



**THE CORPORATION OF THE TOWN OF AMHERSTBURG**

**OFFICE OF ENGINEERING AND PUBLIC WORKS**

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name: Sam Paglia</b>	<b>Report Date: January 13, 2025</b>
<b>Author's Phone: 519 736-3664 ext. 2318</b>	<b>Date to Drainage Board: February 4, 2025</b>
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**To: Members of the Drainage Board**

**Subject: Section 4 Petition on D&W – Engineering Appointment**

**1. RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent and Engineering Coordinator dated January 13, 2025 regarding the Section 4 Petition – Engineering Appointment **BE RECEIVED**;
2. The Drainage Board recommend that Council **ACCEPT** the request from the landowner(s) on the Major Knapp Drain under Section 4 of the Drainage Act; and,
3. The Drainage Board recommend the appointment of Josh Warner, P.Eng., of R. Dobbins Engineering Inc., under Section 4 of the Drainage Act for the examination and report on the Major Knapp Drainage scheme **BE APPROVED** by Council.

**2. BACKGROUND:**

The Town received correspondence on March 9, 2023 and has been communicating regularly with the requesting landowner to discuss obtaining the required legal outlet for their lands. This land on Walker Rd has multiple options for drainage outlet through ditches created under the Ditches and Watercourses (D&W) Act, but in order to obtain legal outlet, the D&W ditch must be brought through the procedures under the Drainage Act (Act) to become and provide a legal outlet.

As a result, a Request for Improvement was received on December 17, 2024 on the Major Knapp Drain. A notice to the Conservation Authority and Species at Risk Ontario on December 17, 2024 according to Section 6.1 of the Act.

The current report for the Major Knapp Drain dates back to 1913 with another improvement to the system in 1928 and is the current report on the drain.

The Act considers D&W drains and Award Drain or Requisition Drain under Section 3, where the Town is not responsible to maintain, repair or improve such drains on behalf of the users, but rather each landowner is typically responsible to maintain their portion of drain. Any D&W ditch must be brought through the communal procedures in the Act in order to recognize them as a Municipal Drain. Landowners are required to petition council under Section 4 for legal outlet.

### **3. DISCUSSION:**

A motion was passed at councils' February 13, 2023 RCM to authorize administration to utilize a roster for drainage services under the Act. Among others, R. Dobbin Engineering Inc. was selected to be included as part of this roster and is thereby eligible to examine and prepare a drainage report pursuant to Section 4 of the Act for the Major Knapp Drain.

The engineer, in their examination will provide recommendations to restore the drain to its functional design as a base requirement and will include any improvements to the drain necessary by the landowner(s) request as well as account for any changes in the watershed, adjacent watersheds, comments from affected landowners and required regulations to provide an updated report(s) for the benefit of the community of landowners on that drain. The stormwater from all lands within the watershed and the project itself, will progress, and be considered using a watershed approach and will follow the communal procedures under the Act to accomplish a standard level of service for all affected landowners in the watershed that meets all the requirements under the Act.

### **4. RISK ANALYSIS:**

There is more risk if council does not accept a request for drainage works than there is in accepting one. Not only does council have the responsibility to repair and maintain existing drainage works under the Act, there is an obligation for council to provide finance with the funds necessary for all works related to drainage under the Act and all funds are recoverable by the users of the drain which may include the Town. The Engineer appointed by council has the requirement to determine how any costs incurred and associated with the request are to be collected by the Town. Landowners can appeal if council does not accept the request for drainage.

### **5. FINANCIAL MATTERS:**

The financial implications will be determined by the appointed engineer and the community of landowners through the process and the engineers' report will provide a schedule of assessment for the recommended works along with future maintenance schedules for culvert sharing as well as future maintenance work.

All affected lands/roads and agencies are involved in the process and upstream lands are assessed for anything deemed necessary to carry stormwater safely to a sufficient outlet from their lands. All affected landowners have the opportunity to appeal the recommended works or assessment through the process under the Act.

The Town is assessed for its land(s) or road(s) within the watershed that contribute stormwater as well as their lands receiving the legal outlet. The Town is also tasked with administering the project through the procedures of the Act and funding the project in its entirety, and until costs can be recovered through the assessment schedule adopted under the drains' By-Law. Once the recommended solution under bylaw is constructed, the Town recovers 100% of the cost of the project from all landowners affected based on the ratios provided and adopted in the engineers' report that is appended to the adopted By-Law. The Towns assessment for their share of drainage is taken from the drain reserve fund.

**6. CONSULTATIONS:**

ERCA and Species at Risk Ontario have been notified of the requests received, and have the opportunity to ask for an environmental appraisal on the proposed area. If they wish to, they must pay for that appraisal under Section 6(1) regarding environmental appraisals. An ERCA permit will be required under Section 28 of the Conservation Authorities Act for this project.

**7. CONCLUSION:**

Administration is recommending that the request for improvement be accepted and that R. Dobbin Engineering Inc. be appointed for this request.



Sam Paglia, P.Eng.,  
**Drainage Superintendent and Engineering Coordinator**

**Attachment(s):** Request(s) for Improvement received.