



## Administration and Operations Committee Report

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**To:** The Chair and Members of the Administration and Operations Committee  
**From:** Shannon Tweedle, Drainage Superintendent  
**Date:** December 10, 2024  
**Report #:** RPT-0544-24  
**Subject:** Appointment of an Engineer for the Rathbun Municipal Drain under section 78(5) of the Drainage Act  
**Purpose:** For Approval

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### Recommendation

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Whereas Section 78 of *the Drainage Act (the "Act")* prescribes that "if a drainage works has been constructed under a by-law passed under the Act of any predecessor of the Act, and the Council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by Section 4";

And whereas Section 78(5) of *the Act* prescribes that despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1).

And whereas a property owner assessed into the Rathbun Municipal Drain has filed a notice of request for drain minor improvement with the County of Brant (the County) dated December 2, 2024;

And whereas the project being requested meets the criteria for a minor improvement project as described in *O. Reg. 500/21, Part II, section 7(1)*;

Be it hereby resolved that in accordance with Section 78(5) of *the Act*, the County hereby appoints Streamline Engineering Inc. as the engineer to prepare a report for council's consideration in accordance with the requirements of the Drainage Act.

### Executive Summary

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A notice for request of minor improvement of the Rathbun Municipal Drain was received by the County of Brant (the County) in December 2024. The request was to realign a section of the Rathbun drain within the property limits of 95 Seventh Concession Road to allow for a new hog barn and to realign the drain out from under existing infrastructure. The applicant has indicated that they have contacted the preferred engineer to discuss the project. The proposed realignment meets the criteria for a minor improvement project under *the Act*.

## **Strategic Plan Priority**

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Strategic Priority 1 - Sustainable and Managed Growth

### **Impacts and Mitigation**

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#### Social Impacts

The realignment of the drain will allow for development of the Van Deelen property, as well as move the existing drain out from under existing infrastructure to allow for access to the system in the case of maintenance. The report process will involve direct engagement with the applicant.

#### Environmental Impacts

The proposed realignment will maintain the existing flow through the system, as well as entry and exit points on the property. The realignment does not propose to change existing drainage capacity and does not take place within any wetlands. The realignment of the drain away from existing and proposed hog barns will allow for better access to the system.

#### Economic Impacts

All costs associated with this work are assessable under the provisions of the Drainage Act. The costs and fees associated with the activity, including the fees and expenditures of the engineer and the construction, contingency, incremental future maintenance and eligible municipal administrative costs, are the responsibility, whether the activity proceeds or not, of the applicant. The realignment will not result in any changes to the way in which future repair and maintenance costs are allocated to other property owners in the watershed.

### **Report**

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#### Background

The County of Brant's Drainage Superintendent met with representatives of 95 Seventh Concession Road (Hog Farm Van Deelen Ltd.) to discuss realigning a section of municipal drain on their property to allow for the construction of a new hog barn in December 2024. During this meeting, the landowner had prepared the area for construction through earth moving activities and had removed a considerable section of the municipal drain. The landowner also noted that the current alignment of the drain is under the existing hog barn and silo on the property. The Drainage Superintendent noted that the drain should be relocated on the property to avoid existing and proposed infrastructure and to ensure access to the system in the case future maintenance is required. The applicant/landowner had already contacted a drainage engineer to discuss the process. The drainage engineer is on the Drainage Engineering Roster for the County and is currently engaged in a drainage improvement project in the neighbouring watershed (the Terryberry Municipal Drain).

#### Analysis

O. Reg. 500/21 Part II, section 7(1) states that (1) An activity that meets certain requirements is prescribed as a minor improvement to a drainage works for the purposes of subsection 78 (5) of *the Act* (see *Attachment 1*).

The applicant has confirmed that the work requested meets the criteria for a minor improvement project, specifically the activity takes place on an individual property, the costs and fees are the responsibility of the person initiating the activity, the activity does not require construction access from the neighbouring properties, the activity will not result in any changes to the way future maintenance costs are allocated to other property owners in the watershed, the activity does not change existing drainage capacity, and the activity does not result in an enclosure or involve works in wetlands.

### Summary and Recommendations

The County has received a notice of request for drain minor improvement dated December 2, 2024, the County should appoint an engineer to complete a report in accordance with section 78(5) of *the Act*.

Per the requirements of *the Act*, notice of the proposed drainage works has been provided to the secretary-treasurer of the Grand River Conservation Authority and the prescribed persons.

As timing is of the essence and Streamline Engineering Inc. (Streamline) is already familiar with the property through another project, it is Staff's recommendation that Streamline should be appointed for this project. Operations staff have confirmed the availability of Trevor Kuepfer, P.Eng., of Streamline to complete the required report.

Municipal Drain projects do not lend themselves naturally to the RFP process for selecting consultants. The reasons for this are the small number of firms that are competent in this work and the fact that the scope of work and project complexity is never fully known at the start of the project.

### **Attachments**

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1. O. Reg. 500-21 General Ontario
2. Notice of Request for Drain Minor Improvement – M. Van Deelen

### **Reviewed By**

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G. Demers, Director of Roads  
R. Walton, General Manager of Operations

### **Copied To**

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L.L. Rouse, Purchaser

### **By-law and/or Agreement**

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By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No