



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Hamilton Municipal Drain Engineers Report 2025

Date: Apr. 23, 2025

Report Number: DRA-2025-04

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 April 23 Council meeting

Recommendation:

THAT the Township of Huron-Kinloss Council accepts the Hamilton Municipal Drain Report, dated April 1, 2025, prepared by K. Smart & Associates Limited;

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

AND FURTHER appoints the Court of Revision(COR) for the Hamilton Drain as follows;

Township of Huron-Kinloss Representative[NAME] as Chair of the CoR,

Township of Huron-Kinloss Representative [NAME] and

Township of Ashfield-Colborne-Wawanosh Representative [NAME];

AND FURTHER sets the CoR date for [DATE], 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 to prepare a report under Section 78 for improvement of the Hamilton Drain to address landowner's concerns related to bank instability, erosion and poor drainage on the existing drain in the south part of Lots 8, 9 and part of 10, Concession 1. In the summer of 2013, the Municipality also received a petition for a new tile outlet to serve the south part of Lots 6 and 7, Concession 1. On July 17, 2013, K. Smart Associates Limited was appointed by resolution of Council to address a Section 4 petition in the ongoing Section 78 report.

Based on the investigation and landowner meetings, the report recommends:

Hamilton Drain A

- Incorporate approximately 325m of the existing flow path downstream of the historic Hamilton Drain outlet.

- Construct a 100m long x 0.5m deep permanent sediment trap
- Complete approximately 1,280m of ditch cleanout and improvements
- Complete washout repairs and bank stabilization in four specific locations
- Incorporate an existing 1,800mmø field crossing

Hamilton Drain F

- Incorporate 200m of twinned 150mmø plastic tubing and catchbasin

Towle Branch

- Improved design grade and 531m of ditch cleanout for existing open drain

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), filing 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).

Court of Revision Requirements for a Drain involving multiple municipalities

If a drainage works affects two or more municipalities, the council of the initiating municipality shall appoint two members of the Court; and every other involved municipality shall appoint one member. The Court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality.

For the Hamilton drain, the Township of Ashfield-Colborne-Wawanosh has landowners who will be impacted by the proposed drainage works. As such, the Township has been contacted to appoint a member to the Court of Revision for the Hamilton Municipal Drain 2025.

The Township of Huron-Kinloss is required to appoint two members to sit on this Court of Revision, of whom, one of whom will be the Chair.

Financial Impacts:

The Financial Impacts to the Township are provided in the Engineer's report under Schedule A, Pg. 24 – Schedule of Net Assessments for Construction.

Performance Measurement:

Municipal Drainage

Strategic Area:

- | | |
|--|--|
| <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