

Subject: **DRAINAGE DISTRICTS**

Date Issued **2002 11 01**

BACKGROUND

The Drainage Districts Act was established to regulate drainage works in the province through the creation of Drainage Districts. Districts are established, changed and dissolved by an order of the Minister of Environment. Each district is run by a Board of Trustees, which is a corporation with the name "BOARD OF TRUSTEES OF THE _____ DRAINAGE DISTRICT". (1) Once land is part of a drainage district, there is no restriction on transferring it. However, it is subject to drainage rates and can be encumbered with respect to the amount owing. A drainage district which was established under the previous legislation and was in existence immediately prior to the coming into force of this Act is deemed to have been established under this Act. (2)

REGISTRATION PROCEDURE

1. An original or a certified copy of the order of the Minister including or excluding land in a district (3) is required. A memorandum is endorsed against the appropriate certificate(s) of title or a discharge of the appropriate memorandum is made, as the case may be. (4) An example of the memorandum is

"DRAINAGE DISTRICT ORDER INCLUDING LAND IN
_____ DRAINAGE DISTRICT"

2. **Certificate of Drainage Rates Arrears** – When an owner or occupant of land in a drainage district is in arrears in payment of drainage rates, the Board of Trustees may send a certificate, signed by the secretary of the board of trustees, which sets out the amount of the arrears and accrued interest to the Registrar. (5) Upon receipt of a certificate the following memorandum is endorsed against the appropriate certificate(s) of title using the INST document code:

"CERTIFICATE OF ARREARS IN FAVOR OF THE BOARD
OF TRUSTEES OF THE _____ DRAINAGE
DISTRICT"

3. **Cancellation of Certificate of Arrears** – Once a certificate of arrears is endorsed on a certificate of title the endorsement shall not be lapsed and shall not be cancelled except on the receipt by the Registrar of a notice in writing from the Board of Trustees requesting the cancellation. (6)

STATUTE AND CASE REFERENCES

Statute references are to the Drainage District Act, R.S.A. 2000, c. D-16, unless otherwise indicated.

1. s. 15
2. s. 78(1)
3. s. 9
4. s. 22, Land Titles Act, R.S.A. 2000, c. L-4
5. s. 62(2)
6. s. 62(3)