



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: February 17, 2026
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2026-04
Subject: Appointment of an Engineer under Section 78 of the Drainage Act for the North Rear Road Drain
Number of Pages: 5

Recommendation(s)

That Drainage-2026-04 entitled Appointment of an Engineer under Section 78 of the Drainage Act for the North Rear Road Drain prepared by Lindsay Dean, Drainage Superintendent dated February 17, 2026 be received, and

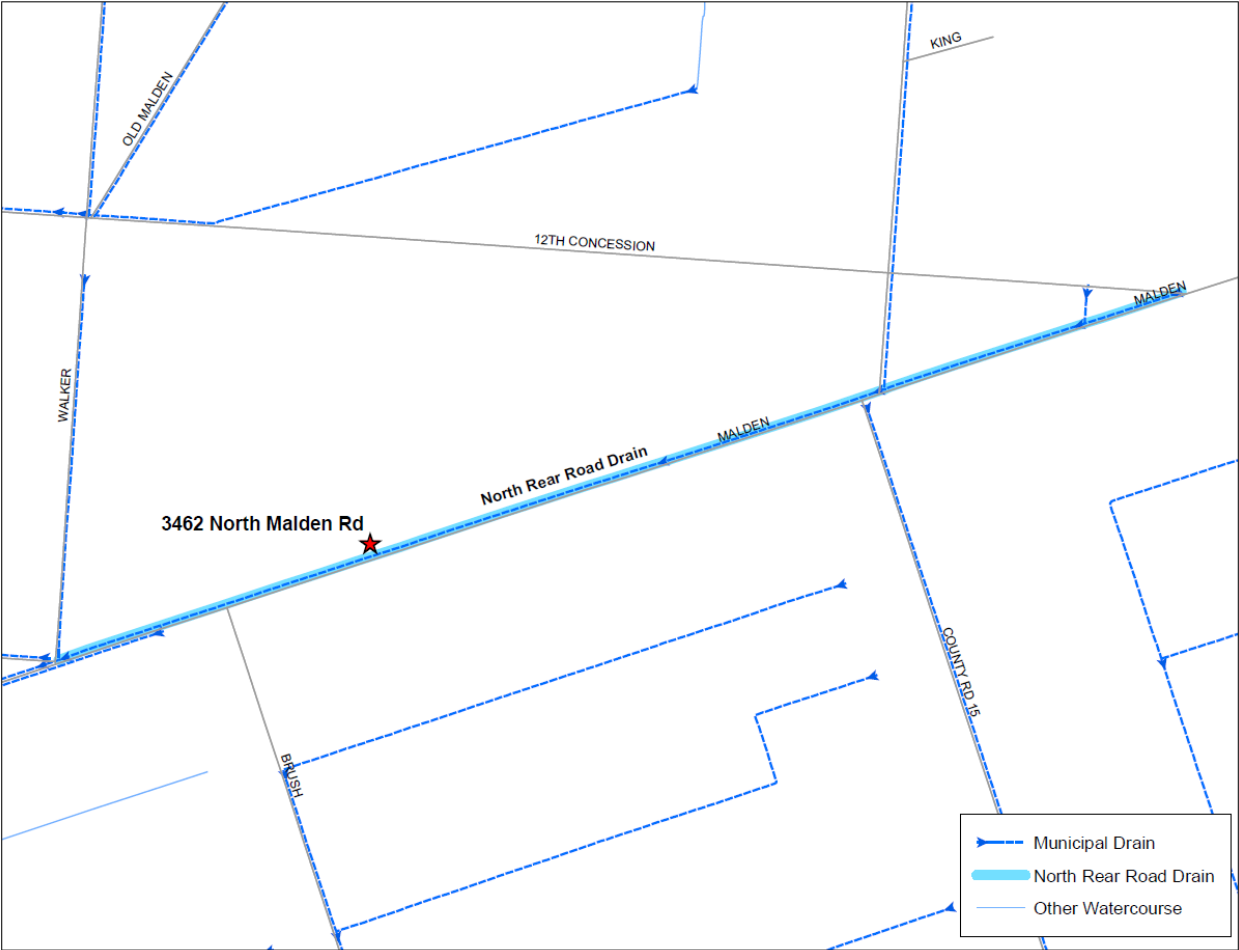
That Council appoint Dillon Consulting Limited under Section 78 of the Drainage Act to install a crossing in the North Rear Road Drain.

Purpose

To hire an engineer to allow for the installation of a new crossing in the North Rear Road Drain.

Background and Discussion

As shown on the map below, the North Rear Road Drain runs along the north side of North Malden Road from the 12th Concession Road into the Eleventh Concession Drain at Walker Sideroad.



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 North Rear Road Drain is a municipal drain that has been adopted by municipal by-law and any changes made to the drain such as the replacement of a crossing would qualify under this section of the act.

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.

It is recommended that this project be awarded to Dillon Consulting Limited as one of the firms that qualified under RFPO-ID-24-012 Engineering Services Roster for Drainage Works. Projects are distributed fairly amongst all the firms that qualified for the roster and Dillon Consulting Limited was selected for this assignment based on that parameter.

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 – March 2026
- On Site Meeting – April 2026
- Submission of Report and notification period – August 2026

- Consideration of the Report by the Drainage Board – September 2026
- Provisional By-law and Adoption by Council – October 2026
- Court of Revision –December 2026
- 3rd and Final Reading of the By-law – January 2027
- Construction – Winter 2027

Financial Impact

The cost sharing for the project will be determined by the appointed Drainage Engineer and allocated to the benefitting property owners accordingly. 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

Kate Rowe, Director, Corporate Services

Jackson Tang, Assistant Manager, Business 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

Document Title:	Appointment of Engineer for Section 78 for North Rear Road Drain.docx
Attachments:	
Final Approval Date:	Feb 11, 2026

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

Norm Nussio, Manager, Operations and Drainage - Feb 10, 2026 - 11:57 AM



Kevin Girard, Director, Infrastructure Services - Feb 10, 2026 - 2:14 PM



Kate Giurissevich, Chief Administrative Officer - Feb 11, 2026 - 10:19 AM