



**TOWN OF INNISFIL**  
**COURT OF REVISION HEARING MINUTES**

**DATE:** MARCH 21, 2019  
**TIME:** 10:00 a.m. to 6:30 p.m.  
**LOCATION:** TOWN HALL COUNCIL CHAMBERS

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**ATTENDANCE**

**Members:** Richard Simpson, Chair, Town of Innisfil  
Anne Kell, Town of Innisfil  
Ed Gres, Bradford West Gwillimbury

**Alternate Members:** William Pring, Town of Innisfil  
Barry Rutledge, Town of Innisfil

**Town Engineer:** Jeff Dickson, Engineer – R.J. Burnside & Associates Limited  
Natalie Connell, Engineering Assistant – R.J. Burnside & Associates Limited

**Staff:** Lee Parkin, Town Clerk  
Kim Creamer, Assistant Clerk  
Kevin Jacob, Assistant Clerk  
Jason Inwood, Strategic Leader, Operations  
Jeremy Nyenhuis, Drainage Superintendent

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**1. Opening by the Chair**

Chair Simpson welcomed those present, called the first sitting of the Court of Revision to Order at 10:00 a.m., and introduced the members of the Court of Revision as well as the Alternate Members.

Chair Simpson advised that the purpose of this sitting of the Court of Revision for the South Innisfil Creek Drain 2019 Improvements is to hear from affected landowners who wish to appeal their assessment or any part thereof as set out in the Engineer's Report dated February 13, 2019, in accordance with the *Drainage Act*.

Chair Simpson advised the format of the meeting will proceed as follows:

- 1.1 Members of the Court of Revision were sworn in prior to the start of this meeting
- 1.2 The Chair will read each appeal in alphabetical order and request the appellant(s) to come forward
- 1.3 Appeals will be heard in blocks of four and consider late appeals by a motion of the Court
- 1.3 The Town Engineer will provide an overview of each appeal received in keeping with the *Drainage Act*
- 1.4 The appellant(s) will be invited to present evidence for their appeal in the order provided

- 1.5 The Court of Revision will retire and deliberate these appeals in blocks of four, and consider the information provided by both the Appellant(s) and the Engineer, and make decisions in private
- 1.6 The Court of Revision will reconvene to announce the decisions of each appeal in the order they were considered

## 2. **Late Appeals**

### **Chair Simpson called for the Motion for late appeals**

Moved By: Anne Kell  
Seconded By: Ed Gres

That the Court of Revision confirm that prior to the first sitting of the Court that only written late appeals received by 10:00 a.m. Thursday, March 21, 2019 will be heard, as per the *Drainage Act*, Section 52(2).

**CARRIED**

## 3. **Declaration of Disclosure of Interest**

Chair Simpson informed the Court members of the Municipal Conflict of Interest Legislation and requirements thereunder.

Anne Kell indicated that she would have a conflict and would declare it at the time the item is brought forward.

## 4. **Order of Appeals**

Chair Simpson called for any requests of deferral or withdrawal of appeals.

Staff confirmed that the Appeal by Appellant #2 - 1720121 Ontario Limited c/o Scargall Owen King LLP, Roll # 4316-010-002-27900 0000 was withdrawn at the request of the applicant.

### Confirmation of Notice

Prior to the opening it was confirmed that notice of the first sitting of the Court of Revision on March 21, 2019 at 10:00 a.m. at the Town Hall Council Chambers was provided in the notice of the provisional passing of By-law 010-19, South Innisfil Creek Drain 2019 Improvement was mailed to affected landowners on March 1, 2019 through regular mail.

### Appeal Rights and Procedures

Chair Simpson asked the Town's Engineer, Jeff Dickson of R.J. Burnside & Associates Limited (Burnside) to confirm the appeals rights and procedures including the pronouncement of any of the decisions of the Court.

Mr. Dickson confirmed that once a Court of Revision decision has been made on an appeal, a landowner may appeal further to the Ontario Drainage Tribunal (Section 54 of the *Drainage Act*). The appeal must be made within 21 days of the Court of Revision decision. Landowners wishing to appeal to the Ontario Drainage Tribunal must file a

notice with the Clerk of the Town of Innisfil. The meeting of the Tribunal normally conducted locally and is very similar to an Ontario Municipal Board type hearing. The decisions on any appeals to the Tribunal are final.

Chair Simpson indicated the Court would commence with the first four appeals and for each appeal, the Town's Engineer would first provide an overview of each of appeal received in keeping with the *Drainage Act*.

