

TYPES OF DRAINS

MUNICIPAL DRAIN

A municipal drain is created pursuant to a bylaw passed by the local municipality under the Drainage Act. The municipality is responsible for the construction of the drainage system and future maintenance and repair. Costs are shared by the property owners in the watershed of the drain.

MUTUAL AGREEMENT DRAIN

A mutual agreement drain is between two or more property owners and is registered on property title. Construction, maintenance repair are the responsibility of the property owners, as detailed in the agreement.

HISTORICAL AWARD DRAINS:

When two or more landowners agree to construct, repair and maintain a drain. Enforcement of the agreement is between the parties

DRAINAGE QUESTIONS (OMAFRA website)

1. My neighbour's land is higher than mine can she/he discharge water on my land?
2. Can my neighbour dump the discharge from eavestroughs on my land?
3. Do I have to let my neighbour run her/his tile into my tile drainage system?
4. Do I have to let my neighbour run her/his tile across my place to a sufficient outlet?
5. Can my neighbour force me to take down my trees on my side of our property line because he says their roots are plugging his tile drains?
6. Can I take logs and debris out of a natural watercourse adjacent to my property to get the water moving?

ANSWERS :

<http://www.omafra.gov.on.ca/english/engineer/facts/98-015.htm>



Drainage



When a new home is constructed, it is essential that the lot be graded properly to ensure that surface drainage is directed away from the building and does not cause problems or damage to neighbouring properties.

The Ontario Building Code sets out the requirements for lot grading and drainage etc. during construction.

Generally surface water may not be collected & discharged onto a neighbouring property, including water from eavestroughs, tile drainage, sump pump discharge, rain barrels, water hoses, ditches, etc.

If you believe a neighbour is collecting and discharging surface water onto your property, please seek a legal opinion as to your options.

If someone in a subdivision has altered drainage paths and now water pools on your property :

- Contact your lawyer to see if there are restrictive covenants registered on title that apply to the development

- Wellington North will enforce drainage, one year after acceptance of the final grading certificate (Policy 006-20)

- If there are no restrictive covenants or it is past the time when the municipality will investigate, you could
 - Petition for a municipal drain or
 - Seek a legal opinion as to your options.

CONTACTS :

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<http://www.omafra.gov.on.ca/english/landuse/drainage.htm>