



# NOTICE

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## Section 76 (Drainage Act) Application Decision of the Tribunal

The Holland Marsh Drainage System Joint Municipal Service Board passed a resolution on February 11, 2021 to appoint a drainage engineer to develop an updated assessment schedule for the Main Drain and Pumping Operations pursuant to Section 76 of the *Ontario Drainage Act*, which could allow for variable levy rates based on land use.

Pursuant to Section 76(1) of the *Ontario Drainage Act*, the Board requires permission from the Agriculture, Food and Rural Affairs Appeal Tribunal to procure a report of an engineer to vary the assessment.

The Holland Marsh Drainage System Joint Municipal Service Board has made application to the Agriculture, Food and Rural Affairs Appeal Tribunal on February 24, 2021. The Agriculture, Food and Rural Affairs Appeal Tribunal has now made a decision on the written hearing, which 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. A copy of the decision is enclosed.

R.J. Burnside & Associates Limited will be appointed to review the current levy structure and provide a new levy structure that may create a variable rate for determining assessments against existing lands that have been modified through development (i.e. hardening). The Drainage Engineer may apply the principles of Section 23(3) of the *Drainage Act* where “The assessment for outlet liability....shall be based upon the volume and rate of flow of the water artificially caused to flow...into the drainage works from the lands and road...”

If you want more information on the process, please visit the Board’s website at [www.hollandmarsh.org/home/drain/section76](http://www.hollandmarsh.org/home/drain/section76).

### FOR MORE INFORMATION CONTACT:

Any questions regarding this notice should be directed to Holland Marsh Drainage System Joint Municipal Service Board, 905-778-4321 or email [rwestlake@townofbwg.com](mailto:rwestlake@townofbwg.com).