

Guide to Completing the Petition for Drainage Works by Owner Form


Introduction

The **Petition for Drainage Works by Owners – Form 1** is used to petition municipal council for a new drainage works under the Drainage Act. It is submitted to municipal council by the property owners making the request.

The **Petition for Drainage Works by Owners – Form 1 (FORM 003-0173E)** is available at the Government of Ontario Central Forms Repository.

[Form 003-0173E - Petition for Drainage Works by Owners – Form 1](#)

Page One: Description of Land and Purpose of the Petition

PAGE 1			
 Ontario Ministry of Agriculture, Food and Rural Affairs			
Petition for Drainage Works by Owners Form 1 <i>Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)</i>			
This form is to be used to petition municipal council for a new drainage works under the <i>Drainage Act</i> . It is not to be used to request the improvement or modification of an existing drainage works under the <i>Drainage Act</i> .			
a)	To: The Council of the Corporation of the _____ of _____		
b)	The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)		
In accordance with section 9(2) of the <i>Drainage Act</i> , the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.			
As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the <i>Drainage Act</i> for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the <i>Drainage Act</i> , if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.			
Purpose of the Petition (To be completed by one of the petitioners. Please type/print)			
Contact Person (Last Name)		First Name	Telephone Number ext.
Address Road/Street Number Road/Street Name			
Location of Project Lot Concession Municipality Former Municipality (if applicable)			
d)	What work do you require? (Check all appropriate boxes)		
<input type="checkbox"/> Construction of new open channel			
<input type="checkbox"/> Construction of new tile drain			
<input type="checkbox"/> Deepening or widening of existing watercourse (not currently a municipal drain)			
<input type="checkbox"/> Enclosure of existing watercourse (not currently a municipal drain)			
<input type="checkbox"/> Other (provide description ▼)			
Name of watercourse (if known)			
Estimated length of project			
e)	General description of soils in the area		
What is the purpose of the proposed work? (Check appropriate box)			
<input type="checkbox"/> Tile drainage only <input type="checkbox"/> Surface water drainage only <input type="checkbox"/> Both			
Petition filed this _____ day of _____, 20__			
f)	Name of Clerk (Last, first name)		Signature

Complete each section of the form using the information below for guidance. You will only require ONE copy of page of the petition form.

a) To:

Identify the municipality that receives the petition. E.g., Township of King

b) Area of land described below requires drainage

This is the area of land that requires the construction of a drainage system to resolve drainage problems or provide an outlet. The area requiring drainage could be a single property but is more likely to be a group of properties. To be valid, the petition must be signed by either the majority in number of the owners of lands (including any roads) in the area requiring drainage, or by the owner or owners representing at least 60% of the land in the area requiring drainage.

Some examples of appropriate entries include:

- X number of acres on Lots 13-16, Concession 3, Township of Agassiz; or
- The area identified in the attached plan.

IMPORTANT: FINANCIAL OBLIGATIONS OF PETITIONERS

Ensure petitioners are aware of their financial obligations if they sign the form. The form indicates that petitioners are responsible for covering the costs associated with the petition, even if the project is not approved.

“As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the Drainage Act for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the Drainage Act, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.”

c) Purpose of the Petition

This section is normally completed by one of the petitioners but can be completed by an agent of the petitioner(s), e.g., tile drainage contractor, real estate agent or a spokesperson. All requested information for the contact person must be provided.

d) What work do you require?

The purpose of this section is to give the parties receiving the petition (members of council, drainage superintendent, regulatory agencies and the appointed engineer) a better understanding of the expectation of the petitioner(s). Identifying the type of work required does not bind the engineer to implement the requested work as a solution.

e) General Information

1. Name of watercourse

Name of the watercourse where the petitioner(s) suggest that work be performed. Examples might include "Smith Award Drain" or "Private drain on the west side of Lot 32 and 33" or "Birch Creek" or "None".

2. Estimated length of project

Approximate length of drain required to achieve a solution to the issues.

3. General description of the soils in the area

Intended to provide a very broad description. Some examples include "silty clay, sandy loam, clayey loam, or "quicksand".

4. Purpose of the proposed work"

Select the appropriate option.

f) Date of Submission

Completed by the municipal clerk after the petition form is submitted to the municipality.

Page 2: Property Owner Signatures

Each copy of this page presents an opportunity for the owner(s) of two properties to sign the form, as shown in the boxes outlined in red on Page 2.

