

**3. BUCKLES MUNICIPAL DRAIN – APPOINTMENT OF ENGINEER
DRAIN MUNICIPAL BUCKLES – NOMINATION D'UN INGÉNIEUR**

COMMITTEE RECOMMENDATION

That Council proceed with the drainage works and appoint Andy Robinson, P. Eng of Robinson Consultants Inc. as the Engineer of record to prepare a report under Section 78 (1) of the *Drainage Act* to inform Council on the current status of the Buckles Municipal Drain and whether one or more of the projects listed under Section 78 (1.1) is required for the better use, maintenance or repair of the drainage works or lands or roads.

RECOMMENDATION DU COMITÉ

Que le Conseil nomme M. Andy Robinson, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes du paragraphe 78 (1) de la *Loi sur le drainage*, afin de renseigner le Conseil sur l'état actuel du drain municipal Buckles et de lui indiquer si un ou plusieurs des travaux énumérés au paragraphe 78 (1.1) sont nécessaires afin d'assurer une meilleure utilisation des installations de drainage ou encore de biens-fonds ou de chemins, ou de faciliter leur entretien ou leur réparation.

DOCUMENTATION/DOCUMENTATION

Report from the Director, Parks, Forestry and Stormwater Services, dated July 18, 2018 (ACS2018-PWE-GEN-0019)

Rapport de la Directrice, Services des parcs, de la foresterie et des eaux pluviales, daté le 18 juillet 2018 (ACS2018-PWE-GEN-0019)

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
6 September 2018 / 6 septembre 2018**

**and Council
et au Conseil
12 September 2018 / 12 septembre 2018**

**Submitted on July 18, 2018
Soumis le 18 juillet 2018**

**Submitted by
Soumis par:
Laila Gibbons, Director, Parks, Forestry & Stormwater Services / Directrice,
Services des parcs, de la foresterie et des eaux pluviales**

**Contact Person
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Ward: OSGOODE (20)

File Number: ACS2018-PWE-GEN-0019

SUBJECT: Buckles Municipal Drain – Appointment of Engineer

OBJET: Drain municipal Buckles – Nomination d'un ingénieur

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend that Council proceed with the drainage works and appoint Andy Robinson, P. Eng of Robinson Consultants Inc. as the Engineer of record to prepare a report under Section 78 (1) of the *Drainage Act* to inform Council on the current status of the Buckles

Municipal Drain and whether one or more of the projects listed under Section 78 (1.1) is required for the better use, maintenance or repair of the drainage works or lands or roads.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de nommer M. Andy Robinson, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes du paragraphe 78 (1) de la *Loi sur le drainage*, afin de renseigner le Conseil sur l'état actuel du drain municipal Buckles et de lui indiquer si un ou plusieurs des travaux énumérés au paragraphe 78 (1.1) sont nécessaires afin d'assurer une meilleure utilisation des installations de drainage ou encore de biens-fonds ou de chemins, ou de faciliter leur entretien ou leur réparation.

BACKGROUND

The City of Ottawa has received a request from a landowner to review and if required propose improvements to the Buckles Municipal Drain pursuant to Section 78 of the *Drainage Act*. Over the past few years drainage concerns within the watershed of the Buckles Municipal Drain have been reoccurring. An engineer is required to review the drainage concerns within the watershed of the Buckles Municipal Drain and if required update the engineer's report and By-law for the drainage works.

The Buckles Municipal Drain is located in Osgoode Ward in the village of Osgoode. The date of the original construction of this Municipal Drain is unknown but it was improved under Engineers Reports in 1920, 1968 and 1972. The current Engineers Report for the Buckles Municipal Drain was prepared by A.J. Graham Eng. dated Feb. 7, 1979, revised April 23, 1979 and adopted under By-law No.33-1979 former Township of Osgoode, Osgoode Ward.

DISCUSSION

The Buckles Municipal Drain is a private communal drainage system which has legal status under the provincial *Drainage Act*, RSO 1990 c.17. As such, any changes to the drainage works requires the approval of Council based on the report of a qualified Drainage Engineer, pursuant to Section 78 of the Act.

