



ENGINEERING AND CORPORATE ASSETS

Technical Services

Box 9000, 12 Peel St., Lindsay, ON K9V 5R8

Phone : (705) 324-9411 Ext. 1167 Fax : (705) 324-2982

Toll Free : 1-888-822-2225

e-mail : lfeittler@kawarthalakes.ca

October 8, 2019

Mariposa CON 9 PT LOT 11

Mariposa CON 9 PT LOT 12

Dear Ron Anderson

Re: Contravention of the Drainage Act

Please be advised that the Municipal Drainage Superintendent attended your property located at 659 Highway 7 on September 26th, 2019 to observe outlets of recent tile drainage installation. Additional work was completed without permission.

It was noted that:

- Tile installation extended outside the watershed of the Anderson Drain.
- An Additional branch drain had been excavated and connected to the Anderson drain.
- A clean out of the entire length of open section had been completed.

This work has not been initiated or authorized by the Corporation of the City of Kawartha Lakes. Accordingly, you are in contravention of the below sections of the Drainage Act.

Section 65(3) of the Drainage Act states:

Subsequent connection to drainage works, etc.

(3) If an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage, or if the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to inspect the land and assess it for a just proportion of the drainage works, taking into account any compensation paid to the owner of the land in respect of the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

Section 65(5) of the Drainage Act states:

Restriction on connection or disconnection

(5) No person shall connect to or disconnect from drainage works without the approval of the council of the municipality. 2010, c. 16, Sched. 1, s. 2 (26).

No land owner can connect to the drain without permission from council. Not only was the connection made without the inspection of the Drainage Superintendent or permission from Council but land outside the watershed was tiled into the drain. Your assessment is based on the rate and volume of water that you contribute to the drain. You have now added additional volume which necessitates a change in the assessment.

No erosion and sediment controls were found on site. No rock check dams or silt fence was installed to control the flow of sediment and prevent erosion. Loose sediment is now uncontrolled in the drain and constitutes damage to the drainage works.

Section 82 of the Drainage Act states:

Municipality may sue for cost of damage to drainage works

82 (1) A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works. R.S.O. 1990, c. D.17, s. 82 (1).

Penalty for damage to drainage works

(2) Every person who obstructs, fills up or injures or destroys by any means a drainage works is guilty of an offence and on conviction, in addition to liability in damages, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1990, c. D.17, s. 82 (2).

The department of Fisheries and Oceans and Kawartha Conservation classify and monitor these drains for aquatic life and vegetation. You are in contravention of their legislation if you did not apply for and receive approval to clean out the ditch. Please forward any permits or correspondence you had with the above authorities.

Please contact our office immediately to discuss the work that was completed and to determine next steps. Should we fail to receive a response to this letter within 7 days from the date of receipt of this letter, we will proceed with either a 65(3) amendment to the Anderson report, or, since the scope of work is unknown, a new Engineer's report under section 78 of the Drainage Act. The

procedure of both has been included in this correspondence. The Drainage Board and Council will also decide whether to pursue further legal options under section 82 & 106(1) of the Drainage Act.

Sincerely,

The Corporation of the City of Kawartha Lakes

A handwritten signature in blue ink, appearing to be 'Lucas Feitler', with a long horizontal stroke extending to the right.

Lucas Feitler
Senior Engineering Technician
Municipal Drainage Superintendent
LC:lc
Encl.

cc Juan Rojas, Director of Engineering and Corporate Assets
 Robin Carlson, City Solicitor
 Roy Walker, Walker Wright Drainage
 Mike Farquhar, Supervisor of Technical Services