



# The Corporation of the TOWNSHIP OF WOOLWICH

P.O. Box 158, 24 Church Street West, Elmira Ontario, N3B 2Z6  
Infrastructure Services: 519-669-1647 or 1-877-969-0094  
[www.woolwich.ca](http://www.woolwich.ca)

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## LANDOWNER NOTIFICATION

SEPTEMBER 28, 2023

**RE: NOTICE OF MEETING TO CONSIDER THE ENGINEER'S REPORT  
BRESLAU DRAIN 1  
DRAINAGE ACT, R.S.O. 1990, C. D.17, SUBS. 10(2)**

In accordance with the *Drainage Act*, you as an owner of land affected by the proposed drainage works for Breslau Drain 1 are receiving notice of a Council Meeting to consider the final report filed with the Township of Woolwich for the drainage works. The Engineer's report was filed on September 25, 2023. Meeting details are as follows:

Date & Time: Tuesday, October 17, 2023 at 7:00pm  
Location: Council Chambers  
Township of Woolwich Administration Building  
24 Church Street West  
Elmira, Ontario N3B 2Z6

If you would like to speak at the meeting, you need to register as a delegate by 10:00 am on Tuesday, October 17, 2023. To register as a delegate, please fill out a registration form on our website ([www.woolwich.ca/council](http://www.woolwich.ca/council)) or contact the Council and Committee Facilitator by email ([councilmeetings@woolwich.ca](mailto:councilmeetings@woolwich.ca)) or by phone 519-669-6004.

If you would like to observe the meeting but do not wish to participate by delegation, please feel free to watch the Livestream of the meeting on our YouTube channel (<https://www.youtube.com/@woolwichtownship9588>). The meeting will begin at or around 7:00pm. If you do not see a livestream in progress, please refresh the page until it becomes available.

If you would like to sit in the Public Gallery to observe the public meeting, registration is required as there is limited capacity for the gallery. Please fill out the Public Gallery Registration form on our website ([www.woolwich.ca/council](http://www.woolwich.ca/council)) or contact the Council and Committee Facilitator by e-mail ([councilmeetings@woolwich.ca](mailto:councilmeetings@woolwich.ca)) or by phone (519-669-6004).

If you would like to view the meeting agenda, please visit our website (<https://calendar.woolwich.ca/council/Detail/2023-05-30-1900-Committee-of-the-Whole>). The agenda will be posted a few business days prior to the October 17, 2023 meeting.

A copy of the Engineer's report is included with this notification and can also be viewed at <https://www.engagewr.ca/breslau-drain-no-1>.

Should you have any questions about this notice or the project, please do not hesitate to contact the following:

Darryl Schwartzenruber, C. Tech.  
Engineering Project Supervisor  
Township of Woolwich  
Direct Phone: 519-669-6047  
Email: [dschwartzentruber@woolwich.ca](mailto:dschwartzentruber@woolwich.ca)

Alex Pasley, C.E.T.  
Woolwich Drainage Superintendent  
K. Smart Associates Limited  
Direct Phone: 519-748-1199 x257  
Email: [apasley@ksmart.ca](mailto:apasley@ksmart.ca)

Joel Miller, P. Eng.  
Project Engineer  
K. Smart Associates Limited  
Direct Phone: 519-748-1199 x228  
Email: [jmiller@ksmart.ca](mailto:jmiller@ksmart.ca)

**Failure to attend meeting:** If you do not attend the meeting, it will proceed in your absence. If you are affected or assessed by this proposed project, you will continue to receive notification as required by the *Drainage Act*.

**Activities at the meeting to consider the report:**

- The Engineer will present a summary of the report to Council;
- Council must decide whether or not to proceed with the project by provisionally adopting the Engineer's report by by-law; they also have the option to refer the report back to the Engineer for modifications;
- Attendance is not required; however, any property owners affected by the drain have an opportunity to speak at the meeting to support or dispute the proposed report;
- No assessment appeals are heard at the meeting to consider the report. Assessment appeals are heard at a subsequent meeting called the Court of Revision. You will receive notice for the Court of Revision if the Engineer's report is provisionally adopted at the meeting to consider the report.

