
General Committee

Date

October 21, 2015

Time

9:00 AM

Location

Council Chamber, 2nd Floor, Civic Centre,
300 City Centre Drive, Mississauga, ON L5B3C1

Members

Mayor Bonnie Crombie

Councillor Jim Tovey	Ward 1
Councillor Karen Ras	Ward 2
Councillor Chris Fonseca	Ward 3
Councillor John Kovac	Ward 4
Councillor Carolyn Parrish	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7 (Chair)
Councillor Matt Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Contact

Sacha Smith, Legislative Coordinator, Legislative Services

905-615-3200 ext. 4516

Email sacha.smith@mississauga.ca

Find it online

<http://www.mississauga.ca/portal/cityhall/generalcommittee>

INDEX – GENERAL COMMITTEE – OCTOBER 21, 2015

CALL TO ORDER

APPROVAL OF THE AGENDA

DECLARATIONS OF CONFLICT OF INTEREST

PRESENTATIONS

DEPUTATIONS

- A. Item 1 Geoff Wright, Works Operations & Maintenance

MATTERS TO BE CONSIDERED

1. Update on Arterial Road Rationalization
2. Amendment to Fireworks related By-Laws to make Exceptions for Diwali and Chinese New Year Celebrations
3. Lower Driveway Boulevard Parking – Woodchase Crescent (Ward 5)
4. U-turn Prohibition on Plum Tree Crescent (Ward 9)
5. Parking Prohibition – Haines Road (Ward 1)
6. Parking Prohibition – Stainton Drive (Ward 6)
7. Candidate Testing Services Recruit Hiring Process
8. Minor Variance Application to the Committee of Adjustment Seeking a Reduction in Required Parking for the Malton Community Centre – 3540 Morning Star Drive (Ward 5)
9. Proposed Revisions to Circulation Distances for Committee of Adjustment Applications for Sensitive Land Uses
10. *Municipal Act, 2001*, Five-Year Provincial Review

INDEX – GENERAL COMMITTEE – OCTOBER 21, 2015
CONTINUED

ADVISORY COMMITTEE REPORTS

Environmental Action Committee Report 6-2015 October 6, 2015

Mississauga Cycling Advisory Committee Report 9-2015 October 13, 2015

COUNCILLORS' ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION - Nil

(Pursuant to Subsection 239 (2) of the *Municipal Act, 2001*)

ADJOURNMENT

CALL TO ORDERAPPROVAL OF THE AGENDADECLARATIONS OF CONFLICT OF INTERESTPRESENTATIONSDEPUTATIONS

- A. Item 1 Geoff Wright, Works Operations & Maintenance

MATTERS TO BE CONSIDERED

1. Update on Arterial Road Rationalization

Corporate Report dated September 21, 2015 from the Commissioner of Community Services with respect to an update on arterial road rationalization.

RECOMMENDATION

That the report dated October 6, 2015 entitled, "Update on Arterial Road Rationalization" from the Commissioner of Transportation and Works be received for information.

2. Amendment to Fireworks related By-Laws to make Exceptions for Diwali and Chinese New Year Celebrations

Corporate Report dated October 6, 2015 from the Commissioner of Community Services with respect to an amendment to fireworks related By-laws to make exceptions for Diwali and Chinese New Year Celebrations.

RECOMMENDATION

That all necessary by-laws be enacted to allow for a temporary exception that would permit the setting off of fireworks for Diwali (November) and Chinese New Year (January) in accordance with the Corporate Report dated October 6, 2015 from the Commissioner of Community Services and that the said exemption be effective as of November 1, 2015 for a period of one year.

3. Lower Driveway Boulevard Parking – Woodchase Crescent (Ward 5)

Corporate Report dated September 28, 2015 from the Commissioner of Transportation and Works with respect to lower driveway boulevard parking on Woodchase Crescent.

RECOMMENDATION

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at any time on the west, north and east side (outer circle) of Woodchase Crescent.

4. U-turn Prohibition on Plum Tree Crescent (Ward 9)

Corporate Report dated September 28, 2015 from the Commissioner of Transportation and Works with respect to a U-turn prohibition on Plum Tree Crescent.

RECOMMENDATION

That a by-law be enacted to amend By-law 555-2000, as amended, to implement a U-Turn prohibition on Plum Tree Crescent for both directions between a point 135 metres (443 feet) west of Vanderbilt Road (north intersection) and a point 250 metres (820 feet) west of Vanderbilt Road (south intersection).

5. Parking Prohibition – Haines Road (Ward 1)

Corporate Report dated September 29, 2015 from the Commissioner of Transportation and Works with respect to a parking prohibition on Haines Road.

RECOMMENDATION

That a by-law be enacted to amend The Traffic By-law 555-00, as amended, to implement no parking at any time on both sides of Haines Road between Queensway East and Dundas Street East.

6. Parking Prohibition – Stainton Drive (Ward 6)

Corporate Report dated September 29, 2015 from the Commissioner of Transportation and Works with respect to a parking prohibition on Stainton Drive.

(6.)

RECOMMENDATION

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement no parking at any time on the east side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof.

7. Candidate Testing Services Recruit Hiring Process

Corporate Report dated September 21, 2015 from the Commissioner of Community Services with respect to candidate testing services recruit hiring process.

RECOMMENDATION

That the Commissioner of Community Services and City Clerk be authorized, on behalf of The Corporation of the City of Mississauga (the "City") to enter into an agreement with Ontario Fire Administration Incorporated, for the purpose of conducting Candidate Testing Services in a form satisfactory to the City Solicitor.

8. Minor Variance Application to the Committee of Adjustment Seeking a Reduction in Required Parking for the Malton Community Centre – 3540 Morning Star Drive (Ward 5)

Corporate Report dated September 21, 2015 from the Commissioner of Community Services with respect to a minor variance application to the Committee of Adjustment seeking a reduction in required parking for the Malton Community Centre – 3540 Morning Star Drive.

RECOMMENDATION

That the Community Services Department be authorized to submit a minor variance application to the Committee of Adjustment to permit the reduction of required parking for the Malton Community Centre for the purposes of providing required parking for YMCA staff operating the child care centre.

9. Proposed Revisions to Circulation Distances for Committee of Adjustment Applications for Sensitive Land Uses

Corporate Report dated September 30, 2015 from the Commissioner of Corporate Services and Chief Financial Officer with respect to the proposed revisions to circulation distances for Committee of Adjustment applications for sensitive land uses.

(9.)

RECOMMENDATION

1. That notwithstanding the Public Notice requirements included in the Planning Act, additional notice be provided for any Committee of Adjustment application seeking relief for the separation distance identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended, in accordance with the separation distance identified in the Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.
2. That the cost of the additional notification of property owners beyond the statutory 60.0m (196.85ft.) circulation area be the actual cost of the additional properties circulated and be borne by the applicant.
3. That the Planning Act Fees and Charges By-law 0246-2015, be amended, to reflect the additional fee requirement for circulation of applications that seek relief from a separation distance identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.
4. That Corporate Policy 07-06-01 on Committee of Adjustment Applications be amended to reflect the additional circulation area based on the separation distances identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.

10. Municipal Act, 2001, Five-Year Provincial Review

Corporate Report dated October 7, 2015 from the City Solicitor with respect to the *Municipal Act, 2001, Five-Year Provincial Review*.

RECOMMENDATION

1. That the report titled "Municipal Act, 2001, Five-Year Provincial Review" by the City Solicitor be received for information;
2. That staff be authorized to make submissions to the Ministry of Municipal Affairs and Housing to propose amendments to the Municipal Act, 2001 as outlined in this report from the City solicitor, titled "Municipal Act, 2001, Five-Year Provincial Review"; and
3. That the report from the City Solicitor, titled "Municipal Act, 2001, Five-Year Provincial Review" be forwarded to the Minister of Municipal Affairs and Housing, all local MPPs and the Association of Municipalities of Ontario (AMO) for their information.

ADVISORY COMMITTEE REPORTS

Environmental Action Committee Report 6-2015 October 6, 2015

RECOMMENDATIONS

EAC-0032-2015

That the deputation and associated PowerPoint presentation by Rod Muir, Chair, Sierra Club Canada Foundation, be received.

(EAC-0032-2015)

Mississauga Cycling Advisory Committee Report 9-2015 October 13, 2015

RECOMMENDATIONS

MCAC-0044-2015

That the deputation and associated PowerPoint presentation by Alana Evers, Team Leader-Landscape Architect, Parks and Forestry Division and Mike Dartizio, Senior Associate, Stantec Consulting with respect to Off Road Trail (ORT) #7, be received.

(MCAC-0044-2015)

MCAC-0045-2015

That the matter of centre line striping on multi-use trails along roadways and those that serve as main routes through greenbelts and parks be referred to staff to determine the feasibility of implementing full lining on heavily used trails and report back to the Mississauga Cycling Advisory Committee at a future meeting.

(MCAC-0045-2015)

MCAC-0046-2015

That the Mississauga Cycling Advisory Committee use the remaining Tour de Mississauga T-shirts for promotional giveaways at the remaining Community Rides.

(MCAC-0046-2015)

MCAC-0047-2015

That the report from the Tour de Mississauga Subcommittee with respect to the 2015 Tour de Mississauga, be received.

(MCAC-0047-2015)

MCAC-0048-2015

That the 2015 Community Rides event calendar, be received.

(MCAC-0048-2015)

MCAC-0049-2015

That the 2015 MCAC Event Calendar, be received.

(MCAC-0049-2015)

MCAC-0050-2015

That the email dated September 23, 2015 from Councillor Fonseca with respect to Mississauga Moves – 2015 Transportation Summit, be received.

(MCAC-0050-2015)

MCAC-0051-2015

That the Notice of Completion – Burnhamthorpe Road Watermain – Municipal Class EA, Region of Peel, be received.

(MCAC-0051-2015)

MCAC-0052-2015

That the email dated October 7, 2015 from Don Patterson, Citizen Member, Mississauga Cycling Advisory Committee with respect to his resignation from the Committee, be received.

(MCAC-0052-2015)

MCAC-0053-2015

1. That the letter dated September 30, 2015 from Councillor Carolyn Parrish, Ward 5 with respect to the proposed widening of McLaughlin Road, be received;
2. That the matter of the proposed widening of McLaughlin Road be referred to the Network and Technical Subcommittee and relevant staff for consideration and report back to the Mississauga Cycling Advisory Committee.

(MCAC-0053-2015)

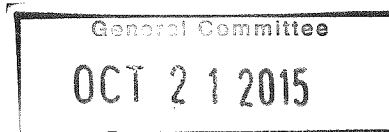
COUNCILLORS' ENQUIRIES

OTHER BUSINESS/ANNOUNCEMENTS

CLOSED SESSION - Nil

(Pursuant to Subsection 239 (2) of the *Municipal Act, 2001*)

ADJOURNMENT



Date: October 6, 2015 To: Chair and Members of General Committee From: Martin Powell, P.Eng. Commissioner of Transportation and Works	Originator's files: MG.23.REP
	Meeting date: October 21, 2015

Subject

Update on Arterial Road Rationalization

Recommendation

That the report dated October 6, 2015 entitled, "Update on Arterial Road Rationalization" from the Commissioner of Transportation and Works be received for information.

Report Highlights

- In July 2006, Mississauga Council adopted a report entitled, "Modernizing Roads Service Delivery and Cost Allocation Methods in the Region of Peel" which recommended that Mississauga have jurisdiction and financial responsibility over all roads within our boundary (excluding those under Provincial jurisdiction).
- In August 2006, Regional Council directed their staff to work with area municipalities to undertake a rationalization of the arterial road inventory from the perspectives of customer service and cost.
- This work involved three phases. Phase 1 and 2 are complete which saw the creation of criteria to define a major arterial road and the identification of nine jurisdictional options including the selection of a preferred model (Option 4A).
- Phase 3 work continues with the model for the maintenance of roadways (curb-to-curb) still outstanding.
- In June 2015, Regional Council deferred a report from the Commissioner of Public Works and created a Task Force to examine the service delivery options for the operation and maintenance of Regional roads.

Background

In August 2006, Regional Council directed staff to work with area municipalities to undertake a rationalization of the arterial road inventory from the perspectives of customer service and cost. This review was broken into three phases.

Phase 1 involved a technical review of the criteria to define a major arterial road. This work was completed in June 2007 and produced a set of criteria for defining major arterial roads and resulted in a list of roads which met the criteria. Regional Council subsequently established the Arterial Road Review Ad hoc Steering Committee (ARRASC) to complete the remaining two phases of work.

Phase 2 involved the identification of nine jurisdictional options, which were endorsed by Regional Council in July 2008, and the evaluation of these options. The Phase 2 work was conducted under the direction of a staff steering committee and included the assistance from a consultant. Staff completed the evaluation and Regional Council endorsed the June 2011 ARRASC recommendation of Option 4A. Under this option within Mississauga, Winston Churchill Boulevard from Dundas Street to Highway 401 would be transferred to the Region of Peel.

Regional Council did not endorse, for the purpose of evaluation in Phase 2, the Mississauga proposal as outlined in the report dated June 27, 2006 titled, "Modernizing Roads Service Delivery and Cost Allocation Methods in the Region of Peel" (Appendix 1).

A Corporate Report dated October 17, 2011 recommended that the City of Mississauga endorse in principle Option 4A and that it be implemented following an agreement by Mississauga City Council on the provision of road maintenance, traffic operational and traffic planning service on all Regional roads within the City of Mississauga. A copy of this report is attached as Appendix 2.

Phase 3 includes a review of the operational and maintenance responsibilities for sixteen right of way elements. There has been progress made with respect to the operational and maintenance responsibilities in Phase 3 such as traffic signals and street lighting. The remaining element to be finalized is the maintenance of the urban roadway travelled portion (curb-to-curb).

Comments

As described above, the Region did not endorse the Mississauga proposal as presented in 2006. This proposal was presented in the Corporate Report as follows:

"That the Cities of Mississauga and Brampton and the Town of Caledon each have jurisdiction and financial responsibility over all roads within their boundaries, excluding those under provincial jurisdiction and those rural roads in Caledon deemed truly regional following a rationalization review".

The 2006 report included a number of points in support of Mississauga taking over jurisdiction and financial responsibility that are still relevant today. In addition to the technical and operational components supporting this recommendation, an important element is customer service and public clarity.

The City currently operates and maintains the majority of major roads within the City boundaries as outlined in the following points:

- Mississauga Roads 5,229 lane km (3,249 mi), (1,832 centreline km) (1,138 mi)
- Mississauga Major Roads 1,729 lane km (1,074 mi), (367 centreline km) (228 mi)
- Peel Regional Roads in Mississauga 513 lane km (319 mi), (90 km centreline km) (56 mi)

The data support that Peel Regional Roads represent approximately 10 percent of the total roads in Mississauga based on lane km. In addition to this, the City currently provides winter maintenance on 85 lane km (52.8 mi) of Regional Roads in Mississauga (Cawthra Road, Queensway East/Queensway West, and Winston Churchill Boulevard).

From a customer service perspective, residents in Mississauga, for the most part, do not understand the road jurisdictional complexities and the City is often the first point of contact on customer service inquiries. As stated in the 2006 report, “the City would offer a more efficient level of customer service and a clearer picture of who is responsible for the road system with its borders”.

In June 2015, regional staff tabled a report to Regional Council entitled, “Arterial Road Rationalization – Update” from the Commissioner of Public Works. This report provided an update on the overall Arterial Road Rationalization Review and provided Regional Council an update on the ARRASC accomplishments to date. Per Regional Council Resolution 2013-770, sidewalks and multi-use trails on Regional roads are being uploaded to the Region from the area municipalities with the jurisdiction effective April 30, 2016. It was also noted in the report that agreement was not reached by all parties on a model for the maintenance of roadways (curb-to-curb) that could create efficiencies and be transparent. The report noted that, “staff from Mississauga and Brampton preferred model where the cities perform the maintenance duties at full cost recovery from the Region”. A copy of this report is provided as Appendix 3.

Regional Council has deferred this report and has created an ARRASC Task Force that will see a workshop take place on October 29, 2015. The purpose of this workshop to obtain input from the three municipalities with respect to the various service delivery options for operation and maintenance of Regional Roads. This workshop will be attended by Regional Councillors and senior staff from the Region and area municipalities.

