

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

IN THE COURT OF THE DRAINAGE REFEREE

B E T W E E N :

CORY KITTEL

Appellant

- and -

THE CORPORATION OF THE TOWNSHIP OF WILMOT

Respondent

**PRODUCTIONS BRIEF OF THE RESPONDENT,  
THE CORPORATION OF THE TOWNSHIP OF WILMOT**

April 2, 2024

**MILLER THOMSON LLP**  
115 King Street South, Suite 300  
Waterloo, ON N2J 5A3

Thomas Sanderson (LSO# 66076T)  
e: [tsanderson@millerthomson.com](mailto:tsanderson@millerthomson.com)  
t: 519.593.2432

Lawyers for the Respondent

TO: OFFICE OF THE ONTARIO DRAINAGE REFEREE  
12 The Ridgeway  
London, ON N6C 1A1

Andrew C. Wright, Acting Referee  
e: [andrewcwrightis@outlook.com](mailto:andrewcwrightis@outlook.com)

Referee

AND TO: THE LAW OFFICE OF SAMUEL KIRWIN  
PROFESSIONAL CORPORATION  
472 Ridout Street North  
London, ON N6A 2P7

Samuel J. Kirwin (LSO #81800K)  
e: samuel@kirwinlaw.ca  
t: 519.494.1092

Counsel for the Appellant

AND TO: CAMBRIDGE LLP  
333 Adelaide Street West, 4th Floor  
Toronto, ON M5V 1R5

Christopher MacLeod (LSO# 45723M)  
e: cmacleod@cambridgellp.com  
t: 416.477.7007 x 303

Co-Counsel for the Engineer,  
Headway Engineering Professional Corporation ("**Headway**")

AND TO: David A. Potts (LSO# 18937F)  
100 Richmond Street West, Suite 328  
Toronto, ON M5H 3K6

e: dpotts@cyberlibel.com  
t: 416.366.4077

Co-Counsel for Headway

**Index**  
**Township and Drainage Superintendent Documents**

| <b>No.</b>                | <b>Date</b> | <b>Description / Subject Line</b>                                                            | <b>Format</b> |
|---------------------------|-------------|----------------------------------------------------------------------------------------------|---------------|
| <b>Township Documents</b> |             |                                                                                              |               |
| 1                         | 1950-11-15  | Koch-Leis Drain Report 50-11-15 with Bylaw 936                                               | PDF           |
| 2                         | 1952-02-13  | Koch-Leis Drain Revised Plan with Covering Letter                                            | PDF           |
| 3                         | 1977-09-27  | Straus Drain Report with Bylaw 77-33                                                         | PDF           |
| 4                         | 1977-09-27  | Straus Municipal Drain 1977 Plan and Profile                                                 | PDF           |
| 5                         | 2013-05-30  | Koch-Leis Drain WS Plan May 30, 2013                                                         | PDF           |
| 6                         | 2018-04-24  | 18-04-24 Gawron - Kittel tile outlet memo 85042                                              | PDF           |
| 7                         | 2019-05-02  | 19-05-02 Info to Cory Kittel re drain issue                                                  | PDF           |
| 8                         | 2021-04-26  | RE Ownership info for new petition                                                           | Email         |
| 9                         | 2021-04-26  | 21-04-26 Gawron petition 1184 Gerber Road - signed                                           | PDF           |
| 10                        | 2021-04-27  | Gawron farm petition - 1184 Gerber Ropril 27 2021                                            | Email         |
| 11                        | 2021-04-27  | 21-04-26 Gawron petition 1184 Gerber Road - signed                                           | PDF           |
| 12                        | 2021-04-29  | RE Gawron farm petition - 1184 Gerber Road                                                   | Email         |
| 13                        | 2021-05-17  | Township of Wilmot Council Minutes May 17, 2021                                              | PDF           |
| 14                        | 2021-05-17  | Staff Report- ILS-2021-18 Receipt of Petition for Drainage Works 1184 Gerber Rd May 17, 2021 | PDF           |
| 15                        | 2021-06-29  | Engineer Appointments                                                                        | Email         |
| 16                        | 2021-06-29  | RE Engineer Appointments                                                                     | Email         |
| 17                        | 2021-06-29  | RE Engineer Appointments                                                                     | Email         |
| 18                        | 2021-07-12  | Staff Report-ILS-2021-27 Appointment of Drainage Engineer 1184 Gerber Rd July 12, 2021       | PDF           |
| 19                        | 2021-07-22  | WLMT-002- Kick off Letter - 2021-07-22                                                       | PDF           |
| 20                        | 2021-07-23  | RE Engineer Appointments                                                                     | Email         |
| 21                        | 2021-07-23  | RE Engineer Appointments                                                                     | Email         |
| 22                        | No Date     | 21-04-26 Gawron petition 1184 Gerber Road - signed                                           | PDF           |
| 23                        | 2021-07-26  | RE Engineer Appointments                                                                     | Email         |
| 24                        | 2021-08-23  | RE Engineer Appointments                                                                     | Email         |
| 25                        | 2021-08-26  | RE Engineer Appointments                                                                     | Email         |
| 26                        | 2021-08-27  | Gawron Drain - Roll Information Ownership                                                    | Email         |
| 27                        | No Date     | List of Roll Numbers                                                                         | Excel         |
| 28                        | 2021-08-27  | RE Gawron Drain - Roll InformationOwnership                                                  | Email         |

| No. | Date       | Description / Subject Line                                                 | Format    |
|-----|------------|----------------------------------------------------------------------------|-----------|
| 29  | 2021-08-31 | RE Gawron Drain - Roll InformationOwnership                                | Email     |
| 30  | 2021-09-01 | RE Gawron Drain - Roll InformationOwnership September 1, 2021              | Email     |
| 31  | No Date    | Attachment                                                                 | PDF       |
| 32  | 2021-09-08 | WLMT-002 - Onsite Meeting Notice Cover Letter                              | PDF       |
| 33  | 2021-09-08 | WLMT-002 - Onsite Meeting Notice                                           | PDF       |
| 34  | No Date    | WLMT-002 - Onsite-11X17 WATERSHED PLAN                                     | PDF       |
| 35  | 2021-09-08 | Notice of On-Site Meeting September 8, 2021                                | PDF       |
| 36  | 2021-09-14 | Jananna Drain Onsite Notice (Gawron Petition)                              | Email     |
| 37  | 2021-11-30 | Gawron Drain - Roll Information                                            | Email     |
| 38  | No Date    | Gawron Drain Roll Numbers                                                  | Excel Doc |
| 39  | 2021-11-30 | RE Gawron Drain - Roll Information                                         | Email     |
| 40  | 2022-11-04 | RE EXT-RE Project reference no. WLMT-002                                   | Email     |
| 41  | 2022-11-09 | New Ticket Created 2477 - FW Jananna Municipal Drain - Information         | Email     |
| 42  | 2023-02-21 | Municipal Drain update                                                     | Email     |
| 43  | 2023-02-22 | RE Municipal Drain update February 22 2023                                 | Email     |
| 44  | 2023-02-22 | RE Municipal Drain update (2) February 22 2023                             | Email     |
| 45  | 2023-02-22 | RE Municipal Drain update (3) February 22 2023                             | Email     |
| 46  | 2023-03-03 | Gawron Follow up                                                           | Email     |
| 47  | 2023-03-03 | WLMT-002 - Jananna Drain - NHIC Data                                       | Excel     |
| 48  | 2023-03-06 | Wilmot Township Drain Project                                              | Email     |
| 49  | 2023-03-24 | RE JanannaWilmot Drainage Petition Milestones                              | Email     |
| 50  | 2023-03-28 | RE Jananna Field Plan Nobody Knew About                                    | Email     |
| 51  | 2023-03-28 | RE Municipal Drains                                                        | Email     |
| 52  | 2023-03-31 | RE Response to Engineer Overseeing JanannaWilmot (Ward 4) Drainage Project | Email     |
| 53  | 2023-03-31 | FW Response to Engineer Overseeing JanannaWilmot (Ward 4) Drainage Project | Email     |
| 54  | 2023-04-19 | FW Jananna Drain Twp Meeting                                               | Email     |
| 55  | 2023-04-19 | Meeting Follow up                                                          | Email     |
| 56  | 2023-04-21 | RE Meeting Follow up                                                       | Email     |
| 57  | No Date    | Jananna Drainage Project Issues                                            | PDF       |
| 58  | 2023-04-28 | WLMT-002-JnannaDn-RptDocDistrib                                            | PDF       |

| No. | Date       | Description / Subject Line                                                                | Format   |
|-----|------------|-------------------------------------------------------------------------------------------|----------|
| 59  | 2023-05-08 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 60  | 2023-05-08 | Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                              | PDF      |
| 61  | 2023-05-08 | WLMT-002 Distribution                                                                     | PDF      |
| 62  | 2023-05-08 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 63  | 2023-05-08 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 64  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 65  | No Date    | Bamberg Creek, Jananna, and Koch-Leis Mun Drains (AutoRecovered)- COR-2023-38             | Word Doc |
| 66  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 67  | 2023-05-23 | Bamberg Creek Jananna and Koch-Leis Mun Drains (AutoRecovered)-COR-2023-38                | Word Doc |
| 68  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 69  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 70  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 71  | 2023-05-23 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                           | Email    |
| 72  | 2023-05-24 | RE_ Updated COR 2023-38 Report                                                            | Email    |
| 73  | 2023-05-24 | Bamberg Creek Jananna and Koch-Leis Municipal Drains - COR-2023-38-JK edit                | Word     |
| 74  | 2023-05-24 | Bamberg Creek, Jananna, and Koch-Leis Municipal Drains - COR-2023-38                      | Word     |
| 75  | 2023-05-24 | RE_ Updated COR 2023-38 Report                                                            | Email    |
| 76  | 2023-05-26 | FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains | Email    |
| 77  | 2023-05-26 | FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains | Email    |
| 78  | 2023-05-26 | RE_ STAFF REPORT NO_ COR 2023-38 - Bamberg Creek_ Jananna_ and Koch-Leis                  | Email    |
| 79  | 2023-05-29 | Township of Wilmot Council Minutes May 29, 2023                                           | PDF      |

| No. | Date       | Description / Subject Line                                                                    | Format |
|-----|------------|-----------------------------------------------------------------------------------------------|--------|
| 80  | 2023-05-29 | FW STAFF REPORT NO COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains       | Email  |
| 81  | 2023-05-29 | FW_ STAFF REPORT NO_ COR 2023-38 - Bamberg Creek_ Jananna_ and Koch-Leis Municipal            | Email  |
| 82  | 2023-05-29 | Jananna, Bamcreek, Koch-Leis Municipal Drain                                                  | Email  |
| 83  | 2023-05-29 | RE Intends to proceed                                                                         | Email  |
| 84  | 2023-05-29 | RE_ New Response Completed for Delegation Request Form                                        | Email  |
| 85  | 2023-05-29 | RE_ Jananna_ Bamcreek_ Koch-Leis Municipal Drain                                              | Email  |
| 86  | 2023-05-29 | New Response Completed for Delegation Request Form                                            | Email  |
| 87  | 2023-05-29 | 2023-05-29-002                                                                                | PDF    |
| 88  | 2023-05-29 | Staff Report- COR-2023-38 Bamberg Creek, Jananna, and Koch-Leis Municipal Drains May 29, 2023 | PDF    |
| 89  | 2023-05-30 | RE Intends to proceed                                                                         | Email  |
| 90  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 91  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 92  | 2023-05-31 | Roll Numbers                                                                                  | Excel  |
| 93  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 94  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 95  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 96  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing (2)                           | Email  |
| 97  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 98  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 99  | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 100 | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 101 | 2023-05-31 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                               | Email  |
| 102 | 2023-05-31 | REBamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                                | Email  |

| No. | Date       | Description / Subject Line                                                            | Format |
|-----|------------|---------------------------------------------------------------------------------------|--------|
| 103 | 2023-06-01 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                       | Email  |
| 104 | 2023-06-01 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                       | Email  |
| 105 | 2023-06-01 | RE Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing                       | Email  |
| 106 | No Date    | Roll Numbers                                                                          | Email  |
| 107 | 2023-06-05 | Petition for Drainage Works                                                           | Email  |
| 108 | 2023-06-05 | RE Petition for Drainage Works                                                        | Email  |
| 109 | 2023-06-05 | RE Petition for Drainage Works                                                        | Email  |
| 110 | 2023-06-05 | Re Petition for Drainage Works                                                        | Email  |
| 111 | 2023-06-06 | Jananna Drain                                                                         | Email  |
| 112 | 2023-06-08 | RE Quick Question RE Jananna Petition                                                 | Email  |
| 113 | 2023-06-08 | Landowner Letter Regarding Jananna Drain Project                                      | Email  |
| 114 | 2023-06-08 | RE Quick Question RE Jananna Petition                                                 | PDF    |
| 115 | 2023-06-08 | Submission made to Council- Correspondence from Landowners Regarding Bam June 8, 2023 | Email  |
| 116 | 2023-06-12 | FW Bamberg Creek, Jananna and Koch-Leis Municipal Drain Project                       | PDF    |
| 117 | 2023-06-14 | Fwd_ Next Steps - Jananna Drain                                                       | Email  |
| 118 | 2023-06-14 | Re_ Next Steps - Jananna Drain                                                        | Email  |
| 119 | 2023-06-15 | Fwd Jananna Drain Validity                                                            | Email  |
| 120 | 2023-06-15 | Invalid Petition Jananna                                                              | Email  |
| 121 | 2023-06-15 | Fwd_ Jananna Drain Validity                                                           | PDF    |
| 122 | No Date    | Invalid Petition Jananna                                                              | Email  |
| 123 | 2023-06-15 | Submission made to Council- Correspondence from Peter Wurtele Regarding June 15, 2023 | PDF    |
| 124 | 2023-06-15 | Re_ Jananna Drain Validity                                                            | PDF    |
| 125 | 2023-06-16 | FW_ Drainage Petition Request                                                         | Email  |
| 126 | 2023-06-16 | FW_ Jananna Drain Validity                                                            | Email  |
| 127 | 2023-06-16 | jananna_invalid_petition_061623                                                       | Email  |
| 128 | 2023-06-16 | RE_ Next Steps - Jananna Drain                                                        | PDF    |
| 129 | 2023-06-16 | Submission made to Council- Correspondence from Ken Heintz Regarding BaJune 16, 2023  | Email  |
| 130 | 2023-06-16 | Re_ Jananna Drain Validity                                                            | PDF    |
| 131 | 2023-06-19 | FW Landowner Petition Against Jananna Drainage Project                                | Email  |

| <b>No.</b> | <b>Date</b> | <b>Description / Subject Line</b>                                                      | <b>Format</b> |
|------------|-------------|----------------------------------------------------------------------------------------|---------------|
| 132        | 2023-06-19  | jananna_non-pet_landowner_petition                                                     | Email         |
| 133        | 2023-06-19  | RE_ Cost Benefit for Drain                                                             | PDF           |
| 134        | 2023-06-19  | Bamberg Creek_ Jananna_ and Koch-Leis Municipal Drains 2023                            | Email         |
| 135        | 2023-06-19  | Staff Report - BJKL Municipal Drain                                                    | Email         |
| 136        | No Date     | Bamberg Creek, Jananna, and Koch-Leis Municipal Drains - Engineer's Report             | Email         |
| 137        | 2023-06-19  | RE_ Landowner Petition Against Jananna Drainage Project                                | Word          |
| 138        | 2023-06-19  | FW_ Letter for Council Meeting June 26th Jananna Drain Project                         | Email         |
| 139        | 2023-06-19  | Letter to Mayor and Councilors regarding Jananna Drain Project                         | Email         |
| 140        | 2023-06-20  | Re Documents to include as part of JanannaBamberg CreekKoch-Leis Drainage Project      | PDF           |
| 141        | 2023-06-20  | jananna_invalid_petition_062023                                                        | Email         |
| 142        | 2023-06-20  | jananna_cost_benefit_062023                                                            | PDF           |
| 143        | 2023-06-20  | RE_ Staff Report - BJKL Municipal Drain                                                | PDF           |
| 144        | 2023-06-20  | RE Staff Report - BJKL Municipal Drain                                                 | Email         |
| 145        | 2023-06-20  | Bamberg Creek Jananna and Koch-Leis Municipal Drains - Engineer's Report - SB comments | Email         |
| 146        | 2023-06-20  | RE_ Staff Report - BJKL Municipal Drain                                                | Word          |
| 147        | 2023-06-20  | FW_ Thank You                                                                          | Email         |
| 148        | 2023-06-20  | jananna_invalid_petition_061623                                                        | Email         |
| 149        | 2023-06-21  | FW Preliminary Report, RE Section 4 (1)(D) explained                                   | Email         |
| 150        | 2023-06-21  | RE BJKL By-law                                                                         | Email         |
| 151        | No Date     | By-law 2023-XX - JK comments                                                           | Email         |
| 152        | No Date     | By-law 2023-XX - JK edits                                                              | PDF           |
| 153        | 2023-06-21  | BJKL By-law                                                                            | PDF           |
| 154        | No Date     | By-law 2023-XX                                                                         | Email         |
| 155        | 2023-06-21  | BJKL - Consideration Notes Package                                                     | PDF           |
| 156        | 2023-06-21  | WLMT-002 - Consideration Notes                                                         | Email         |
| 157        | 2023-06-23  | RE BJKL - Monday night                                                                 | PDF           |
| 158        | 2023-06-23  | RE New Response Completed for Delegation Request Form                                  | Email         |
| 159        | 2023-06-23  | RE BJKL - Monday night                                                                 | Email         |
| 160        | No Date     | Invalid Petition Jananna                                                               | Email         |



| No. | Date       | Description / Subject Line                                                                    | Format |
|-----|------------|-----------------------------------------------------------------------------------------------|--------|
| 161 | 2023-06-23 | BJKL - Monday night                                                                           | PDF    |
| 162 | 2023-06-25 | FW Updated Package Invalid Petition                                                           | Email  |
| 163 | 2023-06-25 | jananna_invalid_petition_062323                                                               | Email  |
| 164 | 2023-06-26 | Re BJKL - Monday night.                                                                       | PDF    |
| 165 | 2023-06-26 | RE BJKL - Monday night                                                                        | Email  |
| 166 | 2023-06-26 | Fwd Drainage Lawyer Guiding Council                                                           | Email  |
| 167 | 2023-06-26 | Fwd_ Drainage Lawyer Guiding Council                                                          | Email  |
| 168 | 2023-06-26 | FW Cost Benefit for Drain                                                                     | Email  |
| 169 | 2023-06-26 | FW_ Updated Package_ Invalid Petition                                                         | Email  |
| 170 | 2023-06-26 | 2023-06-26 jananna_invalid_petition_062323                                                    | Email  |
| 171 | 2023-06-26 | RE_ Updated Package_ Invalid Petition                                                         | PDF    |
| 172 | 2023-06-26 | RE_ Updated Package_ Invalid Petition                                                         | Email  |
| 173 | 2023-06-26 | RE_ Updated Package_ Invalid Petition                                                         | Email  |
| 174 | 2023-06-26 | audio                                                                                         | Email  |
| 175 | 2023-06-26 | RE_ Updated Package_ Invalid Petition                                                         | Email  |
| 176 | 2023-06-26 | Headway Presentation Materials                                                                | Email  |
| 177 | 2023-06-26 | REHeadway Presentation Materials                                                              | Email  |
| 178 | 2023-06-26 | RE Headway Presentation Materials                                                             | Email  |
| 179 | 2023-06-26 | RE Tonight' s meeting                                                                         | Email  |
| 180 | 2023-06-26 | RE_ Tonight' s meeting                                                                        | Email  |
| 181 | 2023-06-26 | Township of Wilmot Council Minutes June 26, 2023                                              | Email  |
| 182 | 2023-06-26 | Staff Report- COR-2023-43 Bamberg Creek, Jananna, and Koch-Leis Municipal Drain June 26, 2023 | PDF    |
| 183 | 2023-06-26 | Submission made to Council- Correspondence from Cory Kittel June 26, 2023                     | PDF    |
| 184 | 2023-06-26 | Submission made to Council- Petition regarding proposed Bamberg Creek, June 26, 2023          | PDF    |
| 185 | 2023-06-26 | Submission made to Council-Correspondence from Cory Kittel re Regarding June 26, 2023         | PDF    |
| 186 | 2023-06-26 | Township of Wilmot Council Minutes June 26, 2023                                              | PDF    |
| 187 | 2023-06-26 | Submission made to Council- Correspondence from Peter Wurtele Regarding June 26, 2023         | PDF    |
| 188 | 2023-06-26 | Submission made to Council- Petition regarding proposed Bamberg Creek, June 26, 2023          | PDF    |
| 189 | 2023-06-27 | RE Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal                        | Email  |

| <b>No.</b> | <b>Date</b> | <b>Description / Subject Line</b>                                                       | <b>Format</b> |
|------------|-------------|-----------------------------------------------------------------------------------------|---------------|
| 190        | 2023-06-27  | FW Drainage Lawyer Guiding Council                                                      | Email         |
| 191        | 2023-06-27  | Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain               | Email         |
| 192        | 2023-06-27  | RE Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal                  | Email         |
| 193        | 2023-06-27  | RE Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal (3)              | Email         |
| 194        | 2023-07-18  | RE Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain            | Email         |
| 195        | 2023-07-19  | Re Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain            | Email         |
| 196        | 2023-07-24  | RE Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain            | Email         |
| 197        | 2023-07-26  | RE Notice of Meeting of Court of Revision                                               | Email         |
| 198        | 2023-07-26  | Notice of Sitting of Court of Revision                                                  | Email         |
| 199        | 2023-07-27  | RE Notice of Meeting of Court of Revision                                               | Email         |
| 200        | 2023-07-28  | Notice of Sitting of Court of Revision (signed) - Bamberg Creek, Jananna, and Koch-Leis | Email         |
| 201        | 2023-07-28  | RE Notice of Sitting of Court of Rev (signed) - Bamberg Creek, Jananna, and Koch-Leis   | Email         |
| 202        | 2023-08-03  | Submission to CofR- Peter and Dagmar Schneider August 3, 2023                           | PDF           |
| 203        | 2023-08-03  | court of Revisions appeal Bamberg creek                                                 | Email         |
| 204        | 2023-08-03  | Peter Dagmar Schneider Court of Appeal                                                  | PDF           |
| 205        | 2023-08-04  | Court of Revision RE Bamberg Creek Jananna                                              | Email         |
| 206        | 2023-08-04  | Submission to CofR - Cory Kittel August 4, 2023                                         | PDF           |
| 207        | 2023-08-04  | Submission to CofR- Kenneth and Catherine Heintz August 4, 2023                         | PDF           |
| 208        | 2023-08-05  | Submission to CofR - Justin and Natalee Miller (Ridgeway) August 5, 2023                | PDF           |
| 209        | 2023-08-05  | Submission to CofR- Ladislaus and Laurretta Bauer August 5, 2023                        | PDF           |
| 210        | 2023-08-05  | Bamberg Creek Jananna and Koch-Leis Municipal                                           | Email         |
| 211        | 2023-08-06  | Submission to CofR- Oleg Borissova August 6, 2023                                       | PDF           |
| 212        | 2023-08-08  | Court of Revision RE_ Bamberg Creek_ Jananna_ Koch-Leis Drains                          | Email         |
| 213        | 2023-08-08  | Appeal to the Court of Revision re Bamberg Creek Jananna and Koch-Leis Municipal Drains | Email         |

| No. | Date       | Description / Subject Line                                                                 | Format |
|-----|------------|--------------------------------------------------------------------------------------------|--------|
| 214 | 2023-08-08 | Bamberg Creek Jananna and Koch-Leis Municipal Drains 2023                                  | Email  |
| 215 | 2023-08-08 | Bamberg Creek Jananna and Koch-Leis Municipal Drain Project - Assessment Appeal            | Email  |
| 216 | 2023-08-08 | Court of Revision RE Bamberg Creek Jananna Koch-Leis Drains                                | Email  |
| 217 | 2023-08-08 | court of Revisions appeal Bamberg creek                                                    | Email  |
| 218 | 2023-08-08 | FW Notice Of Appeal - Bamberg Cr. Jananna Koch-Leis Drains - Roll 30-18-080-009-15100-0000 | Email  |
| 219 | 2023-08-09 | AGENDA - August 16, 2023, Court of Revision                                                | Email  |
| 220 | 2023-08-14 | RE Court of Revision RE Bamberg Creek, Jananna, Koch-Leis Drains                           | Email  |
| 221 | 2023-08-14 | Calculations                                                                               | Email  |
| 222 | No Date    | Engineers Report_comments                                                                  | PDF    |
| 223 | 2023-08-14 | FW Court of Revision RE Bamberg Creek, Jananna, Koch-Leis Drains                           | Email  |
| 224 | 2023-08-16 | Township of Wilmot CofR Minutes August 16, 2023                                            | PDF    |
| 225 | 2023-08-17 | Notice of Decision of Court of Revision                                                    | Email  |
| 226 | 2023-08-17 | Notice of Decision of the Court of Revision 23-08-16                                       | Word   |
| 227 | 2023-08-17 | Section 48 appeal 0193e                                                                    | PDF    |
| 228 | 2023-08-17 | Section 54 appeal 0198e                                                                    | PDF    |
| 229 | 2023-08-18 | DRAFT - Notice of Decision of the Court of Revision                                        | Email  |
| 230 | 2023-08-18 | Notice of Decision of the Court of Revision 23-08-18                                       | Word   |
| 231 | 2023-08-18 | Notice of Decision of Court of Revision                                                    | Email  |
| 232 | 2023-08-18 | Post-Meeting Minutes - cor_Aug16_2023 – English                                            | Email  |
| 233 | 2023-08-23 | RE DRAFT - Court of Revision Minutes                                                       | Email  |
| 234 | 2023-08-23 | Court of Revision minutes August 16 2023 - JK edit                                         | Word   |
| 235 | 2023-08-27 | BJKL Municipal Drain - By-law                                                              | Email  |
| 236 | 2023-08-28 | RE BJKL Municipal Drain - By-law                                                           | Email  |
| 237 | 2023-08-28 | RE BJKL Municipal Drain - By-law                                                           | Email  |
| 238 | 2023-08-28 | RE BJKL Municipal Drain - By-law                                                           | Email  |
| 239 | 2024-07-13 | Bamberg Creek, Jananna Drain and Koch-Leis Drain                                           | PDF    |
| 240 | 2024-07-27 | Notice of Sitting of Court of Revision-Bamberg Creek, Jananna, and Koch-Leis Mun. Drain    | Email  |
| 241 | 2024-07-27 | RE Notice of Sitting of Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Mun      | Email  |

| No.                                      | Date       | Description / Subject Line                                                    | Format |
|------------------------------------------|------------|-------------------------------------------------------------------------------|--------|
| 242                                      | No Date    | Township to Petitioner Letter on Council Decision                             | PDF    |
| <b>Drainage Superintendent Documents</b> |            |                                                                               |        |
| 243                                      | 2022-09-07 | RE_ Jananna_ Gawron - Petitioner meeting September 13                         | Email  |
| 244                                      | 2022-11-04 | RE_ _ Jannana Municipal Drain                                                 | Email  |
| 245                                      | 2022-11-08 | RE_ Jananna Drain - Koch-Leis Meeting                                         | Email  |
| 246                                      | 2022-11-09 | Re Koch-Leis Drain - Bamberg Creek                                            | Email  |
| 247                                      | 2022-11-09 | Re Tile Drain plans                                                           | Email  |
| 248                                      | 2022-11-16 | Dave Koehler tile plan 1987                                                   | PDF    |
| 249                                      | 2022-11-16 | Re Koch-Leis Drain meeting - Headway Engineering                              | Email  |
| 250                                      | 2022-11-23 | Re Jananna Drain - Bamberg Creek                                              | Email  |
| 251                                      | 2023-02-02 | RE_ Gerber Rd Municipal Drain (Paaff Drain)                                   | Email  |
| 252                                      | 2023-02-13 | re Brickman Feb 9 mtg with Kittel                                             | Email  |
| 253                                      | 2023-02-22 | RE_ Meeting at Wilmot Township office                                         | Notes  |
| 254                                      | 2023-04-03 | RE_ Gerber Rd Municipal Drain (Paaff Drain)                                   | Email  |
| 255                                      | 2023-05-01 | Discussion with Cory Kittel by phone                                          | Notes  |
| 256                                      | 2023-05-24 | RE_ Updated COR 2023-38 Report                                                | Email  |
| 257                                      | 2023-05-31 | RE_ Bamberg Creek_ Jananna_ and Koch-Leis Drains - Report Filing              | Email  |
| 258                                      | 2023-06-01 | RE_ Bamberg Creek_ Jananna_ and Koch-Leis Drains - Report Filing              | Email  |
| 259                                      | 2023-06-06 | RE_ Quick Question RE_ Jananna Petition                                       | Email  |
| 260                                      | 2023-06-21 | RE_ BJKL By-law                                                               | Email  |
| 261                                      | 2023-06-27 | RE_ Court of Revision - Bamberg Creek_ Jananna_ and Koch-Leis Municipal Drain | Email  |
| 262                                      | 2023-07-26 | RE_ Notice of Meeting of Court of Revision                                    | Email  |
| 263                                      | 2023-08-16 | Re Court of Revision                                                          | Email  |
| 264                                      | 2023-08-17 | Re Notice of Decision of Court of Revision                                    | Email  |
| 265                                      | 2023-08-23 | RE_ DRAFT - Court of Revision Minutes                                         | Email  |
| 266                                      | 2023-08-28 | RE_ BJKL Municipal Drain - By-law                                             | Email  |
| 267                                      | 2023-05-02 | Wilmot Drainage Map                                                           | PDF    |

Nov 15 1950

LICENSED IN THE  
PROVINCE OF MANITOBA  
PROVINCE OF ALBERTA



264 AVENUE ROAD  
TORONTO 8, ONTARIO

REPORT ON THE KOCH-LEIS DRAIN

TOWNSHIP OF WILMOT  
AND  
TOWNSHIP OF WELLESLEY

To the Reeve and Council,  
Township of Wilmot,  
Mr. C. W.. Heipel, Township Clerk,  
Baden, Ontario.

Gentlemen:

Acting on petition of the Owners of certain lands in the Townships of Wilmot and Wellesley, in the County of Waterloo, and on the authority of resolution passed by the Corporations of the Townships of Wilmot and Wellesley, I have made an examination of Lots 10, 11 and 12, Concession 3, in the Township of Wilmot, together with Lots 7 and 8, Concession 2 and Lot 8, Concession 3 in the Township of Wellesley, forming an area to be drained by the Koch-Leis Municipal Drain. I have defined the area to be drained as shown on Plan No. 1 attached hereto and I have carried this drain to a central outlet in Lot 8, Concession 3, as shown. I have made a plan and profile and I estimate the cost of this drain as follows:

REPORT ON THE KOCH-LEIS DRAIN  
TOWNSHIPS OF WILMOT AND WELLESLEY

Estimated Cost of the Work:

Township of Wellesley

|                            |          |              |          |
|----------------------------|----------|--------------|----------|
| 1,300 cu. yds.             | @ \$ .30 | \$390.00     |          |
| Stakes                     |          | 2.00         |          |
| Survey assistant           | . . . .  | 5.00         |          |
| Survey, Plans and Profiles | . . . .  | 150.00       |          |
| Inspection .               | . . . .  | 50.00        |          |
| Clerk's fees               | . . . .  | <u>20.00</u> | \$617.00 |

Township of Wilmot

|                            |          |              |         |
|----------------------------|----------|--------------|---------|
| 4,500 cu. yds.             | @ \$ .30 | \$1,350.00   |         |
| Farm crossings             | . . . .  | 100.00       |         |
| Stakes                     | . . . .  | 3.00         |         |
| Survey assistant           | . . . .  | 7.00         |         |
| Survey, Plans and Profiles | . . . .  | 176.00       |         |
| Inspection                 | . . . .  | 75.00        |         |
| Clerk's fees               | . . . .  | <u>30.00</u> | 1741.00 |

Total Cost . . . . . \$2358.00

This sum I have assessed and charged against the lands liable to assessment in the provisions of the Municipal Drainage Act in the Townships of Wilmot and Wellesley.

The drain, when completed, shall be maintained by the Townships of Wilmot and Wellesley at the expense of the lands within the drainage area and in proportion to the acreage affected in the following schedule of assessment.

All of which is respectfully submitted.

Yours respectfully,



G. G. Reid, for  
Graham Reid & Associates, Ltd.,  
Consulting Engineers.

November 15, 1950.

**REPORT ON THE KOCH-LEIS DRAIN  
TOWNSHIPS OF WILMOT AND WELLESLEY**

**SCHEDULE OF ASSESSMENT  
OF LANDS AND ROADS  
IN THE TOWNSHIP OF WILMOT**

| Con. | Lot | Name of Owner      | Acres | Value of Benefit | Value of Outlet Liability | Value of Injuring Liability | Total Assessment. |
|------|-----|--------------------|-------|------------------|---------------------------|-----------------------------|-------------------|
| 3    | 12  | O. Wagner          | 12    | \$ -             | \$48.00                   | \$36.00                     | \$84.00           |
|      | 11  | W.S. Koch          | 102   | 163.00           | 408.00                    | -                           | 571.00            |
|      | 10  | E. Gerber          | 52    | 82.00            | 208.00                    | 105.00                      | 395.00            |
|      | 11  | E. Wagner          | 10    | -                | 40.00                     | 30.00                       | 70.00             |
|      | 10  | E. Hammer          | 15    | <u>54.00</u>     | <u>60.00</u>              | -                           | <u>114.00</u>     |
|      |     |                    |       | <u>\$299.00</u>  | <u>764.00</u>             | <u>\$171.00</u>             | <u>\$1,234.00</u> |
|      |     | Total for Benefit  |       |                  | \$299.00                  |                             |                   |
|      |     | Total for Outlet   |       |                  | 764.00                    |                             |                   |
|      |     | Total for Injuring |       |                  | <u>171.00</u>             |                             |                   |
|      |     |                    |       |                  | <u>\$1,234.00</u>         |                             |                   |

Road of the Municipality being one-half the road allowance between the Township of Wilmot and the Township of Wellesley

|  |  |                    |                |                 |                |                 |
|--|--|--------------------|----------------|-----------------|----------------|-----------------|
|  |  |                    | <u>\$25.00</u> | <u>\$65.00</u>  | <u>\$10.00</u> | <u>\$100.00</u> |
|  |  | Total for Benefit  |                | \$ 25.00        |                |                 |
|  |  | Total for Outlet   |                | 65.00           |                |                 |
|  |  | Total for Injuring |                | <u>10.00</u>    |                |                 |
|  |  |                    |                | <u>\$100.00</u> |                |                 |

4.

REPORT ON THE KOCH-LEIS DRAIN  
TOWNSHIPS OF WILMOT AND WELLESLEY

SCHEDULE OF ASSESSMENT  
OF LANDS AND ROADS  
IN THE TOWNSHIP OF WELLESLEY

| Con.               | Lot | Name of Owner | Acres | Value of Benefit | Value of Outlet Liability | Value of Injuring Liability | Total Assessment |
|--------------------|-----|---------------|-------|------------------|---------------------------|-----------------------------|------------------|
| 2                  | 7   | Wahls         | 80    | \$82.00          | \$320.00                  | \$ -                        | \$402.00         |
| 2                  | 8   | P. Leis       | 60    | 135.00           | 240.00                    | -                           | 375.00           |
| 3                  | 8   | J. Herteis    | 14    | -                | 56.00                     | 42.00                       | 98.00            |
| 3                  | 8   | E. Schneider  | 7     | -                | 28.00                     | 21.00                       | 49.00            |
|                    |     |               |       | <u>\$217.00</u>  | <u>644.00</u>             | <u>63.00</u>                | <u>924.00</u>    |
| Total for Benefit  |     |               |       |                  | \$217.00                  |                             |                  |
| Total for Outlet   |     |               |       |                  | 644.00                    |                             |                  |
| Total for Injuring |     |               |       |                  | 63.00                     |                             |                  |
|                    |     |               |       |                  | <u>\$924.00</u>           |                             |                  |

Road of the Municipality being one-half the road allowance between the Township of Wilmot and the Township of Wellesley

|                    |  |  |                |                 |                |                 |
|--------------------|--|--|----------------|-----------------|----------------|-----------------|
|                    |  |  | <u>\$25.00</u> | <u>\$65.00</u>  | <u>\$10.00</u> | <u>\$100.00</u> |
| Total for Benefit  |  |  |                | \$25.00         |                |                 |
| Total for Outlet   |  |  |                | 65.00           |                |                 |
| Total for Injuring |  |  |                | 10.00           |                |                 |
|                    |  |  |                | <u>\$100.00</u> |                |                 |

|                                           |  |                  |
|-------------------------------------------|--|------------------|
| Total for lands in the Township of Wilmot |  | \$1234.00        |
| " " roads " " " "                         |  | 100.00           |
| " " lands " " Township of Wellesley       |  | 924.00           |
| " " roads " " " "                         |  | <u>100.00</u>    |
|                                           |  | <u>\$2358.00</u> |



SPECIFICATIONS FOR THE CONSTRUCTION OF  
THE KOCH-LEIS MUNICIPAL DRAIN

Scope of Specifications

The work comprised under this Specification consists in the construction of the Koch-Leis Municipal Drain in the Townships of Wilmot and Wellesley, according to the plans and profiles prepared by Graham Reid & Associates, Ltd., Consulting Engineers, and according to the General Conditions of Contract attached hereto, which are hereby included in this Specification and made a part of it.

Measurements

The open portion of the ditch is to be constructed with 1'6" bottom and side slopes of one-and-one-half ( $1\frac{1}{2}$ ) horizontally to one (1) vertically, and stakes have been planted along the course of the drain at 200 ft. intervals, on which stakes will be recorded the depth of the cut required to the bottom of the drain measured vertically from the ground at the side of the stake, all as shown on the plan and profile attached hereto.

Disposition of Excavated Material

The excavated material shall be deposited up to a width of 30 ft. and shall be spread evenly over a uniform width and depth, leaving a berm of not less than 5 ft. along the drain. No excavation shall be left on the roadway or in the outlets in any tile open drain or water course emptying into the work.

Fences

The Contractor shall have the right to remove any fences throughout the course of the work and shall replace same in as good condition as he originally found them.

Payment

Payment shall be made monthly to the Contractor of 85% of the value of the work done as certified to by the Engineer. The remaining 15% will be paid on certification of the Engineer not less than thirty (30) days after the final completion and acceptance of the Contract by the Engineer.

Toronto, Ontario,  
November 15th, 1950.

Graham Reid & Associates, Ltd.,  
Consulting Engineers.  
264 Avenue Road,  
Toronto, Ontario.

GENERAL CONDITIONS OF CONTRACT

G. Graham Reid, Consulting Engineer  
264 Avenue Road, Toronto 5, Canada.

14/6/48  
Sheet 1

1. Scope of General Conditions of Contract.

The conditions enumerated and detailed herein are intended to cover the obligations generally falling upon the Contractor and the Owner throughout the instigation, execution and completion of the Contract which obligations are now more specifically stated hereunder in the Information to Bidders, Tender Form, Specifications, Plans or the Contract drawn by the owner and executed by the Owner and the Contractor

2. Plans and Specifications.

All plans, drawings and other data relating to the work which may be issued by the Owner or the Engineer subsequent to the date of the Tender shall become essential parts of the Contract.

The plans are intended to sufficiently detail the work so as to enable the Contractor to bid intelligently on the items in the Form of Tender. The exact dimensions and other details which will be necessary in order to construct the work will depend on the nature and make of the equipment selected for the installation and it shall be the duty of the Contractor to supply the Engineer with these details immediately upon awarding of the Contract. Upon the approval of the Engineer being obtained to these, the Contractor will be supplied with plans showing exact details of the construction which may be amplified from time to time as the work progresses.

Work mentioned on the plans or specifications shall be performed as though shown on both. In the event of dispute the decision of the Engineer as to the meaning or intent of the plans and specifications shall be final.

The Owner, without invalidating the Contract, may make changes by altering, adding to or deducting from the work; no change shall be made without the written order of the Engineer; all such changes and the work as so changed shall be executed under the Contract except that any claim for extension of time or for compensation shall be adjusted at the time of ordering such change.

3. Inspection and Supervision

No work shall be done without lines, levels and instructions having been given by the Engineer, or without the supervision of an inspector. Work so done will not be paid for and may be ordered removed and replaced at the Contractor's sole cost and expense. He will be expected to so conduct and carry on his work that the inspector will be in close touch with all operations.

GENERAL CONDITIONS OF CONTRACT

14/3/50  
Sheet 2

Inspection - continued

The Engineer's stakes must be preserved by the Contractor and any that have to be replaced will be replaced at his expense.

Notwithstanding anything contained in the Contract to the contrary, any inspection or approval or any acceptance other than final acceptance shall be only for the information of the Owner, and shall not in any way be binding on the Owner or limit or hinder the Owner in inspecting and testing the work; any interim or final inspection, approval or acceptance shall not in any way relieve the Contractor from any obligation under the Contract.

If any part of the work in the opinion of the Engineer is not in accordance with the Contract, the Engineer may notify the Contractor to properly re-execute that part of the work and if the Contractor fails to complete the re-executed part within such time as may be fixed by the said or any subsequent notice then the Engineer may cause such work to be re-executed by any means which he considers advisable and the cost may be deducted by the Owner from any moneys due or to become due to the Contractor under the Contract, but the failure of the Owner to make such deduction shall not release the Contractor from the payment of the said cost to the Owner.

The decision of the Engineer shall control as to the interpretation of drawings and specifications during the execution of the work and he shall be the sole judge of the work, material and plant, whether temporary or permanent, both as to quality and quantity, and his decision on all questions of dispute with regard to work, material and plant, or any of them shall be final.

All lines, grades, elevations and profiles will be set or established by the Engineer, and the Contractor shall furnish any labour which may be necessary or convenient, and shall facilitate in every way, all operations incidental to, or necessary for, the setting of such lines, grades, elevations and profiles, and all stakes, posts, and other marks as pertain to his Contract; the cost of labour and material and rental of plant supplied for this work will be compensated for as elsewhere provided; any and all such set by the Engineer shall be preserved from molestation or injury by the Contractor, whether they have reference to his own contract or otherwise; in case of destruction, injury or removal by the Contractor of any stakes, posts and other marks set by the Engineer, whether they have reference to the Contract or otherwise, the same may be replaced by the Engineer at the Contractor's expense.

4. Substitution of Work, Equipment or Materials

Should the Engineer be of the opinion that materials, equipment or work other than those specified are of equal value for the performance of the duties for which they are intended, and should he so

GENERAL CONDITIONS OF CONTRACT

16/3/50  
Sheet 3.

Substitution of Work, Equipment or Materials - cont'd.

certify in writing, the Contractor may substitute such work, equipment, or materials for those specified, but such substitution shall in no way relieve him of the Guarantee hereunder nor shall he be entitled to further payment than otherwise provided in the Contract.

5. Form of Tender

The Contractor tenders and agrees to construct the work at the schedule of unit prices and for the total sum shown based on the quantities enumerated on the Form of Tender. These quantities may be reduced by direction of the Engineer and the Contractor shall have no claim for anticipated profits or other claim for damages because of such variation of quantities but he will be paid for the actual quantity of work done or material delivered as directed by the Engineer, and according to his certificate. The quantities shown are intended to cover all the work embraced under the Contract and the Contractor is specifically instructed that they may be exceeded only by order from the Engineer in writing.

6. Guarantee

Unless otherwise specified under the several headings, all work, materials or equipment is guaranteed by the Contractor for one year after its completion, during which time any imperfections which may develop in the workmanship, materials or equipment used are to be made good without cost to the Owner. Any other work affected in making good such imperfections must also be made good. If the Contractor is of the opinion that any material specified or manner in which any work is directed to be done is not calculated to produce a perfect job so as to protect him during the said period of one year, he shall object to such condition in writing at the time of execution of the Contract, otherwise it shall not be open to him to lay the fault for any defect which may develop within the said period of one year upon the plans or specifications.

7. Property Damage and Theft

The Contractor shall arrange, pay for and maintain Property Damage, Personal Liability and Theft Insurance and shall hold the Owner harmless in all respects including the following:

- (a) Damage to surrounding or adjacent work or property.
- (b) Any claim for personal injury, including death which may arise from his operations under the Contract.
- (c) Theft of any material delivered or used.

8. Fire Insurance

The Contractor shall be responsible for any loss or damage by fire and shall carry such insurance and contractors' risk as may be necessary to protect himself and the Owner from any loss until the work is accepted and he shall forward the insurance policy to the Engineer if so required.

GENERAL CONDITIONS OF CONTRACT

16/3/50  
Sheet 4.

9. Precaution for Protection of Property and Convenience to Public

The Contractor shall afford every facility for public and private traffic across and around the works including bridging if required. All sidewalks and crossings must be kept clear of earth and protected by the erection of barricades and red lights at night, if necessary. The Contractor shall provide proper and sufficient safeguard and protection against occurrence of accidents, injuries, damages or hurts to any person or property or any piece of equipment and shall alone be responsible for making good any damage to the work in progress and for making compensation to persons, property or equipments damaged or injured in the execution of the work.

The Contractor shall give first consideration to the convenience of others, especially the use of the streets, or highways. He shall not obstruct any driveway, street, intersection or access to any building longer than is essentially necessary to perform his work. To this end, all surplus materials shall be disposed of as soon as created.

10. Responsibility for Materials and Equipment

The Contractor shall be responsible for the condition of all material and equipment supplied by him and he shall protect and maintain all work under his Contract until such work has been completed and accepted.

11. Rules and Regulations

The Contractor shall comply with all local or Provincial rules and regulations; prepare and file all necessary documents or other information; pay for and obtain all licenses, permits and certificates of inspection as may be specified or required.

12. Claims, Compensation and Liens

Notwithstanding anything elsewhere contained, no payment shall become due or be paid until the Contractor shall have shown to the Engineer, and the Engineer shall have the right at all times to demand satisfactory evidence, that all liability for workmen's compensation or to the Workmen's Compensation Board in respect of the work and all liens, claims and demands whether mechanics' or otherwise in respect of material furnished or work done or service performed in connection with the Contract have been fully paid and satisfied and that the material furnished and the work done and service performed in accordance with the contract are released from all liability, liens, claims and demands.

GENERAL CONDITIONS OF CONTRACT

16/3/50  
Sheet 5

13. Prosecution of the Work

The Contractor shall prosecute the work with all skill and diligence so as to complete the same in accordance with the Contract; if the Contractor does not in the opinion of the Engineer carry on the work with sufficient diligence and speed to ensure completion in accordance with the Contract, the Owner may at his option declare the Contract forfeited and thereupon the Owner shall be released from the Contract and the Contractor shall immediately discontinue the work; the Owner may at his option enter into possession of all or any part of the uncompleted work wherever situate; the Owner may proceed with the work or cause the work to be proceeded with and completed in any manner he thinks fit; the Contractor shall be liable to the Owner for all loss, damage and cost which the Owner may suffer on account of the Contractor's non-completion of the work and the forfeiture of the Contract and the Owner may deduct the same out of any money due or to become due to the Contractor and may recover the balance from the Contractor; the Owner shall not be liable for any loss, damage or cost incurred by either the Owner or the Contractor either before or after the said forfeiture of the Contract.

Neither party to the contract shall be liable for damages for breach of contract caused by anything reasonably beyond the control of such party, including, without limiting the generality thereof, war, strike, lockout, accident, riot, fire, explosion, or act of God; should any delay in the performance of the Contract be caused thereby the Contractor shall apply in writing to the Owner for extension of time within seven days from the commencement of the occurrence causing the delay, and the Engineer shall within three days and thereafter from time to time as he deems necessary, notify the Contractor of the amount, if any, of the extension of time to be allowed for completion of the Contract; provided that both parties shall be prompt and diligent to remove the cause or causes of interruption in so far as each is able, and when such interruption shall have ceased each party shall be prompt and diligent in the performance of the Contract; provided that in the event of the delay occasioned by any of the previous causes continuing for what in the opinion of the Engineer is an unreasonable length of time the Owner may exercise all the rights set out in the above clause; the Contractor shall not have any further recourse or claim, nor shall he bring any action for the recovery of damages against the Owner in respect of any of the matters mentioned in the clause.

14. Patents, Licenses and Royalties.

The contract price shall include the use at all times of all inventions, patent rights, designs, copyrights, licenses and trade marks pertaining to the work, and the payment of all license fees and royalties in connection therewith; the Contractor shall protect the Owner in, and shall guarantee to the Owner the uninterrupted

GENERAL CONDITIONS OF CONTRACT

16/3/50  
Sheet 6.

14. Patents, Licenses and Royalties - cont'd.

and undisturbed enjoyment of all such, and shall guarantee the right to use, repair or replace all apparatus and devices or any part thereof furnished by the Contractor in connection with the work; the Contractor shall indemnify and save harmless the Owner from and against all claims, actions, proceedings, damages, costs, loss and liability arising from the foregoing or connected therewith; the Owner shall give to the Contractor reasonable notice of any claim, demand, action or proceeding; the Contractor shall pay all license fees and royalties and shall at its own expense procure for the Owner all licenses and assignments of patent and/or other rights which may be necessary for the completion of the Contract, and the operation and maintenance of the work by the Owner; in the event of default by the Contractor under this clause the Owner may pay any license and/or other fees and royalties and may procure any licenses and assignments of patent and/or other rights and defend and maintain its right to use the work or compromise or settle any claim, action or proceeding instituted against it by reason of infringement, and all sums paid and expenses incurred by the Owner shall be paid by the Contractor and may be recovered from the Contractor or deducted from the moneys due or which may become due to the Contractor; nothing in the Contract shall affect any right or remedies of either party in respect to inventions, patent rights, designs, copyrights, licenses or trade-marks insofar as these are part of the work or necessary thereto.

15. Validity of Contract under Extension

All rights and remedies of the Owner and of the Engineer acting on its behalf may be exercised and continued concurrently or in the alternative; any extension of time granted by the Owner or the Engineer shall not in any way affect the validity of the Contract; any waiver by the Owner or failure by him to exercise his rights on any breach of the Contract, shall be limited to the particular instance and shall not extend to any other instance or matter under the Contract or in any way affect the validity of the Contract or any right or remedy of the Owner.

16. Subletting

The Contract is and shall be considered a personal contract by the Contractor himself and the Contractor without the written consent of the Owner shall not assign or sublet the same or any part thereof but will keep the Contract within his own control..

17. Arbitration

If any difference shall arise during the progress or after the completion of the work as to any matter or thing arising under or out of the Contract, such difference shall not be ground for delay in the work but shall be immediately referred to arbitration under

GENERAL CONDITIONS OF CONTRACT

16/3/50  
Sheet 7

17. Arbitration - cont'd.

the Arbitration Act of the Province of Ontario, and shall be determined in accordance with the laws of the Province of Ontario, and the findings of the arbitrator or arbitrators so appointed shall be final and binding upon both parties, except that either party may appeal from, or move to set aside, vary or refer back an award of the arbitrators and may proceed therein to the Supreme Court of Canada, and the Privy Council, or either of them; when the Contractor applies for an arbitration the application shall not be entertained until security to the amount of ~~Two Hundred and Fifty Dollars (\$250.00)~~ <sup>\$2000.00</sup> has been deposited by him with the Engineer as security for costs.

18. Addresses

Each party shall keep on file with the other party his postal address; any notice in writing under this agreement shall be sufficiently given by mailing the same postage prepaid addressed to such address and shall be deemed to have been given the day following the day on which the same shall have been so mailed, or by serving it upon the Engineer or his authorized representative or upon the Contractor or his authorized representative at the site of the work respectively.

19. Collateral Work

The Owner reserves the right to enter the site as he may elect by himself or by other persons or corporations for the purpose of carrying on, doing, constructing or installing any collateral works or part of the work under the Contract as the Owner may desire; the Contractor shall not interfere with or prevent the performance of such collateral work or such work forming part of the work under the Contract by the Owner or his agents, employees, or other contractors; the Contractor shall not claim any compensation or damages by delays or hindrances which may be caused by anything done by the Owner under this clause or in respect of any diminution of the work.

20. Default.

If the Contractor shall resolve or be ordered to be wound up or shall compound with his creditors or shall become bankrupt or insolvent, or carry on business under a Receiver or become incapable from any cause whatsoever of carrying out the work, any such Receiver or any person in whom by law the Contract shall become vested shall forthwith give notice to the Owner of the fact that the Contract has become vested in him and shall take all reasonable steps to prevent any stoppage of the work; thereupon if the Owner so desires such Receiver or other person as aforesaid shall have the option during the period of one month from the date when the Contract becomes so vested in him of carrying out the Contract; in the event of the work being stopped this option shall be open only for the period of fourteen (14) days from the said date; in the event of



GENERAL CONDITIONS OF CONTRACT

14/6/48  
Sheet 8

20. Default - Cont'd.

the Receiver or other person not electing to carry out the contract the Owner shall be entitled to apply such moneys as may be due to the Contractor at the time of his bankruptcy, insolvency or inability or as may become due to him at any time thereafter to the completion of the work whether by the Owner himself or by any contractor that may be selected by the Engineer for such purpose, including therein all additional cost incurred in completing the Contract through the failure of the Contractor and that without prejudice to any claim for damage the Owner may have against the Contractor for the latter's failure to complete the Contract.

21. Care and Cleaning of Site.

The Contractor shall confine his plant, materials and other parts of the work and the operations of his employees to limits indicated by law, ordinances, permits or lawful authority or by the directions of the Engineer and shall not unreasonably encumber the site with his materials; the Contractor shall at all times keep the site free from accumulations of waste materials or rubbish caused by his employees or work and shall at all times obey the instructions of the Engineer regarding same; upon the completion of the work the Contractor shall at his own expense remove and dispose of all rubbish and of all his plant and surplus materials and shall leave the site absolutely clear thereof and in good order and condition to the entire satisfaction of the Engineer; cleaning up to the Engineer's satisfaction shall be a condition precedent to final acceptance of the work.

BY - LAW NO. 936....

OF THE CORPORATION OF THE TOWNSHIP OF WILMOT  
IN THE COUNTY OF WATERLOO

A by-law to provide for drainage work in the Township of Wilmot and for borrowing on the credit of the Municipality the sum of thirteen hundred and thirty-four dollars. The amount assessed against the lands in the municipality also being the proportions assessed against lands to be contributed by the said municipality for completing same.

WHEREAS the majority in number of the residents and non-resident owners (exclusive of farmers sons not actual owners) did petition the municipal council of the said Township to construct a drain under the Drainage Act through certain lands in the said Township as set forth in the said petition.

AND whereas the said Council of the Township of Wilmot (with the Township of Wilmot acting as the initiating municipality) did procure an examination to be made by Graham Reid & Associates, Ltd Consulting Engineers being persons competent for such purpose, of the area proposed to be drained and the means suggested for the drainage thereof and of other lands liable for contribution thereto, and having procured plans, specifications, estimates and assessments of the drainage work to be made by said Graham Reid & Associates, Ltd. all of which is set forth in the following report.

264 Avenue Road Toronto 5.,

To the Reeve and Council,  
Township of Wilmot,

Gentlemen:

Acting on petition of the Owners of certain lands in the Townships of Wilmot and Wellesley, in the County of Waterloo, and on the authority of resolution passed by the Corporations of the Townships of Wilmot and Wellesley, I have made an examination of Lots 10, 11 and 12, Concession 3, in the Township of Wilmot together with lots 7 and 8, concession 2 and lot 8 concession 3 in the Township of Wellesley, forming an area to be drained by the Koch - Leis Municipal Drain. I have defined the area to be drained as shown on Plan No. 1 attach hereto and I have carried this drain to a central outlet in lot 8, Concession 3, as shown. I have made a plan and profile and I estimate the cost of this drain as follows:

Estimated Cost of the Work:

|                              |          |               |
|------------------------------|----------|---------------|
| <u>Township of Wellesley</u> |          |               |
| 1,300 cu. yds.               | @ \$ .30 | \$ 390.00     |
| Stakes                       |          | 2.00          |
| Survey assistance            |          | 5.00          |
| Survey, Plans and Profiles   |          | 150.00        |
| Inspection                   |          | 50.00         |
| Clerk's fees                 |          | 20.00         |
|                              |          | <u>617.00</u> |

Township of Wilmot

|                            |          |                |
|----------------------------|----------|----------------|
| 4,500 cu. yds.             | @ \$ .30 | \$ 1,350.00    |
| Farm crossings             |          | 100.00         |
| Stakes                     |          | 3.00           |
| Survey assistant           |          | 7.00           |
| Survey, Plans and Profiles |          | 176.00         |
| Inspection                 |          | 75.00          |
| Clerk's fees               |          | 30.00          |
|                            |          | <u>1741.00</u> |

TOTAL COST 2358.00

This sum I have assessed and charged against the lands liable to assessment in the provisions of the Municipal Drainage Act in the Townships of Wilmot and Wellesley.

The drain when completed, shall be maintained by the Townships of Wilmot and Wellesley at the expense of the lands within the drainage area and in proportion to the acreage affected in the following schedule of assessment.

All of which is respectfully submitted.

Yours respectfully,

November 15th 1950.

G. G. Reid

SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS IN THE  
TOWNSHIP OF WILMOT

| Con. Lot           | Name of Owner | Acres | Value of Benefit | Value of Outlet Liability | Value of Injuring Liability | Total assessment. |
|--------------------|---------------|-------|------------------|---------------------------|-----------------------------|-------------------|
| 3                  | 12 O. Wagner  | 12    |                  | \$ 48.00                  | \$ 36.00                    | \$ 84.00          |
|                    | 11 W.S. Koch  | 102   | \$ 163.00        | 408.00                    |                             | 571.00            |
|                    | 10 E. Gerber  | 52    | 82.00            | 208.00                    | 105.00                      | 395.00            |
|                    | 11 E. Wagner  | 10    |                  | 40.00                     | 30.00                       | 70.00             |
|                    | 10 E. Hammer  | 15    | 54.00            | 60.00                     |                             | 114.00            |
| Total for Benefit  |               |       | \$ 299.00        | 764.00                    | 171.00                      | 1,234.00          |
| Total for Outlet   |               |       |                  | 764.00                    |                             |                   |
| Total for Injuring |               |       |                  |                           | 171.00                      |                   |

1,234.00

Road of the Municipality being one-half the road allowance between the Township of Wilmot and the Township of Wellesley

|                    |  |  |          |          |          |           |
|--------------------|--|--|----------|----------|----------|-----------|
|                    |  |  | \$ 25.00 | \$ 65.00 | \$ 10.00 | \$ 100.00 |
| Total for Benefit  |  |  | \$25.00  |          |          |           |
| Total for Outlet   |  |  |          | 65.00    |          |           |
| Total for Injuring |  |  |          |          | 10.00    |           |
|                    |  |  |          |          |          | \$ 100.00 |

SCHEDULE OF ASSESSMENTS OF LANDS AND ROADS IN THE  
TOWNSHIP OF WELLESLEY

|                    |   |              |           |          |           |       |           |
|--------------------|---|--------------|-----------|----------|-----------|-------|-----------|
| 2                  | 7 | Wahls        | 80        | \$ 82.00 | \$ 320.00 |       | \$ 402.00 |
| 2                  | 8 | P. Leis      | 60        | 135.00   | 240.00    |       | 375.00    |
| 3                  | 8 | J. Herteis   | 14        |          | 56.00     | 42.00 | 98.00     |
| 3                  | 8 | E. Schneider | 7         |          | 28.00     | 21.00 | 49.00     |
|                    |   |              |           | 217.00   | 644.00    | 63.00 | 924.00    |
| Total for Benefit  |   |              | \$ 217.00 |          |           |       |           |
| Total for Outlet   |   |              |           | 644.00   |           |       |           |
| Total for Injuring |   |              |           |          | 63.00     |       |           |
|                    |   |              |           |          |           |       | \$ 924.00 |

Road of the Municipality being one-half the road allowance between the Township of Wilmot and the Township of Wellesley

|                    |  |  |          |          |          |           |
|--------------------|--|--|----------|----------|----------|-----------|
|                    |  |  | \$ 25.00 | \$ 65.00 | \$ 10.00 | \$ 100.00 |
| Total for Benefit  |  |  | \$ 25.00 |          |          |           |
| Total for Outlet   |  |  |          | 65.00    |          |           |
| Total for Injuring |  |  |          |          | 10.00    |           |
|                    |  |  |          |          |          | \$ 100.00 |

|                                           |  |  |  |  |  |            |
|-------------------------------------------|--|--|--|--|--|------------|
| Total for lands in the Township of Wilmot |  |  |  |  |  | 1234.00    |
| " " roads " " " " "                       |  |  |  |  |  | 100.00     |
| " " lands " " " " Wellesley               |  |  |  |  |  | 924.00     |
| " " roads " " " " "                       |  |  |  |  |  | 100.00     |
|                                           |  |  |  |  |  | \$ 2358.00 |

SPECIFICATIONS FOR THE CONSTRUCTION OF  
THE KOCH-LEIS MUNICIPAL DRAIN

Scope of Specifications

The work comprised under this Specification consists in the construction of the Koch-Leis Municipal Drain in the Township of Wilmot and Wellesley, according to the plans and profiles prepared by Graham

Reid & Associates, Ltd., Consulting Engineers, and according to the General Conditions of Contract attached hereto, which are hereby included in this Specification and made a part of it.

Measurements

The open portion of the ditch is to be constructed with 1:6" bottom and side slopes of one-and one-half (1½) horizontally to one (1) vertically, and stakes have been planted along the course of the drain at 200 ft. intervals, on which stakes will be recorded the depth of the cut required to the bottom of the drain measured vertically from the ground at the side of the stake, all as shown on the plan and profile.

Disposition of Excavated Material

The excavated material shall be deposited up to a width of 30 ft. and shall be spread evenly over a uniform width and depth, leaving a berm of not less than 5 ft. along the drain. No excavation shall be left on the roadway or in the outlets in any tile open drain or water course emptying into the work.

Fences

The Contractor shall have the right to remove any fences throughout the course of the work and shall replace same in as good condition as he originally found them.

Payment

Payment shall be made monthly to the Contractor of 85% of the value of the work done as certified to by the Engineer. The remaining 15% will be paid on certification of the Engineer not less than thirty (30) days after the final completion and acceptance of the Contract by the Engineer.

Graham Reid & Associates, Ltd., Engineers.

AND whereas the said Council are of opinion that the drainage of the area described is desirable,

THEREFORE the said Municipal Council of the said Township of Wilmot pursuant to the provisions of the Municipal Drainage Act, enacts as follows:

1. The said report, plans, specifications, assessments and estimates are hereby adopted, and the drainage work as therein indicated and set forth shall be made and constructed in accordance therewith.
2. The following total special rates, aver and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the undermentioned lots and parts of lots and roads.
3. This by-law shall be printed and a copy thereof, including a copy of the notice of the sitting of the Court of Revision shall be served on or mailed to the persons mentioned in the schedule of Assessments for Wilmot, and shall come into force upon and after the final passing thereof, and may be cited as the Koch & Leis Drain of the Township of Wilmot and the Township of Wellesley.

By-law read a first and second time this 11th day of Dec. 1950.

By-law read a third time and finally passed this 1st day of Feb. 1951.

.....  
Reeve

.....  
Clerk.

NOTICE

Notice is hereby given that a court of Revision will be held at the Township Hall Baden on the 1st day of February 1951 at 2 P. M. to hear and consider any complaints which may be made under the foregoing by-law, or any other complaints in respect of any matter in the said by-law over which the said council has jurisdiction.

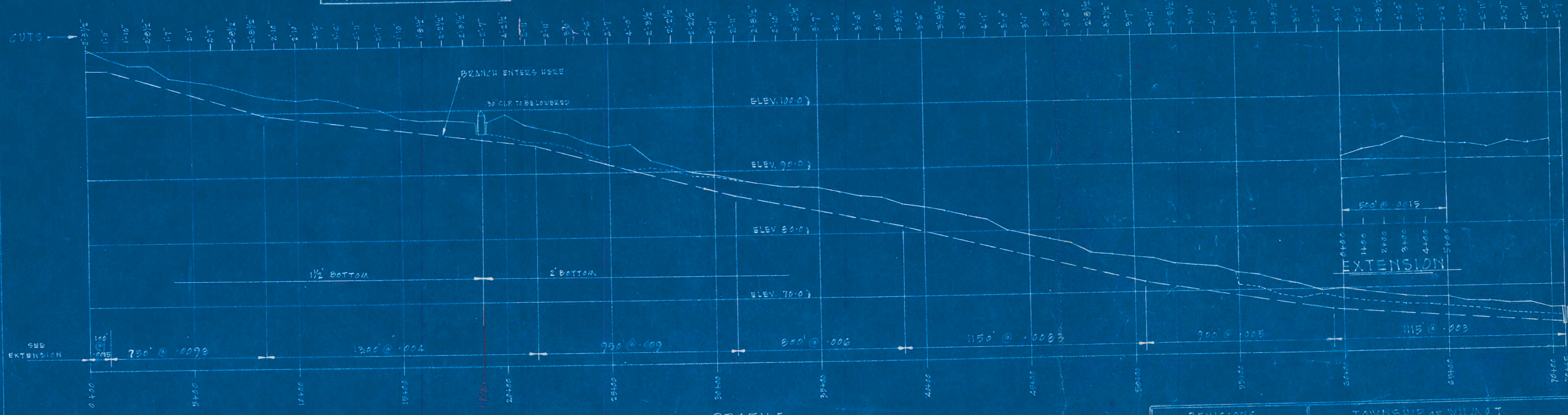
Further notice is hereby given that anyone intending to appeal to have the by-law or any part thereof, quashed, must, not later than 10 days after the final passing thereof, serve a notice in writing upon the Clerk and Reeve of the Municipality of his intention to make application for that purpose to the Referee during the six weeks next after the final passing of said by-law.

Clarence W. Heipel

Clerk of the said Municipality.



NOTE:  
ALL CUTS GIVEN ARE FROM THE GROUND  
AT THE BASE OF STAKE TO THE BOTTOM  
OF PIT.



PROFILE  
HORIZONTAL 1"=300'  
SCALE VERTICAL 1"=10'



| REVISIONS |           | TOWNSHIP OF WILMET<br>COUNTY OF WATERLOO |                                                     | PROJECT<br>DRAIN |
|-----------|-----------|------------------------------------------|-----------------------------------------------------|------------------|
| NO.       | DATE      | BY                                       | FOR                                                 |                  |
| 1         | SEPT 1990 | AS SHOWN                                 | PLAN & PROFILE OF THE WACHS-LEIS MUNICIPAL DRAIN    | DRAWING NO. 1    |
| 2         |           |                                          | GLENHAM REID & ASSOCIATES LTD. CONSULTING ENGINEERS |                  |

GRAHAM REID & ASSOCIATES LTD.

CONSULTING ENGINEERS

WATERWORKS, SEWERAGE,  
DRAINAGE, FLOOD CONTROL,  
INCINERATION, BUILDINGS,  
ROADS AND BRIDGES, REPORTS,  
APPRAISALS AND SUPERVISION



G. P. DAVIDSON, B.A.Sc., P.ENG.  
J. W. BURNETT, B.Sc., P.ENG.  
A. R. CROWE


264 AVENUE ROAD  
TORONTO 5, ONTARIO  
Feb. 26, 1952.

Mr. C. W. Heipel, Clerk,  
Township of Wilmot,  
Baden, Ontario.

Dear Mr. Heipel: Re: Koch-Leis Drain

We are enclosing herewith a  
revised plan showing the drain as constructed,  
for your information.

Yours respectfully,

  
G. G. Reid, for  
Graham Reid & Associates Ltd.,  
Consulting Engineers.

GGR/S  
Enc. - plan

*WILMOT TWP*  
*Original yardage - 4500*  
*Extra " - 625*  
*5125 cu. yds. @ .25' = \$1281.25*

Kitchener, Ontario  
Original: August 11, 1977  
Resubmitted: Sept. 27, 1977

STRAUS DRAIN  
TOWNSHIP OF WILMOT

Bylaw 77-33

To the Mavor and Council of  
the Township of Wilmot

Gentlemen:

I am pleased to present my report on the construction of the Straus Municipal Drain serving parts of Lots 5 to 8, Concession 3 B in the Township of Wilmot.

This report was prepared in accordance with instructions received from your Clerk with respect to a motion of the Township Council and a petition signed by the majority of the affected landowners

The attached plan and profile Drawing No. 1, Job No. 77039, specifications and the instructions to tenderers form part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.

The Straus Drain was originally constructed in 1934 by a report of Hebert Johnston as an Award Drain. It was constructed in part as an open drain and in part as a closed drain. The open portion runs from an outlet in the Bamberg Creek in Lot 9, Concession 3 B easterly through parts of Lots 8, 7 and 6 to the tile outlet in Lot 6. The closed drain then runs generally easterly to the Regional Road to a head 850 feet east of the east side of the road. The closed drain is composed of 8 and 12 inch diameter tile drain.

I have been appointed to bring in a report to provide for the improvement of the open portion of the drain.

I have made an examination of the area affected and found that the channel has silted in considerably and that approximately 2 to 3 feet should be removed from the bottom. Widening will be required throughout to accomodate this cleanout. I recommend that one laneway culverts be constructed - one on the Lannecker property in Lot 8. I recommend that a severance allowance be made to the Walker property and also to the Wilson property in Lot 7. I recommend that the channel be straightened in 2 locations on the Fleet property, that a new outlet be constructed into the Bamberg Creek, that 40 feet of the Bamberg Creek be cleaned out, that the channel be realigned as per owner's request on Lot 7 and that a new outlet be constructed on the closed portion. I also recommend that the tile across Lot 6, Concession 3 B be incorporated as part of the Straus Drain.

The original report was resubmitted to provide for the elimination of an originally recommended culvert on the J. Walker property and to adjust the assessment schedule accordingly.

The proposed work, therefore consists of approximately 4,926 lineal feet of open ditch and ancillary works and the incorporation of 1600 feet of 12 inch tile.

cont'd:

The proposed work affects approximately 336 acres of watershed area.

In accordance with Sections 29, 30 and 33 of the Drainage Act, R.S.O., 1975, I determine the allowances payable to owners entitled thereto as follows:

| <u>CON.</u>       | <u>LOT</u> | <u>OWNER</u>                  | <u>ALLOWANCES FOR<br/>LANDS &amp; CROPS</u> | <u>ALLOWANCE FOR<br/>SEVERANCE</u> | <u>TOTAL<br/>ALLOWANCES</u> |
|-------------------|------------|-------------------------------|---------------------------------------------|------------------------------------|-----------------------------|
| 3B                | Pt.7       | John Wilson                   | \$ 650                                      | \$ 500                             | \$1,150                     |
| 3B                | Pt.7       | John Walker                   | 1,020                                       | 600                                | 1,620                       |
| 3B                | Pt.8       | Manfred & George<br>Langecker | 850                                         |                                    | 850                         |
| 3B                | Pt.8       | Anthony Fleet                 | 750                                         |                                    | 750                         |
| 3B                | Pt.8       | E. & M. Kittel                | 150                                         |                                    | 150                         |
| TOTAL ALLOWANCES: |            |                               | \$3,420                                     | \$1,100                            | \$4,520                     |

Total Allowances under Sections 29, 30 and 33 of the Drainage Act, R.S.O.,  
1975: \$4,520

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

(A) LABOUR AND EQUIPMENT

|                                                                                        |         |
|----------------------------------------------------------------------------------------|---------|
| 4.926 lineal feet of open ditch excavation (approximately 8,500 cubic yards)           | \$5,000 |
| Levelling of excavated material                                                        | \$1,500 |
| Installation of 1 laneway culvert complete with laneway reconstruction and sodded ends | \$ 200  |
| Clearing and grubbing                                                                  | \$1,000 |
| Supply and installation of 6 gabion baskets - 6' X 3' X 3'                             | \$ 600  |
| Installation of 20 feet of 18 inch pipe at tile outlet                                 | \$ 50   |
| SUB TOTAL:                                                                             | \$8,350 |

(B) MATERIALS

Supply of the following corrugated steel pipe assembled and delivered:

|                                                              |         |
|--------------------------------------------------------------|---------|
| 1 - 30 foot length of 60" diameter 10 gauge                  | \$1,200 |
| 1 - 20 foot length of 18" diameter 16 gauge with rodent gate | \$ 120  |
| SUB TOTAL:                                                   | \$1,320 |

cont'd:



|                                                                              |                 |
|------------------------------------------------------------------------------|-----------------|
| Allowances under Sections 29, 30 and 33 of the Drainage Act, R.S.O.<br>1975: | \$4,520         |
| Survey, Plan and Report:                                                     | <u>\$1,000</u>  |
| Assistance and Expenses:                                                     | \$ 600          |
| Contingencies:                                                               | \$ 280          |
| Supervision and Final Inspection:                                            | <u>\$ 300</u>   |
| TOTAL ESTIMATED COST:                                                        | <u>\$16,870</u> |

I assess the cost of this work against the lands and roads liable for assessment for benefit and outlet as shown on the annexed schedule of assessment. I have determined that there is no injuring liability assessment involved.

Repairs or improvements rendered necessary to any road culvert or bridge by the performance of this work shall be made by and at the expense of the road authority responsible for the structure.

Rip-rapping of all private tile outlets or the installation of new metal pipes at existing tile outlets are to be the responsibility of the affected owner; as well, any stone or concrete rip-rapping of the thirty foot culverts shall be the responsibility of the affected owner.

After completion, this drain shall be maintained by the Township of Wilmot at the expense of all upstream lands and roads assessed in the schedule of assessment and in the same relative proportions until such time as the assessment is changed under the Drainage Act, R.S.O., 1975.

Respectfully submitted,

  
K.A. Smart, P. Eng.

cm

STRAUS DRAIN

TOWNSHIP OF WILMOT

Job No. 77039

September 27, 1977

RECOMMENDED MINIMUM SIZE OF FARM CULVERTS

| <u>LOT</u> | <u>CON</u> | Dia. and gauge of<br>circular or arch<br>type corrugated<br>steel pipe culvert |
|------------|------------|--------------------------------------------------------------------------------|
| 8          | 3B         | 60 inch diameter 10 gauge                                                      |
| 7          | 3B         | 54 inch diameter 12 gauge                                                      |

SCHEDULE OF ASSESSMENT

STRAUS DRAIN

TOWNSHIP OF WILMOT

Job No. 77039

Original: August 11, 197  
Resubmitted: Sept. 27/77

| <u>CON.</u>                                    | <u>LOT</u> | <u>APPROX.<br/>ACRES<br/>AFFECTED</u> | <u>OWNER</u>               | <u>BENEFIT</u> | <u>OUTLET</u> | <u>TOTAL</u>    | <u>NET</u> |
|------------------------------------------------|------------|---------------------------------------|----------------------------|----------------|---------------|-----------------|------------|
| 3B                                             | Pt. 5&6    | 1                                     | Manfred & George Langecker | \$             | \$ 31         | \$ 31           | \$ 21      |
| 3B                                             | Pt. 6      | 70                                    | Murray Klages              | 100            | 2,175         | 2,275           | 1,517      |
|                                                | Pt. 7      | 49.45                                 | John Wilson                | 2,100          | 1,227         | 3,327           | 1,068      |
| *                                              | Pt. 7      | F                                     | Cletus Kittel              |                | 19            | 19              | 19         |
|                                                | Pt. 7      | 10                                    | Glen Gingerich             |                | 243           | 243             | 162        |
| *                                              | Pt. 7      | F                                     | James B. Ware              |                | 31            | 31              | 31         |
|                                                | Pt. 7      | 57                                    | John D. Walker             | 3,225          | 1,290         | 4,515           | 1,390      |
|                                                | Pt. 7      | 6                                     | Frank Krzewski             |                | 186           | 186             | 124        |
|                                                | Pt. 7      | 3                                     | Paul Furniss               |                | 93            | 93              | 62         |
| 3B                                             | Pt. 8      | 35                                    | Manfred & George Langecker | 2,500          | 325           | 2,825           | 1,033      |
|                                                | Pt. 8      | 68                                    | Anthony Fleet              | 1,800          | 703           | 2,503           | 918        |
|                                                | Pt. 8      | 30                                    | Vasa Marina                |                | 240           | 240             | 160        |
| TOTAL ASSESSMENT ON LANDS:                     |            |                                       |                            | \$9,725        | \$6,563       | \$16,288        |            |
| Regional Road 12      5.5      Region of Wloo. |            |                                       |                            | \$ 100         | \$ 482        | \$ 582          |            |
| TOTAL ASSESSMENT ON ROADS:                     |            |                                       |                            | \$ 100         | \$ 482        | \$ 582          |            |
| TOTAL ASSESSMENT ON STRAUS DRAIN:              |            |                                       |                            |                |               | <u>\$16,870</u> |            |

Notes: All the above lands are classified as agricultural, with the exception of the one's noted with an asterisk.

To calculate the "net" cost per property, deduct the one-third grant available to all agricultural properties and then the land allowances, as allowed, if any.

"F" denotes the fractional acreages.

INDEX TO SPECIFICATIONS FOR  
CONSTRUCTION OF MUNICIPAL DRAINAGE WORKS

JUNE 1975

|      |                                                |
|------|------------------------------------------------|
| G.   | GENERAL CONDITIONS (Pages 1 - 7)               |
| G.1  | Scope                                          |
| G.2  | Tenders                                        |
| G.3  | Examination of Site, Plans, and Specifications |
| G.4  | Payment                                        |
| G.5  | Inspection                                     |
| G.6  | Completion of Work                             |
| G.7  | Alterations and Additions                      |
| G.8  | Supervision                                    |
| G.9  | Maintenance                                    |
| G.10 | Liability                                      |
| G.11 | Floods and Casualties                          |
| G.12 | Sub-Contractors                                |
| G.13 | Road Crossings                                 |
| G.14 | Laneways                                       |
| G.15 | Fences                                         |
| G.16 | Livestock, etc.                                |
| G.17 | Standing Crops                                 |
| G.18 | Surplus Gravel                                 |
| G.19 | Permits, Notices, Laws and Rules               |
| G.20 | Railways, Highways, and Utilities              |
| G.21 | Termination of Contract by the Municipality    |
| G.22 | Errors and Unusual Conditions                  |
| G.23 | Excess Tile                                    |
| G.24 | The Replacement of Stakes                      |
| G.25 | Drainage Commissioner                          |
| G.26 | Tests                                          |
| G.27 | Ontario Municipal Board                        |
| G.28 | Notices Re Commencement of Work                |
| D.   | OPEN DRAIN (Pages 8 - 11)                      |
| D.1  | Stakes                                         |
| D.2  | Excavation                                     |
| D.3  | Profile                                        |
| D.4  | Line                                           |
| D.5  | Excavated Material                             |
| D.6  | Excavation at Bridge Sites                     |
| D.7  | Bridges                                        |
| D.8  | Rip-Rap Protection for Culverts                |
| D.9  | Obstructions                                   |
| D.10 | Roads                                          |
| D.11 | Tile Outlets in Existing Ditches               |
| D.12 | Completion                                     |

- T. TILE DRAIN (Pages 12 - 16)
  - T.1 Tile
  - T.2 Stakes
  - T.3 Line
  - T.4 Laying
  - T.5 Lowering of Surface Grades
  - T.6 Tributary Grades
  - T.7 Outlet Protection
  - T.8 Catchbasins
  - T.9 Brush, Trees, Debris, etc.
  - T.10 Quicksand
  - T.11 Rock
  - T.12 Broken or Damaged Tile
  - T.13 Roads
  - T.14 Junction Boxes
  - T.15 Recommended Practice for Construction of Subsurface Drainage System
  
- C. SPECIFICATIONS FOR MUNICIPAL DRAINS CROSSING COUNTY OR REGIONAL ROADS (Pages 17 - 18)
  - C.1 Limitations of Specifications
  - C.2 County's(Region's) Obligations
  - C.3 Excavation
  - C.4 Backfill
  - C.5 Acceptance of Crossing
  - C.6 Pavement Replacement
  - C.7 Work Beyond Edge of Shoulder
  - C.8 Catchbains
  - C.9 Notices re Commencement
  - C.10 Maintenance of Traffic
  
- S. STORM DRAINS AND APPURTENANCES (Pages 19 - 24)
  - S.1 Work Included
  - S.2 Excavation
  - S.3 Backfilling
  - S.4 Pipe
  - S.5 Joints
  - S.6 Laying Pipe
  - S.7 Connections
  - S.8 Inspection of Joints
  - S.9 Approval of Materials
  - S.10 Manholes and Catchbasins
  - S.11 Private Service Connections
  - S.12 Maintenance of Traffic
  - S.13 Existing Services
  - S.14 Restoration
  - S.15 Roadside Ditches
  - S.16 Winter Work
  
- B. SPECIFICATIONS FOR DRAINAGE CROSSINGS BY THE BORING METHOD (Pages 25 - 26)
  
- O. SPECIFICATIONS FOR RAILWAY CROSSINGS BY THE OPEN CUT METHOD (Page 27)

# SPECIFICATIONS FOR CONSTRUCTION OF

## MUNICIPAL DRAINAGE WORKS

JUNE 1975

### G. GENERAL CONDITIONS

#### G.1 SCOPE

The work to be done under this specification consists of supplying all labour, materials, equipment, etc., to construct the work as outlined on the accompanying drawing. In some municipalities, he shall supply only certain materials. The accompanying tender form lists which materials are to be supplied by the Contractor.

#### G.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. A deposit of 10% of the amount of the bid in the form of a certified cheque payable to the Treasurer of the Municipality must accompany each tender as a guarantee of good faith. All certified cheques except that of the bidder to whom the work is awarded, will be returned within 10 days of the time the contract is awarded. The certified cheque of the bidder to whom the work is awarded will be returned with the final payment on the work or will be retained until the successful tenderer furnishes a Performance Bond for 100% of the amount of the tender or other satisfactory security, if required by the Municipality. A Performance Bond shall insure completion of the work and maintenance of the work for a period of one year after the date of the completion certificate.

#### G.3 EXAMINATION OF SITE, PLANS, AND SPECIFICATIONS

The tenderer must examine the premises and site to compare them with the plans and specifications in order to satisfy himself of the existing conditions and the extent of the work to be done before submission of his tender. No allowance shall be made on behalf of the Contractor by reason of any error on his part.

Any estimates of quantities shown or indicated on the plan or in the report 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 tenderer must satisfy himself that he understands the meaning and intent of the plans and specifications before submission of his tender. In case of any inconsistency or conflict between the plans and specifications, the notes on the plan shall take precedence over the specifications.

#### G.4 PAYMENT

Progress payments in cash equal to about 80% of the value of the work done and materials incorporated in the work will be made to the Contractor monthly on the written request of the Contractor to the Engineer. An additional 17% will be paid 37 days after the final acceptance of the Engineer and 3% of the contract price may be reserved by the Municipality for one year.

G.4 A greater percentage of the contract price may be reserved by the Municipality for the same one year period if in the opinion of the Engineer, particular conditions of the contract require 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 material and loose backfill, provided that notice shall first be given to the Contractor and that he may promptly make good such defects, if he desires.

G.5 INSPECTION

Final inspection by the Engineer will be made within twenty days after he has received notice in writing from the Contractor that work is complete, or as soon thereafter as weather conditions permit. All the work included in the contract must at the time of final inspection have the full dimensions and cross-sections.

G.6 COMPLETION OF WORK

The work must commence immediately after the Contractor is notified of the acceptance of his tender or at a later date, if set out as a condition of the tender. If weather and ground conditions are unsuitable work may be started at a later date from either of these two dates if such delay is approved by the Engineer. The work must be proceeded with in such a manner as to ensure its completion at the earliest possible date consistent with first class workmanship and within the time limit set out in the tender or in the contract documents.

G.7 ALTERATIONS AND ADDITIONS

The Engineer shall have the power to make alterations in the work shown or described in the drawings or 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 omitted. Where such changes involve work additional and similar to items in the main contract, the price agreed to be paid shall be determined after due consideration has been given to the ratio of the tendered amount to the Engineer's estimate of the contract. Such alterations and variations shall in no way render void the contract. No claims for variations or alterations 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 case shall the Contractor commence work which he considers to be extra work before receiving the Engineer's approval.

G.8 SUPERVISION

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

**G.9 MAINTENANCE**

The Contractor shall repair and make good any damages or faults in the drain that may appear within one year after its completion (as evidenced by the final payment certificate) as the result of 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 final certificate nor payment thereunder, nor provision in the contract documents shall relieve the Contractor from this responsibility.

**G.10 LIABILITY**

The Contractor shall protect, indemnify and save harmless, the municipality from all actions, suits, losses and costs by reason or on account of any failure or negligence of the Contractor. The Contractor will be held liable for any damages or expense occasioned by his failure to prosecute the work satisfactorily, also for any damage caused by leaving fences open or for claim directly or indirectly arising under the contract.

**G.11 FLOODS OR CASUALTIES**

The Contractor shall take all risks from floods or casualties of any kind.

**G.12 SUB-CONTRACTORS**

If the municipality so directs, the Contractor shall not sublet the whole or any part of this contract without the approval of the Engineer.

**G.13 ROAD CROSSINGS**

All road crossings may be made with an open cut unless otherwise noted. The exact location of the crossing shall be verified and approved by the Road Authority or the Engineer. A 6 inch depth of pit run gravel, well compacted shall be placed as a base for each pipe crossing. The pipe shall be back-filled with a granular material for the width of the travelled portion plus 4 feet on either side. The material shall be placed in lifts not exceeding 12 inches in depth and shall be thoroughly compacted with an approved type mechanical vibrating compactor where so required by the Engineer. The top 6 inches of the roadway backfill shall consist of a crushed granular material meeting the specifications of the Ministry of Transportation and Communications for Granular Base Course Class "A" (Granular "A") material. An existing pavement, if any, shall not be replaced by the Contractor unless noted differently on the plan. The Contractor shall be responsible, however, for subsequent uneven joints in the pavement due to settling of the backfill. The Contractor should arrange with a local resident to keep the crossing in repair if unable to do such personally. A small load of Granular "A" gravel at the side of the road may be advisable so that if any settlement does occur, the local resident can add some additional gravel. All road crossings shall meet the approval of the Road Authority. For County Road crossings, see "Specifications for Municipal Drains Crossing County Roads". If any road crossing is not left in a safe manner at the end of the working day, such barricades, etc., shall be erected to guarantee the safety of the travelling public.



### G.13 ROAD CROSSINGS (cont'd)

A road Authority will supply no labour, equipment or materials for the construction of the road crossing, with the sole exception of patching an existing asphalt surface.

The excavated material removed from the travelled portion of the road and four feet (4') or the full width of the gravelled shoulder, whichever is greater, on each side of the travelled portion shall be removed. Excavated material may be spread on the right-of-way with consent of the Municipal Road Superintendent and the balance shall be levelled equally on the private lands on each side of the road.

If the Engineer deems a gravel road to have been damaged by the construction of a drain, either across or along the said road, the Engineer may direct the Contractor at the expense of the Contractor to supply and place sufficient crushed granular materials on the roadway to restore it to a safe and passable condition.

### G.14 LANEWAYS

All pipe crossing laneways shall be backfilled with material that is clean, free of foreign material or frozen particles and readily tamped or compacted in place. Laneway culverts on open ditch projects shall be backfilled with material that also is not easily erodable while gravel laneway culverts on closed drain projects shall be backfilled such that the upper 24 inches of material consists of 18" of pit run granular material and 6 inches of crushed granular material. All backfill materials shall be thoroughly compacted as directed by the Engineer.

The backfill on access culverts on open ditch projects shall be surfaced with a minimum of 6" of crushed granular material. All backfill materials shall be thoroughly compacted as directed by the Engineer.

All granular surface materials shall be placed to the full width of the travelled portions.

Any settling of backfill material shall be repaired by or at the expense of the Contractor during the warranty period of the project and as soon as required. Any existing bituminous pavement on laneways shall be replaced to its original condition by the Contractor.

### G.15 FENCES

No earth is to be placed against fences and all fences removed by a Contractor are to be replaced by him in as good condition as found. Where practical, the Contractor shall take down new existing fence or 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 or Commissioner. Any fences found in such poor condition that replacement is not necessary shall be noted and verified with the Engineer or Commissioner prior to commencement of work. Where directed by the Engineer, additional steel posts shall be placed to adequately support a fence upon re-erection. All fences shall be properly stretched and fastened.

**G.15 FENCES (cont'd)**

Any fences paralleling an open drain, 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.

**G.16 LIVESTOCK, ETC.**

If any construction will be within a fenced field containing livestock or other customary farm animals or fowl, (hereafter referred to as livestock, etc.,) that are evident or have been made known to the Contractor, the Contractor shall notify the owner or attendant of the field or livestock, etc., 36 hours in advance of his entrance into the field. Thereafter the owner or attendant shall be responsible for the protection and damage to all livestock, etc., on said property during construction and shall also be liable for any damages caused by such livestock, etc. Where the owner or attendant so directs or where the Contractor has failed to reach the owner or attendant, the Contractor shall adequately re-erect all fences at the end of each working day and shall have any open trench backfilled within 72 hours including weekends and statutory holidays. In other situations the trench shall be backfilled within 7 days. Failure of the Contractor to notify or to attempt to notify the owner or attendant, or failure of the Contractor to erect the fencing or to backfill the trench as described in this paragraph shall render the Contractor responsible for the protection of or damage to livestock, etc., on the property and the damage they may cause.

Where livestock will be encountered the Contractor should notify the Engineer promptly so that arrangements may be made to inspect the drainage works before the time required for backfilling.

**G.17 STANDING CROPS**

The Contractor shall not be held responsible for damages to standing crops along the course of the drain with the exception of those crops ready to be harvested or salvaged, that are damaged by the placing and levelling of soil from an open drain and about which the Contractor has failed to, or to attempt to notify the owner 48 hours prior to commencement of the excavation on that portion.

**G.18 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 in the construction of the works, the Contractor shall haul away such surplus gravel or stone. This does not apply to a road crossing where surplus gravel is to be left to allow for building up the trench after settlement occurs.

**G.19 PERMITS, NOTICES, LAWS AND RULES**

The Contractor shall apply and pay for all necessary permits or licences required for the execution of the work (but this shall not include the obtaining of permanent easements or rights of servitude). The Contractor shall give all necessary notices and pay 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 and if the specifications and drawings are at variance therewith, any resulting additional expense incurred by the Contractor shall constitute an addition to the contract price.

**G.20 RAILWAYS, HIGHWAYS AND UTILITIES**

A minimum of 48 hours notice in writing to the railway's Division Engineer, the M.T.C.'s District Engineer, or the Utility Company, exclusive of Saturdays, Sundays, and holidays, is required by the Contractor prior to any work being performed on or affecting the applicable property and in the case of a pipe being installed by open cutting or boring, a minimum of 72 hours notice is required.

**G.21 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 disregard laws, ordinances, or the instruction of the Engineer, or otherwise be guilty of a substantial violation of the provisions of the contract, then the Owner, 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 owner may deem expedient, but without undue delay or expense. In such 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 other damages of every name and nature, such excess shall be paid to the Contractor. If such expense will exceed such unpaid balance including the certified cheque deposit as provided for by G.2., the Contractor shall pay the difference to the Owner. The expense incurred by the Owner, as herein provided, shall be certified by the Engineer.

If the contract is terminated by the Owner 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 the termination of the contract, the municipality may also charge such expenses against any money which may thereafter grow due to the Contractor.

**G.22 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 a wrong decision on his part shall be borne by the Contractor.

The Engineer shall make the alteration necessary to correct errors or to adjust for unusual conditions. The contract amount shall be adjusted in accordance with a fair evaluation of the work added or deleted.

G.23 EXCESS TILE

If the tile is supplied by the municipality, the Contractor shall stockpile all excess tile in one readily accessible location for pickup by the municipality at the end of the job. If the tile is supplied by the Contractor he shall remove all excess tile from the jobsite.

G.24 REPLACEMENT OF STAKES

The Contractor shall be held liable for the cost of replacing any stakes or bench marks destroyed during the course of construction. The drainage area shall be liable for the cost of replacing stakes or bench marks destroyed or removed before commencement of construction.

G.25 DRAINAGE COMMISSIONER

Where a Drainage Commissioner is appointed by the Municipality, the Drainage Commissioner will act as the Engineer's representative. The Commissioner shall have the power to direct the execution of the work and to make any necessary minor adjustments.

Any instruction given by the Commissioner, which changes considerably the proposed work or with which the Contractor does not agree, shall be referred to the Engineer for his decision.

G.26 TESTS

The cost of testing of materials, supplied to the job by the Contractor, shall be borne by the Contractor. The cost of testing materials, supplied to the job by the Municipality, shall be borne by the Municipality. 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. If any tile or pipe 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 or pipe on the contract with tile or pipe capable of meeting the A.S.T.M. Standards.

G.27 ONTARIO MUNICIPAL BOARD

The award of the Contract shall be subject to the approval of the project by the Ontario Municipal Board.

G.28 NOTICES RE COMMENCEMENT OF WORK

The Contractor shall give the Engineer and Commissioner a minimum of twenty-four (24) hours advance notice before commencement of work on any municipal drain. If the Contractor leaves the job site for a period of time after initiation of work, he shall give the Engineer and Commissioner a minimum of twenty-four (24) hours advance notice prior to returning to the contract. If any work is commenced without the advance notice the Contractor shall be fully responsible for all such work undertaken prior to such notification and shall make good any works or materials used judged to be inadequate or constructed in any manner that may have been subject to alteration if made known to the Engineer prior to commencement of construction.

## D. OPEN DRAIN

### D.1 STAKES

Stakes are set along the course of the drain at intervals of 100 feet. The Contractor shall ensure that the stakes are not disturbed unless approval is obtained from the Engineer. If the Contractor is unable to locate any stakes along the drain, the Contractor shall clear, if necessary, a path for re-staking and contact the Engineer with regard to re-staking of the drain.

### D.2 EXCAVATION

The bottom width and the side slopes of the ditch shall be those shown on the profile drawing. Side slopes are normally one foot horizontal to one foot vertical unless otherwise noted on the profile drawing. Bottom widths will vary with the size of the drain. Where the width of the bottom of the existing ditch is sufficient to permit the desired width, depth and bank slopes for the new ditch to be constructed without destructing existing banks, such will be left as is, subject to clearings required and described in Section D.9.

### D.3 PROFILE

The profile drawing shows the depth of cuts from the ground beside the stake to the final invert of the ditch in feet and decimals of a foot and also the approximate depth of cuts 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 elevations of the bench marks are given on the profile drawing.

### D.4 LINE

The drain shall be constructed in a straight line and shall follow the course of the present drain or water run except where necessary to straighten any unnecessary bends or irregularities in alignment. Where there are such 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 shall be removed from the drain. All curves shall be made with a minimum radius of 50 feet. A uniform grade shall be maintained between stakes in accordance with the profile drawing. A variation of 1 inch from the proposed profile shall be sufficient to require the Contractor to remedy this discrepancy.

### D.5 EXCAVATED MATERIAL

Excavated material shall be deposited on either or both sides of the drain as directed by the Engineer. In general, the material shall be dumped on the low side of the drain or opposite trees and fences. No excavated material shall be placed in tributary drains, depressions, or low areas which direct or channel water into the ditch so that no water will be trapped behind the spoilbank. Beyond the berm, the excavated material shall be placed and levelled to a maximum depth of 12 inches, unless otherwise instructed. The edge of the spoilbank away from the ditch shall be feathered down to the existing ground, the edge of the spoilbank nearest the ditch shall have a maximum slope of 2 to 1. The material shall be levelled such that it may be cultivated with ordinary equipment without causing undue hardship on farm machinery and farm personnel. No excavated material shall cover any logs, brush or rubbish of any kind. Large stones or boulders that can be easily and separately moved about by a bulldozer shall be left along the edge of the spoilbank nearest to the ditch but in general no closer than 6 feet to the ditch bank. A berm of not less than 2 feet shall be left along the top edges of the drain.

#### D.5 EXCAVATED MATERIAL (cont'd)

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 excavation from the new cut shall be used for backfilling the original ditch. Regardless of the distance between the new ditch and old ditch, no extra compensation will be allowed for this work and it must be included in the Contractor's lump sum price for the open work.

A written statement from the owners indicating their complete satisfaction with the levelling of the spoilbank is sufficient to comply with this specification. The final decision, with respect to levelling of the spoilbank, shall be made by the Engineer.

If the Contractor obtains a statement in writing, signed by the owner of lands affected that he does not wish the spoil to be levelled, the Engineer may release the Contractor from obligation in that regard, and a sum of money based on the price of ten (10) cents per cub. yd. of material left shall be deducted from the Contractors payment and paid to the owner affected.

#### D.6 EXCAVATION AT BRIDGE SITES

The Contractor shall excavate the drain to the full specified depth under all bridges and to the full width between abutments. Temporary bridges may be carefully removed and left on the bank of the drain. 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 owner if excavation will expose the footings or otherwise cause the structure to undermine or collapse such that the owner may make provision for repair of the bridge.

Where the invert of any culvert is above the grade line, the Contractor will be required to dig up the culvert, clean and relay it, so that the invert of the culvert is six (6) inches below grade for the bottom of the finished drain at this location.

#### D.7 BRIDGES

Any farm bridges constructed or reconstructed shall have a minimum span of six feet or twice the bottom width, whichever is the greatest. Metal culverts shall have a minimum diameter of four (4) feet or a diameter not less than one foot greater than the specified bottom width of the drain up to a bottom width of four (4) feet and a diameter not less than two (2) feet greater than the specified bottom width for widths in excess of four (4) feet, whichever is the greater. These are minimum sizes and will be increased where required. Dimensions of Arch Culverts shall be confirmed by the Engineer prior to construction or reconstruction.

If an owner at the time of construction has furnished a suitable culvert at the site, the Contractor shall install it as part of the work, with the invert six (6) inches below the grade of the drain, and with a suitable earth backfill such that a crossing with normal farm machinery can be made. Final grading, shaping or riprapping of the backfill shall be the responsibility of the landowner(s) involved. A minimum of twelve (12) inches of cover shall be placed over each culvert.

#### D.8 RIP-RAP PROTECTION FOR CULVERTS

Where rip-rap protection is called for at either of both ends of a new culvert, such rip-rap shall be sacked concrete or old concrete pieces and-or stone, grouted with a cement mortar if required. The rip-rap shall extend six (6) inches below the culvert invert for the full ditch bottom width and twelve (12) inches into undisturbed soil along the banks adjacent to the culvert and shall extend to the level of the finished roadway or laneway over the culvert. Maximum slopes for rip-rap shall be  $\frac{1}{4} : 1$  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 for a period of one year from the time of the final payment certificate. Wherever a thirty (30) foot culvert is installed existing field sods shall be placed along the laneway slopes, from the bottom of the ditch level up to the springline of the pipe. Lane slopes shall not be steeper than 1:1 in such situations.

#### D.9 OBSTRUCTIONS

All brush, bushes, fallen timber and debris shall be moved from the banks of the drain and to such a distance on each side to eliminate any interference with the spreading of the spoilbank. The slopes shall be cleared only, whether or not they are affected directly by the excavation. The roots shall be left in the banks if no bank excavation is required as part of the new channel excavation. In wooded or heavily overgrown areas, the brush, limbs, etc., may be pushed into piles and rows back out of the way. All dead elms or other dead trees alongside the drain that may impede the performance of the drain if allowed to remain and fall into the ditch, shall be removed prior to excavation and put in piles, unless directed otherwise by the Engineer.

#### D.10 ROADS

Where an open drain is being removed from a road allowance, it must be reconstructed wholly on the adjacent farm land with a minimum berm width of four (4) feet on the roadway side of the ditch, unless otherwise noted on the drawings. The excavated material shall be used to fill the existing open ditch and any excess excavated material shall be placed and levelled on the adjacent farm land. Any work done on the road allowance, with respect to excavation, disposal of materials, installation of culverts, cleaning under bridges, etc., shall be to the satisfaction of the Road Authority. If it is necessary to haul away, additional payment will be provided unless described on the plan.

#### D.11 TILE OUTLETS IN EXISTING DITCHES

All tile outlets in existing ditches shall be noted by the Contractor prior to excavation. If any tile outlet is damaged during or altered due to construction, the Contractor shall repair or replace the damaged or altered outlet. In general, if the existing outlet is tile only, the new outlet shall consist of undamaged lengths of tile. If the existing outlet is a metal pipe with or without a rodent gate, such outlet shall either be relocated to adjust to the new banks or shall be repaired if damaged. If any outlet becomes plugged as a result of construction, the Contractor shall be obligated to free such outlet of any impediments. Where stone or concrete rip-rap protection exists at any existing tile outlet such protection shall be moved as necessary to protect the outlet after reconstruction of the channel. Where any damage results to tile leading to and upstream of the outlet, as a consequence of such construction, the Engineer may direct the Contractor to repair such tile and shall determine a fair compensation to be paid to the Contractor for performing the work.

D.11 TILE OUTLET IN EXISTING DITCHES (cont'd:)

If a Contractor has verified the location of all tile outlets with the owner prior to construction and then, subsequently encounters an outlet not made known to him whether metal, clay or other he shall only be responsible for ensuring that the outlet consists of undamaged lengths of tile.

D.12 COMPLETION

At the time of completion and final inspection, all work in the contract shall have the full dimensions and cross-sections specified in addition to any allowance for caving of the banks or sediment in the bottom.



## SPECIFICATIONS FOR GABION STRUCTURES

### GABION STRUCTURES

The Gabion baskets used shall be "Heavily Galvanized Gabions-River Type" as available from Maccaferri Gabions of Canada Ltd. All wire used for binding shall be as supplied by the Manufacturer (0.086" diameter).

### ASSEMBLY

Upon delivery, each bundle shall be opened and each unit unfolded.

The sides, ends, and diaphragms are to be lifted into vertical position and the four corners are to be wired together and the diaphragm edges to the gabion sides.

### INSTALLATION

Level the base where the gabions will be placed to a smooth finish and the right elevation.

Wire each unit securely to the adjacent units along the top and vertical edges prior to placing stone. Stretch gabions before filling if necessary.

### FILLING

Use a 3" to 8" durable hard stone as supplied by Forwell's of Kitchener, or equal.

Choice of equipment, front end loader, gradall or backhoe etc is up to the contractor but voids are to be kept to a minimum. Hand placement will be necessary at times. For the 36" deep gabions only, the brackets are to be filled in 1 foot lifts and between each lift connecting wires are to be placed in both directions between opposite sides and looped around two meshes at each end.

After filling is complete, the top is to be folded shut and wired to the ends, side and diaphragm.

Empty baskets placed on top of a completed row must be wired to the filled gabions at front and back.

BY-LAW NO. 77-33

of the

TOWNSHIP OF WILMOT

known as

THE STRAUS MUNICIPAL DRAIN IMPROVEMENT

A By-Law to provide for the drainage in the Township of Wilmot known as the Straus Municipal Drain Improvement and for borrowing on the credit of the Township of Wilmot the sum of \$16,870.00 for completion of the Drainage Works.

WHEREAS the requisite number of owners, as shown on the last revised assessment roll of the property hereinafter set forth requiring drainage, have petitioned the Council of the Township of Wilmot praying that certain lands and roads may be drained by a drainage works.

AND WHEREAS the Council of the Township of Wilmot has procured a report made by K. Smart, Consulting Engineer & Planner, 460 Frederick Street, Kitchener, Ontario, and the report is attached as Schedule 1 of this By-Law.

ANND WHEREAS the Council of the Township of Wilmot pursuant of the Drainage Act, enacts as follows:-

1. The report is hereby adopted and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. The Corporation of the Township of Wilmot may borrow on the credit of the Corporation the sum of \$16,870.00 being funds necessary for the drainage works not otherwise provided for: provided that the sum shall be reduced by the amounts of grants and commuted payments with respect to lands and roads assessed. Such said reduced sum shall be levied and collection from the lands and roads affected by the drain thirty (30) days after the completion certificate has been signed by the Engineer.
3. For paying the sum of \$9,825.00 the amount charged against such lands and roads for benefit, and the sum of \$7,045.00 the amount charged against such lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the Municipality and for covering interest thereon at the rate of 8 per cent per annum or such rate as imposed at the time of collection, the following total special rate as imposed at the time of collection, the following total special rates over and above all other rates shall be assessed, levied and collected upon and from the under-mentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interest against each parcel respectively shall be paid in full by each assessed owner thirty (30) days after the completion certificate has been signed by the Engineer. Any amount remaining unpaid at the expiration of the thirty (30) days shall be charged interest at the rate of 1% per month or such rate as imposed at the time of collection; any amount remaining unpaid for a period of three (3) months shall be collected in the same manner and at the same time as all other taxes are assessed, levied and collected; provided that no greater amount shall be levied than is required, after taking into account and crediting the amount of grants under sub-section 2 (a) of Section 64 of the Drainage Act, and any other grant or commuted payment which may be applicable.
4. This By-Law shall come into force on the passing thereof and may be cited as the Straus Municipal Drain Improvement - By-Law

Given its first and second reading this 7th. day of November, 1977

Signed [Redacted]

Ernst F. Ritz - Mayor

Signed [Redacted]

Grant Swartzentruber  
Clerk-Administrator

Given its third reading and finally passed this 5th. day of December, 1977

Signed [Redacted]

Ernst F. Ritz - Mayor

Signed [Redacted]

Grant Swartzentruber  
Clerk-Administrator

- Notice -

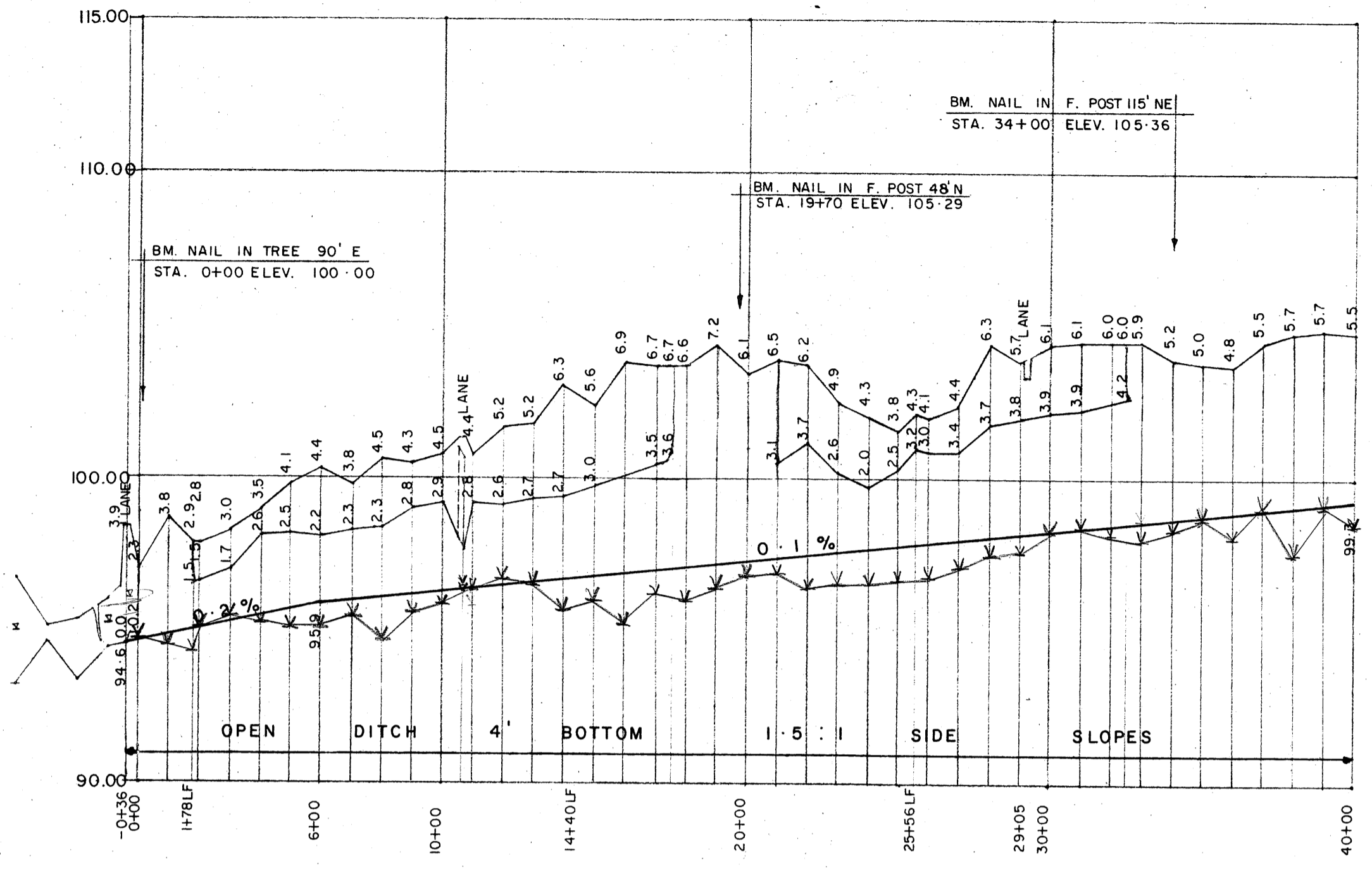
Notice is hereby given that the Drainage Court of Revision will be held in the Council Chambers, New Hamburg, Ontario on December 5th., 1977 at the hour of 8:30 P.M. to hear and consider any complaints which may be made under the foregoing By-Law over which the said Court has jurisdiction. All appeals to be in writing, and be in the Clerk-Administrator's Office on or before Friday, November 25th, 1977.

Any further notice is hereby given in accordance with the Drainage Act 1975 "Any party to an appeal before the Court of Revision may appeal to the Tribunal by giving notice to the Clerk of the Tribunal, given to the Clerk of the initiating municipality, from the decision of the Court of Revision or from its omission, neglect or refusal to hear or decide an appeal within twenty-one days of the pronouncement of the decision of the Court of Revision, or of any matter evidencing such omission, neglect or refusal."

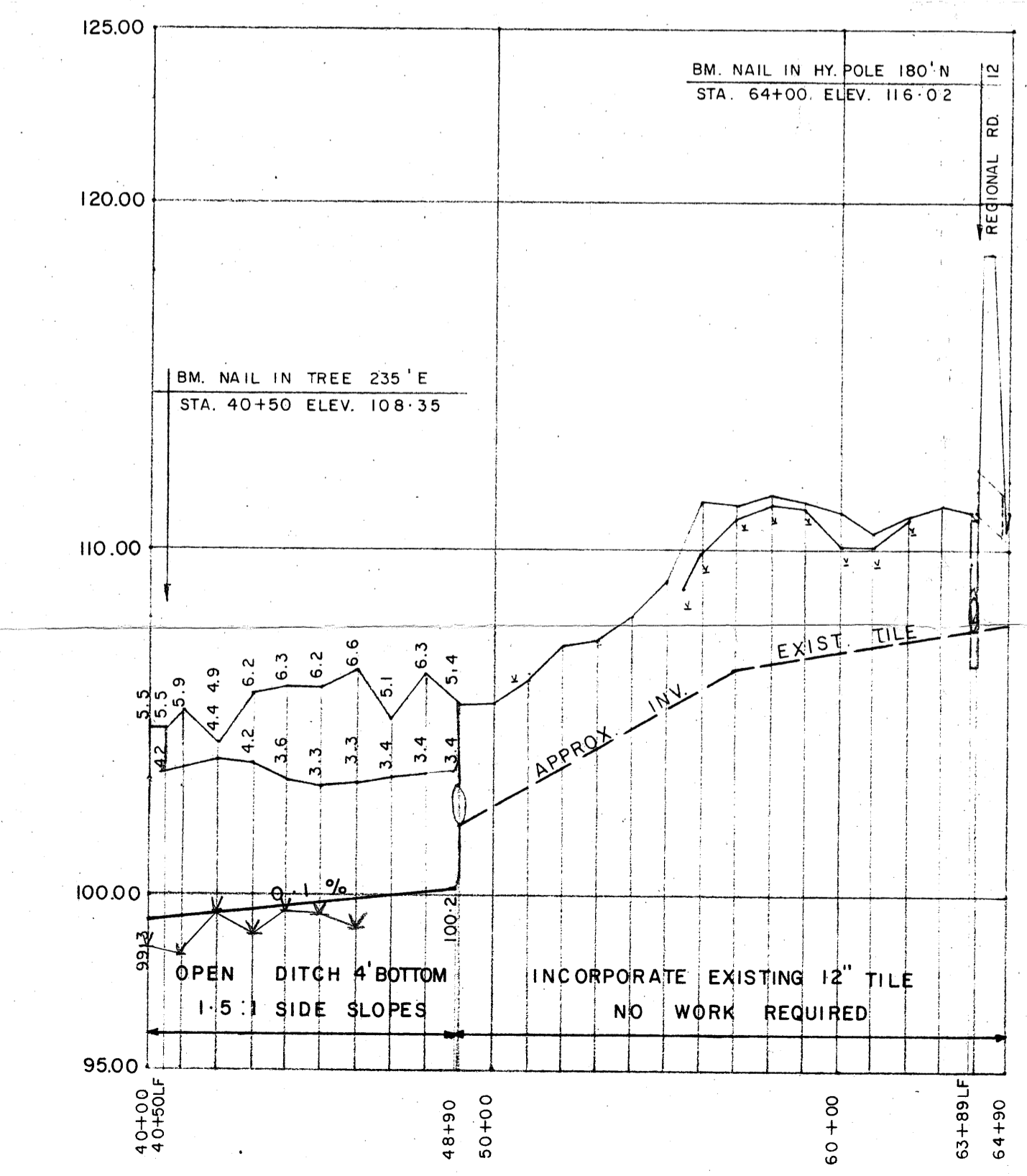
Grant Swartzentruber  
Clerk-Administrator

I, Grant Swartzentruber, Clerk-Administrator of the Corporation of the Township of Wilmot, certify the foregoing to be a true and accurate copy of By-Law 77-33, duly passed by the Council of the Township of Wilmot on October 19, 1978.

[Redacted Signature]  
CLERK-ADMINISTRATOR



**MAIN DRAIN**

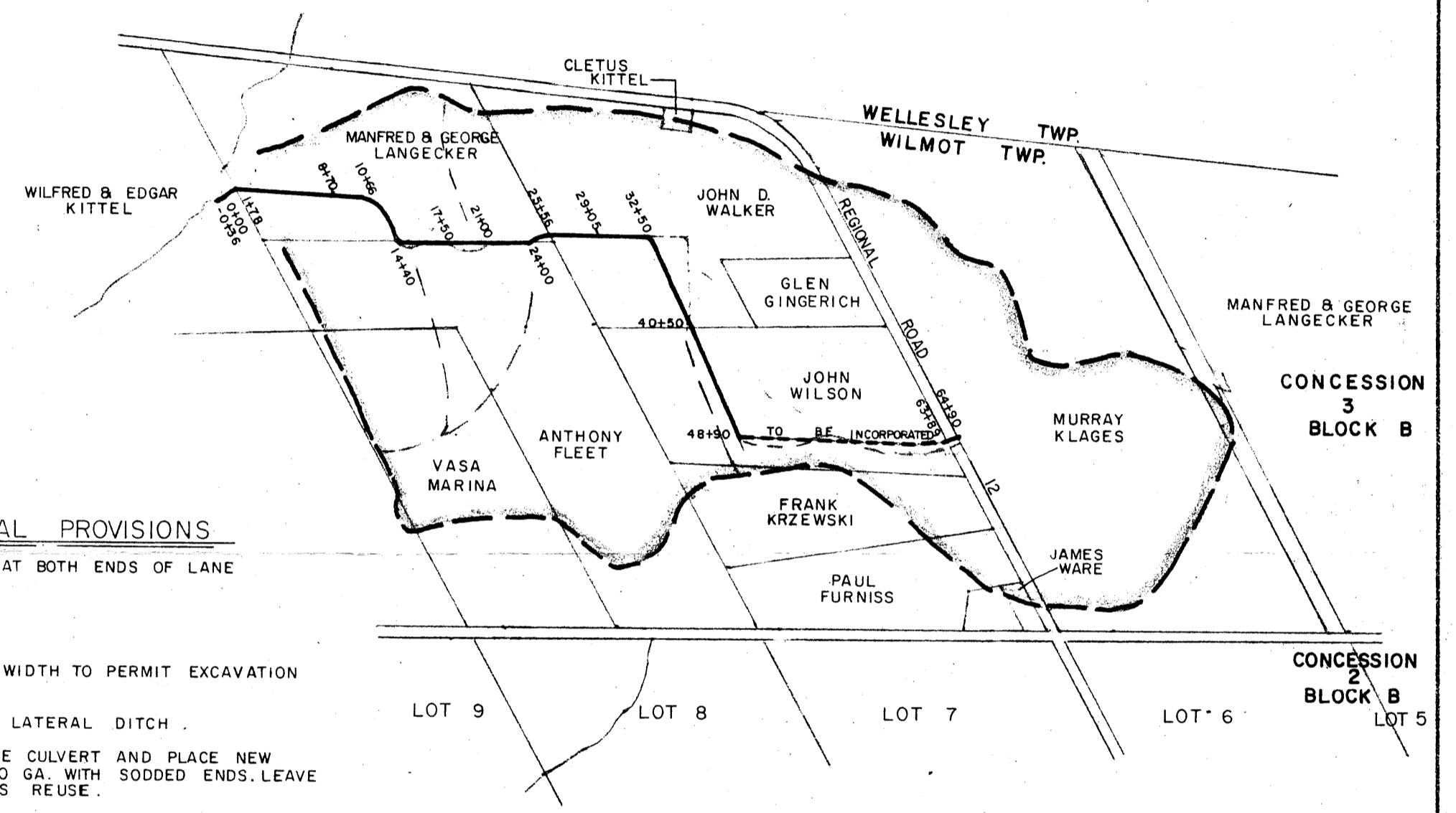


**MAIN DRAIN ..CONTINUED..**

**CONSTRUCTION NOTES - SPECIAL PROVISIONS**

- 0+40 TO 0+00 - CLEAN BOTTOM OF CREEK AND AT BOTH ENDS OF LANE CULVERT.
- 0+00 TO 1+78 - NEW CHANNEL REQUIRED. FILL IN OLD CHANNEL.
- 1+78 TO 8+70 - CLEAR AND GRUB SUFFICIENT WIDTH TO PERMIT EXCAVATION AND LEVELLING.
  - 7+75 - CLEAN 50 FEET UPSTREAM IN LATERAL DITCH.
- 10+66 - REMOVE EXISTING 36" CSP LANE CULVERT AND PLACE NEW 30' LENGTH OF 60" DIA. CSP 10 GA. WITH SODDED ENDS. LEAVE EXISTING CULVERT FOR OWNERS REUSE.
- 14+40 - STRAIGHTENING REQUIRED AT BEND LOCATION.
- 17+50 TO 21+00 - RELOCATION REQUIRED TO KEEP CHANNEL ALONG FENCELINE. FILL IN OLD CHANNEL.
- 25+56 TO 40+50 - OWNER TO REMOVE RAIL FENCES.
- 29+05 - REMOVE EXISTING TIMBER CULVERT AND INSTALL NEW CULVERT IF OWNER DELIVERS ONE TO CULVERT SITE PRIOR TO JOB.
- 32+50 TO 40+50 - NEW ROUTE TO BE STAKED AT TIME OF CONSTRUCTION. CONTRACTOR IS TO CLEAR A LINE THROUGH BUSH FIRST - STARTING AT 40+50 AND GOING DOWNSTREAM SO LINE IS A CONTINUATION OF DITCH FROM 40+50 TO 48+90. CLEARING AND GRUBBING REQUIRED FROM EXISTING CHANNEL TO NEW CHANNEL (approx. 1.5 ac.). LEVEL ON CLEARED SIDE. THERE IS 1 OAK TREE TO BE LEFT. CONFIRM LOCATION WITH LANDOWNER.
- 40+50 TO 48+90 - CLEAR BUSH ON SIDE FOR LEVELLING SUFFICIENT TO PERMIT LEVELLING, BUT CONFIRM WITH OWNER FIRST. PILE SCRUB IN SEPARATE PILES.
- 48+90 - PLACE 20' OF 18" DIA. CSP 16 GA. WITH RODENT GATE AT TILE OUTLET. PLACE 6 - 6' X 3' X 3' GABION BASKETS AT HEAD OF DITCH AND JUST UPSTREAM OF TILE OUTLET. KEEP 6' MINIMUM CLEAR BETWEEN BASKETS. LOW ELEV. FOR BASKETS TO BE ELEV. 99.5

**PROFILE:**  
SCALE: HOR 1" = 400'  
VER 1" = 4'

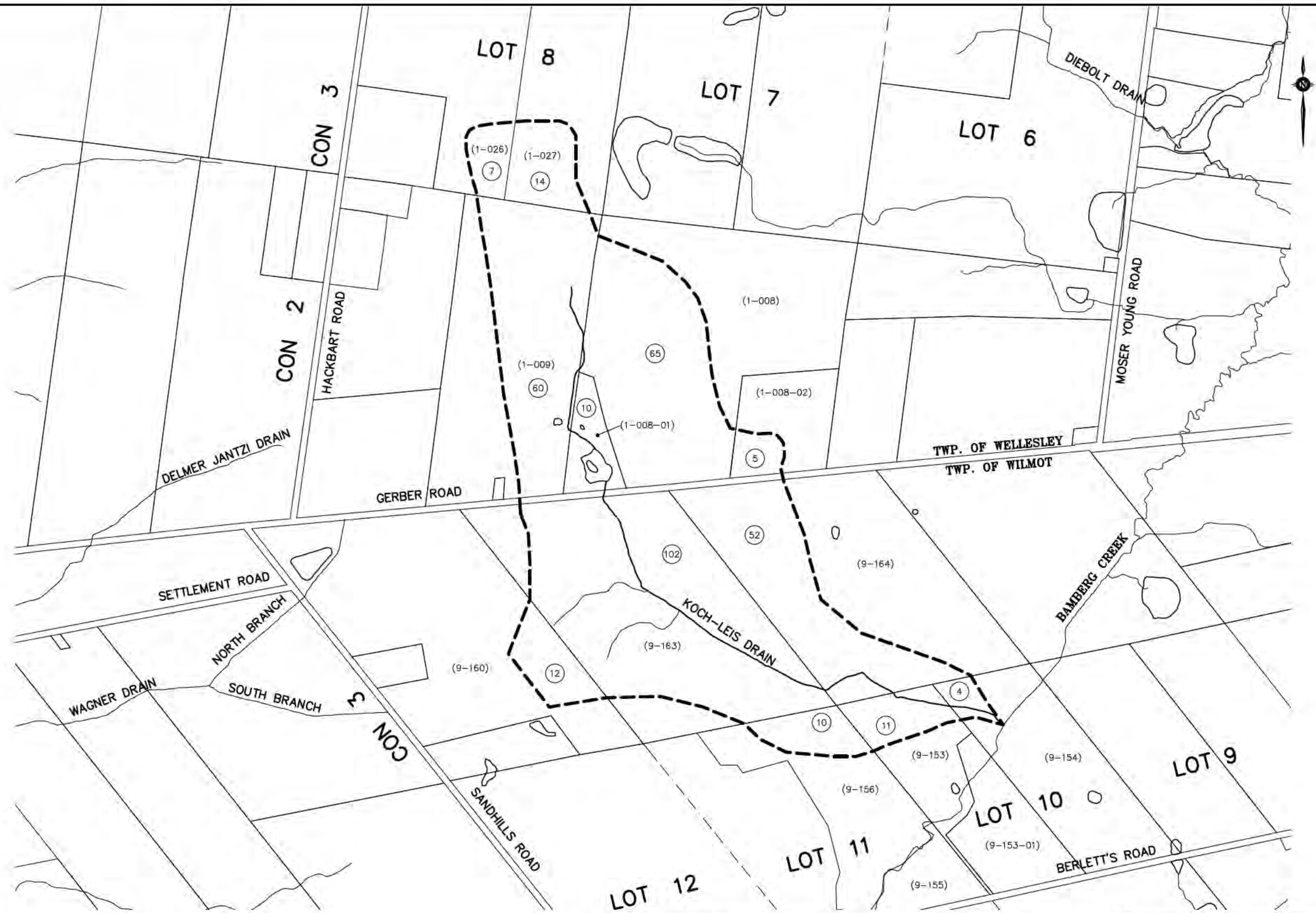


**PLAN** SCALE: 1" = 1000'

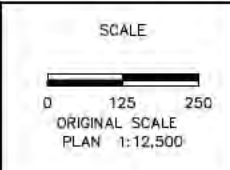
*Inspection Aug 17/78*  
 - Mulch should eliminate weeds on  
 e/s of digester bank  
 - Mulch should be separate from soil  
 - Culvert appears OK  
 - gabions & rip rap OK

AS CONSTRUCTED

|                                           |                  |               |                        |
|-------------------------------------------|------------------|---------------|------------------------|
| <b>STRAUS DRAIN</b>                       |                  |               |                        |
| TOWNSHIP OF WILMOT                        |                  |               |                        |
| SCALE: AS SHOWN                           | FIELD BOOK DR-15 | JOB NO. 77039 | DRAWN BY R.S.          |
| DATE: AUG. 11, 1977                       |                  |               | REVISED SEPT. 27, 1977 |
| <b>PLAN AND PROFILE</b>                   |                  |               | DRAWING NUMBER         |
| K. SMART<br>CONSULTING ENGINEER & PLANNER |                  |               | 1 OF 1                 |



| PLAN LEGEND |                                |
|-------------|--------------------------------|
|             | MAJOR WATERSHED                |
|             | INTERMEDIATE WATERSHED         |
|             | KOCH-LEIS DRAIN                |
|             | APPROXIMATE ACRES IN WATERSHED |
|             | ASSESSMENT ROLL NUMBER         |



|                                                                                                          |                           |
|----------------------------------------------------------------------------------------------------------|---------------------------|
| <b>KOCH-LEIS DRAIN</b>                                                                                   |                           |
| TOWNSHIPS OF WILMOT AND WELLESLEY REGION OF WATERLOO                                                     |                           |
| <b>WATERSHED PLAN</b>                                                                                    | MAY 30, 2013              |
| <b>K. SMART ASSOCIATES LIMITED</b><br>CONSULTING ENGINEERS AND PLANNERS<br>KITCHENER SUDBURY RAINY RIVER | REVISED:                  |
|                                                                                                          | JOB NUMBER: <b>85-042</b> |
|                                                                                                          | DRAWING<br><b>1 OF 2</b>  |

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.

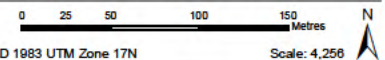
Regardless of which option is used, I would recommended that a mutual agreement be completed between the Gawron and Kittel farms outlining details for the drain constructed. This agreement could then be registered on title for the two properties. The Drainage Act makes reference to private mutual agreement drains and a template is available for such an agreement.



**Legend**

 Parcel - Assessment Public  
(MPAC/MNRF)

Copyright Grand River Conservation Authority, 2018.  
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>












**Legend**

 Parcel - Assessment Public  
(MPAC/MNRF)

Copyright Grand River Conservation Authority, 2018.  
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>

## John Kuntze

---

**From:** John Kuntze  
**Sent:** Thursday, May 2, 2019 5:10 PM  
**To:** Cory Kittel  
**Cc:** drains  
**Subject:** Kittel Farm - Gerber Road  
**Attachments:** Topo plan - Kittel farm 19-04-18.pdf

Hi Cory

Attached is a copy of the topographic map I had made of your farm on the south side of Gerber Road for our site meeting on April 22. Unfortunately this was the map I forgot to bring with me for the meeting.

Now that I have seen the site of the drainage concern on your property I have added some detail to the topo map on a potential drain to address the issue of surface water flow across your property south from Gerber Road and then ponding on your property to the south in a low depression area before overflow to the east to Bamberg Creek.

I have marked on the map the approximate route of a drain from the culvert under Gerber Road south to the low area along the west boundary of your farm and then southeasterly to an outlet in Bamberg Creek. Length of drain is approximately 700m (2300').

Using the contours on the map I have established a watershed area for this drain.

The watershed limit for the drain is shown as a dashed line with some shading.

Two parcels in Wellesley Township drain through the Gerber Road culvert – total area 12.5ha (30ac).

Gerber Road area is approximately 0.4ha (1ac) on each side of the road for a total of 0.8ha (2ac).

There is also about 19ha (45ac) of your property and a small portion of the Gawron farm that also drains in to the low depression area. This additional area would have to be taken into account for the design of the drain from the low area to Bamberg Creek.

As you can see Gerber Road is only about 3% of the watershed area. Gerber Road is paved so it does produce greater runoff than agricultural land. In the work I do for drain reports under the Drainage Act I factor the road areas by 3 for increased runoff.

Using this factor Gerber Road would still be less than 10% of the watershed area for a new drain.

I think the above will illustrate that Gerber Road is not the major source of the surface water flow across your property. As we discussed on-site the Gerber Road does concentrate the flow from the north at the culvert. However, even without the road culvert and no road I think the runoff from north of the road would quickly become a concentrated flow on your property due to the steep gradient to the south. In my opinion Gerber Road contributes to the drainage issues on your property but Gerber Road is not the sole cause of the drainage issues.

Using current agricultural drainage design standards I have shown on the map the size of drain that I think would be required to adequately address the drainage issues on your property.

450m south from Gerber Road to the edge of the low area the drain will have a very steep grade – drains size would be 8" to 10" corrugated plastic tubing.

300m southeast from the low area to Bamberg Creek would have a very flat grade – drain size should be 16" concrete tile.

An approximate estimate to construct the above drain would be \$35,000.

If the drain is done privately then you would be responsible for the construction cost.

You could try to negotiate an agreement with the Region and the properties to the north to pay a share of your cost for the drain.

The Region would not likely participate in a private agreement drain and the north parcels may not be willing to contribute to the cost of your drain.

The other option we discussed would be for you to file a petition and have the drain constructed under the Drainage Act through an Engineer's Report. If done under the Drainage Act in a new Engineer's report the approximate total cost could be \$60,000.

This cost would then be assessed by the Engineer to your property, the Gawron property, Gerber Road and the two parcels to the north of Gerber Road.

Under the Drainage Act process 1/3 of the cost assessed to farm land would be eligible for a 1/3 OMAFRA grant which is applied for by the Township.

My best guess for a final cost to your property (1/3 grant deducted) would be in the range of \$20,000.

It is my experience that the assessment after grant to a property with a drain constructed under the Drainage Act is usually much less than the cost if the owner constructed the same drain privately.

I trust the above will give you some idea on options to address the drainage issues on your property.

If you would decide to pursue the Drainage Act process let me know and I can assist you with the petition process.

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>





T: 519.748.1199 x227 | F: 519.748.6100 | [jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)

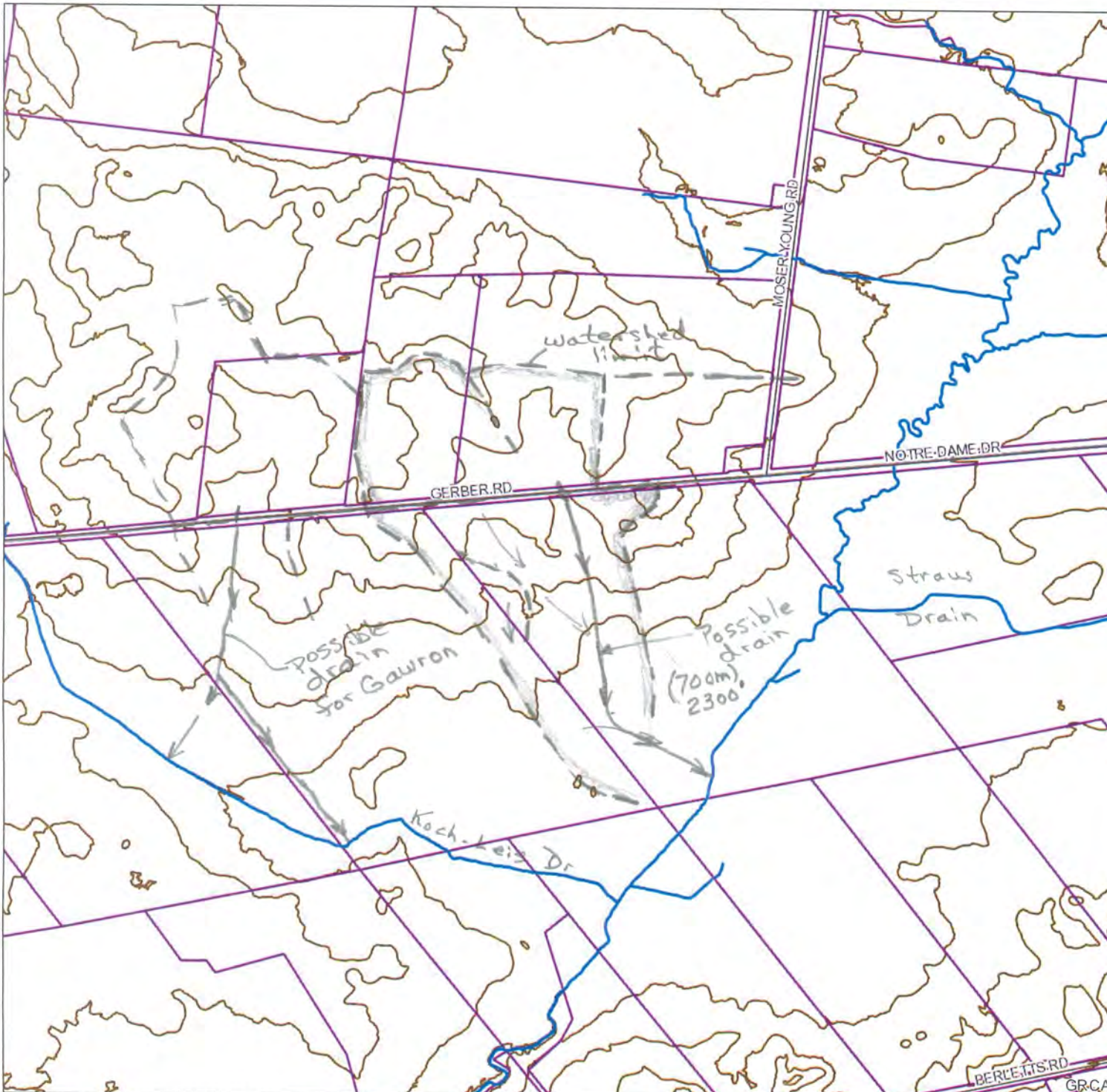


Kittel farm Wilmot



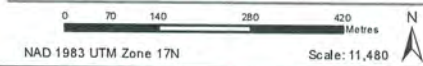
Legend

-  Regulated Watercourse (GRCA)
-  Parcel - Assessment Public (MPAC/MNRF)
-  Contour 2018 - Regional (GRCA)
-  Great Lakes - Local (GRCA)



Watershed  
 N of Gerber Rd 12.5ha  
 30 Acres  
 North side of Gerber Rd  
 0.5ha - 1Ac  
 South side of Gerber Rd  
 0.4ha - 1Ac  
 S of Gerber Rd 19ha  
 45acres  
 N 450m 200mm (8") to 250mm  
 Plastic tubing (10")  
 S 300m 400mm (16") concrete  
 tile

Copyright Grand River Conservation Authority, 2019.  
 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>



## Jeff Bunn

---

**From:** Ashton Romany  
**Sent:** April 26, 2021 8:47 AM  
**To:** John Kuntze; Tax; drains  
**Cc:** Bryan Bishop  
**Subject:** RE: Ownership info for new petition

Hi John,

Please see below:

30-18-090-009-16400-0000  
JANANNA CORP  
264 DEARBORN BLVD  
WATERLOO ON N2J 4Y6

**Ashton Romany**, CPA | Manager of Finance / Deputy Treasurer | **Corporate Services** | Township of Wilmot  
60 Snyder's Road West, Baden, ON N3A 1A1  
P. 519.634.8519 x 225 | [ashton.romany@wilmot.ca](mailto:ashton.romany@wilmot.ca)  
[www.wilmot.ca](http://www.wilmot.ca)

Follow us on Twitter [@WilmotTownship](https://twitter.com/WilmotTownship)

*Wilmot is a cohesive, vibrant and welcoming countryside community.*

**Get your tax and water bill sent directly to your email! Visit [wilmot.ca/ebills](http://wilmot.ca/ebills) to sign up today!**

**Township of Wilmot Revenue Services** | [tax@wilmot.ca](mailto:tax@wilmot.ca) | [water@wilmot.ca](mailto:water@wilmot.ca) | [wilmot.ca](http://wilmot.ca)

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Friday, April 23, 2021 5:39 PM  
**To:** Tax <Tax@Wilmot.ca>; drains <drains@Wilmot.ca>  
**Cc:** Bryan Bishop <bryan.bishop@wilmot.ca>  
**Subject:** Ownership info for new petition

**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.

I have to prepare a Drainage Act petition for a farm at 1184 Gerber Road.  
The Roll Number for this farm is 090-009-164.  
The ownership information I have for this parcel is from 4-5 years ago.  
Could someone please send me the full ownership information for this parcel from the current assessment roll?  
Could you also include the mailing address in the assessment roll for this property.

