

**ONTARIO
SUPERIOR COURT OF JUSTICE**

IN THE COURT OF THE DRAINAGE REFEREE

BETWEEN:

CORY KITTEL

Applicant

-and-

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Respondent

-and-

OTHERS WHO MAY BE GRANTED PARTY STATUS UPON APPLICATION

Respondents

AFFIDAVIT OF DOCUMENTS

I, CORY KITTEL, of the Township of Wilmot, in the Province of Ontario, the Applicant in this application, MAKE OATH AND SAY AS FOLLOWS:

1. I have conducted a diligent search of my records and have made appropriate inquiries of others so as to inform myself in order to make this affidavit. This affidavit discloses, to the full extent of my knowledge, information and belief, all documents relating to any matter in issue in this application that are or have been in my possession, control or power.

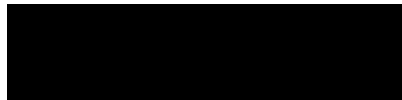
2. I have listed in Schedule A those documents that are in my possession, control or power that I do not object to producing for inspection.

3. I have listed in Schedule B those documents that are or were in my possession, control or power and that I object to producing because I claim they are privileged, and I have stated in Schedule B the grounds for each such claim.

4. I have listed in Schedule C those documents that were formerly in my possession, control or power but are no longer in my possession, control or power and have stated in Schedule C when and how I lost possession or control of or power over them and their present location.

5. I have never had in my possession, control or power any document relating to any matter in issue in this application other than those listed in Schedules A, B and C.

SWORN, in accordance with O. Reg.)
431/20, *Administering Oath or*)
Declaration Remotely, by video)
conference by Cory Kittel in the)
Township of Wilmot, in the Province)
of Ontario, before me at the City of)
London, in the Province of Ontario,)
this 2nd day of April, 2024.)



CORY KITTEL



Commissioner for Taking Affidavits

SAMUEL KIRWIN

(LSO no. 81800K)

CERTIFICATE OF SOLICITOR

I CERTIFY that I have explained to the deponent:

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the application; and,
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings.

Date: April 2, 2024



SAMUEL KIRWIN

SCHEDULE A

Documents that are in my possession, control or power and that I do not object to producing for inspection.

TAB NO.	DATE(S)	DOCUMENT DESCRIPTION
By-laws, Petition, Council Meeting Agendas, Minutes & Reports		
001	2021-04-26	Petition
002	2021-05-17	Council Meeting Minutes
003	2021-05-17	Report to Council & Petition
004	2021-07-12	Council Meeting Minutes
005	2021-07-12	Report to Council
006	2023-06-26	Council Meeting Agenda
007	2023-06-26	Council Meeting Minutes
008	2023-06-26	Draft Wilmot By-Law 2023-XX
009	2023-06-26	Provisional By-Law no. 2023-32
010	2023-06-26	Report to Council
011	2023-08-16	Court of Revision Meeting Agenda
012	2023-08-16	Court of Revision Meeting Minutes
Correspondence		
013	2017-11-24 to 2018-04-24	Emails between Kuntze, Kittel and Gawron
014	2017-11-24 to 2018-04-27	Emails between Kuntze, Kittel and Gawron
015	2018-04-24	Memorandum from Superintendent to Kittel and Gawron
016	2021-10-25 to 2021-11-08	Emails between Kittel and Engineer
017	2021-10-25 to 2022-09-23	Emails between Kittel and Engineer
018	2022-10-05	Email from Kittel to Gawron
019	2022-10-06 to 2022-10-07	Emails between Kittel and Engineer
020	2022-12-09	Email from Kittel to Engineer

021	2022-12-09 to 2023-02-03	Emails between Kittel and Engineer
022	2023-03-23 to 2023-04-03	Emails between Kittel and Superintendent
023	2023-03-26	Emails between Kittel and Gawrons
024	2023-03-27 to 2023-04-17	Emails from Kittel to Superintendent
025	2023-04-18	Email from Kittel to Landowners
026	2023-04-18 to 2023-04-19	Emails between Kittel and Engineer
027	2023-04-19 to 2023-04-25	Emails between Kittel and Mayor
028	2023-04-22	Email from Gawron to Brickman
029	2023-05-23	Email from Kittel to Engineer
030	2023-05-28	Email from Councillor to Kittel
031	2023-06-05 to 2023-06-07	Emails between Kittel and Gawron
032	2023-06-06 to 2023-06-07	Emails between Kittel and OMAFRA
033	2023-06-08	Letter from Landowners to Council
034	2023-06-12	Email from Heintz to Councillors
035	2023-06-15	Email from Landowner to Mayor
036	2023-06-15 to 2023-06-16	Emails from Kittel to Wilmot
037	2023-06-16	Email from Kittel to Councillors
038	2023-06-16	Email from Kittel to Wilmot
039	2023-06-16	Letter from Ken Heintz to Council
040	2023-06-19	Email from Kittel to Councillor
041	2023-06-19	Emails between Kittel and Councillor
042	2023-06-23	Email from Kittel to Councillor
043	2023-06-26	Email from Kittel to Superintendent
044	2023-06-26	Email from Thomason to Councillors
045	2023-06-30	Email from Kittel to Councillor
046	2023-09-06	Email from Kitchener Court to Kittel
047	2023-10-31	Letter from Courey to Tribunal
048	2023-11-06	Letter from Tribunal to Parties

Drainage Engineer Guide Documents		
049	1998	Guideline for Engineers Acting Under the Drainage Act
050	2018-07-05	Guide for Engineers Working Under the Drainage Act Section 4.1 On-Site Meeting
051	2018-07-05	Guide for Engineers Working Under the Drainage Act Section 4.6 ARD and Petition (from OMAFRA)
052	2018-07-05	Guide for Engineers Working Under the Drainage Act Section 4.7 Case Law Petition (from OMAFRA)
053	2018-07-05	Guide for Engineers Working Under the Drainage Act Section 8.6 Allowances for Insufficient Outlet
Drainage Forms, Report & Plans		
054	2022-01-09	Drainage Plan by AWF Contractors Ltd.
055	2023-04-28	Drainage Report
056	2023-05-31	Notice of Meeting to Consider the Engineer's Report
057	2023-07-28	Notice of Sitting of Court of Revision
058	Undated	Drainage tile plan no. 1
059	Undated	Drainage tile plan no. 2
060	Undated	Plan of systematic tile runs
Miscellaneous Land Owner Records		
061	2022-01-09	Private drainage estimate by AWF Contractors Ltd.
062	2023	Counter Petition no. 1
063	2023	Counter Petition no. 2
064	2023-09-06	Notice of Appeal Letter
065	2024-03-27	Parcel Register for Jananna property

Photographs and Videos

066	2000	GIS Locator Aerial Imagery
067	2006	GIS Locator Aerial Imagery
068	2010	GIS Locator Aerial Imagery
069	2014	GIS Locator Aerial Imagery
070	2015	GIS Locator Aerial Imagery
071	2016	GIS Locator Aerial Imagery
072	2018	GIS Locator Aerial Imagery
073	2022	GIS Locator Aerial Imagery
074	2023-03-21 & 2023-04-07	Photographs taken by Lucy Gawron
075	2023-04-02	Video no. 1
076	2023-04-12	Video no. 2
077	2023-06-20	Video no. 3 Included as separate files.
078	2023-11-02	Video no. 4
079	2023-11-02	Video no. 5
080	2024-03-27	Google Maps screen capture no. 1
081	2024-03-27	Google Maps screen capture no. 2
082	2024-03-29	GRCA Map no. 1
083	2024-03-29	GRCA Map no. 2
084	2024-03-29	GRCA Map no. 3
085	2024-03-29	GRCA Map no. 4
086	2024-03-29	GRCA Map no. 5
087	2024-03-29	GRCA Map no. 6
088	2024-03-29	GRCA Map no. 7
089	2024-03-29	GRCA Map no. 8
090	2024-03-29	GRCA Map no. 9
091	2024-03-29	GRCA Map no. 10
092	2024-03-29	GRCA Map no. 11
093	2024-03-29	GRCA Map no. 12
094	2024-03-29	GRCA Map no. 13
095	2024-03-29	GRCA Map no. 14
096	2024-03-29	GRCA Map no. 15
097	2024-03-29	GRCA Map no. 16
098	2024-03-29	GRCA Map no. 17
099	2024-03-29	GRCA Map no. 18

100	2024-03-29	GRCA Map no. 19
101	2024-03-29	GRCA Map no. 20
102	2024-03-29	GRCA Map no. 21
103	2024-03-29	GRCA Map no. 22
104	2024-03-29	GRCA Map no. 23
105	2024-03-29	GRCA Map no. 24
106	2024-03-29	GRCA Map no. 25
Slide Deck Presentations		
107	2023-08-15	Slide deck no. 1 version 1
108	Undated	Slide deck no. 1 version 2 (redacted)
109	Undated	Slide deck no. 1 version 3
110	Undated	Slide deck no. 2

SCHEDULE B

Documents that are in my possession, control or power and that I object to producing on the grounds of privilege.

DATE(S)	DOCUMENT DESCRIPTION
2023-08-15 & 2023-08-16	Emails that are solicitor-client privileged
2023-08-27	Email that is solicitor-client privileged
2023-09-06	Notice of Appeal submitted for filing but rejected by court

Documents or correspondence of a confidential nature passing between the Plaintiffs, their agents and solicitors directly related to the seeking, formulating or giving of legal advice, correspondence passing between the parties on a "without prejudice" basis, and papers, reports and materials created specifically for a lawyer's brief for the existing litigation and contained in our solicitor's files.

Correspondence passing between the Plaintiffs and their solicitor of a confidential character for the purpose of receiving or giving legal advice or instruction.

Correspondence between the Plaintiffs or their solicitor and third party persons for the purpose of giving or receiving information with respect to this application;

Correspondence written without prejudice.

Documents obtained or prepared at the request and for the use of our solicitor in this application.

SCHEDULE C

Documents that were formerly in my possession, control or power and are no longer in my possession, control or power.

1. Slide deck linked in April 18, 2023 email; and,
2. Slide deck dated June 26, 2023

CORY KITTEL
Applicant

-and- THE CORPORATION OF THE TOWNSHIP OF WILMOT
Respondent

Court File No. CV-23-00001662-0000 (Kitchener)

ONTARIO
COURT OF THE DRAINAGE REFEREE

PROCEEDING COMMENCED AT
WATERLOO

AFFIDAVIT OF DOCUMENTS

**THE LAW OFFICE OF
SAMUEL KIRWIN
PROFESSIONAL CORPORATION**

472 Ridout Street North
London ON N6A 2P7

Samuel Kirwin
(LSO No. 81800K)
samue@k r w n aw.ca
Tel: 519-672-9909

Lawyer for the Applicant

File Number: 0136



Petition for Drainage Works by Owners Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Wilmot

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

N1/2 Lot 10, Concession 3B, 1184 Gerber Road

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Gawron</u>	(First Name) <u>Lucy</u>	Telephone Number [Redacted]
---	-----------------------------	--------------------------------

Address	
Road/Street Number <u>1184</u>	Road/Street Name <u>Gerber Road</u>

Location of Project			
Lot <u>N1/2 Lot 10</u>	Concession <u>3B</u>	Municipality <u>Wilmot</u>	Former Municipality (if applicable)

What work do you require? (Check all appropriate boxes)

- Construction of new open channel
- Construction of new tile drain
- Deepening or widening of existing watercourse (not currently a municipal drain)
- Enclosure of existing watercourse (not currently a municipal drain)
- Other (provide description ▼)

Name of watercourse (if known)
not applicable

Estimated length of project
500m

General description of soils in the area
clay loam

What is the purpose of the proposed work? (Check appropriate box)

- Tile drainage only
- Surface water drainage only
- Both

Petition filed this 26 day of April, 2021

Name of Clerk (Last, first name)

Mittelholtz, Dawn

Signature

[Redacted Signature]

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
1	N1/2 Lot 10, Concession 3B

Ward or Geographic Township	Parcel Roll Number
Wilmot	3018-090-009-164

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Krupnik, Walter	
Name of Corporation	
Jananna Corp	
Position Title	Date (yyyy/mm/dd)
President	2021/04/26

Number	Property Description

Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	
Position Title	Date (yyyy/mm/dd)

Check here if additional sheets are attached Clerk initial

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)



Region of Waterloo

Legend

- Addresses
- Assessment Parcels



Notes

458.6 0 229.31 458.6 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Summary of Comments on 2021-04-26 Petition .pdf

Page: 3

≡ Number: 1 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:20:19 PM -04'00'

≡ Number: 2 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:19:56 PM -04'00'

≡ Number: 3 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:20:45 PM -04'00'

≡ Number: 4 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:27:05 PM -04'00'

≡ Number: 5 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:27:49 PM -04'00'

Number: 6 Author: jkuntze Subject: Polygonal Line Date: 2021-04-23, 6:30:12 PM -04'00'

Number: 7 Author: jkuntze Subject: Callout Date: 2021-04-23, 6:30:57 PM -04'00'

≡ Number: 8 Author: jkuntze Subject: Callout Date: 2021-04-23, 6:33:58 PM -04'00'

● Number: 9 Author: jkuntze Subject: Callout Date: 2021-04-23, 6:21:15 PM -04'00'

Number: 10 Author: jkuntze Subject: Polygonal Line Date: 2021-04-23, 6:33:10 PM -04'00'

✓ Number: 11 Author: jkuntze Subject: Line Date: 2021-04-23, 6:21:46 PM -04'00'

● Number: 12 Author: jkuntze Subject: Callout Date: 2021-04-23, 6:21:37 PM -04'00'

≡ Number: 13 Author: jkuntze Subject: Text Box Date: 2021-04-23, 6:35:53 PM -04'00'



Council Meeting Minutes

Monday, May 17, 2021

Closed Council Meeting

6:00 P.M.

Regular Council Meeting

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Acting Chief Administrative Officer / Director of Parks, Facilities and Recreation S. Jackson, Director of Information and Legislative Services D. Mittelholtz, Director of Public Works J. Molenhuis, Director of Development Services H. O'Krafka, Director of Corporate Services / Treasurer P. Kelly, Fire Chief R. Leeson, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray, Manager of Planning / EDO A. Martin

1. MOTION TO CONVENE INTO CLOSED SESSION

Resolution No. 2021-95

Moved by: Councillor Seconded by: Councillor

THAT a Closed Meeting of Council be held on Monday, March 22, 2021 at 6:00 p.m. in accordance with Section 239(2) of the Municipal Act, 2001, for the purposes of:

- c) a proposed or pending acquisition or disposition of land by the municipality or local board

CARRIED.

2. MOTION TO RECONVENE IN OPEN SESSION

Resolution No. 2021-96

Moved by: Councillor C. Gordijk Seconded by: Councillor B. Fisher

THAT Council reconvenes in Open Session at 7:00 p.m.

CARRIED.

3. MOMENT OF SILENCE

4. LAND ACKNOWLEDGEMENT

4.1 Councillor A. Hallman read the Land Acknowledgement

5. ADDITIONS TO THE AGENDA

6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

6.1 Councillor J. Gerber declared has an indirect conflict of interest in reference to Item 11.1.1 as a member of his family is employed by the applicant.

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meetings Minutes Monday April 26, 2021

Resolution No. 2021-97

Moved by: Councillor C. Gordijk Seconded by: Councillor A. Hallman

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting April 26, 2021.

CARRIED.

Resolution No. 2021-98

Moved by: Councillor B. Fisher Seconded by: Councillor C. Gordijk

THAT delegation registered for matters not on the Agenda be allowed 5 minutes each to address Council.

DEFEATED.

Members of Council discussed the proposed procedural amendment for the meeting and suggested that insufficient notice had been given to the delegates. Staff was directed to review the delegation portions of the Procedural By-law as part of the review currently taking place.

8. PUBLIC MEETINGS

8.1 REPORT NO. DS 2021-017

Zone Change Application 06/21

Concept Development Group In

**Part of Lot 14, Concession North of Snyder's Road Parts 1 and 2,
Plan 58R-1966**

162 Snyder's Road East, Baden

Resolution No. 2021-99

Moved by: Councillor B. Fisher

Seconded by: Councillor J. Pfenning

THAT Report DS 2021-017 be received for information.

CARRIED.

The Manager of Planning / EDO outlined the report.

Andrea Sinclair, MHBC Planning, presented an overview of development. The presentation is attached as Appendix A. Council raised concerns over the suggested parking and Ms. Sinclair noted that those details are still being refined.

Jennifer Zielman appeared as a delegation, expressing concerns over the reduced set back and impacts on privacy for her property.

The Manager of Planning / EDO clarified that the reduced set back and visibility provisions would be highlighted in subsequent reports to Council.

O'Derald Gingerich appeared as a delegation and expressed his concerns over the proposed size of the development could potentially house 100 residents making it the largest residential building in Baden. He noted concerns over the height of the building and visitor parking.

Natasha Salonen appeared as a delegation and expressed concerns the proposed development and the alignment with the Township Strategic Plan, noting that the proposed parking reductions would not be supported by alternative transportation as the transit schedule does not run 7 days a week. Ms. Salonen also expressed her concerns that the design and aesthetic of the building is not compatible with the countryside community. She expressed her concerns for the lack of outdoor living space and access to greenspace for future residents.

Jeff Pinkney appeared as a delegation, noting that his family shares the similar concerns to previous delegations and encouraged reconsideration of an appropriate size building for the site.

9. PRESENTATIONS

9.1 KW Hydro Annual Report

Mr. Jerry VanOoteghem, KW Hydro Corporation

Mr. Jim Philips, KPC Chair

Resolution No. 2021-100

Moved by: Councillor J. Pfenning Seconded by: Councillor A. Hallman

THAT the audited financial statements of Kitchener Power Corporation for the year ended December 31, 2020 as audited by KPMG LLP, as presented, are hereby received; and,

THAT Mr. James Phillips, Ms. Rosa Lupo and during their tenure, Mayor Berry Vrbanovic, Mayor Les Armstrong, Mr. Dave Schnider, Mr. Paul Singh and President & CEO Mr. Jerry Van Ooteghem be hereby elected Directors of Kitchener Power Corporation for the ensuing year; and,

THAT KPMG, LLP be hereby appointed as Auditors of Kitchener Power Corporation for the ensuing fiscal year and the Directors are authorized to set their remuneration.

CARRIED.

Mr. Jerry VanOoteghem and Mr. Jim Philips provided a presentation on the KW Hydro Annual Report. The presentation is attached as Appendix B.

Mr. VanOoteghem answered Council inquiry that the work from home data they had collected showed a 7.9% increase in residential usage while other classifications saw decreases in demand.

Council thanked KW Hydro for the community supports they continue to show.

10. CONSENT AGENDA

10.1 PW 2021-012

Annual OSIM Inspections Program – Award of Contract

10.3 ILS 2021-17

Newdale Farm (Stewart Good) Petition and Badenview (Patrick George) Petition – Engineer Appointment Transfer

10.4 ILS 2021-18

**Receipt of Petition for Drainage Works
1184 Gerber Road, N ½ Lot 10, Concession 3B
Township of Wilmot**

10.5 COR 2021-018

Municipal Collaboration, Joint Township ESRI ELA

Resolution No. 2021-101

Moved by: Councillor J. Pfenning Seconded by: Councillor J. Gerber

THAT Report Nos. PW 2021-012, ILS 2021-17, ILS 2021-18 and COR 2021-018 be approved.

CARRIED, AS AMENDED.

10.2 PW 2021-011

Annual Concrete Sidewalk Program – Award of Contract

Resolution No. 2021-102

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT RFT 2021-13 be awarded to Chad Hartman Construction of St. Pauls, Ontario for the Annual Concrete Sidewalk Program, as per their bid submission dated April 14, 2021, in the amount of \$64,350.00, plus HST.

CARRIED.

The Director of Public Works and Engineering confirmed that the minor spot repairs in Manheim will be on Milne Drive, Knechtel Court and in New Dundee on Queen Street and Bridge Street.

11. REPORTS

11.1 DEVELOPMENT SERVICES

11.1.1 REPORT DS 2021-018

Zone Change Application 04/20

Miller Boys Inc. /

Dryden, Smith & Head Planning Consultants

142-148 Snyder's Road West, Baden

Resolution No. 2021-103

Moved by: Councillor B. Fisher Seconded by: Councillor J. Pfenning

THAT Council approve Zone Change Application 04/20 made by Miller Boys Inc. / Dryden, Smith & Head Planning Consultants, affecting Part of 16, Concession North of Snyder's Road, to amend the current zoning to:

- permit 18 dwelling units in form of single-detached, semi-detached, townhome and apartments;
- reduce the overall required parking on site from 27 spaces to 26 spaces;
- reduce the required west side yard setback from 2.0m to 1.2m;
- reduce the required rear yard setback from 7.5m to 2.3m; and
- apply a holding symbol (H) that requires the approval of a noise study and archaeological assessment, and demonstration that sanitary sewer infrastructure constraints have been addressed, prior to development.

CARRIED.

The Manager of Planning / EDO outlined the report.

Nathan Riedel appeared as a delegation and expressed concerns with the proximity of the development to his property and requested that the development be reduced to a two-story structure. Mr. Riedel also expressed concerns for the parking allocations for the development.

Sam Head, Dryden, Smith & Head Planning Consultants, provided an overview of the status of the development project, noting that any concerns from delegations will be discussed with Township staff. Mr. Head advised Council that the project is designed for seniors, noting that the drainage report has been submitted to the Township and the final site plan process will address any issues. He advised that in terms of the building height, he would have further discussions with the applicant.

The Manager of Planning / EDO advised that the zoning regulates the height of the buildings, noting that the zoning allows for 10.5 meters.

12. CORRESPONDENCE

13. BY-LAWS

13.1 By-law No. 2021-27

Zone Change Application 04/20

Resolution No. 2021-104

Moved by: Councillor A. Hallman

Seconded by: Councillor J. Gerber

THAT By-law Nos. 2021-27 be introduced, read a first, second and third time and finally passed in Open Council.

CARRIED.

14. NOTICE OF MOTIONS

15. ANNOUNCEMENTS

15.1 Councillor A. Hallman congratulated Marilyn Saurus of New Dundee was recognized for her continued volunteering in the Township.

15.2 Councillor J. Pfenning reminded everyone to do one small thing everyday for themselves to recharge and help get through these challenging times.

16. DELEGATIONS

The following persons appeared as delegations in relation to the proposed Hallman Pit. Any prewritten statements provided will be included in the appendices as noted.

- 16.1 Rory Farnan and Samantha Lernout, Citizens for Safe Ground Water, Appendix C.
- 16.2 Dorothy Wilson, Appendix D.
- 16.3 Linda Laepple, Appendix E.
- 16.4 Dave Prong, appeared as a delegation and expressed his concerns for the proposed Hallman Pit, noting objections to the proposal and the need to protect the farmland that would be lost. He noted concerns for the ground water, wetlands and animal habitat impacts that could result from the development.
- 16.5 Mark Gordon appeared as a delegation and expressed his concerns on the climate change impacts and the potential health impacts on the residents in the surrounding area.
- 16.6 Christina Harnack, Appendix F.
- 16.7 David Bricker appeared as a delegation, expressing concerns for noise, nature and health impacts as a result of the operations of the proposed gravel pit.
- 16.8 Laverne Forwell appeared as a delegation and expressed his concerns on the impacts the proposed Hallman Pit could have on the natural area.

17. BUSINESS ARISING FROM CLOSED SESSION

Resolution No. 2021-105

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

THAT Confidential Report PFRS 2021-09 be received for information; and further,

THAT Council accepts the generous donation of land from Wolfgang, Regina, Ekk and Jenn Pfenning, for passive recreational use, and that this natural area be named in memory of Andreas Pfenning; and further,

THAT the Township assume all surveying and legal costs associated with the transfer; and

THAT, the Township provide a tax receipt in an amount determined by an independent certified appraisal the cost of which, including any review by the Township solicitor, would be borne by the Township.

CARRIED.

18. CONFIRMATORY BY-LAW

18.1 By-law No. 2021-28

Resolution No. 2021-106

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT By-law No. 2021-28 to Confirm the Proceedings of Council at its Meeting held on May 17, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

19. ADJOURNMENT (10:14 p.m.)

Resolution No. 2021-107

Moved by: Councillor A. Hallman

Seconded by: Councillor J. Pfenning

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.



Statutory Public Meeting
Proposed Multiple Residential Development
162 Snyder's Road E, Baden
May 17, 2021



PRIMARY PROJECT TEAM

Steve Schwartzenruber and Mike Ulmer,
Concept Development Group Inc.



Glenn Reinders
Reinders & Law



Andrea Sinclair and Gillian Smith
MHBC Planning

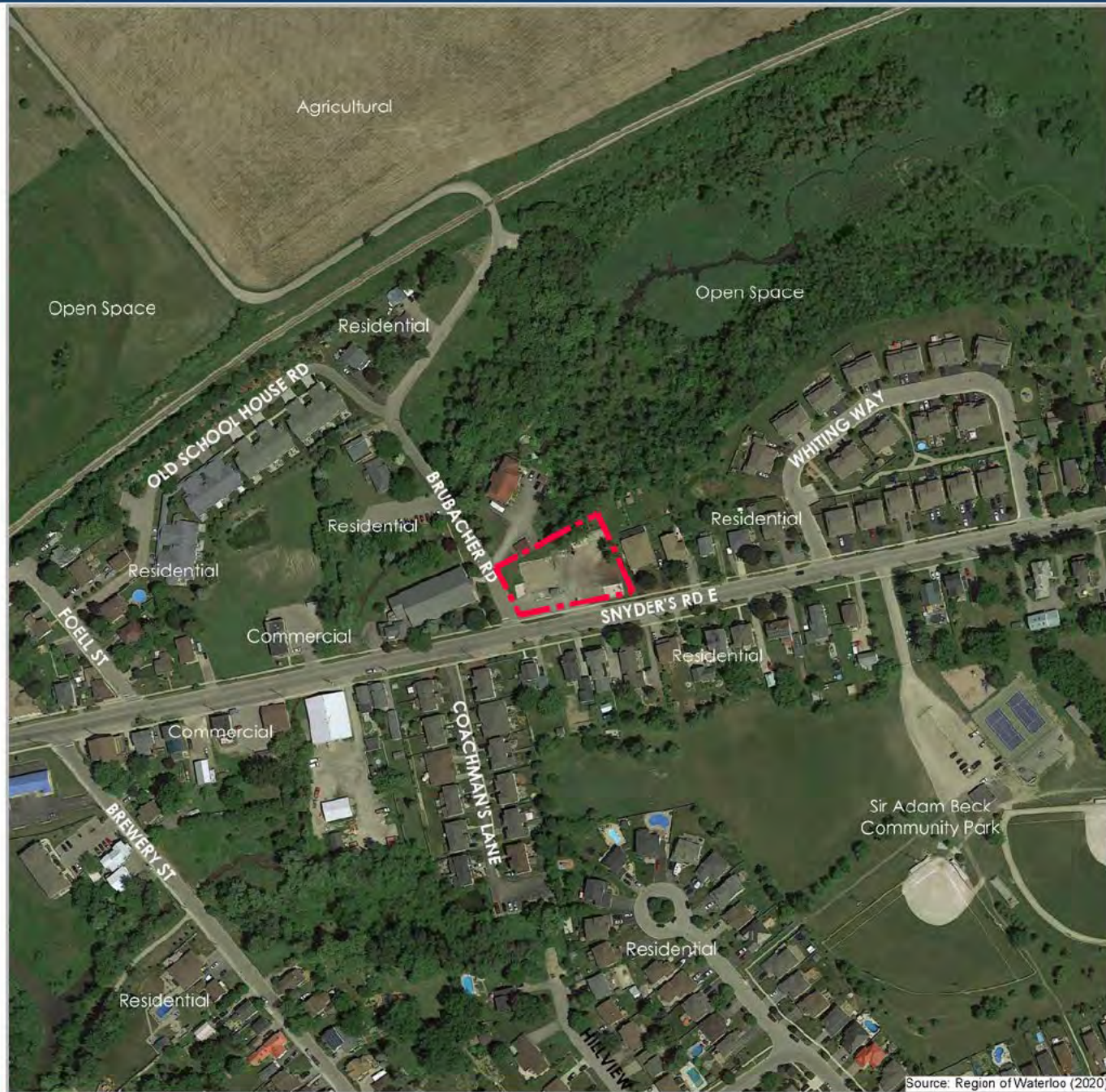
Technical Reports including Planning, Servicing, Archaeology, and Noise have been prepared in support of the Zoning By-law Amendment

LOCATION

162 Snyder's Road E, Baden

Within close proximity of key services and amenities including:

- Transit
- Active Transportation
- Sir Adam Beck Community Park
- Grocery/Convenience Stores
- Downtown Baden



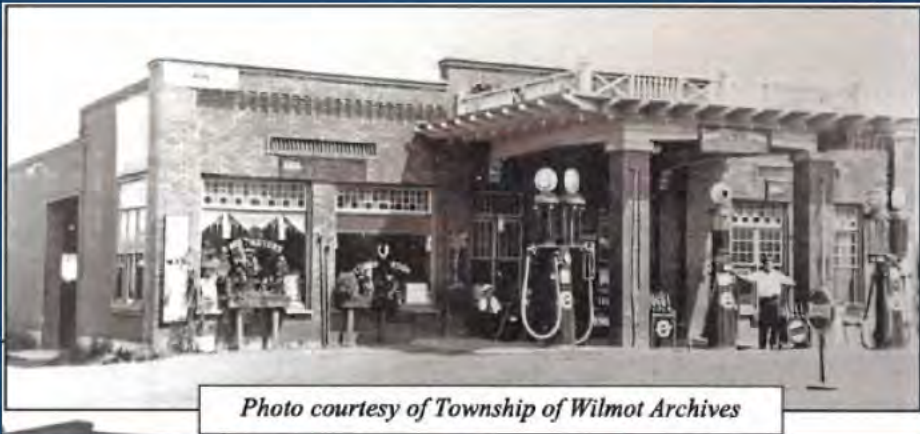
SITE HISTORY

162 Snyder's Road E, Baden



162 Snyder's Road East has an exciting history and has been subject to a number of owners and uses. Past uses have included:

- Woolen Mill (burned to the ground in 1916)
- Garage (lunch bar, gas pumps, car repairs)
- Construction of wood furniture (1977 fire)
- Meat Market and Grocery
- Landscape Supplies (2016 fire)



The lands are currently a vacant Brownfield site. Remediation of the site is underway.

DEVELOPMENT PROPOSAL

162 Snyder's Road E, Baden



- 32 one & two bedroom rental apartment units
- Pedestrian connection from the lobby to the Snyder's Rd sidewalk
- Tenants governed by landlord-tenant legislation
- Landscaping within the site & along Snyder's Rd & Brubacher St
- Amenity space including balconies & a rooftop terrace
- Lockers, vehicular parking & bicycle storage

BENEFITS OF PROPOSAL

Current Use of Property	Proposed Use of Property
Vacant	Apartment building providing purpose built rental units
Contaminated soils	Remediate & re-urbanize
Underutilized	Infill of an underutilized parcel of land in the Urban Area that will: <ol style="list-style-type: none">1) Be located within an established area of the Township, in close proximity to Downtown Baden;2) Introduce more housing options to the area;3) Support the social, health & well-being of current and future residents.

PLANNING APPLICATION TIMELINE

162 Snyder's Road E, Baden

- Informal Pre-Submission Meeting: December 16, 2020
- Zoning By-law Amendment Submitted April 9, 2021
 - Including all required technical reports
- Application deemed 'Complete' on April 15, 2021
- **Statutory Public Meeting (We Are Here)**
- Review of Staff, Agency and Public Comments
- Consideration of comments and resolution of any technical issues
- Staff Recommendation Report and Council Decision

PURPOSE OF PLANNING APPLICATION

162 Snyder's Road E, Baden

The vacant site is proposed to be redeveloped as a multiple residential apartment building comprised of 32 residential units.

EXISTING ZONE:

Zone 5: which permits dwelling units only above ground level commercial uses.



PROPOSED ZONE:

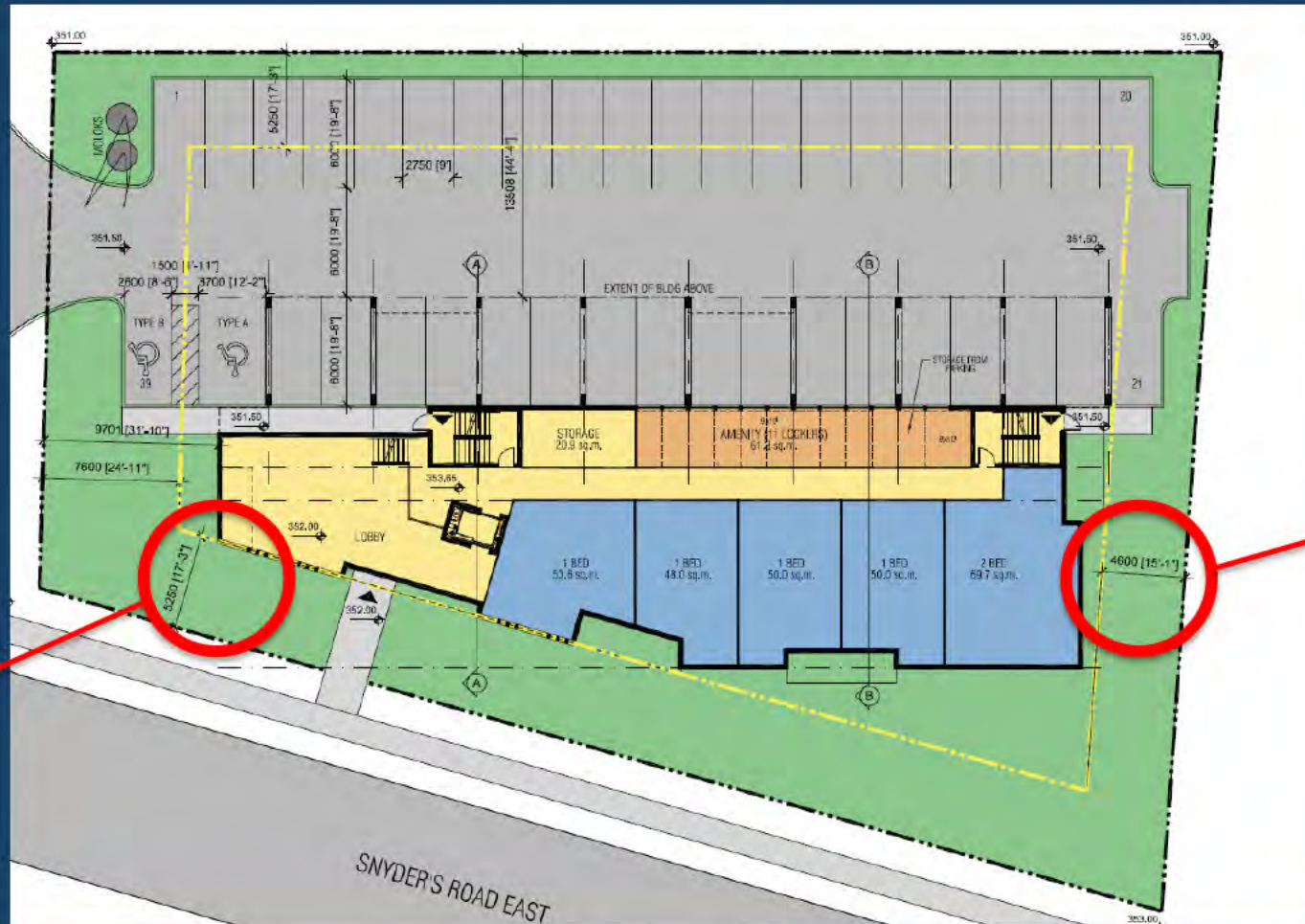
Zone 5: to permit residential units at ground level (stand alone residential building)

Other provisions included:

- 1.2 parking spaces/unit
- 4.6m rear yard setback
- 5.2m exterior side yard setback

PURPOSE OF PLANNING APPLICATION

162 Snyder's Road E, Baden



Reduced Front Yard

Reduced Rear Yard

POLICY CONFORMITY

Provincial Policy Statement

- Represents efficient use of land and results in the infill of underutilized land within an urban area
- Introduces more housing types
- Utilizes existing infrastructure (transportation, servicing) and will provide a connected sidewalk
- Located near community facilities and downtown Baden
- Redevelopment of a contaminated site

Growth Plan for the Greater Golden Horseshoe

- Located in the built up area of the Region
- Assist the Region in achieving their intensification target
- Contributes a range and mix of housing options

POLICY CONFORMITY

Region of Waterloo Official Plan

- Designated as *Township Urban Area* and lies within the *Built Up and Designated Greenfield Area's*, where the bulk of growth will be directed to.
- Supports the regions planned community structure by developing within the built up and designated greenfield areas of Baden
- Protects the Townships unique rural character and land uses by proposing compact redevelopment on a site within the existing built-up area
- Represents appropriate land use within the Township that will contribute to the Region's growth goals

POLICY CONFORMITY

Township of Wilmot Official Plan

- Designated as *Urban Core Area* which permits residential, commercial, institutional and other services
- With a projected pop. of 28,500, the proposal will assist in meeting the Township's growth objectives
- Encourages reurbanization and provides a diverse range and mix of housing options that satisfy a variety of household sizes and incomes
- Will maintain the existing character of the area through appropriate setbacks, heights and design features

PRELIMINARY RENDERINGS



View from the south side of Snyder's Road E, looking west

PRELIMINARY RENDERINGS



View from Brubacher Street, looking south east (rear of building)

PRELIMINARY RENDERINGS



Rear of building, looking south west

IN CONCLUSION

- The proposed zone amendment is consistent with the Provincial policy framework and conforms with Regional and Township Official Plans.
- The proposed residential use is **permitted** by the Official Plan and Zoning By-law, no use is being added that is not already permitted. The amendment is seeking to allow multi-residential use at ground level.
- The proposed zoning requests reduced parking and reduced rear yard and exterior side yard setbacks.
- The zoning by-law amendment will result in the highest and best use of the land, introduce new housing types, will be representative of a complete community, and will be in conformity with the surrounding land-uses.



THANK YOU

Kitchener-Wilmot Hydro Inc.

*Your Local Supplier of Safe, Reliable and
Efficient Electricity Distribution Services*



Statistics

- **Number of Customers = 99,026 (97,719 in 2019)**
 - **Residential 89,926**
 - **Small Business 8,134**
 - **Commercial 966**

- **Billed Energy Consumption = 1,820M kWhs (1,825M kWhs in 2019)**

- **Peak Demand = 386 MW (345 MW in 2019)**

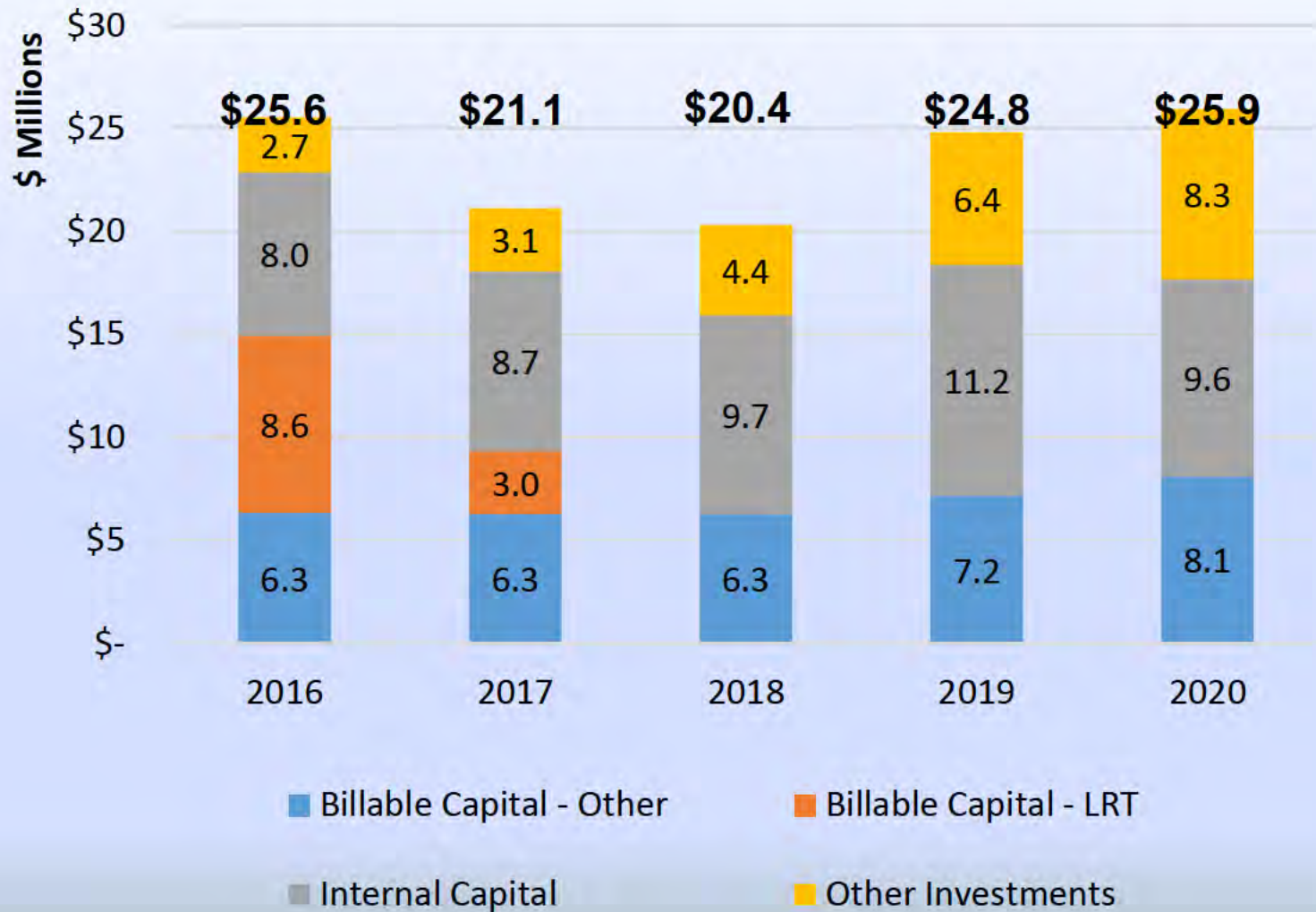
Financial Performance

- **Total Revenue = \$285.6M (\$250.0 in 2019)**
- **Distribution Revenue = \$43.3M (\$42.3M)**
- **Total Expenses = \$274.7M (\$239.3M)**
- **Operating Expenses = \$36.4M (\$36.4M)**
- **Net Income = \$11.0M (\$10.5M)**

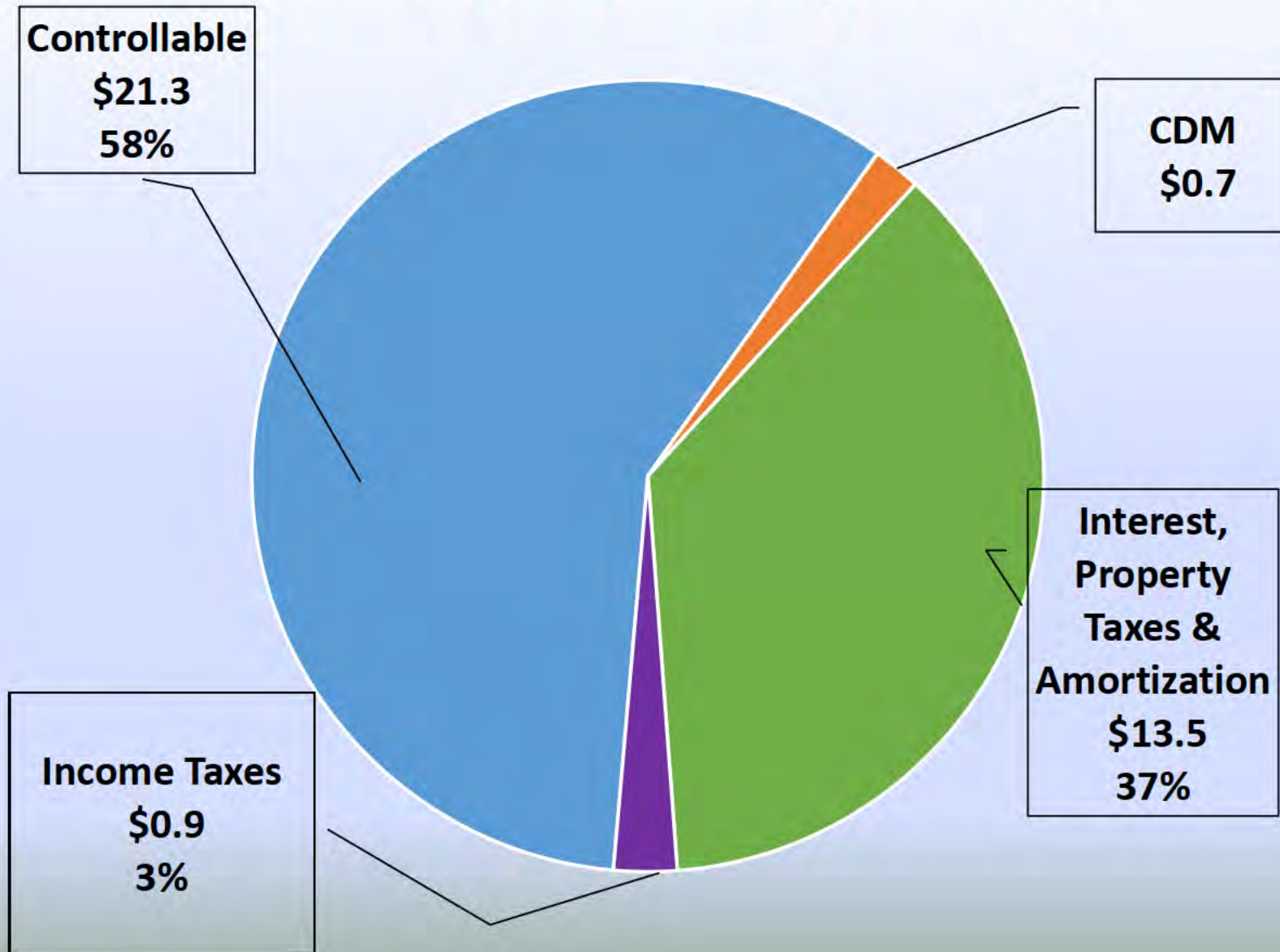
Financial Impact of COVID-19

- Increase in OM & A Costs
 - Additional bad debts (\$500K increase)
 - New Covid Expenses (\$786K)
 - Transformer Station Monitoring
 - Safety Supplies
 - Vehicle Rentals
 - IT and System Changes
- Transitioned Office Staff to Work From Home and Field Staff to Work From Remote locations
- Managed Multiple Rate Changes, Time-Of-Use Optionality
- Administered COVID-19 Energy Assistance Programs for Residential and Small Business Customers

Capital Investments



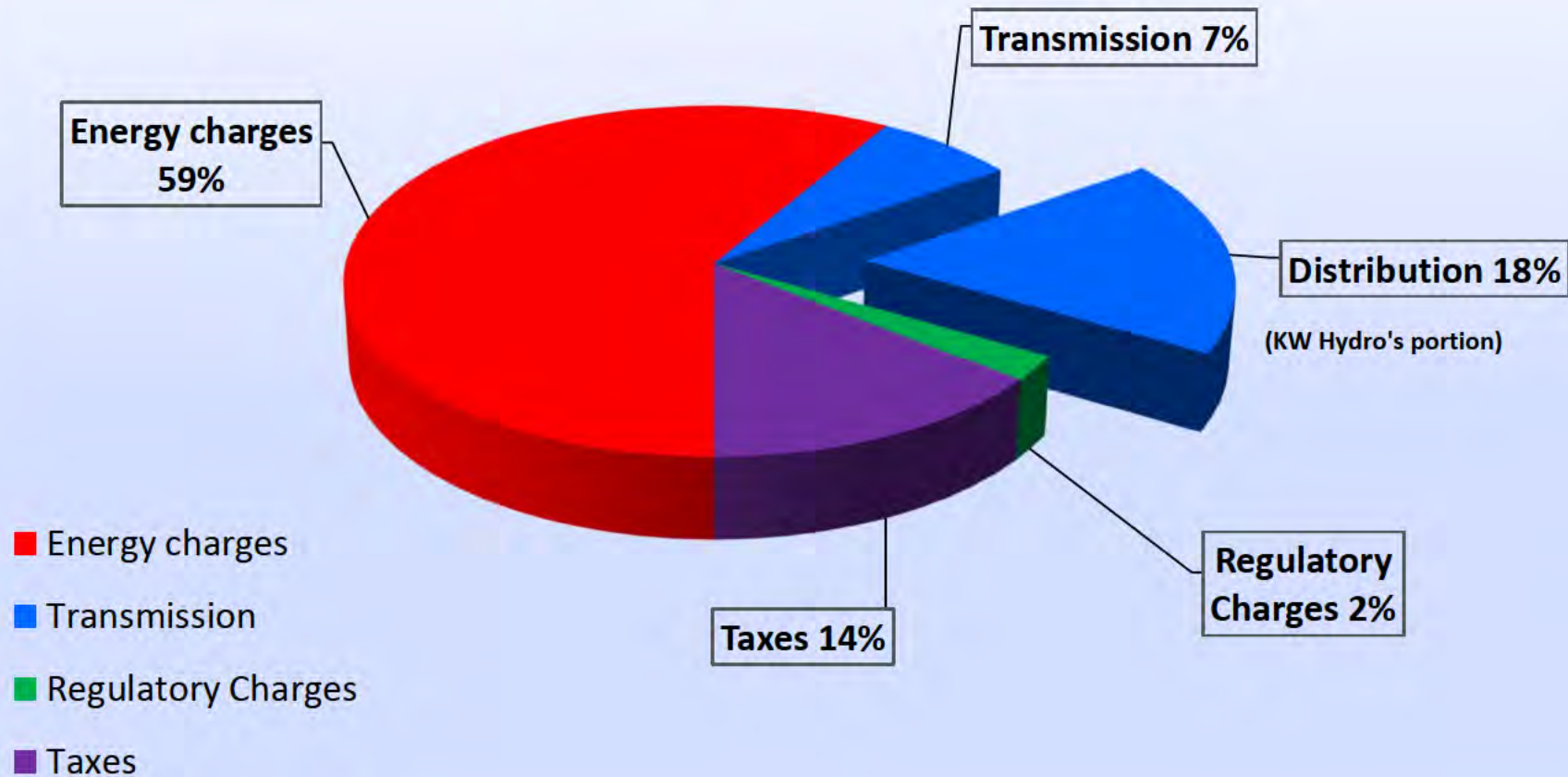
Operating Expense (\$36.4M)



2019 Controllable Cost Per Customer Per Year (as published by OEB)



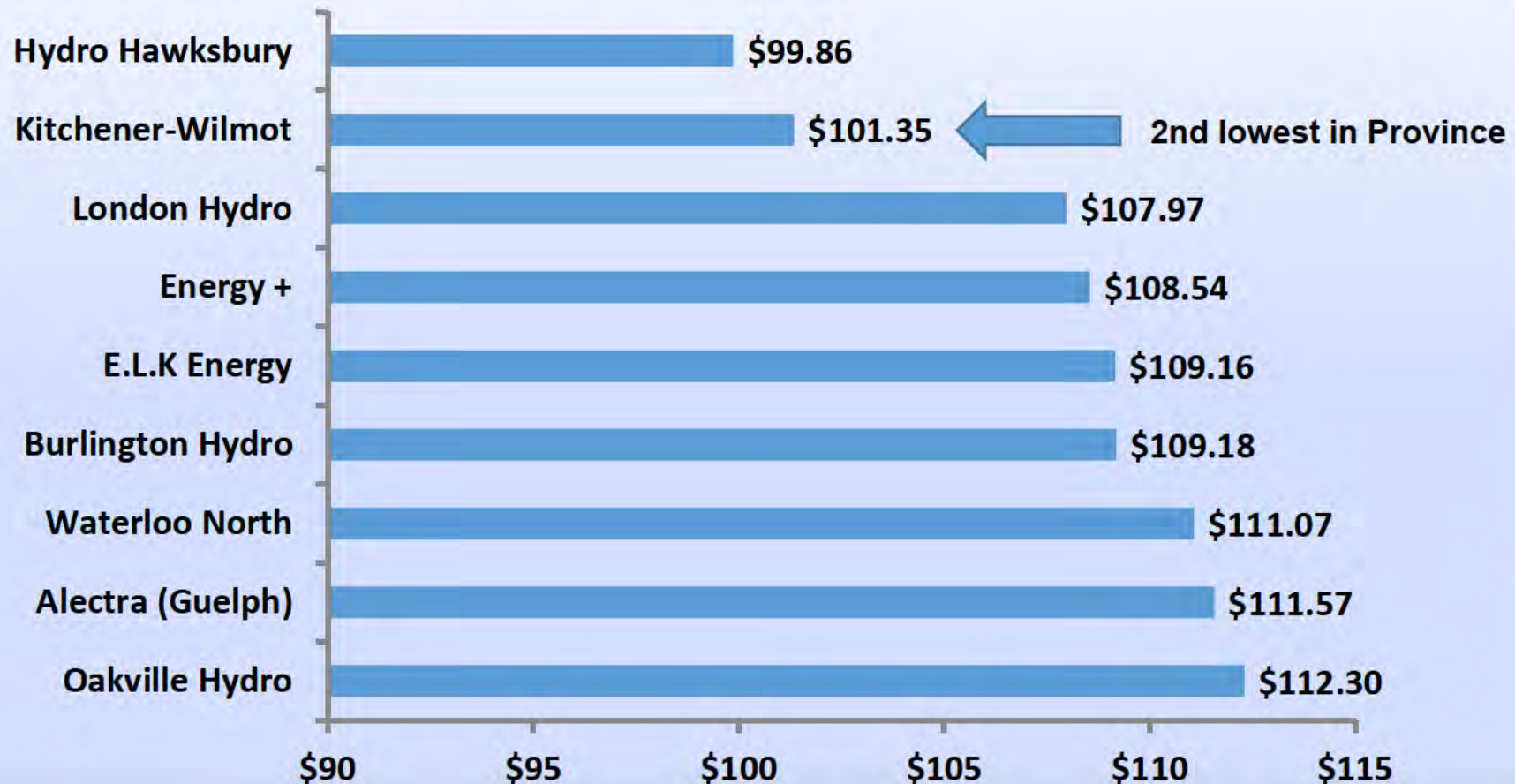
Rates for 700 kWh Residential Customer Effective Jan. 1/21



Total Bill \$101.35

*21.2% Ontario Electricity Rebate equals \$23.40 not included in the total bill

Monthly Residential bill (700 kWh) as at Jan. 1, 2021



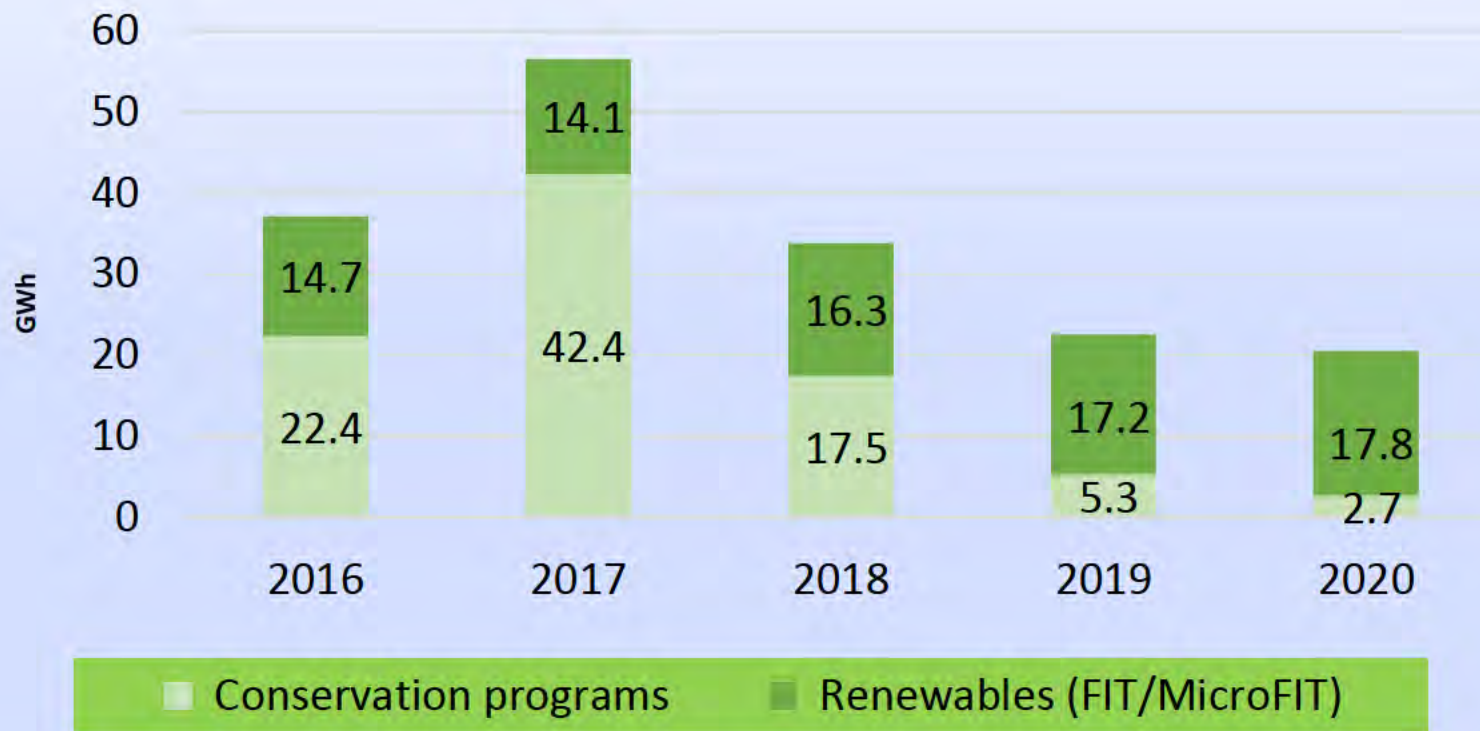
Service Reliability Performance

Service Reliability Performance	Measurement	Provincial Average 2014 to 2019	2016	2017	2018	2019	2020
SAIDI	Average length of outage (minutes) for the system	163.68	66.6	54.9	41.1	60.9	31.8
SAIFI	Average number of interruptions per customer	1.50	1.11	1.02	0.97	1.05	0.92
MAIFI	Average number of momentary interruptions per customer	N/A	2.40	3.22	2.70	2.35	1.90

Service Quality Performance

Customer Service Performance Indicator	Criteria	OEB	2018	2019	2020
		Min Std	%	%	%
Connection of new LV services	5 working days	90%	99%	99%	99%
Telephone accessibility	Within 30 secs	65%	92%	90%	88%
Appointment scheduling, including underground cable locates	5 working days	90%	91%	97%	95%
Emergency response - urban	Within 60 mins	80%	88%	91%	86%
Emergency response - rural	Within 120 mins	80%	100%	100%	100%

Renewables & Energy Conservation



GridSmartCity

Collaboration is a key component of Kitchener-Wilmot Hydro's success

GridSmartCity is a cooperative of 15 medium size, municipally-owned, electricity distributors that share resources, insights and systems that help run smarter companies while advancing innovation, reliability and efficiency across Ontario's electricity grid.

GridSmartCity's electricity distributors manage approximately \$2.8 billion in assets, serving over 777,000 customers across more than 40 communities in Ontario stretching from Windsor to Niagara and Kingston.

Top 4 in Ontario by Customer Size



Commitment to Safety

Preparing for a Pandemic



New procedures issued and updated based on medical advice and ventilation improvements	14
Plexiglass Barriers at Customer Service Counters	4
Welding Curtains to Provide Barriers in Between Work Stations and Customers	54
Arc Flash Fire Resistant Washable Face Masks & Neck Tubes	1,100

KN95 Respirators	480
N95 Respirators	2,000
Surgical Masks	10,000
Washable Masks	1,450
Pairs of Latex Gloves	21,500
Surface Cleaner	120 L
Hand Sanitizer	700 L

- Office Staff – Work From Home
- Field Staff – Multiple Reporting Centers
- Ventilation Improvements
- Reallocate vehicles to travel alone to work sites

Community Initiatives



- Kitchener-Wilmot Hydro was proud to support “Giving Tuesday” with donations to Food Bank, United Way and House of Friendship. In addition, our employees continued to support several other charities
- Provided sponsorship support to Centre-In-The-Square, Kitchener-Waterloo Symphony and two student awards at Conestoga College.
- Provided tree reforestation grants to the City of Kitchener and the Township of Wilmot (\$2.13M since 1990)

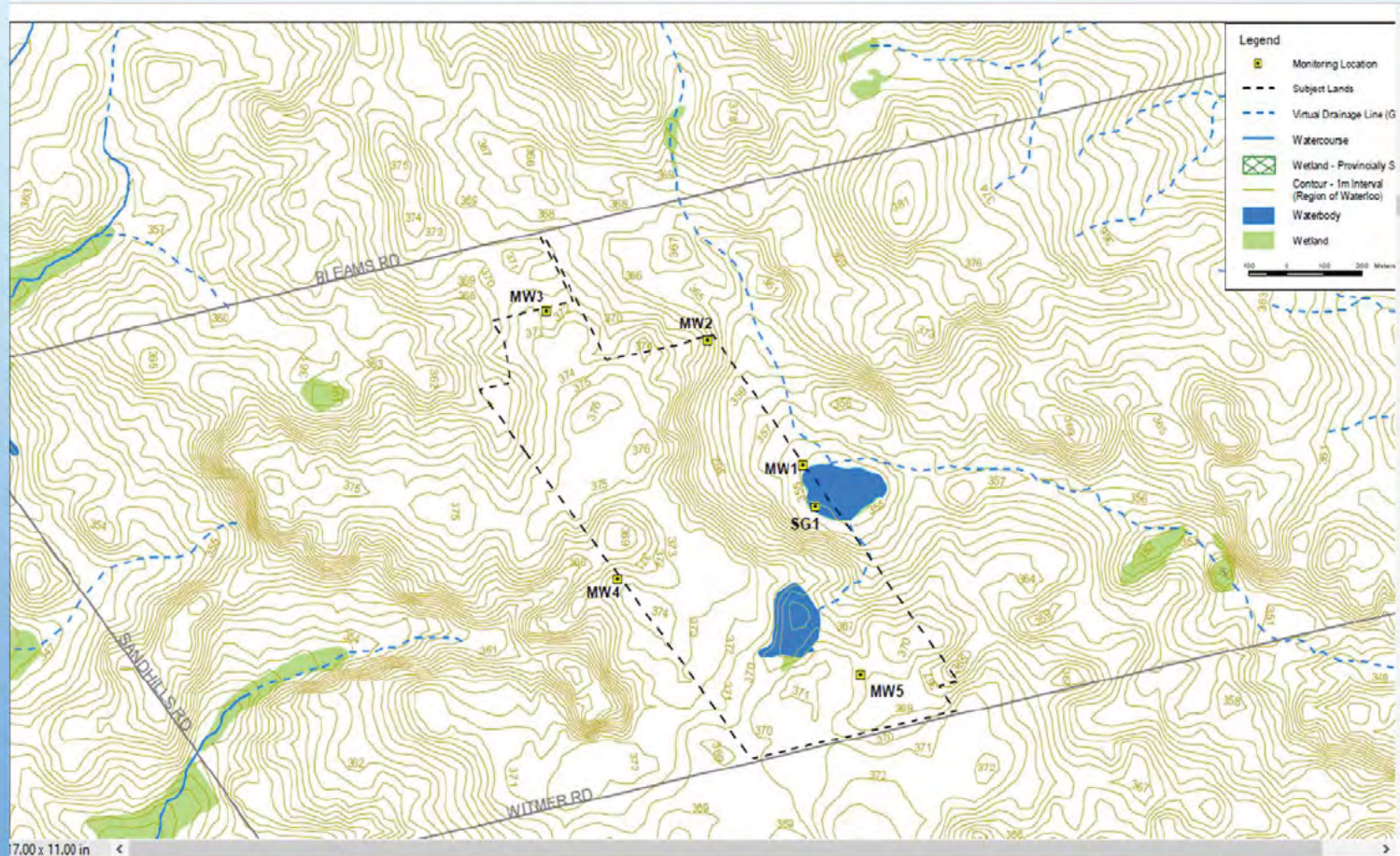
Community Initiatives

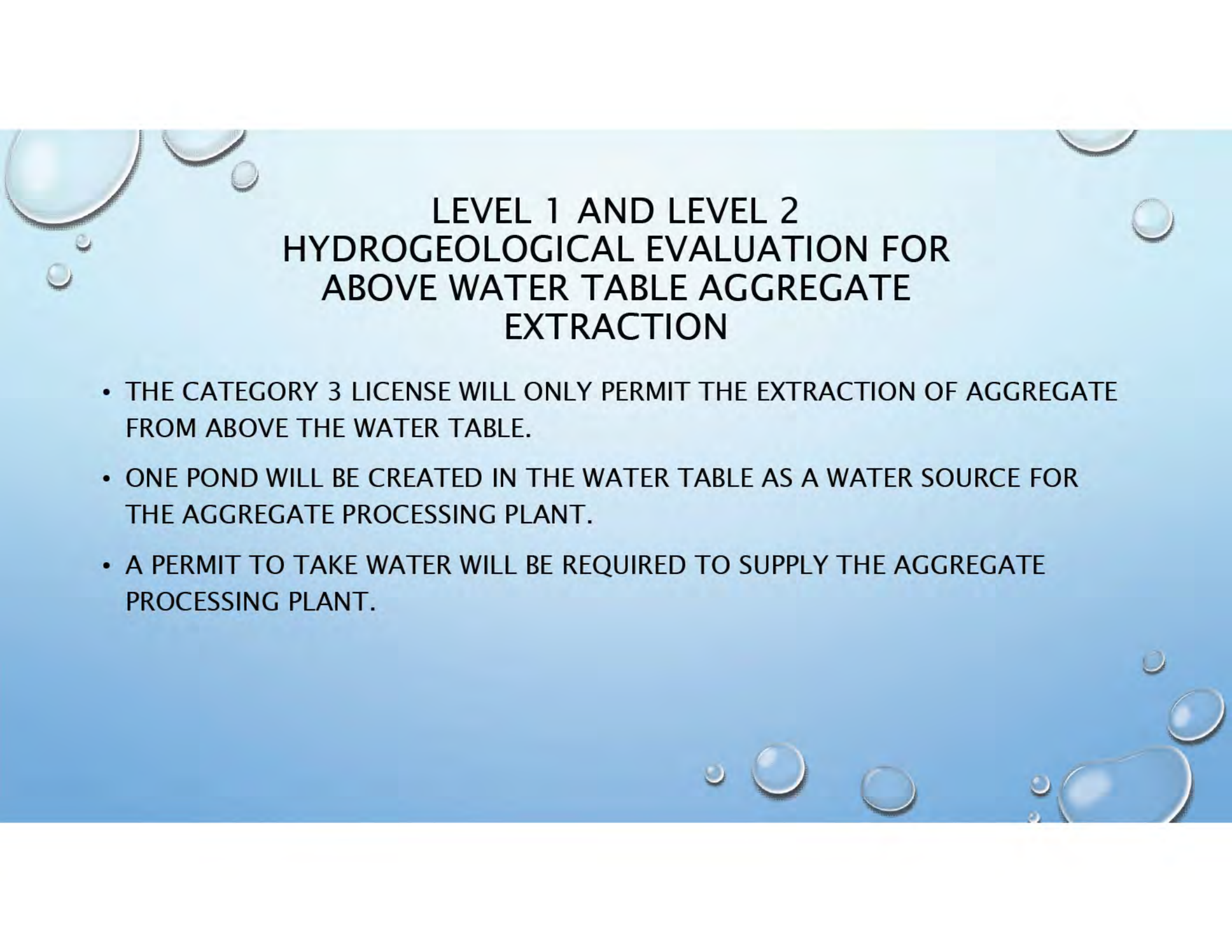


In April 2020, Kitchener-Wilmot Hydro proudly donated 1,000 N95 respirators to St. Mary's General Hospital in Kitchener.

Thank You

REVIEW OF HYDROGEOLOGICAL ASSESSMENT AND OPERATIONAL PLAN





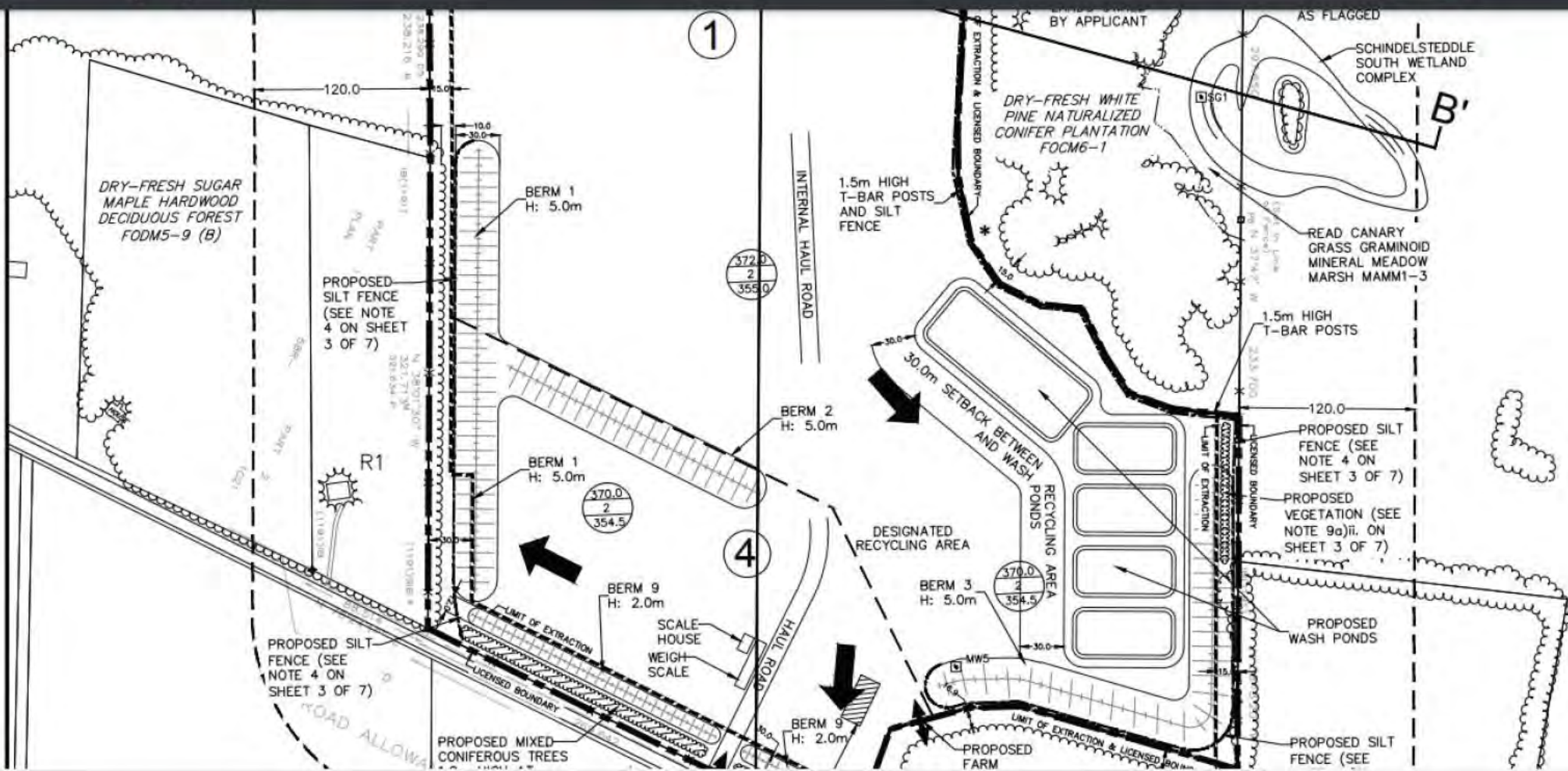
LEVEL 1 AND LEVEL 2 HYDROGEOLOGICAL EVALUATION FOR ABOVE WATER TABLE AGGREGATE EXTRACTION

- THE CATEGORY 3 LICENSE WILL ONLY PERMIT THE EXTRACTION OF AGGREGATE FROM ABOVE THE WATER TABLE.
- ONE POND WILL BE CREATED IN THE WATER TABLE AS A WATER SOURCE FOR THE AGGREGATE PROCESSING PLANT.
- A PERMIT TO TAKE WATER WILL BE REQUIRED TO SUPPLY THE AGGREGATE PROCESSING PLANT.

THE SITE PLAN SHEET 2, OPERATIONAL NOTES

- SECTION 18. AGGREGATE WASHING:

THE WASH PLANT WILL BE LOCATED WITHIN PHASE 1 WITH WATER DERIVED FROM THE WASH PONDS CONSTRUCTED INTO THE WATER TABLE; SUBJECT TO APPROVAL BY MECP, INCLUDING (IF NECESSARY) A PERMIT TO TAKE WATER.



**ENVIRONMENTAL SITE ASSESSMENT
AND RECORD OF SITE CONDITION**
(USED AS BACKGROUND INFORMATION IN THE HYDROLOGICAL STUDY)




- MAY 23 2017 PHASE ONE ENVIRONMENTAL SITE ASSESSMENT
- DONE FOR DUE DILIGENT FOR A REAL ESTATE TRANSACTION AND NOT FOR A RECORD OF SITE CONDITION.
- THE PHASE II ENVIRONMENTAL SITE ASSESSMENT PAGE 136; THE STATEMENT OF LIMITATIONS:

IT SHOULD BE NOTED THAT THE OBSERVATIONS AND RECOMMENDATIONS PRESENTED IN THIS REPORT ARE LIMITED TO THE ACTUAL LOCATIONS EXPLORED.

- THE SITE CONDITION RECORD FOR 1922 AND 1894 WITMER ROAD.
- TOTAL AREA OF RECORD OF SITE CONDITION PROPERTY (IN HECTARES) 66.15700
- CURRENT PROPERTY USE : RESIDENTIAL
- INTENDED PROPERTY USE: INDUSTRIAL



LEGEND

-  Approximate Site Boundary
-  APEC-1
-  APEC-2



CHUNG & VANDER DOELEN
ENGINEERING LTD.
 311 Victoria Street North
 Kitchener / Ontario / N2H 5E1
 519-742-8979




SITE PLAN
 1894 & 1922 WITMER ROAD

Date:	MAY 2017
Scale:	NTS
File No.:	E17413



LEGEND

- Test Pit Locations 
- Approximate Fill Area 

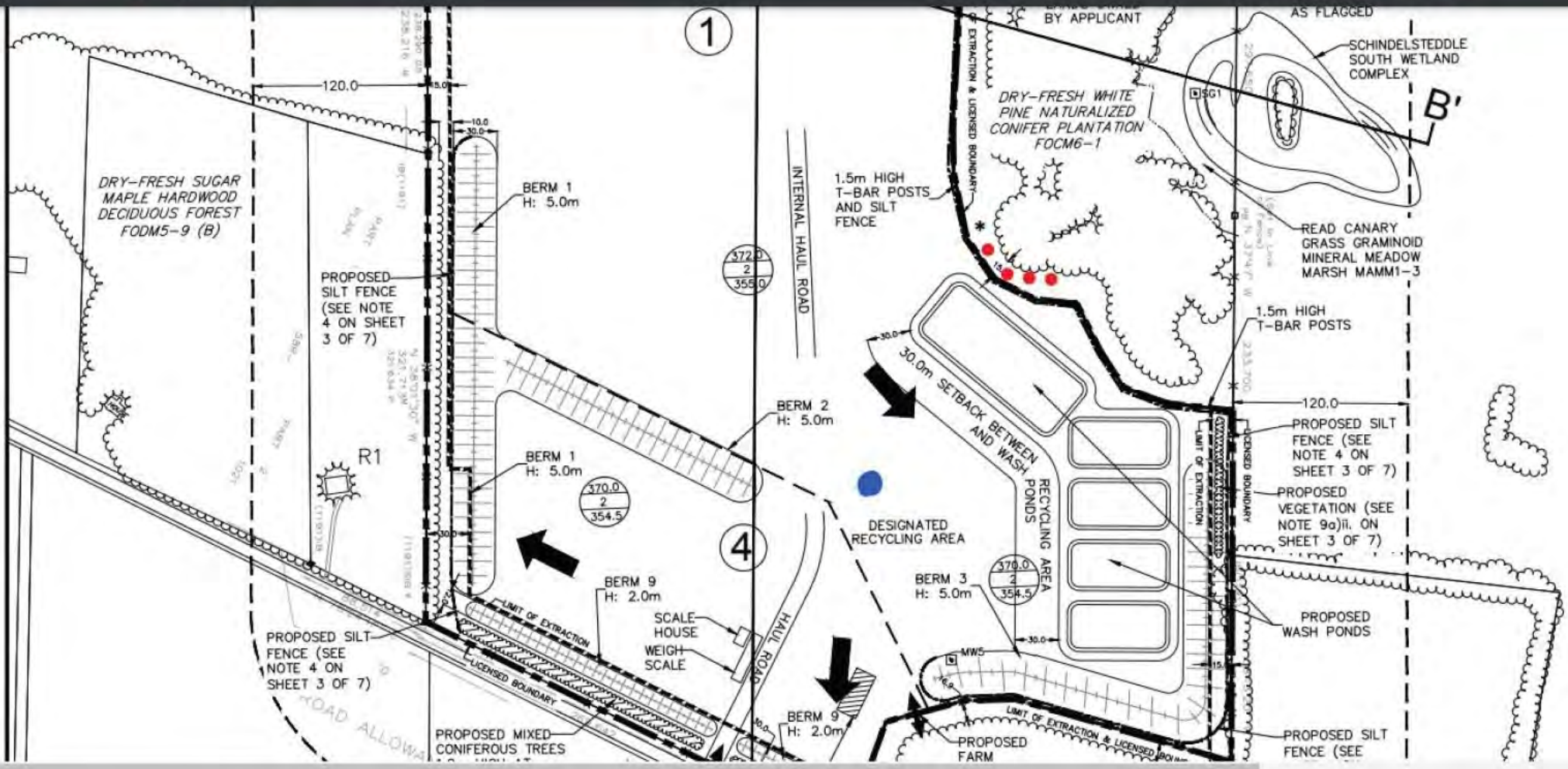


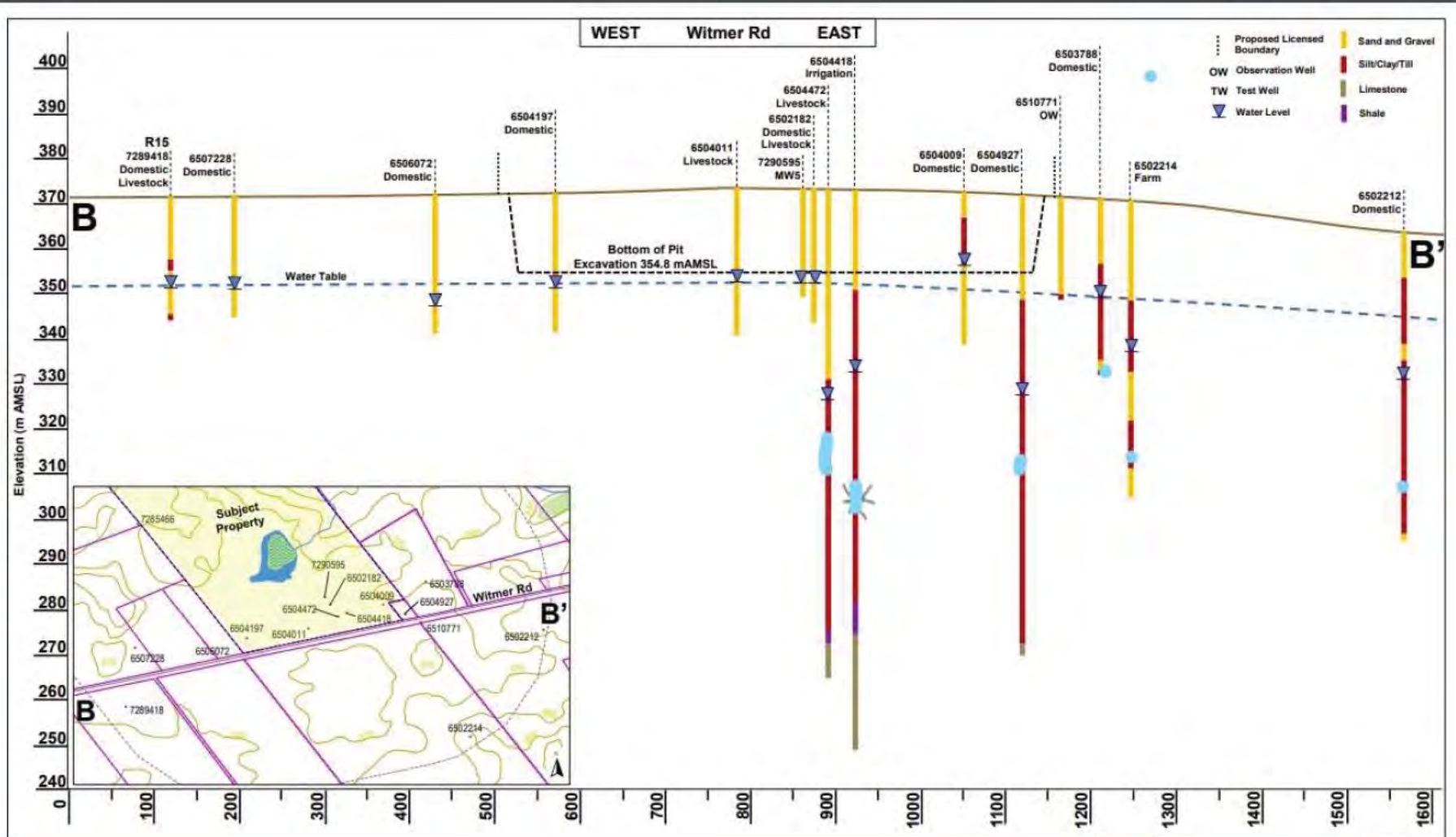
CHUNG & VANDER DOELEN
ENGINEERING LTD.
 311 Victoria Street North
 Kitchener / Ontario / N2H 5E1
 519-742-8979



SITE PLAN
 1894 & 1922 WITMER ROAD
 PETERSBURG, ONTARIO

Date:	MAY 2017
Scale:	NTS
File No.:	E17413





WELLS DRILLED ON OR NEAR CATTLE YARD

6502182	PDF HTML	N/A	N/A	3106	27.1	05/15/1963
---------	--	-----	-----	------	------	------------

Rated 18 GPM

6504011	PDF HTML	N/A	N/A	3134	32.0	09/18/1973
---------	--	-----	-----	------	------	------------

Near biogas digester 30GPM

6504009	PDF HTML	N/A	N/A	3134	32.3	10/03/1973
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Domestic 8 GPM House 1843 in bush lot

6504197	PDF HTML	N/A	N/A	3134	30.8	09/16/1974
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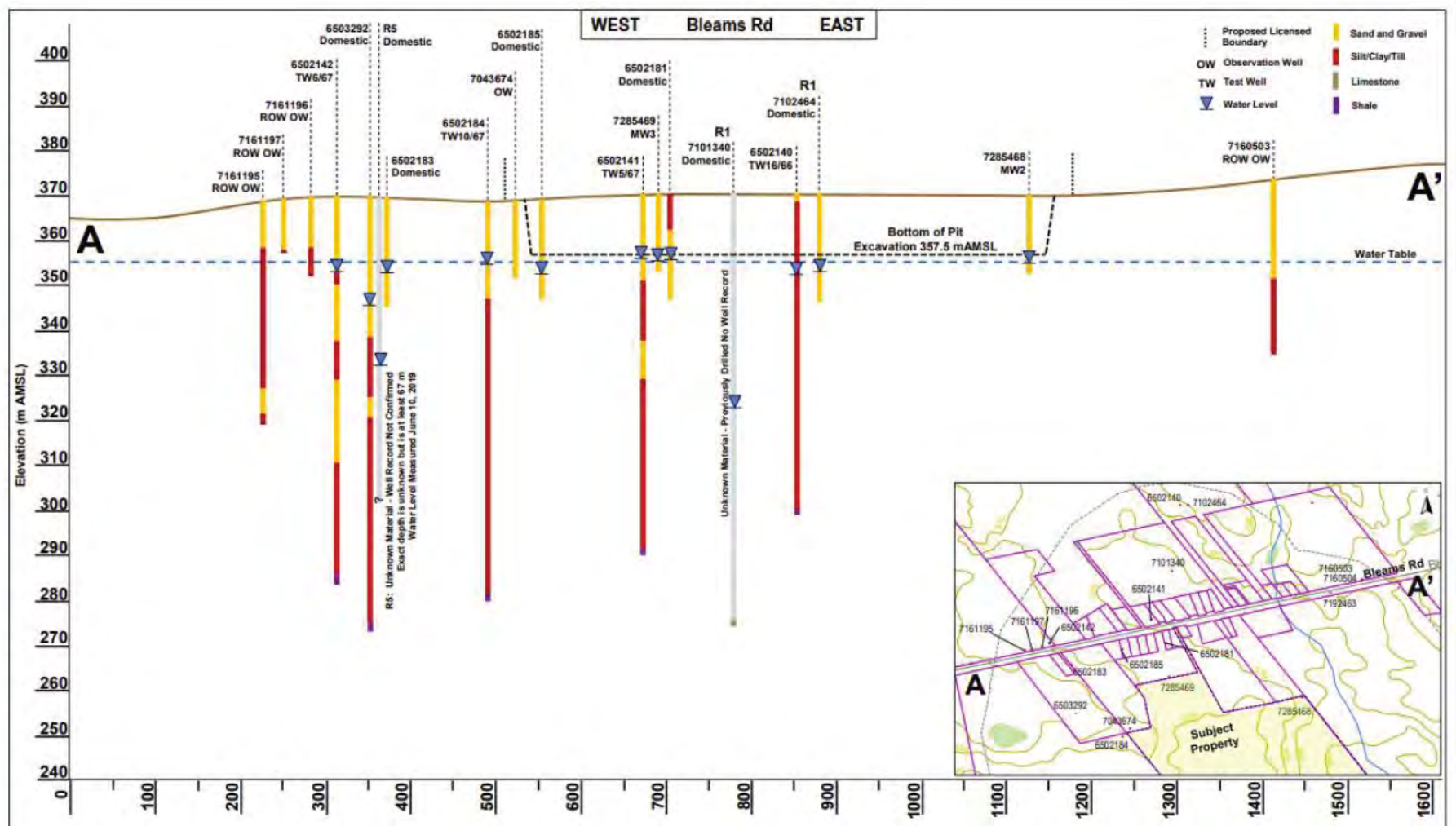
Center barns 8 GPM

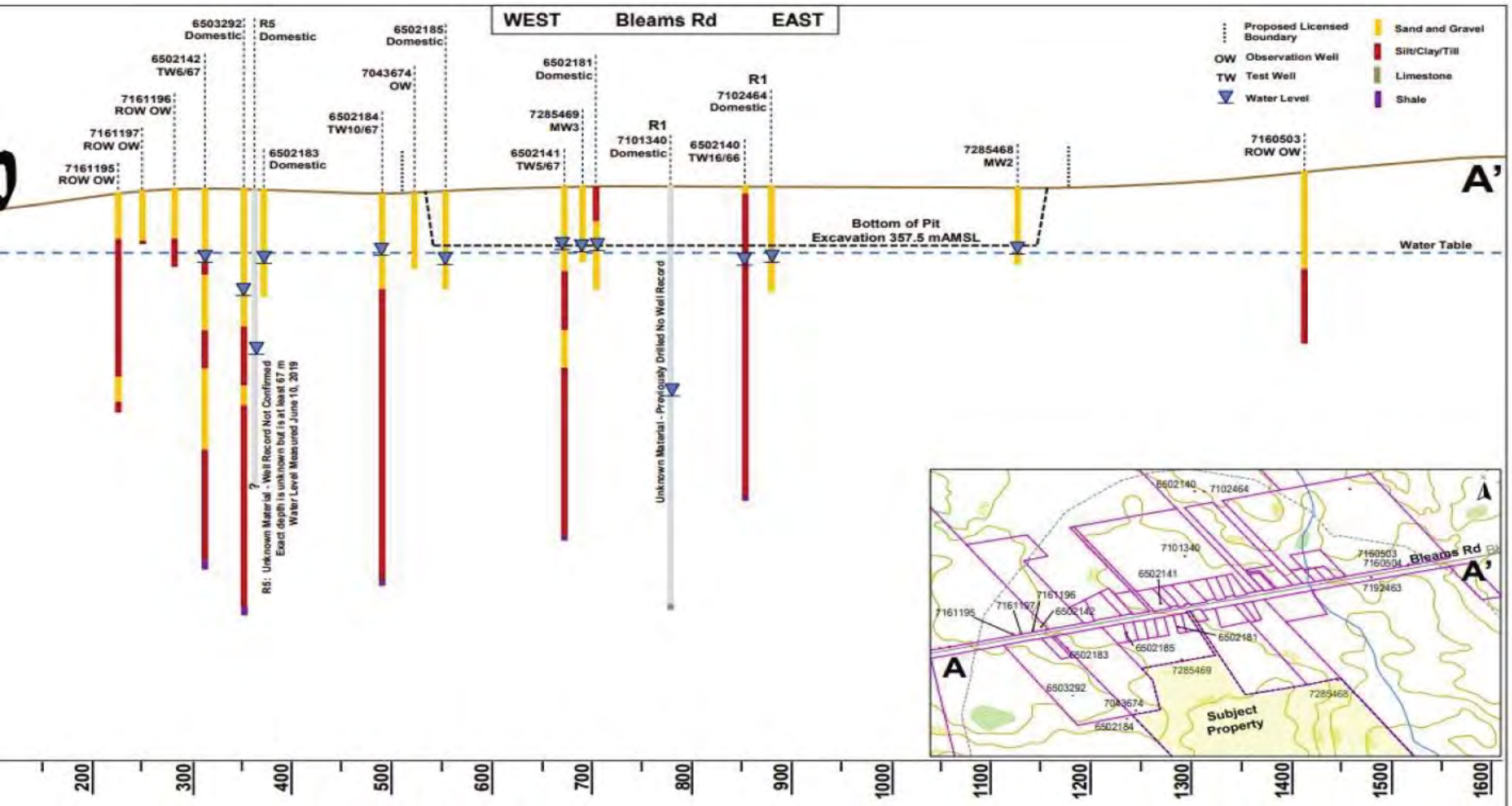
6504418	PDF HTML	N/A	N/A	3134	121.9	02/21/1976
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Irrigation well eastside of lane 600 GPM pump set at 70 m. Water quality: Mineral

6504472	PDF HTML	N/A	N/A	3134	106.1	06/03/1976
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Water supply Livestock 60 GPM pump set at 60m







Ministry of the Environment

The Ontario Water Resources Act WATER WELL RECORD

6504927

65004 EA

40917h

COUNTY OR DISTRICT: **Wilmot** TOWNSHIP: **Wilmot** CITY, TOWN, VILLAGE: **Wilmot**

CON. BLOCK, TRACT, SURVEY, ETC.: **South Of Bleams Road** LOT: **C10**

DATE COMPLETED: **18 July 1979**

OWNER: **R. 2 Petersburg**

LOG OF OVERBURDEN AND BEDROCK MATERIALS (SEE INSTRUCTIONS)			
GENERAL COLOUR	MOST COMMON MATERIAL	OTHER MATERIALS	DEPTH - FEET
			FROM TO
Brown	Sand		I 18
" "	Gravel	Clay	18 78
" "		Stones	78 108
" "	Clay		108 138
" "	Clay	Gravel	138 166
Gray	Clay		166 248
Brown	Clay	Stones	248 330
" "	Limestone		330 338

31 **WATER RECORD**

32 **CASING & OPEN HOLE RECORD**

41 **WATER RECORD**

51 **CASING & OPEN HOLE RECORD**

61 **PLUGGING & SEALING RECORD**

71 **LOCATION OF WELL**

81 **FINAL STATUS OF WELL**

91 **WATER USE**

101 **METHOD OF DRILLING**

111 **CONTRACTOR**

121 **OFFICE USE ONLY**



The Ontario Water Resources Commission Act WATER WELL RECORD

6504472

65004 BR S

40917h

COUNTY OR DISTRICT: **Waterloo** TOWNSHIP: **Wilmot** CITY, TOWN, VILLAGE: **Wilmot**

CON. BLOCK, TRACT, SURVEY, ETC.: **R. 2 Petersburg** LOT: **C10**

DATE COMPLETED: **03 June 1976**

OWNER: **Roslyn Park Farm Ltd.**

LOG OF OVERBURDEN AND BEDROCK MATERIALS (SEE INSTRUCTIONS)			
GENERAL COLOUR	MOST COMMON MATERIAL	OTHER MATERIALS	DEPTH - FEET
			FROM TO
			1 105
Brown	Stones	Clay	105 130
" "	Clay	Sand	130 172
" "	Clay		172 296
" "	Clay	Stoney	296 312
Blue	Shale		312 323
Brown	Limestone		323 340

31 **WATER RECORD**

32 **CASING & OPEN HOLE RECORD**

41 **WATER RECORD**

51 **CASING & OPEN HOLE RECORD**

61 **PLUGGING & SEALING RECORD**

71 **LOCATION OF WELL**

81 **FINAL STATUS OF WELL**

91 **WATER USE**

101 **METHOD OF DRILLING**

111 **CONTRACTOR**

121 **OFFICE USE ONLY**

131 **LOCATION OF WELL**

141 **FINAL STATUS OF WELL**

151 **WATER USE**

161 **METHOD OF DRILLING**

171 **CONTRACTOR**

181 **OFFICE USE ONLY**

Monitoring wells and bore holes Jackson Harvest Farm

7285467	HTML	A222270	Z253880	7238	6.1	04/06/2017
---------	------	---------	---------	------	-----	------------

MW 1 edge of pond

7285468	HTML	A222269	Z253881	7238	15.2	04/07/2017
---------	------	---------	---------	------	------	------------

MW 2 eastern fence line towards Shingtown

7285469	HTML	A222272	Z253882	7238	18.3	04/10/2016
---------	------	---------	---------	------	------	------------

MW 3 near Shingtown

7285466	HTML	A222271	Z253883	7238	22.9	04/10/2017
---------	------	---------	---------	------	------	------------

MW 4 eastern fence line, central

7290595	HTML	A225897	Z253991	7238	19.8	07/04/2017
---------	------	---------	---------	------	------	------------

MW 5 farm yard / lane

Bore holes / Well records with little info

7359729	HTML	A289807	Z336628	7675	N/A	04/01/2020
---------	------	---------	---------	------	-----	------------

7359731	HTML	A289086	Z336627	7675	N/A	04/02/2020
---------	------	---------	---------	------	-----	------------

7359732	HTML	A289805	Z336626	7675	N/A	04/07/2020
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BH6 26m

7359733	HTML	A289804	Z336625	7675	N/A	04/20/2020
---------	------	---------	---------	------	-----	------------

7359734	HTML	A289803	Z336624	7675	N/A	04/22/2020
---------	------	---------	---------	------	-----	------------

BH 7D – 47 m North west property corner, no records

7359728	HTML	A289808	Z336629	7675	N/A	04/02/2020
---------	------	---------	---------	------	-----	------------

BH barn area east south

7359730	HTML	A289809	Z336630	7675	N/A	04/03/2020
---------	------	---------	---------	------	-----	------------

WELLS EAST AND WEST OF PROPERTY

6504927	PDF HTML	N/A	N/A	3134	103.0	07/18/1979
---------	----------------------------	-----	-----	------	-------	------------

Next door neighbor 1874 domestic well east of farm entrance 12 GPM used to supply 1843

6503788	PDF HTML	N/A	N/A	5469	36.9	04/04/1973
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First property east on Witmer



6506072	PDF HTML	N/A	NA	3518	30.5	10/21/1986
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First neighbor to the west on Witmer Rd . Rated 10GPM **Water not meeting ODWS**

7298020	PDF HTML	N/A	Z250092	6231	N/A	09/25/2017
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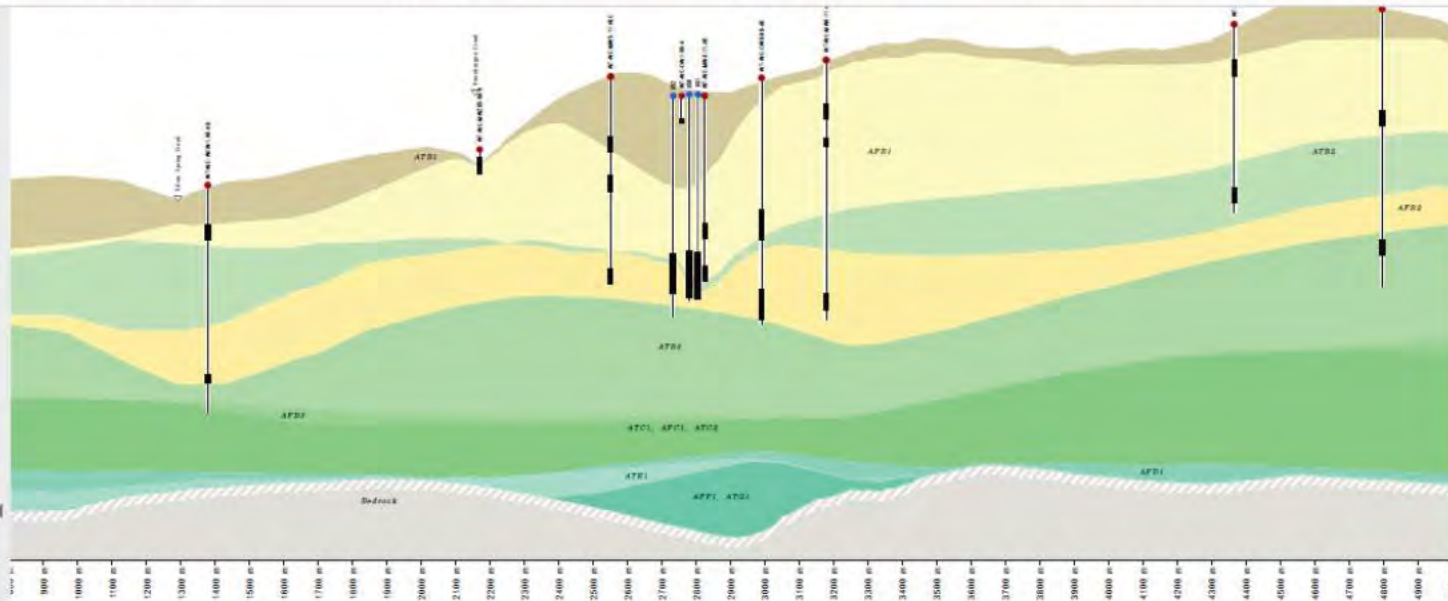
2215 Bleams closed

6502184	PDF HTML	N/A	N/A	2801	87.2	04/07/1967
---------	----------------------------	-----	-----	------	------	------------

Regional monitoring well OW- 10 -67 (decommissioned in Dec 2018)

Table 8-6: Aquifers Applicable to Wellfields for ISI Mapping

Wellfield	Production Wells	Screened Aquifer for ISI Mapping	Overlying Aquifer
Waterloo Area Wellfields			
Erb Street	W6A/W6C ^c , W6B, W7, W8	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
William Street	W1B, W1C, W2	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
Waterloo North	W5A, W25 (Laurel Tank)	Pre-Catfish Creek Aquifer (AFD1)	Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3)
Waterloo North	W10 ^a	Upper Waterloo Moraine Sands (AFB1)	n/a
Kitchener Area Wellfields			
Strange Street	K10A, K11A, K13/K13A ^c , K18, K19	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
Mannheim ASR	ASR1, ASR2, ASR3, ASR4, RCW1, RCW2	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
Mannheim East	K21/K21A ^c , K25, K29	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
Mannheim West	K23, K24, K26	Upper Waterloo Moraine Sands (AFB1)	n/a
Mannheim Peaking	K91, K92, K93, K94	Middle Waterloo Moraine Sands (AFB2)	Upper Waterloo Moraine Sands (AFB1)
Greenbrook	K1A ^a , K2A ^a , K4B ^a /K4C ^{a,c} , K5A ^a , K8 ^a	Pre-Catfish Creek Aquifer (AFD1)	Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3)
Parkway	K31, K32, K33	Pre-Catfish Creek Aquifer (AFD1)	Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3)
Strasbourg	K34, K36	Pre-Catfish Creek Aquifer (AFD1)	Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3)
Pompeii	K72 ^b , K73 ^b , K74 ^b , K75 ^b	Pre-Catfish Creek Aquifer (AFD1)	n/a
Woolner	K80 ^a , K81 ^a , K82 ^a	Pre-Catfish Creek Aquifer (AFD1)	n/a
Wilmot Centre	K50, K51, K52	Upper Waterloo Moraine Sands (AFB1)	n/a
Cambridge Area Wellfields			
Fountain Street	P16, P18 (Maple Grove)	Pre-Catfish Creek Aquifer (AFD1)	Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3)
Hespeler	H3, H3A, H4A, H5, H5A	Contact Zone	Middle Waterloo Moraine Sands (AFB2)



Monitoring Well

- Till and Stratified Deposits (ATC1, AFD1, ATC2)
- Glacioclastic Deposits, Fine Grained (ATE1)
- Glacioclastic Deposits, Coarse Grained (AFD1)
- Glacioluvial / Glacioclastic Deposits, Coarse Grained Over Coarse Till (AFF1, ATG1)
- Contact Zone
- Bedrock

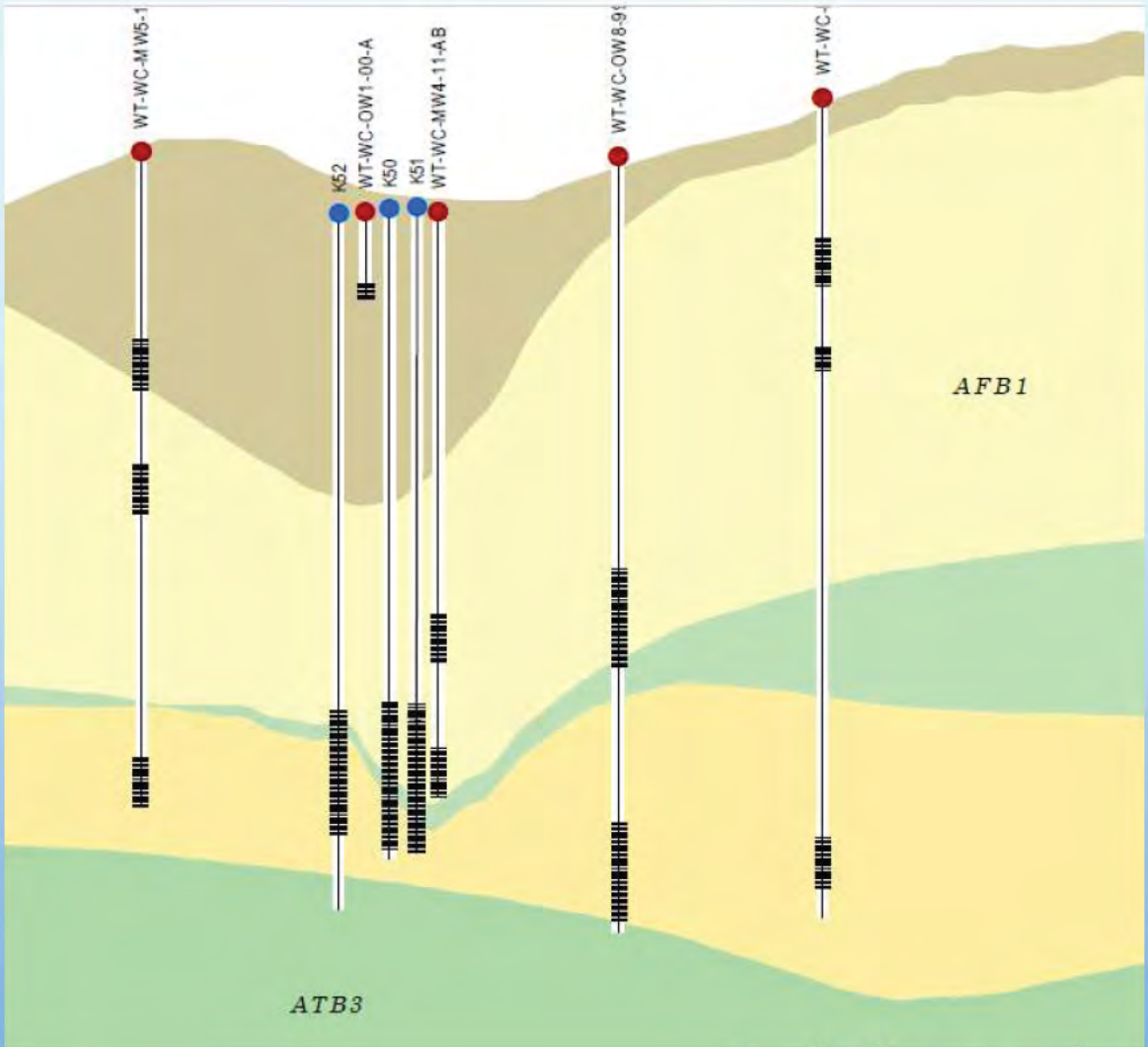


BURNSIDE

Client
**REGION OF WATERLOO
WILMOT CENTRE MONITORING
PROGRAM**


Figure Title ANNUAL MONITORING REPORT CROSS SECTION A - A'			
Drawn PS	Checked DH	Date September 2020	Figure No. 6
Horizontal Scale: 1:13,000		Project No.	
Vertical Ex.: 15x		HA048402	

17.00 x 11.00 in (442.5 x 279.4 mm) | 100% | 10/20/2020 10:00:00 AM | 17.00 x 11.00 in (442.5 x 279.4 mm) | 100% | 10/20/2020 10:00:00 AM



In response to your email below. We offer the following clarification with respect to the Record of Site Condition (RSC) filing referenced in your email :

1. The RSC filed was not a mandatory RSC filing required by provincial legislation, as land use is not changing to something more sensitive. The RSC needs to examine the existing site conditions and it's suitability for the intended future use of the property. It is important to note that the RSC process does not evaluate the future implications of a change in use of a particular property on the surrounding properties. It is a record of the environmental condition of the property itself at a point in time and determines whether or not the property is protective of human health and the environment specifically in regard to its intended future use.

The background of the slide is a light blue gradient with several realistic water bubbles of various sizes scattered across it, primarily concentrated in the top-left and bottom-right corners.

2. The RSC was filed for a change in land use from residential use to industrial use. In terms of O.Reg 153, agriculture use is the most sensitive use under the regulation. As such, you do not need an RSC to go from agriculture to residential use nor an industrial use as the use is not moving to something more sensitive. Further to this, the site specific generic standards for the identified contaminants of concern would be greater for industrial use as compared to residential and or agriculture use since the use is considered less sensitive.

3. The Phase One and Two that were provided in your email below are outdated (2017) and were not prepared for the purposes of filing an RSC but for due diligence purposes as clearly stated on page 1 of both documents. These documents were included as reference documents for the RSC, however, the Phase One (2020) and Phase Two (2020) would have had to be completed in accordance with the detailed requirement of O.Reg. 153. Please note that we do not automatically received these documents as part of the RSC review purpose so they would not be on file. That said, supporting documentation is provided on the Ministry's publicly accessible website and link is provided below:

<https://www.lrcsde.lrc.gov.on.ca/BFISWebPublic/pub/viewDetail?submissionId=227095>

Of note:

- Past land uses (pre 1835) were considered as part of the Phase One and Phase Two up to it's most recent use (residential and farmland)
- All areas of potential environmental concern were investigated on the property as part of the Phase Two and as required by the regulation. These areas appear to be limited to the southern portion of the property as identified in the Phase Two Conceptual Site Model, which can be accessed using the link above.

I hope you find the information above clarifies the nature of the RSC filing.

Regards,

Dana Mohammed

Senior Environmental Officer

Ministry of the Environment, Conservation and Parks

Drinking Water and Environmental Compliance Division

Guelph District Office

Mobile Phone: 519.820.3083

Fax: 519.826.4286

ANNUAL REPORT

Drinking-Water System Number: 260002707

Shingletown Water Supply System: Well K50

2020 Nitrate Well K50

1/13/20 3.38 mg/L

4/08/20 3.00 mg/L

7/14/20 2.96 mg/L

10/13/20 2.87 mg/L

Drinking-Water System Owner: Region of Waterloo

Drinking-Water System Category: Large Municipal
Residential

Period being reported: January 1 to December 31, 2020

Shingletown Water Supply System: Well K51

Drinking-Water System Owner: Region of Waterloo

Drinking-Water System Category: Large Municipal
Residential

Period being reported: January 1 to December 31, 2020

2020 Nitrate Well K51

1/13/20 <0.010 mg/L

4/08/20 <0.010 mg/L

7/14/20 <0.010 mg/L

10/13/20 <0.010 mg/L

Presentation to Wilmot Council May 17, 2021

Mayor Armstrong, Wilmot Councillors and staff, members of the public. My name is Dorothy Wilson and I am here this evening on behalf of the Nith Valley EcoBoosters, a local organization that is committed to achieving and supporting a long-term healthy environment in Wilmot and Wellesley Townships through education, action and collaboration. One action our group has decided to take is to support the Citizens for Safe Ground Water. We feel that the work that Citizens for Safe Ground Water is doing to oppose the proposed Hallman Pit directly aligns with the mandate of the Nith Valley EcoBoosters.

The focus of a number of presentations this evening is Water, Wetlands, Woodlots and Wildlife in relation to the proposed Hallman Pit. I would like to start off my presentation by talking about water. The Nith Valley EcoBoosters has a history of providing education to the public about how to protect and conserve water. In 2017 we developed a board game for this purpose, The Water Game. It has been used at the Living Well Festival and other community events, in schools, at presentations to community groups and to summer day camps run by the Wilmot Family Resource Centre. One key fact that players learn when playing the game is that most of our drinking water in Waterloo Region comes from ground water that is accessed by over 120 wells throughout the region. It makes sense to do everything possible to protect ground water. In fact, the Region of Waterloo has a Source Protection Plan that is intended to protect municipal wells from activities that could contaminate our drinking water. In addition, according to its website, the Township of Wilmot is committed to providing safe drinking water to its residents. Local citizens are encouraged to conserve water and adopt behaviours that protect water from contamination. It follows then, that our municipalities should not allow any activities that could jeopardize our water sources such as

permitting a gravel pit that is very close to municipal wells, as the proposed Hallman Pit would be.

Another fact that is introduced in our board game is that wetlands are important for a large number of reasons. Wetlands provide habitat for birds, fish and other wildlife; they filter pollutants from the water before it soaks into the ground; they store carbon which is important for mitigating climate change; and they help to control flooding. Many wetlands have been destroyed in order to have land for agricultural or development purposes. Things are rapidly changing though, as our planet is facing a far-reaching climate crisis. In some communities a new movement is growing where natural assets are given a monetary value. This results in town officials being responsible to maintain natural infrastructures just like they do with traditional brick and mortar assets. It also leads to nature-based solutions when considering how to deal with climate change. The International Union for the Conservation of Nature launched a set of global standards for nature-based solutions last year that could sequester a significant amount of carbon. Wilmot Council must join other communities in recognizing the value of natural areas in their jurisdictions. The Nith Valley EcoBoosters group urges Wilmot Council to take into consideration not only the health, but also the value of the wetlands that would possibly be adversely affected by proposed the Hallman Pit.

In 2020 the Nith Valley EcoBoosters began a collaboration with the Wilmot Horticultural Society and Rotary Wilmot, called Let's Tree Wilmot. Its mission is to increase the tree canopy cover in rural and urban areas of Wilmot. Trees do matter. They provide oxygen; absorb carbon; cool the environment; capture, store and filter rain water; provide habitat for insects, birds and other wildlife, among other things. Trees are very valuable and need to be protected. More trees need to be planted. Trees are vital for the long-term environmental health of our community, the country and, indeed, the entire planet. If

the proposed Hallman Pit is allowed to proceed, the trees in the woodlot, on the property in question, would be threatened. For the reasons stated above, those trees need protecting.

I have mentioned how wetlands and trees provide habitat for wildlife. Why should we care about the wildlife? For many of us with birdfeeders, we know how much pleasure we can derive from watching different birds visit our backyards. But more importantly, according to the Canadian Wildlife Federation, wildlife plays a vital role in the ecological and biological processes that are essential to life. The health of the environment is dependent on interactions among plants, animals and microorganisms. Some of the biological processes in which wildlife play a key role are pollinization, seed dispersal, soil generation, habitat maintenance and pest control. If you want to see a great example of the beneficial effects of wildlife, check out the video about the reintroduction of wolves into Yellowstone National Park. Also, I'm sure you are familiar with recent concern about declining bee populations that is linked to certain pesticides. Consider what I said earlier about the value of natural assets. Wildlife habitat is another important natural asset that needs protection for our health and the health of the planet. Wildlife habitat could certainly be compromised if the proposed Hallman Pit is approved.

In March of 2020, the Nith Valley EcoBoosters wrote a letter to the Township of Wilmot outlining our concerns about the proposed Hallman Pit. In that letter we stated that approving the development of the aggregate operation was in direct conflict with the Climate Emergency that had recently been declared by the township. Our opinion has not changed. All decisions that the township council make related to the management of Wilmot need to be guided by the fact that a Climate Emergency has been declared. Water, wetlands, woodlots and wildlife are all natural assets that must be protected. The Nith Valley EcoBoosters urges the Wilmot Council to prevent the

construction of the proposed Hallman Pit for the sake of a long-term healthy environment in our community.

Thank you for the opportunity to speak this evening.

Linda Laepple: Hydrogeological review May 17 2021 Presentation

Title: Slide 1

Wilmot is a caring community. We care local and we care globally. A good number of Wilmot citizens have been over the years with volunteer organizations to Africa, to help drill wells so women don't have to walk for hours carrying water. We are aware how privileged we are to turn the tap and clean safe water comes out, any time of the day. We are also aware of the struggles of local provincial and federal government departments in Canada to put an end to water boil advisory's and to clean up after corporations contaminated the ground water and left. We don't want to be added one day to this list. Elmira is enough.

Offices face paper, reports prepared by stakeholders. But we the community, incl staff and council, we will face reality for many years to come.

The Ministry approving the application is going by the checkpoints marked off in the application. Now, if there are only half of the facts presented in the Hallman pit application, that need to be considered in this unique case, it's not the Ministry's role to research if paper actually matches reality.

A good example the second wetland shown on most maps of the subject lands, that came and went. It wasn't shown in areal maps prior 1950 and since 3 years it is part of the row crop field again. Yet it served for many years as a manure lagoon, settling pond and extreme high levels of potassium in one of the soil tests of that area should have been red flags to the experts.

Slide 2

The Hydrological study reads:

- The Category 3 license will only permit the extraction of aggregate from above the water table.
- One pond will be created in the water table as a water source for the aggregate processing plant.
- A permit to take water will be required to supply the aggregate processing plant.

Slide 3

Operational plan notes read:

The Site plan sheet 2, operational notes read:

Section 18. Aggregate Washing: The wash plant (which is a machine by the way) will be located within Phase 1 with water derived from the wash ponds constructed into the water table; subject to approval by MECP, including (if necessary) a Permit to Take Water.

While all papers promises to keep a minimum of 1,5 meters above the water table one study talks about 1 pond into the water table as a water source and a water permit needed. Another planning paper clearly describes the intention to start operating wash ponds, no mention how many, into the water table right from the start or seek a permit to go into the water table once general approval is given.

Slide 4

Map of Operational plan

19. Aggregate Recycling: The Licensee **is permitted** to import concrete and asphalt for recycling and resale and/or blending purposes.

Recycling shall occur within the 'Recycling Area' as noted on Sheet 2 of 7.

To support the impression everything was done to remove any hazards from the site, an environmental assessment was done and a record of site condition filed.

Slide 5

Environmental site assessment and Record of site condition

May 23 2017 Phase one environmental site assessment

The assessment done for due diligent for a real estate transaction and not for a Record of Site condition.

The Phase II Environmental site assessment Page 136 of the Statement of limitations:

It should be noted that the observations and recommendations presented in this report are limited to the actual locations explored.

Slide 6

Areas of environmental concerns investigated

The environmental assessment used as back ground information for all studies is in reality valid only for these exact locations. The blue green and yellow where oil and air condition fluid stained soil and in ground fuel tanks were found and removed. These locations where used by the previous owner for private vehicle maintenance, the covered area by the silo where oil drums and stained concrete was removed for sure was not a farm equipment most likely not by the farming operation farm equipment maintenance.

The location chosen by the trees was to meet a requirement of investigating 30 meters from a waterbody. But there isn't any, yet.

Slide 7

Operational plan with irrigation well location

The red dots by the trees mark the test pits where construction waste were found and other litter. And now we see the waterbody. The planned wash pond in the water table, to supply the wash plant.

Waterloo Region Report / Burnside report describes the Shingltown / Witzels pond as the exposed Aquifer 1.

The blue dot marks the irrigation well, the location and condition or plans for future use **not mentioned in any reports same as another half dozen well on the property.** The well is so

deep it affects aquifer one and 2 passing thru an aquitard the consultants had calculated a 500 year travel time.

Since this well is located right under the proposed asphalt recycling area and we know storm water from our roads is contaminated, this opening could affect 2 aquifers.

On the other hand this well was used to mix manure and if the water is untested and used for aggregate washing, potentially contaminated water could be brought up from a lower aquifer and released into the upper aquifer many people depend on.

Slide 8

Witmer road well cross section

These are the wells found on and near the cattle yard including said irrigation well. Listed in the report but not investigated.

The blue area the recommended pump setting at the time of drilling.

Slide 9

Well records on cattle Yard

Note the dates and depths as they kept running out of water.

Slide 10

Bleams Rd Wells

These are Regional test wells and private wells along Bleams Road . Left out are the Regional production wells.

Slide 11 Bleams Rd

wells incl K50 -51

This is the screen setting of the Wells K50 and 51. In reality intake screens start just 22 meters under the water table.

Slide12 Deep well records

These deep well record for old deep wells were used to establish the theory of a 500 year travel zone aquitard along with the bore hole and test well drilling information.

Slide 13 Monitoring wells and bore holes 1 to 5

These records are from the wells drilled prior to purchase and are fairly shallow

Slide 14 Bore holes no records

The Region had asked for additional wells. They are also listed in the public well records website but no information in regards of depth or type of soils encountered.

Slide 15

Wells east and west on Witmer Road referenced in the study.

Slide 16

Aquifers applicable to Wellfields

This is from a recent Regional Report confirming were the wells draw the water from.

Slide 17

Same report Wellnest cross section

Slide18

Close up cross section. We, farming next to the Reginal wells have always had a close eye over the years on nitrate levels. Oddly enough the 2 wells only 10 or 15 meters apart, drawing water from the same depth measured very different nitrate levels. K50 up to 8 and K51a more constant 2. This tells us the water comes from 2 different directions to the wells.

The fact that pump tests at the wells influenced the water table as far as Hallman lake in the west and test wells on Sandhills near Witmer support the concept of an interconnected underground lake that needs to be protected from any spills or intentional deposited wash water.

Reality is the hydraulic system of one piece of heavy equipment holds 500 to 600l of oil. It takes a few liters to spill till its noticed and then the 15 liter buckets in the emergency kit at the scale house need to safe us.

(In case time is short)

Go to last slide.

But I have some good news to celebrate;

Slide 20 Nitrate levels in K50 and 51 continually reduced over the past years.

Farmers in the intake area near the Shingltown wellfield must have done something right over the last 10 or 15 years as for the very first time for all of 2020 the Nitrate in K 51 showed zero.

So please look at facts and reality and not just boxes ticked off in applications.

Slide 19 to 21 Ministry's responds to the Record of Site condition that misleadingdescribes rezoning from residential to industrial, not agriculture to aggregate.

In response to your email below. We offer the following clarification with respect to the Record of Site Condition (RSC) filing referenced in your email :

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I hope you find the information above clarifies the nature of the RSC filing.

Regards,

Dana Mohammed

Senior Environmental Officer

Ministry of the Environment, Conservation and Parks

Drinking Water and Environmental Compliance Division

Guelph District Office

Mobile Phone: 519.820.3083

Fax: 519.826.4286

May 17 Wilmot Township Delegation: Preservation and Recreation

Thank you for giving me time to speak tonight. My name is Christina Harnack and I live in Shingletown on Bleams Road.

As we heard tonight, Wilmot Council reads a Land Acknowledgement statement at the beginning of each meeting.

In a video post by Lindsay Brant, from the Centre for Teaching at Queen's University, she speaks to the importance of authentic and [Meaningful Land Acknowledgements](#). The first time I heard Wilmot's Land Acknowledgment is when hundreds of concerned citizens gathered in person at Wilmot council to present our concerns about the proposed Jackson Harvest Farm Gravel Pit.

I was struck by several parallels the land acknowledgement has with the concerns we are presenting in regards to our health, safety, community and environment. I want to re-read this for you tonight. Here is the **Land Acknowledgement** from your website:

We have gathered in Wilmot Township on the traditional territory of the Neutral, Anishnaabeg (u-nish-a-nah-bey) Haudenosaunee (ho-din-a-son-ni) and Mississauga peoples.

*We also want to acknowledge the importance of The Dish with One Spoon Covenant - a peace agreement made between Indigenous nations before the Europeans arrived. It characterizes our collective responsibility to each other and Mother Earth - **we should take only what we need, leave enough for others and keep the dish clean.***

By acknowledging this covenant and the First Nations, Métis and Inuit peoples, we are reminded of our important connection to this land where we live, learn and work together as a community.

As a non Indigenous person, I have a lot of work to do to better understand the importance of Land Acknowledgements and issues facing Indigenous members of our communities and harm done in the past. It is not my intention to use this Land Acknowledgment for my benefit, but I do want to genuinely ask, how do you, as members of Council and as Mayor, let this land acknowledgement guide and direct your decision making? What impact does this Land Acknowledgement have on your responsibility to each other and each member of the community? How does the statement, **“we should take only what we need, leave enough for others and keep the dish clean ”** inform your decisions in matters of land and re-zoning in Wilmot region? What stakeholders do you consult? Whose interests are you promoting and protecting? As Lindsay Brant references, land acknowledgments are not a check-box nor should they be lip service at the beginning of meetings.

Something that has been clearly presented by several delegations and Citizens for Safe Ground Water is that the need for aggregate is not something that a proposed gravel pit is required to demonstrate to the Ministry. You have the ability to still have some control in this process and in protecting this land and community by not granting this zone change application.

In the case of the proposed Hallman Pit, I want to respectfully ask, in making this zone changing decision, are the values of our community being represented here or are the values and hopes of the developer being prioritised? We all have a role to play in protecting our environment and our community. As councillors and Mayor, you have been elected and entrusted by us to make decisions and provide directions based on the needs and voices of the community. Over the last few years, you have heard clear opposition to the Hallman Pit from hundreds of people who live in the area through formal delegations, letters, e-mails, signed petitions, and conversations in regards to environmental concerns, protections of water, wildlife and wetlands but also for safety and well-being, from both a mental health and physical health perspective.

In speaking with a neighbour the other night, they reminded me that people in this neighbourhood have varied experiences and history with this area, some going back generations as far as their parents and grandparents. Some have enjoyed the area with their children visiting the natural habitat, and wooded area on the proposed property. Some still visit regularly and have seen coyotes, nesting ducks, muskrat dens, owls, deer, and currently fox. In presentations, those representing Jackson Harvest Farms and Mr. Esbaugh have said that the wetlands, in itself, will be untouched and preserved. That may be true. But it would be naive to not acknowledge that in reality, when the surrounding area is disturbed to the proposed extent – the safe habitat for wildlife provided by the pond, wooded area and wetlands WILL be destroyed. This is very upsetting, and quite a crime that an already overdeveloped and locally available commodity, takes precedence over protecting this natural habitat.

We and our neighbours continue to be concerned regarding the watershed issues. There are still different opinions and conflicting reports about what the risk is to destroying the water source and it would be a disaster if water had to be piped back to Shingletown from Kitchener and the strain this places on Kitchener's groundwater. Not to be forgotten is the reality that whatever the promises made and regulations in place there is literally no enforcement by the province. As a council, by allowing this rezoning, are you really comfortable with this risk? Does this project seek to take only what is needed and leave safe drinking water for all?

It is clear that Wilmot Council values the physical health and well-being of our community. My family and I have truly enjoyed the new additions of trails and the efforts of the Wilmot Trails Advisory Committee. In the recent Wilmot Employment Lands Press Release, connecting communities through new recreational trails is one of the features highlighted to entice new Wilmot residents. Through these 58 kilometers of existing trails you have connected communities, provided a well needed and critical way for people to connect with each other and with nature, especially during the time of this pandemic. With mental health crises on the rise and numerous studies, including reports from the World Health Organisation and Sick Kids, indicating that depression and anxiety are on the rise, especially in the midst of a pandemic, getting outside is more important than ever.

One does not need to look far for research that supports getting outside in nature as a significant way for people to improve their mental health; nature is healing and restorative. With the beautiful spring weather, people are taking advantage of the trails and the green spaces in our communities. Living on Bleams Road, the cyclists are also taking full advantage and a very used cycling route includes Witmer road and surrounding concessions. The WHO provides detailed resources about how to manage stress as well as mental health resources for the public. There are countless documents they provide about the benefits of being active in one's community, both through physical activity and by being connected to other people in improving mental health. In one of their documents #healthyathome, they state that:

“Regular physical activity can help give our days a routine and be a way to stay in contact with family and friends. It's also good for our mental health - reducing the risk of depression, cognitive decline and delay the onset of dementia - and improve overall feelings”. -WHO <https://www.who.int/news-room/campaigns/connecting-the-world-to-combat-coronavirus/healthyathome/healthyathome--physical-activity>

In our community in Shingletown, getting out and being active in our community includes being able to walk out of our homes along our property lines, being able to walk safely down to the Laepple Organic Farm, walking dogs, running or cycling along the road, and walking to crown land. Many have benefitted from the generosity of neighbours who share their laneways to walk or wetlands to explore. Being able to do this safely without driving to another community to do so is vital to our mental & physical health and well-being. Increased noise, dust, and most importantly volume of gravel truck traffic will negatively affect our ability to be active in our community.

Finally, please consider the cultural heritage surrounding the community in Shingletown. When we first moved here it was interesting to learn that the name derived from parcels of land divided and seemingly looking like roofing shingles overlapping, different from long linear property divisions. People's land was not always necessarily connected as they owned different "shingles" of land. Generations of farmers and people have lived and formed the community of Shingletown and the surrounding rolling hills, wildlife, woodlots, and wetlands are a part of that. The Hallman Pit would change all of that.

It is of note that The Region of Waterloo, in collaboration with the Heritage Resources Centre of the University of Waterloo and the Township of Wilmot, is undertaking a study of Cultural Heritage Landscapes in the townships of Wilmot and North Dumfries. Identifying and conserving cultural heritage resources, including landscapes or larger areas that retain cultural heritage value, is an important part of planning for and managing change in our communities. I am glad this study is taking place as making changes to zoning, community development, and environment has an impact not only on our future communities but on the heritage of our communities as well.

Please be courageous when you make a decision for this re-zoning proposal. Please remember the many people who have voiced their concerns and please make this decision with the values of our community at heart and not for the goals and projects of an individual developer.

Thank you for your time this evening.

Christina Harnack
Shingletown, Wilmot



TOWNSHIP OF WILMOT

INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-18

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director Information and Legislative Services / Municipal Clerk

PREPARED BY: Tracey Murray, Manager Information and Legislative Services / Deputy Clerk

REVIEWED BY: Sandy Jackson, Acting CAO

DATE: May 17, 2021

SUBJECT: Receipt of Petition for Drainage Works
1184 Gerber Road, N ½ Lot 10, Concession 3B
Township of Wilmot

RECOMMENDATION:

THAT the Township of Wilmot accept the Petition for Drainage Works received from Lucy Gawron for N ½ Lot 10, Concession 3B, 1184 Gerber Road, Township of Wilmot and

THAT the Clerk be authorized to proceed accordingly under The Drainage Act.

SUMMARY:

Receiving a petition for drainage works is the first step in the Municipal Drain process under the Province's Drainage Act.

REPORT:

Lucy Gawron has submitted and filed a petition with the Clerk April 27, 2021 to construct a new tile drain for the following lands: N ½ Lot 10, Concession 3B, 1184 Gerber Road, Township of Wilmot. The proposed work involves the construction of a new tile drain. The Drainage

Superintendent has met with the petitioner and has confirmed that this is a valid petition. A map of the subject area is attached for reference.

Pursuant to the Drainage Act, once the petition is filed, it proceeds to Council for acceptance. Following acceptance of the petition, staff will forward written notice within 30 days to: each petitioner, the Grand River Conservation Authority, and the Ministry of Natural Resources.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The acknowledgement of the petition supports the infrastructure within the municipality.

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of his report. At this time, there are no financial considerations.

