

Attachment 1 – RPT-0544-24

Section 78 (5) of the Drainage Act

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

1. The activity takes place on,
 - i. an individual property, or
 - ii. two or more adjacent properties if those properties,
 - A. are owned by the same person,
 - B. are owned by members of the same family,
 - C. are owned by corporations where a majority of the directors of each of the corporations are members of the same family, or
 - D. are owned by partnership where the majority of the partners for each partnership are members of the same family.
2. 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,
 - i. the person initiating the activity,
 - ii. the Municipality in which the activity is taking place, or
 - iii. both the person initiating the activity and the Municipality in which the activity is taking place.
3. The activity,
 - i. does not require construction access from neighbouring properties, or
 - ii. does require construction access from neighbouring properties and the person initiating the activity has,
 - A. obtained the consent for the construction access from all applicable owners of the neighbouring properties prior to beginning the activity, and
 - B. provided such proof of consent to the municipality as part of the application to carry out the activity.
4. The activity 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.
5. The activity does not change existing drainage capacity or erosion capacity.
6. The activity does not result in the existing drainage works being enclosed.
7. The activity does not take place within any wetlands.