

From: [Floyd Pinto](mailto:Floyd.Pinto@adjtos.ca) on behalf of [Floyd Pinto <floydpinto@adjtos.ca>](mailto:Floyd.Pinto@adjtos.ca)
To: [Bob Meadows](#); [Ronald O'Leary](#); [Scott Anderson](#); [Deborah Hall-Chancey](#); [Annette Bays](#); [Jonathan Pita](#); [Rhonda Bunn](#)
Subject: Municipal drain emails
Date: February 10, 2022 9:05:11 AM
Attachments: [municipal_drain_emails_copy_2.pdf](#)

Good Morning Council,

Attached is the pdf file of the emails with Tom Pridham and Sid Vander Veen as discussed at the February 9th 2022 regular council meeting.

Thank you,

Floyd Pinto
Mayor
Township of Adjala-Tosorontio
7855 30th Sideroad
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"Working together we will bring positive change for our current and future generations"

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NOTICE

For the after hours Emergency Line, to address water & line breaks, please call 1-800-461-9675.

I have put the emails in date and time sequence



In the below email Kevin the infrastructure director confirms the appointment of Sid Vander veen



On Aug 25, 2021, at 10:36 AM, Kevin Young. <kyoung@adjtos.ca> wrote:

Mayor Pinto and Members of Council:

Please be advised that Sid Vander Veen P. Eng. from R J Burnside & Associates Ltd, has been appointed as the engineer in charge for this project. The formal appointment of an engineer in charge is a requirement under Section 8.2 of the Drainage Act, as set out below.

Where engineer is a corporation, etc.

8 (2) Where the engineer appointed under this Act is a corporation, association or partnership, the appointee shall, within ten days of the date of appointment, notify the council of the name of the individual engineer who will have charge of the project and who will remain in charge until the report is filed and if for any reason the designated engineer ceases to be employed by the appointee, the appointee shall within ten days of such time notify the council of the name of his or her replacement. R.S.O. 1990, c. D.17, s. 8 (2)

Attached is a copy of Resolution RES 265 – 2021, appointing R J Burnside & Associates Ltd. to prepare a report to update the assessment schedule and to investigate and report on the capacity of the drain to accommodate flows from the proposed Colgan 1 and Colgan 2 developments.

A public meeting will be required and is to be arranged by R J Burnsides & Associates and will be advertised accordingly in the local papers, Township Web page etc. It has been suggested that a Saturday morning may be most convenient for the area residents allowing for their input into the process. The date, time and location has yet to be confirmed and to provide at least two weeks notice. Staff will update Council accordingly upon the necessary arrangements being confirmed.

Trusting this to be satisfactory.

Kevin

Kevin Young, C.E.T., C.R.S., C.M.M.I.
Director of Infrastructure & Development

705-434-5055 Ext. 232

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In the below email bob asks for the Tribunal permission as required under the act before the appointment of the engineers



From: Bob Meadows <bmeadows@adjtos.ca>

Date: August 25, 2021 at 1:47:05 PM EDT

To: Kevin Young <kyoung@adjtos.ca>

Cc: Floyd Pinto <floyd Pinto@adjtos.ca>, Deborah Hall-Chancey <dhallchancey@adjtos.ca>, Jonathan Pita <jpita@adjtos.ca>, Ronald O'Leary <roleary@adjtos.ca>, Scott Anderson <sanderson@adjtos.ca>, Annette Bays <abays@adjtos.ca>, Rhonda Bunn <rbunn@adjtos.ca>, Dianne Gould-Brown

<dgouldbrown@adjtos.ca>, Sid.VanderVeen@rjburnside.com, Tom.Pridham@rjburnside.com, Dana Clarke <dclarke@adjtos.ca>

Subject: Bailey Creek Municipal Drain Assessment

Hi Kevin

Could you please send me a copy of the letter or authorization from the Tribunal with regards to moving this project forward according to the rules the municipal drainage act,

Much appreciated
Bob Meadows

[Redacted signature block]

[REDACTED]

From: Tom Pridham <Tom.Pridham@rjburnside.com>
Date: August 25, 2021 at 2:52:40 PM EDT
To: Bob Meadows <bmeadows@adjtos.ca>
Cc: Floyd Pinto <floydpinto@adjtos.ca>, Deborah Hall-Chancey <dhallchancey@adjtos.ca>, Jonathan Pita <jpita@adjtos.ca>, Ronald O'Leary <roleary@adjtos.ca>, Scott Anderson <sanderson@adjtos.ca>, Annette Bays <abays@adjtos.ca>, Rhonda Bunn <rbunn@adjtos.ca>, Dianne Gould-Brown <dgouldbrown@adjtos.ca>, Sid Vander Veen <Sid.VanderVeen@rjburnside.com>, Dana Clarke <dclarke@adjtos.ca>, Kevin Young <kyoung@adjtos.ca>
Subject: Bailey Creek Municipal Drain Assessment

Hi Bob,

We are familiar with the requirements of Section 76(1) of the Drainage Act when other Municipalities are involved.

