

Press Release

Erie Shore group initiates legal action against Chatham-Kent

Blenheim, ONT – After decades of paying out of their own pockets for shoreline costs that Chatham-Kent is legally responsible for, property owners along Erie Shore Drive and members of the Erie Shore Drive Property Owners Association (ESDPOA) have initiated legal action against the municipality.

The Application was brought by the Erie Shore Drive property owners under section 79 of the Drainage Act. More than 80 members of the association are seeking damages from the municipality for breaching their obligation under the Act, causing the members to have to bear the costs of repairing shoreline protection for the last several decades. Under section 79, the members are also requesting that the shoreline protection be repaired.

“The dyke beneath Erie Shore Drive and the shoreline protection were built under the Drainage Act, placing an obligation on the municipality to maintain both. Unfortunately, that maintenance has not been completed by the municipality resulting in significant risks of flooding and destruction to the properties along the shoreline” said Terra Cadeau, president of the ESDPOA.

“As a result, residents like myself have been forced to spend large sums of our own money to pay the astronomical costs of protecting the shoreline. Bringing this Application is our last option, but we have no alternative. We cannot and should not be forced to continue to pay for what Chatham-Kent and all those who benefit from the drainage works are legally required to pay for”.

The property owners along Erie Shore Drive understand and fully accept that owning waterfront property comes with a cost but this is not a typical shoreline issue. Erie Shore Drive is an engineered structure that was built in 1914 creating over 1600 acres of prime farmland with the shoreline protection being constructed beginning in and around 1938. Both the dyke and the shoreline protection were built under the Drainage Act and therefore should have been maintained with the costs distributed, not among the general taxpayer of Chatham Kent, nor solely among the property owners along the shore but distributed fairly and equitably among all those who benefit from the drainage works.

“In 2020, my family and I were forced to leave our home because the dyke was deemed unsafe. For years, we have endured continual flooding and have spent tens of thousands of dollars just trying to save our home,” Trevor Dixon, resident of Erie Shore Drive.

“We have confidence in the legal process and are looking forward to finally putting this issue behind us and in a way that is transparent, fair and just. Given that our application is now before the courts, we will not be commenting further at this time”, Cadeau added.

About the Erie Shore Drive Property Owners Association: The Erie Shore Drive Property Owners Association was founded for all property owners on Erie Shore Drive who are interested in an organization to work for their common good: To learn more, please visit <https://www.erieshoredrivepoa.ca/>.