

Council Policy No.:	CP2025-010
Council Policy Name:	Agricultural Tile Drain Discharge to Roadside Ditches Policy
Date Approved by Council:	December 9, 2025 CR2025-475
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The City of Kawartha Lakes is generally concerned with drainage matters, particularly with respect to promoting the agriculture industry and liability mitigation when Municipal lands are used to facilitate private drainage. This policy deals with the use of roadside ditches as a means for providing outlet for private agricultural drainage works.

The Drainage Act R.S.O.1990 provides the necessary procedures for obtaining a sufficient outlet for drainage systems and for assessing construction and maintenance costs in a fair and equitable manner. Details and the Drainage Act are not discussed in this policy and may be obtained by contacting the Drainage Superintendent.

Scope:

The City requires the use of the Drainage Act as the means for obtaining a sufficient outlet for private drainage works requested within the City.

Definitions:

In reading and interpreting the Agricultural Tile Drain Discharge to Roadside Ditches policy, the following definitions apply:

- a) "City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and its entire geographic area;
- b) "Conservation Authority" means a conservation authority established under the Conservation Authorities Act;

- c) "Drainage Works" includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
- d) "Sufficient Outlet" means a point at which water can be discharged safely so that it will do no damage to lands or roads.

Policy, Procedure and Implementation:

1.0 Special Considerations

Listed below are special conditions that roadside drain or ditch may be used for agricultural purposes.

- 1.1. If the roadside ditch is currently a component of an existing Municipal Drain as defined by the Drainage Act and the lands are fully assessed into the Municipal Drain, then it may be used as an outlet for an agricultural tile drain or ditch.
- 1.2. There is an existing Registered Agreement in place allowing for the discharge of agricultural drains or ditches to the roadside ditch.
- 1.3. A new Registered Agreement is created which allows for the discharge of agricultural drains or ditches to the roadside ditch. The creation of new agreements will generally be limited to minor drainage works.

2.0 Details

- 2.1. Before any work is done for an outlet or crossing on City property, there shall be a Registered Agreement in place between the parties involved as provided for under the Drainage Act, Section 2 (Mutual Agreement Drains). The Director of Engineering and Corporate Assets (or delegate) will be authorized to enter into Mutual Agreements with parties to allow outletting of drainage to roadside ditches.
- 2.2. There shall be no outlets or crossings allowed on City property until an adequate outlet has been provided. The adequacy of the outlet must be determined by a professional engineer or by the City's Drainage Superintendent, at the owner's expense.
- 2.3. It shall be the owner's responsibility to apply for a permit from the local Conservation Authority and a Fisheries Authorization from the Department of Fisheries and Ocean as applicable. The City reserves the right to not enter into an agreement with a landowner where it feels this requirement has not been met.

- 2.4. It shall be the owner's responsibility to obtain all utility (Bell, cables, pipelines etc.) location and approvals.
- 2.5. The parties to an agreement will assume their shared liabilities as described in the terms of the Registered Agreement including, liability as it might relate to the adequacy of the outlet or damage to persons, or property, including all land owners party to the agreement or to any other upstream or downstream land owners, resulting during the construction and/or operation of drains discharging to a roadside ditch or crossing of City property.
- 2.6. The owner(s) involved shall be responsible for drawing the agreement acceptable to Municipal Council. The owner(s) requesting the agreement shall be responsible for all costs including preparation and registering the agreement.
- 2.7. Where the tile drain crosses a road and continues through the lower owner, the crossing method, material and flow capacity must meet Ministry of Transportation standards or approved equivalent. The lower owner(s) must be a party to the agreement.
- 2.8. Where the tile drain crosses the road to an outlet on the downstream road ditch, the crossing method, material and flow capacity must meet Ministry of Transportation standards or approved equivalent. The outlet must be marked and equipped with a hinged rodent grate.
- 2.9. Where a satisfactory outlet exists in the road ditch adjacent to the owner's property line, the material used must meet Ministry of Transportation standards or approved equivalent. The outlet must be marked and equipped with a hinged rodent grate.
- 2.10. In the above cases, the owner is responsible for their share of the material and installation costs. Procedures for installation are to be arranged between the owner(s) and the City. The Director of Engineering and Corporate Assets (or delegate) must be present before any construction work begins.
- 2.11. Any works done across a road must include restoration of the road to its original condition or better, and to the satisfaction of the Director of Engineering and Corporate Assets (or delegate). The owner is responsible for their share of the works constructed.
- 2.12. The roadside ditch must be restored to its original quality or better and to the satisfaction of the Director of Engineering and Corporate Assets (or delegate) and at the owner expense.

- 2.13. Maintenance of the private drain or ditch is the responsibility of the landowner, and maintenance of the roadside ditch will be as defined in the terms of the Registered Agreement.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	October 28, 2003	Initial Release	
2	October 19, 2021	Administrative updates	Lisa Peimann
3	December 9, 2025	Administrative updates CP2021-042 was replaced by CP2025-010	Richard Monaghan