

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE COURT OF THE DRAINAGE REFEREE

IN THE MATTER of the *Drainage Act*, R.S.O. 1990, Chapter D. 17

AND IN THE MATTER OF an application by the Corporation of the Municipality of Chatham-Kent for certain orders of the Drainage Referee with respect to construction of the Shaw Branch of the East Branch Facey Drain and By-law No. 93-2021;

B E T W E E N:

CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

Applicant

- and -

CANADIAN PACIFIC RAILWAY COMPANY

Respondent

APPLICATION pursuant to Section 106 of the *Drainage Act*, R.S.O. 1990, c. D.17

REPLY AFFIDAVIT OF BLAISE CHEVALIER

I, *Blaise Chevalier*, of the County of Essex, MAKE OATH AND SAY:

1. I am a Drainage Superintendent employed by the Corporation of the Municipality of Chatham-Kent (the "Municipality"), responsible for the geographic area of the Community of Zone, Municipality of Chatham-Kent, including the area of the East Branch of the Facey Drain and the proposed Shaw Branch of the Facey Drain. As such, I have knowledge of the matters to which I hereinafter depose, save and except where I have indicated that I have obtained facts from other sources, in which case, I state the source of the information and I verily believe those facts to be true.

2. Regarding paragraph 36 of the Affidavit of Jack Carello (“Mr. Carello”), Mr. Carello mischaracterizes the history of this matter. The Municipality did not seek to construct the crossing “without CP’s agreement”. Rather, the Municipality worked to meet CP’s technical and safety requirements for this project, including those CP indicates are required by federal laws. The Municipality understood that CP agreed with the proposed means and manner of the project. The Municipality recognizes that CP’s rail infrastructure is operated and maintained in accordance with federal transportation regulations. The Municipality remains prepared to ensure the project meets CP’s technical and safety requirements. The difference between the subject project and previous *Drainage Act* projects which the Municipality has undertaken on federal rail lands is that in this case CP has required, as a condition of its permission for the work to proceed, that the Municipality bear all project costs.
3. Further, and also regarding paragraph 36, Mr. Carello states that Canadian municipalities have sought the CTA’s “assistance in resolving disputes relating to the allocation of costs for such crossings”. I have reviewed the decision referenced in support of this point by Mr. Carello. The decision does not concern *Drainage Act* infrastructure. In my experience and to the best of my knowledge, the CTA has never been involved in resolving a dispute concerning *Drainage Act* projects in Chatham-Kent, a municipality having approximately a third of all municipal drains in the Province of Ontario.
4. Additionally, and in further reply to paragraph 36, the Association of Municipalities of Ontario (“AMO”) and the Rural Ontario Municipal Association (“ROMA”) recently undertook a survey of Ontario municipalities asking whether, in their jurisdictions, *Drainage Act* projects had ever been considered by the CTA. All of the responding

municipalities advised that the CTA had not previously been involved in considering *Drainage Act* projects. Rather, responding municipalities worked cooperatively with railways to ensure railway requirements, like flagging, were included in the specifications for the project. Attached hereto as **Exhibit “A”** to this my Affidavit is a copy of a September 2024 letter from the Association of Municipalities of Ontario communicating these survey findings.

5. Regarding paragraph 37 of Mr. Carello’s Affidavit, Mr. Carello raises several theoretical operational and safety concerns arising from the *Drainage Act*. On the contrary, in my experience on this project, Mr. Carello and Mr. Lemelin were specifically consulted by the Municipality to receive CP’s operational and safety requirements for this project. In my understanding, the proposed project plan, developed further to that consultation, satisfied CP’s operational and safety requirements.
6. Regarding paragraph 52 of Mr. Carello’s Affidavit, construction as proposed would not disrupt CP operations. Trains are permitted to continue using the track throughout the project as required by CP. In my experience, on projects like this, work pauses while trains pass through the work area. For example, I was the Drainage Superintendent responsible for a 2017 *Drainage Act* project involving CN railway lands which included the installation of a 762 mm diameter crossing under the CN railway by pipe ramming. During that project, the Municipality’s contractor coordinated with the CN’s flaggers to arrange for work to pause for a short period of time while trains moved through the project site. In my experience, the same approach will be used on the subject project to allow train traffic to continue over the project site.

