



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE REVISED**

**Meeting #:** 19-002(h)  
**Date:** February 11, 2019  
**Time:** 3:00 p.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

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clerk@hamilton.ca

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**From:** Frisina, Anthony  
**Sent:** January 19, 2019 1:30 PM  
**To:** clerk@hamilton.ca  
**Subject:** DARTS  
**Attachments:** Presentation to City Council.docx

Hello,

As per the request of councillor John-Paul Danko, please see the attached reflection that summaarizes a DARTS point of view. As per Mr. Danko's request that this document be seen by councillor Jackson. Please note this document is in rough form as I understand the transit meeting is fast approaching and I wanted to ensure the information was presented.

Anthony Frisina  
*Student Services Representative, External Tutor, Invigilator & One Card Support*  
Mohawk College  
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(905) 575-1212  
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<b>OFFICE OF THE CITY CLERK</b>	
JAN 21 2019	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	_____
_____	

## Presentation to City Council

Thank you for the opportunity to write this report on behalf of myself and others who have had numerous difficulties with DARTS. As the owner of this letter, I would first and foremost like to introduce myself. My name is Anthony Frisina, I am 38 years old, I am a Mohawk College Graduate in Enterprise Business and Office Administration – Executive and General programs respectively. I am a Catholic Youth Organization Ambassador, Rick Hansen Foundation Ambassador & Difference Maker, Forward Movement Delegate, Pan AM Games Torch Bearer from 2015, Mohawk College Accessibility Advisory Member, 2014 Mohawk College Alumni of Distinction, Community Producer for Cable 14's show entitled "Above & Beyond – Bridging the Gap to Accessibility & Inclusion and 2019 Enactus Mohawk Project Manager, which is a project-focused initiative toward building custom ramps in alignment with StopGap to provide a more accessible and inclusive down core in various BIA communities. I am employed at McMaster University as a Standardized Patient and Presider and employed at Mohawk College as a Student Services Representative and I use a wheelchair to attain my freedom as I was born with Spina Bifida & Hydrocephalus.

I have been a user of DARTS for just over two years and my only previous experience with DARTS was when the current Mayor (Eisenberger) and I spent a day together as part of a pre-event celebration that welcomed the national event Rick Hansen Wheels in Motion in June of 2008.

I would like to first address something that's near and dear to my heart and that is a matter of respect, dignity and integrity. This is something no matter disability or not everyone deserves. When calling DARTS, you are addressed with an abysmal greeting "Hello my name is (insert name) here can I start with your passenger ID?" While it's "covered" by the word "start" in their eyes, is that any way to "start" a conversation with anyone? I encourage you to cold call DARTS reservations bare witness to this lack of respect first hand. A greeting like that does not authenticate my existence. I am a name first. In meeting with the Customer Relations Sub-Committee, I validated this statement with the follow excerpts." – I am NOT [redacted] as my DARTS identification number indicates, I am NOT [redacted] as my Mohawk College employee identification number indicates. I am not [redacted] as my McMaster University employee number indicates. My name is Anthony Frisina." At Mohawk College and McMaster University where I am employed, I am referred to as "Anthony". My identification number is second to the person that I am. Our students - at Mohawk College, as of the 2015 enrollment rate was 30,066 each student possessing a unique identification number, and I can only make an educational hypothesis that currently that number is larger, and of that number each student at Mohawk College is a person first. The total enrollment of McMaster University based on 2014 numbers was 30,117, each possessing a unique identification number to their person, but are people first. The point of sharing this information with you today I believe is clear, regardless of the amount of calls DARTS reservations tend to daily, we are people first. I can respect the fact that people have similar names and the differentiator after subsequently clarifying a name can then be a number, personally speaking, from a similar situation, I'll clarify the individual from their date of birth if needed.

There are two forms of service – direct and indirect. From a DARTS perspective from the amount of calls and through hear-say, it's my understanding that number is approximately 3000 per day and subsequently equal to or relatively close, high or low, to the number of rides per day. In my day to day job predominately at Mohawk College, myself and my team facilitate various services to students and the community. When providing face-to-face service, their number is secondary to their name, when providing service over the phone, their number is secondary to their name. This is paramount in treating the individual with the respect and dignity they deserve as people. The demographic and volume of clients that DARTS services daily should not compromise any customer service standards and practices.

I would like to now address the respect towards the individuality of the consumer. Just because we fall under a disability demographic no two people with a "difference of ability" which is a phrase I would prefer to use hereafter in this presentation and should be treated as such. In the Sub-Committee meeting, I presented a solutions-based approach to this, a grandfathering in of a third-party Occupational Therapist who would meet with the client and present an open, non-biased, needs assessment that is a binding agreement between the OT, client and DARTs that is in the best interest of the client rather than a uniform policy that everyone must adhere too. To present an example in my case "client does not require seatbelt on wheelchair". As DARTS vehicles have them on board, I felt this was a silly requirement for myself, while respecting the fact of why it's in place. This established profile would exempt me from the seatbelt on my wheelchair. I now have it exempt, although with numerous struggles with ATS, and DARTS as the claim was "it was for the ramp". Personally, if I were to have a fall, anywhere, I would not want to be attached to my wheelchair and worsen the potential blow.

**Booking DARTS** – You have a 7-day window for booking your appointments within the week. Calling DARTS unfortunately is the most viable option without a user-friendly web-site which is not AODA compliant according to WCAG 2.0 guidelines. Those who are blind or low vision can experience differentiating colours. Calling DARTS unfortunately to ensure you attain the desired time for your ride 7 days later you're calling at 8:30am 7 days before. This a) clogs the line, takes up close to an hour of your time. I would love to see an "automatic call-back" in place or better yet, more user-friendly options and a larger window to book an appointment "two weeks from Tuesday" to get it out of the way. Website, app where all your information is stored, book the pick-up time, location and drop off point, and the return pick up time, pick up location and pick up point. Often after waiting for turn in the queue you are informed their computers are down, and have to call again, so there goes an hour of wasted time. Surely DARTS can find a solution to alleviate the constant outages of their computer, systems and server. There was a time in the summer where the system was down for a full day without a contingency plan and drivers were informed to go to prime locations where they pick up passengers to see if anyone needed a ride (day programs, dialysis are two major bookings for DARTS). You can book same day often times, surely following health care guides you can book in excess of a week if you so desire too and if online receive a confirmation email.

My wheelchair is my freedom. No driver should commandeer my wheelchair without my permission. According to my proposed "agreement" between DARTS, OT, and myself. The driver must ask me if I need assistance before assuming. It's been a glowing reflection based on my years of conversations with DARTS, that this is a matter of incorrect training. I have spoken with drivers who've been with DARTS for over 20 years and surely DARTS must comply with AODA, which only came into effect as law on June 13<sup>th</sup> 2005. Shouldn't policies be updated? Training be updated to reflect this? Regardless of what mobility device you use, you should be required to ask for permission to assist the client. This also conflicts with the Ontario Human Rights Code with regards to the right for my independence.

**15-minute window, shared ride & efficient on-board times** – The 15-minute window is in place for a reason, and while I respect that, there needs to be some accountability on DARTS and the client. If a driver shows up outside the latter end of the window that should be a free ride for the client if they pay, if they don't their route should be direct. Often times the majority of my rides are to and from my primary location at work – Mohawk College and often times it's direct, but when it's not, I find myself calling into to the same day line and asking why I am I going to be on the vehicle for 30-45 minutes. Surely going from Limeridge to Mohawk College – Fennel Campus (zone 1) can't take that long and is that the most efficient use of resources? If I am going a longer distance then that makes sense, when calling in and hearing "it's a shared ride" to me is using it as a disclaimer, rather than something that really makes sense in this case and as per my previously mentioned individual plan, I am an easy drop off, as I can escort myself to do the door, I don't need help leaving the vehicle unless I ask, just being disengaged from the vehicle and the ramp set out for me. This falls in line with ensuring integrity and respect, while some require it, it's important that respect those who don't. With respect to shared rides and on-board times, I simply request that routes make sense. Being driven past a destination to drop someone else off doesn't make the most sense. The two people need to be on different vehicles, and we need to have adequate supply with vehicles and drivers and the schedulers need to be aware of that or drop the first passenger off. My response to this is based on the on-board time for the first passenger coming up to the mandated one-hour max on board time.

**Direct discourtesy of drivers and inside staff.** Two recent events occurred – the mornings of Jan 10<sup>th</sup> and 11<sup>th</sup> respectively. Calling in to inquire about the long on-board time as I had a 7:45am pick up and was going to zone 1 at Mohawk College, I was first told by the reservationist that a) when I start work at 8:30am I need to book an hour in advance, well based on the distance and policy logistics if the driver shows up at 7:30 being on the earlier end of the pick up time then there's my hour. I then disputed the 45 minutes on board time, reiterating the short distance and the fact it didn't make sense from an efficiency standpoint, after the driver attempted to direct me, trying to intimidate me, undermine my intelligence. He altered rides so that I would be going direct. Many drivers agree with me that it should be direct being the distance and the ease in drop off protocol which I propose. There had been times where reservationists input wrong information. As Cable 14 is 150 Dundurn St. S and drivers waited for me at 150 Dundurn St. N. thus, wasting my time and the drivers time. This should be an automatic field so this does not happen. Jan 11<sup>th</sup>. I had a very mouthy driver. Exiting 200



Limeridge Road W. the driver decided to turn right instead of left. I politely said, going left on onto West 5<sup>th</sup> would be more efficient. The driver then rudely said "I'm driving, and I'll get you there". So he went his way and dropped me off at the wrong entrance, explaining "I dropped you off here last time", that was last time as I had a meeting which that entrance was closer (zone 4) at Mohawk College. Don't assume, we had an exchange of words and he went to what was indicated on the tablet. Truthfully, I did mention ask him to drop me off at that zone last time, rather than call in because the location was the same and it was a better use of my time to ask the driver rather than waste time calling in the change. The feeling is, the feel they can intimidate clients and intimidate persons with a difference of ability and elderly because we are perceived as weak. I have been told that drivers are told to lie when they are outside the window, and some do, some don't. They are told to say, there was an "accident" or "traffic" well the city's app alerts me of cede situations. The reality is the driver goes from one end of the city to another and that is far from efficient. In June, I was picked up at Ron Joyce Children's Health Centre (325 Wellington) taken to Flamborough Downs Area to drop off another client before me, because the client had been approaching the hour window mark, when it would have been more efficient to drop me off and hop on the link close by my residence to take the other passenger home. More vehicles and man power alleviate this.

On Oct 12<sup>th</sup> 2018. I had a pick up from Aldershot at 12am as I was in Toronto for the Ticats v Argos game. DARTS did not show up. I assumed they closed their inside offices as they stop taking calls at 11am. I had to take an accessible cab home because DARTS apparently showed up at 1am and my app was showing various times and being malfunctional. I was reimbursed but was very troubled by this issue.

**Vehicles** – The Toyota Siena's and Dodge Ram Promasters specifically are horrible vehicles. The Toyota Siena's do not allow me my independence and freedom as it's electronic buckles and the driver must assist with boarding and unboarding. The Dodge Ram ProMasters are simply horrible vehicles overall. "Nothing About Us, Without Us". The official site states "huge cargo space". Great? I am cargo now? Not only a number, but cargo? I am a human being. For your reference here's the link.

<https://www.ramtruck.ca/en/promaster/2018#efficiency-02>.

I feel many elderlies and more severely disabled are being manipulated, which skews the efficiency numbers because those who are answering questions/surveys (which I have not seen one). Are answering in distress, in fear of losing out on rides if they speak badly about DARTS, which impedes their freedom of speech.

Earlier last year I approached a local radio station to voice my displeasure of DARTS, specifically being treated as a number. Here's the link.

<https://globalnews.ca/news/3353379/hamilton-man-displeased-with-darts-customer-service/>

As you can see per Jessica Brennan and a 2016 survey they claim to have a 90% satisfaction rate. Now is that of all passengers, a certain demographic of passengers? That number can easily be skewed to getting that 90%. I requested more information on that number, but to no avail.

I would like to now introduce you to another passenger, J [redacted] A Mohawk College Student/Alumni, who is visually impaired. Below you will find an e-mail thread with a conversation that he has endorsed me to speak about in this document.

Re: Darts computer outages and expenses

J [redacted]

Fri 2019-01-18 1:23 PM

To:

Frisina, Anthony;

**[EXTERNAL EMAIL ALERT – BE AWARE]**

That's because I got the capitalization wrong when I typed it.

[http://www.caturria.ca/Cruel\\_Darts\\_Driver.mp4](http://www.caturria.ca/Cruel_Darts_Driver.mp4)

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**From:** J [redacted]

**Sent:** January 18, 2019 11:45 AM

**To:** Frisina, Anthony

**Subject:** Re: Darts computer outages and expenses

**[EXTERNAL EMAIL ALERT – BE AWARE]**

Hi,

Yep, absolutely.

Also, here's the incident video from 2015 for your review:

[http://www.caturria.ca/cruel\\_darts\\_driver.mp4](http://www.caturria.ca/cruel_darts_driver.mp4)

As you can see, she dropped me at the wrong house, doesn't really care and is going to leave me anyway. I believe she knew exactly what she was doing, no matter how much Mindorff argues the point.

Regards,

J

On Jan 18, 2019, at 8:15 AM, Frisina, Anthony <[redacted]> wrote:

Thanks J

Can I share this as part of my e-mail to the city?

Anthony Frisina  
Student Services Representative, External Tutor, Invigilator & One Card Support  
Mohawk College  
135 Fennell Ave. West Hamilton, ON L9C 0E5  
(905) 575-1212  
[www.mohawkcollege.ca](http://www.mohawkcollege.ca)

Need money to help you through the fall semester? Complete the MyMohawk Financial Assistance Profile today to be considered for all available Scholarships and Bursaries: [mohawkcollege.ca/financialprofile](http://mohawkcollege.ca/financialprofile)

---

From: J [redacted]  
Sent: January 17, 2019 10:27 PM  
To: Frisina, Anthony  
Subject: Darts computer outages and expenses

Hi,

In November 2016, while I was on co-op placement at Population Health Research Institute, Darts experienced a computer malfunction which resulted in almost a total shutdown of the service. The office was so unprepared for such an event that they had no idea who was scheduled to go where. Needless to say, the phone lines were so jammed that it took an hour just to get lucky enough to get a spot in queue, then easily another hour of waiting on hold to finally speak with dispatch. Their means of handling the situation was simply to wait for passengers to call asking where their ride was, and to use those calls to determine who was supposed to be riding.

Myself, I was stuck waiting for multiple hours before finally being picked up from placement. At the time, I spoke with Darts as I felt it was unacceptable for a technical issue to result in a complete service outage. This is an essential service, if 911 or the hospital can't completely fail

when technical issues arise neither should Darts.

I suggested to them that a simple, low cost and effective solution would be to have a local computer, in the office, download all of the trips for that day from the central server on an hourly basis. This way, if the servers failed, the office could easily print mostly up to date paper copies of schedules for every driver. There would be late pickups and a few missed trips, but nothing anywhere near the grand scale disturbance that was experienced that day. Darts did not take this advice, nor did they devise their own contingency plan to deal with this eventuality.

These outages continued to happen. In September 2018, I was dropped off at Mohawk College, after which the computer systems went down again. I was scheduled for a ride home from school for lunch, a ride back to school for my next classes, a ride home afterwards, a ride to a recreational destination in the evening and a ride back home afterwards. None of these trips occurred. As a result of this, I incurred \$22 worth of unforeseen expenses, lunch on campus and an Uber ride back home. Darts refuses to reimburse these expenses, as if they believe these technical problems and the service failures they cause are force majeure/ act of God incidents. While I agree that technical failures are sometimes legitimately outside of anybody's control, having no emergency response strategy to keep this essential service running smoothly in spite of them is negligence pure and simple.

At the end of the day, I believe that successfully booking a Paratransit ride represents a contract between Darts and the passenger, and failure to deliver the agreed upon ride is a breach of contract. Darts should absolutely reimburse expenses us passengers incur as a direct result of their negligence.

Darts has been expecting patience and tolerance of frequent service outages, while giving us no progress report (towards solving the underlying problems), action plan (for preventing future disturbances), compensation (for expenses resulting from being left stranded) or apology (for the serious issues these events cause).

Leaving passengers stranded for extended periods of time is never acceptable. A contingency plan that keeps the service running when technology fails should be considered a requirement.

Regards,

J

Here's a second conversation.

Hi,  
Sure thing.

It occurred to me to add that ideally, I think we should be angling for Mindorff's resignation. I believe he's responsible for most of what's broken.

Regards,

J

On Jan 7, 2019, at 12:09 PM, Frisina, Anthony

rote:

Hi J

Do you give me consent to forward our conversation to a Human Rights Lawyer?

Anthony

On Jan 7, 2019 12:03 PM, J

**[EXTERNAL EMAIL ALERT – BE AWARE]**

Hi,

My passenger number is

To clarify, what I meant by an authenticator is not a machine. What I mean is that after the reservationist takes my name and passenger number (if necessary), they should ask me a security question which I've specified on my profile.

In my case, they could ask me 'J, what is your favourite video game?' I answer ' ' and then they know it's me and continue with the interaction. Same thing as what support agents would do at your telecom provider, bank, etc. They make sure they're talking to the rightful account holder. The passenger number is not enough to achieve that because drivers and other people may know it. That said, if I call in from my own phone, they don't need to ask for a passenger number at all. Their system could tell them exactly who I am from the number that comes up and they could simply say 'Hi J how can I help you?' If I'm calling in from a different number, then they need to verify name, passenger number and, ideally, some secret password or authentication phrase which prevents unauthorized action from being taken.

The passenger number issue has never bothered me personally, except for the security implications I mentioned before. I believe that drivers have called in as me in the past. I get no showed by lying drivers constantly. If that issue could be squashed, and the hour long waits on the phones could be eliminated, I'd be satisfied with the service otherwise.

Regards,

J

On Jan 7, 2019, at 10:44 AM, Frisina, Anthony

ote:

Hi J

In addition to your name (see what I did there) can you please give me your passenger number?

Anthony Frisina

*Student Services Representative, External Tutor, Invigilator & One Card Support*

Mohawk College

135 Fennell Ave. West Hamilton, ON L9C 0E5

(905) 575-1212

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**From:** J.  
**Sent:** January 6, 2019 6:48 PM  
**To:** Frisina, Anthony  
**Subject:** Re: Darts

**[EXTERNAL EMAIL ALERT – BE AWARE]**

Hi,

By all means, do as you see fit.

It's clear that our concerns are quite different in nature.

I definitely support the notion that help you don't need shouldn't be forced down your throat.

That said I want to ask you to proceed with caution. Myself, I think the default should be door to door service, unless your profile specifically states otherwise. I just don't want drivers to get any smart ideas that they can claim ambiguity, oh I wasn't sure if this passenger needs door to door or not so I assumed not and left them stranded instead. If you opt out of door to door service, how would you prefer they handle the scenario where you don't immediately come out to greet the driver? Should they knock on the door after a couple minutes anyway? Call you? Or just assume you're a no show and leave?

This is the one piece for which I'm admittedly apprehensive about getting behind unless it can be implemented in such a way that it meets your needs without adversely affecting those of us who do need our rides to be door to door.

To late trips and such, yes. I would love to see paratransit institutions held accountable for breaking their own rules in this way. I'm assuming you pay for your Darts rides with tickets? Myself I pay with either HCUP (the Mohawk bus pass) or a monthly pass. So just saying the ride is free if it's late doesn't benefit pass users. What I would like to see in the event of late trips is:

- 1 a courtesy call as I want to know they're late and that I can leave to go to the washroom or something if needed,
- 2 if you can't tell me how late you'll be, call me when the driver arrives and give me ten minutes instead of five to load (since I might have had to step away to use the washroom or something)
- 3 some compensation. They could give me the choice of getting that ride for free (which only benefits me if I pay per trip), or give me a free two way anytime, anywhere taxi voucher that I can use whenever I want later. I wouldn't be satisfied with just, ride is free if it's late, because then they'd prioritize being on time for people who pay by ticket and those of us paying by pass would continue to get late pickups.

What are your thoughts on that?

As for the greeting when they answer the phone, I agree it's very impersonal. Personally, I'd like to see an authenticator of some kind be added (like a password or security question) before they'll start taking instructions from a caller and making changes.

Reason being, I've had times when they've misheard my passenger number. They think I'm someone else and say, 'Is this Fred?' To which I reply, 'No it's J...'. Then they ask for the number again.

I just gained the power to cancel all of Fred's trips, find out who he is, where he goes and when he goes there, and even where he lives. Not that I would ever do that. But drivers know our names and passenger numbers. They can, and do, phone dispatch to make little changes to pickups to enable them to fake no shows. In my case I get picked up at the Starbucks entrance. The driver can easily call, identify as me and ask for a pickup off West 5th, which dispatch will grant, allowing the driver to go there and no show me.

Lastly, drivers know our first names, last names, home address and passenger number (by necessity). We know nothing about them except a first name. This I find seriously unfair. The driver can do something mean or cowardly, and they can just drive away meaning we have no idea who they were.

Your thoughts?

Thanks,

J

On Jan 6, 2019, at 5:26 PM, Frisina, Anthony <[REDACTED]> wrote:

Hi J,

Thanks so much for this information. Do you mind if I alter it in letter form?

While we equally have a "difference of ability" as I like to put it. I think within the realm of ability we should be able to and free to do things based on ability. My problems are I don't want to be escorted on and off the vehicle unless I request it, I don't want to be escorted to the door unless I request it. The 15 minute window should be honoured and if a driver is beyond it on the latter end it should be a free ride, no excuses! I've not had a seatbelt on my chair till using Darts, why should that be a requirement if they have them on board and put it on anyway? Do I need to be coddled? Am I fragile? No and no!

Basically, I'm advocating for a more detailed passenger profile based on individual needs rather than a uniform approach. Basically, of the just over two years I've used Darts I've run into these issues, I'm also advocating for a more personalized phone call. "Hi my name is? Can I get your passenger number? Doesn't sit well with me! We're people too and deserve respect. I can only speak for myself here but can educationally guess you agree that respect, dignity and integrity are being compromised. As an employee and student of Mohawk College too you know we have numbers as well, when I work at the square and I'm face to face or over the phone with someone, I'm gonna treat them like a person not a number. I'm going to get their name first, then number.

Does this all make sense?

Anthony

On Jan 6, 2019 4:39 PM, J <[REDACTED]> wrote:

**[EXTERNAL EMAIL ALERT – BE AWARE]**

Hi,

As you know, my name is J. I am totally blind, as well as missing my sense of smell and most of my sense of taste.

I have lived in Hamilton for 8 months of the year since January 2014.

I attend the software development program at Mohawk College. I take at least 20 Darts rides per week; to and from the college every weekday, and too and from a recreational destination (such as Tim Hortons or Cannon Coffee) most days.

Most of the difficulties I have faced while using Darts revolve around the five minute no show clock, and the manner in which drivers abuse it to get ahead at my expense.

My trip details are always very clearly spelled out in the comments on my trips. They outline exactly where I will be sitting inside the building. I strive to make sure I'm seated as close to the

exit doors is possible (in fact I advocated with Mohawk College and successfully got special Darts seating placed near the H wing entrance doors).

What Darts drivers do is they take advantage of the specific handicap of a passenger to come up with creative ways of ensuring we don't connect before the clock runs down. In my case, the drivers who don't have cameras onboard can simply remain seated in their vans while the clock runs, then leave as soon as it expires claiming they searched for me to no avail. The drivers who do have cameras have to get a little more creative. They will walk inside the building, walk right past me without me knowing and slip into the washroom. Then they spend a few minutes in there, slip past me again, head back to their vans and prepare to leave when the clock runs out. In some cases they stand directly in front of me, knowing I don't know they are there, hoping I don't figure out what's going on before they can leave. Thanks to Where Is My Ride, I can sometimes catch them in the act before they leave. It shows me that the driver has reported 'arrive', so if they don't come to me after a minute or two I will phone Darts (if the phone queue isn't too bad) or flag down some help from a passerby. Oftentimes the drivers give up hiding as soon as they realize someone is watching out for me and then they just take me reluctantly.

I can only speculate as to what the incentives are, but I suspect that if enough drivers skip enough passengers this way, that they collectively benefit by gaining more downtime for breaks, and the contract drivers get more trips for which they're paid (for no shows as well).

Of the likely near 1000 Darts trips I've taken, I have legitimately been a no show about three times. I have used paratransit systems my entire adult life, I'm well aware of what's expected of me and I don't play games with my livelihood. That said, I either get no showed by a driver, or have a driver attempt to scam a no show from me, some twice a week or more on average. When HTOWN came on the scene, the problem got worse, but even the Darts employee drivers are guilty of the same actions. They just have to be more creative in doing it.

I got fed up with ATS and the broken chain of a complaint process. I was tired of leaving voicemails and never hearing back, or speaking with Tammy and having to call back repeatedly only to eventually be told that Darts never followed up with her.

In November I showed up unannounced at the Darts office. You can't get inside, but one of the decent drivers was there and she let me in the door. I was told that under no circumstances would they deal with a passenger in person and they forced me to leave. I went down to ATS in person and demanded to meet with Tammy. That's when I was put in contact with Peter, and convinced ATS to add 'Dispatch call J before no show' to my permanent trip comments. To be fair, dispatch has actually honoured this directive, and it has made drivers a little more reserved about trying to falsify no shows with me. They still sometimes try, and most of the time dispatch calls me. When this happens I tell them the driver hasn't provided door to door, and most drivers are smart enough to give up the game at that point. Though it has mitigated the problem for me to some extent, I fear that many other passengers (especially ones with vision problems) are still facing the same challenges.

I have been onboard when drivers have tried to 'shaft', as I call it, other passengers. They might get out of their van for 10 seconds, make a very insincere effort, then get back in the van and either sit and wait or drive around before leaving instead of going inside and finding their clients. I find it hard to believe that the no show rate in Hamilton is anywhere near where it should be. It isn't so bad in any other place I've lived. I suspect it has much to do with a driver ethics problem, and the new influx of low quality drivers who have been brought onboard.

The last thing I want to touch on is an incident which occurred in 2015.

The date is May 12th. I am coming home from a friend's house. It is a hot day so I'm dressed in shorts and t-shirt, but the night is well below seasonal (near the freezing mark) with high winds. At that time I was going through a phase of standing out on the curb for the entire pickup window regardless of weather, thinking it would minimize drivers shafting. I was standing on my friend's curb in this bad weather as well. Mary pulls up in a Darts bus. We begin talking about the situation, and why I was standing outside in bad weather. She tries to convince me



that all drivers are compassionate, and that they will come in to get me. I tell her that the majority have tried to avoid picking me, and other passengers up in the past. At this point she threatens to write me up, to which I reply, that's your prerogative. At this point she decides to strand me at a stranger's home at midnight.

She walks me to the stranger's door, then goes back to the bus and watches me try to figure out where I am for a moment, then starts to leave. At the same time, the lady who lived at that home came running out in her pyjamas, and ran to catch her at the end of her driveway. When she did manage to stop the bus, Mary stopped (and to her credit didn't try to leave again), but she didn't get off the bus to come and help me either. The woman at the house came back to her doorstep and brought me all the way back to the bus which was now stationed at the end of the driveway. I believe this incident to have been deliberate. I think she was annoyed over the content of our conversation and thought she would put me in harm's way to try and teach me a lesson. Worse yet was Mark Mindorff's response. When he spoke to me, he treated me like a child. When he spoke to my mother (who called him out of anger) he asked her what I was doing out at that time of night in the first place and what did I expect. I was 25 years old at the time.

I never received closure for what could have been a dangerous situation, and no known action was taken against Mary either. Neither did Darts apologize to the owner of the incorrect home, who must have been alarmed over having a stranger trying to enter her home at midnight.

Mark sent us a portion of the video, claiming that because Mary walked me to the door he was okay with the fact it was the wrong door, and that she didn't wait until I was safely inside.

I put the video on the internet, but Mark found it six months later, and forced me to remove it.

I felt he was more interested in keeping me quiet than ensuring something like this couldn't happen again. This could have resulted in a casualty had I been someone who didn't have my wits about me.

Those are the major points, from my prospective. What have your challenges with Darts been?

Regards,

Jk

On Jan 6, 2019, at 11:14 AM, Frisina, Anthony <

> wrote:

Hi Jk

Would you be able to write me a letter in the next week or so addressing all your issues and concerns. Mark is definitely bluffing. As soon as you address Human Rights concerns it trumps any corporate policy. Which I have validated with Human Rights lawyer I'm currently working with to action the movement forward, but the more people on board and the diverse claims that can be made is more powerful.

Feel free to text me

- but a letter would be a great place to start.

Anthony

On Jan 6, 2019 10:57 AM, J

**[EXTERNAL EMAIL ALERT – BE AWARE]**

Hi Anthony,

I would love to speak with you.

Perhaps you'd like to arrange a telephone conversation sometime?

As for using my name, I have to give that some thought. My immediate concern is that Mark Mindorff has made retaliatory threats against me in the past. Whether he's bluffing or actually has the power to action them I don't know.

I would love to help in any way I can.

Please let me know.

I'm not available to talk today as I'm flying back to Hamilton, but I can be reached at .

Regards,

J.

On Jan 6, 2019, at 8:45 AM, Frisina, Anthony <[redacted]> wrote:

Hey J.

I hope this email finds you well and all is good.

I'm writing you with a request as I'm launching a formal complaint against Darts in the near future and was wondering if you could illustrate any accounts of issues you've had with them in the past the more information you can provide the better and if I could use your name and passenger number that would be great as well.

Many thanks for your consideration

Anthony

In conclusion, J [redacted] and I both have different abilities and our respect is being compromised as illustrated. I can only venture an educated guess that this is happening to many people who are afraid to speak based on the reasons listed previously. I would like to share a video and article with you that speak to the importance to the overall vision of Our Future Hamilton on Accessibility & Inclusion in my eyes.

