



Land Drainage Conference 2025



October 16 & 17



Delta Hotels Guelph Conference Centre



The Wignell Drain

to pump or not to pump, that's not the question

Drainage Engineer: Paul C. Marsh, P.Eng. EWA Engineering Inc.

Drainage Superintendent: Alana Vander Veen, City of Port Colborne



The Wignell Drain

to pump or not to pump,
that's not the question

Drainage Engineers Conference - October 17, 2025

Drainage Engineer: Paul C. Marsh, P.Eng. EWA Engineering Inc.

Drainage Superintendent: Alana Vander Veen, City of Port Colborne

Agenda

- Part 1: The Wignell Watershed Story
 - Background
 - Scope of Work
 - Design Basis
 - Proposed Constructed Works
- Part 2: The Tribunal Appeals, hearings and results
- Part 3: Lesson Learned?

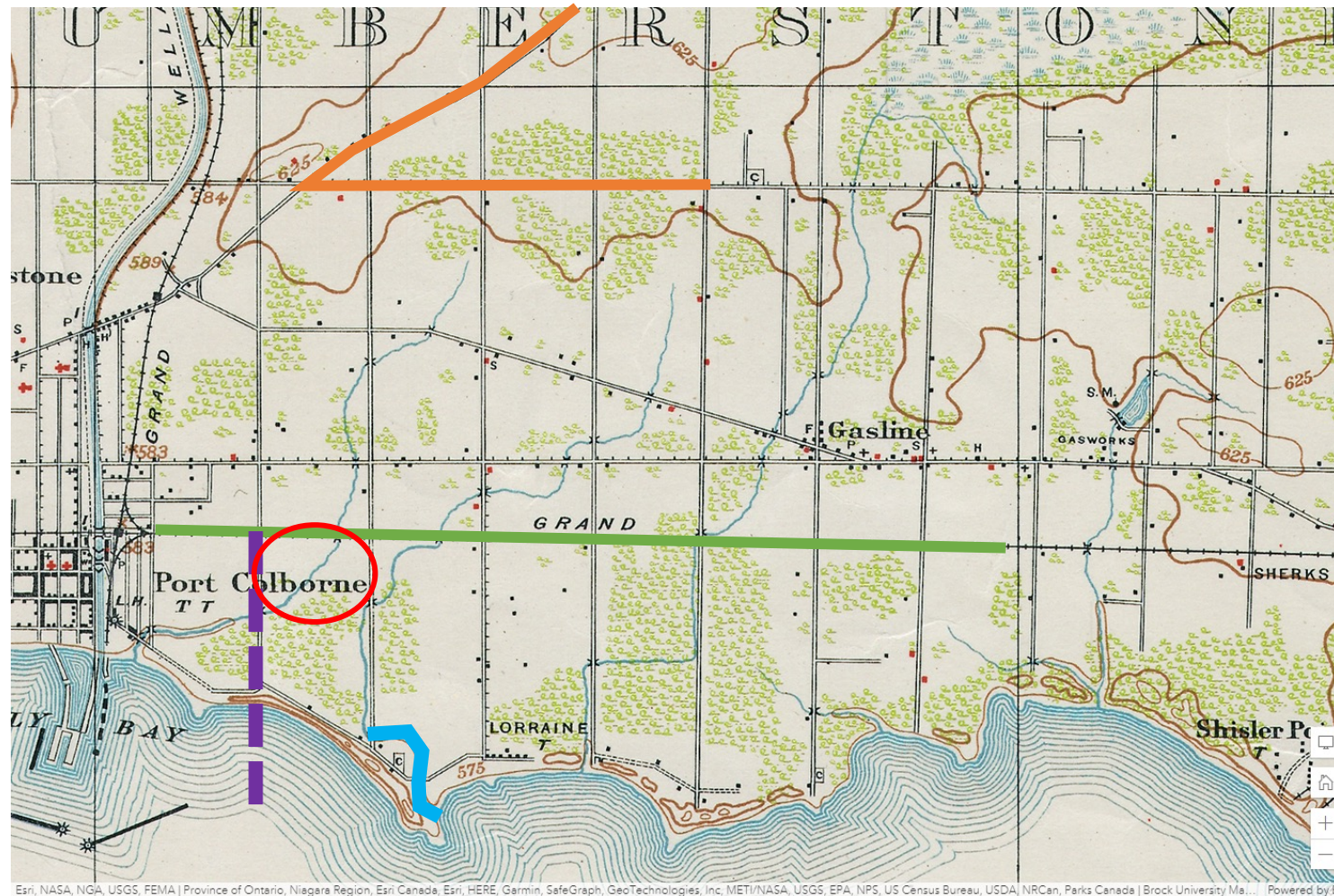
Part 1 The Wignell Drain Story

Michener Drain

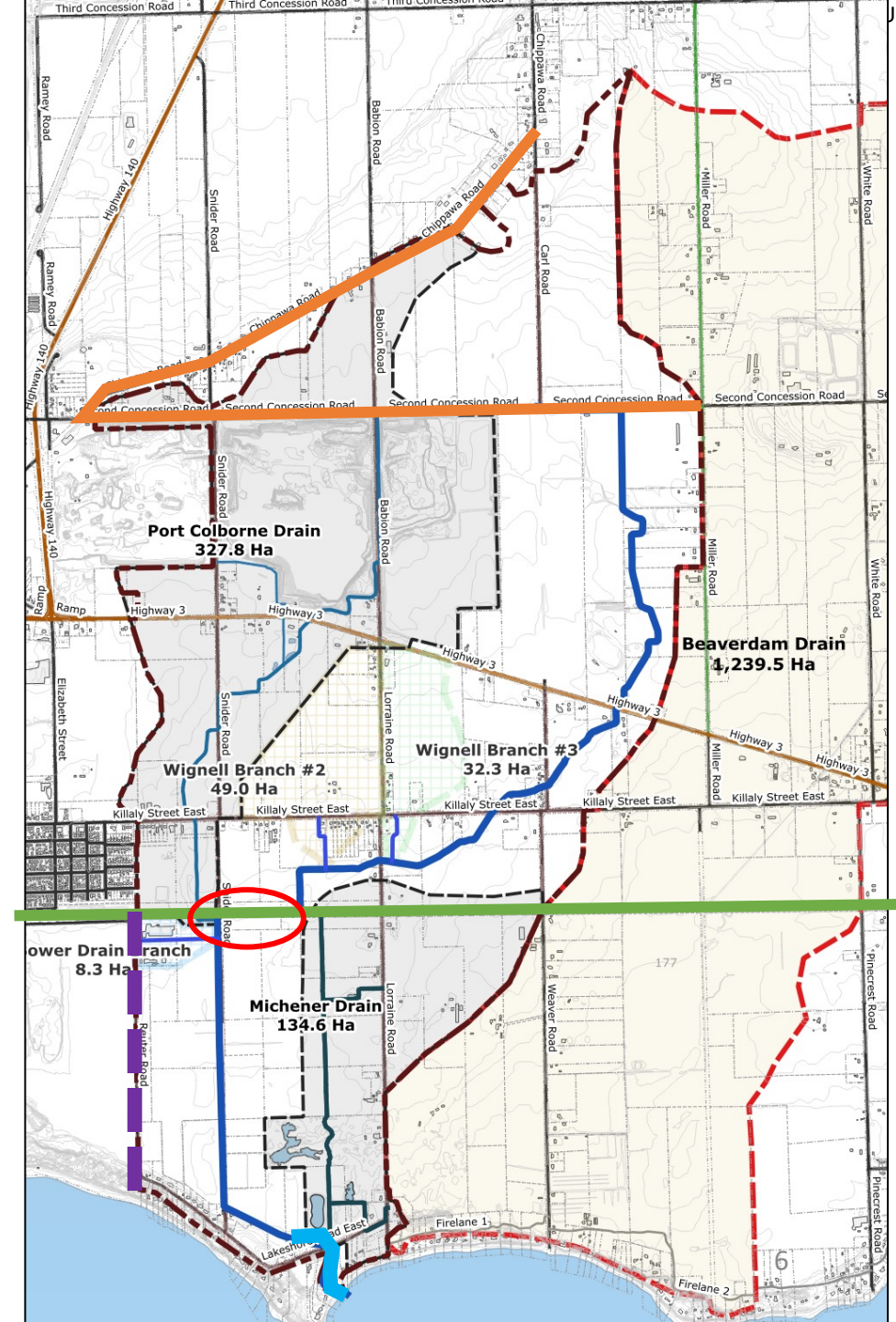
Port Colborne Drain

Wignell Drain

Wignell Watershed



2025-04-04
topo map 1910



Use Only

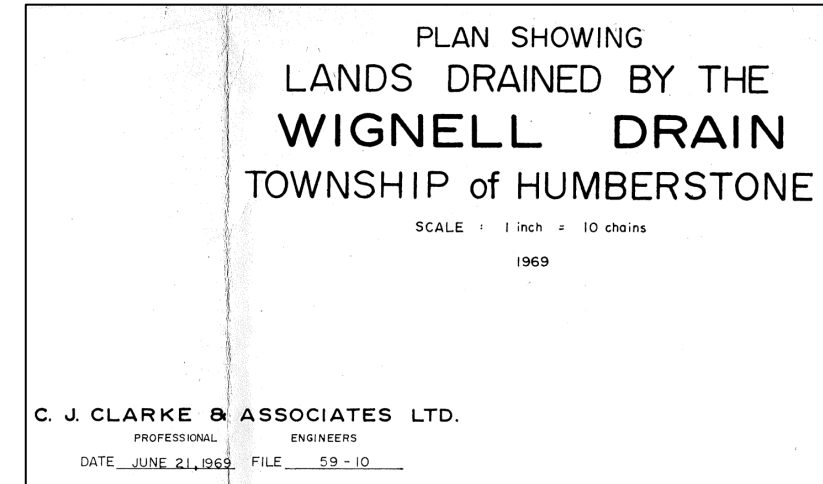
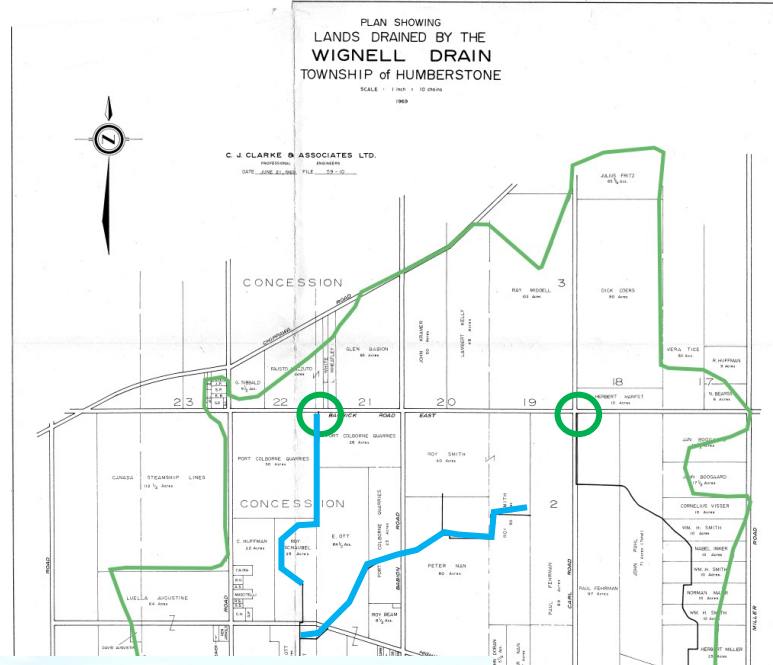
Modern Drain History and Scope

- 1969 CJ Clarke Report – Gates
- 1973 Report - Pump
- July 21, 1978 RV Anderson
- Feb 19, 1999 Wiebe
- 2013 K.Smart
- Construct Gates – Assessment
- Construct Pump - Assessment
- Sect. 78 Grade Imp - Assessment
- W2 relocation W1 Abandonment
- W2a and W2 abandoned

Report History

- Appointment of Drainage Engineer to prepare a Report
 - Wiebe Engineering
 - Started in 2003, ceased operations, 2008
 - 2006 – 2007 Concrete Block Wall Construction – 157m West Bank @ 0+450
 - Amec
 - Started in 2013, ceased working in drainage projects, 2017
 - EWA Engineering
 - Appointed in 2018.

