



Subject: Billing of the Cook's Municipal Drain Maintenance

To: Council

From: Public Works Department

Report Number: 2021-229

Meeting Date: September 27, 2021

Recommendation:

That Public Works Department Report 2021-229 be received for information; and

That the billing for the Cook's Municipal Drain be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A of Public Works Department Report 2021-229.

Purpose:

This report has been prepared to inform Council of the commencement of billing for the maintenance work completed on the Cook's Municipal Drain.

Background:

Once a Municipal Drainage Report has been adopted by Council, it is then the Municipality's responsibility to perform maintenance on said drain. The maintenance of the Cook's Municipal Drain was performed under Section 74 of the *Drainage Act*, (R.S.O., 1990). Section 74 of the Act states:

"Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom."

The most current report for the assessment schedules of the Cook's Municipal Drain is outlined in By-law 4015/10/01, dated January 29, 2001, which adopted the new report prepared by Wiebe Engineering Group Inc.

Discussion:

Maintenance was implemented in 2019 by a hired contractor. The work performed was a complete maintenance including brushing the working side, excavation and seeding of the grassed areas. This work also included the removal of dead ash trees that had fallen in the drain.

Breakdown of costs for the years of maintenance:

2010 - \$63.64 (legal fees charged to all municipal drains)

2019 - \$38,066.89

The total outstanding amount is **\$38,130.53**, which includes the amount of **\$7,010.34**, which is the City's portion for roads and Municipal owned Railway within the watershed.

Financial Implications:

When the municipality completes work on a municipal drain, the costs are held at the City's expense until the time of billing, at which point those funds can be collected from the owners of property within the watershed.

Conclusion:

Staff would like to proceed with the billing of this drain as it affects cash flow and if not collected from rate payers, the City would need to absorb these costs. Approval of this report will allow staff to proceed with the billing of these works and collect the amount of \$31,120.19 from the affected property owners.

Appendices:

- a. Engineer's assessment schedule, as contained within the currently adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.