

## **Improving Communications for Toronto Hydro Projects**

**Date:** November 27, 2019

**To:** Executive Committee

**From:** General Manager, Transportation Services

**Wards:** All

### **SUMMARY**

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In March of 2019, the City Ombudsman reported to City Council with the results from an enquiry related to Toronto Hydro's "Project Carlaw" pole replacement project in former Ward 30. This enquiry stemmed from six complaints from Toronto residents. Among other concerns, all six residents complained that Toronto Hydro was installing new hydro poles in front of their homes without notice and some reported poor customer service, including delayed, incomplete or rude responses to their questions or complaints. The Ombudsman's report made several recommendations to improve the fairness of Toronto Hydro's service to residents.

City Council adopted the Ombudsman's report and in doing so requested a report back to Executive Committee to determine whether Toronto Hydro's new constituent communications plan meets the current City of Toronto standard for neighbourhood communications and requested a review of the Enquiry Report (February 13, 2019) on Project Carlaw from the Ombudsman and the Municipal Consent Requirements to determine how overall compliance with current policies can be strengthened.

This report responds to City Council's request by commenting on Toronto Hydro's constituent communications plan, it identifies enhancements to the City of Toronto Municipal Code, Chapter 743, Use of Streets and Sidewalks, Municipal Consent Requirements for the Installation of Plant Within City of Toronto Streets, and existing procedures to strengthen current policies and enforce compliance of Toronto Hydro pole replacements.

## RECOMMENDATIONS

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The General Manager, Transportation Services recommends that:

1. City Council approve amendments to the Toronto Municipal Code, Chapter 743, Streets and Sidewalks Use of section 6 part D to read as follows, " The applicant shall, **prior to and** during the performance of the work, provide the following methods of notification and information to the public in such manner as directed by the General Manager in the permit: (1) The applicant shall issue a printed public notice to the occupants of property impacted by the work which shall provide information on the type of work to be undertaken, details on the type of road repairs, the expected duration of the work, the expected timing for permanent repair of the street, **and an orthophoto clearly identifying the subject property, location of work and property line; .....**"
2. City Council direct the General Manager, Transportation Services to revise the Municipal Consent Requirements for the Installation of Plant Within City of Toronto Streets to address large scale pole replacement projects and to amend Chapter 5 - Above Ground Plant: Notifications to read as follows, "The Applicant shall provide written notification and/or concurrence to all adjacent properties, and all properties that will face or will have a line of sight to the proposed plant. Such notification shall outline the nature of the work, describe the size and appearance of the proposed plant, **and include an orthophoto clearly identifying the subject property, location of the proposed plant and property line.** The notice shall include the phone number of the contact person at the Applicant's office."

## FINANCIAL IMPACT

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There are no financial implications for the City resulting from adoption this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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City Council, at its meeting of March 27 and 28, 2019, considered the matter "Ombudsman Toronto Report: Enquiry into Toronto Hydro's "Project Carlaw": Pole Replacement in the former Ward 30", (Item CC5.1). Council adopted this item and in doing so requested that Toronto Hydro send their new constituent communications plan to the City Manager for review; the City Manager review the Enquiry Report from the Ombudsman to determine options for enforcement compliance on hydro pole removal; and Transportation Services determine how overall compliance with the Municipal Consent requirements could be strengthened and that staff report back to Executive Committee.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC5.1>

## COMMENTS

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Pursuant to section 170(2) of the City of Toronto Act, 2006 (COTA), Ombudsman Toronto conducted an Enquiry into Toronto Hydro's "Project Carlaw": Pole Replacement in the former Ward 30. This enquiry stemmed from six complaints from Toronto residents. In the Enquiry Report (February 13, 2019), the Ombudsman found that Toronto Hydro fell short in its level of public service in implementing Project Carlaw. The Ombudsman identified that Toronto Hydro did not provide adequate notice to the impacted residents, did not adequately respond to residents' complaints and questions, and lacked a clearly communicated process for consistently and effectively addressing residents' concerns.

City Council, at its meeting of March 27 and 28, 2019, considered the matter "Ombudsman Toronto Report: Enquiry into Toronto Hydro's "Project Carlaw": Pole Replacement in the former Ward 30", (Item CC5.1). Council adopted this item and in doing so requested Toronto Hydro send their new constituent communications plan to the City Manager for review to determine if it meets the current City of Toronto standard for neighbourhood communications.

