

August 16, 2023

John Kelly,
Deputy Minister, Agriculture, Food and Rural Affairs
77 Grenville Street, 11th Floor
Toronto, ON
M7A 1B3
Sent via email to: john.m.kelly@ontario.ca

Dear Deputy Minister John Kelly,

Re: Agricultural Tile Drainage Installation Act

We are writing you today on behalf of an OFA member.

As you are aware, tile drainage is an important facet of Ontario agriculture, improving soil health, increasing crop yields, and reducing risk of crop loss. However, the appropriate design and installation of the tile drainage system is necessary to reap these benefits. The Agricultural Tile Drainage Installation Act (ATDIA) serves to licence and regulate all businesses, machines and machine operators involved in the installation of these systems. We are pleased that, to our knowledge, contraventions of the ATDIA have been minimal and when contraventions have occurred, licensed contractors have generally been open to OMAFRA's remediation plans.

Unfortunately, we were made aware, through a March 2023 Tile Drainage Inspection Report for Howell's Family Pumpkin Farm and Watkins Glen Excavating, of an incident where a contractor was found not to have fulfilled the requirements under the ATDIA. In the report, the inspector stated: "Since the Contractor failed to fulfill his responsibility under the ATDIA to ensure the drainage system installed on Jim Overholt's property was professionally designed and installed utilizing pipe material that will allow the entry of water for conveyance to the outlet OMAFRA recommends that the contractor work with the landowner and tenant to install a new drainage system consistent with the requirements of Publication 29 at the contractor's expense."

OFA believes that this recommendation is reasonable. However, to date, we understand that the contractor has not taken the necessary action to carry out this recommendation. The report does not state a date to act, and as such, we encourage the Ministry to establish an implementation deadline for this recommendation. This, hopefully, will move the process ahead. If a date is provided, but the recommended action does not take place by the deadline, we suggest further action may be warranted, such as a hearing to determine next steps. In the worst case scenario, a licence suspension or revocation may be required. It is important to note that the tile drain installation in question occurred in the spring of 2019, and the site visit by the Drainage Inspector was in June of 2022, with his final report with recommendations dated March 22, 2023. This is an issue that has been ongoing for a number of years for the farmer.



If you require anything further from us, don't hesitate to reach out to us. I believe everyone is looking for a solution to this situation, and I appreciate your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Peggy Brekveld". The signature is written in a cursive style with a period at the end.

Peggy Brekveld
President

cc: The Honourable Lisa Thompson, Minister of Agriculture, Food, and Rural Affairs
OFA Board of Directors
Jim Overholt, Overholt Farms, joverholt@cruiseholidays.com
Jerry Howell, Farmer, jerry@howells.ca