

HARBORD VILLAGE RESIDENTS' ASSOCIATION

Box 68522, 360A Bloor St. W.
Toronto, ON M5S 1X1



February 12, 2019

City of Toronto Budget Committee

re: Exclusion of Downtown Neighbourhoods Sidewalks from City Snow Removal

It was my pleasure to depute to the Committee's sub-committee on February 7, 2019 at City Hall. It marked just over one year since we wrote the Mayor on this matter and a review was promised by the Mayor's office. And, as it turned out, the Mayor publicly asked Transportation Services for a review on February 5, 2019. The Mayor also asked for a "detailed look at the benefits of harmonizing the city's sidewalk clearing." I have already offered to assist Ms. Gray, GM of Transportation Services, and have invited her to a walk-about in our neighbourhood.

Certainly harmonizing this service supports City initiatives such as Vision Zero, the City's Seniors Policy, Accessibility and others. But, the basic inequity in mill rates vs. services should be sufficient to end the exclusion of downtown neighbourhoods. If new bike lanes (in tight quarters), and miles of little used sidewalks can be cleared, so too can the most used sidewalks in the City, downtown neighbourhood sidewalks.

Lastly, if for no other reason, the City should take this on because it is solely responsible for liability claims for injuries if property owners do not care for sidewalks. (Ontario Court of Appeal; Bongiardina v. City of Vaughan – liability cannot be passed on to the property owner)

In recent news, we were uplifted by the February 6, 2019 Toronto Star Editorial, "Mr. Mayor: Skip the review, start plowing." We agree!

Since my deposition, a growing list of downtown Residents' Associations are lending their support to our call. And, any notion that our neighbours outside the downtown exclusion area hold any animus towards our effort to gain the same basic service that they have enjoyed for years is false and divisive.

For the full Committee, I have included our submission to the Sub-Committee, our January 2018 to the Mayor, the reply from his office and the Mayor's request for a review.

Yours truly

Robert Stambula
HVRA

BV1.1.2

**Residential Street Sidewalk Snow Removal '
Presentation '**

**City of Toronto '
2019 Budget Consultations '**

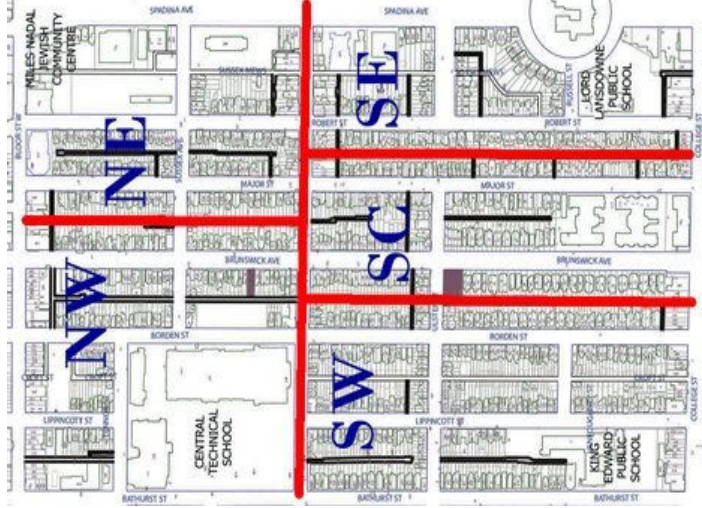
**Thursday February 7, 2019 '
Toronto City Hall '**



Harbord Village Residents' Association

HVRA: Who We Are / What We Do

- ◆ An Active Victorian-Design Downtown Neighbourhood
- ◆ Bounded by Bloor - Bathurst – College - Spadina
- ◆ As many as 600 Contributing Members
- ◆ Recent Interventions:
 - New in-street planters installed for traffic calming.
 - Completed a updated canopy/tree inventory with U of T forestry, first done a decade ago.
 - HVRA Traffic Study captured City-wide attention.
 - HVRA & ARA organized 65 RAs to support doubling of Councillor staffing budgets for new reduced council, to maintain service levels.
 - Mediated Settlement at LPAT for major U of T student housing resulted in a new parkette, protected heritage & created a sympathetic transition to neighbourhood.
 - HVRA Green Plan endorsed by City and used as a model for others.
 - Jan 2018*: Letter to Mayor on snow clearing; he replies with a promise to review.