ATTACHMENTS:

Petition for Drainage Works by Owners, Form 1
Area Map



Petition for Drainage Works by Owners Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Wilmot

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

N1/2 Lot 10, Concession 3B, 1184 Gerber Road

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Gawron</u>	(First Name) <u>Lucy</u>	Telephone Number [Redacted]
---	-----------------------------	--------------------------------

Address	
Road/Street Number <u>1184</u>	Road/Street Name <u>Gerber Road</u>

Location of Project			
Lot <u>N1/2 Lot 10</u>	Concession <u>3B</u>	Municipality <u>Wilmot</u>	Former Municipality (if applicable)

What work do you require? (Check all appropriate boxes)

- Construction of new open channel
- Construction of new tile drain
- Deepening or widening of existing watercourse (not currently a municipal drain)
- Enclosure of existing watercourse (not currently a municipal drain)
- Other (provide description ▼)

Name of watercourse (if known)
not applicable

Estimated length of project
500m

General description of soils in the area
clay loam

What is the purpose of the proposed work? (Check appropriate box)

- Tile drainage only
- Surface water drainage only
- Both

Petition filed this 26 day of April, 2021

Name of Clerk (Last, first name) <u>Mittelholtz, Dawn</u>	Signature [Redacted]
--	-------------------------



Region of Waterloo

Legend

Addresses

Assessment Parcels



458.6

0

229.31

458.6 Meters

This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Regional Municipality of Waterloo, 2013
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



Council Meeting Minutes

Monday, July 12, 2021

Council Meeting

Electronic Online Participation

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Acting Chief Administrative Officer / Director of Parks, Facilities and Recreation S. Jackson, Director of Information and Legislative Services D. Mittelholtz, Director of Public Works J. Molenhuis, Director of Development Services H. O’Krafka, Director of Corporate Services / Treasurer P. Kelly, Fire Chief R. Leeson, Director / Curator Castle Kilbride T. Loch, Manager of Information and Legislative Services / Deputy Clerk T. Murray

1. MOTION TO CONVENE INTO CLOSED MEETING (IF NECESSARY)

2. MOTION TO RECONVENE IN OPEN MEETING (IF NECESSARY)

3. MOMENT OF SILENCE

4. LAND ACKNOWLEDGEMENT

5.1 Councillor B. Fisher read the Land Acknowledgement.

5. ADDITIONS TO THE AGENDA

5.1 Consent Agenda – Item 11.4 Report PW 2021-015 Guide Rail Program – Award of Contract

Resolution No. 2021-144

Moved by: Councillor J. Pfenning Seconded by: Councillor C. Gordijk

THAT Item 11.4 be added to the agenda under CONSENT as Report PW 2021-015 Guide Rail Program – Award of Contract.

This information is available in accessible formats upon request

CARRIED.

6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None disclosed.

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meetings Minutes Monday June 28, 2021, and July 5, 2021

Resolution No. 2021-145

Moved by: Councillor A. Hallman Seconded by: Councillor C. Gordijk

THAT the minutes of the following meetings be adopted as presented:

Regular Council Meeting June 28, 2021, and Special Council Meeting July 5, 2021.

CARRIED. AS AMENDED.

Mayor L. Armstrong advised that staff received Councillor A. Hallman's written statement from the July 5, 2021, Special Council Meeting after the Council Agenda Package was released and that the minutes will be amended to include that statement.

8. PUBLIC MEETINGS

9. PRESENTATIONS

9.1 Mike Schout Wetlands

Phil Holst

9.1.1 REPORT DS 2021-24

Mike Schout Wetland Preserve

Approvals Update

Resolution No. 2021-146

Moved by: Councillor C. Gordijk Seconded by: Councillor A. Hallman

THAT Report DS 2021-24 be received for information.

CARRIED.

The Director of Development Services outlined the report and introduced Phil Holst.

Mr. Holst provided an update on the Wetland Preserve, advising that on or about August 9th a permit from the Grand River Conservation Authority (GRCA) is expected to continue works. Currently, site preparation is being done for seeding in October, at which time approximately 30 acres of the 50 acres should be seeded with pollinator plants, with the lower section being wet meadow plantings. This past spring 4200 seedlings were planted by GRCA.

Mr. Holst advised that they will be inviting some of the local volunteer groups to assist with tree planting and educational tours.

It was also advised that installs of nesting platforms for blue herons, turtle nesting mounds, snake hibernaculum, and various birdhouses will be completed to promote an increase in the amount of wildlife.

Mr. Holst advised Council that it is not often that a project of this size and scale in a subdivision is proposed. He stated this project is very unique and has the potential to serve as inspiration for other communities.

Mr. Holst explained that deep water is considered to be 2 meters in depth, as this allows for the needs of wildlife for hibernation.

The Acting CAO advised that staff can investigate potential pollination planting on Township properties.

10. DELEGATIONS

11. CONSENT AGENDA

11.1 REPORT NO. ILS 2021-28

Noise By-law Exemptions

The Community Players (TCP)

11.2 REPORT NO. ILS 2021-27

Appointment of Drainage Engineer

1184 Gerber Road, N ½ Lot 10, Concession 3B

Township of Wilmot

11.3 REPORT NO. ILS 2021-29

Acceptance of Petition Drain and Appointment of Engineer

Derek Bruyn

2043 Bean Road, N ½ 30, Concession 3A

Township of Wilmot

11.4 REPORT NO. PW 2021.015

Guide Rail Program – Award of Contract

Resolution No. 2021-147

Moved by: Councillor J. Gerber

Seconded by: Councillor B. Fisher

THAT Report Nos. ILS 2021-28, ILS 2021-27, ILS 2021-29 and PW 2021-.015 be approved.

CARRIED.

12. REPORTS

12.1 INFORMATION AND LEGISLATIVE SERVICES

12.1.1 REPORT NO. ILS 2021-30

Proposed Procedural By-law

Resolution No. 2021-148

Moved by: Councillor J. Pfenning

Seconded by: Councillor C. Gordijk

THAT Report No. ILS 2021-30 be endorsed.

CARRIED. AS AMENDED.

The Director of Information and Legislative Services outlined the report.

The Director of Information and Legislative Services confirmed that Item 8.12, subsection A, can be changed to read the Chair shall determine by order of hand raised and administer the speaking order of Council.

The Director of Information and Legislative Services advised that staff have been having conversations on how to make these changes easily accessed and understood on the website and that the Land Acknowledgement will be posted in a more accessible location on the website.

The Acting CAO advised that one of the directions that came from the Special Council Meeting of July 5th was the community engagement improvements and noted that staff will be looking at when a public information centre may be a more appropriate in terms of hearing feedback from the public.

The Director of Information and Legislative Services advised that delegations do not propose recommendations to Council, rather they go through a member of Council to bring that forward or at the discretion of the Chair. It was also noted that staff work with delegations to assist them in navigating the rules of the By-law.

The Acting CAO confirmed that the solicitor did a thorough review of the By-law.

12.1.2 REPORT NO. ILS 2021-12

Records Retention

Resolution No. 2021-149

Moved by: Councillor J. Gerber

Seconded by: Councillor A. Hallman

THAT Council By-law 2021-37, a By-law to provide a schedule of retention periods for the records of the Township of Wilmot be approved and to repeal By-law No. 92-54.

CARRIED.

The Manager of Information and Legislative Services outlined the report.

The Acting CAO advised that the information being tracked through the 80x50 program will include additional tracking from the Sustainability Committee and the Director of Corporate Services advised that there is a third party tool that also tracks all data and records.

12.2 CORPORATE SERVICES

12.2.1 REPORT NO. COR 2021-026

Development Charges Update Study

Resolution No. 2021-150**Moved by: Councillor C. Gordijk****Seconded by: Councillor B. Fisher**

THAT the Development Charges Background Study, prepared by Watson & Associates Economists Ltd., as amended, be approved; and further,

THAT Council deems that no further public meeting is required; and

THAT the 2021 Development Charges by-law be approved, with an effective date of August 31, 2021.

CARRIED.

The Director of Corporate Services outlined the report.

The Acting CAO advised that the Region is currently going through a planning exercise of Library services and that an update is expected in early Fall.

12.3 PUBLIC WORKS AND ENGINEERING**12.3.1 REPORT NO. PW 2021-014****Wilmot-Waterloo Boundary Road Maintenance Agreement****Resolution No. 2021-151****Moved by: Councillor J. Pfenning****Seconded by: Councillor B. Fisher**

THAT Council approve and enter into an agreement with the City of Waterloo for the maintenance, repair and capital services for Wilmot Line; and further,

THAT the Mayor and Clerk be authorized to execute the attached Boundary Road Agreement between the City of Waterloo and the Township of Wilmot.

CARRIED.

The Director of Public Works and Engineering outlined the report.

The Director of Public Works and Engineering noted that there is an obligation to consult with various Indigenous Communities and other community partners.

The Director of Public Works and Engineering explained that an environmental assessment consists of a study and a report that looks at options for upgrades to consider for any given project.

12.4 DEVELOPMENT SERVICES

12.4.1 REPORT NO. DS 2021-023

Aggregate Zoning Status Review

Resolution No. 2021-152

Moved by: Councillor J. Pfenning Seconded by: Councillor J. Gerber

That is be deferred.

THAT Report DS 2021-023 be received for information.

DEFERRED.

Mayor L. Armstrong asked that Council consider deferring the report to allow for staff to complete a fuller public consultation process.

13. CORRESPONDENCE

13.1 Grand River Conservation Authority - Environmental Registry Posting 019-2986: Regulatory proposal (phase1) under the Conservation Authorities Act

13.2 Township of Wilmot – Annual Ombuds Report

Resolution No. 2021-153

Moved by: Councillor B. Fisher Seconded by: Councillor C. Gordijk

THAT Correspondence Item No. 13.1 and 13.2 be received for information.

CARRIED.

14. BY-LAWS

14.1 By-law No. 2021-36 Procedural By-law

14.2 By-law No. 2021-37 Schedule of Records Retention**14.3 By-law No. 2021-38 Development Charges Amending By-law
Resolution No. 2021-154****Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning**

THAT By-law Nos. 2021-36, 2021-37 and 2021-38 be read a first, second and third time and finally passed in Open Council.

CARRIED. AS AMENDED.

15. NOTICE OF MOTIONS**16. ANNOUNCEMENTS**

16.1 Councillor J. Pfenning noted that July 18 to 24, 2021 is National Drowning Prevention Week and noted that everyone needs to be water smart all year round and that both the Life Saving Society and Township staff have information that can help.

16.2 Councillor A. Hallman asked that everyone continue to support local small business.

16.3 Councillor C. Gordijk noted that Thursday July 15, 2021, is the Annual Fundraiser held by Warren Bechtold.

16.4 Councillor C. Gordijk noted that The Community Players are presenting 5 shows in New Hamburg and are looking for volunteers and to contact them at operations@thecommunityplayers.com

17. BUSINESS ARISING FROM CLOSED SESSION**18. CONFIRMATORY BY-LAW****18.1 By-law No. 2021-39****Resolution No. 2021-155****Moved by: Councillor J. Pfenning Seconded by: Councillor A. Hallman**

THAT By-law No. 2021-39 to Confirm the Proceedings of Council at its Meeting held on July 12, 2021 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

19. ADJOURNMENT (8:19 PM)

Resolution No. 2021-156

Moved by: Councillor J. Gerber

Seconded by: Councillor B. Fisher

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.



INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2021-27

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services /
Municipal Clerk

PREPARED BY: Tracey Murray, Manager of Information and Legislative Services /
Deputy Clerk

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021

SUBJECT: Appointment of Drainage Engineer
1184 Gerber Road, N ½ Lot 10, Concession 3B
Township of Wilmot

RECOMMENDATION:

THAT Headway Engineering be appointed as Drainage Engineer to prepare the Engineer's Report relative to the petition for drainage works received from Lucy Gawron, 1184 Gerber Road, N ½ Lot 10, Concession 3B, Township of Wilmot.

SUMMARY:

For the Gawron Petition Drain, the next step is to appoint a Drainage Engineer to complete the Engineer's Report. Council is being asked to appoint Headway Engineering for this drain.

BACKGROUND:

Lucy Gawron submitted and file a petition with the Clerk on April 27, 2021, to construct a new tile drain for the following lands: N ½ Lot 10, Concession 3B, 1184 Gerber Road, Township of Wilmot.

REPORT:

Following the acceptance of the petition by Council, staff forwarded the notice to the petitioner and the required agencies; the Grand River Conservation Authority and the Ministry of Natural Resources and Forestry. At the time of writing this report, no comments have been received from the agencies noted above.

If appointed, the Drainage Engineer will conduct a site meeting where all property owners within the drainage watershed area will be invited to discuss the matter, ask questions and learn about the process.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The appointment of the Drainage Engineer and continued application of the Drainage Act supports the infrastructure within the municipality.

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, then the property owners that are affected would be assessed in accordance with the assessment schedule that will be prepared by the Engineer as part of their report. At this time, there are no financial considerations.



Council Meeting Agenda Council Meeting

Monday, June 26, 2023

6:00 p.m.

Council Chambers - Hybrid

60 Snyder's Road West

Baden, Ontario

N3A 1A1

This meeting will be held in-person and electronically in accordance with [Section 238 \(3.3\) of the Municipal Act, 2001](#). Please subscribe to the Township of [Wilmot You Tube Channel](#) to watch the live stream or view after the meeting.

[Delegations](#) must register with the Legislative Services Department. The only matters being discussed at this meeting will be those on the Agenda.

Pages

1. MOTION TO CONVENE INTO CLOSED MEETING

RECOMMENDATION

THAT a Closed Meeting of Council be held on June 26, 2023 at 6:00 p.m. in accordance with Section 239(2)(f) of the Municipal Act, 2001 to consider the following:

- Drainage Matter - 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

2. MOTION TO RECONVENE IN OPEN MEETING

RECOMMENDATION

THAT Council reconvenes in Open Session at 7:00 p.m.

3. MOMENT OF REFLECTION

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor S. Cressman

5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

6. ADDITIONS TO THE AGENDA

Item 13.6 - Correspondence from Peter Wurtele Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 14.2 - By- Law 2023-XX Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 14.3 - By-Law 2023-XX Being a By-Law to Confirm the Establishment of a Highway in the Township of Wilmot (Joseph Street road widening)

**7. ADOPTION OF THE AGENDA
RECOMMENDATION**

That the Agenda as presented for June 26, 2023, be adopted.

**8. MINUTES OF PREVIOUS MEETINGS
RECOMMENDATION**

5

THAT the minutes of the following meetings be adopted as presented:

- June 12, 2023 Regular Council Meeting

9. PUBLIC MEETINGS

**9.1 Bamberg Creek, Jananna, and Koch-Leis Municipal Drain, COR-2023-43
RECOMMENDATION**

11

THAT the Engineer’s Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek be considered in accordance with Section 42 of the Drainage Act; and

THAT the by-law 2023-XX, as attached to this agenda, be given first and second reading to provisionally adopt the Report if the Report if the petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 16, 2023, if By-law 2023-XX, as attached to this agenda, is provisionally adopted, with the following two members of Council appointed: Councillor _____ and Councillor _____

10. PRESENTATIONS

10.1 2022 Audited Financial Statements, COR 2023-36

91

Mike Arndt, Graham Matthew Professional Corporation

RECOMMENDATION

THAT Report COR 2023-36 regarding the 2022 Audited Financial Statements be received for information purposes.

11. CONSENT AGENDA

11.1	Award of Contract – Concrete Sidewalk Replacement, IS-2023-15 RECOMMENDATION THAT Council award RFT 2023-09 Concrete Sidewalk Replacement Program to Chad Hartman Construction of St. Pauls, Ontario as per their tender submitted Thursday June 8, 2023, in the amount of \$66,140.00, plus HST.	126
11.2	Seniors Active Living Centres Program Grant, CS-2023-14 RECOMMENDATION THAT Report CS 2023-14 regarding the Seniors Active Living Centres Program Grant opportunity be received; and further THAT Council direct staff to issue a letter of support to Community Care Concepts in conjunction with their grant funding application.	129
11.3	Interim Control By-laws, DS-2023-13 RECOMMENDATION THAT Report DS 2023-011 be received for information.	156
11.4	Proposed Streamlining of Approvals Under the Aggregate Resources Act, DS-2023-14 RECOMMENDATION THAT Report DS-2023-14 be received for information.	169
12.	REPORTS - NONE	
13.	CORRESPONDENCE	
13.1	Correspondence from the Township of Wellesley re: Notice of Request for Major Drain Improvements - Paff Drainage Works - Resolution No. 5	175
13.2	Petition regarding proposed Bamberg Creek, Jananna, and Koch-Leis Municipal Drain	182
13.3	Correspondence from Ken Heintz Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain	185
13.4	Correspondence from Landowners Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drainage Works	186
13.5	Correspondence from Cory Kittel re: Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain	187
13.6	Correspondence from Peter Wurtele Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain (addendum)	227

14. BY-LAWS**RECOMMENDATION**

THAT By-Law 2023-23 at item 14.1 as attached to this Agenda be read a third and final time and finally passed in Open Council; and

THAT By-Law 2023-XX at item 14.2 as attached to this Agenda be read for a first and second time, and be brought back to council at a future date for a third reading; and further

THAT By-Law 2023-XX at item 14.3 as attached to this Agenda be read for a first, second and third time and finally passed in Open Council.

- | | | |
|-------------|--|------------|
| 14.1 | By-Law 2023-23 Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Delton Reibling Municipal Drain | 228 |
| 14.2 | By- Law 2023-XX Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain (addendum) | 231 |
| 14.3 | By-Law 2023-XX Being a By-Law to Confirm the Establishment of a Highway in the Township of Wilmot (Joseph Street road widening) (addendum) | 234 |

15. NOTICE OF MOTIONS - NONE**16. ANNOUNCEMENTS****17. BUSINESS ARISING FROM CLOSED SESSION****18. CONFIRMATORY BY-LAW 235****RECOMMENDATION**

THAT the Confirmatory By-Law, as attached to this agenda, be read a first, second and third time, and finally passed in Open Council.

19. ADJOURNMENT**RECOMMENDATION**

THAT we do now adjourn to meet again at the call of the Mayor.

Council Meeting Minutes

Council Meeting

Date: June 12, 2023, 7:00 P.M.

Location: Council Chambers - Hybrid
60 Snyder's Road West
Baden, Ontario
N3A 1A1

Members Present: Mayor N. Salonen
Councillor S. Cressman
Councillor K. Wilkinson
Councillor H. Sidhu
Councillor L. Dunstall
Councillor S. Martin

Staff Present: Chief Administrative Officer, S. Chambers
Director of Infrastructure Services, J. Molenhuis
Director of Development Services, H. O'Krafka
Supervisor of IT, K. Jeffreys
Manager of Planning and Economic Development, A. Martin
Manager of Finance/Deputy Treasurer, A. Romany
Deputy Clerk, C. Curtis
Manager of Community Services, M. O'Krafka
Manager of Legislative Services/Clerk, J. Bunn
Director of Community Services, C. Catania

1. MOTION TO CONVENE INTO CLOSED MEETING

There was no Closed Meeting on this date.

2. MOTION TO CONVENE IN OPEN MEETING

Moved by: Councillor S. Cressman

Seconded by: Councillor L. Dunstall

THAT Council convenes in Open Session at 7:00 p.m.

Motion Carried

3. MOMENT OF REFLECTION

June is Amyotrophic Lateral Sclerosis (ALS) Awareness Month in Canada. It's a time to raise awareness about the devastating disease that is impacting the 3,000 Canadians living with it and their families, including Mayor Salonen.

ALS is a relentlessly progressive, fatal motor neuron that eventually leads to the loss of the ability to move, speak and breathe. This disease can move with startling swiftness: four out of five people die within two to five years of their diagnosis. And it has tremendous emotional, financial, and psychological impact on patients and their families.

June is Elder Abuse Month. The Township of Wilmot will be joining communities locally, regionally, nationally, and across the world to heighten awareness of elder abuse. It focuses our attention on the need for all of us, to take responsibility in preventing elder abuse.

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor S. Martin read the Territorial Acknowledgement.

5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

There were no disclosures of pecuniary interest declared at this meeting.

6. ADDITIONS TO THE AGENDA

There were none.

7. ADOPTION OF THE AGENDA

Moved by: Councillor S. Cressman

Seconded by: Councillor S. Martin

That the Agenda as presented for June 12, 2023, be adopted.

Motion Carried

8. MINUTES OF PREVIOUS MEETINGS

Moved by: Councillor S. Martin

Seconded by: Councillor L. Dunstall

THAT the minutes of the following meetings be adopted as presented:

- May 29, 2023 Regular Council Meeting

Motion Carried

9. PUBLIC MEETINGS

9.1 ZCA-03-23, Nicholas Hilts, 466 Fairview Street, New Hamburg, DS-2023-10

Moved by: Councillor H. Sidhu

Seconded by: Councillor L. Dunstall

THAT Council approve Zone Change Application 03/23 by Nicholas Hilts to permit, as a temporary use, two dwellings for a period of up to 18 months, subject to the following:

1. That the implementing by-law specifically limit occupancy to only one dwelling at any time.

Motion Carried

10. PRESENTATIONS

There were none.

11. CONSENT AGENDA

Moved by: Councillor S. Martin

Seconded by: Councillor S. Cressman

THAT consent agenda items 11.1, 11.2, and 11.3 be approved.

Motion Carried

11.1 Award of Contract – Tennis Court Resurfacing (Sir Adam Beck), CS-2023-11

THAT Report CS 2023-11, regarding the Award of Contract to Bourassa Sport Technologie for Tennis Court Resurfacing at Sir Adam Beck Park be received for information purposes.

11.2 Castle Kilbride Summary of Activities 2022, CS-2023-13

THAT Report CS 2023 – 13 regarding Castle Kilbride Activities for 2022, be received for information purposes.

11.3 Regional Official Plan Amendment, 63 Benjamin Street, New Dundee, DS-2023-11

THAT Report DS 2023-011 be received for information.

12. REPORTS

12.1 Minister's Decision on ROPA 6 – Baden and New Hamburg Secondary Plan, DS-2023-12

Council asked and received answers from Staff on the following:

- Confirmation on the legend of Attachment 2;
- What the next steps of the process are;
- Servicing capacity for majority of development areas; and
- External partners to be consulted on the project.

Moved by: Councillor S. Cressman

Seconded by: Councillor K. Wilkinson

THAT Report DS-2023-12 be received for information; and,

THAT Council direct staff to prepare a Terms of Reference for the development of a secondary plan for Baden and New Hamburg that will contemplate and create a long-term plan for the development of lands inside the Countryside Line in Wilmot Township; and further,

THAT Council direct staff to issue an RFP for consulting services to complete the secondary plan.

Motion Carried

12.2 Council Member Appointment to Heritage Wilmot and Castle Kilbride Advisory Committee, COR-2023-41

Councillor Sidhu nominated Councillor Martin.

Moved by: Councillor L. Dunstall

Seconded by: Councillor H. Sidhu

THAT Councillor S. Martin be appointed to the Heritage Wilmot and Castle Kilbride Advisory Committee for a term of June 12, 2023, to December 31, 2024.

Motion Carried

13. CORRESPONDENCE

13.1 Correspondence from Emily McIntosh and Diane Noble on behalf of The Women of Ontario Say No

13.2 Correspondence from Minister for Seniors and Accessibility (MSAA)

14. BY-LAWS

Moved by: Councillor H. Sidhu

Seconded by: Councillor L. Dunstall

THAT By-Laws as attached to this Agenda be read a first, second and third time, and finally passed in Open Council.

Motion Carried

14.1 By-Law 2023-30 Being a By-Law to Further Amend By-Law no. 83-38 Being a Zoning By-law for the said Township of Wilmot (466 Fairview Street)

15. NOTICE OF MOTION

There were none.

16. ANNOUNCEMENTS

Mayor Salonen and Chief Administrative Officer, S. Chambers, introduced the new Director of Community Services, Chris Catania. Chris comes to Wilmot with over thirty years of municipal experience. Chris started in the Town of Aurora and moved on to the Town of East Gwillimbury prior to coming to Wilmot.

There will be blood donor drive on June 19th at Steinmann Mennonite Church.

17. BUSINESS ARISING FROM CLOSED SESSION

There was no Closed Meeting on this date.

18. CONFIRMATORY BY-LAW

Moved by: Councillor S. Cressman

Seconded by: Councillor K. Wilkinson

THAT the Confirmatory By-Law, as attached to this agenda, be read a first, second and third time, and finally passed in Open Council.

Motion Carried

19. ADJOURNMENT

Moved by: Councillor L. Dunstall

Seconded by: Councillor S. Cressman

THAT we do now adjourn to meet again at the call of the Mayor.

Motion Carried



CORPORATE SERVICES

Staff Report

REPORT NO: COR-2023-43

TO: Council

SUBMITTED BY: Patrick Kelly, Director of Corporate Services/Treasurer

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO
Patrick Kelly, Director of Corporate Services/Treasurer
Jeff Bunn, Manager of Legislative Services/Clerk

DATE: June 26, 2023

SUBJECT: Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

RECOMMENDATION:

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek be considered in accordance with Section 42 of the Drainage Act; and

THAT the by-law 2023-XX, as attached to this agenda, be given first and second reading to provisionally adopt the Report if the Report if the petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 16, 2023, if By-law 2023-XX, as attached to this agenda, is provisionally adopted, with the following two members of Council appointed: Councillor _____ and Councillor _____

SUMMARY:

This report outlines the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains Report for Council consideration and recommends that the Report be provisionally adopted and the Court of Revision be scheduled for August 16, 2023.

BACKGROUND:

On July 12, 2021, Council appointed Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. In the Report, the Engineer outlined the history of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains.

On May 5, 2023, Stephen Brickman, P. Eng., Headway Engineering filed with the Township Clerk the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains.

On May 29, 2023, the Council of the Township of Wilmot directed the Clerk to schedule a Meeting to Consider the Report.

REPORT:

Pursuant to the requirements of the Drainage Act, notice of this meeting and copies of the Engineer's Report (attached) were forwarded to the assessed lands and roads, as well as any affected public agencies, as required.

The Drainage Engineer will be attending the council meeting to present the Engineer's Report. Assessed landowners and all other affected parties will be given the opportunity to ask questions and voice any concerns relating to the Report. The Drainage Engineer will respond to any questions that may arise from delegations and/or Council. At the conclusion of the meeting, there will be an opportunity for affected owners to add or withdraw their names from the petition.

As per the Drainage Act, if the Section 4 request is confirmed and the petition remains valid at the conclusion of the meeting, Council may proceed by giving first and second reading to By-law 2023-XX, as attached to this agenda, to provisionally adopt the report. Council then sets a date for the Court of Revision and appoints two members to the Court of Revision. As the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains crosses the municipal border into the Township of Wellesley, a Councillor from Wellesley must be appointed to the Court of Revision.

Staff, in consultation with the Drainage Engineer and staff from the Township of Wellesley, will propose a Court of Revision date to be held on August 16, 2023.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Goal 6, Ensure availability and sustainable management of water and sanitation for all:

- Target 6.5 – Implement integrated water resources management at all levels, including through transboundary cooperation as appropriate
- Target 6.6 – Protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, all affected property owners would be assessed in accordance with the assessment schedule. Upon completion of the project, Council will be required to approved the Drain Levy By-law, at which time staff will process billing to assessed properties and submit funding applications to OMAFRA for eligible properties.

ATTACHMENTS:

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 – Engineer’s Report
By-law 2023-XX



**Bamberg Creek, Jananna, and
Koch-Leis Municipal Drains
2023**

April 28, 2023

Prepared for:





23-500 Fairway Road South
Suite 308
Kitchener, Ontario N2C 1X3
226 243 6614
www.headwayeng.ca

Kitchener, Ontario
April 28, 2023

To the Mayor and Members of Council:

Re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023
Township of Wilmot
Our Reference No. WLMT-002

Headway Engineering is pleased to provide its report for the **Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023** in the Township of Wilmot.

The preparation of this report was authorized by resolutions of the Council of the Township of Wilmot on July 12, 2021, per Section 4(1) of the Drainage Act.

The primary objective of this report is to establish a new Municipal Drain designed to today's standards of drainage for an area requiring drainage. The report recommends the construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek. Improvements are required to portions of the Koch-Leis Drain, and the Bamberg Creek.

A summary of the assessments for this project are as follows:

Municipal Lands	\$32,649
Privately Owned Agricultural – Grantable	\$430,251
Total Estimated Assessments	\$462,900

Yours truly,

Stephen Brickman, P.Eng.
Project Engineer and Manager

Adam Hall
Project Coordinator
HEADWAY ENGINEERING
SB/





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SPECIFICATIONS FOR THE CONSTRUCTION OF MUNICIPAL DRAINAGE WORKS



23-500 Fairway Road South
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226 243 6614
www.headwayeng.ca

1.0 INTRODUCTION AND LOCATION

The Council of the Township of Wilmot has appointed Headway Engineering to investigate a petition for a new municipal drainage works. The project services parts of Lots 9 to 12 in Concessions 3 Block B, in the Township of Wilmot, and parts of Lots 6 to 8 in Concession 2, Eastern Division, and part of Lot 8, Concession 3, Eastern Division in the Township of Wellesley.

The liable drainage area comprises of approximately 221 hectares, and land uses within the watershed include agriculture, bush lands, and roads.

The attached Plans, Profiles and Details; Drawing Numbers 1 to 6, show and describe in detail the location and extent of the work to be completed and the lands which are affected.

2.0 PROJECT AUTHORIZATION

Authority to prepare this report was obtained by resolutions of the Council of the Township of Wilmot at its July 12, 2021 Council Meeting to appoint Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. The area requiring drainage is part of Lot 10, Concession 3, Block B. The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.

3.0 MUNICIPAL DRAINAGE HISTORY

3.1 Koch-Leis Drain (1950)

The Koch-Leis Drain was originally constructed under the authority of a report prepared by Graham Reid & Associates, dated November 15, 1950. This 1950 report provided for the construction of the entire Koch-Leis Drain as an open ditch.

The following table summarizes the maintenance activities on the Koch-Leis Drain, per Township records:

Year	Location	Description
1985 (Summer)	Gerber Road, downstream to Bamberg Creek	Ditch cleanout
2010 (Fall)	Bamberg Creek	Beaver, and beaver dam removals
2012 (Spring)	Sta. 0+000 to Sta. 0+374 (approx.)	Ditch cleanout
2018 (Spring)	Sta. 0+000 to Sta. 0+620 (approx.), and spot locations upstream	Ditch cleanout and brushing, spot cleanouts.
2021 (Fall)	Sta. 0+000 to Sta. 0+374 (approx.)	Ditch cleanout and brushing



4.0 PUBLIC MEETINGS AND ENGAGEMENTS

4.1 On-Site Meeting

Per Section 9(1) of the Drainage Act, an on-site meeting was held on September 22, 2021 to address the Section 4 Petition. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent
Josh Graham, C.E.T.	Region of Waterloo
Ken Renner	Region of Waterloo

Landowners included:

Lucy Gawron	Walter Krupnik	Wayne & Irene Schneider
Ron McCormick	Christine Gawron	

4.2 Public Information Meeting No. 1

A Public Information Meeting was held on September 29, 2022. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent

Landowners included:

Cory Kittel	Wayne & Irene Schneider	Walter Krupnik
Lucy Gawron	Ken & Cathy Heintz	Justin Miller
Chris & Keith Turner	Ron McCormick	Theresa Gawron (Virtually)

The information supplied included details on the proposed construction of two pipe drainage systems identified as the East and West Branches, and improvements to Bamberg Creek.

This meeting provided a review of the design of the proposed drainage system, the estimated costs of the project, and the proposed assessments.

Subsequent to the meeting, improvements were requested to the lower end of the Koch-Leis Drain. Given the frequent need for cleanouts (three cleanouts in 10 years at the lower end), and the newly proposed improvements to Bamberg Creek, additional grade is available to the Koch-Leis Drain.

4.3 Public Information Meeting No. 2 (Koch-Leis Drain Improvements)

A second Public Information Meeting was held on November 24, 2022. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent
Garth Noecker	Township of Wellesley, Drainage Superintendent
Ken Renner	Region of Waterloo

Landowners included:

Lucy Gawron	Wayne & Irene Schneider	Walter Krupnik
Jeff Cressman	Dave and Eva Cressman	Ken & Cathy Heintz
Chris Gawron	Keith Turner	Peter Schneider



The information supplied essentially included the same details as presented at the Public Information Meeting No. 1, but with improved grade at the lower end of the Koch-Leis Drain.

This meeting provided a review of the design of the proposed drainage system, the estimated costs of the project, and the proposed assessments.

5.0 FINDINGS

Based on the information collected during field investigations, surveys, public engagements, and review of documentation, the following summarizes Headway Engineering's findings:

5.1 General Findings:

- The watershed was established through the analysis of tile drainage maps, previous engineers' reports for surrounding systems, field investigations, surveys, and data analysis of the Southwestern Ontario Orthophotographic Project (SWOOP). The drainage area liable for assessment comprises of approximately 221 hectares.
- Land uses within the drainage area are as follows:
 - Agricultural: 180.4 hectares (82%)
 - Bush: 37.5 hectares (17%)
 - Roads: 3.1 hectares (1%)
- The Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Information Atlas describes the soil types within the watershed and along the route of the drain as follows:
 - Silt Loam (approximately 24%)
 - Silty Clay Loam (approximately 31%)
 - Sandy Loam (approximately 45%).
- Lands north of Gerber Road, and immediately south of Gerber Road are noted to be sandy with above average properties for infiltration.

5.2 Existing Drainage System:

- The Koch-Leis Drain has a very flat grade for approximately 300m at its outlet. The previous drainage report indicates that the Koch-Leis Drain was constructed with more grade.
- The outlet for the entire system is Bamberg Creek.
- Bamberg Creek shows signs of artificial improvements in its history, such as straightening, and additional depth at the time the Koch-Leis Drain was originally constructed (1950).

5.3 Outlet:

- The outlet for the system is Bamberg Creek approaching Berlett's Road, where the natural watercourse begins to take on more grade.



5.4 Other noted issues:

- The north part of Lot 10, Concession 3, Block B has been recently systematically tiled toward the Koch-Leis Drain. The north side of the property is not systematically tiled, as conditions improve for drainage.
- Eastern portions of Lot 10, Concession 3, Block B have been tiled toward the Koch-Leis Drain, where those lands would naturally drain south toward Bamberg Creek. The south-east portion of the property could not be drained toward the Koch-Leis Drain, and requires a legal outlet.
- Surface flows along the upper alignment of the East Branch and West Branch are causing reduced usability of the surrounding lands.
- Areas within the drainage area are likely to be tiled in the future.
- Tile outlets into Bamberg Creek do not have sufficient depth for today's standards of drainage.
- Bamberg Creek is prone to beaver activity. The municipality currently has limited ability to complete any maintenance on Bamberg Creek.
- Current topographic data indicates that portions of the Koch-Leis Drain watershed, as noted in the 1950 report, are incorrect.

5.5 Environmental Condition:

- Portions of the proposed drainage system pass through components of the Provincially Significant Sunfish Lake Laurel Creek Wetland Complex.

6.0 DESIGN CONSIDERATIONS

The proposed tile drainage system is sized using the Drainage Coefficient method contained in the OMAFRA Publication 29 – 'Drainage Guide for Ontario'. The Drainage Coefficient describes a depth of water to be conveyed by the drainage works per a 24-hour period and is expressed in millimeters per 24 hours. The drainage coefficient design standard used for the works proposed in this report is 25mm per 24-hour period.

The tile drains are to be installed along an alignment which approximately follows the natural flow paths.

Headway Engineering investigated a design option which relied on the use of the existing private drain for the lower portion of the West Branch as a municipal drain. This design option resulted in minimal cost savings while providing for smaller infrastructure. A single pipe system sized to today's standards is the most feasible option.

Pipe materials were selected based on location and intended land uses adjacent to the drainage system.

Surface water inlets have been placed purposefully to receive surface flow and allow for subsurface connections. Likewise, the elevation of the pipe systems are designed to provide for subsurface tile connections at, and between surface water inlets.



Works in Bamberg Creek have been designed to provide for sufficient outlet for the Koch-Leis Drain, and the East Branch. The proposed works also provide opportunity for improved tile drainage for workable areas adjacent to, or near works proposed in Bamberg Creek.

7.0 ENVIRONMENTAL CONSIDERATIONS AND PERMITTING

7.1 Department of Fisheries and Oceans (DFO)

The work proposed under this report consists of the new construction of a closed drainage system, and improvements to existing open watercourses. Headway Engineering submitted a Request for Review by DFO on April 12, 2022. DFO contacted Headway Engineering for additional discussion, and upon DFO's completion of their review, DFO provided the following correspondence, dated June 27, 2022:

"... the [Fish and Fish Habitat Protection] Program is of the view that your proposal will not require an authorization under the Fisheries Act, or the Species at Risk Act."

7.2 Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Environment, Conservation and Parks (MECP)

Headway Engineering completed a review of the Natural Heritage Information Centre mapping for Species at Risk in Ontario. Provincial Species at Risk requiring special consideration were not found in the working area.

In response to a public inquiry, the MECP reached out to Headway Engineering to request information, mainly relating to Eastern Meadowlark. Special provisions to locate (if present) the species within the work area have been prepared by Headway Engineering and approved by the MECP.

7.3 Grand River Conservation Authority (GRCA)

The GRCA provided correspondence dated October 21, 2021, which states the following:

"... our [GRCA] comments on works under the Drainage Act are advisory, and will not require a GRCA permit."

The correspondence also states the following:

"... we [GRCA] wish to stay involved as the study process moves forward."

The GRCA has been included on the circulation list for this report and has been notified of all public engagements. Additionally, Headway Engineering has forwarded design drawings to the GRCA on January 20, 2023, for comment, and held a virtual meeting with GRCA staff on February 3, 2023.

8.0 RECOMMENDATIONS

Headway Engineering recommends the following:

- A new municipal drainage system be installed from the outlet into Bamberg Creek in Lot 9, Concession 3, Block B, and extending upstream to the property line separating Lots 9 and 10, in the same concession. This Branch shall be known as the East Branch of the Jannana Municipal Drain.



- A new municipal drainage system be installed from the outlet into the Koch-Leis Drain in Lot 10, Concession 3, Block B, and extending upstream to the south road limit of Gerber Road, in the same concession. This Branch shall be known as the West Branch of the Jannana Municipal Drain.
- Improvements be made to the Koch-Leis Drain from its outlet into Bamberg Creek in Lot 10, Concession 3, Block B and extending upstream to the outlet of the West Branch.
- Improvements be made to Bamberg Creek from the outlet of the East Branch, and extending downstream to a sufficient outlet on the Schneider property (Roll No. 9-153).
- The proposed tile drainage system includes the installation of approximately 1,358m of 200mm to 450mm diameter pipes and is designed to convey flows at a design standard of 25mm per 24-hour period. The proposed improvements to the open channels consists of approximately 1,201m of cleanout.
- The proposed drainage system shall be constructed at an elevation adequate to drain the surrounding subsurface lands.
- This improved drainage system shall be known as the **Bamberg Creek, Jananna and Koch-Leis Municipal Drains 2023**. The Jananna Municipal Drain shall include the **East Branch**, and the **West Branch**. The Koch-Leis Drain will continue with the same identification.
- The watershed for the Koch-Leis Drain be updated per the most current topographic information, and the maintenance assessment be altered accordingly.
- Headway Engineering also recommends that the watersheds of the surrounding municipal drains be updated when those drainage systems are revisited in the future.

9.0 SUMMARY OF PROPOSED WORKS

The proposed work consists of:

1. The installation of approximately 1,358m of 200mm to 450mm diameter concrete field tile and HDPE pipe.
2. The installation of four concrete catch basins and one junction box, and
3. The improvement of approximately 1,201m of open channels.

10.0 WORKING AREA AND ACCESS

Access to the working area shall be as designated on the plans. In locations where access is not shown on the plans then access shall be designated by the Landowners.

10.1 Closed Drains (East and West Branches)

The working area shall be an average width of 25m for construction purposes, and an average width of 10m for maintenance purposes along the alignment of the proposed drain.

10.2 Open Drains (Bamberg Creek and Koch-Leis Municipal Drains)

The working area shall be an average width of 10m for construction and maintenance purposes along the working side of the open drain.



11.0 SCHEDULES

Four schedules are attached and form part of this report.

11.1 Schedule A – Schedule of Allowances

Following Sections 29, 30, and 33 of the Drainage Act, allowances are provided to Landowners for Right-of-Way, Damages to Lands and Crops and Loss of Access. Schedule A contains a table of the applicable allowances to Landowners.

11.2 Schedule B – Schedule of Estimated Construction Costs

An itemized cost estimate of the proposed construction work is included in detail in Schedule B.

11.3 Schedule C – Schedule of Assessment for Construction

Schedule C provides details of the distribution of the total estimated costs of the construction of the municipal drain.

11.4 Schedule D – Schedule of Assessment for Maintenance

Schedule D provides details of the distribution of future maintenance costs for the municipal drain. Maintenance assessments are expressed as a percentage of the total maintenance. Lands located upstream of the maintenance shall be determined by the Drainage Superintendent and assessed according to this schedule.

12.0 ALLOWANCES

Per Sections 29, 30, and 33 of the Drainage Act, Allowances payable to Landowners are described below.

12.1 Allowances for Right-of-Way (Section 29)

The Right-of-Way allowance compensates the lands for the right to enter onto the land at various times for the purpose of inspecting the drainage system and conducting maintenance activities. The land value used for the Right-of-Way calculation is adjusted for closed drainage systems to account for the continued use of the land after the construction.

The values used for calculating allowances for Right-of-Way are as follows:

Land Use	Land Value	Adjustment Factor for Drainage Act Right-of-Way	Adjusted Land Value for Drainage Act Right-of-Way Allowance
Agricultural (Maintenance Corridor)	\$60,000/Ha	25%	\$15,000/Ha
Wooded (Maintenance Corridor)	\$15,000/Ha	25%	\$3,750/Ha
Watercourse (Land Taken)	\$15,000/Ha	100%	\$15,000/Ha



12.2 Allowances for Damages to Lands and Crops (Section 30)

Allowances for Damages to Lands and Crops under Section 30 of the Drainage Act, are primarily calculated to compensate landowners for crop losses, and land damages due to the construction and operation of the drain, including access to the working area.

Area values used for calculating allowances for Damages are as follows:

Land Use	Damage Value
Agricultural	\$6,000/Ha
Wooded	\$3,000/Ha

12.1 Allowances for Loss of Access (Section 33)

An allowance may be provided to a Landowner if the establishment of a municipal drain causes the loss of access to a portion of the property. A Loss of Access allowance is calculated as the lesser of the following calculations:

- The cost of constructing a suitable bridge or crossing
- The value of the land which is severed from the rest of the property by the establishment of a municipal drain.

Five Loss of Access allowances are provided in this report, all of which resulted with the value of the land severed as the lesser of the above calculations.

Total Allowances, under Sections 29, 30, and 33 of the Drainage Act are \$167,400. Allowances payable to Landowners are shown in Schedule A.

Allowances will be deducted from the total assessments in accordance with Section 62(3) of the Drainage Act.

13.0 ESTIMATED CONSTRUCTION COSTS

Headway Engineering has made an estimate of the cost of the proposed construction work. A detailed description of the estimated construction costs can be found in Schedule B of this report.

Part A – Bamberg Creek Drain	\$ 44,400
Part B – Jananna – East Branch	\$ 60,300
Part C – Jananna – West Branch	\$ 50,100
Part D – Koch-Leis Drain	\$ 9,800
Part E – Provisional Items	\$ 16,200
Total Estimated Construction Costs	\$ 180,800



14.0 SUMMARY OF ESTIMATED PROJECT COSTS

The total estimated project costs are as follows:

Allowances under Sections 29, 30, 33 of the Drainage Act (Refer to Schedule A)	\$ 167,400
Total Estimated Construction Costs (Refer to Schedule B)	\$ 180,800
Public engagements, survey, design and drafting, preparation of preliminary cost estimates and assessments, preparation of drainage report, consideration of report	\$ 70,300
Agency Consultations and Approvals	\$ 1,200
Tendering, supervision, and inspection of construction, as-recorded drawing preparation	\$ 22,900
Contingencies, Interest and net H.S.T.	\$ 20,300
TOTAL ESTIMATED PROJECT COSTS	\$ 462,900
BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023	\$ 462,900

The estimated cost of the work in the Township of Wilmot is \$462,900.

The above costs are estimates only. The final costs of construction, engineering and administration cannot be determined until the project is completed.

The above cost estimate does not include costs associated with defending the drainage report should appeals be filed with the Court of Revision, Drainage Tribunal and/or Drainage Referee. Should additional costs be incurred, unless otherwise directed, the additional costs would be distributed in a pro-rata fashion over the assessments contained in Schedule C and as may be varied under the Drainage Act.

15.0 ASSESSMENT

Headway Engineering assesses the cost of this work against the Lands and Roads as shown in Schedule C - Assessment for Construction.

Assessments were determined using the principles included in the 'Drainage Assessment Revisited' paper prepared by E.P. Dries and H.H. Todgham. These principals of assessment are recognized to be fair and equitable for determining cost distributions among those affected.

15.1 Benefit (Section 22)

Benefit assessment is applied to those properties receiving a benefit as defined in Section 1 of the Drainage Act which is extracted below:

Benefit means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or sub-surface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures.



Typically, properties which have direct, or near direct access to the proposed drain receive Benefit as defined above.

15.2 Outlet Liability (Section 23)

Outlet Liability is distributed to all properties within the liable watershed area on an adjusted area basis. The areas are adjusted to accurately reflect equivalent run-off rates relative to other lands and roads within the watershed. Due to development, roads have been assessed higher Outlet Liability rates relative to agricultural lands.

15.3 Special Benefit (Section 24)

15.3.1 Assessment of Costs for Crossing Considerations

The Special Benefit instrument of assessment is used to separate the benefit portion of the crossing considerations from the remaining costs of the project. Crossing considerations include the Loss of Access allowances.

16.0 GRANT ELIGIBILITY

The Province provides grants toward assessments to eligible properties for drainage improvements which meet specified criteria. The provision of these grants for activities under the Drainage Act is known as the *Agricultural Drainage Infrastructure Program (ADIP)*.

A grant may be available for assessments to privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion. The Municipality will then deduct the grant from the assessments.

16.1 Allowance for Loss of Access

Following policy number 2.4 e) of the ADIP policies, no grant will be paid on an allowance for loss of access except when the cost of providing a crossing exceeds the value of the land losing access. As noted under Heading 12.1 of this report, all Loss of Access allowances were calculated based on the value of the land losing access. The Loss of Access allowances qualify for ADIP grants.

17.0 MAINTENANCE

After completion, the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains shall be maintained by the Township of Wilmot and the Township of Wellesley for those portions of the drainage systems which are located in their respective municipalities, at the expense of all the lands and roads assessed in accordance with the attached Schedule D – Assessment for Maintenance, and in the same relative proportions until such time as the assessment is changed under the Drainage Act, except for the portions of the drainage works on municipal right-of-ways. These portions shall be maintained at the expense of the road authority having jurisdiction over the road.



Schedule A

Allowances

Schedule of Allowances

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Bamberg Creek Drain	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	9	3 Block B	Oleg & Elena Borissova	9-151	\$ 1,020.00	\$ 1,020.00	\$ 1,000.00	\$ 3,040.00
	9	3 Block B	Cory & Kirby Kittel	9-165	\$ 270.00	\$ 270.00		\$ 540.00
	10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 2,310.00	\$ 1,720.00		\$ 4,030.00
	10	3 Block B	Peter & Barbara Wurtele	9-153-01	\$ 1,230.00	\$ 1,080.00	\$ 34,800.00	\$ 37,110.00
	10	3 Block B	David & Sherri Homanchuk	9-154	\$ 3,420.00	\$ 3,190.00	\$ 39,600.00	\$ 46,210.00
	Total Allowances							
	Bamberg Creek Drain				\$ 8,250.00	\$ 7,280.00	\$ 75,400.00	\$ 90,930.00

Jananna - East Branch	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	9	3 Block B	Cory & Kirby Kittel	9-165	\$ 3,270.00	\$ 3,770.00		\$ 7,040.00
	10	3 Block B	Jananna Corp.	9-164	\$ 5,750.00	\$ 5,750.00		\$ 11,500.00
	Total Allowances							
	Jananna - East Branch				\$ 9,020.00	\$ 9,520.00	\$ -	\$ 18,540.00

Jananna - West Branch	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	10	3 Block B	Jananna Corp.	9-164	\$ 11,400.00	\$ 11,400.00		\$ 22,800.00
	Total Allowances							
	Jananna - West Branch				\$ 11,400.00	\$ 11,400.00	\$ -	\$ 22,800.00

Koch-Leis Drain	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 2,810.00	\$ 530.00	\$ 8,700.00	\$ 12,040.00
10	3 Block B	David & Sherri Homanchuk	9-154	\$ 2,810.00	\$ 1,120.00		\$ 3,930.00	
10	3 Block B	Jananna Corp.	9-164	\$ 2,660.00	\$ -	\$ 16,500.00	\$ 19,160.00	
Total Allowances Koch-Leis Drain					\$ 8,280.00	\$ 1,650.00	\$ 25,200.00	\$ 35,130.00
					Right of Way (Sec. 29)	Damages (Sec. 30)	Loss of Access (Sec. 33)	Total Allowances
Total Allowances Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023					\$ 36,950.00	\$ 29,850.00	\$ 100,600.00	\$ 167,400.00



Schedule B

Estimated Construction Costs

Schedule of Estimated Construction Costs

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

Part A - Bamberg Creek Drain

Description	Estimated Quantity	\$/Unit	Total
1) Clearing, brushing and mulching	l.s.		\$ 20,000.00
2) Open ditch excavation (approx. 400m ³) including cleanout through concrete bridge at Sta. 0+539	650 m	\$ 20.00	\$ 13,000.00
3) Levelling of excavated material	650 m	\$ 6.00	\$ 3,900.00
4) Seeding of disturbed side slopes	2000 m ²	\$ 1.25	\$ 2,500.00
5) Supply and place rip-rap erosion protection at Sta. 0+000 to transition Bamberg Creek existing grade to proposed streambed (approx. 10m length)	l.s.		\$ 5,000.00

Total Estimated Construction Costs

Part A - Bamberg Creek Drain **\$ 44,400.00**

Part B - Jananna - East Branch

Description	Estimated Quantity	\$/Unit	Total
1) Supply 200mm diameter concrete field tile	288 m	\$ 20.00	\$ 5,760.00
Installation (Sta. 0+310 to Sta. 0+598)	288 m	\$ 32.00	\$ 9,216.00
2) Supply 400mm diameter concrete field tile	304 m	\$ 35.00	\$ 10,640.00
Installation (Sta. 0+006 to Sta. 0+310)	304 m	\$ 36.00	\$ 10,944.00
3) Supply 450mm diameter HDPE outlet pipe (CSA B182.8) complete with rodent grate	6 m	\$ 120.00	\$ 720.00

	<u>Description</u>	<u>Estimated Quantity</u>	<u>\$/Unit</u>	<u>Total</u>
4)	Installation of 450mm diameter outlet pipe complete with quarry stone rip-rap protection and geotextile filter material (50m ²)	I.s.		\$ 9,020.00
5)	Supply and install 600mm X 600mm concrete catchbasin at Sta. 0+598 (inline type)	1 ea.	\$ 2,500.00	\$ 2,500.00
6)	Supply and install 600mm X 600mm concrete catchbasin offset 21m east of Sta. 0+270 including connection to the main drain with 300mm diameter pipe	1 ea.	\$ 4,500.00	\$ 4,500.00
7)	Supply and install 900mm X 1200mm concrete junction box at Sta. 0+310 (inline type)	1 ea.	\$ 3,000.00	\$ 3,000.00
6)	Supply and install 900mm X 1200mm concrete ditch inlet catch basin at Sta. 0+218 (inline type)	1 ea.	\$ 4,000.00	\$ 4,000.00
Total Estimated Construction Costs				
Part B - Jananna - East Branch				\$ 60,300.00

Part C - Jananna - West Branch

	<u>Description</u>	<u>Estimated Quantity</u>	<u>\$/Unit</u>	<u>Total</u>
1)	Supply 200mm diameter concrete field tile	310 m	\$ 20.00	\$ 6,200.00
	Installation (Sta. 0+450 to Sta. 0+760)	310 m	\$ 32.00	\$ 9,920.00
2)	Supply 250mm diameter concrete field tile	444 m	\$ 25.00	\$ 11,100.00
	Installation (Sta. 0+006 to Sta. 0+450)	444 m	\$ 34.00	\$ 15,096.00
3)	Supply 250mm diameter HDPE outlet pipe (CSA B182.8) complete with rodent grate	6 m	\$ 120.00	\$ 720.00
4)	Installation of 250mm diameter outlet pipe complete with quarry stone rip-rap protection and geotextile filter material (30m ²)	I.s.		\$ 7,064.00
Total Estimated Construction Costs				
Part C - Jananna - West Branch				\$ 50,100.00

Part D - Koch-Leis Drain

Description	Estimated Quantity	\$/Unit	Total
1) Clearing, brushing and mulching	I.s.		\$ 2,025.00
2) Open ditch cleanout	275 m	\$ 20.00	\$ 5,500.00
3) Levelling of excavated material	275 m	\$ 6.00	\$ 1,650.00
4) Seeding of disturbed side slopes	500 m2	\$ 1.25	\$ 625.00

Total Estimated Construction Costs

Part D - Koch-Leis Drain **\$ 9,800.00**

Part E - Provisional Items

A Provisional Item is an item that may or may not be required as a part of the Contract. The decision as to whether a Provisional Item will form part of the Contract will be at the discretion of the engineer at time of construction. Payment for Provisional Items will only be made for work authorized in writing (text or email) by the Engineer. Payment for work performed under a Provisional Item shall be based on the Unit Price bid in the Scope of Work below.

- 1) Additional costs associated with installation of tile drain on 19mm diameter crushed clear stone bedding. This includes the supply and placement of all stone, and additional labour and equipment required for installation in accordance with the Typical Pipe Installation on wrapped Stone Bedding

Description	Estimated Quantity	\$/Unit	Total
250mm diameter pipe	75 m	\$ 40.00	\$ 3,000.00
400mm diameter pipe	150 m	\$ 50.00	\$ 7,500.00

- 2) Additional costs associated with installation of tile drain on 19mm diameter crushed clear stone bedding. This includes the supply and placement of all stone, and additional labour and equipment required for installation in accordance with the Typical Pipe Installation on Stone Bedding Detail (un-wrapped bedding).

Description	Estimated Quantity	\$/Unit	Total
250mm diameter pipe	25 m	\$ 30.00	\$ 750.00
400mm diameter pipe	50 m	\$ 40.00	\$ 2,000.00

Description	Estimated Quantity	\$/Unit	Total
3) Wheel machine lift outs due to stony conditions	3 ea.	\$ 300.00	\$ 900.00
4) Tile connections:			
Description	Estimated Quantity*	\$/Unit	Total
100mm diameter	10 ea.	\$ 90.00	\$ 900.00
150mm diameter	5 ea.	\$ 100.00	\$ 500.00
200mm diameter	5 ea.	\$ 130.00	\$ 650.00

*The Contractor shall be paid for the actual quantity of tile connections at the above fixed unit prices.

Total Estimated Construction Costs

Part E - Provisional Items

\$ 16,200.00

Summary of Estimated Construction Costs

Part A - Bamberg Creek Drain	\$ 44,400.00
Part B - Jananna - East Branch	\$ 60,300.00
Part C - Jananna - West Branch	\$ 50,100.00
Part D - Koch-Leis Drain	\$ 9,800.00
Part E - Provisional Items	<u>\$ 16,200.00</u>

Total Estimated Construction Costs

\$ 180,800.00

Total Estimated Materials	\$ 35,140.00
Total Estimated Labour and Equipment	<u>\$ 145,660.00</u>

Total Estimated Construction Costs

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

\$ 180,800.00



Schedule C

Assessment for Construction

Schedule of Assessment for Construction Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Property Details					Drainage Act Instruments of Assessment				For Information		
Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot											
9	3 Block B	Oleg & Elena Borissova	9-151	8.54	\$ 5,503.00	\$ 2,354.00		\$ 7,857.00	\$ 2,619.00	\$ 3,040.00	\$ 2,198.00
9	3 Block B	Cory & Kirby Kittel	9-165	13.84	\$ 18,241.00	\$ 4,374.00		\$ 22,615.00	\$ 7,538.00	\$ 540.00	\$ 14,537.00
10	3 Block B	Peter & Dagmar Schneider	9-153	9.3	\$ 12,500.00	\$ 1,933.00		\$ 14,433.00	\$ 4,811.00	\$ 4,030.00	\$ 5,592.00
10	3 Block B	Peter & Barbara Wurtele	9-153-01	0.89	\$ 12,811.00	\$ 182.00	\$ 32,020.00	\$ 45,013.00	\$ 15,004.00	\$ 37,110.00	-\$ (7,101.00)
10	3 Block B	David & Sherri Homanchuk	9-154	3.7	\$ 26,336.00	\$ 962.00	\$ 36,440.00	\$ 63,738.00	\$ 21,246.00	\$ 46,210.00	-\$ (3,718.00)
10	3 Block B	Jananna Corp.	9-164	45.3	\$ 10,649.00	\$ 11,040.00		\$ 21,689.00	\$ 7,230.00	\$ -	\$ 14,459.00
11	3 Block B	Kenneth & Catherine Heintz	9-156	6.2	\$ -	\$ 1,030.00		\$ 1,030.00	\$ 343.00	\$ -	\$ 687.00
11	3 Block B	Roadside Farm Inc.	9-163	42.8	\$ -	\$ 8,864.00		\$ 8,864.00	\$ 2,955.00	\$ -	\$ 5,909.00
12	3 Block B	David & Eva Cressman	9-160	3.1	\$ -	\$ 684.00		\$ 684.00	\$ 228.00	\$ -	\$ 456.00
Total Assessments on Lands					\$ 86,040.00	\$ 31,423.00	\$ 68,460.00	\$ 185,923.00	\$ 61,974.00	\$ 90,930.00	\$ 33,019.00
Gerber Road		Region of Waterloo			\$ -	\$ 4,364.00		\$ 4,364.00			\$ 4,364.00
Total Assessments on Roads					\$ -	\$ 4,364.00	\$ -	\$ 4,364.00			\$ 4,364.00
Total Assessments Main Open Township of Wilmot					\$ 86,040.00	\$ 35,787.00	\$ 68,460.00	\$ 190,287.00	\$ 61,974.00	\$ 90,930.00	\$ 37,383.00
Township of Wellesley											
6	2 East	Natalee Ridgeway	1-007-00	7.98	\$ -	\$ 1,571.00		\$ 1,571.00	\$ 524.00	\$ -	\$ 1,047.00
6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	\$ -	\$ 1,140.00		\$ 1,140.00	\$ 380.00	\$ -	\$ 760.00
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 848.00		\$ 848.00	\$ 283.00	\$ -	\$ 565.00
7	2 East	264171 Holdings Ltd.	1-008	25.45	\$ -	\$ 2,757.00		\$ 2,757.00	\$ 919.00	\$ -	\$ 1,838.00
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.5	\$ -	\$ 99.00		\$ 99.00	\$ 33.00	\$ -	\$ 66.00
8	2 East	Robert & Anne Jantzi	1-009	25	\$ -	\$ 4,759.00		\$ 4,759.00	\$ 1,586.00	\$ -	\$ 3,173.00
8	3 East	Bamway Industries Inc.	1-027	6.9	\$ -	\$ 1,006.00		\$ 1,006.00	\$ 335.00	\$ -	\$ 671.00
8	3 East	Jammon & Elvina Bauman	1-026	6.3	\$ -	\$ 933.00		\$ 933.00	\$ 311.00	\$ -	\$ 622.00
Total Assessments on Lands					\$ -	\$ 13,113.00	\$ -	\$ 13,113.00	\$ 4,371.00	\$ -	\$ 8,742.00
Total Assessments Township of Wellesley					\$ -	\$ 13,113.00	\$ -	\$ 13,113.00	\$ 4,371.00	\$ -	\$ 8,742.00
Total Assessments Bamberg Creek Drain					\$ 86,040.00	\$ 48,900.00	\$ 68,460.00	\$ 203,400.00	\$ 66,345.00	\$ 90,930.00	\$ 46,125.00

Jananna - East Branch	Property Details					Drainage Act Instruments of Assessment			For Information			
	Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot												
9	3 Block B		Cory & Kirby Kittel	9-165	13.84	\$ 9,278.00	\$ 17,478.00		\$ 26,756.00	\$ 8,919.00	\$ 7,040.00	\$ 10,797.00
10	3 Block B		Jananna Corp.	9-164	5.88	\$ 52,342.00	\$ 8,957.00		\$ 61,299.00	\$ 20,433.00	\$ 11,500.00	\$ 29,366.00
Total Assessments on Lands						\$ 61,620.00	\$ 26,435.00	\$ -	\$ 88,055.00	\$ 29,352.00	\$ 18,540.00	\$ 40,163.00
Gerber Road					Region of Waterloo	1.04	\$ -	\$ 7,205.00		\$ 7,205.00		\$ 7,205.00
Total Assessments on Roads						\$ -	\$ 7,205.00	\$ -	\$ 7,205.00			\$ 7,205.00
Total Assessments Main Closed Township of Wilmot						\$ 61,620.00	\$ 33,640.00	\$ -	\$ 95,260.00	\$ 29,352.00	\$ 18,540.00	\$ 47,368.00
Township of Wellesley												
6	2 East		Natalee Ridgeway	1-007-00	7.98	\$ -	\$ 5,529.00		\$ 5,529.00	\$ 1,843.00	\$ -	\$ 3,686.00
6	2 East		Ronald & Rosemary McCormick	1-007-01	5.79	\$ -	\$ 4,011.00		\$ 4,011.00	\$ 1,337.00	\$ -	\$ 2,674.00
Total Assessments on Lands						\$ -	\$ 9,540.00	\$ -	\$ 9,540.00	\$ 3,180.00	\$ -	\$ 6,360.00
Total Assessments Main Closed Township of Wellesley						\$ -	\$ 9,540.00	\$ -	\$ 9,540.00	\$ 3,180.00	\$ -	\$ 6,360.00
Total Assessments Jananna - East Branch						\$ 61,620.00	\$ 43,180.00	\$ -	\$ 104,800.00	\$ 32,532.00	\$ 18,540.00	\$ 53,728.00

Jananna - West Branch	Property Details					Drainage Act Instruments of Assessment			For Information			
	Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot												
10	3 Block B		Jananna Corp.	9-164	9.34	\$ 51,156.00	\$ 6,344.00		\$ 57,500.00	\$ 19,167.00	\$ 22,800.00	\$ 15,533.00
Total Assessments on Lands						\$ 51,156.00	\$ 6,344.00	\$ -	\$ 57,500.00	\$ 19,167.00	\$ 22,800.00	\$ 15,533.00
Gerber Road					Region of Waterloo	0.87	\$ 9,624.00	\$ 10,631.00		\$ 20,255.00		\$ 20,255.00
Total Assessments on Roads						\$ 9,624.00	\$ 10,631.00	\$ -	\$ 20,255.00			\$ 20,255.00
Total Assessments Branch Township of Wilmot						\$ 60,780.00	\$ 16,975.00	\$ -	\$ 77,755.00	\$ 19,167.00	\$ 22,800.00	\$ 35,788.00
Township of Wellesley												
7	1-008-02		Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 9,395.00		\$ 9,395.00	\$ 3,132.00	\$ -	\$ 6,263.00
7	1-008		264171 Holdings Ltd.	1-008	6.26	\$ -	\$ 7,650.00		\$ 7,650.00	\$ 2,550.00	\$ -	\$ 5,100.00
Total Assessments on Lands						\$ -	\$ 17,045.00	\$ -	\$ 17,045.00	\$ 5,682.00	\$ -	\$ 11,363.00
Total Assessments Township of Wellesley						\$ -	\$ 17,045.00	\$ -	\$ 17,045.00	\$ 5,682.00	\$ -	\$ 11,363.00
Total Assessments Jananna - West Branch						\$ 60,780.00	\$ 34,020.00	\$ -	\$ 94,800.00	\$ 24,849.00	\$ 22,800.00	\$ 47,151.00

Property Details					Drainage Act Instruments of Assessment				For Information		
Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot											
10	3 Block B	Peter & Dagmar Schneider	9-153	6.3	\$ 6,317.00	\$ 272.00	\$ 10,800.00	\$ 17,389.00	\$ 5,796.00	\$ 12,040.00	-\$ 447.00
10	3 Block B	David & Sherri Homanchuk	9-154	1.7	\$ 8,509.00	\$ 4.00		\$ 8,513.00	\$ 2,838.00	\$ 3,930.00	\$ 1,745.00
10	3 Block B	Jananna Corp.	9-164	28.7	\$ 3,494.00	\$ 1,850.00	\$ 20,520.00	\$ 25,864.00	\$ 8,621.00	\$ 19,160.00	-\$ 1,917.00
11	3 Block B	Kenneth & Catherine Heintz	9-156	6.2	\$ -	\$ 202.00		\$ 202.00	\$ 67.00	\$ -	\$ 135.00
11	3 Block B	Roadside Farm Inc.	9-163	42.8	\$ -	\$ 3,158.00		\$ 3,158.00	\$ 1,053.00	\$ -	\$ 2,105.00
12	3 Block B	David & Eva Cressman	9-160	3.1	\$ -	\$ 244.00		\$ 244.00	\$ 81.00	\$ -	\$ 163.00
Total Assessments on Lands					\$ 18,320.00	\$ 5,730.00	\$ 31,320.00	\$ 55,370.00	\$ 18,456.00	\$ 35,130.00	\$ 1,784.00
Gerber Road				Region of Waterloo	2.1	\$ -	\$ 825.00	\$ 825.00			\$ 825.00
Total Assessments on Roads					\$ -	\$ 825.00	\$ -	\$ 825.00			\$ 825.00
Total Assessments Branch Township of Wilmot					\$ 18,320.00	\$ 6,555.00	\$ 31,320.00	\$ 56,195.00	\$ 18,456.00	\$ 35,130.00	\$ 2,609.00
Township of Wellesley											
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 302.00		\$ 302.00	\$ 101.00	\$ -	\$ 201.00
7	2 East	264171 Holdings Ltd.	1-008	25.45	\$ -	\$ 982.00		\$ 982.00	\$ 327.00	\$ -	\$ 655.00
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.5	\$ -	\$ 35.00		\$ 35.00	\$ 12.00	\$ -	\$ 23.00
8	2 East	Robert & Anne Jantzi	1-009	25	\$ -	\$ 1,696.00		\$ 1,696.00	\$ 565.00	\$ -	\$ 1,131.00
8	3 East	Bamway Industries Inc.	1-027	6.9	\$ -	\$ 358.00		\$ 358.00	\$ 119.00	\$ -	\$ 239.00
8	3 East	Jammon & Elvina Bauman	1-026	6.3	\$ -	\$ 332.00		\$ 332.00	\$ 111.00	\$ -	\$ 221.00
Total Assessments on Lands					\$ -	\$ 3,705.00	\$ -	\$ 3,705.00	\$ 1,235.00	\$ -	\$ 2,470.00
Total Assessments Township of Wellesley					\$ -	\$ 3,705.00	\$ -	\$ 3,705.00	\$ 1,235.00	\$ -	\$ 2,470.00
Total Assessments Koch-Leis Drain					\$ 18,320.00	\$ 10,260.00	\$ 31,320.00	\$ 59,900.00	\$ 19,691.00	\$ 35,130.00	\$ 5,079.00

	Drainage Act Instruments of Assessment				For Information		
	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023	\$ 226,760.00	\$ 136,360.00	\$ 99,780.00	\$ 462,900.00	\$ 143,417.00	\$ 167,400.00	\$ 152,083.00

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 The Special Benefit Assessment (Sec. 24) is the benefit portion of the crossing considerations.
- 3 The Net Estimated Expense is the Total Assessment less gov't grants and allowances (if applicable).

**Schedule of Assessment for Construction
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023**

Property Details				Assessment Summary					For Information		
Part	Roll			Bamberg Creek	Jananna - East	Jananna -	Koch-Leis		Less Gov't	Less	Net Estimated
Lot	Concession	Landowner	Number	Drain	Branch	West Branch	Drain	Total Assessment	Grant	Allowances	Expense
Township of Wilmot											
9	3 Block B	Oleg & Elena Borissova	9-151	\$ 7,857.00	\$ -	\$ -	\$ -	\$ 7,857.00	\$ 2,619.00	\$ 3,040.00	\$ 2,198.00
9	3 Block B	Cory & Kirby Kittel	9-165	\$ 22,615.00	\$ 26,756.00	\$ -	\$ -	\$ 49,371.00	\$ 16,457.00	\$ 7,580.00	\$ 25,334.00
10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 14,433.00	\$ -	\$ -	\$ 17,389.00	\$ 31,822.00	\$ 10,607.00	\$ 16,070.00	\$ 5,145.00
10	3 Block B	Peter & Barbara Wurtele	9-153-01	\$ 45,013.00	\$ -	\$ -	\$ -	\$ 45,013.00	\$ 15,004.00	\$ 37,110.00	\$ (7,101.00)
10	3 Block B	David & Sherri Homanchuk	9-154	\$ 63,738.00	\$ -	\$ -	\$ 8,513.00	\$ 72,251.00	\$ 24,084.00	\$ 50,140.00	\$ (1,973.00)
10	3 Block B	Jananna Corp.	9-164	\$ 21,689.00	\$ 61,299.00	\$ 57,500.00	\$ 25,864.00	\$ 166,352.00	\$ 55,451.00	\$ 53,460.00	\$ 57,441.00
11	3 Block B	Kenneth & Catherine Heintz	9-156	\$ 1,030.00	\$ -	\$ -	\$ 202.00	\$ 1,232.00	\$ 411.00	\$ -	\$ 821.00
11	3 Block B	Roadside Farm Inc.	9-163	\$ 8,864.00	\$ -	\$ -	\$ 3,158.00	\$ 12,022.00	\$ 4,007.00	\$ -	\$ 8,015.00
12	3 Block B	David & Eva Cressman	9-160	\$ 684.00	\$ -	\$ -	\$ 244.00	\$ 928.00	\$ 309.00	\$ -	\$ 619.00
Total Assessments on Lands				\$ 185,923.00	\$ 88,055.00	\$ 57,500.00	\$ 55,370.00	\$ 386,848.00	\$ 128,949.00	\$ 167,400.00	\$ 90,499.00
Gerber Road		Region of Waterloo		\$ 4,364.00	\$ 7,205.00	\$ 20,255.00	\$ 825.00	\$ 32,649.00			\$ 32,649.00
Total Assessments on Roads				\$ 4,364.00	\$ 7,205.00	\$ 20,255.00	\$ 825.00	\$ 32,649.00			\$ 32,649.00
Total Assessments											
Township of Wilmot				\$ 190,287.00	\$ 95,260.00	\$ 77,755.00	\$ 56,195.00	\$ 419,497.00	\$ 128,949.00	\$ 167,400.00	\$ 123,148.00
Township of Wellesley											
6	2 East	Natalee Ridgeway	1-007-00	\$ 1,571.00	\$ 5,529.00	\$ -	\$ -	\$ 7,100.00	\$ 2,367.00		\$ 4,733.00
6	2 East	Ronald & Rosemary McCormick	1-007-01	\$ 1,140.00	\$ 4,011.00	\$ -	\$ -	\$ 5,151.00	\$ 1,717.00		\$ 3,434.00
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	\$ 848.00	\$ -	\$ 9,395.00	\$ 302.00	\$ 10,545.00	\$ 3,515.00		\$ 7,030.00
7	2 East	264171 Holdings Ltd.	1-008	\$ 2,757.00	\$ -	\$ 7,650.00	\$ 982.00	\$ 11,389.00	\$ 3,796.00		\$ 7,593.00
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	\$ 99.00	\$ -	\$ -	\$ 35.00	\$ 134.00	\$ 45.00		\$ 89.00
8	2 East	Robert & Anne Jantzi	1-009	\$ 4,759.00	\$ -	\$ -	\$ 1,696.00	\$ 6,455.00	\$ 2,152.00		\$ 4,303.00
8	3 East	Bamway Industries Inc.	1-027	\$ 1,006.00	\$ -	\$ -	\$ 358.00	\$ 1,364.00	\$ 455.00		\$ 909.00
8	3 East	Jammon & Elvina Bauman	1-026	\$ 933.00	\$ -	\$ -	\$ 332.00	\$ 1,265.00	\$ 422.00		\$ 843.00
Total Assessments on Lands				\$ 13,113.00	\$ 9,540.00	\$ 17,045.00	\$ 3,705.00	\$ 43,403.00	\$ 14,469.00	\$ -	\$ 28,934.00
Total Assessments											
Township of Wellesley				\$ 13,113.00	\$ 9,540.00	\$ 17,045.00	\$ 3,705.00	\$ 43,403.00	\$ 14,469.00	\$ -	\$ 28,934.00
Total Assessments											
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023				\$ 203,400.00	\$ 104,800.00	\$ 94,800.00	\$ 59,900.00	\$ 462,900.00	\$ 143,418.00	\$ 167,400.00	\$ 152,082.00

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 The Net Estimated Expense is the Total Assessment less gov't grants and allowances (if applicable).



Schedule D

Assessment for Future Maintenance

**Schedule of Assessment for Future Maintenance
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023**

	Property Details				Interval			
					0+000 to 0+287		0+287 to 0+650	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment
Bamberg Creek Drain	Township of Wilmot							
	9	3 Block B	Oleg & Elena Borissova	9-151	2.00	8.9%	8.54	4.0%
	9	3 Block B	Cory & Kirby Kittel	9-165	13.84	32.1%	13.84	5.2%
	10	3 Block B	Peter & Dagmar Schneider	9-153			9.30	8.2%
	10	3 Block B	Peter & Barbara Wurtele	9-153-01			0.89	3.4%
	10	3 Block B	David & Sherri Homanchuk	9-154	1.00	9.5%	3.70	4.8%
	10	3 Block B	Jananna Corp.	9-164	5.88	14.7%	45.30	21.5%
	11	3 Block B	Kenneth & Catherine Heintz	9-156			6.20	2.2%
	11	3 Block B	Roadside Farm Inc.	9-163			42.80	18.8%
	12	3 Block B	David & Eva Cressman	9-160			3.10	1.4%
	Total Assessments on Lands							
	Gerber Road Region of Waterloo							
	Total Assessments on Roads				22.72	65.2%	133.67	69.6%
	Total Assessments Township of Wilmot				1.04	15.0%	3.14	5.2%
	Total Assessments Township of Wellesley				1.04	15.0%	3.14	5.2%
	Total Assessments Bamberg Creek Drain				23.76	80.2%	136.81	74.7%
	Township of Wellesley							
	6	2 East	Natalee Ridgeway	1-007-00	7.98	11.5%	7.98	1.9%
	6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	8.3%	5.79	1.4%
	7	2 East	Ladislaus & Laurretta Bauer	1-008-02			8.45	1.8%
	7	2 East	264171 Holdings Ltd.	1-008			25.45	5.8%
	7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01			4.50	0.2%
	8	2 East	Robert & Anne Jantzi	1-009			25.00	10.1%
	8	3 East	Bamway Industries Inc.	1-027			6.90	2.1%
	8	3 East	Jammon & Elvina Bauman	1-026			6.30	2.0%
Total Assessments on Lands				13.77	19.8%	84.58	25.2%	
Total Assessments Township of Wellesley				13.77	19.8%	84.58	25.2%	
Total Assessments Bamberg Creek Drain				37.53	100.0%	221.39	100.0%	

Jananna - East Branch	Property Details				Interval			
					0+000 to 0+218		0+218 to 0+598	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment
Township of Wilmot								
9	3 Block B	Cory & Kirby Kittel	9-165	13.84	43.3%	0.68	36.8%	
10	3 Block B	Jananna Corp.	9-164	5.88	16.9%	1.50	63.2%	
Total Assessments on Lands					19.72	60.2%	2.18	100.0%
Gerber Road			Region of Waterloo		1.04	17.1%		
Total Assessments on Roads					1.04	17.1%		
Total Assessments Main Closed Township of Wilmot					20.76	77.3%	2.18	100.0%
Township of Wellesley								
6	2 East	Natalee Ridgeway	1-007-00	7.98	13.1%			
6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	9.5%			
Total Assessments on Lands					7.98	22.7%		
Total Assessments Township of Wellesley					7.98	22.7%		
Total Assessments Jananna - East Branch					28.74	100.0%	2.18	100.0%

	Property Details				Interval	
					0+000 to 0+760	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment
Jananna - West Branch	Township of Wilmot					
	10	3 Block B	Jananna Corp.	9-164	9.34	42.6%
	Total Assessments on Lands				9.34	42.6%
	Gerber Road Region of Waterloo				0.87	22.0%
	Total Assessments on Roads				0.87	22.0%
	Total Assessments Township of Wilmot				10.21	64.7%
	7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	19.5%
	7	2 East	264171 Holdings Ltd.	1-008	6.26	15.9%
	Total Assessments on Lands				8.45	35.3%
	Total Assessments Township of Wellesley				8.45	35.3%
	Total Assessments Jananna - West Branch				18.66	100.0%

Koch-Leis Drain	Property Details				Interval				
					0+000 to 0+551		0+551 to Gerber Road		Township of Wellesley
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected
Township of Wilmot									
10	3 Block B	Peter & Dagmar Schneider	9-153	6.30	7.3%				
10	3 Block B	David & Sherri Homanchuk	9-154	1.70	4.5%				
10	3 Block B	Jananna Corp.	9-164	28.70	22.1%	0.50	0.70%		
11	3 Block B	Kenneth & Catherine Heintz	9-156	6.20	2.9%				
11	3 Block B	Roadside Farm Inc.	9-163	42.80	25.1%	25.00	39.5%		
12	3 Block B	David & Eva Cressman	9-160	3.10	1.9%	3.10	3.7%		
Total Assessments on Lands				88.80	63.9%	28.60	44.0%		
Gerber Road		Region of Waterloo		2.10	6.6%	1.23	7.4%		
Total Assessments on Roads				2.10	6.6%	1.23	7.4%	0.00	0.0%
Total Assessments Township of Wilmot				90.90	70.5%	29.83	51.4%	0.00	0.0%
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	2.4%				
7	2 East	264171 Holdings Ltd.	1-008	25.45	7.8%	18.69	11.3%	18.69	23.8%
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.50	0.3%	4.50	0.5%	4.50	1.1%
8	2 East	Robert & Anne Jantzi	1-009	25.00	13.5%	25.00	26.1%	25.00	54.0%
8	3 East	Bamway Industries Inc.	1-027	6.90	2.9%	6.90	5.5%	6.90	10.9%
8	3 East	Jammon & Elvina Bauman	1-026	6.30	2.6%	6.30	5.1%	6.30	10.2%
Total Assessments on Lands				76.60	29.5%	61.39	48.6%	61.39	100.0%
Total Assessments Township of Wellesley				76.60	29.5%	61.39	48.6%	61.39	100.0%
Total Assessments Koch-Leis Drain				167.50	100.0%	91.22	100.0%	61.39	100.0%

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 All maintenance activities on road right-of-ways shall be completed at the expense of the the road authority having jurisdiction over the road.
- 3 Lands located upstream of the maintenance shall be determined by the the Drainage Superintendent.



Specifications for the Construction of Municipal Drainage Works

DIVISION A – General Conditions
DIVISION B – Specifications for Open Drains
DIVISION C – Specifications for Tile Drains
DIVISION H – Special Provisions



DIVISION A

General Conditions



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DIVISION A – GENERAL CONDITIONS

A.1. Scope

The work to be done under this contract consists of supplying all labour, equipment and materials to construct the drainage work as outlined in the Scope of Work, Drawings, General Conditions and other Specifications.

A.2. Tenders

Tenders are to be submitted on a lump sum basis for the complete works or a portion thereof, as instructed by the Municipality. The Scope of Work must be completed and submitted with the Form of Tender and Agreement. A certified cheque is required as Tender Security, payable to the Treasurer of the Municipality.

All certified cheques, except that of the bidder to whom the work is awarded will be returned within ten (10) days after the tender closing. The certified cheque of the bidder to whom the work is awarded will be retained as Contract Security and returned when the Municipality receives a Completion Certificate for the work.

A certified cheque is not required if the Contractor provides an alternate form of Contract Security such as a Performance Bond for 100% of the amount of the Tender or other satisfactory security, if required/permitted by the Municipality. A Performance Bond may also be required to insure maintenance of the work for a period of one (1) year after the date of the Completion Certificate.

A.3. Examinations of Site, Drawings, and Specifications

The Tenderer must examine the premises and site to compare them with the Drawings and Specifications in order to satisfy himself of the existing conditions and extent of the work to be done before submission of his Tender. No allowance shall subsequently be made on behalf of the Contractor by reason of any error on his part. Any estimates of quantities shown or indicated on the Drawings, or elsewhere are provided for the convenience of the Tenderer. Any use made of these quantities by the Tenderer in calculating his Tender shall be done at his own risk. The Tenderer for his own protection should check these quantities for accuracy.

The standard specifications (Divisions B through G) shall be considered complementary and where a project is controlled under one of the Divisions, the remaining Divisions will apply for miscellaneous works.

In case of any inconsistency or conflict between the Drawings and Specifications, the following order of precedence shall apply:

- Direction of the Engineer
- Special Provisions (Division H)
- Scope of Work
- Contract Drawings
- Standard Specifications (Divisions B through G)
- General Conditions (Division A)



A.4. Payment

Progress payments equal to 87±% of the value of work completed and materials incorporated in the work will be made to the Contractor monthly. An additional ten per cent (10±%) will be paid 45 days after the final acceptance by the Engineer, and three per cent (3±%) of the Contract price may be reserved by the Municipality as a maintenance holdback for a one (1) year period from the date of the Completion Certificate. A greater percentage of the Contract price may be reserved by the Municipality for the same one (1) year period if in the opinion of the Engineer, particular conditions of the Contract requires such greater holdback.

After the completion of the work, any part of this reserve may be used to correct defects developed within that time from faulty workmanship and materials, provided that notice shall first be given to the Contractor and that he may promptly make good such defects.

A.5. Contractor's Liability Insurance

Prior to commencement of any work, the Contractor shall file with the Municipality evidence of compliance with all Municipality insurance requirements (Liability Insurance, WSIB, etc.) for no less than the minimum amounts as stated in the Purchasing Procedures of the Municipality. All insurance coverage shall remain in force for the entire contract period including the warranty period which expires one year after the date of the Completion Certificate.

The following are to be named as co-insured:

- Successful Contractor
- Sub-Contractor
- Municipality
- Headway Engineering

A.6. Losses Due to Acts of Nature, Etc.

All damage, loss, expense and delay incurred or experienced by the Contractor in the performance of the work, by reason of unanticipated difficulties, bad weather, strikes, acts of nature, or other mischances shall be borne by the Contractor and shall not be the subject of a claim for additional compensation.

A.7. Commencement and Completion of Work

The work must commence as specified in the Form of Tender and Agreement. If conditions are unsuitable due to poor weather, the Contractor may be required, at the discretion of the Engineer to postpone or halt work until conditions become acceptable and shall not be subject of a claim for additional compensation.

The Contractor shall give the Engineer a minimum of 48 hours notice before commencement of work. The Contractor shall then arrange a meeting to be held on the site with Contractor, Engineer, and affected Landowners to review in detail the construction scheduling and other details of the work.

If the Contractor leaves the job site for a period of time after initiation of work, he shall give the Engineer and the Municipality a minimum of 24 hours notice prior to returning to the project. If any work is commenced without notice to the Engineer, the Contractor shall be fully responsible for all such work undertaken prior to such notification.



The work must proceed in such a manner as to ensure its completion at the earliest possible date and within the time limit set out in the Form of Tender and Agreement.

A.8. Working Area and Access

Where any part of the drain is on a road allowance, the road allowance shall be the working area. For all other areas, the working area available to the Contractor to construct the drain is specified in the Special Provisions (Division H).

Should the specified widths become inadequate due to unusual conditions, the Contractor shall notify the Engineer immediately. Where the Contractor exceeds the specified working widths without authorization, he shall be held responsible for the costs of all additional damages.

If access off an adjacent road allowance is not possible, each Landowner on whose property the drainage works is to be constructed, shall designate access to and from the working area. The Contractor shall not enter any other lands without permission of the Landowner and he shall compensate the Landowner for damage caused by such entry.

A.9. Sub-Contractors

The Contractor shall not sublet the whole or part of this Contract without the approval of the Engineer.

A.10. Permits, Notices, Laws and Rules

The Contractor shall obtain and pay for all necessary permits or licenses required for the execution of the work (but this shall not include MTO encroachment permits, County Road permits permanent easement or rights of servitude). The Contractor shall give all necessary notices and pay for all fees required by law and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public's health and safety.

A.11. Railways, Highways, and Utilities

A minimum of 72 hours' notice to the Railway or Highways, exclusive of Saturdays, Sundays, and Statutory Holidays, is required by the Contractor prior to any work activities on or affecting the applicable property. In the case of affected Utilities, a minimum of 48 hours' notice to the utility owner is required.

A.12. Errors and Unusual Conditions

The Contractor shall notify the Engineer immediately of any error or unusual conditions which may be found. Any attempt by the Contractor to correct the error on his own shall be done at his own risk. Any additional cost incurred by the Contractor to remedy the wrong decision on his part shall be borne by the Contractor. The Engineer shall make the alterations necessary to correct errors or to adjust for unusual conditions during which time it will be the Contractor's responsibility to keep his men and equipment gainfully employed elsewhere on the project.

The Contract amount shall be adjusted in accordance with a fair evaluation of the work added or deleted.

A.13. Alterations and Additions

The Engineer shall have the power to make alterations in the work shown or described in the Drawings and Specifications and the Contractor shall proceed to make such changes without causing delay. In



every such case, the price agreed to be paid for the work under the Contract shall be increased or decreased as the case may require according to a fair and reasonable evaluation of the work added or deleted. The valuation shall be determined as a result of negotiations between the Contractor and the Engineer, but in all cases the Engineer shall maintain the final responsibility for the decision. Such alterations and variations shall in no way render the Contract void. No claims for a variation or alteration in the increased or decreased price shall be valid unless done in pursuance of an order from the Engineer and notice of such claims made in writing before commencement of such work. In no such case shall the Contractor commence work which he considers to be extra before receiving the Engineer's approval.

A.14. Supervision

The Contractor shall give the work his constant supervision and shall keep a competent foreman in charge at the site.

A.15. Field Meetings

At the discretion of the Engineer, a field meeting with the Contractor or his representative, the Engineer and with those others that the Engineer deems to be affected, shall be held at the location and time specified by the Engineer.

A.16. Periodic and Final Inspections

Periodic inspections by the Engineer will be made during the performance of the work. If ordered by the Engineer, the Contractor shall expose the drain as needed to facilitate inspection by the Engineer.

Final inspection by the Engineer will be made within twenty (20) days after he has received notice from the Contractor that the work is complete.

A.17. Acceptance By the Municipality

Before any work shall be accepted by the Municipality, the Contractor shall correct all deficiencies identified by the Engineer and the Contractor shall leave the site neat and presentable.

A.18. Warranty

The Contractor shall repair and make good any damages or faults in the drain that may appear within one (1) year after its completion (as dated on the Completion Certificate) as the result of the imperfect or defective work done or materials furnished if certified by the Engineer as being due to one or both of these causes; but nothing herein contained shall be construed as in any way restricting or limiting the liability of the Contractor under the laws of the Country, Province or Locality in which the work is being done. Neither the Completion Certificate nor any payment there under, nor any provision in the Contract Documents shall relieve the Contractor from his responsibility.

A.19. Termination of Contract By The Municipality

If the Contractor should be adjudged bankrupt, or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, or if he should refuse or fail to supply enough properly skilled workmen or proper materials after having received seven (7) days notice in writing from the Engineer to supply additional workmen or materials to commence or complete the works, or if he should fail to make prompt payment to Sub-Contractors, or for material, or labour, or persistently disregards laws, ordinances, or the instruction of the Engineer,



or otherwise be guilty of a substantial violation of the provisions of the Contract, then the Municipality, upon the certificate of the Engineer that sufficient cause exists to justify such action, may without prejudice to any other right or remedy, by giving the Contractor written notice, terminate the employment of the Contractor and take possession of the premises, and of all materials, tools and appliances thereon, and may finish the work by whatever method the Engineer may deem expedient but without delay or expense. In such a case, the Contractor shall not be entitled to receive any further payment until the work is finished. If the unpaid balance of the Contract price will exceed the expense of finishing the work including compensation to the Engineer for his additional services and including the other damages of every name and nature, such excess shall be paid by the Contractor. If such expense will exceed such unpaid balance, the Contractor shall pay the difference to the Municipality. The expense incurred by the Municipality, as herein provided, shall be certified by the Engineer.

If the Contract is terminated by the Municipality due to the Contractor's failure to properly commence the works, the Contractor shall forfeit the certified cheque bid deposit and furthermore shall pay to the Municipality an amount to cover the increased costs, if any, associated with a new Tender for the Contract being terminated.

If any unpaid balance and the certified cheque do not match the monies owed by the Contractor upon termination of the Contract, the Municipality may also charge such expense against any money which may thereafter be due to the Contractor from the Municipality.

A.20. Tests

The cost for the testing of materials supplied to the job by the Contractor shall be borne by the Contractor. The Engineer reserves the right to subject any lengths of any tile or pipe to a competent testing laboratory to ensure the adequacy of the tile or pipe. If any tile supplied by the Contractor is determined to be inadequate to meet the applicable A.S.T.M. standards, the Contractor shall bear full responsibility to remove and/or replace all such inadequate tile in the Contract with tile capable of meeting the A.S.T.M. Standards.

A.21. Pollution

The Contractor shall keep their equipment in good repair. The Contractor shall refuel or repair equipment away from open water.

If polluted material from construction materials or equipment is caused to flow into the drain, the Contractor shall immediately notify the Ministry of the Environment, and proceed with the Ministry's protocols in place to address the situation.

A.22. Species and Risk

If a Contractor encounters a known Species at Risk as designated by the MNR or DFO, the Contractor shall notify the Engineer immediately and follow the Ministry's guidelines to deal with the species.

A.23. Road Crossings

This specification applies to all road crossings (Municipality, County, Regional, or Highway) where no specific detail is provided on the drawings or in the standard specifications. This specification in no way limits the Road Authority's regulations governing the construction of drains on their Road Allowance.

A.23.1. Road Occupancy Permit



Where applicable, the Contractor must submit an application for a road occupancy permit to the Road Authority and allow a minimum of five (5) working days for its review and issuance.

A.23.2. Road Closure Request and Construction Notification

The Contractor shall submit written notification of construction and request for road closure (if applicable) to the Road Authority and the Engineer for review and approval a minimum of five (5) working days prior to proceeding with any work on the road allowance. The Contractor shall be responsible for notifying all applicable emergency services, schools, etc. of the road closure or construction taking place.

A.23.3. Traffic Control

The Contractor shall supply flagmen, and warning signs and ensure that detour routes are adequately signed in accordance with no less than the minimum standards as set out in the Ontario Traffic Manual's Book 7.

A.23.4. Weather

No construction shall take place during inclement weather or periods of poor visibility.

A.23.5. Equipment

No construction material and/or equipment is to be left within three (3) metres of the travelled portion of the road overnight or during periods of inclement weather.

If not stated on the drawings, the road crossing shall be constructed by open cut method. Backfill from the top of the cover material over the subsurface pipe or culvert to the under side of the road base shall be Granular "B". The backfill shall be placed in lifts not exceeding 300mm in thickness and each lift shall be thoroughly compacted to 98% Standard Proctor. Granular "B" road base for County Roads and Highways shall be placed to a 450mm thickness and Granular "A" shall be placed to a thickness of 200mm. Granular road base materials shall be thoroughly compacted to 100% Standard Proctor.

Where the road surface is paved, the Contractor shall be responsible for placing HL-8 Hot Mix Asphalt patch at a thickness of 50mm or of the same thickness as the existing pavement structure. The asphalt patch shall be flush with the existing roadway on each side and without overlap.

Excavated material from the trench beyond 1.25 metres from the travelled portion or beyond the outside edge of the gravel shoulder may be used as backfill in the trench in the case of covered drains. The material shall be compacted in lifts not exceeding 300mm.

A.24. Laneways

All pipes crossing laneways shall be backfilled with material that is clean, free of foreign material or frozen particles and readily tamped or compacted in place unless otherwise specified. Laneway culverts on open ditch projects shall be backfilled with material that is not easily erodible. All backfill material shall be thoroughly compacted as directed by the Engineer.

Culverts shall be bedded with a minimum of 300mm of granular material. Granular material shall be placed simultaneously on each side of the culvert in lifts not exceeding 150mm in thickness and compacted to 95% Standard Proctor Density. Culverts shall be installed a minimum of 10% of the



culvert diameter below design grade with a minimum of 450mm of cover over the pipe unless otherwise noted on the Drawings.

The backfill over culverts and subsurface pipes at all existing laneways that have granular surfaces on open ditch and closed drainage projects shall be surfaced with a minimum of 300mm of Granular “B” material and 150mm of Granular “A” material. All backfill shall be thoroughly compacted as directed by the Engineer. All granular material shall be placed to the full width of the travelled portion.

Any settling of backfilled material shall be repaired by or at the expense of the Contractor during the warranty period of the project and as soon as required.

A.25. Fences

No earth is to be placed against fences and all fences removed by the Contractor shall be replaced by him in as good a condition as found. Where practical the Contractor shall take down existing fences in good condition at the nearest anchor post and roll it back rather than cutting the fence and attempting to patch it. The replacement of the fences shall be done to the satisfaction of the Engineer. Any fences found in such poor condition where the fence is not salvageable, shall be noted and verified with the Engineer prior to commencement of work.

Fences damaged beyond repair by the Contractor’s negligence shall be replaced with new materials, similar to those materials of the existing fence, at the Contractor’s expense. The replacement of the fences shall be done to the satisfaction of the Landowner and the Engineer.

Any fences paralleling an open ditch that are not line fences that hinder the proper working of the excavating machinery, shall be removed and rebuilt by the Landowner at his own expense.

The Contractor shall not leave fences open when he is not at work in the immediate vicinity.

A.26. Livestock

The Contractor shall provide each landowner with 48 hours notice prior to removing any fences along fields which could possibly contain livestock. Thereafter, the Landowner shall be responsible to keep all livestock clear of the construction areas until further notified. The Contractor shall be held responsible for loss or injury to livestock or damage caused by livestock where the Contractor failed to notify the Landowner, or through negligence or carelessness on the part of the Contractor.

A.27. Standing Crops

The Contractor shall be responsible for damages to standing crops which are ready to be harvested or salvaged along the course of the drain and access routes if the Contractor has failed to notify the Landowners 48 hours prior to commencement of the work on that portion of the drain.

A.28. Surplus Gravel

If as a result of any work, gravel or crushed stone is required and not all the gravel or crushed stone is used, the Contractor shall haul away such surplus material.

A.29. Iron Bars

The Contractor is responsible for the cost of an Ontario Land Surveyor to replace any iron bars that are altered or destroyed during the course of the construction.

A.30. Rip-Rap



Rip-rap shall be quarry stone rip-rap material and shall be the sizes specified in the Special Provisions. Broken concrete shall not be used as rip-rap unless otherwise specified.

A.31. Clearing, Grubbing and Brushing

This specification applies to all brushing where no specific detail is provided on the drawings or in the Special Provisions.

The Contractor shall clear, brush and stump trees from within the working area that interfere with the installation of the drainage system.

All trees, limbs and brush less than 150mm in diameter shall be mulched. Trees greater than 150mm in diameter shall be cut and neatly stacked in piles designated by the Landowners.

A.32. Restoration of Lawns

This specification applies to all lawn restoration where no specific detail is provided on the drawings or in the Special Provisions and no allowance for damages has been provided under Section 30 of the Drainage Act RSO 1990 to the affected property.

The Contractor shall supply “high quality grass seed” and the seed shall be broadcast by means of an approved mechanical spreader. All areas on which seed is to be placed shall be loose at the time of broadcast to a depth of 25mm. Seed and fertilizer shall be spread in accordance with the supplier’s recommendations unless otherwise directed by the Engineer. Thereafter it will be the responsibility of the Landowner to maintain the area in a manner so as to promote growth

END OF DIVISION



DIVISION B

Specifications for Open Drains



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DIVISION B – SPECIFICATIONS FOR OPEN DRAINS

B.1. Alignment

The drain shall be constructed in a straight line and shall follow the course of the present drain or water run unless noted on the drawings. Where there are unnecessary bends or irregularities on the existing course of the drain, the Contractor shall contact the Engineer before commencing work to verify the manner in which such irregularities or bends may be removed from the drain. All curves shall be made with a minimum radius of fifteen (15) metres from the centre line of the drain.

B.2. Profile

The Profile Drawing shows the depth of cuts from the top of the bank to the final invert of the ditch in metres and decimals of a metre, and also the approximate depth of excavated material from the bottom of the existing ditch to the final invert of the ditch. These cuts are established for the convenience of the Contractor; however, bench marks (established along the course of the drain) will govern the final elevation of the drain. The location and elevation of the bench marks are given on the Profile Drawing. Accurate grade control must be maintained by the Contractor during ditch excavation.

B.3. Excavation

The bottom width and the side slopes of the ditch shall be those shown on the drawings. If the channel cross-section is not specified it shall be a one metre bottom width with 1.5(h):1(v) side slopes. At locations along the drain where the cross section dimensions change, there shall be a transitional length of not less than 10:1 (five metre length to 0.5 metre width differential). Where the width of the bottom of the existing ditch is sufficient to construct the design width, then construction shall proceed without disturbing the existing banks.

Where existing side slopes become unstable, the Contractor shall immediately notify the Engineer. Alternative methods of construction and/or methods of protection will then be determined prior to continuing work.

Where an existing drain is being relocated or where a new drain is being constructed, the Contractor shall strip the topsoil for the full width of the drain, including the location of the spoil pile. Upon completion of levelling, the topsoil shall be spread to an even depth across the full width of the spoil.

An approved hydraulic excavator shall be used to carry out the excavation of the open ditch unless otherwise directed by the Engineer.

B.4. Excavated Material

Excavated material shall be placed on the low side of the drain or opposite trees and fences. The Contractor shall contact all Landowners before proceeding with the work to verify the location to place and level the excavated material.

No excavated material shall be placed in tributary drains, depressions, or low areas which direct water behind the spoil bank. The excavated material shall be placed and levelled to a maximum depth of 200 mm, unless instructed otherwise and commence a minimum of one (1) metre from the top of the bank. The edge of the spoil bank away from the ditch shall be feathered down to the existing ground; the edge of the spoil bank nearest the ditch shall have a maximum slope of 2(h):1(v). The material shall be levelled such that it may be cultivated with ordinary farm equipment without causing undue



hardship to the farm machinery and farm personnel. No excavated material shall cover any logs, brush, etc. of any kind.

Any stones or boulders which exceed 300mm in diameter shall be removed and disposed of in a location specified by the Landowner.

Where it is necessary to straighten any unnecessary bends or irregularities in the alignment of the ditch or to relocate any portion or all of an existing ditch, the excavated material from the new cut shall be used for backfilling the original ditch. Regardless of the distance between the new ditch and the old ditch, no extra compensation will be allowed for this work and must be included in the Contractor's lump sum price for the open work.

B.5. Excavation at Existing Bridge and Culvert Sites

The Contractor shall excavate the drain to the full specified depth under all bridges and to the full width of the structure. Temporary bridges may be carefully removed and left on the bank of the drain but shall be replaced by the Contractor when the excavation is complete. Permanent bridges must, if at all possible, be left intact. All necessary care and precautions shall be taken to protect the structure. The Contractor shall notify the Landowner if excavation will expose the footings or otherwise compromise the structural integrity of the structure.

The Contractor shall clean through all pipe culverts to the grade and width specified on the profile.

B.6. Pipe Culverts

All pipe culverts shall be installed in accordance with the standard detail drawings. If couplers are required, five corrugation couplers shall be used for up to and including 1200mm diameter pipes and 10 corrugation couplers for greater than 1200mm diameter pipes.

When an existing crossing is being replaced, the Contractor may backfill the new culvert with the existing native material that is free of large rocks and stones. The Contractor is responsible for any damage to a culvert pipe that is a result of rocks or stones in the backfill.

B.7. Rip-Rap Protection For Culverts

Quarry stone rip-rap shall be used as end treatment for new culverts and placed on geotextile filter material (Mirafi 160N or approved equal). The rip-rap shall be adequately keyed in along the bottom of the slope, and shall extend to the top of the pipe or as directed on the drawings. The maximum slope for rip-rap shall be 1(h):1(v) or as directed by the Engineer.

The Contractor shall be responsible for any defects or damages that may develop in the rip-rap or the earth behind the rip-rap that the Engineer deems to have been fully or partially caused by faulty workmanship or materials.

B.8. Clearing, Grubbing and Mulching

Prior to excavation, all trees, scrub, fallen timber and debris shall be removed from the side slopes of the ditch and for such a distance on the working side so as to eliminate any interference with the construction of the drain or the spreading of the spoil. The side slopes shall be neatly cut and cleared flush with the slope whether or not they are affected directly by the excavation. With the exception of large stumps causing damage to the drain, the side slopes shall not be grubbed. All other cleared areas shall be grubbed and the stumps put into piles for disposal by the Landowner.



All trees or limbs 150mm or larger, that is necessary to remove, shall be cut, trimmed and neatly stacked in the working width for the use or disposal by the Landowner. Brush and limbs less than 150mm in diameter shall be mulched. Clearing, grubbing and mulching shall be carried out as a separate operation from the excavation of the ditch, and shall not be completed simultaneously at the same location.

B.9. Tributary Tile Outlets

All tile outlets in existing ditches shall be marked by the Landowner prior to excavation. The Contractor shall guard against damaging the outlets of tributary drains. Any tile drain outlets that were marked or noted on the drawings and are subsequently damaged by the Contractor shall be repaired by the Contractor at his expense. The Landowner shall be responsible for repairs to damaged tile outlets that were not marked.

B.10. Seeding

The side slopes where disturbed shall be seeded using an approved grass seed mixture. The grass seed shall be applied the same day as the excavation of the open ditch.

Grass seed shall be fresh, clean and new crop seed, meeting the requirements of the MTO and composed of the following varieties mixed in the proportion by weight as follows:

- 55% Creeping Red Fescue
- 40% Perennial Rye Grass
- 5% White Clover

Grass seed shall be applied at the rate of 100 kg/ha.

B.11. Hydro Seeding

The areas specified in the contract document shall be hydro seeded and mulched upon completion of construction in accordance with O.P.S.S. 572.

B.12. Hand Seeding

Placement of the seed shall be of means of an approved mechanical spreader.

B.13. Completion

At the time of completion and final inspection, all work in the Contract shall have the full dimensions and cross-sections specified without any allowance for caving of banks or sediment in the ditch bottom.

END OF DIVISION



DIVISION C

Specifications for Tile Drains



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DIVISION C – SPECIFICATIONS FOR TILE DRAINS

C.1. Pipe Materials

Concrete Tile

Concrete drain tile shall conform to the requirements of the most recent A.S.T.M. specification for Heavy-Duty Extra Quality drain tile. All tile with diameters less than 600mm shall have a pipe strength of 1500D. All tile with diameters 600mm or larger shall have a pipe strength of 2000D.

All tile furnished shall be subject to the approval of the Engineer. All rejected tile are to be immediately removed from the site.

High Density Polyethylene (HDPE) Pipe

All HDPE pipe shall be dual-wall corrugated drainage pipe with a smooth inner wall. HDPE pipe shall have a minimum stiffness of 320 kPa at 5% deflection.

Unless otherwise noted, all sealed HDPE pipe shall have a water tight gasketed bell and spigot joining system meeting the minimum requirements of CSA B182.8. Perforated HDPE pipe shall have a soil tight joining system, and shall be enveloped in non-woven geotextile filter sock.

C.2. Alignment

The Contractor shall contact the Engineer to establish the course of the drain. Where an existing drain is to be removed and replaced by the new drain, or where the new drain is to be installed parallel to an existing drain, the Contractor shall locate the existing drain (including repairing damaged tile caused by locating) at intervals along the course of the drain. The costs of locating shall be included in the tender price.

The drain shall run in as straight a line as possible throughout its length, except that at intersections of other watercourses or at sharp corners, it shall run on a curve of at least 15 metres radius. The new tile drain shall be constructed at an offset from and parallel with any ditch or defined watercourse in order that fresh backfill in the trench will not be eroded by the flow of surface water.

The Contractor shall exercise care not to disturb any existing tile drain or drains which parallel the course of the new drain, particularly where the new and existing tile act together to provide the necessary capacity. Where any such existing drain is disturbed or damaged, the Contractor shall perform the necessary repair at his expense.

C.3. Profile

Benchmarks have been established along the course of the drain which are to govern the elevations of the drain. The location and elevations of the benchmarks are shown on the drawings. Tile is to be installed to the elevation and grade shown on the profiles. Accurate grade control must be maintained by the Contractor at all times.

When installing a drain towards a fixed point such as a bore pipe, the Contractor shall uncover the pipe and confirm the elevation a sufficient distance away from the pipe in order to allow for any necessary minor grade adjustments to be made.



C.4. Excavation

Wheel machine

Unless otherwise specified, all trenching shall be carried out with a wheel machine approved by the Engineer. The wheel machine shall shape the bottom of the trench to conform to the outside diameter of the pipe. The minimum trench width shall be equal to the outside diameter of the pipe plus 100mm on each side of the pipe, unless otherwise specified. The maximum trench width shall be equal to the outside diameter of the pipe plus 300mm on each side of the pipe, unless otherwise specified.

Scalping

Where the depths of cuts in isolated areas along the course of the drain as shown on the profile exceed the capability of the Contractor's wheel machine, he shall lower the surface grade in order that the wheel machine may trench to the correct depth. Topsoil is to be stripped over a sufficient width that no subsoil will be deposited on top of the topsoil. Subsoil will then be removed to the required depth and piled separately. Upon completion, the topsoil will then be replaced to an even depth over the disturbed area. The cost for this work shall be included in his tender price.

Excavator

Where the use of an excavator is used in-lieu of a wheel machine, the topsoil shall be stripped and replaced in accordance with Item C.4.2. All tile shall be installed on 19mm clear crushed stone bedding placed to a minimum depth of 150mm which has been shaped to conform to the bottom of the pipe. The Contractor shall include the costs of this work in his tender price.

C.5. Installation

Concrete Tile

The tile is to be laid with close joints and in regular grade and alignment in accordance with the drawings. The tiles are to be bevelled, if necessary to ensure close joints. The inside of the tile is to be kept clear when laid. The sides of the tile are to be supported by partial filling of the trench (blinding) prior to inspection by the Engineer. No tile shall be backfilled until inspected by the Engineer unless otherwise permitted by the Engineer. The tile shall be backfilled such that a sufficient mound of backfill is placed over the trench to ensure that no depression remains after settling occurs in the backfill.

Where a tile connects to a catch basin or similar structure, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone under areas backfilled from the underside of the pipe to undisturbed soil. Where a tile drain passes through a bore pit, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone from the underside of the pipe down to undisturbed soil with the limits of the bore pit.

The Contractor shall supply and wrap all concrete tile joints with Mirafi 160N geotextile filter material as part of this contract. The width of the filter material should be:

- 300mm wide for tile sizes 150mm diameter to 350mm diameter.
- 400mm wide for tile sizes 400mm diameter to 750mm diameter.
- 500mm wide for tile sizes larger than 750mm diameter.

The filter material shall completely cover the tile joint and shall have a minimum overlap of 300mm. The type of filter material shall be.

**HDPE Pipe**

HDPE pipe shall be installed using compacted Granular 'A' bedding or 19mm clear crushed stone bedding from 150mm below the pipe to 300mm above the pipe. All granular material shall be compacted using a suitable mechanical vibratory compactor. Granular bedding and backfill shall be placed in lifts not exceeding 300mm and compacted to at least 95% Standard Proctor Maximum Dry Density (SPMDD).

Where a pipe connects to a catch basin or similar structure, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone under areas backfilled from the underside of the pipe to undisturbed soil. Where a pipe passes through a bore pit, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone from the underside of the pipe down to undisturbed soil with the limits of the bore pit.

As determined by the Engineer, unsuitable backfill material must be hauled off-site by the Contractor and Granular "B" shall be used as replacement backfill material.

C.6. Trench Crossings

The Contractor shall not cross the backfilled trench with any construction equipment or vehicles, except by one designated crossing location on each property. The Contractor shall ensure that the bedding and backfill material at this designated crossing location is properly placed and compacted so as to adequately support the equipment and vehicles that may cross the trench. The Contractor may undertake any other approved work to ensure the integrity of the tile at the crossing location. The Contractor shall ensure that no equipment or vehicles travel along the length of the trench. The Contractor shall be responsible for any damage to the new tile caused by the construction of the drain.

C.7. Outlet Protection

A tile drain outlet into a ditch shall be either HDPE pipe or corrugated steel pipe and shall include a hinged grate for rodent protection. The maximum spacing between bars on the rodent grate shall be 40mm. All corrugated steel outlet pipes shall be bevelled at the end to generally conform to the slope of the ditch bank.

Quarry stone rock rip-rap protection and geotextile filter material (Mirafi 160N), shall be installed around the outlet pipe and extended downstream a minimum distance of three metres, unless otherwise specified. The protection shall extend to the top of the backfilled trench and below the pipe to 300 mm under the streambed. The protection shall also extend 600mm into undisturbed soil on either side of the backfilled trench. In some locations, rip-rap may be required on the bank opposite the outlet.

Where the outlet occurs at the upper end of an open ditch, the rip-rap protection will extend all around the end of the ditch and to a point 800mm downstream on either side. Where heavy overflow is likely to occur, sufficient additional rip-rap and filter material shall be placed as directed by the Engineer to prevent the water cutting around the protection.

C.8. Catch Basins and Junction Boxes

Unless otherwise noted, catch basins shall be in accordance with OPSD 705.010 and 705.030. The catch basin grate shall be a "Birdcage" type substantial steel grate, removable for cleaning and shall be inset into a recess provided around the top of the structure. The grate shall be fastened to the catch basin with bolts into the concrete. Spacing of bars on grates for use on 600mmX600mm



structures shall be 65mm centre to centre. Spacing of bars on grates for use on structures larger than 600mmX600mm shall be 90mm.

All catch basins shall be backfilled with compacted Granular 'A' or 19mm clear crushed stone placed to a minimum width of 300mm on all sides. If settling occurs after construction, the Contractor shall supply and place sufficient granular material to maintain the backfill level flush with adjacent ground. The riser sections of the catch basin shall be wrapped with filter cloth.

Quarry stone rip-rap protection shall be placed around all catch basins and shall extend a minimum distance of one (1) metre away from the outer edge of each side of the catch basin, and shall be placed so that the finished surface of the rip-rap is flush with the existing ground.

If there are no existing drains to be connected to the catch basin at the top end of the drain, a plugged tile shall be placed in the upstream wall with the same elevations as the outlet tile.

Junction boxes shall have a minimum cover over the lid of 450mm.

The Contractor shall include in his tender price for the construction of a berm behind all ditch inlet structures. The berm shall be constructed of compacted clay keyed 300mm into undisturbed soil. The top of the spill way of the earth berm shall be the same elevation as the high wall of the ditch inlet catch basin. The earth berm shall be covered with 100mm depth of topsoil and seeded with an approved green seed mixture. The Contractor shall also include for regrading, shaping and seeding of road ditches for a maximum of 15 metres each way from all catch basins.

The Contractor shall clean all catch basin sumps after completion of the drain installation. Catch basin markers shall be placed beside each catch basin.

C.9. Tributary Drains

Any tributary tile encountered in the course of the drain is to be carefully taken up by the Contractor and placed clear of the excavated earth. If the tributary drains encountered are clean or reasonably clean, they shall be connected into the new drain in accordance with the typical tile drain connection detail. Tributary tile drain connections into the new drain shall be made using high density polyethylene agricultural drain tubing installed on and backfilled with 19mm clear crushed stone. All tile drain connections into the new drain shall be either a cored hole with an insert coupler or a manufactured tee.

Where the existing drains are full of sediment, the decision to connect the tributary drain to the new drain shall be left to the Engineer. The Contractor shall be paid for each tributary drain connection as outlined in the Form of Tender and Agreement.

The Contractor shall be responsible for all tributary tile connections for a period of one year from the date of the Completion Certificate. After construction, any missed tile connections required to be made into the new drain shall be paid at the same rate as defined in the Form of Tender and Agreement. The Contractor will have the option to make any subsequent tile connections or have the Municipality make the required connections and have the cost of which deducted from the holdback.

Where an open ditch is being replaced by a new tile drain, existing tile outlets entering the ditch from the side opposite the new drain shall be extended to the new drain.

Where the Contractor is required to connect an existing tile which is not encountered in the course of the drain, the cost of such work shall constitute an extra to the contract.



C.10. Clearing, Grubbing and Mulching

The Contractor shall clear, brush and stump trees from within the working area.

All trees or limbs 150mm or larger, that is necessary to remove, shall be cut, trimmed and neatly stacked in the working width for the use or disposal by the Landowner. Brush and limbs less than 150mm in diameter shall be mulched.

Clearing, grubbing and mulching shall be carried out as a separate operation from installing the drain, and shall not be completed simultaneously at the same location.

C.11. Roads and Laneway Sub-Surface Crossings

All roads and laneway crossings may be made with an open cut. The Contractor may use original ground as backfill to within 600mm of finished grade only if adequate compaction and if the use of the original ground backfill has been approved beforehand by the Engineer.

C.12. Filling In Existing Ditches

The Contractor shall backfill the ditch sufficiently for traversing by farm equipment. If sufficient material is available on-site to fill in the existing ditch, the topsoil shall be stripped and the subsoil shall be bulldozed into the ditch and the topsoil shall then be spread over the backfilled waterway. The Contractor shall ensure sufficient compaction of the backfill and if required, repair excess settlement up to the end of the warranty period.

C.13. Construction of Grassed Waterways

Where the Contractor is required to construct a grassed waterway, the existing waterway shall be filled in, regraded, shaped and a seed bed prepared prior to applying the grass seed. The grass seed shall be fresh, clean and new crop seed, meeting the requirements of the MTO.

- 55% Creeping Red Fescue
- 15% Perennial Rye Grass
- 27% Kentucky Bluegrass
- 3% White Clover

Grass seed shall be applied at the rate of 100 kg/ha.

C.14. Unstable Soil

The Contractor shall immediately contact the Engineer if unstable soil is encountered. The Engineer shall, after consultation with the Contractor, determine the action necessary and a price for additions or deletions shall be agreed upon prior to further drain installation.

C.15. Rocks

The Contractor shall immediately contact the Engineer if boulders of sufficient size and number are encountered such that the Contractor cannot continue trenching with a wheel machine. The Engineer shall determine the action necessary and a price for additions or deletions shall be agreed upon prior to further drain installation.



If only scattered large stone or boulders are removed on any project, the Contractor shall either excavate a hole to bury same adjacent to the drain, or he shall haul the stones or boulders to a location designated by the Landowner.

C.16. Broken or Damaged Tile

The Contractor shall remove and dispose of all broken (existing or new), damaged or excess tile off site.

C.17. Recommended Practice For Construction of Sub-Surface Drainage Systems

Drainage Guide for Ontario, Ministry of Agriculture, Food and Rural Affairs, Publication 29 and its amendments, dealing with the construction of Subsurface Drainage Systems, shall be the guide to all methods and materials to be used in the construction of tile drains except where superseded by other Specifications of the Contract.

END OF DIVISION



SPECIAL PROVISIONS

**Bamberg Creek, Jananna, and
Koch-Leis Municipal Drains 2023**



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Special Provisions means special directions containing requirements particular to the work not adequately provided for by the standard or supplemental specifications. Special provisions shall take precedence and govern over any standard or supplemental specification.

1.0 GENERAL

The Contractor shall notify the Landowner, the Drainage Superintendent, and the Engineer 48 hours prior to construction.

The Contractor shall arrange a pre-construction meeting and shall invite the Landowners on whose property work will take place, and the Engineer, and the Drainage Superintendent.

The Contractor shall verify the location of the new drainage system with the Engineer and Landowner prior to construction.

The Contractor shall check and verify all dimensions and elevations and report any discrepancies to the Engineer prior to proceeding with the work.

The Contractor must maintain access to all driveways along the route of the drain as well as always maintain access for all emergency vehicles during the construction.

The Contractor shall be responsible for settlement within the warranty period.

2.0 UTILITIES

All utilities shall be located and uncovered in the affected areas by the Contractor prior to construction.

The locations and elevations of all utilities shown on the drawings are approximate locations. Actual locations and elevations of all utilities must be verified by the Contractor prior to construction.

The Contractor shall arrange to have a representative of the utility owner on site during construction if it is a requirement by the utility owner.

3.0 WORKING AREA AND ACCESS

Access to the working area shall be designated by the Landowner.

3.1 Closed Portion

The average working width for construction purposes shall be 25 metres along the alignment of the proposed drain.

3.2 Open Portion

The working area shall be an average working width of 12 metres for construction purposes along the working side.

4.0 CLEARING BRUSHING AND MULCHING

The Contractor shall clear, brush and mulch trees from within the working area that interfere with the construction of the drainage system. The Contractor shall not clear all trees within the working area unless the full working width in a specific section is required for the installation of the drain and unless the Engineer has authorized the full clearing of the trees.



All trees, limbs, and brush less than 150mm in diameter shall be mulched/chipped. Clearing and brushing shall be done prior to the construction of the drain. Trees and branches greater than 150mm in diameter shall be cut into lengths no greater than four metres and placed in nearby stacks designated by the Landowner. Trees removed from road right-of-ways shall be mulched or disposed of offsite by the Contractor.

5.0 PIPE AND INSTALLATION

5.1 Concrete Field Tile

An approved wheel trencher shall be used to install the concrete field tile whenever possible.

All concrete tile shall be Heavy-Duty Extra Quality Concrete Drain Tile 2000D.

Where the drain is to be installed by means of an approved wheel trencher, the Contractor shall strip the topsoil for the specified width centred on the proposed drain. Where the drain is to be installed by means of an approved hydraulic excavator (due to poor soil conditions), the Contractor shall strip the topsoil for a width equal to the top width of the trench, or the specified width, whichever is greater. The Contractor shall stockpile the topsoil and later spread it over the backfilled trench. The Contractor shall ensure that the top soiled trench is left in a condition such that the landowner can perform final restoration using nothing more than farm equipment. The Contractor will not attempt to place frozen topsoil over the backfilled trench.

Concrete field tile installed by means of a wheel machine shall be backfilled using suitable native material. The backfill shall not be compacted but a sufficient mound shall be left over the trench by the Contractor to allow for settlement flush with adjacent lands.

Concrete field tile installed by means of an approved hydraulic excavator shall be installed using 19mm crushed stone bedding from a minimum of 150mm below the pipe to the springline of the pipe. Suitable native material shall be used as backfill from the springline to the underside of the topsoil.

The Contractor shall supply and wrap all concrete joints with geotextile filter material. The width of the filter material shall be:

- 300mm wide with 300mm overlap for tile sizes up to 350mm diameter.
- 400mm wide with 400mm overlap for tile size 400mm diameter.

The filter material shall completely cover the tile joint.

The Contractor shall be responsible for all trench settlement within the warranty period.

5.2 High Density Polyethylene Pipe (HDPE)

All HDPE pipe shall be CSA B182.8 with gasketed watertight jointing systems.

All HDPE pipe shall be installed using 19mm crushed stone bedding (or approved equivalent) from a minimum of 150mm below the pipe to 150mm above the pipe. Suitable native material shall be used as backfill from 150mm above the pipe to the underside of the topsoil.

The Contractor shall be responsible for all trench settlement within the warranty period.



5.3 Poor Soil Conditions

The Contractor shall submit a unit price for installation of the pipe per the detail on wrapped crushed stone bedding as a provisional item. The provisional amount for installation on wrapped crushed stone bedding shall include the supply and installation of all additional labour, equipment and materials required for the installation of the pipe by this method.

If poor soil conditions are encountered, the Contractor shall install the pipe in accordance with the detail for wrapped crushed stone bedding and shall be entitled to the provisional tender amount, in addition to the tendered standard installation price. The Contractor shall be paid for the actual lengths installed in this condition.

6.0 TOPSOIL STRIPPING AND FINE GRADING

The Contractor shall strip the topsoil along the alignment of the tile drain to a width of four metres. The Contractor shall stockpile the topsoil and later spread it over the backfilled trench. The Contractor shall ensure that the topsoiled trench is left in a condition that the Landowner can perform final restoration using nothing more than farm equipment.

7.0 EXCAVATED MATERIAL

The excavated material from the ditch cleanout shall be spread on the working side to a maximum depth of 200mm in accordance with the typical open ditch cleanout detail included in the drawing set.

8.0 SEEDING

The Contractor shall supply and spread an approved seed mixture (OPS 803 – Lowland Mix) over the disturbed areas.

All seed shall be applied using the manufacturer's application recommendations.

9.0 OUTLET STRUCTURE

The Contractor shall place riprap in the streambed and up the sideslope of Bamberg Creek in accordance with the typical outlet detail included in the drawing set.

10.0 EXISTING DRAINS/TILE CONNECTIONS

The Contractor shall make all tributary tile drain connections.

The Contractor shall be responsible for all tile connections for a period of one year after the issuance of the completion certificate. Tile connections required to be made within this warranty period shall be made at the expense of the Contractor. After construction, the Contractor will be given the option to make any subsequent tile connections or have the Municipality make said connections and have the costs of which deducted from the holdback.

The Contractor shall supply all necessary materials to complete the connections of the existing drains to the new drain. The type of materials used to make the tributary drain connections shall be verified with the engineer.

All existing drains cut off during the installation of the new drainage system that will be connected to the new drainage system shall be flagged or marked by the Contractor prior to the connection being made.



11.0 CATCHBASINS AND JUNCTION BOXES

All catchbasins shall be precast concrete catchbasins and shall have a 300mm sump.

All catchbasin grates shall be fastened to the new catchbasin and shall be hot dipped galvanized bird cage grates. Catchbasin marker signs shall be erected at all catchbasins.

All existing catchbasins that are to be removed shall be disposed of off-site by the Contractor.

The catchbasin grate elevations shall be set to the satisfaction of the Engineer. Lifts shall be placed by the Contractor on all catchbasins if necessary to achieve the desired elevation when field setting the structures.

All catchbasins shall be installed using 19mm crushed stone bedding from 150mm below the structure to 150mm above the top of the highest pipe entering or exiting the structure. Structures within the road allowances shall have 300mm minimum of Granular 'B' backfill around all sides up to the underside of the topsoil layer. Structures on private property shall be backfilled using approved native material up to the underside of the topsoil layer. All backfill material shall be placed and thoroughly compacted evenly around each structure in lifts not exceeding 300mm to minimize settlement around the structures. The Contractor shall be responsible for all settlement around catchbasins. Should the area around the catchbasin settle after construction, the Contractor shall be responsible for providing additional rip-rap required so that the top of the rip-rap is flush with the surrounding ground.

The Contractor shall place quarry stone rip-rap material around all sides of the catchbasin for a width of one metre and shall be placed on geotextile filter material.

All holes for catchbasin pipe connections to be cored by the manufacturer. All pipes entering or exiting a catchbasin or shall be installed such that the face of the pipe is flush with the inside wall of the structure.

The Contractor shall be responsible to repair or reapply mortar for all mortared connections into any catchbasin for a period of one year after the completion certificate has been issued.

12.0 ROAD WORKS

The Contractor shall be responsible to arrange all traffic control signals, signs and devices that are required for safe and proper traffic management during the installation of the drainage system. The Contractor shall contact the Region of Waterloo for specific local procedures, guidelines, and timelines. Traffic control shall meet the standards of Book 7 of the Ontario Traffic Manual.

The Contractor shall grade the road ditches to the new catchbasin. Any disturbed area within the Municipal Right-of-Way during construction shall be topsoiled and seeded with an approved grass seed mixture.

13.0 RIP-RAP

All stone rip-rap material shall be quarry stone 150mm to 300mm diameter and placed to a depth of 300mm, unless otherwise noted. All rip-rap material shall be placed on geo-textile filter material.



14.0 EROSION AND SEDIMENT CONTROL

The Contractor shall provide adequate erosion and sediment control for the duration of construction including monitoring and maintenance of the control measures put in place. The Contractor shall inspect the erosion and sediment control measures regularly, and specifically before predicted rainfall events, and after rainfall events.

15.0 ENDANGERED SPECIES ACT AND THE EASTERN MEADOWLARK

The Contractor shall review species information made available by the Ministry of Environment, Conservation & Parks (MECP) prior to the start of construction to identify the species should any be observed on site.

The Contractor shall designate a staff member to inspect the daily working area for the species, and their nests prior to the start of any work activities each day. The Contractor shall complete the following daily log of inspections.

Eastern Meadowlark - Daily Inspection Log				
Date	Daily Work Area (Sta. x+xxx to Sta. y+yyy)	Number of Sightings	Comments	Staff Signature

Should an Eastern Meadowlark or its nest be encountered, the Contractor shall immediately flag the location, obtain GPS coordinates of nesting site flags, and notify the Contractor Administrator, and the Site Foreman. The Contractor shall ensure that construction activities are modified to not cause harm to the species, or its nest. The Contract Administrator shall notify the MECP.

WARD 2

JANANNA MUNICIPAL DRAIN

Watershed Plan

NOTES:

- 1. AERIAL PHOTOGRAPHY PROVIDED BY WILMOT TOWNSHIP.
- 2. CONTOURS GENERATED USING 2018 LIDAR DERIVED DATASET REPRESENTING BARE-EARTH TERRAIN FROM LAND INFORMATION ONTARIO.

BENCHMARK DESCRIPTIONS

- BENCHMARK No. 1** ELEV.=357.81
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** ELEV.=357.06
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** ELEV.=356.23
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 1+125 (BAMBERG)
- BENCHMARK No. 4** ELEV.=372.44
TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)

LEGEND

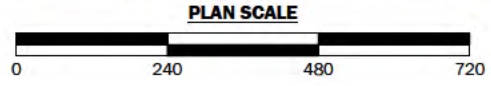
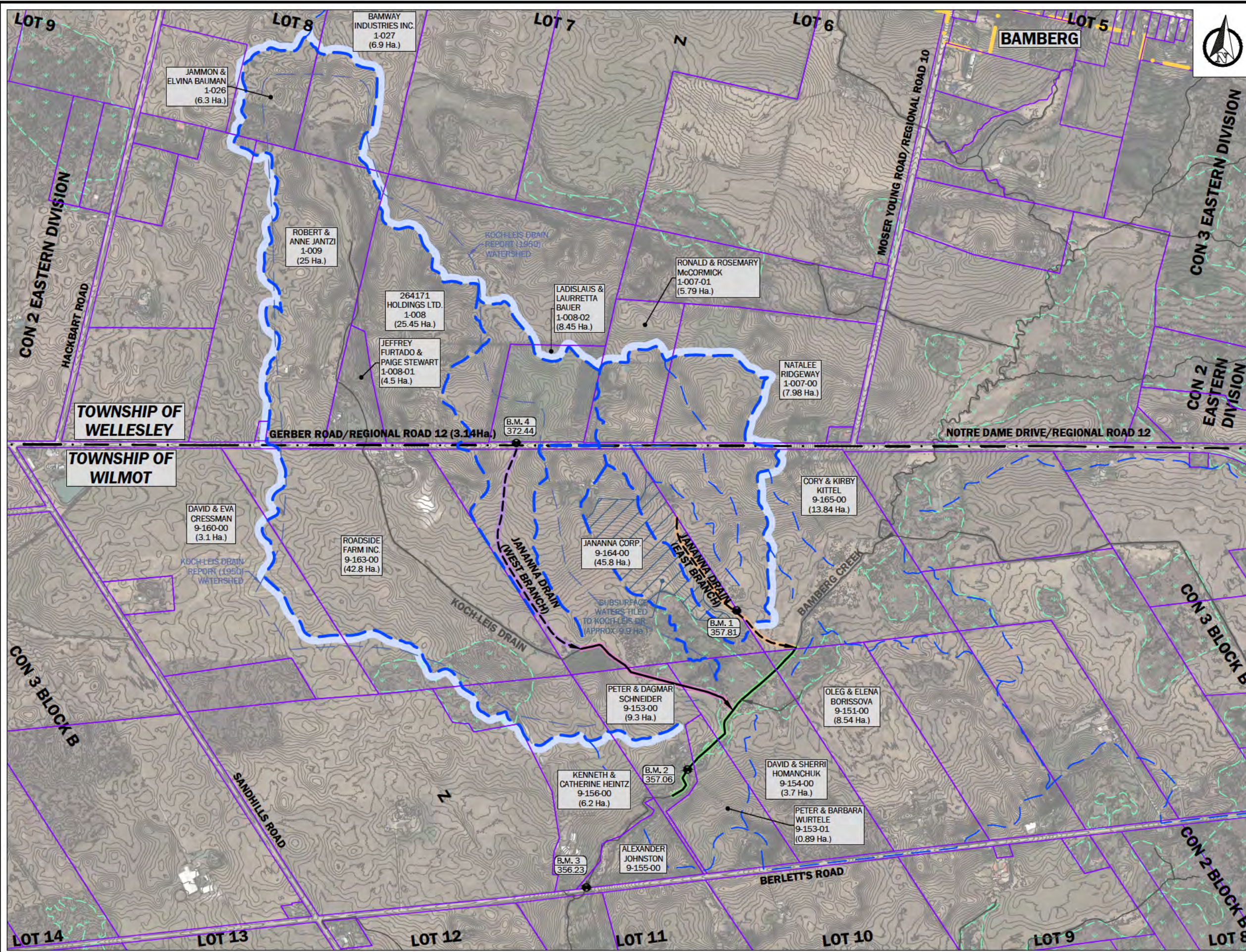
- LOT/CONCESSION LINE
 - PROPERTY LINE
 - URBAN BOUNDARY
 - TOWNSHIP BOUNDARY
 - MAJOR WATERSHED BOUNDARY
 - MINOR WATERSHED BOUNDARY
 - WETLAND LIMIT
- BENCHMARK LOCATION**
- B.M. 1 123.45
 - BENCHMARK No.
 - BENCHMARK ELEVATION
- JOHN & JANE SMITH 12-345 (12.3 Ha.)**
- LANDOWNER NAME(S)
 - ASSESSMENT ROLL No. (ABBREVIATED)
 - APPROX. AREA AFFECTED
- EXISTING FEATURES:**
- DRAIN NAME (with arrow) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
 - DRAIN NAME (with CB symbol) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
 - OVERLAND FLOW PATH
- PROPOSED FEATURES:**
- DRAIN NAME (with arrow) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
 - DRAIN NAME (with CB symbol) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION



4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YY-MM-DD)



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 1 OF 6



NOTES:

- 1. AERIAL PHOTOGRAPHY PROVIDED BY WILMOT TOWNSHIP.
- 2. CONTOURS GENERATED USING 2018 LIDAR DERIVED DATASET REPRESENTING BARE-EARTH TERRAIN FROM LAND INFORMATION ONTARIO.

