



## The Corporation of the Township of Huron-Kinloss

---

### Staff Report

**Report Title: Black Creek Municipal Drain Engineers Report 2025**

**Date: Sep. 8, 2025**

**Report Number: DRA-2025-12**

**Department: Drainage**

**File Number: C11 DRA 25**

**Prepared By: Jennifer White, Manager of Legislative Services**

**Attachments: Draft By-law, Engineers report is included with the Public Meeting Portion of the September 8, 2025 meeting**

---

#### **Recommendation:**

THAT the Township of Huron-Kinloss Council accepts the Black Creek Municipal Drain Report, dated July 15, 2025 prepared by R.J. Burnside & Associates Limited;

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

AND FURTHER appoints NAME as Chair of the Court of Revision (CoR), and NAME-Township of Huron-Kinloss to the Court of Revision, which includes Mark Ireland, Municipality of South Bruce and Chris Peabody, Municipality of Brockton;

AND FURTHER sets the CoR date for a time between October 2 and 10<sup>th</sup>, pending confirmation of availability of the appointed Engineer and CoR members.

#### **Background:**

The Township of Huron-Kinloss appointed R. J. Burnside and Associates Limited to prepare a Report under Section 78 of the Drainage Act, at the request of Council for improvements to the drain within the Black Creek watershed.

Council received [Report DRA-2025-08](#) on June 2, 2025, which outlined the history of drainage works, and the request for improvements in this watershed.

The Black Creek Municipal Drain has a lengthy and complex history which has complicated and delayed throughout the years, maintenance and improvement efforts through this significant wetland area. The wetland area includes several drainage areas created through the now repealed Ditches and Watercourses Act, and design changes resulting from appeals to and orders resulting from Tribunal.

The Watershed which will be impacted by the Section 78 report, includes:

- Approximately 13,000 acres of land
- Approximately 260 private landowners
- Three municipalities.

The required Public Meeting under the Drainage Act is scheduled to take place as part of the September 8, 2025 meeting of Council. Having considered comments from the public, Council has three options for consideration to deal with the matter of the Report.

Staff are recommending that Council proceed with option one to accept and provisionally adopt the report, contingent on the concerns and other feedback raised during the public meeting having been addressed to the satisfaction of Council.

### **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 parts of the proposed drain are 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 and 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). If the reported is accepted, 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.

As the Drain watershed includes multiple municipalities, the Act requires that the Court of Revision, be comprised, of two members appointed by the council of the

initiating municipality, one of whom shall be the Chair, and one member appointed by the council of each of the neighboring municipalities.

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 already 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 the same manner to consider the report under Section 41(1).

This would effectively reset the consideration process of the original report, with notice requirements and appeal periods extending the timeline for completion.

**Financial Impacts:**

The Financial Impacts to the Township are provided in the Engineer's report under Appendix C1 and C2 – Schedule of Net Assessments for Construction. Appendix C1 contains assessments for the Main Drain and C2 for works done regarding the Private Bridge on Concession 15 Lot 32, Municipality of South Bruce.

The estimated assessment to Municipal Roads is \$76,190 and \$17,150.

The estimated assessment to Municipal owned lands is \$30 and \$10.

A refusal of the report is expected to result in the Township being unable to recover any costs incurred to date and would not be eligible for grant activities for agricultural purposes.

**Performance Measurement:**

Municipal Drainage Maintenance

**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:**

Jennifer White, Manager of Legislative Services/Clerk

**Report Approved By:**

Jodi MacArthur, Chief Administrative Officer