



City of  
**Peterborough**

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**To:** Members of the Committee of the Whole

**From:** Jeffrey Humble, Director, Planning and Development Services

**Meeting Date:** July 24, 2017

**Subject:** Report PLBD17-001  
Property Standards – Eavestrough Drainage

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## **Purpose**

A report to provide information regarding the requirements for eavestroughing on neighbouring properties, as regulated, pursuant to Property Standards By-law.

## **Recommendation**

That Council approve the recommendation outlined in Report PLBD17-001, dated July 24, 2017, of the Director, Planning and Development Services, as follows:

That Report PLBD17-001 be received for information purposes.

## **Budget and Financial Implications**

There are no budget or financial implications anticipated as no further action is recommended at this time.

## **Background**

At its meeting held on April 3, 2017, Council requested a report from staff addressing the drainage of water onto neighbouring properties.

### **Peterborough Requirements:**

An eavestroughing and downspout system is designed to protect the building it is installed on by diverting drainage away from the foundation during a rainstorm. With higher densities in older areas of the City, Peterborough requires that all buildings, residential or otherwise, as measured from the foundation, within 2 ft (0.6 m) of a property line, be equipped with such a drainage system so that neighbouring properties are not affected by direct waterflow falling from adjacent roofs.

Peterborough also requires that an eavestroughing system be capable of conducting water away from the building that it is installed on, and adjoining property. Pursuant to the Property Standards Bylaw, this has been interpreted to simply mean that the system be maintained in working order.

### **Other Municipalities:**

None of the ten Ontario municipalities randomly surveyed on this matter, nor the governing body for Property Standards, the Ontario Association of Property Standards Officers (OAPSO), had any setback regulations for when eavestroughing had to be installed, other than Peterborough. Eavestroughing systems did not appear to be mandated in any of the cities other than Toronto, which was dealing specifically with an old and smaller capacity combined storm and waste sewers infrastructure. A few of the municipalities required that downspouts be set a minimum distance away from the foundation of the building that the drainage system was installed on, supporting the main purpose of an eavestroughing system, being to protect the structure and property. Otherwise, if a property had such a system then it was to be kept in good repair.

A handful of these municipalities made regulating statements about how the drainage was to not predictably cause damage to or adversely affect adjacent lots. Logic would dictate that the City cannot be expected to be an arbitrator in such subjective matters as this would require knowledge of all grade alterations on all properties in the City over a vast period of time. That is the reason matters of adverse impact of run-off are left as civil matters for resolution.

### **Drainage (Pre- / Post-Construction):**

When a building is erected, lot grading is reviewed as part of the construction permitting process, either via a site plan approval or grading plan in association with a building permit, to ensure that water drains into municipal storm sewers rather than settling on that lot or going onto other properties. However, once a building is completed, and the permit closed, the City's participation in ensuring that a property drains to our storm sewers ceases.

In many cases, almost as soon as a new house is finished, drainage is altered. Residents may change the grading of a lot, and the ability of the ground to absorb water with the installation of fencing, decks, sheds, pools, patios, gardens, alternative ground

cover; the paving of driveways; the filling in of a swale; etc. Neighbours could also have their downspout re-directed towards an adjacent property, whether deliberate or not.

As illustrated in photos below, in central areas of the City, where buildings are abutting or overlapping, even with an eavestroughing system, rainwater runoff cannot be contained on the property it originates from. Downspouts in such cases concentrate the water flow into a centralized discharge, which can then make drainage issues worse as the water discharges in an intense torrent in one area. Given these existing built conditions it is not possible for any practical enforcement action to be taken and therefore it is up to neighbours to resolve.



If drainage issues arise, it now becomes a private matter between property owners, which could result in civil litigation between the parties. This is consistent with a light being shined onto or impacting a property from another property after development. Once the approval process is complete, ongoing adherence to design and conduct is a civil matter between owners.

### **John Howard Society**

In situations where neighbour disagreements have escalated, mediation services may be more appropriate than civil litigation against a neighbour. The John Howard Society offers free mediation services for such matters (see Exhibit A). In circumstances such as the example before Council arise, and there is no opportunity for City intervention, staff could suggest utilizing the John Howard Society service to both parties. This had been recommended in this case.

### **Summary**

Considering the health and life safety requirements that are already in place and enforced under the Property Standards Bylaw, City staff does not currently possess the resources or expertise to police physical changes to a property. It would be most efficient, reasonable and practical to maintain the existing standards and practices,

particularly since this situation has not presented itself as an issue in any volume that would have the Division propose a change in approach.

Further, there is the community based option of free mediation services offered by the John Howard Society that provides property owners the opportunity to help settle such disagreements.

Submitted by,

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Director, Planning and Development Services

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**Attachments:**

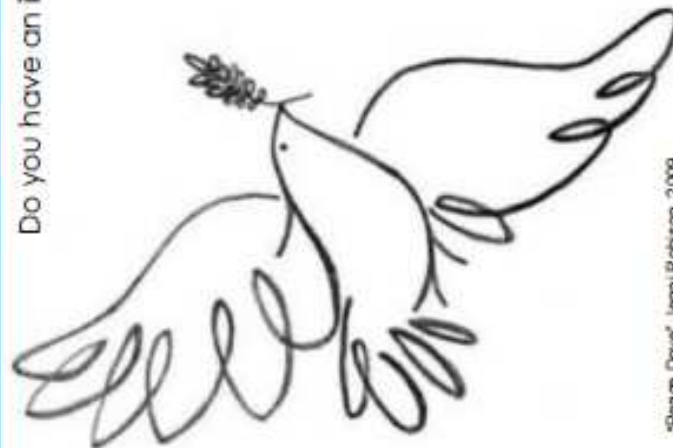
Exhibit A - John Howards Society Mediation Services Brochure

Exhibit – A - John Howards Society Mediation Services Brochure, Page 1 of 1

# Community Mediation Peterborough

Turning conflict into connection.

Do you have an issue with: noise, neighbours, pets, parking, fences, garbage...?



“Peace Dove” Jenni Robison, 2008

**FREE**

## Mediation Service

It stops the yelling & lowers stress  
Everyone is heard & respected  
It's confidential

It's voluntary  
Find solutions to a specific conflict

### Contact:

Community Mediation Ptbo  
c/o John Howard Society  
305 Stewart St., Peterborough ON  
Phone: 705-743-8331 ext. 216  
Email: mediation@jhsptbo.com

## How it works

1. It's voluntary – your choice to call.
2. We'll chat on the phone to see if it's a fit.
3. If it's a fit, 2 mediators will listen to you.
4. Then they listen to the other person.
5. A 3-hour mediation is booked.
6. You each tell your story & you are heard.
7. Mediators are neutral. They help you listen to each other's feelings, values & needs.
8. You think up your own solutions together.
9. You choose the best solutions together.

An independent volunteer service funded by the  
Ministry of Community Safety & Correctional Services.

