
HALDIMAND COUNTY

Memorandum ES-M01-2018 Harrop Drain - Drainage Referees Decision For Consideration by Council in Committee on December 11, 2018



To: Mayor Hewitt and Members of Council

From: Tyson Haedrich, M. Eng., P. Eng., General Manager, Engineering & Capital Works

On November 5, 2018 the Ontario Superior Court of Justice in the Court of the Drainage Referee rendered the decision of the Acting Drainage Referee (see attached) in a case brought forward by Teresa Beischlag and James Douglas Wilson related to the assessments for the Harrop Drain maintenance work completed in 2016.

As outlined in the ruling the Court has ordered the County to complete a new engineer's report for the Harrop Drain under Section 76 of the Drainage Act. The Court also adjusted the assessments of three properties (Beischlag, Wilson and Phibbs) based on a 1958 County Court Judge ruling and assessed these costs to the County.

In order to comply with the Court order, staff is including \$60,000 in the draft 2019 Tax Capital Budget to fund the new engineers report for the Harrop Drain. Under the Drainage Act the costs for the new engineers report will be assessed in accordance with the updated assessment schedule. It is anticipated that the work on the new engineers report will start in the summer of 2019 and may take several years to complete based on the number of appeals over the duration of the process.