

Title: Agricultural Drainage Licensing

Division: Agriculture and Rural

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Table of Contents

1. [Introduction](#)
2. [Overview of the Legislation](#)
3. [Administration of the Legislation](#)
 - [The Machine Licence](#)
 - [The Operator Licence](#)
 - [The Business Licence](#)
4. [Exceptions](#)
5. [Inspections and Penalties](#)
6. [Related Links](#)

Introduction

The installation of tile drainage is a very common land improvement practice among farmers in Ontario. Corrugated plastic tubing, clay and concrete drain tile are installed beneath the surface of agricultural land to drain excess water from the crop root zone. The benefits of tile drainage for crop productivity, farm efficiency, and even for reducing environmental impacts, have been studied and are generally well known to farmers.

In Ontario, the *Agricultural Tile Drainage Installation Act* regulates the installation of agricultural tile drainage.

[| Top of Page |](#)

Overview of the Legislation

For a tile drainage system to work effectively, it must be carefully and accurately designed and installed. For this purpose, the *Agricultural Tile Drainage Installation Act* was passed to regulate all businesses, machines and machine operators involved in installing a "drainage works". The official definition of a "drainage works" is "a drainage system constructed of tile, pipe, or tubing of any material beneath the surface of agricultural land, including integral inlets and outlets, for the purpose of improving the productivity of the land". **If you are a contractor who installs tile drainage on someone else's agricultural land using a tile drainage machine, you must obtain licenses.**

Administration of the Legislation

The Resources Management Branch of the Ministry of Agriculture and Food (OMAF) is responsible for administering the *Agricultural Tile Drainage Installation Act*. The Branch Director is responsible for issuing, suspending or revoking all licenses under the *Act*. The Drainage Co-ordinator is responsible for the overall management of the *Act*. The Drainage Inspector investigates and inspects tile drainage activities in Ontario on an as-needed basis.

OMAF produces Publication 29, *The Drainage Guide for Ontario* that sets out minimum guidelines on the design and installation of tile drainage systems for all who install tile drainage, including tile drainage contractors.

The Primary and Advanced Drainage Courses, offered annually by OMAF, teach course participants to survey fields, design and layout tile drainage systems and understand the principles necessary to successfully install tile. These courses are a requirement for obtaining some classes of operator's licenses. There are 3 types of licenses issued under the *Agricultural Tile Drainage Installation Act*:

1) The Machine License

Each machine used to install tile drainage on agricultural land must be licensed. The license is usually issued to the business that owns the machine. Different makes and models of agricultural tile drainage machines are tested by OMAF to ensure they are capable of installing tile to the grades and depths set out in Publication 29. After a particular model of machine has been tested and approved, any new machines of the approved model may be licensed without further testing.

Sometimes a tile drainage contractor will buy a used machine that has never before been licensed to install tile drainage. Before issuing a license for this machine, it must be inspected, even if it is of an approved make or model.

| [Top of Page](#) |

2) The Operator License

Anyone operating a tile drainage machine must have a machine operator license. There are 3 classes of operator's licenses:

Class "C" operators are apprentices. They may only operate a tile drainage machine under the constant supervision of a Class "A" operator. To obtain this license, the applicant must have at least 60 days experience working with a tile drainage business.

Class "B" operators are mid-level operators. They may operate tiling machines on their own, provided a Class "A" operator is present and in actual contact at least once every 3-hour period. To upgrade to a Class "B" license, an individual must have passed the Primary Drainage Course and have operated machines as a Class "C" operator for at least 3 months.

Class "A" operators are experienced operators who can perform all the work necessary to plan and install a tile drainage system. Before an individual can upgrade their Class "B" license to a Class "A", they must have passed the Advanced Drainage Course and have at least 7 months total experience as a Class "B" or "C" operator, operating a tile drainage machine. They must also pass a field test conducted by the Drainage Inspector.

3) The Business License

Every contractor who installs tile drainage systems on agricultural land must have a Business License. Before this license can be issued, the applicant must:

- employ a Class "A" machine operator
- own or rent a licensed tile drainage machine

The Drainage Inspector must inspect all applicants applying for a business license for the first time. This is to ensure that the business has the skills and equipment necessary to install tile drainage systems properly.

Existing tile drainage businesses in Ontario must renew their business license annually. To renew this license, they must submit a license renewal form and record of each tile drainage project installed in the previous year. An inspection is not needed to renew a business license.

| [Top of Page](#) |

Exceptions

The *Agricultural Tile Drainage Installation Act* does not apply in the following situations:

- the installation of tile drainage systems on non-agricultural land such as golf courses or sports fields
- the installation of tile drainage systems by an individual on their own property using their own drainage machine
- the installation of municipal drains constructed under the *Drainage Act* since this work is

- supervised by qualified individuals
- tile installed by means of a backhoe or other type of machine not specifically intended to install tile drains

Inspections and Penalties

OMAF's Drainage Inspector will occasionally inspect the operation of tile drainage businesses and their machines and machine operators. If you have a complaint about the installation of a tile drainage system, discuss it first with the contractor who installed the tile. Direct any unresolved complaints about the workmanship of a licensed tile drainage contractor to the Drainage Co-ordinator. After an inspection and a hearing, if it is determined that a licensed business, machine or operator has committed an offence under the *Act*, licenses may be suspended or revoked.

The Drainage Inspector investigates the installation of tile drainage by unlicensed individuals. When individuals install tile without the needed licenses, they may be prosecuted in the courts for offences under the *Act*. If found guilty, the fine may be up to \$2,000 for a first offence. A fine for a second conviction may be as much as \$5,000.