**1. 1636574 Ontario Inc. c/o Sina Kachooie, Director**

Roll #: 4316-010-002-25700-0000

Property Description: 6448 Yonge St., Part Lot 15, Concession 4

Reason for Appeal: Assessed too high

Estimated Assessment: \$9,285.00 (Net \$6,190.00)

- The Appellant was not present to provide evidence of their appeal.
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - 35.31 hectare, west of Yonge Street, north of Churchill
  - Property assessed primarily as agricultural land (30.72 ha); with some as wooded (4.59 ha)

**2. Appellant # 2 - Withdrawn**

**3. Auciello, Eirka**

Roll #: 4316-030-074-16702-0000

Property Description: 2600 Gilford Road, Lot 13, Concession 15

Reason for Appeal: Type of Land Use

Estimated Assessment: \$97.00

- The Appellant was not present to provide evidence of their appeal.
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant stated in Notice that property is not farmed and does not back onto the drain. Property is 0.89 Hectares, near County Road 89 & Gilford Road
  - Property was assessed to consider wooded areas and reduced accordingly

**4. Carbone, Eugenio**

Roll #: 4316-010-002-13600-0000

Property Description: 6117 10 Sideroad, Part Lot 11, Concession 3

Reason for Appeal: Assessed too high

Estimated Assessment: \$13,269.00 (Net \$10,669.00)

- The Appellant was not present to provide evidence of their appeal.
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant states in Notice the assessment is too high and are unable to use approximately 3 acres of land to the rear of the property. Previous owner kept the drain clean and built a berm 4ft higher than natural grade of property
  - Property is 4.07 Hectares and assessed the same
  - It is located north of the 3<sup>rd</sup> Line and has frontage on 10<sup>th</sup> Sideroad and the drain does flow through the rear yard of the property
  - Section 33 of the *Drainage Act*, provided consideration for a property that has been severed by the drain to receive compensation for "loss of access" which has been applied to this property; however, the Court has no jurisdiction regarding allowances

**5. Cole, James & Elayne**

Roll #: 4316-010-021-05200-0000

Property Description: 6870 Yonge Street, Half Lot 15, Concession 6

Reason for Appeal: Assessment too high

Estimated Assessment: \$5,320.00 (Net \$3,547.00)

- Mr. Cole appealed the amount of his assessment for this project as he has already been assessed by the 8<sup>th</sup> Line Municipal Drain and cannot be assessed by two drains at more than 100% assessment. Majority of property flows to the west into a large swamp which drains to the north into the 8<sup>th</sup> Line Municipal Drain. He would like a reduction by splitting up the costs between the two drains 50/50.
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Indicated that it is possible to be assessed into more than one drain for a property; however, this is not the case for this property
  - The Report for the 8<sup>th</sup> Line Municipal Drain watershed was reviewed and showed this property was within the watershed boundary and that only 2 acres were assessed into the 8<sup>th</sup> Line Municipal Drain
  - Total property is 18.65 Hectares with a slight reduction for wooded area to 17.25 Hectares
  - Assessment schedule indicates that the entire Cole property does drain into the South Innisfil Creek Drain and this is support by ground work undertaken. Confirmed that the swamp was not investigated

from the ground and acknowledges Mr. Cole's information about the swamp

- Advised that in order for a new assessment schedule for the 8<sup>th</sup> Line Municipal Drain a new report would need to be prepared along with the appointment of an Engineer to complete this process

Chair Simpson announced that the Court will now retreat to deliberate the four appeals as presented, to make a decision.

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Chair Simpson reads out loud the decisions that the Court of Revision has made for the following appeals:

**1. 1636574 Ontario Inc. c/o Sina Kachooie Roll #: 4316-010-002-25700-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
See Resolution under Section 6.1

**3. Auciello, Eirka Roll #: 4316-030-074-16702-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**4. Carbone Eugenio Roll #: 4316-010-002-13600-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**5. Cole, James & Elayne Roll #: 4316-010-021-05200-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
(See Resolution under Section 6.1)

Chair Simpson indicated the Court would commence with the next four appeals.

**6. Evers, Darlene Jane**

Roll #: 4316-010-002-11600-0000

Property Description: 2511 3<sup>rd</sup> Line, Part Lot 13, Concession 2

Reason for Appeal: Assessment too high and type of land use

Estimated Assessment: \$2,110.00 (Net \$2,010.00)

- The Appellant was not present to provide evidence of their appeal.

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant states in notice no safe vehicle access to property for almost 20 years, deteriorated wooden bridge and property is registered as Managed forest Plan #3140 under the Managed Forest Incentive Program (MFTIP)
  - Consultations with the Appellant have taken place in the past regarding the crossing on this property and culvert recommendations are provided in the Report. The Court of Revision is not authorized to address the matter of allowances provided to the property.
  - Loss of access has been considered and a reduction from 6.05 Hectares to 3.7 Hectares was considered to include the wooded area

**7. Hall, Catherine**

Roll #: 4316-040-021-04300-0000

Property Description: 7061 10 Sideroad, Innisfil, South Part Lot 11, Concession 6

Reason for Appeal: Assessment too high

Estimated Assessment: \$4,843.00 (Net \$3,229.00)

- The Appellant was not present to provide evidence of their appeal.
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - The property was assessed as 100% of the parcel and is within the watershed; it has an area of 20.39 Hectares and reductions were implemented to result in an equivalent area to 15.07 Hectares

**8. Hilverda, John & Pam**

Roll #: 4316-010-018-01800-0000

Property Description: 5 Sideroad, Innisfil, South Part Lot 6, Concession 6 -

Reason for Appeal: Assessment too high

Estimated Assessment: \$116.00 (Net \$77.00)

