



# Staff Report

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## Planning & Development Services – Development Engineering

**Report To:** Council Meeting  
**Meeting Date:** November 20, 2023  
**Report Number:** PDS.23.125  
**Title:** Drainage Tribunal – Notice of Settlement and By-Law  
**Prepared by:** Brian Worsley, Manager of Development Engineering

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.125, entitled “Drainage Tribunal – Notice of Settlement and By-Law”;

AND THAT Council enact a By-Law to provide for the maintenance and extension of the Blue Mountain Outlet Diversion Drain and Ford Outlet Drain in the Town of the Blue Mountains.

### B. Overview

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The purpose of this report is to update Council on the status of the Drainage Act petition initiated by Parkbridge, McPherson, and Eden Oak.

### C. Background

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The Drainage Act Process for the petitioned works has been unusually complicated, a brief chronology of process is provided below:

- a. August 11, 2021, [PDS.21.082](#), Request for Drainage Act Improvements, brought the Drainage requisition to Council to initiate the Drainage Act process;
- b. June 21, 2022, [PDS.22.85](#) Regional Stormwater Management Plan Drainage Act Assessment Report, brought the Engineer’s Report to Council;
- c. September 27, 2022, [PDS.22.109](#), verified other agency approvals of the Engineer’s Drainage Act report, and on October 11, 2022 the Provisional By-Law was adopted;
- d. February 21, 2023, [PDS.23.120](#), Regional Stormwater Management Plan Drainage Act Assessment – next steps, circulated the Notice of the Court of Revision in accordance with the Drainage Act;
- e. April 11, 2023, The Court of Revision was held;
- f. October 19<sup>th</sup>, 2023, The Drainage Tribunal issued notices of Withdrawal of Appeal, and Cancellation of Hearing

As the Drainage Tribunal hearing has been cancelled (Attachment 1) due to withdrawal of the appeal, the last step in the Drainage Act has been concluded.

## **D. Analysis**

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The Drainage Act has been followed through to its mandated conclusion. In addition to retaining an independent Engineer as required by the Act, the Town went beyond the requirements of the act by also retained OMAFRA's former Drainage program coordinator to provide training for the Court of Revision. The By-Law has been written to ensure that all costs of the works will be borne entirely by the petitioners, Parkbridge Lifestyle Communities Inc., McPherson Builders (Blue Mountains) Limited, and Eden Oak (Trailhead) Inc., and that the implementation of the works will be through a fully secured agreement prepared by the Town's solicitor.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

## **F. Environmental Impacts**

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Implementation of the Drainage Act works will alleviate the flooding predicted by the 1993 GSCA Sub-Watershed Study, and the ongoing Townwide Master Drainage Plan, such that the drainage system will meet current standards.

## **G. Financial Impacts**

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Passage of the Drainage Act By-Law, will facilitate the works being undertaken by the three Developers who initiated the petition, saving the Town from eventually having to undertake the works.

## **H. In Consultation With**

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Bob Scrivens, Solicitor, Madorin, Snyder LLP

Corrina Giles, Town Clerk

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, the Consultation required under the Drainage Act has been undertaken.

Comments regarding this report should be submitted to Brian Worsley, Manager of Development Engineering, [developmentengineering@thebluemountains.ca](mailto:developmentengineering@thebluemountains.ca).

Attachments:

1. Attachment 1 - Notice of Cancellation
2. Attachment 2 - By-Law
3. Attachment 3 – Regional Stormwater Management Plan – Blue Mountain Diversion Drain – Drainage Act Assessment Report

Respectfully submitted,

Brian Worsley  
Manager of Development Engineering

For more information, please contact:  
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**Report Approval Details**

Document Title:	PDS.23.125 - Court of Revision and Drainage Act Appeal - Notice of Settlement and By-Law.docx
Attachments:	- Attachment 1 - Notice of Withdrawl.pdf - Attachment 2 - By-Law.pdf
Final Approval Date:	Nov 9, 2023

This report and all of its attachments were approved and signed as outlined below:

**Brian Worsley - Nov 9, 2023 - 4:39 PM**

**Adam Smith - Nov 9, 2023 - 6:00 PM**