<https://www.youtube.com/watch?v=Gv1aDEFIXq8>

<http://disabilityhorizons.com/2018/11/lets-change-the-way-we-talk-about-disability/>

Anthony Frisina



February 3, 2019

Mayor and Members of the General Issues Committee,

I am writing to you on behalf of Cycle Hamilton with regards to the City of Hamilton's 2019 budget. Since our last correspondence in December 2018, we understand that staff has been directed to report back to Council summarizing cycling-specific spending in the 2019 budget, and that the report was presented to council on Monday January 21st. While we are happy to see that \$6.4M will be spent this year, we recognize that most of the funding is coming from a one-time provincial investment. As such, we want to take this opportunity to **encourage Council to commit to an annual and sustained investment of \$2.5 million annually for cycling infrastructure from the City's capital budget.**

Since 2009, the City's cycling efforts have been directed by the Cycling Master Plan. This Council-approved plan (updated in 2018) outlines a vision for a transportation system that offers a choice of integrated travel modes, including over 1,000 km of safe cycling infrastructure. The City has not kept pace with the Cycling Master Plan targets due to annual underspending on implementation.

If our intent is to complete the plan by 2029, Council should allocate \$2.5 million per year. This figure is based on City estimates. At present, the City allocates approximately \$1.4 million for cycling infrastructure per year, meaning that we are not keeping up with the Plan, or with the community-wide demand for cycling.

Our recommendation is that the City allocate \$2.5 million from the capital budget in the 2019 budget so that, with this new term of Council, we can take a meaningful step towards building the necessary infrastructure for a bicycle-friendly community.

Investing in cycling infrastructure makes our streets safer for all road users. Data collection along streets with new separated cycling facilities in Ottawa and Toronto has shown a 50% decrease in collisions for people walking and 44% decrease in overall conflicts, respectively (City of Ottawa 2017 and City of Toronto 2017).

Making cycling safer and more convenient with infrastructure will also help to ease traffic congestion in a cost-effective manner that does not require widening roads. Roads with separated space for people cycling can move 185% more people per hour (City of Vancouver 2018).

Additionally, provincial research shows that 32% of residents would prefer to bike to work (Share the Road 2018). Giving these residents the choice to cycle will free up more space on our roads for residents who need or want to drive.

Investing in cycling is also a matter of building a more accessible community for all residents. Approximately 30% of people in a community don't have access to a car because of age, ability, or cost. Making cycling a real transportation option ensures that more Hamiltonians can get around their neighbourhood and city without needing to drive for every trip.

As Hamilton's membership-supported voice for cycling, we look forward to working with you to make Hamilton the best place to raise a child and age successfully.

Sincerely,

A handwritten signature in cursive script that reads "Kate Whalen".

Kate Whalen  
Co-Chair, Board of Directors  
Cycle Hamilton  
chair@cyclehamont.ca

Mr. Mayor and members of Hamilton City Council,

I am writing you today to sincerely ask that in budget deliberations, you take under advisement the very practical and ever-present need to ensure we as a city invest in improving accessibility in Hamilton.

One very important element in this is maintaining the funding for the 10 Year Local Transit Strategy. As established in the 2018 budget proceedings and many of the delegations, including one that I had presented, withholding the increased annual funding in this plan has already once before resulted in a transit crisis. Transit users like myself were faced with frequently cancelled buses, overcrowded buses, and extremely late buses while trying to get to school, work, or around the City of Hamilton. When a bus is at full capacity, or near full capacity, it often cannot accommodate a rider using a mobility device. If Hamilton ever returns to another transit crisis, I question whether it is truly appropriate to advertise our buses as “fully accessible” if the buses become consistently too full to accommodate riders with mobility devices. Annual funding increases along this transit strategy plan is linked to the HSR’s success this past year in arriving on time, consistently, and getting us where we need to go in the city. Transit should be an ideal and primary choice for people to get around a bustling and ambitious city like Hamilton, and the only way to encourage more people to use transit services is to ensure that services are funded so that the HSR can consistently meet the needs of riders.

Another issue that should be top of mind in budget deliberations is funding sidewalk maintenance across the City of Hamilton. The Disability Justice Network of Ontario launched a “Snow and Tell” campaign this past winter season. This organization was highlighting the gross accessibility challenges facing people using mobility devices, people using strollers to get around with young children, and people in general who have difficulty walking through inches of snow and snow banks along unmaintained sidewalks. Hamilton should not advertise itself as the best place to raise a child and age successfully if it is only possible for everyone to use our sidewalks during seasons without snow.

The most common reason I feel would arise in the debate of whether or not the City of Hamilton would maintain sidewalks is that it will cost taxpayers more money than members of Council feel they are willing to pay for such a service. I would like to reiterate that this is not just a decision to have the city clear the sidewalks, it is a commitment and step in the right direction from the City of Hamilton that we ensure everyone using our sidewalks can do so regardless of what device they may be using. The City of Hamilton prides itself in its branding as “The Ambitious City”, but there is nothing ambitious about a city inaccessible to pedestrians.

It is with this that I urge all of Council to not only advance into the next year of 10 Year Local Transit Strategy funding, but to also invest all funding needed to provide sidewalk snow removal maintenance.

Thank you for taking the time to consider the items I have brought forward today, and I look forward to hearing your debate on these items in the near future.

Deanna Allain

## 5.1

**Form: Request to Speak to Committee of Council**  
Submitted on Tuesday, January 22, 2019 - 4:01 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Shemar Hackett

**Name of Organization:** McMaster Students Union

**Contact Number:** 905-525-9140 ext. 24017

**Email Address:** [avpmunicipal@msu.mcmaster.ca](mailto:avpmunicipal@msu.mcmaster.ca)

**Mailing Address:**

McMaster Students Union  
1280 Main St. W. MUSC #201  
Hamilton, Ontario  
L8S 4S4

**Reason(s) for delegation request:** I would like to delegate to the GIC on FEBRUARY 11 / 2019 in regards to the City budget planning process, and the priorities of McMaster students.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

## 5.2

### **Form: Request to Speak to Committee of Council**

Submitted on Sunday, February 3, 2019 - 4:35 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Karl Andrus

**Name of Organization:** Hamilton Transit Riders Union

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** Wish to speak to Feb 11th budget day.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 5.3

**Form: Request to Speak to Committee of Council**  
Submitted on Monday, February 4, 2019 - 6:23 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Eric Tuck

**Name of Organization:** Atu Local 107

**Contact Number:**

**Email Address:** [president@atu107.com](mailto:president@atu107.com)

**Mailing Address:**

**Reason(s) for delegation request:** LRT and Transit

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 5.4

### **Form: Request to Speak to Committee of Council**

Submitted on Monday, February 4, 2019 - 2:35 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Paula Kilburn

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** To talk about the need for the DARTS service

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No



5.5

**Form: Request to Speak to Committee of Council**

Submitted on Wednesday, February 6, 2019 - 9:38 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Don McLean

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** 2019 Budget - Public delegations day on February 11, 2019

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 5.6

### **Form: Request to Speak to Committee of Council**

Submitted on Thursday, February 7, 2019 - 6:05 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Ute Schmid-Jones

**Name of Organization:** Member, Hamilton 350 and Member,  
Hamilton Blue Dot

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** I would like to delegate to council during the Monday, January 11th General Issues Committee regarding the Budget, asking that they vote to continue to commit funding and increasing resources to HSR.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

## 5.7

**Form: Request to Speak to Committee of Council**  
Submitted on Thursday, February 7, 2019 - 9:25 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Dr. James S. Quinn

**Name of Organization:** Environment Hamilton

**Contact Number:** 905 525-9140 x23194

**Email Address:** [quinn@mcmaster.ca](mailto:quinn@mcmaster.ca)

**Mailing Address:**

**Reason(s) for delegation request:** I would like to speak to  
the issue of Transit

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 5.8

**Form: Request to Speak to Committee of Council**  
Submitted on Thursday, February 7, 2019 - 9:57 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Caitlin Thompson

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** Show support for increasing HSR transit budget and need for more reliable and support for HSR from the City

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

5.9

**Form: Request to Speak to Committee of Council**  
Submitted on Thursday, February 7, 2019 - 11:29 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Erinne Acciaroli and May Toth

**Name of Organization:** Retired Teacher and Retired Nurse

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:**

Accessibility in Municipal Public Places - Shlomit Erinne  
Women's Health Care and Socialization – May  
Transportation Dealing with Coyote Problem

We received notice of this by email Feb, 6/19 for the  
Delegation Day, Mon, Feb, 11/19

**Will you be requesting funds from the City? No**

**Will you be submitting a formal presentation? No**

# TORONTO STAR

## Doctors should follow patients beyond the hospital room

**ARNAV AGARWAL  
AND SHAURYA TARAN**  
OPINION

Many medically oriented TV shows and books take place in hospitals. They often start with the screaming sirens of an ambulance pulling up to a hospital and end (at least, the happy stories) with people walking out, better for it. In the middle, the stories revolve around extravagant technology, heroic surgeries, and harrowing “life and death” moments.

However, most medical care isn’t provided in hospitals. As diseases move from acute to chronic (think cancer, diabetes, heart failure), patients receive a larger proportion of their care in the community. They rely increasingly on services such as CCAC (Community Care Access Centre), which maintain a relatively limited presence in the hospital.

Physicians now devote considerable time to navigating patients toward the most appropriate discharge destinations. The possibilities seem endless: patients may be sent to rehab centres, nursing homes, retirement homes, complex continuing care facilities, or home with community supports, for example. But where to send any given patient?

This is not an easy question — and it is complicated by the fact that many physicians do not know how these sites and services work, beyond a superficial understanding.

As internal medicine residents we came to recognize this while on the clinical teaching unit of a busy downtown Toronto hospital. A patient presented in florid heart failure, unable to walk or even breathe because of the extra fluid pooling in his legs and lungs. We admitted him and finally, after days of treatment, he was able to move and breathe again.

Despite his motivation to walk independently again there was still much work to be done. We submitted an application for transfer to physical rehabilitation, and prepared ourselves for the arduous wait for a placement.

One afternoon the patient asked, “What does rehab look like?” Silence. “I’m just nervous about it,” he said. “What does a day in rehab look

like? What kind of food do they give us? Will my wife be able to visit me everyday?” More silence. “How many weeks are they planning on keeping me? I wonder when they’ll take me — when will I go?”

We always seem to have an answer for his medical concerns. But now, when asked about how his care would look outside the hospital, there were no answers. We didn’t truly understand where he was going.

This is problematic. Patients rely on physicians to guide their health care trajectories. While the expertise of other health specialists — physiotherapists, occupational therapists, speech pathologists, social workers and others — is invaluable, physicians are legally and practically the most responsible providers for patients in the hospital.

Yet, most physicians get little to no exposure to rehabilitation institutions, long-term care facilities and nursing homes.

How can they make safe, appropriate and informed discharge decisions without insight into how those destinations look, and what they have to offer?

To remedy this problem, medical residents and early doctors should be encouraged to spend part of their training learning how community establishments function — for instance, by directly participating in clinical placements. They should follow their patients to better understand the services they receive beyond hospital walls.

By experiencing the day-to-day lives of patients, residents may embrace the opportunities and limitations these community avenues offer. The next patient they discharge will have a safer, more nuanced care plan when they leave, and a better understanding of where they are going.

It is no stretch to imagine that failed disposition plans or delays in establishing reliable discharges are what keep patients in hospital significantly longer than necessary, or bring them back all too often. Almost 4,000 beds are occupied by patients awaiting transfer to long-term care, rehabilitation, or other such institutions. Medically inactive patients can fill up to 10 large hospitals in Ontario alone.

To make these changes possible, medical training paradigms should evolve to impart knowledge of community services. Moreover, experience beyond the walls of the hospital should be valued in the same way as traditional ward-based clinical experience.

While this is not an easy proposition, such changes would not only help physicians, but would improve patient care — and that is reason enough.

Arnav Agarwal and Shaurya Taran are internal medicine resident physicians at the University of Toronto.

5.10

**Form: Request to Speak to Committee of Council**  
Submitted on Thursday, February 7, 2019 - 12:29 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Ian Borsuk

**Name of Organization:** Environment Hamilton

**Contact Number:**

**Email Address:** [iborsuk@environmenthamilton.org](mailto:iborsuk@environmenthamilton.org)

**Mailing Address:**

**Reason(s) for delegation request:** I wish to delegate on the 2019 budget on February 11th's "public delegation day".

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

5.11

**Form: Request to Speak to Committee of Council**

Submitted on Friday, February 8, 2019 - 10:25 am

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Judith Bishop

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** To speak at the budget hearings on Monday February 11 with regard to children's issues

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No



5.12

**Form: Request to Speak to Committee of Council**

Submitted on Friday, February 8, 2019 - 12:49 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Sarah Jama

**Name of Organization:** Disability Justice Network of Ontario

**Contact Number:** 2896800178

**Email Address:** [sarah@djno.ca](mailto:sarah@djno.ca)

**Mailing Address:** 423 King Street East

**Reason(s) for delegation request:** Speaking to the importance of budgeting re: snow removal and accessible transit

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

5.13

**Form: Request to Speak to Committee of Council**

Submitted on Friday, February 8, 2019 - 11:59 am

==Committee Requested==

**Committee:** Board of Health

==Requestor Information==

**Name of Individual:** Jon Davey

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** I would like to speak to the February 11th Special GIC budget committee about the need to make climate change a top priority.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

5.14

**Form: Request to Speak to Committee of Council**

Submitted on Friday, February 8, 2019 - 12:50 pm

==Committee Requested==

**Committee:** General Issues Committee

==Requestor Information==

**Name of Individual:** Sean Hurley

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** Budget Transit

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No



Financial Statements

Disabled and Aged Regional Transit System

December 31, 2014

## Disabled and Aged Regional Transit System

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## Independent Auditor's Report

Grant Thornton LLP  
33 Main Street East  
Hamilton, ON  
L8N 4K5

T +1 905 523 7732  
F +1 905 572 9333  
[www.GrantThornton.ca](http://www.GrantThornton.ca)

To the Board of Directors of  
Disabled and Aged Regional Transit System

We have audited the accompanying financial statements of Disabled and Aged Regional Transit System, which comprise the statement of financial position as at December 31, 2014, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.

## Independent Auditor's Report (continued)

### *Basis for Qualified Opinion*

In order to match the funding requirements of the City of Hamilton, the organization records property and equipment acquisitions as expenses in the year of purchase, except for contributed property and equipment, which is capitalized and amortized over its useful life and records capital leases for property and equipment as operating leases, which are departures from Canadian accounting standards for not-for-profit organizations. Had the organization recorded the property and equipment and capital leased assets at their cost and amortized them over their estimated useful lives and recorded the capital leases correctly, additional property and equipment would be recorded for \$275,000 (2013 - \$232,000) and additional accumulated amortization would be recorded for \$181,000 (2013 - \$154,000). Administration expense would be decreased by \$43,000 (2013 - \$75,000) and additional amortization expense would be recorded for \$27,000 (2013 - \$15,000) resulting in an additional \$16,000 (2013 - \$60,000) of excess of revenue over expenses for the year. Surplus - beginning of year would be increased by \$78,000 (2013 - \$18,000) and surplus - end of year would be increased by \$94,000 (2013 - \$78,000).

Further, to match the funding requirements of the City of Hamilton, the organization records liabilities under insurance claims as they are paid, which is a departure from Canadian accounting standards for not-for-profit organization. Had the organization accrued the liabilities under insurance claims, additional accounts payable and accrued liabilities would be recorded for \$254,000 (2013 - \$229,000). Administration expense would be increased by \$25,000 (2013 - \$110,000) resulting in an additional \$25,000 (2013 - \$110,000) being shown as an excess (deficiency) of revenue over expenses for the year. Surplus - beginning of year would be decreased by \$229,000 (2013 - \$119,000) and surplus - end of year would be decreased by \$254,000 (2013 - \$229,000).

### *Qualified Opinion*

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the organization as at December 31, 2014 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

*Grant Thornton LLP*

Hamilton, Canada  
May 26, 2015

Chartered Accountants  
Licensed Public Accountants

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## Disabled and Aged Regional Transit System Statement of Operations

Year ended December 31	2014	2013
<b>Revenue</b>		
City of Hamilton grants	\$ 14,690,561	\$ 12,684,431
Amortization of deferred contribution	1,961,129	1,744,115
Passenger fares	674,440	986,794
Other	4,254	9,530
	<b>17,330,384</b>	<b>15,424,870</b>
<b>Expenses</b>		
Wages and benefits	9,201,030	8,556,661
Vehicle	2,879,146	2,302,558
Purchase of services	2,780,394	2,226,993
Amortization	1,961,129	1,744,115
Administration	256,012	299,577
Premises	160,000	160,275
Professional fees	92,673	134,691
	<b>17,330,384</b>	<b>15,424,870</b>
Excess of revenue over expenses for the year	<b>\$ -</b>	<b>\$ -</b>

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## Disabled and Aged Regional Transit System Statement of Financial Position

December 31	2014	2013
<b>Assets</b>		
Current		
Cash	\$ 1,301,325	\$ 1,670,202
Accounts receivable	524,321	816,151
Due from the City of Hamilton (Note 7)	904,521	225,993
	2,730,167	2,712,346
Property and equipment (Note 3)	4,590,251	6,623,847
	\$ 7,320,418	\$ 9,336,193
<b>Liabilities</b>		
Current		
Accounts payable and accrued liabilities	\$ 807,877	\$ 849,644
Government remittances payable	35,223	17,751
Deferred revenue	1,887,067	1,844,951
	2,730,167	2,712,346
Deferred contribution (Note 4)	4,590,251	6,623,847
	7,320,418	9,336,193
<b>Fund balances</b>		
Surplus		
	-	-
	\$ 7,320,418	\$ 9,336,193

Commitments (Note 5)

On behalf of the board

\_\_\_\_\_ Director \_\_\_\_\_ Director

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## Disabled and Aged Regional Transit System Statement of Cash Flows

Year ended December 31	2014	2013
Increase (decrease) in cash and cash equivalents		
<b>Operating</b>		
Excess of revenue over expenses	\$ -	\$ -
Amortization	1,961,129	1,744,115
Amortization of deferred contribution	<u>(1,961,129)</u>	<u>(1,744,115)</u>
	-	-
Change in non-cash working capital items		
Accounts receivable	291,830	(217,267)
Accounts payable and accrued liabilities	(41,767)	185,820
Government remittances payable	17,472	(16,764)
Deferred revenue	42,116	259,747
Due from the City of Hamilton	<u>(678,528)</u>	<u>(175,066)</u>
(Decrease) increase in cash	(368,877)	36,470
<b>Cash</b>		
Beginning of year	<u>1,670,202</u>	<u>1,633,732</u>
End of year	<u>\$ 1,301,325</u>	<u>\$ 1,670,202</u>

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

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December 31, 2014

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### 1. Nature of operations

Disabled and Aged Regional Transit System was established to transport disabled and aged persons in the City of Hamilton. It is incorporated by Letters Patent as a corporation without share capital under the laws of the Province of Ontario and is a registered charity under the Income Tax Act.

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### 2. Significant accounting policies

With the exception of not capitalizing and amortizing property and equipment and recording capital leases as operating leases and recording liabilities under insurance claims as they are paid, the organization follows Canadian accounting standards for not-for-profit organizations in preparing its financial statements. The significant accounting policies used are as follows:

#### Financial instruments

##### Measurement

The organization initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions.

Financial assets or liabilities obtained in related party transactions that are with a person or entity whose sole relationship with the organization is in the capacity of management are accounted for in accordance with financial instruments.

The organization subsequently measures all its financial assets and financial liabilities at amortized cost.

Financial assets and financial liabilities measured at amortized cost include cash, accounts receivable, and accounts payable and accrued liabilities.

##### Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. Previously recognized impairment losses are reversed to the extent of the improvement provided the asset is not carried at an amount, at the date of the reversal, greater than the amount that would have been the carrying amount had no impairment loss been recognized previously. The amounts of any write-downs or reversals are recognized in income.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2014

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### 2. Significant accounting policies (continued)

#### Property and equipment

Contributed vehicles and equipment and matching deferred contributions are recorded at fair market value at the date of the contribution. Amortization of contributed vehicles and equipment and the matching deferred contribution is recorded using the straight line method at the following annual rates over the estimated useful lives of the related assets:

Contributed vehicles	6 years Straight-line
Contributed equipment	5 years Straight-line

The estimated useful lives of assets are reviewed by management and adjusted if necessary.

The organization tests for impairment when events or changes in circumstances indicate the carrying amount of an item of property and equipment may not be recoverable. The recoverability of long-lived assets is based on the net recoverable amounts determined on an undiscounted cash flow basis. If the carrying amount of an asset exceeds its net recoverable amount, an impairment loss is recognized to the extent that fair value is below the asset's carrying amount. Fair value is determined based on quoted market prices when available, otherwise on discounted cash flows over the life of the asset.

#### Revenue recognition

Passenger fares are recognized upon the provision of the related service.

The organization follows the deferral method of accounting for grants and contributions. Restricted grants and contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted grants and contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Substantially all of the deferred revenue recorded on the balance sheet is the January 2015 operating contribution received from the City of Hamilton.

#### Management estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. By their nature, these estimates are subject to measurement uncertainty. These estimates are reviewed periodically and adjustments are made to income in the year in which they become known.

Items requiring significant management estimates include estimated useful lives of property and equipment.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2014

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### 3. Property and equipment

			2014	2013
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Contributed vehicles	\$ 12,114,132	\$ 7,574,324	\$ 4,539,808	\$ 6,551,701
Contributed equipment	108,516	58,073	50,443	72,146
	\$ 12,222,648	\$ 7,632,397	\$ 4,590,251	\$ 6,623,847

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### 4. Deferred contribution

Contributions received in the year represent the fair value of vehicles or equipment at the date of contribution. Contributions are deferred and amortized over the estimated useful lives of the underlying assets.

	2014	2013
Opening balance - deferred contribution	\$ 6,623,847	\$ 4,435,947
Contributions received in the year (note 7)	-	3,932,015
Amortization of deferred contribution	(1,961,129)	(1,744,115)
Disposal of contributed vehicle	(72,467)	-
Ending balance - deferred contribution	\$ 4,590,251	\$ 6,623,847

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### 5. Commitments

The organization has the following annual lease commitments with respect to equipment and vehicles:

2015	\$	34,000
2016		2,000

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### 6. Financial instruments

In management's opinion, the organization is not subject to any significant risks with respect to its financial instruments.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2014

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### 7. Related party transactions

The City of Hamilton exerts significant influence over the operations of the organization as it provides the majority of the organization's revenue. Transactions and balances with the City of Hamilton are as follows:

	<u>2014</u>	<u>2013</u>
Accounts receivable	\$ 92,766	\$ 458,547
Accounts payable	197,494	292,352
Due from the City of Hamilton	904,521	225,993
Deferred revenue	1,841,106	1,798,448
Grant revenue	14,960,561	12,684,431
Passenger fare revenue	309,408	376,582
Vehicle and administration expenses	29,735	10,589
Premises	160,000	160,000

Amounts due from the City of Hamilton are non-interest bearing.

In addition, the organization has a lease agreement with the City of Hamilton whereby the organization is required to pay the City of Hamilton \$1 per year for the use of the vehicles described in note 3. The organization is responsible for the operating and maintenance costs and incurs and receives substantially all the risks and rewards of ownership of these vehicles. As a result, these vehicles have been recorded as contributions at the exchange amount which is their fair value at the date of contribution (see note 4). During the year, vehicles and equipment with a fair value of \$nil (2013 - \$3,932,000) were contributed by the City of Hamilton.

The above transactions are measured at their exchange amounts, being the amounts agreed upon by the parties.

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Financial Statements

Disabled and Aged Regional Transit System

December 31, 2015



## Independent Auditor's Report

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To the Board of Directors of  
Disabled and Aged Regional Transit System

We have audited the accompanying financial statements of Disabled and Aged Regional Transit System, which comprise the statement of financial position as at December 31, 2015, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's responsibility for the financial statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.





## Independent Auditor's Report (continued)

### **Basis for qualified opinion**

In order to match the funding requirements of the City of Hamilton, the organization records property and equipment acquisitions as expenses in the year of purchase, except for contributed property and equipment, which is capitalized and amortized over its useful life and records capital leases for property and equipment as operating leases, which are departures from Canadian accounting standards for not-for-profit organizations. Had the organization recorded the property and equipment and capital leased assets at their cost and amortized them over their estimated useful lives and recorded the capital leases correctly, additional property and equipment would be recorded for \$594,000 (2014 - \$275,000), additional accumulated amortization would be recorded for \$251,000 (2014 - \$181,000) and obligation under capital lease would be recorded for \$300,000 (2014 - \$Nil). Administration expense would be increased by \$10,000 (2014 - \$nil), vehicle expense would be decreased by \$29,000 (2014 - \$43,000) and additional amortization expense would be recorded for \$70,000 (2014 - \$27,000) resulting in an additional \$(51,000) (2014 - \$16,000) of excess (deficiency) of revenue over expenses for the year. Surplus - beginning of year would be increased by \$94,000 (2014 - \$78,000) and surplus - end of year would be increased by \$43,000 (2014 - \$94,000).

Further, to match the funding requirements of the City of Hamilton, the organization records liabilities under insurance claims as they are paid, which is a departure from Canadian accounting standards for not-for-profit organizations. Had the organization accrued the liabilities under insurance claims, additional accounts payable and accrued liabilities would be recorded for \$291,000 (2014 - \$254,000). Administration expense would be increased by \$37,000 (2014 - \$25,000) resulting in an additional \$(37,000) (2014 - \$(25,000)) being shown as an excess (deficiency) of revenue over expenses for the year. Surplus - beginning of year would be decreased by \$254,000 (2014 - \$229,000) and surplus - end of year would be decreased by \$291,000 (2014 - \$254,000).

### **Qualified opinion**

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the organization as at December 31, 2015 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

*Grant Thornton LLP*

Hamilton, Canada  
April 28, 2016

Chartered Professional Accountants  
Licensed Public Accountants

## Disabled and Aged Regional Transit System Statement of Operations

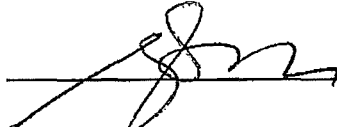
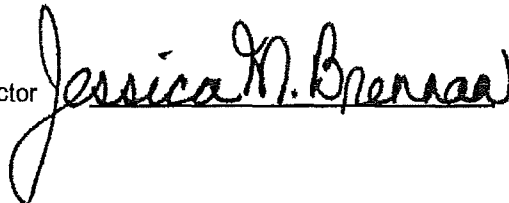
Year ended December 31	2015	2014
Revenue		
City of Hamilton grants	\$ 15,759,833	\$ 14,690,561
Amortization of deferred contribution	1,846,409	1,961,129
Passenger fares	722,946	674,440
Other	<u>1,752</u>	<u>4,254</u>
	<u>18,330,940</u>	<u>17,330,384</u>
Expenses		
Wages and benefits	9,442,522	9,201,030
Purchase of services	3,729,116	2,780,394
Vehicle	2,804,124	2,879,146
Amortization	1,846,409	1,961,129
Administration	242,892	256,012
Premises	160,000	160,000
Professional fees	<u>105,877</u>	<u>92,673</u>
	<u>18,330,940</u>	<u>17,330,384</u>
Excess of revenue over expenses for the year	\$ <u>-</u>	\$ <u>-</u>

## Disabled and Aged Regional Transit System Statement of Financial Position

December 31	2015	2014
<b>Assets</b>		
Current		
Cash	\$ 2,285,382	\$ 1,301,325
Accounts receivable	548,536	524,321
Due from the City of Hamilton (Note 8)	<u>205,319</u>	<u>904,521</u>
	3,039,237	2,730,167
Property and equipment (Note 3)	<u>2,743,842</u>	<u>4,590,251</u>
	<u>\$ 5,783,079</u>	<u>\$ 7,320,418</u>
<b>Liabilities</b>		
Current		
Accounts payable and accrued liabilities	\$ 1,026,486	\$ 807,877
Government remittances payable	18,197	35,223
Deferred revenue	<u>1,994,554</u>	<u>1,887,067</u>
	3,039,237	2,730,167
Deferred contribution (Note 4)	<u>2,743,842</u>	<u>4,590,251</u>
	5,783,079	7,320,418
<b>Fund balances</b>		
Surplus	<u>-</u>	<u>-</u>
	<u>\$ 5,783,079</u>	<u>\$ 7,320,418</u>

Commitments (Note 5)

On behalf of the board


 Director  Director

---

## Disabled and Aged Regional Transit System Statement of Cash Flows

Year ended December 31	2015	2014
Increase (decrease) in cash and cash equivalents		
<b>Operating</b>		
Excess of revenue over expenses	\$ -	\$ -
Items not affecting cash		
Amortization	1,846,409	1,961,129
Amortization of deferred contribution	<u>(1,846,409)</u>	<u>(1,961,129)</u>
	-	-
Change in non-cash working capital items		
Accounts receivable	(24,215)	291,830
Accounts payable and accrued liabilities	218,609	(41,767)
Government remittances payable	(17,026)	17,472
Deferred revenue	107,487	42,116
Due from the City of Hamilton	<u>699,202</u>	<u>(678,528)</u>
Increase (decrease) in cash	984,057	(368,877)
Cash		
Beginning of year	<u>1,301,325</u>	<u>1,670,202</u>
End of year	<u>\$ 2,285,382</u>	<u>\$ 1,301,325</u>

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See accompanying notes to the financial statements.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2015

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### 1. Nature of operations

Disabled and Aged Regional Transit System was established to transport disabled and aged persons in the City of Hamilton. It is incorporated by Letters Patent as a corporation without share capital under the laws of the Province of Ontario and is a registered charity under the Income Tax Act.

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### 2. Significant accounting policies

With the exception of not capitalizing and amortizing property and equipment and recording capital leases as operating leases and recording liabilities under insurance claims as they are paid, the organization follows Canadian accounting standards for not-for-profit organizations in preparing its financial statements. The significant accounting policies used are as follows:

#### Financial instruments

##### Measurement

The organization initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions.

Financial assets or liabilities obtained in related party transactions that are with a person or entity whose sole relationship with the organization is in the capacity of management are accounted for in accordance with financial instruments.

The organization subsequently measures all its financial assets and financial liabilities at amortized cost.

Financial assets and financial liabilities measured at amortized cost include cash, accounts receivable, and accounts payable and accrued liabilities.

##### Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. Previously recognized impairment losses are reversed to the extent of the improvement provided the asset is not carried at an amount, at the date of the reversal, greater than the amount that would have been the carrying amount had no impairment loss been recognized previously. The amounts of any write-downs or reversals are recognized in income.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2015

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### 2. Significant accounting policies (continued)

#### Property and equipment

Contributed vehicles and equipment and matching deferred contributions are recorded at fair market value at the date of the contribution. Amortization of contributed vehicles and equipment and the matching deferred contribution is recorded using the straight line method at the following annual rates over the estimated useful lives of the related assets:

Contributed vehicles	6 years Straight-line
Contributed equipment	5 years Straight-line

The estimated useful lives of assets are reviewed by management and adjusted if necessary.

