

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
1 October 2020 / 1er octobre 2020**

**and Council
et au Conseil
7 October 2020 / 7 octobre 2020**

**Submitted on June 25, 2020
Soumis le 25 juin 2020**

**Submitted by
Soumis par:
Luc Gagne, Director, Parks, Forestry & Stormwater Services / Director, Services
des parcs, de la foresterie et des eaux pluviales**

**Contact Person
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Ward: RIDEAU-GOULBOURN (21)

File Number: ACS2020-PWE-PFS-0009

**SUBJECT: Amendment to the Engineer's Report John Taylor Municipal Drain
Realignment and Modifications**

**OBJET: Modification au rapport de l'ingénieur concernant les modifications
et le nouveau tracé du drain municipal John-Taylor**

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend that Council adopt the Engineer's Report prepared by Robinson Consultants Inc., entitled Engineer's Report John Taylor Municipal Drain Realignment and Modifications dated August 2020 and give 1st and 2nd reading to the By-law attached as Document 2 to this report in accordance with Sections 42 and 45 of the Drainage Act of Ontario.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'adopter le rapport d'ingénieur produit par Robinson Consultants Inc., intitulé *Engineer's Report John Taylor Municipal Drain Realignment and Modifications* (Rapport de l'ingénieur concernant les modifications et le nouveau tracé du drain municipal John-Taylor), en date du mois d'août 2020, et présente en première et deuxième lectures le règlement joint au présent rapport en tant que document 2, conformément aux articles 42 et 45 de la Loi sur le drainage de l'Ontario.

BACKGROUND

On February 11, 2015 the Council of the City of Ottawa appointed Andy Robinson, P.Eng. of Robinson Consultants Inc., as the Engineer of record to prepare a report under Section 78 of the *Drainage Act* to address to address modifications and relocation of the John Taylor Municipal Drain.

The purpose of this report is to address unauthorized modifications and relocation of the John Taylor Municipal Drain by a landowner. The landowner responsible for these changes has been issued a Notice of Obstruction, pursuant to Section 80 of the Drainage Act, RSO, 1990. The landowner was also charged under Section 28 of the Conservation Authorities Act, RSO, 1990. Pursuant to these charges an order has been issued by the court requiring the defendant to update the Engineers Report to reflect the modifications and relocation to the drainage works by a Council-appointed Drainage Engineer in accordance with Section 78 of the Drainage Act. A new report is required to amend the current report to incorporate modifications as required to the design and construction of the main drain in Lot 6, Con VIII and the Todd Branch in Lot 5, Con VIII. The realignment and modifications are detailed in the Engineer's Report entitled Engineer's Report John Taylor Municipal Drain Realignment and Modifications dated August 2020 prepared by Robinson Consultants Inc. (the said report shall hereinafter be referred to as the "Engineer's Report dated August 2020).

Pursuant to Section 9 of the Drainage Act, the on-site meeting was held on November 26, 2015. All affected landowners were notified of the meeting.

DISCUSSION

The John Taylor Municipal Drain is located in Rideau-Goulbourn Ward near the intersection of Proven Line Rd. and Harbison Rd. and was first constructed in 1905 by the former Township of North Gower and Township of Rideau (now Rideau-Goulbourn

Ward). The original John Taylor Municipal Drain was completed under a report by J. H. Moore, O.L.S., C.E., dated December 3, 1904 and enacted by By-Law No. 346, Township of Marlborough, July 1905 and was last improved under a report by A. J. Graham Engineering Consultants Limited, dated October, 1974, revised January 1975.

Unauthorized modification of the drain was completed by the owner of Lot 6, Con VIII former Township of Marlborough including the in-fill of a portion of the main drain and the realignment of the drain, south along Proven Line Road to the Unopened right of way between Con. VII and Con. VIII, east along the right of way to the Todd Branch and then North utilizing the existing Todd Branch, re-entering the Main drain at the outlet of the Todd Branch.

The re-alignment of the drain as noted above only affects the property in the West ½ of Lot 6 Con VIII. Minor modifications were completed on the Todd Branch which are also incorporated in this report. The drainage area boundaries of the Main Drain, the remainder of the Todd Branch and other branch drains are not otherwise affected. A new report is required to amend the current report to incorporate modifications as required to the design and construction of the main drain in Lot 6, Con VIII and the Todd Branch in Lot 5, Con VIII.

Initial costs for the amended Engineers Report have been paid for by the City of Ottawa Parks, Forestry and Stormwater Services Branch of the Public Works and Environmental Services Department from capital internal order 908087. All estimated costs of \$34,783.82 plus applicable taxes associated with this Engineer's Report, allowances, construction and other costs are assessed to and will be the responsibility of the property owner of the land in the West ½ of Lot 6, Con VIII. The Assessment Schedules in the "John Taylor Municipal Drain", October 1974, Revised January 1975 by A. J. Graham Engineering Consultants Limited report shall continue to govern assessments on the drain for future maintenance.

The *Drainage Act* prescribes the process and timelines that must be followed for any modification or construction of a municipal drain.

This report places the request for realignment and modifications to an existing drainage works before the Agriculture and Rural Affairs Committee and Council as required under Section 78 of the *Drainage Act*.

Should the Agricultural and Rural Affairs Committee and Council adopt the Engineer's Report dated August 2020 and give 1st and 2nd reading to the provisional By-law, the process will continue as set out by the Drainage Act R.S.O. 1990.

RURAL IMPLICATIONS

The updated Engineer's Report is required to satisfy the order issued by the court as well as to ensure proper drainage for rural lands and roads.

CONSULTATION

As part of the Engineer's Report process consultation between the landowner, drainage staff, the Council-appointed Drainage Engineer and regulatory agencies is ongoing. The required on-site meeting with the affected landowners was held on November 26, 2015.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillor for Rideau-Goulbourn Ward is aware of this report and the proposed drainage works.

LEGAL IMPLICATIONS

There are no legal impediments to Committee and Council's approval of the recommendation of this report

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. All costs associated with the Engineer's Report, estimated at \$34,784 plus applicable taxes, have been paid by the City from Capital Internal Order 908087 and will be fully recovered through assessments to the property owner of the land in the West ½ of Lot 6, Con VIII. Any other construction or other costs required to modify the drain are the responsibility of said property owner. The Assessment Schedules in the "John Taylor Municipal Drain", October 1974, Revised January 1975 by A. J. Graham Engineering Consultants Limited report shall continue to govern assessments on the drain for future maintenance.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The modifications to the John Taylor Municipal Drain are associated with a court order. Any proposed works will require compliance with City, provincial and federal policies, standards, regulations and legislation.

TERM OF COUNCIL PRIORITIES

The recommendations of this report align with the current Strategic Priority as part of the sustainable environmental services strategic priority by supporting an environmentally sustainable Ottawa.

SUPPORTING DOCUMENTATION

DOCUMENT 1 – Location Plan

DOCUMENT 2 – Provisional By-law

DISPOSITION

Upon approval by Council, the Office of the Drainage Superintendent will notify all affected landowners of the date of the 1st sitting of the Court of Revision as required under Section 46 of the Drainage Act R.S.O. 1990.

Document 1

John Taylor Municipal Drain, Location Plan

