

**Ministry of Agriculture,
Food and Rural Affairs**

Office of the Minister

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**Ministère de l'Agriculture, de
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Ontario

October 1, 2021

Stephen Brickman
Project Manager/Engineer
Headway Engineering
Stephen.brickman@headwayeng.ca

Grant Collins
Drainage Superintendent
Township of Huron Kinloss
gcollins@huronkinloss.com

Dear Stephen Brickman and Grant Collins:

Thank you for your updated and very thorough submission dated September 22, 2021, requesting an emergency designation under Section 124 of the [Drainage Act](#) for the construction of a drainage works as defined in the report for the Bruce Beach Municipal Drain – Phase 1 in the Township of Huron-Kinloss.

I note that this updated request is a follow-up to the original request for an emergency designation dated June 11, 2021. There have been substantial advancements of the project through the Drainage Act process including the passage of the provisional by-law authorizing the engineer's report and the appeal period. There were three (3) appeals brought forward to the Agriculture, Food and Rural Affairs Appeal Tribunal (AFRAAT). However, all of these appeals are related to the assessment of costs and there are no appeals regarding the technical aspects of the project.

Your original submission stated that this watershed has experienced significant storm events in the last several years which have caused considerable damage to both private and public property, including road infrastructure. The risk of flooding and property damage continues to exist and needs to be addressed. You state that since the previous submission for an emergency designation, Bruce Beach Road has come within inches of a washout on two occasions.

Your letter states that due to the time required to complete the appeal process through the Agriculture, Food and Rural Affairs Appeal Tribunal (AFRAAT), the municipality will be unable to construct the drain this year without an emergency designation being granted.

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After considering the updated information provided, I hereby designate the drainage project as defined in the engineer's report for the Bruce Beach Road Municipal Drain – Phase 1 in the Township of Huron-Kinloss to be an emergency within the meaning of Section 124 of the Drainage Act.

Since the total project cost is unknown at this time, all involved property owners must be given an opportunity to appeal their share of the project cost specifically including the resolution of the three (3) appeals currently before the AFRAAT.

Further, any other components of the design which are required to fulfil the Engineer's duty under the Drainage Act, should be included in the future Phase II engineer's report. However, they do not form part of this emergency designation and must proceed through the regular Drainage Act process.

Please note that this emergency designation does not exempt you and your municipality from any approvals that may be required from other agencies.

Sincerely,



Lisa Thompson
Minister of Agriculture, Food and Rural Affairs

c: Tim Brook, Drainage Coordinator Ministry of Agriculture, Food and Rural Affairs

COVID-19 Reminders

- For vaccination booking details visit: <https://covid-19.ontario.ca/book-vaccine/>
- Follow your local public health/safety measures: <https://covid-19.ontario.ca/zones-and-restrictions>
- Practice physical distancing – stay 2 metres away from others in public
- Get the facts - www.ontario.ca/page/covid-19-stop-spread