



The Corporation of the Township of Huron-Kinloss

Staff Report

Report Title: Bruce Beach Municipal Drain – Phase 1 Emergency Order Granted

Prepared By: Emily Dance, Clerk

Department: Drain

Date: Oct. 4, 2021

Report Number: DRAIN-2021-10-21

File Number:

E09-BBD Ph1

Attachments: Emergency Order Application, OMAFRA letter dated October 1, 2021

Recommendation:

THAT the Township of Huron-Kinloss Committee of the Whole hereby receives for information Report DRAIN-2021-10-21 prepared by Emily Dance, Clerk

Background:

On July 11, 2021, the Township of Huron-Kinloss submitted a request for emergency designation for the Bruce Beach Municipal Drain citing that due to the time required to complete the drainage report, obtain approvals and proceed through the Drainage Act process (including the appeals), the municipality would be unable to complete the Drainage Act process and construct the drain this year.

On July 29, 2021, the request was denied by the Ministry of Agriculture and Rural Affairs, however, encouraged the Township to work with Ministry staff to get more information and explore the issue further.

On September 22, 2021, the Township of Huron-Kinloss submitted a second request for Authorization of Emergency Work per Section 124 of the Drainage Act following the advancement of the Bruce Beach Municipal Drain in the Drain process.

July 19, 2021 Consideration of the Report, and First & Second reading of the by-law
August 9, 2021 Court of Revision (including decision)

August 16, 2021 Provisional Award of the Contract for the Construction of Drain

August 29, 2021 Deadline for Section 48 (engineering) appeals – No appeals received

August 30, 2021 Deadline for Section 54 (assessment) appeals – three appeals received

Discussion:

On October 1, 2021, the Township received confirmation from Lisa Thompson, Minister of Agriculture, Food and Rural Affairs that after considering the updated information, she approved the drainage project as defined in the engineer's report for the Bruce Beach Road Municipal Drain – Phase to be an emergency within the meaning of Section 124 of the Drainage Act.

This designation will allow for the construction of Phase 1 of the Bruce Beach Municipal Drain (pond, ravine work) to proceed without risk of procedural violations under the Drainage Act.

As previously reported, three appeals were received regarding the assessment costs. These appeals will continue through the process. Tribunal hearing, decision, appeal period then the By-Law can be given third reading.

Financial Impacts:

All associated costs are allocated through the Drainage Act to the property owners within the watershed.

Strategic Alignment / Link:

We are an environmentally conscious community that are good stewards of our natural environment by being aware and taking responsibility.

Respectfully Submitted By:

Emily Dance, Clerk

Approved By:

Mary Rose Walden, Chief Administrative Officer