

**Agriculture, Food and Rural Affairs  
Appeal Tribunal**  
1 Stone Road West  
Guelph, Ontario N1G 4Y2  
Tel: (519) 826-3433, Fax: (519) 826-4232  
Email: AFRAAT@ontario.ca

**Tribunal d'appel de l'agriculture, de  
l'alimentation et des affaires rurales**  
1 Stone Road West  
Guelph (Ontario) N1G 4Y2  
Tél.: (519) 826-3433, Téléc.: (519) 826-4232  
Courriel: AFRAAT@ontario.ca



**FILE NO.:** 003HollandMarsh21

**DATE:** 2021/06/18

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

**AND IN THE MATTER OF** an application to the Agriculture, Food and Rural Affairs Appeal Tribunal by the **Holland Marsh Drainage System Joint Municipal Service Board**, under Section 76(1) of the *Drainage Act*, with respect to the **Holland Marsh Drainage System** in the Town of Bradford West Gwillimbury and in the Township of King.

**AND IN THE MATTER OF** a written hearing pursuant to Rule 13 of the Tribunal's Rules of Procedure.

<b>BETWEEN:</b>	)	
	)	
Holland Marsh Drainage System Joint	)	
Municipal Service Board ("Service Board")	)	Self-represented
	)	
Applicant	)	
	)	
<b>– and –</b>	)	
	)	
The Town of Bradford West Gwillimbury	)	
	)	Self-represented
The Township of King	)	
	)	
Respondents	)	
	)	
	)	

Before: Katie DeBlock, Vice-Chair; Andrew McBride, Vice-Chair; and Dave Stevens, Member.

**AMENDED DECISION OF THE TRIBUNAL**

**Background**

[1] On February 24, 2021, the Agriculture, Food and Rural Affairs Appeal Tribunal (the "Tribunal") received an Application pursuant S.76(1) of the *Drainage Act*, RSO 1990, c D.17 (the "*Drainage Act*") from the Holland Marsh Drainage System Joint Municipal Service Board (the "Board") seeking permission from the Tribunal to procure the report

of an engineer to vary the Schedule of Assessment prepared in 1990 by Young-Smart Engineering Company (the “Schedule of Assessment”).

[2] The Tribunal provided a Notice of Written Hearing dated March 25, 2021 to the following parties:

1. Holland Marsh Drainage System Joint Municipal Services Board
2. The Town of Bradford West Gwillimbury
3. The Township of King
4. All persons assessed on the Schedule of Assessment.

[3] The Notice of Hearing set out the following procedure for the hearing:

1. By April 15, 2021, any person assessed on the Schedule of Assessment who wished to participate was to notify the Secretary-Treasurer of the Board;
2. By April 16, 2021, the Secretary-Treasurer of the Board was to provide the Tribunal and all participating parties a list of all persons assessed who intended to participate;
3. By April 30, 2021, all parties were required to submit to the Tribunal, and to all participating parties, one copy of all documents and submissions; and
4. By May 3, 2021, the Secretary-Treasurer of the Board was to make one copy of all filed documents and submissions available for review in the office of the Board.

[4] Nine (9) persons assessed on the Schedule of Assessment indicated that they wished to participate. None of these persons submitted documents or submissions.

### **Decision and Reasons**

[5] Pursuant s.76(1) of the *Drainage Act*, the council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal for permission to procure a report of an engineer to vary the assessment.

[6] The Board’s evidence outlines that, due to the development or hardening of the agricultural land in the Holland Marsh that has been occurring over the years, there has been a change in conditions that justifies a variation of the Schedule of Assessment.

[7] None of the assessed persons notified of the Application submitted evidence disagreeing with the request in the Application or indicating that a variation of the assessment is not justified.

**ORDER OF THE TRIBUNAL**

[8] The Tribunal grants permission for the Holland Marsh Drainage System Joint Municipal Service Board to procure a report of an engineer to vary the Schedule of Assessment prepared in 1990 by Young-Smart Engineering Company.

Dated at Mitchell, Ontario this 18<sup>th</sup> day of June, 2021.

A handwritten signature in black ink, consisting of the letters 'KDB' in a stylized, cursive font, enclosed within a hand-drawn oval.

Katie DeBlock Boersma  
Vice-Chair

**Amended decision released: June 21, 2021**

**TO:**

Holland Marsh Drainage System Joint Municipal Services Board  
c/o Ruth Westlake  
Holland Marsh Drainage Board Coordinator  
Town of Bradford West Gwillimbury  
3541 Line 11, PO Box 160  
Bradford, ON L3Z 2A8  
Email: [rwestlake@townofbwg.com](mailto:rwestlake@townofbwg.com)

**AND TO:**

The Town of Bradford West Gwillimbury  
c/o Rebecca Murphy  
Director of Corporate Services/Town Solicitor  
100 Dissette St., Units 7&8  
P.O. Box 100  
Bradford, ON L3Z 2A7  
Email: [rmurphy@townofbwg.com](mailto:rmurphy@townofbwg.com)

**AND TO:**

The Township of King  
c/o Daniel Kostopoulos  
Chief Administrative Officer  
2585 King Road  
King City, ON L7B 1A1  
Email: [dkostopoulos@king.ca](mailto:dkostopoulos@king.ca)

**AND TO:**

All persons assessed on the current Schedule of Assessment, added as parties by Order of the Tribunal, receive a copy of this decision.