



PROPERTY & FIRE REPORT

To: Council

Meeting Date: January 14, 2025

Prepared by: Amy Harron
Deputy Clerk

Date Prepared: December 23, 2024

Subject: Appointment of Drainage Engineer – Kingwood Holsteins

Recommendation:

That the Council of the Township of Wellesley appoint K. Smart Associates Limited to prepare a report, in accordance with Section 8 of the Drainage Act, R.S.O. 1990 for the Section 4 Petition for Drainage Works by Owners submitted by Gordon Erb on behalf of Kingwood Holsteins Ltd.

Summary:

The purpose of this report is to continue the statutory process outlined under the Drainage Act, R.S.O 1990, to appoint an engineer relating to the submission of a Petition for Drainage Works by Owners by Kingwood Holsteins Ltd. accepted at the November 26th, 2024, Council meeting.

Report:

Following the November 26th, 2024, Council meeting, in accordance with the Drainage Act, R.S.O 1990, the Deputy Clerk issued a Notice to the applicant and the local Conservation Authority (Grand River Conservation Authority).

Township staff received preliminary comment from Grand River Conservation Authority staff regarding the presence of a floodplain on the subject property. Further correspondence on this matter will be discussed between the Conservation Authority and the appointed engineer. The Grand River Conservation Authority did not request an Environmental Appraisal as per Section 6(1) of the Drainage Act. The thirty (30) day period to request an Environmental Appraisal by a Prescribed Person designated under Ontario Regulation 500/21 has closed.

As per Section 8(1) of the Drainage Act, 1990, where council has decided to proceed with the drainage works described in a petition, the council shall, by resolution within sixty (60) days, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report.

The Engineer must perform work to the best of their ability without fear of, favour to or prejudice against any person. Council can provide general instructions to the Engineer but cannot instruct the Engineer what to design.

Under Section 39 of the Drainage Act the Engineer has one (1) year to prepare and file an Engineer's Report after the appointment is made. Council may extend the time for filing the report if not completed within 1 year.

Following the appointment by Council, the appointed Engineer will set a date for an on-site meeting and the Clerk will send Notice to all owners and agencies as directed by the Engineer. The Engineer will determine if the Section 4 petition meets the requirements of the Drainage Act, R.S.O 1990, and is valid for proceeding.

Township Strategic Plan:

This initiative aligns with the strategic plan Infrastructure Improvement & Management to refine and improve upon current practices via improved records keeping, asset management, assessment, and the introduction of best practices where applicable.

Financial Implications:

N/A

Other Department / Agency Comments:

N/A

Legal Considerations:

N/A

Attachment(s):

N/A

Approved By:

Rik Louwagie, CAO