**9. Hilverda, John & Pam**

Roll #: 4316-010-018-01900-0000

Property Description: 3660 6<sup>th</sup> Line, Innisfil, Part Lot 6, Concession 6

Reason for Appeal: Assessment too high & other land or road should be assessed

Estimated Assessment: \$6,016.00 (Net \$4,011.00)

- The Appellants were present to provide evidence of their appeal
  - Mr. Hilverda advised he does not reside at this property but has farmed this land since 1976
  - The property has a natural elevated area in the middle that naturally flows to the south on the south side of the hill and on the north side goes north. It puddles in the spring and cannot flow to the south, as it goes through the bush to an old ditch that directs the flow to the north. He installed a drain along the bush to catch some water, but when the ground is frozen the drain does not pick up water. The drain does cut

- through the hill and is able to dump into the creek that runs partly through the south half of his property
- Has calculated that approximately 10 hectares are outside of the South Innisfil Creek Drain watershed, leaving 11.3 hectares. Drain does divert water and is responsible for some of that water. Thinks his cost should be 2/3 his cost and 1/3 as a Town exemption
  - Has another lot (Roll #: 010-018-01800-0000) that runs east into the bush area and does not drain to the South Innisfil Creek Drain, however this is a small portion and is not concerned about this
- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
    - The larger property was examined after the written appeal was received and Mr. Hilverda met with staff during the inspection. It was noted that there was water in the north east corner to the south side of the woodlot adjacent to Hwy. 400. Staff could not confirm if there was a ditch in the woodlot at the time (frozen conditions) and could not determine where the water would flow first. The property is under drained and this has been taken into consideration.
    - It was agreed there could be a reduction of the equivalent area, approximately 10 hectares as Mr. Hilverda commented; the bush area could be discounted if the Court agrees and the remaining cleared agricultural land could be assessed at one-third the value as it is under-drained into the Sturgess Drain which does eventually outlet into South Innisfil Creek Drain. It could also affect the property to the north and another small residential holding
    - The Town land was not included in these calculations
  - Mr. Hilverda confirmed that all the land north on the high point is not under tiled only a number of runs in front of the bush are tiled and not from the crown of the hill.
    - Agrees with the assessment
  - The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
    - Area consists of 21.31 Hectares and there is a high point that extends from the north-west corner of the geographic lot; the area between the high point, the north of the high point and south of the woodlot is part of the watershed and drains into the South Innisfil Creek Drain.
    - If it was the wish of the Court, the under-drained area could be assessed at one-third; however, a boundary change could potentially impact other properties; accordingly Section 53 of the Act was noted.

Chair Simpson announced that the Court will now retreat to deliberate on the four appeals to make a decision.

Adjournment for lunch was announced and the Court will return at 1:00 p.m., pending the Court has come to a decision on the four appeals heard prior.

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Chair Simpson calls Court back into order at 1:10 p.m. and read aloud the decisions that the Court of Revision for the following appeals:

**6. Evers, Darlene Jane Roll #: 4316-010-002-11600-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
(See Resolution under Section 6.1)

**7. Hall, Catherine Roll #: 4316-010-021-04300-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
(See Resolution under Section 6.1)

**8. Hilverda, John & Pam Roll #: 4316-010-018-01800-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
See Resolution under Section 6.1

**9. Hilverda, John & Pam. Roll #: 4316-010-018-01900-0000**

Decision: That the Court of Revision confirms that the assessment of costs on Lot 6, Concession 6, Innisfil, Roll No. 4316-010-018-001900, John & Pam Hilverda, be reduced from \$6,016.00 to \$4,234.00 and that the difference of \$1,782.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.  
(See Resolution under Section 6.3)

Chair Simpson indicated the Court would commence with the next four appeals.

The Chair clarified that the Court will hear from the Town's Engineer first to provide an overview of the assessment, then the Appellant will have an opportunity to present their evidence for their appeal.

**10. Hogarth, Diane**  
Roll #: 4316-010-003-09100-0000  
Property Description: 6338 Yonge Street, Churchill Lots 48 & 49, Part Lots 52 & 56, Concession 4  
Reason for Appeal: Assessment too high  
Estimated Assessment \$313.00

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area and estimated assessment
  - Indicated that the Dillion Report assessed the Village of Churchill as block and there was no amount assessed specifically to this property; however, Burnside assessed all the Churchill properties using an



residential factor; all residential lots in the watershed area in Churchill were treated similarly

- Assessments followed the Todgham method based on areas within the watershed. The affected area is 0.47 Hectares and the equivalent area is 0.94 Hectares
- Burnside was hired by the Town after the Town went back to the Referee and was relieved of all conditions under the Dillion Report and was requested to hire a new Engineer to prepare a new report for improvements to the South Innisfil Creek Drain. Maintenance of the drain becomes the responsibility of the Town after the work is completed in accordance with Section 74 of the Act

- The Appellant was present to provide evidence of her appeal
  - Stated the assessment is inconsistent and has tripled from the previous assessment and is unfair.
  - Believes the cost should be the responsibility of the Town and not the landowners due to the lack of proper maintenance of the drain over several years and referenced several sections of the Act.

