



The Corporation of The Town of Amherstburg

April 6, 2021

Honourable Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs
Email: minister.omafra@ontario.ca

VIA EMAIL

Re: Request for Amendments to the Agricultural Tile Drainage Installation Act

Dear Hon. Hardeman,

At its meeting held on March 22, 2021, Council for the Town of Amherstburg passed the following:

Resolution # 20210322-098

“That Administration BE DIRECTED to send correspondence in support of Howick Township’s request for Amendments to the Agricultural Tile Drainage Installation Act.”

Enclosed is a copy of the correspondence from Howick Township for convenience and reference purposes.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

Carol Watson – Clerk, Township of Howick
clerk@howick.ca

Taras Natyshak – MP, Essex
tnatyshak-co@ndp.on.ca

Chris Lewis – MPP. Essex
Chris.Lewis@parl.gc.ca

Rural Ontario Municipal Association (ROMA)
roma@roma.on.ca

Ontario Federation of Agriculture (OFA)
paul.nairn@ofa.on.ca

Christian Farmers Federation of Ontario (CFFO)
cffomail@christianfarmers.org

Land Improvement Contractors of Ontario (LICO)
lico.secretary@cyg.net

Drainage Superintendents Association of Ontario (DSAO)
dsaochapter1@dsao.net

Association of Municipalities of Ontario (AMO)
amo@amo.on.ca

All Ontario Municipalities



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December 3, 2020

The Honourable Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs

By email only minister.omafra@ontario.ca

Dear Mr. Hardeman:

Please be advised that the following resolution was passed at the December 1, 2020 Howick Council meeting:

Moved by Councillor Hargrave; Seconded by Councillor Illman:

Be it resolved that Council request the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations under the Act that would require tile drainage contractors file farm tile drainage installation plans with the local municipality; and further, this resolution be forwarded to Minister of Agriculture, Food and Rural Affairs, Huron-Bruce MPP Lisa Thompson, Perth-Wellington MPP Randy Pettapiece, Rural Ontario Municipal Association, Ontario Federation of Agriculture, Christian Farmers Federation Of Ontario, Land Improvement Contractors of Ontario, Drainage Superintendents of Ontario and all Ontario municipalities. Carried. Resolution No. 288/20

If you require any further information, please contact this office, thank you.

Yours truly,

Carol Watson

Carol Watson, Clerk
Township of Howick



Background Information to the Township of Howick Resolution No. 288-20 Requesting Amendments to the Agricultural Tile Drainage Installation Act

Rational for Proposed Amendments

Over the years, Howick Township staff have received many requests for tile drainage information on farmland. Usually these requests come after a change in ownership of the farm. Some of these drainage systems were installed recently but many are 30 to 40 or more years old. Many were installed by contractors who are no longer in business or who have sold the business and records are not available.

Information is generally available if the tile was installed under the Tile Drain Loan Program because a drainage plan is required to be filed with the municipality. If the tile system was installed on a farm without using the Tile Drain Loan Program, there likely are no records on file at the municipal office.

The other benefits to filing tile drainage plans with the municipality are identified in Section 65 of the Drainage Act.

- 65(1) – Subsequent subdivision of land (severance or subdivision)
- 65(3) – Drainage connection into a drain from lands not assessed to the drain
- 65(4) – Drainage disconnection of assessed lands from a drain
- 65(5) – Connecting to a municipal drain without approval from council

Section 14 of the Act states:

(1) “The Lieutenant Governor in Council may make regulations,

(a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;

(a.1) exempting classes of persons from the requirement under section 2 to hold a licence, in such circumstances as may be prescribed and subject to such restrictions as may be prescribed;

(b) Repealed: 1994, c. 27, s. 8 (5).

(c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;



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- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;
- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. A.14, s. 14; 1994, c. 27, s. 8 (4, 5).”

I believe it would be beneficial if a regulation required the installer, of agricultural drainage, to file a plan of the drainage system with the municipality following completion of the work.

While most of Section 14 deals with contractor, machine and installer licences, I think that Section 14(f) or 14(i) may allow a regulation change. This would be a better solution than an amendment to the Act.

Recommendations:

- Request by municipal resolution that the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations, under the Act, that would require tile drainage contractors file all farm tile drainage installation plans in the Municipality where the installation took place
- Send the municipal resolution to:
 - Minister of Agriculture, Food and Rural Affairs
 - Lisa Thompson, MPP Huron Bruce
 - Randy Pettapiece, MPP Perth Wellington
 - Rural Ontario Municipal Association roma@roma.on.ca
 - [OFA](#)
 - [CFFO](#)
 - All Ontario municipalities
 - the Land Improvement Contractors of Ontario (LICO), and
 - the Drainage Superintendents Association of Ontario (DSAO)

Wray Wilson, Drainage Superintendent
Township of Howick
drainage@howick.ca