IN THE MATTER OF THE *DRAINAGE ACT,* R.S.O. 1990, CHAPTER D.17, AS AMENDED

Tribunal File No.: 007Dell21

AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL

B E T W E E N :

806584 Ontario Ltd. (Jeff Ferguson), Gary & Frances Somerville, Keith Helmer, Phil McNamee Charitable Foundation, Roger Somerville, Somerville Farms Sparta Ltd., Walter Hayhoe Enterprises Inc., William Jacklin

Appellants

– and –

The Corporation of the Municipality of Central Elgin

Respondent

APPELLANTS' EXPERT REPORT VOLUME 2

April 6, 2022

LERNERS LLP
85 Dufferin Avenue
P.O. Box 2335
London, Ontario N6A 4G4

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London, ON N6B 3L1
Email: Paula.Lombardi@siskinds.com

1. John Kuntze's P. Eng. Report dated April 4, 2022

   1) **Appendix "D"**, Maps enclosed in the Dell Drain Outlet Report - November 26, 2020

   2) **Appendix "E"**, Maps enclosed in the Branch "G" Dell Municipal Drain Report October 30, 2015

   3) **Appendix "G"**, Maps enclosed in the Dell Drain 1997 Drawings June 20, 1997

APPENDIX D

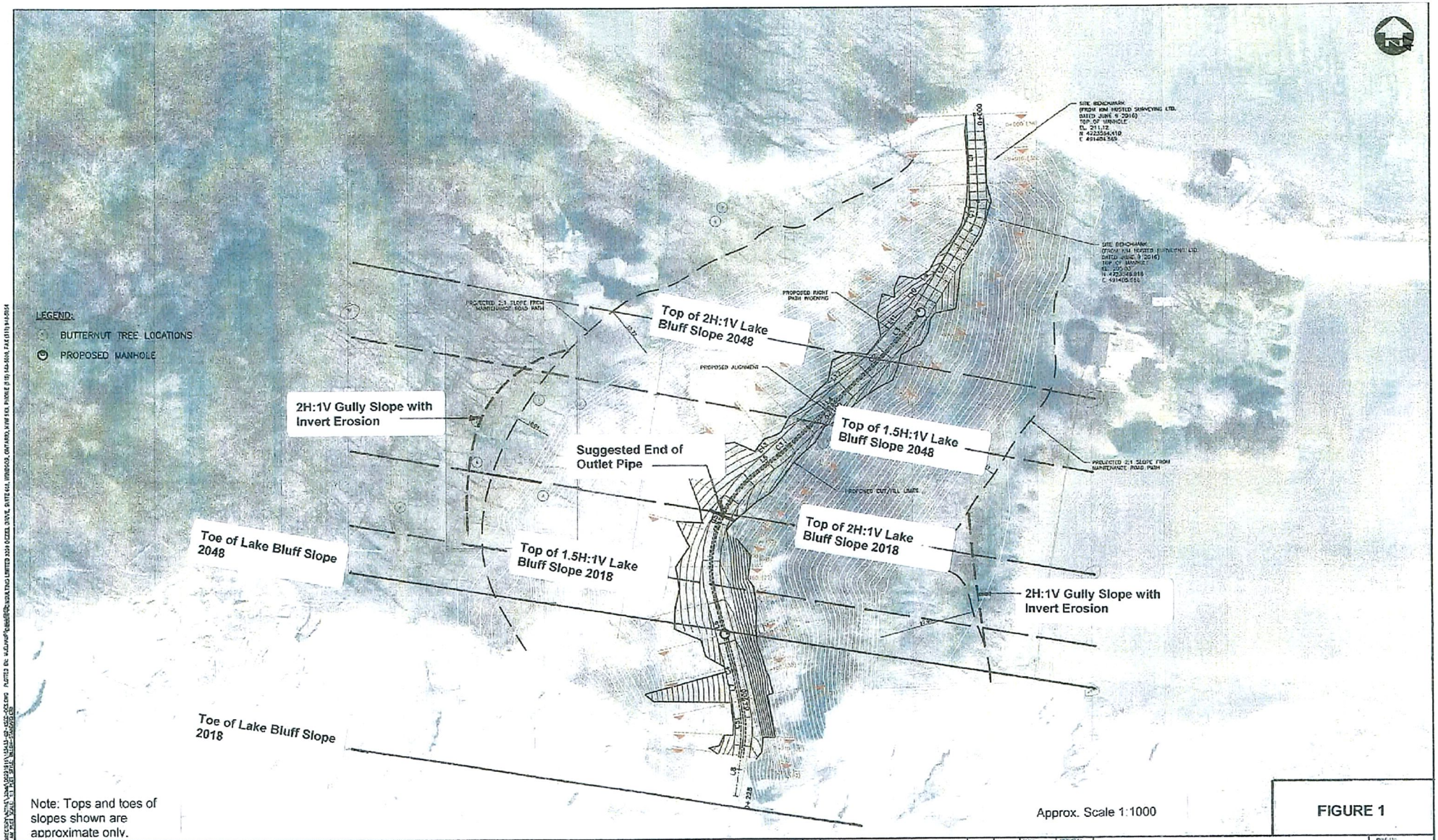
DELL DRAIN OUTLET

REPORT

November 26, 2020

K. SMART ASSOCIATES LIMITED

85 McIntyre Drive, Kitchener, ON, N2R 1H6



Note: Tops and toes of slopes shown are approximate only.

Approx. Scale 1:1000

FIGURE 1

Conditions of Use

Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.

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A	INTERIM SITE/GRADING REPORT	Feb 15/17	MMM
No.	Issued For	Date	By

