

## Paparella, Stephanie

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**From:** Arthur Gallant  
**Sent:** February 2, 2020 8:09 PM  
**To:** Davenport, Alicia  
**Subject:** Fwd: Snow Removal

Please include in agenda for my presentation.

----- Forwarded message -----

**From:** Arthur Gallant  
**Date:** Mon, Nov 18, 2019 at 12:38 PM  
**Subject:** Re: Snow Removal  
**To:** Jeffrey, James <[James.Jeffrey@hamilton.ca](mailto:James.Jeffrey@hamilton.ca)>

Hi James,

Almost a week after the significant snowfall, this issue still hasn't been taken care of. There is still a lot of ice on the sidewalks in front of these properties albeit melting. I spoke to Councillor Farr and he believes the properties were issued notices to comply. He said if they didn't, the city would clear the ice themselves and add it to their property tax bill.

I live in an apartment building but if the City reimburses me for the cost of a shovel, salt, and a stipend than I'll gladly do it myself.

There are tenants in my building who use mobility devices who cannot walk on this side of the street because of the ice while sidewalks around the rest of our neighborhood have been cleared for days.

We're in for a long winter and plenty more snowstorms where snow and ice will be an issue. I trust this won't be an ongoing issue and if it is you can bet I'll be hounding the City to make sure this issue is rectified.

Arthur  
Concerned Citizen

Sent from my iPhone

On Nov 14, 2019, at 9:14 AM, Jeffrey, James <[James.Jeffrey@hamilton.ca](mailto:James.Jeffrey@hamilton.ca)> wrote:

Thanks for your email Arthur, we'll look into this.

James Jeffrey

By-Law Services

City of Hamilton

905-546-2782 option #2

<image001.jpg>

**From:** Arthur Gallant  
**Sent:** November 13, 2019 3:22 PM  
**To:** Municipal Law Enforcement <[mle@hamilton.ca](mailto:mle@hamilton.ca)>  
**Subject:** Snow Removal

Hello,

There has been no snow removal on the south side of Arkledun Avenue between John Street South and Kingsway Drive. I have had to walk through this snow and it's really frustrating considering the sidewalks on other major streets in the area have been clear since yesterday.

I have attached pictures that I took at approximately 3pm today (November 13, 2019).

Can somebody at the City please look into this and address it?

Yours very truly,

Arthur Gallant

## Paparella, Stephanie

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**From:** Arthur Gallant  
**Sent:** February 2, 2020 8:10 PM  
**To:** Davenport, Alicia  
**Subject:** Fwd: (Lack of) Snow Removal

Please include in agenda for presentation.

----- Forwarded message -----

**From:** **Farr, Jason** <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>  
**Date:** Sat, Nov 16, 2019 at 4:02 PM  
**Subject:** Re: (Lack of) Snow Removal  
**To:** Arthur Gallant <

Arthur, thank you for sending this along. As it happens, I had sent several property addresses to by-Law Enforcement with the City on Wednesday and I believe this is among them, but if not, I have copied Enforcement. These properties are issued orders to comply. If they do not, we do go in. Clear the walk properly. And charge them on their taxes.

Jay

Sent from my iPhone

> On Nov 16, 2019, at 3:22 PM, Arthur Gallant wrote:  
>  
> Hi Councillor Farr,  
>  
> My name is Arthur Gallant and I live at . Arkledun Avenue in Ward 2. As you know on Monday November 11, we received a premature and significant snowfall. As you're well aware, City of Hamilton by-law 03-296 requires property owners and their occupants to clear snow and ice from sidewalks adjacent to their property within 24 hours.  
>  
> On Wednesday afternoon, I filed a complaint (which I have forwarded to you) with Municipal Law Enforcement alleging that the sidewalks on Arkledun Avenue between the edge of 46 Arkledun Avenue and John Street South had not been cleared of ice or snow. Late Thursday some ice and snow had been removed. However, as of today the majority of the ice and snow remains. I have attached pictures that I took at approximately 2pm today (November 16).  
>  
> I don't know if some of these properties are vacant. Living in an apartment building, it is unnecessary for me to own a shovel. If for any reason the properties are vacant than I feel like the City should assume responsibility. There are plenty of seniors and other people in my building that use mobility devices. I don't see how somebody with a walker or wheelchair could navigate all the ice.  
>  
> To be honest, 24 hours seems a little stringent. I am sympathetic if it takes 36 hours to clear the ice. The fact that we're going on 5 days is ridiculous. What happens if somebody were to fall and injure themselves on the sidewalk due to lack of ice and snow removal? Could that person go after the city or the property owner?  
>  
> Unfortunately, living in the part of the world that we do we're likely in several more significant snowfalls over the coming months. I am hopeful this will not remain an ongoing issue.  
>  
> I look forward to hearing from you in due course.

