

NO: R115

COUNCIL DATE: June 13, 2011

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## REGULAR COUNCIL

TO: **Mayor & Council** DATE: **June 9, 2011**

FROM: **General Manager, Engineering** FILE: **2430-01/11 #1**

SUBJECT: **Reinstatement of a Ditch within a Statutory Right-of-Way at 11678 - 130 Street - Progress Report**

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## RECOMMENDATION

The Engineering Department recommends that Council receive this report as information.

## INTENT

The purpose of this report is to provide information to Council on progress that has been made in relation to the Remedial Action Requirement that was issued pursuant to Council Resolution No. R11-338, which provides for the reinstatement of the ditch on the property at 11678 - 130 Street.

## BACKGROUND

At its Regular meeting on February 28, 2011, Council considered Corporate Report No. L002:2011 related to a circumstance where a section of drainage ditch (known as the "East Bridgeview Canal") located within a right-of-way through the property at 11678 - 130 Street had been filled without authorization from the City. Council passed a Remedial Action Requirement, requiring the owner of the property, Gurcharan Enterprises Ltd., to reinstate the open channel.

The owner sought reconsideration of the decision of Council and on April 4, 2011 and April 18, 2011, Council held a hearing to reconsider its decision. At the conclusion of the reconsideration Hearing, Council adopted the following resolution:

1. *"Council confirms the Remedial Action Requirement imposed by Council pursuant to Resolution No. R11-338 imposed by Council at the February 28, 2011 Regular Council Land Use Meeting and amended by Council at the April 4, 2011 Regular Council Land Use Meeting and further amends the date specified for compliance with the Remedial Action Requirement in Resolution No. R11-338 to be no later than sixty (60) days after April 18, 2011; and*
2. *Without affecting the Remedial Action Requirement, that staff work with the Owner to develop to the satisfaction of the General Manager of Engineering, modifications to the Remedial Work to address the needs of the City and, to the extent reasonably possible, the concerns of the Owner, with the development of the modifications and implementation of the Remedial Work to be at the Owner's expense; and*
3. *That staff report back to Council on progress within 30 days."*

In respect of item 3, staff provided updates to Council on May 9, 2011 by way of Corporate Report No. R085; 2011. An additional update was provided to Council on May 30, 2011 by way of Corporate Report No. R094; 2011. A copy of Corporate Report No. R094; 2011 is attached as Appendix I.

## **DISCUSSION**

Since the most recent report to Council on May 30, 2011, staff, the owner, and the owner's Engineer have finalized most of the details of the reinstatement, which includes reopening most of the ditch, concrete block bank slopes in some sections and a maximum length of 50 m for all enclosed piped crossing(s) of the ditch. Staff is continuing to work with the owner and his Engineer to finalize the remaining details of the design and revise the Statutory Right-of-Way document that covers the ditch to reflect the changes in the ditch drainage infrastructure that is to be implemented.

Staff is of the view that it is unlikely the owner will be able to meet the deadline specified within the Remedial Action Requirement, which is "no later than sixty (60) days after April 18, 2011" (i.e. June 17, 2011). After June 17, 2011, the City has the authority to construct the remedial works and charge the owner for any costs that the City incurs. Engineering staff will continue to monitor progress and will report further to Council if it is considered necessary for the City to intervene directly to construct the remediation works.

## **CONCLUSION**

This report provides an update on the work being undertaken in relation to reinstating the ditch through the property at 11678 - 130 Street. A copy of this report has been forwarded to the owner of the property at 11678 - 130 Street.

Vincent Lalonde, P.Eng.  
General Manager, Engineering

CAB/brb

Appendix I - Corporate Report No. R094; 2011