



BURNSIDE

South Innisfil Creek Drain (SICD)
a
Drain Done DIFFERENTLY

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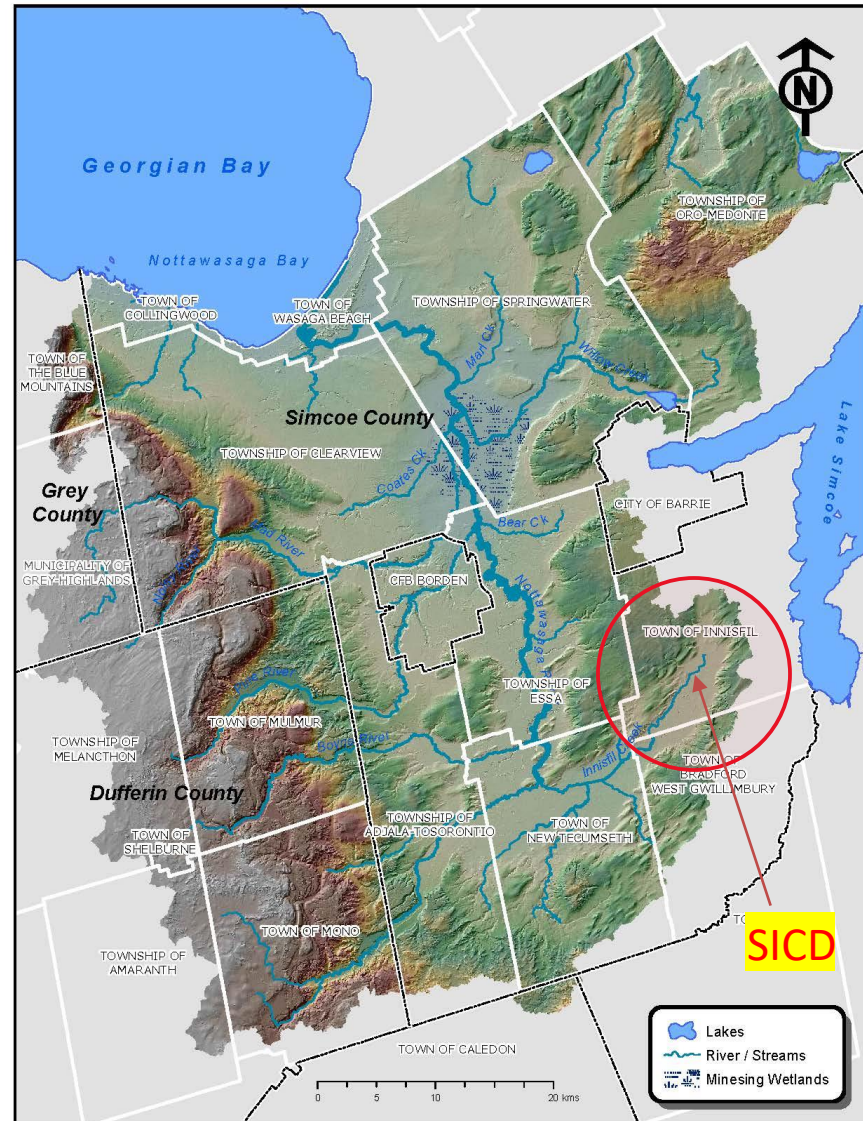
2025 Latornell Conservation Symposium