Financial Impact

Any rationalization of roads between municipalities would be accompanied by an adjustment in the City and Regional tax levies. This would result in minimal impact to the taxpayer followed by a

corresponding rationalization of tax room between municipalities. Furthermore, a transfer of road responsibility from the Region of Peel to the City would include consideration of capital budget adjustments and appropriate reserve transfers. Although delivery costs are likely to be similar, additional administrative savings and efficiencies are expected.

Conclusion

A significant amount of work has been undertaken to support the Arterial Road Rationalization Review since the direction from Regional Council in 2006. Although Mississauga Council adopted a recommendation that the City of Mississauga have jurisdiction and financial responsibility of all roads in the City boundary, this proposal was not included in the jurisdictional options developed in Phase 2.

Under the approved Option 4A, staff from the Region and area municipalities has been working to define and report to the ARRASC recommendations related to the delivery of road maintenance, traffic operation and planning services on arterial roads. The maintenance of roadways (curb-to-curb) has not been finalized.

Regional Council has created an ARRASC Task Force to obtain input from the three municipalities with respect to the various service delivery options for operation and maintenance of Regional Roads.

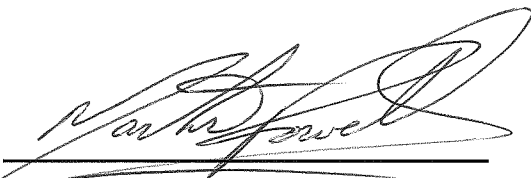
Attachments

Appendix 1: Mississauga Corporate Report – Modernizing Roads Service Delivery and Cost Allocation Methods in the Region of Peel, July 2006

Appendix 2: Mississauga Corporate Report – Comments on the Regional Arterial Road Rationalization Review (Phase 2)

Appendix 3: Regional Council Report – Arterial Road Rationalization Update, June 2015

Appendix 4: Map showing arterial roads in Mississauga by existing jurisdiction



Martin Powell, P.Eng.
Commissioner of Transportation and Works

Prepared by: Geoff Wright, P.Eng., MBA
Director, Works Operations & Maintenance



Corporate Report



Clerk's Files

R1.23
APPENDIX 1

1d

Originator's
Files

MG.01.REP

R-5

DATE: June 27, 2006

TO: Mayor and Members of Council
Meeting Date: July 5, 2006

FROM: Janice M. Baker, CA
City Manager and Chief Administrative Officer

SUBJECT: Modernizing Roads Service Delivery and Cost Allocation Methods
in the Region of Peel

- RECOMMENDATION:**
1. That the Cities of Mississauga and Brampton and the Town of Caledon each have jurisdiction and financial responsibility over all roads within their boundaries, excluding those under provincial jurisdiction and those rural arterial roads in Caledon deemed truly regional following a rationalization review.
 2. That a copy of the report entitled "Modernizing Roads Service Delivery and Cost Allocation Methods in the Region of Peel" dated June 27, 2006 from the City Manager and Chief Administrative Officer be forwarded for implementation to the Region of Peel and for information to the City of Brampton and the Town of Caledon.
 3. That an appropriate transition plan be prepared by Region of Peel and area municipal staff by September 14, 2006 to effect the transfer of Regional roads to local municipalities, including the realignment of tax room, reserve funding and resources including staffing.

BACKGROUND: The City of Mississauga has been working towards better governance and service provision in the Region of Peel for a number of years. In 2004, the provincial government commissioned Justice George

1e
R-5-a

Adams, Q.C. to facilitate a review of the Region of Peel; his findings were tabled December, 2004. Leading out of this review, Bill 186 became law on June 13, 2005 which changed the governance structure of Peel Region, providing two additional Councillors for Mississauga and one Councillor for Brampton. Regarding service delivery, Justice Adams also made specific recommendations on future reviews that should be undertaken regarding regional roads, land use planning, and cost allocation. The provincial government fully endorsed these recommendations.

The relevant recommendations from Justice Adams' report regarding regional roads are as follows:

1. *The three mayors will cause and manage reviews of:
(1) planning, construction, operation and maintenance of existing regional roads and (2) development approvals and land use planning processes.*
2. *The reviews will be aimed at real change and guided by the acceptance of the following principles:*
 - *greater administrative streamlining (savings) and other efficiencies are possible and desirable;*
 - *more area municipal operational control is possible and desirable;*
 - *service levels should be maintained or improved;*
 - *such change can be tailored to the municipalities in an equitable manner in order to accommodate, for example, the unique situation of Caledon and will be phased in.*
3. *These reviews will commence within 90 days; be completed by June 2005; and be considered during September 2005 for approval in October 2005. This timing is to insure implementation by the 2006 budget.*
4. *A Standing Review Committee should be established at the Regional level to review concerns over the cost, funding and/or the quality of particular regional services. This committee will be established within ninety days.*

The Standing Review Committee will have assigned to it senior officials committed to problem-solving and real change, not simply debate.

At the Regional Council meeting of November 17, 2005, the Commissioner of Public Works for the Region of Peel was requested by Councillor Saito to review the criteria for designating a road as upper tier and to undertake a review to rationalize the arterial road network, working in conjunction with area municipal staff to report back to Regional Council at a future time. R-5-2

In response to the above-mentioned request from Councillor Saito, Regional staff initiated discussions with area municipal staff, including staff from the City's Transportation and Works Department. To date, the staff discussions have been primarily focused on the issue of how to define an arterial road. No agreement has been reached yet on this issue. Staff have not addressed the issue of Regional jurisdiction over roadways.

At the Mississauga City Council meeting on June 21, 2006, this matter was raised and City staff were directed to report back with a position on Regional jurisdiction over roadways at the July 5, 2006 Council meeting.

COMMENTS:

There are currently three jurisdictions that maintain public roadways within the municipal boundaries of Mississauga: the Ontario Ministry of Transportation (MTO), the City of Mississauga and the Region of Peel.

The City of Mississauga currently has approximately 1,850 centre line kilometres (1,150 miles) under its jurisdiction. This includes all the sidewalks, street lighting, traffic lights, etc., associated with these roadways. Of these, over 345 centre line kilometres (214 miles) are classified as major roadways. Within the City of Mississauga, the Region of Peel has jurisdiction over 92 centre line kilometres (57 miles) of major roadways. At the present time, the City of Mississauga maintains over 20 centre line kilometres (12 miles) on the Region's behalf on a "charge back" basis.

Pertinent facts regarding roads are listed below:

- The City has jurisdiction over and maintains all sidewalks and street lights on regional roads.
- All of the signalized intersections are controlled centrally through a computerized traffic control system owned,

maintained and operated by the City and charged back to the Region of Peel (and others). All maintenance of the individual signals is contracted out through a joint tender among the City, the Region and the City of Brampton.

- The City undertakes all of the short, medium and long term planning for all roads under its jurisdiction. This includes commenting on development applications, undertaking road studies and environmental assessments, operation of a sophisticated transportation planning model and developing the ten-year capital maintenance and new construction programs and budget. The Region duplicates all of these functions for the roads under its jurisdiction.
- The City is already set up with an integrated road maintenance and pavement management system and no additional upgrades would be required for the planning of all road related capital improvements and maintenance activities.
- The City owns and operates four strategically placed Works yards, with the fifth in the planning phase. Conversely, the Region has no roads maintenance Works yards within Mississauga's borders.
- The City of Mississauga would be able to provide a better coordination of services. There would be less administration, as it is anticipated that no additional administrative staff would be required to take on the small percentage of roadway that would be transferred over.
- The Region already recognizes that the City can and does provide cost-effective services, as the Region contracts to the City the maintenance of over 20% of the regional roads within the City today. Given that the Region has negotiated an extension of their winter maintenance contract to the end of the 2006/07 winter season; this would be the appropriate time to affect any road transfers.
- All bus stops on regional roads are placed, operated and maintained by the City. The City of Mississauga provides a "shadow" road patrol of regional roads and reports any problems with the regional road system to the Region of Peel for their action.

- By maintaining all roads within its boundaries, improved customer service and greater efficiencies can be achieved. This is documented in the "Financial Report to the City of Mississauga on the Transition to a Single Tier" (Day & Day), which identified roads as being the single largest service inequity. R-5-d
- The City of Mississauga has hundreds of intersections where regional roads meet city roads. In the planning, construction and annual maintenance of these intersections, both for the surface conditions and the underground utility placements, staff from both levels of government are required to be involved and/or take actions to complete the work. Related to operational activities, additional staff coordination is often required to ensure that required activities are completed properly (e.g. the timing of sidewalk ploughing in relation to road ploughing and the revision of signal timing to ensure proper coordination with an adjacent traffic signal of the other's jurisdiction). This also extends to contractors who must receive permits from both levels of government for work which crosses both City and Regional roads, as well as development review for traffic matters where Regional and local roads are involved. These activities often represent duplication of effort and resources, and would not be required if the City were the single point of contact.

The City already operates the majority of major roads within the City boundaries and has the technical and administrative knowledge and resources required to seamlessly operate and maintain the regional roads within its boundaries. The public does not understand the fragmented roads jurisdiction, and the City is generally the first point of contact with the public. By bringing the jurisdiction under one entity, the City would offer a more efficient level of customer service and a clearer picture of who is responsible for the road system within its borders.

Given the predominantly rural nature of the Town of Caledon, it would be reasonable, following a rationalization review of the road network in Caledon, to support rural arterial roads in Caledon that are truly regional in nature, remaining at the regional level.

16

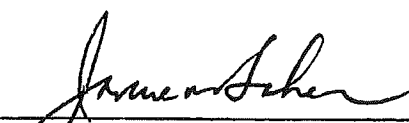
R-5.2

To facilitate the change in road jurisdiction, a detailed transition plan should be prepared by Regional and local municipal staff by September 14, 2006. This plan should include consideration for the transfer of tax room from the upper to the lower tiers, reserve fund transfers, and other resource implications including staffing.

- FINANCIAL IMPACT:** As part of the realignment of responsibilities for regional roads, the following financial matters must also be dealt with:
- realignment and restatement of property tax room related to the levying of operating and capital costs for roads between the Region and the City
 - the equitable sharing of Regional reserve funds for roads based on historical tax levy shares
 - examine the option of a special tax levy imposed by the Region of Peel for Caledon residents to ensure that neither Brampton nor Mississauga are double charged for roads by having to pay for 100% of all municipal roads within their boundaries as well as a share of rural arterial roads in Caledon deemed truly regional, following a rationalization review.

The additional cost of the road network to the City of Mississauga will be offset by savings in the budget for the Region of Peel. In addition, Mississauga's subsidy of the Regional Road system in Brampton and Caledon will be reduced.

CONCLUSION: The current method of roads service delivery and cost allocation in the Region of Peel is outdated and requires modernization to ensure clear accountability and appropriate funding. To achieve this, the Cities of Mississauga and Brampton and the Town of Caledon should have jurisdiction and financial responsibility over all roads within their boundaries, excluding those under provincial jurisdiction and those rural arterial roads in Caledon deemed truly regional following a rationalization review.



Janice M. Baker, CA
City Manager and Chief Administrative Officer



Corporate Report

Clerk's Files

Originator's
Files

RT.01.ART
MG.23.REP

DATE: October 17, 2011

TO: Chair and Members of General Committee
Meeting Date: November 2, 2011

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Comments on the Regional Arterial Road Rationalization Review
(Phase 2)**

- RECOMMENDATION:**
1. That the City of Mississauga endorse in principle Option 4A of the Regional Arterial Road Rationalization Review (Phase 2) and that Option 4A be implemented following an agreement by Mississauga City Council on the provision of road maintenance, traffic operational and traffic planning services on all Regional roads within the City of Mississauga as outlined in the Corporate Report dated October 17, 2011 from the Commissioner of Transportation and Works.
 2. That staff of the Transportation and Works Department participate in the next phase of the Arterial Road Review regarding the optimization of the road network in Peel under the direction of the Region's Arterial Roads Review Ad hoc Steering Committee.
 3. That a copy of the report dated October 17, 2011 from the Commissioner of Transportation and Works titled *Comments on the Regional Arterial Road Rationalization Review (Phase2)* be forwarded to the Region of Peel, the City of Brampton and the Town of Caledon for information.

BACKGROUND:

In November 2005 Regional Council directed staff, working in conjunction with area municipal staff, to review the criteria for designating a road as upper tier and to undertake a review to rationalize the arterial road network.

The Arterial Road Rationalization Review has been carried out in two phases. Phase 1, which was completed in June 2007, produced a set of criteria for defining major arterial roads and resulted in a list of roads which met the criteria.

Phase 2 involved the identification of nine jurisdictional options, which were endorsed by Regional Council on July 3, 2008, and the evaluation of the options. The consulting firm, Delcan, was retained to assist staff by developing an evaluation methodology, coordinating data collection and producing a final report summarizing the information.

The Phase 2 work was conducted under the direction of a staff steering committee, including the relevant commissioners and directors from Peel and the area municipalities. A staff working committee was also established to work with the consultant. During the Phase 2 study, staff provided progress reports to the Region's Arterial Road Rationalization Ad hoc Steering Committee (ARRASC).

Using the information provided by Delcan, staff completed the evaluation of the nine jurisdictional options and recommended Option 4A. Option 4A received the endorsement of ARRASC at its meeting on June 16, 2011.

At its meeting on July 7, 2011, Regional Council adopted the following recommendations from the Arterial Roads Review Ad hoc Steering Committee:

That Delcan Corporation's Final Report on Phase II of the Arterial Road Rationalization Review Project attached as Appendix II to the report of the Commissioner of Public Works, dated June 7, 2011, titled "Arterial Road Rationalization Review Phase II Project Update, Capital Project 08-4325 – All Wards", be received;

And further, that the recommendation of Option 4A as identified in the Arterial Road Rationalization Review Phase II Project as the major arterial roads jurisdictional option to be implemented be endorsed;

And further, that staff be directed to report back to Regional Council on the implementation details of Option 4A and on a process to review opportunities to streamline specific road and related infrastructure operations;

And further, upon adoption of the recommendations from the Commissioner of Public Works contained in the subject report, that the mandate of the Arterial Roads Review Ad hoc Steering Committee be considered complete as it relates to the Phase II Project;

And further, that the Arterial Roads Review Ad hoc Steering Committee continue to meet to provide advice and direction to staff on the optimization of the road network in the Peel;

And further, that a copy of the subject report be forwarded to the City of Mississauga, the City of Brampton and the Town of Caledon for information and endorsement of Option 4A in principle, subject to agreement on detailed implementation matters.(2011-681)

COMMENTS:

The Arterial Road Rationalization Review Phase 2 study evaluated nine jurisdictional options, which had been endorsed by Regional Council. The three basic options were Option 1 (status quo), Option 2 (all major arterial roads under the Region's jurisdiction) and Option 3 (all major arterial roads under local area municipal jurisdiction). The remaining options were variations of these three basic options.

Regional Council did not endorse, for the purposes of evaluation, the Mississauga proposal as outlined in the report dated June 27, 2006 by the Mississauga City Manager and Chief Administrative Officer, titled *Modernizing Roads Service Delivery and Cost Allocation Methods in the Region of Peel*, which was adopted by City Council on July 5, 2006. That report contained the following proposal:

"That the Cities of Mississauga and Brampton and the Town of Caledon each have jurisdiction and financial responsibility over all roads within their boundaries, excluding those under provincial jurisdiction and those rural arterial roads in Caledon deemed truly regional following a rationalization review."

Option 4A, which has been endorsed by Regional Council, is a "status quo" option with a few minor changes. The changes involve transferring roads which do not meet the criteria for a major arterial road from the Region of Peel to local jurisdiction – Kennedy Road, (Steeles Ave. to Bovaird Dr.) and Embleton Road (Mississauga Rd. to

Winston Churchill Blvd). Mavis Road (south Brampton boundary to Steeles Ave.), which is a short isolated section, would also be transferred to the area municipal level. Option 4A also includes transferring to the Region of Peel roads which would enhance the connectivity and continuity of the Regional Road network – Winston Churchill Blvd. (Dundas St. to Hwy 401), Castlemore Road (Hwy 50 to Airport Rd.) and Coleraine Drive.