**11. Kemeny, George**

Roll #: 4316-010-001-17200-0000

Property Description: 0 County Road 89, Cookstown, Part Lot 9, concession 1

Reason for Appeal: Assessment too high

Estimate Assessment: \$12,864.00 (Net \$8,576.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Advised the Appellant expressed assessment is too high and the land does not flood
  - Mapping has identified the property within the 228 contour as in most of the market garden area. Once the drain is improved it will should benefit the property and increase the value, which could increase crop production
  - Assessment is based on the current value of the land and similar to other agricultural properties in the area. Any reductions were applied. The property consists of 11.66 hectares and was assessed the same as workable land
- The Appellant's representation (Bill Kemeny) was present to provide evidence of their appeal.
  - Advised the land is restricted and is currently zoned Class 1 Wetlands and does not feel cleaning out a ditch will benefit their property. This property drains with the use of tile drainage since the 1950's or 1960's, into the branch between the two concessions which they are assessed as well.
  - Property has had several crops over the pass 40-50 years and does not flood and requires consistent maintenance

**12. Kemeny, George, Mike & Bill**

Roll #: 4316-010-001-1700-0000

Property Description: 3194 County Road 89, Cookstown Part Lot 9, Concession 1

Reason for Appeal: Assessment too high

Estimated Assessment: \$14,786.00 (Net \$9,857.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant states in their Notice that this property only floods due to beaver problems.
  - This property is not on the South Innisfil Creek Drain, but is on the south side of the 2<sup>nd</sup> Concession and severed by the South Innisfil Drain Branch B, the Hyndczak Drain 'A' and the 2<sup>nd</sup> Concession Drain South on South Branch. Burnside provided additional clarification on the multiple drains that eventually outlets into the South Innisfil Creek Drain
  - The property has a gross area of 23.78 Hectares and assessed at 15.83 Hectares taking into consideration the wooded areas for a reduction. Part of the property is considered Provincially Significant Wetland; however, no flood reduction benefit was applied to wetland (PSW) area
- The Appellant was present to provide evidence of their appeal.
  - Property is approximately 68 acres and half is bush. How does a forested area be assessed for drainage when it is a water detention storage area? Why do they have to pay, when it does not affect the drains or creeks in anyway?
- Burnside advised that wood lots do contribute to the drains and this was considered during the assessments

**13. Makrigiorgos, Nickolas & Michelle**

Roll #: 4316-010-002-13400-0000

Property Description: 6163 10 Sideroad, Cookstown, South Part 11, Concession 3

Reason for Appeal: Assessment too high

Estimate Assessment: \$10,759.00 (Net \$8,279.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - This property was treated similar to Carbone property (on same Concession) and Appellants feel there is no cost benefit and cannot afford it.
  - Is not proposed to widen the creek unless necessary to provide capacity. The drain (if necessary) will be widened on one side only.
  - Allowances were provided, but not under the jurisdiction of this Court and no existing crossing on this property.

- The Appellant was not present to provide evidence of their appeal.

Chair Simpson announced that the Court will not retreat to deliberate on the four appeals to make a decision.

---Break---

Chair Simpson reads out loud the decisions that the Court of Revision for the following appeals:

**10. Hogarth, Daine** **Roll #: 4316-010-003-09100-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**11. Kemeny, George** **Roll #: 4316-010-001-17200-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**12. Kemeny, George, Mike & Bill** **Roll #: 4316-010-001-1700-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
(See Resolution under Section 6.1)

**13. Makrigiorgos, Nickolas & Michelle** **Roll #: 4316-010-002-13400-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

Chair Simpson indicated the Court would commence with the next four appeals.

**14. Mclean, Joyce & Jack**

Roll #: 4316-010-018-02901-0000 & 4316-010-018-02900-0000

Property Description: 3989 7<sup>th</sup> Line, Innisfil, North Part Lot 3, Concession 6

Reason for Appeal: Assessment too high

Estimated Assessment: \$115.00 (Net \$77.00) & \$11,710.00 (Net \$7,807.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area; and estimated assessment.
  - Land located on the south side of the 7<sup>th</sup> Line, in the extreme north/west corner of the watershed just outside of Thornton

- Confirmed that water is only being taken off this lot, which is correct and the property was only assessed for outlet. There is a possibility that if the ditch on the south side of the 7<sup>th</sup> Line was full or frozen flooding could occur with flow onto the property.
- Smaller parcel is .21 hectares and assessed at .21 hectares
- Agricultural lands is 31.7 Hectares and assessed the same
- This property was not assessed in the Dillion Report
- The Appellant was present to provide evidence of their appeal.
  - Confirmed the lot is only an outlet. Only the agricultural/farm land drains into the South Innisfil Creek Drain, no other water goes onto property
  - There is also a large pond in the middle of the property where they installed a drain, which drains into the outlet
- The other drains referred to were the Wilson Drain and the Sturgess Drain which drains into the watershed and outlet into this drain
- Assessment has confirmed that more of this property drains into the South Innisfil Creek Drain, then the previous reports on the other drains.