BENCHMARK DESCRIPTIONS

- BENCHMARK No. 1** ELEV.=357.81
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** ELEV.=357.06
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** ELEV.=356.23
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 1+125 (BAMBERG)
- BENCHMARK No. 4** ELEV.=372.44
TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)

LEGEND

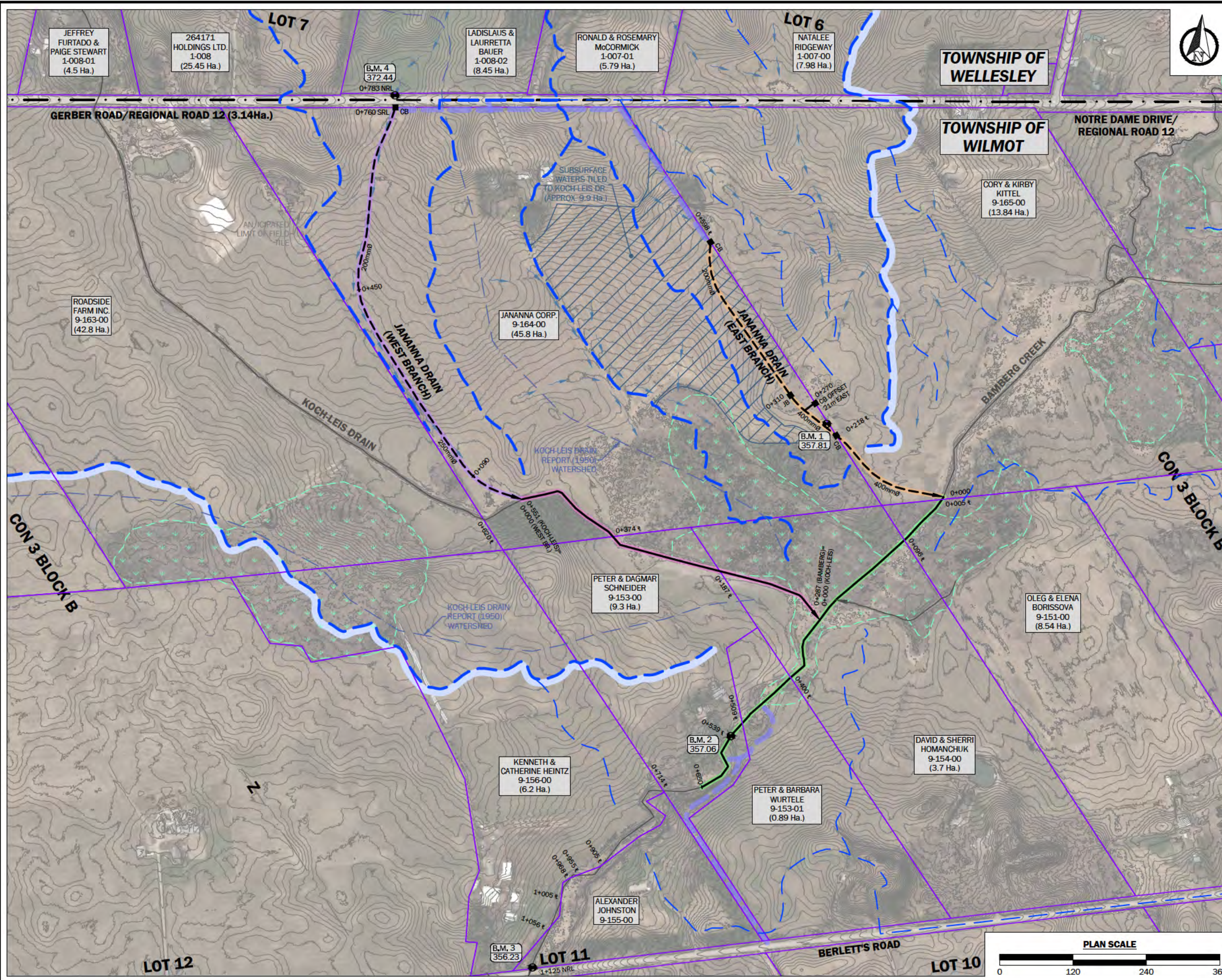
- LOT/CONCESSION LINE
- PROPERTY LINE
- TOWNSHIP BOUNDARY
- MAJOR WATERSHED BOUNDARY
- MINOR WATERSHED BOUNDARY
- WETLAND LIMIT
- CONSTRUCTION/MAINTENANCE ACCESS
- BENCHMARK LOCATION
- B.M. 1 123.45 BENCHMARK No. BENCHMARK ELEVATION
- JOHN & JANE SMITH 12-345 LANDOWNER NAME(S) ASSESSMENT ROLL No. (ABBREVIATED) APPROX. AREA AFFECTED
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 - OVERLAND FLOW PATH
- PROPOSED FEATURES:
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 - DRAIN NAME CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION



4	REPORT SUBMISSION	23-04-28
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2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YY-MM-DD)



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 2 OF 6



WARD 2

JANANNA MUNICIPAL DRAIN

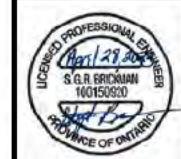
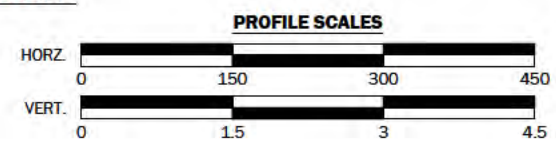
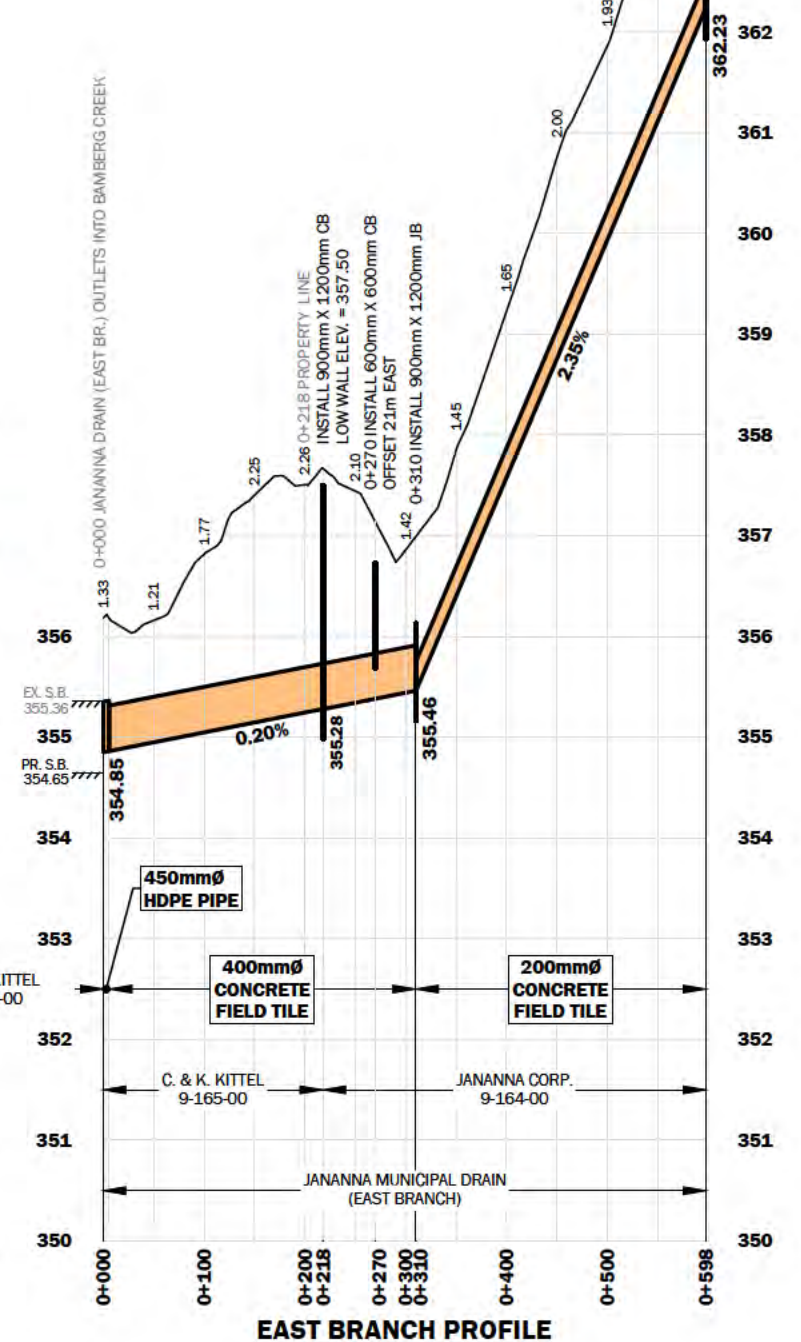
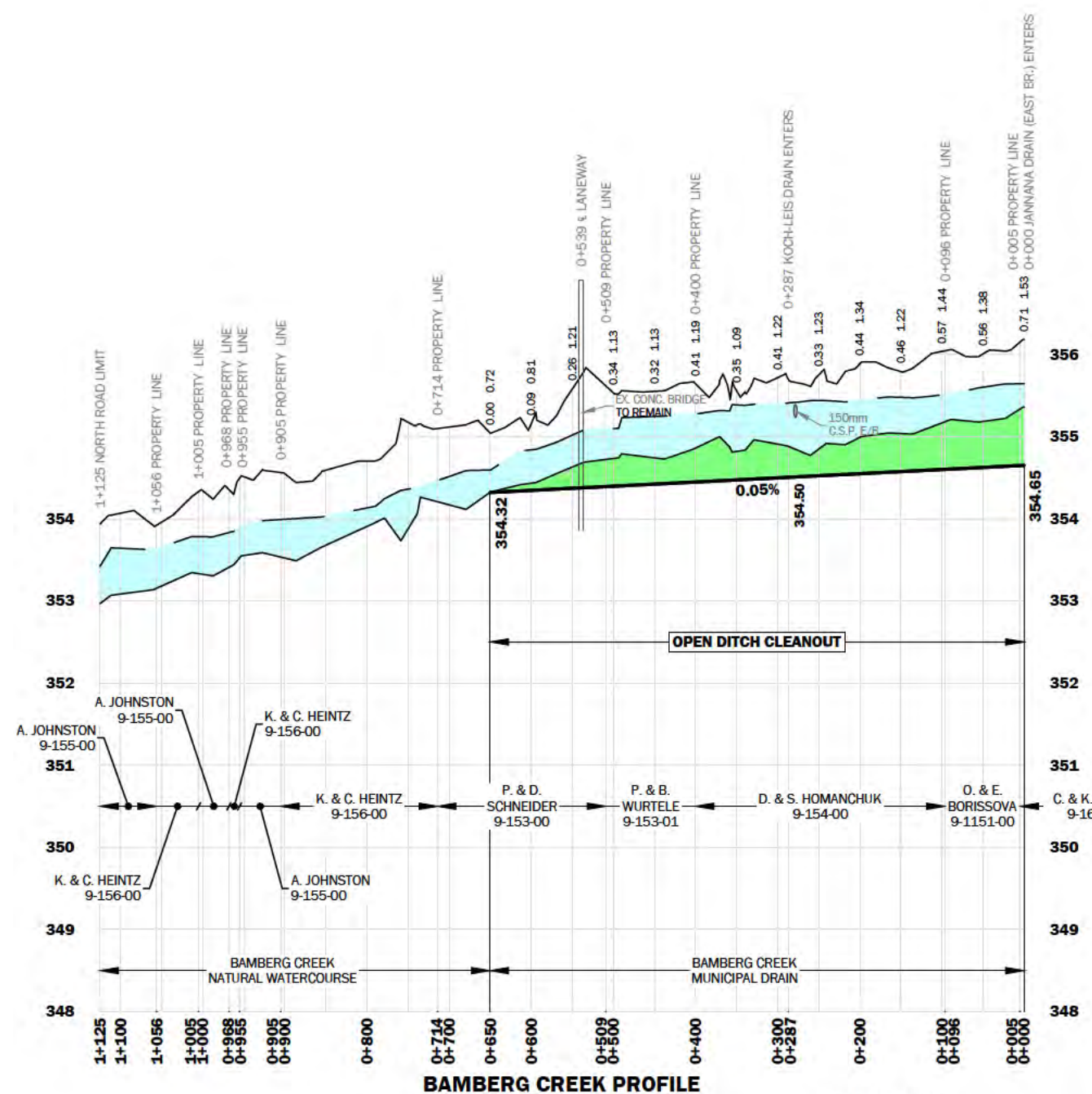
Bamberg Creek and East Branch Profiles

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- BENCHMARK No. 4** ELEV.=372.44
TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)

SCHEDULE OF PIPE MATERIALS

MATERIAL	DIAMETER (mm)	STATION RANGE	LENGTH (m)
1. HIGH DENSITY POLYETHYLENE OUTLET PIPE	450	0+000 - 0+006	6
2. CONCRETE FIELD TILE	400	0+006 - 0+310	304
3. CONCRETE FIELD TILE	200	0+310 - 0+598	288



No.	REVISION	DATE (YY-MM-DD)
4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22



DRAWN BY:	DESIGNED BY:	CHECKED BY:
R.U.	A.H.	S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 3 OF 6

WARD 2

JANANNA MUNICIPAL DRAIN

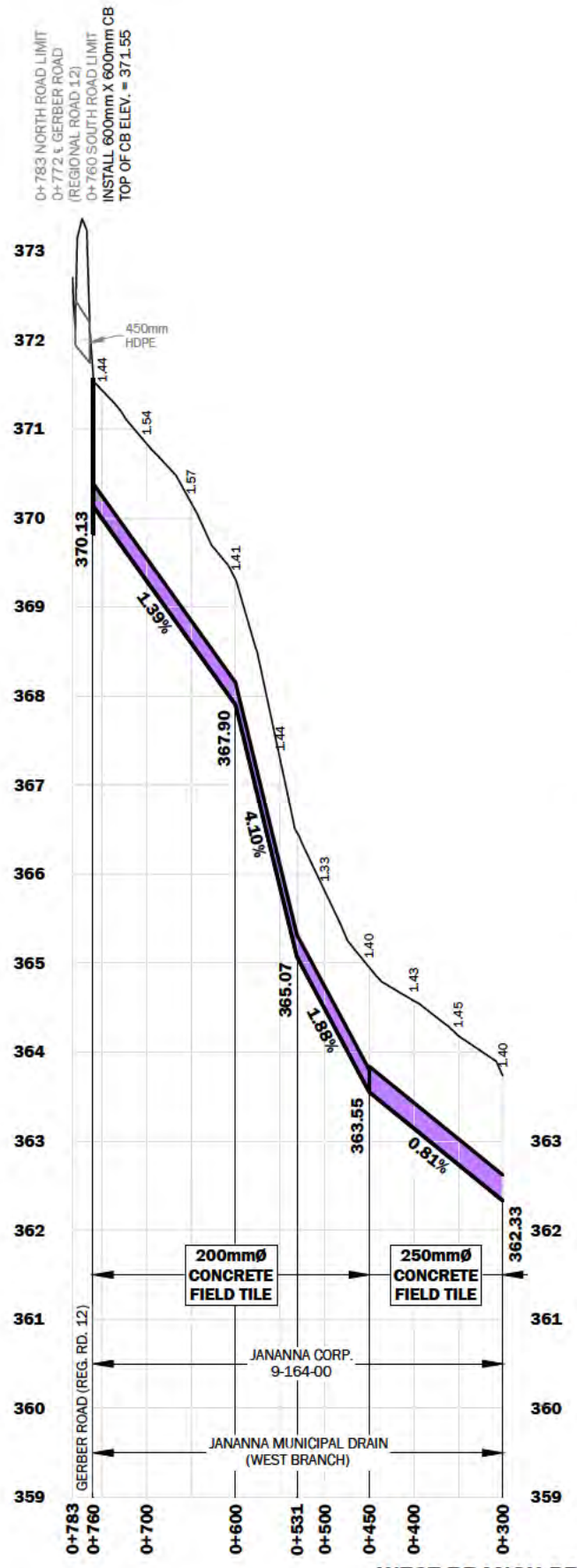
West Branch and Koch-Leis Drain Profiles

BENCHMARK DESCRIPTIONS

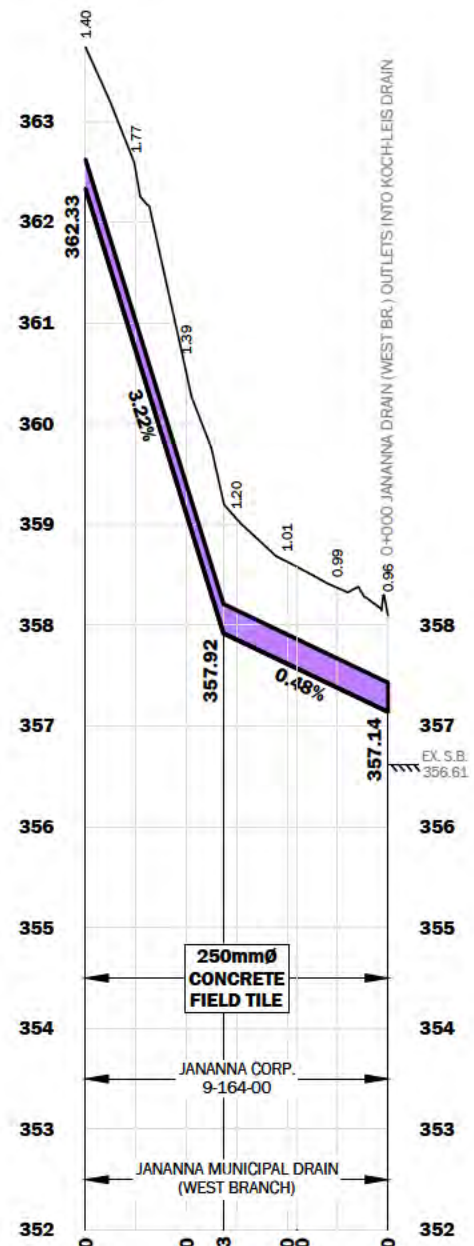
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SCHEDULE OF PIPE MATERIALS

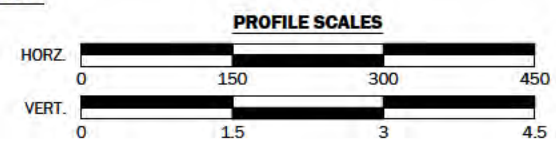
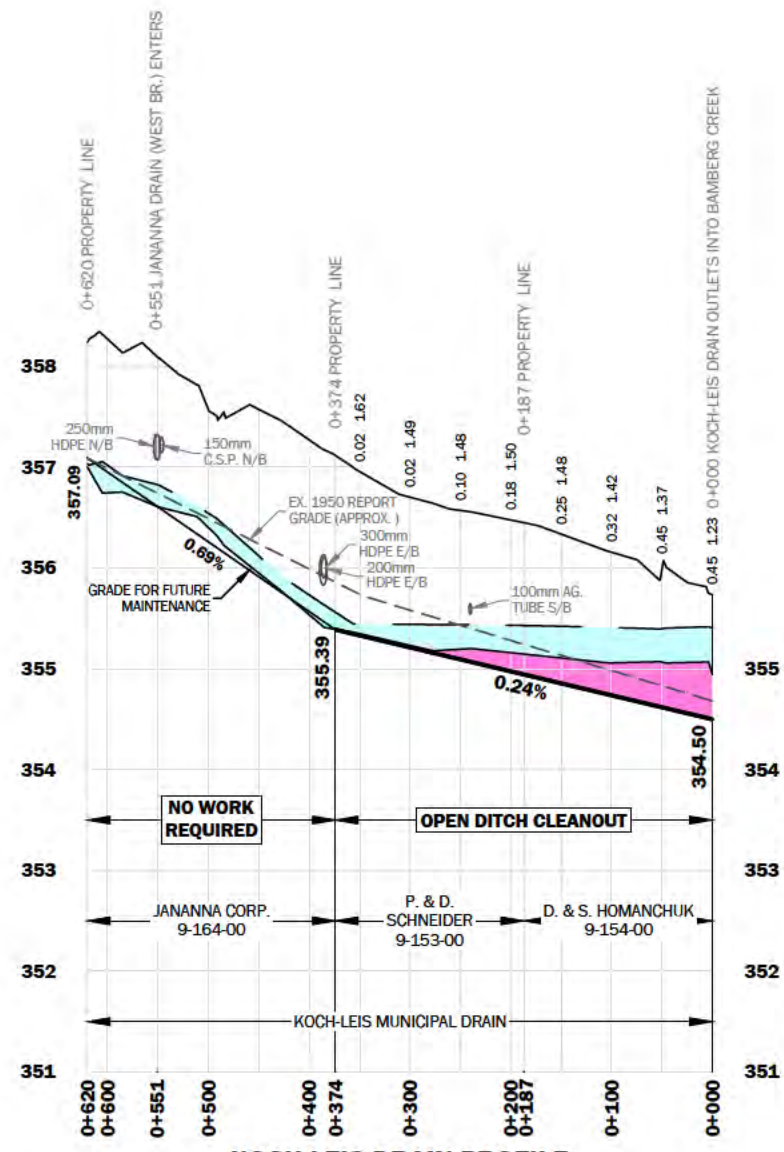
MATERIAL	DIAMETER (mm)	STATION RANGE	LENGTH (m)
1. HIGH DENSITY POLYETHYLENE OUTLET PIPE	250	0+000 - 0+006	6
2. CONCRETE FIELD TILE	250	0+006 - 0+450	444
3. CONCRETE FIELD TILE	200	0+450 - 0+760	310



WEST BRANCH PROFILE



KOCH-LEIS DRAIN PROFILE



No.	REVISION	DATE (YY-MM-DD)
4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 4 OF 6

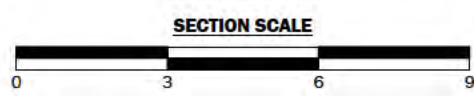
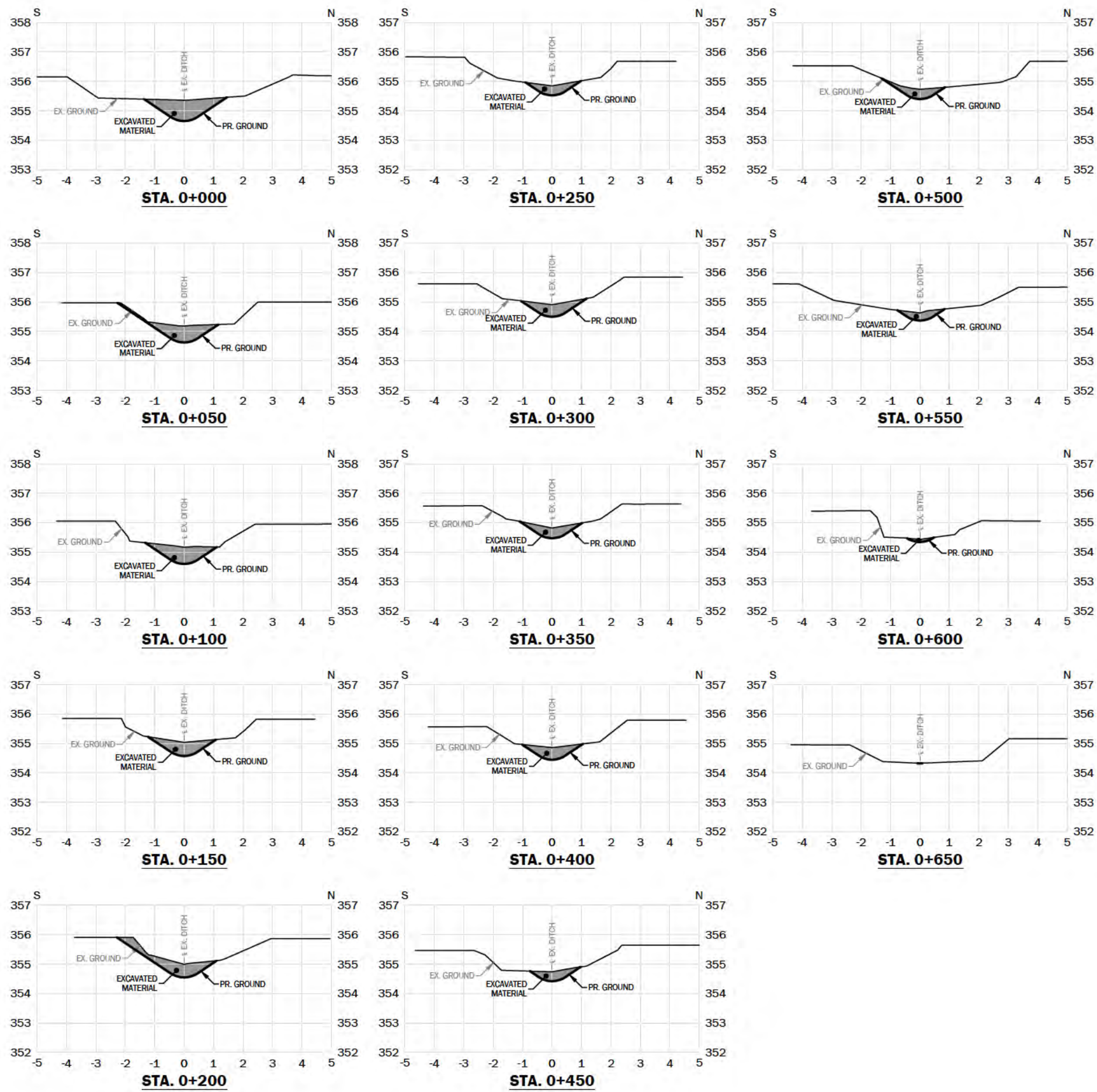
WARD 2

**JANANNA
MUNICIPAL DRAIN**

Bamberg Creek Sections

BENCHMARK DESCRIPTIONS

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4	REPORT SUBMISSION	23-04-28
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1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YY-MM-DD)



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 5 OF 6

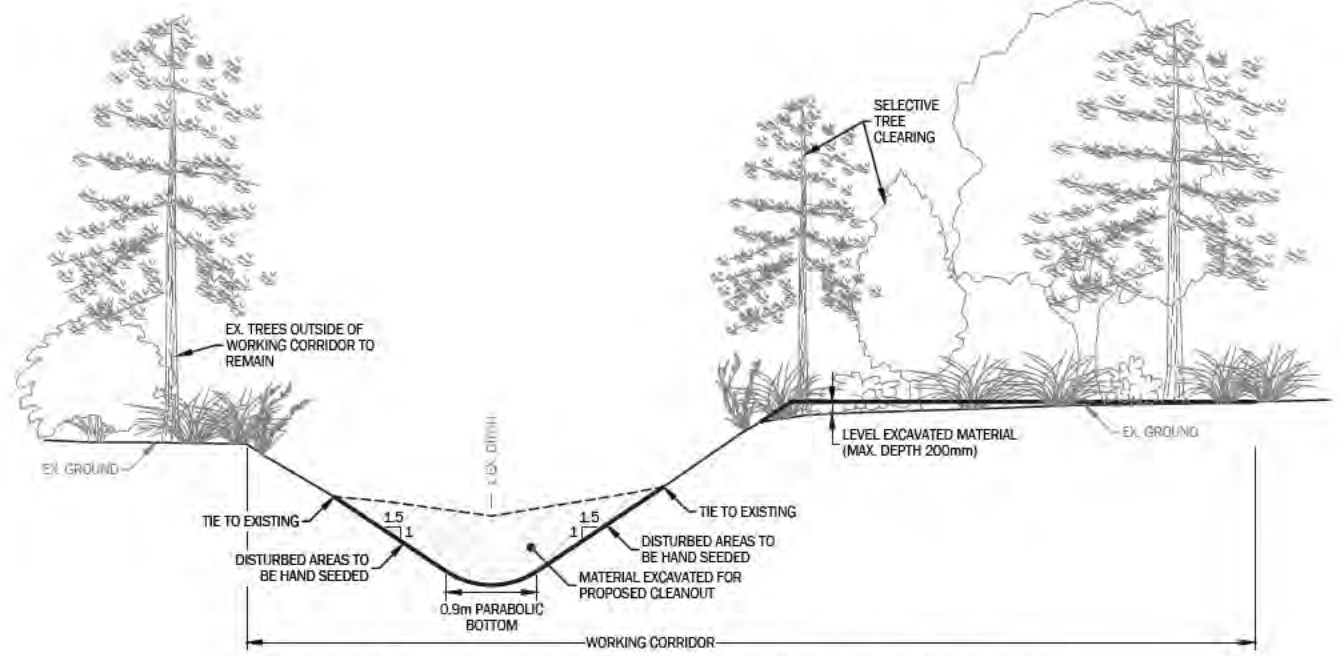
WARD 2

JANANNA MUNICIPAL DRAIN

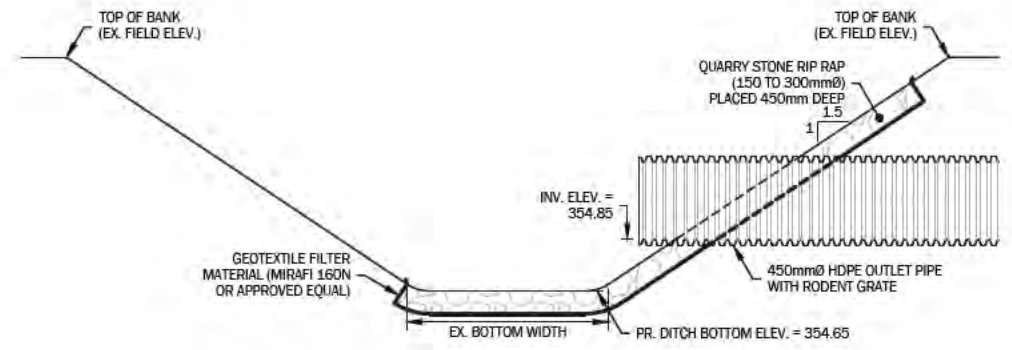
Details

BENCHMARK DESCRIPTIONS

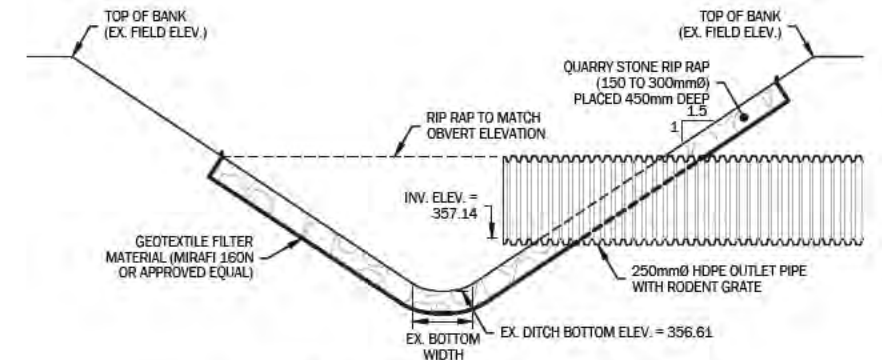
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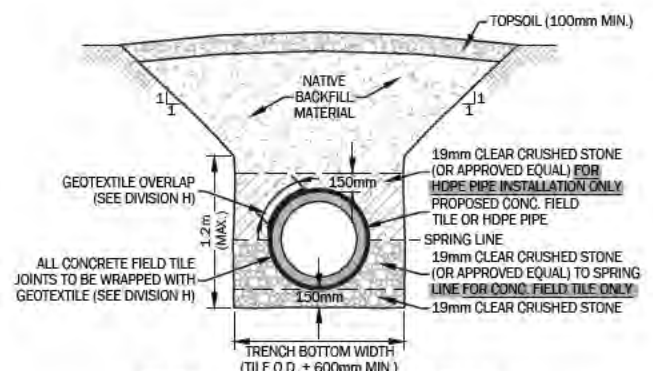
TYPICAL OPEN DITCH CLEANOUT DETAIL (BAMBERG CREEK)
N.T.S.



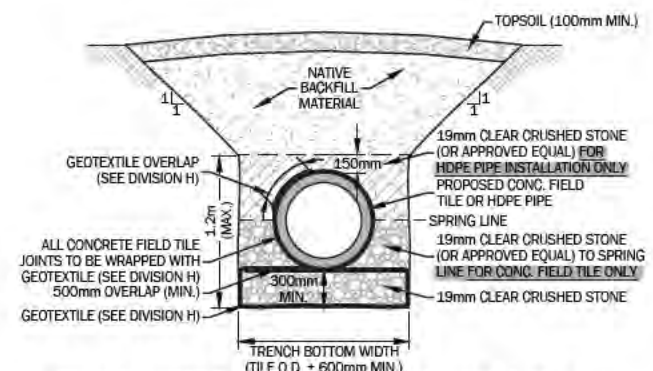
EAST BRANCH OUTLET DETAIL
N.T.S.



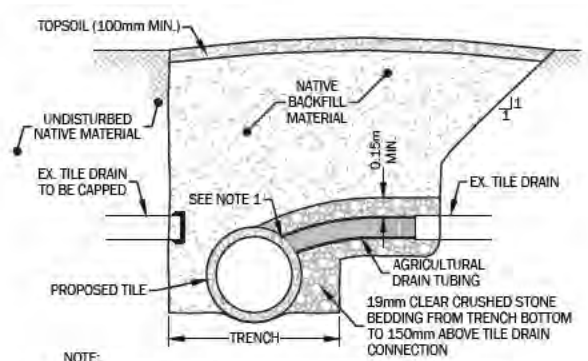
WEST BRANCH OUTLET DETAIL
N.T.S.



TYPICAL PIPE INSTALLATION ON STONE BEDDING DETAIL
N.T.S.



TYPICAL PIPE INSTALLATION ON WRAPPED STONE BEDDING DETAIL (PROVISIONAL ITEM)
N.T.S.



TYPICAL TILE CONNECTION DETAIL
N.T.S.

- NOTE:
- ALL TILE CONNECTIONS TO BE EITHER A CORED HOLE WITH AN INSERT COUPLER, OR A MANUFACTURED TEE.
 - CLEAR CRUSHED STONE BEDDING NOT REQUIRED IF DUAL WALL HDPE PIPE IS USED FOR THE CONNECTION.



4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YY-MM-DD)



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 6 OF 6



CORPORATE SERVICES

Staff Report

REPORT NO: COR 2023-36

TO: Council

SUBMITTED BY: Patrick Kelly CPA, CMA, Director of Corporate Services / Treasurer

PREPARED BY: Patrick Kelly CPA, CMA, Director of Corporate Services / Treasurer
Ashton Romany CPA, Manager of Finance / Deputy Treasurer

REVIEWED BY: Sharon Chambers, CAO

DATE: June 26, 2023

SUBJECT: 2022 Audited Financial Statements

RECOMMENDATION:

THAT Report COR 2023-36 regarding the 2022 Audited Financial Statements be received for information purposes.

SUMMARY:

The Township of Wilmot financial results for 2022 were audited by Graham Matthew Professional Corporation in March and April 2023. The results of the audit will be presented by Mike Arndt CPA, CA.

BACKGROUND:

In accordance with the Municipal Act 2001, Section 296 Section 5, the auditor of a municipality shall report to the council of the municipality the audited financial report at the conclusion of the annual audit.

Municipalities are also required to submit a copy of the Financial Information Return (FIR) together with the audited financial statements to the Ministry of Municipal Affairs and Housing (MMAH). The Township was recognized publicly by the Ministry in August 2022 with the 2021

Financial Information Return Award. This award recognizes the efforts of Township staff in ensuring that timely, reliable and accurate financial information is supplied to the ministry on behalf of the municipality.

A copy of the 2022 FIR has been submitted to the Ministry of Municipal Affairs and Housing and has been posted to the Ministries public facing [website](#).

REPORT:

Graham Mathew Professional Corporation LLP was engaged by the Township to audit the financial statements of the municipality, as prepared by staff. An interim audit occurred in November 2022, and the year-end audit was completed in March and April 2023.

Attached to this report is the 2022 audited financial report for the Township of Wilmot, dated May 29, 2023, for information purposes.

Mr. Mike Arndt, CPA, CA of Graham Mathew Professional Corporation will be in attendance to highlight the report.

Upon Council approval, a copy of the Township's 2022 Audited Financial Statements will be posted to the Township website.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This report is aligned with the Strategic Plan goal of Responsible Governance through the action of Fiscal Responsibility. The public disclosure of financial information to Council and the community adheres to the requirements of the Municipal Act, and the Township's Policy on Accountability and Transparency.

FINANCIAL CONSIDERATIONS:

The overall financial position of the Township remains relatively strong with a slight decrease in cash offset by an increase in investments.

ATTACHMENTS:

- 2022 Financial Statements
- 2022 Trust Fund Financial Statements

Financial Statements of

**THE CORPORATION OF THE
TOWNSHIP OF WILMOT**

Year ended December 31, 2022

THE CORPORATION OF THE TOWNSHIP OF WILMOT

INDEX

	Page Number
Six Year Financial Review	1-2
Management Responsibility for Financial Reporting	3
Independent Auditors' Report	4-5
Financial Position	6
Statement of Operations and Accumulated Surplus	7
Statement of Change in Net Financial Assets	8
Statement of Cash Flows	9
Notes to the Financial Statements	10-25

THE CORPORATION OF THE TOWNSHIP OF WILMOT
SIX-YEAR FINANCIAL REVIEW (UNAUDITED)
 (All dollar amounts are in (000's) of dollars, except per capita figures)

	2022	2021	2020	2019	2018	2017
POPULATION at the end of the year	22,157	22,041	21,957	21,850	21,643	21,429
AREA in acres at the end of the year	65,767	65,767	65,767	65,767	65,767	65,767
EMPLOYEES - continuous full time	85	75	73	66	65	62
NUMBER of households	8,131	8,085	8,059	7,991	7,757	7,681
ASSESSMENT - Taxable assessment upon which the year's rates of taxation were set						
Residential, multi-residential and farm	3,752,623	3,723,677	3,692,029	3,496,578	3,298,092	3,113,367
Commercial - all classes	151,174	149,259	149,972	140,862	132,920	131,630
Industrial - all classes	48,321	47,348	42,383	41,063	39,741	37,009
Pipeline & Managed Forests	18,269	18,399	17,995	16,570	15,070	13,740
Total	<u>3,970,386</u>	<u>3,938,683</u>	<u>3,902,379</u>	<u>3,695,073</u>	<u>3,485,823</u>	<u>3,295,746</u>
Per capita	\$ 179,193	\$ 178,698	\$ 177,728	\$ 169,111	\$ 161,060	\$ 153,798
Commercial and industrial, as a percentage of taxable assessment	5%	5%	5%	5%	5%	5%
Exempt assessment	\$ 122,769	\$ 120,576	\$ 121,622	\$ 118,614	\$ 114,627	\$ 110,821
TAX ARREARS - per capita	\$34.81	\$40.25	\$56.88	\$48.86	\$50.65	\$38.14
- percentage of current levy	2.13%	2.59%	3.65%	3.26%	3.45%	2.66%
EXPENDITURE - general municipal purposes	\$ 24,151	\$ 21,500	\$ 20,765	\$ 19,585	\$ 19,133	\$ 19,442
TRANSFERS TO THE REGION	\$ 19,656	\$ 18,869	\$ 20,364	\$ 17,943	\$ 17,287	\$ 16,766
TRANSFERS TO THE SCHOOL BOARDS	\$ 6,868	\$ 7,021	\$ 7,554	\$ 7,612	\$ 7,580	\$ 7,535
REVENUE FOR GENERAL MUNICIPAL SERVICES						
Taxation	\$ 9,974	\$ 9,250	\$ 8,719	\$ 8,116	\$ 7,870	\$ 7,592
Payment in lieu of taxes	175	171	171	173	163	161
Government grants	3,718	3,410	3,420	3,486	2,847	3,290
Fees and service charges	5,652	4,764	5,035	5,408	5,800	5,295
Equity income from Hydro Utilities	1,545	868	809	786	849	785
Other	(419)	2,172	1,615	1,788	279	3,547
Total	<u>\$ 20,645</u>	<u>\$ 20,635</u>	<u>\$ 19,769</u>	<u>\$ 19,757</u>	<u>\$ 17,808</u>	<u>\$ 20,670</u>

THE CORPORATION OF THE TOWNSHIP OF WILMOT
SIX-YEAR FINANCIAL REVIEW (UNAUDITED)
 (All dollar amounts are in (000's) of dollars, except per capita figures)

	2022	2021	2020	2019	2018	2017
NET LONG TERM LIABILITIES						
General municipal activities	\$8,845	\$0	\$0	\$0	\$0	\$0
- per capita	\$399	\$0	\$0	\$0	\$0	\$0
- percentage of taxable assessment	0.22%	0.00%	0.00%	0.00%	0.00%	0.00%
CHARGES FOR NET LONG TERM LIABILITIES						
General municipal activities	\$0	\$0	\$0	\$0	\$0	\$0
- per capita	\$0	\$0	\$0	\$0	\$0	\$0
- as a tax rate	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000	\$0.000
ACCUMULATED SURPLUS						
- OPERATING FUND	\$5,724	\$9,850	\$8,279	\$7,145	\$5,459	\$5,157
- TANGIBLE CAPITAL ASSETS	\$131,074	\$131,188	\$131,811	\$135,773	\$137,684	\$139,955
- RESERVES AND RESERVE FUNDS	\$5,486	\$6,296	\$8,637	\$8,337	\$8,414	\$8,304
- HYDRO UTILITY	\$20,997	\$19,452	\$18,924	\$18,439	\$17,965	\$17,432
DEFERRED REVENUES - obligatory reserve funds	-\$284	-\$3,307	-\$1,880	-\$1,374	-\$828	-\$947

Management Responsibility for Financial Reporting

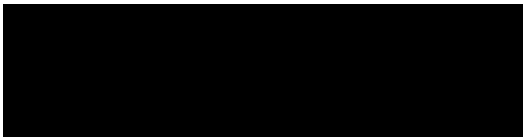
For the Year ended December 31, 2022

The accompanying Financial Statements and all other information contained in this Annual Report are the responsibility of the management of The Corporation of the Township of Wilmot. The preparation of periodic financial statements involves the use of estimates and approximations because the precise determination of financial information frequently depends on future events. These Financial Statements have been prepared by management within the reasonable limits of materiality and within the framework of Canadian generally accepted accounting principles for governments established by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.

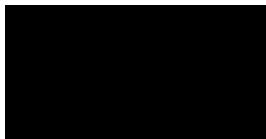
In carrying out its responsibilities, management maintains appropriate systems of internal and administrative controls designed to provide reasonable assurance that transactions are executed in accordance with proper authorization, that assets are properly accounted for and safeguarded, and that financial information produced is relevant and reliable.

Prior to their submission to Council, the Financial Statements are reviewed and approved by management. In addition, management meets periodically with the Township's external auditors to approve the scope and timing of their respective audits, to review their findings and to satisfy itself that their responsibilities have been properly discharged.

Graham Mathew Professional Corporation, Chartered Professional Accountants, as the Township's appointed external auditors, have audited the Financial Statements. The external auditors have full and free access to management and Council. The Independent Auditors' Report is dated May 29, 2023 and appears on the following pages. Their opinion is based upon an examination conducted in accordance with Canadian generally accepted auditing standards, performing such tests and other procedures as they consider necessary to obtain reasonable assurance that the Financial Statements are free of material misstatements and present fairly the financial position and results of the operations of the Township in accordance with Canadian public sector accounting standards.



Sharon Chambers,
Chief Administrative Officer



Patrick Kelly CPA, CMA
Director of Corporate Services / Treasurer

This information is available in accessible formats upon request

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of
The Corporation of the Township of Wilmot

Opinion

We have audited the accompanying financial statements of **The Corporation of the Township of Wilmot** (the Township), which comprise the statement of financial position as at December 31, 2022, and the statements of operations and accumulated surplus, change in net financial assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Township as at December 31, 2022, and its financial performance and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Township in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Township's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Council either intends to liquidate the Township or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Township's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

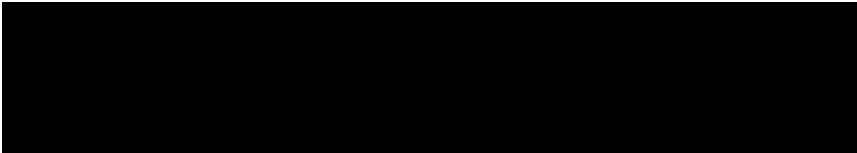
INDEPENDENT AUDITORS' REPORT (CONTINUED)

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Township's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Township's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Township to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Cambridge, Ontario
May 29, 2023



Chartered Professional Accountants, authorized to practise public
accounting by the Chartered Professional Accountants of Ontario

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Statement of Financial Position

December 31, 2022

	2022	2021
Financial Assets		
Cash	\$ 22,210,277	\$ 15,617,820
Taxes receivable	771,347	887,192
Accounts receivable	3,234,222	2,376,918
Investment in Enova Energy Corporation / Kitchener Power Corp. (note 6)	20,996,951	19,451,978
	<u>47,212,797</u>	<u>38,333,908</u>
Liabilities		
Accounts payable and accrued liabilities	2,903,630	3,170,045
Deferred revenue (note 8)	3,907,748	3,053,549
Deferred revenue - obligatory reserve funds (note 9)	(284,308)	(3,307,171)
Net long-term liabilities (note 10)	8,845,000	-
	<u>15,372,070</u>	<u>2,916,423</u>
Net Financial Assets	<u>\$ 31,840,727</u>	<u>\$ 35,417,485</u>
Non-Financial Assets		
Tangible capital assets (note 7)	131,074,242	131,187,709
Inventories and supplies	205,652	92,753
Prepaid expenses	159,743	87,674
	<u>131,439,637</u>	<u>131,368,136</u>
Accumulated Surplus (note 13)	<u>\$ 163,280,364</u>	<u>\$ 166,785,621</u>

See accompanying notes to financial statements.

Approved on behalf of Council

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Statement of Operations and Accumulated Surplus

Year ended December 31, 2022

	2022 Budget (Note 12b)	2022 Actual	2021 Actual
Revenues			
Taxation	\$ 10,015,215	\$ 9,974,324	\$ 9,249,589
Taxation from other governments	199,100	174,650	170,621
User fees and charges	6,028,298	5,651,968	4,348,561
Government transfer			
Canada	-	91,431	13,935
Ontario	1,159,455	1,359,880	1,397,368
Investment income	695,700	1,229,239	304,331
Interest and penalties on taxes	231,500	189,439	213,920
Other	1,419,459	392,223	206,907
	19,748,727	19,063,154	15,905,232
Expenses			
General government	3,514,254	4,286,718	3,556,921
Protection to persons and property	2,944,672	2,751,634	2,472,719
Transportation services	10,957,152	7,461,903	6,970,524
Environmental services	5,413,783	2,009,018	1,777,785
Health services	83,300	47,523	65,985
Recreation and cultural services	7,643,712	7,049,423	6,045,265
Planning and development	465,188	544,364	610,705
	31,022,061	24,150,583	21,499,904
Net expenses before other income (expense)	(11,273,334)	(5,087,429)	(5,594,672)
Other income (expense)			
Grants and transfers related to capital			
Deferred revenue (utilized) / earned	6,093,560	(2,522,263)	1,669,427
Grants and transfers - Canada	3,401,105	651,588	1,383,664
Grants and transfers - Ontario	1,647,669	1,615,505	614,765
Loss on disposal of tangible capital assets	-	(44,818)	(73,290)
Change in equity in hydro investment	-	373,440	867,613
Gain on merger of hydro utilities	-	1,171,533	-
Donations	131,000	169,488	197,134
Sale of publications, equipment	-	15,005	25,166
Interest earned on reserve funds	-	152,694	43,811
	11,273,334	1,582,172	4,728,290
Annual Deficit	-	(3,505,257)	(866,382)
Accumulated Surplus, beginning of the year		166,785,621	167,652,003
Accumulated Surplus, end of the year		\$ 163,280,364	\$ 166,785,621

See accompanying notes to financial statements.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Statement of Change in Net Financial Assets

Year ended December 31, 2022

	2022 Budget (Note 12b)	2022 Actual	2021 Actual
Annual Deficit	\$ -	\$ (3,505,257)	\$ (866,382)
Amortization of tangible capital assets	-	6,247,553	6,130,853
Acquisition of tangible capital assets	(14,095,000)	(6,178,904)	(5,580,667)
Loss on disposal of tangible capital assets	-	44,818	73,290
Change in inventories and supplies	-	(112,899)	1,568
Change in prepaid expenses	-	(72,069)	(17,224)
Decrease in Net Financial Assets	(14,095,000)	(3,576,758)	(258,562)
Net Financial Assets, beginning of year	35,417,485	35,417,485	35,676,047
Net Financial Assets, end of year	\$ 21,322,485	\$ 31,840,727	\$ 35,417,485

See accompanying notes to financial statements.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Statement of Cash Flows

Year ended December 31, 2022

	2022	2021
Operating activities		
Annual Deficit	\$ (3,505,257)	\$ (866,382)
Sources (uses)		
Taxes receivable	115,845	361,780
Accounts receivable	(857,304)	(472,852)
Accounts payable and accrued liabilities	(266,415)	621,039
Deferred revenue	3,877,062	(72,546)
Inventories and supplies	(112,899)	1,568
Prepaid expenses	(72,069)	(17,224)
	(821,037)	(444,617)
Non-cash charges to operations		
Amortization	6,247,553	6,130,853
Loss on sale of tangible capital assets	44,818	73,290
Gain on merger of hydro utilities	(1,171,533)	-
	4,299,801	5,759,526
Capital activities		
Acquisition of tangible capital assets	(6,178,904)	(5,580,667)
Investing activities		
Net increase in investments	(373,440)	(527,713)
Financing activities		
Long-term debt issuance	8,845,000	-
Net increase (decrease) in cash	6,592,457	(348,854)
Cash, beginning of year	15,617,820	15,966,674
Cash, end of year	\$ 22,210,277	\$ 15,617,820

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements

Year ended December 31, 2022

1. Municipal Status

The Corporation of The Township of Wilmot was created on January 1, 1973 when the municipalities of Wilmot and New Hamburg were amalgamated into a single legal entity under the Wilmot name. The Township operates as a lower tier government in the Province of Ontario, Canada. Wilmot provides municipal services such as fire protection, public works, water/sanitary distribution, urban/rural planning, recreation and cultural services, and other general government services. The Township owns 4.49% of Enova Energy Corp. and its affiliates.

2. Summary of Significant Accounting policies:

The financial statements of the Municipality are the representation of management, prepared in accordance with local government accounting standards established by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada.

The following is a summary of the significant accounting policies followed in the preparation of these financial statements:

(a) Basis of Presentation:

(i) Financial Statements:

These statements reflect the financial assets, liabilities, operating revenues and expenses, reserve funds and reserves, changes in investment in tangible capital assets and cash flows and include the activities of all governmental functions controlled and exercised by the Township Council.

All interfund transfers have been eliminated.

(ii) Government Business Enterprises:

The government business enterprise, Enova Energy Corporation, is accounted for on the modified equity basis which reflects the Township's investment in the enterprise and its share of net income (loss) since acquisition. Under the modified equity basis, the enterprise's accounting principles are not adjusted to conform to those of the Township, and inter-organizational transactions and balances are not eliminated.

(iii) Accounting for Region and School Board Transactions:

The taxation, other revenues, expenditures, assets and liabilities with respect to the operations of the School Boards and the Regional Municipality of Waterloo, are not reflected in these financial statements.

(iv) Trust Funds:

Trust funds and their related operations administered by the Municipality are not consolidated herein but are reported separately on the "Trust Funds Statement of Financial Position and Statement of Continuity" (see also Note 4).

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

2. Summary of Significant Accounting policies (continued):

(b) Non-Financial Assets

Non-financial assets are not normally available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations. The change in non-financial assets during the year, together with the annual surplus (deficit) of revenues over expenses, provides the change in net financial assets for the year.

(i) Tangible Capital Assets

Tangible capital assets are recorded at cost which includes all amounts that are directly attributable to acquisition, construction, development or betterment of the asset. The cost of the tangible capital assets is amortized on a straight-line basis over their estimated useful lives as follows:

Land	not amortized
Land Improvements	15 years
Buildings	40 years
Machinery and Equipment	10 years
Technological Equipment	5 years
Vehicles	10 years
Roads (tar & chip, gravel, paved)	25 years
Bridges	60 years
Water and Wastewater	75 years

Work in progress is not amortized until the asset is available for productive use.

(ii) Contributions of Tangible Capital Assets (Donated)

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also are recorded as revenue.

(iii) Interest Capitalization

The Township does not capitalize interest costs associated with the acquisition or construction of a tangible capital asset.

(iv) Works of art and cultural and historic assets

These assets are not recorded in these financial statements.

(v) Inventories and Prepaid Expenses

Inventories held for consumption are recorded at the lower of cost and replacement cost.

Prepaid expenses relate to expenditures incurred in the current period which relate to and will be expensed in a future fiscal period.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

2. Summary of Significant Accounting policies (continued):

(c) Revenue Recognition

Revenues are recognized in the period in which the transactions or events occurred that gave rise to the revenues. All revenues are recorded on an accrual basis, except when the accruals cannot be determined with a reasonable degree of certainty or when their estimation is impracticable.

Government transfers are recognized as revenues when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Transfers are recognized as deferred revenue when transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.

Government transfers, contributions and other amounts are received from third parties pursuant to legislation, regulation or agreement and may only be used in the conduct of certain programs, in the completion of specific work or the purchase of tangible capital assets. In addition, certain user charges and fees are collected for which the related services have yet to be performed. Revenue is recognized in the period when the related expenses are incurred, services performed or the tangible assets are acquired.

Tax revenue is recognized when it is authorized and in the period for which the tax is levied.

(d) Use of estimates

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the year. These estimates and assumptions, including taxation assessment appeals, legal claims provisions, the valuation of tangible capital assets and their related useful lives and amortization, are based on management's best information and judgement and may differ significantly from future actual results.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

3. Operations of School Boards and the Region of Waterloo:

Further to note 2(a)(iii), the taxation, other revenues, and requisitions for the School Boards and the Region of Waterloo, net of write-offs, are comprised of the following:

	School Boards	Region
Taxation and user charges	\$ 6,867,800	\$ 19,533,536
Share of payments in lieu of taxes	-	122,718
	6,867,800	19,656,254
Payment	6,867,800	19,656,254
Overlevies (underlevies) end of year	\$ -	\$ -

4. Trust Funds:

Further to note 2(a)(iv), trust fund assets administered by the Township amounting to \$895,995 (2021 - \$806,525) have not been included in the Statement of Financial Position nor have their operations been included in the Statement of Operations and Accumulated Surplus.

5. Ontario Municipal Employees' Retirement Fund:

The Township makes matching contributions on behalf of its staff to the Ontario Municipal Employees' Retirement Fund (OMERS), which is a multi-employer plan. The plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of service, age and rates of pay.

Employee contributions in 2022 were at rates ranging from 9.0% to 14.6% based on member earnings and were matched by the Township on a dollar for dollar basis. The amount contributed to OMERS by the Township for 2022 was \$619,446 (2021 - \$541,787) for current service and is included as an expense on the statement of operations and accumulated surplus.

The OMERS pension plan has a deficit. The last available report for the OMERS plan was on December 31, 2022. At that time the plan reported a \$6.7 billion actuarial deficit (2021 - \$3.1 billion), based on actuarial liabilities of \$130.3 billion (2021 - \$120.8 billion) and actuarial assets of \$123.6 billion (2021 - \$117.7 billion). If actuarial surpluses are not available to offset the existing deficit and subsidize future contributions, increases in contributions will be required in the future. There were no changes to contribution rates or benefits for 2022.

The Township does not participate in any past service provisions of the OMERS agreement.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

6. Investment in Enova Energy Corporation / Kitchener Power Corp.:

Under the provincial government's Electricity Competition Act (Bill 35), Kitchener Power Corp. ("KPC"), a holding company, along with its wholly-owned affiliates, Kitchener-Wilmot Hydro Inc., and Kitchener Energy Services Inc. was incorporated on July 1, 2004.

On January 12, 2022, a Merger Participation Agreement ("MPA") was signed between: the Corporation of the City of Kitchener ("Kitchener"); the Corporation of the Township of Wilmot ("Wilmot"); the Corporation of the City of Waterloo ("Waterloo"); the Corporation of the Township of Woolwich ("Woolwich"); the Corporation of the Township of Wellesley ("Wellesley"); Kitchener-Wilmot Hydro Inc., ("KWHI"); Kitchener Energy Services Inc. ("KESI"); Waterloo North Hydro Inc. ("WNHI"); Waterloo North Hydro Holding Corporation ("WNHHC"); and Alliance Metering Solutions Inc. ("AMS"). WNHHC is the parent company of WNHI and AMS.

The MPA provided the terms and conditions under which KPC and WNHHC would amalgamate (the "MergeCo Amalgamation"), followed immediately by the amalgamation of the KWHI and WNHI ("LDC Amalgamation"). The LDC Amalgamation was subject to the approval of the Ontario Energy Board ("OEB") based on a Mergers, Acquisitions, Amalgamations and Divestitures Application ("MAADs Application") process. The MAADs Application included a request for OEB approval for the continuation of regulated rates and charges of the predecessor LDCs of the Corporation. On June 28, 2022, the OEB issued a Decision and Order approving the LDC Amalgamation.

The MergeCo Amalgamation occurred on August 31, 2022 (the "closing date") and the parent Corporation continues as Enova Energy Corporation, a corporation amalgamated under the laws of Ontario. On September 1, 2022, immediately following the MergeCo Amalgamation, the KWHI and WNHI legally amalgamated and continues as Enova Power Corp., a corporation amalgamated under the laws of Ontario.

Until August 31, 2022, Wilmot held 7.75% of the common shares of Kitchener Power Corp. and a 7.75% share in long-term notes payable by subsidiaries and investees of Kitchener Power Corp. Following the merger, the Township holds 4.49% of the common shares of Enova Energy Corporation and a 5.41% share in long-term notes payable of Enova Energy Corporation.

As a result of the transaction, the Township recorded a gain on merger from its prior interest in Kitchener Power Corp. of \$1,171,533.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

6. Investment in Enova Energy Corporation / Kitchener Power Corp. (continued):

The investment in Enova Energy Corporation (2021 – Kitchener Power Corp.) is comprised of the following:

	2022	2021
Kitchener Power Corp. common shares, initial valuation	\$ -	\$ 5,113,962
Kitchener-Wilmot Hydro Inc. long-term notes receivable	-	5,964,566
Enova Energy Corporation common shares, initial valuation	14,648,535	-
Enova Energy Corporation long-term notes receivable	5,964,566	-
Accumulated equity increase	383,850	8,373,450
	\$ 20,996,951	\$ 19,451,978

The continuity of the Township's investment in Enova Energy Corporation (2021 – Kitchener Power Corp.) is as follows:

	2022	2021
Balance, beginning of year	\$ 19,451,978	\$ 18,924,265
Share of net income of Kitchener Power Corp. for the period	529,790	867,613
Dividends received from Kitchener Power Corp. for the period	(540,200)	(339,900)
	19,441,568	19,451,978
Gain on merger of hydro utilities	1,171,533	-
Share of net income of Enova Energy Corporation for the period	383,850	-
Dividends received from Enova Energy Corporation for the period	-	-
	\$ 20,996,951	\$ 19,451,978

The Enova Energy Corporation (2021 – Kitchener Power Corp.) notes bear interest at the annual rate of 3.23%, and are unsecured.

Special shares were issued as part of the Amalgamation Transaction on September 1, 2022 to effect post-closing adjustments provided for in corresponding agreements. The Township of Wilmot was issued 775 Class A special shares. As of December 31, 2022, the redemption value has not been set.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

6. Investment in Enova Energy Corporation / Kitchener Power Corp. (continued):

The following table provides condensed financial information in respect of Enova Energy Corporation at December 31, 2022 and Kitchener Power Corp. at December 31, 2021:

	2022	2021
	(in thousands)	(in thousands)
Current assets	\$ 93,352	\$ 46,263
Long-term assets	783,381	317,220
Total assets	\$ 876,733	\$ 363,483
Current liabilities	71,051	42,578
Long-term liabilities	362,378	142,332
Total liabilities	433,429	184,910
Net assets	\$ 443,304	\$ 178,573

	2022	2021
	8 months	12 months
	(in thousands)	(in thousands)
Results of operations - Kitchener Power Corp.:		
Revenues	\$ 183,730	\$ 256,287
Operating expenses	(176,894)	(245,092)
Net income	\$ 6,836	\$ 11,195
Township's share of net income - 7.75%	\$ 530	\$ 868

	2022	2021
	4 months	
	(in thousands)	
Results of operations - Enova Energy Corporation:		
Revenues	\$ 155,208	\$ -
Operating expenses	(146,659)	-
Net income	\$ 8,549	\$ -
Township's share of net income - 4.49%	\$ 384	\$ -

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

7. Tangible Capital Assets:

There were no tangible capital assets contributed to the Township in 2022. Donated land and other tangible capital assets are capitalized at their fair market value at the time of receipt and included in income as “donated tangible capital assets”.

Amortization expense for the year amounts to \$6,247,553 (\$6,130,853 in 2021).

2022	Land	Land Improvements	Buildings	Machinery & Equipment	Infrastructure	Vehicles	Total
Cost							
Balance, beginning of year	\$ 10,315,370	\$ 6,030,411	\$ 34,802,102	\$ 5,457,679	\$ 174,461,855	\$ 6,755,748	\$ 237,823,165
Additions	-	397,200	935,655	370,155	1,402,300	1,451,065	4,556,375
Disposals	-	(34,974)	(9,618)	-	(119,742)	(295,992)	(460,326)
Cost, end of year	10,315,370	6,392,637	35,728,139	5,827,834	175,744,413	7,910,821	241,919,214
Accumulated amortization							
Balance, beginning of year	-	2,901,323	13,759,320	3,352,895	86,881,872	5,079,561	111,974,970
Disposals	-	(34,974)	(9,618)	-	(74,924)	(295,992)	(415,508)
Amortization expense	-	361,418	900,218	516,444	4,066,478	402,995	6,247,553
Accumulated amortization, end of year	-	3,227,767	14,649,920	3,869,339	90,873,426	5,186,564	117,807,016
Work in Progress	-	-	-	-	-	-	6,962,044
Net Book Value, end of year	\$ 10,315,370	\$ 3,164,870	\$ 21,078,219	\$ 1,958,495	\$ 84,870,987	\$ 2,724,257	\$ 131,074,242
2021	Land	Land Improvements	Buildings	Machinery & Equipment	Infrastructure	Vehicles	Total
Cost							
Balance, beginning of year	\$ 10,315,370	\$ 4,866,368	\$ 34,706,998	\$ 5,254,635	\$ 174,076,708	\$ 6,625,336	\$ 235,845,415
Additions	-	1,178,707	129,655	203,044	508,559	130,412	2,150,377
Disposals	-	(14,664)	(34,551)	-	(123,412)	-	(172,627)
Cost, end of year	10,315,370	6,030,411	34,802,102	5,457,679	174,461,855	6,755,748	237,823,165
Accumulated amortization							
Balance, beginning of year	-	2,597,593	12,917,885	2,856,447	82,828,999	4,742,530	105,943,454
Disposals	-	(14,664)	(13,505)	-	(71,168)	-	(99,337)
Amortization expense	-	318,393	854,940	496,448	4,124,041	337,031	6,130,853
Accumulated amortization, end of year	-	2,901,323	13,759,320	3,352,895	86,881,872	5,079,561	111,974,970
Work in Progress	-	-	-	-	-	-	5,339,514
Net Book Value, end of year	\$ 10,315,370	\$ 3,129,088	\$ 21,042,783	\$ 2,104,784	\$ 87,579,983	\$ 1,676,187	\$ 131,187,709

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

8. Deferred revenue:

- (a) The balances in deferred revenues on the statement of financial position are summarized by service area as follows:

	2022	2021
Community Services	\$ 863,649	\$ 616,916
Development Services	2,190,446	1,622,257
Fire Services	-	11,910
Infrastructure Services	691,081	280,282
Other	162,572	522,184
	\$ 3,907,748	\$ 3,053,549

- (b) Deferred revenues include funding support from senior levels of government resulting from the COVID-19 pandemic \$0 (2021 – \$467,222).

9. Deferred revenue - obligatory reserve funds:

A requirement of PSAB is that obligatory reserve funds be reported as deferred revenue. This requirement is in place as provincial legislation restricts how these funds may be used and under certain circumstances these funds may possibly be refunded.

- (a) The balances in the obligatory reserve funds of the Township are summarized as follows:

	2022	2021
Recreational parkland (The Planning Act)	\$ 1,680,111	\$ 1,599,806
Development charges and sub-dividers contributions	(384,350)	(3,727,430)
Federal Gas Tax	105,731	104,692
Building Department (Bill 124)	(1,685,800)	(1,284,239)
	\$ (284,308)	\$ (3,307,171)

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

9. Deferred revenue - obligatory reserve funds (continued):

(b) Continuity schedule:

	2022	2021
Revenue		
Development charges and user fees	\$ 585,011	\$ 261,075
Federal Gas Tax funding	651,588	1,277,978
Investment income	(84,414)	(16,933)
	1,152,185	1,522,120
Deferred revenue recognized	1,870,678	(2,948,975)
Change in deferred revenue	3,022,863	(1,426,855)
Deferred revenue, beginning of year	(3,307,171)	(1,880,316)
Deferred revenue, end of year	\$ (284,308)	\$ (3,307,171)

10. Net long-term liabilities:

(a) The balance of net long-term liabilities reported on the statement of financial position is made up of the following:

	2022	2021
The municipality has assumed responsibility for the payment of principal and interest charges on certain long-term liabilities issued by the Region of Waterloo. At the end of the year, the outstanding principal amount of this liability is	\$ 9,407,152	\$ 686,968
Of the long-term liabilities shown above, the responsibility for payment of principal and interest charges that has been assumed by individuals amounts to	(562,152)	(686,968)
Net long-term liabilities at end of year	\$ 8,845,000	\$ nil

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

10. Net long-term liabilities (continued):

- (b) Of the long-term liabilities reported in (a) of this note, future principal payments are summarized as follows:

	2023 to 2027	2028 and thereafter	Total
From general municipal revenues	\$ 452,974	\$ 2,041,765	\$ 2,494,739
From development charges	1,153,026	5,197,235	6,350,261
From benefiting landowners	562,152	-	562,152
	\$2,168,152	\$ 7,239,000	\$ 9,407,152

- (c) The long-term liabilities included above, issued in the name of the Township, have been approved by By-Law. The annual principal and interest payments required to service these liabilities are within the annual limit prescribed by the Ministry of Municipal Affairs and Housing.
- (d) Interest charges for 2022 on net long-term liabilities were nil. Interest on the long-term debt is 4.20% for 2023.
- (e) During the year, the Township incurred \$8,845,000 of new debt to finance various capital projects. The debt matures in 2042 and is available to be re-financed in 2032.
- (f) The Township is contingently liable for the long-term liability with respect to tile drainage loans and the water system indebtedness. The total amount of this contingent liability outstanding at December 31, 2022 is \$562,152 (2021 - \$686,968).

11. Self Insurance Coverage:

The Township has an agreement with members of the Waterloo Region Municipalities Insurance Pool to purchase property damage and public liability insurance on a group basis and share a retained level of risk. The members pay an annual levy to fund insurance coverage, losses, and contribute to a surplus. The pool has purchased insurance to fund losses above a pre-determined deductible and any losses above a pre-determined total in any year.

The Township is self-insured for public liability claims up to \$10,000 (2021 - \$10,000) for any individual claim and \$10,000 (2021 - \$10,000) for any number of claims arising out of a single occurrence. Outside coverage is in place for claims in excess of these limits.

During the year, claims amounting to \$60,132 (2021 - \$49,343) were settled and insurance premiums of \$225,660 (2021 - \$219,154) were paid. Both amounts are reported as an expenditure on the Statement of Operations and Accumulated Surplus.

The Township is, from time to time, involved in legal suits of varying dollar amounts for which no provision for possible liability has been recorded in these financial statements. In the event the Township is found liable, any amounts not recoverable from Township's insurers will be adjusted against future revenues.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

12. Other explanatory notes:

(a) Expenditures by object

The following is a summary of the operating expenditures on the statement of financial activities by the object of expenditure:

	2022	2021
Salaries, wages and employee benefits	\$ 10,530,718	\$ 8,885,725
Materials	6,426,590	5,871,292
Amortization	6,247,553	6,130,853
Contracted services	878,558	553,788
External transfers	67,164	58,246
	\$ 24,150,583	21,499,904

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

12. Other explanatory notes (continued):

(b) Budget Figures

Budget figures reported on the Statement of Operations and Accumulated Surplus are based on the 2022 operating and capital budgets, as approved by Council. Approved budget figures have been reclassified and adjusted for the purposes of these financial statements to comply with Public Sector Accounting Board (PSAB) reporting requirements. The Township has provided the following reconciliation of the PSAB reported surplus to the approved Council budget.

	2022	2021
Annual Deficit under PSAB	\$(3,505,257)	\$ (866,382)
Less:		
Grants and transfer related to capital	759,612	2,337,150
Deferred Revenue, net change	(810,217)	(2,341,515)
Contribution from Developers	(2,926,491)	1,390,867
Tangible capital assets additions	6,178,904	5,580,667
Increase in Government Business Enterprises	1,544,973	527,713
	4,746,781	7,494,882
Add:		
Amortization	6,247,553	6,130,853
Capital expenses	1,959,667	2,157,121
Loss on disposal of capital assets	44,818	73,290
	8,252,038	8,361,264
Budget Surplus, Council approved	\$ -	\$ -

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

13. Accumulated surplus:

	2022	2021
Reserve and Reserve Funds		
Baden West Noise Wall	75,625	73,683
Elections	-	56,222
Hamilton Road Noise Wall	149,614	145,773
Heritage Lighting	6,083	5,927
Infrastructure Reserve - Cemetery	(39,651)	(60,538)
Infrastructure Reserve - Equipment	35,211	211,675
Infrastructure Reserve - Facilities	212,673	420,667
Infrastructure Reserve - Sanitary Sewers	1,112,370	1,341,032
Infrastructure Reserve - Street Lighting	-	(41,402)
Infrastructure Reserve - Transportation	51,421	347,506
Infrastructure Reserve - Water	2,320,545	2,436,130
Infrastructure Reserve - Water Meter	826,268	682,254
Municipal Accomodation Tax	7,813	2,774
Self-Insurance	20,545	20,146
Winter Maintenance	58,482	151,775
Working Funds	648,550	502,139
Total Reserves and Reserve Funds	5,485,547	6,295,763
Surplus		
Invested in tangible capital assets	131,074,242	131,187,709
Operating Fund	26,720,575	29,302,149
Total Surplus	157,794,817	160,489,858
Accumulated Surplus	163,280,364	\$ 166,785,621

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

14. Segmented Information:

Segmented information has been identified based upon lines of service provided by the Township. Township services are provided by departments and their activities are reported by functional area in the body of the financial statements. Certain lines of service have been separately disclosed in the segmented information, along with the services they provide.

For each reported segment, revenues and expenses represent both amounts that are directly attributable to the segment and amounts that are allocated on a reasonable basis. Intersegment transfers are reported at cost.

The accounting policies used in these segments are consistent with those followed in the preparation of the financial statements as disclosed in note 2.

(i) General Government:

The Township is responsible for the delivery of administrative services, including Council, Clerks, Finance, Information Technology, By-Law Enforcement and Human Resources.

(ii) Protection Services – Fire:

The Township is responsible for the delivery of Fire and Rescue services.

(iii) Transportation Services:

The Township is responsible for the delivery of municipal public works services related to the maintenance of roadway systems.

(iv) Environmental Services:

The Township is responsible for environmental programs such as the engineering and operation of water distribution and wastewater collection systems.

(v) Health Services:

The Township is responsible for the care, maintenance and operations of the Riverside Cemetery.

(vi) Recreation and Cultural Services:

The Township is responsible for operation and rental of space in facilities such as Wilmot Recreation Complex, New Hamburg Arena/CC, Community Parks and Castle Kilbride.

(vii) Development Services:

The Township is responsible for development services which includes planning services, economic development and building permit administration.

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Financial Statements, continued

Year ended December 31, 2022

14. Segmented Information (continued):

Year Ended December 31, 2022	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Recreation & Culture	Development Services	Total
Revenue								
Taxation	\$ 1,915,157	\$ 988,712	\$ 3,317,377	\$ -	\$ -	\$ 3,374,031	\$ 553,697	10,148,974
User fees and charges	484,785	29,477	233,433	2,932,823	95,027	1,695,900	180,523	5,651,968
Government Transfers								
Canada	43,718	-	651,588	-	-	47,713	-	743,019
Ontario	548,659	104,504	1,875,462	-	-	373,235	73,524	2,975,385
Investment income	540,374	260,472	703,991	242,140	15,698	1,007,333	156,897	2,926,906
Interest and penalty on taxes	189,439	-	-	-	-	-	-	189,439
Other	89,471	454,110	(1,816,154)	(1,466,996)	-	607,150	142,054	(1,990,365)
Total Revenue	3,811,603	1,837,276	4,965,697	1,707,967	110,725	7,105,362	1,106,696	20,645,326
Expenses								
Salaries, Wages, Benefits	2,486,480	986,814	1,847,204	568,077	19,054	3,714,989	908,100	10,530,718
Materials and Services	1,842,715	559,125	2,231,150	388,498	23,134	2,128,757	131,769	7,305,148
Debt Interest	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-
Grants to Organizations	-	-	-	-	-	67,164	-	67,164
Amortization	167,440	495,582	3,383,549	1,052,443	5,335	1,138,513	4,691	6,247,553
Internal Transfers	(513,110)	15,000	(561,760)	940,540	43,640	(31,440)	107,130	-
Total Expenditures	3,983,525	2,056,521	6,900,143	2,949,558	91,163	7,017,983	1,151,690	24,150,583
Annual surplus (deficit)	\$ (171,922)	\$ (219,245)	\$ (1,934,446)	\$ (1,241,591)	\$ 19,562	\$ 87,379	\$ (44,994)	\$ (3,505,257)
Year Ended December 31, 2021	General Government	Protection Services	Transportation Services	Environmental Services	Health Services	Recreation & Culture	Development Services	Total
Revenue								
Taxation	\$ 1,626,904	\$ 921,287	\$ 3,269,166	\$ -	\$ -	\$ 3,007,512	\$ 595,341	9,420,210
User fees and charges	96,972	14,072	116,885	2,721,658	78,955	711,826	608,193	4,348,561
Government Transfers								
Canada	3,600	-	1,355,208	-	-	38,791	-	1,397,599
Ontario	300,764	111,899	1,150,875	-	-	353,559	95,036	2,012,133
Investment income	158,551	85,132	381,777	221,169	4,943	275,059	89,124	1,215,755
Interest and penalty on taxes	213,920	-	-	-	-	-	-	213,920
Other	290,182	312,455	205,521	810,810	-	281,495	124,881	2,025,344
Total Revenue	2,690,893	1,444,845	6,479,432	3,753,637	83,898	4,668,242	1,512,575	20,633,522
Expenses								
Salaries, Wages, Benefits	1,978,837	972,615	1,488,927	574,342	19,190	3,001,966	849,848	8,885,725
Materials and Services	1,625,897	418,731	1,736,824	486,623	41,460	1,887,993	227,552	6,425,080
Debt Interest	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-
Grants to Organizations	-	-	-	-	-	58,246	-	58,246
Amortization	122,499	439,675	3,744,773	716,820	5,335	1,097,060	4,691	6,130,853
Internal Transfers	(473,290)	11,630	(431,920)	771,510	43,420	(29,990)	108,640	-
Total Expenditures	3,253,943	1,842,651	6,538,604	2,542,169	109,405	6,015,275	1,190,731	21,499,904
Annual surplus (deficit)	\$ (563,050)	\$ (397,806)	\$ (59,172)	\$ 1,204,342	\$ (25,507)	\$ (1,347,033)	\$ 321,844	\$ (866,382)

Trust Funds Financial Statements of

**THE CORPORATION OF THE
TOWNSHIP OF WILMOT**

Year ended December 31, 2022

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of
The Corporation of the Township of Wilmot

Opinion

We have audited the accompanying financial statements of the **Trust Funds of The Corporation of the Township of Wilmot** (the Township), which comprise the statement of financial position as at December 31, 2022, and the statement of continuity for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the trust funds of the Township as at December 31, 2022, and its financial performance for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Township in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the ability of the trust funds of the Township to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless Council either intends to liquidate the trust funds of the Township or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the financial reporting process of the trust funds of the Township.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

INDEPENDENT AUDITORS' REPORT (CONTINUED)

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Township's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the trust funds of the Township's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the trust funds of the Township to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Cambridge, Ontario
May 29, 2023



Chartered Professional Accountants, authorized to practise public
accounting by the Chartered Professional Accountants of Ontario

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Trust Funds Statement of Continuity

Year ended December 31, 2022

	Riverside Cemetery	Castle Kilbride	WRC Youth Ctr	WRC Adult Ctr	Baden Comm Ctr	Financial Assistance	Fairmont Cemetery	Festival of Lights	Wilmot Fire Service	Trail System	Wilmot Splash Pad	New Hamburg Waterwheel	TOTALS	
													2022	2021
Opening Balance	402,676	41,817	25,138	17,971	19,915	9,806	35,977	2,371	6,998	159,059	84,797	-	806,525	710,246
Receipts:														
Donations		816	945						-			114,100	115,861	4,656
Care & Maintenance	23,675						250			86,685			110,610	20,481
Transfer from Revenue Fund						380							380	510
Investment Income	9,630	968	608	420	466	209	869	55	39	2,115	1,983	212	17,574	4,795
	33,305	1,784	1,553	420	466	589	1,119	55	39	88,800	1,983	114,312	244,425	30,442
Expenditures:														
Transfer to Revenue Fund	9,630	1,000	959	626									12,215	2,597
Transfer to Capital Fund									7,037	134,141			141,178	(69,203)
Transfer to Others						1,321	241						1,562	769
	9,630	1,000	959	626	-	1,321	241	-	7,037	134,141	-	-	154,955	(65,837)
Ending Balance	426,351	42,601	25,732	17,765	20,381	9,074	36,855	2,426	-	113,718	86,780	114,312	895,995	806,525

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Trust Funds Statement of Financial Position

December 31, 2022

	Riverside Cemetery	Castle Kilbride	WRC Youth Ctr	WRC Adult Ctr	Baden Comm Ctr	Financial Assistance	Fairmont Cemetery	Festival of Lights	Wilmot Fire Service	Trail System	Wilmot Splash Pad	New Hamburg Waterwheel	TOTALS 2022	TOTALS 2021
Assets														
Cash	426,351	42,601	25,732	17,765	20,381	9,074	36,855	2,426	-	113,718	86,780	114,312	895,995	\$ 806,525
	426,351	42,601	25,732	17,765	20,381	9,074	36,855	2,426	-	113,718	86,780	114,312	\$ 895,995	\$ 806,525
Liabilities and Fund Balances														
Fund Balance	426,351	42,601	25,732	17,765	20,381	9,074	36,855	2,426	-	113,718	86,780	114,312	895,995	806,525
	426,351	42,601	25,732	17,765	20,381	9,074	36,855	2,426	-	113,718	86,780	114,312	\$ 895,995	\$ 806,525

See accompanying notes to financial statements

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Notes to Trust Funds Financial Statements

Year ended December 31, 2022

1. Accounting Policies

The financial statements of The Trust Funds of the Corporation of the Township of Wilmot are the representation of management prepared in accordance with Canadian generally accepted accounting principles as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.

(a) Basis of Accounting

Donation receipts are reported on the cash basis of accounting. Investment income is reported on the accrual basis of accounting.

Expenditures, including transfers to the operating fund, are reported on the cash basis of accounting.

(b) Use of Estimates

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the year. These estimates and assumptions are based on management's best information and judgement and may differ significantly from future actual results.



INFRASTRUCTURE SERVICES *Staff Report*

REPORT NO:

TO: Council

SUBMITTED BY: Jeff Molenhuis, P. Eng., Director of Infrastructure Services

PREPARED BY: Ken VanderWal, P.Eng. Manager of Engineering

REVIEWED BY: Sharon Chambers, CAO

DATE: June 26, 2023

SUBJECT: Award of Contract – Concrete Sidewalk Replacement

RECOMMENDATION:

THAT Council award RFT 2023-09 Concrete Sidewalk Replacement Program to Chad Hartman Construction of St. Pauls, Ontario as per their tender submitted Thursday June 8, 2023, in the amount of \$66,140.00, plus HST.

SUMMARY:

The Concrete Sidewalk Replacement Program is an annual program designed to address broken or missing portions of sidewalk throughout the township as well as incorporate the changes required to accommodate the Hamilton Road Pedestrian Cross-Over as approved in the 2022 budget.

BACKGROUND:

The Township of Wilmot has approximately 89,575m of sidewalks. As per Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways the municipality shall inspect sidewalks for surface continuity once per calendar year, with inspections taking place not more than 16 months apart. As part of this inspection, a list of sidewalk portions within the municipality is created for the following year tender. Also, as part of this tender is the concrete works required for a pedestrian cross over that was warranted on Hamilton Road.

REPORT:

On May 18, 2023, the tender document for Bid number 2023-09 was made available online through the Township's e-bidding site. There was a total of (19) plan takers including suppliers, with a total of seven (9) bids received at time of close on June 8, 2023.

At the time of closing a discrepancy in one of the contingency items was discovered. This item was listed in cubic meters, as opposed to the appropriate measurement of square meters. As this item was provisional, and not considered a Major Contract item as per the Ontario Provincial Standards General Conditions of Contract (OPSS Muni 100), this item can be removed from the contract without any impact on the overall contract. As such, this item has been removed from the contract to allow for a fair evaluation of the received tenders.

The lowest bid received was from Chad Hartman Construction at a cost of \$66,140.00 plus HST. The low bidder has provided the appropriate bid bond documentation. References have been checked by Township Staff and appear to be satisfactory. Results of the bids received are summarized below:

Bidder	Location	Bid Amount
Chad Hartman Construction	St. Pauls On	\$66,140.00
CAN-CRETE INC	Woodstock On.	\$74,728.75
DPA Contracting Ltd	London On.	\$75,108.00
Amazing Construction Ltd	Terra Cotta On.	\$78,072.04
Epic Paving & Contracting Ltd.	Etobicoke On.	\$79,472.00
Vista Contracting Ltd	Cambridge On.	\$87,435.00
ROYAL CROWN CONSTRUCTION	Caledon On.	\$87,790.16
ET Construction	Mississauga On.	\$93,595.00
Aloia Bros. Concrete Contractors Ltd.	Toronto, On.	\$138,750.00
<i>AVERAGE BID</i>		<i>\$86,787.88</i>

The above figures do not include HST. The bids include provisional items for the contract ranging from \$1,567.40 to \$8,250.00 as well as a stipulated \$5,000 contingency.

Staff have reviewed the proposals and find that the prices provided are reasonable and recommend this project be awarded to the low bidder from Chad Hartman Construction of St. Pauls Ontario

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

This initiative supports the goals and strategies of enhancing:

- Quality of Life through Active Transportation and Transit investments; and

- Responsible Governance through Active Communications, Fiscal Responsibility and Infrastructure Investments.

FINANCIAL CONSIDERATIONS:

The approved funding sources for the Sidewalk Program and the Hamilton Road Pedestrian Crossing from the 2022 and 2023 municipal budget are outlined in detail below.

FUNDING	
Sidewalk Replacement and Repair	
General Levy	\$75,000.00
Hamilton Road Pedestrian Crossing	
Canada Community Building Fund (CCBF)	26,000.00
Development Charges (Public Works)	78,000.00
Total Funding	\$179,000.00

The proposed contract to Chad Hartman Construction totals \$67,304.06 (net of HST rebate). Based on costs incurred to-date and previously committed costs on the pedestrian crossing, the award of contract is within the existing budget allocations.

EXPENDITURES	
Costs incurred to-date	\$ 2,666.62
Previously Committed Costs (Signals)	25,183.25
Tender Amount	67,304.06
Total Expenditures (projected)	\$95,153.93

Based on the proportion of tender costs pertaining to the sidewalk program (\$60,372.08) and the pedestrian crossing (\$6,931.98), the total funds remaining within each project will be \$14,672.92 and \$69,218.15 respectively.

ATTACHMENTS:

None



Community Services *Staff Report*

REPORT NO: CS 2023 -14

TO: Council

SUBMITTED BY: Chris Catania, Director of Community Services

PREPARED BY: Manuela O’Krafka, Manager of Community Services

REVIEWED BY: Sharon Chambers, CAO

DATE: June 26, 2023

SUBJECT: Seniors Active Living Centres Program Grant

RECOMMENDATION:

THAT Report CS 2023-14 regarding the Seniors Active Living Centres Program Grant opportunity be received; and further

THAT Council direct staff to issue a letter of support to Community Care Concepts in conjunction with their grant funding application.

SUMMARY:

This report seeks Council approval to issue a letter of support for Community Care Concepts application to the Seniors Active Living Centres Program Grant. The purpose of this grant is to enhance and expand upon the current older adult programming that is being offered in the Active Living Centre at WRC.

BACKGROUND:

The Township and Community Care Concepts have a long-standing relationship for the provision of older adults programming in the Active Living Centre. As an Affiliated Group, the Township offers free use of the Active Living Centre space to Community Care Concepts in their offering of programs and services that include specialized gentle exercise programs,

garden club, and special interest seminars. This grant opportunity would enable Community Care Concepts to enhance and expand upon current programming.

REPORT:

Community Care Concepts approached staff with this grant opportunity once they were made aware that the grant program had opened to new recipients. Community Care Concepts is familiar with the program as they have been the recipient of this funding for the past 5 years in Wellesley Township, with Wellesley contributing 20% of program costs in-kind. Other local recipients of the grant are the Township of Woolwich and the City's of Kitchener, Waterloo and Cambridge.

As part of the application process, the applicant must provide a letter from the Township that clearly details the municipal commitment. The Township must commit to a minimum of 20% of the net annual cost of maintaining and operating the program, in cash, or in-kind or a combination thereof. The Township contribution would consist of entirely in-kind support comprised of facility use, staff support (i.e., facility scheduling, janitorial, snow removal), marketing support and supplies.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The programs and events that take place in the Active Living Centre align with the Quality of Life Strategic Plan goal.

FINANCIAL CONSIDERATIONS:

The Township must commit to a minimum of 20% of the net annual cost of maintaining and operating the program, in cash, or in-kind or a combination thereof. The maximum grant opportunity is \$42,700, based on total costs of \$87,000. The township commitment would amount to \$17,400 of in-kind support which is currently provided.

ATTACHMENTS:

Attachment A – Ministry For Seniors and Accessibility, Seniors Active Living Centres Program Expansion Call For Proposals Guidelines



MINISTRY FOR SENIORS AND ACCESSIBILITY

**SENIORS ACTIVE LIVING CENTRES
PROGRAM EXPANSION
CALL FOR PROPOSALS GUIDELINES**

MINISTRY FOR SENIORS AND ACCESSIBILITY
SENIORS ACTIVE LIVING CENTRES PROGRAM
CALL FOR PROPOSALS

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SENIORS ACTIVE LIVING CENTRES PROGRAM EXPANSION

Overview

The Government of Ontario is committed to helping older adults keep fit, active, healthy and living in their communities close to home. The Ministry for Seniors and Accessibility has oversight of the *Seniors Active Living Centres Act, 2017* (SALCA), and the Seniors Active Living Centres (SALC) programs delivered across Ontario.

The ministry currently supports approximately 300 SALC programs that help older adults improve their health and well-being through social, cultural, educational and recreational programs.

Ontario will be expanding the SALC Program in 2023-24. We are inviting organizations to submit proposals to launch a new SALC program in a municipality that does not already have an existing SALC program and has a demonstrated need. To find out if your municipality has a SALC program, please visit <https://www.ontario.ca/page/find-seniors-active-living-centre-near-you>, connect with your municipality or refer to [Appendix: Municipalities with a SALC program](#) (page 21).

Why now?

Social isolation is a growing issue facing Ontario's aging population and can have significant impact on seniors' mental and physical well-being. It is estimated that more than 500 Ontarians turn 65 years of age every day and they, as well as those aged 55 years and older, deserve to live and age with respect and dignity.

SALC programs promote wellness, social interaction, inclusion, and education to help seniors stay active, independent and engaged. This call for proposals is an important step to expanding access to programs and services for seniors. It allows for programs to meet the needs of older adults who are diverse in terms of their culture, needs, interests, abilities and geographic locations.

Municipalities are key partners to SALC program operators. The legislation (SALCA) requires municipalities to provide a minimum 20% of the net annual cost of maintaining and operating a SALC program. This contribution can be provided in cash, in-kind, or a combination thereof. SALC program operators can work with more than one municipality to meet the financial requirement as long as the municipalities are contiguous (or neighbouring). This might prove particularly useful for organizations that serve older adults in neighbouring municipalities. Applicants may also consider partnering with local organizations to leverage resources or reach specific communities, for example, language or culturally sensitive services.

New SALC programs that are approved must be established by late Fall of 2023. Once approved and an agreement has been executed, funding will be calculated from a full-

year budget and provided on a pro-rated amount for the remainder of the provincial fiscal year (2023-24). In addition, the new programs will be able to apply for a special grant in 2023-24 for any one-time costs related to establishing the program, up to \$6,250. For funding starting in 2024-25, successful applicants will need to apply for funding on an annual basis with all other SALC programs.

For more information on the *Seniors Active Living Centres Act, 2017* go to:

<https://www.ontario.ca/laws/statute/17s11>

Capital projects, buildings, or capital renovations are not eligible for this funding.

Applications are due by 5:00pm on Thursday, July 20, 2023 and must include proof of municipal financial commitment.

Applications will be assessed based on multiple factors including readiness of organizations and commitment of the municipalities, geographic spread across the province, diversity of older adults impacted, and evidence of sustainability.

Help with your application

If this is your first time writing a grant application, the ministry's Regional Development Advisors are available to support you. It is strongly recommended that you contact a Regional Development Advisor as early in the application period as possible to discuss your plans and questions related to your proposed program. To find an advisor for your area, visit <https://www.ontario.ca/page/regional-development-advisors>

SENIORS ACTIVE LIVING CENTRES PROGRAM

CALL FOR PROPOSALS

The following outlines the criteria to apply for funding of new Seniors Active Living Centre programs. Please read this complete document, which includes guidance to help with submitting your application through Transfer Payment Ontario.

Applicant eligibility

Applicants can represent a seniors' focused organization, or an organization that offers a variety of programs to a range of people, including seniors.

Applicants are responsible for the application and for agreeing to and fulfilling all terms of the funding agreement, if selected.

Note that any applicant that is currently in default of any Ontario grant is not eligible for funding.

Applicants must demonstrate the following to be eligible for funding:

- ✓ **Ontario only:** Programs must serve seniors in Ontario. Programs can also be open for older adults (aged 55 years or older).
- ✓ **Programs must be delivered in municipalities that do not currently have a SALC program** operating within the municipality (see [Appendix](#) for municipalities with a SALC program, page 21).
- ✓ **Incorporation:**
 - Not-for-profit organization incorporated in Ontario and operating continuously for at least two years, since at least April 1, 2021.
 - Organization incorporated in Ontario and operating continuously for at least two years, since at least April 1, 2021.
 - Municipalities, upper-tier, lower-tier or single-tier municipalities.
 - District Service Boards associated with a municipality.
- ✓ **Not-for-profit**
- ✓ **Governance structure and organizational capacity**
 - Must have a viable governance structure in place, such as a board of directors, council or other elected governing body.
 - Must have resources to support program administration (including staffing, volunteers or administrative resources).
- ✓ **Financial viability:**
 - Proof of financial stability, such as statements or documents from a financial institution identifying the average fund balances over the past twelve (12)

months and listing any current lines of credit that were established for short-term cash flow needs and their available balance.

- Prior year financial statements that have been reviewed and certified by an independent auditor or a board-endorsed financial statement.
- Applicants that are municipalities must identify the tab that summarizes revenues and expenditures on the provincial Financial Information Reporting (FIR) system.

✓ **Attestation of compliance with applicable laws:**

- Attestation that the organization will comply with all applicable laws in operating the program, including but not limited to the *Ontario Human Rights Code*, building codes, accessibility, health and safety laws, including food safety, and employment standards.
- Specify where the programs will carry out their activities and attest that they meet or exceed provincial accessibility requirements. For more information on Ontario's accessibility laws go to:

<https://www.ontario.ca/page/accessibility-laws>

Examples of organizations ineligible to apply:

- × Individuals
- × Unincorporated bodies
- × For-profit businesses
- × Agencies, Boards or Commissions of the Federal or Provincial governments
- × Private foundations
- × Private schools
- × Organizations whose purpose is related to political activity (lobbying), as defined by the Canada Revenue Agency
- × Organizations that are currently in default of any other provincial government grant
- × Organizations seeking funding to operate a SALC program in a municipality that already has SALC program

Program requirements

Applicants can apply for funding to offer programs that meet the following criteria.

See '[Funding](#)' section below for information on what the funding can support.

Applicants must demonstrate the following:

1. Programs must benefit primarily seniors:

- Programs must serve primarily seniors (those aged 65 or older) and can be open to older adults (those aged 55 years or older)
- Applicant can be, for example,

- an organization that is part of a community hub
- a community centre that offers other types of intergenerational programs and services to the community
- an organization like a legion, church, temple or mosque.

2. Programs must be accessible:

- Applicant and programs are in compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*, including providing programs in an accessible location.

3. Programs must promote active and healthy living, social engagement and learning:

- Programs can include, but are not limited to fitness classes, healthy lifestyle and wellness classes, social engagement, and learning opportunities such as financial management, and elder abuse.
- Applicants must demonstrate how their submission aligns with the program's priorities, as outlined below.

4. Municipal contribution:

- As required by the *Seniors Active Living Centres Act, 2017*, applicants must secure a commitment from the local municipality for a minimum of 20% of the net annual cost of maintaining and operating the program, in cash or in-kind or a combination thereof.
- Applicants can partner with more than one neighbouring (contiguous) municipality to obtain the municipal contribution.
- Applicants must provide a copy of the municipal council resolution (preferred), or a letter signed by a senior level municipal authority, such as the mayor or treasurer that clearly details the municipal commitment. This proof of municipal financial contribution is required for all applications.

5. New program funding:

- Funding must support a program in a municipality with no SALC program.
 - For example, an organization that currently receives SALC program funding cannot apply to expand current yoga classes for 20 seniors to 40 seniors, however, this organization could apply to offer new programs in a new municipality as part of its overall programming.
- Applicants must provide a program budget and an explanation that demonstrates how funding will be used for new programs that benefit seniors.
- Programs can be offered at one location, multiple locations, virtually, or a combination of these to reach a broader group of seniors.

- Programs can be offered in any language or may serve diverse groups of seniors across the province but cannot exclude anyone who wants to participate.

6. Performance measures:

- Applicants will be required to report to the ministry on performance measures. See [Performance measures and reporting section](#) for the list of performance measures for the purposes of reporting.

7. Letters of support

- In cases where an applicant is partnering with another organization in addition to the municipality to offer any program or service, the applicant must submit a letter of support from those partners that outlines their roles and responsibilities.

8. Marketing and outreach:

- Applicants must outline a marketing and outreach strategy that they will employ to build awareness.

Program priorities

Proposals will be assessed based on how well they demonstrate:

1. A demonstrated need in the community:

- Social or demographic needs in the community that could be supported by the establishment of a program in the region.
 - For example, the number and age demographics of seniors, cultural or ethnic communities that are underserved by current programming, specific difficulties related to the geography of the region that affects seniors' social engagement, or other relevant local conditions.
- Health issues, reduced well-being, negative health behaviours (e.g., mental and/or physical; poor cognitive function)*
- Limited access to community services and programs*
- Challenges relating to technology*
- Lack of accessible and affordable transportation options*
- Lack of community services and programs accessible or appropriate to seniors preventing older adults from being socially active in their community
- Other community vulnerability, e.g. high number of low-income seniors

***Note:** These are some of the most common risk factors for social isolation according to the National Seniors Council. For more information on social isolation of seniors, go to: [Publications and Reports - Canada.ca](#)

2. Alignment with one or more of the following:

- reduce social isolation and loneliness of seniors
- connect older adults with community programs and services by maximizing outreach to and inclusion of seniors, and support them where they already congregate
- provide programming opportunities for seniors in underserved communities or to underserved populations
- promote the inclusion of all seniors, including those with disabilities, by reducing accessibility barriers to programs and services

Funding

Successful organizations can apply for two types of funding from the ministry on an annual basis: 1) maintenance and operating funding, and 2) special grants. All SALC operators would spend and report on the funding received within the provincial fiscal year (April 1 to March 31).

Maintenance and operating program funding

The purpose of this funding is to support regular operating costs associated with promoting active and healthy living, social engagement, and learning for persons who are primarily seniors by providing activities and services.

- At this time, the maximum amount available for program costs for a 12-month fiscal year is up to 80% of net annual operating costs of maintaining and operating the program, to a maximum of \$42,700.
- The funding request template must be completed.
- Funding for new programs will be allocated until **March 31, 2024**.
- Payments are currently paid on a quarterly basis.
- It is anticipated that the new programs will be approved by November 2023 and funds will flow shortly thereafter.
- Organizations that are approved to offer programs and are in good standing may apply for funding for the following provincial fiscal year (April 1 – March 31), and subsequent years, on an annual basis. Applications for the following provincial fiscal year (e.g. 2024-25) would typically happen in the Fall/Winter of the preceding provincial fiscal year (e.g. Fall/Winter 2023-24)
- Annual funding is contingent on compliance and demonstrated performance.

- All costs must be market-competitive and demonstrate good value-for-money.

Maintenance and Operating funding must support costs that are directly related to providing programs and services to seniors, such as:

- ✓ staffing costs (including salary expenses of personnel, employee benefits, such as vacation, sick leave, statutory holiday, education leave and organization contribution to the cost of other benefits)
- ✓ overhead and administrative costs such as rent, utilities, office supplies, telephone, and communications services such as internet
- ✓ supplies for programs
- ✓ food (no alcohol) delivery costs that are not covered by other funding (e.g. Meals on Wheels)
- ✓ purchase or rental of equipment
- ✓ transportation to and from events
- ✓ legal fees directly related to the provision of services to seniors and older adults
- ✓ accounting or bookkeeping services, audit fees
- ✓ advertising and marketing
- ✓ translating program materials into different languages
- ✓ accessibility costs (e.g., creating accessible documents, sign language interpretation, etc.)
- ✓ membership fees for related affiliations (for example, Older Adult Centres' Association of Ontario - OACAO)
- ✓ routine maintenance and/or
- ✓ other costs for services leased or purchased that support maintaining and operating SALC-funded programs (including software licenses).

Note: if the program is being offered through a multi-service organization, all costs related to seniors programming only (as described above) must be included.

Special grants

Each year, approved programs can request funding for special grants, which can support unique, one-time programs, services or purchases. Up to a maximum of \$15,000 can be requested to support the delivery of programs to older adults. Funding is paid out in one lump sum once approved.

It is the practice of the ministry to prioritize maintenance and operating requests. Special grant requests are considered based on any remaining available funding. Very often, total funding requested by operators for special grants exceeds what remains in the ministry's program allocation, so approved grant amounts may be less than requested.

For 2023-24, applicants may include as part of their budget costs a request for up to \$6,250 for a special grant for costs related to establishing their SALC program before March 2024.

Special grants are for program expenditures after the program is launched (Fall 2023), and will be approved in 2023-24, at the same time as the approval of maintenance and operating program funding.

Eligible items:

- ✓ health and safety related materials including personal protective equipment (e.g., masks and gloves), hand sanitizer, disinfectant
- ✓ new or replacement furniture, equipment (e.g., yoga mats, badminton racquets, dart boards), supplies, appliances
- ✓ improvements to safety (e.g., plexiglass, signage) and accessibility (e.g., grab-bars, railings, ramps, benches, lighting, audio enhancements) and maintenance and repair costs associated with these
- ✓ training, education or workshops for staff and volunteers, such as train-the-trainer programs (e.g., the Elder Abuse Prevention Ontario program *It's Not Right*)
- ✓ piloting new virtual or remote programming options for seniors such as video computer instruction, fraud prevention and financial management webinars, online first aid courses, or teleconference social sessions (e.g., the Seniors' Centre Without Walls model)
- ✓ project coordinator expenses to pilot a new type of programming
- ✓ special marketing and communications costs related to SALC programs and services for seniors and older adults (including accessibility related costs)
- ✓ technology purchases such as computers, credit or debit machines, software, projectors
- ✓ consulting fees for research related to seniors and older adults. Operators may conduct SALC-funded research related to the needs of local seniors and older adults. Research results should be shared with the ministry for information purposes
- ✓ new or enhanced programming that improves the quality of life of seniors and older adults by offering social, cultural, educational and recreational programs that promote health and well-being.

Ineligible expenses:

- ✗ gift cards (since expenditures can be made in subsequent fiscal years)
- ✗ purchase of groceries or food boxes for older adults or seniors unrelated to programming
- ✗ purchase of physical space (e.g., land, building)
- ✗ capital acquisition or construction projects, planning or building new facilities, major renovations or significant upgrades to buildings
- ✗ mortgage payments, loans, interest, investments
- ✗ provincial funding cannot be used to purchase alcohol
- ✗ **anything already funded by the Seniors Community Grant Program or other sources of government funding**

Municipal funding

Under SALCA, the local municipal government must provide a minimum of 20% of the net annual cost of maintaining and operating the program.

Each year, to continue to be eligible for ministry funding, the applicant is required to provide proof that the municipality will provide the minimum contribution toward the maintenance and operation of the program.

Note that the municipal contributions must be used for expenses directly related to seniors' program activities.

The municipal funding contribution can be in cash, or in-kind, or a combination thereof.

In-kind contributions must be clearly described. If requested by the ministry, applicants must provide examples of equivalent market costs.

Examples of funding models:

Net annual maintenance and operating expenditures of the program	Minimum municipal contribution: 20% of net annual cost of the program	Provincial funding: up to *50% of net annual costs of the program to a maximum of \$42,700	Provincial funding: pro-rated per quarter	Balance required (i.e. fundraising)
\$200,000	\$40,000	\$42,700	\$10,675	\$117,300
\$80,000	\$16,000	\$40,000	\$10,000	\$24,000
\$50,000	\$10,000	\$25,000	\$6,250	\$15,000
\$20,000	\$4,000	\$10,000	\$2,500	\$6,000

*Please note that in 2023-24, the ministry will fund up to 80% of the net annual operating costs of maintaining and operating the program, to a maximum of \$42,700.

Eligible in-kind contributions

Eligible in-kind contributions are non-monetary resources to support costs directly related to seniors' program delivery, maintenance and operations.

The value of in-kind contributions should be estimated using either current market value or an appraisal.

In-kind contributions can be in the form of goods, services, use of facilities, or labour provided to the SALC operator at no cost.

For example:

- space rental at current market value
- yard maintenance/snow removal services
- municipal staff time to prepare financial reports
- consultant services for research purposes

- municipal data reports or gap analysis to support research on seniors' issues that would be provided at a cost to other clients.

The applicant is responsible to ensure that the reported market value for all items involving an in-kind contribution is reasonable. The ministry can request evidence (i.e., in the form of quotes from local organizations) if there is any question about the valuation reported.

Performance measures and reporting

If approved for funding, recipients will be required to report to the ministry on a regular basis, which will include at a minimum, a final report at the end of each provincial fiscal year. The recipient will be required to report on actual expenditures and program activities, including but not limited to:

- number of seniors served over the course of a year
- number of events, seminars, webinars, workshops, and training sessions provided to older adults, caregivers, service providers and other attendees (including number of activities delivered in French)
- number of volunteers that support SALC programs annually
- number of days per year that programs and services are offered
- type of programming and services offered throughout the year (i.e. wellness, recreational, physical, educational, intergenerational activities) including duration and intervals
- partnerships – number of new partnerships or collaborations developed among communities or organizations for the current provincial fiscal year
- connectedness – providing information about other programs or services or referring clients to other programs or services in the community
- social inclusion - specific demographic groups that are participating, programming for specific cultural groups, stronger sense of belonging
- survey SALC program members about their level of client satisfaction with the program, reduction in the social isolation in their communities, providing them with the services they need, improving their access to programming and services, seniors are more engaged in their communities, and more physically and/or mentally active after participating in SALC program activities

The ministry may request additional information from individual programs for the purpose of planning.

Application timelines and process

- Applications will be accepted until **5:00 p.m. on July 20, 2023.**

- Proof of the municipal commitment of funding: the council resolution or letter from the municipality must be included (see page 18).
- Applicants will receive a decision regarding their application by November 2023.
- Remember to read the application guide at the end of this call for proposals document to help with the completion of the application form.
- Decisions will be guided by multiple factors including readiness of organizations and commitment of the municipalities, geographic spread across the province, diversity of older adults impacted, and evidence of sustainability.

Transfer Payment Ontario

- Applications must be submitted electronically through Transfer Payment Ontario at: <https://www.app.grants.gov.on.ca/gr/tpcr/#/externalLogin>
- All applicants must be enrolled with the Transfer Payment Ontario system to be able to complete and submit an application.
- **Applicants should enrol as soon as possible, as it may take up to two weeks to complete the enrolment process.**

Assessment process and criteria

- All applications will be assessed against the criteria outlined below.
- All applications will be screened for eligibility. **Ineligible applications will not be assessed.**
- The ministry will notify all applicants of the results.
- The ministry may publish information about the successful applicants such as the organization name, programs offered, and approved funding amounts.
- In order to ensure regional representation across the province, the ministry may prioritise applications from underserved communities.

All applications will be assessed against the following four criteria. Examples of how applicants may demonstrate this is provided for each criterion. Please provide clear, detailed information for each.

1. Governance structure, organizational capacity and financial viability (25%)

- Governance structure, and organizational capacity including management and resources to support program administration. For example, Board of Directors, names and addresses of members, and evidence of regular meetings (minutes, membership lists, newsletters, web page information), established processes to ensure transparent and accountable oversight (e.g., policies related to conflict of interest, open elections not appointments).
- Organizational volunteer management and retention plan

- Organizational strategic plan (if available).
- Organizational operating plan.
- Organizational business continuity plan.
- Organization does not have a record of non-compliance related to organizational management, funds, reporting or other concerns and is in good standing with the province.
- Organization's financial statements demonstrate financial stability (e.g., statements are balanced).

2. Program plan – (25%)

- Proposed program plan fulfils all program requirements (Refer to [Program requirements](#), page 6).
- The organization currently serves older adults and proposed programming aligns with the organization's mandate.
- Information clearly explains how the new program is distinct from any other seniors programs that the organization currently operates, if applicable.
- Demonstration of an effective and realistic work plan in terms of proposed activities/key milestones, clear roles and responsibilities, and the efficient use of available resources.
- The timeline for the proposed program demonstrates that program will be established and operational by Fall/Winter 2023-24 and activities completed by March 31, 2024.
- Partnerships are outlined, and relevant letters of support are provided.
- Performance measures and targets for the program are described.
- A marketing and outreach strategy are described for the new program.

3. Program priorities (25%)

- Applicants describe how the proposed program addresses the [SALC Program priorities](#) (see page 6).
- Applicants describe impact and benefits for the community, for example, inter-generational activities, volunteering or partnerships with local/community organizations.
- Applicants describe the short-term, medium-term and long-term outcomes.

4. Program budget and costs (25%)

- Program budget is clear and all costs are defined, reasonable and demonstrates good value-for-money.
- Financial information on the organization and other seniors' programs is clear and distinct from new proposed program funding.
- Municipal funding contribution is confirmed.

Approved programs

- Programs may begin once the applicant has entered into an agreement with the ministry and all terms and conditions are met.
- Organizations that have been approved to offer programs and remain in good standing may apply for funding for the following provincial fiscal year (April 1 to March 31), on an annual basis.
- Funding decisions in respect of approved programs will be based on factors at the ministry's discretion, including compliance with SALCA, the nature and status of the organization, and the degree to which program priorities and objectives are met.

Funding agreement

Process

- Successful applicants will be required to enter into a transfer payment agreement with the ministry.
- The agreement outlines the legal obligations of both the ministry and the organization that receives the funding.
- Funds will be provided via electronic funds transfer (EFT) to the account held by the recipient.

Certificate of Insurance (COI)

- The approved applicant must provide proof of insurance with an inclusive limit of not less than two million dollars (\$2,000,000) on a per occurrence basis which references the grant by program name and file number before any funds are released.
- The insurance must be valid and in effect for the duration of the program. Any policy renewals and/or replacements that occur during the term must be provided to the ministry promptly.
- Details will be provided to successful applicants.

Proposed changes to the funded program

- Recipients are required to inform the ministry of any proposed changes that could impact a program.
- If the recipient proposes changes to the scope, budget or timelines for the program, it must obtain prior written consent from the ministry.

Required reporting

- Recipients will be required to submit a final report and may be required to submit other information about funded programs as necessary.
- Details will be provided to the recipient.

Acknowledgement of funding

- In an effort to demonstrate transparency and accountability about how public funds are spent, recipients must credit the support of the Government of Ontario in any publicity, communications or marketing materials developed that promote program activities.

All successful applicants may be asked to provide the ministry with advance notice of at least ten business days of any public event(s), announcements, or promotions related to their program.

Rights of the ministry

In submitting an application, the applicant is deemed to have acknowledged that the ministry may:

- communicate directly with any applicant or potential applicants
- at its sole discretion, accept applications for consideration that are not strictly compliant with the requirements outlined above
- verify with any applicant or with a third party any information set out in an application
- at any time, and from time to time make changes, including substantial changes, to this call for proposals and related documents including the application form by way of new information on the ministry's website
- cancel this application and call for applications process at any stage of the application or evaluation process
- reject any or all applications at its sole and absolute discretion

SENIORS ACTIVE LIVING CENTRES PROGRAM

Applying using Transfer Payment Ontario

The ministry uses Transfer Payment Ontario (TPON) for the SALC Program funding process. Transfer Payment Ontario is an online portal that will help you to see all funding opportunities available to your organization, and allow you to view the status of your applications.

To start, go to the website: <https://www.ontario.ca/page/get-funding-ontario-government>

The information on the website will guide you through the steps needed to apply for funding.

Remember to download your application and save it to a file on your computer so that you don't lose the information that you have entered. Once you are done, you can upload your application into the Transfer Payment Ontario system.

The information required to complete your application includes contact information, budget information, funding that you are requesting, and performance measures.

Note: Funding for one program cannot be used or transferred to another program.

For any technical questions related to accessing Transfer Payment Ontario, please contact:

Transfer Payment Ontario Customer Service: Phone: 1-855-216-3090 or 416-325-6691 or Email: TPONCC@ontario.ca

Plan Ahead!

Your applications must be submitted online, through the Transfer Payment Ontario website.

In order to access Transfer Payment Ontario, you must be registered with *My Ontario*. *My Ontario* is a unique electronic credential that allows you to communicate securely with online government services.

Application Deadline for program funding

Applications and all supporting material must be submitted through Transfer Payment Ontario by **5:00 p.m. on July 20, 2023**.

Proof of municipal funding must also be submitted through Transfer Payment Ontario.

Before you apply

Please read the call for proposals and this application guide before you begin so that you are prepared to complete the application.

Application Checklist

To assist with you completing your application to the 2023-24 SALC Program Expansion Call For Proposals, below is an Application Checklist of required documents that must be included in your application submission:

1. Financial Statements

- Applicants must submit a copy of their prior-year financial statements. The type of financial statement required depends on the Applicant's operating revenues:
 - Applicants that have operating revenues of \$100,000 or more must provide a full audit engagement by an independent auditor.
 - Applicants that have operating revenues between \$50,000 and \$99,999.99 can provide a review engagement by an independent professional public accountant.
 - Applicants that have operating revenues less than \$50,000 can submit a board-endorsed financial statement signed by two senior officials.
- Municipalities that provide financial reports to the province through the Financial Information Reporting (FIR) system must identify the tab that summarizes revenues and expenditures in the FIR system. However, any municipality that does not report to the province through the FIR system is required to submit financial reports audited by an independent accounting firm directly to the Ministry as part of their application.

2. **Budget** – An Applicant must submit a budget by completing Section I.

3. **Incorporation** – An Applicant must submit evidence that the Applicant has been incorporated since at least April 1, 2021. For example:

- Letters Patent or
- Articles of Incorporation

Note: Municipalities and District Service Boards associated with a municipality are exempt from this requirement.

4. **Not-for-Profit** – Evidence of the Applicant's not-for-profit status must be submitted. For example,

- Letters Patent;
- Articles of incorporation;
- Special acts of incorporation;
- Not-for-profit registration number; and,
- Information regarding your organization's mandate, strategic or business plan, and website.

Note: Municipalities and District Service Boards associated with a municipality are exempt from this requirement.

5. **Letters of support:** In cases where an Applicant is partnering with another organization in addition to the municipality to offer any program or service, the Applicant must submit a letter of support from its partners that outlines their roles and responsibilities.
6. **Municipal Commitment.** An Applicant must submit proof that it has a municipal commitment to provide funding to the proposed SALC program. The Applicant can provide a copy of the municipal council resolution (preferred), or a letter signed by a senior level municipal authority such as the mayor or treasurer that clearly outlines the municipal commitment. The proof of municipal commitment can be attached in Transfer Payment Ontario.

Application Form Guidance

Section A - Organization Information

Section B - Organization Address Information

Section C - Organization Contact Information

- Ensure all fields in Sections A, B, and C are complete as this will be used to contact you for clarification and to contact successful and unsuccessful applicants.

Section D: Applicant Eligibility Information

Provide information that confirms the proposed SALC program meets the program eligibility requirements including:

- The proposed program will primarily serve seniors and will be delivered in a municipality(ies) that do(es) not currently have a SALC program. Program can be open to older adults.
- Municipal commitment has been obtained
- The organization attests that both the organization, as the applicant and proposed SALC program(s) are compliant with the *Accessibility for Ontarians with Disabilities Act, 2005*, (AODA) including providing programs in an accessible location.
- Organization is an approved entity and eligible to apply.

Section E - Organization Capacity

- Describe your organization's core business or field of activity and who your organization serves.
- Outline how your strategic plan guides your organization's activities.

- Outline your organization's risk management plan for prevention of abuse to clients, members and staff.
- Describe your management structure, and briefly explain how your board or committee is elected.
- Describe how the composition of your board represents the community it serves.
- Outline what practices and procedures exist to ensure the board conducts its activities with accountability and transparency.
- Describe your organization's history of managing similar programs.
- Describe your organization's ability and capacity to successfully manage this program.
- Provide details, including experience, about who will be involved in managing and supporting program administration.
- Describe the strategies that will be used to ensure the program is managed effectively.
- Describe your organization's experience in developing, tracking and reporting on outcomes and performance measures successfully.

Section F – Grant Payment Information

This information is required from successful applicants for transfer payment purposes.

Section G – Project Information (related to questions in the application form)

Note: Please interpret the word "project" to mean "program for seniors"

1. to 12. (for questions 1 to 12) - Complete this information related specifically to the program for seniors.
13. Program Summary - Provide a brief description of your proposed program. If your application is successful, this wording may be published in both official languages on the ministry website.
14. Program Description - Describe your program in detail, making sure to address all of the specific requirements outlined in the call for proposals, including the activities and services that will be offered, what need the program would fill that is currently not being met including programming that is specialized and/or targeted to a specific group. If there are other seniors centres or programs in the vicinity of the proposed new program, regardless of whether they currently receive any ministry funding, detail why the proposed new program is needed.
15. Demonstrate need – Describe the purpose or intention of the program, what community needs or gaps will be addressed, and what will be achieved.
16. Other seniors' centres or programs – Provide information about how the proposed program is different from other seniors centres or programs in the vicinity, regardless of whether the other centre/program currently receive ministry funding.

17. Program Beneficiaries: Describe how the program will benefit the community, who will benefit from your program, and outreach and marketing strategies you will use to reach your target audience.

18. and 19. Program Priorities - Describe how the program will meet each of the program priorities. (Refer to the [Program priorities](#) section, page 6)

20. Evaluation Plan: what steps will your organization take to evaluate how effective your program is and how it supports continuous improvement?

21. Risk Assessment and Management: describe what risks have been identified with the implementation of the proposed program. What strategies will your organization put in place to address/ mitigate the identified risks?

Section H – Project Work Plan

Provide information about the key activities and milestones needed to support the establishment and operationalization of the program by Fall/Winter 2023-24. The work plan must be realistic, clearly identify the roles and responsibilities of the Applicant and partner organizations, with all program activities completed by March 31, 2024.

Section I – Program Budget

Provide budget information for one full year of program costs. Applicants can apply for two types of funding from the Ministry on an annual basis: 1) Maintenance and Operating funding, and 2) Special Grant funding. In the 2023-24, funding will be provided on a prorated basis for the remainder of the 2023-24 fiscal year.

Section J – Partnerships/Stakeholders

Provide information about partner organizations that will be involved with the program, if applicable, their role and their contribution. Stakeholders who were consulted about the program should also be noted and their role and contribution described.

Section K - Ministry Provided Performance Metrics

Applicants are required to outline targets for the required ministry performance measures that must be tracked and reported on if they're selected for funding.

Section L – Declaration / Signing

Applicants are expected to comply with the *Ontario Human Rights Code* (the “Code”) and all other applicable laws (<http://www.ohrc.on.ca/en/ontario-human-rights-code>).

Failure to comply with the letter and spirit of the *Code* will render the applicant ineligible for a grant and, in the event a grant is made, liable to repay the grant in its entirety at the request of the ministry.

Applicants should be aware that Government of Ontario institutions are bound by the *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.31* (<https://www.ontario.ca/laws/statute/90f31>), as amended from time to time, and that any

information provided to them in connection with this application may be subject to disclosure in accordance with that Act.

Applicants are advised that the names and addresses of entities receiving grants, the amount of the grant awards, and the purpose for which grants are awarded is information that is made available to the public.

Appendix: Municipalities with a SALC program

Name of Municipality by Census Subdivision:

- Ajax (Town)
- Alnwick/Haldimand (Township)
- Arnprior (Town)
- Atikokan (Town)
- Aurora (Town)
- Barrie (City)
- Belleville (City)
- Bonnechere Valley (Township)
- Brampton (City)
- Brantford (City)
- Brockville (City)
- Burlington (City)
- Caledon (Town)
- Callander (Municipality)
- Cambridge (City)
- Centre Wellington (Township)
- Chapleau (Township)
- Chatham-Kent (Municipality)
- Clarington (Municipality)
- Cobourg (Town)
- Collingwood (Town)
- Cornwall (City)
- Dawson (Township)
- Dryden (City)
- Ear Falls (Township)
- East Ferris (Municipality)
- Elliot Lake (City)
- Enniskillen (Township)
- Espanola (Town)
- Essex (Town)
- Fort Erie (Town)
- Fort Frances (Town)
- Georgina (Town)
- Goderich (Town)
- Gore Bay (Town)
- Greater Napanee (Town)
- Greater Sudbury / Grand Sudbury (City)
- Greenstone (Municipality)
- Grimsby (Town)
- Guelph (City)
- Guelph/Eramosa (Township)
- Haldimand (County)
- Halton Hills (Town)
- Hamilton (Township)
- Hearst (Town)
- Huntsville (Town)
- Kapuskasing (Town)
- Kearney (Town)
- Kenora (City)
- Killaloe, Hagarty and Richards (Township)
- Kingston (City)
- Kitchener (City)
- Lakeshore (Town)
- Leamington (Municipality)
- Lincoln (Town)
- London (City)
- Machin (Municipality)
- Madawaska Valley (Township)
- Magnetawan (Municipality)
- Manitouwadge (Township)
- Markham (City)
- Midland (Town)
- Milton (Town)
- Mississauga (City)
- Mississippi Mills (Town)
- Morley (Township)
- Muskoka Lakes (Township)
- Newmarket (Town)
- Niagara Falls (City)
- Norfolk County (City)
- North Bay (City)
- North Kawartha (Township)
- North Perth (Municipality)
- Oakville (Town)
- Oliver Paipoonge (Municipality)
- Orangeville (Town)
- Oshawa (City)
- Ottawa (City)
- Papineau-Cameron (Township)
- Pelham (Town)
- Pembroke (City)
- Perth (Town)
- Petawawa (Town)
- Peterborough (City)
- Pickering (City)
- Port Colborne (City)

- Port Hope (Municipality)
- Prescott (Town)
- Prince Edward County (City)
- Red Rock (Township)
- Renfrew (Town)
- Richmond Hill (Town)
- Sarnia (City)
- Sault Ste. Marie (City)
- Schreiber (Township)
- Sioux Lookout (Municipality)
- Sioux Narrows-Nestor Falls (Township)
- South Bruce Peninsula (Town)
- South Frontenac (Township)
- South River (Village)
- Springwater (Township)
- St. Catharines (City)
- St. Clair (Township)
- St. Marys (Town)
- St. Thomas (City)
- Stratford (City)
- Tecumseh (Town)
- Terrace Bay (Township)
- Thames Centre (Municipality)
- Thorold (City)
- Thunder Bay (City)
- Tillsonburg (Town)
- Timmins (City)
- Tiny (Township)
- Toronto (City)
- Vaughan (City)
- Wasaga Beach (Town)
- Waterloo (City)
- Wawa (Municipality)
- Welland (City)
- Wellesley (Township)
- West Nipissing / Nipissing Ouest (Municipality)
- Whitby (Town)
- Windsor (City)
- Woodstock (City)
- Woolwich (Township)



DEVELOPMENT SERVICES

Staff Report

REPORT NO: DS 2023-013

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP PLE
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sharon Chambers, CAO

DATE: June 26, 2023

SUBJECT: Interim Control By-laws

RECOMMENDATION:

THAT Report DS 2023-011 be received for information.

SUMMARY:

This report provides a summary of the process, purpose and legislative framework with respect to implementing an interim control by-law.

BACKGROUND:

Through the public consultation process on a current aggregate application, comments were provided requesting that Council pass an interim control by-law (ICBL) to postpone further aggregate approvals. The goal of the pause was explained as providing an opportunity to review standards for aggregate operations with the goal of elevating local standards above those presently required by the Province of Ontario.

At its meeting on May 29, 2023, Council requested that staff prepare a report summarizing the process, purpose and legislative framework with respect to implementing an ICBL.

REPORT:

Legislative framework

Section 38 of the Planning Act, sets out that where Council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, Council may pass an ICBL for a period not exceeding one year from the date of the passing thereof, prohibiting certain land uses during the review of those policies.

Section 38 further establishes the notice provisions required to identify when an ICBL has been passed by the municipality and sets out rights of appeal. Until June 8, 2023, the Planning Act provided only that the Minister could appeal the passing of ICBL to the Ontario Land Tribunal. There was the opportunity, however, that an ICBL could still be challenged in the Ontario Superior Court of Justice based on its legality and validity.

On June 8, 2023, Bill 97 received Royal Assent. Bill 97 amended various statutes with respect to housing and development. Included within the Bill were amendments to the Planning Act including the expansion of appeal rights with respect to the passing of an ICBL. The Planning Act now provides that any person or public body may appeal the passing of and ICBL to the Ontario Land Tribunal.

As such, any ICBL passed in order to provide time to study policies beyond the Township's jurisdiction or for the purpose of delay, would almost certainly be subjected to a third-party appeal and ultimately the assignment of costs could be incurred in that process.

Prior interim control by-laws

Within the last twenty years, the Township has utilized an ICBL on two occasions to ensure that local regulations adequately addressed matters of municipal interest. In 2005 an ICBL was used to allow time to review group home related policies contained within the Zoning By-law as a result of Provincial changes to institutionalized care. The by-law provided an opportunity to ensure local regulations appropriately addressed local land use considerations. Ultimately the process led to amendments that remain within the Township's current zoning by-law.

In 2008 an ICBL was passed to provide the Township an opportunity to implement fence regulations in response to concerns regarding the location and heights of fences in newly developing neighbourhoods within the Township. The review culminated in the creation of local fencing regulations that have since served well to limit the potential fortressing effect of tall fences and ensuring adequate site lines at street intersections and driveways.

The intent of the ICBL tool is to pause land uses and/or construction in an instance where a matter under local jurisdiction requires further review and/or where a local policy conflicts with applicable governing legislation. These by-laws provide an opportunity to seek public input on local planning matters within the scope of local jurisdiction.

An ICBL is not intended to serve the purpose of pausing or delaying a development application or to pause a specific land use where Council has not identified the need to review a specific local land use policy. An ICBL is not intended to pause land use to review matters beyond the scope of local jurisdiction or, in the instance of aggregate operations, to lobby for Provincial policy change.

Official Plan and Zoning By-law

The Township's Official Plan was only recently updated and received Region of Waterloo approval in March 2019. Policies contained within the Official Plan are current and fully compliant with policies of the current Provincial Policy Statement and Region of Waterloo Official Plan including applicable studies and supporting materials required to be submitted in support of development applications. As such, there are no matters of local jurisdiction to be reviewed with respect to aggregate applications.

In July 2021, staff prepared a report for Council reviewing the Township's current aggregate zoning regulations. Report DS 2021-23 is included as Attachment A. This report included a review of all municipalities within the Region of Waterloo, Perth County, Oxford County and the top 10 aggregate producing municipalities as listed by The Ontario Aggregate Resources Corporation (TORAC). The report summarized that zoning by-laws of the comparators are similar or the same as the Township Zoning By-law and that where differences exist, those by-laws duplicate or defer to the regulations of the Aggregate Resources Act. The report concluded that there were no updates required to the Township zoning by-law.

Conclusion

Given the Township's Official Plan is up to date with respect to current aggregate related policies within the Provincial Policy Statement and the Regional Official Plan, and there are no additional studies or regulations within the jurisdiction of the Township that require further review, staff remain of the opinion that there is no justifiable reason to implement an ICBL with respect to aggregate operations in the Township of Wilmot.

Report DS 2023-09, endorsed by Council on May 29, 2023, provided a summary of the proposed Provincial Planning Statement 2023. The report was forwarded to the Province as the Township's comment on the associated Environmental Registry of Ontario posting. That report outlined the longstanding concern with the limited scope of municipal authority to regulate and balance the need for aggregate extraction. Only through changes in Provincial Policy will there be opportunity for additional local jurisdiction in regulating aggregate operations. Lobbying for Provincial change is the correct avenue to facilitate aggregate policy review, not the implementation of a local ICBL.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Reviewing appropriate use of legislative tools available to a municipality serves to advance the goal of responsible governance.

FINANCIAL CONSIDERATIONS:

There are zero direct financial implications generated through this report.

ATTACHMENTS:

Attachment A Report DS 2021-23



DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2021-023

TO: Council

SUBMITTED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sandy Jackson, Interim CAO

DATE: July 12, 2021 (updated to include comments received September 1, 2021)

SUBJECT: Aggregate zoning status review

RECOMMENDATION:

THAT Report DS 2021-023 be received for information.

SUMMARY:

This report provides a review of the Township of Wilmot’s current Extractive Industrial zoning in relation to other municipalities in Waterloo Region, abutting Regions, the top 10 aggregate producing municipalities in Ontario, and the Aggregate Resources Act (ARA).

Based on the summary of the regulations from these comparators, as well as the applicable regulations of the ARA, the report concludes that there are no updates required to the Township zoning by-law at this time. Zoning By-laws of the comparators are similar or the same as the Township Zoning By-law. Where differences exist, those by-laws duplicate or defer to the regulations of the ARA. Regardless of whether those setbacks are included within the zoning by-law, where ARA regulations more restrictive than the zoning by-law, the ARA regulations prevail.

During a future housekeeping amendment to the Zoning By-law, staff will propose to either align setbacks contained within Zone 14 (Extractive Industrial) with the current regulations of the ARA or remove the current setbacks and simply include reference to the ARA within Zone 14 for clarity.

BACKGROUND:

The Zoning By-law is intended to set out specific permitted or prohibited uses and establish regulations in conformity with the policies of the Official Plan.

Following the final public meeting, held in July 2020, related to the update of the Township Zoning By-law, the organization Citizens for Safe Ground Water (CSGW) made a written submission with respect to the existing Zone 14 regulations. Requested changes with respect to numbering and references to the ARA were updated at the time of approval of the updated by-law in August 2020. Other requested changes duplicated language from the ARA and were therefore not included. At the time of approval, Staff committed to completing a review of Zone 14 as part of the 2021 work plan. A copy of the original CSGW submission is included as Attachment B.

Subsequent comments were received from CSGW on September 1, 2021. This letter, included as Attachment C, removes the reference to typographic errors noted in the July 2020 submission and that were corrected in the updated zoning by-law. The September 1, 2021 letter, however, duplicates the July 2020 requests with respect to adopting language from the ARA.

With respect to aggregate operations, the Township Official Plan (OP) specifically outlines what is to be contained within the Zoning By-law. These OP policies are drawn from the Region of Waterloo Official Plan (ROP) and ultimately Provincial Policy. Having completed an update to the OP in 2019, the current policies of the OP align with those contained within the ROP. At such time as future updates are made to the ROP, the Township would be required to review its OP and update as necessary. Subsequently, if required by policy changes/updates, the Zoning By-law would need to be further updated as necessary.

Policy 7.1.1.7 of the OP includes that the Township will regulate uses associated with aggregate extraction through the Zoning By-law as follows:

- a) permit accessory uses associated with aggregate extraction operations and processing activities such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales, parking and office facilities;
- b) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;

- ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,
- c) notwithstanding Policy 7.1.1.7 b), ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.6 of this Plan and Chapter 8 of the Regional Official Plan.

Given the OP is current, this report looks only at the zoning regulations compared to municipalities in Waterloo Region, abutting Regions, the top 10 aggregate producing municipalities in Ontario and the Aggregate Resources Act (ARA).

REPORT:

Section 20 of the Township zoning by-law contains permitted uses and regulations for Zone 14, the Township extractive industrial zone.

Staff have reviewed the zoning by-laws of all municipalities within the Region of Waterloo, Perth County, Oxford County and the top 10 aggregate producing municipalities as listed by The Ontario Aggregate Resources Corporation (TORAC). Included as Attachment A is a table comparing the Township of Wilmot zoning with the current ARA regulations as well as the aforementioned municipalities.

