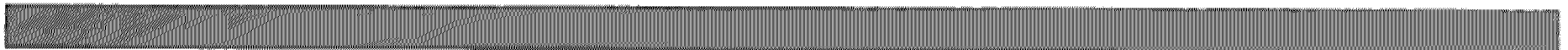



Why Have a Drainage Act?

- Ontario has a surplus of annual precipitation
 - this advantage can be a disadvantage
- Without the Drainage Act, drainage issues are resolved through the courts, whose views are:
 - Surface water has no right of drainage
 - A lower landowner can protect their property by building berms or dykes
 - Owners can be held liable for damages for modifying natural watercourses





Why Have a Drainage Act?


- An alternative to resolve Common Law disputes
 - Procedure for constructing “drainage works” to resolve drainage problems
 - “Drainage Works” are more commonly known as “Municipal Drains”.
- 

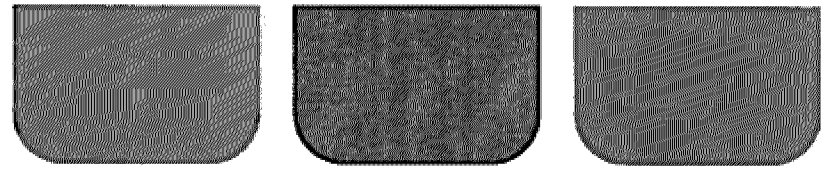


What Is A “Drainage Works”?

Drainage Act defines “drainage works” as:

“...a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof...”





Management of Municipal Drains

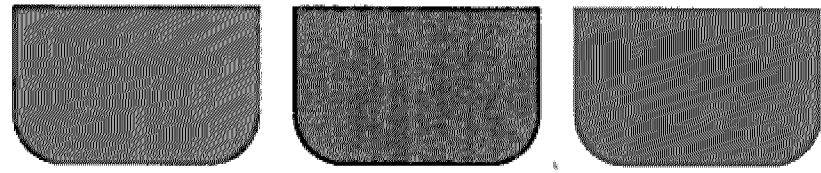
Drainage

Superintendent Responsibilities:

Manages municipal drains on behalf of council

- From S. 93(3) of the Drainage Act:
 - a) inspect every drainage works
 - b) initiate and supervise the maintenance and repair of municipal drains
 - c) assist in the construction or improvement of municipal drains
 - d) report to council on the superintendent's activities

Maintenance & Repair



SECTION 74:

Any drainage works constructed under a by-law passed under this Act ...

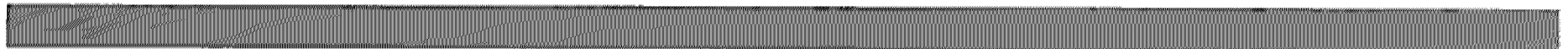
...shall be maintained and repaired by each local municipality through which it passes...

...at the expense of all the upstream lands and roads ... in the proportion determined by the then current by-law pertaining thereto...

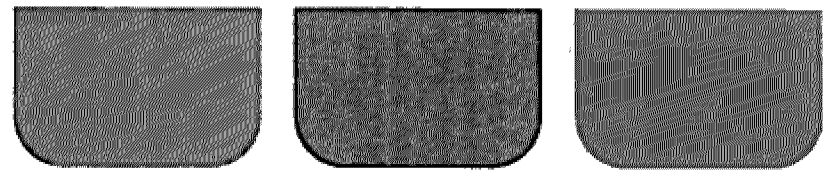
Sec. 79: Potential liability if notice given by an affected property owner.

“Maintenance” means the preservation of a drainage works.

“Repair” means the restoration of a drainage works to its original condition.



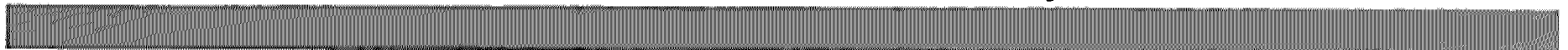
Improvements:



SECTION 78:

- To make improvements/changes to the “communally accepted” standards for a drain, must have new communal acceptance
- New engineer’s report using the same general process as for a new drain, but no petition required
- Note: Landowners may request improvements, but this is not a petition; it is still council’s decision to proceed

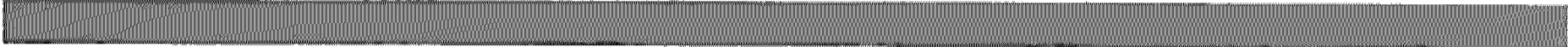
“Improvement” means any modification of or addition to a drainage works intended to increase the effectiveness of the system.





Enforcement

On drainage systems constructed under the Drainage Act, the municipality has ability to take action against:

- Any owner or occupant for obstructing a drain – S.80
 - Any person for damaging a drain – S.82
- 



Grants

OMAFRA provides grants:

1. Towards the share of the cost of drain construction that is assessed to agricultural property owners: 1/3 south; 2/3 north
 2. Towards the share of the cost of drain repair or maintenance assessed to agricultural property owners: 1/3 south; 2/3 north
 3. To municipalities towards the cost of employing a drainage superintendent (50%)
- 