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**Communication**

**CW(1) – June 4, 2024**

**Item No. Pre.4**

# City of Vaughan By-Law Related Safety Concerns

By: Michael Horner, 41 McKenzie Street, Woodbridge

# Background

- From a City of Vaughan email signature; “RESPECT | ACCOUNTABILITY | DEDICATION”
- From Mayor Del Duca’s Proposed 2024 Budget and 2025-2026 Financial Plan, Guiding Principals
  - “Leveraging Efficiencies, Improve Efficiencies, Mitigate Risk”
- As most of you may be aware, for the past 8 plus months, I have been expressing my concerns over enforcement of the City of Vaughans By-Laws, specifically where safety of the public is concerned.
- My concerns are based on actual life experience, either involved or observed in person.
- McKenzie Street is located in the South East corner of Kipling and Highway 7,
  - with a unique entrance to a narrow street at approximately 7 meters in width,
  - no sidewalks so residents are forced to walk on the road, with a speed limit of 50 km/h, 40 km/h after 30 M, or the City Boulevard on the north side of the road,
  - no where for large vehicles to turn around, so they are forced to back out onto Highway 7, or turn around using Private Driveways
  - Parking Permits can NOT be obtained for McKenzie Street for several of these reasons.
- Prior to contacting the City of Vaughan regarding By-Law related matters, I read the applicable By-Law to ensure applicability.

# Parking Enforcement

- Since September 25<sup>th</sup>, 2023 I have been requesting Parking Enforcement for the following offences (many date back as far as July 2019),
  - Parking more than .15 M from the limit of the highway, (064-2019, 1 (b))
  - Parking within 3 M of a fire hydrant, (064-2019, 8)
  - Parking within 9 M of an intersection, (064-2019, 9 (d))
  - Parking directly opposite another vehicle where the road is less than 9 M, (064-2019, 9 (m))
  - Parking on any portion of the City Boulevard, (064-2019, 9 (q))

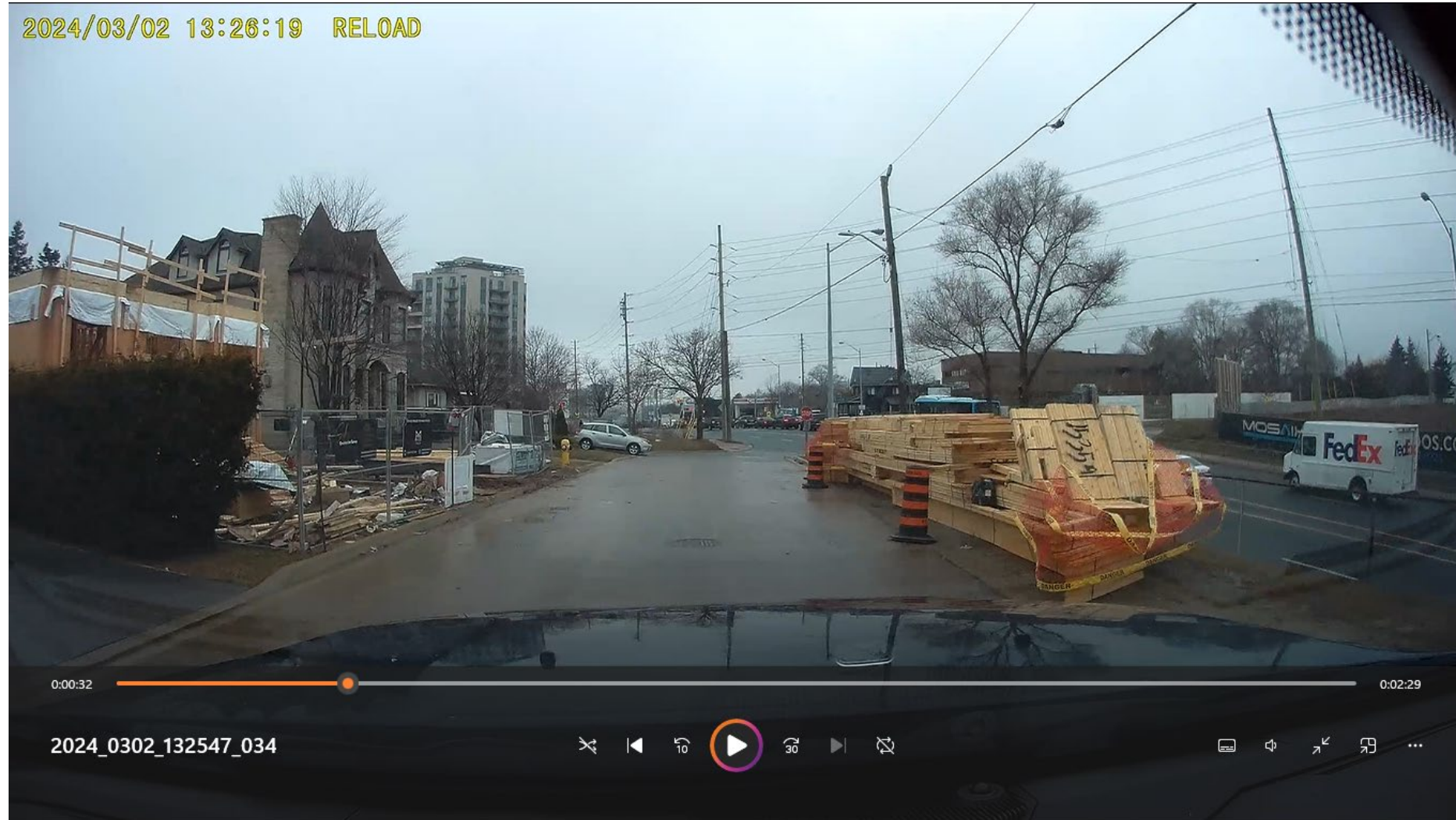
As the matter continues as of Monday June 3<sup>rd</sup>, 2024, I have requested the opportunity to have meaningful conversations concerning this with, Supervisor Gibson, Manager Cronsberry, Director Kelly, Deputy City Manager Michaels, Councillor Volpentesta.