As seen in the chart (Attachment A), most municipalities either defer to the ARA regulations or duplicate the provisions of the ARA. Within Waterloo Region, other than the City of Cambridge and Wilmot, the other Townships defer to the ARA. The Cities of Kitchener and Waterloo do not contain zoning for gravel pits. Of the 22 zoning by-laws reviewed, only West Perth contained regulations more restrictive than the ARA with respect to setbacks from neighbouring residential uses or zones. The ARA requires a minimum setback of 90m whereas West Perth requires a setback of 120m.

While the zoning by-law contains regulations for extractive operations (gravel pits), gravel pits are not pre-emptively zoned within the Township of Wilmot. That is to say, if a gravel pit exists, it was previously subject to a site specific zone change and ARA licensing process.

The Township Official Plan includes specific policies (consistent with Provincial and Regional policies) that determine the process by which a gravel pit may be considered. Reports and studies prepared and reviewed through a zone change application and ARA licensing process ultimately determine if setbacks and buffering beyond what is contained in the zoning and/or ARA regulations are sufficient or should be increased based on the specific situation. In this regard, whatever is contained within the zoning by-law is subject to review and further consideration prior to the establishment of a gravel pit.

Given the ARA, when more restrictive, supersedes the zoning by-law, and in consideration of all other information and input, staff are not recommending an update to the Zoning By-law at this time.

Through a future housekeeping update to the Zoning By-law, the current Zone 14 regulations could either be updated to reflect the ARA regulations, or, consistent with a number of other municipalities, be removed entirely and replaced with a reference to conformity with the ARA.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Review of zoning by-law regulations ensures appropriate regulations are in place to protect our quality of life and natural environment.

ACTIONS TOWARDS UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

Review of aggregate zoning by-law regulations to ensure they are current and do not conflict with overarching policies aligns with the sustainable development Goal 12 of responsible consumption and production through sustainable management and efficient use of natural resources.

FINANCIAL CONSIDERATIONS:

None.

ATTACHMENTS:

- | | |
|--------------|---|
| Attachment A | Zoning By-law comparison chart |
| Attachment B | Citizens for Safe Ground Water – August 7, 2020 submission |
| Attachment C | Citizens for Safe Ground Water – September 1, 2021 submission |

Report DS 2021-23 - Attachment A: Comparison of existing municipal zoning regulations for aggregate operations

(Only municipalities with regulations are included in this summary. Blank cells indicated that no specific regulation is included within the applicable zoning by-law)

	Region of Waterloo						Perth County				Oxford County					Top 10 aggregate producing municipalities (2019, The Ontario Aggregate Resources Corporation) (listed 1 to 10 from left to right)										
	Wilmot	Aggregate Resources Act Regulations	Cambridge	North Dumfries (1)	Wellesley	Woolwich (2)	North Perth (3)	Perth East (4)	Perth South (5)	West Perth	Blandford-Blenheim	East Zorra-Tavistock	Norwich	South-West Oxford	Zorra	Ottawa	Kawartha Lakes (6)	Hamilton	Burlington (7)	Halton Hills (7)	North Dumfries (1)	Zorra	Clarington	Puslinch	Severn	Uxbridge
Setback Regulations																										
excavation from property line	15m	15m	15m						15m							15m		15m	30m	15m			15m		15m	15m
excavation from road allowance	30m	30m	30m						30m							30m		30m	30m	15m			30m		30m	30m
excavation from land that is used or zoned for residential purposes from a body of water		30m	90m						120m									30m					30m		60m	
stockpiling aggregate, topsoil or overburden, a processing plant or area or a building or structure from a road allowance	30m	30m	15m					15m	90m	30m	30m	30m	30m	30m	30m		30m	30m	15m			30m	30m		60m	
stockpiling aggregate, topsoil or overburden, a processing plant or area or a building or structure from property line	15m	30m	30m					4.5m	90m	30m	30m	30m	30m	30m	15m		30m	30m	15m			30m	15m			
stockpiling aggregate, topsoil or overburden, a processing plant or area or a building or structure from land that is used or zoned for residential purposes		90m	90m					9.0m	120m	90m	90m	90m	90m	90m			90m					90m	30m		30m	90m
scrap storage area from body of water or property line		30m																								
landscaped buffer along property lines															15m		6.0m							1.5m		
minimum lot frontage					30.5m											30m										
minimum lot area															10ha					20ha						

(1) North Dumfries regulations require that accessory uses be a minimum of 15m from any zone limit. By-law is silent on all other setbacks.
 (2) Woolwich regulations require that accessory uses be a minimum of 15m from any zone limit. By-law is silent on all other setbacks.
 (3) North Perth references conformity with the license approved under the ARA
 (4) Perth East references conformity with the license approved under the ARA
 (5) Perth South references conformity with the license approved under the ARA
 (6) The City of Kawartha Lakes is an amalgamation of 18 municipalities. A consolidated zoning by-law is currently being prepared
 (7) Burlington and Halton Hills are combined as number 4 within the top 10 list

Attn: Harold O’Krafka and Andrew Martin
 Re: Wilmot OP Policy Revisions



We (CSGW) would like to show our support for the existing standards regarding aggregate that have been set within the township and urge that these standards be upheld.

We have reviewed the proposed zoning by-law changes and have undertaken a Best Practices review of zoning by-law regulations in other jurisdictions. Cambridge, Brantford, Hamilton and West Perth are examples of municipalities with detailed zoning regulations for quarries. Some include sizeable setbacks of the extraction area from lands zoned residential, buffering requirements, etc. Section 20 (beginning on pg. 81 regarding mineral aggregate zone 14) sets a strong foundation toward protecting Wilmot’s health and safety. However, we request the following revisions and additions that would have the effect of further protecting the wellbeing of our communities and protection of our groundwater. These regulations are essential in order to set strong municipal standards.

We recommend the following:

- 1.) Permitted Uses:
 Regulation 20.1.3 be revised to include wash ponds as a prohibited feature. The revised section would read as follows:

 “The processing of extracted materials from the site including crushing, screening, washing, sorting and storage of materials, but not including any temporary or permanent asphalt hot mix plant or ready mix concrete plant or wash ponds (in regional recharge areas according to the Source Protection Plan).
- 2.) In Section 20.1.2 the reference to the Pits and Quarries Control Act should be replaced with the Aggregate Resources Act.
- 3.) The numbering of subsections 20.2.4 thru 20.2.7 should be revised to 20.4.4 thru 20.4.7.
- 4.) Subsection 20.2.7 should be deleted and replaced with the “Extraction Area regulations below
- 5.) The following additional regulations should be added to Section 20.4:

Open Storage and storage of aggregate, top soil or overburden shall not be permitted within:	<ol style="list-style-type: none"> i) 90 m of a residential Zone; ii) 90 m of a lot occupied by an existing residential use;
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	<ul style="list-style-type: none"> iii) 30 m of any other lot line or Zone line, iv) Notwithstanding the above, earth berms required to buffer the permitted use shall be permitted within the areas. Such berms shall not be permitted within three metres of a lot line or Zone boundary.
Extraction Area:	<ul style="list-style-type: none"> i) No extraction of material from a pit or quarry shall occur within 120 metres of an abutting property that is within a Residential Zone; ii) No extraction of material from a pit or quarry shall occur within 90 metres of any boundary on which the extraction is occurring.
Yard Requirements for Processing of Material:	<ul style="list-style-type: none"> i) no processing of extracted material shall occur within 90 metres of any boundary on which the extraction is occurring, ii) no processing of extracted material shall occur within 120 metres of an abutting property that is within a Residential Zone.
Planting Areas:	All buildings, structures, parking areas, and pit areas, except for a wayside pit, shall be screened from a street, unopened road allowance and from any land zoned Residential by a continuous row of trees consisting of deciduous or coniferous species which will attain a minimum height of 6 metres.
Parking Area and Driveways:	<ul style="list-style-type: none"> i) No parking area and no internal road other than one access road on each lot shall be located within 45 metres of any street or any lot occupied by a dwelling. ii) Vehicular access from a street shall be provided at not more than one location on each lot and shall not be located within 75 metres of a dwelling or a street intersection or within 45 metres of a curve in a street and shall be located so that there are no obstructions to sight within the triangular area contained by the street line and lines joining a point on the access road 9 metres perpendicularly distant from the street line to the points on the street line 9 metres from the entrance of the access road.

Thank you for your time and consideration.

Samantha Lernout
Citizens for Safe GroundWater Inc.

Attn: Harold O’Krafka and Andrew Martin
 Re: Wilmot Bylaw Best Practices Recommendations



September 1st, 2021

We (CSGW) would like to show our support for the existing standards regarding aggregate that have been set within the township and urge that these standards be upheld.

We have reviewed the proposed zoning by-law changes and have undertaken a *Best Practices* review of zoning by-law regulations in other jurisdictions.

Cambridge, Brantford, Hamilton and West Perth are examples of municipalities with detailed zoning regulations for quarries. Some include sizable setbacks of the extraction area from lands zoned residential, buffering requirements, etc.

Section 20 (beginning on pg. 81 regarding mineral aggregate zone 14) sets a strong foundation toward protecting Wilmot’s health and safety. However, we request the following revisions and additions that would have the effect of further protecting the wellbeing of our communities and protection of our groundwater. These regulations are essential in order to set strong municipal standards.

We recommend the following:

1.) Permitted Uses:

Regulation 20.1.3 be revised to include wash ponds as a prohibited feature. The revised section would read as follows:

“The processing of extracted materials from the site including crushing, screening, (*remove washing*) sorting and storage of materials, but not including any temporary or permanent asphalt hot mix plant or ready mix concrete plant or wash ponds (in regional recharge areas according to the Source Protection Plan).

2.) Subsection 20.2.7 should be deleted and replaced with the “Extraction Area regulations below

The following additional regulations should be added to Section 20.4:

Open Storage and storage of aggregate, top soil or overburden shall not be permitted within:	<ul style="list-style-type: none"> i) 90 m of a residential Zone; ii) 90 m of a lot occupied by an existing residential use; iii) 30 m of any other lot line or Zone line,
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	iv) Notwithstanding the above, earth berms required to buffer the permitted use shall be permitted within the areas. Such berms shall not be permitted within three metres of a lot line or Zone boundary.
Extraction Area:	<ul style="list-style-type: none"> i) No extraction of material from a pit or quarry shall occur within 120 metres of an abutting property that is within a Residential Zone; ii) No extraction of material from a pit or quarry shall occur within 90 metres of any boundary on which the extraction is occurring.
Yard Requirements for Processing of Material:	<ul style="list-style-type: none"> i) no processing of extracted material shall occur within 90 metres of any boundary on which the extraction is occurring, ii) no processing of extracted material shall occur within 120 metres of an abutting property that is within a Residential Zone.
Planting Areas:	All buildings, structures, parking areas, and pit areas, except for a wayside pit, shall be screened from a street, unopened road allowance and from any land zoned Residential by a continuous row of trees <i>at the foot of the berm</i> consisting of coniferous species which will attain a minimum height of 6 metres.
Parking Area and Driveways:	<ul style="list-style-type: none"> i) No parking area and no internal road other than one access road on each lot shall be located within 45 metres of any street or any lot occupied by a dwelling. ii) Vehicular access from a street shall be provided at not more than one location on each lot and shall not be located within 75 metres of a dwelling or a street intersection or within 45 metres of a curve in a street and shall be located so that there are no obstructions to sight within the triangular area contained by the street line and lines joining a point on the access road 9 metres perpendicularly distant from the street line to the points on the street line 9 metres from the entrance of the access road.

Thank you for your time and consideration.

Samantha Lernout Ritch Stevenson
Citizens for Safe GroundWater Inc.

Rory Farnan



DEVELOPMENT SERVICES

Staff Report

REPORT NO: DS-2023-14

TO: Council

SUBMITTED BY: Harold O’Krafka, MCIP RPP PLE

PREPARED BY: Harold O’Krafka MCIP RPP PLE

REVIEWED BY: Sharon Chambers, CAO

DATE: June 26, 2023

SUBJECT: Proposed Streamlining of Approvals Under the Aggregate Resources Act

RECOMMENDATION:

THAT Report DS-2023-14 be received for information.

SUMMARY:

The Province posted proposed changes to the Aggregate Resources Act, Ontario Regulation 244/97 to expand self-filing activities and a new policy regarding amendments to existing aggregate approvals.

The posting was made on May 29, 2023 with a comment period ending July 13, 2023.

Staff have reviewed the proposed changes and have no significant concerns in respect of it creating any further reductions to Wilmot’s limited control of some aspects of aggregate extraction such as the location of pit entrances/exits and recycling operations.

BACKGROUND:

The Ministry of Natural Resources and Forestry (MNRF) is proposing regulatory changes to Ontario Regulation 244/97 under the Aggregate Resources Act to expand the list of changes that can be made to site plans without ministry approval (subject to conditions) and proposing a policy direction for changes to licences, permits and site plans where ministry approval is required.

The Ministry is of the opinion that “this approach has effectively reduced burden and provided efficiency to aggregate operations, while continuing to manage the impact of lower-risk activities on aggregate sites.”

The proposed site plan amendments to be eligible for self-filing are briefly summarized with selected relevant and important conditions to Wilmot as following. The full description is provided as Attachment 1 to this report.

Importation of Recyclable Material

Allow the importation of concrete, asphalt, brick, glass, or ceramics for recycling, provided the following criteria are met:

- municipal zoning for the site specifically allows the recycling of aggregate materials (asphalt, concrete, brick, glass, or ceramics) or the zoning by-law allows for accessory uses such as recycling to occur on the site

Entrances/Exits

Allow the addition or re-location of an entrance or exit to or from the site, provided:

- the road authority has approved the work and all prescribed operational standards related to entrances and exits are followed

Portable Concrete or Asphalt Plants

Allow the addition, removal or re-location of portable concrete or portable asphalt plants for public authority projects (e.g., road work), provided they will only remain on site for the duration of the project, and:

- a mobile or site-specific ECA has been obtained from the Ministry of the Environment, Conservation and Parks (MECP)

Above-ground Fuel Storage

Add, remove, or relocate an above ground fuel storage tank on the site, provided:

- fuel storage tanks are not within a vulnerable area for the protection of drinking water sources where the handling and storage of fuel would be a significant drinking water threat, as defined in the Technical Rules under the Clean Water Act, 2006

REPORT:

The proposed amendments do not appear to limit or otherwise constrain the municipal approvals process involved in making changes to aggregate operations.

Of particular importance is that they do not override zoning requirements for recycling operations, eliminate the road authority approval for entrances/exits, eliminate MECP approval of portable concrete/asphalt plants nor do they create new fuel storage threats within source protection areas.

As such, staff do not have concerns with the proposed amendments to O.Reg 244/97 in respect of self-filing site plan amendments.

The proposed changes on notification similarly do not impact local processes or decision making.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Advising Council on proposed changes to Provincial legislation and regulations in Open Council supports an informed and engaged community.

FINANCIAL CONSIDERATIONS:

The proposed changes to O.Reg 244/97 do not create additional financial impacts on the Township of Wilmot. Consideration of municipal approvals, required prior to self-filing site plan amendments, would be subject to cost recovery through the Township Fees & Charges By-law.

ATTACHMENTS:

Attachment 1 – Proposed Site Plan Amendments Eligible for Self-Filing

Proposed Site Plan Amendments Eligible for Self-filing

Overview

On September 1, 2020, changes to Ontario Regulation 244/97 (the Regulation) under the *Aggregate Resources Act* (the Act) came into effect, which set out eligibility criteria and requirements that allow operators of pits and quarries to self-file changes to existing site plans for some routine activities without requiring approval from the ministry (subject to conditions set out in regulation).

This approach has effectively reduced burden and provided efficiency to aggregate operations, while continuing to manage the impact of lower-risk activities on aggregate sites. This proposal is seeking your feedback on the following additional site plan amendments that a licensee or permittee may self-file without ministry approval when certain conditions are met as outlined in regulation.

In accordance with current regulatory requirements for other self-filed amendments, it is important to note that unless otherwise provided on an approved site plan, in addition to the proposed conditions identified below for each new activity, the amendments described in this document would continue to be subject to all applicable operating conditions prescribed in the Regulation under the Act. For example, “recycling activities on the site shall not interfere with the operational phases of the site or with the rehabilitation of the site”, (O. Reg. 244/97, s. 0.13 (1) 32), would apply to any licence or permit where a site plan amendment is self-filed to import recyclable material.

Furthermore, proposed site plan amendments for the activities described below would only be eligible for self-filing, provided they do not conflict with the Act, the Regulation, any other Act or regulation or any licence, permit or approval issued under the Act, the Regulation or any other Act or regulation.

Any licences or permittees proposing changes that do not meet all the eligibility criteria and conditions for self-filing must seek authorization from the ministry through a formal amendment process prior to implementing the change.

Proposals

Importation of Recyclable Material

For licences (private land only): Allow the importation of concrete, asphalt, brick, glass, or ceramics for recycling, provided the following criteria are met:

- municipal zoning for the site specifically allows the recycling of aggregate materials (asphalt, concrete, brick, glass, or ceramics) or the zoning by-law allows for accessory uses such as recycling to occur on the site;
- general processing activities (e.g., crushing, screening of aggregate) are already approved (on the site plan) to occur at the site;
- where a processing area is identified on the approved site plan, the location of stockpiled material for recycling is limited to this area;
- asphalt will not be stored within 30 m of a water body or within 2 metres of the established ground water table and is not co-mingled with scrap material; and
- requirements are added to the site plan to specify that:
 - once excavation of aggregate on the site has been completed there will be no further importation of recycled materials and rehabilitation will be completed,
 - the quantity of recycled aggregate removed from the site each year shall count toward the total amount of aggregate that the licensee or permittee is entitled to remove from the site under the licence or permit, and
 - no more than 20,000 tonnes, or 10% of the annual production limit (whichever is less), of recycled material may be stored on the site at any time.

Entrances/Exits

Allow the addition or re-location of an entrance or exit to or from the site, provided:

- the road authority has approved the work and all prescribed operational standards related to entrances and exits are followed;
- the work will conform to all conditions of the approval from the road authority;
- the work will not harm or negatively impact existing features (e.g., natural/cultural heritage features, existing berms, etc.); and
- a copy of the approval from the road authority is provided with the submission form.

Portable Processing Equipment

Allow the addition, removal or re-location of portable processing equipment necessary for crushing, screening and processing aggregates, provided the following criteria are met:

- a mobile or site-specific Environmental Compliance Approval (ECA) has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the equipment on the site, the ECA must allow for equipment to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- use of the equipment is permitted as an accessory use in the municipal zoning for the property;
- there are no sensitive receptors situated:

DRAFT MATERIALS FOR CONSULTATION PURPOSES – SUBJECT TO CHANGE

- within 500 metres of the boundary of the site for a quarry, or
- within 150 metres of the boundary of the site for a pit;
- the equipment will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
- noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
- where a processing area is identified on the approved site plan, the operation of portable processing equipment is limited to this area.

Portable Concrete or Asphalt Plants

Allow the addition, removal or re-location of portable concrete or portable asphalt plants for public authority projects (e.g., road work), provided they will only remain on site for the duration of the project, and:

- “portable asphalt plant” and “portable concrete plant” have the same meanings as defined under the Provincial Policy Statement (PPS);
- a mobile or site-specific ECA has been obtained from the Ministry of the Environment, Conservation and Parks (note: if re-locating the plant on the site, the ECA must allow for plant to be moved);
- a copy of the mobile or site-specific ECA is provided with the submission form;
- the plant will not be located within 30 metres of the boundary of the site or within 90 metres of any part of the boundary of the site that abuts land in use for residential purposes;
- noise and dust mitigations currently required by the approved site plan, licence, or permit, continue to be implemented; and
- where a processing area is identified on the approved site plan, the operation of portable concrete/asphalt plants is limited to this area.

Above-ground Fuel Storage

Add, remove, or relocate an above ground fuel storage tank on the site, provided:

- fuel storage tanks are installed and maintained in accordance with the Liquid Fuel Handling Code as adopted under the *Technical Standards and Safety Act, 2000*;
- proposed fuel storage capacity does not exceed 5,000 litres;
- the location of fuel storage tanks is identified on the site plan;
- fuel storage tanks are not within a vulnerable area for the protection of drinking water sources where the handling and storage of fuel would be a significant drinking water threat, as defined in the Technical Rules under the *Clean Water Act, 2006*;
- fuel storage tanks are not within 30 metres of a waterbody and not within 2 metres of the established ground water table; and
- all other required approvals have been obtained (e.g., municipal, Niagara Escarpment Plan).



May 31, 2023

Amy Harron, Deputy Clerk
(via email)

Regarding: Notice of Request for Major Drain Improvements - Paff Drainage Works -
Resolution No. 5

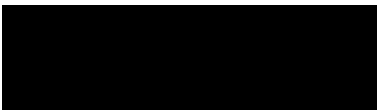
Please be advised that the following resolution was passed at the Regular Committee of the Whole Meeting held on May 16, 2023 and later ratified at the Council Meeting of the Wellesley Township Municipal Council held on May 30, 2023:

“That the Council of the Township of Wellesley accept the request received by Stantec Consulting on behalf of property owner Strohvest Ontario Inc. for the property described as Plan 1148 Part Lot 80, north side of Gerber Road, and further;
That the Council of the Township of Wellesley direct staff to forward the petition to the Grand River Conservation Authority for comment within thirty (30) days of notice.”

Carried

If you have any questions or concerns, please feel free to contact me at (519) 699-3946 at your earliest convenience.

Yours truly,


Grace Kosch, Clerk
Township of Wellesley
P: 519-699-3946 F: 519-699-4540
gkosch@wellesley.ca

cc: Grand River Conservation Authority (email)
Jeff Bunn, Municipal Clerk, Township of Wilmot (email)
Greg Romanick, Stantec Consulting Inc. (email)
John Kuntze, K. Smart Associates Ltd. (email)



PROPERTY & FIRE REPORT

To: Council

Meeting Date: May 16, 2023

Prepared by: Amy Harron
Deputy Clerk

Date Prepared: May 9, 2023

Subject: Notice of Request for Major Drain Improvements – Paff Drainage Works

Recommendation:

That the Council of the Township of Wellesley accept the request under Section 78 of the Drainage Act for improvement to the Paff Drainage Works submitted by Strohvest Ontario Inc. for the property described as Plan 1148 Part Lot 80, north side of Gerber Road, and further;

That the Council of the Township of Wellesley direct staff to forward the Section 78 request to the Grand River Conservation Authority for comment within thirty (30) days of notice.

Summary:

A Notice of Request for Major Drain Improvement under Section 78 of the Drainage Act was received by the Clerk's Department on April 19, 2023.

Report:

The Notice of Request for Major Drain Improvement is for the Paff Drainage Works for property described as Plan 1148 Part Lot 80, north side of Gerber Road. This request is related to the proposed Plan of Subdivision by Strohvest Ontario Inc. currently under review. A new Engineer's Report under Section 78 is required to abandon the drain on the north side of Gerber Road in Wellesley Township and to provide an improved outlet for the drain on the south side of Gerber Road in Wilmot Township.

Upon Council acceptance of the request, the notice will be forwarded to Grand River Conservation Authority for a thirty (30) day comment period. After the thirty (30) day comment period Council will appoint an Engineer to prepare the Section 78 Report.

Township Strategic Plan:

This initiative aligns with the strategic plan Infrastructure Improvement & Management to refine and improve upon current practices via improved records keeping, asset management, assessment, and the introduction of best practices where applicable.

Financial Implications:

N/A

Other Department / Agency Comments:

N/A

Legal Considerations:

N/A

Attachment(s):

1. Notice of Request for Major Drain Improvement – submitted by Strohvest Ontario Inc.
2. Aerial photo to show Paff Drainage Works location and proposed subdivision parcel.

Department Head: _____

Treasurer: _____

Corporate Management Team (date): _____

Approved by:

Chief Administrative Officer: _____



Stantec Consulting Ltd.
100-300 Hagey Boulevard, Waterloo ON N2L 0A4

April 3, 2023
File: 161414217

Attention: Ms. Grace Kosch
Municipal Clerk
Council and Clerk Services
Township of Wellesley
4639 Lobsinger Line
St. Clements ON N0B 2M0

Dear Ms. Kosch,

Reference: Strohvest Ontario Inc. – Notice of Request for Drain Major Improvement (under the Drainage Act, RSO 1990, c.D.17, subs.78 (1.1)) – Paff Drain

As discussed with Staff and the Township's Drainage Superintendent, and as recommended by same, we respectfully submit this Notice of Request for Drain Major Improvement relative to the Paff Drain. Could you please place this matter on the next available Council Agenda. We respectfully ask the Township of Wellesley to commence the process for this Drain Major Improvement as soon as possible.

Please advise us as to when this matter will be on Councils Agenda.

Regards,

Stantec Consulting Ltd.



Greg Romanick RPP, MCIP
Senior Planner
Phone: 519 575 4108
greg.romanick@stantec.com

- c. Mr. Ron Stroh, Strohvest Ontario Inc.
Mr. Tim Van Hinte, Township of Wellesley
Mr. John Kuntze, K. Smart Associates Limited
Mr. Andrew Martin, Township of Wilmot



Ministry of Agriculture,
Food and Rural Affairs

**Notice of Request for Drain
Major Improvement
Drainage Act, R.S.O.
1990, c. D.17, subs. 78 (1.1)**

To: The Council of the Corporation of the Township of Wellesley

Re: The Paff Drainage Works

(Name of Drain)

In accordance with section 78 (1.1) of the *Drainage Act*, take notice that I, as owner of land affected, request that the above mentioned drain be improved.

The Major Improvement Project work being requested is (check all appropriate boxes):

- Changing the course of the drainage works;
- Making a new outlet for the whole or any part of the drainage works;
- Constructing a tile drain under the bed of the whole or any part of the drainage works;
- Constructing, reconstructing or extending bridges or culverts;
- Extending the drainage works to an outlet;
- Improving or altering the drainage works if the drainage works is located on more than one property;
- Covering all or part of the drainage works;
- Consolidating two or more drainage works; and/or
- Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

Provide a more specific description of the proposed drain major improvement you are requesting:

Abandon the Paff Drainage Works in the Township of Wellesley

Improve the capacity of the Paff Drainage Works in the Township of Wilmot

Property Owners

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

Property Description

Plan 1148 Part Lot 80, north side Gerber Road

Ward or Geographic Township

Wellesley

Parcel Roll Number

3024-010-001-37200

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner of the property may request a drain improvement.

Ownership**Corporation**

If you need to provide additional information, please attach along with this form.

Corporation (The individual with authority to bind the corporation must sign the form)

Name of Signing Officer (Last, First Name) (Type/Print)

Ron Stroh

Position Title

President

Name of Corporation

Strohvest Ontario Inc

I have the authority to bind the Corporation.

Signature

Date (yyyy/mm/dd)

DEC 5/22

Enter the mailing address and primary contact information of property owner below:

Last Name

Stroh

First Name

Ron

Middle Initial

V

Mailing Address

Unit Number

Street/Road Number

Street/Road Name

PO Box

City/Town

Province

Postal Code

Telephone Number

Cell Phone Number (Optional)

Email Address (Optional)

519-778-7171

To be completed by recipient municipality:

Notice filed this 19 day of April 2022/23

Name of Clerk (Last, First Name)

Kosch, Grace

Signature of Clerk



Region of Waterloo

Legend

- Addresses
- Assessment Parcels



Notes

508.0 0 254.00 508.0Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Regional Municipality of Waterloo, 2013

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Petition Against Jananna Municipal Drain

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

We do not see the need for such a project

We do not see the benefit individually or collectively of this project

We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz			Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissouq			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date
JUSTIN MILLER			01/30/23
Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BROD MUSA			02/03/23
Haley MUSA			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

June 16, 2023

To the Mayor and Councilors of Wilmot Township,

I am writing this letter in objection to the petition for the proposed drainage works for the Bamberg Creek, Jananna and Koch-Leis Drain.

My name is Ken Heintz and I live at [REDACTED]. I farm and work all of the land around the Bamberg Creek [REDACTED] of the petitioner's farm. I am very familiar with that portion of the creek and the Koch-Leis drain. I've lived here for over 30 years and the Bamberg Creek has never changed. There is no silt build-up because it runs too quickly.

In 2012 and again in 2018, the petitioner requested that the Koch-Leis drain be cleaned out and the creek be dug to correct the flow of water in the creek. The dirt removed from the creek was piled on the south side of the creek bank both times. It created a swale making the land behind the swale unworkable. There was about 20 acres that all surface drain to the Koch-Leis drain. This makes common sense to the engineer to trap water into someone else's field and make it unworkable? I had to install tiles into the field so that the flooded land I was working could be farmed. Both of those years, the flow of water was being impeded by beavers that had built a dam further down the creek.

Prior to starting this petition there was another beaver dam creating the same issue. The petitioners saw the beaver dam in the creek and instead of having it removed, started this petition to dig the Koch-Leis drain and Bamberg Creek. The beavers have been removed. The creek flows fine and there are no drainage issues.

The west branch of the Jananna drain runs from Gerber Road to the Koch-Leis drain and into Bamberg Creek draining water from the area on the north side of Gerber Road. This area is pure sand and does not hold water. Also, the entire north side of the Jananna land is all sand. They hired a drainage contractor to systematically tile their farm. He drained the south side but did not put tiles in the north because it's pure sand, doesn't hold water and doesn't need tiling. So, installing a concrete sealed tile makes absolutely no sense when you don't have a water problem.

The east branch of the Jananna drain flows into [REDACTED] pond. The southeast back corner of the Jananna farm is not drained into the systematic tile and needs to go across [REDACTED] land. Instead of this extensive proposal by the engineers, a 6" plastic perforated tile would be ample to drain the two acres. There is 3' of drop in the creek with is plenty of depth for a 6" plastic tile. The Bamberg Creek does not need to be dug.

I think this proposal is a complete waste of money. There are many alternatives that should be explored that would cost a fraction of the amount of this proposal.

Letter to the Mayor and Councillors of Wilmot Township June 8th, 2023

We the undersigned wish to strongly protest the proposal to put in a drainage system on the Jananna lands which would flow into Bamberg Creek and thus transform this natural area into an ecological disaster.

It should be understood that most of the landowners have not been given proper notice of the various meetings to date, especially the farmer who works the majority of the acreage in the area.

Of the 17 landowners involved, only the single petitioner is claiming any benefit to this project.

The Drainage Act specifically requires that "owners that represent at least 60% of the land in the area" be party to any petition for drainage, and that "the owners have made a decision that the drain will be of benefit to them and that the probable cost will be lower than the anticipated benefit". Neither of these requirements have been followed.

No new acreage will be opened up. No crops are currently being adversely affected. The Jananna lands are already extensively tiled. Any cost/benefit analysis just on a strictly financial basis points to a failure on benefit and an unnecessary cost. There would also be perpetual maintenance costs.

Importantly this area has been designated for many years as a Provincially Significant Wetland. Ongoing annual declarations are made by landowners promising "not to undertake any activities that degrade, destroy or result in the loss of the natural heritage feature". This project would destroy the Bamberg Creek PSW and make it a drainage ditch.

This beautiful area has also welcomed the hikers of the Avon Trail Association. A new bridge over the creek was just recently built by volunteers at their expense and dedicated in 2020.

We urgently request that the members of Council and the Mayor come to the site in the next few days for an escorted trip to see for themselves that the land is good as it is. An invitation to you will be made.

This drain proposal does not meet the requirement that the petition must be signed by the majority of the owners in the area requiring drainage or by owners that represent at least 60% of the lands in this area. The cost/benefit requirement is not met. We are asking Council to reject the petition.

SIGNED: 



An Explanation:
The Invalid Petition for the
Jananna, Bamberg Creek and
Koch-Leis Municipal Drains

The Drainage Act provides a procedure whereby the municipality may, with a **valid petition of landowners** in the **"area requiring drainage"**, provide a legal outlet for surface and subsurface waters not attainable under common law.

- Duties of the landowner under the Drainage Act guide, OMAFRA

SIDE NOTES: The wording is very important here. The keywords to pay attention to are **“valid petition”** and **“area requiring drainage”**.

The signed petition forms the basis of Jananna, Bamberg Creek and Koch-Leis Municipal Drains. If the petition is deemed to be invalid, there is no path forward for these projects. The Engineer in his report said...

“The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.”

Let's take a closer look at Section 4(1)(a).

Drainage Act, R.S.O. 1990, c. D.17

Petition

4 (1) A petition for the drainage by means of a drainage works of an **area requiring drainage** as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) **the majority in number of the owners**, as shown by the last revised assessment roll **of lands in the area**, including the owners of any roads in the area;

SIDE NOTES: This basically says the majority of landowners in the 'area requiring drainage' have to be on the petition for it to be valid. Since Jananna are the only ones on the petition, the Engineer is saying that the 'area requiring drainage' falls exclusively on the Jananna property... but here's the problem...

The '*area requiring drainage*' **does not** fall exclusively on the Jananna property. The Engineer got the area requiring drainage wrong. He wrongfully assumed the water stops at the petitioner's fence line and therefore the area requiring drainage magically stops at the fence line. It does not.

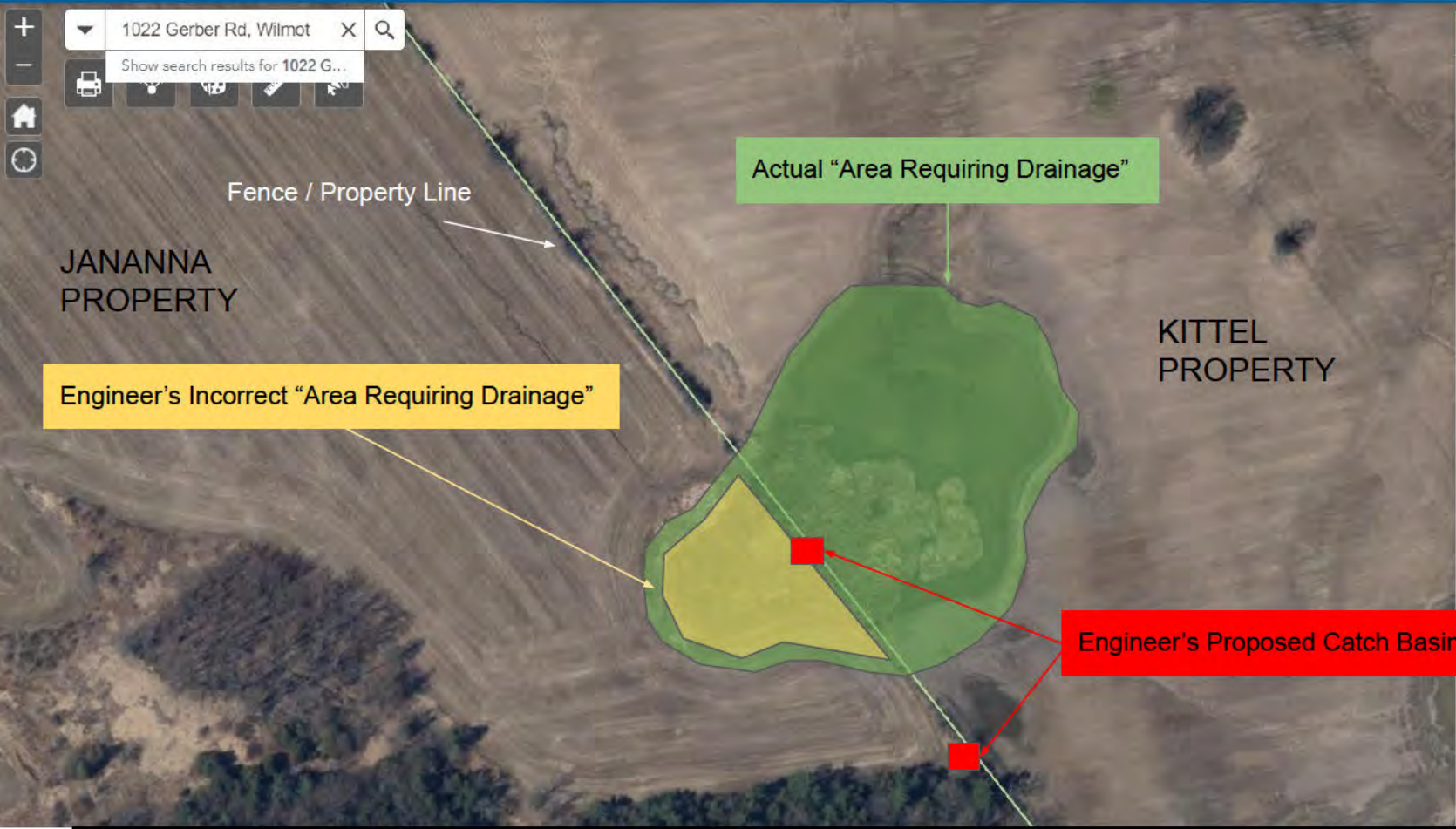
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore both Jananna and Kittel need to be on the petition for it to be valid. Kittel is not on the petition, was never asked to be on the petition and was not even properly notified about the required on-site meeting.



1022 Gerber Rd, Wilmot X Q

Show search results for 1022 G...

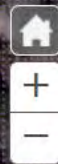
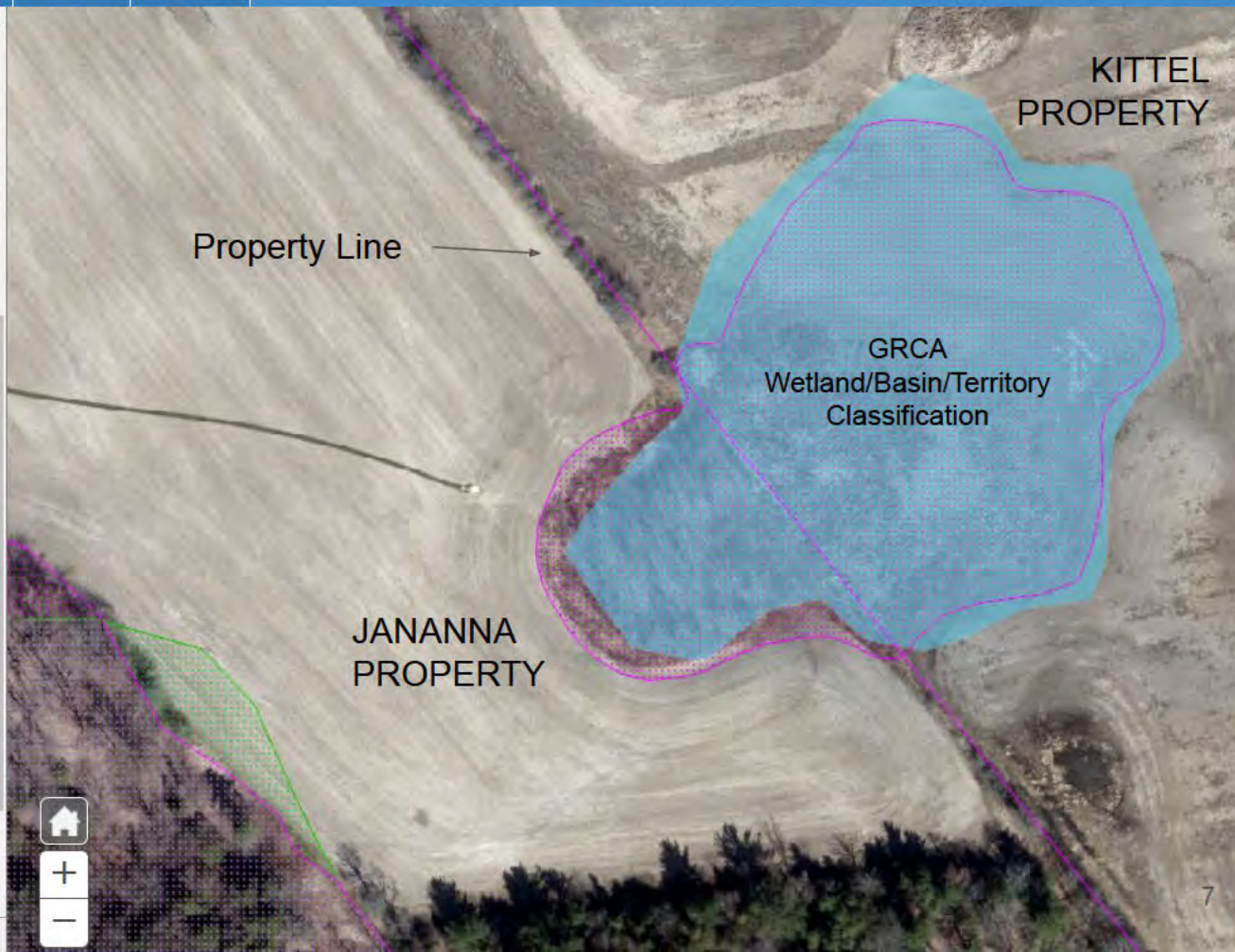
- Layer List
- Assessment Parcels (M)
 - Ownership Parcels (Te
 - Survey Points
 - Wellhead Protection S
 - Municipal Boundaries
 - 2022 Aerial Imagery
 - 2020 Aerial Imagery
 - 2019 Aerial Imagery
 - 2018 Aerial Imagery
 - 2017 Aerial imagery
 - 2016 Aerial Imagery
 - 2015 Aerial Imagery
 - 2014 Aerial Imagery
 - 2012 Aerial Imagery
 - 2010 Aerial Imagery
 - 2009 Aerial Imagery



SIDE NOTES: Only one of these properties signed the petition, therefore there is no majority.



- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Land Base
- Hydrology
 - Drainage
 - Watercourse (GRCA)
 - Waterbody (GRCA)
 - Great Lakes (GRCA)
 - Average Annual Runoff (GRCA)
 - Floodplain
 - Watershed
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Property
- Watershed Imagery
- 2020 Ortho (ON)
- 2015 Ortho (ON)
- 2010 Ortho (ON)





SIDE NOTES: You can even see on the submitted petition photo, the area requiring drainage falls on two properties

Jananna Side - photo taken May 25, 2023



For the part of the proposed Jananna Drain East Branch running North, the same thing applies...



Find address or place



JANANNA
PROPERTY

Actual "Area Requiring Drainage"



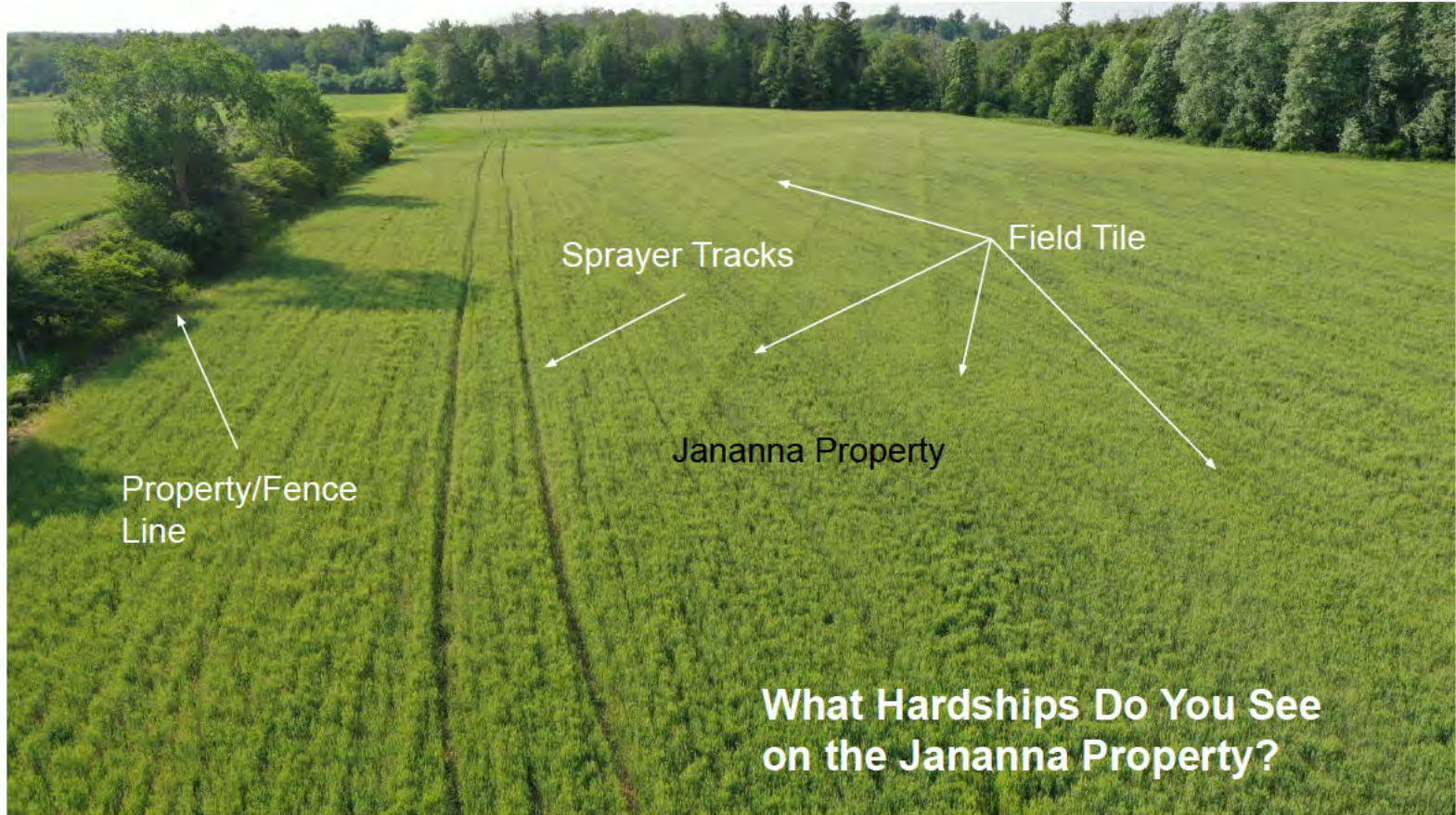
Quick Fact:
A newly installed drain already exists in this location that no mention has been made of in the report and the Engineer was not aware of during their site visit. The solution being proposed is redundant.

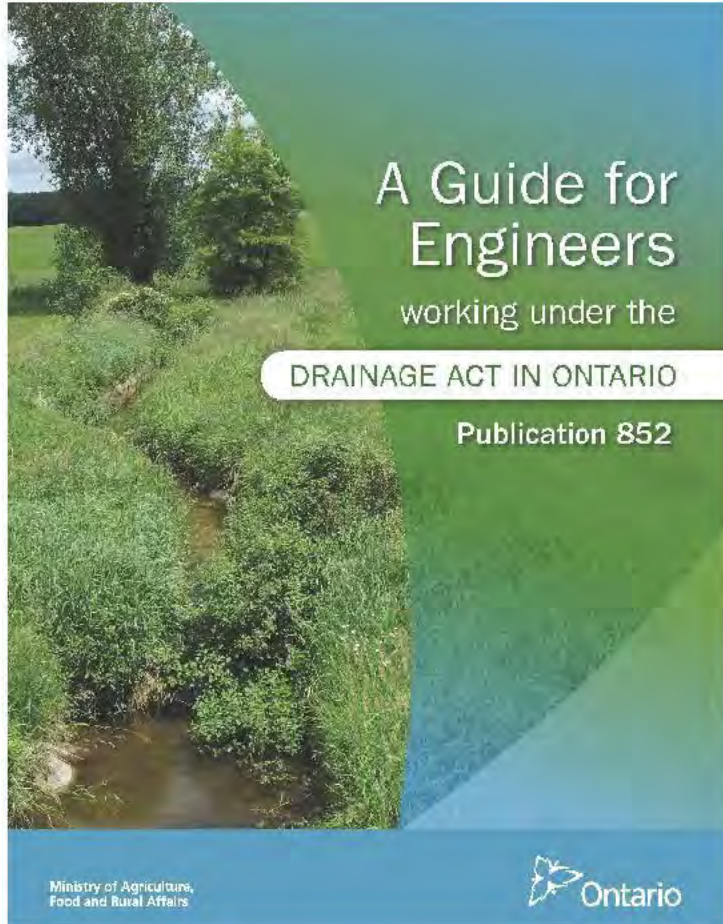
Engineer's Incorrect "Area Requiring Drainage"

Engineer's Proposed Catch Basin

KITTEL
PROPERTY

SIDE NOTES: All the catch basins are being placed on or near the property line which clearly indicates the 'area requiring drainage' is on both properties.





To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law and how to determine the ‘areas requiring drainage’.

Jones v. Derby (Town), 1986

You cannot adjust the irregular “shaped saucer with reasonably well defined banks around it” just because a landowner indicates his desire for drainage, without first ascertaining where those well defined banks are located on the ground. In his zeal to accept the Petitioner’s version of the area requiring drainage [the engineer] has not formed the proper independent judgment when making his assessment.

I am of the view that it is the intention of the present Drainage Act, that lands not described in the petition as requiring drainage that are subsequently found to require drainage by the engineer in his report to have similar physical features so as to form one area requiring drainage with those lands described in the petition as requiring drainage, are as well, to be included when the requirements of Sec. 4(a) or (b) are being considered, otherwise the lands described in the report by the engineer in accordance with Sec. 8-1(a) would not be fairly described. Failure to do so would not afford the intended protection for those who did not sign the petition.

Westendorp v. Elizabethtown (Town), 1986

The best definition of the area requiring drainage that I was able to research appeared in a letter dated November 29, 1929, to the Clerk of the Township of West Williams from Drainage Referee George F. Henderson:

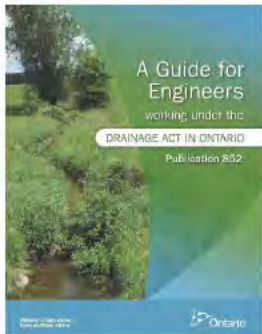
“It is not necessary that there should be a majority of the petition of all those whom the engineer finds to be eventually interested in the drainage work. What you need is in first place a reasonably well defined drainage area, that is, a section of land requiring drainage, and it is this territory which should be described in the area. It is of course not proper to pick out just enough lots to enable a majority, but there should be what I generally speak of as an irregularly shaped saucer with reasonably well defined banks around it. This might be all on one lot, although that is of course a rare case, but the point is that once you have that low lying section of land requiring drainage, it is a majority of the owners in that section that you need for a petition, no matter how many others the Engineer may bring in...”

Duane vs. Township of Finch, Referee G. Henderson, 1908

“Since that amendment, it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme...”

It is the intention of the Act that the township council should pass judgement upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgement upon such a matter, I think I should be loath to review their exercise of judgement...**What I would wish to point out very plainly is that it is not proper to pick out any portion or portion of what is in fact a distinct basin requiring drainage.** Subject to the discretion of the township council, **the majority, are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority.**

The full decisions can be found on www.canlii.org/en/on/ondr as well as other referee decisions just like these.



Also found in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act, this simple illustrated example to determine validity.

In order for a petition to be valid, it must contain signatures from the majority in number of owners in the area requiring drainage.

To determine the validity of the petition, evaluate the percentage of owners (Section 4(1)(a)) (Figure A4-A), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage (A).
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition (B)
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition ($C = B/A \times 100\%$).
- A petition is valid when the percentage (C) is **greater than 50%**

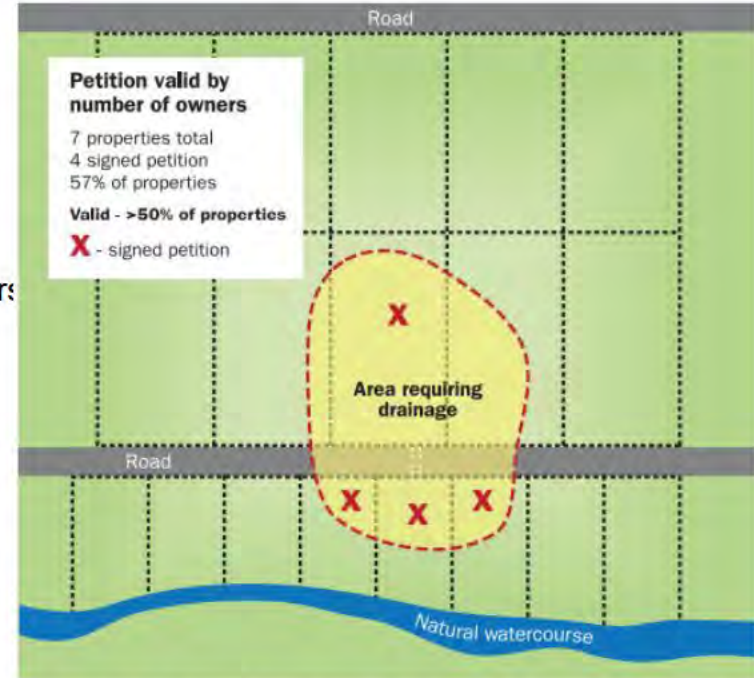


Figure A4-4. Determining the validity of a petition by percentage of owners.

To determine the **validity of the Jananna petition**, evaluate the percentage of owners (Section 4(1)(a)), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage **(2)**
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition **(1)**
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition **($1/2 \times 100\% = 50\%$)**.
- The petition is **invalid** because the percentage is **not greater than 50%**

So Now What?

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

The original petition form lays it out. The petitioners (Jananna) signed the petition accepting financial responsibility if the petition were not to comply with section 4. It does not comply with section 4.

Chad Curtis, Deputy Clerk, Wilmot Township, also provided this...

"Section 43 of the Drainage Act notes that if the petition is determined to not be valid at the conclusion of the **meeting to consider the Report**, then the original petitioners are liable for the cost of the Engineer's Report which the municipality can collect from the petitioners as outlined in Section 43."

Property Owners Signing The Petition

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of quarter lot and concession and chain address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than one property, please take copies of this page and continue to fill them all.

Number: Property Description:

Ward or Geographic Township:

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership:

Sole Ownership
Owner Name (Last, First, Middle):

Partnership (Each partner in the ownership of the zoned area must sign the petition form)
Owner Name (Last, First, Middle):

Corporation (The individual with authority to bind the corporation must sign the petition)
Name of Signing Officer (Last, First, Middle): *K. CURTIS*
Name of Corporation: *Jananna Corp*
Position Title: *President*

Number: Property Description:

Ward or Geographic Township:

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership:

Sole Ownership
Owner Name (Last, First Name) (Type/Print):

Signature:

Date (yyyy/mm/dd):

Partnership (Each partner in the ownership of the zoned area must sign the petition form)
Owner Name (Last, First Name) (Type/Print):

Signature:

Date (yyyy/mm/dd):

Corporation (The individual with authority to bind the corporation must sign the petition)
Name of Signing Officer (Last, First Name) (Type/Print):

Signature:

Name of Corporation:

I have the authority to bind the Corporation:

Position Title:

Date (yyyy/mm/dd):

Check here if additional sheets are attached

Clerk Initial:

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Completion or Termination

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D. 17 and will be used for the purposes of administering the Act. Conditions concerning the collection of personal information should be discussed to whom the form is addressed to a municipality (municipality in complete).

and where the form is addressed to a sanitary sewer municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Hill Dr., Guelph, ON N1G 4Y2, 519 820-0155.

0116-0000

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director**. R.S.O. 1990, c. D.17, s. 4 (1).

This is the clarification and communication received from OMAFRA...

Section 4(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

4. *where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director***

From the definitions

"Director" means the director appointed for the purposes of this Act;

I believe that the following statement has similar meaning to Section 4(1) d from the Drainage Act.

Where a drainage works is required for the drainage of lands used for agricultural purposes, a petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by the Director.

*Currently the Director appointed for the purposes under this Act is the **Director** of the **Environmental Management Branch**.*

I am not aware of an instance (in the history of the Drainage Act) when the Director has signed a petition in accordance with Section 4 (d).

*There would have to be **very compelling** evidence/reasoning for the Director to sign a petition under Section 4 (d).*

I hope the above information has clarified your understanding of Section 4(1) (d) of the Drainage Act.

Andy Kester

Ontario Ministry of Agriculture Food and Rural Affairs

519-835-6074

Additional Legal Matters

In the Engineer's Report there are additional works being proposed that are noticeably absent from the proposed works found in the original petition filed April 26, 2021. These additional areas requiring drainage added by the Engineer without authority include:

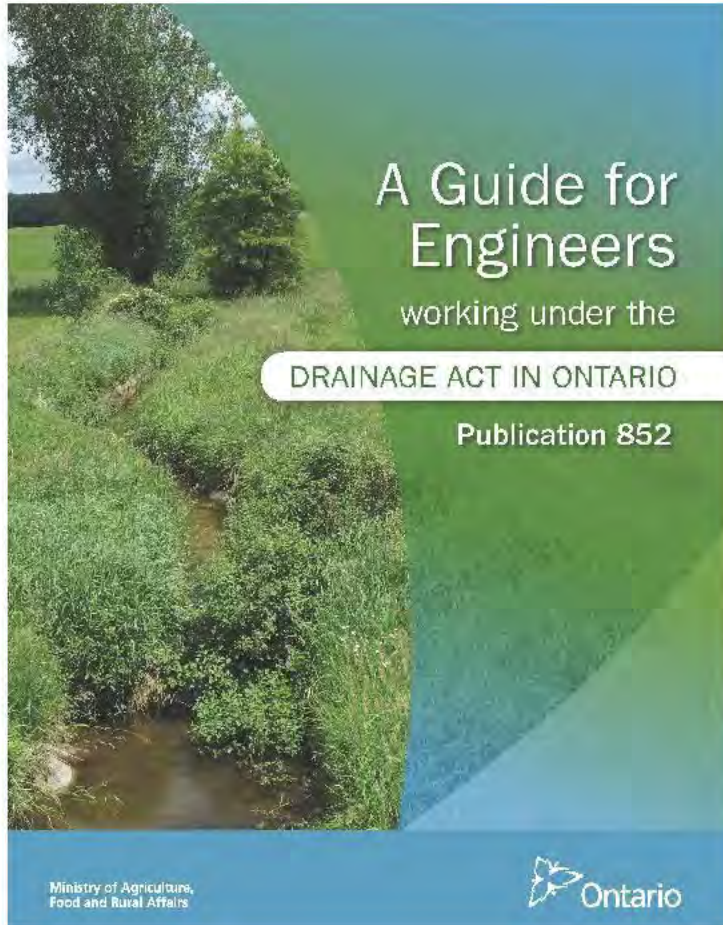
Jananna - West Branch Drain

Koch-Leis Drain

Bamberg Creek Drain

“The Drainage Act does not authorize a municipality to pass a by-law for the construction of a drainage system which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all.”

- **Referee S. Clunis**



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law.

Township of South Easthope vs. Township of East Zorra, 1944

The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed certain lands that were not in the drainage area as described in the petition when it was signed, and having made this unauthorized alteration in the petition they proceeded to again instruct the engineer to report on the enlarged scheme. That was all absolutely unwarranted. They had spoiled the only petition they had, and the engineer was proceeding really without any authority, just as the council was. This is a matter that goes to the basis of the whole proceeding, and the whole proceeding falls to pieces.

McKeen vs Township of East Williams, Referee S. Clunis, 1966

It follows that, in my opinion, the size, the costs, the value of the scheme and its purpose differs so materially from the work contemplated by the petition that it bears little relationship to that petition.

...the Act does not authorize a municipality to pass a by-law for the construction of a **drainage system** which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all

...it seems to me to be a necessary corollary of this principle that if a sufficiently signed petition which describes a drainage area is filed, it is not to be taken as authority to proceed with any drainage work that may seem desirable in the general area of which the petitioning area is only a part.

These definitions and the criteria laid out above form the **key democratic components** of this process. The information provided clearly lays out both the word and spirit of the law as it pertains to this matter. We have received some excellent advice and coaching along the way and we are also thankful for the Council members who have invested their time, used their abilities to hear us out and to look at the facts prior to the Meeting to Consider.

The facts now speak for themselves.

We respectfully request that council decline this application and close this matter. We believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

- ALL Non-Petitioner Members of the Watershed Community

Petition Against Jananna Municipal Drain

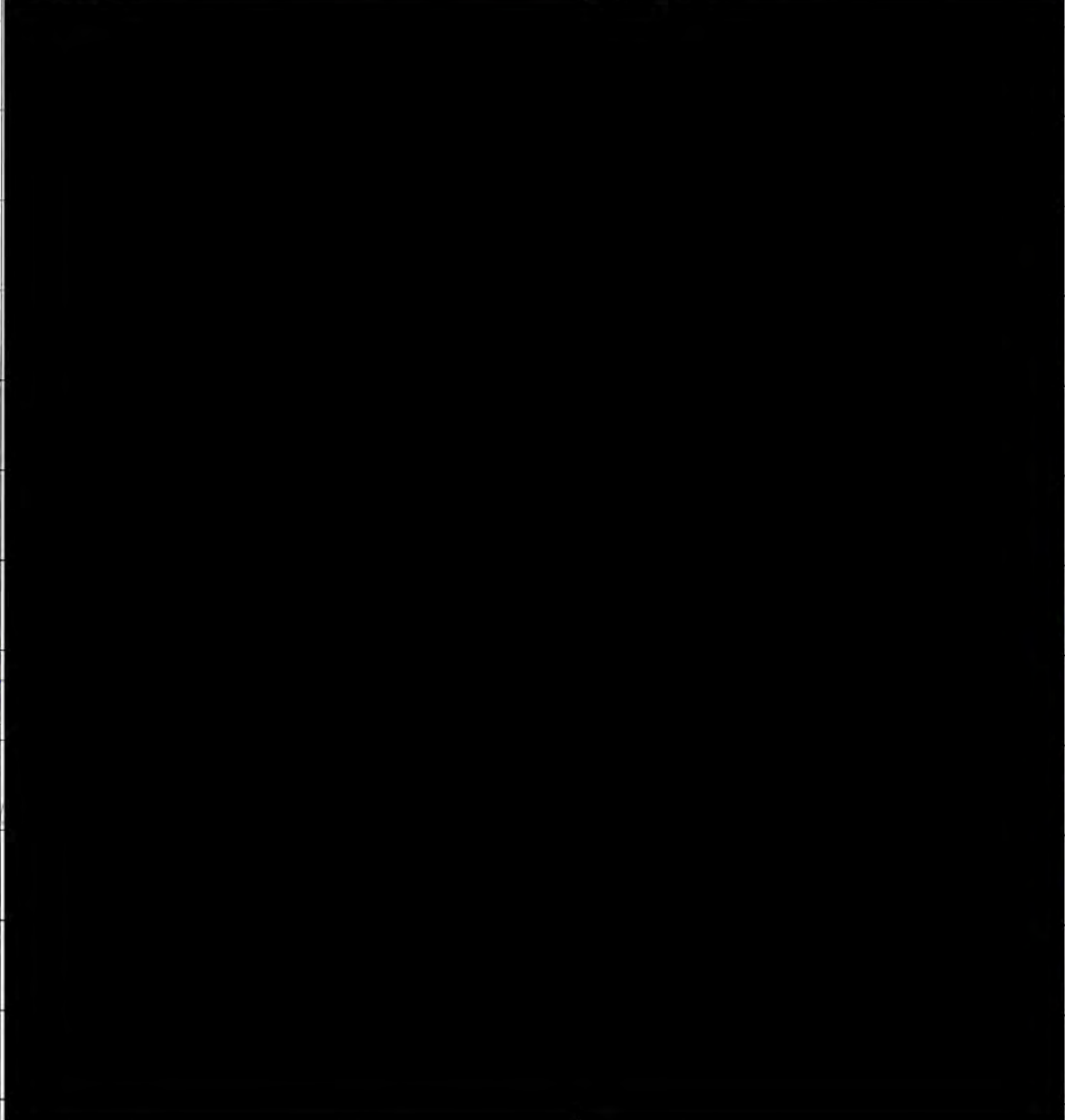
The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

We do not see the need for such a project

We do not see the benefit individually or collectively of this project

We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz			Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissova			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date		
JUSTIN MILLER			01/30/23		
Natalee Miller			01/30/23		
PETER WURTELE			01/31/23		
BARBARA WURTELE			01/31/23		
JEFF FURTADO			02/01/23		
Paige Furtado			02/01/23		
BRON MUSA			02/03/23		
Haley Musa			02/03/23		
STERRI HOMANCHUK			02/04/23		
DAVE HOMANCHUK			02/04/23		
DAVID CRESSMAN			02/06/23		
EVA CRESSMAN			02/06/23		

Cost / Benefit Analysis

Jananna / Bamberg Creek /
Koch-Leis Municipal Drains

Introduction

After careful review of the Engineer's Report, there is very little detail and little to no evidence or justification as to why the work is necessary and even if there is a problem worth fixing.

No business case is present, no ROI provided to the landowners, no payback period calculated. In a scenario when Township residents are unwillingly being forced to pay for this, shouldn't those basic things be even more critical? Where is the accounting and accountability?

Payback Period

Calculating the financial feasibility of this entire project is actually quite simple. Let's look at this from Jananna's point of view since they are the one requesting this work.

Jananna currently rent their land and make \$300/acre (they don't farm it themselves). This is the top rental rate in this part of Wilmot for systematically tiled fields, which we already established they have. Farmers want multi-year agreements if paying this price. Installing new drains will not bump up this rate because their fields are already tiled so the proposed work will have no impact on their per acre rate, they are already at the top tier. Plus the proposed drainage work is all redundant anyway. Rent will rise naturally through inflation, market demand etc., not because of the proposed drainage work.

We also know the renter is farming all their farmland. **The proposed work will not create any new land to farm.** For the sake of argument though, let's say they unlock one extra acre. That would bring in only an extra \$300 per year in rent revenue.

Their **proposed cost for this project is \$57,441**. Earning an extra \$300/yr, **it would take Jananna over 190 years just to pay back the cost of this project.**

Cost / Benefit

You have an estimated close to \$500k to do the work as outlined. You don't gain any additional farmland. Clearly the crops are growing. However....

You might make the argument that the estimated 1 acre affected area was deemed to not be farmable. Well that 1 acre at the absolute most would be worth about \$35,000. That would assume a 100 acre piece of farmland was worth \$3.5 mm which is likely too high and not realistic.

Based on this the cost benefit would be \$460k+ cost to \$35k benefit.

What other methodology could be used? Land rental of 1 acre per year would be no more than \$300.

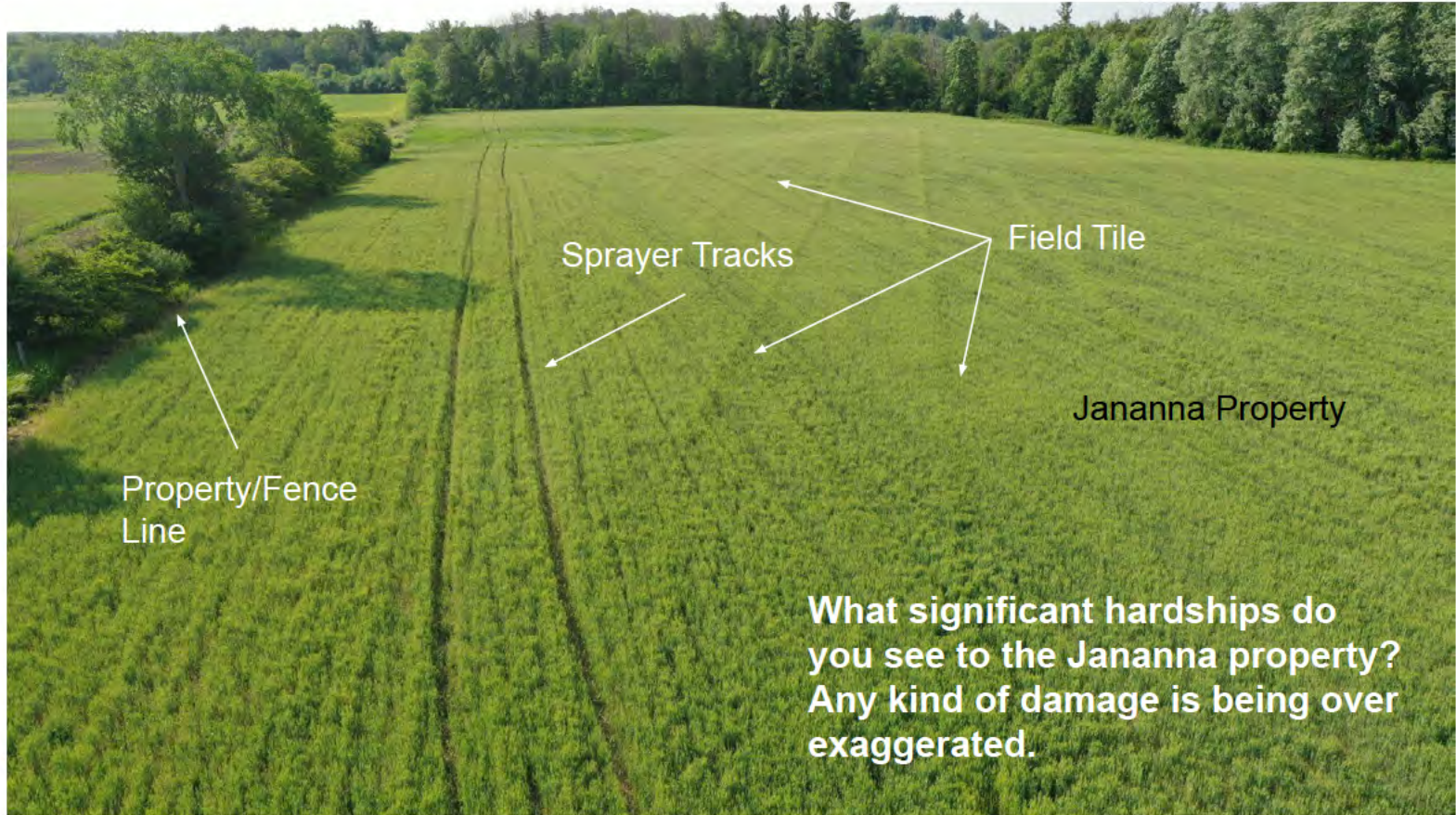
You could base the cost on a reduced yield but again that number is in the hundreds of dollars per year.

How else do you evaluate the "benefit"? It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

This is the low area South East on the petitioner side after a very wet Spring

Photo taken May 25, 2023





The other major problem is that the entire plan is over-engineered. What justification is there that requires a solution of peak performance standards? Is this what we need **16" industrial sized concrete** tiles for when less expensive options will work just as good? All this money will be spent and these massive oversized tiles will sit in the ground bone dry.



After consulting with three independent drainage contractors, all have suggested this project is over-engineered.

Comparables

The project is grossly overestimated because there is no rationale or evidence of the need or return. The costs **HAVE** to come down. There is no justification. Written estimates for comparable work from drainage professionals using drainage systems and solutions that can be found in 99% of systematic farm drainage systems today show this. The estimates are coming in at a third (1/3) of the Engineer's construction costs. For example...

8" Tile @ 288m in length	Material	Installation	Total
Engineer's Report	\$5,760 (concrete)	\$9,216	\$14,976
Comparables	\$2,551 (HDPE)	\$993	\$3,544

16" Tile @ 304m in length	Material	Installation	Total
Engineer's Report	\$10,640 (concrete)	\$10,944	\$21,584
Comparables	\$7,585 (HDPE)	\$1,667	\$9,252

Since landowners are the ones being asked to pay for this, we demand more cost-effective options.

JOB ESTIMATE

NAME: [REDACTED] PHONE: [REDACTED]
 ADDRESS: [REDACTED] [REDACTED]
 STARTING DATE: [REDACTED] NO. OF ACRES TO BE DRAINED: [REDACTED]

* List month during the month during which

QUANTITY	SIZE	DESCRIPTION	AMOUNT
16,000	4"	5" flex pipe @ .57 + install @ .24	13,200.00
10,250	6"	5" flex pipe @ 1.50 + " " @ .30	18,225.00
100	8"	" " @ 2.20 + " " @ 1.65	375.00
30.0	10"	" " @ 4.20 + " " @ 1.15	162.00
20.0	12"	5" flex pipe @ 5.70 + " " @ 1.25	1,865.00
1	12"	manhole pipe @ 210.00	210.00
2	10"	" " @ 65.00	130.00
37	-	connections @ 45.00	1,665.00
1	12"	manhole @ 125.00	125.00
1	18"	manhole @ 500.00	500.00
6.5	4"	subbase @ 11.00 (caliche and 2" rock)	715.00
10,000	6"	flex pipe @ 1.80 (for drain water road cut)	18,000.00
1	-	and etc. @	1,000.00
		Subtotal	55,000.00

CUSTOMER: [REDACTED] ESTIMATED BY: [REDACTED] DATE: 5/7/20

THIS ESTIMATE IS FOR THE DRAINAGE OF THE PROPERTY AND DOES NOT INCLUDE MATERIALS OR LABOR FOR THE DRAINAGE SYSTEMS WHICH ARE TO BE INSTALLED. UNLESS OTHERWISE SPECIFIED, ALL MATERIALS AND LABOR ARE TO BE PROVIDED BY THE CUSTOMER. THIS ESTIMATE IS VALID FOR 30 DAYS FROM THE DATE OF THIS WORK AND STARTS.

Package required per acre
 20 ft = 2000
 40 ft = 1100
 60 ft = 800
 80 ft = 750
 90 ft = 500

The Drainage Act

According to **Section 40** of the Drainage Act, the engineer could have determined that the drainage works are impractical and the process could have ended there, but they chose not to do that for whatever reason. How has this project been determined to be practical and financially feasible in any way?

In **Section 32** the engineer had this option.. where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, the engineer may include in the estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in the report the engineer shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries.

Also in **Section 48 (1)(a)** The basis for an appeal and for a project to be halted is when the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof. What benefits have been derived and proven?

Where did the numbers come from?

If people are being forced to pay for this, don't they have the right to know where the numbers came from? No insight has been provided to-date what the benefit and liability assessment numbers are based on. They could have been pulled from thin air for all we know.

A \$460,000+ investment of unwilling landowner and taxpayer dollars into an ALREADY systematic drainage system that looks like this, that only one person wants, where no flooding exists, no farmland reclaimed and no financial benefit or guarantee of any benefit has been proven, is reckless and unethical.



Quick Fact:
A newly installed drain already exists in this location that no mention has been made of in the report and the Engineer was not fully aware of during their site visit. The solution being proposed is redundant.

Examples of where this money could be put to better use and who's impacted

This project is not something to take lightly. It's impacting real people and families in a very negative way, and for what? No one will see any good from it. It's a terrible thing to do to people who are...

- Farmers trying to fix 'actual' drainage problems
- Businesses and farmers who could invest this money in way better things
- Young families trying saving up for their kids education
- Fixed income seniors who are just trying to get by

“(petitioner) must realize that their own concerns may not be those of their neighbours and that the proposal should be viewed for the ‘common economic good’ of the broader ‘watershed community’ ”

omafra.gov.on.ca/english/engineer/facts/88-051.htm

**“Just Because We Can
Doesn't Mean We Should”**

Subject: Bamberg Creek Drainage Project
Date: Thu, 15 Jun 2023 17:45:10 -0400
From: Peter Wurtele <[REDACTED]>
To: natasha.salonen@wilmot.ca
CC: harvir.sidhu@wilmot.ca

This Bamberg Creek Drainage Project seems to have started out as an issue that could have likely been resolved between

two landowners on their own. But once the Drainage Act was brought into the picture it has allowed various forces at large

to grow this original small issue into a monster- very much larger in scope and in overall cost and very controversial.

A list of concerns has been sent separately in a more general letter from us all, so for the sake of clarity, I won't repeat

them here.

But 16 of the surrounding 17 involved landowners are very much against the project and see no benefit that is worth investing so much money into.

It is even unclear how the petitioner as a farmer is getting any particular payback from the investment.

We are in a similar position to the RoadRunner who has mistakenly run out over the cliff

only to find that the only thing to save him from the impact in the canyon floor below

is a very expensive parachute.

As Councillors of our Township you have the power to help us back away from the cliff onto the solid ground where we were.

The farmland involved is being satisfactorily used as it is, and though a drainage project might give the possibility of an

occasional benefit from year to year, it really can't do that in a way which has any economic sense to it.

Sometimes it's best to let nature cope without intervention.



By-law for Municipalities Within a Regional Municipality, the County of Oxford or The District Municipality of Muskoka – Form 6
Drainage Act, R.S.O. 1990, c. D.17, subs. 45(1)

Drainage By-law Number 2023-23

A by-law to provide for a drainage works in the Township of Wilmot in the Regional Municipality of Waterloo

Whereas the council of the Township of Wilmot has procured a report under section 4 and 78 of the Drainage Act for the construction and improvement of the Delton Reibling Municipal Drain drain;

And whereas the report dated 2023/02/07 has been authored by Curtis MacIntyre PEng, K. Smart Associates Ltd and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage works is \$150,000.00 ;

And whereas \$150,000.00 is the amount to be contributed by the Township of Wilmot for the drainage works.

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.):

- is being assessed in the of
is being assessed in the of
is being assessed in the of
is being assessed in the of

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Wilmot pursuant to the Drainage Act enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Wilmot may borrow on the credit of the Corporation the amount of \$150,000.00 being the amount necessary for the construction and improvement of the drainage works.

This project will NOT be debentured

3. DEBENTURE(S)

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- (a) grants received under section 85 of the *Drainage Act*;
- (b) monies paid as allowances;
- (c) commuted payments made in respect of lands and roads assessed with the municipality;
- (d) money paid under subsection 61(3) of the *Drainage Act*; and
- (e) money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within _____ years from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for _____ years after the passing of this by-law.
- (2) For paying the amount _____ being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Township _____ of Wilmot _____ in each year for _____ years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.
- (3) All assessments of _____ or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

in the Township _____ of Wilmot

Property Description				Equal Annual Rate to be Imposed
Lot or Part Lot No.	Concession	Geographic Township	Parcel Roll No.	
Total				

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the " Delton Reibling Municipal Drain by-law".

First reading 2023/05/08

Second reading 2023/05/08

Provisionally adopted this 8 day of May, 20 23

Name of Head of Council (Last, First Name)
Salonen, Natasha

Signature


Name of Clerk (Last, First Name)
Bunn, Jeff

Signature


Third reading 2023/06/26

Enacted this 26th day of June, 20 23

Name of Head of Council (Last, First Name)
Salonen, Natasha

Signature



Name of Clerk (Last, First Name)
Bunn, Jeff

Signature

I, Jeff Bunn

clerk of the Corporation of the Township of Wilmot,

certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.



Name of Clerk (Last, First Name)
Bunn, Jeff

Signature

By-law for Municipalities Within a Regional Municipality, the County of Oxford or The District Municipality of Muskoka – Form 6

Drainage Act, R.S.O. 1990, c. D.17, subs. 45(1)

Drainage By-law Number 2023-XX

A by-law to provide for a drainage works in the Township of Wilmot
in the Regional Municipality of Waterloo.

Whereas the council of the Township of Wilmot has procured a
report under section 4 of the *Drainage Act* for the construction and improvement
of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 drain;

And whereas the report dated 2023/04/28 has been authored by Stephen Brickman, PEng
and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage works is \$462,900.00 ;

And whereas \$462,900.00 is the amount to be contributed by the Township
of Wilmot for the drainage works.

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.):

\$419,497.00 is being assessed in the Township of Wilmot

\$43,403.00 is being assessed in the Township of Wellesley

_____ is being assessed in the _____ of _____

_____ is being assessed in the _____ of _____

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Wilmot
pursuant to the *Drainage Act* enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Wilmot
may borrow on the credit of the Corporation the amount of \$462,900.00 being the amount necessary for
the construction and improvement of the drainage works.

This project will NOT be debentured.

3. DEBENTURE(S)

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- (a) grants received under section 85 of the *Drainage Act*;
- (b) monies paid as allowances;
- (c) commuted payments made in respect of lands and roads assessed with the municipality;
- (d) money paid under subsection 61(3) of the *Drainage Act*; and
- (e) money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within _____ years from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for _____ years after the passing of this by-law.
- (2) For paying the amount _____ being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Township of Wilmot in each year for _____ years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.
- (3) All assessments of _____ or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

in the Township of Wilmot

Property Description				Equal Annual Rate to be Imposed
Lot or Part Lot No.	Concession	Geographic Township	Parcel Roll No.	
Total				

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the

" Bamberg Creek, Jananna, Koch-Leis M _____ by-law".

First reading 2023/06/26

Second reading 2023/06/26

Provisionally adopted this 26 day of June, 2023

Name of Head of Council (Last, First Name) <u>Salonen, Natasha</u>	Signature
---	-----------

Name of Clerk (Last, First Name) <u>Bunn, Jeff</u>	Signature
---	-----------

Third reading _____

Enacted this _____ day of _____, 20 ____

Name of Head of Council (Last, First Name)	Signature
--	-----------

Name of Clerk (Last, First Name)	Signature
----------------------------------	-----------



I, _____,
 clerk of the Corporation of the Township of Wilmot,
 certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Name of Clerk (Last, First Name)	Signature
----------------------------------	-----------



THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-XX

BEING A BY-LAW TO CONFIRM THE ESTABLISHMENT OF A HIGHWAY IN THE TOWNSHIP OF WILMOT.

WHEREAS pursuant to Section 31(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, after January 1, 2003, land may only become a highway by virtue of a by-law establishing the highway and not by the activities of the municipality or any other person in relation to the land, including the spending of public money.

AND WHEREAS The Corporation of the Township of Wilmot acquired the lands described for the purpose of a highway;

AND WHEREAS the lands hereinafter described will be used and form part of a public highway known as Joseph Street in the Township of Wilmot;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. That the lands hereinafter described be, and the same are, established and laid out as a public highway to be known as Joseph Street within the Township of Wilmot:

All and singular that certain parcel or tract of land and premises known as:

PART OF LOT 6 PLAN 535, DESIGNATED AS PART 3 ON 58R-21660,
TOWNSHIP OF WILMOT

READ a first and second time on the 26th day of June, 2023.

READ a third time and finally passed in Open Council on the 26th day of June, 2023.

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2023-XX

**TO CONFIRM THE PROCEEDINGS OF COUNCIL
AT ITS MEETING HELD ON JUNE 26, 2023**

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT
ENACTS AS FOLLOWS:**

1. The actions of the Council at its meeting held on June 26, 2023, with respect to each recommendation contained in the reports forwarded to Council, and in respect to each resolution and other action passed and taken by Council at this meeting, except where the prior approval of the Ontario Land Tribunal is required, are hereby adopted, ratified and confirmed.

2. The Mayor or in their absence the presiding officer of Council and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required and except where otherwise provided, the Mayor or in their absence the presiding officer, and the Clerk, or in their absence, the Deputy Clerk, are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

READ a first and second time this 26th day of June, 2023.

READ a third time and finally passed in open Council this 26th day of June, 2023.

Mayor

Clerk

Council Meeting Minutes

Council Meeting

Date: June 26, 2023, 6:00 P.M.

Location: Council Chambers - Hybrid
60 Snyder's Road West
Baden, Ontario
N3A 1A1

Members Present: Councillor S. Cressman
Councillor K. Wilkinson
Councillor H. Sidhu
Councillor L. Dunstall
Councillor S. Martin

Staff Present: Chief Administrative Officer, S. Chambers
Director of Corporate Services/Treasurer, P. Kelly
Director of Infrastructure Services, J. Molenhuis
Supervisor of IT, K. Jeffreys
Manager of Planning and Economic Development, A. Martin
Manager of Finance/Deputy Treasurer, A. Romany
Director of Community Services, C. Catania
Manager of Legislative Services/Clerk, J. Bunn
Administrative Clerk, C. Greenley
Desktop Support Technician, R. Ubhi

1. MOTION TO CONVENE INTO CLOSED MEETING

Councillor L. Dunstall served as Acting Mayor for this meeting.

Moved by: Councillor S. Martin

Seconded by: Councillor S. Cressman

THAT a Closed Meeting of Council be held on June 26, 2023 at 6:00 p.m. in accordance with Section 239(2)(f) of the Municipal Act, 2001 to consider the following:

- Drainage Matter - 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Motion Carried

2. MOTION TO RECONVENE IN OPEN MEETING

Moved by: Councillor H. Sidhu

Seconded by: Councillor S. Martin

THAT Council reconvenes in Open Session at 7:00 p.m.

Motion Carried

3. MOMENT OF REFLECTION

Tomorrow, June 27, is Canadian Multiculturalism Day. We recognize and celebrate the many cultural communities that help build a strong and vibrant Canada.

It is essential to enhance the awareness of cultural diversity throughout the Township of Wilmot as we work together to honour the values of equality, mutual respect, and inclusion that make our community a great place to live.

Canada Day is also quickly approaching. Canada Day is a time to celebrate and appreciate the beautiful country we live in and we take a moment to show gratitude for the opportunities and freedoms we enjoy as Canadians.

However, you may choose to recognize July 1, let's be mindful and respectful. Let's continue to work together towards an even stronger and more inclusive Canada.

For more information about events happening in Wilmot through Canada Day weekend, please visit wilmot.ca/CommunityCalendar.

4. TERRITORIAL ACKNOWLEDGEMENT

Councillor S. Cressman read the Territorial Acknowledgement.

5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

- 5.1 Councillor S. Martin - Correspondence from Gord Mills, New Hamburg Firebirds, Regarding Request for Support (addendum)

Councillor S. Martin declared a Pecuniary Interest on Item 13.7 of the agenda. Please visit [Registry of Disclosure of Pecuniary Interest](#) for further details.

6. ADDITIONS TO THE AGENDA

Item 13.6 - Correspondence from Peter Wurtele Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 13.7 - Correspondence from Gord Mills, New Hamburg Firebirds, Regarding Request for Support

Item 13.8 - Correspondence from Chrisdtine and Lucy Gawron Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 13.9 - Correspondence from Kevin Thomason Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 13.10 - Correspondence from Ron and Rosemary McCormick Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 14.2 - By- Law 2023-32 Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Item 14.3 - By-Law 2023-33 Being a By-Law to Confirm the Establishment of a Highway in the Township of Wilmot (Joseph Street road widening)

7. ADOPTION OF THE AGENDA

Moved by: Councillor S. Cressman

Seconded by: Councillor S. Martin

That the Agenda as presented for June 26, 2023, be adopted.

Motion Carried

8. MINUTES OF PREVIOUS MEETINGS

Moved by: Councillor S. Martin

Seconded by: Councillor H. Sidhu

THAT the minutes of the following meetings be adopted as presented:

- June 12, 2023 Regular Council Meeting

Motion Carried

9. PUBLIC MEETINGS

9.1 Bamberg Creek, Jananna, and Koch-Leis Municipal Drain, COR-2023-43

Council appointed Councillor S. Cressman and Councillor K. Wilkinson as members of the Court of Revision scheduled for August 16, 2023.

Stephen Brickman, Headway Engineering, gave a high-level overview of their drainage report.

Council asked and received answers from Mr. Brickman on the following:

- whether mutual agreement options were discussed after petition was filed; and
- reasons that some landowners may not be in favour of the proposed drainage works.

Christine Gawron and Lucy Gawron, Jananna Corporation, spoke in support of their petition for drainage works.

Ted Derry, representing the Avon Trail Association, spoke in opposition of the proposed drainage works. Mr. Derry expressed concerns regarding the integrity of the trail and recently constructed bridge in that area.

Cory Kittel spoke in opposition of the proposed drainage works. Mr. Kittel expressed concerns regarding the validity of the petition.

Peter Wurtele spoke in opposition of and suggested alternatives to the proposed drainage works.

Elena and Oleg Borissov spoke in opposition of the proposed drainage works and expressed a number of their concerns regarding the petition and proposed drainage works.

Acting Mayor L. Dunstall asked if there were any persons in the audience who wished to address Council on this matter.

Landowner Ken Heintz came forward and spoke in opposition of the proposed drainage works. Mr. Heintz expressed concerns regarding the design of and need for the proposed drain.

Council asked and received answers from Mr. Heintz regarding whether he himself farms the lands in question.

Acting Mayor L. Dunstall asked if there were any persons who wished to address Council. There were none.

Acting Mayor L. Dunstall asked a second time if there were any persons who wished to address Council. There were none.

Acting Mayor L. Dunstall asked if there were any petitioners who wished to add or remove their name. There were none.

Moved by: Councillor S. Martin

Seconded by: Councillor H. Sidhu

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek be considered in accordance with Section 42 of the Drainage Act; and

THAT the by-law 2023-32, as attached to this agenda, be given first and second reading to provisionally adopt the Report if the Report if the petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 16, 2023, if By-law 2023-32, as attached to this agenda, is provisionally adopted, with the following two members of Council appointed: Councillor S. Cressman and Councillor K. Wilkinson.

Motion Carried

10. PRESENTATIONS

10.1 2022 Audited Financial Statements, COR 2023-36

Mike Arndt, Graham Matthew Professional Corporation presented the 2022 Audited Financial Statements to Council.

Council asked and received answers on the following:

- equity and liability since the merge of Kitchener-Wilmot Hydro Inc. and Waterloo North Hydro Inc., creating Enova Power Corporation; and
- steps taken by the auditing firm, which are unique to the municipal sector.

Council discussed the amounts of taxes retained by the Township and portions that are paid out to the Region of Waterloo and commented on the 6-year growth comparison.

Moved by: Councillor S. Martin

Seconded by: Councillor S. Cressman

THAT Report COR 2023-36 regarding the 2022 Audited Financial Statements be received for information purposes.

Motion Carried

11. CONSENT AGENDA

Moved by: Councillor H. Sidhu

Seconded by: Councillor S. Martin

THAT Consent Agenda items 11.12, 11.2, 11.3, and 11.4 be approved.

Motion Carried

11.1 Award of Contract – Concrete Sidewalk Replacement, IS-2023-15

THAT Council award RFT 2023-09 Concrete Sidewalk Replacement Program to Chad Hartman Construction of St. Pauls, Ontario as per their tender submitted Thursday June 8, 2023, in the amount of \$66,140.00, plus HST.

11.2 Seniors Active Living Centres Program Grant, CS-2023-14

THAT Report CS 2023-14 regarding the Seniors Active Living Centres Program Grant opportunity be received; and further

THAT Council direct staff to issue a letter of support to Community Care Concepts in conjunction with their grant funding application.

11.3 Interim Control By-laws, DS-2023-13

THAT Report DS 2023-011 be received for information.

11.4 Proposed Streamlining of Approvals Under the Aggregate Resources Act, DS-2023-14

THAT Report DS-2023-14 be received for information.

12. REPORTS - NONE

13. CORRESPONDENCE

13.1 Correspondence from the Township of Wellesley re: Notice of Request for Major Drain Improvements - Paff Drainage Works - Resolution No. 5

- 13.2 Petition regarding proposed Bamberg Creek, Jananna, and Koch-Leis Municipal Drain
- 13.3 Correspondence from Ken Heintz Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain
- 13.4 Correspondence from Landowners Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drainage Works
- 13.5 Correspondence from Cory Kittel re: Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain
- 13.6 Correspondence from Peter Wurtele Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain (addendum)
- 13.7 Correspondence from Gord Mills, New Hamburg Firebirds, Regarding Request for Support (addendum)

Councillor S. Martin declared a conflict on this item. (Councillor S. Martin declared a Pecuniary Interest on Item 13.7 of the agenda. Please visit Registry of Disclosure of Pecuniary Interest for further details.)

Council waived notice in order to consider the correspondence received by Gord Mills, New Hamburg Firebirds. Manager of Legislative Services/Clerk, J. Bunn noted that Council would require two-thirds support to waive notice.

Councillor H. Sidhu brought forward a motion directing Staff to bring a Report to the July 24, 2023, Regular Council Meeting, regarding potential opportunities for the Township to financially support the New Hamburg Firebirds.

Council requested Manager of Legislative Services/Clerk J. Bunn provide an overview of lotteries and associated liabilities.

Moved by: Councillor K. Wilkinson

Seconded by: Councillor S. Cressman

THAT in accordance with Section 7.12.7 of the Rules of Procedure, notice be waved to consider correspondence received by Gord Mills of the New Hamburg Firebirds regarding their request for Council support.

Motion Carried

Moved by: Councillor H. Sidhu

Seconded by: Councillor K. Wilkinson

THAT Staff be directed to prepare a Report for the Regular Council Meeting to be held on July 24, 2023, with potential opportunities for financial support for the New Hamburg Firebirds.

Motion Carried

13.8 Correspondence from Christine and Lucy Gawron Regarding Bamberg Creek, Jananna, and Koch-Leis Municipal Drain (addendum)

13.9 Correspondence from Kevin Thomason Regarding Bamberg Creek, Jananna and Koch-Leis Municipal Drain (addendum)

13.10 Correspondence from Ron and Rosemary McCormick Regarding Bamberg Creek, Jananna and Koch-Leis Municipal Drain (addendum)

14. **BY-LAWS**

Moved by: Councillor K. Wilkinson

Seconded by: Councillor H. Sidhu

THAT By-Law 2023-23 at item 14.1 as attached to this Agenda be read a third and final time and finally passed in Open Council; and

THAT By-Law 2023-32 at item 14.2 as attached to this Agenda be read for a first and second time, and be brought back to council at a future date for a third reading; and further

THAT By-Law 2023-33 at item 14.3 as attached to this Agenda be read for a first, second and third time and finally passed in Open Council.

Motion Carried

14.1 By-Law 2023-23 Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Delton Reibling Municipal Drain

14.2 By- Law 2023-32 Being a By-Law to Provide for Drainage Works for the Construction and Improvement of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain (addendum)

14.3 By-Law 2023-33 Being a By-Law to Confirm the Establishment of a Highway in the Township of Wilmot (Joseph Street road widening) (addendum)

15. NOTICE OF MOTIONS - NONE

16. ANNOUNCEMENTS

Councillor S. Martin made announcement regarding Canada Day celebrations at Norm Hill and the Royal Canadian Legion in Wilmot.

17. BUSINESS ARISING FROM CLOSED SESSION

There was no business arising from Closed Session on this date.

18. CONFIRMATORY BY-LAW

Moved by: Councillor S. Cressman

Seconded by: Councillor S. Martin

THAT the Confirmatory By-Law, as attached to this agenda, be read a first, second and third time, and finally passed in Open Council.

Motion Carried

19. ADJOURNMENT

Moved by: Councillor S. Cressman

Seconded by: Councillor S. Martin

THAT we do now adjourn to meet again at the call of the Mayor.

Motion Carried

Drainage By-law Number 2023-XX

A by-law to provide for a drainage works in the Township of Wilmot
in the Regional Municipality of Waterloo.

Whereas the council of the Township of Wilmot has procured a
report under section 4 of the *Drainage Act* for the construction and improvement
of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 drain;

And whereas the report dated 2023/04/28 has been authored by Stephen Brickman, PEng
and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage works is \$462,900.00 ;

And whereas \$462,900.00 is the amount to be contributed by the Township
of Wilmot for the drainage works.

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.):

\$419,497.00 is being assessed in the Township of Wilmot

\$43,403.00 is being assessed in the Township of Wellesley

_____ is being assessed in the _____ of _____

_____ is being assessed in the _____ of _____

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Wilmot
pursuant to the *Drainage Act* enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Wilmot
may borrow on the credit of the Corporation the amount of \$462,900.00 being the amount necessary for
the construction and improvement of the drainage works.

This project will NOT be debentured.

3. DEBENTURE(S)

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- (a) grants received under section 85 of the *Drainage Act*;
- (b) monies paid as allowances;
- (c) commuted payments made in respect of lands and roads assessed with the municipality;
- (d) money paid under subsection 61(3) of the *Drainage Act*; and
- (e) money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within _____ years from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for _____ years after the passing of this by-law.
- (2) For paying the amount _____ being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Township of Wilmot in each year for _____ years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.
- (3) All assessments of _____ or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

in the Township of Wilmot

Property Description				Equal Annual Rate to be Imposed
Lot or Part Lot No.	Concession	Geographic Township	Parcel Roll No.	
Total				

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the

" Bamberg Creek, Jananna, Koch-Leis M _____ by-law".

First reading 2023/06/26

Second reading 2023/06/26

Provisionally adopted this 26 day of June, 2023

Name of Head of Council (Last, First Name) <u>Salonen, Natasha</u>	Signature
---	-----------

Name of Clerk (Last, First Name) <u>Bunn, Jeff</u>	Signature
---	-----------

Third reading _____

Enacted this _____ day of _____, 20 ____

Name of Head of Council (Last, First Name)	Signature
--	-----------

Name of Clerk (Last, First Name)	Signature
----------------------------------	-----------



I, _____
 clerk of the Corporation of the Township of Wilmot,
 certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Name of Clerk (Last, First Name)	Signature
----------------------------------	-----------



Drainage By-law Number 2023-32

A by-law to provide for a drainage works in the Township of Wilmot
in the Regional Municipality of Waterloo.

Whereas the council of the Township of Wilmot has procured a report under section 4 of the *Drainage Act* for the construction and improvement of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 drain;

And whereas the report dated 2023/04/28 has been authored by Stephen Brickman, PEng and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage works is \$462,900.00 ;

And whereas \$462,900.00 is the amount to be contributed by the Township of Wilmot for the drainage works.

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.):

- \$419,497.00 is being assessed in the Township of Wilmot
- \$43,403.00 is being assessed in the Township of Wellesley
- is being assessed in the of
- is being assessed in the of

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Wilmot
pursuant to the *Drainage Act* enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Wilmot
may borrow on the credit of the Corporation the amount of \$462,900.00 being the amount necessary for the construction and improvement of the drainage works.

This project will NOT be debentured.

3. DEBENTURE(S)

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- (a) grants received under section 85 of the *Drainage Act*;
- (b) monies paid as allowances;
- (c) commuted payments made in respect of lands and roads assessed with the municipality;
- (d) money paid under subsection 61(3) of the *Drainage Act*; and
- (e) money assessed in and payable by another municipality.

4. PAYMENT

Such debenture(s) shall be made payable within _____ years from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- (1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for _____ years after the passing of this by-law.
- (2) For paying the amount _____ being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Township _____ of Wilmot _____ in each year for _____ years after the passing of this by-law to be collected in the same manner and at the same time as other taxes collected.
- (3) All assessments of _____ or less are payable in the first year in which the assessments are imposed.

5. SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS

in the Township _____ of Wilmot

Property Description				Equal Annual Rate to be Imposed
Lot or Part Lot No.	Concession	Geographic Township	Parcel Roll No.	
Total				

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Bamberg Creek, Jananna, Koch-Leis M by-law".

First reading 2023/06/26

Second reading 2023/06/26

Provisionally adopted this 26 day of June, 2023

Name of Head of Council (Last, First Name)
Salonen, Natasha

Signature


Name of Clerk (Last, First Name)
Bunn, Jeff

Signature


Third reading _____

Enacted this _____ day of _____, 20 _____

Name of Head of Council (Last, First Name)

Signature

Name of Clerk (Last, First Name)

Signature

I, _____
clerk of the Corporation of the Township of Wilmot,
certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Name of Clerk (Last, First Name)

Signature



CORPORATE SERVICES *Staff Report*

REPORT NO: COR-2023-43

TO: Council

SUBMITTED BY: Patrick Kelly, Director of Corporate Services/Treasurer

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO
Patrick Kelly, Director of Corporate Services/Treasurer
Jeff Bunn, Manager of Legislative Services/Clerk

DATE: June 26, 2023

SUBJECT: Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

RECOMMENDATION:

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek be considered in accordance with Section 42 of the Drainage Act; and

THAT the by-law 2023-XX, as attached to this agenda, be given first and second reading to provisionally adopt the Report if the Report if the petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 16, 2023, if By-law 2023-XX, as attached to this agenda, is provisionally adopted, with the following two members of Council appointed: Councillor _____ and Councillor _____

SUMMARY:

This report outlines the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains Report for Council consideration and recommends that the Report be provisionally adopted and the Court of Revision be scheduled for August 16, 2023.

BACKGROUND:

On July 12, 2021, Council appointed Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. In the Report, the Engineer outlined the history of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains.

On May 5, 2023, Stephen Brickman, P. Eng., Headway Engineering filed with the Township Clerk the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains.

On May 29, 2023, the Council of the Township of Wilmot directed the Clerk to schedule a Meeting to Consider the Report.

REPORT:

Pursuant to the requirements of the Drainage Act, notice of this meeting and copies of the Engineer's Report (attached) were forwarded to the assessed lands and roads, as well as any affected public agencies, as required.

The Drainage Engineer will be attending the council meeting to present the Engineer's Report. Assessed landowners and all other affected parties will be given the opportunity to ask questions and voice any concerns relating to the Report. The Drainage Engineer will respond to any questions that may arise from delegations and/or Council. At the conclusion of the meeting, there will be an opportunity for affected owners to add or withdraw their names from the petition.

As per the Drainage Act, if the Section 4 request is confirmed and the petition remains valid at the conclusion of the meeting, Council may proceed by giving first and second reading to By-law 2023-XX, as attached to this agenda, to provisionally adopt the report. Council then sets a date for the Court of Revision and appoints two members to the Court of Revision. As the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains crosses the municipal border into the Township of Wellesley, a Councillor from Wellesley must be appointed to the Court of Revision.

Staff, in consultation with the Drainage Engineer and staff from the Township of Wellesley, will propose a Court of Revision date to be held on August 16, 2023.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Goal 6, Ensure availability and sustainable management of water and sanitation for all:

- Target 6.5 – Implement integrated water resources management at all levels, including through transboundary cooperation as appropriate
- Target 6.6 – Protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes

FINANCIAL CONSIDERATIONS:

If the municipal drainage works proceed pursuant to the Drainage Act, all affected property owners would be assessed in accordance with the assessment schedule. Upon completion of the project, Council will be required to approved the Drain Levy By-law, at which time staff will process billing to assessed properties and submit funding applications to OMAFRA for eligible properties.

ATTACHMENTS:

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 – Engineer’s Report
By-law 2023-XX



Court of Revision Meeting Agenda

Court of Revision Meeting

Wednesday, August 16, 2023

5:30 p.m.

Council Chambers - Hybrid

60 Snyder's Road West

Baden, Ontario

N3A 1A1

This meeting will be held in-person and electronically in accordance with [Section 238 \(3.3\) of the Municipal Act, 2001](#). Please subscribe to the Township of [Wilmot You Tube Channel](#) to watch the live stream or view after the meeting.

[Delegations](#) must register with the Legislative Services Department. The only matters being discussed at this meeting will be those on the Agenda.

Pages

1.	CALL TO ORDER	
	RECOMMENDATION	
	THAT the Court of Revision for Bamberg Creek, Jananna, and Koch-Leis Municipal Drain 2023 convenes at 5:30 p.m. on August 16, 2023.	
2.	MOTION TO APPOINT CHAIR	
3.	OPENING REMARKS BY THE CHAIR	
4.	WRITTEN APPEALS FROM ASSESSED PROPERTY OWNERS	
4.1	Written Appeal from Peter and Dagmar Schneider	3
4.2	Written Appeal from Ken and Cathy Heintz	5
4.3	Written Appeal from Ladislaus Bauer	6
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4.5	Written Appeal from Cory Kittel	8
4.6	Written Appeal from Oleg Borissov	9
5.	LATE APPEALS FROM ASSESSED PROPERTY OWNERS (Advisement of Verbal Appeals from Assessed Property Owners)	
6.	EXPLANATION OF ASSESSMENT BY ENGINEER	
7.	PRESENTATION BY EACH APPELLANT	
7.1	Presentation by Peter and Dagmar Schneider	

- 7.2 Presentation by Ken and Cathy Heintz
- 7.3 Presentation by Ladislaus Bauer
- 7.4 Presentation by Justin and Natalee Miller (Ridgeway)
- 7.5 Presentation by Cory Kittel
- 7.6 Presentation by Oleg Borissov

8. COURT OF REVISION MEMBERS' COMMENTS AND QUESTIONS

9. RESPONSE TO APPELLANTS' AND COURT OF REVISION MEMBERS' QUESTIONS AND COMMENTS

Stephen Brickman, Drainage Engineer

10. DELIBERATIONS BY THE COURT OF REVISION

11. DECISION OF THE COURT OF REVISION

12. MOTION TO ADJOURN

RECOMMENDATION

THAT the Court of Revision for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain 2023 adjourn.

August 3, 2023

Mr. Chad Curtis
Deputy Clerk
60 Snyder’s Road W, Baden, ON

Hand delivered

Dear Mr. Curtis and Members of Township of Wilmot Council

RE: Bamberg Creek, Jananna, Koch-Leis Municipal Drains 2023 No. WLMT-002

In review of the Headway Engineering report dated April 28, 2023, in particular; Schedule C and Schedule D, we are requesting a review and reduction of the financial burden. Peter & Dagmar Schneider are on a retired fixed income, are in poor health, and the impact of further financial burden will be devastating to quality of life. There will be no improvement or increase to the farmable land on our property as the drainage is sufficient.

In reference to Schedule C (Assessment for Construction)

Bamberg Creek Drain:

Part/lot 10, Concession 3 Block B, Roll number 9-153 Peter & Dagmar Schneider

In reference to Section 22 of the Drainage Act, R.S.O. 1990, c. D.17 indicates:

Assessment for benefit

22 Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. R.S.O. 1990, c. D.17, s. 22.

In the report, the benefit to Peter & Dagmar Schneider on Schedule C indicates a benefit of \$12,500. The approximate 9.3 Hectares of affected land indicated in the report under Schedule C is inaccurate as most of the land in the field is significantly higher, is not affected by the spring melt, and will not benefit from additional drainage. Total property size is 11.1 Hectares and you can clearly see 84% of the property cannot be affected nor is it all farmed. Only 8 hectares are farmed.

The total benefit to Peter & Dagmar Schneider is \$0 for the Bamberg Creek drain and we request that the net estimated expense of \$5592 for Peter & Dagmar Schneider be reduce to \$0 and their portion get transferred to the Jananna Corp as the sole monetary beneficiary of the Bamberg Creek Drain project.

Kitchener topographic map

Click on the map to display elevation.



Kitchener topographic map

Click on the map to display elevation.



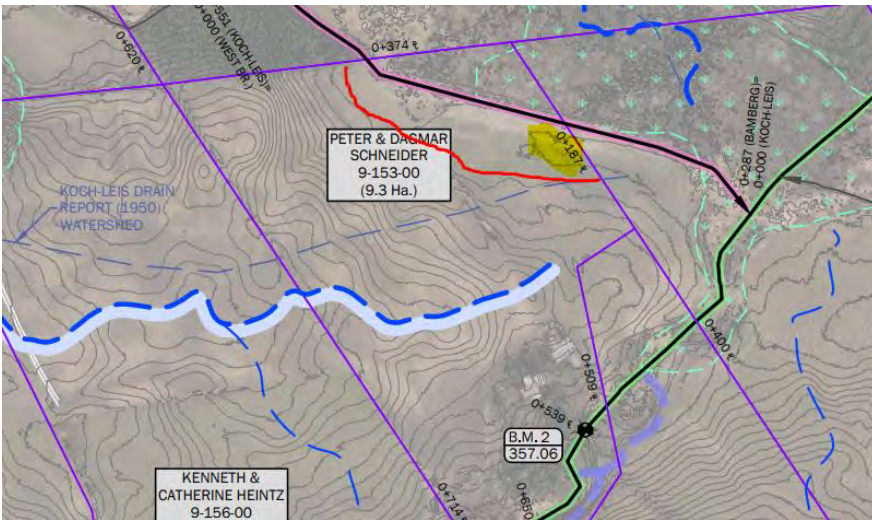
Koch-Leis Drain:

Part/lot 10, Concession 3 Block B, Roll number 9-153 Peter & Dagmar Schneider

In reference to Section 22 of the Drainage Act, R.S.O. 1990, c. D.17 indicates:

In the report, the benefit to Peter & Dagmar Schneider on Schedule C indicates a benefit of \$6,317. The approximate 6.3 Hectares of affected land indicated in the report under Schedule C is inaccurate is not affected by the spring melt, and will not benefit from additional drainage. In the report the highlighted yellow elevation is the lowest part of the field and is farmed having no drainage issues. The next elevation is marked with a red line has never had any issues in the 49 years of living and farming our land. The 6.3 Hectare claim of affected land and benefit is grossly exaggerated.

The total benefit to Peter & Dagmar Schneider is \$0 for the Koch-Leis drain and we request that the net estimated expense of \$447 for Peter & Dagmar Schneider be reduce to \$100 and their portion get transferred to the Jananna Corp as the sole monetary beneficiary of the Koch-Leis Drain project.



In reference to Schedule D (Assessment for Future Maintenance)

In the report, it indicates Peter & Dagmar Schneider affected Hectares are incorrect as they are based on Schedule C. We request the maintenance portion for Peter & Dagmar Schneider be reduced to a combined total of 1% or a tax credit from the township is applied for the full value on the township property tax.

In summary, we ask that you consider the adjustment to the financial burden on Peter & Dagmar Schneider due to their fixed income, health, undue financial hardship, and negative impact on the quality of life with no benefit from the proposed project.

Sincerely,

Peter & Dagmar Schneider

[Redacted signature area]

August 4, 2023

Mr. Chad Curtis
Deputy Clerk, Township of Wilmot
60 Snyders Road W. Baden, ON

RE: Bamberg Creek, Jananna and Koch-Leis Municipal Drains 2023

Dear Mr. Curtis, Mayor Salonen and Council Members of the Township of Wilmot,

We are requesting a review and reduction of the amount we are being assessed for our portion of the Koch-Leis Drain and the Bamberg Creek Drain.

We feel that this project has absolutely no benefit to us. We think it has been grossly over engineered for the small acreage that the Jananna Corp wants to drain and we don't feel that we should be penalized in the process.

There has never been any kind of drainage issue besides beaver dams in the over thirty years we have lived here. We feel that there is no need to dig the Koch-Leis drain or the Bamberg Creek drain and install cement culverts that will not be of any benefit.

In the past, when the creek has been dug the soil has been dumped on the south side of the creek creating a drainage issue on the land that I rent and farm. Should this project go ahead, we ask that the engineer please be mindful of not creating other issues in the area and put all of the excess soil on the north east side of the creek.

Sincerely,

Ken and Cathy Heintz

[Redacted signature block]

From: Theresa Bauer [REDACTED] >
Sent: Saturday, August 5, 2023 8:49 AM
To: Chad Curtis <chad.curtis@wilmot.ca>
Subject: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

Chad Curtis
Deputy Clerk
Township of Wilmot

Dear Mr. Curtis,

I am writing with regards to the proposed construction and improvement of the above mentioned drain.

I'm appealing to the Court of Revision on the grounds that my property has been assessed an amount that is too high. In fact, I don't see any reason why I should be paying any amount towards this project. I have lived across the road from the Gawron farm since November 1973. My wife and I spoke many times over the years with both Jan and Anna and our children played together. Neither of them ever mentioned any problems with water or drainage or being unable to work any part of their land because of it. My understanding is that the existing Bamberg creek has been unaltered since before the town of Bamberg came into existence and that there is no problem with the existing two drains.

No part of the creek is on or even close to my property. In fact, the closest my property comes to the creek would be at least 1000 meters, which is east of my property where Notre Dame Dr. goes over Bamberg Creek. No water from my property could ever end up in that creek.

I believe this assessment on my property is completely unfair and unreasonable. My property has absolutely nothing to do with the proposed work and it's completely ludicrous and unfounded for the Gawrons to state this project will increase my property value. I would respectfully ask the Court to dismiss completely this assessment on my property.

Would you please confirm receipt of my email.

Sincerely,
Ladislav Bauer

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Saturday, August 5, 2023 3:31 PM
To: Chad Curtis <chad.curtis@wilmot.ca>
Subject: Appeal to the Court of Revision re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

We wish to appeal the Bamberg Creek, Jananna and Koch-Leis Municipal Drains on the grounds of our property # [REDACTED] being assessed an amount too high, and the property at 9-164-00 (Jananna Corp.) being assessed an amount that is too low.

As outlined on page three of the Engineer's report, our land, along with others north of Gerber Rd is sandy soil with above average properties for infiltration. The engineer's report fails to explain how water from our dry, well-draining land would be contributing to the drainage concerns at Bamberg creek. It is unclear how and if the properties of our soil were taken into consideration when assessing the outlet liability.

Further, as stated by the Engineer at the Township council meeting on June 26, our property will see no benefit from the municipal drain project. Jannana Corp who will receive direct financial benefit from the drains and who initiated the petition should therefore be assessed to a higher contribution of the project.

In attending council meetings and reviewing the Engineering report, we do not see the justification for our property being included in this municipal drain project.

Justin and Natalee Miller (Ridgeway)

From: Cory Kittel <[REDACTED]>
Sent: Friday, August 4, 2023 3:23 PM
To: Clerks <clerks@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>
Subject: Court of Revision RE: Bamburg Creek, Jananna, Koch-Leis Drains

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

Please consider this my notice to appeal via the Court of Revision on Aug 16. Can you please send me the format and additional details of this meeting? Also please send me receipt of this notice.

Cory Kittel
[REDACTED]



Notice of Appeal to Court of Revision
Drainage Act, R.S.O. 1990, c. D.17, subs. 52(1) and 76(4)

To: The Clerk of the Corporation of the Municipality of Township of Wilmot

Re: Bamber Creek, Jananna, and Koch-Leis Municipal Drains 2023
(Designation of drainage works)

Take notice that I/we, an owner or owners of land assessed for the above-mentioned drainage works, appeal to the Drainage Court of Revision under:

- Section 52 (1) for the construction or improvement of a drain; or
- Section 76 (4) for the development of a new assessment schedule for the drain on the grounds that:
 - My/our land has been assessed too high;
 - My/our land has been assessed too low;
 - Other land or road has been assessed too high;
 - Other land or road has been assessed too low;
 - Other land or road that should have been assessed has not been assessed;
 - Due consideration has not been given as to type of use of land.

Include Details of Appeal (attach additional pages if needed):
Schedule of Assessment for Construction states that under Sec.22 the benefit I expect to have is estimated at \$5,503. This figure has no objective grounds. See the attached explanation details.

Property Owners Appealing to Court of Revision

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.
- If appealing to Court of Revision regarding multiple properties, attach additional page with property information.

Property Description

██████████, WILMOT, CON 3 BLK B PT LOT 9, 50.00 ACRES

Ward or Geographic Township
Wilmot

Parcel Roll Number

██████████

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name

and corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Court of Revision.

Sole Ownership

Enter the mailing address and primary contact information of property owner below:

Last Name Borissov	First Name Oleg	Middle Initial
-----------------------	--------------------	----------------

Mailing Address

Unit Number	Street/Road Number	Street/Road Name	PO Box
	██████	██████████	
City/Town	Province	Postal Code	
██████████	███	██████	

Telephone Number

Cell Phone Number (Optional)

Email Address (Optional)

██████████

██████████

To be completed by recipient municipality:

Notice filed this 6 day of August, 2023

Name of Clerk (Last Name, First Name)

Signature of Clerk

[Print Form](#)

[Clear Form](#)

APPEAL EXPLANATION DETAILS (Roll Nmber: 30-18-080-009-15100-0000)

Schedule of Assessment for Construction states that under Sec.22 the benefit I expect to have is estimated at \$5,503. The figure does not reflect the fact that the presumably affected area of 8.54Ha does not have an issue with water drainage and have never had for the past 10 years since I acquired the property.

Furthermore, the whole area of my property adjacent to the Bamberg Creek used as pasture has become drier over the past decade. The proposed drainage work if anything will only worsen water level conditions on my property.

The engineer of the report did not provide any justification for the figure nor did he survey conditions of the presumably affected area.

As a note, the Sec 22 of the Drainage Act defines benefits from drainage work as:

“Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. R.S.O. 1990, c. D.17, s. 22.”

Since maintenance costs of the Bamberg Creek part on the property have not been included the Report and Township of Willmot has no records of the cost of past maintenance works, the benefits may only include presumably increased value of the property. As I indicated above, since soil conditions on my property can only deteriorate with the increased drainage, it is not possible to gain any property value increase.

Court of Revision Meeting Minutes

Court of Revision Meeting

Date: August 16, 2023, 5:30 P.M.

Location: Council Chambers - Hybrid
60 Snyder's Road West
Baden, Ontario
N3A 1A1

Members Present: Councillor S. Cressman (Wilmot)
Councillor K. Wilkinson (Wilmot)
Councillor C. Hergott (Wellesley)

Staff Present: Deputy Clerk, C. Curtis (Wilmot)
Administrative Clerk, C. Greenley (Wilmot)
Supervisor of IT, K. Jeffreys (Wilmot)
Deputy Clerk, A. Harron (Wellesley)
Drainage Superintendent, J. Kuntze (Wilmot)

Engineer(s) Present: Stephen Brickman PEng, Headway Engineering

1. CALL TO ORDER

Moved by: Councillor S. Cressman (Wilmot)

Seconded by: Councillor K. Wilkinson (Wilmot)

THAT the Court of Revision for Bamberg Creek, Jananna, and Koch-Leis Municipal Drain 2023 convenes at 5:30 p.m. on August 16, 2023.

Motion Carried

2. MOTION TO APPOINT CHAIR

Councillor K. Wilkinson accepted nomination as Chair for this meeting.

Moved by: Councillor S. Cressman (Wilmot)

Seconded by: Councillor C. Hergott (Wellesley)

THAT Councillor K. Wilkinson be appointed chair for the August 16, 2023 Court of Revision Meeting.

Motion Carried

3. OPENING REMARKS BY THE CHAIR

Chair Wilkinson gave opening remarks explaining that the purpose of the Court of Revision is to hear appeals regarding the Schedule of Assessment only. The Court of Revision has no authority to change the Engineer's Report in any way. The Schedule of Assessment may be altered but the total must remain the same. If one assessment is reduced, then another assessment must be increased to balance.

4. WRITTEN APPEALS FROM ASSESSED PROPERTY OWNERS

4.1 Written Appeal from Peter and Dagmar Schneider

4.2 Written Appeal from Ken and Cathy Heintz

4.3 Written Appeal from Ladislaus Bauer

4.4 Written Appeal from Justin and Natalee Miller (Ridgeway)

4.5 Written Appeal from Cory Kittel

4.6 Written Appeal from Oleg Borissov

5. LATE APPEALS FROM ASSESSED PROPERTY OWNERS

Chair Wilkinson asked if there were any other assessed property owners who wished to appeal their assessment. There were none.

6. EXPLANATION OF ASSESSMENT BY ENGINEER

Stephen Brickman, Drainage Engineer, provided explanation of assessment.

7. PRESENTATION BY EACH APPELLANT

7.1 Presentation by Peter and Dagmar Schneider

Andreas Schneider spoke on behalf of Peter and Dagmar Schneider in opposition of the assessment found in the Engineer's Report.

7.2 Presentation by Ken and Cathy Heintz

Ken Heintz spoke in opposition of the assessment found in the Engineer's Report.

7.3 Presentation by Ladislaus Bauer

Theresa Bauer spoke on behalf of Ladislaus Bauer in opposition of the assessment found in the Engineer's Report.

7.4 Presentation by Justin and Natalee Miller (Ridgeway)

There was no presentation by Justin and Natalee Miller (Ridgeway) at this meeting.

7.5 Presentation by Cory Kittel

Councillor Hergott (Wellesley) brought forward a motion to amend the order of agenda.

Cory Kittel spoke in opposition of the assessment found in the Engineer's Report.

Moved by: Councillor C. Hergott (Wellesley)

Seconded by: Councillor S. Cressman (Wilmot)

THAT the order of agenda be amended to allow item 7.5 Presentation by Cory Kittel be moved to item 7.6 Presentation by Oleg Borissov.

Motion Carried

7.6 Presentation by Oleg Borissov

Chair Wilkinson called a recess at 6:17pm.

Committee reconvened at 6:24pm.

Oleg Borissov spoke in opposition of the assessment found in the Engineer's Report.

8. COURT OF REVISION MEMBERS' COMMENTS AND QUESTIONS

There were no comments or questions from Court of Revision members.

9. RESPONSE TO APPELLANTS' AND COURT OF REVISION MEMBERS' QUESTIONS AND COMMENTS

There was no response from Stephen Brickman, Drainage Engineer, to appellants' and Court of Revision Members' questions and comments.

Councillor Hergott (Wellesley) brought forward a motion to accept questions from the audience.

Cory Kittel asked and received clarification from the Drainage Engineer regarding allowances.

Councillor Hergott (Wellesley) brought forward a motion to accept questions/ statement from the Petitioner.

Lucy Gawron spoke in support of the assessment found in the Engineer's Report.

Moved by: Councillor C. Hergott (Wellesley)

Seconded by: Councillor S. Cressman (Wilmot)

THAT the Court of Revision receive questions from a member of the audience.

Motion Carried

Moved by: Councillor C. Hergott (Wellesley)

Seconded by: Councillor S. Cressman (Wilmot)

THAT the Court of Revision receive a question/statement from the Petitioner.

Motion Carried

10. DELIBERATIONS BY THE COURT OF REVISION

Court of Revision left Council Chambers to deliberate at 7:06 p.m.

Court of Revision returned from deliberations at 7:46 p.m.

11. DECISION OF THE COURT OF REVISION

Moved by: Councillor S. Cressman (Wilmot)

Seconded by: Councillor C. Hergott (Wellesley)

THAT the assessment contained in the Engineer's Report be upheld.

Motion Carried

12. MOTION TO ADJOURN

Moved by: Councillor C. Hergott (Wellesley)

Seconded by: Councillor S. Cressman (Wilmot)

THAT the Court of Revision for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain 2023 adjourn.

Motion Carried



Cory Kittel <corykittel@gmail.com>

Re: Tile Plan Gawron Property

Christine Gawron <christinex01.gawron@gmail.com>
To: John Kuntze <jkuntze@ksmart.ca>
Cc: corykittel@gmail.com

Tue, Apr 24, 2018 at 5:09 PM

Hi John,

Thank you very much for sending me a copy of your email to Cory Kittel with the attached memo outlining the involvement of Wilmot Township in regards to our tile plan.

I will share this information with my family, and believe they'll agree that it is in our best interests as neighbours with the Kittel's to try to reach a mutually beneficial agreement first, rather than going through the Drainage Act process to determine a resolution. Furthermore, the second option you described as a Mutual Agreement Drain, appears to have the most potential benefit to both our parties.

I would hope the Kittel Family will come to the same conclusion, and be willing to work out an agreement with us?

Much Thanks Again,
Chris Gawron

On Tue, Apr 24, 2018 at 10:39 AM, John Kuntze <jkuntze@ksmart.ca> wrote:

Hi Cory

I had discussed with you the tile drainage plans for the Gawron property last November.

Unfortunately I got tied up with other projects last winter and did not have a chance to send you any information about our discussion.

Please note that as outlined in the attached memo Wilmot Township has no direct involvement in the tile drainage work proposed for the Gawron property. The need for a tile outlet through the Kittel property is a private matter that will need to be worked out between neighbours. However, as Township Drainage Superintendent I am willing to help both parties work together for a resolution of a drainage issue.

Please review the attached memo for further information.

I would be pleased to meet with you on-site to review the area in question and to review the memo I have prepared.

This can be an early evening meeting (6pm or later) if that works better for you.

John Kuntze, Drainage Superintendent

Wilmot Township

From: Cory Kittel [mailto:corykittel@gmail.com]
Sent: Friday, November 24, 2017 11:37 AM
To: John Kuntze <jkuntze@ksmart.ca>
Subject: Tile Plan Gowron Property

Hey John,

I never got your email for the plan for tiling the Gowron property. Can you send that again.

Cory Kittel

Re: Tile Plan Gowron Property

Cory Kittel [redacted]
To: John Kuntze <jkuntze@ksmart.ca>

Fri, Apr 27, 2018 at 11:08 AM

Sounds good

On Fri, Apr 27, 2018 at 11:07 AM John Kuntze <jkuntze@ksmart.ca> wrote:

Hi Cory

I am tied up at the moment.

Can I call you around 1pm.

John

From: Cory Kittel [mailto:[redacted]]
Sent: Friday, April 27, 2018 10:45 AM
To: John Kuntze <jkuntze@ksmart.ca>
Subject: Re: Tile Plan Gowron Property

John, can you call me. I want to ask you a few questions on this.

[redacted]

On Tue, Apr 24, 2018 at 10:39 AM John Kuntze <jkuntze@ksmart.ca> wrote:

Hi Cory

I had discussed with you the tile drainage plans for the Gawron property last November.

Unfortunately I got tied up with other projects last winter and did not have a chance to send you any information about our discussion.

Please note that as outlined in the attached memo Wilmot Township has no direct involvement in the tile drainage work proposed for the Gawron property. The need for a tile outlet through the Kittel property is a private matter that will need to be worked out between neighbours. However, as Township Drainage Superintendent I am willing to help both parties work together for a resolution of a drainage issue.

Please review the attached memo for further information.

I would be pleased to meet with you on-site to review the area in question and to review the memo I have prepared.

This can be an early evening meeting (6pm or later) if that works better for you.

John Kuntze, Drainage Superintendent

Wilmot Township

From: Cory Kittel [mailto:████████████████████]
Sent: Friday, November 24, 2017 11:37 AM
To: John Kuntze <jkuntze@ksmart.ca>
Subject: Tile Plan Gowron Property

Hey John,

I never got your email for the plan for tiling the Gowron property. Can you send that again.

Cory Kittel

April 24, 2018

K. SMART ASSOCIATES LTD.
85 McIntyre Dr, Kitchener, ON N2R 1H6
519-748-1199 ext 227 jkuntze@ksmart.ca

File No. 85042

MEMO TO: Corey Kittel and Chris Gawron

FROM: John Kuntze P.Eng.
Wilmot Township Drainage Superintendent

RE: Gawron tile outlet across Kittel property

Background

I first want to note that the Township of Wilmot has no direct involvement in the tile drainage work proposed for the Gawron property. The need for a Gawron tile outlet through the Kittel property is a private matter that will need to be worked out between neighbours.

However, as Township Drainage Superintendent I am willing to help both parties work together for a resolution of a drainage issue.

It is common in rural Ontario that for a small area drainage issue only involving two properties that the farmers would work together on a mutual agreement drain.

The Township of Wilmot would only become involved if the drainage issue cannot be resolved privately by agreement and one of the affected parties would file a petition for a drainage works under the Drainage Act. The Township would then appoint an Engineer to prepare a report for a drain. The report and the Drainage Act process would create a municipal drain under a Township Bylaw. The Township would arrange for the construction of the drain and would be responsible for future maintenance of the drain. However, all costs associated with the drain report, the construction of the drain and the future maintenance of the drain would be assessed to the affected landowners. Examples of municipal drains in the area are the Koch-Leis Drain ditch which goes through the southwest corner of the Gawron farm and the Straus Drain ditch which outlets into Bamberg Creek on the east middle of the Kittel farm.

For the current outlet issue I think a mutual agreement between two owners would be a more practical and economical solution than going through the Drainage Act process to create the drain required.

Existing Drainage

The area in question is a low depressional area on the west boundary of the Kittel farm. Part of this low area extends westerly in to the Gawron farm. The attached 2015 aerial photograph from the GRCA website illustrates the low depressional area in question as this area cannot currently be farmed. A depressional area has no direct outlet for surface drainage and thus will remain wet for long periods of time. Depressional areas can usually not be farmed unless they are tile drained. The natural outlet for the depressional area in question is to the southeast to Bamberg Creek on the Kittel farm.

I believe that the depressional area on the Kittel and Gawron properties had a functional tile outlet in the past.

On the GRCA website one can examine aerial photograph from 2015 back to 2000. On the 2000 and 2006 aerial photograph it appears that most of the depressional area on both farms may have been under cultivation. The 2010 aerial photography shows considerable

flooding in the low area on the Kittel farm and the 2015 aerial photograph shows the low area on both farms can no longer be cultivated.

At some time since 2006 the tile drain became nonfunctional due to lack of repair. An on-site examination would be required to determine if a tile drain exists and if it requires repair.

Gawron Tile Drainage Plan

The Gawron family plans to systematically tile their farm. A copy of the proposed tile drain plan which has been prepared by a tile drainage contractor is attached. The majority of the Gawron farm tile drainage will outlet into the Koch-Leis Drain ditch in the southwest corner of the farm. However, as shown on the second tile plan attachment approximately 5 acres of the Gawron farm including the low area will require a tile outlet southeasterly through the low area on the Kittel farm and continuing to an outlet into Bamberg Creek. The final attachment shows an enlargement of the location for the proposed tile outlet which I feel may follow the route of a possible old tile drain.

It would be more practical and effective to install a new tile drain rather than repair an old tile drain.

The Kittel farm is not obligated to provide a tile outlet for the Gawron farm or to accept a tile drain constructed by the Gawron farm across the Kittel farm.

However, in my opinion, I see no reason for the Kittel farm to deny the Gawron farm to have a tile outlet across the Kittel farm. I believe such a tile drain would be of benefit to the Kittel farm.

Mutual Agreement Drain

There are two options that can be considered for a tile drain outlet.

Option 1

The Kittel farm could grant permission for the Gawron farm to construct a tile drain across the Kittel farm that would only provide an outlet for the Gawron farm. Though I have not done any detailed design calculations I would estimate that such a tile would be 4" or 6" diameter solid corrugated plastic tubing. This tile would not provide any local drainage or a tile outlet for future drainage of the low area on the Kittel farm.

For this option I would assume that the Kittel farm would not contribute to the cost of the Gawron tile.

Option 2


A tile drain would be constructed across the Kittel farm that would be large enough to provide an outlet for drainage of the low area on the Kittel farm. Again, I am estimating that such a tile would be 6" or 8" diameter perforated corrugated plastic tubing. This tile would provide local drainage and would provide for a tile outlet for additional tile drainage in the low area on the Kittel farm.

For this option I would assume there would be a cost sharing between the Kittel farm and the Gawron farm for the construction of the drain.

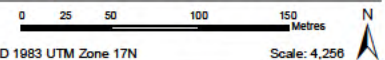
Regardless of which option is used, I would recommended that a mutual agreement be completed between the Gawron and Kittel farms outlining details for the drain constructed. This agreement could then be registered on title for the two properties. The Drainage Act makes reference to private mutual agreement drains and a template is available for such an agreement.