Session 5B - Tuesday, November 4, 2025

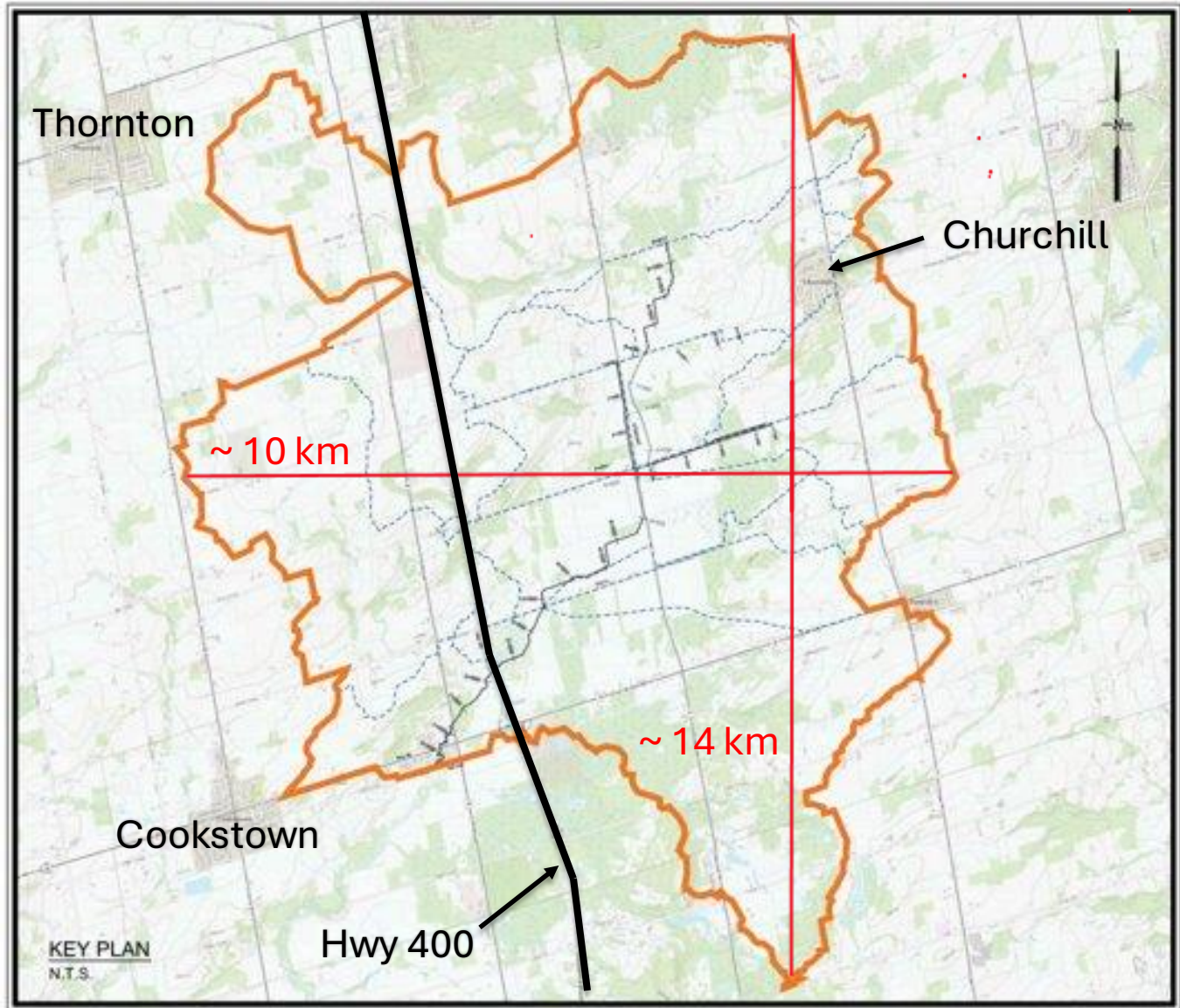
Nottawasaga River and its Watershed

Outlet: Innisfil Creek;

- ~44 km includes the 10 km Main Drain;
- outlet for ~150 km of MDs;
- ~480 km² catchment; enters Nottawasaga River south of Alliston;
- ~80 km to Wasaga Beach



