



Council Report

Report Number:	ENG2024-017
Meeting Date:	July 23, 2024
Title:	Dykstra Drain – Petition for Abandonment
Description:	Municipal Drains
Author and Title:	Richard Monaghan, Drainage Superintendent, Engineering and Corporate Assets

Recommendation(s):

That Report ENG2024-017, **Dykstra Drain – Petition for Abandonment**, be received;

That Council acknowledges that the notices delivered to all affected property owners dated June 4, 2024 satisfies the notice requirements under Section 84(1) of the Drainage Act; and

That Council proceed with the abandonment of the Dykstra Municipal Drain and pass a by-law pursuant to Section 84(5) of the Drainage Act.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Drainage Board Meeting of June 20, 2024, the Board adopted the following recommendation:

DB2024-08

Moved By Councillor Richardson

Seconded By C. Clarke

That the Memorandum from the Drainage Superintendent - Engineering and Corporate Assets of June 20, 2024, regarding the Petition for Abandonment of the Dykstra Municipal Drain, be received;

That Council acknowledges that the notices delivered to all affected property owners dated June 4, 2024 satisfies the notice requirements required under Section 84(1) of the Drainage Act; and

That pursuant to Section 84(3) of the Drainage Act, Staff recommend to Council a Drainage Engineer to examine the proposed Abandonment of the Dykstra Municipal Drain in the event a landowner requests such a report within the timelines of the Drainage Act.

This report addresses that 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 June 20th 2024 Drainage Board meeting.

The recommendations made at this 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.

No landowners requested a Drainage Engineer review of this abandonment within the specified timeframes.

Other Alternatives Considered:

Council holds the authority to alter any recommendation made by the Drainage Board prior to adoption. Should Council not proceed with the abandonment when the petitioners meeting the threshold under the Drainage Act, a petitioner has the ability to submit an appeal to the Drainage Tribunal.

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:

A petition to abandon a drain has no real financial implications. The City will have no further obligation to maintain the drainage works and it will become private infrastructure on the lands it currently exists.

Consultations:

Deputy Clerk
Manager of Technical Services

Attachments:

Appendix A – Memorandum to the Drainage Board



Appendix A -
Memorandum to the

Appendix B – Minutes from the June 20, 2024 Drainage Board Meeting



Appendix B -
Minutes from the Ju

Appendix C – Petition for Abandonment



Appendix C -
Petition for Abando

Department Head: Juan Rojas

Department Head Email: jrojas@kawarthalakes.ca