**15. Mora, Imre & Heidi**

Roll #: 4316-010-001-21800-0000

Property Description: 3237 3<sup>rd</sup> Line, Cookstown, North Part Lot 8, Concession 2

Reason for Appeal: Assessment too high

Estimated Assessment: \$5,992.00

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant is concerned the land is assessed too high in comparison to neighbouring properties and is not workable land and brings no commercial or agricultural income. Improvements would bring no benefit to the forested land behind home
  - Reductions were considered for the wooded lot and the only cleared land was around the house which reduced the assessed area from 10.32 hectares to 5.01 hectares
  - Flooding does occur on the south side of the 3<sup>rd</sup> Line and the property is contained within 228 contour. The flood reduction assessment was applied to this property
  - This land, if cleared could be farmed
- The Appellant was present to provide evidence of their appeal.
  - The only clear part of land is around the house and the bush is deemed conservation and not workable land
- Could conservation land be cleared with proper permits and farmed
  - If the land is not Provincially Significant, an application could be made

**16. Reilly, Jennifer**

Roll #: 4316-020-003-31000-0000

Property Description: 4491 10 Sideroad, Gilford, (Bradford)

Reason for Appeal: Assessment too high & lot was severed in 2010

Estimated Assessment: \$807.00

**Sears, Kirsten**

Roll #: 4316-020-003-31061-0000

Property Description: 4467 10 Sideroad, Gilford, (Bradford)

Reason for Appeal: Owns the severed portion that was not assessed

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Information provided by Bradford West Gwillimbury (BWG) in January did not indicate this land had been severed. After speaking with representatives from BWG it was confirmed that this parcel of land was severed into two parcels.
  - The original notice was sent to Ms. Reilly only; however, both owners were contacted and provided with the report and explained the process.
  - The parcel of land consists of 10.18 hectares
  - The Town Engineer requested to the Court that the single parcels be assessed as two separate ones to reflect correct ownership
- The Appellant's were present to provide evidence of their appeal.
  - Ms. Reilly confirmed the land was severed and owns 19.94 acres and, a little over 5 acres of this land is a pond and under the NVCA and land locked.
  - Ms. Sears confirmed she resides at 4467 10<sup>th</sup> Sideroad and owns 6.7 acres. The property was acquired in 2016 and official mid-2018. Ms. Sears agrees with the assessment to pay for her portion.

**17. Small, Lauren & Stephen**

Roll #: 4316-010-003-04604-0000

Property Description: 1034 Sloan Circle Drive, Churchill, Lot 3, Concession 4

Reason for Appeal: Assessment too high

Estimated Assessment: \$203.00

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant states their assessment is too high and have not received any information until 2019. Do not think the Town can impose a by-law to enforce fees. Works for this drain is over 1+ km away and has minimal impact on their current grading. Drainage and work on the Market Garden and 228 M Corridor are over 2+ km away. Does not believe there is any visible grading, drainage and/or water issues within the immediate area/proximity.

- Information from the March, 2005 Court Order was not received and requested an FOI/MFIPPA. Burnside confirmed these requests must be submitted to the Clerk's Office
  - Burnside advised the Town can impose a by-law for fees and costs could potentially increase once actual costs have been calculated.
  - The drainage from this property does drain into culverts that eventually outlet into the South Innisfil Creek Drain.
  - The property consists of 0.27 Hectares and was assessed in conjunction with all other Churchill properties and the equivalent area is 0.54 Hectares
- The Appellant was not present to provide evidence of their appeal.

Chair Simpson announced that the Court will not retreat to deliberate on the four appeals to make a decision.

---Break---

Chair Simpson reads out loud the decisions that the Court of Revision for the following appeals:

**14. Mclean, Joyce & Jack Roll #: 4316-010-018-02900-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly.  
(See Resolution under Section 6.1)

**Roll #: 4316-010-018-02901-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**15. Mora, Imre & Heidi Roll #: 4316-010-001-21800-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**16. Reilly, Jennifer Roll #: 4316-020-003-31000-0000**

Decision: That the Court of Revision confirm that the assessment of costs on Part Lot 11, Concession 13, Roll Number 4312-020-003-31000, Ms. Jennifer Riley, be reduced from \$807.00 to \$587.00 and that the difference of \$220.00 be assessed to Roll Number 4312-020-003-31061, Ms. Kirsten Sears, subject to verification of calculation by the Engineer; and  
(See Resolution under Section 6.4)

**Roll #: 4316-020-003-31061-0000**

Decision: That the Court of Revision confirm that the assessment of costs on Roll Number 4312-020-003-31061, Ms. Kirsten Sears, be increased from \$0.00 to \$220.00 from Roll Number 4312-020-003-31000, Ms. Jennifer Riley, subject to verification of calculation by the Engineer.  
(See Resolution under Section 6.4)

**17. Small, Lauren & Stephen**

**Roll #: 4316-010-003-04604-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

Chair Simpson indicated the Court would commence with the next four appeals.