The only change resulting from Option 4A within Mississauga is the section of Winston Churchill Blvd. from Dundas Street to Hwy 401, which would be transferred to the Region. The adjoining sections of Winston Churchill Blvd. south of Dundas Street and north of Hwy 401 are already under the jurisdiction of the Region. For further details on this option and the other jurisdictional options refer to Appendix 1, which is a copy of the Regional staff report dated June 7, 2011 that was presented to ARRASC on June 16, 2011, and Appendix 2 which is a map showing the changes in jurisdiction for Option 4A. Appendix 3 is a map showing the existing jurisdiction of arterial roads in Mississauga.

Regional Council has requested the area municipalities to endorse Option 4A in principle, subject to agreement on detailed implementation matters.

Staff from the Region and the area municipalities has already initiated discussions on the process for implementing Option 4A and has agreed that endorsement in principle from the area municipalities should be obtained prior to developing the implementation plan and timetable.

In addition to seeking endorsement in principle for Option 4A, Regional Council has given the Arterial Roads Review Ad hoc Steering Committee the mandate to continue to meet to provide advice and direction to staff on the optimization of the road network in Peel. Currently Councillors Starr and Saito are the Mississauga Councillors on this Regional Ad Hoc Committee. Councillor Saito is the current Chair.

Staff from the Region and the area municipalities has also initiated discussions on identifying issues and priorities related to operational, maintenance and planning matters that would support ARRASC in carrying out its new mandate to optimize the road network in Peel. In this regard, it would appear that traffic signals and systems will be a

In

high priority for consideration. Other issues that will be considered for optimization include sidewalks, street lighting, storm sewers and traffic planning matters related to development, such as access control, and signage. Staff will be preparing a work plan on the optimization items for presentation to ARRASC later this year.

As the next phase of the Arterial Road Review will be considering how to optimize the delivery of road maintenance, traffic operational and traffic planning services on arterial roads, it would be prudent to await the outcome of that review prior to finalizing the detailed implementation plan for Option 4A. For example, the City of Mississauga currently provides maintenance services, on a contract basis with the Region, on selected Regional roads within the City of Mississauga, including the southern portion of Winston Churchill Blvd. It would be desirable to know if this practice is to be continued or possibly expanded to include the northerly section of Winston Churchill Blvd. proposed to be transferred to the Region, prior to entering into an agreement to transfer the jurisdiction to the Region.

STRATEGIC PLAN: N/A

FINANCIAL IMPACT: The transfer of Winston Churchill Blvd. between Dundas Street and Hwy 401 to the Region of Peel will result in transferring the costs of operations, maintenance and road rehabilitation for this section of road to the Regional tax base. The net impact to the property tax payers of Mississauga will be examined in detail in the implementation phase.

CONCLUSION: The Arterial Road Rationalization Review Phase 2 is now complete and Regional Council has endorsed in principle Option 4A, which is a "status quo" option with a few minor changes in jurisdiction. Under Option 4A, Winston Churchill Blvd. from Dundas Street to Hwy 401 would be transferred to the Region of Peel.

Staff from the Region and area municipalities is developing a work plan regarding the issues and priorities to support ARRASC in carrying out their new mandate related to optimizing the road network in Peel.


Prior to developing the implementation plan and schedule for Option 4A, endorsement from the area municipal councils for option 4A is being sought.

As a next step, Regional staff is expected to prepare a report on the work plan for the next phase of the arterial road review regarding optimization, and to outline a process for the implementation of Option 4A.

Prior to entering into an agreement to transfer the remaining portion of Winston Churchill Blvd. to the Region, it would be prudent to await the outcome of the next phase of the Arterial Road Review, particularly as it relates to how the delivery of road maintenance, traffic operational and traffic planning services will be optimised on all Regional roads within the City of Mississauga.

ATTACHMENTS:

- Appendix 1: Report by Dan Labrecque, Commissioner of Public Works for Peel, dated June 7, 2011, titled "Arterial Road Rationalization Review Phase II Project Update".
- Appendix 2: Map showing the recommended Option 4A from the Arterial Road Rationalization Review (Phase 2)
- Appendix 3: Map showing arterial roads in Mississauga by existing jurisdiction.



Martin Powell, P.Eng.

Commissioner of Transportation and Works

*Prepared By: Robert Sasaki
Manager, Transportation Planning*



REPORT
Meeting Date: 2015-07-09
Regional Council

DATE: June 23, 2015

REPORT TITLE: **ARTERIAL ROAD RATIONALIZATION - UPDATE**

FROM: Dan Labrecque, Commissioner of Public Works

RECOMMENDATION

That the preferred service delivery option, as contained in the report of the Commissioner of Public Works titled "Arterial Road Rationalization – Update", in which the Region of Peel continues jurisdictional ownership and responsibility for condition inspections and all construction, operations and maintenance activities for the urban roadway travelled portion (curb-to-curb) on Regional roads right-of-ways, be endorsed;

And further, that a copy of the subject report be sent to the Cities of Brampton and Mississauga and the Town of Caledon for information.

REPORT HIGHLIGHTS

- Council established the Arterial Road Review Ad hoc Steering Committee (ARRASC) in late 2007. In 2011, Regional Council adopted the ARRASC recommendation for jurisdictional transfer of the seven arterial roads listed in Option 4A (Appendix I).
- To date this Steering Committee has overseen many notable accomplishments, including the transfer of Coleraine Drive from the Town of Caledon to the Region in 2014. The remaining portion of Coleraine Drive is expected to be transferred from the City of Brampton in 2016.
- In March 2015, the Cities of Brampton and Mississauga assumed the operations and maintenance of traffic signals by way of contract through an executed agreement between the municipalities.
- Consensus has been reached on 15 of the 16 right-of-way elements, with the delivery of urban roadway maintenance still outstanding.
- The service delivery option recommended for the urban roadway travelled portion (curb-to-curb) on Regional roads right-of-ways minimizes risk of service disruptions and allows the Region to explore opportunities for cost savings, as appropriate.

June 23, 2015
**ARTERIAL ROAD RATIONALIZATION -
UPDATE**

DISCUSSION

1. Background

At the August 2006 Regional Council meeting, staff was directed to work with area municipal staff to undertake a rationalization of the arterial road inventory from the perspectives of customer service and cost. This project, which is known as the Arterial Road Rationalization Review, has subsequently been carried out in three phases.

Phase I undertook a technical review of criteria which define a major arterial road and applied these criteria to roads in Peel Region to identify those that meet the criteria, without regard to jurisdiction. One of the primary outcomes from Phase I was the establishment of consolidated criteria for the definition of arterial roads, and these criteria were applied to all roads within Peel to determine which should be classified as major arterial roads. Phase I was completed in June 2007, and to support the remaining phases, Council established the Arterial Road Review Ad hoc Steering Committee (ARRASC) in late 2007.

Phase II involved the identifying jurisdictional options for the major arterial roads from Phase I, developing a methodology to evaluate the options, and the identification and collection of data to be used in the evaluation.

At its meeting, held on June 16, 2011, ARRASC recommended the jurisdictional transfer of seven arterial roads listed as Option 4A (Appendix I). Regional Council subsequently endorsed the report recommendations, and the report was received by area municipal Councils. Brampton and Mississauga Councils both endorsed the recommendations in principal, with the condition that the Region address operation and maintenance issues. Caledon Council endorsed Option 4A and the recommendations of the report.

Phase III consists of reviewing the operational responsibilities for each of the sixteen right-of-way elements described in Appendix II.

2. ARRASC Accomplishments

The Steering Committee has overseen many accomplishments to date:

- **Jurisdictional Re-balancing:** As a result of a full review of the arterial roads within the Region, supported by a third party consultant (Delcan), Council adopted a strategy in June, 2011 that would see the transfer of numerous sections of the road inventory between the four municipalities, with a net increase of approximately 60 lane-kilometers to the Region. Transfers from the area municipalities to the Region were generally reserved for boundary roads and roads that serve a broader regional function in the transportation network, particularly in terms of traffic volume and connectivity. Conversely, Regional roads that met the needs of local traffic and lacked connectivity to the larger road network were selected to be transferred to the area municipalities.

6.3-3

June 23, 2015

**ARTERIAL ROAD RATIONALIZATION -
UPDATE**

- On June 26, 2014 the portion of Coleraine Drive located within the Town of Caledon was successfully transferred from the Town to the Region.
- Adopted a common approach to review the regional right-of-way, with the end result being that elements shown in Appendix II would become the responsibility of the road authority. The first concrete step towards implementing this approach was the Region assuming financial responsibility for the streetlights and their operating costs in fiscal 2015. The second step would see the cost of sidewalks and trails within the Region's right-of-way come into the Region's responsibility in 2016.

With respect to the management of traffic signals, the operations and maintenance of traffic signals has been officially assigned to the Cities of Mississauga and Brampton by way of contract through an executed agreement between municipalities. Peel continues to pay for its share of this program. In the Town of Caledon, the Region continues to be responsible for the operations and maintenance of all traffic signals. The agreement came into effect on March 3, 2015.

This provides the Region with an opportunity to review the multiple traffic systems currently in place and explore options for a single shared system at a later date, which supports the transition to a more effective traffic management system by the Cities. Specifically;

- A broader "matrix of responsibilities" was approved by Regional Council on September 26, 2013, which identifies 16 right-of-way elements (Appendix II). Currently the only elements yet to be finalized are those relating to urban roadway travelled portion maintenance.
- As part of the ARRASC process, it was agreed that only transit infrastructure within the Region's right-of-way would be assessed at this time. Delivery of transit operations was not included for review through the ARRASC process.

3. Operational Responsibilities

Phase III of the Arterial Roads Review was to work with area municipalities to optimize the operations, cost and effectiveness of the roadway maintenance activities. To facilitate this, ARRASC approved the matrix of responsibilities based on the three key principles listed below:

- The Region will provide, own and pay for all transportation services within the Regional road right-of-way.
- The Region will use existing services and a cost neutral approach to ease and provide timeliness of transition of transportation services to its contractors including area municipalities.

June 23, 2015
**ARTERIAL ROAD RATIONALIZATION -
UPDATE**

- The Region is committed to measurements and continuous improvements.

Working groups were established to address the operational elements outlined in the matrix, with outstanding issues remaining as follows:

Sidewalk and Multi-Use Trail Working Group

Sidewalk and multi-use trails on Regional roads are being uploaded to the Region from the area municipalities as per Regional Council Resolution 2013-770. It is proposed that the jurisdiction of sidewalks and multi-use trails be transferred from the area municipalities to the Region, effective April 30, 2016. This allows time for the parties to undertake actions required to upload these assets and provide a seamless transition of the provision of maintenance services to residents after the 2015-2016 winter season.

Street Lighting Working Group

Per Council Resolution 2014-507, the Region will be responsible for the operating and capital costs of street lighting on Regional roads, subject to re-evaluation of service agreements with the area municipalities. The operations and maintenance of streetlights will continue to be provided by the area municipalities by way of contract through the executed agreements. The agreements are currently under development, and execution authority has been delegated to the Commissioner of Public Works.

Curb-to-Curb (Travelled Portion) Roadway Maintenance Working Group

Currently, agreements are in place for some roadway maintenance, boulevard maintenance, as well as sharing of materials and specialty equipment, when required.

A Working Group consisting of regional and area municipal road maintenance staff was meeting to review the roadway maintenance and identify ways to optimize the operations, costs, and effectiveness of the roadway activities. A Terms of Reference document was drafted to provide guiding principles and a purpose for the group to follow during the evaluation; however these have not yet been approved by the group.

4. Next Steps

- The Cities of Brampton and Mississauga have deferred implementation of jurisdictional transfers, approved in 2011, pending completion of all operational reviews to their satisfaction.
- Sidewalks and multi-use trails will be transferred to the Region on April 30, 2016. Regional staff are currently establishing a Level of Service and preparing the scope of maintenance activities.

6.3-5

June 23, 2015

**ARTERIAL ROAD RATIONALIZATION -
UPDATE**

- Agreement has not been reached by all parties on a model for the maintenance of roadways (curb-to-curb) that could create efficiencies and be transparent. Staff from Mississauga and Brampton prefer a model where the cities perform the maintenance duties at full cost recovery from the Region. In recent meetings of senior staff, it was determined that no cost savings would be realized through this proposed model.

Regional staff recommend a delivery option that mirrors the approach approved for the sidewalks and multi-use trails, which maintains a level of competitive dynamic in the operation. This was referred to as Option 3, where the Region would own and maintain the sidewalks and multi-use trails within the Regional right-of-way, using a combination of in-house resources, hiring contractors through a competitive process, and joint contracting with the area municipalities (billed separately). This approach has the following benefits:

- Opportunities for cost efficiencies through a competitive dynamic of all work plan aspects;
- Minimizes risk of service disruptions in the event of labour disputes or other circumstances where one or more party is unable to continue with service delivery;
- Accountability for the level of service; and,
- Consistent approach to service delivery within the Regional road right-of-way.

Similar to the way in which the Region assumed responsibility for the sidewalks and multi-use trails, staff are seeking Council's endorsement of this option for the urban roadway travelled portion (curb-to-curb) in the Regional road right-of-way.

5. Financial Considerations

The cost to maintain the regional arterial road network is approximately \$21.3 million per year or \$12,900 per lane km, with 55 per cent of those costs attributable to the winter maintenance program. This report recommends that the Region continue to maintain the arterial road network using the current program model and level of service, which is a balanced use of in house resources, contracted resources and contracting to area municipalities through agreements to achieve required service levels in the most cost effective manner. As the recommended approach to maintaining the regional arterial road network remains consistent, there is no financial impact associated with this report.

June 23, 2015
**ARTERIAL ROAD RATIONALIZATION -
UPDATE**

CONCLUSION

Regional staff will work towards completing the outstanding items from the ARRASC process by transferring jurisdiction of all roads identified in Option 4A, and finalizing the service delivery option for the urban roadway travelled portion.

The transfer of jurisdictional responsibilities for Peel and Area Municipal arterial roads will be revisited periodically, as directed by Regional Council. This will take place in conjunction with the update of the Region of Peel Long Range Transportation Master Plan (LRTP), which occurs every five years. The next LRTP update is scheduled for 2017.



Dan Labrecque, Commissioner of Public Works

Approved for Submission:



D. Szwarc, Chief Administrative Officer

APPENDICES

1. Appendix I - Approved Option 4A
2. Appendix II - Matrix of Responsibilities

For further information regarding this report, please contact Sabbir Saiyed, Manager, Transportation System Planning, extension 4352, sabbir.saiyed@peelregion.ca.

Authored By: Lindsay Edwards, Planner, extension 7874, lindsay.edwards@peelregion.ca

Reviewed in workflow by:

Financial Support Unit

6.3-7

**ARTERIAL ROAD RATIONALIZATION - UPDATE
APPENDIX I****APPROVED ARRASC- OPTION 4A ROAD TRANSFERS**

Arterial Road	Limits	Future Jurisdiction	Current Jurisdiction	Length (km)	Length (lane km)
Bolton Arterial Rd	King St to Hwy 50	Region of Peel	N/A	4.3	9.8
Coleraine Dr	Hwy 50 to King St	Region of Peel	City of Brampton / Town of Caledon	9.5	18.4
Castlemore Rd	Airport Rd to Hwy 50	Region of Peel	City of Brampton	6.2	20.8
Winston Churchill Blvd	Dundas St W to Hwy 401	Region of Peel	City of Mississauga	12.5	57.2
Kennedy Rd	Steeles Ave W to Bovaird Dr	City of Brampton	Region of Peel	6.2	25.7
Embleton Rd	Winston Churchill Blvd to Mississauga Rd	City of Brampton	Region of Peel	2.9	5.8
Mavis Rd	Steeles Ave E to Brampton/Mississauga boundary	City of Brampton	Region of Peel	2.0	8.0

13

**ARTERIAL ROAD RATIONALIZATION - UPDATE
APPENDIX II**

6.3-8

Regional Road Elements - Matrix of Responsibilities

Approved by Regional Council Resolution 2013-216 as amended by 2013-371.

Approved by Regional Council Resolution 2015-216 as amended by 2015-371.