The organization tests for impairment when events or changes in circumstances indicate the carrying amount of an item of property and equipment may not be recoverable. The recoverability of long-lived assets is based on the net recoverable amounts determined on an undiscounted cash flow basis. If the carrying amount of an asset exceeds its net recoverable amount, an impairment loss is recognized to the extent that fair value is below the asset's carrying amount. Fair value is determined based on quoted market prices when available, otherwise on discounted cash flows over the life of the asset.

#### Revenue recognition

Passenger fares are recognized upon the provision of the related service.

The organization follows the deferral method of accounting for grants and contributions. Restricted grants and contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted grants and contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Substantially all of the deferred revenue recorded on the balance sheet is the January 2016 operating contribution received from the City of Hamilton.

#### Management estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. By their nature, these estimates are subject to measurement uncertainty. These estimates are reviewed periodically and adjustments are made to income in the year in which they become known.

Items requiring significant management estimates include estimated useful lives of property and equipment.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2015

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### 3. Property and equipment

			2015	2014
Cost	Accumulated Amortization	Net Book Value	Net Book Value	Net Book Value
Contributed vehicles	\$ 11,975,346	\$ 9,260,244	\$ 2,715,102	\$ 4,539,808
Contributed equipment	108,516	79,776	28,740	50,443
	<b>\$ 12,083,862</b>	<b>\$ 9,340,020</b>	<b>\$ 2,743,842</b>	<b>\$ 4,590,251</b>

---

### 4. Deferred contribution

Contributions received in the year represent the fair value of vehicles or equipment at the date of contribution. Contributions are deferred and amortized over the estimated useful lives of the underlying assets.

	2015	2014
Opening balance - deferred contribution	\$ 4,590,251	\$ 6,623,847
Contributions received in the year (note 7)	-	-
Amortization of deferred contribution	(1,846,409)	(1,961,129)
Disposal of contributed vehicle	-	(72,467)
Ending balance - deferred contribution	<b>\$ 2,743,842</b>	<b>\$ 4,590,251</b>

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### 5. Commitments

The organization has the following annual lease commitments with respect to equipment and vehicles:

2016	\$	183,000
2017		181,000
2018		181,000
2019		86,000

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### 6. Financial Instruments

In management's opinion, the organization is not subject to any significant risks with respect to its financial instruments.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2015

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### 7. Related party transactions

The City of Hamilton exerts significant influence over the operations of the organization as it provides the majority of the organization's revenue. Transactions and balances with the City of Hamilton are as follows:

	<u>2015</u>	<u>2014</u>
Accounts receivable	\$ 103,255	\$ 92,766
Accounts payable	201,818	197,494
Deferred revenue	1,987,801	1,841,106
Grant revenue	15,759,833	14,960,561
Passenger fare revenue	333,395	309,408
Vehicle and administration expenses	17,059	29,735
Premises	160,000	160,000

Amounts due from the City of Hamilton are non-interest bearing.

In addition, the organization has a lease agreement with the City of Hamilton whereby the organization is required to pay the City of Hamilton \$1 per year for the use of the vehicles described in note 3. The organization is responsible for the operating and maintenance costs and incurs and receives substantially all the risks and rewards of ownership of these vehicles. As a result, these vehicles have been recorded as contributions at the exchange amount which is their fair value at the date of contribution (see note 4). During the year, vehicles and equipment with a fair value of \$Nil (2014 - \$Nil) were contributed by the City of Hamilton.

The above transactions are measured at their exchange amounts, being the amounts agreed upon by the parties.

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### 8. Due from the City of Hamilton

The amount due from the City of Hamilton is for 14,403 trips delivered above budgeted service requirements.

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Financial Statements

Disabled and Aged Regional Transit System

December 31, 2016



## Independent Auditor's Report

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To the Board of Directors of  
Disabled and Aged Regional Transit System

We have audited the accompanying financial statements of Disabled and Aged Regional Transit System, which comprise the statement of financial position as at December 31, 2016, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's responsibility for the financial statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.



## Independent Auditor's Report (continued)

### **Basis for qualified opinion**

In order to match the funding requirements of the City of Hamilton, the organization records property and equipment acquisitions as expenses in the year of purchase, except for vehicles and contributed property and equipment, which are capitalized and amortized over their useful lives and records capital leases for property and equipment as operating leases, which are departures from Canadian accounting standards for not-for-profit organizations. Had the organization recorded the property and equipment other than vehicles and capital leased assets at their cost and amortized them over their estimated useful lives and recorded the capital leases correctly, additional property and equipment would be recorded for \$871,000 (2015 - \$594,000), additional accumulated amortization would be recorded for \$392,000 (2015 - \$251,000) and obligation under capital lease would be recorded for \$402,000 (2015 - \$300,000). Administration expense would be decreased by \$67,000 (2015 - increased by \$10,000), vehicle expense would be decreased by \$108,000 (2015 - \$29,000) and additional amortization expense would be recorded for \$141,000 (2015 - \$70,000) resulting in an additional \$34,000 (2015 - (\$51,000)) of excess of revenue (deficiency) over expenses for the year. Surplus - beginning of year would be increased by \$43,000 (2015 - \$94,000) and surplus - end of year would be increased by \$77,000 (2015 - \$43,000).

Further, to match the funding requirements of the City of Hamilton, the organization records liabilities under insurance claims as they are paid, which is a departure from Canadian accounting standards for not-for-profit organizations. Had the organization accrued the liabilities under insurance claims, additional accounts payable and accrued liabilities would be recorded for \$197,000 (2015 - \$291,000). Administration expense would be decreased by \$94,000 (2015 - increased by \$37,000) resulting in an additional \$94,000 (2015 - (\$37,000)) being shown as an excess (deficiency) of revenue over expenses for the year. Surplus - beginning of year would be decreased by \$291,000 (2015 - \$254,000) and surplus - end of year would be decreased by \$197,000 (2015 - \$291,000).

### **Qualified opinion**

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the organization as at December 31, 2016 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Hamilton, Canada  
June 16, 2017

*Grant Thornton LLP*

Chartered Professional Accountants  
Licensed Public Accountants

## Disabled and Aged Regional Transit System Statement of Operations

Year ended December 31	2016	2015
<b>Revenue</b>		
City of Hamilton grants	\$ 16,698,531	\$ 15,759,833
Amortization of deferred contribution	1,054,282	1,846,409
Passenger fares	849,106	722,946
Other	5,878	1,752
	<u>18,607,797</u>	<u>18,330,940</u>
<b>Expenses</b>		
Wages and benefits	9,741,273	9,442,522
Purchase of services	4,460,731	3,729,116
Vehicle	2,709,222	2,804,124
Amortization	1,059,813	1,846,409
Administration	334,670	242,892
Premises	168,371	160,000
Professional fees	133,717	105,877
	<u>18,607,797</u>	<u>18,330,940</u>
Excess of revenue over expenses for the year	<u>\$ -</u>	<u>\$ -</u>

## Disabled and Aged Regional Transit System Statement of Financial Position

December 31	2016	2015
<b>Assets</b>		
Current		
Cash	\$ 2,152,654	\$ 2,285,382
Accounts receivable	937,173	548,536
Prepaid expenses	31,250	-
Due from the City of Hamilton	-	205,319
	3,121,077	3,039,237
Property and equipment (Note 3)	1,941,123	2,743,842
	\$ 5,062,200	\$ 5,783,079
<b>Liabilities</b>		
Current		
Accounts payable and accrued liabilities	\$ 1,305,287	\$ 1,026,486
Government remittances payable	44,840	18,197
Deferred revenue	1,996,380	1,994,554
Due to the City of Hamilton (Note 8)	121,703	-
	3,468,210	3,039,237
Deferred contribution (Note 4)	1,593,990	2,743,842
	5,062,200	5,783,079
<b>Fund balances</b>		
Surplus		
	-	-
	\$ 5,062,200	\$ 5,783,079

Commitments (Note 5)

On behalf of the board


Director

Director

## Disabled and Aged Regional Transit System Statement of Cash Flows

Year ended December 31	2016	2015
Increase (decrease) in cash and cash equivalents		
<b>Operating</b>		
Excess of revenue over expenses	\$ -	\$ -
Items not affecting cash		
Amortization	1,059,813	1,846,409
Amortization of deferred contribution	<u>(1,054,282)</u>	<u>(1,846,409)</u>
	5,531	-
Change in non-cash working capital items		
Accounts receivable	(388,637)	(24,215)
Prepaid expenses	(31,250)	-
Accounts payable and accrued liabilities	278,801	218,609
Government remittances payable	26,643	(17,026)
Deferred revenue	1,826	107,487
Due to/from the City of Hamilton	<u>327,022</u>	<u>699,202</u>
	219,936	984,057
<b>Investing</b>		
Purchase of property and equipment	<u>(352,664)</u>	-
(Decrease) increase in cash	(132,728)	984,057
<b>Cash</b>		
Beginning of year	<u>2,285,382</u>	<u>1,301,325</u>
End of year	<u>\$ 2,152,654</u>	<u>\$ 2,285,382</u>

See accompanying notes to the financial statements.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2016

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### 1. Nature of operations

Disabled and Aged Regional Transit System was established to transport disabled and aged persons in the City of Hamilton. It is incorporated by Letters Patent as a corporation without share capital under the laws of the Province of Ontario and is a registered charity under the Income Tax Act.

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### 2. Significant accounting policies

With the exception of not capitalizing and amortizing property and equipment and recording capital leases as operating leases and recording liabilities under insurance claims as they are paid, the organization follows Canadian accounting standards for not-for-profit organizations in preparing its financial statements. The significant accounting policies used are as follows:

#### Financial instruments

##### Measurement

The organization initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions.

*Financial assets or liabilities obtained in related party transactions that are with a person or entity whose sole relationship with the organization is in the capacity of management are accounted for in accordance with financial instruments.*

The organization subsequently measures all its financial assets and financial liabilities at amortized cost.

Financial assets and financial liabilities measured at amortized cost include cash, accounts receivable and accounts payable and accrued liabilities.

##### Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. Previously recognized impairment losses are reversed to the extent of the improvement provided the asset is not carried at an amount, at the date of the reversal, greater than the amount that would have been the carrying amount had no impairment loss been recognized previously. The amounts of any write-downs or reversals are recognized in income.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2016

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### 2. Significant accounting policies (continued)

#### Property and equipment

Contributed vehicles and equipment and matching deferred contributions are recorded at fair market value at the date of the contribution. Vehicles are initially measured at cost and subsequently measured at cost less accumulated amortization. Amortization of vehicles and of contributed vehicles and equipment and the matching deferred contribution is recorded using the straight line method at the following annual rates over the estimated useful lives of the related assets:

Contributed vehicles	6 years Straight-line
Vehicles	6 years Straight-line
Contributed equipment	5 years Straight-line

The estimated useful lives of assets are reviewed by management and adjusted if necessary.

The organization tests for impairment when events or changes in circumstances indicate the carrying amount of an item of property and equipment may not be recoverable. The recoverability of long-lived assets is based on the net recoverable amounts determined on an undiscounted cash flow basis. If the carrying amount of an asset exceeds its net recoverable amount, an impairment loss is recognized to the extent that fair value is below the asset's carrying amount. Fair value is determined based on quoted market prices when available, otherwise on discounted cash flows over the life of the asset.

#### Revenue recognition

Passenger fares are recognized upon the provision of the related service.

The organization follows the deferral method of accounting for grants and contributions. Restricted grants and contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted grants and contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Substantially all of the deferred revenue recorded on the balance sheet is the January 2017 operating contribution received from the City of Hamilton.

#### Management estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. By their nature, these estimates are subject to measurement uncertainty. These estimates are reviewed periodically and adjustments are made to income in the year in which they become known.

Items requiring significant management estimates include estimated useful lives of property and equipment.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2016

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### 3. Property and equipment

			<u>2016</u>	<u>2015</u>
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Net Book Value</u>	<u>Net Book Value</u>
Contributed vehicles	\$ 6,905,408	\$ 5,318,455	\$ 1,586,953	\$ 2,715,102
Vehicles	352,664	5,531	347,133	-
Contributed equipment	<u>108,516</u>	<u>101,479</u>	<u>7,037</u>	<u>28,740</u>
	<u>\$ 7,366,588</u>	<u>\$ 5,425,465</u>	<u>\$ 1,941,123</u>	<u>\$ 2,743,842</u>

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### 4. Deferred contribution

Contributions received in the year represent the fair value of vehicles or equipment at the date of contribution. Contributions are deferred and amortized over the estimated useful lives of the underlying assets.

	<u>2016</u>	<u>2015</u>
Opening balance - deferred contribution	\$ 2,743,842	\$ 4,590,251
Contributions received in the year (note 7)	-	-
Amortization of deferred contribution	(1,054,282)	(1,846,409)
Loss on disposal of contributed vehicle	<u>(95,570)</u>	<u>-</u>
Ending balance - deferred contribution	<u>\$ 1,593,990</u>	<u>\$ 2,743,842</u>

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### 5. Commitments

The organization has the following annual lease commitments with respect to equipment and vehicles:

2017	\$	332,000
2018		266,000
2019		146,000
2020		47,000

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### 6. Financial instruments

In management's opinion, the organization is not subject to any significant risks with respect to its financial instruments.

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## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2016

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### 7. Related party transactions

The City of Hamilton exerts significant influence over the operations of the organization as it provides the majority of the organization's revenue. Transactions and balances with the City of Hamilton are as follows:

	<u>2016</u>	<u>2015</u>
Accounts receivable	\$ 78,474	\$ 103,255
Accounts payable	346,075	201,818
Deferred revenue	1,987,670	1,987,801
Grant revenue	16,698,531	15,759,833
Passenger fare revenue	373,502	333,395
Vehicle and administration expenses	3,905	17,059
Premises	160,000	160,000

Amounts due from the City of Hamilton are non-interest bearing.

In addition, the organization has a lease agreement with the City of Hamilton whereby the organization is required to pay the City of Hamilton \$1 per year for the use of the vehicles described in note 3. The organization is responsible for the operating and maintenance costs and incurs and receives substantially all the risks and rewards of ownership of these vehicles. As a result, these vehicles have been recorded as contributions at the exchange amount which is their fair value at the date of contribution (see note 4). During the year, vehicles and equipment with a fair value of \$Nil (2015 - \$Nil) were contributed by the City of Hamilton.

The above transactions are measured at their exchange amounts, being the amounts agreed upon by the parties.

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### 8. Due to the City of Hamilton

The amount due to the City of Hamilton includes 10,826 trips delivered above budgeted service requirements.

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Financial Statements

Disabled and Aged Regional Transit System

December 31, 2017



## Independent Auditor's Report

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To the Board of Directors of  
Disabled and Aged Regional Transit System

We have audited the accompanying financial statements of Disabled and Aged Regional Transit System, which comprise the statement of financial position as at December 31, 2017, and the statements of operations and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's responsibility for the financial statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the organization's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified audit opinion.



## Independent Auditor's Report (continued)

### **Basis for qualified opinion**

In order to match the funding requirements of the City of Hamilton, the organization records property and equipment acquisitions as expenses in the year of purchase, except for vehicles and contributed property and equipment, which are capitalized and amortized over their useful lives and records capital leases for property and equipment as operating leases, which are departures from Canadian accounting standards for not-for-profit organizations. Had the organization recorded the property and equipment other than vehicles and capital leased assets at their cost and amortized them over their estimated useful lives and recorded the capital leases correctly, additional property and equipment would be recorded for \$3,009,000 (2016 - \$871,000), additional accumulated amortization would be recorded for \$922,000 (2016 - \$392,000) and obligation under capital lease would be recorded for \$2,082,000 (2016 - \$402,000). Administration expense would be increased by \$70,000 (2016 - decreased by \$67,000), vehicle expense would be decreased by \$528,000 (2016 - \$108,000) and additional amortization expense would be recorded for \$530,000 (2016 - \$141,000) resulting in an additional \$(72,000) (2016 - \$34,000) of excess of revenue over expenses for the year. Surplus - beginning of year would be increased by \$77,000 (2016 - \$43,000) and surplus - end of year would be increased by \$5,000 (2016 - \$77,000).

Further, to match the funding requirements of the City of Hamilton, the organization records liabilities under insurance claims as they are paid, which is a departure from Canadian accounting standards for not-for-profit organizations. Had the organization accrued the liabilities under insurance claims, additional accounts payable and accrued liabilities would be recorded for \$183,000 (2016 - \$197,000). Administration expense would be decreased by \$14,000 (2016 - \$94,000) resulting in an additional \$14,000 (2016 - \$94,000) being shown as an excess of revenue over expenses for the year. Surplus - beginning of year would be decreased by \$197,000 (2016 - \$291,000) and surplus - end of year would be decreased by \$183,000 (2016 - \$197,000).

### **Qualified opinion**

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, these financial statements present fairly, in all material respects, the financial position of the organization as at December 31, 2017 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Hamilton, Canada  
March 22, 2018

*Grant Thornton LLP*

Chartered Professional Accountants  
Licensed Public Accountants

## Disabled and Aged Regional Transit System Statement of Operations

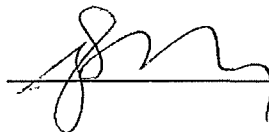
Year ended December 31	2017	2016
<b>Revenue</b>		
City of Hamilton grants (Note 9)	\$ 17,195,309	\$ 16,698,531
Passenger fares (Note 9)	935,151	849,106
Amortization of deferred contribution	314,523	1,054,282
Other	5,863	5,878
	18,450,846	18,607,797
<b>Expenses</b>		
Wages and benefits	9,672,641	9,741,273
Purchase of services	5,027,411	4,460,731
Vehicle (Note 9)	2,842,382	2,709,222
Amortization	348,486	1,059,813
Administration (Note 9)	266,400	334,670
Professional fees	171,671	133,717
Premises (Note 9)	161,349	168,371
	18,490,340	18,607,797
Deficiency of revenue over expenses before other income	(39,494)	-
<b>Other income</b>		
Gain on disposal of property and equipment	39,494	-
Excess of revenue over expenses for the year	\$ -	\$ -

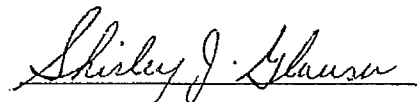
## Disabled and Aged Regional Transit System Statement of Financial Position

December 31	2017	2016
<b>Assets</b>		
Current		
Cash	\$ 1,990,036	\$ 2,152,654
Short term investment	45,000	-
Accounts receivable (Note 9)	704,467	937,173
Prepaid expenses	31,250	31,250
Due from the City of Hamilton (Note 10)	250,228	-
	3,020,981	3,121,077
Property and equipment (Note 3)	443,419	1,941,123
	\$ 3,464,400	\$ 5,062,200
<b>Liabilities</b>		
Current		
Accounts payable and accrued liabilities (Note 9)	\$ 1,044,017	\$ 1,305,287
Government remittances payable	18,502	44,840
Deferred revenue (Note 9)	1,958,462	1,996,380
Due to the City of Hamilton	-	121,703
	3,020,981	3,468,210
Deferred contribution (Note 4)	443,419	1,593,990
	3,464,400	5,062,200
<b>Fund balances</b>		
Surplus		
	-	-
	\$ 3,464,400	\$ 5,062,200

Commitments (Note 5)

On behalf of the board

 Director

 Director

## Disabled and Aged Regional Transit System Statement of Cash Flows

Year ended December 31	2017	2016
Increase (decrease) in cash		
<b>Operating</b>		
Excess of revenue over expenses	\$ -	\$ -
Items not affecting cash		
Amortization	348,486	1,059,813
Amortization of deferred contribution	(314,523)	(1,054,282)
Gain on disposal of property and equipment	(39,494)	-
	(5,531)	5,531
Change in non-cash working capital items		
Accounts receivable	232,706	(388,637)
Prepaid expenses	-	(31,250)
Accounts payable and accrued liabilities	(261,270)	278,801
Government remittances payable	(26,338)	26,643
Deferred revenue	(37,918)	1,826
Due to/from the City of Hamilton	(371,931)	327,022
	(470,282)	219,936
<b>Investing</b>		
Purchase of property and equipment	(87,835)	(352,664)
Proceeds on disposal of property and equipment	440,499	-
Purchase of short term investment	(45,000)	-
	307,664	(352,664)
Decrease in cash	(162,618)	(132,728)
<b>Cash</b>		
Beginning of year	2,152,654	2,285,382
End of year	\$ 1,990,036	\$ 2,152,654

See accompanying notes to the financial statements.



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## Disabled and Aged Regional Transit System

### Notes to the Financial Statements

---

December 31, 2017

---

#### 1. Nature of operations

Disabled and Aged Regional Transit System was established to transport disabled and aged persons in the City of Hamilton. It is incorporated by Letters Patent as a corporation without share capital under the laws of the Province of Ontario and is a registered charity under the Income Tax Act.

---

#### 2. Significant accounting policies

With the exception of not capitalizing and amortizing property and equipment and recording capital leases as operating leases and recording liabilities under insurance claims as they are paid, the organization follows Canadian accounting standards for not-for-profit organizations in preparing its financial statements. The significant accounting policies used are as follows:

##### Financial Instruments

###### Measurement

The organization initially measures its financial assets and liabilities at fair value, except for certain non-arm's length transactions.

Financial assets or liabilities obtained in related party transactions that are with a person or entity whose sole relationship with the organization is in the capacity of management are accounted for in accordance with financial instruments.

The organization subsequently measures all of its financial assets and financial liabilities at amortized cost, except for investments in equity instruments that are quoted in an active market, which are measured at fair value. Changes in fair value are recognized in net income

Financial assets and financial liabilities measured at amortized cost include cash, accounts receivable and accounts payable and accrued liabilities.

Financial instruments measured at fair value include short term investments. The fair value of these instruments have been determined using cost plus calculated accrued interest.

###### Impairment

Financial assets measured at cost are tested for impairment when there are indicators of impairment. Previously recognized impairment losses are reversed to the extent of the improvement provided the asset is not carried at an amount, at the date of the reversal, greater than the amount that would have been the carrying amount had no impairment loss been recognized previously. The amounts of any write-downs or reversals are recognized in income.

---

## Disabled and Aged Regional Transit System

### Notes to the Financial Statements

December 31, 2017

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#### 2. Significant accounting policies (continued)

##### Property and equipment

Contributed vehicles and equipment and matching deferred contributions are recorded at fair market value at the date of the contribution. Vehicles are initially measured at cost and subsequently measured at cost less accumulated amortization. Amortization of vehicles and of contributed vehicles and equipment and the matching deferred contribution is recorded using the straight line method at the following annual rates over the estimated useful lives of the related assets:

Contributed vehicles	6 years Straight-line
Contributed equipment	5 years Straight-line
Vehicles	6 years Straight-line

The estimated useful lives of assets are reviewed by management and adjusted if necessary.

The organization tests for impairment when events or changes in circumstances indicate the carrying amount of an item of property and equipment may not be recoverable. The recoverability of long-lived assets is based on the net recoverable amounts determined on an undiscounted cash flow basis. If the carrying amount of an asset exceeds its net recoverable amount, an impairment loss is recognized to the extent that fair value is below the asset's carrying amount. Fair value is determined based on quoted market prices when available, otherwise on discounted cash flows over the life of the asset.

##### Revenue recognition

Passenger fares are recognized upon the provision of the related service.

The organization follows the deferral method of accounting for grants and contributions. Restricted grants and contributions are recognized as revenue in the year in which the related expenses are incurred. Unrestricted grants and contributions are recognized as revenue when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Substantially all of the deferred revenue recorded on the balance sheet is the January 2018 operating contribution received from the City of Hamilton.

##### Management estimates

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. By their nature, these estimates are subject to measurement uncertainty. These estimates are reviewed periodically and adjustments are made to income in the year in which they become known.

Items requiring significant management estimates include estimated useful lives of property and equipment.

## Disabled and Aged Regional Transit System Notes to the Financial Statements

December 31, 2017

### 2. Significant accounting policies (continued)

#### Pension expense and obligation

Defined contribution plan accounting is applied to a multi-employer plan, whereby contributions are expensed when due.

### 3. Property and equipment

			<u>2017</u>	<u>2016</u>
	<u>Cost</u>	<u>Accumulated Amortization</u>	<u>Net Book Value</u>	<u>Net Book Value</u>
Contributed vehicles	\$ 1,802,173	\$ 1,358,754	\$ 443,419	\$ 1,586,953
Contributed equipment	108,516	108,516	-	7,037
Vehicles	-	-	-	347,133
	<u>\$ 1,910,689</u>	<u>\$ 1,467,270</u>	<u>\$ 443,419</u>	<u>\$ 1,941,123</u>

### 4. Deferred contribution

Contributions are deferred and amortized over the estimated useful lives of the underlying assets.

	<u>2017</u>	<u>2016</u>
Opening balance - deferred contribution	\$ 1,593,990	\$ 2,743,842
Amortization of deferred contribution	(314,523)	(1,054,282)
Loss on disposal of contributed vehicles	(836,048)	(95,570)
Ending balance - deferred contribution	<u>\$ 443,419</u>	<u>\$ 1,593,990</u>

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## Disabled and Aged Regional Transit System

### Notes to the Financial Statements

December 31, 2017

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#### 5. Commitments

The organization has the following annual lease commitments with respect to equipment and vehicles:

2018	\$	1,012,000
2019		892,000
2020		420,000

Subsequent to year end, the organization entered into a lease commitment for vehicles at an annual cost of \$318,000 for the period from February 2018 to February 2021.

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#### 6. Credit facilities

The organization's credit facilities include a \$3,000,000 revolving lease line of credit by way of leases. Interest is determined on a lease by lease basis and ranges from 3.1% to 3.7%. The amount outstanding on this credit facility as at December 31, 2017 is \$1,795,000 (2016 - \$nil).

The organization also has a \$45,000 revolving demand facility by way of letter of guarantee which is fully utilized at December 31, 2017.

These credit facilities are secured by a general security agreement constituting a first ranking security interest in all personal property of the organization, and a cash collateral agreement assigning term deposits and/or guaranteed investment certificates in the amount of \$45,000.

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#### 7. Employee pension plan

DARTS makes contributions to the Ontario Municipal Employees Retirement System (OMERS), which is a multi-employer pension plan, on behalf of its qualifying full and part-time employees. The plan is a defined benefit plan, which specifies the amount of the retirement benefit to be received by the employees based on the length of service, pension formula and best 60 months of earnings. Employees and employers contribute equally to the plan.

Because OMERS is a multi-employer pension plan, any pension plan surpluses or deficits are a joint responsibility of all Ontario municipalities and their employees. As a result, DARTS does not recognize any share of the OMERS pension actuarial deficit of \$5,403 million (2016 - \$5,720 million), as DARTS' portion of the amount is not determinable. Employers' current service contributions to the OMERS pension plan in the amount of \$6,000 (2016 - \$nil) are included as wages and benefits in the current year.

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#### 8. Financial instruments

In management's opinion, the organization is not subject to any significant risks with respect to its financial instruments.

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## Disabled and Aged Regional Transit System

### Notes to the Financial Statements

December 31, 2017

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#### 9. Related party transactions

The City of Hamilton exerts significant influence over the operations of the organization as it provides the majority of the organization's revenue. Transactions and balances with the City of Hamilton are as follows:

	<u>2017</u>	<u>2016</u>
Accounts receivable	\$ 143,579	\$ 78,474
Accounts payable	146,371	346,075
Deferred revenue	1,912,903	1,987,670
Grant revenue	17,195,309	16,698,531
Passenger fare revenue	387,453	373,502
Vehicle and administration expenses	992,962	732,078
Premises	160,000	160,000

Amounts due from the City of Hamilton are non-interest bearing.

In addition, the organization has a lease agreement with the City of Hamilton whereby the organization is required to pay the City of Hamilton \$1 per year for the use of the vehicles described in note 3. The organization is responsible for the operating and maintenance costs and incurs and receives substantially all the risks and rewards of ownership of these vehicles. As a result, these vehicles have been recorded as contributions at the exchange amount which is their fair value at the date of contribution (see note 4). During the year, vehicles and equipment with a fair value of \$nil (2016 - \$nil) were contributed by the City of Hamilton.

The above transactions are measured at their exchange amounts, being the amounts agreed upon by the parties.

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#### 10. Due to the City of Hamilton

The amount due to the City of Hamilton includes 24,860 trips delivered below budgeted service requirements.

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**BY-LAW NUMBER 2**

A by-law relating generally to the transaction of the business and affairs of

**DISABLED & AGED REGIONAL TRANSIT SYSTEM**

(the "Corporation")

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Article Three	Directors
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Article Five	Powers of Directors
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Article Eight	Indemnities to Directors and Others
Article Nine	Interested Director Contracts
Article Ten	Members
Article Eleven	Members' Meetings
Article Twelve	Custody and Voting of Shares and Securities
Article Thirteen	Execution of Instruments
Article Fourteen	Cheques, Drafts, Notes, etc.
Article Fifteen	Notices
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Article Eighteen	Distributions on Dissolution or Wind-Up
Article Nineteen	Enactment and Amendment of By-laws
Article Twenty	Repeal of Prior By-laws

**BY-LAW NUMBER 2****ARTICLE ONE  
INTERPRETATION**

**1.01** **Definitions.** In this By-law, unless the context otherwise specifies or requires:

- (a) "Act" means the *Corporations Act*, R.S.O. 1990, chap. C.38 as from time to time amended and every statute that may be substituted therefor and, in the case of such substitution, any references in the By-laws of the Corporation to provisions of the Act shall be read as references to the substituted provisions therefor in the new statute or statutes;
- (b) "Letters Patent" means the Letters Patent and any supplementary letters patent of the Corporation;
- (c) "Board" means the Board of the Corporation and "director" means a member of the Board;
- (d) "By-law" means this By-law and any other By-law of the Corporation as amended and which are, from time to time, in force and effect;
- (e) "Regulations" means the regulations made under the Act, as amended, restated or in effect from time to time.
- (f) "special resolution" means a resolution passed by the directors and confirmed with or without variation by at least two-thirds of the votes cast at a general meeting of the members of the corporation duly called for that purpose, or, in lieu of such confirmation, by the consent in writing of all the members entitled to vote at such meeting.

