

**Summary\* and Responses to the Statements of Issues received by the Town of Innisfil**

**\* This is intended to be a general overview of the main issues that were common to multiple statements of issues. Specific details and further issues can be found by referring to the individual statements of issues as posted on the Town of Innisfil’s website under the heading “2014 10 24 – Statements of Issues Received by the Town of Innisfil”.**

Issue	Particulars of the Issue	Statements that raised the issue	Town’s Response
<b>1. Notice and Communications from the Town</b>	<ul style="list-style-type: none"> <li>- Some have not received copies of the report (Prelim or Final)</li> <li>- Explanations of report were not in layman’s terms</li> <li>- Town told people it was “already in the works” or “not to worry” about recent hearings.</li> <li>- General lack of notice and communication about project</li> </ul>	<p>M &amp; M DeMarco; D &amp; P McMillan; K Archibald &amp; D Swain; L Philipp; B &amp; R Badstober; D Hogarth; V &amp; G Catania; J Chow; M Toich; T &amp; C Delahunt; P &amp; A Marques; A &amp; M Filice;</p>	<ul style="list-style-type: none"> <li>- The Town has met all requirements for notice under the <i>Drainage Act</i>.</li> <li>-The Town has served notice of the proceedings before the Referee on numerous occasions, pursuant to the Orders of the Referee.</li> <li>- The Town has posted information relating to this matter on the Town’s website and in newspaper bulletins</li> <li>- The Town has received periodic updates on progress from the appointed engineer which were reported to Council and communicated by letter to the affected owners.</li> </ul>
<b>2. Costs of project</b>	<ul style="list-style-type: none"> <li>- Will cause undue hardship</li> <li>- Cost has ballooned, final cost still unknown</li> <li>- Scope of project unnecessarily large and no cost/benefit analysis in final report</li> <li>- Project is due to Town’s failure to maintain the drain and costs should fall on municipality only</li> </ul>	<p>M &amp; M DeMarco; D &amp; P McMillan; L Philipp; G Favret; K &amp; R Sinclair; B &amp; R Badstober; A &amp; S Constable; K Yamamoto; D Hogarth; V &amp; G Catania; J Chow; G Kemeny; D Evers; I Campbell; M Toich; T &amp; C Delahunt; D &amp; L Street; P &amp; A Marques; B Horodynsky; A &amp; M Filice</p>	<ul style="list-style-type: none"> <li>- The <i>Drainage Act</i> provides that the appointed engineer determines the schedule of assessment based on the requirements of the <i>Act</i>.</li> <li>-A.cost/benefit analysis was undertaken in the preliminary report</li> </ul>

<p><b>3. Drainage Act is antiquated and/or unfair</b></p>	<ul style="list-style-type: none"> <li>- Act was intended for agricultural objectives</li> <li>- Unfair if repairs are done to benefit future development</li> <li>- “Contraindications caused by the Act in environmental wetland and water protection measures”.</li> </ul>	<p>M &amp; M DeMarco; L Philipp; G Favret; B &amp; R Badstober; A &amp; S Constable; K Yamamoto; D Hogarth; M Toich; T &amp; C Delahunt; P &amp; A Marques; A &amp; M Filice</p>	<ul style="list-style-type: none"> <li>- Issues with the legislation itself are beyond the jurisdiction of the Court of the Drainage Referee and should be directed to the Provincial Legislature.</li> <li>-The local conservation authority and the department of Fisheries and Oceans have both been involved in, and imposed requirements with respect to, this project</li> </ul>
<p><b>4. Alternatives to the project</b></p>	<ul style="list-style-type: none"> <li>- Town has not duly investigated alternative funding</li> <li>- Town should develop a “general drainage management levy” to share costs</li> <li>- Town should have a “drainage committee” comprised of various community stakeholders</li> <li>- Town can simply clean out drain instead of reconstruction</li> </ul>	<p>M &amp; M DeMarco; P &amp; D McMillan; B &amp; R Badstober; J Chow; G Kemeny; M Toich; T &amp; C Delahunt; P &amp; A Marques; A &amp; M Filice;</p>	<ul style="list-style-type: none"> <li>- The Town has cleaned out the drain but more work is necessary to address the problems.</li> <li>-The Town has to create a profile in order to maintain the drain in the future.</li> <li>- The <i>Drainage Act</i> specifies how drainage works are to be paid for. It does not allow for a separate levy, nor is there any provision for the funding that is provided by the provincial grant program when it is in effect (as it is at present).</li> </ul>
<p><b>5. Confusion around original proceedings</b></p>	<ul style="list-style-type: none"> <li>- How did civil proceedings turn into <i>Drainage Act</i> proceedings?</li> <li>- How did motion by original applicant under s. 79 turn into s. 78 proceedings?</li> <li>- Was the Town found liable for failure to maintain the drain? If so, consider applicability of subsections 118(2)-(3) of the Act.</li> </ul>	<p>M &amp; M DeMarco; D Saunders; L Philipp; B &amp; R Badstober; D Hogarth; V &amp; G Catania; M Toich; T &amp; C Delahunt;</p>	<ul style="list-style-type: none"> <li>-- The civil proceeding did not “turn into” <i>Drainage Act</i> proceedings - they were two separate proceedings which were carried on simultaneously for part of the time</li> <li>– The motion before the Referee was not just for repair under s. 79 - it was also expressly for the appointment of an engineer and a determination of what, if any, improvements were required.</li> <li>–There was no finding or admission of liability so far, but, in the current proceedings before the Referee, he may well decide to make use of s. 118 of the Act.</li> </ul>

<b>6. Opposition by landowners</b>	<ul style="list-style-type: none"> <li>- Statement by referee O'Brien about lack of opposition to project</li> <li>- If landowners had known before, would have had more opposition early on</li> <li>- Now majority is opposed to project</li> </ul>	M & M DeMarco; D & P McMillan; B & R Badstober; D Hogarth; M Toich; T & C Delahunt;	-Referee O'Brien noted the lack of opposition in his Order/Reasons of August 2006. He did receive both written and oral evidence in opposition, but it did not represent anything close to a majority of assessed owners, even though notice had been given to the assessed owners repeatedly of the various proceedings.
<b>7. Appeal Rights</b>	<ul style="list-style-type: none"> <li>- Rights to appeal should not be abrogated</li> </ul>	L Philipp; D Hogarth;	<ul style="list-style-type: none"> <li>-Just what the appeal rights are of the assessed owners is a question the Town has specifically put to the Referee in this proceeding because of the uncertainty and confusion surrounding the language of the August 2006 Order in that regard.</li> <li>- The Town believes that there will still be appeals to the Court of Revision on the amounts assessed in any report that is adopted.</li> </ul>
<b>8. Inaccuracies and technical concerns with the final report</b>	<ul style="list-style-type: none"> <li>- Inaccurate mapping</li> <li>- See specific concerns in statement by B Horodynsky</li> </ul>	D Hogarth; P & A Marques; D Rose; B Horodynsky	<ul style="list-style-type: none"> <li>- Issues with mapping and technical details of the final report will be addressed at the hearings.</li> </ul>