



**STAFF REPORT  
ACTION REQUIRED  
Confidential Attachment**

**Supplemental Report - Options for Winter Public Access  
to Grenadier Pond (Legal Risks)**

<b>Date:</b>	October 30, 2015
<b>To:</b>	Parks and Environment Committee
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 13 Parkdale – High Park
<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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This report provides legal advice with respect to the legal risks of providing public access to the ice on Grenadier Pond. This report should be considered with the report from the General Manager of Parks, Forestry and Recreation and the General Manager of Toronto Water.

**RECOMMENDATIONS**

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The City Solicitor recommends that:

1. City Council receive this report for information.
2. City Council direct that the Confidential Attachment 1 remain confidential as it contains advice that is subject to solicitor-client privilege.

**Financial Impact**

There is no financial impact arising from the recommendation of this report.

## DECISION HISTORY

The Parks and Environment Committee, at its meeting on September 18<sup>th</sup>, 2015, referred PE5.1 Skating on Grenadier Pond to the General Manager, Parks, Forestry and Recreation with the request to consult with the General Manager, Toronto Water and report on a less expensive method of providing public access to the ice at Grenadier Pond, including the following critical elements:

- a. Ensuring the ice is of a safe thickness and density;
- b. Creating new signage and flagging to communicate when the ice is safe for public use; and
- c. Designating an area for both use and entrance onto the ice which does not impact the environmentally sensitive areas of the pond,

so that the program can be implemented in time for the 2015/2016 winter season.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PE5.1>

The former City of Toronto maintained a Natural Ice Rink program on Grenadier Pond for nine (9) weeks a year (weather permitting, January to March). The Metro Toronto Police Service – Marine Unit monitored the ice for safety and thickness.

In 2001, staff from the Toronto Police Service – Marine Unit and Toronto Water Division advised Parks and Recreation staff that open water and storm water management pond ice in Toronto (such as Grenadier Pond) is unstable and never truly safe. Given the significant annual operating cost, safety concerns and relatively few skating days, it was decided that the Natural Ice Rink program on Grenadier Pond should be discontinued.

Public use of Grenadier Pond during the winter months is currently prohibited under Municipal Code Chapter 608, Parks. Signs are posted every 75 to 100 feet around the perimeter of the pond warning the public, "Danger – Ice Unsafe. Keep Off".

Skating and other winter activities on Grenadier Pond remain popular despite the City's prohibition. For safety reasons, law enforcement officers cannot step onto the ice to remove persons, making enforcement of Chapter 608 and the *Trespass to Property Act* difficult. Furthermore, due to resource constraints, law enforcement officers typically only attend when the City receives a complaint about people on the ice.

The General Manager, Parks, Forestry and Recreation and the General Manager, Toronto Water have been asked to review the conditions under which public access to Grenadier Pond could be re-instated. They have outlined the following options:

- **Option 1 – Cleared Surface**, which would include testing of ice thickness and maintaining the ice surface with a snow blower and surface flooded with hoses.

- **Option 2 – Ice Monitoring Program**, which would include testing of ice thickness only.

The City Solicitor's opinion on the legal risks associated with these two options is provided in Confidential Attachment 1.

## **CONTACT**

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## **SIGNATURE**

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Anna Kinastowski  
City Solicitor

## **ATTACHMENT**

Attachment 1 – Confidential Information on Options for Winter Public Access to Grenadier Pond (Legal Risks)