Watershed has
been defined
and consistent
since 1969



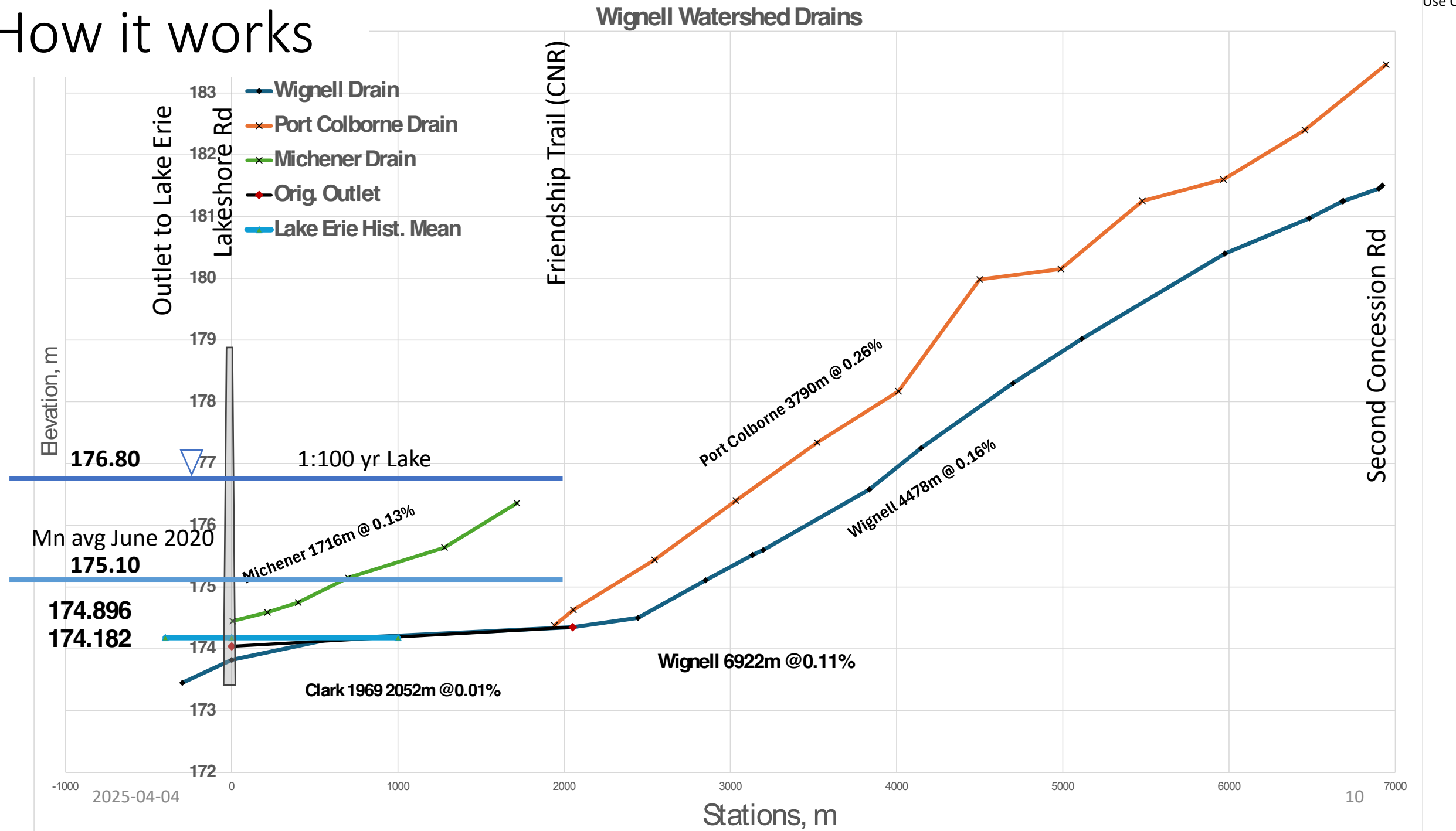
LAKE

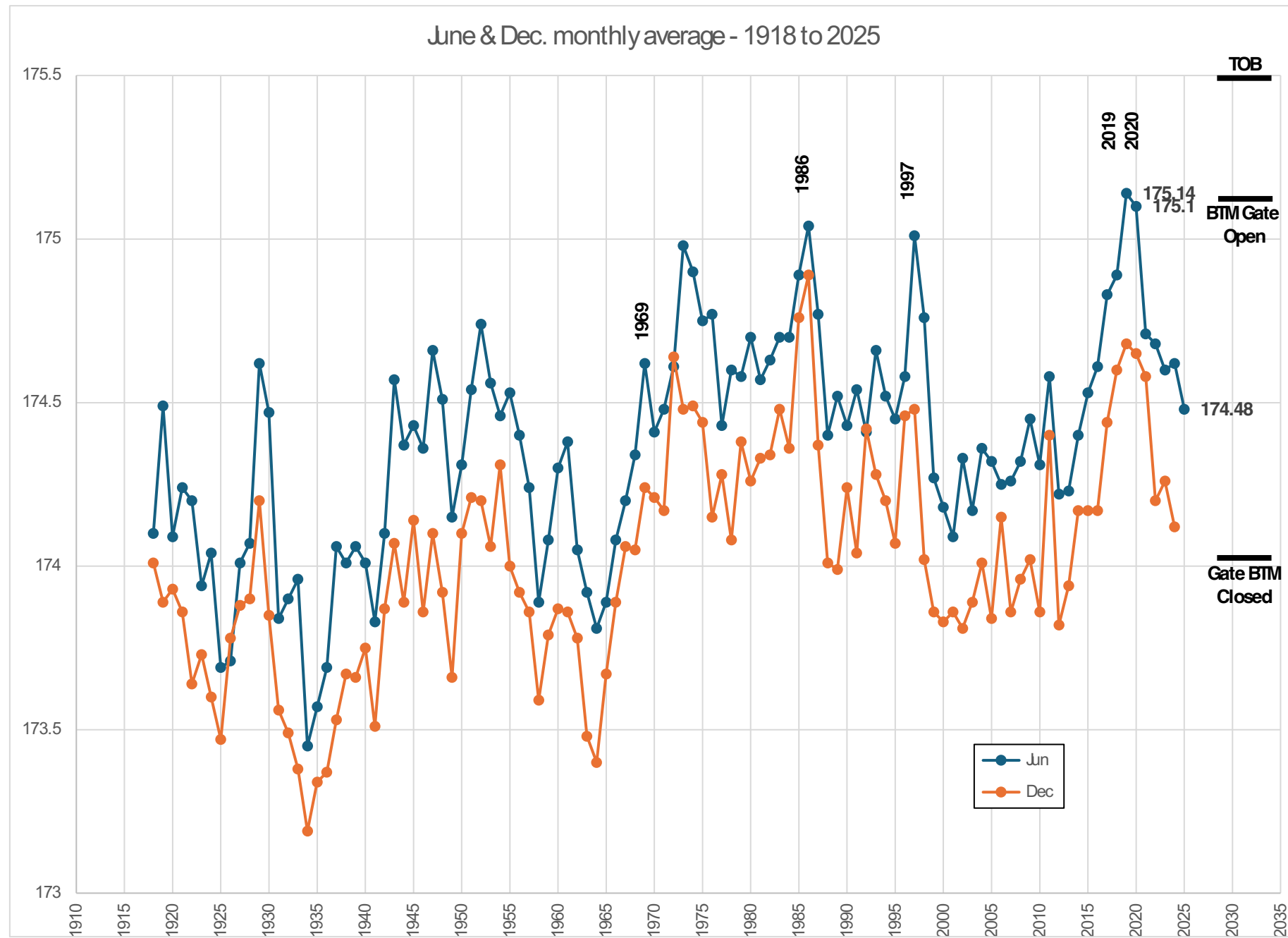


ERIE



How it works





Michener Drain – current conditions

1+620

~ 16m



1+280

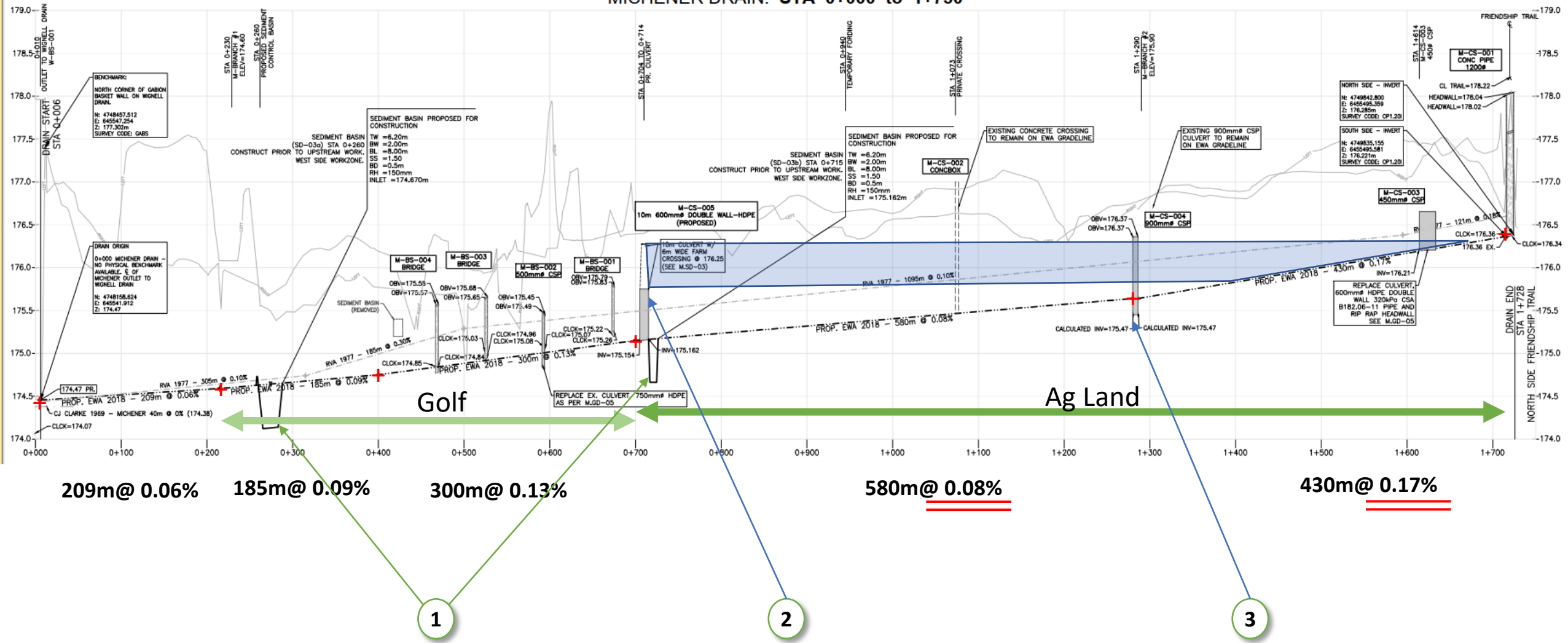


0+340

~ 4m



MICHENER DRAIN: STA 0+000 to 1+750



Port Colborne Drain

- 1934 Image
- W1 Abandoned in 1999
- W2 west of Babion Rd. realigned in 1999
- W2a and W2 abandoned by report in 2013



Proposed Work

#3. Clean and Clear Port Colborne Branch Drain upper portion.

#6. Maintain existing Drain to the proposed grade line.

#1a. Clean and clear to grade line.
Completed 2016

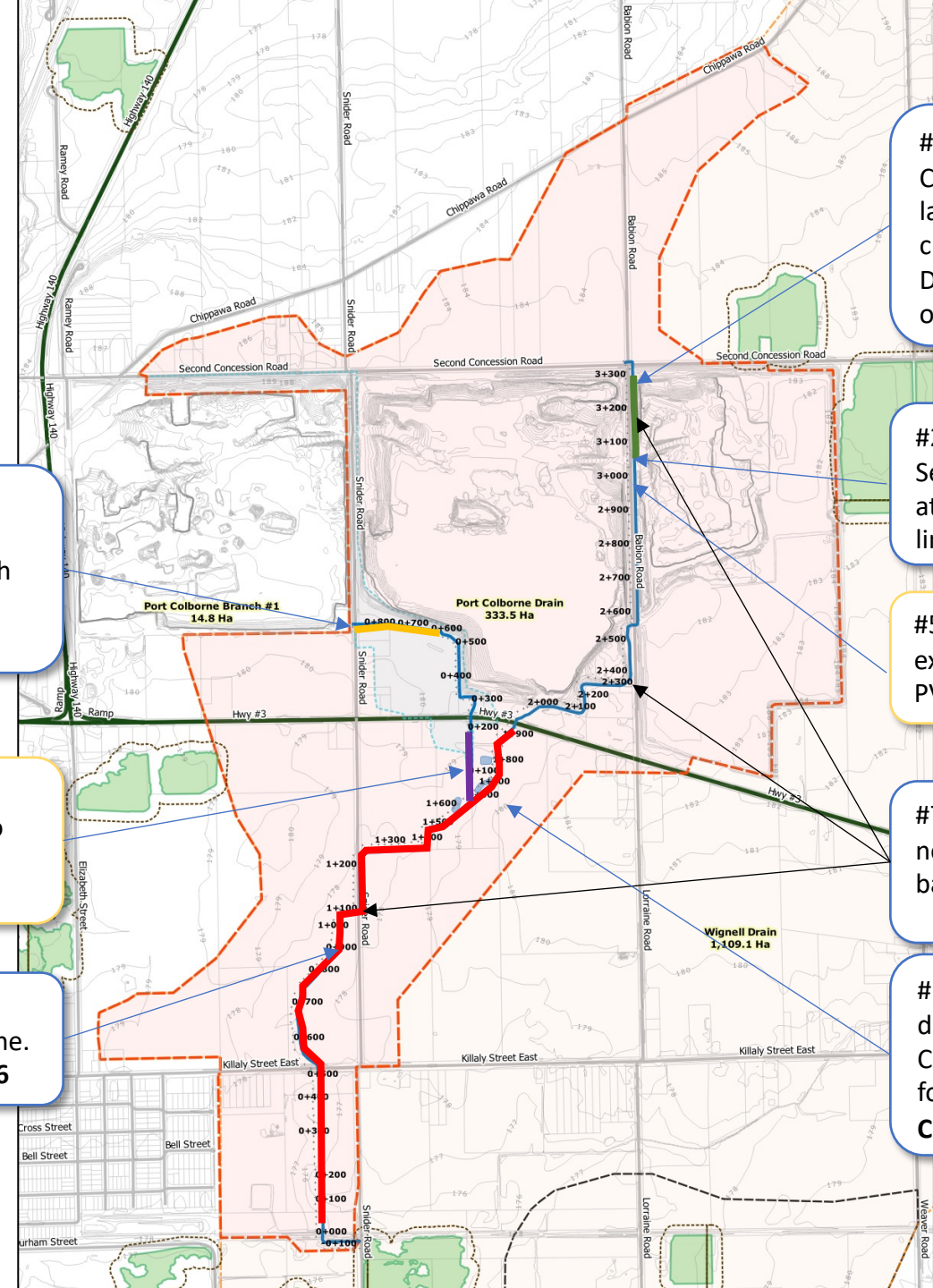
#4. Improve Road Crossing by re-laying two culverts to use Drain on East side of Babion.

#2. Extend to Second Concession at design grade line.

#5. Remove existing perched PVC culvert.

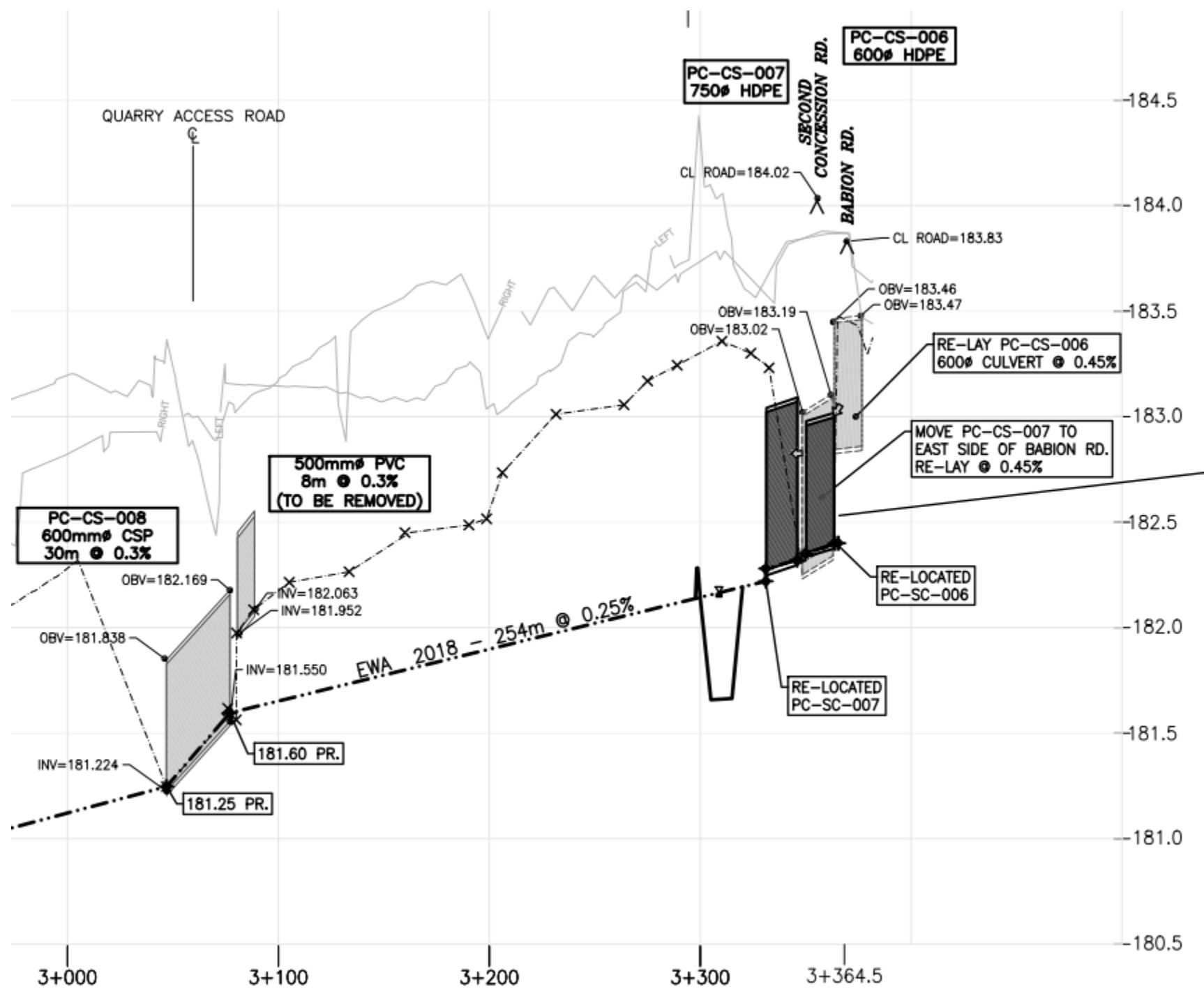
#7. Construct 3 new sediment basins:

#1b. Re-align the drain channel. Construct two fordings
Completed 2016



East side looking
southeast from Babion
Rd – Sept. 2018





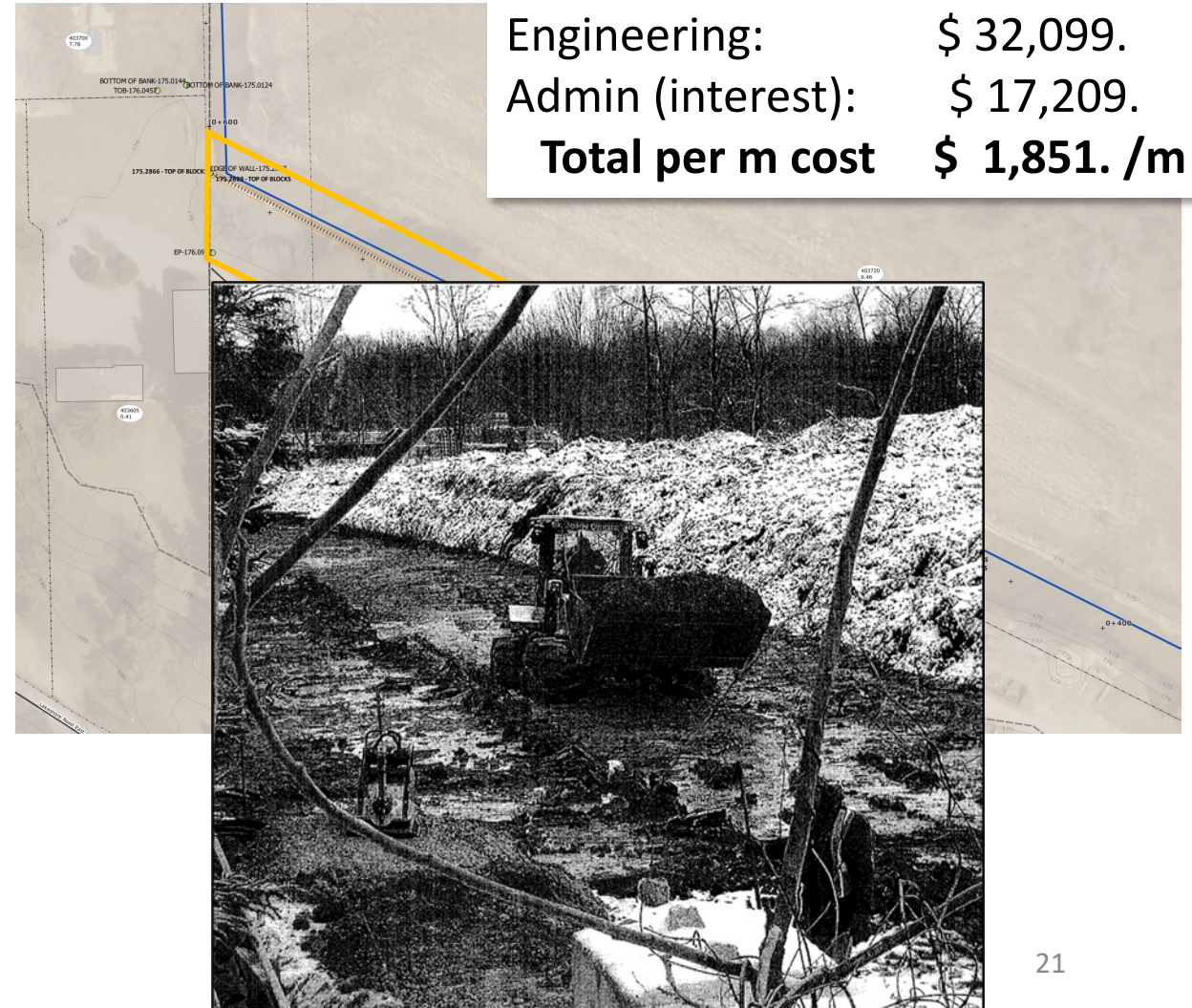
Wignell Drain Report



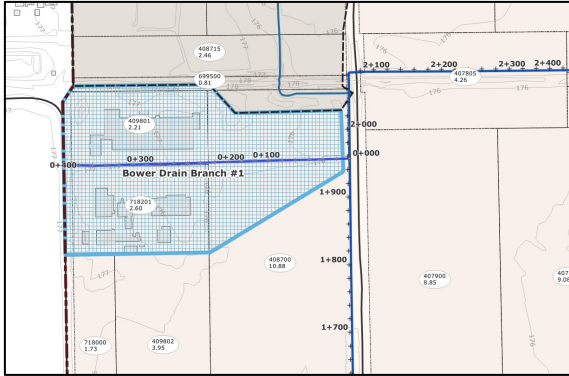
Wignell Bank Erosion Protection 2006/2007