We did not recommend an application for permission to procure a Report under Section 76 until clear direction from Council was provided.

In our opinion, it made no sense to apply to the Tribunal for something that may not have been proceeded with.

Now that Council has endorsed the preparation of a new Assessment Schedule, we will be making the application to the Tribunal.

The Open House will be held after permission to prepare a new report is granted by the Tribunal.

Thanks,
Tom

Tom Pridham
Drainage Engineer

R.J. Burnside & Associates Limited | www.rjburnside.com
Office: +1 800-265-9662 Direct: +1 519-938-3077

I raise the same question with concerns that the law under the drainage act is not being followed



From: Floyd Pinto <floydpinto@adjtos.ca>

Date: August 25, 2021 at 4:27:42 PM EDT

To: Kevin Young <kyoung@adjtos.ca>

Cc: Bob Meadows <bmeadows@adjtos.ca>, Deborah Hall-Chancey <dhallchancey@adjtos.ca>, Jonathan Pita <jpita@adjtos.ca>, Ronald O'Leary <roleary@adjtos.ca>, Scott Anderson <sanderson@adjtos.ca>, Annette Bays <abays@adjtos.ca>, Rhonda Bunn <rbunn@adjtos.ca>, Dianne Gould-Brown <dgouldbrown@adjtos.ca>, Sid.VanderVeen@rjburnside.com, Tom.Pr idham@rjburnside.com, Dana Clarke dclarke@adjtos.ca

Subject: Re: Bailey Creek Municipal Drain Assessment

Hi Kevin,

I have a question on your earlier email and would appreciate if you could kindly advice me on the same. As stated below in section 76 and on discussion with the ministry the notice had to be sent to the head of every other municipality for permission to procure an engineers report, in the event of such permission being given council may appoint an engineer. Did we send the letters to the heads of the other municipalities for permission to procure the report? We can appoint an engineer after permission is given, could you kindly provide me with the permission obtained from New Tecumseth and Mono Township as it was not part of the agenda package when council approved this appointment of Burnside?

Further, as per your initial email, council appointed R. J. Burnside at the July 14th 2021 regular council meeting. According to section 8(2) R.J. Burnside is a corporation they had to inform us of the engineer within 10 days. The end of 10 days would be July 24th 2021 today is August 25, 2021 is this appointment not contrary to section 8(2).

Would appreciate if you could get back to me as I have been raising concerns with the process. The Ministry has made it clear with me the entire process that needs to be followed and in my opinion we could be in violation of the act.

Look forward to receiving the documents.

Varying original assessments for maintenance

76 (1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1990, c. D.17, s. 76 (1); 2006, c. 19, Sched. A, s. 6 (1).

Thank you,

Floyd Pinto

Mayor

Township of Adjala-Tosorontio

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Alliston, Ontario L9R 1V1

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***“Working together we will bring positive. change
for our current and future generations”***

[Redacted signature area]

[REDACTED]

From: Tom Pridham <Tom.Pridham@rjburnside.com>

Sent: August 26, 2021 2:04 PM

To: Kevin Young <kyoung@aditos.ca>

Cc: Rhonda Bunn <rbunn@aditos.ca>; Dianne Gould-Brown <dgouldbrown@aditos.ca>; Sid Vander Veen <Sid.VanderVeen@rjburnside.com>

Subject: RE: Bailey Creek Municipal Drain Assessment

Hi Kevin,

Another hot day!

With respect to the Mayor's first point, our response is the same as I sent to Deputy Mayor Meadows yesterday:

"We are familiar with the requirements of Section 76(1) of the Drainage Act when other Municipalities are involved.

We did not recommend an application for permission to procure a Report under Section 76 until clear direction from Council was provided.

In our opinion, it made no sense to apply to the Tribunal for something that may not have been proceeded with.

Now that Council has endorsed the preparation of a new Assessment Schedule, we will be making the application to the Tribunal.

The Open House will be held after permission to prepare a new report is granted by the Tribunal."

Given the lengthy discussions that took place on July 19th reconvened Council Meeting, it was clear that holding off on notifying the other Municipalities and requesting permission from the Tribunal to prepare a report was a sound decision.

We have confirmed with Tim Brook, the Provincial Drainage Coordinator, that this course of action made sense given the unknown outcome.

