

Wednesday, December 17, 2008

To: Licensing and Standards Committee  
From: Howard Moscoe  
Re: Licensing of Paving Companies

There are an estimated 325,000 driveways in North York and by extension approximately 1 million driveways in Toronto. All of these will require periodic restoration. In North York a permit to resurface a driveway is required and costs \$119.57, although many driveways are paved without such a permit. My understanding is that there are permit requirements in some of the former municipalities but not in others or alternatively enforcement is spotty. The responsibility for compliance with city paving bylaws falls on the homeowner; it should be shifted to the paving companies.

City has major headaches with illegal parking pads and driveway widening. We have focused all of our energies on “after the fact enforcement” and the onus almost always falls on the homeowner to either remove the illegal pavement or attempt to have it made legal after the paving has been done. I submit that it is possible to shift that responsibility to the company that does the paving and save hundreds of hours of energy chasing offenses.

The paving companies all know the rules. They, for the most part, don't particularly care if they are asked to break them so long as they get paid for the job. We ought to make them care.

Under a licensing scheme, in order to do paving in Toronto a company should hold a City of Toronto License. Permits to pave private property would be issued to the paving company for a specific job. They would have to submit permit applications, get prior approval before doing any work and most importantly follow all of the city bylaws. The penalty for failing to obtain a permit or for violating the provisions of a permit should be significant and could result in loss of license. I believe that this can be done within existing budgets. Apart from the revenue from permit applications and licensing fees, our emphasis will gradually begin to shift from “after the fact” to “before the fact” inspection and enforcement.

### Advantages:

1. Consumer protection. The consumer would get the quality of job that the contactor promises. There would be minimum standards for paving established by bylaw. A paving contractor would be required to pave within the provisions of local bylaws and site plan requirements.

Paving companies have over-paved private and municipal properties violating city bylaws and causing residents to have to remove asphalt at their own expense.

2. By issuing a permit the city can co-ordinate scheduled maintenance work. Situations have occurred in the past where a resident will re-surface their driveways only to have City staff perform concrete work or water main rehabilitation causing damage to newly laid asphalt.
3. There have been occurrences of heavy equipment from paving companies damaging City utilities or infrastructure (water shut off valves, boulevards, curbs, sidewalks, catch basins) leaving the homeowner or the city responsible for the cost of repairs.
4. Under a licensing scheme the city will be saved from indemnity because the City can be added as an additionally insured party under the paving companies' insurance policies.

### Recommendations

- 1) This matter be referred to Right-of-way management for consultation with legal and ML&S and other appropriate departments.
- 2) That a report on this matter be scheduled for the September meeting of the Committee
- 3) That a public hearing be scheduled on that report be scheduled for the October meeting of Committee.