

Court of Revision at Ottawa
City of Ottawa
110 Laurier Avenue West, Mail Code 01-71
Ottawa, Ontario K1P 1J1
Tel: 613-580-2424 ext. 21215 Fax: 613-580-2416

IN THE MATTER OF THE DRAINAGE ACT, R.S.O. 1990, CHAPTER D.17, AS AMENDED

AND IN THE MATTER OF:

An appeal to the Court of Revision at Ottawa by **DALE SHOULDICE, SUSAN and PETER MUEHLHERR, DAVE RYAN (CITY OF OTTAWA), ROBERT TEMPLETON, K. RANDAL and HEIDE M. LAVIER, ELDON LINDSAY, PETER CARON and DALE SYNNETT-CARON, JOHN CLARKE, JAMES STEPHENSON and SANDRA PARSONS, BILL MACKEY, BILL and WAYNE MACKEY, MARC MACDONALD, DAVID WELCH, LINDA DARLENE NICHOL, ERIC and SHANNON CARTER, DALE DESPREY, STEPHEN and ALEXANDRA WENDT, SHANNON and JEFFREY STORIE, DENIS and PATRICIA BOYER, CAROL and ROBERT MACDONALD, CONSTANCE and RONALD WHITMORE, CHARLES ALAN and PATRICIA HAM, ROBERT ADRIEN and SARA LOUISE PAQUETTE, STEPHANE MAYNARD and MARTINE ROCHON, DEREK BAIGENT and JENNIFER WILLIAMS, PHYLLIS E. BEGG, OWEN and BELLE SEVERN, MICHAEL and MARY CATHERINE LUBUN, LISA LARWILL, KYLA LATREILLE, ROBERT ARCHIBALD and ANNE-GAELLE ROLLAND, BONITA JULIA and PETER DAVID LIVINGSTONE, DEBRA and DUANE SCHARFF, GORDON and SHIRLEY R. CRAWFORD, JACQUELINE LEGER, WANDA BRACKEN and SANDRA LUECK, M.P. and D.D., DAVE and BRONWYN HARPER, JEFFREY NOTT** all of the City of Ottawa, under Section 52 of the Drainage Act from the assessments in the engineer's report dated June 2022 (the "Report") entitled **Engineer's Report for new Assessment Schedules under Section 76 of the Drainage Act R.S.O. 1990 c. D17 for Cranberry Creek Municipal Drain** in the City of Ottawa.

First sitting of the Court of Revision: Monday, 22 August 2022, 7:00pm. Location of Sitting: Alfred Taylor Recreation Center, 2300 Community Way, North Gower

Before:

Eli El-Chantiry, Chair; Scott Moffatt, Member; George Darouze, Member; Catherine Kitts, Member; Glen Gower, Member

Meeting continued: Tuesday, 23 August 2022, 7:00pm. Location of Sitting: Alfred Taylor Recreation Center, 2300 Community Way, North Gower

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Before:

Eli El-Chantiry, Chair; Scott Moffatt, Member; George Darouze, Member,

DECISION OF THE COURT

1. After careful consideration of the appeals filed and the submissions made, the Court orders that the assessments of the properties listed below are modified in the manner shown and the Drainage Engineer will amend the Report accordingly:

ID #	Tax Roll #	Appellant Name	Corrected roll number
139	181810107000000	DAVE RYAN (CITY OF OTTAWA)	181810070000000
204	181810118020000	DAVE RYAN (CITY OF OTTAWA)	181810118000000
205	181810118000000	DAVE RYAN (CITY OF OTTAWA)	181810118030000
206	181810118030000	DAVE RYAN (CITY OF OTTAWA)	181810118020000

ID #	Tax Roll #	Appellant Name	Other adjustment
297	181820037000000	DALE SHOULDICE	Land use factor adjusted to 0.66
219	181820001050000	PETER CARON and DALE SYNNETT-CARON	Land use factor adjusted to 0.42
52	182840092000000	DAVID WELCH	Remove pump station benefit from section 1. Pump station benefit area should be reduced to 17.46ha.
302	181820033020000	CHARLES ALAN and PATRICIA HAM	Land use factor adjusted to 0.88
61	182840099620000	OWEN and BELLE SEVERN	Area to be corrected to 22.07ha
169	181810095000000	MICHAEL and MARY CATHERINE LUBUN	Land use factor adjusted to 0.8
161	181810091050000	ROBERT ARCHIBALD and ANNE-GAELLE ROLLAND	Area to be corrected to 7.12ha

2. To ensure that other properties are not directly impacted (with increased costs) resulting from the above noted decisions, the Court of Revision directs that a Special Assessment be made against the City of Ottawa in the amount of \$20.00 for Section 1 (Schedule B), \$200.00 for Section 2 (Schedule C), \$40.00 for Section 3 (Schedule

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D) and \$200.00 for the Pump Station (Schedule E), all of which are summarized in Schedule A, as per the revised Schedules of Assessment attached. The Special Assessment is to be applied proportionally to the actual assessment for the current Engineer's Report and for all costs associated with any future maintenance. The proportion of Special Benefit applied to Benefit and Outlet costs is as prescribed by the Engineer's Report, with the exception of Section 2 where 35% of the Special Benefit is applied to the benefit cost (\$70.00) and 65% applied to the outlet cost (\$130).

3. All other appeals are denied.

As a result of the change in assessment for the properties listed on page 2 and the City of Ottawa, the parties shall be notified in accordance with Section 53 of the Drainage Act and the Court of Revision will reconvene on November 3, 2022 to consider any submissions their party wishes to make.



Eli El-Chantiry

Chair

Dated at Ottawa, Ontario this 23rd day of September, 2022