



## Report to Council

Department: Infrastructure Services  
Division: Drainage  
Date: January 12, 2026  
Prepared by: Lindsay Dean, Drainage Superintendent  
Report Number: Drainage-2026-02  
Subject: Appointment of an Engineer under Section 4 & 78 of the Drainage Act to establish new drainage works and make improvements to the Bondy No. 1 Drain  
Number of Pages: 5

### Recommendation(s)

**That** Drainage-2026-02 entitled Appointment of an Engineer under Section 4 & 78 of the Drainage Act to establish new drainage works and make improvements to the Bondy No. 1 Drain prepared by Lindsay Dean, Drainage Superintendent dated January 12, 2026 be received, and

**That** Council receive and proceed with the Petition for new drainage works as filed by the corporation of Colchester Bay Inc. for Lot 96, Concession 1 pursuant to Section 4 of the Drainage Act, and

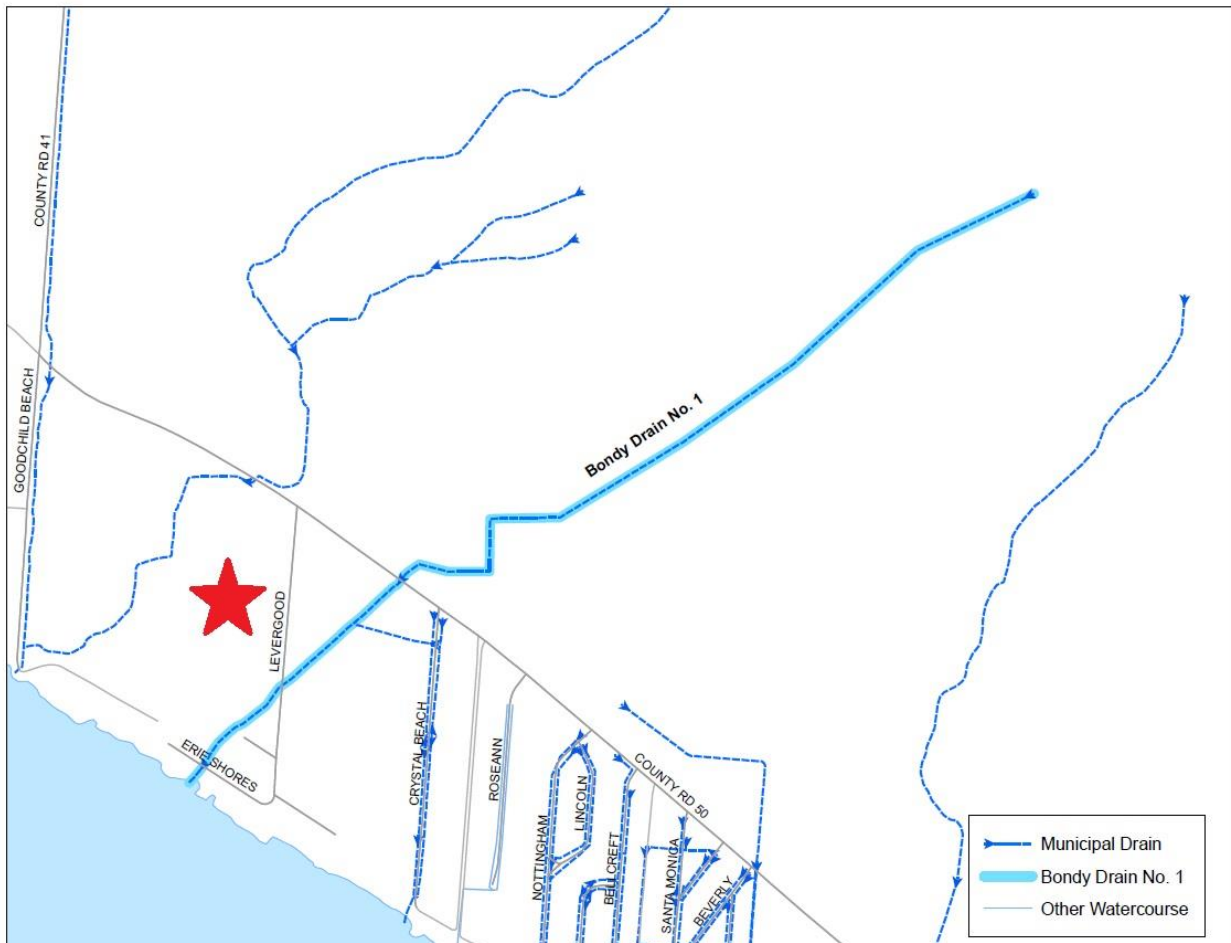
**That** Council appoint N. J. Peralta Engineering Ltd. under Section 4 & 78 of the Drainage Act to make improvements to the Bondy No. 1 Drain in accordance to Section 22 of the Town of Essex Procurement By-law 2437.

