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## **OSPE - LAND DRAINAGE COMMITTEE MAY 2019 MEETING**

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**Date:** May 17, 2019  
**From:** Ontario Society of Professional Engineers – Land Drainage Committee  
**ERO number:** 013-4992  
**Notice type:** Regulation  
**Act:** Conservation Authorities Act, R.S.O. 1990  
**Posted by:** Ministry of Natural Resources and Forestry  
**Notice stage:** Proposal  
**Posted:** April 5, 2019  
**Comment period:** April 5, 2019 - May 21, 2019 (46 days) Open

The Land Drainage Committee (LDC) is affiliated with the Ontario Society of Professional Engineers (OSPE). Our prime objective is to improve the practice of drainage engineering under the Drainage Act of Ontario. We are supported by a website; the information on that site can be of interest to anyone in the drainage industry or involved in municipal drainage works.

The OSPE – LDC meets during the year to discuss current practices and activities involving Ontario drainage engineers as well as to plan the annual Drainage Engineers Conference (DEC) and a Course. The 2018 DEC marked the 50th anniversary of this annual event first held in Hespeler in 1969.

The OSPE – LDC is a committee of 6 practicing land drainage engineers who are nominated by their peers; it is supported by Liaison members representing stakeholder groups or agencies as follows: Conservation Ontario; Fisheries and Oceans Canada; Ministry of Natural Resources and Forestry; Ministry of Transportation; Ontario Society of Professional Engineers; Ontario Ministry of Agriculture, Food and Rural Affairs; and the University of Guelph.

The OSPE – LDC represents the drainage practitioners of the province of Ontario who author reports under the auspices of the Drainage Act (Act), R.S.O. 1990, Chapter D.17, last amendment: 2010, c.16, Sched. 1, s. 2. To that end, and under the Act, an engineer is defined as either a professional engineer (a person who is a member of the Professional Engineers of Ontario–P.Eng.), or a surveyor (an Ontario Land Surveyor–O.L.S.) registered under the Surveyors Act, as the case may be. Under the Act, the engineer is customarily called upon to “act” for the purpose of preparing a report for a new Petition Drain (commonly called a Municipal Drain) or for the repair or improvement of an existing Petition (Municipal) drain. Less frequently an engineer may be appointed to prepare a report for the construction of a new Mutual Agreement Drain or to report on abandonments, land subdivisions or maintenance of drains. In order to carry out these responsibilities properly, the engineer must have a thorough knowledge of the Act, a familiarity with common law and other provincial statutes respecting drainage, an understanding of drainage effects and expertise in design and construction of drainage facilities. Engineers should also be familiar with Publication 852, A Guide for Engineers working under the Drainage Act in Ontario prepared by the Ontario Ministry of Agriculture, Foods and Rural Affairs and prepare and process their reports in accordance with the guide.

Accordingly, and on behalf of the OSPE – LDC, the following is respectfully submitted regarding the above-noted posting; namely, ERO number 013-4992.

1. To maintain historical consistency, the definition of **watercourse** may be more appropriate if it were to follow the Common Law definition as set out in OMAFRA Fact Sheets and other publications.
2. Any policy on “**enclosures**” should be detailed and not simply a blanket policy. The policy must work to assist all stakeholders in moving forward with acceptable procedures and solutions.
3. Focus on “core mandate” and “developing policy” which carry out the tests of the regulation (Flooding, Erosion, Pollution, Conservation of Lands, and the integrity of dynamic beaches).

It is important that Policy be a locally derived set of values to execute the rules of the Regulation; however, the Regulation must still govern. This is demonstrated best by Conservation Authorities (CA’s) that have produced and interpret their policies with their core mandate in mind. These development proposals receive faster, more predictable and less costly approvals, while constantly ensuring the safety of the public and property.

4. There needs to be an objective of establishing consistency regarding the application of Policy by all CA’s; unfortunately, consistency does not currently exist. We believe that a more consistent set of guidelines/policies would be beneficial for the CA’s, the engineers/practitioners and each/the affected landowner/stakeholder. This would be more valuable to all stakeholders and it would better serve the environment, future planning and development.

5. In 2007, there were issues around the maintenance of municipal drains in accordance with Section 74 of the Drainage Act; consequently, it led to the creation and establishment of the DART & DAWG committees. These committees created a forum and opportunity for constructive dialogue between the CA's and the engineers/practitioners, their work resulted in more harmony between the CA Act and the Drainage Act and were proof that each Act could work together to establish a protocol for projects under Section 4 and Section 78 of the Drainage Act. We respectfully suggest that serious consideration be given to the establishment of DART 2; this new version could be set up similar to the DART (1) committee that worked with input from all key stakeholders.

#### **Websites**

<http://www.landdrainageengineers.com/>

<http://www.dsao.net/>

<http://www.omafra.gov.on.ca/english/landuse/drainage.htm>

<http://www.mto.gov.on.ca/english/publications/drainage-management.shtml>

<https://www.ospe.on.ca/>



**Regards,**

Jeff Dickson, P.Eng.

OSPE – LDC Chair