



Court File No. 04-B7552

IN THE COURT OF THE DRAINAGE REFEREE

**IN THE MATTER OF AN APPLICATION FOR DIRECTIONS
OF THE ONTARIO DRAINAGE REFEREE**

REFEREE ROBERT G. WATERS

) *Friday* **THE**
First Day of August, 2014

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

-and-

OTHERS WHO MAY BE GRANTED PARTY STATUS UPON APPLICATION
Respondents

ORDER

THIS MOTION, made by the Applicant for directions with respect to the re-
activation of this matter was heard *ex parte* by teleconference.

ON hearing the submissions of counsel for the Applicant;

THIS COURT ORDERS that:

1. The motion for procedural directions shall be heard September 3rd and 4th at the
Court House, 75 Mulcaster Street, Barrie, Ontario, commencing at 10:00 a.m.

-2-

2. The Applicant shall give notice to all affected owners and former applicants in the form attached hereto as Schedule "A".
3. The Applicant shall give notice to the previous applicants, now respondents, as set out in the title of proceedings, to the extent possible, by publication in the newspaper(s) of general circulation in the municipality on or before August 8th, 2014. Proof of such publication shall be good and sufficient service on such former applicants.
4. The Applicant shall give notice to all current owners of lands assessed or granted allowances pursuant to the Dillon Consulting Ltd. Final Drainage Report dated March 1st, 2013, also in the form attached hereto as Schedule "A", by ordinary mail, such mailing to be completed no later than August 6th, 2014.
5. The Applicant shall make a copy of this Order and the Notice available on its website under the heading "South Innisfil Drain" on its home page.



Robert G. Waters
ONTARIO DRAINAGE REFEREE

Schedule "A"

**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 3rd and 4th, 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 1st, 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 31st, 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

-2-

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 20th, 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 3rd, 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

CORPORATION OF THE TOWN OF INNISFIL -and- HORODYNSKY ET AL,

Court File No. 04-B7552

IN THE COURT OF THE DRAINAGE REFEREE

PROCEEDING COMMENCED AT BARRIE

ORDER

VALERIE M'GARRRY (19272N)
Barrister & Solicitor
P.O. Box 40
37 Millmanor Place
Delaware, Ontario N0L 1E0
Tel : (519) 652-5329
Fax: (519) 652-9773
Solicitor for the Applicant,
The Corporation of the Town of Innisfil