

Staff Report to Council

Title: Petition for Drainage Works - Lot 19 and 20 Concession 8, Bruce Twp

Report Number: Legislative Services-2023-20

Director: Corporate Services

Manager: Legislative Services

Meeting Date:
Wednesday, September 13, 2023

Date to be considered by Council:
Wednesday, September 13, 2023

Recommendation:

That Council accept the Petition for Drainage Works by Owners for lands at Concession 8 Lot 19 and 20 (former Township of Bruce) filed under Section 4(1) of the Drainage Act, R.S.O. 1990, c.D.17 for a new municipal drain; and further

That Council direct staff to proceed with the required notices under Section 5 of the Drainage Act; and further

That Council appoint R.J. Burnside & Associates Limited to prepare a report for the construction of a new municipal drain based on the petitions received from the Owners.

Executive Summary:

A Petition for Drainage Works by the Owners for lands at Concession 8 Lot 19 and 20 (former Township of Bruce) has been submitted to the Municipality under Section 4 of the Drainage Act. Under the Act, Council's role is to administer the petition drain process and the first step is for Council to consider the petition and decide to proceed or not to proceed with the drainage works.

Strategic Priorities:

6. Planning for sustainable future: Protect and preserve our environment.

Financial Considerations:

There are no immediate financial implications to this recommendation. However, once the report is completed, the engineer may assess a portion of the cost under Section 26 of the Drainage Act onto the Municipality as the road authority.

Policy: Drainage Act, R.S.O. 1990, c. D.17

Context and Background Information:

A Petition for Drainage Works by Owners has been submitted to the Municipality under Section 4 of the Drainage Act. Pursuant to the Act, Council shall consider the petition and determine if it will or will not proceed with the drainage works.

A request has been made to create a new municipal drain for maintaining the channel flow and removing obstructions (e.g., beaver dams) in the natural watercourse that flows through Lot 19 and 20 Concession 8.

If the decision is made to not proceed, notice must be given to the petitioners, and they may appeal this decision to the Tribunal or Referee.

If it is decided to proceed, notice to this effect is provided to the petitioners, along with the Conservation Authority. R.J. Burnside & Associates, who have been appointed by the Municipality to provide drainage services, will hold a site meeting with parties to examine the area.

The engineer is responsible for determining the area requiring drainage and whether the petition complies with Section 4 of the Act and preparation of the report. Council does not decide if the petition is valid.

After a meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated, and petitioners are responsible in equal shares for the costs. After a meeting to consider the final report, if the petition does not comply with section 4, the project is terminated, and the original petitioners are responsible for the cost in shares proportional to their assessment in the engineer's report.

If the project proceeds to completion, a share of the cost of the project will be assessed to the involved parties per the assessment schedule in the engineer's report.

Consultation Overview:

- Environmental Services Department
- Drainage Engineer

Origin: Petition submitted by Owners.

Implementation Considerations:

If approved, staff will proceed with the required notices under Section 5 of the Drainage Act and inform the engineer. The next step for Council would be to consider the Engineers Report once completed.

Risk Analysis:

There is potential financial liability with accepting this petition. However, there is a greater risk if this petition were refused, and the petitioner appealed to the Tribunal or referee.

Attachments:

- Petition for Drainage Works by Owners, Form 1
- GIS Map
- Petition Drain Procedure Flowchart under the Drainage Act, 1990 (Section 4)

Prepared by: Jennifer Lawrie, Manager of Legislative Services/Clerk

Submitted by: Jennifer Lawrie, Manager of Legislative Services/Clerk