The SICD Water- shed Plan





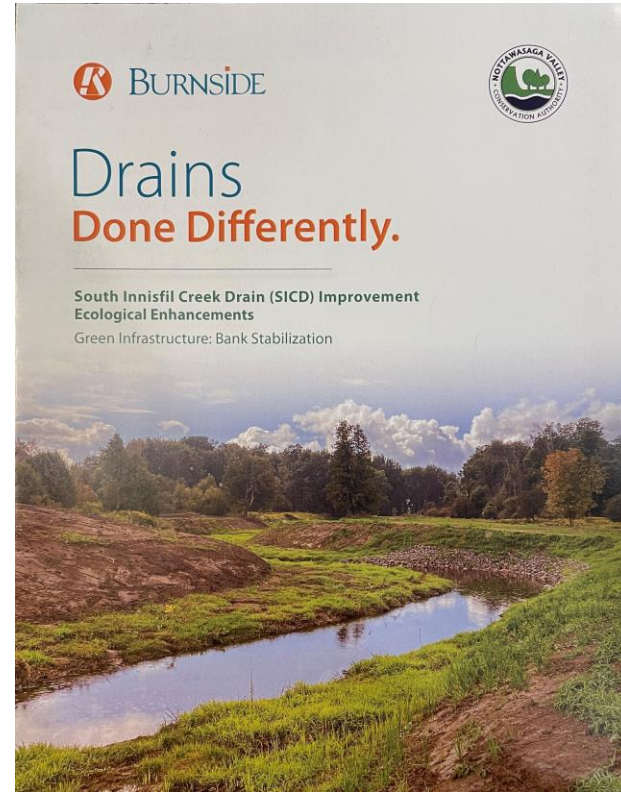
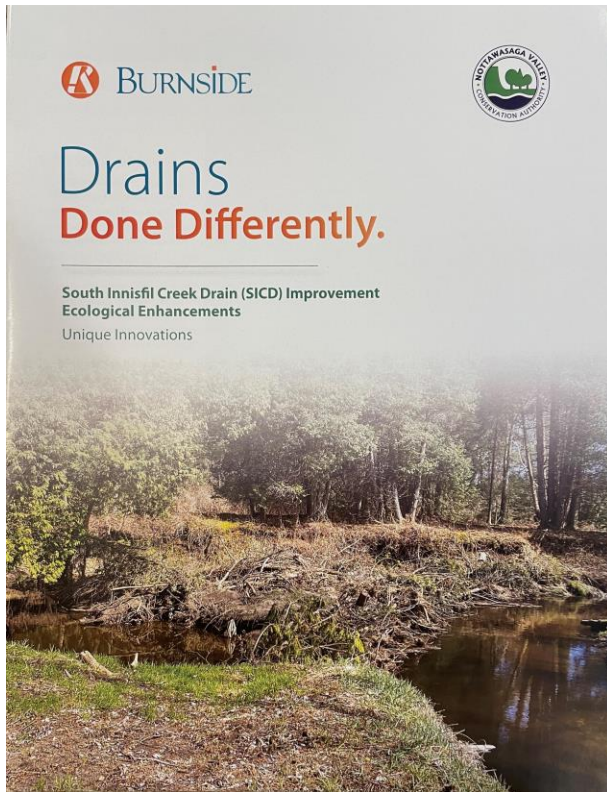
DRAIN **DONE DIFFERENTLY**

Play 

Overview

- The SICD: originally (a natural watercourse) was created as a MD in 1903 under a Report by M. Gaviller, OLS.
- SICD: is in the Town of Innisfil; the watershed lands & roads are in both Innisfil and Bradford West Gwillimbury.
- Main Drain: the D/S end crosses Hwy 89 <3km east of Cookstown & ~1km west Hwy 400.
- Improvements: ~5,000 m of the 10 km Main Drain is a 2-stage drain to hold two-year standard rainfall with climate change freeboard; ~ 4,540m on 4 Branch Drains.
- Total ESTIMATED cost approx. \$5.4 million; however, have been extras as construction increased from 3 to 5 years.

PROMOTION - Bulletins



<https://www.rjburnside.com/wp-content/uploads/2023/08/Innisfil-Creek-Drain-Improvements-Green-Infrastructure-Brochure-Protected-1.pdf>

