



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: April 7, 2026
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2026-07
Subject: Appointment of an Engineer under Section 78 and 76 of the Drainage Act for the Bowler/South Malden Road Drain
Number of Pages: 5

Recommendation(s)

That Drainage-2026-07 entitled Appointment of an Engineer under Section 78 and 76 of the Drainage Act for the Bowler/South Malden Road Drain prepared by Lindsay Dean, Drainage Superintendent dated April 7, 2026 be received, and

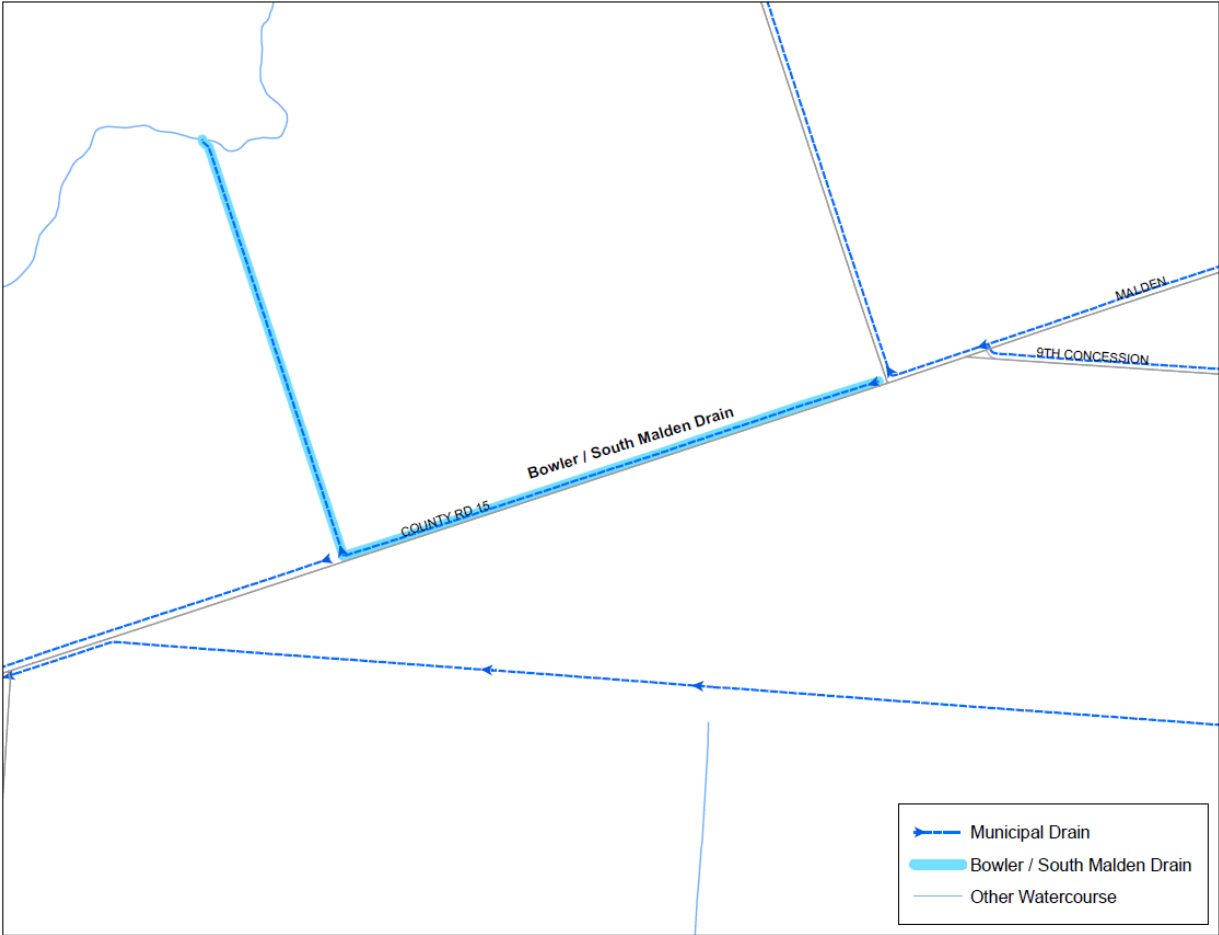
That Council appoint Rood Engineering Inc. under Section 78 and 76 of the Drainage Act to review the Bowler/South Malden Road Drain.

Purpose

To hire an engineer to review the Bowler/South Malden Road Drain including the crossings and to provide updated cost sharing.

Background and Discussion

The Bowler/South Malden Road Drain starts at the west side of the bend in County Road 15 travelling westerly along the north side of County Road 15 until it makes a bend northerly in Lot 13, SMR Concession to the outlet into the Canard River.



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 crossings would qualify under this section of the act for the Bowler/South Malden Road 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.

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 project.

It is recommended that this project be awarded to Rood Engineering Inc. as one of the firms that qualified under RFPQ-ID-24-012 Engineering Services Roster for Drainage Works. Projects are distributed fairly amongst all the firms that qualified for the roster and Rood Engineering Inc. 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 – May 2026
- On Site Meeting – June 2026
- Submission of Report and notification period – December 2026
- Consideration of the Report by the Drainage Board – January 2027
- Provisional By-law and Adoption by Council – February 2027
- Court of Revision – March 2027
- 3rd and Final Reading of the By-law – April 2027
- Construction – Summer 2027

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 Bowler/South Malden Road 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 of 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 and 76 of Bowler South Malden Drain.docx
Attachments:	
Final Approval Date:	Apr 1, 2026

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

Norm Nussio, Manager, Operations and Drainage - Mar 31, 2026 - 2:18 PM



Kevin Girard, Director, Infrastructure Services - Apr 1, 2026 - 11:43 AM



Kate Giurissevich, Chief Administrative Officer - Apr 1, 2026 - 1:21 PM