

# D. CULBERT LTD.

## ONTARIO LAND SURVEYOR

50 NORTH STREET

GODERICH, ONTARIO N7A 2T4

December 3<sup>rd</sup>, 2024

File No.: GREE-17-09-1

**Attention Dana Kieffer (Cobide Engineering Inc.):**

RE: Opinion on Navigability of Creek on Lot 9, Concession 17 Greenock Township  
(Municipality of Brockton)

After reviewing the original township plan (a portion of which is enclosed with this letter) and the original township survey notes I have come to the opinion that the creek in question is not navigable. As shown on the attached plan portion of the original plan for Greenock, the Crown does not illustrate the creek along this concession which in my opinion means it was not substantial enough to note. Further review of the township notes shows that there was a creek running along this concession at the time of the survey but it was noted to be only four inches deep along lots 1 to 7 in concession 17. No man-made industrial use could be found readily along this area to suggest it was of significant size since the original grant. A review of the registry block maps suggest there is no attempt up or down stream to label this creek as navigable either.

If the creek has been modified as a municipal drain over the years to make the creek more substantial this would not necessarily make the creek any more navigable in the eyes of the court. I have attached a copy of Middlesex Centre vs Macmillan (2016) as further reading to justify my opinion from the point of view of current case law.

If you have any questions, please do not hesitate to contact us.

Yours truly,



Greg Rodger O.L.S.  
D. Culbert LTD.

ENCL.