

4. BRANCH 4, WILSON-JOHNSTON MUNICIPAL DRAIN PETITION –  
APPOINTMENT OF ENGINEER

PÉTITION CONCERNANT LA CONDUITE 4 DU DRAIN MUNICIPAL  
WILSON-JOHNSTON – NOMINATION D'UN INGÉNIEUR

**COMMITTEE RECOMMENDATION**

That Council proceed with the drainage works and appoint Mr. Andy Robinson, P. Eng of Robinson Consultants Inc. as the Engineer of record to prepare a report under Section 8 of the *Drainage Act* in response to a petition received under Section 4 of the *Drainage Act*, as described in this report.

**RECOMMENDATION DU COMITÉ**

Que le Conseil procède aux travaux de drainage et de nommer M. Andy Robinson, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes de l'article 8 de la *Loi sur le drainage*, en réponse à une pétition reçue aux termes de l'article 4 de la *Loi sur le drainage*, comme il est décrit dans le présent rapport.

**DOCUMENTATION/DOCUMENTATION**

Report from the Director, Parks, Forestry and Stormwater Services, dated June 29, 2018 (ACS2018-PWE-GEN-0020)

Rapport de la Directrice, Services des parcs, de la foresterie et des eaux pluviales, daté le 29 juin 2018 (ACS2018-PWE-GEN-0020)

**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 June 29, 2018  
Soumis le 29 juin 2018**

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

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**Ward: CUMBERLAND (19)**

**File Number: ACS2018-PWE-GEN-0020**

**SUBJECT: Branch 4, Wilson-Johnston Municipal Drain Petition – Appointment  
of Engineer**

**OBJET: Pétition concernant la conduite 4 du drain municipal Wilson-  
Johnston – Nomination d'un ingénieur**

## **REPORT RECOMMENDATIONS**

**That the Agriculture and Rural Affairs Committee recommend that Council  
proceed with the drainage works and appoint Mr. Andy Robinson, P. Eng of**

**Robinson Consultants Inc. as the Engineer of record to prepare a report under Section 8 of the *Drainage Act* in response to a petition received under Section 4 of the *Drainage Act*, as described in this report.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de procéder aux travaux de drainage et de nommer M. Andy Robinson, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes de l'article 8 de la *Loi sur le drainage*, en réponse à une pétition reçue aux termes de l'article 4 de la *Loi sur le drainage*, comme il est décrit dans le présent rapport.**

## **BACKGROUND**

Staff recommends that Council proceed with the Drainage Works under Section 5 of the *Drainage Act* and appoint an engineer to prepare a report under Section 8 of the *Drainage Act* to address the need for legal and sufficient outlet for a proposed new industrial waste facility in Part Lots 24 and 25, Concession 11 Cumberland Ward former Cumberland.

## **DISCUSSION**

The Clerk of the City of Ottawa has received a petition for drainage works from a developer pursuant to Section 4 of the *Drainage Act*. The proposed drainage works will provide legal and sufficient outlet for the proposed new industrial waste facility located in Part Lots 24 and 25, Concession 11 Cumberland Ward former Cumberland.

This petition requests outlet for the development of a new industrial waste facility which may result in changes in subsurface and storm water flows from the existing parcel of land located in Part Lots 24 and 25, Concession 11 Cumberland Ward former Cumberland.

Staff are recommending the appointment of Andy Robinson, P.Eng. of Robinson Consultants Inc., as the engineer of record as he has over 40 years experience with similar *Drainage Act* projects, a specialized field of engineering in Ontario.

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 signatories to the petition 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.

This report places the request for extension of an existing drainage works before the Agriculture and Rural Affairs Committee and Council as required under Section 5 of the *Drainage Act*.

### **SCHEDULE FOR THE PETITION FOR BRANCH #4, WILSON-JOHNSTON 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 proposed industrial development will benefit from this undertaking through improved drainage, storm water management 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**

When the City Clerk and Solicitor receives a Petition under Section 4 of the *Drainage Act*, Council has a legislated duty to consider the Petition and choose one of two options under Section 5 of the *Drainage Act*.

The two options and implications of each are as follows:

Option 1- decide to proceed with the proposed drainage works and appoint a drainage engineer to prepare one of the following types of reports under the *Drainage Act*:

- (i) A full report under Section 8 of the *Drainage Act*, or,
- (ii) A preliminary report under Section 10 of the *Drainage Act*.

The full report under Section 8 will provide detail on the area requiring drainage, the drainage works to be constructed, an estimate of the total cost, and an assessment against each parcel of land within the area requiring drainage for a proportion of the estimated total cost of the drainage works.

The preliminary report under Section 10 will contain a sketched plan of the drainage works and an estimate of the total cost but no assessments against the parcels of land within the area requiring drainage. A preliminary report is only prepared if requested by the petitioners.

Implications of option 1:

- If at any time the petitioner asks Council to stop the preparation of the engineer's report, or if the report is completed but one or more of the petitioner withdraws its name from the petition making it an invalid petition, the petitioner is liable to the City for all expenses incurred by the City in connection with the petition and the engineer's report, including *Fisheries Act*, engineering and administration costs.
- If Council decides to adopt the engineer's report then the City is responsible for the construction and all required maintenance of the drainage works as detailed in the engineer's report, and to collect all costs of the construction

and maintenance from the owners of the lands assessed for the drainage works under the engineer's report.

Option 2: decide not to proceed with the proposed drainage works.

Implications of option 2:

- Each Petitioner has the right to appeal Council's decision to the Agriculture, Food and Rural Affairs Tribunal.
- The Tribunal has the power to order Council to proceed with the drainage works and appoint a drainage engineer to prepare either a full report under Section 8 of the *Drainage Act* or a preliminary report under Section 10 of the *Drainage Act*.

### **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 signatories to the petition 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 drainage works are associated with final approval of the development. Any proposed works 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.