

May 4, 2021

Hon. Ernie Hardeman  
Ministry of Agriculture, Food and Rural Affairs  
77 Grenville St. 11<sup>th</sup> Floor  
Toronto, Ontario M7A 1B3  
Sent via email to: [minister.omafra@ontario.ca](mailto:minister.omafra@ontario.ca)

Dear Minister Hardeman:

**Re: Drainage Act / Railway Issues**

The Ontario Federation of Agriculture (OFA) proudly represents more than 38,000 farm family members across the province, supporting our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. OFA works to ensure the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability of our farm businesses. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

OFA wishes to convey our concerns regarding current drainage issues, particularly when federally regulated railways and their property are involved in agricultural areas of Ontario.

We understand that the Ontario Society of Professional Engineers (OSPE) Land Drainage Committee has recently written to you regarding instances where Canadian National Railway (CN) and Canadian Pacific Railway (CP) have refused to pay for drainage charges on their rail line properties. The railways have argued that as federally regulated entities, they are not subject to Ontario's Drainage Act and its associated regulations. This situation has resulted in significant delays to important drainage work as well as concerns about potentially significantly increased costs to farmers and other landowners if they are required to cover the railway landowner's share.

As you know, time is of the essence with respect to addressing drainage issues. It is troubling that construction works have been delayed due to CN and CP tardiness in responding to municipal drainage engineers.

OFA fully supports the OPSE Land Drainage Committee's request for your assistance to resolve these challenges and help with the coordination with these national railways. OFA believes a

solution should be put in place whereby all landowners who are draining into the drains, pay their fair share.

We look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink that reads "Peggy Brekveld". The signature is written in a cursive style. To the right of the signature is a vertical line.

Peggy Brekveld  
President

cc: Tony Peralta, Chair, OSPE Land Drainage Committee  
Travis Pitt, Drainage Superintendent, Municipality of Thames Centre  
Mary Robinson, President, Canadian Federation of Agriculture  
OFA Board of Directors