



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: November 3, 2025
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2025-11
Subject: Appointment of an Engineer under Section 78 and 76 of the Drainage Act for the Banks Drain
Number of Pages: 6

Recommendation(s)

That Drainage-2025-11 entitled Appointment of an Engineer under Section 78 and 76 of the Drainage Act for the Banks Drain prepared by Lindsay Dean, Drainage Superintendent dated November 3, 2025 be received, and

That Council appoint RC Spencer Associates Inc. under Section 78 and 76 of the Drainage Act to review the Banks Drain in conjunction with their current appointment for the Sinasac Drain.

Purpose

To hire an engineer to review the Banks Drain in conjunction with their current assignment on the Sinasac Drain.

Background and Discussion

On September 15, 2025, Council approved the following appointment for the Sinasac Drain:

R25-09-423

Moved By Councillor Verbeek

Seconded By Councillor Matyi

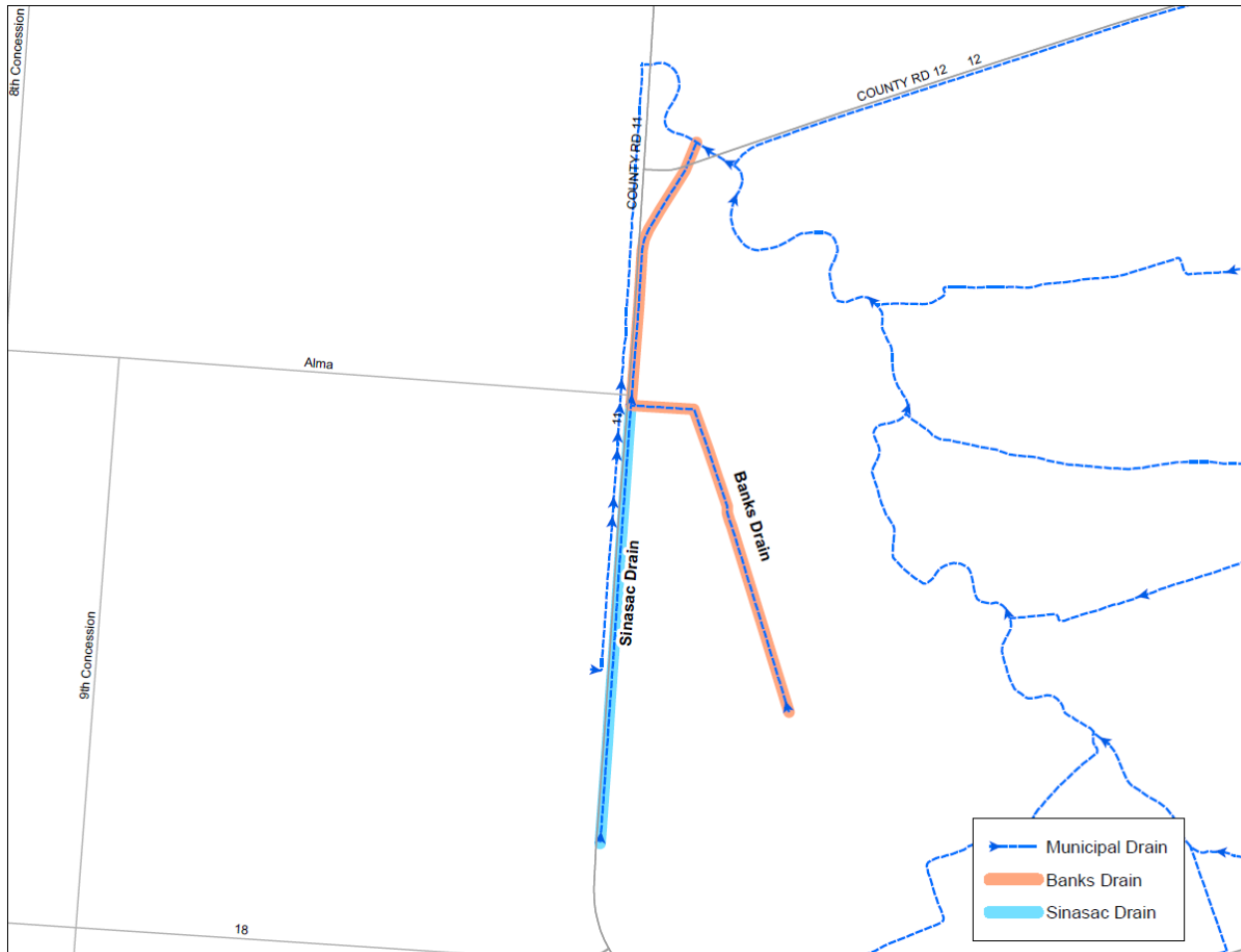
That Drainage Report 2025-08 entitled Appointment of an Engineer under Section 78 and 76 of the Drainage Act for the Sinasac Drain prepared by Lindsay Dean, Drainage Superintendent dated September 15, 2025 be received; and

