



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: January 12, 2026
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2026-03
Subject: Appointment of an Engineer under Section 78 of the Drainage Act to make improvements to the Bondy No. 2 Drain
Number of Pages: 5

Recommendation(s)

That Drainage-2026-03 entitled Appointment of an Engineer under Section 78 of the Drainage Act to make improvements to the Bondy No. 2 Drain prepared by Lindsay Dean, Drainage Superintendent dated January 12, 2026 be received, and

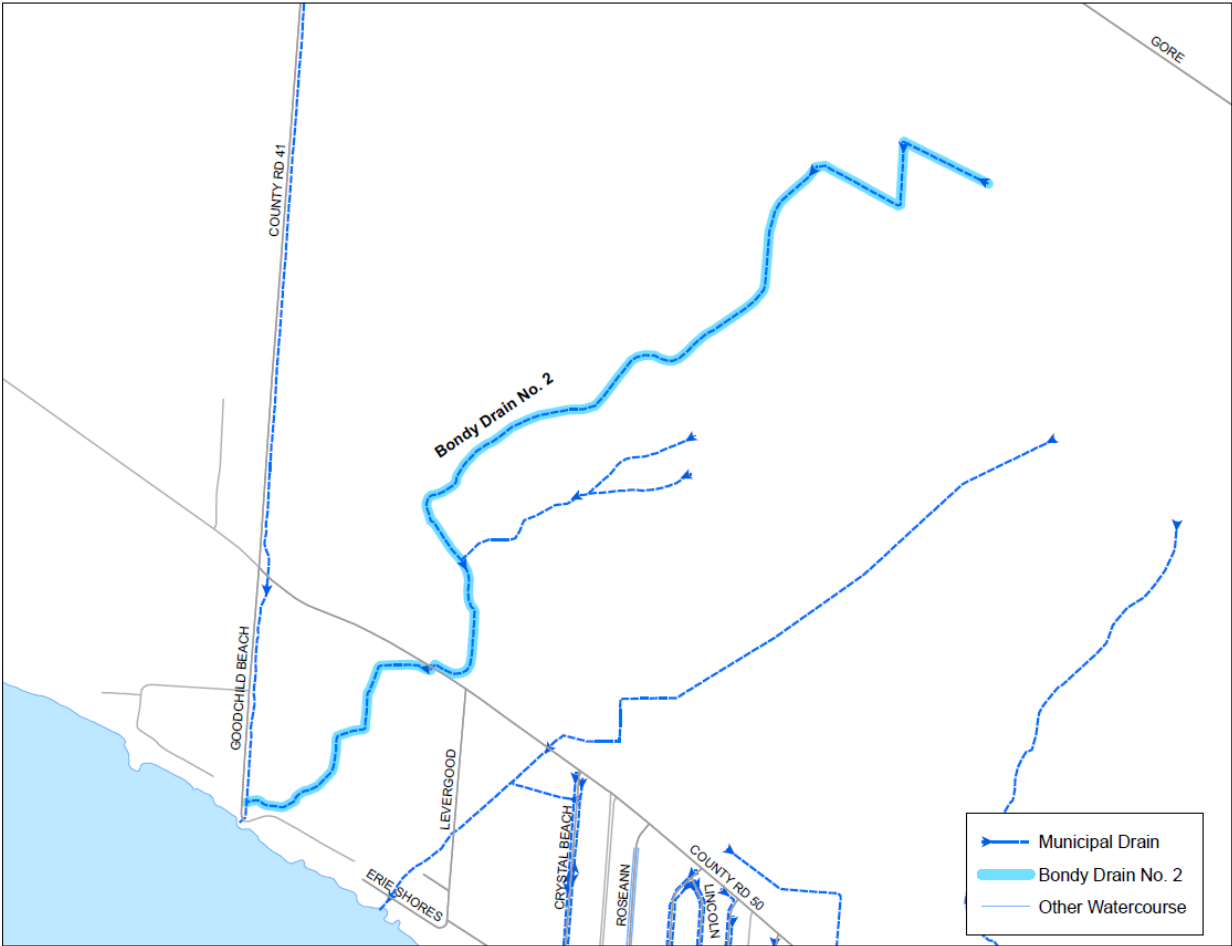
That Council appoint Spriet Associates London Limited under Section 78 of the Drainage Act to make improvements to the Bondy No. 2 Drain in accordance to Section 22 of the Town of Essex Procurement By-law 2437.

Purpose

The Town of Essex has been notified that the Bondy No. 2 Drain requires an improvement to facilitate development, which requires an engineer to be appointed under Section 78 of the Drainage Act.

Background and Discussion

The Bondy No. 2 Drain runs from Lot 90, Concession 1 in a southwesterly direction crossing under County Road 50 until it eventually connects to the West Townline Drain on the east side of Goodchild Beach 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. The Bondy No. 2 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. Spriet Associates London Limited is working on 2 assignments for the West Townline Drain and the Bondy No 2 Drain is a subwatershed of the West Townline Drain. Based on their extensive background and experience working on the downstream drain, it will allow them to complete the project more efficiently.

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.

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 appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Submission of Report and notification period;
- Consideration of the Report by the Drainage Board;
- Provisional By-law and Adoption by Council;
- 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.

Schedule

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

- Council approval and appointment of Engineer –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
- 3rd and Final Reading of the By-law – January 2027
- Construction – 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:	Appointment of Engineer for Section 78 Bondy No 2 Drain.docx
Attachments:	- Procurement Section 22 -Bondy No 2 FINAL.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 - 9:45 AM



Kevin Girard, Director, Infrastructure Services - Jan 7, 2026 - 12:33 PM



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