BREAKING NEWS – Mayor to Transportation Services Feb 5, 2019

Accordingly, to ensure that we are doing everything possible to deal with difficult and extreme winter weather, I believe it is time for a review of our winter operations. I would request that the review include:

- A study of our service levels around snow removal and whether they should be increased.
- The threshold for declaring a major snow event to trigger parking restrictions along key routes so those routes can be cleared quicker and more thoroughly.
- How we can establish a zero tolerance system for vehicles blocking streetcar routes to ensure they are removed immediately and that drivers face stiff penalties for this infraction.
- A look at best practices and technology used in other Canadian cities when dealing with snow and ice.
- The cost of clearing the sidewalks in the Toronto and East York community council area and a detailed look at the benefits of harmonizing the city's sidewalk clearing.

I believe this review is timely and important given the increasing unpredictability of our winter weather.

I look forward to seeing the results of this review in the near future.

Sincerely,

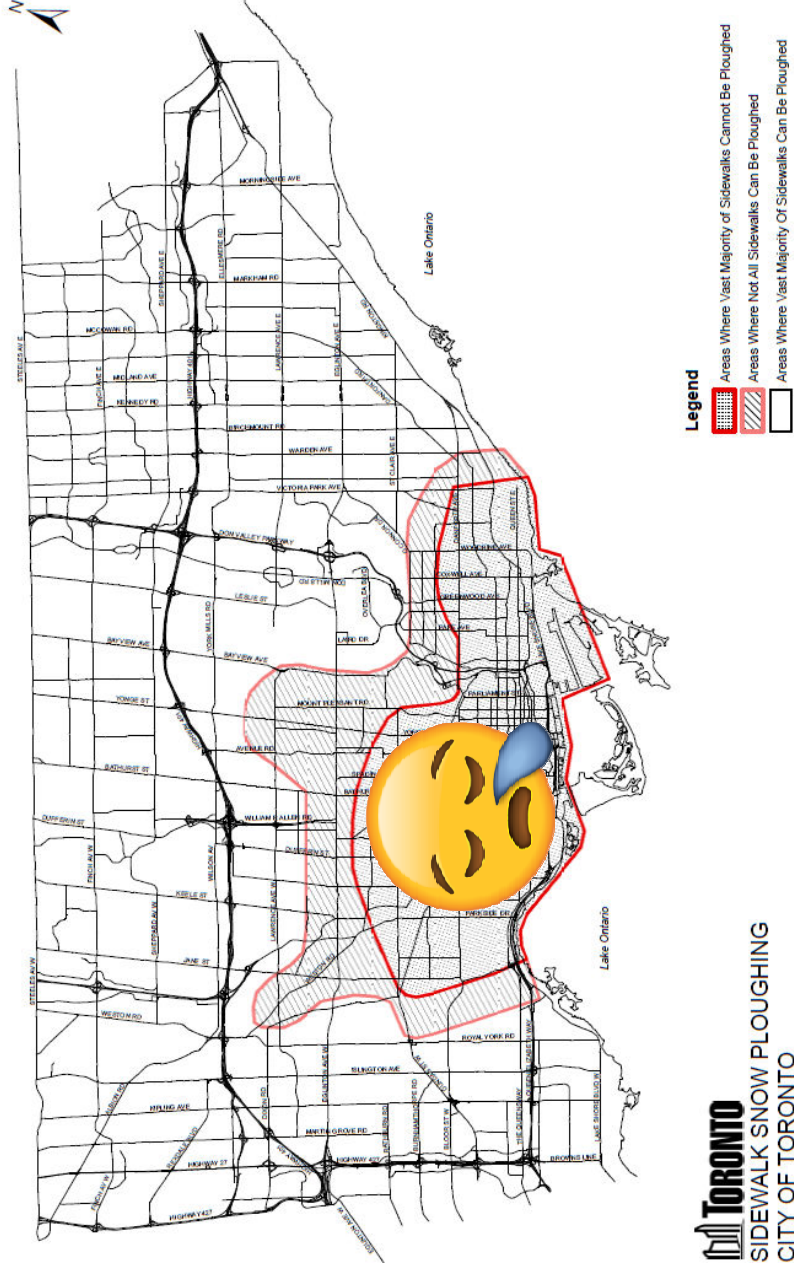


John Tory



Harbord Village Residents' Association

Equity: The Case for Clearing Downtown Neighbourhood Sidewalks



- ◆ Tax rates are the same, but snow clearing is not!
- ◆ Why are the most used sidewalks... **the least cared for?**

Source <https://www.toronto.ca/wp-content/uploads/2017/11/988c-City-of-Toronto-Sidewalk-Plowing.pdf>



Harbord Village Residents' Association

Cost Savings: The Case for Clearing Downtown Neighbourhood Sidewalks

- ◆ “A 2016 Toronto Public Health Report* found there were almost 30,000 emergency department visits ...due to falls on snow or ice from 2006 to 2015:
 - ◆ **“Slips and falls on snow or ice costs the city about \$6,700,000 per year as a result of insurance liability claims.”** [P1*]
 - ◆ “about 1,100km of sidewalks are not mechanically cleared (out of a total of 7,100 km of sidewalk in Toronto).” And, “challenges arise when snow accumulates on sidewalks rather than being cleared away.” [P7*]
 - ◆ “This is most likely to occur in the areas of the former city of Toronto and East York which do not have mechanical snow clearing. These are also areas of the city that typically have higher pedestrian volumes meaning that higher numbers of people are affected by poor sidewalk conditions.” [P7/8*]
- ◆ **But, the City of Toronto is still on the hook for liability claims even though a bylaw requires sidewalks to be cleared according to a 2000 Ontario Court of Appeal Decision...**

