
HALDIMAND COUNTY

Report ENG-15-2022 Petition for Extension of the Weikman Municipal Drain For Consideration by Council in Committee on September 20, 2022



OBJECTIVE:

To receive Council approval for a petition under the *Drainage Act* to extend the Weikman Municipal Drain.

RECOMMENDATIONS:

1. THAT Report ENG-15-2022 Petition for Extension of the Weikman Municipal Drain be received;
2. AND THAT the Petition For Drainage Work By Owners be accepted;
3. AND THAT staff be authorized to seek the services of a qualified Drainage Engineer for subsequent Council appointment as required by the petition process.

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Reviewed by: Kristopher R. Franklin, Manager, Engineering Services

Respectfully submitted: Tyson Haedrich, M. Eng., P. Eng., General Manager of Engineering & Capital Works

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The Clerk is in receipt of a petition to extend the Weikman Municipal Drain approximately 450 metres upstream of the current start of the drain. The petition is submitted by Frederick and Deborah Goit, who are owners of property in the Weikman Municipal Drain watershed and the petition is in accordance with Section 4 of the *Drainage Act* (Act). Staff are recommending that this petition be accepted according to Section 5 of the Act and that a Drainage Engineer be appointed as required by Section 8 of the *Drainage Act*.

BACKGROUND:

Petitioning for a drain is one of the legal processes available to proponents to establish a legal and adequate outlet for the drainage of land. The petition process is legislated by the *Drainage Act* which is the Provincial legislation that provides for the creation of drainage works and the establishment of a legal and adequate outlet for stormwater and/or subsurface drainage.

The Clerk is in receipt of a petition (Attachment 1) submitted by Frederick and Deborah Goit who are the owners of properties approximately 450 metres upstream of the current start of the Weikman Municipal Drain (see Attachment 2). The intent of the petition is to directly connect the drain to their property to provide an improved outlet for tile drainage.

ANALYSIS:

Frederick and Deborah Goit have submitted a petition for a drain and the *Drainage Act* requires that Council either accept or reject the petition. If Council decides not to accept the petition, then the Goit's can appeal the decision to the Drainage Tribunal.

If Council accepts the petition, a Drainage Engineer will be appointed through a subsequent Council report to address the validity the petition and begin the required public consultation process for the preparation of a report on the drain.

One of the first issues that is reviewed during the preparation of the drain report is whether the petition is valid. Section 4(1) of the *Drainage Act* states the following:

'A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;*
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;*
- (c) where the drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part;*
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.'*

Staff are of the opinion that if the petition is accepted, then the appointed Drainage Engineer will determine that the petition is valid by the conditions outlined in (b) as the Goit's own 100% of the hectarage described in the petition and approximately 60% of the portion of the Weikman Municipal Drain watershed that would drain into the extension.

Through this report staff are also requesting Council approval to seek the services of a qualified Drainage Engineer in order that a staff report can be brought to a future Council meeting to appoint the Drainage Engineer.

FINANCIAL/LEGAL IMPLICATIONS:

Based on the drainage area of the proposed drain, it is anticipated that all of the costs associated with the drain (including the initial drainage report) will be assessed to the property owners within the Weikman Municipal Drain watershed. A detailed breakdown of costs is not known at this time.

Legally, Council must address the petition by accepting or rejecting it and based on the available information there is no reason to reject the petition at this time.

STAKEHOLDER IMPACTS:

Landowners in the watershed will be assessed for costs associated with any construction improvements or maintenance on the drain.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

1. Petition.
2. Map.