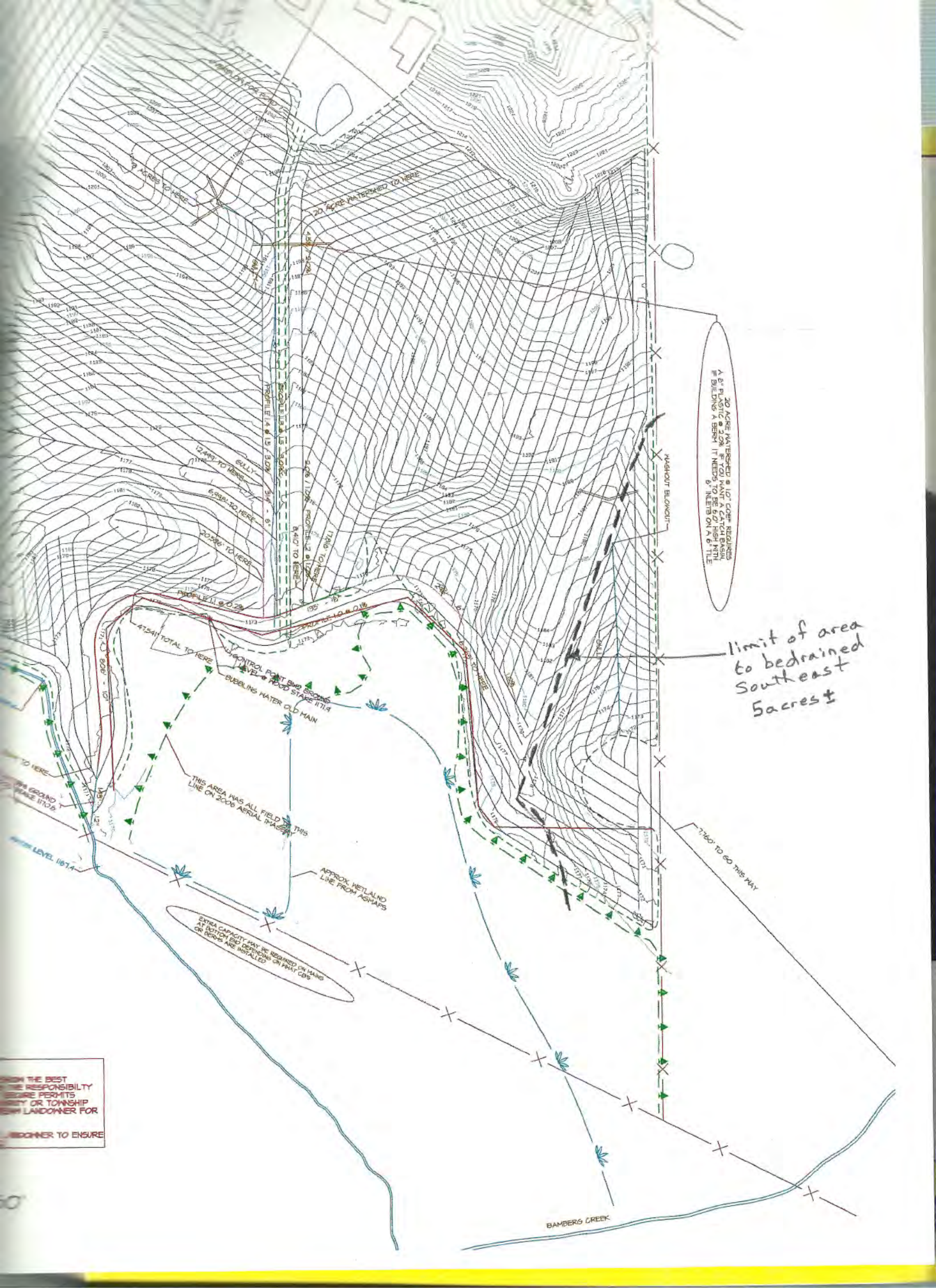


Legend

 Parcel - Assessment Public
(MPAC/MNRF)

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





20 ACRE WATERSHED @ 10' COEF. REQUIRES
 A 6" PLASTIC @ 30' IF YOU WANT A CATCH BASIN
 IF BUILDING A BENCH IT NEEDS TO BE 6" TILE
 @ INTERVALS OF 6' TILE

limit of area
 to bedrained
 Southeast
 Sacrest

TO HERE
 100' GROUND
 GRADE 1170.6
 LEVEL 1167.4


4754' TOTAL TO HERE
 CONTROL POINT SW
 LEVEL 1170.6
 BUBBLING WATER OLD MAIN
 THIS AREA WAS ALL FIELD THIS
 LINE ON 2006 AERIAL THIS
 APPROX WETLAND
 LINE FROM ACHAPS
 EXTRA CAPACITY MAY BE REQUIRED ON LANS
 AT BOTTOM SET DEPENDING ON WHAT CBS
 OR BOWS ARE INSTALLED

DESIGN THE BEST
 THE RESPONSIBILITY
 PERMITS
 OR TOWNSHIP
 LANDOWNER FOR
 DESIGNER TO ENSURE

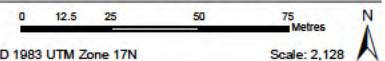
BAMBERG CREEK



Legend

-  Parcel - Assessment Public (MPAC/MNRF)

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Re: Jananna Municipal Drain Review

Cory Kittel [REDACTED]

Thu, Sep 22, 2022 at 4:46 PM

To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Cc: Adam Hall <adam.hall@headwayeng.ca>

I really can fathom how the project is even this far along when no one has been consulted or talked to yet. My most basic questions have been ignored. My neighbours have no idea what's going on. Why spend the money on a problem when perhaps a problem doesn't exist. Clearly there are some conflicting interests here. This is an individual matter so I'm not sure what I have to do with this? Am I supposed to take time off work for this meeting scheduled for 2pm on a weekday? It's like you don't want anyone to attend.

On Thu, Sep 22, 2022 at 4:23 PM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Hi Cory,

Thanks for your email.

These questions, and questions like it are exactly what we intend to address at next week's public meeting as we're sure others will have questions too. The following is a quick outline for next week.

- Introductions
- A recap of how we (Headway) became involved
- Our findings
 - Watershed area, and makeup
 - Our survey info (photos, Bamberg Creek, crossings, etc.)
 - Agency requirements
- Our proposed solution
 - The engineering dwgs and walk through of all the info on the dwgs
 - Plans
 - Profiles
 - Details
- Questions relating to design details (your questions No. 1, 3, and 4)
- Discussion on the costs of the project
- Discussion on the assessment of costs
 - Instruments of assessment available under the Drainage Act
 - What the instruments mean
 - How to apply them
 - And a detailed look at the assessment schedules.
- Questions relating to the costs (eg your questions No. 2 and 3)
- Drainage Act process moving forward
 - Next Steps
 - Timelines
 - Etc.
- Questions relating to Drainage Act process, or anything.

You didn't hear back from anybody yet regarding these questions because we haven't finished the necessary materials to address everything. We're close, but not all the way there (we will be next week). The main purpose of next week's meeting is to present all this material that we've been working on, and to receive feedback. Everything will be in draft format, and will not be final, so we want to receive input prior to finalizing everything.

I hope that explains these next few steps, and what to expect next week and we hope to see you there.

Thanks again for your email and Take Care Cory.

Stephen Brickman, P.Eng

Project Manager/Engineer | Headway Engineering

headwayeng.ca

P: 226 243 6614, Ext. 1

E: Stephen.Brickman@headwayeng.ca

From: Cory Kittel [REDACTED]
Sent: September 22, 2022 2:12 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>; Adam Hall <adam.hall@headwayeng.ca>
Subject: Re: Jananna Municipal Drain Review

Hi,

I'm still looking for the answers to the below questions. For the record, I never did hear back from anyone on this. I will say the information to-date has been limited to basically non-existent. I've been tracking this parcel for close to a year now and have recorded drone footage that does not indicate any issues.

From: Stephen Brickman
Sent: November 8, 2021 2:00 PM
To: Cory Kittel [REDACTED]
Subject: RE: Jananna Municipal Drain Review

Hey Cory,

We did get your email – Thanks for providing your comments/concerns/questions! And sorry for not acknowledging them earlier.

As we move forward, we'll be looking to you (and others) to help us sculpt out the best solution. We'll definitely be staying in touch, and we'll be able to better answer the questions below.

Thanks Cory, and keep in touch!

Stephen Brickman, P.Eng

Project Manager/Engineer | Headway Engineering

headwayeng.ca

P: 226 243 6614, Ext. 1

E: Stephen.Brickman@headwayeng.ca

From: Cory Kittel [REDACTED]
Sent: November 8, 2021 1:31 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: Jananna Municipal Drain Review

Just checking back to make sure you got this. Let me know.

Thanks

On Mon, Oct 25, 2021 at 11:31 AM Cory Kittel <corykittel@gmail.com> wrote:

Hi Stephen,

Thanks for taking the time to talk about this issue with me. I still find myself missing many of the details. Here are my main questions...

1. What are the problems we are trying to solve?
2. Cost/benefit analysis - is the work and expense worth it?
3. Who is it benefiting? To what benefit?
4. Perhaps there are simple solutions that are being overlooked. At one point a year or two ago John Kuntzee hired excavators at our creek trying to solve flow issues - big expenses that made no difference. The problem was sticks. A build up occurred at our bridge that just needed some TLC. Sometimes people miss the obvious things right in front of them.

Cory Kittel

[REDACTED]

Re: Jananna Municipal Drain Review

Cory Kittel [REDACTED]
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Cc: Adam Hall <adam.hall@headwayeng.ca>

Fri, Sep 23, 2022 at 11:17 AM

As you can see from the image attached, we have added that former wet spot back into our workable land. Since the neighbour tiled their fields, this areas has completely dried up. This is probably good information to have and would have been know if anyone bothered reaching out to us.



On Thu, Sep 22, 2022 at 4:23 PM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

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Project Manager/Engineer | Headway Engineering

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Project Manager/Engineer | Headway Engineering

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Cory Kittel

[REDACTED]



Cory Kittel <corykittel@gmail.com>

Quick Chat

Cory Kittel

Wed, Oct 5, 2022 at 1:50 PM

To: [REDACTED]

Hi Christine,

It really was good to see and chat with everyone at the meeting last week. It was my first opportunity to really see and speak with anyone in person which is always the best. I feel a bit in the dark. I heard a lot and I'm just trying to listen, learn more and really understand. I just know good open communication is going to lead to the best result for everyone. I think we have to try especially with the surrounding community involved. You're not going to get any arguing or confrontation from me. I wanted to give everyone a bit of time since the meeting, but I have a few ideas and thoughts I wanted to run by you, I'm also open to taking a quick tour to see where some of the issues might be. I don't think I have your phone number, but would you be open for just a quick phone chat today or tomorrow? Here is my contact info, you can call me here anytime [REDACTED].

Cory Kittel



Cory Kittel <corykittel@gmail.com>

Re: Public Meeting Follow-Up

Cory Kittel [REDACTED]
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Cc: Adam Hall <adam.hall@headwayeng.ca>

Fri, Oct 7, 2022 at 12:03 PM

Just for any mail communication, my address is now:

Cory & Kirby Kittel
[REDACTED]
St. Agatha, ON N0B 2L0

I think the last letter from you went to my old address.

On Thu, Oct 6, 2022 at 2:17 PM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Hey Cory,

Wanted to let you know that I received your voicemails. I'm in meetings right now, but I will give you a call as soon as I can.

Thanks!

s.b.

From: Cory Kittel [REDACTED]
Sent: October 6, 2022 2:11 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>; Adam Hall <adam.hall@headwayeng.ca>
Subject: Public Meeting Follow-Up

Hi,

I'm just hoping to get a call back to discuss some of my follow-up questions from the Jananna public meeting.

I can be reached at [REDACTED]

Cory

Jananna Financials/Payback

Cory Kittel

Fri, Dec 9, 2022 at 5:11 PM

To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Hey Stephen,

I hope all is well. I wanted to pass along the financial assessment of the Jananna drainage project. Really this is the only determining factor that should drive a project like this. If no one can articulate the financial benefit of doing the work, the work really shouldn't happen at all. 'It will help' should not be an acceptable answer for a \$400,00+ project that is coming out of my pocket and my neighbours pockets.

I've used the time recently to talk to consultants, complete a field survey, gather more images and start work on repairing the pond, which only came to light during the first public meeting. No one ever talked to me about this. I talked to the petitioners and committed to fixing this issue - the drainage branch outlined in the report to fix 'the pond problem' is only a band-aid solution and doesn't really fix the problem. Structural work on the pond will start shortly, infill, control systems, berm work and a new tile to take care of any pond overflow that the Jananna group could take advantage of as well.

I have a full assessment of the Jananna project and slides I'm happy to share with you for Monday. I'm all for mutually beneficial solutions if it makes sense, but one of the solutions can't be a municipal drain through my property.

Anyway, I just wanted to start with this, but more to come. Let me know if you have any questions.

Cory

 **Jananna_Drainage_Financials_Payback.pdf**
253K

WHAT WE KNOW

Jananna rent their land for \$300/acre. In this area that is the top rental rate for tilled land. Completing this new drainage work will not result in an increase in their per acre rent rate. Assumption made based on Waterloo Region GIS mapping, Jananna have approximately 88 acres of land they can potentially farm.

JANANNA - BEST CASE SCENARIO

Potential Workable/Rentable	88	
Currently Workable/Rentable	83	
Added Acreage Due to Petition	5	This is an overly conservative estimate. There is not an extra 5 acres to be found that isnt farmed today.
Total New Workable/Rentable	88	

Current revenue	83 acres @ \$300/acre	\$24,900.00	per year
New revenue with 5 extra acres	88 acres @ \$300/acre	\$26,400.00	per year
Increase in revenue		\$ 1,500.00	per year
Money they will have to spend to get that extra revenue		\$55,727.00	*
Number of years it will take just to pay back the cost and breakeven		37	

* This does not include the additional tiling expense (~\$10,000) they will have to spend to tie into this new drainage work. So the real potential payback period is **44 years** Based on these numbers there is almost a 100% chance none of the people that have to pay for this will be alive to see any financial benefit from this project. There is also no likelihood of increased value as a whole because the majority of this farm is already systematically tilled.

JANANNA - LIKELY SCENARIO #1

Potential Workable/Rentable	88
Currently Workable/Rentable	86
Added Acreage Due to Petition	2
Total New Workable/Rentable	88

Current revenue	86 acres @ \$300/acre	\$25,800.00	per year
New Revenue with 2 extra acres	88 acres @ \$300/acre	\$26,400.00	per year
Increase in revenue		\$ 600.00	per year
Money they will have to spend to get that extra revenue		\$55,727.00	*
Number of years it will take just to pay back the cost and breakeven		93	

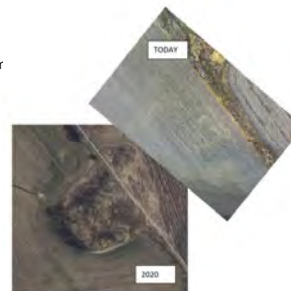
* This does not include the additional tiling expense (~\$10,000) they will have to spend to tie into this new drainage work. So the real potential payback period is **109 years**

JANANNA - LIKELY SCENARIO #2

Potential Workable/Rentable	88	
Currently Workable/Rentable	87	
Added Acreage Due to Petition	1	Based on current aerial images the previous unfarmable acre on the East side has been cleared and is currently being farm
Total New Workable/Rentable	88	

Current revenue	87 acres @ \$300/acre	\$26,100.00
New Revenue with 1 extra acre	88 acres @ \$300/acre	\$26,400.00
Increase in revenue		\$ 300.00
Money they will have to spend to get that extra revenue		\$55,727.00
Number of years it will take just to pay back the cost and breakeven		186

* This does not include the additional tiling expense (~\$10,000) they will have to spend to tie into this new drainage work. So the real potential payback period is **219 years**



Jananna Drainage Petition - Financial Assessment

KITTEL - SCENARIO

Potential Workable/Rentable	59	
Currently Workable/Rentable	58	
Added Acreage Due to Petition	1	
Total New Workable/Rentable	59	
Current revenue	58 acres @ \$225/acre	\$13,050.00
New Revenue with 1 extra acre	59 acres @ \$225/acre	\$13,275.00
Increase in revenue		\$ 225.00
Money they will have to spend to get that extra revenue		\$36,462.00
Number of years it will take just to pay back the cost and breakeven		162

Re: FW: Jananna Financials/Payback

Cory Kittel [REDACTED]
To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Thurs AM works. Anytime after 9am I should be good.

On Fri, Feb 3, 2023 at 12 06 PM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Can we do this coming Thursday (Feb 9)? I could do either morning or afternoon.

s.b.

From: Cory Kittel [REDACTED]
Sent: Friday, February 3, 2023 12:04 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: FW: Jananna Financials/Payback

No problem. Just let me know about next week. The sooner we can get that into the calendar the better.

On Thu, Feb 2, 2023 at 9:25 AM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Thanks Cory! Sorry for screwing up your schedule. I'll get back to you soon regarding next week.

s.b.

From: Cory Kittel [REDACTED]
Sent: Wednesday, February 1, 2023 7 02 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: FW: Jananna Financials/Payback

No problem. Let me know what works

On Wed, Feb 1, 2023 at 5:17 PM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Hey Cory, I tried sending the below email just a few minutes ago, but I got an un-deliverable message, so I switched devices. Please see below.

Hey Cory, I just left you a voicemail, but I was wondering if we could reschedule tomorrow's meeting for next week? One of my daughters has taken ill this afternoon and isn't letting u

For agenda, it was my intention to fill you in on some changes that we've made since the public meeting. They result in less assessment to your property. I'd also like to hear your inf

Stephen Brickman, P.Eng
Headway Engineering

From: Cory Kittel [REDACTED]
Sent: Wednesday, February 1, 2023 4:47:47 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: Jananna Financials/Payback

Hey Stephen,

Are we still on for tomorrow at 10:30am? Do you have an agenda? Just want to make sure I have everything I need.

Cory

On Fri, Jan 13, 2023 at 8:43 AM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Sounds good.

Lets do Feb 2nd @ 10:00 I could meet you at your place if you'd like

s.b.

From: Cory Kittel [REDACTED]
Sent: January 12, 2023 1:02 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: Jananna Financials/Payback

Feb 2nd is fine Just let me know what time and where you want to meet

Cory

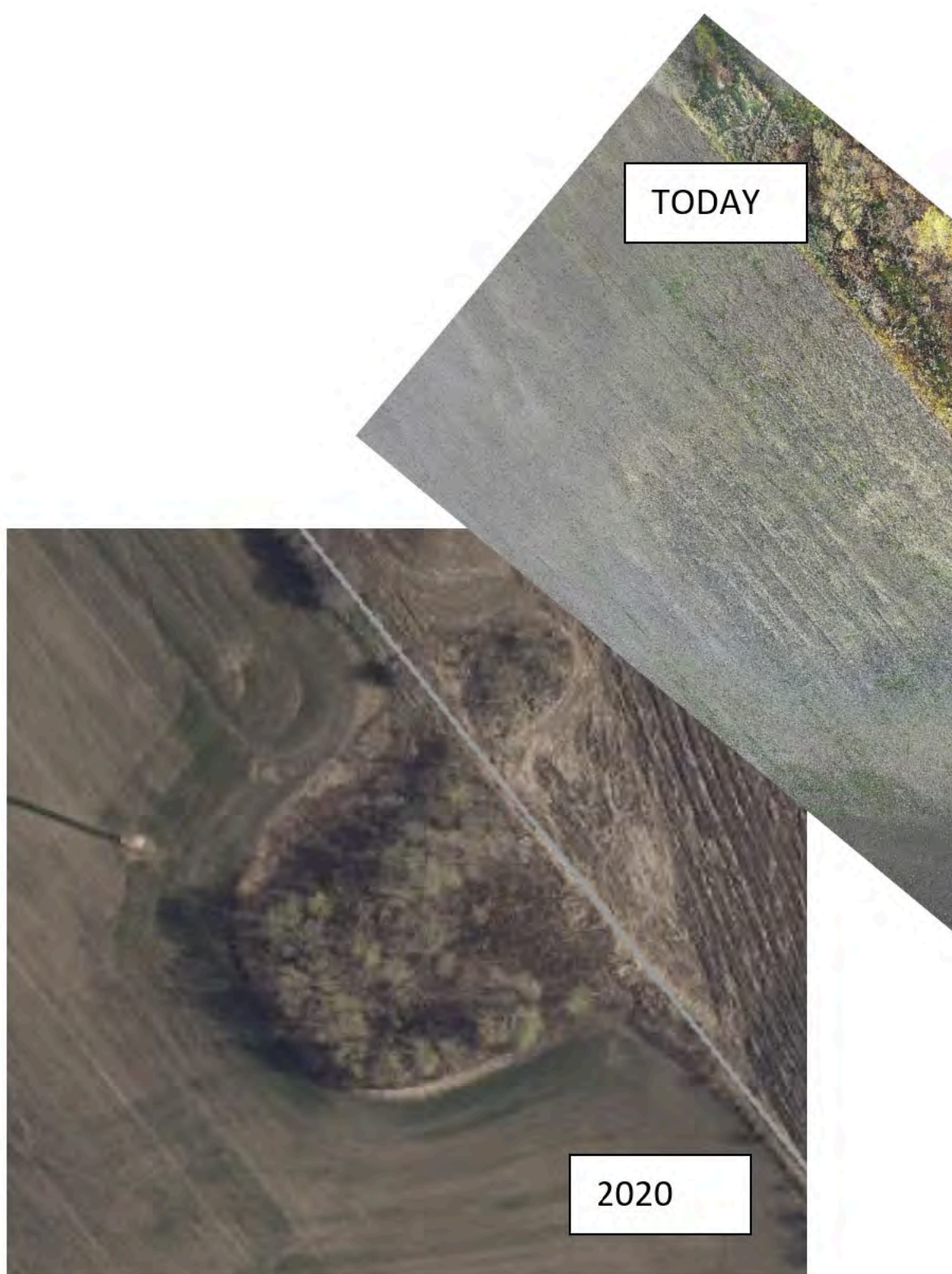
On Wed, Jan 11, 2023 at 11:36 AM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote

Hey Cory, Happy New Year to you as well!! Would you be available on Feb 1st or 2nd? That's a Wednesday or Thursday. Feb 2nd is preferred, but the 1st available before then.

s b

From: Cory Kittel [REDACTED]
Sent: January 2, 2023 5:32 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Re: Jananna Financials/Payback

Happy New Year. I hope you had a great holiday break. I think a January meeting would be a great idea. I've gathered a ton of new information and have just been waiting on a chance to talk with the Jananna field tile designers and installers and it's come to my attention that the complete East end of their farm has already been systematically tiled around my pond (yellow 'X' - see attached image). I was told the only spot that has not been tiled is a very small area around the low spot (yellow dashed line - see attached image). With every new piece of information, I'm finding it harder and harder to justify their petition. With the tiling work I'm starting on the pond, I really can't understand how their concern tiling efforts here. This is the low spot on their property.



Just let me know what day this month you were thinking.

On Fri, Dec 23, 2022 at 9:10 AM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Hey Cory,

We just wanted to let you know that we received your email.

We were wondering if we could get in touch with you in the New Year for a meeting. We're well booked, but perhaps we could schedule something for

Thanks Cory, and have a good Christmas and New Year. Take Care!

s.b.

Please note that I will be unavailable from December 23rd to January 6th.

From: Cory Kittle [REDACTED]
Sent: December 9, 2022 5:11 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Jananna Financials/Payback

Hey Stephen,

I hope all is well. I wanted to pass along the financial assessment of the Jananna drainage project. Really this is the only determining factor that should drive a project like this. work, the work really shouldn't happen at all. 'It will help' should not be an acceptable answer for a \$400,00+ project that is coming out of my pocket and my neighbours pocket

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Anyway, I just wanted to start with this, but more to come. Let me know if you have any questions.

Cory



RE: Jananna/Wilmot Drainage Petition Milestones

John Kuntze <jkuntze@ksmart.ca>

Mon, Apr 3, 2023 at 4:00 PM

To: Cory Kittel [REDACTED] "drains@wilmot.ca" <drains@wilmot.ca>, "Brook, Timothy (OMAFRA)" <Timothy.Brook@ontario.ca>, "jeff.molenhuis@wilmot.ca" <jeff.molenhuis@wilmot.ca>

Cc: Stephen Brickman <stephen.brickman@headwayeng.ca>, Adam Hall <adam.hall@headwayeng.ca>, Kris Wilkinson <kris.wilkinson@wilmot.ca>, Stewart Cressman <stewart.cressman@wilmot.ca>

Hi Cory

As I noted in my March 24 email below, Stephen Brickman, Headway Engineering, is not preparing a Preliminary Report as defined under Section 10 of the Drainage Act as he was not instructed by Council to prepare a Section 10 Preliminary Report.

I disagree with your comment that the authority to prepare a Section 10 Preliminary Report is within the "*discretion*" of the Engineer.

There is no provision for such action by the Engineer in the Drainage Act and there is no indication in the OMAFRA flow chart you included in your email that the Engineer has sole discretion to prepare a Section 10 Preliminary Report.

I am not sure what you would be referring to as the "*first public meeting*".

The Engineer has conducted three public meetings.

September 21, 2021

This meeting was the on-site meeting as required under Section 9 of the Drainage Act.

I was present at that meeting and the Engineer did not at any time indicate to those in attendance that he was preparing a Section 10 Preliminary Report.

The objective of the September 21 meeting was for the Engineer to obtain input from the petitioner and other affected landowners as had been outlined in the on-site meeting notice.

The on-site meeting notice did contain the following statement: *Please find enclosed a preliminary plan of the drainage basin.*

The word "*preliminary*" in this statement would a dictionary definition of the word, not a reference to a Section 10 Preliminary Report.

September 29, 2022

This was a public information meeting. This meeting is not required under the Drainage Act but it is common practice by Drainage Engineers to present findings and recommendations from their investigation and seek final input from affected landowners at a public meeting before completing the drain report.

The Engineer identified this meeting objective in the meeting notice.

I was present at this meeting. I do not recall the Engineer making any reference to the preparation of a Section 10 Preliminary Report.

In the meeting notice the Engineer noted that he would be presenting “proposed assessments”.

This is a clear indication that the Engineer was not preparing a Section 10 Preliminary Report since Section 10 (1) of the Drainage Act does not include reference that assessment of cost is to be part of the Section 10 report. An appointment of an Engineer under Section 8 of the Drainage Act indicates in Section 8(1)(c) that assessment of the cost must be part of the report. Headway Engineering was appointed by Council under Section 8(1) of the Drainage Act.

At the September 29 meeting the Engineer presented recommended work to deepen Bamberg Creek to provide an adequate outlet for the proposed Jananna Drain. It was apparent that the deepening of Bamberg Creek was also going to provide an improved outlet for the Koch-Leis Drain. At the September 29 meeting I requested the Engineer to investigate an improvement to the grade of the Koch-Leis Drain and include such in the current report. This action is also required so that there is an up-to-date profile available for future maintenance of the Koch-Leis Drain as the 1950 Koch-Leis Drain report profile would no longer be applicable.

November 24, 2022

After completing an investigation on improvements to the Koch-Leis Drain the Engineer elected to have a November 24 public information meeting with the Koch-Leis Drain watershed. This meeting was similar to the September 29 public information meeting for the proposed Jananna Drain watershed.

I was present at this meeting. I do not recall the Engineer making any reference to the preparation of a Section 10 Preliminary Report.

The process for the report that Headway Engineering is preparing for the appointment on the Jananna (Gawron) petition has been following the required procedures under the Drainage Act and will continue to do so once the Headway Engineering report is filed with the Township Clerk.

John Kuntze, Drainage Superintendent

Wilmot Township



John Kuntze, P.Eng.

K. Smart Associates Limited

85 McIntyre Dr. Kitchener ON N2R 1H6 | <http://www.ksmart.ca>

Office and cellphone: 519.748.1199 x227 | jkuntze@ksmart.ca

From: Cory Kittel [REDACTED]

Sent: Friday, March 31, 2023 9:35 AM

To: John Kuntze <jkuntze@ksmart.ca>; drains@wilmot.ca; Brook, Timothy (OMAFRA) <Timothy.Brook@ontario.ca>; jeff.molenhuis@wilmot.ca

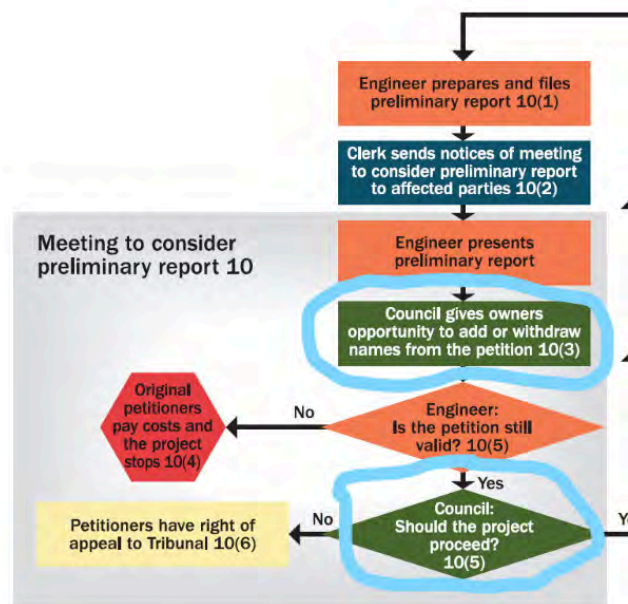
Subject: Re: Jananna/Wilmot Drainage Petition Milestones

John,

You should talk to your engineer. He went ahead and prepared a preliminary report anyway. That's what was presented to us at the first public meeting. The engineer articulated that clearly during the meeting, all the drawings are labelled as such and he's been referring to it as such since then. He was also asked directly if a preliminary report step was undertaken and that is something he confirmed.

My understanding is that if a preliminary report is prepared at the instruction of council OR at the discretion of the engineer, it still must flow through the procedures outlined in the diagram below.

This should not be a discretionary thing. This is the law from what I've been told. We have to have faith and trust in the process or else there's a bigger problem here.



On Fri, Mar 24, 2023 at 11:54 AM John Kuntze <jkuntze@ksmart.ca> wrote:

Hi Cory

Not sure I understood your first question.

The only email address I have is this one.

Since I am a contract Drainage Superintendent I do not have a Wilmot Township email address.

The Township does have an email address for general drainage inquiries which is drains@wilmot.ca

That email is monitored by a number of Wilmot Township office staff and they respond accordingly.

If you pose your questions below to the drains email I would likely be contacted to provide the response.

I can provide you with a detailed timeline on the Jananna petition, but it will be later today or on Monday.

A quick summary response to your email is that to-date the Clerk has received a petition and Council has accepted the petition and appointed an Engineer to prepare a report.

Council did not appoint the Engineer to prepare a preliminary report under Section 10 of the Drainage Act so there is no preliminary report.

Council appointed the Engineer to prepare a report under Section 8 of the Act.

Council is currently waiting for that report to be filed by the Engineer.

As noted above I can provide you with the timeline and details for the process to date but may not have that ready until Monday.

John Kuntze, Drainage Superintendent

Wilmot Township



John Kuntze, P.Eng.

K. Smart Associates Limited

85 McIntyre Dr. Kitchener ON N2R 1H6 | <http://www.ksmart.ca>

Office and cellphone: 519.748.1199 x227 | jkuntze@ksmart.ca

From: Cory Kittel [REDACTED]
Sent: Thursday, March 23, 2023 4:18 PM
To: John Kuntze <jkuntze@ksmart.ca>
Subject: Jananna/Wilmot Drainage Petition Milestones

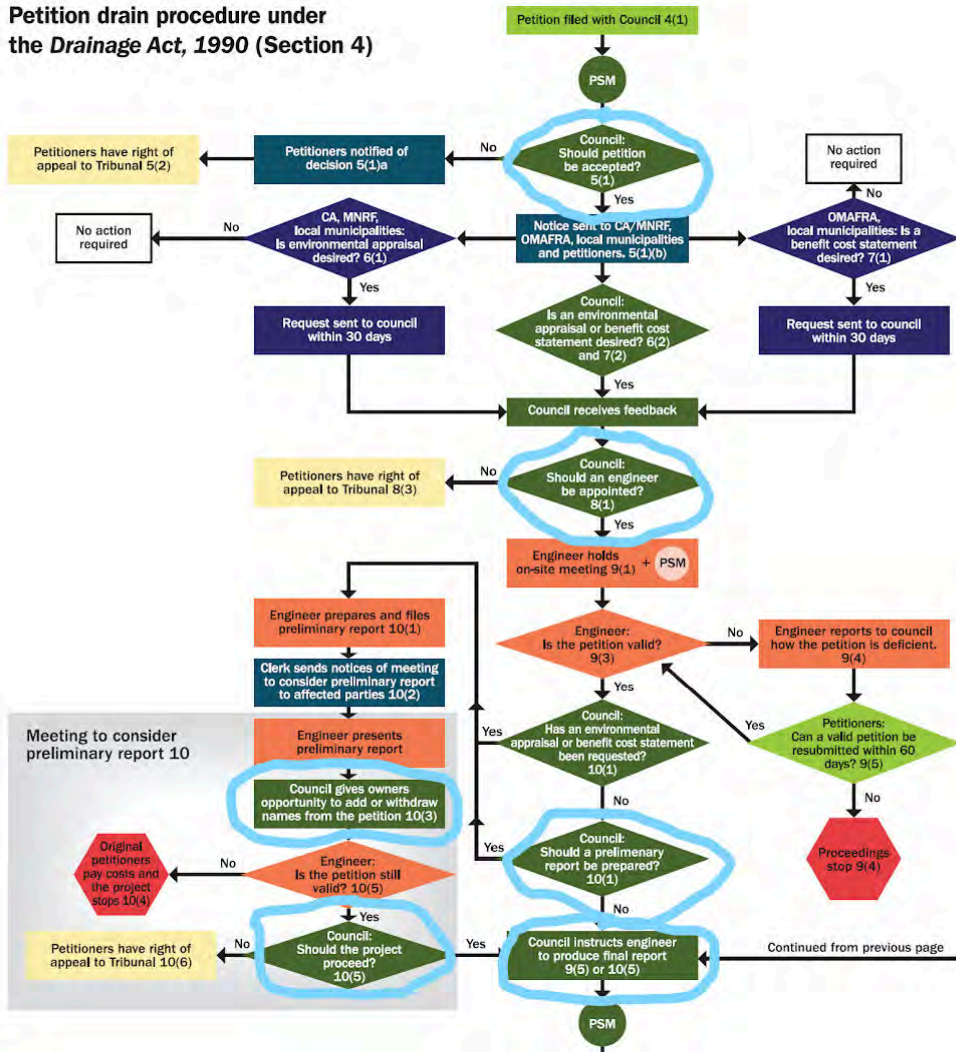
John,

Do you have a township email address?

I'm just trying to piece together the timeline of events that lead us to this point in the process and project. There should be dated council minutes or letters that clearly indicate each of the milestones/benchmarks outlined in blue below (also see attached flowchart). Who could provide me those and where would I be able to find these? I've been getting some really good insight into the process and required milestones from the folks at OMAFRA.

I'm also looking for when the preliminary report was filed with council. Also the date of the council meeting at which the preliminary report was considered (see Drainage Act Section 10 (2))? I'm also looking for when council provided instruction to proceed with the final report. What has me confused is when I talk with staff, old council and new council - no one knows anything about this project. So I'm trying to figure out how this project has gotten all the necessary approvals and votes when no one knows anything about it?

Petition drain procedure under the Drainage Act, 1990 (Section 4)



2 attachments



image002.jpg
2K



image005.jpg
8K

Watershed issues

Theresa Gawron [REDACTED]
To: [REDACTED]
Cc: jkuntze@ksmart.ca

Sun, Mar 26, 2023 at 12:48 PM

Dear Mr Kittel,

Thank you for your recent email to Christine. She has asked me to respond to you as her husband passed last Thursday and she is unable to attend to this.

We appreciate you efforts to mitigate your leaking pond issues and any patchwork that you plan on proceeding with may result in a temporary fix.

As far as costs are concerned, I'm sure you are well positioned to bear the costs as we are, as you are the owner of a large property yourself.

Please direct any further concerns to the Township of Wilmot.

Regards,
Theresa Gawron
Jananna Corp.
[REDACTED]

----- Forwarded message -----

From: **Cory Kittel** [REDACTED]
Date: Thu, Mar 23, 2023 at 2:47 PM
Subject: Drainage Project Update
To: [REDACTED]

Christine,

It was good to chat the last time we had the opportunity. I'm all for communication and unfortunately that has definitely been lacking. What's the best way to communicate with your family? Since there are so many of you, is there a point person? How does it work?

I wanted to give you a quick update. Last time we spoke, and I mentioned this to some of your other family members, I'm fixing the pond problem. Like I said, this is a problem I wasn't aware of and one no one spoke to me about. I've been using the time since the last meeting to really dig into the details, talk with professionals, contractors and others. I now have a drainage plan drafted and an install date. This work will start and complete this Spring. I'm happy to sit down and share the details with you or anyone else if your family might be interested.

Here are the quick highlights/benefits of this work...

- It fixes the problem 100%. The engineer's planned drain that runs up to the pond is only a band-aid solution. It doesn't fix the problem.
- I'm paying for it all.
- The work will get done quicker. The engineer's plan will be tied up in appeals.
- This pond project requires me to run a new length of drain to the creek to divert the run-off. Since this needs to happen anyway, it can be routed through the low depression in the field to address any potential water there along with a drain. The low depression doesn't seem to be a problem anymore anyway, your field tiling took care of that, but a drain will be there anyway along the fence line just in case.
- This has the potential to save you tens of thousands of dollars.

Here is the problem with the engineer's (Headway) current plan...

- It's forcing people to pay for something that doesn't benefit them - and that's just not right. That's an awful thing to do to families saving for their kids' education, fixed income seniors, farmers who could spend the money on actual projects that help them etc.
- No neighbour or other member in the watershed community is for this plan. There is currently a petition against the project with 30+ names on it and growing. This plan will 100% be met with appeals against it at all the various stages.
- Everyone is still having a hard time understanding why this is something you want to implement. We've all had a look at the drawings showing the systematic tiling you already have in the ground and it doesn't look like there is much improvement that can be made. It's already a sophisticated system. You have tile in all workable land that needs it. There is no new land to reclaim and no land being unused. How are you going to generate the new income to pay for this? Assuming you are only able to generate an extra \$300/yr by finding an additional one acre, it will take you 109 years to pay back the cost of this project. No one can make sense of it.
- Some have a feeling the engineer is steering you in the wrong direction. Based on my findings, they've made some critical mistakes already in their data gathering and recommended solutions. At the end of the day, the engineers and the contractors being paid to do this work are the only ones that are going to benefit from all this.

Like I said Christine, if you or anyone in your family want to come over, I can show you the work plan or I can swing by for a visit. I'm easy.

It's never too late to do the right thing and I think that's is what's needed here. Something that makes sense and works for everyone.

I don't think there was ever a dispute between neighbours, I just think the communication was lacking. I only heard about your intent to add a drain (2018) at a time when I couldn't make that decision. I didn't live here and I didn't own the land. Then things just went quiet. I assumed the problem was solved when you tiled your fields - and it looks like it worked. That low depression has never looked so good.

As always, I'm happy to talk. Give me a call or email when you have a moment.

Thanks

Cory


Re: Jananna Field Plan Nobody Knew About

Cory Kittel [redacted]
To: John Kuntze <jkuntze@ksmart.ca>, drains@wilmot.ca
Cc: jeff.molenhuis@wilmot.ca

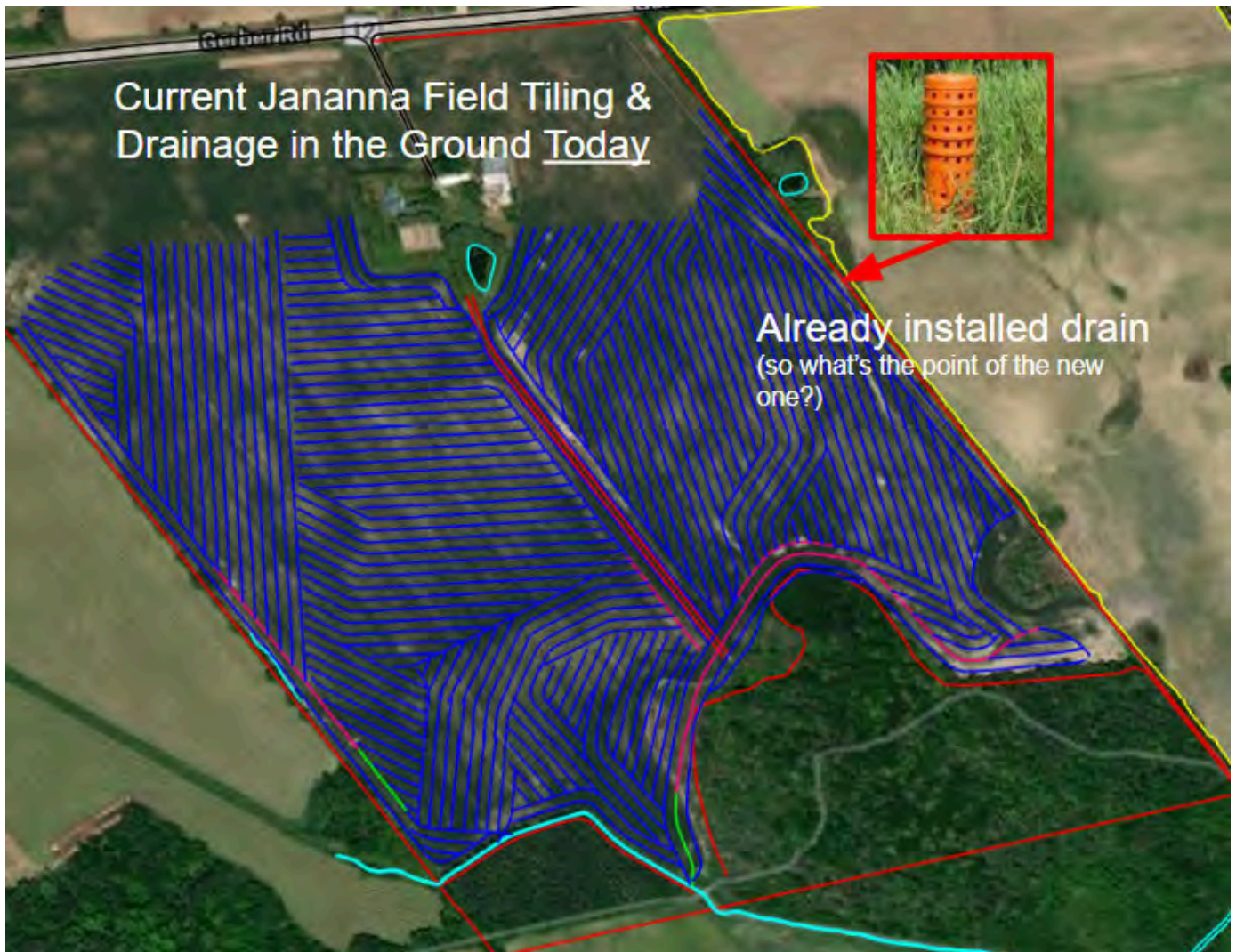
Mon, Apr 17, 2023 at 11:10 PM

John, I'm just waiting on a response to this still. Perhaps give me a call Tuesday to discuss.

Cory
[redacted]

On Mon, Mar 27, 2023 at 4:35 PM Cory Kittel [redacted] wrote:
John

The attached final tiling plan from the Jananna property recently came into my possession. Everyone has been under the impression that the East side wasn't tiled due to a lack of outlet. That's not the case at all. I also found a drain on the East end of the property that no one was made aware of.



All of this was shockingly absent from the engineers preliminary report so I asked him about it. He has never seen this version of the plan and was unaware of the drain already in the ground - MAJOR MISSTEP. This makes his current plan for a drain in this exact same area redundant and completely unnecessary.

Maybe you can help me out here. With this new information the neighbours are asking why we are spending \$460,000+ on a field that ALREADY has a sophisticated systematic tile system in place, has an outlet, where no persistent flooding exists, no improvements can be made, no farmland reclaimed and no financial benefit proven? Would love to get an answer. Since you were the one to approve this in the first place, I'm assuming you have an answer.

Cory Kittel



Action Plan - Drainage Project

Cory Kittel [REDACTED] Tue, Apr 18, 2023 at 11:54 PM
To: [REDACTED], [REDACTED], [REDACTED], [REDACTED]
Justin Miller [REDACTED] >, David Marshall <davidmarshall1969@gmail.com> [REDACTED]
Elena Borissova [REDACTED] >, Oleg Borissov [REDACTED], Urban Construction
<dave@myurbanreno.com>, [REDACTED], Kirby Kittel [REDACTED] >

Hi everyone,

I've been talking with many of you over the past few months regarding this ongoing neighbourhood drainage project we've all been (unwillingly) pulled into. Honestly this is something the Engineer running this project should have been doing from the start, but it's been helpful for me to speak with everyone, gain new insight and really uncover the problems with this project and the process. I've compiled many of these notes here (you just have to click the link below):

https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH_ktHP-X7P_lb0/edit?usp=sharing

I've concluded this...

#1 To push projects like these through, they really don't want us to know much about them. A shocking number of us reported receiving no details, no notices to meetings, not enough notice and late notice. As a result attendance at the meetings they were required to hold was dismal. Only one person showed up to the very first on-site meeting on the Jananna farm because no one knew about it. The Engineer has also taken no time and zero initiative to reach out to any of us even though they are supposed to. That's intentional.

#2 They are hoping for an uneducated council. They are going to dump their last minute report chalk full of technical details in front of council members who know nothing about the project and have very little time to educate themselves, therefore they put all their faith in the Engineer and things get approved blindly.

This project will be going to council soon in the form of an Engineer Report. They can approve it, reject it or send it back for changes. We can't wait until that council meeting to educate them. This report will be going to council in a matter of weeks so that education needs to start now. Call them, email them. The more voices they hear from the better. They need to know people aren't happy. Share your insight into the lack of information, lack of meeting notice, lack of details, the cost, the lack of benefit, the fact no one wants this thing, environmental concerns... the list goes on. This goes for the Wellesley folks as well. Start with Kris Wilkenson, he is our voice on council. Then Stewart, who is considered a bit of a subject matter expert. The rest of council if you have the time. I've provided their contact information below. I'm also looking to host a bit of a face-to-face with council members early May just for some open dialogue, Q&A, and a good chance to listen and learn. I hope you can all attend once I can confirm the date.

++++++

#1 Kris Wilkenson - Councillor - Ward 2 - this is our representative for all of us who live on the Wilmot side.
Phone: 519-807-4173
Email: kris.wilkinson@wilmot.ca

#2 Stewart Cressman - Councillor - Ward 1. Stewart is also a farmer and the most familiar on the drainage topic. Most will turn to Stewart.
Phone: 519-572-8214
Email: stewart.cressman@wilmot.ca

#3 Natasha Salonen - Mayor
Phone: 519-634-8519 ext. 9231
Email: natasha.salonen@wilmot.ca

Lillianne Dunstall - Councillor - Ward 4
Phone: 519-807-4975
Email: lillianne.dunstall@wilmot.ca

Steven Martin - Councillor - Ward 4

Phone: 519-807-5214
Email: steven.martin@wilmot.ca

Harvir Sidhu - Councillor - Ward 3
Phone: 519-807-2521
Email: harv.sidhu@wilmot.ca

Re: Conditions Update

Cory Kittel [REDACTED]
To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Wed, Apr 19, 2023 at 4:02 PM

That's fine. It's all there for the taking. I'm here to help, believe it or not, because there is a better solution. Every week that goes by, the more I observe, the more people I talk to ... this project gets more and more absurd. I don't get this kamikaze, blank cheque, blinders-on approach to such a non-problem. It's reckless and negligent. Please don't take it personal but I have to be more critical and just get more eyeballs on this.

On Wed, Apr 19, 2023 at 8:22 AM Stephen Brickman <stephen.brickman@headwayeng.ca> wrote:

Thanks for sharing!

I downloaded the video for our files too – I hope you're okay with that. If not let me know.

s.b.

From: Cory Kittel [REDACTED] >
Sent: Tuesday, April 18, 2023 3:13 PM
To: Stephen Brickman <stephen.brickman@headwayeng.ca>
Subject: Conditions Update

Hey Stephen,

Just wanted to pass along this update. I've been documenting this for what feels like a couple years now, here is the latest footage I captured...

<https://drive.google.com/file/d/1dEebeuWg8D3PH8VBHDbxsxMOHdvuLOj3/view>

The snow, rain, melt took off pretty quick and there was a lot of it. I actually saw farm activity and vehicles on the Jananna fields before anyone else's, so things can't be that bad if that's the case.

Re: Community Response to Jananna/Wilmot Drainage Project

Cory Kittel [REDACTED] >

Tue, Apr 25, 2023 at 2:54 PM

To: Natasha Salonen <NSalonen@regionofwaterloo.ca>

Thank you so much. There is no expectation to fully grasp the project overnight - it takes one piece at a time and conversations. I myself have tried to find staff knowledgeable on the project and haven't had any luck.

I even tried talking to a few council members from the previous council about this including the Ward 2 councilor at the time. None of them had a clue about this project, zilch, zero... knew absolutely nothing. So I wondered how that can be when they supposedly signed off and approved the early stages... I can see now these types of projects get wedged into the agenda at the tail end of council meetings for a blanket approval... no one knows what they are signing off on. It's a terribly broken system.

The information and process is being controlled by a select few, Wilmot contractors, and everyone else that is being forced into this and forced to pay for the majority of this, we feel are being shut out of the process.

We only ask for this.... 1) Please seek the input of the majority. There is a large list of Wilmot residents involved in this that are not receiving the proper information and notices, so as a result are not being heard 2) Bring common sense to the table. Anyone with an ounce of common sense and logic will absolutely see what a huge waste this project is 3) The notes/slides from my previous email really tell the story. Please spend some time with those.

Again, I'm here if you have any questions. Thank you for taking the time.

Cory

On Thu, Apr 20, 2023 at 4:11 PM Natasha Salonen <NSalonen@regionofwaterloo.ca> wrote:

Good afternoon Cory,

Thank you for reaching out and sharing your concerns and presentation regarding this project.

I have not had the opportunity yet to read through the attached presentation nor speak to staff about this project, and I do not think this is one of the drainage works the I am yet aware of.

But I wanted to let you know that I have received your email and will be looking further into this.

I hope to have an update for you late next week. Thank you again for reaching out.

Kind regards,

Natasha



Natasha Salonen (she/her)

Mayor

Township of Wilmot | 519-634-8519 x. 9231

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My work day may look different than your work day. Please do not feel obligated to respond outside of your normal working hours.

From: Cory Kittel [REDACTED]
Sent: Wednesday, April 19, 2023 11:28 PM
To: natasha.salonen@wilmot.ca; Natasha Salonen <NSalonen@regionofwaterloo.ca>
Subject: Community Response to Jananna/Wilmot Drainage Project

****EXTERNAL ALERT** This email originated from outside the Region of Waterloo.**

Hi Mayor,

I hope all is well. I'm reaching out to you today on behalf of a large number of concerned Wilmot citizens that have unwillingly been forced into a proposed Wilmot Township rural drainage project.

Why does this matter to you? Eventually this project proposal will be making its way to you...Council Chambers.

So far this project has been kept underwraps and I'm sure you have heard very little, if nothing, about it... that might be intentional. Preliminary work on this project has been going on for years. The folks spearheading this project are hoping for an uneducated Council. They are going to dump a last minute Engineer Report chock-full of technical details in front of Council members who know nothing about the project and have very little time to educate themselves, therefore Council put all their faith in the Engineers and things get approved blindly. We need to change that, and it starts with information.

Here are some of the key notables...

- A current drainage project being facilitated by the Township of Wilmot through the Drainage Act has been anything but a democratic process even though it's supposed to be.
- This type of project is forcefully placed on a number of residents, for many against their will. Ultimately these residents are forced to bear the burden of the costs of these projects and the sometimes destructive outcomes. Little to no evidence of a benefit has been provided in this particular case.
- The process has been fraught with many issues to-date
- The large majority of the landowners and residents impacted by this have been suppressed from attending meetings, receiving notices, providing input and just receiving a basic level of information in general. Therefore attendance at information sessions has been non-existent, which as this point appears to be the intent.

- Required meeting notices have not been provided. The shocking majority have reported receiving no notices to meetings, not enough notice and late notice.
- The Engineer assigned to the project by the Township has taken no steps to reach out to the impacted community members even though guidelines state they should be.
- This has created a one-sided, biased, non-objective assessment of the project issues and deliverables.
- At one of the preliminary public meetings both the Engineer and Township Drainage Superintendent made suggestions to accept the proposal and not to appeal because it will add to your cost - how is discouraging your right to appeal democratic and just?
- The sentiment from most is that this process is rigged against those who oppose it. You have the Township Drainage Superintendent appointed engineer, Township Drainage Superintendent and Petitioner working hand-in-hand to get this through. It's supposed to be a fair, impartial democratic and unbiased process but many fail to see that here.

This project will be put in front of Council soon where you're going to be asked to approve it, reject it, or send it back for changes. That means education needs to start now, not just at that one meeting. This proposed project is impacting too many people, and not in a good way. You need to know that the overwhelming majority of the people involved in this project are against it for a slew of reasons. There is no other way to really word it, but this proposed project is utter lunacy and it's hard to believe it's gotten to this point. One of the biggest problems on display is that this proposed project shows a complete disregard for common sense and so much waste. Why are government projects still so plagued by this? Why do we put so much faith in these Engineers when they're not always right? When can common sense, pragmatism and democracy return to Government?

The uncovered problems of this proposed project and processes have been organized and compiled in these notes (you just have to click the link below):

https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VihP0NNH_ktHP-X7P_lb0/edit?usp=sharing

Please take the time to go through them. It's all there - feedback from the community, which has been shut out of the process to-date. We're happy to walk through them at any time. I know there is a lot to process, trust me, I've been doing it for months, but the more educated we all are, the better. This is a start, but every new piece of information will help to provide clarity. To-date these notes have been shared with Kris Wilkinson - this project is taking place in Ward 2 and Stewart Cressman. They are now being shared with the rest of Council.

Thank you for taking the time.

Cory Kittel



From: [REDACTED]
To: [Candice Greenley](#)
Cc: [to: Stephen Brickman](#); [John Kuntze](#); [Chad Curtis](#)
Subject: Fwd: Bamberg Creek + Field Overflow Flooding
Date: June 26, 2023 9:39:19 AM

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

Hello Again Candice,

Please see Lucy's email with attached photos below.
Thank you.

Regards,
Chris Gawron

----- Forwarded message -----

From: **Lucy Gawron** <[REDACTED]>
Date: Sat, Apr 22, 2023 at 3:01 PM
Subject: Re: Bamberg Creek + Field Overflow Flooding
To: <Stephen.Brickman@headwayeng.ca>
Cc: Theresa <[REDACTED]>, [REDACTED],
Christine Gawron <[REDACTED]>

Hi Steve,

Here are a few photos I took around March 21st and on Good Friday, April 7th of 2023. The one photo was taken inside the corner of our bush. It shows some water over flow from Bamberg Creek but it was far worse many times over during Spring thaw, for many years. It's always like a "lake effect" over flow. The other field shot shows some over flow from Bamberg Creek as well if you look closely at it from the right corner towards the bush right side. I saw more over flow this year, but I could not make it down as it was raining and it was too difficult for me to walk the fields. Hope these photos will be useful for counsel.

Regards,
Lucy



















Cory Kittel <corykittel@gmail.com>

Follow-Up

Cory Kittel [REDACTED]
To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Tue, May 23, 2023 at 1:47 PM

Stephen,

I hope you had a good long weekend. If possible, please give me a ring today. I left a message for you on the 12th. Could you provide me the attendance records for the 3 meetings held to date regarding the Jananna project? There was the on-site meeting and two public meetings. If you could send my way by Thursday, that would be great.

I also wanted to inquire about your meeting with the Jananna folks. When you were at my place you suggested you should be the one to reach out to them regarding my plans to install and pay for a section of drain. I just wanted to discuss what came of that. Give me a shout.

Cory
[REDACTED]



Next Steps

Kris Wilkinson <kris.wilkinson@wilmot.ca>
To: Cory Kittel <[REDACTED]>

Sun, May 28, 2023 at 10:30 PM

Hi Cory,

Thank you for having us out to speak on Friday. I have more information for you after reviewing the staff report for consideration tomorrow night May 29 and reading the drainage report.

Please review the next steps.

After the next public meeting then there would be one more consideration of the report before proceeding and moving to a court of revision. Again, I must reiterate that the Drainage Act is driving this process and the township is put into a tough spot if there is denial and then appeal of the application.

This is the current options in front of us:

On July 12, 2021, Council appointed Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. In the Report, the Engineer outlined the history of the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

On May 5, 2023, Stephen Brickman, P. Eng., Headway Engineering filed with the Township Clerk the Bamberg Creek, Jananna and Koch-Leis Municipal Drain Report dated April 28, 2023.

REPORT:

By accepting the Engineer's Report, the Township Clerk will schedule a meeting for Consideration of the Report, which is scheduled to take in place in June or July, 2023.

At the Consideration of Report meeting, Council can receive a presentation on the report from the Engineer and receive comments, questions, and other input from affected landowners, agencies and utilities. At the conclusion of the meeting, Council must provide the opportunity for property owners to add or remove their name from the petition and then confirm with the Engineer if the petition submitted remains valid under Section 4 of the Act.

At this stage, Council may decide to:

1. Provisionally adopt the Engineer's Report

- Provisionally adopting the Report by providing first and second reading to a provisional by-law would signal Council's intent to proceed with the Engineer's Report and initiates the appeal process, if necessary, under the Act.

2. Refer the report back to the Engineer

- if there appears to be errors in the report or Council believes the report should be reconsidered for any other reason, Council may refer the report back to the Engineer.

- The Township's Drainage Superintendent and Township staff advise that the Engineer's Report is in general conformity with the Drainage Act.

3. Take no action on the Engineer's Report

- Any petitioner could appeal to the Drainage Tribunal the decision of Council to not proceed with the report under the Drainage Act.

- If there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy.

- Under Section 79 of the Drainage Act the Township would be liable for any damage claim by an affected landowner due to failure to properly maintain an existing municipal drain

Call Me if you have any questions.

Cheers,



Kris Wilkinson

Councillor Ward 2

Township of Wilmot | 519-807-4173

Wilmot.ca | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

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Cory Kittel <corykittel@gmail.com>

Re: Quick Update and Hopeful Meet Up

Theresa Gawron [REDACTED]

Wed, Jun 7, 2023 at 12:41 PM

To: Cory Kittel [REDACTED]

Cc: Walter Krupnik <[REDACTED]>, Chris Gawron [REDACTED]

Hello Cory,

Thank you for your email. Our family looks forward to presentations and discussions at the Council meeting on Monday June 26th. See you there.

Regards,

Theresa Gawron

From: "Cory Kittel" [REDACTED]

To: "Theresa Gawron" [REDACTED], "Walter Krupnik" [REDACTED], "Chris Gawron" [REDACTED]

Sent: Monday, June 5, 2023 4:03:10 PM

Subject: Quick Update and Hopeful Meet Up

Hi Theresa, Walter, Chris,

I hope you are all well. Since these are the only email addresses I have, I've included you on this email, but if there is anyone else I should be including, please let me know.

With the report complete and more details of the project costs finally available, now would be a great time to explore all the options on the table. A couple of the neighbours are hoping to have a very positive and friendly meet-up and discussion about the project. Just to make sure we are exploring everything and understand the needs. I reached out to John K and the Township as you suggested and this is what they suggested is best. Just neighbours talking with neighbours. There is really nothing to lose - maybe we spark some ideas, figure out a way to lower some of the cost and still get the same results - if not you can just continue down the path outlined in the report - again, there is really nothing to lose. Just a good open and friendly discussion. If the weekend works best or a weekday evening you prefer, just let me know. I can relay what works best. I hope this makes sense. I think it's worthwhile given the cost and impact involved.

I also wanted to provide another quick update regarding the pond. I promised you I would get this fixed. I've secured a contractor and have been able to finally secure and ship in heavy clay to infill parts of the pond, re-enforce the sidewalls and build berms. I had a survey completed and this plan is professionally designed and also details work to deal with any water and drainage issues including the potential for water in the low area of the field since the pond drain needs to go that way anyway. I presented this plan to the Engineer in February and he seemed receptive. It checks all the boxes and at a fraction of the cost. He said he was going to discuss it with you. Was he able to?

Again, the intent here is just to have a good discussion, keep it positive, and keep the communication going which is so important. I hope you agree. Let me know.

Cory
[REDACTED]



Cory Kittel <corykittel@gmail.com>

RE: Clarifying Question of Petition Validity

Brook, Timothy (OMAFRA) <Timothy.Brook@ontario.ca>
To: Cory Kittel <[REDACTED]>

Wed, Jun 7, 2023 at 10:45 AM

Hi Cory,

In Section 4 of the Drainage Act, the term “lands in the area” refers to the lands in the area requiring drainage. It is how the engineer determines if the petition is valid or not. The engineer needs to determine the area that requires drainage and then compares the properties in that area with the properties that have signed the petition to see if one or more of the criteria in Section 4(1) are met or not.

I have attached both Section 4.6 and Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act. These sections summarize the topics of the area requiring drainage, the petition and some of the case law regarding these topics. The full decisions can be found on www.canlii.org/en/on/ondr as well as other referee decisions.

Sincerely,

Tim

Tim Brook

Timothy R. Brook, M.Sc., P.Eng.

Ministry of Agriculture, Food and Rural Affairs

Drainage Program Coordinator

519-766-3651

From: Cory Kittel <[REDACTED]>
Sent: Tuesday, June 06, 2023 10:33 PM
To: Brook, Timothy (OMAFRA) <Timothy.Brook@ontario.ca>
Subject: Clarifying Question of Petition Validity

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Tim,

I'm hoping you can help me understand this part of the Drainage Act. I for the life of me can't make sense of it. For the validity of the petition, this is what the engineer referenced in his report.

Petition

4 (1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,


- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;


"lands in the area" I don't really understand.

I'm also trying to gauge the validity of the original petition when the engineer adds new areas requiring drainage due to the scaling nature of a project which then changes the 'majority in number'.

Cory

2 attachments

 **852 - Part A, Section 4.7 Case Law Petition.pdf**
179K

 **852 - Part A, Section 4.6 ARD and Petition.pdf**
2315K

Letter to the Mayor and Councillors of Wilmot Township June 8th, 2023

We the undersigned wish to strongly protest the proposal to put in a drainage system on the Jananna lands which would flow into Bamberg Creek and thus transform this natural area into an ecological disaster.

It should be understood that most of the landowners have not been given proper notice of the various meetings to date, especially the farmer who works the majority of the acreage in the area.

Of the 17 landowners involved, only the single petitioner is claiming any benefit to this project.

The Drainage Act specifically requires that "owners that represent at least 60% of the land in the area" be party to any petition for drainage, and that "the owners have made a decision that the drain will be of benefit to them and that the probable cost will be lower than the anticipated benefit". Neither of these requirements have been followed.

No new acreage will be opened up. No crops are currently being adversely affected. The Jananna lands are already extensively tiled. Any cost/benefit analysis just on a strictly financial basis points to a failure on benefit and an unnecessary cost. There would also be perpetual maintenance costs.

Importantly this area has been designated for many years as a Provincially Significant Wetland. Ongoing annual declarations are made by landowners promising "not to undertake any activities that degrade, destroy or result in the loss of the natural heritage feature". This project would destroy the Bamberg Creek PSW and make it a drainage ditch.

This beautiful area has also welcomed the hikers of the Avon Trail Association. A new bridge over the creek was just recently built by volunteers at their expense and dedicated in 2020.

We urgently request that the members of Council and the Mayor come to the site in the next few days for an escorted trip to see for themselves that the land is good as it is. An invitation to you will be made.

This drain proposal does not meet the requirement that the petition must be signed by the majority of the owners in the area requiring drainage or by owners that represent at least 60% of the lands in this area. The cost/benefit requirement is not met. We are asking Council to reject the petition.

SIGNED:





Cory Kittel <corykittel@gmail.com>

Bamberg Creek, Jananna and Koch-Leis Municipal Drain Project

Ken Heintz [REDACTED]

Mon, Jun 12, 2023 at 10:48 AM

To: "natasha.salonen@wilmot.ca" <natasha.salonen@wilmot.ca>, "kris.wilkinson@wilmot.ca" <kris.wilkinson@wilmot.ca>, Lillianne Dunstall <lillianne.dunstall@wilmot.ca>, "harvir.sidhu@wilmot.ca" <harvir.sidhu@wilmot.ca>, "stewart.cressman@wilmot.ca" <stewart.cressman@wilmot.ca>, "steven.martin@wilmot.ca" <steven.martin@wilmot.ca>
Cc: Cory Kittel [REDACTED] Chad Curtis <chad.curtis@wilmot.ca>

Good morning,

Next Monday, June 26th, at the Notice to Consider the Engineer's Report, the Engineer will present their findings and their proposal to address a petition regarding drainage on the Jananna property.

I am writing this email on behalf of the other landowners involved in this project. Of the 16 landowners (not including the petitioner and the Region of Waterloo) only 3 were invited to the initial on-site meeting to hear about and discuss the petitioner's drainage problem. There are so many issues and concerns with the engineer's proposal that we have not had the opportunity to talk about. There have been no meetings to discuss what could be done. The only meetings have been to inform us of what will be done in this overly extensive, expensive and unnecessary project.

For the last 30 years, my husband has farmed all of the land to the south of the petitioners property. He is extremely familiar with the creek and the drains from the northern properties that flow into the creek. We would like to invite you to meet with us in order to look at the site for yourselves to better understand what the engineer is proposing and how it is a complete waste. Their proposal is so extreme and will not accomplish what could be easily fixed by other means. Their proposal will destroy the beautiful Bamberg Creek that has been flowing through our properties for hundreds of years. The petitioner has already had their property systematically tiled. They want to correct the flow of water from a small portion of their land and this could be easily remedied in a more cost effective manner without an engineer and without the extreme destruction of surrounding lands. The engineer's proposal is a gross overstatement of the work that needs to be done.

So, please, meet with us and let us show you, in order to see for yourselves and understand the issue from a farmers perspective, with a conversation that can be easily understood, not engineer diagrams and measurements in a fancy booklet.

I am attaching a letter which has been signed by our group. I hope that you read it. I hope that you think about it. I hope that you can make an informed decision.

We are available to meet you individually or as a group.

Thank you,

Cathy and Ken Heintz

[REDACTED] and [REDACTED]



Landowner Letter Regarding Jananna Drain Project.pdf
623K

Subject: Bamberg Creek Drainage Project
Date: Thu, 15 Jun 2023 17:45:10 -0400
From: Peter Wurtele <[REDACTED]>
To: natasha.salonen@wilmot.ca
CC: harvir.sidhu@wilmot.ca

This Bamberg Creek Drainage Project seems to have started out as an issue that could have likely been resolved between

two landowners on their own. But once the Drainage Act was brought into the picture it has allowed various forces at large

to grow this original small issue into a monster- very much larger in scope and in overall cost and very controversial.

A list of concerns has been sent separately in a more general letter from us all, so for the sake of clarity, I won't repeat

them here.

But 16 of the surrounding 17 involved landowners are very much against the project and see no benefit that is worth investing so much money into.

It is even unclear how the petitioner as a farmer is getting any particular payback from the investment.

We are in a similar position to the RoadRunner who has mistakenly run out over the cliff

only to find that the only thing to save him from the impact in the canyon floor below

is a very expensive parachute.

As Councillors of our Township you have the power to help us back away from the cliff onto the solid ground where we were.

The farmland involved is being satisfactorily used as it is, and though a drainage project might give the possibility of an

occasional benefit from year to year, it really can't do that in a way which has any economic sense to it.

Sometimes it's best to let nature cope without intervention.

Re: Jananna Drain Petition Validity

Cory Kittel [REDACTED]
To: harvir.sidhu@wilmot.ca

Fri, Jun 16, 2023 at 1:51 PM

Hi Harvir,

Attached is an updated version of the document I had sent you earlier. Let's definitely take some time to go over this when you're available next and schedule something on-site. Seeing is believing in this case. Talk soon.

Cory
519-635-2679

On Thu, Jun 15, 2023 at 1:30 PM Cory Kittel [REDACTED] wrote:
Harvir,

Thanks for the quick chat. Attached are details of the big development that has recently surfaced regarding this project. We'll want to connect to talk through it, a site visit would be the best. I hope it's laid out well, but none of this stuff is simple and not complex. We've been talking to Kris about this as well and Stuart was here this morning for a quick tour.

The validity of the petition forms the basis for this whole project. If the petition is not a valid one, then there just isn't a path forward for the project.

Cory
[REDACTED]

 **jananna_invalid_petition_061623.pdf**
2029K



Cory Kittel <corykittel@gmail.com>

Visit Follow-Up and Document Update

Cory Kittel [REDACTED] Fri, Jun 16, 2023 at 2:02 PM
To: Stewart Cressman <cressman@sympatico.ca>, Stewart Cressman <stewart.cressman@wilmot.ca>, [REDACTED], David Marshall <dmarshall@marshallzehr.com>

Hi Stewart,

Thanks again for joining us on-site yesterday. It was a nice morning for a walk :) I think this is truly a project where seeing is believing. I have attached an updated version of the print-out I gave you yesterday. It expands on a few other validity issues related to the project, most of which we talked about.

Thanks again. Please reach out with any questions.

Cory Kittel
[REDACTED]

 **jananna_invalid_petition_061623.pdf**
2029K



Cory Kittel <corykittel@gmail.com>

Drainage Petition Request

Cory Kittel [REDACTED]

Fri, Jun 16, 2023 at 10:09 AM

To: Chad Curtis <chad.curtis@wilmot.ca>, John Kuntze <jkuntze@ksmart.ca>, Sharon Chambers <sharon.chambers@wilmot.ca>

Bcc: David Marshall <dmarshall@marshallzehr.com>

Hi all,

In reference to the Engineer's Report for 'Bamberg Creek, Jananna, and Koch-Leis Municipal Drains, I've been asked if you could send me copies of the updated petition or the additional petition related to the works for the ...

Jananna - West Branch Koch-Leis Drain

These additional 'areas requiring drainage' were noticeably absent from the original petition filed April 26, 2021.

Thank you

Cory Kittel
[REDACTED]

June 16, 2023

To the Mayor and Councilors of Wilmot Township,

I am writing this letter in objection to the petition for the proposed drainage works for the Bamberg Creek, Jananna and Koch-Leis Drain.

My name is Ken Heintz and I live at [REDACTED]. I farm and work all of the land around the Bamberg Creek [REDACTED] of the petitioner's farm. I am very familiar with that portion of the creek and the Koch-Leis drain. I've lived here for over 30 years and the Bamberg Creek has never changed. There is no silt build-up because it runs too quickly.

In 2012 and again in 2018, the petitioner requested that the Koch-Leis drain be cleaned out and the creek be dug to correct the flow of water in the creek. The dirt removed from the creek was piled on the south side of the creek bank both times. It created a swale making the land behind the swale unworkable. There was about 20 acres that all surface drain to the Koch-Leis drain. This makes common sense to the engineer to trap water into someone else's field and make it unworkable? I had to install tiles into the field so that the flooded land I was working could be farmed. Both of those years, the flow of water was being impeded by beavers that had built a dam further down the creek.

Prior to starting this petition there was another beaver dam creating the same issue. The petitioners saw the beaver dam in the creek and instead of having it removed, started this petition to dig the Koch-Leis drain and Bamberg Creek. The beavers have been removed. The creek flows fine and there are no drainage issues.

The west branch of the Jananna drain runs from Gerber Road to the Koch-Leis drain and into Bamberg Creek draining water from the area on the north side of Gerber Road. This area is pure sand and does not hold water. Also, the entire north side of the Jananna land is all sand. They hired a drainage contractor to systematically tile their farm. He drained the south side but did not put tiles in the north because it's pure sand, doesn't hold water and doesn't need tiling. So, installing a concrete sealed tile makes absolutely no sense when you don't have a water problem.

The east branch of the Jananna drain flows into [REDACTED] pond. The southeast back corner of the Jananna farm is not drained into the systematic tile and needs to go across [REDACTED] land. Instead of this extensive proposal by the engineers, a 6" plastic perforated tile would be ample to drain the two acres. There is 3' of drop in the creek with is plenty of depth for a 6" plastic tile. The Bamberg Creek does not need to be dug.

I think this proposal is a complete waste of money. There are many alternatives that should be explored that would cost a fraction of the amount of this proposal.



Cory Kittel <corykittel@gmail.com>

Thank You

Cory Kittel [REDACTED]

Mon, Jun 19, 2023 at 4:30 PM

To: Steven Martin <steven.martin@wilmot.ca>


Cc: Elena Borissova [REDACTED], David Marshall <dmarshall@marshallzehr.com>, Ken Heintz [REDACTED]

Councillor Martin,

We just wanted to take the time to thank you for your visit on Saturday. We appreciated the opportunity to discuss our concerns, show you around and give you a first-hand account of some of the issues we are raising, most importantly the invalid nature of the petition. You have the print out, but you can also find a digital copy of the notes here as well.

If you have any questions or need clarification on anything, please reach out at any time. Thanks again for your time. It means a lot.

Cory
[REDACTED]

 jananna_invalid_petition_061623.pdf
2029K

Re: Jananna Drain Petition Validity

Cory Kittel [REDACTED]
To: Lillianne Dunstall <lillianne.dunstall@wilmot.ca>

Mon, Jun 19, 2023 at 4:45 PM

Thanks for getting back to me Councillor Dunstall. The Drainage Act is supposed to be a democratic process, so it has these built-in checks and balances to ensure those opposed to certain works have the opportunity to do so. This was overlooked here and the lands described in the report by the engineer did not accurately describe the areas requiring drainage. His failure to do so would not afford the intended protection for those who did not sign the petition. This is a statement pulled directly from case law in the notes I provided which also comes from the official OMAFRA guide for Engineers, so we safely say the engineer was provided this information.

The details here are important, so if you have any questions or require any clarification at any time, please feel free to reach out.

Cory
[REDACTED]

On Mon, Jun 19, 2023 at 3:59 PM Lillianne Dunstall <lillianne.dunstall@wilmot.ca> wrote:

Hi Cory, I just spoke with Councillor Martin and he is reaching out to the Township with this new information.

We will see what they say

[Get Outlook for Android](#)

From: Cory Kittel [REDACTED]
Sent: Monday, June 19, 2023 3:24:52 PM
To: Lillianne Dunstall <lillianne.dunstall@wilmot.ca>
Subject: Jananna Drain Petition Validity

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Hi Lillianne,

Thanks again for joining our neighbourhood gathering a few weeks ago regarding the proposed drainage project in our neck of the woods. That meant alot to us. Since that time there has been a significant development that put into question the validity of the project. We'll want to connect to talk through it, a site visit would be the best. I hope the information attached is laid out well, but none of this stuff is simple and not complex. The details matter here. We've been talking to Kris about this as well and Stuart and Steve were here for a quick tour.

The validity of the petition forms the basis for this whole project. If the petition is not a valid one, then there just isn't a path forward for the project.

Thanks again Lillianne

Cory
[REDACTED]

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Cory Kittel <corykittel@gmail.com>

Updated Package: Invalid Petition

Cory Kittel [REDACTED]
To: Kris Wilkinson <kris.wilkinson@wilmot.ca>

Fri, Jun 23, 2023 at 5:57 PM

Hey Kris,

Here is an updated package. It includes a few new photos and additional details from the OMAFRA Engineers Guide. This might be helpful to the lawyer reviewing. Do you know the name of the firm/lawyer?

Cory

 **jananna_invalid_petition_062323.pdf**
4320K

Points Needing Clarification

Cory Kittel <[REDACTED]>
To: John Kuntze <jkuntze@ksmart.ca>

Mon, Jun 26, 2023 at 2:44 PM

Hey John,

I was talking to the Wellesley Township folks after your discussion with them recently and I think there are a few updates and points that require some clarification. I'm sending this also because I want it noted as well.

Neighbours Dispute?

I mentioned this over our last call, but to call this a dispute between neighbours when there has been very little communication between neighbours, is a little far fetched. I have never personally met any of the Jananna folks, other than Lucy the odd time, prior to the public meeting. This started with a call to my Mom (widowed and 72 at the time) about installing and paying for some drainage. I just stepped in to learn more. My one and only call with Christine Gawron was cordial and brief, but we simply asked if they could send some information and a few more specifics. That was the one and only time I spoke to them. That's when you became involved. We waited for over half-a-year for any kind of details from you. Too much time had passed and we just never heard anything else after that – communication fizzled, no follow-up, no visits, no further conversations – and that was it. Communication was a major problem. They were never denied their request, nobody said no. There were no decisions made, no discussions, it just went quiet. Who's fault would that be? Who's obligated to see it through? Who's project was it? Who determined the next steps? It wasn't my farm so it's not even a decision I could have made at the time on my own.

Water Crossing Issues?

I moved here a year and a half ago. This is an supposed issue I had no idea existed and not one person talked to me about. I couldn't get any details from the on-site meeting because I didn't even know about the meeting and never heard a peep from the Engineer after all my follow-ups were ignored to learn more about what the problems were. The first time I heard about this was at the public meeting where the plan was already assembled with no input and where I was trying to learn what the heck was going on. How does someone fix a problem they don't know about? Shouldn't they be given the opportunity to do so?

It's important to mention that I met with the Engineer (Headway) early February to discuss a plan to install a solution on my property that I already had surveyed, designed, ready to install, that actually solves all the supposed issues, doesn't band-aid it, is more cost-effective, will be installed quicker, and that I would pay for. The Engineer seemed receptive to the idea, but he insisted he talk to Jananna about it and not me. I asked him a few times how it went, no response. I can only assume he never did what he said he was going to and the conversation never happened.

Water coming over to the Jananna side from my property is an over-exaggeration. The reality is that the water issue is very insignificant. There is virtually no impact to their crops. There is also a new drain already in this area that the Engineer missed on his initial inspection that nobody wants to talk about and is missing from any of the reports and presentations. Plus I just recently had some work completed to divert any potential water that crosses over to an already unfarmable sandy low spot further East on my property with a slope that has absolutely zero chance of crossing over. So I have already addressed the problem. Plus I have a plan for infill and other groundworks later this summer. This is why the Drainage Act doesn't make sense here, because any issues like this can easily be fixed. In the lower depression the Jananna water has been crossing over to our fields for decades if not centuries.

Cory
[REDACTED]

From: [REDACTED]
To: [Natasha Salonen](#); [Stewart Cressman](#); [Kris Wilkinson](#); [Harvir Sidhu](#); [Lillianne Dunstall](#); [Steven Martin](#); [Clerks](#); [Harold O'Krafka](#); [Jeff Molenhuis](#)
Cc: jnowak@wellesley.ca; swagner@wellesley.ca; lsebben@wellesley.ca; dbrick@wellesley.ca; chergott@wellesley.ca; [Tim Van Hinte](#)
Subject: Bamberg Creek, Jananna and Koch-Leis Drain Situation - Need Far Better Solutions
Date: June 26, 2023 1:41:10 PM
Attachments: [May 29 2023 Township of Wilmot Jananna Drain v2.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open any attachments unless you recognize the sender and know the content is safe.

To Wilmot Mayor Salonen, Councillors, and Staff,

Several weeks ago I appeared before Wilmot Council as a long-time area environmental advocate to express serious concerns about the Bamberg Creek, Jananna and Koch-Leis Drain project. I have attached my delegation again below. It seems that there have been even more concerns and issues raised about the destruction of these creeks and streams since that presentation.

It is simply absurd to be excavating and destroying beautiful natural waterways into concrete and tile lined ditches that will expedite the flow of agricultural run-off towards already flood-prone areas of Wilmot Township like New Hamburg. In this era of global climate change, we need to be slowing down water run-off, allowing infiltration and absorption, and not loading natural watercourses with fertilizer-laden agricultural run-off that has caused massive algae blooms and multiple other issues in other places across our province.

As I pointed out in my presentation, other communities such as Kitchener are winning awards for removing drainage ditches such as this and restoring them back to naturalized waterways.

We have learned over the decades from past mistakes and that there are far better ways to manage drainage, run-off, and natural areas than destroying our creeks and waterways to turn them into unnecessary and quite harmful drainage ditches.

This project appears to be strongly opposed by every impacted Wilmot Township resident and property-owner and only seems to be supported by the proponent. In this case, with no benefits for others (only loss and destruction) at a minimum all costs under the Drainage Act if it is being invoked to force this through should be the responsibility of the proponent - and found to be the responsibility of the proponent - likely making the project unviable.

This isn't the only option for water management available to the proponent and as I mentioned during my recent presentation there are numerous best practices such as retention ponds with water recycling, ALUS (Alternative Land Use Services), rural water quality programs being heavily utilized by progressive farmers and landowners across Waterloo Region and Ontario without resorting to the draconian and outdated Drainage Act.

I urge everyone involved to work to implement better solutions - it is simply absurd to be wasting so much money destroying our natural areas, streams, and creeks and to be creating decades of future liabilities that could cost Wilmot Township, Wellesley Township, and citizens so dearly.

Sincerely,

Kevin Thomason.

P.S. I have also included Wellesley Mayor Nowak and Wellesley Council/Staff on this e-mail since these creeks and waterways begin in Wellesley Township the destruction of these natural creeks and waterways impact them as well.

Kevin Thomason

[REDACTED]

[REDACTED]

Presentation to the Township of Wilmot

May 29, 2023

Bamberg Creek, Jananna and Koch-Leis Municipal Drains

Honourable Mayor, Councillors, and Guests,

My name is Kevin Thomason. For decades now I have helped to steward the environment across our region. Some of our most significant achievements has been the creation of our unique Protected Countryside designation that overlays the groundwater recharge areas of the Waterloo Moraine, and our precedent-setting Environmentally Sensitive Landscapes – recognizing and protecting the most sensitive and important watersheds in Waterloo Region as intact, complete ecosystems.

It was with great surprise that I started receiving phone calls from concerned citizens back in the Winter about disturbing plans to destroy area creeks and streams along with all their associated nature to turn them into drainage ditches, pipes, tiles, and concrete to expedite agricultural run-off.

This was startling since we presume that the Grand River Conservation Authority has strict protections for our area waterways and wetlands. We expect our local municipality to protect us, and we think that the Region of Waterloo, and even Ministry of the Environment or Ministry of Natural Resources is watching closely over things. We think our Protected Countryside and the Laurel Creek Headwaters Environmental Sensitive Landscape designation will protect our essential watersheds.

However, even in the case of environmentally sensitive lands, cold-water fisheries, and endangered species, the Drainage Act trumps everything – much like the Aggregates Act overrides pretty much anything and everything that can stand in the pursuit of gravel mining.

It was incredibly troubling to hear the plans to dig up, excavate, and destroy what is today beautiful, rural streams full of nature - some of it rare or endangered like the Eastern Meadowlark and the many other significant species found in this part of Wilmot Township, on these lands that are supposed to be part of our Protected Countryside, and protecting our groundwater aquifers and recharge areas.

In fact, it is extremely troubling to see this application moving in the exact polar opposite direction of other area municipalities such as the City of Kitchener, which for several years now has been undertaking an extensive rehabilitation of channelized ditches, concrete drainage canals, and former creeks that had been destroyed and turned into wastelands of concrete, pipes, contaminated run-off, and refuse.

Instead, the City of Kitchener has been tearing out the concrete, bringing in old logs, boulders, and extensive vegetation planting along with making the watercourses bend and turn and meander like a wild stream.

In fact, according to the professors studying these Kitchener rehabilitations, nature is returning to these areas faster and in greater abundance than ever imagined. The City of Kitchener has now won several prestigious awards

for this incredible creek and stream rehabilitation work that they have been doing.

So once again, it confounds and pains me to see this application to do the opposite here in Wilmot - to spend hundreds of thousands of dollars digging out, excavating, bulldozing, channelizing, and destroying these area streams and all the creatures they currently contain while forcing concerned area landowners to fund it.

It doesn't have to be this way. I understand that this isn't really a Township decision, that the Drainage Act trumps everything, and unfamiliar Commissioners and others, relatively unaccountable in our community, oversee everything.

I realize that there is little that we can do – the public is pretty much powerless to watch these natural areas including. what the consultant's own report describes as “portions of the drainage system passing through components of the Provincially Significant Sunfish Lake Laurel Creek Wetland Complex” significantly impact these important waterways and natural areas.

However, there are alternatives. The Drainage Act is ancient and as the City of Kitchener is demonstrating firsthand, there is no need to do things this way anymore. Times have changed. Practices are changing. Instead of destroying ecological areas, we can instead turn the tables and find creative ways to enhance them, and even create more habitat.

The Alternative Land Use System (ALUS) was started very close to here in Norfolk County just over ten years ago by the agricultural community. They actually pay farmers to provide ecological services by doing innovative things with their lands like creating natural buffers, enhancing wetlands, and better managing run-off. It is a fantastic program that their lead farmer - the amazing Brian Gilvesy, has now taken nationally with impressive accomplishments in Manitoba, Saskatchewan, Nova Scotia, PEI, and elsewhere.

While tiling fields and improving crop area drainage is increasingly common, the need to dump all that nutrient and fertilizer laden water into area creeks – flooding things out during significant rainfall events is becoming less common due to the severe ecological damage. We are seeing Lake Erie and Lake Simcoe being destroyed by algae blooms mainly from agricultural run-off. We should be part of the solution - not adding to the problem as there are now ambitious plans and programs to reduce phosphorus and nitrogen run-off and improve water quality across the province.

Instead, progressive farmers are using the GRCA Rural Water Quality Program, ALUS, and other innovative programs to create ponds on their own properties creating new natural habitat while also holding back these rainwaters and run-off. Then later in the summer when conditions are dry (which we could be seeing far more of under global climate change), these waters in the ponds are then pumped back onto the fields – irrigating crops, saving drawing down local underground aquifers by not having to pump well water to irrigate, and best of all, recycling the nutrients and fertilizers

that would have been so detrimental to area creeks and streams with algae blooms, and allowing that investment in fertilizers originally made by the farmer, to be partially returned to the fields through the use of this recycled water.

It is a win-win-win and I wonder if alternatives like this have been seriously considered for this situation. There must be better solutions than spending hundreds of thousands of dollars destroying our area creeks and streams while creating generations of future issues and liabilities.

In Conclusion

We may think that we are powerless in this situation, however there are alternatives – new, creative and progressive alternatives that could be superior for everyone involved – including the greater public good.

I urge you to speak up and seek better than what this report is proposing for our community. We can be more supportive of our farmers. We can find better uses for half a million dollars than destroying our natural heritage and water sources. We can come up with better long-term solutions that will have far less environmental costs and impact. We could be winning awards like Kitchener.

Please be bold. Be creative. Tap into the Waterloo Region Barn-Raising Spirit to find better solutions than this, and do us proud.

Thank you,

Kevin Thomason.



Follow-Up to Monday Meeting to Consider

Cory Kittel [REDACTED]

Fri, Jun 30, 2023 at 2:40 PM

To: Kris Wilkinson <kris.wilkinson@wilmot.ca>

Cc: Ken Heintz [REDACTED], Ken and Cathy Heintz [REDACTED], David Marshall <davidmarshall1969@gmail.com>, Oleg Borissov [REDACTED], Peter Wurtele [REDACTED]

Barbara Wurtele [REDACTED], David Marshall <dmarshall@marshallzehr.com>, Elena Borissova [REDACTED]

Hi Kris,

I think we just needed to take a few days to digest the outcome of Monday's meeting, but now it's time to follow-up and dig into the details of the decision made.

Correct me if I'm wrong, but was this your first real test representing a large number of your constituents in Ward 2? I think you heard loud and clear where the majority stand on this issue.

Like you said Kris, we're just after the right decisions. If you could provide us some insight into how Monday's decision was the right one and how it came to be, we all might feel a bit better. It appeared the decision made was a confident one, so it should be easy to explain since it was clearly determined before the public meeting what the outcome would be. Part way through the open meeting you could see nobody on council was asking questions, not even of the Engineer who presented nothing of substance regarding the big issues. I think our concerns were loud and clear ahead of the meeting, so how come the Engineer was not put to task?

I personally am still trying to unpackage and make sense of the few details you provided at the end of the meeting. It was clearly nothing that came from or backed by the Engineer's report or presentation.

Can you please try to re-explain what you said during the meeting?

How do you feel the original petition remained valid and only requires one signature?

I also wanted to ask how the vetting of the lawyer went, whose advice was taken to the letter. What vetting was conducted? Was there any potential conflicts with the Engineer and Township Drainage Superintendent who clearly have an agenda to advance these works regardless of validity.

I think what we're looking for at this stage is simply an explanation, openness and transparency. I think that at least we are owed.

I've included our smaller working group here, but the larger group is eagerly awaiting answers as well.

Cory
[REDACTED]

Fwd: Superior Court of Justice – DC-00-00000000-ONEW - Kitchener / Cour supérieure de justice – DC-00-00000000-ONEW - Waterloo Region

Cory Kittel [REDACTED]

Wed 2023-09-06 2:21 PM

To: Samuel Kirwin <samuel@kirwinlaw.ca>

This is what came back. Kitchener Courthouse is not too sure what to do with my Notice.

----- Forwarded message -----

From: <CivilClaimsDocuments@ontario.ca>

Date: Wed, Sep 6, 2023 at 1:34 PM

Subject: Superior Court of Justice – DC-00-00000000-ONEW - Kitchener / Cour supérieure de justice – DC-00-00000000-ONEW - Waterloo Region

To: <corykittel@gmail.com>

This is a message from the Superior Court of Justice regarding your case: **New Case Filing, file number DC-00-00000000-ONEW.**

The following document(s) submitted through Civil Submissions Online on September 06, 2023 at 11:42am, **Confirmation # 1723006**, were **NOT** filed and/or issued with the Registrar:

- Form 61F: Supplementary Notice of Appeal of an Application to the Divisional Court

Your request for filing and/or issuance has been denied due to the following reason(s):

- Other reason(s): Rule 61 sets out that you to file the Notice of Appeal within 30 days of an Order - in case a Report dated April 28, 2023. You will have to file a Notice Motion to obtain leave from a court. You will have to schedule the motion to a Wednesday place holder date unless there is Consent and then it can be plac before a Judge as a basket motion The Notice to Professon dated Feb 2023 sets out how to proceed by way of an Urgent Motion.

If you used a credit/debit card to pay a court filing fee, your credit/debit card has not been charged and any pending charge you see on your account statement will reverse itself within 7 business days. If you used Interac Online to pay a court filing fee, your money will be refunded within 30 days.

You may submit revised documents along with the associated filing fee through Civil Submissions Online.

If you have any questions, contact the court at:

Waterloo Region**85 Frederick Street, Kitchener, ON, N2H0A7****Phone Number: (519) 741-3200**

For more information, please visit [Civil law information and resources](#), the [Rules of Civil Procedure](#) and the [Superior Court of Justice website](#).

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Registrar, Superior Court of Justice

Please do not reply to this email as this mailbox is not monitored.

Ceci est un message de la Cour supérieure de justice à propos de votre dossier : **New Case Filing, numéro de dossier DC-00-00000000-ONEW.**

Les documents suivants, soumis par l'intermédiaire du Portail en ligne pour les actions civiles le 06 septembre 2023 à 11 h 42, **confirmation de soumission n° 1723006**, n'ont **PAS** été déposés ou délivrés par le greffier :

- Formule 61F : Avis supplémentaire d'appel à la Cour divisionnaire

Votre requête de dépôt ou de délivrance est refusée pour les motifs suivants :

- Other reason(s): Rule 61 sets out that you to file the Notice of Appeal within 30 days of an Order - in case a Report dated April 28, 2023. You will have to file a Notice Motion to obtain leave from a court. You will have to schedule the motion to a Wednesday place holder date unless there is Consent and then it can be plac before a Judge as a basket motion The Notice to Professon dated Feb 2023 sets out how to proceed by way of an Urgent Motion.

Si vous avez utilisé une carte de crédit ou de débit pour payer les frais de dépôt, ces frais n'ont pas été portés à votre carte, et tout solde impayé figurant sur votre relevé sera contrepassé dans les 7 jours ouvrables. Si vous avez payé les frais de dépôt en ligne au moyen d'un virement Interac, ils vous seront remboursés dans un délai de trente jours ouvrables.

Vous pouvez soumettre des documents révisés et payer les frais de dépôt connexes par l'intermédiaire du Portail en ligne pour les actions civiles.

Si vous avez des questions, communiquez avec le tribunal à :

Waterloo Region

85 Frederick Street, Kitchener, ON, N2H0A7

Numéro de téléphone : (519) 741-3200

Pour en savoir davantage, consultez la page [Renseignements et ressources en matière de droit civil](#), les [Règles de procédure civile](#) et le [site de la Cour supérieure de justice](#).

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Greffier, Cour supérieure de justice

Veillez ne pas répondre au présent courriel, car cette boîte de courriel n'est pas surveillée.



Paul Courey LL.B.
T.C. Odette Jr. Q.C. (1916-1999)
IN ASSOCIATION WITH:
Stephen Yoker LL.B. (litigation)
steve@legalfocus.ca
Eric Florjancic J.D. (litigation)
eric@legalfocus.ca
Lisa Grant J.D. (real estate)
lisa@legalfocus.ca

18 Queen Street South | Box 178 | Tilbury, Ontario | N0P 2L0
T: 519.682.1644 | mail@coureylaw.com

File No: 23146

October 31, 2023

Ministry of Agriculture, Food and Rural Affairs
1 Stone Road West, 2nd Floor NW
Guelph, ON N1G 4Y2
AFRAAT@ontario.ca

Dear Sir/Madam

Re: Township of Wilmot – Banberg Creek and Jamana Drains

I will represent the Township with respect to these appeals, which I believe you have received by now.

I should advise the Tribunal that there is also an appeal filed with the Referee. It disputes the validity of the petition under section 47.

I wonder whether the Tribunal will choose to delay its process pending the outcome of the Referee's process. If the petition is found to be invalid, then there is no point in dealing with the appeals to the Tribunal.

Please provide some direction.

Yours truly,

COUREY LAW *Professional Corporation*

PAUL
PC/slc

cc: Chad Curtis, Wilmot Township – chad.curtis@wilmot.ca
Corey Kittel – [REDACTED]

**Agriculture, Food and Rural Affairs
Appeal Tribunal**
1 Stone Road West, 2nd Floor NW
Guelph, Ontario N1G 4Y2
Tel: (519) 826-3433, Fax: (519) 826-4232
Email: AFRAAT@ontario.ca

**Tribunal d'appel de l'agriculture, de
l'alimentation et des affaires rurales**
1 Stone Road West, 2nd étage NW
Guelph (Ontario) N1G 4Y2
Tél.: (519) 826-3433, Téléc.: (519) 826-4232
Courriel: AFRAAT@ontario.ca



November 6, 2023

Re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

Dear Parties,

The Tribunal is in receipt of a letter from Mr. Paul Courey, who will be representing the municipality, which outlines that there is an appeal filed with the Drainage Referee by Mr. Kittel relating to the validity of the petition in this matter.

The Tribunal will pause the appeal process for all appellants until there is a decision from the Drainage Referee on this issue.

We ask that Mr. Courey please undertake to advise the Tribunal when a decision takes place.

Thank you,



Glenn C. Walker, Chair
Agriculture, Food and Rural Affairs Appeal Tribunal

TO:

Chad Curtis
Deputy Clerk
Township of Wilmot
Chad.Curtis@wilmot.ca

AND TO:

Ladislaus Bauer
[REDACTED]
[REDACTED]
[REDACTED]

AND TO:

Cory Kittel
[REDACTED]
[REDACTED]
[REDACTED]

AND TO:

Paul Courey
COUREY LAW Professional Corporation
Paul Courey
18 Queen St. S., Box 178
Tilbury, ON. NOP 2LO
Tel: 519-682-1644 Fax: 519-682-1146
Email: mail@coureylaw.com

GUIDELINE

**Services of the
Engineer Acting Under
the Drainage Act**

1998

Published by
Association of Professional Engineers of Ontario

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INTRODUCTION

This guideline is recommended by the Association of Professional Engineers of Ontario and by the Association of Ontario Land Surveyors but is not to be considered as mandatory. Under the *Drainage Act*, an engineer is defined as either a professional engineer (a person who is a member of the Association of Professional Engineers of Ontario—P.Eng.), or a surveyor (an Ontario Land Surveyor—O.L.S.) registered under the *Surveyors Act*, as the case may be. The definition of an engineer in this guideline is therefore different from that of a professional engineer as defined in the *Professional Engineers Act*.

Under the *Drainage Act*, the engineer is customarily called upon to “act” for the purpose of preparing a report for a new Petition Drain (commonly called a Municipal Drain) or for the repair or improvement of an existing Petition (Municipal) drain. Less frequently an engineer may be appointed to prepare a report for the construction of a new Mutual Agreement Drain or a new Requisition Drain or to report on abandonments, land subdivisions or maintenance of drains.

In order to carry out these responsibilities properly, the engineer must have a thorough knowledge of the *Drainage Act*, a familiarity with common law and other provincial statutes respecting drainage, an understanding of drainage effects, and expertise in design and construction of drainage facilities. Engineers should also be familiar with the Design and Construction Guideline prepared by the Ministry of Agriculture and Foods, and prepare and process their reports in accordance with that guideline noting where their reports are not able to be consistent with that guideline.

This guideline is intended to assist the engineer in providing services in connection with the *Drainage Act* with particular emphasis on petition drains. Where applicable, distinction will be made between the more common drain which serves primarily rural lands and the less common drain affecting predominately urbanized lands.

Not all sections of the *Drainage Act* are necessarily discussed herein and engineers must at all times be familiar with the application of the Act in general and to their particular project specifically.

In many instances throughout this guideline, the engineer’s activities are set out using the imperative “shall.” This usage reflects the obligations of the engineer under the *Drainage Act*.

Engineers should satisfy themselves that the instructions received from the initiating municipality are in accordance with the Act. If they feel the instructions are unclear, they should advise the municipality.

This recommended guideline should not necessarily apply rigidly to all drainage works constructed under the *Drainage Act*. On small projects the time and cost of implementing all aspects could be prohibitive, whereas on larger projects even further matters may require the engineer’s attention.

SUGGESTED FEES

All services to be provided by the engineer should be provided on a basis of time plus reimbursement for defined expenses. In some instances, engineers will be expected to estimate their fees in advance of incurring same, and set forth such estimate in their drainage report.

PETITION DRAINS

GENERAL

An engineer is appointed under section 8 of the *Drainage Act* by the Council of an initiating municipality for new petition drains.

The engineer can be similarly appointed under section 74 and 78 of the Act to bring in reports for repair or improvement of existing petition drains.

The engineer can be asked to prepare other miscellaneous reports in connection with petition drains in accordance with other sections of the Act.

If it is a corporation, partnership or association that is appointed, the firm must notify the municipality within 10 days of the particular engineer who will have charge of the project. The municipality must also be advised if the designated engineer should leave his or her firm. In this case the municipality must be advised of the name of the engineer's replacement.

Major categories of work involved with new petition drains include the on-site meeting, the preliminary report if required, the field survey, the office design, the plan and profile preparation, the report preparation, the report presentation, contract tendering, construction supervision and post construction attendance.

ON-SITE MEETING

In accordance with section 9(1) the engineer shall have the clerk of the municipality notify all owners in the area requiring drainage of the time and place of the site meeting. The engineer should examine the petition and assist the clerk if necessary to ensure the notices go to all affected public utilities and road authorities, to any drainage commissioners or superintendents and to any other agencies known to be concerned—for example, the Ministry of Natural Resources, conservation authorities, and local municipalities, county, regional or other provincial authorities.

At the on-site meeting, the engineer shall determine the area requiring drainage, the type of work requested by the petitioners and shall then determine if a sufficient petition has been submitted. If the petition is sufficient, he or she shall proceed further but if it is not, he or she shall notify the municipality in accordance with Section 9(4) of the *Drainage Act*. At the on-site meeting, all available details of construction concerns or hazards should be determined from those present. It is always highly desirable that the proponents drainage requirements and land use intentions be ascertained and documented. Each owner or authority should be interviewed and if any are not present but are deemed to be affected because of work being done on their land, or because of other anticipated concerns, the engineer should attempt to contact them.

At the on-site meeting the engineer should ensure that the petitioners and/or any owners on whose land the drainage works will be constructed are aware of the location where construction may occur and that there may be substantial assessments involved.

PRELIMINARY REPORT

The engineer shall prepare a preliminary report under section 10 of the Act when so directed by the municipality if a sufficient petition for a drainage works has been submitted and confirmed by the required on-site meeting. In some situations the municipality, upon being requested by others, must in turn direct an environmental study or benefit cost statement as part of the preliminary report. Preliminary reports may be prepared for projects authorized pursuant to either section 4 or section 78 of the *Drainage Act*.

Information gathered from the on-site meeting, from existing drainage plans and reports, from topographic maps, from aerial maps, and from preliminary site inspections, etc., can be used in preparing the preliminary report. Engineers should determine at the on-site meeting the degree of detail required and the alternatives, if any, to be studied. They should explain what items cannot be included in a preliminary report.

The preliminary report shall state the estimated cost of the drainage work requested by the petitioners, and should state the assumptions used in making the cost estimate and the variables which would alter a final cost estimate. Criteria described in following sections of this guideline should be used in establishing the preliminary design. An estimate of the total watershed to size the drainage works and determination of the outlet are required. The preliminary report, in addition to including an estimate of all construction works anticipated should provide an estimate of the allowances to be given and the engineering fees to be incurred using percentages based on past reports. The engineer should also prepare a plan based on existing topographic sheets, drainage plans or mosaics to show the watershed area, lots and concessions, the location of the proposed drain and the owners' names. There is no requirement to include a profile with a preliminary report. The report should also state that all quantities and costs are estimates only.

Where the preliminary report is for an urban drainage works, in addition to the other procedures established herein, both the adopted design standards and the design standards of the affected municipality, when different, should be set forth, the applicable zoning bylaw and official plan land use designations should be defined, and the municipal, county, regional and/or provincial engineering departments should be contacted to:

- ◆ obtain full information on existing and proposed municipal services, roads, utilities and other facilities;
- ◆ determine the applicable standard criteria for design, the extent of engineering services to be provided and the manner of presentation;
- ◆ determine the applicable practice for sharing of costs with other public authorities with private developers and with the public, and
- ◆ obtain from representatives of utility companies, railways, road authorities, etc., locations of their facilities, proposed changes and requirements with regard to the proposed drainage scheme.

Wherever possible, the work description, cost estimate and limitations should be included on one or two pages of the report, the plan on another and the profile, if any, on a further page.

The preliminary report may examine one or more alternatives and equal detail should be provided for each alternative studied.

If the preliminary report is to include an environmental appraisal, the engineer shall include it. In preparing an appraisal, the engineer should have due regard to the *Environmental Assessment Act*, and in particular to the definition of “environmental.” The engineer should consult with others such as representatives of the applicable offices of the Ministries of Agriculture and Food, Natural Resources, and Environment and also with representatives of applicable conservation authorities. The report should indicate the body requesting the appraisal, the costs of the appraisal, the purpose and need for the project, a general description of the environment, possible alternative methods in carrying out the project, the effects on the environment that each alternative has, and, lastly, an appraisal of the advantages and disadvantages of possible drain construction having regard to the environment. The costs of the environmental study are to be kept identified separately from other preliminary report costs.

If the preliminary report is to include a benefit-cost statement, the engineer in preparing such should consult with each landowner to be benefited by the drainage works in order to determine and review:

- ◆ present land uses;
- ◆ present crop yields;
- ◆ anticipated land uses and yields upon completion of the drainage works;
- ◆ other land improvements required in addition to the drainage works;
- ◆ other expected benefits and costs to be experienced, and
- ◆ the average level of improvements likely to be implemented.

The engineer should also review soils maps and other available information to evaluate soil types, ground water levels and the effects on same due to the anticipated drainage works. Engineers should consult with representatives of the Ministry of Agriculture and Food as required, and should evaluate the costs or benefits resulting from either decreased or increased access, safety and environmental considerations. The statement report should identify:

- ◆ the drainage works proposed;
- ◆ alternatives considered;
- ◆ the body authorizing the study;
- ◆ the costs of the statement report;
- ◆ a description of the general land uses and environment of the area;
- ◆ a detailed description of each property or block of the area indicating existing and anticipated agricultural (or other) benefits and costs;
- ◆ calculations to show net annual benefits and costs per property;
- ◆ calculations to show net cumulative present day values of benefits and costs, and
- ◆ a preliminary appraisal of the benefits versus costs.

The final report outlining the project and other development costs versus total benefit does not have to be property by property.

With respect to assessments, the preliminary report is not to include an assessment schedule. It may discuss principles of assessment or broad allocations of assessment, but individual assessments are not to be included. Assessment matters may be discussed further at the consideration of the preliminary report.

If engineers are requested to include items in their preliminary report that are not provided for by the Act and this discussion, they should ensure that Council agrees with the preparation of such additional information, and should ensure it is in a separate report and that the costs for such are kept separate and are agreed to before attendance to the work.

Once the preliminary report is prepared, the engineer should confirm with the clerk the number of copies required, and should ensure that the clerk is aware of the landowners and agencies to whom a copy of the report should be sent.

Engineers should determine if they are to appear at the Council meeting to discuss the preliminary report and, if so, they should be prepared to answer questions on the report. They should be prepared to give estimates of assessment per property based on past experience or such other information as is available provided the limitations of such estimates are explained even though the Act does not require such information to be provided.

FIELD SURVEY

The engineer's field survey should include the following items of work, some of which are specifically required by the *Drainage Act*.

- ◆ establishment of a bench mark system for permanent vertical control of work and preferably on Geodetic Control wherever practical;
- ◆ planting of numbered survey stakes at intervals (customarily 25 to 30 metres) to show drain route and to identify position along drain;
- ◆ determination of vertical and horizontal data regarding railways, roadways, laneways, pipelines, overhead utilities, underground cables and associated installations and other possible obstructions plus other data to allow analysis of culvert hydraulics;
- ◆ establishment of sufficient lines and ties for permanent horizontal control of work;
- ◆ determination of existing ditch cross sections and high water level marks;
- ◆ determination of existing ditch bank and bottom elevations, ground elevations, elevations of low areas requiring drainage and elevations of intercepted drains where evident;
- ◆ determination or confirmation of watershed limits of drainage areas and portion thereof;
- ◆ notation of land uses, soil types, special features and problem areas;
- ◆ determination of contours of rock, shale or hardpan where same is known to be at a depth to affect construction;
- ◆ location of other existing major drainage works within the watershed, and
- ◆ location of water levels in wells where shallow surface wells are known to exist.

For urban drains in addition to the above items, the engineer should determine the following:

- ◆ the location of all underground (or overhead) utilities (such as gas lines, cables, waterlines, etc.) existing or proposed;
- ◆ cross sections at sufficient intervals;
- ◆ adjacent basement floor elevations, and
- ◆ subsurface investigations to determine backfill and dewatering requirements and possible effects on private wells, etc.

The field work is best done at a time of year when the required information may be readily determined. If the engineer feels that delaying the survey until conditions permit affects the six months filing period referenced by section 39 he or she should contact the initiating municipality. Any landowner whose property will be affected and any municipal drainage superintendent or commissioner should be advised of the time of survey in case he or she wishes to be present during the survey.

OFFICE DESIGN

The engineer's office design procedures should be in accordance with the Design and Construction Guidelines prepared by the Ministry of Agriculture and Food and should include the following:

- ◆ applicable municipal, regional or provincial design standards, local soils maps, aerial photographs, topographic sheets, and existing drainage reports should be consulted;
- ◆ planning documents that may show existing or changes in land use, road or utility relocation should be reviewed;
- ◆ affected watershed areas should be calculated;
- ◆ draft profiles should be plotted;
- ◆ boundaries of, locations of, owners of, and areas of all properties in the watershed area should be determined;
- ◆ consideration of the effects that the drainage work has on downstream flows;
- ◆ estimate of design rates of flow for open and closed drains;
- ◆ determination of cross sectional dimensions of required closed and open drainage works should be calculated;
- ◆ culverts should be chosen of sufficient capacity to accept the design flows and of sufficient structural strength to withstand anticipated loads;
- ◆ special drainage appurtenances should be designed, where necessary, to reduce flow velocities to reduce or prevent erosion, to prevent or reduce sedimentation, to improve the performance of the drainage works for its intended use, to overcome special problems, and to manage storm water runoff through detention or retention facilities;
- ◆ calculations of quantities of excavated material, clearing required, land areas required for drain construction, allowances to be made, watershed areas and,
- ◆ identification of current and applicable unit prices for construction and material costs.

Other bodies or agencies should be consulted as the need arises.

REPORT PREPARATION

The report should include summaries of the following:

- ◆ the terms of reference, the area requiring drainage, the lands affected by the proposed drain, the existing drainage works serving the lands, the problems found with any existing drains, the problems the owners wish to overcome, the alternatives considered to correct identified deficiencies, the relative merits of each alternative, the recommended alternative, the benefit-cost statement and the environmental appraisal if any, the allowances to be made in accordance with each section of the Act, the estimate of construction and material costs in sufficient detail to identify the cost of each length of the drain, actual engineering costs to date and estimates of engineering costs to complete the drain, the costs in each municipality and across a boundary road, the categories of assessment, the reasons for any special assessments, the actual schedules of assessment, the methods of maintaining the drainage works, the abandonment of an drains made redundant, the specifications to which the drainage works are to be built, the plan, the profile and the standards or details of any special drainage appurtenances or construction areas or any other specified item if required.

The plan for a rural drain should be prepared in a professional manner at suggested scale of approximately 1:10,000 unless the drainage area is smaller, making a large scale practical or unless the drainage area is of such size to make inclusion on a standard drawing impossible thereby necessitating a smaller scale. Graphic bar scales should be used where drawing reductions may be made. The plan should include the following:

- ◆ north arrows, scales, date, legend, lots, concessions, municipalities, ownership lines and names, roadways, railways, pipelines, natural watercourses, proposed drain location, flow directions, horizontal control, existing drains in or adjacent to the drainage area, location of special appurtenances, the watershed of the drainage works and parts thereof, special construction notes or warnings, and the professional stamp of the engineer, the engineer's signature and the date.

The profile for a rural drain should be drawn in a professional manner to a suggested scale of 1:5,000 horizontally and 1:50 vertically unless details require a larger scale and space permits such.

The original ground should be profiled as staked: any adjacent ditch bank, ditch bottom, ditch water levels, intercepted drainage works or other utility should be shown. The design profile grade of the new ditch bottom or closed drain invert should be shown as well as the percentage of grade, and the vertical control of the design grade. All established bench marks should be included and the depth of cut from staked locations to new profile grades should be shown to indicate the depth of the proposed facility in relation to any existing drainage works, and/or the natural ground. The dimensions of each part of the drainage works should be included and the location of any special appurtenances should be shown if possible.

The drawings for urban drainage projects will be of two basic types: those relating to work within the road allowances, and those relating to work entirely off road allowances. For urban projects the following items should also be observed:

- ◆ the drawings should generally show plan and profile augmented with cross sections and detailed drawings as required;
- ◆ plans and profiles should be drawn in a professional manner and to a suggested horizontal scale of 1:500 and a vertical scale of 1:50 for built-up areas and 1:5,000 and 1:50 respectively for rural areas subject to the requirements of the municipality. Graphic bar scales should be used where drawing reductions may be made. The north point should be shown on each plan, together with the names of the roads and streets, lot numbers, concession numbers, property lines, owners' names, the limit of the drainage area, the total area of a person's lands and the area of such lands included in the drainage areas;
- ◆ design details of standard units of construction such as road sections, manholes, catchbasins, guiderails, and pipe bedding, should be presented on standard drawings at common fractional scales;
- ◆ plans should show the location of all existing utilities, both underground and on the surface which intersect the drainage works or are in close proximity thereto, all existing topographic features including embankments, buildings, mature trees, entrances, signs, fences, etc., which intersect the drainage works or are in close proximity thereto; and
- ◆ profiles should show the existing surfaces profile and the approximate location and elevation known existing utilities which will be intersected by the new work. The profile drawing should indicate any finished road surface profiles. The profile drawing should also show the invert and overt profile of any pipes. For open drains, elevations should be shown as well as typical cross-sections.

The specifications for both rural and urban drains should reference all works shown on the drawings or for which the engineer is responsible. They should be complete, clear and concise, with a statement setting forth the general scope of work followed by an **adequate description of the various classes of work, segregated by trade under the proper sections and headings. The quality of materials and workmanship required of the contractor should be described in detail.** Each section and heading should be identified for easy reference and indicated in a table of contents. Where applicable, standard specifications for material should be used and the nomenclature should be the same as that used on the plans.

Prior to completing and submitting the report to the municipality, engineers should determine the number of copies to be submitted, and the involvement expected of them in following the stages or phases.

In the report, engineers should include their costs both as incurred and as estimated to be incurred. Estimates of costs to complete the project should be included once it has been determined by the engineers, through the client, what their further involvement is expected to be on the project. Costs incurred for environment appraisals and benefit cost statements are not to be included with other costs as they are to be charged to the requesting parties.

The engineer shall observe the requirements of section 39 with regard to the six month time period allowed for filing of the report commencing from the date of appointment, unless extended by the municipality.

For urban drainage project, the engineer should submit preliminary plans, specifications and schedules, and applications for approval to the municipality and to public authorities, as required. Engineers may be required to attend meetings at the offices of these public authorities to discuss designs and to provide explanations for the purpose of furthering the applications toward approval.

For both urban and rural projects where, in the opinion of the engineer, the petitioned drain is not practical, engineers shall prepare their reports to state such in accordance with section 40 of the Act.

REPORT PRESENTATION

Under this category, possible services to be provided by the engineer include attendance at the consideration of the report, attendance at the Court of Revision, advice to the municipality regarding the steps to be followed up to the time of completion of construction, and attendance before the Drainage Tribunal or the referee on the matter of appeals. Attendance on behalf of appeals beyond the Court of Revision cannot be anticipated and costs should not be provided in the report for same; however, as indicated previously, engineers should determine prior to the report completion and filing, the municipality's wishes regarding their involvement at drain considerations and Courts of Revision.

If attendance at the consideration of the report is provided, engineers should be prepared to summarize their report, to entertain any questions regarding any aspect of the report, to comment on suggested changes and alternatives and to advise on procedures to be followed if amendments to the report are required. Engineers may be required to give evidence as to how any or all assessment(s) in their report was determined if they are to appear before the Court of Revision or the Drainage Tribunal in an assessment appeal.

CONTRACT TENDERING

As stated the engineer should determine the level of involvement expected in this work phase prior to filing of the report. The duties of the engineer in this category may include:

- ◆ preparation of the tender documents including preparation and/or duplication of forms of tender, schedules of quantities, articles of agreement, specifications, plans and profiles;
- ◆ preparation and placement of advertisements;
- ◆ review and recommendations of tenders;
- ◆ attendance at execution of contract documents;
- ◆ assistance in filing of performance securities, and
- ◆ routine completion of any permits, applications, or licences.

SUPERVISION OF CONSTRUCTION

The general outline of services to be provided by the engineer, if he or she is requested to provide supervision of the project during construction is:

- ◆ to ensure that materials used and results achieved by the contractor are acceptable with respect to the contract documents;
- ◆ interpretation of the requirements of the contract for both the municipality and the contractor. Where an issue develops between the two parties to a contract, the engineer may give a decision on the issue in accordance with the terms of the contract, and
- ◆ general administration of construction as defined in the engineer's discussions or agreement with the municipality.

Some specific functions to be provided by the engineer in the office during construction are as follows:

- ◆ tabulating contractor's progress and final requisitions and issuing progress certificates to the municipality;
- ◆ review shop drawings submitted to the degree necessary to assure the municipality that the contractor's work is in compliance with the design requirements;
- ◆ consider and advise on the use of alternatives in methods, equipment and materials proposed by the contractor;
- ◆ issue change work orders for extra or less work when required and as permitted within the limitations of the bylaw and the *Drainage Act*;
- ◆ provide advice and maintain adequate records related to the contracts;
- ◆ if the municipal record is completed, modify contract documents to show the "as built" work and

provide copies of these drawings to the municipality. The information on which modifications are based will be obtained during construction;

- ◆ issue a certificate of completion when the work is substantially complete, and
- ◆ when total costs for the project are available, to prepare a revised assessment schedule if specifically requested and notwithstanding that the municipality must prepare such revised schedules.

Some specific functions to be provided by the engineer in the field during construction should be as follows:

- ◆ meet with the contractor, field check identified problem areas, and ensure sufficient control points and stakes are present;
- ◆ make visits at an interval approved beforehand with the municipality to the site during construction to ascertain that the work is being executed in reasonable conformity with plans and specifications. If required and approved by the municipality and felt necessary by the engineer, full time supervision should be provided;
- ◆ arrange for the testing and inspection of materials and work by an authorized inspection and testing company when required;
- ◆ arrange job meetings as deemed necessary;
- ◆ approve construction schedules and report progress to the municipality if required;
- ◆ provide a final inspection, and
- ◆ follow up on deficient items to ensure their correction.

If full time supervision is required, the further duties of the engineer during construction may include the following:

- ◆ provide reference lines and elevations to the contractor and, where necessary, check the contractor's line and grade;
- ◆ carry out continual detailed inspection of construction to ensure that all work will satisfy the intent of conform with the design and will substantially conform with plans and specifications;
- ◆ arrange for or carry out all necessary testing and inspection of materials and equipment installed;
- ◆ investigate, report and advise on unusual circumstances which may arise during construction;
- ◆ carry out final inspection at the conclusion of the construction contract and at the end of the maintenance period as part of the acceptance program of the municipality, and
- ◆ obtain field information for the modification of contract drawings to show the work "as built."

POST CONSTRUCTION ATTENDANCE

Possible work items to be included under this category include authorization of contractor's holdback release, assistance in subsidy applications, and review of subsequent questions arising on the drain during the warranty period of the construction.

REPORT PREPARATION FOR MAINTENANCE

The engineer may be appointed under section 74 of the Act to prepare a report for the repair or maintenance of an existing drain. All proceedings are comparable to those described in the preceding sections except that the engineer must consider the previous report applying to the drainage works and shall only report on a works to reconstruct the drain or any part thereof to the original line, depth or size and shall assess the cost of the proposed repair work over the upstream watershed area in accordance with the previous report's assessment schedule (unless such has been amended or is to be amended in accordance with section 76 or unless otherwise determined by the engineer).

REPORT PREPARATION FOR IMPROVEMENT

The engineer may be appointed by a municipality under section 78 of the Act to prepare a report for a works to include the improving, altering, reconstructing, or extending (downstream), or combining of one or more existing drainage works. The steps outlined in the preceding sections should be followed.

Prior to the commencing of work for such an appointment, or at the time of the on site meeting, the engineer should determine if the works requested will fall within the scope of section 78.

MISCELLANEOUS SERVICES TO BE PROVIDED

In connection with petition drains and in conformity with the *Drainage Act*, the engineer may be requested to provide the following services:

- ◆ file a report in accordance with section 62(2) when insufficient funds have been raised to complete a drainage works in accordance with the original bylaw and it involves more than one municipality;
- ◆ apportion an assessment between the parcels resulting from a land subdivision in accordance with section 65;
- ◆ advise on and prepare a report assessing a land that connects to a drainage works subsequent to its completion that is not otherwise assessed for the drainage works, in accordance with section 66;
- ◆ in accordance with section 76, prepare revised schedules of assessment for maintenance purposes of existing drains;
- ◆ in accordance with section 77, report on the relocation of an existing drainage works off of a public road allowance, and
- ◆ in accordance with section 84, prepare a report on the abandonment of an existing municipal drain.

The following are examples of additional or special services which may be required by the municipality on urban drainage projects (and in some cases on any drainage project) and which are not provided for specifically by the *Drainage Act*:

- ◆ feasibility studies embodying consideration of alternate methods or routes to accomplish the desired result. These studies may relate to the broad aspects of community planning and may include consideration of soils reports, a preliminary design, cost estimates and advice as to the various subsidies, grants and methods of financing open to the municipality;
- ◆ reports of a detailed nature, including drainage reports, investigation of existing works, elaborate surveys capital works budgets, and submission to public authorities;
- ◆ public hearings before the Ontario Municipal Board, Environmental Assessment Board, and other public authorities regarding the financial capability of the municipality, the effects of the project on the environment, the method of charging for the works and property evaluation for easements;
- ◆ appearance in litigation, arbitration proceedings and attendance at hearings on behalf of the municipality;
- ◆ topographic survey;
- ◆ negotiations for easements;
- ◆ the allocation of costs between the initiating municipality and other municipalities, authorities or private interests, including the administration of extended financial arrangements, computation of principal and interest and preparation of accounts;
- ◆ additional services required by reason of contractor insolvency;
- ◆ changes in design made necessary or desirable by factors beyond the control of the engineer
- ◆ preparation of special progress certificates and final certificates for subsidy payments, grants, or rebates from C.M.H.C., M.O.T. or other authorities, and
- ◆ carrying out prolonged negotiations with public authorities on behalf of the municipality.

AUTHORITIES THAT MAY BE OR ARE AFFECTED BY THE ENGINEER'S REPORT

The following is a partial list of public and private authorities and examples of when such agencies may be involved, which may change from time to time:

- a) **Ontario Provincial Government**
Ministry of Agriculture and Food;

- ◆ advice, where requested and where possible to municipalities, engineers and landowners when working with the *Drainage Act*;
 - ◆ application for grants related to eligible drainage works and review of engineer's reports for such works, and
 - ◆ administration of the *Drainage Act*.
- b) Ministry of the Environment**
- ◆ applications for works in connection with waterworks and water pollution control systems;
 - ◆ wells;
 - ◆ conservation of surface and subsurface water;
 - ◆ urban and storm water management policies;
 - ◆ *Environmental Assessment Act*, and
 - ◆ pollution of drains.
- c) Ministry of Transportation**
- ◆ all cases where the project is eligible for a grant or maintenance subsidy from the Ministry or where work will be done on a highway or other area under control of the Ministry, and
 - ◆ Ontario Highway Bridge Design Code.
- d) Ministry of Housing**
- ◆ zoning, official plans, subdivisions and consents (one lot subdivisions), and
 - ◆ Ontario Municipal Board for approval of financing of drainage works by municipalities.
- e) Ministry of Natural Resources**
- ◆ construction or building water lots. Construction in areas restricted under the *Public Lands Act*. Pipelines, sewers and watermains over navigable waters. Approvals under the *Lakes and Improvement Act* and *Federal Fisheries Act*, and
 - ◆ flood plain management policies.
- f) Ministry of Labour**
- ◆ general building construction under the *Construction Safety Act*, elevators, tunnels, caissons and pipelines;
 - ◆ *Trench Excavator's Protection Act*.
- g) Ministry of Intergovernmental Affairs**
- ◆ review and payment of all provincial assessments including assessments to the M.O.T. and provincial crown lands, and
 - ◆ advice to local municipalities regarding financing of drainage works.
- h) Other Agencies**
- ◆ Canada Mortgage and Housing Corporation;
 - ◆ Federal Department of Transport (navigable waters, aviation height restrictions);
 - ◆ Federal Department of Energy Resources (pipelines);
 - ◆ Canadian Transport Commission (railway crossings);
 - ◆ railway companies;
 - ◆ conservation authorities;
 - ◆ local medical officer of health;
 - ◆ private and public utility companies or commissions;
 - ◆ Department of Veteran Affairs, and
 - ◆ Conservation authorities–flood plain regulations under the *Conservation Authorities Act*.

MUTUAL AGREEMENT DRAINS

If an engineer is requested to assist in the preparation of an agreement for a Mutual Agreement Drain, the engineer should determine from the client(s) which of the following services he or she should provide and to what detail:

- ◆ a field survey to prepare a profile;
- ◆ the preparation of a plan of the drainage works;
- ◆ an estimate of cost of the drainage works;
- ◆ any specifications to govern the drainage works;
- ◆ a description of the drainage works;
- ◆ the proportions of construction, improvement and maintenance costs to be borne by each party to the agreement;
- ◆ preparation of the agreement, and
- ◆ advice regarding legal and registration requirements of the agreement.

Prior to the commencement of any of the above work, the engineer should ensure that where his or her fees are to be paid by the parties to the agreement that all parties agree to the terms of reference provided to the engineer. The engineer should only provide information on the plans and profiles as is necessary to guide construction, to ensure location determination and to illustrate the scope of work proposed. The cost estimate should be of such detail to facilitate determination of cost for any unit of length. The engineer's costs should form part of the cost estimate.

REQUISITION DRAINS

When an engineer is appointed under section 3(6) of the *Drainage Act* to make an examination of an area for which a requisition form has been filed under Section 3(1), the engineer should do the following, some of which are specifically required by the *Drainage Act*:

- ◆ review the requisition and its compliance to the Act;
- ◆ cause the clerk of the municipality to properly notify each landowner described in the requisition and each public utility known to be involved;
- ◆ examine the area and interview sufficient owners and study sufficient documents to prepare a preliminary report as described under the Petition Drain section of this guideline;
- ◆ the preliminary report shall include a benefit-cost statement and an environmental effect statement and an estimate of project costs;
- ◆ the benefit-cost statement should be based on the methods described in the previous section of this guideline. The engineer should determine the present land use practices, should estimate the values of yields from such practices, should estimate possible and likely future land use practices and the corresponding yields, should consider increased production costs, additional land improvement costs, costs of this project, should assess other benefits and outlets, should compute net annual costs and benefits and should appraise the total benefits versus the total costs;
- ◆ the environmental statement should involve discussions with only those agencies and authorities that the engineer judges to have sufficient information or assistance, should describe alternatives if any, should include a brief description of the existing environment, and of the effects each alternative will have on the environment and, lastly, should appraise the advantages and disadvantages of the drain construction with respect to the effects on the environment;
- ◆ the preliminary report shall include a cost estimate of the works including the estimated fees of the engineer. As well, the limitations to and assumptions made regarding the cost estimates should be identified. Plans and profiles are not required but should be provided if the engineer deems such necessary;

- ◆ the engineer shall identify the area requiring drainage and the parties that would have to petition for same if the owners affected by the Requisition Drain were to decide to continue the project as a Petition Drain rather than as a Requisition Drain;
- ◆ the engineer should determine if he or she is to provide assistance to the clerk to ensure each affected owner receives a copy of the preliminary report, if he or she is to attend the Council meeting to consider such report, and if he or she is to advise further regarding proceedings under this section of the Act;
- ◆ if the engineer attends the council meeting, the engineer should be prepared to answer questions on construction and, in general terms, possible assessments if the project proceeds;
- ◆ if the engineer is instructed to prepare a final report on the requisition, the steps and procedures outlined at pages 4 to 9 (Field Survey to Supervision of Construction) of the Petition Drain section of this guideline should be followed with some exceptions including;
 - a) there is a set limit to the cost of the works that can be constructed as outlined in section 3(3) and 3(4);
 - b) only lands as defined in section 3(5) can be made liable for assessment;
- ◆ if the total estimated cost, excepting the cost of crossing a public utility or roadway, exceeds the set limit, and the proposed work therefore cannot be constructed under section 3, and if no petition has been submitted to proceed under section 4, the engineer shall determine, as outlined in section 40, by whom the expenses incurred so far shall be paid.



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CHAPTER 4

ON-SITE MEETING

4.1 Introduction

The *Drainage Act, 1990* requires that an on-site meeting be held for all construction (Section 4) and/or improvement (Section 78) projects (Section 9) (Figure A4–1). There are two main purposes for the meeting:

- to provide a forum for property owners and agencies to present the goals, objectives and constraints of the drainage project to the engineer
- to confirm the authority
 - of a drainage project initiated by petition (Section 4), the engineer must define the area requiring drainage and evaluate the validity of the petition
 - of a drainage improvement project (Section 78(1.1)), the engineer must verify that the proposed improvement to an existing drain is authorized



Figure A4–1. Conducting an on-site meeting

4.2 Notification of an On-Site Meeting (Section 9(1))

Take the following steps in advance of the on-site meeting, to prepare the meeting notification.

- a) Get the municipal assessment roll and parcel map data for:
 - the area requiring drainage identified by the petition and for neighbouring properties, in the case of a drainage project initiated by petition (Section 4)
 - the properties affected by the proposed drain improvement project, in the case of a drainage improvement project (Section 78) (usually all properties in the watershed are shown in a previous drainage report)
- b) For each property, compare the names of the owners on the petition to the names of the owners listed on the assessment roll. Verify that property owners' names on the petition accurately represent the property ownership (Section 4).
- c) Prepare a list of persons invited to attend the on-site meeting and submit it to the municipal clerk. This should include:
 - owners of properties in the area that requires drainage, as described by the petition (Section 4), or of properties affected by the proposed drain improvement project (Section 78)

- public utilities that may be affected by the proposed project
- agencies that may be affected by the proposed project
- upstream and downstream owners that the engineer believes may be affected by the project
- the drainage superintendent, to assist in liaising with the property owners

Consider inviting members of the council and the road superintendent to attend the meeting.

- In consultation with the municipality, select a date and time for the on-site meeting, ensuring that the date allows for a minimum of seven (7) days' advance notice.
- Select a location for the site meeting that is in the vicinity of the proposed drainage project and that can safely host a group and their vehicles.
- Confirm the clerk has prepared and sent out the on-site meeting notice, in the form prescribed in O. Reg. 381(3). Go to the Central Forms Repository (www.forms.ssb.gov.on.ca) and search for "notice of on-site meeting for construction."

4.3 Preparing for the On-Site Meeting (Section 9(2))

The following is a list of activities to consider prior to conducting a productive on-site meeting.

- Obtain and review the following information:
 - the most recent aerial photography
 - topographical mapping
 - the municipality's drainage map
 - area soils data and geotechnical studies
 - other drainage reports, land use planning documents and/or transportation studies
 - existing drain reports and/or by-laws in the area
 - information from an earlier project scoping meeting
- Conduct a windshield inspection to look at physical features in the watershed (Figure A4-2).



Figure A4-2. A windshield survey with a map on the dashboard.

Source: Owen Brook, Guelph, Ontario.

- Prepare a sketch or use an aerial map to show:
 - the potential areas to be drained, as identified on the petition, or the area requiring improvement, as identified on the improvement request
 - total watershed area and affected adjacent lands
 - property parcels with names of affected owners
 - existing drains (e.g., municipal, private, award, mutual agreement) in the area
 - wetlands and other sensitive features
 - public utilities
- Get local background information from the municipality's drainage superintendent about the watershed.
- Consult with regulatory agencies on potential requirements from other legislation (Part C), especially if it pertains to wetlands (Part B, Chapter 8 Wetlands and Water Retention).
- Consult with the road authorities and/or public utilities.

