

Subject: Lilley Municipal Drain – Recommendation of Engineer

File Number: ACS2025-IWS-WL-0006

Report to Agriculture and Rural Affairs Committee on 6 March 2025

and Council 12 March 2025

Submitted on February 25, 2025 by Marilyn Journeaux, Director, Water Linear and Customer Services, Infrastructure and Water Services

Contact Person: Dave Ryan, Drainage Superintendent, Infrastructure and Water Services

613-580-2424, 25106, David.Ryan@ottawa.ca

Ward: West Carleton-March (5)

Objet : Drain municipal Lilley – Recommandation d’un ingénieur

Dossier : ACS2025-IWS-WL-0006

Rapport au Comité de l'agriculture et des affaires rurales

le 6 mars 2025

et au Conseil le 12 mars 2025

Soumis le 25 février 2025 par Marilyn Journeaux, directrice, Services linéaires d’eau et à la clientèle, Direction générale des services d’infrastructure et d’eau

Personne ressource : Dave Ryan, directeur des installations de drainage, Services d’infrastructure et d’eau

613-580-2424, 25106, David.Ryan@ottawa.ca

Quartier : West Carleton-March (5)

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend Council consider the recommendation brought forward by Robinson Consultants Inc. attached as document 2 in accordance with Section 5(1) of the Drainage Act of Ontario and not proceed with the drainage works.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande que le Conseil prenne en considération la recommandation de la firme Robinson Consultants Inc., jointe en tant que document 2, conformément au paragraphe 5(1) de la *Loi sur le drainage* de l'Ontario, et n'autorise pas les travaux de drainage.

BACKGROUND

In July 2024, the City of Ottawa received a petition for improved drainage for Part of Lot 15, Concession 2, West Carleton-March Ward. Robinson Consultants Inc. was appointed to prepare a preliminary report on October 9, 2024.

DISCUSSION

Staff are recommending that Council decide not to proceed with the drainage works.

Further to the appointment, Robinson Consultants Inc. held the required site meeting with the engineer on November 12, 2024. During this meeting the engineer communicated that the petition as submitted to the municipality did not meet the conditions of a valid petition under Section 4 of the [Drainage Act](#).

In order for a petition to be valid the petitioning owners must represent greater than 50 per cent of the owners or greater than 60 per cent of the hectarage.

Further to the on-site meeting, landowners were given an opportunity to add their names to the petition. No names were added in the time provided. Therefore, it is the opinion of the Council-appointed Drainage Engineer that the petition as submitted is not valid.

This report places the request to not proceed with the petition before the Agriculture and Rural Affairs Committee and Council as required under Section 5 of the *Drainage Act*.

RURAL IMPLICATIONS

There will be no change to the current conditions for the lands in the subject area.

CONSULTATION

Consultation with the Ward Councillor and City staff is ongoing.

COMMENTS BY THE WARD COUNCILLORS

The Councillor is aware of this report.

LEGAL IMPLICATIONS

There are no legal impediments to Committee and Council's approval of the recommendation of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

All costs to date including the site meeting, consideration of the petition and communication with the landowners will be assessed to the petitioning landowner under the authority of Section 10(4) of the Drainage Act R.S.O. 1990.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

The recommendations of this report align with the current Strategic Priority as part of the sustainable environmental services strategic priority by supporting an environmentally sustainable Ottawa.

