



## County of Brant Council Report

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**To:** To the Mayor and Members of County of Brant Council  
**From:** Robert Walton, P.Eng., General Manager of Operations  
**Date:** February 27, 2024  
**Report #:** RPT-0202-24  
**Subject:** Standing Court of Revision Appointments for remainder of the Council Term 2022 to 2026  
**Purpose:** For Approval

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### **Recommendation**

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Whereas the County of Brant (the County) has many upcoming Drain Reports pursuant to the Drainage Act RSO 1990 (the Act);

And Whereas each of these Reports will require a Court of Revision;

And Whereas Council discussed the possibility of appointing members to a Standing Court of Revision for all upcoming projects during the remainder of the 2022 to 2026 Council Term;

THAT, Council appoints five (5) members to the Court of Revision for appeals subject to Section 97 (1) of the Act for the remainder of the Council term 2022 to 2026;

And That for Drains subject to Section 97(3) of *the Act*, specific Court of Revision appointments be made by Council as they are required.

### **Strategic Plan Priority**

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Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 4 - Reliable Infrastructure

### **Impacts and Mitigation**

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#### Social Impacts

N/A

#### Environmental Impacts

N/A

#### Economic Impacts

The Court of Revision is required for an Engineers Report. Any landowner can appeal their assessed costs in the Engineers Report to the Court of Revision.

## Report

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### Background

Section 97 of *the Act* sets out the requirements for the Court of Revision as follows:

#### **Court of Revision**

*97 (1) Subject to subsections (3), (4) and (5), a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide. R.S.O. 1990, c. D.17, s. 97 (1).*

#### **Qualification**

*(2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1990, c. D.17, s. 97 (2).*

#### **Where more than one (1) municipality**

*(3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. R.S.O. 1990, c. D.17, s. 97 (3).*

#### **Quorum**

*(4) A majority of the members of the court of revision shall constitute and, despite the decision of any court, shall be deemed always to have constituted a quorum. R.S.O. 1990, c. D.17, s. 97 (4).*

#### **Jurisdiction and powers of quorum**

*(5) A quorum of the court of revision is sufficient and, despite the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision. R.S.O. 1990, c. D.17, s. 97 (5).*

The basis for an appeal to the Court of Revision is set out in *the Act* as follows:

**52** *(1) An owner of land assessed for the drainage works may appeal to the court of revision on any of the following grounds:*

- 1. Any land or road has been assessed an amount that is too high or too low.*
- 2. Any land or road that should have been assessed has not been assessed.*
- 3. Due consideration has not been given to the use being made of the land. 2010, c. 16, Sched. 1, s. 2 (21).*

The Court of Revision may alter any assessment, but they cannot change the total cost of the drain in the Provisional By-Law (i.e. any reduced assessments must be placed against other properties or roads). Any decision or non-decision of the Court of Revision can be appealed to the Drainage Tribunal by affected landowners.

The use of a Standing Court of Revision will accomplish a few things:

- 1. There will not be a need for Council to appoint a Court of Revision each time a new report is considered, unless more than one (1) municipality is involved (Section 97(3)).
- 2. The members of the Court of Revision can receive training and will become familiar with their duties.
- 3. The appointment of five (5) members is suggested as quorum is defined as a majority in *the Act* and the Court can proceed if up to two (2) members are not available.

With approval of this report, staff will arrange for a brief training session for the newly appointed Court of Revision members at the earliest opportunity.

**Attachments**

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N/A

**Reviewed By**

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S. Tweedle, Drainage Superintendent  
G. Demers, Director of Roads  
A. Dyjach, Director of Council Services, Clerk

**Copied To**

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N/A

**By-law and/or Agreement**

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By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No