- Drainage Act – Section 124
Emergency work
- 157m construction using
concrete blocks on geotechnical
designed foundation
- Requested by ARN 403800
- Built on ARN 403720
- 26.4m constructed on Snider Rd
Right of Way (ROW)

Construction:	\$241,254.
Engineering:	\$ 32,099.
Admin (interest):	\$ 17,209.
Total per m cost	\$ 1,851. /m

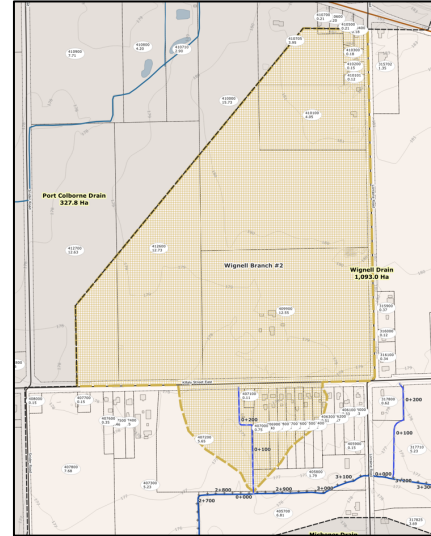


Petition 4 Requests



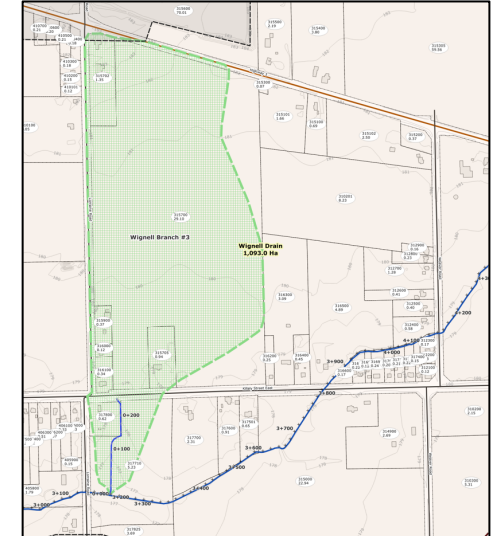
Bower Drain

- Drain already existed.
- confirms and names this as a municipal drain for future maintenance.



Wignell Branch #2

- Existing private drain connection to Wignell Drain.
- CSP is close to the existing house.

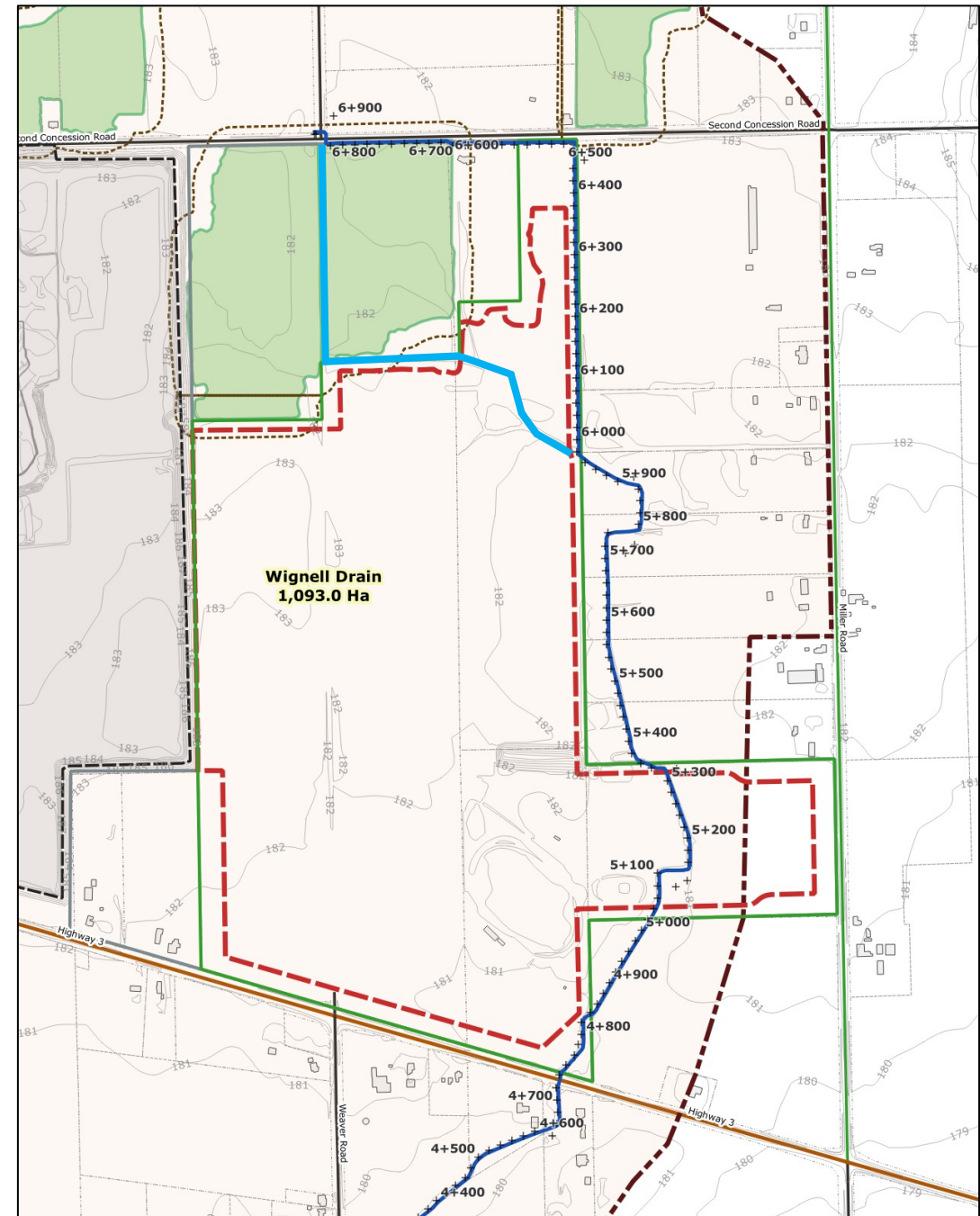


Wignell Branch #3

- Existing private drain connection (PDC) to Wignell Drain.
- Road Authority request for a sufficient outlet.

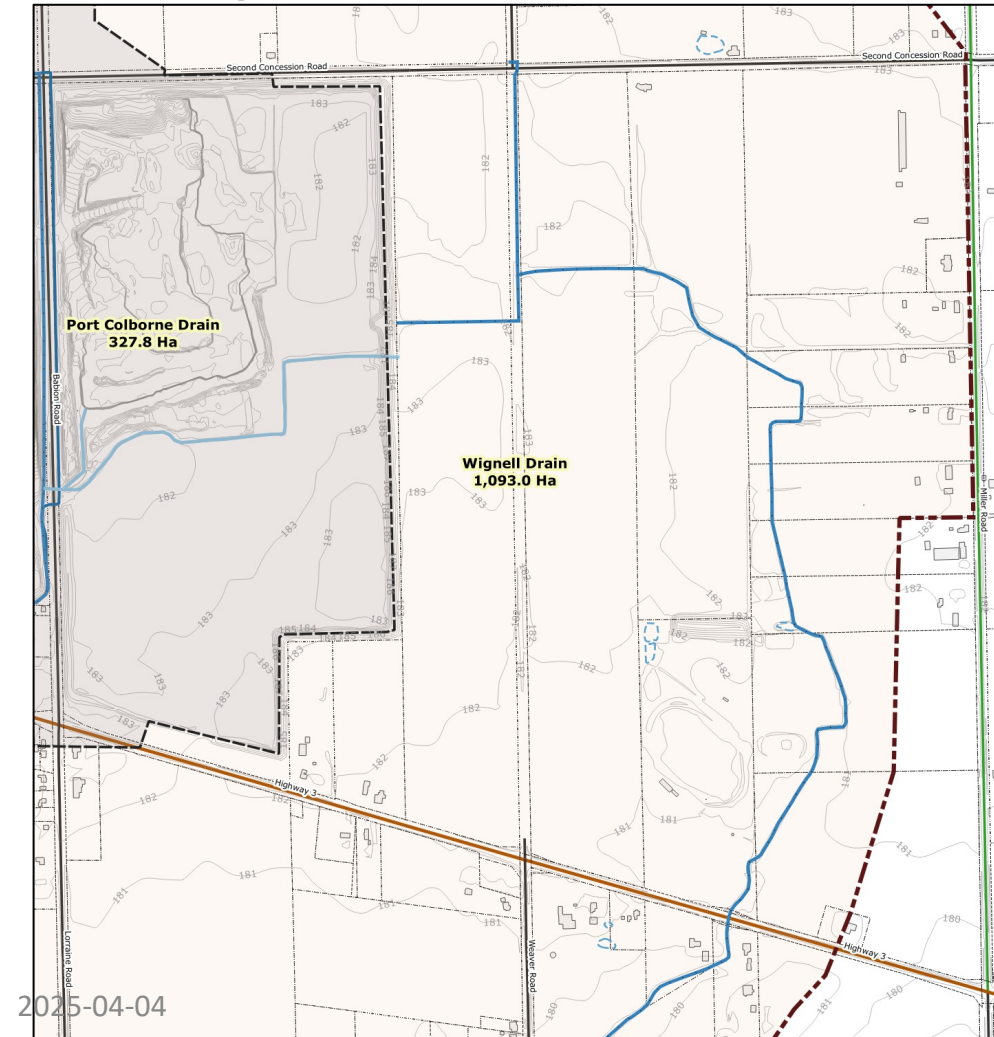
PCQ

- Site Extension 3
 - Red dotted line is extraction limit
 - Green line is License Limit
- Includes Wetlands + 30m buffer

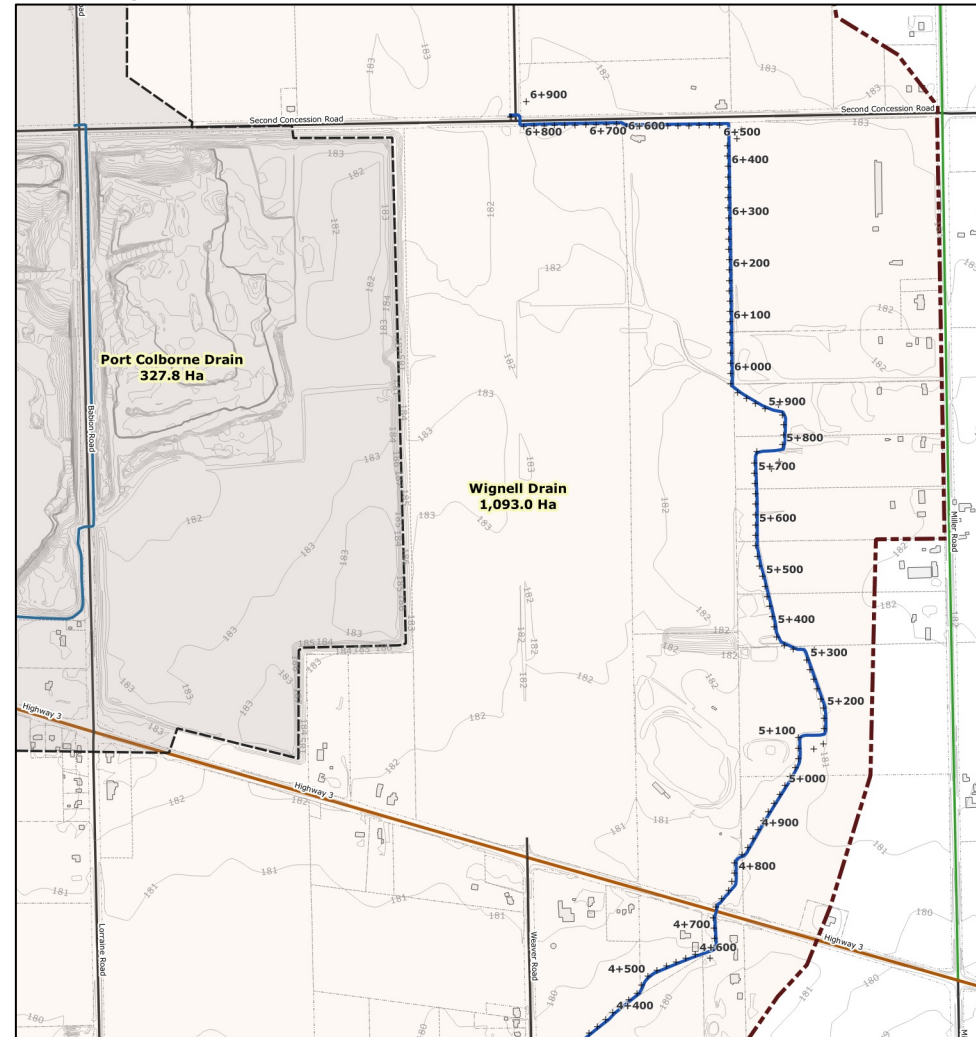


Wignell Realignment

Existing



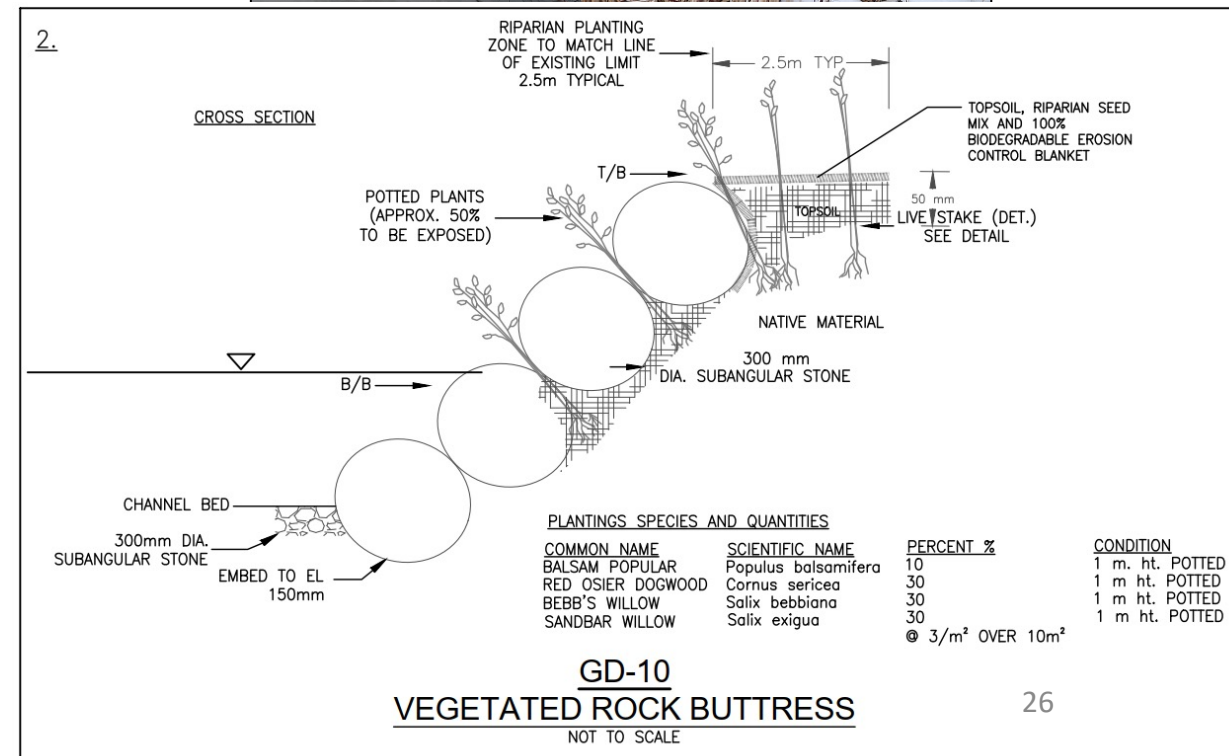
Proposed





Bank Restoration

- Natural Process
 - Erosion resulting in bank recession, loss of land
 - Channel widening, switching
 - Channel changes in alignment
- Engineering responses:
 - Hard approach – concrete block
 - Green Infrastructure – soft or biomimicry approach
 - Room for the river approach