This report has no tax or budget implications. All costs associated with the engineer's report will be initially paid by the City but recovered from the landowners within the watershed of the Municipal Drain as determined by the Engineer upon completion. The estimated cost of the report is \$80,000. Funding is available in the 2018 approved capital budget for the Municipal Drains Program for the cost of the engineer's report.

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

SCHEDULE FOR MODIFICATIONS TO THE BUCKLES MUNICIPAL DRAIN

Should the Agricultural and Rural Affairs Committee and Council approve the appointment of the Engineer Andy Robinson, P.Eng. of Robinson Consultants Inc, the estimated schedule will be as follows:

- Council approval and appointment of Engineer – September 2018
- Preparation of report – September 2018 to April 2019
- Review of report by regulatory agencies – April/May 2019
- Submission of report and notification period – June 2019
- Consideration of report and provisional By-law by Committee and Council – Q3 of 2019
- Court of Revision at ARAC – Q4 of 2019
- Construction of drainage works Q3 2020

RURAL IMPLICATIONS

The landowners within the watershed will benefit from this undertaking through the provision of legal and sufficient outlet, improved drainage and reduced risk of flooding.

CONSULTATION

Consultation with the proponent and City staff is ongoing.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillor is aware of this report.

LEGAL IMPLICATIONS

For the reasons that follow, there are no legal impediments to the implementation of the recommendation in this report.

The City has a legislated duty to maintain and repair all drainage works constructed under a report that has been prepared by an engineer appointed under the provincial *Drainage Act* (the said drainage works shall hereinafter be referred to as a “Municipal Drain”).

If the maintenance and repair assessment schedules under the Engineer’s Report are varied by a further Engineer’s Report, the Municipal Drain will be maintained in accordance with the updated assessment schedules under the most recent Engineer’s Report (*Drainage Act*, Section 74).

As such, if a drainage engineer appointed under Subsection 78 (1) reports that one or more of the drainage works projects listed in Subsection 78 (1.1) is required to address deficiencies in the Municipal Drain and/or a proposed alteration in the nature or extent of the use of the drainage works by land assessed for the Municipal Drain, the most recent Engineer’s Report will need to be updated and revised assessment schedules produced for the maintenance and repair of the Municipal Drain (*Drainage Act*, Subsections 78 (2) and 78(3)).

Unless a local municipality, Conservation Authority or the Minister of Natural Resources specifically requests an environmental appraisal under Subsection 6(1) of the *Drainage Act*, all *Fisheries Act* studies, engineering, administration, implementation and regulatory documentation required to complete any improvements recommended by the drainage engineer and approved by Council, are fees and expenditures that are to be included in the cost of the drainage works (*Drainage Act*, Section 70).

The City may be liable for any damages incurred by an owner or owners of land affected by the condition of a Municipal Drain if the City fails to perform the duties conferred or imposed upon it by the *Drainage Act* as to maintenance and repair of a Municipal Drain (*Drainage Act*, Section 79).

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

This report has no tax or budget implications. The estimated cost of \$80,000 for the engineer's report will be initially paid by the City of Ottawa, Parks, Forestry & Stormwater Services Branch, Public Works and Environmental Services Department, and recovered from the landowners within the watershed of the Municipal Drain as determined by the Drainage Engineer. Funds are available in the 2018 approved Capital Budget - Municipal Drainage Program. Once approved by Council, a separate new internal order will be created for this specific drain and all necessary funding will be transferred to it.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The modifications to the Buckles Municipal Drain will require compliance with City, provincial and federal policies, standards, regulations and legislation.

TERM OF COUNCIL PRIORITIES

The proposed drainage works will fulfill the City's Strategic Plan's environment and infrastructure protection priorities.

SUPPORTING DOCUMENTATION

DOCUMENT 1 – Location Plan

DISPOSITION

The Drainage Superintendent shall notify all affected landowners and the local conservation authority of the decision of Council.

Document 1

