

**Notice of Appeal to Tribunal by Owner of Land
or Public Utility**

Re: Engineer's Report

Drainage Act, R.S.O. 1990, c. D.17, subs. 48(1)

To: The Council of the Corporation of the TOWN of INNISFIL

Re: SOUTH INNISFIL CREEK DRAIN
(Name of Drain)

Take notice that I/we appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal as owner(s) of land under section 48(1), because of dissatisfaction with the report of the engineer on the grounds that:

- The benefit to be derived from the drainage works are not commensurate with estimated cost thereof;
- The drainage works should be modified on grounds to be stated;
- The compensation or allowances provided by the engineer are inadequate or excessive; or
- The engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed.

Details of application and relief being sought from Tribunal (attach additional pages if needed):
SEE PAGE ATTACHED

I am/we are appealing as: Owner(s) of Land Public utility

Property Owners or Public Utility Appealing to Tribunal

- 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 Tribunal regarding multiple properties, attach additional page with property information.

Property Description
CONC 3 S PT LOT 13

Ward or Geographic Township <u>INNISFIL (SIMCOE)</u>	Parcel Roll Number <u>(4 PARCELS) 4316-010-002-14400, 12000, 12800</u>	<u>12700</u>
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If property is owned in partnership, all partners must be listed. If property is owned by a corporation or public utility, list the name and the corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Tribunal.

Sole Ownership

Individual or Sole Ownership


Name (Last Name, First Name)	Signature	Date (yyyy/mm/dd)
<u>YAMAMOTO, KERRY</u>	<u>K. Yamamoto</u>	<u>APRIL 9, 2019</u>

Enter the mailing address and primary contact information of appellant below:

Last Name YAMAMOTO		First Name KERRY		Middle Initial
Mailing Address				
Unit Number	Street/Road Number	Street/Road Name		PO Box
		2548 3rd LINE		
City/Town CHURCHILL			Province ONT	Postal Code L0L 1K0
Telephone Number 705 456 2542	Cell Phone Number (Optional)		Email Address (Optional)	

To be completed by recipient municipality:

Notice filed this 10 day of April 20 19

Name of Clerk (Last Name, First Name) Parkin, Lee	Signature of Clerk 
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Appeal Commenced by Notice: The clerk of the municipality must record the appeal and send a copy to the Tribunal and to all persons assessed for the drainage works. *Drainage Act*, R.S.O. 1990, c. D.17, s. 99.

Timeline for Appeal: This notice of appeal must be served within forty days after the sending of the notice under section 40 or subsection 46 (2). *Drainage Act*, R.S.O. 1990, c. D.17, subs. 48(1)(d).

RECEIVED

APR 10 2019

Town of Churchill
Clerk's Services



APRIL 9 2019

ATTACHMENT OF PAGES TO NOTICE OF APPEAL TO
TRIBUNAL BY OWNER OF LAND
RE: ENGINEER'S REPORT

SUBJECT: DRAIN CROSSING (C44)

AS STATED IN MY LETTER DATED MARCH 11 2019
(EXHIBIT "A") TO THE TOWN OF INNISFIL ADDRESSING
THE CONCERNS OF THE MTO' HWY 400 CROSSING(S) C44,
THERE IS NO DEFINITE TIMELINE COMMITTED ON
CONSTRUCTION OR COMPLETION, AS THE "PERMANENT"
SOLUTION OF THE CROSSING IS WHEN THE WIDENING &
IMPROVEMENT OCCURS (10-20) YEARS AWAY EXHIBIT "B"
(ITEM #5 OF THE MINUTES OF NOV 30 2018 MEETING
BETWEEN MTO STAFF, R.J. BURNSIDE AND TOWN OF INNISFIL.
THE PROPOSED "INTERUM" DESIGN + CONSTRUCTION
OF THE CROSSING, IS SUBJECT TO "FUNDING
PENDING" (EXHIBIT C) ACCORDING TO MTO'S JOHN
VAN VOORST CORRESPONDANCE DATED JAN 4 2019.
THIS IS NOT ACCEPTABLE AS THERE AGAIN
THERE ~~NO~~ COULD/WILL BE NO COMMITMENT ON
START & COMPLETION OF THE WORKS.

A COMMENT FROM THE MINUTES OF THE
NOV 30th 2018 MEETING OF MTO STAFF, R.J. BURNSIDE

REFEREE ROB L WATER'S (EXHIBIT "E") HAS APPLIED
IN HIS DECISION OF MARCH 31 2005 ITEM #6
COURT FILE # B7552 WHERE HE ORDERED TOWN
OF INNISFILL PAY OUT OF GENERAL LEVY 400,000⁰⁰
COSTS INCURRED WITH THIS PROJECT AS PER
SECTION 118 (2) OF THE DRAINAGE ACT.

AND TOI STAFF (EXHIBIT "D") "IF NOTHING IS DONE WITH C44, THE PROPOSED IMPROVEMENT WILL CREATE A 4 KM LONG, SETTLING POND DUE TO EXTREME FLAT UPSTREAM GRADIENT. IF THE C44 AREA IS NOT ADDRESSED PROMPTLY AND WE RECEIVE A STORM EVENT, THE FLOODING WOULD CREATE A MUCH MORE DISASTEROUS EFFECT THAN IF NOTHING IS DONE. AT PRESENT THERE IS NO ADEQUATE RELIEF OUTLET AT THIS PORTION OF THE DRAIN.

AS A LANDOWNER, I FEEL THERE IS NO SECURITY OF THE PROJECT WORKING TO ITS POTENTIAL IF THIS IS NOT REMEDIED. HAVING SIGNIFICANT CAPITAL RESOURCE SPENT/ALLOCATED TO THIS "IMPROVEMENT" WHEN THERE IS SUCH UNCERTAINTY REGARDING,

AS IN PAST HISTORY OF THE TOWN, THE MAINTAINANCE OF THE DRAIN HAS BEEN NEGLECTED FOR DECADES. AND A LAND-OWNED HAS FILED REQUESTS FOR MAINTAINANCE AFTER SEVERAL MAJOR FLOODING EVENTS. AND BECAUSE OF YEARS OF NEGLECT WE HAVE ARRIVED AT THIS POINT OF THE PROCESS. IN CONCLUSION, I DON'T FEEL COMFORTABLE IN INVESTING SUCH A LARGE FINANCIAL COMMITMENT WHEN THERE IS SO MANY VARIABLES INVOLVED

THE ENTIRE COSTS SHOULD BE ABSORBED THROUGH THE GENERAL LEVY SUCH AS