*Source <https://www.toronto.ca/legdocs/mmis/2016/hi/bgnd/backgroundfile-97431.pdf>



Harbord Village Residents' Association

Bylaw Ineffective: The Case for Clearing Downtown Neighbourhood Sidewalks

Current Bylaw is not enforced:

- ◆ City Bylaw requires residents on non-serviced streets to clear ice and snow within 12 hours of a snowfall¹.
- ◆ Enforcement is done on a complaint basis, but investigations of complaints take 3 weeks – meaning there is no enforcement. And few complaints. And rarely a conviction.

From: 311toronto <311@toronto.ca>

Date: January 30, 2019 at 08:29:08 EST

Subject: Re: Sidewalk ice

Reply-To: 311@toronto.ca

Thank you for contacting 311 Toronto. We apologize for the delayed response and appreciate your patience at this time.

We have generated a service request to Right of Way Management for ice and snow complaint, # and **this will be investigated within 3 weeks.**

1. <https://www.toronto.ca/services-payments/streets-parking-transportation/road-maintenance/winter-maintenance/clearing-snow-and-ice-from-your-property/>



City is Liable: The Case for Clearing Downtown Neighbourhood Sidewalks

- ◆ Ontario Court of Appeal in *Bongiardina v. City of Vaughn*, 2000-07-26*:
- ◆ Court was asked “whether a municipal bylaw requiring residents to clear snow from the municipally owned sidewalks butting their residences can be # relied on by the municipality to shift civil liability to the resident when it is sued by pedestrian who falls and is injured on the sidewalk.” [P4*] #
- ◆ The Court found that:
 - ◆ “S.284 of the *Municipal Act* imposes a duty on municipalities to keep highways (which include sidewalks) in a reasonable state of repair. It’s doubtful that any municipality could circumvent this duty by trying to impose a replacement duty on its own residents.” [P27*]
 - ◆ “third parties did not owe a duty of care to pedestrians using the sidewalk adjacent to their home.... the by-law did not alter the common law duty.” [P29²]

*Source: <http://www.ontariocourts.ca/decisions/2000/july/bongiardina.pdf>



Accessibility: The Case for Clearing Downtown Neighbourhood Sidewalks



Patricia Pyrka ▸ Palmerston-Little
Italy Neighbours
Follow · January 28 · 🌐

While you may be able to get through this, not everyone can. This kid loses a lot of independence and accessibility to everyday activities and resources when sidewalks are not cleared of snow. And even for me, as his mother, pushing him through the snow often becomes impossible. It's also really tough on people with other mobility devices, or families with little kids and strollers. If you need assistance clearing your sidewalk, just call the City at 311.