As indicated above, we will be notifying the Town of Mono and the Town of New Tecumseth and seeking permission from the Tribunal to proceed with the preparation of our report in the near future. We are confident in our procedure and cannot see the Tribunal having any issues with proceeding with the report.

Secondly, we received notice of our appointment via email on August 19th, 2021.

We subsequently acknowledged our appointment and confirmed who the Engineer would be on August 23rd, 2021.

This is well within the ten day window specified in Section 8(2) of the Drainage Act.

Should you have any questions, or if we can be of any further assistance in the meantime, please call.

Thanks,
Tom

Tom Pridham
Drainage Engineer

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As tom stated he confirmed the course of action of not getting permission from the Tribunal and the Neighbouring municipalities made sense I asked Tom for copies of this permission to protect the township, as of today tom cannot provide copies of this permission obtained from the Ministry. The Freedom of Information request ha I did shows no such permissions granted to tom or Sid.



From: Floyd Pinto <floydpinto@adjtos.ca>

Date: September 2, 2021 at 8:03:23 PM EDT

To: Tom Pridham <Tom.Pridham@rjburnside.com>

Subject: Bailey Municipal drain confirmation

Good Morning Tom,

Hope you are enjoying the last few days of summer. Tom as required by the drainage act that the Clerk call for a meeting that has to be chaired by the head of council, I would like to ensure that the process being followed is exactly as stated in the drainage act.

As the township is now contacting and getting permission from neighbouring municipalities contrary to section 76 of the act and as you have stated below " We have confirmed with Tim Brook, the Provincial Drainage Coordinator, that this course of action made sense given the unknown outcome."

Could you kindly forward me at your earliest the signed confirmation from Tim Brook that he approved this course of action and which section of the drainage act provides him the authority to divert from

requirements of section 76 of the drainage act. I would like to have this for the townships records in case of any future litigation and prior to calling of the public meeting, just in case as chair i am asked this question from residents at the meeting.

Thanks,

Floyd

As tom cannot provide he documents he stated earlier that he got permission he now admits that he deviated from the requirements of the drainage act.



From: Tom Pridham <Tom.Pridham@rjburnside.com>
Date: September 3, 2021 at 6:33:36 AM EDT
To: Floyd Pinto <floydpinto@adjtos.ca>
Cc: Sid Vander Veen <Sid.VanderVeen@rjburnside.com>
Subject: Bailey Municipal drain confirmation

Hi Floyd
Thank you for your email
I hope things are well

I don't think the minor deviation is sufficient enough to succeed in the event of litigation However we do not want to proceed until we are sure
Let me talk to Sid when he gets back and see what he thinks He had spoken with Tim Brook regarding the process

Thanks, Tom

Tom Pridham
Drainage Engineer

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Below is the email that I forwarded to Sid Vander Veen informing him that he was appointed as the engineer. But yet he states until his appointment takes effect and this email was sent to Sid Vander Veen as per John Burnside request to get clarification.



On Aug 25, 2021, at 10:36 AM, Kevin Young
<kyoung@adjtos.ca> wrote:

Mayor Pinto and Members of Council:

Please be advised that Sid Vander Veen P. Eng. from R J Burnside & Associates Ltd, has been appointed as the engineer in charge for this project. The formal appointment of an engineer in charge is a requirement under Section 8.2 of the Drainage Act, as set out below.

Where engineer is a corporation, etc.

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A public meeting will be required and is to be arranged by R J Burnside & Associates and will be advertised accordingly in the local papers, Township Web page etc. It has been suggested that a Saturday morning may be most convenient for the area residents allowing for their input into the process. The date, time and location has yet to be confirmed and to provide at least two weeks notice. Staff will update Council accordingly upon the necessary arrangements being confirmed.

Trusting this to be satisfactory.

Kevin

Kevin Young, C.E.T., C.R.S., C.M.M.I.
Director of Infrastructure & Development

705-434-5055 Ext. 232

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young@adjtos.ca

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With regards to the sewer outfall connection to the Bailey creek thank you for confirming that you stand by your report. As you were unable to make it to the council meeting when this report was being discussed, there were questions raised by residents and I had sent questions to our CAO to be forwarded to you, would appreciate if you could kindly reply to the questions as staff at the council meeting were unable to answer any questions.

Under S. 65(5), no one may connect to a municipal drain without approval of council. The purpose of my report was to assist council in making that decision. Since council has accepted the report at the November 8, 2021 council meeting, the matter is closed.



Residents had questions on the entire process of the reassessment and the process and time lines for commencing an appeal at the Tribunal.

Again, until my S. 76 appointment takes effect, it is inappropriate for me to answer these types of questions. Please direct them to your staff.

Thank you,

Floyd Pinto

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