

**Subject: Engineer's Report amendments to the Thomas Gamble Municipal Drain –
Court of revision**

File Number: ACS2025-IWS-WL-0003

Report to Agriculture and Rural Affairs Committee on 6 March 2025

**Submitted on February 25, 2025 by Marilyn Journeaux, Director, Water Linear and
Customer Services, Infrastructure and Water Services**

**Contact Person: Dave Ryan, Drainage Superintendent
613-580-2424, x25106 David.Ryan@ottawa.ca**

Ward: Riverside South-Findlay Creek (22) Osgoode (20)

**Objet : Modification du rapport de l'ingénieur sur le drain municipal Thomas
Gamble - Tribunal de révision**

Numéro de dossier : ACS2023-IWS-WL-0003

Rapport présenté au Comité de l'agriculture et des affaires rurales

Rapport soumis le 6 mars 2025

**Soumis le 2025-02-25 par Marilyn Journeaux, directrice, Services linéaires d'eau
et à la clientèle, Direction générale des services d'infrastructure et d'eau**

**Personne-ressource : Dave Ryan, directeur des installations de drainage,
Services d'infrastructure et d'eau**

613-580-2424, 25106, David.Ryan@ottawa.ca

Quartier : Riverside-Sud-Findlay Creek (22) Osgoode (20)

REPORT RECOMMENDATION(S)

That the members of the Court of Revision:

- 1. Receive the report of the Engineer appointed under the Drainage Act entitled Engineer's report amendments to the Thomas Gamble Municipal Drain dated October 2024.**
- 2. Convene for the first sitting for the Court of Revision under subsection 46(3) of the Drainage Act for the purpose of hearing appeals under Section 52 of the Drainage Act from owners of lands that have been assessed for the drainage works in the report entitled Engineer's report amendments to the Thomas Gamble Municipal Drain dated October 2024.**

RECOMMANDATION(S) DU RAPPORT

Que les membres de la tribunal de révision :

- 1. prennent connaissance du rapport de l'ingénieur nommé aux termes de la Loi sur le drainage, intitulé «Modification du rapport de l'ingénieur sur le drain municipal Thomas Gamble» en date du mois d'octobre 2024;**
- 2. se réunissent pour la première séance du tribunal de révision aux termes du paragraphe 46(3) de la Loi sur le drainage, afin d'entendre les appels interjetés aux termes de l'article 52 de la Loi sur le drainage par les propriétaires de terrains évalués pour les travaux de drainage dans le rapport de l'ingénieur intitulé «Modification du rapport de l'ingénieur sur le drain municipal Thomas Gamble» en date du mois d'octobre 2024.**

BACKGROUND

The following provides a high-level overview of the proposed amendments to the Thomas Gamble Municipal Drain. This brief overview does not describe the project or its purpose in its entirety, for further details please refer to the Engineer's Report entitled Engineer's report amendments to the Thomas Gamble Municipal Drain(Document 3) dated October 2024prepared by Robinson Consultants Inc.

The purpose of this report is to address improvements to accommodate changes in land use as a result of urban development. This update to the Thomas Gamble Municipal Drain was initiated in response to a petition from a developer of lands within the existing watershed of the municipal drain. Mr. Robinson has provided an engineer's report which updated the existing engineer's report and associated costs to the landowners within the watershed.

All associated costs with the engineer's report will be initially paid by the Water, Linear and Customer Services Branch of the Infrastructure and Water Services Department and recovered from the owners of the subject land. The total estimated costs are \$2,420,182.08. This amount includes a special benefit assessment of \$2,394,284.56 to the owners of Blocks D, E, and F. The remaining \$25,897.52 associated with this report will be assessed to the other properties within the drainage area as shown on Dwg. No. 22021-A3(Document 1). This amount includes assessments and internal cost recovery related to City of Ottawa lands and roads in the amount of \$4,118.94.

An internal order 909171 exists for this specific drain and the necessary funding will be established from anticipated revenues. The City funding of \$4,118.94 will be transferred from the Municipal Drains internal order 911341.

