



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Municipal Agreement Drain Deboer-MacIntyre

Date: Feb. 18, 2026

Report Number: DRA-2026-05

Department: Drainage

File Number: C11 DRA 26

Prepared By: Jennifer White, Manager of Legislative Services/Clerk

Attachments: Mutual Agreement Drain Factsheet, Draft Agreement

Recommendation:

THAT the Township of Huron-Kinloss Council receive Report DRA-2026 – 05 prepared by Jennifer White, Manager of Legislative Services/Clerk and John Yungblut, Director of Public Works;

AND FURTHER THAT a by-law be brought forward as a matters arising to authorize the Mutual Drain Agreement.

Background:

A request has been received by Staff to assist with a proposed private drain crossing on South Kinloss Ave. The request involves three properties and the Township's roadway.

The Drainage Act R.S.O. 1990, Chapter D.17 (the Act) has a mechanism under Section 2 where two or more landowners who agree on the nature, location and distribution of drainage works may enter into an agreement for the construction and maintenance of a private drain. By registering the agreement on title, it becomes binding on the present and all future owners.

Mutual Agreement drains are different from municipal drains, in that they are constructed, owned and maintained privately as opposed to by a local municipality.

More information on mutual agreement drains can be found on the Ontario Ministry of Agriculture, Food and Agribusiness website : <https://www.ontario.ca/page/mutual-agreement-drains> and within the attached "Fact Sheet" document.

Discussion/Analysis/Overview:

Staff have received a request for a private drain to cross South Kinloss Ave, in order to connect to an existing private drain with an outlet to a municipal drain. The request is to resolve an existing drainage problem. (Crossing noted on the attached map).

The most efficient and cost-effective manner to address it is through a Mutual Agreement Drain (MAD) under Section 2 of the Drainage Act, rather than the lengthier and more expensive petition process.

MAD's occur when neighboring property owners are interested in working together to negotiate an agreement to ensure that water from a private drainage system can reach a safe and legal outlet, known as "sufficient outlet". Although they typically only involve a small number of neighboring landowners, this request involves crossing municipal property. It is therefore necessary to ensure the Township is a party to the agreement and that the work is constructed in a manner that does not impact the public roadway.

As the property owners have agreed in principle to the nature, location, construction design and materials and the distribution of costs, the Township has worked with the landowners, and contractor to develop the required agreement.

The Agreement is required by the Act to contain:

- A reference to the Drainage Act
- Legal description of the lands
- Estimated costs
- Description of the Drainage works
- What each party is expected to pay for
- How the drain is to be maintained and
- The date of the agreement.

The agreement also includes notice provisions for access and maintenance and registration requirements and costs.

Staff are requesting that the Township enter into the proposed Drainage Agreement to satisfy the requirements of the Drainage Act.

Financial Impacts:

The cost distribution for construction and maintenance is outlined in the report. The Township is not attributed any construction or maintenance costs for the private drain. Costs associated with registering the agreement will be borne by the landowner requesting the drain agreement.

No grants are payable under the Drainage Act, 1990 for construction, future repair or maintenance of mutual agreement drains.

Performance Measurement:n/a

Strategic Area:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Embrace a thriving rural lifestyle | <input type="checkbox"/> Enhance Municipal Service Delivery |
| <input 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