

## FISCAL IMPACT STATEMENT

### Notice of Motion: MM14.9

<input checked="" type="checkbox"/> <b>Operating</b>		<b>Total Operating Impact:</b> \$0.013M (gross) \$0.013M (net)						
	<b>2024</b>		<b>2025</b>		<b>2026</b>		<b>2027</b>	
	<b>Gross</b>	<b>Net</b>	<b>Gross</b>	<b>Net</b>	<b>Gross</b>	<b>Net</b>	<b>Gross</b>	<b>Net</b>
Financial Impact:	\$0.013M	\$0.013M						

☒ Funding sources:

☒ Accommodation within approved budget  
☐ Reserve / reserve fund:

☐ Third party funding  
☐ Other: \_\_\_\_\_

☐ Impact on staffing levels: \_\_\_\_\_(positions)

☐ Budget adjustments: \$ \_\_\_\_\_(net)

<input type="checkbox"/> <b>Capital</b>		<b>Total Capital Impact:</b> \$0 (gross) \$ 0 (debt)						
	<b>2024</b>		<b>2025</b>		<b>2026</b>		<b>2027</b>	
	<b>Gross</b>	<b>Debt</b>	<b>Gross</b>	<b>Debt</b>	<b>Gross</b>	<b>Debt</b>	<b>Gross</b>	<b>Debt</b>
Financial Impact:								

☐ Funding sources:

☐ Accommodation within approved budget  
☐ Reserve / reserve fund:

☐ Third party funding  
☐ Other: \_\_\_\_\_

☐ Operating Impact:  
☐ Program costs: \$ \_\_\_\_\_(net)  
☐ Debt service costs: \$ \_\_\_\_\_(net)

☐ Budget adjustments: \$ \_\_\_\_\_(debt)

<input checked="" type="checkbox"/> <b>Service Level Impacts:</b> <u>Closures of 45 tobogganing locations due to unsafe conditions</u>
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#### Comments:

The City's Municipal Code Chapter 608, Parks regulates, protects, and governs public parks so that everyone can enjoy the park experience. The provisions of the Parks bylaw authorize tobogganing in parks unless signage has been posted to prohibit the activity. Prohibiting tobogganing at hills known to be unsafe is not a new practice and is aligned with practices undertaken by several municipalities.

The City's 1,500 parks contain hills of varying sizes and slopes which, due to the size and scale of the City's parks system can not all be inspected. Some of the City's parks contains signage that advises park users of the risks associated with tobogganing.

A toboggan hill inspection program was implemented in 2017 and has encouraged and promoted tobogganing at designated hills. This program ensures that designated toboggan hills are regularly inspected by staff, and that signs are posted to inform about the risks associated with the activity.

Hills designated for tobogganing are highly used and regularly inspected hills, containing a clear path from the top of the slope to the bottom. Designated hills undergo inspections before expected snowfall to check for any hazards or obstructions that would render the hill unsafe for tobogganing. Following

snowfall, City staff inspect these hills on a weekly-basis, assessing the hill surface, condition, managing potential obstructions, inspecting safety measures and ensuring signage is present and visible to the public. There are 29 toboggan hills in 27 City parks that are designated for tobogganing this season.

Chapter 608-22.A of the Municipal Code allows the City to prohibit tobogganing where it is deemed unsafe. Currently, there are 45 hills that have been inspected and determined to contain visible and invisible physical hazards which interfere with the hill (i.e. ditches, wading pools, fences, structures, pathways, storm drains) rendering them to be unsafe for tobogganing. These hills have been signed to prohibit tobogganing.

The proposed changes to the current tobogganing program will increase the City's exposure to liability for injuries sustained by members of the public engaged in tobogganing.

The City's current tobogganing program encourages safer tobogganing while limiting the risks of injury and the City's associated financial exposure to legal claims. This is done through regular inspections and maintenance of designated tobogganing hills, the use of warning signs, and the closure of hills by the City where appropriate and as described above. This approach attempts to balance the public's desire to use hills in City-owned parks for tobogganing and the City's obligations as an occupier under the *Occupiers' Liability Act*.

Should the City's current tobogganing program change, the City may face a higher number of legal claims arising from tobogganing accidents. As a result of the variable and unpredictable/unforeseen nature of legal claims, the exact volume and costs associated with those claims is difficult to forecast. However, the costs of these claims to the City (including settlements and/or court judgements, legal costs and fees, disbursements, and interest) could be millions of dollars.

The City has received claims in relation to tobogganing incidents in the past for which there has been an associated cost. The City has received eight (8) claims in the past ten (10) years in relation to toboggan accidents in the City of Toronto. Details of those claims, including the size of the claim, the City's legal defences and the ultimate resolution, are not available for disclosure in a public report as they may be privileged and/or subject to privacy legislation.

Should the current tobogganing program be changed, both the volume and quantum of claims could increase.

PFR staff have estimated that the direct cost is minimal (\$13,000) to install new hay bales and remove signage at prohibited hills.

Signed by: \_\_\_\_\_  
Chief Financial Officer & Treasurer

Date: February 6, 2024