

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** November 01, 2023      **CASE NO(S):** OLT-23-000298

**PROCEEDING COMMENCED UNDER** subsection 26(1) of the *Expropriations Act*,  
R.S.O. 1990, c. E.27

Claimant: Dean and Dale Harris  
Respondent: North Grenville (Municipality)  
Subject: Expropriation  
Description: Easement to permit drainage for The Creek  
Subdivision  
Reference Number: GC74277  
Property Address: 5562 Rideau River Road  
Municipality/UT: North Grenville / Leeds and Grenville  
OLT Case No.: OLT-23-000298  
OLT Lead Case No.: OLT-23-000298  
OLT Case Name: Harris v. North Grenville (Municipality)

**Heard:** October 30, 2023 by video hearing

**APPEARANCES:**

**Parties**

**Counsel**

Municipality of North Grenville      Tony Fleming  
("North Grenville")

Dean and Dale Harris ("Harris")      *Did not appear*

**MEMORANDUM OF ORAL DECISION DELIVERED BY WILLIAM R. MIDDLETON ON  
OCTOBER 30, 2023 AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION**

[1] This was the first Case Management Conference (“CMC”) in this matter which involves an expropriation carried out on April 20, 2022 by North Grenville related to a drainage easement over part of the property municipally known as 5562 Rideau River Road in North Grenville owned by Harris.

[2] Unfortunately, despite many attempts to serve and communicate with Harris made by both North Grenville and the Tribunal, Harris has not responded. It is not known whether Harris is refusing to respond and/or is attempting to avoid service of documentation concerning this matter. Neither Harris nor any representative attended this CMC.

[3] Nonetheless, North Grenville, which filed a Notice of Arbitration dated April 3, 2023 concerning the expropriation that it has carried out, wishes to have the amount of compensation owed to Harris determined by the Tribunal pursuant to the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.27. . Although duly served with the Notice of Arbitration, Harris has not delivered a Reply.

[4] In an effort to move this matter along, the Tribunal has agreed to schedule a hearing date at the request of counsel for North Grenville – who recognizes that if Harris responds the hearing date may need to be rescheduled, and that perhaps a Procedural Order will then need to be established. Counsel for North Grenville has agreed to make efforts to have this Decision personally served on Harris, to send a copy by regular mail and to have North Grenville also post this Decision on its public website. It would be advisable as well for counsel for North Grenville to have the appraisal report that will be relied upon at the hearing personally served upon the Claimants.

[5] The hearing by video will commence at **10 a.m. on Thursday, December 14, 2023**

[6] Parties and participants are asked to log into the video hearing at least **15 minutes before the start of the event to test their video and audio connections:**

<https://global.gotomeeting.com/join/765631861>

**Access code: 765-631-861**

[7] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at [GoToMeeting](#) or a web application is available:

<https://app.gotomeeting.com/home.html>

[8] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **+1 (647) 497-9391 or Toll Free 1-888-455-1389**. The access code is **765-631-861**.

[9] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

## **ORDER**

[10] **THE TRIBUNAL ORDERS THAT:**

- (a) The hearing of this matter will commence on **Thursday, December 14, 2023** as noted in paragraphs [5] to [9] above;
- (b) North Grenville shall make reasonable efforts to personally serve the Claimants with a copy of this Decision and Order plus a copy of the appraisal report to be relied upon by North Grenville at the hearing of this matter.

[11] This Vice-Chair is seized and shall remain available to assist the Parties with any matters related to this proceeding.

*“William R. Middleton”*

WILLIAM R. MIDDLETON  
VICE CHAIR

### **Ontario Land Tribunal**

Website: [www.olt.gov.on.ca](http://www.olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.