



Council Report

Report Number: ENG2023-024

Meeting Date: August 29, 2023

Title: Curtin Drain – Court of Revision

Description: Recommendations from the Court of Revision held on the Engineer's Report pursuant to section 97 of the Drainage Act.

Author and Title: Richard Monaghan, Drainage Superintendent, Engineering and Corporate Assets

Recommendation(s):

That Report ENG2023-024, **Curtin Drain – Court of Revision**, be received;

That City Council proceed with the third and final reading and subsequent adoption of the provisionally adopted By-law 2023-115 for the Curtin Municipal Drain.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the June 20th 2023 Council meeting the following resolution was adopted for the Curtin Municipal Drain Engineer's Report.

CR2023-317

That Report ENG2023-016, **Curtin Drain – Consideration of Engineer's Report**, be received;

That City Council adopt the Curtin Drain Engineer's Report (as prepared by Ken Smith, P. Eng and Mark Hoar, P. Eng) and proceed with first and second reading of a provisional by-law to provide drainage works in the City of Kawartha Lakes known as the Curtin Municipal Drain; and

That City Council instruct staff to make the necessary arrangements for a Court of Revision to be held on the Engineer's Report for the Curtin Municipal Drain.

Carried

After the adoption of the above Curtin Municipal Drain Engineer's Report and provisional adoption of the By-law 2023-115, the Court of Revision was convened on August 2, 2023 as required under Section 97 of the Drainage Act.

At this meeting the Court heard that no appeals had been received for the Curtin Municipal Drain. In the absence of any appeals, the following decisions were made by the Court of Revision.

DB2023-018

Moved By C. Clarke

Seconded By Councillor Joyce

That the assessments contained in the Curtin Municipal Drain Report, by Drainage Engineer M. Hoar and K. Smith, and as provisionally adopted by By-law 2023-115, are hereby confirmed;

That should no other appeals be heard within the prescribed timelines, that Council proceed with the third reading of By-law 2023-115 at the next possible City Council meeting.

Carried

This report addresses the above direction.

Rationale:

The City of Kawartha Lakes Drainage Board is established under the authority of the City of Kawartha Lakes Act, 2000. The Act states the following regarding Drainage Matters:

6 (1) The council may by by-law,

(a) establish a drainage board;

(b) delegate to the drainage board any of the council's powers and duties under the *Drainage Act*, except for its power to make by-laws and resolutions; and

(c) require the drainage board to exercise the council's powers and duties with respect to any matter under the *Drainage Act* in which the council is required by law to hold hearings or afford an opportunity to be heard. 2000, c. 43, s. 6 (1).

As the Kawartha Lakes Drainage Board does not have authority to make resolutions or pass by-laws, this report is presented to Council to confirm the recommendations made at the most recent Drainage Board meeting.

The recommendations made at the last Drainage Board meeting were made based on the material submitted to the Drainage Board. The material is attached to this report for Council's review.

Other Alternatives Considered:

Where the decisions of the Court of Revision are not adopted by Council, a petitioner may appeal to the Tribunal, or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. In light of no appeals being received at the Court of Revision, it is recommended that Council proceed with the recommendations of this report.

Alignment to Strategic Priorities

The Kawartha Lakes Strategic Plan identifies the following two priorities that bolster support for an active and effective Drainage Program in the City of Kawartha Lakes:

- Protect and support agricultural land and businesses
- Offer business development programs to support the agricultural, tourism, cultural, manufacturing and innovation sectors

Financial/Operation Impacts:

Engineer's Reports prepared under the Drainage Act have costs assessed to affected landowners as outlined within the assessment schedule in the report.

Consultations:

City Clerk's Office

Attachments:

Appendix A – Minutes of the August 2, 2023 Drainage Board Meeting



Appendix A -
Minutes of the Augu

Department Head email: jerojas@kawarthalakes.ca

Department Head: Juan Rojas