1.0 General Business

Chairman Brandon Widner called the meeting to order at 10:04 a.m. and welcomed everyone.

Motion to accept the agenda was moved by Paul Maclntyre seconded by Stephen Brickman. Carried.

Motion to adopt minutes from last meeting, dated November 19, 2021, was moved by Gerard Rood seconded by Greg Nancekivell. Carried.

Brandon reviewed the agenda and started the chairman’s report.

Jeremy requested that those in attendance email Secretary to provide attendance and the following was received:

Michel Terzian         Jacob Rooke         Paul Maclntyre
Greg Nancikivell      Chris Thompson      Gerard Rood
Brendan Shapton        Sid Vander Veen    Andy Kester
Tony Peralta          AnneMarie Moniz     Mark Akram
Matt Shiha            Tim Oliver          John Kuntze
Joel Miller           Curtis Maclntyer    Neal Morris
Monica Shade           Angela Jonkman      Jeff Dickson
Don McBrayne          Stephen Brickman    David Basilious
Halliday Pearn        Carla Coveart       Timothy Brook
Paul Marsh             Josh Warner         Trevor Kuepfer
Edison Peel           Maisy Jefferson     Brandon Widner

Correspondence – none.
2.0  **Chairman’s Report** – Presented by Brandon Widner, P.Eng.

Brandon noted several challenges through the industry. Inflation is affecting project cost estimates with increases in estimates and pricing.

Brandon noted that he felt there was a contractor shortage on well equipped drainage contractors to install Concrete Drainage Tile with a wheel machine. Hopefully the industry can respond with more competition.

The Railways and their lack of acknowledgment of the Drainage Act continues to be a problem with not allowing work to proceed through their property or payment of assessments.

DFO noted as busy but still processing permits.

Brandon noted that it appears to be another successful year for crop prices and agricultural producers but is anticipating inflation to reduce / slow progress.

3.0 **Drainage Referee Report** – Presented by Rob Watters & Andrew Wright

Rob and Andrew provided a combined presentation. The following was discussed and presented by the Referees as had been provided to the Secretary.

Rob noted this year dealing with a number of cases but moving through slowly. He mentioned several cases and noted that an older case that was started by previous Referee is difficult to continue with lack of background work.

Andrew noted 2-3 cases that were in progress one involving Validity of Petition.

Andrew commented on efficiencies of Virtual Meetings as a result of the pandemic. Impacted both savings in cost and time for travelling as well as meetings. Andrew requested feedback on virtual meetings for prehearing versus trial hearing. Provide feedback through OMAFRA for virtual case management and pre-hearing trial hearing.

Question - noted that the last decision posted on CanLII is 2018. OMAFRA noted that decisions should be updated.

Question - what else has the Referee completed in efforts to reduce backlog of cases? Answer was to continue to move and push through the process.

Question – previous meetings and discussions noted that Practitioners are engineers, not lawyers and for legal matters recommended to refer to representation. Is that still recommended and how does Referee handle it for appellants who self represent? Response was a recommendation that engineers be aware that Municipality representation is not necessarily in line with Engineers.

Glenn Walker continues as chair.

Andy reviewed the current staff coordinating and support the AFRAAT. Sixteen (16) tribunal members, Chair, plus 7 vice chair lawyers, 3 vice chair Engineers.

Staff at Tribunal has changed. Coordinator and Administrative Assistant are currently vacant. Generally, behind at the Tribunal office. New Manager hired last month.

The AFRAAT received:

- 1 complaint filed under the Farm Implementation Act.
- 6 appeals received under the Ministry of Agriculture, Food and Rural Affairs Act.
- 18 appeals related to 12 drains filed under the Drainage Act.
- Many applications for religious exemption under the Farm Registration and Farm Organization Funding Act.

The AFRAAT rendered the following decisions:

- 5 decisions under the Ministry of Agriculture, Food and Rural Affairs Act.
- 19 decisions under the Drainage Act (not all to do with the 18 this year, some from previous year.

Andy noted that the decisions that were issued some successful appeals by appellants and some unsuccessful by appellant.

Andy noted that Tribunal continues to hold virtual hearings with significant savings to the Province. In-person can request a motion for an in-person hearing and the applicant needs to provide application as to why virtual would be required.

Questions:

John Kuntze – CanLII is more up to date to August of 2022. Some older decisions appear to be missing. Answer from Tim Brook – Tribunal issues with CanLII are not related to Referee appeals. Andy will follow up with Tribunal staff for missing some decisions.

Neal Morris – Province has issued diversity policies. Has the Tribunal had any issues with the requirements? Answer – No.

Virtual Hearings – Is the Tribunal continuing with virtual meetings going forward. Answer – Tribunal opinion is to continue with Virtual Hearing option.

Bill Dietrich – Recommended to practitioners on reading the Filsinger Decision with respect to Section 78 appointments. Question - if a report is held up through appeals how does Section 59 of the Drainage Act apply to Section 78 and to appeals? No answer available from Tribunal or Referee. Suggested that you would need to appeal and it would take some study to respond. Sid Vander Veen commented that a paper at the conference 10-15 years ago was presented. Suggestion was that there are no petitioners, but property owners could influence council’s decision for improvement. Determine if Council should proceed with a section 78. In publication of 852 of OMAFRA it is included.

Added from the Conference presentation, OMAFRA is now allowed to sit on the DSAO Railway Committee.

Tim provided summary of stats over the past few years. (attached pdf of presentation is provided). Noted that 6 practitioners submitted almost 50% of the reports. Average time of report date 2.1 years, mode was 1.5 years. Construction certified was 3.3 years with mode of 2.5 years.