That Council appoint RC Spencer Associates Inc. under Section 78 and 76 of the Drainage Act to review the Sinasac Drain.

Carried

This assignment has been accepted by RC Spencer Associates Inc. and will be proceeding to an on-site meeting in the near future. Since this time, the Town received notification about a culvert in need of replacement in the Banks Drain, which is the municipal drain immediately downstream of the outlet of the Sinasac Drain.

The Sinasac Drain is located in South Malden Road Concession, Lot 1 running along the east side of County Road 11 approximately between County Road 18 and Alma Street. The Sinasac Drain outlets into the Banks Drain approximately at the intersection of County Road 11 and Alma Street. The culvert in need of replacement is directly north of Alma Street on the east side of the road.



Under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains that have been passed under municipal by-law. Reviewing and making changes to the culverts would qualify under this section of the act for the Banks Drain.

Under Section 76 of the Drainage Act, Council may appoint an engineer to vary the original assessment values for maintenance from those contained in the most recent assessment schedule. Under this section, the engineer will be able to provide updated cost sharing for replacement of the crossings and maintenance schedule on the drain (if required).

Prior to the appointment of an engineer, notice must be sent to the Conservation Authority and after 30 days an engineer may be appointed to this project. An engineer appointment under Section 78 of the Drainage Act, gives the engineer authority to review the drainage works and prepare a report outlining their recommendations. Considering notification to the Conservation Authority was already sent for the Sinasac Drain and this is a scope addition to the existing assignment that RC Spencer Associates Inc. has been appointed to, it has been determined that this requirement is not applicable.

The procedures and appeals under Section 78 and 76 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act. The general procedure is as follows:

- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Meeting to consider the report and passing of the provisional by-law;
- Court of Revision;
- 3rd and Final Reading of the by-law;
- Construction of drainage works.

It should be noted, that while this is the intended scope of the project at the current time, at the on-site meeting other landowners may come forward with additional works that may modify the scope of the report.

It is recommended that this project be awarded to RC Spencer Associates Inc. as an addition to their existing appointment for the Sinasac Drain and that both drains will be addressed as one project.

Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows, which was already set out for the Sinasac Drain project:

- Council approval and appointment of Engineer –November 2025
- On Site Meeting – November 2025
- Submission of Report and notification period – May 2026

- Consideration of the Report by the Drainage Board – June 2026
- Provisional By-law and Adoption by Council – July 2026
- Court of Revision –August 2026
- 3rd and Final Reading of the By-law – September 2026
- Construction – Fall 2026

Financial Impact

The cost sharing for the improvements will be determined by the appointed Drainage Engineer, however, it is anticipated that the cost will be distributed between the lands and roads assessed into the Banks Drain. Any cost assessed to the Town of Essex will be funded through the Operating Budget (Roads-Municipal Drainage).

Consultations

Kevin Girard, Director of Infrastructure Services

Norm Nussio, Manager, Operations & Drainage

Kate Rowe, Director, Corporate Services

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.**
- Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

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| Document Title: | Appointment of Engineer to Banks Drain.docx |
| Attachments: | |
| Final Approval Date: | Oct 29, 2025 |

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

Norm Nussio, Manager, Operations and Drainage - Oct 28, 2025 - 2:24 PM



Kevin Girard, Director, Infrastructure Services - Oct 28, 2025 - 2:39 PM



Kate Giurissevich, Chief Administrative Officer - Oct 29, 2025 - 9:54 AM