

**Subject: Engineer's Report for New Assessment Schedules under Section 76
of the Drainage Act R.S.O. 1990 c. D17 for Cranberry Creek Municipal Drain**

File Number: ACS2022-IWS-WS-0005

Report to Agriculture and Rural Affairs Committee on 30 June 2022

and Council 7 July 2022

**Submitted on May 13, 2022 by Tammy Rose, General Manager, Infrastructure and
Water Services**

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

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Ward: Rideau-Goulbourn (21)

**Objet : Rapport d'ingénieur pour les nouveaux barèmes d'évaluation en
vertu de l'article 76 de la *Loi sur le drainage*, L.R.O. 1990, chap. D17 concernant le
drain municipal du ruisseau Cranberry**

Dossier : ACS2022-IWS-WS-0005

Rapport au Comité de l'agriculture et des affaires rurales

le 30 juin 2022

et au Conseil le 7 juillet 2022

**Soumis le 13 mai 2022 par Tammy Rose, directrice générale, Services
d'infrastructure et d'eau**

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

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Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATIONS

**That the Agriculture and Rural Affairs Committee recommend that Council adopt
the Engineer's Report prepared by Robinson Consultants Inc., entitled Engineer's**

Report for New Assessment Schedules under Section 76 of the Drainage Act R.S.O. 1990 c. D17 for Cranberry Creek Municipal Drain dated June 2022 and give 1st and 2nd reading to the By-law attached as Document 2 to this report in accordance with Sections 42 and 45 of the Drainage Act of Ontario

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'adopter le rapport d'ingénieur produit par Robinson Consultants Inc., intitulé « Engineer's Report for New Assessment Schedules under Section 76 of the Drainage Act R.S.O. 1990 c. D17 for Cranberry Creek Municipal Drain » (Rapport d'ingénieur pour les nouveaux barèmes d'évaluation en vertu de l'article 76 de la *Loi sur le drainage*, L.R.O. 1990, chap. D17 concernant le drain municipal du ruisseau Cranberry), en date de juin 2022, et présente en première et deuxième lectures le règlement joint au présent rapport en tant que document 2, conformément aux articles 42 et 45 de la Loi sur le drainage de l'Ontario.

BACKGROUND

On September 8, 2021 the Council of the City of Ottawa appointed Andy Robinson, P.Eng. of Robinson Consultants Inc., as the Engineer of record to prepare a report under Section 76 of the Drainage Act to address improvements to the Cranberry Creek Municipal Drain.

The purpose of the Engineer's Report is to update the assessment schedules which are part of the Engineer's Report for Cranberry Creek Municipal Drain dated 1969 under Section 76 of the *Drainage Act*, R.S.O. c.17. An update to the assessment schedules will allow the City of Ottawa to appropriately assess costs associated with any necessary future maintenance and/or repair of the Cranberry Creek Municipal Drain.

Pursuant to Section 9 of the Drainage Act, the meeting with landowners was held virtually on November 9, 2021. All affected landowners were notified of the meeting

Description of site and surroundings

The Cranberry Creek Municipal Drain is located in Rideau-Goulbourn Ward west of the Rideau River and south of North Gower and was first constructed in 1895 by the former Townships of North Gower and Marlborough (former Rideau Township).

DISCUSSION

Cranberry Creek Municipal Drain was first constructed in 1895 by the former Townships of North Gower and Marlborough (former Rideau Township). The Engineer's Report was updated in 1953, 1969 and 1973 to address improvements to the drainage works, new branches, and associated watersheds.

The 1969 Engineer's Report by Graham, Berman and Associates Ltd. provided for a dyke and pump system to improve the outlet to the Rideau River. The effectiveness of the dyke and pump system was limited and sometime over the course of the following twenty years the dyke and pump system fell into disrepair. As a result, the former Township of Rideau appointed, under Section 78 of the Drainage Act, A.J. Robinson Inc. to prepare an updated Engineer's Report for the drainage works towards re-instating the system. This 1991 report was presented to the landowners in the watershed but did not proceed due to the higher than anticipated estimated cost.

On September 10, 2014 the Council of the City of Ottawa appointed Andy Robinson, P.Eng. of Robinson Consultants Inc., as the Engineer of record to prepare a report under Section 78 of the *Drainage Act* to address the concerns of the owners of lands, assessed in the existing Engineer's Report (1969) for the Cranberry Creek Municipal Drain, about an increase in flooding events along the Cranberry Creek Municipal Drain. The Engineer's Report entitled Engineer's Report Cranberry Creek Municipal Drain Modifications, Improvements and Maintenance prepared by Robinson Consultants Inc., dated December 2017, was presented to and provisionally adopted by the Council of the City of Ottawa. The Engineer's Report was subsequently appealed by select landowners to the Agriculture, Food and Rural Affairs Appeal Tribunal.