ROW Elements	Capital/ Owner		Operations & Maintenance				Notes	Status	Anticipated Date of Comepletion
			Asset Management		Day-to-day Operations				
	Current	Future	Current	Future	Current	Future			
Rural Roadway (Travelled portion)	Peel	Peel	Peel*	Peel*	Peel*	Peel*	Includes works per above, plus ditches.	No changes requested - status quo	n/a
Boulevard	N/A	Peel	Peel/AM by agreement	Peel	Peel/ AM	Peel*	Turf and litter pick-up	Council approved upload in principle. Working Group has identified preferred option.	Fall 2015
Sidewalks	Peel/AM	Peel	AM	Peel	AM	Peel*		Council approved upload in principle. Working Group has identified preferred option.	Fall 2015
On Street Bicycle Lanes	Peel	Peel	Peel	Peel	Peel	Peel		No issues identified. Part of curb to curb design/construction/maintenance	n/a
Multi-use Trails	Peel & AM	Peel	AM	Peel	AM	Peel		Council approved upload in principle. Working Group has identified preferred option.	Spring 2016
Street Lighting	Peel & AM	Peel	AM	Peel	AM	Peel	Currently, Peel builds capital, Area municipality approves	Council approved upload in principle. Maintenance agreements being drafted	Fall 2015
Signals	Peel	Peel	Peel	Peel	Peel	Peel	Contract operations to AM's through agreement in the	Council approved contracting operations in principle. Agreements signed and implemented.	Completed
Transit lay-bys	Peel	Peel	Peel	Peel	Peel	Peel		No issues identified. Part of curb to curb design/construction/maintenance	n/a
Storm Sewers for road drainage	Peel	Peel	Peel/ AM	Peel	Peel/ AM	Peel	AM are responsible for trunk sewer services	As part of TOCP 4 work, Peel is responsible for roadway storm drainage. Peel responsibility	Completed
Sanitary/ Water	Peel	Peel	Peel	Peel	Peel	Peel		No Issues/Peel Jurisdiction	n/a
Noise Walls	Peel	Peel	Peel	Peel	Peel	Peel	Includes only noise walls currently on the Region ROW.	Meetings organzaed outside of ARRASC process to discuss issues	n/a
Urban Roadway (Travelled portion)	Peel	Peel	Peel*	Peel*	Peel*	Peel*	Includes winter maintenance, signage, pavement markings,	Terms of Reference Drafted	Ongoing
Signage	Peel	Peel	Peel & AM	Peel	Peel & AM	Peel		No Issues have been identified	n/a
Transit Infrastructure	Peel/ AM	AM	AM	AM/Transit Authority	AM	AM/Transit Authority	Bus shelters, etc.	No Issues have been identified	n/a
Utility Management	Peel	Peel/ Various	Peel	Various	Peel	Various		No Issues have been identified	n/a
Streetscaping/ Landscaping, eg. Trees	Peel/ AM	Peel	Peel/ AM	Peel	Peel/ AM	Peel	Landscaping includes trees	No Issues/Peel Jurisdiction	n/a

* Some activities associated with any element may be contracted out where appropriate.

Transit has not been included in this table. It was agreed that future integration options should be investigated at the appropriate time.

Roadways include winter maintenance, surface maintenance, sweeping, road patrols, etc.

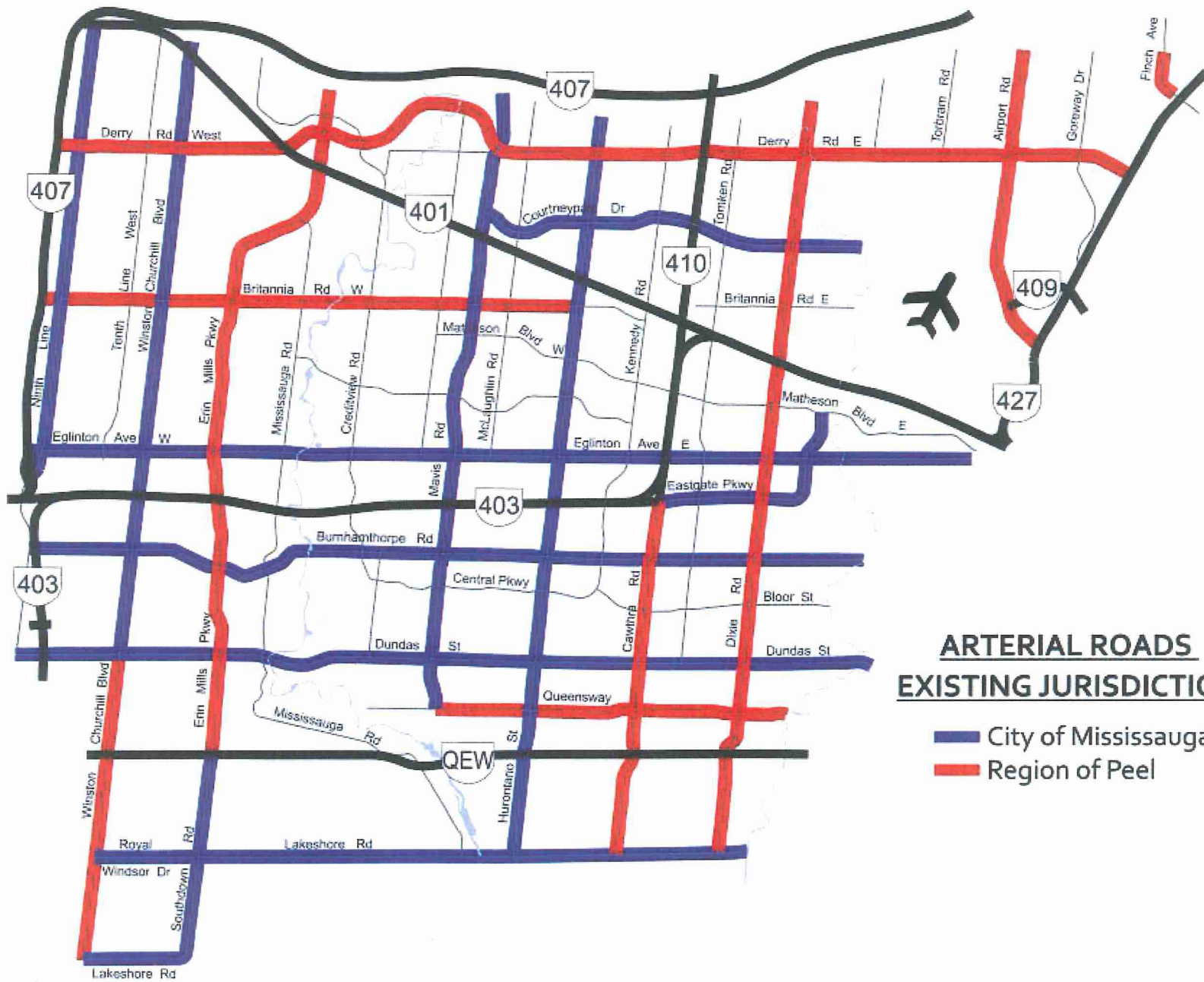
Operations – Typical day-to-day activities that add little value to the asset i.e. ploughing, sweeping, cleaning catch basins, etc.

Maintenance – Typical planned work that adds value to the asset i.e. crack sealing, tree planting, catch-basin rehab, etc.

This table has been amended from the original approved table to provide a status update and to put the items underway or complete at the top

Definitions:

AM - Area Municipality



City of Mississauga Corporate Report



<div data-bbox="630 390 1011 520"><p>General Committee</p><p>OCT 21 2015</p></div> <p>Date: October 6, 2015</p>	<p>Originator's files:</p> <p>File names</p>
<p>To: Chair and Members of General Committee</p> <p>From: Paul A. Mitcham, P. Eng., MBA Commissioner of Community Services</p>	<p>Meeting date:</p> <p>October 21, 2015</p>

Subject

Amendment to Fireworks related By-Laws to make Exceptions for Diwali and Chinese New Year Celebrations.

Recommendation

That all necessary by-laws be enacted to allow for a temporary exception that would permit the setting off of fireworks for Diwali (November) and Chinese New Year (January) in accordance with the Corporate Report dated October 6, 2015 from the Commissioner of Community Services and that the said exemption be effective as of November 1, 2015 for a period of one year.

Background

On September 16, 2015 a request was made at Council to amend all by-laws associated with the setting off of fireworks displays to make an exception for both Diwali and Chinese New Year celebrations. Currently, the relevant by-laws only make provisions for Victoria Day and Canada Day.

For example, By-Law 0293-2001 stipulates that "No person shall fire or set off any Subdivision 1 of Class 7, Division 2 Fireworks within the limits of the City of Mississauga except on the Statutory Holidays known as Victoria Day, Canada Day or any other day for which a permit has been issued by the Fire Chief and only then on their property on that day."

Comments

The exemption of Diwali and Chinese New Year from the current by-laws has very limited impact on normal Mississauga Fire and Emergency Services (MFES) day to day operations. The main concern of MFES is around public fire safety. Most fires resulting from firework displays are caused by misuse which includes such things as improper handling; improper discarding or they are placed too close to combustibles. Additionally, statistical information obtained from the Office of the Fire Marshal and Emergency Management from 2009

to 2013, with respect to fires in Mississauga indicated that there were seven (7) related to fireworks with reported property loss estimated at \$9,600.00. There were no fire deaths or injuries related to these incidents.

Statistics for the Province of Ontario during the same time period indicated there were a total of 121 reported fires having property loss estimated at \$2,000,000. There were also 48 fires with no property loss. In order to mitigate concerns surrounding the misuse of fireworks, MFES would engage in a direct public education campaign consisting of media messaging in the days leading up to each holiday. Information would include tips on safe handling, storage and lighting of fireworks.

The City of Mississauga Compliance and Licensing Enforcement section has received fifteen (15) fireworks related complaints since 2010 and Security Services has reported a total of one hundred and thirty six (136) fireworks related incidents during that same time period. Below is the breakdown:

Compliance and Licensing:

Year	Number of Complaints
2010	1
2011	2
2012	2
2013	3
2014	3
2015	4
Total	15

Security Services:

Year	Number of Incidents
2010	28
2011	31
2012	15
2013	19
2014	20
2015	23
Total	136

In 2014, of the total 48,103 complaints received by Enforcement only 3 were related to fireworks. The expectation is that any issues that arise from this exception will be assessed, and staff will review with members of the Diversity and Inclusion Advisory Committee (DIAC) prior to any permanent changes being made to the applicable by-laws. Municipalities such as Brampton, Milton and Waterloo currently include Diwali in their existing fireworks by-laws and will be examined along with other municipalities to ensure any changes consider industry best practice.

Financial Impact

The creation of public education messaging may have a minimal financial impact as well as implications related to licensing, inspection and by-law enforcement staff workload.

Conclusion

As fireworks account for less than 1% of the fires in both the City of Mississauga and the Province on Ontario, the concern regarding general fire safety issues is relatively minimal. The current by-law 0293-2001 requires

a permit to be obtained from Fire and Emergency Services for all fireworks displays with the exception of Victoria Day and Canada Day; however MFES has no immediate fire safety concerns with making exceptions for both Diwali and Chinese New Year for a one year period.



Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

Prepared by: Tracey Martino, Executive Officer, Mississauga Fire and Emergency Services

City of Mississauga Corporate Report



<p>Date: September 28, 2015</p> <p>To: Chair and Members of General Committee</p> <p>From: Martin Powell, P. Eng. Commissioner of Transportation and Works</p>	<p>General Committee OCT 21 2015</p> <p>Originator's files: MG.23.REP RT.10.Z-36W</p> <p>Meeting date: October 21, 2015</p>
--	---

Subject

Lower Driveway Boulevard Parking - Woodchase Crescent (Ward 5)

Recommendation

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at any time on the west, north and east side (outer circle) of Woodchase Crescent.

Background

The Transportation and Works Department received a completed petition from an area resident to implement lower driveway boulevard parking on the west, north and east side (outer circle) of Woodchase Crescent. A sidewalk is present on the west, north and east side of the roadway and lower driveway boulevard parking between the curb and sidewalk is currently prohibited. Currently, three-hour parking is permitted on Woodchase Crescent.

Comments

To determine the level of support for lower driveway boulevard parking between the curb and sidewalk, a parking questionnaire was distributed to the residents of Woodchase Crescent.

Thirty-seven (37) questionnaires were delivered and 10 (27%) were returned; 7 (70%) supported the implementation of lower driveway boulevard parking and 3 (30%) were opposed. Since greater than 66% of the total respondents support lower driveway boulevard parking, the Transportation and Works Department recommends implementing lower driveway boulevard parking between the curb and sidewalk, at any time, on the west, north and east side (outer circle) of Woodchase Crescent.

The Ward Councillor supports the proposal for lower driveway boulevard parking. The existing three-hour on-street parking will be maintained.

3a

Financial Impact

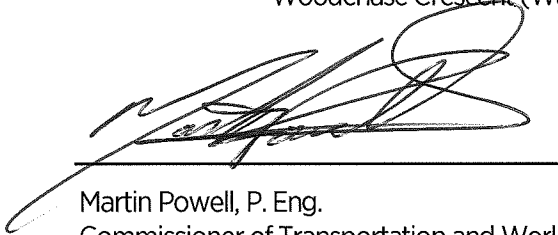
Costs for the sign installation can be accommodated in the 2015 Current Budget.

Conclusion

Based on the results of the questionnaire, the Transportation and Works Department supports lower driveway boulevard parking between the curb and sidewalk, at any time, on the west north, and east side (outer circle) of Woodchase Crescent.

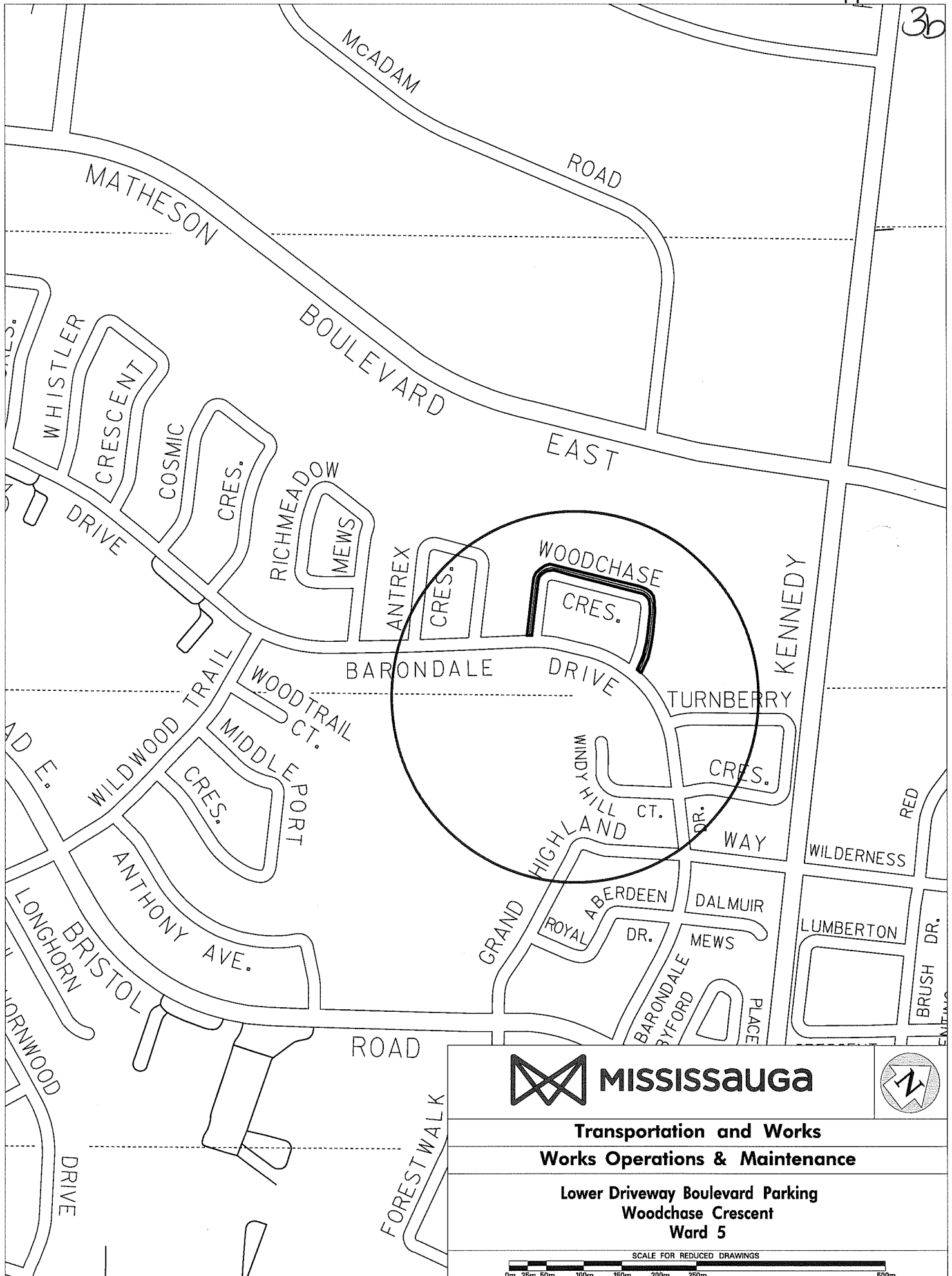
Attachments

Appendix 1: Location Map: Lower Driveway Boulevard Parking -
Woodchase Crescent (Ward 5)



Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared by: Wasan Yonan, Traffic Operations Technician



City of Mississauga Corporate Report



<p>Date: September 28, 2015</p>	<p>Originator's files: MG.23.REP RT.10.Z-56</p>
<p>To: Chair and Members of General Committee</p> <p>From: Martin Powell, P.Eng. Commissioner of Transportation and Works</p>	<p>Meeting date: October 21, 2015</p>

Subject

U-Turn Prohibition on Plum Tree Crescent (Ward 9)

Recommendation

That a by-law be enacted to amend By-law 555-2000, as amended, to implement a U-Turn prohibition on Plum Tree Crescent for both directions between a point 135 metres (443 feet) west of Vanderbilt Road (north intersection) and a point 250 metres (820 feet) west of Vanderbilt Road (south intersection).