On February 29<sup>th</sup>, 2024 the City of Vaughan installed NO PARKING signs for the first approximately 30 M of McKenzie Street from Highway 7.

# Other By-Law Enforcement Requested

- Discharge of Water onto McKenzie Street (in winter months), (231-2011, 5.12 (3))
- Obstructing a Fire Hydrant with fencing and building materials,
- Performing 'Construction activities' during prohibited times without a permit (121-2021, 10.0 (1), (2))

# Encroachment (034-2017, 4 (a), (b), (c), 5 (b))







# Issuance of a Road Cut (Occupancy) Permit

- It was decided that a Road Cut (Occupancy) Permit was issued in response to the Encroachment violation after an order to remove was given,
- The issuance of the Road Cut (Occupancy) Permit was in direct contravention of the Permit Terms and Conditions, General Conditions and related By-Law 294-94,
- Issuance was not an oversight, as I advised numerous staff of inconsistencies prior to issuance of the permit,
- Issuance of the Road Cut (Occupancy) Permit did not mitigate risk to the City,
- I verified with the City Clerks office the validity of the By-Law 294-94,
- Had communications with Eric Vonk, Officer Booth, Supervisor DuFour, 3 people in the City Clerks Office, Manager Cronsberry, Legal Department, Director Suppa, most rationalized this as perfectly acceptable.
- The Encroachment By-Law clearly addresses the specific concern(s),
- I requested on 3 occasions to speak with Mayor Del Duca on this matter,



# *THE CITY OF VAUGHAN*

# BY-LAW

## BY-LAW NUMBER 294-94

**A By-law to regulate the encumbering of highways during construction or repair and to provide for Road Cut Permits.**

WHEREAS Section 210 of the Municipal Act, R.S.O. 1990, C.M. 45, as amended, authorizes the Council to pass by-laws for the purpose of regulating the temporary occupation of highways or portions thereof during the construction or repair of any work thereon.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. In this by-law,
  - (a) "permit" means a Permit for the Installation/Relocation of Public Utilities and the General Conditions set out on the permit.



Engineering Department  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1  
Tel (905) 832-8525

**SCHEDULE "A"**

**ROAD CUT PERMIT**

PERMIT NO. \_\_\_\_\_

SECTION ONE — APPLICANT INFORMATION	SECTION TWO — ADDITIONAL INFORMATION	
APPLICANT	DATE OF APPLICATION Y   M   D	MUNICIPAL CONSENT PROJECT NO.
REPRESENTATIVE		
TELEPHONE NO.	PROPOSED START DATE Y   M   D	PROPOSED COMPLETION DATE Y   M   D
RETURN FAX NO.		
TYPE OF INSTALLATION	PAVEMENT CUT YES <input type="checkbox"/> NO <input type="checkbox"/>	SIDEWALK CUT YES <input type="checkbox"/> NO <input type="checkbox"/>
LOCATION OF WORK	WORK IN BLVD. OR DITCH YES <input type="checkbox"/> NO <input type="checkbox"/>	
SIGNATURE OF APPLICANT OR REPRESENTATIVE		