Future maintenance costs for the Thomas Gamble Municipal Drain will also be assessed as per assessment schedules "Schedule C Section 1 for the future maintenance of the Thomas Gamble Municipal Drain" and "Schedule D Section 2 for the future maintenance of the Thomas Gamble Municipal Drain".

A copy of the Notice of First Sitting of Court of Revision was sent by mail on February 13, 2025, to each owner of lands assessed for the drainage works in the Engineer's Report dated October 2024 prepared by Robinson Consultants Inc. A copy of the provisional by-law that received 1st and 2nd reading by Council on February 12, 2025, is included in Document 2 to this report.

Function of Court of Revision

The Court of Revision is a statutorily mandated appeal body established under the provincial *Drainage Act* to hear appeals from owners of lands that have been assessed for the cost of construction and/or repair of drainage works under an engineer's report prepared under the *Drainage Act*.

The Court of Revision is one of three quasi-judicial bodies established by Council and although it is currently composed entirely of Councillors supported by the Clerk's staff, it does not operate as a Standing Committee of City Council and has an entirely different purpose and set of rules governing its operations (ACS2010-CMR-CCB-0106, Council Governance Review 2010-2014, City Council December 8, 2010).

Council is not legislated to consider any appeals concerning a drainage assessment schedule in an engineer's report or to hear any other types of *Drainage Act* appeals. As such, the members of the Agriculture and Rural Affairs Committee do not make any

recommendations to Council on drainage assessment appeals to the Court of Revision and therefore a report to Council is not required in relation to Court of Revision hearings.

That being said, this report serves as a useful mechanism for providing information to the public, to Councillors and to staff on the status of existing and proposed drainage works under the *Drainage Act* and facilitates the transparency, accountability and effectiveness of this quasi-judicial body established by the *Drainage Act*.

The sole purpose of this report is to serve as a guide on the role of the Members of the Court of Revision and Court of Revision procedures under the *Drainage Act*.

Role of the Members of the Court of Revision and Court of Revision Procedures

As Court of Revision members are required to consider assessment appeals on an impartial and unbiased basis, each member should strive to keep his/her Court of Revision role completely separate and distinct from his/her City Council and Standing Committee roles.

The *Drainage Act* provides some guidance as to how the Court of Revision is to proceed:

- In any appeal to the Court of Revision, if the engineer is called upon to give evidence as to how an assessment was determined, the engineer must give evidence before the appellant's case is presented.
- The appeals to the Court of Revision are on the ground that lands or roads are assessed too high or too low, land or road should have been assessed, or due consideration has not been given to the use being made of the land. If the members of the Court of Revision are satisfied, based on the evidence presented at the hearing, that an assessment should be reduced and added to lands owned by a person who is not present at the hearing, then they must adjourn the Court of Revision, send notice to the absent owners of assessed lands to allow them to appeal the change, and then reconvene in accordance with Section 53. At the adjourned date (i.e. the 2nd sitting of the Court of Revision), the Court must dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just.

- If the Court of Revision decides to change an assessment, Section 56 states that notice of the change must be sent to affected owners and the provisional by-law shall be amended to carry out any changes so made by the Court of Revision.
- A party to an appeal that is before the Court of Revision may appeal the decision of the Court of Revision to the Agriculture, Food and Rural Affairs Appeal Tribunal in accordance with the provisions of the *Drainage Act*.

DISCUSSION

Not applicable to the Court of Revision

FINANCIAL IMPLICATIONS

Not applicable to the Court of Revision

LEGAL IMPLICATIONS

Not applicable to the Court of Revision

COMMENTS BY THE WARD COUNCILLOR(S)