Background

The Transportation and Works Department is in receipt of a safety concern from the Ward Councillor for students attending Plum Tree Park School located at 6855 Tenth Line West regarding motorists conducting a three-point-turn on Plum Tree Crescent. The observations conducted by Traffic Operations staff revealed that a number of motorists are performing three-point-turns on the above-mentioned section of Plum Tree Crescent during the admission and dismissal times at Plum Tree Park School.

Comments

It was determined that these three-point-turns are being performed during times of increased traffic volumes at Plum Tree Park School as a means of avoiding vehicle queues. Designating a U-Turn prohibition on this section of Plum Tree Crescent should discourage the execution of three-point-turns and possible U-Turns, and should increase the overall level of safety in the area. The Transportation and Works Department therefore supports a U-Turn prohibition on Plum Tree Crescent for both directions between a point 135 metres (443 feet) west of Vanderbilt Road (north intersection) and a point 250 metres (820 feet) west of Vanderbilt Road (south intersection).

Financial Impact

Costs for the signs installation can be accommodated in the 2015 Current Budget.

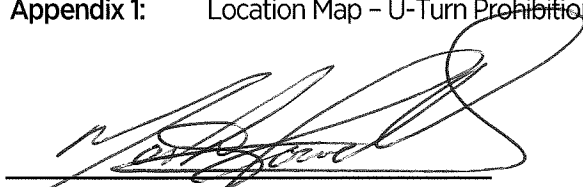
4a

Conclusion

The Transportation and Works Department supports the implementation of a U-Turn prohibition on Plum Tree Crescent for both directions between a point 135 metres (443 feet) west of Vanderbilt Road (north intersection) and a point 250 metres (820 feet) west of Vanderbilt Road (south intersection).

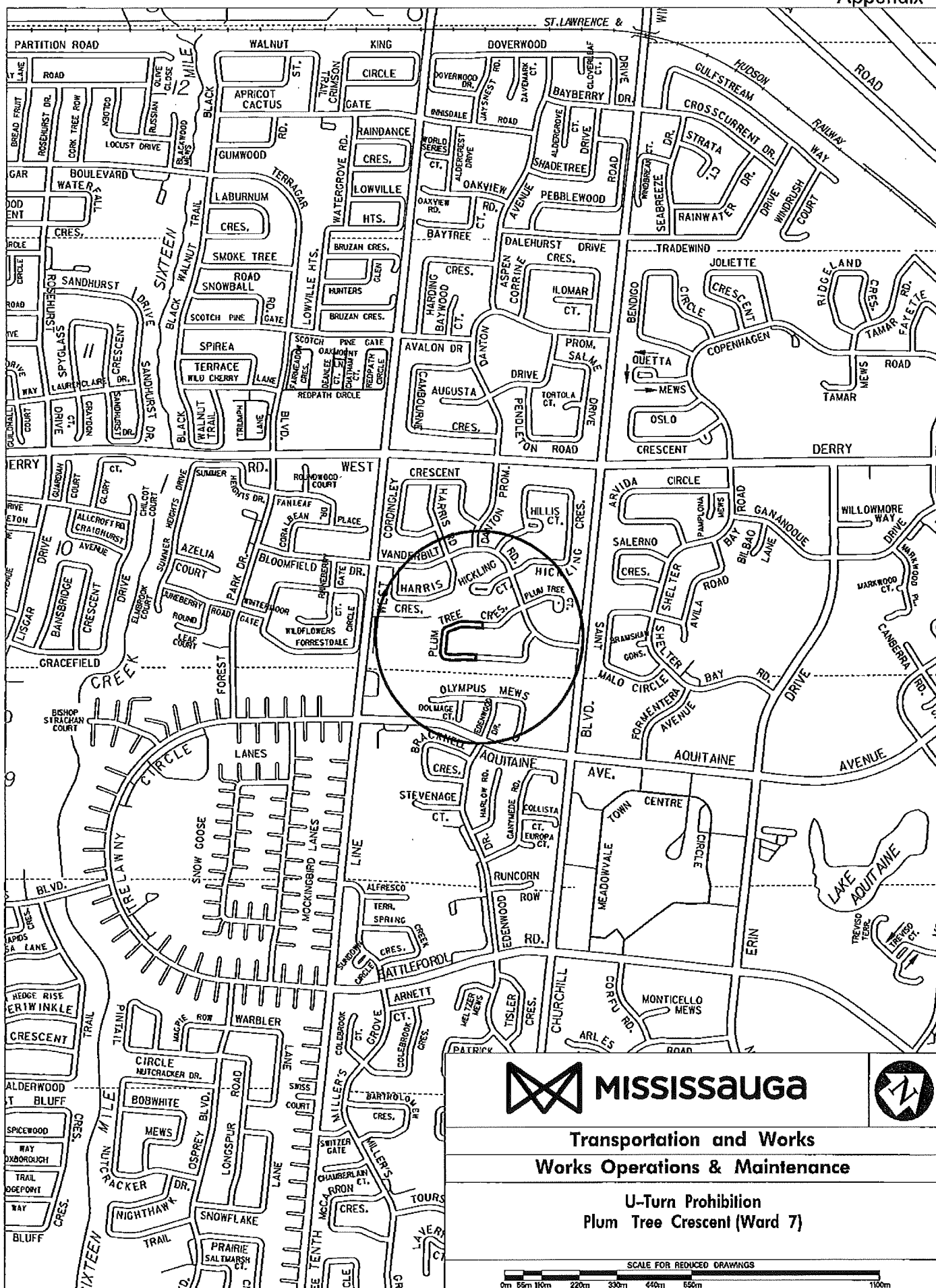
Attachments

Appendix 1: Location Map – U-Turn Prohibition – Plum Tree Crescent (Ward 9)

A handwritten signature in black ink, appearing to read 'Martin Powell', is written over a horizontal line.

Martin Powell, P. Eng.
Commissioner of Transportation and Works

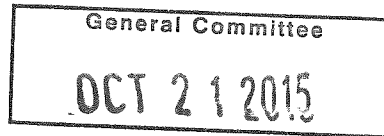
Prepared by: Alex Liya, Traffic Operations Technician



City of Mississauga Corporate Report



<p>Date: September 29, 2015</p>	<p>Originator's files: MG.23.REP RT.10.Z-13</p>
<p>To: Chair and Members of General Committee</p> <p>From: Martin Powell, P. Eng. Commissioner of Transportation and Works</p>	<p>Meeting date: October 21, 2015</p>



Subject

Parking Prohibition - Haines Road (Ward 1)

Recommendation

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement no parking at any time on both sides of Haines Road between Queensway East and Dundas Street East.

Background

The Transportation and Works Department is in receipt of a concern from a local business owner with respect to parking on Haines Road. Haines Road is a local collector (industrial use) roadway which operates with one lane per direction and a centre line. A railway crossing is located 175 metres (574 Feet) south of Dundas Street East.

Comments

Transportation and Works staff recently conducted observations to assess the parking situation on Haines Road. The observations revealed no vehicles parking on the roadway at the time of the review, but revealed many heavy vehicles utilizing the roadway to access local companies. Should passenger vehicles or heavy vehicles park on Haines Road, heavy vehicles would experience difficulties manoeuvring in and out of the driveways. Parked vehicles would also make the roadway too narrow to allow for safe two-way traffic when heavy vehicles are present on the roadway.

The Ward Councillor supports the proposal for no parking at any time on both sides of Haines Road between Queensway East and Dundas Street East.

Financial Impact

Costs for the sign installation can be accommodated in the 2015 Current Budget.

5a

Conclusion

Based on the road characteristics, road classification and the potential for operational safety concerns, the Transportation and Works Department recommend prohibiting parking on both sides of Haines Road.

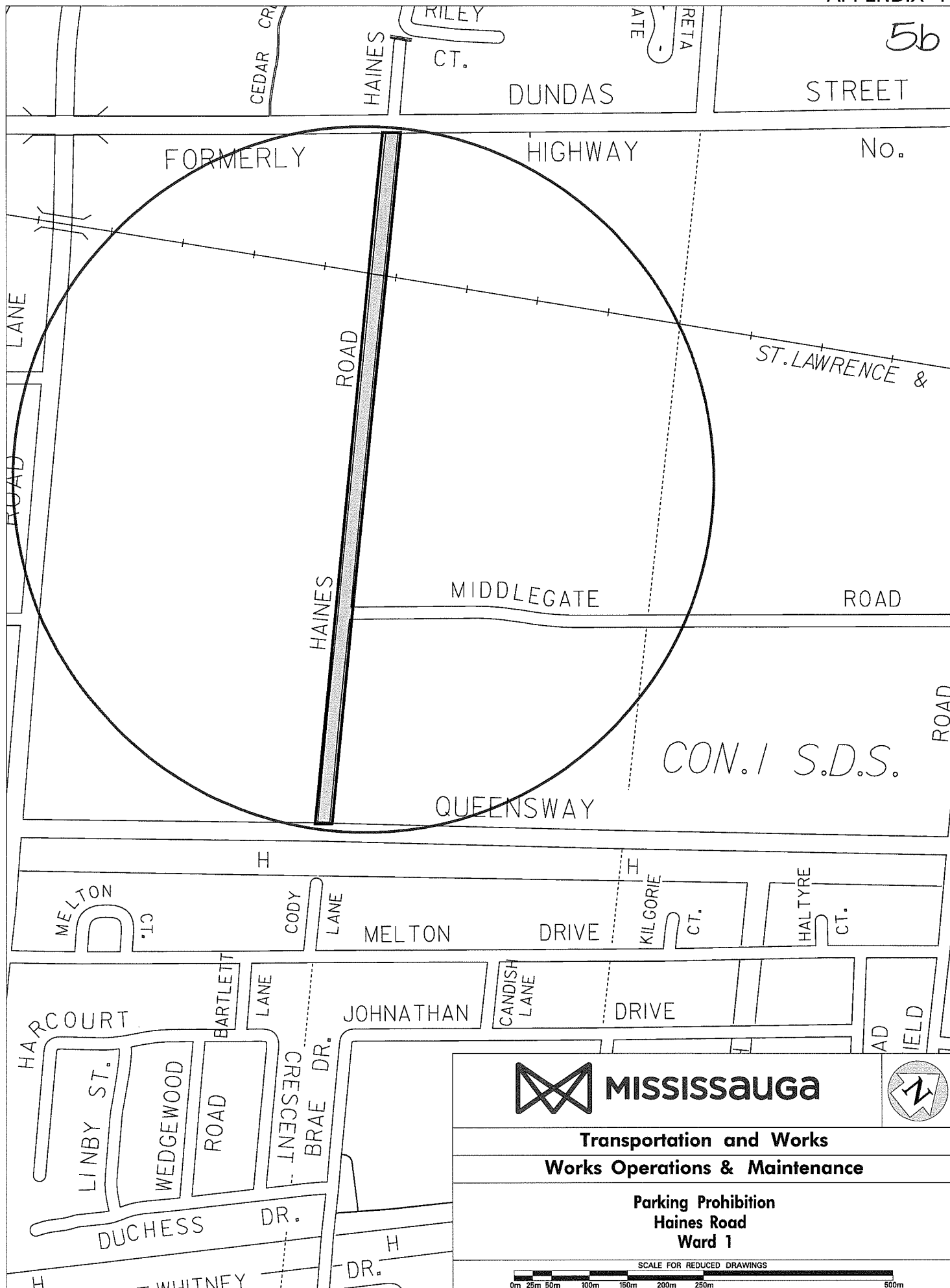
Attachments

Appendix 1: Location Map: Parking Prohibition - Haines Road (Ward 1)

A handwritten signature in black ink, appearing to read 'Martin Powell', is written over a horizontal line.

Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared by: Vivian Mansour, Traffic Operations Technician



5b

STREET

No.

ST. LAWRENCE &

ROAD

CON.1 S.D.S.

QUEENSWAY

MELTON CT.

CODY LANE

MELTON

DRIVE

KILGORE CT.

HALTYRE CT.

HARCOURT

LINBY ST.

WEDGEWOOD

ROAD

CRESCENT

BRAE DR.

DUCHESS

DR.

WHITNEY

DR.

JOHNATHAN

CANDISH LANE

DRIVE

AD FIELD



MISSISSAUGA



Transportation and Works
Works Operations & Maintenance

Parking Prohibition
Haines Road
Ward 1

SCALE FOR REDUCED DRAWINGS

0m 25m 50m 100m 150m 200m 250m 500m

City of Mississauga Corporate Report



<div>General Committee OCT 21 2015</div>		Originator's files: MG.23.REP RT.10.Z-23
Date:	September 29, 2015	
To:	Chair and Members of General Committee	
From:	Martin Powell, P. Eng. Commissioner of Transportation and Works	Meeting date: October 21, 2015

Subject

Parking Prohibition - Stainton Drive (Ward 6)

Recommendation

That a by-law be enacted to amend the Traffic By-law 555-00, as amended, to implement no parking at any time on the east side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof.

Background

The Transportation and Works Department is in receipt of a concern from an area resident with respect to parking on Stainton Drive; where 15-hour parking anytime is permitted on the west side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof. Three-hour anytime parking is currently permitted on the east side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof.

Comments

City Policy states that on a standard local street, should 15-hour parking be in effect, parking would need to be prohibited on the opposite side.

The Ward Councillor supports the proposal for No parking at any time on the east side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof.

Financial Impact

Costs for the sign installation can be accommodated in the 2015 Current Budget

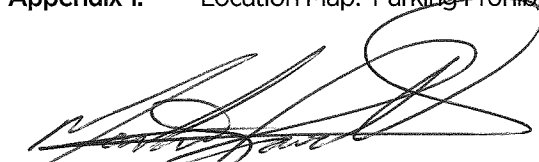
6a

Conclusion

In accordance with City policy, staff recommends prohibiting parking on the east side of Stainton Drive between Forestwood Drive and a point 89 metres (292 feet) southerly thereof.