Court of Revision Member Anne Kell declared a conflict on Item 18 and did not participate or vote on this matter. Bill Pring sat in as the Court of Revision Member.

**18. Sturgeon, Glenda**

Roll #: 4316-010-002-08700-0000

Property Description: 1958 2<sup>nd</sup> Line, Churchill, South Part Lot 17, Concession 2

Reason for Appeal: Assessment too high

Estimated Assessment: \$3,833.00 (Net \$2,555.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appellant feels they are outside of the South Innisfil Creek Drain. Watershed boundary, and is consistent with the NVCA and LSRCA website.
  - Lines are similar however after receiving the appeal and conducting a site visit including a letter that was provided from 1979 from Lot 17, Concession 2 stated by Mr. Duncan, supports what Mr. Sturgeon has indicated
  - Properties around the Sturgeon land are under drained and drain to the east into the NVCA watercourse.
  - The Engineer agrees with this information and has completed a re-calculation in support of Mr. Sturgeon comments, however there is still a small corner of land on the south west corner that does flows west that into the South Innisfil Creek watershed
- Neil Sturgeon was present to provide evidence of their appeal
  - Stated that the new drainage system installed on the Kell property last year has affected the drainage on their property and his lands do not drain west into the South Innisfil Creek Drain; however, does into the NVCA watercourse.

Court of Revision Member Anne Kell resumed her position.

**19. Toich, Chris**

Roll #: 4316-010-001-1765

Property Description: 3048 County Road 89, Cookstown, South Part Lot 10, Concession 1

Reason for Appeal: Assessment too high

Estimated Assessment: \$4,304.00 (Net \$2,869.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Appeal states the land was assessed too high and surrounding neighbours are lower.
  - Increase is reflective of the area for what has been cleared, worked and wooded areas
  - The property is 5.19 Hectares and was assessed at 3.87 Hectares. All properties in the 228 M Contour were considered the same when the assessments were completed and used 2016 aerial photos
  - Clarification was provided on the actual wooded lot and wetland area and a re-calculations could be considered
- Chris Toich was present to provide evidence of their appeal.
  - Advised he has 5 acres of cleared workable land and 10 acres bush. Does not feel this work benefits them in anyway as they do not flood. This cost is a great setback on all their properties.
  - Lands are hard to clear due to restrictions in place

**20. Toich, Mary**

Roll #: 4316-010-001-17800-0000

Property Description: 3006 County Road 89, Cookstown, South Part Lot 10, Concession 1

Reason for Appeal: Assessment too high

Estimated Assessment: \$7,608.00 (Net \$5,072.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Property is cleared workable Agricultural land and no reductions could be applied
  - Water is draining and draining quickly. Same logic was to all properties in the 228 M Contour
- Chris Toich and Mary Toich were present to provide evidence of their appeal
  - Confirmed property does not flood and is cleared workable land
  - Flooding does occur on the north side of the road; however, not on their property
  - The property drains from the back of this property



**21. Toich, Mary**

Roll #: 4316-030-074-15500-0000

Property Description: 3047 County Road 89, Cookstown, Part Lot 10,  
Concession 15

Reason for Appeal: Assessment too high

Estimated Assessment: \$5,217.00 (Net \$3,478.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Property includes 4.82 Hectares and is all workable land. Flood reductions were applied.
  - Properties that eventually drain into the South Innisfil Creek Drain determine the costs
  
- Chris Toich and Mary Toich were present to provide evidence of their appeal
  - Advised they had a problem with this property when the County of Simcoe widened the 10 Sideroad causing flooding from the front drain. County was contacted and fixed from the 10 Sideroad to the Outlet mall.
  - Problems did occur on the back drain due to beavers. The Town cleaned the entire Hnydczak drain and removed all beaver dams, which has solved the problem. Total cleanout cost is \$1,300.00
  - Now facing additional costs of \$5,217.00 for the South Innisfil Creek Drain, which has no benefit to their property

Chair Simpson announced that the Court will now retreat to deliberate on the four appeals to make a decision.

For the first appeal, Item 18, Anne Kell did not participate in the deliberation due to the Conflict of Interest. Once decision was made, Bill Pring and Anne Kell switched for the remaining appeal deliberations.

---Break---

Chair Simpson reads out loud the decisions that the Court of Revision for the following appeals:

**18. Sturgeon, Glenda**

**Roll #: 4316-010-002-08700-0000**

Decision: That the Court of Revision confirm that the assessment of costs on Concession 2, South Part Lot 17, 1958 Second Line, Roll Number 4316-010-002-08700, Ms. Glenda Sturgeon, be reduced from \$3,833.00 to \$1,271.67 and that the difference of \$2,555.38 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer. (See Resolution under Section 6.5)

**19. Toich, Chris**

**Roll #: 4316-010-001-17600-0000**

Decision: That the Court of Revision confirm that the assessment of costs on 3048 County Road 89, Cookstown, South Part Lot 10, Concession 1, Roll Number 4316-010-001-17600, Mr. Chris Toich, be reduced from \$4,304.00 to \$3,220.00 and that the difference of \$1,084.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.  
(See Resolution under Section 6.6)

**20. Toich, Mary**

**Roll #: 4316-010-001-17800-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**21. Toich, Mary**

**Roll #: 4316-030-074-15500-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

Chair Simpson announced they will now hear from the late appeals at 5:10 p.m.

