



## The Corporation of the Township of Huron-Kinloss

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### Staff Report

**Report Title: Gaunt-Laidlaw Municipal Drain Engineers Report 2025**

**Date: Feb. 3, 2025**

**Report Number: DRA-2025-06**

**Department: Drainage**

**File Number: C11 DRA25**

**Prepared By: Ken McCallum, Drainage Superintendent**

**Attachments: Draft By-law, Engineer's Drain report included with Public Meeting portion of the Feb 3, 2025 Council meeting**

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#### **Recommendation:**

THAT the Township of Huron-Kinloss Council accepts the Gaunt-Laidlaw Municipal Drain Report, dated November 29, 2024, prepared by K. Smart & Associates Limited;

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

AND FURTHER appoints Deputy Mayor Jim Hanna as Chair of the Court of Revision (CoR) and sets the CoR date for March 17, 2025, pending confirmation of availability from the appointed Engineer and CoR members.

#### **Background:**

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. The original Engineers report proposed a drainage system that consists of 265m of closed drainage tile, 268m of open ditch excavation with the incorporation of 743m of open ditch for the removal of beaver's and debris.

Council considered an engineers report for this matter on August 14, 2023

<https://pub-huronkinloss.escribemeetings.com/Meeting.aspx?Id=51306822-bbaf-4d58-80f7-9a4e13489d42&Agenda=PostMinutes&lang=English&Item=11&Tab=attachments>

Following reconsideration, the Engineer has addressed concerns regarding standing water, the extension of the drain, and a potential expansion of the watershed boundary.

This revised report reflects current watershed boundary conditions, including the Township Road allowance and relevant drainage assessments. Updates to the tile design include an

additional 169 meters of drainage tile and one catch basin to capture surface water between properties. The proposed design maintains a 1.5" drainage coefficient.

### **Discussion/Analysis/Overview:**

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 ByLaw.
- 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.

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:**

The Financial Impacts to the Township are provided in the Engineer's report under Schedule A, Pg. 19 – Schedule of Net Assessments for Construction.

**Performance Measurement:**

Municipal Drainage Maintenance

**Strategic Area:**

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| <input type="checkbox"/> Embrace a thriving rural lifestyle      | <input checked="" type="checkbox"/> Enhance Municipal Service Delivery |
| <input checked="" type="checkbox"/> Prepare for Inclusive Growth | <input type="checkbox"/> Ensure Financial Stability                    |

**Strategic Goal: Manage assets and infrastructure**

**Respectfully Submitted By:**

Ken McCallum, Drainage Superintendent

**Report Approved By:**

Jodi MacArthur, Chief Administrative Officer