7. Further regarding paragraph 52 of Mr. Carello's Affidavit, in respect of CP's stated concerns regarding track heaving, sinkholes or settlement, on February 10, 2021, Mr. Carello advised me that based on the proposed work plan, no hydrological study or geotechnical report would be required for this project. In my experience, CP's declining of these measures indicates that CP did not view the proposed project plan as presenting a risk of these outcomes to justify further geotechnical studies or investigations by CP. Attached hereto as **Exhibit "B"** to this my Affidavit is a copy of Mr. Carello's correspondence of February 10, 2021.
8. Regarding paragraph 54 of Mr. Carello's Affidavit, the Facey Drain and East Branch have existed since at least 1880. The 1880 County Atlas for Zone Township, prepared by H. Belden & Co., and published in 1881, clearly depicts what is now known as the Facey Drain and Facey Drain East Branch prior to the construction of a rail line through the subject area. Attached hereto as **Exhibit "C"** to this my Affidavit is a copy of the 1880 County Atlas Map of Zone Township.
9. Regarding paragraph 70 of Mr. Carello's Affidavit, I disagree that CP's existing drainage system handles all runoff along its railway. CP's lands in this area drain water into the Facey Drain and East Branch.
10. I attended at the location of the Facey Drain and East Branch on September 5, 2024. Attached hereto as **Exhibit "D"** to this my Affidavit is a photo I took of the Facey East Branch on that date. The photo shows, and I observed, that the rail line sits at a higher elevation than the existing drainage crossing and adjacent municipal drains. I have

labelled the photograph to indicate the locations of CP's drainage swales and the existing crossing.

11. Attached hereto as **Exhibit "E"** to this my Affidavit is a photo I took of the Facey East Branch on September 5, 2024 facing west. I have labelled the photograph to show the Facey East Branch which lies to the left and at a lower elevation than the rail bed. CP's drainage swale was also visible to me, as can be seen in the photograph. I observed that the drainage swale slopes downward at the crossing, with no barrier or infrastructure to contain water to the CP property, thereby directing water into the drainage crossing and municipal drains.
12. Attached hereto as **Exhibit "F"** to this my Affidavit is a photo I took of the Facey East Branch on September 5, 2024 facing north. I have labelled the photograph to show the Facey East Branch and the outlet from the drainage crossing feeding water into the Facey East Branch.
13. Attached hereto as **Exhibit "G"** to this my Affidavit is a photo I took of the Facey East Branch on September 5, 2024 north of CP's tracks, facing east. I have labelled the photograph to show CP's drainage swale which lies in front of me and the existing drainage crossing at a lower elevation to the right. I observed that this drainage swale slopes downward at the crossing, with no barrier or infrastructure to contain water to the CP property, thereby directing water into the drainage crossing and, subsequently, into the Facey East Branch municipal drain.
14. I make this Affidavit for no improper purpose.

SWORN REMOTELY at the)
City of Chatham, in the)
Municipality of Chatham-Kent this)
6th day of September, 2024, in accordance)
with O. Reg. 431/20, Administering Oath or)
Declaration Remotely)
)
)
Commissioner for Taking Affidavits)

BLAISE CHEVALIER

Linda Marie Kalp, a Commissioner, etc.
Province of Ontario, for the Corporation
of the Municipality of Chatham-Kent
Expires August 31, 2026

THIS IS EXHIBIT "A" TO THE AFFIDAVIT OF BLAISE
CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF
SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

September 2024

To Whom It May Concern,

I am writing to provide information regarding the results of a survey administered by the Association of Municipalities of Ontario (AMO)/Rural Ontario Municipal Association (ROMA) with respect to the recent experiences of Ontario municipalities with national railways in the context of drainage works.

AMO represents the interests of almost all of Ontario's 444 municipal governments through advocacy, policy, and research work. ROMA is the rural section of AMO, representing some 270 municipalities with populations of less than 10,000. AMO staff support the ROMA Board to carry out policy and advocacy work specific to rural issues.

Beginning in 2022, AMO staff began surveying municipalities regarding their experiences with CN and CP railways in the context of a growing number of disputes reported relating to cost apportionment for drainage works as well as deadlocks relating to drainage construction and maintenance projects. In total, three surveys were conducted in 2022 and 2023 to identify and probe issues related to drainage and railways. The first survey was circulated to the entire AMO membership. The second survey targeted approximately 60 municipalities who indicated that they had experienced *Drainage Act* challenges with national railways. The third survey targeted approximately 20 municipalities to obtain detailed case studies regarding the nature and extent of their experiences.