Works that are considered to be more than improvements to an existing drain and are not authorized include:

- the extension of an existing drain upstream
- the addition of a new branch to an existing drain

In these situations, the engineer will have to consider if the project should have been initiated by a petition (Section 4).

4.6 Area Requiring Drainage and the Validity of the Petition (Section 4)

The petition is the legal document that initiates the *Drainage Act, 1990* process to design, construct and finance a drain across multiple properties. Property owners can challenge the validity of a petition to the referee (Section 47(1)). The validity of the petition is the most significant determination that an engineer makes for a drainage works initiated by petition.

Section 4(1) establishes four criteria for the engineer to evaluate the validity of the petition. In order for a petition to be valid, it must contain signatures from one of the following:

- the majority in number of owners in the area requiring drainage
- the owners representing at least 60% of the area requiring drainage
- the road authority, where a road requires drainage
- the Director, where drainage is required for agricultural land

A petition must be submitted on one of the three forms referenced in O. Reg. 381/12 of the *Drainage Act, 1990*:

- Petition for Drainage Works by Owners — Form 1
- Petition for Drainage Works by Road Authority — Form 2
- Petition for Drainage Works by Director — Form 3

DID YOU KNOW?

The determination of the validity of the petition has been a major cause of appeals to the referee. Guidance in making this determination is found by reviewing referee and appeal court decisions that relate to the validity of the petition.



The engineer should create a map showing all property boundaries and roads within the area requiring drainage and keep it on file. The map should identify:

- property boundaries, area and ownership
- for a Form 1 petition, properties (including roads) that are legally bound by the signatures
- for a Form 2 petition, properties for the signing road authority

4.6.1 Petition for Drainage Works by Owners

The petition by owners is submitted under Section 4(1)(a) or (b). To evaluate the validity of the petition, the engineer must conduct three steps.

1. The *Drainage Act, 1990* does not provide a definition of the area requiring drainage or a defined process for determining that area. The engineer must be satisfied there is an area that requires drainage. Rely on the following items to establish the boundaries of the area requiring drainage:
 - area requiring drainage as described on the petition
 - input received by the petitioners and other participants at the on-site meeting
 - visual observations of the area including topography, land use, physical features and drainage features
 - topographical mapping and other maps gathered in advance of the on-site meeting
 - guidance provided by referee or appeal court decisions
2. Once the engineer has determined the area requiring drainage, the next step is to verify the signatures of the petitioners.

Confirm that:

- the required form of petition was used
- municipal staff have verified the owners of the petitioning properties against the assessment roll and the Land Registry Office (Section 4(4))
- each property listed has the proper signatures

Consider the definition of “owner” (Section 1).

To legally bind a property to a petition:

- All joint owners of any property must sign for the property (Section 4(5)).
- In the case of property owned by a corporation, an individual who has signing authority for the corporation must sign for the property. The form of petition (Regulation 381/12) allows an individual with signing authority to identify this designation below the area for the signature.
- In the case of land owned by a partnership, all partners must sign.
- An estate is one owner, regardless of the number of executors, and the estate’s signing authority has signed the petition.
- A power of attorney is required for one person to sign for another.

DID YOU KNOW? If a petitioner sells their property to another owner, the original owner’s signature continues to bind the property (and the new owners) for the purposes of the petition.



3. There are two ways to determine the validity of the petition:

- a) Evaluate the percentage of owners (Section 4(1)(a)) (Figure A4–4), as follows:
- Count the total number of properties and road jurisdictions within the area requiring drainage (A).
 - Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition (B).

- Calculate the percentage of owners and road jurisdictions who have properly signed the petition ($C = B/A \times 100\%$).

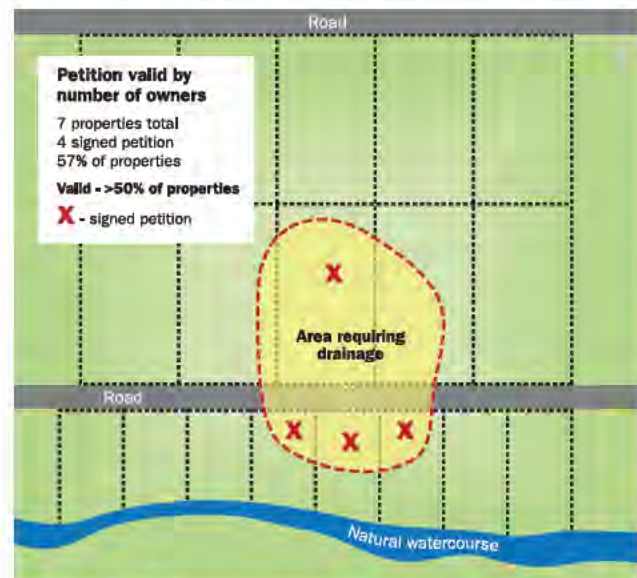


Figure A4–4. Determining the validity of a petition by percentage of owners.

A petition is valid when the percentage (C) is greater than 50%.

Determining the number of legally bound properties in an area requiring drainage can be complicated. Some common situations may include:

- multiple properties owned by one owner
- a property owned by one owner and another property owned by the same owner in a partnership
- more than one road owned by a single municipality

b) Evaluate the percentage of area (Section 4(1)(b)) (Figure A4–5), as follows:

- Calculate the total area in acres or hectares of the area requiring drainage (A).
- Calculate the total affected area of the properties with owners that have properly signed the petition (B).
- Determine the percentage of area requiring drainage represented by the owners who have properly signed the petition ($C = B/A \times 100\%$).

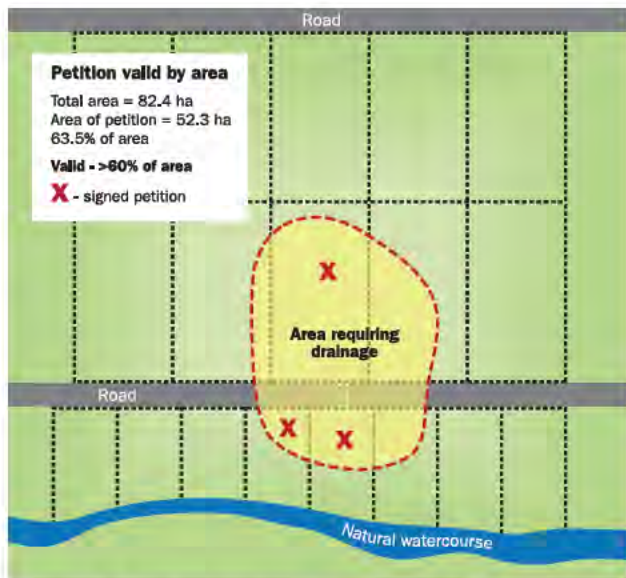


Figure A4–5. Determining the validity of a petition by percentage of area.

A petition is valid when the percentage (C) is greater than 60%.

4.6.2 Petition for Drainage Works by Road Authority

There is no need to define the area requiring drainage to determine the validity of a petition submitted by a road authority (Figure A4–6). The petition is valid under Section 4(1)(c) provided the engineer is satisfied that:

- the petition is signed by the person who has the authority to represent the road
- the drainage works is required to provide drainage for the road described in the petition

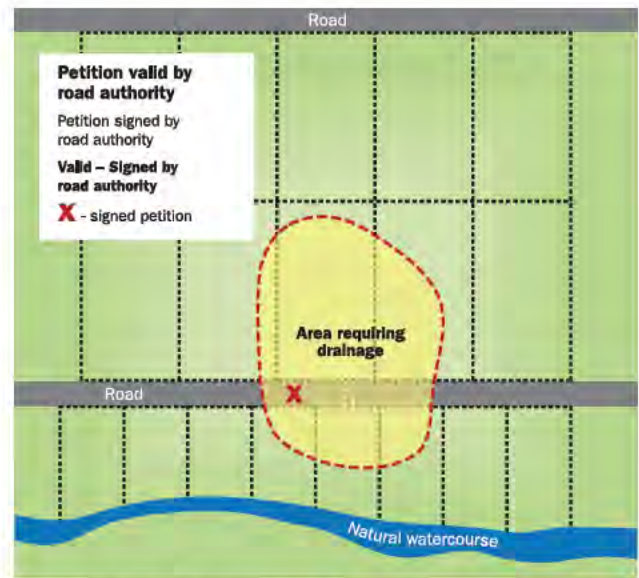


Figure A4–6. Determining the validity of a petition by road authority.

Examples of when a road authority petition is valid are when a road is experiencing flooding or when there is a need for an improved downstream outlet.

4.6.3 Petition for Drainage Works by Director

The Minister of Agriculture, Food and Rural Affairs appoints a Director for the purposes of the *Drainage Act, 1990* (Section 91). When a petition is submitted by the Director, there is no need to define the area requiring drainage to determine the validity of a petition. The petition is valid under Section 4(1)(d) provided the engineer is satisfied that:

- the petition is signed by the person designated as the Director (Section 91) of the *Drainage Act, 1990*
- the drainage works is required to provide drainage for the agricultural land described in the petition

4.6.4 Petition Is Valid

The engineer should state that the petition is valid at the on-site meeting (Section 9(2)) and also notify the council. Proceed with the preparation of the preliminary or final report as instructed by the council.

4.6.5 Petition Is Not Valid

The engineer should state that the petition is not valid at the on-site meeting (Section 9(2)) and establish the requirements for a petition that will comply (Section 9(2)(c)).

After the on-site meeting, the engineer must report to the council (Section 9(4)) stating:

- the petition is not valid
- how the petition is deficient
- the requirements for the petition to comply
- the amount of engineering fees incurred to date and how the fees are to be paid

In stating that the petition is deficient, the engineer can advise whether a new petition is required or whether additional names are required on the existing petition.

The council should send a copy of the engineer's Section 9(4) report to each petitioner. The petitioners can:

- decide not to modify the petition, thereby terminating the project; or
- challenge the engineer's decision about the validity of the petition through an appeal to the referee (Section 106(1)(b)); or
- submit a new or updated petition within 60 days of the engineer's report to the council (Section 9(5)).

If a new or updated petition is submitted, the engineer will verify that any new or updated petition complies with Section 4. If it complies, proceed with the preparation of the preliminary or final report as instructed by the council, with the engineering fees incurred to date included as part of the project costs.

4.7 Case Law Related to the Validity of the Petition

Guidance for determining the area requiring drainage and the validity of the petition is provided through case law. These decisions are found on the website of the Canadian Legal Information Institute (www.canlii.org/en/on/ondr).

There are various considerations to think through when determining the area requiring drainage and the validity of the petition. The following quotes taken from various referee and appeal court decisions can provide guidance to the engineer. They are listed from the oldest to the most recent decision.

Note that before 1975, the municipality determined the validity of the petition. With the amendments made to the *Drainage Act* in 1975, this responsibility was assigned to the engineer.

1. Duane vs. Township of Finch, Referee G. Henderson, 1908

"Since that amendment it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme ..."

"It is the intention of the Act that the township council should pass judgment upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgment upon such a matter, I think I should be loath to review their exercise of judgment ... What I wish to point out very plainly is that it is not proper to pick out any portion or portions of what is in fact a distinct basin requiring drainage. Subject to the discretion of the township council, the majority are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority."

2. Township of South Easthope vs. Township of East Zorra, 1944

"The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed

4.6.5 Petition Is Not Valid

The engineer should state that the petition is not valid at the on-site meeting (Section 9(2)) and establish the requirements for a petition that will comply (Section 9(2)(c)).

After the on-site meeting, the engineer must report to the council (Section 9(4)) stating:

- the petition is not valid
- how the petition is deficient
- the requirements for the petition to comply
- the amount of engineering fees incurred to date and how the fees are to be paid

In stating that the petition is deficient, the engineer can advise whether a new petition is required or whether additional names are required on the existing petition.

The council should send a copy of the engineer's Section 9(4) report to each petitioner. The petitioners can:

- decide not to modify the petition, thereby terminating the project; or
- challenge the engineer's decision about the validity of the petition through an appeal to the referee (Section 106(1)(b)); or
- submit a new or updated petition within 60 days of the engineer's report to the council (Section 9(5)).

If a new or updated petition is submitted, the engineer will verify that any new or updated petition complies with Section 4. If it complies, proceed with the preparation of the preliminary or final report as instructed by the council, with the engineering fees incurred to date included as part of the project costs.

4.7 Case Law Related to the Validity of the Petition

Guidance for determining the area requiring drainage and the validity of the petition is provided through case law. These decisions are found on the website of the Canadian Legal Information Institute (www.canlii.org/en/on/ondr).

There are various considerations to think through when determining the area requiring drainage and the validity of the petition. The following quotes taken from various referee and appeal court decisions can provide guidance to the engineer. They are listed from the oldest to the most recent decision.

Note that before 1975, the municipality determined the validity of the petition. With the amendments made to the *Drainage Act* in 1975, this responsibility was assigned to the engineer.

1. Duane vs. Township of Finch, Referee G. Henderson, 1908

"Since that amendment it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme ..."

"It is the intention of the Act that the township council should pass judgment upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgment upon such a matter, I think I should be loath to review their exercise of judgment ... What I wish to point out very plainly is that it is not proper to pick out any portion or portions of what is in fact a distinct basin requiring drainage. Subject to the discretion of the township council, the majority are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority."

2. Township of South Easthope vs. Township of East Zorra, 1944

"The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed

certain lands that were not in the drainage area as described in the petition when it was signed, and having made this unauthorized alteration in the petition they proceeded to again instruct the engineer to report on the enlarged scheme. That was all absolutely unwarranted. They had spoiled the only petition they had, and the engineer was proceeding really without any authority, just as the council was. This is a matter that goes to the basis of the whole proceeding, and the whole proceeding falls to pieces.”

3. McDougal vs. Township of Harwich, Ontario Appeal Court, 1945

“I think the township council were justified in approving the sufficiency of the petition as presented. It was reasonable for them to conclude that the lands described in the petition presented might fairly be said to constitute a real drainage area. The fact that the engineer subsequently thought that the proposed drain should be taken to an outlet different from that apparently contemplated by the petitioners, and that he assessed for benefit some lands in addition to those described in the petition, was not fatal to the sufficiency of the petition.”

4. McKeen vs. Township of East Williams, Referee S. Clunis, 1966

“The Drainage Act contemplates the work of improving natural watercourses, the construction of dykes, the removal of water by pumps and the protection of shorelines by seawalls and jetties. If, therefore, one keeps in mind this variety of artificial works which may be undertaken within the scope of the Act, I think it is possible to define the term ‘drainage area’ as it is used in the Act. I believe it may be said that a drainage area is a compact tract of land bounded by a ridge or surface barrier which tract could secure some relief from flooding or some lowering of its natural water table if an artificial drainage work were constructed in or near it.”

“As a general proposition of law, it cannot be said that under no circumstance may a petition be valid if it describes more than one drainage area as the land requiring to be drained. But, it would be unusual; indeed, if a petition describing two areas were permitted to stand

if it did not contain the signatures of the majority of the eligible petitioners in each of the drainage areas described.”

“...the Act does not authorize a municipality to pass a by-law for the construction of a drainage system which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all...”

“In this connection, it seems to me to be a necessary corollary of this principle that if a sufficiently signed petition which describes a drainage area is filed, it is not to be taken as authority to proceed with any drainage work that may seem desirable in the general area of which the petitioning area is only a part.”

“It must be kept in mind ... that the Act does not contemplate that every landowner in a drainage scheme is entitled to expect perfect drainage. It does contemplate that every landowner who is assessed will secure improved drainage.”

5. Ingersoll Golf Course vs. Township of South-West Oxford, Referee J. McMahon, 1977

“In defining an area to be drained in a petition, absolute certainty is in most instances impossible. An adequate definition of a drainage area in most instances is not possible until the report of the engineer is prepared since it is dependent upon the topography and the variation of ground levels. In essence, the initial area set forth on the petition may increase or decrease, dependent upon the professional determination of the engineer.”

“The last submission ... was that the area was ‘artificially’ created. Whether or not any specific area is a drainage area within the meaning of the Act is a question of both fact and law. One must distinguish between a drainage area and a drainage problem. In most recent drainage cases one could say that the problem was ‘artificially’ created in the sense that the natural flow was increased, impeded, or diverted by human projects such as subdivisions, road, shopping centres or indeed golf courses. This does not, however, necessarily mean that a drainage area has been ‘artificially’ created. The initial responsibility of defining the drainage area is imposed upon the engineer by statute, who is

required to act with professional competence in accordance with his oath. Any artificial increase to the drainage problem should be compensated for by an assessment for benefit or outlet liability.”

6. Crumb & Leitch vs. Township of Mariposa, Referee J. McMahon, 1978

“In many instances therefore, the exact limits of the drainage area as set forth in the petition, will not coincide with the description contained in the subsequent report. The owners of the land described in the petition may therefore be greater or less than the owners of the land assessed for benefit as later determined by the engineer.”

7. Eves et al. vs. Township of Amherst Island, Referee W. Turville, 1983

“As I read Section 4(1)(a) must be complied with, ‘or’ 4(1)(b). The legislation failed to include the ‘or’ but a common sense view would see that it should have been inserted.”

“[The appellant] urged that at the ‘on-site meeting’ as required by Section 9(1), the Engineer was obliged to determine the area requiring drainage at that meeting. In addition, he put forth the view that the on-site meeting must take place on the site as prescribed by the required Form. On the evidence, the area required to be drained was determined approximately one week after the on-site meeting which was held just outside of the watershed at the Amherst Island Public School on December 20, 1978 at 8:00 p.m. Apparently, the weather that night was described as ‘inclement’. It is to be noted no one complained of not receiving notice and it would be highly impractical and absurd to suggest that the legislators intended that this Section of the Act be given such a narrow and strict interpretation. Because of the engineering input required, it is as well an absurdity to suggest that the Engineer must define properly the area requiring drainage on the evening of December 20, 1978.”

8. Westerdorp et al. vs. Township of Elizabethtown, Referee W. Turville, 1986

“The best definition of the area requiring drainage that I was able to research appeared in a letter dated November 29, 1929, to the Clerk of the Township of West Williams from Drainage Referee George F. Henderson:

‘It is not necessary that there should be a majority of the petition of all those whom the engineer finds to be eventually interested in the drainage work. What you need is in first place a reasonably well defined drainage area, that is, a section of land requiring drainage, and it is this territory which should be described in the area. It is of course not proper to pick out just enough lots to enable a majority, but there should be what I generally speak of as an irregularly shaped saucer with reasonably well defined banks around it. This might be all on one lot, although that is of course a rare case, but the point is that once you have that low lying section of land requiring drainage, it is a majority of the owners in that section that you need for a petition, no matter how many others the Engineer may bring in...’ ”

“The present Act requires that the engineer shall make the determination of the area requiring drainage and that it complies with Sec. 4. He is not required to communicate his findings to anyone should it comply but only that ‘he shall proceed to prepare his report or a preliminary report, as the case may be.’ in accordance with (see Sec. 9(3)). It is irrelevant and at times impractical that he should make this determination at the on-site meeting. He is however, required in the interest of saving costs to make this determination early as to whether it complies with Sec. 4. His position is quasi-judicial. He need not give evidence as to how he established the area requiring drainage, but only to satisfy this Court of his definition of the area requiring drainage and those owners and their lands that fall within that area.”

“There is nothing in the present legislation ... that requires the engineer, as had been the case in some previous legislation that those who are assessed for benefit must be within the area requiring drainage.”

9. Jones vs. Township of Derby, Referee W. Turville, 1986

“[The engineer] was of the view that those owners who signed the first Petition did so without the written consent of their joint owner, causing concern that there had been no majority in compliance with the prerequisite of Sec. 4.”

“... a second Petition was accordingly filed at the engineer’s request, however no on-site meeting was held as required by Sec. 9(1)...”

“I view the failure to hold this on-site meeting following council’s acceptance by resolution of the second petition on September 22, 1983, as more than a mere technicality. The added names to the second Petition increase the possibility that at the second on-site meeting more information and discussion could be exchanged.”

“You cannot adjust the irregular ‘shaped saucer with reasonably well defined banks around it’ just because a landowner indicates his desire for drainage, without first ascertaining where those well-defined banks are located on the ground. In his zeal to accept the Petitioner’s version of the area requiring drainage [the engineer] has not formed the proper independent judgment when making his assessment.”

“I am of the view that it is the intention of the present Drainage Act that lands not described in the petition as requiring drainage that are subsequently found to require drainage by the engineer in his report to have similar physical features so as to form one area requiring drainage within those lines described in the petition as requiring drainage, are as well, to be included when the requirements of Sec. 4(a) or (b) are being considered, otherwise the lands described in the report by the engineer in accordance with Sec, 8-1(a) would not be fairly described. Failure to do so would not afford the intended protection for those who did not sign the petition.”

“...it is my view that once [the engineer] observed water moving in a westerly direction at different locations under Concession Road 6-7, he was duty-bound to address the question that prior to his determination of the area requiring drainage there was a likelihood of a larger area requiring drainage, and not one that was separated by a man-made road under which water was intended to pass. This omission creates a significant risk in the face of engineering evidence to the contrary that the area was not fairly described in his report.”

10. Belzner et al. vs. Town of Dunnville, Referee R. Johnston, 1992

“I am of the opinion myself that wherever possible, procedural errors, whether by a landowner or the Township, should be forgiven if everyone has had an opportunity to make representations and no one has been harmed or injured.... However, I am not at all certain that I have the power under the Act to validate the otherwise invalid Petition in this matter. In any case, I am not prepared to relieve the irregularity in this case. The Petition is the cornerstone of the procedure for owners to obtain a sufficient outlet for their water. It must be properly completed and signed.”

“Several points were raised ... which bear on the sufficiency of a Petition...”

The first matter is whether all the signatures of joint owners, co-owners and partners are necessary on a Petition. The answer is that they are. If land is held by a husband and wife, whether jointly or as co-owners, both have to sign the Petition. The same applies to unrelated joint or co-owners, regardless of how many there are. If there are three (3) joint or co-owners they all have to sign. All partners of a partnership or land that is held as partnership property have to sign. ... In the case of a Corporation, an authorized signing officer of the Corporation may sign the Petition. But, the proper name of the Corporation must be clearly printed on the Petition and the office held by the signing officer must be printed under his or her signature and the Corporate seal must be affixed to the Petition or a statement be included underneath the signing officers signature stating that he or she has authority to bind the Corporation.

...Section 4(5) states as follows: ‘Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition they shall be deemed to be one owner. R.S.O. 1980, c. 126, s.4.’ This section means that where there is joint or co-tenants or partners, regardless of how many there are, they are only treated as one person for purposes of calculating a majority under Section 4(1)(a) of the Act... Similarly, all owners of the same property must sign the Petition for their property to be counted in support of the Petition in the calculation under Section 4(1)(b).”

11. Hodgson et al vs. Township of Mariposa, Referee R. Johnston, 1993

"I would add that in determining the area requiring drainage there should be some physical characteristic which is different where the proposed drain ends from that of the surrounding territory. This could be the extent of the grade; the kind of cropping that is taking place in the area, or other physical characteristics."

12. Landmark Ltd. vs. Township of Hay, Referee D. O'Brien, 1998

"Accordingly I conclude:

That the general description in the petition of the proposed drainage area does not require precision and minor errors contained in the general description do not invalidate a petition.

Errors in the identification of the various owners' properties, although they should be reviewed and corrected, likewise do not invalidate a petition providing that the signatories are in fact owners within the area requiring drainage."

"The identification of 'the area requiring drainage' is the function of the drainage engineer, and requires professional expertise. The engineer has a duty to review the names on the petition and satisfy himself that they are in fact the owners of the land. This function is often done in consultation with the Municipal Clerk, as they together review the assessment roll. It should be noted that Section 4(4) of the Drainage Act provides for the Clerk to be the final arbitrator of the ownership in circumstances where the assessment roll does not identify the true owner."

"Having found, following the Belzner Case, that it is necessary to have both spouses sign when they are joint owners, it is even more necessary to have clear proof of authorization if the petition is signed by someone other than the owner. The onus falls upon the drainage engineer to provide proof that the signatures are duly authorized, here the evidence was insufficient. If a party signs on the behalf of two owners, there must be clear, legal written authorization to do so and the engineer must be satisfied that the authorization exists."

13. Pannabecker & Leddy vs Township of West Wawanosh, Referee D. O'Brien, 2000

"The purpose of the Drainage Act was to remedy the deficiencies of the Common Law and to provide the downstream owner inundated with sheet flows from upstream lands with an instrument to obtain relief. That, put in simplest terms, is the role of the Drainage Act which has served this Province well for over a century."

"This case illustrates clearly how the Drainage Act can be utilized to give relief to a single owner ... when that landowner is the only owner in the watershed 'requiring drainage'."

"It should be noted that the 'lands requiring drainage' decision must not only evaluate the objective physical condition of the lands in question, but also must examine the land use factors, all of which together must be weighed in determining which lands require drainage."

14. Bluewater vs. South Huron et al., Referee D. O'Brien, 2002

"The issue to be determined is whether the majority in numbers of the signatures on a petition is based on the number of owners or the number of properties. This issue has caused confusion in past years and requires clarification. In my opinion the drafters of the legislation did not foresee that there would be confusion with respect to this matter, having provided for two separate tests for the validity of the petition, both utilizing the historic democratic measure of the 'majority'. The first related to the number of owners (e.g. persons) the second related to quantity of land. In Section 4 (1)(a) the majority of owners regardless of acreage is the determining factor and in Section 4 (1)(b) the number of acres regardless of the number of owners is the determining factor. The tests stand in the legislation in juxtaposition to one another and ought not to be mixed."

"The *Drainage Act* is remedial enabling legislation and accordingly is to be given the most liberal interpretation to ensure the purposes of the Act are carried out in the most equitable and expedient manner."

15. Whalen vs. Town of Mississippi Mills, Referee D. O’Brien, 2003

“I further find Section 4(1)(c) need not be restrictively interpreted as to its application. Road authorities universally have special problems with respect to drainage, and it is common knowledge that excellent drainage is absolutely necessary for the proper maintenance of roads and for public safety. Further, the road authority is responsible for its actions to a Municipal Council which is responsible to the electorate for its actions. The accountability is to the public at large which makes use of the highways and not to the immediate land owners in the water shed, as is the case with the other subsections. Accordingly, I am of the opinion that Section 4(1)(c) requires a liberal rather than a restrictive interpretation as to its use.”

16. M. & M. Farms Ltd vs. Town of Kingsville, Referee D. O’Brien, 2004

“If democracy alone were to determine whether a drainage project was to proceed we would have no need for the enabling words ‘area requiring drainage’ in the Drainage Act, but rather could depend on a majority vote of owners in the watershed. The Drainage Act long ago removed dependence on the will of the majority. The current Drainage Act went further and determined that the decision as to the ‘area requiring drainage’ should not be made by a municipal council composed of laymen subject to political pressures, but rather it specifically allocated that responsibility to a professional drainage engineer. He is charged with the responsibility without guidelines, but pursuant to the directions of Section 11 of the Drainage Act...”

“The words of the Drainage Act are simple and in plain language: ‘The area requiring drainage’ and should not be subject to misinterpretation. The Drainage Act is an enabling legislation and we are directed by the Interpretation Act... to interpret it liberally to accomplish the purpose for which it is enacted. Section 10 of that Act states...:

Every Act shall be deemed to be remedial, whether its immediate purport is to direct the doing of anything that the Legislature

deems to be for the public good or to prevent or punish the doing of anything that it deems to be contrary to the public good, and shall accordingly receive such fair, large and liberal construction and interpretation as will best ensure the attainment of the object of the Act according to its true intent, meaning and spirit. R.S.O. 1980 c. 219, s. 10.”

“...even if the drainage engineer finds the petition to be valid, he must weigh it against his duties and responsibilities defined by Section 40 of the Drainage Act which again imposes an essential responsibility on the appointed drainage engineer and which section is not, in my view, sufficiently utilized by the profession.”

“...the drainage engineer when determining the ‘area requiring drainage’ can take into account the saucer concept, the physical characteristics of the land and the land use considerations including cropping, etc. In every case the final decision is left to the appointed drainage engineer using his judgment and determining in accordance with the plain words of the Act what is the ‘area requiring drainage.’ He must act professional and honestly when confronted with modern farming methods that completely alter the landscape, creating circumstances that were never contemplated in previous generations and he must adjust to current needs to keep the Drainage Act relevant.”

“As more and more urban dwellers move to the country to experience a country lifestyle, as more and more recreational complexes are constructed in the countryside, as more and more emphasis is placed on environmental considerations, and as the investment in high tech agriculture mounts utilizing a selected land base, consideration of land use will become more and more important.”

17. Bluewater vs. South Huron et al., Referee R. Waters, 2008

“When the staff of South Huron formed the intention to withdraw from this process through its inherited position as petitioner, by its purchase from the [original petitioning landowner], it should have notified the parties immediately in order to forestall future costs on what has been an unfortunate project.”

"I also find it difficult to accept the argument of South Huron that it felt it had to wait for completion of the Preliminary Report or the Final Report before withdrawing when previously the Town of Exeter, had already withdrawn at a stage prior to the Preliminary Report."

18. Bluewater vs. South Huron et al., Referee R. Waters, 2009

"Going forward, I would recommend to any Municipality and Drainage Engineer as a best management practice that they review the ownership of parcels, firstly through their assessment rolls which is cost free, but secondly through the electronic registration system to ensure that the problems which exist but become evident only on a delayed basis, are not encountered in future petitions where there is no strong majority in favour."

"...to petition drains, the tests in 4(1)(a) and 4(1)(b), as is often stated, are not to be mixed and are separate from each other in order to provide drainage for an area requiring drainage that is less onerous for purposes which have been found by the Legislature to be for the public good."

"...the test in 4(1)(a), whether it be the number of owners or the number of properties, in my opinion, while still governed by sections 4(4) and 4 (5), should be the one which best facilitates a drain being established but provides that a clear majority exists in favour of the project for the area requiring drainage."

8.6 Allowances for Insufficient Outlet (Section 32)

Drainage systems must be taken to a sufficient outlet (Section 15), with one exception. A sufficient outlet is defined as a point at which water can be discharged safely so that it will do no damage to lands or roads. The exception to this requirement is to provide compensation to the affected property owners instead of taking the drain to a sufficient outlet (Section 32).

It may be less expensive to provide an allowance to compensate property owners rather than to construct a drain to a sufficient outlet for situations such as:

- a drain that would continue through a wetland or woodlot
- a drain that would require addressing conditions imposed by regulatory agencies
- land periodically used for water storage by design or agreement

Allowances for insufficient outlet are provided only once to affected properties unless further improvements on the upstream drainage works are undertaken. When drain improvements are considered, only the incremental increase in potential damages should be compensated.

Compensation paid for insufficient outlet is normally not more than the market value of the land that would be subject to increased flooding. Provide an allowance for the incremental increase in damages caused by the drainage system as determined through a hydrologic and hydraulic analysis. The frequency and extent of incremental flooding, land use and crop loss values are important considerations in determining compensation.

Allowances for an insufficient outlet can address:

- an insufficient outlet related to an existing drainage works or
- an anticipated insufficient outlet resulting from a new upstream project

Part A, Chapter 9 presents how the difference between these two situations of insufficient allowances is assessed.

8.7 Allowances for Loss of Access (Section 33)

The *Drainage Act, 1990* requires the engineer to provide property owners with access to their land through the construction of bridges and culverts (Section 18). As an exception, an allowance may be provided to a property owner for the loss of access to their land caused by the drain (Section 33).

Usually, an allowance for loss of access is provided only once. When determining this allowance, estimate the value for the following:

- cost of constructing a suitable bridge or crossing in the drain
- the value of the land cut off from the rest of the property by the new drain
- the reduction in the market value of the entire property once the new drain is constructed

The allowance for the loss of access should be the lesser of these values to appropriately compensate the property owner while also being fair to the remainder of the assessed watershed.

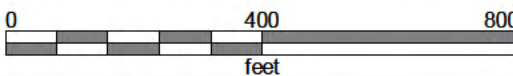
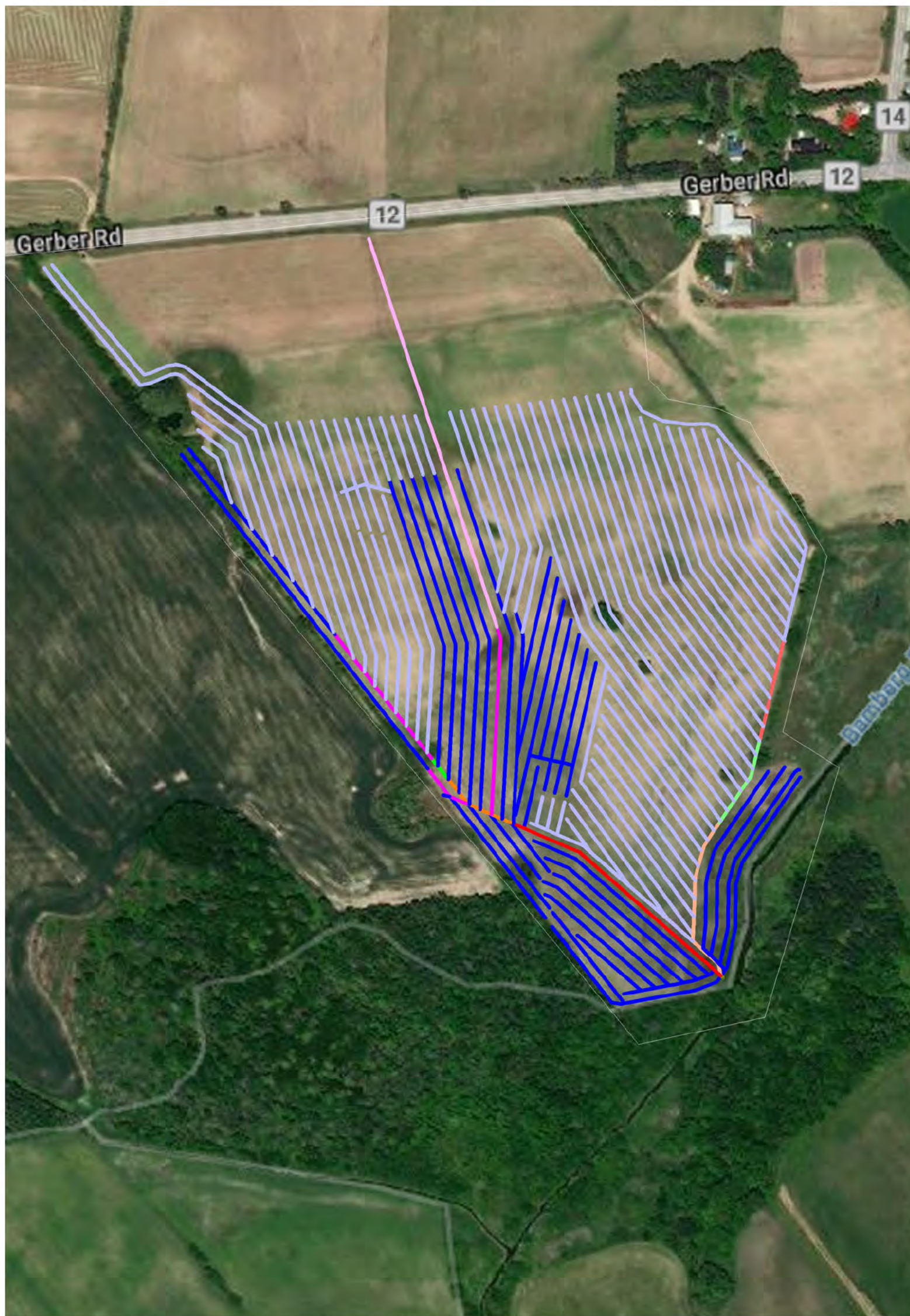
The following are two examples where loss of access allowances may be used (Figure A8-4).

Loss of Access — Example 1

The construction of a channel municipal drain will cut off a 1 ha section of farmland and 6 ha of woodlot from the rest of Property A. The cleared land is worth \$5,000/ha, the woodlot is \$1,000/ha, and a crossing to access this land will cost \$15,000. If the engineer decides not to provide a crossing, the allowance (Section 33) provided to the property owner is the lesser of:

- 1 ha of farmland @ \$5,000/ha + 6 ha of woodlot @ \$1,000/ha = \$11,000
- cost of crossing = \$15,000

The loss of access allowance for Property A would be \$11,000.



Client: Kittle Cory
Farm: 1022 gerber rd waterloo
Field: c03 blk b l09 wilmot
Name: Drainage - Planned

4 in perf	18024.66 ft
4in future	37984.55 ft
6 in filter	1088.83 ft
6in nonperf	274.27 ft
6in perf	1064.67 ft
8in filter	247.18 ft
8in perf	71.22 ft
10in filter	454.41 ft
10in perf	209.12 ft
12 in perf	698.58 ft
15" smoothwall	8.31 ft





**Bamberg Creek, Jananna, and
Koch-Leis Municipal Drains
2023**

April 28, 2023

Prepared for:



Headway Engineering
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Suite 308
Kitchener, Ontario N2C 1X3
226 243 6614
www.headwayeng.ca

Kitchener, Ontario
April 28, 2023

To the Mayor and Members of Council:

Re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023
Township of Wilmot
Our Reference No. WLMT-002

Headway Engineering is pleased to provide its report for the **Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023** in the Township of Wilmot.

The preparation of this report was authorized by resolutions of the Council of the Township of Wilmot on July 12, 2021, per Section 4(1) of the Drainage Act.

The primary objective of this report is to establish a new Municipal Drain designed to today's standards of drainage for an area requiring drainage. The report recommends the construction of a new closed municipal drain from two locations on the North Part of Lot 10, Concession 3, Block B and extending downstream to its outlet into the Koch-Leis Drain and the Bamberg Creek. Improvements are required to portions of the Koch-Leis Drain, and the Bamberg Creek.

A summary of the assessments for this project are as follows:

Municipal Lands	\$32,649
Privately Owned Agricultural – Grantable	\$430,251
Total Estimated Assessments	\$462,900

Yours truly,



Stephen Brickman, P.Eng.
Project Engineer and Manager



Adam Hall
Project Coordinator
HEADWAY ENGINEERING
SB/





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SCHEDULES

SCHEDULE A – ALLOWANCES

SCHEDULE B – ESTIMATED CONSTRUCTION COSTS

SCHEDULE C – ASSESSMENT FOR CONSTRUCTION

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SPECIFICATIONS FOR THE CONSTRUCTION OF MUNICIPAL DRAINAGE WORKS

1.0 INTRODUCTION AND LOCATION

The Council of the Township of Wilmot has appointed Headway Engineering to investigate a petition for a new municipal drainage works. The project services parts of Lots 9 to 12 in Concessions 3 Block B, in the Township of Wilmot, and parts of Lots 6 to 8 in Concession 2, Eastern Division, and part of Lot 8, Concession 3, Eastern Division in the Township of Wellesley.

The liable drainage area comprises of approximately 221 hectares, and land uses within the watershed include agriculture, bush lands, and roads.

The attached Plans, Profiles and Details; Drawing Numbers 1 to 6, show and describe in detail the location and extent of the work to be completed and the lands which are affected.

2.0 PROJECT AUTHORIZATION

Authority to prepare this report was obtained by resolutions of the Council of the Township of Wilmot at its July 12, 2021 Council Meeting to appoint Headway Engineering to prepare an Engineer's Report under Section 4 of the Drainage Act. The area requiring drainage is part of Lot 10, Concession 3, Block B. The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.

3.0 MUNICIPAL DRAINAGE HISTORY

3.1 Koch-Leis Drain (1950)

The Koch-Leis Drain was originally constructed under the authority of a report prepared by Graham Reid & Associates, dated November 15, 1950. This 1950 report provided for the construction of the entire Koch-Leis Drain as an open ditch.

The following table summarizes the maintenance activities on the Koch-Leis Drain, per Township records:

Year	Location	Description
1985 (Summer)	Gerber Road, downstream to Bamberg Creek	Ditch cleanout
2010 (Fall)	Bamberg Creek	Beaver, and beaver dam removals
2012 (Spring)	Sta. 0+000 to Sta. 0+374 (approx.)	Ditch cleanout
2018 (Spring)	Sta. 0+000 to Sta. 0+620 (approx.), and spot locations upstream	Ditch cleanout and brushing, spot cleanouts.
2021 (Fall)	Sta. 0+000 to Sta. 0+374 (approx.)	Ditch cleanout and brushing



4.0 PUBLIC MEETINGS AND ENGAGEMENTS

4.1 On-Site Meeting

Per Section 9(1) of the Drainage Act, an on-site meeting was held on September 22, 2021 to address the Section 4 Petition. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent
Josh Graham, C.E.T.	Region of Waterloo
Ken Renner	Region of Waterloo

Landowners included:

Lucy Gawron	Walter Krupnik	Wayne & Irene Schneider
Ron McCormick	Christine Gawron	

4.2 Public Information Meeting No. 1

A Public Information Meeting was held on September 29, 2022. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent

Landowners included:

Cory Kittel	Wayne & Irene Schneider	Walter Krupnik
Lucy Gawron	Ken & Cathy Heintz	Justin Miller
Chris & Keith Turner	Ron McCormick	Theresa Gawron (Virtually)

The information supplied included details on the proposed construction of two pipe drainage systems identified as the East and West Branches, and improvements to Bamberg Creek.

This meeting provided a review of the design of the proposed drainage system, the estimated costs of the project, and the proposed assessments.

Subsequent to the meeting, improvements were requested to the lower end of the Koch-Leis Drain. Given the frequent need for cleanouts (three cleanouts in 10 years at the lower end), and the newly proposed improvements to Bamberg Creek, additional grade is available to the Koch-Leis Drain.

4.3 Public Information Meeting No. 2 (Koch-Leis Drain Improvements)

A second Public Information Meeting was held on November 24, 2022. Persons in attendance were:

Stephen Brickman, P.Eng.	Headway Engineering
Adam Hall	Headway Engineering
John Kuntze, P.Eng.	Township of Wilmot, Drainage Superintendent
Garth Noecker	Township of Wellesley, Drainage Superintendent
Ken Renner	Region of Waterloo

Landowners included:

Lucy Gawron	Wayne & Irene Schneider	Walter Krupnik
Jeff Cressman	Dave and Eva Cressman	Ken & Cathy Heintz
Chris Gawron	Keith Turner	Peter Schneider



The information supplied essentially included the same details as presented at the Public Information Meeting No. 1, but with improved grade at the lower end of the Koch-Leis Drain.

This meeting provided a review of the design of the proposed drainage system, the estimated costs of the project, and the proposed assessments.

5.0 FINDINGS

Based on the information collected during field investigations, surveys, public engagements, and review of documentation, the following summarizes Headway Engineering's findings:

5.1 General Findings:

- The watershed was established through the analysis of tile drainage maps, previous engineers' reports for surrounding systems, field investigations, surveys, and data analysis of the Southwestern Ontario Orthophotographic Project (SWOOP). The drainage area liable for assessment comprises of approximately 221 hectares.
- Land uses within the drainage area are as follows:
 - Agricultural: 180.4 hectares (82%)
 - Bush: 37.5 hectares (17%)
 - Roads: 3.1 hectares (1%)
- The Ontario Ministry of Agriculture, Food and Rural Affairs' Agricultural Information Atlas describes the soil types within the watershed and along the route of the drain as follows:
 - Silt Loam (approximately 24%)
 - Silty Clay Loam (approximately 31%)
 - Sandy Loam (approximately 45%).
- Lands north of Gerber Road, and immediately south of Gerber Road are noted to be sandy with above average properties for infiltration.

5.2 Existing Drainage System:

- The Koch-Leis Drain has a very flat grade for approximately 300m at its outlet. The previous drainage report indicates that the Koch-Leis Drain was constructed with more grade.
- The outlet for the entire system is Bamberg Creek.
- Bamberg Creek shows signs of artificial improvements in its history, such as straightening, and additional depth at the time the Koch-Leis Drain was originally constructed (1950).

5.3 Outlet:

- The outlet for the system is Bamberg Creek approaching Berlett's Road, where the natural watercourse begins to take on more grade.



5.4 Other noted issues:

- The north part of Lot 10, Concession 3, Block B has been recently systematically tiled toward the Koch-Leis Drain. The north side of the property is not systematically tiled, as conditions improve for drainage.
- Eastern portions of Lot 10, Concession 3, Block B have been tiled toward the Koch-Leis Drain, where those lands would naturally drain south toward Bamberg Creek. The south-east portion of the property could not be drained toward the Koch-Leis Drain, and requires a legal outlet.
- Surface flows along the upper alignment of the East Branch and West Branch are causing reduced usability of the surrounding lands.
- Areas within the drainage area are likely to be tiled in the future.
- Tile outlets into Bamberg Creek do not have sufficient depth for today's standards of drainage.
- Bamberg Creek is prone to beaver activity. The municipality currently has limited ability to complete any maintenance on Bamberg Creek.
- Current topographic data indicates that portions of the Koch-Leis Drain watershed, as noted in the 1950 report, are incorrect.

5.5 Environmental Condition:

- Portions of the proposed drainage system pass through components of the Provincially Significant Sunfish Lake Laurel Creek Wetland Complex.

6.0 DESIGN CONSIDERATIONS

The proposed tile drainage system is sized using the Drainage Coefficient method contained in the OMAFRA Publication 29 – 'Drainage Guide for Ontario'. The Drainage Coefficient describes a depth of water to be conveyed by the drainage works per a 24-hour period and is expressed in millimeters per 24 hours. The drainage coefficient design standard used for the works proposed in this report is 25mm per 24-hour period.

The tile drains are to be installed along an alignment which approximately follows the natural flow paths.

Headway Engineering investigated a design option which relied on the use of the existing private drain for the lower portion of the West Branch as a municipal drain. This design option resulted in minimal cost savings while providing for smaller infrastructure. A single pipe system sized to today's standards is the most feasible option.

Pipe materials were selected based on location and intended land uses adjacent to the drainage system.

Surface water inlets have been placed purposefully to receive surface flow and allow for subsurface connections. Likewise, the elevation of the pipe systems are designed to provide for subsurface tile connections at, and between surface water inlets.



Works in Bamberg Creek have been designed to provide for sufficient outlet for the Koch-Leis Drain, and the East Branch. The proposed works also provide opportunity for improved tile drainage for workable areas adjacent to, or near works proposed in Bamberg Creek.

7.0 ENVIRONMENTAL CONSIDERATIONS AND PERMITTING

7.1 Department of Fisheries and Oceans (DFO)

The work proposed under this report consists of the new construction of a closed drainage system, and improvements to existing open watercourses. Headway Engineering submitted a Request for Review by DFO on April 12, 2022. DFO contacted Headway Engineering for additional discussion, and upon DFO's completion of their review, DFO provided the following correspondence, dated June 27, 2022:

"... the [Fish and Fish Habitat Protection] Program is of the view that your proposal will not require an authorization under the Fisheries Act, or the Species at Risk Act."

7.2 Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Environment, Conservation and Parks (MECP)

Headway Engineering completed a review of the Natural Heritage Information Centre mapping for Species at Risk in Ontario. Provincial Species at Risk requiring special consideration were not found in the working area.

In response to a public inquiry, the MECP reached out to Headway Engineering to request information, mainly relating to Eastern Meadowlark. Special provisions to locate (if present) the species within the work area have been prepared by Headway Engineering and approved by the MECP.

7.3 Grand River Conservation Authority (GRCA)

The GRCA provided correspondence dated October 21, 2021, which states the following:

"... our [GRCA] comments on works under the Drainage Act are advisory, and will not require a GRCA permit."

The correspondence also states the following:

"... we [GRCA] wish to stay involved as the study process moves forward."

The GRCA has been included on the circulation list for this report and has been notified of all public engagements. Additionally, Headway Engineering has forwarded design drawings to the GRCA on January 20, 2023, for comment, and held a virtual meeting with GRCA staff on February 3, 2023.

8.0 RECOMMENDATIONS

Headway Engineering recommends the following:

- A new municipal drainage system be installed from the outlet into Bamberg Creek in Lot 9, Concession 3, Block B, and extending upstream to the property line separating Lots 9 and 10, in the same concession. This Branch shall be known as the East Branch of the Jannana Municipal Drain.



- A new municipal drainage system be installed from the outlet into the Koch-Leis Drain in Lot 10, Concession 3, Block B, and extending upstream to the south road limit of Gerber Road, in the same concession. This Branch shall be known as the West Branch of the Jannana Municipal Drain.
- Improvements be made to the Koch-Leis Drain from its outlet into Bamberg Creek in Lot 10, Concession 3, Block B and extending upstream to the outlet of the West Branch.
- Improvements be made to Bamberg Creek from the outlet of the East Branch, and extending downstream to a sufficient outlet on the Schneider property (Roll No. 9-153).
- The proposed tile drainage system includes the installation of approximately 1,358m of 200mm to 450mm diameter pipes and is designed to convey flows at a design standard of 25mm per 24-hour period. The proposed improvements to the open channels consists of approximately 1,201m of cleanout.
- The proposed drainage system shall be constructed at an elevation adequate to drain the surrounding subsurface lands.
- This improved drainage system shall be known as the **Bamberg Creek, Jananna and Koch-Leis Municipal Drains 2023**. The Jananna Municipal Drain shall include the **East Branch**, and the **West Branch**. The Koch-Leis Drain will continue with the same identification.
- The watershed for the Koch-Leis Drain be updated per the most current topographic information, and the maintenance assessment be altered accordingly.
- Headway Engineering also recommends that the watersheds of the surrounding municipal drains be updated when those drainage systems are revisited in the future.

9.0 SUMMARY OF PROPOSED WORKS

The proposed work consists of:

1. The installation of approximately 1,358m of 200mm to 450mm diameter concrete field tile and HDPE pipe.
2. The installation of four concrete catch basins and one junction box, and
3. The improvement of approximately 1,201m of open channels.

10.0 WORKING AREA AND ACCESS

Access to the working area shall be as designated on the plans. In locations where access is not shown on the plans then access shall be designated by the Landowners.

10.1 Closed Drains (East and West Branches)

The working area shall be an average width of 25m for construction purposes, and an average width of 10m for maintenance purposes along the alignment of the proposed drain.

10.2 Open Drains (Bamberg Creek and Koch-Leis Municipal Drains)

The working area shall be an average width of 10m for construction and maintenance purposes along the working side of the open drain.



11.0 SCHEDULES

Four schedules are attached and form part of this report.

11.1 Schedule A – Schedule of Allowances

Following Sections 29, 30, and 33 of the Drainage Act, allowances are provided to Landowners for Right-of-Way, Damages to Lands and Crops and Loss of Access. Schedule A contains a table of the applicable allowances to Landowners.

11.2 Schedule B – Schedule of Estimated Construction Costs

An itemized cost estimate of the proposed construction work is included in detail in Schedule B.

11.3 Schedule C – Schedule of Assessment for Construction

Schedule C provides details of the distribution of the total estimated costs of the construction of the municipal drain.

11.4 Schedule D – Schedule of Assessment for Maintenance

Schedule D provides details of the distribution of future maintenance costs for the municipal drain. Maintenance assessments are expressed as a percentage of the total maintenance. Lands located upstream of the maintenance shall be determined by the Drainage Superintendent and assessed according to this schedule.

12.0 ALLOWANCES

Per Sections 29, 30, and 33 of the Drainage Act, Allowances payable to Landowners are described below.

12.1 Allowances for Right-of-Way (Section 29)

The Right-of-Way allowance compensates the lands for the right to enter onto the land at various times for the purpose of inspecting the drainage system and conducting maintenance activities. The land value used for the Right-of-Way calculation is adjusted for closed drainage systems to account for the continued use of the land after the construction.

The values used for calculating allowances for Right-of-Way are as follows:

Land Use	Land Value	Adjustment Factor for Drainage Act Right-of-Way	Adjusted Land Value for Drainage Act Right-of-Way Allowance
Agricultural (Maintenance Corridor)	\$60,000/Ha	25%	\$15,000/Ha
Wooded (Maintenance Corridor)	\$15,000/Ha	25%	\$3,750/Ha
Watercourse (Land Taken)	\$15,000/Ha	100%	\$15,000/Ha



12.2 Allowances for Damages to Lands and Crops (Section 30)

Allowances for Damages to Lands and Crops under Section 30 of the Drainage Act, are primarily calculated to compensate landowners for crop losses, and land damages due to the construction and operation of the drain, including access to the working area.

Area values used for calculating allowances for Damages are as follows:

Land Use	Damage Value
Agricultural	\$6,000/Ha
Wooded	\$3,000/Ha

12.1 Allowances for Loss of Access (Section 33)

An allowance may be provided to a Landowner if the establishment of a municipal drain causes the loss of access to a portion of the property. A Loss of Access allowance is calculated as the lesser of the following calculations:

- The cost of constructing a suitable bridge or crossing
- The value of the land which is severed from the rest of the property by the establishment of a municipal drain.

Five Loss of Access allowances are provided in this report, all of which resulted with the value of the land severed as the lesser of the above calculations.

Total Allowances, under Sections 29, 30, and 33 of the Drainage Act are \$167,400. Allowances payable to Landowners are shown in Schedule A.

Allowances will be deducted from the total assessments in accordance with Section 62(3) of the Drainage Act.

13.0 ESTIMATED CONSTRUCTION COSTS

Headway Engineering has made an estimate of the cost of the proposed construction work. A detailed description of the estimated construction costs can be found in Schedule B of this report.

Part A – Bamberg Creek Drain	\$ 44,400
Part B – Jananna – East Branch	\$ 60,300
Part C – Jananna – West Branch	\$ 50,100
Part D – Koch-Leis Drain	\$ 9,800
Part E – Provisional Items	\$ 16,200
Total Estimated Construction Costs	\$ 180,800



14.0 SUMMARY OF ESTIMATED PROJECT COSTS

The total estimated project costs are as follows:

Allowances under Sections 29, 30, 33 of the Drainage Act (Refer to Schedule A)	\$ 167,400
Total Estimated Construction Costs (Refer to Schedule B)	\$ 180,800
Public engagements, survey, design and drafting, preparation of preliminary cost estimates and assessments, preparation of drainage report, consideration of report	\$ 70,300
Agency Consultations and Approvals	\$ 1,200
Tendering, supervision, and inspection of construction, as-recorded drawing preparation	\$ 22,900
Contingencies, Interest and net H.S.T.	\$ 20,300
TOTAL ESTIMATED PROJECT COSTS	
BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023	\$ 462,900

The estimated cost of the work in the Township of Wilmot is \$462,900.

The above costs are estimates only. The final costs of construction, engineering and administration cannot be determined until the project is completed.

The above cost estimate does not include costs associated with defending the drainage report should appeals be filed with the Court of Revision, Drainage Tribunal and/or Drainage Referee. Should additional costs be incurred, unless otherwise directed, the additional costs would be distributed in a pro-rata fashion over the assessments contained in Schedule C and as may be varied under the Drainage Act.

15.0 ASSESSMENT

Headway Engineering assesses the cost of this work against the Lands and Roads as shown in Schedule C - Assessment for Construction.

Assessments were determined using the principles included in the 'Drainage Assessment Revisited' paper prepared by E.P. Dries and H.H. Todgham. These principals of assessment are recognized to be fair and equitable for determining cost distributions among those affected.

15.1 Benefit (Section 22)

Benefit assessment is applied to those properties receiving a benefit as defined in Section 1 of the Drainage Act which is extracted below:

Benefit means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or sub-surface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures.



Typically, properties which have direct, or near direct access to the proposed drain receive Benefit as defined above.

15.2 Outlet Liability (Section 23)

Outlet Liability is distributed to all properties within the liable watershed area on an adjusted area basis. The areas are adjusted to accurately reflect equivalent run-off rates relative to other lands and roads within the watershed. Due to development, roads have been assessed higher Outlet Liability rates relative to agricultural lands.

15.3 Special Benefit (Section 24)

15.3.1 Assessment of Costs for Crossing Considerations

The Special Benefit instrument of assessment is used to separate the benefit portion of the crossing considerations from the remaining costs of the project. Crossing considerations include the Loss of Access allowances.

16.0 GRANT ELIGIBILITY

The Province provides grants toward assessments to eligible properties for drainage improvements which meet specified criteria. The provision of these grants for activities under the Drainage Act is known as the *Agricultural Drainage Infrastructure Program (ADIP)*.

A grant may be available for assessments to privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion. The Municipality will then deduct the grant from the assessments.

16.1 Allowance for Loss of Access

Following policy number 2.4 e) of the ADIP policies, no grant will be paid on an allowance for loss of access except when the cost of providing a crossing exceeds the value of the land losing access. As noted under Heading 12.1 of this report, all Loss of Access allowances were calculated based on the value of the land losing access. The Loss of Access allowances qualify for ADIP grants.

17.0 MAINTENANCE

After completion, the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains shall be maintained by the Township of Wilmot and the Township of Wellesley for those portions of the drainage systems which are located in their respective municipalities, at the expense of all the lands and roads assessed in accordance with the attached Schedule D – Assessment for Maintenance, and in the same relative proportions until such time as the assessment is changed under the Drainage Act, except for the portions of the drainage works on municipal right-of-ways. These portions shall be maintained at the expense of the road authority having jurisdiction over the road.



Schedule A

Allowances

Schedule of Allowances

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Bamberg Creek Drain	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	Total Allowances
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	
	9	3 Block B	Oleg & Elena Borissova	9-151	\$ 1,020.00	\$ 1,020.00	\$ 1,000.00	\$ 3,040.00
	9	3 Block B	Cory & Kirby Kittel	9-165	\$ 270.00	\$ 270.00		\$ 540.00
	10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 2,310.00	\$ 1,720.00		\$ 4,030.00
	10	3 Block B	Peter & Barbara Wurtele	9-153-01	\$ 1,230.00	\$ 1,080.00	\$ 34,800.00	\$ 37,110.00
	10	3 Block B	David & Sherri Homanchuk	9-154	\$ 3,420.00	\$ 3,190.00	\$ 39,600.00	\$ 46,210.00
Total Allowances								
Bamberg Creek Drain					\$ 8,250.00	\$ 7,280.00	\$ 75,400.00	\$ 90,930.00

Jananna - East Branch	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	Total Allowances
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	
	9	3 Block B	Cory & Kirby Kittel	9-165	\$ 3,270.00	\$ 3,770.00		\$ 7,040.00
	10	3 Block B	Jananna Corp.	9-164	\$ 5,750.00	\$ 5,750.00		\$ 11,500.00
Total Allowances								
Jananna - East Branch					\$ 9,020.00	\$ 9,520.00	\$ -	\$ 18,540.00

Jananna - West Branch	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	Total Allowances
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	
	10	3 Block B	Jananna Corp.	9-164	\$ 11,400.00	\$ 11,400.00		\$ 22,800.00
Total Allowances								
Jananna - West Branch					\$ 11,400.00	\$ 11,400.00	\$ -	\$ 22,800.00

Koch-Leis Drain	Property Details				Drainage Act Allowances			
	Part			Roll	Right of Way	Damages	Loss of Access	
	Lot	Concession	Landowner	Number	(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 2,810.00	\$ 530.00	\$ 8,700.00	\$ 12,040.00
	10	3 Block B	David & Sherri Homanchuk	9-154	\$ 2,810.00	\$ 1,120.00		\$ 3,930.00
	10	3 Block B	Jananna Corp.	9-164	\$ 2,660.00	\$ -	\$ 16,500.00	\$ 19,160.00
	Total Allowances							
	Koch-Leis Drain				\$ 8,280.00	\$ 1,650.00	\$ 25,200.00	\$ 35,130.00
					Right of Way	Damages	Loss of Access	
					(Sec. 29)	(Sec. 30)	(Sec. 33)	Total Allowances
	Total Allowances							
	Bamberg Creek, Jananna, and Koch-Leis							
	Municipal Drains 2023				\$ 36,950.00	\$ 29,850.00	\$ 100,600.00	\$ 167,400.00



Schedule B

Estimated Construction Costs

Schedule of Estimated Construction Costs

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

Part A - Bamberg Creek Drain

Description	Estimated Quantity	\$/Unit	Total
1) Clearing, brushing and mulching	l.s.		\$ 20,000.00
2) Open ditch excavation (approx. 400m ³) including cleanout through concrete bridge at Sta. 0+539	650 m	\$ 20.00	\$ 13,000.00
3) Levelling of excavated material	650 m	\$ 6.00	\$ 3,900.00
4) Seeding of disturbed side slopes	2000 m2	\$ 1.25	\$ 2,500.00
5) Supply and place rip-rap erosion protection at Sta. 0+000 to transition Bamberg Creek existing grade to proposed streambed (approx. 10m length)	l.s.		\$ 5,000.00

Total Estimated Construction Costs

Part A - Bamberg Creek Drain **\$ 44,400.00**

Part B - Jananna - East Branch

Description	Estimated Quantity	\$/Unit	Total
1) Supply 200mm diameter concrete field tile	288 m	\$ 20.00	\$ 5,760.00
Installation (Sta. 0+310 to Sta. 0+598)	288 m	\$ 32.00	\$ 9,216.00
2) Supply 400mm diameter concrete field tile	304 m	\$ 35.00	\$ 10,640.00
Installation (Sta. 0+006 to Sta. 0+310)	304 m	\$ 36.00	\$ 10,944.00
3) Supply 450mm diameter HDPE outlet pipe (CSA B182.8) complete with rodent grate	6 m	\$ 120.00	\$ 720.00

Description	Estimated Quantity	\$/Unit	Total
4) Installation of 450mm diameter outlet pipe complete with quarry stone rip-rap protection and geotextile filter material (50m ²)	I.s.		\$ 9,020.00
5) Supply and install 600mm X 600mm concrete catchbasin at Sta. 0+598 (inline type)	1 ea.	\$ 2,500.00	\$ 2,500.00
6) Supply and install 600mm X 600mm concrete catchbasin offset 21m east of Sta. 0+270 including connection to the main drain with 300mm diameter pipe	1 ea.	\$ 4,500.00	\$ 4,500.00
7) Supply and install 900mm X 1200mm concrete junction box at Sta. 0+310 (inline type)	1 ea.	\$ 3,000.00	\$ 3,000.00
6) Supply and install 900mm X 1200mm concrete ditch inlet catch basin at Sta. 0+218 (inline type)	1 ea.	\$ 4,000.00	\$ 4,000.00
Total Estimated Construction Costs			
Part B - Jananna - East Branch			\$ 60,300.00

Part C - Jananna - West Branch

Description	Estimated Quantity	\$/Unit	Total
1) Supply 200mm diameter concrete field tile	310 m	\$ 20.00	\$ 6,200.00
Installation (Sta. 0+450 to Sta. 0+760)	310 m	\$ 32.00	\$ 9,920.00
2) Supply 250mm diameter concrete field tile	444 m	\$ 25.00	\$ 11,100.00
Installation (Sta. 0+006 to Sta. 0+450)	444 m	\$ 34.00	\$ 15,096.00
3) Supply 250mm diameter HDPE outlet pipe (CSA B182.8) complete with rodent grate	6 m	\$ 120.00	\$ 720.00
4) Installation of 250mm diameter outlet pipe complete with quarry stone rip-rap protection and geotextile filter material (30m ²)	I.s.		\$ 7,064.00
Total Estimated Construction Costs			
Part C - Jananna - West Branch			\$ 50,100.00

Part D - Koch-Leis Drain

Description	Estimated Quantity	\$/Unit	Total
1) Clearing, brushing and mulching	I.s.		\$ 2,025.00
2) Open ditch cleanout	275 m	\$ 20.00	\$ 5,500.00
3) Levelling of excavated material	275 m	\$ 6.00	\$ 1,650.00
4) Seeding of disturbed side slopes	500 m2	\$ 1.25	\$ 625.00

Total Estimated Construction Costs

Part D - Koch-Leis Drain **\$ 9,800.00**

Part E - Provisional Items

A Provisional Item is an item that may or may not be required as a part of the Contract. The decision as to whether a Provisional Item will form part of the Contract will be at the discretion of the engineer at time of construction. Payment for Provisional Items will only be made for work authorized in writing (text or email) by the Engineer. Payment for work performed under a Provisional Item shall be based on the Unit Price bid in the Scope of Work below.

- 1) Additional costs associated with installation of tile drain on 19mm diameter crushed clear stone bedding. This includes the supply and placement of all stone, and additional labour and equipment required for installation in accordance with the Typical Pipe Installation on wrapped Stone Bedding

Description	Estimated Quantity	\$/Unit	Total
250mm diameter pipe	75 m	\$ 40.00	\$ 3,000.00
400mm diameter pipe	150 m	\$ 50.00	\$ 7,500.00

- 2) Additional costs associated with installation of tile drain on 19mm diameter crushed clear stone bedding. This includes the supply and placement of all stone, and additional labour and equipment required for installation in accordance with the Typical Pipe Installation on Stone Bedding Detail (un-wrapped bedding).

Description	Estimated Quantity	\$/Unit	Total
250mm diameter pipe	25 m	\$ 30.00	\$ 750.00
400mm diameter pipe	50 m	\$ 40.00	\$ 2,000.00

Description	Estimated Quantity	\$/Unit	Total
3) Wheel machine lift outs due to stony conditions	3 ea.	\$ 300.00	\$ 900.00
4) Tile connections:			
Description	Estimated Quantity*	\$/Unit	Total
100mm diameter	10 ea.	\$ 90.00	\$ 900.00
150mm diameter	5 ea.	\$ 100.00	\$ 500.00
200mm diameter	5 ea.	\$ 130.00	\$ 650.00

*The Contractor shall be paid for the actual quantity of tile connections at the above fixed unit prices.

Total Estimated Construction Costs

Part E - Provisional Items

\$ 16,200.00

Summary of Estimated Construction Costs

Part A - Bamberg Creek Drain	\$ 44,400.00
Part B - Jananna - East Branch	\$ 60,300.00
Part C - Jananna - West Branch	\$ 50,100.00
Part D - Koch-Leis Drain	\$ 9,800.00
Part E - Provisional Items	<u>\$ 16,200.00</u>

Total Estimated Construction Costs

\$ 180,800.00

Total Estimated Materials	\$ 35,140.00
Total Estimated Labour and Equipment	<u>\$ 145,660.00</u>

Total Estimated Construction Costs

Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

\$ 180,800.00



Schedule C

Assessment for Construction

**Schedule of Assessment for Construction
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023**

	Property Details				Drainage Act Instruments of Assessment				For Information				
	Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense	
Bamberg Creek Drain	Township of Wilmot												
	9	3 Block B	Oleg & Elena Borissova	9-151	8.54	\$ 5,503.00	\$ 2,354.00		\$ 7,857.00	\$ 2,619.00	\$ 3,040.00	\$ 2,198.00	
	9	3 Block B	Cory & Kirby Kittel	9-165	13.84	\$ 18,241.00	\$ 4,374.00		\$ 22,615.00	\$ 7,538.00	\$ 540.00	\$ 14,537.00	
	10	3 Block B	Peter & Dagmar Schneider	9-153	9.3	\$ 12,500.00	\$ 1,933.00		\$ 14,433.00	\$ 4,811.00	\$ 4,030.00	\$ 5,592.00	
	10	3 Block B	Peter & Barbara Wurtele	9-153-01	0.89	\$ 12,811.00	\$ 182.00	\$ 32,020.00	\$ 45,013.00	\$ 15,004.00	\$ 37,110.00	-\$ (7,101.00)	
	10	3 Block B	David & Sherri Homanchuk	9-154	3.7	\$ 26,336.00	\$ 962.00	\$ 36,440.00	\$ 63,738.00	\$ 21,246.00	\$ 46,210.00	-\$ (3,718.00)	
	10	3 Block B	Jananna Corp.	9-164	45.3	\$ 10,649.00	\$ 11,040.00		\$ 21,689.00	\$ 7,230.00	\$ -	\$ 14,459.00	
	11	3 Block B	Kenneth & Catherine Heintz	9-156	6.2	\$ -	\$ 1,030.00		\$ 1,030.00	\$ 343.00	\$ -	\$ 687.00	
	11	3 Block B	Roadside Farm Inc.	9-163	42.8	\$ -	\$ 8,864.00		\$ 8,864.00	\$ 2,955.00	\$ -	\$ 5,909.00	
	12	3 Block B	David & Eva Cressman	9-160	3.1	\$ -	\$ 684.00		\$ 684.00	\$ 228.00	\$ -	\$ 456.00	
	Total Assessments on Lands						\$ 86,040.00	\$ 31,423.00	\$ 68,460.00	\$ 185,923.00	\$ 61,974.00	\$ 90,930.00	\$ 33,019.00
	Gerber Road		Region of Waterloo				\$ -	\$ 4,364.00		\$ 4,364.00			\$ 4,364.00
	Total Assessments on Roads						\$ -	\$ 4,364.00	\$ -	\$ 4,364.00			\$ 4,364.00
	Total Assessments Main Open Township of Wilmot						\$ 86,040.00	\$ 35,787.00	\$ 68,460.00	\$ 190,287.00	\$ 61,974.00	\$ 90,930.00	\$ 37,383.00
	Township of Wellesley												
	6	2 East	Natalee Ridgeway	1-007-00	7.98	\$ -	\$ 1,571.00		\$ 1,571.00	\$ 524.00	\$ -	\$ 1,047.00	
	6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	\$ -	\$ 1,140.00		\$ 1,140.00	\$ 380.00	\$ -	\$ 760.00	
	7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 848.00		\$ 848.00	\$ 283.00	\$ -	\$ 565.00	
	7	2 East	264171 Holdings Ltd.	1-008	25.45	\$ -	\$ 2,757.00		\$ 2,757.00	\$ 919.00	\$ -	\$ 1,838.00	
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.5	\$ -	\$ 99.00		\$ 99.00	\$ 33.00	\$ -	\$ 66.00		
8	2 East	Robert & Anne Jantzi	1-009	25	\$ -	\$ 4,759.00		\$ 4,759.00	\$ 1,586.00	\$ -	\$ 3,173.00		
8	3 East	Bamway Industries Inc.	1-027	6.9	\$ -	\$ 1,006.00		\$ 1,006.00	\$ 335.00	\$ -	\$ 671.00		
8	3 East	Jammon & Elvina Bauman	1-026	6.3	\$ -	\$ 933.00		\$ 933.00	\$ 311.00	\$ -	\$ 622.00		
Total Assessments on Lands						\$ -	\$ 13,113.00	\$ -	\$ 13,113.00	\$ 4,371.00	\$ -	\$ 8,742.00	
Total Assessments Township of Wellesley						\$ -	\$ 13,113.00	\$ -	\$ 13,113.00	\$ 4,371.00	\$ -	\$ 8,742.00	
Total Assessments Bamberg Creek Drain						\$ 86,040.00	\$ 48,900.00	\$ 68,460.00	\$ 203,400.00	\$ 66,345.00	\$ 90,930.00	\$ 46,125.00	

	Property Details					Drainage Act Instruments of Assessment			For Information			
	Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Jananna - East Branch	Township of Wilmot											
	9	3 Block B	Cory & Kirby Kittel	9-165	13.84	\$ 9,278.00	\$ 17,478.00		\$ 26,756.00	\$ 8,919.00	\$ 7,040.00	\$ 10,797.00
	10	3 Block B	Jananna Corp.	9-164	5.88	\$ 52,342.00	\$ 8,957.00		\$ 61,299.00	\$ 20,433.00	\$ 11,500.00	\$ 29,366.00
	Total Assessments on Lands					\$ 61,620.00	\$ 26,435.00	\$ -	\$ 88,055.00	\$ 29,352.00	\$ 18,540.00	\$ 40,163.00
	Gerber Road Region of Waterloo					\$ -	\$ 7,205.00		\$ 7,205.00			\$ 7,205.00
	Total Assessments on Roads					\$ -	\$ 7,205.00	\$ -	\$ 7,205.00			\$ 7,205.00
	Total Assessments Main Closed Township of Wilmot					\$ 61,620.00	\$ 33,640.00	\$ -	\$ 95,260.00	\$ 29,352.00	\$ 18,540.00	\$ 47,368.00
	Township of Wellesley											
	6	2 East	Natalee Ridgeway	1-007-00	7.98	\$ -	\$ 5,529.00		\$ 5,529.00	\$ 1,843.00	\$ -	\$ 3,686.00
	6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	\$ -	\$ 4,011.00		\$ 4,011.00	\$ 1,337.00	\$ -	\$ 2,674.00
	Total Assessments on Lands					\$ -	\$ 9,540.00	\$ -	\$ 9,540.00	\$ 3,180.00	\$ -	\$ 6,360.00
	Total Assessments Main Closed Township of Wellesley					\$ -	\$ 9,540.00	\$ -	\$ 9,540.00	\$ 3,180.00	\$ -	\$ 6,360.00
	Total Assessments Jananna - East Branch					\$ 61,620.00	\$ 43,180.00	\$ -	\$ 104,800.00	\$ 32,532.00	\$ 18,540.00	\$ 53,728.00

	Property Details					Drainage Act Instruments of Assessment			For Information			
	Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Jananna - West Branch	Township of Wilmot											
	10	3 Block B	Jananna Corp.	9-164	9.34	\$ 51,156.00	\$ 6,344.00		\$ 57,500.00	\$ 19,167.00	\$ 22,800.00	\$ 15,533.00
	Total Assessments on Lands					\$ 51,156.00	\$ 6,344.00	\$ -	\$ 57,500.00	\$ 19,167.00	\$ 22,800.00	\$ 15,533.00
	Gerber Road Region of Waterloo					\$ 9,624.00	\$ 10,631.00		\$ 20,255.00			\$ 20,255.00
	Total Assessments on Roads					\$ 9,624.00	\$ 10,631.00	\$ -	\$ 20,255.00			\$ 20,255.00
	Total Assessments Branch Township of Wilmot					\$ 60,780.00	\$ 16,975.00	\$ -	\$ 77,755.00	\$ 19,167.00	\$ 22,800.00	\$ 35,788.00
	Township of Wellesley											
	7	1-008-02	Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 9,395.00		\$ 9,395.00	\$ 3,132.00	\$ -	\$ 6,263.00
	7	1-008	264171 Holdings Ltd.	1-008	6.26	\$ -	\$ 7,650.00		\$ 7,650.00	\$ 2,550.00	\$ -	\$ 5,100.00
	Total Assessments on Lands					\$ -	\$ 17,045.00	\$ -	\$ 17,045.00	\$ 5,682.00	\$ -	\$ 11,363.00
Total Assessments Township of Wellesley					\$ -	\$ 17,045.00	\$ -	\$ 17,045.00	\$ 5,682.00	\$ -	\$ 11,363.00	
Total Assessments Jananna - West Branch					\$ 60,780.00	\$ 34,020.00	\$ -	\$ 94,800.00	\$ 24,849.00	\$ 22,800.00	\$ 47,151.00	

Property Details					Drainage Act Instruments of Assessment				For Information		
Part Lot	Concession	Landowner	Roll Number	Approx. Ha. Affected	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot											
10	3 Block B	Peter & Dagmar Schneider	9-153	6.3	\$ 6,317.00	\$ 272.00	\$ 10,800.00	\$ 17,389.00	\$ 5,796.00	\$ 12,040.00	-\$ 447.00
10	3 Block B	David & Sherri Homanchuk	9-154	1.7	\$ 8,509.00	\$ 4.00		\$ 8,513.00	\$ 2,838.00	\$ 3,930.00	\$ 1,745.00
10	3 Block B	Jananna Corp.	9-164	28.7	\$ 3,494.00	\$ 1,850.00	\$ 20,520.00	\$ 25,864.00	\$ 8,621.00	\$ 19,160.00	-\$ 1,917.00
11	3 Block B	Kenneth & Catherine Heintz	9-156	6.2	\$ -	\$ 202.00		\$ 202.00	\$ 67.00	\$ -	\$ 135.00
11	3 Block B	Roadside Farm Inc.	9-163	42.8	\$ -	\$ 3,158.00		\$ 3,158.00	\$ 1,053.00	\$ -	\$ 2,105.00
12	3 Block B	David & Eva Cressman	9-160	3.1	\$ -	\$ 244.00		\$ 244.00	\$ 81.00	\$ -	\$ 163.00
Total Assessments on Lands					\$ 18,320.00	\$ 5,730.00	\$ 31,320.00	\$ 55,370.00	\$ 18,456.00	\$ 35,130.00	\$ 1,784.00
Gerber Road		Region of Waterloo		2.1	\$ -	\$ 825.00		\$ 825.00			\$ 825.00
Total Assessments on Roads					\$ -	\$ 825.00	\$ -	\$ 825.00			\$ 825.00
Total Assessments Branch Township of Wilmot					\$ 18,320.00	\$ 6,555.00	\$ 31,320.00	\$ 56,195.00	\$ 18,456.00	\$ 35,130.00	\$ 2,609.00
Township of Wellesley											
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	\$ -	\$ 302.00		\$ 302.00	\$ 101.00	\$ -	\$ 201.00
7	2 East	264171 Holdings Ltd.	1-008	25.45	\$ -	\$ 982.00		\$ 982.00	\$ 327.00	\$ -	\$ 655.00
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.5	\$ -	\$ 35.00		\$ 35.00	\$ 12.00	\$ -	\$ 23.00
8	2 East	Robert & Anne Jantzi	1-009	25	\$ -	\$ 1,696.00		\$ 1,696.00	\$ 565.00	\$ -	\$ 1,131.00
8	3 East	Bamway Industries Inc.	1-027	6.9	\$ -	\$ 358.00		\$ 358.00	\$ 119.00	\$ -	\$ 239.00
8	3 East	Jammon & Elvina Bauman	1-026	6.3	\$ -	\$ 332.00		\$ 332.00	\$ 111.00	\$ -	\$ 221.00
Total Assessments on Lands					\$ -	\$ 3,705.00	\$ -	\$ 3,705.00	\$ 1,235.00	\$ -	\$ 2,470.00
Total Assessments Township of Wellesley					\$ -	\$ 3,705.00	\$ -	\$ 3,705.00	\$ 1,235.00	\$ -	\$ 2,470.00
Total Assessments Koch-Leis Drain					\$ 18,320.00	\$ 10,260.00	\$ 31,320.00	\$ 59,900.00	\$ 19,691.00	\$ 35,130.00	\$ 5,079.00

	Drainage Act Instruments of Assessment				For Information		
	Benefit (Sec. 22)	Outlet Liability (Sec. 23)	Special Benefit (Sec. 24)	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023	\$ 226,760.00	\$ 136,360.00	\$ 99,780.00	\$ 462,900.00	\$ 143,417.00	\$ 167,400.00	\$ 152,083.00

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 The Special Benefit Assessment (Sec. 24) is the benefit portion of the crossing considerations.
- 3 The Net Estimated Expense is the Total Assessment less gov't grants and allowances (if applicable).

**Schedule of Assessment for Construction
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023**

Property Details				Assessment Summary					For Information		
Part Lot	Concession	Landowner	Roll Number	Bamberg Creek Drain	Jananna - East Branch	Jananna - West Branch	Koch-Leis Drain	Total Assessment	Less Gov't Grant	Less Allowances	Net Estimated Expense
Township of Wilmot											
9	3 Block B	Oleg & Elena Borissova	9-151	\$ 7,857.00	\$ -	\$ -	\$ -	\$ 7,857.00	\$ 2,619.00	\$ 3,040.00	\$ 2,198.00
9	3 Block B	Cory & Kirby Kittel	9-165	\$ 22,615.00	\$ 26,756.00	\$ -	\$ -	\$ 49,371.00	\$ 16,457.00	\$ 7,580.00	\$ 25,334.00
10	3 Block B	Peter & Dagmar Schneider	9-153	\$ 14,433.00	\$ -	\$ -	\$ 17,389.00	\$ 31,822.00	\$ 10,607.00	\$ 16,070.00	\$ 5,145.00
10	3 Block B	Peter & Barbara Wurtele	9-153-01	\$ 45,013.00	\$ -	\$ -	\$ -	\$ 45,013.00	\$ 15,004.00	\$ 37,110.00	\$ (7,101.00)
10	3 Block B	David & Sherri Homanchuk	9-154	\$ 63,738.00	\$ -	\$ -	\$ 8,513.00	\$ 72,251.00	\$ 24,084.00	\$ 50,140.00	\$ (1,973.00)
10	3 Block B	Jananna Corp.	9-164	\$ 21,689.00	\$ 61,299.00	\$ 57,500.00	\$ 25,864.00	\$ 166,352.00	\$ 55,451.00	\$ 53,460.00	\$ 57,441.00
11	3 Block B	Kenneth & Catherine Heintz	9-156	\$ 1,030.00	\$ -	\$ -	\$ 202.00	\$ 1,232.00	\$ 411.00	\$ -	\$ 821.00
11	3 Block B	Roadside Farm Inc.	9-163	\$ 8,864.00	\$ -	\$ -	\$ 3,158.00	\$ 12,022.00	\$ 4,007.00	\$ -	\$ 8,015.00
12	3 Block B	David & Eva Cressman	9-160	\$ 684.00	\$ -	\$ -	\$ 244.00	\$ 928.00	\$ 309.00	\$ -	\$ 619.00
Total Assessments on Lands				\$ 185,923.00	\$ 88,055.00	\$ 57,500.00	\$ 55,370.00	\$ 386,848.00	\$ 128,949.00	\$ 167,400.00	\$ 90,499.00
Gerber Road		Region of Waterloo		\$ 4,364.00	\$ 7,205.00	\$ 20,255.00	\$ 825.00	\$ 32,649.00			\$ 32,649.00
Total Assessments on Roads				\$ 4,364.00	\$ 7,205.00	\$ 20,255.00	\$ 825.00	\$ 32,649.00			\$ 32,649.00
Total Assessments Township of Wilmot				\$ 190,287.00	\$ 95,260.00	\$ 77,755.00	\$ 56,195.00	\$ 419,497.00	\$ 128,949.00	\$ 167,400.00	\$ 123,148.00
Township of Wellesley											
6	2 East	Natalee Ridgeway	1-007-00	\$ 1,571.00	\$ 5,529.00	\$ -	\$ -	\$ 7,100.00	\$ 2,367.00		\$ 4,733.00
6	2 East	Ronald & Rosemary McCormick	1-007-01	\$ 1,140.00	\$ 4,011.00	\$ -	\$ -	\$ 5,151.00	\$ 1,717.00		\$ 3,434.00
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	\$ 848.00	\$ -	\$ 9,395.00	\$ 302.00	\$ 10,545.00	\$ 3,515.00		\$ 7,030.00
7	2 East	264171 Holdings Ltd.	1-008	\$ 2,757.00	\$ -	\$ 7,650.00	\$ 982.00	\$ 11,389.00	\$ 3,796.00		\$ 7,593.00
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	\$ 99.00	\$ -	\$ -	\$ 35.00	\$ 134.00	\$ 45.00		\$ 89.00
8	2 East	Robert & Anne Jantzi	1-009	\$ 4,759.00	\$ -	\$ -	\$ 1,696.00	\$ 6,455.00	\$ 2,152.00		\$ 4,303.00
8	3 East	Bamway Industries Inc.	1-027	\$ 1,006.00	\$ -	\$ -	\$ 358.00	\$ 1,364.00	\$ 455.00		\$ 909.00
8	3 East	Jammon & Elvina Bauman	1-026	\$ 933.00	\$ -	\$ -	\$ 332.00	\$ 1,265.00	\$ 422.00		\$ 843.00
Total Assessments on Lands				\$ 13,113.00	\$ 9,540.00	\$ 17,045.00	\$ 3,705.00	\$ 43,403.00	\$ 14,469.00	\$ -	\$ 28,934.00
Total Assessments Township of Wellesley				\$ 13,113.00	\$ 9,540.00	\$ 17,045.00	\$ 3,705.00	\$ 43,403.00	\$ 14,469.00	\$ -	\$ 28,934.00
Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023				\$ 203,400.00	\$ 104,800.00	\$ 94,800.00	\$ 59,900.00	\$ 462,900.00	\$ 143,418.00	\$ 167,400.00	\$ 152,082.00

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 The Net Estimated Expense is the Total Assessment less gov't grants and allowances (if applicable).



Schedule D

Assessment for Future Maintenance

Schedule of Assessment for Future Maintenance Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Bamberg Creek Drain	Property Details				Interval			
					0+000 to 0+287		0+287 to 0+650	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment
Township of Wilmot								
9	3 Block B	Oleg & Elena Borissova	9-151	2.00	8.9%	8.54	4.0%	
9	3 Block B	Cory & Kirby Kittel	9-165	13.84	32.1%	13.84	5.2%	
10	3 Block B	Peter & Dagmar Schneider	9-153			9.30	8.2%	
10	3 Block B	Peter & Barbara Wurtele	9-153-01			0.89	3.4%	
10	3 Block B	David & Sherri Homanchuk	9-154	1.00	9.5%	3.70	4.8%	
10	3 Block B	Jananna Corp.	9-164	5.88	14.7%	45.30	21.5%	
11	3 Block B	Kenneth & Catherine Heintz	9-156			6.20	2.2%	
11	3 Block B	Roadside Farm Inc.	9-163			42.80	18.8%	
12	3 Block B	David & Eva Cressman	9-160			3.10	1.4%	
Total Assessments on Lands					22.72	65.2%	133.67	69.6%
Gerber Road		Region of Waterloo		1.04	15.0%	3.14	5.2%	
Total Assessments on Roads					1.04	15.0%	3.14	5.2%
Total Assessments Township of Wilmot					23.76	80.2%	136.81	74.7%
Township of Wellesley								
6	2 East	Natalee Ridgeway	1-007-00	7.98	11.5%	7.98	1.9%	
6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	8.3%	5.79	1.4%	
7	2 East	Ladislaus & Laurretta Bauer	1-008-02			8.45	1.8%	
7	2 East	264171 Holdings Ltd.	1-008			25.45	5.8%	
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01			4.50	0.2%	
8	2 East	Robert & Anne Jantzi	1-009			25.00	10.1%	
8	3 East	Bamway Industries Inc.	1-027			6.90	2.1%	
8	3 East	Jammon & Elvina Bauman	1-026			6.30	2.0%	
Total Assessments on Lands					13.77	19.8%	84.58	25.2%
Total Assessments Township of Wellesley					13.77	19.8%	84.58	25.2%
Total Assessments Bamberg Creek Drain					37.53	100.0%	221.39	100.0%

Jananna - East Branch	Property Details				Interval			
					0+000 to 0+218		0+218 to 0+598	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment
Township of Wilmot								
9	3 Block B	Cory & Kirby Kittel	9-165	13.84	43.3%	0.68	36.8%	
10	3 Block B	Jananna Corp.	9-164	5.88	16.9%	1.50	63.2%	
Total Assessments on Lands					19.72	60.2%	2.18	100.0%
Gerber Road			Region of Waterloo		1.04	17.1%		
Total Assessments on Roads					1.04	17.1%		
Total Assessments Main Closed Township of Wilmot					20.76	77.3%	2.18	100.0%
Township of Wellesley								
6	2 East	Natalee Ridgeway	1-007-00	7.98	13.1%			
6	2 East	Ronald & Rosemary McCormick	1-007-01	5.79	9.5%			
Total Assessments on Lands					7.98	22.7%		
Total Assessments Township of Wellesley					7.98	22.7%		
Total Assessments Jananna - East Branch					28.74	100.0%	2.18	100.0%

	Property Details				Interval	
					0+000 to 0+760	
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment
Jananna - West Branch	Township of Wilmot					
	10	3 Block B	Jananna Corp.	9-164	9.34	42.6%
	Total Assessments on Lands				9.34	42.6%
	Gerber Road Region of Waterloo				0.87	22.0%
	Total Assessments on Roads				0.87	22.0%
	Total Assessments Township of Wilmot				10.21	64.7%
	7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	19.5%
	7	2 East	264171 Holdings Ltd.	1-008	6.26	15.9%
	Total Assessments on Lands				8.45	35.3%
	Total Assessments Township of Wellesley				8.45	35.3%
	Total Assessments Jananna - West Branch				18.66	100.0%

Koch-Leis Drain	Property Details				Interval				
					0+000 to 0+551		0+551 to Gerber Road		Township of Wellesley
	Part Lot	Concession	Landowner	Roll Number	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected	Portion of Maintenance Assessment	Approx. Hectares Affected
Township of Wilmot									
10	3 Block B	Peter & Dagmar Schneider	9-153	6.30	7.3%				
10	3 Block B	David & Sherri Homanchuk	9-154	1.70	4.5%				
10	3 Block B	Jananna Corp.	9-164	28.70	22.1%	0.50	0.70%		
11	3 Block B	Kenneth & Catherine Heintz	9-156	6.20	2.9%				
11	3 Block B	Roadside Farm Inc.	9-163	42.80	25.1%	25.00	39.5%		
12	3 Block B	David & Eva Cressman	9-160	3.10	1.9%	3.10	3.7%		
Total Assessments on Lands				88.80	63.9%	28.60	44.0%		
Gerber Road		Region of Waterloo		2.10	6.6%	1.23	7.4%		
Total Assessments on Roads				2.10	6.6%	1.23	7.4%	0.00	0.0%
Total Assessments Township of Wilmot				90.90	70.5%	29.83	51.4%	0.00	0.0%
7	2 East	Ladislaus & Laurretta Bauer	1-008-02	8.45	2.4%				
7	2 East	264171 Holdings Ltd.	1-008	25.45	7.8%	18.69	11.3%	18.69	23.8%
7	2 East	Jeffrey Furtado & Paige Stewart	1-008-01	4.50	0.3%	4.50	0.5%	4.50	1.1%
8	2 East	Robert & Anne Jantzi	1-009	25.00	13.5%	25.00	26.1%	25.00	54.0%
8	3 East	Bamway Industries Inc.	1-027	6.90	2.9%	6.90	5.5%	6.90	10.9%
8	3 East	Jammon & Elvina Bauman	1-026	6.30	2.6%	6.30	5.1%	6.30	10.2%
Total Assessments on Lands				76.60	29.5%	61.39	48.6%	61.39	100.0%
Total Assessments Township of Wellesley				76.60	29.5%	61.39	48.6%	61.39	100.0%
Total Assessments Koch-Leis Drain				167.50	100.0%	91.22	100.0%	61.39	100.0%

Notes:

- 1 All Lands may be eligible for ADIP Grants.
- 2 All maintenance activities on road right-of-ways shall be completed at the expense of the the road authority having jurisdiction over the road.
- 3 Lands located upstream of the maintenance shall be determined by the the Drainage Superintendent.



Specifications for the Construction of Municipal Drainage Works

DIVISION A – General Conditions
DIVISION B – Specifications for Open Drains
DIVISION C – Specifications for Tile Drains
DIVISION H – Special Provisions



DIVISION A

General Conditions



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DIVISION A – GENERAL CONDITIONS

A.1. Scope

The work to be done under this contract consists of supplying all labour, equipment and materials to construct the drainage work as outlined in the Scope of Work, Drawings, General Conditions and other Specifications.

A.2. Tenders

Tenders are to be submitted on a lump sum basis for the complete works or a portion thereof, as instructed by the Municipality. The Scope of Work must be completed and submitted with the Form of Tender and Agreement. A certified cheque is required as Tender Security, payable to the Treasurer of the Municipality.

All certified cheques, except that of the bidder to whom the work is awarded will be returned within ten (10) days after the tender closing. The certified cheque of the bidder to whom the work is awarded will be retained as Contract Security and returned when the Municipality receives a Completion Certificate for the work.

A certified cheque is not required if the Contractor provides an alternate form of Contract Security such as a Performance Bond for 100% of the amount of the Tender or other satisfactory security, if required/permitted by the Municipality. A Performance Bond may also be required to insure maintenance of the work for a period of one (1) year after the date of the Completion Certificate.

A.3. Examinations of Site, Drawings, and Specifications

The Tenderer must examine the premises and site to compare them with the Drawings and Specifications in order to satisfy himself of the existing conditions and extent of the work to be done before submission of his Tender. No allowance shall subsequently be made on behalf of the Contractor by reason of any error on his part. Any estimates of quantities shown or indicated on the Drawings, or elsewhere are provided for the convenience of the Tenderer. Any use made of these quantities by the Tenderer in calculating his Tender shall be done at his own risk. The Tenderer for his own protection should check these quantities for accuracy.

The standard specifications (Divisions B through G) shall be considered complementary and where a project is controlled under one of the Divisions, the remaining Divisions will apply for miscellaneous works.

In case of any inconsistency or conflict between the Drawings and Specifications, the following order of precedence shall apply:

- Direction of the Engineer
- Special Provisions (Division H)
- Scope of Work
- Contract Drawings
- Standard Specifications (Divisions B through G)
- General Conditions (Division A)



A.4. Payment

Progress payments equal to 87±% of the value of work completed and materials incorporated in the work will be made to the Contractor monthly. An additional ten per cent (10±%) will be paid 45 days after the final acceptance by the Engineer, and three per cent (3±%) of the Contract price may be reserved by the Municipality as a maintenance holdback for a one (1) year period from the date of the Completion Certificate. A greater percentage of the Contract price may be reserved by the Municipality for the same one (1) year period if in the opinion of the Engineer, particular conditions of the Contract requires such greater holdback.

After the completion of the work, any part of this reserve may be used to correct defects developed within that time from faulty workmanship and materials, provided that notice shall first be given to the Contractor and that he may promptly make good such defects.

A.5. Contractor's Liability Insurance

Prior to commencement of any work, the Contractor shall file with the Municipality evidence of compliance with all Municipality insurance requirements (Liability Insurance, WSIB, etc.) for no less than the minimum amounts as stated in the Purchasing Procedures of the Municipality. All insurance coverage shall remain in force for the entire contract period including the warranty period which expires one year after the date of the Completion Certificate.

The following are to be named as co-insured:

- Successful Contractor
- Sub-Contractor
- Municipality
- Headway Engineering

A.6. Losses Due to Acts of Nature, Etc.

All damage, loss, expense and delay incurred or experienced by the Contractor in the performance of the work, by reason of unanticipated difficulties, bad weather, strikes, acts of nature, or other mischances shall be borne by the Contractor and shall not be the subject of a claim for additional compensation.

A.7. Commencement and Completion of Work

The work must commence as specified in the Form of Tender and Agreement. If conditions are unsuitable due to poor weather, the Contractor may be required, at the discretion of the Engineer to postpone or halt work until conditions become acceptable and shall not be subject of a claim for additional compensation.

The Contractor shall give the Engineer a minimum of 48 hours notice before commencement of work. The Contractor shall then arrange a meeting to be held on the site with Contractor, Engineer, and affected Landowners to review in detail the construction scheduling and other details of the work.

If the Contractor leaves the job site for a period of time after initiation of work, he shall give the Engineer and the Municipality a minimum of 24 hours notice prior to returning to the project. If any work is commenced without notice to the Engineer, the Contractor shall be fully responsible for all such work undertaken prior to such notification.



The work must proceed in such a manner as to ensure its completion at the earliest possible date and within the time limit set out in the Form of Tender and Agreement.

A.8. Working Area and Access

Where any part of the drain is on a road allowance, the road allowance shall be the working area. For all other areas, the working area available to the Contractor to construct the drain is specified in the Special Provisions (Division H).

Should the specified widths become inadequate due to unusual conditions, the Contractor shall notify the Engineer immediately. Where the Contractor exceeds the specified working widths without authorization, he shall be held responsible for the costs of all additional damages.

If access off an adjacent road allowance is not possible, each Landowner on whose property the drainage works is to be constructed, shall designate access to and from the working area. The Contractor shall not enter any other lands without permission of the Landowner and he shall compensate the Landowner for damage caused by such entry.

A.9. Sub-Contractors

The Contractor shall not sublet the whole or part of this Contract without the approval of the Engineer.

A.10. Permits, Notices, Laws and Rules

The Contractor shall obtain and pay for all necessary permits or licenses required for the execution of the work (but this shall not include MTO encroachment permits, County Road permits permanent easement or rights of servitude). The Contractor shall give all necessary notices and pay for all fees required by law and comply with all laws, ordinances, rules and regulations relating to the work and to the preservation of the public's health and safety.

A.11. Railways, Highways, and Utilities

A minimum of 72 hours' notice to the Railway or Highways, exclusive of Saturdays, Sundays, and Statutory Holidays, is required by the Contractor prior to any work activities on or affecting the applicable property. In the case of affected Utilities, a minimum of 48 hours' notice to the utility owner is required.

A.12. Errors and Unusual Conditions

The Contractor shall notify the Engineer immediately of any error or unusual conditions which may be found. Any attempt by the Contractor to correct the error on his own shall be done at his own risk. Any additional cost incurred by the Contractor to remedy the wrong decision on his part shall be borne by the Contractor. The Engineer shall make the alterations necessary to correct errors or to adjust for unusual conditions during which time it will be the Contractor's responsibility to keep his men and equipment gainfully employed elsewhere on the project.

The Contract amount shall be adjusted in accordance with a fair evaluation of the work added or deleted.

A.13. Alterations and Additions

The Engineer shall have the power to make alterations in the work shown or described in the Drawings and Specifications and the Contractor shall proceed to make such changes without causing delay. In



every such case, the price agreed to be paid for the work under the Contract shall be increased or decreased as the case may require according to a fair and reasonable evaluation of the work added or deleted. The valuation shall be determined as a result of negotiations between the Contractor and the Engineer, but in all cases the Engineer shall maintain the final responsibility for the decision. Such alterations and variations shall in no way render the Contract void. No claims for a variation or alteration in the increased or decreased price shall be valid unless done in pursuance of an order from the Engineer and notice of such claims made in writing before commencement of such work. In no such case shall the Contractor commence work which he considers to be extra before receiving the Engineer's approval.

A.14. Supervision

The Contractor shall give the work his constant supervision and shall keep a competent foreman in charge at the site.

A.15. Field Meetings

At the discretion of the Engineer, a field meeting with the Contractor or his representative, the Engineer and with those others that the Engineer deems to be affected, shall be held at the location and time specified by the Engineer.

A.16. Periodic and Final Inspections

Periodic inspections by the Engineer will be made during the performance of the work. If ordered by the Engineer, the Contractor shall expose the drain as needed to facilitate inspection by the Engineer.

Final inspection by the Engineer will be made within twenty (20) days after he has received notice from the Contractor that the work is complete.

A.17. Acceptance By the Municipality

Before any work shall be accepted by the Municipality, the Contractor shall correct all deficiencies identified by the Engineer and the Contractor shall leave the site neat and presentable.

A.18. Warranty

The Contractor shall repair and make good any damages or faults in the drain that may appear within one (1) year after its completion (as dated on the Completion Certificate) as the result of the imperfect or defective work done or materials furnished if certified by the Engineer as being due to one or both of these causes; but nothing herein contained shall be construed as in any way restricting or limiting the liability of the Contractor under the laws of the Country, Province or Locality in which the work is being done. Neither the Completion Certificate nor any payment there under, nor any provision in the Contract Documents shall relieve the Contractor from his responsibility.

A.19. Termination of Contract By The Municipality

If the Contractor should be adjudged bankrupt, or if he should make a general assignment for the benefit of his creditors, or if a receiver should be appointed on account of his insolvency, or if he should refuse or fail to supply enough properly skilled workmen or proper materials after having received seven (7) days notice in writing from the Engineer to supply additional workmen or materials to commence or complete the works, or if he should fail to make prompt payment to Sub-Contractors, or for material, or labour, or persistently disregards laws, ordinances, or the instruction of the Engineer,



or otherwise be guilty of a substantial violation of the provisions of the Contract, then the Municipality, upon the certificate of the Engineer that sufficient cause exists to justify such action, may without prejudice to any other right or remedy, by giving the Contractor written notice, terminate the employment of the Contractor and take possession of the premises, and of all materials, tools and appliances thereon, and may finish the work by whatever method the Engineer may deem expedient but without delay or expense. In such a case, the Contractor shall not be entitled to receive any further payment until the work is finished. If the unpaid balance of the Contract price will exceed the expense of finishing the work including compensation to the Engineer for his additional services and including the other damages of every name and nature, such excess shall be paid by the Contractor. If such expense will exceed such unpaid balance, the Contractor shall pay the difference to the Municipality. The expense incurred by the Municipality, as herein provided, shall be certified by the Engineer.

If the Contract is terminated by the Municipality due to the Contractor's failure to properly commence the works, the Contractor shall forfeit the certified cheque bid deposit and furthermore shall pay to the Municipality an amount to cover the increased costs, if any, associated with a new Tender for the Contract being terminated.

If any unpaid balance and the certified cheque do not match the monies owed by the Contractor upon termination of the Contract, the Municipality may also charge such expense against any money which may thereafter be due to the Contractor from the Municipality.

A.20. Tests

The cost for the testing of materials supplied to the job by the Contractor shall be borne by the Contractor. The Engineer reserves the right to subject any lengths of any tile or pipe to a competent testing laboratory to ensure the adequacy of the tile or pipe. If any tile supplied by the Contractor is determined to be inadequate to meet the applicable A.S.T.M. standards, the Contractor shall bear full responsibility to remove and/or replace all such inadequate tile in the Contract with tile capable of meeting the A.S.T.M. Standards.

A.21. Pollution

The Contractor shall keep their equipment in good repair. The Contractor shall refuel or repair equipment away from open water.

If polluted material from construction materials or equipment is caused to flow into the drain, the Contractor shall immediately notify the Ministry of the Environment, and proceed with the Ministry's protocols in place to address the situation.

A.22. Species and Risk

If a Contractor encounters a known Species at Risk as designated by the MNR or DFO, the Contractor shall notify the Engineer immediately and follow the Ministry's guidelines to deal with the species.

A.23. Road Crossings

This specification applies to all road crossings (Municipality, County, Regional, or Highway) where no specific detail is provided on the drawings or in the standard specifications. This specification in no way limits the Road Authority's regulations governing the construction of drains on their Road Allowance.

A.23.1. Road Occupancy Permit



Where applicable, the Contractor must submit an application for a road occupancy permit to the Road Authority and allow a minimum of five (5) working days for its review and issuance.

A.23.2. Road Closure Request and Construction Notification

The Contractor shall submit written notification of construction and request for road closure (if applicable) to the Road Authority and the Engineer for review and approval a minimum of five (5) working days prior to proceeding with any work on the road allowance. The Contractor shall be responsible for notifying all applicable emergency services, schools, etc. of the road closure or construction taking place.

A.23.3. Traffic Control

The Contractor shall supply flagmen, and warning signs and ensure that detour routes are adequately signed in accordance with no less than the minimum standards as set out in the Ontario Traffic Manual's Book 7.

A.23.4. Weather

No construction shall take place during inclement weather or periods of poor visibility.

A.23.5. Equipment

No construction material and/or equipment is to be left within three (3) metres of the travelled portion of the road overnight or during periods of inclement weather.

If not stated on the drawings, the road crossing shall be constructed by open cut method. Backfill from the top of the cover material over the subsurface pipe or culvert to the under side of the road base shall be Granular "B". The backfill shall be placed in lifts not exceeding 300mm in thickness and each lift shall be thoroughly compacted to 98% Standard Proctor. Granular "B" road base for County Roads and Highways shall be placed to a 450mm thickness and Granular "A" shall be placed to a thickness of 200mm. Granular road base materials shall be thoroughly compacted to 100% Standard Proctor.

Where the road surface is paved, the Contractor shall be responsible for placing HL-8 Hot Mix Asphalt patch at a thickness of 50mm or of the same thickness as the existing pavement structure. The asphalt patch shall be flush with the existing roadway on each side and without overlap.

Excavated material from the trench beyond 1.25 metres from the travelled portion or beyond the outside edge of the gravel shoulder may be used as backfill in the trench in the case of covered drains. The material shall be compacted in lifts not exceeding 300mm.

A.24. Laneways

All pipes crossing laneways shall be backfilled with material that is clean, free of foreign material or frozen particles and readily tamped or compacted in place unless otherwise specified. Laneway culverts on open ditch projects shall be backfilled with material that is not easily erodible. All backfill material shall be thoroughly compacted as directed by the Engineer.

Culverts shall be bedded with a minimum of 300mm of granular material. Granular material shall be placed simultaneously on each side of the culvert in lifts not exceeding 150mm in thickness and compacted to 95% Standard Proctor Density. Culverts shall be installed a minimum of 10% of the



culvert diameter below design grade with a minimum of 450mm of cover over the pipe unless otherwise noted on the Drawings.

The backfill over culverts and subsurface pipes at all existing laneways that have granular surfaces on open ditch and closed drainage projects shall be surfaced with a minimum of 300mm of Granular “B” material and 150mm of Granular “A” material. All backfill shall be thoroughly compacted as directed by the Engineer. All granular material shall be placed to the full width of the travelled portion.

Any settling of backfilled material shall be repaired by or at the expense of the Contractor during the warranty period of the project and as soon as required.

A.25. Fences

No earth is to be placed against fences and all fences removed by the Contractor shall be replaced by him in as good a condition as found. Where practical the Contractor shall take down existing fences in good condition at the nearest anchor post and roll it back rather than cutting the fence and attempting to patch it. The replacement of the fences shall be done to the satisfaction of the Engineer. Any fences found in such poor condition where the fence is not salvageable, shall be noted and verified with the Engineer prior to commencement of work.

Fences damaged beyond repair by the Contractor’s negligence shall be replaced with new materials, similar to those materials of the existing fence, at the Contractor’s expense. The replacement of the fences shall be done to the satisfaction of the Landowner and the Engineer.

Any fences paralleling an open ditch that are not line fences that hinder the proper working of the excavating machinery, shall be removed and rebuilt by the Landowner at his own expense.

The Contractor shall not leave fences open when he is not at work in the immediate vicinity.

A.26. Livestock

The Contractor shall provide each landowner with 48 hours notice prior to removing any fences along fields which could possibly contain livestock. Thereafter, the Landowner shall be responsible to keep all livestock clear of the construction areas until further notified. The Contractor shall be held responsible for loss or injury to livestock or damage caused by livestock where the Contractor failed to notify the Landowner, or through negligence or carelessness on the part of the Contractor.

A.27. Standing Crops

The Contractor shall be responsible for damages to standing crops which are ready to be harvested or salvaged along the course of the drain and access routes if the Contractor has failed to notify the Landowners 48 hours prior to commencement of the work on that portion of the drain.

A.28. Surplus Gravel

If as a result of any work, gravel or crushed stone is required and not all the gravel or crushed stone is used, the Contractor shall haul away such surplus material.

A.29. Iron Bars

The Contractor is responsible for the cost of an Ontario Land Surveyor to replace any iron bars that are altered or destroyed during the course of the construction.

A.30. Rip-Rap



Rip-rap shall be quarry stone rip-rap material and shall be the sizes specified in the Special Provisions. Broken concrete shall not be used as rip-rap unless otherwise specified.

A.31. Clearing, Grubbing and Brushing

This specification applies to all brushing where no specific detail is provided on the drawings or in the Special Provisions.

The Contractor shall clear, brush and stump trees from within the working area that interfere with the installation of the drainage system.

All trees, limbs and brush less than 150mm in diameter shall be mulched. Trees greater than 150mm in diameter shall be cut and neatly stacked in piles designated by the Landowners.

A.32. Restoration of Lawns

This specification applies to all lawn restoration where no specific detail is provided on the drawings or in the Special Provisions and no allowance for damages has been provided under Section 30 of the Drainage Act RSO 1990 to the affected property.

The Contractor shall supply “high quality grass seed” and the seed shall be broadcast by means of an approved mechanical spreader. All areas on which seed is to be placed shall be loose at the time of broadcast to a depth of 25mm. Seed and fertilizer shall be spread in accordance with the supplier’s recommendations unless otherwise directed by the Engineer. Thereafter it will be the responsibility of the Landowner to maintain the area in a manner so as to promote growth

END OF DIVISION



DIVISION B

Specifications for Open Drains



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DIVISION B – SPECIFICATIONS FOR OPEN DRAINS

B.1. Alignment

The drain shall be constructed in a straight line and shall follow the course of the present drain or water run unless noted on the drawings. Where there are unnecessary bends or irregularities on the existing course of the drain, the Contractor shall contact the Engineer before commencing work to verify the manner in which such irregularities or bends may be removed from the drain. All curves shall be made with a minimum radius of fifteen (15) metres from the centre line of the drain.

B.2. Profile

The Profile Drawing shows the depth of cuts from the top of the bank to the final invert of the ditch in metres and decimals of a metre, and also the approximate depth of excavated material from the bottom of the existing ditch to the final invert of the ditch. These cuts are established for the convenience of the Contractor; however, bench marks (established along the course of the drain) will govern the final elevation of the drain. The location and elevation of the bench marks are given on the Profile Drawing. Accurate grade control must be maintained by the Contractor during ditch excavation.

B.3. Excavation

The bottom width and the side slopes of the ditch shall be those shown on the drawings. If the channel cross-section is not specified it shall be a one metre bottom width with 1.5(h):1(v) side slopes. At locations along the drain where the cross section dimensions change, there shall be a transitional length of not less than 10:1 (five metre length to 0.5 metre width differential). Where the width of the bottom of the existing ditch is sufficient to construct the design width, then construction shall proceed without disturbing the existing banks.

Where existing side slopes become unstable, the Contractor shall immediately notify the Engineer. Alternative methods of construction and/or methods of protection will then be determined prior to continuing work.

Where an existing drain is being relocated or where a new drain is being constructed, the Contractor shall strip the topsoil for the full width of the drain, including the location of the spoil pile. Upon completion of levelling, the topsoil shall be spread to an even depth across the full width of the spoil.

An approved hydraulic excavator shall be used to carry out the excavation of the open ditch unless otherwise directed by the Engineer.

B.4. Excavated Material

Excavated material shall be placed on the low side of the drain or opposite trees and fences. The Contractor shall contact all Landowners before proceeding with the work to verify the location to place and level the excavated material.

No excavated material shall be placed in tributary drains, depressions, or low areas which direct water behind the spoil bank. The excavated material shall be placed and levelled to a maximum depth of 200 mm, unless instructed otherwise and commence a minimum of one (1) metre from the top of the bank. The edge of the spoil bank away from the ditch shall be feathered down to the existing ground; the edge of the spoil bank nearest the ditch shall have a maximum slope of 2(h):1(v). The material shall be levelled such that it may be cultivated with ordinary farm equipment without causing undue



hardship to the farm machinery and farm personnel. No excavated material shall cover any logs, brush, etc. of any kind.

Any stones or boulders which exceed 300mm in diameter shall be removed and disposed of in a location specified by the Landowner.

Where it is necessary to straighten any unnecessary bends or irregularities in the alignment of the ditch or to relocate any portion or all of an existing ditch, the excavated material from the new cut shall be used for backfilling the original ditch. Regardless of the distance between the new ditch and the old ditch, no extra compensation will be allowed for this work and must be included in the Contractor's lump sum price for the open work.

B.5. Excavation at Existing Bridge and Culvert Sites

The Contractor shall excavate the drain to the full specified depth under all bridges and to the full width of the structure. Temporary bridges may be carefully removed and left on the bank of the drain but shall be replaced by the Contractor when the excavation is complete. Permanent bridges must, if at all possible, be left intact. All necessary care and precautions shall be taken to protect the structure. The Contractor shall notify the Landowner if excavation will expose the footings or otherwise compromise the structural integrity of the structure.

The Contractor shall clean through all pipe culverts to the grade and width specified on the profile.

B.6. Pipe Culverts

All pipe culverts shall be installed in accordance with the standard detail drawings. If couplers are required, five corrugation couplers shall be used for up to and including 1200mm diameter pipes and 10 corrugation couplers for greater than 1200mm diameter pipes.

When an existing crossing is being replaced, the Contractor may backfill the new culvert with the existing native material that is free of large rocks and stones. The Contractor is responsible for any damage to a culvert pipe that is a result of rocks or stones in the backfill.

B.7. Rip-Rap Protection For Culverts

Quarry stone rip-rap shall be used as end treatment for new culverts and placed on geotextile filter material (Mirafi 160N or approved equal). The rip-rap shall be adequately keyed in along the bottom of the slope, and shall extend to the top of the pipe or as directed on the drawings. The maximum slope for rip-rap shall be 1(h):1(v) or as directed by the Engineer.

The Contractor shall be responsible for any defects or damages that may develop in the rip-rap or the earth behind the rip-rap that the Engineer deems to have been fully or partially caused by faulty workmanship or materials.

B.8. Clearing, Grubbing and Mulching

Prior to excavation, all trees, scrub, fallen timber and debris shall be removed from the side slopes of the ditch and for such a distance on the working side so as to eliminate any interference with the construction of the drain or the spreading of the spoil. The side slopes shall be neatly cut and cleared flush with the slope whether or not they are affected directly by the excavation. With the exception of large stumps causing damage to the drain, the side slopes shall not be grubbed. All other cleared areas shall be grubbed and the stumps put into piles for disposal by the Landowner.



All trees or limbs 150mm or larger, that is necessary to remove, shall be cut, trimmed and neatly stacked in the working width for the use or disposal by the Landowner. Brush and limbs less than 150mm in diameter shall be mulched. Clearing, grubbing and mulching shall be carried out as a separate operation from the excavation of the ditch, and shall not be completed simultaneously at the same location.

B.9. Tributary Tile Outlets

All tile outlets in existing ditches shall be marked by the Landowner prior to excavation. The Contractor shall guard against damaging the outlets of tributary drains. Any tile drain outlets that were marked or noted on the drawings and are subsequently damaged by the Contractor shall be repaired by the Contractor at his expense. The Landowner shall be responsible for repairs to damaged tile outlets that were not marked.

B.10. Seeding

The side slopes where disturbed shall be seeded using an approved grass seed mixture. The grass seed shall be applied the same day as the excavation of the open ditch.

Grass seed shall be fresh, clean and new crop seed, meeting the requirements of the MTO and composed of the following varieties mixed in the proportion by weight as follows:

- 55% Creeping Red Fescue
- 40% Perennial Rye Grass
- 5% White Clover

Grass seed shall be applied at the rate of 100 kg/ha.

B.11. Hydro Seeding

The areas specified in the contract document shall be hydro seeded and mulched upon completion of construction in accordance with O.P.S.S. 572.

B.12. Hand Seeding

Placement of the seed shall be of means of an approved mechanical spreader.

B.13. Completion

At the time of completion and final inspection, all work in the Contract shall have the full dimensions and cross-sections specified without any allowance for caving of banks or sediment in the ditch bottom.

END OF DIVISION



DIVISION C

Specifications for Tile Drains



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DIVISION C – SPECIFICATIONS FOR TILE DRAINS

C.1. Pipe Materials

Concrete Tile

Concrete drain tile shall conform to the requirements of the most recent A.S.T.M. specification for Heavy-Duty Extra Quality drain tile. All tile with diameters less than 600mm shall have a pipe strength of 1500D. All tile with diameters 600mm or larger shall have a pipe strength of 2000D.

All tile furnished shall be subject to the approval of the Engineer. All rejected tile are to be immediately removed from the site.

High Density Polyethylene (HDPE) Pipe

All HDPE pipe shall be dual-wall corrugated drainage pipe with a smooth inner wall. HDPE pipe shall have a minimum stiffness of 320 kPa at 5% deflection.

Unless otherwise noted, all sealed HDPE pipe shall have a water tight gasketed bell and spigot joining system meeting the minimum requirements of CSA B182.8. Perforated HDPE pipe shall have a soil tight joining system, and shall be enveloped in non-woven geotextile filter sock.

C.2. Alignment

The Contractor shall contact the Engineer to establish the course of the drain. Where an existing drain is to be removed and replaced by the new drain, or where the new drain is to be installed parallel to an existing drain, the Contractor shall locate the existing drain (including repairing damaged tile caused by locating) at intervals along the course of the drain. The costs of locating shall be included in the tender price.

The drain shall run in as straight a line as possible throughout its length, except that at intersections of other watercourses or at sharp corners, it shall run on a curve of at least 15 metres radius. The new tile drain shall be constructed at an offset from and parallel with any ditch or defined watercourse in order that fresh backfill in the trench will not be eroded by the flow of surface water.

The Contractor shall exercise care not to disturb any existing tile drain or drains which parallel the course of the new drain, particularly where the new and existing tile act together to provide the necessary capacity. Where any such existing drain is disturbed or damaged, the Contractor shall perform the necessary repair at his expense.

C.3. Profile

Benchmarks have been established along the course of the drain which are to govern the elevations of the drain. The location and elevations of the benchmarks are shown on the drawings. Tile is to be installed to the elevation and grade shown on the profiles. Accurate grade control must be maintained by the Contractor at all times.

When installing a drain towards a fixed point such as a bore pipe, the Contractor shall uncover the pipe and confirm the elevation a sufficient distance away from the pipe in order to allow for any necessary minor grade adjustments to be made.



C.4. Excavation

Wheel machine

Unless otherwise specified, all trenching shall be carried out with a wheel machine approved by the Engineer. The wheel machine shall shape the bottom of the trench to conform to the outside diameter of the pipe. The minimum trench width shall be equal to the outside diameter of the pipe plus 100mm on each side of the pipe, unless otherwise specified. The maximum trench width shall be equal to the outside diameter of the pipe plus 300mm on each side of the pipe, unless otherwise specified.

Scalping

Where the depths of cuts in isolated areas along the course of the drain as shown on the profile exceed the capability of the Contractor's wheel machine, he shall lower the surface grade in order that the wheel machine may trench to the correct depth. Topsoil is to be stripped over a sufficient width that no subsoil will be deposited on top of the topsoil. Subsoil will then be removed to the required depth and piled separately. Upon completion, the topsoil will then be replaced to an even depth over the disturbed area. The cost for this work shall be included in his tender price.

Excavator

Where the use of an excavator is used in-lieu of a wheel machine, the topsoil shall be stripped and replaced in accordance with Item C.4.2. All tile shall be installed on 19mm clear crushed stone bedding placed to a minimum depth of 150mm which has been shaped to conform to the bottom of the pipe. The Contractor shall include the costs of this work in his tender price.

C.5. Installation

Concrete Tile

The tile is to be laid with close joints and in regular grade and alignment in accordance with the drawings. The tiles are to be bevelled, if necessary to ensure close joints. The inside of the tile is to be kept clear when laid. The sides of the tile are to be supported by partial filling of the trench (blinding) prior to inspection by the Engineer. No tile shall be backfilled until inspected by the Engineer unless otherwise permitted by the Engineer. The tile shall be backfilled such that a sufficient mound of backfill is placed over the trench to ensure that no depression remains after settling occurs in the backfill.

Where a tile connects to a catch basin or similar structure, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone under areas backfilled from the underside of the pipe to undisturbed soil. Where a tile drain passes through a bore pit, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone from the underside of the pipe down to undisturbed soil with the limits of the bore pit.

The Contractor shall supply and wrap all concrete tile joints with Mirafi 160N geotextile filter material as part of this contract. The width of the filter material should be:

- 300mm wide for tile sizes 150mm diameter to 350mm diameter.
- 400mm wide for tile sizes 400mm diameter to 750mm diameter.
- 500mm wide for tile sizes larger than 750mm diameter.

The filter material shall completely cover the tile joint and shall have a minimum overlap of 300mm. The type of filter material shall be.



HDPE Pipe

HDPE pipe shall be installed using compacted Granular 'A' bedding or 19mm clear crushed stone bedding from 150mm below the pipe to 300mm above the pipe. All granular material shall be compacted using a suitable mechanical vibratory compactor. Granular bedding and backfill shall be placed in lifts not exceeding 300mm and compacted to at least 95% Standard Proctor Maximum Dry Density (SPMDD).

Where a pipe connects to a catch basin or similar structure, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone under areas backfilled from the underside of the pipe to undisturbed soil. Where a pipe passes through a bore pit, the Contractor shall include in his tender price for the supply and placement of compacted Granular 'A' bedding or 19mm clear crushed stone from the underside of the pipe down to undisturbed soil with the limits of the bore pit.

As determined by the Engineer, unsuitable backfill material must be hauled off-site by the Contractor and Granular "B" shall be used as replacement backfill material.

C.6. Trench Crossings

The Contractor shall not cross the backfilled trench with any construction equipment or vehicles, except by one designated crossing location on each property. The Contractor shall ensure that the bedding and backfill material at this designated crossing location is properly placed and compacted so as to adequately support the equipment and vehicles that may cross the trench. The Contractor may undertake any other approved work to ensure the integrity of the tile at the crossing location. The Contractor shall ensure that no equipment or vehicles travel along the length of the trench. The Contractor shall be responsible for any damage to the new tile caused by the construction of the drain.

C.7. Outlet Protection

A tile drain outlet into a ditch shall be either HDPE pipe or corrugated steel pipe and shall include a hinged grate for rodent protection. The maximum spacing between bars on the rodent grate shall be 40mm. All corrugated steel outlet pipes shall be bevelled at the end to generally conform to the slope of the ditch bank.

Quarry stone rock rip-rap protection and geotextile filter material (Mirafi 160N), shall be installed around the outlet pipe and extended downstream a minimum distance of three metres, unless otherwise specified. The protection shall extend to the top of the backfilled trench and below the pipe to 300 mm under the streambed. The protection shall also extend 600mm into undisturbed soil on either side of the backfilled trench. In some locations, rip-rap may be required on the bank opposite the outlet.

Where the outlet occurs at the upper end of an open ditch, the rip-rap protection will extend all around the end of the ditch and to a point 800mm downstream on either side. Where heavy overflow is likely to occur, sufficient additional rip-rap and filter material shall be placed as directed by the Engineer to prevent the water cutting around the protection.

C.8. Catch Basins and Junction Boxes

Unless otherwise noted, catch basins shall be in accordance with OPSD 705.010 and 705.030. The catch basin grate shall be a "Birdcage" type substantial steel grate, removable for cleaning and shall be inset into a recess provided around the top of the structure. The grate shall be fastened to the catch basin with bolts into the concrete. Spacing of bars on grates for use on 600mmX600mm



structures shall be 65mm centre to centre. Spacing of bars on grates for use on structures larger than 600mmX600mm shall be 90mm.

All catch basins shall be backfilled with compacted Granular 'A' or 19mm clear crushed stone placed to a minimum width of 300mm on all sides. If settling occurs after construction, the Contractor shall supply and place sufficient granular material to maintain the backfill level flush with adjacent ground. The riser sections of the catch basin shall be wrapped with filter cloth.

Quarry stone rip-rap protection shall be placed around all catch basins and shall extend a minimum distance of one (1) metre away from the outer edge of each side of the catch basin, and shall be placed so that the finished surface of the rip-rap is flush with the existing ground.

If there are no existing drains to be connected to the catch basin at the top end of the drain, a plugged tile shall be placed in the upstream wall with the same elevations as the outlet tile.

Junction boxes shall have a minimum cover over the lid of 450mm.

The Contractor shall include in his tender price for the construction of a berm behind all ditch inlet structures. The berm shall be constructed of compacted clay keyed 300mm into undisturbed soil. The top of the spill way of the earth berm shall be the same elevation as the high wall of the ditch inlet catch basin. The earth berm shall be covered with 100mm depth of topsoil and seeded with an approved green seed mixture. The Contractor shall also include for regrading, shaping and seeding of road ditches for a maximum of 15 metres each way from all catch basins.

The Contractor shall clean all catch basin sumps after completion of the drain installation. Catch basin markers shall be placed beside each catch basin.

C.9. Tributary Drains

Any tributary tile encountered in the course of the drain is to be carefully taken up by the Contractor and placed clear of the excavated earth. If the tributary drains encountered are clean or reasonably clean, they shall be connected into the new drain in accordance with the typical tile drain connection detail. Tributary tile drain connections into the new drain shall be made using high density polyethylene agricultural drain tubing installed on and backfilled with 19mm clear crushed stone. All tile drain connections into the new drain shall be either a cored hole with an insert coupler or a manufactured tee.

Where the existing drains are full of sediment, the decision to connect the tributary drain to the new drain shall be left to the Engineer. The Contractor shall be paid for each tributary drain connection as outlined in the Form of Tender and Agreement.

The Contractor shall be responsible for all tributary tile connections for a period of one year from the date of the Completion Certificate. After construction, any missed tile connections required to be made into the new drain shall be paid at the same rate as defined in the Form of Tender and Agreement. The Contractor will have the option to make any subsequent tile connections or have the Municipality make the required connections and have the cost of which deducted from the holdback.

Where an open ditch is being replaced by a new tile drain, existing tile outlets entering the ditch from the side opposite the new drain shall be extended to the new drain.

Where the Contractor is required to connect an existing tile which is not encountered in the course of the drain, the cost of such work shall constitute an extra to the contract.



C.10. Clearing, Grubbing and Mulching

The Contractor shall clear, brush and stump trees from within the working area.

All trees or limbs 150mm or larger, that is necessary to remove, shall be cut, trimmed and neatly stacked in the working width for the use or disposal by the Landowner. Brush and limbs less than 150mm in diameter shall be mulched.

Clearing, grubbing and mulching shall be carried out as a separate operation from installing the drain, and shall not be completed simultaneously at the same location.

C.11. Roads and Laneway Sub-Surface Crossings

All roads and laneway crossings may be made with an open cut. The Contractor may use original ground as backfill to within 600mm of finished grade only if adequate compaction and if the use of the original ground backfill has been approved beforehand by the Engineer.

C.12. Filling In Existing Ditches

The Contractor shall backfill the ditch sufficiently for traversing by farm equipment. If sufficient material is available on-site to fill in the existing ditch, the topsoil shall be stripped and the subsoil shall be bulldozed into the ditch and the topsoil shall then be spread over the backfilled waterway. The Contractor shall ensure sufficient compaction of the backfill and if required, repair excess settlement up to the end of the warranty period.

C.13. Construction of Grassed Waterways

Where the Contractor is required to construct a grassed waterway, the existing waterway shall be filled in, regraded, shaped and a seed bed prepared prior to applying the grass seed. The grass seed shall be fresh, clean and new crop seed, meeting the requirements of the MTO.

- 55% Creeping Red Fescue
- 15% Perennial Rye Grass
- 27% Kentucky Bluegrass
- 3% White Clover

Grass seed shall be applied at the rate of 100 kg/ha.

C.14. Unstable Soil

The Contractor shall immediately contact the Engineer if unstable soil is encountered. The Engineer shall, after consultation with the Contractor, determine the action necessary and a price for additions or deletions shall be agreed upon prior to further drain installation.

C.15. Rocks

The Contractor shall immediately contact the Engineer if boulders of sufficient size and number are encountered such that the Contractor cannot continue trenching with a wheel machine. The Engineer shall determine the action necessary and a price for additions or deletions shall be agreed upon prior to further drain installation.



If only scattered large stone or boulders are removed on any project, the Contractor shall either excavate a hole to bury same adjacent to the drain, or he shall haul the stones or boulders to a location designated by the Landowner.

C.16. Broken or Damaged Tile

The Contractor shall remove and dispose of all broken (existing or new), damaged or excess tile off site.

C.17. Recommended Practice For Construction of Sub-Surface Drainage Systems

Drainage Guide for Ontario, Ministry of Agriculture, Food and Rural Affairs, Publication 29 and its amendments, dealing with the construction of Subsurface Drainage Systems, shall be the guide to all methods and materials to be used in the construction of tile drains except where superseded by other Specifications of the Contract.

END OF DIVISION



SPECIAL PROVISIONS

**Bamberg Creek, Jananna, and
Koch-Leis Municipal Drains 2023**



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Special Provisions means special directions containing requirements particular to the work not adequately provided for by the standard or supplemental specifications. Special provisions shall take precedence and govern over any standard or supplemental specification.

1.0 GENERAL

The Contractor shall notify the Landowner, the Drainage Superintendent, and the Engineer 48 hours prior to construction.

The Contractor shall arrange a pre-construction meeting and shall invite the Landowners on whose property work will take place, and the Engineer, and the Drainage Superintendent.

The Contractor shall verify the location of the new drainage system with the Engineer and Landowner prior to construction.

The Contractor shall check and verify all dimensions and elevations and report any discrepancies to the Engineer prior to proceeding with the work.

The Contractor must maintain access to all driveways along the route of the drain as well as always maintain access for all emergency vehicles during the construction.

The Contractor shall be responsible for settlement within the warranty period.

2.0 UTILITIES

All utilities shall be located and uncovered in the affected areas by the Contractor prior to construction.

The locations and elevations of all utilities shown on the drawings are approximate locations. Actual locations and elevations of all utilities must be verified by the Contractor prior to construction.

The Contractor shall arrange to have a representative of the utility owner on site during construction if it is a requirement by the utility owner.

3.0 WORKING AREA AND ACCESS

Access to the working area shall be designated by the Landowner.

3.1 Closed Portion

The average working width for construction purposes shall be 25 metres along the alignment of the proposed drain.

3.2 Open Portion

The working area shall be an average working width of 12 metres for construction purposes along the working side.

4.0 CLEARING BRUSHING AND MULCHING

The Contractor shall clear, brush and mulch trees from within the working area that interfere with the construction of the drainage system. The Contractor shall not clear all trees within the working area unless the full working width in a specific section is required for the installation of the drain and unless the Engineer has authorized the full clearing of the trees.



All trees, limbs, and brush less than 150mm in diameter shall be mulched/chipped. Clearing and brushing shall be done prior to the construction of the drain. Trees and branches greater than 150mm in diameter shall be cut into lengths no greater than four metres and placed in nearby stacks designated by the Landowner. Trees removed from road right-of-ways shall be mulched or disposed of offsite by the Contractor.

5.0 PIPE AND INSTALLATION

5.1 Concrete Field Tile

An approved wheel trencher shall be used to install the concrete field tile whenever possible.

All concrete tile shall be Heavy-Duty Extra Quality Concrete Drain Tile 2000D.

Where the drain is to be installed by means of an approved wheel trencher, the Contractor shall strip the topsoil for the specified width centred on the proposed drain. Where the drain is to be installed by means of an approved hydraulic excavator (due to poor soil conditions), the Contractor shall strip the topsoil for a width equal to the top width of the trench, or the specified width, whichever is greater. The Contractor shall stockpile the topsoil and later spread it over the backfilled trench. The Contractor shall ensure that the top soiled trench is left in a condition such that the landowner can perform final restoration using nothing more than farm equipment. The Contractor will not attempt to place frozen topsoil over the backfilled trench.

Concrete field tile installed by means of a wheel machine shall be backfilled using suitable native material. The backfill shall not be compacted but a sufficient mound shall be left over the trench by the Contractor to allow for settlement flush with adjacent lands.

