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Subsequent to this, an additional petition was received by the Municipal Clerk on 1989 January 19 which contained the signatures of two additional owners opposing the work.

In this instance, the number of owners both for and against is almost equal. This results in disappointment for a significant number of owners no matter which way the matter is decided. However, the Municipal Act is clear in its direction to the Municipal Clerk and in this case the number of properties opposed to the work does not represent 51 percent of the owners nor 50 percent of the assessed property value and therefore the petition is not sufficient.

However, the petitioner is adamant that the majority of owners are opposed to the work and, due to absentee owners, was unable to obtain sufficient petitions to defeat the work.

88-016 Ewart Street from dead end west of Buller Avenue to Gilley Avenue

At the close of business on 1988 December 16 the Clerk's Office had on file seventeen (17) valid petitions opposing the work. A total of thirty eight (38) owners are affected by this project which would require twenty (20) valid objections to defeat the work. However, in determining the sufficiency of these petitions, the Municipal Clerk had to disqualify three (3) signatures. In the first two instances, the property was jointly registered and the petition only contained one signature. In the third instance, the property is jointly registered with a second interest and the petition only contained one signature. If these three (3) petitions were valid, it would result in twenty (20) objections to the work which would be sufficient to defeat the work.

The Municipal Clerk is of the opinion that due to the extenuating circumstances with respect to both these projects and in fairness to all concerned, that both of these projects be reinitiated as soon as possible. The cost of this reinitiation process will be between \$200.00 and \$400.00 including staff time.

The Director Engineering concurs with the recommendation of the Municipal Clerk.



C.A. Turpin
MUNICIPAL CLERK

cc: Director Engineering