

**6. REGIMBALD, SIMPSON AND WILSON-JOHNSTON MUNICIPAL DRAINS –  
APPOINTMENT OF ENGINEER**

**DRAIN MUNICIPAL REGIMBALD, SIMPSON ET WILSON-JOHNSTON –  
NOMINATION D'UN INGÉNIEUR**

**COMMITTEE RECOMMENDATION AS AMENDED**

That Council appoint Mr. 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

1. Regimbald Municipal Drain
2. Simpson Municipal Drain
3. Wilson-Johnston 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.

**RECOMMANDATION DU COMITÉ, TELLE QUE MODIFIÉE**

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 :

1. Drain municipal Regimbald
2. Drain municipal Simpson
3. Drain municipal Wilson-Johnston

**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

1. Director, Parks, Forestry & Stormwater Services report dated 13 October 2017 (ACS2017-PIE-IS-0011).

Rapport du Directeur, Services des parcs, de la foresterie et des eaux pluviales daté le 13 octobre 2017 (ACS2017-PIE-IS-0011).

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, 23 November 2017.

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 23 novembre 2017.

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 30  
13 DECEMBER 2017**

**71**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 30  
LE 13 DÉCEMBRE 2017**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
23 November 2017 / 23 novembre 2017**

**and Council  
et au Conseil  
13 December 2017 / 13 décembre 2017**

**Submitted on October 13, 2017  
Soumis le 13 octobre 2017**

**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: ACS2017-PWE-GEN-0039**

**OSGOODE (20)**

**SUBJECT: Regimbald, Simpson and Wilson-Johnston Municipal Drains –  
Appointment of Engineer**

**OBJET: Drain municipal Regimbald, Simpson et Wilson-Johnston –  
Nomination d'un ingénieur**

## **REPORT RECOMMENDATIONS**

**That the Agriculture and Rural Affairs Committee recommend Council appoint Mr. Adam O'Connor, P. Eng of McIntosh Perry Consulting Engineers Ltd. 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**

- 4. Regimbald Municipal Drain**
- 5. Simpson Municipal Drain**
- 6. Wilson-Johnston 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. Adam O'Connor, ing., de la firme McIntosh Perry Consulting Engineers Ltd., 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 :**

- 4. Drain municipal Regimbald**
- 5. Drain municipal Simpson**
- 6. Drain municipal Wilson-Johnston**

**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**

A developer of lands within the existing watershed of the Regimbald, Simpson and Wilson-Johnston Municipal Drain is proposing a new waste removal facility which will result in changes in the land use, surface, subsurface and storm water flows from the existing parcel of land. The proposed development is located in Part Lots 22, 23 and 24, Concession 11 Cumberland Ward former Cumberland.

Development of lands South of Highway 417 has taken place within the existing watershed of the Regimbald, Simpson and Wilson-Johnston Municipal Drains since the adoption of the latest Engineers Reports. These changes in land use have not been examined by a drainage engineer to determine any potential deficiencies and the extent of the impact of those changes on the functioning of the Regimbald, Simpson and Wilson-Johnston Municipal Drains. As historical development has taken place within the existing watersheds, a qualified Drainage Engineer needs to examine both the historical and proposed changes in the extent and nature of use within the watershed of the Regimbald, Simpson and Wilson-Johnston Municipal Drains. Engineer's reports will be required in order to address any work required as a result of deficiencies in the existing drainage works due to the historical changes and the potential improvements required to address the developer's proposed changes.

The proposed development is within the watershed of the following three (3) Municipal Drains: Regimbald, Simpson and Wilson-Johnston.

### **1. Regimbald Municipal Drain**

The subject land is currently assessed under the Regimbald Municipal Drain. The Mrs. J. Regimbald Award Drain was first constructed in 1924 by the former Township of Cumberland. This Award Drain was updated under the Drainage Act in 1960, the Regimbald Municipal Drain engineer's report dated September 4, 1960 prepared by L.A. Doxsee O.L.S. and By-law No.1417. The Regimbald Municipal Drain is located in Cumberland Ward east of the Boundary Road exit from Highway 417. The Regimbald Municipal Drain outlets into the Simpson Municipal Drain in Lot 24, Concession 9 Cumberland Ward, former Cumberland.

**2. Simpson Municipal Drain**

The subject land is currently assessed under the Simpson Municipal Drain. The Simpson Municipal Drain was first constructed in 1907 by the former Township of Cumberland. The Simpson Municipal Drain was updated multiple times over the years with the most recent being the engineer's report dated March 26, 1986 prepared by McNeeley Engineering Limited and By-law No.49-86. The Simpson Municipal Drain is located in Cumberland Ward east of the Boundary Road exit from Highway 417. The Simpson Municipal Drain outlets into the Wilson-Johnston Municipal Drain, Main Drain in Lot 25, Concession 9 Cumberland Ward, former Cumberland.