AMO has been asked to provide information relating to two questions, based on survey responses:

1. Have municipal *Drainage Act* projects been considered by the Canadian Transportation Agency?

Municipalities were asked "How were previous disputes with the rail company/companies about drainage works resolved? Has the Canadian Transportation Agency been involved in resolving disputes about drainage works for your municipality?"

No municipalities responded that the CTA had been involved in resolving any disputes. Municipalities indicated that issues are generally resolved through cooperation between municipalities and rail operators to ensure their technical requirements are met and that drainage engineers includes rail concerns, like flagging, in the specifications for the project.

2. How do Ontario municipalities organize *Drainage Act* projects involving work on federal rail lands?

Municipalities were asked “How did your municipality organize the project(s) in terms of rail company/companies involvement? For example, was a drainage by-law passed that applied to rail owner lands or assessed costs to rail owners and the rail owners simply complied with outcomes of the by-law process? Was a separate agreement with rail owner(s) also required/reached? Did the rail company/companies participate in the drainage process or appeal any aspects of the work?”

Responses indicate that municipalities rely on the *Drainage Act* process, engineer’s report, and communication of any technical or safety requirements rail companies have – including permits they may require – to see work completed. A majority of respondents indicated this has been the accepted process until very recent years, when rail operators began to stipulate that they would not pay any amounts arising from the work under the *Drainage Act*.

The ongoing impact of a failure to pay apportioned costs for drainage works and an inability to move forward with critical construction projects due to lack of railway cooperation is significant for the many impacted municipalities. For example, in the Township of Southwold, covering the amount owed by railways would require an almost 5% increase in the town’s property taxes. In Plympton-Wyoming, outstanding invoices make up almost 1% of the municipality’s entire capital budget. In many other instances, uncertainty about how costs will be covered mean that critical capital works are unable to proceed.

AMO and ROMA remain available to provide any further information that can be helpful to resolving these issues.

Sincerely,



Lindsay Jones
Director of Policy and Governmental Relations
Association of Municipalities of Ontario

THIS IS EXHIBIT "B" TO THE AFFIDAVIT OF BLAISE
CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF
SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

Emily Crawford

From: Rheal Lemelin <Rheal_Lemelin@cpr.ca>
Sent: February 10, 2021 1:47 PM
To: Blaise Chevalier; Jack Carello
Cc: Ann Ford; brandon@spriet.on.ca; John M Spriet
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

If possible make 10"

From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: Wednesday, February 10, 2021 12:51 PM
To: Jack Carello <Jack_Carello@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>; Rheal Lemelin <Rheal_Lemelin@cpr.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

This email did not originate from Canadian Pacific. Please exercise caution with any links or attachments.

Hi Jack,

Thanks for the response - to confirm, is that inclusive of 12" (meaning 12" and smaller)? The current sizing proposal is for a 12" diameter crossing.

Thanks,

Sent with BlackBerry Work
(www.blackberry.com)

From: Jack Carello <Jack_Carello@cpr.ca>
Date: Wednesday, Feb 10, 2021, 9:33 AM
To: Blaise Chevalier <blaisec@chatham-kent.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>, brandon@spriet.on.ca <brandon@spriet.on.ca>, John M Spriet <john@spriet.ca>, Rheal Lemelin <Rheal_Lemelin@cpr.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Hi Blaise,

If the proposed installation pipe stays under 12" then a Geotechnical report and track settlement plan would not be required.

Regards,



Jack Carello, Civil Tech, SR/WA
Manager Utilities & Flagging
Engineering - Eastern & Western
Region
1290 Central Pkwy West – Suite 800
Mississauga ON L5C 4R3
O 905-803-3417 C 416-992-2676

From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: February 8, 2021 12:37 PM
To: Rheal Lemelin <Rheal_Lemelin@cpr.ca>; Jack Carello <Jack_Carello@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

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Good afternoon gentlemen,

Thanks for coming down and meeting with us Rheal, despite the new position (and slightly larger geographic area).

Spriets are currently working towards finishing a preliminary report and wanted to confirm that a geotechnical report is NOT required from your end. I just wanted to follow up with you two since, as Rheal indicated at our meeting, it was a little unclear whether this work falls under Rheal or Jack's department. I know Rheal indicated that this wouldn't be required for him.

Can you confirm this?