Bryan

I finally returned the call to Lucy Gawron this afternoon but had to leave a message.  
I then called Irene Schneider, Lucy's sister, using the number in Lucy's message.  
I was able to talk to Irene. I plan to meet at the Gawron farm on Monday at 2pm to provide them with the petition and to go over the petition process.

John



***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](mailto:jkuntze@ksmart.ca)



**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

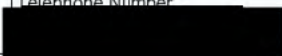
The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

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)<br><u>Gawron</u> | (First Name)<br><u>Lucy</u> | Telephone Number<br> |
|---------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------|

|                                   |                                        |
|-----------------------------------|----------------------------------------|
| Address                           |                                        |
| Road/Street Number<br><u>1184</u> | Road/Street Name<br><u>Gerber Road</u> |

|                           |                         |                               |                                     |
|---------------------------|-------------------------|-------------------------------|-------------------------------------|
| Location of Project       |                         |                               |                                     |
| Lot<br><u>N1/2 Lot 10</u> | Concession<br><u>3B</u> | Municipality<br><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)<br><u>not applicable</u> |
|---------------------------------------------------------|

|                                            |
|--------------------------------------------|
| Estimated length of project<br><u>500m</u> |
|--------------------------------------------|

|                                                              |
|--------------------------------------------------------------|
| General description of soils in the area<br><u>clay loam</u> |
|--------------------------------------------------------------|

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

- Tile drainage only
- Surface water drainage only
- Both

 Petition filed this \_\_\_\_\_ day of \_\_\_\_\_, 20 21

|                                                              |           |
|--------------------------------------------------------------|-----------|
| Name of Clerk (Last, first name)<br><u>Mittelholtz, Dawn</u> | 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                                     |                                               |
|                                                         | 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 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*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 823-3552.



### 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)<br><u>Gawron</u> | (First Name)<br><u>Lucy</u> | Telephone Number<br> |
|---------------------------------------------|-----------------------------|----------------------|

|                                   |                                        |
|-----------------------------------|----------------------------------------|
| Address                           |                                        |
| Road/Street Number<br><u>1184</u> | Road/Street Name<br><u>Gerber Road</u> |

|                           |                         |                               |                                     |
|---------------------------|-------------------------|-------------------------------|-------------------------------------|
| Location of Project       |                         |                               |                                     |
| Lot<br><u>N1/2 Lot 10</u> | Concession<br><u>3B</u> | Municipality<br><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)

Mittelholz, Dawn

Signature

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, April 27, 2021 11:44 AM  
**To:** Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>; Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>; Chris Gawron [REDACTED] Walt Krupnik [REDACTED]; Lucy Gawron [REDACTED]  
**Subject:** Gawron farm petition - 1184 Gerber Road

**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.

Hi Dawn and Tracey

On April 26 I attended at the Gawron farm at 1184 Gerber Road with the family members that are part of Jananna Corp which owns the farm property.

For the past few years I have been working with the Gawron family to get an outlet for the systematic tile drainage recently completed on their farm. The majority of the farm outlets in to the Koch-Leis Drain. I was able to resolve the outlet issue here by completing a cleanout on the Koch-Leis Drain in February-March 2018.

The east part of the farm requires an outlet east through the Kittel farm to an outlet in Bamberg Creek. At first the Gawrons tried to work out a mutual agreement drain with Kittel but that did not work out. They have now decided to petition under the Drainage Act for the drainage improvements required on the east side of the farm so they can complete the tile drainage plan they started several years ago.

I have attached a copy of the signed petition form.

We decided that due to COVID-19 restrictions that I would arrange to meet with you at the Township office to file and have accepted the signed petition.

Can you let me know what we would be a good time to meet with you to drop off the petition?

John



***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](mailto:jkuntze@ksmart.ca)

**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

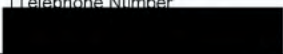
The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

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)<br><u>Gawron</u> | (First Name)<br><u>Lucy</u> | Telephone Number<br> |
|---------------------------------------------|-----------------------------|-----------------------------------------------------------------------------------------------------------|

|                                   |                                        |
|-----------------------------------|----------------------------------------|
| Address                           |                                        |
| Road/Street Number<br><u>1184</u> | Road/Street Name<br><u>Gerber Road</u> |

|                           |                         |                               |                                     |
|---------------------------|-------------------------|-------------------------------|-------------------------------------|
| Location of Project       |                         |                               |                                     |
| Lot<br><u>N1/2 Lot 10</u> | Concession<br><u>3B</u> | Municipality<br><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 \_\_\_\_\_ day of \_\_\_\_\_, 20 21

|                                                              |           |
|--------------------------------------------------------------|-----------|
| Name of Clerk (Last, first name)<br><u>Mittelholtz, Dawn</u> | 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                                     |                                               |
|                                                         | 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 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



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.

## Notes

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Regional Municipality of Waterloo, 2013

Parcels © Teranet Land Information Services Inc. and its licensors, 2013  
May not be reproduced without permission. THIS IS NOT A PLAN OF SURVEY

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** April 29, 2021 11:17 AM  
**To:** Dawn Mittelholtz  
**Subject:** RE: Gawron farm petition - 1184 Gerber Road

I've spoken to John today (very lengthy convo) and I am good on getting this drain started with the process.

I can get you up to speed on what John and I spoke about in regards to a few other drains as well.

---

**From:** Tracey Murray  
**Sent:** Tuesday, April 27, 2021 11:51 AM  
**To:** Dawn Mittelholtz <dawn.mittelholtz@wilmot.ca>  
**Subject:** FW: Gawron farm petition - 1184 Gerber Road

Do you want me to tell him that I will be in the office tomorrow morning.

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, April 27, 2021 11:44 AM  
**To:** Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>; Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>; Chris Gawron <[REDACTED]>; Walt Krupnik <[REDACTED]>; Lucy Gawron <[REDACTED]>  
**Subject:** Gawron farm petition - 1184 Gerber Road

**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.

Hi Dawn and Tracey

On April 26 I attended at the Gawron farm at 1184 Gerber Road with the family members that are part of Jananna Corp which owns the farm property.

For the past few years I have been working with the Gawron family to get an outlet for the systematic tile drainage recently completed on their farm. The majority of the farm outlets in to the Koch-Leis Drain. I was able to resolve the outlet issue here by completing a cleanout on the Koch-Leis Drain in February-March 2018.

The east part of the farm requires an outlet east through the Kittel farm to an outlet in Bamberg Creek.

At first the Gawrons tried to work out a mutual agreement drain with Kittel but that did not work out.

They have now decided to petition under the Drainage Act for the drainage improvements required on the east side of the farm so they can complete the tile drainage plan they started several years ago.



I have attached a copy of the signed petition form.

We decided that due to COVID-19 restrictions that I would arrange to meet with you at the Township office to file and have accepted the signed petition.

Can you let me know what we would be a good time to meet with you to drop off the petition?

John



***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](mailto:jkuntze@ksmart.ca)



## **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*

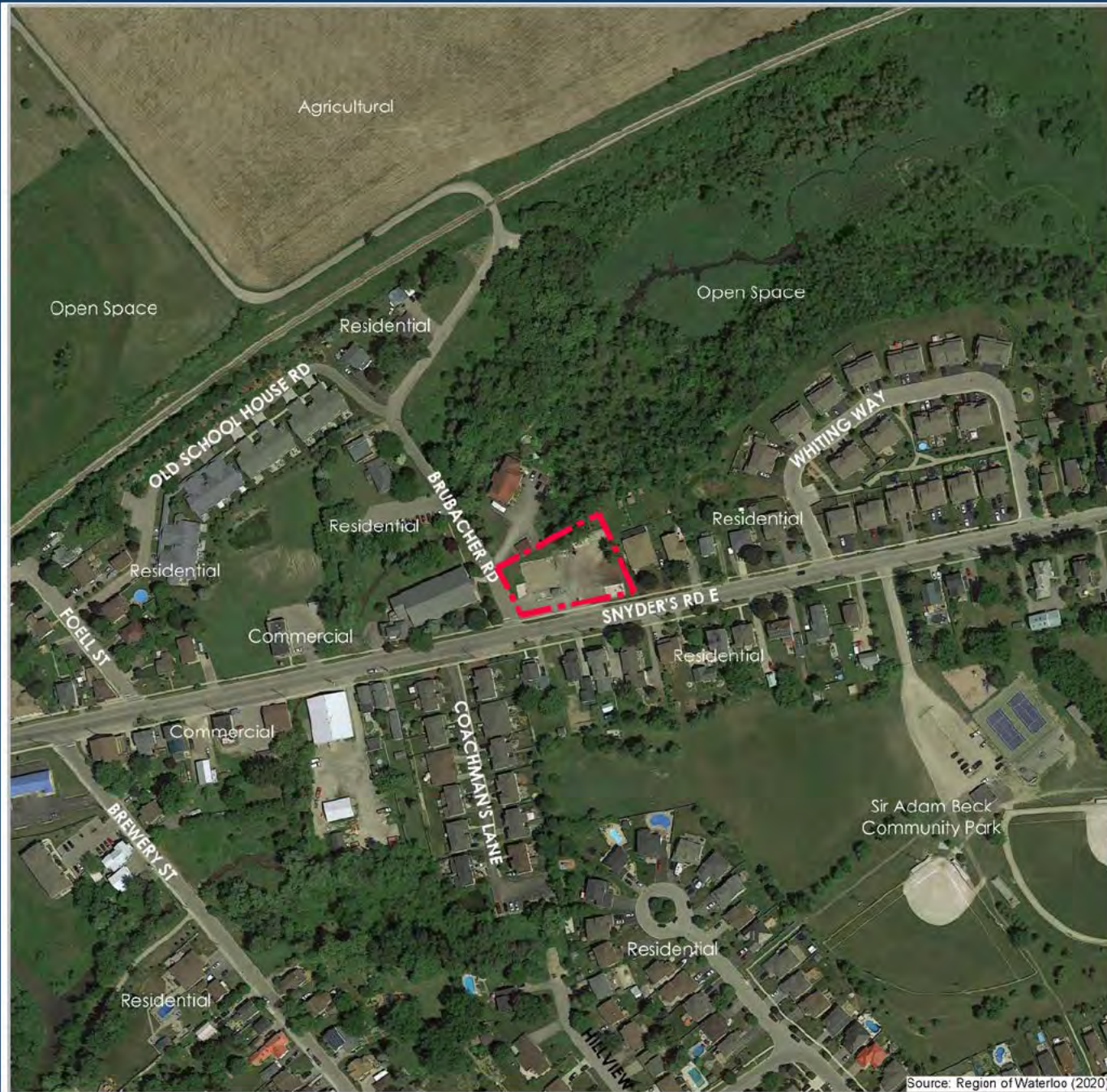
*Technical Reports including Planning, Servicing, Archaeology, and Noise have been prepared in support of the Zoning By-law Amendment*

# 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



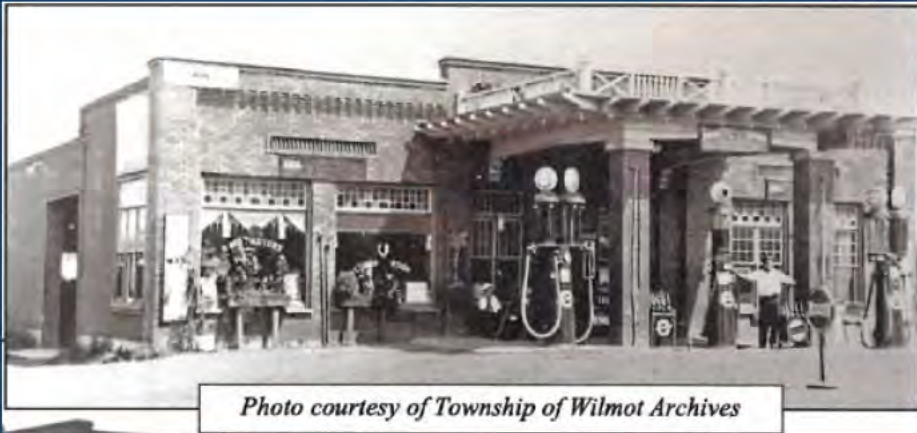
# SITE HISTORY

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

| <b>Current Use of Property</b> | <b>Proposed Use of Property</b>                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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:<br><ol style="list-style-type: none"><li>1) Be located within an established area of the Township, in close proximity to Downtown Baden;</li><li>2) Introduce more housing options to the area;</li><li>3) Support the social, health &amp; well-being of current and future residents.</li></ol> |



# 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:

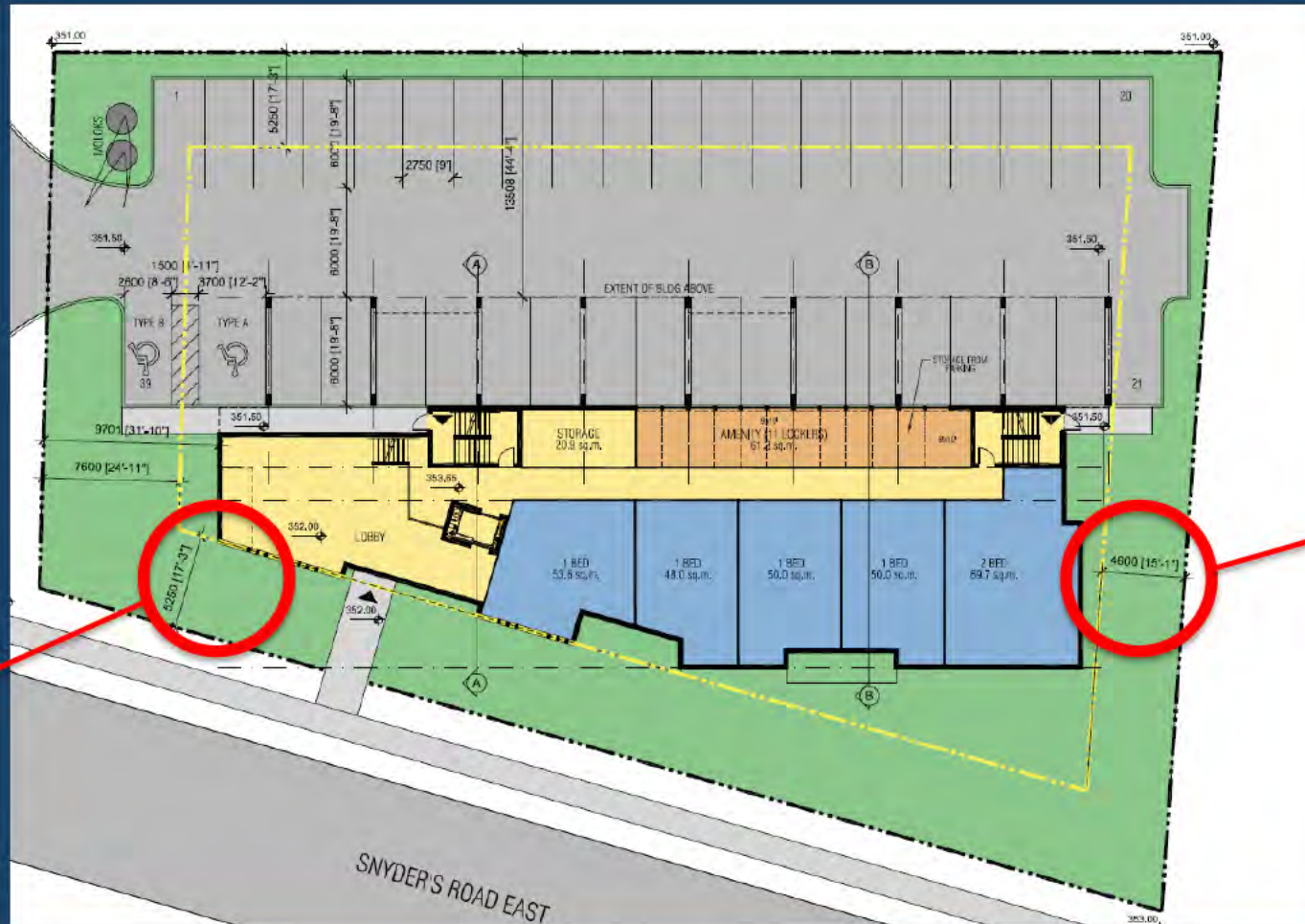
**Zone 5:** to permit residential units at ground level (stand alone residential building)

### **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)**

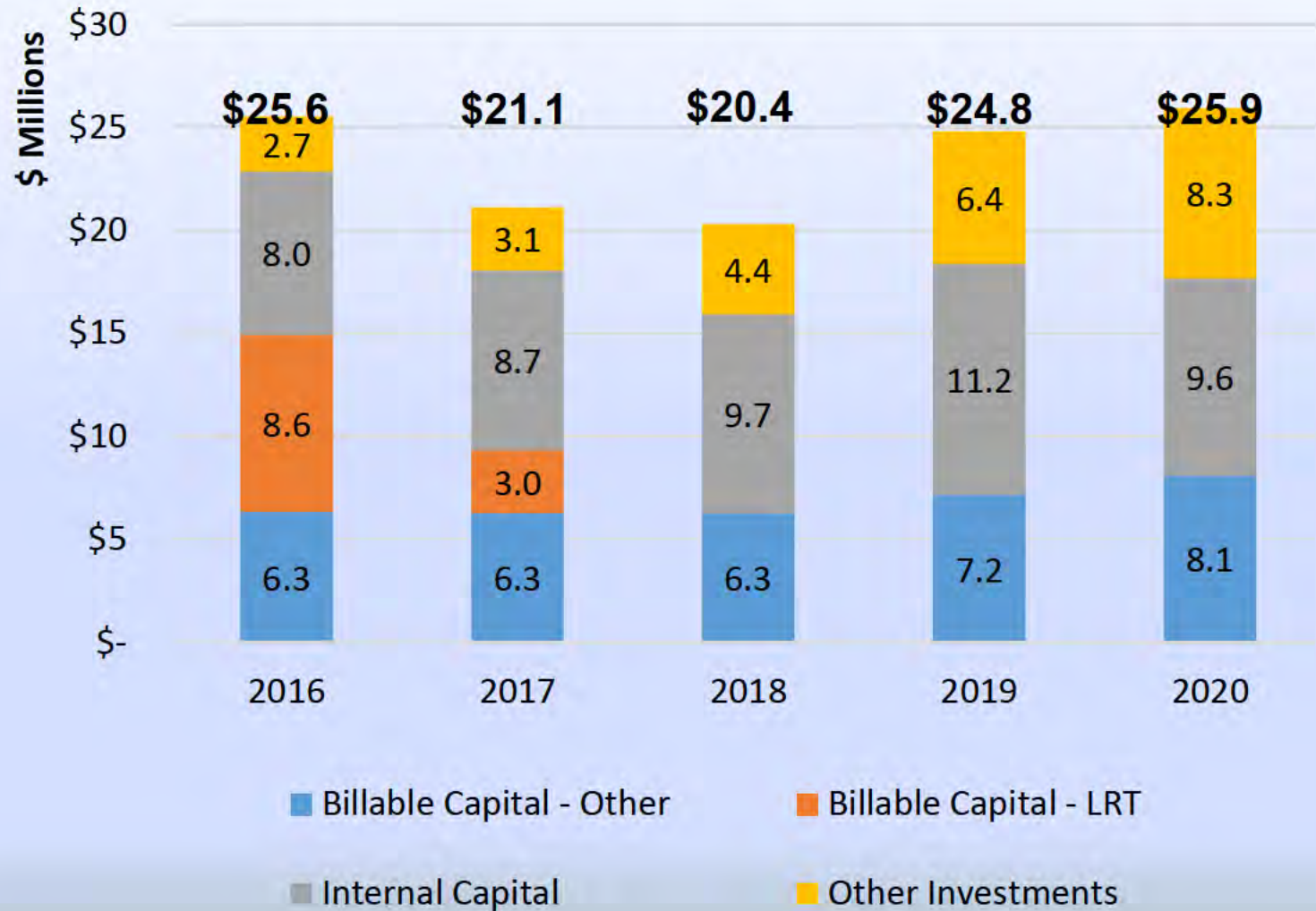
# Financial Performance

- **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

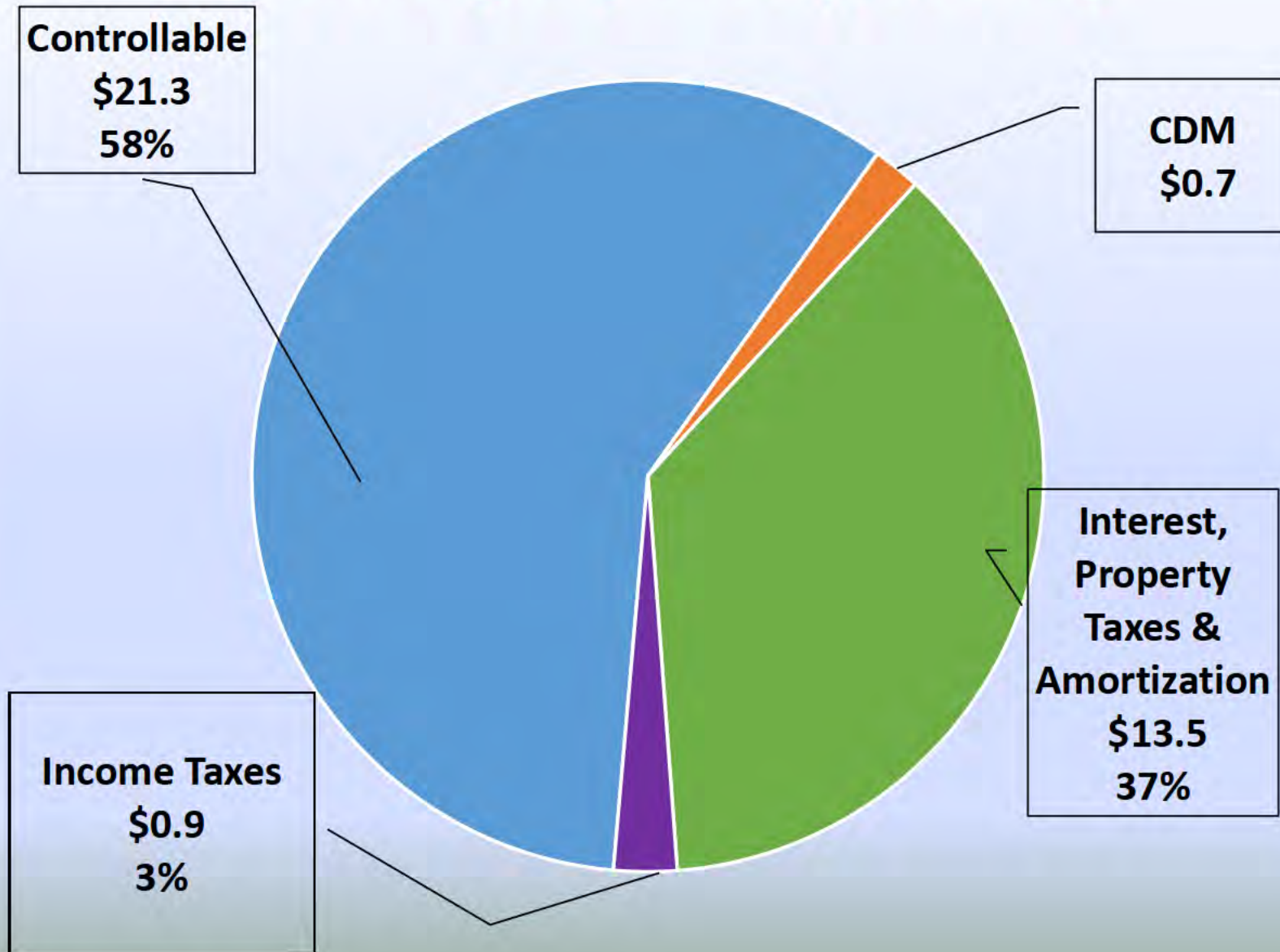
- Increase in OM & A Costs
  - Additional bad debts (\$500K increase)
  - New Covid Expenses (\$786K)
    - Transformer Station Monitoring
    - Safety Supplies
    - Vehicle Rentals
    - IT and System Changes
- Transitioned Office Staff to Work From Home and Field Staff to Work From Remote locations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

# Capital Investments





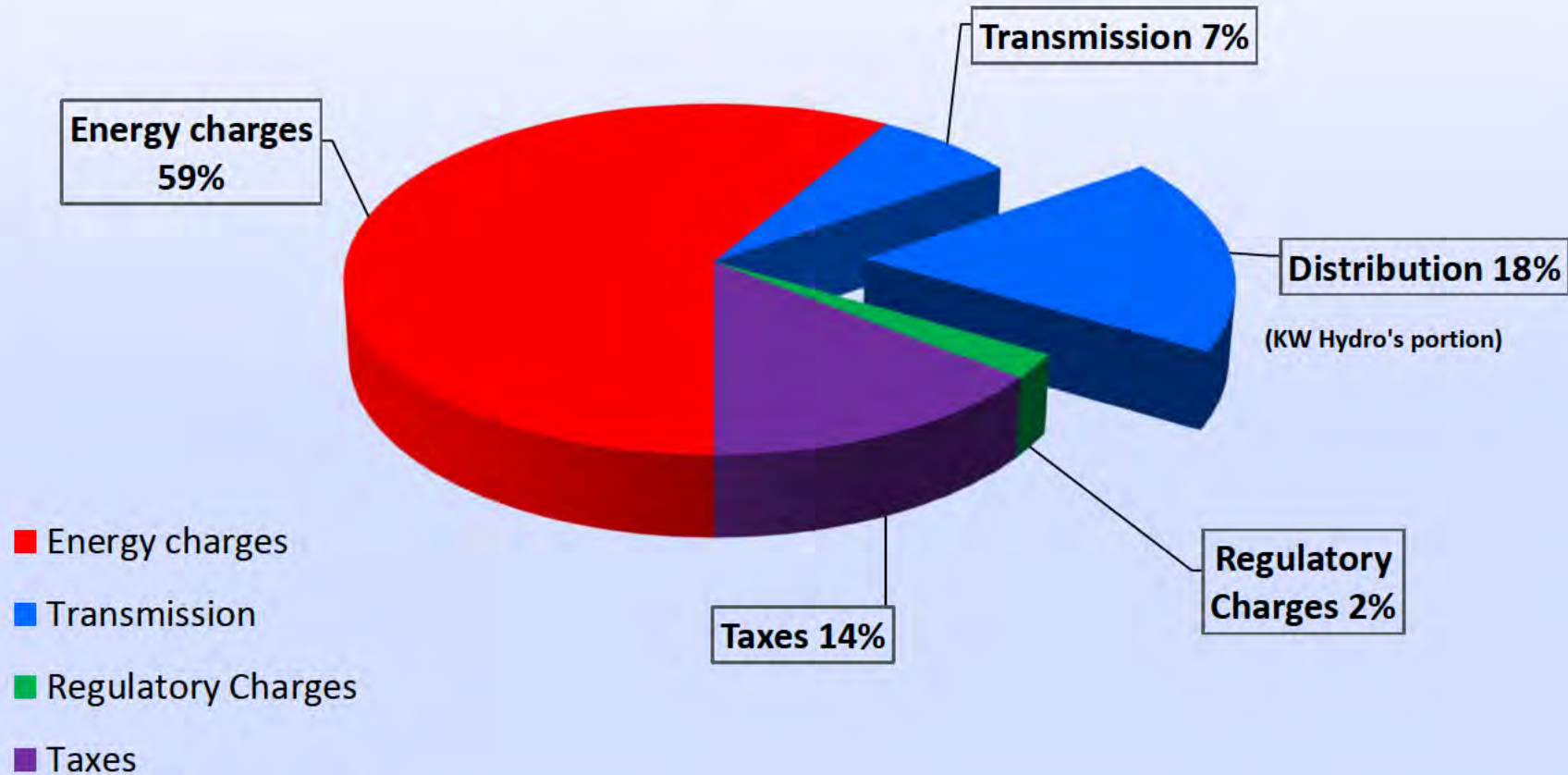
# Operating Expense (\$36.4M)



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



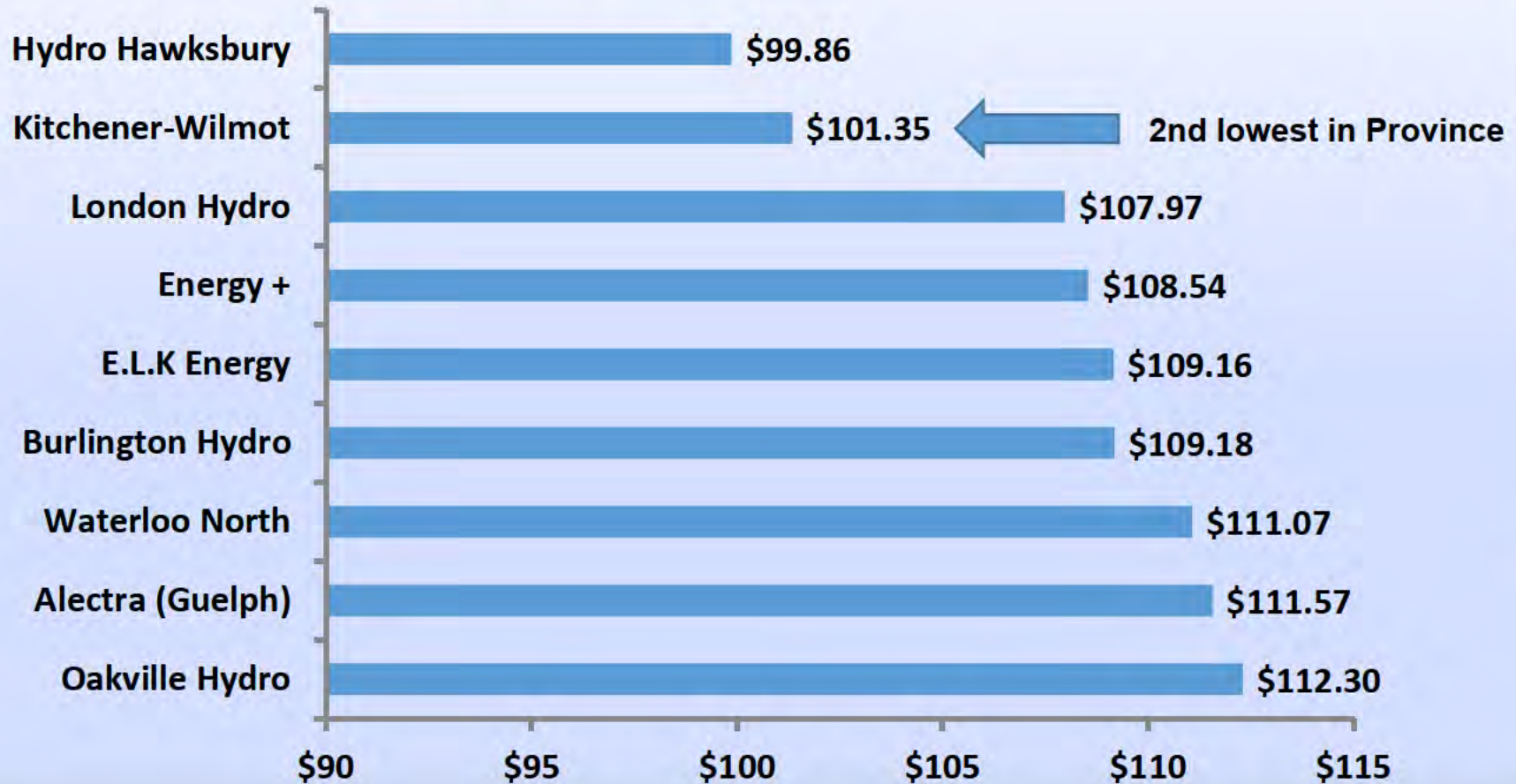
# Rates for 700 kWh Residential Customer Effective Jan. 1/21



**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



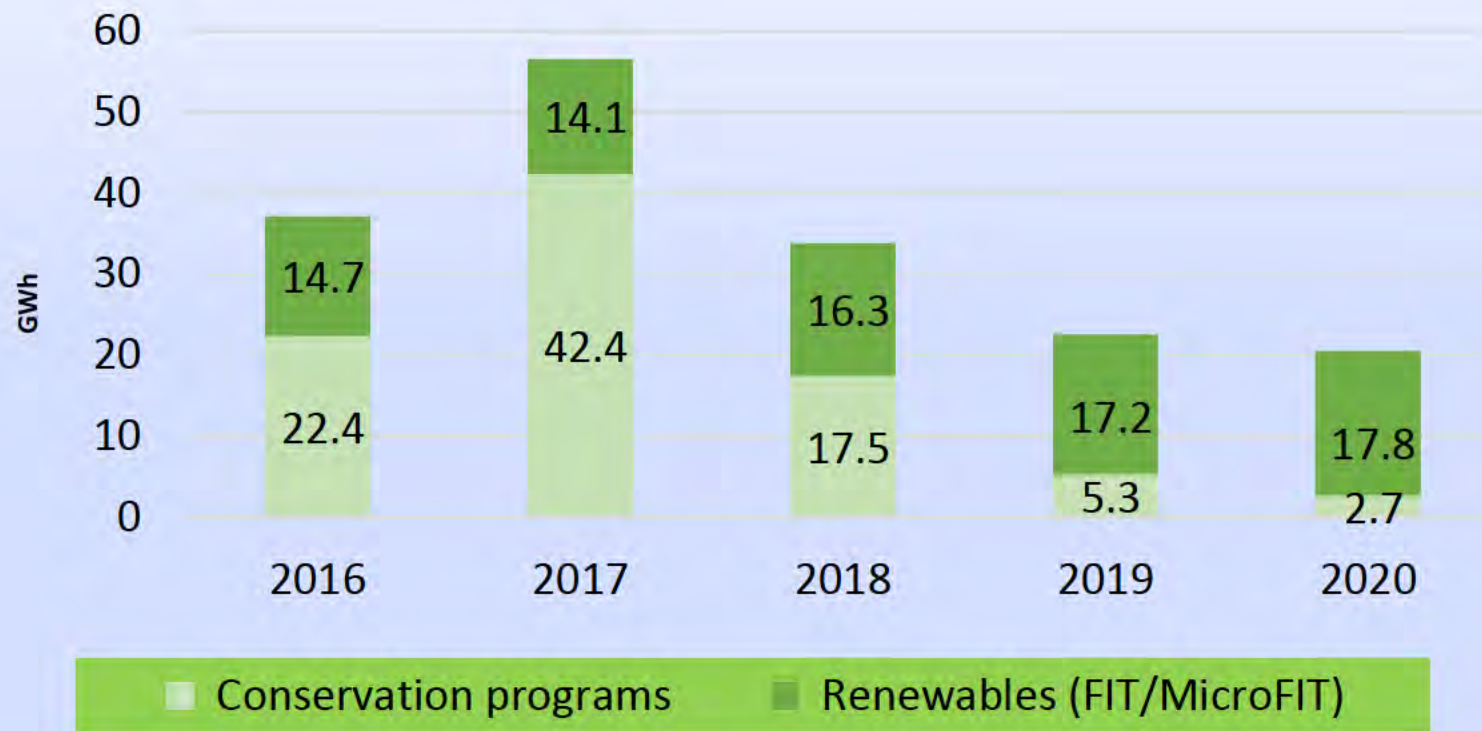
# Service Reliability Performance

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

# 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)

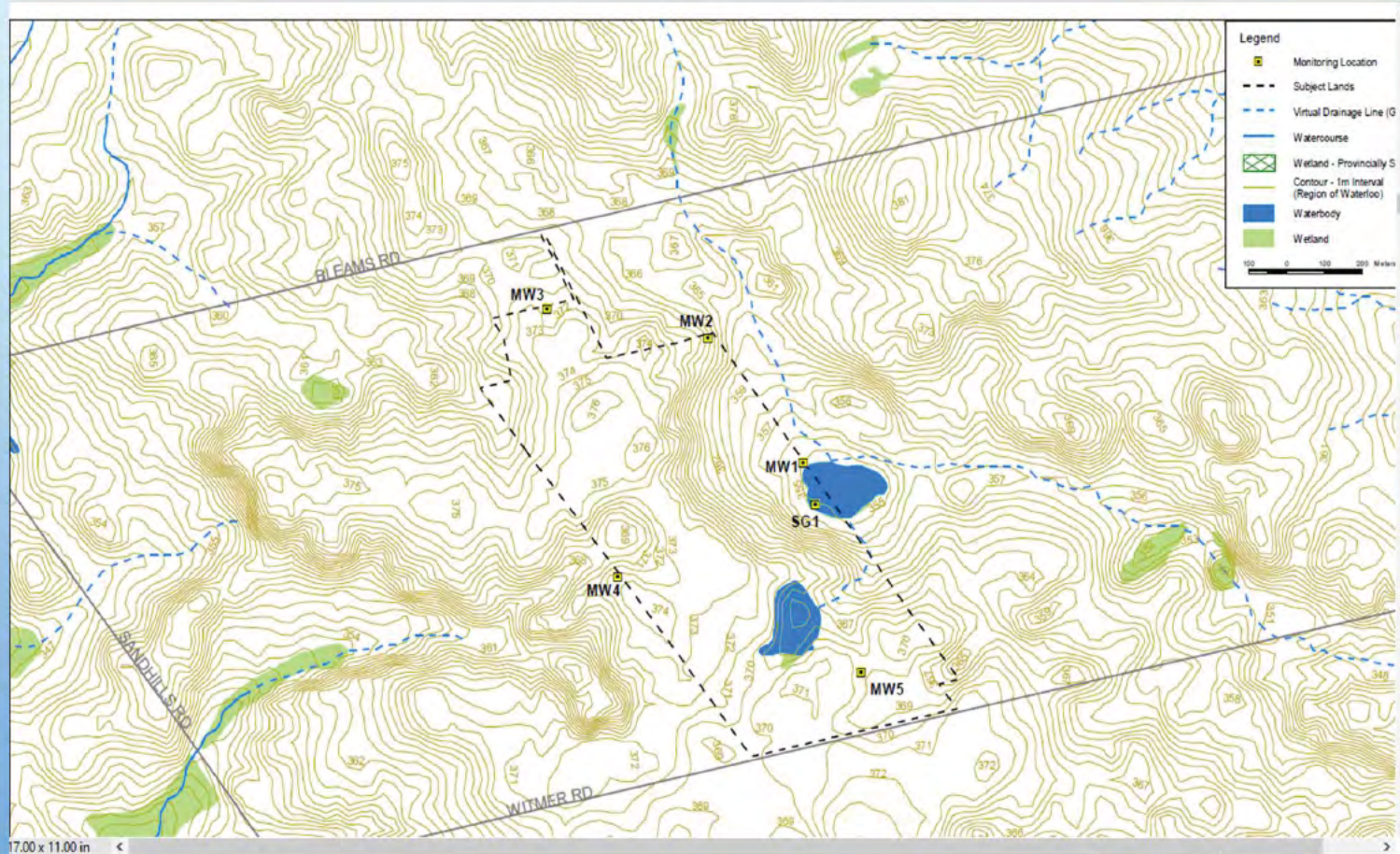
# Community Initiatives

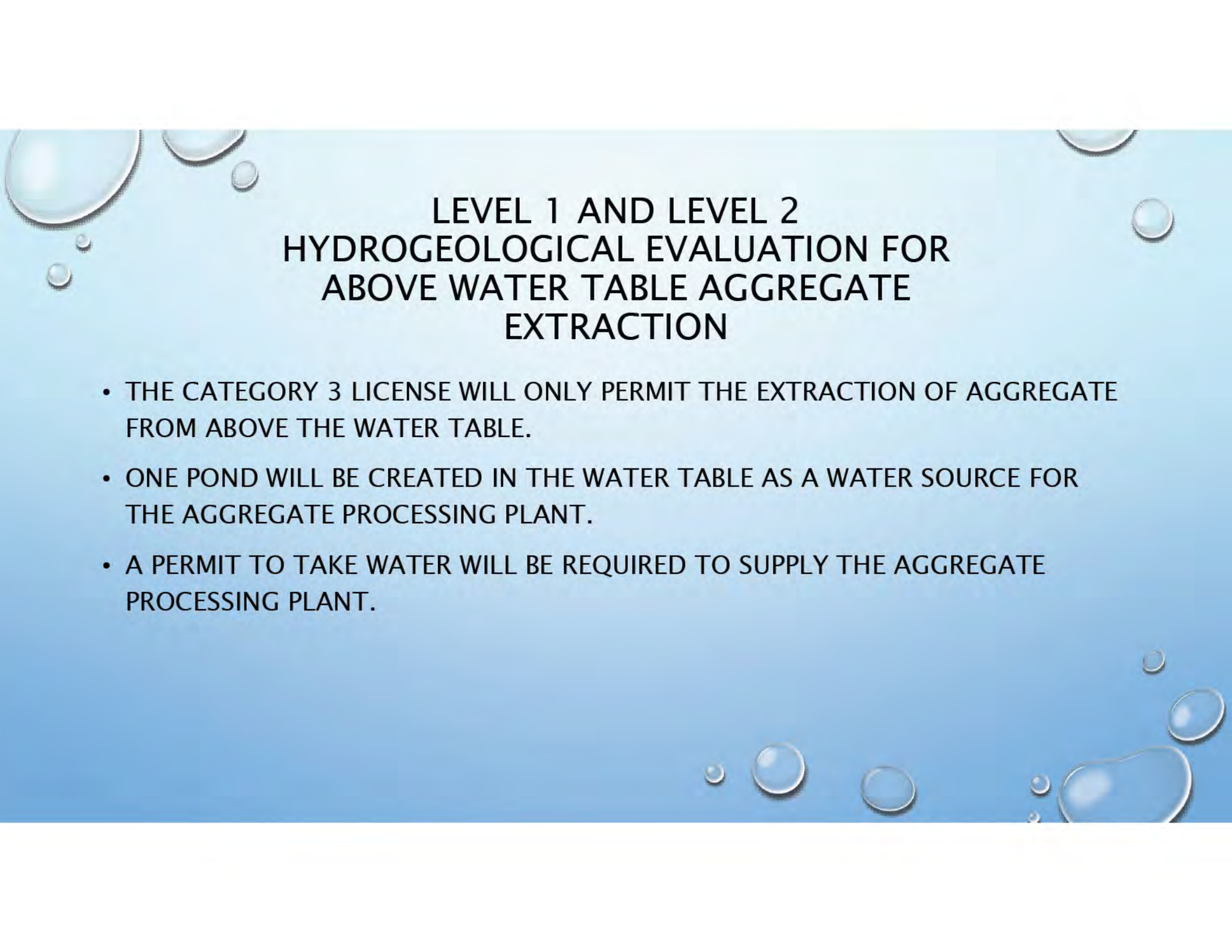


In April 2020, Kitchener-Wilmot Hydro proudly donated 1,000 N95 respirators to St. Mary's General Hospital in Kitchener.

# Thank You

# REVIEW OF HYDROGEOLOGICAL ASSESSMENT AND OPERATIONAL PLAN



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

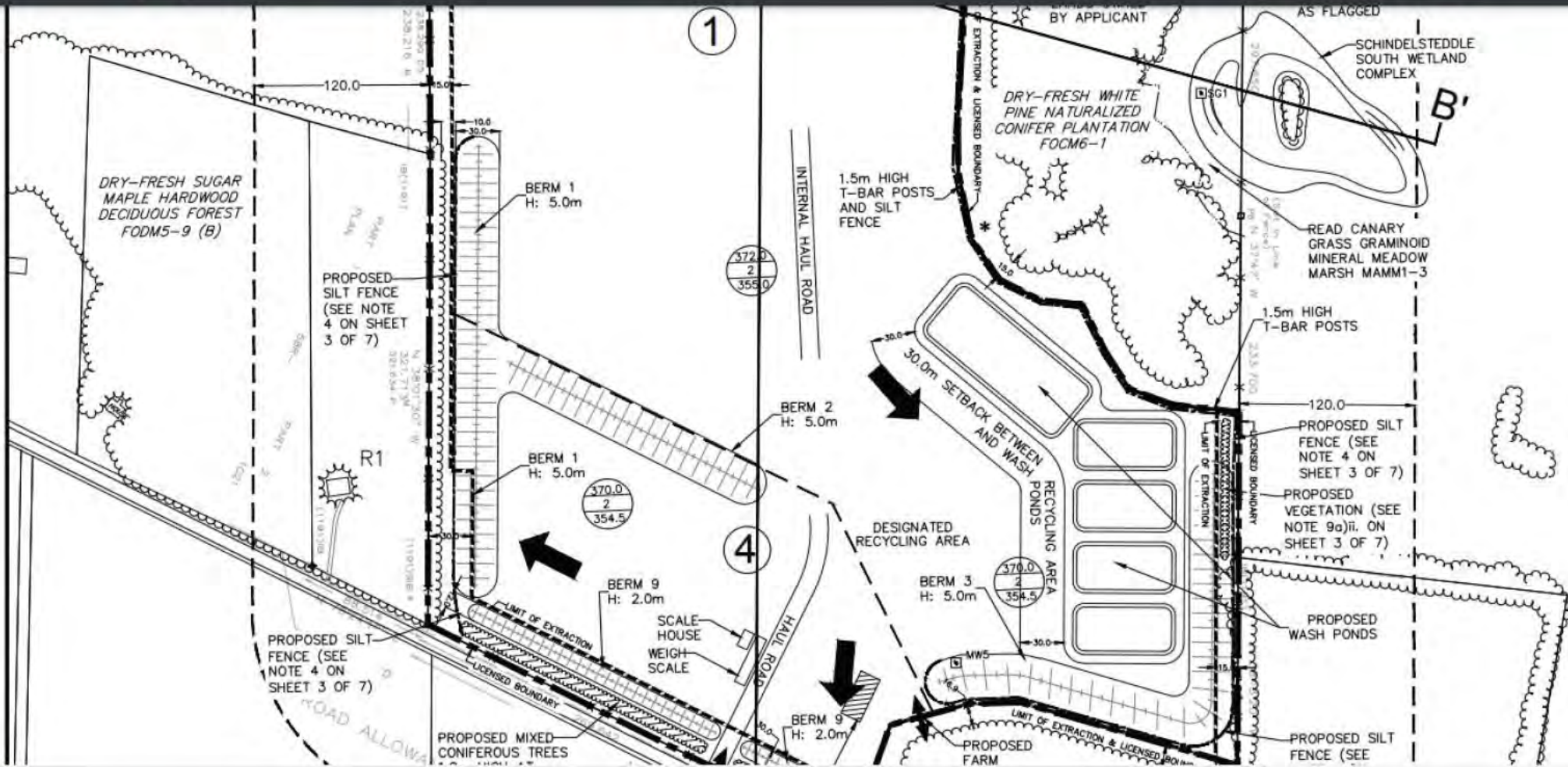
## LEVEL 1 AND LEVEL 2 HYDROGEOLOGICAL EVALUATION FOR ABOVE WATER TABLE AGGREGATE EXTRACTION

- 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 

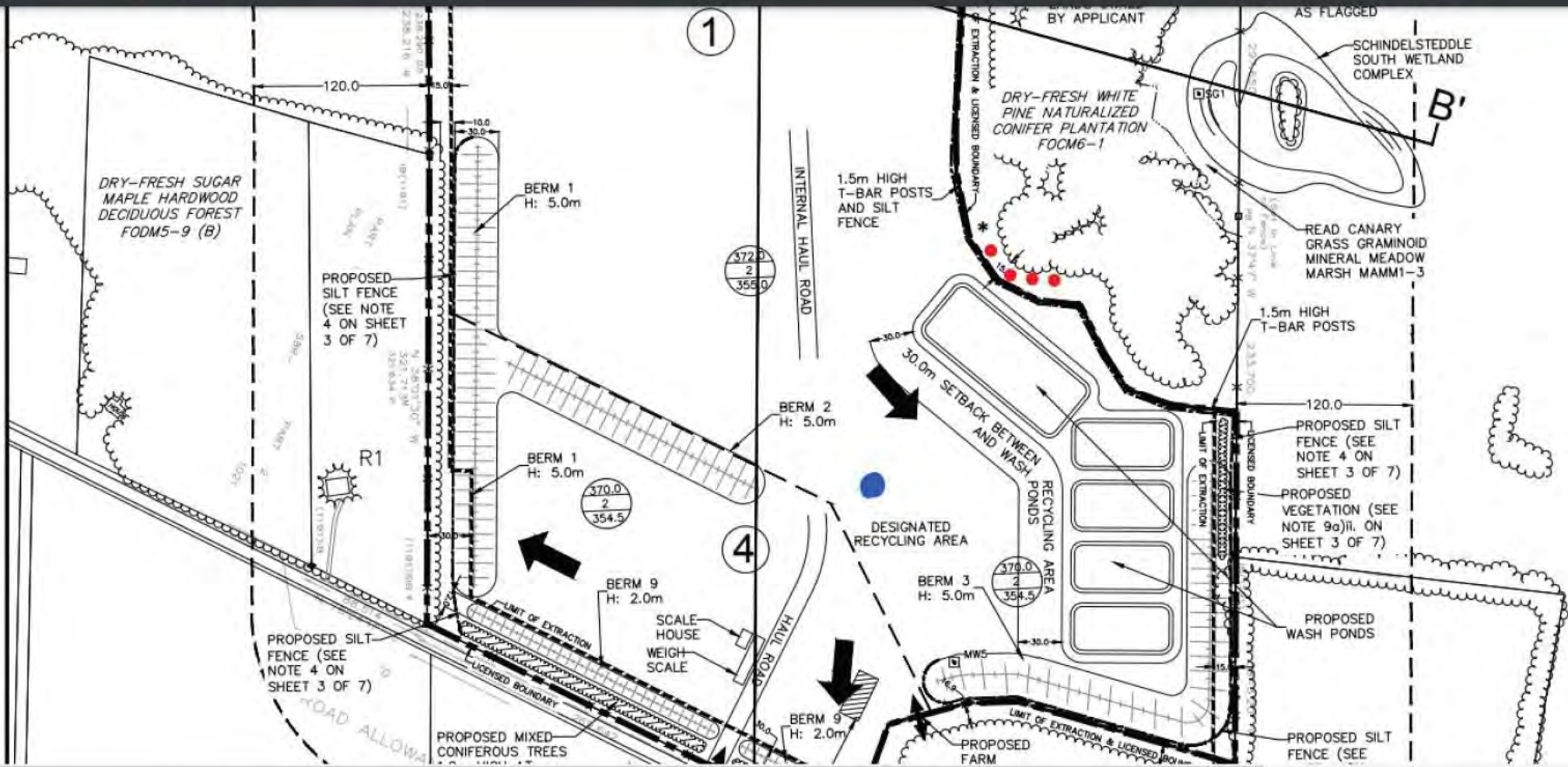


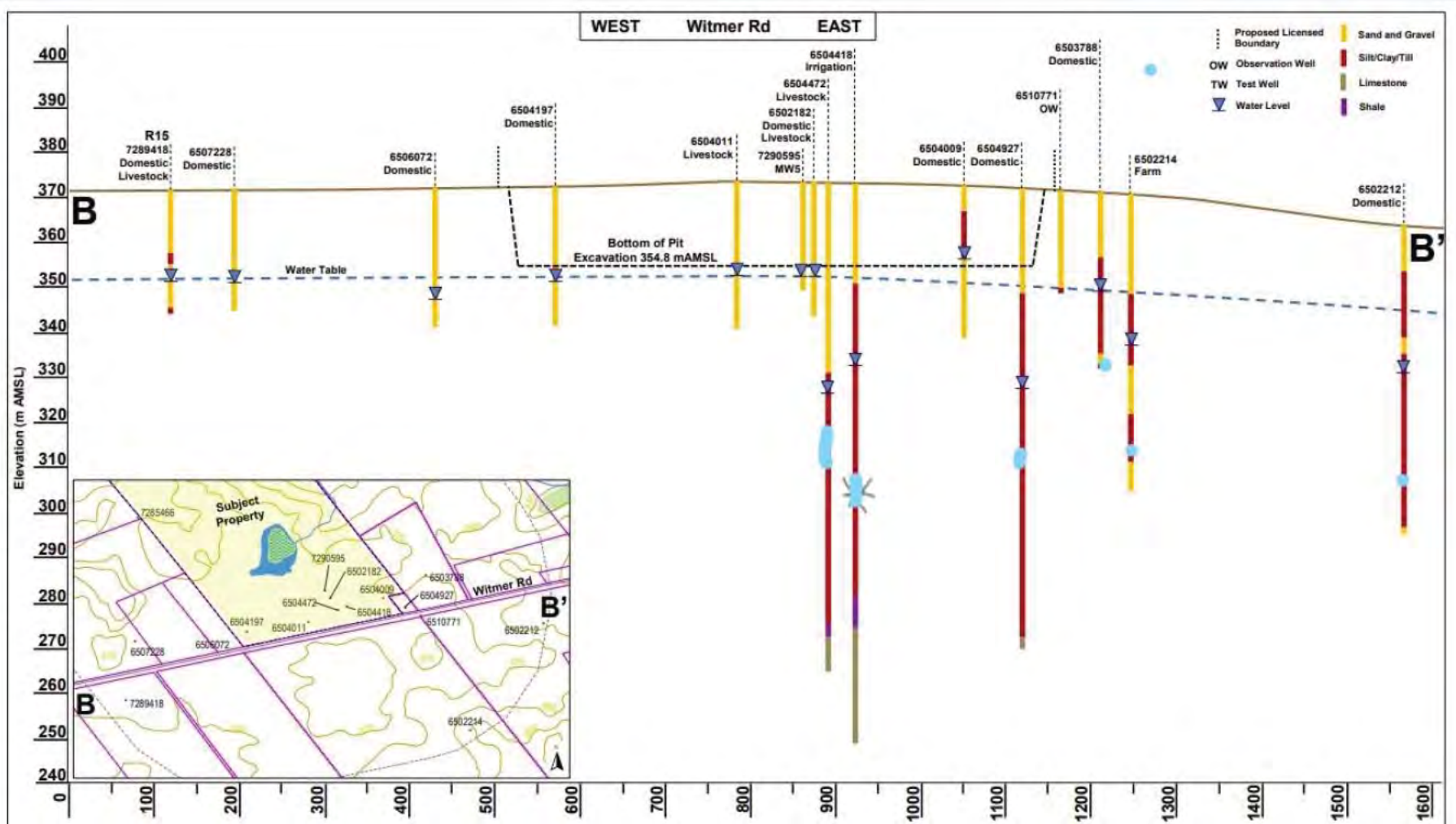
**CHUNG & VANDER DOELEN**  
**ENGINEERING LTD.**  
 311 Victoria Street North  
 Kitchener / Ontario / N2H 5E1  
 519-742-8979



**SITE PLAN**  
 1894 & 1922 WITMER ROAD  
 PETERSBURG, ONTARIO

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





## WELLS DRILLED ON OR NEAR CATTLE YARD

|         |                                            |     |     |      |      |            |
|---------|--------------------------------------------|-----|-----|------|------|------------|
| 6502182 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3106 | 27.1 | 05/15/1963 |
|---------|--------------------------------------------|-----|-----|------|------|------------|

Rated 18 GPM

|         |                                            |     |     |      |      |            |
|---------|--------------------------------------------|-----|-----|------|------|------------|
| 6504011 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3134 | 32.0 | 09/18/1973 |
|---------|--------------------------------------------|-----|-----|------|------|------------|

Near biogas digester 30GPM

|         |                                            |     |     |      |      |            |
|---------|--------------------------------------------|-----|-----|------|------|------------|
| 6504009 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3134 | 32.3 | 10/03/1973 |
|---------|--------------------------------------------|-----|-----|------|------|------------|

Domestic 8 GPM House 1843 in bush lot

|         |                                            |     |     |      |      |            |
|---------|--------------------------------------------|-----|-----|------|------|------------|
| 6504197 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3134 | 30.8 | 09/16/1974 |
|---------|--------------------------------------------|-----|-----|------|------|------------|

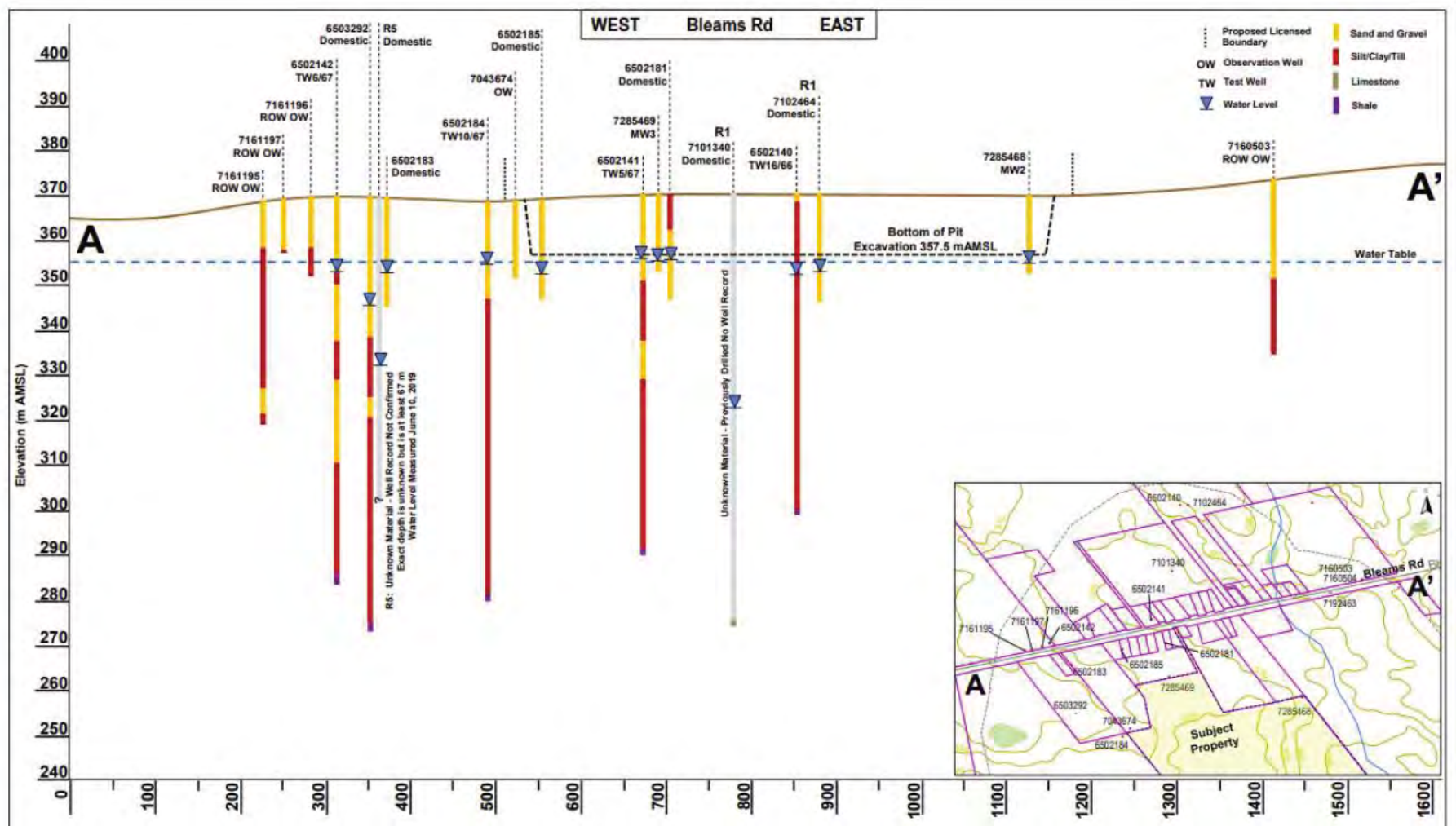
Center barns 8 GPM

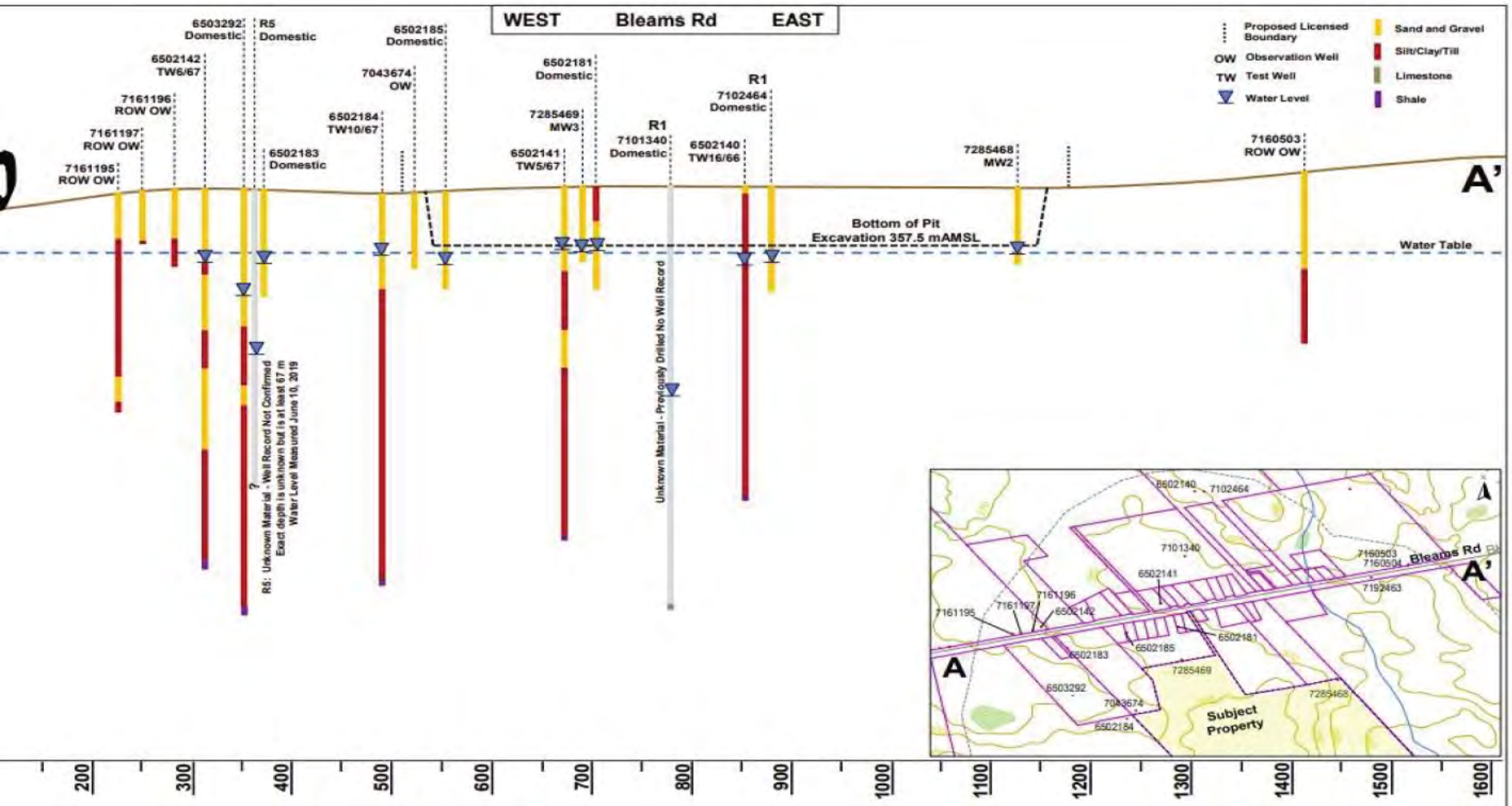
|         |                                            |     |     |      |       |            |
|---------|--------------------------------------------|-----|-----|------|-------|------------|
| 6504418 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3134 | 121.9 | 02/21/1976 |
|---------|--------------------------------------------|-----|-----|------|-------|------------|

Irrigation well eastside of lane 600 GPM pump set at 70 m. Water quality: Mineral

|         |                                            |     |     |      |       |            |
|---------|--------------------------------------------|-----|-----|------|-------|------------|
| 6504472 | <a href="#">PDF</a>   <a href="#">HTML</a> | N/A | N/A | 3134 | 106.1 | 06/03/1976 |
|---------|--------------------------------------------|-----|-----|------|-------|------------|

Water supply Livestock 60 GPM pump set at 60m









## 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 |
|---------|------|---------|---------|------|-----|------------|

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 | <a href="#">PDF</a>  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 | <a href="#">PDF</a>  HTML | N/A | N/A | 5469 | 36.9 | 04/04/1973 |
|---------|---------------------------|-----|-----|------|------|------------|

First property east on Witmer



|         |                           |     |    |      |      |            |
|---------|---------------------------|-----|----|------|------|------------|
| 6506072 | <a href="#">PDF</a>  HTML | N/A | NA | 3518 | 30.5 | 10/21/1986 |
|---------|---------------------------|-----|----|------|------|------------|

First neighbor to the west on Witmer Rd . Rated 10GPM **Water not meeting ODWS**

|         |                           |     |         |      |     |            |
|---------|---------------------------|-----|---------|------|-----|------------|
| 7298020 | <a href="#">PDF</a>  HTML | N/A | Z250092 | 6231 | N/A | 09/25/2017 |
|---------|---------------------------|-----|---------|------|-----|------------|

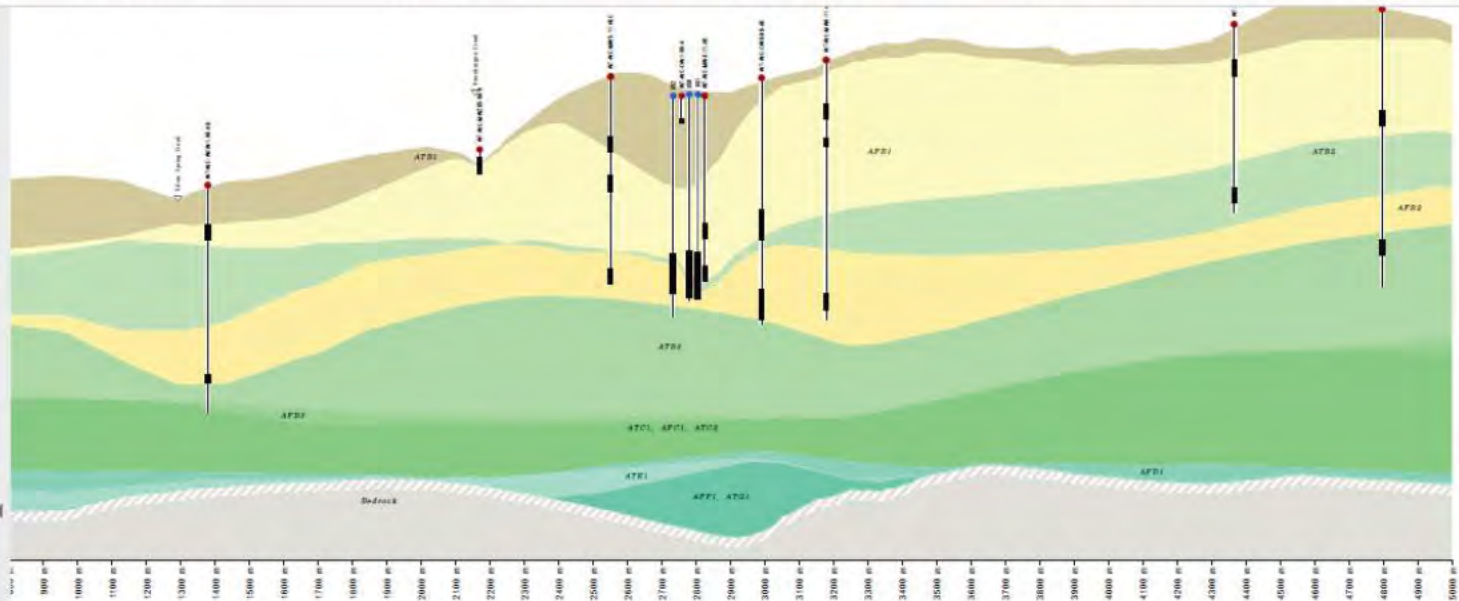
2215 Bleams closed

|         |                           |     |     |      |      |            |
|---------|---------------------------|-----|-----|------|------|------------|
| 6502184 | <a href="#">PDF</a>  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                                                   |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------|---------------------------------------------------------------------|
| <b>Waterloo Area Wellfields</b>  |                                                                                                                 |                                      |                                                                     |
| Erb Street                       | W6A/W6C <sup>c</sup> , 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 <sup>a</sup>                                                                                                | Upper Waterloo Moraine Sands (AFB1)  | n/a                                                                 |
| <b>Kitchener Area Wellfields</b> |                                                                                                                 |                                      |                                                                     |
| Strange Street                   | K10A, K11A, K13/K13A <sup>c</sup> , 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 <sup>c</sup> , 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 <sup>a</sup> , K2A <sup>a</sup> , K4B <sup>a</sup> /K4C <sup>a,c</sup> , K5A <sup>a</sup> , K8 <sup>a</sup> | 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) |
| Strasburg                        | K34, K36                                                                                                        | Pre-Catfish Creek Aquifer (AFD1)     | Lower Waterloo Moraine or Catfish Creek Till Outwash Aquifer (AFB3) |
| Pompeii                          | K72 <sup>b</sup> , K73 <sup>b</sup> , K74 <sup>b</sup> , K75 <sup>b</sup>                                       | Pre-Catfish Creek Aquifer (AFD1)     | n/a                                                                 |
| Woolner                          | K80 <sup>a</sup> , K81 <sup>a</sup> , K82 <sup>a</sup>                                                          | Pre-Catfish Creek Aquifer (AFD1)     | n/a                                                                 |
| Wilnot Centre                    | K50, K51, K52                                                                                                   | Upper Waterloo Moraine Sands (AFB1)  | n/a                                                                 |
| <b>Cambridge Area Wellfields</b> |                                                                                                                 |                                      |                                                                     |
| 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)                                |



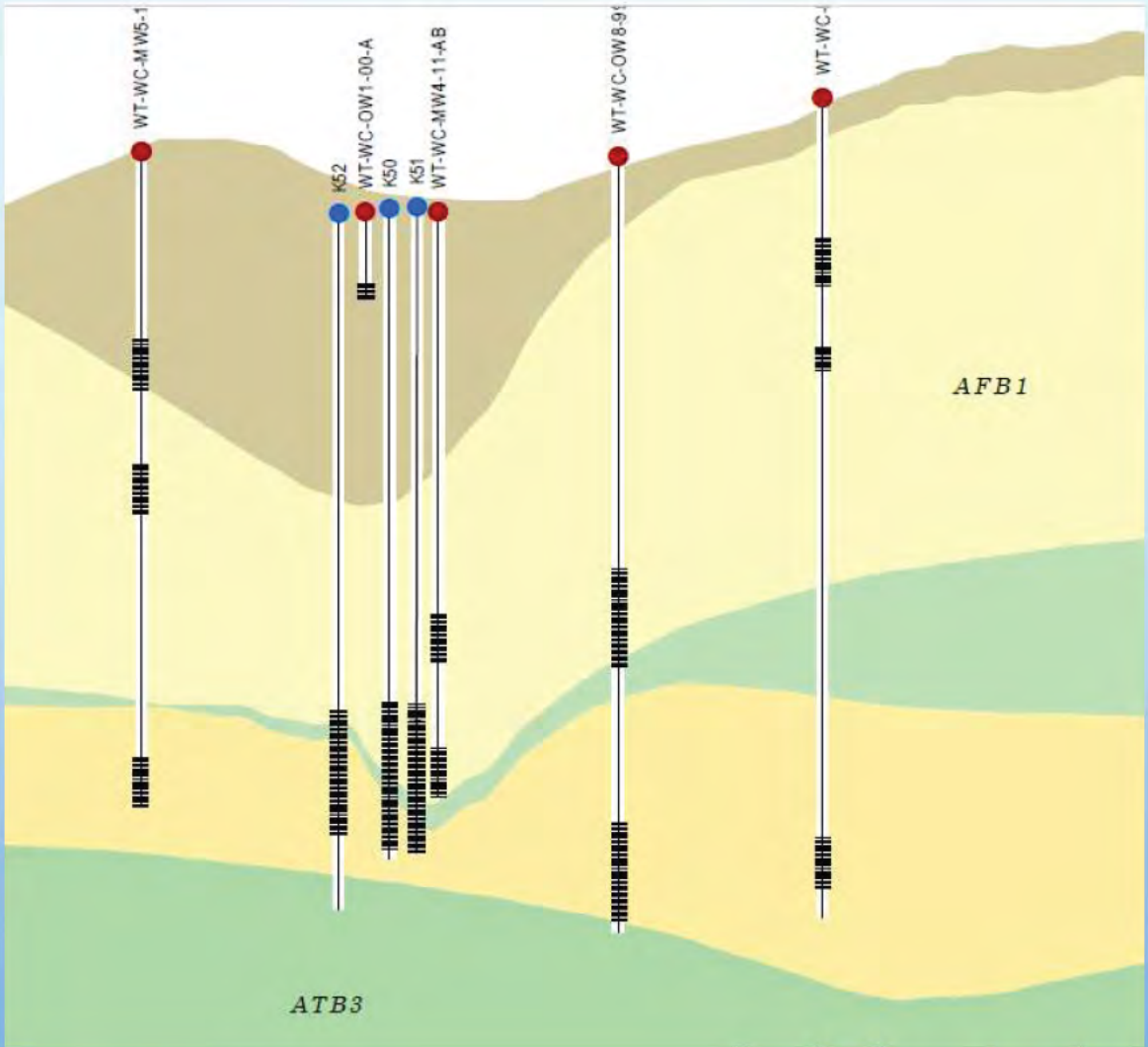
Monitoring Well



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


Figure Title  
**ANNUAL MONITORING REPORT  
 CROSS SECTION A - A'**

|                            |               |                        |                 |
|----------------------------|---------------|------------------------|-----------------|
| Drawn<br>PS                | Checked<br>DH | Date<br>September 2020 | Figure No.<br>6 |
| Horizontal Scale: 1:13,000 |               | Project No.            |                 |
| Vertical Ex.: 15x          |               | HA048402               |                 |



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 :

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 its 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 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.

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 receive 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 its 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

## 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)<br><u>Gawron</u> | (First Name)<br><u>Lucy</u> | Telephone Number<br> |
|---------------------------------------------|-----------------------------|----------------------|

|                                   |                                        |
|-----------------------------------|----------------------------------------|
| Address                           |                                        |
| Road/Street Number<br><u>1184</u> | Road/Street Name<br><u>Gerber Road</u> |

|                           |                         |                               |                                     |
|---------------------------|-------------------------|-------------------------------|-------------------------------------|
| Location of Project       |                         |                               |                                     |
| Lot<br><u>N1/2 Lot 10</u> | Concession<br><u>3B</u> | Municipality<br><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)  
Mittelholz, Dawn

Signature



# Region of Waterloo

## Legend

Addresses

Assessment Parcels



## Notes

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.

458.6 0 229.31 458.6 Meters



Parcels © Teranet Land Information Services Inc. and its licensors, 2013  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Regional Municipality of Waterloo, 2013  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** June 29, 2021 9:20 AM  
**To:** John Kuntze  
**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

[Wilmot is a cohesive, vibrant and welcoming countryside community.](#)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 29, 2021 10:16 AM  
**To:** Tracey Murray  
**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.

He started his own company last fall.

Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [mailto:[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)]

**Sent:** June 29, 2021 9:20 AM

**To:** John Kuntze <jkuntze@ksmart.ca>

**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming countryside community.**

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** June 29, 2021 11:19 AM  
**To:** John Kuntze  
**Subject:** RE: Engineer Appointments

Thank you John. I will proceed with Headway Engineering.

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Tuesday, June 29, 2021 10:16 AM  
**To:** Tracey Murray <tracey.murray@wilmot.ca>  
**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.  
He started his own company last fall.  
Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]  
**Sent:** June 29, 2021 9:20 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming countryside community.**

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## 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.

July 22, 2021

Ms. Tracey Murray  
Manager of Information and Legislative Services / Deputy Clerk  
Township of Wilmot  
60 Snyder's Road,  
Baden, ON N3A 1A1

Dear Tracey,

**Re: Gawron Municipal Drain  
Township of Wilmot  
Our Reference No. WLMT-002**

---

Thank you for your email dated July 15, 2021 informing us of our appointment to investigate the above noted municipal drain under Section 78 of the Drainage Act.

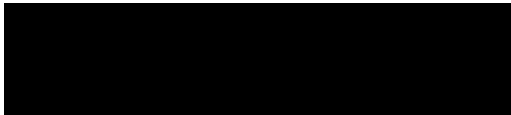
Per Section 8(2) of the Drainage Act, we have selected Stephen Brickman, P.Eng. to have charge of this project until the report is filed.

Please find enclosed the following preliminary information.

1. Contact Information Form
2. Request/Record of Supporting Materials.

We wish to thank the Township of Wilmot for this opportunity to be of service, and if you have any questions, or require any further information, please let us know.

Yours truly,



Stephen Brickman, P.Eng.  
Project Engineer and Manager  
**HEADWAY ENGINEERING**

SB/

cc Bryan Bishop, CET – Manager of Engineering, Township of Wilmot

## CONTACT INFORMATION FORM

Please review the below Form and provide any missing information or corrections, as necessary.

| General Project Information                      |                                                                                                                                                                                                                                        |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project Name                                     | Gawron Municipal Drain                                                                                                                                                                                                                 |
| Authorization for the Drainage Works             | Section 4                                                                                                                                                                                                                              |
| Ward                                             | Ward 2                                                                                                                                                                                                                                 |
| Headway Engineering Contact Information          |                                                                                                                                                                                                                                        |
| Project Reference Number                         | WLMT-002                                                                                                                                                                                                                               |
| Project Engineer and Manager                     | Stephen Brickman P.Eng.<br>Phone: (226) 243 6614<br>Email: <a href="mailto:Stephen.brickman@headwayeng.ca">Stephen.brickman@headwayeng.ca</a><br>Mailing Address: 23-500 Fairway Road South<br>Suite 308<br>Kitchener, Ontario N2C 1X3 |
| Alternate Contact                                | <a href="mailto:info@headwayeng.ca">info@headwayeng.ca</a>                                                                                                                                                                             |
| Accounting Contact                               | <a href="mailto:accounting@headwayeng.ca">accounting@headwayeng.ca</a>                                                                                                                                                                 |
| Township of Wilmot Contact Information           |                                                                                                                                                                                                                                        |
| Municipality Reference Number<br>(if applicable) | None                                                                                                                                                                                                                                   |
| Primary Contact                                  | Bryan Bishop, CET<br>Manager of Engineering<br>Township of Wilmot<br>Phone: (519) 634 8444 Ext. 239<br>Email: <a href="mailto:bryan.bishop@wilmot.ca">bryan.bishop@wilmot.ca</a>                                                       |
| Alternate Contact                                | John Kuntze, P.Eng.<br>Drainage Superintendent<br>Phone: 519 748 1199 Ext. 227<br>Email: <a href="mailto:jkuntze@ksmart.ca">jkuntze@ksmart.ca</a>                                                                                      |
| Alternate Contact                                | Tracey Murray<br>Phone: 519-465-1345<br>Email: <a href="mailto:tracey.murray@wilmot.ca">tracey.murray@wilmot.ca</a>                                                                                                                    |
| Accounting Contact                               | Email:                                                                                                                                                                                                                                 |

## REQUEST/RECORD OF SUPPORTING MATERIALS

Please review the below table and provide any missing information or corrections, as necessary.

| Description                                                                                                                                          | Format       | Source                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------|
| Petition for Drainage Works (Signed By Lucy Gawron) along with any supporting material included with the Petition, if applicable (map, photos, etc.) | PDF          | Wilmot Township                                 |
| Ownership Information (List of Roll Numbers to follow- not yet included)                                                                             | Excel/CSV    | Wilmot Township<br>And<br>Wellesley<br>Township |
| Parcel Fabric                                                                                                                                        | Shape file   | Region of Waterloo                              |
| Aerial Photography                                                                                                                                   | geoTIFF      | Region of Waterloo                              |
| Previous Engineers Reports for surrounding watersheds <ul style="list-style-type: none"> <li>• Koch-Lels Drain</li> </ul>                            | PDF or paper | Wilmot Township                                 |
| Other relevant materials                                                                                                                             |              |                                                 |

Please note that Headway Engineering has already contacted the Region of Waterloo directly for sharing the above noted GIS information. Once Headway Engineering has the parcel fabric information, we will follow up with the Township of Wilmot and Wellesley for Assessment Roll information including Ownership, mailing addresses, etc.

Thank you.

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** July 23, 2021 8:44 AM  
**To:** Tracey Murray  
**Cc:** info; Bryan Bishop  
**Subject:** RE: Engineer Appointments  
**Attachments:** WLMT-002- Kick off Letter - 2021-07-22.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.

Hi Tracey,

Thank you for email from July 15<sup>th</sup>. We've attached an acknowledgement letter/kick-off letter for your records.

The last page includes a few preliminary materials that we would need to get started. From the Township, we'd be looking for a copy of the petition anything that accompanied the petition (so I know often times John includes a map with some notes). We will be asking for roll information, but we don't yet have a list of roll numbers to provide to you. We've contacted the Region of Waterloo to collect some GIS information that we will use to make this list.

Thank you again! And if you have any questions, please let us know.

### **Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

---

**From:** Tracey Murray <tracey.murray@wilmot.ca>  
**Sent:** July 15, 2021 3:50 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** FW: Engineer Appointments

Good afternoon,

At the Council meeting on July 12, Council appointed Headway Engineering for the Gawron Drain.

Please advise if you require anything else.

Thank you

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 29, 2021 10:16 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.



Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.

He started his own company last fall.

Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]

**Sent:** June 29, 2021 9:20 AM

**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**[Wilmot is a cohesive, vibrant and welcoming countryside community.](#)**

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** July 23, 2021 3:52 PM  
**To:** Stephen Brickman  
**Cc:** info; Bryan Bishop  
**Subject:** RE: Engineer Appointments  
**Attachments:** 21-04-26 Gawron petition 1184 Gerber Road - signed.pdf

Hi Stephen,

I've attached the petition. We do not have the engineer's report for the Koch-Leis drain so it is either with our Engineering dept. or John will have it.

Bryan – do you have it in your files?

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, July 23, 2021 8:44 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Hi Tracey,

Thank you for email from July 15<sup>th</sup>. We've attached an acknowledgement letter/kick-off letter for your records.

The last page includes a few preliminary materials that we would need to get started. From the Township, we'd be looking for a copy of the petition anything that accompanied the petition (so I know often times John includes a map with some notes). We will be asking for roll information, but we don't yet have a list of roll numbers to provide to you. We've contacted the Region of Waterloo to collect some GIS information that we will use to make this list.

Thank you again! And if you have any questions, please let us know.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** July 15, 2021 3:50 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** FW: Engineer Appointments

Good afternoon,

At the Council meeting on July 12, Council appointed Headway Engineering for the Gawron Drain.

Please advise if you require anything else.

Thank you

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 29, 2021 10:16 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.  
He started his own company last fall.  
Stephen is currently appointed on the Badenvew and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]  
**Sent:** June 29, 2021 9:20 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming countryside community.**

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**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) | (First Name) | Telephone Number |
|----------------------------|--------------|------------------|
| Gawron                     | Lucy         | [REDACTED]       |

## Address

| Road/Street Number | Road/Street Name |
|--------------------|------------------|
| 1184               | Gerber Road      |

## Location of Project

| Lot         | Concession | Municipality | Former Municipality (if applicable) |
|-------------|------------|--------------|-------------------------------------|
| N1/2 Lot 10 | 3B         | Wilmot       |                                     |

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 \_\_\_\_\_ day of \_\_\_\_\_, 20 21

Name of Clerk (Last, first name)

Mittelholtz, Dawn

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                                     |                                               |
|                                                         | 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 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



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.

## Notes

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Regional Municipality of Waterloo, 2013

Parcels © Teranet Land Information Services Inc. and its licensors, 2013  
May not be reproduced without permission. THIS IS NOT A PLAN OF SURVEY

THIS MAP IS NOT TO BE USED FOR NAVIGATION



**From:** [Bryan Bishop](#)  
**To:** [Stephen Brickman](#); [Tracey Murray](#)  
**Subject:** Fwd: Engineer Appointments  
**Date:** July 26, 2021 8:42:14 AM  
**Attachments:** [50-11-15 Report.pdf](#)  
[image001.png](#)

---

Good morning

Info as requested

Get [Outlook for Android](#)

---

**From:** Tyler Sauve <eng.coop@wilmot.ca>  
**Sent:** Monday, July 26, 2021 8:40:07 AM  
**To:** Bryan Bishop <bryan.bishop@wilmot.ca>  
**Subject:** RE: Engineer Appointments

Good morning,

See the attached drain report

Tyler

---

**From:** Bryan Bishop <bryan.bishop@wilmot.ca>  
**Sent:** July 24, 2021 10:13 AM  
**To:** Tyler Sauve <eng.coop@wilmot.ca>  
**Subject:** Fwd: Engineer Appointments

Tyler

Can you locate the drain report please

Get [Outlook for Android](#)

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** Friday, July 23, 2021 3:51:41 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

Hi Stephen,

I've attached the petition. We do not have the engineer's report for the Koch-Leis drain so it is either with our Engineering dept. or John will have it.

Bryan – do you have it in your files?

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, July 23, 2021 8:44 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Hi Tracey,

Thank you for email from July 15<sup>th</sup>. We've attached an acknowledgement letter/kick-off letter for your records.

The last page includes a few preliminary materials that we would need to get started. From the Township, we'd be looking for a copy of the petition anything that accompanied the petition (so I know often times John includes a map with some notes). We will be asking for roll information, but we don't yet have a list of roll numbers to provide to you. We've contacted the Region of Waterloo to collect some GIS information that we will use to make this list.

Thank you again! And if you have any questions, please let us know.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** July 15, 2021 3:50 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** FW: Engineer Appointments

Good afternoon,

At the Council meeting on July 12, Council appointed Headway Engineering for the Gawron Drain.

Please advise if you require anything else.

Thank you

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 29, 2021 10:16 AM

**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>

**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.

He started his own company last fall.

Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]

**Sent:** June 29, 2021 9:20 AM

**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy  
Clerk

Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming countryside community.**

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** August 23, 2021 12:07 PM  
**To:** Tracey Murray  
**Cc:** Bryan Bishop  
**Subject:** RE: Engineer Appointments  
**Attachments:** Extent.shp; Extent.dbf; Extent.cpg; Extent.shx; Extent.prj

**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.

Hi Tracey, I hope you had a great weekend! And thanks for providing the below information for the Gawron Drain Petition.

I've reached out to the Region of Waterloo several time now for the Aerial Photography and parcel fabric info for this job, but I never get a response. I contacted them twice by email (July 22, Aug 6) and once by voicemail (after Aug 6) and I haven't heard anything.

Is there any chance that Wilmot would be able to share the Aerial Photography and the parcel fabric for this drain? A portion of the watershed is in Wellesley Township too. I've attached a shapefile which is supposed to show the extent of information that we were asking for.

Any help that you can provide would be greatly appreciated. Once we have the parcel fabric information, I'm going to make a list of roll numbers so that Wilmot can provide ownership information so that we can begin contacting the public to get the project started.

Thanks Tracey!

### **Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

---

**From:** Tracey Murray <tracey.murray@wilmot.ca>  
**Sent:** July 23, 2021 3:52 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** info <info@headwayeng.ca>; Bryan Bishop <bryan.bishop@wilmot.ca>  
**Subject:** RE: Engineer Appointments

Hi Stephen,

I've attached the petition. We do not have the engineer's report for the Koch-Leis drain so it is either with our Engineering dept. or John will have it.

Bryan – do you have it in your files?

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, July 23, 2021 8:44 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Hi Tracey,

Thank you for email from July 15<sup>th</sup>. We've attached an acknowledgement letter/kick-off letter for your records.

The last page includes a few preliminary materials that we would need to get started. From the Township, we'd be looking for a copy of the petition anything that accompanied the petition (so I know often times John includes a map with some notes). We will be asking for roll information, but we don't yet have a list of roll numbers to provide to you. We've contacted the Region of Waterloo to collect some GIS information that we will use to make this list.

Thank you again! And if you have any questions, please let us know.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** July 15, 2021 3:50 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** FW: Engineer Appointments

Good afternoon,

At the Council meeting on July 12, Council appointed Headway Engineering for the Gawron Drain.

Please advise if you require anything else.

Thank you

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 29, 2021 10:16 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.

He started his own company last fall.

Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]

**Sent:** June 29, 2021 9:20 AM

**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

[Wilmot is a cohesive, vibrant and welcoming countryside community.](#)

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended

recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Tyler Sauve  
**Sent:** August 26, 2021 4:16 PM  
**To:** Stephen Brickman  
**Cc:** Tracey Murray; Connor Payne; Bryan Bishop; Nathanael Fach; Dawn Mittelholtz  
**Subject:** RE: Engineer Appointments

Hi Stephen,

I'm always happy to help, I'm glad the parcels worked out for you!

I took your suggestion and downloaded 8 core tiles and uploaded them to the shared folder you provided. Each file was too large for download so I doubled the cell size (from 0.1 m to 0.2 m) so I would just be under the limit. The quality is still good. Take a look and let me know, if you want more tiles just send me a screen shot showing where you're looking for more coverage and I'll download it.

Hope this helps!

Best,



**Tyler Sauve**  
GIS Analyst  
Public Works and Engineering Department |  
Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)  
60 Snyder's Road West, Baden, ON N3A  
1A1

t. 519-634-8444 Extension 271  
toll-free. 800-469-5576  
TTY. 866-620-2994

Stay connected with Wilmot on [Twitter](#) and  
[Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming  
countryside community.**

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** August 26, 2021 8:55 AM  
**To:** Tyler Sauve <eng.coop@wilmot.ca>  
**Cc:** Tracey Murray <tracey.murray@wilmot.ca>; Connor Payne <connor.payne@wilmot.ca>; Bryan Bishop <bryan.bishop@wilmot.ca>; Nathanael Fach <nate.fach@wilmot.ca>; Dawn Mittelholtz <dawn.mittelholtz@wilmot.ca>  
**Subject:** RE: Engineer Appointments

**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.

Thanks for your follow up Tyler! And thanks for the parcel fabric in Wilmot.

Regarding the Aerial Imagery – is the Region’s REST server available to the public? We’ve looked on their website, and we can get some public information, but Aerial imagery in Wilmot isn’t available (its there for the cities, but not twps). We use the aerial imagery in our drawings as base mapping. I’ve attached an example from the Badenvew/Good job in New Hamburg. For that job, we tried getting the aerial from the Region. After about four months of trying to get a response, I think they sent it to Wilmot, and then Wilmot shared it with us. It was 12 – 1km tiles.

My suggested plan:

If we could get onto the Region’s REST server, we can get the imagery at the resolution we need. I’m nervous that the REST server with imagery isn’t available to the public, but it is available to Wilmot.

If that doesn’t work, if you wouldn’t mind trying to export a few tiles (maybe 4), that would be greatly appreciated. The shape file we sent to you was a 2km offset from what we expect the watershed to be for the Gawron Drain – so the center portion is the area that is most critical.

For sharing the data, we’ve set up the below secured cloud folder.

[Gawron Drain – Shared Folder](#)

Expiry: September 17, 2021

Password: mKRXt44^lUn7

Thanks again for providing the parcel fabric, and thanks for taking the time to try to help us with the aerial imagery! It’s very appreciated.

**s.b.**

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

---

**From:** Tyler Sauve <[eng.coop@wilmot.ca](mailto:eng.coop@wilmot.ca)>

**Sent:** August 25, 2021 11:44 AM

**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Cc:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>; Connor Payne <[connor.payne@wilmot.ca](mailto:connor.payne@wilmot.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>; Nathanael Fach <[nate.fach@wilmot.ca](mailto:nate.fach@wilmot.ca)>; Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>

**Subject:** RE: Engineer Appointments

Good morning Stephen,

We would be happy to help out. They are looking for the most recent aerial imagery provide to us by the Region and they are looking for the most recent parcel fabric with roll numbers. The former is pretty easy for us to provide (see the file attached). For the role numbers and parcels in Wellesley, I recommend reaching out to them for that info.

As for the imagery, we don’t have any copies of the most recent aerial imagery mosaics. We access via internet connection to the Region of Waterloo’s REST server. I could try downloadin the imagery in the area specified in the shapefile provided, however, the Region’s server has a max request size, meaning that the result would be a raster of very low resolution, much lower then can be found on services like Google Maps.

That all being said, the Region is still the best source for the imagery, I can take another crack at trying to download a few tiles depending on what your target resolution is. What are you hoping to use the imagery for?

Let me know how else I can help, sorry getting the imagery is a little more challenging than the parcels, but we will do our best to assist!

Regards,



**Tyler Sauve**  
GIS Analyst  
Public Works and Engineering Department |  
Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)  
60 Snyder's Road West, Baden, ON N3A  
1A1

t. 519-634-8444 Extension 271  
toll-free. 800-469-5576  
TTY. 866-620-2994

Stay connected with Wilmot on [Twitter](#) and  
[Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming  
countryside community.**

---

**From:** Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>  
**Sent:** Monday, August 23, 2021 2:01 PM  
**To:** Planning <[Planning@Wilmot.ca](mailto:Planning@Wilmot.ca)>; Engineering <[engineering@Wilmot.ca](mailto:engineering@Wilmot.ca)>  
**Cc:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Subject:** FW: Engineer Appointments

Good afternoon.

ILS staff does not speak GIS. Is someone able to assist us in providing this data to Stephen?

We would appreciate any assistance you may be able to offer.



**DAWN MITTELHOLTZ**, (she/her)  
Director Information and Legislative Services / Municipal Clerk  
Information and Legislative Services | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)  
60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 230  
toll-free. 800-469-5576  
TTY. 519-634-5037

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

Wilmot is a cohesive, vibrant and welcoming countryside community.

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** Monday, August 23, 2021 1:18 PM  
**To:** Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>  
**Subject:** FW: Engineer Appointments

Hi Dawn,

Bryan is out of the office until the 30<sup>th</sup> – I do not know the answer to Stephen's question are you able to provide me with any direction?

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, August 23, 2021 12:07 PM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Hi Tracey, I hope you had a great weekend! And thanks for providing the below information for the Gawron Drain Petition.

I've reached out to the Region of Waterloo several time now for the Aerial Photography and parcel fabric info for this job, but I never get a response. I contacted them twice by email (July 22, Aug 6) and once by voicemail (after Aug 6) and I haven't heard anything.

Is there any chance that Wilmot would be able to share the Aerial Photography and the parcel fabric for this drain? A portion of the watershed is in Wellesley Township too. I've attached a shapefile which is supposed to show the extent of information that we were asking for.

Any help that you can provide would be greatly appreciated. Once we have the parcel fabric information, I'm going to make a list of roll numbers so that Wilmot can provide ownership information so that we can begin contacting the public to get the project started.

Thanks Tracey!

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** July 23, 2021 3:52 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

Hi Stephen,

I've attached the petition. We do not have the engineer's report for the Koch-Leis drain so it is either with our Engineering dept. or John will have it.

Bryan – do you have it in your files?

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, July 23, 2021 8:44 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** info <[info@headwayeng.ca](mailto:info@headwayeng.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Hi Tracey,

Thank you for email from July 15<sup>th</sup>. We've attached an acknowledgement letter/kick-off letter for your records.

The last page includes a few preliminary materials that we would need to get started. From the Township, we'd be looking for a copy of the petition anything that accompanied the petition (so I know often times John includes a map with some notes). We will be asking for roll information, but we don't yet have a list of roll numbers to provide to you. We've contacted the Region of Waterloo to collect some GIS information that we will use to make this list.

Thank you again! And if you have any questions, please let us know.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** July 15, 2021 3:50 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** FW: Engineer Appointments

Good afternoon,

At the Council meeting on July 12, Council appointed Headway Engineering for the Gawron Drain.

Please advise if you require anything else.

Thank you

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 29, 2021 10:16 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Subject:** RE: Engineer Appointments

**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.

Good morning Tracey

I had in mind to assign these two petitions to Stephen Brickman PEng, Headway Engineering.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

Stephen is formerly with Dietrich Engineering.

He started his own company last fall.

Stephen is currently appointed on the Badenview and Good petitions.

K. Smart Associates already has several reports in progress in Wilmot Township and may not be able to work on these new reports immediately.

I have talked to Stephen about these two petitions. He is willing to take on these reports and should be able to complete the reports in a timely manner which will be helpful with the Region petition.

Appointment would be to Headway Engineering not Stephen Brickman directly.

John

---

**From:** Tracey Murray [<mailto:tracey.murray@wilmot.ca>]  
**Sent:** June 29, 2021 9:20 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Engineer Appointments

Good morning John,

Hope all is well with you. I am preparing a couple of reports to appoint an engineer for the Gawron Drain and the Queen Street culvert. Am I to assign K Smart or do you suggest someone else?

Thank you!



**TRACEY MURRAY**

Manager of Information and Legislative Services / Deputy Clerk  
Department | Township of Wilmot

[www.wilmot.ca](http://www.wilmot.ca)

60 Snyder's Road West, Baden, ON N3A 1A1

t. 519-634-8444 Extension 228

m. 519-465-1345

toll-free. 800-469-5576

TTY. 519-634-50367

Stay connected with Wilmot on [Twitter](#) and [Facebook](#)

**Wilmot is a cohesive, vibrant and welcoming countryside community.**

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** August 27, 2021 1:51 PM  
**To:** Tracey Murray  
**Cc:** Tyler Sauve; Bryan Bishop  
**Subject:** Gawron Drain - Roll Information/Ownership  
**Attachments:** List of Roll Numbers.xlsx

**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.

Hi Tracey,

Now that Tyler and the Township has provided the Parcel Fabric information, we are now able to provide a list of roll numbers that we would like to receive ownership information for (Owner(s)'s first and last names, mailing addresses, legal address).

Could you please provide the above information for the roll numbers listed in the attached excel file? We included a couple headings, but if it's easier for you to export the information in a different format, that's not a problem.

Also, do you happen to have a contact for Wellesley Township who would be able to provide the same? We will reach out to Wellesley regardless, but I thought I'd ask you first to see if you know the right contact. If you don't, then that's fine, we'll reach out to them and get it sorted out.

Thanks Tracey and have a good weekend!

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***



|                 | Owner 1    |           | Owner 2    |           | Owner 3    |           |
|-----------------|------------|-----------|------------|-----------|------------|-----------|
| Wilmot Township | First Name | Last Name | First Name | Last Name | First Name | Last Name |
| 301808000916500 |            |           |            |           |            |           |
| 301809000916400 |            |           |            |           |            |           |
| 301808000915100 |            |           |            |           |            |           |
| 301809000915400 |            |           |            |           |            |           |

Wellesley

302402000100700  
302402000100701  
302402000100802

Mailing Address Legal Description

## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** August 27, 2021 2:02 PM  
**To:** Stephen Brickman  
**Cc:** Grace Kosch  
**Subject:** RE: Gawron Drain - Roll Information/Ownership

Hi Stephen,

You can connect with Grace, the Clerk in Wellesley, I've cc'd her on this email.

I will get you the information to you shortly.

Thank you!

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Friday, August 27, 2021 1:51 PM  
**To:** Tracey Murray <tracey.murray@wilmot.ca>  
**Cc:** Tyler Sauve <eng.coop@wilmot.ca>; Bryan Bishop <bryan.bishop@wilmot.ca>  
**Subject:** Gawron Drain - Roll Information/Ownership

**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.

Hi Tracey,

Now that Tyler and the Township has provided the Parcel Fabric information, we are now able to provide a list of roll numbers that we would like to receive ownership information for (Owner(s)'s first and last names, mailing addresses, legal address).

Could you please provide the above information for the roll numbers listed in the attached excel file? We included a couple headings, but if it's easier for you to export the information in a different format, that's not a problem.

Also, do you happen to have a contact for Wellesley Township who would be able to provide the same? We will reach out to Wellesley regardless, but I thought I'd ask you first to see if you know the right contact. If you don't, then that's fine, we'll reach out to them and get it sorted out.

Thanks Tracey and have a good weekend!

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** August 31, 2021 1:24 PM  
**To:** Tracey Murray  
**Subject:** RE: Gawron Drain - Roll Information/Ownership

**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.

Hey Tracey!

That was fast, thanks for the quick turn around on the roll information! And thanks for Grace's contact information as well.

**s.b.**

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

---

**From:** Tracey Murray <tracey.murray@wilmot.ca>  
**Sent:** August 27, 2021 2:46 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** FW: Gawron Drain - Roll Information/Ownership

Here you go! Have a great weekend.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, August 27, 2021 1:51 PM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** Tyler Sauve <[eng.coop@wilmot.ca](mailto:eng.coop@wilmot.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** Gawron Drain - Roll Information/Ownership

**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.

Hi Tracey,

Now that Tyler and the Township has provided the Parcel Fabric information, we are now able to provide a list of roll numbers that we would like to receive ownership information for (Owner(s)'s first and last names, mailing addresses, legal address).

Could you please provide the above information for the roll numbers listed in the attached excel file? We included a couple headings, but if it's easier for you to export the information in a different format, that's not a problem.

Also, do you happen to have a contact for Wellesley Township who would be able to provide the same? We will reach out to Wellesley regardless, but I thought I'd ask you first to see if you know the right contact. If you don't, then that's fine, we'll reach out to them and get it sorted out.

Thanks Tracey and have a good weekend!

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Tracey Murray  
**Sent:** September 1, 2021 10:16 AM  
**To:** Stephen Brickman; John Kuntze  
**Cc:** Bryan Bishop; Dawn Mittelholtz; Adam Hall  
**Subject:** RE: Gawron Drain - Roll Information/Ownership  
**Attachments:** 10.4 Attachment.pdf

Hi Stephen,

I've attached the signed copy – I had signed it on behalf of Dawn when it went to Council back in May.

Let me know if you need anything else.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, September 1, 2021 9:50 AM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>; Dawn Mittelholtz <[dawn.mittelholtz@wilmot.ca](mailto:dawn.mittelholtz@wilmot.ca)>; Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Subject:** RE: Gawron Drain - Roll Information/Ownership

**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.

Hi Tracey and John,

We've reviewed the petition for the Gawron Drain (I think moving forward we may refer to it as the Jananna Corp Drain, unless somebody thinks differently). The petition that I have (attached) isn't signed and dated by the clerk. Does the Twp have another copy that is signed and dated? and if you don't, could Dawn please sign and date the petition?

I just want to dot this 'i'.

By the way, as an update, we left a voicemail with Lucy Gawron yesterday. We are trying to set up an onsite meeting for Sept 23<sup>rd</sup>. I want to confirm her availability, and then I was going to check in with John & Bryan for their availability. We'll follow up as we get more information.

Thanks!

**s.b.**

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

---

**From:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Sent:** August 27, 2021 2:46 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** FW: Gawron Drain - Roll Information/Ownership

Here you go! Have a great weekend.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, August 27, 2021 1:51 PM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** Tyler Sauve <[eng.coop@wilmot.ca](mailto:eng.coop@wilmot.ca)>; Bryan Bishop <[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)>  
**Subject:** Gawron Drain - Roll Information/Ownership

**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.

Hi Tracey,

Now that Tyler and the Township has provided the Parcel Fabric information, we are now able to provide a list of roll numbers that we would like to receive ownership information for (Owner(s)'s first and last names, mailing addresses, legal address).

Could you please provide the above information for the roll numbers listed in the attached excel file? We included a couple headings, but if it's easier for you to export the information in a different format, that's not a problem.

Also, do you happen to have a contact for Wellesley Township who would be able to provide the same? We will reach out to Wellesley regardless, but I thought I'd ask you first to see if you know the right contact. If you don't, then that's fine, we'll reach out to them and get it sorted out.

Thanks Tracey and have a good weekend!

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**\*\*\*Please note that I will be on vacation from September 13<sup>th</sup> to 17<sup>th</sup>.\*\*\***

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



### 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)<br><u>Gawron</u> | (First Name)<br><u>Lucy</u> | Telephone Number<br> |
|---------------------------------------------|-----------------------------|----------------------|

|                                   |                                        |
|-----------------------------------|----------------------------------------|
| Address                           |                                        |
| Road/Street Number<br><u>1184</u> | Road/Street Name<br><u>Gerber Road</u> |

|                           |                         |                               |                                     |
|---------------------------|-------------------------|-------------------------------|-------------------------------------|
| Location of Project       |                         |                               |                                     |
| Lot<br><u>N1/2 Lot 10</u> | Concession<br><u>3B</u> | Municipality<br><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)

Mittelholz, Dawn

Signature





# Region of Waterloo

## Legend

Addresses

Assessment Parcels



## Notes

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.

458.6 0 229.31 458.6 Meters



Parcels © Teranet Land Information Services Inc. and its licensors, 2013  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Regional Municipality of Waterloo, 2013  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

September 8, 2021

Tracey Murray  
Manager of Information and Legislative Services / Deputy Clerk  
Township of Wilmot  
60 Snyder's Road West  
Baden, Ontario N3A 1A1  
[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)

Dear Tracey,

**Re: On-Site Meeting  
Jananna Municipal Drain (Gawron Petition)  
Township of Wilmot  
Our Reference No. WLMT-002**

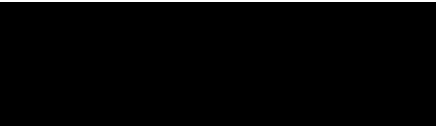
---

In connection with the above noted project, please find enclosed a copy of the on-site meeting notice. Please notify the Mayor and Council of this meeting.

This notice has been sent to the people whose names appear on the attached list.

We wish to thank the Township of Wilmot for this opportunity to be of service.

Yours truly,



Stephen Brickman, P.Eng.  
Project Engineer and Manager

**HEADWAY ENGINEERING**

SB/

cc: Bryan Bishop, C.E.T. – Manager of Engineering, Township of Wilmot  
[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)

Tracey Murray  
Manager of Information and Legislative Services /  
Deputy Clerk  
Township of Wilmot  
60 Snyder's Road West  
Baden, Ontario N3A 1A1  
[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)

Bryan Bishop, C.E.T.  
Manager of Engineering  
Township of Wilmot  
60 Snyder's Road West  
Baden, Ontario N3A 1A1  
[bryan.bishop@wilmot.ca](mailto:bryan.bishop@wilmot.ca)

John Kuntze, P.Eng.  
Drainage Superintendent  
Township of Wilmot  
85 McIntyre Drive  
Kitchener, Ontario N2R 1H6  
[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)

Steve van De Keere  
Director of Transportation  
Region of Waterloo  
150 Frederick Street  
Kitchener, Ontario N2G 4J3

Lucy Gawron  
[REDACTED]  
Wellesley, Ontario NOB 2T0

Cory & Kirby Kittle  
[REDACTED]  
Wellesley, Ontario NOB 2T0

Jananna Corp  
[REDACTED]  
Waterloo, Ontario N2J 4Y6

Natalee Ridgeway  
[REDACTED]  
St. Agatha, Ontario NOB 1L0

Ronald & Rosemary McCormick  
[REDACTED]  
St. Agatha, Ontario NOB 2L0

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority  
[theywood@grandriver.ca](mailto:theywood@grandriver.ca)

September 8, 2021

Dear Sir or Madam:

**Re: On-Site Meeting  
Jananna Municipal Drain (Gawron Petition)  
Township of Wilmot  
Our Reference No. WLMT-002**

---

We have been appointed by the Council of the Township of Wilmot under Section 4 of the Drainage Act to investigate a petition the Township has received for the above noted Municipal Drain. Please find enclosed a preliminary plan of the drainage basin.

This is the initial meeting under the Drainage Act, and its primary purpose is for affected landowners to provide the engineer with information concerning the possible drainage works.

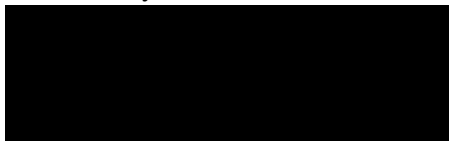
We will be present at 1184 Gerber Road on September 22<sup>nd</sup> at 10:00 A.M. to discuss the area and site of the possible drainage works. Please refer to the attached drawing showing the location of the meeting.

You, as an owner of land affected by this municipal drainage project, are asked to attend at such time and place if you have any questions or suggestions concerning the potential work.

Furthermore, please bring to the meeting any tile maps that you may have for lands within the watershed as indicated on the attached plan.

If you have any questions beforehand, please telephone (226) 243 6614.

Yours truly,

A solid black rectangular box used to redact the signature of Stephen Brickman.

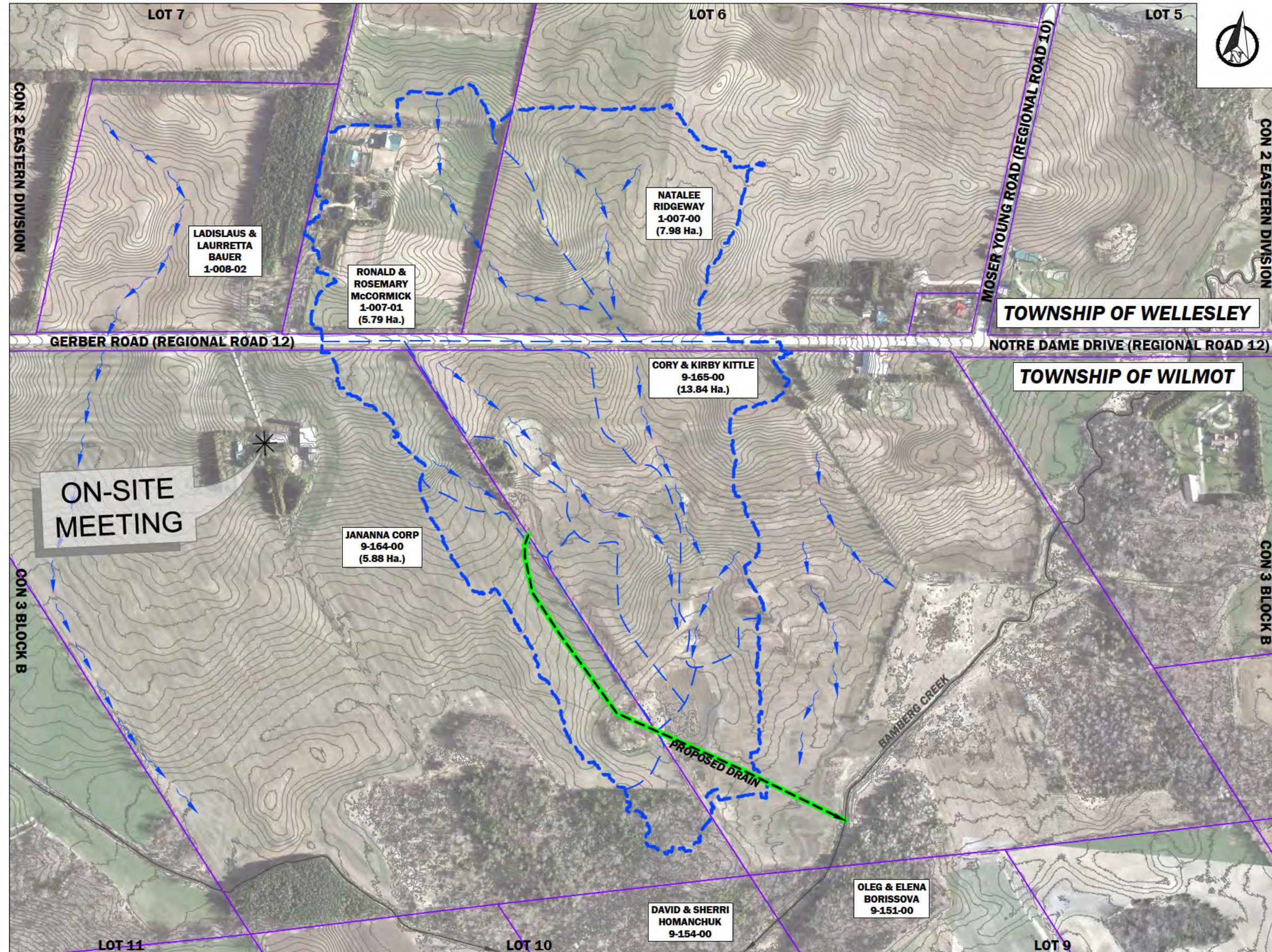
Stephen Brickman, P.Eng.  
Project Engineer and Manager

**HEADWAY ENGINEERING**

SB/

**NOTES:**

- 2015 AERIAL PHOTOGRAPHY PROVIDED BY WILMOT TOWNSHIP.
- CONTOURS GENERATED USING THE 2018 LIDAR DERIVED DATASET REPRESENTING BARE-EARTH TERRAIN FROM LAND INFORMATION ONTARIO.



LOT/CONCESSION LINE  
PROPERTY LINE

**JOHN & JANE SMITH  
12-345  
(12.3 Ha.)** LANDOWNER NAME(S)  
ASSESSMENT ROLL No. (ABBREVIATED)  
AREA WITHIN WATERSHED

MAJOR WATERSHED BOUNDARY  
MINOR WATERSHED BOUNDARY

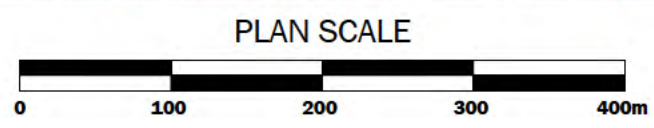
EXISTING FEATURES:  
 DRAIN NAME OPEN DRAIN WITH CROSSING AND FLOW DIRECTION  
 DRAIN NAME CLOSED DRAIN WITH CATCH BASIN AND FLOW DIRECTION  
 OVERLAND FLOW PATH

PROPOSED FEATURES:  
**DRAIN NAME** CLOSED DRAIN WITH CATCH BASIN AND FLOW DIRECTION

|     |   |                 |                 |
|-----|---|-----------------|-----------------|
| No. | 1 | ON-SITE MEETING | 21-09-22        |
|     |   | REVISION        | DATE (YY-MM-DD) |



|                     |                           |                       |
|---------------------|---------------------------|-----------------------|
| DRAWN BY:<br>s.b.   | DESIGNED BY:<br>s.b.      | CHECKED BY:<br>s.b.   |
| DATE:<br>2021-09-22 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>1 OF 1 |



September 8, 2021

Dear Sir or Madam:

**Re: On-Site Meeting  
Jananna Municipal Drain (Gawron Petition)  
Township of Wilmot  
Our Reference No. WLMT-002**

---

We have been appointed by the Council of the Township of Wilmot under Section 4 of the Drainage Act to investigate a petition the Township has received for the above noted Municipal Drain. Please find enclosed a preliminary plan of the drainage basin.

This is the initial meeting under the Drainage Act, and its primary purpose is for affected landowners to provide the engineer with information concerning the possible drainage works.

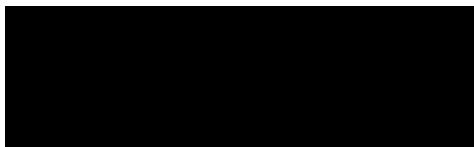
We will be present at 1184 Gerber Road on September 22<sup>nd</sup> at 10:00 A.M. to discuss the area and site of the possible drainage works. Please refer to the attached drawing showing the location of the meeting.

You, as an owner of land affected by this municipal drainage project, are asked to attend at such time and place if you have any questions or suggestions concerning the potential work.

Furthermore, please bring to the meeting any tile maps that you may have for lands within the watershed as indicated on the attached plan.

If you have any questions beforehand, please telephone (226) 243 6614.

Yours truly,



Project Engineer and Manager  
**HEADWAY ENGINEERING**

SB/

**From:** [Adam Hall](#)  
**To:** [Tracey Murray](#)  
**Cc:** [Bryan Bishop](#)  
**Subject:** Jananna Drain Onsite Notice (Gawron Petition)  
**Date:** September 14, 2021 2:22:05 PM  
**Attachments:** [WLMT-002 - Onsite Meeting Notice Cover Letter.pdf](#)  
[WLMT-002 - Onsite Meeting Notice.pdf](#)  
[WLMT-002 - Onsite-11X17 WATERSHED PLAN.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.

Hi Tracey,

Please find attached On-Site Meeting notice for the Jananna Municipal drain (Gawron Petition).

Thank you,

**Adam Hall**

Project Coordinator | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614

E: [Adam.Hall@headwayeng.ca](mailto:Adam.Hall@headwayeng.ca)

## Jeff Bunn

---

**From:** Adam Hall <adam.hall@headwayeng.ca>  
**Sent:** November 30, 2021 1:38 PM  
**To:** Tracey Murray  
**Cc:** Stephen Brickman  
**Subject:** Gawron Drain - Roll Information  
**Attachments:** Gawron Drain Roll Numbers.xlsx

**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.

Hi Tracey,

We require additional ownership information for the Gawron Municipal Drain. Can you please provide the information for the roll numbers in the attached excel file?

Thanks,

**Adam Hall**

Project Coordinator | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext 3

E: [Adam.Hall@headwayeng.ca](mailto:Adam.Hall@headwayeng.ca)



Roll Number

301809000915300

301809000915301

301809000915500

301809000915600

301809000916300

## Jeff Bunn

---

**From:** Adam Hall <adam.hall@headwayeng.ca>  
**Sent:** November 30, 2021 3:18 PM  
**To:** Tracey Murray  
**Cc:** Stephen Brickman  
**Subject:** RE: Gawron Drain - Roll Information

**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.

Thanks Tracey!

---

**From:** Tracey Murray <tracey.murray@wilmot.ca>  
**Sent:** November 30, 2021 1:57 PM  
**To:** Adam Hall <adam.hall@headwayeng.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** FW: Gawron Drain - Roll Information

Hi Adam,

As requested!

**From:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Sent:** Tuesday, November 30, 2021 1:38 PM  
**To:** Tracey Murray <[tracey.murray@wilmot.ca](mailto:tracey.murray@wilmot.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** Gawron Drain - Roll Information

**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.

Hi Tracey,

We require additional ownership information for the Gawron Municipal Drain. Can you please provide the information for the roll numbers in the attached excel file?

Thanks,

**Adam Hall**

Project Coordinator | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext 3

E: [Adam.Hall@headwayeng.ca](mailto:Adam.Hall@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the

employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Kaitlin Bos

---

**From:** Kaitlin Bos  
**Sent:** February 23, 2024 1:31 PM  
**To:** Jeff Bunn  
**Subject:** FW: \*EXT\*-RE: Project reference no. WLMT-002



### Kaitlin Bos

Supervisor of Legislative Services / Deputy Clerk  
Legislative Services | Township of Wilmot | 519-634-8519 ext.228

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

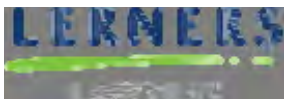
---

**From:** Courtney Sinclair <csinclair@lernalers.ca>  
**Sent:** Friday, November 4, 2022 10:16 AM  
**To:** 'John Kuntze' <jkuntze@ksmart.ca>  
**Cc:** drains <drains@Wilmot.ca>; Clerks <clerks@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** RE: \*EXT\*-RE: Project reference no. WLMT-002

**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.

Hi John,  
Your assistance is greatly appreciated. I will be in touch if I have any further questions.  
Best Regards,  
Courtney Sinclair

**Courtney Sinclair** | **Lernalers LLP** | Associate | phone 519.932.5421 | direct fax 519.932.3263 | [csinclair@lernalers.ca](mailto:csinclair@lernalers.ca) |  
88 Dufferin Ave, London - Ontario - N6A 1K4  
She / Her / Hers



---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** November 04, 2022 10:05 AM  
**To:** Courtney Sinclair <csinclair@lernalers.ca>  
**Cc:** Wilmot drains <drains@wilmot.ca>; Wilmot Clerks <clerks@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** \*EXT\*-RE: Project reference no. WLMT-002

Hi Courtney

Your request below has been forwarded to me for a response.

A petition was filed by Jananna Corp on April 26, 2021.

Jananna Corp is the owner of N1/2 Lot 10, Concession 3B, Wilmot Township (1184 Gerber Road).

Lucy Gawron was listed as the contact person for the petition as Lucy resides on the above property.

I have attached a copy of the petition that was filed.

The Jananna Corp petition was accepted by Council at a meeting on May 17, 2021.

At a Council meeting on July 12, 2021 Council appointed Headway Engineering to prepare a report for the Jananna Corp petition.

Stephen Brickman P.Eng., Headway Engineering is currently working on the report.

Stephen Brickman has conducted two site meetings on the project to-date.

The last meeting was on September 29, 2022 at which time the Engineer presented information for the report being prepared.

Stephen Brickman noted at the September 29, 2022 meeting that information being presented would be accessible on the Headway Engineering website.

I would suggest you contact Stephen Brickman directly for the information from the September 29, 2022 meeting or for any other questions you may have about the report Stephen is working on. Stephen is copied on this email.

Please feel free to contact me directly if the above did not adequately answer your email request.

John Kuntze, Drainage Superintendent  
Township of Wilmot



**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](mailto:jkuntze@ksmart.ca)

---

**From:** Courtney Sinclair <[csinclair@lernalers.ca](mailto:csinclair@lernalers.ca)>

**Sent:** November 1, 2022 1:58 PM

**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>

**Subject:** Project reference no. WLMT-002

**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.

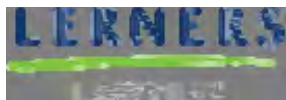
Good Afternoon,

I am seeking information in relation to the above-mentioned drainage act application that was submitted by Lucy Gawron on April 26, 2021. Can you please confirm the current status, and provide any relevant reports or documents at your convenience? If these documents are available on your website, can you please direct me to that location?

Thank you,

Courtney Sinclair

**Courtney Sinclair | Lerner's LLP** | Associate | phone 519.932.5421 | direct fax 519.932.3263 | [csinclair@lerner.ca](mailto:csinclair@lerner.ca) |  
88 Dufferin Ave, London - Ontario - N6A 1K4  
She / Her / Hers



You may unsubscribe from certain types of e-mail messages sent by our firm including promotional e-mails and newsletters. To unsubscribe, forward this email message to [unsubscribe@lerner.ca](mailto:unsubscribe@lerner.ca).

**WARNING:**

From time to time, our spam filters eliminate legitimate email from clients. If your email contains important instructions, please ensure that we acknowledge receipt of those instructions.

This E-mail contains legally privileged and confidential information intended only for the individual or entity named in the message. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, please notify us by reply E-mail and delete the original message.

Please consider the environment before printing this email.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** IT  
**Sent:** November 9, 2022 4:07 PM  
**To:** Ashton Romany  
**Subject:** New Ticket Created 2477 - FW: Jananna Municipal Drain - Information Meeting Location

A New Ticket has been created in the HelpDesk 2477

Jeff , Molenhuis  
jeff.molenhuis@wilmot.ca  
JMOLENHUIS

**Note Added By :** System Account

**Note Added On :** Nov 9 2022 4:06PM

**Note Type :** Ticket Description

**Note Description :**

Can you please add April to the drains email address.

---

**From:** April Rooke <april.rooke@wilmot.ca>  
**Sent:** Wednesday, November 9, 2022 4:02 PM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Subject:** RE: Jananna Municipal Drain - Information Meeting Location

Yes, I can get the ownership information below.

April

---

**From:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Sent:** November 9, 2022 3:59 PM  
**To:** April Rooke <[april.rooke@wilmot.ca](mailto:april.rooke@wilmot.ca)>  
**Subject:** FW: Jananna Municipal Drain - Information Meeting Location

April – can I get you to help with the below request. I think we can get this info through finance. I am going to ask to add you to the drains email as well – fyi.

---

**From:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Sent:** Wednesday, November 9, 2022 3:52 PM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** [jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca); Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>  
**Subject:** RE: Jananna Municipal Drain - Information Meeting Location

**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.

Hi Jeff,

Can you please send us the ownership information for 301809000915600?

Headway will send out the notices (Wilmot does not need to) and we will send you a copy of the notice once they have been mailed.

Thanks,

Adam



---

**From:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Sent:** November 7, 2022 9:42 PM  
**To:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Cc:** [jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca); Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>; WRC Bookings <[bookings@wilmot.ca](mailto:bookings@wilmot.ca)>  
**Subject:** Re: Jananna Municipal Drain - Information Meeting Location

Adam, use [bookings@wilmot.ca](mailto:bookings@wilmot.ca) to confirm rental details. I presume we will need to coordinate on notice and communications when confirmed - please circle back once you have things in order.

Jeff Molenhuis, P.Eng.

Director of Infrastructure Services

Township of Wilmot

---

**From:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Sent:** Monday, November 7, 2022 3:24:59 PM  
**To:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Cc:** [jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>  
**Subject:** RE: Jananna Municipal Drain - Information Meeting Location

Hi Adam, I will connect you with our facilities group and let you know re dates/times/locations.

---

**From:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Sent:** Thursday, November 3, 2022 3:31 PM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>

Cc: [jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca); Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

Subject: Jananna Municipal Drain - Information Meeting Location

**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.

Hi Jeff,

We would like to have another information meeting for the Jananna Municipal Drain on November 17<sup>th</sup> at 1:00pm. Would a room be available from 12:30pm – 3:00pm at the Wilmot Recreation Complex on the 17<sup>th</sup>? Once we have a meeting location confirmed, Headway will send out the notices for this meeting.

Thanks,

**Adam Hall**

Project Coordinator | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext 3

E: [Adam.Hall@headwayeng.ca](mailto:Adam.Hall@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the

intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** February 21, 2023 8:42 PM  
**To:** Jeff Bunn; Chad Curtis  
**Cc:** Patrick Kelly  
**Subject:** Municipal Drain update

**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.

Hi Jeff and Chad

Tomorrow morning at 10am I am meeting with Patrick Kelly to discuss options for landowners required to pay assessments on municipal drains – drains constructed under the Drainage Act.

Would you have some free time tomorrow morning as there are some other municipal drain issues that I would like to give you an update on.

Queen Street Municipal Drain 2022 – ownership of Cottage Lane.

I will likely be reviewing this issue with Patrick as he is already familiar with it.

If the Cottage Lane ownership is not resolved then the assessment to Cottage Lane for the Queen Street Municipal Drain 2022 will have to be paid by the Township.

I thought I would also check to see if you have any further update on the Huber application to the Ontario Land Tribunal.

Jananna Drain

The Engineer on this drain report is Stephen Brickman, Headway Engineering. In my last conversation with Stephen he noted that hopes to file this report by the end of February. This drain report will be a bit of a challenge when it goes through the process before council. I can give an update on the drain issues.

1089 Huron Street petition – Smith Drain West Branch

I copied you on the email in which I provided information to the owner on the petition process for a improved drain outlet for this property.

I could review briefly with you the process required when the petition is filed.

Delton Reibling Drain Report

I thought I would check with you on the progress with this report now that it is filed.

John

## Jeff Bunn

---

**From:** Patrick Kelly  
**Sent:** February 22, 2023 7:57 AM  
**To:** John Kuntze; Jeff Bunn; Chad Curtis  
**Subject:** RE: Municipal Drain update

Hi John,

I have moved this meeting to 11am and virtual. I will add Jeff/Chad to the invite and they can join, if available.

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
**Corporate Services** | Township of Wilmot | 519-634-8519 x. 9258

[Wilmot.ca](http://Wilmot.ca) | [Twitter](https://twitter.com/Wilmot) | [Facebook](https://www.facebook.com/Wilmot) | [LinkedIn](https://www.linkedin.com/company/wilmot) | [YouTube](https://www.youtube.com/channel/UC...)

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** February 21, 2023 8:42 PM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Patrick Kelly <patrick.kelly@wilmot.ca>  
**Subject:** Municipal Drain update

**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.

Hi Jeff and Chad

Tomorrow morning at 10am I am meeting with Patrick Kelly to discuss options for landowners required to pay assessments on municipal drains – drains constructed under the Drainage Act.

Would you have some free time tomorrow morning as there are some other municipal drain issues that I would like to give you an update on.

Queen Street Municipal Drain 2022 – ownership of Cottage Lane.

I will likely be reviewing this issue with Patrick as he is already familiar with it.

If the Cottage Lane ownership is not resolved then the assessment to Cottage Lane for the Queen Street Municipal Drain 2022 will have to be paid by the Township.

I thought I would also check to see if you have any further update on the Huber application to the Ontario Land Tribunal.

Jananna Drain

The Engineer on this drain report is Stephen Brickman, Headway Engineering. In my last conversation with Stephen he noted that hopes to file this report by the end of February. This drain report will be a bit of a challenge when it goes through the process before council. I can give an update on the drain issues.

1089 Huron Street petition – Smith Drain West Branch

I copied you on the email in which I provided information to the owner on the petition process for a improved drain outlet for this property.

I could review briefly with you the process required when the petition is filed.

Delton Reibling Drain Report

I thought I would check with you on the progress with this report now that it is filed.

John

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** February 22, 2023 8:00 AM  
**To:** Patrick Kelly; Jeff Bunn; Chad Curtis  
**Subject:** RE: Municipal Drain update

**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.

Hi Patrick

I would be available anytime tomorrow. I am OK for a virtual meeting at 11am.

John

---

**From:** Patrick Kelly <patrick.kelly@wilmot.ca>  
**Sent:** February 22, 2023 7:57 AM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** RE: Municipal Drain update

Hi John,

I have moved this meeting to 11am and virtual. I will add Jeff/Chad to the invite and they can join, if available.

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
Corporate Services | Township of Wilmot | 519-634-8519 x. 9258

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** February 21, 2023 8:42 PM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Patrick Kelly <patrick.kelly@wilmot.ca>  
**Subject:** Municipal Drain update

**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.

Hi Jeff and Chad

Tomorrow morning at 10am I am meeting with Patrick Kelly to discuss options for landowners required to pay assessments on municipal drains – drains constructed under the Drainage Act.

Would you have some free time tomorrow morning as there are some other municipal drain issues that I would like to give you an update on.

Queen Street Municipal Drain 2022 – ownership of Cottage Lane.

I will likely be reviewing this issue with Patrick as he is already familiar with it.

If the Cottage Lane ownership is not resolved then the assessment to Cottage Lane for the Queen Street Municipal Drain 2022 will have to be paid by the Township.

I thought I would also check to see if you have any further update on the Huber application to the Ontario Land Tribunal.

Jananna Drain

The Engineer on this drain report is Stephen Brickman, Headway Engineering. In my last conversation with Stephen he noted that hopes to file this report by the end of February. This drain report will be a bit of a challenge when it goes through the process before council. I can give an update on the drain issues.

1089 Huron Street petition – Smith Drain West Branch

I copied you on the email in which I provided information to the owner on the petition process for a improved drain outlet for this property.

I could review briefly with you the process required when the petition is filed.

Delton Reibling Drain Report

I thought I would check with you on the progress with this report now that it is filed.

John

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Patrick Kelly  
**Sent:** February 22, 2023 8:13 AM  
**To:** John Kuntze; Jeff Bunn; Chad Curtis  
**Subject:** RE: Municipal Drain update

Thanks John!

We will stick to the 11am virtual meeting today. See you online!

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
**Corporate Services** | Township of Wilmot | 519-634-8519 x. 9258

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** February 22, 2023 8:00 AM  
**To:** Patrick Kelly <patrick.kelly@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** RE: Municipal Drain update

**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.

Hi Patrick

I would be available anytime tomorrow. I am OK for a virtual meeting at 11am.

John

---

**From:** Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Sent:** February 22, 2023 7:57 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Municipal Drain update

Hi John,

I have moved this meeting to 11am and virtual. I will add Jeff/Chad to the invite and they can join, if available.

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
**Corporate Services | Township of Wilmot | 519-634-8519 x. 9258**

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** February 21, 2023 8:42 PM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** Municipal Drain update

**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.

Hi Jeff and Chad

Tomorrow morning at 10am I am meeting with Patrick Kelly to discuss options for landowners required to pay assessments on municipal drains – drains constructed under the Drainage Act.

Would you have some free time tomorrow morning as there are some other municipal drain issues that I would like to give you an update on.

Queen Street Municipal Drain 2022 – ownership of Cottage Lane.

I will likely be reviewing this issue with Patrick as he is already familiar with it.

If the Cottage Lane ownership is not resolved then the assessment to Cottage Lane for the Queen Street Municipal Drain 2022 will have to be paid by the Township.

I thought I would also check to see if you have any further update on the Huber application to the Ontario Land Tribunal.

Jananna Drain

The Engineer on this drain report is Stephen Brickman, Headway Engineering. In my last conversation with Stephen he noted that hopes to file this report by the end of February. This drain report will be a bit of a challenge when it goes through the process before council. I can give an update on the drain issues.

1089 Huron Street petition – Smith Drain West Branch

I copied you on the email in which I provided information to the owner on the petition process for a improved drain outlet for this property.

I could review briefly with you the process required when the petition is filed.

Delton Reibling Drain Report

I thought I would check with you on the progress with this report now that it is filed.