Concrete field tile installed by means of an approved hydraulic excavator shall be installed using 19mm crushed stone bedding from a minimum of 150mm below the pipe to the springline of the pipe. Suitable native material shall be used as backfill from the springline to the underside of the topsoil.

The Contractor shall supply and wrap all concrete joints with geotextile filter material. The width of the filter material shall be:

- 300mm wide with 300mm overlap for tile sizes up to 350mm diameter.
- 400mm wide with 400mm overlap for tile size 400mm diameter.

The filter material shall completely cover the tile joint.

The Contractor shall be responsible for all trench settlement within the warranty period.

5.2 High Density Polyethylene Pipe (HDPE)

All HDPE pipe shall be CSA B182.8 with gasketed watertight jointing systems.

All HDPE pipe shall be installed using 19mm crushed stone bedding (or approved equivalent) from a minimum of 150mm below the pipe to 150mm above the pipe. Suitable native material shall be used as backfill from 150mm above the pipe to the underside of the topsoil.

The Contractor shall be responsible for all trench settlement within the warranty period.



5.3 Poor Soil Conditions

The Contractor shall submit a unit price for installation of the pipe per the detail on wrapped crushed stone bedding as a provisional item. The provisional amount for installation on wrapped crushed stone bedding shall include the supply and installation of all additional labour, equipment and materials required for the installation of the pipe by this method.

If poor soil conditions are encountered, the Contractor shall install the pipe in accordance with the detail for wrapped crushed stone bedding and shall be entitled to the provisional tender amount, in addition to the tendered standard installation price. The Contractor shall be paid for the actual lengths installed in this condition.

6.0 TOPSOIL STRIPPING AND FINE GRADING

The Contractor shall strip the topsoil along the alignment of the tile drain to a width of four metres. The Contractor shall stockpile the topsoil and later spread it over the backfilled trench. The Contractor shall ensure that the topsoiled trench is left in a condition that the Landowner can perform final restoration using nothing more than farm equipment.

7.0 EXCAVATED MATERIAL

The excavated material from the ditch cleanout shall be spread on the working side to a maximum depth of 200mm in accordance with the typical open ditch cleanout detail included in the drawing set.

8.0 SEEDING

The Contractor shall supply and spread an approved seed mixture (OPS 803 – Lowland Mix) over the disturbed areas.

All seed shall be applied using the manufacturer's application recommendations.

9.0 OUTLET STRUCTURE

The Contractor shall place riprap in the streambed and up the sideslope of Bamberg Creek in accordance with the typical outlet detail included in the drawing set.

10.0 EXISTING DRAINS/TILE CONNECTIONS

The Contractor shall make all tributary tile drain connections.

The Contractor shall be responsible for all tile connections for a period of one year after the issuance of the completion certificate. Tile connections required to be made within this warranty period shall be made at the expense of the Contractor. After construction, the Contractor will be given the option to make any subsequent tile connections or have the Municipality make said connections and have the costs of which deducted from the holdback.

The Contractor shall supply all necessary materials to complete the connections of the existing drains to the new drain. The type of materials used to make the tributary drain connections shall be verified with the engineer.

All existing drains cut off during the installation of the new drainage system that will be connected to the new drainage system shall be flagged or marked by the Contractor prior to the connection being made.



11.0 CATCHBASINS AND JUNCTION BOXES

All catchbasins shall be precast concrete catchbasins and shall have a 300mm sump.

All catchbasin grates shall be fastened to the new catchbasin and shall be hot dipped galvanized bird cage grates. Catchbasin marker signs shall be erected at all catchbasins.

All existing catchbasins that are to be removed shall be disposed of off-site by the Contractor.

The catchbasin grate elevations shall be set to the satisfaction of the Engineer. Lifts shall be placed by the Contractor on all catchbasins if necessary to achieve the desired elevation when field setting the structures.

All catchbasins shall be installed using 19mm crushed stone bedding from 150mm below the structure to 150mm above the top of the highest pipe entering or exiting the structure. Structures within the road allowances shall have 300mm minimum of Granular 'B' backfill around all sides up to the underside of the topsoil layer. Structures on private property shall be backfilled using approved native material up to the underside of the topsoil layer. All backfill material shall be placed and thoroughly compacted evenly around each structure in lifts not exceeding 300mm to minimize settlement around the structures. The Contractor shall be responsible for all settlement around catchbasins. Should the area around the catchbasin settle after construction, the Contractor shall be responsible for providing additional rip-rap required so that the top of the rip-rap is flush with the surrounding ground.

The Contractor shall place quarry stone rip-rap material around all sides of the catchbasin for a width of one metre and shall be placed on geotextile filter material.

All holes for catchbasin pipe connections to be cored by the manufacturer. All pipes entering or exiting a catchbasin or shall be installed such that the face of the pipe is flush with the inside wall of the structure.

The Contractor shall be responsible to repair or reapply mortar for all mortared connections into any catchbasin for a period of one year after the completion certificate has been issued.

12.0 ROAD WORKS

The Contractor shall be responsible to arrange all traffic control signals, signs and devices that are required for safe and proper traffic management during the installation of the drainage system. The Contractor shall contact the Region of Waterloo for specific local procedures, guidelines, and timelines. Traffic control shall meet the standards of Book 7 of the Ontario Traffic Manual.

The Contractor shall grade the road ditches to the new catchbasin. Any disturbed area within the Municipal Right-of-Way during construction shall be topsoiled and seeded with an approved grass seed mixture.

13.0 RIP-RAP

All stone rip-rap material shall be quarry stone 150mm to 300mm diameter and placed to a depth of 300mm, unless otherwise noted. All rip-rap material shall be placed on geo-textile filter material.



14.0 EROSION AND SEDIMENT CONTROL

The Contractor shall provide adequate erosion and sediment control for the duration of construction including monitoring and maintenance of the control measures put in place. The Contractor shall inspect the erosion and sediment control measures regularly, and specifically before predicted rainfall events, and after rainfall events.

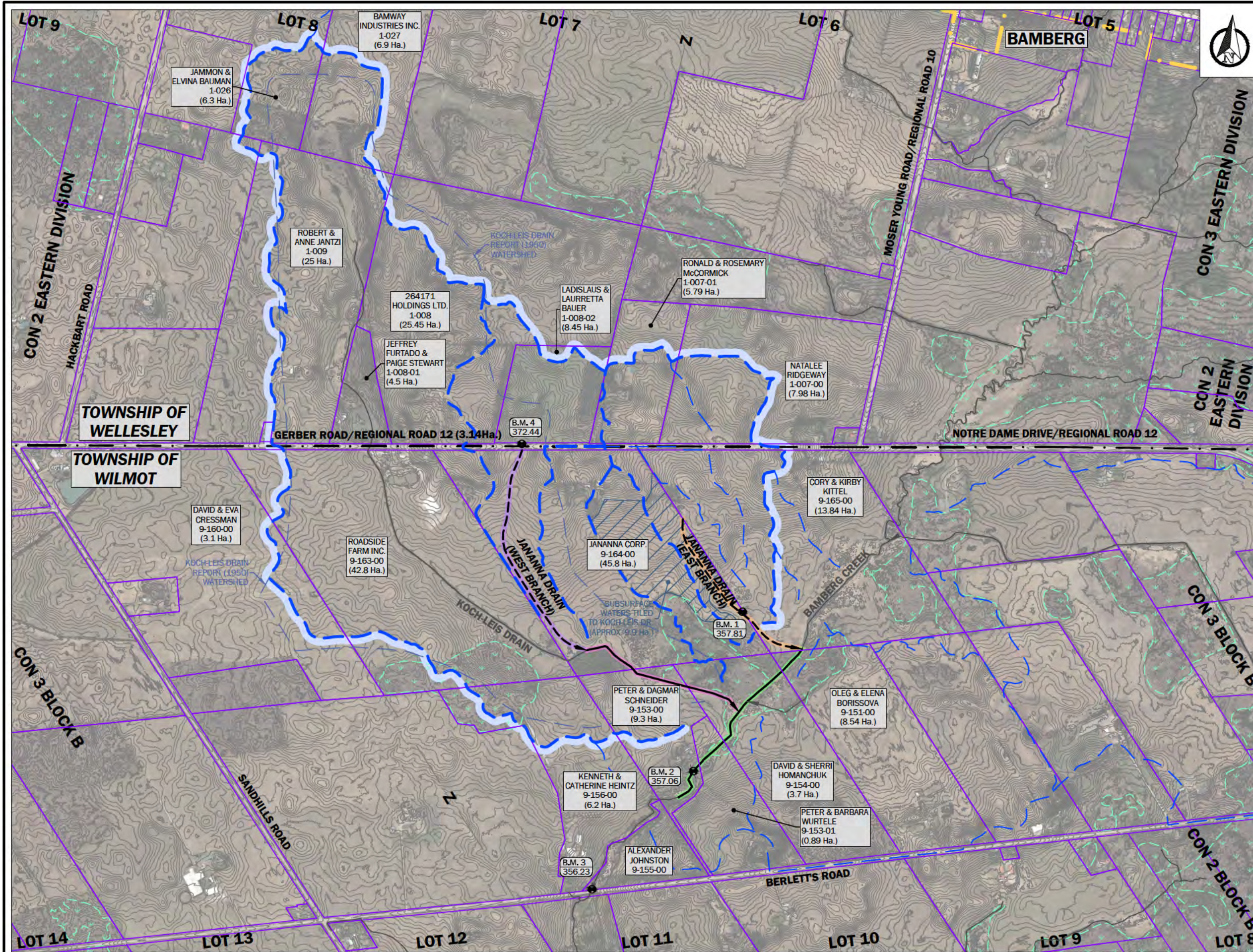
15.0 ENDANGERED SPECIES ACT AND THE EASTERN MEADOWLARK

The Contractor shall review species information made available by the Ministry of Environment, Conservation & Parks (MECP) prior to the start of construction to identify the species should any be observed on site.

The Contractor shall designate a staff member to inspect the daily working area for the species, and their nests prior to the start of any work activities each day. The Contractor shall complete the following daily log of inspections.

Eastern Meadowlark – Daily Inspection Log				
Date	Daily Work Area (Sta. x+xxx to Sta. y+yyy)	Number of Sightings	Comments	Staff Signature

Should an Eastern Meadowlark or its nest be encountered, the Contractor shall immediately flag the location, obtain GPS coordinates of nesting site flags, and notify the Contractor Administrator, and the Site Foreman. The Contractor shall ensure that construction activities are modified to not cause harm to the species, or its nest. The Contract Administrator shall notify the MECP.



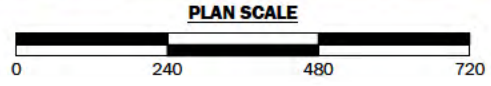
NOTES:
 1. AERIAL PHOTOGRAPHY PROVIDED BY WILMOT TOWNSHIP.
 2. CONTOURS GENERATED USING 2018 LIDAR DERIVED DATASET REPRESENTING BARE-EARTH TERRAIN FROM LAND INFORMATION ONTARIO.

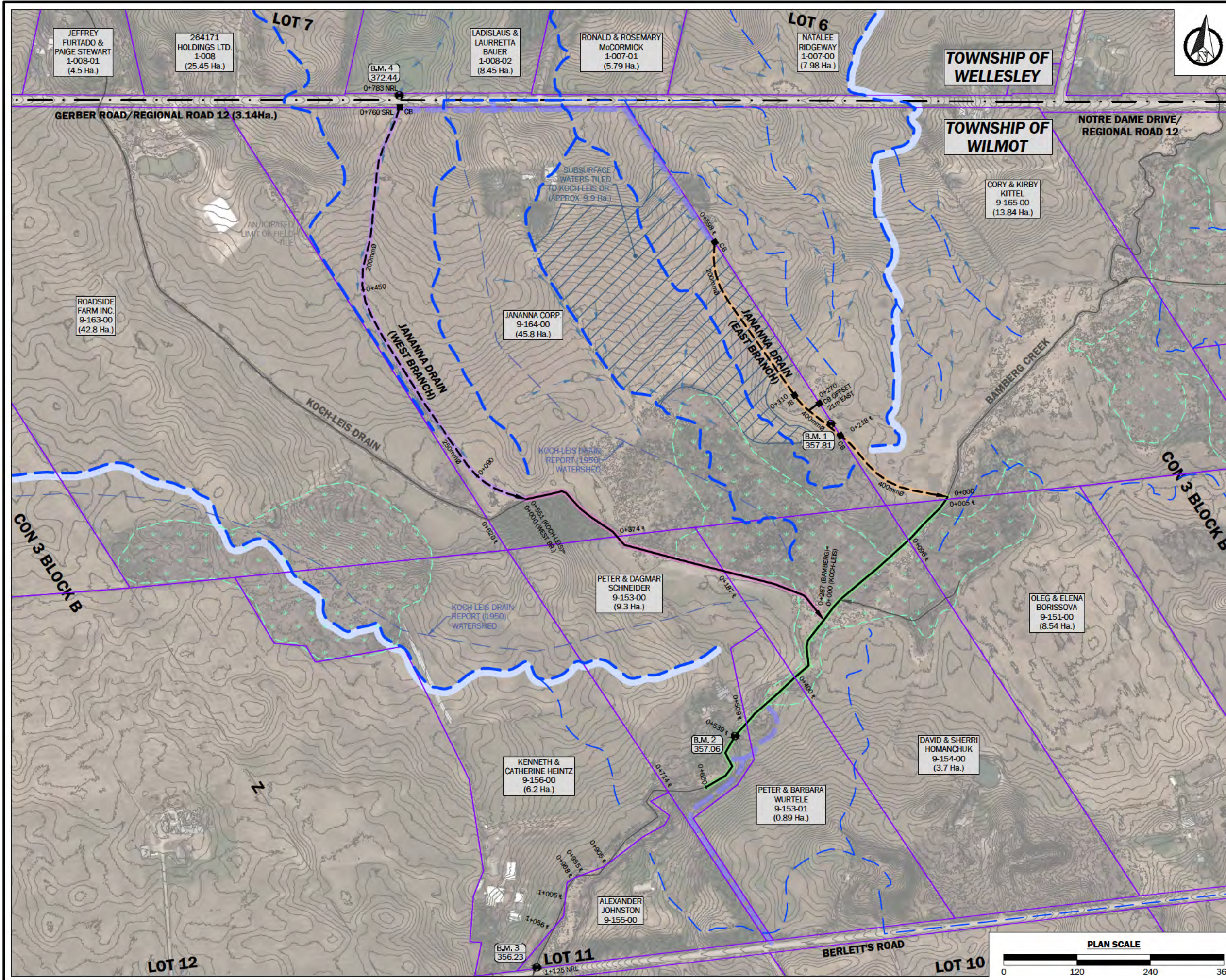
- BENCHMARK DESCRIPTIONS**
- BENCHMARK No. 1** ELEV.=357.81
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
 - BENCHMARK No. 2** ELEV.=357.06
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
 - BENCHMARK No. 3** ELEV.=356.23
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 1+125 (BAMBERG)
 - BENCHMARK No. 4** ELEV.=372.44
TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)

- LEGEND**
- LOT/CONCESSION LINE
 - PROPERTY LINE
 - URBAN BOUNDARY
 - TOWNSHIP BOUNDARY
 - MAJOR WATERSHED BOUNDARY
 - MINOR WATERSHED BOUNDARY
 - WETLAND LIMIT
- BENCHMARK LOCATION**
- B.M. 1 123.45
 - BENCHMARK No.
 - BENCHMARK ELEVATION
- LANDOWNER INFORMATION**
- JOHN & JANE SMITH 12-345 (12.3 Ha.)
 - LANDOWNER NAME(S)
 - ASSESSMENT ROLL No. (ABBREVIATED)
 - APPROX. AREA AFFECTED

- EXISTING FEATURES:**
- DRAIN NAME (with arrow) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
 - DRAIN NAME (with square) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
 - OVERLAND FLOW PATH
- PROPOSED FEATURES:**
- DRAIN NAME (with arrow) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
 - DRAIN NAME (with square) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION

	4	REPORT SUBMISSION	23-04-28
	3	KOCH-LEIS INFORMATION MTG.	22-11-24
	2	INFORMATION MEETING	22-09-29
	1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YY-MM-DD)	





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JOHN & JANE SMITH 12-345 12-3 Ha.

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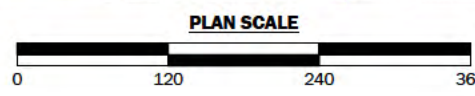
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- OVERLAND FLOW PATH

PROPOSED FEATURES:

- DRAIN NAME (---) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
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JANANNA MUNICIPAL DRAIN

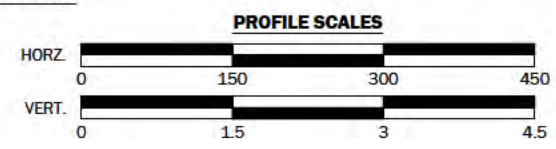
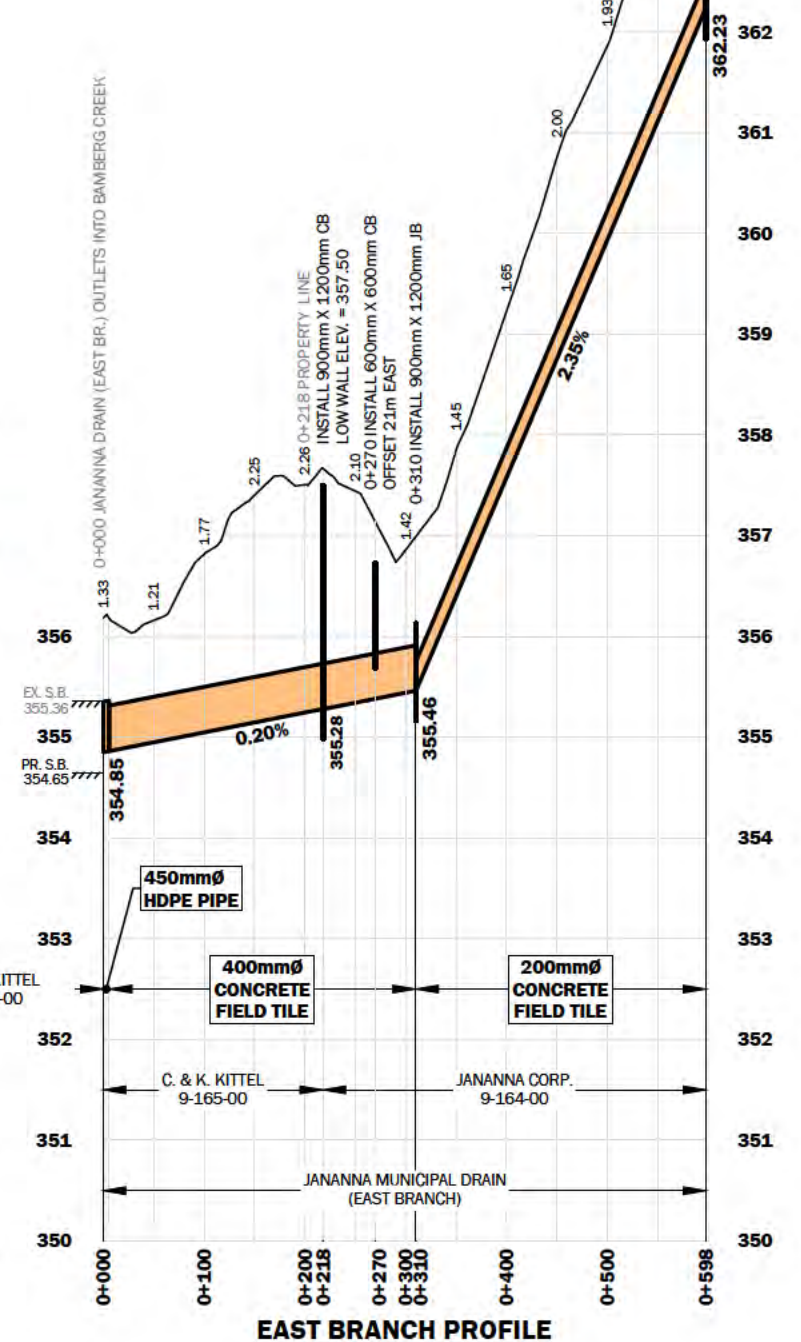
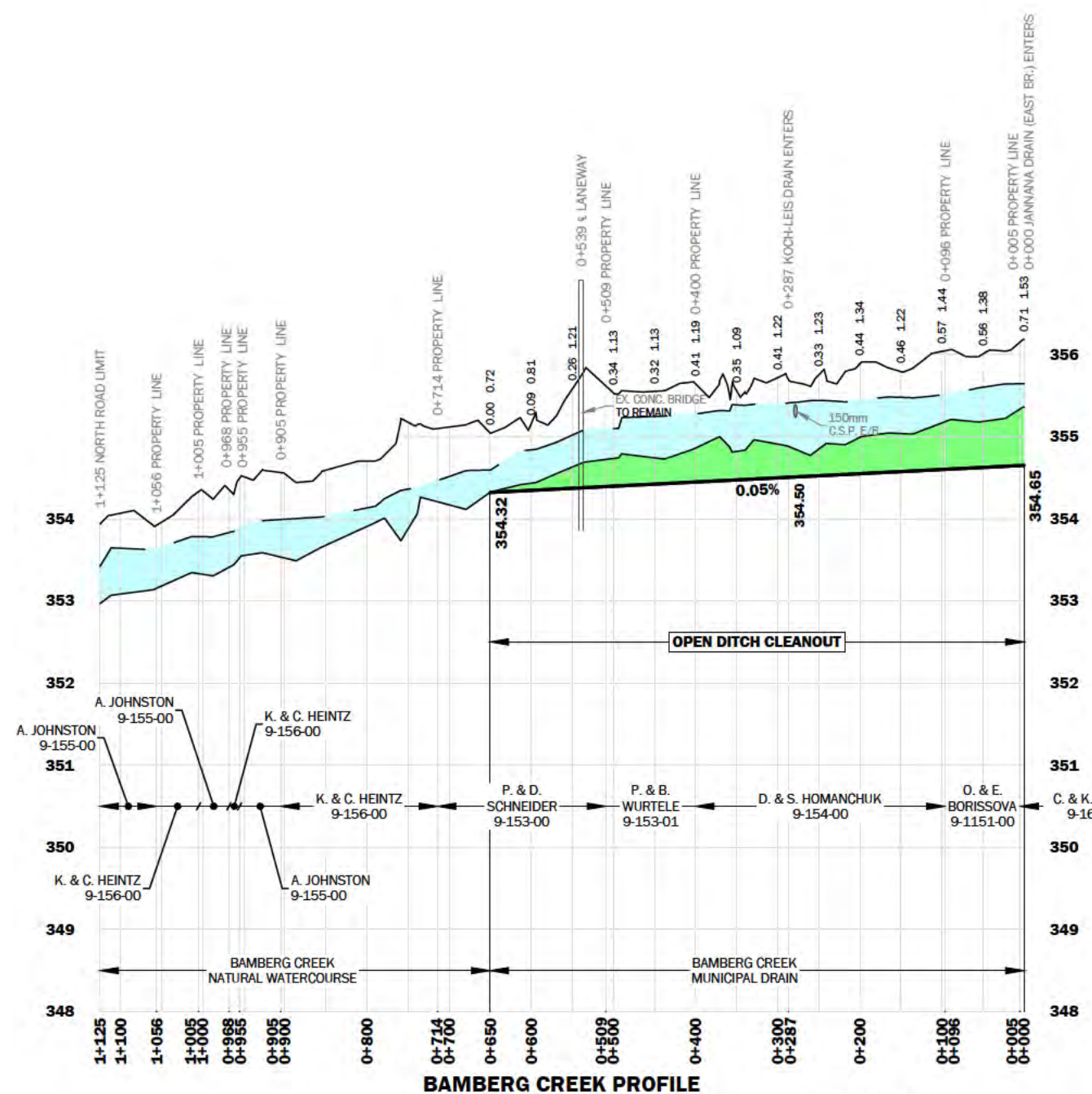
Bamberg Creek and East Branch Profiles

BENCHMARK DESCRIPTIONS

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NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
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SCHEDULE OF PIPE MATERIALS

MATERIAL	DIAMETER (mm)	STATION RANGE	LENGTH (m)
1. HIGH DENSITY POLYETHYLENE OUTLET PIPE	450	0+000 - 0+006	6
2. CONCRETE FIELD TILE	400	0+006 - 0+310	304
3. CONCRETE FIELD TILE	200	0+310 - 0+598	288



No.	REVISION	DATE (YY-MM-DD)
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DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 3 OF 6

JANANNA MUNICIPAL DRAIN

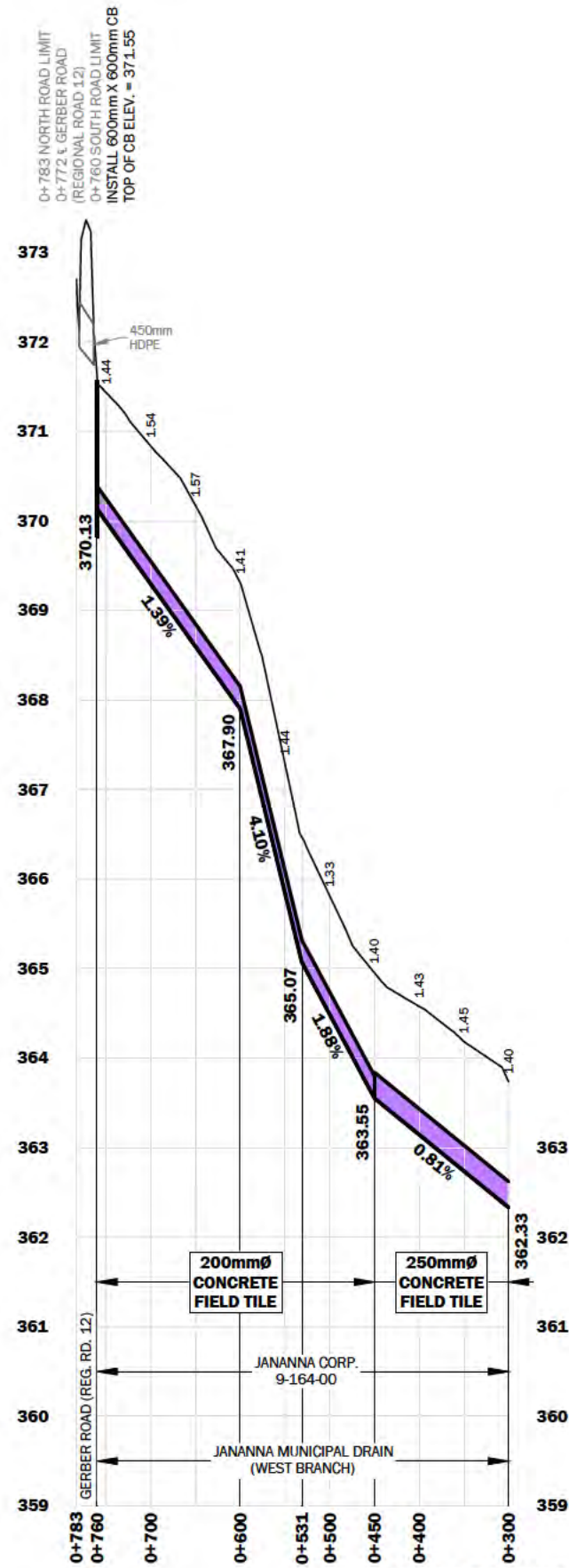
West Branch and Koch-Leis Drain Profiles

BENCHMARK DESCRIPTIONS

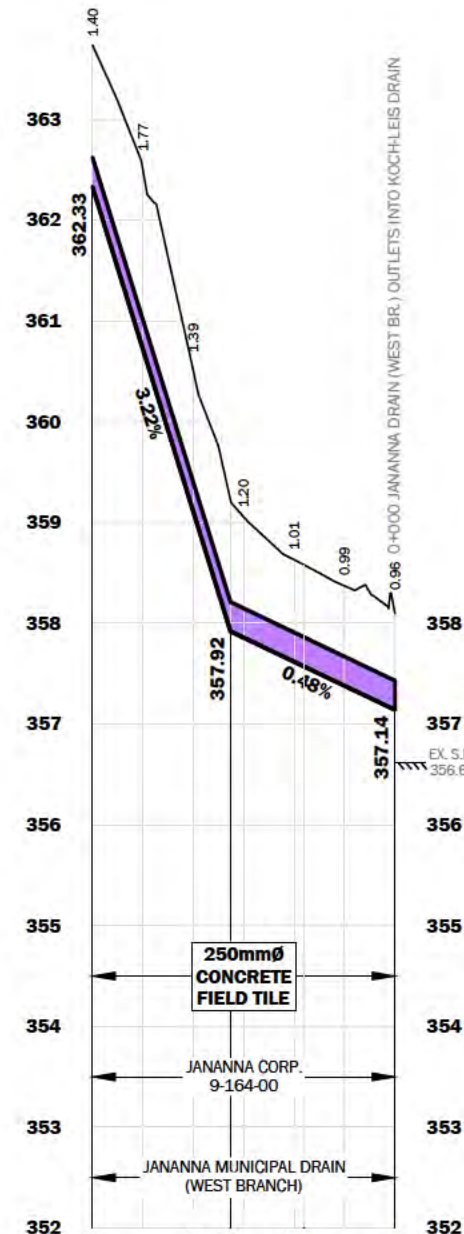
- BENCHMARK No. 1** **ELEV.=357.81**
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** **ELEV.=357.06**
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** **ELEV.=356.23**
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 1+125 (BAMBERG)
- BENCHMARK No. 4** **ELEV.=372.44**
TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)

SCHEDULE OF PIPE MATERIALS

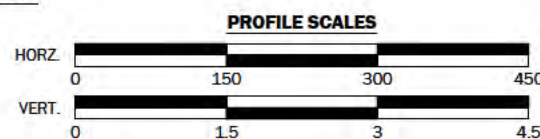
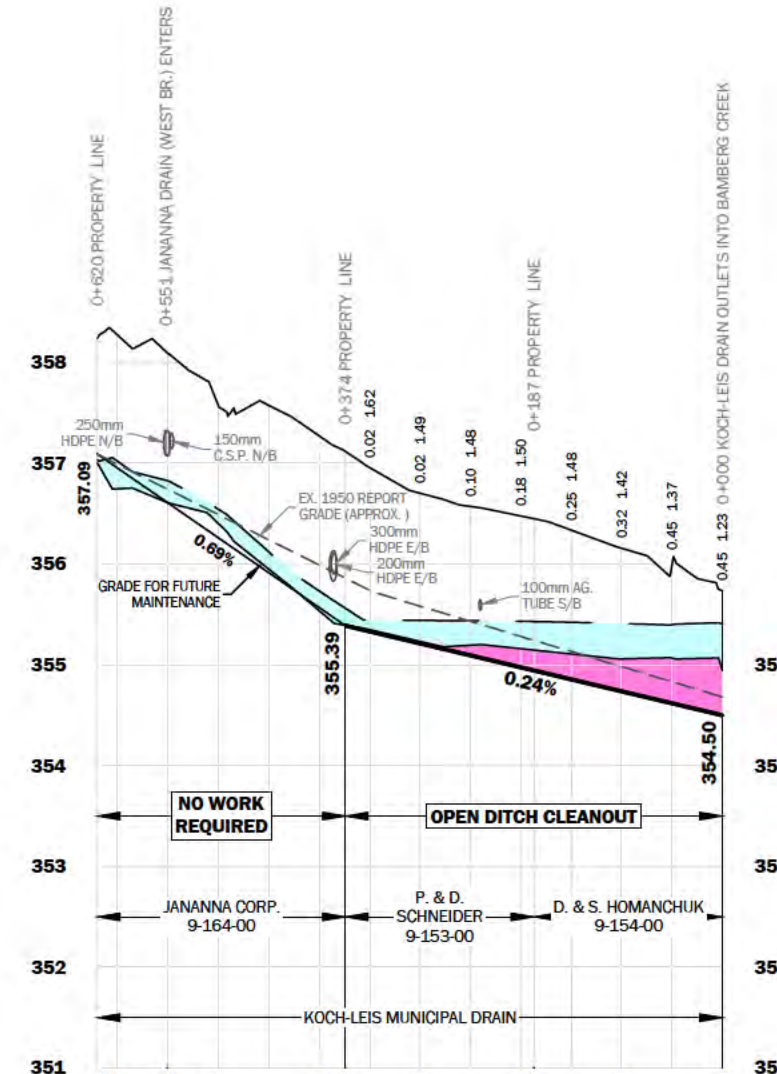
MATERIAL	DIAMETER (mm)	STATION RANGE	LENGTH (m)
1. HIGH DENSITY POLYETHYLENE OUTLET PIPE	250	0+000 - 0+006	6
2. CONCRETE FIELD TILE	250	0+006 - 0+450	444
3. CONCRETE FIELD TILE	200	0+450 - 0+760	310



WEST BRANCH PROFILE



KOCH-LEIS DRAIN PROFILE



No.	REVISION	DATE (YY-MM-DD)
4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22



DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 4 OF 6

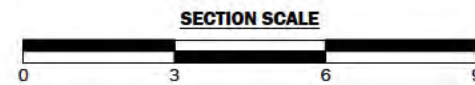
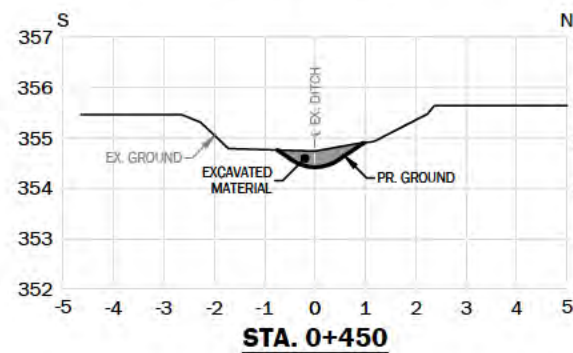
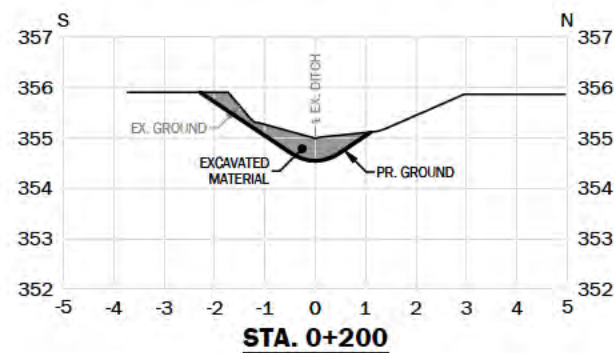
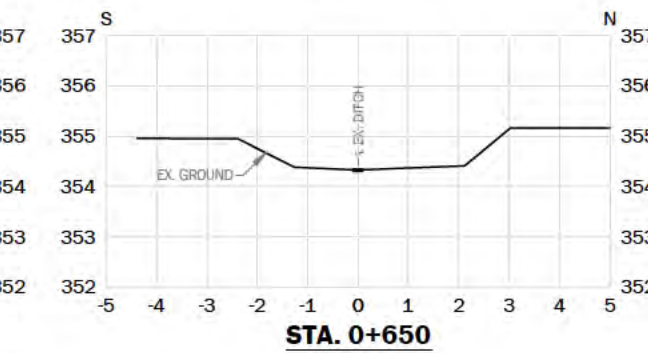
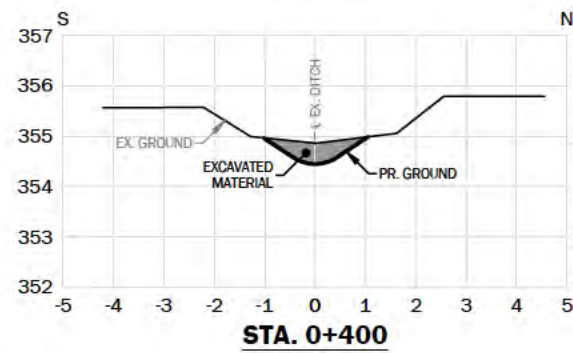
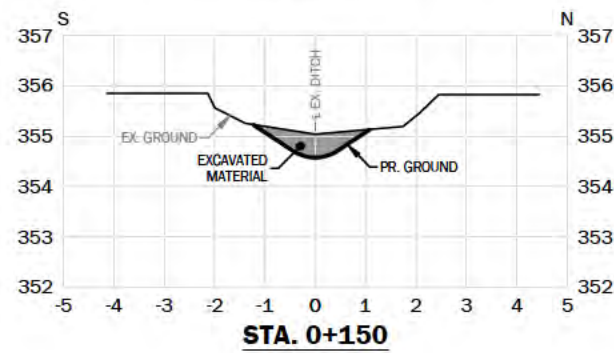
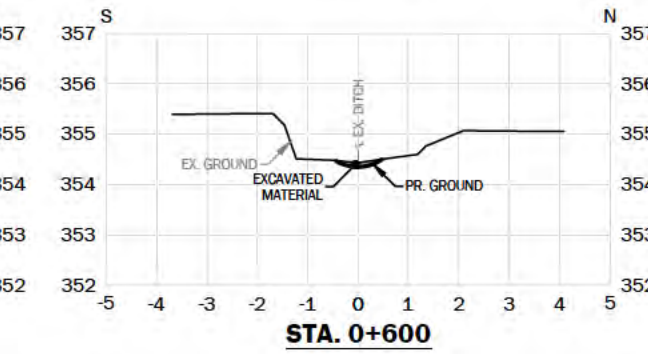
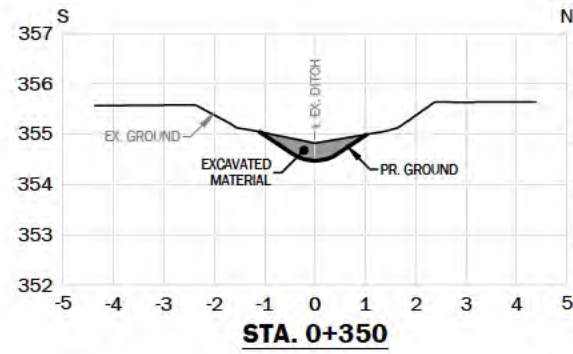
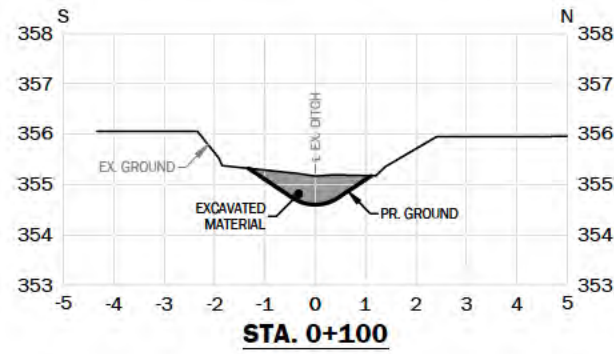
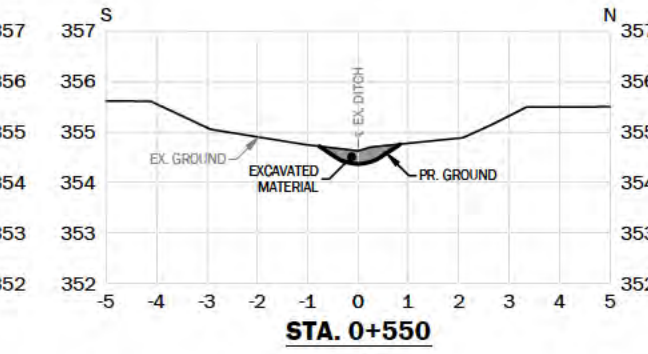
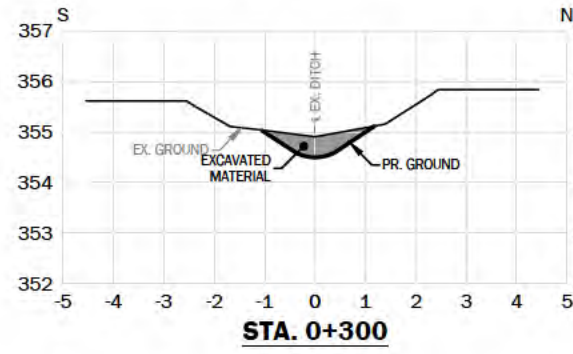
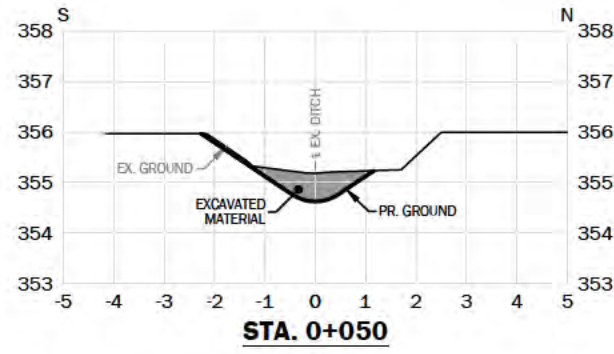
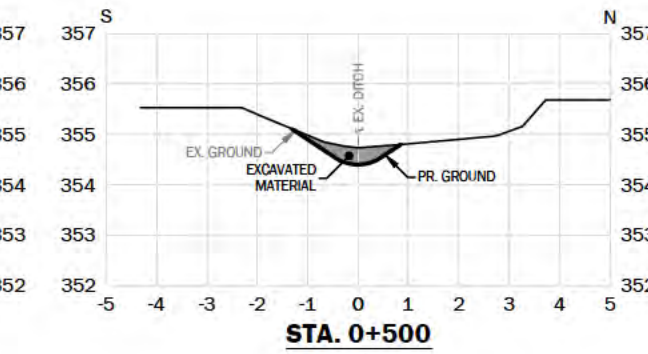
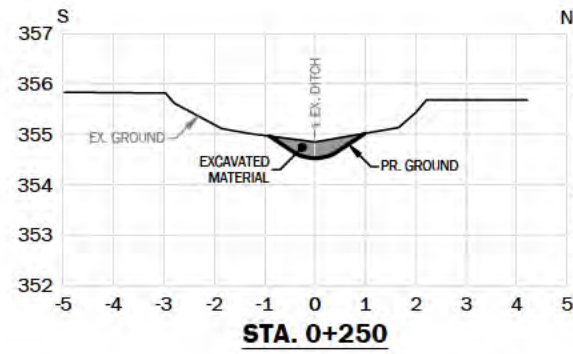
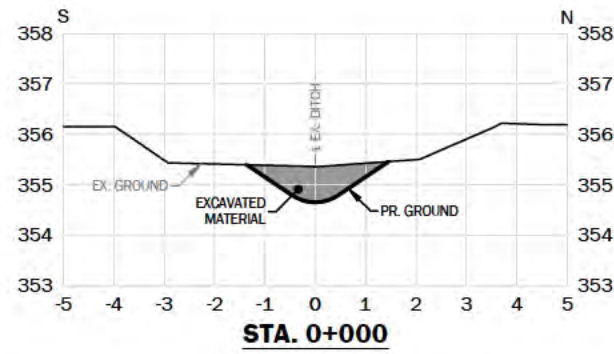
BENCHMARK DESCRIPTIONS

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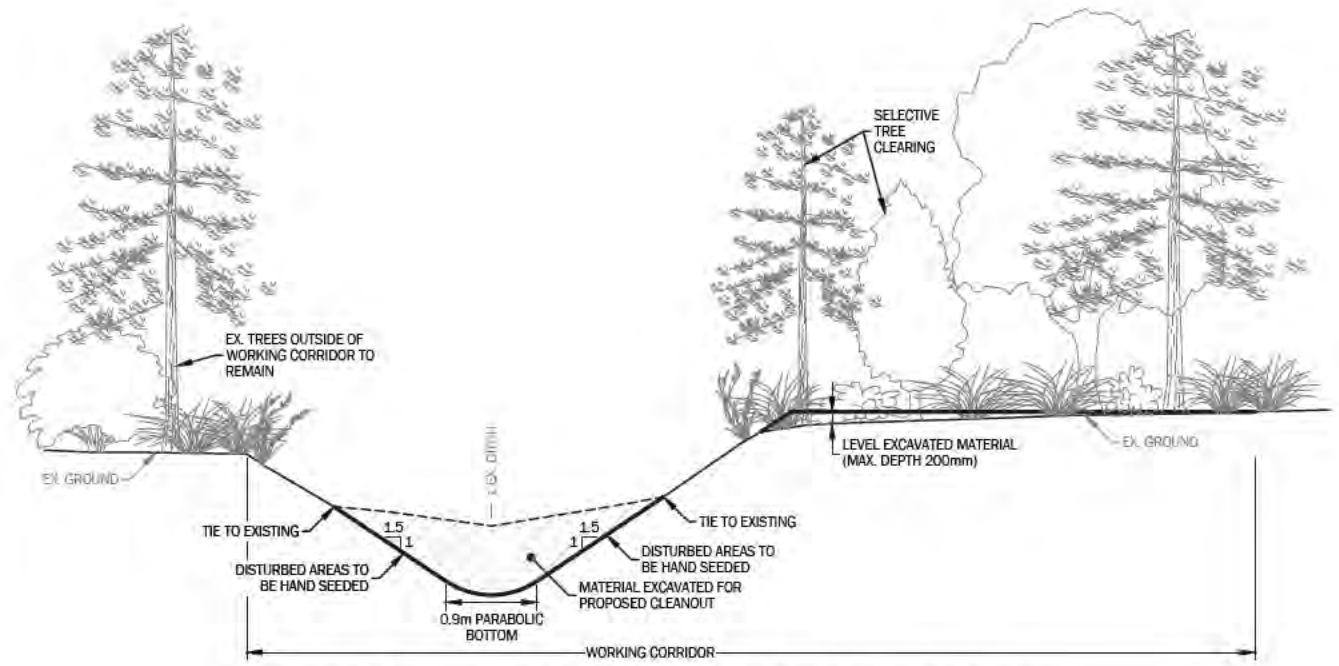
4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
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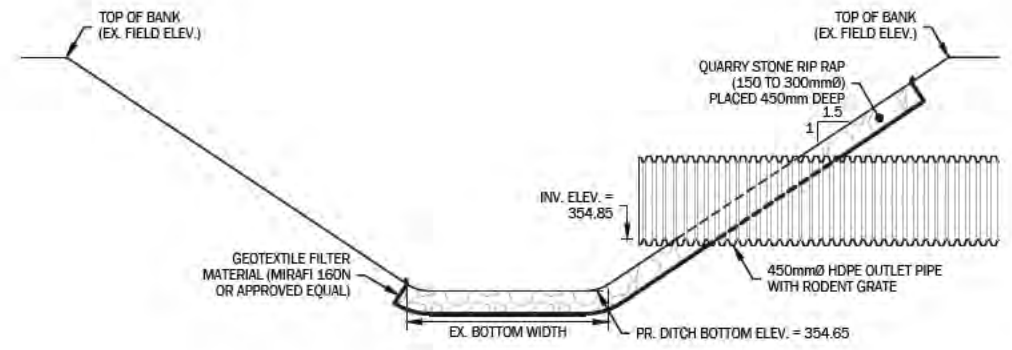
DRAWN BY: R.U.	DESIGNED BY: A.H.	CHECKED BY: S.B.
DATE: 2023-04-28	REFERENCE No. WLMT-002	DRAWING No. 5 OF 6

BENCHMARK DESCRIPTIONS

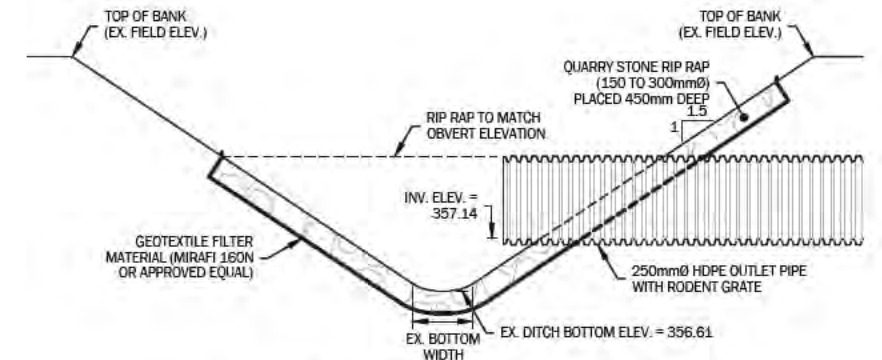
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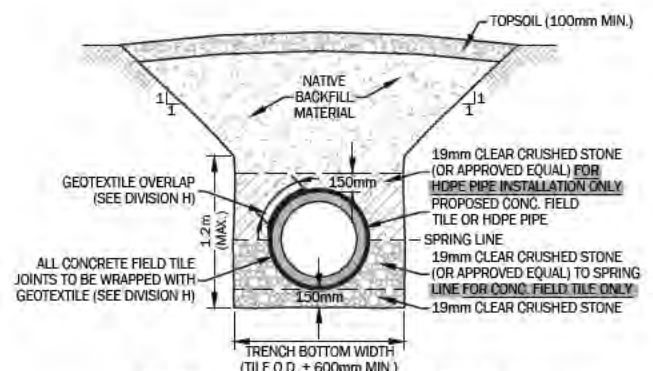
TYPICAL OPEN DITCH CLEANOUT DETAIL (BAMBERG CREEK)
N.T.S.



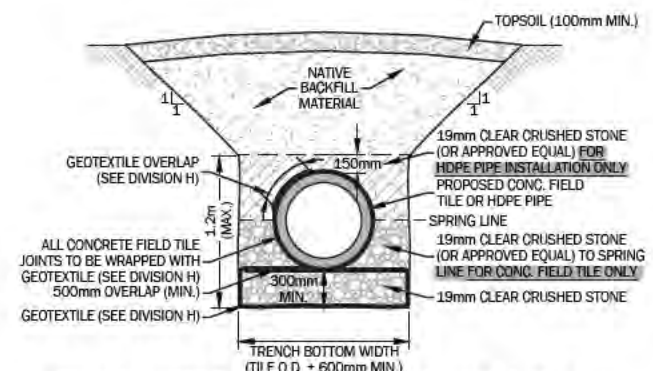
EAST BRANCH OUTLET DETAIL
N.T.S.



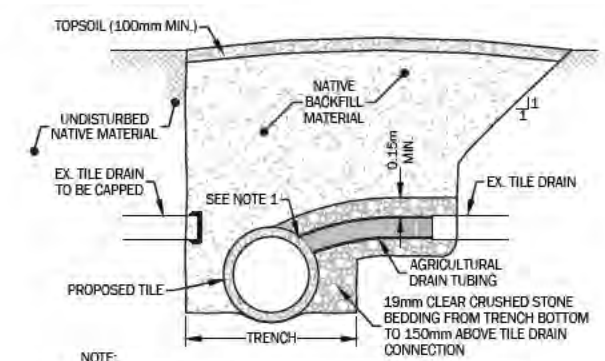
WEST BRANCH OUTLET DETAIL
N.T.S.



TYPICAL PIPE INSTALLATION ON STONE BEDDING DETAIL
N.T.S.



TYPICAL PIPE INSTALLATION ON WRAPPED STONE BEDDING DETAIL (PROVISIONAL ITEM)
N.T.S.



TYPICAL TILE CONNECTION DETAIL
N.T.S.

NOTE:
1. ALL TILE CONNECTIONS TO BE EITHER A CORED HOLE WITH AN INSERT COUPLER, OR A MANUFACTURED TEE.
2. CLEAR CRUSHED STONE BEDDING NOT REQUIRED IF DUAL WALL HDPE PIPE IS USED FOR THE CONNECTION.



4	REPORT SUBMISSION	23-04-28
3	KOCH-LEIS INFORMATION MTG.	22-11-24
2	INFORMATION MEETING	22-09-29
1	ON-SITE MEETING	21-09-22
No.	REVISION	DATE (YYYY-MM-DD)

Township of Wilmot
60 Snyder's Rd. W., Baden ON N3A 1A1

Chad Curtis, Deputy Clerk
519-556-0038

Notice of Meeting to Consider the Engineer's Report

Drainage Act, R.S.O. 1990, c. D.17, s. 42

To:
Property Owner

In accordance with section 42 of the *Drainage Act*, you as an owner of land affected by the proposed drainage works for the

Bamberg Creek, Jannana, and Koch-Leis Municipal Drain

(Name of drain)

are requested to attend a council meeting to consider the final report filed with the Township

of Wilmot

for this drainage works.

The meeting will take place:

Date (yyyy/mm/dd)	Time	Location
2023/06/26	7:00 P.M	60 Snyder's Rd. W., Baden ON

If the share of the project cost assessed to your property is more than \$100, a copy of the report is included with this notice.

Name of Clerk (Last Name, First Name)

Curtis, Chad; Deputy Clerk

Name of Municipality

Township of Wilmot

Signature of Clerk



Date (yyyy/mm/dd)

2023/05/31

Failure to attend meeting: If you do not attend the meeting, it will proceed in your absence. If you are affected or assessed by this proposed project, you will continue to receive notification as required by the *Drainage Act*.

Activities at the meeting to consider the report:

- Usually the engineer will present a summary of the report to council
- For drains initiated by petition:
 - Petitioners will be given an opportunity to withdraw their name from the petition
 - Other owners that benefit from the drain will be given an opportunity to add their name to the petition
- Council must decide whether or not to proceed with the project by provisionally adopting the engineer's report by by-law; they also have the option to refer the report back to the engineer for modifications.
- All property owners affected by the drain will have an opportunity to influence council's decision
- There is no right to appeal assessments or other aspects of the engineer's report at this meeting; these appeal rights will be made available later in the procedure. *Drainage Act, R.S.O. 1990, c. D.17, s. 47 - 54.*

Petitioners: After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act, R.S.O. 1990, c. D. 17 s. 43.*



Township of Wilmot
60 Snyder's Rd. W., Baden ON N3A 1A1

Chad Curtis, Deputy Clerk
519-556-0038
chad.curtis@wilmot.ca

Notice of Sitting of Court of Revision
Drainage Act, R.S.O. 1990, c. D.17, subs. 46(1) and (2)

To:
Property Owner

Re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

(Designation of drainage works)

Take notice that your property is assessed for the construction and improvement of the above mentioned drainage works under section 4 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer's report. Details of your assessment are contained in the engineer's report dated 2023/04/28, which has been previously sent to you or is available at the municipal office.

Date (yyyy/mm/dd)

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the attention of the undersigned, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

Date (yyyy/mm/dd)	Time	Location
2023/08/16	5:30 P.M	60 Snyder's Road West

Name of Clerk (Last Name, First Name)
Curtis, Chad; Deputy Clerk

Name of Municipality
Township of Wilmot

Signature of Clerk	Date (yyyy/mm/dd)
	2023/07/28

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act, R.S.O. 1990, c. D.17, subs. 47(1) and 48(1).*



TILE DRAINAGE PROPOSAL
30' SPACING
1/2" DRAINAGE COEFFICIENT

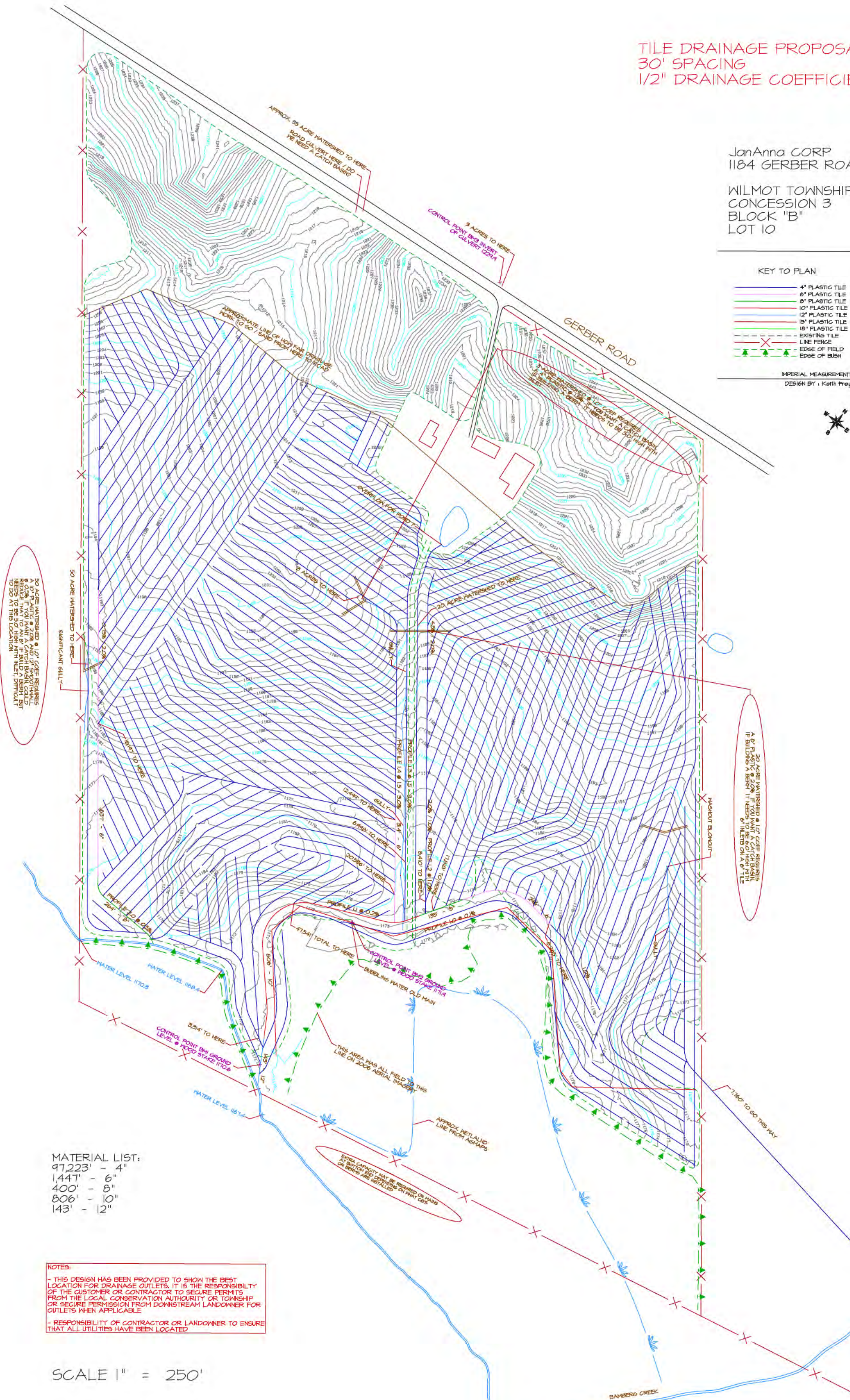
JanAnna CORP
1184 GERBER ROAD

WILMOT TOWNSHIP
CONCESSION 3
BLOCK "B"
LOT 10

KEY TO PLAN

- 4" PLASTIC TILE
- 6" PLASTIC TILE
- 8" PLASTIC TILE
- 10" PLASTIC TILE
- 12" PLASTIC TILE
- 15" PLASTIC TILE
- 18" PLASTIC TILE
- EXISTING TILE
- LINE FENCE
- EDGE OF FIELD
- EDGE OF BUSH

IMPERIAL MEASUREMENTS
DESIGN BY: Keith Frey



30 ACRE WATERSHED @ 1/2" COEF. REQUIRES A 10" PLASTIC @ 20% AND 17" SMOOTH WALL @ 0.2% IF YOU WANT A CATCH BASIN YOU NEED TO BE 30' HIGH WITH 1/2" DIFFICULT TO DO AT THIS LOCATION.

20 ACRE WATERSHED @ 1/2" COEF. REQUIRES A 6" PLASTIC @ 20% IF YOU WANT A CATCH BASIN IF BUILDING A BARN IT NEEDS TO BE 30' HIGH ON A 6" TILE

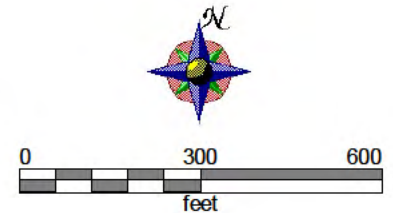
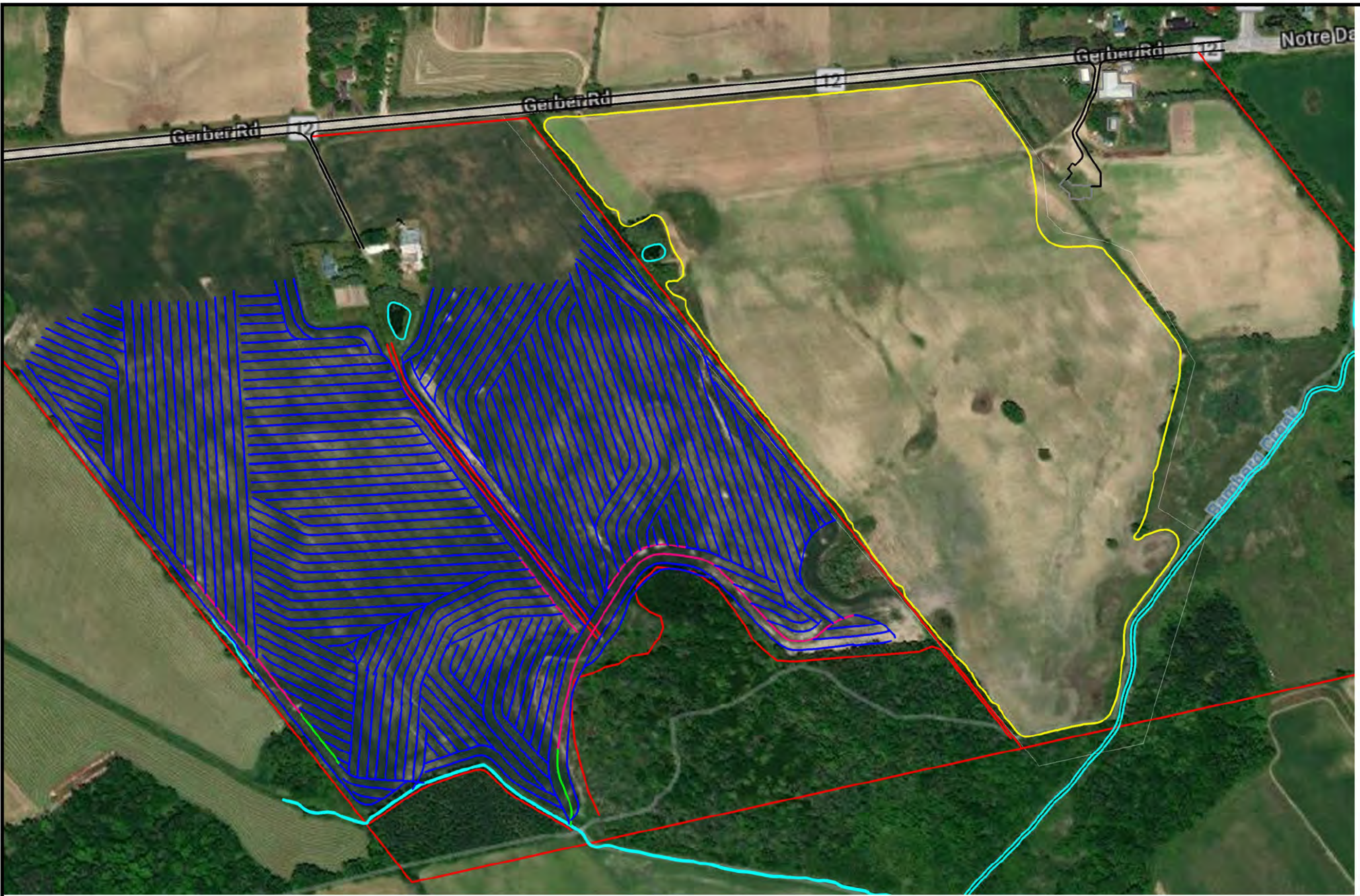
- MATERIAL LIST:
- 97,223' - 4"
 - 1,447' - 6"
 - 400' - 8"
 - 806' - 10"
 - 143' - 12"

NOTES:

- THIS DESIGN HAS BEEN PROVIDED TO SHOW THE BEST LOCATION FOR DRAINAGE OUTLETS. IT IS THE RESPONSIBILITY OF THE CUSTOMER OR CONTRACTOR TO SECURE PERMITS FROM THE LOCAL CONSERVATION AUTHORITY OR TOWNSHIP OR SECURE PERMISSION FROM DOWNSTREAM LANDOWNER FOR OUTLETS WHEN APPLICABLE.
- RESPONSIBILITY OF CONTRACTOR OR LANDOWNER TO ENSURE THAT ALL UTILITIES HAVE BEEN LOCATED.

SCALE 1" = 250'

- 2L4
- 2M1
- 2M6
- 2M8
- BUILDING
- LINE_BOUNDARY
- LINE_DITCH
- LINE_FENCE
- LINE_ROAD





R.R.#4 ELMIRA, ONT. N3B 2Z3

519-669-2256

JOB ESTIMATE

NAME Cory Kittle PHONE _____
 ADDRESS 1022 Gerber Rd LOT 09 CONC. 03 TWPL1/2mot
 STARTING DATE _____ N° OF ACRES TO BE DRAINED _____

A job worth doing is worth doing right.

QUANTITY	SIZE	DESCRIPTION	AMOUNT
16,000	4"	filter pipe @ .61 + install @ .24	13,600.00
1075	6"	filter pipe @ 1.50 + " " @ .30	1,935.00
100	8"	" " @ 2.70 + " " @ 1.05	375.00
200	10"	" " @ 4.20 + " " @ 1.15	1,070.00
700	12"	filter pipe @ 5.70 + " " @ 1.25	4,865.00
1	12"	outlet pipe @ 210.00	210.00
2	10"	T's @ 65.00	130.00
37	-	connections @ 45.00	1480.00
1	6"	inlet @ 175.00	175.00
1	18"	catchbasin @ 500.00	500.00
6.5	hrs	lyhoe @ 112.00 (catchbasin and 12" install)	728.00
1075	6"	filter pipe @ 1.80 (for drain up to road culvert)	1935.00
1	-	move and setup @	1000.00
		Subtotal	28,003.00

REMARKS If you decide not to do drain to road and only install 4" at bottom end, would be approx 2,400.00 off

Footage required per acre
 20 ft. = 2205
~~30 ft.~~ = 1470
 40 ft. = 1102
 50 ft. = 900
 60 ft. = 750
 80 ft. = 550

CUSTOMER _____
 ESTIMATED BY [Signature] DATE Jan 9/22

THIS ESTIMATE IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES OR ADDITIONAL LABOUR AND MATERIALS WHICH MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE CONDITIONS ARISE AFTER THE WORK HAS STARTED.

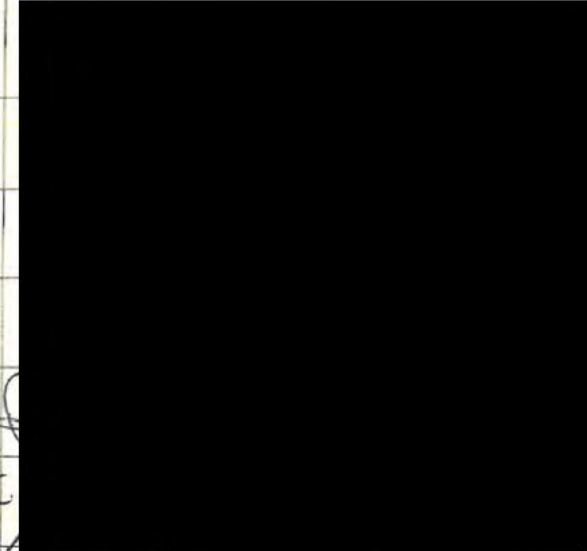

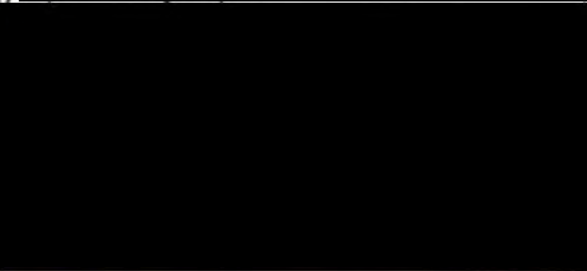

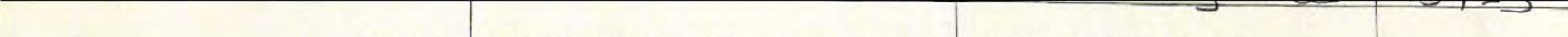
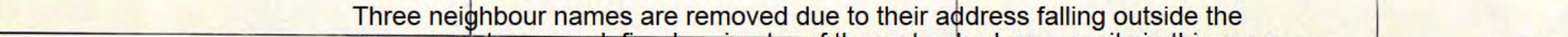
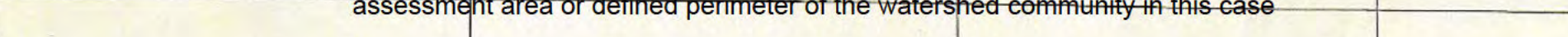



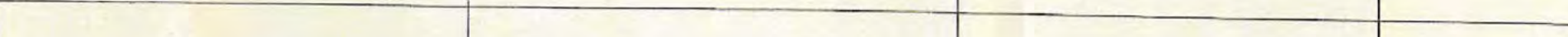
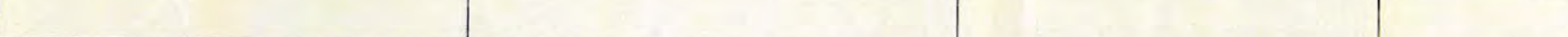



Petition Against Jananna Municipal Drain

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

- We do not see the need for such a project
- We do not see the benefit individually or collectively of this project
- We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz	[REDACTED]	[REDACTED]	Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissova			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date
JUSTIN MILLER			01/30/23
Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BRYAN MUSA			02/03/23
Haley Musa			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

Printed Name	Signature	Address	Date	
David Marshall			2/03/23	
Bib Sanderson			02/03/23	
Robert Jantzi			05/08/23	
Anne Jantzi			05/08/23	
R McORMACK			06/15/23	
Rosemary Kettel-McCormick			June 15, 2023	
				
				
				
				
				
				
				
				
				
				
				

Three neighbour names are removed due to their address falling outside the assessment area or defined perimeter of the watershed community in this case

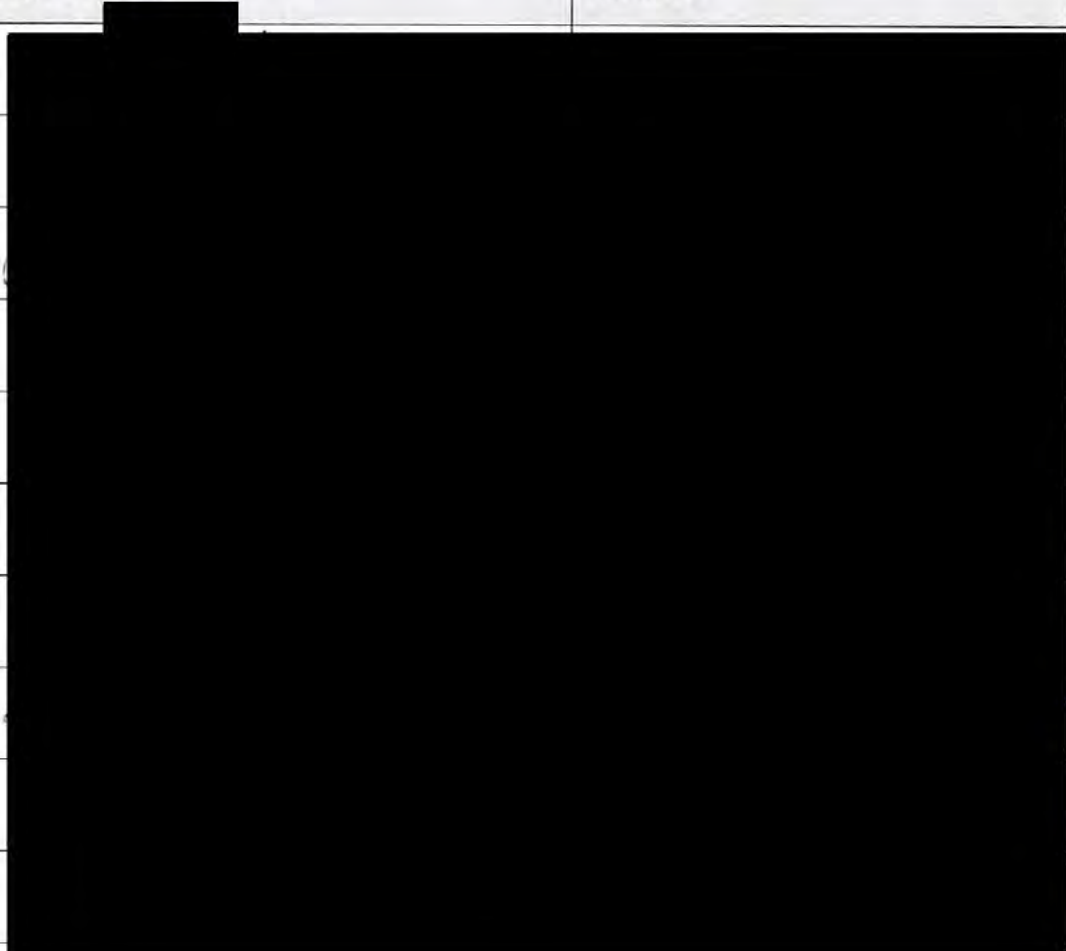
Petition Against Jananna Municipal Drain

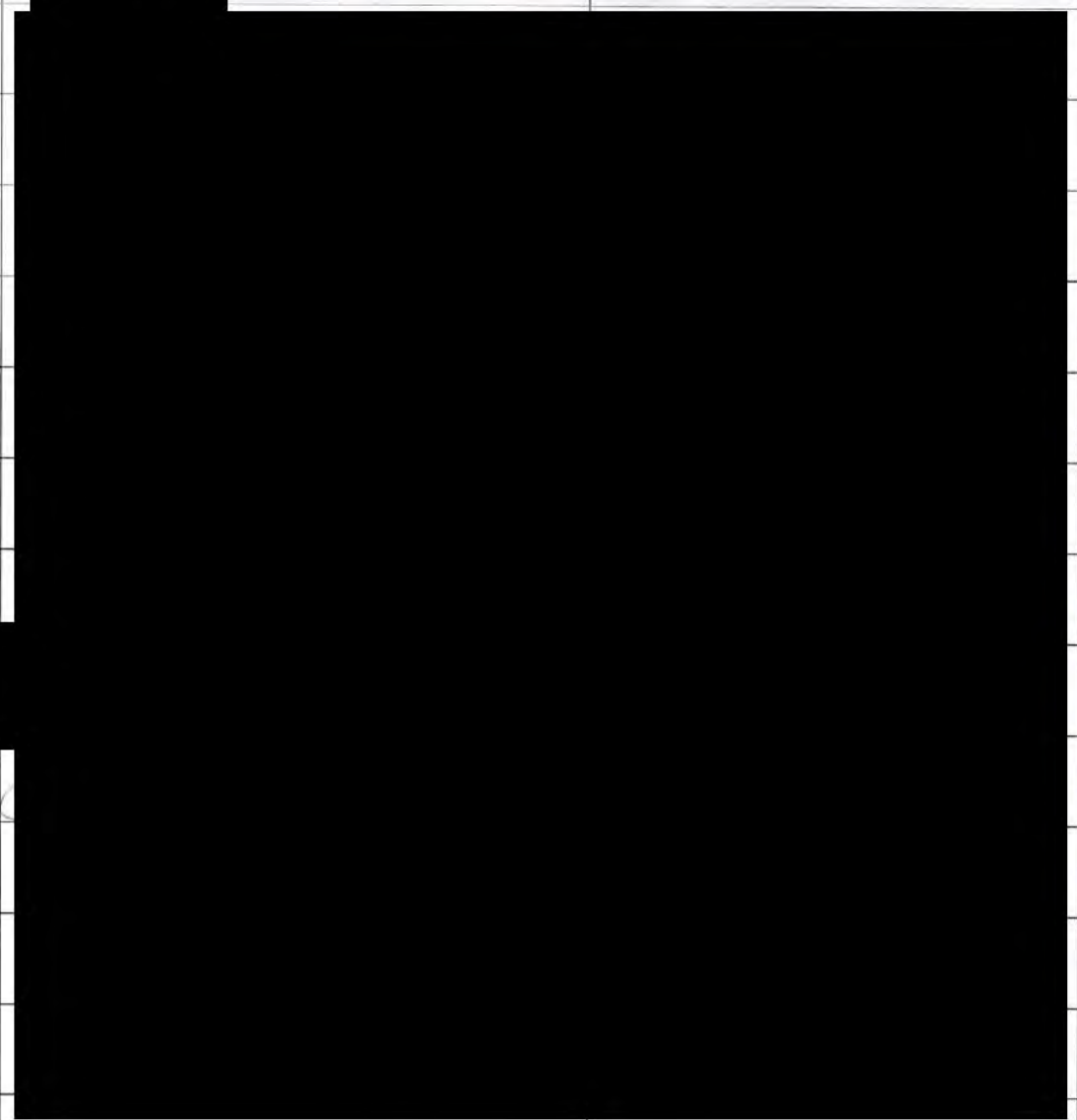

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

We do not see the need for such a project

We do not see the benefit individually or collectively of this project

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Printed Name	Signature	Address	Date
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Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BRON MUSA			02/03/23
Haley MUSA			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

Notice of Appeal

Township of Wilmot
60 Snyder's Road West
Bayden ON N3A 1A1

RECEIVED SEP 06 2023 @ 3:58 pm

September 6, 2020

Attention: Municipal Clerk, Township of Wilmot

To Whom it May Concern,

I Cory Kittel, am hereby serving notice to the Township of Wilmot, Ontario, that I intend to have issued a Notice of Application in the Waterloo Region Court for the attention of the Court of the Drainage Referee. This appeal is made under the *Drainage Act* with respect to the decision of the Councilors of the Township to pass a by-law adopting the Drainage Report of Headway Engineering, dated April 28, 2023, which is founded upon an invalid drainage petition.

Should you have any concerns with the appeal period I would refer you to s. 113 of the *Drainage Act*, which permits a Referee to extend the time for appeal.

Regards,



Cory Kittel

**REGISTRY ACT/LAND TITLES ACT
LOI SUR L'ENREGISTREMENT DES ACTES/
LOI SUR L'ENREGISTREMENT DES DROITS
IMMOBILIERS**

**CERTIFICATE
CERTIFICAT**

- Clause 27 (1) (c) of the *Land Registration Reform Act* (**electronic format**)
Clause 27 (1) (c) de la loi portant réforme de l'enregistrement immobilier (**sous forme électronique**)
- Clause 165 (2) of the *Land Titles Act*
Clause 165 (2) de la loi sur l'enregistrement des droits immobiliers
Clause 15(4) (c) of the *Registry Act*
Clause 15 (4) (c) de la loi sur l'enregistrement des actes

CERTIFIED to be a true copy of: 22176-0007 (LT)

(Instrument or deposit number)

COPIE CERTIFIÉE conforme de: (numéro de document ou de dépôt)

If record, add: 2024/03/28 AT 09:08:01

(Year, month, day, time)

Pour relevé, ajouter: (année, mois, jour, heure)

Land Registry Office: 58

(Number)

Bureaux d'enregistrement immobilier (numéro)

.....
REPRESENTATIVE FOR THE LAND REGISTRAR
REPRESENTANT (E) DU REGISTRATEUR

LAND
REGISTRY
OFFICE #58

22176-0007 (LT)

PREPARED FOR Samuel Kirwin
ON 2024/03/27 AT 12:26:27

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT LT 10 BLK B CON 3 WILMOT; PT LT 10 BLK B CON 4 WILMOT; PT RDAL BTN CONS 3 & 4 BLK B WILMOT CLOSED BY BY-LAW 427836, AS IN 154090; WILMOT

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:

RE-ENTRY FROM 22176-0062

PIN CREATION DATE:

2002/08/19

OWNERS' NAMES

JANANNA CORP

CAPACITY SHARE

ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2002/08/16 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2002/08/19 **						
154090	1957/05/10	TRANSFER		*** DELETED AGAINST THIS PROPERTY ***	GAWRON, JAN	
622775	1978/03/13	LEASE			J. B. MCCLUSKY LTD.	C
REMARKS: & GRANT						
664738	1979/08/30	ASSIGNMENT LEASE			CCH RESOURCES LTD. PETROMARK MINERALS LTD. SCEPTRE RESOURCES LTD. DOME PETROLEUM LIMITED	C
REMARKS: MULTI						
719578	1982/01/15	ASSIGNMENT LEASE			PETROMARK MINERALS LTD. INVERNESS PETROLEUM LTD. SCEPTRE RESOURCES LIMITED DOME PETROLEUM LIMITED	C
REMARKS: MULTI SURRENDER OF LEASE						
CORRECTIONS: 'PARTY: J. B. MCCLUSKY LIMITED' DELETED ON 2005/10/24 BY SUSAN SIMPSON. 'PARTY: PETROMARK MINERALS LTD.' ADDED ON 2005/10/24 BY SUSAN SIMPSON. 'PARTY: INVERNESS PETROLEUM LTD.' ADDED ON 2005/10/24 BY SUSAN SIMPSON. 'PARTY: SCEPTRE RESOURCES LIMITED' ADDED ON 2005/10/24 BY SUSAN						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND
REGISTRY
OFFICE #58

22176-0007 (LT)

PREPARED FOR Samuel Kirwin
ON 2024/03/27 AT 12:26:27

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SIMPSON. 'PARTY: DOME PETROLEUM LIMITED' ADDED ON 2005/10/24 BY SUSAN SIMPSON.						
LT94082	2002/11/14	TRANSFER		*** COMPLETELY DELETED *** GAWRON, JAN	GAWRON, JAN GAWRON, ANNA	
WR802119	2014/02/05	TRANSMISSION-LAND		*** COMPLETELY DELETED *** GAWRON, ANNA GAWRON, JAN	GAWRON, THERESA GAWRON, CHRISTINE SCHNEIDER, IRENE	
WR802120	2014/02/05	TRANS PERSONAL REP	\$2	GAWRON, THERESA GAWRON, CHRISTINE SCHNEIDER, IRENE	JANANNA CORP	C

1184 Gerber Rd, Wilmot

Show search results for 1184 G...



Layer List

- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial Imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery
- 2010 Aerial Imagery
- 2009 Aerial Imagery
- 2006 Aerial Imagery
- 2003 Aerial Imagery

2000 Aerial Imagery

High: 255
Low: 0



1184 Gerber Rd, Wilmot

Show search results for 1184 G...

Map navigation controls: zoom in (+), zoom out (-), home, and refresh.



Layer List

- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery
- 2010 Aerial Imagery
- 2009 Aerial Imagery

2006 Aerial Imagery

2003 Aerial Imagery

High : 255
Low : 0

2000 Aerial Imagery

High: 255

300ft

1184 Gerber Rd, Wilmot X

Show search results for 1184 G...

Layer List

- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery
- 2010 Aerial Imagery
- 2009 Aerial Imagery
- 2006 Aerial Imagery
- 2003 Aerial Imagery
- 2000 Aerial Imagery

High : 255

Low : 0

High: 255

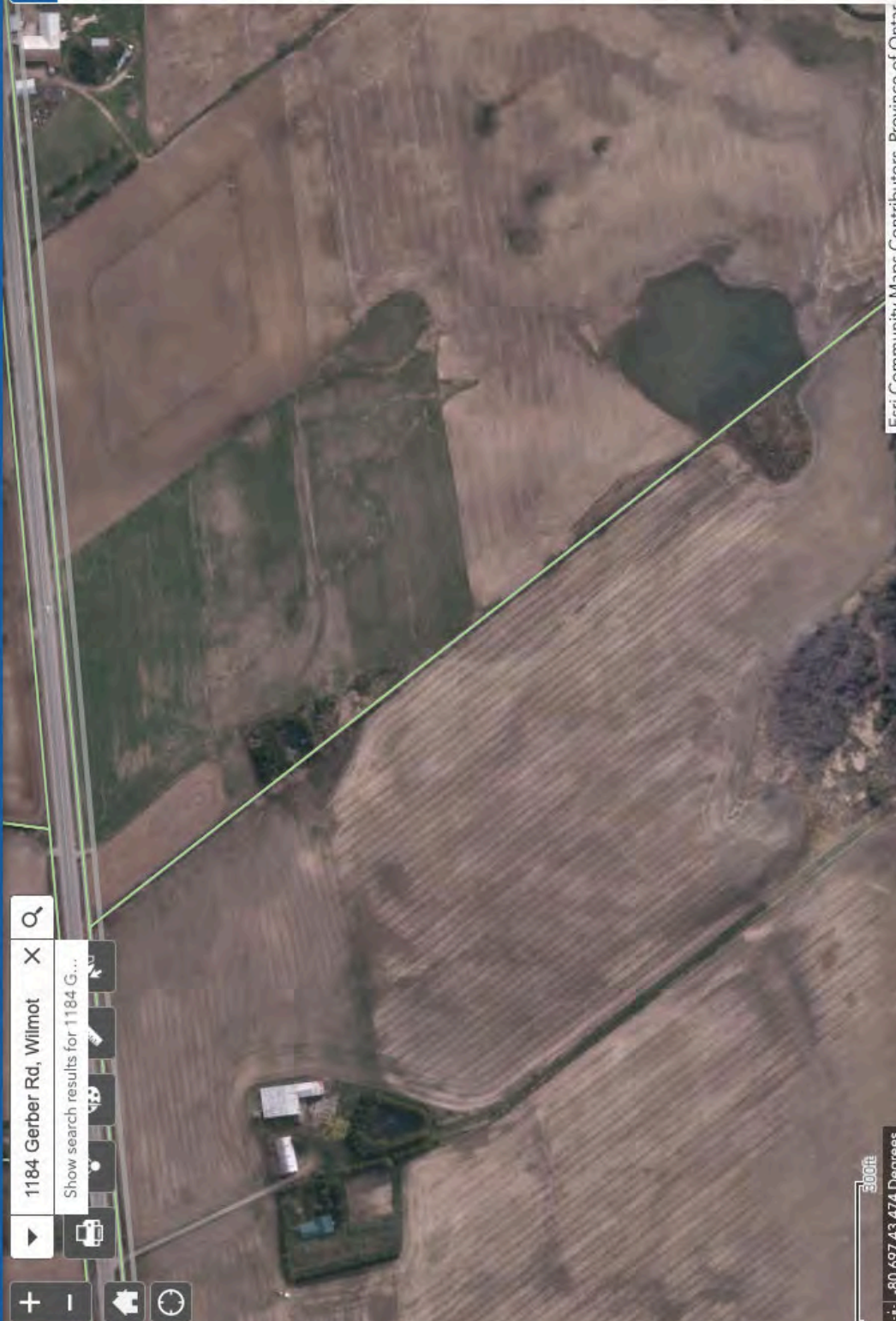
300ft
-80.697 43.472 Degrees

Esri Community Maps Contributors, Province of Ontario



1184 Gerber Rd, Wilmot X

Show search results for 1184 G...



Layer List

- Airport
- City, Town or Village
- Assessment Parcels (MPAC)
- Ownership Parcels (Teranet)
- Survey Points
- Wellhead Protection Sensitivity Area (ROP2015)
- Municipal Boundaries
- 2022 Aerial Imagery
- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial Imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery

300ft

-80.697 43.474 Degrees

1184 Gerber Rd, Wilmot X
Show search results for 1184 G...



- ### Layer List
- Airport ...
 - City, Town or Village ...
 - Assessment Parcels (MPAC) ...
 - Ownership Parcels (Teranet) ...
 - Survey Points ...
 - Wellhead Protection Sensitivity Area (ROP2015) ...
 - Municipal Boundaries ...
 - 2022 Aerial Imagery ...
 - 2020 Aerial Imagery ...
 - 2019 Aerial Imagery ...
 - 2018 Aerial Imagery ...
 - 2017 Aerial imagery ...
 - 2016 Aerial Imagery ...
 - 2015 Aerial Imagery ...

Red: Band_1
Green: Band_2
Blue: Band_3

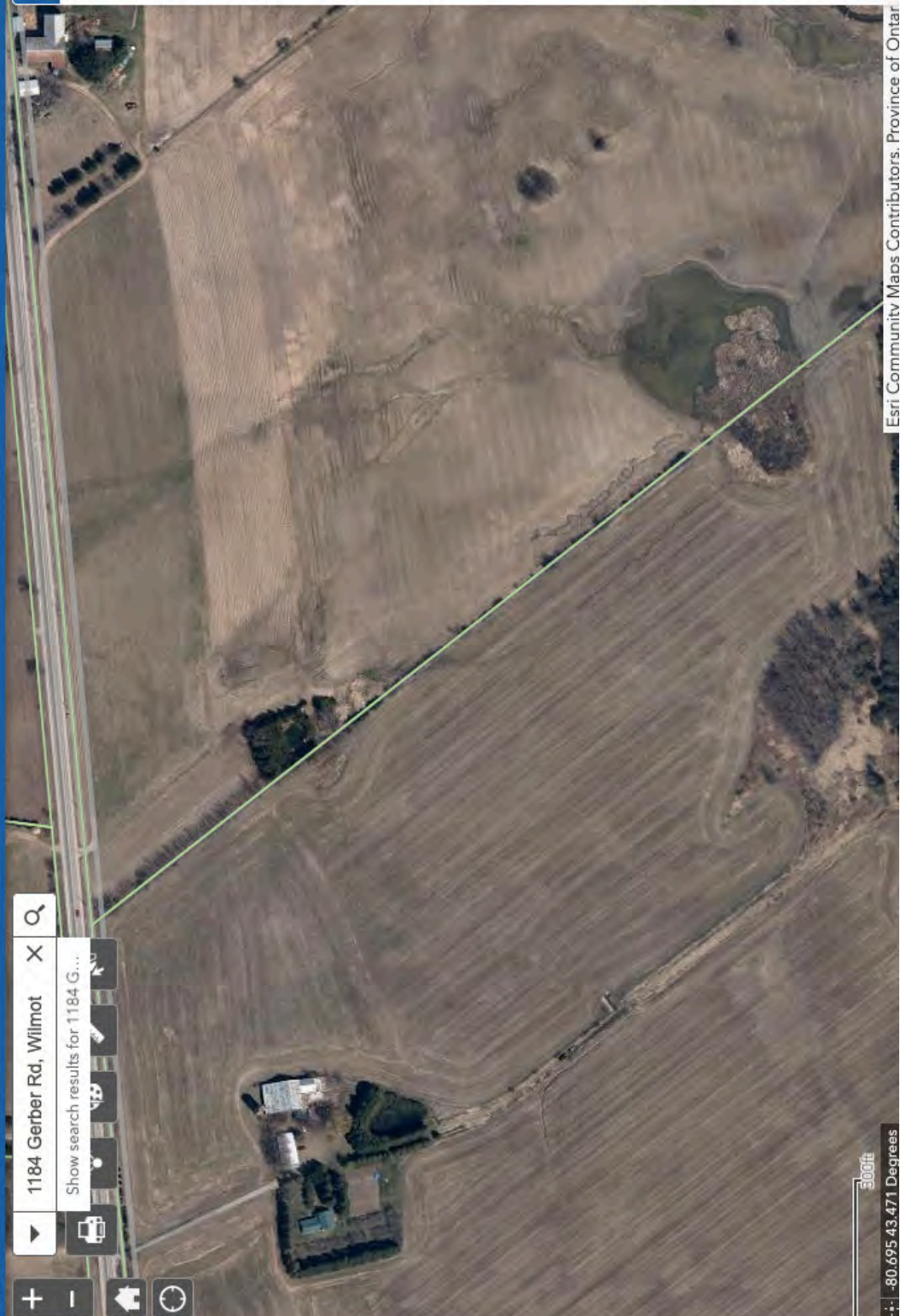
300ft
-80.699 43.473 Degrees

Layer List

- Airport
- City, Town or Village
- Assessment Parcels (MPAC)
- Ownership Parcels (Teranet)
- Survey Points
- Wellhead Protection Sensitivity Area (ROP2015)
- Municipal Boundaries
- 2022 Aerial Imagery
- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery



- Airport ...
- City, Town or Village ...
- Assessment Parcels (MPAC) ...
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- Survey Points ...
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- Municipal Boundaries ...
- 2022 Aerial Imagery ...
- 2020 Aerial Imagery ...
- 2019 Aerial Imagery ...
- 2018 Aerial Imagery ...
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- 2015 Aerial Imagery ...
- 2014 Aerial Imagery ...
- 2012 Aerial Imagery ...





Esri Community Maps Contributors, Province of Ontario

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- 2018 Aerial Imagery
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- 2012 Aerial Imagery



















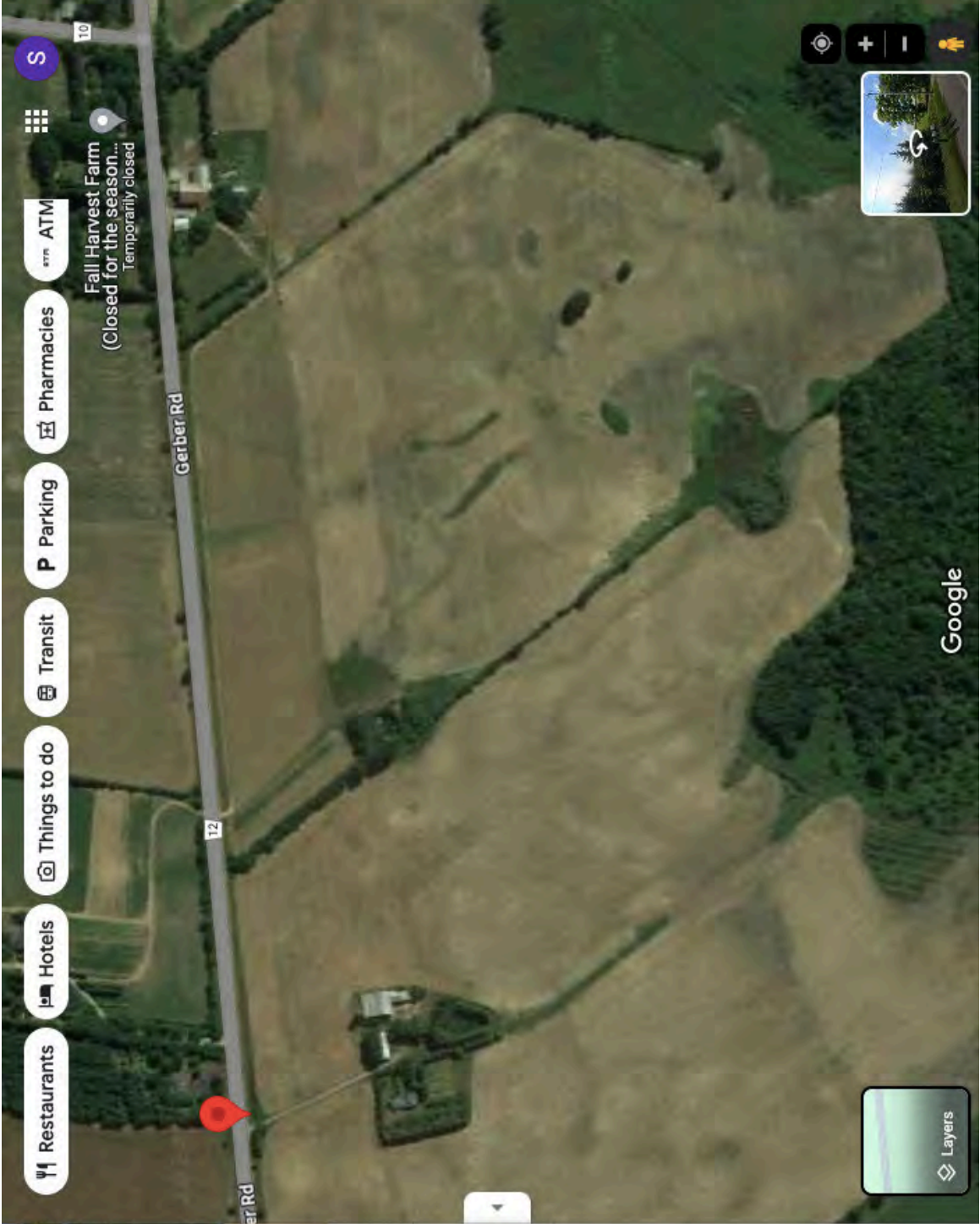
1184 Gerber Rd



1184 Gerber Rd

- Directions
- Save
- Nearby
- Send to phone
- Share

- 1184 Gerber Rd, Wellesley, ON N0B 2T0
- F7FX+M4 Wellesley, Ontario
- Suggest an edit on 1184 Gerber Rd
- Add a missing place
- Add your business
- Add a label
- Your Maps activity



Restaurants

Hotels

Things to do

Transit

Parking

Pharmacies

ATM

S

Fall Harvest Farm
(Closed for the season...
temporarily closed)

Gerber Rd

12

10

Google

Layers





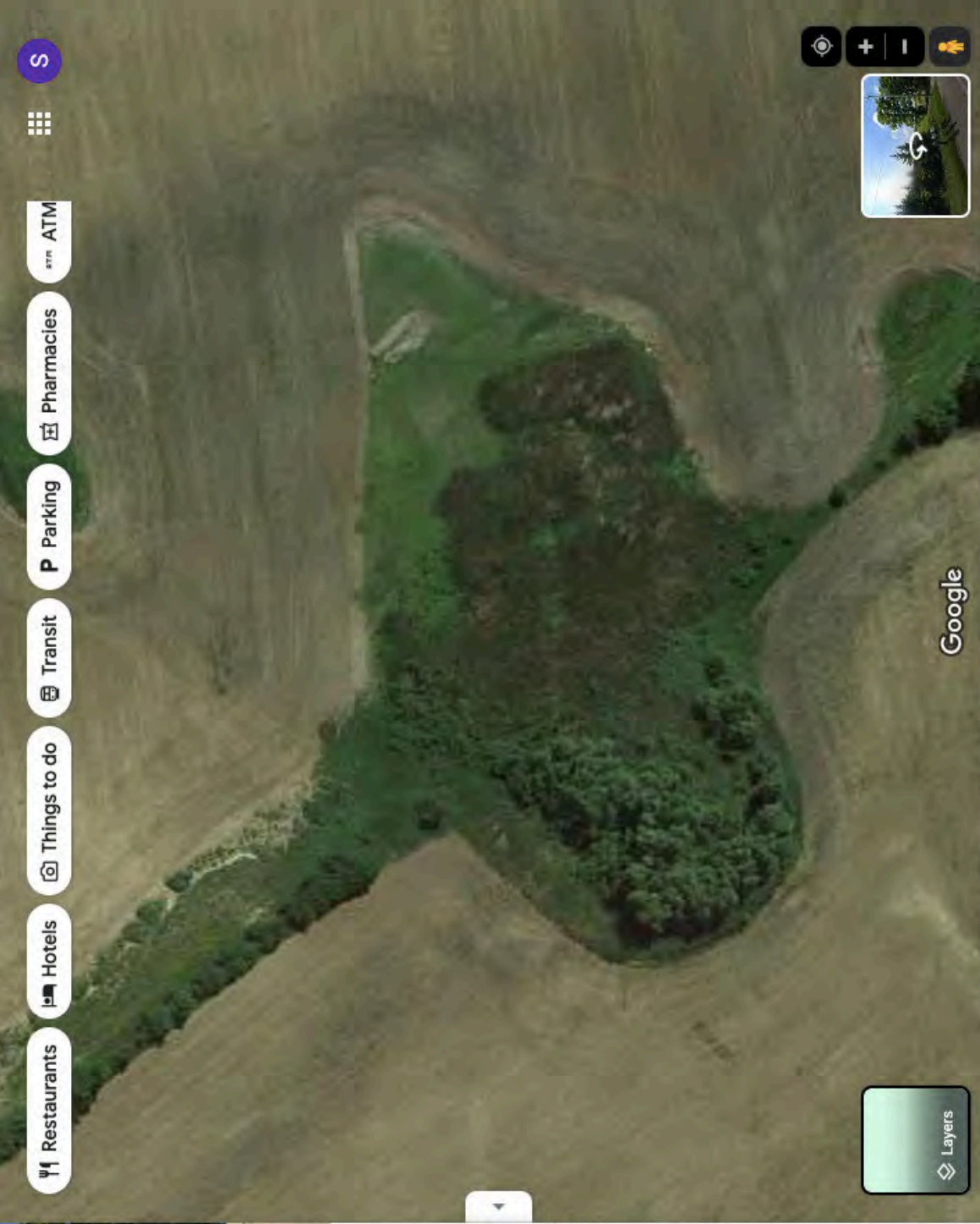
1184 Gerber Rd



1184 Gerber Rd

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- Nearby
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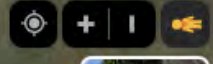
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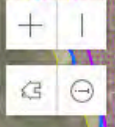


S



Layers

Google





Layers



Themes  

Search Layers

- Regulated Areas
- Regulation Limit (GRCA)
- Floodplain (GRCA)
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
- Slope Valley (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Land Base
- Hydrology
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Wetland
- Wetland (MNRF)



Layers

- Themes  
- Search Layers
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 - Biology and Ecology
 - Wetland
 - Wetland (MNRF)

Layers Legend Draw Find Print Find address or place 🔍

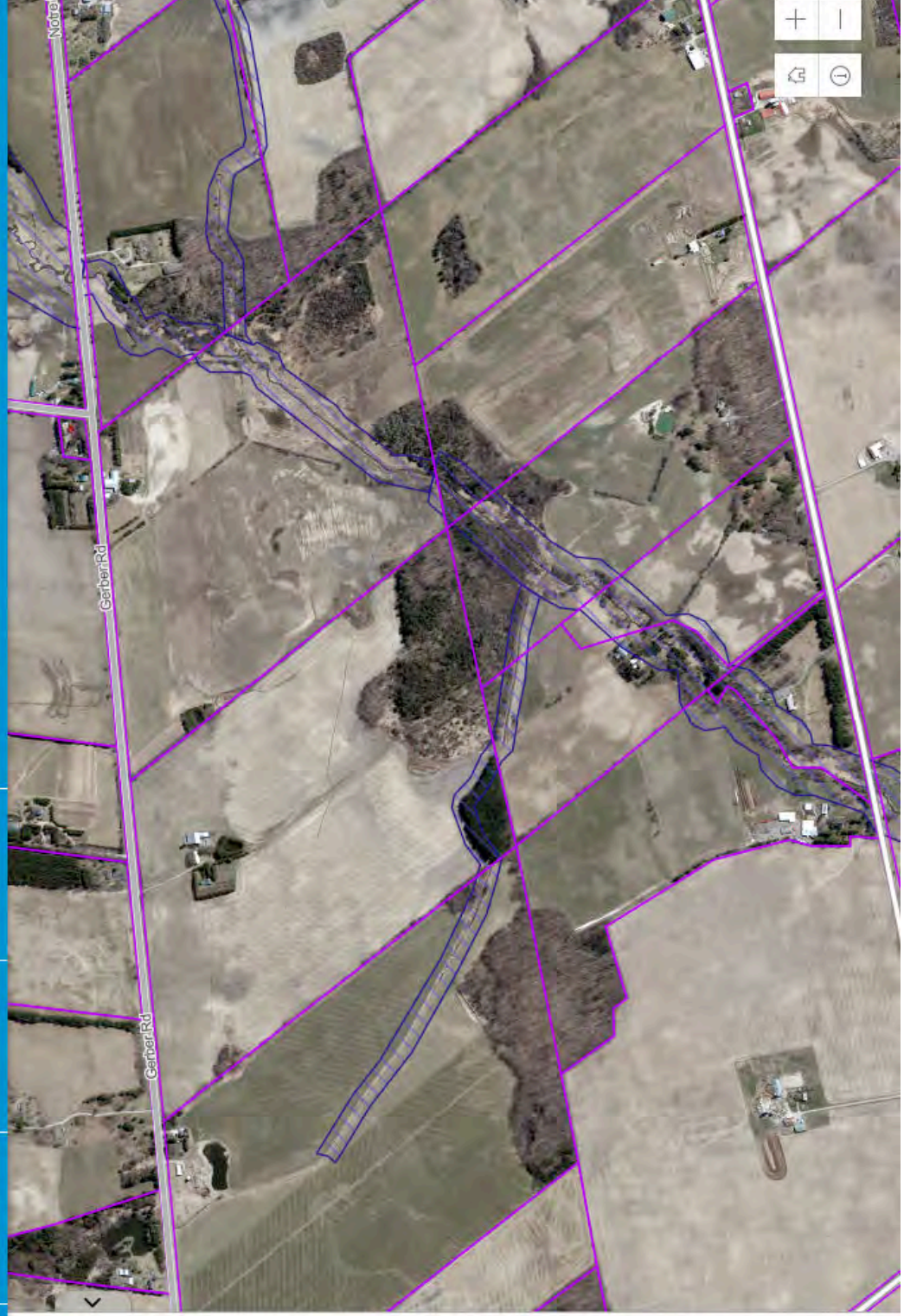


Layers

Themes 🌍 📄 ☁️

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Layers

Themes

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Layers

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Layers

Themes



  

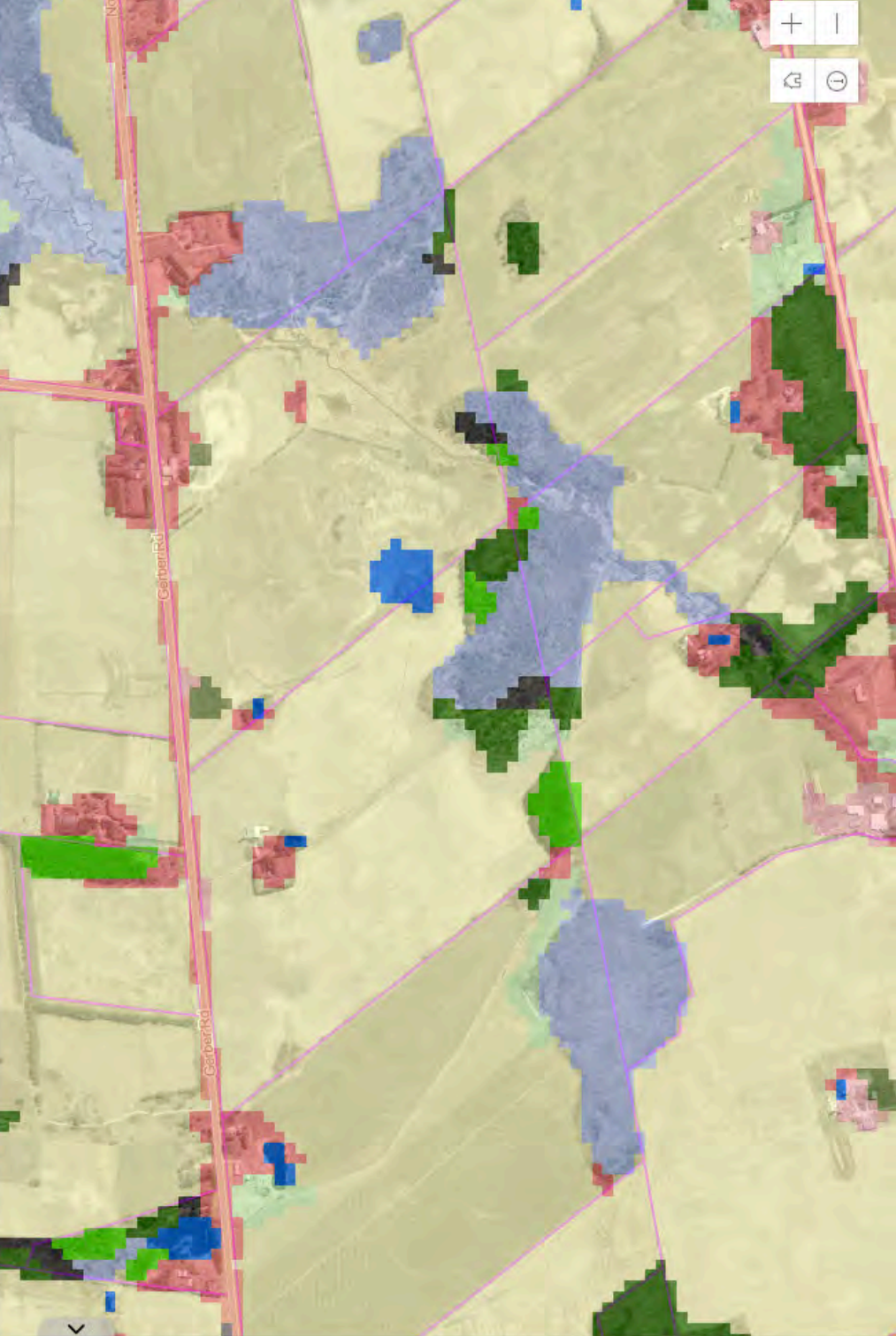
Search Layers

- Regulated Areas
- Land Base
- Jurisdictions
- Staff Coverage
- Staff - Resource Planning (GRCA)
- Watershed Boundary (GRCA)
- Municipal Boundary (GRCA)
- Named Places (GRCA)
- MNR District (ON)
- Other CA Watersheds (ON)
- Land Use
- Heritage
- Geology / Soil
- Physiography
- Terrain
- Hydrology
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Wetland
- Wetland (MNR)



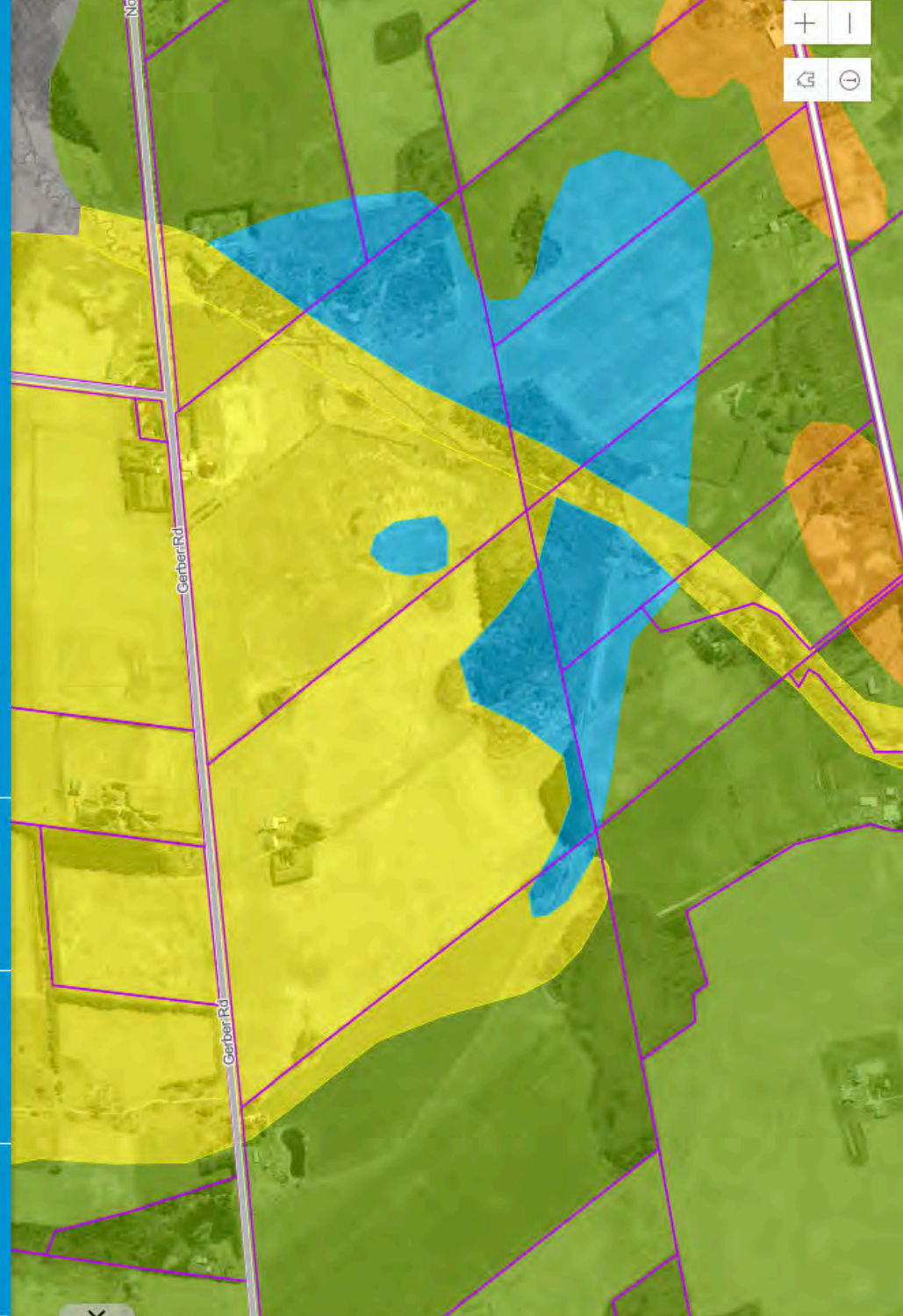
 



Layers

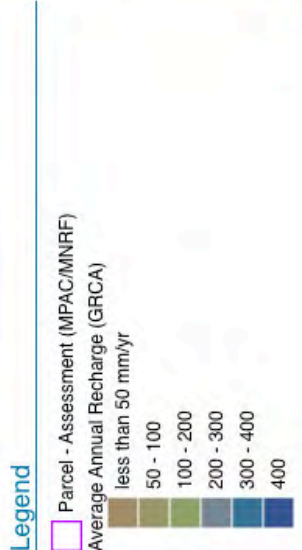
- Themes
- Regulated Areas
- Land Base
- Jurisdictions
 - Staff Coverage
 - Watershed Boundary (GRCA)
 - Municipal Boundary (GRCA)
 - Named Places (GRCA)
 - MNR District (ON)
 - Other CA Watersheds (ON)
- Land Use
 - Aggregate Site Authorized Active (ON)
 - Aggregate Site Authorized Inactive (ON)
 - Crop Inventory 2022 (AAFC)
 - Land Cover 2017 (GRCA)
 - Land Cover SOLRIS (ON)
- Heritage
- Geology / Soil
- Physiography
- Terrain
- Hydrology
- Hydrogeology
- Water Quality



Legend

- Parcel - Assessment (MPAC/MNRF)
- Surficial Geology (MNDM)
 - Clay
 - Diamicton
 - Fill
 - Gravel
 - Organic deposits
 - Paleozoic Bedrock
 - Sand
 - Silt





🏠 Home | 📄 Layers | 📌 Legend | 📏 Draw | 🔍 Find | 🖨️ Print | 🔄 Refresh | 🔍 Find address or place



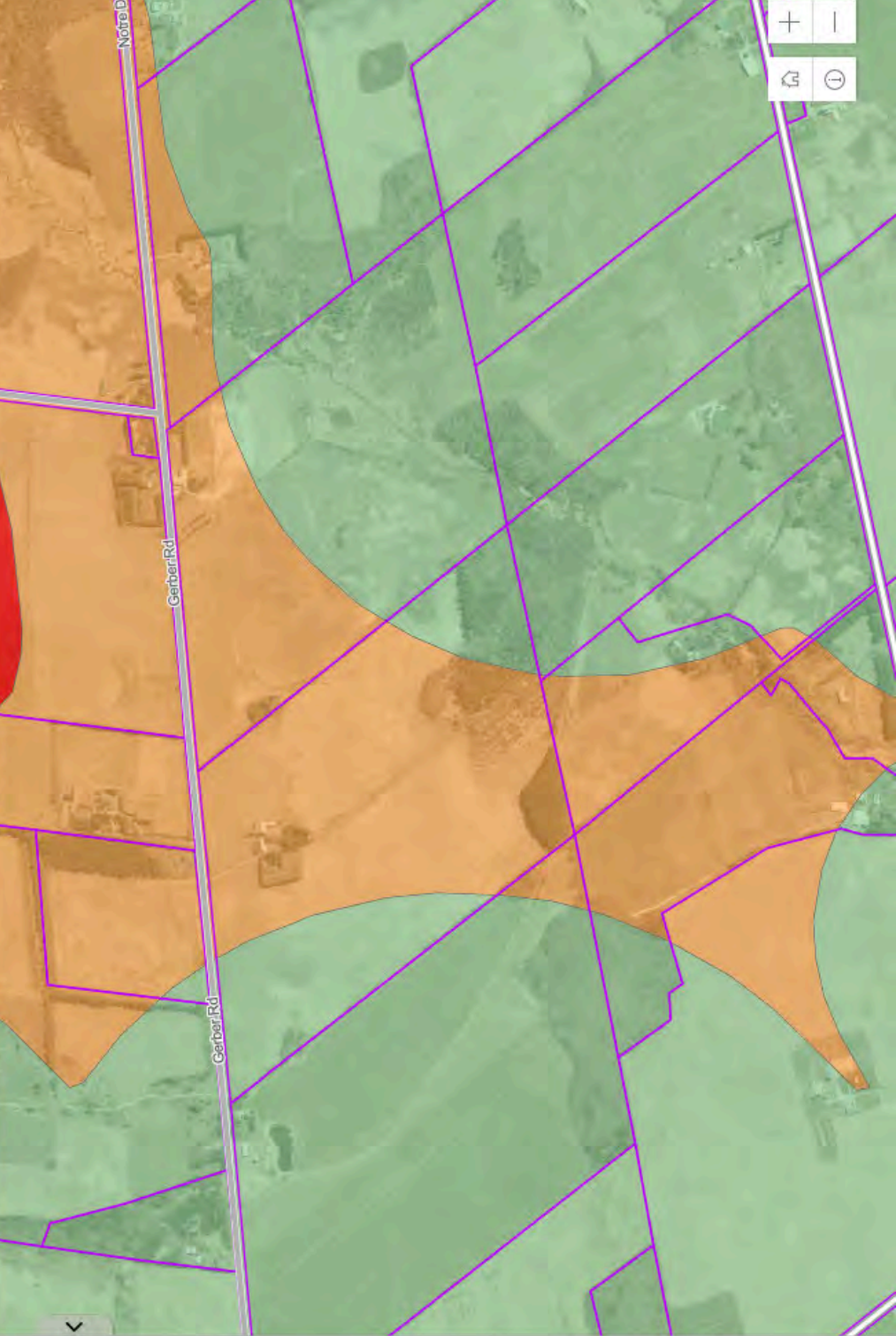
🏠 | 📄 | 📌 | 📏 | 📐

Legend

- 📄 Parcel - Assessment (MPAC/MNRF)
- 📌 Signif. GW Recharge - Tier 2 (GRCA)



Layers Legend Draw Find Print



Legend

- Parcel - Assessment (MPAC/MNRF)
- Intrinsic Vulnerability (GRCA)

H	M	L
Red	Orange	Green

Map navigation controls: Home, Back, Forward, Zoom In (+), Zoom Out (-)

Find address or place

Find

Draw

Legend

Layers

Print



Legend

- Parcel - Assessment (MPAC/MNRF)
- Wetland (MNRF)
 - Provincially Significant
 - Locally Significant
 - Unevaluated

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-

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Layers

Legend

Draw

Find

Print

Find address or place

🔍

Legend

-  Parcel - Assessment (MPAC/MNRF)
-  Wooded Area (MNRF)





Layers

Legend

Draw

Find

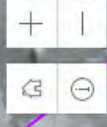
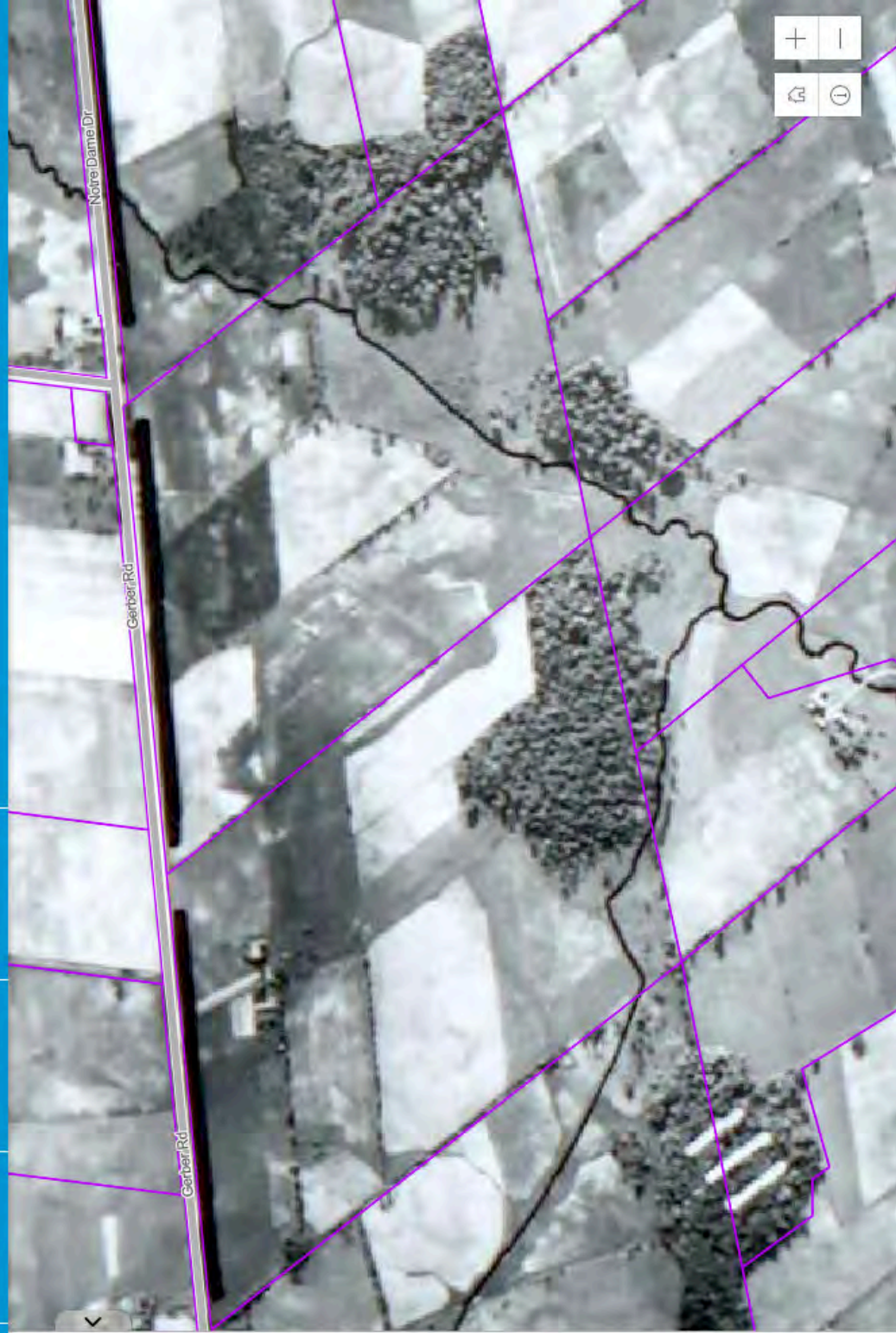
Print

🔄

Find address or place



- Wetland (MNR)
- Aquatic
- ANSI (ON)
- Wooded Area (MNR)
- Infrastructure**
- Water Structures
- Trails
- Railway (ON)
- Utility Line (ON)
- Road (ON)
- Land Management**
- Parcels
- Parcel - Assessment (MPAC/MNR)
- Conservation Area Boundary (GRCA)
- Cottage Lot (GRCA)
- Nature Centre (GRCA)
- Lot and Concession (ON)
- Base Layers**
- Background and Buildings
- Terrain Hillshade (GRCA)
- 2020 Ortho (ON)
- 2015 Ortho (ON)
- 2010 Ortho (ON)
- 2006 Ortho (FBS)
- 2000 Ortho (GRCA)
- 1954 Ortho (Open)

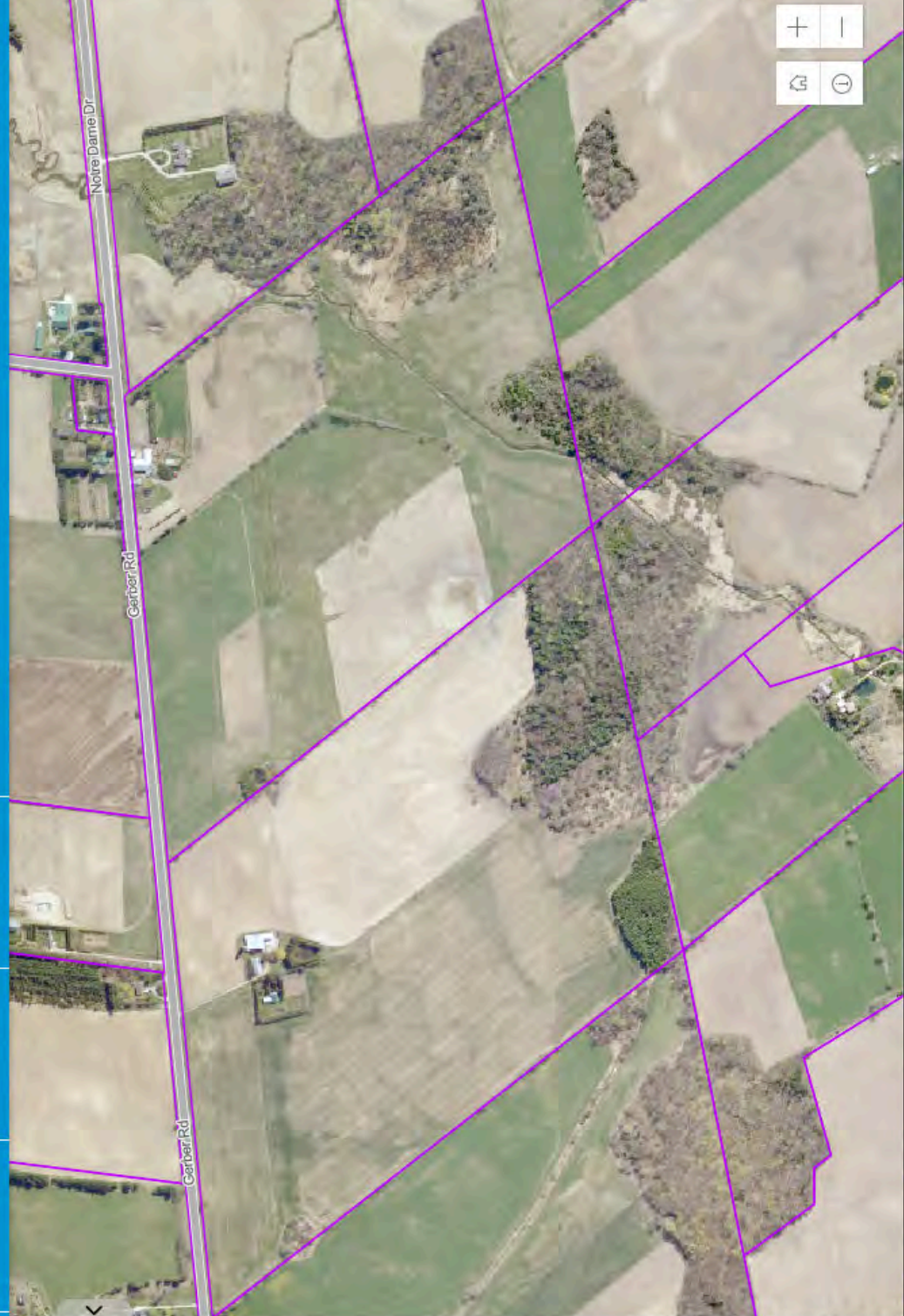




- Wetland (MNRF)
- Aquatic
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Layers Legend Draw Find Print

