



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: Tuesday, April 22, 2025

Report Number: PWES-2025-25

Subject: Resolution for Drainage Apportionment Agreements

Recommendations

It is recommended:

That PWES-2025-25 entitled “Resolution for Drainage Apportionment Agreements” **be received;**

And that the Drainage Apportionment Agreements for the parcels listed in Attachment 1 of report PWES-2025-25 **be approved;**

And further that By-Law 2025-055 **be considered** for first, second, third and final readings, that will authorize the apportionment of the assessments for the municipal drains and respective parcels listed in Attachment 1 of report PWES-2025-25.

Background

The purpose of this report is to provide a summary of the background and other information to assist Council in providing a resolution for the Drainage Apportionment Agreements listed in Attachment 1.

The *Drainage Act* provides a means by which property owners can request that drainage work on a municipal drain be undertaken to address drainage issues in specific areas. Once the Engineer’s Report and By-law relating to the construction of a municipal drain have been adopted and all the necessary steps in the *Drainage Act*

process have been undertaken, landowners are assessed a share of the cost associated with the construction and/or maintenance and repair of the drain. Any future maintenance or repair on the drain is assessed to each owner in the same ratios as outlined in the adopted By-law and the Engineer's Report.

Occasionally, a parcel of land in a drainage area is the subject to a land severance. When this occurs, one of two Sections of the *Drainage Act* ensues:

1. Section 65(1) states that if, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the Clerk shall instruct an engineer in writing to apportion the assessment among the part into which the land was divided, taking into account the part of the land affected by the drainage works, or
2. Section 65(2) allows for the owners of subdivided land to mutually agree on the share of the drainage assessment that each should pay. A written agreement indicating these shares must be entered into and filed with the Clerk of the Municipality, and if the Agreement is approved by the Council by Resolution, no Engineer need be instructed to apportion the assessment, and the new apportionments are fixed.

Periodically, these Drainage Apportionment Agreements are brought forth to Council for Resolution as was done previously through reports [PWES-2020-30](#), 51/17, 45/16, and 53/15.

Comments

To maintain fair and equitable billing for municipal drain maintenance, up-to-date property parcel information must be maintained by the Municipality. Changes in the number of properties, size of a given property and land-use will affect the amount of obligation for maintenance charges.

If the landowners are not in agreement to proceed with Section 65(2) of the *Drainage Act*, the Clerk can instruct an engineer under Section 65(1) to apportion the assessment for the land that was divided; costs associated with this method are to be borne by the affected party.

Landowners who are in agreement with Section 65(2) of the *Drainage Act*, have agreed to the recommended apportionment percentages. A signed written agreement is then filed with the Town and the new apportionments are to be approved by Council resolution.

The owners of the properties listed in Attachment 1 have signed Agreements on the Share of Assessment, which have not yet been approved by Council.

It should be noted that in cases where there is an active Section 78 Drainage Project, the matter will be referred to the appointed Engineer to be included in the forthcoming drainage report.

Consultations

Legislative Services & Clerk
Financial Services

Financial Implications

The approval of Drainage Apportionment Agreements ensures that drain maintenance invoices for the Town lands/roads and landowners within the Town are fair until such time as an Engineer is appointed to reapportion the drain watershed under the provisions of the *Drainage Act*.

The Town charges landowners a fee for the preparation and administration of the agreements according to our Administrative Fees and Charges By-Law as amended.

The funds generated from Drainage Apportionment Agreements are allocated as revenue to the Drainage Department operating budget.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Matthew Shiha, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Appendix A – Drainage Apportionment Agreements to be Approved by Council Resolution