Thanks,

Blaise Chevalier

*Drainage Superintendent
Drainage, Asset and Waste Management
Municipality of Chatham-Kent*

315 King St. West, PO Box 640
Chatham, ON N7M 5K8
Phone: 519.360.1998 Ext. 3318 Fax: 519.436.3240
E-mail: blaisec@chatham-kent.ca
www.chatham-kent.ca



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From: Rheal Lemelin <Rheal_Lemelin@cpr.ca>
Sent: January 19, 2021 1:51 PM
To: Blaise Chevalier <blaisec@chatham-kent.ca>; Jack Carello <Jack_Carello@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Hi Blaise, I can meet with you on Feb February 03 around 11:00 at the nearest road crossing of mile 47.59 Windsor Sub.

Rheal Lemelin | Manager Bridge Maintenance Toronto | 2025 McCown Rd., Scarborough, ON. M1S 5K3
C 416 525 9094 | O 416 609 7880



From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: Wednesday, January 13, 2021 11:36 AM
To: Rheal Lemelin <Rheal_Lemelin@cpr.ca>; Jack Carello <Jack_Carello@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

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Hi Rheal,

With the new COVID regulations coming into effect, I was wondering if a site visit was still a possibility for you? Just hoping to keep this project moving along if possible.

Thanks,

Blaise Chevalier

*Drainage Superintendent
Drainage, Asset and Waste Management
Municipality of Chatham-Kent*

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Chatham, ON N7M 5K8
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From: Blaise Chevalier

Sent: December 18, 2020 3:07 PM

To: Rheal Lemelin <Rheal_Lemelin@cpr.ca>; 'Jack Carello' <Jack_Carello@cpr.ca>

Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>

Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Good morning Rheal,

Just following up to our call we had earlier this week with Jack. Based on our discussion, Jack suggested it might be beneficial to have a site visit to review the proposal with you as all as any potential alternatives.

Would you happen to have some availability in the new year to meet at this location?

Thanks,

Blaise Chevalier

Drainage Superintendent

Drainage, Asset and Waste Management

Municipality of Chatham-Kent

315 King St. West, PO Box 640

Chatham, ON N7M 5K8

Phone: 519.360.1998 Ext. 3318 Fax: 519.436.3240

E-mail: blaisec@chatham-kent.ca

www.chatham-kent.ca



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From: Jack Carello <Jack_Carello@cpr.ca>

Sent: December 3, 2020 5:10 PM

To: Blaise Chevalier <blaisec@chatham-kent.ca>

Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>; Rheal Lemelin <Rheal_Lemelin@cpr.ca>

Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Let's try the week after. Mon/Tues btwn 1pm – 3pm.

From: Rheal Lemelin <Rheal_Lemelin@cpr.ca>

Sent: December 2, 2020 5:13 PM

To: Jack Carello <Jack_Carello@cpr.ca>

Cc: Blaise Chevalier <blaisec@chatham-kent.ca>; Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>

Subject: Re: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Hi Jack, I will not be back to work till next Thursday, off on bereavement leave.

Rheal

Sent from my iPhone

On Dec 2, 2020, at 5:10 PM, Jack Carello <Jack_Carello@cpr.ca> wrote:

Next Wed/Thurs btwn 10:30 & noon works for me.

Rheal - Do these dates/times work with your schedule.

From: Blaise Chevalier <blaisec@chatham-kent.ca>

Sent: December 1, 2020 7:37 PM

To: Jack Carello <Jack_Carello@cpr.ca>

Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>; Rheal Lemelin <Rheal_Lemelin@cpr.ca>

Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

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Hi Jack,

That works for me - do you have any potential dates/times that would work for you and I can coordinate with Spriets?

Thanks

Sent with BlackBerry Work

(www.blackberry.com)

From: Jack Carello <Jack_Carello@cpr.ca>

Date: Tuesday, Dec 01, 2020, 5:09 PM

To: Blaise Chevalier <blaisec@chatham-kent.ca>

Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca <brandon@spriet.on.ca>, John M Spriet <john@spriet.ca>, Rheal Lemelin <Rheal_Lemelin@cpr.ca>

Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell) - CP Mile +/- 47.59 Windsor Sub.

Hi Blaise,

It would be best to set up a conference call to discuss this proposal further.

Regards,

<image002.png>

Jack Carello, SR/WA
Manager Utilities & Flagging
Engineering Public Works
1290 Central Pkwy West – Suite 800
Mississauga ON L5C 4R3
O 905-803-3417 C 416-992-2676

From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: November 27, 2020 1:44 PM
To: Jack Carello <Jack_Carello@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; John M Spriet <john@spriet.ca>
Subject: RE: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell)

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Hi Jack,

Glenna Hall had forwarded me your way a few weeks ago. I just wanted to forward a copy the preliminary drawings for this project I just received from Spriet Associates to add to this file. I know she said you guys are likely backed up to January for new files at this point so just let me know once you've had the chance to get a look at this.