Not applicable to the Court of Revision

CONSULTATION

Not applicable to the Court of Revision

ACCESSIBILITY IMPACTS

Not applicable to the Court of Revision

SUPPORTING DOCUMENTATION

Document 1 Location Plan

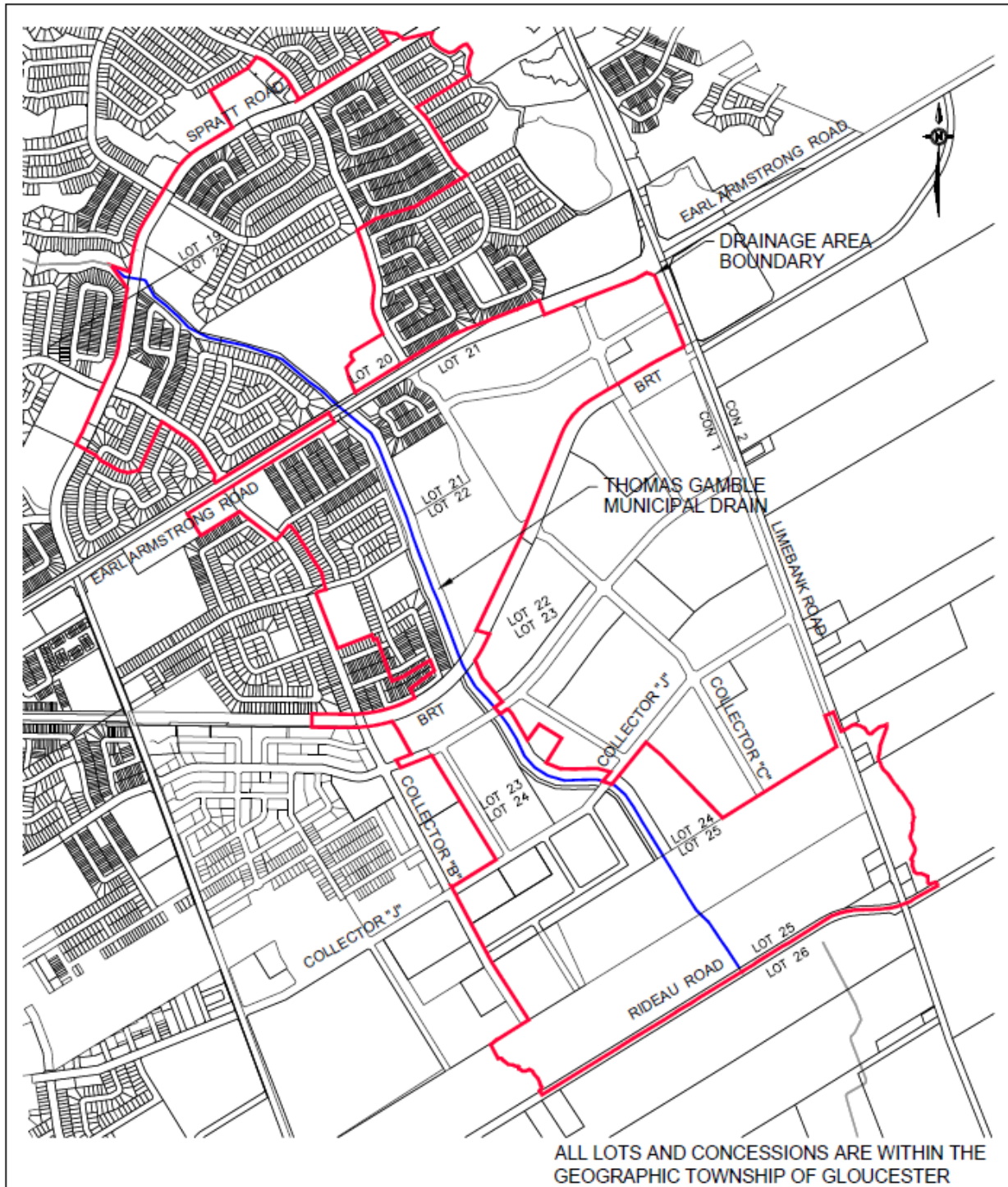
Document 2 Provisional By-law

Document 3 Engineer's report amendments to the Thomas Gamble Municipal Drain

DISPOSITION

After the time for appeals to the Court of Revision has expired and there are no appeals, or after the appeals have been decided, Council may give third reading to the provisional by-law, authorizing construction of the drainage works.

Document 1



Title		LOCATION PLAN		Fig. No.	
				3.1	
Project		THOMAS GAMBLE MUNICIPAL DRAIN	Job No.	22021	
		Scale	NTS	Date	OCT 2024