Before

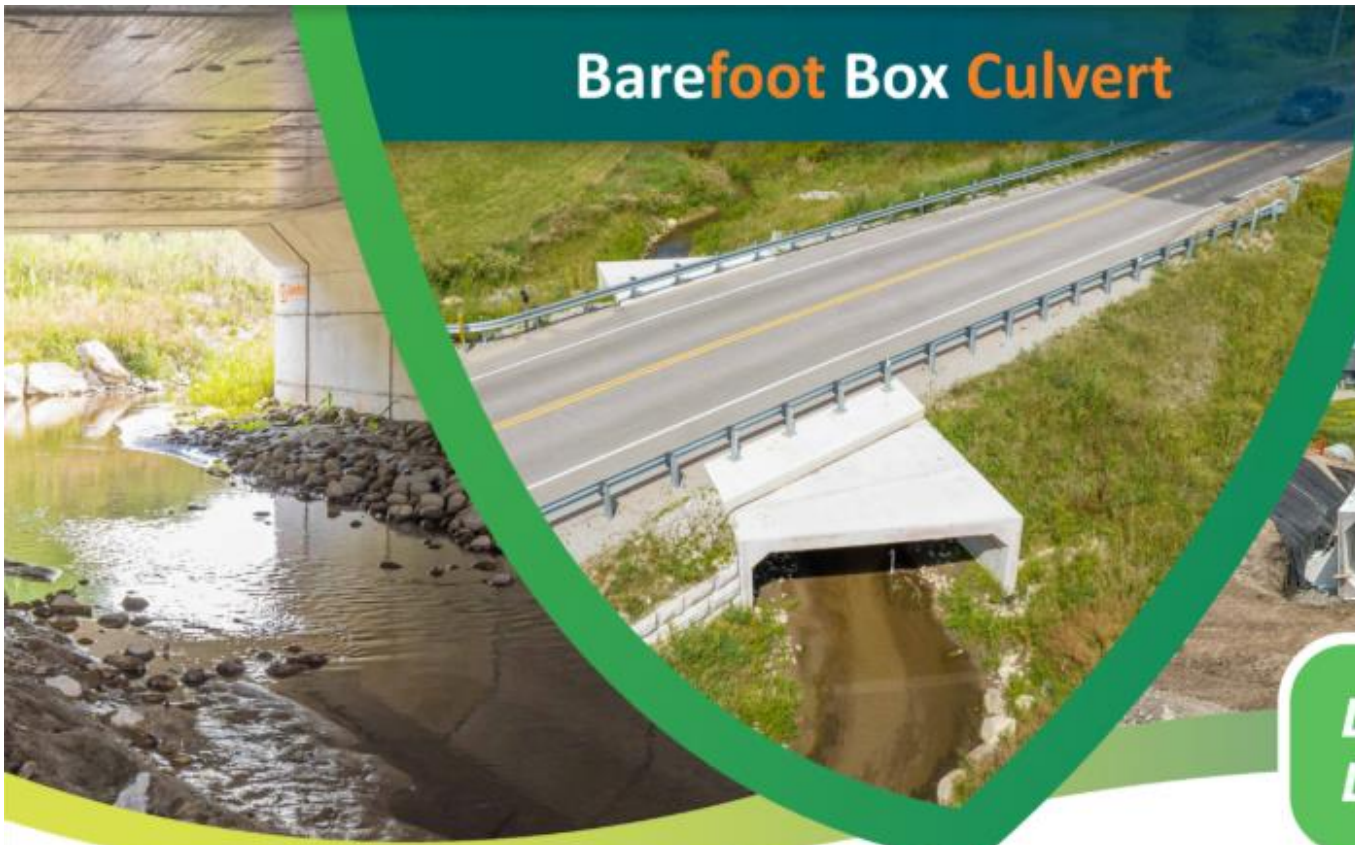


After



Barefoot Box Culvert

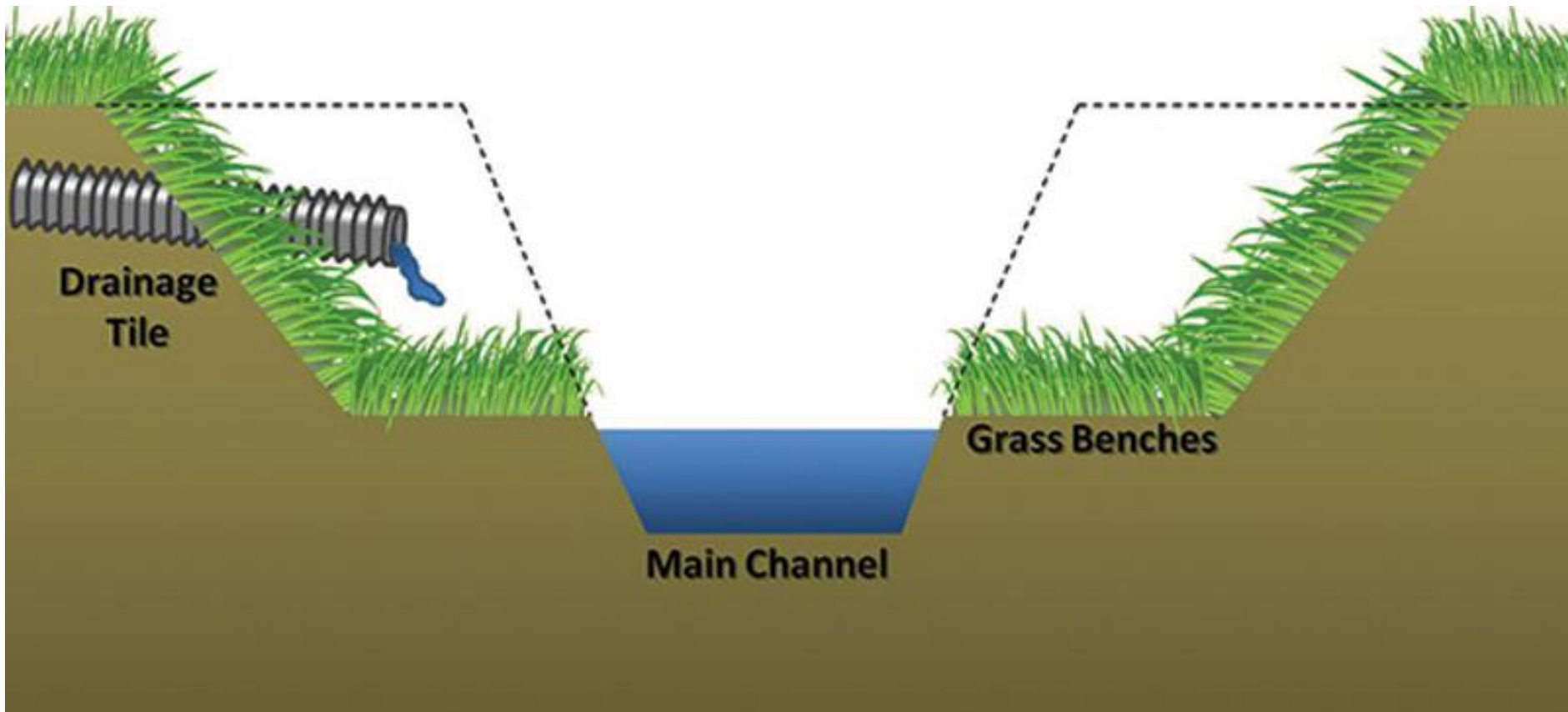
Barefoot Box Culvert



**DRAINS DONE
DIFFERENTLY**



Two-staged channel



agbmps.osu.edu





**Fields of Change –
Agricultural Innovation
for Water and Soil Health**

THE DRAINAGE ACT

Common Law as it Relates to Drainage

DEFINITION OF NATURAL WATERCOURSE

Stream of water
defined natural
and banks, for a
give it substantial

which flows along a
channel, with a bed
sufficient time to
existence.



NO RIGHT OF
DRAINAGE!!!



LOWER OWNER
CAN BLOCK FLOW



LIABILITY IF
COLLECTED



PRESCRIPTIVE RIGHT
OF DRAINAGE

Not within definition:

Surface Water

Within definition:

**Natural
Watercourses**

✓ WATER MUST BE
PERMITTED TO FLOW

✓ RIPARIAN OWNERS –
RIGHT OF DRAINAGE

✓ RIPARIAN OWNERS –
RIGHT TO USE WATER

✓ RIPARIAN OWNERS –
POTENTIAL LIABILITIES



Who is responsible
for managing a
natural
watercourse?

Conclusion of the common law as it relates to drainage:

Common law is a barrier to solving drainage problems in a communal or collaborative manner

Therefore...



...The
Drainage Act!