## Paparella, Stephanie

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**From:** Arthur Gallant  
**Sent:** February 2, 2020 8:12 PM  
**To:** Davenport, Alicia  
**Subject:** Fwd: Snow Removal re: 19 154193

Please add to agenda for presentation.

----- Forwarded message -----

**From:** Arthur Gallant <[arthur.gallant@hamilton.ca](mailto:arthur.gallant@hamilton.ca)>  
**Date:** Wed, Jan 22, 2020 at 4:38 PM  
**Subject:** Re: Snow Removal re: 19 154193  
**To:** Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>

Hi Paul,

My concern is that the Orders to Comply given to these property owners have no teeth. The City has the power to recoup the money it spends on snow-clearing by adding it to the individual's property taxes but yet again MLE is refusing to exercise this power. Yes the City would be spending the money up front but from what I can tell, these houses are not vacant which means the property owners are paying their property taxes every year. Adding a few hundred dollars to their tax bill might get their attention and force them to start shovelling their sidewalks.

Arthur  
Sent from my iPhone

On Jan 22, 2020, at 4:07 PM, Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)> wrote:

Good Afternoon,

Thank you for contacting the Office of the Mayor.

All snow removal complaints are handled by Municipal Law Enforcement, and all that Members of Council can do is direct citizen queries to the appropriate department beyond passing new City Policy whereby the City would be responsible for sidewalk snow removal as well. Of course, this comes with a cost and at this point in time the City is already experiencing significant budgetary pressures to maintain existing services let alone add new ones in light of Provincial downloading of funding responsibility to the municipality. It's a tough sell at this point in time that I don't anticipate the majority of Council Members would support, despite its obvious benefits to residents.

If you have any specific by-law complaints, contact Municipal Law Enforcement directly at: 905-546-2782 or alternatively you can contact our Office and we will direct them to MLE on your behalf.

Regards,

**Paul Szachlewicz**

Administrator

Office of Mayor Fred Eisenberger

City of Hamilton

71 Main Street West 2<sup>nd</sup> Floor

Hamilton ON L8P 4Y5

905-546-2489

<image001.jpg>

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The lobbying of members of the City of Hamilton's Mayor, Council and Senior Management Team are subject to the City's Lobbyist Registry By-law. It's the responsibility of lobbyists to register their lobbying activity. For more information about the Lobbyist Registry please visit [www.hamilton.ca/lobbyistregistry](http://www.hamilton.ca/lobbyistregistry).

**From:** Arthur Gallant <  
**Sent:** January 22, 2020 3:25 PM  
**To:** Office of the Mayor <[mayor@hamilton.ca](mailto:mayor@hamilton.ca)>  
**Subject:** Fwd: Snow Removal re: 19 154193

Dear Mayor Eisenberger,

My name is Arthur Gallant and I am a constituent in Ward 2. I live on Arkledun Avenue aka The Jolley Cut. Between Kingsway Drive and John Street South, the sidewalk on what I believe is the south side of Arkledun Avenue is not being cleared of snow or ice after a snowfall within the guidelines of the applicable City of Hamilton by-laws. During the significant November 2019 snowfall, I complained to both the by-law department and Councillor Farr. Below are their responses. While the City has the power to hire contractors and charge the property owners by adding it to their property tax bill, the City did not do so the last time around. I have not complained to Councillor Farr nor the By-Law department again because I'm almost certain they'll give me the exact same response.