Bank Repair Cost Assessment

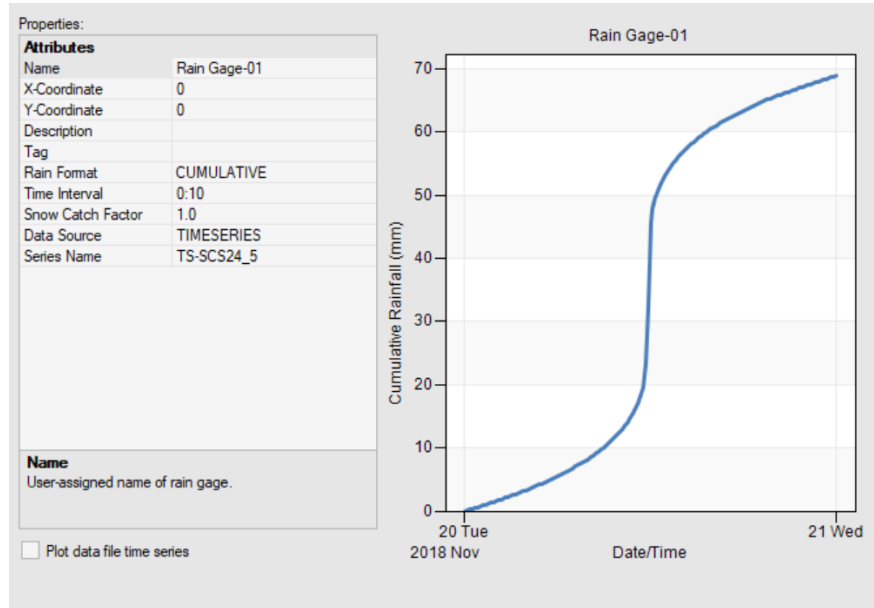
- From Pub 852, A guide for Engineers working under the Drainage Act of Ontario page 77 – Section 9.5.2

“c) Outlet liability assessments: upstream watershed area that contributes to the size of crossing”

- Upstream area = 937.841 Ha
Total Drain area = 1093 Ha
86%
- The portion of BRIP construction cost assigned to Outlet Liability (watershed) = 86%
- Portion of BRIP construction cost assigned as Special Benefit, Section 24, 14%

Construction per m \$ 443. /m

Design Storm

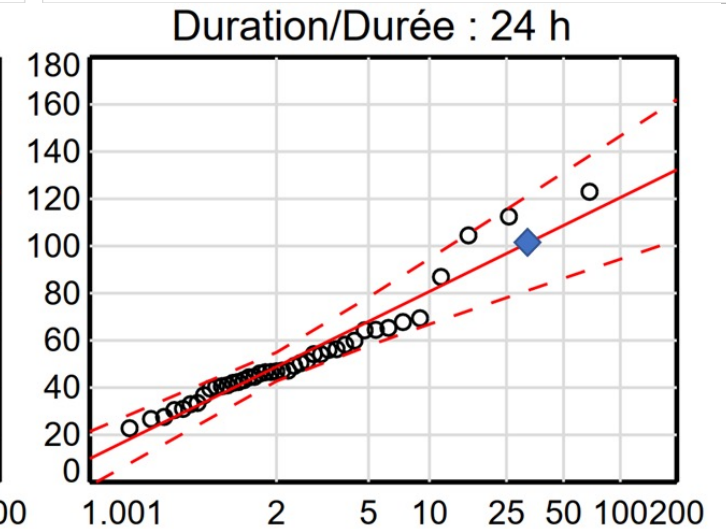
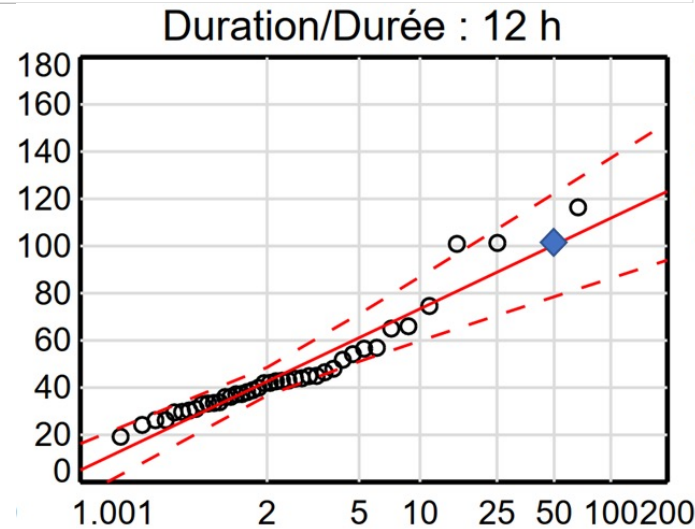
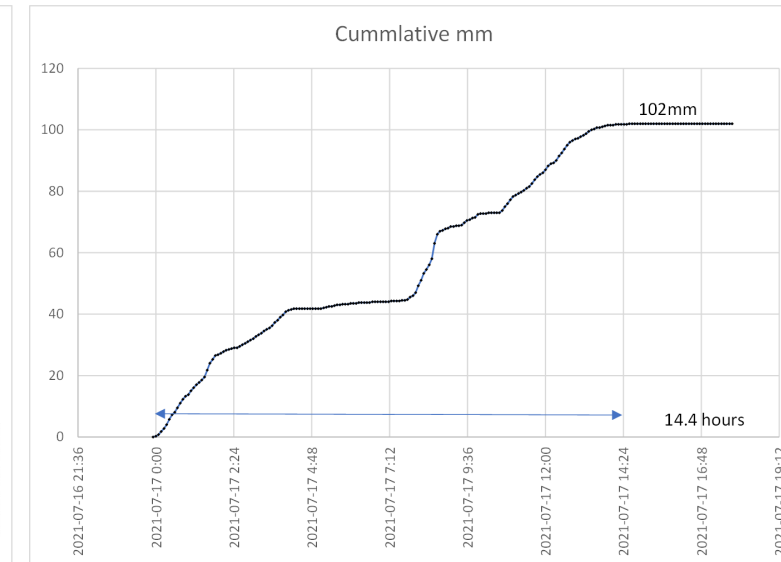
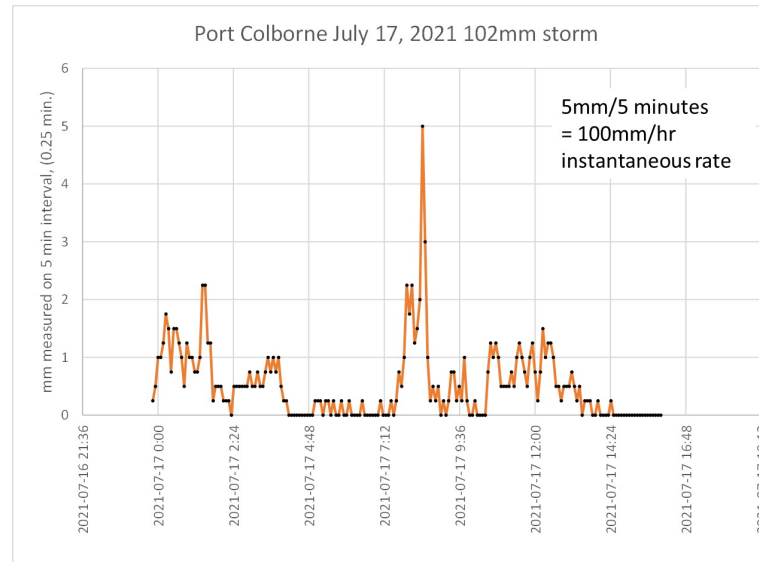


Design Storm	Probability return period	Volume, mm
SCS Type – 24 hour	1:2	49.8
	1:5	68.9
	1:10	81.5
	1:25	97.5
	1:50	109.3
	1:100	121.1
Chicago – 1 hour	1:5	48.2

A gauge operated by Michigan Sugar at the Mud Creek Club where the Snye outlets to Lake St. Clair recorded 9.44" in just 2 hours...

Truely unbelievable
Thanks, Jordan G.

Actual Storm



riod/Période de retour (years/années)

2021/03/26

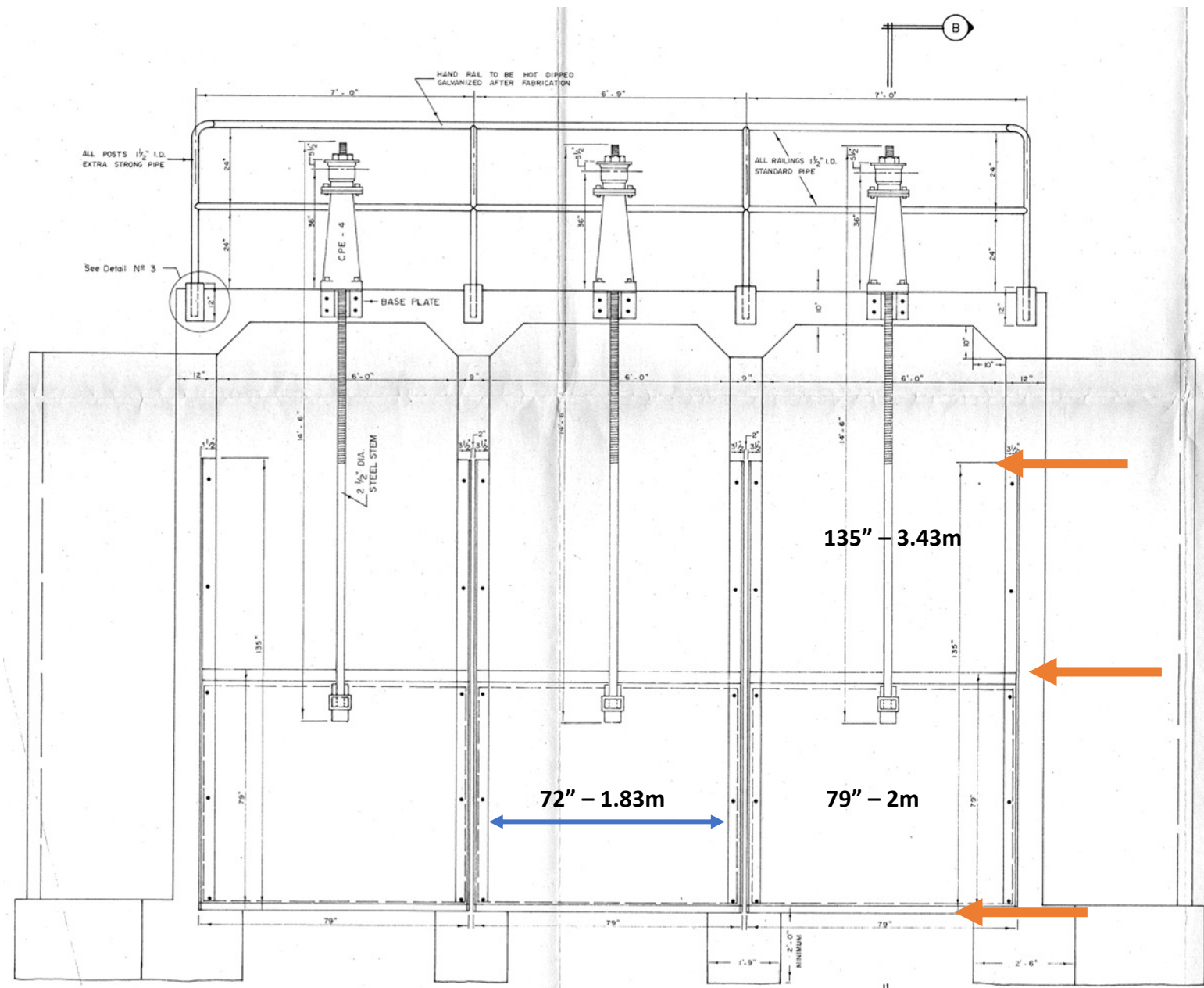


Wignell Gate Improvements

- Existing Gate Status
 - Gate mech. movement is working
 - Gate closed to predicted flood height – Faulty
 - Gate closed to seal against flood (bottom) – Faulty
 - Gate open to predicted flood elevation - Faulty
 - Gate movement – manual control / no remote operation, no limit on movement. Operator only
- Gate Performance is operator dependent
 - Response time target – 30 minutes

