



Staff Report

Report Title: Gaunt-Laidlaw Municipal Drain Engineers Report

Prepared By: Ken McCallum

Department: DRAINS

Date: Aug. 14, 2023

Report Number: DRAIN-2023-08-13

**File Number: C11 DRAIN 23
E09 GAU-22**

Attachments: Draft By-law, Appendix A to By-law

Recommendation:

That the Township of Huron-Kinloss Council hereby receives for information Report number DRAIN 2023-08-13 prepared by Ken McCallum, Drainage Superintendent.

THAT the Township of Huron-Kinloss Council accepts the Gaunt-Laidlaw Municipal Drain Report dated June 30, 2023, prepared by K. Smart & Associates Limited;

AND FURTHER authorizes a Provisional by-law be brought forward as a Matters Arising;

AND FURTHER appoints _____ as chair to the Court of Revision and approves _____ for the Court of Revision to address this drain.

Discussion:

The Township of Huron-Kinloss Council appointed K. Smart & Associates Limited to prepare a Report following a request for Improvement under Section 78 of the Drainage Act signed by landowners located within the watershed of the Gaunt-Laidlaw Municipal Drain.

The purpose of the appointment was to Improve and Extend the Gaunt-Laidlaw Municipal Drian in Lots 27 & 28, Concession 2, Kinloss. As described in the Engineers report the proposed drainage system consists of the instillation of 265m of closed drainage tile, 282m of open ditch excavation with the incorporation of 743m of open ditch for the removal of beaver's and debris.

Council shall give the ratepayers an opportunity to provide input on the project and may consider adjustments to the report based on the overall consensus of the watershed, however under Section 78 Improvements the drain is already governed by an adopted By-Law and is considered municipal infrastructure in which Council has the final decision.

Actions for Council to Consider:

1) Accept and provisionally adopt the report.

Should Council decide to accept the report and provisionally adopt the By-Law, a Court of Revision (CoR) date must be set, and the Clerk shall send to all the affected landowners a copy of the provisional By-Law a notice of the CoR date to hear appeals on assessments only.

- Any landowner who has assessment complaints can appeal to the CoR under Section 52(1), filling notice to the Clerk no less than 10 days prior to the CoR date.
- Any owner of land, public utility or Conservation Authority may file an appeal to the Drainage Tribunal within 21 days of the CoR to hear appeals on its decision.
- Any owner of land, public utility or the conservation Authority may file an appeal to the Drainage Tribunal under sections 48(1) and 49, on technical grounds of the report, within 40 days of the mailing of the provisional By-Law.
- Any owner of land or public utility may appeal to the Drainage Referee under section 47(1) on the grounds the report does not comply with the Drainage Act, within 40 days of the mailing of the provisional By-Law.

After all appeals have been heard or the time for appealing has expired, Council may have a third reading and pass the Provisional By-Law under Section 58(1).

A Provisional By-law would be brought forward as a matters arising for a first and second reading. A motion would be brought forward for Council to appoint a chair for the Court of Revision and set the date and time for the Court of Revision to address this matter. Staff are recommending September 18, 2023 at 6:45 pending confirmation that the appointed Engineer and members of the Court of Revision are available.

2) Refuse the Report

If Council decides to refuse the report, Landowners may have the right to Appeal Councils decision to the Drainage Tribunal under Section 45(2).

If the process stops, costs incurred would need to be distributed and Council shall instruct the engineer to prepare a report under Section 40 stating the reasons therefore, the total costs incurred and by whom they

shall be paid. The matter shall not be further proceeded unless the decision of the engineer is reversed on appeal.

3) Refer the Report

Under section 57 of the Drainage Act, Council may before passing of the By-Law, if it appears there are errors or for any reason the report should be reconsidered, refer the report back to the Engineer. The engineer shall reconsider aspects of the report and shall further report to Council in which the proceedings will circle back and continue in the same manner to reconsider the report under Section 41(1).

Financial Impacts:

There are no Financial Impacts to the Township as provided in the Engineer's report under Schedule A, Pg. 18 – Schedule of Net Assessments for Construction.

Strategic Alignment / Link:

We are an environmentally conscious community that are good stewards of our natural environment.

Respectfully Submitted By:

Ken McCallum, Drainage Superintendent

Report Approved By:

Mary Rose Walden, Chief Administrative Officer