



## CORPORATE SERVICES

### *Staff Report*

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REPORT NO: COR-2023-40

TO: Council

SUBMITTED BY: Patrick Kelly, Director of Corporate Services / Treasurer

PREPARED BY: Jeff Bunn, Manager of Legislative Services / Municipal Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

SUBJECT: Appointment of Drainage Engineer related to West Nith Petition for 1089 Huron Street in the North Part Lot 27, Concession South of Bleams Road

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#### RECOMMENDATION:

THAT Report COR-2023-40 be received; and further,

THAT Council appoint K. Smart Associates Limited as the Engineer to make an examination of the area, in accordance with Section 8 of the *Drainage Act, R.S.O 1990*.

#### 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 the Owners of 1089 Huron Street regarding North Part Lot 27, Concession South of Bleams Road.

#### BACKGROUND:

On March 20, 2023, Council received report COR-2023-26 - Petition for Drainage Works at by Owners of 1089 Huron Street regarding North Part Lot 27, Concession South of Bleams Road, and passed the following resolution:

*THAT Report COR 2023-026, regarding a petition for drainage works by Owners of 1089 Huron Street regarding North Part Lot 27, Concession South of Bleams Road, be received; and further,*

*THAT the Council of the Township of Wilmot hereby accepts the petition for new drainage works on the North Part Lot 27, Concession South of Bleams Road in the Township of Wilmot.*

## REPORT:

Following the March 20<sup>th</sup> meeting, in accordance with the *Drainage Act, R.S.O 1990*, the Clerk issued a Notice to the petitioner and the local Conservation Authority (Grand River Conservation Authority). As a courtesy, a Notice was also sent to Township of Perth East.

During the 30-day period after the issuance of the Notice (April 11 – May 11) the Clerk did not receive any response from the Conservation Authority. The Clerk did not receive any requests for an environmental appraisal (Drainage Act Section 6) or benefit cost statement (Drainage Act Section 7) for this petition.

Council must appoint an Engineer by resolution or by-law. The appointment must be completed within sixty (60) days of the Notice being sent.

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 within the area requiring drainage. The Engineer will determine if the petition meets the requirements of the *Drainage Act, R.S.O 1990*, and is valid for proceeding.

## ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report aligns with the good governance strategic goal.

## FINANCIAL CONSIDERATIONS:

There will be costs associated with the appointment of the Engineer who will prepare the Engineer's Report in accordance with the *Drainage Act*. If the Petition fails to comply with Section 4 of the *Drainage Act, R.S.O 1990*, or at the meeting to consider the final Engineer's Report petitioners withdraw their names such that the petition is no longer valid under Section 4 then the original petitioners will be liable for all costs incurred on the project to date.

If the petition remains valid and the Engineer's Report is adopted by Township By-law then all project costs would be assessed as per the assessment schedule in the Engineer's Report.

ATTACHMENTS:

None.