**3. Wilson-Johnston Municipal Drain**

The subject land is currently assessed under the Wilson-Johnston Municipal Drain. This watercourse was originally known as the Johnston Award Drain which was first constructed in 1907 by the former Township of Cumberland. This Award Drain was updated under the Drainage Act in 1965, the Frank Johnston Municipal Drain engineer's report dated April 26, 1965 prepared by Stidwill and Associates Limited. The name of the watercourse was changed a third time to the Wilson-Johnston Municipal Drain under an engineers report dated April 30, 1977 revised November 1, 1977 prepared by McNeely Engineering Ltd. and By-law No.2229. The Wilson-Johnston Municipal Drain is located in Cumberland Ward South of Highway 417. The Wilson-Johnston Municipal Drain provides outlet to both the Regimbald and Simpson Municipal Drains.

**DISCUSSION**

The Drainage Superintendent is recommending the appointment of Adam O'Connor, P.Eng., a qualified Drainage Engineer from McIntosh Perry Consulting engineers Ltd., as the engineer of record as he has 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 Parks, Forestry and Stormwater Services Branch of the

Public Works and Environmental Services Department but eventually recovered from the owners of land as determined by the Engineer's Report. The Engineers' Report will include an updated assessment for each parcel of land within the existing watershed of the Regimbald, Simpson and Wilson-Johnston Municipal Drain for a proportion of the costs of any drainage works projects that the Drainage Engineer determines is required under subsection 78 (1.1).

Under the *Drainage Act*, all lands that will benefit from the drainage works are assigned an assessment by the engineer. "Benefit" is defined under the *Drainage Act* as the advantages to any lands from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of the lands.

As such, if a drainage engineer appointed under Subsection 78 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)).

The estimated initial engineering cost of all three (3) reports is \$200,000. The breakdown is as follows:

1. Regimbald Municipal Drain, \$50,000 estimated initial engineering cost
2. Simpson Municipal Drain, \$75,000 estimated initial engineering cost
3. Wilson-Johnston Municipal Drain, \$75,000 estimated initial engineering cost

Until the costs are recovered from the owners of the assessed lands, all costs associated with the preparation of the engineer's report, engineering, administration, implementation and regulatory documentation required to complete any improvements recommended by the engineer and approved by Council, will be paid from the 2017 Approved Rate Supported Capital Budget, Municipal Drains Program.

The developer of the land will be required to provide environmental studies, reports and regulatory requirements of relevant agencies (i.e. Conservation Authorities, Ministry of Natural Resources, and Department of Fisheries and Oceans) through the development process, to the Drainage Engineer.

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

### **Schedule for the updates to the Regimbald, Simpson and Wilson-Johnston Municipal Drains**

Should the Agricultural and Rural Affairs Committee and Council approve the appointment of the Engineer, Mr. Adam O'Connor, P.Eng., of McIntosh Perry Consulting engineers Ltd., the anticipated schedule will be as follows:

- Council appointment of Engineer to prepare a report for Council's consideration of the proposed connection drainage works – November 2017
- Preparation of engineer's report – November 2017 to October 2018
- Submission of engineer's report and staff report containing staff's recommendation to Council on whether to approve the connection based on the implications set out in the engineer's report – October 2018
- Consideration of report and Council decision under 78 based on implications and evaluation in the engineer's report and staff's recommendation to Council – October 2018

### **RURAL IMPLICATIONS**

The proposed rural development will benefit from this undertaking through the provision of legal and sufficient outlet, improved drainage and reduced risk of flooding.

### **CONSULTATION**

Consultation with the Ward Councillors, and City staff is ongoing.

### **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 total cost of \$200,000 for the three (3) engineer's reports is broken down as follows:

1. Regimbald Municipal Drain, \$50,000 estimated initial engineering cost
2. Simpson Municipal Drain, \$75,000 estimated initial engineering cost
3. Wilson-Johnston Municipal Drain, \$75,000 estimated initial engineering cost

The estimated costs for each individual engineer's report will be initially paid by the City of Ottawa, Parks, Forestry and Stormwater Services Branch, Public Works and Environment Services Department, and recovered from the owner of the proposed development (Pt Lots 22, 23 and 24 Concession 11 former Cumberland, Cumberland Ward). Funds are available in the 2017 approved Municipal Drainage Capital Program. This cost estimate does not include the cost of any required construction or construction related work. Once approved by Council, separate new internal orders will be created for each specific drain and all necessary funding will be transferred accordingly.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

## **ENVIRONMENTAL IMPLICATIONS**

The modifications to the Regimbald, Simpson and Wilson-Johnston Municipal Drains are associated with final approval of the subdivision. Any proposed works will require compliance with City, provincial and federal policies, standards, regulations and legislation.

## **TERM OF COUNCIL PRIORITIES**

The proposed works to the Regimbald, Simpson and Wilson-Johnston Municipal Drains are a legislative requirement under the provincial Drainage Act, RSO 1990 and 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. If this report is approved by Council, separate new internal orders will be created for each specific drain and all necessary funding will be transferred to them from within the Municipal Drains Program.

Document 1

