



REPORT FOR ACTION

Feasibility of Mitigation Efforts to Prevent Misadventures at the Scarborough Bluffs

Date: September 28 2020

To: Economic and Community Development Committee

From: Fire Chief and General Manager, Toronto Fire Services

Wards: Wards 20, 24 and 25

SUMMARY

The Fire Chief and General Manager, Toronto Fire Services is reporting back to the Economic and Community Development Committee on a process to review and implement potential measures concerning misadventures along the Scarborough Bluffs including cost recovery measures for rescues. Parks Forestry & Recreation, Municipal Licensing and Standards, and Toronto Fire Services will continue to work collaboratively to develop proactive strategies to prevent these misadventures.

The responsibility for promoting safety and preventing misadventures of the Scarborough Bluffs relies on the efforts of multiple City divisions working in collaboration. Current mitigation efforts include signage and fencing, public education focused on increasing awareness of safe park usage, and by-law enforcement. In the event the aforementioned measures fail to prevent misadventures, Toronto Fire Services responds. This report has identified that while possible, it is not recommended to implement fees for rescue efforts on a cost recovery basis arising from misadventures at the Scarborough Bluffs. Toronto Fire Services strongly believes that this would impact the public's view and trust in emergency services and may result in individuals hesitating to call for assistance for fear they will be subject to a fee. After the October 16, 2019 Economic and Community Development Committee meeting, staff identified and evaluated potential mitigation options to reduce misadventures. Through this review, a number of recent changes were identified that will allow for enhancements to the existing mitigation strategies.

RECOMMENDATIONS

The Fire Chief and General Manager, Toronto Fire Services recommends that:

1. Economic and Community Development Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications from accepting the recommendation included in this report.

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

DECISION HISTORY

At its meeting on October 16, 2019, the Economic and Community Development Committee directed Toronto Fire Services in consultation with Toronto Paramedic Services, Municipal Licensing and Standards and Parks, Forestry and Recreation to report to the April 8, 2020 Economic and Community Development Committee meeting on a process to review and implement potential measures concerning misadventures along the Scarborough Bluffs, including the potential to implement fees for rescue efforts on a cost recovery basis arising from such misadventures, and the creation of new or amendment of existing offences and fines concerning the unauthorized access or use of the Scarborough Bluffs.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EC8.18>

COMMENTS

In consultation with Parks Forestry & Recreation (PFR), Municipal Licensing and Standards (MLS), and Toronto Paramedic Services (TPS), Toronto Fire Services (TFS) reviewed current policies and processes to assess the need to implement further mitigation measures specific to preventing misadventures at the Scarborough Bluffs (the Bluffs). TFS examined the potential mitigation efforts from four perspectives: Engineering, Education, Enforcement and Emergency Response. There continues to be a definitive role for public awareness through education regarding the dangers associated with the Bluffs including messages for people to be particularly vigilant when enjoying various types of outdoor activities. Enforcement of the existing by-laws remains critical to keeping people safe and preventing the need for emergency assistance. Through this review, a number of recent changes were identified that will allow for enhancements to the existing mitigation measures.

Mitigation Options at the Scarborough Bluffs

Signage

A potential mitigation effort that was explored by staff was a change in signage messaging throughout the parks connected to the Scarborough Bluffs to further deter individuals from attempting misadventures.

The signage installed in the parks aim to deter unauthorized access, and ultimately, emergency rescues. The signage is located at access points to the Bluffs, throughout the parks at both the top and bottom areas, and designed to make residents and visitors aware of the hazards associated with entering or climbing the Bluffs. Staff monitor the signage and install additional signage based on 311 complaints and advice from City divisions. The current signage used at the Scarborough Bluffs highlights dangers that can result from unauthorized access as well as associated fines for non-compliance.

After the October 16, 2019 Economic and Community Development Committee (ECDC) meeting, staff undertook a discussion on the signage used throughout the parks connected to the Scarborough Bluffs to determine whether making changes would be effective to deter individuals from potential misadventures. It was identified that over the course of 2019, PFR did a major refresh to the signage messaging. The new messaging clearly reinforces the dangers of the Bluffs.

Given the recent changes implemented, the effectiveness of the new signage has not been fully realized. Staff will continue to monitor the effects of the signage revisions on reducing the number of misadventures and continue to make changes on an as requested basis from the public or partner divisions.

Public Education

Staff undertook a review of the public education efforts currently in place to identify possible opportunities for enhancements. This review highlighted two education initiatives currently in place. PFR conducts an annual education campaign emphasizing the danger to first responders and the draw on resources for rescues. Additionally, enforcement officers provide education as part of their routine patrols at the Bluffs park areas. Staff educate park users of the dangers of the Bluffs, safety concerns, and associated consequences of entering restricted park areas. As a result of COVID-19, an increase in staff presence has provided an opportunity to enhance the education of the public on-site at the Bluffs.

Education initiatives evolve annually in response to the need for public awareness, and as such, staff do not believe that further action is required at this time. Staff will continue to deliver the current public education efforts. These efforts will continue to be monitored for the potential for further enhancements that address any changing needs for education.

Fencing

Staff examined whether additional or improvements to existing fencing along the Scarborough Bluffs would be an effective mitigation effort to preventing misadventures.

In addition to signage, fencing deters most unauthorized access to the restricted areas of the Scarborough Bluffs. Fencing is maintained in the most dangerous areas, and is installed in parks, beaches and trails to keep people away from the edge or from climbing up the Bluffs. The most common type of fencing are short chain-link or post and cable fencing.