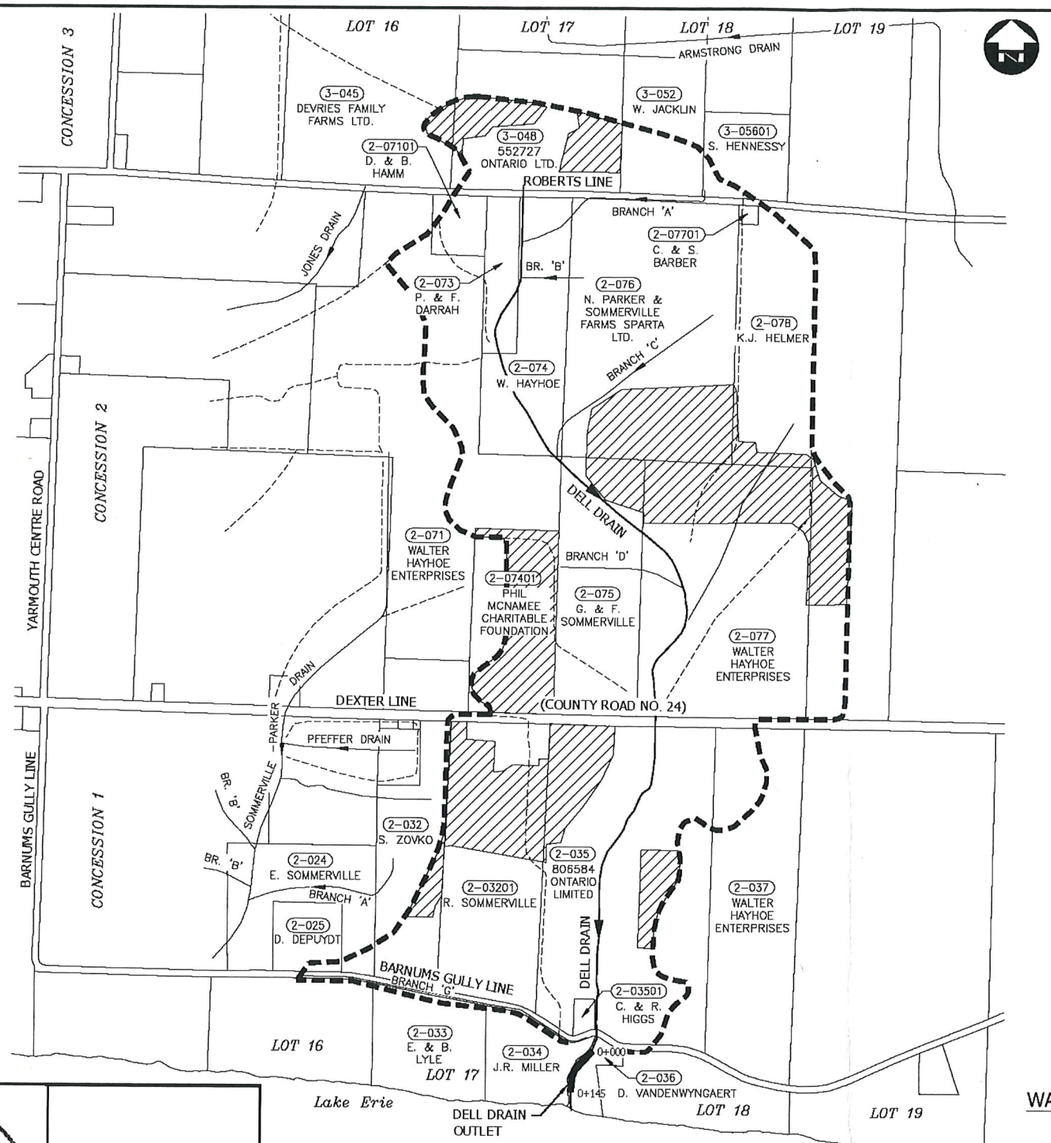
DESIGN MMM	ENGINEER NDH
DRAWN MMM	CHECKED RJZ
DATE 15 February 2017	
SCALE 1:1000	

Dell Drain Outlet

SITE PLAN

PROJECT No. 10-3433-1000

C-1



LEGEND

- DELL DRAIN DRAINAGE AREA
- DELL DRAIN
- OTHER DRAINS
- SUB WATERSHED
- BENCHMARK
- WOODLOT SURFACE WATER ONLY

SITE BENCHMARK

BM1–TOP OF EXISTING MANHOLE (MH2) AT STATION 1+000.

ELEVATION=211.12m

BM2–TOP OF EXISTING MANHOLE (MH1) AT STATION 1+017.5.

ELEVATION=205.03m

NOTE: CONTRACTOR TO VERIFY BENCHMARK PRIOR TO CONSTRUCTION.

WATERSHED PLAN

SCALE–1:15,000

LICENSED PROFESSIONAL ENGINEER
M. D. HERNANDEZ
100078099
Nov 26/20
PROVINCE OF ONTARIO

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3	FINAL REPORT SUBMISSION	NOV. 26/20	MDH
2	CLIENT REVIEW	MAR. 2/20	MDH
1	CLIENT REVIEW	JAN. 31/19	MDH

DESIGN MDH	REVIEWED BY FRF
DRAWN WLB	CHECKED BY TRO
DATE November 26, 2020	
SCALE AS SHOWN	

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PROJECT NO. 16-3433

DRAWING SCALES BASED ON A 11" X 17" SHEET

'SCHEDULE G'

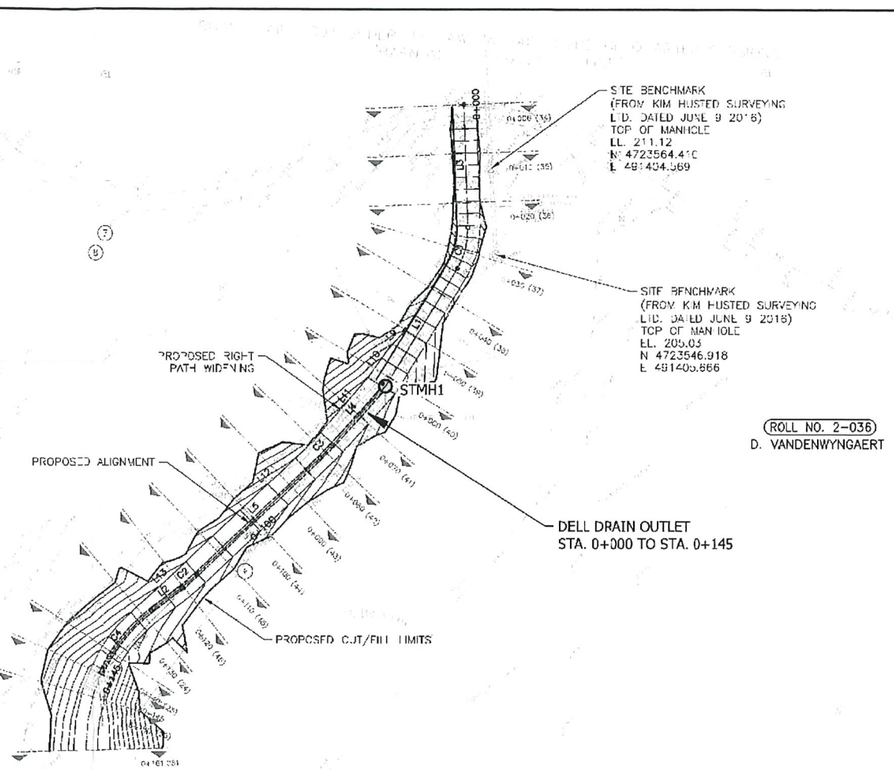
Drainage Report for the
DELL DRAIN OUTLET
Municipality of Central Elgin

SHEET TITLE: WATERSHED PLAN

PAGE NO. 1 of 5

Nov 26, 2020 – 11:35am C:\pw working directory\projects to 2017\33wlb\d0291916\163433-03-DRN-CON (1).dwg