SUPPORTING DOCUMENTATION

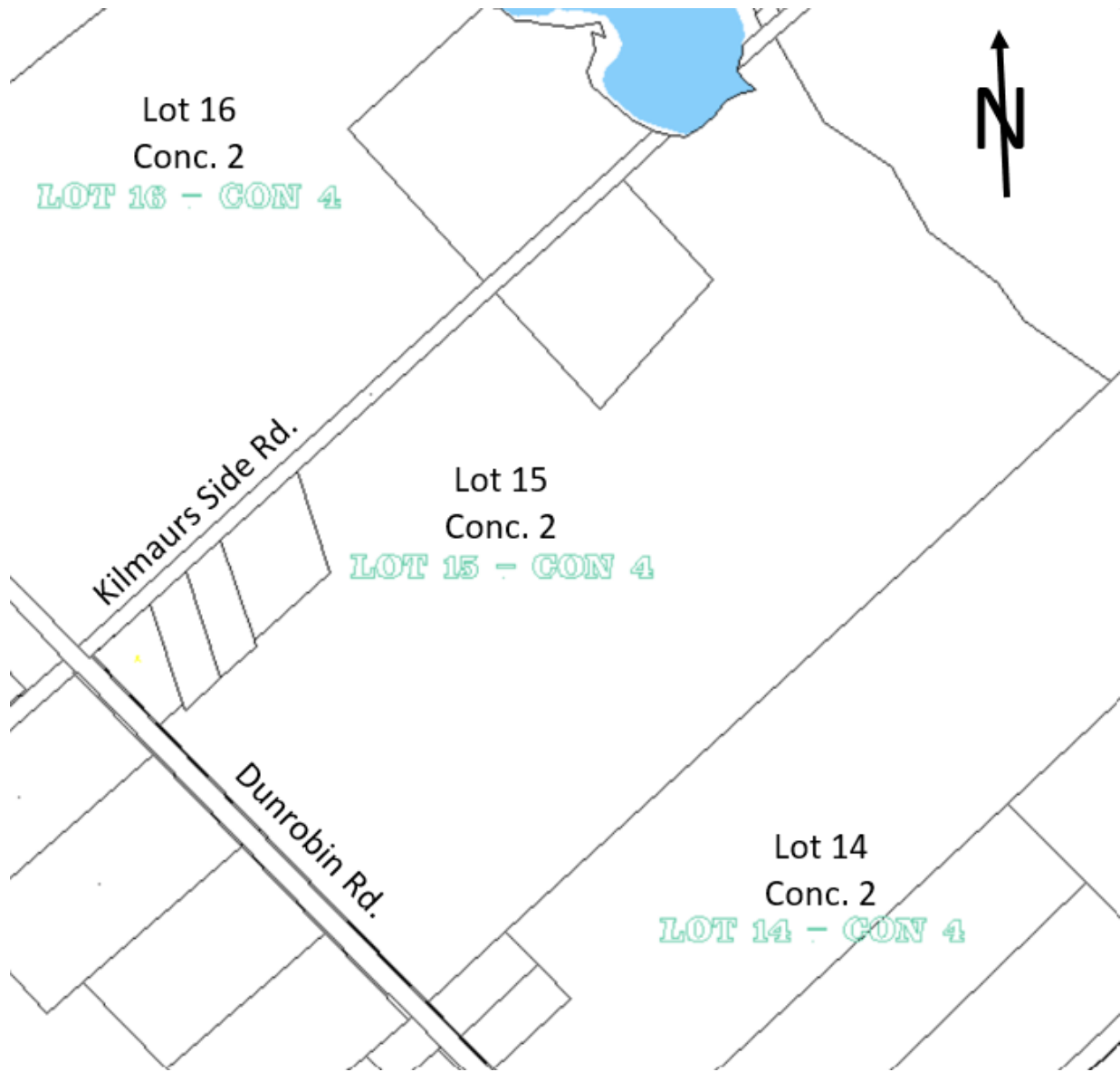
Document 1 Location Map

Document 2 Robinson Consultants Inc. letter dated November 18, 2024.

DISPOSITION

The Drainage Superintendent shall notify all affected landowners of the decision of Council.

Document 1



Document 2



November 18th, 2024

City of Ottawa
2155 Roger Stevens Drive
North Gower, ON K0A 2T0

Attention: David Ryan, Drainage Superintendent

Reference: Lilley Petition – Municipal Drain
Our Project Number 24096

Dear Sir:

In conformance with the requirements of the Ontario Drainage Act, R.S.O., 1990, c.D.17, we have given consideration to the "validity of the petition". We note the following with regard to our review:

The petition describes the area requiring drainage as follows:

Properties at addresses 1112, 1100, 1094 and 1086 Kilmaurs Side Rd received sub-surface tile drainage from tiles installed previous to these parcels severance from parcel 4245 Dunrobin Rd. Last fall the owner of 4245 Dunrobin Rd. systematically tiled this property and knowingly severed all tiles to the aforementioned properties. Some of the tiles that have been cut have been located and a temporary drainage system installed. This system is insufficient to meet the drainage needs of the properties. Subsurface and surface water no longer has any ability to drain from these parcels in any meaningful way and now requires a municipal drain to achieve appropriate drainage. The severed tiles previously drained into a ditch running the length of the parcel 4245 Dunrobin Rd. This drainage ditch is not currently considered a municipal drain.

This request seeks to re-establish the cut tile providing surface and sub-surface drainage to the aforementioned properties and establish the drainage ditch on 4245 Dunrobin Rd as a municipal drain to support future drainage requirements for the properties located at 1112, 1100, 1094 and 1086 Kilmaurs Side Rd.

It is our interpretation that this petition describes the "area requiring drainage" as 1112, 1100, 1094 and 1086 Kilmaurs Side Rd. (4 properties).

The petition was signed by one (1) property owner (1112 Kilmaurs Sideroad). This property represents 1 of 4 (25%) of the properties within the area requiring drainage as defined. By land area, the petitioning property represents approximately 0.87ha of a total 4.09ha (21.3%).

To form a valid petition, the petitioning owners must represent greater than 50% of the owners (S. 4.1(a)) or greater than 60% of the hectarage (S.4.1(b)). As such, the petition as submitted and reviewed does not meet the conditions for a valid petition.

Subsequent to the on-site meeting, additional property owners were afforded a brief opportunity to add their names/property to the petition and thereby make the petition valid. No additional owners have done so in the afforded time. It is therefore, our opinion that the petition is not valid as submitted. Cost to date may be assigned to the petitioning owner as per S. 10.4 of the Act.

As per S. 8.2(c) it is the duty of the Engineer, where the petition is not valid, to establish the requirements for a petition to comply. In this regard, we are of the opinion that a valid petition could be formed where:

- (2) additional owners sign the petition
- (2) additional owners of lot size 0.8h each sign the petition, or;
- (1) additional owner of the property the represents 1.62h signs the petition

Additionally, we note that a revised and resubmitted petition refining the area requiring drainage to specifically be 1112 Kilmaurs Sideroad and signed by the current petitioner could be considered a valid petition but would represent a new process and new appointment of an Engineer.

We trust this to be satisfactory. Should you have any questions or concerns, please contact us.

Yours very truly,

ROBINSON CONSULTANTS INC.



Lorne Franklin, L.E.T., C.E.T. rcca, CAN-CISIE 0078
Licensed Engineering Technologist – Drainage Service

LJF/plw

c.c. Erin Moore, Drainage Clerk, City of Ottawa
Affected Landowners