2025-04-04





Landowner video - November 15, 2020



Top of Gate Closed
176.52

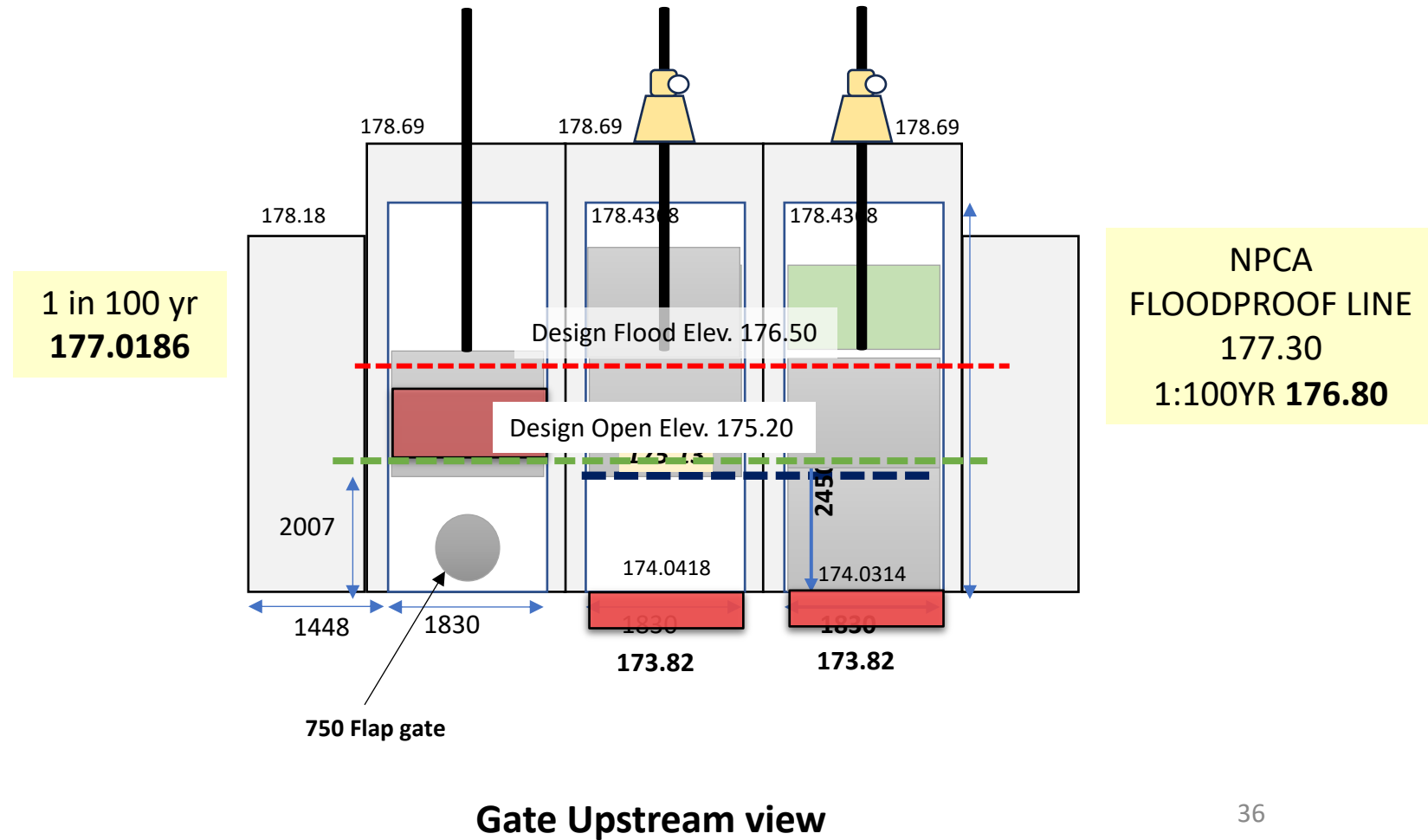
Top of Bank U/S
175.5

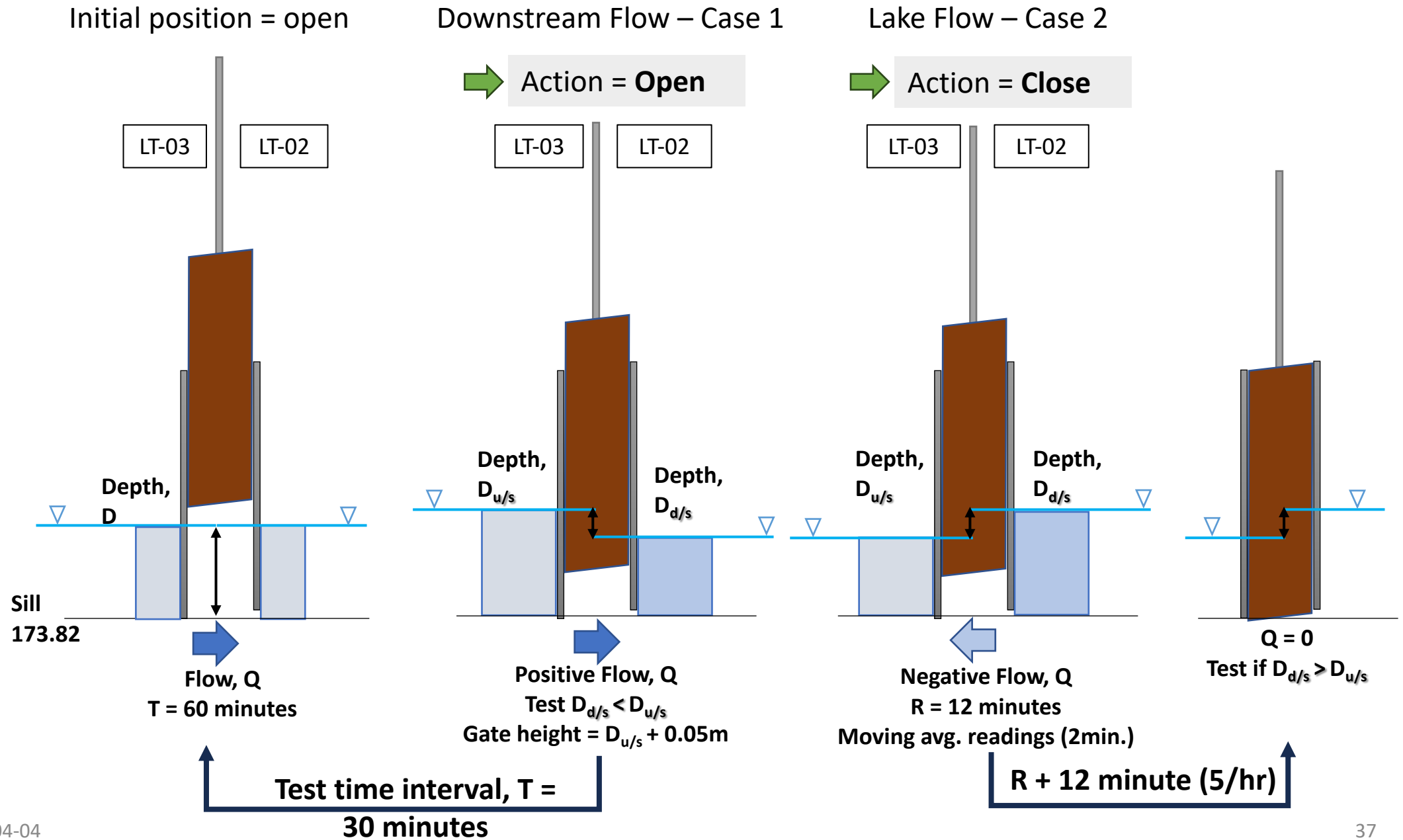
Gate BTM
174.05



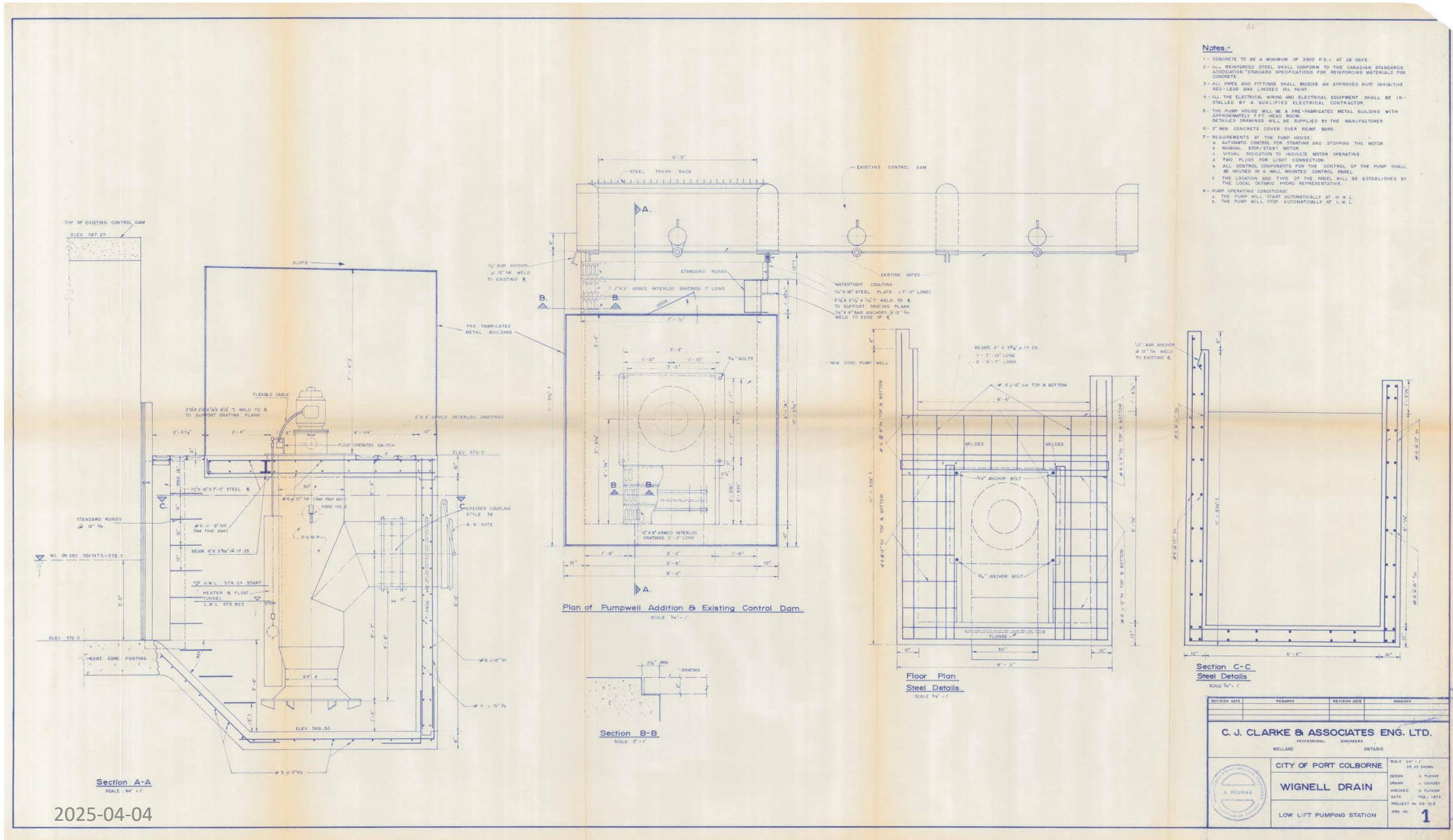
Wignell Gate Deficiencies & Resolutions

1. Gate close and seal to bottom of drain.
2. Gate close top at proposed flood elevation.
3. Gate open to max. height
4. Pump > Floodproof line





Pumping @ Wignell Control Structure

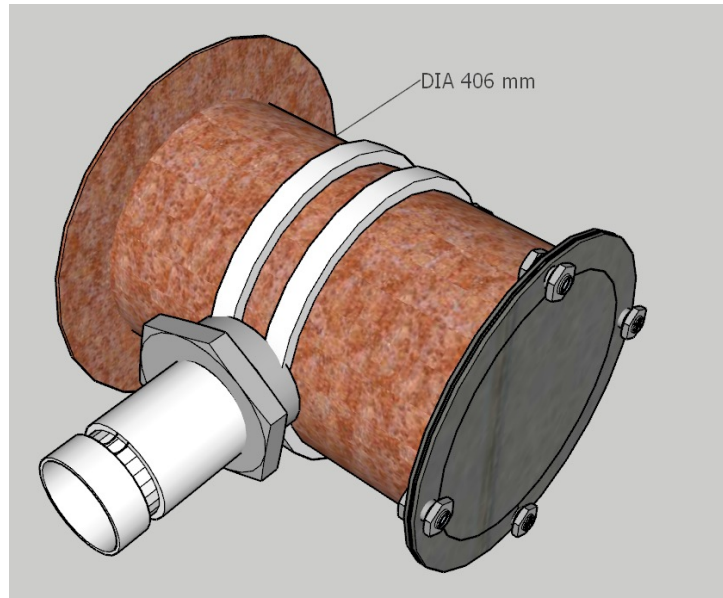


Wignell Pumping

- Existing vs Proposed Pumping Platforms
 1. In line submersible pumping
 - Abandon and remove all pipes and supports
 2. Wet well with electric centrifugal pump
 - Abandon in place without any removals.
 3. Temporary pumping to discharge pipe.
 - Improve and use on a requested / required basis.



2025-04-04



▼

☒ ☐ ☐

W193-195

☒

●

174.468 - 174.858

☒

●

174.858 - 174.933

☒

●

174.933 - 175.019

☒

●

175.019 - 175.058

☒

●

175.058 - 175.102

☒

●

175.102 - 175.138

☒

●

175.138 - 175.17

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●

175.17 - 175.2

☒

●

175.2 - 175.226

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●

175.226 - 175.258

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●

175.258 - 175.288

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●

175.288 - 175.326

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●

175.326 - 175.372

☒

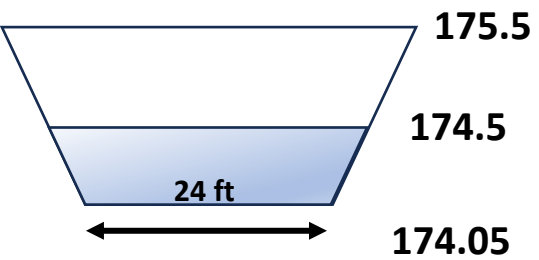
●

175.372 - 175.427

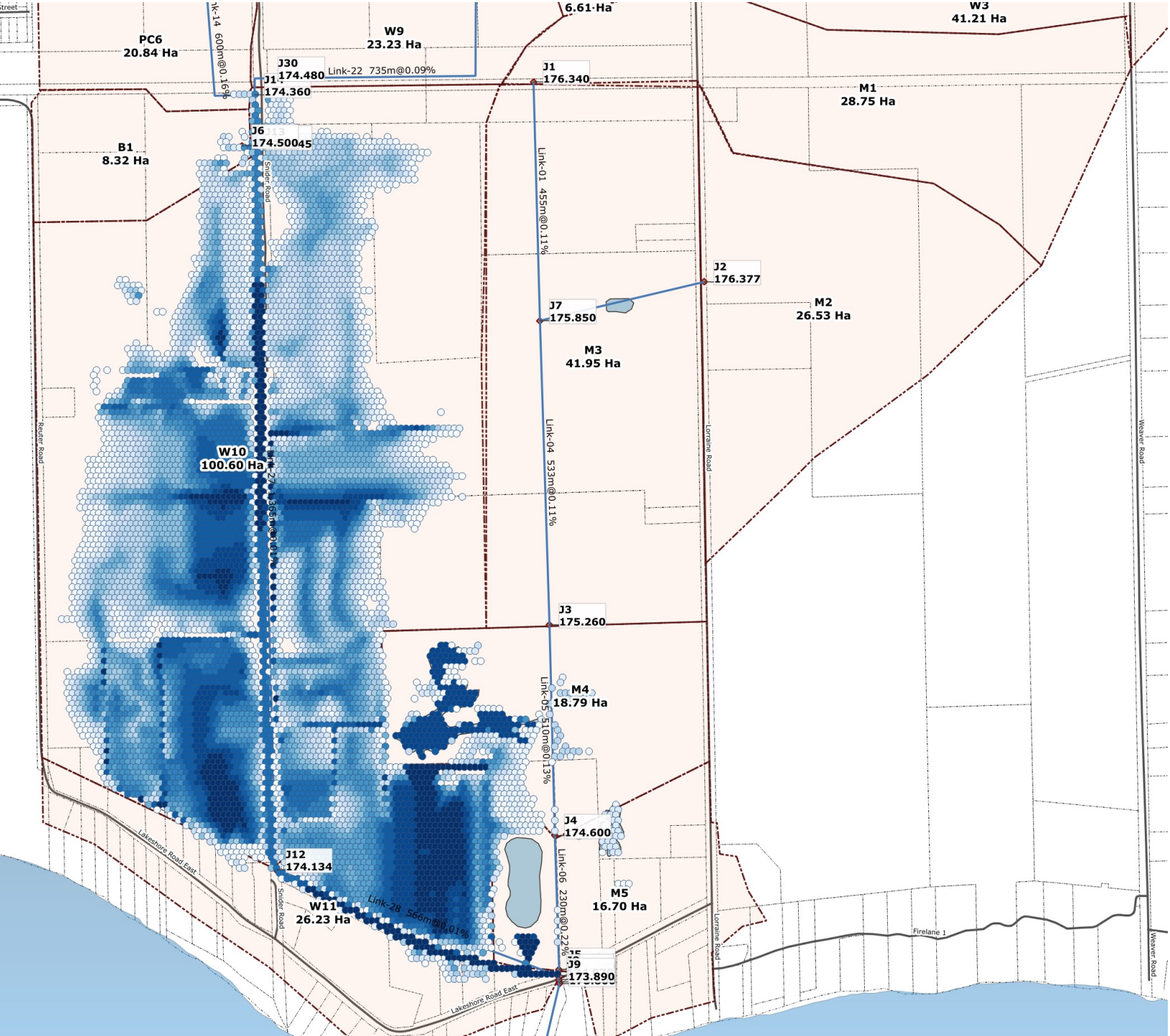
☒

○

175.427 - 175.5



2025-04-04



Part 2 The Tribunal (s)

Michener Drain

Port Colborne Drain

Wignell Drain

Prepared Reports

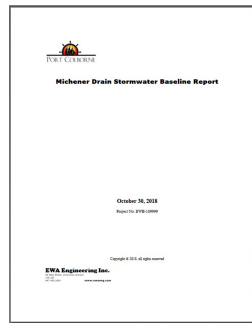
Baseline Report

Hydrology and
Hydraulics (H&H)

Wignell Watershed

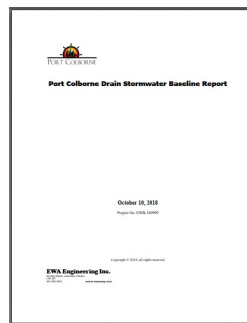
Drain Reports

Michener Drain



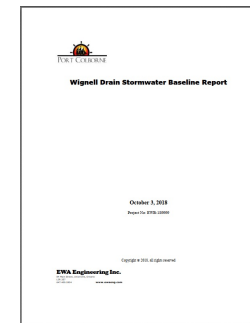
October 30, 2018

Port Colborne Drain

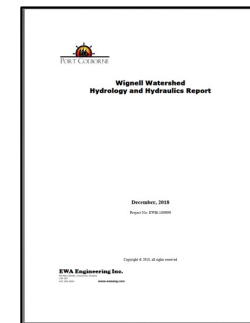


October 10, 2018

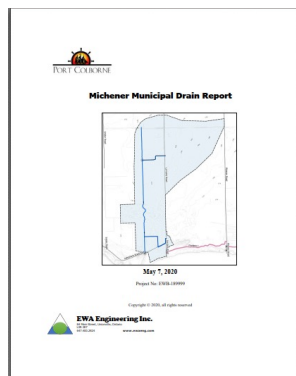
Wignell Drain



October 23, 2018

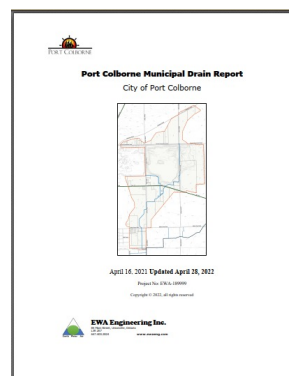


Updated
December 17,
2020



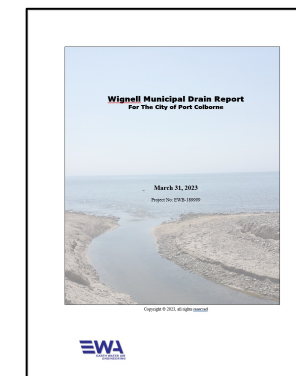
IFR105
Feb 18, 2022

May 7, 2020



IFR105
April 22, 2022

April 16, 2021



IFR102
Feb 9, 2024

Nov 5, 2021

#1 Michener Drain Tribunal

Appellants

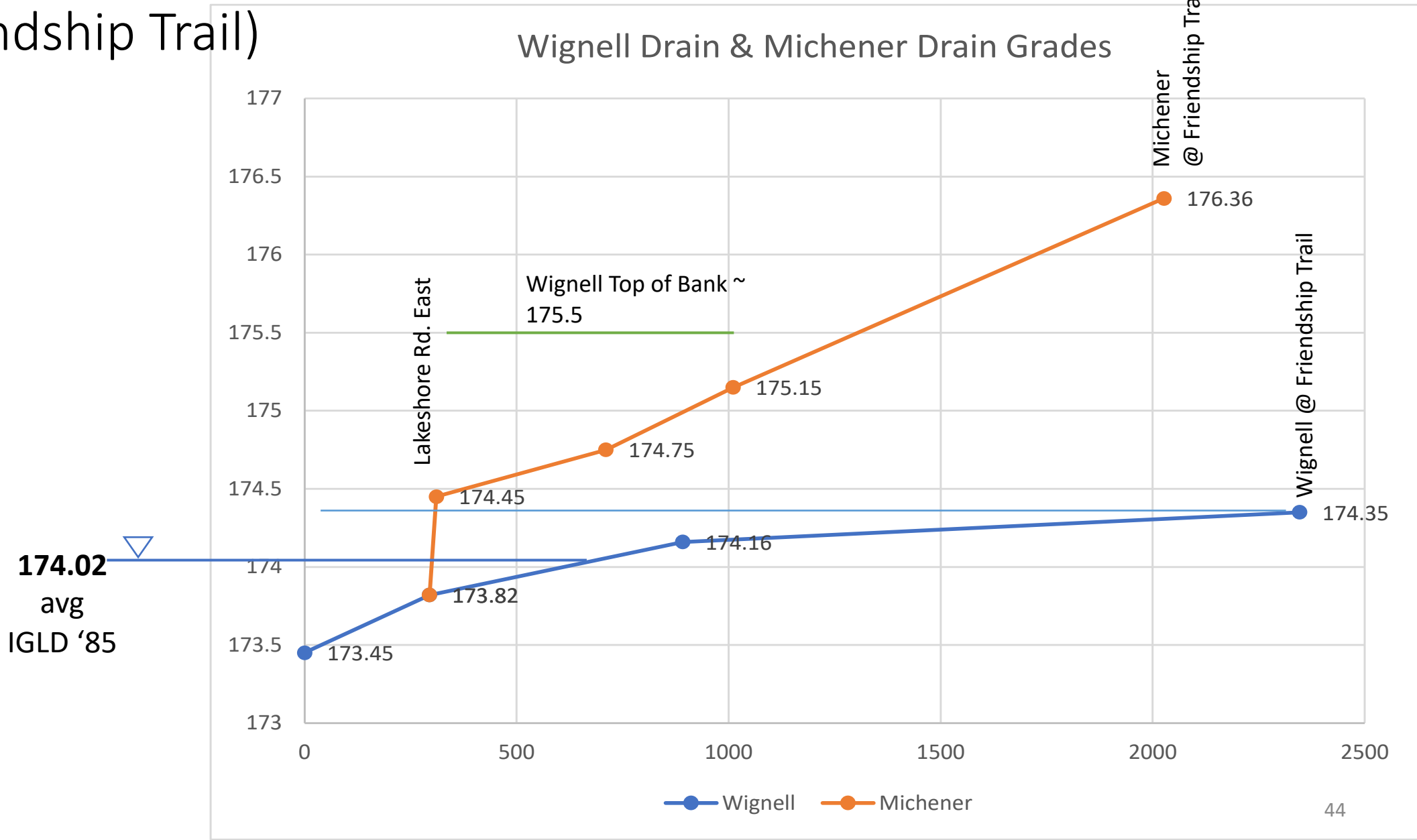
- The sole appeal in this matter was made under Section 48 of the Drainage Act, by Mr. Lou Nieuwland
 - Every year flooding near the golf course.
 - Source of the flooding is the Wignell
 - Delay work on the Michener until the Wignell is completed.
 - The Wignell Drain does not have a sufficient outlet.