Please clear your sidewalk or arrange for someone else to do it for you. It's more than just a nice gesture 🙏

Feel free to share this post - thank you!

👍 45

2 Comments 30 Shares

👍 Like

➦ Share

- ◆ Only one property owner not clearing the sidewalk renders it inaccessible for people with mobility issues and seniors. Whether 10% or 50% are not cleared (typically by habitual offenders), the result is the same; risk life and limb or remain trapped at home.

Source: Friends of Harbord Village Facebook page, image used with permission of Patricia Pyrka



Harbord Village Residents' Association

Safety: The Case for Clearing Downtown Neighbourhood Sidewalks



- ◆ Pedestrians often forced to walk on roads.
- ◆ How does this align with “Vision Zero” goals?

Image source: @Rstambula, Twitter 29-January-2019, near King Edward School



Harbord Village Residents' Association

Age in Place: The Case for Clearing Downtown Neighbourhood Sidewalks

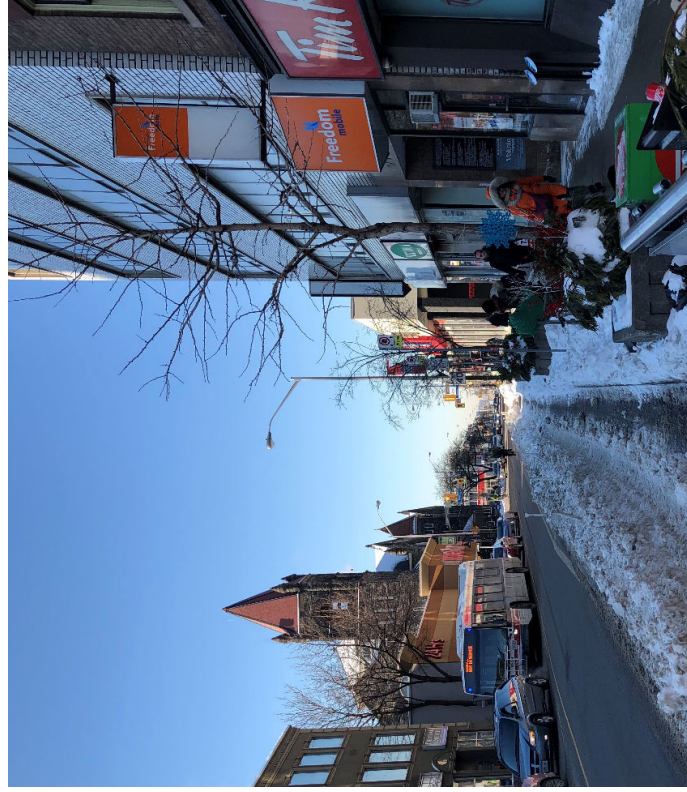
Toronto's Seniors Strategy – Towards an Age-Friendly City

- ◆ Recommendation #19*: “The City of Toronto will improve the accessibility of # its sidewalks and crossings.” #
- ◆ Snow Clearing for Seniors program only clears their frontage (must be # applied for). #
- ◆ Does not provide for safe routes to access public transit, shops, work, and # daily life. #
- ◆ Un-cleared sidewalks trap the elderly and disabled in their homes.
- ◆ Seniors on the City program in our neighbourhood report that snow is removed from the entire block by the City when they arrive.... #
... **proving the fallacy of too narrow / too many obstacles.**

*Source: Page 82, <https://www.toronto.ca/wp-content/uploads/2017/11/97e3-seniors-strategy-fullreport.pdf>



If Bike Lanes: The Case for Clearing Downtown Neighbourhood Sidewalks



Bloor Street Bike Lane Westbound, West of Spadina

- ◆ Major expansion of bike lanes downtown brought new snow clearing requirements.
- ◆ Bike lanes, pinched between a sidewalk and a lane of traffic, are plowed.
- ◆ Downtown residential sidewalks are less challenging than this!