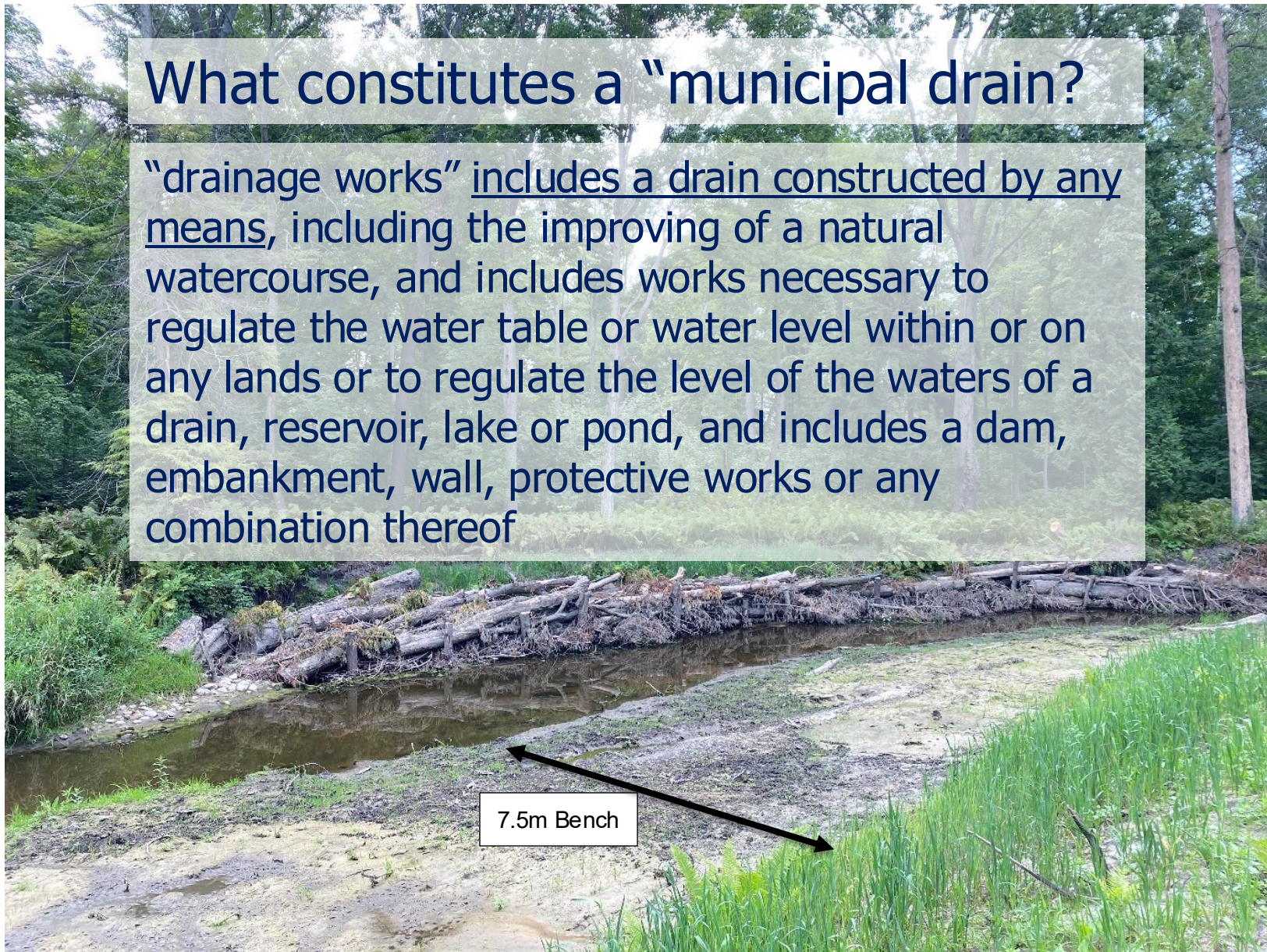
Objective of the Drainage Act:

Provide property owners with a process/tools to solve drainage problems.

