

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

Tribunal d'appel de l'agriculture, de
l'alimentation et des affaires rurales
1, chemin Stone Ouest
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NOTICE OF HEARING

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

AND IN THE MATTER OF: Appeals to the Agriculture, Food and Rural Affairs Appeal Tribunal by **Barlow Square Inc., Sudbury; Martin and Maria Bonigut, Newmarket; Henry Kedra, Guelph; Gary Rupke, Kettleby; and Salvatore Tunno, Kettleby** under Subsection 48(1) of the *Drainage Act* from the engineer's report and by **the County of Simcoe, Midhurst; Dorian and Elizabeth Milleman, Newmarket; and Nabil Salama, Toronto** under Subsection 54(1) of the *Drainage Act* from a decision of the Court of Revision, and by **Lawrence and Connie Curtis, Bradford; and Ron Gleason, Bradford** under Subsection 48(1) and 54(1) of the *Drainage Act* on the **Holland Marsh Drainage System Canal Improvement Project** initiated by the **Town of Bradford West Gwillimbury**.

TAKE NOTICE of the Hearing that is **open to the public**, to be held by the Agriculture, Food and Rural Affairs Appeal Tribunal (Tribunal) in this matter on **October 27, 28 and 29, 2009**, commencing at **9:00 a.m. on each day, in the Auditorium, St. John's Presbyterian Church, 2940 Sideroad 10, Bradford, Ontario**.

AND FURTHER TAKE NOTICE THAT the Tribunal has ordered that:

- 1) By **Friday, October 9, 2009**, the parties deliver to the clerk of the Tribunal (the clerk of the Municipality is the clerk of the Tribunal) **eighteen copies** of all relevant documentary evidence and other materials of any kind whatsoever intended to be filed at the hearing as an exhibit. The presentation of the parties may be included if desired.
- 2) On **Tuesday, October 13, 2009**, the clerk of the Tribunal shall distribute the documents described in point 1 as follows:
 - (a) **Five (5) copies** shall be sent to the Tribunal office;
 - (b) **One (1) copy** of each other party's documents shall be sent to each party; and
 - (c) **Two (2) copies** shall be made available in the municipal office, for public viewing. Additional copies may be made for parties and members of the general public by the Township.

AND FURTHER TAKE NOTICE THAT if you do not attend at this Hearing, the Tribunal may proceed in your absence and you will not be entitled to any further notice in the proceedings.

The notice of appeal has identified the issue of the proposed modifications to the proposed drainage works, inadequacy of allowances and changes to the assessment of costs of the drainage works. ***This appeal may result in the Tribunal ordering a modification of the assessments proposed in the report.*** Accordingly, the Agriculture, Food and Rural Affairs Appeal Tribunal has made an order adding as parties to the appeal all persons assessed or compensated for the drainage works as shown in the engineer's report. As a party you may wish to attend at the hearing and participate fully.

AND FURTHER TAKE NOTICE THAT the hearing room is wheelchair accessible. If you are a participant in this proceeding and have specific accommodation needs due to a disability, please contact the Secretary to the Tribunal at 519-826-3430 within seven business days of the date of this notice.

AND FURTHER TAKE NOTICE THAT decisions of the Tribunal are a matter of public record and are available on a temporary basis at the following internet link <http://www.omafra.gov.on.ca/english/tribunal/recent-decisions.htm>, or upon request to the Tribunal.

IF YOU WISH TO ACTIVELY PARTICIPATE in this hearing and have not been named as a party, OR if you have any questions concerning this hearing, please contact the Secretary to the Tribunal at 519-826-3430.


Gloria Marco Borys
Tribunal Coordinator

Dated at Guelph, Ontario this 1st day of September, 2009.

TO:

Town of Bradford West Gwillimbury
c/o Tara Reynolds, Deputy Clerk
100 Dissette St. Unit 7 & 8
Bradford, ON L3Z 3G8

AND TO:

Martin and Maria Bonigut
c/o Eric R. Finn, Burgar Rowe
90 Mulcaster Street, Box 758
Barrie, ON L4M 4Y5

AND TO:

Lawrence and Connie Curtis
3289 4th Line
Bradford, ON L3Z 2A4

AND TO:

Henry Kedra
35 Niska Road
Guelph, ON N1C 1C7

AND TO:

Gary Rupke
4050 Highway 9
Kettleby, ON L0G 1J0

AND TO:

Salvatore Tunno
18100 Keele St.
Kettleby, ON L0G 1J0

AND TO:

All persons assessed or compensated in the engineer's report.

AND TO:

Barlow Square Inc.
c/o Mike Dejean
598 Falconbridge Road, Unit 1A
Sudbury, ON P3A 5K6

AND TO:

County of Simcoe
c/o James Hunter
1110 Highway 26
Midhurst, ON L0L 1X0

AND TO:

Ron Gleason
762 Canal Road
RR #4
Bradford, ON L3Z 2A6

AND TO:

Dorian and Elizabeth Milleman
18870 Dufferin St.
Newmarket ON L3Y 4V9

AND TO:

Nabil Salama
9 Truman Road
Toronto ON M2L 2L4