
Subject: Niagara-on-the-Lake Drainage

Report to: Public Works Committee

Report date: Tuesday, November 10, 2020

Recommendations

1. That this report **BE RECEIVED** for information.

Key Facts

- The purpose of this report is that it be received as an information only report to provide background context to a delegation request by a Town of Niagara-on-the-Lake resident.
- On May 7, 2018, the Town of Niagara-on-the-Lake received a petition from a resident for an improved drainage outlet for his private drains in Pt Lot 141, Concession 6, Niagara Township.
- Section 4 of the Drainage Act (R.S.O. 1990, c.D.17) allows landowners the right to petition to improve drainage works in order to increase the effectiveness of a drainage system or obtain a legal outlet for their drainage system.
- Under the Drainage Act, a petition for drainage works must be filed with the clerk of the local municipality in which the area is situated. This is led by the Town of Niagara-on-the-Lake as this falls under their jurisdiction.
- As the subject drainage system includes the Region's right-of-way ditch, Niagara Region is considered a landowner in this matter.
- The Town of Niagara-on-the-Lake appointed K. Smart Associates Limited on July 9, 2018, to prepare an engineer's report on the petition received pursuant to the Act.
- The Town of Niagara-on-the-Lake Council will consider the engineer's report for approval at its meeting on November 23, 2020.

Financial Considerations

If approved by the Town of Niagara-on-the-Lake, there will be costs assessed to Niagara Region for benefit, and outlet liability as per Section 21 of the Act, in the amount of \$16,046, for an improved outlet provided by the drainage works. The drainage works will provide an outlet, established through by-law, for drainage from the Region's road allowance to flow through downstream lands to a sufficient outlet. The

Region will be assessed maintenance costs, when maintenance is deemed necessary by the Town's Drainage Superintendent. Those maintenance costs will be assessed in the proportions determined in the Engineer's Report, adopted by the Town. Initial assessments and future maintenance costs will be paid for out of Transportation's Capital and Operating Budgets.

Analysis

The Town of Niagara-on-Lake received complaints about flooding, drainage issues and erosion from a property owner abutting York Road, Regional Road 81, west of Concession 6 Road. In addition, a property on the north side of York Road in this area expressed they were experiencing erosion problems from water discharging thorough a culvert under the road.

The Town of Niagara-on-the-Lake undertook meetings with residents, Ministry of Transportation (MTO), Niagara Region and Niagara Peninsula Conservation Authority (NPCA) to review the drainage concerns, discuss solutions and attempt to reach an agreement on how to resolve the matter.

On May 7, 2018, the Town received a petition from a property owner for an improved drainage outlet for his lands. The Town appointed K. Smart Associates Limited to prepare a report on the petition received. Various options were reviewed with each of the property owners involved, plus the MTO, Niagara Region and the NPCA.

K. Smart Associates Limited presented a number of options with cost estimates to address the flooding, erosion and drainage issues in their report (attached as Appendix 2) presented to Niagara-on-the-Lake Council on September 28, 2020.

Niagara Region has a responsibility to formalize ditch and culvert water flows to a downstream property through a legal outlet agreement. The application of the Drainage Act addresses Niagara Region's responsibility to secure a sufficient outlet for drainage and therefore staff are in support of the Municipal Drain application.

Niagara Region staff have advised the Town of Niagara-on-the-Lake that the Region accepts the recommendation presented in the K. Smart Associates Limited report.

Alternatives Reviewed

Do-Nothing

- This alternative does not meet the objectives of the Transportation Master Plan or the 2019-2022 Council Strategy Implementation Plan.

Support Municipal Drain Process

- Niagara Region is in support of the Municipal drainage system recommended by the Town of Niagara-on-the-Lake's engineer's report.

Relationship to Council Strategic Priorities

- Supporting Businesses and Economic Growth
- Healthy and Vibrant Community
- Responsible Growth and Infrastructure Planning

Other Pertinent Reports

N/A.

Prepared by:

Carolyn Ryall
Director Transportation Services
Public Works Department

Recommended by:

Bruce Zvaniga, P.Eng.
Commissioner of Public Works (Interim)
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Shawn McCauley, Associate Director Operations, Carolyn Ryall, Director Transportation Services, and reviewed by Bruce Zvaniga, Commissioner Public Works (Interim).

Appendices

Appendix 1 PW5.R01.3 Road Cross Section

Appendix 2 Town of Niagara-on-the-Lake Report (OPS-20-025)