- Alternative to the courts
- Two tools provided:
 - Mutual Agreement Drains
 - Petition (or Municipal) Drains

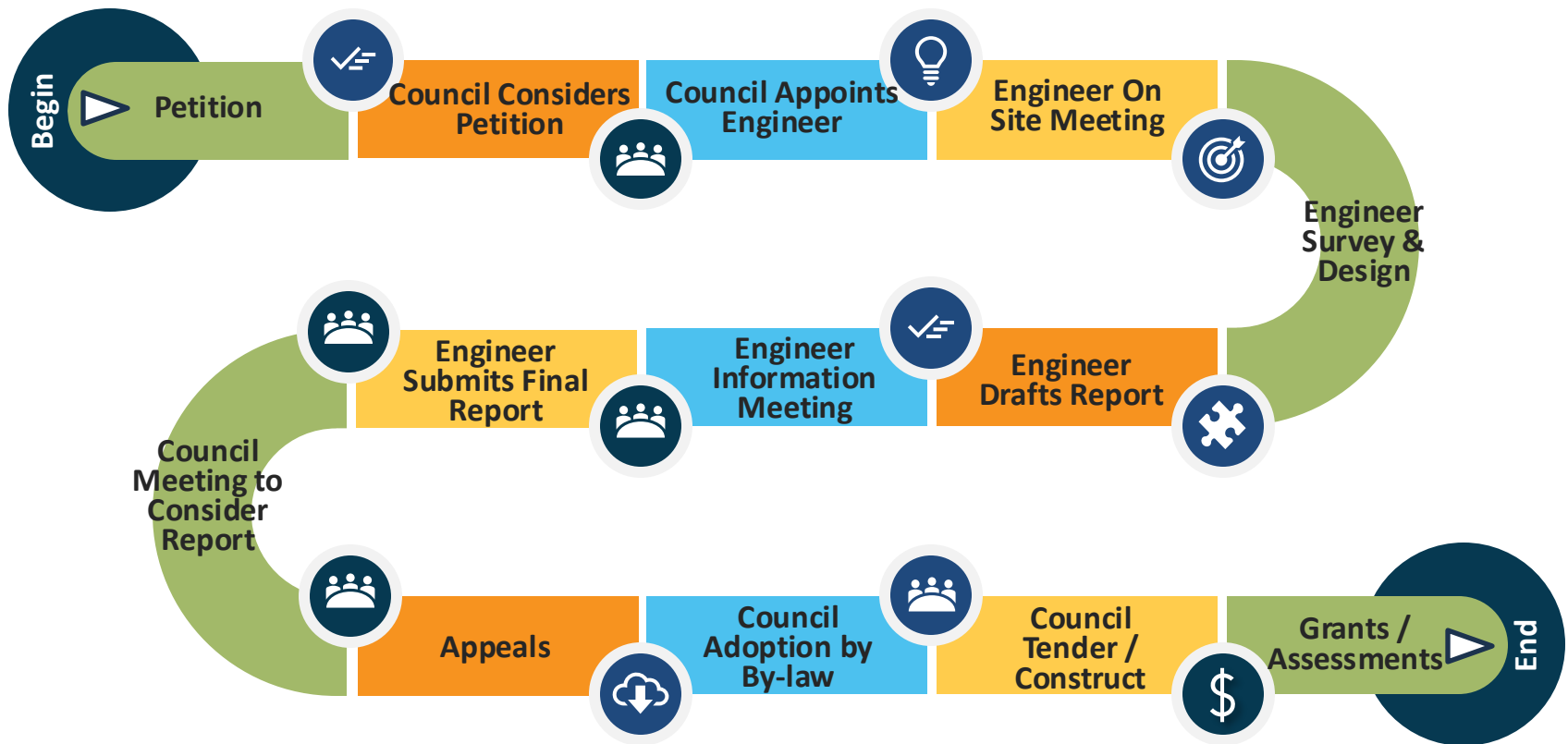
What constitutes a “municipal drain?”

“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



7.5m Bench

The Drainage Act: *Developing New Drains*



Management of Municipal Drains

- Drain = Municipal infrastructure
- Municipality is responsible for:
 - Maintenance & repair
 - Improvements
 - Assessment schedule updates
 - Managing connections
 - Enforcement
 - Abandonment



Summary: Why the Drainage Act?

- ✓ Tool to solve common law drainage problems
- ✓ Municipally-administered
- ✓ Professional design by an independent party
- ✓ Ensures compliance with applicable legislation
- ✓ Independent cost-sharing recommendations
- ✓ Independent appeal bodies
- ✓ Municipal authority to:
 - recover costs through a levy on involved lands
 - access private land to construct the project
 - access private land for maintenance/repair