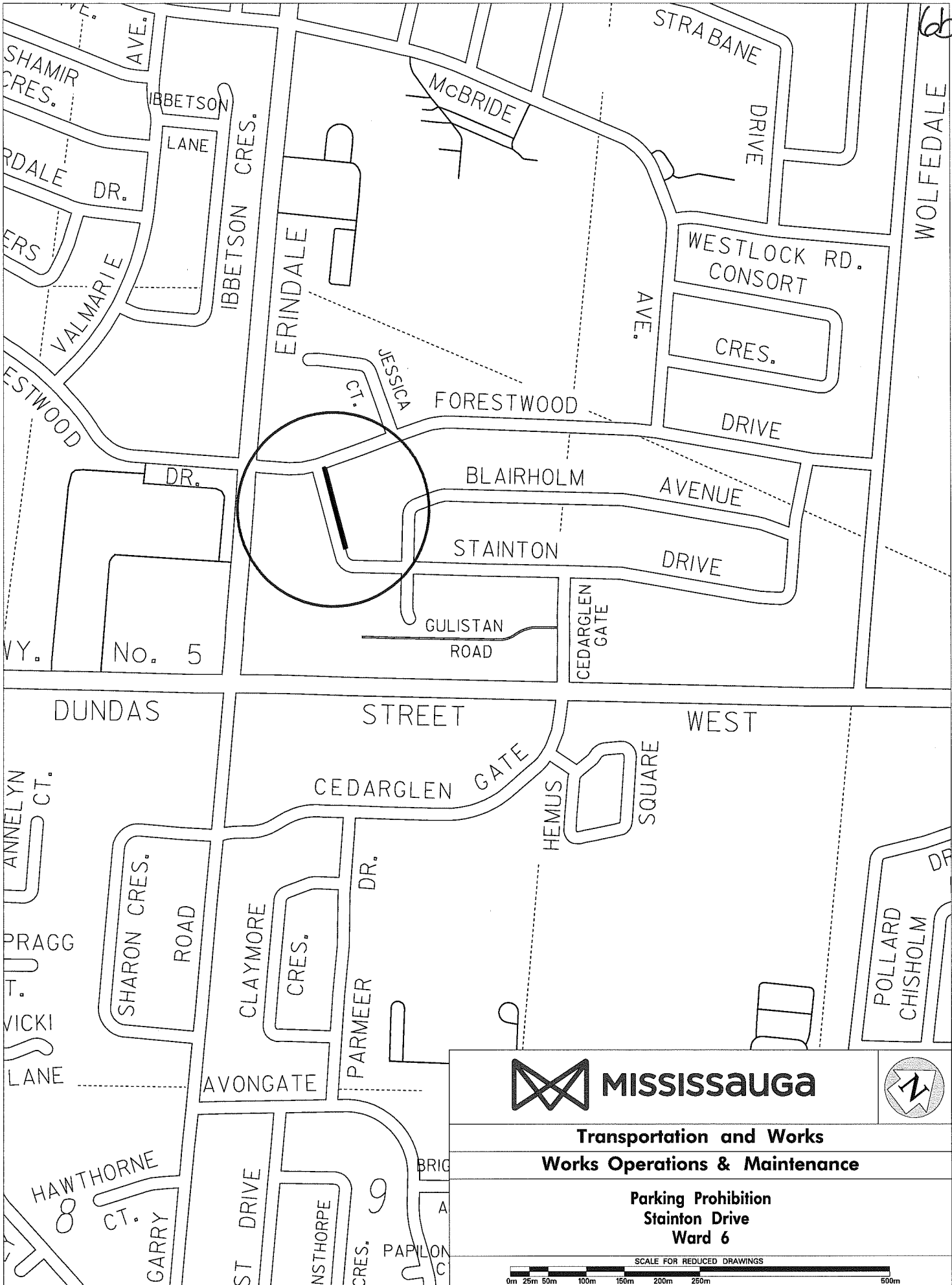
Attachments

Appendix 1: Location Map: Parking Prohibition - Stainton Drive (Ward 6)



Martin Powell, P. Eng.
Commissioner of Transportation and Works

Prepared by: Vivian Mansour, Traffic Operations Technician



City of Mississauga Corporate Report



<div>General Committee</div> <div>OCT 21 2015</div>		Originator's files:
Date: September 21, 2015		File names
To: Chair and Members of General Committee		Meeting date:
From: Paul A. Mitcham, P. Eng., MBA Commissioner of Community Services		October 21, 2015

Subject

Candidate Testing Services Recruit Hiring Process

Recommendation

That the Commissioner of Community Services and City Clerk be authorized, on behalf of The Corporation of the City of Mississauga (the "City") to enter into an agreement with Ontario Fire Administration Incorporated, for the purpose of conducting Candidate Testing Services in a form satisfactory to the City Solicitor.

Report Highlights

- Mississauga Fire and Emergency Services (MFES) hire approximately 10 to 15 new fire fighters annually.
- Every 2 to 3 years MFES, in conjunction with Human Resources, conducts a testing procedure to develop a list of qualified candidates.
- The Candidate Testing Services (CTS) program will manage the testing of candidates.
- This will reduce the amount of time and resources required to facilitate the fire recruit hiring process.
- This program is recognized by the Ontario Municipal Human Resources Association as a viable option for candidate testing.

Background

In 2013 the Ontario Association of Fire Chiefs created the Ontario Fire Administration Incorporated (OFAI)-Candidate Testing Services. Through the OFAI, potential candidates complete a three stage testing program. Successful candidates are provided with a certificate that would be presented to MFES with their application for a fire fighter position.

Present Status

Mississauga Fire & Emergency Services (MFES) hires approximately 10 to 15 fire fighters annually. In the current process every 2 to 3 years Human Resources carries out a process of testing approximately 2500 to 3000 applicants. The successful applicants are placed on a waiting list. MFES draws from that list as needed, after reviewing education, training and skill level.

Candidates are charged a fee for application (most recently \$180 plus HST) which assists in offsetting the recruitment administrative and testing costs. However, this cost is a significant one and discourages qualified candidates who cannot afford to apply to municipalities, with similar fees. Our recruitment process currently consists of an on-line application process, a skills inventory assessment and a written aptitude test. Candidates who are successful in achieving 70% or higher on the written test are placed in a recruitment pool.

MFES then selects applications from the candidate pool, reviews their education, experience and training and conducts interviews. After the interview process, potential recruits are shortlisted and sent to York University for medical, physical and swim testing. Successful candidates are further shortlisted for consideration by senior staff.

Comments

Using the OFAI Candidate Testing Services, potential recruits will participate in written testing, psychological profiling, as well as medical and physical testing and a skills evaluation. The skills evaluation tests candidates to ensure they have a basic skillset required to be a fire fighter. A unique, numbered certificate is then issued.

The principal benefit of this program is that it reduces the amount of staff time are required to coordinate and arrange the testing processes and streamlines the path toward the interview process. As OFAI will have already ensured the completion of written testing, medical screening, clinical assessment, physical abilities testing as well as a technical skills assessment, City staff will only be required to review the candidates' applications, conduct interviews and perform reference checks. The candidate is only responsible for paying fees to the OFAI to be considered for employment by multiple municipalities. This will ensure a greater amount of qualified candidates as the overall cost to apply has decreased. As well, City Human Resources staff will no longer need to invest in the time consuming and costly task of coordinating and arranging the testing for between 2,000 to 3,000 candidates.

The OFAI will have the exclusive responsibility to test fire fighter candidates. They will coordinate all the logistics and accept all the responsibility related to the testing.

7b

An area of opportunity identified in the MFES 2016-2018 Business Plan speaks to building partnerships with community groups. An important part of this initiative is to encourage young people in all communities to consider a career in the fire service. Part of the OFAI program is to assist with community outreach programs and help fire departments reach broader and more diverse communities. This will be part of the overall diversity initiatives utilized specifically to increase the participation of women and diverse communities in considering Firefighting as a career with the City of Mississauga. The City of Toronto, The City of Brampton and The City of Kitchener are currently utilizing this program for recruit testing.

MFES and Human Resources in conjunction with legal services are working with OFAI to produce a draft agreement. The following is a summary of the significant terms and conditions of the draft agreement:

- OFAI is engaged in the business of testing, either directly or through third parties, prospective candidates wishing to become fire fighters in the Province of Ontario;
- Each such prospective candidate who has successfully completed all phases of the testing program developed and offered by OFAI (the “OFAI Program”), will be accredited and receive a certificate from OFAI (the “OFAI Certificate”);
- The OFAI Program is intended to standardize the candidate testing with respect to the hiring of firefighters;
- The OFAI and the City wish to enter into this Agreement to ensure that all firefighter applicants for the City of Mississauga hold a current and valid OFAI Certificate (the “OFAI Certified Candidates”);

OFAI shall, throughout the Term, as part of the OFAI Program, test and/or assess prospective candidates according to the following three (3) stages of assessment:

- Stage 1: Written Fire Selection Testing (currently National Fire Select Test)
- Stage 2: Medical Assessment, Clinical Assessment and CPAT Orientation
- Stage 3: CPAT, Firefighter Technical Skills Assessment

Candidates that successfully complete the three stages will receive an OFAI Certificate.

OFAI shall, throughout the Term, post recruitment notices from the City on the OFAI website and notify all OFAI Certified Candidates of such posted recruitment notices.

Financial Impact

There is no cost to the City of Mississauga to utilize this program. Historically the City has charged approximately \$180 per Firefighter applicant. As most candidates seeking full time Firefighter employment make applications to multiple municipalities the average cost to the individual applicant will be reduced through the OFAI program. Through the OFAI program and reduced overhead costs the City's Human Resources Division will see a savings in administrative costs.

7c

Conclusion

The OFAI program will reduce the amount of staff time allocated to the recruit hiring process and, at the same time, ensure MFES has a pool of high quality candidates. This agreement will enhance our pool of prospective candidates, align the City with other Municipalities' practices, and reduce the cost to applicants as well as City staff costs. To that end, MFES and Human Resources jointly recommend that the City consider this program for the recruit hiring process.



Paul A. Mitcham, P. Eng., MBA
Commissioner of Community Services

Prepared by: Tim Beckett, Fire Chief, MFES

City of Mississauga Corporate Report



<div>General Committee OCT 21 2015</div>		Originator's files: CD.10.062
Date: October 5, 2015		
To: Chair and Members of General Committee		Meeting date: October 21, 2015
From: Paul A. Mitcham, P.Eng., MBA Commissioner of Community Services		

Subject

Minor Variance Application to the Committee of Adjustment seeking a reduction in required parking for the Malton Community Centre.
3540 Morning Star Drive
(Ward 5)

Recommendation

That the Community Services Department be authorized to submit a minor variance application to the Committee of Adjustment to permit the reduction of required parking for the Malton Community Centre for the purposes of providing required parking for YMCA staff operating the child care centre.

Report Highlights

- The City currently has a commercial lease agreement with the YMCA for the use of Day Care space since March 2014.
- The Region of Peel had previously operated a day care centre for over 30 years at the Malton Community Centre location but withdrew from the direct delivery of the child care program in early 2014.
- The YMCA has retrofitted the space to accommodate younger children between the ages of 0 months – 3.5 years.
- The addition of infant care requires more staff to be available as the ratio is lower for these age groups. As a result, the expansion of operations has created a need for additional day care centre parking spaces which is not in compliance with the Zoning by-law.
- In order for the YMCA to obtain an infant care license through the Ministry of Education all zoning requirements must be met.

- The minor variance would reduce required parking for the Malton Community Centre to permit 3 parking spaces for day care staff.
- A minor variance is required to permit a total of 173 parking spaces on the subject property whereas a minimum of 176 parking spaces are required.

Background

For over 30 years the Region of Peel operated a Learn.Play.Care Child Care Centre in Malton Community Centre (see Appendix 1).

On September 13th, 2012 Regional Council approved a recommendation to begin a withdrawal from the direct delivery of Child Care programming in Peel. This reduction of service in the child care system was a result from the Province's commitment to full day kindergarten. Subsequently, a total of 12 child care centres were identified for closure, 5 of which are located in Mississauga including Malton Community Centre.

In response, a Task Force was formed to help guide the future delivery of child care services by seeking alternative service providers to ensure a smooth transition for families.

By early 2014 the Morning Star location was closed down and the YMCA of Greater Toronto leased the space to continue its child care functions in March of the same year.

Present Status

The YMCA of Greater Toronto has been operating the child care centre for a year and a half under a 5 year commercial lease agreement with the City that is set to expire on February 28th, 2019.

Since taking over the service, the YMCA has retrofitted the space to accommodate younger children between the ages of 0 months - 3.5 years. Licensed infant care is currently in high demand in the Malton Community and this renovation will help to address the shortage. With the addition of this service more staff is required as the ratio is lower for this age group. As a result, the expansion of operations has created a need for additional parking spaces but current zoning approval allows for only 8 parking spaces, which is not in compliance with the Zoning By-law. In order for The Ministry of Education to grant the infant care license the YMCA must comply with zoning's parking requirements.

Presently, Malton Community Centre requires 173 parking spaces and the Community Centre has 173 parking spaces; resulting in no "surplus" spots available to the YMCA.

The existing commercial lease agreement with the YMCA does not specify the required number of parking spaces; it only states that "Tenant employees and persons having business with the Tenant may use the public parking area adjacent to the Building on a first come, first served basis in common with all others

entitled thereto. No overnight parking is permitted. The Tenant shall also comply with any future parking policy as may be established by the Landlord" (Section 16.11).

Standing agreements between the City and the School Board and St. Mark's Presbyterian Church have also been identified and reviewed. St. Mark's Church immediately east of the Community Centre has entered into a Shared Parking Facility Agreement with the City that is in effect till 2028. Staff also identified a joint use agreement with Lincoln M. Alexander School still in effect although the pool is no longer operational. However, both agreements would not absolve the YMCA from applying to Committee of Adjustment for a minor variance to address the deficiency in parking.

Comments

In order for the YMCA to be granted an Infant Care License from the Ministry of Education the matter of insufficient parking needs to be dealt with.

Current Zoning parking standards are calculated based on the area of the day care space, resulting in a requirement higher than the 8 parking spaces presently allocated. In this instance the day care is 448.1 m², and based on a parking rate of 2.5/100 m² the new required parking is 11 spaces – an increase of 3. Since Malton Community Centre's 173 total parking spaces already meet the requirements for the existing land uses, the additional 3 parking spots cannot be provided within the existing site according to the Zoning By-law, triggering a parking deficiency.

Therefore, a minor variance is required to permit a total of 173 parking spaces on the subject property, whereas a minimum of 176 spaces are required.

The City will be submitting the variance application on behalf of the YMCA.

Strategic Plan

Mississauga's Strategic Plan under the "Connect" pillar states that we are to develop safe neighbourhoods that nurture and support a strong, connected and vibrant community. The objective is to link neighbourhoods that offer social, civic and recreational experiences accessible to all. This proposal will help to maintain Early Learning and Child Care in our Community Centres by helping to complete our neighbourhoods.

Financial Impact

Not applicable at this time.

Conclusion

That the Community Services Department be authorized to submit a minor variance application on behalf of the YMCA to the Committee of Adjustment to permit the reduction of required parking spaces for the Malton Community Centre for the purposes of addressing the association's deficiency in parking.

8c

Attachment

Appendix 1: YMCA – Morning Star Child Care Centre – Malton Community Centre



Paul A. Mitcham, P.Eng., MBA
Commissioner of Community Services

Prepared by: Roger da Cunha, Planner, Park Planning, Community Services



Malton Community Centre/YMCA - Day Care Parking

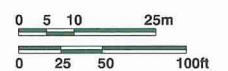
- YMCA Child Care Centre
- St. Mark's Presbyterian Church
- Lincoln M. Alexander Secondary School

--- Property Line



FILE NUMBER:
ELMCREEK PARK (P-062)

SCALE:



MISSISSAUGA

Produced by T&W, Geomatics

City of Mississauga Corporate Report



9.

<p>Date: September 30, 2015</p> <p>To: Chair and Members of General Committee</p> <p>From: Gary Kent Commissioner of Corporate Services and Chief Financial Officer</p>	<p>Originator's files:</p> <p>File names</p> <p>Meeting date:</p> <p>October 21, 2015</p>
---	---

Subject

Proposed Revisions to Circulation Distances for Committee of Adjustment Applications for Sensitive Land Uses

Recommendation

1. That notwithstanding the Public Notice requirements included in the Planning Act, additional notice be provided for any Committee of Adjustment application seeking relief for the separation distance identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended, in accordance with the separation distance identified in the Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.
2. That the cost of the additional notification of property owners beyond the statutory 60.0m (196.85ft.) circulation area be the actual cost of the additional properties circulated and be borne by the applicant.
3. That the Planning Act Fees and Charges By-law 0246-2015, be amended, to reflect the additional fee requirement for circulation of applications that seek relief from a separation distance identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.
4. That Corporate Policy 07-06-01 on Committee of Adjustment Applications be amended to reflect the additional circulation area based on the separation distances identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.

