



## The Corporation of the Township of Huron-Kinloss

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### Staff Report

**Report Title: Carruthers Municipal Drain Abandonment Request**

**Date: Apr. 23, 2025**

**Report Number: DRA-2025-05**

**Department: Drains**

**File Number: C11 DRA 25**

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

**Attachments: Abandonment Request 2025**

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#### **Recommendation:**

THAT the Council of the Township of Huron-Kinloss hereby accepts the request for the abandonment of the Carruthers Drain as submitted by the affected landowners, and outlined in Report DRA-2025-05, thereby formally terminating the Township's responsibilities under the Drainage Act with respect to the specified portion of the Carruthers Municipal Drain;

AND FURTHER THAT Council authorizes Staff to issues notice to all affected landowners advising them of Council's decision to abandon the relevant portion of the Carruthers Municipal Drain in accordance with the requirements of the Drainage Act;

AND FURTHER THAT Staff be directed to bring forward a by-law to abandon the drain, pending confirmation that no notice has been received requesting an engineer's report during the required notice period.

#### **Background:**

The Drainage Act provides for the abandonment of a Drain or a part of a Drain.

A drain may be abandoned in three ways:

- A drain may be abandoned by petition of three-quarters of the owners of land assessed for benefit who own not less than three-quarters of the area assessed for the benefit. 84 (1)
- Council may initiate abandonment of a drain. 84(2)
- The engineer may recommend abandonment of a drain that is no longer useful(19)

The Clerk must send notice to all owners. Any owner may, within ten days, request an engineer's report on the effects of the abandonment. If no notice within the ten-day period is received by the Clerk, Council may pass a by-law to abandon the drainage works.

## Discussion/Analysis/Overview:

The Carruthers Municipal Drain, established under By-law No. 7-1965, services approximately 186 acres in the former Kinloss through a main tile drain and four branch drains. In December 2024, a request was submitted by the landowner of Lots 9 and 10, Concession 6, concerning the deteriorated state of the drain infrastructure.

Following an investigation, it was confirmed that the condition of the drain necessitates replacement. However, as per Section 74 of the Drainage Act, any maintenance must be carried out on a “like for like” basis, which limits the ability to modify the depth, alignment, or configuration from what was specified in the original drainage report.

Given these limitations and the extent of the deterioration, discussions were held regarding the feasibility of proceeding with maintenance. It was subsequently determined that the more appropriate course of action would be to pursue the abandonment of the drain and letting the involved landowners satisfy their drainage requirements through mutual agreement.

Abandonment Request includes:

### **Main Drain Abandonment**

The **entire upstream portion of the Main Drain**, beginning from the west side of Bruce County Road 1, specifically from **Station 31+61 to Station 45+22**, as shown on the provided plans.

### **Branch ‘C’ Abandonment**

The **entire portion of Branch ‘C’** as shown on the provided plans.

Staff recommend that Council accept the request for abandonment as submitted and notice be provided to landowners as required by the Act. If no notice within the ten-day period is received by the Clerk, Staff will bring forward a by-law to abandon the drain, and the landowners may proceed to satisfy their drainage requirements through mutual agreement.

## **Financial Impacts:**

There are no financial impacts to the Township associated with the abandonment of the Carruthers Municipal Drain. Following abandonment, no further maintenance activities will take place pursuant to the Drainage Act.

## **Performance Measurement:**

N/A

## **Strategic Area:**

- ☒ Embrace a thriving rural lifestyle
- ☐ Prepare for Inclusive Growth

- ☒ Enhance Municipal Service Delivery
- ☐ Ensure Financial Stability

**Strategic Goal: Protect, promote and restore our natural environment**

**Respectfully Submitted By:**

Ken McCallum, Drainage Superintendent

**Report Approved By:**

Jodi MacArthur, Chief Administrative Officer