John

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is

for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 1, 2023 8:50 AM  
**To:** Chad Curtis; Stephen Brickman; aharron  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad

That is great that you took a trip to Wellesley and met with Amy Harron. In the not too distant future you will be working with Amy again on the Paff Drain. In this case the roles will be switched as Wellesley will be the initiating municipality and Wilmot will be the other municipality.

The spreadsheet file that Stephen had sent you this week did have the Wellesley assessment roll information for the assessed owners.

Again, Amy should update this list for you.

Is Amy going to mail the Wellesley landowner reports or will you do that?

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Thursday, June 1, 2023 8:43 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; aharron <aharron@wellesley.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen and John,

Yesterday afternoon I took a drive to Wellesley to meet Amy Harron (cc'd in this email) to drop off the Bamberg Creek, Jananna, and Koch-Leis Drains Engineer's Report and to discuss this file.

I forwarded Amy a copy of this email which included PDFs of the Engineer's Report and the Suggested Distribution List. Do you have a list of the addresses/roll numbers for the Wellesley distribution.

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have

received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** March 3, 2023 2:38 PM  
**To:** John Kuntze  
**Subject:** Gawron Follow up  
**Attachments:** WLMT-002 - Jananna Drain - NHIC Data.xlsx

I lost you on the phone there. Attached is the NHIC reports from the MNRF. We've added the highlighting, and added a couple comments, but the raw data is still there. None of the Endangered Species have ever been observed.

### **Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

| OGF ID | Element Type | Common Name                               | Scientific Name       | SRank | SARO Status | COSEWIC Status | ATLAS NAD83 IDENT |
|--------|--------------|-------------------------------------------|-----------------------|-------|-------------|----------------|-------------------|
| 925877 | NATURAL AREA | Sunfish Lake Laurel Creek Wetland Complex |                       |       |             |                | 17NJ2413          |
| 925877 | SPECIES      | Bobolink                                  | Dolichonyx oryzivorus |       | THR         | THR            | 17NJ2413          |
| 925877 | SPECIES      | Snapping Turtle                           | Chelydra serpentina   |       | SC          | SC             | 17NJ2413          |
| 925876 | NATURAL AREA | Sunfish Lake Laurel Creek Wetland Complex |                       |       |             |                | 17NJ2412          |
| 925876 | SPECIES      | Eastern Meadowlark                        | Sturnella magna       |       | THR         | THR            | 17NJ2412          |
| 925876 | SPECIES      | Snapping Turtle                           | Chelydra serpentina   |       | SC          | SC             | 17NJ2412          |
| 925876 | SPECIES      | Bobolink                                  | Dolichonyx oryzivorus |       | THR         | THR            | 17NJ2412          |



**COMMENTS**

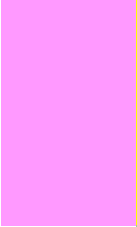


Found in hay fields (not wetlands)

CLEAR

SC is not protected

CLEAR



**This is where most of the work is**

Found in hay fields (not wetlands)

CLEAR

SC is not protected

CLEAR

Found in hay fields (not wetlands)

CLEAR

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** March 6, 2023 8:14 AM  
**To:** Michael Hindriks  
**Cc:** Stephen Brickman; Adam Hall; Jeff Bunn; Chad Curtis  
**Subject:** Wilmot Township Drain Project  
**Attachments:** Gawron Follow up

**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.

Hi Michael

This email is a follow-up to our phone conversation on March 3.

I understand that MOE has had communication with citizens concerned that a drain project in Wilmot Township will impact species listed under the Endangered Species Act.

From our discussion I believe the drain project being referred to is a drainage works that was initiated under the Drainage Act.

The report of an Engineer under the Drainage Act was initiated by a petition submitted by Jananna Corporation for a farm parcel at 1184 Gerber Road which is on the south side of Gerber Road.

The Engineer preparing this report is Stephen Brickman, P.Eng., Headway Engineering.

The Engineer is in the process of completing his report after conducting an investigation and holding a number of information meetings with the affected landowners.

The proposed Jananna Municipal Drain outlets into a watercourse known as Bamberg Creek.

Bamberg Creek requires a cleanout to provide adequate outlet for the Jananna Municipal Drain.

The work on Bamberg Creek commences at the south limits of the farm parcel at 1010 and 1022 Gerber Road.

I discussed our phone conversation with Stephen Brickman on Friday afternoon.

Stephen advised that the investigation for his report did involve research on Endangered Species in the area of the proposed drain improvements.

The attached email has Stephen's comments and contains his contact information.

You should contact Stephen Brickman directly to get more detailed information on the proposed drain improvements and details for the investigation he has completed in preparing his report.

Please contact me if you feel there is additional information that you require from Wilmot Township.

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](mailto:jkuntze@ksmart.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** March 24, 2023 11:54 AM  
**To:** Cory Kittel  
**Subject:** RE: Jananna/Wilmot Drainage Petition Milestones

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](mailto: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](mailto: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

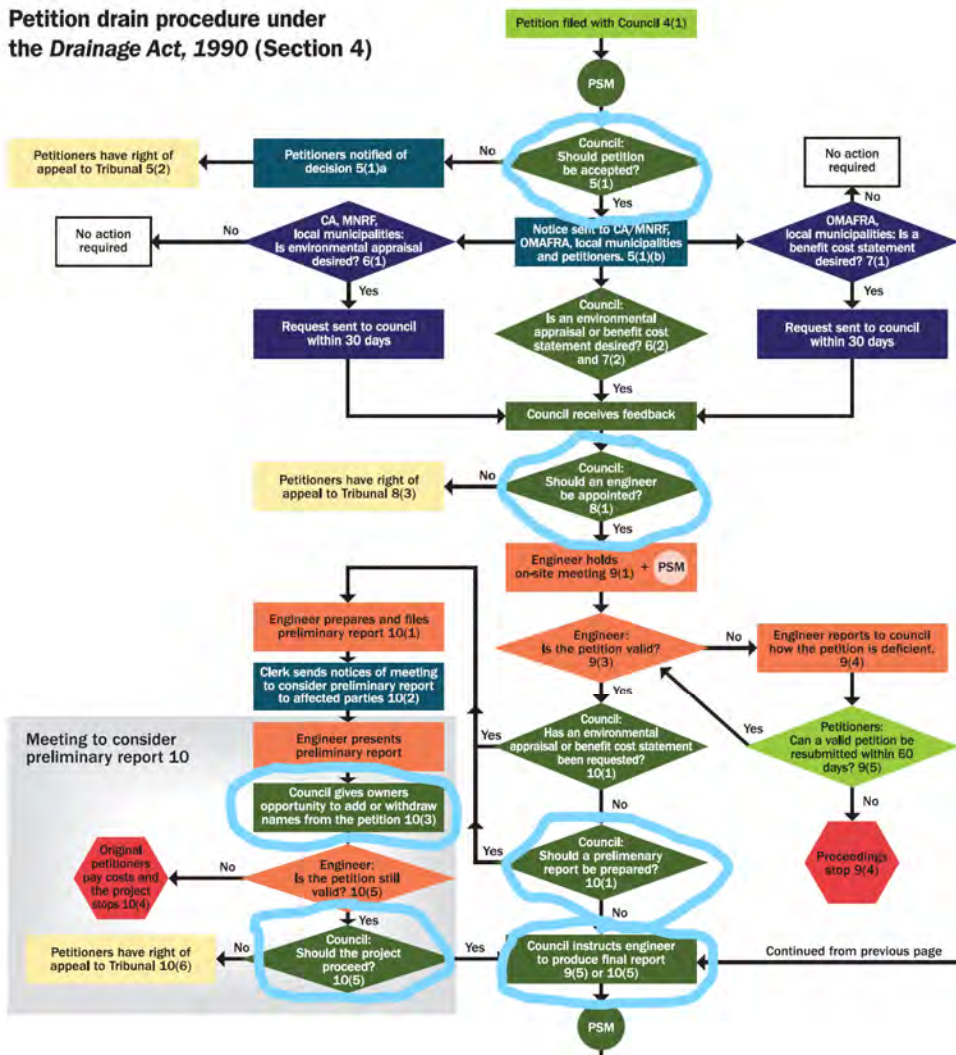
John,

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 flowcart). 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)**



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** March 28, 2023 2:20 PM  
**To:** Jeff Molenhuis  
**Cc:** drains; Mark Jeffery; Stephen Brickman; Adam Hall  
**Subject:** RE: Jananna Field Plan Nobody Knew About  
**Attachments:** RE: Jananna/Wilmot Drainage Petition Milestones

**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.

Hi Jeff

I will be responding to Cory Kittel's email below.

I have copied Headway Engineering on this so that they are aware of my communication with Cory Kittel.

Cory Kittel first contacted me directly using my ksmart email address.

His email and my response is attached.

I have not completed the timeline analysis he requested but I am working on it.

John

---

**From:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Sent:** Tuesday, March 28, 2023 1:22 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Cc:** drains <drains@Wilmot.ca>; Mark Jeffery <mark.jeffery@wilmot.ca>  
**Subject:** FW: Jananna Field Plan Nobody Knew About  
**Importance:** High

[John – not sure if this is yours or Headways?](#)

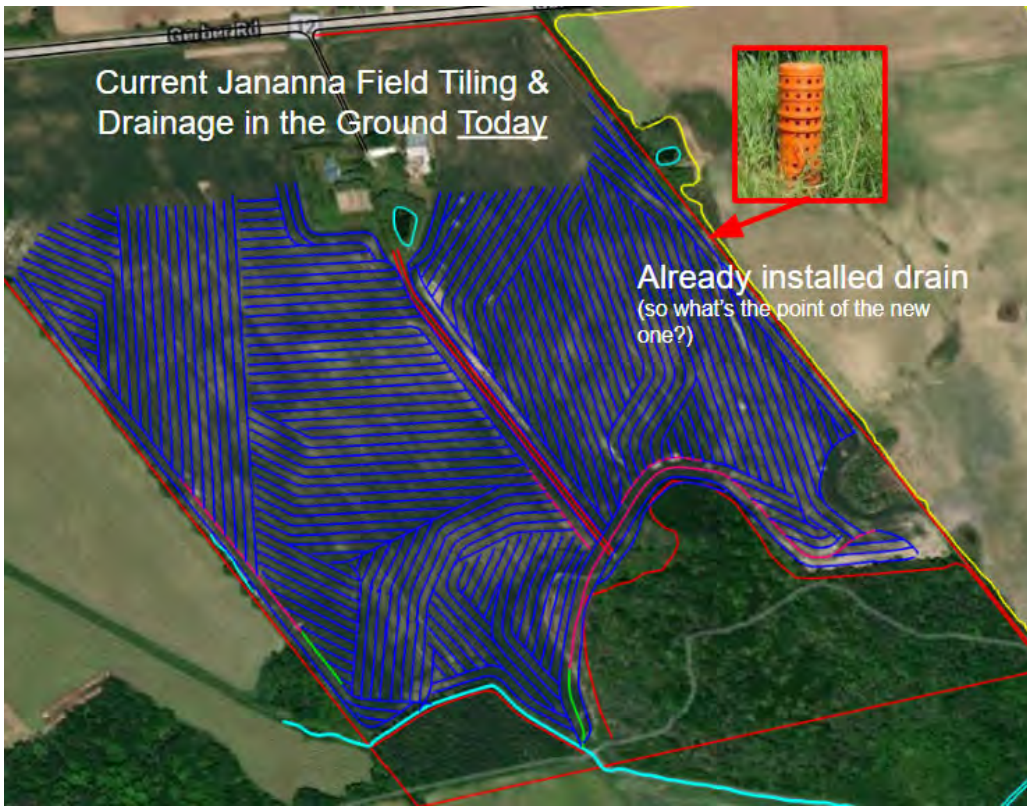
---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, March 27, 2023 4:35 PM  
**To:** drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>  
**Cc:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Subject:** Jananna Field Plan Nobody Knew About

**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.

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  
519-635-2679

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**Jeff Bunn**

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Mark Jeffery <mark.jeffery@wilmot.ca>

Sent: Monday, March 27, 2023 3:35 PM

To: Stephen Brickman <stephen.brickman@headwayeng.ca>

Subject: FW: Municipal Drains

Hi Stephen,

The Township received an email from Steve Bottoms requesting a phone call to discuss the Janna Drain. Please give him a call at your earliest convenience.

The contact info [REDACTED], email [REDACTED]

Thanks,  
Mark

-----Original Message-----

From: Jeff Molenhuis <jeff.molenhuis@wilmot.ca>

Sent: Monday, March 27, 2023 3:10 PM

To: drains <drains@Wilmot.ca>; Engineering <engineering@Wilmot.ca>

Subject: FW: Municipal Drains

Anyone working on this one and call the resident back directly? Otherwise, can we direct this to K Smart?

-----Original Message-----

From: noreply@wilmot.ca <noreply@wilmot.ca> On Behalf Of Steve Bottoms

Sent: Friday, March 24, 2023 10:41 AM  
To: Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
Subject: 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.

Hi Jeff

Can we schedule a 10 minute phone call to discuss the Janna Drain. I'm not available Monday (27th) in the morning or Tuesday (28th) in the afternoon but I'm clear for the rest of the week.

Thanks  
Steve

[REDACTED]

-----  
Origin: [https://www.wilmot.ca/en/township-office/public-works-and-engineering.aspx?\\_mid\\_=126654](https://www.wilmot.ca/en/township-office/public-works-and-engineering.aspx?_mid_=126654)  
-----

This email was sent to you by Steve Bottoms [REDACTED] > through <https://www.wilmot.ca>.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** March 31, 2023 1:09 PM  
**To:** Stephen Brickman; Mark Jeffery  
**Subject:** RE: Response to Engineer Overseeing Jananna/Wilmot (Ward 4) Drainage Project

**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.

Thank you for this sending this email.  
I did not receive a copy of this email so I was not one of the BCC parties.

I am little puzzled by his closing comment.  
I am not sure using a BCC with an email and then telling the email recipient that you did so does anything for “visibility and awareness”.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Friday, March 31, 2023 12:56 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Mark Jeffery <mark.jeffery@wilmot.ca>  
**Subject:** FW: Response to Engineer Overseeing Jananna/Wilmot (Ward 4) Drainage Project

Hey Guys, Please see email below. I don't know if you were one of the BCC'd parties or not, but you should probably have record of this correspondence for your files.

No need to reply to me. And no need for actions on your end, other than record keeping.

By the way, I followed up with Steve Bottoms today. I was talking with him for 45minutes

Take Care.

**s.b.**

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, March 30, 2023 6:21 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** Response to Engineer Overseeing Jananna/Wilmot (Ward 4) Drainage Project

Stephen,

Thanks for taking the time to meet with me a few weeks ago. It was really the first and only time I've been able to provide input. Unfortunately, I wasn't allowed to leading up to your preliminary report. I don't think anyone was. And let's be honest – not many attended the meetings other than the petitioners (because nobody knew about them) and no one has been solicited for input, so it's hard to see how all this isn't one sided.

I just can't understand your position on this project. When I read **Section 11** of the Act (see bottom of email for reference), I haven't seen any of that on display. It appears as though you are acting as more of a paid contractor on

behalf of the petitioner to “deliver and implement” their drainage project. I’ve also read the *GUIDELINE: Services of the Engineer Acting Under the Drainage Act* and *A Guide for Engineers Working under the Drainage Act In Ontario* and I’m seeing a lot of discrepancies. I have no choice other than to be critical of the process and work done to-date.

I can not for the life of me understand how you see this petition making sense. It fails miserably on the financial feasibility alone – that is an immediate deal breaker – it ends there. Pursuing this project beyond this is then simply the result of negligence, incompetence or greed. If someone is forcing me to pay \$25,000+ for something I didn't ask for, don't want or see the need for, then there better be a ton of evidence clearly demonstrating a return on that investment. This can't be taken lightly. In this case there has been zero evidence. If that wasn't enough, there is not one other neighbour, farmer.. anyone that is for this. I would know because apparently I'm the only one that talked to everyone. This is on display in the letter everyone has signed stating such.

I have already made it clear. I do not want an overengineered, expensive municipal drain on my property. Please respect that request. But in good faith I have put forth a pragmatic, reasonable and common-sense option that I think works better and works for everyone. One that actually fixes the problem and is not just a band-aid.

Spending \$460,000+ of our money and taxpayer money on a field that ALREADY has a complete systematic drainage system, already has an outlet, that only one person wants, everyone else signed a petition against, where no persistent flooding exists, no improvements can be made, no farmland reclaimed and no financial benefit has been proven – it’s insanity – sorry, I don’t have any other words for this.

I strongly believe that **Section 40** of the Act is the obvious answer to this petition. The drainage works is impractical.

It fails on the financial assessment alone - “the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof”

It fails to display any problems of significance- there is no flooded farmland, benefits to be derived, land to be reclaimed or improvements above and beyond the drainage systems already in place.

It fails the community as a whole since the community clearly sees no benefit or desire for this project.

The private works to be completed will satisfy the original petitioner’s request. This also eliminates the financial burden placed on those who will not benefit (which is the overwhelming majority).

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.

The greater watershed community is not in favour of this - we live in a democracy after all, so please respect that and private landowners rights.

*“(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](http://omafra.gov.on.ca/english/engineer/facts/88-051.htm)

*“the engineer shall, to the best of engineer’s skill, knowledge, judgment and ability, **honestly** and **faithfully**, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon”*

*Section 11 Drainage Act*

Full disclosure. I have BCC'd a few other parties on this email for visibility and awareness.

Jeff Bunn

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

From: Cory Kittel [REDACTED]  
Sent: Thursday, March 30, 2023 6:21 PM  
To: Stephen Brickman <stephen.brickman@headwayeng.ca>  
Subject: Response to Engineer Overseeing Jananna/Wilmot (Ward 4) Drainage Project

Stephen,

Thanks for taking the time to meet with me a few weeks ago. It was really the first and only time I've been able to provide input. Unfortunately, I wasn't allowed to leading up to your preliminary report. I don't think anyone was. And let's be honest – not many attended the meetings other than the petitioners (because nobody knew about them) and no one has been solicited for input, so it's hard to see how all this isn't one sided.

I just can't understand your position on this project. When I read Section 11 of the Act (see bottom of email for reference), I haven't seen any of that on display. It appears as though you are acting as more of a paid contractor on behalf of the petitioner to "deliver and implement" their drainage project. I've also read the *GUIDELINE: Services of the Engineer Acting Under the Drainage Act* and *A Guide for Engineers Working under the Drainage Act In Ontario* and I'm seeing a lot of discrepancies. I have no choice other than to be critical of the process and work done to-date.

I can not for the life of me understand how you see this petition making sense. It fails miserably on the financial feasibility alone – that is an immediate deal breaker – it ends there. Pursuing this project beyond this is then simply the result of negligence, incompetence or greed. If someone is forcing me to pay \$25,000+ for something I didn't ask for, don't want or see the need for, then there better be a ton of evidence clearly demonstrating a return on that investment. This can't be taken lightly. In this case there has been zero evidence. If that wasn't enough, there is not one other neighbour, farmer.. anyone that is for this. I would know because apparently I'm the only one that talked to everyone. This is on display in the letter everyone has signed stating such.

I have already made it clear. I do not want an overengineered, expensive municipal drain on my property. Please respect that request. But in good faith I have put forth a pragmatic, reasonable and common-sense option that I think works better and works for everyone. One that actually fixes the problem and is not just a band-aid.

Spending \$460,000+ of our money and taxpayer money on a field that ALREADY has a complete systematic drainage system, already has an outlet, that only one person wants, everyone else signed a petition against, where no persistent flooding exists, no improvements can be made, no farmland reclaimed and no financial benefit has been proven – it’s insanity – sorry, I don’t have any other words for this.

I strongly believe that **Section 40** of the Act is the obvious answer to this petition. The drainage works is impractical.

It fails on the financial assessment alone - “the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof”

It fails to display any problems of significance- there is no flooded farmland, benefits to be derived, land to be reclaimed or improvements above and beyond the drainage systems already in place.

It fails the community as a whole since the community clearly sees no benefit or desire for this project.

The private works to be completed will satisfy the original petitioner’s request. This also eliminates the financial burden placed on those who will not benefit (which is the overwhelming majority).

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.

The greater watershed community is not in favour of this - we live in a democracy after all, so please respect that and private landowners rights.

*“(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](http://omafra.gov.on.ca/english/engineer/facts/88-051.htm)

*“the engineer shall, to the best of engineer’s skill, knowledge, judgment and ability, **honestly** and **faithfully**, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon”*

Section 11 Drainage Act

Full disclosure. I have BCC'd a few other parties on this email for visibility and awareness.

## Jeff Bunn

---

**Subject:** FW: Jananna Drain Twp Meeting

**Start:** Tue 2024-03-26 11:00 PM

**End:** Tue 2024-03-26 11:00 PM

**Recurrence:** (none)

**Organizer:** Stephen Brickman

**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.

-----Original Appointment-----

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** April 19, 2023 12:26 PM

**To:** Stephen Brickman; Jeff Bunn; Kris Wilkinson; Stewart Cressman; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca))

**Cc:** Ken VanderWal; Jeff Molenhuis; Sharon Chambers; Adam Hall

**Subject:** Jananna Drain Twp Meeting

**When:** April 19, 2023 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Admin Complex - Schwartzentruber Room &; Microsoft Teams Meeting

**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.

Disperse to clerks folks at your leisure. To sit in mostly.

-----Original Appointment-----

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Tuesday, April 11, 2023 8:58 AM

**To:** Stephen Brickman; Kris Wilkinson; Stewart Cressman; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca))

**Cc:** Ken VanderWal; Jeff Molenhuis; Sharon Chambers; Adam Hall

**Subject:** Jananna Drain Twp Meeting

**When:** Wednesday, April 19, 2023 1:00 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Admin Complex - Schwartzentruber Room &; Microsoft Teams Meeting

**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.

Hi everybody – I just wanted to let everybody know that the location of today's meeting is at the **Schwartzentruber Meeting Room** at the Twp Office.

Please note that the meeting will be held in person. The below MS Teams link is shared in case somebody would like to join virtually.

A few items to discuss:

- Project Background
- Steps taken so far
- Current Status (including report status, and Landowner concerns).
- Next Steps

Thanks everybody!

---

## Microsoft Teams meeting

**Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

Meeting ID: 282 668 596 644

Passcode: JLAjZc

[Download Teams](#) | [Join on the web](#)

[Learn More](#) | [Meeting options](#)

---

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** April 19, 2023 3:15 PM  
**To:** Kris Wilkinson; Stewart Cressman; John Kuntze (jkuntze@ksmart.ca); Jeff Molenhuis; Chad Curtis  
**Cc:** Adam Hall  
**Subject:** Meeting Follow up

**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.

Hi Everybody,

Thanks for taking the time to meet today. It is very much appreciated.

Below are a couple links to our website where you can see all the design information that has been circulated so far (including dwgs, cost estimates, assessments, and powerpoints).

[Jannan Drain](#)

[Koch-Leis Drain](#)

You'll be prompted for a password, the password is **WLMT-002**

Councillor Wilkinson – If you could share the information that you've received, that would be very helpful as well.

Thanks again! Take Care!

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)



## Jeff Bunn

---

**From:** Kris Wilkinson  
**Sent:** April 21, 2023 3:46 PM  
**To:** Stephen Brickman; Stewart Cressman; John Kuntze (jkuntze@ksmart.ca); Jeff Molenhuis; Chad Curtis  
**Cc:** Adam Hall  
**Subject:** RE: Meeting Follow up  
**Attachments:** Jananna Drainage Project Issues.pdf

Hi All,

Thank you again for your time on Wednesday. Please see attached.

Have a great weekend.

Cheers,



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

- My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** April 19, 2023 3:15 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>; Stewart Cressman <stewart.cressman@wilmot.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** Meeting Follow up

**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.

Hi Everybody,

Thanks for taking the time to meet today. It is very much appreciated.

Below are a couple links to our website where you can see all the design information that has been circulated so far (including dwgs, cost estimates, assessments, and powerpoints).

[Jannan Drain](#)  
[Koch-Leis Drain](#)

You'll be prompted for a password, the password is **WLMT-002**

Councillor Wilkinson – If you could share the information that you’ve received, that would be very helpful as well.

Thanks again! Take Care!

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)



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

April 28, 2023

Prepared for:



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        |
| <b>Total Estimated Assessments</b>       | <b>\$462,900</b> |

Yours truly,

[REDACTED]  
Stephen Brickman, P.Eng.  
Project Engineer and Manager

[REDACTED]  
Adam Hall  
Project Coordinator  
**HEADWAY ENGINEERING**  
SB/





## **CONTENTS**

|             |                                                          |           |
|-------------|----------------------------------------------------------|-----------|
| <b>1.0</b>  | <b>INTRODUCTION AND LOCATION</b> .....                   | <b>1</b>  |
| <b>2.0</b>  | <b>PROJECT AUTHORIZATION</b> .....                       | <b>1</b>  |
| <b>3.0</b>  | <b>DRAINAGE HISTORY</b> .....                            | <b>1</b>  |
| <b>4.0</b>  | <b>PUBLIC MEETINGS AND ENGAGEMENTS</b> .....             | <b>2</b>  |
| <b>5.0</b>  | <b>FINDINGS</b> .....                                    | <b>3</b>  |
| <b>6.0</b>  | <b>DESIGN CONSIDERATIONS</b> .....                       | <b>4</b>  |
| <b>7.0</b>  | <b>ENVIRONMENTAL CONSIDERATIONS AND PERMITTING</b> ..... | <b>5</b>  |
| <b>8.0</b>  | <b>RECOMMENDATIONS</b> .....                             | <b>5</b>  |
| <b>9.0</b>  | <b>SUMMARY OF PROPOSED WORKS</b> .....                   | <b>6</b>  |
| <b>10.0</b> | <b>WORKING AREA AND ACCESS</b> .....                     | <b>6</b>  |
| <b>11.0</b> | <b>SCHEDULES</b> .....                                   | <b>7</b>  |
| <b>12.0</b> | <b>ALLOWANCES</b> .....                                  | <b>7</b>  |
| <b>13.0</b> | <b>ESTIMATED CONSTRUCTION COSTS</b> .....                | <b>8</b>  |
| <b>14.0</b> | <b>SUMMARY OF ESTIMATED PROJECT COSTS</b> .....          | <b>9</b>  |
| <b>15.0</b> | <b>ASSESSMENT</b> .....                                  | <b>9</b>  |
| <b>16.0</b> | <b>GRANT ELIGIBILITY</b> .....                           | <b>10</b> |
| <b>17.0</b> | <b>MAINTENANCE</b> .....                                 | <b>10</b> |

## **SCHEDULES**

**SCHEDULE A – ALLOWANCES**

**SCHEDULE B – ESTIMATED CONSTRUCTION COSTS**

**SCHEDULE C – ASSESSMENT FOR CONSTRUCTION**

**SCHEDULE D – ASSESSMENT FOR FUTURE MAINTENANCE**

## **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 (MNR) 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         |
| <b>Total Estimated Construction Costs</b> | <b>\$ 180,800</b> |



**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         |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                                                                                                                                | <b>\$ 462,900</b> |
| <b>BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023</b>                                                                                                  | <b>\$ 462,900</b> |

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        |
| <b>Total Allowances</b>    |                  |            |                          |          |                         |                    |                     |                     |
| <b>Bamberg Creek Drain</b> |                  |            |                          |          | <b>\$ 8,250.00</b>      | <b>\$ 7,280.00</b> | <b>\$ 75,400.00</b> | <b>\$ 90,930.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |                     |        |                         |                    |                |                     |
| <b>Jananna - East Branch</b> |                  |            |                     |        | <b>\$ 9,020.00</b>      | <b>\$ 9,520.00</b> | <b>\$ -</b>    | <b>\$ 18,540.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |               |        |                         |                     |                |                     |
| <b>Jananna - West Branch</b> |                  |            |               |        | <b>\$ 11,400.00</b>     | <b>\$ 11,400.00</b> | <b>\$ -</b>    | <b>\$ 22,800.00</b> |

| <b>Koch-Leis Drain</b>                                                                      | <b>Property Details</b> |                          |                          |             | <b>Drainage Act Allowances</b> |                      |                             |                      |
|---------------------------------------------------------------------------------------------|-------------------------|--------------------------|--------------------------|-------------|--------------------------------|----------------------|-----------------------------|----------------------|
|                                                                                             | 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                |                      |
| <b>Total Allowances<br/>Koch-Leis Drain</b>                                                 |                         |                          |                          |             | <b>\$ 8,280.00</b>             | <b>\$ 1,650.00</b>   | <b>\$ 25,200.00</b>         | <b>\$ 35,130.00</b>  |
|                                                                                             |                         |                          |                          |             | Right of Way<br>(Sec. 29)      | Damages<br>(Sec. 30) | Loss of Access<br>(Sec. 33) | Total Allowances     |
| <b>Total Allowances<br/>Bamberg Creek, Jananna, and Koch-Leis<br/>Municipal Drains 2023</b> |                         |                          |                          |             | <b>\$ 36,950.00</b>            | <b>\$ 29,850.00</b>  | <b>\$ 100,600.00</b>        | <b>\$ 167,400.00</b> |



## **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<br>Quantity | \$/Unit  | Total        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|--------------|
| 1) Clearing, brushing and mulching                                                                                                                          | l.s.                  |          | \$ 20,000.00 |
| 2) Open ditch excavation (approx. 400m <sup>3</sup> )<br>including cleanout through concrete bridge at<br>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 <sup>2</sup>   | \$ 1.25  | \$ 2,500.00  |
| 5) Supply and place rip-rap erosion protection at<br>Sta. 0+000 to transition Bamberg Creek<br>existing grade to proposed streambed<br>(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<br>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<br>(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 <sup>2</sup> )        | 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         |
| <b>Total Estimated Construction Costs</b>                                                                                                             |                    |             | <b>\$ 60,300.00</b> |
| <b>Part B - Jananna - East Branch</b>                                                                                                                 |                    |             |                     |

**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 <sup>2</sup> ) | I.s.               |           | \$ 7,064.00         |
| <b>Total Estimated Construction Costs</b>                                                                                                      |                    |           | <b>\$ 50,100.00</b> |
| <b>Part C - Jananna - West Branch</b>                                                                                                          |                    |           |                     |

## Part D - Koch=Lels 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=Lels 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     | \$ 16,200.00 |

### Total Estimated Construction Costs

**\$ 180,800.00**

|                                      |               |
|--------------------------------------|---------------|
| Total Estimated Materials            | \$ 35,140.00  |
| Total Estimated Labour and Equipment | \$ 145,660.00 |

### 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 |              |
| <b>Bamberg Creek Drain</b>                     | <b>Township of Wilmot</b>                             |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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             |              |
|                                                | <b>Total Assessments on Lands</b>                     |                                 |                             |             |                                        |                   | \$ 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  |
|                                                | <b>Total Assessments on Roads</b>                     |                                 |                             |             |                                        |                   | \$ -                       | \$ 4,364.00               | \$ -             | \$ 4,364.00      |                 |                       | \$ 4,364.00  |
|                                                | <b>Total Assessments Main Open Township of Wilmot</b> |                                 |                             |             |                                        |                   | \$ 86,040.00               | \$ 35,787.00              | \$ 68,460.00     | \$ 190,287.00    | \$ 61,974.00    | \$ 90,930.00          | \$ 37,383.00 |
|                                                | <b>Township of Wellesley</b>                          |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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       |                       |              |
| <b>Total Assessments on Lands</b>              |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Township of Wellesley</b> |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Bamberg Creek Drain</b>   |                                                       |                                 |                             |             |                                        | \$ 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 |
| 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    |
| <b>Total Assessments on Lands</b>                          |                  |                             |           |                    | \$ 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     |
| <b>Total Assessments on Roads</b>                          |                  |                             |           |                    | \$ -                 | \$ 7,205.00                            | \$ -                       | \$ 7,205.00               |                  |                  | \$ 7,205.00     |
| <b>Total Assessments Main Closed Township of Wilmot</b>    |                  |                             |           |                    | \$ 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     |
| <b>Total Assessments on Lands</b>                          |                  |                             |           |                    | \$ -                 | \$ 9,540.00                            | \$ -                       | \$ 9,540.00               | \$ 3,180.00      | \$ -             | \$ 6,360.00     |
| <b>Total Assessments Main Closed Township of Wellesley</b> |                  |                             |           |                    | \$ -                 | \$ 9,540.00                            | \$ -                       | \$ 9,540.00               | \$ 3,180.00      | \$ -             | \$ 6,360.00     |
| <b>Total Assessments Jananna - East Branch</b>             |                  |                             |           |                    | \$ 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 |
| 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    |
| <b>Total Assessments on Lands</b>                  |                  |                             |           |                    | \$ 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    |
| <b>Total Assessments on Roads</b>                  |                  |                             |           |                    | \$ 9,624.00          | \$ 10,631.00                           | \$ -                       | \$ 20,255.00              |                  |                  | \$ 20,255.00    |
| <b>Total Assessments Branch Township of Wilmot</b> |                  |                             |           |                    | \$ 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     |
| <b>Total Assessments on Lands</b>                  |                  |                             |           |                    | \$ -                 | \$ 17,045.00                           | \$ -                       | \$ 17,045.00              | \$ 5,682.00      | \$ -             | \$ 11,363.00    |
| <b>Total Assessments Township of Wellesley</b>     |                  |                             |           |                    | \$ -                 | \$ 17,045.00                           | \$ -                       | \$ 17,045.00              | \$ 5,682.00      | \$ -             | \$ 11,363.00    |
| <b>Total Assessments Jananna - West Branch</b>     |                  |                             |           |                    | \$ 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 |
| <b>Township of Wilmot</b>                          |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ 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             |
| <b>Total Assessments on Roads</b>                  |            |                                 |             |                      | \$ -                                   | \$ 825.00                  | \$ -                      | \$ 825.00        |                  |                 | \$ 825.00             |
| <b>Total Assessments Branch Township of Wilmot</b> |            |                                 |             |                      | \$ 18,320.00                           | \$ 6,555.00                | \$ 31,320.00              | \$ 56,195.00     | \$ 18,456.00     | \$ 35,130.00    | \$ 2,609.00           |
| <b>Township of Wellesley</b>                       |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Township of Wellesley</b>     |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Koch-Leis Drain</b>           |            |                                 |             |                      | \$ 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 |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> | \$ 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 |
| <b>Township of Wilmot</b>                                                            |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 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          |
| <b>Total Assessments on Roads</b>                                                    |            |                                 |             | \$ 4,364.00         | \$ 7,205.00           | \$ 20,255.00          | \$ 825.00       | \$ 32,649.00     |                  |                 | \$ 32,649.00          |
| <b>Total Assessments Township of Wilmot</b>                                          |            |                                 |             | \$ 190,287.00       | \$ 95,260.00          | \$ 77,755.00          | \$ 56,195.00    | \$ 419,497.00    | \$ 128,949.00    | \$ 167,400.00   | \$ 123,148.00         |
| <b>Township of Wellesley</b>                                                         |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Township of Wellesley</b>                                       |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$              | \$ 28,934.00          |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> |            |                                 |             | \$ 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 |
| <b>Township of Wilmot</b>                      |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 22.72                     | 65.2%                             | 133.67                    | 69.6%                             |
| Gerber Road                                    |            | Region of Waterloo              |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments on Roads</b>              |            |                                 |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments Township of Wilmot</b>    |            |                                 |             | 23.76                     | 80.2%                             | 136.81                    | 74.7%                             |
| <b>Township of Wellesley</b>                   |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Township of Wellesley</b> |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Bamberg Creek Drain</b>   |            |                                 |             | 37.53                     | 100.0%                            | 221.39                    | 100.0%                            |

Bamberg Creek Drain

| 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%                     |                                   |
| <b>Total Assessments on Lands</b>     |                  |                             |           |             | 19.72                     | 60.2%                             | 2.18                      | 100.0%                            |
| Gerber Road                           |                  | Region of Waterloo          |           | 1.04        | 17.1%                     |                                   |                           |                                   |
| <b>Total Assessments on Roads</b>     |                  |                             |           |             | 1.04                      | 17.1%                             |                           |                                   |
| <b>Total Assessments</b>              |                  |                             |           |             |                           |                                   |                           |                                   |
| <b>Main Closed Township of Wilmot</b> |                  |                             |           |             | 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%                      |                                   |                           |                                   |
| <b>Total Assessments on Lands</b>     |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments</b>              |                  |                             |           |             |                           |                                   |                           |                                   |
| <b>Township of Wellesley</b>          |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments</b>              |                  |                             |           |             |                           |                                   |                           |                                   |
| <b>Jananna - East Branch</b>          |                  |                             |           |             | 28.74                     | 100.0%                            | 2.18                      | 100.0%                            |

| Jananna - West Branch             | Property Details |                            |           |             | Interval                  |                                   |
|-----------------------------------|------------------|----------------------------|-----------|-------------|---------------------------|-----------------------------------|
|                                   |                  |                            |           |             | 0+000 to 0+760            |                                   |
|                                   | Part Lot         | Concession                 | Landowner | Roll Number | Approx. Hectares Affected | Portion of Maintenance Assessment |
| Township of Wilmot                |                  |                            |           |             |                           |                                   |
| 10                                | 3 Block B        | Jananna Corp.              | 9-164     | 9.34        | 42.6%                     |                                   |
| <b>Total Assessments on Lands</b> |                  |                            |           | 9.34        | 42.6%                     |                                   |
| Gerber Road                       |                  | Region of Waterloo         |           | 0.87        | 22.0%                     |                                   |
| <b>Total Assessments on Roads</b> |                  |                            |           | 0.87        | 22.0%                     |                                   |
| <b>Total Assessments</b>          |                  |                            |           |             |                           |                                   |
| <b>Township of Wilmot</b>         |                  |                            |           | 10.21       | 64.7%                     |                                   |
| 7                                 | 2 East           | Ladislaus & Lauretta Bauer | 1-008-02  | 8.45        | 19.5%                     |                                   |
| 7                                 | 2 East           | 264171 Holdings Ltd.       | 1-008     | 6.26        | 15.9%                     |                                   |
| <b>Total Assessments on Lands</b> |                  |                            |           | 8.45        | 35.3%                     |                                   |
| <b>Total Assessments</b>          |                  |                            |           |             |                           |                                   |
| <b>Township of Wellesley</b>      |                  |                            |           | 8.45        | 35.3%                     |                                   |
| <b>Total Assessments</b>          |                  |                            |           |             |                           |                                   |
| <b>Jananna - West Branch</b>      |                  |                            |           | 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 |
| <b>Township of Wilmot</b>                      |                  |                                 |           |             |                           |                                   |                           |                                   |                           |
| 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%                      |                                   |                           |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 88.80       | 63.9%                     | 28.60                             | 44.0%                     |                                   |                           |
| Gerber Road                                    |                  | Region of Waterloo              |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      |                                   |                           |
| <b>Total Assessments on Roads</b>              |                  |                                 |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      | 0.00                              | 0.0%                      |
| <b>Total Assessments Township of Wilmot</b>    |                  |                                 |           | 90.90       | 70.5%                     | 29.83                             | 51.4%                     | 0.00                              | 0.0%                      |
| 7                                              | 2 East           | Ladislau & 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%                     |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Township of Wellesley</b> |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Koch-Leis Drain</b>       |                  |                                 |           | 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**





## CONTENTS

|         |                                                          |   |
|---------|----------------------------------------------------------|---|
| A.1.    | SCOPE.....                                               | 1 |
| A.2.    | TENDERS.....                                             | 1 |
| A.3.    | EXAMINATIONS OF SITE, DRAWINGS, AND SPECIFICATIONS.....  | 1 |
| A.4.    | PAYMENT .....                                            | 2 |
| A.5.    | CONTRACTOR'S LIABILITY INSURANCE .....                   | 2 |
| A.6.    | LOSSES DUE TO ACTS OF NATURE, ETC.....                   | 2 |
| A.7.    | COMMENCEMENT AND COMPLETION OF WORK.....                 | 2 |
| A.8.    | WORKING AREA AND ACCESS.....                             | 3 |
| A.9.    | SUB-CONTRACTORS .....                                    | 3 |
| A.10.   | PERMITS, NOTICES, LAWS AND RULES.....                    | 3 |
| A.11.   | RAILWAYS, HIGHWAYS, AND UTILITIES .....                  | 3 |
| A.12.   | ERRORS AND UNUSUAL CONDITIONS.....                       | 3 |
| A.13.   | ALTERATIONS AND ADDITIONS.....                           | 3 |
| A.14.   | SUPERVISION .....                                        | 4 |
| A.15.   | FIELD MEETINGS.....                                      | 4 |
| A.16.   | PERIODIC AND FINAL INSPECTIONS.....                      | 4 |
| A.17.   | ACCEPTANCE BY THE MUNICIPALITY .....                     | 4 |
| A.18.   | WARRANTY.....                                            | 4 |
| A.19.   | TERMINATION OF CONTRACT BY THE MUNICIPALITY .....        | 4 |
| A.20.   | TESTS .....                                              | 5 |
| A.21.   | POLLUTION .....                                          | 5 |
| A.22.   | SPECIES AND RISK.....                                    | 5 |
| A.23.   | ROAD CROSSINGS.....                                      | 5 |
| A.23.1. | ROAD OCCUPANCY PERMIT .....                              | 5 |
| A.23.2. | ROAD CLOSURE REQUEST AND CONSTRUCTION NOTIFICATION ..... | 6 |
| A.23.3. | TRAFFIC CONTROL.....                                     | 6 |
| A.23.4. | WEATHER.....                                             | 6 |
| A.23.5. | EQUIPMENT .....                                          | 6 |
| A.24.   | LANEWAYS.....                                            | 6 |



|              |                                              |          |
|--------------|----------------------------------------------|----------|
| <b>A.25.</b> | <b>FENCES .....</b>                          | <b>7</b> |
| <b>A.26.</b> | <b>LIVESTOCK .....</b>                       | <b>7</b> |
| <b>A.27.</b> | <b>STANDING CROPS.....</b>                   | <b>7</b> |
| <b>A.28.</b> | <b>SURPLUS GRAVEL.....</b>                   | <b>7</b> |
| <b>A.29.</b> | <b>IRON BARS .....</b>                       | <b>7</b> |
| <b>A.30.</b> | <b>RIP-RAP .....</b>                         | <b>7</b> |
| <b>A.31.</b> | <b>CLEARING, GRUBBING AND BRUSHING .....</b> | <b>8</b> |
| <b>A.32.</b> | <b>RESTORATION OF LAWNS.....</b>             | <b>8</b> |



## **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**







## CONTENTS

|       |                                                      |   |
|-------|------------------------------------------------------|---|
| B.1.  | ALIGNMENT.....                                       | 1 |
| B.2.  | PROFILE.....                                         | 1 |
| B.3.  | EXCAVATION.....                                      | 1 |
| B.4.  | EXCAVATED MATERIAL.....                              | 1 |
| B.5.  | EXCAVATION AT EXISTING BRIDGE AND CULVERT SITES..... | 2 |
| B.6.  | PIPE CULVERTS.....                                   | 2 |
| B.7.  | RIP-RAP PROTECTION FOR CULVERTS.....                 | 2 |
| B.8.  | CLEARING, GRUBBING AND MULCHING.....                 | 2 |
| B.9.  | TRIBUTARY TILE OUTLETS.....                          | 3 |
| B.10. | SEEDING.....                                         | 3 |
| B.11. | HYDRO SEEDING.....                                   | 3 |
| B.12. | HAND SEEDING.....                                    | 3 |
| B.13. | COMPLETION.....                                      | 3 |





## 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**







## CONTENTS

|       |                                                                            |   |
|-------|----------------------------------------------------------------------------|---|
| C.1.  | PIPE MATERIALS .....                                                       | 1 |
| C.2.  | ALIGNMENT .....                                                            | 1 |
| C.3.  | PROFILE .....                                                              | 1 |
| C.4.  | EXCAVATION .....                                                           | 2 |
| C.5.  | INSTALLATION .....                                                         | 2 |
| C.6.  | TRENCH CROSSINGS .....                                                     | 3 |
| C.7.  | OUTLET PROTECTION .....                                                    | 3 |
| C.8.  | CATCH BASINS AND JUNCTION BOXES .....                                      | 3 |
| C.9.  | TRIBUTARY DRAINS.....                                                      | 4 |
| C.10. | CLEARING, GRUBBING AND MULCHING .....                                      | 5 |
| C.11. | ROADS AND LANEWAY SUB-SURFACE CROSSINGS .....                              | 5 |
| C.12. | FILLING IN EXISTING DITCHES.....                                           | 5 |
| C.13. | CONSTRUCTION OF GRASSED WATERWAYS .....                                    | 5 |
| C.14. | UNSTABLE SOIL .....                                                        | 5 |
| C.15. | ROCKS.....                                                                 | 5 |
| C.16. | BROKEN OR DAMAGED TILE .....                                               | 6 |
| C.17. | RECOMMENDED PRACTICE FOR CONSTRUCTION OF SUB-SURFACE DRAINAGE SYSTEMS..... | 6 |





## 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**





## CONTENTS

|             |                                                               |          |
|-------------|---------------------------------------------------------------|----------|
| <b>1.0</b>  | <b>GENERAL</b> .....                                          | <b>1</b> |
| <b>2.0</b>  | <b>UTILITIES</b> .....                                        | <b>1</b> |
| <b>3.0</b>  | <b>WORKING AREA AND ACCESS</b> .....                          | <b>1</b> |
| <b>4.0</b>  | <b>CLEARING BRUSHING AND MULCHING</b> .....                   | <b>1</b> |
| <b>5.0</b>  | <b>PIPE AND INSTALLATION</b> .....                            | <b>2</b> |
| <b>6.0</b>  | <b>TOPSOIL STRIPPING AND FINE GRADING</b> .....               | <b>3</b> |
| <b>7.0</b>  | <b>EXCAVATED MATERIAL</b> .....                               | <b>3</b> |
| <b>8.0</b>  | <b>SEEDING</b> .....                                          | <b>3</b> |
| <b>9.0</b>  | <b>OUTLET STRUCTURE</b> .....                                 | <b>3</b> |
| <b>10.0</b> | <b>EXISTING DRAINS/TILE CONNECTIONS</b> .....                 | <b>3</b> |
| <b>11.0</b> | <b>CATCHBASINS AND JUNCTION BOXES</b> .....                   | <b>4</b> |
| <b>12.0</b> | <b>ROAD WORKS</b> .....                                       | <b>4</b> |
| <b>13.0</b> | <b>RIP-RAP</b> .....                                          | <b>4</b> |
| <b>14.0</b> | <b>EROSION AND SEDIMENT CONTROL</b> .....                     | <b>5</b> |
| <b>15.0</b> | <b>ENDAGERED SPECIES ACT AND THE EASTERN MEADOWLARK</b> ..... | <b>5</b> |





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.

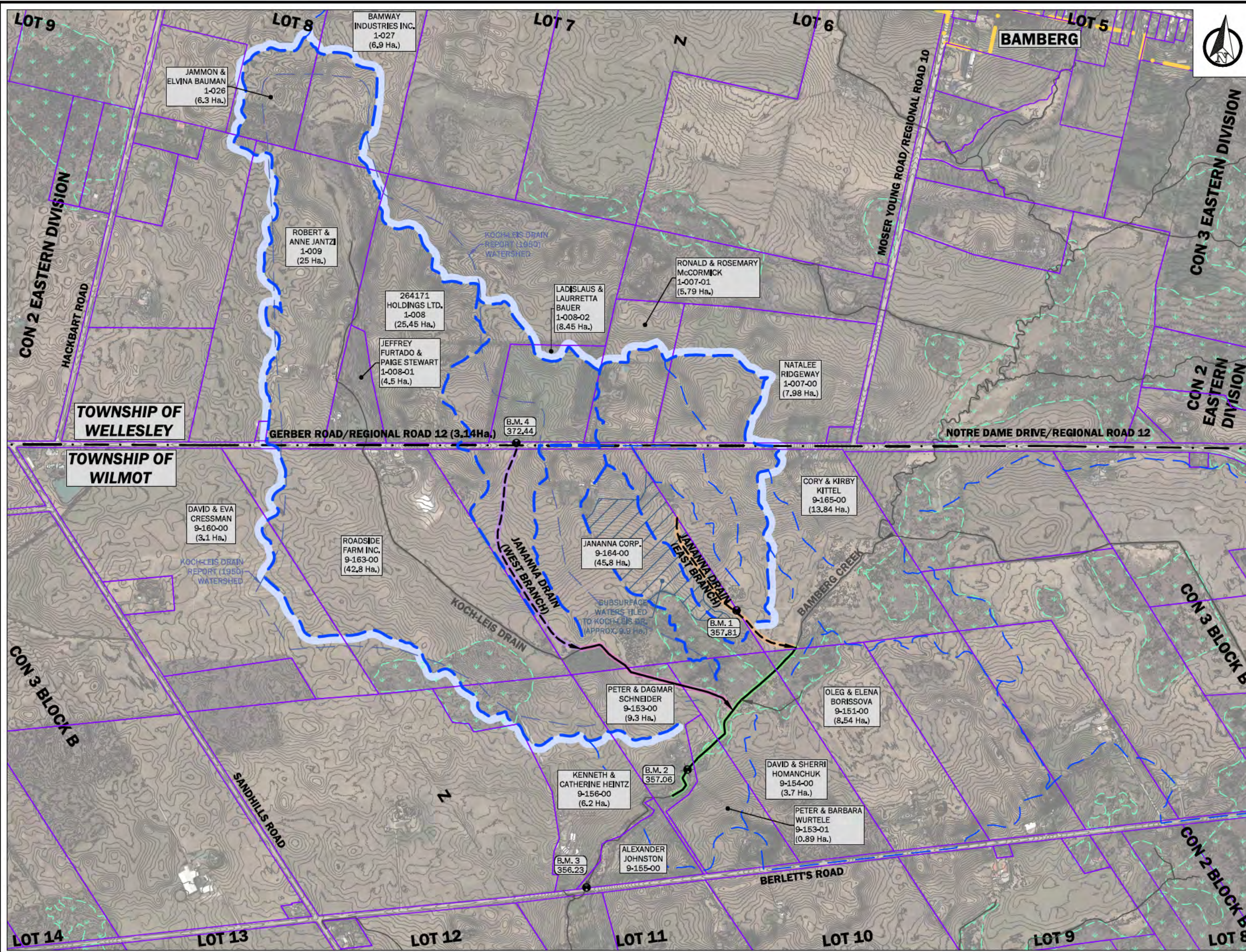
#### 15.0 ENDANGERED SPECIES ACT AND THE EASTERN MEADOWLARK

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<br>(Sta. x+xxx to Sta.<br>y+yyy) | Number of<br>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  
 LANDOWNER NAME(S)  
 ASSESSMENT ROLL No. (ABBREVIATED)  
 APPROX. AREA AFFECTED

**EXISTING FEATURES:**

- OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
- OVERLAND FLOW PATH

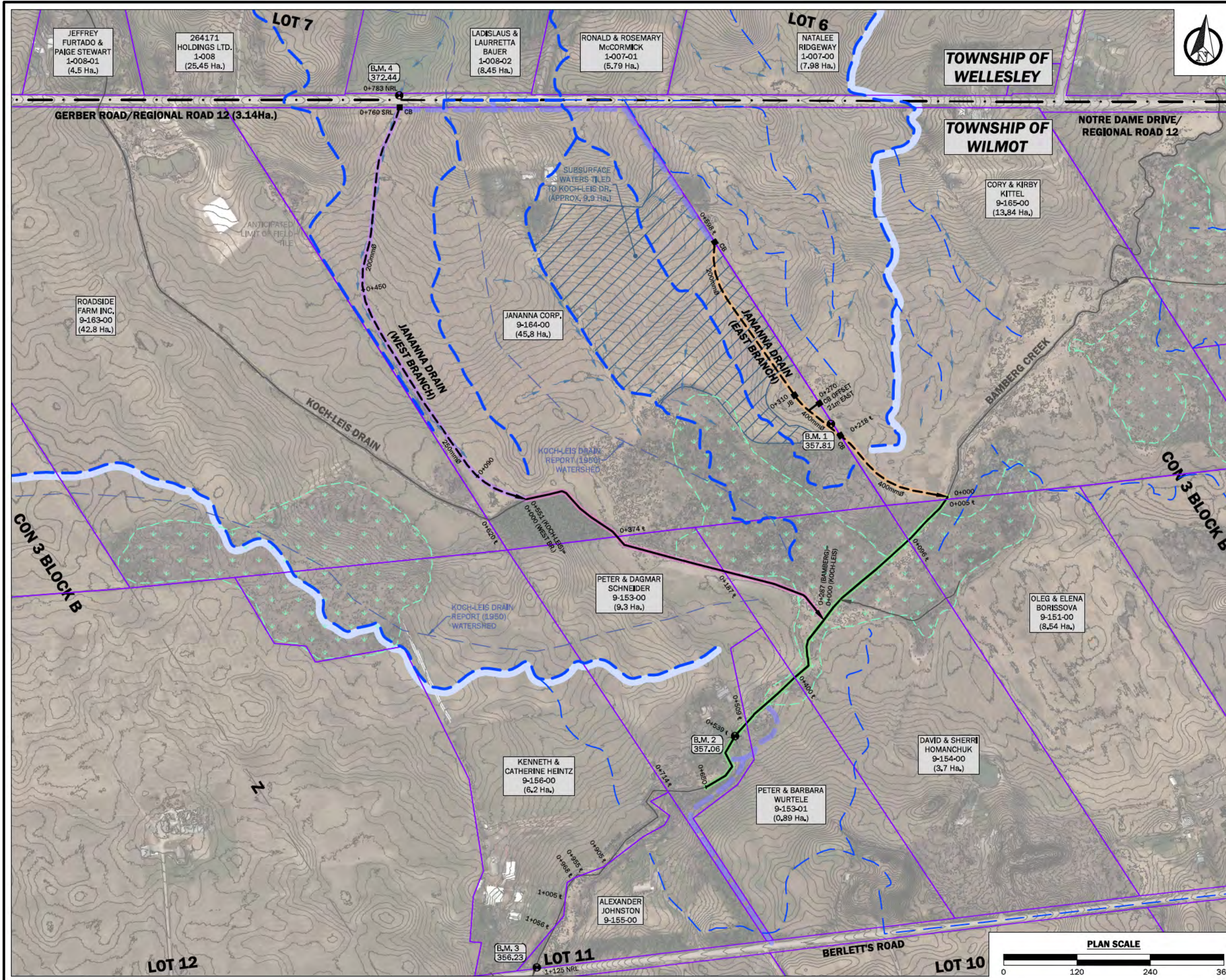
**PROPOSED FEATURES:**

- OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION

|     |                            |                 |
|-----|----------------------------|-----------------|
|     |                            |                 |
| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>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  
12.3 Ha.  
← LANDOWNER NAME(S)  
← ASSESSMENT ROLL No. (ABBREVIATED)  
← APPROX. AREA AFFECTED
- EXISTING FEATURES:**
- ← DRAIN NAME (---) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- ← DRAIN NAME (---) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
- ← O.M.H. OVERLAND FLOW PATH
- PROPOSED FEATURES:**
- ← DRAIN NAME (---) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- ← DRAIN NAME (---) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION



| 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        |



**JANANNA MUNICIPAL DRAIN**

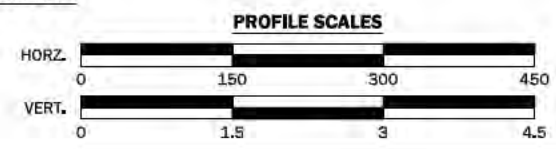
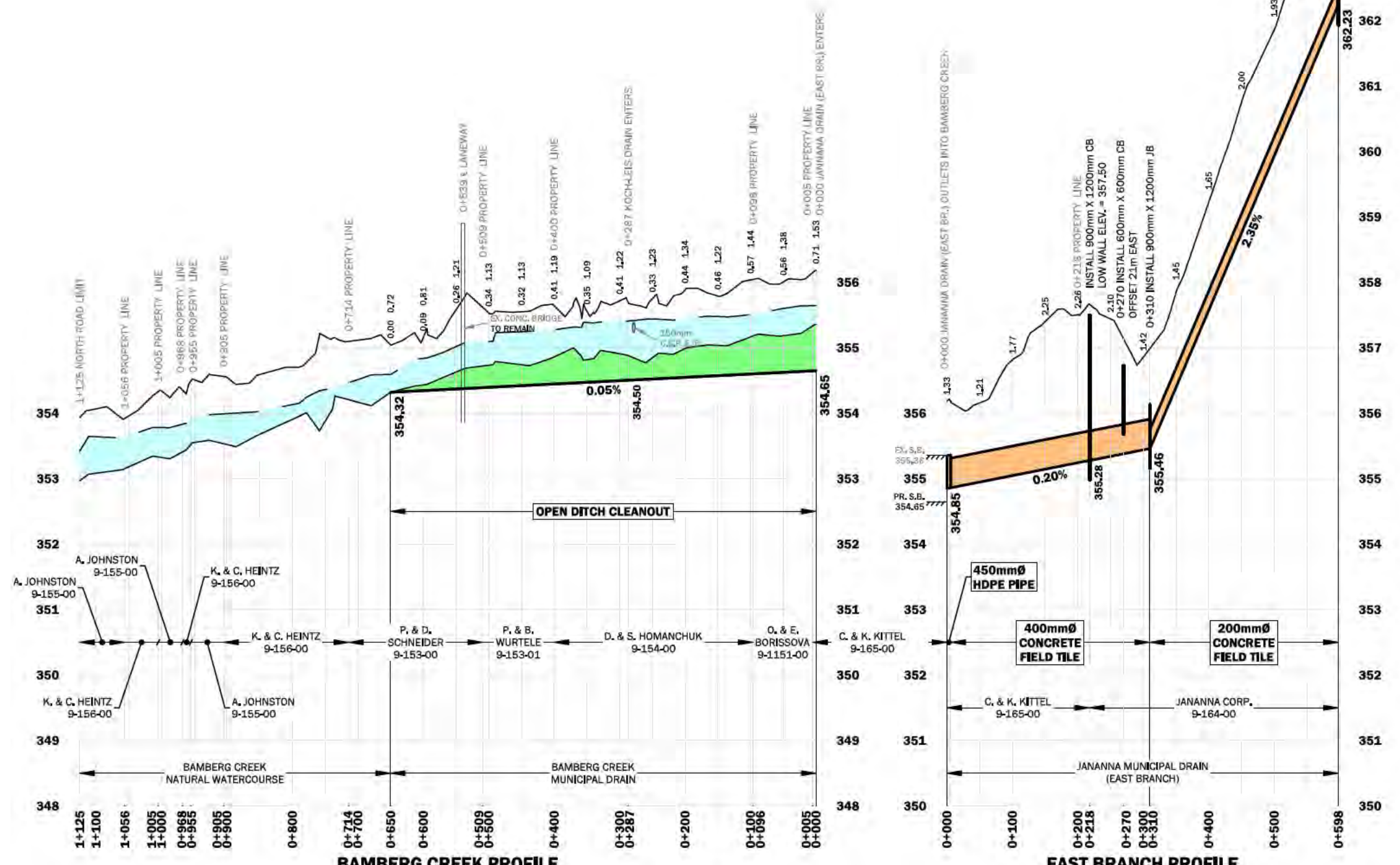
**Bamberg Creek and East Branch Profiles**

**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 | 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 (YYMMDD) |
|-----|----------------------------|---------------|
| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>3 OF 6 |

**JANANNA MUNICIPAL DRAIN**

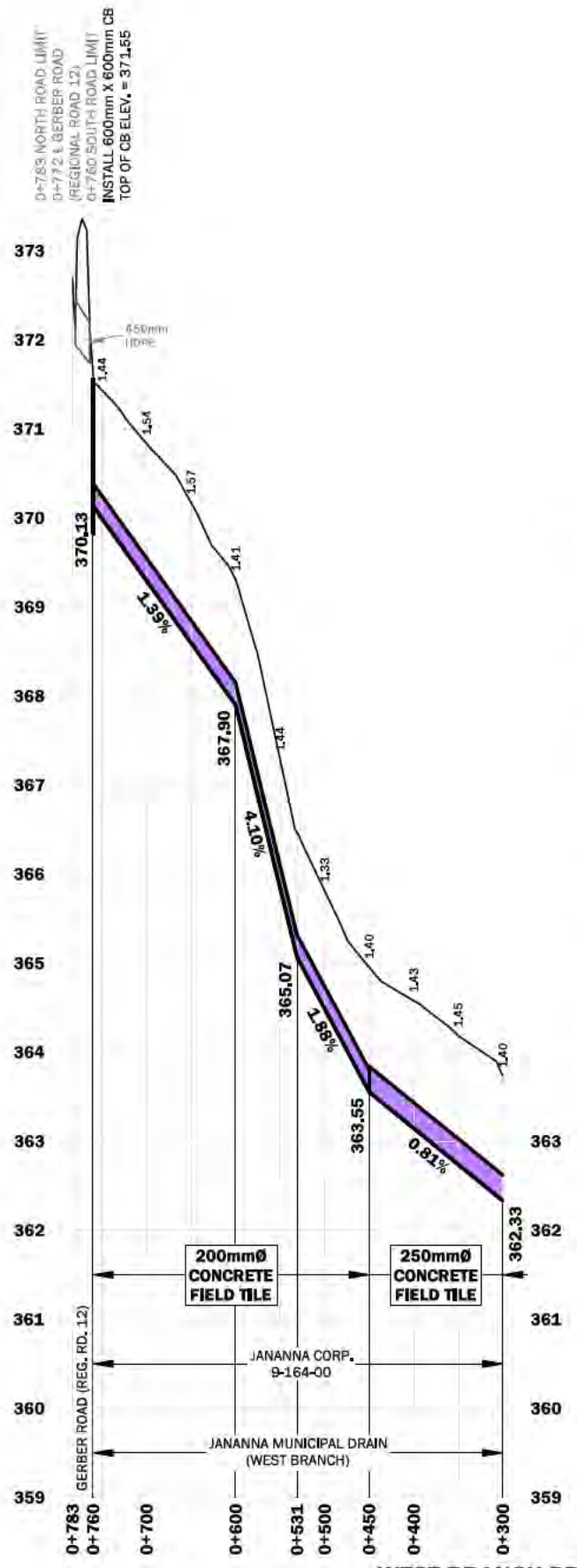
**West Branch and Koch-Leis Drain Profiles**

**BENCHMARK DESCRIPTIONS**

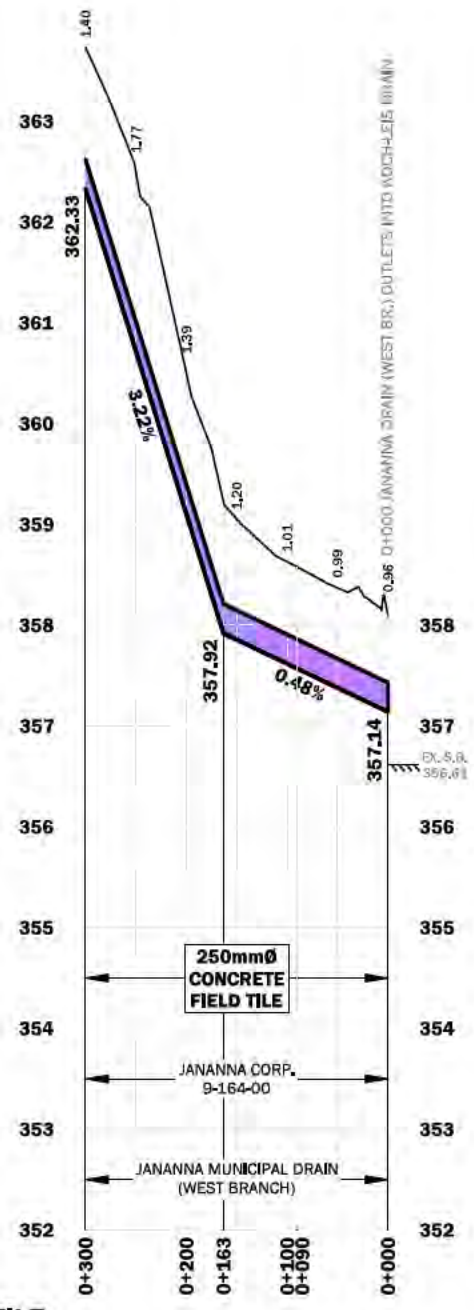
- BENCHMARK No. 1** ELEV.=357.81  
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** ELEV.=357.06  
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** ELEV.=356.23  
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 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**

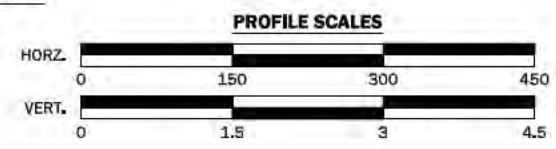
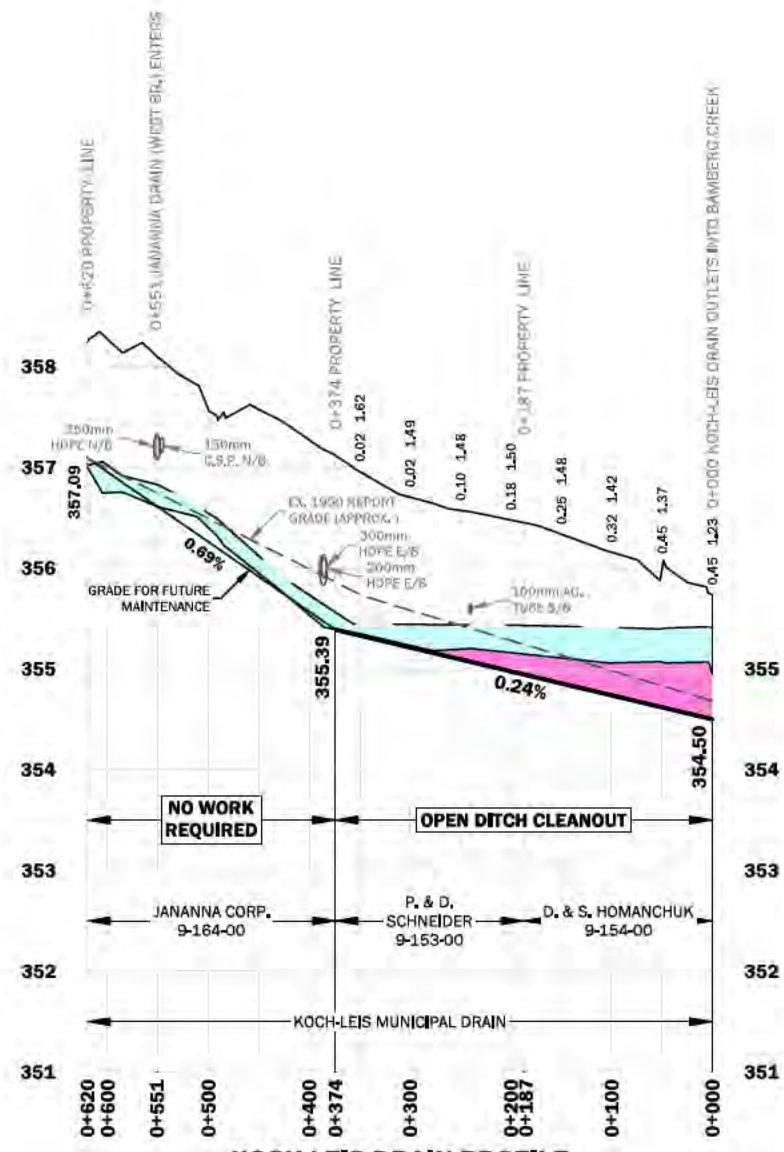
| MATERIAL                                 | DIAMETER (mm) | STATION RANGE | LENGTH (m) |
|------------------------------------------|---------------|---------------|------------|
| 1. HIGH DENSITY POLYETHYLENE OUTLET PIPE | 250           | 0+000 - 0+006 | 6          |
| 2. CONCRETE FIELD TILE                   | 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 (YYMMDD) |
|-----|----------------------------|---------------|
| 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:      | REFERENCE No. | DRAWING No. |
| 2023-04-28 | WLMT-002      | 4 OF 6      |

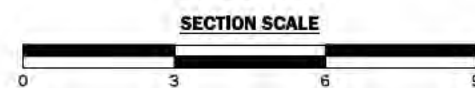
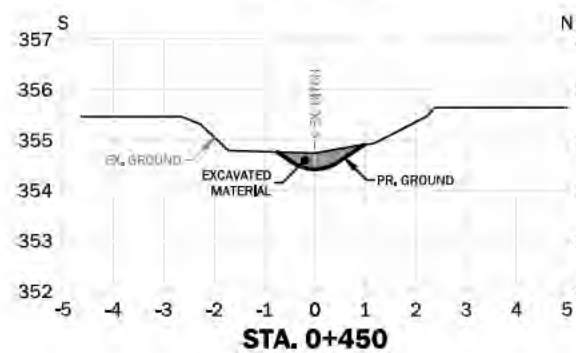
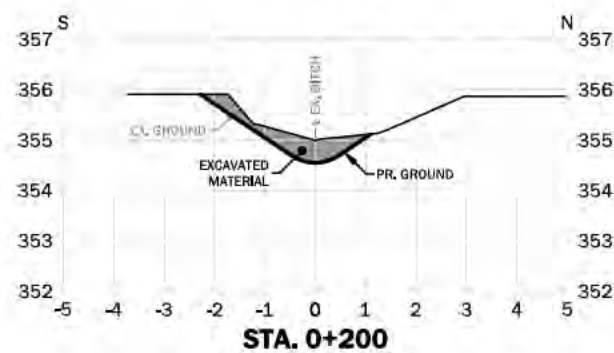
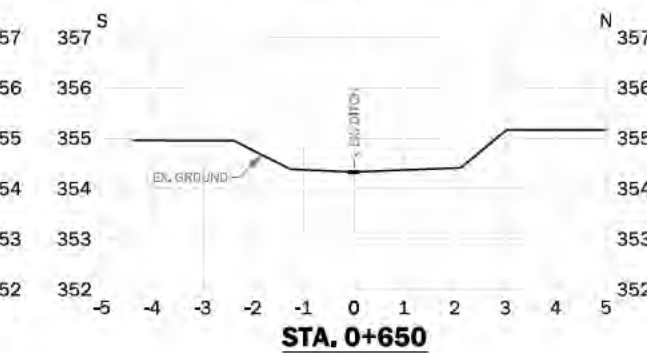
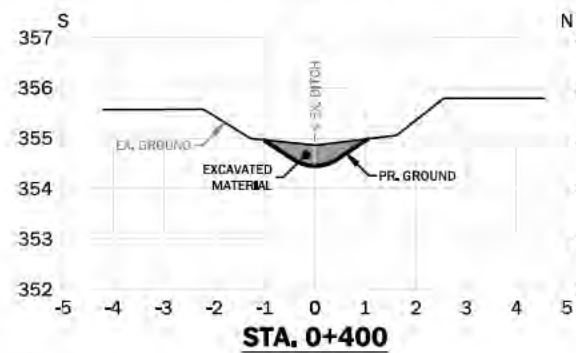
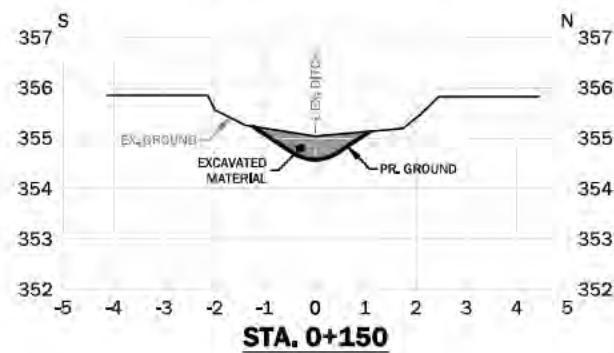
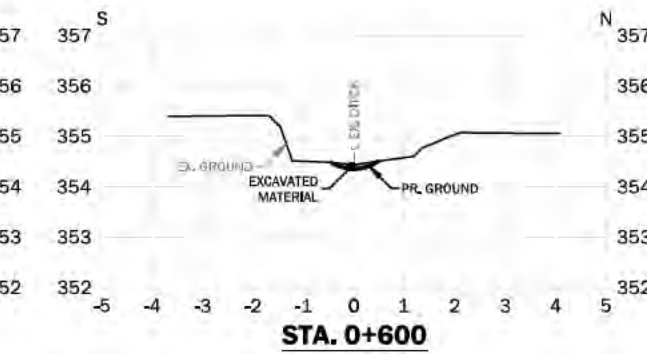
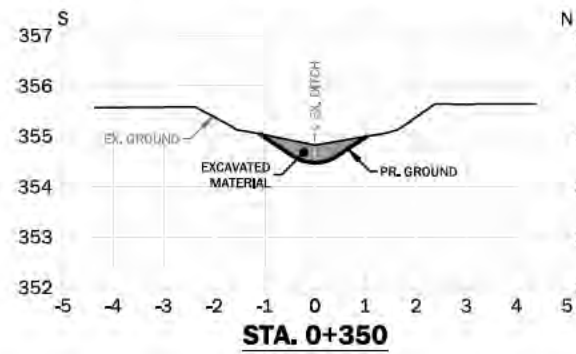
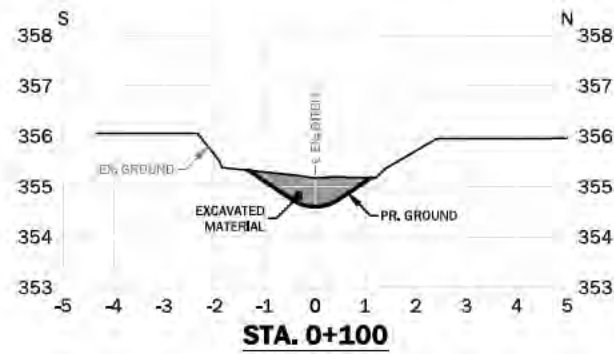
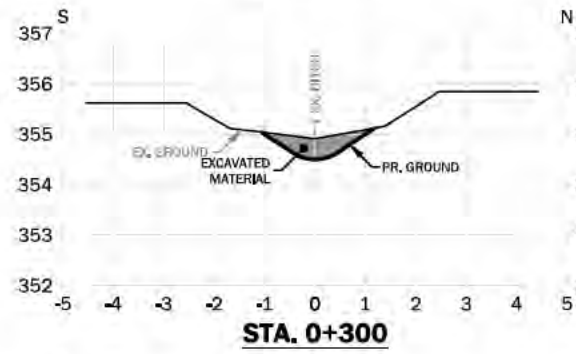
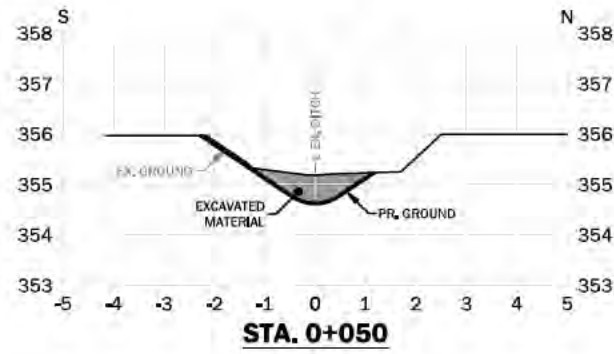
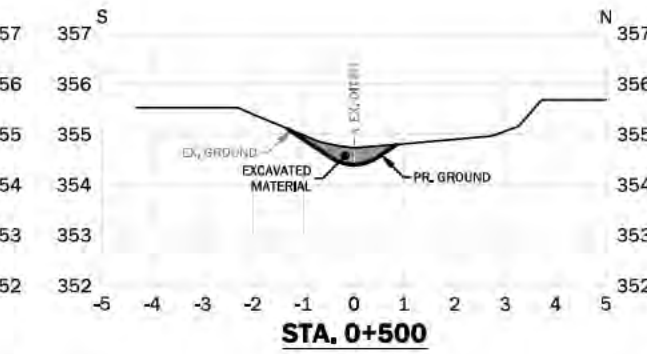
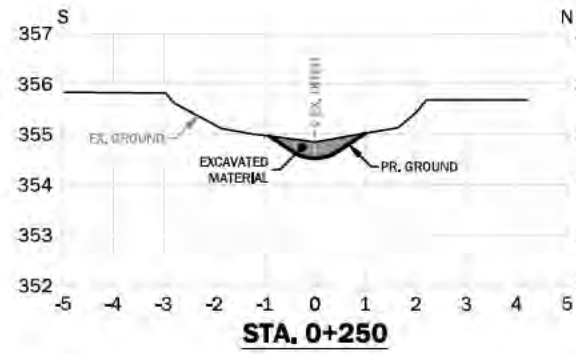
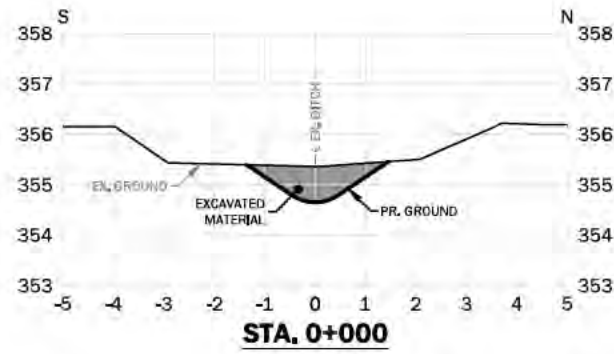
**BENCHMARK DESCRIPTIONS**

**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.)



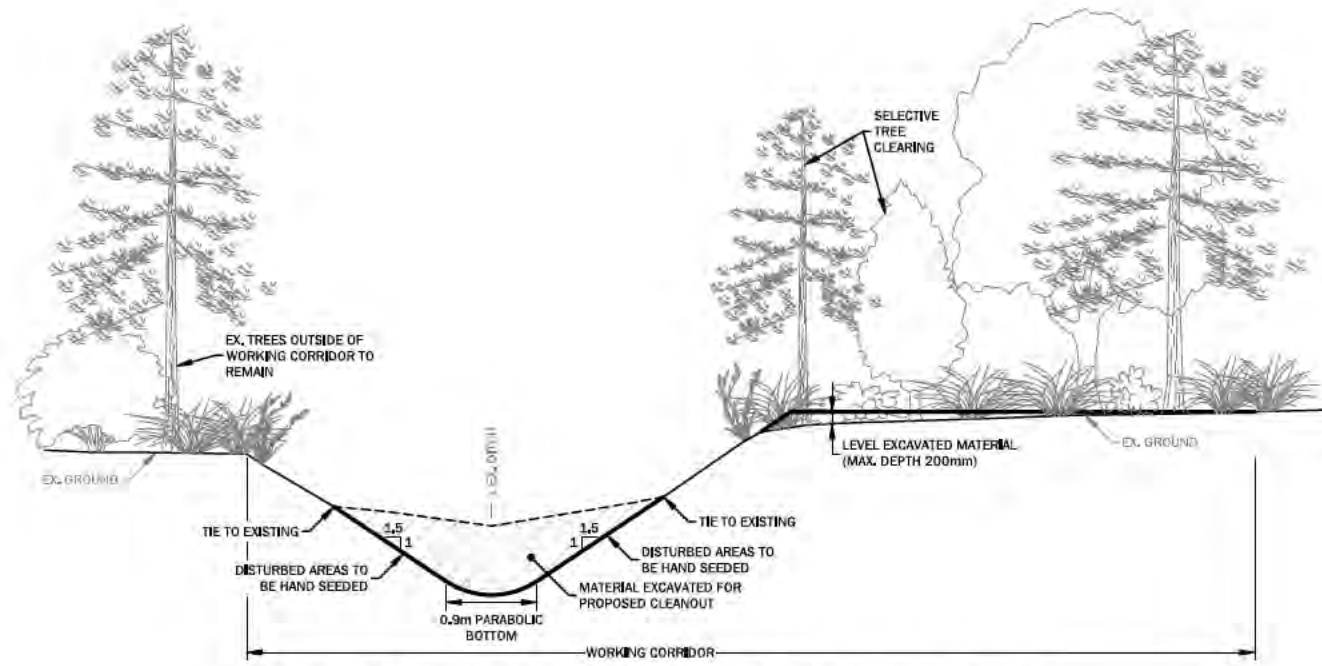
|     |                            |               |
|-----|----------------------------|---------------|
| 4   | REPORT SUBMISSION          | 23-04-28      |
| 3   | KOCH-LEIS INFORMATION MTG. | 22-11-24      |
| 2   | INFORMATION MEETING        | 22-09-29      |
| 1   | ON-SITE MEETING            | 21-09-22      |
| No. | REVISION                   | DATE (YYMMDD) |



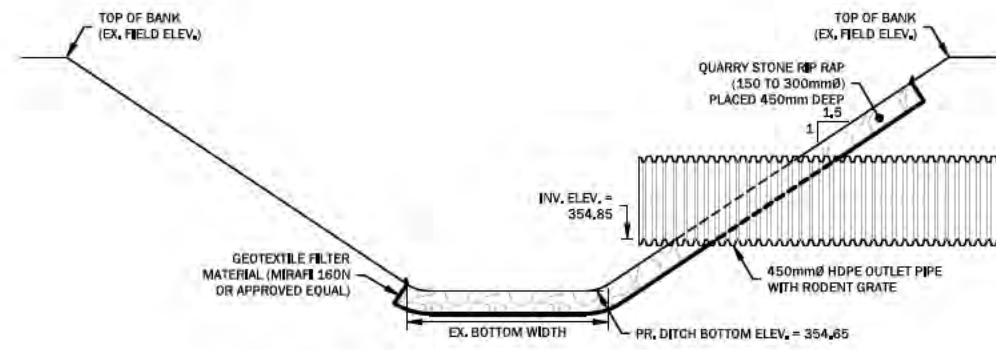
|                     |                           |                       |
|---------------------|---------------------------|-----------------------|
| DRAWN BY:<br>R.J.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>5 OF 6 |

**BENCHMARK DESCRIPTIONS**

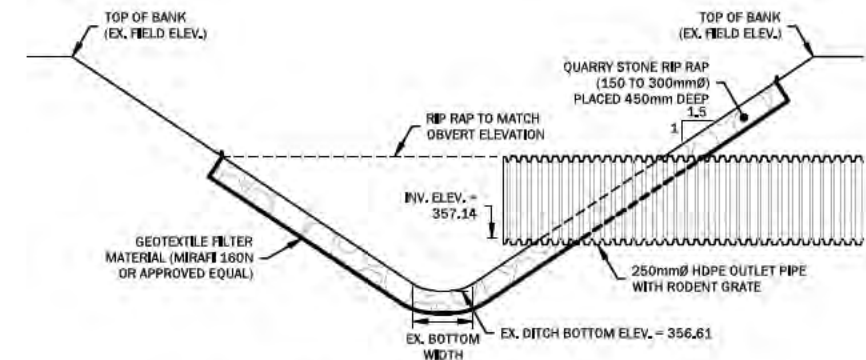
- BENCHMARK No. 1** **ELEV.=357.81**  
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** **ELEV.=357.06**  
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** **ELEV.=356.23**  
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT 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.)



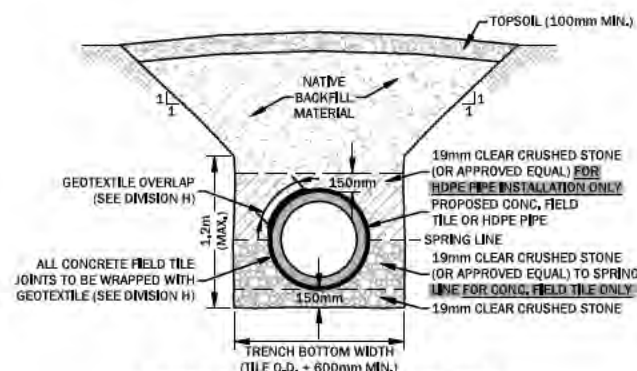
**TYPICAL OPEN DITCH CLEANOUT DETAIL (BAMBERG CREEK)**  
N.T.S.



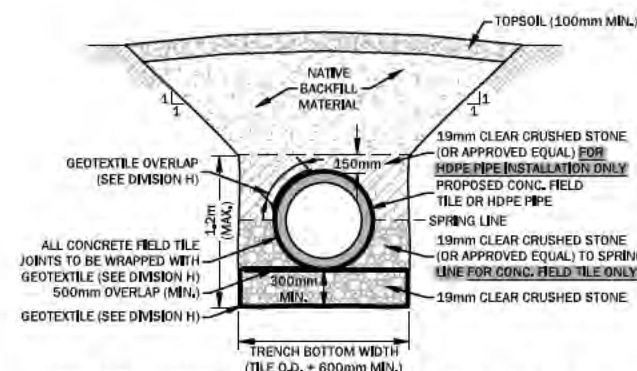
**EAST BRANCH OUTLET DETAIL**  
N.T.S.



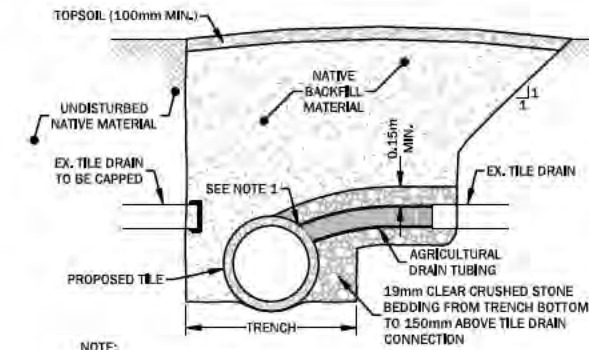
**WEST BRANCH OUTLET DETAIL**  
N.T.S.



**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.



| No. | REVISION                   | DATE (YYMMDD) |
|-----|----------------------------|---------------|
| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>6 OF 6 |

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 8, 2023 4:04 PM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm one aspect of this process for my understanding?

We are not to distribute the Bamberg Creek, Jananna, and Koch-Leis Drains, Engineers Report until after the May 29, 2023, Regular Council meeting where Council directs Staff if they intend to move forward with the project? If Council approves the recommendation, at that time I send them the Notice of Consider the Report and the Engineer's Report?

Thanks,

chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision



July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) –  
Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)



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

April 28, 2023

Prepared for:



Headway Engineering  
23-500 Fairway Road South  
Suite 308  
Kitchener, Ontario N2C 1X3  
226 243 6614  
[www.headwayeng.ca](http://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        |
| <b>Total Estimated Assessments</b>       | <b>\$462,900</b> |

Yours truly,

[REDACTED]  
Stephen Brickman, P.Eng.  
Project Engineer and Manager

[REDACTED]  
Adam Hall  
Project Coordinator  
**HEADWAY ENGINEERING**  
SB/





## CONTENTS

|      |                                                   |    |
|------|---------------------------------------------------|----|
| 1.0  | INTRODUCTION AND LOCATION .....                   | 1  |
| 2.0  | PROJECT AUTHORIZATION .....                       | 1  |
| 3.0  | DRAINAGE HISTORY .....                            | 1  |
| 4.0  | PUBLIC MEETINGS AND ENGAGEMENTS.....              | 2  |
| 5.0  | FINDINGS .....                                    | 3  |
| 6.0  | DESIGN CONSIDERATIONS .....                       | 4  |
| 7.0  | ENVIRONMENTAL CONSIDERATIONS AND PERMITTING ..... | 5  |
| 8.0  | RECOMMENDATIONS.....                              | 5  |
| 9.0  | SUMMARY OF PROPOSED WORKS .....                   | 6  |
| 10.0 | WORKING AREA AND ACCESS.....                      | 6  |
| 11.0 | SCHEDULES .....                                   | 7  |
| 12.0 | ALLOWANCES.....                                   | 7  |
| 13.0 | ESTIMATED CONSTRUCTION COSTS .....                | 8  |
| 14.0 | SUMMARY OF ESTIMATED PROJECT COSTS .....          | 9  |
| 15.0 | ASSESSMENT .....                                  | 9  |
| 16.0 | GRANT ELIGIBILITY.....                            | 10 |
| 17.0 | MAINTENANCE .....                                 | 10 |

## SCHEDULES

SCHEDULE A – ALLOWANCES

SCHEDULE B – ESTIMATED CONSTRUCTION COSTS

SCHEDULE C – ASSESSMENT FOR CONSTRUCTION

SCHEDULE D – ASSESSMENT FOR FUTURE MAINTENANCE

## 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         |
| <b>Total Estimated Construction Costs</b> | <b>\$ 180,800</b> |



## **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         |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                                                                                                                                |                   |
| <b>BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023</b>                                                                                                  | <b>\$ 462,900</b> |

**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        |
|                     | <b>Total Allowances</b>    |            |                          |          |                         |                    |                     |                     |
|                     | <b>Bamberg Creek Drain</b> |            |                          |          | <b>\$ 8,250.00</b>      | <b>\$ 7,280.00</b> | <b>\$ 75,400.00</b> | <b>\$ 90,930.00</b> |

| 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        |
|                       | <b>Total Allowances</b>      |            |                     |        |                         |                    |                |                     |
|                       | <b>Jananna - East Branch</b> |            |                     |        | <b>\$ 9,020.00</b>      | <b>\$ 9,520.00</b> | <b>\$ -</b>    | <b>\$ 18,540.00</b> |

| 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        |
|                       | <b>Total Allowances</b>      |            |               |        |                         |                     |                |                     |
|                       | <b>Jananna - West Branch</b> |            |               |        | <b>\$ 11,400.00</b>     | <b>\$ 11,400.00</b> | <b>\$ -</b>    | <b>\$ 22,800.00</b> |



| 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                |                      |
| <b>Total Allowances<br/>Koch-Leis Drain</b>                                                 |                  |                          |                          |             | <b>\$ 8,280.00</b>        | <b>\$ 1,650.00</b>   | <b>\$ 25,200.00</b>         | <b>\$ 35,130.00</b>  |
|                                                                                             |                  |                          |                          |             | Right of Way<br>(Sec. 29) | Damages<br>(Sec. 30) | Loss of Access<br>(Sec. 33) | Total Allowances     |
| <b>Total Allowances<br/>Bamberg Creek, Jananna, and Koch-Leis<br/>Municipal Drains 2023</b> |                  |                          |                          |             | <b>\$ 36,950.00</b>       | <b>\$ 29,850.00</b>  | <b>\$ 100,600.00</b>        | <b>\$ 167,400.00</b> |



## **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<br>Quantity | \$/Unit  | Total        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|--------------|
| 1) Clearing, brushing and mulching                                                                                                                          | l.s.                  |          | \$ 20,000.00 |
| 2) Open ditch excavation (approx. 400m <sup>3</sup> )<br>including cleanout through concrete bridge at<br>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<br>Sta. 0+000 to transition Bamberg Creek<br>existing grade to proposed streambed<br>(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<br>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<br>(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 <sup>2</sup> )        | 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         |
| <b>Total Estimated Construction Costs</b>                                                                                                             |                    |             | <b>\$ 60,300.00</b> |
| <b>Part B - Jananna - East Branch</b>                                                                                                                 |                    |             |                     |

**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 <sup>2</sup> ) | I.s.               |           | \$ 7,064.00         |
| <b>Total Estimated Construction Costs</b>                                                                                                      |                    |           | <b>\$ 50,100.00</b> |
| <b>Part C - Jananna - West Branch</b>                                                                                                          |                    |           |                     |

**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     | \$ 16,200.00 |

### Total Estimated Construction Costs

**\$ 180,800.00**

|                                      |               |
|--------------------------------------|---------------|
| Total Estimated Materials            | \$ 35,140.00  |
| Total Estimated Labour and Equipment | \$ 145,660.00 |

### 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 |              |
| <b>Bamberg Creek Drain</b>                     | <b>Township of Wilmot</b>                             |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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             |              |
|                                                | <b>Total Assessments on Lands</b>                     |                                 |                             |             |                                        |                   | \$ 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  |
|                                                | <b>Total Assessments on Roads</b>                     |                                 |                             |             |                                        |                   | \$ -                       | \$ 4,364.00               | \$ -             | \$ 4,364.00      |                 |                       | \$ 4,364.00  |
|                                                | <b>Total Assessments Main Open Township of Wilmot</b> |                                 |                             |             |                                        |                   | \$ 86,040.00               | \$ 35,787.00              | \$ 68,460.00     | \$ 190,287.00    | \$ 61,974.00    | \$ 90,930.00          | \$ 37,383.00 |
|                                                | <b>Township of Wellesley</b>                          |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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       |                       |              |
| <b>Total Assessments on Lands</b>              |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Township of Wellesley</b> |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Bamberg Creek Drain</b>   |                                                       |                                 |                             |             |                                        | \$ 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          |
|                       | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ 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           |
|                       | <b>Total Assessments on Roads</b>                          |            |                             |             |                      | \$ -                                   | \$ 7,205.00                | \$ -                      | \$ 7,205.00      |                  |                 | \$ 7,205.00           |
|                       | <b>Total Assessments Main Closed Township of Wilmot</b>    |            |                             |             |                      | \$ 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           |
|                       | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |
|                       | <b>Total Assessments Main Closed Township of Wellesley</b> |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |
|                       | <b>Total Assessments Jananna - East Branch</b>             |            |                             |             |                      | \$ 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          |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ 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          |
|                                                | <b>Total Assessments on Roads</b>                  |            |                             |             |                      | \$ 9,624.00                            | \$ 10,631.00               | \$ -                      | \$ 20,255.00     |                  |                 | \$ 20,255.00          |
|                                                | <b>Total Assessments Branch Township of Wilmot</b> |            |                             |             |                      | \$ 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           |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ -                                   | \$ 17,045.00               | \$ -                      | \$ 17,045.00     | \$ 5,682.00      | \$ -            | \$ 11,363.00          |
| <b>Total Assessments Township of Wellesley</b> |                                                    |            |                             |             | \$ -                 | \$ 17,045.00                           | \$ -                       | \$ 17,045.00              | \$ 5,682.00      | \$ -             | \$ 11,363.00    |                       |
| <b>Total Assessments Jananna - West Branch</b> |                                                    |            |                             |             | \$ 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 |
| <b>Township of Wilmot</b>                          |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ 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             |
| <b>Total Assessments on Roads</b>                  |            |                                 |             |                      | \$ -                                   | \$ 825.00                  | \$ -                      | \$ 825.00        |                  |                 | \$ 825.00             |
| <b>Total Assessments Branch Township of Wilmot</b> |            |                                 |             |                      | \$ 18,320.00                           | \$ 6,555.00                | \$ 31,320.00              | \$ 56,195.00     | \$ 18,456.00     | \$ 35,130.00    | \$ 2,609.00           |
| <b>Township of Wellesley</b>                       |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Township of Wellesley</b>     |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Koch-Leis Drain</b>           |            |                                 |             |                      | \$ 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 |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> | \$ 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 |
| <b>Township of Wilmot</b>                                                            |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 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          |
| <b>Total Assessments on Roads</b>                                                    |            |                                 |             | \$ 4,364.00         | \$ 7,205.00           | \$ 20,255.00          | \$ 825.00       | \$ 32,649.00     |                  |                 | \$ 32,649.00          |
| <b>Total Assessments Township of Wilmot</b>                                          |            |                                 |             | \$ 190,287.00       | \$ 95,260.00          | \$ 77,755.00          | \$ 56,195.00    | \$ 419,497.00    | \$ 128,949.00    | \$ 167,400.00   | \$ 123,148.00         |
| <b>Township of Wellesley</b>                                                         |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Township of Wellesley</b>                                       |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$              | \$ 28,934.00          |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> |            |                                 |             | \$ 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 |
| <b>Township of Wilmot</b>                      |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 22.72                     | 65.2%                             | 133.67                    | 69.6%                             |
| Gerber Road                                    |            | Region of Waterloo              |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments on Roads</b>              |            |                                 |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments Township of Wilmot</b>    |            |                                 |             | 23.76                     | 80.2%                             | 136.81                    | 74.7%                             |
| <b>Township of Wellesley</b>                   |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Township of Wellesley</b> |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Bamberg Creek Drain</b>   |            |                                 |             | 37.53                     | 100.0%                            | 221.39                    | 100.0%                            |

Bamberg Creek Drain

| 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%                     |                                   |
| <b>Total Assessments on Lands</b>                       |                  |                             |           |             | 19.72                     | 60.2%                             | 2.18                      | 100.0%                            |
| Gerber Road                                             |                  | Region of Waterloo          |           | 1.04        | 17.1%                     |                                   |                           |                                   |
| <b>Total Assessments on Roads</b>                       |                  |                             |           |             | 1.04                      | 17.1%                             |                           |                                   |
| <b>Total Assessments Main Closed Township of Wilmot</b> |                  |                             |           |             | 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%                      |                                   |                           |                                   |
| <b>Total Assessments on Lands</b>                       |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments Township of Wellesley</b>          |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments Jananna - East Branch</b>          |                  |                             |           |             | 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%                             |       |
|                       | <b>Total Assessments on Lands</b>              |            |                             |             | 9.34                      | 42.6%                             |       |
|                       | Gerber Road                                    |            |                             |             | Region of Waterloo        | 0.87                              | 22.0% |
|                       | <b>Total Assessments on Roads</b>              |            |                             |             | 0.87                      | 22.0%                             |       |
|                       | <b>Total Assessments Township of Wilmot</b>    |            |                             |             | 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%                             |       |
|                       | <b>Total Assessments on Lands</b>              |            |                             |             | 8.45                      | 35.3%                             |       |
|                       | <b>Total Assessments Township of Wellesley</b> |            |                             |             | 8.45                      | 35.3%                             |       |
|                       | <b>Total Assessments Jananna - West Branch</b> |            |                             |             | 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 |
| <b>Township of Wilmot</b>                      |                  |                                 |           |             |                           |                                   |                           |                                   |                           |
| 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%                      |                                   |                           |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 88.80       | 63.9%                     | 28.60                             | 44.0%                     |                                   |                           |
| Gerber Road                                    |                  | Region of Waterloo              |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      |                                   |                           |
| <b>Total Assessments on Roads</b>              |                  |                                 |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      | 0.00                              | 0.0%                      |
| <b>Total Assessments Township of Wilmot</b>    |                  |                                 |           | 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%                     |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Township of Wellesley</b> |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Koch-Leis Drain</b>       |                  |                                 |           | 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**





## CONTENTS

|         |                                                          |   |
|---------|----------------------------------------------------------|---|
| A.1.    | SCOPE.....                                               | 1 |
| A.2.    | TENDERS.....                                             | 1 |
| A.3.    | EXAMINATIONS OF SITE, DRAWINGS, AND SPECIFICATIONS.....  | 1 |
| A.4.    | PAYMENT .....                                            | 2 |
| A.5.    | CONTRACTOR'S LIABILITY INSURANCE .....                   | 2 |
| A.6.    | LOSSES DUE TO ACTS OF NATURE, ETC.....                   | 2 |
| A.7.    | COMMENCEMENT AND COMPLETION OF WORK.....                 | 2 |
| A.8.    | WORKING AREA AND ACCESS.....                             | 3 |
| A.9.    | SUB-CONTRACTORS .....                                    | 3 |
| A.10.   | PERMITS, NOTICES, LAWS AND RULES.....                    | 3 |
| A.11.   | RAILWAYS, HIGHWAYS, AND UTILITIES .....                  | 3 |
| A.12.   | ERRORS AND UNUSUAL CONDITIONS.....                       | 3 |
| A.13.   | ALTERATIONS AND ADDITIONS.....                           | 3 |
| A.14.   | SUPERVISION .....                                        | 4 |
| A.15.   | FIELD MEETINGS.....                                      | 4 |
| A.16.   | PERIODIC AND FINAL INSPECTIONS.....                      | 4 |
| A.17.   | ACCEPTANCE BY THE MUNICIPALITY .....                     | 4 |
| A.18.   | WARRANTY.....                                            | 4 |
| A.19.   | TERMINATION OF CONTRACT BY THE MUNICIPALITY .....        | 4 |
| A.20.   | TESTS .....                                              | 5 |
| A.21.   | POLLUTION .....                                          | 5 |
| A.22.   | SPECIES AND RISK.....                                    | 5 |
| A.23.   | ROAD CROSSINGS.....                                      | 5 |
| A.23.1. | ROAD OCCUPANCY PERMIT .....                              | 5 |
| A.23.2. | ROAD CLOSURE REQUEST AND CONSTRUCTION NOTIFICATION ..... | 6 |
| A.23.3. | TRAFFIC CONTROL.....                                     | 6 |
| A.23.4. | WEATHER.....                                             | 6 |
| A.23.5. | EQUIPMENT .....                                          | 6 |
| A.24.   | LANEWAYS.....                                            | 6 |



|              |                                              |          |
|--------------|----------------------------------------------|----------|
| <b>A.25.</b> | <b>FENCES .....</b>                          | <b>7</b> |
| <b>A.26.</b> | <b>LIVESTOCK .....</b>                       | <b>7</b> |
| <b>A.27.</b> | <b>STANDING CROPS.....</b>                   | <b>7</b> |
| <b>A.28.</b> | <b>SURPLUS GRAVEL .....</b>                  | <b>7</b> |
| <b>A.29.</b> | <b>IRON BARS .....</b>                       | <b>7</b> |
| <b>A.30.</b> | <b>RIP-RAP .....</b>                         | <b>7</b> |
| <b>A.31.</b> | <b>CLEARING, GRUBBING AND BRUSHING .....</b> | <b>8</b> |
| <b>A.32.</b> | <b>RESTORATION OF LAWNS .....</b>            | <b>8</b> |



## **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**





## CONTENTS

|       |                                                       |   |
|-------|-------------------------------------------------------|---|
| B.1.  | ALIGNMENT .....                                       | 1 |
| B.2.  | PROFILE .....                                         | 1 |
| B.3.  | EXCAVATION .....                                      | 1 |
| B.4.  | EXCAVATED MATERIAL.....                               | 1 |
| B.5.  | EXCAVATION AT EXISTING BRIDGE AND CULVERT SITES ..... | 2 |
| B.6.  | PIPE CULVERTS.....                                    | 2 |
| B.7.  | RIP-RAP PROTECTION FOR CULVERTS .....                 | 2 |
| B.8.  | CLEARING, GRUBBING AND MULCHING .....                 | 2 |
| B.9.  | TRIBUTARY TILE OUTLETS.....                           | 3 |
| B.10. | SEEDING .....                                         | 3 |
| B.11. | HYDRO SEEDING.....                                    | 3 |
| B.12. | HAND SEEDING .....                                    | 3 |
| B.13. | COMPLETION .....                                      | 3 |







## 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**





## CONTENTS

|       |                                                                            |   |
|-------|----------------------------------------------------------------------------|---|
| C.1.  | PIPE MATERIALS .....                                                       | 1 |
| C.2.  | ALIGNMENT .....                                                            | 1 |
| C.3.  | PROFILE .....                                                              | 1 |
| C.4.  | EXCAVATION .....                                                           | 2 |
| C.5.  | INSTALLATION .....                                                         | 2 |
| C.6.  | TRENCH CROSSINGS .....                                                     | 3 |
| C.7.  | OUTLET PROTECTION .....                                                    | 3 |
| C.8.  | CATCH BASINS AND JUNCTION BOXES .....                                      | 3 |
| C.9.  | TRIBUTARY DRAINS.....                                                      | 4 |
| C.10. | CLEARING, GRUBBING AND MULCHING .....                                      | 5 |
| C.11. | ROADS AND LANEWAY SUB-SURFACE CROSSINGS .....                              | 5 |
| C.12. | FILLING IN EXISTING DITCHES.....                                           | 5 |
| C.13. | CONSTRUCTION OF GRASSED WATERWAYS .....                                    | 5 |
| C.14. | UNSTABLE SOIL .....                                                        | 5 |
| C.15. | ROCKS.....                                                                 | 5 |
| C.16. | BROKEN OR DAMAGED TILE .....                                               | 6 |
| C.17. | RECOMMENDED PRACTICE FOR CONSTRUCTION OF SUB-SURFACE DRAINAGE SYSTEMS..... | 6 |







## **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**







## CONTENTS

|             |                                                               |          |
|-------------|---------------------------------------------------------------|----------|
| <b>1.0</b>  | <b>GENERAL</b> .....                                          | <b>1</b> |
| <b>2.0</b>  | <b>UTILITIES</b> .....                                        | <b>1</b> |
| <b>3.0</b>  | <b>WORKING AREA AND ACCESS</b> .....                          | <b>1</b> |
| <b>4.0</b>  | <b>CLEARING BRUSHING AND MULCHING</b> .....                   | <b>1</b> |
| <b>5.0</b>  | <b>PIPE AND INSTALLATION</b> .....                            | <b>2</b> |
| <b>6.0</b>  | <b>TOPSOIL STRIPPING AND FINE GRADING</b> .....               | <b>3</b> |
| <b>7.0</b>  | <b>EXCAVATED MATERIAL</b> .....                               | <b>3</b> |
| <b>8.0</b>  | <b>SEEDING</b> .....                                          | <b>3</b> |
| <b>9.0</b>  | <b>OUTLET STRUCTURE</b> .....                                 | <b>3</b> |
| <b>10.0</b> | <b>EXISTING DRAINS/TILE CONNECTIONS</b> .....                 | <b>3</b> |
| <b>11.0</b> | <b>CATCHBASINS AND JUNCTION BOXES</b> .....                   | <b>4</b> |
| <b>12.0</b> | <b>ROAD WORKS</b> .....                                       | <b>4</b> |
| <b>13.0</b> | <b>RIP-RAP</b> .....                                          | <b>4</b> |
| <b>14.0</b> | <b>EROSION AND SEDIMENT CONTROL</b> .....                     | <b>5</b> |
| <b>15.0</b> | <b>ENDAGERED SPECIES ACT AND THE EASTERN MEADOWLARK</b> ..... | <b>5</b> |





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**

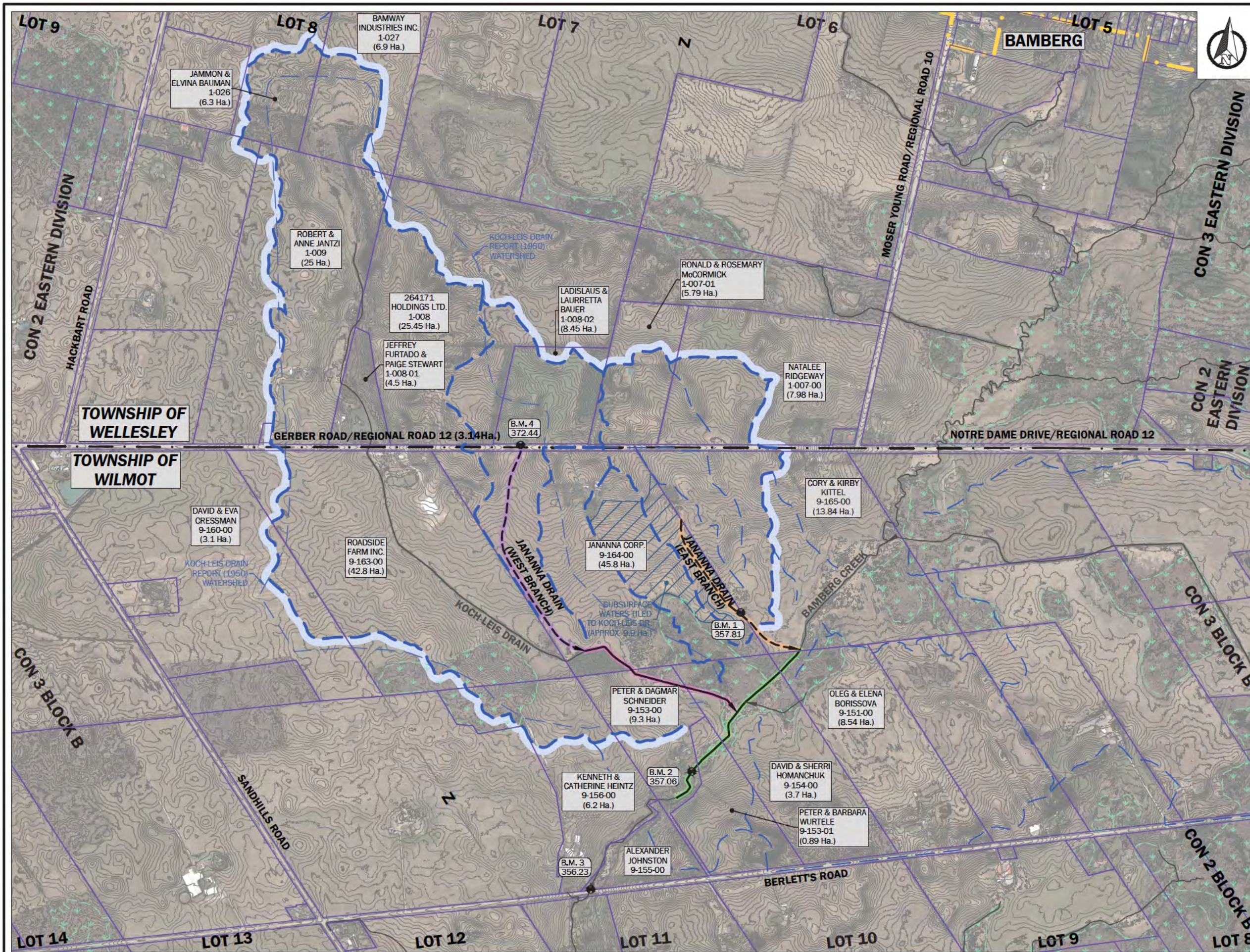
The Contractor shall review species information made available by the Ministry of Environment, Conservation & Parks (MECP) prior to the start of construction to identify the species should any be observed on site.

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<br>(Sta. x+xxx to Sta.<br>y+yyy) | Number of<br>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**

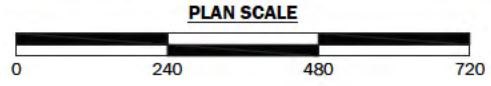
- BENCHMARK No. 1** ELEV.=357.81  
 NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** ELEV.=357.06  
 TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** ELEV.=356.23  
 TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 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.)

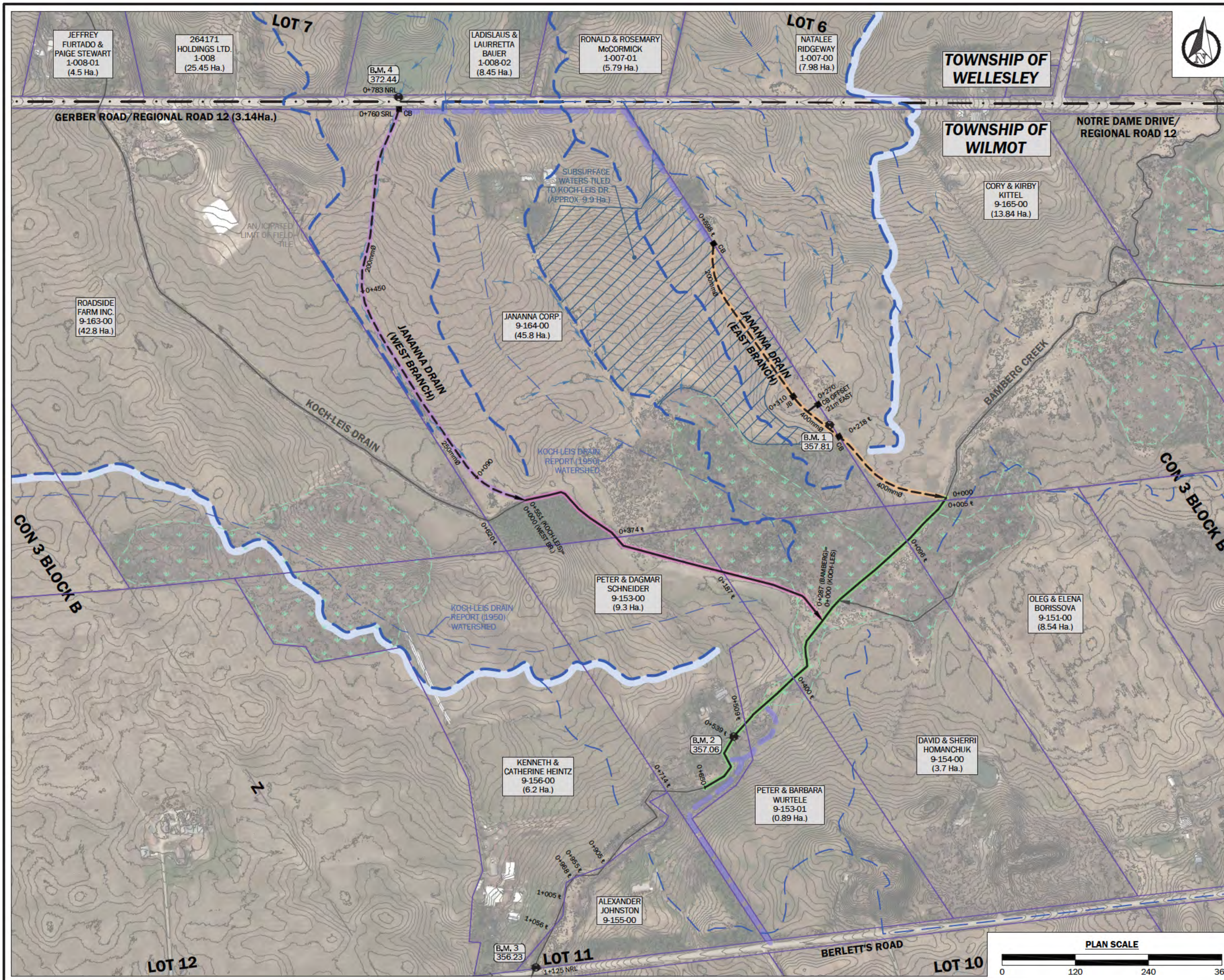
**LEGEND**

- 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
- 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
  - (with dashed line) 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) |





**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 12.3 Ha.**

- LANDOWNER NAME(S)
- ASSESSMENT ROLL No. (ABBREVIATED)
- APPROX. AREA AFFECTED

**EXISTING FEATURES:**

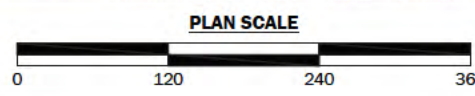
- DRAIN NAME (---) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- DRAIN NAME (---) CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
- OVERLAND FLOW PATH

**PROPOSED FEATURES:**

- DRAIN NAME (---) OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- DRAIN NAME (---) 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>2 OF 6 |



**JANANNA MUNICIPAL DRAIN**

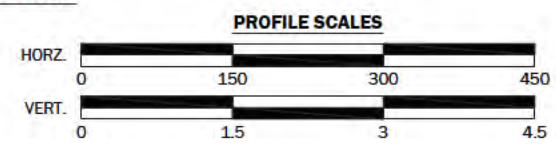
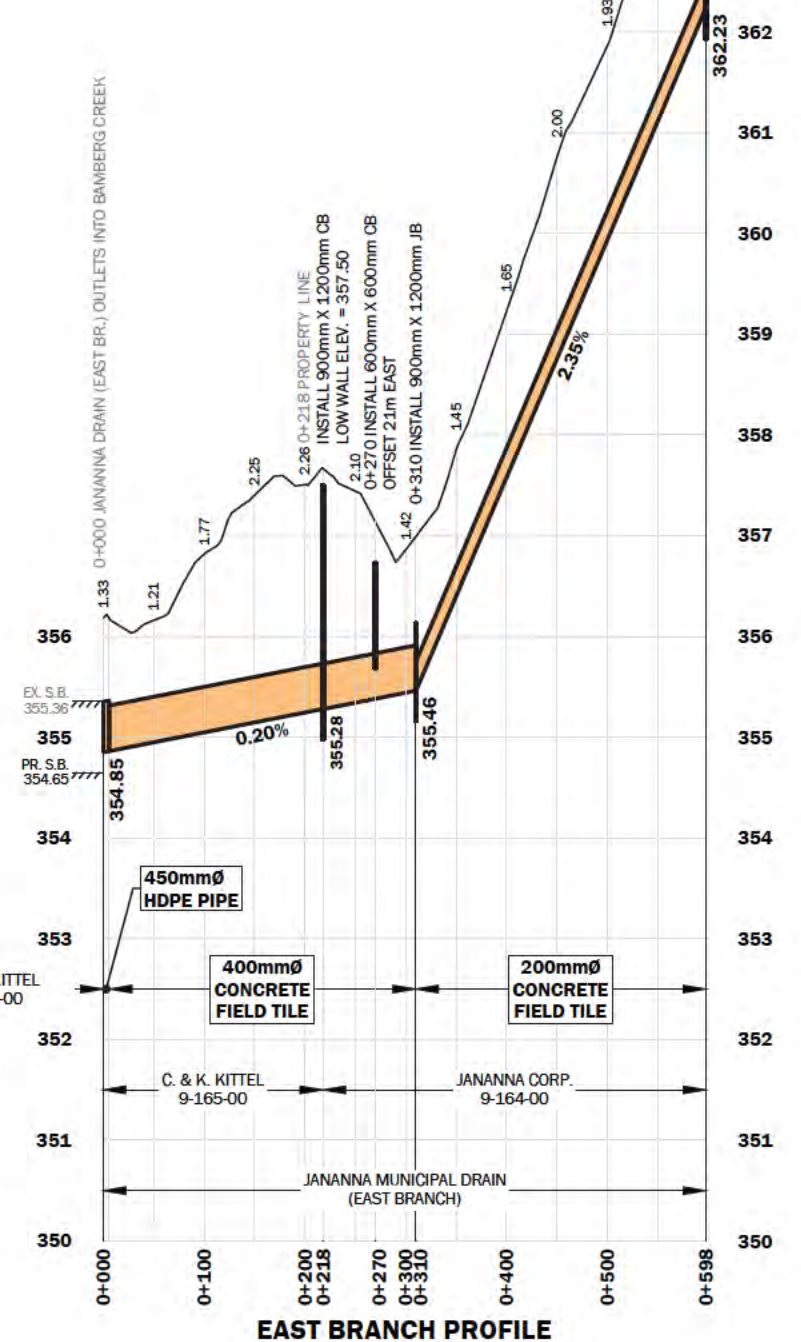
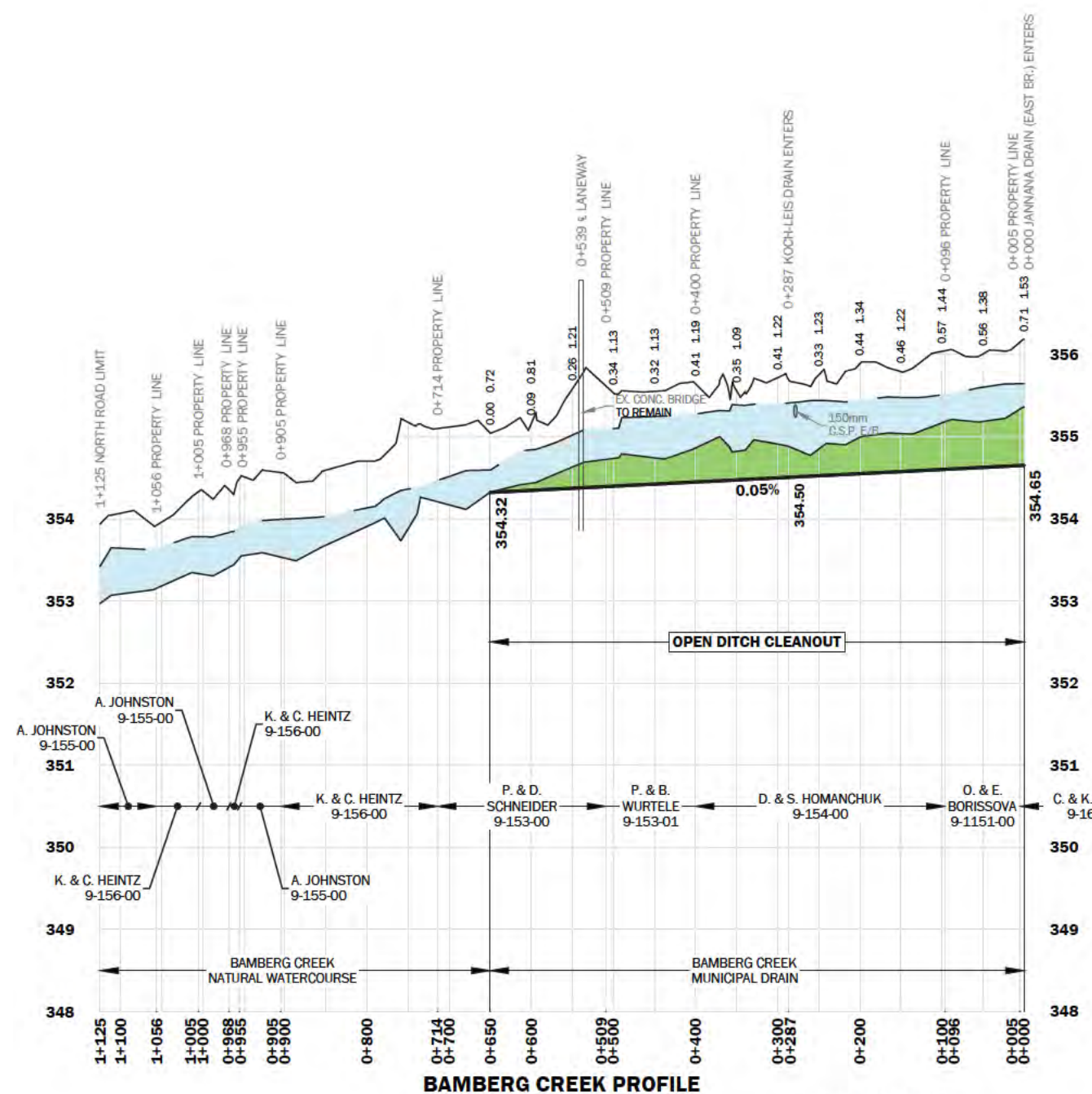
**Bamberg Creek and East Branch Profiles**

**BENCHMARK DESCRIPTIONS**

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

**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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>3 OF 6 |

**JANANNA MUNICIPAL DRAIN**

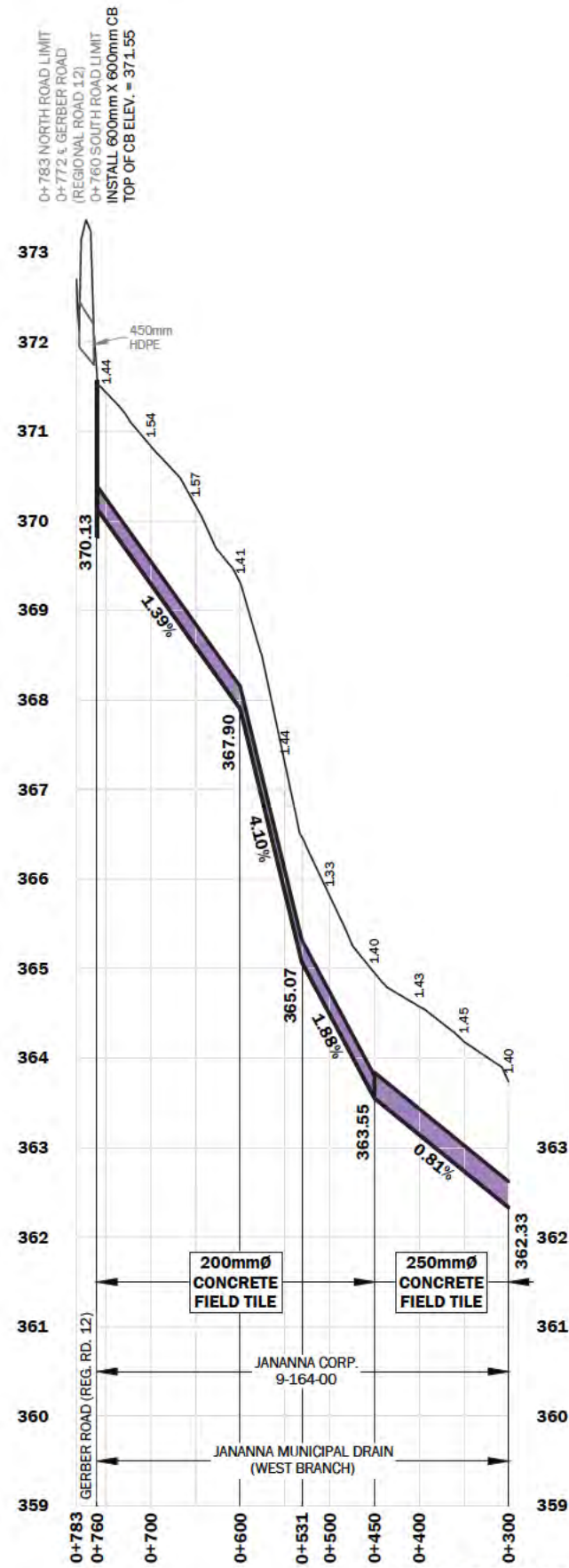
West Branch and Koch-Leis Drain Profiles

**BENCHMARK DESCRIPTIONS**

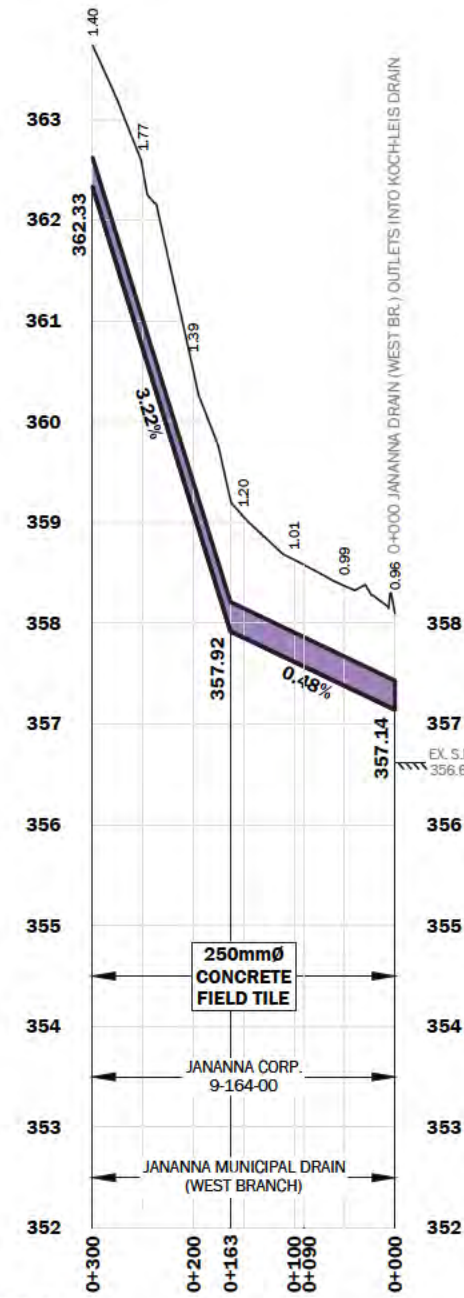
- BENCHMARK No. 1** **ELEV.=357.81**  
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** **ELEV.=357.06**  
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** **ELEV.=356.23**  
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT 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**

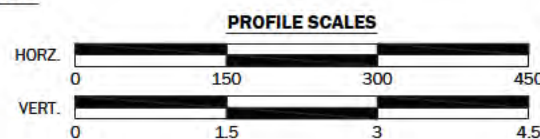
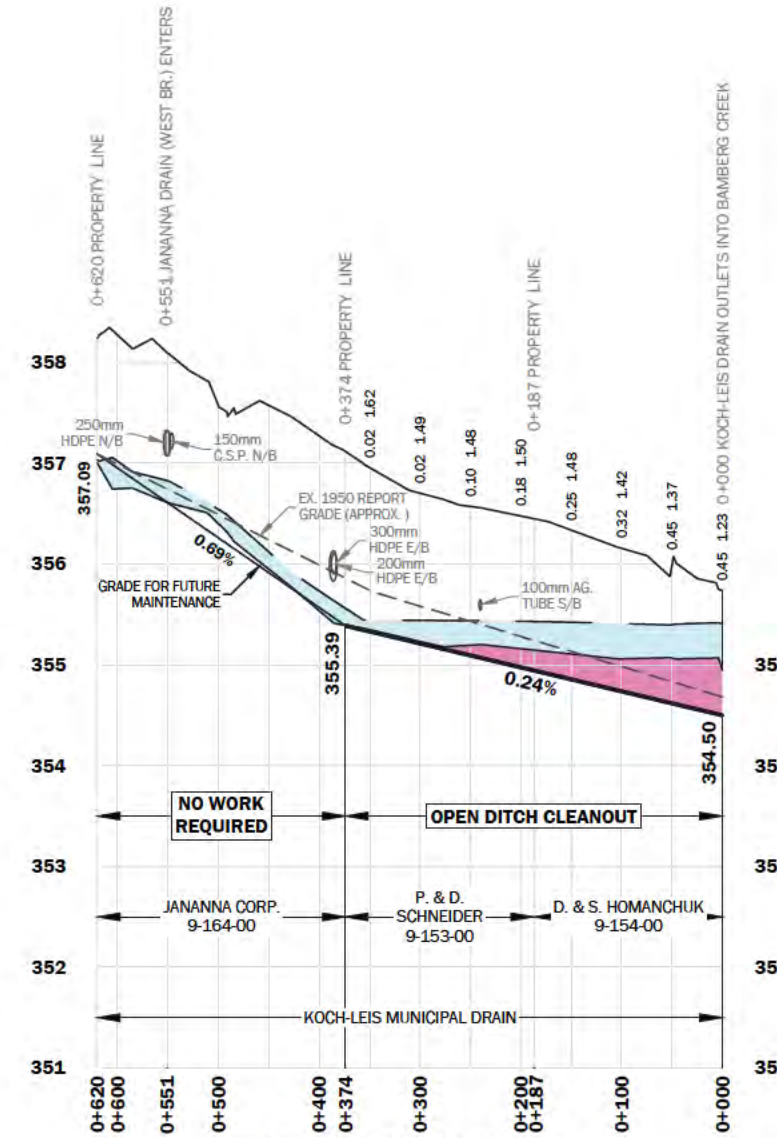
| MATERIAL                                 | DIAMETER (mm) | STATION RANGE | LENGTH (m) |
|------------------------------------------|---------------|---------------|------------|
| 1. HIGH DENSITY POLYETHYLENE OUTLET PIPE | 250           | 0+000 - 0+006 | 6          |
| 2. CONCRETE FIELD TILE                   | 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>4 OF 6 |

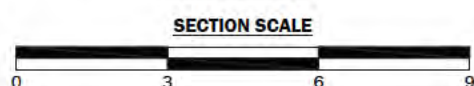
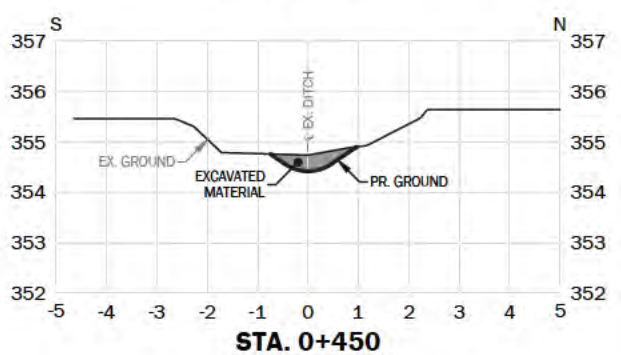
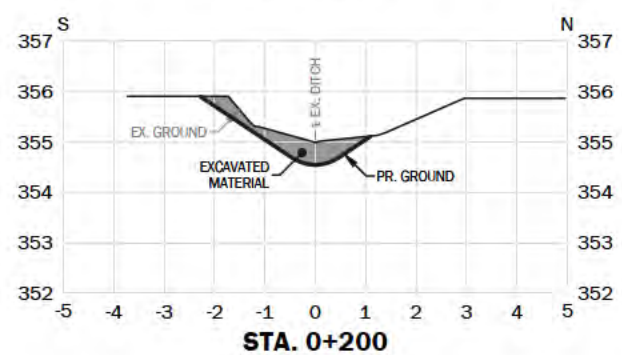
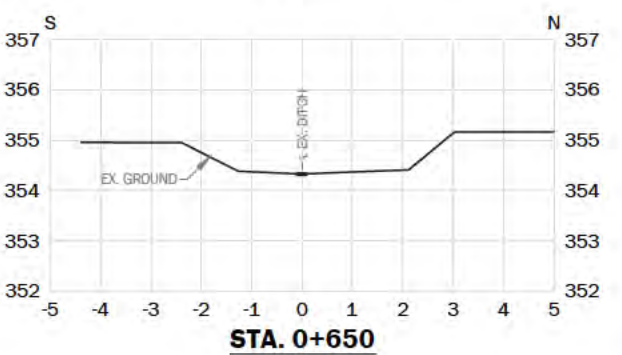
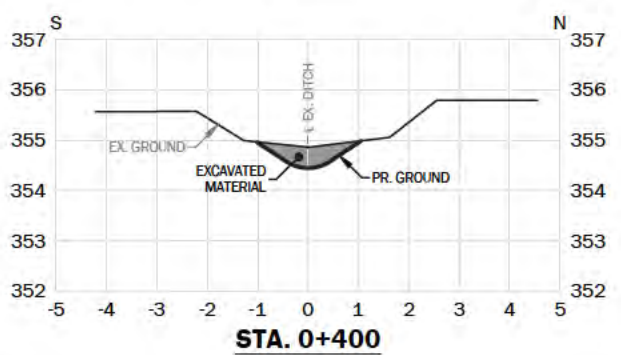
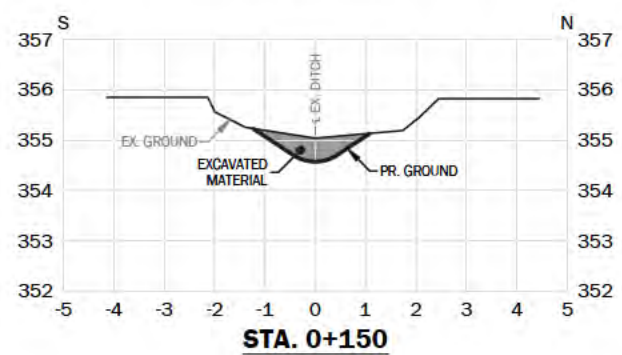
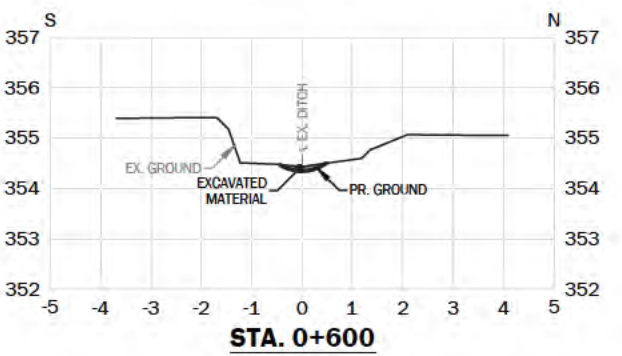
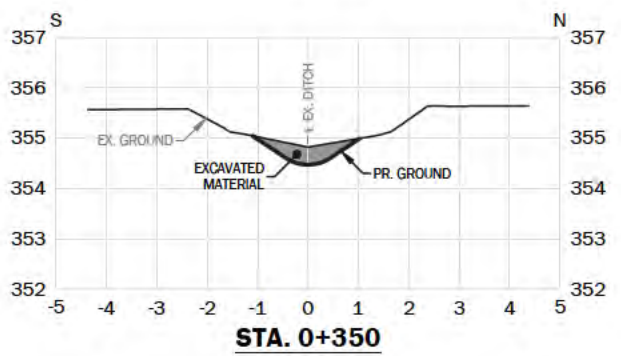
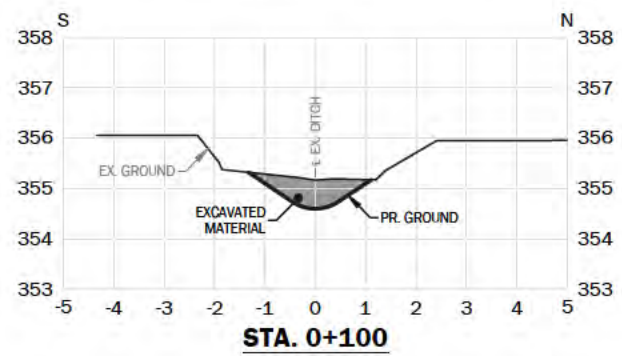
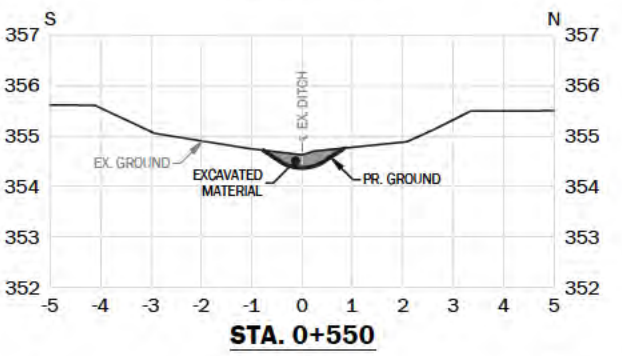
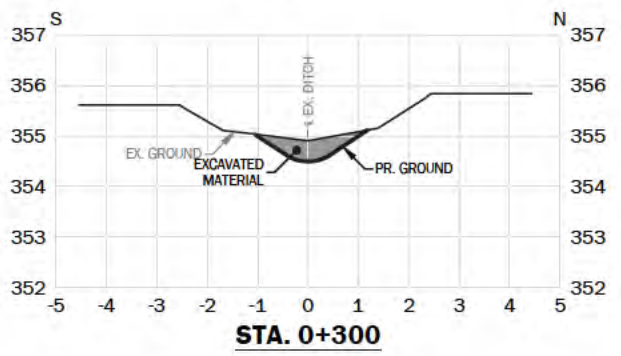
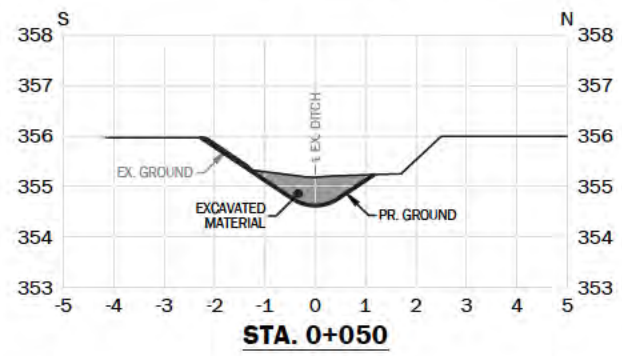
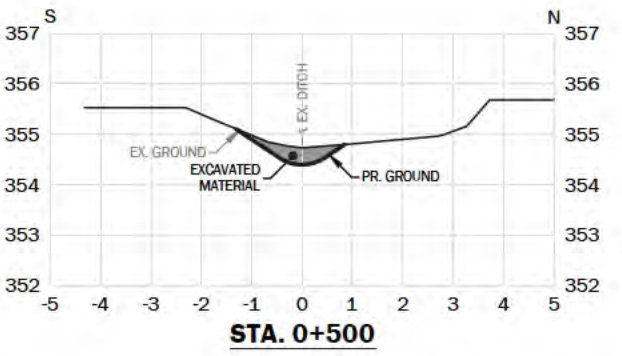
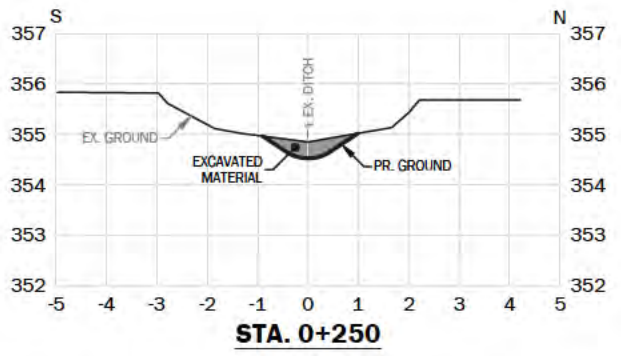
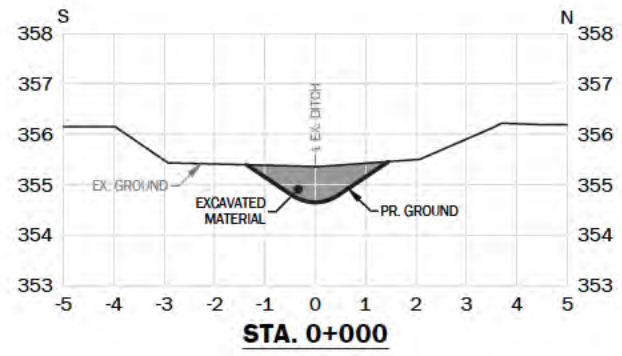
**BENCHMARK DESCRIPTIONS**

**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.)



|     |                            |                 |
|-----|----------------------------|-----------------|
| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>5 OF 6 |

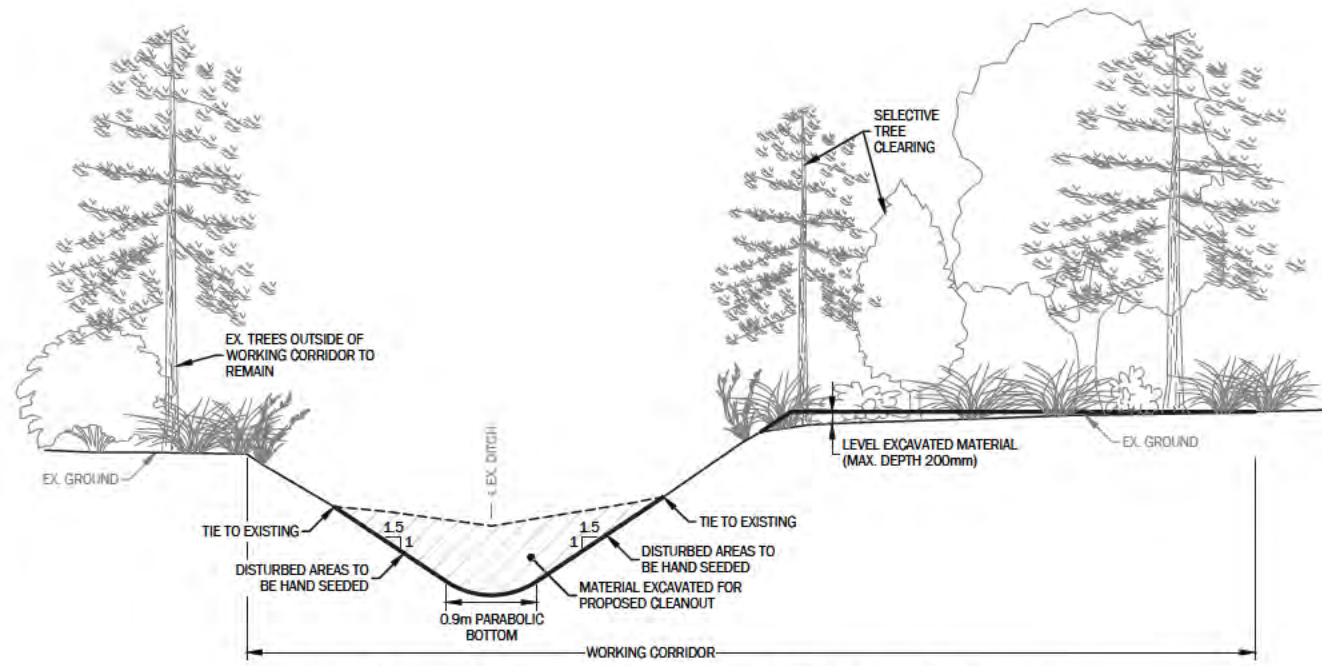
**BENCHMARK DESCRIPTIONS**

**BENCHMARK No. 1** **ELEV.=357.81**  
 NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)

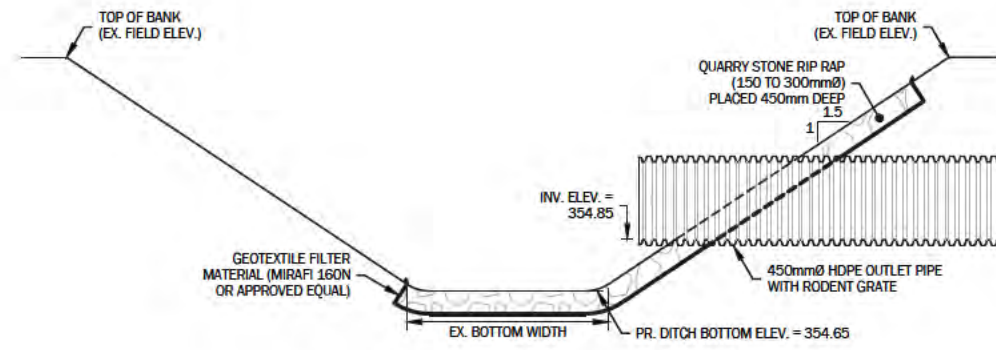
**BENCHMARK No. 2** **ELEV.=357.06**  
 TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)

**BENCHMARK No. 3** **ELEV.=356.23**  
 TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 1+125 (BAMBERG)

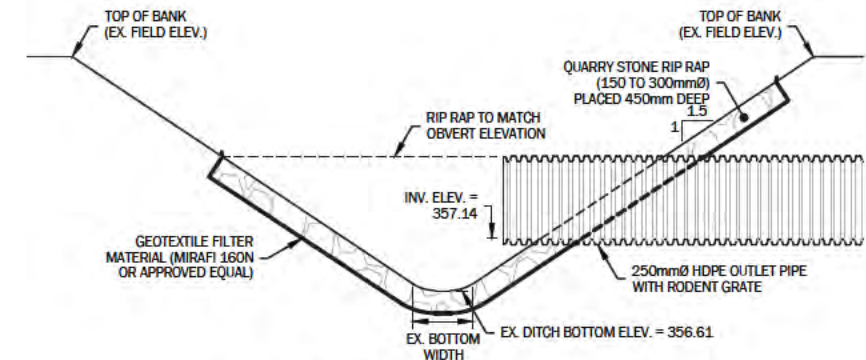
**BENCHMARK No. 4** **ELEV.=372.44**  
 TOP CENTRE UPSTREAM END OF 450mmØ H.D.P.E. SURFACE CULVERT AT STA. 0+780 (JANANNA WEST BR.)