**1.02** **Interpretation.** This By-law shall be, unless the context otherwise requires, construed and interpreted in accordance with the following:

- (a) all terms which are contained in the By-laws of the Corporation and which are defined in the Act or the Regulations made thereunder shall have the meanings given to such terms in the Act or such Regulations;
- (b) words importing the singular number only shall include the plural and vice versa; and the word "person" shall include bodies corporate, corporations, companies, partnerships, syndicates, trusts and any number or aggregate of persons;
- (c) the headings used in the By-laws are inserted for reference purposes only and are not to be considered or taken into account in construing the terms or provisions thereof or to be deemed in any way to clarify, modify or explain the effect of any such terms or provisions.

## ARTICLE TWO HEAD OFFICE

- 2.01 **Head Office.** The head office of the Corporation shall be in the City of Hamilton in the Province of Ontario (subject to change by special resolution) and at such place within the municipality in Ontario where the head office is from time to time situate as the directors of the Corporation may from time to time by resolution fix.
- 2.02 **Seal.** The seal of the Corporation, if any, may be approved by resolution of the Board.

## ARTICLE THREE DIRECTORS

- 3.01 **Duties and Number.** The affairs of the Corporation shall be managed by the Board. The board of directors shall consist of twelve (12) directors or such other number of directors as may be determined from time to time by special resolution.
- 3.02 **Qualifications.** Every director shall be eighteen (18) or more years of age and shall be a member of the Corporation, and no undischarged bankrupt shall become a director.
- 3.03 **Election and Term.** The directors shall serve staggered three year terms, such that one third of the board shall be subject to re-election annually. Where an election is held to fill a vacancy, newly elected directors shall be elected for three-year (3) terms. No director shall serve more than three (3) consecutive three-year (3) terms as a director, and no director that is elected for three (3) consecutive three-year (3) terms is eligible for re-election in respect of the term immediately following the third (3<sup>rd</sup>) such term (whether or not such third term is served in full), but any director that serves three (3) consecutive terms as director is eligible for re-election upon the first (1<sup>st</sup>) anniversary of the end of such three (3) consecutive terms.
- 3.04 **Vacancies.** The office of a director shall automatically be vacated:
- (a) if the director ceases to be a member of the Corporation;
  - (b) if the director becomes bankrupt or suspends payment of debts generally or compounds with creditors or makes an authorized assignment or is declared insolvent;
  - (c) if the director is found to be a mentally incompetent person or becomes of unsound mind;
  - (d) if the director by notice in writing to the Corporation resigns office which resignation shall be effective at the time it is received by the Corporation or at the time specified in the notice, whichever is later;



- (e) if at a meeting of members, a resolution is passed by at least two-thirds (2/3) of the votes cast by the members at the meeting removing the director before the expiration of the director's term of office; or
- (f) if the director dies.

**3.05 Filling Vacancies.** A vacancy occurring in the Board shall be filled as follows:

- (a) if the vacancy occurs as a result of the removal of any director by the members in accordance with paragraph 3.04(e) above, it may be filled upon the vote of a majority of the members, and any director elected to fill a removed director's place shall hold office for the remainder of the removed director's term;
- (b) any other vacancy on the Board may be filled for the remainder of the term by the directors then in office, if they shall see fit to do so, so long as there is a quorum of directors in office provided that if there is not a quorum of directors, the remaining directors shall forthwith call a meeting of the members to fill the vacancy, and, in default or if there are no directors then in office, the meeting may be called by any member;
- (c) otherwise such vacancy shall be filled at the next annual meeting of the members at which the directors for the ensuing year are elected.

If the number of directors is increased between the terms, a vacancy or vacancies, to the number of the authorized increase, shall thereby be deemed to have occurred, which may be filled in the manner above provided.

**3.06 Representative Observers.** From time to time, the Board may appoint and authorize non-voting observers representing third parties (including representatives of the City of Hamilton) to attend, observe and speak to matters before the Board. The Board reserves the right at any time, whether in camera or otherwise, to request that such observers excuse themselves from a board meeting.

**3.07 Committees.**

- (a) Standing Committees: The following shall be standing committees of the Board, with the powers and composition of such committees to be determined by the Board from time to time by approving committee terms of reference:
  - i. Governance Committee
  - ii. Audit & Risk Management Committee
  - iii. Community Relations Committee

Subject to any *ex officio* appointments provided for in the terms of reference, committee members shall be appointed by and may be removed by resolution of the Board.

- (b) Ad Hoc Committees: Subject to the Act, the Board may from time to time appoint any *ad hoc* committee or committees as it deems necessary or appropriate for such purposes and with such powers as the Board shall see fit. Terms of Reference for such committees shall be approved resolution of the Board. Committee members shall be appointed by and may be removed by resolution of the Board.

- 3.07 Remuneration of Directors.** The directors shall serve as such without remuneration and no director shall directly or indirectly receive any profit from occupying the position of director; provided that a director may be reimbursed for reasonable expenses incurred by the director in the performance of the director's duties.

#### ARTICLE FOUR MEETINGS OF DIRECTORS

- 4.01 Place of Meeting.** Meetings of the Board may be held either at the head office or at any place within or outside Ontario.

**4.02 Notice.**

- (a) A meeting of directors may be convened at any time by the Chair or, where the Chair is unavailable, the Vice-Chair. The Secretary, when directed or authorized by any of such officers, shall convene a meeting of directors. The notice of meeting convened as aforesaid need not specify the purpose of or the business to be transacted at the meeting. Notice of any such meeting shall be served in accordance with Article 15 hereof not less than seven (7) days (exclusive of the day on which the notice is delivered or sent but inclusive of the day for which notice is given) before the meeting is to take place, or such longer period as may be required by law.
- (b) Any four (4) directors may, in writing, petition the Chair (or the Vice-Chair where the Chair is unavailable) to convene a meeting of directors and the Chair shall issue notice of a meeting of directors in accordance with Section 4.02(a) above within seven (7) days of receiving said petition. For avoidance of doubt, the meeting shall be held no later than fourteen (14) days after the receipt of the petition by the Chair or Vice-Chair, as the case may be.
- (c) If the first meeting of the Board following the election of directors by the members is held immediately thereafter, then for such meeting or for a meeting of the Board at which a director is appointed to fill a vacancy in the Board, no notice shall be necessary to the newly elected or appointed directors or director in order to legally constitute the meeting, provided that a quorum of the directors is present.

- 4.03 Waiver of Notice.** A director and any other person entitled to attend a meeting of directors may in any manner waive notice of a meeting of directors and attendance of any such person at a meeting of directors shall constitute a waiver of notice of

the meeting except where such person attends a meeting for the express purposes of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.

- 4.04 Error or Omission in Giving Notice.** No error or accidental omission in giving notice of any meeting of directors shall invalidate such meeting or make void any proceedings taken at such meeting.
- 4.05 Chairperson of the Meeting.** In the event that the Chair is absent from a meeting, the Vice-Chair shall act as chairperson for any such meeting. Where both the Chair and Vice-Chair are absent, the persons who are present and entitled to vote at such meeting shall choose another director as chairperson of the meeting.
- 4.06 Adjournment.** Any meeting of directors may be adjourned from time to time by the chairperson of the meeting, with the consent of the meeting, to a fixed time and place. Notice of any adjourned meeting of directors is not required to be given if the time and place of the adjourned meeting is announced at the original meeting. Any adjourned meeting shall be duly constituted if held in accordance with the terms of the adjournment and a quorum is present thereat. The directors who formed a quorum at the original meeting are not required to form the quorum at the adjourned meeting. If there is no quorum present at the adjourned meeting, the original meeting shall be deemed to have terminated forthwith after its adjournment. Any business may be brought before or dealt with at any adjourned meeting which might have been brought before or dealt with at the original meeting in accordance with the notice calling the same. Alternatively, a meeting may be terminated by the chairperson with the consent of the meeting participants and any matters which were to have been brought before the meeting but not dealt with at the original meeting may be addressed at a subsequent meeting.
- 4.07 Regular Meetings.** The Board may appoint a day or days in any month or months for regular meetings of the Board at a date and time to be named by the Board and a copy of any resolution of the Board fixing the place and time of regular meetings of the Board shall be sent to each director forthwith after being passed, but no other notice shall be required for any such regular meetings. The Board shall hold no less than four (4) regular meetings per fiscal year, subject to the further provision that there shall be no less than (4) regular meetings held between annual general meetings of the Corporation.
- 4.08 Quorum.** The number of directors which shall form a quorum for the transaction of business shall be that which is set out in the Letters Patent or a special resolution of the Corporation and, in the event of no such provision, a majority of the directors shall form a quorum for the transaction of business. Notwithstanding any vacancy among the directors, a quorum of directors may exercise all the powers of directors.
- 4.09 Voting.** Every director is authorized to exercise one (1) vote. Questions arising at any meeting of directors shall be decided in the first instance on a show of hands by a majority of votes cast from those present at the meeting unless otherwise

specifically provided by the Act or by these By-laws. In the case of an equality of votes the chairperson of the meeting shall not have a second or casting vote.

At any meeting unless a poll is demanded a declaration by the chairperson of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact.

A poll may be demanded either before or after any vote by show of hands by any person entitled to vote at the meeting. If at any meeting a poll is demanded on the election of a chairperson or on the question of adjournment it shall be taken forthwith without adjournment. If at any meeting a poll is demanded on any other question or as to the election of directors, the vote shall be taken by ballot in such manner and either at once, later in the meeting or after adjournment as the chairperson of the meeting directs. The result of a poll shall be deemed to be the resolution of the meeting at which the poll was demanded. A demand for a poll may be withdrawn.

**4.10 Electronic/Telephone Participation.**

- (a) If all the directors of the Corporation consent, a director may participate in a meeting of directors or committee of directors by telephonic or electronic means that permit all participants to communicate adequately with each other, and a director participating in such meeting by such means is deemed to be present at that meeting.
- (b) At the commencement of each such meeting the secretary of the meeting will record the names of those persons in attendance in person or by way of electronic communications and the chairperson of each such meeting will determine whether quorum is present. The chairperson shall determine the method of recording votes thereat, provided that any director present may require all persons present to declare their votes individually. The Board shall take such reasonable precautions as may be necessary to ensure that such communications facilities are secure from unauthorized interception or monitoring.

**4.11 Resolution in Lieu of Meeting.** A resolution in writing signed by all of the directors entitled to vote on that resolution at a meeting of directors, or committees of directors, is as valid as if it had been passed at a meeting of directors or committee of directors, and the Corporation shall keep a copy of every such resolution with the minutes of the meetings of the directors.

**4.12 Persons Entitled to be Present at Directors' Meetings.** The only persons entitled to be present at a meeting of directors shall be those entitled to vote at the meeting, the *ex officio* directors (who shall not be entitled to vote) and such other persons who are entitled or required under any provision of the Act, Letters Patent or By-laws of the Corporation to be present at the meeting. Any other person may be admitted only on the invitation of the chair of the meeting or by resolution of the

directors, provided that the directors may choose to hold any part of any meeting in camera and in so doing may exclude any such invitee therefrom.

## ARTICLE FIVE POWERS OF DIRECTORS

### 5.01 Administer Affairs.

- (a) The Board shall manage or supervise the management of the activities and affairs of the Corporation and make or cause to be made for the Corporation, in its name, any kind of contract, document or instrument in writing which the Corporation may lawfully enter into and, save as hereinafter provided, generally, may exercise all such other powers and do all such other acts and things as the Corporation is by its Letters Patent or otherwise authorized to exercise and do.
- (b) Without in any way derogating from the foregoing, the directors are expressly empowered from time to time, to purchase, lease or otherwise dispose of shares, stocks, rights, warrants, options and other securities, lands, buildings and other property, movable or immovable, real or personal, or any right or interest therein owned by the Corporation, for such consideration and upon such terms and conditions as they may deem advisable.

5.02 Expenditures. The Board shall have power to authorize expenditures on behalf of the Corporation from time to time and may delegate, by resolution to an officer or officers of the Corporation, the right to employ and pay salaries to employees. The Board shall have the power to make expenditures for the purpose of furthering the objects of the Corporation. The Board shall have the power to enter into a trust arrangement with a trust company for the purpose of creating a trust fund in which the capital and interest may be made available for the benefit of promoting the interest of the Corporation in accordance with such terms as the Board may prescribe.

5.03 Borrowing Power. The Board may from time to time:

- (a) borrow money on the credit of the Corporation;
- (b) issue, sell or pledge debt obligations (including bonds, debentures, debenture stock, notes or other like liabilities whether secured or unsecured) of the Corporation;
- (c) charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the Corporation, including book debts, rights, powers, franchises and undertakings, to secure any debt obligations or any money borrowed, or other debt or liability of the Corporation; and

(d) delegate the powers conferred on the Board under this paragraph to such officer or officers of the Corporation and to such extent and in such manner as the directors shall determine.

The powers hereby conferred shall be deemed to be in supplement of and not in substitution for any powers to borrow money for the purposes of the Corporation possessed by its directors or officers independently of this By-law.

- 5.04 Rules and Regulations.** The Board may prescribe such rules and regulations not consistent with the By-law relating to the management and operation of the Corporation as it deems expedient.
- 5.05 Fund Raising.** The Board shall take such steps as it may deem requisite to enable the Corporation to acquire, accept, solicit or receive legacies, gifts, grants, settlements, bequests, endowments and donations of any kind whatsoever for the purpose of furthering the objects of the Corporation.
- 5.06 Agents and Employees.** The Board may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the Board at the time of such appointment.
- 5.07 Remuneration of Agents and Employees.** The remuneration of agents, employees and committee members shall, subject to the other provisions of this By-law, be fixed by the Board by resolution.

## ARTICLE SIX OFFICERS

- 6.01 Appointment.** The Board shall annually or more often as may be required, elect a Chair, and a Vice-Chair from among themselves, and from time to time and as often as deemed necessary by the Board, shall appoint an Executive Director who shall be an ex-officio member of the Board and shall not be entitled to vote at any meeting of the Board or at any meeting of the members of the Corporation. The Past Chair shall also be an officer, provided that he/she continues to be a member of the Board. The Board shall further appoint a Secretary who need not be a member of the Board. The Board may from time to time appoint such other officers and agents as it shall deem necessary who shall have such authority and shall perform such duties as may from time to time be prescribed by the Board. A director may be appointed to any office of the Corporation, other than Chief Executive Officer.
- 6.02 Powers and Duties.** All officers shall sign such contracts, documents or instruments in writing as require their respective signatures and shall respectively have and perform all powers and duties incident to their respective offices and such other powers and duties respectively as may from time to time be assigned to them by the Board. The duties of the officers shall include:

- (a) Chair. The Chair shall be the president of the Corporation and, when present, preside at all meetings of the members of the Corporation and of the Board of Directors.
- (b) Vice-Chair. The Vice-Chair shall be vested with all the powers and shall perform all the duties of the Chair in the absence or inability or refusal to act of the Chair.
- (c) Treasurer. The Treasurer, if appointed, shall carry out the duties of the treasurer of the Corporation generally, and shall keep or cause to be kept full and accurate accounts of all assets, liabilities, receipts and disbursements of the Corporation in the books to be kept for that purpose. The Treasurer shall perform such other duties as may be prescribed by the by-laws or the Board.
- (d) Executive Director. The Executive Director shall be charged with the general management and supervision of the affairs and operations of the Corporation unless otherwise determined by resolution of the Board.
- (e) Secretary. The Secretary shall give or cause to be given notices for all meetings of the Board or the Executive Committee, if any, and members when directed to do so and have charge of the corporate seal of the Corporation, the minute books of the Corporation and of the documents and registers referred to in Section 300 of the Act. The Executive Director shall act as Secretary of the Corporation.
- (e) Past-Chair. Upon a Chair concluding his or her term as Chair of the Board, he or she shall be appointed as the Past-Chair and shall possess and may exercise such powers and duties as may from time to time be assigned to him or her by the Board.

**6.03** Vacancies. Notwithstanding the foregoing, each incumbent officer shall continue in office until the earlier of:

- (a) that officer's resignation, which resignation shall be effective at the time the written resignation is received by the Corporation or at the time specified in the resignation, whichever is later;
- (b) the appointment of a successor;
- (c) that officer ceasing to be a director or member if such is a necessary qualification of appointment;
- (d) the meeting at which the directors annually appoint the officers of the Corporation;
- (e) that officer's removal; and,
- (f) that officer's death.

If the office of any officer of the Corporation shall be or become vacant the Board by resolution may appoint a person to fill such vacancy.

- 6.04 Remuneration of Officers.** The remuneration of all officers appointed by the Board shall be determined from time to time by resolution of the Board. All officers shall be entitled to be reimbursed for reasonable expenses incurred in the performance of the officer's duties.
- 6.05 Removal of Officers.** All officers, in the absence of agreement to the contrary, shall be subject to removal by resolution of the Board at any time, with or without cause.
- 6.06 Duties of Officers may be Delegated.** In case of the absence or inability to act of any officer of the Corporation or for any other reason that the Board may deem sufficient, the Board may delegate all or any of the powers of any such officer to any other officer or to any director for the time being, provided that the powers of the Chief Executive Officer shall not be delegated to any other director.

## ARTICLE SEVEN FOR THE PROTECTION OF DIRECTORS AND OFFICERS

- 7.01 For the Protection of Directors and Officers.** Except as otherwise provided in the Act, no director or officer for the time being of the Corporation shall be liable for the acts, receipts, neglects or defaults of any other director or officer or employee or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by the Corporation or for or on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the moneys of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person including any person with whom any moneys, securities or effects shall be lodged or deposited or for any loss, conversion, misapplication or misappropriation of or any damage resulting from any dealings with any moneys, securities or other assets belonging to the Corporation or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of the director's or officer's respective office or trust or in relation thereto unless the same shall happen by or through the director's or officer's own wilful neglect, gross negligence, or bad faith.

## ARTICLE EIGHT INDEMNITIES TO DIRECTORS AND OTHERS

- 8.01 Indemnities to Directors and Others.** Pursuant to Section 80 of the Act, every director or officer of the Corporation or other person who has undertaken or is about



to undertake any liability on behalf of the Corporation or any corporation controlled by it and their heirs, executors and administrators, and estate and effects, respectively, shall from time to time and at all times be indemnified and saved harmless out of the funds of the Corporation, from and against:

- (a) all costs, charges and expenses whatsoever which such director, officer or other person reasonably sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against the director, officer or other person for or in respect of any act, deed matter or thing whatever, made, done or permitted by them, in or about the execution of the duties of such office or in respect of any such liability; and
- (b) all other costs, charges and expenses which the director, officer or other person reasonably sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by their own willful neglect or default, gross negligence, or bad faith.

The Corporation shall also indemnify any such person in such other circumstances as the Act or law permits or requires. Nothing in this By-law shall limit the right of any person entitled to indemnity to claim indemnity apart from the provisions of this By-law to the extent permitted by the Act or law.

## ARTICLE NINE INTERESTED DIRECTOR CONTRACTS

### 9.01 Conflict of Interest.

- (a) A director who is in any way directly or indirectly interested in a contract or proposed contract with the Corporation shall make the disclosure required by the Act and take any further action as required by the Act. Except as provided by the Act, no such director shall attend any part of a meeting of the Board during which the contract or transaction is discussed or vote on any resolution to approve any such contract. Where a director declares a conflict and removes him or herself from a meeting, the minutes shall reflect same.
- (b) In supplement of and not by way of limitation upon any rights conferred upon directors by Section 71 of the Act and specifically subject to the provisions contained in that section, it is declared that no director shall be disqualified by any such office from, or vacate any such office:
  - (i) by reason of holding any office or place of profit under the Corporation or under any corporation in which the Corporation shall be a member;
  - (ii) by reason of being otherwise in any way directly or indirectly interested or contracting with the Corporation as vendor, purchaser or otherwise; or

- (iii) being concerned in any contract or arrangement made or proposed to be entered into with the Corporation in which the director is in any way directly or indirectly interested as vendor, purchaser or otherwise.
- (c) Subject to compliance with the Act, a contract or transaction for which disclosure is required under Subsection 71(1) of the Act is not void or voidable, and the director is not accountable to the Corporation or its members or creditors for any profit or gain realized from the contract or transaction, by reason only of the director holding that office or of the fiduciary relationship established thereby.

**9.02 Confirmation by Members.** The board of directors in its discretion may submit any contract, act or transaction with the Corporation for approval or ratification at any annual meeting of the members or at any general meeting of the members called for the purpose of considering the same and, subject to the provisions of Section 71 of the Act, any such contract, act or transaction that shall be approved or ratified or confirmed by a resolution passed by a majority of the votes cast at any such meeting (unless any different or additional requirement is imposed by the Act or by the Letters Patent) shall be as valid and as binding upon the Corporation and upon all the members as though it had been approved, ratified or confirmed by every member of the Corporation.

## ARTICLE TEN MEMBERS

**10.01 Closed Membership.** Membership in the Corporation is restricted to the directors other than ex officio directors, and each director other than an ex officio director shall automatically become a member of the Corporation upon becoming a director.

**10.02 Termination of Membership.** Membership in the Corporation is not transferable and lapses and ceases to exist:

- (a) if the member ceases to be a director of the Corporation;
- (b) if the member becomes bankrupt or suspends payment of debts generally or compounds with creditors or makes an authorized assignment or is declared insolvent;
- (c) if the member is found to be a mentally incompetent person or becomes of unsound mind;
- (d) if the member by notice in writing to the Corporation resigns as a member, which resignation shall be effective at the time it is received by the Corporation or at the time specified in the notice, whichever is later;

- (e) if at a special meeting of members, a resolution is passed to remove the member by at least two-thirds (2/3) of the votes cast at the special meeting; or
- (f) if the member dies.

## ARTICLE ELEVEN MEMBERS' MEETINGS

- 11.01 Annual Meeting.** Subject to compliance with Section 293 of the Act, the annual meeting of the members shall be held on such day in each year and at such time as the directors may by resolution determine at any place within Ontario or, in the absence of such determination, at the place where the head office of the Corporation is located.
- 11.02 Special Meetings.** Other meetings of members may be convened at any time by the Chair or, where the Chair is unavailable, the Vice-Chair, or as otherwise may be permitted by the Act. The Secretary, when directed or authorized by any of such officers, shall convene a meeting of members.
- 11.03 Notice.** Not less than ten (10) days' written notice of any annual or special meeting of members, or such longer period as may be required by law, shall be given in the manner specified by this By-law to each member and other party entitled to attend such meeting. Notice of any meeting where special business will be transacted should contain sufficient information to permit the member to form a reasoned judgment on the decision to be taken and state the text of any special resolution to be submitted to the meeting.
- 11.04 Waiver of Notice.** A member and any other person entitled to attend a meeting of members may in any manner waive notice of a meeting of members and attendance of any such person at a meeting of members shall constitute a waiver of notice of the meeting except where such person attends a meeting for the express purposes of objecting to the transaction of any business on the grounds that the meeting is not lawfully called.
- 11.05 Error or Omission in Giving Notice.** No error or accidental omission in giving notice of any annual or special meeting or any adjourned meeting of the members of the Corporation shall invalidate any resolution passed or any proceedings taken at any meeting of members.
- 11.06 Quorum.** A quorum at any meeting of the members (unless a greater number of members are required to be present by the Act, Letters Patent or By-laws) shall consist of a majority of the members. No business shall be transacted at any meeting unless the requisite quorum be present at the time of the transaction of such business. If a quorum is not present at the time appointed for a meeting of members or within such reasonable time thereafter as the members present may determine, the persons present and entitled to vote may adjourn the meeting to a fixed time and place but may not transact any other business and the provisions of this By-law with regard to notice shall apply to such adjournment.

- 11.07 Chairperson of the Meeting.** In the event that the Chair is absent from a meeting, the Vice-Chair shall act as chairperson for any such meeting. Where both the Chair and Vice-Chair are absent, the persons who are present and entitled to vote at such meeting shall choose another director as chairperson of the meeting.
- 11.08 Adjournment.** Any meeting of members may be adjourned from time to time by the chairperson of the meeting, with the consent of the meeting, to a fixed time and place. Notice of any adjourned meeting of members is not required to be given if the time and place of the adjourned meeting is announced at the original meeting. Any adjourned meeting shall be duly constituted if held in accordance with the terms of the adjournment and a quorum is present thereat. The members who formed a quorum at the original meeting are not required to form the quorum at the adjourned meeting. If there is no quorum present at the adjourned meeting, the original meeting shall be deemed to have terminated forthwith after its adjournment. Any business may be brought before or dealt with at any adjourned meeting which might have been brought before or dealt with at the original meeting in accordance with the notice calling the same.
- 11.09 Voting of Members.** Every member is authorized to exercise one (1) vote. Questions arising at any meeting of members shall be decided in the first instance on a show of hands by a majority of votes cast from those present at the meeting unless otherwise specifically provided by the Act or by these By-laws. In the case of an equality of votes the chairperson of the meeting shall both on a show of hands and at a poll have a second or casting vote in addition to the vote or votes to which the chairperson may be otherwise entitled.

At any meeting unless a poll is demanded a declaration by the chairperson of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority shall be conclusive evidence of the fact.

A poll may be demanded either before or after any vote by show of hands by any person entitled to vote at the meeting. If at any meeting a poll is demanded on the election of a chairperson or on the question of adjournment it shall be taken forthwith without adjournment. If at any meeting a poll is demanded on any other question or as to the election of directors, the vote shall be taken by ballot in such manner and either at once, later in the meeting or after adjournment as the chairperson of the meeting directs. The result of a poll shall be deemed to be the resolution of the meeting at which the poll was demanded. A demand for a poll may be withdrawn.

- 11.10 Participation by Electronic Means at Members' Meetings.** If the Corporation chooses to make available a telephonic, electronic or other communication facility that permits all participants to communicate adequately with each other during a meeting of members, any person entitled to attend such meeting may participate in the meeting by means of such telephonic, electronic or other communication facility in the manner provided by the Act. A person participating in a meeting by

such means is deemed to be present at the meeting. A member entitled to vote at a meeting of members may vote by mailed-in ballot or by means of a telephonic, electronic or other communication facility if the Corporation has a system that:

- (a) enables the votes to be gathered in a manner that permits their subsequent verification; and,
- (b) permits the tallied votes to be presented to the Corporation without it being possible for the Corporation to identify how each member voted.

**11.11 Resolutions in Lieu of Meeting.** A resolution in writing signed by all of the members entitled to vote on that resolution at a meeting of members is as valid as if it had been passed at a meeting of members. The Corporation shall keep a copy of every such resolution with the minutes of the meetings of members.

**11.12 Persons Entitled to be Present at Members' Meetings.** The only persons entitled to be present at a meeting of members shall be those entitled to vote at the meeting, the ex officio directors (who shall not be entitled to vote) and the public accountant of the Corporation and such other persons who are entitled or required under any provision of the Act, Letters Patent or By-laws of the Corporation to be present at the meeting. Any other person may be admitted only on the invitation of the chair of the meeting or by resolution of the members, provided that the members may choose to hold any part of any meeting in camera and in so doing may exclude any such invitee therefrom.

## ARTICLE TWELVE CUSTODY AND VOTING OF SHARES AND SECURITIES

**12.01 Voting Shares and Securities of other Corporations.** All of the shares or other securities carrying voting rights of any company or corporation held from time to time by the Corporation may be voted at any and all meetings of shareholders, bondholders, debenture holders or holders of other securities (as the case may be) of such company or corporation and in such manner and by such person or persons as the Board shall from time to time determine. The duly authorized signing officers of the Corporation may also from time to time execute and deliver for and on behalf of the Corporation proxies and/or arrange for the issuance of voting certificates and/or other evidence of the right to vote in such names as they may determine without the necessity of a resolution or other action by the Board.

**12.02 Custody of Securities.** All shares and securities owned by the Corporation shall be lodged (in the name of the Corporation) with a chartered bank or a trust company or in a safety deposit box or, if so authorized by resolution of the Board, with such other depositories or in such other manner as may be determined from time to time by the Board.

All share certificates, bonds, debentures, notes or other obligations belonging to the Corporation may be issued or held in the name of a nominee or nominees of the Corporation (and if issued or held in the names of more than one nominee shall be

held in the names of the nominees jointly with the right of survivorship) and shall be endorsed in blank with endorsement guaranteed in order to enable transfer to be completed and registration to be effected.

### ARTICLE THIRTEEN EXECUTION OF INSTRUMENTS

**13.01 Execution of Instruments.** Unless otherwise determined or delegated by resolution of the Board of Directors, contracts, documents or instruments in writing requiring the signature of the Corporation may be signed by any one officer of the Corporation, and all contracts, documents and instruments in writing so signed shall be binding upon the Corporation without any further authorization or formality. The Board shall have power from time to time by resolution to appoint any officer or officers or any person or persons on behalf of the Corporation either to sign contracts, documents and instruments in writing generally or to sign specific contracts, documents or instruments in writing.

The term "contracts, documents or instruments in writing" as used in this By-law shall include but not be limited to deeds, mortgages, hypothecs, charges, conveyances, transfers and assignments of property real or personal, immovable or movable, agreements, releases, receipts and discharges for the payment of money or other obligations, conveyances, transfers and assignments of shares, share warrants, stocks, bonds, debentures or other securities and all paper writings.

Any person authorized to sign any document may affix the corporate seal (if any) to the document. Any signing officer may certify a copy of any instrument, resolution, By-law or other document of the Corporation to be a true copy thereof.

### ARTICLE FOURTEEN CHEQUES, DRAFTS, NOTES, ETC.

**14.01 Cheques, Drafts, Notes. Etc.** All cheques, drafts or orders for the payment of money and all notes and acceptances and bills of exchange shall be signed by such officer or officers or person or persons, whether or not officers of the Corporation, and in such manner as the Board may from time to time designate by resolution. Unless otherwise determined by resolution of the Board: (a) where a cheque is under \$10,000.00, any two members of senior management as designated by the Board; and (b) for cheques equal to or greater than \$10,000.00, any one member of senior management and one voting director.

### ARTICLE FIFTEEN NOTICES

**15.01 Service.** Any notice or other document required by the Act, the Regulations, the Letters Patent, or the By-laws to be sent to any member or director or to the auditor shall be delivered personally or sent by prepaid mail or by email to any such member or director at their latest address as shown in the records of the Corporation and to the auditor at its business address, or if no address be given therein then to

the last address of such member or director known to the Secretary; provided always that notice may be waived or the time for the notice may be waived or abridged at any time with the consent in writing of the person entitled thereto.

