

Drainage Act

Frequently Asked Questions

Why am I being charged under the Drainage Act?

In rural Ontario, drainage systems—such as municipal drains, ditches, tiles, and culverts—are essential infrastructure. They help remove excess water from farmland, roads, and properties to prevent flooding, protect buildings, and keep land usable.

The Ontario Drainage Act is provincial legislation that allows municipalities to:

- Construct and maintain these drainage systems, and
- Recover the cost from the properties that benefit from them.

How are the costs determined?

When a municipal drain is created or improved, an engineer prepares a report that:

- Identifies all properties that benefit from the drain
- Assigns a share of the cost to each property based on benefit, outlet use, and responsibility

This process ensures that:

- Properties that benefit more from the drain pay a larger share
- Costs are distributed fairly, rather than paid by all taxpayers equally

Why am I paying if the Drain is not on my property?

You may still benefit from the drainage system even if it's not located directly on your land. For example:

- Your property may drain into the system (called an “outlet”)
- The drain may reduce flooding risks in your area
- Municipal roads you use are protected by the drainage system

Because of these indirect benefits, the Act allows costs to be shared among all affected properties.

What are the charges for?

Charges under the Drainage Act typically cover:

- Regular maintenance (cleaning, repairs, vegetation removal)
- Major repairs or improvements to aging systems
- New drainage works, if applicable

Maintenance costs are usually smaller and occur periodically, while construction or major upgrades may result in one-time or financed charges.

Many of the reports used for drain maintenance are over 50 years old

How are maintenance costs charged?

Municipal drains require ongoing maintenance to continue functioning properly. This includes:

- Cleaning out sediment and debris
- Removing vegetation and blockages
- Repairing erosion or damaged sections

Under the Drainage Act:

- Maintenance is arranged by the municipality when needed
- The cost of this work is charged out to the properties listed in the original engineer's report
- Each property pays its assigned percentage (assessment) of the total cost

Unlike new construction projects, maintenance does not require a new engineer's report each time. Instead, costs are distributed using the existing schedule of assessment already in place for that drain.

This means:

- Charges may appear periodically, depending on when maintenance is required
- Even smaller maintenance activities will still be billed proportionally
- The municipality is responsible for coordinating the work, but not for absorbing the cost

Why can't the Municipality pay for it?

Drainage systems are different from general municipal services. Under the Drainage Act:

- Costs must be assigned to benefiting landowners
- Municipal taxpayers at large are not responsible for privately benefiting drainage works

This ensures fairness—those who receive the benefit contribute to the cost.

The Municipality pays for the drains that run within the municipal property

What are my rights as a property owner?

The Drainage Act includes several protections:

- Property owners are notified of upcoming work (where required)
- You can review the engineer's report