



DEVRY SMITH FRANK *LLP*  
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April 4, 2019

Delivered by Courier

Innisfil Town Council  
c/o Lee Parkin, Manager of Legal and Clerk Services  
Innisfil Town Hall  
2101 Innisfil Beach Road  
Innisfil, ON L9S 1A1

Dear Mr. Parkin

**Re: Innisfil Creek Golf Course (the “Golf Course”)  
South Innisfil Creek Drain 2019 Improvement (the “Drain Works”)  
R.J. Burnside and Associates Limited (“Burnside”) 13 February 2019 Engineering  
Report (the “Report”)  
Town of Innisfil (the “Town”) By-law No. 010-19 (the “By-law”)  
Notice of Appeal  
Roll Number 010-001-19400-0000**

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I represent the Succession Financial Group, owners of the Golf Course. The Golf Course is designated as a Rural Commercial use under the Town’s Official Plan.

By way of this letter we are submitting to you a Notice of Appeal pursuant to section 48 of the *Drainage Act*, R.S.O. 1990 c.D.17, as amended (the “Act”). The Appeal Form is attached.

Section 33 of the Act provides that compensation may be awarded to land owners for the loss of bridge access. The Golf Course contains four (4) bridges (the “Bridges”), all of which are required for purposes of access. They will be removed as part of the Drainage Works to allow for the widening of Innisfil Creek.

The Report provides compensation or allowance for the loss of only one bridge. There is no such restriction under the Act or otherwise for non-agricultural properties. Moreover the compensation/allowance for the loss of that bridge - \$41,600 - is grossly inadequate. The replacement cost is much higher.

Per the Act the compensation or allowances provided by Burnside are clearly inadequate. We are therefore requesting that the Agricultural, Food and Rural Affairs Appeal Tribunal (the “Tribunal”) require that the Report be amended to include the loss of the Bridges and the true cost of that loss.

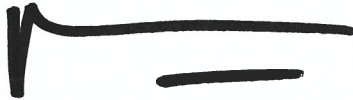
Pursuant to the Tribunal Rules the contact information for the Golf Course is:

Innisfil Creek Golf Course  
c/o Marc Kemerer, Devry Smith Frank LLP  
95 Barber Greene Road, Suite 100  
Toronto ON M3C 3E9  
416.446.3329

Should you have any questions regarding this appeal please do not hesitate to contact the writer.  
Thank you in advance for sending a copy of the appeal to the Tribunal.

Yours truly,

DEVRY SMITH FRANK LLP

A handwritten signature in black ink, consisting of a vertical stroke followed by a horizontal stroke that curves slightly upwards at the end.

Marc P. Kemerer  
MPK/jrg  
Encl.  
c. Client

**Notice of Appeal to Tribunal by Owner of Land  
or Public Utility  
Re: Engineer's Report**

*Drainage Act, R.S.O. 1990, c. D.17, subs. 48(1)*

To: The Council of the Corporation of the Town of Innisfil

Re: South Innisfil Creek Drain  
(Name of Drain)

Take notice that I/we appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal as owner(s) of land under section 48(1), because of dissatisfaction with the report of the engineer on the grounds that:

- The benefit to be derived from the drainage works are not commensurate with estimated cost thereof;
- The drainage works should be modified on grounds to be stated;
- The compensation or allowances provided by the engineer are inadequate or excessive; or
- The engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed.

Details of application and relief being sought from Tribunal (attach additional pages if needed).

Please see cover letter.

I am/we are appealing as:  Owner(s) of Land  Public utility

**Property Owners or Public Utility Appealing to Tribunal**

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.
- If appealing to Tribunal regarding multiple properties, attach additional page with property information.

Property Description  
239 Reive Boulevard

Ward or Geographic Townsh p Cookstown	Parcel Roll Number 010-001-19400-0000
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If property is owned in partnership, all partners must be listed. If property is owned by a corporation or public utility, list the name and the corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Tribunal.

**Corporation**

**Corporate Ownership**

Name of Signing Officer (Last Name, First Name) (Type/Print)  
Nick Torkos

Name of Corporation Succession Financial Group Inc.	Position Title President
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Signature 	Date (yyyy/mm/dd) 2019/04/04
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I have the authority to bind the Corporation.

Enter the mailing address and primary contact information of appellant below:

Last Name Kemerer		First Name Marc	Middle Initial P
<b>Mailing Address</b>			
Unit Number 100	Street/Road Number 95	Street/Road Name Barber Greene Road	PO Box
City/Town Toronto		Province ON	Postal Code M3C 3E9
Telephone Number 416 446-3329	Cell Phone Number (Optional)	Email Address (Optional) marc.kemerer@devrylaw.ca	

To be completed by recipient municipality:

Notice filed this 5<sup>th</sup> day of April 20 19

Name of Clerk (Last Name, First Name) <u>Parkin, Lee</u>	Signature of Clerk 
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**Appeal Commenced by Notice:** The clerk of the municipality must record the appeal and send a copy to the Tribunal and to all persons assessed for the drainage works. *Drainage Act*, R.S.O. 1990, c. D.17, s. 99.

**Timeline for Appeal:** This notice of appeal must be served within forty days after the sending of the notice under section 40 or subsection 46 (2). *Drainage Act*, R.S.O. 1990, c. D.17, subs. 48(1)(d).