Image source: Robert Stambula, 01-February-2019.



Harbord Village Residents' Association

Technology: The Case for Clearing Downtown Neighbourhood Sidewalks



- ◆ Age-old responses allege that equipment can't navigate downtown # sidewalks and thus “the City is unable to provide this service..”¹ #
- ◆ But full blocks are often done by the City when a Senior’s sidewalk is done.
- ◆ Countless cities with narrow sidewalks manage to clear their sidewalks.
Toronto can too!

1. <https://www.toronto.ca/services-payments/streets-parking-transportation/road-maintenance/winter-maintenance/clearing-snow-and-ice-from-your-property/>
Image BY-CC: https://commons.wikimedia.org/wiki/File:Mini_tractor_with_snow_plough_-_Market_Street,_Halifax_-_geograph.org.uk_-_1735034.jpg



A Bargain: The Case for Clearing Downtown Neighbourhood Sidewalks

In 2011, MacLean's reported that:

“Sidewalk plowing appears to be one of the **great bargains of municipal governance**. Winnipeg, for example, manages to keep its sidewalks free from snow and ice for \$2 million a year, **or less than \$7 per household!**”

Source <https://www.macleans.ca/news/canada/down-shovels-the-city-should-clear-the-sidewalks/>



Harbord Village Residents' Association

The Case for Clearing Downtown Neighbourhood Sidewalks

Summary

- ◆ Breaking News: Mayor Responds to Demands for Improvements
- ◆ Equity: Level Service Across the City
- ◆ Cost Savings with Better Service
- ◆ Current Bylaw Ineffective
- ◆ Accessibility
- ◆ Safety: Supports “Vision Zero”
- ◆ Aging: Supports the “Toronto Seniors Strategy”
- ◆ Bike Lanes are Cleared: Sidewalks are Equally Important
- ◆ Technology: Others Do It – We can Too!
- ◆ A Bargain!



HARBORD VILLAGE RESIDENTS' ASSOCIATION

Box 68522, 360A Bloor St. W.
Toronto, ON M5S 1X1



January 24, 2018

His Worship John Tory
Mayor, City of Toronto
100 Queen St. West
City Hall, Second floor, West
Toronto, ON, M5H 2N2

Councillor Joe Cressy
Trinity-Spadina
100 Queen Street West
City Hall, Suite C50
Toronto, ON, M5H 2N2

Dear Sirs:

I am writing on behalf of the Harbord Village Residents' Association. Within our neighbourhood or just next door we are blessed with:

- three primary schools;
- two secondary schools;
- a university and a college;
- almost a dozen places of worship;
- a plethora of local shops, restaurants, and professional/medical offices;
- many music, arts and theatre venues/facilities;
- Kensington Market; and
- a major long-term care facility.

All this, combined with public transit on all bordering arterial roads and on our local high street, means we are walkers.

We walk to school, to work, to play, to worship, to shop, to eat, to entertainment, to transit, and much much more! We travel in the very modes the City is making great efforts to incent others to replicate.

Are we living the dream? Not so much in the winter! Isn't it ironic that the most used (and loved) sidewalks are the least cared for by the City; i.e. the City does not clear snow from our residential sidewalks. Yet, in the "serviced area," reliant on cars, there are long stretches of little used sidewalks that are cleared by the City.

The absence of City snow removal from our residential sidewalks is a perpetual complaint at our annual general meetings and throughout the winter. In reply, we have dutifully explained the responsibility of property owners to clear their sidewalks, the City program to assist seniors, and how to complain if sidewalks are not cleared.

.../2

It is not just that snow is perpetually not cleared from some segments of our residential sidewalks by those responsible under the bylaw, or that the City enables such conduct by not enforcing its bylaws, there are real consequences that we endure:

- we risk *life and limb* traversing snow and ice covered residential sidewalks;
- some take other risks and opt to walk on the road... as it is often passable when the sidewalk is not;
- some sadly just retreat and return home, or remain housebound knowing the risk is too great, thus the *walkable* neighbourhood turns homes into prisons for some elderly and those with mobility challenges; and
- we do not get what we pay for. It is not lost on us that the unserved area produces a financial windfall for the City – charging for a service that is not delivered.