Report Highlights

- A request was received from General Committee to review a policy to expand the notice area for Committee of Adjustment Applications from 60.0m (196.85ft.) to 800.0m (2624.67ft.) for sensitive land use applications and report back to General Committee.
- Committee of Adjustment staff undertook a review of Corporate Policies and Procedures and Planning Act requirements and financial costs associated with an expanded circulation area for certain applications.

- Staff recommend increasing circulation distance for variance applications seeking relief from the separation distances identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended.
- Staff recommend revisions to Corporate Policy 07-06-01, Committee of Adjustment Applications to reflect the expanded notice circulation area based on the separation distances identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended and amend Planning Act Fees and Charges By-law 0246-2015 to reflect the additional costs of circulation.

Background

At the General Committee meeting of March 25, 2015, Recommendation GC-0193-2015 was adopted by General Committee requesting that the Committee of Adjustment staff review a policy to expand the notice area for Committee of Adjustment Applications from 60.0m (196.85ft.) to 800.0m (2624.67ft.) for sensitive land use applications and report back to General Committee.

On January 22, 2015, an application for a waste transfer station and waste processing station came before the Committee of Adjustment under File 'A' 53/15 at 2520 Haines Road being within 800.0m (2624.67ft.) of a residential zone. The matter was circulated in accordance with the Planning Act regulations and City Policy and comments were received and the matter was deferred to March 5, 2015 to address some Transportation & Works Department concerns identified in their comments. When the matter returned on March 5, 2015, two requests to circulate residents beyond the Planning Act Regulation limits were received from Councillor Tovey and Councillor Fonseca. The requested expanded notification area was to provide notice within the 800.0m (2624.67ft.) separation distance identified in the zoning requirement and encompassed residents in Wards 1 & 3. The Committee agreed to increase the circulation area based on the requests of the Ward Councillors and deferred the application to March 26, 2015 to allow for that greater circulation to property owners with 800.0m (2624.67ft.) of the property at 2520 Haines Road.

On March 26, 2015, the applicant requested a further deferral of the matter to address some further technical requirements of the Transportation & Works Department. The matter was further deferred to June 11, 2015 and a further notification of property owners was circulated for the June 11th, 2015 meeting. The matter was subsequently withdrawn from the June 11th meeting as they did not wish to proceed with the request.

Present Status

Currently, Minor Variance Applications are circulated in accordance with Ontario Regulation 200/96, Section 3(2)1 which sets out the prescribed notification area which requires giving notice by personal service or prepaid first class mail to every owner of land within 60 metres (196.85 feet) of the area to which the application applies. In addition, Corporate Policy 07-06-01, Minor Variance Applications, references the *Planning Act* Ontario Regulation 200/96 and identifies the same 60.0m (196.85ft.) notification area.

Comments

In reviewing possible options, Committee of Adjustment staff undertook a review of Zoning By-law 0225-2007, as amended, as it related separation distances for land uses to a residential zone and found that under Section 2.1.2. Minimum Separation Distances from Residential Zones and Other Restrictions, a table has been

9b

Originators files: File names

included which clearly identifies various land use types with specific separation distance to a residential zone. Table 2.1.2.1.1 illustrated below outlines various separation distances for certain uses to a residential zone.

Table 2.1.2.1.1 - Minimum Separation Distance

Column A		B
Line	Use	Minimum Separation Distance
1.0	Restaurant	60.0 m (196.85ft.)
2.0	Convenience Restaurant	60.0 m (196.85ft.)
3.0	Take-out Restaurant	60.0 m (196.85ft.)
4.0	Animal Boarding Establishment	120.0 m (393.70ft.)
5.0	Adult Entertainment Establishment	800.0 m (2624.67ft.)
6.0	Body-Rub Establishment	800.0 m (2624.67ft.)
7.0	Adult Video Store	800.0 m (2624.67ft.)
8.0	Night Club	800.0 m (2624.67ft.)
9.0	Amusement Arcade	800.0 m (2624.67ft.)
10.0	Composting Facility	800.0 m (2624.67ft.)
11.0	Waste Processing Station	800.0 m (2624.67ft.)
12.0	Waste Transfer Station	800.0 m (2624.67ft.)
13.0	Propane storage tank with an aggregate capacity in excess of 7 571 litres	120.0 m (393.70ft.)
14.0	Motor Vehicle Body Repair Facility (Accessory)	15.0 m (49.21ft.)
15.0	Crematorium (0028-2013/OMB Order 2014 July 16)	300.0 m (984.25ft)

Requests for variances to the separation distance for the land uses in lines 1-3 and 14 would be provided notice in accordance with the existing process. Notice of applications for amendments to all other separation distances could be addressed by providing additional notice in accordance with the separation distance identified in the table.

Financial Impact

In reviewing the costs of the additional circulation undertaken for Committee of Adjustment File 'A' 53/15, 2520 Haines Road from the regulated 60.0m (196.85ft.) circulation distance to the 800.0m (2624.67ft.) distance, significant cost increases were experienced. When taking into consideration printing costs (including paper), postage, envelopes and staff time the actual cost of those properties circulated from the 60.0m (196.85ft.) distance to the 800.0m (2624.67ft.) distance was approximately \$1010.00. 948 total notices were circulated versus the original circulation of 18 properties. As the recirculation of the notice occurred twice for

Gc

the 800.0m (2624.67ft.) distance, the total expenditure for the March 26th and June 11th meeting was \$2020. The current application fee which includes the cost of circulation up to 60.0m (196.85ft.) is \$1325.00 and would not cover the cost of an extended circulation to 800.0m (2624.67ft.). To cover the additional costs of circulation it is proposed that the applicant pay the actual costs for circulation for those properties between 60.0m (196.85ft.) and the distance identified in Table 2.1.2.1.1 for the use requested. All financial costs of the circulation will be borne by the applicant with no financial impact on the City. As a result, the Planning Act Fees and Charges By-law should be amended to include this.

Conclusion

Expanding the circulating of Committee of Adjustment applications for relief from the separation distances identified in Table 2.1.2.1.1 of Zoning By-law 0225-2007, as amended, would ensure that those residential properties that are currently not circulated based on the Planning Act requirements are provided notice of an application. The additional circulation costs should be borne by the applicant and would represent the actual cost of the additional circulation area from the statutory 60.0m (196.85ft.) to the separation distance identified for the use requested in Table 2.1.2.1.1

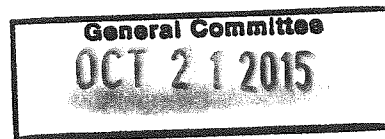


Gary Kent
Commissioner of Corporate Services and Chief Financial Officer

Prepared by: David L. Martin, Manager of Vital Statistic & Secretary Treasurer, Committee of Adjustment

City of Mississauga

Corporate Report



10

<p>Date: October 7, 2015</p> <p>To: Chair and Members of General Committee</p> <p>From: Mary Ellen Bench, BA, JD, CS City Solicitor</p>	Originator's files:
	Meeting date: October 21, 2015

Subject

Municipal Act, 2001, Five-Year Provincial Review

Recommendation

1. That the report titled "*Municipal Act, 2001, Five-Year Provincial Review*" by the City Solicitor be received for information;
2. That staff be authorized to make submissions to the Ministry of Municipal Affairs and Housing to propose amendments to the *Municipal Act, 2001* as outlined in this report from the City solicitor, titled "*Municipal Act, 2001, Five-Year Provincial Review*"; and
3. That the report from the City Solicitor, titled "*Municipal Act, 2001, Five-Year Provincial Review*" be forwarded to the Minister of Municipal Affairs and Housing, all local MPPs and the Association of Municipalities of Ontario (AMO) for their information.

Report Highlights

- The Ministry of Municipal Affairs and Housing is conducting its 5-year review of the *Municipal Act, 2001* and is seeking comments from municipalities and stakeholders.
- In 2006, new permissive taxing authority was granted to the City of Toronto in the *City of Toronto Act, 2006* but was not extended to municipalities generally through amendment to the *Municipal Act, 2001*. The new tax tools extended to Toronto provide an additional revenue source for funding infrastructure and other capital and operating demands. The *Act* should be amended to include a broad power to impose taxes beyond the property tax (including any ancillary enforcement, fine and penalty powers), that would be available to all municipalities if they choose to use it.
- The *Act*, and associated Regulations that pertain to Investment, should be amended to provide enhanced revenue from investments. These enhancements would provide higher expected revenue to Municipalities while continuing to maintain a very low risk profile.

- s. 239 of the *Act* should be amended to clarify what constitutes a “meeting” of a municipal council for the purpose of the legislation. Also, an exemption should be added to the list in ss. 239(2) to permit municipal councils to discuss matters affecting the economic interests of a municipality in a closed meeting.
- The *Act* should be amended to clarify that a municipality that has a permanent easement over lands that are located within its boundaries, but owned by another party, may pass a by-law establishing those lands as a highway.
- s.44(2) of the *Municipal Act, 2001* imposes statutory joint and several liability on municipalities for damages sustained by persons whose injuries are caused or contributed to by highway non-repair. If other at-fault defendants are unable to pay, the plaintiff can recover the entire damages award from the municipal defendant, even if it is only 1 per cent responsible. Amending the *Municipal Act, 2001* to substitute a system of modified proportionate liability for municipalities would be an incremental reform that strikes an appropriate balance between compensating accident victims and protecting public tax payers.
- In the advent of the “shared economy”, municipalities across Ontario are now faced with the challenge of regulating new forms of transportation service providers such as Uber. Amendments to the *Municipal Act, 2001*, to provide clear authority for municipalities to regulate transportation service providers, would allow municipalities to ensure that transportation service providers are held to the same standard as the taxi cab industry with respect to public safety and consumer protection.

Background

The *Municipal Act, 2001* came into force on January 1, 2003. In 2006, the City made submissions to the Standing Committee of the Legislature on proposed amendments to the legislation as set out in my report titled “Bill 130, Proposed Amendments to the *Municipal Act, 2001*,” adopted by City Council at its meeting of October 11, 2006. Following review and consultation, the *Municipal Statute Law Amendment Act, 2006* (Bill 130) was enacted, with most provisions coming into force on January 1, 2007, and a separate municipal statute, the *City of Toronto Act, 2006*, was enacted to replace the *Municipal Act, 2001* as the governing legislation for the City of Toronto.

The *Municipal Statute Law Amendment Act, 2006* (Bill 130) gave municipalities broader, more flexible powers reflective of a mature relationship between two levels of government and extended many of the legislative reforms provided to the City of Toronto to municipalities in the rest of the Province. The only significant exception related to the new tax powers given to Toronto, which were not extended broadly.

On June 5, 2015, Minister McMeekin announced the 5-year review of the *Municipal Act, 2001* and the Ministry of Municipal Affairs and Housing has requested input from municipalities and stakeholders regarding further areas for improvement and amendment, with a focus on the following themes:

- Accountability and Transparency
- Municipal Financial Sustainability
- Responsive and Flexible Municipal Government.

Present Status

The Ministry of Municipal Affairs and Housing is conducting the 5-year review of the *Municipal Act, 2001* and has called for submissions from municipalities and stakeholders to be received in Fall, 2015. No legislation has been tabled at present. It is anticipated the Province will establish stakeholder working groups prior to drafting new legislation.

Comments

In response to the Minister's request for submissions on further reform of the *Municipal Act, 2001*, staff have the following comments.

Financial Tools

Municipalities of all sizes are facing significant financial pressures. The infrastructure deficit remains a substantial, persistent challenge. Wage settlements, growing capital costs, and higher standards of service expected by our residents, all contribute to on-going pressures.

The City of Mississauga, like all municipalities in Ontario, is heavily reliant on property taxes as a source of revenue. Municipalities need more diverse and growing revenue sources in order to deliver quality services while keeping property taxes affordable.

The province recognized this requirement for the City of Toronto through the implementation of the *City of Toronto Act, 2006*. Section 267 (1) of the *City of Toronto Act, 2006* extended new authority to the City of Toronto to impose a direct tax, subject to a long list of exceptions which excludes certain forms of tax, including income tax, corporate tax, payroll taxes, inheritance tax, certain sales taxes, hotel taxes, gas tax, poll tax, certain highway tolls and taxes on energy consumption.

In 2007, the City of Toronto conducted an in-depth analysis of potential revenue tools and adopted a new Land Transfer Tax, approximately equal to the provincial equivalent, and a new Personal Vehicle Ownership Tax, approximately equal to the provincial equivalent. The Personal Vehicle Ownership Tax was subsequently cancelled in 2010 while the Land Transfer Tax continues to be in place. Other examples of revenue sources considered by the City of Toronto included alcohol, tobacco, billboards, parking and entertainment taxes, and congestion and road tolls. These additional tools have not yet been implemented.

Extending the permissive taxing authority contained in the *City of Toronto Act, 2006* to the *Municipal Act* would give Municipalities discretion to diversify the municipal revenue base and provide the City with additional tools to fund infrastructure and the City's capital and operating demands. It is recommended that the provincial government should enact changes to the *Municipal Act* that would provide all municipalities with the same revenue tools provided to the City of Toronto.

Originators files:

The Municipal Finance Officers' Association of Ontario (MFOA) has identified specific areas where the province could make changes: increasing the "Heads and Beds" rate from \$75 to \$180 beginning in 2016, with increases every five years to reflect inflation; permitting municipalities to designate, operate and maintain toll highways; permitting the sale of debt payable to a municipality; and, including the power to impose hotel / accommodation taxes. The MFOA also generally supports a broad power to impose taxes beyond the property tax, similar to what has been afforded to the City of Toronto. The Large Urban Mayors Caucus of Ontario and the Mayors and Regional Chairs of Ontario have supported MFOA's position.

The Association of Municipalities of Ontario (AMO) has made an initial submission to the Minister of Municipal Affairs and Housing concerning its Five-Year Review. AMO has recommended that Toronto's tax tools authority be incorporated into the *Municipal Act, 2001*. AMO also took the position, however, that although such additional permissive taxing authority would be helpful to several municipal governments, it will not bring fiscal sustainability across Ontario.

It would also be advantageous if the Municipal Act would provide for a broader scope within its investment parameters, which would provide opportunities for higher returns on investments with no substantial increase in risk.

If the Municipal Act is amended to provide broader use of revenue tools, the City of Mississauga would then embark on a thorough review of potential revenue tools and provide Council with recommendations for consideration. The review would consider various aspects of each tool including fairness, impact on businesses, estimated amount and stability of revenue streams and complexity. Implementation of any revenue tool would be at the discretion of Council.

Definition of "Meeting"

Section 239 of the *Municipal Act, 2001* requires that all council meetings be open to the public, except in limited and specified circumstances, but the term "meeting" is not defined in the legislation. Presently, meetings are required to be public unless the meeting is for educational or training purposes or the subject matter being considered is:

- security of the municipality's property;
- personal matters about an identifiable individual;
- proposed or pending acquisition or disposition of land;
- labour or employee negotiations;
- litigation or potential litigation;
- privileged legal advice; or
- certain requests under MFIPPA.

On January 1, 2016 an amendment will come into force permitting closed meetings to consider an ongoing investigation of a council, local board or municipally-controlled corporation by the Ombudsman or an investigator appointed under the *Act*.

Originators files:

The existing list of exemptions is unduly restrictive and it is recommended that the legislation be amended to include an exemption where the subject matter being considered is the economic interest of the municipality. The *Act* currently permits a municipal council to discuss land acquisitions in camera, but does not permit closed meetings to discuss other commercial transactions. This places municipalities at a competitive disadvantage compared to business corporations, which can engage in confidential negotiations with companies concerned with protecting proprietary technology or other sensitive information. Public-Private Partnerships are impeded, because they often require non-disclosure agreements at the negotiation stage, which either leaves staff to negotiate without making full disclosure to council, or precludes a municipality from entering into certain negotiations at all.