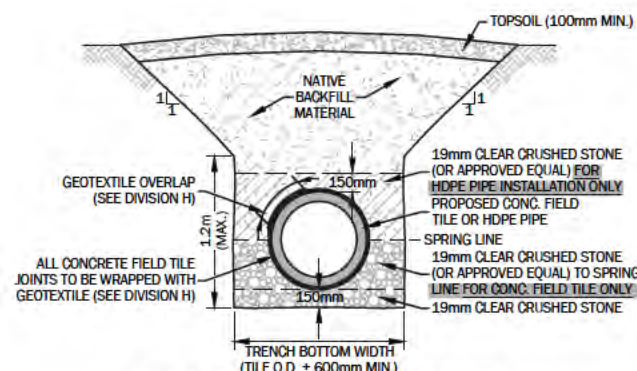
**TYPICAL OPEN DITCH CLEANOUT DETAIL (BAMBERG CREEK)**  
 N.T.S.



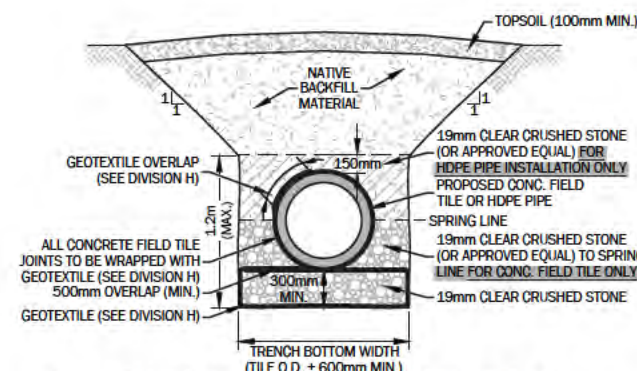
**EAST BRANCH OUTLET DETAIL**  
 N.T.S.



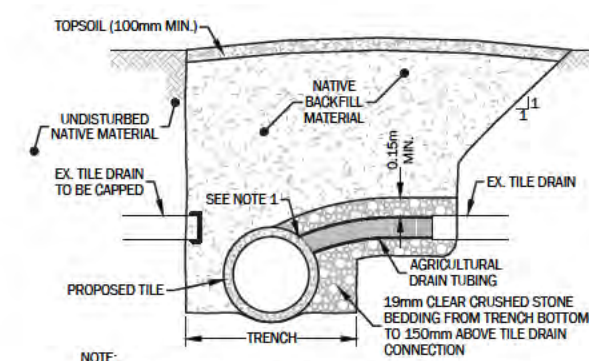
**WEST BRANCH OUTLET DETAIL**  
 N.T.S.



**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 (YY-MM-DD) |



|                     |                           |                       |
|---------------------|---------------------------|-----------------------|
| DRAWN BY:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>6 OF 6 |

May 5, 2023

**ATTENTION:** Mr. Jeff Molenhuis, P.Eng.

Township of Wilmot  
60 Snyder's Road West  
Baden. ON N3A 1A1

Dear Jeff,

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

In connection with the above noted municipal drain, please find enclosed the following:

34 copies of our report. Suggested distribution follows:

|                                                                            |   |
|----------------------------------------------------------------------------|---|
| Township of Wilmot                                                         | 6 |
| Township of Wellesley                                                      | 6 |
| Region of Waterloo                                                         | 2 |
| Ontario Ministry of Agriculture Food and Rural Affairs                     | 1 |
| Grand River Conservation Authority                                         | 1 |
| Ministry of Natural Resources and Forestry (MNRF)                          | 1 |
| Landowners in Wilmot Township                                              | 9 |
| Landowners in Wellesley Township<br>(reports to be forwarded to Wellesley) | 8 |

We wish to thank the Township of Wilmot for this opportunity to be of service.

Yours truly,



Stephen Brickman, P.Eng.  
Project Manager/Engineer  
**HEADWAY ENGINEERING**

SB/

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 8, 2023 9:35 AM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Thanks for the very helpful timeline below.

This shouldn't be a problem. We'll get the report on the May 29 agenda to instruct the Clerk to send notice.

If I have any more questions, I'll be in touch.

Best,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision



July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) –  
Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 8, 2023 4:15 PM  
**To:** Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Yes. You (the Clerk) should receive direction from Council to hold the Consideration before you circulate any notices. Once you've received that direction, then the notice of the meeting to consider the report, and the Report can be circulated.

Perhaps John can step in if needed, but that's my understanding.

At the meeting to consider the report, the Council will decide whether or not to pass a provisional by-law.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, May 8, 2023 4:04 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm one aspect of this process for my understanding?

We are not to distribute the Bamberg Creek, Jananna, and Koch-Leis Drains, Engineers Report until after the May 29, 2023, Regular Council meeting where Council directs Staff if they intend to move forward with the project? If Council approves the recommendation, at that time I send them the Notice of Consider the Report and the Engineer's Report?

Thanks,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 23, 2023 12:32 PM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing  
**Attachments:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains (AutoRecovered) - COR-2023-38.docx

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) –  
Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

## **CORPORATE SERVICES**

### ***Staff Report***

---

REPORT NO: COR-2023-38

TO: Council

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

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

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

---

#### **RECOMMENDATION:**

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek.

THAT the Court of Revision be scheduled if By-law 2023-XX is provisionally adopted with the following three members of Council \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, appointed as members for the Court of Revision.

#### **SUMMARY:**

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all property owners.

**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 Delton Reibling Municipal Drain Report dated April 28, 2023.

**COUNCIL'S CONSIDERATION OF ENGINEER'S REPORT:**

This report has been prepared to assist Council in considering the Engineer's Report.

Notice of the meeting was provided in accordance with the Act. At the 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
  - a. accepting 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
  - a. 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
  - b. The Township's Drainage Superintendent and staff advise that the Engineer's Report is in general conformity with the Drainage Act.
3. Take no action on the Engineer's Report
  - a. Any affected landowner could appeal to the Drainage Tribunal the decision of Council to not proceed with the report under the Drainage Act
  - b. If there is no appeal the cost of the Engineer's Report **(\$32,649)** would have to be paid from the general funds of the Township

- c. 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

Staff recommend provisionally adopting the Engineers Report and proceeding follow the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$32,649.

ATTACHMENTS:



## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 23, 2023 1:18 PM  
**To:** Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing  
**Attachments:** Bamberg Creek Jananna and Koch-Leis Municipal Drains (AutoRecovered) - COR-2023-38.docx

**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.

Hi Chad, thanks for providing this report!

I reviewed the attachment and made a couple comments/edits. I used Track Changes.

The staff report looks like it's prepared for the actual Consideration of the Report, which I expect to be scheduled for June 12<sup>th</sup>. This upcoming May 29 meeting is more of a formality under the Drainage Act where the Council more/less decides to consider the report, and they'd instruct the Clerk to schedule the Consideration.

So, in general, I think this staff report is best suited for the next council meeting, and not this upcoming meeting, as it looks like it is tailored for the Consideration. Having said that, I have a question. It says in the staff report, on page 2 of 3, under the heading Council's Consideration of the Engineer's Report:, that Notice of the meeting was provided in accordance with the Act. My question: **What notice has been provided so far? Was the public notified about the meeting for May 29<sup>th</sup>? And did the notice include a 'Notice of the Meeting to Consider the Report', and did it also include a copy of the Drainage Report?** Basically, I'm asking what information has been sent out the landowners?

The intention was that the May 29 meeting be used to have Council instruct the clerk to schedule the meeting to consider. Once that's done, then the intention would be for the Clerk to send a notice of the meeting to consider the report, along with a copy of the report to the public. The actual consideration (public meeting) would be June 12<sup>th</sup> (per the email below).

If you could provide a bit of clarification, that would be great. Thank Chad!

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, May 23, 2023 12:32 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If

you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Monday, May 8, 2023 8:20 AM

**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## **CORPORATE SERVICES**

### *Staff Report*

---

REPORT NO: COR-2023-38

TO: Council

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

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

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

---

#### RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek.[SB1]

THAT the Court of Revision be scheduled if By-law 2023-XX is provisionally adopted with the following three members of Council \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, appointed as members for the Court of Revision.

#### SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all property owners.

**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 ~~Delton Reibling~~ Bamberg Creek, Jananna and Koch-Leis Municipal Drain Report dated April 28, 2023.

**COUNCIL'S CONSIDERATION OF ENGINEER'S REPORT:**

This report has been prepared to assist Council in considering the Engineer's Report.

Notice of the meeting was provided in accordance with the Act. At the 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
  - a. accepting 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
  - a. 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
  - ~~b.~~ The Township's Drainage Superintendent and staff advise that the Engineer's Report is in general conformity with the Drainage Act.
3. Take no action on the Engineer's Report
  - a. Any affected landowner could appeal to the Drainage Tribunal the decision of Council to not proceed with the report under the Drainage Act
  - b. If there is no appeal the cost of the Engineer's Report (~~\$32,649~~70,300) [CC2][SB3] would have to be paid from the general funds of the Township

- c. 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

Staff recommend provisionally adopting the Engineers Report and proceeding follow the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an ~~estimated~~ assessment of \$32,649.0.

ATTACHMENTS:

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 23, 2023 2:40 PM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

This is the second report for a Drainage Consideration I've done since I've been here. I mostly used the previous report as a template here, so I apologize if this is somewhat confusing.

For page 2 and 3, I was using "notice" as the agenda serves as notice for the meeting. The public has not received any notice at this time. I'm just going to remove that line.

I will add language to this current report – emphasizing that Council is to instruct the Clerk to schedule the meeting to consider.

If we can keep this report on course for next Monday, we can make sure we keep to the timeline you provided in the emails below.

Let me know what you think.

Best,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Tuesday, May 23, 2023 1:18 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad, thanks for providing this report!

I reviewed the attachment and made a couple comments/edits. I used Track Changes.

The staff report looks like it's prepared for the actual Consideration of the Report, which I expect to be scheduled for June 12<sup>th</sup>. This upcoming May 29 meeting is more of a formality under the Drainage Act where the Council more/less decides to consider the report, and they'd instruct the Clerk to schedule the Consideration.

So, in general, I think this staff report is best suited for the next council meeting, and not this upcoming meeting, as it looks like it is tailored for the Consideration. Having said that, I have a question. It says in

the staff report, on page 2 of 3, under the heading Council's Consideration of the Engineer's Report:, that Notice of the meeting was provided in accordance with the Act. My question: **What notice has been provided so far? Was the public notified about the meeting for May 29<sup>th</sup>? And did the notice include a 'Notice of the Meeting to Consider the Report', and did it also include a copy of the Drainage Report?** Basically, I'm asking what information has been sent out the landowners?

The intention was that the May 29 meeting be used to have Council instruct the clerk to schedule the meeting to consider. Once that's done, then the intention would be for the Clerk to send a notice of the meeting to consider the report, along with a copy of the report to the public. The actual consideration (public meeting) would be June 12<sup>th</sup> (per the email below).

If you could provide a bit of clarification, that would be great. Thank Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 12:32 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.



May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision  
July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 23, 2023 2:46 PM  
**To:** Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Thanks Chad! I was just about to call you. Thanks for the clarification!

As long as it's clear that Council is scheduling the Meeting to Consider, then that's good. The details relating to the Consideration is good information to have.

Do you mind sharing the next draft of the staff report, and I'll give it another read once it comes in?

Thanks!

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, May 23, 2023 2:40 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

This is the second report for a Drainage Consideration I've done since I've been here. I mostly used the previous report as a template here, so I apologize if this is somewhat confusing.

For page 2 and 3, I was using "notice" as the agenda serves as notice for the meeting. The public has not received any notice at this time. I'm just going to remove that line.

I will add language to this current report – emphasizing that Council is to instruct the Clerk to schedule the meeting to consider.

If we can keep this report on course for next Monday, we can make sure we keep to the timeline you provided in the emails below.

Let me know what you think.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, May 23, 2023 1:18 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad, thanks for providing this report!

I reviewed the attachment and made a couple comments/edits. I used Track Changes.

The staff report looks like it's prepared for the actual Consideration of the Report, which I expect to be scheduled for June 12<sup>th</sup>. This upcoming May 29 meeting is more of a formality under the Drainage Act where the Council more/less decides to consider the report, and they'd instruct the Clerk to schedule the Consideration.

So, in general, I think this staff report is best suited for the next council meeting, and not this upcoming meeting, as it looks like it is tailored for the Consideration. Having said that, I have a question. It says in the staff report, on page 2 of 3, under the heading Council's Consideration of the Engineer's Report:, that Notice of the meeting was provided in accordance with the Act. My question: **What notice has been provided so far? Was the public notified about the meeting for May 29<sup>th</sup>? And did the notice include a 'Notice of the Meeting to Consider the Report', and did it also include a copy of the Drainage Report?** Basically, I'm asking what information has been sent out the landowners?

The intention was that the May 29 meeting be used to have Council instruct the clerk to schedule the meeting to consider. Once that's done, then the intention would be for the Clerk to send a notice of the meeting to consider the report, along with a copy of the report to the public. The actual consideration (public meeting) would be June 12<sup>th</sup> (per the email below).

If you could provide a bit of clarification, that would be great. Thank Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 12:32 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision  
July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614, Ext. 1  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 23, 2023 2:58 PM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I will make it clear, several times, that Council is scheduling to consider.

I will share all drafts of reports for this and future drains where you are the Drainage Engineer.

Thanks,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Tuesday, May 23, 2023 2:46 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Thanks Chad! I was just about to call you. Thanks for the clarification!

As long as it's clear that Council is scheduling the Meeting to Consider, then that's good. The details relating to the Consideration is good information to have.

Do you mind sharing the next draft of the staff report, and I'll give it another read once it comes in?

Thanks!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 2:40 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

This is the second report for a Drainage Consideration I've done since I've been here. I mostly used the previous report as a template here, so I apologize if this is somewhat confusing.

For page 2 and 3, I was using “notice” as the agenda serves as notice for the meeting. The public has not received any notice at this time. I’m just going to remove that line.

I will add language to this current report – emphasizing that Council is to instruct the Clerk to schedule the meeting to consider.

If we can keep this report on course for next Monday, we can make sure we keep to the timeline you provided in the emails below.

Let me know what you think.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Tuesday, May 23, 2023 1:18 PM

**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad, thanks for providing this report!

I reviewed the attachment and made a couple comments/edits. I used Track Changes.

The staff report looks like it’s prepared for the actual Consideration of the Report, which I expect to be scheduled for June 12<sup>th</sup>. This upcoming May 29 meeting is more of a formality under the Drainage Act where the Council more/less decides to consider the report, and they’d instruct the Clerk to schedule the Consideration.

So, in general, I think this staff report is best suited for the next council meeting, and not this upcoming meeting, as it looks like it is tailored for the Consideration. Having said that, I have a question. It says in the staff report, on page 2 of 3, under the heading Council’s Consideration of the Engineer’s Report:, that Notice of the meeting was provided in accordance with the Act. My question: **What notice has been provided so far? Was the public notified about the meeting for May 29<sup>th</sup>? And did the notice include a ‘Notice of the Meeting to Consider the Report’, and did it also include a copy of the Drainage Report?** Basically, I’m asking what information has been sent out the landowners?

The intention was that the May 29 meeting be used to have Council instruct the clerk to schedule the meeting to consider. Once that’s done, then the intention would be for the Clerk to send a notice of the meeting to consider the report, along with a copy of the report to the public. The actual consideration (public meeting) would be June 12<sup>th</sup> (per the email below).

If you could provide a bit of clarification, that would be great. Thank Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 12:32 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot  
May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)  
June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed  
June 12 – **Council Meeting** to Consider the report  
Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners  
July 14 – Deadline for Appeals to the Court of Revision  
July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)



If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 23, 2023 3:01 PM  
**To:** Chad Curtis  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Awesome! Thanks Chad!

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, May 23, 2023 2:58 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I will make it clear, several times, that Council is scheduling to consider.

I will share all drafts of reports for this and future drains where you are the Drainage Engineer.

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, May 23, 2023 2:46 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Thanks Chad! I was just about to call you. Thanks for the clarification!

As long as it's clear that Council is scheduling the Meeting to Consider, then that's good. The details relating to the Consideration is good information to have.

Do you mind sharing the next draft of the staff report, and I'll give it another read once it comes in?

Thanks!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 2:40 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

This is the second report for a Drainage Consideration I've done since I've been here. I mostly used the previous report as a template here, so I apologize if this is somewhat confusing.

For page 2 and 3, I was using "notice" as the agenda serves as notice for the meeting. The public has not received any notice at this time. I'm just going to remove that line.

I will add language to this current report – emphasizing that Council is to instruct the Clerk to schedule the meeting to consider.

If we can keep this report on course for next Monday, we can make sure we keep to the timeline you provided in the emails below.

Let me know what you think.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, May 23, 2023 1:18 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad, thanks for providing this report!

I reviewed the attachment and made a couple comments/edits. I used Track Changes.

The staff report looks like it's prepared for the actual Consideration of the Report, which I expect to be scheduled for June 12<sup>th</sup>. This upcoming May 29 meeting is more of a formality under the Drainage Act where the Council more/less decides to consider the report, and they'd instruct the Clerk to schedule the Consideration.

So, in general, I think this staff report is best suited for the next council meeting, and not this upcoming meeting, as it looks like it is tailored for the Consideration. Having said that, I have a question. It says in the staff report, on page 2 of 3, under the heading Council's Consideration of the Engineer's Report:, that Notice of the meeting was provided in accordance with the Act. My question: **What notice has been provided so far? Was the public notified about the meeting for May 29<sup>th</sup>? And did the notice include a**

**‘Notice of the Meeting to Consider the Report’, and did it also include a copy of the Drainage Report?** Basically, I’m asking what information has been sent out the landowners?

The intention was that the May 29 meeting be used to have Council instruct the clerk to schedule the meeting to consider. Once that’s done, then the intention would be for the Clerk to send a notice of the meeting to consider the report, along with a copy of the report to the public. The actual consideration (public meeting) would be June 12<sup>th</sup> (per the email below).

If you could provide a bit of clarification, that would be great. Thank Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, May 23, 2023 12:32 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Please find attached a draft report for the BJKL Municipal Drain going to Council on May 29, 2023. For a previous municipal drain, I flipped the report to the Drainage Engineer for comments prior to being published on the agenda. If you have any comments or questions, please share them. We will likely be publishing the agenda tomorrow at some point, so if you could get your thoughts (if any) to us beforehand, that would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We’ve also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we’ve suggested a schedule for processing the report into a by-law, but it’s definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** May 24, 2023 11:32 AM  
**To:** Stephen Brickman; Chad Curtis  
**Cc:** Jeff Bunn  
**Subject:** RE: Updated COR 2023-38 Report  
**Attachments:** Bamberg Creek Jananna and Koch-Leis Municipal Drains - COR-2023-38-JK edit.docx

**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.

Hi Chad

I apologize for not having time to review your report on Tuesday.  
Any week where Monday is on a Tuesday never gets off to a good start.

Further to our phone conversation I have provided some additional comments on the staff report to council.  
Any of my changes do not necessarily need to be made for the current report if no further changes are possible.  
I wanted to send my comments so that you could make the changes for future use as a report template.  
Some of my edits can be clarified in the next report to Council for the meeting to consider the report.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Wednesday, May 24, 2023 10:11 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** RE: Updated COR 2023-38 Report

It looks very good, and its quite clear to me. No other comments other than those.

Thanks Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 24, 2023 10:06 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** Updated COR 2023-38 Report

Hello John and Stephen,

Just got off the phone with John regarding COR 2023-38 Report. He had some recommendations for the recommendation.

Let me know what you think.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



**CORPORATE SERVICES**  
*Staff Report*

REPORT NO: COR 2023-38  
TO: Council  
SUBMITTED BY: Patrick Kelly, Director of Corporate Services/Treasurer  
PREPARED BY: Chad Curtis, Deputy Clerk  
REVIEWED BY: Sharon Chambers, CAO  
DATE: May 29, 2023  
SUBJECT: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer’s Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report on June 12, 2023.

SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the “Act”) it becomes part of the municipality’s infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all assessed benefiting property owners.

BACKGROUND:

Commented [JK1]: This change is suggested to avoid confusion with the Drainage Act definition of benefit and the dictionary definition of benefit

\*\*\*This information is available in accessible formats upon request\*\*\*



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:

This report has been prepared to assist Council in considering the Engineer's Report.

By **accepting** provisionally ~~adopting~~ 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.

**Commented [JK2]:** Provisionally adopting should be replaced with accepting so there is no confusion that provisional adoption will not take place at the May 29 meeting

At the **Consideration of the 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** ~~accepting~~ the Report by providing first and second reading to a **provisional** the Report 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** ~~affected landowner~~ 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~~.

Commented [JK3]: This wording is required to comply with Section 45(2) of the Drainage Act

Commented [JK4]: This bullet is probably not relevant to a report under Section 4 of the Act for a new drainage works. This bullet was included for the previous report which was under Section 78 for maintenance and improvement of an existing municipal drain.

Staff recommend **accepting** ~~provisionally adopting~~ the Engineers Report and proceeding ahead following the provisions under the Drainage Act.

#### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

#### FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$0 in association with these drainage works.

#### ATTACHMENTS:

Attachment 1 – Engineers Report



## CORPORATE SERVICES *Staff Report*

---

REPORT NO: COR 2023-38

TO: Council

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

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

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

---

### RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report on June 12, 2023.

### SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all benefitting property owners.

### 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 Drain Report dated April 28, 2023.

### REPORT:

This report has been prepared to assist Council in considering the Engineer's Report.

By provisionally adopting 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 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
  - accepting 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 affected landowner 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.

Staff recommend provisionally adopting the Engineers Report and proceeding ahead following the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$0 in association with these drainage works.

ATTACHMENTS:

Attachment 1 – Engineers Report

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 24, 2023 10:11 AM  
**To:** Chad Curtis; John Kuntze  
**Cc:** Jeff Bunn  
**Subject:** RE: Updated COR 2023-38 Report

**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.

It looks very good, and its quite clear to me. No other comments other than those.

Thanks Chad!

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 24, 2023 10:06 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Updated COR 2023-38 Report

Hello John and Stephen,

Just got off the phone with John regarding COR 2023-38 Report. He had some recommendations for the recommendation.

Let me know what you think.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission,

including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**From:** [Chad Curtis](#)  
**To:** [Jeff Bunn](#); [Patrick Kelly](#)  
**Subject:** FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains  
**Date:** May 26, 2023 7:58:27 PM  
**Attachments:** [image001.png](#)

---

FYI

---

**From:** Chad Curtis  
**Sent:** Friday, May 26, 2023 7:58 PM  
**To:** Cory Kittel [REDACTED] Sharon Chambers <sharon.chambers@wilmot.ca>  
**Subject:** RE: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

Hello Mr. Kittel,

The recommendations in report COR 2023-38 are as follows:

- THAT Council receive report COR-2023-20 as information; and
- THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,
- THAT the Clerk be directed to schedule a Meeting to Consider the Report.

The first recommendation is to receive the Staff Report as information. This is a standard recommendation for a staff report on a Council and/or Committee agenda.

The second recommendation is for the Engineer's Report for the Bamberg Creek, Jannana, and Koch-Leis Municipal Drain to be accepted by Council. As per Section 41(1) of the Drainage Act, this is a standard recommendation for Council to acknowledge receipt of a Report that has been filed and that "*it intends to proceed*" with the process under the Drainage Act.

The third recommendation is for the Clerk to schedule a Meeting to Consider the Report.

Recommendations two and three are required to allow the public engagement process before Council to begin as outlined in Section 41 and 42 of the Drainage Act. If Council approves the above recommendations the Clerk will then send to all assessed landowners and affected agencies and utilities a copy of the Notice for the Meeting to Consider the Report and a copy of the Engineers Report.

-

At the Meeting to Consider the Report anyone who received a copy of the report will have the opportunity to address Council and to ask questions of the Engineer who prepared the Report.

-

With respect to your concerns about the public engagement process prior to the Engineer filing the



report, I am unable to respond directly to those concerns since this public engagement process was administered by the appointed Engineer. You may wish to express those concerns to the Engineer and Council at the meeting to consider the report.

The Engineer in the Report has determined that the petition submitted is a valid petition in accordance with the requirements of Section 4 of the Drainage Act.

Section 42 of the Drainage Act notes that at the conclusion of the meeting to consider the report, Council must provide an opportunity for affected landowners to withdraw and/or add their names to the petition. If names are withdrawn and/or added at the conclusion of the meeting to consider the Report Council would then require the opinion of the Engineer whether the petition is still valid under Section 4 of the Drainage Act.

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.

If at the conclusion of the meeting to consider the report the petition remains valid under Section 4 but Council decides not to proceed with the Report as outlined in Section 44 and no appeal is registered under Section 45(2) then by default the Township would be liable for the cost of the Engineer's Report since they can only levy the cost of the Engineer's Report to the petitioners if the petition is determined to not be valid as noted above.

I trust this response answers your questions.

Have a great weekend,

Chad



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, May 25, 2023 10:33 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad and Sharon,

I was surprised to read the recommendations in your report when virtually no public engagement took place. The meetings were held, most likely just to check off that requirement, but a shocking number of the impacted landowners reported receiving no notices and late notices - pretty much the large majority. Many still were unaware that this project even existed. The attendance speaks for itself. The number of landowners (non petitioners) in attendance was way too low. Myself, who's being told I have to pay for a major portion of this project, only found out about the first on-site meeting after it was over. After that all requests to engage in the process were ignored. Is that the definition of a democratic process?

As a result, after being shut out of the process, the impacted landowners had to assemble their own notes. You can find them here...

[https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH\\_ktHP-X7P\\_lb0/edit?usp=sharing](https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH_ktHP-X7P_lb0/edit?usp=sharing)

Also could you tell me where in the drainage it states that if there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy?

Thanks for the opportunity to hear me out. That is something that has definitely been missing throughout this project.

Cory Kittel  
519-635-2679

**From:** [Chad Curtis](#)  
**To:** [Patrick Kelly](#); [Jeff Bunn](#)  
**Subject:** FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains  
**Date:** May 26, 2023 1:38:00 PM  
**Attachments:** [image001.png](#)

---

Hello all,

Just want to keep you in the loop on this.

Through Julie, Sharon and I discussed this and she's okay with me responding to the resident. I'm going to type up a draft and send it off to the Drainage Engineers and will cc the two of you.

Hoping to send something out to the resident by the end of the business day.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, May 25, 2023 10:33 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad and Sharon,

I was surprised to read the recommendations in your report when virtually no public engagement took place. The meetings were held, most likely just to check off that requirement, but a shocking number of the impacted landowners reported receiving no notices and late notices - pretty much the large majority. Many still were unaware that this project even existed. The attendance speaks for itself. The number of landowners (non petitioners) in attendance was way too low. Myself, who's being told I have to pay for a major portion of this project, only found out about the first on-site

meeting after it was over. After that all requests to engage in the process were ignored. Is that the definition of a democratic process?

As a result, after being shut out of the process, the impacted landowners had to assemble their own notes. You can find them here...

[https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH\\_ktHP-X7P\\_lb0/edit?usp=sharing](https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH_ktHP-X7P_lb0/edit?usp=sharing)

Also could you tell me where in the drainage it states that if there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy?

Thanks for the opportunity to hear me out. That is something that has definitely been missing throughout this project.

Cory Kittel  
519-635-2679

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 26, 2023 7:52 PM  
**To:** John Kuntze; Stephen Brickman  
**Cc:** Patrick Kelly; Jeff Bunn  
**Subject:** RE: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

Hi John,

Very much appreciated that you took time out of your Friday afternoon/evening to craft this response.

Your suggested edits make sense to me.

Have a great weekend.

Best,

chad

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Friday, May 26, 2023 6:39 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** Patrick Kelly <patrick.kelly@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** RE: STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad

I have added my suggested edits and additions in this font colour in your email below.

Let me know if you have any questions or comments on my suggested edits.

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Friday, May 26, 2023 2:44 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

Hello Stephen and John,

We received an email (bottom of this thread) regarding the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains. I have drafted a response. Prior to me clicking send, I was hoping you could take a look and provide guidance on the best way to respond.

Thanks

DRAFT

Hello Mr. Kittel,

The recommendations in report COR 2023-38 are as follows:

- THAT Council receive report COR-2023-20 as information; and
- THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,
- THAT the Clerk be directed to schedule a Meeting to Consider the Report.

The first recommendation is to receive the Staff Report as information. This is a standard recommendation for a [staff report](#) on a Council and/or Committee agenda.

The second recommendation is for the Engineer's Report for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain to be accepted by Council. [As per Section 41\(1\) of the Drainage Act](#) this is a standard recommendation [for Council to acknowledge receipt of a Report that has been filed and that "it intends to proceed" when an Engineer's Report is provided to Council with the process under the Drainage Act.](#)

The third recommendation is for the Clerk to schedule a Meeting to Consider the Report.

[Recommendations two and three are required to allow the public engagement process before Council to begin as outlined in Section 41 and 42 of the Drainage Act.](#)

[If Council approves the above recommendations the Clerk will then send to all assessed landowners and affected agencies and utilities a copy of the Notice for the Meeting to Consider the Report and a copy of the Engineers Report. If the Clerk is directed to schedule a Meeting to Consider the Report, 34 copies of the Drainage Report and the Notice of Meeting to Consider the Report will be sent to the distribution list for the Bamberg Creek, Jananna, and Kock Leis Municipal Drains.—](#)

[Council will not be passing any resolutions at the May 29, Regular Council meeting outside of the three listed above for the Bamber Creek, Jananna, and Koch Leis Municipal Drains.— At the Meeting to Consider the Report anyone who received a copy of the report will have the opportunity to address Council and to ask questions of the Engineer who prepared the Report.](#)

[, residents, petitioners, and landowners will have the opportunity to address Council and Staff regarding the Engineer's Report. It should be noted that the Notice of Meeting to Consider the Report will follow the processes of the Drainage Act.](#)

[With respect to your concerns about the public engagement process prior to the Engineer filing the report I am unable to respond directly to those concerns since this public engagement process was administered by the appointed Engineer. You may wish to express those concerns to the Engineer and Council at the meeting to consider the report.](#)

[Stephen or John, I was hoping you could provide some insight on the resident's question pertaining to the appealing costs of the Drainage Act.](#)

[With respect to your final question about why the cost of the Engineer's report would be borne by the general levy if Council does not proceed with the Drainage Act process following the meeting to consider the Report I would note the following:](#)

[The Engineer in the Report has determined that the petition submitted is a valid petition in accordance with the requirements of Section 4 of the Drainage Act.](#)

Section 42 of the Drainage Act notes that at the conclusion of the meeting to consider the report Council must provide an opportunity for affected landowners to withdraw and/or add their names to the petition. If names are withdrawn and/or added at the conclusion of the meeting to consider the Report Council would then require the opinion of the Engineer whether the petition is still valid under Section 4 of the Drainage Act. 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.

If at the conclusion of the meeting to consider the report the petition remains valid under Section 4 but Council decides not to proceed with the Report as outlined in Section 44 and no appeal is registered under Section 45(2) then by default the Township would be liable for the cost of the Engineer's Report since they can only levy the cost of the Engineer's Report to the petitioners if the petition is determined to not be valid as noted above.

I trust this response answers your questions.

Have a great weekend,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, May 25, 2023 10:33 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad and Sharon,

I was surprised to read the recommendations in your report when virtually no public engagement took place. The meetings were held, most likely just to check off that requirement, but a shocking number of the impacted landowners reported receiving no notices and late notices - pretty much the large majority. Many still were unaware that this project even existed. The attendance speaks for itself. The number of landowners (non petitioners) in attendance was way too low. Myself, who's being told I have to pay for a major portion of this project, only found out about the first on-site meeting after it was over. After that all requests to engage in the process were ignored. Is that the definition of a democratic process?

As a result, after being shut out of the process, the impacted landowners had to assemble their own notes. You can find them here...

<https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cJ5J4VlhP0NNH ktHP-X7P lb0/edit?usp=sharing>

Also could you tell me where in the drainage it states that if there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy?

Thanks for the opportunity to hear me out. That is something that has definitely been missing throughout this project.

Cory Kittel  
519-635-2679

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Council Meeting Minutes

### Council Meeting

Date: May 29, 2023, 6:00 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 Corporate Services/Treasurer, P. Kelly  
Fire Chief, R. Leeson  
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  
Administrative Clerk, Candice Greenley  
Desktop Support Technician, R. Ubhi  
Planner, Cameron Miller  
Manager of Municipal Law Enforcement, E. Merritt

---

#### 1. MOTION TO CONVENE INTO CLOSED MEETING

There was no Closed Meeting on May 29, 2023.

## 2. MOTION TO CONVENE IN OPEN MEETING

**Moved by:** Councillor S. Cressman

**Seconded by:** Councillor L. Dunstall

THAT Council convene in Open Session at 6:00 p.m.

**Motion Carried**

## 3. MOMENT OF REFLECTION

May 28 to June 3 is AccessAbility Week in Canada. This week is an important opportunity for us to reflect on the progress made and the work that still needs to be done to improve accessibility and inclusivity for all Canadians, regardless of their abilities.

The month of June holds great significance for a number of important issues in Canada.

June is Indigenous History Month in Canada. As we head into June it's important to take a moment to reflect on the rich cultural heritage and history of the Indigenous peoples who have called this land home for thousands of years. We must acknowledge the deep and lasting impact of colonialism, residential schools, and systemic racism on Indigenous communities. The Township of Wilmot continues our commitment to towards learning, reconciliation, and healing.

We must also take this time to recognize and appreciate the ongoing contributions of Indigenous peoples to our society, from art and culture to science and technology. Let us take this opportunity to learn, listen, and engage with Indigenous perspectives, and strive for a future where all people are treated with the respect, dignity, and equality.

June is also recognized as Pride Month in Canada, a time to acknowledge and celebrate the diversity of the 2SLGBTQ+ community. Communities across the country will come together to show their support and promote acceptance, equality, and inclusivity.

The Township of Wilmot has implemented policies to ensure that our services and facilities are accessible to all members of the community, regardless of gender identity or sexual orientation. The Township also works with and promotes organizations like Spectrum, Waterloo Region's Rainbow Community Space, which raises awareness about the challenges and discrimination faced by

the 2SLGBTQ+ community and encourages education and understanding among all members of our community.

As we celebrate Pride Month in Canada, the Township of Wilmot reaffirms our commitment to creating a more inclusive and accepting society for all.

The Township of Wilmot will raise the Progress Pride rainbow flag at the Administrative Complex on Thursday, June 1 as a symbol of solidarity with the 2SLGBTQ+ community.

#### **4. TERRITORIAL ACKNOWLEDGEMENT**

Councillor H. Sidhu read the Territorial Acknowledgement.

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

##### **5.1 Councillor L. Dunstall - ZCA-06/22, Petersburg Sand Company Inc./IBI Group, 1856 Snyder's Road East, DS-2023-06**

Councillor L. Dunstall declared a Pecuniary Interest on Item 12.1 of the agenda. Please visit [Registry of Disclosure of Pecuniary Interest](#) for further details.

#### **6. ADDITIONS TO THE AGENDA**

The following items have been added to the Agenda:

- Item 10.1 - Waterloo Oxford Students re: Environmental Issues
- Item 13.1 - Correspondence from Julie Neves, Chair, Stop Petersburg Sand Pit Inc.
  - Correspondence from Julie Neves Chair Stop Petersburg Sand Pit Inc (addendum)

#### **7. ADOPTION OF THE AGENDA**

Item 16 was moved to Item 8.

THAT the Agenda as presented for May 29, 2023, be adopted as amended.

#### **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:

- May 8, 2023 Regular Council Meeting

- May 16, 2023 Special Council Meeting

**Motion Carried**

## 9. PUBLIC MEETINGS

### 9.1 Official Plan Amendment Application 01/23 and Zone Change Application 01/23, Schneider Family and rare Charitable Research Reserve, Wilmot Line and Carmel-Koch Road, DS-2023-08

Council asked and received answers from staff on the following:

- Parking facilities and road signage at the site; and
- What is the liability to the municipality for 12 parking spaces.

Stephanie Sobek-Swant, agent, rare Charitable Reserve, provided a booklet "[rare REVIEW Spring-Summer 2023](#)" to members of Council and gave a high-level overview of the application.

Council discussed the importance of having on-site parking at the location to ensure the liability of insurance and the safety of children.

Ms. Sobek-Swant discussed the purpose of the site and the intention to not have school groups attend the site.

Council asked for clarification on parking and the use of lands at other rare Charitable Research Reserve locations, and if they noticed an increase of patrons at the Blair Facility.

Council asked Staff what the next steps are to create a solution that works for both the applicants and staff.

Ms. Sobek-Swant discussed the proposal and the requirements of the municipality for the applicant to donate the land to the Township of Wilmot.

A member of Council discussed their support of on-site parking at the location.

Kevin Thomason spoke in support of the Official Plan Amendment Application. Mr. Thomason does not support a parking lot at the location.

Council discussed the applicability of the proposed area to become a parking lot.

Mr. Thomason discussed the challenges and issues for parking and the surrounding area.

Roger Suffling spoke in support of the Official Plan Amendment Application. Mr Suffling does not support a parking lot at the location.

Kae Elgie provided a PowerPoint presentation. Ms. Elgie spoke in support of the Official Plan Amendment Application.

Greg Michalenko spoke in support of the Official Plan Amendment Application. Mr. Michalenko does not support a parking lot at the location.

Margaret Schneider circulated correspondence to Council. Ms. Schneider spoke in support of the Official Plan Amendment Application and does not support a parking lot at the location.

Dianne Ensing circulated correspondence to Council. Ms. Ensing spoke in support of the Official Plan Amendment Application. Ms. Ensing supports informal roadside parking remain at the location.

Deb Swidrovich spoke in support of the Official Plan Amendment Application. Ms. Swidrovich does not support the proposed parking lot at this location.

Mayor Salonen asked if there were any people in-person or electronically who wished to address Council. There were none.

Mayor Salonen asked a second time if there were any people, in-person or electronically who wished to address Council.

There were none.

A member of Council discussed the parking at existing nature sites in Wilmot and the need to standardize parking at all locations.

**Moved by:** Councillor K. Wilkinson

**Seconded by:** Councillor H. Sidhu

THAT Report DS 2023-008 be received for information.

**Motion Carried**

9.2 ZCA-02/23, St. George's Anglican Church, 11 Byron Street, New Hamburg, DS-2023-07

Council asked and received answers from Staff on the following:

- If there was interest in enlarging the backyard property

Mayor Salonen if there were any persons in the audience who wanted to address Council on this matter. There were none.

Mayor Salonen asked for a second time if there were any persons in the audience who wanted to address Council on this matter. There were none.

**Moved by:** Councillor L. Dunstall

**Seconded by:** Councillor S. Martin

THAT Council approve Zone Change Application 02/23 made by St. George's Anglican Church, affecting Part of Lot 2, Smith's Plan, to rezone a portion of the subject property from Zone 3 (Residential) to Zone 12 (Institutional) and to reduce the required rear yard setback from 7.5 metres to 2.7 metres.

**Motion Carried**

## 10. PRESENTATIONS

### 10.1 Waterloo Oxford Students re: Environmental Issues

Mayor Salonen discussed conversations between the Region of Waterloo and Township Staff on finding solutions to waste on Snyder's Road West.

Council asked and received answers from the Waterloo Oxford Students:

- Discussed existing e-waste businesses in Wilmot Township; and
- The difficulty in finding a place to discard of e-waste in Wilmot Township.

**Moved by:** Councillor K. Wilkinson

**Seconded by:** Councillor L. Dunstall

THAT Staff be directed to provide a report to deal with e-waste, which includes consultation with local affected agencies; and

THAT Staff bring forward a report to place benches, e-waste receptacles, and garbage cans in key areas in Wilmot Township.

**Motion Carried**

## 11. CONSENT AGENDA

**Moved by:** Councillor K. Wilkinson

**Seconded by:** Councillor S. Martin

THAT Items 11.1, 11.2 and 11.3 be approved.

**Motion Carried**

### 11.1 Erb Road Shelter Fire Protection Agreement, FS-2023-01

THAT Report FS 2023-01 regarding the Erbs Road Shelter Fire Protection Agreement between the Township of Wilmot and the City of Waterloo be approved; and further,

THAT Waterloo Fire Rescue will provide fire protection and emergency medical response protection to the Erbs Road Shelter at 1003 Erbs Road; and further,

THAT Wilmot Fire Department will be responsible for fire prevention, fire investigation, and public education for residents and staff located at the Erbs Road Shelter at 1003 Erbs Road.

### 11.2 Appointment of Drainage Engineer related to West Nith Petition for 1089 Huron Street in the North Part Lot 27, Concession South of Bleams Road, COR-2023-40

THAT Report COR-2023-40 be received; and further,

THAT Council appoint K. Smart Associates Limited as the Engineer to make an examination of the area, in accordance with Section 8 of the *Drainage Act, R.S.O 1990*.

### 11.3 Noise By-law Exemption – 1323 - 103 Queen St (Cottage Lane), New Dundee, COR-2023-39

THAT a Noise By-law Exemption be granted for 1323 – 103 Queen Street (Cottage Lane), New Dundee on June 3<sup>rd</sup>, 2023.

## 12. REPORTS

### 12.1 ZCA-06/22, Petersburg Sand Company Inc./IBI Group, 1856 Snyder's Road East, DS-2023-06

Councillor L. Dunstall declared a Pecuniary Interest on Item 12.1 of the agenda. Please visit the Registry of Disclosure of Pecuniary Interest for

further details.

Council asked and received answers from Staff on the following:

- Average vehicular speed limits captured in the Traffic Report; and
- Portion of property south of the tracks remains Zone 1, and which enforcement tools are in place to ensure compliance.

Mike Hodgkinson, Applicant, and Mike Hodgkinson, Agent, provided a high-level overview of the project and is supportive of the recommendation.

Julie Tavares Das Neves read Louise Lalonde's delegation letter.

Jan Atkinson spoke in opposition of the Zone Change Application.

Council asked for clarification from Staff regarding the School Boards' comments on this application.

Steven Bechthold spoke in opposition of the Zone Change Application.

The meeting recessed at 8:53 p.m. and resumed at 9:00 p.m. at the call of the Mayor with all members present.

Bernice and Warren Bechthold spoke in opposition of the Zone Change Application.

Maria Alves spoke in opposition of the Zone Change Application.

Stephanie Goertz spoke in opposition of the Zone Change Application.

Pam Mahoney, speaking on behalf of herself, James Mahoney, and Faye Mahoney, spoke in opposition of the Zone Change Application.

Julie Tavares Das Neves spoke in opposition of the Zone Change Application.

Cameron Cotton-O'Brien, Donnelly Law, spoke in opposition of the Zone Change Application and discussed Interim Control By-laws.

Council asked and received answers from Mr. Cotton-O'Brien on the following:

- Clarification on Bill 97 and if an ICBL can be appealed;
- Shared costs of OLT hearings;



- What percentage of aggregate cases that go before the Ontario Land Tribunal are successful; and
- Council requested clarification on the breakdown of fees for legal and expert fees.

Council asked and received answers from Staff if the Township's By-law's are out-of-sync with the provincial standards.

Council asked and received answers from Staff on Interim Control By-Laws, and what amount of control the Township has on the front portion of the property.

Edward "Ned" Halley spoke in opposition of the Zone Change Application.

Staff discussed access to cross the CN rail tracks.

Chris Scullion discussed concerns with the methods of the air and noise studies.

Council requested clarification on Mr. Scullion's professional credentials.

Council asked and received answers from Mr. Scullion regarding testing air quality in Petersburg.

Council asked and received answers from Staff regarding the outcomes of a three-to-six-month air study in Petersburg, and the impact it would have on Council jurisdiction.

Council asked and received answers from Staff on the following:

- Supply and demand in the Provincial Policy Statement;
- Vertical zoning in Wilmot;
- How storage of recycled asphalt and concrete is impacted by vertical zoning; and
- If there are any conditions for transferring a licence for a gravel pit.

Councillor Wilkinson requested a recorded vote.

**Moved by:** Councillor H. Sidhu

**Seconded by:** Councillor S. Cressman

THAT Council approve Zone Change Application 06/22 made by Petersburg Sand Company Inc./IBI Group, affecting Part of Lot 5, Concession North of Snyder's Road, to rezone the subject lands as follows:

1. in part from Zone 1 (Agricultural) to Zone 14 (Extractive Industrial) with site specific provisions permitting the importation of concrete and asphalt for recycling,
2. in part from Zone 1 (Agricultural) to Zone 11 (Open Space) with site specific provisions limiting uses to an Arboretum, Wildlife Sanctuary, and accessory uses,
3. on the lands south of the CN railway, to permit an access route to an extractive industrial operation north of the CN railway, and
4. on the lands north of the CN railway, to permit buildings or structures, not including a dwelling unit, to be erected provided access is maintained through joint property ownership fronting on, or by way of a right-of-way to, a municipally maintained public road.

and,

THAT the Township request that the Ministry of Natural Resources and Forestry, in addition to comments provided by the Region of Waterloo dated November 25, 2022:

1. not issue the ARA license until such time as the CN railway has approved final construction of the private railway crossing and the necessary agreement with CN and the property owner has been completed to the satisfaction of CN,
2. modify Note 5, under the heading Noise of the Operation Plan Notes (Sheet 3 of 5) to require the 3.0m berm to be constructed at the same time as the construction of the pit entrance, and
3. advise the Township of Wilmot if any changes are made to the ARA plans from those dated as follows:
  - a. Existing Conditions (revised November 24, 2022)
  - b. Operational Plan (revised November 24, 2022)
  - c. Operational Plan Notes (revised November 24, 2022)
  - d. Rehabilitation Plan (revised November 24, 2022)
  - e. Cross-sections (revised November 24, 2022)

**In favour (4):** with Mayor Salonen,  
Councillor S. Cressman, Councillor  
H. Sidhu and Councillor S. Martin

**Against (1):** Councillor Wilkinson

**Conflict (1):** Councillor Dunstall did not vote due to a declared conflict of interest.

**Motion Carried**

**Moved by:** Councillor K. Wilkinson

**Seconded by:** Councillor S. Martin

THAT Staff be directed to prepare an information report, in the next two-to-four weeks, that highlights potential uses of an Interim Control By-law and Site Plan Control and how existing Wilmot policies and by-laws can regulate the establishment of aggregate pit operations.

**Motion Carried**

#### 12.2 Bamberg Creek, Jananna, and Koch-Leis Municipal Drains, COR 2023-38

Kevin Thomason discussed environmental concerns regarding the Drainage Act.

Cory Kittel requests that Staff and Drainage Engineers listen to residents affected by this municipal drain, and discussed public engagement being omitted from the Drainage Report.

Council asked and received answers from Staff:

- The process for the next steps of the Drainage Report; and
- If the Meeting to Consider the Report could take place at the end of June.

**Moved by:** Councillor H. Sidhu

**Seconded by:** Councillor S. Cressman

THAT Council suspend the rules of the Procedure By-law to continue the meeting past 11 p.m.

**Motion Carried**

**Moved by:** Councillor S. Cressman

**Seconded by:** Councillor L. Dunstall

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report.

**Motion Carried**

12.3 Land Acquisition - Public Works Operations Centre 1065 Gingerich Road, Baden, IS-2023-13

Council asked and received answers from Staff regarding:

- If there will be reporting on the condition of the land; and
- If there any concerns with salt storage and runoff.

**Moved by:** Councillor S. Martin

**Seconded by:** Councillor L. Dunstall

THAT the Mayor and Chief Administrative Officer be authorized to execute all necessary agreements and documents required to complete the transaction for the purchase of 1065 Gingerich Road, Baden.

**Motion Carried**

12.4 Proposed New Provincial Planning Statement (PPS) 2023, DS-2023-09

Kevin Thomason spoke in opposition to the proposed Provincial Planning Statement and supportive of the Township's report to be forwarded to the Ministry of Municipal Affairs and Housing.

Council asked Staff when they can receive the statement from the Township of Wilmot.

Council asked and received answers from Staff when the deadline for submitting comments is.

Council asked and received answers on the MDS.

Mayor Salonen discussed comments the Region of Waterloo has provided to the Ministry of Municipal Affairs and Housing.

**Moved by:** Councillor S. Martin

**Seconded by:** Councillor H. Sidhu

THAT Report DS-2023-09 be forwarded to the Ministry of Municipal Affairs and Housing and posted to the Environmental Registry of Ontario (ERO posting 019-6813) as the Township of Wilmot's response to the Province's proposed new Provincial Planning Statement (PPS) 2023.

**Motion Carried**

12.5 Award of Contract – Lisbon Road Culvert Replacement, IS-2023-14

**Moved by:** Councillor L. Dunstall

**Seconded by:** Councillor K. Wilkinson

THAT Council award RFT 2023-03 to Ron Van Manen Trucking Inc. of Norwich, Ontario as per their tender submitted Thursday April 27<sup>th</sup> 2023 in the amount of \$181,736.64; and further,

THAT Ontario Community Infrastructure Fund (OCIF) funding, in the amount of \$185,000.00 be re-allocated from the Casselholme Crescent Reconstruction project savings towards the replacement of a 900mm culvert on Lisbon Road.

**Motion Carried**

### 13. CORRESPONDENCE

- 13.1 Correspondence from Julie Neves, Chair, Stop Petersburg Sand Pit Inc.
- 13.2 Correspondence from Northern Applied Sciences Inc. (addendum)

### 14. BY-LAWS

**Moved by:** Councillor S. Cressman

**Seconded by:** Councillor S. Martin

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 2023-28 Being a By-law to authorize the execution of a Fire Protection Agreement between the Corporation of the Township of Wilmot and the Corporation of the City of Waterloo
- 14.2 By-Law 2023-26 Being a By-Law to Further Amend By-law no. 83-38 Being a Zoning By-law for the said Township of Wilmot (11 Byron St)
- 14.3 By-Law 2023-27 Being a By-Law to Further Amend By-law no. 83-38 Being a Zoning By-law for the said Township of Wilmot (1856 Snyder's)

### 15. NOTICE OF MOTIONS

There were no Notices of Motion for this meeting.

### 16. ANNOUNCEMENTS

Residents are invited to provide their feedback regarding the current Noise By-law through an online survey available until Friday, June 9, at 4:30 p.m. For more information and to access the online survey, please visit [wilmot.ca/ByLawReviews](http://wilmot.ca/ByLawReviews).

With construction and inspections nearing completion, the Township of Wilmot is thrilled to announce the grand opening celebration of the Mike Schout Wetlands Preserve, rain or shine, on Saturday, June 10, 2023, at 10:00 a.m. at the Wetlands located at 28 Smith's Creek Drive in New Hamburg. Get all the details at [wilmot.ca/Wetlands](http://wilmot.ca/Wetlands).

More for the month of June

Seniors Month, celebrated annually, provides an opportunity to acknowledge the valuable roles that seniors play in shaping our community and communities

across the country. Through various events and activities, throughout Waterloo Region, Seniors Month aims to promote social inclusion, health and wellness, and intergenerational connections. For more information about events and activities for seniors in Wilmot, please visit [wilmot.ca/ActiveLivingCentre](http://wilmot.ca/ActiveLivingCentre)

The Township is excited to celebrate Recreation and Parks Month in June. It is a time to celebrate and enjoy all the amazing outdoor spaces and activities that our community has to offer. Whether it's hiking the over 58 kilometers of trails in Wilmot, swimming and participating in recreational activities at the Wilmot Recreation Complex or picnicking in one of Wilmot's 24 parks with family and friends, there are endless opportunities to get active and enjoy our beautiful Township!

Councillor Martin reminded everyone Nith Valley Eco Boosters are currently recruiting for youth members.

Mayor Salonen discussed the Region of Waterloo Strategic Plan and provide information to residents how they can participate in the process.

**17. BUSINESS ARISING FROM CLOSED SESSION**

**18. CONFIRMATORY BY-LAW**

**Moved by:** Councillor S. Martin

**Seconded by:** Councillor L. Dunstall

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 K. Wilkinson

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

**Motion Carried**

**From:** [Chad Curtis](#)  
**To:** [Patrick Kelly](#); [Jeff Bunn](#)  
**Cc:** [Stephen Brickman](#); [John Kuntze](#)  
**Subject:** FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains  
**Date:** May 29, 2023 9:05:59 AM  
**Attachments:** [image001.png](#)

---

FYI

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, May 29, 2023 12:31 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** Re: STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad,

Thanks for getting back to me, much appreciated. So it looks like that line in the report that the Township takes the Engineer Cost (\$70,300) hit is misleading when you're saying....

*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.*

I would also want to know why the report would be accepted when it shows no evidence of need or benefit. It's a report purely based on cost. There is nothing detailing the problems that exist and the benefit financially or otherwise. Surely there must be some strong evidence or business case or cost/benefit for such a large capital investment, especially one that forced upon Township residents, no?

Cory

On Fri, May 26, 2023 at 7:58 PM Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)> wrote:

Hello Mr. Kittel,

The recommendations in report COR 2023-38 are as follows:

- THAT Council receive report COR-2023-20 as information; and
- THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and



Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

- THAT the Clerk be directed to schedule a Meeting to Consider the Report.

The first recommendation is to receive the Staff Report as information. This is a standard recommendation for a staff report on a Council and/or Committee agenda.

The second recommendation is for the Engineer's Report for the Bamberg Creek, Jannana, and Koch-Leis Municipal Drain to be accepted by Council. As per Section 41(1) of the Drainage Act, this is a standard recommendation for Council to acknowledge receipt of a Report that has been filed and that "*it intends to proceed*" with the process under the Drainage Act.

The third recommendation is for the Clerk to schedule a Meeting to Consider the Report.

Recommendations two and three are required to allow the public engagement process before Council to begin as outlined in Section 41 and 42 of the Drainage Act. If Council approves the above recommendations the Clerk will then send to all assessed landowners and affected agencies and utilities a copy of the Notice for the Meeting to Consider the Report and a copy of the Engineers Report.

At the Meeting to Consider the Report anyone who received a copy of the report will have the opportunity to address Council and to ask questions of the Engineer who prepared the Report.

With respect to your concerns about the public engagement process prior to the Engineer filing the report, I am unable to respond directly to those concerns since this public engagement process was administered by the appointed Engineer. You may wish to express those concerns to the Engineer and Council at the meeting to consider the report.

The Engineer in the Report has determined that the petition submitted is a valid petition in accordance with the requirements of Section 4 of the Drainage Act.

Section 42 of the Drainage Act notes that at the conclusion of the meeting to consider the report, Council must provide an opportunity for affected landowners to withdraw and/or add their names to the petition. If names are withdrawn and/or added at the conclusion of the meeting to consider the Report Council would then require the opinion of the Engineer whether the petition is still valid under Section 4 of the Drainage Act.

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.

If at the conclusion of the meeting to consider the report the petition remains valid under Section

4 but Council decides not to proceed with the Report as outlined in Section 44 and no appeal is registered under Section 45(2) then by default the Township would be liable for the cost of the Engineer's Report since they can only levy the cost of the Engineer's Report to the petitioners if the petition is determined to not be valid as noted above.

I trust this response answers your questions.

Have a great weekend,

Chad



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]

**Sent:** Thursday, May 25, 2023 10:33 PM

**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>

**Subject:** STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad and Sharon,

I was surprised to read the recommendations in your report when virtually no public engagement took place. The meetings were held, most likely just to check off that requirement, but a shocking number of the impacted landowners reported receiving no notices and late notices - pretty much the large majority. Many still were unaware that this project even existed. The attendance speaks for itself. The number of landowners (non petitioners) in attendance was way too low. Myself, who's being told I have to pay for a major portion of this project, only found out about the first on-site meeting after it was over. After that all requests to engage in the process were ignored. Is that the definition of a democratic process?

As a result, after being shut out of the process, the impacted landowners had to assemble their own notes. You can find them here...

[https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4c5J4VlhP0NNH\\_ktHP-X7P\\_lb0/edit?usp=sharing](https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4c5J4VlhP0NNH_ktHP-X7P_lb0/edit?usp=sharing)

Also could you tell me where in the drainage it states that if there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy?

Thanks for the opportunity to hear me out. That is something that has definitely been missing throughout this project.

Cory Kittel



WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**From:** [Chad Curtis](#)  
**To:** [Jeff Bunn](#); [Patrick Kelly](#)  
**Subject:** FW: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains  
**Date:** May 29, 2023 10:58:13 AM  
**Attachments:** [image001.png](#)

---

FYI

---

**From:** Chad Curtis  
**Sent:** Monday, May 29, 2023 10:11 AM  
**To:** Cory Kittel [REDACTED]  
**Cc:** Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** RE: STAFF REPORT NO: COR 2023-38 - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

Hello Cory,

Just confirming whether you are planning to register as a Delegation for tonight's (May 29, 2023) Regular Council Meeting.

We have yet to receive a formal delegation request from you. Just wanted to make sure you have the opportunity to address Council this evening.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, May 29, 2023 12:31 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** Re: STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad,

Thanks for getting back to me, much appreciated. So it looks like that line in the report that the Township takes the Engineer Cost (\$70,300) hit is misleading when you're saying....

*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.*

I would also want to know why the report would be accepted when it shows no evidence of need or benefit. It's a report purely based on cost. There is nothing detailing the problems that exist and the benefit financially or otherwise. Surely there must be some strong evidence or business case or cost/benefit for such a large capital investment, especially one that forced upon Township residents, no?

Cory

On Fri, May 26, 2023 at 7:58 PM Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)> wrote:

Hello Mr. Kittel,

The recommendations in report COR 2023-38 are as follows:

- THAT Council receive report COR-2023-20 as information; and
- THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,
- THAT the Clerk be directed to schedule a Meeting to Consider the Report.

The first recommendation is to receive the Staff Report as information. This is a standard recommendation for a staff report on a Council and/or Committee agenda.

The second recommendation is for the Engineer's Report for the Bamberg Creek, Jannana, and Koch-Leis Municipal Drain to be accepted by Council. As per Section 41(1) of the Drainage Act, this is a standard recommendation for Council to acknowledge receipt of a Report that has been filed and that *"it intends to proceed"* with the process under the Drainage Act.

The third recommendation is for the Clerk to schedule a Meeting to Consider the Report.

Recommendations two and three are required to allow the public engagement process before Council to begin as outlined in Section 41 and 42 of the Drainage Act. If Council approves the above recommendations the Clerk will then send to all assessed landowners and affected agencies and utilities a copy of the Notice for the Meeting to Consider the Report and a copy of the Engineers Report.

At the Meeting to Consider the Report anyone who received a copy of the report will have the opportunity to address Council and to ask questions of the Engineer who prepared the Report.

With respect to your concerns about the public engagement process prior to the Engineer filing the report, I am unable to respond directly to those concerns since this public engagement process was administered by the appointed Engineer. You may wish to express those concerns to the Engineer and Council at the meeting to consider the report.

The Engineer in the Report has determined that the petition submitted is a valid petition in accordance with the requirements of Section 4 of the Drainage Act.

Section 42 of the Drainage Act notes that at the conclusion of the meeting to consider the report, Council must provide an opportunity for affected landowners to withdraw and/or add their names to the petition. If names are withdrawn and/or added at the conclusion of the meeting to consider the Report Council would then require the opinion of the Engineer whether the petition is still valid under Section 4 of the Drainage Act.

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.

If at the conclusion of the meeting to consider the report the petition remains valid under Section 4 but Council decides not to proceed with the Report as outlined in Section 44 and no appeal is registered under Section 45(2) then by default the Township would be liable for the cost of the Engineer's Report since they can only levy the cost of the Engineer's Report to the petitioners if the petition is determined to not be valid as noted above.

I trust this response answers your questions.

Have a great weekend,

Chad



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, May 25, 2023 10:33 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>  
**Subject:** STAFF REPORT NO: COR 2023-38 - 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.

Hi Chad and Sharon,

I was surprised to read the recommendations in your report when virtually no public engagement took place. The meetings were held, most likely just to check off that requirement, but a shocking number of the impacted landowners reported receiving no notices and late notices - pretty much the large majority. Many still were unaware that this project even existed. The attendance speaks for itself. The number of landowners (non petitioners) in attendance was way too low. Myself, who's being told I have to pay for a major portion of this project, only found out about the first on-site meeting after it was over. After that all requests to engage in the process were ignored. Is that the definition of a democratic process?

As a result, after being shut out of the process, the impacted landowners had to assemble their own notes. You can find them here...

[https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cj5J4VlhP0NNH\\_ktHP-X7P\\_Ib0/edit?usp=sharing](https://docs.google.com/presentation/d/1WD7ftOorD8TcmwuW4cj5J4VlhP0NNH_ktHP-X7P_Ib0/edit?usp=sharing)

Also could you tell me where in the drainage it states that if there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy?

Thanks for the opportunity to hear me out. That is something that has definitely been missing throughout this project.

Cory Kittel  
519-635-2679

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 29, 2023 10:24 AM  
**To:** Kris Wilkinson  
**Cc:** Stephen Brickman; John Kuntze; Jeff Bunn  
**Subject:** Jananna, Bamcreek, Koch-Leis Municipal Drain

Hello Councillor Wilkinson,

In advance of today's meeting, the Drainage Engineers wanted me to let you know that they're available today if you have any questions regarding the Jananna, Bamcreek, Koch-Leis Municipal Drain report on tonight's agenda.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 29, 2023 12:01 PM  
**To:** John Kuntze; Stephen Brickman  
**Cc:** Jeff Bunn; Patrick Kelly  
**Subject:** "Intends to proceed"

Hello John and Stephen,

Was just going over my speaking points for this evening's meeting and I have a question: what happens if Council does not intend to proceed with the process? I know you've told me this before and I think I know the answer. Any assistance would be greatly appreciated.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 29, 2023 11:09 AM  
**To:** Chad Curtis; Patrick Kelly; Jeff Bunn  
**Cc:** John Kuntze  
**Subject:** RE: New Response Completed for Delegation Request Form

**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.

Hey Chad,

Thanks for sharing this (and your other emails). I just looked at the delegation request and I see that Kevin Thomason, is representing GreenWR, which is the name of the organization that I was trying to remember in our meeting this morning. FYI, I discussed the project with Steve Bottoms of GreenWR on March 31. We talked about what GreenWR is and what they're looking for. In this particular case, the site isn't conducive to what they would be looking for (contour drainage, etc), but there probably are other sites in other places. That's a really brief summary of the conversation from back then.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, May 29, 2023 9:17 AM  
**To:** Patrick Kelly <patrick.kelly@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** FW: New Response Completed for Delegation Request Form

FYI – Delegation Request for tonight's meeting.

chad

---

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)>  
**Sent:** Monday, May 29, 2023 1:23 AM  
**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>  
**Subject:** New Response Completed for Delegation Request Form

**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,

Please note the following response to Delegation Request Form has been submitted at Monday May 29th 2023 1:19 AM with reference number 2023-05-29-002.

- **First name**  
Kevin

- **Last name**  
Thomason
- **Personal pronoun**  
He/Him
- **Phone number**  
[REDACTED]
- **Email address**  
[REDACTED]
- **Who are you representing?**  
An organization
- **Please list the name of the organization.**  
GreenWR
- **Please list the name(s) of who will be presenting.**  
Kevin Thomason
- **Please select the meeting you wish to attend.**  
Council
- **How will you be attending?**  
In-person
- **Date of the meeting you plan to attend.**  
5/29/2023
- **Have you contacted Township staff?**  
No
- **Is the item your delegation pertains to on the agenda?**  
Yes
- **Please list the item number.**  
12.2
- **Are you available for a phone call the day of the meeting to discuss procedure and answer any questions you may have?**  
Yes
- **Please summarize the information below.**  
Speaking with concerns about the Janna Municipal Drains and the extreme environmental destruction of area creeks and waterways that will occur that is so contrary to creek restoration activities in other communities.
- **I (we) acknowledge and agree to the guidelines for being a delegation.**  
Yes

[This is an automated email notification -- please do not respond]

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Kris Wilkinson  
**Sent:** May 29, 2023 11:52 AM  
**To:** Chad Curtis  
**Cc:** Stephen Brickman; John Kuntze; Jeff Bunn  
**Subject:** RE: Jananna, Bamcreek, Koch-Leis Municipal Drain

Thank you Chad.

Stephen – can you provide a brief explanation in layman’s terms what the initial drainage petition is meant to be addressing. I met with a very heated group on Friday evening, and they fail to grasp what this is addressing. When reading through the report, I would agree it’s vague. They also feel it has snowballed from one problem to now including the Koch-Lies Drain and Bamburg creek.

Cheers,



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](https://twitter.com/Wilmot) | [Facebook](https://www.facebook.com/Wilmot) | [LinkedIn](https://www.linkedin.com/company/wilmot) | [YouTube](https://www.youtube.com/channel/UCWilmot)

—  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, May 29, 2023 10:24 AM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Jananna, Bamcreek, Koch-Leis Municipal Drain

Hello Councillor Wilkinson,

In advance of today’s meeting, the Drainage Engineers wanted me to let you know that they’re available today if you have any questions regarding the Jananna, Bamcreek, Koch-Leis Municipal Drain report on tonight’s agenda.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Kaitlin Bos

---

**From:** noreply@esolutionsgroup.ca  
**Sent:** May 29, 2023 1:23 AM  
**To:** Clerks; Jeff Bunn; Chad Curtis; Candice Greenley  
**Subject:** New Response Completed for Delegation Request Form  
**Attachments:** 2023-05-29-002.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.

Hello,

Please note the following response to Delegation Request Form has been submitted at Monday May 29th 2023 1:19 AM with reference number 2023-05-29-002.

- **First name**  
Kevin
- **Last name**  
Thomason
- **Personal pronoun**  
He/Him
- **Phone number**  
[REDACTED]
- **Email address**  
[REDACTED]
- **Who are you representing?**  
An organization
- **Please list the name of the organization.**  
GreenWR
- **Please list the name(s) of who will be presenting.**  
Kevin Thomason
- **Please select the meeting you wish to attend.**  
Council
- **How will you be attending?**  
In-person
- **Date of the meeting you plan to attend.**  
5/29/2023



- **Have you contacted Township staff?**  
No
- **Is the item your delegation pertains to on the agenda?**  
Yes
- **Please list the item number.**  
12.2
- **Are you available for a phone call the day of the meeting to discuss procedure and answer any questions you may have?**  
Yes
- **Please summarize the information below.**  
Speaking with concerns about the Janna Municipal Drains and the extreme environmental destruction of area creeks and waterways that will occur that is so contrary to creek restoration activities in other communities.
- **I (we) acknowledge and agree to the guidelines for being a delegation.**  
Yes

[This is an automated email notification -- please do not respond]

# Delegation Request Form

To register as a delegation to speak to an item at an upcoming Council meeting, please complete the form below and submit it before noon on the day of the Council meeting.

**First name \***

**Last name \***

**Personal pronoun \***

- He/Him  
 She/Her  
 They/Them

**Phone number \***

**Email address \***

**Who are you representing? \***

- Myself  
 An organization

**Please list the name of the organization.**

**Please list the name(s) of who will be presenting. \***

**Please select the meeting you wish to attend. \***

- Council  
 ad hoc  
 Unknown  
Budget Committee

**How will you be attending? \***

- In-person  
 Virtually

**Date of the meeting you plan to attend.**

**Have you contacted Township staff? \***

- Yes  
 No

**Is the item your delegation pertains to on the agenda?**

- Yes  
 No

**Please list the item number.**

**Are you available for a phone call the day of the meeting to discuss procedure and answer any questions you may have? \***

Yes

No

## Presentation Information

Please summarize the information you wish to present as a delegation.

Include such information as to whether you are in support or opposition as well as identifying any questions you wish to have addressed, if applicable. Please note, if you have already been a delegate on this matter, you need to specify the new information you intend to present.

**Please summarize the information below. \***

Speaking with concerns about the Janna Municipal Drains and the extreme environmental destruction of area creeks and waterways that will occur that is so contrary to creek restoration activities in other communities.

## Guidelines for being a delegation

I (we) have read, understand and acknowledge the Rules and Procedures relating to Delegations as prescribed by the [Procedure By-Law](#).

I (we) have read, understand, and agree to follow the guidelines as set out on the Township's [Appear as a Delegation at Council](#) webpage.

I (we) understand and acknowledge that Council and Committee meetings at the Township of Wilmot are audio and video recorded and live streamed online.

**I (we) acknowledge and agree to the guidelines for being a delegation. \***

Yes

No

Any personal information that is collected is done in accordance with Sections 27, 28, 29 and 30 of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and will be used to contact you concerning the information you provided regarding your delegation request. Questions about this collection should be directed to:

Municipal Clerk  
Township of Wilmot, Administrative Complex  
60 Snyder's Road West  
Baden, Ontario N3A 1A1  
[519-634-8444](tel:519-634-8444)  
[clerks@wilmot.ca](mailto:clerks@wilmot.ca)

Thank you for your interest in appearing as a delegation at a Council/Committee meeting.

This is confirmation that your form has been submitted but does not confirm that your delegation has been accepted. Staff will be in contact with you shortly to confirm the details of your delegation.

For your reference, please read more about [appearing as a delegation](#) at the Township and the Townships's [Procedure By-Law](#).

If you have any questions or concerns regarding your delegation request, please contact:

**Chad Curtis, Deputy Clerk**

519-634-8444

[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)

**Candice Greenley, Administrative Clerk**

519-634-8444

[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)



## CORPORATE SERVICES *Staff Report*

---

REPORT NO: COR 2023-38

TO: Council

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

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

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

---

### RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report.

### SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all assessed property owners.

### BACKGROUND:

---

\*\*\*This information is available in accessible formats upon request\*\*\*

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:

This report has been prepared to assist Council in considering the Engineer's 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.

Staff recommend accepting the Engineers Report and proceeding ahead following the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$0 in association with these drainage works.

ATTACHMENTS:

Attachment 1 – Engineers Report



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 30, 2023 8:41 AM  
**To:** Stephen Brickman  
**Cc:** John Kuntze  
**Subject:** RE: "Intends to proceed"

Hello Stephen,

Adam is correct.

Council decided to push the consideration meeting from June 12 to June 26.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, May 30, 2023 8:33 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: "Intends to proceed"

**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.

Hi Chad,

Adam from our office happened to check in on the Council Meeting yesterday evening. He mentioned that the Consideration is delayed for two weeks to grant more time.

Just so I'm clear, Council decided to proceed and schedule the consideration... they changed the date for the consideration from June 12 to June 26? Is that correct?

Thanks.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, May 29, 2023 3:32 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** RE: "Intends to proceed"

Hello Stephen,

Thank you for this response.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 29, 2023 2:52 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** RE: "Intends to proceed"

**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.

1. Consideration of the report: The Council meeting scheduled to consider the report would not proceed as planned.
2. Proceedings under the Drainage Act: No additional steps or proceedings related to the Drainage Act would be pursued by the Council.
3. Costs incurred: The expenses associated with the project up until the Council's decision not to proceed would be appropriately accounted for and allocated to the general levy, rather than being charged specifically to the petitioners or affected parties. The costs incurred would include the preparation of the report, and conducting preliminary works, etc.
4. Next Steps:
  - a. Potential for appeal: If the Council decides not to proceed with the process, the Petitioners, have the option to appeal the Council's decision. They may appeal to the Tribunal.
  - b. Potential for future petition and repetition of the process: If the project is halted at this stage, the drainage problems will persist. It is highly likely that a valid petition will be filed again in the future. The new petition may lead to a design similar to or based on the existing report, as it addresses the ongoing drainage issues. This would initiate the process again, leading to a repetition of the steps in the Drainage Act.

Given the probability of an appeal (point number 4) or a future petition (point number 5) and the likelihood of a similar design, it is important to recognize the need for ongoing consideration of the current proposal.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, May 29, 2023 12:01 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** "Intends to proceed"

Hello John and Stephen,

Was just going over my speaking points for this evening's meeting and I have a question: what happens if Council does not intend to proceed with the process? I know you've told me this before and I think I know the answer. Any assistance would be greatly appreciated.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 9:32 AM  
**To:** Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing  
**Attachments:** Roll Numbers.xlsx

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have

received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 9:32 AM  
**To:** Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing  
**Attachments:** Roll Numbers.xlsx

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1


E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have





received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)


| Wilmot Township | Owner 1    | Owner 2   |            |           |
|-----------------|------------|-----------|------------|-----------|
|                 | First Name | Last Name | First Name | Last Name |
| 301808000916500 | Cory       | Kittel    | Kirby      | Kittle    |
| 301809000916400 | Corp       | Jananna   |            |           |
| 301808000915100 | Oleg       | Borissov  | Elena      | Borissova |
| 301809000915400 | Sherri     | Homanchuk | David      | Homanchuk |

-090-009-1 SCHNEIDER PETER HEINZ  
 SCHNEIDER DAGMAR ERIKA  
  
 ST AGATHA ON NOB 2L0

-090-009-1 WURTELE PETER T  
 WURTELE BARBARA  
  
 ST AGATHA ON NOB 2L0

-090-009-1 HEINTZ KENNETH LOWELL  
 HEINTZ CATHERINE  
  
 ST AGATHA ON NOB 2L0

-090-009-1 30-18-090-009-16300-0000  
 ROADSIDE FARM INC  
  
 WELLESLEY ON NOB 2T0

30-18-090-009-16000-0000  
 EVA AND DAVID CRESSMAN  
  
 WELLESLEY ON NOB 2T0

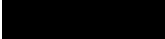
Wellesley

|                 |                         |           |                      |           |
|-----------------|-------------------------|-----------|----------------------|-----------|
| 302402000100700 | Natalee                 | Ridgeway  |                      |           |
| 302402000100701 | Rosemary                | McCormick | Ronald               | McCormick |
| 302402000100802 | Ladislau                | Bauer     | Laurette             | Bauer     |
| 302402000100800 | 264171 Holdings Limited |           | C/O Robert Sanderson |           |
| 302402000100801 | Jeffrey                 | Furtado   | Paige                | Stewart   |
| 302402000100900 | Robert                  | Jantzi    | Anne                 | Jantzi    |
| 302402000102700 | Bamway Industries Inc.  |           |                      |           |
| 302402000102600 | Ammon                   | Bauman    | Elvina               | Bauman    |

| Owner 3    |           | Mailing Address | Legal Description                                                                                |
|------------|-----------|-----------------|--------------------------------------------------------------------------------------------------|
| First Name | Last Name |                 |                                                                                                  |
|            |           |                 | BLK B CON 3 PT LOT 9<br>wilmot CON 3 BLK PT LO<br>WILMOT CON 3 BLK B P1<br>BLK B CON 3 PT LOT 10 |

|  |  |                              |                           |
|--|--|------------------------------|---------------------------|
|  |  | , St. Agatha, ON, NOB 2LO    | Sec E Con 2 Pt Lot 6 RP5: |
|  |  | , St. Agatha, ON, NOB 2LO    | Sec E Con 2 Pt Lot 6 RP5: |
|  |  | Rd. Wellesley, ON, NOB 2TO   | Sec E Con 2 Pt Lot 7      |
|  |  | . Campbellville. ON, LOP 1B0 |                           |
|  |  | , Wellesley, ON, NOB 2TO     |                           |
|  |  | , Wellesley, ON. NOB 2TO     |                           |
|  |  | , Wellesley, ON, NOB 2TO     |                           |
|  |  | , Wellesley, ON, NOB 2TO     |                           |

NOTE THAT CORY HAS SAID HIS NEW MAILING INFO IS



T 10, CON 4 BLK B PT LOT 10 PT RD



ROAD, ST. AGATHA, ON, N0B 2L0



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 9:34 AM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Thanks for this.

I'm available at 1:30 p.m. Talk to you then.

Best,

chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 10:05 AM  
**To:** John Kuntze; Chad Curtis; Jeff Molenhuis  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

John, I had the exact same thoughts on all points. Absolutely nothing to add.

**s.b.**

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Wednesday, May 31, 2023 9:58 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hi Chad

I will let you and Stephen discuss the mailing of the reports further.  
Here are a few of my thoughts.

You should check all Wilmot roll numbers in the current assessment roll to ensure that there are no changes in ownership or mailing addresses.

I recall that Cory told me that he had his address updated for the assessment roll.

In any event you should use the address suggested by Stephen as Cory did tell me that is his correct mailing address now.

With respect to the Wellesley owners, the Act does state that the Wellesley Clerk should mail the reports.

I have noted that in most cases the Clerk of the initiating municipality will mail all the reports especially if there are not a large number of owners in the other municipality.

If you decide to mail the reports for Wellesley you should have Wellesley Township check their assessment roll for the current owners and mailing addresses in Wellesley Township. I recall recent discussion that there may be a change of ownership on one of the parcels in Wellesley Township.

You could forward Stephen's spreadsheet to Wellesley and ask them to update the information.

When you do the above you could also initiate discussion about Wellesley needing to appoint a member to the Court of Revision.

Stephen had also indicated when he filed the report that he was providing 6 copies of the report for Wellesley Township.

If you want, I can easily deliver these 6 reports to Wellesley Township for you.

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:34 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Thanks for this.

I'm available at 1:30 p.m. Talk to you then.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Monday, May 8, 2023 8:20 AM

**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – **Deadline for Clerk to send notice of consideration (and report) to landowners assessed**

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – **Deadline for Appeals to the Court of Revision**

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – **Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)**

August 14 – **Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)**

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 10:13 AM  
**To:** Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place,

but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 10:36 AM  
**To:** Stephen Brickman  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Cory Kittel and Kirby Kittle

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:35 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>



**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – **Deadline** for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – **Deadline** for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – **Deadline** to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – **Deadline** to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 10:16 AM  
**To:** Stephen Brickman; John Kuntze; Jeff Molenhuis  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello all,

Mr. Kittel's contact information on the assessment roll is 1010 Gerber Road. We're going to send a copy of the Engineer's Report and the Notice of Meeting to both addresses.

We're double checking all the Wilmot addresses to the assessment roll.

I'm going to reach out to Grace from Wellesley and let her know it's coming.

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:05 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

John, I had the exact same thoughts on all points. Absolutely nothing to add.

**s.b.**

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Wednesday, May 31, 2023 9:58 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hi Chad

I will let you and Stephen discuss the mailing of the reports further.  
Here are a few of my thoughts.

You should check all Wilmot roll numbers in the current assessment roll to ensure that there are no changes in ownership or mailing addresses.

I recall that Cory told me that he had his address updated for the assessment roll. In any event you should use the address suggested by Stephen as Cory did tell me that is his correct mailing address now.

With respect to the Wellesley owners, the Act does state that the Wellesley Clerk should mail the reports. I have noted that in most cases the Clerk of the initiating municipality will mail all the reports especially if there are not a large number of owners in the other municipality. If you decide to mail the reports for Wellesley you should have Wellesley Township check their assessment roll for the current owners and mailing addresses in Wellesley Township. I recall recent discussion that there may be a change of ownership on one of the parcels in Wellesley Township. You could forward Stephen's spreadsheet to Wellesley and ask them to update the information.

When you do the above you could also initiate discussion about Wellesley needing to appoint a member to the Court of Revision.

Stephen had also indicated when he filed the report that he was providing 6 copies of the report for Wellesley Township. If you want, I can easily deliver these 6 reports to Wellesley Township for you.

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:34 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Thanks for this.

I'm available at 1:30 p.m. Talk to you then.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)> <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We complied it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 10:35 AM  
**To:** Chad Curtis  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot



May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 10:39 AM  
**To:** Chad Curtis  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Ahhh... yes, I remember this now. The proper spelling is Kittel with an EL.

The data in the spreadsheet is pretty much raw data from the Twps back when we received it (it isn't actually our data). We noticed after the first meeting that there was a spelling discrepancy for Kittel in the data received. We checked in, and the correct spelling is Kittel.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 10:36 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Cory Kittel and Kirby Kittle

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:35 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Monday, May 8, 2023 8:20 AM

**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 10:48 AM  
**To:** Stephen Brickman  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hi Stephen,

I assumed as much, but just wanted to confirm on this one.

Thanks for all your help.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:39 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Ahhh... yes, I remember this now. The proper spelling is Kittel with an EL.

The data in the spreadsheet is pretty much raw data from the Twps back when we received it (it isn't actually our data). We noticed after the first meeting that there was a spelling discrepancy for Kittel in the data received. We checked in, and the correct spelling is Kittel.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:36 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Cory Kittel and Kirby Kittle

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:35 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Monday, May 8, 2023 8:20 AM

**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)



August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** May 31, 2023 12:02 PM  
**To:** Stephen Brickman  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Do you have contact info for the Region of Waterloo, OMAFRA, GRCA, and MNRF?

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:39 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Ahhh... yes, I remember this now. The proper spelling is Kittel with an EL.

The data in the spreadsheet is pretty much raw data from the Twps back when we received it (it isn't actually our data). We noticed after the first meeting that there was a spelling discrepancy for Kittel in the data received. We checked in, and the correct spelling is Kittel.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:36 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Cory Kittel and Kirby Kittle

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:35 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him - his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Sent:** Monday, May 8, 2023 8:20 AM

**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** May 31, 2023 12:43 PM  
**To:** Chad Curtis  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Ken Renner  
Engineering Technologist (Corridor Management), Transportation Engineering  
Transportation & Environmental Services, Region of Waterloo  
**Region of Waterloo**  
150 Frederick Street  
Kitchener, Ontario N2G 4J3

**Ontario Ministry of Agriculture, Food and Rural Affairs**  
1 Stone Rd West, 3rd Floor SE  
Guelph, Ontario N1G 4Y2

Trevor Heywood, B.Sc.(Env.)  
Resource Planner  
**Grand River Conservation Authority**  
400 Clyde Road, PO Box 729  
Cambridge, ON N1R 5W6

I don't have a contact for the MNRF

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 12:02 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Do you have contact info for the Region of Waterloo, OMAFRA, GRCA, and MNRF?

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:39 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Ahhh... yes, I remember this now. The proper spelling is Kittel with an EL.

The data in the spreadsheet is pretty much raw data from the Twps back when we received it (it isn't actually our data). We noticed after the first meeting that there was a spelling discrepancy for Kittel in the data received. We checked in, and the correct spelling is Kittel.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:36 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Cory Kittel and Kirby Kittle

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 10:35 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad,

I just double checked those names. I see a discrepancy between Oleg and Elena Borissova (or Borissov). I didn't see any others. Natalee Ridgeway I believe may now be Natalee Miller, but I'm not sure if there's an update on the Roll info from Wellesley on that one.

Which names are you referring to?

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 10:13 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Can you confirm the names in the attachment?

I just noticed some discrepancies between some of the last names in the document. Can you double check and confirm the names are correct?

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We compiled it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him – his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing



**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission,

including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 1, 2023 8:43 AM  
**To:** Stephen Brickman; aharron  
**Cc:** Adam Hall; John Kuntze (jkuntze@ksmart.ca)  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen and John,

Yesterday afternoon I took a drive to Wellesley to meet Amy Harron (cc'd in this email) to drop off the Bamberg Creek, Jananna, and Koch-Leis Drains Engineer's Report and to discuss this file.

I forwarded Amy a copy of this email which included PDFs of the Engineer's Report and the Suggested Distribution List. Do you have a list of the addresses/roll numbers for the Wellesley distribution.

Thanks,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze (jkuntze@ksmart.ca) <jkuntze@ksmart.ca>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**  
August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) –  
Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)  
August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 1, 2023 9:15 AM  
**To:** John Kuntze; Stephen Brickman; aharron  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing  
**Attachments:** Roll Numbers.xlsx

Hello John, Stephen, and Amy

The Roll Numbers for Wilmot and Wellesley are attached to this email.

At the bottom of the spreadsheet is all the contact info for the Wellesley residents. Yesterday, we compared the Excel sheet against Wilmot's assessment roll information.

Amy is going to mail the Wellesley landowners.

Looking forward to tackling the Paff Drain with Wellesley as well.

Best,

Chad

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Thursday, June 1, 2023 8:50 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; aharron <aharron@wellesley.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Chad

That is great that you took a trip to Wellesley and met with Amy Harron. In the not too distant future you will be working with Amy again on the Paff Drain. In this case the roles will be switched as Wellesley will be the initiating municipality and Wilmot will be the other municipality.

The spreadsheet file that Stephen had sent you this week did have the Wellesley assessment roll information for the assessed owners. Again, Amy should update this list for you.

Is Amy going to mail the Wellesley landowner reports or will you do that?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Thursday, June 1, 2023 8:43 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen and John,

Yesterday afternoon I took a drive to Wellesley to meet Amy Harron (cc'd in this email) to drop off the Bamberg Creek, Jananna, and Koch-Leis Drains Engineer's Report and to discuss this file.

I forwarded Amy a copy of this email which included PDFs of the Engineer's Report and the Suggested Distribution List. Do you have a list of the addresses/roll numbers for the Wellesley distribution.

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze (<[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

Owner 1  
 W Innot Townsh p  
 301809000916500 Co y  
 301809000916400 Co p  
 301809000915100 Oleg  
 301809000915400 She

Owner 2  
 Last Name F at Name  
 K Stef K the  
 Katsana  
 Bo stov Elena Bo ssava  
 Homanchuk Dav d Homanchuk

Owner 3  
 Last Name F at Name Last Name  
 [REDACTED]

Legal Desc: pt on

BLK 8 CON 3 PT LOT 9  
 w Innot CON 3 BLK PT LOT 10, CON 4 BLK 8 PT LOT 10 PT RD  
 WILMOT CON 3 BLK 8 PT LOT 9  
 BLK 8 CON 3 PT LOT 10

NOTE THAT CORY HAS SAID HIS NEW MAILING INFO IS 1010 GERBER ROAD, ST. AGATHA, OH, 43082

090-009-1 SCHNE DER PETER HENZ  
 SCHNE DER DAGMAR ERKA  
 [REDACTED]  
 ST AGATHA OH NOB 210

090-009-1 WURTELE PETER T  
 WURTELE BARBARA  
 [REDACTED]  
 ST AGATHA OH NOB 210

090-009-1 HERTZ KENNETH LOWELL  
 HERTZ CATHERINE  
 [REDACTED]  
 ST AGATHA OH NOB 210

090-009-1 30-18-090-009-16300-0000  
 ROADSIDE FARM INC  
 [REDACTED]  
 WELLESLEY OH NOB 270

30-18-090-009-16000-0000  
 EVA AND DAVID CRESSMAN  
 [REDACTED]  
 WELLESLEY OH NOB 270

Wellesley  
 302402000100700 Natalie  
 302402000100701 Rosemary  
 302402000100802 Lad elena  
 302402000100800 284271 Holdings L in ted

R dway  
 McCa m ck  
 Base  
 Base  
 C/O Huber S Sando son

Sec: E Con 2 Pt Lot 6 RPSBR 1757 Pa 1 3 RP 58K2790 Pa 1 2  
 Sec: E Con 2 Pt Lot 6 RPSBR Pa 1 1  
 Sec: E Con 2 Pt Lot 7

302402000100801 Jeff ay  
 302402000100900 Ruba l  
 302402000100700 Ramsey Indus ty Inc  
 302402000101000 Ammon

Fu lads Pa ge Stewa t  
 Jantz Anne Jantz  
 Bazman Ely na Bazman



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 5, 2023 9:46 AM  
**To:** Stephen Brickman; John Kuntze  
**Subject:** Petition for Drainage Works

Hello Stephen and John,

Do either of you happen to have the Petition for Drainage Works for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains?

I've had a resident call and request to see it.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](https://www.wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 5, 2023 10:20 AM  
**To:** Chad Curtis; John Kuntze  
**Subject:** RE: Petition for Drainage Works  
**Attachments:** 21-04-26 Gawron petition 1184 Gerber Road - signed.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.

Here's what I have. The first page is on there twice. The copy of the first page has the Clerk's signature.

The township should have the original in your files.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 5, 2023 9:46 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Petition for Drainage Works

Hello Stephen and John,

Do either of you happen to have the Petition for Drainage Works for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains?

I've had a resident call and request to see it.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 5, 2023 10:37 AM  
**To:** Stephen Brickman; John Kuntze  
**Subject:** RE: Petition for Drainage Works

Hello Stephen,

Thanks for this – I was looking for Bamberg Creek. Found it in our files.

Interesting that this file has had multiple names.

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, June 5, 2023 10:20 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Petition for Drainage Works

**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.

Here's what I have. The first page is on there twice. The copy of the first page has the Clerk's signature.

The township should have the original in your files.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 5, 2023 9:46 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Petition for Drainage Works

Hello Stephen and John,

Do either of you happen to have the Petition for Drainage Works for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains?

I've had a resident call and request to see it.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 5, 2023 10:45 AM  
**To:** Chad Curtis; John Kuntze  
**Subject:** Re: Petition for Drainage Works

**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.

There's only the one petition. The jananna petition authorizes all the work. The only way to resolve the drainage problem in the area requiring drainage (the jananna property), is to provide a sufficient outlet which extends into Bamberg creek.

Stephen Brickman, P.Eng  
Headway Engineering

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 5, 2023 10:36:46 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Petition for Drainage Works

Hello Stephen,

Thanks for this – I was looking for Bamberg Creek. Found it in our files.

Interesting that this file has had multiple names.

chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Monday, June 5, 2023 10:20 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Petition for Drainage Works

**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.

Here's what I have. The first page is on there twice. The copy of the first page has the Clerk's signature.

The township should have the original in your files.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 5, 2023 9:46 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Petition for Drainage Works

Hello Stephen and John,

Do either of you happen to have the Petition for Drainage Works for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains?

I've had a resident call and request to see it.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 6, 2023 5:28 PM  
**To:** Stephen Brickman; Adam Hall  
**Cc:** Chad Curtis  
**Subject:** Jananna Drain

**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.

Hi Stephen

I have been blind copying you on my email interaction with Cory Kittel.

I have been contacted by Lucy Gawron. I plan on meeting with Lucy and Christine tomorrow at 1pm to review their involvement at the meeting to consider the report on June 26.

I meant to follow up with you about the Council meeting to accept the report on May 29.

Did you and/or Adam have an opportunity to watch any of the presentation that was made at that meeting by Kevin Thomason and Cory Kittel?

I made some rough notes during the two presentations which I could clean up a bit and send to you if that would be helpful.

As far as I could tell the only other landowners present were Ken Heintz and his wife and Peter Schneider, his wife and his son.

When I went to leave the council meeting after your report acceptance was finished they were all still out in the main lobby so I ended up having some general discussion with them before I could go home.

I did see your other email – I will respond to it separately

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 8, 2023 8:43 AM  
**To:** Cory Kittel  
**Cc:** Chad Curtis  
**Subject:** RE: Quick Question RE: Jananna Petition

Hi Cory

Section 4(2) of the Drainage Act notes that the petition shall be on the form prescribed by the regulations. The only check that the municipality would make when a petition is filed to comply with the words you noted would be to ensure that the petition is on the form specified in the Drainage Act Regulations which is Form 1 in Ontario Regulation 381/12.

<https://www.ontario.ca/laws/regulation/120381>

If the petition is on Form 1 then *"Where a petition in accordance with Section 4 has been filed"* would be satisfied. The Jananna Corp petition was on Form 1.

I would also note that to understand the Drainage Act process for a petition one has to consider all parts of the Act that reference the petition.

As I noted previously Section 9(2)(b) is clear that the *"engineer shall determine whether the petition complies with Section 4 for the area requiring drainage"*.

Therefore there is no reason why the municipality would be making *"pre-engineer"* decisions on the validity of a petition that is filed.

John

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Tuesday, June 6, 2023 10:27 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** Re: Quick Question RE: Jananna Petition

Hey John, thanks for getting back to me on this. The way this section reads in the Drainage Act, which is pre engineer, someone at the Township had to decide if the petition was "in accordance"

**Drainage works constructed on petition**

5 (1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, send notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons. R.S.O. 1990, c. D.17, s. 5 (1); 2010, c. 16, Sched. 1, s. 2 (3, 4); 2020, c. 18, Sched. 4, s. 2.

Am I getting that right?

Cory

On Tue, Jun 6, 2023 at 3:55 PM John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)> wrote:

Hi Cory



Determining whether or not a petition is valid under Section 4(1) of the Drainage Act is the responsibility of the appointed Engineer following the on-site meeting as outlined in Section 9(2) of the Drainage Act. The Engineer noted the validity of the petition in Section 2.0 Project Authorization in the report dated April 28, 2023.

A municipality is not required to determine validity of a petition when the petition is filed with the municipality.

When a petition is filed the municipality should make sure that the ownership on the petition matches the current assessment roll.

The municipality should also make sure the ownership is shown in the correct category on page 2, ie Sole Ownership, Partnership or Corporation.

When I was contacted by the Gawron family in April 2021 that they wanted to proceed with a petition under the Drainage Act I first confirmed the current ownership of their parcel and made sure that ownership information was correctly entered on page 2 of the petition.

John

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Tuesday, June 6, 2023 1:30 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Quick Question RE: Jananna Petition

Hey John,

Just a quick question for you. Going back here for a sec , based on the Drainage Act, what made the Jananna petition valid to begin with? I guess that would have been an assessment you would have had to make when they originally filed the petition, is that correct?

Cory

[REDACTED]

Letter to the Mayor and Councillors of Wilmot Township June 8<sup>th</sup>, 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:



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 6, 2023 3:56 PM  
**To:** Cory Kittel  
**Cc:** Chad Curtis  
**Subject:** RE: Quick Question RE: Jananna Petition

Hi Cory

Determining whether or not a petition is valid under Section 4(1) of the Drainage Act is the responsibility of the appointed Engineer following the on-site meeting as outlined in Section 9(2) of the Drainage Act. The Engineer noted the validity of the petition in Section 2.0 Project Authorization in the report dated April 28, 2023.

A municipality is not required to determine validity of a petition when the petition is filed with the municipality. When a petition is filed the municipality should make sure that the ownership on the petition matches the current assessment roll. The municipality should also make sure the ownership is shown in the correct category on page 2, ie Sole Ownership, Partnership or Corporation. When I was contacted by the Gawron family in April 2021 that they wanted to proceed with a petition under the Drainage Act I first confirmed the current ownership of their parcel and made sure that ownership information was correctly entered on page 2 of the petition.

John

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Tuesday, June 6, 2023 1:30 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Quick Question RE: Jananna Petition

Hey John,

Just a quick question for you. Going back here for a sec , based on the Drainage Act, what made the Jananna petition valid to begin with? I guess that would have been an assessment you would have had to make when they originally filed the petition, is that correct?

Cory  
[REDACTED]

Letter to the Mayor and Councillors of Wilmot Township June 8<sup>th</sup>, 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: 



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 12, 2023 4:17 PM  
**To:** John Kuntze; Curtis MacIntyre  
**Subject:** FW: Bamberg Creek, Jananna and Koch-Leis Municipal Drain Project  
**Attachments:** Landowner Letter Regarding Jananna Drain Project.pdf

FYI

---

**From:** Ken Heintz [REDACTED] >  
**Sent:** Monday, June 12, 2023 10:48 AM  
**To:** Natasha Salonen <natasha.salonen@wilmot.ca>; Kris Wilkinson <kris.wilkinson@wilmot.ca>; Lillianne Dunstall <lillianne.dunstall@wilmot.ca>; Harvir Sidhu <harvir.sidhu@wilmot.ca>; Stewart Cressman <stewart.cressman@wilmot.ca>; Steven Martin <steven.martin@wilmot.ca>  
**Cc:** Cory Kittel [REDACTED] >; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** Bamberg Creek, Jananna and Koch-Leis Municipal Drain Project

**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.

Good morning,

Next Monday, June 26<sup>th</sup>, 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] )

**From:** [Kris Wilkinson](#)  
**To:** [Jeff Bunn](#)  
**Subject:** Fwd: Next Steps - Jananna Drain  
**Date:** June 14, 2023 12:05:43 PM

---

Hi Jeff,

We should connect at some point. Could we get our legal counsel to give an opinion on the validity of section 4.1(a) - the vast majority of assessed land owners are up in arms.

Just want to make sure we do the right thing.

Enjoy the email chain.

Cheers,



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebo8ok](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** David Marshall <dmarshall@marshallzehr.com>  
**Sent:** Tuesday, June 13, 2023 8:56:59 PM  
**To:** Cory Kittel [REDACTED]  
**Cc:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** Re: Next Steps

**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.

This case law item is very compelling and from 1986. Clearly stated and supports 4 (1) a of the drainage act.

Dave



**David Marshall** CIM  
Co-Founder

**T** 519 342 1000 **X** 221

**C** 519 589 9261

[marshallzehr.com](#) | [email](#)

Broker

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 13, 2023, at 10:52 AM, Cory Kittel [REDACTED] wrote:

Dave is 100% correct in all of this. This is a clear cut case. It's simple, clear and undeniable.

All the examples I'm providing are pulled directly out of the "Guide for Engineers Working under the Drainage Act". This is the de facto bible that the Engineers work from to help them do their job. With a discovery such as this the Township's mandate is prescribed based on the wording in the Drainage Act and on the signed petition itself.

The case law found in the "Guide for Engineers Working under the Drainage Act" contains many many more examples such as this.....

+++

***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..."*

+++

Cory  
[REDACTED]

On Mon, Jun 12, 2023 at 10:50 PM David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)> wrote:

All this is extremely compelling and none of us needs to be an engineer or lawyer to interpret what the act says here. It is crystal clear and in plain English.

The point that Cory has made with respect to the "false majority" as clearly explained in his email is in my opinion the most compelling point of all. I don't understand how it could be interpreted any other way than to support our case. The Act is crystal clear.

I am also incredibly thankful that it is clearly outlined how the Township is not responsible for the costs associated with the engineering report. I absolutely don't point any blame at the township or the current council who has inherited this mess.



Now for the less significant but still important arguments.

I would also add that I own three farms and they all have wet areas and even wetlands. Most of the neighbours that I know also have wet areas and/or wetlands on their properties. Imagine if everyone that had a wet area in their farm utilized the drainage Act to have their wetland area drained. That is beyond ridiculous. Every farmer would be bankrupt in trying to pay a portion of the costs to fix each farm.

The GRCA clearly outline PSW areas and I think it is horrible to destroy these protected areas. When I bought my farms I accepted them the way they were. I didn't think to convert bogs and marshes and flood plains into farm fields. They are beautiful and should be protected. My wife and I signed our PSW forms today for one of our farms agreeing to protect 10.26 acres on just one of our farms. It is the right thing to do. I don't want a drainage ditch and concrete pipes!

I look at the cost/benefit here in this example. You have an estimated \$500k in cost to do the work as outlined. You don't gain any additional farmland. Clearly the crops are growing fine. 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 \$500k cost to \$35 k 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.

I am not sure how else to evaluate the "benefit". It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

For the above reasons and any other reasons commented on in other letters sent by our group I believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

Sincerely,

Dave Marshall



**David Marshall** CIM  
Co-Founder

**T** 519 342 1000 **X** 221

**C** 519 589 9261

[marshallzehr.com](http://marshallzehr.com) | email

Broker

MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 12, 2023, at 9:21 PM, Cory Kittel [REDACTED] wrote:

Hey Kris,

Further to this information, this is a snippet pulled from the actual official petition document signed by the petitioners...you can see it for yourself in the copy I sent you.

***"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."***

Their petition does not comply with section 4 as I stated and provided clear evidence earlier. Let's all chat tomorrow at 1pm.

Cory  
[REDACTED]

On Fri, Jun 9, 2023 at 2:15 AM Cory Kittel [REDACTED] wrote:

Just one other thing, I've attached the original petition here. It clearly shows the "area requiring drainage" encompasses two properties...there is no question.

<image.png>

Cory  
[REDACTED]

On Fri, Jun 9, 2023 at 2:03 AM Cory Kittel [REDACTED] wrote:

Hey Kris,

You have to review what I've included below, it's a pretty big deal and you have to talk with Tim Brook at OMAFRA, he's a wealth of information on this subject and is open for any phone calls or emails. I have included him on this thread.

If the original petition is invalid, there should be no path forward for this project. In the Engineer's report he used this part of the Drainage Act to qualify the validity of the petition...

<image.png>

Here's the problem, 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 a portion of what is in fact a larger distinct basin requiring drainage. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and my own.

This is the drainage basin map courtesy of the GRCA. Any historical satellite imagery will show you the same thing.

<image.png>

Only one of these properties signed the petition, which means that they do not have a majority.

To better understand this you have to read this case law example which is in *Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act*.

<image.png>

This simple illustrated example is also in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act.

<image.png>

In this case the petition is invalid because the number of owners on the petition is not greater than 50%. I believe this spells it out.

Cory

[REDACTED]

On Wed, May 31, 2023 at 3:58 PM Kris Wilkinson

<[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:

Hi Cory,

I can chat with Tim from OMAFRA sure. If you want to set it up that's fine or I can reschedule out direct.

With regards to the application, based on the report it appears to be valid so the township is at risk. Its also a failure to act that could make the township liable for damages.

Let's chat again over the next few weeks.

Cheers,



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, 29 May, 2023, 11:31 am  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Cc:** David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Subject:** Re: Next Steps

**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.

Hey Kris,

It looks like the clerk got this point wrong...

*- If there is no appeal the cost of the Engineer's Report (\$70,300) would have to*

*be paid from the Township general levy.*

I reached out to him about this and this is what he sent me... *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.*

This is what I've been saying about misinformation and where the sources of information have been coming from. Everyone has their own agenda and we appear to be playing by different rule books.

Even on the [ontario.ca](#) website for '[Drainage Act appeals](#)' it says appealing at the Ontario Drainage Tribunal does not require a lawyer. It's when things get to the Drainage Referee, a lawyer might be advisable. I think the risk to the Township for a 'No' answer is being overplayed. I think further exploration and alternate sources of information are suggested. Could I recommend an information session with Tim Brooks at OMAFRA? This is part of his job responsibilities.

Cory

On Sun, May 28, 2023 at 10:30 PM Kris Wilkinson  
<[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:

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,

<image001.png> **Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have

received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Kaitlin Bos

---

**From:** Kris Wilkinson  
**Sent:** June 14, 2023 9:04 PM  
**To:** Jeff Bunn  
**Subject:** Re: Next Steps - Jananna Drain

Hi Jeff,

Let's connect on Friday.



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Sent:** Wednesday, June 14, 2023 1:47:23 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** Re: Next Steps - Jananna Drain

Hi Councillor Wilkinson,

Are you free Friday at some point for a call? I can also do next week.

I'm going to flip this to some staff internally and see if the solicitor can provide some advice.

Kind regards,  
Jeff

**Jeff Bunn, CMO**  
Manager of Legislative Services / Municipal Clerk  
Legislative Services | Township of Wilmot | [519-556-0040](tel:519-556-0040)

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Sent:** Wednesday, June 14, 2023 12:05:41 PM

**To:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Fwd: Next Steps - Jananna Drain

Hi Jeff,

We should connect at some point. Could we get our legal counsel to give an opinion on the validity of section 4.1(a) - the vast majority of assessed land owners are up in arms.

Just want to make sure we do the right thing.

Enjoy the email chain.

Cheers,



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

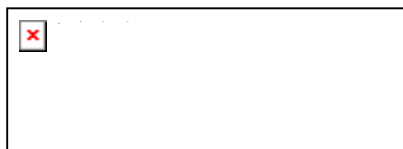
---

**From:** David Marshall <dmarshall@marshallzehr.com>  
**Sent:** Tuesday, June 13, 2023 8:56:59 PM  
**To:** Cory Kittel [REDACTED]  
**Cc:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** Re: Next Steps

**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.

This case law item is very compelling and from 1986. Clearly stated and supports 4 (1) a of the drainage act.

Dave



**David Marshall** CIM  
Co-Founder

**T** 519 342 1000 **X** 221  
**C** 519 589 9261

[marshallzehr.com](http://marshallzehr.com) | [email](#)

Broker  
MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 13, 2023, at 10:52 AM, Cory Kittel [REDACTED] wrote:

Dave is 100% correct in all of this. This is a clear cut case. It's simple, clear and undeniable.

All the examples I'm providing are pulled directly out of the "Guide for Engineers Working under the Drainage Act". This is the de facto bible that the Engineers work from to help them do their job. With a discovery such as this the Township's mandate is prescribed based on the wording in the Drainage Act and on the signed petition itself.

The case law found in the "Guide for Engineers Working under the Drainage Act" contains many many more examples such as this.....

+++

***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..."*

+++

Cory  
[REDACTED]

On Mon, Jun 12, 2023 at 10:50 PM David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)> wrote:

All this is extremely compelling and none of us needs to be an engineer or lawyer to interpret what the act says here. It is crystal clear and in plain English.

The point that Cory has made with respect to the "false majority" as clearly explained in his email is in my opinion the most compelling point of all. I don't understand how it could be interpreted any other way than to support our case. The Act is crystal clear.

I am also incredibly thankful that it is clearly outlined how the Township is not responsible for the costs associated with the engineering report. I absolutely don't point any blame at the township or the current council who has inherited this mess.

Now for the less significant but still important arguments.

I would also add that I own three farms and they all have wet areas and even wetlands. Most of the neighbours that I know also have wet areas and/or wetlands on their properties. Imagine if everyone that had a wet area in their farm utilized the drainage Act to have their wetland area drained. That is beyond ridiculous. Every farmer would be bankrupt in trying to pay a portion of the costs to fix each farm.

The GRCA clearly outline PSW areas and I think it is horrible to destroy these protected areas. When I bought my farms I accepted them the way they were. I didn't think to convert bogs and marshes and flood plains into farm fields. They are beautiful and should be protected. My wife and I signed our PSW forms today for one of our farms agreeing to protect 10.26 acres on just one of our farms. It is the right thing to do. I don't want a drainage ditch and concrete pipes!

I look at the cost/benefit here in this example. You have an estimated \$500k in cost to do the work as outlined. You don't gain any additional farmland. Clearly the crops are growing fine. 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 \$500k cost to \$35 k benefit.

What other methodology could be used? Land rental of 1 acre per year would be no more than \$300.

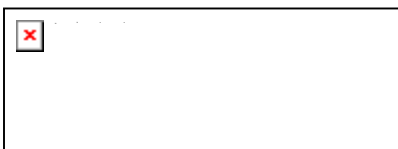
You could base the cost on a reduced yield but again that number is in the hundreds of dollars per year.

I am not sure how else to evaluate the "benefit". It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

For the above reasons and any other reasons commented on in other letters sent by our group I believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

Sincerely,

Dave Marshall



**David Marshall CIM**  
Co-Founder

**T** 519 342 1000 **X** 221

**C** 519 589 9261

[marshallzehr.com](http://marshallzehr.com) | [email](#)

Broker

MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 12, 2023, at 9:21 PM, Cory Kittel [REDACTED] wrote:

Hey Kris,

Further to this information, this is a snippet pulled from the actual official petition document signed by the petitioners...you can see it for yourself in the copy I sent you.

***"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."***

Their petition does not comply with section 4 as I stated and provided clear evidence earlier. Let's all chat tomorrow at 1pm.

Cory  
[REDACTED]

On Fri, Jun 9, 2023 at 2:15 AM Cory Kittel [REDACTED] wrote:

Just one other thing, I've attached the original petition here. It clearly shows the "area requiring drainage" encompasses two properties...there is no question.

<image.png>

Cory  
[REDACTED]

On Fri, Jun 9, 2023 at 2:03 AM Cory Kittel [REDACTED] wrote:

Hey Kris,

You have to review what I've included below, it's a pretty big deal and you have to talk with Tim Brook at OMAFRA, he's a wealth of information on this subject and is open for any phone calls or emails. I have included him on this thread.

If the original petition is invalid, there should be no path forward for this project. In the Engineer's report he used this part of the Drainage Act to qualify the validity of the petition...

<image.png>

Here's the problem, 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 a portion of what is in fact a larger distinct basin requiring drainage. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and my own.

This is the drainage basin map courtesy of the GRCA. Any historical satellite imagery will show you the same thing.

<image.png>

Only one of these properties signed the petition, which means that they do not have a majority.

To better understand this you have to read this case law example which is in *Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act*.

<image.png>

This simple illustrated example is also in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act.

<image.png>

In this case the petition is invalid because the number of owners on the petition is not greater than 50%. I believe this spells it out.

Cory

[REDACTED]

On Wed, May 31, 2023 at 3:58 PM Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:  
Hi Cory,

I can chat with Tim from OMAFRA sure. If you want to set it up that's fine or I can reschedule out direct.

With regards to the application, based on the report it appears to be valid so the township is at risk. Its also a failure to act that could make the township liable for damages.

Let's chat again over the next few weeks.

Cheers,

**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, 29 May, 2023, 11:31 am  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Cc:** David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Subject:** Re: Next Steps

**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.

Hey Kris,

It looks like the clerk got this point wrong...

***- If there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy.***

I reached out to him about this and this is what he sent me... *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.*

This is what I've been saying about misinformation and where the sources of information have been coming from. Everyone has their own agenda and we appear to be playing by different rule books.

Even on the [ontario.ca](#) website for '[Drainage Act appeals](#)' it says appealing at the Ontario Drainage Tribunal does not require a lawyer. It's when things get to the Drainage Referee, a lawyer might be advisable. I think the risk to the Township for a 'No' answer is being overplayed. I think further exploration and alternate sources of information are suggested. Could I recommend an information session with Tim Brooks at OMAFRA? This is part of his job responsibilities.

Cory

On Sun, May 28, 2023 at 10:30 PM Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:

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,

<image001.png>

**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the

intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**From:** [Kris Wilkinson](#)  
**To:** [Jeff Bunn](#)  
**Subject:** Fwd: Jananna Drain Validity  
**Date:** June 15, 2023 3:16:47 PM  
**Attachments:** [Invalid Petition Jananna.pdf](#)

---

Here is the document they are working off of.



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, June 15, 2023 12:27:11 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>; David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Jananna Drain Validity

**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.

Hey Kris,

Attached is a re-packaging of the details sent earlier. There might be some changes/additions as we go, but hopefully this provides a good starting point. I was hoping you could encourage some of your counterparts to come see what we're talking about first hand.

Cory  
[REDACTED]

## Jeff Bunn

---

**From:** Kris Wilkinson  
**Sent:** June 15, 2023 3:17 PM  
**To:** John Kuntze  
**Cc:** Jeff Bunn  
**Subject:** Fwd: Jananna Drain Validity  
**Attachments:** Invalid Petition Jananna.pdf

Hi John,

Do you mind taking a quick look at this document Cory Kittle put together?

Cheers,



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

- My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Thursday, June 15, 2023 12:27:11 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>; David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Jananna Drain Validity

**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.

Hey Kris,

Attached is a re-packaging of the details sent earlier. There might be some changes/additions as we go, but hopefully this provides a good starting point. I was hoping you could encourage some of your counterparts to come see what we're talking about first hand.

Cory  
[REDACTED]

**Subject:**Bamberg Creek Drainage Project  
**Date:** Thu, 15 Jun 2023 17:45:10 -0400  
**From:** Peter Wurtele <[REDACTED]>  
**To:** [natasha.salonen@wilmot.ca](mailto:natasha.salonen@wilmot.ca)  
**CC:** [harvir.sidhu@wilmot.ca](mailto: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.

## Kaitlin Bos

---

**From:** Kris Wilkinson  
**Sent:** June 15, 2023 4:35 PM  
**To:** Jeff Bunn  
**Subject:** Re: Jananna Drain Validity

Call me after 11:30 tomorrow!



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Sent:** Thursday, June 15, 2023 3:25:52 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** RE: Jananna Drain Validity

Thanks, Councillor Wilkinson for sharing this information.

Jeff

---

**From:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Sent:** Thursday, June 15, 2023 3:17 PM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Fwd: Jananna Drain Validity

Here is the document they are working off of.



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

**From:** Cory Kitte [REDACTED]  
**Sent:** Thursday, June 15, 2023 12:27:11 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>; David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Subject:** Jananna Drain Validity

**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.

Hey Kris,

Attached is a re-packaging of the details sent earlier. There might be some changes/additions as we go, but hopefully this provides a good starting point. I was hoping you could encourage some of your counterparts to come see what we're talking about first hand.

Cory  
[REDACTED]



**From:** [Chad Curtis](#)  
**To:** [Jeff Bunn](#); [Patrick Kelly](#)  
**Subject:** FW: Drainage Petition Request  
**Date:** June 16, 2023 10:11:17 AM

---

FYI

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 16, 2023 10:10 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>; Sharon Chambers <sharon.chambers@wilmot.ca>  
**Subject:** Drainage Petition Request

**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.

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]

**From:** [Kris Wilkinson](#)  
**To:** [Jeff Bunn](#)  
**Cc:** [Patrick Kelly](#); [Chad Curtis](#)  
**Subject:** FW: Jananna Drain Validity  
**Date:** June 16, 2023 1:12:45 PM  
**Attachments:** [jananna\\_invalid\\_petition\\_061623.pdf](#)  
[image001.png](#)

---

Hi Jeff,

This is the updated version per Cory.

Cheers,



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 16, 2023 12:30 PM  
**To:** David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Cc:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Re: Jananna Drain Validity

**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.

Hey Kris,

I have attached an updated version here. It just expands on some other validity issues with relation to works added after the fact. I'm dating the file so we can track version history.

We have Steve Martin on-site tomorrow at 11:30am if you would like to join the tour or have counterparts that would be interested.

Cory  
[REDACTED]

On Thu, Jun 15, 2023 at 12:33 PM David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)> wrote:

|

Kris I'd add that we just had an excellent time with councillor Cressman. We discussed the topic of petition validity and 4 (1) an and then we did a great walk together. He absolutely agreed that it was clear the basin or affected area clearly doesn't magically stop at the Jananna property line. It is very obvious and doesn't require an expertise to see it.

We are looking forward to June 26. We hope to send further supporting information in advance but I think the attachment that Cory has put together is more than enough to make our case.

Have a great day.

Dave

MarshallZehr



**David Marshall** CIM

Co-Founder

T 519 342 1000 X 221

C 519 589 9261

[marshallzehr.com](http://marshallzehr.com) | [email](#)

Broker

MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 15, 2023, at 12:28 PM, Cory Kittel [REDACTED] > wrote:

Hey Kris,

Attached is a re-packaging of the details sent earlier. There might be some changes/additions as we go, but hopefully this provides a good starting point. I was hoping you could encourage some of your counterparts to come see what we're talking about first hand.

Cory

[REDACTED]

<Invalid Petition Jananna.pdf>

**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.

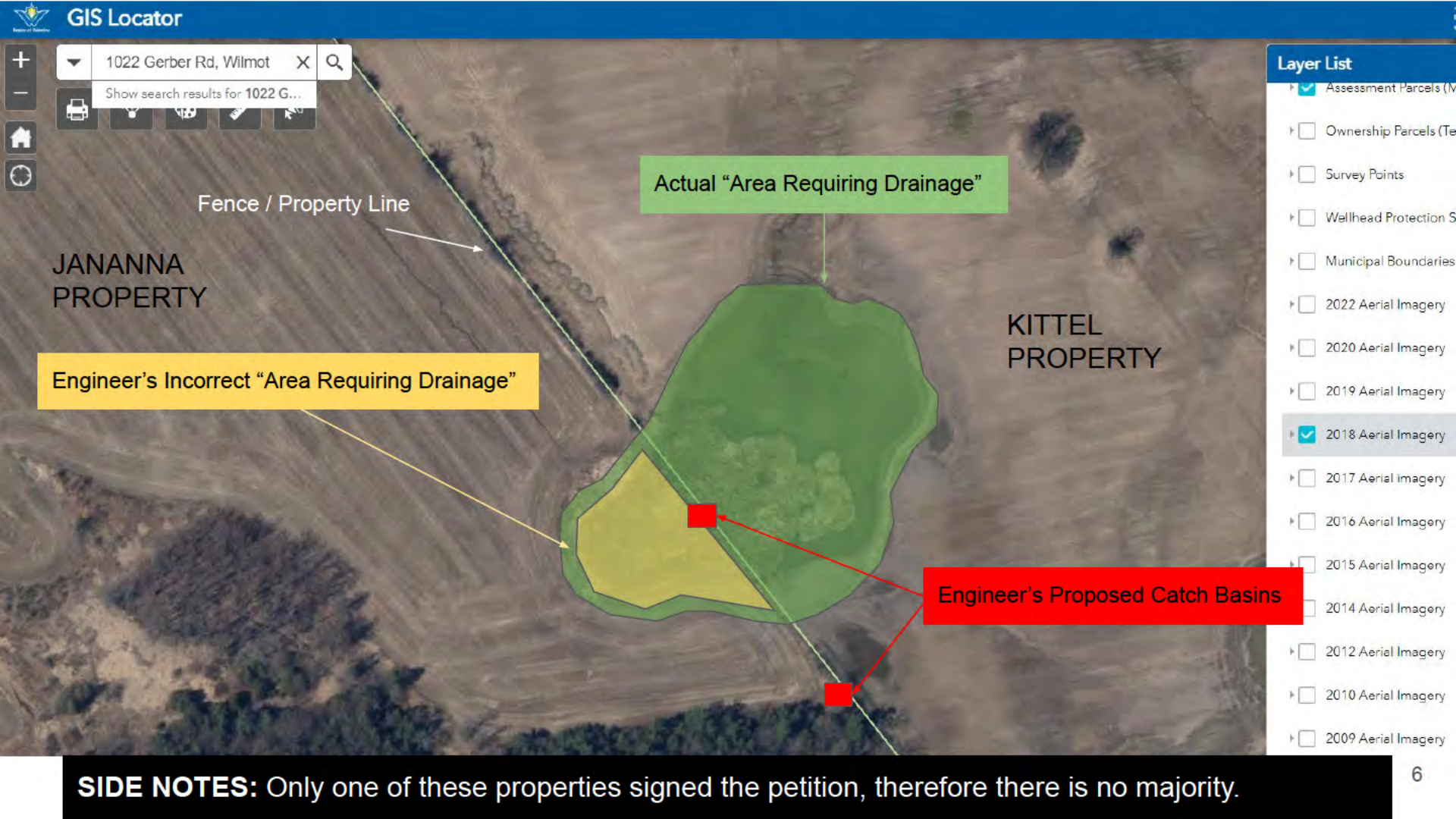




1022 Gerber Rd, Wilmot X Q

Show search results for 1022 G...

Icons: Home, Print, Full Screen, Measure, Draw



- 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

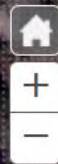
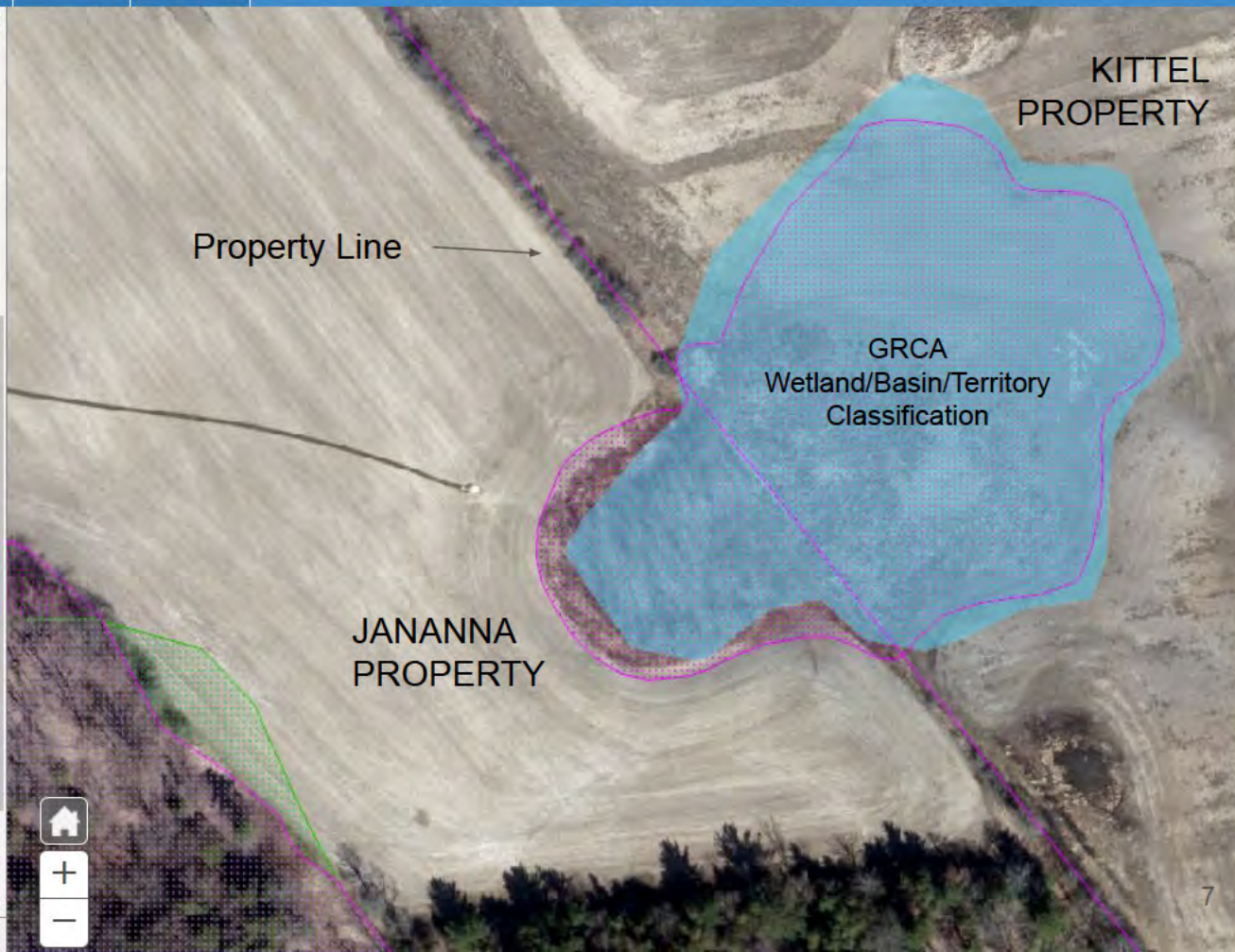
Draw

Find

Print

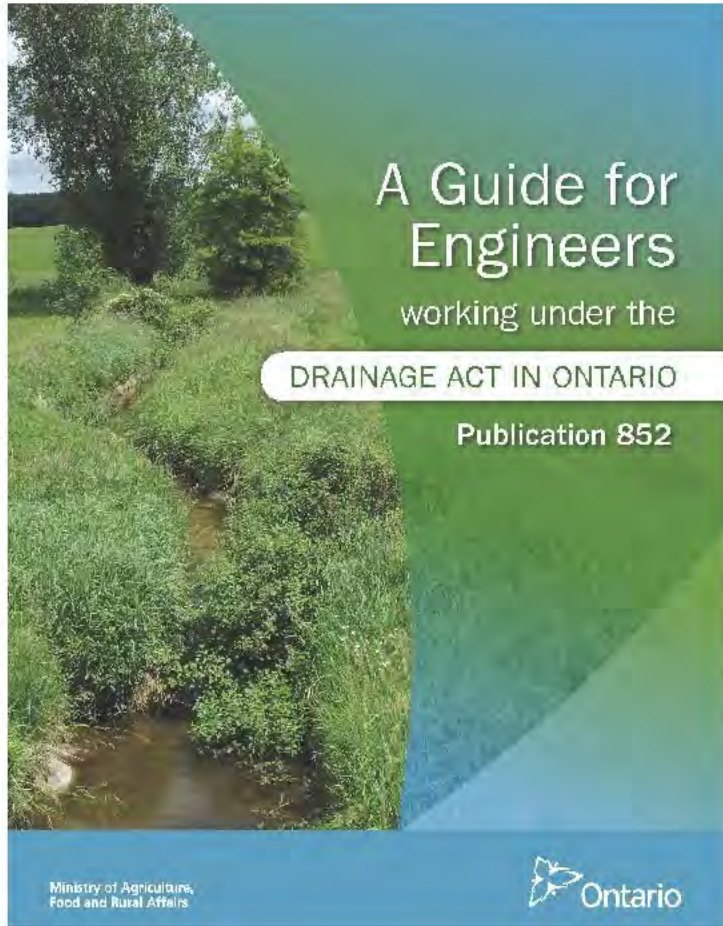
1010 Gerber Road Wilmot

- 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



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](http://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%**

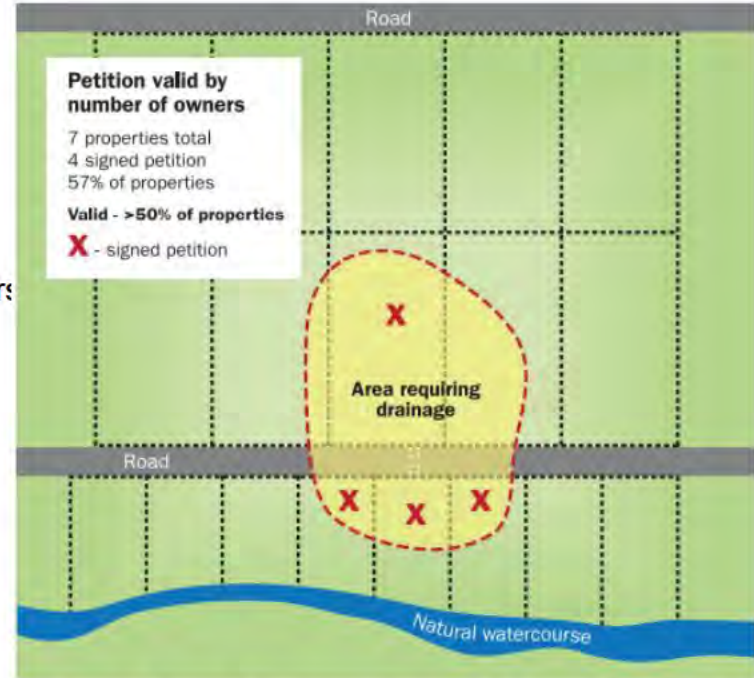


Figure A4-4. Determining the validity of a petition by percentage of owners.