**5. Late Appeals**

The Court of Revision heard the following late appeals:

**1. Chow, Joe**

Roll #: 4316-010-001-24200-0000

Property Description: 3065 4<sup>th</sup> Line, Cookstown, Part Lot 10, Concession 3

Reason for Appeal: Assessment too high

Estimated Assessment: \$29,680.00 (Net \$9,707.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - Burnside advised the Appellant indicated he did not receive the mailing of the report and was advised by another landowner about the assessment. Objects to the amount as he has not had time to review the Report. Mailings are completed by the Town Property is known as Skydive Toronto and located on the west side of the 10 Sideroad, south of 4<sup>th</sup> Line, and extends towards the 3<sup>rd</sup> Line
  - Burnside has communicated with Mr. Chow regards to his property in particular the impact of the 10 Sideroad Branch Drain on his property regarding the access to the fields off of west side of 10 Sideroad due to natural water courses which confluence with the branch drain and

the four separate access routes or entrances that he requires to this property. Burnside confirmed they would be cleaning out the culverts and inquired about removing them; however, Mr. Chow did not want them removed

- Mr. Chow was unable to attend the Public Information Session last February
- Area consists of 54.13 Hectares and received a slight reduction to 52.09, receiving a benefit on the main drain and outlet on main drain, including the 10 Sideroad Branch Drain
- The Appellant's representative Christian Crone was present to provide evidence on the appeal
  - Mr. Chow did not receive the report or have time to review and feels the negligence of the Town in not keeping the drain clean should be covered by the general fund
- Burnside advised that the majority of the property is used for Skydive Toronto. Some of the land on the 10 Sideroad at the lowest part of the property is cultivated. Land consists of commercial and some agricultural
- The property has the 10 Sideroad Branch Drain which outlets into the South Innisfil Creek Drain

**2. Wolfond, Chad**

Roll #: 4316-010-002-20500-0000

Property Description: 2755 4<sup>th</sup> Line, Innisfil, North Part Lot 12, Concession 3

Reason for Appeal: Assessment too high & calculation of property incorrect

Estimated Assessment: \$4,637.00 (Net \$3,091.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.
  - The Appellant states that he owns 20.34 Hectares not 20.67 for which he was assessed for.
  - Burnside confirms that after reviewing the calculations that were originally completed for this property, Mr. Wolfond's area could be adjusted to what he actually owns, 20.34 Hectares
- The Appellant was not present to provide evidence of their appeal.

**3. Marhsall John, 1523566 Ontario Limited**

Roll #: 4316-010-001-19200-0000

Property Description: 2<sup>nd</sup> Line, North Part Lot 8, Concession 1, Cookstown

Reason for Appeal: Assessment too high

Estimated Assessment: \$65,245.00 (Net \$42,265.00)

- The Town's Engineer provided an overview of the assessment and appeal, including the location of the property, area, estimated assessment and the assessment from the Dillon report.

- This property is located immediately to the east of the Golf Course; has a portion of the main drain that bisects the lot on a 45 degree angle; and the B Branch of South Innisfil Drain is also on this Lot
  - In communications with Mr. Marshall the property is rented to a tenant who grows sod and rotates crops. This past year it was either corn or soya beans.
  - Property was treated like all other agricultural land within the watershed and a drain benefit assessment that lies within the 228 Contour
  - Area consists of 20.32 hectares and was assessed the same
  - Lands that are registered for the Farm Class Tax are entitled to a 1/3 grant. Mr. Marshall could be advised to register his property for this Farm Class Tax and be eligible for the grant
- The Appellant was not present to provide evidence of their appeal.

Chair Simpson announced that the Court will not retreat to deliberate on the three late appeals to make a decision.

---Break---

Chair Simpson reads out loud the decisions that the Court of Revision for the following appeals:

**1. Chow, Joe Roll #: 4316-010-001-24200-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

**2. Wolfond, Chad Roll #: 4316-010-002-20500-0000**

Decision: That the Court of Revision confirm that the assessment of costs on 2755 4<sup>th</sup> Line, Roll Number 4316-010-002-20500, Mr. Chad Wolfond, be reduced from \$4,637.00 to \$4,549.00 and that the difference of \$88.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.  
(See Resolution under 6.7)

**3. Marshall, John Roll #: 4316-010-001-19200-0000**

Decision: The Court of Revision confirmed that the Appeal be dismissed as the property has been assessed fairly and the property does contribute to the flows into the South Innisfil Creek Drain.  
(See Resolution under Section 6.2)

## 6. Decisions of the Court of Revision

### (6.1) Recommended

Moved By: E. Gres  
Seconded By: A. Kell

That the Court of Revision confirm that following appeals be dismissed for the reason that the properties have been assessed fairly.