Apart from the scope of the exemptions, there has been confusion over what constitutes a meeting for the purpose of the legislation. In the past, when investigations have been conducted to determine whether closed meetings have contravened the *Act*, the Ombudsman for Ontario has interpreted the term than some appointed investigators. This uncertainty has a chilling effect and impedes the business of municipalities because elected officials are understandably wary of communicating with their colleagues outside scheduled public council meetings for fear of being found to have violated the *Act*. A restricted interpretation of the term "meeting" impedes dialogue among elected officials and impedes inter-governmental relations, since, for example, a delegation of council members meeting with a provincial premier or minister in private may be held to contravene the *Act*.

AMO has made written submissions to the Ministry, taking the position that the Ontario Ombudsman's interpretation of "meeting" is too broad and submitting that a meeting should be defined as "when a quorum of elected officials gathers to deal with matters which would ordinarily form the basis of council or a local board or committee's business and acts in such a way as to move them materially along the way." AMO also supports differentiating a "meeting" from a "gathering," which the Ombudsman for British Columbia has done as follows:

A gathering is less likely a meeting if:

- there is no quorum of board, council or committee members present
- the gathering takes place in a location not under the control of the council or board members
- it is not a regularly scheduled event
- it does not follow formal procedures
- no voting occurs and/or
- those in attendance are gathered strictly to receive information or to receive or provide training

A gathering is more likely a meeting if:

- a quorum of council, board or committee members are present
- it takes place at the council or board's normal meeting place or in an area completely under the control of the council or board
- it is a regularly scheduled event
- formal procedures are followed
- the attendees hold a vote and/or
- the attendees are discussing matters that would normally form the basis of the council's business and dealing with the matters in a way that moves them toward the possible application of the council's authority.

Originators files:

It is recommended that the list of exempted closed meetings be amended to include meetings to discuss the economic interests and a municipality and that Council support AMO's submission regarding clarifying the definition of "meeting" in the *Municipal Act, 2001*.

Establishing Public Highways

The *Municipal Act, 2001* does not explicitly state whether a municipality that wishes to establish a highway must have outright ownership of the land, as opposed to having only an easement or other limited property right in the land. Section 30 of the *Act* is the only provision that uses the word "ownership" as opposed to "jurisdiction" with respect to public highways:

s.30 -- A highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person.

Municipalities usually own the land on which their highways are located, however, there are situations in which a municipality may wish to establish a highway over lands owned by others and regulate activities on that highway. One example is the City's Bus Rapid Transit system, which crosses over land owned by the Province in which the City has only easement rights, not outright ownership. As public passenger transportation systems advance to include rapid transit that utilizes existing Provincial lands, the municipalities operating those systems require clear and explicit authority to establish those lands as public highways and regulate activities on those lands, including the operation of the vehicles, access control and parking.

While section 30 contemplates other parties retaining a property interest in land over which a highway has been established, it would helpful if the *Municipal Act, 2001* contained a provision explicitly stating that a municipality that has a permanent easement over lands that are located within its boundaries, but owned by another party, may pass a by-law establishing those lands as a highway.

Joint and Several Liability

Section 44 of the *Municipal Act, 2001* imposes liability on municipalities for injuries caused by highway non-repair and incorporates the joint and several liability principle and contribution rules contained in the *Negligence Act*, making municipalities liable to pay 100% of the damages sustained by persons whose injuries were caused or contributed to by non-repair of a highway, even if the municipality is only 1% at fault.

Other types of liability claims, such as actions alleging negligent inspection by municipal building inspectors or claims arising from accidents in municipal parks, recreational facilities or municipal buildings arise from other statutory duties, other than those imposed by the *Municipal Act, 2001*, but are also subject to the joint and several liability principle.

Joint and several liability is enshrined in the *Negligence Act* and is the legal rule that currently applies in Ontario when two or more defendants are found liable to a plaintiff for the same injury or damage. Sometimes called "the 1% rule", joint and several liability can be contrasted with a proportionate liability system as follows:

- under joint and several liability, a defendant that is found only 1% liable for an accident is liable to pay the plaintiff 100% of their damages and bears the burden of any shortfall that arises if the other at-fault defendants are insolvent or lack sufficient assets to satisfy the judgment; whereas
- under a pure proportionate liability system, each defendant is liable to pay only its proportionate share of the damages, taking into account each defendant's relative degree of fault or responsibility.

Originators files:

The rationale for joint and several liability is that the burden of any financial shortfall should be borne by the remaining defendants who have contributed to the injury, rather than an injured accident victim. The rule has a significant impact on municipalities and other “deep pocket” defendants, however, because they are perceived to have unlimited public resources and therefore become targets of litigation.

Joint and several liability increases the City’s legal expenses. In 2011 AMO conducted a survey of municipal insurance costs across the province and found that, between 2007 and 2011, average liability insurance premiums increased by 22.2% and were among the fastest growing municipal costs. In 2011, municipal liability premiums in the province comprised \$85.5 million of the \$155.2 million total cost of municipal insurance premiums. Average insurance deductibles also increased during the period.

The City of Mississauga’s insurance deductible for liability claims is \$1 million. In any single civil action, therefore, the tax payers, not the City’s insurer, are responsible for funding the first \$1 million dollars towards legal fees, defence costs and settlements/judgments, including any shortfall the City becomes liable to pay because a co-defendant lacks sufficient assets. Most of the City’s legal and risk expenses are paid entirely by the taxpayers, despite the insurance premiums the City must also pay to insure against catastrophic losses.

Outside Ontario, pure joint and several liability is not imposed in Alberta, Saskatchewan, Manitoba or Quebec and its effects are limited in the other provinces through statutory immunities not available to Ontario municipalities. There are many possible alternatives to the current system of joint and several liability, including the following:

The Saskatchewan Model: Under this model, adopted by the Province of Saskatchewan in 2004, if there is a shortfall because one defendant is insolvent and the plaintiff’s own negligence contributed to the injury, the shortfall is divided among the remaining at-fault defendants and the plaintiff, in proportion to their fault.

The Multiplier Model: If there is a shortfall because one defendant is insolvent, the municipality is never liable for more than two times its proportionate share of damages.

The Combined Model: Where a plaintiff is partially at fault for their own loss, the Saskatchewan Model could be applied first and then, if needed, the Multiplier Model could be applied to ensure the municipality would not be liable for paying more than two times its proportionate share of the damages.

AMO has previously advocated for the Combined Model, which strikes a reasonable balance between addressing the needs of injured accident victims while placing limits on the damages that may be recovered from municipal governments and property tax payers, without impacting the provincial treasury.

In February, 2014 MPPs from all parties supported a motion calling on the Ontario government to reform joint and several liability, but, to date, no amendments have been made and the Ontario government has expressed unwillingness to amend the *Negligence Act* itself, which applies to all types of negligence actions against all types of defendants, not only municipalities. The current 5-year review of the *Municipal Act, 2001*, however, affords the Province an opportunity to enact joint and several liability reform that is limited in scope and specific to municipalities.

The policy implications of the 1% rule are different when the deep pocket defendant is a public entity, such as a municipality, rather than a private individual or business corporation. Unlike other corporations, municipalities in Ontario cannot declare bankruptcy or divest themselves of assets in order to become judgment proof. Municipal corporations, through taxation of their residents, will always have to pay judgments and bear the burden of the 1% rule while striving to provide public services with limited resources.

Originators files:

The financial burden of the 1% rule falls to individual taxpayers, who have not themselves contributed to the plaintiff's loss or injury. Alternatively, the expense will be covered through reductions in public services, which is not in the public interest.

While municipalities carry insurance, the policies come with increasingly high insurance deductibles such that many municipalities, including the City of Mississauga, are self-insured for most liability claims. The proposed amendment would result in a direct financial benefit to the City and its tax payers, therefore, regardless of any favourable impact reform may also have on the cost of insurance premiums.

Adopting a modified proportionate liability system for municipalities would strike an appropriate balance between compensating accident victims and protecting the tax paying public, particularly where a plaintiff's own negligence has contributed to his/her own injury. Two possible reforms are:

- a) an amendment to s.44(2) of the *Municipal Act, 2001* to provide that, if a municipality and one or more defendants have been found at fault for an accident arising from highway non-repair, and if the contribution of one or more of those parties cannot be collected, the shortfall will be apportioned among the remaining parties, in proportion to their respective degrees of fault; or
- b) in the alternative, s.44(2) dealing with personal injury accidents on municipal highways remains unchanged, but a new section be added to the *Act* to provide that in negligence claims against municipal corporations involving property damage or economic loss, a municipality is only liable to pay its proportionate share of the damages to the plaintiff.

Both proposed amendments represent an incremental reform of joint and several liability that would only apply to municipalities and their tax payers. An amendment to s.44(2) would apply only to claims arising from highway design and maintenance but would maintain the status quo for claims against municipalities arising from transit operations, accidents occurring on City-owned property (other than municipal road allowances) or negligent building inspection claims.

Municipalities are particularly exposed to the effects of the 1% rule in cases of alleged highway non-repair because most automobile drivers in Ontario carry insufficient insurance coverage. The statutory minimum insurance requirement is only \$200,000 in Ontario, when even the \$1 million coverage carried by most drivers is insufficient to pay the damages in cases involving serious injuries or multiple parties injured in a single accident. Through joint and several liability, municipal taxpayers become the insurers of last resort and fill the void left by inadequate insurance coverage and the shortfall in the medical, rehabilitation and care services available through OHIP and other provincially funded services

Alternatively, leaving s.44(2) of the *Act* unchanged, while exempting municipalities from joint and several liability for actions involving property damage and/or economic loss would reduce municipalities' costs arising from building inspection claims and flooding claims, while maintaining the status quo with respect to personal injury claims and the remedies currently available to victims of serious accidents.

Amending the *Municipal Act, 2001* to introduce limited joint and several liability reform for municipalities would reduce municipalities' legal, risk management and insurance costs, without altering the rules applied to at-fault individuals or business corporations who can engage in strategic behaviour to avoid judgments, and without creating a benefit for the insurers of those parties.

Licensing – Alternative Transportation Service Providers and the Shared Economy

Over the last few years, municipalities across Ontario have been faced with the challenge of regulating modern forms of transportation service providers such as Uber. To date, municipalities have made numerous attempts at obtaining compliance from Uber with existing taxicab by-laws. Uber has not complied with these

10h

Originators files:

requests and as a result continues to operate unregulated across Ontario including Mississauga, Toronto, Hamilton, Ottawa, and London. The need for provincial oversight on this issue is best demonstrated by the ongoing litigation on this issue (including the recent Toronto application for injunctive relief) as well as the public safety concern with respect to the safety of drivers and the unclear insurance requirements for drivers of Uber.

The *Municipal Act, 2001* provides broad powers to license businesses. However, it goes on to provide more specific powers with respect to regulating taxicabs. Section 156 of the *Municipal Act, 2001* provides a municipality with the authority to regulate taxicabs including the ability to establish a rate/fare and to limit the number of taxicabs or any class of them. Amendments to the *Municipal Act, 2001* should be made to address alternative transportation service providers by either:

- Providing a definition for “taxicab” to capture alternative transportation service providers such as Uber thereby requiring Uber and Uber like companies to comply with municipal by-laws that regulate taxicabs; or
- Providing separate regulations for alternative transportation service providers including an ability for municipalities to limit the number of licences or to set out the specific insurance requirements for drivers of these alternative transportation service providers.

These suggested amendments to the *Municipal Act, 2001*, reflect prior requests made by Council in requesting that the Province of Ontario regulate alternative transportation service providers. On April 29, 2015 Council passed a recommendation “that the Mayor write a letter to the Ministry of Transportation, requesting that the Ministry of Transportation for the Province of Ontario pass legislation and/or regulation to address taxicab mobile applications such as Uber”. More recently, on October 7, 2015, General Committee passed a recommendation that “the Mayor of Mississauga request the Premier of Ontario to undertake a study within the appropriate ministry, resulting in a basic set of principles which individual municipalities can then use to formulate regulations for transportation network companies within their jurisdictions”.

The introduction of Uber relates to the larger phenomenon of the “shared economy”. Under the shared economy model, individuals are able to borrow or rent assets owned by another person. With companies such as Uber and Air B&B growing, questions involving public safety (including what the minimum insurance requirements should be for users), will continue to raise concerns for municipalities. Further amendments to the *Municipal Act, 2001* to address the shared economy will provide municipalities with the necessary guidelines and legislative authority to regulate this new industry.

Financial Impact

The financial impact for any revenue tool or change in investment parameters is dependent on many factors (what additional powers, if any, are introduced in the *Act*; which tools are proposed for implementation, and at what level; etc.). The projected impact of any specific tool will be provided to Council with specific recommendations for implementation.

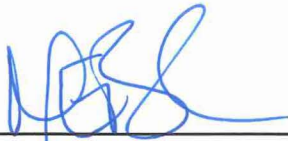
It is anticipated that there would be a reduction in insurance costs if the *Act* were to be amended to introduce limited joint and several liability reform. However, the amount of savings cannot be determined prior to any actual experience.

Conclusion

The Minister of Municipal Affairs and Housing has called for input regarding the 5-year review of the *Municipal Act, 2001*. It is recommended that the comments raised in this report regarding extending the financial tools granted to the City of Toronto to all other Ontario municipalities, clarifying the definition of meeting and the comments and proposals regarding establishing highways, regulating new forms of transportation and joint and several liability reform be submitted to the Ministry of Municipal Affairs and Housing and that a copy of this report be forwarded to our local MPPs and the Association of Municipalities of Ontario.

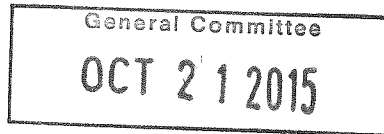
Attachments

Appendix 1:



Mary Ellen Bench, BA, JD, CS
City Solicitor

Prepared by: Andra L. Maxwell, Legal Counsel, Insurance Litigation & Risk Management



ENVIRONMENTAL ACTION COMMITTEE

October 6, 2015

REPORT 6-2015

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Environmental Action Committee presents its sixth report for 2015 and recommends:

EAC-0032-2015

That the deputation and associated PowerPoint presentation by Rod Muir, Chair, Sierra Club Canada Foundation, be received.

(EAC-0032-2015)

REPORT 9- 2015

TO: CHAIR AND MEMBERS OF GENERAL COMMITTEE

The Mississauga Cycling Advisory Committee presents its ninth report for 2015 and recommends:

MCAC-0044-2015

That the deputation and associated PowerPoint presentation by Alana Evers, Team Leader-Landscape Architect, Parks and Forestry Division and Mike Dartizio, Senior Associate, Stantec Consulting with respect to Off Road Trail (ORT) #7, be received.

(MCAC-0044-2015)

MCAC-0045-2015

That the matter of centre line striping on multi-use trails along roadways and those that serve as main routes through greenbelts and parks be referred to staff to determine the feasibility of implementing full lining on heavily used trails and report back to the Mississauga Cycling Advisory Committee at a future meeting.

(MCAC-0045-2015)

MCAC-0046-2015

That the Mississauga Cycling Advisory Committee use the remaining Tour de Mississauga T-shirts for promotional giveaways at the remaining Community Rides.

(MCAC-0046-2015)

MCAC-0047-2015

That the report from the Tour de Mississauga Subcommittee with respect to the 2015 Tour de Mississauga, be received.

(MCAC-0047-2015)

MCAC-0048-2015

That the 2015 Community Rides event calendar, be received.

(MCAC-0048-2015)

MCAC-0049-2015

That the 2015 MCAC Event Calendar, be received.

(MCAC-0049-2015)

MCAC-0050-2015

That the email dated September 23, 2015 from Councillor Fonseca with respect to Mississauga Moves – 2015 Transportation Summit, be received.

(MCAC-0050-2015)

MCAC-0051-2015

That the Notice of Completion – Burnhamthorpe Road Watermain – Municipal Class EA, Region of Peel, be received.

(MCAC-0051-2015)

MCAC-0052-2015

That the email dated October 7, 2015 from Don Patterson, Citizen Member, Mississauga Cycling Advisory Committee with respect to his resignation from the Committee, be received.

(MCAC-0052-2015)

MCAC-0053-2015

1. That the letter dated September 30, 2015 from Councillor Carolyn Parrish, Ward 5 with respect to the proposed widening of McLaughlin Road, be received;
2. That the matter of the proposed widening of McLaughlin Road be referred to the Network and Technical Subcommittee and relevant staff for consideration and report back to the Mississauga Cycling Advisory Committee.

(MCAC-0053-2015)