HORIZONTAL CONTROL (Drain Centreline)												
SEGMENT	START STATION	END STATION	LENGTH (m)	CHORD LENGTH (m)	ENDING RADIUS (m)	DELTA (dd°mm'ss")	LINE/CHORD DIRECTION (dd°mm'ss")	SPIRAL PARAMETER (A)	START NORTHING (m)	START EASTING (m)	END NORTHING (m)	END EASTING (m)
L3	0+000	0+025.082	25.082				S2°14'19"E		4723577.4292	491399.9925	4723552.3636	491399.9023
C1	0+025.082	0+033.825	8.743	8.620	15	33°23'45"	S14°27'33"W		4723552.3636	491399.9023	4723544.0170	491397.8100
L1	0+033.825	0+061.986	28.161				S31°09'26"W		4723544.0170	491397.8100	4723519.9179	491383.2396
L4	0+061.986	0+078.383	16.397				S41°32'47"W		4723519.9179	491383.2396	4723507.6456	491372.3644
C3	0+078.383	0+081.652	3.269	3.268	40	4°40'55"	S43°53'15"W		4723507.6456	491372.3644	4723505.2908	491370.0991
L5	0+081.652	0+116.183	34.531				S46°13'42"W		4723505.2908	491370.0991	4723481.4024	491345.1639
C2	0+116.183	0+120.375	4.191	4.190	40	6°00'14"	S49°13'49"W		4723481.4024	491345.1639	4723478.6685	491341.8910
L2	0+120.375	0+128.096	7.721				S52°13'56"W		4723478.6685	491341.8910	4723473.9377	491335.8875
C4	0+128.096	0+145	16.904	16.740	35	27°40'21"	S38°25'45"W		4723473.9377	491335.8875	4723460.8177	491325.4903



LEGEND:

- BUTTERNUT TREE LOCATIONS
- PROPOSED MANHOLE

HORIZONTAL CONTROL (Right Path widening)												
SEGMENT	START STATION	END STATION	LENGTH (m)	CHORD LENGTH (m)	ENDING RADIUS (m)	DELTA (dd°mm'ss")	LINE/CHORD DIRECTION (dd°mm'ss")	SPIRAL PARAMETER (A)	START NORTHING (m)	START EASTING (m)	END NORTHING (m)	END EASTING (m)
L9	0+000	0+005.288	5.288				S42°03'28"W		4723537.4684	491387.3077	4723527.5422	491383.7593
L10	0+005.288	0+011.739	6.451				S34°45'13"W		4723527.5422	491383.7593	4723522.2419	491380.0818
L11	0+011.739	0+029.285	17.546				S39°53'54"W		4723522.2419	491380.0818	4723508.7809	491368.8274
L12	0+029.285	0+067.232	37.947				S46°13'42"W		4723508.7809	491368.8274	4723482.5297	491341.4258
L13	0+067.232	0+076.894	9.662				S46°53'55"W		4723482.5297	491341.4258	4723475.9739	491334.3564

LICENSED PROFESSIONAL ENGINEER
M. D. HERNANDEZ
100078099
Nov 26/20
PROVINCE OF ONTARIO

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DESIGN MMM	REVIEWED BY FRF
DRAWN MMM	CHECKED BY TRO
DATE November 26, 2020	
SCALE 1:1000	

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'SCHEDULE G'

Drainage Report for the
DELL DRAIN OUTLET
Municipality of Central Elgin

SHEET TITLE SITE PLAN

PAGE NO 2 of 5

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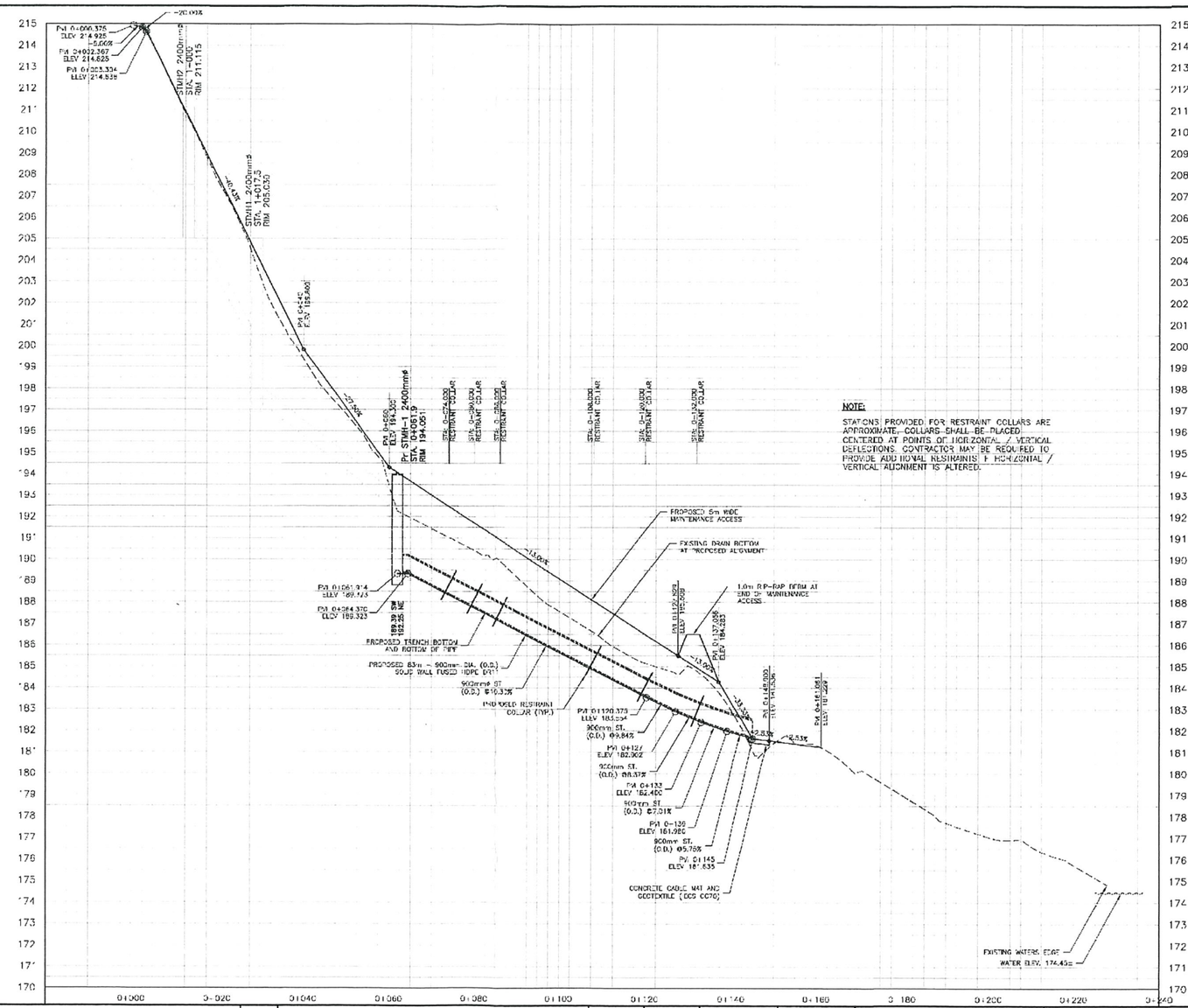

'SCHEDULE G'

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DESIGN: MMM	REVIEWED BY: FRF
DRAWN: MMM	CHECKED BY: TRO
DATE: November 26, 2020	
SCALE: 1:1000	

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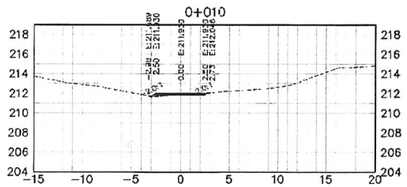
Drainage Report for the

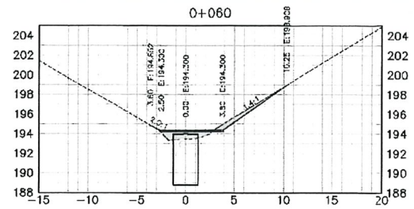
DELL DRAIN OUTLET

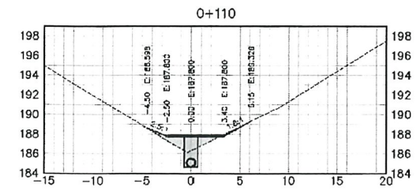
Municipality of Central Elgin

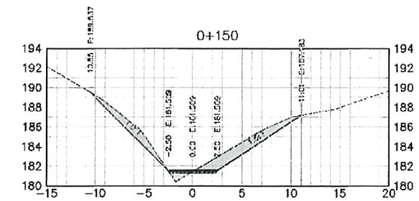
SHEET TITLE: PROFILE

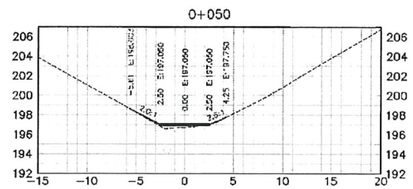
PAGE NO: 3 of 5

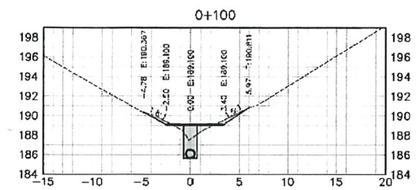


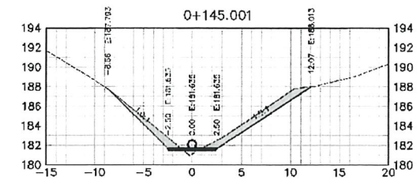


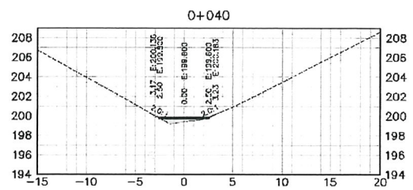


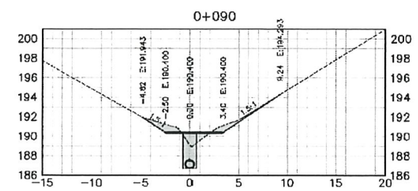


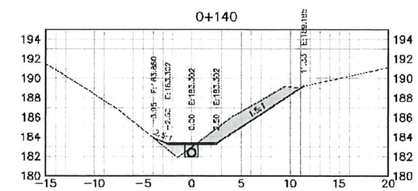


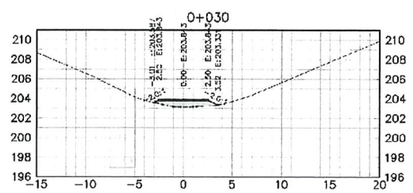


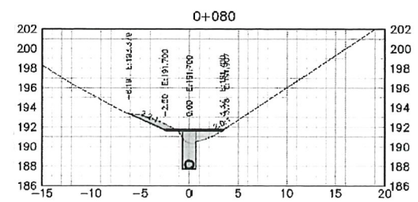


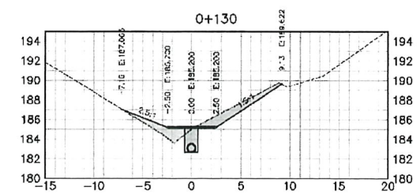


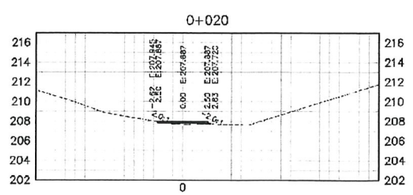


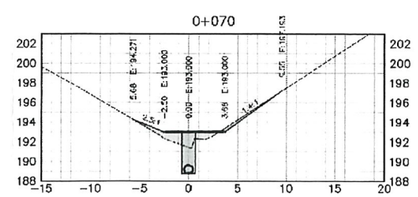


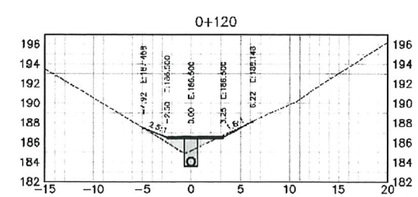












'SCHEDULE G'

TOTAL VOLUME TABLE

Station	Fill Area (Sq.M.)	Cut Area (Sq.M.)	Fill Volume (Cu.M.)	Cut Volume (Cu.M.)	Cum. Fill Vol. (Cu.M.)	Cum. Cut Vol. (Cu.M.)	Cum. Net Vol. (Cu.M.)
0+000	0.000	0.000	0.000	0.000	0.00	0.00	0.00
0+010	0.488	0.086	2.330	0.430	2.33	0.43	−1.90
0+020	0.774	0.007	6.200	0.465	8.53	0.90	−7.64
0+030	3.590	0.000	21.820	0.035	30.35	0.93	−29.42
0+040	1.722	0.028	26.560	0.140	56.91	1.07	−55.84
0+050	1.746	0.000	17.340	0.140	74.25	1.21	−73.04
0+060	3.875	2.423	28.103	12.115	102.36	13.33	−89.03
0+070	9.319	5.108	65.970	37.655	168.33	50.98	−117.35
0+080	7.204	5.739	82.615	54.235	250.94	105.22	−145.73
0+090	5.197	7.305	62.005	65.220	312.95	170.44	−142.51
0+100	5.260	4.424	52.285	58.645	365.23	229.08	−136.15
0+110	7.264	2.576	62.720	35.000	427.95	264.08	−163.87
0+120	6.928	2.464	71.060	25.350	499.01	289.43	−209.58
0+130	4.364	6.275	56.460	43.645	555.47	333.28	−222.20
0+140	2.270	13.169	33.170	97.220	588.64	430.50	−158.15
0+145	0.301	13.360	6.428	66.323	595.07	496.82	−98.25
0+150	1.028	10.091	3.323	74.903	598.39	571.72	26.67
0+161.06	4.843	16.317	32.467	152.037	630.86	753.76	122.90

LEGEND:

RED DENOTES CUT AREA

GREEN DENOTES FILL AREA

LICENSED PROFESSIONAL ENGINEER
M. D. HERNANDEZ
100078099
Nov 26/20
PROVINCE OF ONTARIO

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DESIGN: MMM
REVIEWED BY: FRF
DRAWN: MMM
CHECKED BY: TRO
DATE: November 26, 2020
SCALE: HORIZ.-1:500 VERT.-1:500

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PROJECT NO. 16-3433

DRAWING SCALES BASED ON A 11"X17" SHEET

Drainage Report for the
DELL DRAIN OUTLET
Municipality of Central Elgin

SHEET TITLE: CROSS SECTIONS

PAGE NO. 4 of 5

FILENAME: CLIENT WORKING DIRECTORY\PROJECTS TO 2017\16433\2019\16433-02-2SEC-DPT2-R0S.DWG PLOTTED BY: BELLUZ, WENDY
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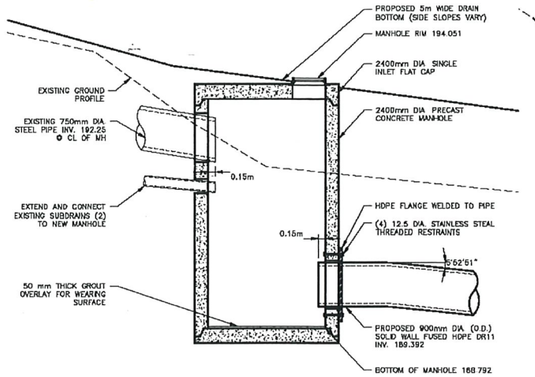
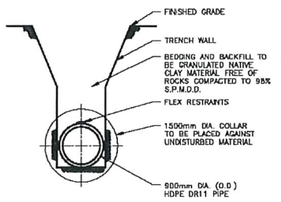


MANHOLE STMH-1 DETAIL
1:100



COLLAR SECTION
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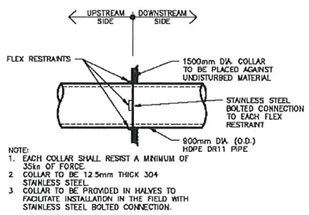
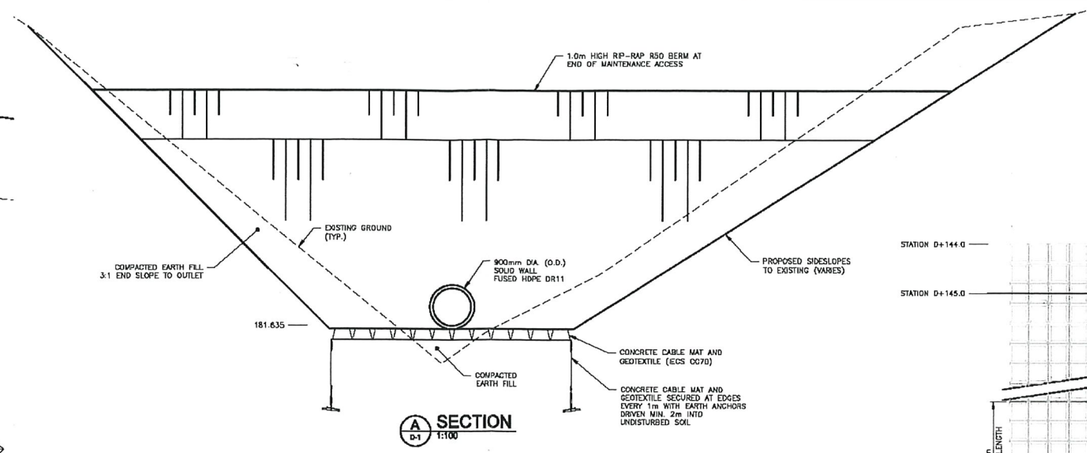


NOTE:
1. EACH COLLAR SHALL RESIST A MINIMUM OF 30kN OF FORCE.
2. COLLAR TO BE 12.5mm THICK 304 STAINLESS STEEL.
3. COLLAR TO BE PROVIDED IN HALVES TO FACILITATE INSTALLATION IN THE FIELD WITH STAINLESS STEEL BOLTED CONNECTION.

COLLAR DETAIL
1:100



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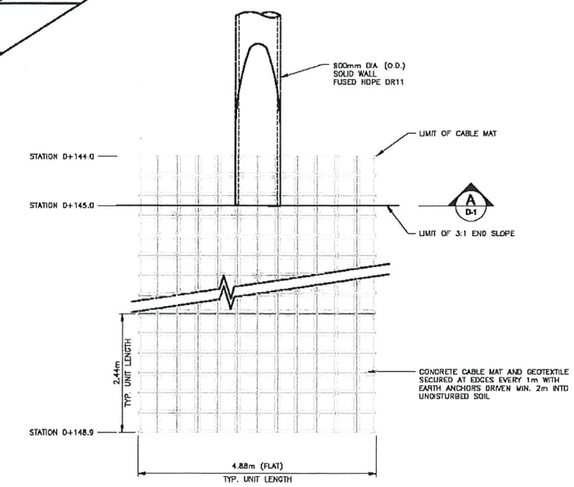
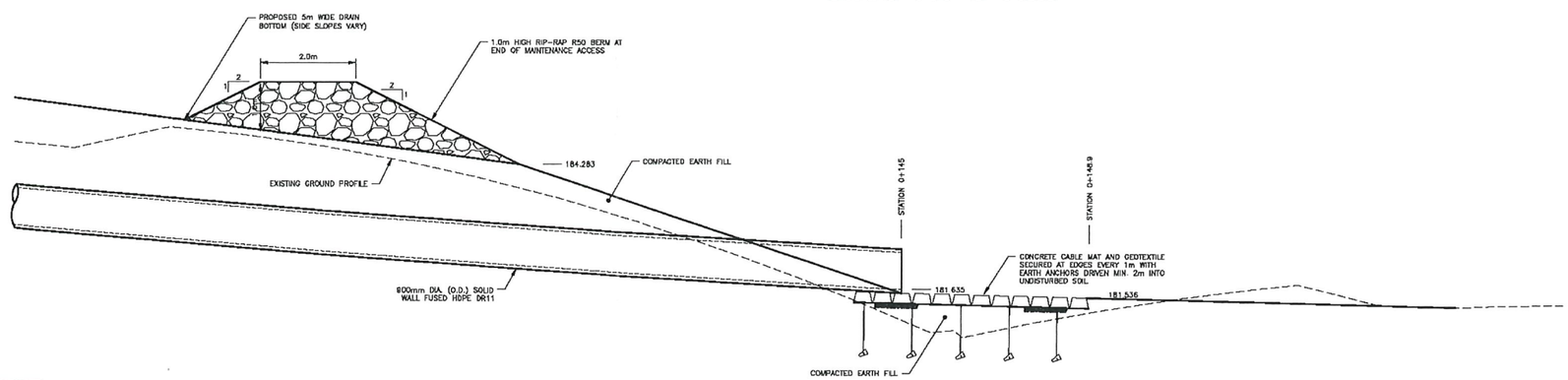
D-1 1:100



PLAN
1:100

OUTLET ON CONCRETE MAT DETAIL
STA. 0+144 - 0+148.9



PROFILE
1:100

'SCHEDULE G'

LICENSED PROFESSIONAL ENGINEER
M. D. HERNANDEZ
100078099
Nov. 26/20
PROVINCE OF ONTARIO

Conditions of Use

Verify elevations and/or dimensions on drawing prior to use. Report any discrepancies to Dillon Consulting Limited.

Do not scale dimensions from drawing.

Do not modify drawing, re-use it, or use it for purposes other than those intended at the time of its preparation without prior written permission from Dillon Consulting Limited.

No.	ISSUED FOR	DATE	BY
3	FINAL REPORT SUBMISSION	NOV. 26/20	MDH
2	CLIENT REVIEW	MAR. 2/20	MDH
1	CLIENT REVIEW	JAN. 31/19	MDH

DESIGN MMM	REVIEWED BY FRF
DRAWN MMM	CHECKED BY TRO
DATE November 26, 2020	
SCALE AS SHOWN	

DILLON CONSULTING

PROJECT NO. 16-3433

DRAWING SCALES BASED ON A 11" X 17" SHEET

Drainage Report for the
DELL DRAIN OUTLET
Municipality of Central Elgin

SHEET TITLE MISCELLANEOUS DETAILS

PAGE NO. 5 of 5

FILENAME: C:\PW WORKING DIRECTORY\PROJECTS TO 2017_DWG\2033191\163433-02-ASSC-OPT2-DES.DWG PLOTTED BY: BELBLE, WNOY
PLOT DATE: 2020-11-26 @ 11:28:09 AM PLOT SCALE: 1:24 • PLOT STYLE: DILLON-STANDARD.CTB

APPENDIX E

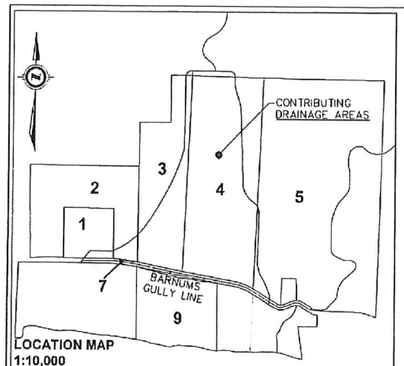
BRANCH "G" DELL MUNICIPAL DRAIN

REPORT

October 30, 2015

K. SMART ASSOCIATES LIMITED

85 McIntyre Drive, Kitchener, ON, N2R 1H6

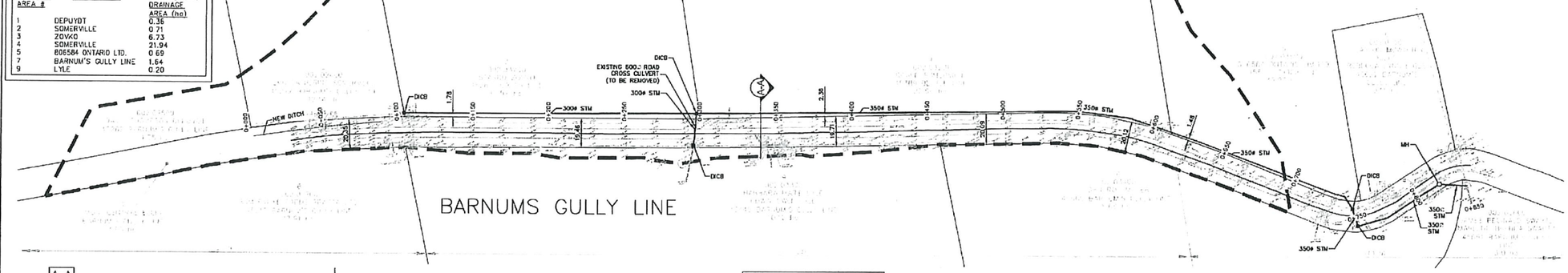


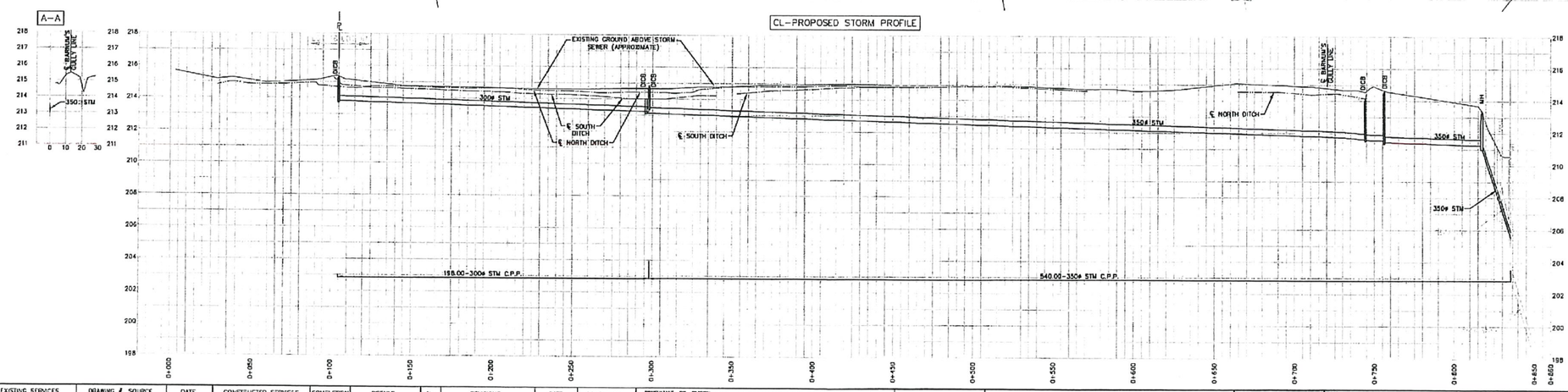
LOCATION MAP
1:10,000

DRAINAGE AREA #	OWNER NAME	CONTRIBUTING DRAINAGE AREA (ha)
1	DEPUYDT	0.36
2	SOMERVILLE	0.71
3	ZOVKO	6.73
4	SOMERVILLE	21.94
5	606584 ONTARIO LTD.	0.69
7	BARNUM'S GULLY LINE	1.64
9	LYLE	0.20

GENERAL NOTES

1. ROAD SIDE DITCHES TO BE RE-GRADED TO DRAIN TO NEW DITCH INLET CATCH BASINS. THE SCOPE OF WORK SHALL INCLUDE ALL LABOUR, EQUIPMENT AND MATERIALS NECESSARY TO EXCAVATE AND TRUCK AWAY SPOIL FROM EXISTING ROADSIDE DITCHES. DITCH GRADES ARE TO BE FIELD DETERMINED IN CONSULTATION WITH THE DRAINAGE SUPERINTENDENT.
2. SET DITCH INLET CATCH BASIN ELEVATIONS TO COLLECT ALL SURFACE WATER FROM ROAD SIDE DITCHES.
3. CORRUGATED PLASTIC PIPE TO BE INSTALLED ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
4. CORRUGATED PLASTIC PIPE, CATCH BASINS, DITCH INLETS AND MISCELLANEOUS ITEMS ARE ALL TO BE AS PER APPLICABLE OPSD STANDARD. EXACT LOCATION AND ELEVATIONS TO BE CONFIRMED BY DRAINAGE SUPERINTENDENT.
5. ALL WORK, INCLUDING SUPPLY AND INSTALLATION OF ALL MATERIALS FOR THE WORKS TO BE IN ACCORDANCE WITH APPLICABLE ONTARIO PROVINCIAL STANDARDS FOR ROADS AND PUBLIC WORKS.
6. ALL DISTURBED ROADSIDE DITCH BANKS TO BE RE-SEEDED WITH AN APPROVED SEED MIXTURE CONSISTING OF CREEPING RED FESCUE (50%), PERENNIAL RYE GRASS (20%) AND BIRDS FOOT TREFOIL (30%).
7. CONTRACTOR TO VERIFY EXACT LOCATION AND ELEVATION OF ALL UTILITIES INCLUDING WATER MAINS PRIOR TO CONSTRUCTION COMMENCEMENT.
8. CONTRACTOR TO ARRANGE A PRE-CONSTRUCTION MEETING (48 HOURS ADVANCE NOTICE) WITH DRAINAGE SUPERINTENDENT AND AFFECTED LANDOWNERS.
9. EXACT LOCATION OF NEW DRAIN TO BE CONFIRMED BY DRAINAGE SUPERINTENDENT PRIOR TO CONSTRUCTION COMMENCEMENT.





EXISTING SERVICES	DRAWING # SOURCE	DATE	CONSTRUCTED SERVICES	COMPLETION

DETAILS	
DESIGN	BW
DRAWN BY	BW
CHECKED	BW
APPROVED	BW
DATE	AUGUST 2015
EM3557-STM.dwg	

No.	REVISIONS	DATE	CONSULTANT
-	-	-	-
-	-	-	-

CONSULTANT OR DIVISION

PARSONS

1008 WELLINGTON ROAD SOUTH, SUITE 214
LONDON, ONTARIO, CANADA
N6E 3N8 TEL: (519) 681-8771 FAX: (519) 681-4983

PROJECT NUMBER: 11111

ENGINEER'S STAMP

J. B. WERE

The Corporation of the Municipality of
Central Elgin

SCALE
SCALE - 1 : 1250
12.5m 0 25m
HORIZONTAL
SCALE - 1 : 125
1.25m 0 2.5
VERTICAL

TITLE
BRANCH G
DELL MUNICIPAL DRAIN

STORM DRAINAGE

PROJECT No. EM3557
SHEET No. 1
PLAN FILE No.