More than Two Petitioners

If more than two properties intend to sign the petition, additional copies of page 2 must be included and completed and the **Check here if additional sheets are attached** should be selected.

Complete one box for each petitioning property

If an individual, company or partnership owns multiple properties and intends to include more than one of these properties on the petition form, then a separate box must be completed for each property.

PAGE 2

Property Owners Signing The Petition		Page	of						
<ul style="list-style-type: none"> • Your municipal property tax bill will provide the property description and parcel roll number. • In rural areas, the property description should be in the form of (part) lot and concession and civic address. • In urban areas, the property description should be in the form of street address and lot and plan number if available. • If you have more than two properties, please take copy(ies) of this page and continue to list them all. 									
a)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; padding: 2px;">Number</td> <td style="padding: 2px;">Property Description</td> </tr> <tr> <td style="padding: 2px;">Ward or Geographic Township</td> <td style="padding: 2px;">Parcel Roll Number</td> </tr> </table>	Number	Property Description	Ward or Geographic Township	Parcel Roll Number	PROPERTY 1			
Number	Property Description								
Ward or Geographic Township	Parcel Roll Number								
I hereby petition for drainage for the land described and acknowledge my financial obligations.									
Ownership									
<input type="checkbox"/> Sole Ownership									
b)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 45%; padding: 2px;">Owner Name (Last, First Name) (Type/Print)</td> <td style="width: 25%; padding: 2px;">Signature</td> <td style="width: 30%; padding: 2px;">Date (yyyy/mm/dd)</td> </tr> </table>	Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)	PROPERTY 2				
Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)							
<input type="checkbox"/> Partnership (Each partner in the ownership of the property must sign the petition form)									
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<input type="checkbox"/> Corporation (The individual with authority to bind the corporation must sign the petition)									
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Name of Corporation									
Position Title									
I have the authority to bind the Corporation.									
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Signature									
Name of Corporation									
Position Title									
I have the authority to bind the Corporation.		PROPERTY 2							
Date (yyyy/mm/dd)									
<input type="checkbox"/> Check here if additional sheets are attached									
Clerk initial									

NOTE Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. Drainage Act, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. Drainage Act, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. Drainage Act, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. Drainage Act, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information
 Any personal information collected on this form is collected under the authority of the Drainage Act, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (municipality to complete)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

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Each property owner must provide the following information:

a) Property information details

Must be completed for each property included on the petition, regardless of ownership type. Property information can be obtained from the owner's property tax bill or from the municipal office.

b) Sole proprietorship

Only completed when the property being included on the petition is owned by a single individual. For a property owned by a sole owner to legally count in a petition, the sole owner of the property must sign and date the petition.

c) Partnership

Only completed when the property being included on the petition is owned in partnership. For a property owned in partnership to legally count in a petition, all partners must sign and date the petition.

d) Corporation

Only completed when a property included on the petition is owned by a corporation. For a property owned by a corporation to legally count in a petition, the petition must be signed by the person who can legally bind the corporation.

Filing The Petition

File the completed and signed petition form with the clerk of the municipality. Upon receipt of the petition the clerk will be responsible for reviewing the petition for deficiencies and send the petition to council for consideration. The Clerk's will then complete the following:

1. **Sign and date** Page 1 of the petition form.
2. Insert the appropriate page numbers in the upper right corner of each copy of Page 2.
3. Initial receipt in the lower right corner on each copy of Page 2.
4. Complete the **Notice of Collection of Personal Information** on each copy Page 2.
5. Verify that the **Property Information Details** are correct.
6. Verify that **ALL owners** of each property depending on the type of ownership, have signed, and dated the form.
7. Although not mandatory, the clerk may request, from corporately owned properties, a document verifying the signing officer's position within the corporation.
8. If the petition is completed fully and accurately will arrange to have the petition included on the next council agenda for consideration by the Municipal Council.

Section 5(1) of the Drainage Act states that "...the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition..." make a decision on the petition.

9. If the petition is inadequate or has deficiencies, notify the contact person listed on the petition form and inform them of the incomplete or inaccurate information. Landowners have two options if their petition is deficient:

Option 1: Contact person can withdraw the petition to allow the deficiencies to be addressed then submit the corrected petition.

Option 2: Bring the petition to council for consideration. If the deficient petition is accepted, the council will appoint an engineer and the engineer may determine that the petition is not valid due to the deficiencies in the petition.