Defense

- No Lawyer appointed by City
- **Michener has a sufficient outlet**
- City requested that the Tribunal not delay the project to proceed in order to:
 - Conduct maintenance
 - Section 4 requests by Road Auth.
 - Sect 78 improvements.
 - Updated assessment schedule

Wignell vs Michener Grade lines

(S of Friendship Trail)



Tribunal Decision on the Michener Drain

- 51. The Tribunal agrees with the Appellant that, if the works on the Drain proceed prior to the completion of the outlet improvement works on the Wignell, the benefits to be derived from the works on the Drain will not be commensurate with the estimated cost thereof.
- 52. The Tribunal accepts the Appellant's evidence that if work is completed on the Drain before work is completed on the Wignell, there will be an increased risk of flooding in the Drain due to the potential for back up of water in the Wignell during storm events. This means that the Wignell is currently not a sufficient outlet for the Drain.
- 53. A drain without a sufficient outlet will not provide benefits commensurate with the cost of the works.
- 54. The City of Port Colborne did not provide any evidence to contradict the Appellant's position that increased flow from the Michener will likely not be able to outlet properly into the Wignell in its current condition.

#2 Port Colborne Drain Tribunal

Appellants

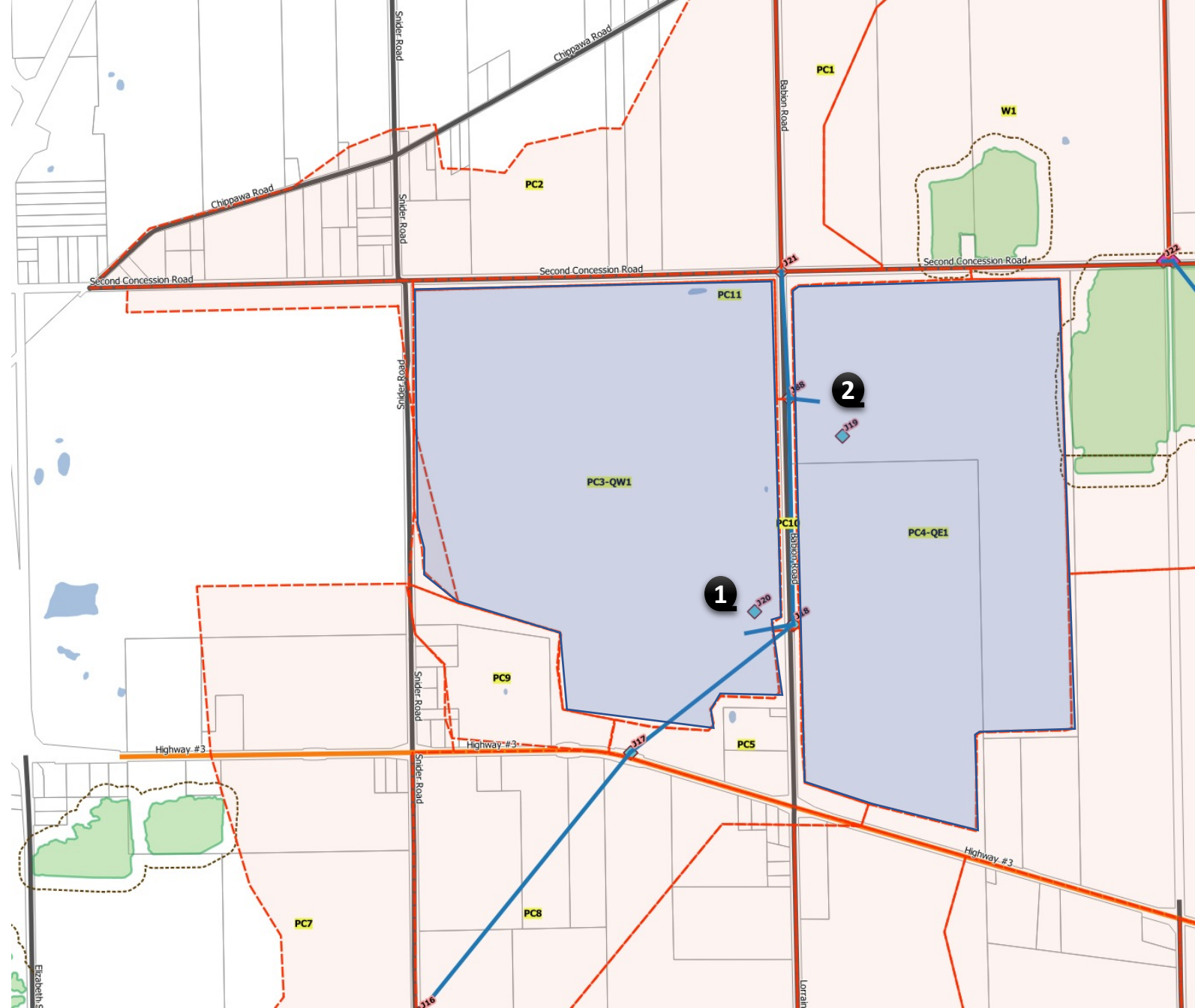
- Court of Revision = 4 + 1 appeals
- Tribunal Appeals
- Jack Hellinga, Appellant
 - Sect. 48 – 8 points related to design.
- John MacLellan, Appellant - Port Colborne Quarries
 - Sect. 54 – reduced assessment relative to runoff coefficients?

Key points

- City of Port Colborne
Represented by T. Richardson
- [27] In response to questions from Mr. MacLellan, Mr. Vander Veen noted he had not taken into account the volume of water used by the quarries for dust control or in their operations. Further that the quarry acted like a storm water management facility and attenuated the flows into the downstream drain.

Quarry Section 23 Assessment

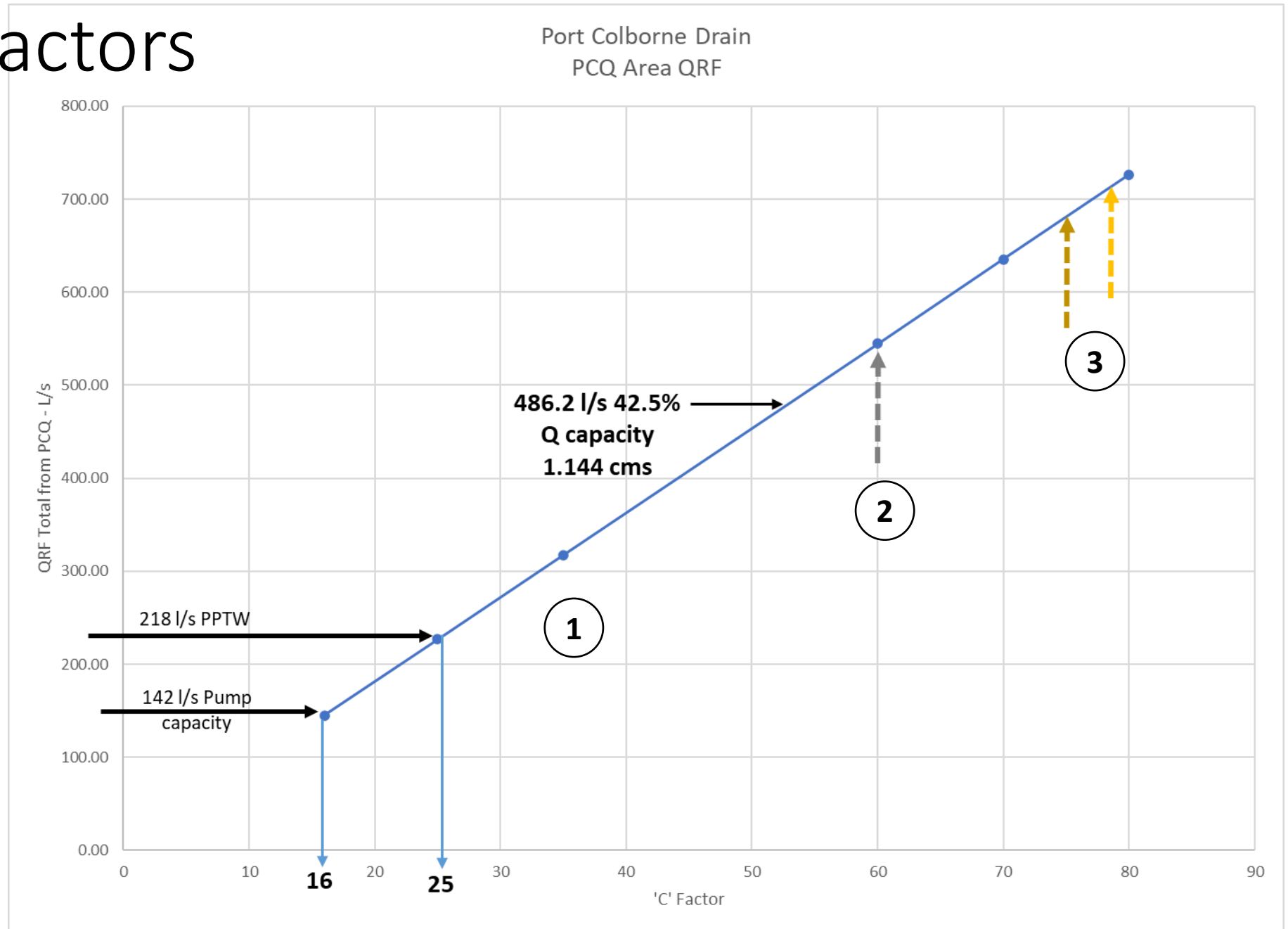
- West Quarry property
ARN 411500
 - QRF = 176.62 cms
 - PS#1 Pump rate 15 to 35 l/s (estimated)
- East Quarry 2 properties
ARN 315600 & 315800
 - QRF 70.48 & 80.17 = 150.65
 - Similar to PS#2



- [36] Mr. Marsh felt that the assessment schedule was a fair way to distribute the cost of the proposed work. He stated that the assessment schedule was revised as a result of direction at the Public Meeting to Consider the Report and by the Court of Revision. More particularly, the “C” factors were used only to distribute the costs in the assessment calculations and not the designed capacity of the drain.



Q, Runoff Factors



Understanding subsurface impacts Assessment Precedence

Additional area assessed to landowner includes 6.2 Ha of sub-surface drains.

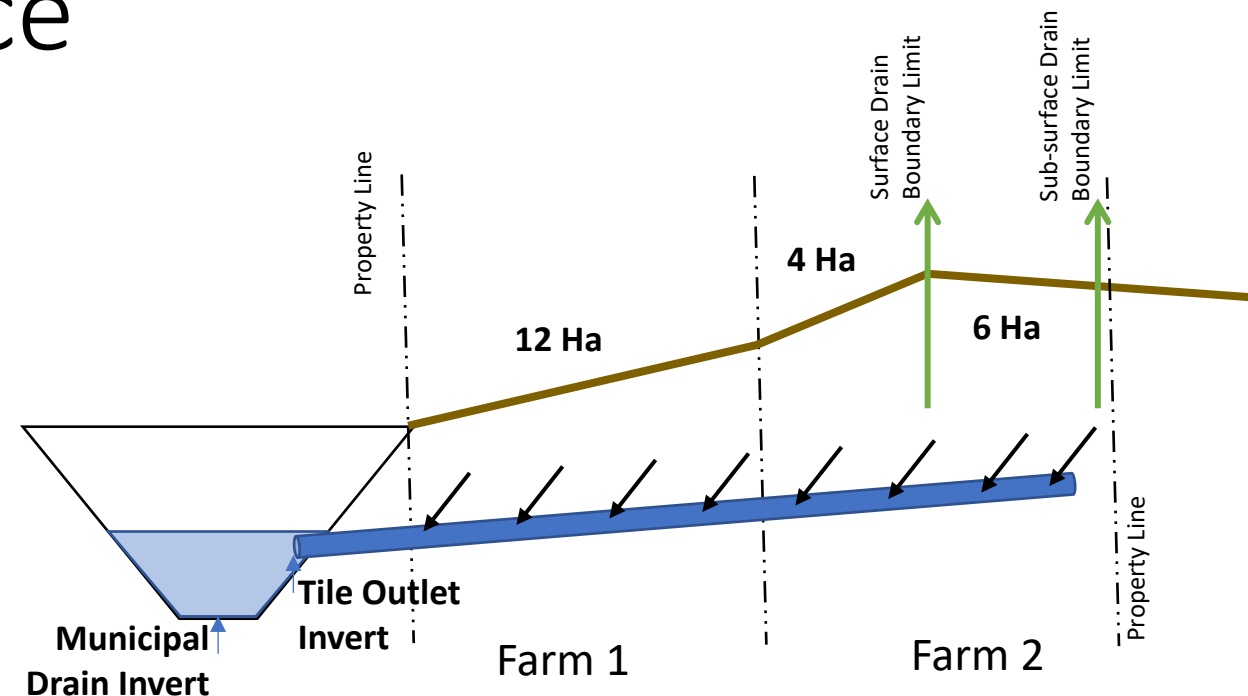
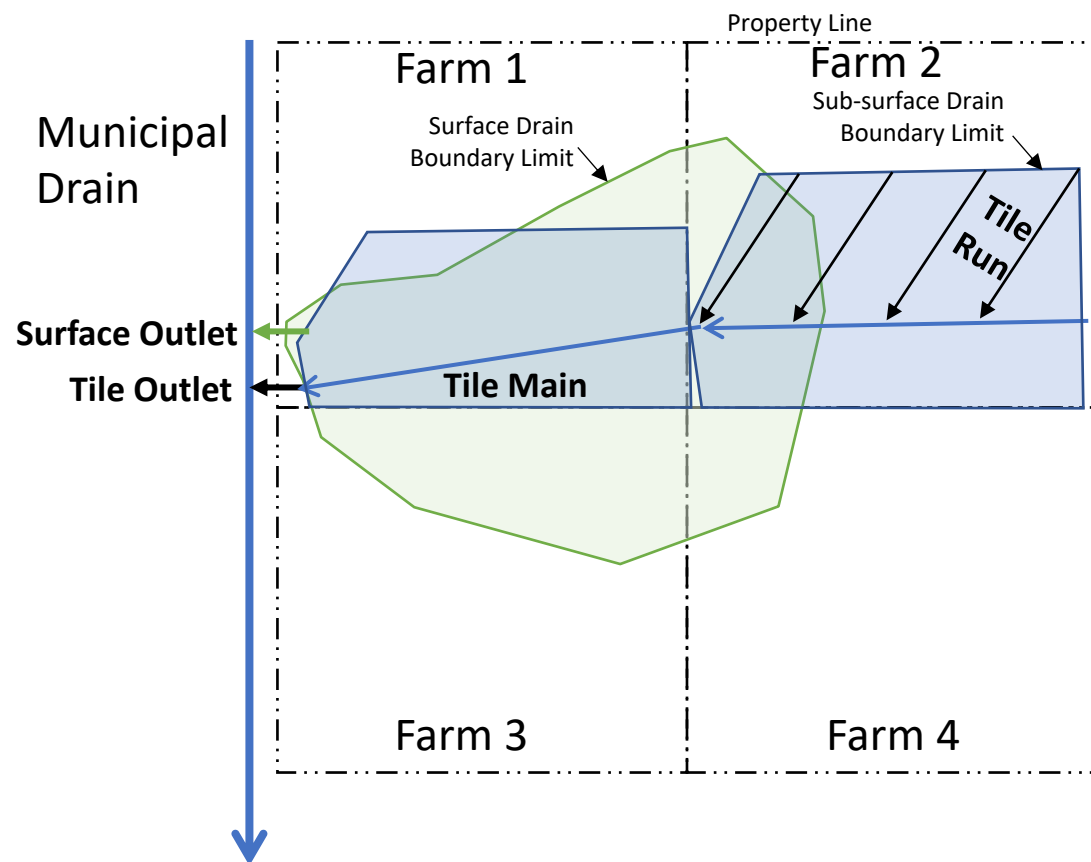
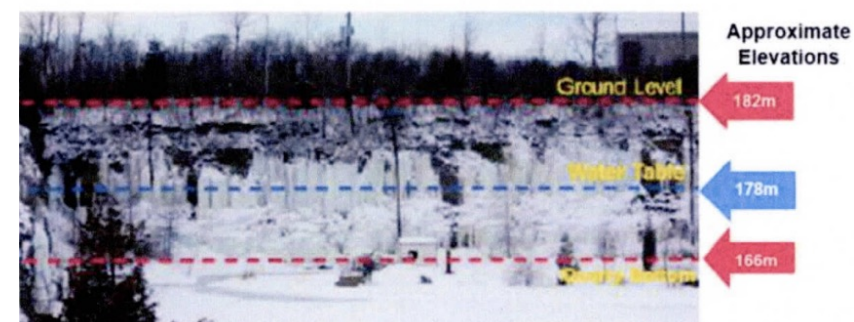


Figure 3: Ground Water Infiltration



Tribunal Decision on the Port Colborne Drain

- [45] Mr. Hellinga appealed the proposed work and not the assessment. It is unfortunate as this Tribunal does not have jurisdiction to consider an appeal of the assessment, as that would be under section 54.
- [47] ... The appeal from Port Colborne Quarries related to the revised coefficient directed by Council and the Court of Revision which increased their assessment. Their appeal under section 54 was properly an appeal of the decision of the Court of Revision unlike Mr. Hellinga's appeal.
- [48] Port Colborne Quarries relied on their expert witness, Mr. Sid Vander Veen, P.Eng.. Mr. Vander Veen submitted a detailed analysis of runoff coefficients which included references to various design guidelines as well as past decisions.

