

The Corporation of the City of Kawartha Lakes

Council Report

Report Number ENG2019-026

Meeting Date: December 10, 2019

Title: Request for a Section 65(3) Assessment - Sandringham Drain

Description: Request under the Ontario Drainage Act

Ward Number: Ward 4

Author and Title: Michael Farquhar, Supervisor of Technical Services, Engineering and Corporate Assets

Recommendation(s):

That Report ENG2019-026, **Request for a Section 65(3) Assessment - Sandringham Drain**, be received;

That the Engineering and Corporate Assets Department initiates proceedings under the provisions of Section 65(3) of the Drainage Act, R.S.O. 1990, c. D.17;

That the City Clerk be instructed to advise 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 as per section 65(3) of the Drainage Act, R.S.O. 1990, c. D.17; and

That Council appoint R. Dobbin Engineering Inc. as the engineer for the requested Section 65(3) assessment.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

On October 18th, 2019 the City's Clerks office received a letter from Urs and Eric Kressibucher requesting to drain lands municipally known as 84 Sandringham Road into the existing Sandringham Drain (see attached letter as Appendix A).

This request was brought before the City of Kawartha Lakes Drainage Board on October 23, 2019. At this meeting it was explained that the Kressibuchers wanted to tile their square 100 acre farm and have it outlet into the Sandringham Drain. The W ½ Lot 2 Con 6 in the former township of Mariposa which is municipally known as #84 Sandringham Road being the Kressibucher property. It is currently assessed for 49.57 acres of benefit into the Sandringham drain. The balance of the farm is not assessed into the drain. It was also explained in order to review if the remaining un-assessed acreage could be brought from outside the drainage shed and tiled into the drain a section 65(3) would be required. At this meeting the drainage board was informed that it had been identified to the Kressibucher's that bringing outside drainage into the Sandringham drain might not be possible due to the capacity of the existing piped drain downstream of the Kressibucher's property. It was also explained to the board that the City's Drainage Superintendent had explained the option of pursuing a Mutual agreement for draining the balance of the Kressibucher lands not assessed to the Sandringham drain outside of its drainage shed. This option was not pursued by the Kressibucher's.

At the October 23, 2019 Drainage Board meeting (minutes attached as Appendix B) the following resolution was adopted:

DB2019-029

That the memorandum from L. Feitler, Drainage Superintendent - Engineering and Corporate Assets, dated October 21, 2019, regarding the section 65(3) request from the Kressibuchers be received;

That the Engineering and Corporate Assets Department initiates proceedings under the provisions of Section 65(3) of the *Drainage Act, R.S.O. 1990, c. D.17*;

That the City Clerk be instructed to advise 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 as per section 65(3) of the *Drainage Act, R.S.O. 1990, c. D.17*; and

Carried

Based on this resolution staff have now brought this matter before Council.

Rationale:

Based on the resolution made by the City's Drainage Board, Staff must now procedurally bring this forward to Council for the appointment of an engineer for the section 65(3) review of the Sandringham drain to determine if the Kessiburcher's request is feasible.

Staff recommends the appoint of R.Dobbin Engineering for this review as they were the firm of record for the Sandringham drain report and would make this review the most economical.

Other Alternatives Considered:

Find an alternative outlet for the land not assessed with the use of a mutual agreement. This option was presented to the drainage contractor.

Financial/Operation Impacts:

Section 65(10) of the *Drainage Act, R.S.O. 1990, c. D.17* states the cost of the assessment, including the fees of the engineer, shall be paid by the owners of the lands in the proportion fixed by the engineer or, on appeal, by the Tribunal, and subsection 61(4) applies to these costs.

Section 61(4) of the *Drainage Act, R.S.O. 1990, c. D.17* states The assessments and rates imposed under this Act shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.

Consultations:

The City of Kawartha Lakes Drainage Board
City Clerk's Office
Drainage Superintendent

Attachments:

Appendix A: Kressibucher Letter



Kressibucher
letter.pdf

Appendix B: October 23rd Drainage Board minutes



October 23, 2019
Drainage board minut

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas

Department File: