

COMMITTEE OF THE WHOLE SEPTEMBER 17, 2002

LOT GRADING AND DRAINAGE RECTIFICATION 536 CUNNINGHAM DRIVE

Recommendation

Councillor Ferri recommends:

THAT Council direct Staff to take the necessary action with the Developer and/or Builder to have this matter resolved to the City's satisfaction, including the possibility of completing the work and drawing from Letters of Credit that are in the City's possession.

Purpose

To resolve the outstanding lot grading and drainage problems respecting 536 Cunningham Drive in Maple.

Background - Analysis and Options

Since August 2001, there have been problems regarding lot grading and drainage at 536 Cunningham Drive. I have requested a report from Mr. Henk Blom, Lot Grading Co-ordinator, which is outlined below.

Identification of Problem, August 2001

The resident at 536 Cunningham Drive has experienced an ongoing flooding concern with her back yard due to the grading of Lots 179 to 183 on Plan 65M-3338, immediately to the north. The lots front on Joan of Arc Avenue and Shetland Drive. Drainage swales at the rear of the lots discharge directly onto the rear yard of 536 Cunningham Drive and, to a lesser degree, onto 540 Cunningham Drive. The owner initially complained about the flooding problem on August 15, 2001 and requested remedial works.

Proposed Remedial Measures, 2001

The Consulting Engineer was notified of the problem on August 24, 2001. On September 4, 2001, a site meeting was held and the Consultant agreed that a temporary interceptor swale was to be constructed by the Builder which would direct the water to the existing catch-basin in the northwest corner of the lot to 536 Cunningham Drive. Follow-up to the Consultant failed to have the work completed in an expeditious manner and therefore, on November 27, 2001, the Developer was placed on "Notice" under the Terms and Conditions of the Subdivision Agreement. The work was completed by December 20, 2001. As the remedial work only solved part of the problem, it was always intended to be a temporary measure.

2002 Remedial Works

In May, 2002, the resident of 536 Cunningham Drive was again experiencing some flooding concerns. Discussions were held with the Consulting Engineer to provide for more elaborate remediation to solve the resident's drainage concerns. The Consulting Engineer provided "Drainage Plans" to the City Building Standards Department on June 6, 2002, indicating that the drainage from the rear of Lots 179 to 183 had always been designed to flow into the catch-basin within 536 Cunningham Drive. A swale needed to be constructed to redirect drainage along the property line, as per the plans.

A meeting was held at 536 Cunningham Drive on June 13, 2002, attended by the resident, Councillor Ferri, the Consulting Engineer and City Grading Staff. It was agreed that the Consultant would direct the Builder, through the Developer, as follows:

- 1) Remove all rear downspouts from the houses on Lots 179 to 183, in order to minimize the amount of drainage to the catch-basin.
- 2) Place an interceptor swale inside the properties within Plan 65M-3338 and direct the drainage to the catch-basin or to Joan of Arc Avenue.
- 3) Adjust the height of the inlet elevation to the catch-basin to ensure that water entered the catch-basin and did not pond on the properties.
- 4) Agreement that the works for Items (1) to (3) would be completed with the utmost urgency.

Between July 4, 2002 and August 12, 2002, numerous telephone calls were placed between various City Staff and the Consulting Engineer, Builder and Developer. On August 12, 2002, Mr. Henk Blom discussed the urgency of completing the works with the builder's representative, Mr. Randy Eidy of Fernbrook Homes (Serrento Homes). Mr. Eidy stated that he had no problem with the work to be completed, but was not prepared to pay the cost of the works as it had already been done once. It was explained by City Staff that the 2001 work was always intended as a temporary measure until such time that the most viable remedial measure could be determined by the Consultant. Mr. Eidy indicated that he was not prepared to complete the work at his cost and stated that as the City seemed to have made an error, the City should pay. Mr. Blom indicated to Mr. Eidy that there was no error on the part of any party. The problem stemmed from the Builder not ensuring that drainage was maintained within the limits of the Subdivision and constructed in accordance with the approved plans. Mr. Eidy indicated he would discuss this further in-house and get back to City staff with details on the Builder's intentions. No further discussions have occurred, to date.

Conclusion

The problems of lot grading and drainage have existed since August, 2001, and the matter still remains outstanding. City Staff have attempted to resolve the matter on several occasions. What is necessary, at this time, is direction from Council to Staff to resolve the matter immediately, or at least within the next three (3) weeks. If no action is taken by the Developer and/or Builder, Staff should explore the possibility of having the necessary works completed, and draw from Letters of Credit filed with the City.

Attachments

N/A

Report prepared by:

Respectfully submitted,

MARIO FERRI
Councillor, Ward 1