- 15.02 Signature to Notices.** The signature of any director or officer of the Corporation to any notice or document to be given by the Corporation may be written, stamped, typewritten or printed or partly written, stamped, typewritten or printed.
- 15.03 Computation of Time.** Where a given number of days' notice or notice extending over a period is required to be given under the By-laws or Letters Patent of the Corporation the day of service or posting of the notice shall not, unless it is otherwise provided be counted in such number of days or other period.
- 15.04 Proof of Service.** With respect to every notice or other document sent by post it shall be sufficient to prove that the envelope or wrapper containing the notice or other document was properly addressed as provided in this By-law and put into a Post Office or into a letter box. A certificate of an officer of the Corporation in office at the time of the making of the certificate as to facts in relation to the sending or delivery of any notice or other document to any member, director, officer or auditor or publication of any notice or other document shall be conclusive evidence thereof and shall be binding on every member, director, officer or auditor of the Corporation as the case may be.

## ARTICLE SIXTEEN AUDITORS

- 16.01 Auditors.** Unless the Corporation qualifies under an exemption in Section 96.1 of the Act, the members shall at each annual meeting appoint an auditor to audit the accounts of the Corporation for report to members who shall hold office until the next following annual meeting; provided, however, that the Board shall fill any casual vacancy in the office of the auditor. The remuneration of the auditor may be fixed by the members or, if not so fixed, by the Board. The members may by resolution passed by at least two-thirds of the votes cast at a meeting of which notice of intention to pass the resolution has been given, remove any auditor before the expiration of the auditor's term of office and shall by a majority of the votes cast at that meeting appoint another auditor in such auditor's stead for the remainder of the term.

## ARTICLE SEVENTEEN FINANCIAL YEAR

- 17.01 Financial Year.** Subject to the Act, the financial year of the Corporation shall terminate on the 31<sup>st</sup> day of December in each year or on such other date as the directors may from time to time by resolution determine.

## ARTICLE EIGHTEEN DISTRIBUTION ON DISSOLUTION OR WIND-UP

**18.01** In the event of dissolution or winding-up of the Corporation, all of its remaining assets after payment of liabilities shall be distributed to one or more charities or qualified donees registered as such in accordance with the *Income Tax Act* (Canada) and who are considered qualified donees thereunder, which may include the City of Hamilton.

**ARTICLE NINETEEN  
ENACTMENT AND AMENDMENT OF BY-LAWS**

**19.01** By-laws of the Corporation may be enacted, and such By-laws repealed or amended, by a majority vote of the authorized number of directors and confirmed by the members at a meeting duly called for the purpose.

**ARTICLE TWENTY  
REPEAL OF PRIOR BYLAWS**

**20.01** All by-laws previously enacted by the Corporation, including all amendments thereto, are hereby repealed, such that this By-law, as of the date of its enactment by the directors, is the only by-law of the Corporation in force and effect.

CERTIFIED to be By-Law No. 2 of the Corporation, as enacted by the directors of the Corporation and confirmed by the members of the Corporation this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary



**DARTS 2019 Draft Budget A**

	<b>2018 FORECAST / ACTUAL</b>	<b>2019 MAINTENANCE BUDGET</b>
<b>SERVICE RELATED EXPENDITURES</b>		
DRIVERS WAGES	4,914,982	4,871,446
SUBCONTRACT	7,678,540	8,386,606
EMPLOYEE BENEFITS	2,297,716	2,601,768
GAS AND OIL	823,291	618,483
VEHICLE REPAIR MATERIALS	490,011	508,083
VEHICLE LEASE	1,514,340	1,510,049
OPERATIONS SALARIES	1,191,422	1,335,138
MAINTENANCE LABOUR	672,942	719,422
INSURANCE	507,024	666,994
COMMUNICATIONS/RADIO	179,702	165,591
UNIFORMS	17,421	23,405
EMPLOYEE TRAINING	20,996	25,440
LICENSES AND PERMITS	16,163	14,285
<b>SUB-TOTAL</b>	<b>20,324,550</b>	<b>21,446,710</b>
<b>OVERHEAD</b>		
ADMINISTRATION SALARIES	836,147	899,912
FACILITY COSTS	160,000	160,000
TELEPHONE	8,642	9,158
LEGAL AND AUDIT	147,719	147,552
INFORMATION TECHNOLOGY	236,554	225,197
MISCELLANEOUS - ADMIN / DUES / MEETINGS	15,602	31,000
POSTAGE	11,096	10,685
PRINTING	16,705	16,618
OFFICE SUPPLIES	9,174	10,176
OFFICE EQUIPMENT	5,117	6,085
BANK CHARGES	10,125	9,600
VEHICLE & TRAVEL	26,017	26,254
PUBLIC RELATIONS/CONSULTING	12,802	14,246
<b>SUB-TOTAL</b>	<b>1,495,701</b>	<b>1,566,484</b>
<b>TOTAL EXPENDITURES</b>	<b>21,820,251</b>	<b>23,013,194</b>
<b>REVENUES</b>		
PASSENGER FARES INCLUDES THE FOLLOWING:		
AGENCIES, PASSENGERS	462,365	484,931
FORECASTED HSR PASS/TICKET REVENUES	708,178	712,616
CHARTERS, INTEREST REVENUE	27,702	22,500
<b>SUB-TOTAL</b>	<b>1,198,245</b>	<b>1,220,047</b>
<b>Total Municipal Contribution</b>	<b>20,309,372</b>	<b>21,793,147</b>
<b>TOTAL REVENUES</b>	<b>21,507,617</b>	<b>23,013,194</b>
<b>VARIANCE to BUDGET</b>	<b>(312,634)</b>	<b>-</b>
<b>DARTS TRIPS</b>		
- DARTS WC	192,327	209,239
-DARTS AMB	40,476	81,371
-DARTS VANS	148,027	56,687

		<u>380,830</u>	<u>347,296</u>
<b>SUB-CONTRACT</b>	<b>TOTAL DARTS</b>		
VETS	-Ambulatory	196,721	235,000
	-MV1	50,569	10,004
HCAB	-Ambulatory	28,873	22,000
HTOWN	-Ambulatory	116,740	172,926
	<b>TOTAL SUBCONTRACT</b>	<u>392,903</u>	<u>439,930</u>
	<b>TOTAL TRIPS</b>	<u>773,733</u>	<u>787,226</u>
	<b>Cost per Trip (overall weighted average)</b>	<b>\$ 29.40</b>	<b>\$ 29.59</b>
	<b>Cost per Trip (Municipal Contribution)</b>	<b>\$ 26.65</b>	<b>\$ 27.68</b>
<b>DEDICATED SERVICE</b>			
	- DEDICATED SERVICE HOURS	176,672	163,109
	- DEDICATED SERVICE TRIPS / HOUR - BUS	2.43	2.40
	- DEDICATED SERVICE TRIPS / HOUR - PROMASTER	2.17	2.15
	- DEDICATED SERVICE TRIPS / HOUR - MV1	1.92	1.95
	- DEDICATED SERVICE TRIPS / HOUR - SIENNA	1.93	1.95
	- DEDICATED SERVICE TRIPS / HOUR - VAN	2.24	2.25
<b>DEDICATED SERVICE COST / HOUR</b>		<b>\$ 80.05</b>	<b>\$ 89.67</b>
	<b>FLEET SIZE Non-AMB Vehicles</b>	48	56
	<b>FLEET SIZE AMB Vehicles</b>	51	30
	<b>ADDITIONAL DRIVERS service</b>	46	76

<b>% Inc/Dec</b>	<b>ACTUAL /</b>	<b>Variance to</b>	
	<b>BUDGET</b>	<b>2018 Actual</b>	
-0.89%		-43,536	
9.22%		708,066	cost per trip increase
13.23%		304,052	
-24.88%		-204,808	
3.69%		18,072	
-0.28%		-4,290	
12.06%		143,716	
6.91%		46,480	
31.55%		159,970	5% increase & claim closures
-7.85%		-14,111	
34.35%		5,984	winter coats due
21.16%		4,444	seminars, payroll
-11.62%		-1,878	
5.52%		1,122,160	
7.63%		63,765	increase clerical
0.00%		0	
5.98%		516	
-0.11%		-167	
-4.80%		-11,357	
98.69%		15,398	acc. doors (7) & janitorial
-3.71%		-411	
-0.52%		-87	
10.92%		1,002	equipment cost increases
18.92%		968	
-5.19%		-525	
0.91%		237	
11.28%		1,444	
4.73%		70,783	
5.47%		1,192,943	
4.88%		22,567	
0.63%		4,438	
-18.78%		-5,202	
1.82%		21,802	
7.31%		1,483,774	
7.00%		1,505,577	
8.79%			
101.03%			
-61.71%			

-8.81% -33,534

19.46%

-80.22%

-23.80%

48.13%

1.74% 13,493

0.62%

3.87% \$ 1.03

-7.68% -13,563

-1.23%

-0.92%

1.56%

1.04%

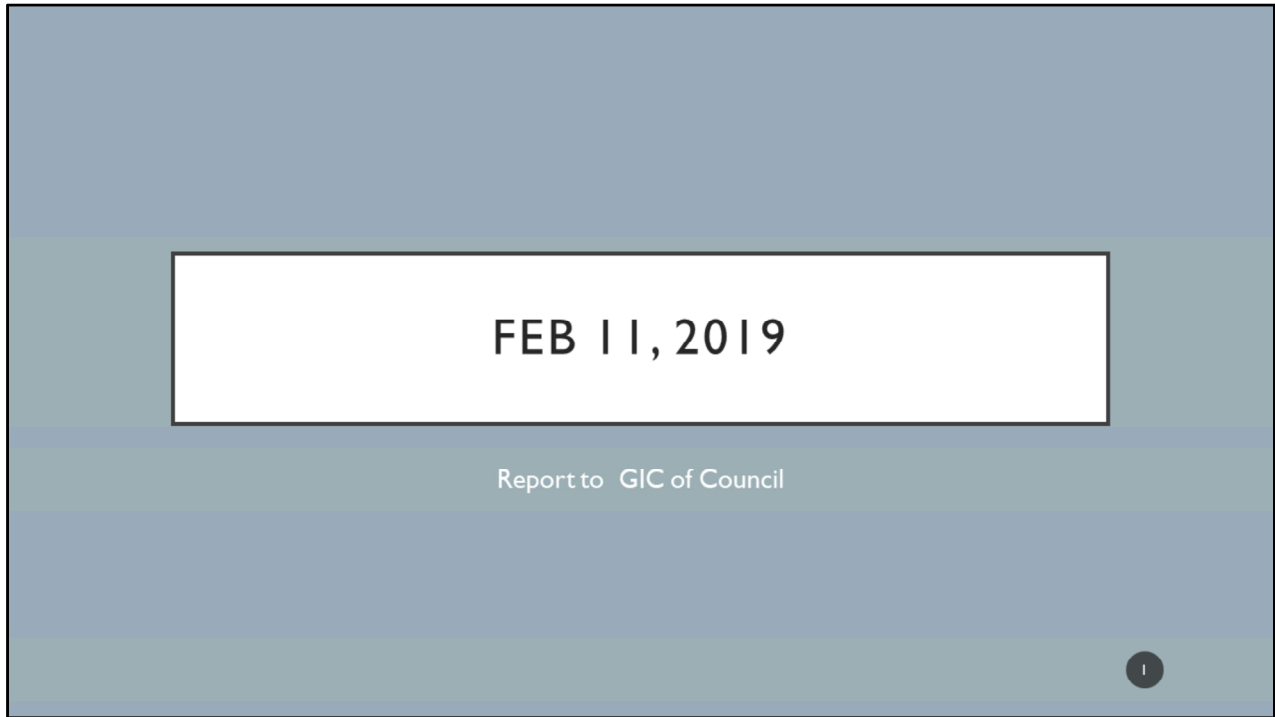
0.45%

12.03%

16.67%

-41.18%

65.22%



Historical Context

Current Service Update

Budget

Governance

# Historical Context

## EARLY DAYS OF DARTS

### 1975-1980 - Provincially Co-Funded – Regional Service

- Organizational Meetings and early Service Pilots
- 13 Service Agencies, Regional Government and HSR

### 1982-1994 Joint Governance with the Province

- Difficult for Region to control access to service with Provincial funding – Urban and Rural
- Growth is much faster than other municipalities

### 1994 – Region - Funded Service Only

- Urban and Rural Service
- Region now responsible for the entire cost of the service

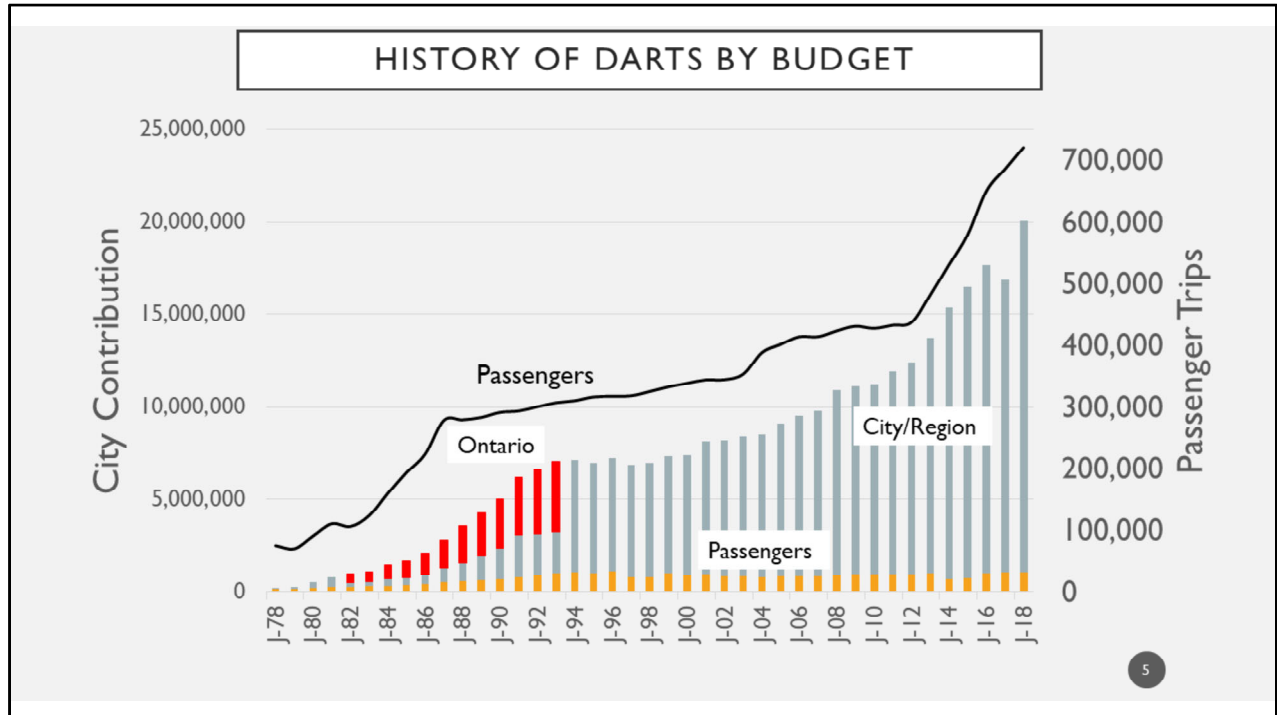
### 2001 – Region becomes City

- DARTS is a Regional Service – Now covers Urban and Rural Hamilton
- Not just 1 km beyond the Urban Boundary as with other Municipalities

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DARTS was set up over 40 years ago. Over the years, various agencies have funded DARTS and contributed to the eligibility/access to DARTS. In every case the existing users were grandfathered. The switch from the Region of Hamilton Wentworth funding DARTS, to the City of Hamilton, caused DARTS to service both the rural and urban areas of the City of Hamilton. Transit is only required to operate one km beyond the urban boundary. The AODA mandate is that accessibility for Ontarians should match the fixed transit system. This does not include the rural areas of municipalities.

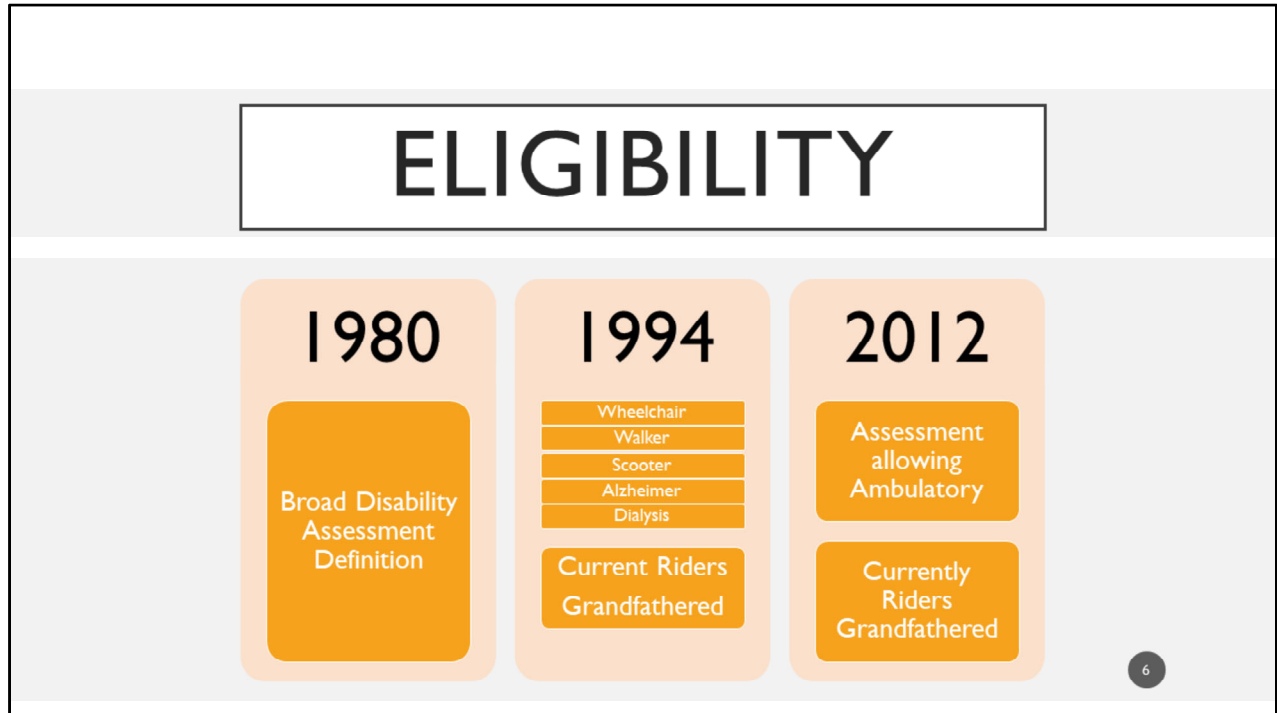




Contribution of funders of DARTS by year based on the annual reports. Shows the funding of DARTS from 1978 to present day.

Note the province funded DARTS from it's beginning until 1993-94.

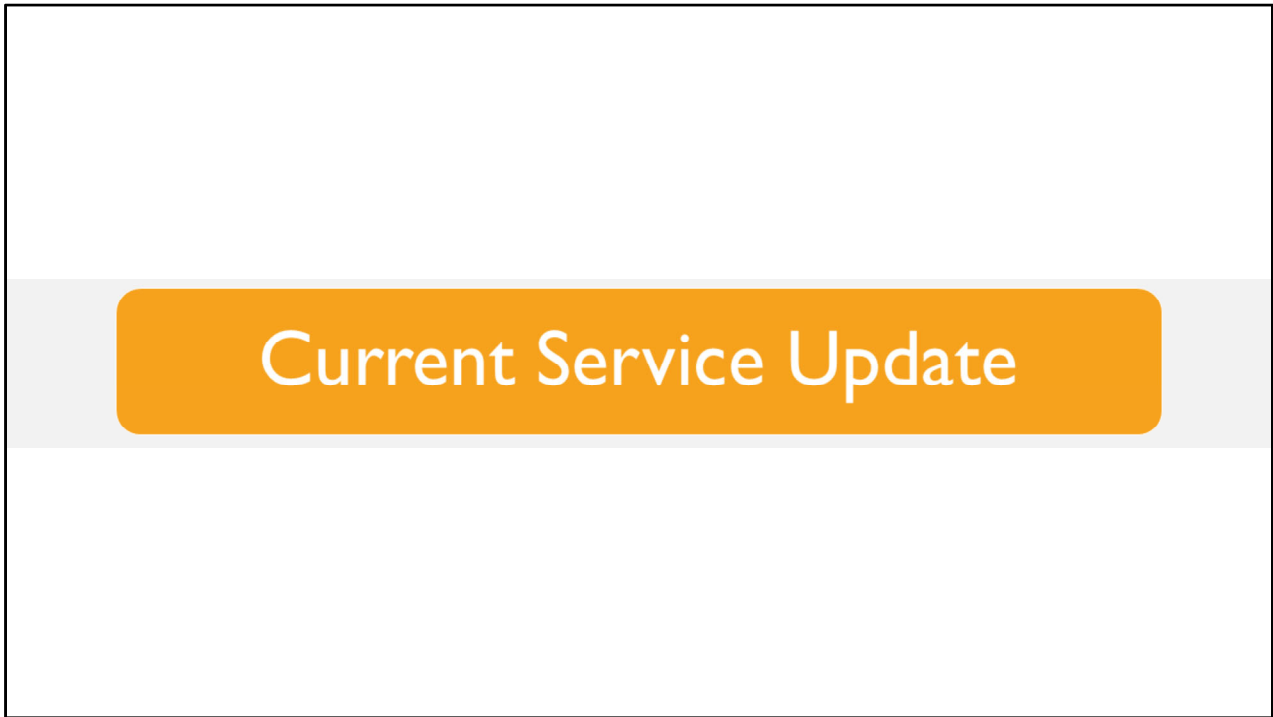
The black line are the number of passengers carried for each year. The change in eligibility and the grandfathering of exiting passengers in 2012 greatly increase the ridership on DARTS.



The control over eligibility criteria mirrored the reduction in provincial funding in 1993-94. The eligibility criteria in 1994 acknowledged that the fixed transit fleet was not fully accessible in 1993. Note that ambulatory passengers, including the visually impaired, were no longer eligible in 1993-94.

In 2012 the fleet was accessible and the eligibility was changed to “inability to access the HSR service”. This caused an increase in frail elderly ambulatory that were previously ineligible for DARTS. Existing users were grandfathered.

This is the reason for the increase in ridership in 2012-2018.





Outside view of a MV-1 vehicle.



MV-1 with the ramp extended.



Inside the MV-1 vehicle looking forward. Shows the position of the one wheelchair spot in the front passenger position.



Outside the Promaster with the ramp extended.



Inside the Promaster showing the floor space for the 2 wheelchairs. Also shows the two seats that are elevated on the back wheel hubs. These are the seats that the travelling public has issue with.





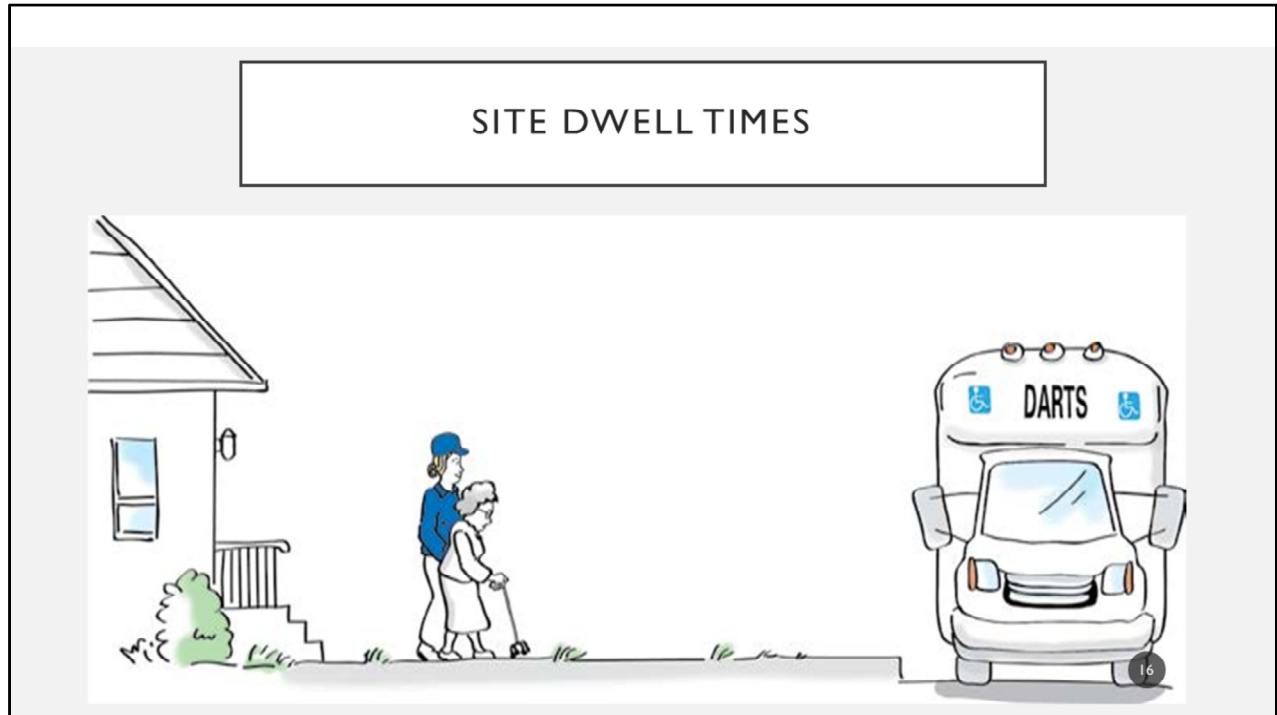
DARTS van showing the installed step (these are on both sides of the vehicle) to assist seniors with entering the van.



8 Sienna 1 wheelchair capability



ARBOC bus with the ramp extended.



The smaller paratransit vehicles (Promaster and MV-1) are more difficult to load than are the buses, resulting in longer dwell times and lower productivities.



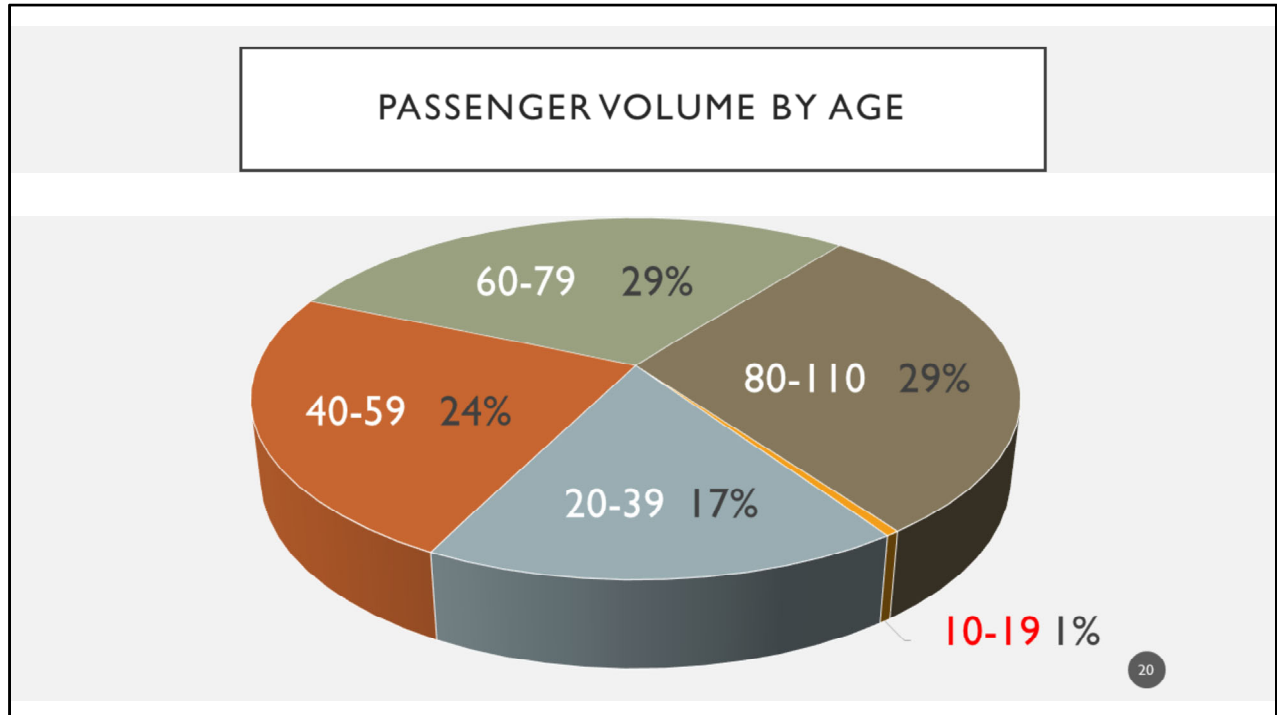
Inside the ARBOC bus looking towards the back. The very back seats can flip up to expose two wheelchair spots.



Note the increase floor space on buses making it easier to navigate when loading and unloading multiple passengers in wheelchairs.

