



# K. SMART ASSOCIATES LIMITED

CONSULTING ENGINEERS AND PLANNERS

85 McIntyre Drive  
Kitchener ON N2R 1H6

Tel: (519) 748-1199  
Fax: (519) 748-6100  
Email: [ksmart@ksmart.ca](mailto:ksmart@ksmart.ca)

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File No. 23-133

## SECTION 40 REPORT NORFOLK-OXFORD MUNICIPAL DRAIN

### Norfolk County

#### **Summary**

On August 27, 2013, Norfolk County appointed K. Smart Associates Limited (KSAL) to prepare a plan, profile and specifications according to Section 78 of the Drainage Act, RSO 1990, to alter the Norfolk-Oxford Municipal Drain in the abandoned report dated October 9, 2012, for the Town of Tillsonburg and give a legal outlet within Norfolk County.

KSAL accepted the appointment and indicated that John Kuntze, P. Eng. would be the Engineer assigned to this project. In January 2025, a change of engineer notice was sent to Norfolk County. Neal Morris P.Eng. is the engineer on record.

The 2012 report "Abandonment Report for Norfolk-Oxford Municipal Drain" prepared by John Kuntze P.Eng. for the Town of Tillsonburg, County of Oxford abandoned the existing Norfolk-Oxford Municipal Drain in Oxford County but did not abandon the drain within Norfolk County.

The Norfolk-Oxford Municipal Drain, based on the December 14, 1962 report by John B. Dodds, OLS, consists of 535m of 450mm extra-strength concrete pipe along Simcoe Street in Norfolk County. As-built drawings prepared by CJDL Consulting Engineers show that a 525mm storm sewer is the outlet of the Norfolk-Oxford Municipal Drain. During a meeting on December 17, 2025 between Bill Mayes (Norfolk Drainage Superintendent), and Tillsonburg staff it was agreed that the Boundary Agreement will be updated to allow Norfolk County to drain its municipal drain to the Town of Tillsonburg storm sewers. E-mails to the engineer from Bill Mayes and Josh McFadden on January 15, 2025, and January 20, 2025, state that the Boundary Agreement will be updated. For this reason, it is my opinion that the work on the drain is not required, as a legal outlet is obtained from the Boundary Agreement.

Consequently, this report has been prepared under Section 40 of the Drainage Act to discontinue work on this appointment as the work is not required, and no further action will be taken under the Drainage Act.

**Conclusion**

As a result of the above review, the undersigned has determined that an Engineer's Report for drainage improvement on the Norfolk-Oxford Municipal Drain is not required at this time.

**Cost to Date**

The Engineering costs incurred for work associated with the appointment is \$4,300 (excluding Net HST). Costs are broken down as follows:

**Table 1. Cost to date**

Background	\$ 1,000.00
Section 40 Report	3,300.00
Sub Total:	\$ 4,300.00
Net HST (1.76%)	\$ 75.68
<b>Total</b>	<b>\$ 4,375.68</b>

Following Section 40 of the Drainage Act, this amount shall be the responsibility of the petitioner, being Norfolk County. The cost shall be assessed 100% to the County of Norfolk.

**Report Procedure**

Following Section 40 of the Drainage Act, the Clerk shall notify the Town of Tillsonburg. Though not specified in Section 40, it is suggested that the notice to the Town of Tillsonburg also include a copy of this report. No other circulation of this report is required, and no further action will be taken under the Drainage Act on the appointment unless the Engineer's decision in this report is reversed by an appeal to the Drainage Tribunal under Section 48 of the Drainage Act.

All of which is respectfully submitted.



Neal Morris, P. Eng.