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 (tract) 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) (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 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. Guidelines concerning the collection of personal information should be directed to: \_\_\_\_\_ where the form is addressed to a municipality/municipality in compliance/

900 where the form is addressed to a territory/territory municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Forestry Affairs, 1 Stone Hill Vc, Guelph, ON N1G 4Y2, 519 829-4342.

1/19/2019

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**

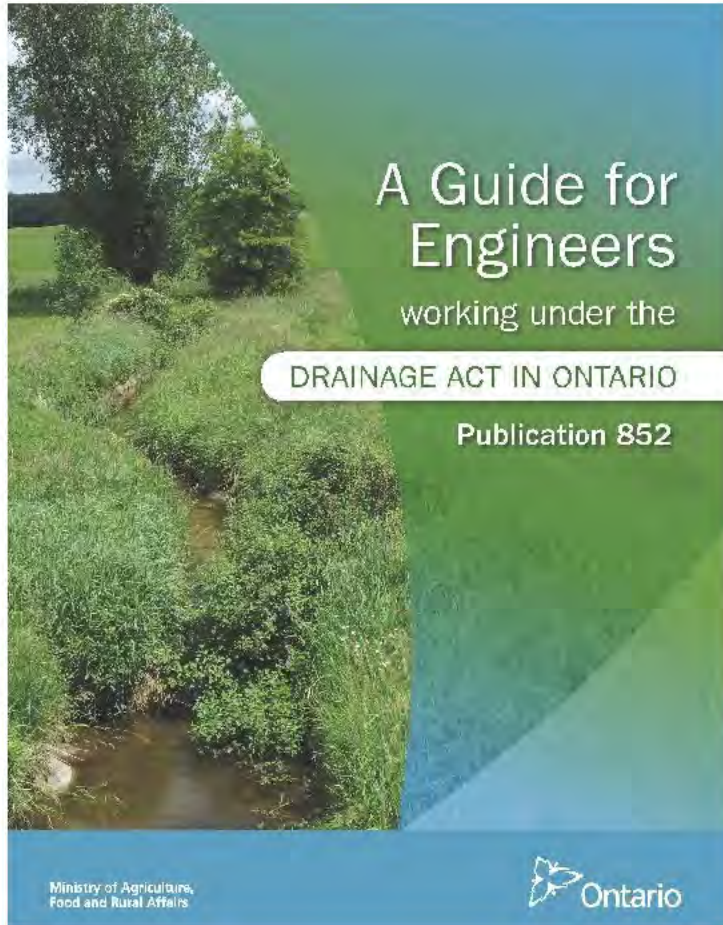
In the Engineer's Report there are additional works being proposed that are noticeably absent from the proposed works found in the original petition filed April 26, 2021. These additional areas requiring drainage added by the Engineer without authority include:

**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.



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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2298 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSA       |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Musa       |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
|                  |           |                                           |          |
|                  |           |                                           |          |



| Printed Name              | Signature | Address                                             | Date             |
|---------------------------|-----------|-----------------------------------------------------|------------------|
| David Marshall            |           | 1269 Gerber Rd<br><del>Wellesley</del> Wellesley MA | 02/03/23         |
| Bib Sanderson             |           | 1269 Gerber Rd<br>Wellesley                         | 02/03/23         |
| Robert Jantzi             |           | 1805 Gerber RD<br>Wellesley                         | 05/08/23         |
| Anne Jantzi               |           | 18 <sup>05</sup> Gerber Rd.<br>Wellesley            | 05/08/23         |
| R. McCormick              |           | 1171 Gerber Rd                                      | 06/15/23         |
| Rosemary Kettel-McCormick |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15,<br>2023 |
| MaryEllen McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Mason McCormick           |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Josephine McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June<br>15/23    |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |



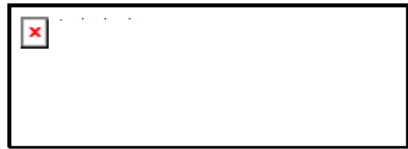
[Redacted]

From: David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
Sent: Tuesday, June 13, 2023 8:56:59 PM  
To: Cory Kitte [Redacted]  
Cc: Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
Subject: Re: Next Steps

**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.

This case law item is very compelling and from 1986. Clearly stated and supports 4 (1) a of the drainage act.

Dave



**David Marshall** CIM  
Co-Founder  
T 519 342 1000 X 221  
C 519 589 9261  
[marshallzehr.com](http://marshallzehr.com) | [email](mailto:dmarshall@marshallzehr.com)

Broker  
MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 13, 2023, at 10:52 AM, Cory Kittel [Redacted] wrote:

Dave is 100% correct in all of this. This is a clear cut case. It's simple, clear and undeniable.

All the examples I'm providing are pulled directly out of the "Guide for Engineers Working under the Drainage Act". This is the de facto bible that the Engineers work from to help them do their job. With a discovery such as this the Township's mandate is prescribed based on the wording in the Drainage Act and on the signed petition itself.

The case law found in the "Guide for Engineers Working under the Drainage Act" contains many many more examples such as this.....

+++

**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..."*

+++

Cory  


On Mon, Jun 12, 2023 at 10:50 PM David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)> wrote:

All this is extremely compelling and none of us needs to be an engineer or lawyer to interpret what the act says here. It is crystal clear and in plain English.

The point that Cory has made with respect to the "false majority" as clearly explained in his email is in my opinion the most compelling point of all. I don't understand how it could be interpreted any other way than to support our case. The Act is crystal clear.

I am also incredibly thankful that it is clearly outlined how the Township is not responsible for the costs associated with the engineering report. I absolutely don't point any blame at the township or the current council who has inherited this mess.

Now for the less significant but still important arguments.

I would also add that I own three farms and they all have wet areas and even wetlands. Most of the neighbours that I know also have wet areas and/or wetlands on their properties. Imagine if everyone that had a wet area in their farm utilized the drainage Act to have their wetland area drained. That is beyond ridiculous. Every farmer would be bankrupt in trying to pay a portion of the costs to fix each farm.

The GRCA clearly outline PSW areas and I think it is horrible to destroy these protected areas. When I bought my farms I accepted them the way they were. I didn't think to convert bogs and marshes and flood plains into farm fields. They are beautiful and should be protected. My wife and I signed our PSW forms today for one of our farms agreeing to protect 10.26 acres on just one of our farms. It is the right thing to do. I don't want a drainage ditch and concrete pipes!

I look at the cost/benefit here in this example. You have an estimated \$500k in cost to do the work as outlined. You don't gain any additional farmland. Clearly the crops are growing fine. 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 \$500k cost to \$35 k 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.

I am not sure how else to evaluate the "benefit". It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

For the above reasons and any other reasons commented on in other letters sent by our group I believe Wilmot can decline this application in good conscience and knowing they are working within the written word and spirit of the Drainage Act.

Sincerely,

Dave Marshall



**David Marshall** CIM  
Co-Founder

T 519 342 1000 X 221

C 519 589 9261

[marshallzehr.com](http://marshallzehr.com) | [email](mailto:)

Broker

MarshallZehr Group Inc. | Mortgage Administration #11955 | Mortgage Brokerage #12453

**Confidentiality Note:** This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the solicitor-client or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

On Jun 12, 2023, at 9:21 PM, Cory Kittel [REDACTED] wrote:

Hey Kris,

Further to this information, this is a snippet pulled from the actual official petition document signed by the petitioners...you can see it for yourself in the copy I sent you.

**"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."***

Their petition does not comply with section 4 as I stated and provided clear evidence earlier. Let's all chat tomorrow at 1pm.

Cory

[REDACTED]

On Fri, Jun 9, 2023 at 2:15 AM Cory Kittel [REDACTED] > wrote:

Just one other thing, I've attached the original petition here. It clearly shows the "*area requiring drainage*" encompasses two properties...there is no question.

<image.png>

Cory  
519-635-2679

On Fri, Jun 9, 2023 at 2:03 AM Cory Kitte [REDACTED] > wrote:

Hey Kris,

You have to review what I've included below, it's a pretty big deal and you have to talk with Tim Brook at OMAFRA, he's a wealth of information on this subject and is open for any phone calls or emails. I have included him on this thread.

If the original petition is invalid, there should be no path forward for this project. In the Engineer's report he used this part of the Drainage Act to qualify the validity of the petition...

<image.png>

Here's the problem, 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 a portion of what is in fact a larger distinct basin requiring drainage. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and my own.

This is the drainage basin map courtesy of the GRCA. Any historical satellite imagery will show you the same thing.

<image.png>

Only one of these properties signed the petition, which means that they do not have a majority.

To better understand this you have to read this case law example which is in *Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act.*

<image.png>

This simple illustrated example is also in Section 4.6 of Publication 852, A Guide for Engineers Working under the Drainage Act.

<image.png>

In this case the petition is invalid because the number of owners on the petition is not greater than 50%. I believe this spells it out.

Cory

519-635-2679

On Wed, May 31, 2023 at 3:58 PM Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:

Hi Cory,

I can chat with Tim from OMAFRA sure. If you want to set it up that's fine or I can reschedule out direct.

With regards to the application, based on the report it appears to be valid so the township is at risk. Its also a failure to act that could make the township liable for damages.

Let's chat again over the next few weeks.

Cheers,

**Kris Wilkinson**

Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, 29 May, 2023, 11:31 am  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Cc:** David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Subject:** Re: Next Steps

**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.

Hey Kris,

It looks like the clerk got this point wrong...

*- If there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the Township general levy.*

I reached out to him about this and this is what he sent me... *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.*

This is what I've been saying about misinformation and where the sources of information have been coming from. Everyone has their own agenda and we appear to be playing by different rule books.

Even on the [ontario.ca](http://ontario.ca) website for '[Drainage Act appeals](#)' it says appealing at the Ontario Drainage Tribunal does not require a lawyer. It's when things get to the Drainage Referee, a lawyer might be advisable. I think the risk to the Township for a 'No' answer is being overplayed. I think further exploration and alternate sources of information are suggested. Could I recommend an information session with Tim Brooks at OMAFRA? This is part of his job responsibilities.

Cory

On Sun, May 28, 2023 at 10:30 PM Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)> wrote:

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,

<image001.png>

**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

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.

## Kaitlin Bos

---

**From:** Kris Wilkinson  
**Sent:** June 16, 2023 9:29 AM  
**To:** Jeff Bunn  
**Subject:** Re: Jananna Drain Validity

Perfect.



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Sent:** Friday, June 16, 2023 9:28:04 AM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** RE: Jananna Drain Validity

No worries. Let's say 1. That will give me a chance to connect with Patrick as well.

---

**From:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Sent:** Friday, June 16, 2023 9:20 AM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Re: Jananna Drain Validity

I lied. Anytime after Noon today would work.



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Sent:** Thursday, June 15, 2023 7:22:04 PM

**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>

**Subject:** Re: Jananna Drain Validity

Sounds good.

Talk soon,  
Jeff

**Jeff Bunn, CMO**

Manager of Legislative Services / Municipal Clerk

Legislative Services | Township of Wilmot | [519-556-0040](tel:519-556-0040)

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>

**Sent:** Thursday, June 15, 2023 4:35:19 PM

**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

**Subject:** Re: Jananna Drain Validity

Call me after 11:30 tomorrow!



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

**Sent:** Thursday, June 15, 2023 3:25:52 PM

**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>

**Subject:** RE: Jananna Drain Validity

Thanks, Councillor Wilkinson for sharing this information.

Jeff

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>

**Sent:** Thursday, June 15, 2023 3:17 PM

**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

**Subject:** Fwd: Jananna Drain Validity

Here is the document they are working off of.



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]

**Sent:** Thursday, June 15, 2023 12:27:11 PM

**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>; David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>

**Subject:** Jananna Drain Validity

**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.

Hey Kris,

Attached is a re-packaging of the details sent earlier. There might be some changes/additions as we go, but hopefully this provides a good starting point. I was hoping you could encourage some of your counterparts to come see what we're talking about first hand.

Cory  
[REDACTED]

**From:** [Clerks](#)  
**To:** [Chad Curtis](#); [Jeff Bunn](#)  
**Subject:** FW: Landowner Petition Against Jananna Drainage Project  
**Date:** June 19, 2023 11:01:51 AM  
**Attachments:** [jananna\\_non-pet\\_landowner\\_petition.pdf](#)

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, June 19, 2023 10:38 AM  
**To:** Clerks <clerks@wilmot.ca>  
**Subject:** Landowner Petition Against Jananna Drainage Project

**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.

Hi,

Please find attached the official landowner petition against the Jananna/Bamberg Creek/Koch Leis Drainage Project as outlined under 'Petitions' on the Township website.

Cory Kittel  
[REDACTED]



## 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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2298 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSSA      |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Mussa      |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
|                  |           |                                           |          |
|                  |           |                                           |          |

| Printed Name              | Signature | Address                                             | Date             |
|---------------------------|-----------|-----------------------------------------------------|------------------|
| David Marshall            |           | 1269 Gerber Rd<br><del>Wellesley</del> Wellesley MA | 02/03/23         |
| Bib Sanderson             |           | 1269 Gerber Rd<br>Wellesley                         | 02/03/23         |
| Robert Jantzi             |           | 1805 Gerber RD<br>Wellesley                         | 05/08/23         |
| Anne Jantzi               |           | 1805 Gerber Rd.<br>Wellesley                        | 05/08/23         |
| R. McCormick              |           | 1171 Gerber Rd                                      | 06/15/23         |
| Rosemary Kettel-McCormick |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15,<br>2023 |
| MaryEllen McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Mason McCormick           |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Josephine McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June<br>15/23    |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |

## Jeff Bunn

---

**From:** Jeff Molenhuis  
**Sent:** June 19, 2023 8:20 AM  
**To:** Lillianne Dunstall  
**Cc:** John Kuntze; Jeff Bunn; Chad Curtis  
**Subject:** RE: Cost Benefit for Drain

Hi Councillor Dunstall, drains proceed based on merits under the Drainage Act. If a petition is valid, and drainage improvements are warranted, the project proceeds. In most cases, drain works are proposed to recoup a portion of a field, so there is some economic benefit that results from works; however, I don't believe cost/benefit analysis is part of the process under the Act. I've copied our Drainage Superintendent to provide input.

---

**From:** Lillianne Dunstall <lillianne.dunstall@wilmot.ca>  
**Sent:** Friday, June 16, 2023 12:56 PM  
**To:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Subject:** Cost Benefit for Drain

Hi Jeff, do you know if we can get a cost benefit for the Bamberg drain.

How can we get.that

Get [Outlook for Android](#)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 19, 2023 10:51 AM  
**To:** John Kuntze; Stephen Brickman; aharron  
**Cc:** Jeff Bunn  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Hello all,

The Township of Wilmot will be hosting a public meeting for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 on June 26, 2023 at 7:00 p.m to Consider the Report.

At this meeting, I am going to be recommending a date for the Court of Revision to be held. I initially thought we would schedule the Court of Revision to be held on July 24, 2023; however, due to the membership of the Court requiring a Councillor from Wellesley, I'm wondering if August 28, 2023, at 7:00 p.m. would be more suitable to everyone's schedules/calendars.

Any input would be greatly appreciated.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 19, 2023 12:28 PM  
**To:** Stephen Brickman; John Kuntze  
**Cc:** Jeff Bunn  
**Subject:** Staff Report - BJKL Municipal Drain  
**Attachments:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains - Engineer's Report.docx

Hello Stephen and John,

Attached to this email is the Staff Report for the BJKL Municipal Drain. We are looking to publish the agenda on Wednesday.

If you find the time, can you please review the report?

Thanks,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 19, 2023 12:28 PM  
**To:** Stephen Brickman; John Kuntze  
**Cc:** Jeff Bunn  
**Subject:** Staff Report - BJKL Municipal Drain  
**Attachments:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains - Engineer's Report.docx

Hello Stephen and John,

Attached to this email is the Staff Report for the BJKL Municipal Drain. We are looking to publish the agenda on Wednesday.

If you find the time, can you please review the report?

Thanks,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.



## CORPORATE SERVICES *Staff Report*

---

REPORT NO: [Report Number]

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 is referred back to the Engineer and the petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 28, 2023, if By-law 2023-XX, as attached to this agenda, is provisionally adopted, with the following two members of Council

### 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 XXX XX, 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 likely be held in July or August 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

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** June 19, 2023 12:08 PM  
**To:** Clerks; Jeff Bunn  
**Subject:** RE: Landowner Petition Against Jananna Drainage Project

Yes, they are separate.

Treat it the same way you treated the previous one.

Best,

chad

---

**From:** Clerks <clerks@wilmot.ca>  
**Sent:** Monday, June 19, 2023 12:07 PM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** FW: Landowner Petition Against Jananna Drainage Project

I assume I would add this separately from the other one? If so, would I leave the first and last names but remove addresses and signatures?

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, June 19, 2023 10:38 AM  
**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>  
**Subject:** Landowner Petition Against Jananna Drainage Project

**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.

Hi,

Please find attached the official landowner petition against the Jananna/Bamberg Creek/Koch Leis Drainage Project as outlined under 'Petitions' on the Township website.

Cory Kittel  
[REDACTED]

## Kaitlin Bos

---

**From:** Clerks  
**Sent:** June 19, 2023 10:59 AM  
**To:** Jeff Bunn; Chad Curtis  
**Subject:** FW: Letter for Council Meeting June 26th Jananna Drain Project  
**Attachments:** Letter to Mayor and Councilors regarding Jananna Drain Project.pdf

Should I add to correspondence and corp reports pending spreadsheet?

---

**From:** Ken Heintz [REDACTED]  
**Sent:** Friday, June 16, 2023 10:49 AM  
**To:** Clerks <clerks@wilmot.ca>  
**Subject:** Letter for Council Meeting June 26th Jananna Drain Project

**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.

Hi Chad,

We would like to include the attached letter in the June 26<sup>th</sup> council agenda package in regards to the Jananna Drain project.

Thank you,  
Cathy Heintz

Letter to the Mayor and Councillors of Wilmot Township June 8<sup>th</sup>, 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:



**From:** [Cory Kittel](#)  
**To:** [Clerks](#)  
**Subject:** Re: Documents to include as part of Jananna/Bamberg Creek/Koch-Leis Drainage Project  
**Date:** June 20, 2023 3:27:57 PM  
**Attachments:** [jananna\\_invalid\\_petition\\_062023.pdf](#)  
[jananna\\_cost\\_benefit\\_062023.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.

Please replace with these updated versions. Thank you. Sorry for the inconvenience.

On Mon, Jun 19, 2023 at 3:33 PM Cory Kittel [REDACTED] wrote:

Hi,

Please find attached two documents we would like to include as part of the public record and agenda package for the Upcoming Meeting to Consider.

Thank you

**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.

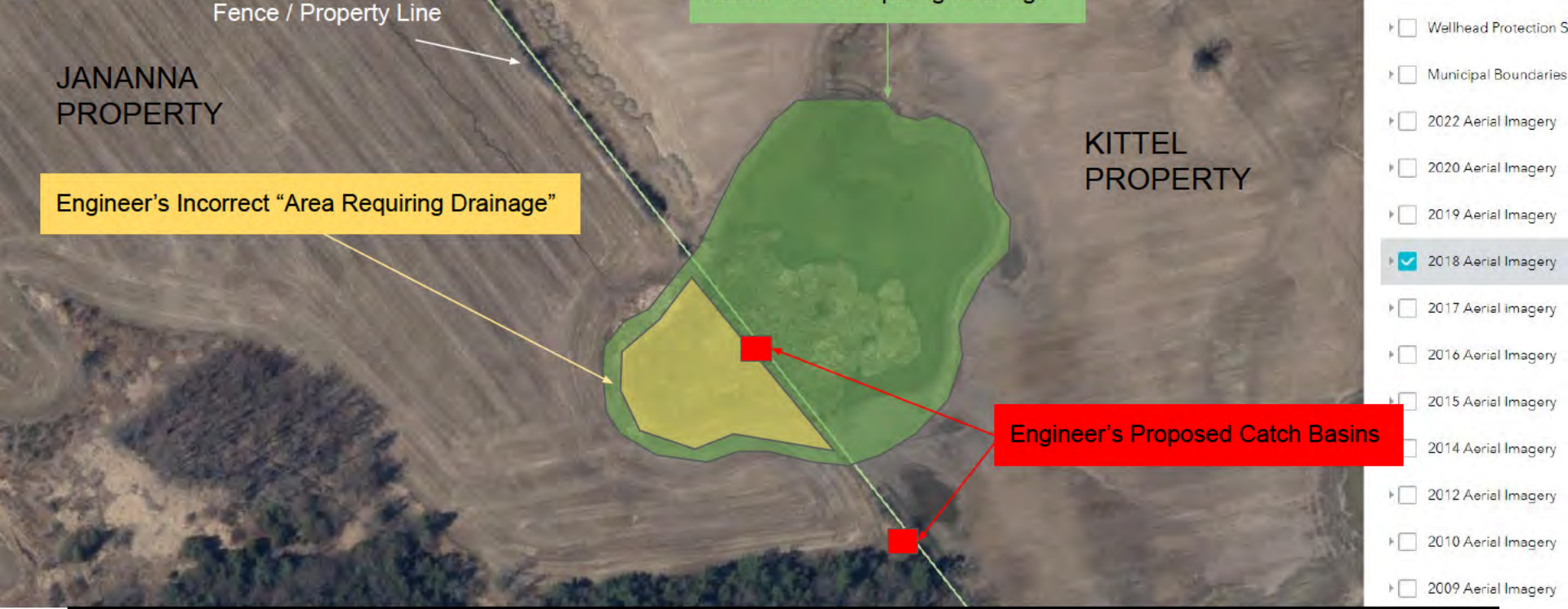
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore 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, Measure, Draw



- 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

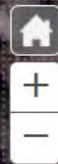
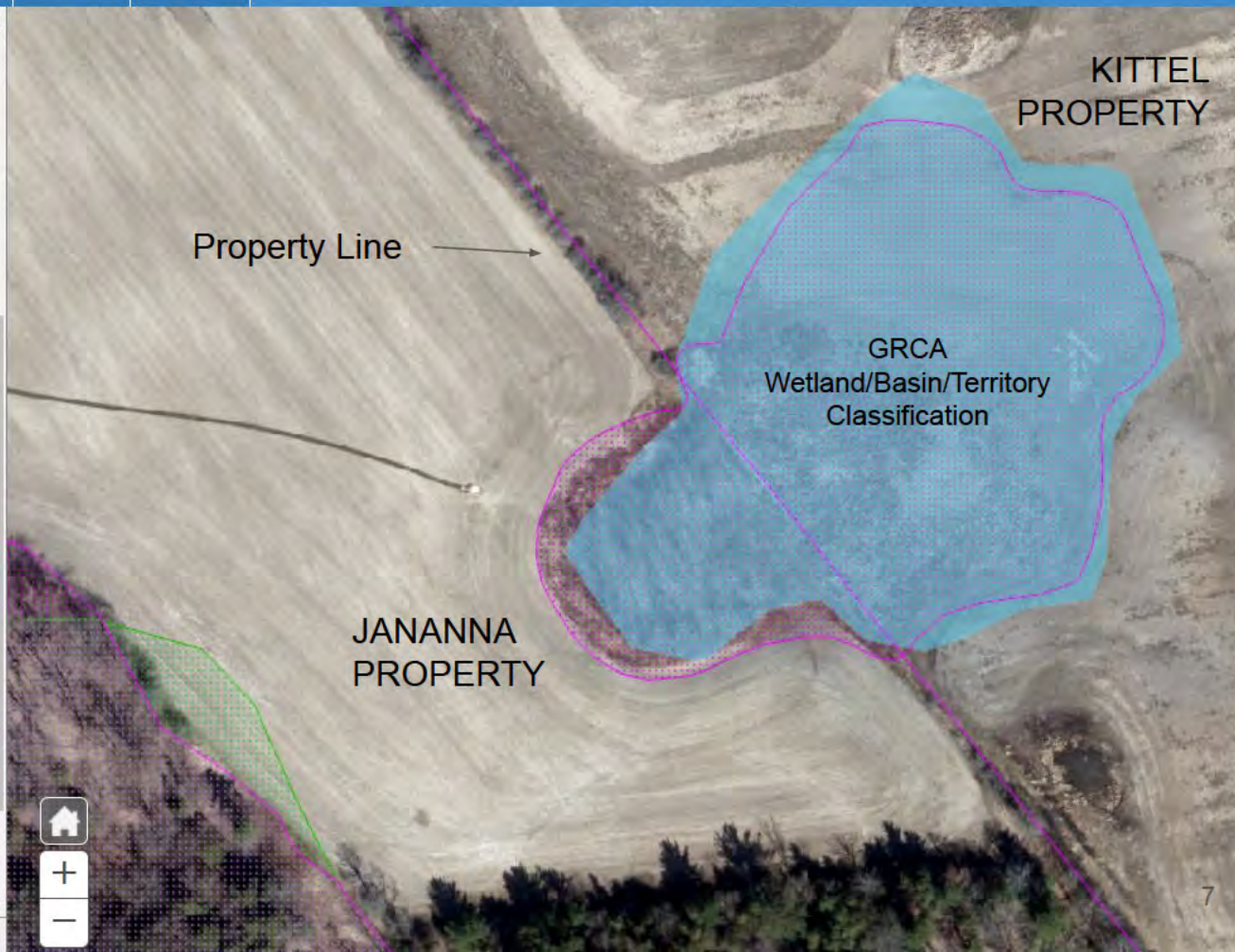
Draw

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 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.

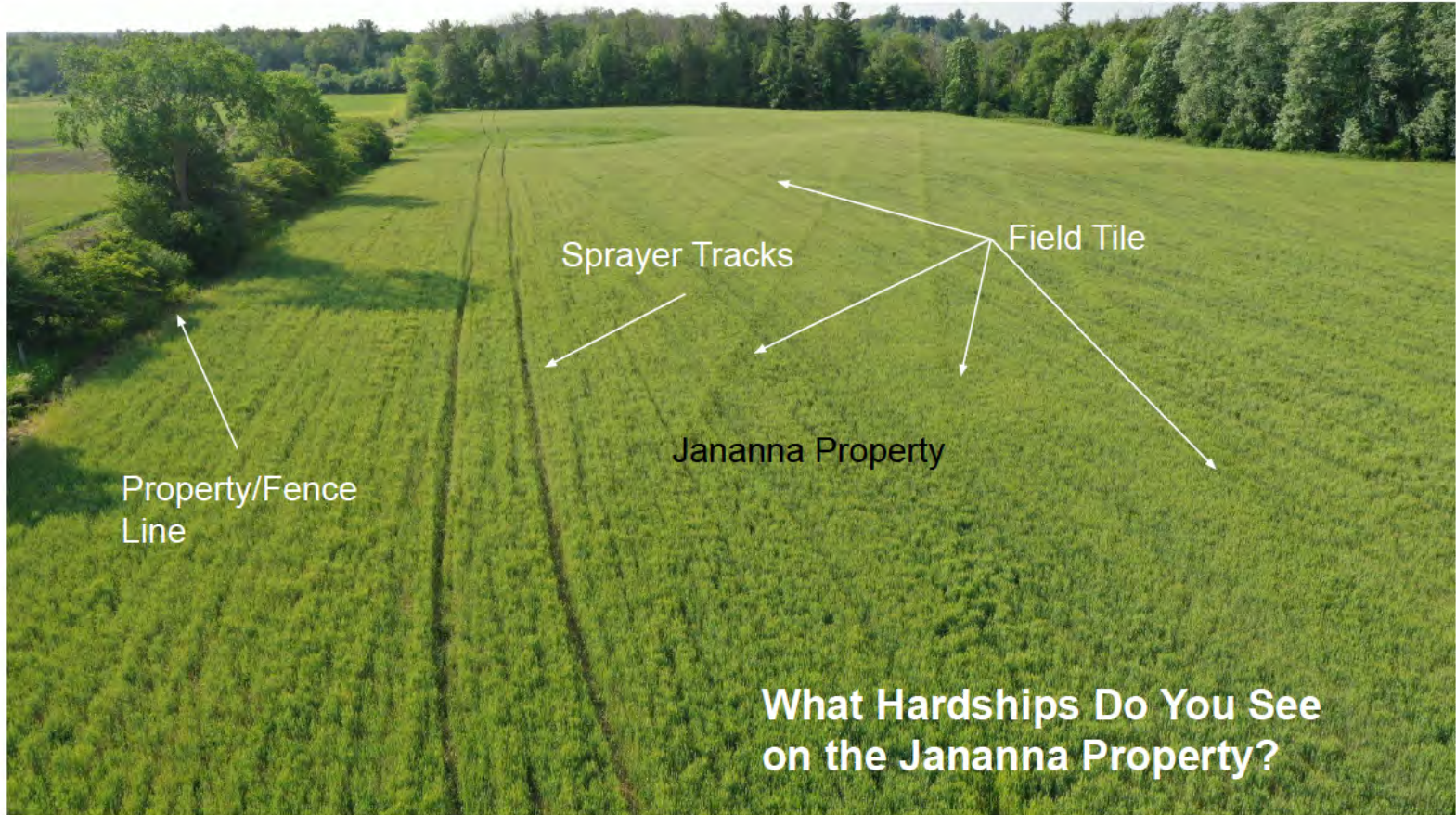
Engineer's Incorrect "Area Requiring Drainage"

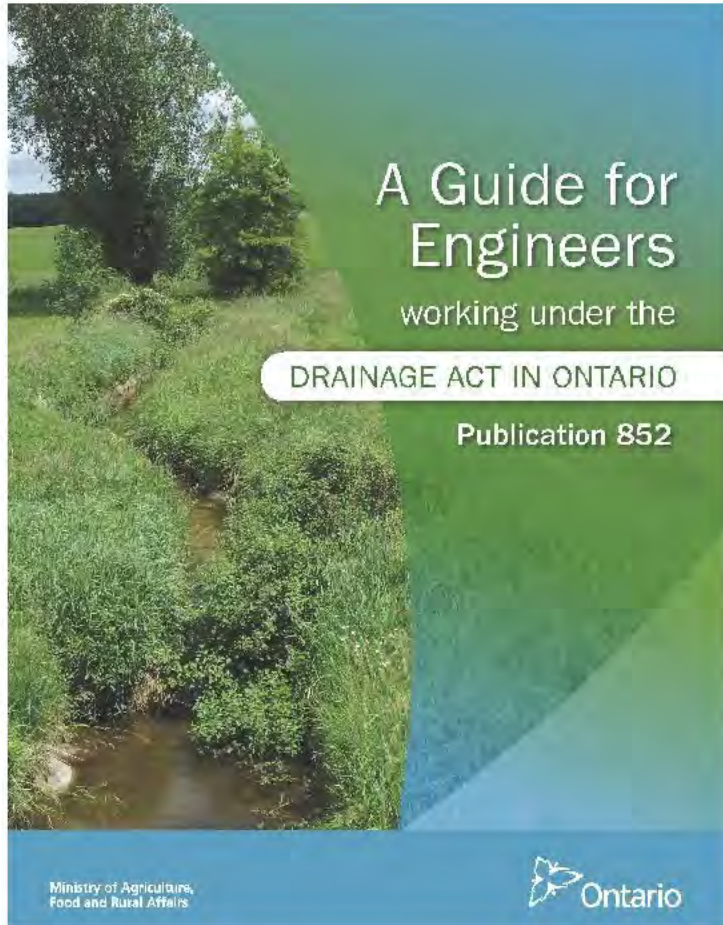
Engineer's Proposed Catch Basin

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.

East Side of Jananna Field - Property Line Pointing South - Photo Taken June 20, 2023





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](http://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%**

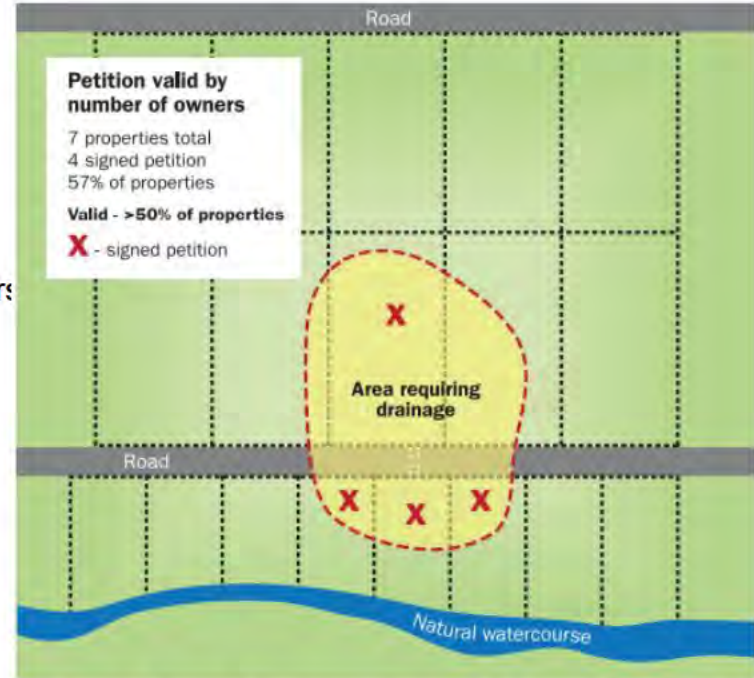


Figure A4-4. Determining the validity of a petition by percentage of owners.

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: \_\_\_\_\_

Ward or Geographic Township: \_\_\_\_\_

I hereby petition for drainage for \_\_\_\_\_

Ownership:

Sole Ownership

Owner Name (Last, First, Middle Initial): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Owner Name (Last, First, Middle Initial): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Name of Signing Officer (Last, First Name) (Type/print): \_\_\_\_\_

\_\_\_\_\_

Name of Corporation: \_\_\_\_\_

Jananna Corp

Position Title: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Notes 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, 519 826-3332.

1/19/2009



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:

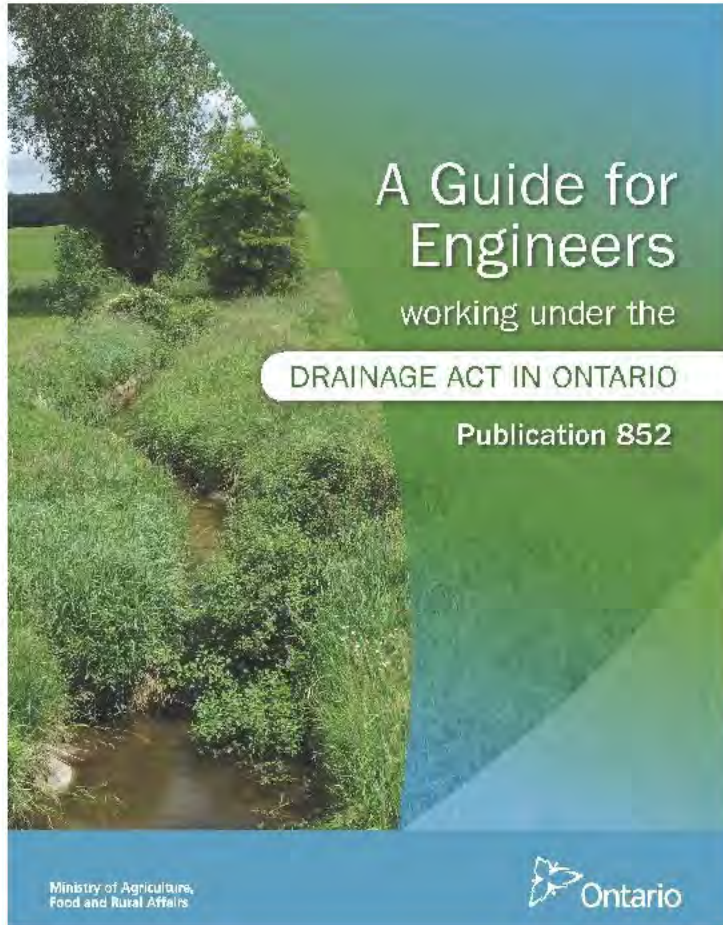
**Jananna - West Branch Drain**

**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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2098 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSA       |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Musa       |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 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.

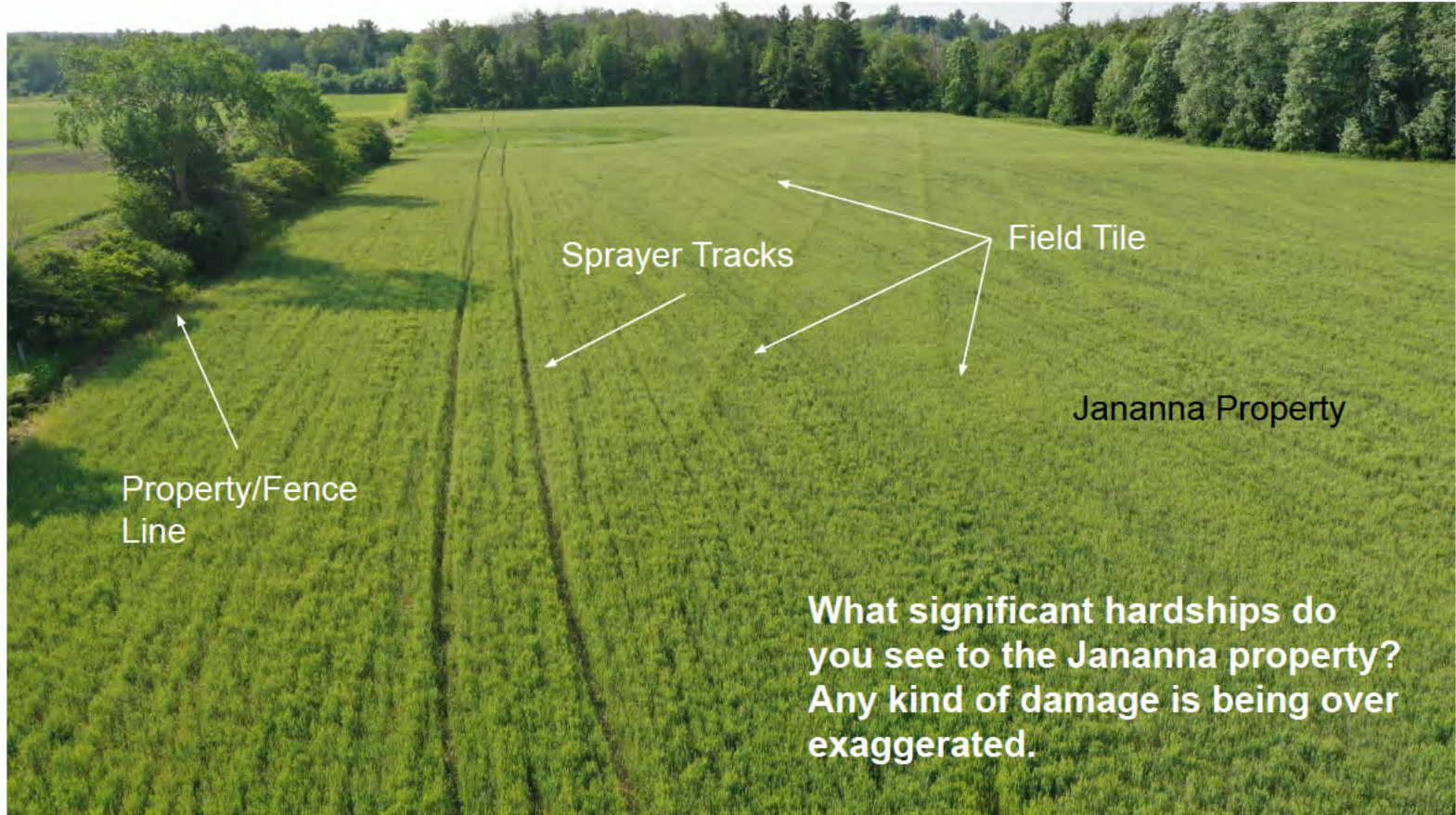
How else do you evaluate the "benefit"? It would certainly be very hard to establish a benefit to the 17 neighbours that somehow exceeded \$500k. Impossible.

This is the low area South East on the petitioner side after a very wet Spring

Photo taken May 25, 2023



East Side of Field - Property Line Pointing South - Photo Taken June 20, 2023



Property/Fence  
Line

Sprayer Tracks

Field Tile

Jananna Property

**What significant hardships do you see to the Jananna property? Any kind of damage is being over exaggerated.**

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) | <b>\$9,216</b> | \$14,976 |
| Comparables              | \$2,551 (HDPE)     | \$993          | \$3,544  |

| 16" Tile @ 304m in length | Material            | Installation    | Total    |
|---------------------------|---------------------|-----------------|----------|
| Engineer's Report         | \$10,640 (concrete) | <b>\$10,944</b> | \$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]

A job worth doing is worth doing right.

| QUANTITY | SIZE | DESCRIPTION                         | AMOUNT    |
|----------|------|-------------------------------------|-----------|
| 26,000   | 6"   | filter pipe @ .57 + install @ .24   | 13,000.00 |
| 1,025    | 6"   | filter pipe @ 1.50 + " @ .30        | 1,537.50  |
| 100      | 8"   | " @ 2.20 + " @ 1.05                 | 325.00    |
| 200      | 12"  | " @ 4.20 + " @ 1.15                 | 1,020.00  |
| 200      | 12"  | filter pipe @ 5.70 + " @ 1.25       | 8,665.00  |
| 1        | 12"  | water pipe @ 210.00                 | 210.00    |
| 2        | 10"  | T's @ 65.00                         | 130.00    |
| 77       | -    | connections @ 15.00                 | 1,155.00  |
| 1        | 6"   | manhole @ 175.00                    | 175.00    |
| 1        | 18"  | manhole @ 500.00                    | 500.00    |
| 5.5      | 6"   | columns @ 112.00 (yellow and black) | 728.00    |
| 1,000    | 6"   | liners @ 1.20 (6' length standard)  | 1,200.00  |
| 1        | -    | misc and safety @                   | 1,000.00  |
|          |      | Subtotal                            | 28,003.00 |

Percentage included:  
 per acre  
 20 R = 2000  
 40 R = 4000  
 45 R = 4500  
 50 R = 5000  
 60 R = 6000  
 70 R = 7000  
 80 R = 8000  
 90 R = 9000

CUSTOMER: [REDACTED]  
 ESTIMATED BY: [REDACTED] DATE: 5-7-23

THIS OFFER IS VALID FOR 30 DAYS FROM DATE OF ESTIMATE. ALL MATERIALS MUST BE ORDERED WITHIN 30 DAYS OF ESTIMATE DATE. MATERIALS PRICES MAY BE DECLARED WITHOUT NOTICE. CONTRACTOR'S LIABILITY IS LIMITED TO THE VALUE AND QUANTITY OF MATERIALS ORDERED.



# 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](http://omafra.gov.on.ca/english/engineer/facts/88-051.htm)

**“Just Because We Can  
Doesn't Mean We Should”**

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 20, 2023 10:29 AM  
**To:** Chad Curtis; Amy Harron; Stephen Brickman  
**Cc:** Jeff Bunn  
**Subject:** RE: Staff Report - BJKL Municipal Drain

**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.

Hi everyone

I was going to suggest holding a standalone Court of Revision for this drain so it is good to see you have adopted that idea. August 16 is a good date.

You will just have to make sure that mailing the notices complies with the no more than 30 no less than 20 days as noted in Section 46(3).

Yourself and Amy should likely mail the notices around July 17. July 17 also meets the 30 day deadline in Section 46(2). July 17 would make August 28 the deadline for Section 48 appeals to the Drainage Tribunal.

Amy

The appointment of the Wellesley representative would usually be done by a council resolution. You would likely prepare a brief report to Council noting the requirement of Section 97(3) of the Act to appoint someone to the Jananna Municipal Drain Court of Revision in Wilmot.

I am not sure I have seen such a report before so I don't have a template for you.

Council can then select a person at the meeting and insert the name in the resolution.

You would then send that resolution to Chad.

Chad

The members of the Court of Revision do not necessarily need to be councillors.

Section 97(2) notes that "*...member shall be a person eligible to be elected a member of council or shall be a member of council.*"

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, June 20, 2023 10:17 AM  
**To:** Amy Harron <aharron@wellesley.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** RE: Staff Report - BJKL Municipal Drain

Hi Amy,

Thanks for the response. I will schedule the meeting for August 16<sup>th</sup>. I'm going to try and schedule it for during the day. I'll need to confirm availability with my Council, etc.

I'm new to this process as well. Stephen and John, if this interpretation of next steps is incorrect, please let me know.

Amy, you'd need to take a report to Council. I've attached our draft report that is going to be published tomorrow. The Drainage Act requires that the membership of the Court of Revision be exclusively Councillors. Just like Councillor's would appoint themselves to a Board or Committee in open session, that's how Wilmot is treating this selection.

Let me know if you need anything else.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Amy Harron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>

**Sent:** Tuesday, June 20, 2023 9:57 AM

**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

**Subject:** RE: Staff Report - BJKL Municipal Drain

**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.

Hi Chad,

I am fine with August 16<sup>th</sup>. Can you confirm how the appointment of a person from Wellesley (I'm assuming it will end up being a member of council) is done? Our last meeting before August 16<sup>th</sup> is July 11<sup>th</sup> and I would have to take a report to that meeting for the appointment.

Thank you.

Amy Harron

Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)





**NOTE: The Township of Wellesley is piloting a four day work week program. As a result, I will currently be available Tuesday to Friday from 8:00a.m. to 4:30p.m. Outside of these hours I will respond at my earliest availability. If you require immediate assistance during office hours on a Monday, please call the office at 519-699-4611.**

**IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 20, 2023 8:57 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Amy Harron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Subject:** RE: Staff Report - BJKL Municipal Drain

Hello Stephen,

Stephen, thanks for your comments.

I cc'd Amy Harron from Wellesley to this email just to ensure we have our dates correct.

Typically, we try to schedule a Court of Revision prior to a Council meeting just cause we know the Councillors are going to be there. I'm okay with scheduling the Court of Revision on an earlier date. Doesn't have to be in the evening either.

Does anyone have a concern with hosting the meeting on August 16, 2023? It's a Wednesday in the middle of the month. Does anyone have a preferred time?

Looking forward to hearing from you.

Best,



**Chad Curtis (he/him)**  
Deputy Clerk  
Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, June 20, 2023 8:45 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

Cc: Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

Subject: RE: Staff Report - BJKL Municipal Drain

**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.

Here are my comments. I used Track Changes too.

- There were only a couple small clerical comments
- Regarding the CoR date (Aug 28) – there is a procedural problem
  - If the provisional by-law and notice of the CoR is circulated 30 days after the meeting to consider the report (which is the latest possible date to circulate the documents), then the CoR must be held between 20 and 30 days of the mailing, meaning the absolute last date for a CoR is 60 days following the Consideration which would then land on August 25. August 28 is too late to hold a CoR, it would need to be earlier.

s.b.

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

**Sent:** Monday, June 19, 2023 12:28 PM

**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

**Subject:** Staff Report - BJKL Municipal Drain

Hello Stephen and John,

Attached to this email is the Staff Report for the BJKL Municipal Drain. We are looking to publish the agenda on Wednesday.

If you find the time, can you please review the report?

Thanks,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](https://twitter.com/Wilmot) | [Facebook](https://facebook.com/Wilmot) | [LinkedIn](https://linkedin.com/company/Wilmot) | [YouTube](https://youtube.com/Wilmot)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 20, 2023 10:29 AM  
**To:** Chad Curtis; Amy Harron; Stephen Brickman  
**Cc:** Jeff Bunn  
**Subject:** RE: Staff Report - BJKL Municipal Drain

## CORPORATE SERVICES *Staff Report*

---

REPORT NO: [Report Number]

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 is referred back to the Engineer and the~~ petition remains valid after consideration of the Report; and

THAT the date for the Court of Revision be scheduled for August 28, 2023<sup>[SB1]</sup>, if By-law 2023-XX, as attached to this agenda, is provisionally adopted, with the following two members of Council [Missing names – to be filled in during Council meeting?]

### 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 **XXX XX, 2023**[SB2].

#### 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 likely be held in **July or August 2023**[SB3].

#### 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

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 20, 2023 8:58 AM  
**To:** Chad Curtis; John Kuntze  
**Cc:** Jeff Bunn; aharron  
**Subject:** RE: Staff Report - BJKL Municipal Drain

**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.

I like the 16<sup>th</sup>.

**s.b.**

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, June 20, 2023 8:57 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>; aharron <aharron@wellesley.ca>  
**Subject:** RE: Staff Report - BJKL Municipal Drain

Hello Stephen,

Stephen, thanks for your comments.

I cc'd Amy Harron from Wellesley to this email just to ensure we have our dates correct.

Typically, we try to schedule a Court of Revision prior to a Council meeting just cause we know the Councillors are going to be there. I'm okay with scheduling the Court of Revision on an earlier date. Doesn't have to be in the evening either.

Does anyone have a concern with hosting the meeting on August 16, 2023? It's a Wednesday in the middle of the month. Does anyone have a preferred time?

Looking forward to hearing from you.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, June 20, 2023 8:45 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** RE: Staff Report - BJKL Municipal Drain

**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.

Here are my comments. I used Track Changes too.

- There were only a couple small clerical comments
- Regarding the CoR date (Aug 28) – there is a procedural problem
  - If the provisional by-law and notice of the CoR is circulated 30 days after the meeting to consider the report (which is the latest possible date to circulate the documents), then the CoR must be held between 20 and 30 days of the mailing, meaning the absolute last date for a CoR is 60 days following the Consideration which would then land on August 25. August 28 is too late to hold a CoR, it would need to be earlier.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 19, 2023 12:28 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** Staff Report - BJKL Municipal Drain

Hello Stephen and John,

Attached to this email is the Staff Report for the BJKL Municipal Drain. We are looking to publish the agenda on Wednesday.

If you find the time, can you please review the report?

Thanks,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have



received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

Kaitlin Bos

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

---

From: Steven Martin <[steven.martin@wilmot.ca](mailto:steven.martin@wilmot.ca)>  
Sent: Monday, June 19, 2023 8:22:31 PM  
To: Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
Subject: FW: Thank You

Hello Jeff

I met with Cory Kittel and Elena Borissova on Saturday. Cory has put together this document taking excerpts from the Drainage Act. It is his contention that the petition is invalid in that there is not a majority of landowners filing the

petition since he contends that the drainage problem is on Janena land and his land, and he did not consent to the petition. Is there validity in his concerns?

Thank you.



**Steven Martin** (He/Him)  
Councillor, Ward 4  
Township of Wilmot | 519-807-5214

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

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:** Monday, June 19, 2023 4:30 PM  
**To:** Steven Martin <[steven.martin@wilmot.ca](mailto:steven.martin@wilmot.ca)>  
**Cc:** Elena Borissova [REDACTED]; David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>; Ken Heintz [REDACTED]  
**Subject:** Thank You

**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.

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]

**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.

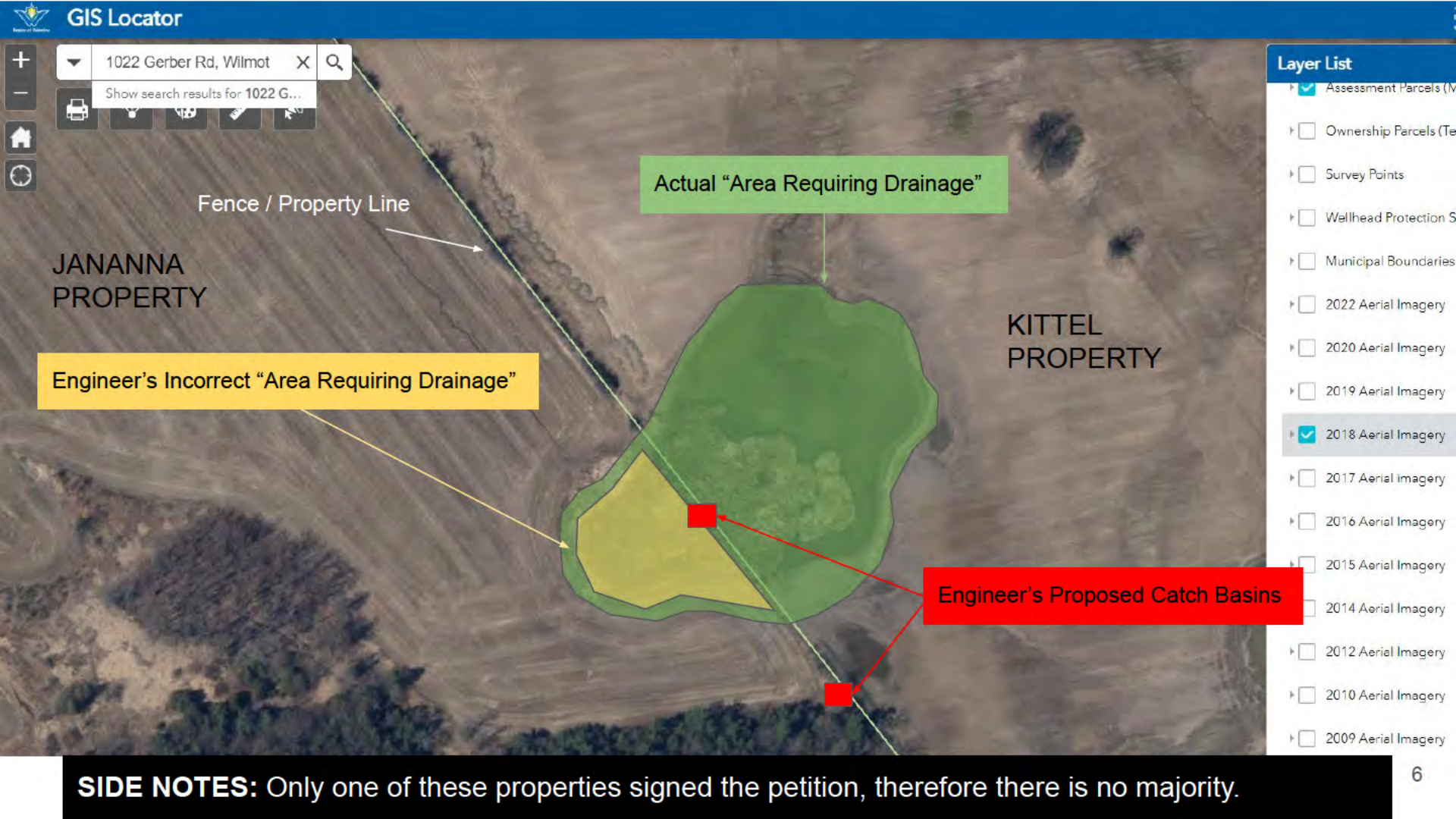
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore 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

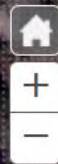
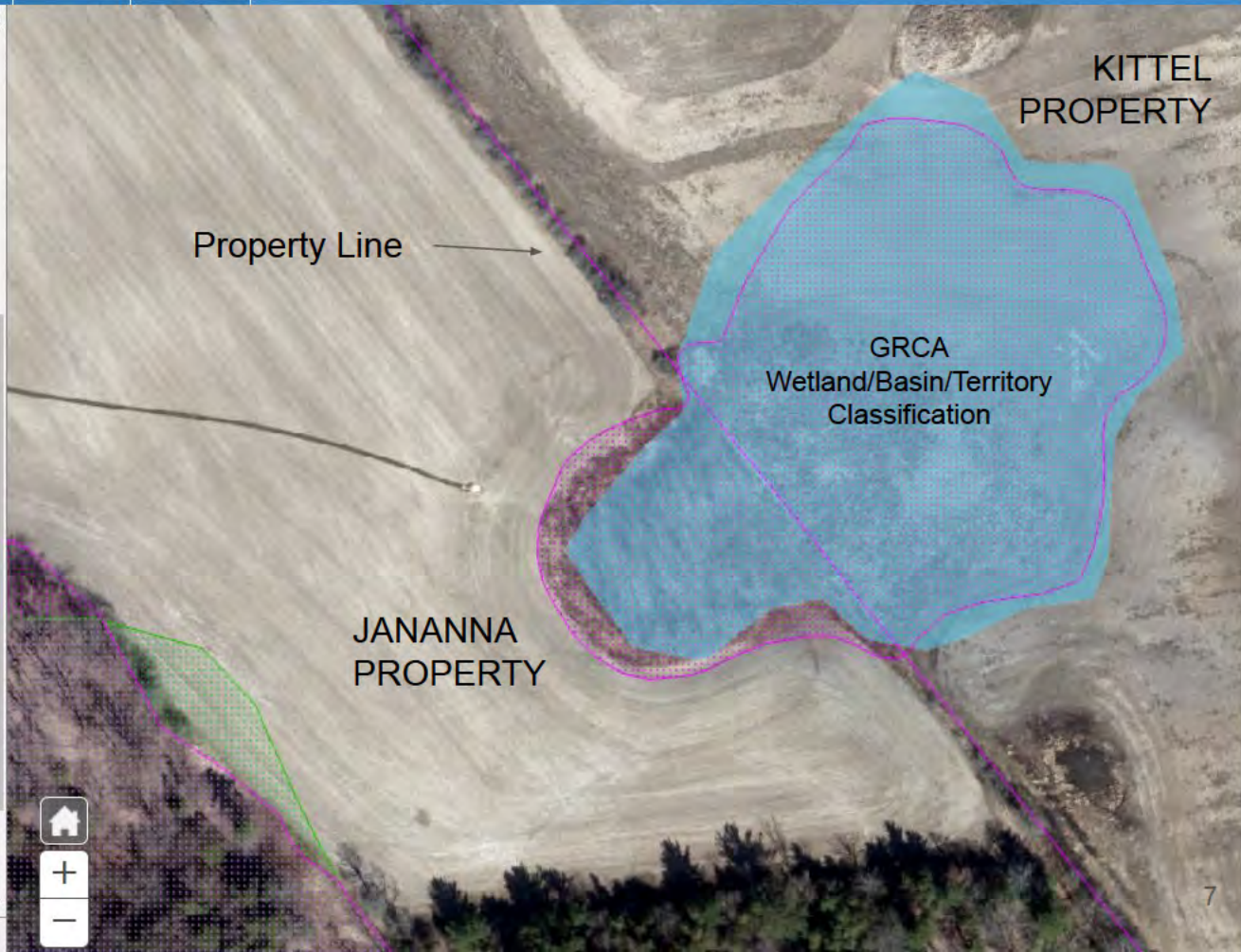
Draw

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

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"



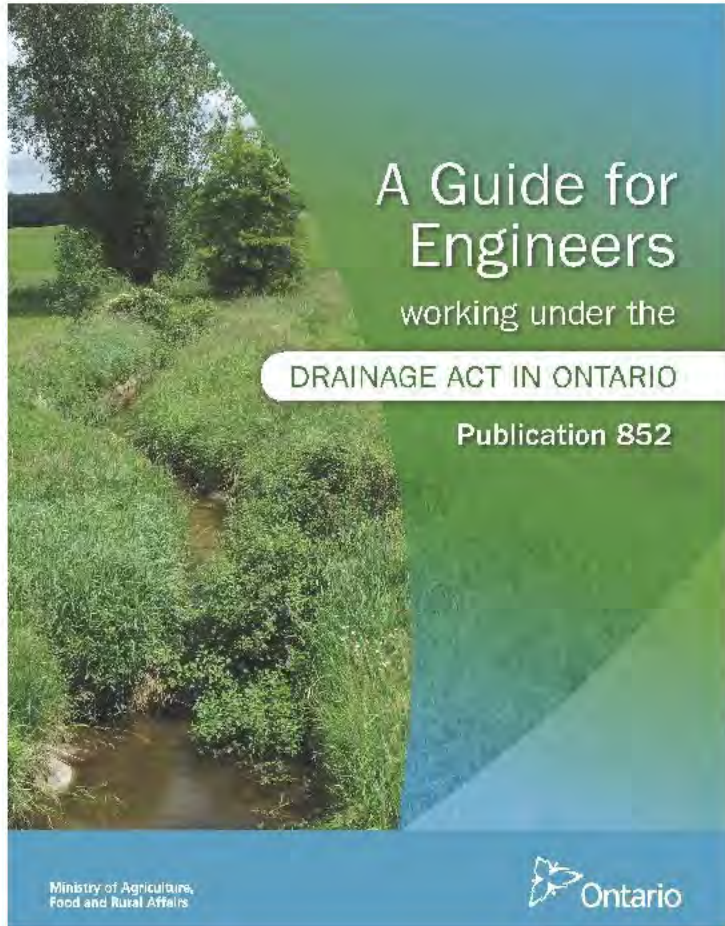
**Quick Fact:**  
A newly installed drain already exists in this location that no mention has been made of in the report and the Engineer was not aware of during their site visit. The solution being proposed is redundant.

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...”

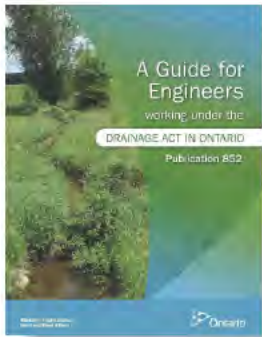
## Duane vs. Township of Finch, Referee G. Henderson, 1908

“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](http://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%**

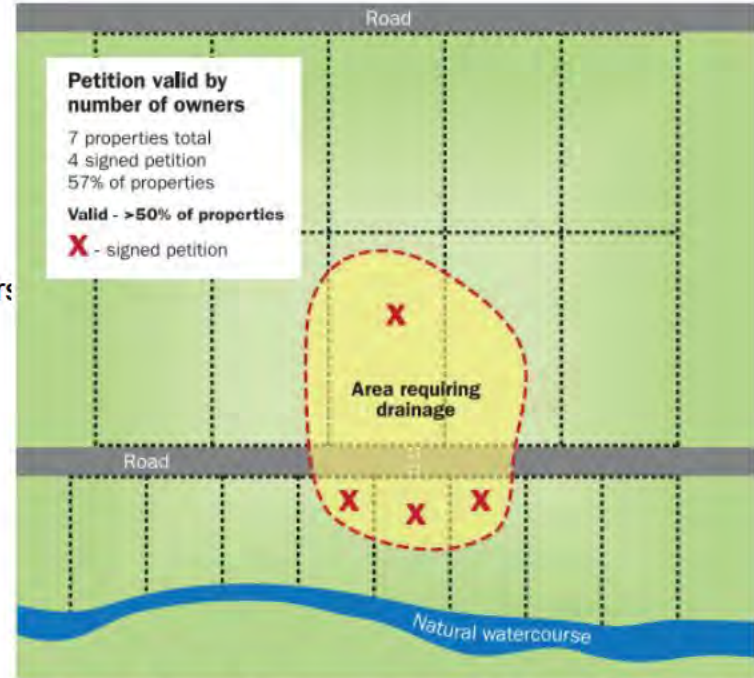


Figure A4-4. Determining the validity of a petition by percentage of owners.

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 (tract) 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: \_\_\_\_\_

**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 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:

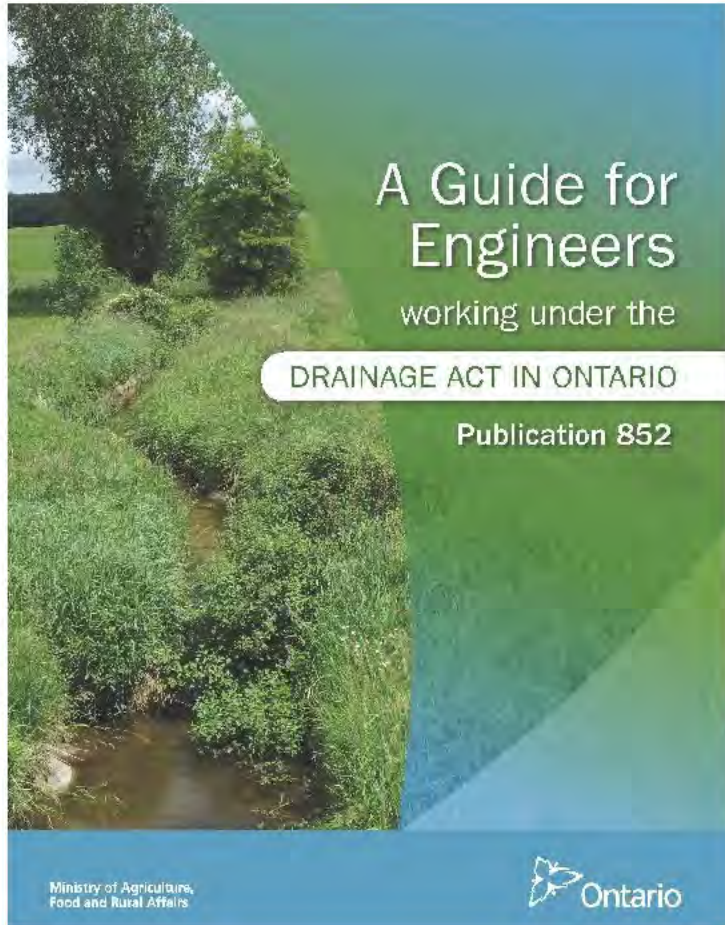
**Jananna - West Branch Drain**

**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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2298 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSA       |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Musa       |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
|                  |           |                                           |          |
|                  |           |                                           |          |

| Printed Name              | Signature | Address                                             | Date             |
|---------------------------|-----------|-----------------------------------------------------|------------------|
| David Marshall            |           | 1269 Gerber Rd<br><del>Wellesley</del> Wellesley MA | 02/03/23         |
| Bib Sanderson             |           | 1269 Gerber Rd<br>Wellesley                         | 02/03/23         |
| Robert Jantzi             |           | 1805 Gerber RD<br>Wellesley                         | 05/08/23         |
| Anne Jantzi               |           | 18 <sup>05</sup> Gerber Rd.<br>Wellesley            | 05/08/23         |
| R McCormick               |           | 1171 Gerber Rd                                      | 06/15/23         |
| Rosemary Kettel-McCormick |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15,<br>2023 |
| MaryEllen McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Mason McCormick           |           | 1171 Gerber Rd<br>RR#1 St. Agatha                   | June 15<br>2023  |
| Josephine McCormick       |           | 1011 Gerber Rd<br>RR#1 St. Agatha                   | June<br>15/23    |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |
|                           |           |                                                     |                  |

[REDACTED]

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Wednesday, June 21, 2023 12:34 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Fwd: Preliminary Report, RE: Section 4 (1)(D) explained

**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.

Hi Kris,

There is a section of the Drainage Act that describes some grant dollars available to cover Engineering costs related to his work on the preliminary report. Leading up to the first public meeting, the Engineer assembled a preliminary report, and routinely referred to it as a preliminary report, just like what is described below (a sketch of the plan and an estimate of costs). This was the bulk of the Engineer cost in my opinion. These costs are grantable via OMAFRA, so there is a way to bring some of those Engineering costs down. In my opinion the Engineer should also be reducing some of his fee if mistakes were made. Together these bring the cost burden to the petitioner way down. I also had a good discussion with a lawyer who sits on the Tribunal who clearly stated to me that council can absolutely not proceed with an invalid petition.

Cory

[REDACTED]

----- Forwarded message -----

**From:** **Kester, Andy (OMAFRA)** <[andy.kester@ontario.ca](mailto:andy.kester@ontario.ca)>  
**Date:** Wed, Jun 21, 2023 at 11:47 AM  
**Subject:** Preliminary Report, RE: Section 4 (1)(D) explained  
**To:** Cory Kittel [REDACTED]  
**Cc:** Brook, Timothy (OMAFRA) <[Timothy.Brook@ontario.ca](mailto:Timothy.Brook@ontario.ca)>, Kester, Andy (OMAFRA) <[andy.kester@ontario.ca](mailto:andy.kester@ontario.ca)>

Hello Cory,

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 8 (1) indicates what shall be included in a report.

Section 10(1) indicates what shall be included in a preliminary report.

- A sketch of the plan
- An estimate of costs
  - If more information is included the report moves quickly from a Preliminary Report to a Report.

Municipal council may instruct the appointed engineer to develop a **Preliminary Report**, or may instruct the engineer to develop a **Report**. (some times it is referred to as a Final Report, but in the legislation it is referred to as a **Report**)

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.)

I hope this answers your question.

Thanks

Andy Kester  
Drainage Analyst/Drainage Inspector  
Approvals, Certification and Licensing  
Environmental Management Branch  
Ontario Ministry of Agriculture Food and Rural Affairs  
One Stone Road, West  
3<sup>rd</sup> Floor  
Guelph, Ontario  
N1G 4Y2

**Note New Phone Number**

519-835-6074

As part of providing providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Wednesday, June 21, 2023 11:06 AM

**To:** Kester, Andy (OMAFRA) <[andy.kester@ontario.ca](mailto:andy.kester@ontario.ca)>; Brook, Timothy (OMAFRA) <[Timothy.Brook@ontario.ca](mailto:Timothy.Brook@ontario.ca)>

**Subject:** Re: Section 4 (1)(D) explained

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi Andy, Tim,

Thanks again for all the work you do and information you have provided me so far.

One other question, this might be my last (but I doubt it).

Are there any conditions tied to Grant dollars related to 85 (c)? Could the Township apply for this ?



Cory



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 21, 2023 10:23 PM  
**To:** Patrick Kelly; Chad Curtis; Stephen Brickman  
**Cc:** Jeff Bunn; Candice Greenley  
**Subject:** RE: BJKL By-law  
**Attachments:** By-law 2023-XX - JK edit.pdf; By-law 2023-XX - JK comments.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.

Hi Chad

Attached is my edit of the changes required to the bylaw.  
Second attachment has my notes on the changes required.

Key addition is that thought there is no Township land or road assessment the Township still has to carry the total estimated cost of the drain to completion.

Therefore I have noted several spots where you have to include the total cost from the report.  
Since Wellesley is involved the table on page 1 has to be completed.

I would go with no debenture.

I recall Patrick that in previous discussion with you and Ashton that we decided if anyone wanted to do a debenture we would look in to that with the final cost levy bylaw.

John

---

**From:** Patrick Kelly <patrick.kelly@wilmot.ca>  
**Sent:** Wednesday, June 21, 2023 5:12 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>; Candice Greenley <candice.greenley@wilmot.ca>  
**Subject:** RE: BJKL By-law

Hi Chad,

I will need to defer to John on this one. While the Township has no “skin” in the game, we will be carrying the costs of pre-engineering works and construction until the levying by-law is approved for billing to benefitting property owners.

Given the value of the works, I do not anticipated any debentures would be necessary to meet the carrying costs.

John – please advise if the by-law is filled out appropriately.

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
Corporate Services | Township of Wilmot | 519-634-8519 x. 9258

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, June 21, 2023 12:11 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>  
**Subject:** BJKL By-law

Hello Stephen, John, and Patrick,

Can you all take a look the by-law that will be going on the June 26, 2023, Regular Council agenda for a first and second reading?

Patrick, I included you in this email because there is information regarding debentures that I would like you to confirm.

Best,



**Chad Curtis (he/him)**  
Deputy Clerk  
Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



**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 *→ should match Report name* 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. *Wilmot has to carry full cost to completion so report total has to show here*

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. *same as above Wilmot has to carry full cost*

This project will NOT be debentured *use this*

**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. |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
| <b>Total</b>         |            |                     |                 |                                 |

This page is not to print but if it does it should be blank since this page only applies for debentures

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the

" Bamberg Creek, Jananna, Koch-Leis Municipal Drains 2023 by-law".

First reading 2023/06/26

Second reading 2023/06/26

Provisionally adopted this 26 day of June, 20 23

*not sure why the pdf document won't let me type more here*

*normally this would match the report title*  
*If it won't work I would use Jananna Municipal Drain 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





**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. |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
| <b>Total</b>         |            |                     |                 |                                 |

**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)<br><u>Salonen, Natasha</u> | Signature |
|-----------------------------------------------------------------------|-----------|

|                                                       |           |
|-------------------------------------------------------|-----------|
| Name of Clerk (Last, First Name)<br><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 |
|----------------------------------|-----------|



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 21, 2023 12:11 PM  
**To:** Stephen Brickman; John Kuntze; Patrick Kelly  
**Cc:** Jeff Bunn; Candice Greenley  
**Subject:** BJKL By-law  
**Attachments:** By-law 2023-XX.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Stephen, John, and Patrick,

Can you all take a look the by-law that will be going on the June 26, 2023, Regular Council agenda for a first and second reading?

Patrick, I included you in this email because there is information regarding debentures that I would like you to confirm.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.





**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. |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
|                      |            |                     |                 |                                 |
| <b>Total</b>         |            |                     |                 |                                 |

**6. CITATION**

This by-law comes into force on the passing thereof and may be cited as the

" By-law 2023-XX \_\_\_\_\_ 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)<br><u>Salonen, Natasha</u> | Signature |
|-----------------------------------------------------------------------|-----------|

|                                                       |           |
|-------------------------------------------------------|-----------|
| Name of Clerk (Last, First Name)<br><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 |
|----------------------------------|-----------|





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

---

Township of Wilmot – Meeting to  
Consider the Report

June 26, 2023

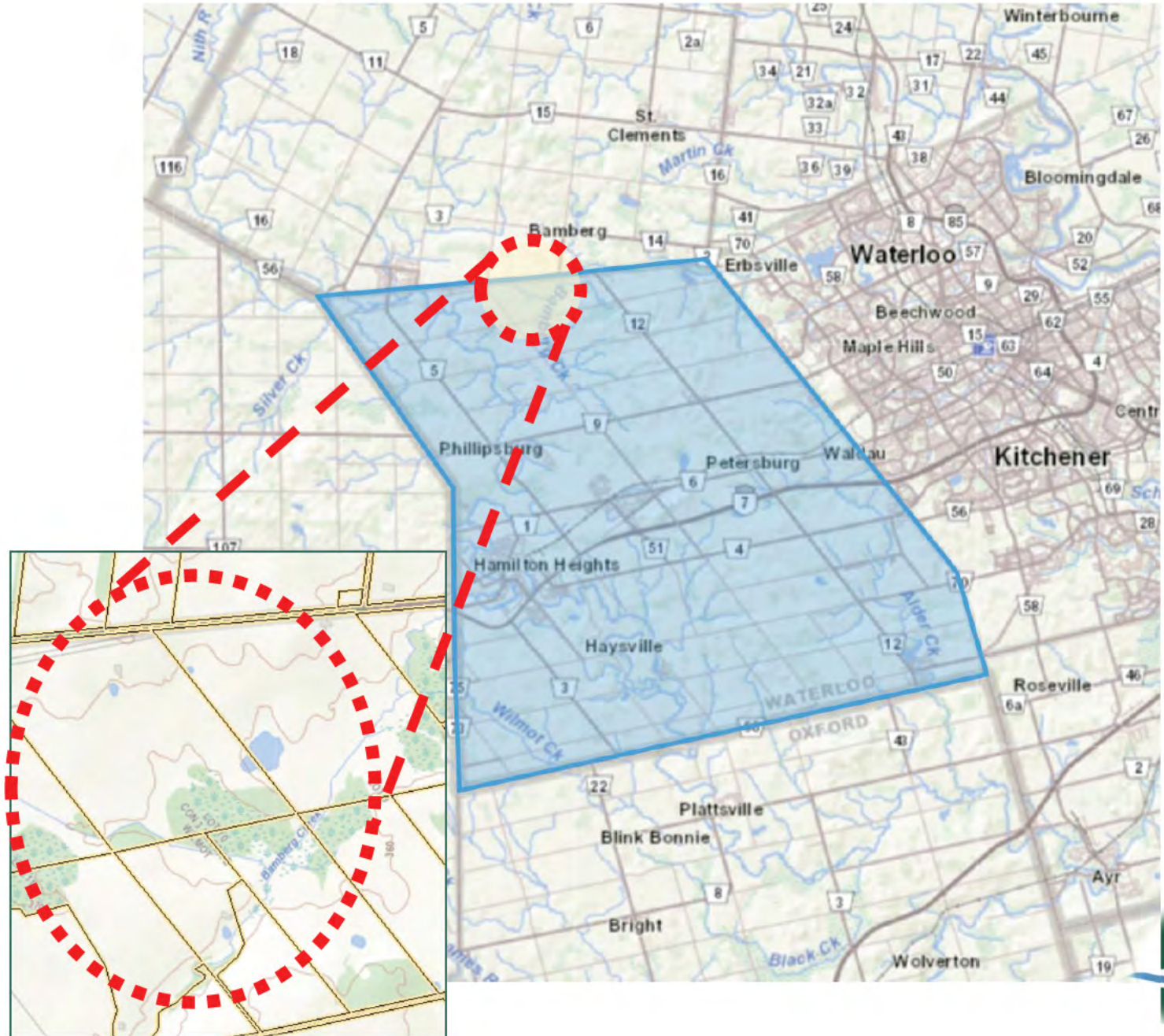


# Authority

- Headway was appointed under Section 4(1) of the Drainage Act on July 12, 2021



# Project Location



# Steps to Producing the Report

## **Duties of Engineer (Section 11 of the Drainage Act)**

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



# Steps to Producing the Report

Engineering

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



# Findings

- 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.
- 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).
- The west 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.



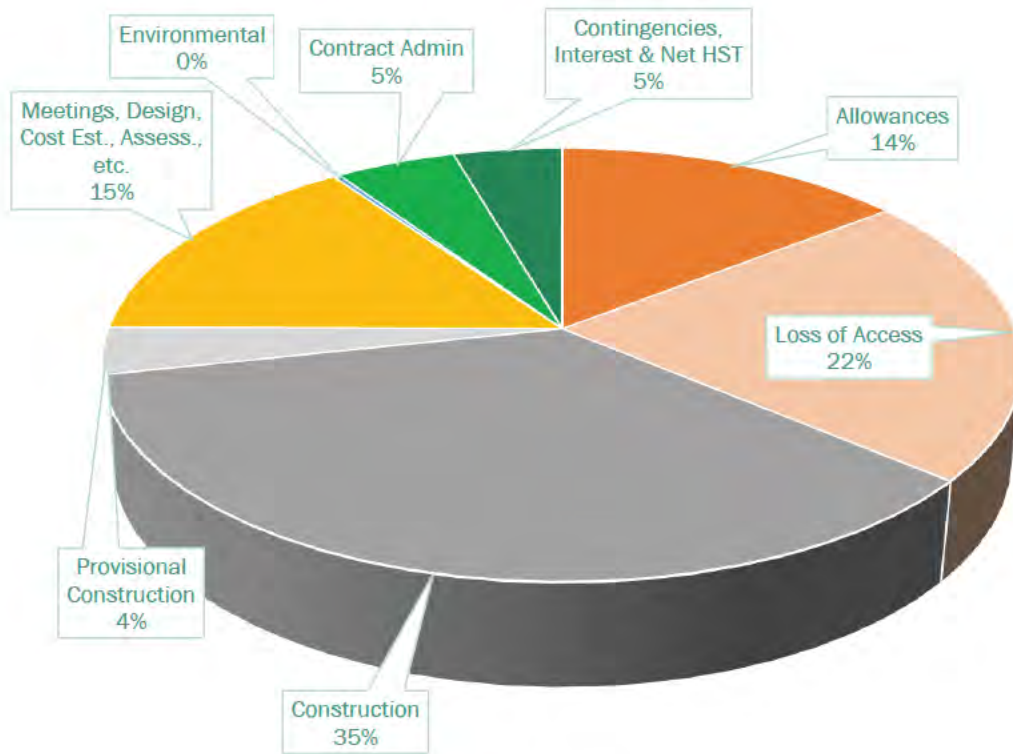


# Recommendations

1. The installation of approximately 1,358m of 200mm to 450mm diameter concrete field tile and HDPE pipe.
2. The improvement of approximately 1,201m of open channels.





# Estimated Project Costs




 Allowances


 Construction Costs (including Contingencies)

 Meetings/Correspondence, Design Review, Cost Estimates, Reporting, etc.

 Environmental Consultations

 Contract Documents, Administration, Supervision & Inspection

 Interest & NET HST

 Total Estimated Costs: \$462,900



# Steps to Producing the Report

Engineering

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



# Steps to Producing the Report

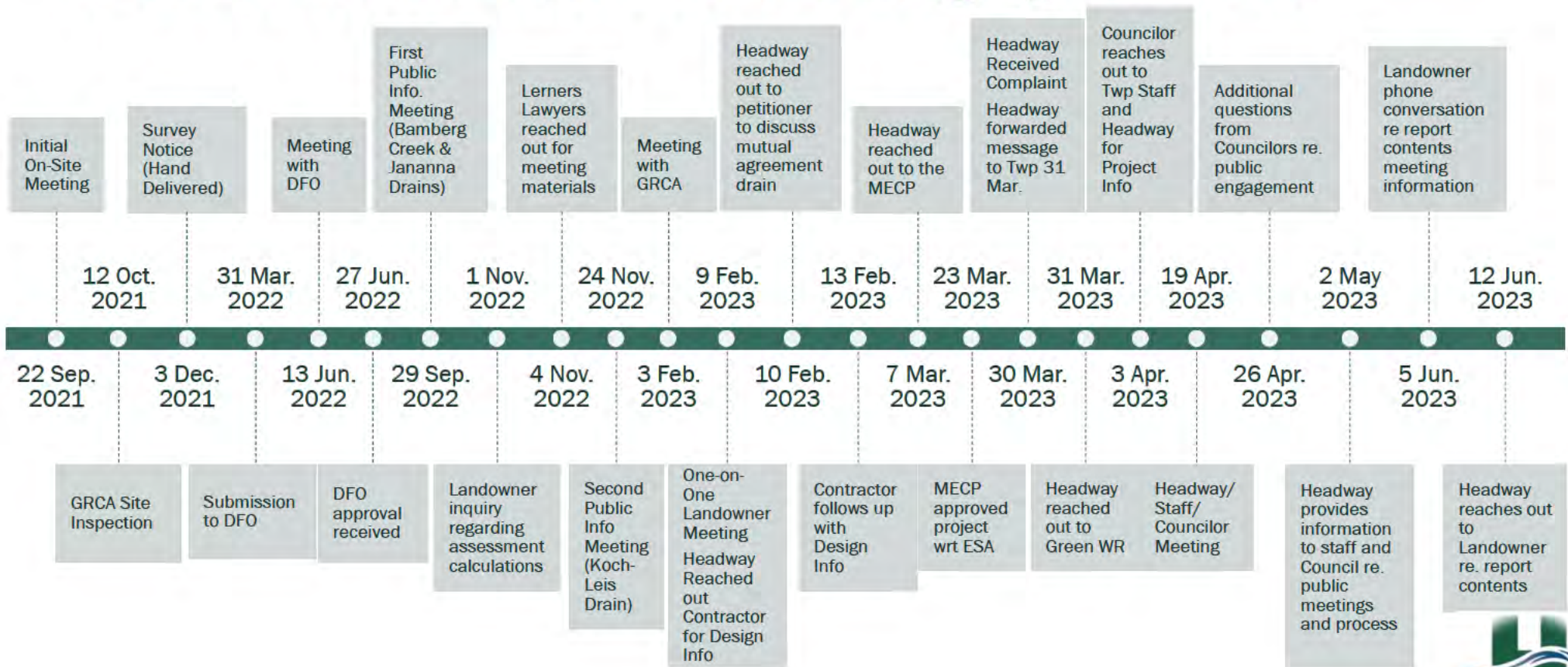
## Public Consultations

### Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.




# Public and Stakeholder Engagements



# Initial Onsite Meeting (September 22, 2021)





23-600 Fairway Road South  
Suite 308  
Kitchener, Ontario N2C 1X3  
226 243 6614  
www.headwayeng.ca

September 8, 2021

Dear Sir or Madam:

**Re: On-Site Meeting  
Jananna Municipal Drain (Gawron Petition)  
Township of Wilmot  
Our Reference No. WLMT-002**

We have been appointed by the Council of the Township of Wilmot under Section 4 of the Drainage Act to investigate a petition the Township has received for the above noted Municipal Drain. Please find enclosed a preliminary plan of the drainage basin.

This is the initial meeting under the Drainage Act, and its primary purpose is for affected landowners to provide the engineer with information concerning the possible drainage works.


We will be present at 1184 Gerber Road on September 22<sup>nd</sup> at 10:00 A.M. to discuss the area and site of the possible drainage works. Please refer to the attached drawing showing the location of the meeting.

You, as an owner of land affected by this municipal drainage project, are asked to attend at such time and place if you have any questions or suggestions concerning the potential work.

Furthermore, please bring to the meeting any tile maps that you may have for lands within the watershed as indicated on the attached plan.

If you have any questions beforehand, please telephone (226) 243 6614.

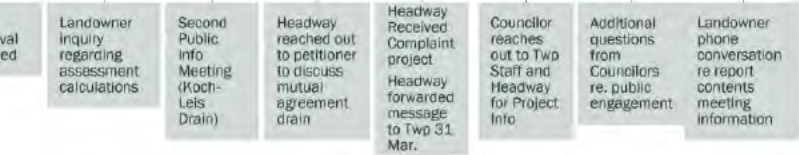
Yours truly,



Stephen Brickman, P.Eng.  
Project Engineer and Manager  
HEADWAY ENGINEERING

SB/

|                                                                                                                        |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Tracey Murray<br>Manager of Information and Legislative Services /<br>Deputy Clerk<br>Township of Wilmot<br>[Redacted] | Bryan Bishop, C.E.T.<br>Manager of Engineering<br>Township of Wilmot<br>[Redacted]     |
| John Kuntze, P.Eng.<br>Drainage Superintendent<br>Township of Wilmot<br>[Redacted]                                     | Steve van De Keere<br>Director of Transportation<br>Region of Waterloo<br>[Redacted]   |
| Lucy Gawron<br>[Redacted]                                                                                              | Cory & Kirby Kittle<br>[Redacted]                                                      |
| Jananna Corp<br>[Redacted]                                                                                             | Natalee Ridgeway<br>[Redacted]                                                         |
| Ronald & Rosemary McCormick<br>[Redacted]                                                                              | Trevor Heywood<br>Resource Planner<br>Grand River Conservation Authority<br>[Redacted] |

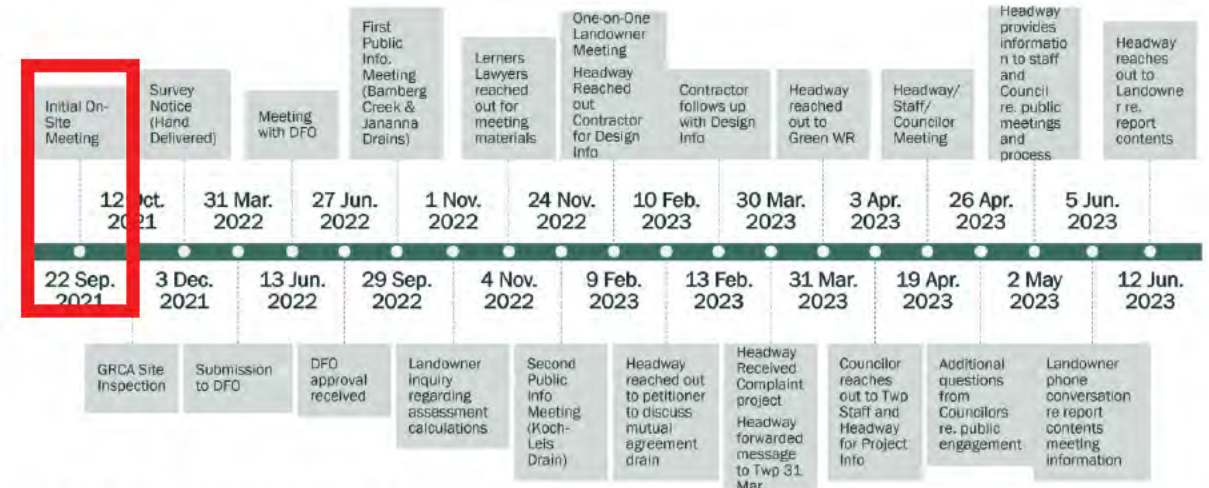


- Notices Mailed Sept 8 (two weeks prior)
- Mailing list shown to left
- Attended by:
  - Twp
  - Region
  - Gawron Family for Jananna
  - McCormick
  - Kittle (not attend, but in after)



# Initial Onsite Meeting (September 22, 2021)

- Introductions
- Headway explained Drainage Act Appointment
- Purpose of the meeting:
  - The purpose of the meeting is for the landowners to provide the engineer with information which will be helpful for completing this investigation. If landowners have problems
    - blow outs
    - lack of depth
    - excessive runoff
    - unending repairs etc.
    - get copies of tile maps
    - watershed issues
    - tile maps
- Landowner comments:
  - Surface water issues, needs a drain to control surface water
  - Farm was recently drained
  - An attempt was made in the past to reach an agreement. It didn't get very far.
  - Concerns about Bamberg Creek outlet depth
  - Questions about timeline – Headway couldn't specify timelines because of GRCA concerns
  - Lands near Gerber Road and North are very sandy
  - Concerns relating to assessments. Headway responded that the next meeting will have much better information about assessment.
  - Some landowners noted that they didn't want to be involved – Headway acknowledged
  - Questions received about the condition of the road pipes – Headway provided photos
- Next Steps
- Timelines (timelines were noted to be unpredictable at this stage)



# Survey Notice (December 3, 2021)



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

December 3, 2021

Dear Sir or Madam:

Re: **Survey Notice**  
**Township of Wilmot**

We have been appointed by the Council of the Township of Wilmot under the Drainage Act to investigate a petition the Township has received.

We need to complete a survey on Bamberg Creek. We will have a crew onsite walking along Bamberg Creek taking elevation readings with a GPS.

If you have any questions beforehand, please telephone (226) 243 6614.

Yours truly,

Adam Hall  
Field Services Manager  
HEADWAY ENGINEERING

AH/

Peter & Dagmar Schneider  
[Redacted]

Alexander Johnston  
[Redacted]

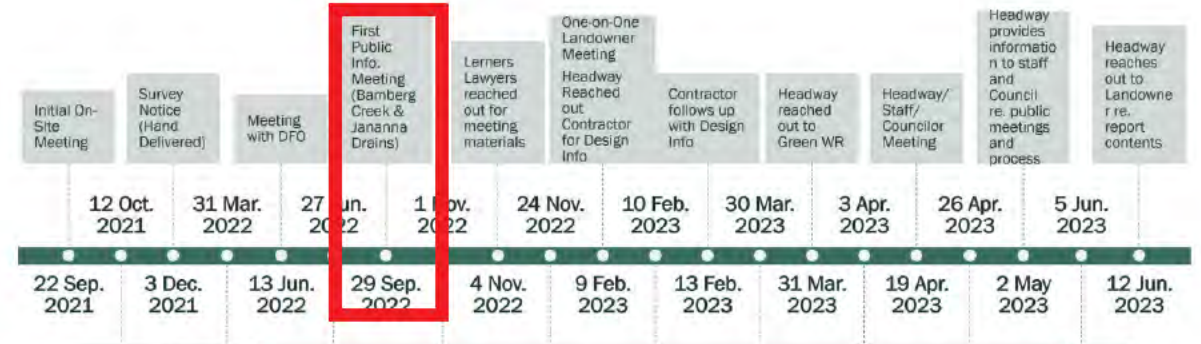
Kenneth & Catherine Heintz  
[Redacted]

- Hand Delivered on December 3.
- Delivered to Landowners on Bamberg Creek





# First Public Information Meeting (September 13, 2022)



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

September 15, 2022

Dear Sir/Madam,

**Re: Public Information Meeting  
Jananna Municipal Drain  
Township of Wilmot  
Our Reference No. WLMT-002**

We have completed additional work on this municipal drain and would like to review our findings with everyone concerned.

This review will cover:

1. Type and design of drainage system
2. Estimated Costs
3. Proposed Assessment of costs.

We will be present at the Wilmot Recreation Complex Wayne Roth Meeting Room located at 1291 Nafziger Road on Thursday September 29, 2022, at 2:00pm.

The draft design drawings, assessment schedules and other presentation materials will be available through our website following the meeting. Please use the following instructions for accessing the presentation materials.

1. Visit [www.headwayeng.ca](http://www.headwayeng.ca)
2. Select 'Public Engagements' from the upper right corner.
3. Find 'Jananna Municipal Drain' and select 'Read More'.
4. You will be prompted for a password. The Password is: WLMT-002

Please plan to attend since this meeting is being held to review this municipal drainage project and answer any questions concerning the proposed work before preparing the final report.

If you have any questions beforehand, please telephone (226) 243-6614.

Yours truly,

*Adam Hall*  
Adam Hall  
Project Coordinator  
HEADWAY ENGINEERING  
AH/

Bryan Bishop, C.E.T.  
Manager of Engineering  
Township of Wilmot

John Kuntze, P.Eng.  
Drainage Superintendent  
Township of Wilmot

Josh Graham  
Supervisor, Corridor Management  
Region of Waterloo

Lucy Gawron  
1184 Gerber Road

Cory & Kirby Kittle

Jananna Corp

Natalee Ridgeway

Ronald & Rosemary McCormick

Ladislaus & Laurretta Bauer

Oleg & Elana Borissova

David & Sherri Homanchuk

Peter & Barbara Wurtele

Peter & Dagmar Schneider

Kenneth & Catherine Heintz

Alexander Johnston

264171 Holding Inc.  
C/O Robert Sanderson

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

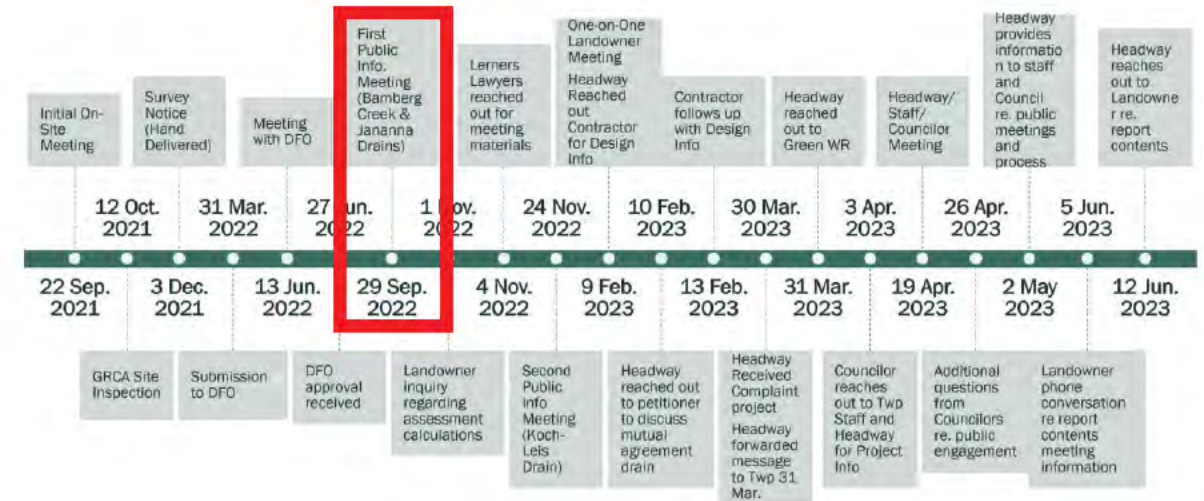
- Notices Mailed Sept 15 (two weeks prior)
- Mailing list shown below
- Attended by:
  - Twp
  - Gawron Family for Jananna
  - McCormick
  - Kittel
  - Ridgeway (Miller)
  - Heintz

Landowner  
Conversation  
Reports  
Final  
Information

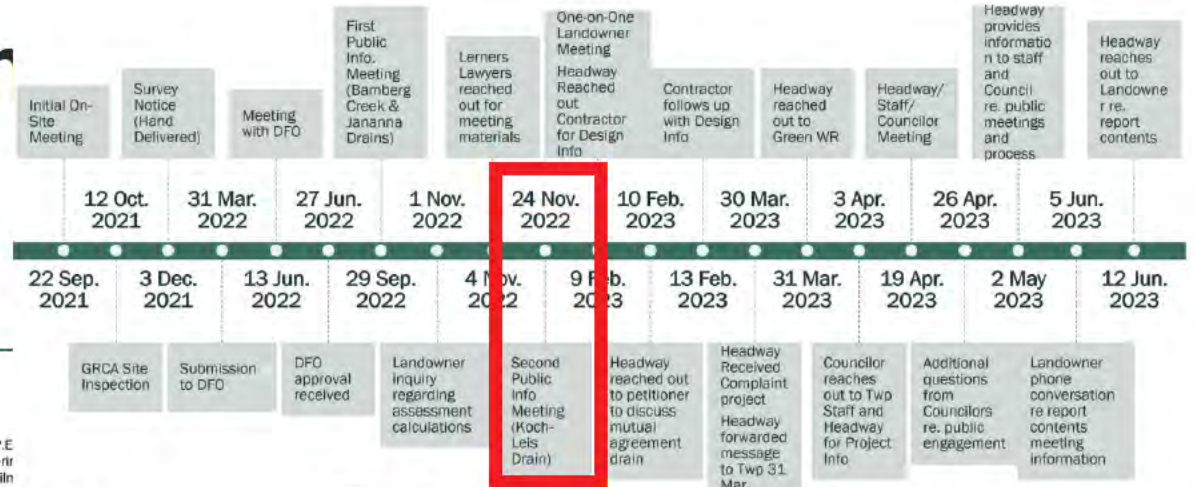


# First Public Information Meeting (September 13, 2022)

- All presentation materials are available online.  
<https://www.headwayeng.ca/jananna>
  - Guest Access Code: WLMT-002
- Comments received:
  - Design:
    - There have been beavers in Bamberg Creek – Headway commented on dealing with beavers through maintenance.
    - The streambed is stony/bedrock – Headway commented that we will double check the design and conditions in the area. The design was revised to reduce work in Bamberg Creek
    - The Koch-Leis Drain needs better grade at the lower end (this comment came the following day). – Headway revised the design to improve the grade at the lower end.
  - Questions/comments/notes
    - Purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
    - Business case? – Headway described the process to request a Cost Benefit Analysis
    - Significant dispute between landowners took place regarding receiving surface flows.
    - How are assessments calculated? – Headway described in detail how assessments were calculated and what instruments of assessment were used.
    - What is the timeline? – Headway noted that it's tough to predict the timeline, but thought best case scenario would be 2024 construction.
    - Additional 30-minute one-on-one meeting with Landowner after meeting
      - Discussion Points:
        - What is the purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
        - How are assessments calculated? – Headway described in detail how assessments were calculated and what instruments of assessment were used.
        - Do the petitioners need this? – Headway responded that they are receiving surface flows unwillingly. They also need an outlet for lands which can't be drained to the Koch-Leis Drain.



# Second Public Information Meeting (November 24, 2022)



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

November 10, 2022

Dear Sir/Madam,

**Re: Public Information Meeting  
Koch-Leis Municipal Drain  
Township of Wilmot  
Our Reference No. WLMT-002**

A request has been received for improvements to the Koch-Leis Municipal Drain. We have completed design work on this municipal drain and would like to review our findings with everyone concerned.

This review will cover:

1. Type and design of drainage system
2. Estimated Costs
3. Proposed Assessment of costs.

We will be present at the Wilmot Recreation Complex Wayne Roth Meeting Room located at 1291 Nafziger Road on Thursday November 24, 2022, at 1:00pm.

The draft design drawings, assessment schedules and other presentation materials will be available through our website following the meeting. Please use the following instructions for accessing the presentation materials.

1. Visit [www.headwayeng.ca](http://www.headwayeng.ca)
2. Select 'Public Engagements' from the upper right corner.
3. Find 'Koch-Leis Municipal Drain' and select 'Read More'.
4. You will be prompted for a password. The Password is: WLMT-002

Please plan to attend since this meeting is being held to review this municipal drainage project and answer any questions concerning the proposed work before preparing the final report.

If you have any questions beforehand, please telephone (226) 243-6614.

Yours truly,

Adam Hall  
Project Coordinator  
HEADWAY ENGINEERING

AH/

Jeff Molenhuis, P. Eng.  
Director of Infrastructure Services  
Township of Wilmot

[Redacted]

John Kuntze, P.E.  
Drainage Superir  
Township of Wilmot

[Redacted]

Josh Graham  
Supervisor, Corridor Management  
Region of Waterloo

[Redacted]

2641 71 Holding Inc.  
C/O Robert Sanderson

[Redacted]

Jeffrey Furtado and Paige Stewart

[Redacted]

Robert and Anne Jantzi

[Redacted]

Ammon and Elvina Bauman

[Redacted]

David & Sherri Homanchuk

[Redacted]

Peter & Dagmar Schneider

[Redacted]

Kenneth & Catherine Heintz

[Redacted]

Lucy Gawron

[Redacted]

Jananna Corp

[Redacted]

Theresa Gawron

[Redacted]

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

[Redacted]

• Notices Mailed November 10 (two weeks prior)

• Mailing list shown below

• Attended by:

- Wilmot Twp
- Wellesley Twp
- Gawron Family for Jananna
- Region of Waterloo
- Cressman Family
- Heintz
- Schnieder

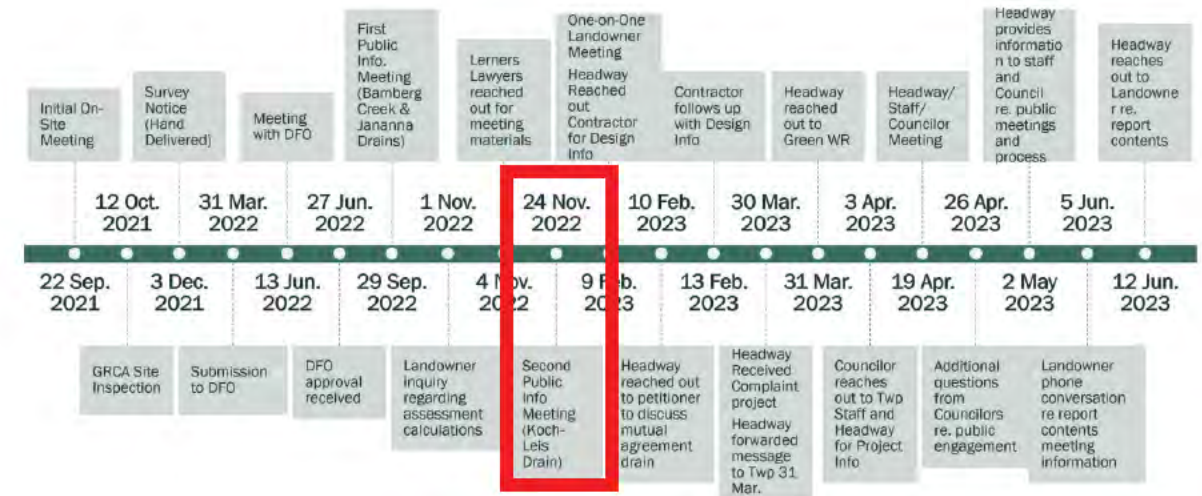


# Second Public Information Meeting (Koch-Leis Drain Focus) (November 24, 2022)

- All presentation materials are available online.

<https://www.headwayeng.ca/koch-leisdrain>

- Guest Access Code: WLMT-002
- Design Revisions from previous meeting
  - The streambed is stony/bedrock
    - **The grades of the Bamberg Creek were adjusted to reduce the extent of work in Bamberg Creek**
  - The Koch-Leis Drain needs better grade at the lower end
    - **The grades of the Koch-Leis were improved**
- Comments received:
  - Questions/comments/notes
    - Why the expansion of the project? – Headway explained that there was a request for improved grade at the lower end of the Koch-Leis Drain as the current grade is flat with poor outlet, and requires frequent maintenance.
    - Headway asked if there were other requirements for the Koch-Leis Drain. Landowners did not request further investigation, nor did Wellesley Township Drainage Superintendent.
    - Purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
    - What is the timeline? – Headway noted that it's tough to predict the timeline, but thought best case scenario would be 2024 construction.



# One-on-One Landowner Meeting (90 min) (February 9, 2023)

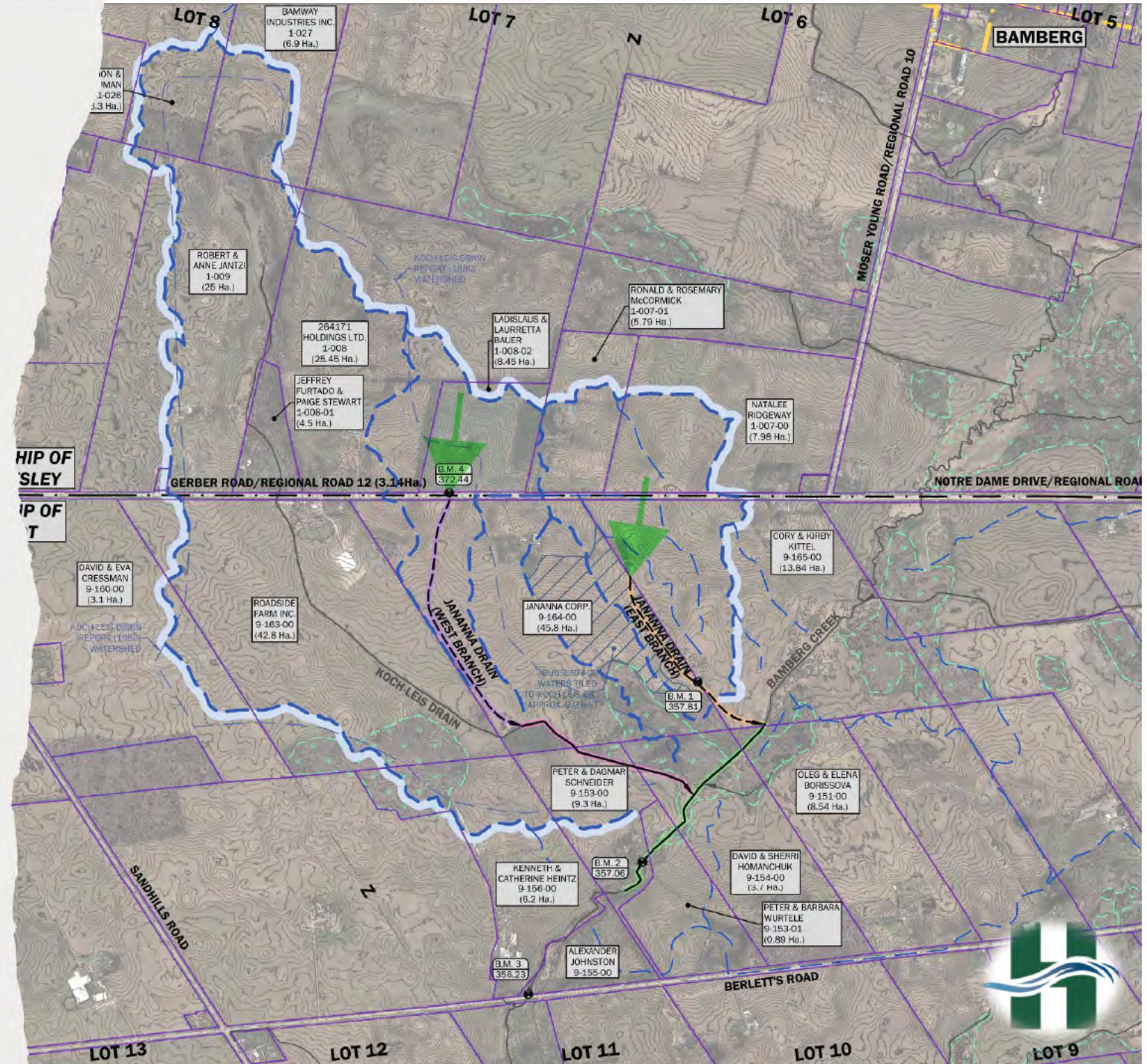


- Broad discussion points:
  - Who wants the drain, and who doesn't. Headway acknowledged that the drain is unpopular.
  - The area requiring drainage vs. the benefiting area, vs. the liable area. Headway explained the differences between all three.
  - Proposed plan for tile drainage. Tile plans provided.
  - Is Headway making work? Headway responded that we tried to minimize the work as much as possible.
  - Payback periods.
  - Roles under the Drainage Act. Headway discussed the engineer's obligations under the Drainage Act.
  - Appeal process and the information provided at the public meeting. Headway commented that appeals were not budgeted in the estimates provided.
  - Timelines
- Action items:
  - Headway to contact the petitioner regarding mutual agreement
    - Completed the next day, follow up from petitioner the following business day
  - Headway reached out to Contractor for design information regarding tiling system
    - Completed same day, Contractor responded the following a few days later.
  - Follow up complaint regarding Headway's duties under the Drainage Act (Mar 30)
    - Headway forwarded the complaint to the Township (Mar 31)



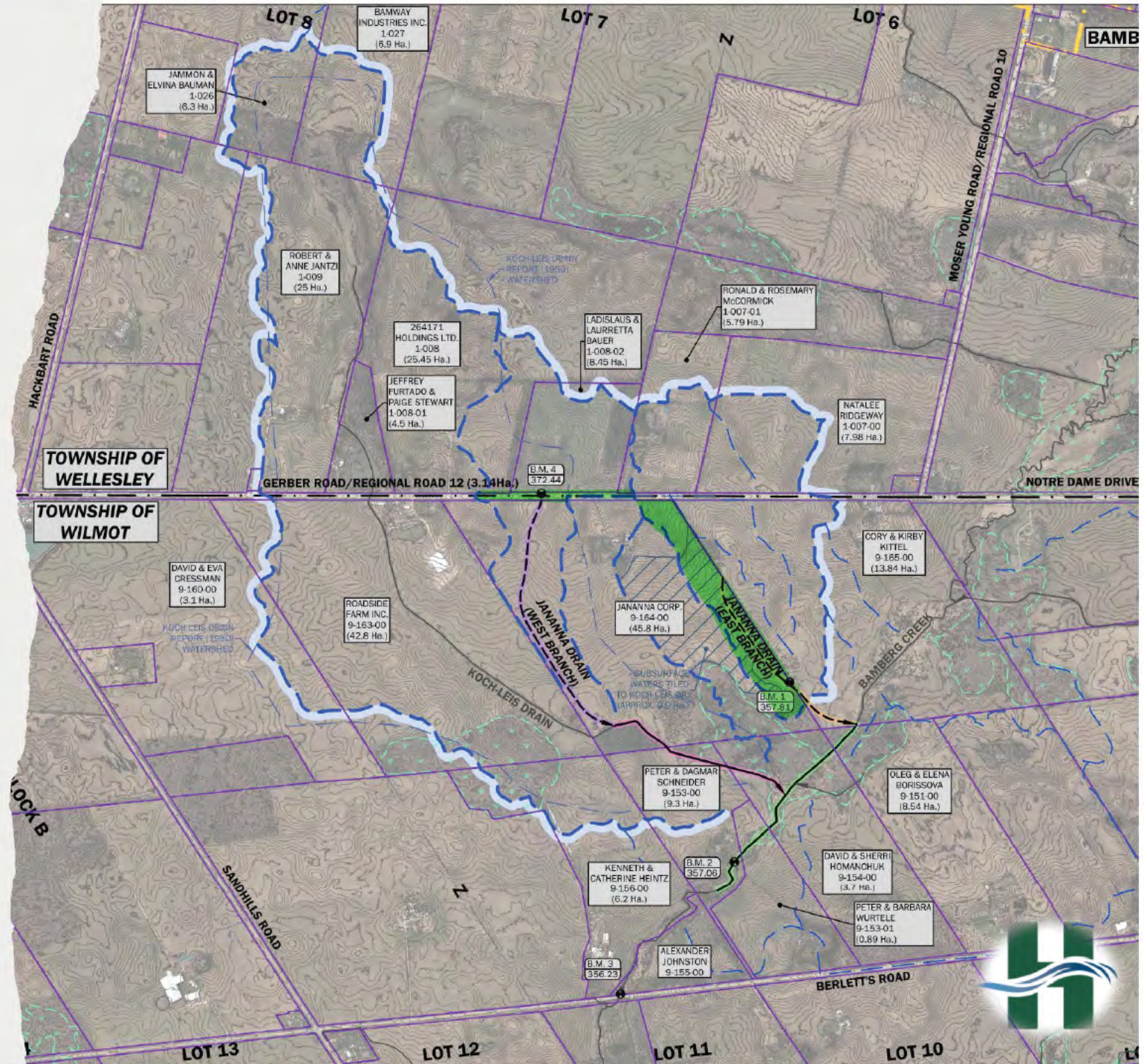
# What are the Benefits?

- To control surface flows entering a property which has no obligation to receive surface flows.



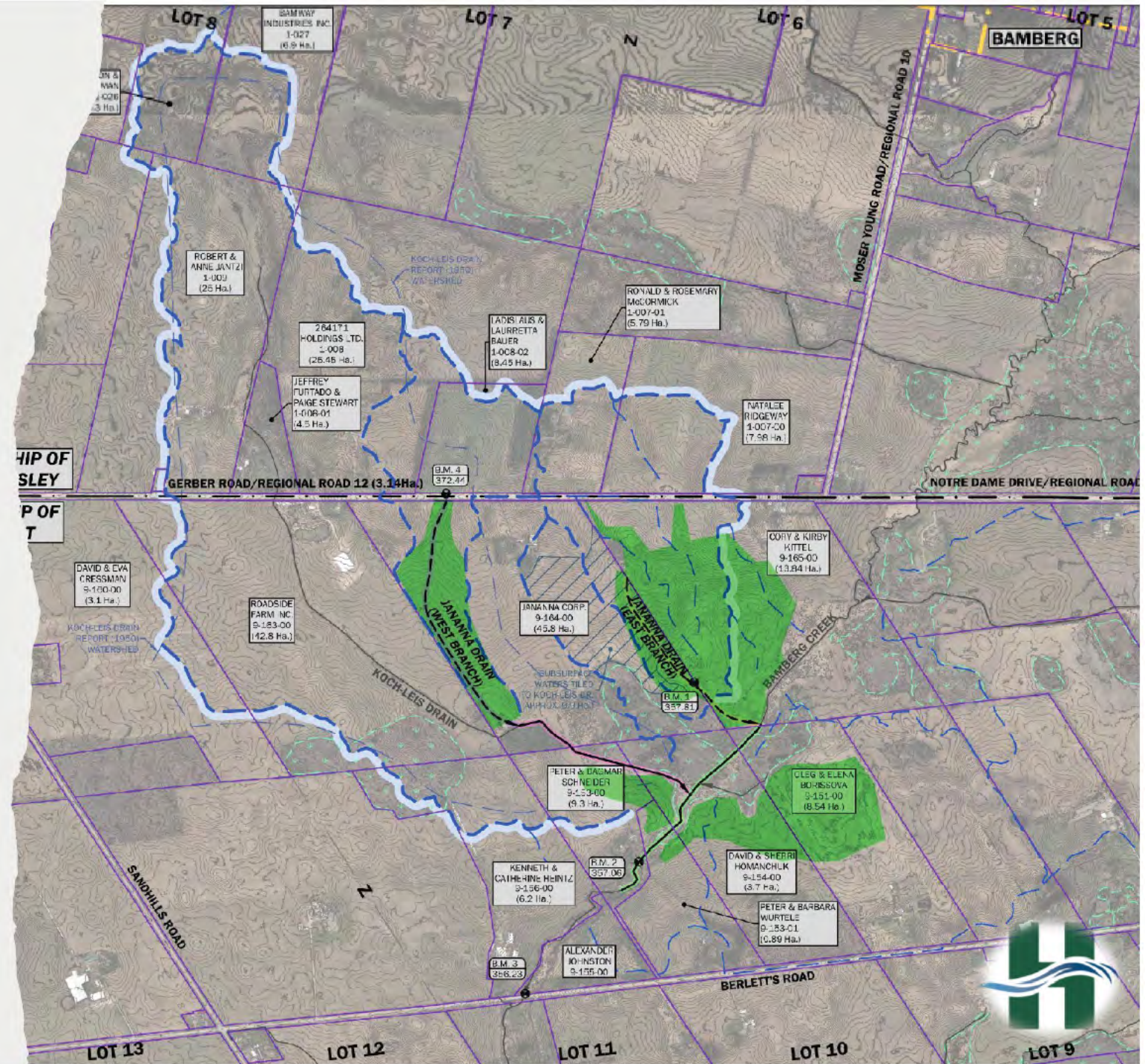
# What are the Benefits?

- Provide a legal outlet to an area which doesn't have one.



# What are the Benefits?

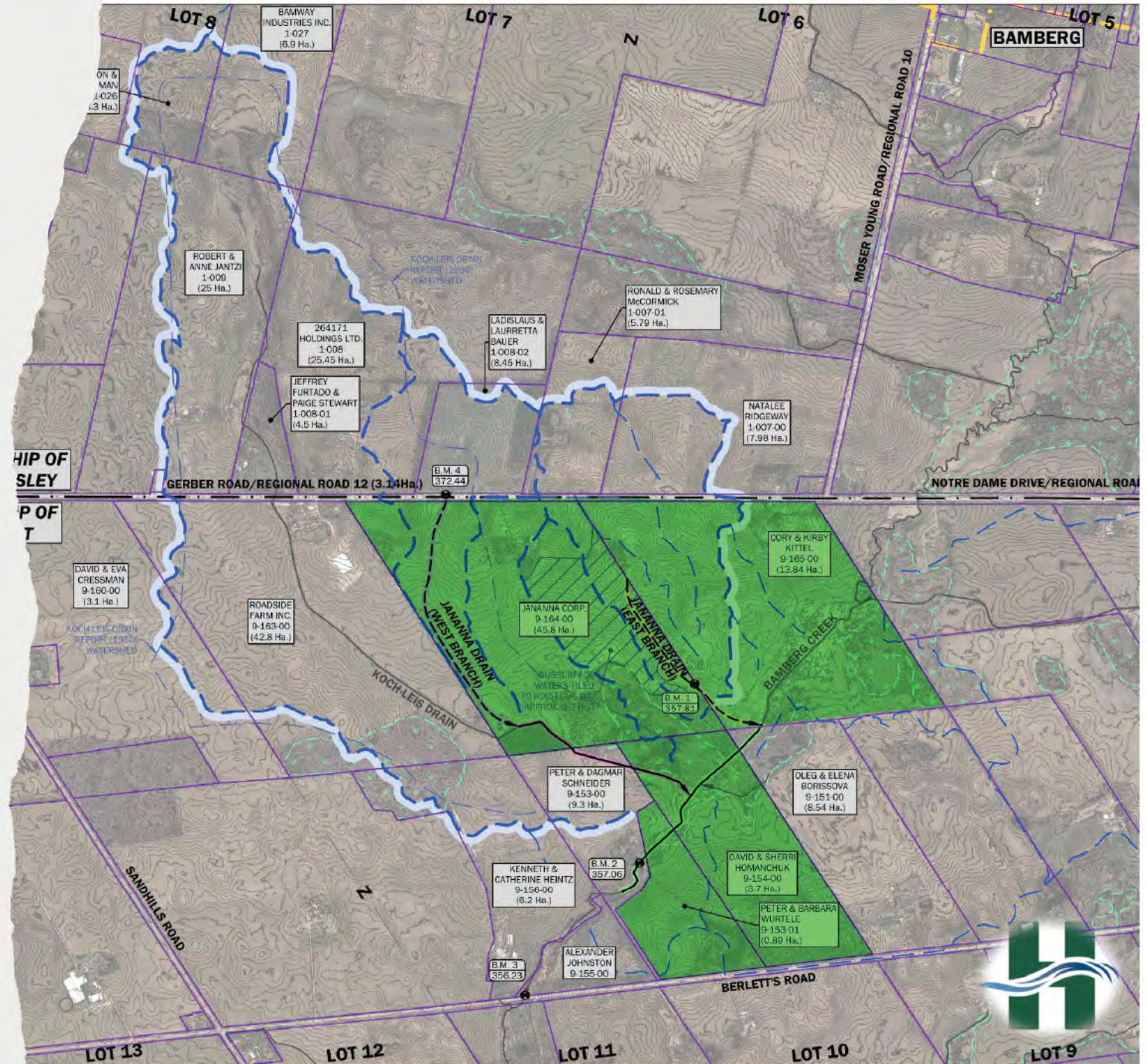
- Improved outlet depth
  - Enable increased crop production.
  - Enable improved usability.





# What are the Benefits?

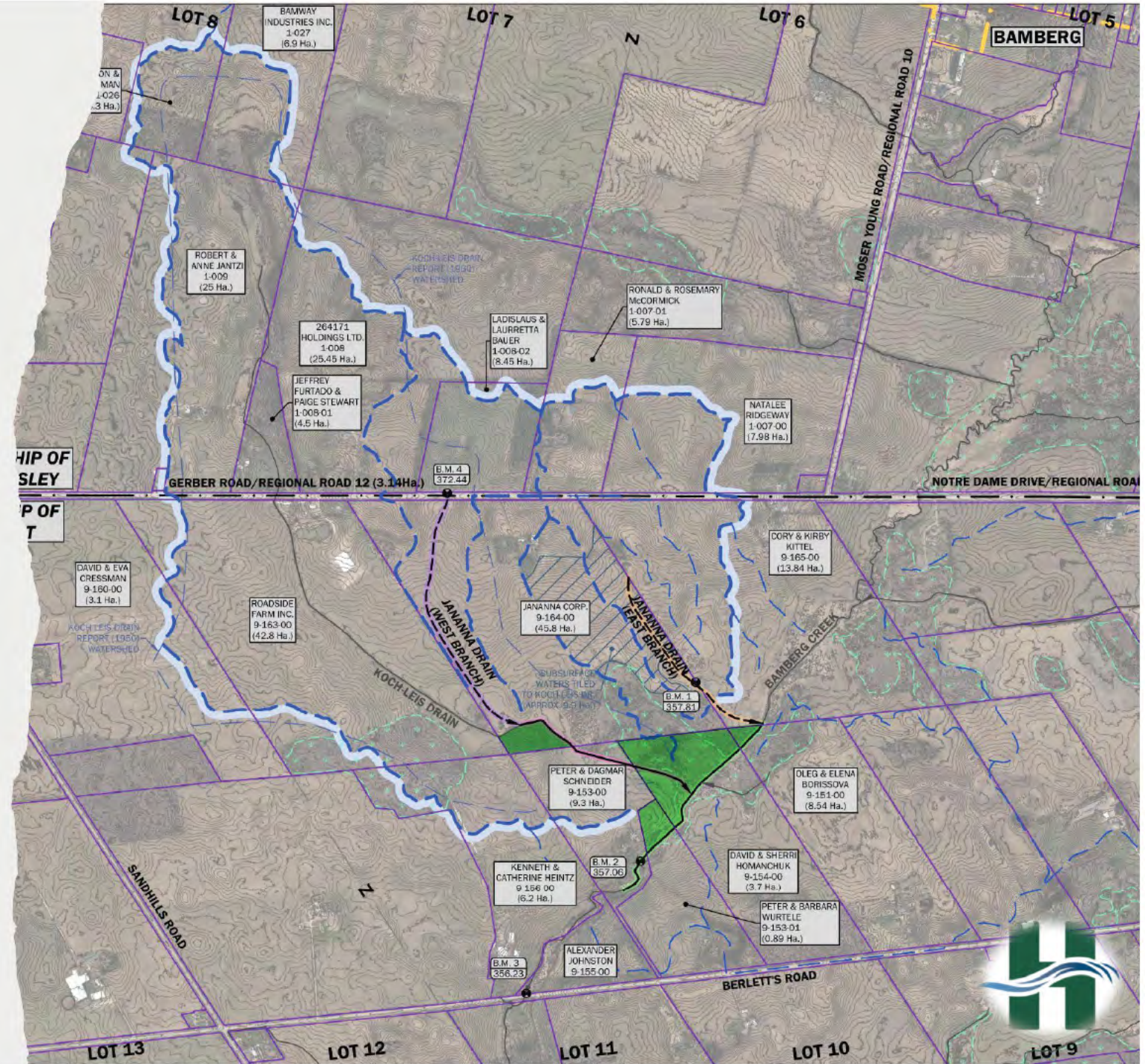
- Higher market value.



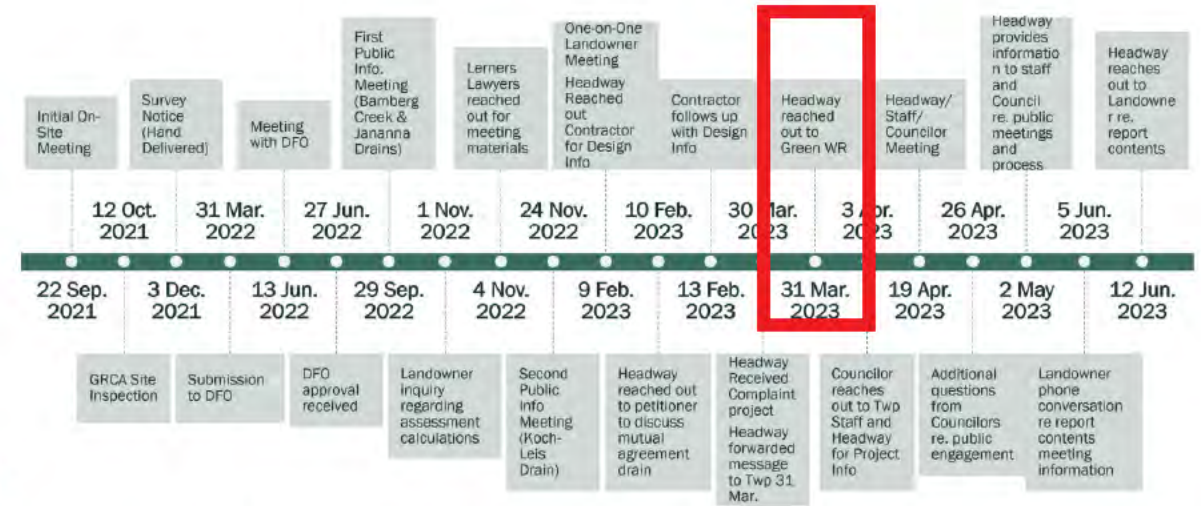


# What are the Benefits?

- To recognize crossing considerations, and lands severed.



# GreenWR Engagement (March 31, 2023)

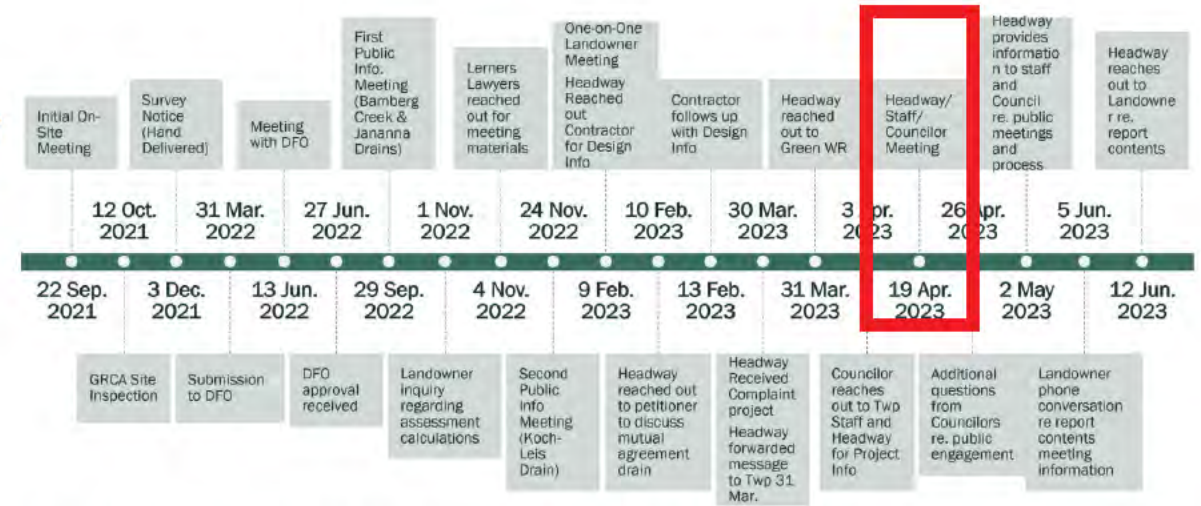


- Broad discussion points:

- Green infrastructure in rural drainage
- Low carbon concrete, tree planting, berming, etc.
  - Headway shared examples of projects with these features
  - Headway provided information on the importance of location
- Rural Green Development Standards Group
  - Focus on talking to planners, township staff
  - Consider ways to implement low carbon materials
- A landowner has reached out to GreenWR. GreenWR asked if environmental features could be incorporated, such as buffer strips. Headway replied that Bamberg Creek will continue to be buffered. Headway also discussed projects that have added environmental features, and the importance of site selection.



# Councilor/Staff/Headway (April 19, 2023)

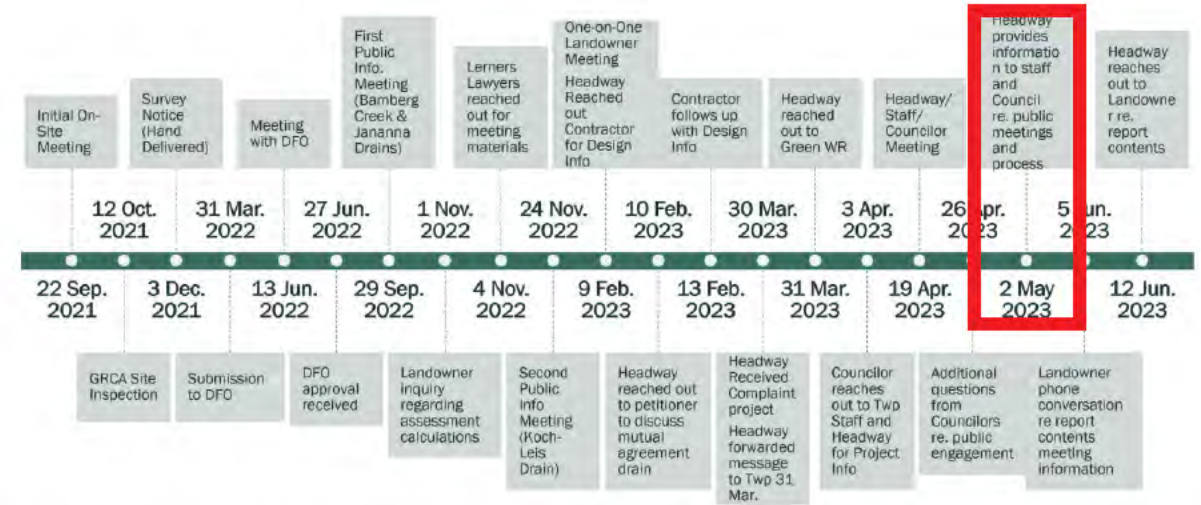


- Broad discussion points:

- Headway reviewed the presentation notes from the public engagements with Council Members and Staff.
- Drainage Act Process discussion including:
  - The Drainage Act's requirement for a by-law
    - Provisional by-law first
      - What is the provisional part of a provisional by-law
        - Answer: the provision is that the report must survive the appeal process. The appeal process cannot begin without a provisional by-law.
    - Third and Final reading of by-law after appeals have been dealt with.
    - Only Council can make a by-law, nobody else can (staff, tribunal, etc.)



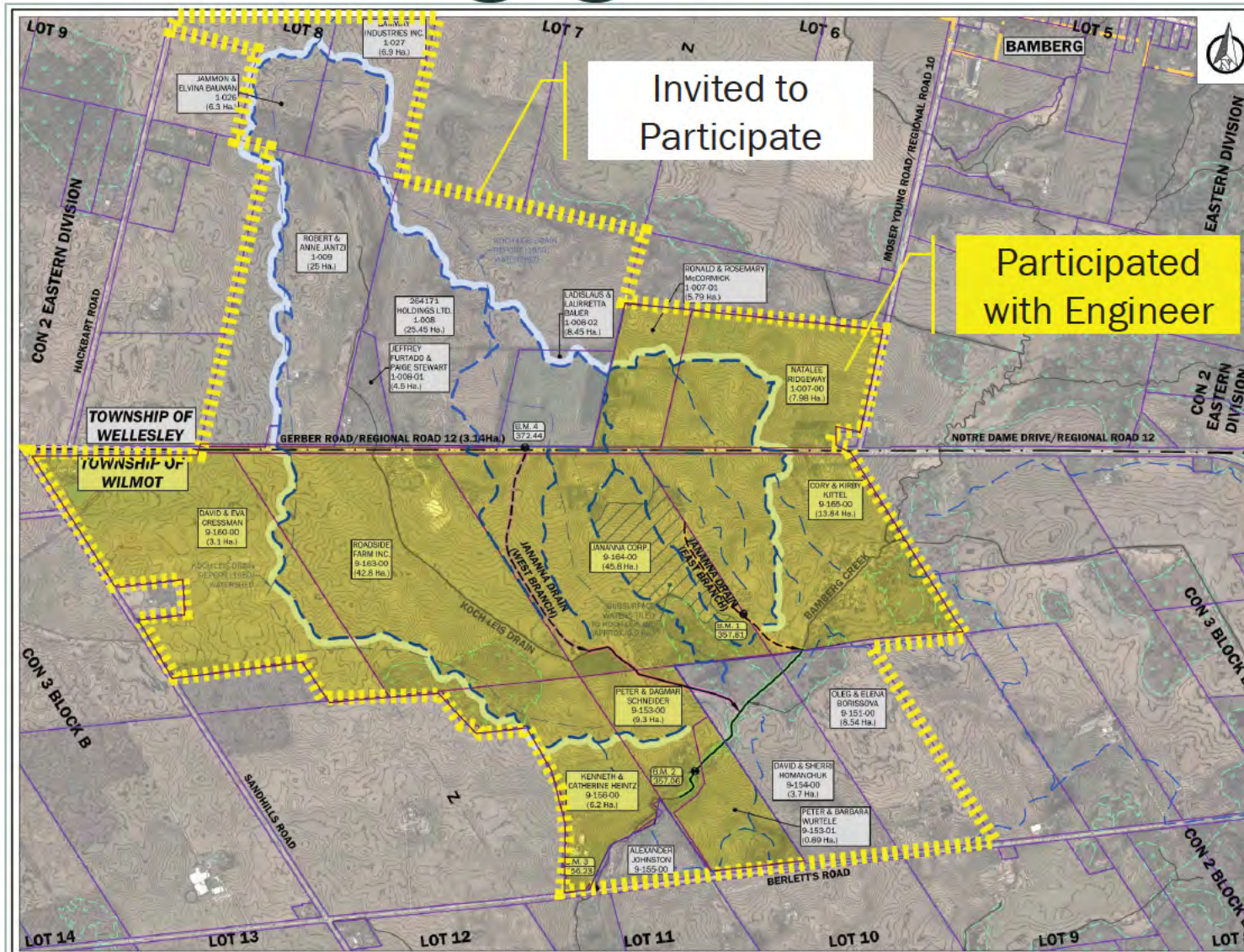
# Council Inquiries (May 2, 2023)



- Councilors asked for information regarding the project
- Staff forwarded questions to Headway
- Headway provided information relating to:
  - Public engagement
    - Who was invited to participate
    - Who participated with us
  - Drainage Act Process
  - Education
    - The importance of information, and upholding the rights of everybody.