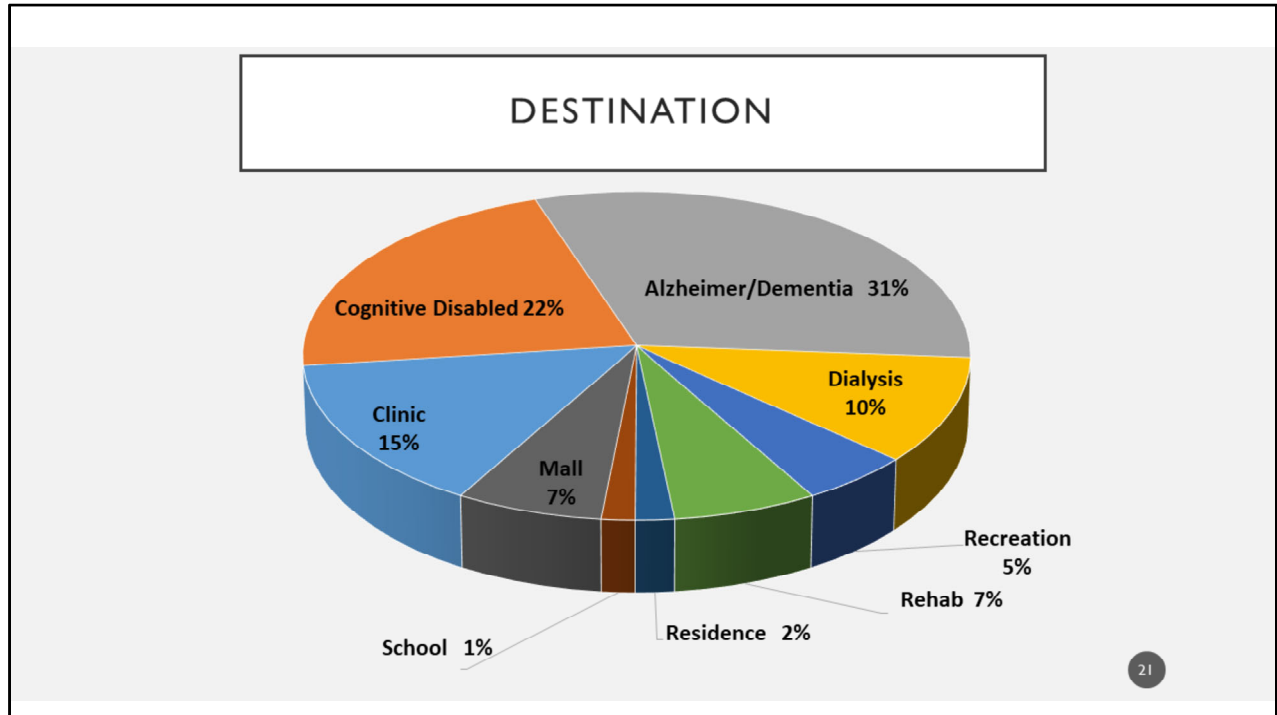


Much smaller area in the Promaster relative to the bus (in the previous slide).

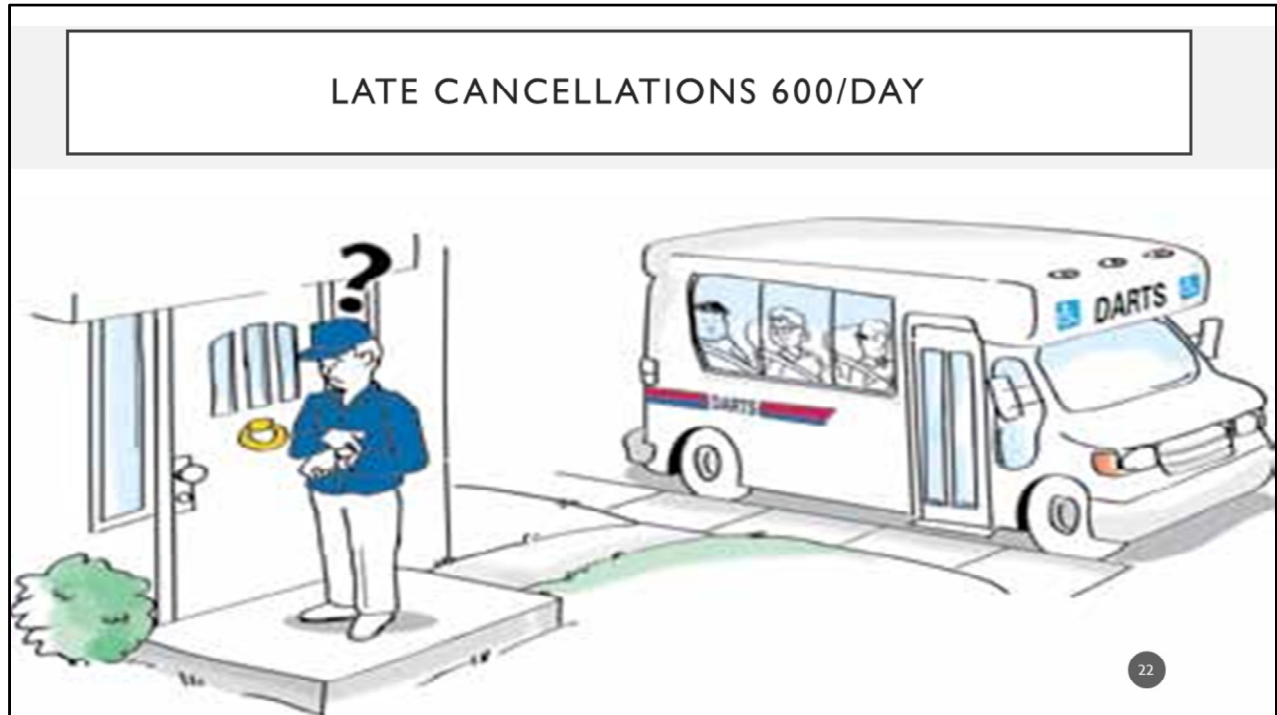


Only 1% of the passengers carried in 2017 were under 20.  
Seniors over 60 accounted for 58% of the service in 2017.  
Seniors over the age of 80 (golden age pass) accounted for 29% of the passenger rides.



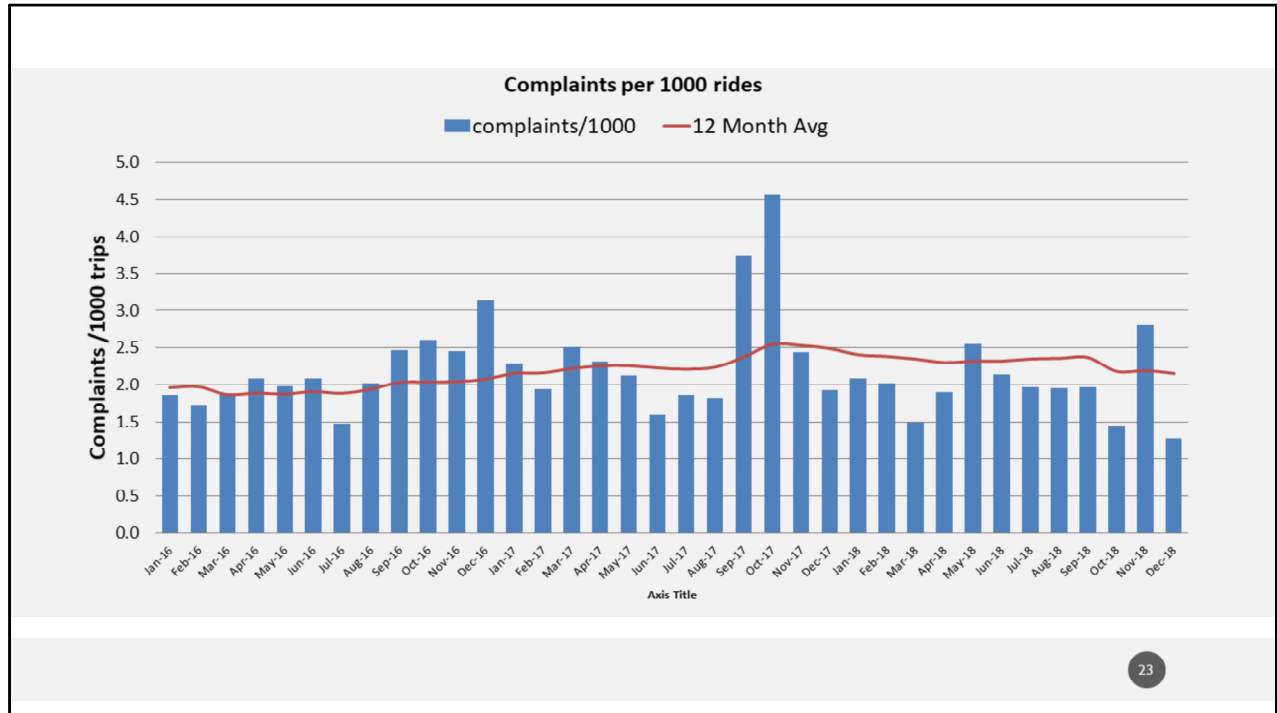


By looking at the function of the location that is the passenger's destination we can determine the various volumes of rides by purpose.



Drivers are required to wait 5 minutes at all locations for passengers. If a passenger no-shows, this adds to the travel time of passengers waiting on the bus and the wait time of passengers waiting for the bus down the road.

There really is no reason for a passenger not to at least call DARTS to cancel the ride as these types of cancellations are a waste of service.



This is a slide of the complaint spectrum for 2018. Note the highest levels are with drivers and late rides.

DARTS had a service upset in late September 2017 with a malfunctioning database server that caused complaints to double in October.

Complaint levels have since recovered to about 2.2 Complaints per 1000 passenger trips.

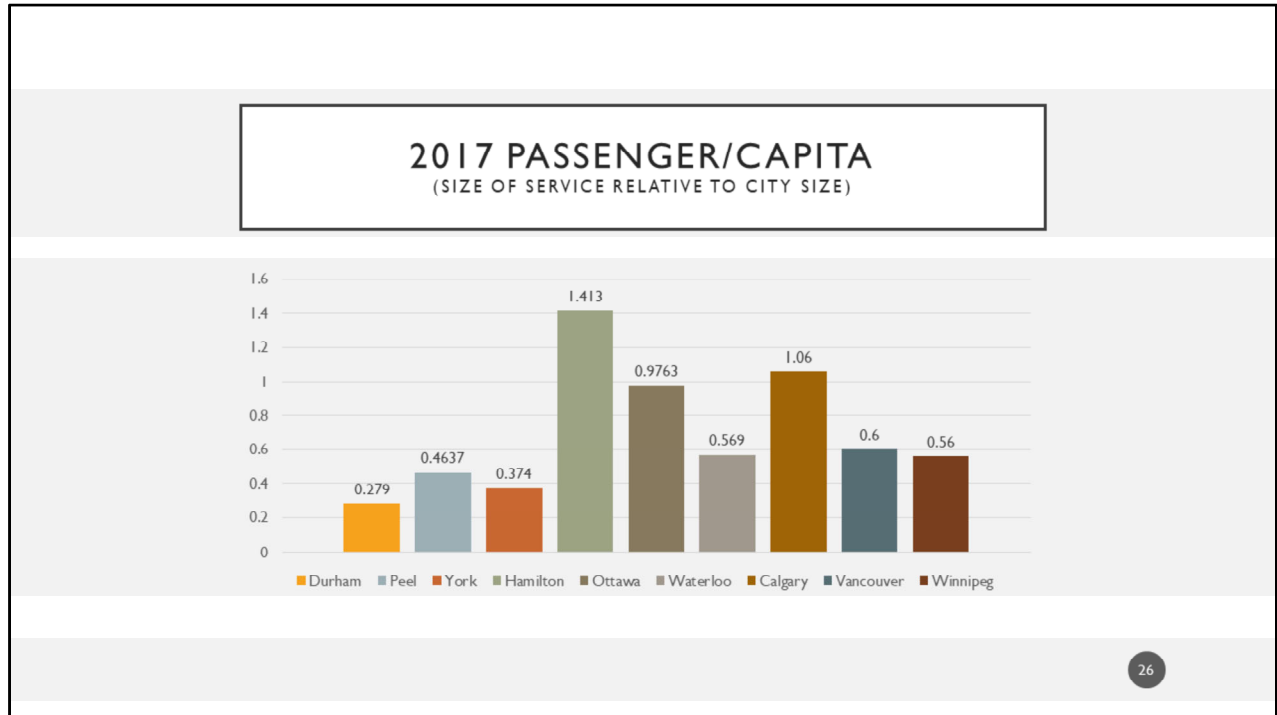
## 2018 DRIVER COMPARISON COMPLAINT LEVELS PER 10,000/PASSENGER TRIPS

Provider	Passenger Trips	Driver Complaints	Complaints/10,000	Rank
DARTS	380,830	108	2.8	1
VETS	247,290	183	7.4	2
HTown	116,740	115	9.8	3
HCab	28,873	54	18.7	4

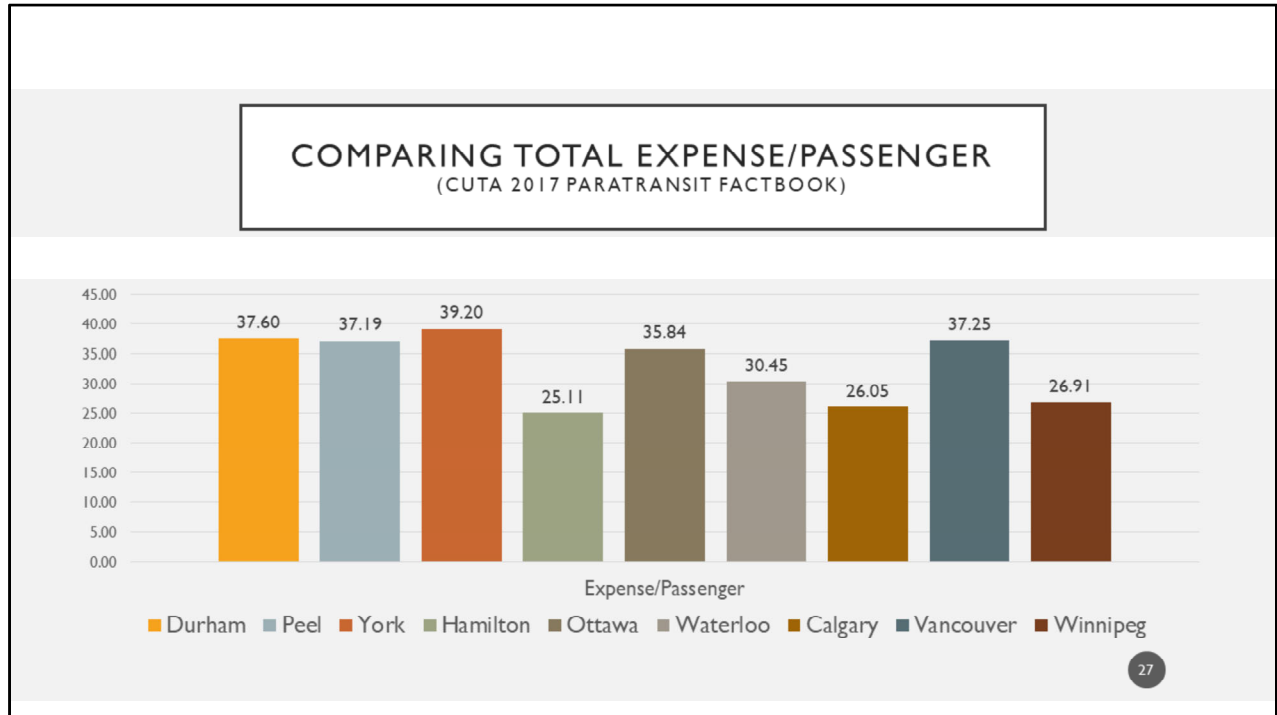
24

Complaints of no door to door service are strongest with the subcontractors followed by driver error, (wrong address) and driver behavior (rudeness)

# Relative Performance



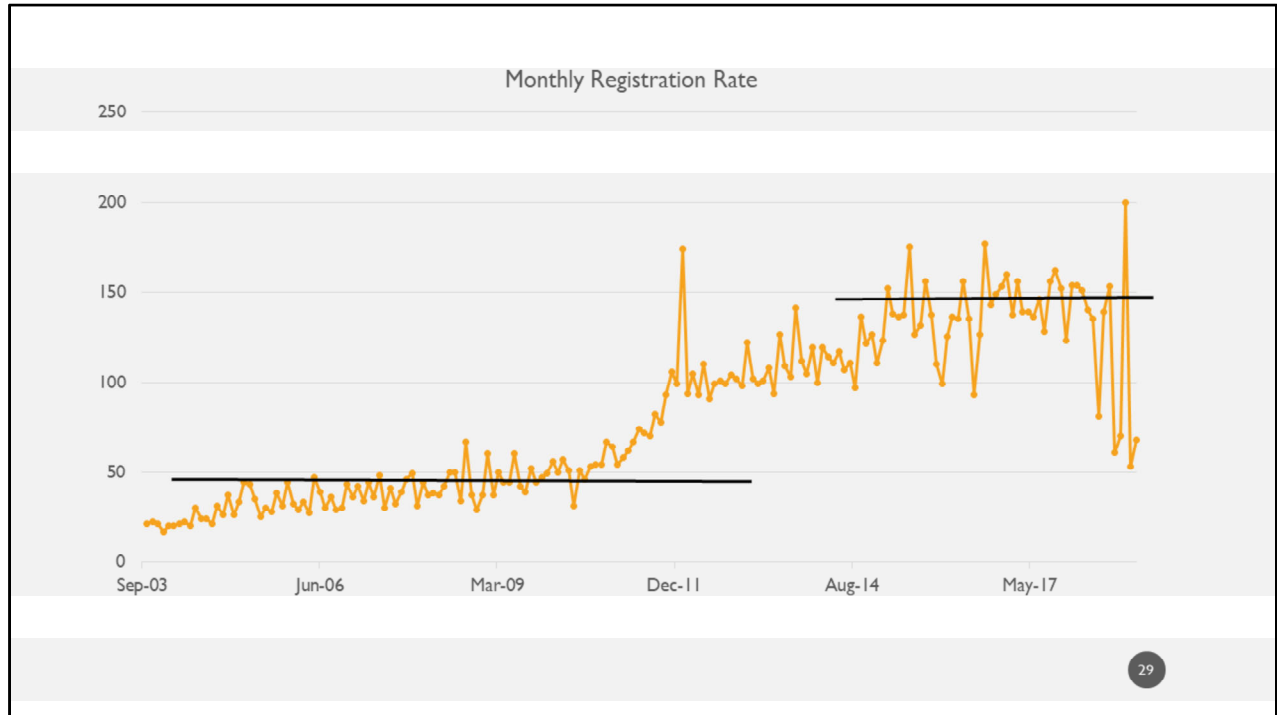
DARTS has one of the highest passenger counts (service size) for a city of 550,000.



Expense /passenger (cost/trip) is the lowest among most cities in Canada

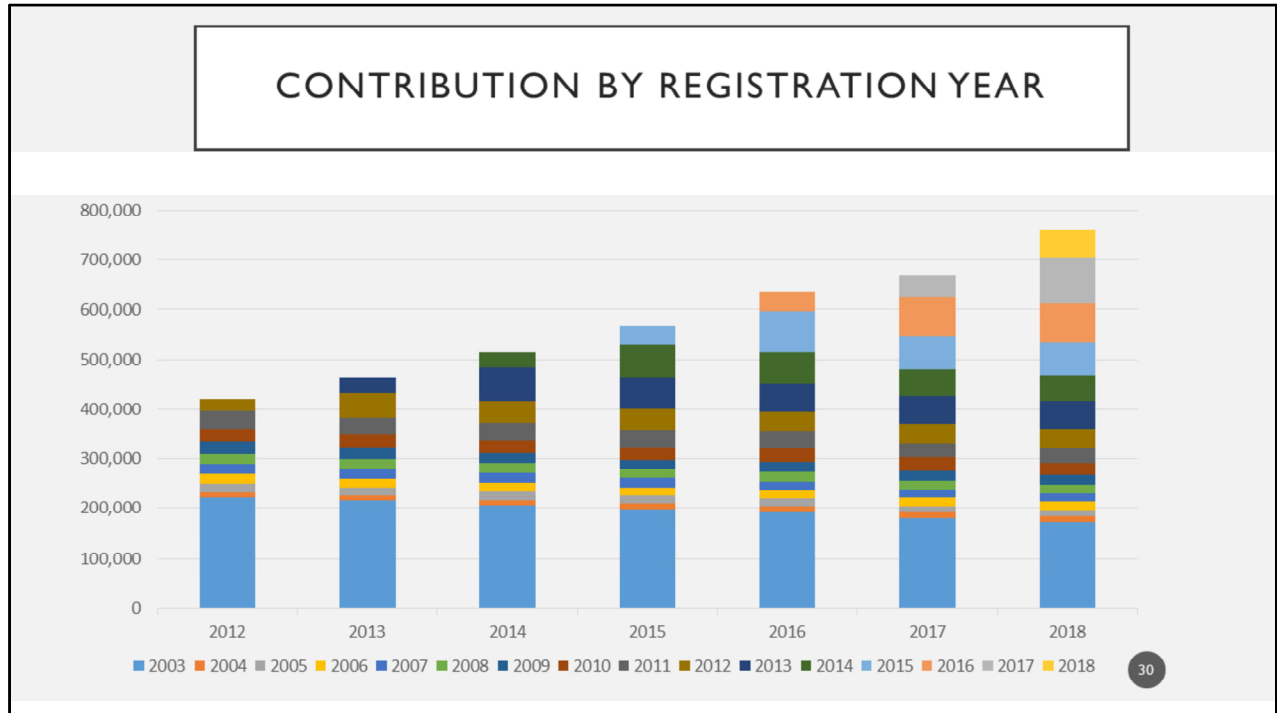






Monthly Registration rate of new clients has gone from 50 a month up to 2012 and then 150 month since then.

Looking at the contribution to rides of registrants the year after year of registration.



The blue is 2003 the year the software was installed and all exiting passengers were registered in the system, hence the extremely large slice.

In 2012 for example:

Passengers initially registered in the system in 2003 took just over 200,000 rides on DARTS.

In 2018, 2003 registrants had dropped to approx. 180,000 rides.

Passengers registered 2017 contributed over 90,000 rides in 2018

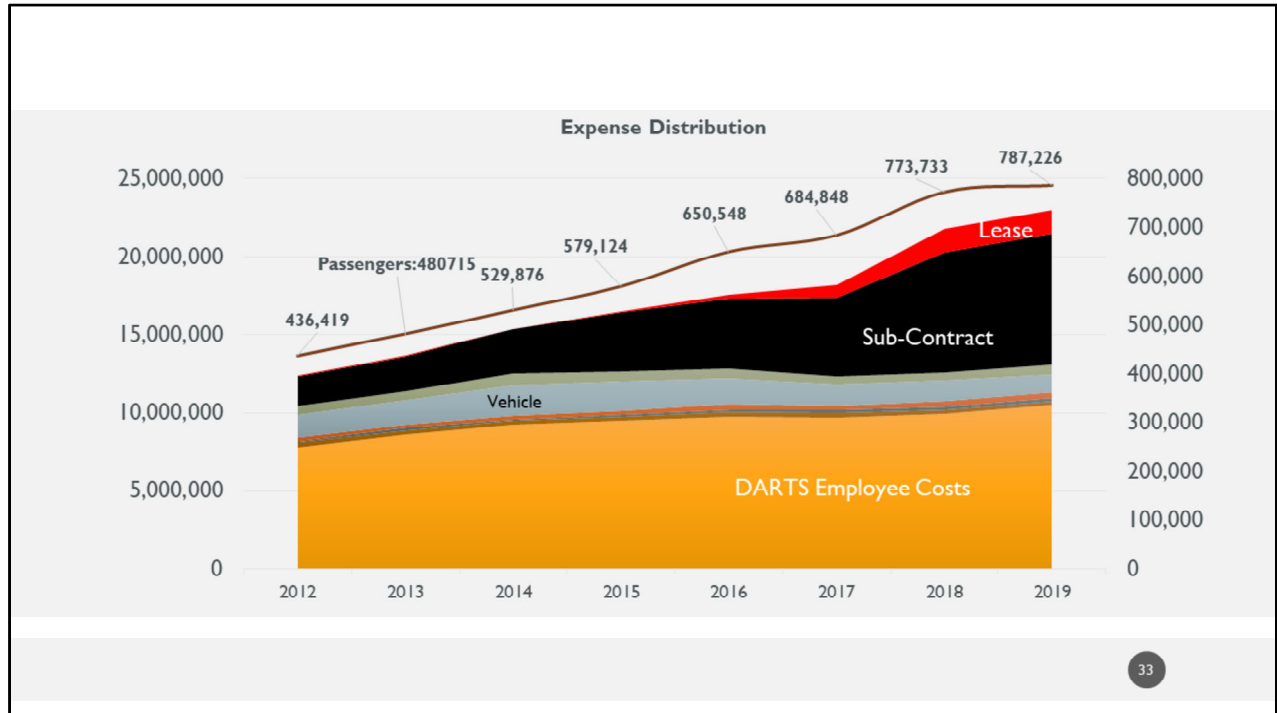
The registration in 2018 appears to be a bit higher than in 2017, suggesting we should plan for at least another 90,000 rides more in 2019 (820-850K)



Year	2012	2013	2014	2015	2016	2017	2018	2019
Darts Employee Costs	7,812,994	8,603,183	9,239,618	9,488,257	9,785,347	9,714,805	9,967,789	10,511,555
Vehicle Maintenance	1,471,682	1,570,649	1,954,941	1,910,167	1,655,414	1,404,452	1,313,302	1,137,488
Technology	200,111	246,993	248,011	260,185	373,435	250,846	416,256	379,388
Insurance	558,496	570,903	735,662	647,687	628,823	499,288	507,024	666,994
Vehicle Lease	24,804	22,921	44,517	64,153	235,165	807,228	1,514,340	1,535,121
Sub Contract	1,956,881	2,226,993	2,780,394	3,729,116	4,460,731	5,027,411	7,678,540	8,341,274
Mis/Charges/Rent	289,414	291,895	257,493	271,740	267,183	280,159	262,479	279,576
Legal/Consult/Audit	102,577	147,219	108,620	113,226	141,886	191,627	160,522	161,798
Total	12,416,958	13,680,755	15,369,256	16,484,530	17,547,984	18,175,817	21,820,251	23,013,194

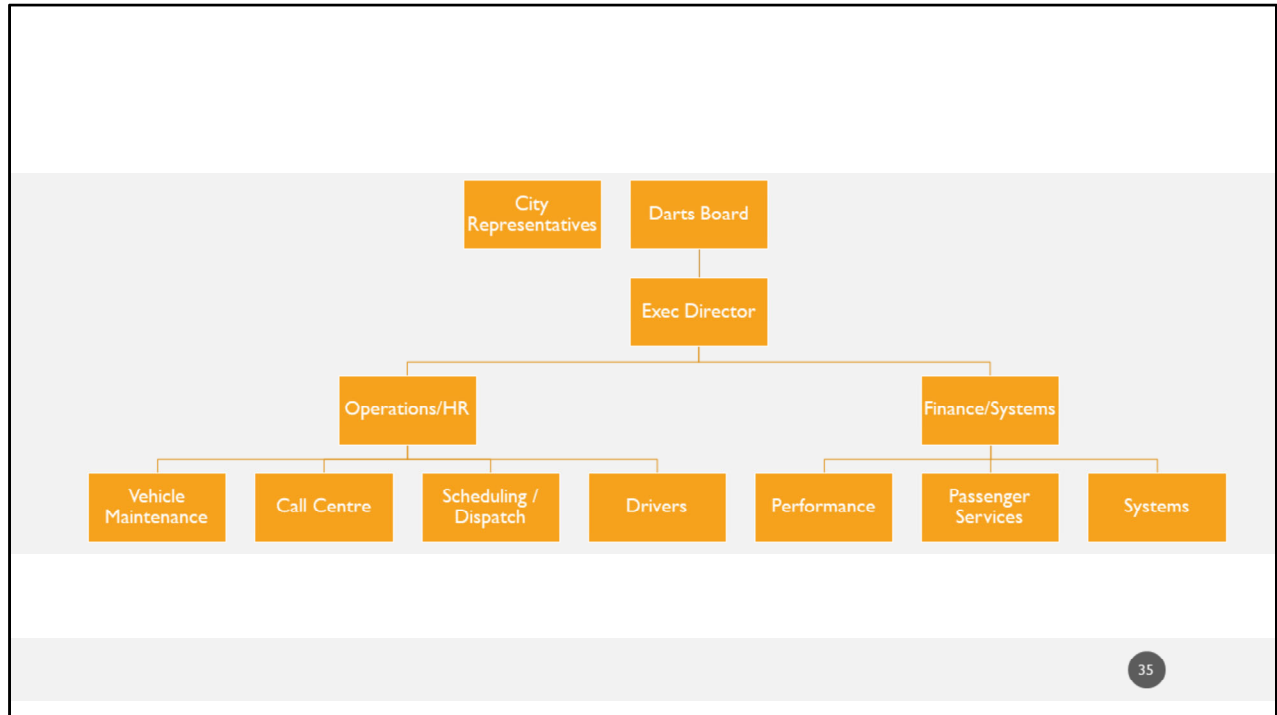
32

2019 budgeted Subcontractor payments are 400% of the amount payed in 2012 based on passenger service increase



- Increase in subcontractor payments accounts for a large chunk of the post 2017 payments
- Vehicles are no longer supplied for free by the city which has added 1.5 Million to the budget in 2019.





The DARTS contract specifies that the city will attend board meeting and can report back to council on any of the proceedings not in-camera.

The management of DARTS consists of Exec Director , 2 Managers and 8 Supervisors for a staff of 194.

Staff also oversee the 80 contract drivers. The subcontractors each have 1 service manager.

## DARTS BOARD

Bruce Craig (RU)	Kim Nolan (ACPD, RU)	Shahan Aaron (RU)	John Baxter	Joanna Charczuk (RU)	Shirley Glauser (SAC)
Kristina Haynes	Paula Kilburn (RU)	Peter Lesser	Tom Manzuk (ACPD)	Linda Meerveld	Vacant

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- Bruce Craig is retired business man and registered user of DARTS.
- Kim Nolan is the current Chair, registered user and a member if the ACPD transportation committee
- Shahan Aaron is a Mohawk student and registered user of DARTS
- John Baxter is retired from Rygiel Homes as Operations Driector
- Joanne Chaczuk is an RN and registered user of DARTS
- Shirley Glauser is former chair of the Senior’s Advisory Committtee and very active in the Ancaster Seniors Activation Centre
- Kristina Haynes Mother and sister are regiatered users of DARTS’
- Paula Kilburn, Vice Chair, a registered user of DARTS and chair of the ACPD’s Transportation sub-committee
- Peter Lessor is retired from Amity
- Tom Manzuk is a member of the ACPD
- Linda Meerveld is a physio therapist



## COUNCIL INFLUENCE ON DARTS PROGRAM

- DARTS is a non-profit Charity:
  - No reserves, no profit line that is expected under other service models
  - 120 Day Notice to cancel the contract and wind-up the service
  - PWI 605 example:
    - That DARTS be directed to divest itself of the ARBOC Buses
      - Reduce budget by \$ 1 million in 2016
      - If unsuccessful, then wind-up DARTS

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Council has complete control of the DARTS program.

