014	Preliminary Procedural Hearing Scheduled

## South Innisfil Creek Drain



**NOTICE OF PRELIMINARY PROCEDURAL HEARING**  
**Under the *Drainage Act*, R.S.O. 1990, c.D.17**

To: All Landowners within the Assessment area for the Innisfil Creek  
Watershed  
From: The Corporation of the Town of Innisfil

The following proceeding has been re-activated:

Court File No. 04-B5772

**IN THE COURT OF THE DRAINAGE REFEREE**

B E T W E E N:

THE CORPORATION OF THE TOWN OF INNISFIL

Applicant

-and-

BORIS HORODYNSKY, PAUL HORODYNSKY, HORODYNSKY FARMS INC.,  
LAWRENCE KWOK, ELAINE KWOK, EASLEY PRODUCE ONTARIO INC., NORMAN  
TASCA, JOSEPH TASCA, LUIGI TASCA, NORMA TASCA, L & L GARDENS INC.,  
JOSEPH CESTARIC, SANDRA CESTARIC, IMRE MORA, HEIDI MORA, INNISFIL  
GARDENS INC., and THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

Respondents

The hearing of this matter for the purpose of obtaining **procedural directions** is scheduled for **September 3<sup>rd</sup> and 4<sup>th</sup>, 2014, at 10:00 a.m., at the Court House, 75 Mulcaster Street, Barrie, Ontario.**

This matter concerns the Final Drainage Report for the South Innisfil Creek Drain, dated March 1<sup>st</sup>, 2013. The Applicant is requesting, initially, the advice and direction of the Referee with respect to the procedure and dates for hearing of the issues arising from the Report and the previous Referee's Order of August 31<sup>st</sup>, 2006.

Pursuant to the *Drainage Act*, the cost of engineering studies, improvement work and legal expenses may be levied against landowners within the assessment area. In the actual hearing, once the dates have been determined by the Referee, the municipality will be seeking clarification on how some costs are to be apportioned, on the options for

the work to be undertaken and on the appeal rights set out in the previous Referee's Order.

**Accordingly, since the procedural motion will determine the dates for the actual hearing, which is when your substantive rights may be affected, the outcome of this preliminary procedural application may ultimately affect your legal rights. This is because part of the cost of any further study or altered works may be assessed against your land, over and above the amount already shown in the Engineer's Report.**

If you or an Ontario lawyer acting on your behalf wish to be involved in the hearing with respect to the procedure to be followed and the dates for the actual hearing, please provide written notice to the Clerk of the Town of Innisfil at the address set out below in order to confirm your wish to make representations to the Referee. The notice must be received by no later than August 20<sup>th</sup>, 2014 and may be sent by fax or regular mail. Any assessed owner who provides notice will be permitted to participate in the procedural hearing. Anyone wishing to participate who fails to provide such notice will require the permission of the Referee, to be sought at the start of the procedural hearing on September 3<sup>rd</sup>, 2014.

**The Corporation of the Town of Innisfil**  
2101 Innisfil Beach Road  
Innisfil, Ontario  
L9S 1A1

Attention: Karen Fraser, Acting Clerk

Served pursuant to the Order of the Referee, dated August 1, 2014