



## PORT COLBORNE

Corporate Services Department  
Clerk's Division

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January 25, 2021

The Honourable Ernie Hardeman  
Ministry of Agriculture, Food and Rural Affairs  
11<sup>th</sup> Floor, 77 Grenville St.  
Toronto, ON M5S 1B3

**VIA E-MAIL**

Dear Mr. Hardeman:

**Re: Resolution – Amending the Tile Drainage Installation Act**

Please be advised that, at its meeting of December 14, 2020, the Council of The Corporation of the City of Port Colborne resolved as follows:

That the resolution received from the Township of Howick Re: Amending the Tile Drainage Installation Act, be supported.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe  
City Clerk

Encl.

ec: Jeff Burch, MPP Niagara Centre  
Wayne Gates, MPP Niagara Falls  
Jennifer Stevens, MPP St. Catharines  
Sam Oosterhoff, MPP Niagara West  
Rural Ontario Municipal Association  
Ontario Federation of Agriculture  
Christian Farmers Federation of Ontario  
Association of Municipalities of Ontario (AMO)  
Land Improvement Contractors of Ontario  
Drainage Superintendents of Ontario Association  
Ontario Municipalities



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City of Port Colborne  
**RECEIVED**  
**DEC 03 2020**  
CORPORATE SERVICES  
DEPARTMENT

December 3, 2020

The Honourable Ernie Hardeman  
Minister of Agriculture, Food and Rural Affairs

By email only [minister.omafra@ontario.ca](mailto:minister.omafra@ontario.ca)

Dear Mr. Hardeman:

Please be advised that the following resolution was passed at the December 1, 2020 Howick Council meeting:

**Moved by Councillor Hargrave; Seconded by Councillor Illman:**

**Be it resolved that Council request the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations under the Act that would require tile drainage contractors file farm tile drainage installation plans with the local municipality; and further, this resolution be forwarded to Minister of Agriculture, Food and Rural Affairs, Huron-Bruce MPP Lisa Thompson, Perth-Wellington MPP Randy Pettapiece, Rural Ontario Municipal Association, Ontario Federation of Agriculture, Christian Farmers Federation Of Ontario, Land Improvement Contractors of Ontario, Drainage Superintendents of Ontario and all Ontario municipalities. Carried. Resolution No. 288/20**

If you require any further information, please contact this office, thank you.

Yours truly,

*Carol Watson*

Carol Watson, Clerk  
Township of Howick



**Background Information to the Township of Howick**  
**Resolution No. 288-20 Requesting Amendments to the**  
**Agricultural Tile Drainage Installation Act**

**Rational for Proposed Amendments**

Over the years, Howick Township staff have received many requests for tile drainage information on farmland. Usually these requests come after a change in ownership of the farm. Some of these drainage systems were installed recently but many are 30 to 40 or more years old. Many were installed by contractors who are no longer in business or who have sold the business and records are not available.

Information is generally available if the tile was installed under the Tile Drain Loan Program because a drainage plan is required to be filed with the municipality. If the tile system was installed on a farm without using the Tile Drain Loan Program, there likely are no records on file at the municipal office.

The other benefits to filing tile drainage plans with the municipality are identified in Section 65 of the Drainage Act.

- 65(1) – Subsequent subdivision of land (severance or subdivision)
- 65(3) – Drainage connection into a drain from lands not assessed to the drain
- 65(4) – Drainage disconnection of assessed lands from a drain
- 65(5) – Connecting to a municipal drain without approval from council

Section 14 of the Act states:

(1) "The Lieutenant Governor in Council may make regulations,

(a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;

(a.1) exempting classes of persons from the requirement under section 2 to hold a licence, in such circumstances as may be prescribed and subject to such restrictions as may be prescribed;

(b) Repealed: 1994, c. 27, s. 8 (5).

(c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;





- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;
- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. A.14, s. 14; 1994, c. 27, s. 8 (4, 5)."

I believe it would be beneficial if a regulation required the installer, of agricultural drainage, to file a plan of the drainage system with the municipality following completion of the work.

While most of Section 14 deals with contractor, machine and installer licences, I think that Section 14(f) or 14(i) may allow a regulation change. This would be a better solution than an amendment to the Act.

### **Recommendations:**

- Request by municipal resolution that the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations, under the Act, that would require tile drainage contractors file all farm tile drainage installation plans in the Municipality where the installation took place
- Send the municipal resolution to:
  - Minister of Agriculture, Food and Rural Affairs
  - Lisa Thompson, MPP Huron Bruce
  - Randy Pettapiece, MPP Perth Wellington
  - Rural Ontario Municipal Association [roma@roma.on.ca](mailto:roma@roma.on.ca)
  - [OFA](#)
  - [CFFO](#)
  - All Ontario municipalities
  - the Land Improvement Contractors of Ontario (LICO), and
  - the Drainage Superintendents Association of Ontario (DSAO)

Wray Wilson, Drainage Superintendent  
Township of Howick  
[drainage@howick.ca](mailto:drainage@howick.ca)

**WHEREAS** the operation, finance and regulatory compliance of elections is fully undertaken by municipalities themselves; and,

**WHEREAS** local governments are best poised to understand the representational needs and challenges of the body politic they represent, and when looking at alternative voting methods to ensure more people vote safely, it becomes more difficult to implement these alternatives with the proposed shorter period between Nomination day and the October 24, 2022 Election day;

**NOW THEREFORE BE IT RESOLVED THAT** Corporation of the County of Prince Edward Council send a letter to the Ministry of Municipal Affairs and Housing urging that the Government of Ontario continues to respect Ontario municipalities' ability to apply sound representative principles in their execution of elections;

**AND THAT** the Corporation of the County of Prince Edward Council recommends that the Government of Ontario supports the freedom of municipalities to run democratic elections within the existing framework the Act currently offers;

**AND THAT** this resolution be circulated to all Ontario Municipalities, AMO and AMCTO.

**CARRIED**



Catalina Blumenberg, **Clerk**