



**GENERAL MANAGER OF INFRASTRUCTURE
AND GROWTH MANAGEMENT
MEMORANDUM**

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: A. BOURRIE, RPP, ACTING GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

NOTED: W. COOKE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES
K. OAKLEY, ACTING DIRECTOR OF ENGINEERING
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: POST CONSTRUCTION GRADING ISSUES

DATE: JANUARY 7, 2019

The issue of post construction grading issues has been raised several times over the years. The purpose of this Memorandum is to explain the City's current practice.

Many grading and drainage issues on private property result from:

- Grading that doesn't conform to design/homeowners have changed the approved grading;
- Improper maintenance of ditches/swales; or
- Precipitation beyond what the system was designed for (happening more due to climate change).

Once a subdivision has been assumed by the City, the building lots are private property. While there may be some legal and regulatory tools to control grading on private property, the City does not have a private property grading By-law in place nor are budget/staff resources currently available to address and enforce private grading matters. .

Our standard Subdivision Agreements include a clause that a property owner cannot alter the approved grading so as to create a problem for other properties. The challenge we regularly face is that most property owners are unaware of this requirement because the developer/home builder does not always highlight this information. Landscaping, the addition of swimming pools, etc. is often undertaken that, in turn, can create drainage issues, however these are private matters.

Staff suggest that the City's current position be maintained, namely that grading/drainage issues on private property are civil matters between property owners and that the City has no involvement in resolving disputes. We will continue to include this information in the Subdivision Agreement, and we can elevate efforts for property owners to be aware of and acknowledge their responsibilities under the Agreement. Consideration could be given to the development of a set of Frequently Asked Questions (FAQ) for building permits and include this information on the general information section of the City's website related to property owner responsibility for grading/drainage matters on private property.