The Clerk of the City of Ottawa received a decision from the Agriculture, Food and Rural Affairs Appeal Tribunal, dated June 30, 2020, in response to the appeals submitted by select landowners. This decision, in part, set aside the Engineer's Report entitled Engineer's Report Cranberry Creek Municipal Drain Modifications, Improvements and Maintenance prepared by Robinson Consultants Inc., dated December 2017.

Given the decision of the Agriculture, Food and Rural Affairs Appeal Tribunal, the City of Ottawa is not able to appropriately assess costs associated with maintenance and/or repair of the Cranberry Creek Municipal Drain using the existing assessment schedule(s) enclosed in the Engineer's Report entitled Cranberry Creek Municipal Drain, prepared by Graham, Berman, and Associates Ltd., dated 1969, given the inaccurate representation of the watershed boundary and various changes in land use throughout. As such, maintenance and/or repair cannot be conducted until the

assessment schedule(s) of the Cranberry Creek Municipal Drain have been revised accordingly.

On September 8, 2021 the Council of the City of Ottawa appointed Andy Robinson, P.Eng. of Robinson Consultants Inc., to prepare an Engineer's Report under section 76(1) of the *Drainage Act*. The Engineer's report entitled Engineer's Report for New Assessment Schedules under Section 76 of the Drainage Act R.S.O. 1990 c.17 for Cranberry Creek Municipal Drain dated June 2022 includes updated assessment schedules for the Main Drain and pump and dyke system of Cranberry Creek Municipal Drain.

The limitations of an Engineer's Report prepared under Section 76(1) of the *Drainage Act* include the ineligibility for landowner grants under the Agricultural Drainage Infrastructure Program for assessment of engineering costs. Future maintenance is eligible for grant.

The estimated cost of the report is \$26,500. Funding is available in capital internal order 907720 Cranberry Creek Municipal Drain for the cost of the engineer's report. All costs associated with the engineer's report will be initially paid by the Water Services Branch of the Infrastructure and Water Services Department but will be recovered from the landowners within the watershed as per the "Schedule A – Summary for the future maintenance of all sections of the Cranberry Creek Municipal Drain" included in the Engineer's Report dated June 2022. The assessment to City owned lands and roads as per the assessment schedules is \$2,291.90.

The *Drainage Act* prescribes the process and timelines that must be followed for any modification or construction of a municipal drain.

This report places the request to adopt an Engineer's Report on an existing Municipal Drain before the Agriculture and Rural Affairs Committee and Council as required under Section 76 of the *Drainage Act*.

Should the Agricultural and Rural Affairs Committee and Council adopt the Engineer's Report dated June 2022 and give 1st and 2nd reading to the provisional By-law, the process will continue as set out by the Drainage Act R.S.O. 1990.

RURAL IMPLICATIONS

The existing lands and roads will benefit from this undertaking through the ability of the City of Ottawa Drainage Superintendent to complete maintenance and/or repairs to the existing Cranberry Creek Municipal Drain, Main Drain.

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 associated with the engineer's report will be initially paid by the Water Services Branch of the Infrastructure and Water Services Department but will be recovered from the landowners within the watershed as per the "Schedule A – Summary for the future maintenance of all sections of the Cranberry Creek Municipal Drain" included in the Engineer's Report dated June 2022. The estimated cost of the report is \$26,500. Funding is available in capital internal order 907720 Cranberry Creek Municipal Drain for the cost of the Engineer's Report. Once the Engineer's Report is adopted by By-law, these costs will be recovered, likely in 2022, through assessments to the landowners within the watershed including the Ontario Ministry of Transportation as well as approximately \$2,291.90 plus applicable taxes from the City's Roads Services.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

This report does not include any proposed works, it is administrative in nature.

TERM OF COUNCIL PRIORITIES

The proposed updated Engineer's Report for the Cranberry Creek Municipal Drain will fulfill the City's Strategic Plan's environment and infrastructure protection priorities.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 – Provisional By-law

Document 3 – Engineer's Report entitled Engineer's Report for New Assessment Schedules under Section 76 of the Drainage Act R.S.O. 1990 c.17 for Cranberry Creek Municipal Drain dated June 2022

DISPOSITION

Upon approval by Council, the Office of the Drainage Superintendent will notify all affected landowners of the date of the 1st sitting of the Court of Revision as required under Section 46 of the Drainage Act R.S.O. 1990.

Document 1 – Location Map

