

THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

BY-LAW NO. 102-2023

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Being a By-law to provide for drainage works in the Municipality of Thames Centre and the County of Middlesex for the borrowing on the credit of the Municipality of Thames Centre, the sum of \$209,400.00 being the amount to be contributed for the completion of the same.

**(Op Den Kelder – Paton Drain 2023)**

**WHEREAS** the requisite number of owners have petitioned the Council of The Corporation of the Municipality of Thames Centre in accordance with the provisions of the *Drainage Act, R.S.O., 1990*, requesting that the following lands and roads be drained by a drainage works serving the area of:

Lot 4, Concession 3 S.R.T. (geographic North Dorchester)  
in the Municipality of Thames Centre.

**AND WHEREAS**, the Council of The Corporation of the Municipality of Thames Centre has procured a Report under Section 4 of the *Drainage Act*, prepared by Mr. M. P. Devos, Spriet Associates, entitled Op Den Kelder – Paton Drain 2023, dated August 16, 2023;

**AND WHEREAS** the cost of constructing the said drainage works is \$209,400.00;

**AND WHEREAS** \$209,400.00 is the amount to be contributed by the Municipality of Thames Centre;

**AND WHEREAS** the Council of The Corporation of the Municipality of Thames Centre is of the opinion that the drainage works in the area are desirable;

**NOW THEREFORE** the Council of The Corporation of the Municipality of Thames Centre **ENACTS**, pursuant to the *Drainage Act, 1990*, as follows:

1. **THAT** the Engineers Report dated August 16, 2023 is adopted and the drainage works is authorized and shall be completed as specified within the report.
2. **THAT** the Municipality of Thames Centre may borrow on the credit of The Corporation the sum of \$209,400.00 being the amount necessary the improvement the said drainage work. This project may be debentured.
3. **THAT** The Corporation of the Municipality of Thames Centre may issue debenture(s) for the amount borrowed less the total amount of grants received under section 85 of the *Drainage Act*; monies paid as allowances; commuted payments made in respect of lands and roads assessed within the municipality; money paid under subsection 61(3) of the *Drainage Act*; and money assessed in and payable by another municipality.
4. **THAT** such debenture(s) shall be made payable within the timeline as laid out in the Municipal Drain Assessment Billing, Payment and Debentures Policy Number CP-D-1.1 and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of the sale of such debenture(s).
  - a) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads shown in the attached Schedule C – Assessment for Construction and shall be collected in the same manner and at the same as other taxes are collected in each year after the passing of this by-law.
  - b) For paying the amount \$2,945.00, being the amount assessed upon

the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Municipality of Thames Centre in each year after the passing of this by-law to be collected in the same manner as and at the same time as all other taxes.

5. **THAT** this By-law shall come into force and effect on the final passing thereof and shall be cited as Op Den Kelder – Paton Drain 2023.

**READ a FIRST**, and **SECOND** time and provisionally adopted this 30<sup>th</sup> day of October 2023.

\_\_\_\_\_  
Mayor, S. McMillan

\_\_\_\_\_  
Interim Clerk, S. Henshaw

**READ a THIRD** time and **FINALLY PASSED** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Mayor, S. McMillan

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Interim Clerk, S. Henshaw

**SCHEDULE "A"**  
**TO BY-LAW 102-2023**

**NOTICE OF SITTING OF COURT OF REVISION**

*The Drainage Act, 1990, Chapter 126, Section 46(1) and (2)*

Notice is hereby given that a Court of Revision will be held in hybrid format (both electronically and in-person) on the 27<sup>th</sup> day of November, 2023, at 5:00 p.m. to hear any owner of land, or where roads in the local municipality are assessed, any ratepayer, who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given or allowance made as to type of use of land, who personally, or by his agent, has given notice in writing to the clerk of the municipality that he considers himself aggrieved for any or all such causes.

**APPEALS TO COURT OF REVISION/ASSESSMENT**

Section 52(1) and (2)

Any owner of land assessed for the drainage works who complains that any land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given as to type of use of land, may personally, or by agent, appeal to the court of revision by giving notice in writing to the clerk of the initiating municipality setting out the grounds of the appeal, and the appeal shall be heard by the court of revision.

Every notice of appeal shall be given at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1980, c. 126, s. 52.

Last date to file Notice of Appeal with Clerk for the Court of Revision:  
November 17, 2023.

**APPEALS TO REPORT**

*The Drainage Act, 1990, Chapter 126, Section 47 & 48 (excerpts)*

Any owner of land, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under Section 4 or 78, may appeal to the referee and in every case a written notice of appeal shall be served upon the Council of the initiating Municipality within forty days after the date of mailing of the notice of the Court of Revision or notice by engineer not to proceed.

Any owner of land affected by a drainage works, if dissatisfied with the Report of the Engineer on the grounds that:

- a. the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- b. the drainage works should be modified on grounds to be stated;
- c. the compensation or allowances provided by the engineer are inadequate or excessive;
- d. the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under Section 3;

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice of the Court of Revision or notice by engineer not to proceed.

Last date to file Notice of Appeal with Clerk for the Report: December 11, 2023.

November 1, 2023  
Date of Notice