Thanks,

Blaise Chevalier
Drainage Superintendent
Drainage, Asset and Waste Management
Municipality of Chatham-Kent

315 King St. West, PO Box 640
Chatham, ON N7M 5K8
Phone: 519.360.1998 Ext. 3318 Fax: 519.436.3240
E-mail: blaisec@chatham-kent.ca
www.chatham-kent.ca

<image003.png>

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From: Glenna Hall <Glenna_Hall@cpr.ca>
Sent: November 18, 2020 6:15 PM
To: Blaise Chevalier <blaisec@chatham-kent.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; brandon@spriet.on.ca; Jack Carello <Jack_Carello@cpr.ca>
Subject: FW: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell)

Hello Blaise,

I've copied in your regional contact Jack Carello who will be able to assist with your general queries.

Please note due to end of year wrap-ups and higher than usual application requests, newly submitted utility application forms will be reviewed beginning of year 2021, unless in the case of an emergency.

Regards,
Glenna

From: Blaise Chevalier <blaisec@chatham-kent.ca>
Sent: Wednesday, November 18, 2020 9:39 AM
To: Glenna Hall <Glenna_Hall@cpr.ca>
Cc: Ann Ford <ANNF@chatham-kent.ca>; Brandon Widner <brandon@spriet.on.ca>
Subject: Shaw Branch of Facey Drain East Branch (Zone Rd 2 - Bothwell)

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Hi Glenna,

I've been given your contact information from our drainage consultant, Spriet Associates, who indicated they had worked with you on previous Drainage Act projects. They had recommended I reach out to you first as you may be able to direct me through the appropriate channels at CP Rail.

We've received a petition under Section 4 of the Drainage Act for outlet to a property located at the north-east corner of the intersection of Zone Rd 2 and the CP rail line, located between the villages of Bothwell and Kent Bridge. Based on preliminary site reviews and survey, the proposed project scope generally includes the installation of a new rail crossing consisting of a 400mm diameter pipe (there is an existing 900mm diameter concrete in the same vicinity) and some drainage swale improvements.

I've attached a site map detailing the location (yellow line). Can you advise who we should be reaching out to at CP at this point for review and comments?

Thanks.

Blaise Chevalier
Drainage Superintendent
Drainage, Asset and Waste Management
Municipality of Chatham-Kent

315 King St. West, PO Box 640
Chatham, ON N7M 5K8
Phone: 519.360.1998 Ext. 3318 Fax: 519.436.3240
E-mail: blaisec@chatham-kent.ca

<image003.png>

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THIS IS EXHIBIT "C" TO THE AFFIDAVIT OF BLAISE CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

MAP OF

ZONE

TOWNSHIP



THIS IS EXHIBIT "D" TO THE AFFIDAVIT OF BLAISE CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

Facing North

Facey East Branch

Existing Crossing

CPKC Drainage Swale

CPKC Drainage Swale



THIS IS EXHIBIT "E" TO THE AFFIDAVIT OF BLAISE CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

Facing West

Facey East Branch

Existing crossing



CPKC Drainage Swale



THIS IS EXHIBIT "F" TO THE AFFIDAVIT OF BLAISE CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

Facing North

Outlet from crossing

Facey East Branch



THIS IS EXHIBIT "G" TO THE AFFIDAVIT OF BLAISE
CHEVALIER, SWORN BEFORE ME ON THE 6TH DAY OF
SEPTEMBER, 2024.

A COMMISSIONER, ETC.

Linda Marie Kalp, a Commissioner, etc. Province of Ontario,
for the Corporation Of the Municipality of Chatham-Kent
Expires August 31, 2026

From North of CPKC tracks looking West

CPKC Drainage Swale

Existing Crossing



CORPORATION OF MUNICIPALITY OF CHATHAM-KENT
Applicant

COURT FILE NO. CV-23-00001165-0000 (Chatham)
-and- **CANADIAN PACIFIC RAILWAY COMPANY**
Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE
COURT OF DRAINAGE REFEREE

PROCEEDING COMMENCED AT
CHATHAM, ONTARIO

REPLY
AFFIDAVIT OF BLAISE CHEVALIER

Corporation of the Municipality of Chatham-Kent

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