Tim asked for feedback on data provided to Practitioners.

Questions – Tony would like ratio of engineering costs relative to construction costs for reference. Tim said he could try to do that. Does Engineering include all sub consultants? Answer – yes, it does as long as grant form includes it as engineering. Would appreciate stats for distribution.

6.0 **Succession of O.S.P.E. – L.D.C. Members**

Brandon noted that each member of the Committee serves a 3-year term. Each year there are two (2) members whose terms have concluded. Questions asked on what the requirements are to be on the committee. Members should be actively practising drainage engineering under the Drainage Act. The time commitment is a three to four meetings per year, organize the annual conference and some members sit on joint committees such as DART, DAWG, Railway. They also should be members of OSPE or join OSPE once joining the committee.

Brandon stated that he and Tony Peralta have each completed their 3-year term.

Tim Brook chaired the nominations process. The following nominations were asked for and recorded:

Tony Peralta by John Kuntze

Carla Coveart by Josh Warner

Steve Brickman by Jeremy Taylor

Lorne Franklin by Tim Oliver

Nominations Closed.

Carla and Tim were declared by acclamation. No election was conducted.

7.0 **New Business / Open Discussion**

Jeff Dickson commented that all Drainage Practitioners as well as the LDC need to continue to generate better advocacy for the thirty or so practitioners doing this work in the province.

Tony Peralta – agreed with comments that as LDC should continue to advocate on behalf of all practitioners.
Danielle – commented about reaching some younger professionals with other associations for the LDC to consider.

Practitioners asked to continue to bring along younger staff to the industry.

Noted that LDC digital presence is very minimal.

Asked for Practitioners to submit comments regarding the conference as well as submit Case Studies for sharing at the conference.

8.0 Adjournment

Motion to adjourn the meeting at 12:03 pm was moved by Gerard Rood and seconded Carla Coveart. Carried.
OMAFRA Report
More Drainage Grant Statistics

Presented by Tim Brook, P.Eng.
Drainage Program Coordinator

Drainage Practitioners Meeting

November 10, 2022
ADIP Data on Construction and Improvement Projects

- Due to budget availability in different fiscal years data from 2018-19, 2019-20 & 2020-21 has been totaled and averaged
- Due to different IT systems data difference exist for:
  - # of engineers and report authorization – 220 projects
  - project timeframes - 391 projects

<table>
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<tr>
<th>Item</th>
<th>2018-19</th>
<th>2019-20</th>
<th>2020-21</th>
<th>3 Year</th>
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<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Average</td>
<td>Total</td>
<td>Average</td>
</tr>
<tr>
<td>Number of Projects</td>
<td>39</td>
<td>62</td>
<td>290</td>
<td>391</td>
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<tr>
<td>Total Project Costs</td>
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<td>$7,227,881</td>
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<td>$11,597,473</td>
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<tr>
<td>% of Engineering / Total Project Cost</td>
<td>26.5</td>
<td>25.5</td>
<td>21.0</td>
<td>21.9</td>
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<tr>
<td>Total Grants Paid</td>
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<td>$1,542,190</td>
<td>$10,379,877</td>
<td>$12,974,345</td>
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<tr>
<td>% of Grant / Total Project Cost</td>
<td>19.5</td>
<td>21.3</td>
<td>18.8</td>
<td>19.1</td>
</tr>
</tbody>
</table>
Engineering Practitioners

- 220 projects
  - Section 4 reports – 52 (23.6%)
  - Section 4 & 78 reports – 30 (13.6%)
  - Section 78 reports – 138 (62.8%)
- 31 different practitioners
  - 48% of practitioners completed 1 – 2 reports only
  - 6 practitioner completed >25% of the reports

# of Reports per Practitioner

Practitioners Meeting – November 10, 2022
Project Timeframes from appointment of the engineer

Report Date

- Average: 2.1 years
- Mode: 1 - 1.5 years

Construction Certified Complete

- Average: 3.3 years
- Mode: 2 – 2.5 years
Regression Average Engineering Costs = 20.01%

Aggregate Average Engineering Costs = 21.9%

\[ r^2 = 0.87 \]
Practitioners Meeting – November 10, 2022

Engineering Costs per Total Project Cost

Mode: 20% - 22%

Median: 23.6%

Aggregate Average: 21.9%

Regression Average: 20.01%
Practitioners Meeting – November 10, 2022

Regression Average Engineering Costs = $19,823 per km
\[ r^2 = 0.42 \]

Regression Average Total Project Cost = $97,757 per km
\[ r^2 = 0.47 \]

Aggregate Average Total Project Cost = $130,437 per km

Aggregate Average Engineering Costs = $28,592 per km

Cost per Drain Length

Costs (\$)

Drain Length (km)

- Total Project Cost
- Engineering Costs

Practitioners Meeting – November 10, 2022
**Engineering per Area Serviced**

**Aggregate Average** Total Project Cost = $853 per ha

**Regression Average** Total Project Cost = $278 per ha
\[ r^2 = 0.18 \]

**Aggregate Average** Engineering Costs = $187 per ha

**Regression Average** Engineering Costs = $55 per ha
\[ r^2 = 0.15 \]
Area assessed (Ha) versus Length of Drain (m)

Regression Average $\text{Area Serviced} = 96.1 \text{ ha per km}$
$r^2 = 0.20$

Aggregate Average $\text{Area Serviced} = 153 \text{ ha per km}$
Questions?

Tim Brook, P.Eng.
Drainage Program Coordinator
Ontario Ministry of Agricultural, Food and Rural Affairs

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