# Purpose

The Town of Essex has been notified that the property located in Lot 96, Con 1 requires drainage. Additionally, the Bondy No. 1 Drain requires an improvement to facilitate development. Both the submission of the petition for drainage works and improvement require an engineer to be appointed under the Drainage Act.

# Background and Discussion

The Bondy No. 1 Drain runs from Lot 89, Concession 1 in a southwesterly direction crossing under County Road 50, Levergood and Erie Shores Drive until it eventually makes its outlet into Lake Erie.



To establish storm drainage within the subdivision, the owner has submitted a petition under Section 4 of the Drainage Act to create a new municipal drain to service new lots and roads. The star on the map above indicates the property that submitted the petition.

Under Section 4 of the Drainage Act, Council shall decide whether or not to proceed with the drainage works requested through the submitted petition. If Council agrees to proceed with the petition, after all required notifications are filed, then a drainage engineer can be assigned to the project. The validity of the petition will be established by the appointed drainage engineer to make sure it meets the requirements of the area requiring drainage outlined in Section 4.

In addition, the owner has requested multiple improvements be made to the Bondy No. 1 Drain to facilitate the development.

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. The Bondy No. 1 Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain would qualify under this section of the act. This drain was last reviewed by N.J. Peralta Engineering in 2023. Based on their extensive background and experience working on this drain and watershed, it will allow them to complete the project more efficiently.

Prior to the appointment of an engineer, notification is required under Section 5(1) and 78(2) to advise the petitioners and Conservation Authority that Council has decided to proceed with the drainage works through the petition and improvement process.

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

- Council acceptance of the petition and appointment of an engineer to prepare a report;
- Required notifications are circulated;
- Engineer is appointed to the project;

- Conduct an on-site meeting with affected landowners and agencies;
- Meeting to Consider the report and passing of the provisional by-law;
- Court of Revision;
- 3<sup>rd</sup> 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.

## Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows:

- Council accepts petition and recommends appointment of Engineer – January 2026
- Required notifications about project – January 2026
- Drainage Engineer Appointment – February 2026
- On Site Meeting – March 2026
- Submission of Report and notification period – September 2026
- Consideration of the Report by the Drainage Board – October 2026
- Provisional By-law and Adoption by Council – November 2026
- Court of Revision – December 2026
- 3<sup>rd</sup> and Final Reading of the By-law – January 2027
- Construction (dependent on weather and agency approvals)- Summer 2027

Note: This approximate timeline was established based on typical project timelines, however, actual timelines will vary based on the subdivision process and specifics related to this project.

## Financial Impact

Since the improvement is to facilitate development, it is anticipated that the developer will be assessed the cost of the project, however, the cost sharing will be established by the

appointed Drainage Engineer. Any cost assessed to the Town of Essex will be funded through the 2026 Operating Budget (Roads-Municipal Drainage).

## Consultations

Kevin Girard, Director of Infrastructure Services

Norm Nussio, Manager, Operations & Drainage

Jackson Tang, Assistant Manager Business Services

Kate Rowe, Director, Corporate Services

## Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

## Report Approval Details

Document Title:	Bondy No 1 Drain Improvement.docx
Attachments:	- Procurement Section 22 -Bondy No 1 FINAL edited .pdf - Petition signed and redacted.pdf
Final Approval Date:	Jan 7, 2026

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

**Norm Nussio, Manager, Operations and Drainage - Jan 7, 2026 - 9:46 AM**



**Kevin Girard, Director, Infrastructure Services - Jan 7, 2026 - 12:32 PM**



**Kate Giurissevich, Chief Administrative Officer - Jan 7, 2026 - 12:58 PM**