

Overnight Snow Clearing on Commercial Properties

Toronto Accessibility Advisory Committee

February 10, 2021



Purpose

- Inform TAAC members of the directive from the Infrastructure and Environment Committee;
- Provide an overview of relevant regulations and key issues;
- Present staff's preliminary recommendation; and
- Seek TAAC's input.

Infrastructure and Environment Committee Directive

In response to resident concerns about noise from overnight snow-clearing in a commercial plaza, the Infrastructure and Environment Committee (IEC) requested that:

1. The Deputy City Manager, Infrastructure and Development Services report to the Infrastructure and Environment Committee on September 22, 2020 on the feasibility of prohibiting snow clearing activity within commercial properties located 100 metres or less from residential areas between 12 a.m. and 6 a.m.

(Item [IE12.16](#) from the March 11, 2020 meeting of IEC)

Relevant Regulations

Toronto Municipal Code:

- **Chapter 719, Snow and Ice Removal**
 - snow and ice must be removed from City sidewalks within 12 hours of a snowfall.
- **Chapter 629, Property Standards**
 - snow and ice must be cleared from steps, landings, walks, driveways, parking spaces, ramps and similar areas on private property within 24 hours.

Note: Chapter 591, Noise does not regulate noise in relation to snow and ice clearing.

Provincial Minimum Maintenance Standards:

- **The Municipal Act, 2001** (Section 44(1))
 - a municipality must keep its highways “in a state of repair that is reasonable in the circumstances”.
- **O. Reg. 239/02**, made under the Act, further outlines minimum maintenance standards for municipal highways, including requiring municipalities to comply with several additional regulations in relation to winter activity.

Key Issues: Accessibility

As outlined in the City's [Multi-Year Accessibility Plan](#) (MYAP), the City of Toronto is committed to an accessible city and to building an equitable and inclusive society that values the contributions of people with disabilities.

- Timely snow and ice clearing is essential for the daily living needs of Torontonians who may be unsteady, use mobility aids and devices (e.g., wheelchairs, scooters, walkers, canes, crutches), rely on a service animal, use strollers or personal grocery carts.
- People with disabilities frequent commercial properties both as customers and workers. Impeded access has potential implications for the independence, employment and livelihood of people with disabilities.

Initiative 55 of MYAP

The IEC directive may result in unintended consequences that conflict with the objective of Initiative 55 of the MYAP:

- Conduct a review of snow clearing policies, practices and procedures using an accessibility and equity analysis and develop a strategy to reduce barriers that significantly limit the mobility of people with disabilities.

Transportation Services (the division responsible for Initiative 55) has introduced several initiatives, including a snow clearing program for seniors and persons with disabilities, and a sidewalk snow clearing trial in areas of the City that do not receive mechanical snow clearing.

Key Issues: Safety

Due to provincial requirements and the City's own service levels, snow and ice clearing occurs at **any time of day** to ensure safe access and egress:

- The City meets provincial obligations to clear snow and ice on the public right of way by delivering a winter operations program with 24-hour patrolling.
- Council-approved service levels for winter maintenance often meet or exceed the City's bylaw requirements and the province's minimum maintenance standards.
- The most practical time to clear snow and ice from property is generally overnight or early morning when areas are free of people and vehicles.

Key Issues: Mixed Use

By design, most “commercial properties” in Toronto are in close proximity to residential areas, and in many cases, both uses are permitted in the same area.

Therefore, prohibiting snow or ice clearing on a commercial property within 100 metres of a residential property may effectively ban overnight snow and ice clearing throughout the city.

Staff's Preliminary Recommendation

Staff recommend against prohibiting snow clearing within commercial properties located 100 metres or less from residential areas between 12 a.m. and 6 a.m.

The Noise Bylaw exempts snow and ice clearing for safety and accessibility reasons. It is important that the Bylaw aligns with and does not conflict with municipal bylaws, provincial legislation, and the City's Multi-Year Accessibility Plan.

How does Enforcement respond to noise complaints about snow clearing? Part 1

Education: A key component of the City's compliance approach for the Noise Bylaw is education, including:

- informing residents (when we are made aware of noise complaints and through our website) of the exemption for snow/ice clearing, including reasons for the exemption; and
- connecting with parties involved in a complaint to determine if there is a reasonable solution.

How does Enforcement respond to noise complaints about snow clearing? Part 2

Mediation: Mediation is a useful tool when there is no further action a bylaw enforcement officer can take. In 2018, a mediation referral partnership program was established between the City and a community partner. The program is free for the City and participants. If complainants do not wish to pursue mediation, then they may also pursue the matter civilly, through the courts.

Next Steps

Any input received today will be incorporated into the staff report.

- Report is expected at the March 23rd meeting of IEC
- Reports are posted 5 business days before the Committee date (March 16th)

You may submit comments or request to speak at the Infrastructure and Environment Committee meeting. Please visit the [Have Your Say](#) webpage for more information.

Thank You!

We look forward to receiving your feedback.

