

Memorandum to the Council of Corporation of the Municipality of Temagami

Subject: Swale Construction – Clarification and Request for Review

Memo No: 2025-M-191

Date: August 14, 2025

Attachment: Appendix A - Letter from John O'Sullivan and A.K. Madisen

Prepared By: Laala Jahanshahloo - CAO/Treasurer

Recommendation

BE IT RESOLVED THAT Council receives Memo 2025-M-191 and the attached correspondence from John O’Sullivan and A.K. Madisen;

AND FURTHER THAT Council provide direction to staff regarding the use of municipal lands without the required municipal permission or permits.

Contents

1. Executive Summary.....	2
2. Background	2
3. Legislative Context.....	2
3. Considerations for Council.....	3
5. Conclusion.....	3
Appendix A.....	4

1. Executive Summary

This memorandum presents correspondence from John O’Sullivan and A.K. Madisen concerning a swale installed on lands belonging to the Municipality of Temagami. The work was completed without municipal permission or the necessary permits and involves municipal infrastructure. Staff are requesting Council’s direction on next steps.

2. Background

On July 15, 2025, the Municipality received a letter from John O’Sullivan and A.K. Madisen entitled *“Notice of Swale Construction – Clarification and Request for Review”*.

In their letter, the authors state that:

- They constructed a swale extending from Ridgeway Lane to the corner of Shoreline Avenue to address long-standing runoff and drainage issues.
- The swale is landscaped with grass and plants, designed to slow runoff, prevent erosion, and protect nearby properties.
- The location was chosen with consideration for buried utilities, and Ontario One Call locates were obtained before construction.
- They request clarification on any proposed municipal work in the same area and assurance that their swale will not be removed or altered without discussion.

No record exists of municipal permission or permits being issued for the construction.

3. Legislative Context

The Municipality of Temagami’s own by-laws and enforcement procedures apply to any construction or alterations on municipal lands. In addition, and overall, the following Acts and regulations also apply:

- *Municipal Act, 2001* – s.8, s.9, s.27, s.63 – Authority over municipal highways and lands; prohibition and removal of encroachments.

- *Ontario Building Code Act, 1992* – s.8 – Building permit requirements; s.12 – Compliance and removal of unpermitted works.
- *Occupational Health and Safety Act / Ontario One Call* – Safe work near buried infrastructure.

4. Considerations for Council

- The works are located on municipal property without permission.
- Construction on the road allowance which creates a barrier to access to municipal infrastructure.
- No permit application has been received by the Municipality.
- There is potential liability for the Municipality if the installation causes damage or impacts municipal infrastructure.
- The correspondence indicates the authors are open to discussion with Council and staff.

5. Conclusion

Staff seek Council's direction regarding how to proceed with the swale described in the correspondence from John O'Sullivan and A.K. Madisen, which has been constructed on municipally owned lands, and any related enforcement or remediation steps.

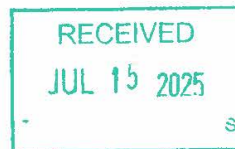
Appendix A - 2025-M-191

John O'Sullivan - A.K. Madisen

Property at 2 Ridgeway Ln.,

P.O Box 129

Temagami, Ontario, POH2HO



Date: July 15, 2025

To: Mayor and Members of Council

C/O Municipality of Temagami- h registered purchase a registered envelope and delivered by hand , July 15, to the municipality reception/front desk, by John O'Sullivan.

RE: Notice of Swale Construction – Clarification and Request for Review

Dear Mayor and Members of Council,

I am writing to formally request answers in writing -regarding an upcoming inspection or proposed construction of a swale around the property of 2 Ridgeway Lane. While I support responsible water management, I want to make clear that a **working swale already exists (from Ridgeway lane up to corner of Shoreline Ave.)**, built by us after years of runoff and drainage problems left unaddressed.

We built this swale to manage the stormwater that has long flowed across the area unchecked. It was not only a practical response to the issue, but also a thoughtful effort to do things the right way—by allowing the land to absorb water, slow it down, and prevent damage. The result has been a clear improvement in the way water flows during storms and spring melt.

Details of the Existing Swale:

- The swale is wide, shallow, and blends into the land naturally.
- It is covered with oriental grass and flowering plants that help absorb and hold the water, as well as being indigenous to Temagami forest..
- It slows down runoff, prevents erosion, and keeps excess water away from the road and nearby properties, such as the Renauld's, as they have not been flooded out since put in.
- the last 20 feet of Woodcrest street east side last area with no fauna outside of the timber framed swale built to protect our hedge base against property erosion and to protect the 30 foot hedge that had damaged caused by large equipment, removing parts of the root ball into our property. The same area showed signs of carve out from the snow plough, 7 inches deep right to the timber this past winter . The city drain in the middle of the road at Shoreline and Woodcrest street used to drain from east side have higher prior to the landfill on the other side of the road, becoming predominant.
- It works as intended, come see it on a rainy day.

Location and Utility Awareness:

When I designed and installed the swale, I also took care to ensure proper placement with respect to existing buried utilities. In rural Ontario municipalities, it is typical for swales to be placed **between the gas line and the road**, meaning the gas line is further back toward the property line, and the swale runs along the inside edge closer to the road shoulder.

This has been done to:

- Protect utility infrastructure from erosion or standing water;
- Maintain safe horizontal distance from gas lines (as required by Ontario One Call locate instructions and utility safety standards);
- Allow future municipal access for road and drainage maintenance without disturbing buried services.

All work was done with this in mind, and locates were obtained at the time of installation.

Concerns and Request for Clarity:

If the Township plans to build something new, I respectfully ask for:

1. A clear explanation of what exactly is being proposed; and enough notice to cancel any events we have planned here for this summer.
2. If and or why any changes are needed, and how those changes would improve on what is already there;
3. Reassurance that the work won't remove the plants, dig a ditch, or affect my property or utilities without proper discussion.

I want to be clear: this isn't about resisting improvement. It's about protecting something that already works, being left to protect my property—something had to be built with care and thought, not just to fix a problem, but to do it in a way that respects the land, the residents, and the infrastructure that runs through it.

Closing:

I remain open to talking with Council and Township staff to make sure the water issues are managed well and responsibly. I only ask that my efforts not be dismissed or undone without a clear and fair process.

Please let me know if this matter will come before Council or staff again, I am away for 14 days at a time; today is July 15. I'm returning to work . When I return in 15 days, I will pick up your response at the post office, and or your office if they're on strike.