Staff engaged in numerous discussions on fencing and its appropriateness as a potential deterrent. It was found that although improved and/or additional fencing could have a positive impact on reducing misadventures, changes would need to be balanced against any potential negative impacts to the Bluffs fragile ecosystem and the unobstructed views enjoyed by both the local residents and visitors.

At this time, given the complexity associated with fence modifications, amendments to the existing fencing will require further in depth discussions on the types, locations, and cost associated with this engineering solution. Staff will continue to monitor the existing fencing for opportunities for improvements including hot spots of activity at the Bluffs.

User Fee

TFS staff explored the option to potentially implement a fee for rescues on a cost recovery basis associated with misadventures at the Scarborough Bluffs.

Based on TFS operational procedures, a standard response to a rescue at the Bluffs requires an initial dispatch of approximately 24 firefighters with the possibility of additional firefighters being dispatched depending on the complexity of the rescue. The cost of this rescue would be determined by the number of apparatus dispatched in accordance with other TFS user fees for vehicle dispatch. It is likely that this fee would be significant, highly disputed and therefore, difficult to collect.

The implementation of an end user fee does not fall in line with the City of Toronto's User Fee Policy, as rescues conducted by TFS benefit the entire community. It is the opinion of the Fire Chief that emergency rescues benefit the general public, which as mandated under the City's user fee policy, are funded through the tax levy. TFS strives to meet the public's expectation that an emergency service will respond to all calls for assistance and individuals in a perceived emergency situation should always be encouraged to call 9-1-1. There is an overwhelming concern that introducing a user fee for rescue services may result in individuals hesitating to call for assistance for fear they will be subject to a fee.

A rescue is considered an essential service; any change to that view would have a negative impact on the public confidence in emergency services. Consequently, implementing a cost recovery program to charge the end users for rescues at the Bluffs is not in the best interest of maintaining public safety.

By-Law Amendment

Staff undertook a discussion about an amendment to the existing by-law or the creation of a new by-law as a potential mitigation effort. The Scarborough Bluffs are covered by Section 608-2 of Municipal Code Chapter 608, Parks: "While in a park, no person shall

enter into areas posted to prohibit or restrict admission of the public." This by-law is used throughout the City in park areas that PFR has identified as not for public access or deemed unsafe.

Through a review of enforcement efforts at the Bluffs, MLS has identified that in 2018 and 2019, the majority of summons issued related to Section 608-2 of the Municipal Code were successfully convicted. Staff feel that this is an indication that the existing by-law performs as intended and is enforceable when applied to the prohibited activities at the Bluffs. At this time, staff do not advise an amendment to Municipal Code Chapter 608, Parks, as the by-law, is effectively enforceable as currently written.

Enforcement

Another potential mitigation effort that was considered is increasing enforcement presence at the Scarborough Bluffs. Upon review of the current enforcement processes, it was identified that MLS had organized an enforcement initiative specific to education and compliance in relation to improperly accessing Park areas at the Bluffs in 2019.

In early 2020, as part of the COVID-19 enforcement MLS coordinated additional enforcement officers to be stationed at static posts throughout the parks every Friday, Saturday, and Sunday. These robust enforcement efforts have resulted in a significant number of additional documented patrols resulting in the number of summons issued expected to increase by 31% from 2019 to 2020.

A further change to the enforcement presence at the Scarborough Bluffs is not advised as staff believe that the impact of this recent COVID-19 related increase in enforcement efforts is not yet fully understood to determine if it has been effective in further discouraging individuals. These recent changes will need to continue to be monitored to better understand the impact of the increased enforcement on deterring misadventures.

Fine Increases

A potential mitigation effort considered was amendments to Municipal Code Chapter 608, Parks, enacting new by-laws to increase the fines that misadventures would be exposed to. A review of this proposal was undertaken by City staff.

Violations of Municipal Code provisions, may be enforced by a Part I summons issued under the Provincial Offences Act (POA). As noted above, the relevant section of Chapter 608, relating to inappropriate access to park areas, is Section 608-2. Prosecutions by means of Part I of the POA, allows resolution of these charges by payment of the "set fines" for the infraction.

Staff undertook a discussion of the current fine schedule associated with Municipal Code Chapter 608 concerning whether an increase in the set fine would be appropriate. It was determined in March of 2020, as part of the COVID-19 enforcement in relation to improperly accessing Park areas, that the corresponding set fine (per Municipal Code Chapter 608) should be increased from \$205.00 to \$750.00. The necessary approvals were obtained and the set fines related to improperly accessing the Bluffs, and other restricted park areas, were increased.

At this time, staff do not believe that any further increases to the fines related to improperly accessing the Bluffs are advisable. Staff believe that as the increased set fine was only recently changed, the impact of the recent increase is not yet fully realized. This change will need to continue to be monitored to understand the impact on by-law compliance and the number of misadventures, prior to evaluating the appropriateness of further fine changes.

Next Steps

The current mitigation measures outlined in this report are critical to keeping people safe and preventing the need for emergency assistance. The role of Toronto Fire Services is one part of a coordinated multi-divisional approach to safety at the Bluffs. At this time the emphasis of the strategy for safety at the Bluffs is through continued education, by-law enforcement and engineering improvements such as signage and fencing. The goal is to find the right combination of strategies that will efficiently and effectively reduce the number of Bluff misadventures. Coordination, communication and information sharing between Toronto Fire Services, Parks Forestry and Recreation and Municipal Licensing and Standards remains essential to achieving this goal, and will be an ongoing effort.

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SIGNATURE

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