For these reasons, the HVRA Board unanimously passed the following resolution at its January meeting:

“Let it be resolved that the HVRA calls on our Councillor, the Mayor, and City Council to provide an equal level of snow removal services for all sidewalks within the City’s borders.”

Not all is grim with regards to snow removal. We are among the neighbourhoods that have welcomed a new segregated bike lane. We applaud the City for the robust way that it clears snow from the growing network of segregated bike lanes. This took care, attention and equipment, as does the snow-clearing program for seniors on residential sidewalks. These successes prove that residential sidewalks in the “unserved area” can be cleared, and equity demands that they should be cleared. Where there is a will, there is a way!

We look forward to your support in bringing City snow removal services to all residential sidewalks in Toronto.

Yours truly,



Robert Stambula
Board Member

cc: Gail Misra, Chair

February 13, 2018

Robert Stambula
Board Member
Harbord Village Residents' Association
Box 68522, 360 A Bloor Street West
Toronto Ontario M5S 1X1
Canada

Dear Robert:

Subject: Acknowledgement of Your Correspondence
Mail Item Number: M2018-0207

Thank you for your mail to the Office of Mayor John Tory.

This is to confirm that we received your mail and it will be read and reviewed.

Yours truly,

Mayor's Administration

We are committed to accountability and transparency. If you are contacting the Office of the Mayor or any staff on behalf of any for-profit enterprise, or a group that represents for-profit enterprises, you need to confirm that you are in compliance with the Lobbyists' Code of Conduct. For more information, please contact the Lobbyist Registrar at 416-338-5858 or lobbyistregistrar@toronto.ca, or visit www.toronto.ca/lobbying.



John Tory
Mayor

February 5, 2019

Barbara Gray
General Manager, Transportation Services
City of Toronto
Toronto City Hall 24th fl. E.,
100 Queen St. W. Toronto ON M5H 2N2

Dear Ms. Gray,

Last week, the City of Toronto experienced one of the largest snow storms of the last 10 years. Given the huge amount of snow and the bone-chilling temperatures, I appreciate the work that crews performed quickly to clean-up our main streets and make sure our city kept moving.

But despite these Herculean efforts by our crews to respond to the storm in a timely manner, I know many residents felt frustrated with the service they received.

Our City's winter operations are some of the most important services that we provide to our residents. They ensure that despite the most severe weather conditions of the year, our residents can get around Toronto to work, school, and appointments, in a safe and timely manner.

I believe our residents expect this service to be reliable and absolutely there when they need it throughout the winter season.

During and after last week's storm, my office alone had more than 150 calls and emails from residents who were dissatisfied with the City's snow removal service. Many of the complaints focused on sidewalk and windrow clearing. We also know many TTC streetcars were stopped by cars parked illegally blocking the vehicle tracks – these foolish and inconsiderate decisions by individual drivers delayed hundreds of riders and is simply unacceptable. I know Councillors similarly received a higher than normal volume of complaints.

I want to make sure we are providing the absolute best winter operations we can, recognizing that last week's storm was one of the worst in a decade.

Notwithstanding that fact, and especially in light of changing weather patterns, it is our job to be as ready as we can be for any event

.../1

Accordingly, to ensure that we are doing everything possible to deal with difficult and extreme winter weather, I believe it is time for a review of our winter operations. I would request that the review include:

- A study of our service levels around snow removal and whether they should be increased.
- The threshold for declaring a major snow event to trigger parking restrictions along key routes so those routes can be cleared quicker and more thoroughly.
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I believe this review is timely and important given the increasing unpredictability of our winter weather.

I look forward to seeing the results of this review in the near future.

Sincerely,



John Tory

Copy:

Councillor James Pasternak, Chair of the Infrastructure and Environment Committee
Councillor Jaye Robinson, Chair of the Toronto Transit Commission