As you're well aware, there was another significant snowfall this past weekend. I just came back from a walk to Jackson Square and while every other sidewalk on virtually every other street has been cleared, the sidewalk on my side of the street has not. I live at Arkledun Avenue and many of neighbours use walkers and other mobility devices and cannot walk on our side of the road. Yes they could cross the street but which is clear but that isn't the point.

While this may be a relatively minor issue in the grand scheme of things, I am fed-up! Why did City Council pass snow-clearing/sidewalk clearing by-laws if they refuse to use the power contained in the by-laws? It isn't fair that every other side on every other major street/thoroughfare has been cleared of snow and ice except my street!

With all due respect Your Worship, in my opinion it's issues like this that frustrate taxpayers the most. If the City is refusing to use its powers contained within the aforementioned by-law, perhaps you should rescind the by-law or pass a by-law saying property owners won't face any repercussions for not clearing the sidewalks in front of their property because that's clearly what's happening.

I would appreciate if you or your staff could get back to me about why the City is choosing to let this issue slide.

Yours truly,

Arthur Gallant

----- Forwarded message -----

From: **Farr, Jason** <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>

Date: Mon, Nov 18, 2019 at 1:23 PM

Subject: RE: Snow Removal re: 19 154193

To: Arthur Gallant

We really do not have the resources to shovel unintended walkways at the 24 hour mark following a storm, Arthur. As well, enforcement methods almost always offer time for those who receive orders time to comply.

The alternative is to have the City of Hamilton clear all sidewalks in the City of Hamilton. Last year, that was a non-starter in the budget debate. I did however ask staff to come back with costs on covering the clearing of walk in high pedestrian areas (downtowns and places with high seniors populations). We should be looking at this in the coming months.

I wish I could offer a better answer(s) for you, Arthur. Like you, I am extremely frustrated at the lack of considerations by the few who refuse to clear their walks soon after a winter event. It is very bad form. Right now, I am exercising what authority we currently have in place and which understandably you find does not go far enough.

Jay

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**From:** Arthur Gallant <[Arthur.Gallant@hamilton.ca](mailto:Arthur.Gallant@hamilton.ca)>

**Sent:** November 18, 2019 1:10 PM

**To:** Farr, Jason <[Jason.Farr@hamilton.ca](mailto:Jason.Farr@hamilton.ca)>

**Subject:** Fwd: Snow Removal re: 19 154193

With all due respect Councillor Farr, waiting until over a week after the snow has fallen before sending a contractor in is irritable to say the least. The snow and ice is melting. I see people smoking on the porch of . John Street South get the sidewalk in front of their property hasn't been cleared.

Everyday I walk from my apartment to Central Library. On Friday I walked along Hunter, Locke, Charlton and Herkimer and the ice and snow removal was a non-issue. I know the City can't hold a gun to property owners heads but the by-laws are perfectly clear as to what the responsibilities of property owners are and the City's powers to intervene.

It's issues like these that make people lack faith in their governments and complain about not seeing results over what feels like a small yet straightforward issue.

Arthur

Sent from my iPhone

Begin forwarded message:

**From:** "Jeffrey, James" <[James.Jeffrey@hamilton.ca](mailto:James.Jeffrey@hamilton.ca)>  
**Date:** November 18, 2019 at 12:46:13 PM EST  
**To:** Arthur Gallant  
**Subject:** Snow Removal re: 19 154193

Hi Arthur, your complaint was looked into and violations were found. We issued orders to comply, will go to contractor if not complied with, officer will be doing a re-check this week.

James Jeffrey

By-Law Services

City of Hamilton

905-546-2782 option #2

<image001.jpg>

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**From:** Arthur Gallant  
**Sent:** November 18, 2019 12:38 PM  
**To:** Jeffrey, James <[James.Jeffrey@hamilton.ca](mailto:James.Jeffrey@hamilton.ca)>  
**Subject:** Re: Snow Removal



Hi James,

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Concerned Citizen

Sent from my iPhone

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By-Law Services

City of Hamilton

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I have attached pictures that I took at approximately 3pm today (November 13, 2019).

Can somebody at the City please look into this and address it?