Job No. 0000000 DWG No. 0000 0000

APPENDIX G

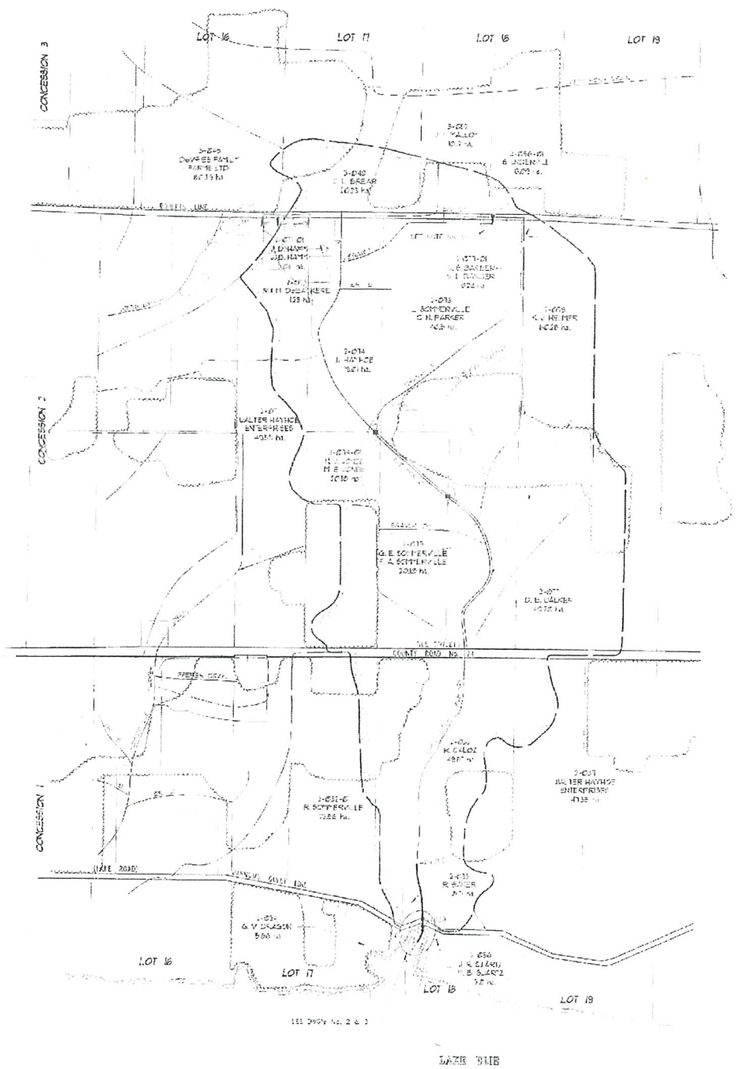
DELL DRAIN 1997

DRAWINGS

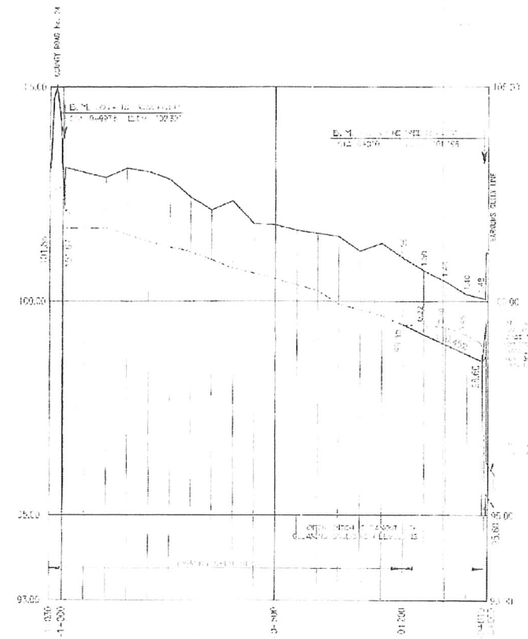
June 20, 1997

K. SMART ASSOCIATES LIMITED

85 McIntyre Drive, Kitchener, ON, N2R 1H6



PLAN



MAIN DRAIN PROFILE

NOTES

Drainage Superintendent MIKE ZIMMER

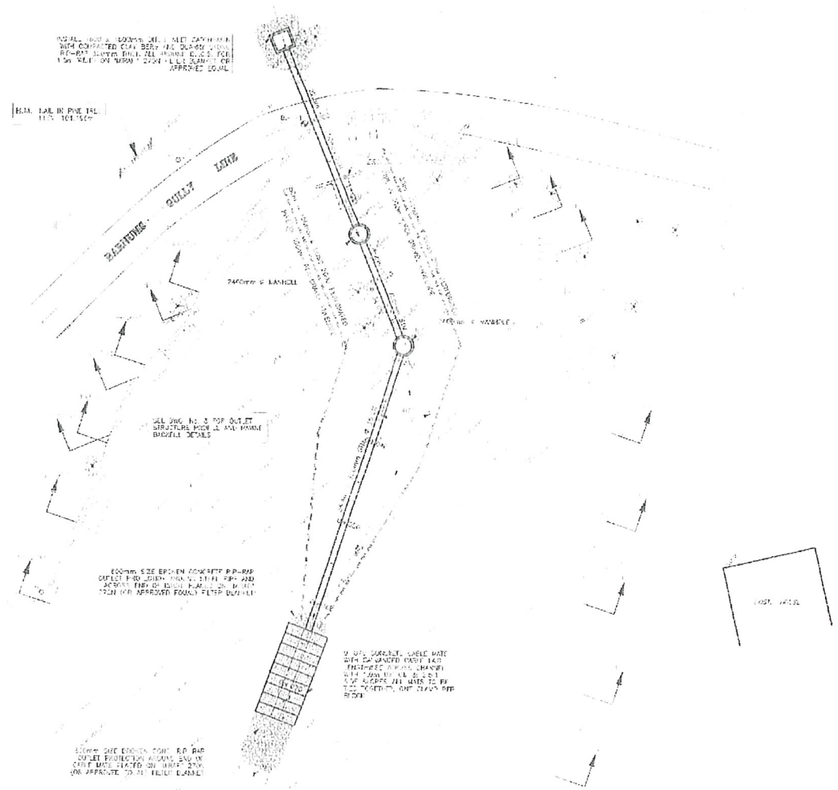
DELL DRAIN 1997

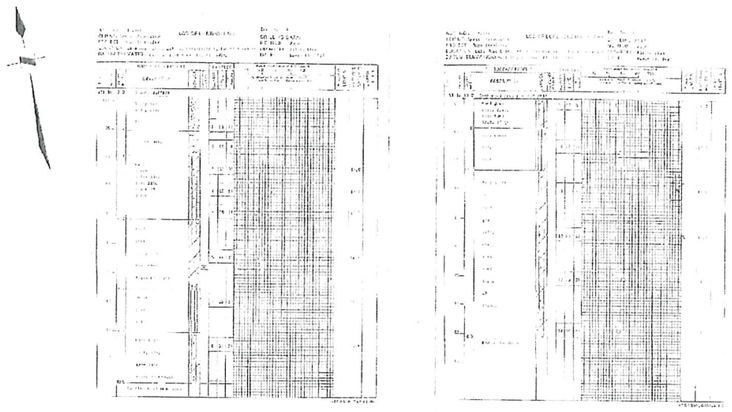
TOWNSHIP OF YARMOUTH

PLAN & PROFILE

1 OF 3

SPRIET ASSOCIATES
LONDON LIMITED
CONSULTING ENGINEERS





SUBSURFACE PROFILE

GEOTECHNICAL INVESTIGATION BY JAI NISCHAL DAVIES
SEE REPORT No. 3341 DATED MARCH 25, 1997

CONSTRUCTION NOTES

1. CONTRACTOR TO DEMARCATE SITE AS REQUIRED TO PROTECT TREES AND ESTABLISH OUTLET SYSTEM.
2. ALL DEBRIS TO BE REMOVED FROM THE WORKS AND THE SURFACE OF THE DISPOSAL SITE TO BE GRADED AND LEVELLED.
3. SEEDING AND A HORSEHOE MULCH TO BE APPLIED TO THE FILL SLOPES AT THE END OF EACH DAY. POINT GROUND SHOULDERS TO PLANE FILL SLOPE.
4. INSTALL THE SPECIFIED 150 MM DIA. NON-PERFORATED PIPE DISCLOSED IN AN ENVELOPE OF FINE GRAVEL ALONG BOTH SIDES OF THE TRENCH OF THE DRAINS UNDER THE FILL AND GULLY AS PER THE DETAIL SHEET ON ROAD OUTLET.
5. INSTALL SUITABLE NON APPROVED STABLE FILL MATERIAL PLACED IN 150 MM LAYERS AND COMPACTED TO AVOID FUTURE SETTLEMENT. PROVIDE SUFFICIENT FILL TO BE AT LEAST 300 MM ABOVE THE EXTREMITY OF THE OUTLET SYSTEM EXTENDING FROM THE TOP OF THE BUILDING SLOPE. FILL MUST BE COMPACTED TO 95% MAX. DRY DENSITY AS PER ASTM D698.
6. PROVIDE WALL STELLS, PIERS AND MINIMUM STRUCTURES TO BE CONSTRUCTED IN CONJUNCTION WITH PIPELINE BACKFILLING.
7. CONSTRUCT OUTLET CHANNEL IN 6 MM THICK WITH 1.25 MM x 4.8 MM CONCRETE CABLE MESH TYPE 6-7-7. WITH 100 MM PIPE, LAID EVENLY ON THE SURFACE. CHANNEL TO BE 3.0 MM BOTTOM AND HAVE 1.5 MM SIDE SLOPES.
8. CHECKING CONCRETE AND STRUCTURES TO BE BASED ON 20 MPA NOTE 600 MM SIDE PIECES AND PLACED AROUND END OF STEEL OUTLET PIPE AS PER THE DETAILS SHOWN ON THE DRAWINGS.
9. ANTI-SEEPAGE COLLARS SHALL BE TO BE REQUIRED WITH 1.5 MM OF APPROVED TOPSOIL IN ACCORDANCE WITH CODE 1179 AND BE WITH SPECIFIED AND MULCHED IN ACCORDANCE WITH CODE 1179 AT THE RATE OF 175 kg/Ha. WITH THE FOLLOWING SEED STABILIZATION MIXTURE:

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

10. [illegible]
11. SEE DRAWING No. 3 FOR PROFILE

AS CONSTRUCTED NOTES	COMPLETION		No	REVISIONS	DATE	BY
		[illegible]				

SPRIET ASSOCIATES
LONDON LIMITED
CONSULTING ENGINEERS

TOWNSHIP OF YARMOUTH

DELL DRIAN 1997

LOT 18 – CONCESSION 1

97052

2 of 3

SOMERVILLE ET AL. -and- THE MUNICIPALITY OF CENTRAL ELGIN

Tribunal File No.: 007Dell21

AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL

APPELLANTS' EXPERT REPORT
VOLUME 2

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Lawyers for the Appellants

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