**Purpose of the Report:**

The purpose of the report is to construct a drainage system to address several petitions (requests) for drainage works and drain improvements filed with the Township. Significant improvements and several extensions to existing drainage infrastructure in Breslau are proposed in the report, which includes detailed drawings, an estimate of cost and an estimated amount each property will be assessed once construction is finished. Once constructed, the drain will be the Township's responsibility to maintain. The report also establishes the portions each property will be assessed for maintenance work in the future.

**Background:**

Breslau Drain 1 was originally constructed under the *Drainage Act* by the authority of a report prepared by E.P. Bowman, O.L.S. in 1953. In the fall of 2018, the Township received several requests for drainage works and drainage improvements by residential landowners in Breslau. In November of 2018, The Township appointed K. Smart Associates Limited to prepare a Preliminary Report to review design alternatives and associated costs to address the petitions received. In December of 2019, Township Council accepted the Preliminary Report and directed K. Smart Associates Limited to prepare a final report for Breslau Drain 1. Over the course of preparing the final report, the Township received an additional petition for drainage works from the proposed development lands on the east side of Breslau. The final report is now completed and will be considered by Township Council on October 17, 2023.

**Frequently Asked Question – What is a Municipal Drain?**

A municipal drain is a drainage system established by an Engineer's report under the *Drainage Act*. Municipal drains can consist of open ditches or closed systems such as pipes or tiles buried in the ground.

Municipal drains exist in agricultural and developed areas and are a vital component of the local infrastructure.

**Frequently Asked Question – What are the three key elements of a municipal drain?**

The three key elements of municipal drains are:

1. Community Project - Landowners who require a solution to a drainage problem may submit a prescribed petition under the *Drainage Act* to their local municipality, requesting the establishment of a municipal drain. If certain criteria are met, the municipality appoints an engineer who prepares a report, which identifies the proposed solution to the problem and how the costs will be shared. There are various meetings where landowners within the watershed of the municipal drain can voice their desires and concerns. There are also several appeal stages where they can voice their objections. The end result of the process is a "communally accepted" project.
2. Legal Existence - After all appeals have been managed, the municipality passes a by-law, adopting the engineer's report. The municipality then has the authority and the responsibility to construct the project. The cost of the work is assessed to the lands in the watershed in the same ratios as contained within the engineer's report.
3. Municipal Infrastructure – Once a municipal drain has been constructed under the authority of a by-law, it becomes part of that municipality's infrastructure. The local municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain.

**Frequently Asked Question – Why is there a separate charge for municipal drains and why don't my taxes pay for municipal drain costs?**

Municipal Drains are governed by the *Drainage Act*. The *Drainage Act* prescribes how municipal drains are constructed, maintained, and improved, including how related costs are assessed. The lands located in a Drain's catchment and the lands that benefit from the municipal drain are assessed the cost of the infrastructure.

**Frequently Asked Question – Is there an annual fee? How often will I have to pay?**

There is no annual fee for a municipal drain. Maintenance of municipal drains is the responsibility of the municipality, and expenses for maintenance are assessed to upstream landowners using the Future Maintenance Schedule in the report. Typically, maintenance occurs at the request of a property owner with maintenance projects like ditch cleanouts occurring every 10 to 15 years. Once maintenance is requested, the Township's Drainage Superintendent will review the condition of the drain and conduct a site meeting with affected landowners. The Township will retain a contractor and complete the maintenance work.

**Frequently Asked Question – When do I Need to Pay my Assessment?**

Following completion of construction, affected landowners will receive a bill for their portion of the cost of the work.

**Frequently Asked Question – Why Doesn't the Developer Pay 100% of the Drain Cost?**

Per the requirements of the *Drainage Act*, costs must be distributed to all affected lands, whether they are existing agricultural/residential/commercial or are slated for development. Drainage issues in Breslau have persisted for years, prior to recent development planning. The report explains how the portions of the project related to proposed development are assessed to the developer.