For example:

- Contract contains clauses that allow for a windup of the darts program with 120 days notice.
- In February, 2016 Council was asked to endorse a plan to have DARTS reduce its bus vehicles/service and increase it's van service and thereby cut 1 million from the DARTS 2016 budget. If DARTS was unable to do this by the end of 20i6. then the City would take over the management of the DARTS program and call for an RFP for service delivery.

## DARTS CURRENT REMAINING CONTRACT ISSUES

- **Termination Clause (4.1 e) is vague**
  - Original Agreement under Best Efforts Budgeting –city covers cost
  - No Reserves - DARTS would have to file for Bankruptcy on wind-up
- **Agreement on Service Levels or Budget**
  - DARTS is consulted but DARTS agreement is not required
  - Results in significant annual variances

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Outstanding Issues within the DARTS contract



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**

**Meeting #:** 19-002(h)  
**Date:** February 11, 2019  
**Time:** 3:00 p.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993



**HAMILTON TRANSIT  
RIDERS UNION**

**Thank you for affording me the  
opportunity to speak today, Mr. Mayor,  
Deputy Mayor, Councilors, Staff and  
assembled residents.**

## Can 68-hour work week end crisis over HSR no-shows?

HSR floats voluntary overtime plan, but union says: Fire the boss!

NEWS Nov 02, 2017 by [Matthew Van Dongen](#) The Hamilton Spectator



## HSR to hire up to 58 extra drivers to help resolve absenteeism



Home / News / Local / New Drivers Help Curb No Show HSR Bus...

## New drivers help curb no-show HSR bus crisis


The HSR was infamously forced to cancel up to 23 buses a day last October. In June, not a single hour of scheduled service was missed.

NEWS Jul 13, 2018 by [Matthew Van Dongen](#) The Hamilton Spectator

## Hamilton Street Railway ridership inches upwards, but still below projections in 10-year growth plan

Global News **RADIO**  **By Ken Mann**  
Reporter 900 CHML

## Absent buses frustrate HSR riders, Hamilton city officials

Global News **RADIO**  **By Ken Mann**  
Reporter 900 CHML

# Study says improving bus service is the best way to boost transit ridership

By **BEN SPURR** Transportation Reporter

Thu., May 31, 2018



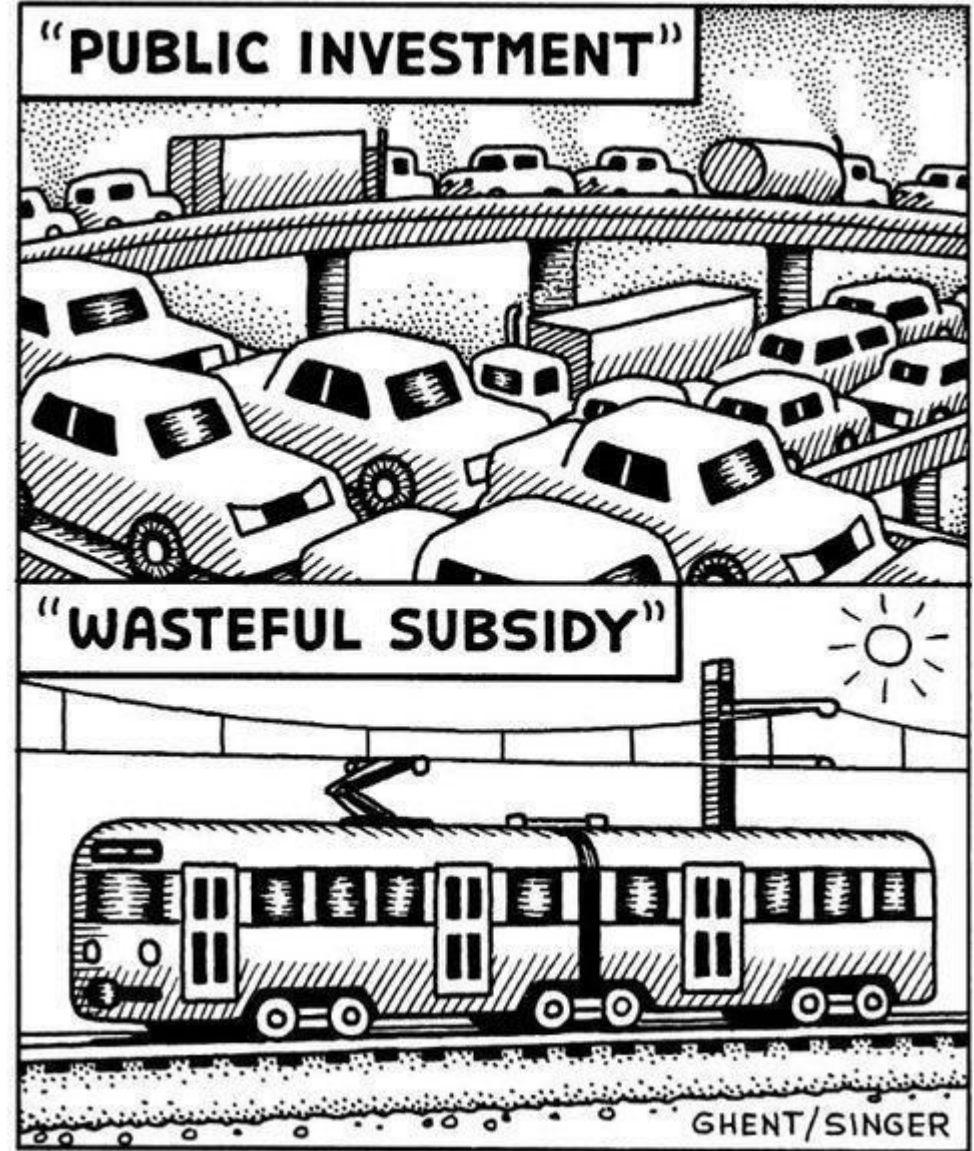
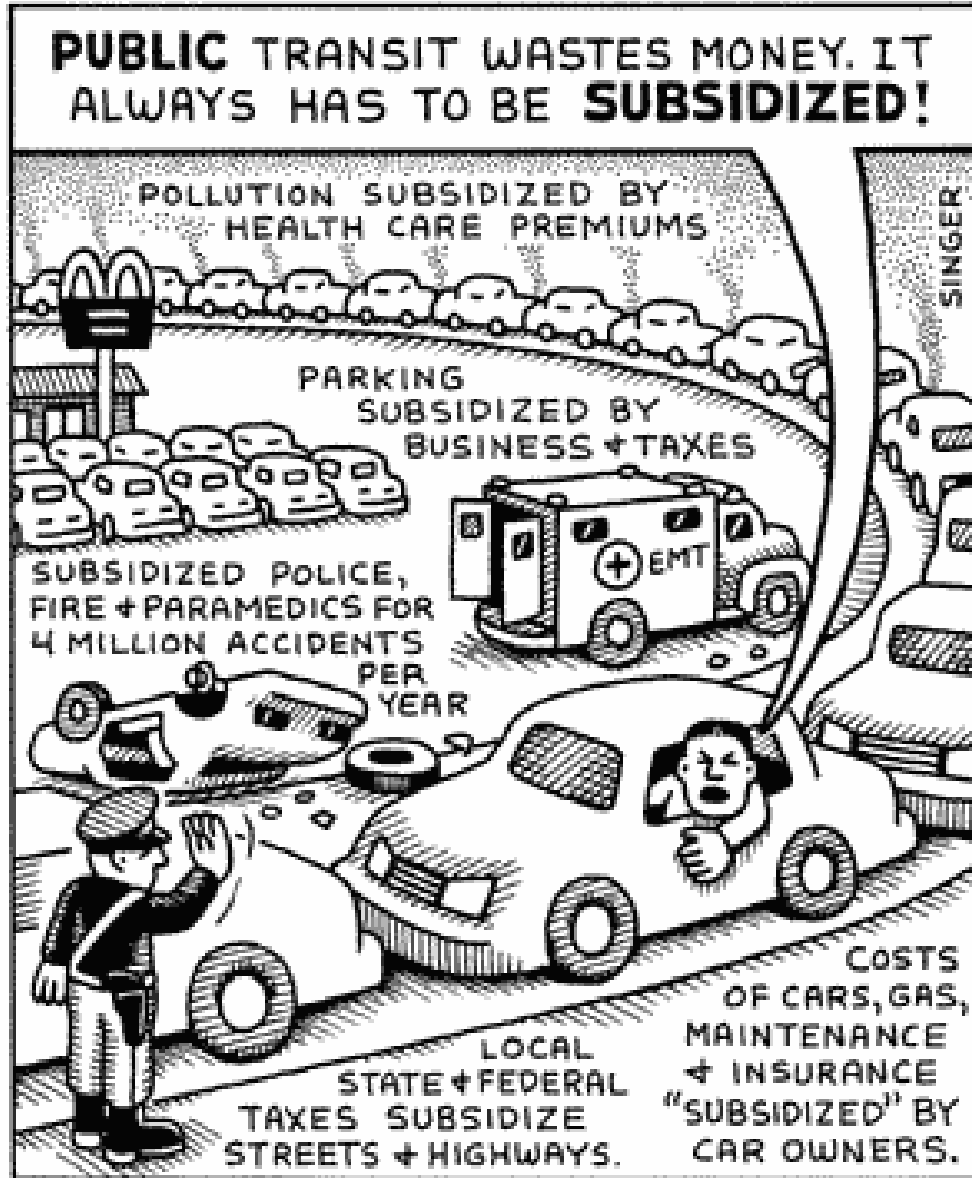
Researchers from McGill University may have discovered the key to solving the problem of stagnating ridership that's plaguing transit agencies across the continent. It's the humble public bus.

# Ride the bus to work? Councillors say they can't or won't

Mayor Eisenberger accepts the challenge. The online campaign uses the hashtag #BusaMove

Samantha Craggs · CBC News · Posted: Jan 28, 2015 1:46 PM ET | Last Updated: January 29, 2015

“If five days by bus out of 40 is too difficult for our city councillors, this not only reflects poorly on the transit system as a whole, but points to the extent to which some councillors may be disconnected from the daily reality of thousands of Hamiltonians.”





## Amalgamated Transit Union – Local 107 1005 King St East Hamilton, Ontario L8M 1C6

Submitted by ATU Local 107 on Feb.11 2019

As the proud President of ATU Local 107 I have the honour of representing the more than 800 transit professionals who operate and maintain the HSR in Hamilton.

2019 marks the 120<sup>th</sup> anniversary of this partnership between ATU and HSR, more than a century of providing, advocating, and fighting for a better transit system on behalf of our members and more importantly our passengers and your constituents.

Over the past 120 years of operating Hamilton's transit system, we have consistently fought for adequate funding and investment for our City's transit system and we are not about to stop now.

In this 2019 budget we are requesting that this budget committee and council to stick to its 10 year transit strategy as we believe it is working and as the recent report from the transit Director shows ridership growth is trending up.

I have heard some Councillor's express concerns that growth hasn't matched the level of investment. I say 3 ½ years of investment isn't going to instantly reverse 20 years of deferred enhanced investment. In a lot of ways our Hamilton street railway company is like the little engine that could in that no matter what obstacle's you put in our way we will climb that escarpment.

It is no coincidence that I use a train as my analogy because 2019 is a critical year for Hamilton's LRT and one of the greatest investments for our City in a lifetime.

A billion or Billion plus investment in our future requires due diligence to ensure the greatest return for our community and the best overall integrated city wide transit system for our residents.

To do this you must ensure that you provide a big city service staffed by transit professionals rather than the lowest paid from the lowest bidders. One of the highly rated benefits of this project were the reported "good jobs" that were supposed to come with it.

I am here today to state on the record that the only good jobs we see in this industry come with the long-term benefits of well paying unionized jobs that include health benefits and pensions.





As a local we also fully support the other reported community benefits such as affordable housing on excess lands and apprenticeship programs for at risk members of our community. This was captured in the previous motion passed by council in 2018 and I urge you to stand by that motion.

My members and passengers along with the more than 8000 Hamilton signatures to the Keep Transit Public campaign are counting on it.

(See Motion Attached)

I know this is contentious but the other critical issue I wish to address today is the need to eliminate area rating to ensure the expedited growth of transit ridership which I remind you is needed to sustain a billion dollar plus LRT system.

As you are aware the most potential for growth of ridership is in those areas that have experienced development.

Hamilton has experienced unprecedented development of residential growth in Binbrook, Waterdown and Glanbrook where thousands of new homes have been built along with development of Industrial and employment lands in Meadowlands, Redhill, Ancaster or Mt Hope Business parks just to mention a few.

Failure to recognise this immediate need is negligent as it will directly contribute to the creation of second and third generational car drivers and can drastically impact the environment for generations to come. Not to mention the limits it put on access to vital employment lands for our most vulnerable citizens who can't afford a car or are dependent on public transit.

I am a Proud Hamiltonian and just like you I am committed to ensuring Hamilton is a world class City that has a fully integrated and connected transit system that allows full access to every corner of this great city for "ALL"

If you are a young construction worker who is trying to get to work on the new subdivisions being built in Binbrook or Glanbrook;; or a butcher who wants to apply for a job at Highland packers or Mapleleaf Meats which by the way was built here on a promise of public transit access in 2014 that you still hasn't been delivered on; or a student living in several parts of Flamborough, Dundas or Stoney Creek who has just been accepted into Mohawk Collage or McMaster University, we will get you access thru our world class publicly funded transit system.

That is our goal and this is the vision... it's up to you to make it happen with responsible growth and development that includes ongoing investment in the annual operations of Public Transit.

Thank you.

# CITY OF HAMILTON

## NOTICE OF MOTION

Committee Date: Dec. 18, 2017

**MOVED BY COUNCILLOR M. GREEN.....**

**SECONDED BY COUNCILLOR .....**

**Good Jobs and Community Benefits:  
Re: Operations and Maintenance of Hamilton LRT**

**WHEREAS** at the Special General Issues Committee Light Rail Transit LRT Report 17-016, dated August 9, 2017, the following motion was passed which was subsequently ratified by Hamilton City Council as follows:

"That staff be directed to advise Metrolinx that the forthcoming operating and maintenance agreement between the City of Hamilton and Metrolinx for Light Rail Transit should include the Hamilton Street Railway as the party responsible to operate and maintain the new Light Rail Transit line, and any other future transit expansion, in the city of Hamilton."

**AND WHEREAS**, both the government of the province of Ontario and Metrolinx raised official concerns with the above motion, which in turn led to Hamilton Council directing staff on December 1, 2017, to advise on the potential responsibilities, risks and obligations of a DBFM versus a DBFOM model;

**AND WHEREAS**, Staff Report Operation and Maintenance of the Hamilton Light Rail Transit (LRT) System (PED17185/HUR17024) (City Wide) submitted December 1, 2017 by LRT Project Coordination Planning and Economic Development Department Mr. Paul Johnson recommending that the key risks and responsibilities associated with a DBFM model are below.

"On March 28, 2017, staff prepared an information report on the Light Rail Transit (LRT) Procurement Model (PED17030), which sets out some of the key differences between DBFOM and DBFM delivery models. Key differences between the delivery models were summarized in a table appended to that report, and is re-attached hereto with updates to reflect further labour relations analysis, as Appendix "B" to Report PED17185/HUR17024."

**AND WHEREAS**, Council is required to indicate a preference between the DBFM and DBFOM process by January 24, 2018;

**WHEREAS** Council has further been advised by way of Metrolinx's procurement policy that HSR is prohibited from bidding for the maintenance work on the new LRT expansion under current provincial regulations;

**AND WHEREAS** ATU 107 have been and remain an integral contributor to the growth and prosperity of our city of Hamilton by providing safe, affordable and efficient Public Transit for almost 120 years and have maintained stable labour relations in the community;

**AND WHEREAS** the City and ATU Local 107 had previously collectively bargained and ratified language in their collective agreement extending Local 107's bargaining rights in the event that, transit in Hamilton was extended or otherwise expanded by the City of Hamilton;

**AND WHERAS** the agreement specifically referred to a Letter of Understanding between the parties described as Re: Alternative Services Delivery New Services (Appendix A);

**AND WHEREAS** the City further recognizes and acknowledges it's existing and subsequent collective bargaining agreements and commitments with the ATU and it's Local 107 including, but not limited to the Letter of Understanding referenced above;

**And WHEREAS**, the City has a recognized obligation under such collective agreement for recognition of this obligation for operations and maintenance of the new LRT line as proposed by Metrolinx without any further delay to the RFP process.

**WHEREAS**, The following motion was introduced Light Rail Transit Sub-Committee January 30, 2017 Report 17-001 at General Issues Committee – February 15, 2017 That staff be directed to report back to the LRT Sub-Committee on a framework for a Community Benefits Agreement focussing on, but not limited to: affordable housing, employment, local procurement and environmental improvement

**THEREFORE BE IT RESOLVED THAT**

**1. THAT THE CITY OF HAMILTON ENSURE IN ITS CONTRACT WITH METROLINX AND/OR PROJECTCO THAT**

- a) ProjectCo shall be required to contractually recognize that they assume operations as a successor employer pursuant to the Labour Relations Act and therefore enter into a legally enforceable written voluntary recognition agreement with Amalgamated Transit Union, Local 107 for bargaining rights for all ProjectCo LRT employees below the rank of Supervisor employed in the operations and maintenance of Hamilton's LRT.
- b) That the Fair Wage Schedule be amended to include the Total Hourly Compensation for all positions set out in Schedule "A" of the collective agreement between the City and Amalgamated Transit Union, Local 107. Totally Hourly Compensation to be determined pursuant to the formula set out in Section 3 of the Fair Wage Policy.
- c) That ProjectCo agree to abide by the amended Fair Wage Policy and the amended Fair Wage Schedule.
- d) That ProjectCo agree to provide LRT employees all benefits at or above those set out in the collective agreement between the City and Amalgamated Transit Union, Local 107.
- e) That, pursuant to section 6 of the OMERS Act, ProjectCo enter into an agreement with the City to provide municipal transit services and that ProjectCo seek status as an OMERS Associated Employer, and that ProjectCo LRT employees be enrolled in OMERS. In the event that ProjectCo is denied status as an Associated Employer, that ProjectCo provide to its employee's pension rights equivalent to OMERS membership.

2. That Metrolinx confirm that within the Request For <sup>Qualifications</sup> ~~Procurement~~ process, that up to 2 representatives from the Hamilton Community Benefits Network be present for the Community Benefits presentations by the qualified bidders for information and to provide community feedback.

## Appendix A

Letter of Understanding with the City of Hamilton Re:

Alternative Service Delivery New Services:

"A Request for Proposal (RFP) for a private contract for the provision of transit service will be prepared by HSR management. HSR management will prepare an internal bid for provision of the service together with the ATU based on:

- (a) Wage - maximum Step 1 Bus Operator rate and a 70-hour bi-weekly guarantee; 88
- (b) (c)

Benefits - "X" % of Step I Bus Operator rate; All other costs including overheads, maintenance, capital depreciation, etc., costed at -"X" % of Step 1 Bus Operator rate. The internal ATU bid will be sealed and opened publicly with private sector submissions. Award of the bid will be solely on the basis of lowest cost with the understanding that if the ATU bid is within 10% of the lowest bid, ATU will be awarded the contract. (3) (2)

Conversion of Existing Services to Alternate Service Delivery

It is agreed that any conversion of existing fixed route conventional transit services from the date of ratification of a Collective Agreement will be exclusively ATU work. The new service will be posted for bid to current Operators. The wage rate and bi-weekly guarantee will be that of the Operator who successfully bids this work. Additional duties may be assigned to the Operator as determined necessary by Management such as the use of a cellular phone to take bookings without access to wage premium(s).

#### MAINTENANCE DIVISION

In addition, the Company further agrees that the Engineering Maintenance Division will not contract out more than 10% of its annual gross operating budget as approved each year by City Council. Warranty and capital projects are excluded from this clause. This letter will remain in effect for the term of the agreement. Note: It is agreed that unconventional transit service shall include demand responsive service, community bus service and flexible routing bus service.

#### LETTER OF UNDERSTANDING - CONTRACTING OUT

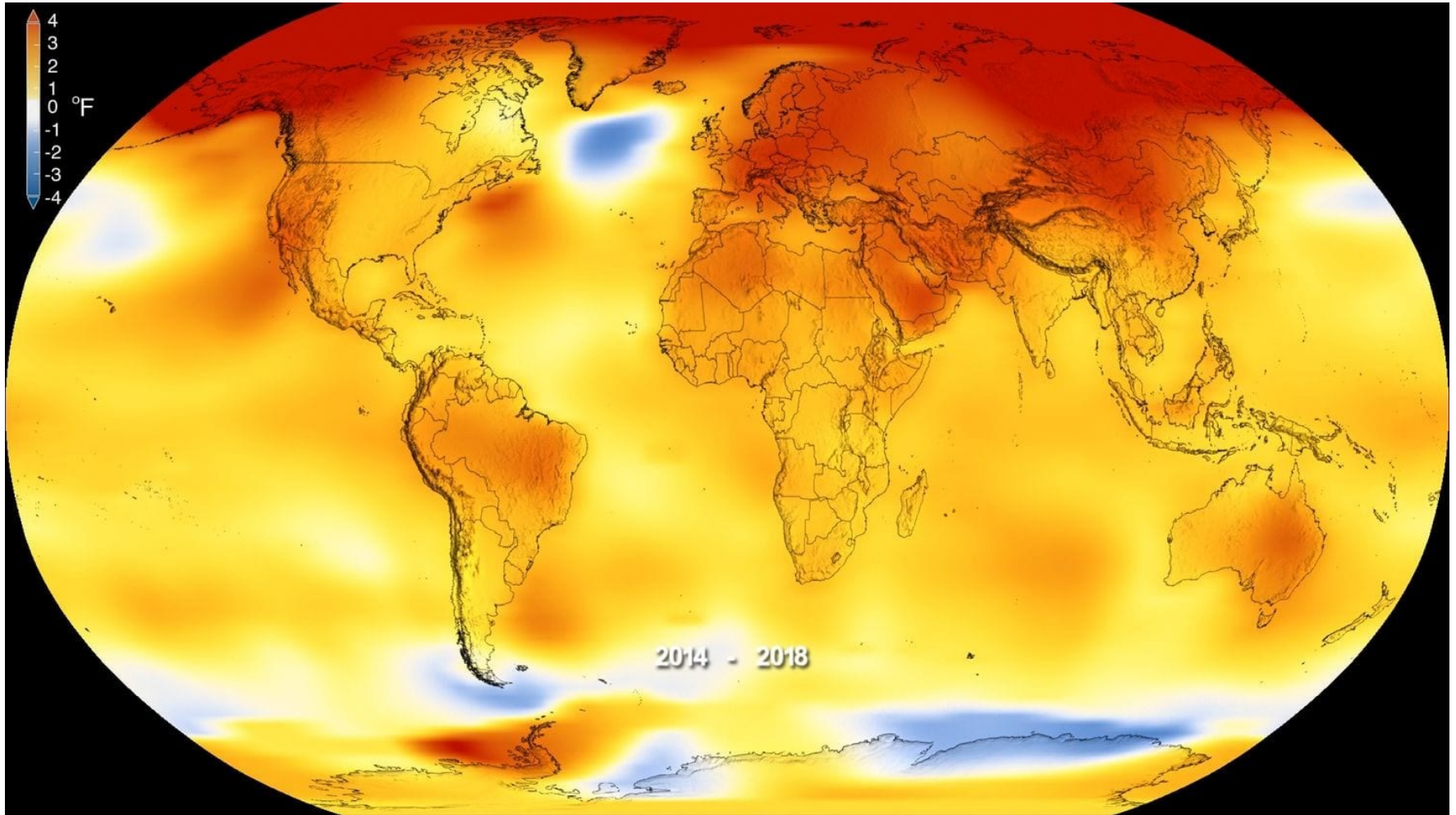
All conventional fixed route transit services within the Urban Transit Service Area will be assigned to AT.U. Local 107

# 2019 Budget

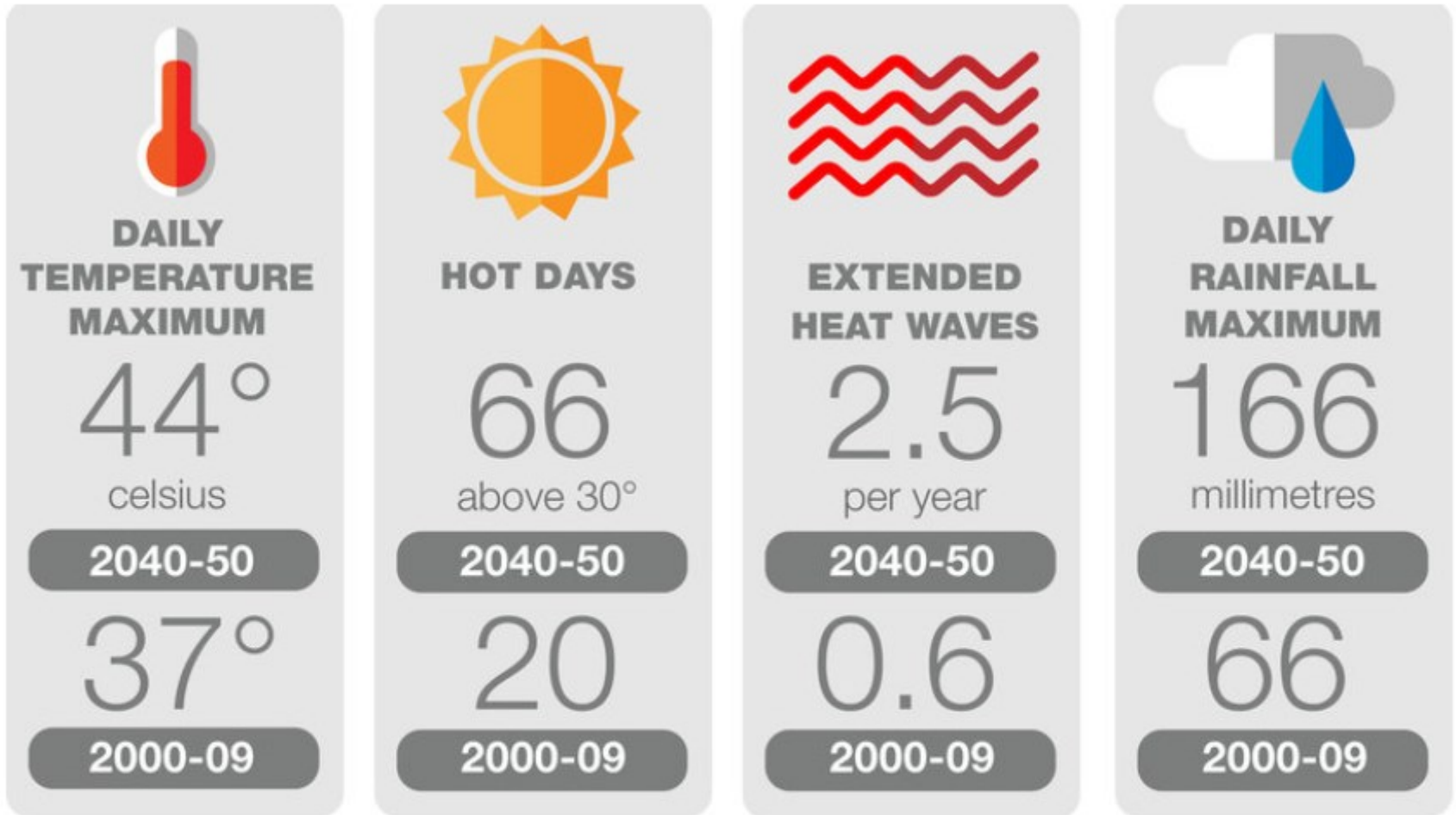
General Issues Committee

February 11, 2019

Don McLean

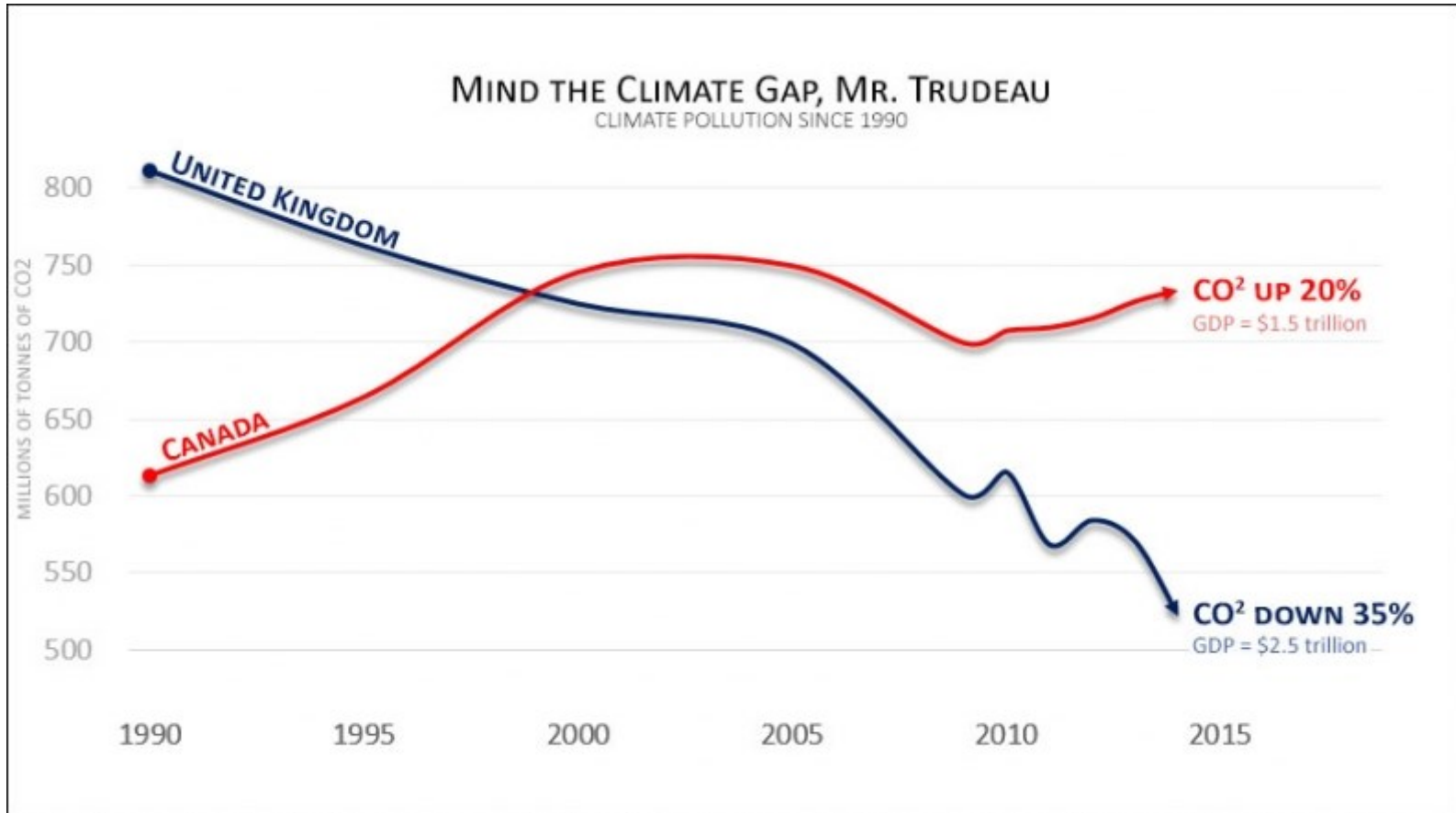


Temperature differences from normal around the globe for the planet averaged over the past five years (2014-2018). (NASA)



**Calling all Torontonians to work together for a safe climate future for Toronto!**





Climate pollution since 1990 for UK and Canada in millions of tonnes of CO<sub>2</sub>e (MTCO<sub>2</sub>). CHART by Barry Saxifrage at VisualCarbon.org, April 2016. SOURCES: Emissions through 2013 from each nation's most recent official National Inventory Reports to UN. National GDP from World Bank as PPP in constant 2011 international dollars.