# Public Engagement

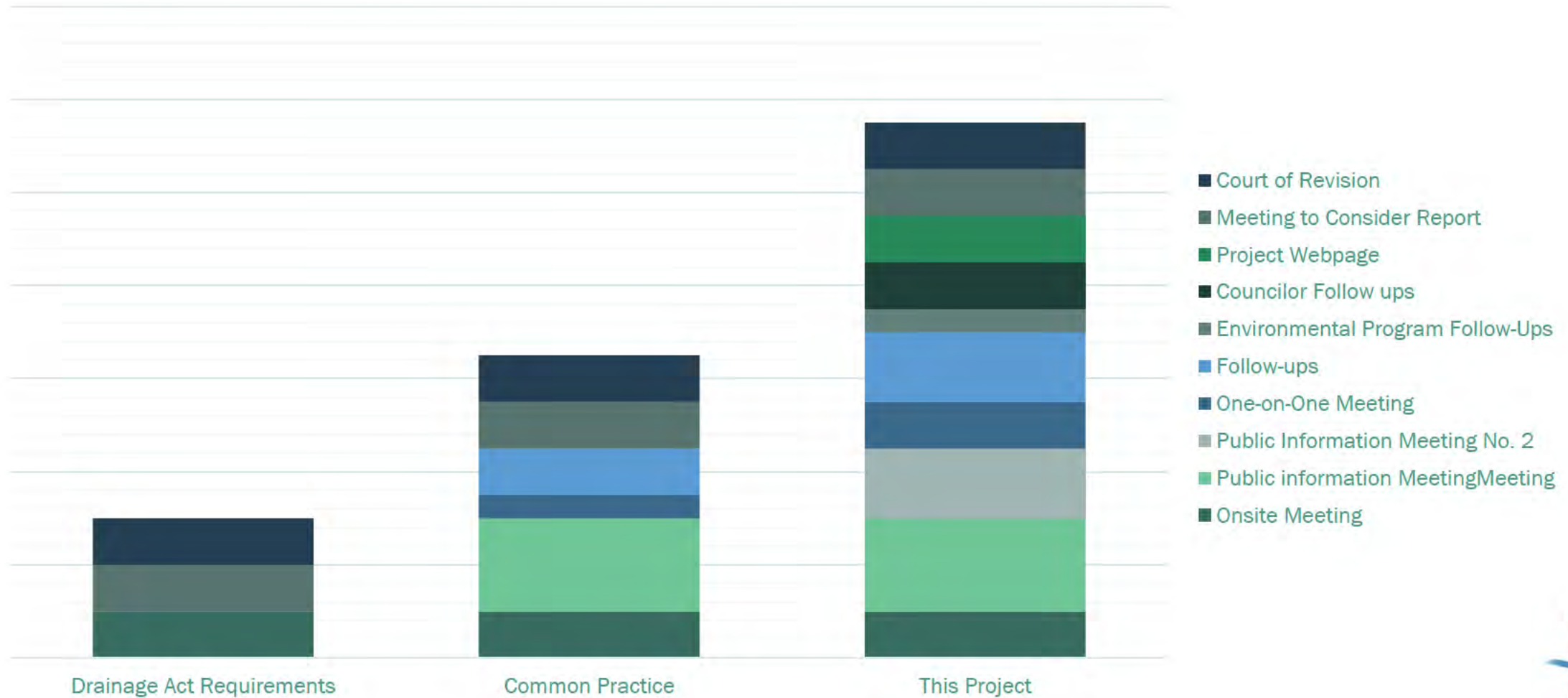


## Additional Participation:

- Township of Wilmot Staff
- Wilmot Council Members
- Township of Wellesley Staff
- Region of Waterloo
- GRCA
- MECP
- DFO
- Green Development Standards WR (GreenWR)

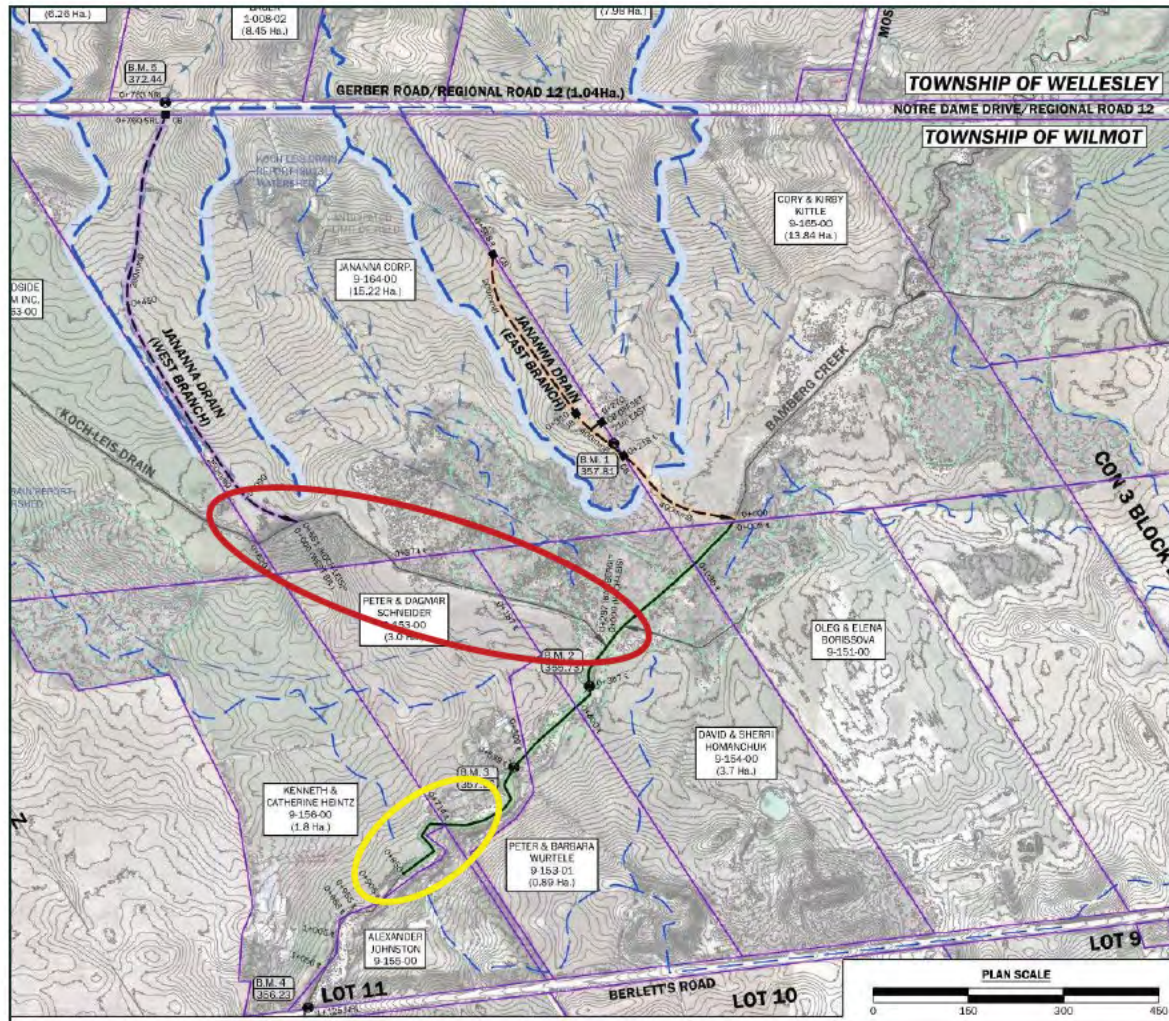


# Public Engagement Effort Required – Common – This Project

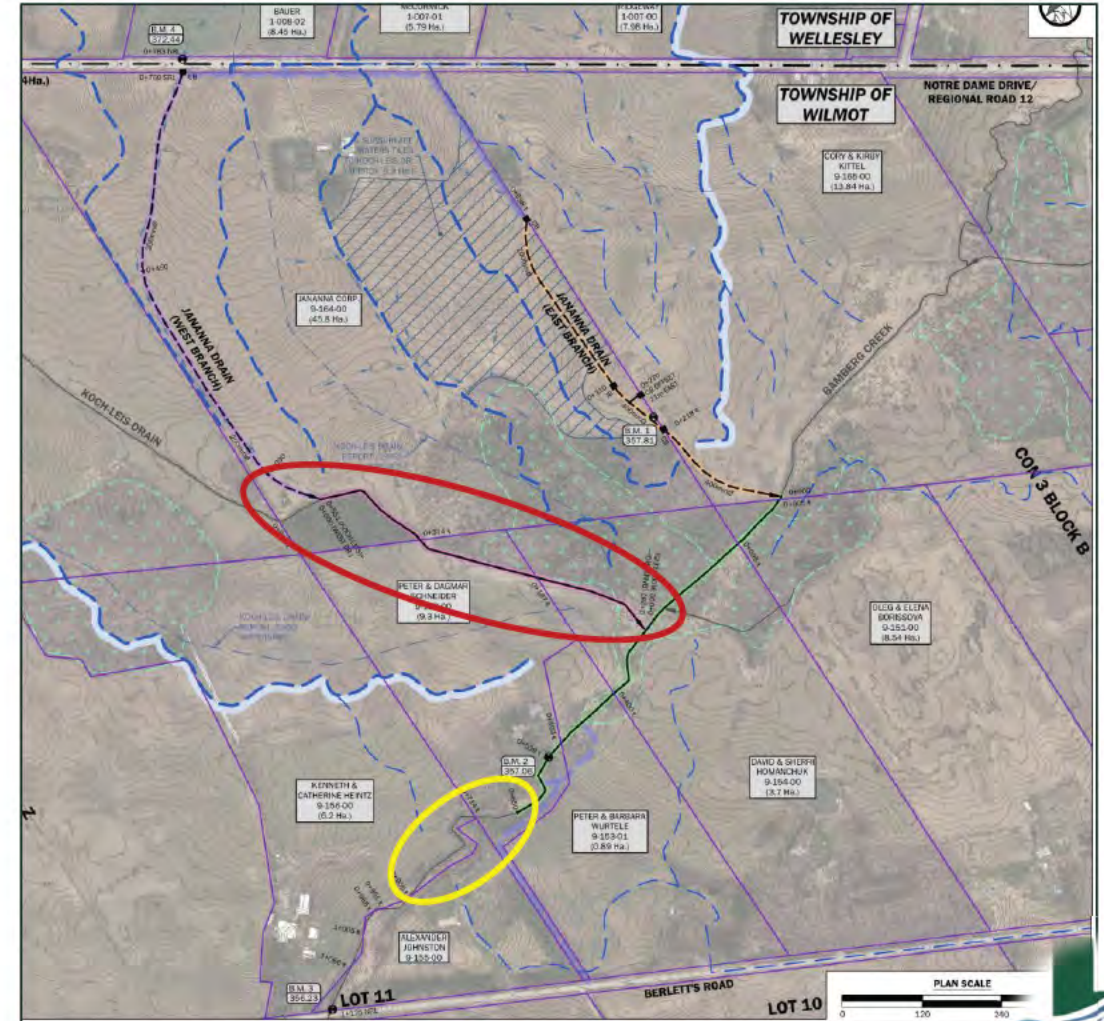




# Implementing Public Input



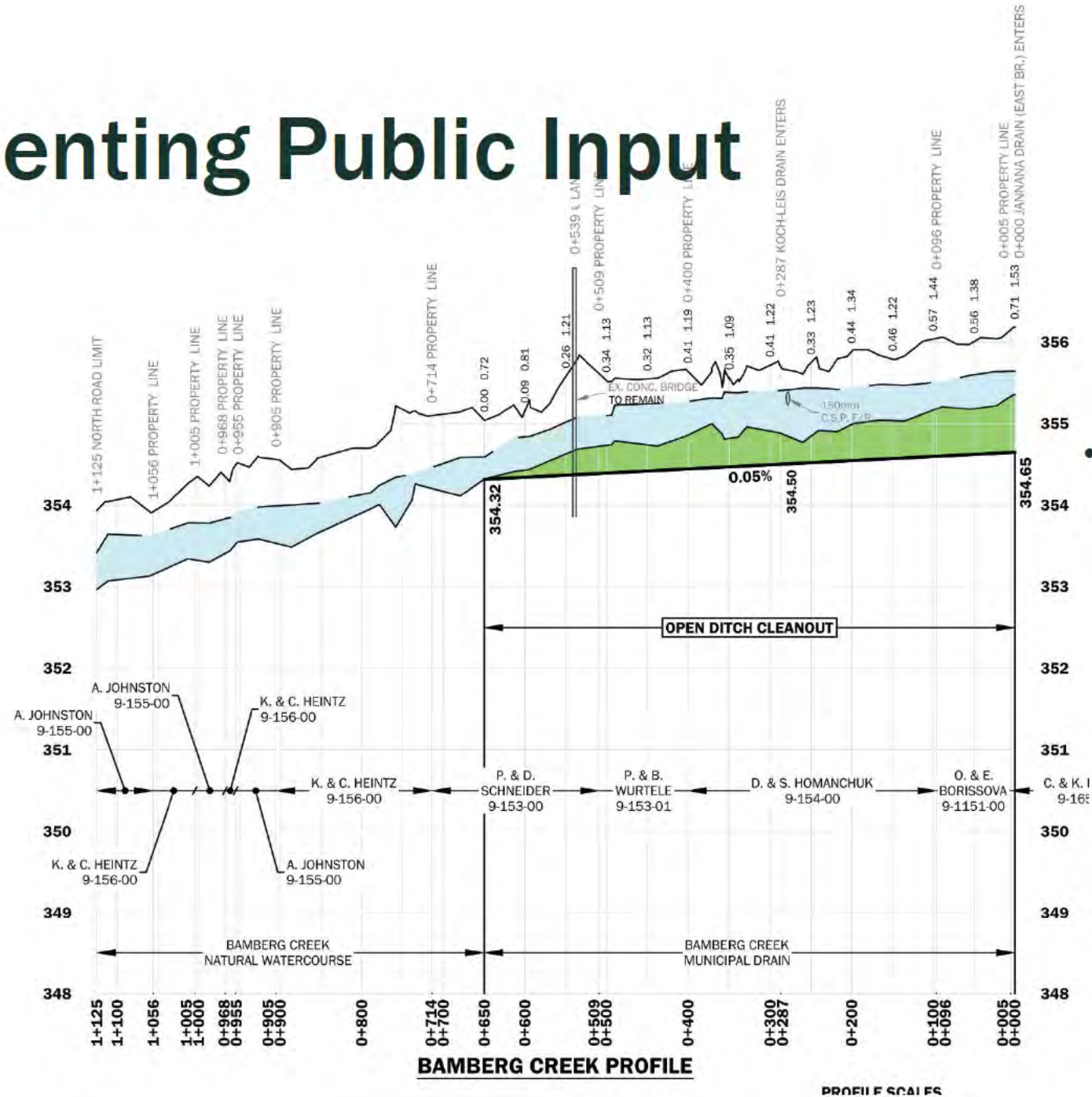
Preliminary Meeting No. 1



Report



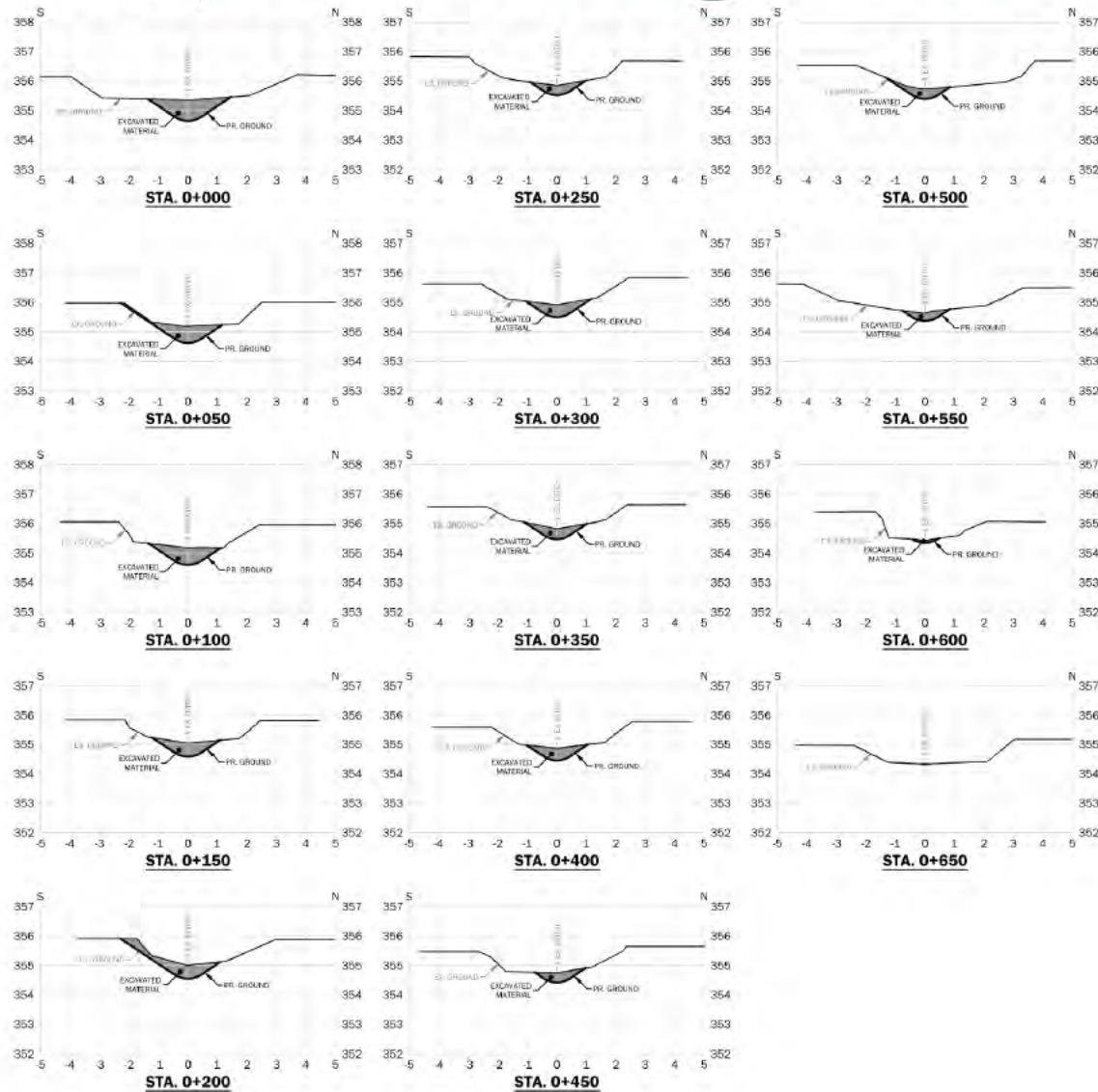
# Implementing Public Input



- Comparison of design at Public Information Meeting No. 1 to the design in the report.



# Implementing Public Input



- Comparison of design at Public Information Meeting No. 1 to the design in the report.




# Steps to Producing the Report

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.





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

---

Township of Wilmot – Meeting to  
Consider the Report

June 26, 2023

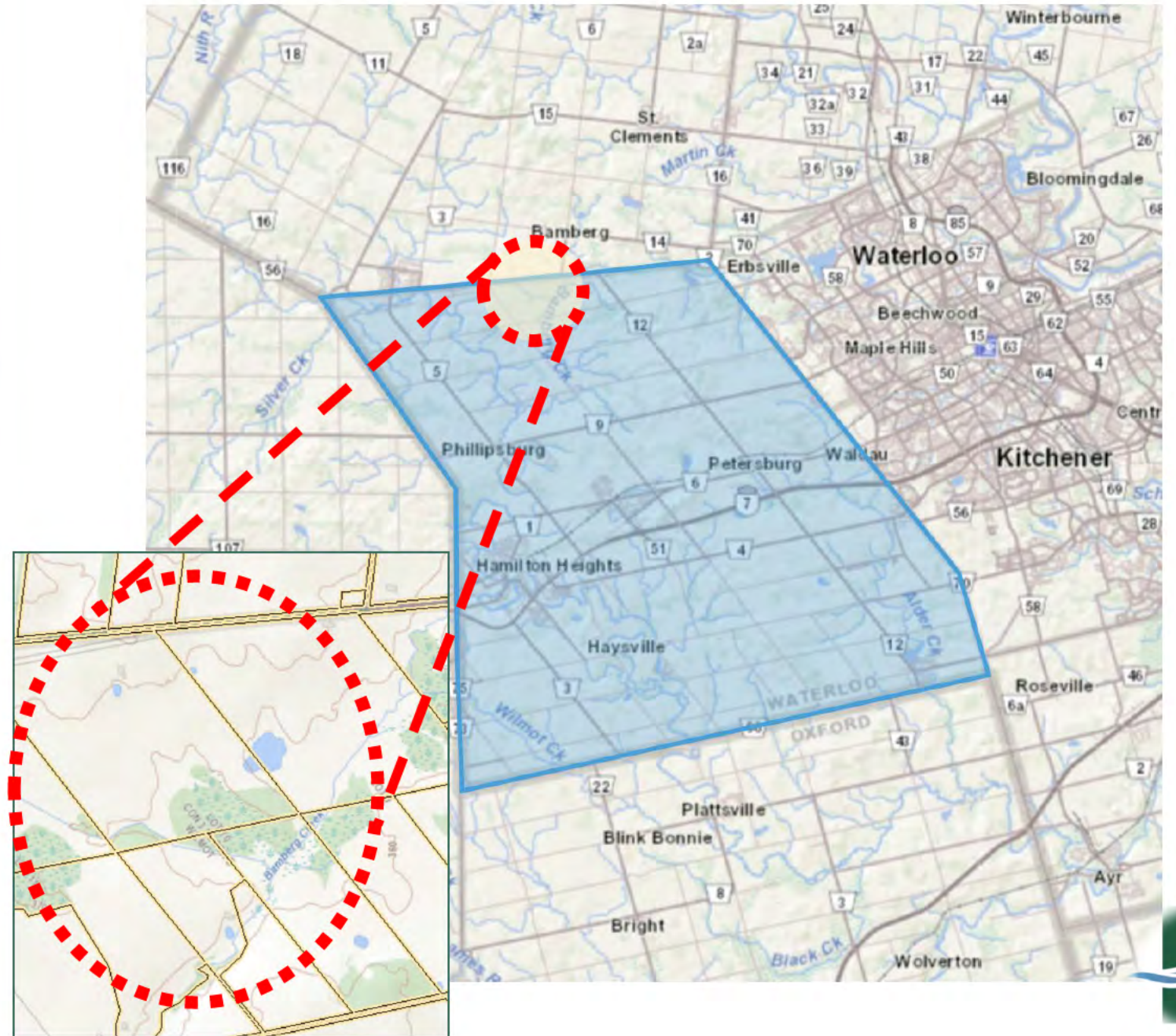


# Authority

- Headway was appointed under Section 4(1) of the Drainage Act on July 12, 2021



# Project Location



# Steps to Producing the Report

## **Duties of Engineer (Section 11 of the Drainage Act)**

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.





# Steps to Producing the Report

Engineering

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



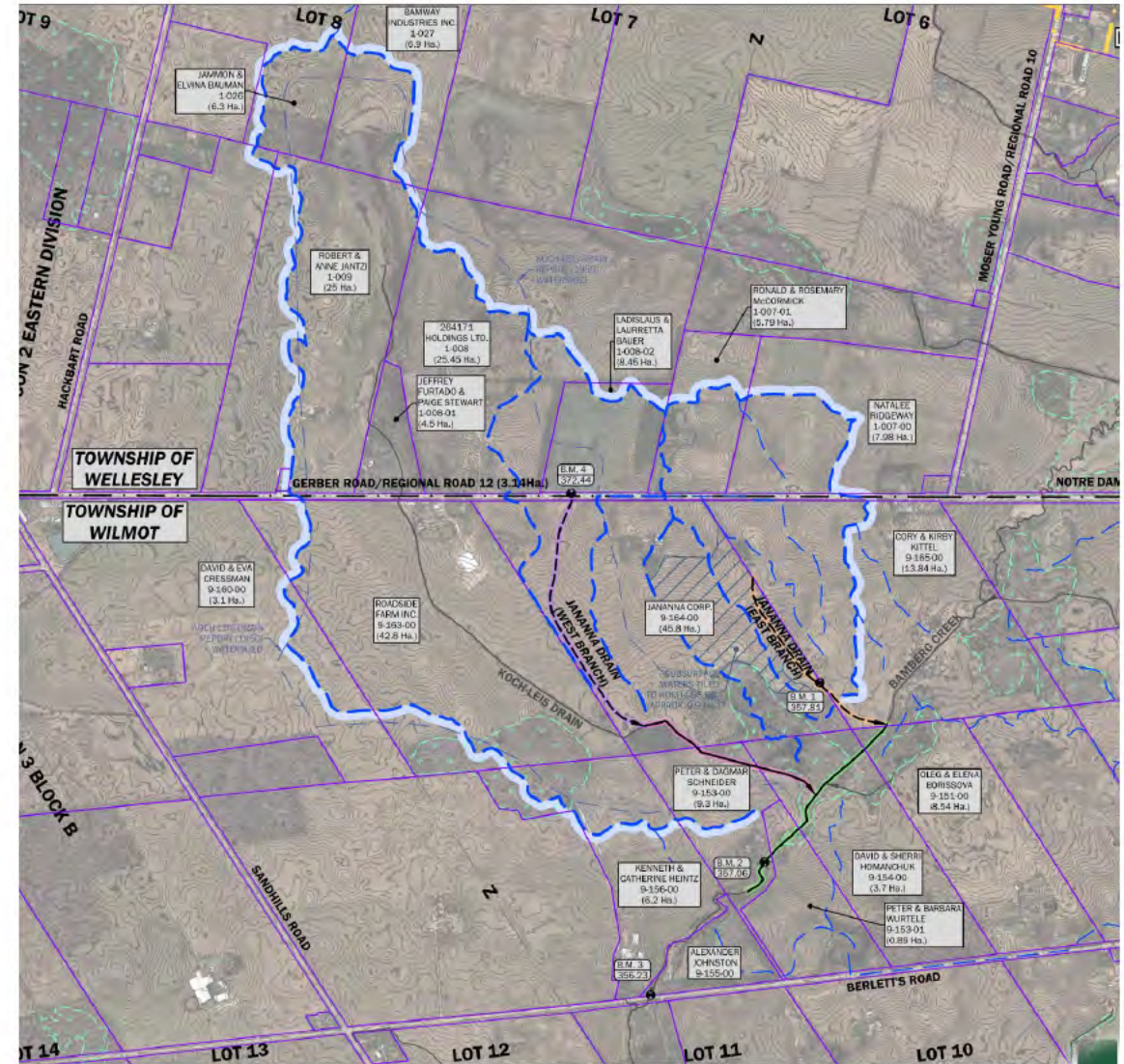
# Findings

- 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.
- 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).
- The west 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.

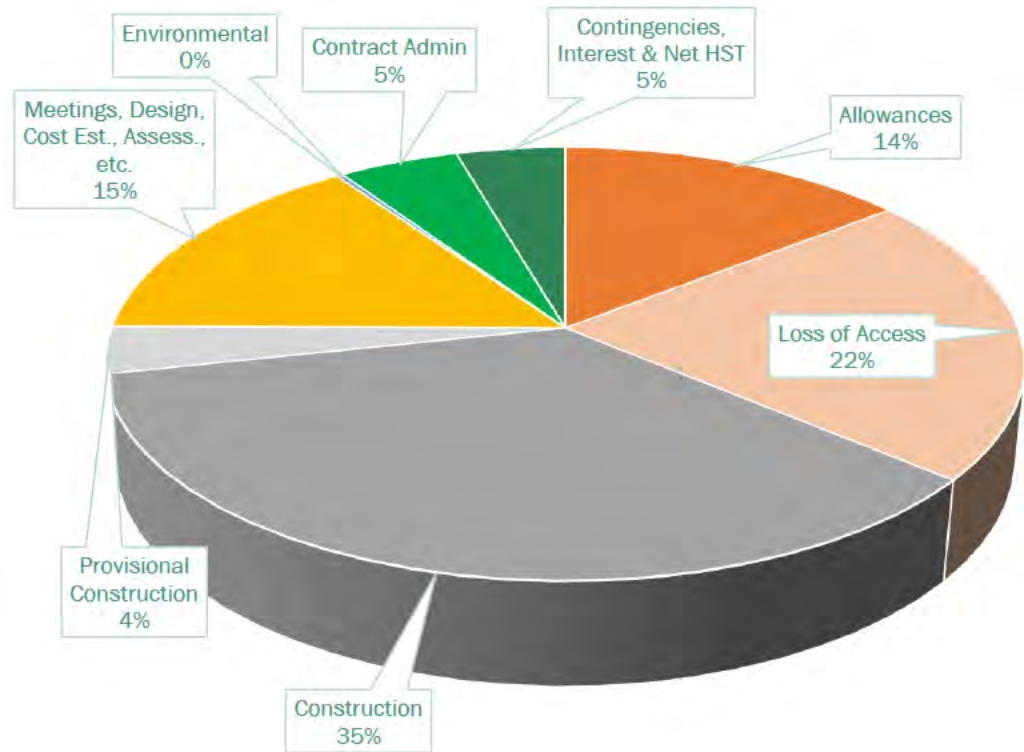


# Recommendations

1. The installation of approximately 1,358m of 200mm to 450mm diameter concrete field tile and HDPE pipe.
2. The improvement of approximately 1,201m of open channels.



# Estimated Project Costs



Allowances



Construction Costs (including Contingencies)



Meetings/Correspondence, Design Review, Cost Estimates, Reporting, etc.



Environmental Consultations



Contract Documents, Administration, Supervision & Inspection



Interest & NET HST



Total Estimated Costs: \$462,900



# Steps to Producing the Report

Engineering

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



# Steps to Producing the Report

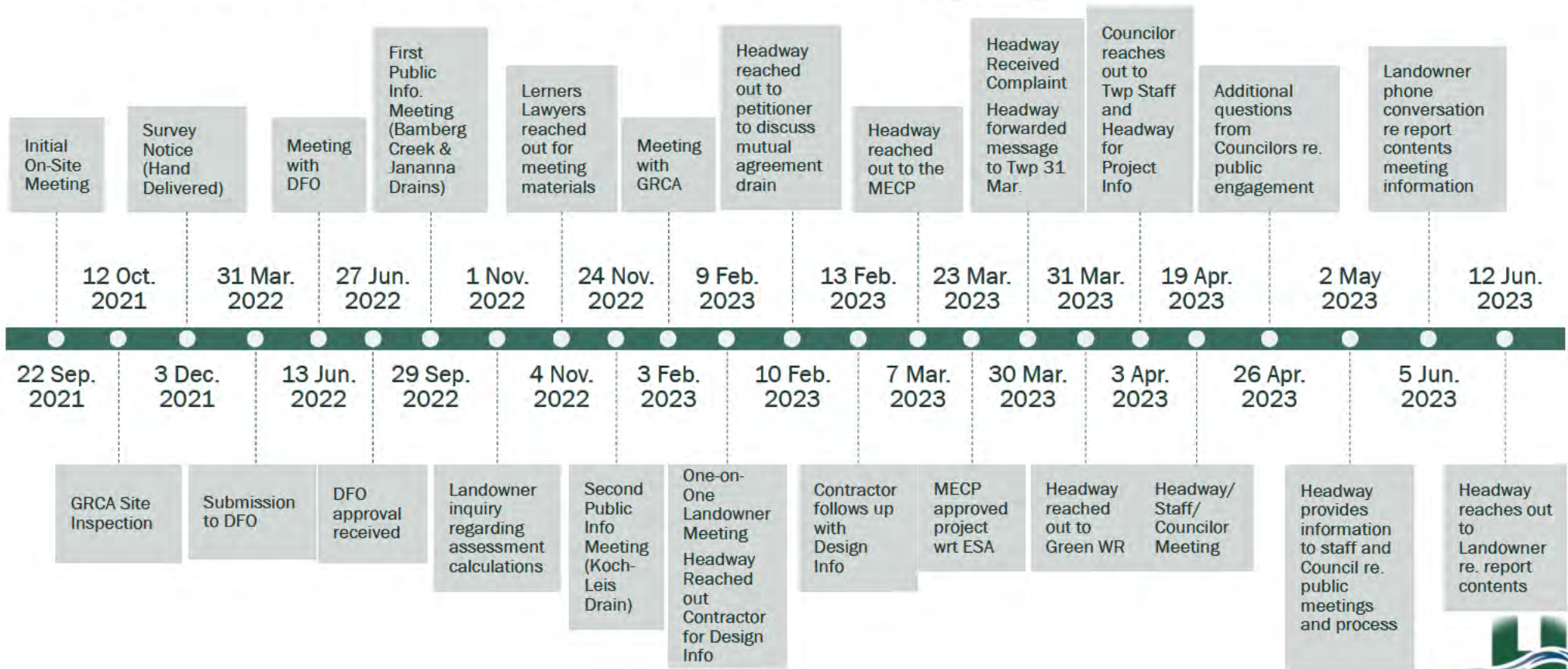
## Public Consultations

### Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



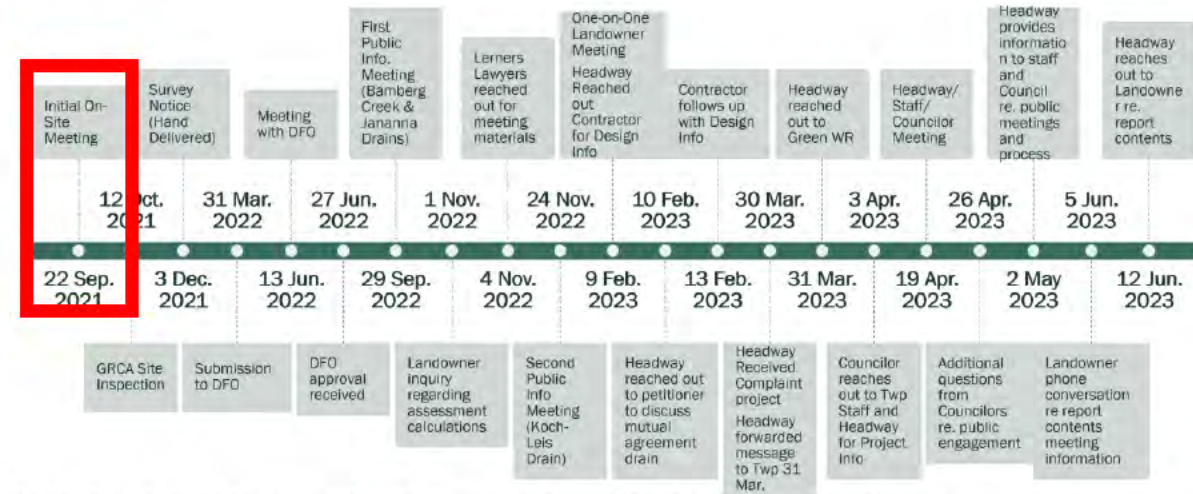
# Public and Stakeholder Engagements







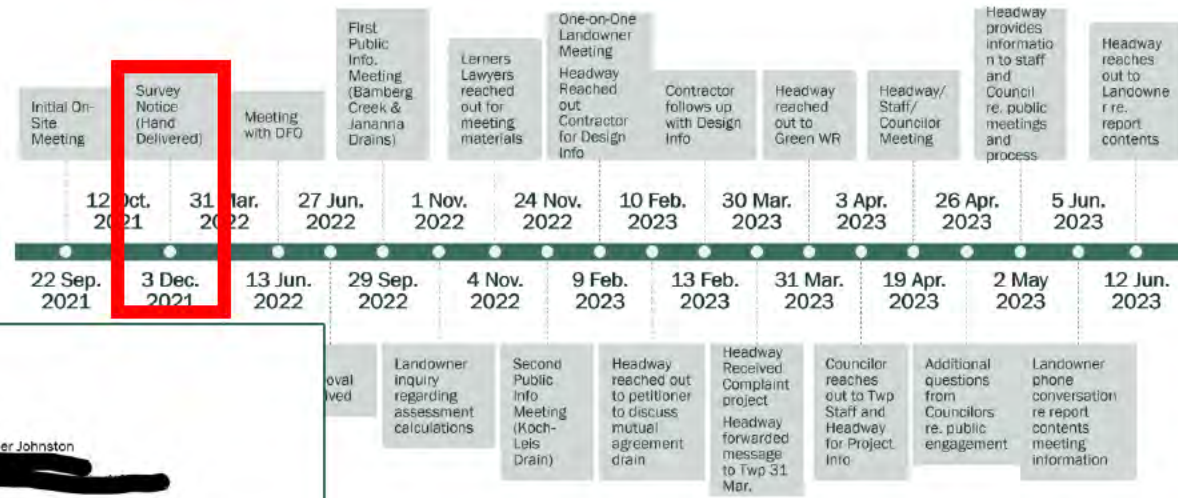
# Initial Onsite Meeting (September 22, 2021)



- Introductions
- Headway explained Drainage Act Appointment
- Purpose of the meeting:
  - The purpose of the meeting is for the landowners to provide the engineer with information which will be helpful for completing this investigation. If landowners have problems
    - blow outs
    - lack of depth
    - excessive runoff
    - unending repairs etc.
    - get copies of tile maps
    - watershed issues
    - tile maps
- Landowner comments:
  - Surface water issues, needs a drain to control surface water
  - Farm was recently drained
  - An attempt was made in the past to reach an agreement. It didn't get very far.
  - Concerns about Bamberg Creek outlet depth
  - Questions about timeline – Headway couldn't specify timelines because of GRCA concerns
  - Lands near Gerber Road and North are very sandy
  - Concerns relating to assessments. Headway responded that the next meeting will have much better information about assessment.
  - Some landowners noted that they didn't want to be involved – Headway acknowledged
  - Questions received about the condition of the road pipes – Headway provided photos
- Next Steps
- Timelines (timelines were noted to be unpredictable at this stage)



# Survey Notice (December 3, 2021)



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

December 3, 2021  
Dear Sir or Madam:  
**Re: Survey Notice**  
**Township of Wilmot**

We have been appointed by the Council of the Township of Wilmot under the Drainage Act to investigate a petition the Township has received.

We need to complete a survey on Bamberg Creek. We will have a crew onsite walking along Bamberg Creek taking elevation readings with a GPS.

If you have any questions beforehand, please telephone (226) 243 6614.

Yours truly,

Adam Hall  
Field Services Manager  
HEADWAY ENGINEERING

AH/

Peter & Dagmar Schneider  
[Redacted]

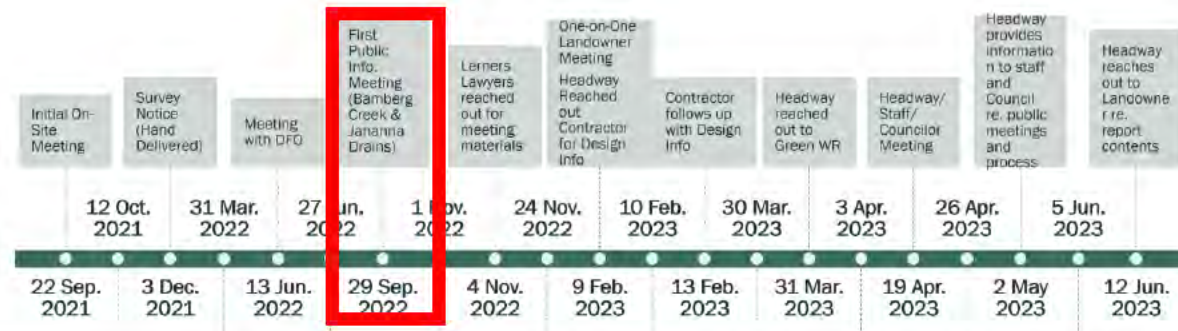
Alexander Johnston  
[Redacted]

Kenneth & Catherine Heintz  
[Redacted]

- Hand Delivered on December 3.
- Delivered to Landowners on Bamberg Creek



# First Public Information Meeting (September 13, 2022)



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

September 15, 2022  
Dear Sir/Madam,  
**Re: Public Information Meeting  
Jananna Municipal Drain  
Township of Wilmot  
Our Reference No. WLMT-002**

We have completed additional work on this municipal drain and would like to review our findings with everyone concerned.

- This review will cover:
1. Type and design of drainage system
  2. Estimated Costs
  3. Proposed Assessment of costs.

We will be present at the Wilmot Recreation Complex Wayne Roth Meeting Room located at 1291 Nafziger Road on Thursday September 29, 2022, at 2:00pm.

The draft design drawings, assessment schedules and other presentation materials will be available through our website following the meeting. Please use the following instructions for accessing the presentation materials.

1. Visit [www.headwayeng.ca](http://www.headwayeng.ca)
2. Select 'Public Engagements' from the upper right corner.
3. Find 'Jananna Municipal Drain' and select 'Read More'.
4. You will be prompted for a password. The Password is: WLMT-002

Please plan to attend since this meeting is being held to review this municipal drainage project and answer any questions concerning the proposed work before preparing the final report.

If you have any questions beforehand, please telephone (226) 243-6614.  
Yours truly,

*Adam Hall*  
Adam Hall  
Project Coordinator  
HEADWAY ENGINEERING  
AH/

Bryan Bishop, C.E.T.  
Manager of Engineering  
Township of Wilmot  
[Redacted]

John Kuntze, P.Eng.  
Drainage Superintendent  
Township of Wilmot  
[Redacted]

Josh Graham  
Supervisor, Corridor Management  
Region of Waterloo  
[Redacted]

Lucy Gawron  
1184 Gerber Road  
[Redacted]

Cory & Kirby Kittle  
[Redacted]

Jananna Corp  
[Redacted]

Natalee Ridgeway  
[Redacted]

Ronald & Rosemary McCormick  
[Redacted]

Ladislaus & Laurretta Bauer  
[Redacted]

Oleg & Elana Borissova  
[Redacted]

David & Sherri Homanchuk  
[Redacted]

Peter & Barbara Wurtele  
[Redacted]

Peter & Dagmar Schneider  
[Redacted]

Kenneth & Catherine Heintz  
[Redacted]

Alexander Johnston  
[Redacted]

264171 Holding Inc.  
C/O Robert Sanderson  
[Redacted]

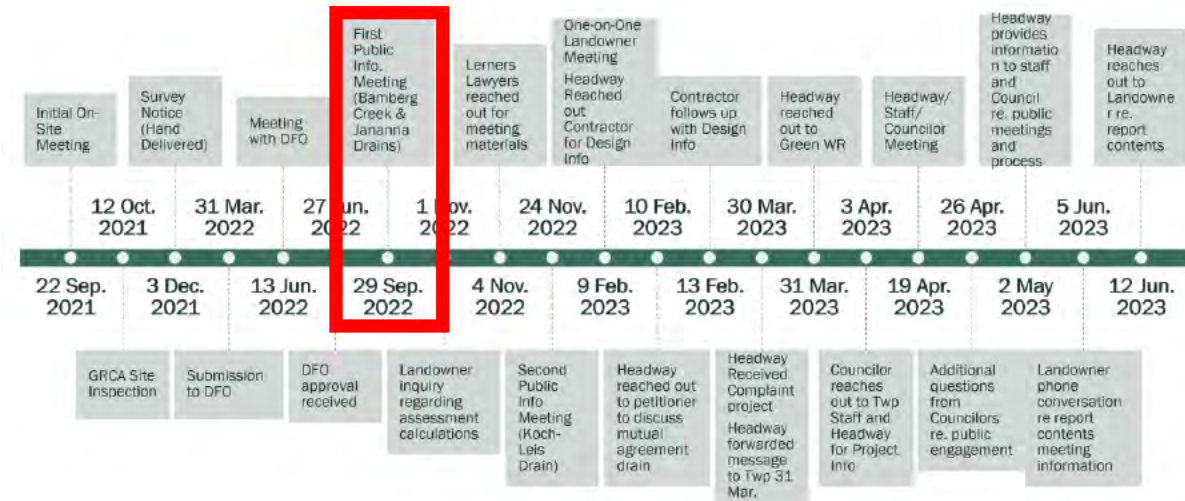
Trevor Heywood  
Resource Planner  
Grand River Conservation Authority  
[Redacted]

- Notices Mailed Sept 15 (two weeks prior)
- Mailing list shown below
- Attended by:
  - Twp
  - Gawron Family for Jananna
  - McCormick
  - Kittle
  - Ridgeway (Miller)
  - Heintz



# First Public Information Meeting (September 13, 2022)

- All presentation materials are available online.  
<https://www.headwayeng.ca/jananna>
  - Guest Access Code: WLMT-002
- Comments received:
  - Design:
    - There have been beavers in Bamberg Creek – Headway commented on dealing with beavers through maintenance.
    - The streambed is stony/bedrock – Headway commented that we will double check the design and conditions in the area. The design was revised to reduce work in Bamberg Creek
    - The Koch-Leis Drain needs better grade at the lower end (this comment came the following day). – Headway revised the design to improve the grade at the lower end.
  - Questions/comments/notes
    - Purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
    - Business case? – Headway described the process to request a Cost Benefit Analysis
    - Significant dispute between landowners took place regarding receiving surface flows.
    - How are assessments calculated? – Headway described in detail how assessments were calculated and what instruments of assessment were used.
    - What is the timeline? – Headway noted that it's tough to predict the timeline, but thought best case scenario would be 2024 construction.
    - Additional 30-minute one-on-one meeting with Landowner after meeting
      - Discussion Points:
        - What is the purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
        - How are assessments calculated? – Headway described in detail how assessments were calculated and what instruments of assessment were used.
        - Do the petitioners need this? – Headway responded that they are receiving surface flows unwillingly. They also need an outlet for lands which can't be drained to the Koch-Leis Drain.



# Second Public Information Meeting (November 24, 2022)



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

November 10, 2022

Dear Sir/Madam,

**Re: Public Information Meeting  
Koch-Leis Municipal Drain  
Township of Wilmot  
Our Reference No. WLMT-002**

A request has been received for improvements to the Koch-Leis Municipal Drain. We have completed design work on this municipal drain and would like to review our findings with everyone concerned.

This review will cover:

1. Type and design of drainage system
2. Estimated Costs
3. Proposed Assessment of costs.

We will be present at the Wilmot Recreation Complex Wayne Roth Meeting Room located at 1291 Nafziger Road on Thursday November 24, 2022, at 1:00pm.

The draft design drawings, assessment schedules and other presentation materials will be available through our website following the meeting. Please use the following instructions for accessing the presentation materials.

1. Visit [www.headwayeng.ca](http://www.headwayeng.ca)
2. Select 'Public Engagements' from the upper right corner.
3. Find 'Koch-Leis Municipal Drain' and select 'Read More'
4. You will be prompted for a password. The Password is: WLMT-002

Please plan to attend since this meeting is being held to review this municipal drainage project and answer any questions concerning the proposed work before preparing the final report.

If you have any questions beforehand, please telephone (226) 243-6614.

Yours truly,

*Adam Hall*  
Adam Hall  
Project Coordinator  
HEADWAY ENGINEERING

AH/

Jeff Molenhuis, P. Eng.  
Director of Infrastructure Services  
Township of Wilmot

[Redacted]

John Kuntze, P.E.  
Drainage Superir  
Township of Wilmot

[Redacted]

Josh Graham  
Supervisor, Corridor Management  
Region of Waterloo

[Redacted]

264171 Holding Inc.  
C/O Robert Sanderson

[Redacted]

Jeffrey Furtado and Paige Stewart

[Redacted]

Robert and Anne Jantzi

[Redacted]

Ammon and Elvina Bauman

[Redacted]

David & Sherri Homanchuk

[Redacted]

Peter & Dagmar Schneider

[Redacted]

Kenneth & Catherine Heintz

[Redacted]

Lucy Gawron

[Redacted]

Jananna Corp

[Redacted]

Theresa Gawron

[Redacted]

Trevor Heywood  
Resource Planner  
Grand River Conservation Authority

[Redacted]

• Notices Mailed November 10 (two weeks prior)

• Mailing list shown below

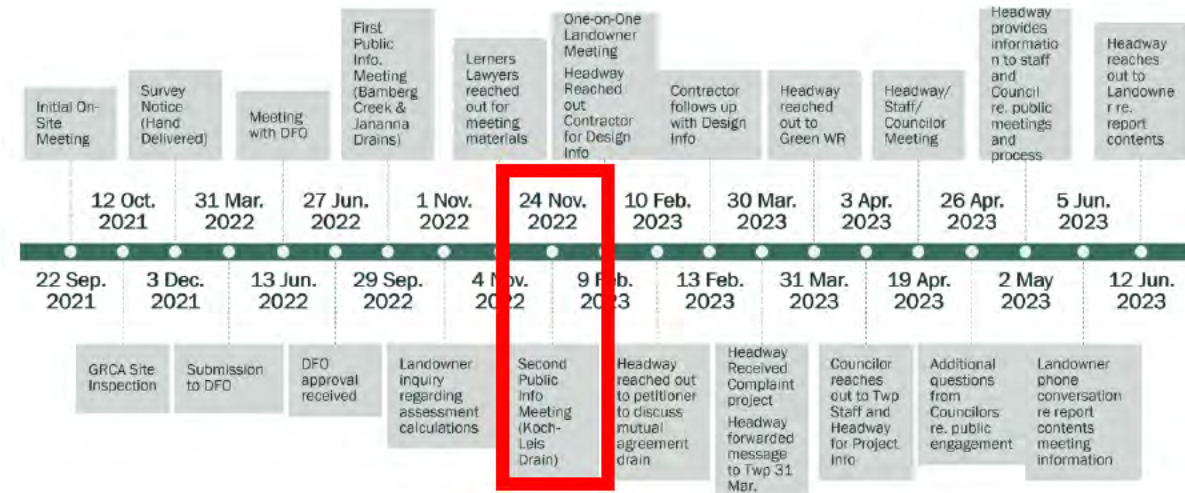
• Attended by:

- Wilmot Twp
- Wellesley Twp
- Gawron Family for Jananna
- Region of Waterloo
- Cressman Family
- Heintz
- Schnieder

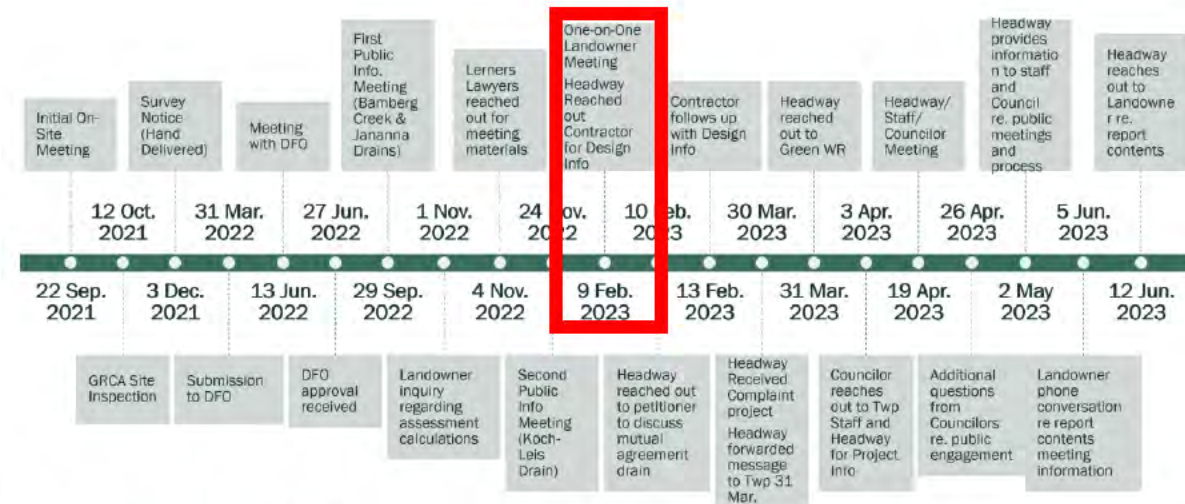


# Second Public Information Meeting (Koch-Leis Drain Focus) (November 24, 2022)

- All presentation materials are available online.  
<https://www.headwayeng.ca/koch-leisdrain>
  - Guest Access Code: WLMT-002
- Design Revisions from previous meeting
  - The streambed is stony/bedrock
    - **The grades of the Bamberg Creek were adjusted to reduce the extent of work in Bamberg Creek**
  - The Koch-Leis Drain needs better grade at the lower end
    - **The grades of the Koch-Leis were improved**
- Comments received:
  - Questions/comments/notes
    - Why the expansion of the project? – Headway explained that there was a request for improved grade at the lower end of the Koch-Leis Drain as the current grade is flat with poor outlet, and requires frequent maintenance.
    - Headway asked if there were other requirements for the Koch-Leis Drain. Landowners did not request further investigation, nor did Wellesley Township Drainage Superintendent.
    - Purpose of the project? – Headway responded: To provide a legal outlet at two locations which are receiving surface flows from external neighbouring properties.
    - What is the timeline? – Headway noted that it's tough to predict the timeline, but thought best case scenario would be 2024 construction.



# One-on-One Landowner Meeting (90 min) (February 9, 2023)



- Broad discussion points:

- Who wants the drain, and who doesn't. Headway acknowledged that the drain is unpopular.
- The area requiring drainage vs. the benefiting area, vs. the liable area. Headway explained the differences between all three.
- Proposed plan for tile drainage. Tile plans provided.
- Is Headway making work? Headway responded that we tried to minimize the work as much as possible.
- Payback periods.
- Roles under the Drainage Act. Headway discussed the engineer's obligations under the Drainage Act.
- Appeal process and the information provided at the public meeting. Headway commented that appeals were not budgeted in the estimates provided.
- Timelines

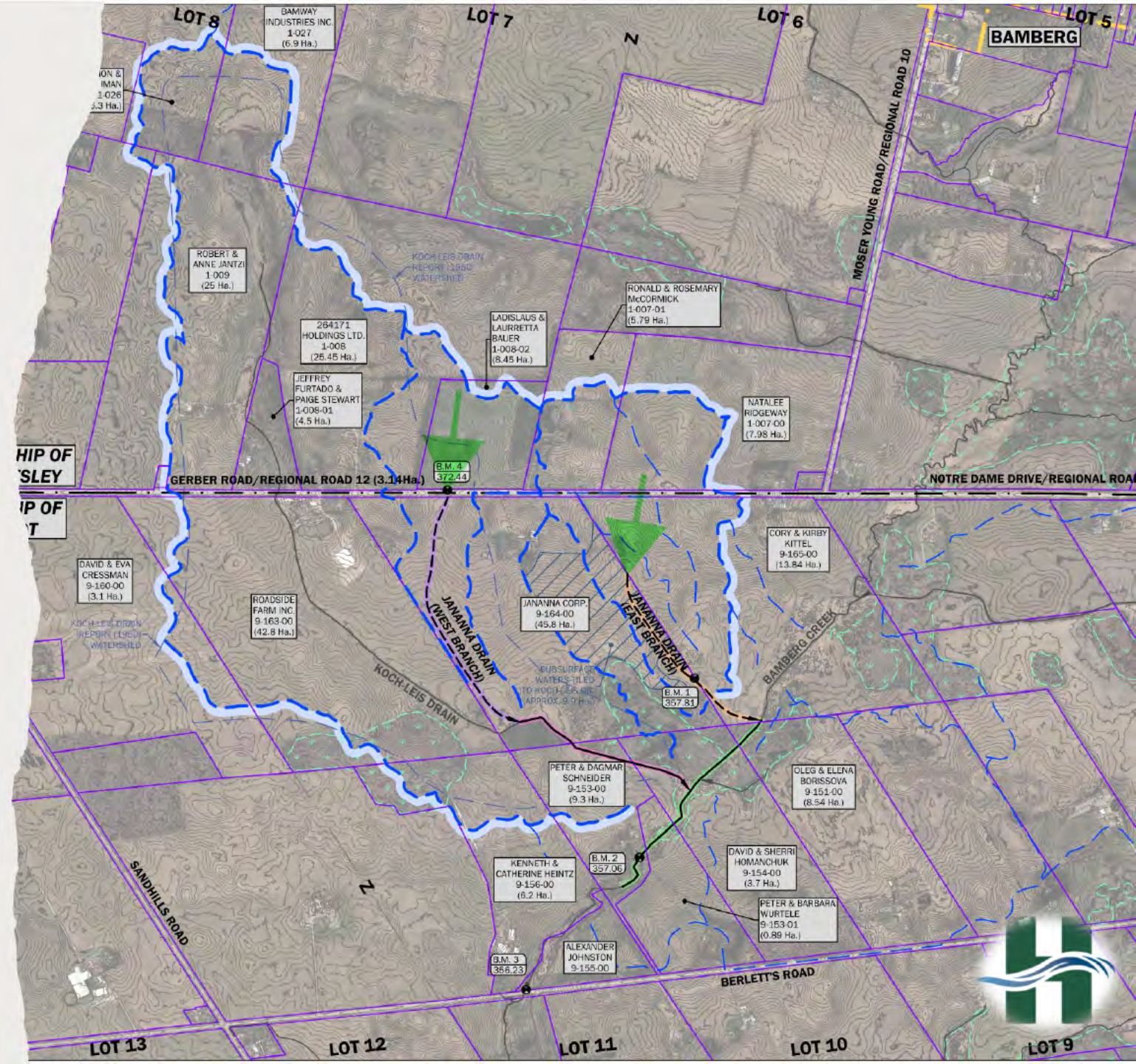
- Action items:

- Headway to contact the petitioner regarding mutual agreement
  - Completed the next day, follow up from petitioner the following business day
- Headway reached out to Contractor for design information regarding tiling system
  - Completed same day, Contractor responded the following a few days later.
- Follow up complaint regarding Headway's duties under the Drainage Act (Mar 30)
  - Headway forwarded the complaint to the Township (Mar 31)



# What are the Benefits?

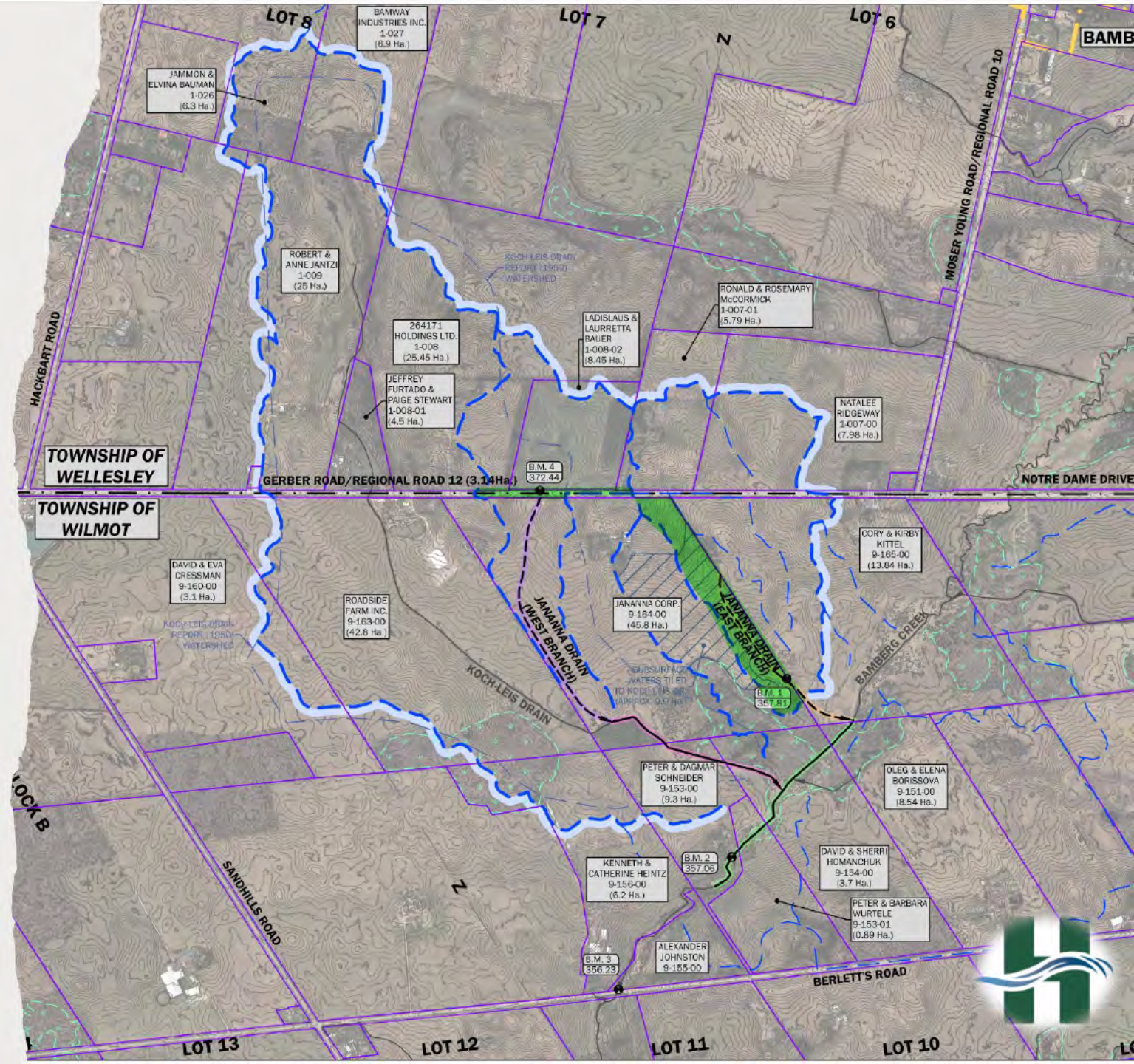
- To control surface flows entering a property which has no obligation to receive surface flows.





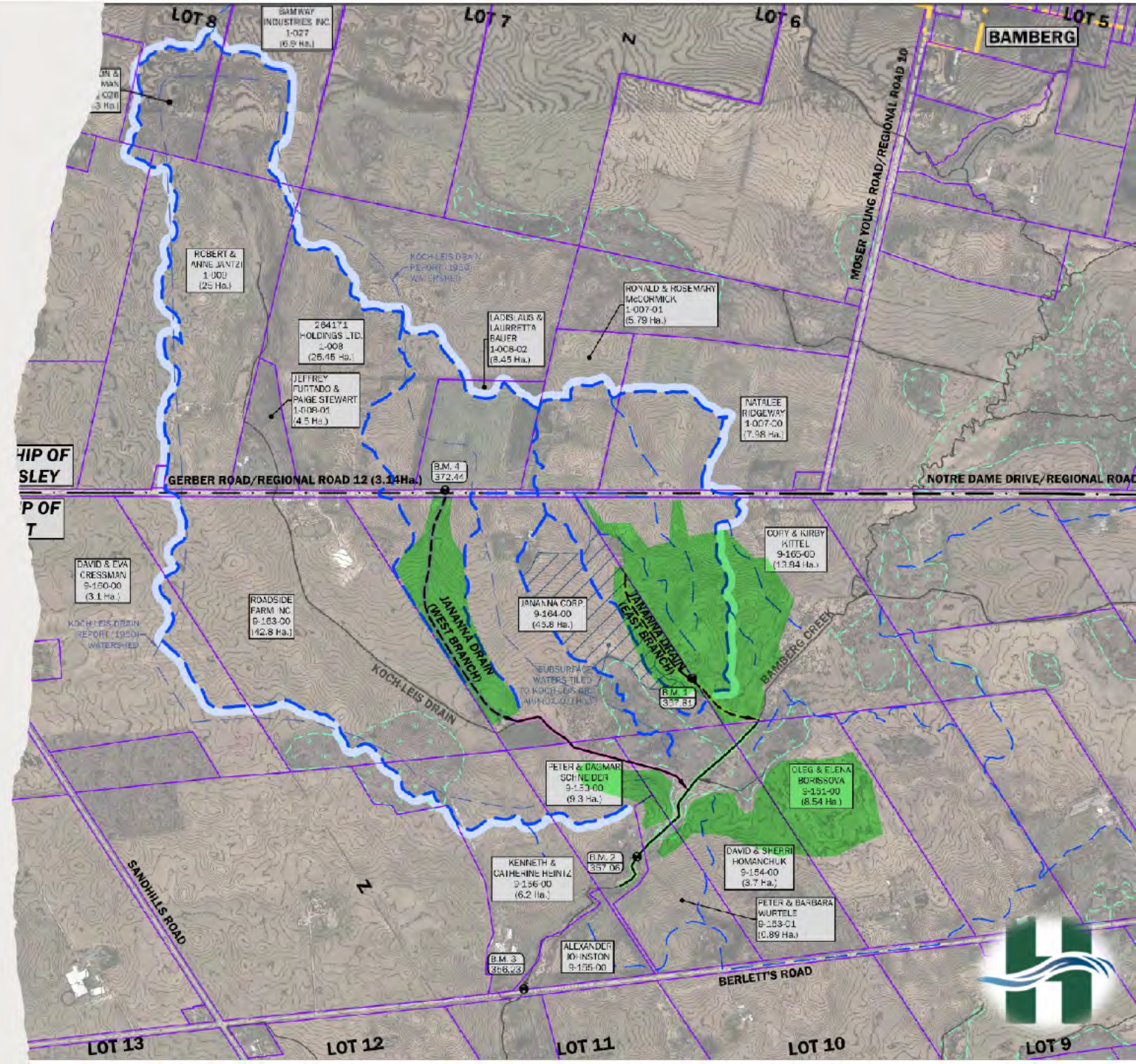
# What are the Benefits?

- Provide a legal outlet to an area which doesn't have one.



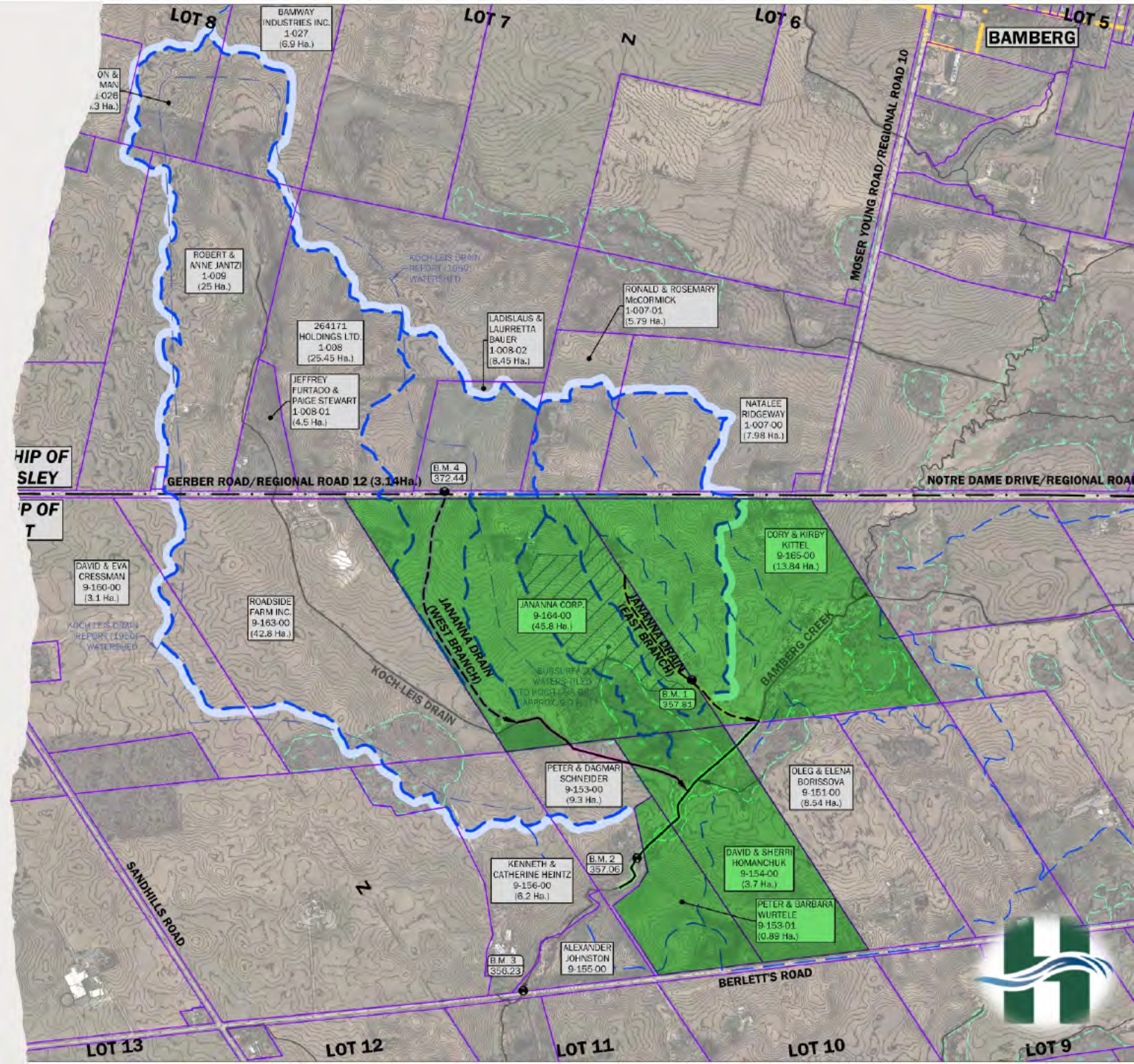
# What are the Benefits?

- Improved outlet depth
  - Enable increased crop production.
  - Enable improved usability.



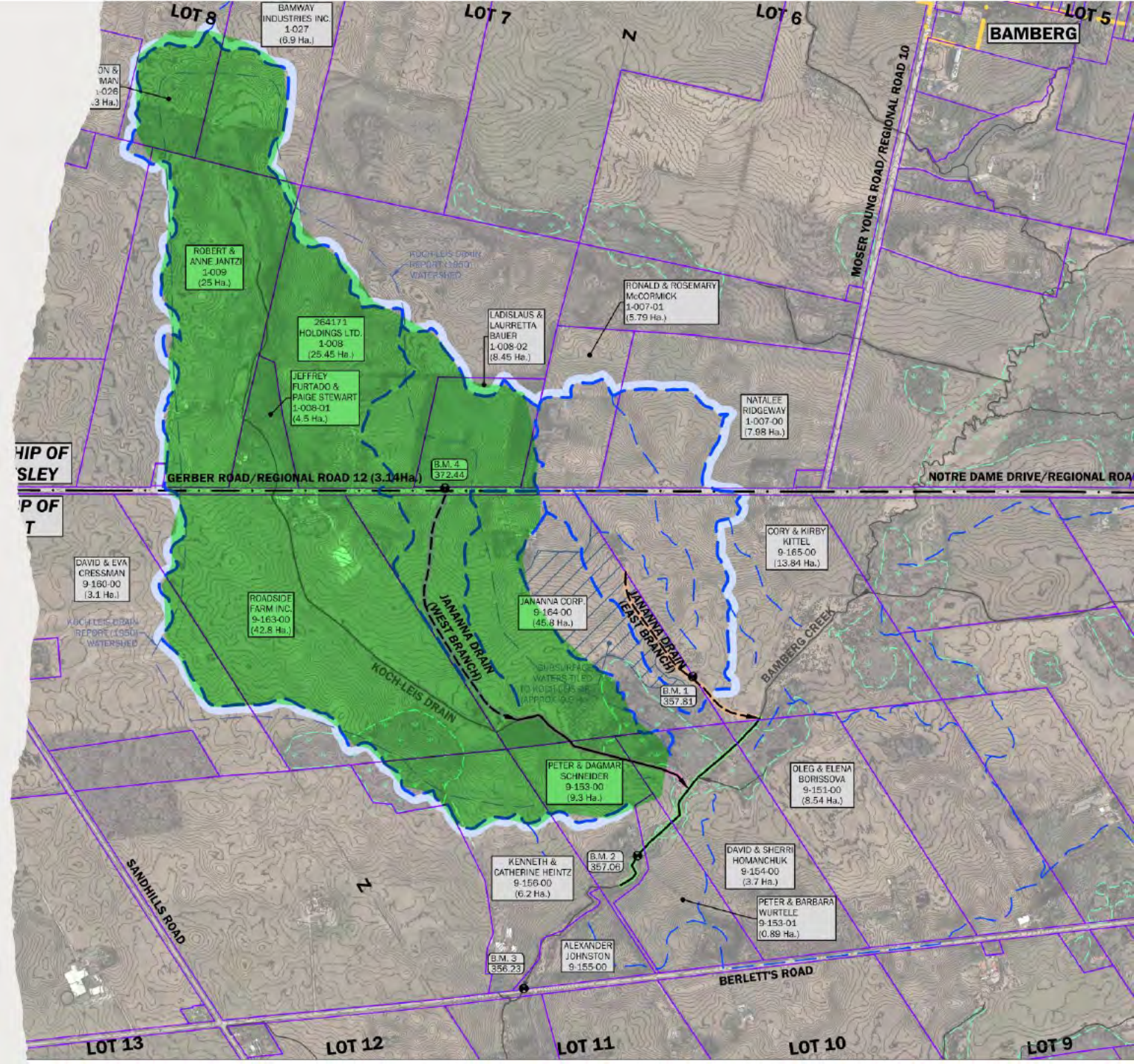
# What are the Benefits?

- Higher market value.



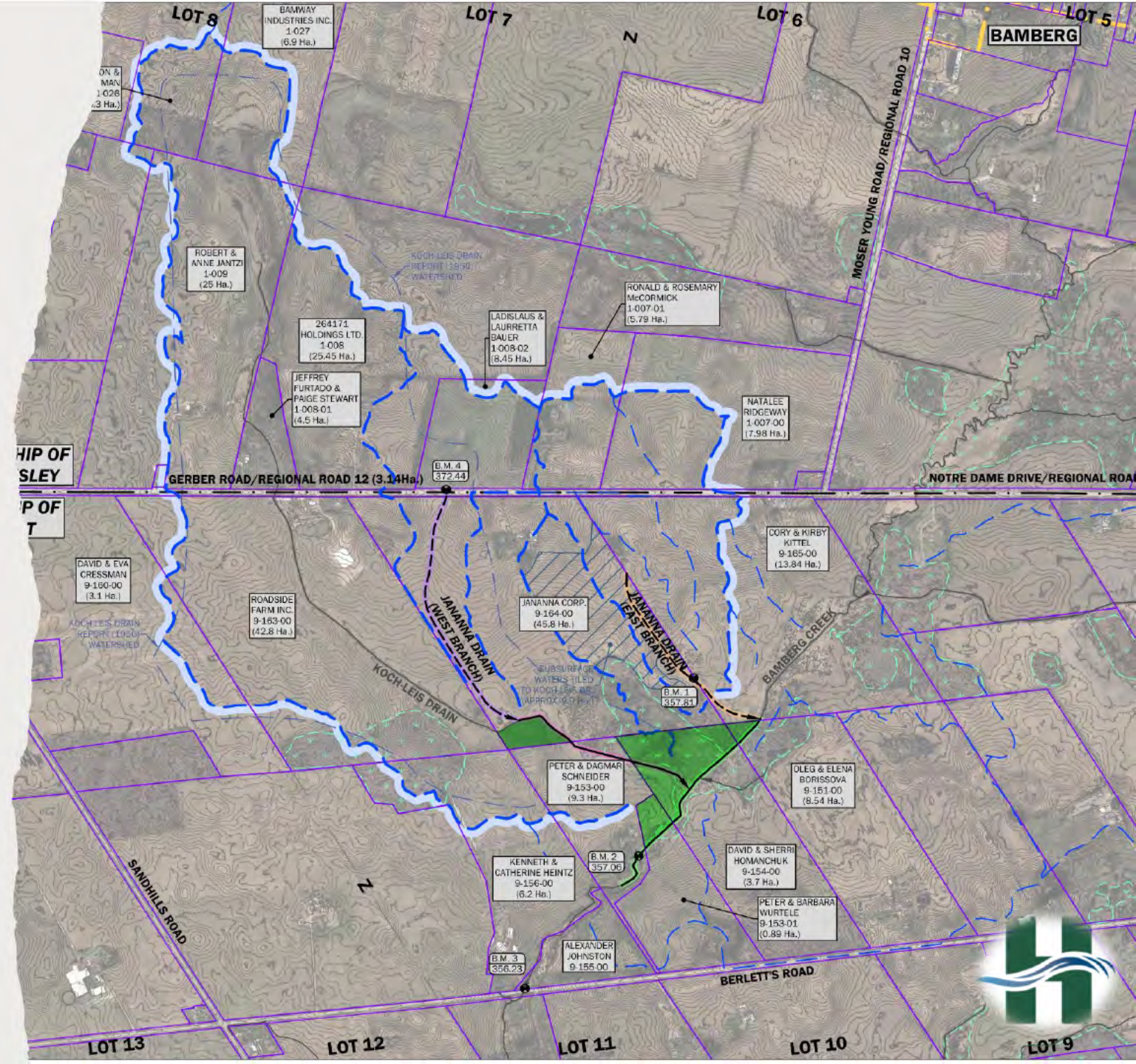
# What are the Benefits?

- To reduce maintenance frequency and the impacts of future maintenance costs.

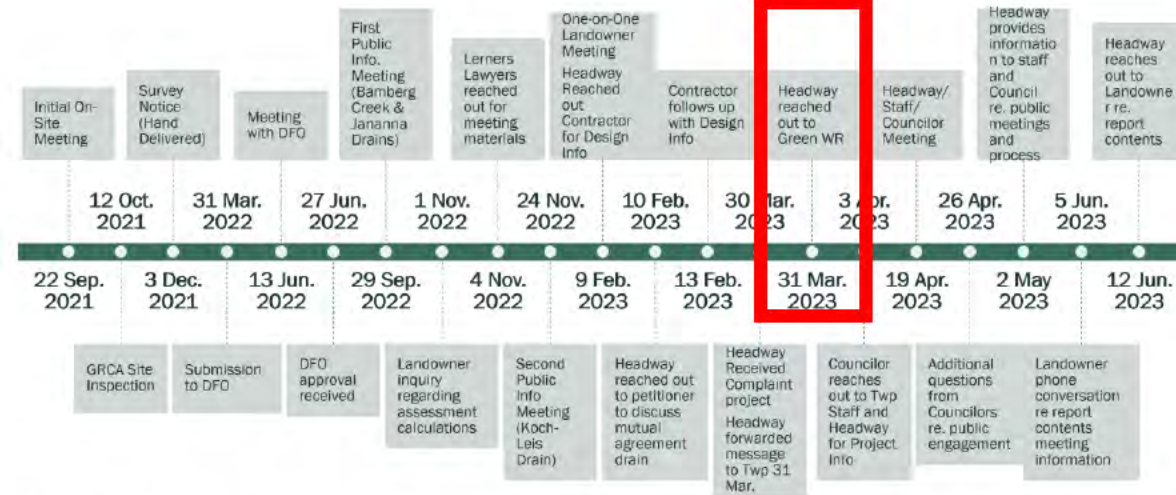


# What are the Benefits?

- To recognize crossing considerations, and lands severed.



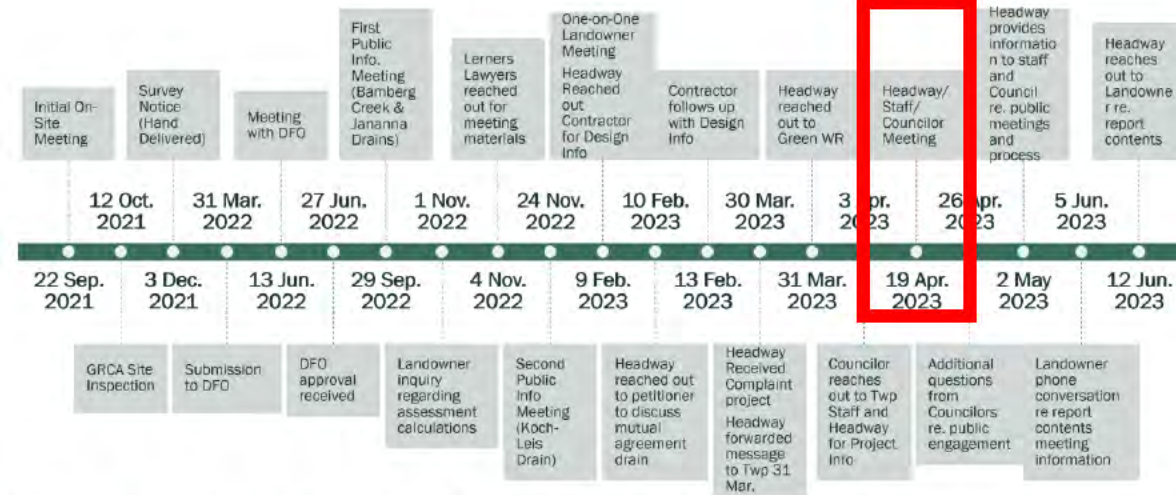
# GreenWR Engagement (March 31, 2023)



- Broad discussion points:
  - Green infrastructure in rural drainage
  - Low carbon concrete, tree planting, berming, etc.
    - Headway shared examples of projects with these features
    - Headway provided information on the importance of location
  - Rural Green Development Standards Group
    - Focus on talking to planners, township staff
    - Consider ways to implement low carbon materials
  - A landowner has reached out to GreenWR. GreenWR asked if environmental features could be incorporated, such as buffer strips. Headway replied that Bamburg Creek will continue to be buffered. Headway also discussed projects that have added environmental features, and the importance of site selection.



# Councilor/Staff/Headway (April 19, 2023)

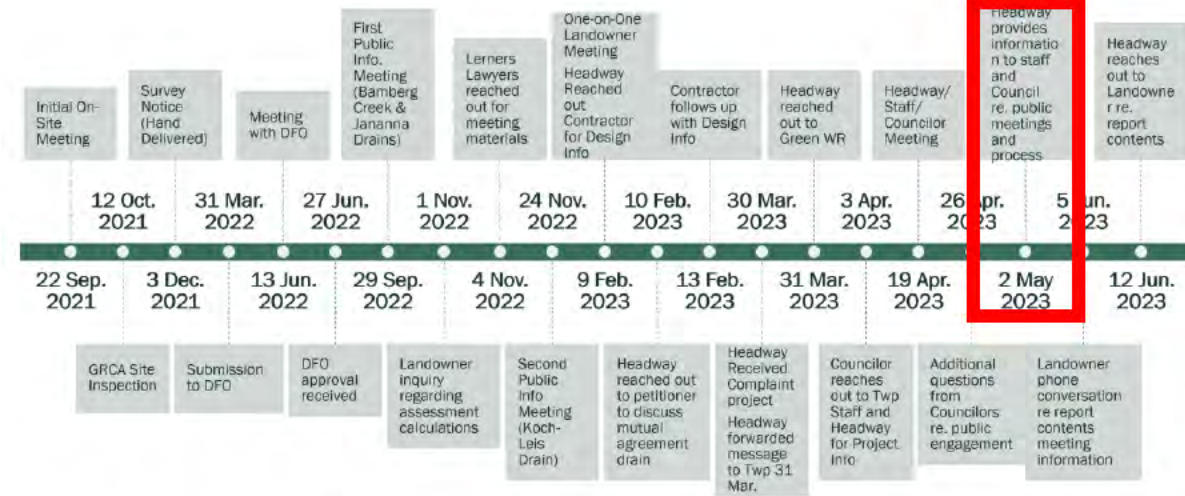


- Broad discussion points:

- Headway reviewed the presentation notes from the public engagements with Council Members and Staff.
- Drainage Act Process discussion including:
  - The Drainage Act's requirement for a by-law
    - Provisional by-law first
      - What is the provisional part of a provisional by-law
        - Answer: the provision is that the report must survive the appeal process. The appeal process cannot begin without a provisional by-law.
    - Third and Final reading of by-law after appeals have been dealt with.
    - Only Council can make a by-law, nobody else can (staff, tribunal, etc.)



# Council Inquiries (May 2, 2023)

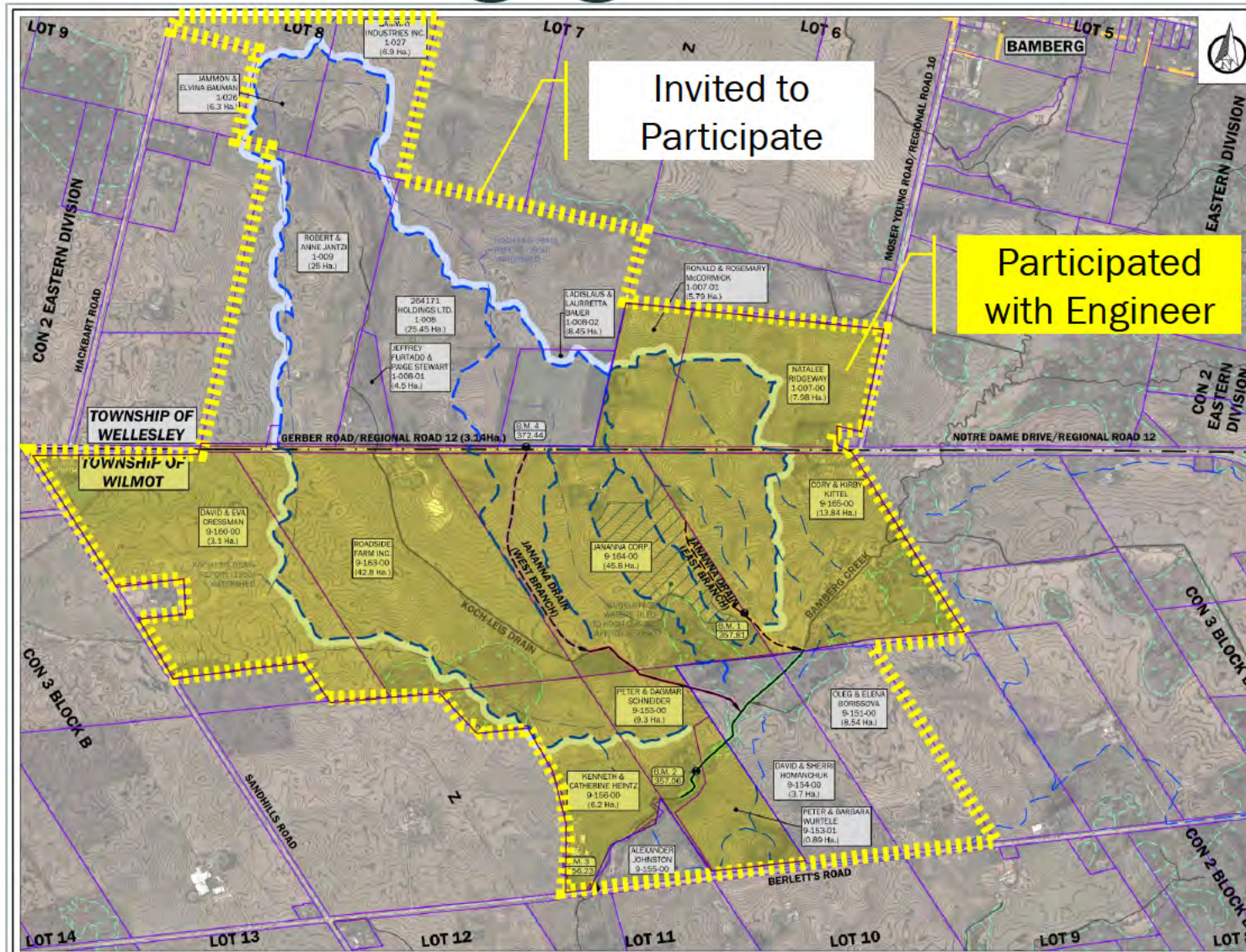


- Councilors asked for information regarding the project
- Staff forwarded questions to Headway
- Headway provided information relating to:
  - Public engagement
    - Who was invited to participate
    - Who participated with us
  - Drainage Act Process
  - Education
    - The importance of information, and upholding the rights of everybody.





# Public Engagement

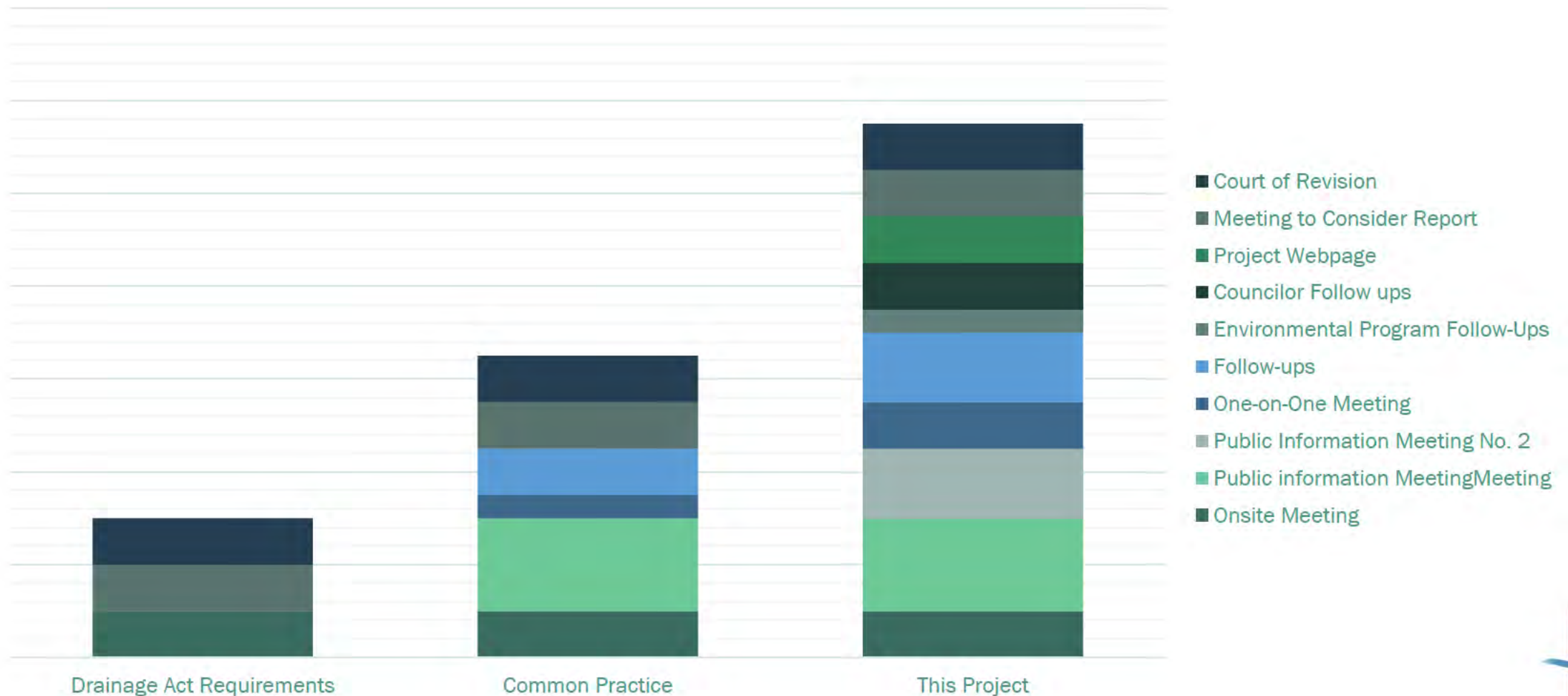


## Additional Participation:

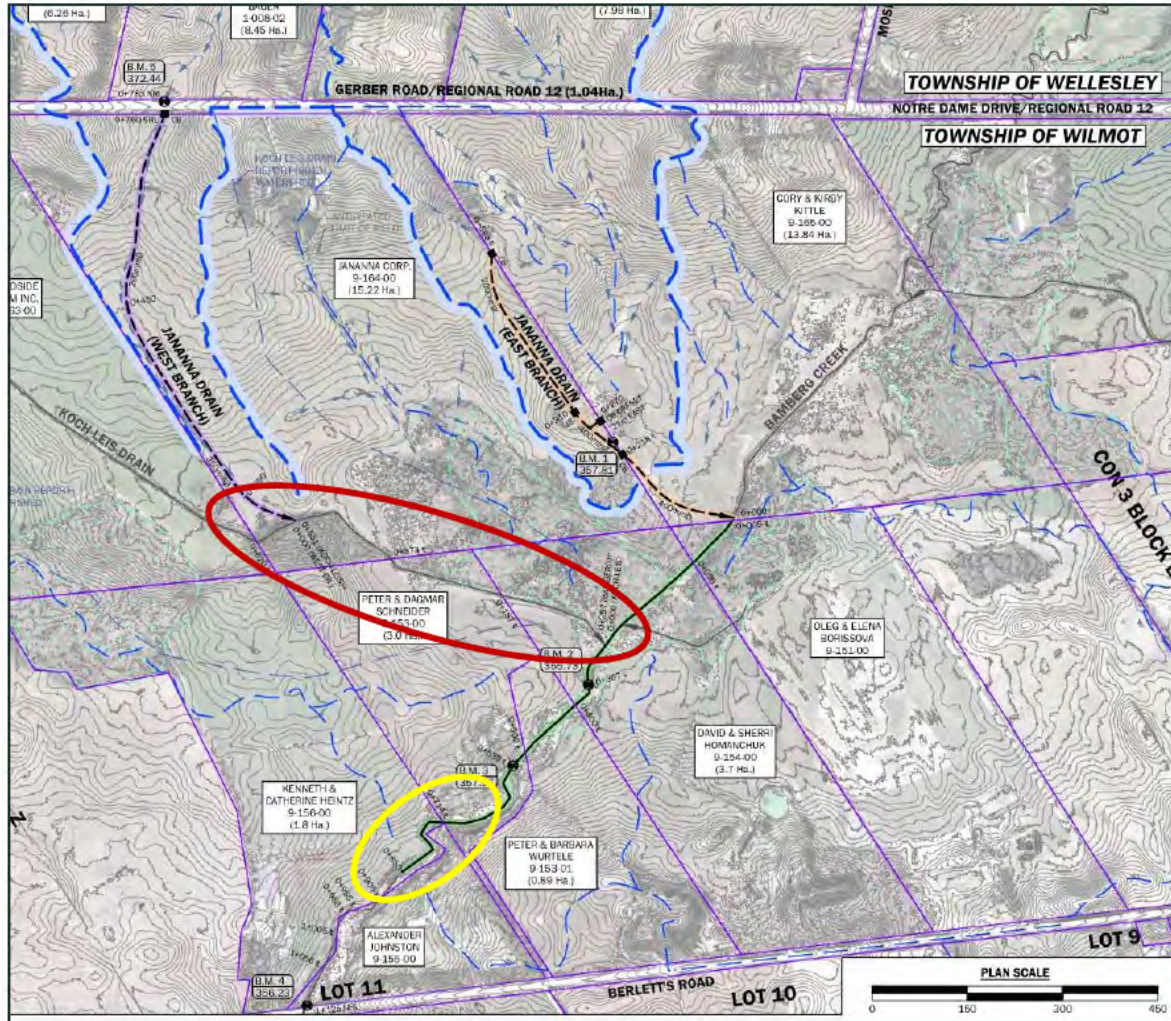
- Township of Wilmot Staff
- Wilmot Council Members
- Township of Wellesley Staff
- Region of Waterloo
- GRCA
- MECP
- DFO
- Green Development Standards WR (GreenWR)



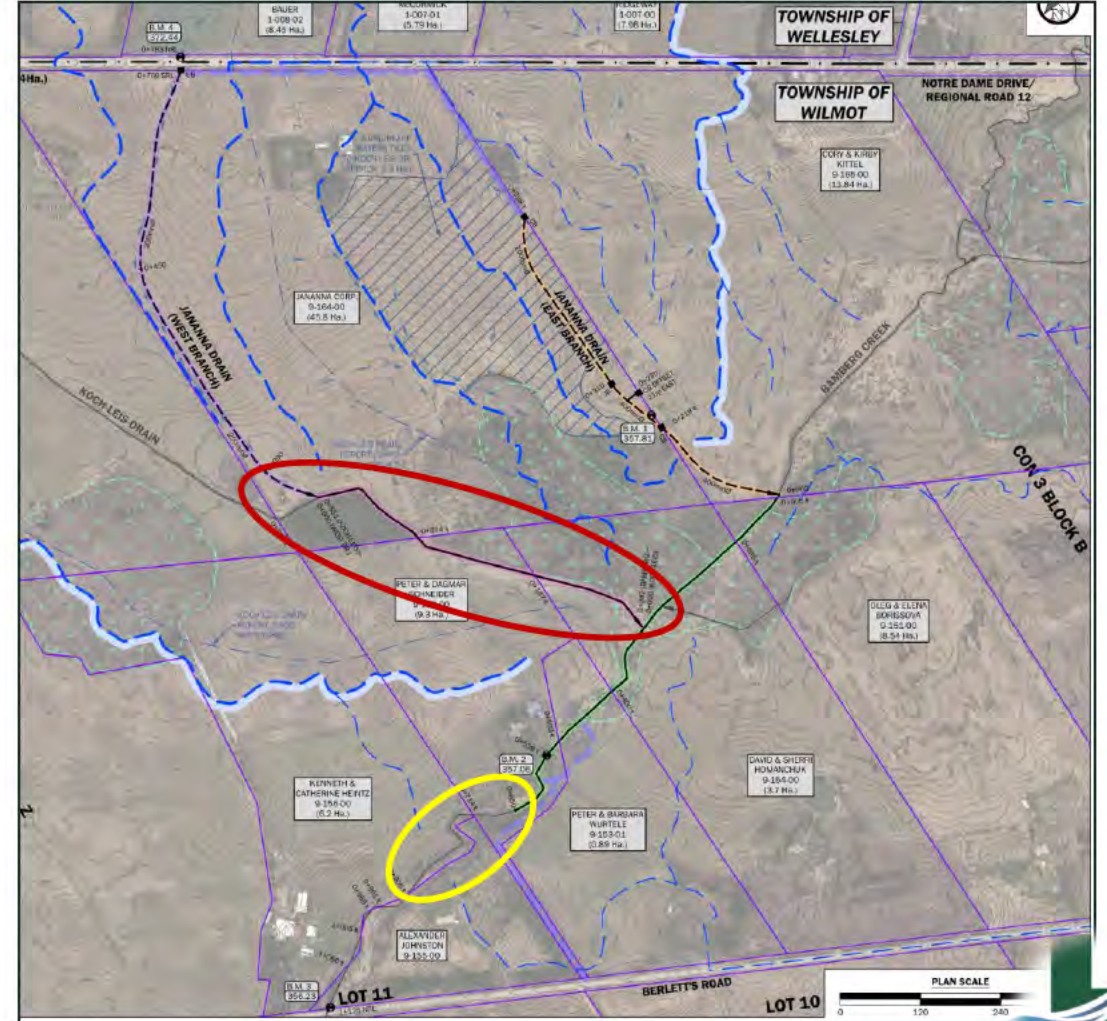
# Public Engagement Effort Required – Common – This Project



# Implementing Public Input



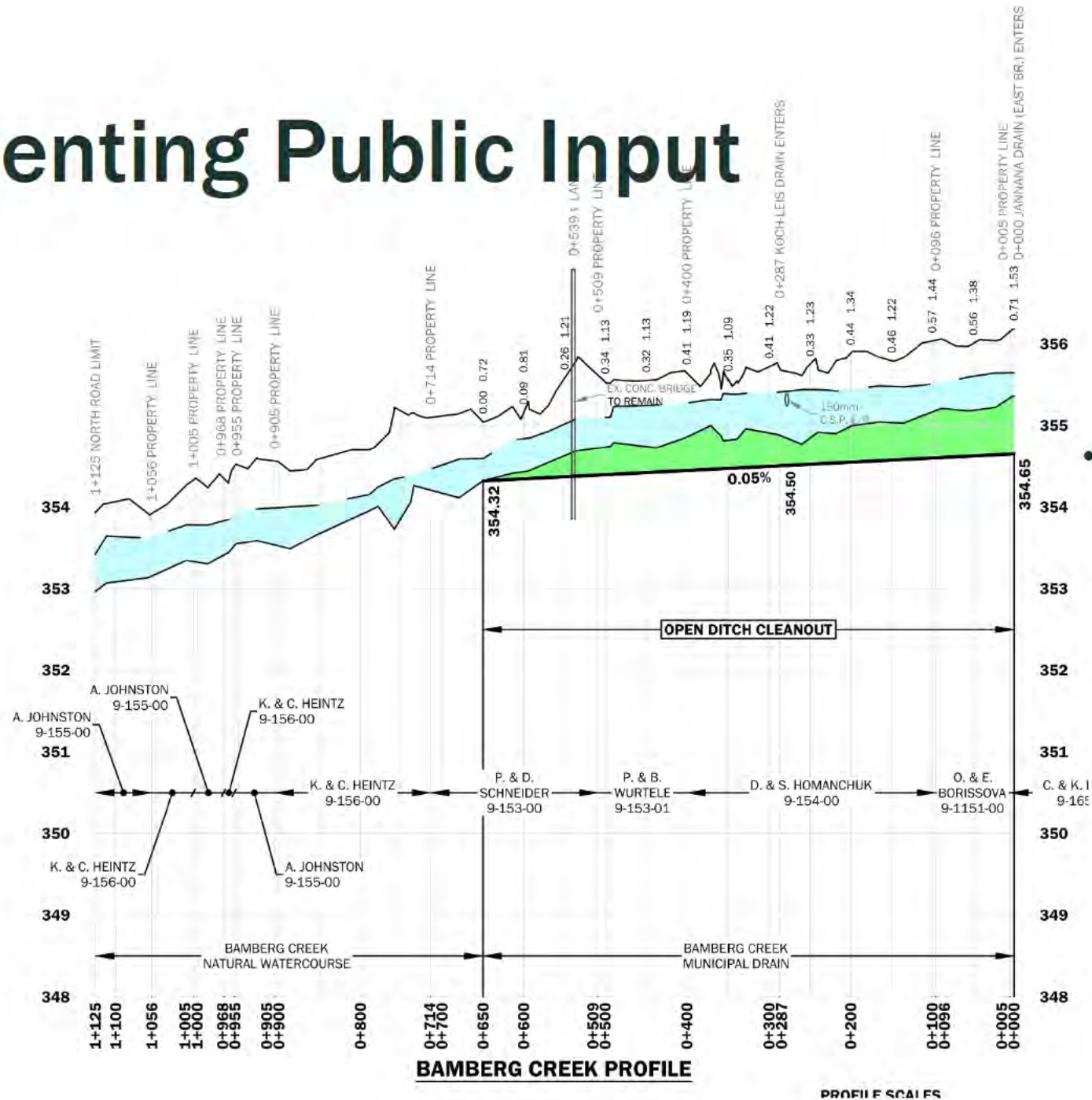
Preliminary Meeting No. 1



Report



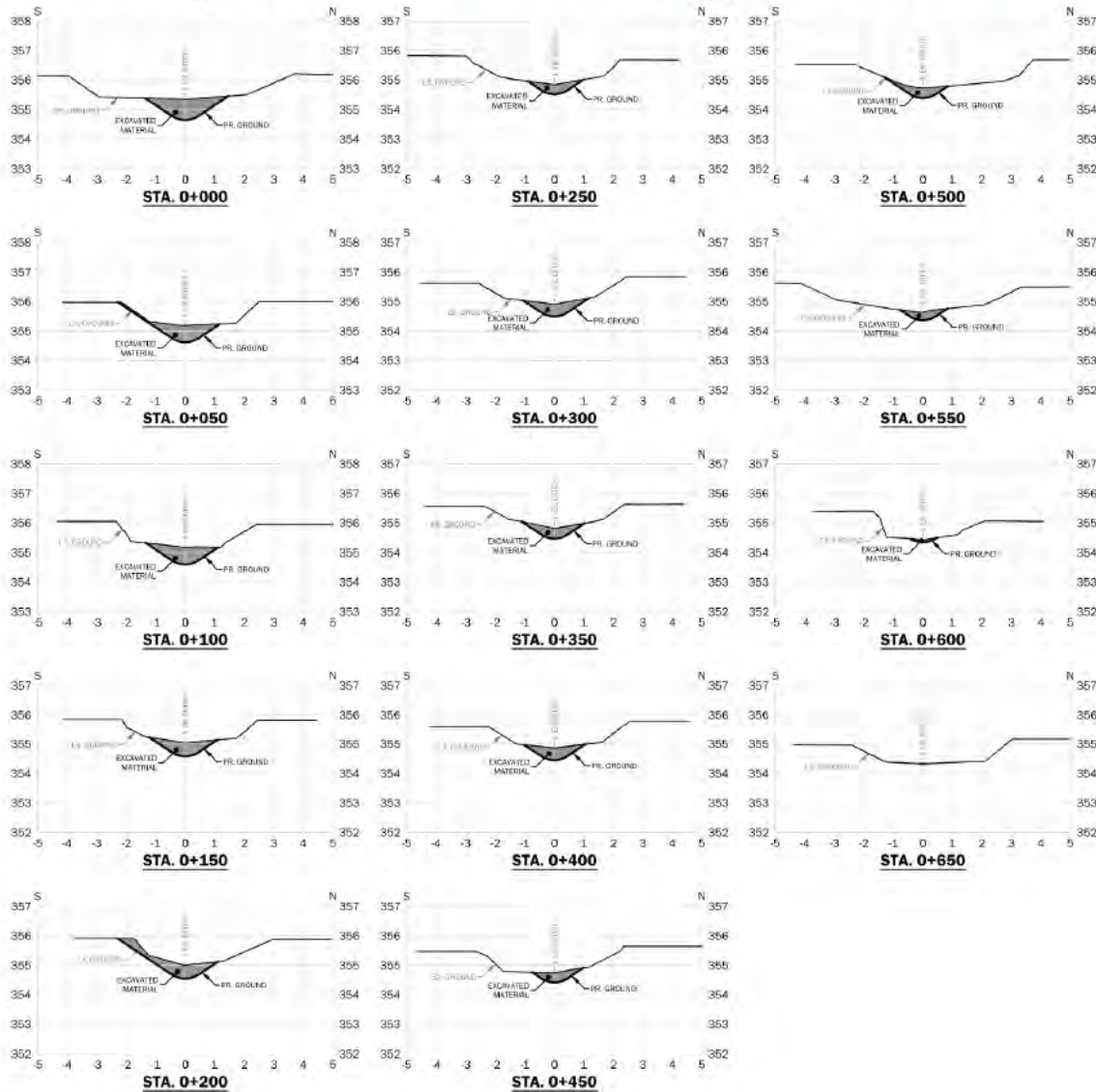
# Implementing Public Input



- Comparison of design at Public Information Meeting No. 1 to the design in the report.



# Implementing Public Input



- Comparison of design at Public Information Meeting No. 1 to the design in the report.



# Steps to Producing the Report

## Duties of Engineer (Section 11 of the Drainage Act)

**11** The engineer shall, to the best of the engineer's skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to the engineer in connection with any drainage works and make a true report thereon. R.S.O. 1990, c. D.17, s. 11.



**From:** [Candice Greenley](#)  
**To:** [Stephen Brickman](#); [Lucy Gawron](#); [John Kuntze](#); [Christine Gawron](#)  
**Cc:** [Chad Curtis](#)  
**Subject:** RE: BJKL - Monday night  
**Date:** June 23, 2023 3:04:11 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

Lucy can absolutely delegate at Monday's meeting. please visit our '[Appear as a Delegation at Council](#)' [webpage](#) for information on being a delegation and complete the [Online Registration Form](#). Once we receive the completed form, we will reach out to you with further information.

Regards,



**Candice Greenley** (she/her)  
**Administrative Clerk**  
**Information and Legislative Services | Township of Wilmot**

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, June 23, 2023 11:50:57 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Lucy Gawron [REDACTED] John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Christine Gawron [REDACTED]  
**Subject:** BJKL - Monday night

**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.

Hi Chad,

I just had a call from Lucy Gawron on the Jananna project. She'd like to make sure that they have a chance to speak at the Council Meeting. I said I'd forward this to you. I'm not sure if there's any kind of delegation request that needs to be completed, or if they could just raise their hand.

Thanks Chad. Take Care.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*



**From:** [Candice Greenley](#)  
**To:** [Cory Kittel](#)  
**Subject:** RE: New Response Completed for Delegation Request Form  
**Date:** June 23, 2023 3:43:55 PM  
**Attachments:** [image001.png](#)  
[image002.jpg](#)

---

Hi Cory,

Thank you for providing your visual presentation. I will have it ready to be displayed at the meeting.

With respect to your request to present last, the order of presentations is based on the order that we receive them in. This is the process for all delegation requests the Township receives and it helps ensure fairness in the process.

Regards,



**Candice Greenley** (she/her)  
**Administrative Clerk**  
**Information and Legislative Services** | Township of  
Wilmot

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 3:36 PM  
**To:** Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>  
**Subject:** Re: New Response Completed for Delegation Request Form

**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.

Hi Candice,

Thanks for getting back to me so quickly. I have attached my presentation material here. Is that ok? My only other request is to present last. I doubt I'll get through all these slides, but it's good to have them on the ready

Cory

On Fri, Jun 23, 2023 at 3:21 PM Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)> wrote:

Good afternoon,

Thank you for your interest in appearing as a delegation for Item 9.1, Bamberg Creek, Jananna, and Koch-Leis Municipal Drain, COR-2023-43, on June 26, 2023, at 7:00 p.m. We have received your Online Registration Form and confirm that you will appear in person on this date.

We confirm that you will have seven (7) minutes to speak and may only speak once to the item which you have registered for.

**If you wish to include a visual presentation as part of your delegation, it must be submitted before 4:30 p.m. today. Visual materials received after 4:30 p.m. today but prior to the meeting, will not be shown at the meeting but will be attached to the minutes.** Staff will take care of displaying the presentation and advancing the slides for you – you just need to say, “next slide, please”.

Presentation materials must be in compliance with the [Municipal Freedom of Information Privacy Protection Act](#) (MFIPPA) and cannot include photos of identifiable individuals, licence plates and/or names without the individual’s consent. Materials must not contain any of the following:

- negative allegations or comments towards members of the public or members of Council;
- profanity;
- hate speech;
- copyrighted materials including, but not limited to, videos, images, music, etc.

As a reminder, proper meeting decorum is expected from you as a delegation. The Mayor may expel any person who violates these expectations from the meeting. This means that as a delegation, you must not:

- Speak disrespectfully of or to any person;
- Use offensive words or unparliamentary language;
- Speak on a subject other than the subject which they have received approval to address Council or Committee;
- Disobey the Rules of Procedure or a decision of the Mayor or Council; or
- Interrupt, speak-over, or continue to speak when advised by the Mayor not to, or otherwise disrupt the proceedings of the Meeting or the ability of Council or Staff to conduct business.

For more information about being a delegation, please visit [Appear as a Delegation at Council - Wilmot Township](#).

Please do not hesitate to reach out if you have any questions.

Regards,



**Candice Greenley** (she/her)  
**Administrative Clerk**  
**Information and Legislative Services | Township of Wilmot**

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)>

**Sent:** Friday, June 23, 2023 1:43 PM

**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>

**Subject:** New Response Completed for Delegation Request Form

**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,

Please note the following response to Delegation Request Form has been submitted at Friday June 23rd 2023 1:42 PM with reference number 2023-06-23-006.

- **First name**  
Cory
- **Last name**  
Kittel
- **Personal pronoun**  
He/Him
- **Phone number**  
[REDACTED]
- **Email address**  
[REDACTED]
- **Who are you representing?**  
Myself
- **Please list the name(s) of who will be presenting.**  
Cory Kittel
- **Please select the meeting you wish to attend.**  
Council

- **How will you be attending?**  
In-person
- **Date of the meeting you plan to attend.**  
6/26/2023
- **Have you contacted Township staff?**  
No
- **Please select the type of item you wish to delegate to.**  
An item on a published Agenda for this meeting date
- **Please enter the Agenda Item Number.**  
9.1
- **Are you available for a phone call the day of the meeting to discuss procedure and answer any questions you may have?**  
Yes
- **Please summarize the information below.**  
Opposing Bamberg Creek, Jananna, and Koch-Leis Municipal Drain. Challenging the validity of the petition. Where do we send our slide presentation? I have one.
- **I (we) acknowledge and agree to the guidelines for being a delegation.**  
Yes

[This is an automated email notification -- please do not respond]

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 23, 2023 11:55 AM  
**To:** Stephen Brickman; Chad Curtis  
**Cc:** Lucy Gawron; Christine Gawron  
**Subject:** RE: BJKL - Monday night

**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.

Hi Chad  
I forgot to tell Lucy and Chris about the online link to register as a delegation.  
Can you send them the link with info on registering as a delegation.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Friday, June 23, 2023 11:51 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Lucy Gawron [REDACTED]; John Kuntze <jkuntze@ksmart.ca>; Christine Gawron [REDACTED]  
**Subject:** BJKL - Monday night

Hi Chad,

I just had a call from Lucy Gawron on the Jananna project. She'd like to make sure that they have a chance to speak at the Council Meeting. I said I'd forward this to you. I'm not sure if there's any kind of delegation request that needs to be completed, or if they could just raise their hand.

Thanks Chad. Take Care.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614, Ext. 1  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 23, 2023 11:51 AM  
**To:** Chad Curtis  
**Cc:** Lucy Gawron; John Kuntze (jkuntze@ksmart.ca); Christine Gawron  
**Subject:** BJKL - Monday night

**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.

Hi Chad,

I just had a call from Lucy Gawron on the Jananna project. She'd like to make sure that they have a chance to speak at the Council Meeting. I said I'd forward this to you. I'm not sure if there's any kind of delegation request that needs to be completed, or if they could just raise their hand.

Thanks Chad. Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

**From:** [Kris Wilkinson](#)  
**To:** [Jeff Bunn](#)  
**Cc:** [Chad Curtis](#); [Patrick Kelly](#)  
**Subject:** FW: Updated Package: Invalid Petition  
**Date:** June 25, 2023 11:07:30 PM  
**Attachments:** [jananna\\_invalid\\_petition\\_062323.pdf](#)  
[image001.png](#)

---



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Subject:** Updated Package: Invalid Petition

**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.

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

**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.

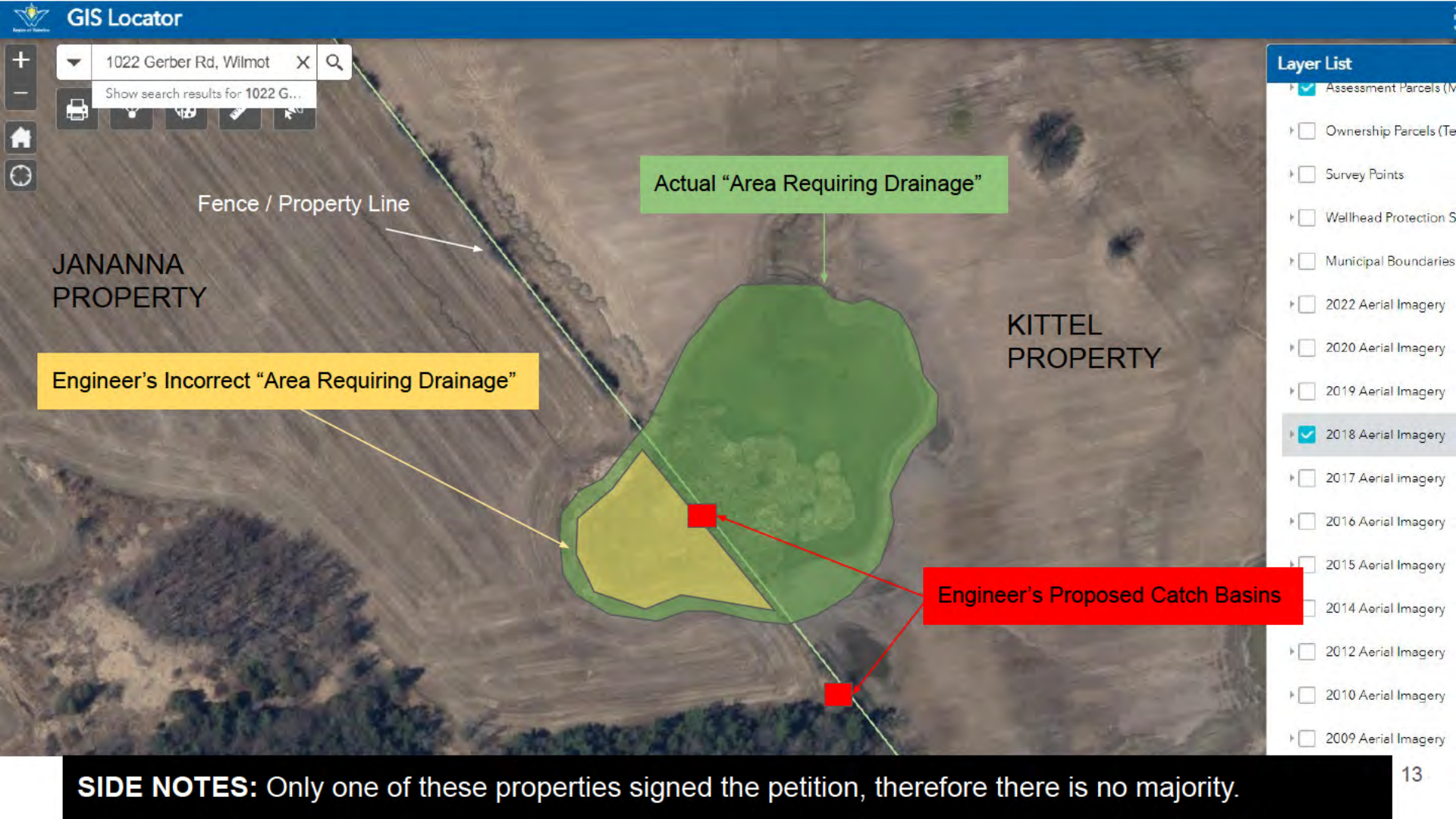
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore 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...

Print, Home, Refresh 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
- 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

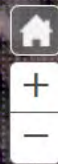
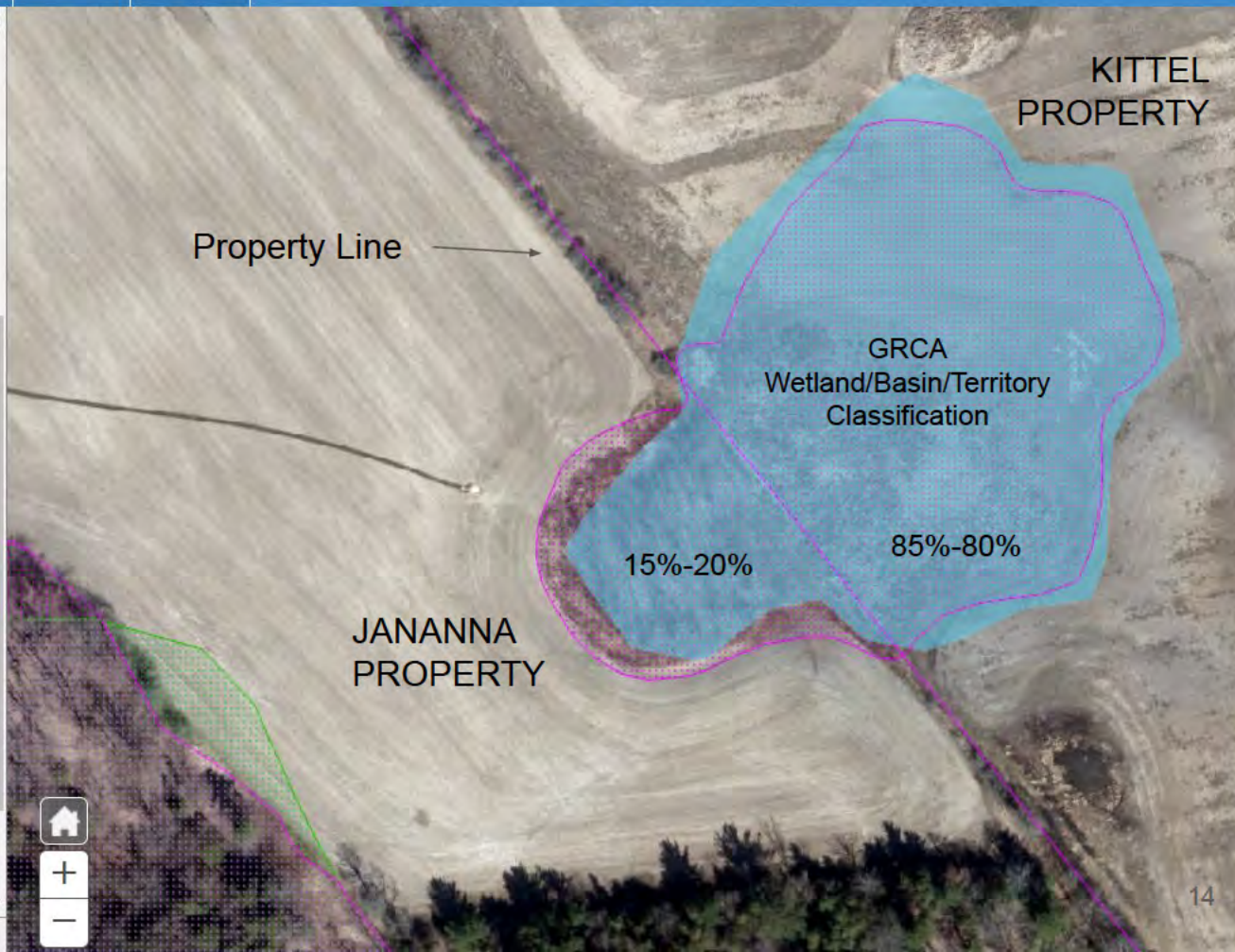
Draw

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



KITTEL  
PROPERTY

JANANNA  
PROPERTY

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.

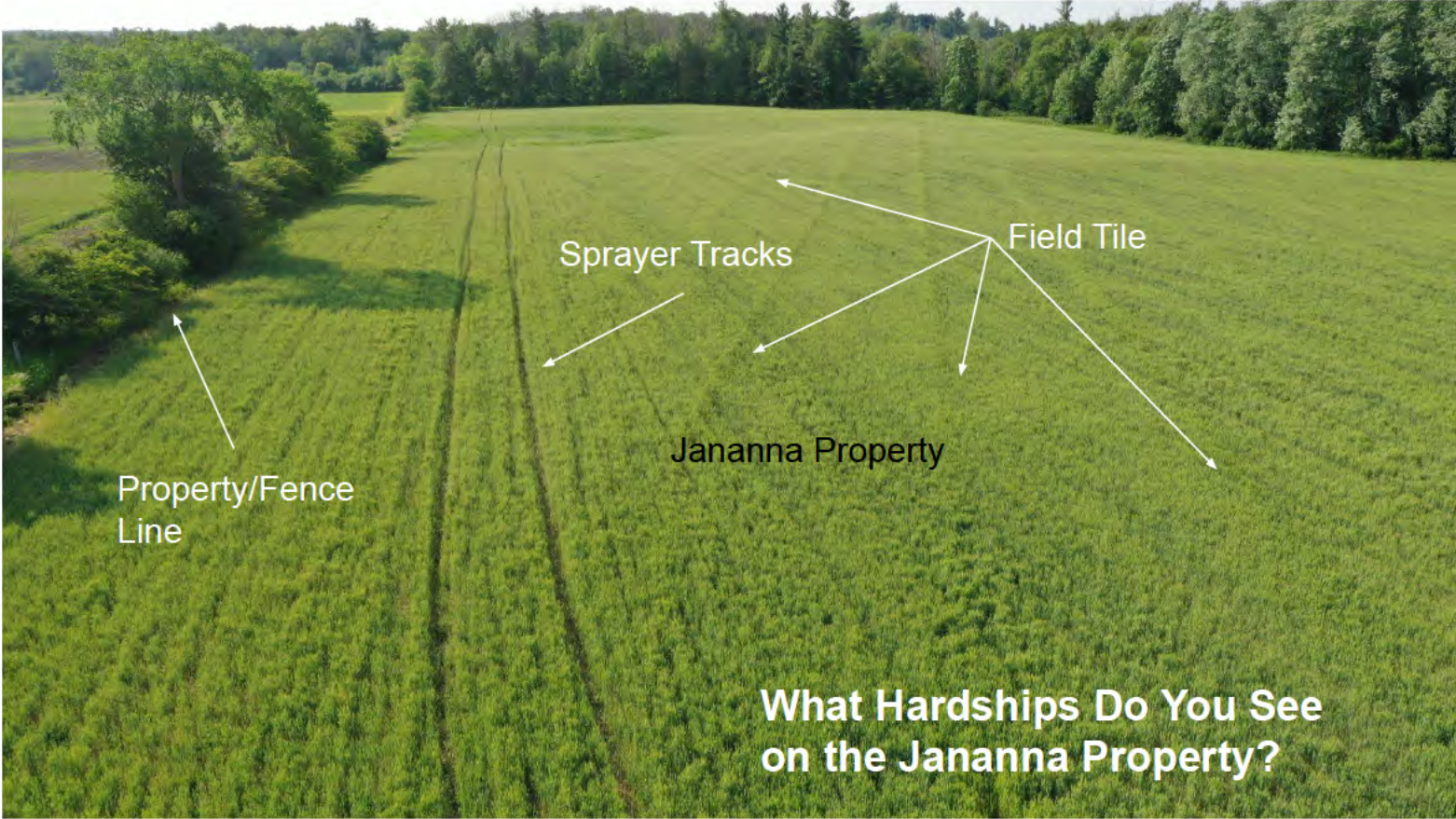
Engineer's Incorrect "Area Requiring Drainage"

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.

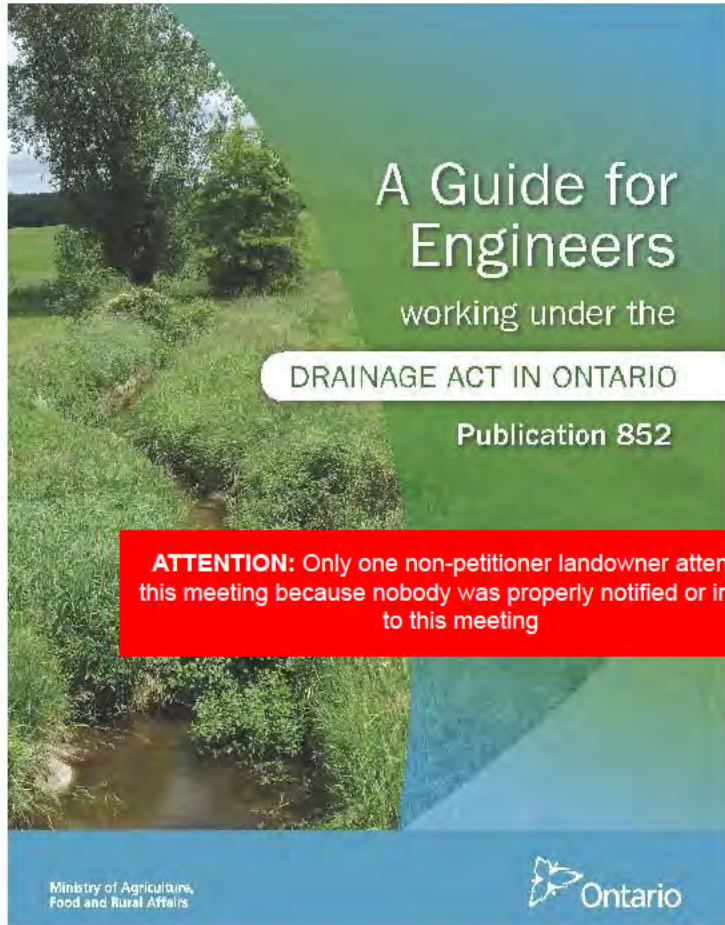
East Side of Jananna Field - Property Line **Pointing South** - Photo Taken June 20, 2023



East Side of Field - Property Line **Pointing North** - Photo Taken June 22, 2023



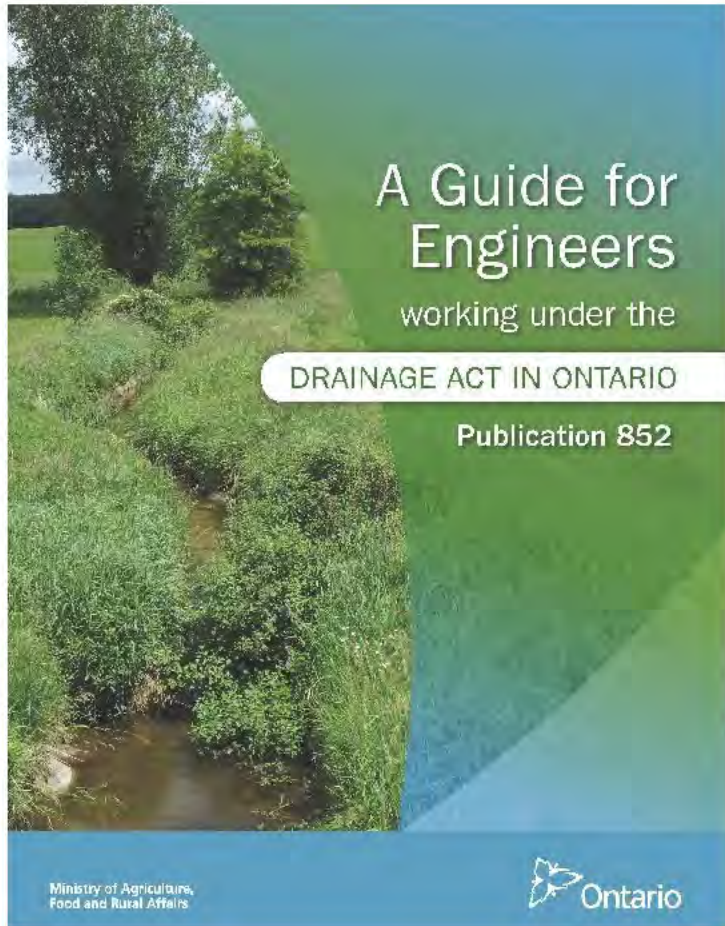
Jananna Property



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



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...”

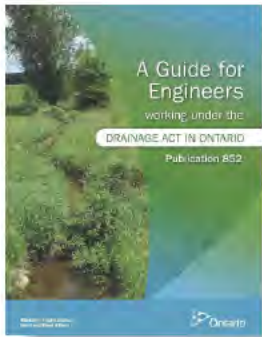


## Duane vs. Township of Finch, Referee G. Henderson, 1908

“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](http://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%**

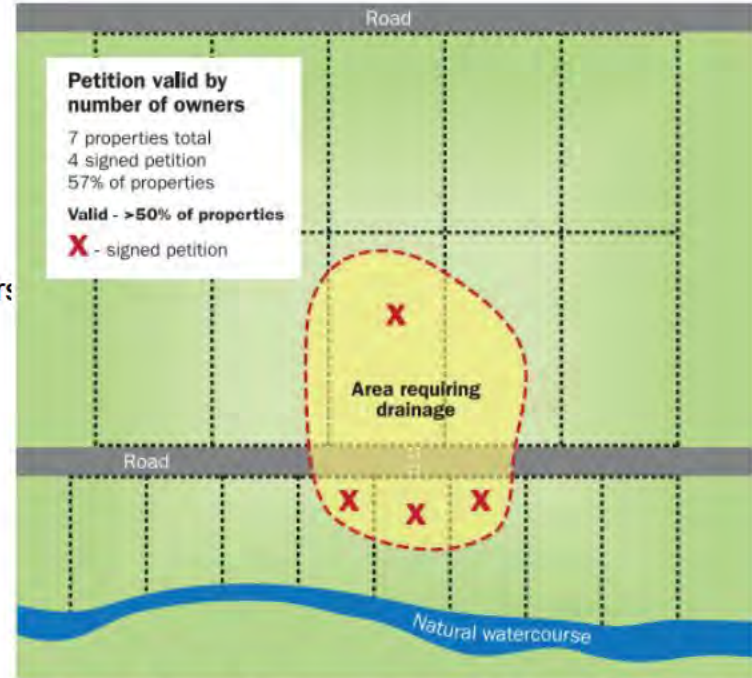


Figure A4-4. Determining the validity of a petition by percentage of owners.

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: \_\_\_\_\_

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): \_\_\_\_\_

Name of Corporation: \_\_\_\_\_

Function Title: \_\_\_\_\_

I have the authority to bind the Corporation: \_\_\_\_\_

Date (yyyy/mm/dd): \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

Check here if additional streams are attached: \_\_\_\_\_

# 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:

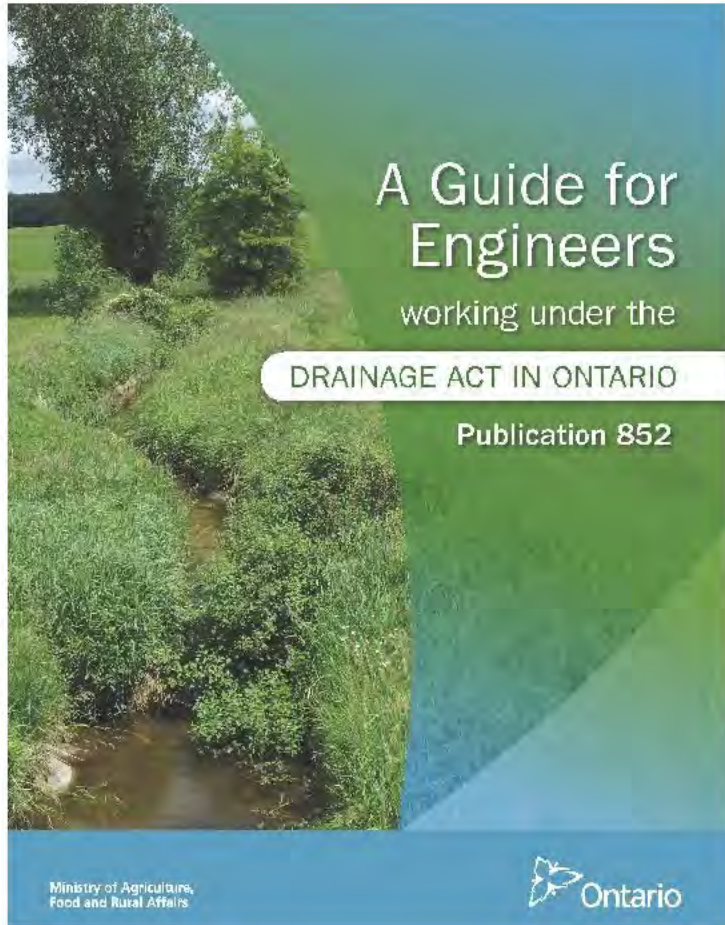
**Jananna - West Branch Drain**

**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.

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

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 safely say the engineer was provided this information.