Transportation Services have reviewed the new constituent communications plan and determined that it meets the current City standard for neighbourhood communications as set out by the Municipal Consent Requirements. Specifically, for all non-emergency work, written notification must state the type and location of the proposed installation, duration of construction and contact information of the utility company must be delivered to all abutting residences and businesses at least 48 hours prior to the commencement of work<sup>1</sup>. To address public confusion regarding the concept of the City right-of-way and how far it extends, Transportation Services recommends that Toronto Hydro include an orthophoto (i.e. aerial photograph) in the Equipment Letter and Sightline Letter, which clearly identifies the impacted property, location of the proposed plant and property line, with notation identifying the public right-of-way and private property.

Moving forward, Transportation Services will work with Toronto Hydro to review and enhance current notification practices to improve public communication regarding large scale pole replacement projects by using improved visual aids that clearly identify new pole locations and property lines.

City Council also requested the General Manager, Transportation Services to review the Enquiry Report (February 13, 2019) from the Ombudsman and the Municipal Consent Requirements - advanced notice required - use of the public right-of-way - utilities - construction to determine how overall compliance with these policies can be strengthened.

To improve communication on Toronto Hydro projects and strengthen overall compliance with City policies, Transportation Services recommend the following amendments to the Toronto Municipal Code, Chapter 743-6 D, " The applicant shall,

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<sup>1</sup> Municipal Consent Requirements for the Installation of Plant within City of Toronto Streets (2019) [https://www.toronto.ca/wp-content/uploads/2019/02/8e4d-ecs-specs-mcr-MCR\\_Jan\\_2019.pdf](https://www.toronto.ca/wp-content/uploads/2019/02/8e4d-ecs-specs-mcr-MCR_Jan_2019.pdf) see page 35

**prior to** and during the performance of the work, provide the following methods of notification and information to the public in such manner as directed by the General Manager in the permit: (1) The applicant shall issue a printed public notice to the occupants of property impacted by the work which shall provide information on the type of work to be undertaken, details on the type of road repairs, the expected duration of the work, the expected timing for permanent repair of the street, **and an orthophoto clearly identifying the subject property, location of work and property line; .....**". Similarly, Transportation Services recommends an amendment to Chapter 5 - Above Ground Plant: Notifications to read as follows, "The Applicant shall provide written notification and/or concurrence to all adjacent properties, and all properties that will face or will have a line of sight to the proposed plant. Such notification shall outline the nature of the work, describe the size and appearance of the proposed plant, **and include an orthophoto clearly identifying the subject property, location of the proposed plant and property line.** The notice shall include the phone number of the contact person at the Applicant's office." By providing an orthophoto and identifying the property line, the above-noted changes will assist property owners to better understand the location of the new plant on the right-of-way. In addition, the Municipal Consent Requirements should be revised to explicitly address all pole replacement projects.

Communication can also be improved by upgrading the 311 knowledge base with Toronto Hydro contact information and making large scale pole replacement project information readily available to the public through T.O.INview.

To ensure compliance with improved notification practices, Transportation Services will require Toronto Hydro to submit resident and councillor notification documents with their pole replacement permit applications.

Lastly, City Council requested the City Manager to review the Enquiry Report (February 13, 2019) from the Ombudsman to determine what options are available to enforce compliance with the City of Toronto's guideline that old hydro pole removal occur within 12 months of a new pole being installed.

In response, Transportation Services recommends that Toronto Hydro provide quarterly reports to track pole replacement within the City to better enforce compliance with the Municipal Consent Requirements for the Installation of Plant Within City of Toronto. After discussions with Toronto Hydro, Transportation Services recognizes that hydro pole removal within 12 months of new pole being installed is unrealistic. Some of the timing challenges include that Toronto Hydro cannot begin planning the old pole removals until the project as a whole is completed. In addition, there are other parties that have assets on the poles which must be transferred to the new poles. The transfer of assets from the old to the new poles must be completed by the various asset owners, which takes time to coordinate and the transfer cannot begin until the Toronto Hydro project has been completed. As such, Transportation Services recommends that the Municipal Consent Requirements be revised to require that old hydro pole removal occur within 12 months of the date of project completion. The change to the Municipal Consent Requirements will balance Transportation Services' enforcement of hydro pole removal with a more realistic timeline for Toronto Hydro to meet.

Transportation Services will also move forward with identifying and making necessary technical amendments to Chapter 743, Streets and Sidewalks Use Of to better support enforcement of the Municipal Consent Requirements, through options such as the denial of future permits, or the laying of charges for non-compliance. Staff will bring forward a report on the technical amendments for consideration in Q2 2020.

## **CONTACT**

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## **SIGNATURE**

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