<http://www.nationalobserver.com/2016/05/03/analysis/mind-climate-gap-mr-trudeau>

# World 'nowhere near on track' to avoid warming beyond 1.5C target

UK Guardian Sept 27, 2018

**Exclusive: Author of key UN climate report says limiting temperature rise would require enormous, immediate transformation in human activity**



▲ Avoiding a temperature increase of more than 1.5C will be 'extraordinarily challenging', says the report's author.  
Photograph: Matt Brown/AP

# We have 12 years to limit climate change catastrophe, warns UN

UK Guardian Oct 8 2018

Urgent changes needed to cut risk of extreme heat, drought, floods and poverty, says IPCC

● [Overwhelmed by climate change? Here's what you can do](#)



▲ A firefighter battles a fire in California. The world is currently 1C warmer than preindustrial levels. Photograph: Ringo HW Chiu/AP

The world's leading climate scientists have warned there is only a dozen years for global warming to be kept to a maximum of 1.5C, beyond which even half a degree will significantly worsen the risks of drought, floods, extreme heat and poverty for hundreds of millions of people.

# Global warming of oceans equivalent to an atomic bomb per second

UK Guardian Jan 7 2019

**Seas absorb 90% of climate change's energy as new research reveals vast heating over past 150 years**



▲ An Argo float is deployed into the ocean. Photograph: CSIRO

Global warming has heated the oceans by the equivalent of one atomic bomb explosion per second for the past 150 years, according to analysis of new research.

# Met Office: global warming could exceed 1.5C within five years

UK Guardian Feb 6 2019

**Lowest Paris agreement target may temporarily be surpassed for first time between now and 2023**



▲ Elevated water temperatures from global warming can kill coral, leaving behind a bleached white coral skeleton. Photograph: Mark Conlin/Getty Images

Global warming could temporarily hit 1.5C above pre-industrial levels for the first time between now and 2023, according to a long-term forecast by the [Met Office](#).

# A third of Himalayan ice cap doomed, finds report

UK Guardian Feb 4, 2019

**Even radical climate change action won't save glaciers, endangering 2 billion people**



▲ Melting ice on Khumbu glacier in the Everest-Khumbu region. Himalayan glaciers are a water source for 250 millions people. Photograph: Alex Treadway/ICIMOD

At least a third of the huge ice fields in Asia's towering mountain chain are doomed to melt due to climate change, according to a [landmark report](#), with serious consequences for almost 2 billion people.

# Plummeting insect numbers 'threaten collapse of nature'



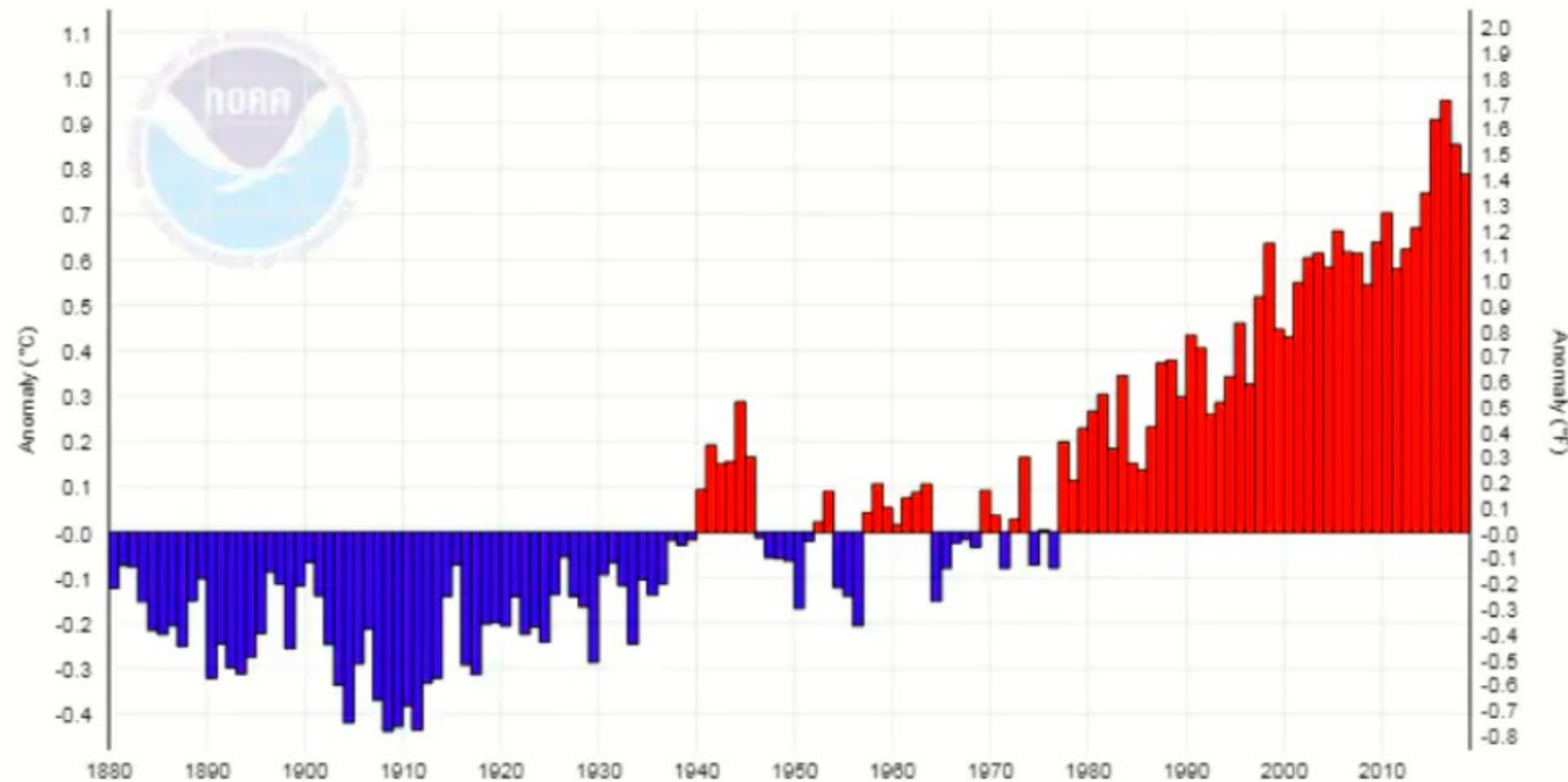
▲ The rate of insect extinction is eight times faster than that of mammals, birds and reptiles. Photograph: Courtesy of Entomologischer Verein Krefeld

**Exclusive: Insects could vanish within a century at current rate of decline, says global review**

Advertisement

UK Guardian – February 10, 2019

## Global Land and Ocean Temperature Anomalies, January-December

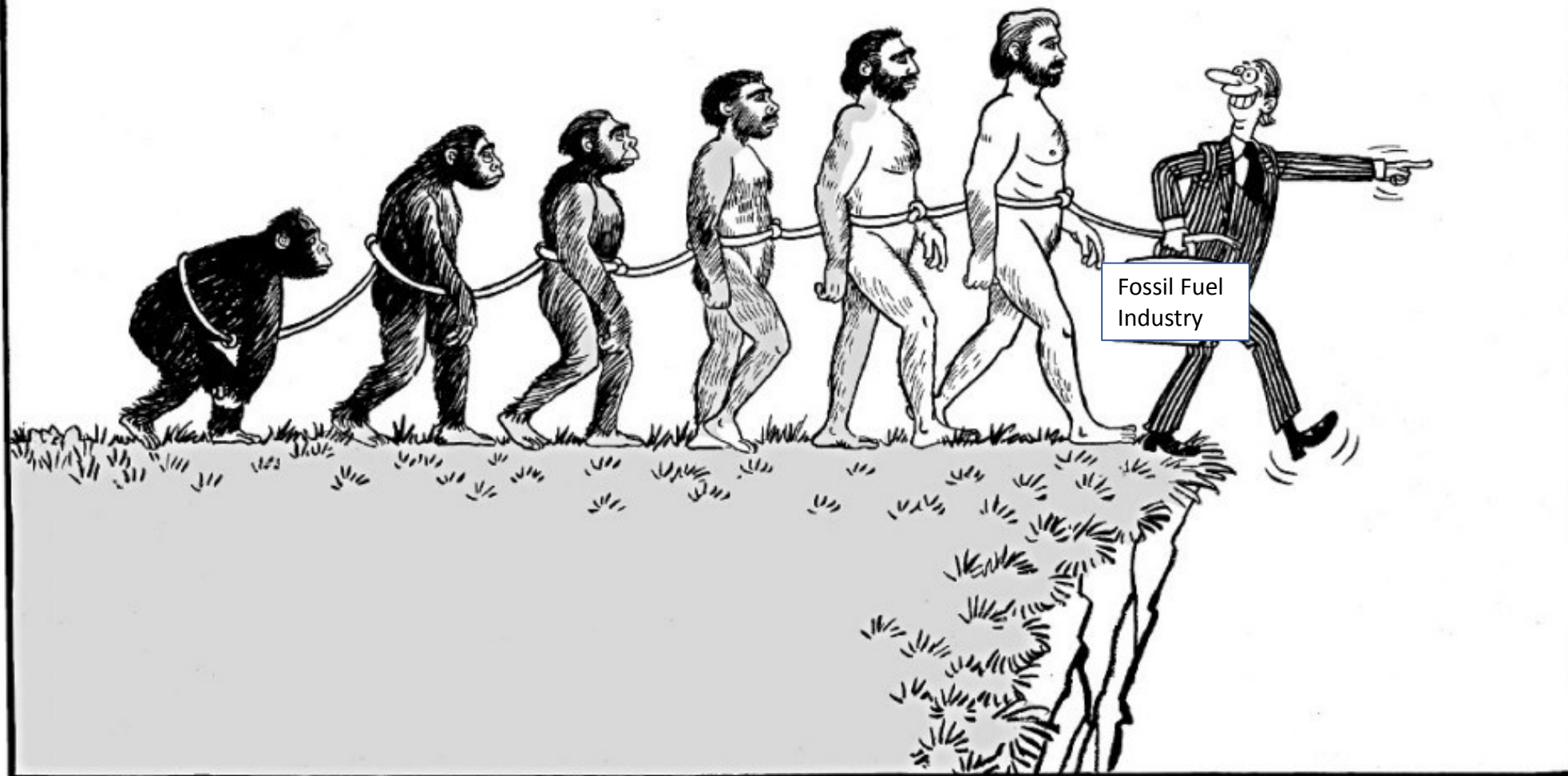


Annual global temperature difference from long-term average, 1880 to 2018. Red years are above average, blue years are below average. (NOAA)



# Transit Improvements

An effective way to cut CO<sub>2</sub> emissions



Evolution stops here

# Humans focus on the here and now and discount the future!

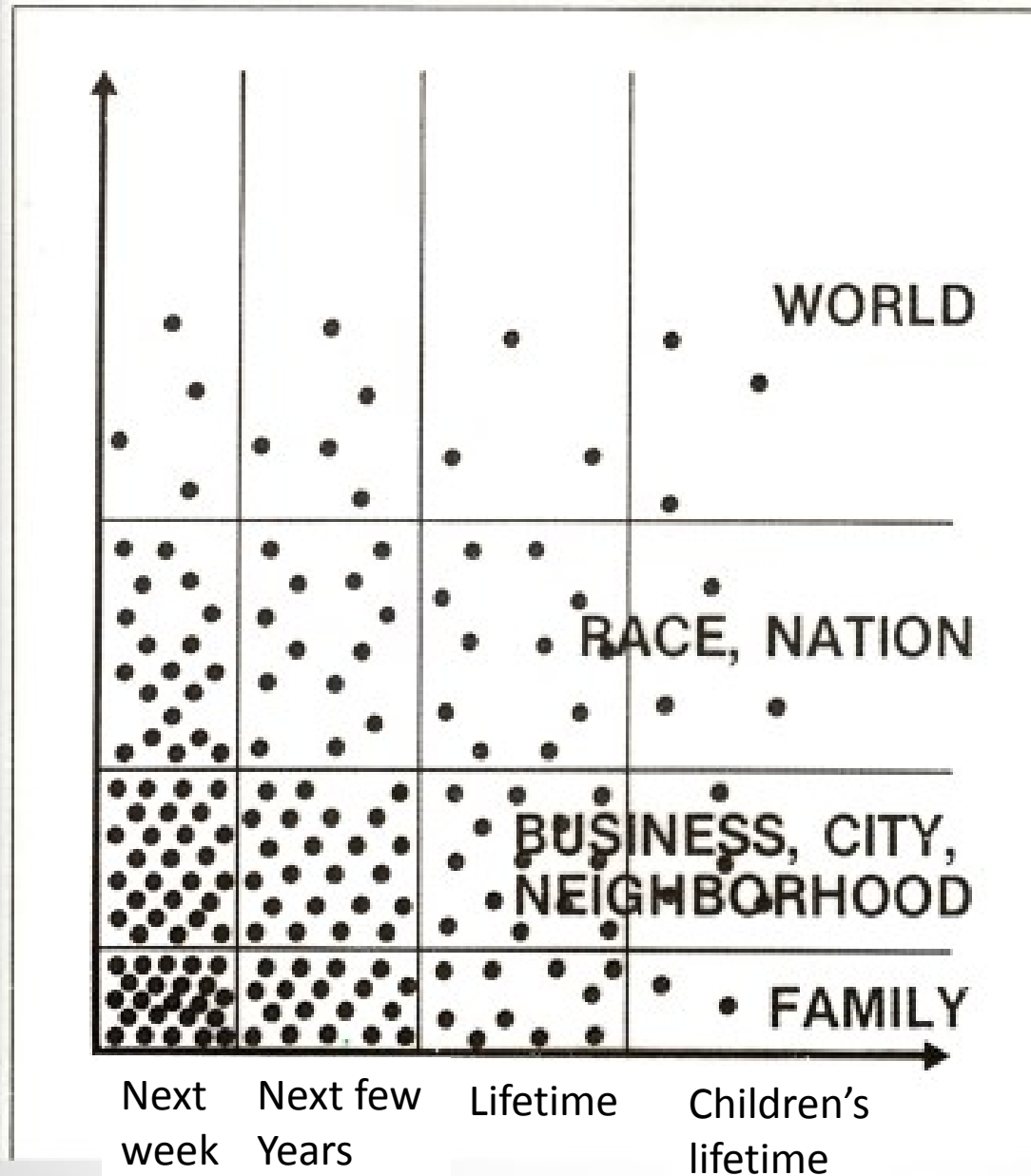
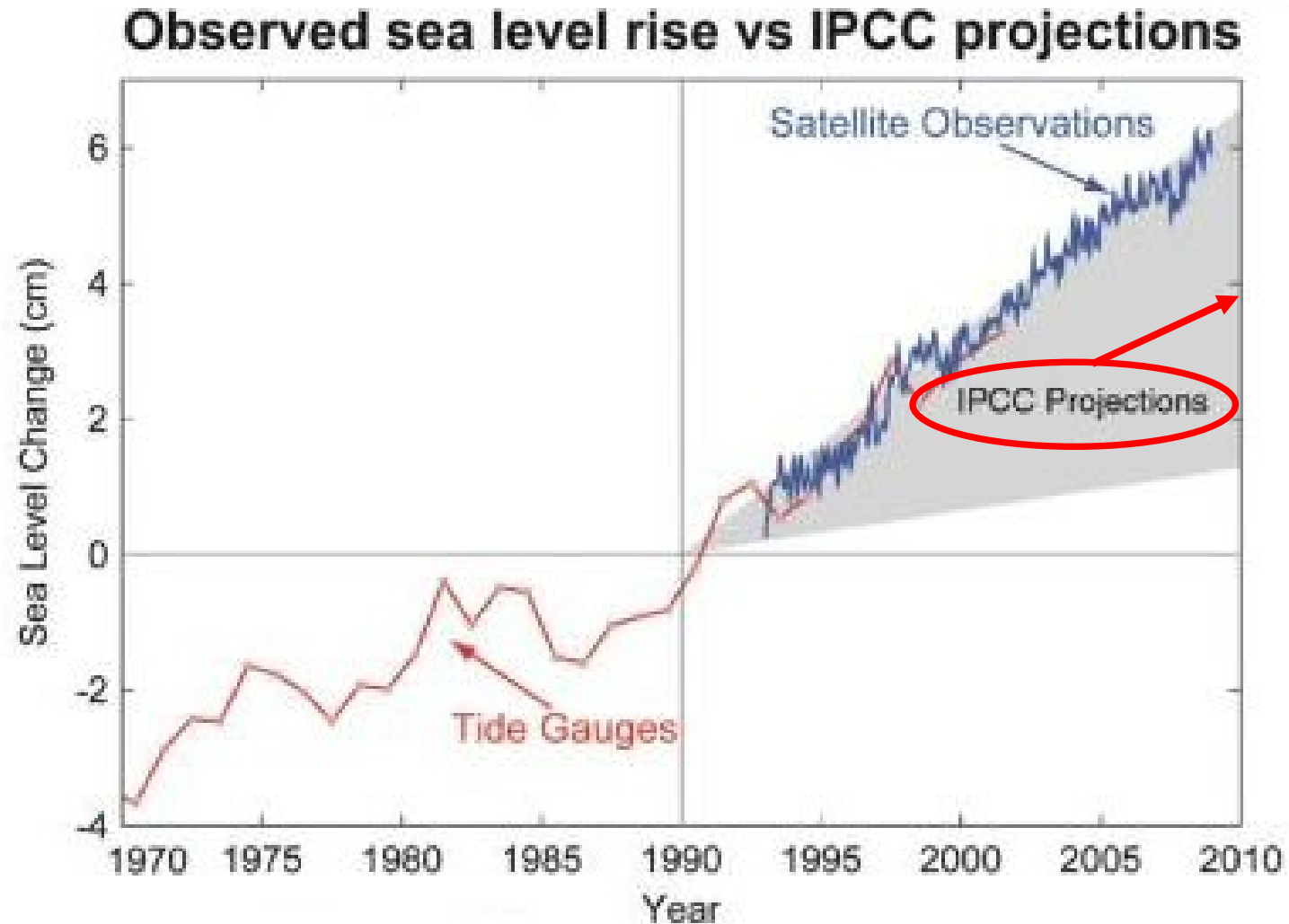


FIGURE 75. *Human perspectives. Most people are less concerned about future cost and benefits than present ones. (Dennis L. Meadows Limits to Growth, 1972.)*

Predictions by the Intergovernmental Panel on Climate Change (IPCC) are underestimates of rate and magnitude



# IPCC underestimated impacts (earlier reports)

## Underestimated impacts

- Temperature ↑
- Arctic ice melting
- Ice sheets (Greenland, Antarctica)
- Sea level rise

## What they missed

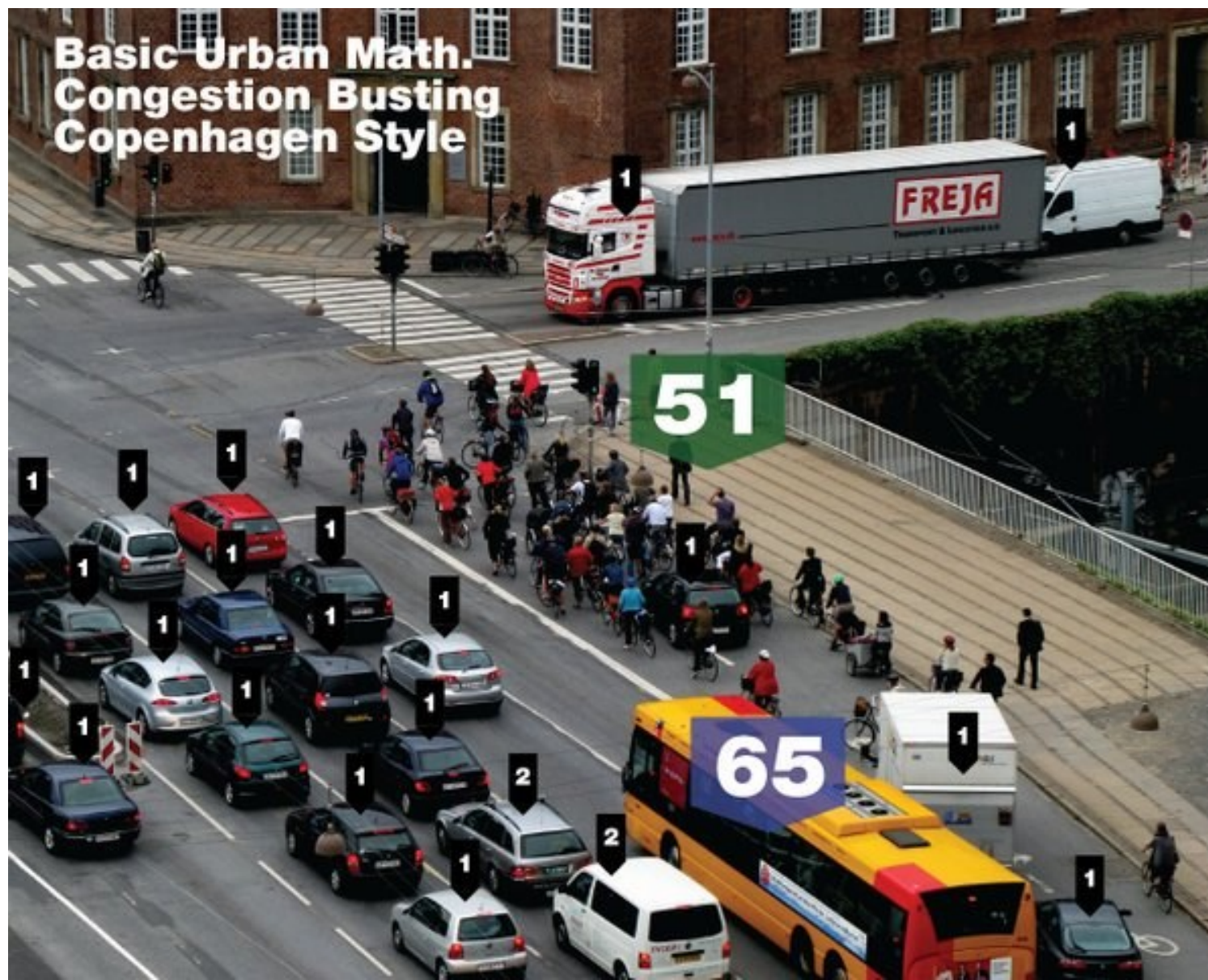
- Melting of arctic permafrost  
→ Release of methane and CO<sub>2</sub>
- Unrecognized environmental interactions
- Lubrication, ice cracks, sliding of ice sheets
- Left out Greenland/Antarctic ice sheet contributions to reach consensus.

# IPCC reports underestimate rate and severity of climate change!

- IPCC 2018 states that we have 11 years to gain control of and significantly reduce emissions to avoid devastating climate change effects.
- This is real
- This is dangerous
- THIS IS A CRISIS!



# Improve Transit and Keep it affordable!





Federal and provincial governments are not  
awake!

- It is up to us and you, our municipal  
representatives.

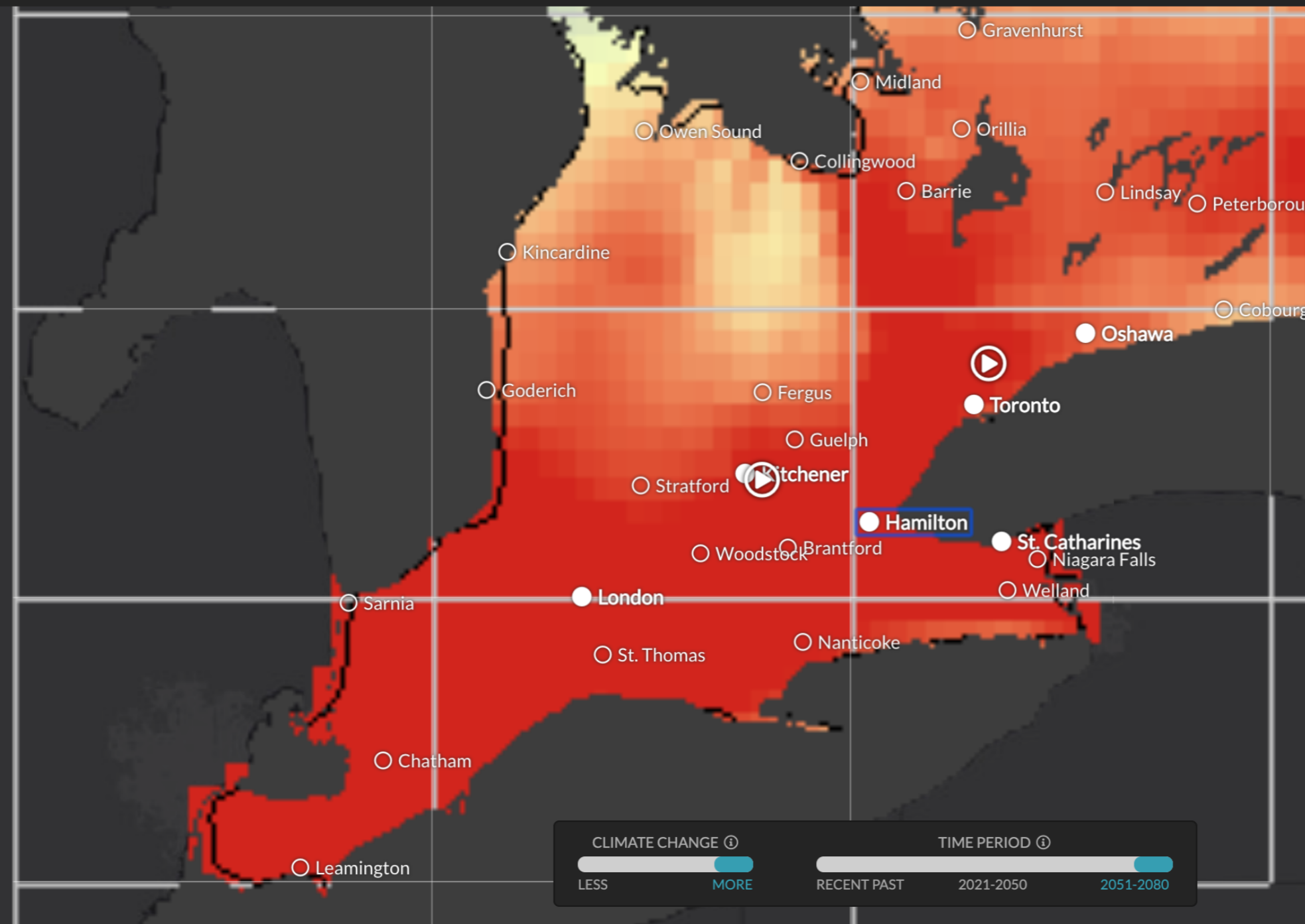
# Apply the CO<sub>2</sub> reduction lens to decisions.



Reduce CO<sub>2</sub> emissions like our future depends on it

# It does!





**Municipality HAMILTON**

Projected change in mean **Number of +30 °C days**  
High Carbon / More global warming

1976-2005 **13.8** → **59.2** 2051-2080

Up  $\Delta$  **+45.4**

More detail

**Historical & Projected Values**

Year	Number of +30 °C days
1976-2005 (Historical)	13.8
2051-2080 (Projected)	59.2

CLIMATE CHANGE ⓘ TIME PERIOD ⓘ

LESS MORE RECENT PAST 2021-2050 2051-2080

- Hot Weather
- Cold Weather
- Temperature
- Precipitation
- Growing Season

Source: [www.climateatlas.ca](http://www.climateatlas.ca)



“A society grows great when old people plant trees in whose shade they know they shall never sit.”

– ancient greek proverb



Join other cities, like Halifax and Vancouver declaring climate change an emergency.





# Priorities in the climate crisis.

- **housing intensification** with lower minimum parking requirements and a ban on suburban sprawl
- much more funding for **public transportation** and replacement of the entire diesel fleet with electric
- emergency implementation of **VisionZero**. Because we know that the demand for zero emission, active transportation can be unlocked if we make it safe for pedestrian, bicycles and light vehicles to use our roads.
- **Plant trees**. All temperature increases that the climate models forecast are increased by a further 2°C in urban centres due to heat islands.
- There is a 7 fold increase in air travel emissions predicted in the coming decade. And when you see ads telling everyone they can travel from Hamilton to Vancouver for \$99 it isn't hard to understand how. Apply a municipal **carbon levy** on flights that leave Hamilton airport and invest in CO2 reduction elsewhere in the city.
- Partner with industry to **capture carbon** emissions as well as production heat for use in generating electricity

## Greta Thunberg



**“We have not come here to beg world leaders to care. You have ignored us in the past and you will ignore us again. We have come here to let you know that change is coming. If you like it or not.”**

**Thank you**