## 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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2298 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSSA      |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Mussa      |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
|                  |           |                                           |          |
|                  |           |                                           |          |



**From:** [Christine Gawron](#)  
**To:** [Candice Greenley](#)  
**Cc:** [Chad Curtis](#); [stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca); [John Kuntze](#)  
**Subject:** Re: BJKL - Monday night  
**Date:** June 26, 2023 9:34:03 AM  
**Attachments:** [image001.png](#)

---

**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.

Good Morning Candice,

Thank you for your email with information links to Wilmot Township Council's Delegation webpage and Online Registration Form.

I'm Christine (Chris) Gawron, one of Jananna Corps' farm family members, and I've filled in the online registration forms for both myself and a form for my sister Lucy, in order, as I understand, for the two of us to have an opportunity to speak to the council regarding our petition request in favour of the proposed Bamberg Creek, Jananna, and Koch-Leis Municipal Drains (BJKL Drain) project.

I just wish to ask and confirm with you that I've entered the correct **Agenda Item Number as being: 14.2??**

I also wish to ask, if it's not too late to include an added submission to council, by sending a forwarded email with photos attachments that Lucy took just this past March and April illustrating some of the spring thaw flooding that occurred on the lower Eastern portion of our Jananna property, as well on the bordering Kittel property? This spring flood water naturally drains into the Bamberg Creek which also overflowed its banks, and it was not until after a period of approximately six to eight weeks later that this surface water flooding gradually retreated.

Please see the forwarded correspondence email from Lucy Gawron with attached photos to follow soon.

Thank you.

Respectfully,  
Chris Gawron

On Fri, Jun 23, 2023 at 3:04 PM Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)> wrote:

Good afternoon,

Lucy can absolutely delegate at Monday's meeting. please visit our '[Appear as a Delegation at Council](#)' webpage for information on being a delegation and complete the [Online Registration Form](#). Once we receive the completed form, we will reach out to you with further information.

Regards,



**Candice Greenley** (she/her)

**Administrative Clerk**

**Information and Legislative Services | Township of Wilmot**

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, June 23, 2023 11:50:57 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Lucy Gawron [REDACTED]; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Christine Gawron <[REDACTED]>  
**Subject:** BJKL - Monday night

**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.

Hi Chad,

I just had a call from Lucy Gawron on the Jananna project. She'd like to make sure that they have a chance to speak at the Council Meeting. I said I'd forward this to you. I'm not sure if there's any kind of delegation request that needs to be completed, or if they could just raise their hand.



Thanks Chad. Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**From:** [Candice Greenley](#)  
**To:** [Christine Gawron](#)  
**Cc:** [Chad Curtis](#); [stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca); [John Kuntze](#)  
**Subject:** RE: BJKL - Monday night  
**Date:** June 26, 2023 9:57:01 AM  
**Attachments:** [image001.png](#)

---

Good morning Christine,

I have received your delegation request form and thank you for the same; you will receive a confirmation email with more information shortly. At this meeting, you would be delegating on the Report, which is item 9.1, as opposed to the By-Law at item 14.2.

Submissions which would be shown during your delegation at the meeting, must have been submitted by 4:30pm on Friday, June 23, 2023; however, you may print out your submission and we will circulate it to council at the meeting, and add them to the Minutes. As we have already received your submission via email, we will also forward it electronically to Council for you, so they may review it in advance of the meeting.

Please do not hesitate to reach out if you have further questions.

Regards,



**Candice Greenley** (she/her)  
**Administrative Clerk**  
**Information and Legislative Services | Township of Wilmot**

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Christine Gawron [REDACTED]  
**Sent:** Monday, June 26, 2023 9:34 AM  
**To:** Candice Greenley <candice.greenley@wilmot.ca>  
**Cc:** Chad Curtis <chad.curtis@wilmot.ca>; [stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca); [John Kuntze](mailto:John Kuntze) <jkuntze@ksmart.ca>  
**Subject:** Re: BJKL - Monday night

**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.

Good Morning Candice,

Thank you for your email with information links to Wilmot Township Council's Delegation webpage and Online Registration Form.

I'm Christine (Chris) Gawron, one of Jananna Corps' farm family members, and I've filled in the online registration forms for both myself and a form for my sister Lucy, in order, as I understand, for the two of us to have an opportunity to speak to the council regarding our petition request in favour of the proposed Bamberg Creek, Jananna, and Koch-Leis Municipal Drains (BJKL Drain) project. I just wish to ask and confirm with you that I've entered the correct **Agenda Item Number as being: 14.2??**

I also wish to ask, if it's not too late to include an added submission to council, by sending a forwarded email with photos attachments that Lucy took just this past March and April illustrating some of the spring thaw flooding that occurred on the lower Eastern portion of our Jananna property, as well on the bordering Kittel property? This spring flood water naturally drains into the Bamberg Creek which also overflowed its banks, and it was not until after a period of approximately six to eight weeks later that this surface water flooding gradually retreated.

Please see the forwarded correspondence email from Lucy Gawron with attached photos to follow soon.

Thank you.

Respectfully,  
Chris Gawron

On Fri, Jun 23, 2023 at 3:04 PM Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)> wrote:

Good afternoon,

Lucy can absolutely delegate at Monday's meeting. please visit our ['Appear as a Delegation at Council' webpage](#) for information on being a delegation and complete the [Online Registration Form](#). Once we receive the completed form, we will reach out to you with further information.

Regards,



**Candice Greenley** (she/her)  
**Administrative Clerk**  
**Information and Legislative Services | Township of Wilmot**

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Friday, June 23, 2023 11:50:57 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Lucy Gawron [REDACTED] John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca))  
<[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Christine Gawron [REDACTED]  
[REDACTED] - Monday night

**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.

Hi Chad,

I just had a call from Lucy Gawron on the Jananna project. She'd like to make sure that they have a chance to speak at the Council Meeting. I said I'd forward this to you. I'm not sure if there's any kind of delegation request that needs to be completed, or if they could just raise their hand.

Thanks Chad. Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading,

dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**From:** [Chad Curtis](#)  
**To:** [Jeff Bunn](#)  
**Subject:** Fwd: Drainage Lawyer Guiding Council  
**Date:** June 26, 2023 3:58:07 PM

---

FYI - thoughts on how we respond?

Get [Outlook for Android](#)

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, June 26, 2023 3:12:32 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Drainage Lawyer Guiding Council

**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.

Hi Chad,

The expert drainage lawyer being brought in to brief Council this evening at the closed meeting. Are you able to tell us who the lawyer is and who provided the referral?

Cory

**From:** [Chad Curtis](#)  
**To:** [Jeff Bunn](#); [Patrick Kelly](#)  
**Subject:** Fwd: Drainage Lawyer Guiding Council  
**Date:** June 26, 2023 4:20:50 PM

---

FYI

Get [Outlook for Android](#)

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 4:20:19 PM  
**To:** Cory Kittel [REDACTED]  
**Cc:** David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Re: Drainage Lawyer Guiding Council

Hello Cory,

As per Section 239(2)(f) of the Municipal Act, 2001 - advice that is subject to solicitor-client privilege, including communications necessary for that purpose - this meeting is closed to the public and we are unable to provide any information outside of the published agenda.

Best,

Chad

Get [Outlook for Android](#)

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, June 26, 2023 3:12:47 p.m.  
**To:** Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Drainage Lawyer Guiding Council

**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.

Hi Chad,

The expert drainage lawyer being brought in to brief Council this evening at the closed meeting. Are you able to tell us who the lawyer is and who provided the referral?

Cory

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 26, 2023 9:05 AM  
**To:** Paul Courey; Chad Curtis; Stephen Brickman  
**Subject:** FW: Cost Benefit for Drain

**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.

My further response would have been to point out Section 7(2) of the Drainage Act. I am not sure if Council can request a Benefit Cost Statement at this point in the Drainage Act process. I think this Benefit Cost Statement is intended to be included in a Preliminary Report.

I would have also noted Section 48(1)(a) for an appeal to the Tribunal on benefit cost.

John

---

**From:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Sent:** Monday, June 19, 2023 8:20 AM  
**To:** Lillianne Dunstall <lillianne.dunstall@wilmot.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** RE: Cost Benefit for Drain

Hi Councillor Dunstall, drains proceed based on merits under the Drainage Act. If a petition is valid, and drainage improvements are warranted, the project proceeds. In most cases, drain works are proposed to recoup a portion of a field, so there is some economic benefit that results from works; however, I don't believe cost/benefit analysis is part of the process under the Act. I've copied our Drainage Superintendent to provide input.

---

**From:** Lillianne Dunstall <[lillianne.dunstall@wilmot.ca](mailto:lillianne.dunstall@wilmot.ca)>  
**Sent:** Friday, June 16, 2023 12:56 PM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Subject:** Cost Benefit for Drain

Hi Jeff, do you know if we can get a cost benefit for the Bamberg drain.

How can we get.that

Get [Outlook for Android](#)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission,



including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 26, 2023 10:14 AM  
**To:** Paul Courey  
**Cc:** Stephen Brickman; John Kuntze; Jeff Bunn; Patrick Kelly  
**Subject:** FW: Updated Package: Invalid Petition  
**Attachments:** jananna\_invalid\_petition\_062323.pdf

FYI

---

**From:** Kris Wilkinson <kris.wilkinson@wilmot.ca>  
**Sent:** Sunday, June 25, 2023 11:07 PM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>  
**Cc:** Chad Curtis <chad.curtis@wilmot.ca>; Patrick Kelly <patrick.kelly@wilmot.ca>  
**Subject:** FW: Updated Package: Invalid Petition



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](https://twitter.com/Wilmot) | [Facebook](https://www.facebook.com/Wilmot) | [LinkedIn](https://www.linkedin.com/company/wilmot) | [YouTube](https://www.youtube.com/channel/UCWilmot)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Updated Package: Invalid Petition

**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.

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

**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.

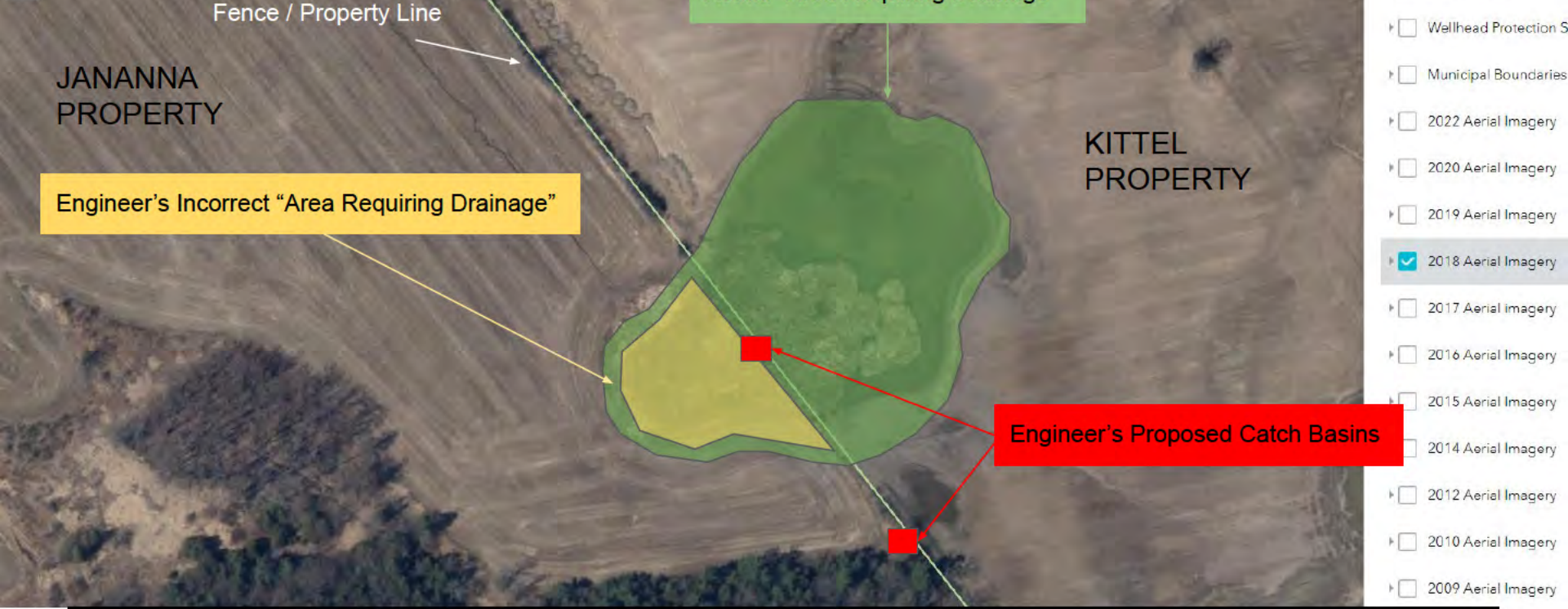
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore 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...

Print, Home, Refresh 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
- 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

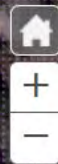
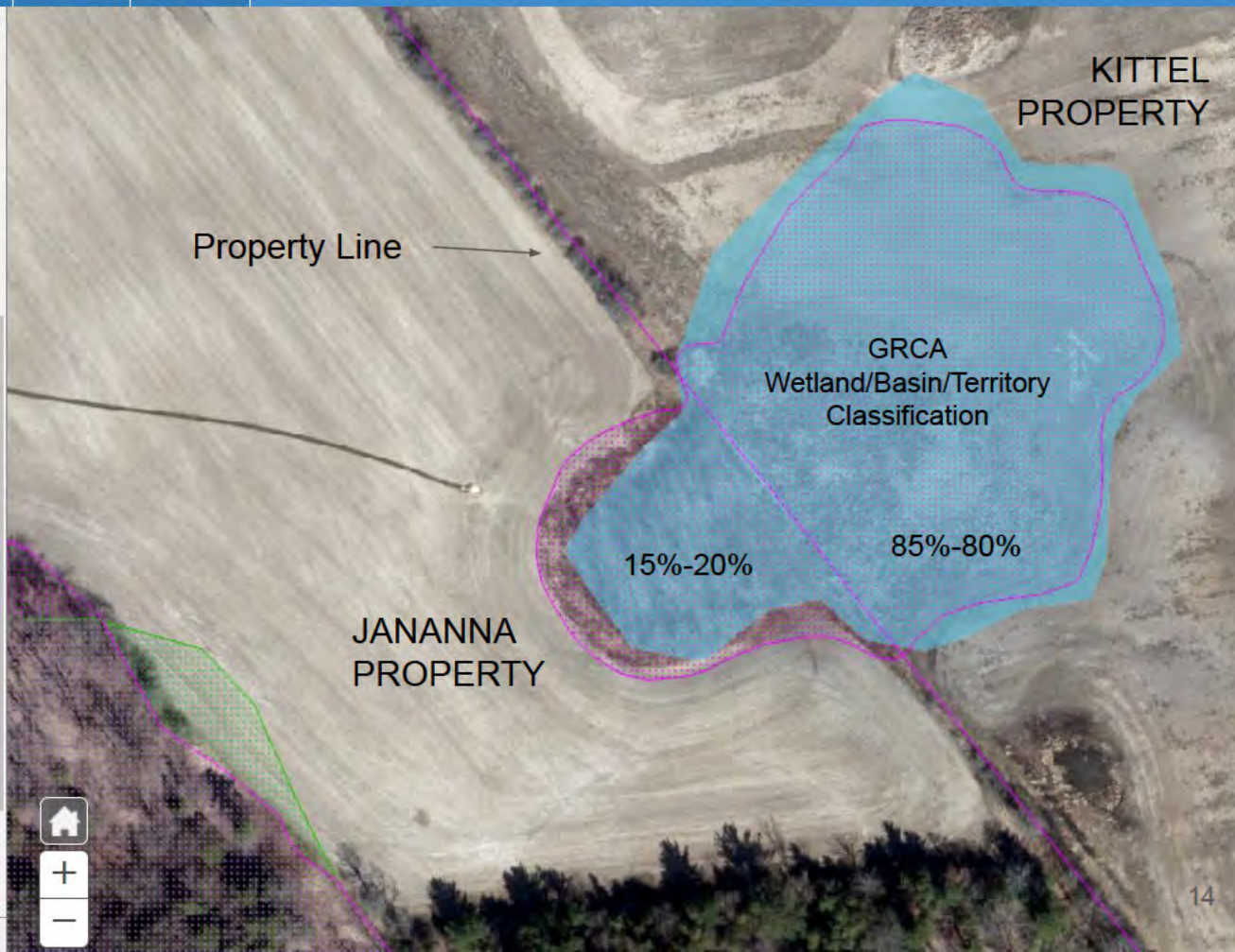
Draw

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



KITTEL  
PROPERTY

JANANNA  
PROPERTY

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.

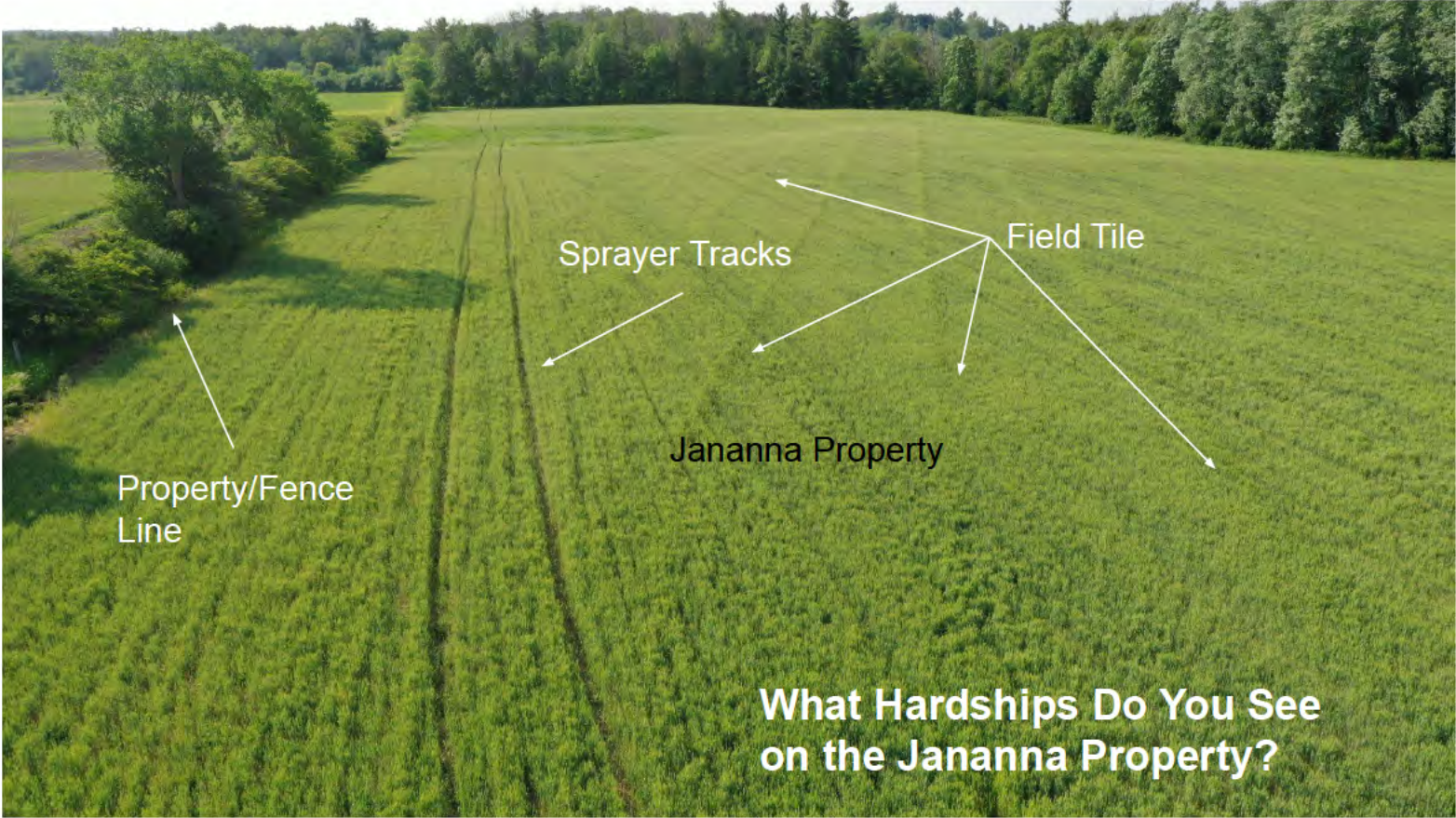
Engineer's Incorrect "Area Requiring Drainage"

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

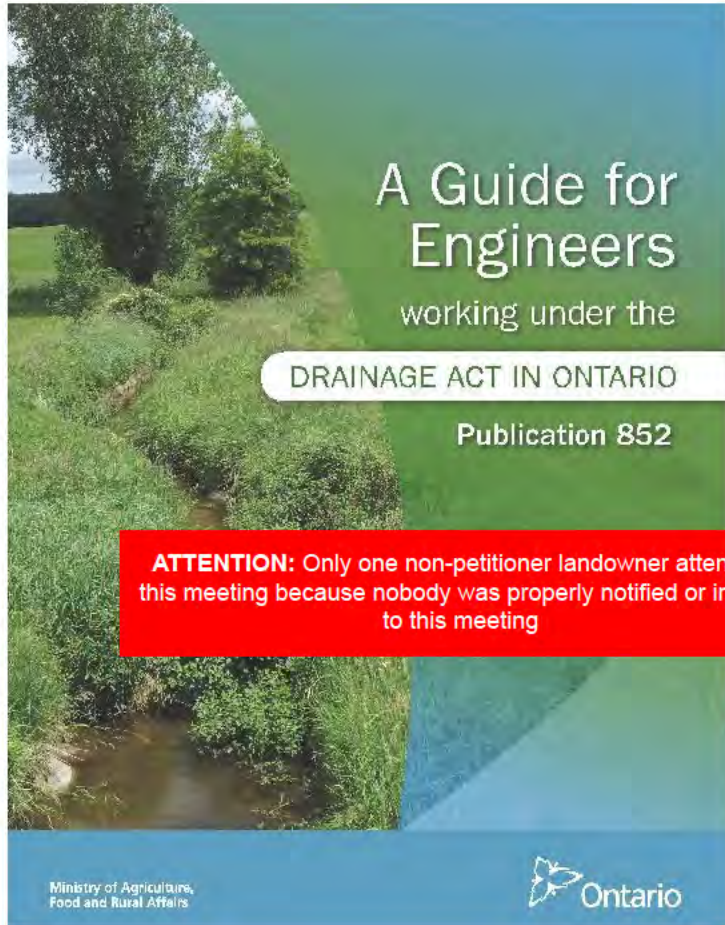


East Side of Field - Property Line **Pointing North** - Photo Taken June 22, 2023



Jananna Property



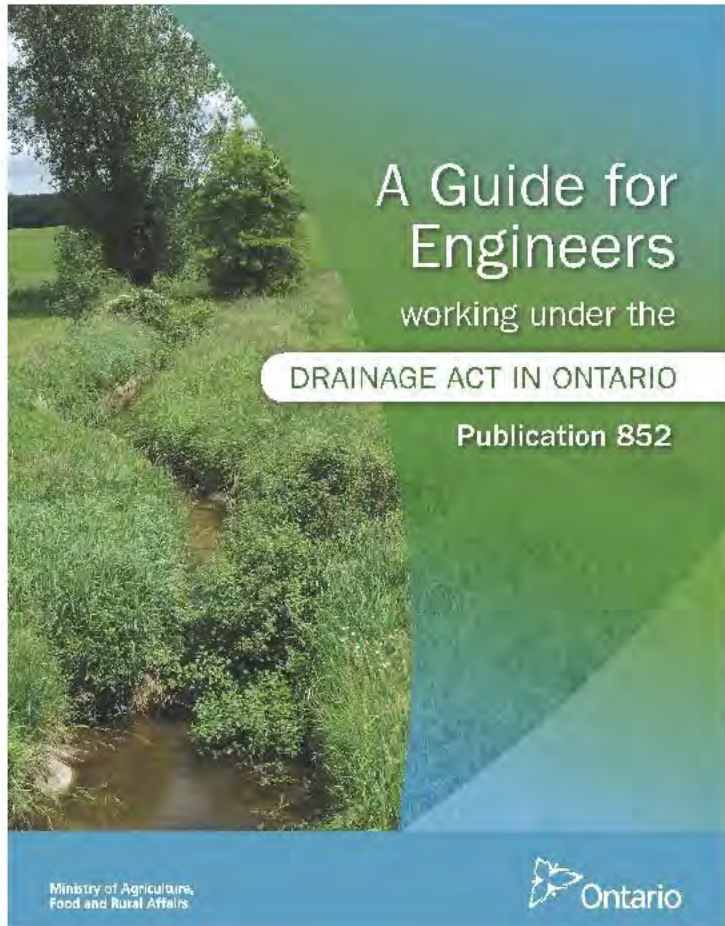


**ATTENTION:** Only one non-petitioner landowner attended this meeting because nobody was properly notified or invited to this meeting

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



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:

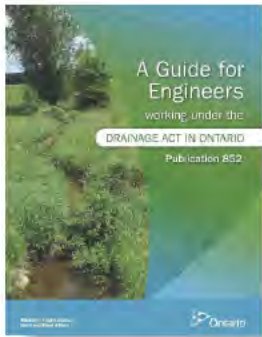
“It is not necessary that there should be a majority of the petition of all those whom the engineer finds to be eventually interested in the drainage work. What you need is in first place a reasonably well defined drainage area, that is, a section of land requiring drainage, and it is this territory 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](http://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%**

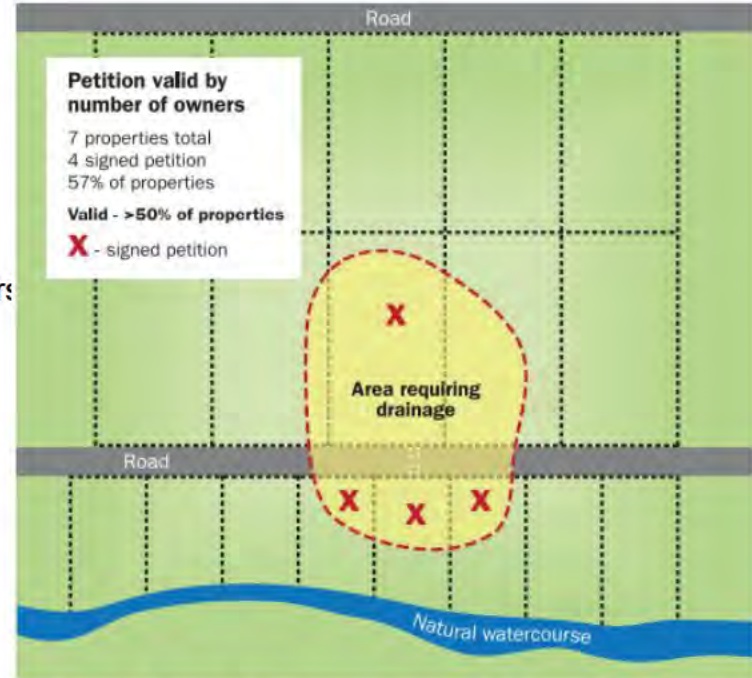


Figure A4-4. Determining the validity of a petition by percentage of owners.

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): KEVIN K  
Name of Corporation: Jananna Corp  
Position Title: \_\_\_\_\_

Number: \_\_\_\_\_ Property Description: \_\_\_\_\_  
1 2021/04/26

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: \_\_\_\_\_  
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 municipality/municipality in compliance.

1998-00096

# 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:

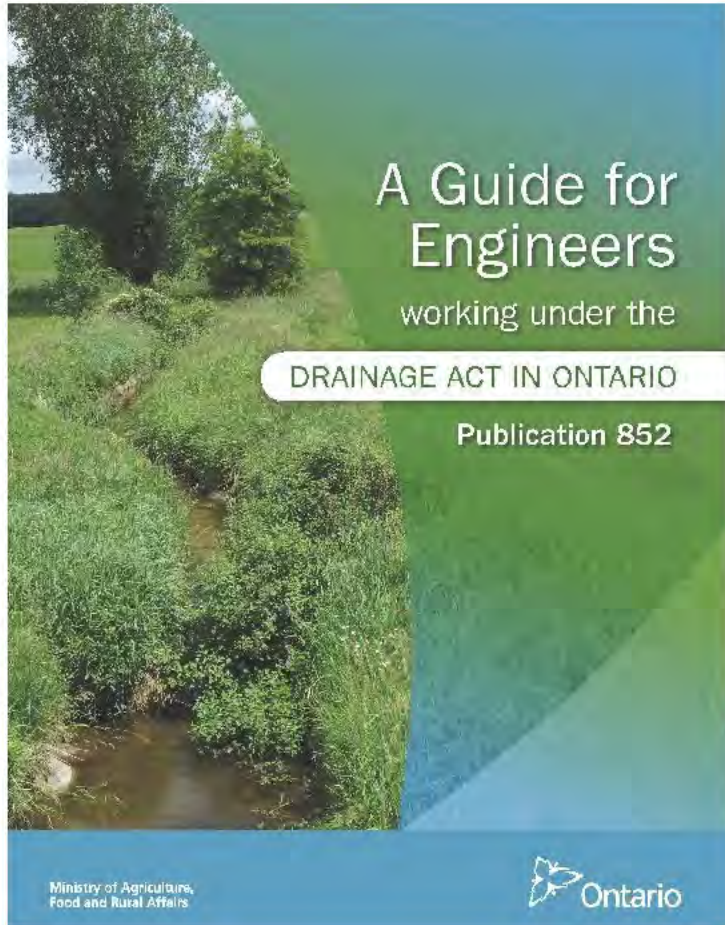
**Jananna - West Branch Drain**

**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.

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

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 safely say the engineer was provided this information.

## 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       |           | 2332 Berletts Rd | Jan 21/23 |
| Cathy Heintz     |           | 2332 Berletts Rd | Jan 21/23 |
| Peter Schneider  |           | 2246 Berletts Rd | Jan 21/23 |
| Dagmar Schneider |           | 2246 Berletts Rd | Jan 21/23 |
| Oleg Borisso     |           | 2298 Berletts Rd | Jan 21/23 |
| Cory Kittel      |           | 1010 Gerber Rd.  | Jan 21/23 |
| Ladislav Bauer   |           | 1181 Gerber Rd.  | Jan 21/23 |
| Kirby Kittel     |           | 1010 Gerber Rd.  | Jan 21/23 |
| Elena Borissova  |           | 2098 Berletts    | Jan 24/23 |
| Jeff Cressman    |           | 1288 Gerber      | Jan 26/23 |

| Printed Name     | Signature | Address                                   | Date     |
|------------------|-----------|-------------------------------------------|----------|
| JUSTIN MILLER    |           | 1021 GERBER RD.<br>ST. AGATHA, ON NOB 2LO | 01/30/23 |
| Natalee Miller   |           | 1021 Gerber Rd.<br>St. Agatha, ON NOB 2LO | 01/30/23 |
| PETER WURTELE    |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| BARBARA WURTELE  |           | 2206 Berletts Rd<br>St Agatha ON NOB 2LO  | 01/31/23 |
| JEFF FURTADO     |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| Paige Furtado    |           | 1333 Gerber Rd<br>Wellesley ON            | 02/01/23 |
| BROWN MUSA       |           | 2268 BERLETT'S RD                         | 02/03/23 |
| Haley Musa       |           | 2268 Berlett's Rd<br>St. Agatha NOB2LO    | 02/03/23 |
| STERRI HOMANCHUK |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVE HOMANCHUK   |           | 2170 BERLETT'S RD                         | 02/04/23 |
| DAVID CRESSMAN   |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
| EVA CRESSMAN     |           | 1522 Gerber Rd<br>Wellesley               | 02/06/23 |
|                  |           |                                           |          |
|                  |           |                                           |          |





## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 10:23 AM  
**To:** Chad Curtis; Jeff Bunn; John Kuntze; Paul Courey  
**Subject:** RE: Updated Package: Invalid Petition

**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.

For clarity, you mean that they signed they signed the petition against the project – Correct?

I assume that this is what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 10:21 AM  
**To:** Jeff Bunn <jeff.bunn@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>; Paul Courey <pc@coureylaw.com>  
**Subject:** RE: Updated Package: Invalid Petition

Hello all,

I received a phone call from a Ron and Rosemary McKinnon. We should be receiving correspondence from them shortly.

Essentially, they signed the petition, and after some reflection, want everyone to know that they no longer support the petition.

Best,

Chad

---

**From:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 9:12 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition

Hello all,

Just sharing to make sure you have the most up to date version.

Kind regards,  
Jeff



**Jeff Bunn, CMO**

Manager of Legislative Services / Municipal Clerk  
Legislative Services | Township of Wilmot | 519-556-0040

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Sunday, June 25, 2023 11:07 PM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition



**Kris Wilkinson**

Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Updated Package: Invalid Petition

**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.

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  
WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 10:25 AM  
**To:** Chad Curtis; Jeff Bunn; John Kuntze; Paul Courey  
**Subject:** RE: Updated Package: Invalid Petition

**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.

Like they signed the petition against the project, and now after reflection, they no longer support the anti-petition?

Is that what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Stephen Brickman  
**Sent:** Monday, June 26, 2023 10:23 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>; Paul Courey <pc@coureylaw.com>  
**Subject:** RE: Updated Package: Invalid Petition

For clarity, you mean that they signed they signed the petition against the project – Correct?

I assume that this is what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 10:21 AM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

Hello all,

I received a phone call from a Ron and Rosemary McKinnon. We should be receiving correspondence from them shortly.

Essentially, they signed the petition, and after some reflection, want everyone to know that they no longer support the petition.

Best,

Chad

---

**From:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 9:12 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition

Hello all,

Just sharing to make sure you have the most up to date version.

Kind regards,  
Jeff



**Jeff Bunn, CMO**  
Manager of Legislative Services / Municipal Clerk  
Legislative Services | Township of Wilmot | 519-556-0040

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Sunday, June 25, 2023 11:07 PM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Updated Package: Invalid Petition

**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.

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

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 26, 2023 10:32 AM  
**To:** Stephen Brickman; Jeff Bunn; John Kuntze; Paul Courey  
**Subject:** RE: Updated Package: Invalid Petition  
**Attachments:** audio.mp3

Hello Stephen,

I think it was the “anti-petition” – they left a voicemail which has been attached to this email.

Best,

Chad

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Monday, June 26, 2023 10:25 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>; Paul Courey <pc@coureylaw.com>  
**Subject:** RE: Updated Package: Invalid Petition

**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.

Like they signed the petition against the project, and now after reflection, they no longer support the anti-petition?

Is that what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Stephen Brickman  
**Sent:** Monday, June 26, 2023 10:23 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

For clarity, you mean that they signed they signed the petition against the project – Correct?

I assume that this is what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 10:21 AM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

Hello all,

I received a phone call from a Ron and Rosemary McKinnon. We should be receiving correspondence from them shortly.

Essentially, they signed the petition, and after some reflection, want everyone to know that they no longer support the petition.

Best,

Chad

---

**From:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 9:12 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition

Hello all,

Just sharing to make sure you have the most up to date version.

Kind regards,  
Jeff



**Jeff Bunn, CMO**  
Manager of Legislative Services / Municipal Clerk  
Legislative Services | Township of Wilmot | 519-556-0040

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Sunday, June 25, 2023 11:07 PM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition





**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Updated Package: Invalid Petition

**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.

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  
WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 10:37 AM  
**To:** Chad Curtis; Jeff Bunn; John Kuntze; Paul Courey  
**Subject:** RE: Updated Package: Invalid Petition

**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.

Thanks Chad.

Yes, it was definitely the anti-petition. Thanks for providing the voicemail.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 10:32 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>; Paul Courey <pc@coureylaw.com>  
**Subject:** RE: Updated Package: Invalid Petition

Hello Stephen,

I think it was the “anti-petition” – they left a voicemail which has been attached to this email.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, June 26, 2023 10:25 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

**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.

Like they signed the petition against the project, and now after reflection, they no longer support the anti-petition?

Is that what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Stephen Brickman  
**Sent:** Monday, June 26, 2023 10:23 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

For clarity, you mean that they signed they signed the petition against the project – Correct?

I assume that this is what they mean?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 10:21 AM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Subject:** RE: Updated Package: Invalid Petition

Hello all,

I received a phone call from a Ron and Rosemary McKinnon. We should be receiving correspondence from them shortly.

Essentially, they signed the petition, and after some reflection, want everyone to know that they no longer support the petition.

Best,

Chad

---

**From:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 9:12 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Paul Courey <[pc@coureylaw.com](mailto:pc@coureylaw.com)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition

Hello all,

Just sharing to make sure you have the most up to date version.

Kind regards,  
Jeff



**Jeff Bunn, CMO**

Manager of Legislative Services / Municipal Clerk  
Legislative Services | Township of Wilmot | 519-556-0040

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Sunday, June 25, 2023 11:07 PM  
**To:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Cc:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Subject:** FW: Updated Package: Invalid Petition



**Kris Wilkinson**

Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, June 23, 2023 5:57 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Subject:** Updated Package: Invalid Petition

**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.

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  
WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 26, 2023 10:47 AM  
**To:** Stephen Brickman  
**Cc:** John Kuntze  
**Subject:** Headway Presentation Materials

Hello Stephen,

Looking at your presentation materials now. We're going to redact the names of the people who attended the onsite meetings from your presentation. The names would be considered personal information, and we want to make sure individual's privacy is maintained.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](https://www.wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 10:49 AM  
**To:** Chad Curtis  
**Cc:** John Kuntze  
**Subject:** RE: Headway Presentation Materials

**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.

Okay. I haven't shared the powerpoint version yet. I haven't made any changes to the powerpoint from what I shared last week.

So you want me to remove the names of attendees?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 10:47 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Headway Presentation Materials

Hello Stephen,

Looking at your presentation materials now. We're going to redact the names of the people who attended the onsite meetings from your presentation. The names would be considered personal information, and we want to make sure individual's privacy is maintained.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have

received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** June 26, 2023 11:02 AM  
**To:** Stephen Brickman  
**Cc:** John Kuntze  
**Subject:** RE: Headway Presentation Materials

Please.

Thank you

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, June 26, 2023 10:49 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Headway Presentation Materials

**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.

Okay. I haven't shared the powerpoint version yet. I haven't made any changes to the powerpoint from what I shared last week.

So you want me to remove the names of attendees?

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 10:47 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Cc:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Headway Presentation Materials

Hello Stephen,

Looking at your presentation materials now. We're going to redact the names of the people who attended the onsite meetings from your presentation. The names would be considered personal information, and we want to make sure individual's privacy is maintained.

Best,





**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 11:26 AM  
**To:** Chad Curtis; John Kuntze  
**Cc:** Candice Greenley; Jeff Bunn  
**Subject:** RE: Tonight' s meeting

**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.

Thanks Chad!

Please find attached a link to the powerpoint. I'd prefer that the powerpoint be used tonight as I have a couple animations that explain the last couple slides.

 [Jananna Drain - Consideration Prep](#)

The link expires this Friday.

Thanks again Chad!

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 11:15 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Candice Greenley <candice.greenley@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** Tonight' s meeting

Hello Stephen and John,

Just as a heads up, I will not be in attendance at tonight's meeting. I'll likely be signing out for the night around 2 pm.

If you need to contact anyone, Candice and Jeff are cc'd in this email.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** June 26, 2023 12:04 PM  
**To:** Chad Curtis; John Kuntze  
**Cc:** Candice Greenley; Jeff Bunn  
**Subject:** RE: Tonight' s meeting

**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.

Done.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 12:03 PM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Candice Greenley <candice.greenley@wilmot.ca>; Jeff Bunn <jeff.bunn@wilmot.ca>  
**Subject:** RE: Tonight' s meeting

Hi Stephen,

That would be great – thank you.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, June 26, 2023 12:02 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** RE: Tonight' s meeting

**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.

I can remove those sheets, and just show the notice.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 12:01 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

Cc: Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

Subject: RE: Tonight' s meeting

Hello Stephen,



We want to redact the names:

We'll try editing the names on our end. We'll let you know if we have any difficulties.

Thanks,

chad

---

From: Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

Sent: Monday, June 26, 2023 11:58 AM

To: Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

Cc: Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

Subject: RE: Tonight' s meeting

**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.

I already removed those names from my presentation.

I can reshare a link, which gives you edit access.

Here you go:

[Jananna Drain - Consideration Prep](#)

Please do not share the link with others.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

From: Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

Sent: Monday, June 26, 2023 11:54 AM

To: Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

Cc: Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>

Subject: RE: Tonight' s meeting

Hello Stephen,

We do not have access to react the names in the PowerPoint you provided. Can you provide us the original, or redact the names. Pages 12, 14, 15, and 17

Which slides have animations as well, just so we can prep.

Thanks,  
Chad.

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, June 26, 2023 11:26 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** RE: Tonight' s meeting

**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.

Thanks Chad!

Please find attached a link to the powerpoint. I'd prefer that the powerpoint be used tonight as I have a couple animations that explain the last couple slides.

[Jananna Drain - Consideration Prep](#)

The link expires this Friday.

Thanks again Chad!

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Monday, June 26, 2023 11:15 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>; Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** Tonight' s meeting

Hello Stephen and John,

Just as a heads up, I will not be in attendance at tonight's meeting. I'll likely be signing out for the night around 2 pm.

If you need to contact anyone, Candice and Jeff are cc'd in this email.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## 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](http://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 Christtine 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**





## 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

# **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.

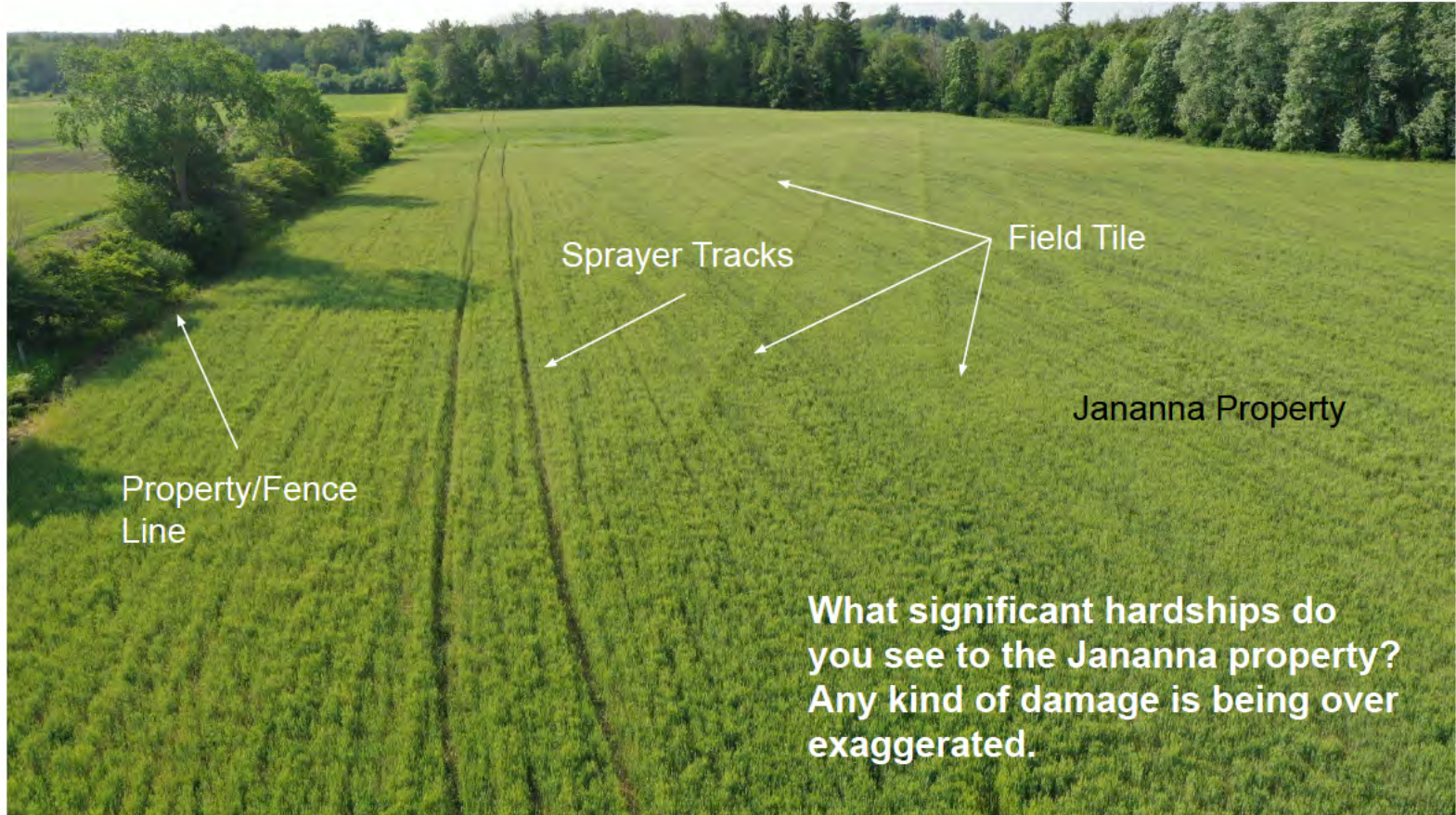
This is the low area South East on the petitioner side after a very wet Spring

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) | <b>\$9,216</b> | \$14,976 |
| Comparables              | \$2,551 (HDPE)     | \$993          | \$3,544  |

| 16" Tile @ 304m in length | Material            | Installation    | Total    |
|---------------------------|---------------------|-----------------|----------|
| Engineer's Report         | \$10,640 (concrete) | <b>\$10,944</b> | \$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]

A job worth doing is worth doing right.

| QUANTITY | SIZE | DESCRIPTION                         | AMOUNT    |
|----------|------|-------------------------------------|-----------|
| 26,000   | 6"   | filter pipe @ .57 + install @ .24   | 13,000.00 |
| 1,025    | 6"   | filter pipe @ 1.50 + " @ .30        | 1,537.50  |
| 100      | 8"   | " @ 2.20 + " @ 1.05                 | 325.00    |
| 200      | 12"  | " @ 4.20 + " @ 1.15                 | 1,020.00  |
| 200      | 12"  | filter pipe @ 5.20 + " @ 1.25       | 4,865.00  |
| 1        | 12"  | water pipe @ 210.00                 | 210.00    |
| 2        | 10"  | T's @ 65.00                         | 130.00    |
| 77       | -    | connections @ 15.00                 | 1,155.00  |
| 1        | 6"   | manhole @ 175.00                    | 175.00    |
| 1        | 18"  | manhole @ 500.00                    | 500.00    |
| 5.5      | 6"   | columns @ 112.00 (yellow and black) | 728.00    |
| 1,000    | 6"   | liners @ 1.20 (6' length standard)  | 1,200.00  |
| 1        | -    | misc and safety @                   | 1,000.00  |
|          |      | Subtotal                            | 28,003.00 |

Percentage included:  
 per acre  
 20 R = 2000  
 40 R = 4000  
 45 R = 4500  
 50 R = 5000  
 60 R = 6000  
 80 R = 8000  
 90 R = 9000

CUSTOMER: [REDACTED]  
 ESTIMATED BY: [REDACTED] DATE: 5-7-23

THIS OFFER IS ONLY VALID FOR THE MATERIALS LISTED. IT IS BASED ON THE PRELIMINARY DATA AND DOES NOT GUARANTEE THE ACCURACY OF THE ESTIMATE. MATERIALS PRICES MAY BE DECLARED WITHOUT NOTICE. THE CUSTOMER ACCEPTS THE CONDITIONS OF THIS OFFER AND AGREES TO PAY THE FULL AMOUNT DUE.

# 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](http://omafra.gov.on.ca/english/engineer/facts/88-051.htm)



**“Just Because We Can  
Doesn't Mean We Should”**

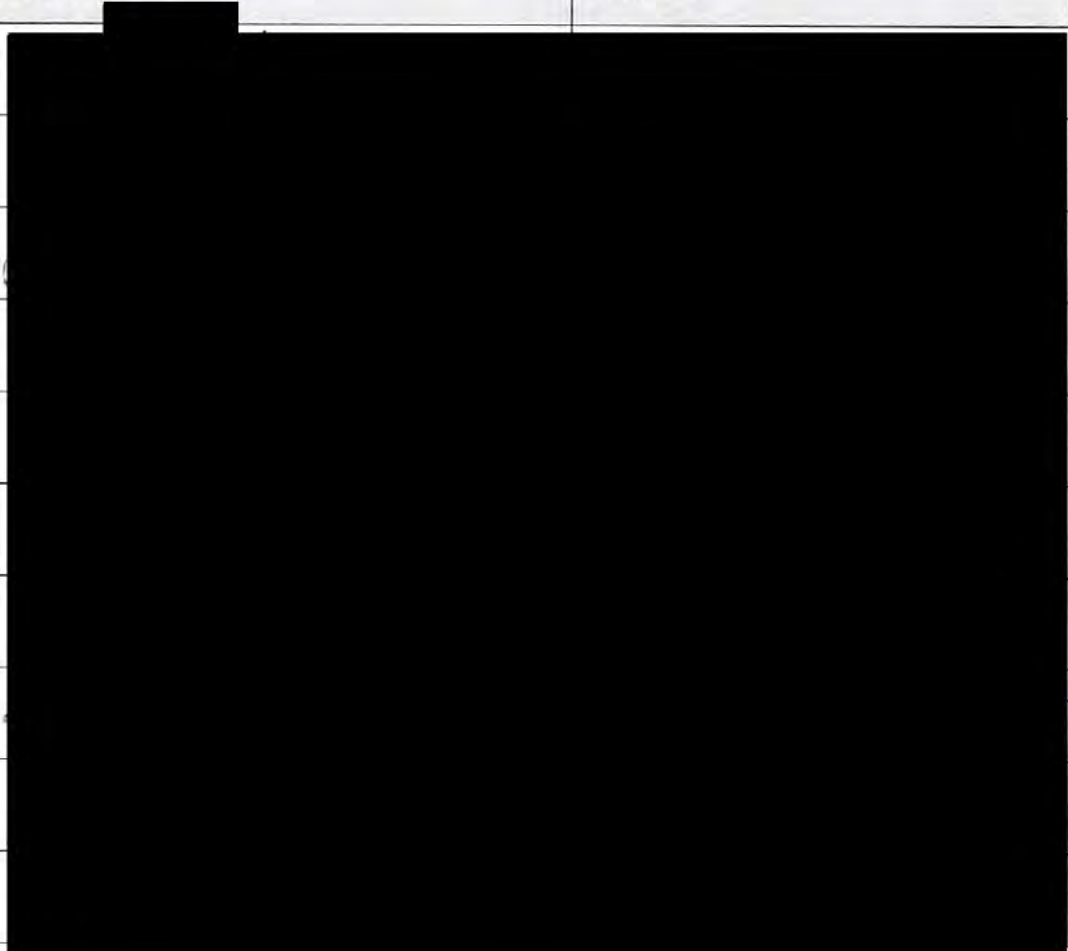
## Petition Against Jananna Municipal Drain

The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...


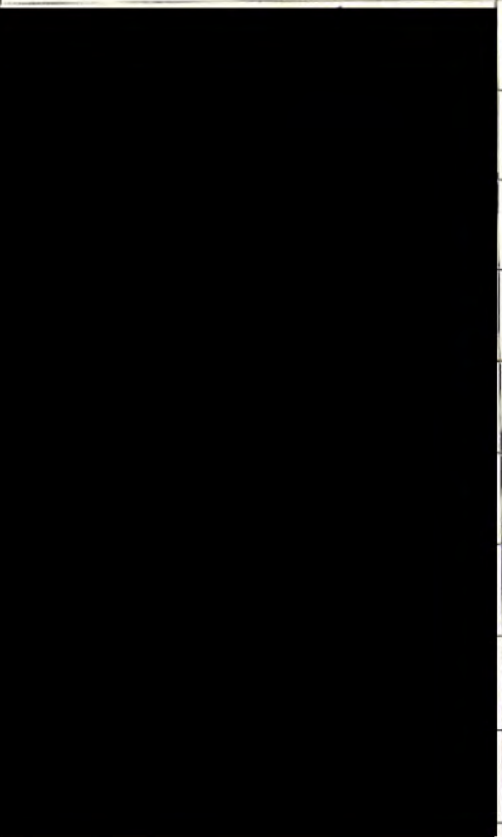
We do not see the need for such a project

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 |
| BROWN 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,<br>2023 |
| MaryEllen McCormick       |                                                                                     |                                                                                      | June 15<br>2023  |
| Mason McCormick           |                                                                                     |                                                                                      | June 15<br>2023  |
| Josephine McCormick       | June<br>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.

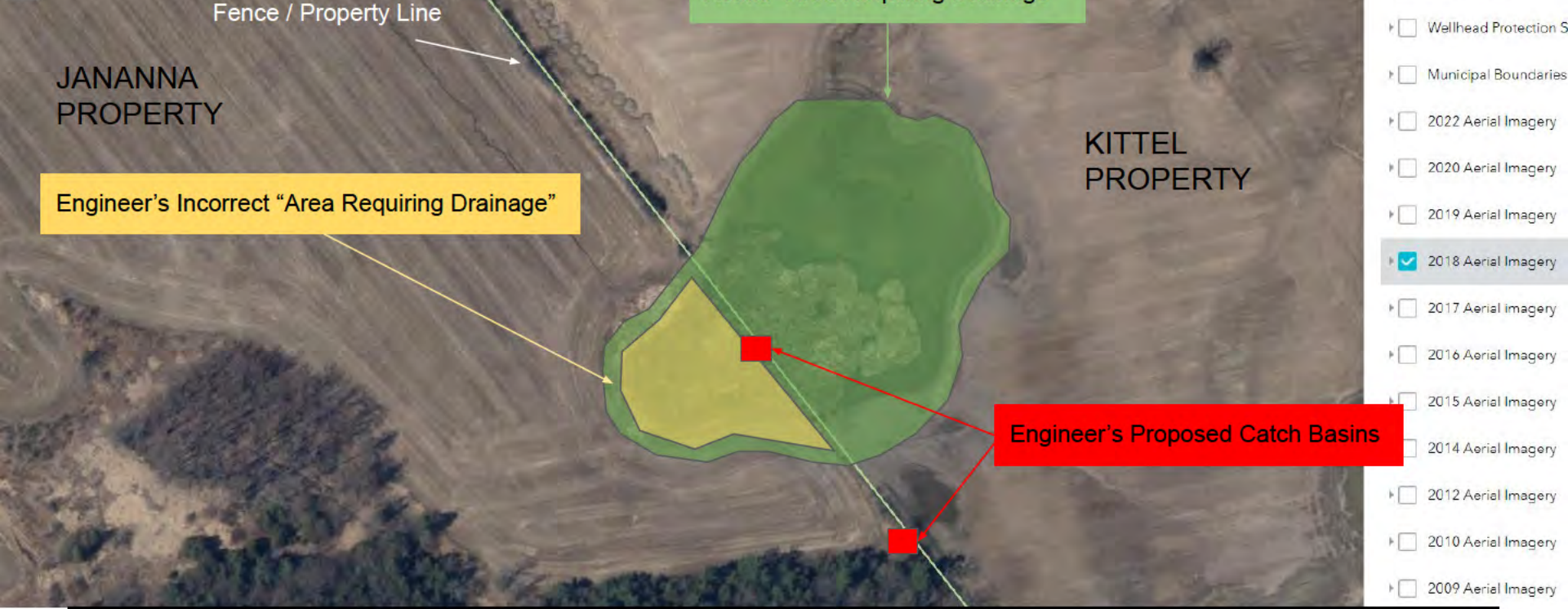
He picked out only a portion of what is in fact a larger distinct basin requiring drainage to satisfy the request of the petitioner. You can't do that, it creates a false majority. The lands in the area requiring drainage include two properties – the Jananna property and the Kittel property, therefore 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, Measure, Download, Share



**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

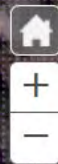
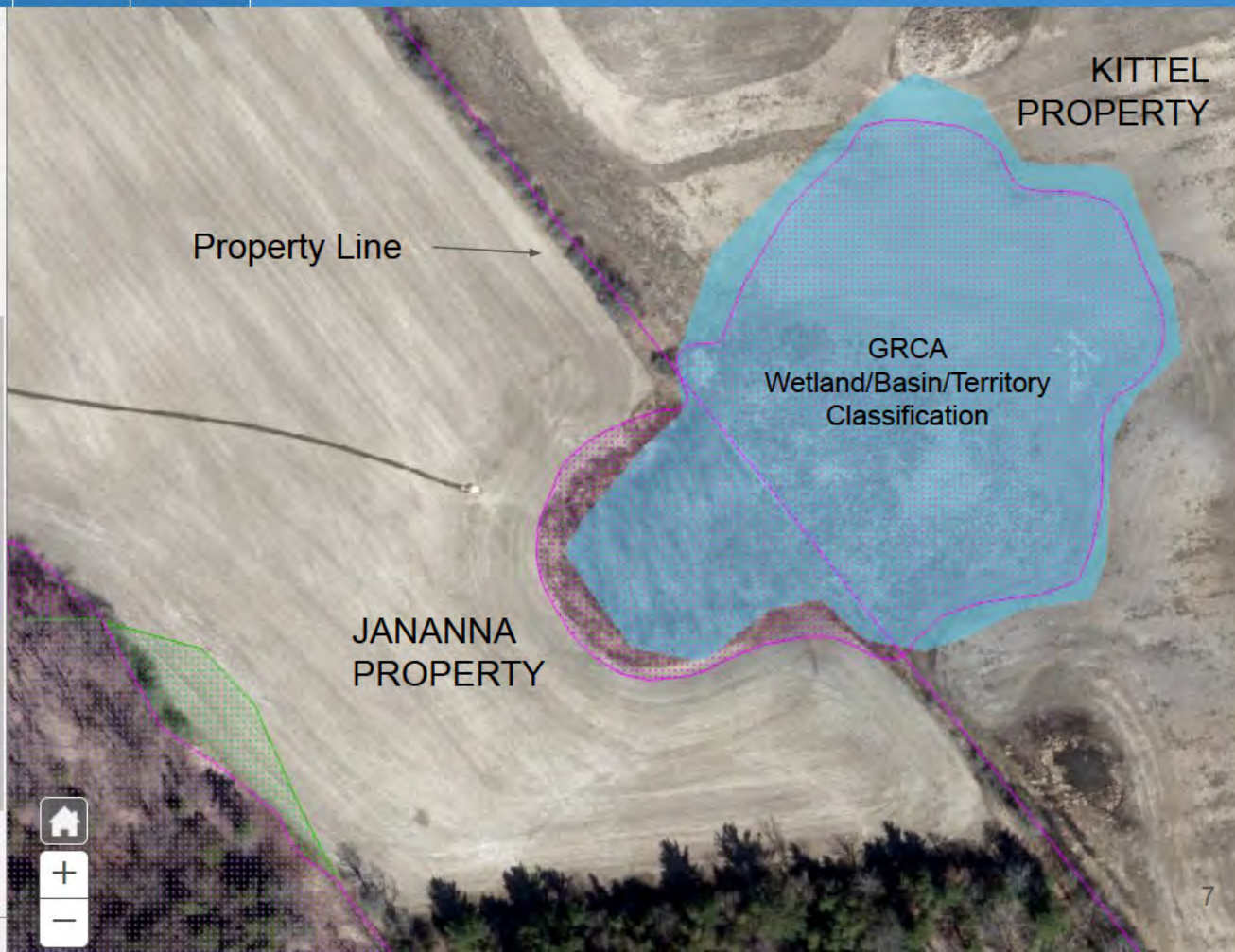
Draw

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 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.

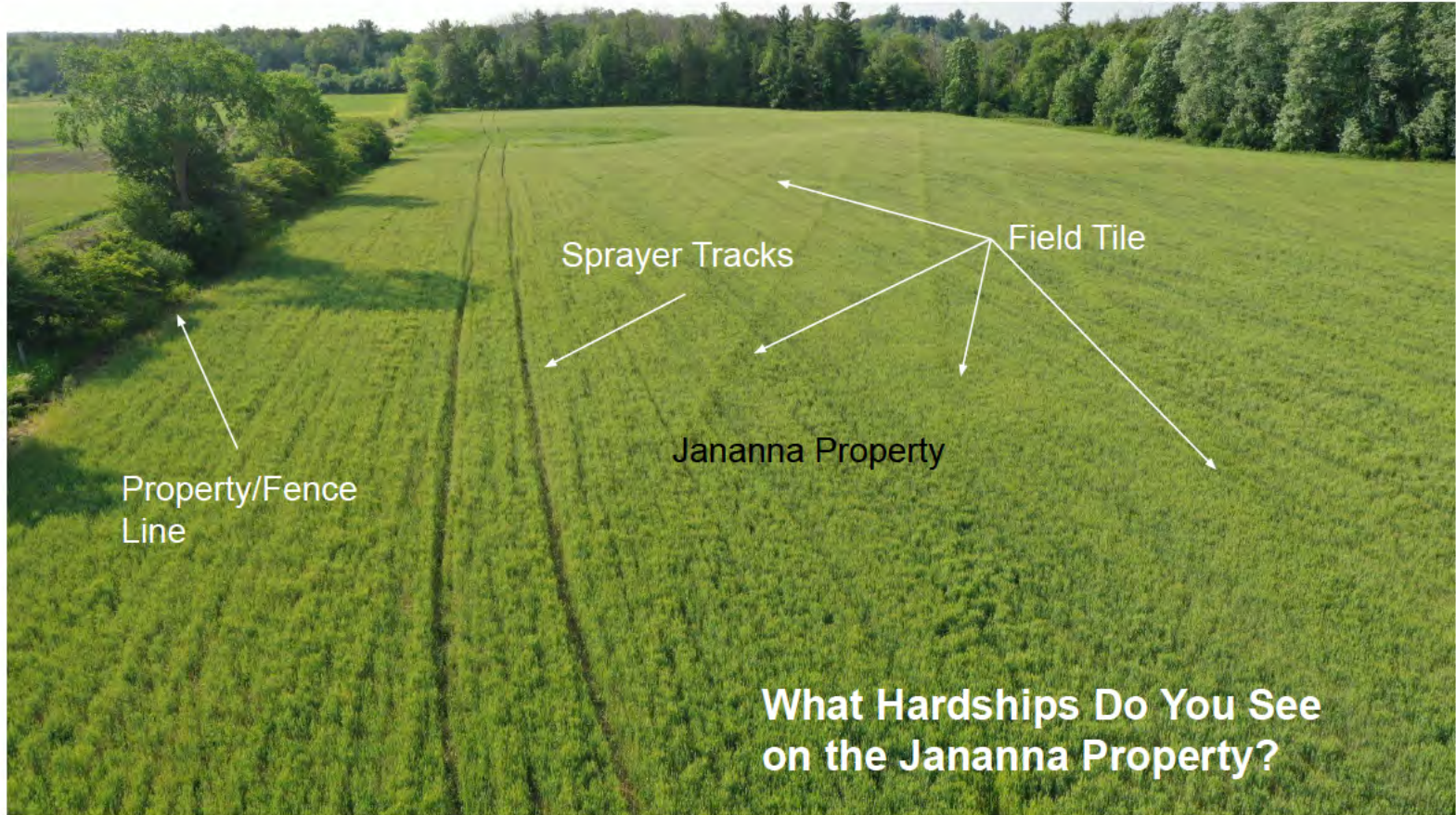
Engineer's Incorrect "Area Requiring Drainage"

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.

East Side of Jananna Field - Property Line Pointing South - Photo Taken June 20, 2023



Property/Fence  
Line

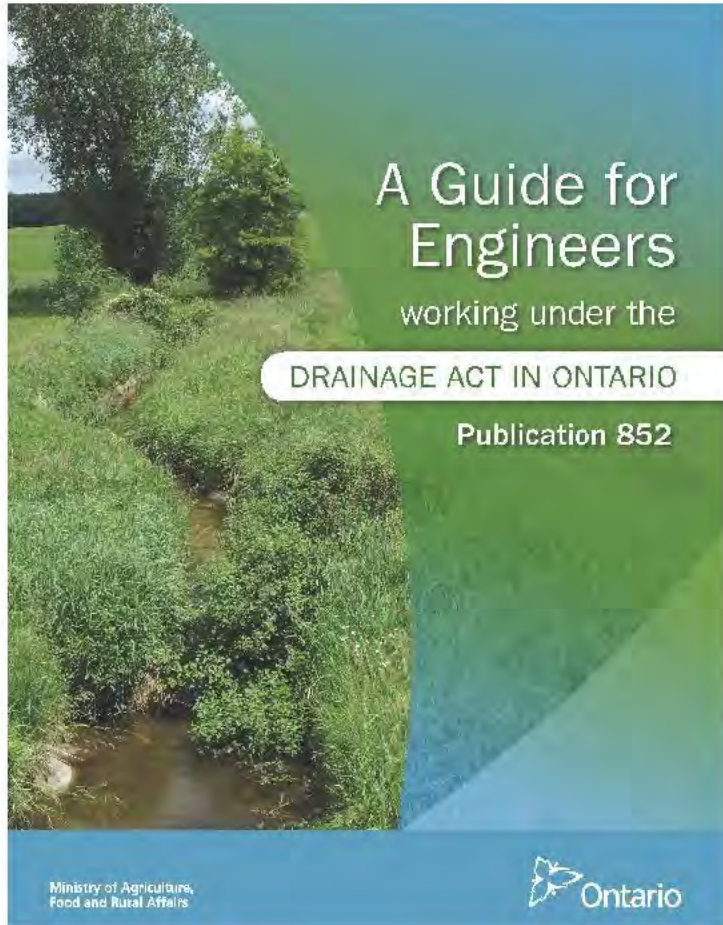
Sprayer Tracks

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](http://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%**

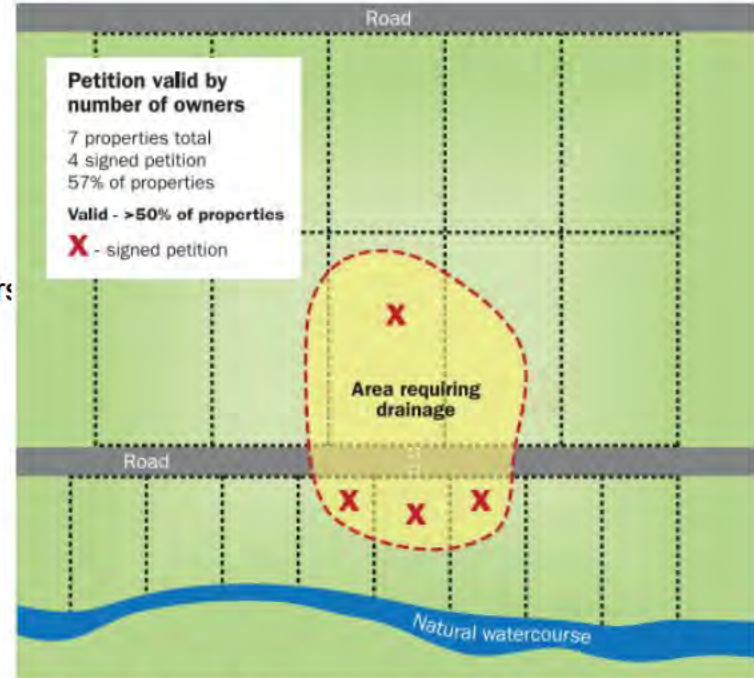


Figure A4-4. Determining the validity of a petition by percentage of owners.

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: \_\_\_\_\_

Ward or Geographic Township: \_\_\_\_\_

I hereby petition for drainage for \_\_\_\_\_

Ownership:

Sole Ownership

Owner Name (Last, First, Middle Initial): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Owner Name (Last, First, Middle Initial): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Name of Signing Officer (Last, First Name) (Type/print): \_\_\_\_\_

\_\_\_\_\_

Name of Corporation: \_\_\_\_\_

\_\_\_\_\_

Position Title: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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, 519 824-3332.

1998-00596

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**

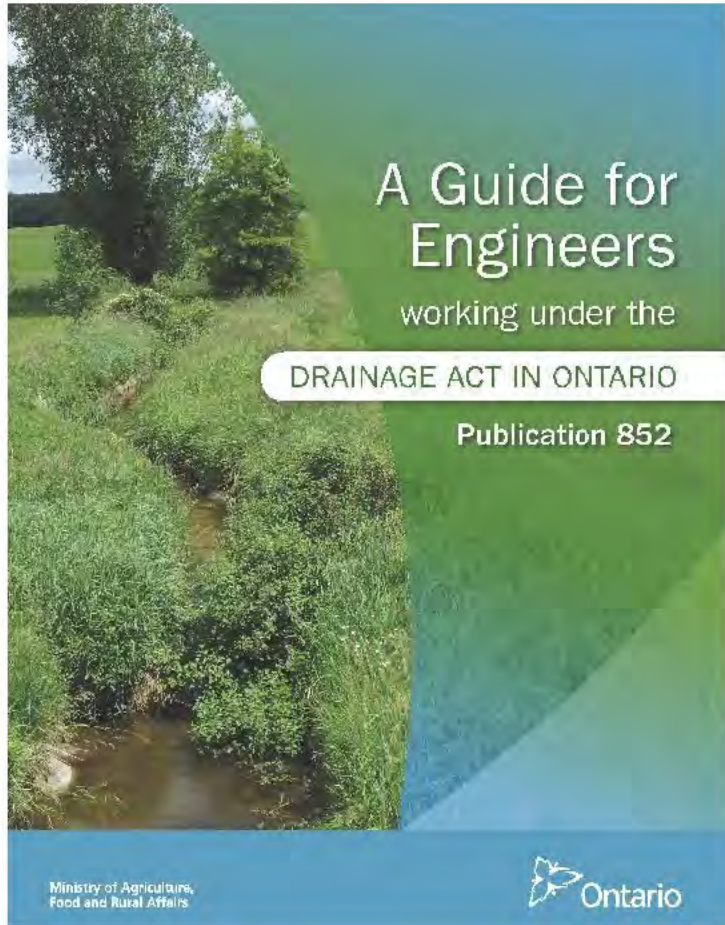
**Koch-Leis Drain**

**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

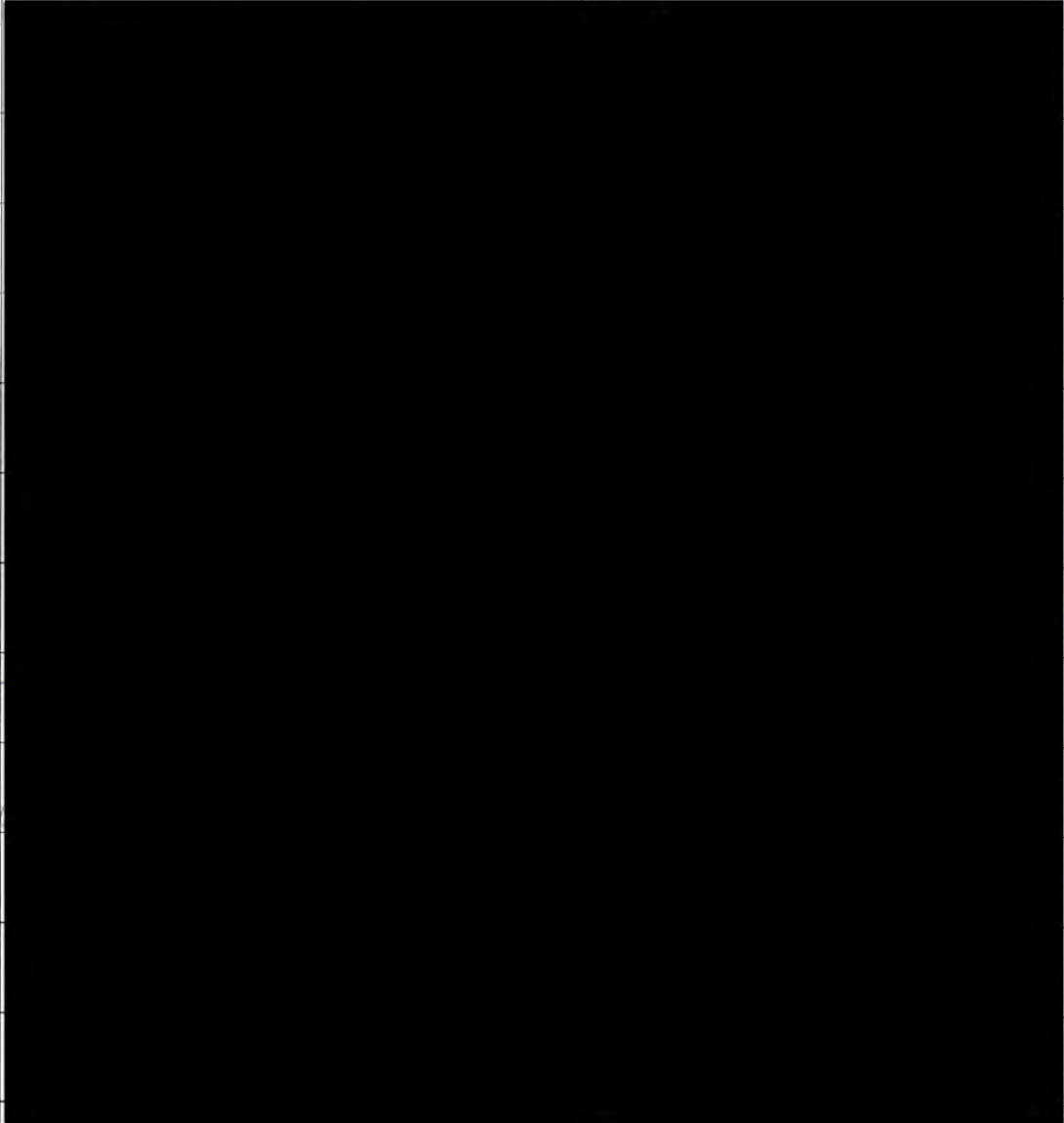
The undersigned shows collective opposition of the Jananna Municipal Drain project based on the following...

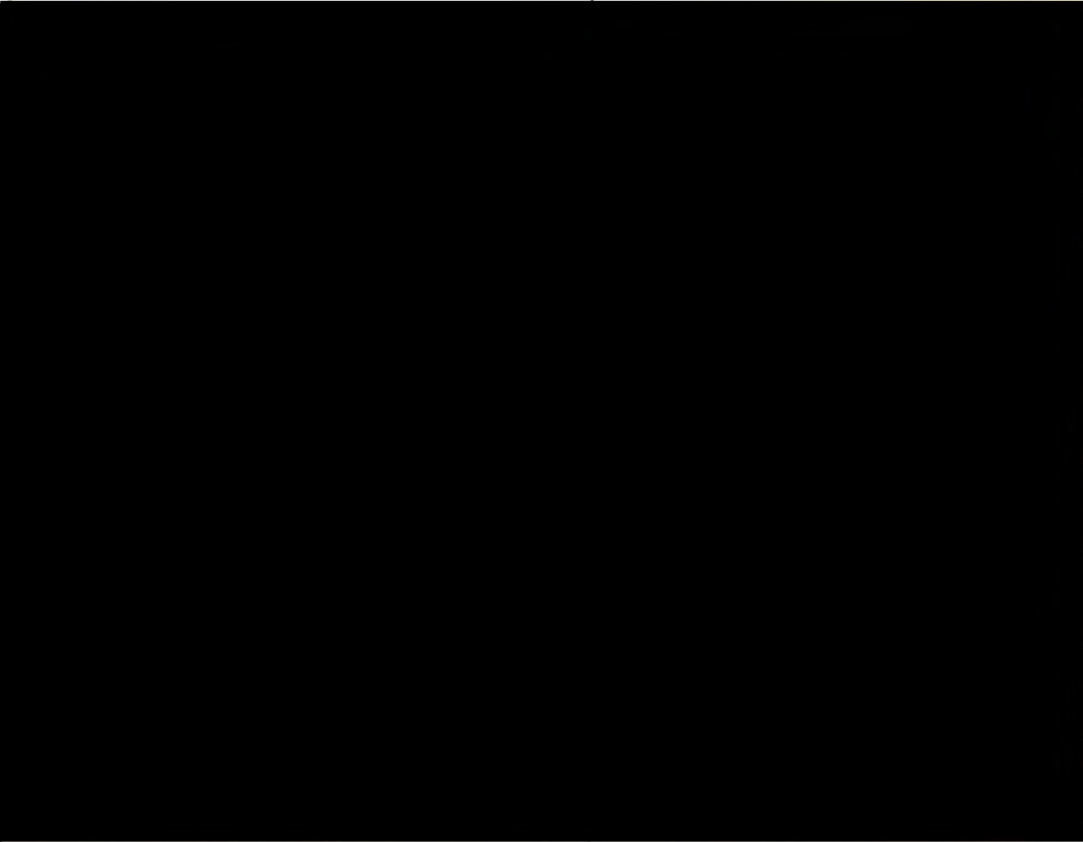
We do not see the need for such a project

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 |
|                  |                                                                                     |         |          |
|                  |                                                                                     |         |          |

| 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,<br>2023 |
| MaryEllen McCormick       |                                                                                     |         | June 15<br>2023  |
| Mason McCormick           |                                                                                     |         | June 15<br>2023  |
| Josephine McCormick       |                                                                                     |         | June<br>15/23    |
|                           |                                                                                     |         |                  |
|                           |                                                                                     |         |                  |
|                           |                                                                                     |         |                  |
|                           |                                                                                     |         |                  |
|                           |                                                                                     |         |                  |

## 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](http://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**

**Subject:**Bamberg Creek Drainage Project  
**Date:** Thu, 15 Jun 2023 17:45:10 -0400  
**From:** Peter Wurtele <[REDACTED]>  
**To:** [natasha.salonen@wilmot.ca](mailto:natasha.salonen@wilmot.ca)  
**CC:** [harvir.sidhu@wilmot.ca](mailto: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.

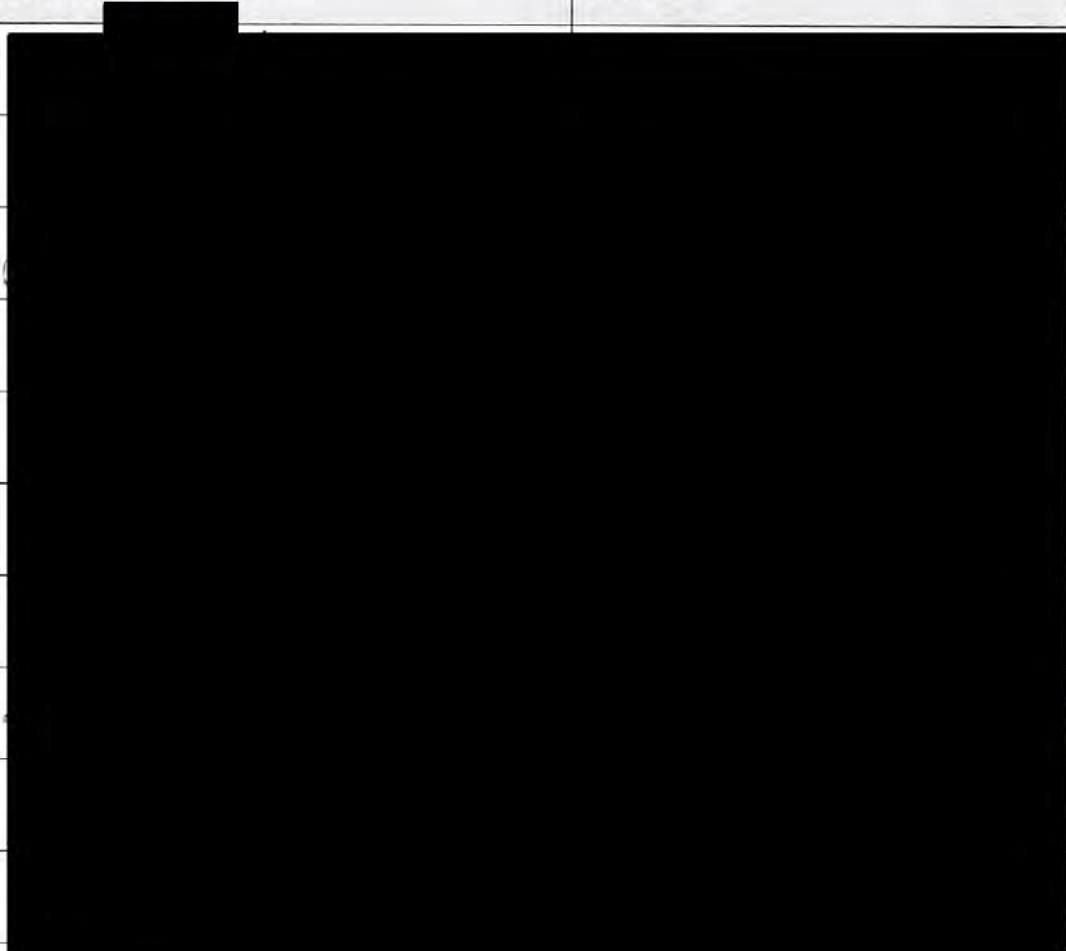
Sometimes it's best to let nature cope without intervention.

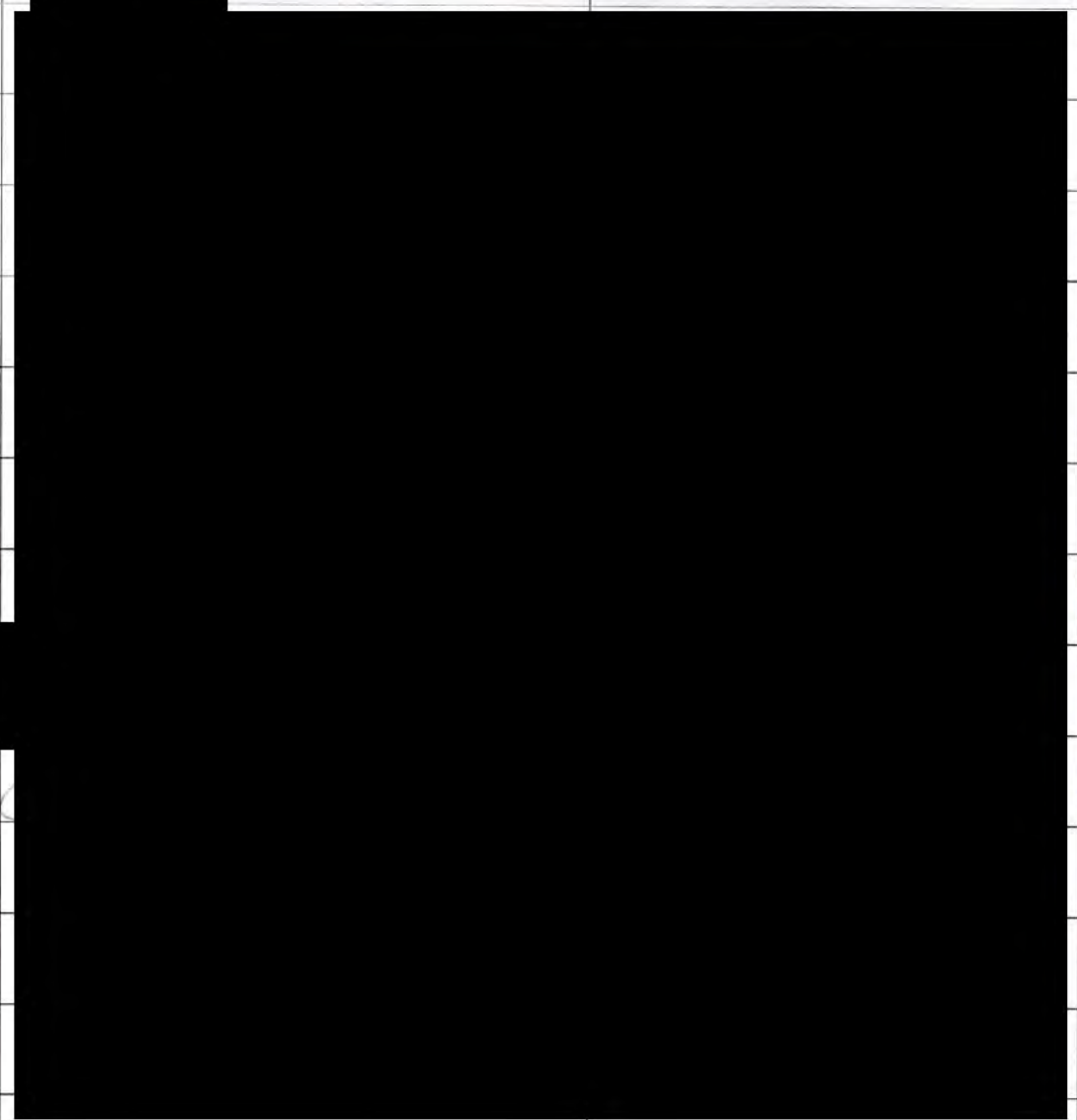



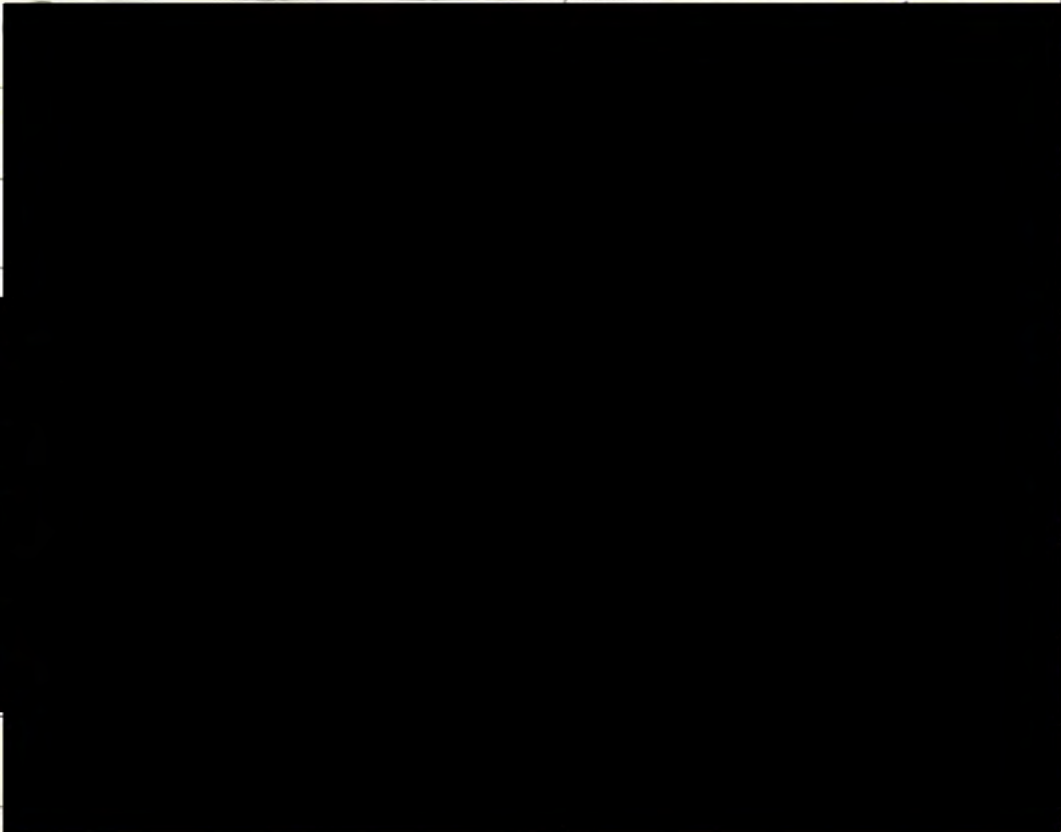
## Petition Against Jananna Municipal Drain

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 |
|                  |                                                                                     |                                                                                      |          |
|                  |                                                                                     |                                                                                      |          |

| 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,<br>2023 |
| MaryEllen McCormick       |                                                                                     |               | June 15<br>2023  |
| Mason McCormick           |                                                                                     |               | June 15<br>2023  |
| Josephine McCormick       |                                                                                     | June<br>15/23 |                  |
|                           |                                                                                     |               |                  |
|                           |                                                                                     |               |                  |
|                           |                                                                                     |               |                  |
|                           |                                                                                     |               |                  |
|                           |                                                                                     |               |                  |
|                           |                                                                                     |               |                  |

**From:** [John Kuntze](#)  
**To:** [Chad Curtis](#); [aharron](#)  
**Cc:** [Stephen Brickman](#)  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain  
**Date:** June 27, 2023 5:03:39 PM  
**Attachments:** [image001.png](#)  
[RE Staff Report - BJKL Municipal Drain.msg](#)

---

**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.

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain.

Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <aharron@wellesley.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,

**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-



0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

**Kaitlin Bos**

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, June 26, 2023 4:20 PM  
**To:** Cory Kittel [REDACTED]  
**Cc:** David Marshall <dmarshall@marshallzehr.com>  
**Subject:** Re: Drainage Lawyer Guiding Council

Hello Cory,

As per Section 239(2)(f) of the Municipal Act, 2001 - advice that is subject to solicitor-client privilege, including communications necessary for that purpose - this meeting is closed to the public and we are unable to provide any information outside of the published agenda.

Best,

Chad

Get [Outlook for Android](#)

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Monday, June 26, 2023 3:12:47 p.m.  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** David Marshall <[dmarshall@marshallzehr.com](mailto:dmarshall@marshallzehr.com)>  
**Subject:** Drainage Lawyer Guiding Council

**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.

Hi Chad,

The expert drainage lawyer being brought in to brief Council this evening at the closed meeting. Are you able to tell us who the lawyer is and who provided the referral?

Cory

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** June 27, 2023 4:01 PM  
**To:** aharron  
**Cc:** Stephen Brickman; John Kuntze  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](https://www.wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.



## Kaitlin Bos

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** June 27, 2023 5:06 PM  
**To:** John Kuntze; Chad Curtis  
**Cc:** Stephen Brickman  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

Hi John,  
Wellesley's last council meeting, and opportunity to appoint a member of council to the court of revisions, is July 11<sup>th</sup>. I just want to confirm that it is fine to move ahead with that appointment ahead of the notice mailing?

Thank you

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



**NOTE: The Township of Wellesley is piloting a four day work week program. As a result, I will currently be available Tuesday to Friday from 8:00a.m. to 4:30p.m. Outside of these hours I will respond at my earliest availability. If you require immediate assistance during office hours on a Monday, please call the office at 519-699-4611.**

**IMPORTANT NOTICE:** This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Amy Harron <aharron@wellesley.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Kaitlin Bos

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** June 27, 2023 5:09 PM  
**To:** Amy Harron; Chad Curtis  
**Cc:** Stephen Brickman  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

Hi Amy

The July 11 date to appoint the Wellesley representative for the Court of Revision is OK.  
My email response to Chad will have crossed paths with your email.  
Court of Revision notices are not to be mailed until July 17

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** Tuesday, June 27, 2023 5:06 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi John,  
Wellesley's last council meeting, and opportunity to appoint a member of council to the court of revisions, is July 11<sup>th</sup>. I just want to confirm that it is fine to move ahead with that appointment ahead of the notice mailing?

Thank you

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



**NOTE:** The Township of Wellesley is piloting a four day work week program. As a result, I will currently be available Tuesday to Friday from 8:00a.m. to 4:30p.m. Outside of these hours I will respond at my earliest availability. If you require immediate assistance during office hours on a Monday, please call the office at 519-699-4611.

*IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.*

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Amy Harron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** July 18, 2023 12:17 PM  
**To:** Chad Curtis; Stephen Brickman  
**Cc:** aharron  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

Hi Chad

Just following up to see if you will be sending out the Court of Revision notices this week?

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, June 28, 2023 9:20 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** aharron <aharron@wellesley.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello all,

John and Stephen, thanks for the advice. Was trying to be proactive on this file prior to me leaving.

Will send out the notices on July 17, 2023.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, June 27, 2023 5:14 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

I just saw this email. Sorry for the slow reply. I agree with John. Do not send out the notice yet, it wouldn't comply with the Act.

Take Care Chad! And I hope you enjoy your time off too.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have

received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** July 19, 2023 7:45 AM  
**To:** John Kuntze; Stephen Brickman  
**Cc:** aharron  
**Subject:** Re: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello John,

I can send the notices out this week.

Amy, have you appointed a Councillor for the Court of Revision?

Just want to make sure we have our ducks in a row before they go out.

Best,

Chad

Get [Outlook for Android](#)

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Tuesday, July 18, 2023 12:16:39 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** aharron <aharron@wellesley.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

Hi Chad

Just following up to see if you will be sending out the Court of Revision notices this week?

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, June 28, 2023 9:20 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** aharron <aharron@wellesley.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello all,

John and Stephen, thanks for the advice. Was trying to be proactive on this file prior to me leaving.

Will send out the notices on July 17, 2023.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, June 27, 2023 5:14 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

I just saw this email. Sorry for the slow reply. I agree with John. Do not send out the notice yet, it wouldn't comply with the Act.

Take Care Chad! And I hope you enjoy your time off too.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Kaitlin Bos

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** July 24, 2023 9:12 AM  
**To:** Chad Curtis; John Kuntze; Stephen Brickman  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain  
**Attachments:** P. & F. 3-2023 - Bamberg Creek, Jananna Drain and Koch-Leis Drain.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.

Good Morning Chad,  
Sorry for the delayed response. Wellesley Council has appointed one member, resolution attached.

Thank you.

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



The Township of Wellesley has adopted a compressed work week schedule. I am currently working 5 days a week from 8:30a.m. to 4:00p.m. For all staff schedules please visit the [Township website](#). For in-person service, we are recommending that you make an appointment to ensure the staff member you wish to see is in the office. If you require immediate assistance during office hours, please call the office at 519-699-4611 and another staff member would be happy to assist you.

*IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, July 19, 2023 7:45 AM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** Amy Harron <aharron@wellesley.ca>  
**Subject:** Re: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello John,

I can send the notices out this week.

Amy, have you appointed a Councillor for the Court of Revision?

Just want to make sure we have our ducks in a row before they go out.

Best,

Chad

Get [Outlook for Android](#)

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, July 18, 2023 12:16:39 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Cc:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

Hi Chad

Just following up to see if you will be sending out the Court of Revision notices this week?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, June 28, 2023 9:20 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello all,

John and Stephen, thanks for the advice. Was trying to be proactive on this file prior to me leaving.

Will send out the notices on July 17, 2023.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Tuesday, June 27, 2023 5:14 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

**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.

I just saw this email. Sorry for the slow reply. I agree with John. Do not send out the notice yet, it wouldn't comply with the Act.

Take Care Chad! And I hope you enjoy your time off too.

**s.b.**

\*\*\* Please note that I will be away from the office from July 24 to July 28. \*\*\*

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** July 26, 2023 4:28 PM  
**To:** Chad Curtis; Stephen Brickman  
**Subject:** RE: Notice of Meeting of Court of Revision

**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.

Hi Chad

I did finally get a chance to review the CoR notice.

Looked OK.

One minor point – in the box for the name of the drain you could add 2023 at the end of the name as 2023 is part of the drain name as defined by the report.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, July 26, 2023 10:24 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Notice of Meeting of Court of Revision

Hello Stephen and John,

Please see the attached. Hoping to mail these out today. Let me know if you have any comments or concerns.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



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

(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)  
2023/07/26

**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).



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** July 27, 2023 9:51 AM  
**To:** John Kuntze; Stephen Brickman  
**Subject:** RE: Notice of Meeting of Court of Revision

Hi John,

Thanks for reviewing.

I'll make the update and send out tomorrow. Will message Amy and coordinate the Wellesley mailings as well

Best,

Chad

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Wednesday, July 26, 2023 4:28 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Notice of Meeting of Court of Revision

**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.

Hi Chad

I did finally get a chance to review the CoR notice.

Looked OK.

One minor point – in the box for the name of the drain you could add 2023 at the end of the name as 2023 is part of the drain name as defined by the report.

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, July 26, 2023 10:24 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Notice of Meeting of Court of Revision

Hello Stephen and John,

Please see the attached. Hoping to mail these out today. Let me know if you have any comments or concerns.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** July 28, 2023 9:39 AM  
**To:** aharron  
**Cc:** John Kuntze; Stephen Brickman  
**Subject:** Notice of Sitting of Court of Revision (signed) - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023  
**Attachments:** Notice of Sitting of Court of Revision.pdf

Hello Amy,

Please see the attached Notice of Sitting of Court of Revision (signed) - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023.

I will be sending, via registered mail, the notices to all affected Wilmot parties this morning.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Kaitlin Bos

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** July 28, 2023 12:15 PM  
**To:** Chad Curtis  
**Cc:** John Kuntze; Stephen Brickman  
**Subject:** RE: Notice of Sitting of Court of Revision (signed) - 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.

Hi Chad,  
I have received your email and have sent the notice by registered mail to the affected Wellesley residents.

If you need anything else from me before the meeting please let me know, otherwise I will see you on the 16<sup>th</sup>.

Thank you.

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



**The Township of Wellesley has adopted a compressed work week schedule. I am currently working 5 days a week from 8:30a.m. to 4:00p.m. For all staff schedules please visit the [Township website](#). For in-person service, we are recommending that you make an appointment to ensure the staff member you wish to see is in the office. If you require immediate assistance during office hours, please call the office at 519-699-4611 and another staff member would be happy to assist you.**

*IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Friday, July 28, 2023 9:39 AM  
**To:** Amy Harron <aharron@wellesley.ca>

**Cc:** John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>

**Subject:** Notice of Sitting of Court of Revision (signed) - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Hello Amy,

Please see the attached Notice of Sitting of Court of Revision (signed) - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023.

I will be sending, via registered mail, the notices to all affected Wilmot parties this morning.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

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.



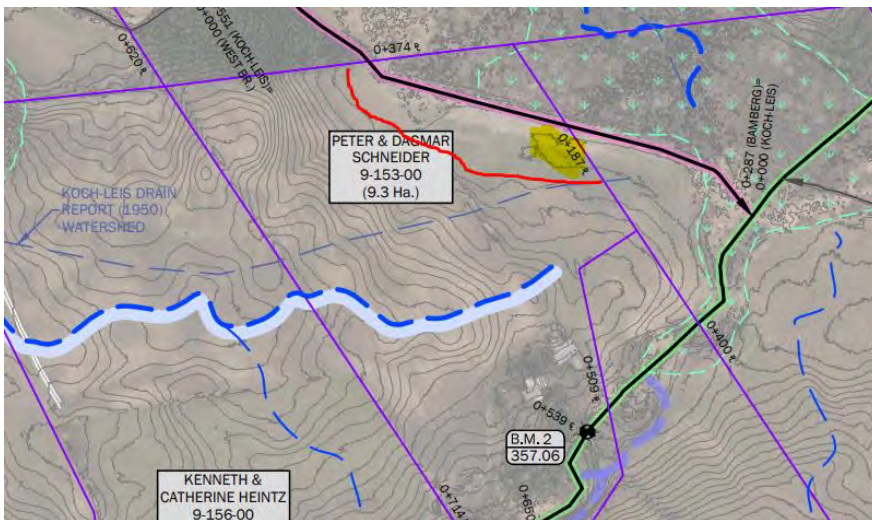
**Koch-Leis Drain:**

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]



## Kaitlin Bos

---

**From:** Andreas Schneider [REDACTED]  
**Sent:** August 3, 2023 10:22 PM  
**To:** Chad Curtis  
**Cc:** [REDACTED]  
**Subject:** court of Revisions appeal Bamberg creek  
**Attachments:** Peter Dagmar Schneider Court of Appeal.pdf

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.



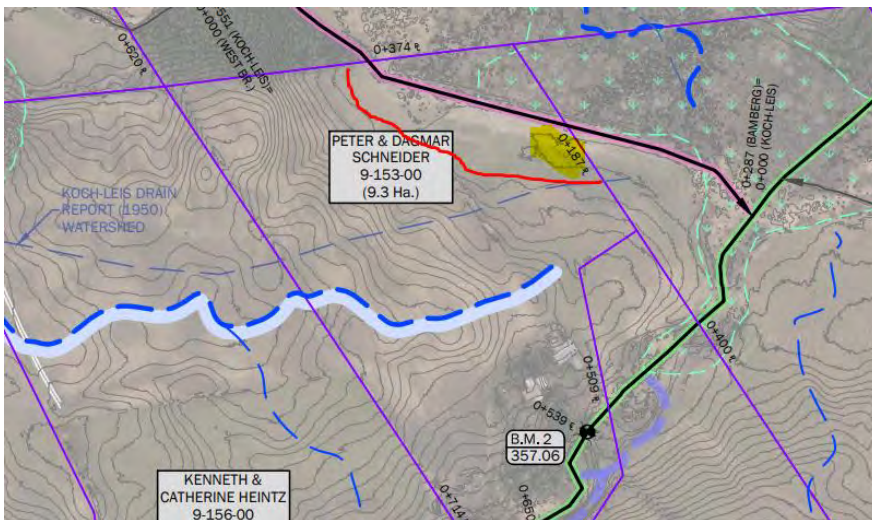
**Koch-Leis Drain:**

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

St. Agatha, ON  
N0B 2T0

**From:** [Cory Kittel](#)  
**To:** [Clerks](#); [Chad Curtis](#)  
**Subject:** Court of Revision RE: Bamberg Creek, Jananna, Koch-Leis Drains  
**Date:** August 4, 2023 3:23:23 PM

---

**From:** Cory Kittel <[REDACTED]>  
**Sent:** Friday, August 4, 2023 3:23 PM  
**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto: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]

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

████████████████████  
████████████████████  
████████████████████

From: [REDACTED] <[REDACTED]>  
Sent: Saturday, August 5, 2023 3:31 PM  
To: Chad Curtis <[chad.curtis@wilmot.ca](mailto: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:** Theresa Bauer [REDACTED] >  
**Sent:** Saturday, August 5, 2023 8:49 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto: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,  
Ladislaus Bauer

[REDACTED]



## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** August 23, 2023 3:16 PM  
**To:** aharron  
**Cc:** Paul Courey; Stephen Brickman; John Kuntze  
**Subject:** Appeal Information  
**Attachments:** Notice of Decision of the Court of Revision 23-08-18.pdf; Post-Meeting Minutes - cor\_Aug16\_2023 - English.pdf; Section 54 appeal 0198e.pdf; Section 48 appeal 0193e.pdf

Hello Amy,

Please see the attached documents the Township of Wilmot sent to appellants, via registered mail, of the Bamberg Creek, Jannana, and Koch-Leis Municipal Drains 2023 today.

Please let me know if you have any comments and/or questions. Thanks for your assistance.

Best,

Chad



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.



Telephone Number

Cell Phone Number (Optional)

Email Address (Optional)

To be completed by recipient municipality:

Notice filed this 6 day of August, 20 23

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.

[REDACTED]

---

**From:** Chad Curtis

**Sent:** Tuesday, August 8, 2023 8:46 AM

**To:** Cory Kittel [REDACTED] Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>

**Subject:** RE: Court of Revision RE: Bamburg Creek, Jananna, Koch-Leis Drains

Hello Cory,

The Township has received your appeal for the Court of Revision on August 16.

As per the Notice of Sitting of Court of Revision, the meeting will take place at the Township of Wilmot Administration Complex at 60 Snyder's Rd West, Baden. An agenda will be published shortly with additional information for the meeting. The agenda can be found on the [Township's Calendar](#) webpage.

If you have any further comments or questions, please feel free to reach out.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

-  
My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]

**Sent:** Friday, August 4, 2023 3:23 PM

**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto: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



WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## Kaitlin Bos

---

**From:** [REDACTED]  
**Sent:** August 5, 2023 3:31 PM  
**To:** Chad Curtis  
**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 # 1-007-00 (1021 Gerber Rd) 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)

Sent from my iPhone

**Kaitlin Bos**

---

**From:** Theresa Bauer <[REDACTED]>  
**Sent:** August 5, 2023 8:49 AM  
**To:** Chad Curtis  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023



**Kaitlin Bos**

---

**From:** Cathy Heintz <[REDACTED]>  
**Sent:** August 4, 2023 12:58 PM  
**To:** Chad Curtis  
**Subject:** Bamberg Creek, Jananna and Koch-Leis Municipal Drain Project - Assessment Appeal  
**Attachments:** Jananna Drain Project - Assessment Appeal.pdf

## Kaitlin Bos

---

**From:** Cory Kittel [REDACTED]  
**Sent:** August 4, 2023 3:23 PM  
**To:** Clerks; Chad Curtis  
**Subject:** Court of Revision RE: Bamburg Creek, Jananna, Koch-Leis Drains

## Kaitlin Bos

---

**From:** Andreas Schneider [REDACTED]  
**Sent:** August 3, 2023 10:22 PM  
**To:** Chad Curtis  
**Cc:** [REDACTED]  
**Subject:** court of Revisions appeal Bamberg creek  
**Attachments:** Peter Dagmar Schneider Court of Appeal.pdf

## Kaitlin Bos

---

**From:** Clerks  
**Sent:** August 8, 2023 8:56 AM  
**To:** Chad Curtis  
**Subject:** FW: Notice Of Appeal - Bamberg Cr. Jananna Koch-Leis Drains - Roll 30-18-080-009-15100-0000  
**Attachments:** NoticeOfAppealDrainageWorkAssessment.pdf; NoticeOfAppeal\_ExplanationDetails.pdf

I see this was already sent to you, but this one went in to clerks spam inbox, so figured I'd pass it along incase you didn't actually receive it.

-c

---

**From:** Oleg Borissov [REDACTED]  
**Sent:** Sunday, August 6, 2023 10:18 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Clerks <clerks@wilmot.ca>  
**Subject:** Notice Of Appeal - Bamberg Cr. Jananna Koch-Leis Drains - Roll 30-18-080-009-15100-0000

**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.

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** August 9, 2023 11:23 AM  
**To:** Stewart Cressman; Kris Wilkinson; chergott@wellesley.ca  
**Cc:** aharron; Stephen Brickman; John Kuntze; Clerks  
**Subject:** AGENDA - August 16, 2023, Court of Revision

Hello Court of Revision Members,

The agenda for the August 16, 2023, Court of Revision meeting to be held at 60 Snyder's Rd. W., Baden, has been published to the website at the following link:

- [Court of Revision – August 16](#)

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

From: Cory Kittel [Redacted]

Sent: Sunday, August 13, 2023 6:12 PM

To: Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>

Cc: Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>

Subject: Re: 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.

Is there a way I can bring a presentation with me to this meeting and one that I can control (move slides) myself? I'm also assuming we're not limited to 7minutes like the other minutes? That's just not enough time.

Cory

On Tue, Aug 8, 2023 at 8:45 AM Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)> wrote:

Hello Cory,

The Township has received your appeal for the Court of Revision on August 16.

As per the Notice of Sitting of Court of Revision, the meeting will take place at the Township of Wilmot Administration Complex at 60 Snyder's Rd West, Baden. An agenda will be published shortly with additional information for the meeting. The agenda can be found on the [Township's Calendar](#) webpage.

If you have any further comments or questions, please feel free to reach out.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, August 4, 2023 3:23 PM  
**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto: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]

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



## Jeff Bunn

---

**From:** Cory Kittel [REDACTED]  
**Sent:** August 14, 2023 1:06 PM  
**To:** Stephen Brickman  
**Subject:** Calculations  
**Attachments:** Engineers Report\_comments.pdf



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

April 28, 2023

Prepared for:



Headway Engineering  
23-500 Fairway Road South  
Suite 308  
Kitchener, Ontario N2C 1X3  
226 243 6614  
[www.headwayeng.ca](http://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        |
| <b>Total Estimated Assessments</b>       | <b>\$462,900</b> |

Yours truly,

Stephen Brickman, P.Eng.  
Project Engineer and Manager

Adam Hall  
Project Coordinator  
**HEADWAY ENGINEERING**  
SB/





## CONTENTS

|      |                                                   |    |
|------|---------------------------------------------------|----|
| 1.0  | INTRODUCTION AND LOCATION .....                   | 1  |
| 2.0  | PROJECT AUTHORIZATION .....                       | 1  |
| 3.0  | DRAINAGE HISTORY .....                            | 1  |
| 4.0  | PUBLIC MEETINGS AND ENGAGEMENTS.....              | 2  |
| 5.0  | FINDINGS .....                                    | 3  |
| 6.0  | DESIGN CONSIDERATIONS .....                       | 4  |
| 7.0  | ENVIRONMENTAL CONSIDERATIONS AND PERMITTING ..... | 5  |
| 8.0  | RECOMMENDATIONS.....                              | 5  |
| 9.0  | SUMMARY OF PROPOSED WORKS .....                   | 6  |
| 10.0 | WORKING AREA AND ACCESS.....                      | 6  |
| 11.0 | SCHEDULES .....                                   | 7  |
| 12.0 | ALLOWANCES.....                                   | 7  |
| 13.0 | ESTIMATED CONSTRUCTION COSTS .....                | 8  |
| 14.0 | SUMMARY OF ESTIMATED PROJECT COSTS .....          | 9  |
| 15.0 | ASSESSMENT .....                                  | 9  |
| 16.0 | GRANT ELIGIBILITY.....                            | 10 |
| 17.0 | MAINTENANCE .....                                 | 10 |

## SCHEDULES

SCHEDULE A – ALLOWANCES

SCHEDULE B – ESTIMATED CONSTRUCTION COSTS

SCHEDULE C – ASSESSMENT FOR CONSTRUCTION

SCHEDULE D – ASSESSMENT FOR FUTURE MAINTENANCE

## 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         |
| <b>Total Estimated Construction Costs</b> | <b>\$ 180,800</b> |



## **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         |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                                                                                                                                |                   |
| <b>BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023</b>                                                                                                  | <b>\$ 462,900</b> |

**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        |
| <b>Total Allowances</b>    |                  |            |                          |          |                         |                    |                     |                     |
| <b>Bamberg Creek Drain</b> |                  |            |                          |          | <b>\$ 8,250.00</b>      | <b>\$ 7,280.00</b> | <b>\$ 75,400.00</b> | <b>\$ 90,930.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |                     |        |                         |                    |                |                     |
| <b>Jananna - East Branch</b> |                  |            |                     |        | <b>\$ 9,020.00</b>      | <b>\$ 9,520.00</b> | <b>\$ -</b>    | <b>\$ 18,540.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |               |        |                         |                     |                |                     |
| <b>Jananna - West Branch</b> |                  |            |               |        | <b>\$ 11,400.00</b>     | <b>\$ 11,400.00</b> | <b>\$ -</b>    | <b>\$ 22,800.00</b> |



| 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         |
|                 | <b>Total Allowances</b>                      |            |                          |        |                         |                     |                      |                      |
|                 | <b>Koch-Leis Drain</b>                       |            |                          |        | <b>\$ 8,280.00</b>      | <b>\$ 1,650.00</b>  | <b>\$ 25,200.00</b>  | <b>\$ 35,130.00</b>  |
|                 |                                              |            |                          |        | Right of Way            | Damages             | Loss of Access       |                      |
|                 |                                              |            |                          |        | (Sec. 29)               | (Sec. 30)           | (Sec. 33)            | Total Allowances     |
|                 | <b>Total Allowances</b>                      |            |                          |        |                         |                     |                      |                      |
|                 | <b>Bamberg Creek, Jananna, and Koch-Leis</b> |            |                          |        |                         |                     |                      |                      |
|                 | <b>Municipal Drains 2023</b>                 |            |                          |        | <b>\$ 36,950.00</b>     | <b>\$ 29,850.00</b> | <b>\$ 100,600.00</b> | <b>\$ 167,400.00</b> |



## **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<br>Quantity | \$/Unit  | Total        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|--------------|
| 1) Clearing, brushing and mulching                                                                                                                          | l.s.                  |          | \$ 20,000.00 |
| 2) Open ditch excavation (approx. 400m <sup>3</sup> )<br>including cleanout through concrete bridge at<br>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<br>Sta. 0+000 to transition Bamberg Creek<br>existing grade to proposed streambed<br>(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<br>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<br>(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 <sup>2</sup> )        | 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         |
| <b>Total Estimated Construction Costs</b>                                                                                                             |                    |             | <b>\$ 60,300.00</b> |
| <b>Part B - Jananna - East Branch</b>                                                                                                                 |                    |             |                     |

**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 <sup>2</sup> ) | I.s.               |           | \$ 7,064.00         |
| <b>Total Estimated Construction Costs</b>                                                                                                      |                    |           | <b>\$ 50,100.00</b> |
| <b>Part C - Jananna - West Branch</b>                                                                                                          |                    |           |                     |

**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     | \$ 16,200.00 |

### Total Estimated Construction Costs

**\$ 180,800.00**

|                                      |               |
|--------------------------------------|---------------|
| Total Estimated Materials            | \$ 35,140.00  |
| Total Estimated Labour and Equipment | \$ 145,660.00 |

### 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 |              |
| <b>Bamberg Creek Drain</b>                     | <b>Township of Wilmot</b>                             |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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             |              |
|                                                | <b>Total Assessments on Lands</b>                     |                                 |                             |             |                                        |                   | \$ 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  |
|                                                | <b>Total Assessments on Roads</b>                     |                                 |                             |             |                                        |                   | \$ -                       | \$ 4,364.00               | \$ -             | \$ 4,364.00      |                 |                       | \$ 4,364.00  |
|                                                | <b>Total Assessments Main Open Township of Wilmot</b> |                                 |                             |             |                                        |                   | \$ 86,040.00               | \$ 35,787.00              | \$ 68,460.00     | \$ 190,287.00    | \$ 61,974.00    | \$ 90,930.00          | \$ 37,383.00 |
|                                                | <b>Township of Wellesley</b>                          |                                 |                             |             |                                        |                   |                            |                           |                  |                  |                 |                       |              |
|                                                | 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       |                       |              |
| <b>Total Assessments on Lands</b>              |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Township of Wellesley</b> |                                                       |                                 |                             |             |                                        | \$ -              | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |              |
| <b>Total Assessments Bamberg Creek Drain</b>   |                                                       |                                 |                             |             |                                        | \$ 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          |             |
|                       | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ 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 |
|                       | <b>Total Assessments on Roads</b>                          |            |                             |             |                      | \$ -                                   | \$ 7,205.00                | \$ -                      | \$ 7,205.00      |                  |                 |                       | \$ 7,205.00 |
|                       | <b>Total Assessments Main Closed Township of Wilmot</b>    |            |                             |             |                      | \$ 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           |             |
|                       | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |             |
|                       | <b>Total Assessments Main Closed Township of Wellesley</b> |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |             |
|                       | <b>Total Assessments Jananna - East Branch</b>             |            |                             |             |                      | \$ 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          |              |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ 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 |
|                                                | <b>Total Assessments on Roads</b>                  |            |                             |             |                      | \$ 9,624.00                            | \$ 10,631.00               | \$ -                      | \$ 20,255.00     |                  |                 | \$ 20,255.00          |              |
|                                                | <b>Total Assessments Branch Township of Wilmot</b> |            |                             |             |                      | \$ 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           |              |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ -                                   | \$ 17,045.00               | \$ -                      | \$ 17,045.00     | \$ 5,682.00      | \$ -            | \$ 11,363.00          |              |
| <b>Total Assessments Township of Wellesley</b> |                                                    |            |                             |             | \$ -                 | \$ 17,045.00                           | \$ -                       | \$ 17,045.00              | \$ 5,682.00      | \$ -             | \$ 11,363.00    |                       |              |
| <b>Total Assessments Jananna - West Branch</b> |                                                    |            |                             |             | \$ 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 |
| <b>Township of Wilmot</b>                          |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ 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             |
| <b>Total Assessments on Roads</b>                  |            |                                 |             |                      | \$ -                                   | \$ 825.00                  | \$ -                      | \$ 825.00        |                  |                 | \$ 825.00             |
| <b>Total Assessments Branch Township of Wilmot</b> |            |                                 |             |                      | \$ 18,320.00                           | \$ 6,555.00                | \$ 31,320.00              | \$ 56,195.00     | \$ 18,456.00     | \$ 35,130.00    | \$ 2,609.00           |
| <b>Township of Wellesley</b>                       |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Township of Wellesley</b>     |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Koch-Leis Drain</b>           |            |                                 |             |                      | \$ 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 |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> | \$ 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  |                 |                       |
|--------------------------------------------------------------------------------------|------------|---------------------------------|-------------|---------------------|-----------------------|-----------------------|-----------------|------------------|------------------|-----------------|-----------------------|
|                                                                                      |            |                                 |             | Bamberg Creek Drain | Jananna - East Branch | Jananna - West Branch | Koch-Leis Drain | Total Assessment | Less Gov't Grant | Less Allowances | Net Estimated Expense |
| Part Lot                                                                             | Concession | Landowner                       | Roll Number |                     |                       |                       |                 |                  |                  |                 |                       |
| <b>Township of Wilmot</b>                                                            |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 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          |
| <b>Total Assessments on Roads</b>                                                    |            |                                 |             | \$ 4,364.00         | \$ 7,205.00           | \$ 20,255.00          | \$ 825.00       | \$ 32,649.00     |                  |                 | \$ 32,649.00          |
| <b>Total Assessments Township of Wilmot</b>                                          |            |                                 |             | \$ 190,287.00       | \$ 95,260.00          | \$ 77,755.00          | \$ 56,195.00    | \$ 419,497.00    | \$ 128,949.00    | \$ 167,400.00   | \$ 123,148.00         |
| <b>Township of Wellesley</b>                                                         |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Township of Wellesley</b>                                       |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> |            |                                 |             | \$ 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 |
| <b>Township of Wilmot</b>                      |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 22.72                     | 65.2%                             | 133.67                    | 69.6%                             |
| Gerber Road                                    |            | Region of Waterloo              |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments on Roads</b>              |            |                                 |             | 1.04                      | 15.0%                             | 3.14                      | 5.2%                              |
| <b>Total Assessments Township of Wilmot</b>    |            |                                 |             | 23.76                     | 80.2%                             | 136.81                    | 74.7%                             |
| <b>Township of Wellesley</b>                   |            |                                 |             |                           |                                   |                           |                                   |
| 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%                              |
| <b>Total Assessments on Lands</b>              |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Township of Wellesley</b> |            |                                 |             | 13.77                     | 19.8%                             | 84.58                     | 25.2%                             |
| <b>Total Assessments Bamberg Creek Drain</b>   |            |                                 |             | 37.53                     | 100.0%                            | 221.39                    | 100.0%                            |

Bamberg Creek Drain

| 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%                     |                                   |
| <b>Total Assessments on Lands</b>                       |                  |                             |           |             | 19.72                     | 60.2%                             | 2.18                      | 100.0%                            |
| Gerber Road                                             |                  | Region of Waterloo          |           | 1.04        | 17.1%                     |                                   |                           |                                   |
| <b>Total Assessments on Roads</b>                       |                  |                             |           |             | 1.04                      | 17.1%                             |                           |                                   |
| <b>Total Assessments Main Closed Township of Wilmot</b> |                  |                             |           |             | 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%                      |                                   |                           |                                   |
| <b>Total Assessments on Lands</b>                       |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments Township of Wellesley</b>          |                  |                             |           |             | 7.98                      | 22.7%                             |                           |                                   |
| <b>Total Assessments Jananna - East Branch</b>          |                  |                             |           |             | 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%                             |
|                       | <b>Total Assessments on Lands</b>              |            |                             |             | 9.34                      | 42.6%                             |
|                       | Gerber Road Region of Waterloo                 |            |                             |             | 0.87                      | 22.0%                             |
|                       | <b>Total Assessments on Roads</b>              |            |                             |             | 0.87                      | 22.0%                             |
|                       | <b>Total Assessments Township of Wilmot</b>    |            |                             |             | 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%                             |
|                       | <b>Total Assessments on Lands</b>              |            |                             |             | 8.45                      | 35.3%                             |
|                       | <b>Total Assessments Township of Wellesley</b> |            |                             |             | 8.45                      | 35.3%                             |
|                       | <b>Total Assessments Jananna - West Branch</b> |            |                             |             | 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 |
| <b>Township of Wilmot</b>                      |                  |                                 |           |             |                           |                                   |                           |                                   |                           |
| 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%                      |                                   |                           |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 88.80       | 63.9%                     | 28.60                             | 44.0%                     |                                   |                           |
| Gerber Road                                    |                  | Region of Waterloo              |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      |                                   |                           |
| <b>Total Assessments on Roads</b>              |                  |                                 |           | 2.10        | 6.6%                      | 1.23                              | 7.4%                      | 0.00                              | 0.0%                      |
| <b>Total Assessments Township of Wilmot</b>    |                  |                                 |           | 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%                     |
| <b>Total Assessments on Lands</b>              |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Township of Wellesley</b> |                  |                                 |           | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |
| <b>Total Assessments Koch-Leis Drain</b>       |                  |                                 |           | 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

**Kaitlin Bos**

---



---

**From:** Chad Curtis  
**Sent:** Monday, August 14, 2023 1:56 PM  
**To:** 'Cory Kittel' [REDACTED]  
**Cc:** Clerks <clerks@wilmot.ca>  
**Subject:** RE: Court of Revision RE: Bamburg Creek, Jananna, Koch-Leis Drains

Hello Mr. Kittel,

It is at the discretion of the Members of the Court of Revision whether they allow a presentation. Further, the time allowed to each presenter is at the discretion of the Members of the Court of Revision.

If the Court of Revision permits the presentation, a member of the Clerk's team can control the slides for you.

Best,

Chad



**Chad Curtis**  
Deputy Clerk  
Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Sunday, August 13, 2023 6:12 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>  
**Subject:** Re: 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.

Is there a way I can bring a presentation with me to this meeting and one that I can control (move slides) myself? I'm also assuming we're not limited to 7minutes like the other minutes? That's just not enough time.

Cory

On Tue, Aug 8, 2023 at 8:45 AM Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)> wrote:

Hello Cory,

The Township has received your appeal for the Court of Revision on August 16.

As per the Notice of Sitting of Court of Revision, the meeting will take place at the Township of Wilmot Administration Complex at 60 Snyder's Rd West, Baden. An agenda will be published shortly with additional information for the meeting. The agenda can be found on the [Township's Calendar](#) webpage.

If you have any further comments or questions, please feel free to reach out.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Friday, August 4, 2023 3:23 PM  
**To:** Clerks <[clerks@wilmot.ca](mailto:clerks@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto: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]

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

## 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**



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** August 17, 2023 3:18 PM  
**To:** Chad Curtis; Stephen Brickman  
**Subject:** Notice of Decision of Court of Revision  
**Attachments:** Notice of Decision of the Court of Revision 23-08-16.docx; Section 54 appeal 0198e.pdf; Section 48 appeal 0193e.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.

Hi Chad

I have attached a suggested notice for the decision of the Court of Revision.  
Notice also provides detail for a Tribunal appeal under Section 48 (report and drain design) and Referee appeal under Section 47 (report does not comply with the Act)

Open your comments and Stephen's comments on what should go in the CoR decision notice.

John



***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](mailto:jkuntze@ksmart.ca)



## CORPORATE SERVICES *Staff Report*

---

REPORT NO: COR-2023-38

TO: Council

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

PREPARED BY: Chad Curtis, Deputy Clerk

REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

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

---

### RECOMMENDATION:

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer's Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek.

THAT the Court of Revision be scheduled if By-law 2023-XX is provisionally adopted with the following three members of Council \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, appointed as members for the Court of Revision.

### SUMMARY:

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the "Act") it becomes part of the municipality's infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all property owners.

**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 Drain Report dated April 28, 2023.

**COUNCIL'S CONSIDERATION OF ENGINEER'S REPORT:**

This report has been prepared to assist Council in considering the Engineer's Report.

Notice of the meeting was provided in accordance with the Act. At the 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
  - a. accepting 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
  - a. 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 staff advise that the Engineer's Report is in general conformity with the Drainage Act.

3. Take no action on the Engineer's Report
  - a. Any affected landowner could appeal to the Drainage Tribunal the decision of Council to not proceed with the report under the Drainage Act
  - b. If there is no appeal the cost of the Engineer's Report (\$70,300) would have to be paid from the general funds of the Township

- c. 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

Staff recommend provisionally adopting the Engineers Report and proceeding follow the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an assessment of \$0.

ATTACHMENTS:

**Notice of Appeal to Tribunal by Owner of Land  
or Public Utility**

**Re: Engineer's Report**

*Drainage Act, R.S.O. 1990, c. D.17, subs. 48(1)*

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

Re: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023  
(Name of Drain)

Take notice that I/we appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal as owner(s) of land under section 48(1), because of dissatisfaction with the report of the engineer on the grounds that:

- The benefit to be derived from the drainage works are not commensurate with estimated cost thereof;
- The drainage works should be modified on grounds to be stated;
- The compensation or allowances provided by the engineer are inadequate or excessive; or
- The engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed.

Details of application and relief being sought from Tribunal (attach additional pages if needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I am/we are appealing as:  Owner(s) of Land  Public utility

**Property Owners or Public Utility Appealing to Tribunal**

- 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 Tribunal regarding multiple properties, attach additional page with property information.

| Property Description        |                    |
|-----------------------------|--------------------|
| Ward or Geographic Township | Parcel Roll Number |

If property is owned in partnership, all partners must be listed. If property is owned by a corporation or public utility, list the name and the corporate position of the authorized officer. Only the owner(s) of the property may appeal to the Tribunal.

Select Ownership Type

Enter the mailing address and primary contact information of appellant below:

|                        |                              |                  |                          |  |                |
|------------------------|------------------------------|------------------|--------------------------|--|----------------|
| Last Name              |                              |                  | First Name               |  | Middle Initial |
| <b>Mailing Address</b> |                              |                  |                          |  |                |
| 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

|                                       |                    |
|---------------------------------------|--------------------|
| Name of Clerk (Last Name, First Name) | Signature of Clerk |
|---------------------------------------|--------------------|

**Appeal Commenced by Notice:** The clerk of the municipality must record the appeal and send a copy to the Tribunal and to all persons assessed for the drainage works. *Drainage Act*, R.S.O. 1990, c. D.17, s. 99.

**Timeline for Appeal:** This notice of appeal must be served within forty days after the sending of the notice under section 40 or subsection 46(2). *Drainage Act*, R.S.O. 1990, c. D.17, subs. 48(1)(d).

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

**Re:** Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023  
(Name of Drain)

**Take notice that I/we, appellant(s) to the Court of Revision, appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal from (check one):**

**The decision of the Court of Revision dated** 2023/08/16  
Date (yyyy/mm/dd)

**The omission, neglect or refusal of the Court of Revision to hear or decide an appeal**

Details of application and relief being sought from Tribunal (attach additional pages if needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Property Owners Appealing to Tribunal**

- 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 Tribunal regarding multiple properties, attach additional page with property information.

|                             |                    |
|-----------------------------|--------------------|
| Property Description        |                    |
| Ward or Geographic Township | 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 Tribunal.

**Select Ownership Type**

Enter the mailing address and primary contact information of property owner below:

|                        |                              |                          |                |
|------------------------|------------------------------|--------------------------|----------------|
| Last Name              |                              | First Name               | Middle Initial |
| <b>Current Address</b> |                              |                          |                |
| Unit Number            | Street/Road Number           | Street/Road Name         | PO Box         |
| City/Town              |                              | Province<br>Ontario      | Postal Code    |
| Telephone Number       | Cell Phone Number (Optional) | Email Address (Optional) |                |

To be completed by recipient municipality:

Notice filed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

|                                       |                    |
|---------------------------------------|--------------------|
| Name of Clerk (Last Name, First Name) | Signature of Clerk |
|---------------------------------------|--------------------|

**Timeline for Appeal:** This notice of appeal must be served within twenty-one days of the pronouncement of the decision of the court of revision. *Drainage Act*, R.S.O. 1990, c. D.17, subs. 54(1).



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** August 18, 2023 10:33 AM  
**To:** John Kuntze  
**Cc:** Stephen Brickman; Paul Courey  
**Subject:** DRAFT - Notice of Decision of the Court of Revision  
**Attachments:** Notice of Decision of the Court of Revision 23-08-18.docx

Hello John,

Please see the attached Notice of Decision of the Court of Revision for your review.

I would appreciate any and all comments before I send out (likely first thing Monday).

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

Notice of Decision of the Court of Revision  
for the  
Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

The Court of Revision for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 on August 16, 2023 at 5:30pm considered the following appeals:

1. Peter and Dagmar Schneider
2. Ken and Cathy Heintz
3. Ladislaus Bauer
4. Justin and Natalee Miller (Ridgeway)
5. Cory Kittel
6. Oleg Borissov

After hearing the above appeals the Court of Revision announced the following decision:

THAT the assessment contained in the Engineer's report be upheld.

Moved: Councillor S. Cressman (Wilmot)

Seconded: Councillor C. Hergott (Wellesley)

Motion Carried

#### FURTHER APPEAL RIGHTS

Pursuant to section 54(1) of *The Drainage Act*, R.S.O. 1990, c. D.17, any party to an appeal before the Court of Revision may appeal the decision of the Court of Revision to the Agriculture, Food and Rural Affairs Appeal Tribunal by filing a notice of appeal with the undersigned within 21 days of the date of the pronouncement of the Decision. For your information a copy of a Notice of Appeal is attached, or you can access a fillable pdf of the Notice of Appeal Form 0198E at <https://forms.mgcs.gov.on.ca/en/dataset/003-0198>

Deadline for filing an appeal under Section 54(1) will be 4pm September 6, 2023.

Please note that pursuant to section 48(1) of *The Drainage Act*, R.S.O. 1990, c. D.17, any owner of land affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that:

- the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- the drainage works should be modified on grounds to be stated;
- the compensation or allowances provided by the engineer are inadequate or excessive;
- the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed,

may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal by filing a notice of appeal with the undersigned within 40 days of the mailing of the notice for the Court of Revision (July 28, 2023). For

convenience a copy of Notice of Appeal is attached, or you can access a fillable pdf of the Notice of Appeal Form 0193E at <https://forms.mgcs.gov.on.ca/en/dataset/003-0193>.

Please note that pursuant to section 47(1) of *The Drainage Act*, R.S.O. 1990, c. D.17, any owner of land affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of the Drainage Act may appeal to Drainage Referee by filing a notice of appeal with the undersigned within 40 days of the mailing of the notice for the Court of Revision (July 28, 2023). *I could not find an OMAFRA form for an appeal to the Referee*

Deadline for filing an appeal under Section 47(1) will be 4pm September 6, 2023.

The Township of Wilmot will receive appeal fillings via email at [clerks@wilmot.ca](mailto:clerks@wilmot.ca)

Best,

Chad Curtis

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** August 18, 2023 11:12 AM  
**To:** aharron  
**Cc:** Stephen Brickman; John Kuntze  
**Subject:** Notice of Decision of Court of Revision  
**Attachments:** Section 54 appeal 0198e.pdf; Section 48 appeal 0193e.pdf

Hello Amy,

Hope you're doing well.

Two of the appellants of the BJKL Drain are from Wellesley Township. Could you send, via registered mail, the attached to the following:

- Ladislaus Bauer; and
- Justin and Natalee Miller (Ridgeway)

I'm planning on mailing the attachments and a covering letter (currently under review by John and Stephen) on Monday. Once I receive the covering letter, I'll flip it to you to include in your circulation.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## 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)

---

#### 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**



## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** August 23, 2023 12:31 PM  
**To:** Chad Curtis  
**Subject:** RE: DRAFT - Court of Revision Minutes  
**Attachments:** Court of Revision minutes August 16 2023 - JK edit.docx

**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.

Hi Chad

I have attached a copy of the minutes with my edits and comments.  
We can discuss further when we meet.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Friday, August 18, 2023 1:38 PM  
**To:** Paul Courey <pc@coureylaw.com>; John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** aharron <aharron@wellesley.ca>  
**Subject:** DRAFT - Court of Revision Minutes

Hello all,

I have attached the draft minutes from Wednesday's CoR meeting to this email.

Please let me know if you have any comments, questions, suggestions, etc.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission,

including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



**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 Present:** Stephen Brickman PEng, Headway Engineering

Commented [JK1]: I added further people present

---

**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.

**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**

7.5 Presentation by Oleg Borissov

Oleg Borissov spoke in opposition of the assessment found in the Engineer's Report.

Chair Wilkinson called a recess at 6:17pm.

Court of Revision reconvened at 6:24pm.

7.6 Presentation by Corey Kittel

Cory Kittel 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.

**Commented [JK2]:** From this point forward I made some changes to the order of the motions and presentations

**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**

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.

**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**

Lucy Gawron on behalf of Jananna Corporation spoke in support of the assessment found in the Engineer's Report.

**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**

## Jeff Bunn

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** August 27, 2023 10:20 AM  
**To:** Chad Curtis  
**Cc:** John Kuntze (jkuntze@ksmart.ca)  
**Subject:** BJKL Municipal Drain - By-law

**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.

Hi Chad,

I happened to see the agenda for the Council meeting coming up this week, and I noticed that Item 14 and 14.1 is recommending third and final reading of the BJKL drain (link [here](#)). If I read this correctly, then I need to point out that the by-law cannot receive 3<sup>rd</sup> reading yet (this is very important). 3<sup>rd</sup> reading can only come after the appeal period is expired (Sept 6<sup>th</sup> in this case) or after all appeals have been dealt with (if any), which ever comes last.

If it is intended to give 3<sup>rd</sup> reading on this by-law this week, then that definitely needs to be removed from the agenda. It can't be done yet.

If I misunderstood anything, then my apologies.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** August 28, 2023 7:08 AM  
**To:** Stephen Brickman; Chad Curtis  
**Subject:** RE: BJKL Municipal Drain - By-law

**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.

Good morning Chad

I agree with Stephen, you cannot give third reading to the BJKL Municipal Drain By-Law at the Council meeting tonight. What Stephen has noted in his email is as per Section 58(1) of the Drainage Act which outlines when a provisionally bylaw can be given third reading.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Sunday, August 27, 2023 10:20 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** BJKL Municipal Drain - By-law

Hi Chad,

I happened to see the agenda for the Council meeting coming up this week, and I noticed that Item 14 and 14.1 is recommending third and final reading of the BJKL drain (link [here](#)). If I read this correctly, then I need to point out that the by-law cannot receive 3<sup>rd</sup> reading yet (this is very important). 3<sup>rd</sup> reading can only come after the appeal period is expired (Sept 6<sup>th</sup> in this case) or after all appeals have been dealt with (if any), which ever comes last.