**SECTION THREE — DRAWINGS**

**SECTION FOUR — TERMS AND CONDITIONS**

NOTE:

1. PRIOR TO COMMENCING WORK, STAKE OUTS MUST BE OBTAINED FROM ALL UTILITIES IN THE CITY OF VAUGHAN. ALL PIPE, CABLE, ETC. THAT IS EXPOSED OR UNDERMINED MUST BE SUPPORTED, BACKFILLED AND COMPACTED TO THE SATISFACTION OF THE UTILITY INVOLVED. (see over)
2. THE ENGINEERING DEPT. MUST BE NOTIFIED 48 HOURS BEFORE WORK IS TO COMMENCE. PHONE NO. (905) 832-8525, EXT. 8261 — FAX NO. (905) 832-6145.
3. GENERAL ROAD CUT CONDITIONS APPLY TO THIS PERMIT.
4. WHEN WORKING, A COPY OF THIS PERMIT, CONDITIONS AND STAKEOUTS MUST BE ON SITE AT ALL TIMES.
5. THIS PERMIT IS NOT VALID UNTIL SIGNED BY THE CITY OF VAUGHAN.
6. RETURN OF THE PERMIT TO THIS OFFICE WITH THE DATE COMPLETED BOX FILLED IN IS NOTIFICATION OF COMPLETION OF WORK AND RESTORATION.
7. A ONE YEAR GUARANTEE OF THE RESTORATION WILL DATE FROM THE TIME OF INSPECTION AND ACCEPTANCE OF THE REPAIRS BY THE DIRECTOR OF ENGINEERING.
8. FAILURE TO COMPLY WILL RENDER THIS PERMIT VOID.

## GENERAL ROAD CUT (ROAD OCCUPANCY) PERMIT CONDITIONS (City of Vaughan By-Law #294-94)

THE APPLICANT FOR THIS PERMIT AGREES TO PROVIDE A MINIMUM OF \$5,000,000 PUBLIC LIABILITY INSURANCE. THE APPLICANT ALSO AGREES AND ACCEPTS FULL RESPONSIBILITY FOR THE PROTECTION OF ALL UTILITIES, PRIVATE PROPERTY AND PERSONS AFFECTED BY THEIR OPERATIONS AND FURTHER AGREES TO INDEMNIFY AND SAVE HARMLESS THE CITY OF VAUGHAN FROM ANY AND ALL DAMAGES OR CLAIMS FOR DAMAGES OR INJURIES OR CLAIMS FOR DAMAGES OR INJURIES OR ACCIDENTS DONE TO OR CAUSED BY THE APPLICANT, OR THE APPLICANT'S EMPLOYEES, AS A RESULT OF THEIR OPERATIONS.

1. The Applicant agrees to notify the following at least 48 hours prior to commencing work:
  - Adjacent Property Owners
  - Bell Canada
  - Enbridge Gas
  - Power Stream
  - Telecommunications Company
2. All trenches must be restored as specified herein including drainage ditches, culverts and culvert headwalls. Good drainage must be maintained during the course of operations.
3. All utilities must be protected and supported to the satisfaction of the utility concerned.
4. In grassed areas adjacent to homes, sodding is required and **NEW SOD** must be **COUNTER SUNK** to match existing sod. All areas to receive sod shall have a min. of 100mm of imported screened topsoil.
5. Applicant to water and maintain sod until sod is rooted or established.
6. Applicant will not store or dump material or equipment on or within municipal right-of-ways.
7. Driveways must be repaired in the same manner as the road, specified herein. Property owners and/or residents must receive a min. of 24

# Summary

- Enforce the City of Vaughan By-Laws as written,
- Use the City of Vaughan By-Laws to defend their decisions,
- Have City staff follow the By-Laws themselves,
- By-Laws should be consistent, with each other, and with definitions,
- Future issuance of permits should factor existing restrictions already in place,
- Establish a process and criteria for another department to override another departments decision,
- Establish a process of checks and balances for issuance of Permits.

# Summary

- Address concerns timely and effectively the first time to maximize efficiencies,
- All staff at the City of Vaughan should act in an impartial manner, that does not raise questions about their actions,
- Communicate timely and effectively with residents, businesses, visitors as the case may be,