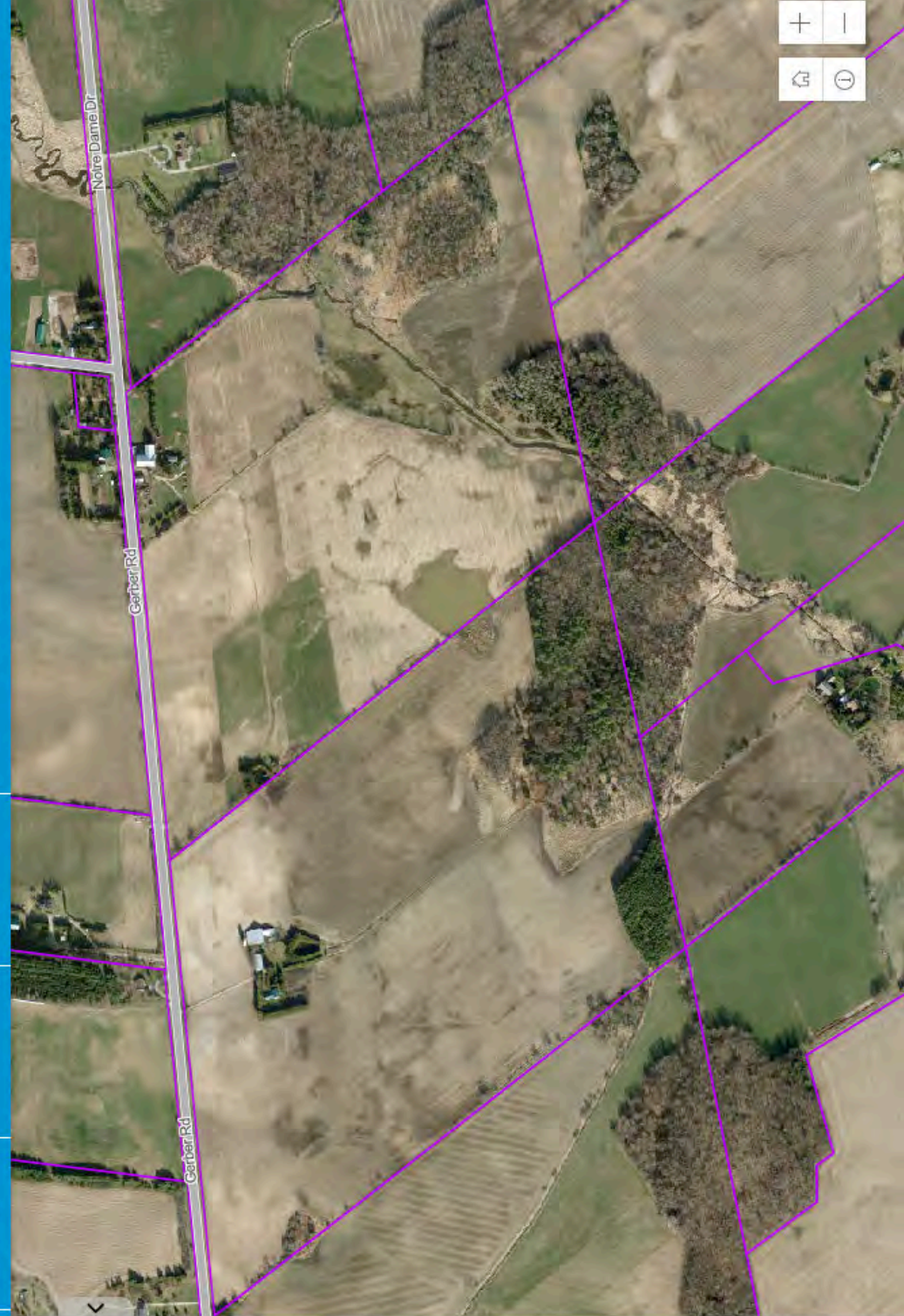


- Wetland (MNRF)
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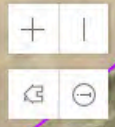
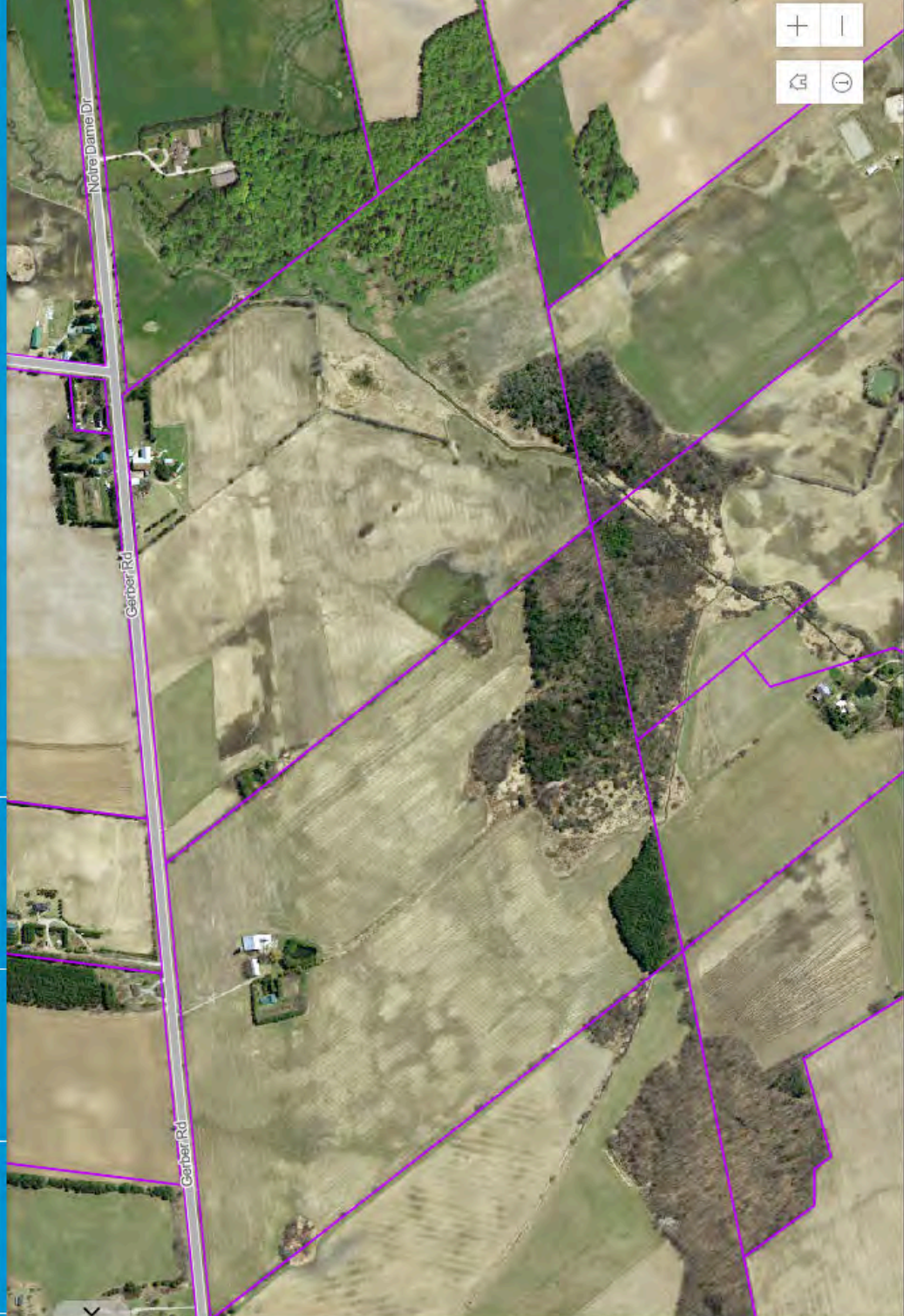
🏠 🔍

Layers Legend Draw Find Print



- Wetland (MNRF)
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Navigation controls: Home, Back, Forward, Zoom In (+), Zoom Out (-)



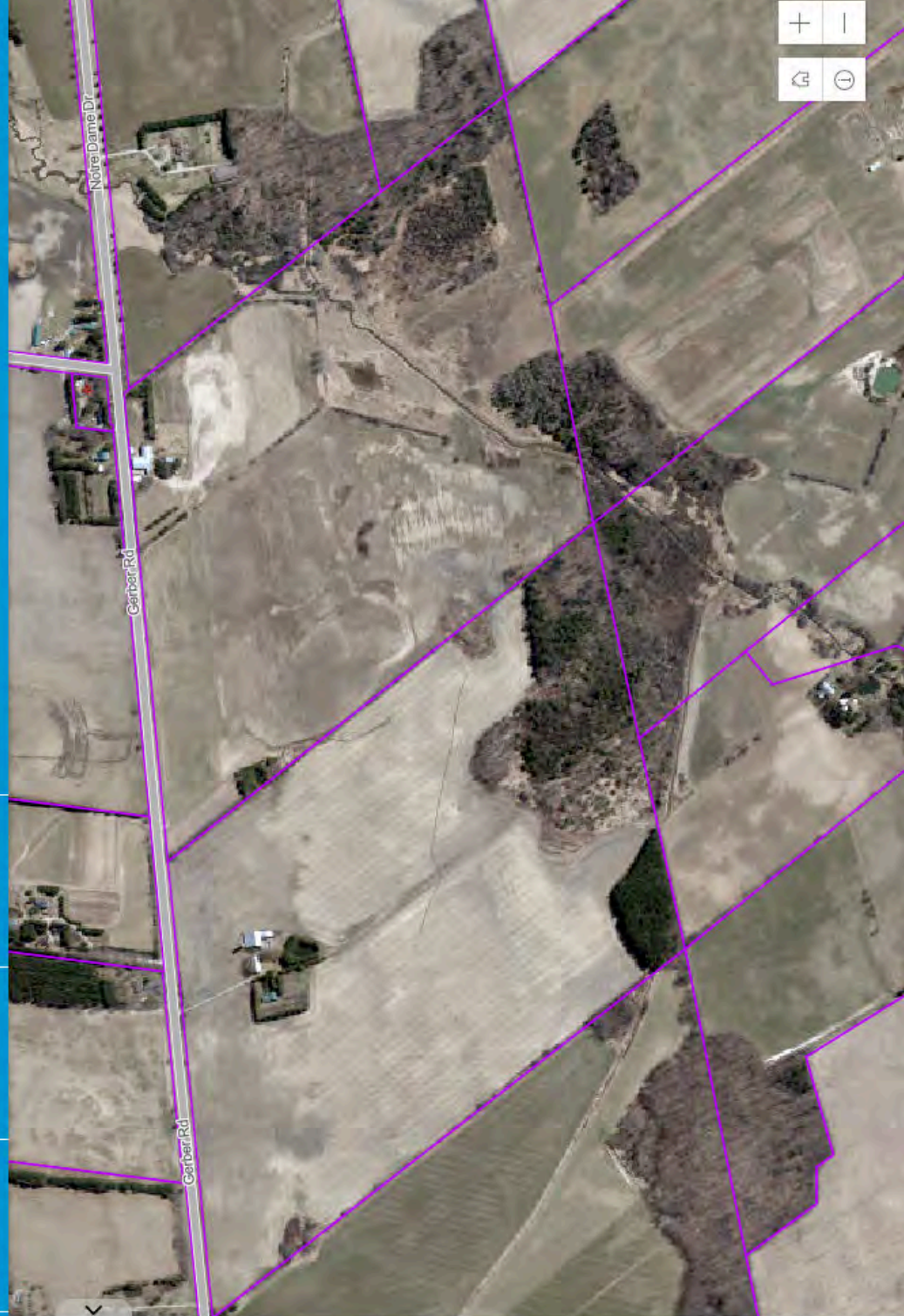
- Wetland (MNRF)
- Aquatic
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- Infrastructure**
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Wetland (MNRF)
 Aquatic
 ANSI (ON)
 Wooded Area (MNRF)

Infrastructure
 Water Structures
 Trails
 Railway (ON)
 Utility Line (ON)
 Road (ON)

Land Management
 Parcels
 Parcel - Assessment (MPAC/MNRF)
 Conservation Area Boundary (GRCA)
 Cottage Lot (GRCA)
 Nature Centre (GRCA)
 Lot and Concession (ON)

Base Layers
 Background and Buildings
 Terrain Hillshade (GRCA)
 2020 Ortho (ON)
 2015 Ortho (ON)
 2010 Ortho (ON)
 2006 Ortho (FBS)
 2000 Ortho (GRCA)
 1954 Ortho (Open)





Find address or place



Legend

- Municipal Boundary (GRCA)
- Watercourse (GRCA)
- Waterbody (GRCA)
- Conservation Area Boundary (GRCA)

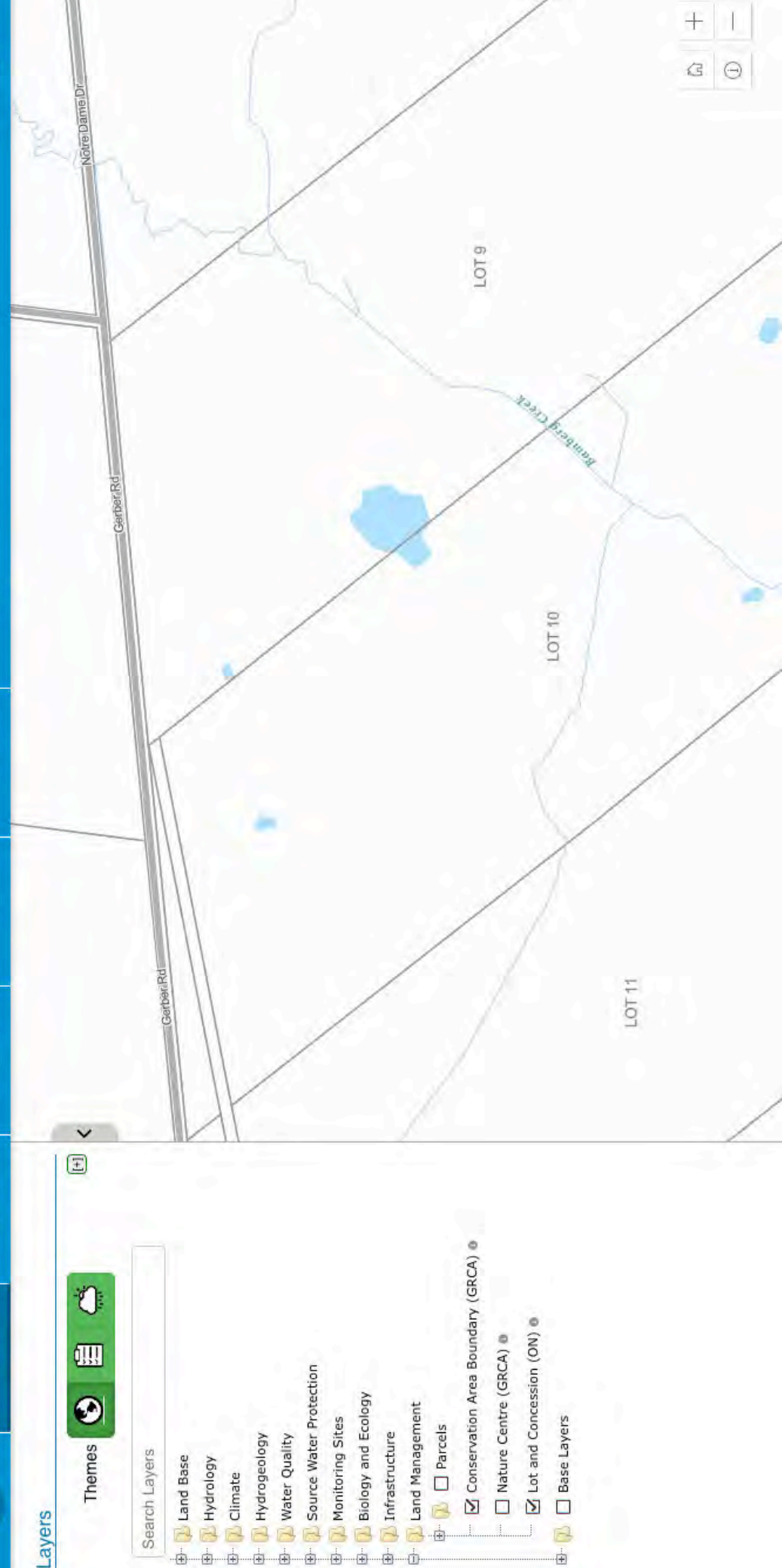


Layers

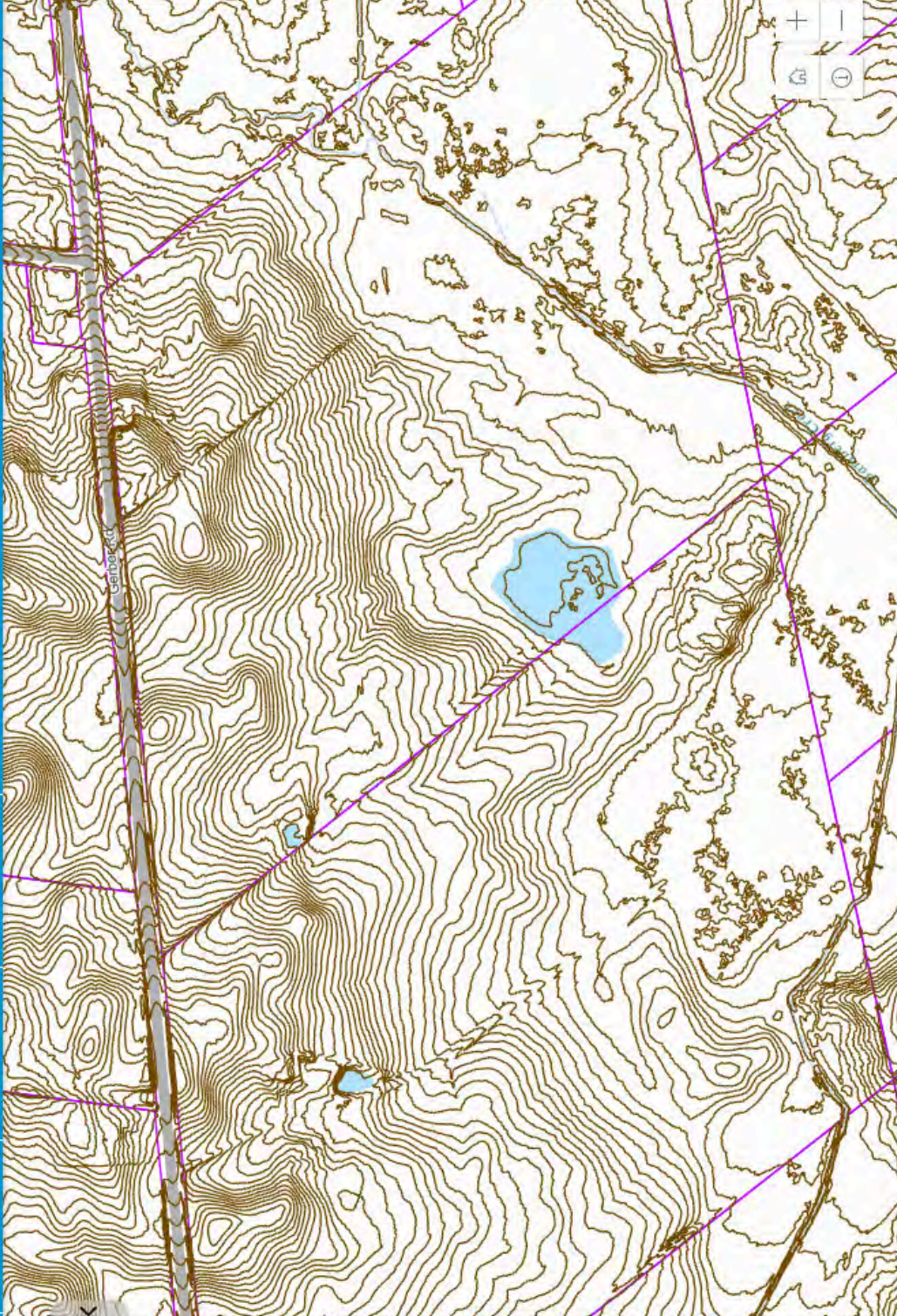
Themes

Search Layers

- Land Base
- Hydrology
- Climate
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Land Management
- Parcels
- Conservation Area Boundary (GRCA)
- Nature Centre (GRCA)
- Lot and Concession (ON)
- Base Layers



Navigation controls: Home, Location, Zoom In (+), Zoom Out (-)



Layers

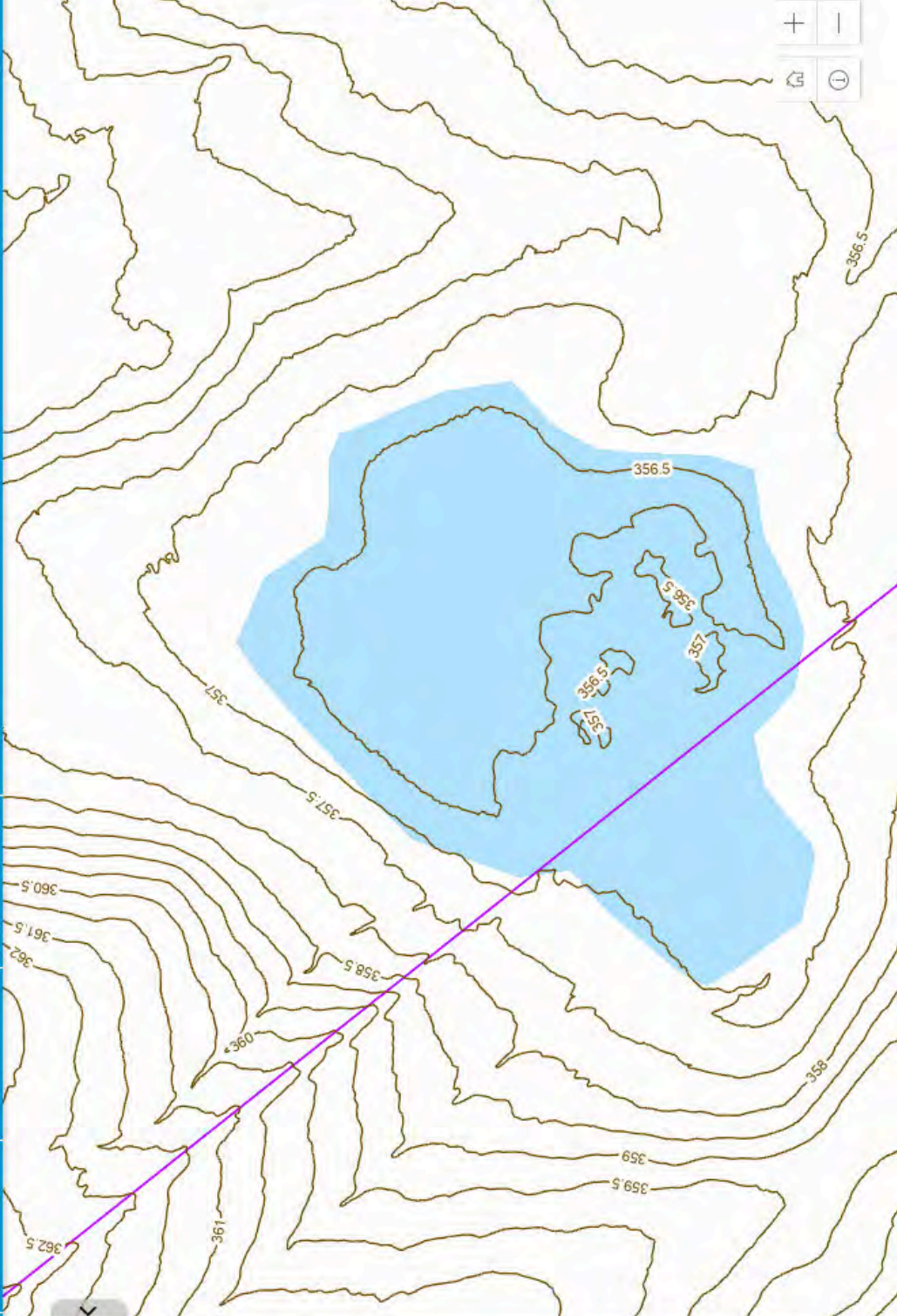
Themes

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Search Layers

- Land Base
- Jurisdictions
- Policy / Regulations
- Land Use
- Heritage
- Geology / Soil
- Physiography
- Terrain
- Contour 0.5m - CGVD2013 (GRCA)
- Slope Erosion (GRCA)
- Slope Valley (GRCA)
- Hydrology
- Climate
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Land Management
- Base Layers

Map navigation controls: Home, Back, Forward, Zoom In (+), Zoom Out (-)



Layers

Themes

🌍 | 📄 | ☁️

- Search Layers
- Land Base
 - Jurisdictions
 - Policy / Regulations
 - Land Use
 - Heritage
 - Geology / Soil
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 - Contour 0.5m - CGVD2013 (GRCA)
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 - Monitoring Sites
 - Biology and Ecology
 - Infrastructure
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 - Base Layers

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Themes

- Land Base
- Jurisdictions
- Policy / Regulations
- Land Use
- Heritage
- Geology / Soil
- Physiography
- Terrain
- Contour 0.5m - CGVD2013 (GRCA)
- Slope Erosion (GRCA)
- Slope Valley (GRCA)

Hydrology

- Climate
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Land Management
- Base Layers



Layers

Legend

Draw

Find

Print



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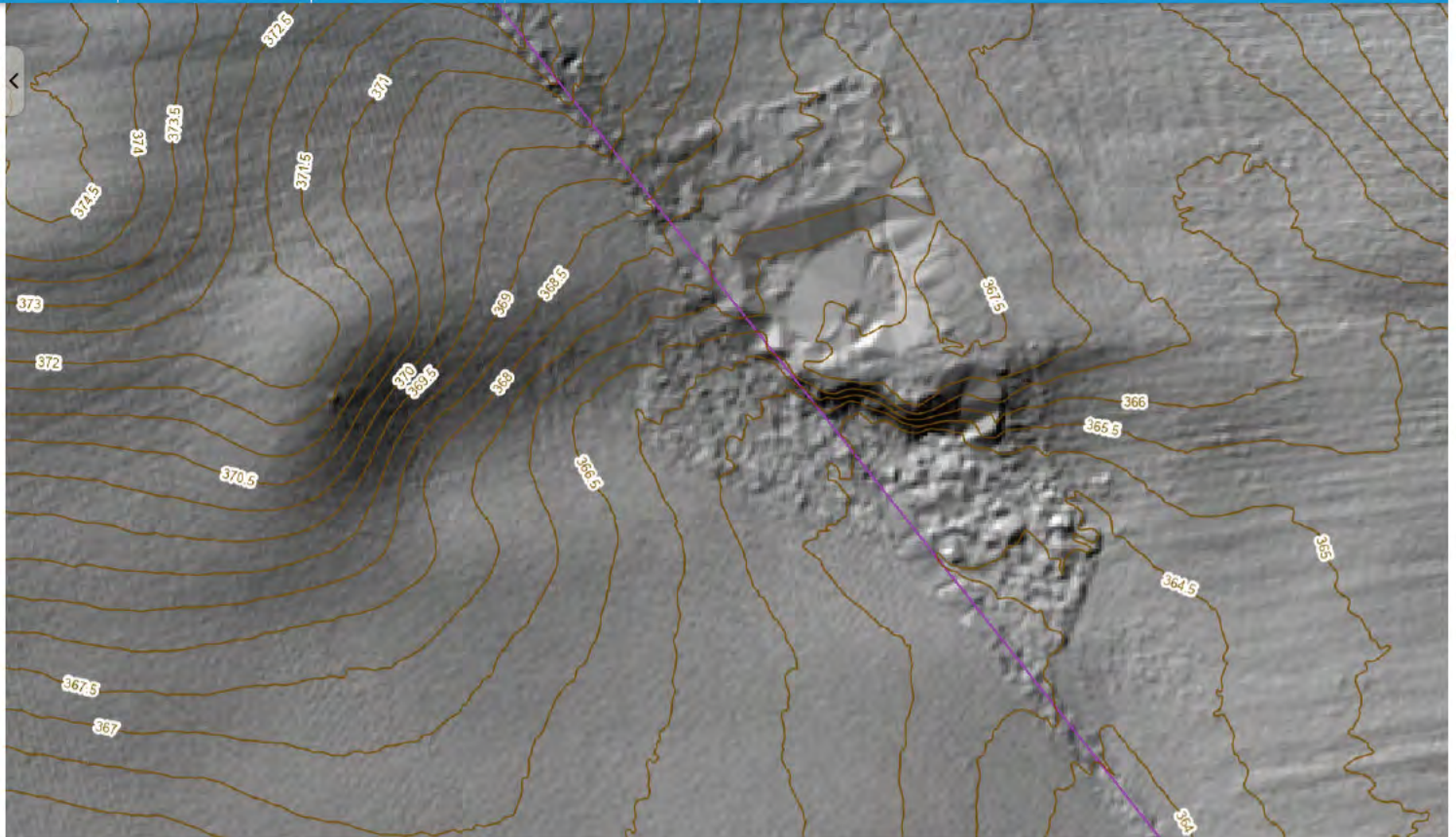
Layers

Themes



Search Layers

- Regulated Areas
- Land Base
- Hydrology
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Land Management
- Base Layers
 - Background and Buildings
 - Terrain Hillshade (GRCA)
 - 2020 Ortho (ON)
 - 2015 Ortho (ON)
 - 2010 Ortho (ON)
 - 2006 Ortho (FBS)
 - 2000 Ortho (GRCA)
 - 1954 Ortho (Open)



An Explanation:
The Invalid Petition for the
Jananna, Bamberg Creek and
Koch-Leis Municipal Drains

The Drainage Act provides a procedure whereby the municipality may, with a **valid petition of landowners** in the **"area requiring drainage"**, provide a legal outlet for surface and subsurface waters not attainable under common law.

- Duties of the landowner under the Drainage Act guide, OMAFRA

SIDE NOTES: The wording is very important here. The keywords to pay attention to are **“valid petition”** and **“area requiring drainage”**.

The signed petition forms the basis of Jananna, Bamberg Creek and Koch-Leis Municipal Drains. If the petition is deemed to be invalid, there is no path forward for these projects. The Engineer in his report said...

“The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.”

Let's take a closer look at Section 4(1)(a).

Drainage Act, R.S.O. 1990, c. D.17

Petition

4 (1) A petition for the drainage by means of a drainage works of an **area requiring drainage** as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) **the majority in number of the owners**, as shown by the last revised assessment roll **of lands in the area**, including the owners of any roads in the area;

SIDE NOTES: This basically says the majority of landowners in the 'area requiring drainage' have to be on the petition for it to be valid. Since Jananna are the only ones on the petition, the Engineer is saying that the 'area requiring drainage' falls exclusively on the Jananna property... but here's the problem...

The '*area requiring drainage*' **does not** fall exclusively on the Jananna property. The Engineer got the area requiring drainage wrong. He wrongfully assumed the water stops at the petitioner's fence line and therefore the area requiring drainage magically stops at the fence line. It does not.

He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore both Jananna and Kittel need to be on the petition for it to be valid. Kittel is not on the petition, was never asked to be on the petition and was not even properly notified about the required on-site meeting.

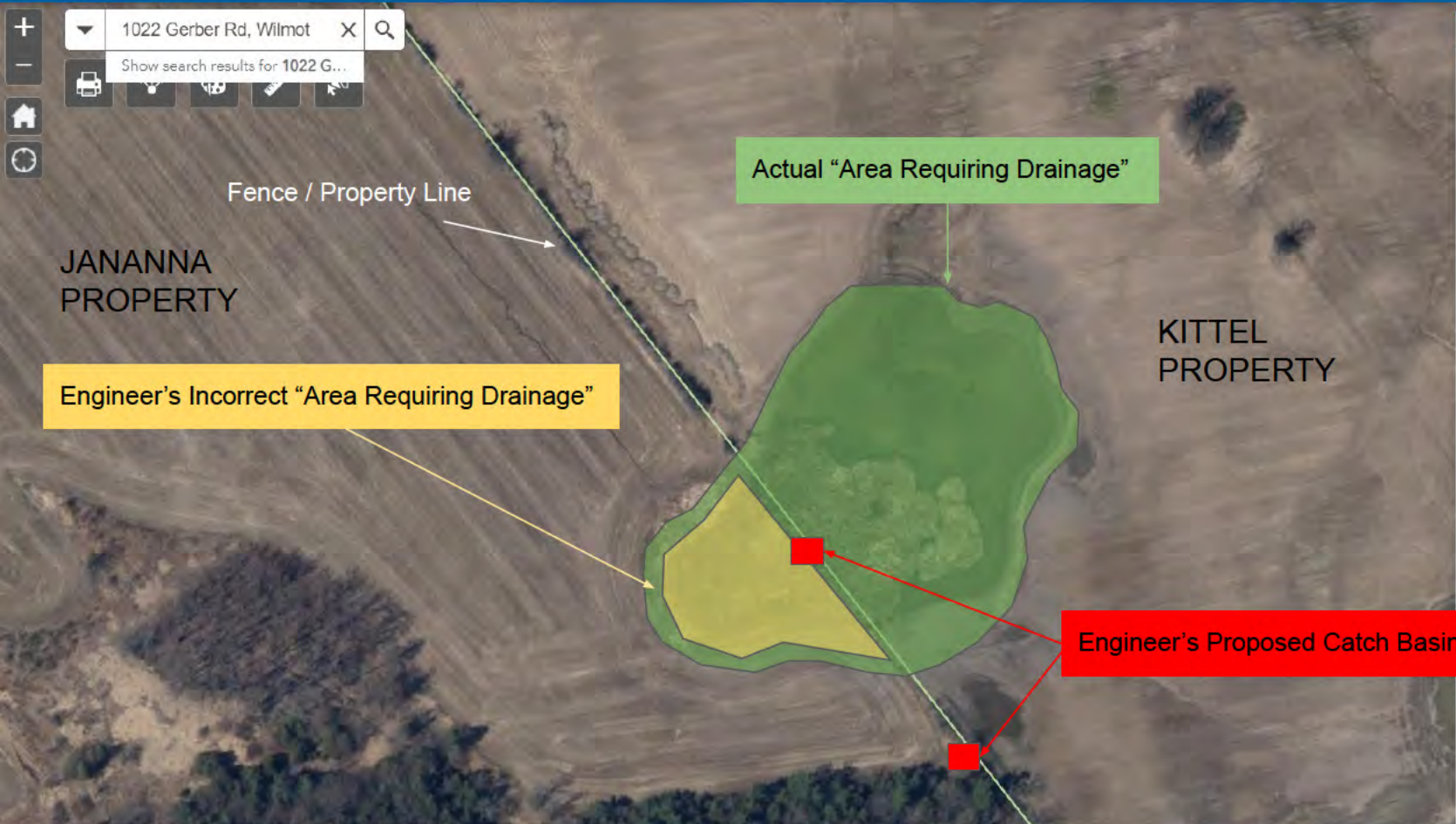


1022 Gerber Rd, Wilmot X Q

Show search results for 1022 G...

Layer List

- Assessment Parcels (M
- Ownership Parcels (Te
- Survey Points
- Wellhead Protection S
- Municipal Boundaries
- 2022 Aerial Imagery
- 2020 Aerial Imagery
- 2019 Aerial Imagery
- 2018 Aerial Imagery
- 2017 Aerial imagery
- 2016 Aerial Imagery
- 2015 Aerial Imagery
- 2014 Aerial Imagery
- 2012 Aerial Imagery
- 2010 Aerial Imagery
- 2009 Aerial Imagery



SIDE NOTES: Only one of these properties signed the petition, therefore there is no majority.



Layers

Legend

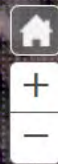
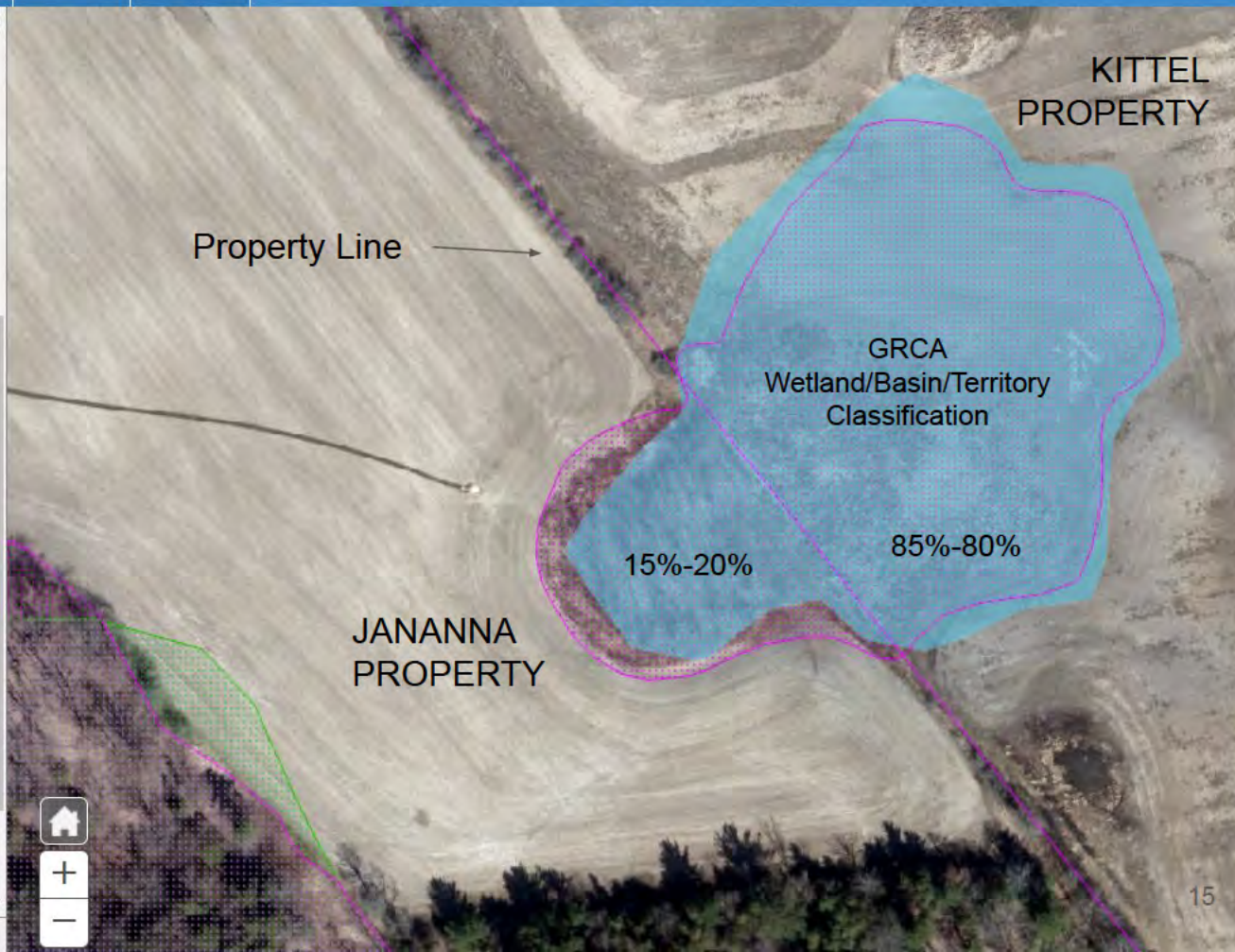
Draw

Find

Print

1010 Gerber Road Wilmot

- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Land Base
- Hydrology
 - Drainage
 - Watercourse (GRCA)
 - Waterbody (GRCA)
 - Great Lakes (GRCA)
 - Average Annual Runoff (GRCA)
 - Floodplain
 - Watershed
- Hydrogeology
- Water Quality
- Source Water Protection
- Monitoring Sites
- Biology and Ecology
- Infrastructure
- Property
 - Watershed Imagery
 - 2020 Ortho (ON)
 - 2015 Ortho (ON)
 - 2010 Ortho (ON)





SIDE NOTES: You can even see on the submitted petition photo, the area requiring drainage falls on two properties

Jananna South East Side - photo taken May 25, 2023



Jananna South East Side - photo taken June 23, 2023



For the part of the proposed Jananna Drain East Branch running North, the same thing applies...



Find address or place



JANANNA
PROPERTY

Actual "Area Requiring Drainage"



Quick Fact:
A newly installed drain already exists in this location that no mention has been made of in the report and the Engineer was not aware of during their site visit. The solution being proposed is redundant.

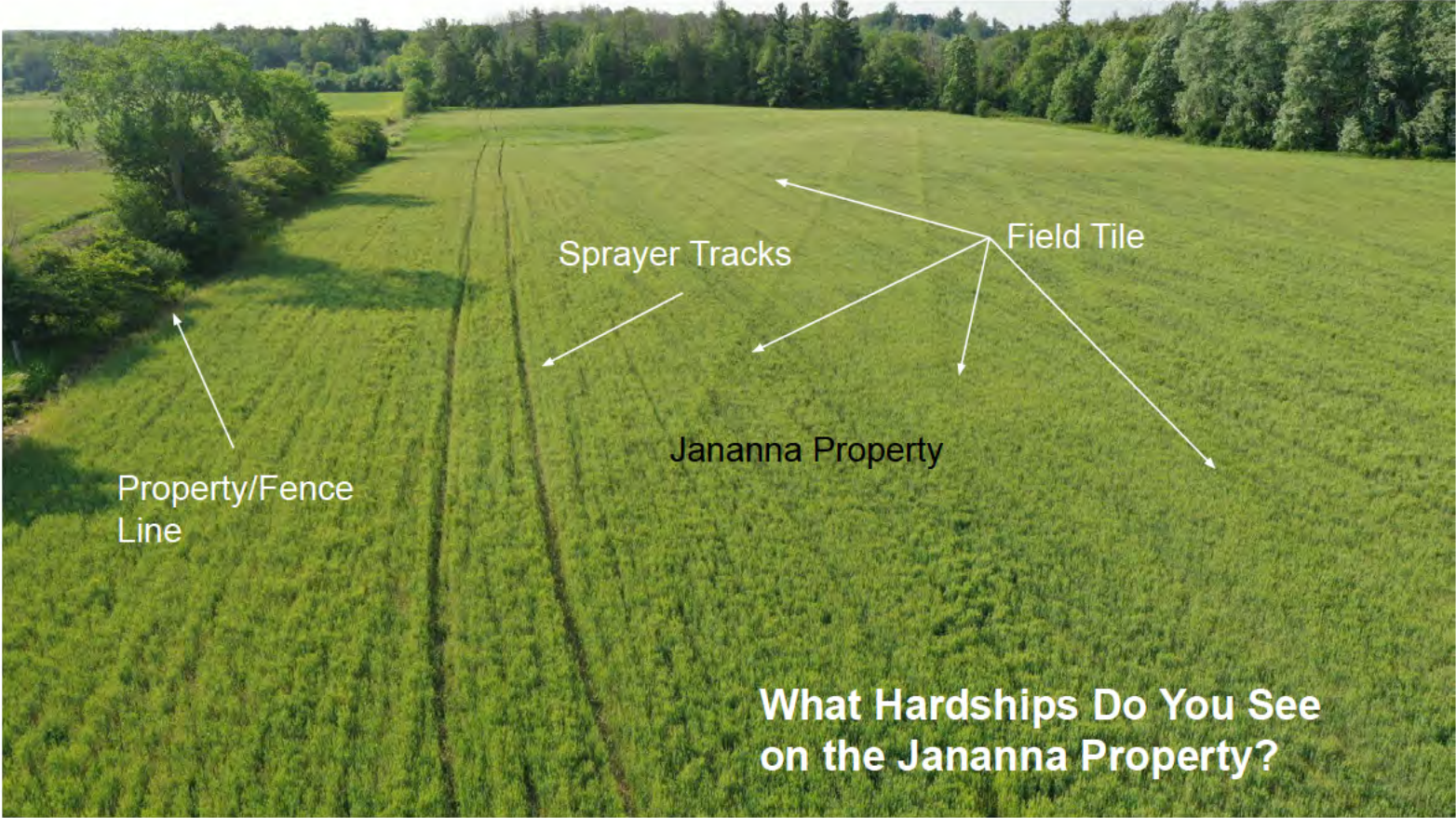
Engineer's Incorrect "Area Requiring Drainage"

Engineer's Proposed Catch Basin

KITTEL
PROPERTY

SIDE NOTES: All the catch basins are being placed on or near the property line which clearly indicates the 'area requiring drainage' is on both properties.

East Side of Jananna Field - Property Line **Pointing South** - Photo Taken June 20, 2023

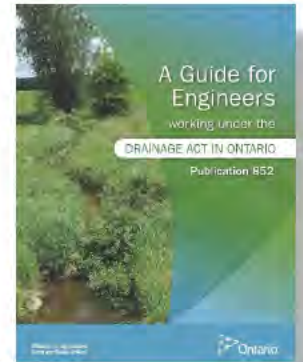


East Side of Field - Property Line **Pointing North** - Photo Taken June 22, 2023



Jananna Property

The following are instructions pulled directly from the OMAFRA Guide for Engineers:



The engineer must be satisfied there is an area that requires drainage. Rely on the following items to establish the boundaries of the area requiring drainage:

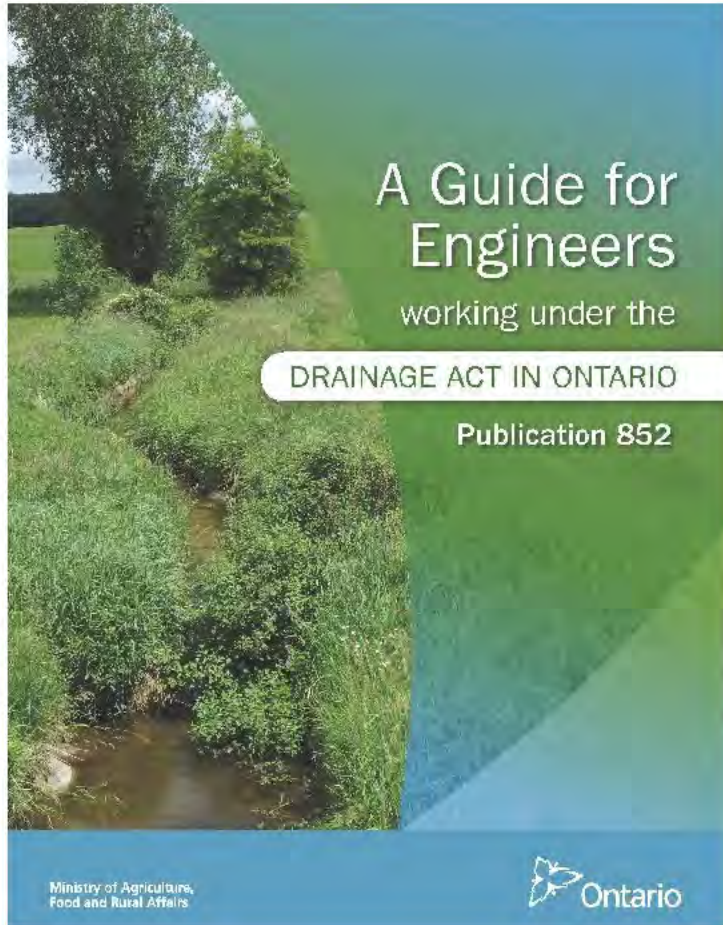
- area requiring drainage as described on the petition
- input received by the petitioners and other participants at the on-site meeting
- visual observations of the area including topography, land use, physical features and drainage features
- topographical mapping and other maps gathered in advance of the on-site meeting
- guidance provided by referee or appeal court decisions

The original petition clearly shows the drainage area across two properties as shown earlier.

The Engineer led a non-existent public engagement. Only 3 non-petitioner landowners were invited to this meeting. Only 1 showed up. Kittel received notice after the meeting was already over. This left 94% of the 17 impacted landowners without the opportunity to attend this meeting which is a requirement by law according to the Drainage Act.

All mapping applications including Waterloo Region GIS, GRCA GIS, and others show a consistent and well defined drainage area currently and over time. Photographs and on-site inspection will also show you the same characteristics. Drainage features already in place that were missed by the Engineer.

The Engineer did not consult the case law found in his guide which clearly outline the requirements and similar mistakes made by other Engineers.



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law and how to determine the 'areas requiring drainage'.

Case law, also used interchangeably with common law, is law that is based on precedents, that is the judicial decisions from previous cases, rather than law based on constitutions, statutes, or regulations. Case law uses the detailed facts of a legal case that have been resolved by courts or similar tribunals.

Jones v. Derby (Town), 1986

You cannot adjust the irregular “shaped saucer with reasonably well defined banks around it” just because a landowner indicates his desire for drainage, without first ascertaining where those well defined banks are located on the ground. In his zeal to accept the Petitioner’s version of the area requiring drainage [the engineer] has not formed the proper independent judgment when making his assessment.

I am of the view that it is the intention of the present Drainage Act, that lands not described in the petition as requiring drainage that are subsequently found to require drainage by the engineer in his report to have similar physical features so as to form one area requiring drainage with those lands described in the petition as requiring drainage, are as well, to be included when the requirements of Sec. 4(a) or (b) are being considered, otherwise the lands described in the report by the engineer in accordance with Sec. 8-1(a) would not be fairly described. Failure to do so would not afford the intended protection for those who did not sign the petition.

Westendorp v. Elizabethtown (Town), 1986

The best definition of the area requiring drainage that I was able to research appeared in a letter dated November 29, 1929, to the Clerk of the Township of West Williams from Drainage Referee George F. Henderson:

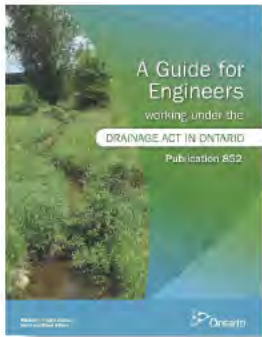
“It is not necessary that there should be a majority of the petition of all those whom the engineer finds to be eventually interested in the drainage work. What you need is in first place a reasonably well defined drainage area, that is, a section of land requiring drainage, and it is this territory which should be described in the area. It is of course not proper to pick out just enough lots to enable a majority, but there should be what I generally speak of as an irregularly shaped saucer with reasonably well defined banks around it. This might be all on one lot, although that is of course a rare case, but the point is that once you have that low lying section of land requiring drainage, it is a majority of the owners in that section that you need for a petition, no matter how many others the Engineer may bring in...”

Duane vs. Township of Finch, Referee G. Henderson, 1908

“Since that amendment, it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme...”

It is the intention of the Act that the township council should pass judgement upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgement upon such a matter, I think I should be loath to review their exercise of judgement... What I would wish to point out very plainly is that it is not proper to pick out any portion or portion of what is in fact a distinct basin requiring drainage. Subject to the discretion of the township council, the majority, are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority.

The full decisions can be found on www.canlii.org/en/on/ondr as well as other referee decisions just like these.



Also found in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act, this simple illustrated example to determine validity.

In order for a petition to be valid, it must contain signatures from the majority in number of owners in the area requiring drainage.

To determine the validity of the petition, evaluate the percentage of owners (Section 4(1)(a)) (Figure A4-A), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage (A).
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition (B)
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition ($C=B/A \times 100\%$).
- A petition is valid when the percentage (C) is **greater than 50%**

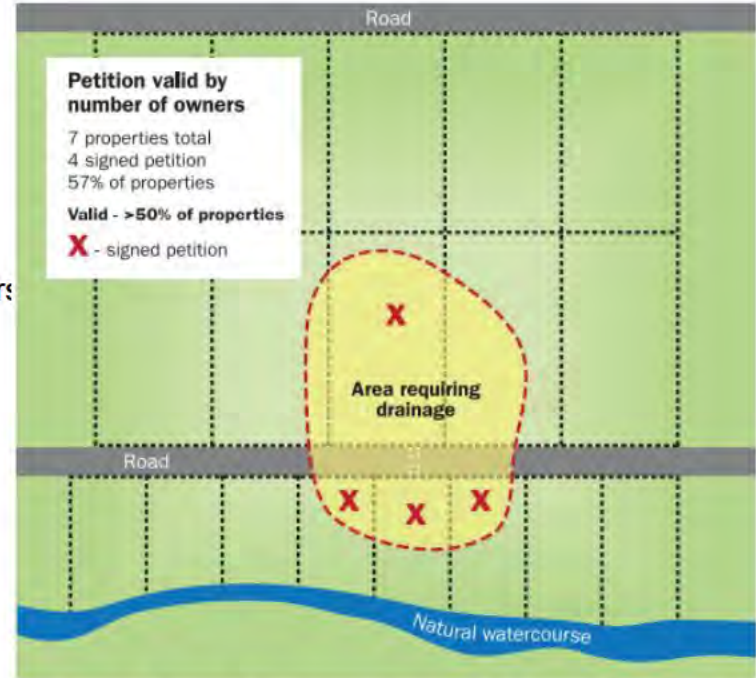


Figure A4-4. Determining the validity of a petition by percentage of owners.

To determine the **validity of the Jananna petition**, evaluate the percentage of owners (Section 4(1)(a)), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage **(2)**
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition **(1)**
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition **($1/2 \times 100\% = 50\%$)**.
- The petition is **invalid** because the percentage is **not greater than 50%**

So Now What?

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

The original petition form lays it out. The petitioners (Jananna) signed the petition accepting financial responsibility if the petition were not to comply with section 4. It does not comply with section 4.

Chad Curtis, Deputy Clerk, Wilmot Township, also provided this...

"Section 43 of the Drainage Act notes that if the petition is determined to not be valid at the conclusion of the **meeting to consider the Report**, then the original petitioners are liable for the cost of the Engineer's Report which the municipality can collect from the petitioners as outlined in Section 43."

Property Owners Signing The Petition: _____ Page _____ of _____

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (year) lot and concession and road address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than one property, please take copies of this page and continue to fill them all.

Number: _____ Property Description: _____
1: N1/2 Lot 10, Concession 111

Ward or Geographic Township: _____
Wilmot

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership:
 Sole Ownership
Owner Name (Last, First Name): _____

Partnership (Each partner in the ownership of the property must sign the petition form)
Owner Name (Last, First Name): _____

Corporation (The individual with authority to bind the corporation must sign the petition)
Name of Signing Officer (Last, First Name): _____
Name of Corporation: _____
Position Title: _____

Number: _____ Property Description: _____
1: _____

Ward or Geographic Township: _____
Wilmot

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership:
 Sole Ownership
Owner Name (Last, First Name) (Type/print): _____
Signature: _____
Date (yyyy/mm/dd): _____

Partnership (Each partner in the ownership of the property must sign the petition form)
Owner Name (Last, First Name) (Type/print): _____
Signature: _____
Date (yyyy/mm/dd): _____

Corporation (The individual with authority to bind the corporation must sign the petition)
Name of Signing Officer (Last, First Name) (Type/print): _____
Signature: _____
Name of Corporation: _____
Function Title: _____
I have the authority to bind the Corporation:
Date (yyyy/mm/dd): _____

Check here if additional streams are attached: _____ Clerk initial: _____

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information
Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D. 17 and will be used for the purposes of administering the Act. Guidelines concerning the collection of personal information should be directed to: _____

Where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Hill Vc, Guelph, ON N1G 4Y2, 519 826-0362.

1998-00596

Grant for Engineering Costs

The Definitions of the Act and Section 10 may provide some clarification around the preliminary report and when it becomes grantable under Section 85(c).

Section 10(1) indicates what shall be included in a preliminary report.

- A sketch of the plan

- An estimate of costs

This is what was prepared by the Engineer leading up to the first public meeting.

If a Preliminary Report is developed and the petition fails at the meeting to adopt the report; then the costs of the project to date are charged to the original petitioners in equal shares. The municipality can apply for grant on the preliminary report and OMAFRA would provide a 1/3 grant on the assessed costs.(excluding benefit costs statements and environmental appraisals.)

For anyone wondering about Petition Section 4(1)(d) in the Drainage Act...

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director**. R.S.O. 1990, c. D.17, s. 4 (1).

This is the clarification and communication received from OMAFRA...

Section 4(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

4. *where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director***

From the definitions

"Director" means the director appointed for the purposes of this Act;

I believe that the following statement has similar meaning to Section 4(1) d from the Drainage Act.

Where a drainage works is required for the drainage of lands used for agricultural purposes, a petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by the Director.

*Currently the Director appointed for the purposes under this Act is the **Director** of the **Environmental Management Branch**.*

I am not aware of an instance (in the history of the Drainage Act) when the Director has signed a petition in accordance with Section 4 (d).

*There would have to be **very compelling** evidence/reasoning for the Director to sign a petition under Section 4 (d).*

I hope the above information has clarified your understanding of Section 4(1) (d) of the Drainage Act.

Andy Kester

Ontario Ministry of Agriculture Food and Rural Affairs

519-835-6074

Additional Legal Matters

In the Engineer's Report there are additional works being proposed that are noticeably absent from the proposed works found in the original petition filed April 26, 2021. These additional areas requiring drainage added by the Engineer without authority include:

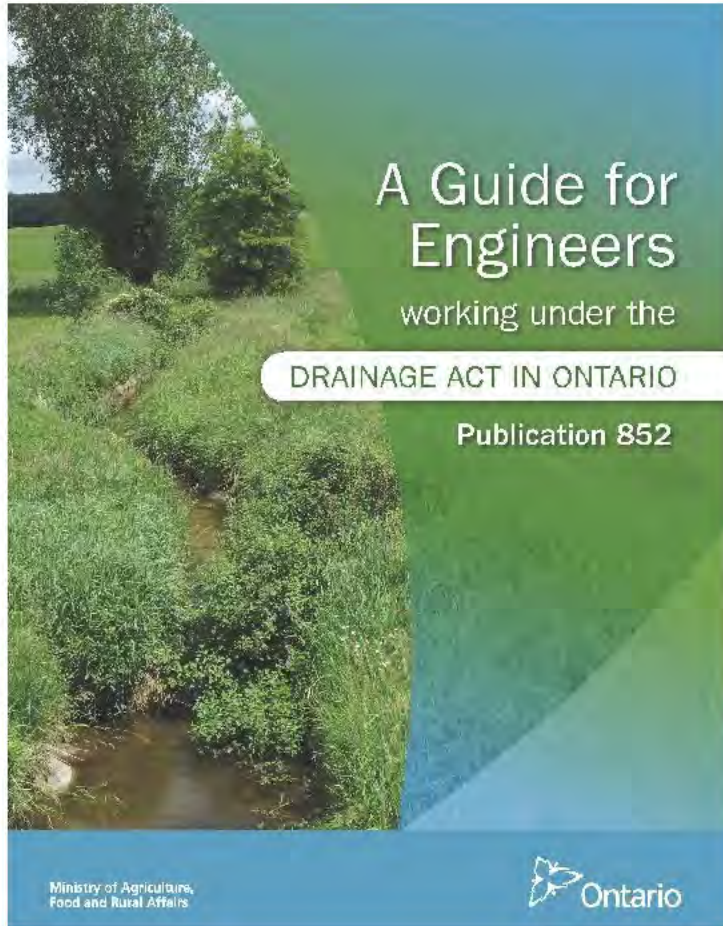
Jananna - West Branch Drain

Koch-Leis Drain

Bamberg Creek Drain

“The Drainage Act does not authorize a municipality to pass a by-law for the construction of a drainage system which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all.”

- Referee S. Clunis



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law.

Township of South Easthope vs. Township of East Zorra, 1944

The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed certain lands that were not in the drainage area as described in the petition when it was signed, and having made this unauthorized alteration in the petition they proceeded to again instruct the engineer to report on the enlarged scheme. That was all absolutely unwarranted. They had spoiled the only petition they had, and the engineer was proceeding really without any authority, just as the council was. This is a matter that goes to the basis of the whole proceeding, and the whole proceeding falls to pieces.

McKeen vs Township of East Williams, Referee S. Clunis, 1966

It follows that, in my opinion, the size, the costs, the value of the scheme and its purpose differs so materially from the work contemplated by the petition that it bears little relationship to that petition.

...the Act does not authorize a municipality to pass a by-law for the construction of a **drainage system** which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all

...it seems to me to be a necessary corollary of this principle that if a sufficiently signed petition which describes a drainage area is filed, it is not to be taken as authority to proceed with any drainage work that may seem desirable in the general area of which the petitioning area is only a part.

The Drainage Act is supposed to be a **democratic** process, so it has these built-in checks and balances to ensure those opposed to certain works have the opportunity to do so. This was overlooked here and the lands described in the report by the engineer did not accurately describe the areas requiring drainage. His failure to do so would not afford the intended protection for those who did not sign the petition. This is a statement pulled directly from case law from the official OMAFRA Guide for Engineers, so we can safely say the engineer was provided this information.

These definitions and the criteria laid out above form the **key democratic components** of this process. The information provided clearly lays out both the word and spirit of the law as it pertains to this matter. We have received some excellent advice and coaching along the way and we are also thankful for the Council members who have invested their time, used their abilities to hear us out and to look at the facts prior to the Meeting to Consider.

The facts now speak for themselves.

We respectfully request that council decline this application and close this matter. We believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

- ALL Non-Petitioner Members of the Watershed Community

Petition Against Jananna Municipal Drain

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

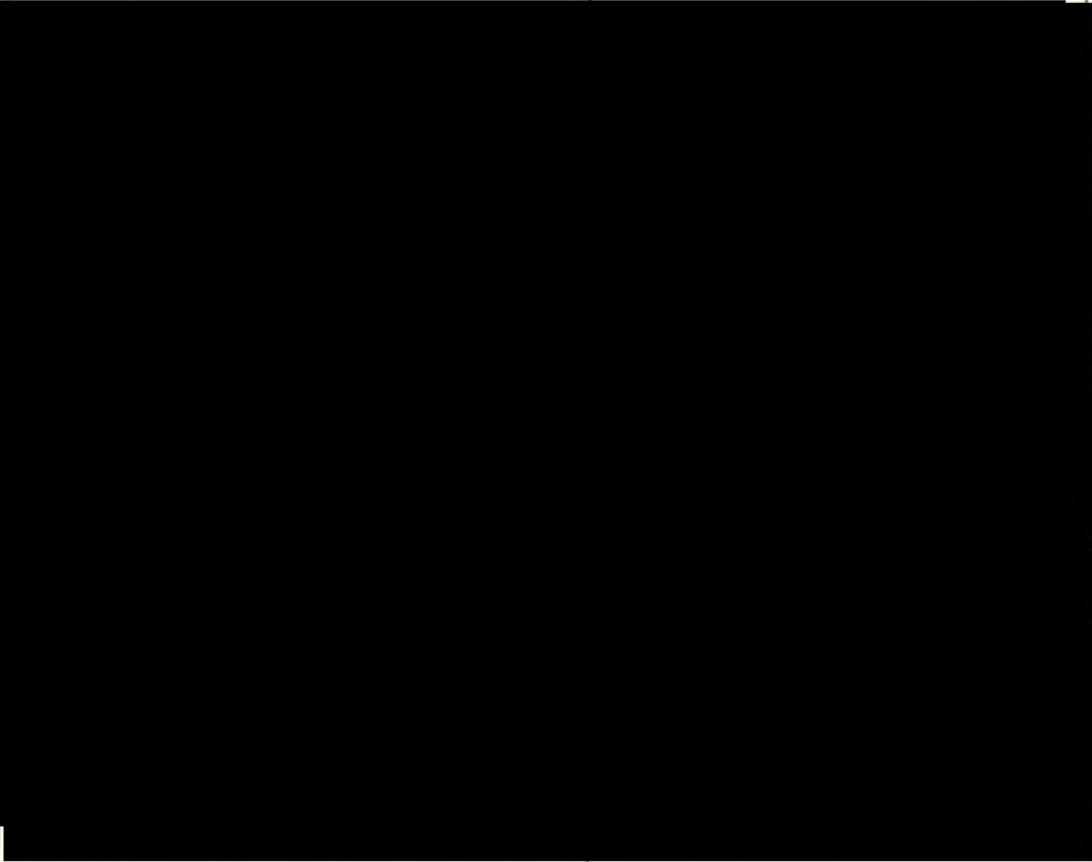
We do not see the need for such a project

We do not see the benefit individually or collectively of this project

We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz			Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissova			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date
JUSTIN MILLER			01/30/23
Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BRYAN MUSA			02/03/23
Haley Musa			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

Printed Name	Signature	Address	Date
David Marshall			02/03/23
Bib Sanderson			02/02/23
Robert Jantzi			05/08/23
Anne Jantzi			05/08/23
R. McCormick			06/15/23
Rosemary Kettel-McCormick			June 15, 2023
MaryEllen McCormick			June 15 2023
Mason McCormick			June 15 2023
Josephine McCormick		June 15/23	

An Explanation:
The Invalid Petition for the
Jananna, Bamberg Creek and
Koch-Leis Municipal Drains

The Drainage Act provides a procedure whereby the municipality may, with a **valid petition of landowners** in the **"area requiring drainage"**, provide a legal outlet for surface and subsurface waters not attainable under common law.

- Duties of the landowner under the Drainage Act guide, OMAFRA

SIDE NOTES: The wording is very important here. The keywords to pay attention to are **“valid petition”** and **“area requiring drainage”**.

The signed petition forms the basis of Jananna, Bamberg Creek and Koch-Leis Municipal Drains. If the petition is deemed to be invalid, there is no path forward for these projects. The Engineer in his report said...

“The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.”

Let's take a closer look at Section 4(1)(a).

Drainage Act, R.S.O. 1990, c. D.17

Petition

4 (1) A petition for the drainage by means of a drainage works of an **area requiring drainage** as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) **the majority in number of the owners**, as shown by the last revised assessment roll **of lands in the area**, including the owners of any roads in the area;

SIDE NOTES: This basically says the majority of landowners in the 'area requiring drainage' have to be on the petition for it to be valid. Since Jananna are the only ones on the petition, the Engineer is saying that the 'area requiring drainage' falls exclusively on the Jananna property... but here's the problem...

The '*area requiring drainage*' **does not** fall exclusively on the Jananna property. The Engineer got the area requiring drainage wrong. He wrongfully assumed the water stops at the petitioner's fence line and therefore the area requiring drainage magically stops at the fence line. It does not.

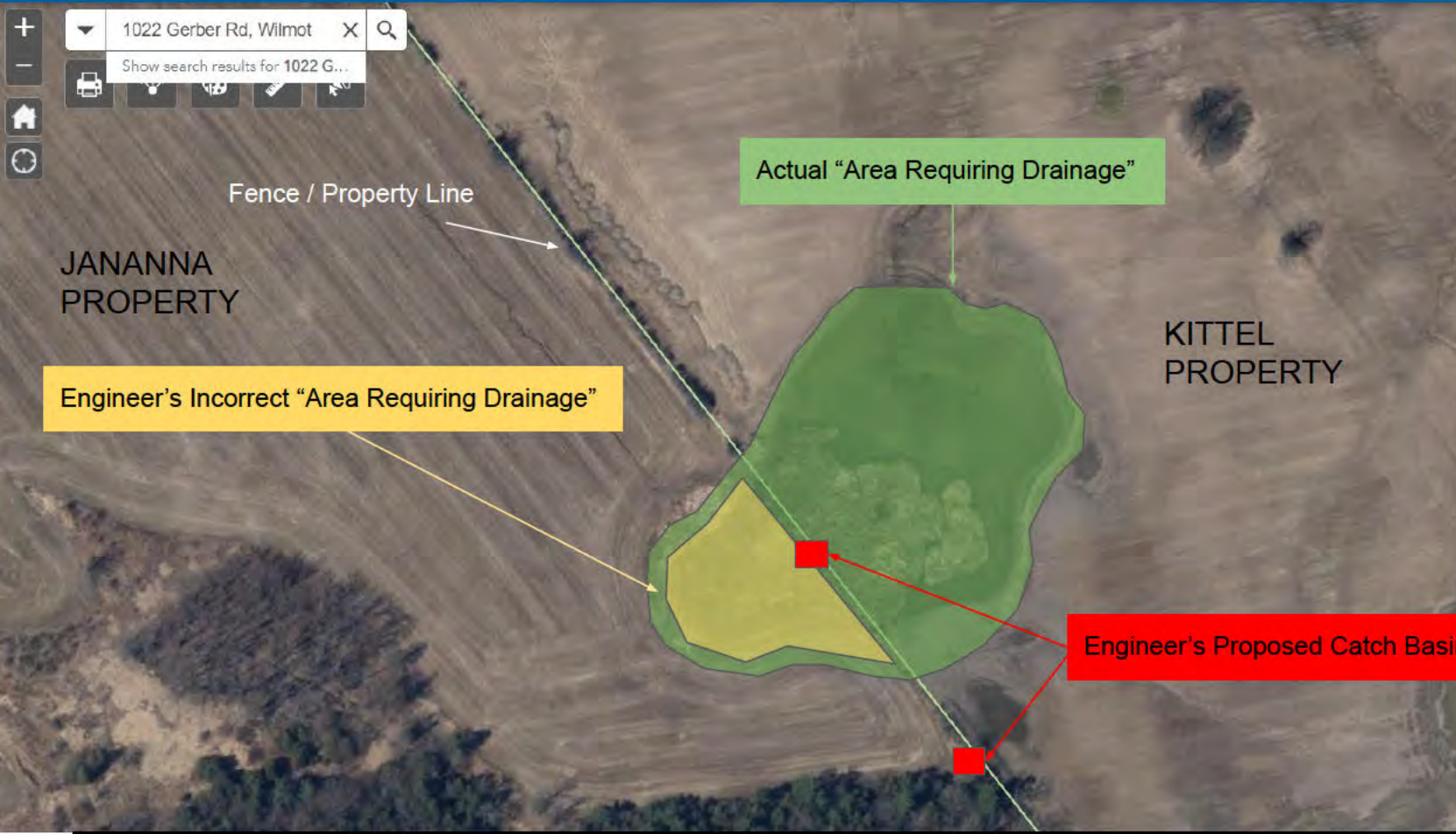
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore both Jananna and Kittel need to be on the petition for it to be valid. Kittel is not on the petition, was never asked to be on the petition and was not even properly notified about the required on-site meeting.



1022 Gerber Rd, Wilmot X Q

Show search results for 1022 G...

Icons: Home, Print, Full Screen, Layers, Search



- Layer List
- Assessment Parcels (M)
 - Ownership Parcels (Te
 - Survey Points
 - Wellhead Protection S
 - Municipal Boundaries
 - 2022 Aerial Imagery
 - 2020 Aerial Imagery
 - 2019 Aerial Imagery
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 - 2010 Aerial Imagery
 - 2009 Aerial Imagery

SIDE NOTES: Only one of these properties signed the petition, therefore there is no majority.



Layers

Legend

Draw

Find

Print

1010 Gerber Road Wilmot

- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)

Land Base

Hydrology

Drainage

- Watercourse (GRCA)
- Waterbody (GRCA)
- Great Lakes (GRCA)
- Average Annual Runoff (GRCA)

Floodplain

Watershed

Hydrogeology

Water Quality

Source Water Protection

Monitoring Sites

Biology and Ecology

Infrastructure

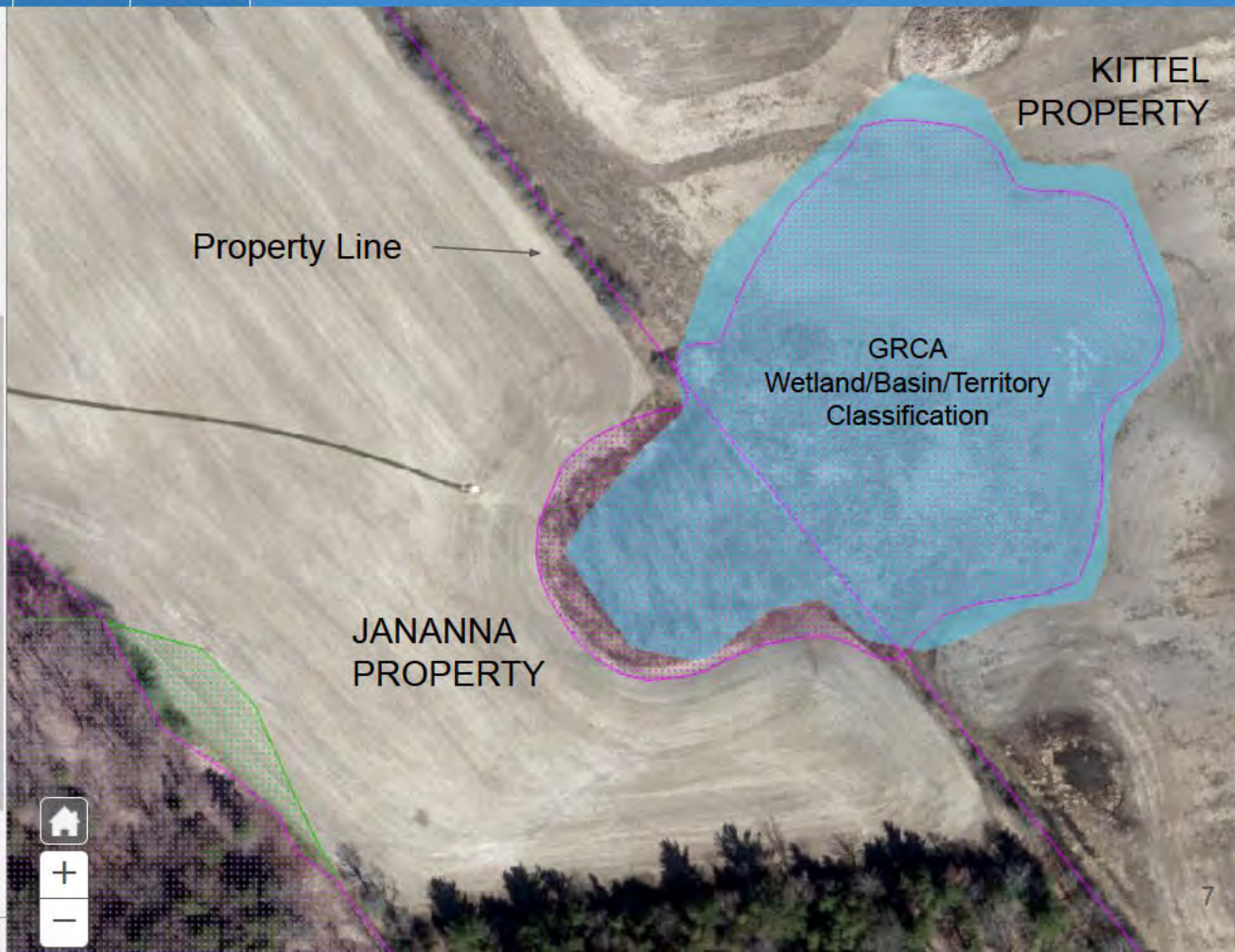
Property

Watershed Imagery

2020 Ortho (ON)

2015 Ortho (ON)

2010 Ortho (ON)



Property Line

KITTEL
PROPERTY

GRCA
Wetland/Basin/Territory
Classification

JANANNA
PROPERTY



Themes





SIDE NOTES: You can even see on the submitted petition photo, the area requiring drainage falls on two properties

Jananna Side - photo taken May 25, 2023



For the part of the proposed Jananna Drain East Branch running North, the same thing applies...



Find address or place



Actual "Area Requiring Drainage"



JANANNA
PROPERTY

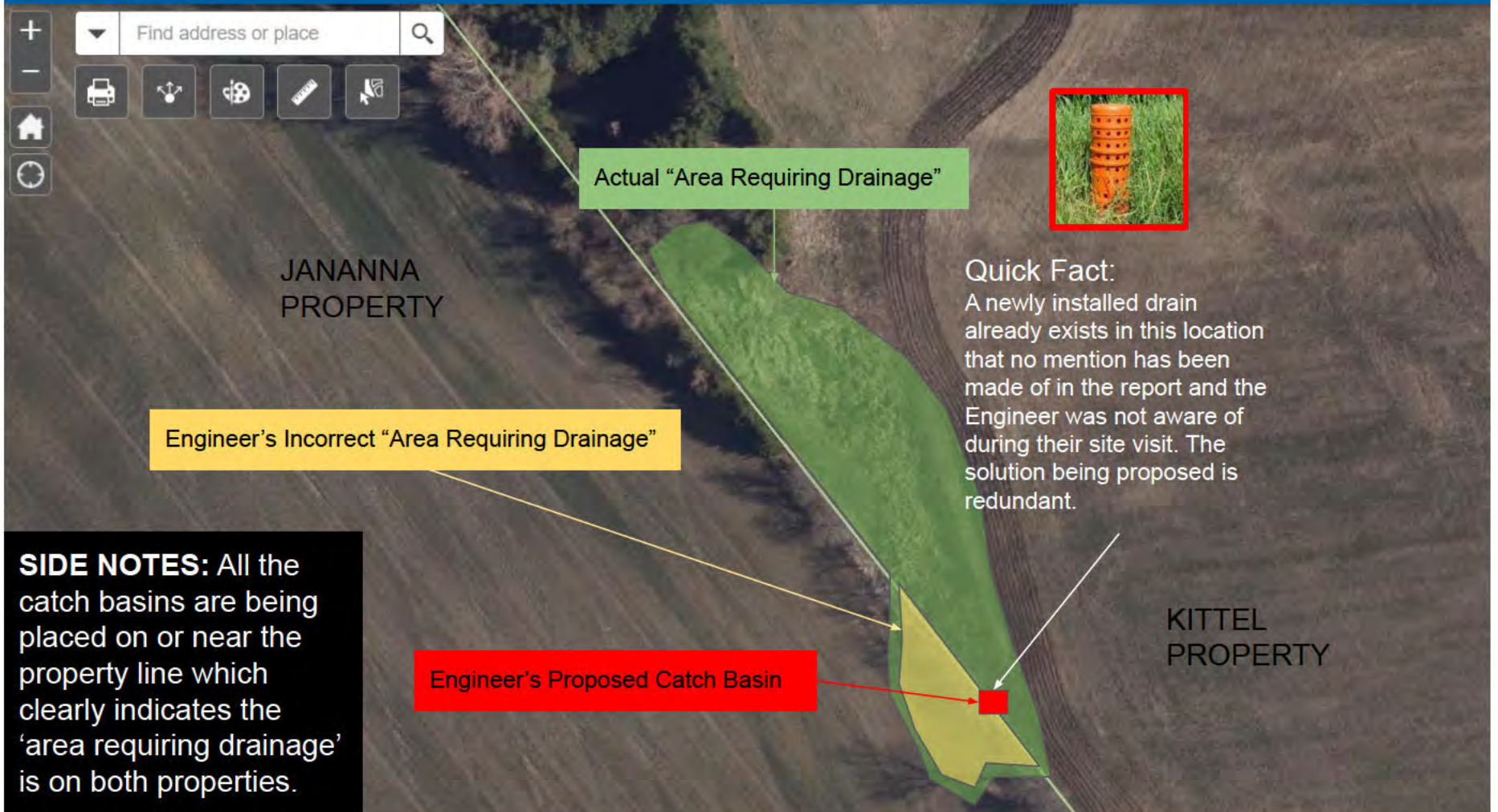
Quick Fact:
A newly installed drain
already exists in this location
that no mention has been
made of in the report and the
Engineer was not aware of
during their site visit. The
solution being proposed is
redundant.

Engineer's Incorrect "Area Requiring Drainage"

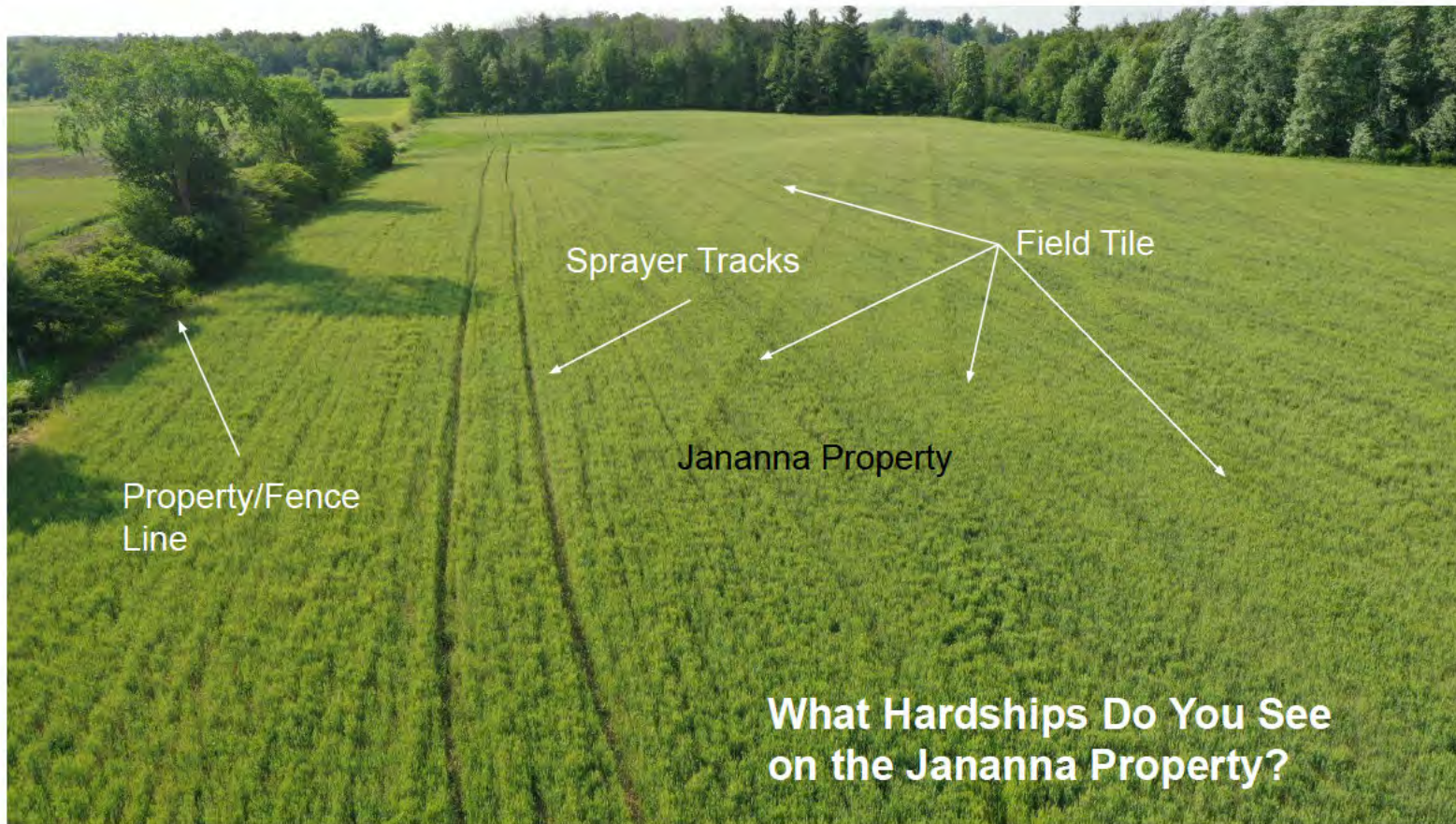
SIDE NOTES: All the catch basins are being placed on or near the property line which clearly indicates the 'area requiring drainage' is on both properties.

Engineer's Proposed Catch Basin

KITTEL
PROPERTY



East Side of Jananna Field - Property Line Pointing South - Photo Taken June 20, 2023



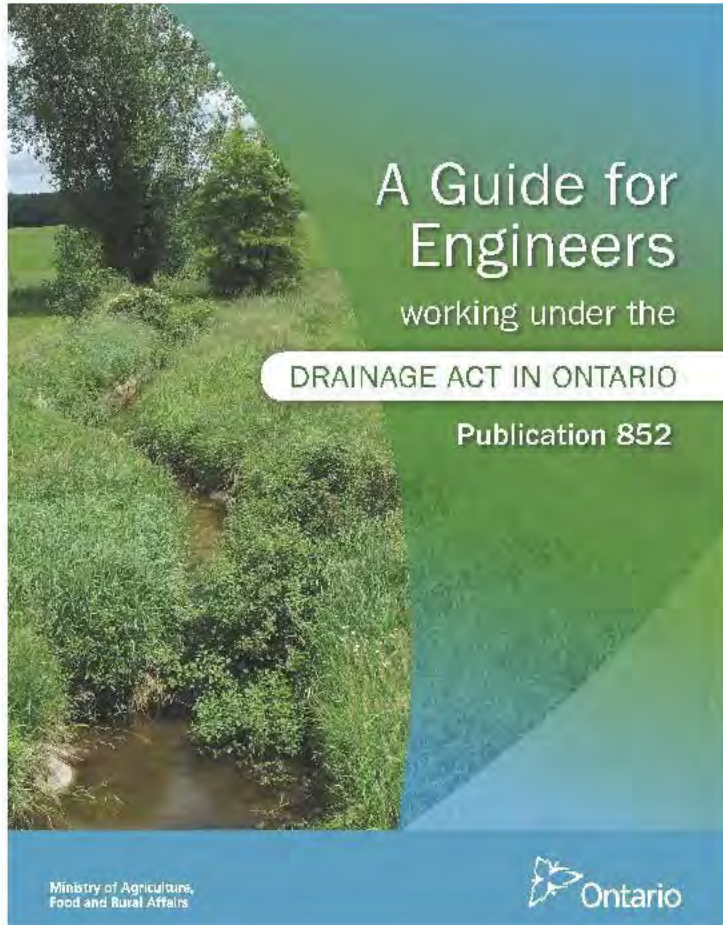
Property/Fence
Line

Sprayer Tracks

Jananna Property

Field Tile

**What Hardships Do You See
on the Jananna Property?**



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law and how to determine the ‘areas requiring drainage’.

Jones v. Derby (Town), 1986

You cannot adjust the irregular “shaped saucer with reasonably well defined banks around it” just because a landowner indicates his desire for drainage, without first ascertaining where those well defined banks are located on the ground. In his zeal to accept the Petitioner’s version of the area requiring drainage [the engineer] has not formed the proper independent judgment when making his assessment.

I am of the view that it is the intention of the present Drainage Act, that lands not described in the petition as requiring drainage that are subsequently found to require drainage by the engineer in his report to have similar physical features so as to form one area requiring drainage with those lands described in the petition as requiring drainage, are as well, to be included when the requirements of Sec. 4(a) or (b) are being considered, otherwise the lands described in the report by the engineer in accordance with Sec. 8-1(a) would not be fairly described. Failure to do so would not afford the intended protection for those who did not sign the petition.

Westendorp v. Elizabethtown (Town), 1986

The best definition of the area requiring drainage that I was able to research appeared in a letter dated November 29, 1929, to the Clerk of the Township of West Williams from Drainage Referee George F. Henderson:

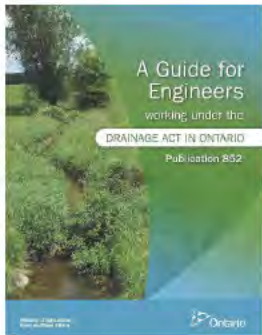
“It is not necessary that there should be a majority of the petition of all those whom the engineer finds to be eventually interested in the drainage work. What you need is in first place a reasonably well defined drainage area, that is, a section of land requiring drainage, and it is this territory which should be described in the area. It is of course not proper to pick out just enough lots to enable a majority, but there should be what I generally speak of as an irregularly shaped saucer with reasonably well defined banks around it. This might be all on one lot, although that is of course a rare case, but the point is that once you have that low lying section of land requiring drainage, it is a majority of the owners in that section that you need for a petition, no matter how many others the Engineer may bring in...”

Duane vs. Township of Finch, Referee G. Henderson, 1908

“Since that amendment, it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme...”

It is the intention of the Act that the township council should pass judgement upon the sufficiency of the area described in the petition, and should see to it that the area is therein fairly described. When a township council does really and fairly exercise judgement upon such a matter, I think I should be loath to review their exercise of judgement...**What I would wish to point out very plainly is that it is not proper to pick out any portion or portion of what is in fact a distinct basin requiring drainage.** Subject to the discretion of the township council, **the majority, are to rule, but they must constitute a real majority, and in no case should the council permit the provisions of the Act to be abused by allowing a real minority to impose upon an actual majority.**

The full decisions can be found on www.canlii.org/en/on/ondr as well as other referee decisions just like these.



Also found in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act, this simple illustrated example to determine validity.

In order for a petition to be valid, it must contain signatures from the majority in number of owners in the area requiring drainage.

To determine the validity of the petition, evaluate the percentage of owners (Section 4(1)(a)) (Figure A4-A), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage (A).
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition (B)
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition ($C=B/A \times 100\%$).
- A petition is valid when the percentage (C) is **greater than 50%**

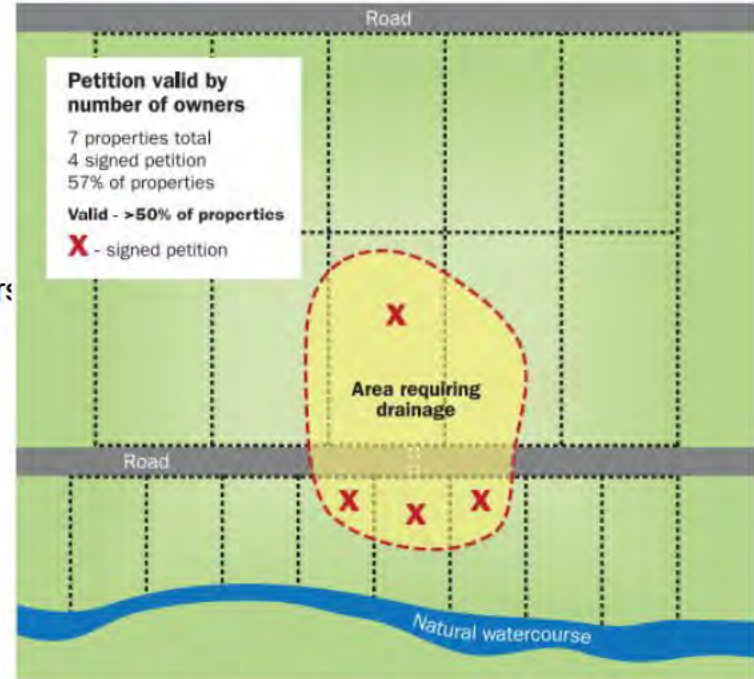


Figure A4-4. Determining the validity of a petition by percentage of owners.

To determine the **validity of the Jananna petition**, evaluate the percentage of owners (Section 4(1)(a)), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage **(2)**
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition **(1)**
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition **($1/2 \times 100\% = 50\%$)**.
- The petition is **invalid** because the percentage is **not greater than 50%**

For anyone wondering about Petition Section 4(1)(d) in the Drainage Act...

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director**. R.S.O. 1990, c. D.17, s. 4 (1).

This is the clarification and communication received from OMAFRA...

Section 4(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

4. *where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director***

From the definitions

"Director" means the director appointed for the purposes of this Act;

I believe that the following statement has similar meaning to Section 4(1) d from the Drainage Act.

Where a drainage works is required for the drainage of lands used for agricultural purposes, a petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by the Director.

*Currently the Director appointed for the purposes under this Act is the **Director** of the **Environmental Management Branch**.*

I am not aware of an instance (in the history of the Drainage Act) when the Director has signed a petition in accordance with Section 4 (d).

*There would have to be **very compelling** evidence/reasoning for the Director to sign a petition under Section 4 (d).*

I hope the above information has clarified your understanding of Section 4(1) (d) of the Drainage Act.

Andy Kester

Ontario Ministry of Agriculture Food and Rural Affairs

519-835-6074

Additional Legal Matters

In the Engineer's Report there are additional works being proposed that are noticeably absent from the proposed works found in the original petition filed April 26, 2021. These additional areas requiring drainage added by the Engineer without authority include:

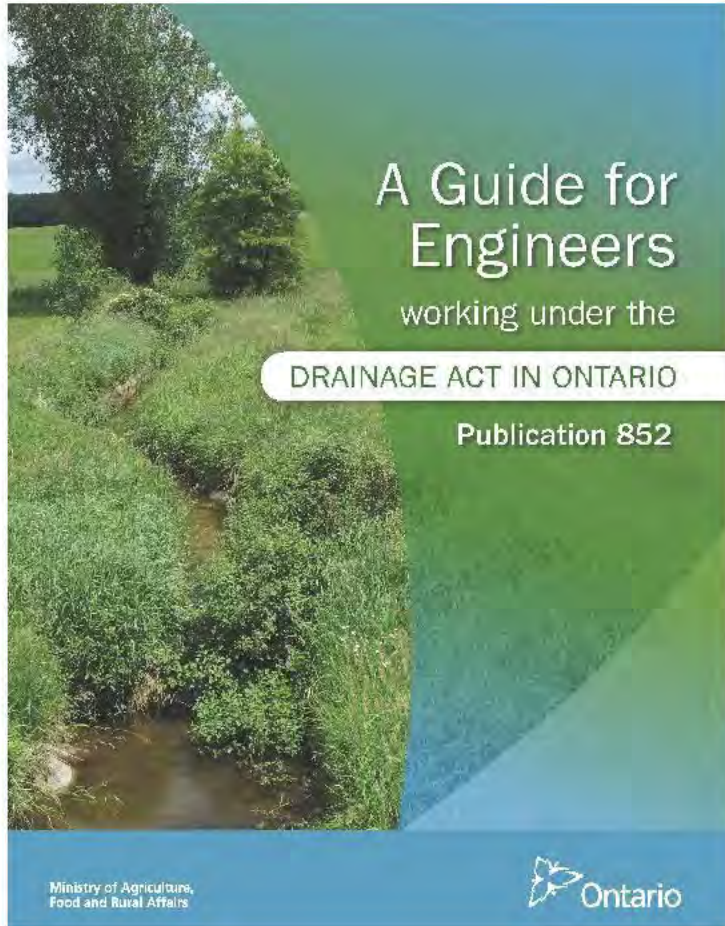
Jananna - West Branch Drain

Koch-Leis Drain

Bamberg Creek Drain

“The Drainage Act does not authorize a municipality to pass a by-law for the construction of a drainage system which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all.”

- Referee S. Clunis



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law.

Township of South Easthope vs. Township of East Zorra, 1944

The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed certain lands that were not in the drainage area as described in the petition when it was signed, and having made this unauthorized alteration in the petition they proceeded to again instruct the engineer to report on the enlarged scheme. That was all absolutely unwarranted. They had spoiled the only petition they had, and the engineer was proceeding really without any authority, just as the council was. This is a matter that goes to the basis of the whole proceeding, and the whole proceeding falls to pieces.

McKeen vs Township of East Williams, Referee S. Clunis, 1966

It follows that, in my opinion, the size, the costs, the value of the scheme and its purpose differs so materially from the work contemplated by the petition that it bears little relationship to that petition.

...the Act does not authorize a municipality to pass a by-law for the construction of a **drainage system** which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all

...it seems to me to be a necessary corollary of this principle that if a sufficiently signed petition which describes a drainage area is filed, it is not to be taken as authority to proceed with any drainage work that may seem desirable in the general area of which the petitioning area is only a part.

These definitions and the criteria laid out above form the **key democratic components** of this process. The information provided clearly lays out both the word and spirit of the law as it pertains to this matter. We have received some excellent advice and coaching along the way and we are also thankful for the Council members who have invested their time, used their abilities to hear us out and to look at the facts prior to the Meeting to Consider.

The facts now speak for themselves.

We respectfully request that council decline this application and close this matter. We believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

- ALL Non-Petitioner Members of the Watershed Community

Petition Against Jananna Municipal Drain

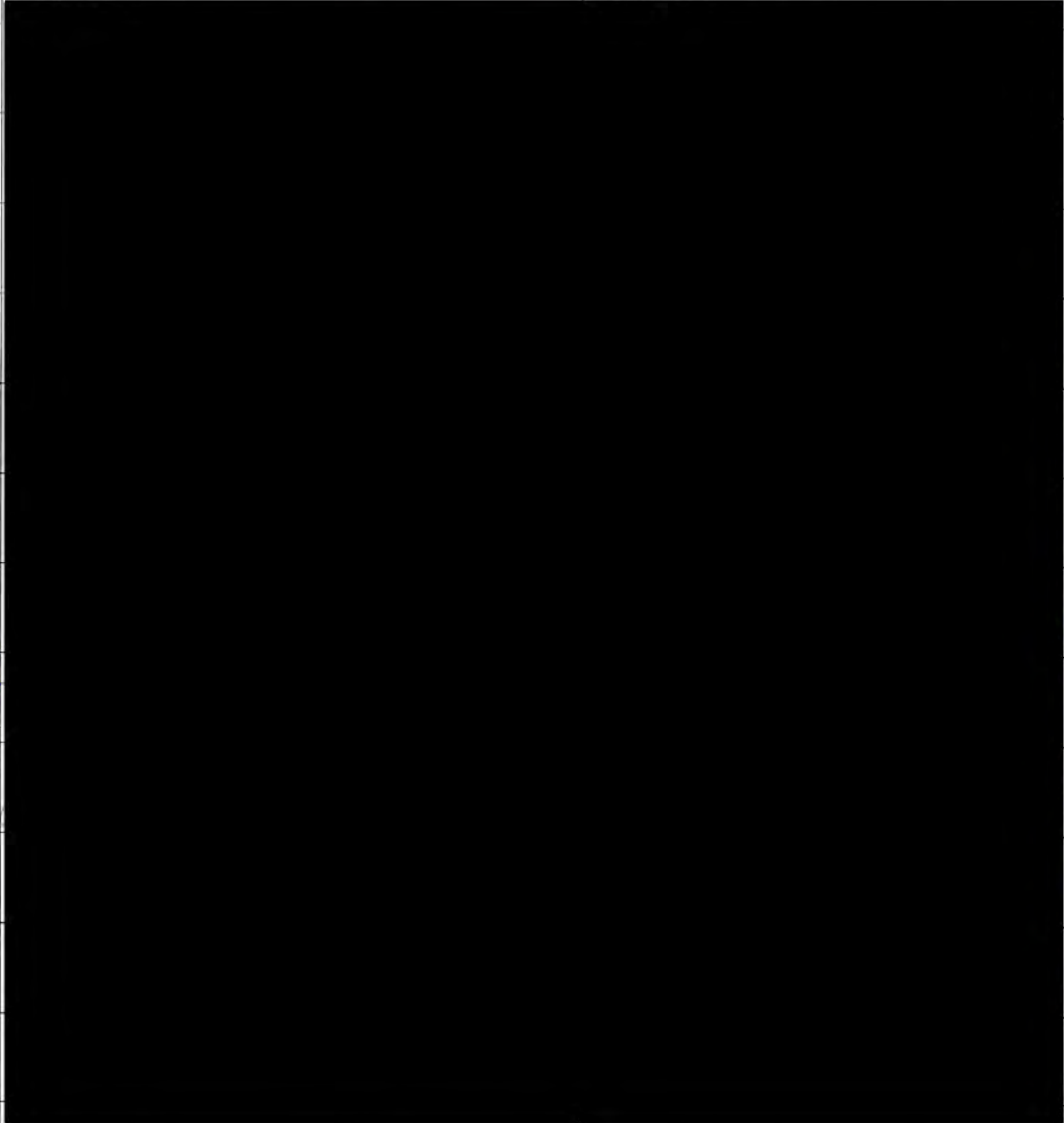
The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

We do not see the need for such a project

We do not see the benefit individually or collectively of this project

We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz			Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissova			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date
JUSTIN MILLER			01/30/23
Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BRON MUSA			02/03/23
Haley Musa			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

An Explanation:
The Invalid Petition for the
Jananna, Bamberg Creek and
Koch-Leis Municipal Drains

The Drainage Act provides a procedure whereby the municipality may, with a **valid petition of landowners** in the **"area requiring drainage"**, provide a legal outlet for surface and subsurface waters not attainable under common law.

- Duties of the landowner under the Drainage Act guide, OMAFRA

SIDE NOTES: The wording is very important here. The keywords to pay attention to are **“valid petition”** and **“area requiring drainage”**.

The signed petition forms the basis of Jananna, Bamberg Creek and Koch-Leis Municipal Drains. If the petition is deemed to be invalid, there is no path forward for these projects. The Engineer in his report said...

“The petition is valid in accordance with Section 4(1)(a) of the Drainage Act.”

Let's take a closer look at Section 4(1)(a).

Drainage Act, R.S.O. 1990, c. D.17

Petition

4 (1) A petition for the drainage by means of a drainage works of an **area requiring drainage** as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) **the majority in number of the owners**, as shown by the last revised assessment roll **of lands in the area**, including the owners of any roads in the area;

SIDE NOTES: This basically says the majority of landowners in the 'area requiring drainage' have to be on the petition for it to be valid. Since Jananna are the only ones on the petition, the Engineer is saying that the 'area requiring drainage' falls exclusively on the Jananna property... but here's the problem...

The '*area requiring drainage*' **does not** fall exclusively on the Jananna property. The Engineer got the area requiring drainage wrong. He wrongfully assumed the water stops at the petitioner's fence line and therefore the area requiring drainage magically stops at the fence line. It does not.

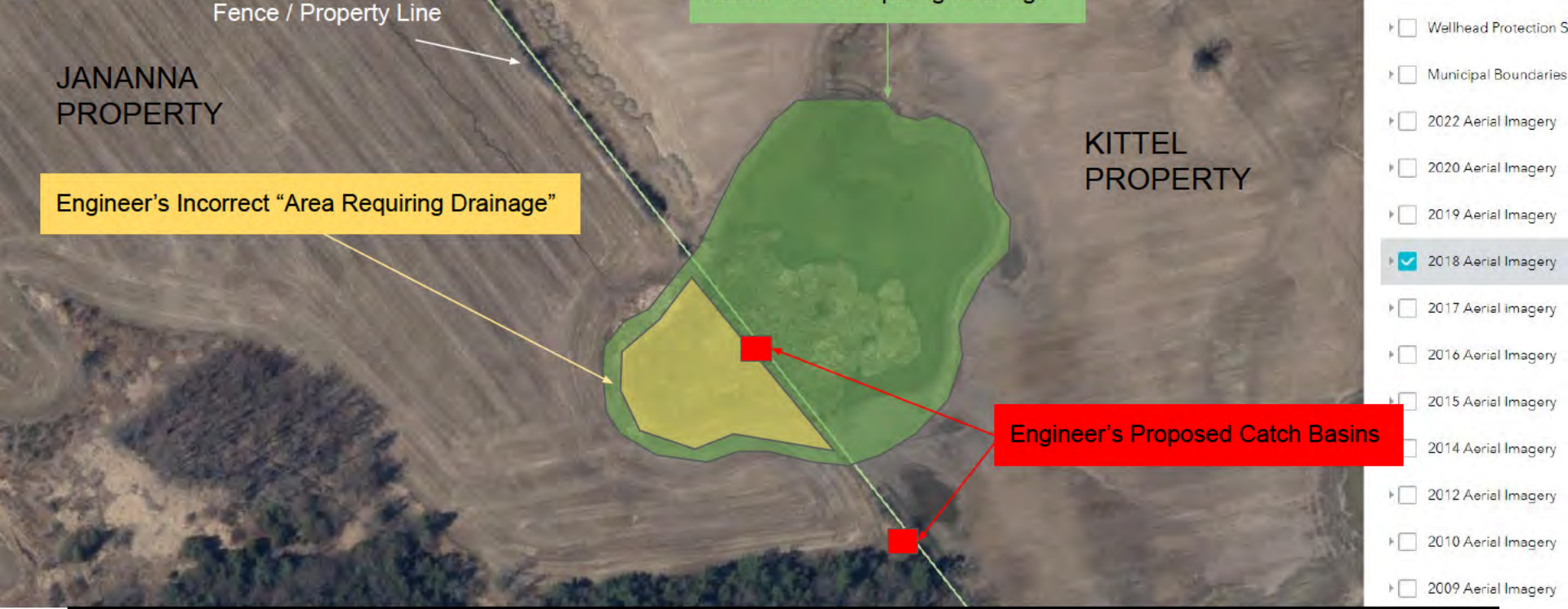
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1022 Gerber Rd, Wilmot X Q

Show search results for 1022 G...

Print, Home, Refresh, and other navigation icons



- Layer List**
- Assessment Parcels (M)
 - Ownership Parcels (Te
 - Survey Points
 - Wellhead Protection S
 - Municipal Boundaries
 - 2022 Aerial Imagery
 - 2020 Aerial Imagery
 - 2019 Aerial Imagery
 - 2018 Aerial Imagery
 - 2017 Aerial imagery
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 - 2015 Aerial Imagery
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 - 2012 Aerial Imagery
 - 2010 Aerial Imagery
 - 2009 Aerial Imagery

SIDE NOTES: Only one of these properties signed the petition, therefore there is no majority.



Layers

Legend

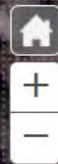
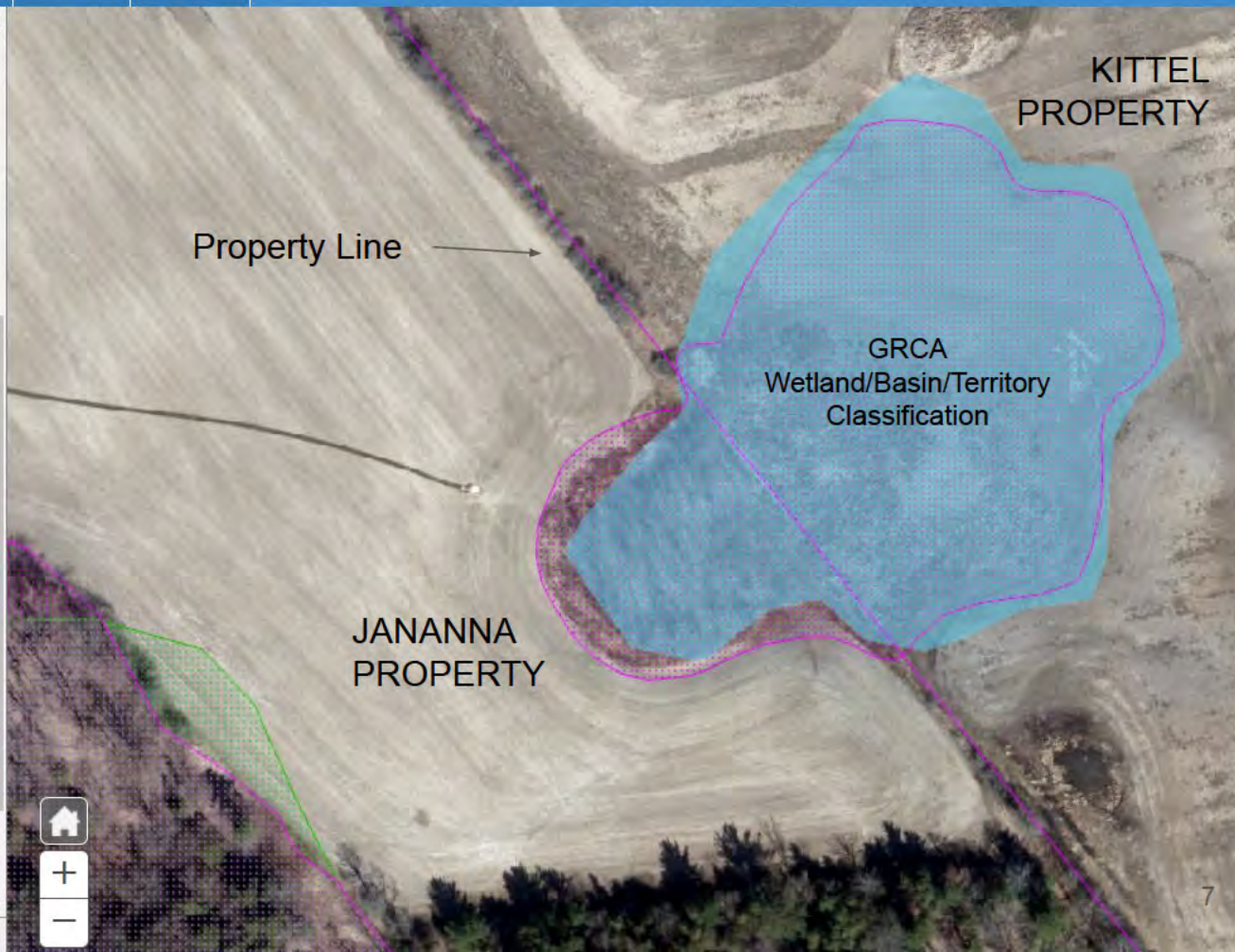
Draw

Find

Print

1010 Gerber Road Wilmot

- Wetland (GRCA)
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- Lake Erie Erosion (GRCA)
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 - Drainage
 - Watercourse (GRCA)
 - Waterbody (GRCA)
 - Great Lakes (GRCA)
 - Average Annual Runoff (GRCA)
 - Floodplain
 - Watershed
- Hydrogeology
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- Biology and Ecology
- Infrastructure
- Property
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- 2020 Ortho (ON)
- 2015 Ortho (ON)
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SIDE NOTES: You can even see on the submitted petition photo, the area requiring drainage falls on two properties

For the part of the proposed Jananna Drain East Branch running North, the same thing applies...



Find address or place



JANANNA
PROPERTY

Actual "Area Requiring Drainage"



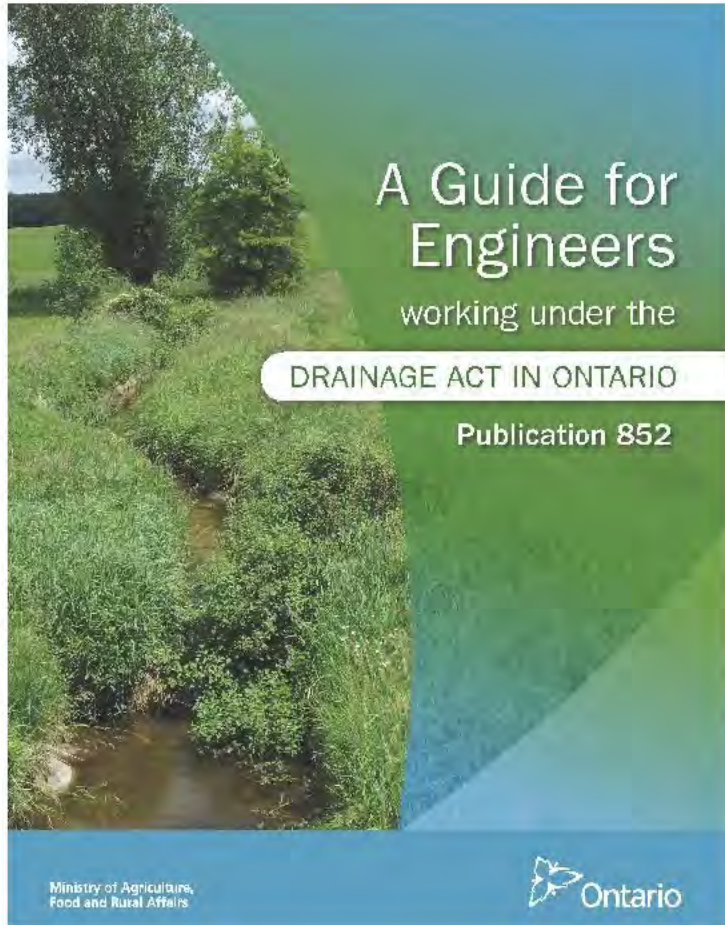
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that no mention has been
made of in the report and the
Engineer was not aware of
during their site visit. The
solution being proposed is
redundant.

Engineer's Incorrect "Area Requiring Drainage"

Engineer's Proposed Catch Basin

KITTEL
PROPERTY

SIDE NOTES: All the catch basins are being placed on or near the property line which clearly indicates the 'area requiring drainage' is on both properties.



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“Since that amendment, it is no longer necessary that the petition should be signed by a majority of the owners whose lands are found to be benefited by the engineer who makes the report, but it is still necessary, as it always was necessary, that the petition should describe a real drainage area, which should bear some reasonable proportion to the size and extent of the drainage scheme...”

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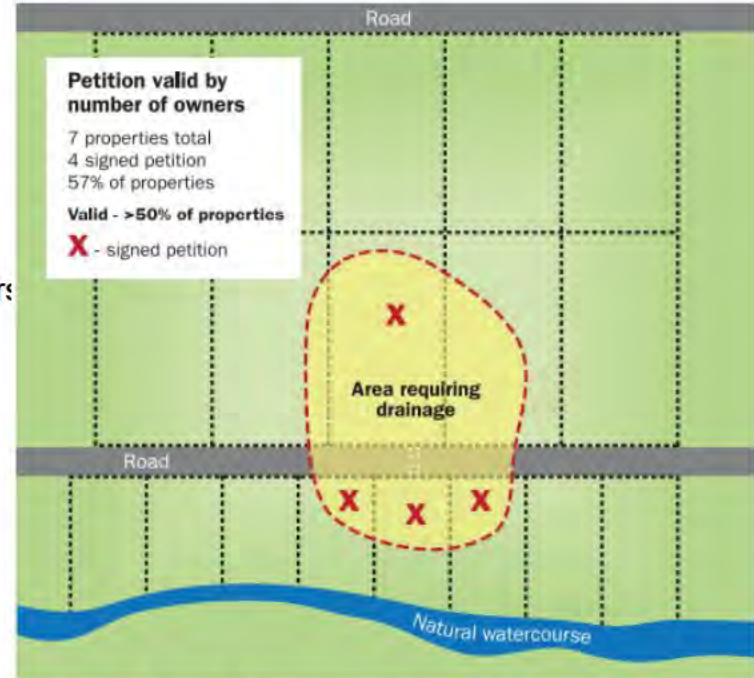


Figure A4-4. Determining the validity of a petition by percentage of owners.

To determine the **validity of the Jananna petition**, evaluate the percentage of owners (Section 4(1)(a)), as follows:

- Count the total number of properties and road jurisdictions (if applicable) with the area requiring drainage **(2)**
- Count the number of properties and road jurisdictions within the area requiring drainage who have properly signed the petition **(1)**
- Calculate the percentage of owners and road jurisdictions who have properly signed the petition **($1/2 \times 100\% = 50\%$)**.
- The petition is **invalid** because the percentage is **not greater than 50%**

So Now What?

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

The original petition form lays it out. The petitioners (Jananna) signed the petition accepting financial responsibility if the petition were not to comply with section 4. It does not comply with section 4.

Chad Curtis, Deputy Clerk, Wilmot Township, also provided this...

"Section 43 of the Drainage Act notes that if the petition is determined to not be valid at the conclusion of the **meeting to consider the Report**, then the original petitioners are liable for the cost of the Engineer's Report which the municipality can collect from the petitioners as outlined in Section 43."

Property Owners Signing The Petition: _____ Page _____ of _____

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (year) lot and concession and road address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than one property, please take copies of this page and continue to fill them all.

Number: _____ Property Description: _____

Ward or Geographic Township: _____ Parcel Roll Number: _____

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership:

Sole Ownership
Owner Name (Last, First Name): _____ Signature: _____ Date (yyyy/mm/dd): _____

Partnership (Each partner in the ownership of the property must sign the petition form)
Owner Name (Last, First Name) (Type/Print): _____ Signature: _____ Date (yyyy/mm/dd): _____

Corporation (The individual with authority to bind the corporation must sign the petition)
Name of Signing Officer (Last, First Name) (Type/Print): _____ Signature: _____
Name of Corporation: _____
Function Title: _____ I have the authority to bind the Corporation: _____ Date (yyyy/mm/dd): _____

Check here if additional streams are attached _____ Clerk Initial: _____

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- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information
Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D. 17 and will be used for the purposes of administering the Act. Guidelines concerning the collection of personal information should be directed to: _____ where the form is addressed to a municipality/municipality in compliance/

1998-00096

For anyone wondering about Petition Section 4(1)(d) in the Drainage Act...

(d) where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director**. R.S.O. 1990, c. D.17, s. 4 (1).

This is the clarification and communication received from OMAFRA...

Section 4(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- 4. where a drainage works is required for the drainage of lands used for agricultural purposes, **the Director***

From the definitions

"Director" means the director appointed for the purposes of this Act;

I believe that the following statement has similar meaning to Section 4(1) d from the Drainage Act.

Where a drainage works is required for the drainage of lands used for agricultural purposes, a petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by the Director.

*Currently the Director appointed for the purposes under this Act is the **Director** of the **Environmental Management Branch**.*

I am not aware of an instance (in the history of the Drainage Act) when the Director has signed a petition in accordance with Section 4 (d).

*There would have to be **very compelling** evidence/reasoning for the Director to sign a petition under Section 4 (d).*

I hope the above information has clarified your understanding of Section 4(1) (d) of the Drainage Act.

Andy Kester

Ontario Ministry of Agriculture Food and Rural Affairs

519-835-6074

Additional Legal Matters

In the Engineer's Report there are additional works being proposed that are noticeably absent from the proposed works found in the original petition filed April 26, 2021. These additional areas requiring drainage added by the Engineer without authority include:

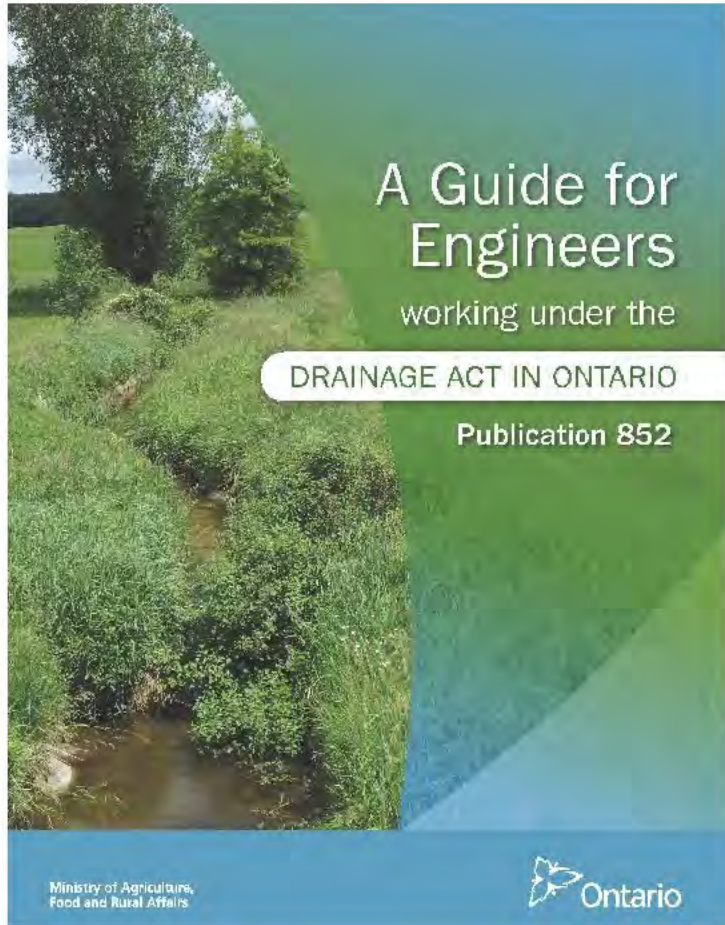
Jananna - West Branch Drain

Koch-Leis Drain

Bamberg Creek Drain

“The Drainage Act does not authorize a municipality to pass a by-law for the construction of a drainage system which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all.”

- **Referee S. Clunis**



To better understand this you have to read the precedent setting exemplary case law examples found in *Section 4.7 of Publication 852, A Guide for Engineers Working under the Drainage Act*. These examples are provided to help the Engineer better understand the law.

Township of South Easthope vs. Township of East Zorra, 1944

The engineer in the course of doing his work thought the drainage area should be enlarged, and properly reported that fact to the council; the council thereupon instructed the clerk to add to the petition that had already been signed certain lands that were not in the drainage area as described in the petition when it was signed, and having made this unauthorized alteration in the petition they proceeded to again instruct the engineer to report on the enlarged scheme. That was all absolutely unwarranted. They had spoiled the only petition they had, and the engineer was proceeding really without any authority, just as the council was. This is a matter that goes to the basis of the whole proceeding, and the whole proceeding falls to pieces.

McKeen vs Township of East Williams, Referee S. Clunis, 1966

It follows that, in my opinion, the size, the costs, the value of the scheme and its purpose differs so materially from the work contemplated by the petition that it bears little relationship to that petition.

...the Act does not authorize a municipality to pass a by-law for the construction of a **drainage system** which differs substantially in size and cost from the drain petitioned for because such a by-law is in effect based upon no petition at all

...it seems to me to be a necessary corollary of this principle that if a sufficiently signed petition which describes a drainage area is filed, it is not to be taken as authority to proceed with any drainage work that may seem desirable in the general area of which the petitioning area is only a part.

These definitions and the criteria laid out above form the **key democratic components** of this process. The information provided clearly lays out both the word and spirit of the law as it pertains to this matter. We have received some excellent advice and coaching along the way and we are also thankful for the Council members who have invested their time, used their abilities to hear us out and to look at the facts prior to the Meeting to Consider.

The facts now speak for themselves.

We respectfully request that council decline this application and close this matter. We believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

- ALL Non-Petitioner Members of the Watershed Community

Petition Against Jananna Municipal Drain

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...


We do not see the need for such a project

We do not see the benefit individually or collectively of this project

We do not want to participate in the cost involved with this project

Printed Name	Signature	Address	Date
Ken Heintz			Jan 21/23
Cathy Heintz			Jan 21/23
Peter Schneider			Jan 21/23
Dagmar Schneider			Jan 21/23
Oleg Borisso			Jan 21/23
Cory Kittel			Jan 21/23
Ladislav Bauer			Jan 21/23
Kirby Kittel			Jan 21/23
Elena Borissova			Jan 24/23
Jeff Cressman			Jan 26/23

Printed Name	Signature	Address	Date
JUSTIN MILLER			01/30/23
Natalee Miller			01/30/23
PETER WURTELE			01/31/23
BARBARA WURTELE			01/31/23
JEFF FURTADO			02/01/23
Paige Furtado			02/01/23
BRYAN MUSA			02/03/23
Haley Musa			02/03/23
STERRI HOMANCHUK			02/04/23
DAVE HOMANCHUK			02/04/23
DAVID CRESSMAN			02/06/23
EVA CRESSMAN			02/06/23

Printed Name	Signature	Address	Date
David Marshall			02/03/23
Bib Sanderson			02/02/23
Robert Jantzi			05/08/23
Rune Jantzi			05/08/23
R McCormick			06/15/23
Rosemary Kettel-McCormick			June 15, 2023
MaryEllen McCormick			June 15 2023
Mason McCormick			June 15 2023
Josephine McCormick			June 15/23

Cost / Benefit Analysis

Jananna / Bamberg Creek /
Koch-Leis Municipal Drains

Introduction

After careful review of the Engineer's Report, there is very little detail and little to no evidence or justification as to why the work is necessary and even if there is a problem worth fixing.

No business case is present, no ROI provided to the landowners, no payback period calculated. In a scenario when Township residents are unwillingly being forced to pay for this, shouldn't those basic things be even more critical? Where is the accounting and accountability?

Payback Period

Calculating the financial feasibility of this entire project is actually quite simple. Let's look at this from Jananna's point of view since they are the one requesting this work.

Jananna currently rent their land and make \$300/acre (they don't farm it themselves). This is the top rental rate in this part of Wilmot for systematically tiled fields, which we already established they have. Farmers want multi-year agreements if paying this price. Installing new drains will not bump up this rate because their fields are already tiled so the proposed work will have no impact on their per acre rate, they are already at the top tier. Plus the proposed drainage work is all redundant anyway. Rent will rise naturally through inflation, market demand etc., not because of the proposed drainage work.

We also know the renter is farming all their farmland. **The proposed work will not create any new land to farm.** For the sake of argument though, let's say they unlock one extra acre. That would bring in only an extra \$300 per year in rent revenue.

Their **proposed cost for this project is \$57,441**. Earning an extra \$300/yr, **it would take Jananna over 190 years just to pay back the cost of this project.**

Cost / Benefit

You have an estimated close to \$500k to do the work as outlined. You don't gain any additional farmland. Clearly the crops are growing. However....

You might make the argument that the estimated 1 acre affected area was deemed to not be farmable. Well that 1 acre at the absolute most would be worth about \$35,000. That would assume a 100 acre piece of farmland was worth \$3.5 mm which is likely too high and not realistic.

Based on this the cost benefit would be \$460k+ cost to \$35k benefit.

What other methodology could be used? Land rental of 1 acre per year would be no more than \$300.

You could base the cost on a reduced yield but again that number is in the hundreds of dollars per year.

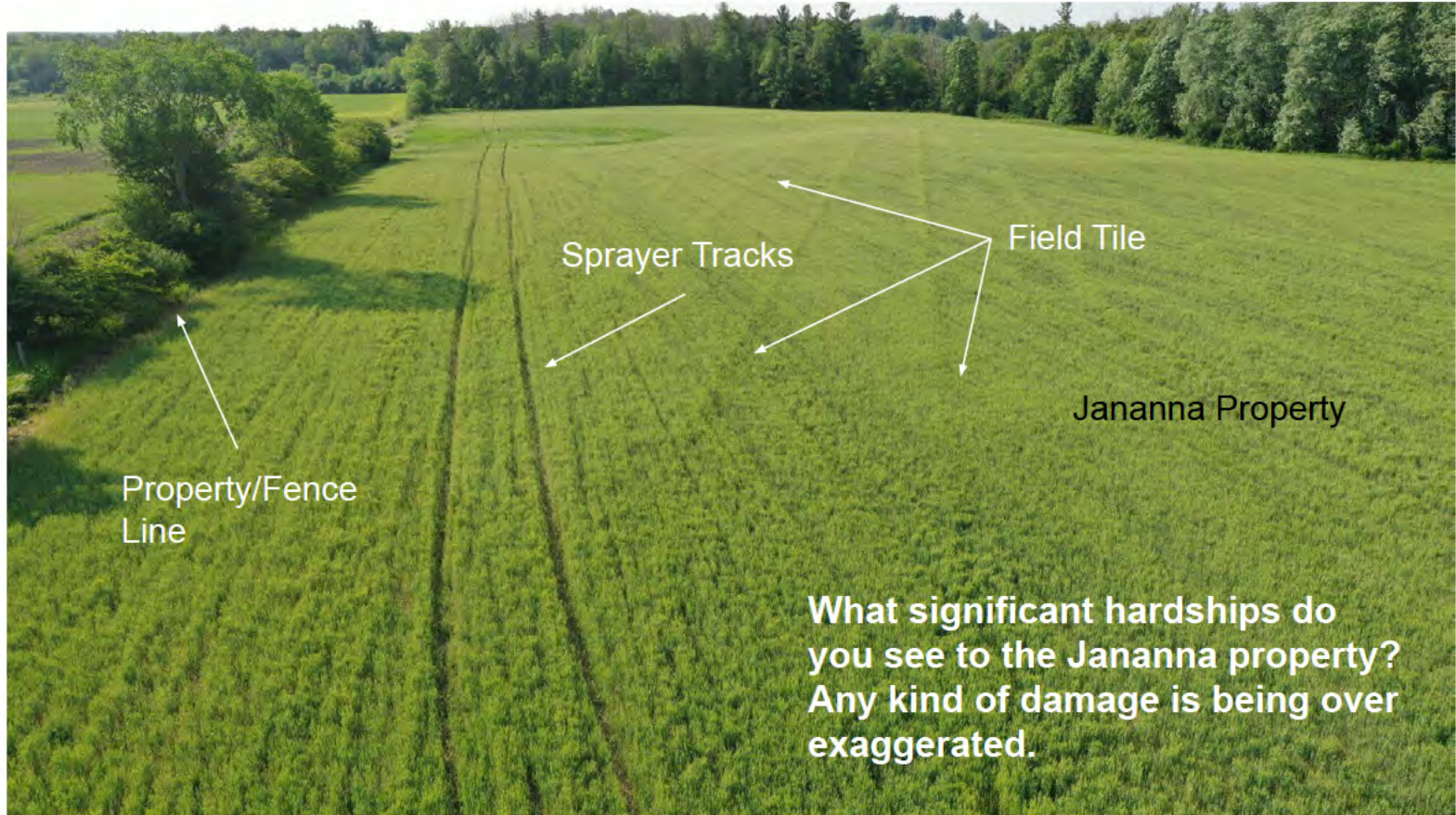
How else do you evaluate the "benefit"? It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

This is the low area South East on the petitioner side after a very wet Spring

Photo taken May 25, 2023



East Side of Field - Property Line Pointing South - Photo Taken June 20, 2023



The other major problem is that the entire plan is over-engineered. What justification is there that requires a solution of peak performance standards? Is this what we need **16" industrial sized concrete** tiles for when less expensive options will work just as good? All this money will be spent and these massive oversized tiles will sit in the ground bone dry.



After consulting with three independent drainage contractors, all have suggested this project is over-engineered.

Comparables

The project is grossly overestimated because there is no rationale or evidence of the need or return. The costs **HAVE** to come down. There is no justification. Written estimates for comparable work from drainage professionals using drainage systems and solutions that can be found in 99% of systematic farm drainage systems today show this. The estimates are coming in at a third (1/3) of the Engineer's construction costs. For example...

8" Tile @ 288m in length	Material	Installation	Total
Engineer's Report	\$5,760 (concrete)	\$9,216	\$14,976
Comparables	\$2,551 (HDPE)	\$993	\$3,544

16" Tile @ 304m in length	Material	Installation	Total
Engineer's Report	\$10,640 (concrete)	\$10,944	\$21,584
Comparables	\$7,585 (HDPE)	\$1,667	\$9,252

Since landowners are the ones being asked to pay for this, we demand more cost-effective options.

JOB ESTIMATE

NAME: [REDACTED] PHONE: [REDACTED]
 ADDRESS: [REDACTED] [REDACTED]
 STARTING DATE: [REDACTED] NO. OF ACRES TO BE DRAINED: [REDACTED]

* List month during to month during night

QUANTITY	SIZE	DESCRIPTION	AMOUNT
16,000	4"	5/8" corrugated @ .57 + install @ .24	13,800.00
10,250	6"	5/8" corrugated @ 1.50 + " " @ .30	18,375.00
100	8"	" " @ 2.20 + " " @ 1.65	375.00
30.0	10"	" " @ 4.20 + " " @ 1.15	162.00
70.0	12"	5/8" corrugated @ 5.70 + " " @ 1.25	4,865.00
1	12"	4" corrugated @ 210.00	210.00
2	10"	" " @ 65.00	130.00
37	-	connections @ 45.00	1,665.00
1	1"	1/2" corrugated @ 125.00	125.00
1	10"	corrugated @ 500.00	500.00
6.5	4"	corrugated @ 110.00 (aluminum and 1/2 inch)	715.00
10,000	6"	corrugated @ 1.80 (for drain water road control)	18,000.00
1	-	and labor @	1,000.00
		Subtotal	55,000.00

Package required per acre:
 20 ft = 2000
 40 ft = 1470
 60 ft = 1100
 80 ft = 800
 100 ft = 750
 120 ft = 500

CUSTOMER: [REDACTED] ESTIMATED BY: [REDACTED] DATE: 5-7-20

* THIS ESTIMATE IS FOR THE DRAINAGE OF THE PROPERTY AND DOES NOT INCLUDE MATERIALS OR LABOR FOR THE DRAINAGE OF THE PROPERTY. MATERIALS WHICH ARE BEING REQUIRED SHOULD BE ORDERED PRIOR TO THE START OF THE DRAINAGE WORK. IF THE WORK HAS STARTED, THE CUSTOMER SHALL BE RESPONSIBLE FOR THE COST OF THE MATERIALS AND LABOR.

The Drainage Act

According to **Section 40** of the Drainage Act, the engineer could have determined that the drainage works are impractical and the process could have ended there, but they chose not to do that for whatever reason. How has this project been determined to be practical and financially feasible in any way?

In **Section 32** the engineer had this option.. where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, the engineer may include in the estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in the report the engineer shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries.

Also in **Section 48 (1)(a)** The basis for an appeal and for a project to be halted is when the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof. What benefits have been derived and proven?

Where did the numbers come from?

If people are being forced to pay for this, don't they have the right to know where the numbers came from? No insight has been provided to-date what the benefit and liability assessment numbers are based on. They could have been pulled from thin air for all we know.

A \$460,000+ investment of unwilling landowner and taxpayer dollars into an ALREADY systematic drainage system that looks like this, that only one person wants, where no flooding exists, no farmland reclaimed and no financial benefit or guarantee of any benefit has been proven, is reckless and unethical.



Quick Fact:
A newly installed drain already exists in this location that no mention has been made of in the report and the Engineer was not fully aware of during their site visit. The solution being proposed is redundant.

Examples of where this money could be put to better use and who's impacted

This project is not something to take lightly. It's impacting real people and families in a very negative way, and for what? No one will see any good from it. It's a terrible thing to do to people who are...

- Farmers trying to fix 'actual' drainage problems
- Businesses and farmers who could invest this money in way better things
- Young families trying saving up for their kids education
- Fixed income seniors who are just trying to get by

“(petitioner) must realize that their own concerns may not be those of their neighbours and that the proposal should be viewed for the ‘common economic good’ of the broader ‘watershed community’ ”

omafra.gov.on.ca/english/engineer/facts/88-051.htm

**“Just Because We Can
Doesn't Mean We Should”**