

**LAW DEPARTMENT COMMENTS – SNOW AND ICE CONTROLS FOR WALKWAYS
ADJACENT TO PRIVATE PARCELS (TT2014-0017)**

EXECUTIVE SUMMARY

On 2014 February 10, when Council was considering Report TT2014-0017, Snow and Ice Control for Walkways Adjacent to Private Parcels, a question arose as to whether there was an existing bylaw provision requiring property owners to clear snow and ice from engineered walkways adjacent to their properties. After consulting with the Roads, Animal & Bylaw Services and City Clerk's business units, the Law Department has confirmed that no such bylaw provision exists.

ADMINISTRATION RECOMMENDATION(S)

The Law Department recommends that Council:

1. Receive this report for information; and
2. Consider the recommendations in attached Report TT2014-0017, Snow and Ice Control for Walkways Adjacent to Private Parcels.

PREVIOUS COUNCIL DIRECTION / POLICY

At the 2013 September 16 Council meeting, Council approved Notice of Motion NM2013-30, Snow and Ice Control for Sidewalks/Walkways Adjacent to Private Parcels, directing Administration to investigate options for sidewalks and walkways not covered under the Streets Bylaw and to bring forward to the SPC on Transportation and Transit by 2014 January recommendations including, but not limited to, assigning responsibility for snow and ice control to adjacent property owners.

BACKGROUND

In response to the Notice of Motion, Administration prepared Report TT2014-0017 which outlined three options for addressing this issue. One option was to enact a bylaw to make property owners responsible for clearing snow and ice from engineered walkways adjacent to their properties or, in the case where it was clearly demonstrable that the surface condition made it difficult to clear the snow, applying sand or similar material to render the walkway safe.

When Council considered this report on 2014 February 10, Councillor Chabot advised that he had been previously informed by the Animal & Bylaw Services business unit that there was an existing bylaw requiring property owners to clear snow and ice from engineered walkways adjacent to their properties. The Law Department was directed to further investigate this.

INVESTIGATION: ALTERNATIVES AND ANALYSIS

Having further consulted with the Roads, Animal & Bylaw Services and City Clerk's business units the Law Department can confirm that no such bylaw provision exists.

Section 67 of the Streets Bylaw requires property owners to clear snow and ice from sidewalks and pathways in front of or along the side of their properties but this only applies to sidewalks

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and pathways that run parallel to the street (whether or not they are separated from the street by a boulevard). Engineered walkways do not run parallel to streets. Rather, they generally lie between residential parcels and often connect a street with an alley, green space or adjacent street. Accordingly, the requirement set out in Section 67 does not apply to engineered walkways.

Stakeholder Engagement, Research and Communication

Not applicable

Strategic Alignment

Not applicable

Social, Environmental, Economic (External)

Not applicable

Financial Capacity

Current and Future Operating Budget:

Not applicable

Current and Future Capital Budget:

Not applicable

Risk Assessment

There is no risk associated with receiving this report for information.

REASON(S) FOR RECOMMENDATION(S):

The Law Department has determined that there is currently no requirement for property owners to clear snow and ice from engineered walkways adjacent to their properties.

This report only addresses a question asked during Council's deliberations in regard to Report TT2014-0017. Council may now wish to make a decision in regard to the recommendations contained in that report.

ATTACHMENT

Report TT2014-0017, Snow and Ice Control for Walkways Adjacent to Private Parcels