



LAND IMPROVEMENT  
CONTRACTORS  
OF ONTARIO

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# CROPLAND DRAINAGE AND THE LAW

Compliance with  
legislation can avoid  
serious court action

It is important that cropland drainage be installed in a way that insures its intended function, that it gives due consideration to all who may benefit or be affected and that it accommodates the natural features of the lands and water that are affected.

Ontario has considerable legislation to insure that all of these issues are addressed. These include:

- “The Agricultural Tile Drainage Installation Act”, administered by OMAF. This provides for the licensing of contractors engaged in the business of installing agricultural drainage systems. Each contractor’s drainage machines must be licensed. This indicates that machine can install drain pipe accurately. Each of the machine operators must be licensed. This certifies that they have undergone an intensive technical training program and passed examinations. A review of drainage law and legislation is included in the course program. Operators must also demonstrate to an examiner that they are skilled in drainage machine operation. The quality of work performed under this Act is monitored and regulated by OMAF. This Act insures that a landowner receives value by using a licensed contractor. The Act does not apply when people install drains on their own farm.
- “The Drainage Act”, R.S.O. 1990, applies to works that affect more than one landowner and is administered by the local municipality and OMAF. This Act provides landowners with a process to obtain a drainage outlet

for their drainage water, often with a “municipal drain”. It can resolve drainage disputes and problems in a technically sound manner in compliance with environmental law.

This Act can be used to obtain an outlet for subsurface drainage systems. Costs are shared by property owners who contribute water or benefit from the Drain. The municipality is responsible for administering future maintenance. Grants are available towards a share of the costs assessed on agricultural land.

- About twenty other pieces of legislation can impact cropland drainage projects. Some apply to subsurface drainage, some to surface water management, some to outlet drains some to water quality, some to other infrastructure (i.e. roads or pipelines) others to endangered species and then “common law” and “statute law” must be considered. All of this ensures that drains will be installed and managed in a thoughtful and careful way.

Cropland drainage is an important component of agriculture’s crop production infrastructure. It brings benefit to both land managers and the general public when rules and responsibilities are laid out clearly in legislation.

Before starting a drainage project, check on the many laws and regulations with your Municipality, Conservation Authority or your licensed drainage contractor.

## Legislation that may impact drainage

- Canada Transportation Act, 1996
- Conservation Authorities Act – Generic Regulations
- Endangered Species Act, 2007
- Environmental Assessment Act, 1990
- Environmental Protection Act, 1990
- Fish and Wildlife Conservation Act
- Fisheries Act
- Lakes and Rivers Improvement Act
- Municipal Act, 2001
- Navigable Waters Protection Act, 1970
- Nutrient Management Act, 2002
- Ontario Water Resources Act, 1990
- Pesticides Act, 1990
- Planning Act, 1990
- Public Lands Act, 1990
- Public Transportation and Highway Improvement Act, 1990
- The Clean Water Act, 2006
- Railway Safety Act, 1970
- Species at Risk Act, 2002
- Wetlands Policy Statement



The Land Improvement Contractors of Ontario (LICO) is an association of professional drainage contractors and suppliers of drainage pipe and equipment. The focus of their business is soil moisture management to enhance crop production in Ontario.

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