Orders of the Tribunal (Port Colborne Drain)

- [52] The appeal of Jack Hellinga under Section 48 is dismissed.
- [53] The Engineer will recalculate the assessments for all the assessed lands using the runoff coefficients for the quarry lands as per the original engineer's report dated April 16, 2021.
- [54] For any future maintenance work completed under this report and associated by-law, lands and roads will only be assessed for work downstream.

#3 Wignell Drain Tribunal

To pump or not to pump.

What's the question?

Appellants

- Cynthia and Robert MacNeil,
self represented
 - Sections 54 and 48
- Jack Hellinga,
self represented
 - Sections 54 and 48
- Whisky Run Golf Club Ltd
Represented by H. Nieuwland
 - Sections 54 and 48

Defense

- City of Port Colborne
Represented by T. Richardson
- Pre-Hearing conference held
December 12, 2024
- Scheduled 4 days of hearings.

Appeals and Tribunal Hearing Timeline

- Meeting To Consider
- Council In Camera Session
- Court of Revision
- AFRAAT (Tribunal) Pre-Hearing
- Tribunal Motion to Dismiss
- Tribunal Hearing day 1 of 4
- Tribunal Hearing day 2
- Tribunal Hearing day 3, 4
- Written Summation
- Tribunal Decision

- April 23, 2024
- May 14, 2024
- July 8, 2024
- December 10, 2024
- February 3, 2025
- April 22 to 25, 2025
- July 15, 2025
- July 22 & 23, 2025
- August 13, 2025
- ??

**First Engineer appointed,
2003**

22 years

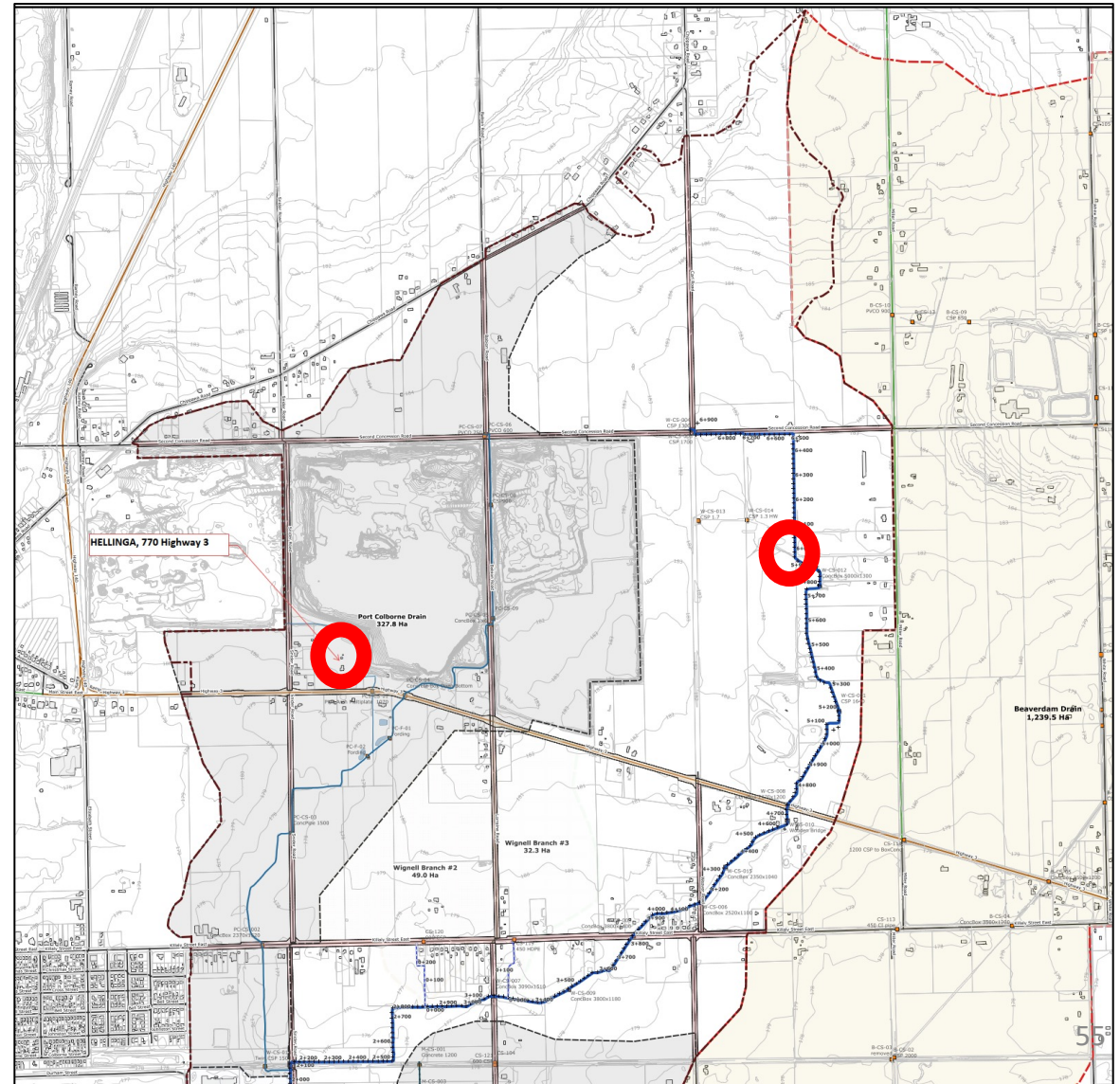
7 years

20 months

December 2025

Motion to Dismiss Appeal – January 7, 2025

- From the Section 48 appeal, “The proposed realignment is being proposed with a petition by the landowner ... when the license for the area requiring realignment is granted. The license for the subject area is not guaranteed, ... will not be needed for upwards of 40 years. ... will infringe on a wetland ...”



Cynthia MacNeil Appeal

- From the Section 48 appeal,
“We are seeking Relief of
Assessment documented therein
as: ...
Special Benefit (24) \$6150.37
Outlet Liability (23) \$177
- “not commensurate with the
cost as the Wignell Drain is not a
sufficient outlet ... will not fix the
underlying issues.”







Whiskey Run Golf Club Ltd. (Nieuwland)

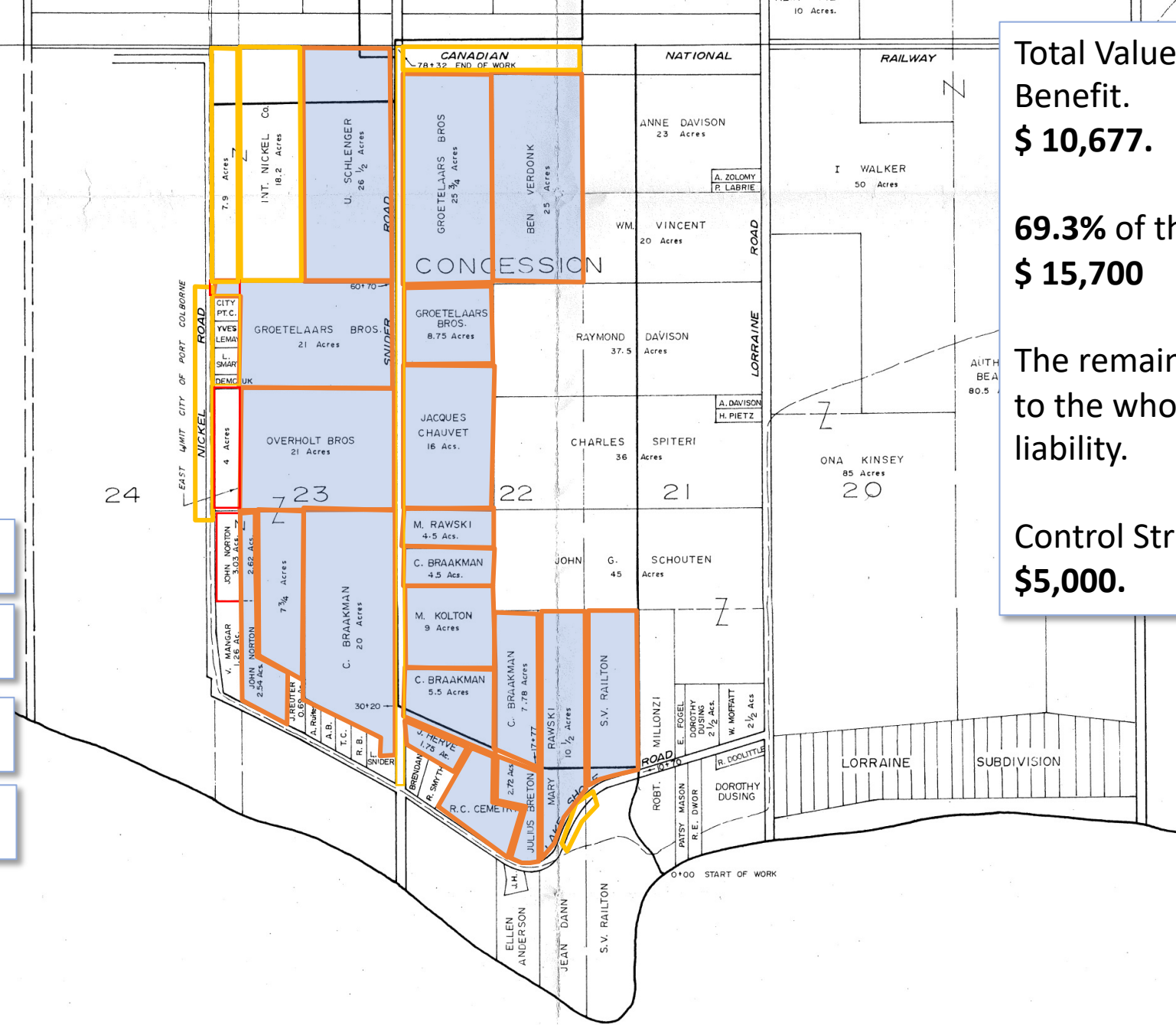
Appeal

- From the Section 48 appeal, “A drain without a sufficient outlet will not provide benefits commensurate with the cost of the works. ... recommends Option B (trailer mounted pump), which abandons primary pumping, ... The report should be modified to recommend Option A. (restoration of original pumping system)”
- Witnesses for the appeal:
 - Dave Bankert, Leon Groetelaars
 - Lou Nieuwland
 - Expert witness – Marc Gaudet, P.Eng.
 - Lawyer – Mr Hendrick Nieuwland
- Witnesses for City:
 - Chris Lee, former PW Mgr.
 - Alana Vander Veen – Drainage Supt.
 - Expert witness – Paul Marsh, P.Eng.
 - Lawyer – Mr. Tom Richardson

1969 Flood Gates Assessed Benefit

CJ Clarke &
Associates

-  Humberston Ag assessed for Benefit.
-  Humberston Non-Ag assessed for Benefit.
-  Port Colborne Ag assessed for Benefit.
-  Port Colborne Non-Ag assessed for Benefit.



Total Value of Lands assessed for Benefit.
\$ 10,677.

69.3% of the Total Cost Estimate,
\$ 15,700

The remaining **30.7%** is assessed to the whole watershed as outlet liability.

Control Structure Cost Estimate
\$5,000.

Metro J. Sass 1978 DESIGN AND SELECTION OF PUMPS FOR MUNICIPAL DRAINS

“The pumping station was designed to take storm water out of Wignell drain during storm conditions when Lake Erie water level was high due to wind conditions. This occurs often because of the prevailing winds.

It worked fine; it was properly sized for the flow, and all specifications were right on. The people in the residential area were pleased. The farmers on the 1000 or so acres of low muck land wanted the level kept lower than the design to keep their tile flowing freely.

The problem: when the pump started at the lower level, the long narrow channel was too shallow to supply the pump and it would shut off in less than a minute because at the pumping rate, the water would hardly start moving some 50 or 60 feet from the station. The operator explained that if he kept the float up for 2 or 3 minutes the water flow increased and it would operate for another 10 minutes or so before the float shut it off. This problem was solved on the telephone. A relay was supplied that by-passed the level control for 4 minutes; the timer reset at the next cycle.

Deepening of the channel was not considered because of the fact that the bottom of the channel was solid limestone and would have required blasting to remove. The only penalty to this solution is faster wear on the pump bearings, because of vibration due to air intake during the lower pumping level at the beginning of the cycle.”

1973 CJ Clarke Report - Pump

REPORT ON THE WIGNELL DRAIN LOW LIFT PUMPING STATION CITY OF PORT COLBORNE

To the Mayor and Members of the Municipal Council of the
Corporation of the City of Port Colborne:

GENTLEMEN:

Pursant to your instructions on petition of the
Groetelaars Brothers, C. Braakman and Overholt Brothers we
have made an examination of the Wignell Drain and in particular
the area from the Canadian National Railway southerly to the
outlet into Lake Erie.

A large part of this valuable market gardening lands is
flooded due to the very high water existing in Lake Erie and in
the outlet in the Wignell Drain.

Drainage solution
requested by petition

After construction, we recommend that this pumping station be kept up and maintained by the City of Port Colborne and that any such costs of maintenance including the annual operating costs, be borne by the lands herein assessed for its construction and in the same relative proportions as herein assessed until otherwise determined under the provisions of the Drainage Act.

Maintained by the City. The Maintenance and operating costs of the low-lift pumping station are to be borne by those same lands that benefit in equal portion; 1/3 – 1/3 – 1/3.

The benefit was not assessed using the area method.

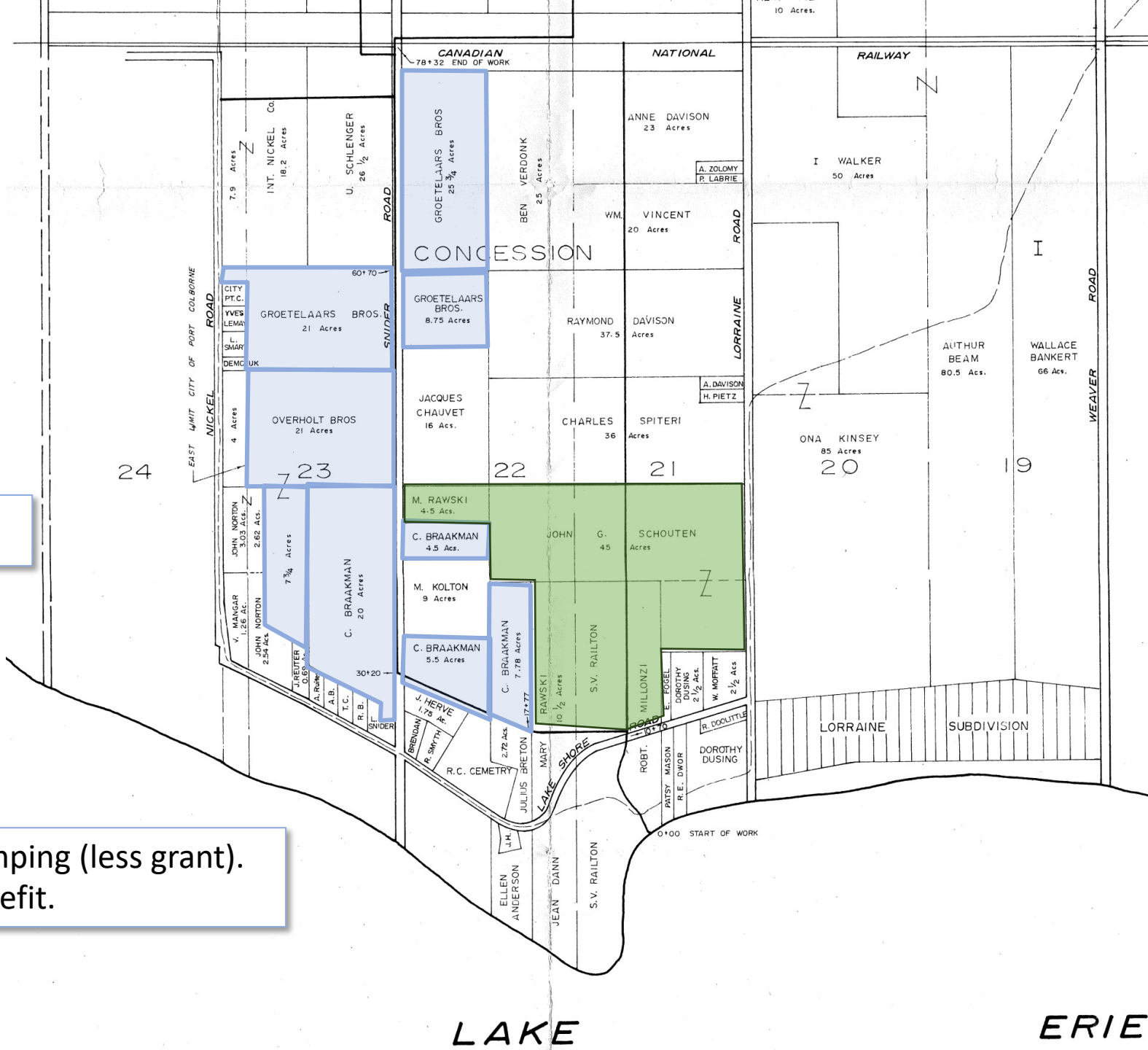
OWNER	CON.	PART	ACRES	BENEFIT	OUTLET	TOTAL
Groetlaars Bros	1	22	34.5			
- " -	1	23	21.0			
Groetlaars Bros			55.5	\$ 4500.00		\$ 4500.00
J. Braakman	1	22	17.78			
- " -	1	23	20.20			
J. Braakman			37.78	\$ 4500.00		\$ 4500.00
Verholt Bros.	1	23	28.75	\$ 4500.00		\$ 4500.00
Total						
Agricultural Lands			122.03 Ac.			
Assessment City of Port Colborne						\$ 13500.00

1973 Pump Assessed Benefit

CJ Clarke &
Associates

 Humberston Ag assessed
for Benefit.

