



## Administration and Operations Committee Report

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**To:** The Chair and Members of the Administration and Operations Committee  
**From:** Shannon Tweedle, Environmental Services Technologist  
Andrea Bazzard, Director of Environmental Services  
**Date:** Tuesday March 18, 2025  
**Report #:** RPT-0029-25  
**Subject:** Appointment of an Engineer for the Petitions under Section 4 of the Drainage Act for a new Drain to serve Part of Lot 7, Con 1 and Parts of lots 7 to 10, Con 2 (former Brantford Township) and for King Edward Street, Cleaver Road and Powerline Road.  
**Purpose:** For Approval

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### Recommendation

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Whereas Section 4 of *the Drainage Act* (the Act) outlines the procedures under which a petition for drainage may be filed with the Clerk of the Municipality;

And whereas the County of Brant (the County) has signed a petition under Section 4-1(c) of *the Act* by Robert Walton, P.Eng., General Manager of Operations for the drainage of County roads;

And whereas The County has received petitions under Sections 4-1(a) and (b) of the *Act* from owners of land in Lots 7 Con 1 and Lots 7 to 10, Con 2 of former Brantford Township;

Be it hereby resolved that in accordance with Section 8 of *the Act*, the County of Brant hereby appoints R.J. Burnside & Associates Ltd. as the engineer to prepare a report with respect to the petitions for Council's consideration in accordance with the requirements of *the Drainage Act*.

And that the new drain be named the Cleaver Road Drain.

### Strategic Plan Priority

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Strategic Priority 2 - Focused Growth and Infrastructure

### Impacts and Mitigation

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#### Social Impacts

*The Act* defines a process that property owners (and others) can use to manage water on their lands so that legal responsibility is shared and the potential for damage is limited. Drains are designed to accommodate the needs of a community of properties, including private and

public lands, roads, utilities and more. The drainage works will serve a defined watershed in which lands within the watershed will be evaluated by an engineer (impartial party). The process under *the Act* allows each assessed landowner the opportunity to participate in public consultation and appeal to three (3) different appeal bodies if they choose.

The petitions were discussed with some of the landowners in this area prior to the petitions being filed to initiate the engineers' report.

### Environmental Impacts

A new municipal drain, sized to current standards, will provide a drainage outlet for King Edward Street, Cleaver and Powerline Roads and the adjacent lands which are proposed for development. If this drain is not pursued, legal outlets for this drainage will have to be obtained by alternative means such as registered easements.

### Economic Impacts

All costs associated with this work are assessable under the provisions of *the Drainage Act*. Some landowners will not be pleased with being assessed costs, but the municipality can finance costs for these residents. The County will be assessed costs as the owner of the roads as in any other Drain Report.

## **Report**

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### Background

The Petitions pursuant to Sections 4-1(a) and (b) and 4-1(c) of *the Drainage Act RSO 1990* are enclosed as Attachments 1, 2 and 3.

A sketch of the area in question is Attachment 4. The need for this drain became apparent during discussions with the developers of property within the Official Plan boundaries for Paris. During these discussions, several issues were discussed, summarized as follows:

- A property owner downstream of King Edward has challenged whether there is a legal outlet for drainage across their property to the Nith River for existing and proposed development.
- The County and developers will be making upgrades to Cleaver and Powerline Roads over the next decade and need to establish a legal drainage outlet.
- Developers that own Lot 7 Con 1 and Lots 7 to 10 Con 2 (former Brantford Township) need drainage outlets for their developments.

An engineer should be appointed under section 4 of *the Act* to provide drainage works to the area described in the petitions.

Public Works staff have confirmed the availability of Wm. Paul MacIntyre, L.E.L., C.E.T. of R.J. Burnside & Associates Ltd. 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. Recently the County has been awarding drain projects (mostly on a rotation basis) between four (4) firms.

**Attachments**

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- 1. Petition for Drainage Works by Road Authority – Robert Walton, P.Eng.
- 2. Petition for Drainage by Lot 7, Con 1(Sifton Properties)
- 3. Petition for Drainage by Lots 7 to 10, Con 2 (Orlando Corporation)
- 4. Sketch of Area

**Reviewed By**

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- 1. R. Walton, General Manager of Operations
- 2. A. Dyjach, General Manager of Development Services

**Copied To**

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- 1. 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