If it is intended to give 3<sup>rd</sup> reading on this by-law this week, then that definitely needs to be removed from the agenda. It can't be done yet.

If I misunderstood anything, then my apologies.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)



## Jeff Bunn

---

**From:** Chad Curtis  
**Sent:** August 28, 2023 1:52 PM  
**To:** John Kuntze; Stephen Brickman  
**Subject:** RE: BJKL Municipal Drain - By-law

Hello All,

We'll pull the by-law and put it on the next agenda.

Thanks so much.

Best,

Chad

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** Monday, August 28, 2023 7:08 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** RE: BJKL Municipal Drain - By-law

**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.

Good morning Chad

I agree with Stephen, you cannot give third reading to the BJKL Municipal Drain By-Law at the Council meeting tonight. What Stephen has noted in his email is as per Section 58(1) of the Drainage Act which outlines when a provisionally bylaw can be given third reading.

John

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Sunday, August 27, 2023 10:20 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** BJKL Municipal Drain - By-law

Hi Chad,

I happened to see the agenda for the Council meeting coming up this week, and I noticed that Item 14 and 14.1 is recommending third and final reading of the BJKL drain (link [here](#)). If I read this correctly, then I need to point out that the by-law cannot receive 3<sup>rd</sup> reading yet (this is very important). 3<sup>rd</sup> reading can only come after the appeal period is expired (Sept 6<sup>th</sup> in this case) or after all appeals have been dealt with (if any), which ever comes last.

If it is intended to give 3<sup>rd</sup> reading on this by-law this week, then that definitely needs to be removed from the agenda. It can't be done yet.

If I misunderstood anything, then my apologies.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

## Jeff Bunn

---

**From:** John Kuntze <jkuntze@ksmart.ca>  
**Sent:** August 28, 2023 2:35 PM  
**To:** Chad Curtis; Stephen Brickman  
**Subject:** RE: BJKL Municipal Drain - By-law

**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.

Hi Chad

Now that there is going to be an appeal to the Drainage Tribunal you should not plan on including the BJKL Municipal Drain Bylaw for any future council agenda. Once the appeal process starts the bylaw cannot be given third reading until all appeals have been dealt with. I'm not sure what the Tribunal schedule is like these days for holding hearings. Normally it would be 3-4 months minimum from the time an appeal is filed before the Tribunal would hold a hearing. After the hearing it is normally another 1-2 months before the decision is released.

Stephen and I can let you know in the future when you should bring the BJKL Municipal Drain bylaw back to Council for third reading.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Monday, August 28, 2023 1:52 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: BJKL Municipal Drain - By-law

Hello All,

We'll pull the by-law and put it on the next agenda.

Thanks so much.

Best,

Chad

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Monday, August 28, 2023 7:08 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Subject:** RE: BJKL Municipal Drain - By-law

**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.

Good morning Chad

I agree with Stephen, you cannot give third reading to the BJKL Municipal Drain By-Law at the Council meeting tonight.

What Stephen has noted in his email is as per Section 58(1) of the Drainage Act which outlines when a provisionally bylaw can be given third reading.

John

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Sunday, August 27, 2023 10:20 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** BJKL Municipal Drain - By-law

Hi Chad,

I happened to see the agenda for the Council meeting coming up this week, and I noticed that Item 14 and 14.1 is recommending third and final reading of the BJKL drain (link [here](#)). If I read this correctly, then I need to point out that the by-law cannot receive 3<sup>rd</sup> reading yet (this is very important). 3<sup>rd</sup> reading can only come after the appeal period is expired (Sept 6<sup>th</sup> in this case) or after all appeals have been dealt with (if any), which ever comes last.

If it is intended to give 3<sup>rd</sup> reading on this by-law this week, then that definitely needs to be removed from the agenda. It can't be done yet.

If I misunderstood anything, then my apologies.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

July 13, 2023

Amy Harron, Deputy Clerk  
(via email)

*Regarding:* Bamberg Creek, Jananna Drain and Koch-Leis Drain - Resolution No. 6

---

Please be advised that the following resolution was approved through a poll of Council on Wednesday, July 12<sup>th</sup>, 2023:

“That the Council of the Township of Wellesley appoint one (1) member of council, Councillor Hergott, to the Bamberg Creek, Jananna, and Koch-Leis Drains Court of Revision scheduled for Wednesday, August 16<sup>th</sup>, 2023 at 5:30 pm at the Township of Wilmot Administration Complex.

*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](mailto:gkosch@wellesley.ca)



## PROPERTY & FIRE REPORT

To: Council

Meeting Date: July 11, 2023

Prepared by: Amy Harron  
Deputy Clerk

Date Prepared: June 27, 2023

Subject: Bamberg Creek, Jananna Drain and Koch-Leis Drain

### **Recommendation:**

That the Council of the Township of Wellesley appoint one (1) member of council, Councillor \_\_\_\_\_ to the Bamberg Creek, Jananna, and Koch-Leis Drains Court of Revision scheduled for Wednesday, August 16<sup>th</sup>, 2023 at 5:30 pm at the Township of Wilmot Administration Complex.

### **Summary:**

This report is to appoint one member of the Township of Wellesley Council to sit on the Court of Revision for the Bamberg Creek, Jananna and Koch-Leis Drains which has two appointed members from the Township of Wilmot Council.

### **Report:**

As the receiving municipality of the drainage petition the Township of Wilmot on June 26, 2023, heard first and second reading to provisionally adopt the engineer's report. The Township of Wilmot Council also appointed two members of Council to the Court of Revision at that meeting.

Section 97(3) of the Drainage Act, R.S.O 1990 states that, where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality.

The Court of Revision is an appeal body established under the Drainage Act and administered by the local municipality. The Court of Revision allows landowners to challenge their drainage assessments quickly and informally. Unlike the Drainage Tribunal or the Drainage Referee, the Court of Revision has one power – to reallocate funds in a drainage assessment schedule. The role of the members of the Court of Revision includes the following;

- Members of the Court may hear appeals on three grounds:
  1. Land or road has been assessed too high or low.

- 2. Land or road should have been assessed but has not.
- 3. Due consideration has not been given to the land's use.
- The members of Court must hear these appeals and decide whether they are valid. The members must comply with the Statutory Powers Procedure Act, and they must conduct themselves fairly and without bias.
- The Court only has authority to change the schedule of assessments; they cannot make changes to the technical aspects of the report, and they cannot refer the report back to the engineer for modifications.
- Total costs of the project must remain the same, which means that if the Court reduces an assessment, the Court re-allocates the shortfall among other assessed property owners.
- If the Court is considering adding to the assessment of one or more properties whose owners are not in attendance, the Court must adjourn and send notice to assessed property owners who were not at the Court of Revision at the time of re-allocation. This allows the re-assessed landowners to appeal their new assessments.

The Court of Revision has been scheduled for Wednesday, August 16<sup>th</sup>, 2023 at 5:30p.m. at the Township of Wilmot Administration Complex, 60 Snyder's Rd W, Baden. An agenda and procedure will be provided to the appointed member of council prior to the Court of Revision meeting.

**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

|                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department Head: _____<br>Treasurer: _____<br>Corporate Management Team (date): _____<br><b><u>Approved by:</u></b><br>Chief Administrative Officer: _____ |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Attachment(s):**

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



## **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](http://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        |
| <b>Total Estimated Assessments</b>       | <b>\$462,900</b> |

Yours truly,

Stephen Brickman, P.Eng.  
Project Engineer and Manager

Adam Hall  
Project Coordinator  
**HEADWAY ENGINEERING**  
SB/





## CONTENTS

|      |                                                   |    |
|------|---------------------------------------------------|----|
| 1.0  | INTRODUCTION AND LOCATION .....                   | 1  |
| 2.0  | PROJECT AUTHORIZATION .....                       | 1  |
| 3.0  | DRAINAGE HISTORY .....                            | 1  |
| 4.0  | PUBLIC MEETINGS AND ENGAGEMENTS.....              | 2  |
| 5.0  | FINDINGS .....                                    | 3  |
| 6.0  | DESIGN CONSIDERATIONS .....                       | 4  |
| 7.0  | ENVIRONMENTAL CONSIDERATIONS AND PERMITTING ..... | 5  |
| 8.0  | RECOMMENDATIONS.....                              | 5  |
| 9.0  | SUMMARY OF PROPOSED WORKS .....                   | 6  |
| 10.0 | WORKING AREA AND ACCESS.....                      | 6  |
| 11.0 | SCHEDULES .....                                   | 7  |
| 12.0 | ALLOWANCES.....                                   | 7  |
| 13.0 | ESTIMATED CONSTRUCTION COSTS .....                | 8  |
| 14.0 | SUMMARY OF ESTIMATED PROJECT COSTS .....          | 9  |
| 15.0 | ASSESSMENT .....                                  | 9  |
| 16.0 | GRANT ELIGIBILITY.....                            | 10 |
| 17.0 | MAINTENANCE .....                                 | 10 |

## SCHEDULES

SCHEDULE A – ALLOWANCES

SCHEDULE B – ESTIMATED CONSTRUCTION COSTS

SCHEDULE C – ASSESSMENT FOR CONSTRUCTION

SCHEDULE D – ASSESSMENT FOR FUTURE MAINTENANCE

## SPECIFICATIONS FOR THE CONSTRUCTION OF MUNICIPAL DRAINAGE WORKS



23-500 Fairway Road South  
Suite 308  
Kitchener, Ontario N2C 1X3  
226 243 6614  
[www.headwayeng.ca](http://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 (MNR) 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         |
| <b>Total Estimated Construction Costs</b> | <b>\$ 180,800</b> |



## 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         |
| <b>TOTAL ESTIMATED PROJECT COSTS</b>                                                                                                                                |                   |
| <b>BAMBERG CREEK, JANANNA, AND KOCH-LEIS MUNICIPAL DRAINS 2023</b>                                                                                                  | <b>\$ 462,900</b> |

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        |
| <b>Total Allowances</b>    |                  |            |                          |          |                         |                    |                     |                     |
| <b>Bamberg Creek Drain</b> |                  |            |                          |          | <b>\$ 8,250.00</b>      | <b>\$ 7,280.00</b> | <b>\$ 75,400.00</b> | <b>\$ 90,930.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |                     |        |                         |                    |                |                     |
| <b>Jananna - East Branch</b> |                  |            |                     |        | <b>\$ 9,020.00</b>      | <b>\$ 9,520.00</b> | <b>\$ -</b>    | <b>\$ 18,540.00</b> |

| 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        |
| <b>Total Allowances</b>      |                  |            |               |        |                         |                     |                |                     |
| <b>Jananna - West Branch</b> |                  |            |               |        | <b>\$ 11,400.00</b>     | <b>\$ 11,400.00</b> | <b>\$ -</b>    | <b>\$ 22,800.00</b> |

| Koch-Leis Drain                                                                     | Property Details |            |                          |             | Drainage Act Allowances |                     |                          |                      |
|-------------------------------------------------------------------------------------|------------------|------------|--------------------------|-------------|-------------------------|---------------------|--------------------------|----------------------|
|                                                                                     | Part Lot         | Concession | Landowner                | Roll Number | Right of Way (Sec. 29)  | Damages (Sec. 30)   | Loss of Access (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         |
| <b>Total Allowances Koch-Leis Drain</b>                                             |                  |            |                          |             | <b>\$ 8,280.00</b>      | <b>\$ 1,650.00</b>  | <b>\$ 25,200.00</b>      | <b>\$ 35,130.00</b>  |
|                                                                                     |                  |            |                          |             | Right of Way (Sec. 29)  | Damages (Sec. 30)   | Loss of Access (Sec. 33) | Total Allowances     |
| <b>Total Allowances Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> |                  |            |                          |             | <b>\$ 36,950.00</b>     | <b>\$ 29,850.00</b> | <b>\$ 100,600.00</b>     | <b>\$ 167,400.00</b> |



---

## **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<br>Quantity | \$/Unit  | Total        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------|--------------|
| 1) Clearing, brushing and mulching                                                                                                                          | l.s.                  |          | \$ 20,000.00 |
| 2) Open ditch excavation (approx. 400m <sup>3</sup> )<br>including cleanout through concrete bridge at<br>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 <sup>2</sup>   | \$ 1.25  | \$ 2,500.00  |
| 5) Supply and place rip-rap erosion protection at<br>Sta. 0+000 to transition Bamberg Creek<br>existing grade to proposed streambed<br>(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<br>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<br>(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 <sup>2</sup> )        | 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         |
| <b>Total Estimated Construction Costs</b>                                                                                                             |                    |             |                     |
| <b>Part B - Jananna - East Branch</b>                                                                                                                 |                    |             | <b>\$ 60,300.00</b> |

### 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 <sup>2</sup> ) | I.s.               |           | \$ 7,064.00         |
| <b>Total Estimated Construction Costs</b>                                                                                                      |                    |           |                     |
| <b>Part C - Jananna - West Branch</b>                                                                                                          |                    |           | <b>\$ 50,100.00</b> |

### Part D - Koch-Leis Drain

| Description                         | Estimated Quantity | \$/Unit  | Total       |
|-------------------------------------|--------------------|----------|-------------|
| 1) Clearing, brushing and mulching  | l.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<br>Quantity          | \$/Unit        | Total        |
|----------------------------------------------------|--------------------------------|----------------|--------------|
| 3) Wheel machine lift outs due to stony conditions | 3 ea.                          | \$ 300.00      | \$ 900.00    |
| 4) Tile connections:                               |                                |                |              |
|                                                    | <b>Estimated<br/>Quantity*</b> | <b>\$/Unit</b> | <b>Total</b> |
| 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 |
| <b>Township of Wilmot</b>                             |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                     |            |                                 |             |                      | \$ 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           |
| <b>Total Assessments on Roads</b>                     |            |                                 |             |                      | \$ -                                   | \$ 4,364.00                | \$ -                      | \$ 4,364.00      |                  |                 | \$ 4,364.00           |
| <b>Total Assessments Main Open Township of Wilmot</b> |            |                                 |             |                      | \$ 86,040.00                           | \$ 35,787.00               | \$ 68,460.00              | \$ 190,287.00    | \$ 61,974.00     | \$ 90,930.00    | \$ 37,383.00          |
| <b>Township of Wellesley</b>                          |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                     |            |                                 |             |                      | \$ -                                   | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |
| <b>Total Assessments Township of Wellesley</b>        |            |                                 |             |                      | \$ -                                   | \$ 13,113.00               | \$ -                      | \$ 13,113.00     | \$ 4,371.00      | \$ -            | \$ 8,742.00           |
| <b>Total Assessments Bamberg Creek Drain</b>          |            |                                 |             |                      | \$ 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 |
| <b>Jananna - East Branch</b> | 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          |
|                              | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ 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           |
|                              | <b>Total Assessments on Roads</b>                          |            |                             |             |                      | \$ -                                   | \$ 7,205.00                | \$ -                      | \$ 7,205.00      |                  |                 | \$ 7,205.00           |
|                              | <b>Total Assessments Main Closed Township of Wilmot</b>    |            |                             |             |                      | \$ 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           |
|                              | <b>Total Assessments on Lands</b>                          |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |
|                              | <b>Total Assessments Main Closed Township of Wellesley</b> |            |                             |             |                      | \$ -                                   | \$ 9,540.00                | \$ -                      | \$ 9,540.00      | \$ 3,180.00      | \$ -            | \$ 6,360.00           |
|                              | <b>Total Assessments Jananna - East Branch</b>             |            |                             |             |                      | \$ 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 |
| <b>Jananna - West Branch</b>                   | 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          |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ 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          |
|                                                | <b>Total Assessments on Roads</b>                  |            |                             |             |                      | \$ 9,624.00                            | \$ 10,631.00               | \$ -                      | \$ 20,255.00     |                  |                 | \$ 20,255.00          |
|                                                | <b>Total Assessments Branch Township of Wilmot</b> |            |                             |             |                      | \$ 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           |
|                                                | <b>Total Assessments on Lands</b>                  |            |                             |             |                      | \$ -                                   | \$ 17,045.00               | \$ -                      | \$ 17,045.00     | \$ 5,682.00      | \$ -            | \$ 11,363.00          |
| <b>Total Assessments Township of Wellesley</b> |                                                    |            |                             |             | \$ -                 | \$ 17,045.00                           | \$ -                       | \$ 17,045.00              | \$ 5,682.00      | \$ -             | \$ 11,363.00    |                       |
| <b>Total Assessments Jananna - West Branch</b> |                                                    |            |                             |             | \$ 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 |
| <b>Township of Wilmot</b>                          |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ 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             |
| <b>Total Assessments on Roads</b>                  |            |                                 |             |                      | \$ -                                   | \$ 825.00                  | \$ -                      | \$ 825.00        |                  |                 | \$ 825.00             |
| <b>Total Assessments Branch Township of Wilmot</b> |            |                                 |             |                      | \$ 18,320.00                           | \$ 6,555.00                | \$ 31,320.00              | \$ 56,195.00     | \$ 18,456.00     | \$ 35,130.00    | \$ 2,609.00           |
| <b>Township of Wellesley</b>                       |            |                                 |             |                      |                                        |                            |                           |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                  |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Township of Wellesley</b>     |            |                                 |             |                      | \$ -                                   | \$ 3,705.00                | \$ -                      | \$ 3,705.00      | \$ 1,235.00      | \$ -            | \$ 2,470.00           |
| <b>Total Assessments Koch-Leis Drain</b>           |            |                                 |             |                      | \$ 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 |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> | \$ 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 |
| <b>Township of Wilmot</b>                                                            |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 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          |
| <b>Total Assessments on Roads</b>                                                    |            |                                 |             | \$ 4,364.00         | \$ 7,205.00           | \$ 20,255.00          | \$ 825.00       | \$ 32,649.00     |                  |                 | \$ 32,649.00          |
| <b>Total Assessments Township of Wilmot</b>                                          |            |                                 |             | \$ 190,287.00       | \$ 95,260.00          | \$ 77,755.00          | \$ 56,195.00    | \$ 419,497.00    | \$ 128,949.00    | \$ 167,400.00   | \$ 123,148.00         |
| <b>Township of Wellesley</b>                                                         |            |                                 |             |                     |                       |                       |                 |                  |                  |                 |                       |
| 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             |
| <b>Total Assessments on Lands</b>                                                    |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Township of Wellesley</b>                                       |            |                                 |             | \$ 13,113.00        | \$ 9,540.00           | \$ 17,045.00          | \$ 3,705.00     | \$ 43,403.00     | \$ 14,469.00     | \$ -            | \$ 28,934.00          |
| <b>Total Assessments Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023</b> |            |                                 |             | \$ 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            |                                   |        |        |        |
|                                                | Approx. Hectares Affected | Portion of Maintenance Assessment | Approx. Hectares Affected | Portion of Maintenance Assessment |        |        |        |
| Part Lot                                       | Concession                | Landowner                         | Roll Number               |                                   |        |        |        |
| <b>Township of Wilmot</b>                      |                           |                                   |                           |                                   |        |        |        |
| 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%   |
| <b>Total Assessments on Lands</b>              |                           |                                   |                           | 22.72                             | 65.2%  | 133.67 | 69.6%  |
| Gerber Road                                    |                           | Region of Waterloo                |                           | 1.04                              | 15.0%  | 3.14   | 5.2%   |
| <b>Total Assessments on Roads</b>              |                           |                                   |                           | 1.04                              | 15.0%  | 3.14   | 5.2%   |
| <b>Total Assessments Township of Wilmot</b>    |                           |                                   |                           | 23.76                             | 80.2%  | 136.81 | 74.7%  |
| <b>Township of Wellesley</b>                   |                           |                                   |                           |                                   |        |        |        |
| 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%   |
| <b>Total Assessments on Lands</b>              |                           |                                   |                           | 13.77                             | 19.8%  | 84.58  | 25.2%  |
| <b>Total Assessments Township of Wellesley</b> |                           |                                   |                           | 13.77                             | 19.8%  | 84.58  | 25.2%  |
| <b>Total Assessments Bamberg Creek Drain</b>   |                           |                                   |                           | 37.53                             | 100.0% | 221.39 | 100.0% |

Bamberg Creek Drain

| Property Details                                        | Interval                  |                                   |                           |                                   |        |      |        |
|---------------------------------------------------------|---------------------------|-----------------------------------|---------------------------|-----------------------------------|--------|------|--------|
|                                                         | 0+000 to 0+218            |                                   | 0+218 to 0+598            |                                   |        |      |        |
|                                                         | Approx. Hectares Affected | Portion of Maintenance Assessment | Approx. Hectares Affected | Portion of Maintenance Assessment |        |      |        |
| Part Lot                                                | Concession                | Landowner                         | Roll Number               |                                   |        |      |        |
| 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%  |
| <b>Total Assessments on Lands</b>                       |                           |                                   |                           | 19.72                             | 60.2%  | 2.18 | 100.0% |
| Gerber Road                                             |                           | Region of Waterloo                |                           | 1.04                              | 17.1%  |      |        |
| <b>Total Assessments on Roads</b>                       |                           |                                   |                           | 1.04                              | 17.1%  |      |        |
| <b>Total Assessments Main Closed Township of Wilmot</b> |                           |                                   |                           | 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%   |      |        |
| <b>Total Assessments on Lands</b>                       |                           |                                   |                           | 7.98                              | 22.7%  |      |        |
| <b>Total Assessments Township of Wellesley</b>          |                           |                                   |                           | 7.98                              | 22.7%  |      |        |
| <b>Total Assessments Jananna - East Branch</b>          |                           |                                   |                           | 28.74                             | 100.0% | 2.18 | 100.0% |

Jananna - East Branch

|                       | 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%                             |
|                       | <b>Total Assessments on Lands</b>              |            |                            |             | 9.34                      | 42.6%                             |
|                       | Gerber Road Region of Waterloo                 |            |                            |             | 0.87                      | 22.0%                             |
|                       | <b>Total Assessments on Roads</b>              |            |                            |             | 0.87                      | 22.0%                             |
|                       | <b>Total Assessments Township of Wilmot</b>    |            |                            |             | 10.21                     | 64.7%                             |
|                       | 7                                              | 2 East     | Ladislau & Laurretta Bauer | 1-008-02    | 8.45                      | 19.5%                             |
|                       | 7                                              | 2 East     | 264171 Holdings Ltd.       | 1-008       | 6.26                      | 15.9%                             |
|                       | <b>Total Assessments on Lands</b>              |            |                            |             | 8.45                      | 35.3%                             |
|                       | <b>Total Assessments Township of Wellesley</b> |            |                            |             | 8.45                      | 35.3%                             |
|                       | <b>Total Assessments Jananna - West Branch</b> |            |                            |             | 18.66                     | 100.0%                            |

|                                                | 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 | Portion of Maintenance Assessment |
| <b>Koch-Leis Drain</b>                         | <b>Township of Wilmot</b>                   |            |                                 |             |                           |                                   |                           |                                   |                           |                                   |
|                                                | 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%                              |                           |                                   |
|                                                | <b>Total Assessments on Lands</b>           |            |                                 |             | 88.80                     | 63.9%                             | 28.60                     | 44.0%                             |                           |                                   |
|                                                | Gerber Road                                 |            | Region of Waterloo              |             | 2.10                      | 6.6%                              | 1.23                      | 7.4%                              |                           |                                   |
|                                                | <b>Total Assessments on Roads</b>           |            |                                 |             | 2.10                      | 6.6%                              | 1.23                      | 7.4%                              | 0.00                      | 0.0%                              |
|                                                | <b>Total Assessments Township of Wilmot</b> |            |                                 |             | 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%                             |
| <b>Total Assessments on Lands</b>              |                                             |            |                                 | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |                                   |
| <b>Total Assessments Township of Wellesley</b> |                                             |            |                                 | 76.60       | 29.5%                     | 61.39                             | 48.6%                     | 61.39                             | 100.0%                    |                                   |
| <b>Total Assessments Koch-Leis Drain</b>       |                                             |            |                                 | 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**





## CONTENTS

|         |                                                          |   |
|---------|----------------------------------------------------------|---|
| A.1.    | SCOPE.....                                               | 1 |
| A.2.    | TENDERS.....                                             | 1 |
| A.3.    | EXAMINATIONS OF SITE, DRAWINGS, AND SPECIFICATIONS.....  | 1 |
| A.4.    | PAYMENT .....                                            | 2 |
| A.5.    | CONTRACTOR’S LIABILITY INSURANCE .....                   | 2 |
| A.6.    | LOSSES DUE TO ACTS OF NATURE, ETC.....                   | 2 |
| A.7.    | COMMENCEMENT AND COMPLETION OF WORK.....                 | 2 |
| A.8.    | WORKING AREA AND ACCESS.....                             | 3 |
| A.9.    | SUB-CONTRACTORS .....                                    | 3 |
| A.10.   | PERMITS, NOTICES, LAWS AND RULES.....                    | 3 |
| A.11.   | RAILWAYS, HIGHWAYS, AND UTILITIES .....                  | 3 |
| A.12.   | ERRORS AND UNUSUAL CONDITIONS.....                       | 3 |
| A.13.   | ALTERATIONS AND ADDITIONS.....                           | 3 |
| A.14.   | SUPERVISION .....                                        | 4 |
| A.15.   | FIELD MEETINGS.....                                      | 4 |
| A.16.   | PERIODIC AND FINAL INSPECTIONS.....                      | 4 |
| A.17.   | ACCEPTANCE BY THE MUNICIPALITY .....                     | 4 |
| A.18.   | WARRANTY.....                                            | 4 |
| A.19.   | TERMINATION OF CONTRACT BY THE MUNICIPALITY .....        | 4 |
| A.20.   | TESTS.....                                               | 5 |
| A.21.   | POLLUTION .....                                          | 5 |
| A.22.   | SPECIES AND RISK.....                                    | 5 |
| A.23.   | ROAD CROSSINGS.....                                      | 5 |
| A.23.1. | ROAD OCCUPANCY PERMIT .....                              | 5 |
| A.23.2. | ROAD CLOSURE REQUEST AND CONSTRUCTION NOTIFICATION ..... | 6 |
| A.23.3. | TRAFFIC CONTROL.....                                     | 6 |
| A.23.4. | WEATHER.....                                             | 6 |
| A.23.5. | EQUIPMENT .....                                          | 6 |
| A.24.   | LANEWAYS.....                                            | 6 |



A.25. FENCES .....7

A.26. LIVESTOCK .....7

A.27. STANDING CROPS.....7

A.28. SURPLUS GRAVEL .....7

A.29. IRON BARS .....7

A.30. RIP-RAP .....7

A.31. CLEARING, GRUBBING AND BRUSHING .....8

A.32. RESTORATION OF LAWNS .....8



## **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**



## CONTENTS

|              |                                                              |          |
|--------------|--------------------------------------------------------------|----------|
| <b>B.1.</b>  | <b>ALIGNMENT .....</b>                                       | <b>1</b> |
| <b>B.2.</b>  | <b>PROFILE .....</b>                                         | <b>1</b> |
| <b>B.3.</b>  | <b>EXCAVATION .....</b>                                      | <b>1</b> |
| <b>B.4.</b>  | <b>EXCAVATED MATERIAL.....</b>                               | <b>1</b> |
| <b>B.5.</b>  | <b>EXCAVATION AT EXISTING BRIDGE AND CULVERT SITES .....</b> | <b>2</b> |
| <b>B.6.</b>  | <b>PIPE CULVERTS.....</b>                                    | <b>2</b> |
| <b>B.7.</b>  | <b>RIP-RAP PROTECTION FOR CULVERTS .....</b>                 | <b>2</b> |
| <b>B.8.</b>  | <b>CLEARING, GRUBBING AND MULCHING .....</b>                 | <b>2</b> |
| <b>B.9.</b>  | <b>TRIBUTARY TILE OUTLETS.....</b>                           | <b>3</b> |
| <b>B.10.</b> | <b>SEEDING .....</b>                                         | <b>3</b> |
| <b>B.11.</b> | <b>HYDRO SEEDING.....</b>                                    | <b>3</b> |
| <b>B.12.</b> | <b>HAND SEEDING .....</b>                                    | <b>3</b> |
| <b>B.13.</b> | <b>COMPLETION .....</b>                                      | <b>3</b> |



## **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**





## CONTENTS

|              |                                                                                   |          |
|--------------|-----------------------------------------------------------------------------------|----------|
| <b>C.1.</b>  | <b>PIPE MATERIALS .....</b>                                                       | <b>1</b> |
| <b>C.2.</b>  | <b>ALIGNMENT .....</b>                                                            | <b>1</b> |
| <b>C.3.</b>  | <b>PROFILE .....</b>                                                              | <b>1</b> |
| <b>C.4.</b>  | <b>EXCAVATION .....</b>                                                           | <b>2</b> |
| <b>C.5.</b>  | <b>INSTALLATION .....</b>                                                         | <b>2</b> |
| <b>C.6.</b>  | <b>TRENCH CROSSINGS .....</b>                                                     | <b>3</b> |
| <b>C.7.</b>  | <b>OUTLET PROTECTION .....</b>                                                    | <b>3</b> |
| <b>C.8.</b>  | <b>CATCH BASINS AND JUNCTION BOXES .....</b>                                      | <b>3</b> |
| <b>C.9.</b>  | <b>TRIBUTARY DRAINS.....</b>                                                      | <b>4</b> |
| <b>C.10.</b> | <b>CLEARING, GRUBBING AND MULCHING .....</b>                                      | <b>5</b> |
| <b>C.11.</b> | <b>ROADS AND LANEWAY SUB-SURFACE CROSSINGS .....</b>                              | <b>5</b> |
| <b>C.12.</b> | <b>FILLING IN EXISTING DITCHES.....</b>                                           | <b>5</b> |
| <b>C.13.</b> | <b>CONSTRUCTION OF GRASSED WATERWAYS .....</b>                                    | <b>5</b> |
| <b>C.14.</b> | <b>UNSTABLE SOIL .....</b>                                                        | <b>5</b> |
| <b>C.15.</b> | <b>ROCKS.....</b>                                                                 | <b>5</b> |
| <b>C.16.</b> | <b>BROKEN OR DAMAGED TILE .....</b>                                               | <b>6</b> |
| <b>C.17.</b> | <b>RECOMMENDED PRACTICE FOR CONSTRUCTION OF SUB-SURFACE DRAINAGE SYSTEMS.....</b> | <b>6</b> |



## **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**





## CONTENTS

- 1.0 GENERAL .....1**
- 2.0 UTILITIES .....1**
- 3.0 WORKING AREA AND ACCESS .....1**
- 4.0 CLEARING BRUSHING AND MULCHING .....1**
- 5.0 PIPE AND INSTALLATION .....2**
- 6.0 TOPSOIL STRIPPING AND FINE GRADING .....3**
- 7.0 EXCAVATED MATERIAL .....3**
- 8.0 SEEDING .....3**
- 9.0 OUTLET STRUCTURE .....3**
- 10.0 EXISTING DRAINS/TILE CONNECTIONS .....3**
- 11.0 CATCHBASINS AND JUNCTION BOXES .....4**
- 12.0 ROAD WORKS .....4**
- 13.0 RIP-RAP .....4**
- 14.0 EROSION AND SEDIMENT CONTROL .....5**
- 15.0 ENDAGERED SPECIES ACT AND THE EASTERN MEADOWLARK .....5**



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.

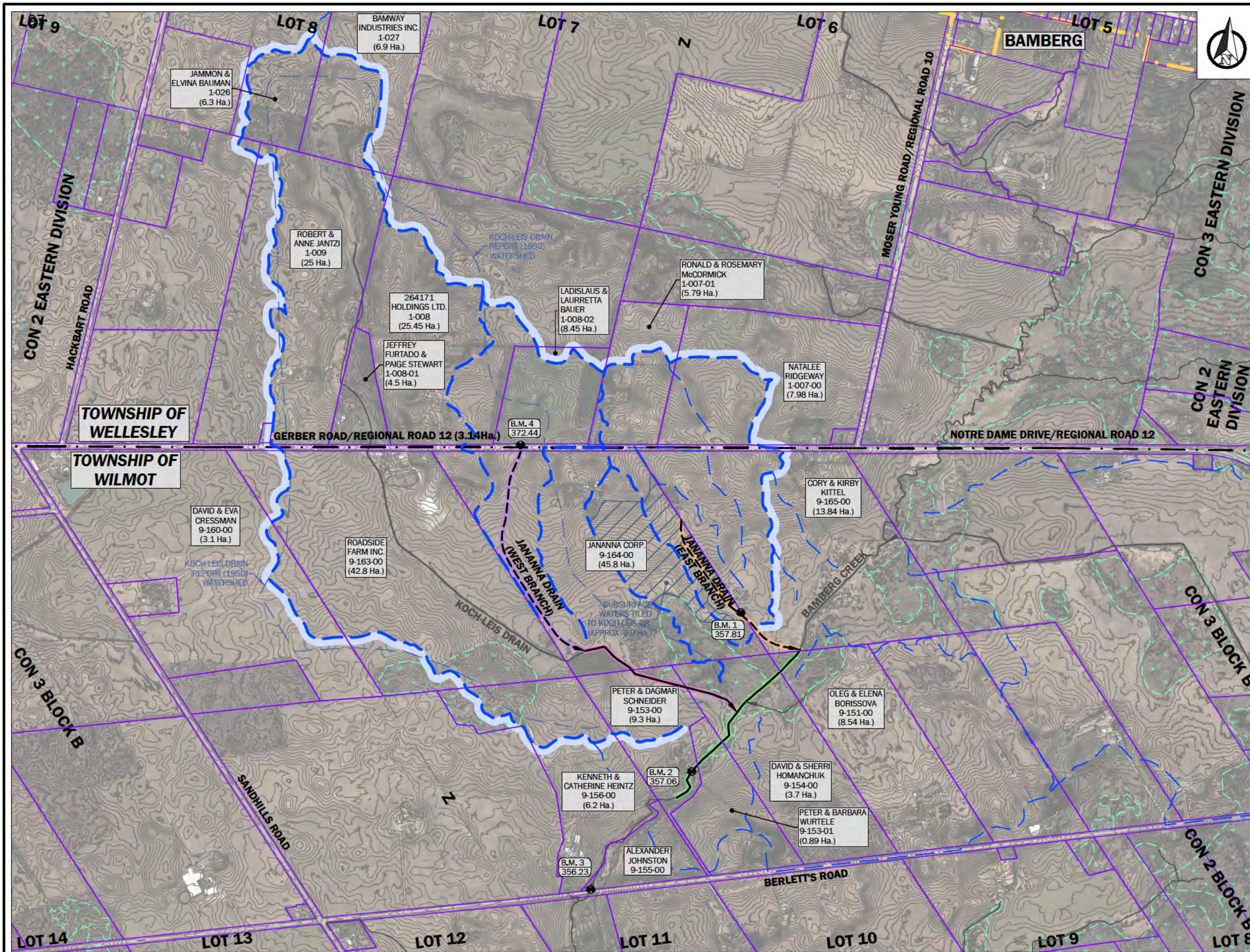
#### **15.0 ENDANGERED SPECIES ACT AND THE EASTERN MEADOWLARK**

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<br>(Sta. x+xxx to Sta.<br>y+yyy) | Number of<br>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**

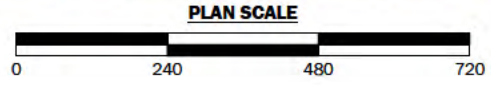
- BENCHMARK No. 1** **ELEV.=357.81**  
 NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** **ELEV.=357.06**  
 TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** **ELEV.=356.23**  
 TOP CENTRE UPSTREAM END OF CONCRETE BOX 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.)

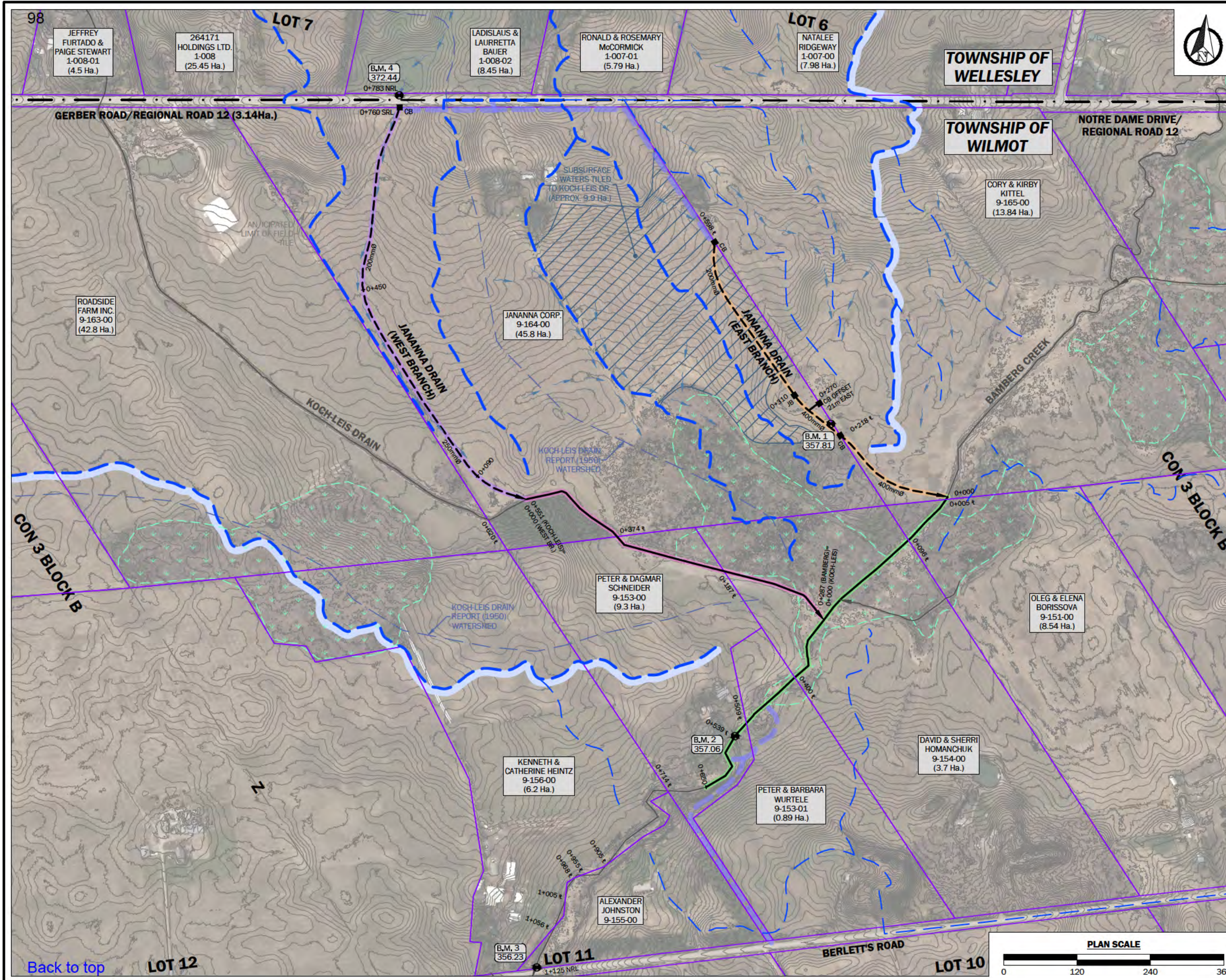
**LEGEND**

- 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
- 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) 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) 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) |





**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.
- 123.45 → BENCHMARK ELEVATION

**LANDOWNER NAME(S)**

- JOHN & JANE SMITH 12-345 → LANDOWNER NAME(S)
- 12-345 → ASSESSMENT ROLL No. (ABBREVIATED)
- 12.3 Ha. → APPROX. AREA AFFECTED

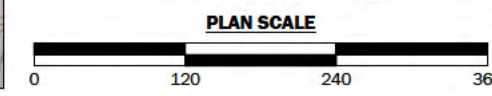
**EXISTING FEATURES:**

- ← DRAIN NAME → (( )) → OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- ← DRAIN NAME → [CB] → CLOSED DRAIN WITH CATCH BASIN, MANHOLE AND FLOW DIRECTION
- → OVERLAND FLOW PATH

**PROPOSED FEATURES:**

- ← DRAIN NAME → (( )) → OPEN DRAIN WITH CROSSING AND FLOW DIRECTION
- ← DRAIN NAME → [CB] → 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)            |          |



Back to top



WARD 2

**JANANNA MUNICIPAL DRAIN**

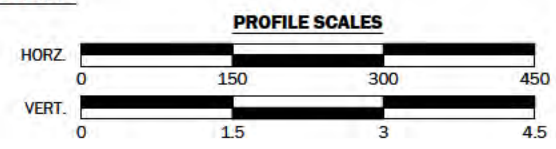
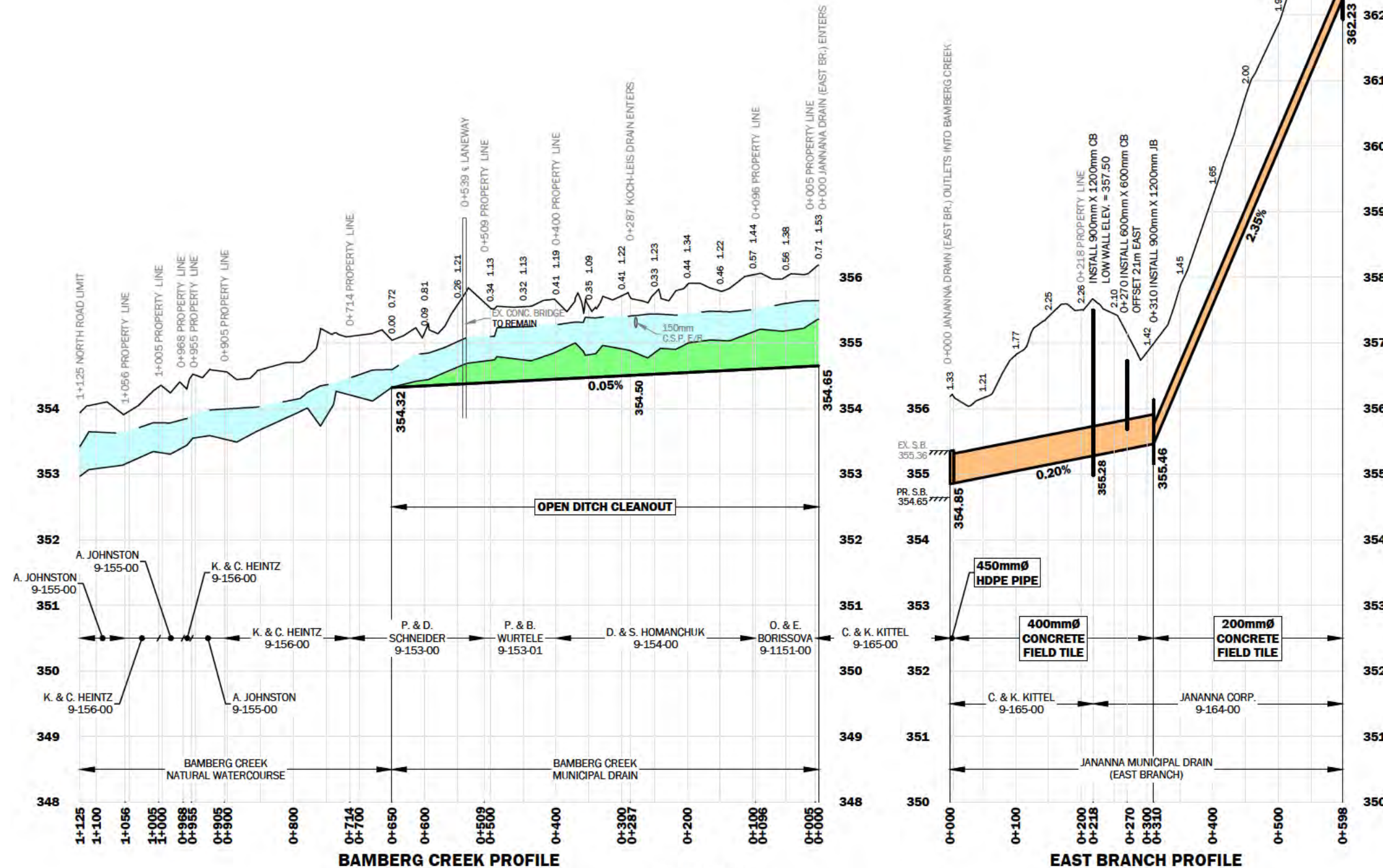
**Bamberg Creek and East Branch Profiles**

**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 | 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        |



[Back to top](#)

| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>3 OF 6 |

WARD 2

**JANANNA MUNICIPAL DRAIN**

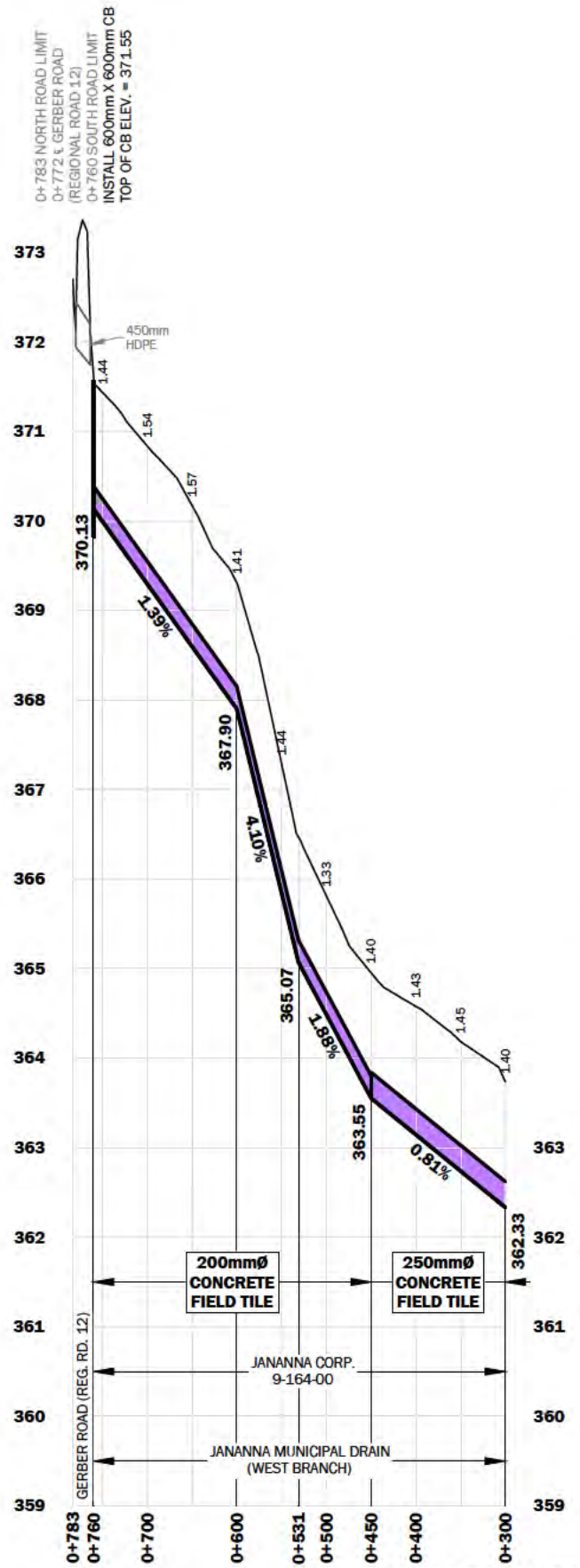
West Branch and Koch-Leis Drain Profiles

**SCHEDULE OF PIPE MATERIALS**

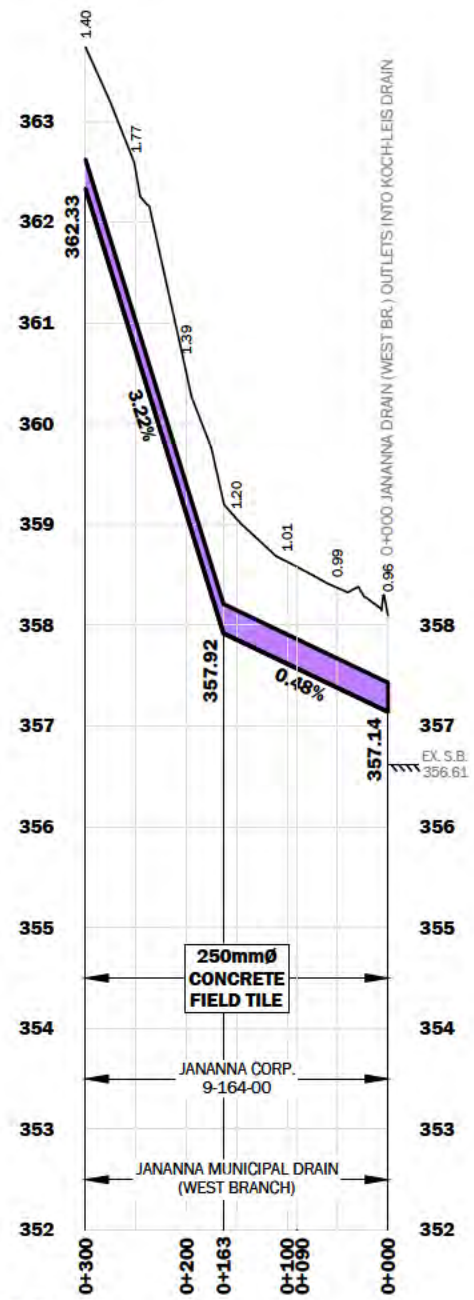
| MATERIAL                                 | DIAMETER (mm) | STATION RANGE | LENGTH (m) |
|------------------------------------------|---------------|---------------|------------|
| 1. HIGH DENSITY POLYETHYLENE OUTLET PIPE | 250           | 0+000 - 0+006 | 6          |
| 2. CONCRETE FIELD TILE                   | 250           | 0+006 - 0+450 | 444        |
| 3. CONCRETE FIELD TILE                   | 200           | 0+450 - 0+760 | 310        |

**BENCHMARK DESCRIPTIONS**

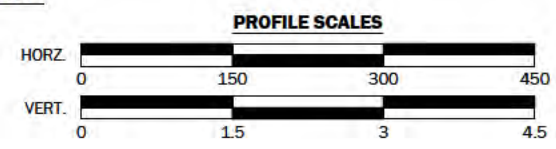
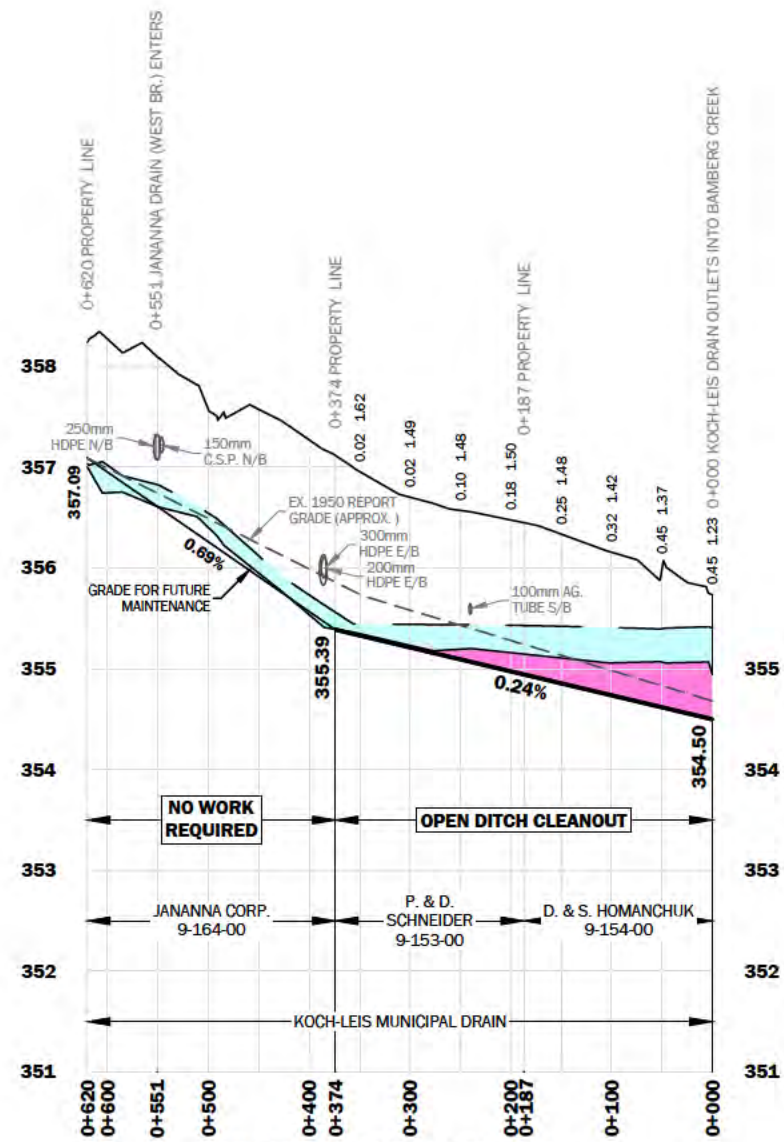
- BENCHMARK No. 1** ELEV.=357.81  
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** ELEV.=357.06  
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** ELEV.=356.23  
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT AT STA. 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.)



**WEST BRANCH PROFILE**



**KOCH-LEIS DRAIN PROFILE**



[Back to top](#)



| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>4 OF 6 |

WARD 2

**JANANNA  
MUNICIPAL DRAIN**

Bamberg Creek Sections

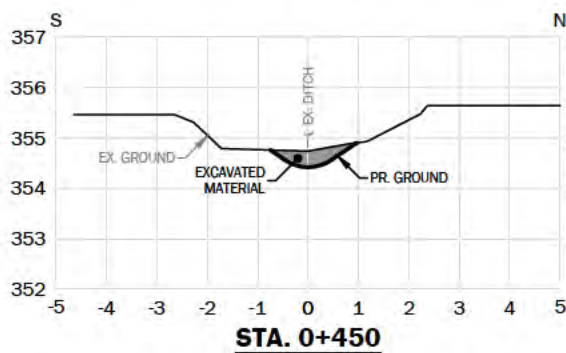
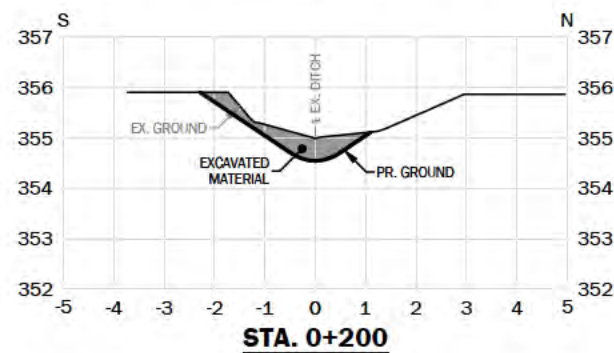
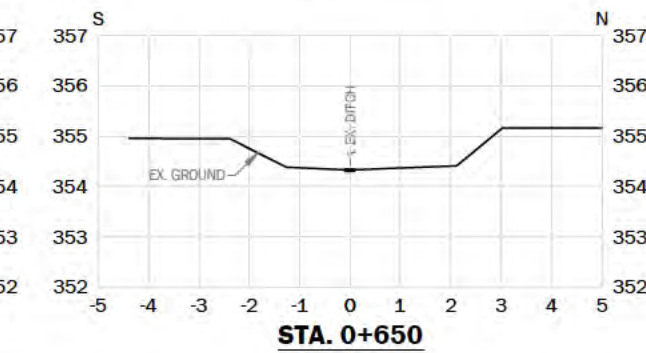
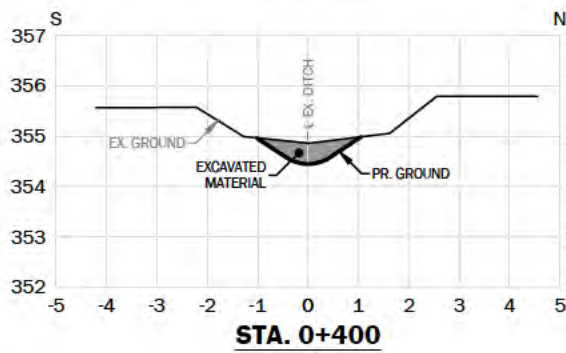
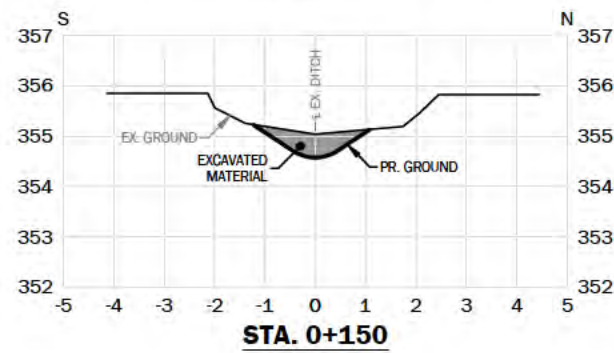
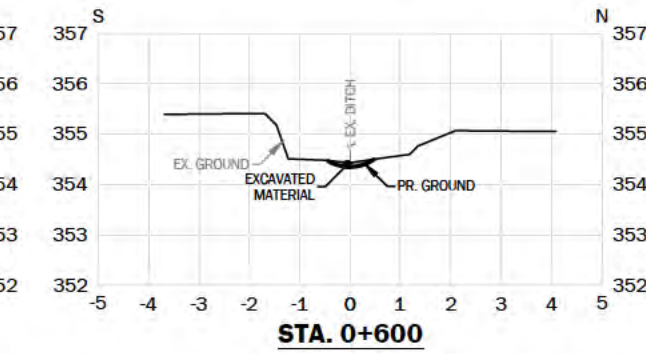
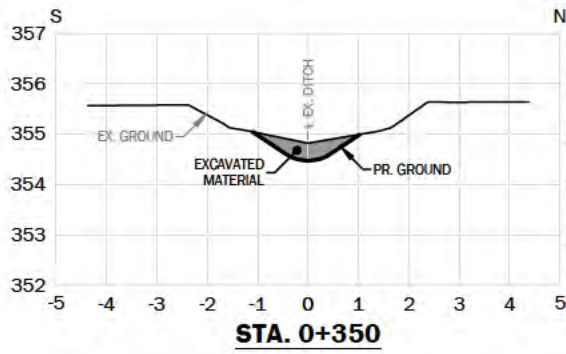
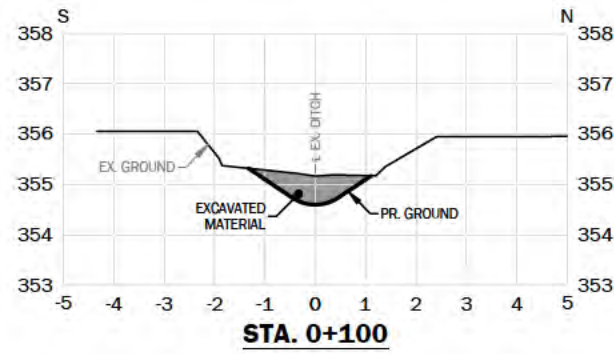
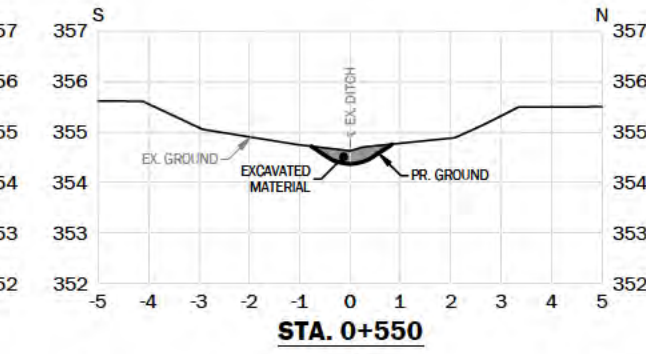
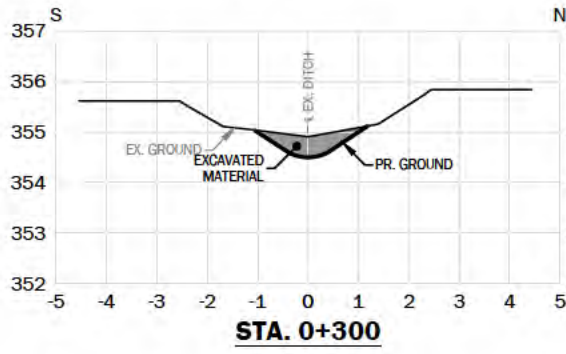
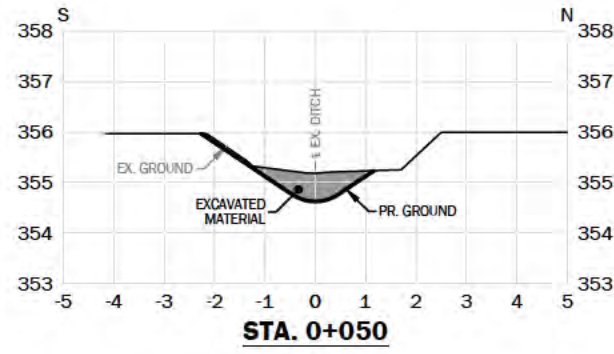
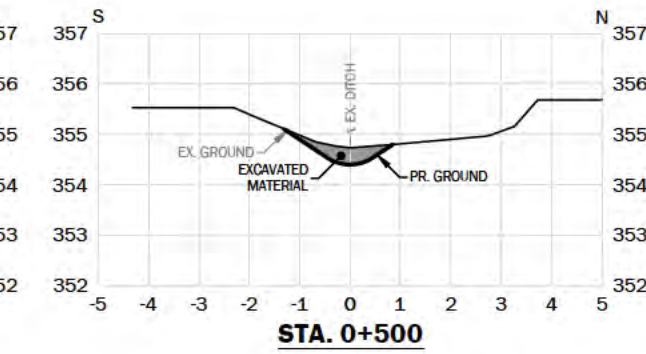
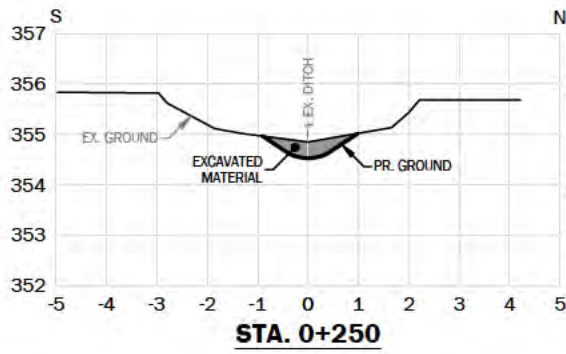
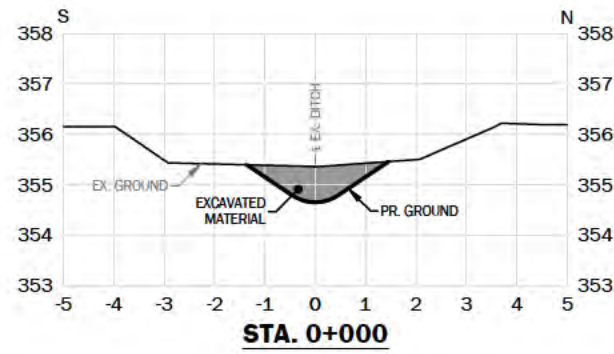
**BENCHMARK DESCRIPTIONS**

**BENCHMARK No. 1** **ELEV.=357.81**  
 NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234  
 (JANANNA EAST BR.)

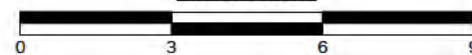
**BENCHMARK No. 2** **ELEV.=357.06**  
 TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537  
 (BAMBERG)

**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.)



SECTION SCALE



[Back to top](#)



|     |                            |                 |
|-----|----------------------------|-----------------|
| 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:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>5 OF 6 |

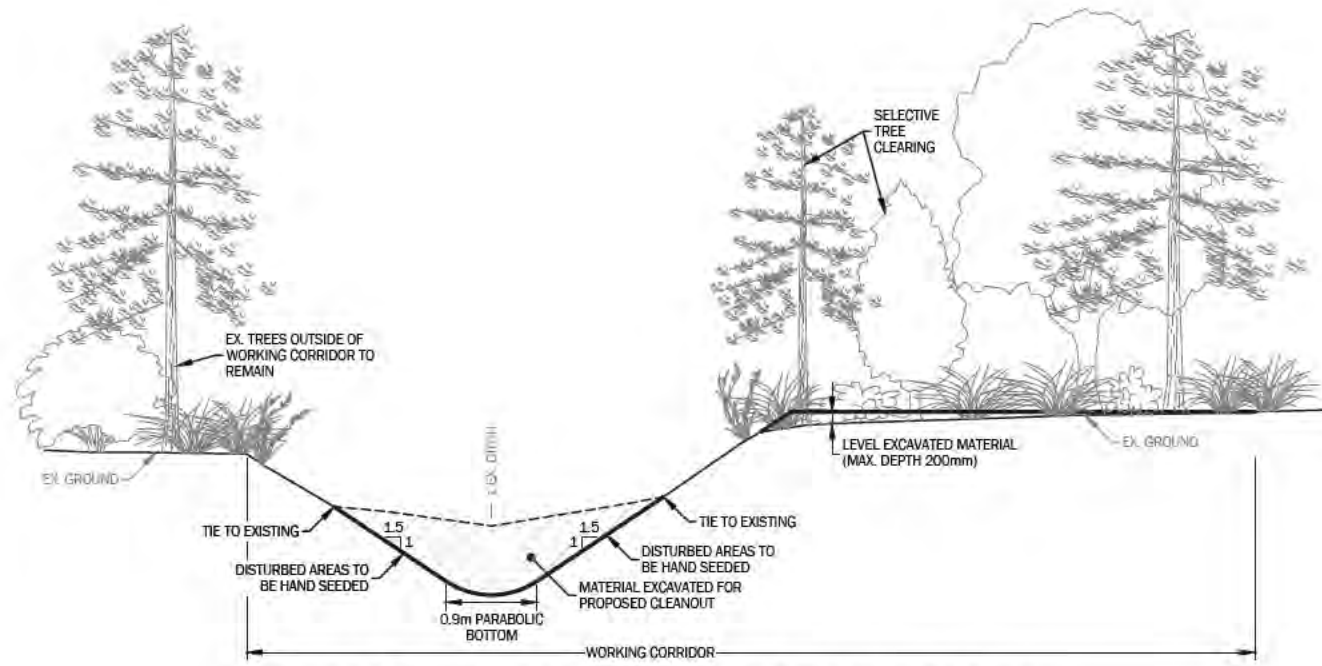
WARD 2

**JANANNA MUNICIPAL DRAIN**

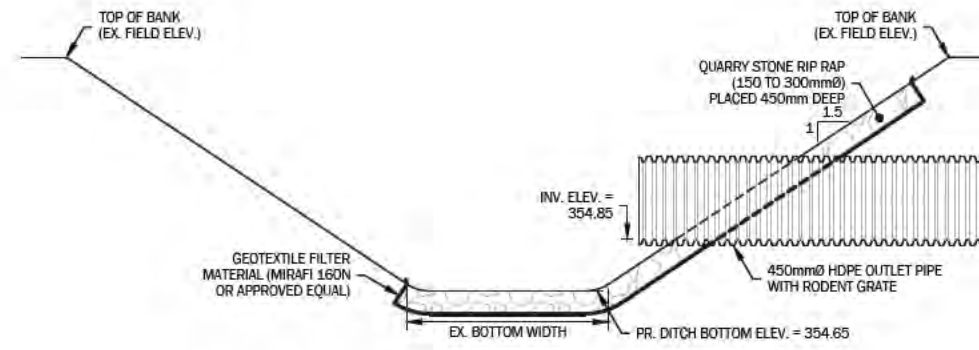
Details

**BENCHMARK DESCRIPTIONS**

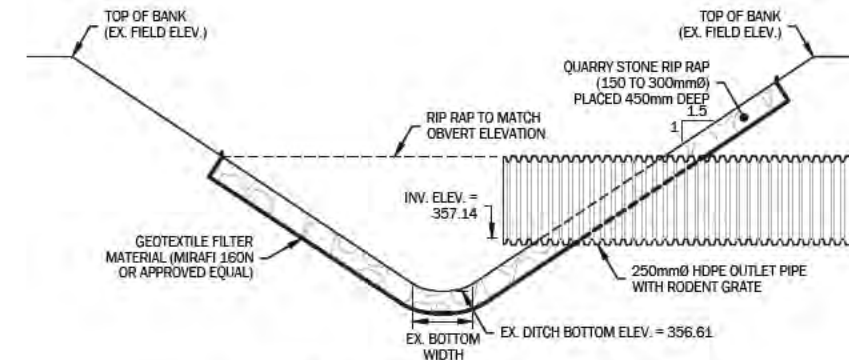
- BENCHMARK No. 1** **ELEV.=357.81**  
NAIL IN NORTH FACE OF FENCE POST 5m EAST OF STA. 0+234 (JANANNA EAST BR.)
- BENCHMARK No. 2** **ELEV.=357.06**  
TOP CENTRE UPSTREAM END OF CONCRETE BRIDGE AT STA. 0+537 (BAMBERG)
- BENCHMARK No. 3** **ELEV.=356.23**  
TOP CENTRE UPSTREAM END OF CONCRETE BOX CULVERT 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.)



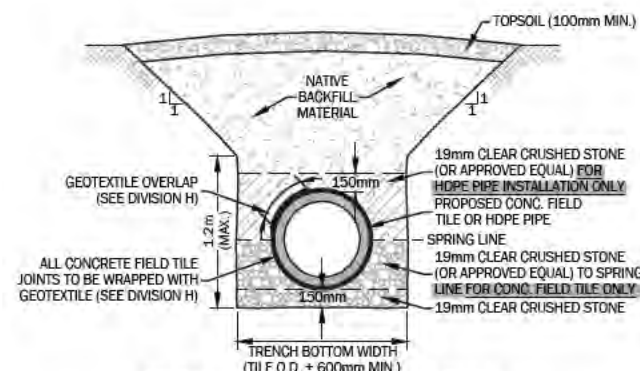
**TYPICAL OPEN DITCH CLEANOUT DETAIL (BAMBERG CREEK)**  
N.T.S.



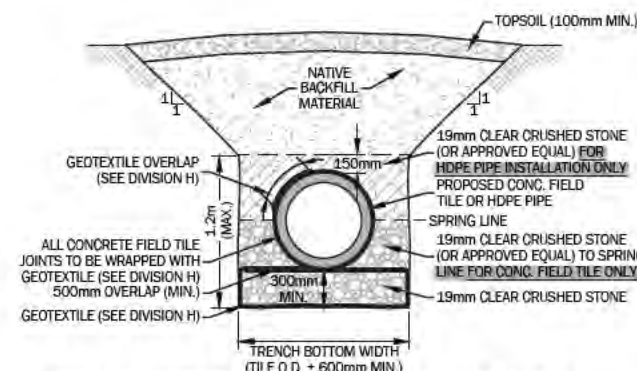
**EAST BRANCH OUTLET DETAIL**  
N.T.S.



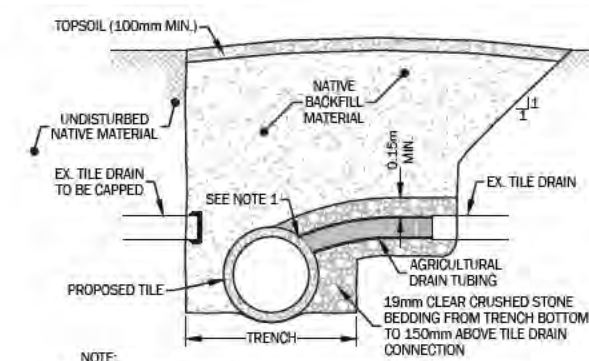
**WEST BRANCH OUTLET DETAIL**  
N.T.S.



**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 (YY-MM-DD) |



|                     |                           |                       |
|---------------------|---------------------------|-----------------------|
| DRAWN BY:<br>R.U.   | DESIGNED BY:<br>A.H.      | CHECKED BY:<br>S.B.   |
| DATE:<br>2023-04-28 | REFERENCE No.<br>WLMT-002 | DRAWING No.<br>6 OF 6 |

## Kaitlin Bos

---

**From:** Chad Curtis  
**Sent:** July 27, 2023 12:49 PM  
**To:** aharron  
**Cc:** John Kuntze; Stephen Brickman  
**Subject:** Notice of Sitting of Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Hello Amy,

Just a heads up, I'm going to be mailing out (via registered mails) the Notice of Sitting of Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 to affected landowners, utilities, etc. tomorrow morning.

What would be the best method of getting the notices to you so you can send to Wellesley's affected parties? Let me know what would work best and I'll accommodate.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

## Kaitlin Bos

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** July 27, 2023 1:32 PM  
**To:** Chad Curtis  
**Cc:** John Kuntze; Stephen Brickman  
**Subject:** RE: Notice of Sitting of Court of Revision - 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.

Hello Chad,  
Is it possible to send the documents to me electronically and I can print and mail?

Thank you.

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



The Township of Wellesley has adopted a compressed work week schedule. I am currently working 5 days a week from 8:30a.m. to 4:00p.m. For all staff schedules please visit the [Township website](#). For in-person service, we are recommending that you make an appointment to ensure the staff member you wish to see is in the office. If you require immediate assistance during office hours, please call the office at 519-699-4611 and another staff member would be happy to assist you.

*IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.*

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Thursday, July 27, 2023 12:49 PM  
**To:** Amy Harron <aharron@wellesley.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** Notice of Sitting of Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023

Hello Amy,

Just a heads up, I'm going to be mailing out (via registered mails) the Notice of Sitting of Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drains 2023 to affected landowners, utilities, etc. tomorrow morning.

What would be the best method of getting the notices to you so you can send to Wellesley's affected parties? Let me know what would work best and I'll accommodate.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

Lucy Gawron  
[REDACTED]

Township of Wilmot  
NOB 2T0

Dear Sir/Madam:

Re: **Notice of Decision of Council on Petition  
1184 Gerber Road, N ½ Lot 10, Concession 3B  
Township of Wilmot**

Take notice that the Council of the Corporation of the Township of Wilmot received a petition under Section 4(1) of the Drainage Act. The petition was acknowledged by Council at their meeting of May 17, 2021 and the following resolution was passed:

**BE IT RESOLVED:**

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.

If you have any questions please contact my office.

Yours truly,

Tracey Murray  
Deputy Clerk

---

\*\*\*This information is available in accessible formats upon request\*\*\*



John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, September 7, 2022 2:11 PM  
**To:** Stephen Brickman; Bryan Bishop  
**Cc:** Adam Hall  
**Subject:** RE: Jananna/Gawron - Petitioner meeting

Hi Stephen

Thank you for the update on the Gawron petition.

I have a Wilmot/Wellesley drain meeting scheduled for September 13 at 1:30pm so I will not be at your meeting with Lucy Gawron on September 13.

Bryan will be at the above meeting with me.

As you noted I don't think it would be necessary for me to attend this preliminary meeting you are having with Lucy regarding the westerly branch.

I will try to be available for public info meeting on the drain later this month.

John

---

**From:** Stephen Brickman [mailto:stephen.brickman@headwayeng.ca]  
**Sent:** September 7, 2022 1:07 PM  
**To:** Bryan Bishop <bryan.bishop@wilmot.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>  
**Subject:** Jananna/Gawron - Petitioner meeting

Hi John & Bryan,

We just wanted to let you know that we scheduled a 'Petitioner Meeting' with Lucy and her family for next Tuesday (September 13) at 2:00pm at her place. The purpose of this meeting would be to mainly discuss the western branch/drain on her property which outlets into the Koch-Leis Drain. We wanted to talk about this with her, as it may affect what we present at the public meeting.

We're just sending this email to keep you in the loop. It's up to you if you'd like to attend. John - Lucy said she'd like it if you could come to the public meeting, which we have tentatively penciled into our calendar for the end of September.

Thanks guys!

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614, Ext. 1  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Friday, November 4, 2022 8:36 AM  
**To:** Justin Miller  
**Cc:** Wilmot drains; Stephen Brickman; Adam Hall  
**Subject:** RE: : Jannana Municipal Drain  
**Attachments:** Drainage Act Appeals.pdf

Good morning Justin

My apology for the delay in responding to your email.

Initially your email was in my Junk Email folder since I have not had previous email communication with you.

I do check that folder periodically and had transferred your email to my Inbox as I was wanted to respond to your email.

Please note that any appeal process under the Drainage Act does not commence until after the appointed Engineer has filed a report on the petition by Jananna Corp. As you aware Headway Engineering was appointed to prepare the report on the petition and they are currently going through the process of completing that report.

At this stage I would encourage you to contact Headway Engineering if you have any questions, comments or concerns.

For your information I have attached a copy of a Fact Sheet from the OMAFRA website which outlines the appeal process under the Drainage Act.

The link below will take you to the OMAFRA website which has additional information on the Drainage Act process.

<http://www.omafra.gov.on.ca/english/landuse/drainage.htm>

The following is a very brief summary of the Drainage Act process once the Engineer's report is filed with the Clerk.

- Report is sent to all assessed and affected landowners with a notice for a council meeting to consider the report
- Landowners are encouraged to attend the public meeting to address questions or concerns to the Engineer and to Council
- Next meeting is the Court of Revision for assessed landowners to appeal their assessment
- Assessed owners are provided information on this appeal process
- After the process before Council any assessed or affected landowner can appeal to the Drainage Tribunal if not satisfied with the report of the Engineer or the assessment to their property
- Appeals on legal matters related to Drainage Act process go before the Drainage Referee

The attached OMAFRA Fact Sheet provides additional information on the above brief outline.

I trust the above gives a bit better understanding of the Drainage Act process that is currently in progress for the Jananna Corp petition.

As Township Drainage Superintendent I can provide further input to you on the above process if requested.

That input can be by email, telephone or I would be able to meet with you in person.

John Kuntze, Drainage Superintendent  
Township of Wilmot



**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](mailto:jkuntze@ksmart.ca)

---

**From:** Justin Miller [REDACTED]  
**Sent:** October 31, 2022 12:14 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** : Jannana Municipal Drain

Kindest Regards,  
Justin Miller

Begin forwarded message:

**From:** Justin Miller [REDACTED]  
**Date:** October 31, 2022 at 11:48:47 AM EDT  
**To:** [jukuntze@ksmart.ca](mailto:jukuntze@ksmart.ca)  
**Subject:** Jannana Municipal Drain

Hi John, I'm inquiring on behalf of myself and Ron and Rose McCormick. We are both non-benefitting properties who are each on the hook for some of the cost of the drain. I was wondering if you could direct me to how to begin the appeal process?

Kindest Regards,  
Justin Miller

John Kuntze

---

**From:** John Kuntze  
**Sent:** Tuesday, November 8, 2022 10:55 AM  
**To:** Adam Hall  
**Cc:** Stephen Brickman; Garth Noecker; Wilmot drains  
**Subject:** RE: Jananna Drain - Koch-Leis Meeting

Hi Adam

I could attend on November 24 at 1pm.

I have an appointment in Kitchener at 4pm so I would have to leave by 3:30pm which should not be a problem as I don't think this meeting will be a long meeting.

John

---

**From:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Sent:** November 8, 2022 9:16 AM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Garth Noecker <[gnoecker@ksmart.ca](mailto:gnoecker@ksmart.ca)>; Wilmot drains <[drains@wilmot.ca](mailto:drains@wilmot.ca)>  
**Subject:** RE: Jananna Drain - Koch-Leis Meeting

Hi John,

Would you be available to push this meeting back a week to November 24 at 1pm?

Thanks,

Adam

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** November 3, 2022 10:08 AM  
**To:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Garth Noecker <[gnoecker@ksmart.ca](mailto:gnoecker@ksmart.ca)>; Wilmot drains <[drains@wilmot.ca](mailto:drains@wilmot.ca)>  
**Subject:** RE: Jananna Drain - Koch-Leis Meeting

Hi Adam

Yes I would be available on November 17 at 1pm for a meeting with the Koch-Leis Drain landowners.

After my follow up call with Stephen after the last meeting for the Jananna Drain I had meant to do a follow up email.

First I wanted to commend you and Stephen for great work on the Jananna Drain especially at that last meeting. I believe the two neighbours aptly demonstrated that the only way their issues will ever be resolved is under the Drainage Act..

Other owners in the watershed will likely be a challenge also.

For your information I have attached a copy of an email I received on Monday.

We know a drain will be a challenge when landowners are planning their appeals before the report is even filed.

I see by the sign in sheet that Justin Miller signed in for Ridgeway Acres which I assume will be parcel 1-007 owned by Natalee Ridgeway.

I will be replying to Justin Miller shortly.

Second, I agree with and support the work you have proposed on Bamberg Creek.

The work on Bamberg Creek will be a great improvement for the outlet of the Koch-Leis Drain.

For your information I have attached a summary of the maintenance work completed on the Koch-Leis Drain.

You will note that I have cleaned out the Koch-Leis Drain three times starting in 2012.

In June 2010 I had met with Wilfred Kittel (Cory Kittel's father) about cleaning out Bamberg Creek.

I was not able to do a creek cleanout but this meeting did lead to removal of beaver dams as outlined in the attached summary as the beaver dams were affecting the outlet of Koch-Leis Drain. The cost of the beaver dam removal was levied to the Koch-Leis Drain.

Wilfred had told me at that time that several landowners had got together in the 1940s to create the straight alignment portion of Bamberg Creek that exists today. This work was not done under the Drainage Act.

As I discussed with Stephen I would like to see the current report set a new grade for the Koch-Leis Drain up to the Gawron tile outlets that will match the new bottom of Bamberg Creek.

This work on the Koch-Leis Drain outlet along with a share of the cost for the Bamberg Creek work should be assessed to the Koch-Leis Drain watershed.

I had mentioned to Stephen that there may be issues on the Koch-Leis Drain in Wellesley Township.

I have since talked to Garth Noecker who does the Wellesley Township Drainage Superintendent work and he noted that he is not currently aware of any major issues with the drain in Wellesley Township. I have copied Garth on this email. He may wish to attend the meeting on November 17 on behalf of Wellesley Township.

Please note that your current watershed plan should not reference a 2013 report for the Koch-Leis Drain.

As noted in the summary attached the 2013 watershed plan was prepared to assist with the levy of the 2012 maintenance.

This plan recreated a more readable watershed plan than the copy with the 1952 report.

Did I provide you with a copy of the 1952 Koch-Leis Drain report back when you were appointed for this report?

In case I did not the link below will give you access to the information I have for the 1952 report.

[Koch-Leis Drain](#)

I have always had a hard time getting the correct spelling for Cory's last name.

I am fairly certain the correct spelling is "Kittel". At least that is how Cory spelled his last name in emails I received from him.

You may want to correct this name on the watershed plan and in the schedules.

Wanted to note also that Rosemary McCormick is Cory Kittel's sister based on ownership information I have for Cory's property in 2009.

I also believe there may be a connection between Natalee Ridgeway and the Kittel's as the property she owns was where Wilfred Kittel lived when I went to see him in 2010.

Lastly, I am trying to find more information on the tile outlet that enters Bamberg Creek from the east near the outlet of the Koch-Leis Drain.

I believe that tile provides outlet for tile drainage on parcel 9-151 as I recall having discussion with that owner (David Koehler) when I was removing beaver dams from the creek in 2010.

Let me know if you need any further information on the Koch-Leis Drain.

John

---

**From:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>  
**Sent:** November 2, 2022 2:37 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** Jananna Drain - Koch-Leis Meeting

Hi John,

Would you be available November 17<sup>th</sup> at 1:00pm for an information meeting with the Koch-Leis landowners?

Thanks,

**Adam Hall**

Project Coordinator | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext 3

E: [Adam.Hall@headwayeng.ca](mailto:Adam.Hall@headwayeng.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, November 9, 2022 7:02 PM  
**To:** Adam Hall; Stephen Brickman  
**Subject:** Koch-Leis Drain - Bamberg Creek

Hi Adam

Firstly, I noted your request to Jeff Molenhuis about ownership info for Roll 9-156.

I thought you had the correct owner on your plan at the last meeting – Kenneth & Catherine Heintz.

Ken Heintz was at the meeting on September 29.

I have been involved with Ken a number of times over the years mostly related to Koch-Leis Drain on the Schneider farm which he rents.

I did look at a drainage issue in the southwest corner of his farm related to surface water and tile drainage from his neighbour to the west.

The work proposed on the lower portion of the Koch-Leis Drain should help resolve one of the issues he has had on the Schneider farm.

In the past when the Koch-Leis Drain was in poor condition the ditch flow from the north would overflow the bank where there is the slight bend in the ditch to the southeast. This would be due to the flatter grade and overgrown portion of the Koch-Leis ditch southeast to Bamberg Creek.

Once the flow overflowed the bank it would flood low areas to the south of the ditch and create a wet area along the ditch as the flow continued southeast to the south of the ditch.

Ken has own backhoe. After the major ditch cleanout in 2012 I noted that Ken had dug a lateral ditch south from the Koch-Leis at the bend to try and get a low area to the south of the ditch to drain into the Koch-Leis Drain ditch.

You can see this ditch on the 2014 to 2018 aerial photography. I noted on the 2020 aerial photography he was able to cultivate the land to the top of the south bank of the Koch-Leis Drain ditch on the Schneider property.

Secondly, I have discovered now that I had the order of the farms to the east of Bamberg Creek mixed up.

2009 ownership info in my file had indicated that David Koehler was the owner of 9-151 which is now owned by Borissova.

Last week I had discussion with Bruce Koehler (David's brother). At one time Bruce farmed near the intersection of Berlett's and Sandhills Roads. I had done numerous drain repairs over the years that affected his farm. I had recalled discussion with Bruce in the past about the tile outlet for his brother's farm.

In my discussion with Bruce I learned that his brother David still has his farm (Roll 9-152) which is the on the east side of Borissova.

Bruce Koehler recalls that his brother's farm did have tile outlet through the Kittel farm, mostly due north to Bamberg Creek.

This tile outlet would not be into the part of the creek you are working on.

I did mention to Bruce the 150mm tile outlet that you found on the east bank of the creek on the Homanchuk property.

At one time Bruce Koehler had rented this farm when it was owned by McMurray so he was bit familiar with the drainage on this farm.

Bruce recalls this tile drain which he believes continues east and south to the pond on the Homanchuk property to control overflow from the pond.

Bruce did not think there was any other tile drainage on the Homanchuk property.

I am checking with Roth Drainage to see if they have tile plans for the Borissova and Koehler farms.

I will let you know what I find out but I don't think this tiling will be linked to the part of Bamberg Creek that is to be worked on.

John



John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, November 9, 2022 6:10 PM  
**To:** 'Shirley Roth'  
**Subject:** Tile Drain plans

Hi Shirley

I am working on a drain project in Wilmot Township that affects 2 farms in the south part of Lot 9 Con 3 Block B. These farms front on Berlett's Road.

The easterly farm is owned by David Koehler (50 acres – SE¼ Lot 9 Con 3 Block B)  
I have not talked to David but I did talk to his brother Bruce Koehler.  
Bruce thought that Roth Drainage had done some tiling for his brother David.  
Can you check to see if you have any tile plans for this farm under the name David Koehler.

According to my discussion with Bruce Koehler he thought that the westerly farm may also have some tile installed by Roth Drainage.  
At the time the tiling would have done the owner would have been Heise.  
I think that is the correct spelling of the last name – I think the first name was Fred.  
Heise currently does not own the farm.  
This parcel would be 50 acres in the SW¼ Lot 9, Con 3 Block B.

Let me know if you find anything?  
If you find any maps I may stop by first to look at them before you get copies made.

John



John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, November 16, 2022 10:44 AM  
**To:** Garth Noecker  
**Subject:** Koch-Leis Drain meeting - Headway Engineering  
**Attachments:** 22-11-24 Koch-Leis Drain Info Meeting Notice.pdf

Garth

Attached is the notice for a meeting on the Koch-Leis Drain on November 24 at the Wilmot Recreation Center. I had copied you on my emails to Headway Engineering summarizing the need for work on the outlet end of the Koch-Leis Drain. This is related to the deepening they are recommending on Bamberg Creek related to a proper outlet for the Jananna Drain.

I will be at the meeting but primarily to represent Wilmot Township. Did you want to attend the meeting in the event there are any questions or comments about the drain in Wellesley Township?

John

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, November 23, 2022 1:53 PM  
**To:** Stephen Brickman; Adam Hall  
**Subject:** Jananna Drain - Bamberg Creek  
**Attachments:** Dave Koehler tile plan 1987.pdf

Stephen and Adam

In an earlier email I had indicated that I was going to check in to tile plans for farms south and east of Bamberg Creek. Did not have much success.

Did obtain the attached tile plan from Roth Drainage which is for Roll 9-152 (E½ Lot 9 Con 3B).

This farm is owned by Dave Koehler – I have never met Dave but I do know his brother Bruce which is how I tracked this tile plan down.

Tile outlet is north into Bamberg Creek through Kittel's property but the outlet is well to the north of the portion of the creek you are improving so I don't think this tile plan is overly relevant to your report.

I can see some trace of this tile outlet and tile drain pattern on some of the Waterloo Region photos from 2000 to 2020.

Roll 9-151 was at one time owned by Fred Heisse. Roth Drainage could not find any tile plans under this name.

Bruce Koehler thinks that there was tiling done on this farm in the past. The Dave Koehler tile plan shows a connection into tile on Roll 9-151.

I checked our library of Region photos from 1975 to 1995 but I don't have any of the photos for the area of Lot 9, Concession 3B.

Would have to go the Region office on Frederick Street to look up these aerial photos.

I don't think tile drainage of lands to the south and east of Bamberg Creek will be a significant factor in how you assess these lands for work on Bamberg Creek.

See you Thursday afternoon.

John

John Kuntze

---

**From:** John Kuntze  
**Sent:** Thursday, February 2, 2023 1:08 PM  
**To:** Jeff Molenhuis; Joel Miller  
**Cc:** drains; Ken VanderWal  
**Subject:** RE: Gerber Rd Municipal Drain (Paaff Drain)

Hi Jeff and Ken

Later today I hope to finally get the municipal drain status spreadsheet updated and circulated.

In the meantime here are my comments.

Jananna Drain/Bamberg Creek Drain/Koch-Leis Drain

Stephen Brickman, Headway Engineering is the engineer preparing the report.

The above drains are one report.

The Jananna Drain was initiated by the petition by the Gawron family farm on Gerber Road.

Bamberg Creek requires improvement for the Jananna Drain outlet.

The Bamberg Creek Drain improvement also affects the Koch-Leis Drain outlet.

The Koch-Leis Drain will have a better outlet through the Bamberg Creek Drain improvement so I requested that Stephen Brickman include in his report an improved grade for the outlet end of the Koch-Leis Drain.

Headway Engineering has had several site meetings with the owners affected by this project. The most recent meeting was November 24, 2022 with the landowners in the Koch-Leis Drain watershed.

Headway Engineering is now working on completing the report.

I will try to get an update on the report filing from Headway Engineering.

Paff Drain

Ken's summary is a good description of what is happening with the Paff Drain.

I have recommended a new report under Section 78 of the Drainage Act.

Section 78 report is to be requested by the development property in Wellesley.

I have provided the owner and his consultant with the required paperwork for a Section 78 request. The Section 78 request will be filed with Wellesley Township who will then appoint an engineer to prepare the report.

The engineer's report will be required to examine and make recommendations on the Paff Drain in Wilmot Township.

Let me know if anyone needs any further information on the above.

John

---

**From:** Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Sent:** February 2, 2023 10:38 AM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Joel Miller <jmiller@ksmart.ca>  
**Cc:** drains <drains@Wilmot.ca>; Ken VanderWal <ken.vanderWal@wilmot.ca>  
**Subject:** FW: Gerber Rd Municipal Drain (Paaff Drain)  
**Importance:** High

[John/Joel – can you help with status on these drains as well – Bamberg and Jananna.](#)

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Thursday, February 2, 2023 9:55 AM  
**To:** Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>

**Cc:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Woodhouse <[chad.woodhouse@wilmot.ca](mailto:chad.woodhouse@wilmot.ca)>

**Subject:** Re: Gerber Rd Municipal Drain (Paaff Drain)

Hi Ken,

Thank you for this update. After another conversation with a different constituent, they clarified and the group is curious about the Bamberg Creek, Jananna municipal drain. If possible, can you provide an update on this project please?

There are a number of really pissed off residents and I'm just trying to understand.

Cheers,



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>

**Sent:** Wednesday, February 1, 2023 11:55:59 AM

**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>

**Cc:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Woodhouse <[chad.woodhouse@wilmot.ca](mailto:chad.woodhouse@wilmot.ca)>

**Subject:** Gerber Rd Municipal Drain (Paaff Drain)

Councillor Wilkinson

Thank you for passing on the questions and concerns regarding the Pfaff Drain near Gerber Road. Works on the Pfaff Drain are proposed to accommodate a proposed development in Wellesley.

Wilmot, Wellesley and Regional staff are currently in discussion regarding the Pfaff Drain as it relates to the proposed Strohvest Subdivision development. As the Pfaff Drain portion in question is within Wilmot, we are party to the discussions as it relates to a drainage outlet as requested by the downstream landowners to determine if the proposed development and stormwater management will have any impacts on the drain and downstream land-owners.

If there are further questions or concerns regarding the work on this drain please let us know and we will have staff look further into the matter.

Sincerely



**Ken VanderWal P.Eng**  
**Manager of Engineering**  
**Infrastructure Services** | Township of Wilmot |  
O:519-634-8519 x. 239  
C:519-778-0449

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

Feb 9, 2023 Mtg with Cory (10:00am to 12:30)

I presented the latest dwgs showing the changes to the Koch-Lease Drain, which Cory could not have seen. I also presented the revised assessment schedules, showing the additional work on the Koch-Leis drain, and the change in assessments. I told him that his assessment had dropped (I also included the assessment he was presented with in September). I explained that a portion of that is because there was less work in Bamberg Creek, and also that we have accepted some of his arguments for being assessed too high (we may have overestimated his benefits).

He had the following points:

- No body wants the drain. He has talked to everybody and they have all signed a petition to stop the drain. (this point is frequently recurring)
- Nobody wants it, nobody asked for it
- This whole thing is for 1acre maybe.
- Everybody is opposed to it, but maybe for different reasons. Some have enviro issues, some have necessity issues. One person just lost their wife, another just had a baby, other's are on fixed income. ?
- Cory will fix the pond thing on his own dime. That should end the project. The lower acre at the bottom isn't worth it. - saying this since 2018
- The drain will disrupt the tiling that is already in place. - what tiling?
- The tiling that is already in place is a demonstration (to everybody in the watershed) that no new system is needed.
- People say we (headway) are making work for ourselves, and that John K. jumps into drains too quickly and doesn't filter out projects. 2018 memo says different petition was 2021
- Do you (SB) and John K. know each other, have you worked together in the past? Is this a gig to make work for each other?
  - I said John and I served on the LDC together for three years. Aside from that our, our paths occasionally cross, but No, I've never worked for John before.
- Even the people who are getting money back are against it (they signed the petition against the work) – he showed me the petition, it was two and half pages of names.
- He provided tile maps of Jananna's property, and phased tile maps of his property (not <sup>I gave to him</sup> completed but to be done). His tiling contractor's design looks perfect in my opinion interms of layout and headers. I don't know how they can outlet into Bamberg Creek, unless willing to be right at streambed. ? when was summary I gave Cory similar detail in May 2019
- He has prepared a lengthy powerpoint that I'm sure is intended for Council and Tribunals when the time comes.
- It doesn't make sense that Jananna is doing what they're doing.
- He asked for a breakdown of his assessment.
- He asked if I have the power to stop the project on the basis that it doesn't make financial sense.
  - I said we're obligated to fulfil our role under the DA as long as there is a valid petition.



- I said if we were to file a report stating that a works doesn't make sense, then the Jananna property could appeal, and they would definitely win.
- We talked about insufficient outlet for the lands that don't have outlet. That would make less sense as there is no benefit to be derived anywhere.
- This job is guaranteed to get appealed regardless (by Jananna or everybody else).
- Just because you can doesn't mean you should do the project.
- He said most farms consider drains to be a liability to the property, and a reason to not purchase. I said we've only found exactly the opposite. — agree to disagree.
- The benefits don't justify the work. He assess the benefits as only the 1 acre without outlet (which is being farmed).
  - I said that the 'benefits aren't commensurate with costs' argument isn't being applied property when you only consider the benefited area as being the area requiring drainage.
  - I explained that the drainage system needed to provide a sufficient outlet to the ARD also results in benefits to other lands. Although those lands are not in the ARD, they are still benefiting. Those benefiting lands (including all other properties) are how a determination regarding costs of the drain need to be justified.
  - He considers no other lands to be benefiting
- He didn't even know that the pond was causing problems and he's going to fix it in March (weather permitting). *he has been saying this for at least 3 years*
- He respects our technical judgement, but we haven't handled public relations well, nor simple accounting.
- The holding company in Wellesley is full of lawyers etc. *my thought doctors* and they will be opposing the project.
- Why isn't the rest of Bamberg Creek paying?
  - I discussed liable watershed, and the costs which are being assessed (the costs to provide an outlet to the liable watershed, and not the watershed proper).
- Nobody wants this. The Drainage Act is about helping the community.
- He asked about timelines. I said we wanted to file a report by the end of February.
- Nobody can explain why we are even doing this job.
- They survey/data sampling was done only during one day, and that isn't enough sampling to qualify as information to complete a design on. The site is so dynamic, and there should have been a year of data collection. ?
- **I said I may contact Jananna to see if they are open to discussing an agreement for a private drain on the East Branch.** I said it definitely isn't my job to convince them of anything, and he knows that, but he wants them to know (for context) that this is to relieve the community and not just them.

*AWF plan*

*outlet is 0.7m below DB  
and 1.9m below W/L*

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, February 22, 2023 12:03 PM  
**To:** Stephen Brickman  
**Subject:** RE: Meeting at Wilmot Township office

Thanks Stephen.  
You have some excellent points in your notes below.

My meeting this morning did not go to schedule.  
I did meet with Patrick Kelly and Ashton Romany online at 11am. Patrick had a conflict with 10am in person – something to do with a sick child which you have likely been through also.

The Clerk and the Deputy Clerk were not available.  
I did review some of the Jananna Drain issues with Patrick.  
His position as Director of Corporate Services is now over the Clerk's department.  
He said the new council has been receptive to staff input and working with staff prior to meetings. We decided that appropriate info in the staff report for the report consideration meeting should be able to give council appropriate direction on their options.  
As the appointed/independent Engineer it would be appropriate for you to pass on your comments below at the meeting to consider the report.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** February 22, 2023 9:10 AM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Meeting at Wilmot Township office

Thanks John,

Basically, the message I want the Council to know when doing a consideration is more/less the following:

When passing a provisional by-law, the Municipality is not approving the project in its whole. They are approving the project provisional to the appeals process. In more detail, they are approving the project either after the appeal period has closed with no appeals or after all appeals have been heard and decided upon by the appropriate body. Another way of looking at it is that the drainage project is asking the Council to initiate the appeals process with their provisional by-law.

Furthermore, the appeals process offers the appropriate venue and rules to be heard properly. The rules of procedure are purposefully designed for receiving all information fairly, and the appeal decision makers are trained specifically for dealing with any form of appeal. A Council meeting is not the appropriate venue to try to reach agreement, and I'd like for the Council to know that by creating the provisional by-law (provisional on the appeals process) they are actually offering the public the opportunity to be heard fairly in the appeals process.

That's my message, more/less.

**s.b.**

---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>

**Sent:** Tuesday, February 21, 2023 8:46 PM

**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>

**Subject:** Meeting at Wilmot Township office

Hi Stephen

I am meeting tomorrow morning with Patrick Kelly at the Wilmot Township office.

My meeting with Patrick is primarily to discuss the potential for debentures for landowners with large assessments on municipal drain projects.

However, I have noted some other issues that I would like to discuss with Patrick and the new Clerk Jeff Bunn.

One of the issues is what we talked about the other day relating to the Jananna Drain report when it goes before council.

Will let you know how my meeting goes.

John

John Kuntze

---

**From:** John Kuntze  
**Sent:** Monday, April 3, 2023 2:00 PM  
**To:** Jeff Molenhuis; Kris Wilkinson; Stewart Cressman  
**Cc:** drains; Ken VanderWal; Sharon Chambers; Stephen Brickman  
**Subject:** RE: Gerber Rd Municipal Drain (Paaff Drain)

Hi Jeff and Councillors Wilkinson and Cressman

The summary information outlined in the emails below is up-to-date with respect to my involvement with Jananna (Gawron) petition and the Jananna Municipal Drain report that Stephen Brickman, Headway Engineering, is working on.

I am working on a further response to Cory Kittel on background information for the petition that was filed.

I have been to the public meetings that Stephen Brickman has held and I have been in discussion with Stephen about the report he is working on.

For full detail on the report that is being prepared I would suggest contacting Stephen Brickman directly (226-243-6614).

If Councillors Wilkinson and/or Cressman want to reach out to me directly I would be happy to discuss the Jananna petition and the Drainage Act process to-date for this petition.

John



**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](mailto:jkuntze@ksmart.ca)

---

**From:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Sent:** Monday, April 3, 2023 1:47 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>; Stewart Cressman <[stewart.cressman@wilmot.ca](mailto:stewart.cressman@wilmot.ca)>  
**Cc:** drains <[drains@wilmot.ca](mailto:drains@wilmot.ca)>; Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Sharon Chambers <[sharon.chambers@wilmot.ca](mailto:sharon.chambers@wilmot.ca)>; Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Gerber Rd Municipal Drain (Paaff Drain)

Hi Councillors Wilkinson and Cressman,

I received emails from you both today on this topic so it is likely best to have you both in this dialogue. Cory Kittel has reached out to a number of us, and from what I can gather to date, the issue is related to process followed and technical solution.

I've copied in John and Stephen directly to speak to any outstanding concerns. It's my understanding John has responded to this individual as the drainage superintendent, not as the Engineer of Record, on the process. The following was sent from John to Cory Kittel (who has been reaching out to staff, Headway and KSmart these past few weeks):

“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.”

John – if you have anything further to provide, please let us know. if you wish to provide your full exchange as well, please do so.  
Stephen – feel free to provide your input directly.



**JEFF MOLENHUIS, P.Eng.** (He/Him)  
Director  
Infrastructure Services | Township of Wilmot | 519-634-8519  
extension 9238

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Monday, April 3, 2023 11:54 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>  
**Cc:** drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>  
**Subject:** RE: Gerber Rd Municipal Drain (Paaff Drain)

Hi Jeff,

I seem to have a lot of outreach from Ward 2 citizens on this drain in the last week. I appreciate your previous response as it's been helpful. However, I'm wondering though if we can have a more detailed chat about this? If not directly with you, then I'm happy to speak to whoever is best suited to discuss. I'm curious to know what the status is of this as well. Has council received the petition and appointed a committee?

Cheers,



**Kris Wilkinson**  
Councillor Ward 2  
Township of Wilmot | 519-807-4173

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Sent:** February 2, 2023 2:43 PM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>; Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>  
**Cc:** drains <[drains@Wilmot.ca](mailto:drains@Wilmot.ca)>  
**Subject:** RE: Gerber Rd Municipal Drain (Paaff Drain)

Hi Councillor Wilkinson, the following information was received from our drainage superintendent re Jananna:

**“Jananna Drain/Bamberg Creek Drain/Koch-Leis Drain**

Stephen Brickman, Headway Engineering is the engineer preparing the report.  
The above drains are one report.  
The Jananna Drain was initiated by the petition by the Gawron family farm on Gerber Road.  
Bamberg Creek requires improvement for the Jananna Drain outlet.  
The Bamberg Creek Drain improvement also affects the Koch-Leis Drain outlet.  
The Koch-Leis Drain will have a better outlet through the Bamberg Creek Drain improvement so I requested that Stephen Brickman include in his report an improved grade for the outlet end of the Koch-Leis Drain.  
Headway Engineering has had several site meetings with the owners affected by this project. The most recent meeting was November 24, 2022 with the landowners in the Koch-Leis Drain watershed.  
Headway Engineering is now working on completing the report.  
I will try to get an update on the report filing from Headway Engineering.”

In general, drain projects tend to upset those in the catchment area that haven't petitioned for the work as it usually means unanticipated and sometimes hefty costs for drainage works. The Drainage Act is in place generally to ensure all benefitting landowners contribute to drain works, and so sometimes it can be hard to realize the benefit when not being directly impacted through work on one's property. The time to complete the approval/design of these projects can also be upsetting, however residents should be aware they usually grow and are required to have specific interaction with impacted landowners, so it can take some time to work through those challenges.

I trust this is of assistance.



**JEFF MOLENHUIS, P.Eng.** (He/Him)

Director

Infrastructure Services | Township of Wilmot | 519-634-8519  
extension 9238

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

---

**From:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Sent:** Thursday, February 2, 2023 9:55 AM  
**To:** Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>  
**Cc:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Woodhouse <[chad.woodhouse@wilmot.ca](mailto:chad.woodhouse@wilmot.ca)>  
**Subject:** Re: Gerber Rd Municipal Drain (Paaff Drain)

Hi Ken,

Thank you for this update. After another conversation with a different constituent, they clarified and the group is curious about the Bamberg Creek, Jananna municipal drain. If possible, can you provide an update on this project please?

There are a number of really pissed off residents and I'm just trying to understand.

Cheers,



**Kris Wilkinson**

Councillor Ward 2

Township of Wilmot | 519-807-4173

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours

---

**From:** Ken VanderWal <[ken.vanderWal@wilmot.ca](mailto:ken.vanderWal@wilmot.ca)>  
**Sent:** Wednesday, February 1, 2023 11:55:59 AM  
**To:** Kris Wilkinson <[kris.wilkinson@wilmot.ca](mailto:kris.wilkinson@wilmot.ca)>  
**Cc:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Woodhouse <[chad.woodhouse@wilmot.ca](mailto:chad.woodhouse@wilmot.ca)>  
**Subject:** Gerber Rd Municipal Drain (Paaff Drain)

Councillor Wilkinson

Thank you for passing on the questions and concerns regarding the Pfaff Drain near Gerber Road.

Works on the Pfaff Drain are proposed to accommodate a proposed development in Wellesley.

Wilmot, Wellesley and Regional staff are currently in discussion regarding the Paff Drain as it relates to the proposed Strohvest Subdivision development. As the Pfaff Drain portion in question is within Wilmot, we are party to the discussions as it relates to a drainage outlet as requested by the downstream landowners to determine if the proposed development and stormwater management will have any impacts on the drain and downstream land-owners.

If there are further questions or concerns regarding the work on this drain please let us know and we will have staff look further into the matter.

Sincerely



**Ken VanderWal P.Eng**  
**Manager of Engineering**  
**Infrastructure Services** | Township of Wilmot |  
O:519-634-8519 x. 239  
C:519-778-0449

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



He mainly wanted to focus on East Branch and primarily 200mm tile to near his pond  
He did state that his pond water should not flow onto his neighbour  
He did not know pond was an issue until after on-site meeting  
He has consulted contractors and pond experts  
He is committed to a tile drain for his pond on his property at his expense that will solve pond problem  
He is also planning to improve his pond and improve grading along his property line  
Therefore 200mm tile is not required  
He still appears to believe he can tile and get an outlet without work on Bamberg Creek  
He noted that old tile still works?

I told him that dropping 200mm tile now would not create significant savings  
Any savings would only be to Cory and Jananna  
He can connect to 200mm tile therefore less cost for him to construct tile to pond  
Gawron family wants a permanent solution so will not likely accept dropping 200mm tile  
Tried to let Cory know that Gawron family does not accept his word  
He knew about problem in 2021 – 2023 still no solution – I did not point this out to Cory  
Noted that 400mm tile is for full watershed upstream not just 200mm tile and pond flow  
Noted that his tile plan can connect to the 400mm tile through CBs or directly  
There will be CB on property line to take flow  
Told Cory that he needs written and signed info from his contractors and experts on what is proposed  
Even after I explained issue with depth of Bamberg Creek I don't think he accepts this

He said he had issues with West Branch, not needed  
Bauer is retired and cannot afford the assessment

Numerous times I explained to him that anyone can appeal assessment through Court of Revision and that Drainage Act assessment is based on a parcel of land and is not adjusted based on the current owner or the use the current owner will make of the drain

Explained difference between benefit and outlet liability

Said numerous times he does not understand why Jananna needs drain and how they can justify the cost

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, May 24, 2023 11:32 AM  
**To:** Stephen Brickman; Chad Curtis  
**Cc:** Jeff Bunn  
**Subject:** RE: Updated COR 2023-38 Report  
**Attachments:** Bamberg Creek Jananna and Koch-Leis Municipal Drains - COR-2023-38-JK edit.docx

Hi Chad

I apologize for not having time to review your report on Tuesday.  
Any week where Monday is on a Tuesday never gets off to a good start.

Further to our phone conversation I have provided some additional comments on the staff report to council.  
Any of my changes do not necessarily need to be made for the current report if no further changes are possible.  
I wanted to send my comments so that you could make the changes for future use as a report template.  
Some of my edits can be clarified in the next report to Council for the meeting to consider the report.

John

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 24, 2023 10:11 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** RE: Updated COR 2023-38 Report

It looks very good, and its quite clear to me. No other comments other than those.

Thanks Chad!

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 24, 2023 10:06 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>  
**Subject:** Updated COR 2023-38 Report

Hello John and Stephen,

Just got off the phone with John regarding COR 2023-38 Report. He had some recommendations for the recommendation.

Let me know what you think.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)



**CORPORATE SERVICES**  
*Staff Report*

REPORT NO: COR 2023-38  
TO: Council  
SUBMITTED BY: Patrick Kelly, Director of Corporate Services/Treasurer  
PREPARED BY: Chad Curtis, Deputy Clerk  
REVIEWED BY: Sharon Chambers, CAO  
DATE: May 29, 2023  
SUBJECT: Bamberg Creek, Jananna, and Koch-Leis Municipal Drains

**RECOMMENDATION:**

THAT Council receive report COR-2023-20 as information; and

THAT the Engineer’s Report dated April 28, 2023, for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain for the construction of a new 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, and for improvements to portions of the Koch-Leis Drain, and the Bamberg Creek be accepted; and further,

THAT the Clerk be directed to schedule a Meeting to Consider the Report on June 12, 2023.

**SUMMARY:**

A municipal drain is a drainage system, usually made up of open ditches or closed systems such as pipes or tiles buried in the ground, that is constructed under the authority of a by-law under the Drainage Act (the “Act”) it becomes part of the municipality’s infrastructure to maintain. The municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain at the expense of all assessed benefiting property owners.

**BACKGROUND:**

**Commented [JK1]:** This change is suggested to avoid confusion with the Drainage Act definition of benefit and the dictionary definition of benefit

\*\*\*This information is available in accessible formats upon request\*\*\*

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:

This report has been prepared to assist Council in considering the Engineer's Report.

By **accepting** ~~provisionally adopting~~ 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.

**Commented [JK2]:** Provisionally adopting should be replaced with accepting so there is no confusion that provisional adoption will not take place at the May 29 meeting

At the **Consideration of the 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** ~~accepting~~ the Report by providing first and second reading to a **provisional** the Report 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** ~~affected landowner~~ 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~~.

**Commented [JK3]:** This wording is required to comply with Section 45(2) of the Drainage Act

**Commented [JK4]:** This bullet is probably not relevant to a report under Section 4 of the Act for a new drainage works. This bullet was included for the previous report which was under Section 78 for maintenance and improvement of an existing municipal drain.

Staff recommend **accepting** ~~provisionally adopting~~ the Engineers Report and proceeding ahead following the provisions under the Drainage Act.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Municipal drain maintenance supports the strategic plan focus areas of Responsible Governance and Environmental Protection.

FINANCIAL CONSIDERATIONS:

Based on the Drainage Engineer's Report, the total estimated cost of the project is \$462,900.

The Township of Wilmot has an estimated assessment of \$0 in association with these drainage works.

ATTACHMENTS:

Attachment 1 – Engineers Report

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, May 31, 2023 9:58 AM  
**To:** Chad Curtis; Stephen Brickman; Jeff Molenhuis  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hi Chad

I will let you and Stephen discuss the mailing of the reports further.  
Here are a few of my thoughts.

You should check all Wilmot roll numbers in the current assessment roll to ensure that there are no changes in ownership or mailing addresses.

I recall that Cory told me that he had his address updated for the assessment roll.

In any event you should use the address suggested by Stephen as Cory did tell me that is his correct mailing address now.

With respect to the Wellesley owners, the Act does state that the Wellesley Clerk should mail the reports.

I have noted that in most cases the Clerk of the initiating municipality will mail all the reports especially if there are not a large number of owners in the other municipality.

If you decide to mail the reports for Wellesley you should have Wellesley Township check their assessment roll for the current owners and mailing addresses in Wellesley Township. I recall recent discussion that there may be a change of ownership on one of the parcels in Wellesley Township.

You could forward Stephen's spreadsheet to Wellesley and ask them to update the information.

When you do the above you could also initiate discussion about Wellesley needing to appoint a member to the Court of Revision.

Stephen had also indicated when he filed the report that he was providing 6 copies of the report for Wellesley Township. If you want, I can easily deliver these 6 reports to Wellesley Township for you.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, May 31, 2023 9:34 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; Jeff Molenhuis <jeff.molenhuis@wilmot.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

Thanks for this.

I'm available at 1:30 p.m. Talk to you then.

Best,

chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Wednesday, May 31, 2023 9:32 AM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hey Chad,

Please find attached the ownership and mailing information that has been received from Wilmot & Wellesley. We complied it into one doc. The only thing we added is that Cory has asked for his mailing address to be changed to 1010 Gerber Road. So there's two address there for him - his address that was on file at the township, and the new one that he shared with me after the public meeting.

I could do a call around 1:30 this afternoon if that works for you.

**s.b.**

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, May 31, 2023 9:10 AM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen,

I'm looking to send out the Notice of the Meeting to Consider the Report at some point today. I was wondering if you had a list of the addresses of the people that I need to distribute the Notice and the Engineer's Report. I have the suggest distribution list, but no addresses or contacts for these residents.

I also have some questions about Wellesley's participation in this. Perhaps we could have a brief phone conversation to get our ducks in a row for Wellesley.

Any assistance would be greatly appreciated.

Best,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.



Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Thursday, June 1, 2023 8:50 AM  
**To:** Chad Curtis; Stephen Brickman; aharron  
**Cc:** Adam Hall  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hi Chad

That is great that you took a trip to Wellesley and met with Amy Harron. In the not too distant future you will be working with Amy again on the Paff Drain. In this case the roles will be switched as Wellesley will be the initiating municipality and Wilmot will be the other municipality.

The spreadsheet file that Stephen had sent you this week did have the Wellesley assessment roll information for the assessed owners.

Again, Amy should update this list for you.

Is Amy going to mail the Wellesley landowner reports or will you do that?

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Thursday, June 1, 2023 8:43 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; aharron <aharron@wellesley.ca>  
**Cc:** Adam Hall <adam.hall@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** RE: Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

Hello Stephen and John,

Yesterday afternoon I took a drive to Wellesley to meet Amy Harron (cc'd in this email) to drop off the Bamberg Creek, Jananna, and Koch-Leis Drains Engineer's Report and to discuss this file.

I forwarded Amy a copy of this email which included PDFs of the Engineer's Report and the Suggested Distribution List. Do you have a list of the addresses/roll numbers for the Wellesley distribution.

Thanks,

Chad

---

**From:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Sent:** Monday, May 8, 2023 8:20 AM  
**To:** Jeff Molenhuis <[jeff.molenhuis@wilmot.ca](mailto:jeff.molenhuis@wilmot.ca)>; Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Cc:** Adam Hall <[adam.hall@headwayeng.ca](mailto:adam.hall@headwayeng.ca)>; John Kuntze ([jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)) <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Bamberg Creek, Jananna, and Koch-Leis Drains - Report Filing

**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.

Hi Jeff & Chad,

Please find attached a pdf copy of the report for the above noted municipal drain. We've also included a document containing the suggested distribution of the paper copies of the report (delivered either last Friday, or today).

To get things started, we've suggested a schedule for processing the report into a by-law, but it's definitely open for discussion. The below schedule highlights in yellow the **Council Meetings** which are scheduled on the Twp calendar. If the Clerk/Council opt to schedule a Special Council, then the below schedule needs to be adjusted.

May 5 – Headway to deliver paper copies of report to Wilmot

May 29 – **Council Meeting** - Wilmot Council to instruct the Clerk to send notice of the meeting to consider the report (including notice of the Consideration and a copy of the report)

June 2 – Deadline for Clerk to send notice of consideration (and report) to landowners assessed

June 12 – **Council Meeting** to Consider the report

Between June 23 and July 4 – Clerk to send a copy of the provisional by-law, and a notice of the Court of Revision to Assessed Landowners

July 14 – Deadline for Appeals to the Court of Revision

July 24 – **Council Meeting** for Court of Revision (CoR) – Note: the CoR will need to include one member from Wellesley Township. **Special note – I am on vacation this week – we can talk about handling the CoR closer to the date, but I cannot do it in person. I can probably handle remote.**

August 2nd to August 13 (the precise date is 40 days after the provisional by law is actually circulated) – Deadline to Appeal to Tribunal under Section 48 (Design/engineering related appeals)

August 14 – Deadline to Appeal to Tribunal under Section 54 (Assessment/Cost Sharing appeals only)

If the CoR date gets shuffled around, then the schedule will have to be adjusted beginning after the June 12 Council Meeting to consider the report. Typically, we put in when the Third Reading could take place, but I consider it a certainty that there will be a Tribunal Hearing, and therefore, projecting that far doesn't make sense at this time.

Like I mentioned before, the above schedule is for discussion. If you have any questions, please let us know.

Thanks everybody! Take Care.

**Stephen Brickman, P.Eng**

Project Manager/Engineer | Headway Engineering

[headwayeng.ca](http://headwayeng.ca)

P: 226 243 6614, Ext. 1

E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Thursday, June 8, 2023 8:43 AM  
**To:** Cory Kittel  
**Cc:** Chad Curtis  
**Subject:** RE: Quick Question RE: Jananna Petition

Hi Cory

Section 4(2) of the Drainage Act notes that the petition shall be on the form prescribed by the regulations. The only check that the municipality would make when a petition is filed to comply with the words you noted would be to ensure that the petition is on the form specified in the Drainage Act Regulations which is Form 1 in Ontario Regulation 381/12.

<https://www.ontario.ca/laws/regulation/120381>

If the petition is on Form 1 then *"Where a petition in accordance with Section 4 has been filed"* would be satisfied. The Jananna Corp petition was on Form 1.

I would also note that to understand the Drainage Act process for a petition one has to consider all parts of the Act that reference the petition.

As I noted previously Section 9(2)(b) is clear that the *"engineer shall determine whether the petition complies with Section 4 for the area requiring drainage"*.

Therefore there is no reason why the municipality would be making *"pre-engineer"* decisions on the validity of a petition that is filed.

John

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Tuesday, June 6, 2023 10:27 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Chad Curtis <chad.curtis@wilmot.ca>  
**Subject:** Re: Quick Question RE: Jananna Petition

Hey John, thanks for getting back to me on this. The way this section reads in the Drainage Act, which is pre engineer, someone at the Township had to decide if the petition was "in accordance"

**Drainage works constructed on petition**

5 (1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, send notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons. R.S.O. 1990, c. D.17, s. 5 (1); 2010, c. 16, Sched. 1, s. 2 (3, 4); 2020, c. 18, Sched. 4, s. 2

Am I getting that right?

Cory

On Tue, Jun 6, 2023 at 3:55 PM John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)> wrote:

Hi Cory

Determining whether or not a petition is valid under Section 4(1) of the Drainage Act is the responsibility of the appointed Engineer following the on-site meeting as outlined in Section 9(2) of the Drainage Act. The Engineer noted the validity of the petition in Section 2.0 Project Authorization in the report dated April 28, 2023.

A municipality is not required to determine validity of a petition when the petition is filed with the municipality.

When a petition is filed the municipality should make sure that the ownership on the petition matches the current assessment roll.

The municipality should also make sure the ownership is shown in the correct category on page 2, ie Sole Ownership, Partnership or Corporation.

When I was contacted by the Gawron family in April 2021 that they wanted to proceed with a petition under the Drainage Act I first confirmed the current ownership of their parcel and made sure that ownership information was correctly entered on page 2 of the petition.

John

---

**From:** Cory Kittel [REDACTED]  
**Sent:** Tuesday, June 6, 2023 1:30 PM  
**To:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Quick Question RE: Jananna Petition

Hey John,

Just a quick question for you. Going back here for a sec , based on the Drainage Act, what made the Jananna petition valid to begin with? I guess that would have been an assessment you would have had to make when they originally filed the petition, is that correct?

Cory

[REDACTED]

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, June 21, 2023 10:23 PM  
**To:** Patrick Kelly; Chad Curtis; Stephen Brickman  
**Cc:** Jeff Bunn; Candice Greenley  
**Subject:** RE: BJKL By-law  
**Attachments:** By-law 2023-XX - JK edit.pdf; By-law 2023-XX - JK comments.pdf

Hi Chad

Attached is my edit of the changes required to the bylaw.  
Second attachment has my notes on the changes required.

Key addition is that thought there is no Township land or road assessment the Township still has to carry the total estimated cost of the drain to completion.  
Therefore I have noted several spots where you have to include the total cost from the report.  
Since Wellesley is involved the table on page 1 has to be completed.

I would go with no debenture.

I recall Patrick that in previous discussion with you and Ashton that we decided if anyone wanted to do a debenture we would look in to that with the final cost levy bylaw.

John

---

**From:** Patrick Kelly <patrick.kelly@wilmot.ca>  
**Sent:** Wednesday, June 21, 2023 5:12 PM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Cc:** Jeff Bunn <jeff.bunn@wilmot.ca>; Candice Greenley <candice.greenley@wilmot.ca>  
**Subject:** RE: BJKL By-law

Hi Chad,

I will need to defer to John on this one. While the Township has no "skin" in the game, we will be carrying the costs of pre-engineering works and construction until the levying by-law is approved for billing to benefitting property owners.

Given the value of the works, I do not anticipated any debentures would be necessary to meet the carrying costs.

John – please advise if the by-law is filled out appropriately.

Regards,



**PATRICK KELLY CPA, CMA**  
**Director of Corporate Services / Treasurer**  
**Corporate Services | Township of Wilmot | 519-634-8519 x. 9258**

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Wednesday, June 21, 2023 12:11 PM  
**To:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>; Patrick Kelly <[patrick.kelly@wilmot.ca](mailto:patrick.kelly@wilmot.ca)>  
**Cc:** Jeff Bunn <[jeff.bunn@wilmot.ca](mailto:jeff.bunn@wilmot.ca)>; Candice Greenley <[candice.greenley@wilmot.ca](mailto:candice.greenley@wilmot.ca)>  
**Subject:** BJKL By-law

Hello Stephen, John, and Patrick,

Can you all take a look the by-law that will be going on the June 26, 2023, Regular Council agenda for a first and second reading?

Patrick, I included you in this email because there is information regarding debentures that I would like you to confirm.

Best,



**Chad Curtis (he/him)**  
Deputy Clerk  
Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Tuesday, June 27, 2023 5:09 PM  
**To:** Amy Harron; Chad Curtis  
**Cc:** Stephen Brickman  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Amy

The July 11 date to appoint the Wellesley representative for the Court of Revision is OK.  
My email response to Chad will have crossed paths with your email.  
Court of Revision notices are not to be mailed until July 17

---

**From:** Amy Harron <aharron@wellesley.ca>  
**Sent:** Tuesday, June 27, 2023 5:06 PM  
**To:** John Kuntze <jkuntze@ksmart.ca>; Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi John,  
Wellesley's last council meeting, and opportunity to appoint a member of council to the court of revisions, is July 11<sup>th</sup>. I just want to confirm that it is fine to move ahead with that appointment ahead of the notice mailing?

Thank you

Amy Harron  
Deputy Clerk

Township of Wellesley  
4639 Lobsinger Line, R.R. #1  
St. Clements, Ontario  
NOB 2M0

Direct Line: 519-699-3968

Fax: 519-699-4540

[www.wellesley.ca](http://www.wellesley.ca)



**NOTE: The Township of Wellesley is piloting a four day work week program. As a result, I will currently be available Tuesday to Friday from 8:00a.m. to 4:30p.m. Outside of these hours I will respond at my earliest availability. If you require immediate assistance during office hours on a Monday, please call the office at 519-699-4611.**

**IMPORTANT NOTICE: This communication (including attachments) is intended solely for the named addressee(s) and may contain information that is privileged, confidential and exempt from disclosure. No waiver of confidence, privilege, protection or otherwise is made. If you are not the intended recipient of this communication, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.**



---

**From:** John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Sent:** Tuesday, June 27, 2023 5:04 PM  
**To:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>; Amy Harron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>  
**Subject:** RE: Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hi Chad

As per my notes in the attached email the Court of Revision notices should not be mailed until July 17 in order to comply with the requirements of the Drainage Act.

You can enjoy your time off and you and Amy can look after mailing the Court of Revision notices when you return.

Not sure that I had reviewed a copy of the Court of Revision notice for the Delton Reibling Municipal Drain. Could Stephen and I review a copy of the Court of Revision notice for the Jananna Municipal Drain?

John

---

**From:** Chad Curtis <[chad.curtis@wilmot.ca](mailto:chad.curtis@wilmot.ca)>  
**Sent:** Tuesday, June 27, 2023 4:01 PM  
**To:** aharron <[aharron@wellesley.ca](mailto:aharron@wellesley.ca)>  
**Cc:** Stephen Brickman <[stephen.brickman@headwayeng.ca](mailto:stephen.brickman@headwayeng.ca)>; John Kuntze <[jkuntze@ksmart.ca](mailto:jkuntze@ksmart.ca)>  
**Subject:** Court of Revision - Bamberg Creek, Jananna, and Koch-Leis Municipal Drain

Hello Amy,

At the Township of Wilmot's June 26, 2023, Regular Council meeting, Council approved the recommendation for the Bamberg Creek, Jananna, and Koch-Leis Municipal Drain Court of Revision to be held on August 16, 2023 at the Township of Wilmot Administration Complex.

On Thursday I am leaving on vacation for a week and a bit. I'm going to send out the Notice of Court of Revision Meeting tomorrow. I'll make sure to send you a copy of the Notice when it's sent.

Best,



**Chad Curtis (he/him)**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission,

including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, July 26, 2023 4:28 PM  
**To:** Chad Curtis; Stephen Brickman  
**Subject:** RE: Notice of Meeting of Court of Revision

Hi Chad

I did finally get a chance to review the CoR notice.  
Looked OK.

One minor point – in the box for the name of the drain you could add 2023 at the end of the name as 2023 is part of the drain name as defined by the report.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Wednesday, July 26, 2023 10:24 AM  
**To:** Stephen Brickman <stephen.brickman@headwayeng.ca>; John Kuntze <jkuntze@ksmart.ca>  
**Subject:** Notice of Meeting of Court of Revision

Hello Stephen and John,

Please see the attached. Hoping to mail these out today. Let me know if you have any comments or concerns.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](#) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

WILMOT STATEMENT OF CONFIDENTIALITY: This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, August 16, 2023 7:20 AM  
**To:** 'Lucy Gawron'  
**Subject:** Court of Revision  
**Attachments:** 23-08-16 Court of Revision Agenda and appeals.pdf

Hi Chris and Lucy

I took part of the day off on Tuesday but I did have time Tuesday evening to review the information for the Court of Revision tonight.

The agenda document for the Court of Revision is posted on the Township website.

I have attached the agenda document so you don't have to look for it on the Township website.

6 properties filed appeals as listed on the first page of the agenda – Schneider, Heintz, Bauer, Miller/Ridgeway, Kittel, Borissov

The document contains the written appeal by each appellant with some detail on their appeal.

The only person that did not include detail in the email submission was Kittel but apparently he has a powerpoint presentation that he will be presenting at the Court of Revision.

From my experience, nothing new in the written appeals.

John



***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](mailto:jkuntze@ksmart.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Thursday, August 17, 2023 3:18 PM  
**To:** Chad Curtis; Stephen Brickman  
**Subject:** Notice of Decision of Court of Revision  
**Attachments:** Notice of Decision of the Court of Revision 23-08-16.docx; Section 54 appeal 0198e.pdf; Section 48 appeal 0193e.pdf

Hi Chad

I have attached a suggested notice for the decision of the Court of Revision. Notice also provides detail for a Tribunal appeal under Section 48 (report and drain design) and Referee appeal under Section 47 (report does not comply with the Act)

Open your comments and Stephen's comments on what should go in the CoR decision notice.

John



***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](mailto:jkuntze@ksmart.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Wednesday, August 23, 2023 12:31 PM  
**To:** Chad Curtis  
**Subject:** RE: DRAFT - Court of Revision Minutes  
**Attachments:** Court of Revision minutes August 16 2023 - JK edit.docx

Hi Chad

I have attached a copy of the minutes with my edits and comments.  
We can discuss further when we meet.

John

---

**From:** Chad Curtis <chad.curtis@wilmot.ca>  
**Sent:** Friday, August 18, 2023 1:38 PM  
**To:** Paul Courey <pc@coureylaw.com>; John Kuntze <jkuntze@ksmart.ca>; Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Cc:** aharron <aharron@wellesley.ca>  
**Subject:** DRAFT - Court of Revision Minutes

Hello all,

I have attached the draft minutes from Wednesday's CoR meeting to this email.

Please let me know if you have any comments, questions, suggestions, etc.

Best,



**Chad Curtis**

Deputy Clerk

Information and Legislative Services | Township of Wilmot | 519-556-0038

[Wilmot.ca](http://Wilmot.ca) | [Twitter](#) | [Facebook](#) | [LinkedIn](#) | [YouTube](#)

My work day may look different than your work day. Please do not feel obligated to respond out of your normal working hours.

**WILMOT STATEMENT OF CONFIDENTIALITY:** This electronic transmission, including any attached document(s), may contain information that is privileged, confidential or otherwise protected from disclosure under applicable law and is for the sole use of the intended recipient(s). If the receiver of this information is not the intended recipient, or the employee/agent responsible for delivering the information to the intended recipient, you are hereby notified that any use, reading, dissemination, distribution, copying or storage of this information is strictly prohibited. If you have received this information in error, please notify the sender by return email and delete the electronic transmission, including all attachments from your system. If you have received this message as part of corporate or commercial communications and wish not to receive such please send a request to [unsubscribe@wilmot.ca](mailto:unsubscribe@wilmot.ca)

John Kuntze

---

**From:** John Kuntze  
**Sent:** Monday, August 28, 2023 7:08 AM  
**To:** Stephen Brickman; Chad Curtis  
**Subject:** RE: BJKL Municipal Drain - By-law

Good morning Chad

I agree with Stephen, you cannot give third reading to the BJKL Municipal Drain By-Law at the Council meeting tonight. What Stephen has noted in his email is as per Section 58(1) of the Drainage Act which outlines when a provisionally bylaw can be given third reading.

John

---

**From:** Stephen Brickman <stephen.brickman@headwayeng.ca>  
**Sent:** Sunday, August 27, 2023 10:20 AM  
**To:** Chad Curtis <chad.curtis@wilmot.ca>  
**Cc:** John Kuntze <jkuntze@ksmart.ca>  
**Subject:** BJKL Municipal Drain - By-law

Hi Chad,

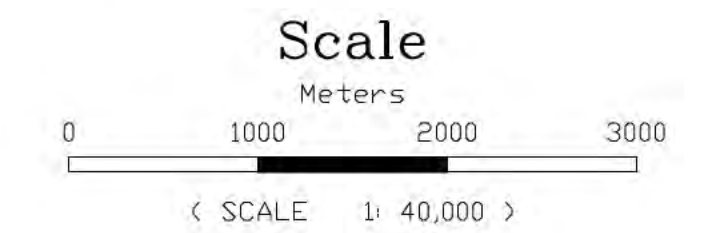
I happened to see the agenda for the Council meeting coming up this week, and I noticed that Item 14 and 14.1 is recommending third and final reading of the BJKL drain (link [here](#)). If I read this correctly, then I need to point out that the by-law cannot receive 3<sup>rd</sup> reading yet (this is very important). 3<sup>rd</sup> reading can only come after the appeal period is expired (Sept 6<sup>th</sup> in this case) or after all appeals have been dealt with (if any), which ever comes last.

If it is intended to give 3<sup>rd</sup> reading on this by-law this week, then that definitely needs to be removed from the agenda. It can't be done yet.

If I misunderstood anything, then my apologies.

**Stephen Brickman, P.Eng**  
Project Manager/Engineer | Headway Engineering  
[headwayeng.ca](http://headwayeng.ca)  
P: 226 243 6614, Ext. 1  
E: [Stephen.Brickman@headwayeng.ca](mailto:Stephen.Brickman@headwayeng.ca)

# Township of Wilmot Drainage Map



- NOTES:**
1. THIS MAP IS A COMPILED PLAN, PREPARED FOR GENERAL REFERENCE ONLY. REFER TO BYLAW FOR DRAIN DETAILS.
  2. AWARD DRAINS THAT HAVE BEEN SUPERSEDED BY MUNICIPAL DRAINS ARE NOT SHOWN
  3. PARCEL FABRIC PROVIDED BY THE TOWNSHIP OF WILMOT. BASE MAP DATA PROVIDED BY LAND INFORMATION ONTARIO

**LEGEND**

|  |                                      |                          |
|--|--------------------------------------|--------------------------|
|  | DOERING DRAIN                        | MUNICIPAL DRAIN AND YEAR |
|  | MUNICIPAL DRAIN (OPEN)               |                          |
|  | MUNICIPAL DRAIN (CLOSED)             |                          |
|  | PRIVATE DRAIN                        |                          |
|  | STOLTZ AWARD DRAIN                   | AWARD DRAIN              |
|  | MUNICIPAL STORM DRAIN                |                          |
|  | NATURAL WATERCOURSE OR PRIVATE DITCH |                          |
|  | WATERSHED LIMITS                     |                          |

| REVISION                     | DATE      |
|------------------------------|-----------|
| 1 FIRST PRINT                | NOV. 2002 |
| 2 ST. AGATHA DRAIN - DELETED | MAR. 2008 |
| 3 UPDATES                    | JAN. 2011 |
| 4 UPDATES                    | FEB. 2015 |
| 5 UPDATES                    | OCT. 2019 |
| 6 UPDATES                    | DEC. 2021 |
| 7 UPDATES                    | JAN. 2022 |
| 8 UPDATES                    | MAY. 2023 |
| 9 UPDATES                    |           |

**K. SMART ASSOCIATES LIMITED**  
CONSULTING ENGINEERS AND PLANNERS  
KITCHENER SUBURBY

