



**STAFF REPORT  
ACTION REQUIRED  
with Confidential Attachment**

**InfoPillars on City Sidewalks – Legal Comments**

<b>Date:</b>	March 20, 2012
<b>To:</b>	Public Works and Infrastructure Committee
<b>From:</b>	City Solicitor
<b>Wards:</b>	All
<b>Reason for Confidential Information:</b>	This report contains advice or communications that are subject to solicitor-client privilege.
<b>Reference Number:</b>	

**SUMMARY**

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At its meeting of April 3, 2012, the Public Works and Infrastructure Committee will have before it the report (dated March 20, 2012) from the Acting General Manager, Transportation Services respecting the deployment of InfoPillars (also known as "InfoToGo Pillars") on City sidewalks by Astral Media. That report was submitted as requested by the Committee at its meeting of January 4, 2012 to provide comments on the feasibility of design changes, including contractual obligations, for the current InfoPillars to address concerns raised by the public and better facilitate an effective wayfinding strategy.

This report has been prepared in order to provide the Committee and Council with confidential solicitor-client advice respecting the rights and obligations of the parties under the Agreement (dated July 20, 2007) with Astral Media.

**RECOMMENDATIONS**

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1. Council direct that the confidential information contained in Confidential Attachment 1 not be released publicly as it contains advice which is subject to solicitor-client privilege.

## **Financial Impact**

The recommendation in this report will have no financial impact beyond what has already been approved in the current year's budget.

## **DECISION HISTORY**

At its meeting of July 12, 13 and 14, 2011, City Council adopted as amended Item PW5.5 recommending that:

1. City Council approve the modified design of the InfoToGo Pillar under the Coordinated Street Furniture Program, as set out in this report, and illustrated in Attachment "1" to the report (June 13, 2011) from the Acting General Manager, Transportation Services, and authorize the exchange of design rights for the new design with Astral Media Outdoor LP.
2. City Council request the Acting General Manager, Transportation Services, to report to the Public Works and Infrastructure Committee on the status of implementation of the street furniture program as per the original Council direction.

As a result of this approval, the Agreement (July 20, 2007) with Astral Media was amended by substituting the old pillar design with the new modified design for the purposes of the Agreement.

At its meeting of January 4, 2012 the Public Works and Infrastructure Committee had before it Member Motion MM14.5, which was referred to Committee by City Council from its meeting of November 29, 30 and December 1, 2011. That Motion contains the following recommendations:

1. The City review and reconsider relocating any Info Pillar that occupies more than one third of the sidewalk.
2. The City not permit InfoPillars to be installed adjacent to bike lanes to eliminate blind spots and safeguard pedestrians and cyclists, and that existing Info Pillar installations in these locations be reviewed and/or that a modified design of the pillars be considered.
3. The City require Astral Media to restore decorative paving in locations where InfoPillars are installed.
4. City Council direct the appropriate City staff to create a system that notifies local Councillors and local BIAs of placement before installation so that conflicts with existing sidewalk uses are avoided.

5. City Council direct the appropriate City staff to protect sightlines for driveway and laneway exits onto streets.

The Committee referred the motion to the Manager, Public Realm for a report back to the Committee, including comments as to the feasibility of design changes, including contractual obligations, for the current InfoPillar to address concerns raised by the public and better facilitate an effective wayfinding strategy.

## **ISSUE BACKGROUND**

Since the InfoPillar has been rolled out on city streets beginning October 2011, complaints have been received with regard to their design, location and impact on safety and accessibility. These complaints prompted the Member Motion and the report request from the Committee.

## **COMMENTS**

Given the concerns expressed respecting the new design and the options recommended by the Acting General Manager in his report, staff felt that it was appropriate that Committee and Council also be provided with some comments respecting the legal rights and responsibilities of the parties and how they relate to this issue. These comments are subject to solicitor-client privilege and are therefore contained in Confidential Attachment 1 to this report.

## **CONTACT**

Edward Earle  
Practice Lead/Solicitor  
Legal Services Division  
Tel: (416)-397-4058  
Fax: (416) 397-5640  
E-mail: wearle@toronto.ca

## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

## **ATTACHMENTS**

Confidential Attachment 1 – InfoPillars on City Sidewalks – Legal Comments