- 4316-010-002-25700, 1636574 Ontario Inc. c/o Sina Kachooie, Director, 6448 Yonge Street, Part Lot 15, Concession 4
- 4316-010-021-05200, James & Elayne Cole, 6870 Yonge St. South Half Lot 15, Concession 6
- 4316-010-002-11600, Darlene Jane Evers, 2511 3<sup>rd</sup> Line, Cookstown, Part Lot 13, Concession 2
- 4316-010-021-04300, Catherine Hall, 7061 10 Sideroad,
- 4316-010-018-01800, John & Pam Hilverda, South Part Lot 6, Concession 6,
- 4316-010-001-17000, George, Mike & Bill Kemeny, 3194 County Rd. 89, Con 1, Pt Lot 9
- 4316-010-018-02900, Joyce & Jack McLean, 3985 7<sup>th</sup> Line

**CARRIED**

### (6.2) Recommended

Moved By: A. Kell  
Seconded By: E. Gres

That the Court of Revision confirm that following appeals be dismissed for the reason that the properties have been assessed fairly. The properties do contribute flows to the South Innisfil Creek Drain.

- 4316-030-074-16702, Ms. Erika Auciello, 2600 Gilford Rd. Con 15, Lot 13
- 4316-010-002-13600, Mr. Eugenio Carbone, 6117 10 Sideroad, Con 3, Pt Lot 11
- 4316-010-003-09100, Ms. Diane Hogarth, Con 4, Lots 48 & 49 Pt Lots 52 & 56
- 4316-010-001-17200, Mr. George Kemeny, 0 County Road 89, Con 1, Pt Lot 9
- 4316-010-002-13400, Nickolas & Michelle Makrigiogos, Con 3, South Lot 11
- 4316-010-018-02901, Joyce & Jack McLean, 3985 7<sup>th</sup> Line
- 4316-010-001-21800, Imre & Heidi Mora, 3237 3<sup>rd</sup> Line, Con 2 North Pat Lot 8
- 4316-010-003-04604, Lauren & Stephen Small, 1034 Sloan Circle Drive, Lot 3, Con 4
- 4316-010-001-17800, Ms. Mary Toich, Con 1, South Part Lot 10
- 4316-030-074-15500, Ms. Mary Toich, Con 15, Part Lot 10
- 4316-010-001-24200, Joseph Chow, 3065 4<sup>th</sup> Line
- 4316-010-001-19200, Mr. John Marshall, 2<sup>nd</sup> Line, 1 North Part Lot 8

**CARRIED**

(6.3) Recommended

Moved By: E. Gres  
Seconded By: A. Kell

That the Court of Revision confirm that the assessment of costs on Lot 6, Concession 6, Innisfil, Roll No. 4316-010-018-001900, John & Pam Hilverda, be reduced from \$6,016.00 to \$4,234.00 and that the difference of \$1,782.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.

**CARRIED**

(6.4) Recommended

Moved By: E. Gres  
Seconded By: A. Kell

That the Court of Revision confirm that the assessment of costs on Part Lot 11, Concession 13, Roll Number 4312-020-003-31000, Ms. Jennifer Riley, be reduced from \$807.00 to \$587.00 and that the difference of \$220.00 be assessed to Roll Number 4312-020-003-31061, Ms. Kirsten Sears, subject to verification of calculation by the Engineer; and

That the Court of Revision confirm that the assessment of costs on Roll Number 4312-020-003-31061, Ms. Kirsten Sears, be increased from \$0.00 to \$220.00 from Roll Number 4312-020-003-31000, Ms. Jennifer Riley, subject to verification of calculation by the Engineer.

**CARRIED**

(6.5) Recommended

Moved By: B. Pring  
Seconded By: E. Gres

That the Court of Revision confirm that the assessment of costs on Concession 2, South Part Lot 17, 1958 Second Line, Roll Number 4316-010-002-08700, Ms. Glenda Sturgeon, be reduced from \$3,833.00 to \$1,271.67 and that the difference of \$2,555.38 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.

**CARRIED**

(6.6) Recommended

Moved By: A. Kell  
Seconded By: E. Gres

That the Court of Revision confirm that the assessment of costs on 3048 County Road 89, Cookstown, South Part Lot 10, Concession 1, Roll Number 4316-010-001-17600, Mr. Chris Toich, be reduced from \$4,304.00 to \$3,220.00 and that the difference of \$1,084.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.

**CARRIED**

(6.7) Recommended

Moved By: A. Kell  
Seconded By: E. Gres

That the Court of Revision confirm that the assessment of costs on 2755 4<sup>th</sup> Line, Roll Number 4316-010-002-20500, Mr. Chad Wolfond, be reduced from \$4,637.00 to \$4,549.00 and that the difference of \$88.00 be assessed to the Town of Innisfil, subject to verification of calculation by the Engineer.

**CARRIED**

(6.8) Recommended

Moved By: E. Gres  
Seconded By: A. Kell

That this Court of Revision for The Corporation of the Town of Innisfil being held for the purposes of the South Innisfil Creek Drain 2019 Improvements be adjourned.

**CARRIED**