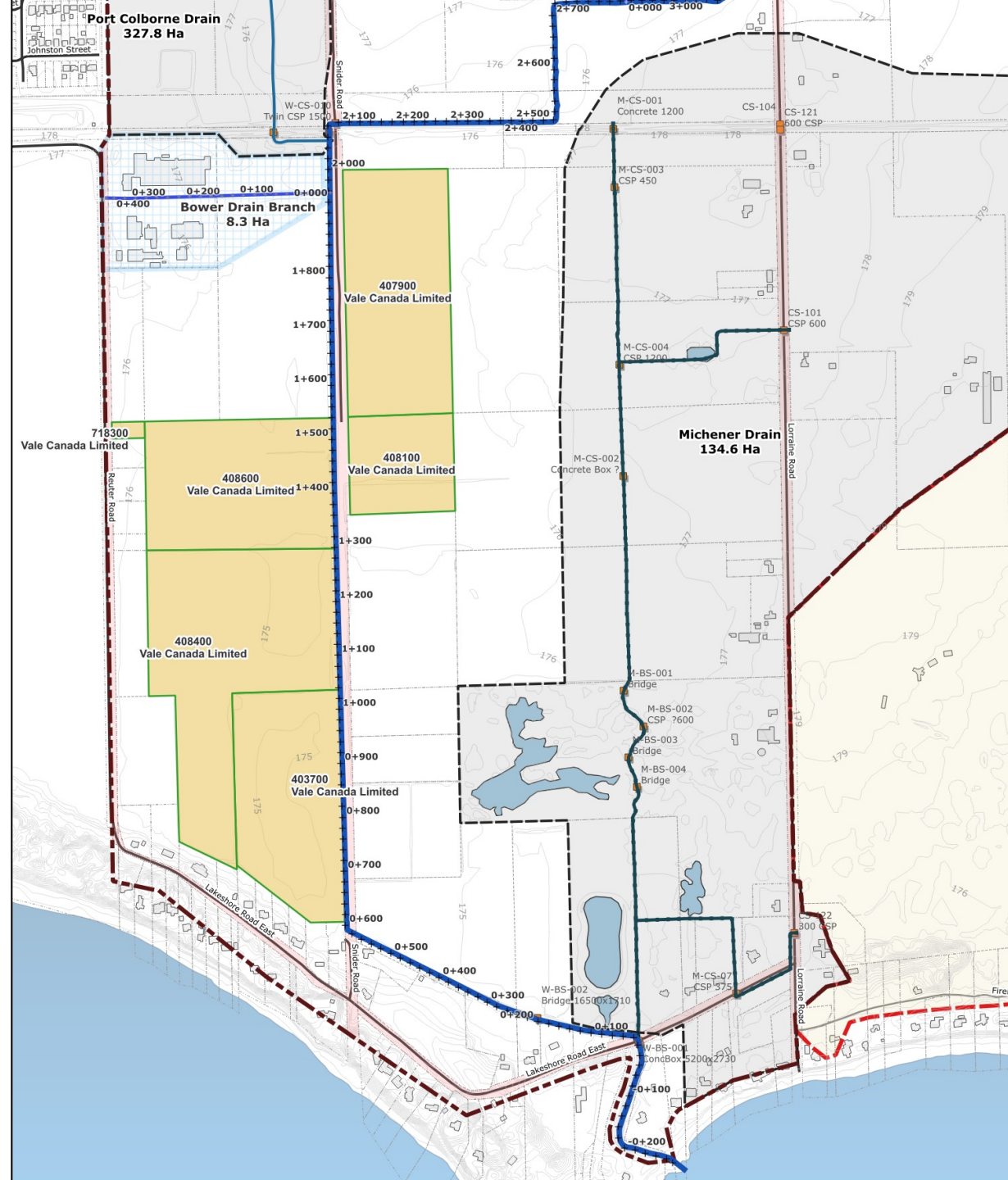
Estimated Cost of Pumping (less grant).
100% assessed to benefit.



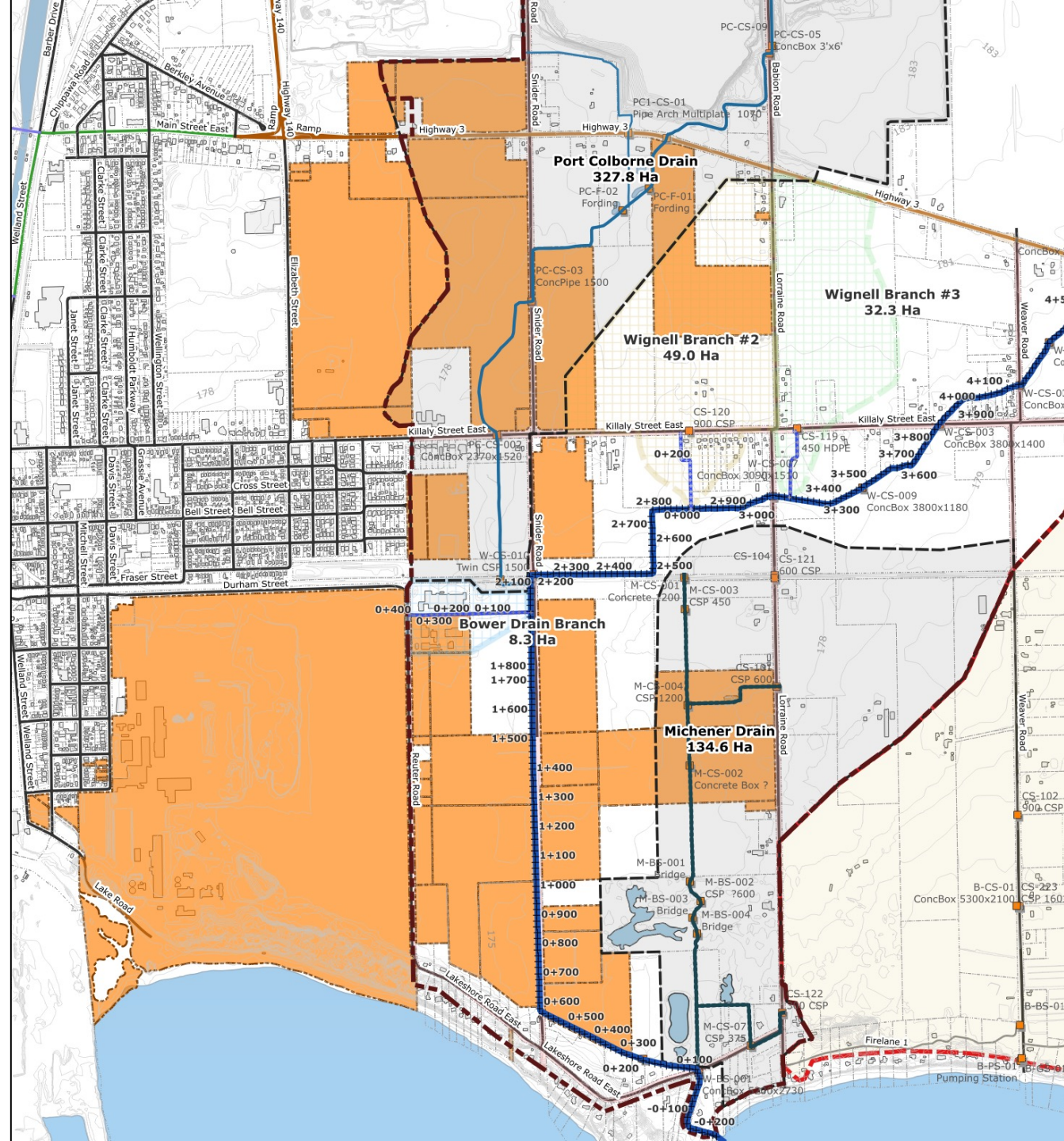
City 2010 Pump maintenance assessment.

2010 MAINTENANCE WIGNELL DRAIN PUMPING STATION MAINTENANCE AND OPERATION COSTS					TOTAL CURRENT COST ----- COSTS FROM GL ACCOUNT No. 3-560-33215 BY-LAW No. 255/73 (HUMBERSTONE TOWNSHIP)				Pg 1 of 1	
K:\DRAINAGE SUPERINTENDENT\DRAINS\WIGNELL\BILLED OUT\2010 Pump Assessment Schedule.XLS										
LAND USE	OWNER	AREA No.	CON or PLAN No.	LOT No.	ROLL NUMBER	AREA AFFECTED (ha)	CURRENT COST	OMAFRA GRANT	NET COST	
VALE INCO LIMITED		176	1	23	020 00718300	0.19				
VALE INCO LIMITED		---	1	23	040 00408600	8.58				
VALE INCO LIMITED		---	1	22	040 00407900	8.92				
VALE INCO LIMITED		---	1	22	040 00408100	3.64				
SUB-TOTAL FOR VALE INCO LIMITED -----						21.33	\$667.15	\$0.00	\$667.15	
VALE INCO LIMITED		---	1	23	040 00403700	7.89				
VALE INCO LIMITED		---	1	22	040 00403700	3.15				
VALE INCO LIMITED		---	1	22	040 00403700	2.23				
VALE INCO LIMITED		---	1	22	040 00403700	1.82				
SUB-TOTAL FOR VALE INCO LIMITED -----						15.09	\$667.15	\$0.00	\$667.15	
VALE INCO LIMITED		---	1	23	040 00408400					
SUB-TOTAL FOR VALE INCO LIMITED -----						12.52	\$667.15	\$0.00	\$667.15	
TOTAL ASSESSMENT						48.94	\$2,001.45	\$0.00	\$2,001.45	63

2025-04-04



Properties owned by Vale, 2021



July 28, 1978 RV Anderson – D. Ingram

Pursuant to your motion of council, we have made an examination of the Wignell Michener Drainage System and wish to report as follows:

The Wignell Michener Drainage System outlets to Lake Erie in lot 21, Concession 1 of the City on the lands of Mr. D. Mason and Mr. V. Railton. The last improvements to the drain were made under by-law 903 of the Township of Humberstone, dated September 8, 1949. However, an engineering report recommending minor improvements to the outlet was prepared by C. J. Clark, P. Eng. in 1959.

Section 78 (equivalent)
Improvements by the Engineer.

Not referring to the correct
Report.

Report in 1973 for pump,
Control Structure in 1969.

The City of Port Colborne has undertaken maintenance and repair work on the pump for the outlet of the Wignell Drain in 1977. These costs were \$6,160.48, all of which is chargeable to the lands tributary to the outlet. The lands adjacent to the channel of the Wignell Drain from the outlet structure at Lakeshore Road to the C.N.R. tracks have been assessed benefit liability for their share of the maintenance cost and all remaining lands tributary to the drain have been assessed for outlet liability. The proportionate costs have been prepared in the same relative ratios as the assessments provided in the 1949 report of By-law 903 of the Township of Humberstone.

Work in 1977 @ \$6,160.48

Not referring to the correct
Report or Bylaw (No 1333).
Report in 1973 for pumps,
Control Structure in 1969.

-11-

OWNER	LOT/CON	AREA NO.	ACREAGE IN DRAINAGE AREA	BENEFIT LIABILITY	OUTLET LIABILITY	INJURING LIABILITY
G. Hallborg		172	1.52	-	2.75	-
R. House	19/1	173	0.94	-	2.75	-
W. Bankert			10.00	-	-	16.00
R. Knoll	19-20/1		62.06	-	136.55	-
C.N.R.			3.97	-	11.90	-
R. Lampman			26.0	-	-	41.60
I. Walker	20/1		45.0	-	-	72.00
R. Steed (V.L.A.)			5.0	-	-	8.00
O. Kinsay			13.0	-	-	20.80
L. Hallborg	18/1		9.0	-	19.80	-
W. Bankert			17.0	-	37.40	-
City of P.C. Roads			71.0	-	341.15	-
Reg. Mun. of Nia. Roads			15.8	-	75.85	-
M.T.C. Roads			13.6	-	65.30	-
Total			2614.66	397.35	5571.13	192.00

Benefit Assessment Total
\$397.35
6.4%

Outlet Liability & Injuring
Liability Total
\$5571.13 + \$192.00
93.6%

Participant Summary Statements

- Jack Hellinga

- We object to the assessment for Outlet Liability only being assessed, with no Benefit assessment to the benefitting properties as in the 1969 C J Clarke Engineer's Report.
- We have no objection to being assessed for our Outlet Liability, but we object to assessment that should be charged Benefit.

- We agree that the pumping and maintenance if desired by specific properties should be assessed solely to those properties.
- We agree that pumping should be examined and a report prepared only if a proper petition is submitted.
- We submit that the proposed modifications of the gate structure are only of Benefit to the low properties south of the Friendship Trail, and should be assessed accordingly. We agree that improvements to the drain to maintain past flow capacity are assessable as an Outlet Liability to the watershed properties in accordance with the Drainage Act.

Participant: Joseph Van Ruyven

- “Given that our property on Hwy 3 is significantly higher in elevation than the lands south of the Friendship trail;
- and given that, in recorded history, there has not been a flooding event by sieche from Lake Erie affecting the lands North of the Friendship Trail;
- and given that the properties which benefit from the gates and pumps in the drains near their ends at Lake Erie, are located on the lower elevations south of the Friendship Trail;
- and given that such flooding events are rare,
- I suggest that the cost of installation, maintenance and servicing of any structures required to mitigate flooding on those properties subjected to flooding, either by sieche, or by precipitation event, be borne by the owners of the properties who benefit from them.

MacNeil Summary

- ... support our appeals in that the City of Port Colborne's negligence to maintain the Wignell drain since 1997 has made a huge impact on the erosion of the bank on our property.
- there is no guarantee that the work being done to our property as stated in the Wignell drain report will prevent further flooding.
- improvement will not be sufficient in that it will not stop the sand accumulation or buildup of debris
- For all these reasons stated above, we are seeking that seeking relief from the Assessment to the Special Benefit ... in the amount of \$6,150.37

WRCG Appellant Summary & Response

The Appellant Whisky Run Golf Club Ltd. submits that the proposed drainage works for the Wignell Drain do not create a sufficient outlet in the absence of permanent pumping.

12. The Appellant therefore respectfully repeats its request that this Tribunal order the following:

- (i) modify Mr. Marsh's report to recommend Option A over Option B.
- (ii) in the alternative, modify Mr. Marsh's report to require the City to provide property owners, at the City's cost, with a dedicated trailer deployed pump of sufficient capacity for use at the Wignell Drain.
- (iii) modify Mr. Marsh's report to remove the engineering costs allocated to the Wignell Drain for the two earlier engineering firms (Wiebe \$53,374.78, and AMEC \$19,370.41).

Decision

Part 3 Lessons Learned?

Michener Drain

Port Colborne Drain

Wignell Drain

Lessons Learned - Reports

- I like our Report sequence:
 - Baseline Drain Report (PIC) -> H&H Report ->
 - Drain Report (+TechMemos)
- Divide and Conquer or Big Bang?
 - Divide and Conquer for me.
- Past Decisions matter
 - But can be wrong.

“It is trite law that the principle of *stare decisis* does not apply to administrative tribunals; however, we must strive to continue to develop a body of consistent jurisprudence”.

@ Tribunal

- Don't be a lawyer or your client.
 - That's not your job. Easier said than done, as clients expect representation.
- Be an impartial facilitator and adopt that attitude. It's not personal.
 - Help the appellants – where possible.
 - Don't direct
- The goal is a fair decision, not yours to win or lose.
 - Be gracious and focus on concluding the work.
- 'consistent jurisprudence' does not help Engineers with Reports.
 - It should, but it's not the goal of the Tribunal to be helpful to Engineers.

Asking for someone else ...

- “Do you have a clause that stipulates that the content of their reports not be ingested into a client's AI model?”

Land Drainage Conference 2025

Questions?



Land Drainage Conference 2025

Thank you!

