Notice of Appeal to Tribunal from the Court of Revision

Drainage Act, R.S.O. 1990, c. D.17, subs. 54(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, appellant(s) to the Court of Revision, appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal from (check one):

☑ **The decision of the Court of Revision dated** 2019/03/21
Date (yyyy/mm/dd)

☐ **The omission, neglect or refusal of the Court of Revision to hear or decide an appeal**

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

See Page Attached

Property Owners 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

Con. 15 Pt Lot 10

Ward or Geographic Township	Parcel Roll Number
3006 County Rd 89, RR1 Cookstown, Ont. L0L 1L0. Town of Innisfil	4316-030-074-15500-0000

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Tribunal.

Sole Ownership

Individual or Sole Ownership

Name (Last Name, First Name)	Signature	Date (yyyy/mm/dd)
MARY TOICH	Mary Toich	2019/04/09

Enter the mailing address and primary contact information of property owner below:

Last Name	First Name	Middle Initial
TOICH	MARY	

Current Address

Unit Number	Street/Road Number	Street/Road Name	PO Box
	3006	County Rd 89, RR1	

City/Town	Province	Postal Code
COOKSTOWN	Ontario	L0L 1L0

Telephone Number	Cell Phone Number (Optional)	Email Address (Optional)
705-456-2807		

To be completed by recipient municipality:

Notice filed this 10 day of Apr. 1 20 19

Name of Clerk (Last Name, First Name)	Signature of Clerk
Parkin, Lee	

Timeline for Appeal: This notice of appeal must be served within twenty-one days of the pronouncement of the decision of the court of revision. *Drainage Act*, R.S.O. 1990, c. D.17, subs. 54(1).

RECEIVED
APR 10 2019
Town of Innisfil
Clerk's Services

Ontario

I disagree with the decision of the Court of Revision that my property has been assessed fairly for the following reasons:

1. The cost of the Burnside assessment is more than double the previous Dillon Engineering assessment – an excessive increase that is extremely difficult to bear financially. At a cost per acre of 473.00/acre this improvement to the South Innisfil Creek Drain is three times the cost per acre of the Holland Marsh Drain Project, the most expensive drainage project in Ontario. This inconsistency in assessments seems confusing and most unfair.

2. More importantly the SICD has a well known history of neglecting their responsibility of regular maintenance as per s. 74 of the Drainage Act. This neglect resulted in a request for clean up under s. 79 of the Act following the flood of 2000. Repeated requests over the following 3 years for clean up were not implemented by the Town. The third flood in the market garden area over a period of 4 consecutive years and no maintenance or cleanup, nor any communication to the landowners concerned forced the landowners to appeal to the Referee in 2004 for relief, in accordance with s. 79 of the Act.

3. Concurrently, in 2004 a landowner who suffered total crop loss and property damages and citing improper management and negligence in maintaining the Drain, received a 1.5 million dollar settlement from the town.

4. Referee Obrien's March 2005 Order, point #8 (twice yearly inspections and any applicable maintenance as a result) was ignored, resulting in the Town being in contempt of this order. A lack of twice yearly inspections and/ or maintenance for the years 2004-2014 is confirmed on the town's records.

5. The result of no proper maintenance, no repair, no cleanup for 18 years is of course an increase of sediment buildup and other accumulated debris producing evermore blockage to increase the potential of continuing flood damage. We have been very lucky to date that there has been no serious flooding since 2005, despite lack of cleanup etc.

6. Had the Town assumed their responsibilities under the act; had due diligence been applied, had they not ignored the landowners pleas and requests for needed maintenance there would be no need for such a large improvement costing 5 million dollars with the potential of increased costs owing to uncertainties in the report.

7. Based on the years of mismanagement, ignoring landowners requests for cleanup, not abiding by a court Order, and refusing to ensure regular maintenance, the end result is an expensive Improvement project created by the town's negligence and as such all costs should be borne by the Town, and not by the landowners. Therefore I would ask for relief of my total assessment stated in the Burnside report ( ) and further that all costs for this Drain improvement are assessed to the town and paid out of the general levy in accordance with s.118(2) of the Drainage Act.