Yours very truly,

Arthur Gallant

## Paparella, Stephanie

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**From:** Arthur Gallant  
**Sent:** February 2, 2020 8:13 PM  
**To:** Davenport, Alicia  
**Subject:** Fwd: Snow on Sidewalk Clearing Concerns - Arkledun Avenue between Kingsway Drive and John Street South ~ Arthur Gallant

Please add to agenda for presentation.

----- Forwarded message -----

**From:** Coombs, Kim <[Kimberly.Coombs@hamilton.ca](mailto:Kimberly.Coombs@hamilton.ca)>  
**Date:** Thu, Jan 30, 2020 at 12:51 PM  
**Subject:** RE: Snow on Sidewalk Clearing Concerns - Arkledun Avenue between Kingsway Drive and John Street South ~ Arthur Gallant  
**To:** [arthur.gallant](mailto:arthur.gallant)  
**Cc:** Melatti, Rosanna <[Rosanna.Melatti@hamilton.ca](mailto:Rosanna.Melatti@hamilton.ca)>, McDavid, Laura <[Laura.McDavid@hamilton.ca](mailto:Laura.McDavid@hamilton.ca)>, Taylor, Sheree L. <[Sheree.Taylor@hamilton.ca](mailto:Sheree.Taylor@hamilton.ca)>

Hello Mr. Gallant

Thank you for your email. I hope you are recovering well from your surgery. I am the Manager of Municipal Law Enforcement and I have investigated your concerns. Upon receipt of your email I have asked my staff to put this area of concern on our HOT LIST of properties as a priority, as we would want our residents to have the earliest, safe access after a snow storm. Our officers will be in this area on a Pro-Active basis moving forward.

Municipal Law Enforcement has issued multiple Orders to clear the snow in the area of Kingsway and John Street. The enforcement of the Snow Removal Bylaw sits with our department to enforce. You are correct, our Bylaw allows the city to issue an Order to Comply to the property owner and if the owner does not comply the city will send contractors to clear and then bill the costs to the property taxes. Officers re-check the Ordered properties within 24 hours for compliance and if the owner hasn't cleared the snow, the officer sends a request to our contractors to clear. This does take a few days sometimes as the volumes are higher after a snowfall. In that waiting period for the contractor to clear, If the weather changes, or rains and clears the property itself, we will not bill the owners.

I hope I have addressed your concerns moving forward and if you have any questions or further concerns please reach out to me personally.

Thank you

Kim Coombs, CMM III MLE Executive, Property Stds Professional

Manager, Licensing and Bylaw Services

Municipal Law Enforcement

City of Hamilton

(905)546-2424 ext.1318

[Kimberly.Coombs@hamilton.ca](mailto:Kimberly.Coombs@hamilton.ca)



**From:** Arthur Gallant <\_\_\_\_\_  
**Sent:** Monday, January 27, 2020 1:20 PM  
**To:** Smith, Janette (City Manager) <[Janette.Smith@hamilton.ca](mailto:Janette.Smith@hamilton.ca)>  
**Subject:** Concerns

Dear Ms. Smith,

My name is Arthur Gallant and I live in apartment building located at Arkledun Avenue in the City of Hamilton.

After the 2 significant snowfalls of this 2019/2020 winter season, the City of Hamilton has refused to clear and de-ice the sidewalks on Arkledun Avenue between Kingsway Drive and John Street South pursuant to City By-Law 03-296. I have complained to Municipal Law Enforcement, Councillor Jason Farr, and Mayor Eisenberger's office. I have been told on several occasions that the City does not have funding to enforce and take action as per the aforementioned by-law

due to provincial downloading. I have contacted the province who says regardless of provincial downloading, this issue remains solely within the purview of the city.

The aforementioned by-law allows the city to clear the sidewalks themselves and then add the cost of doing so to the property owner's property taxes. The City has refused to take this step. All they've done is issue notices to comply but not all the property owners have complied. The snowfall take took place over a week ago was the 2nd one this season in which the City allowed the snow and ice to melt instead of clearing it.

This is an issue of accessibility. There are several tenants in my apartment building who use mobility devices. This is not fair to those people and could be easily rectified if the city chose to use its powers within the aforementioned by-laws.

A couple weeks ago, I had surgery. The vibration from the sidewalk being uneven because of the snow and ice caused me substantial pain. The pain was way less when walking on flat surfaces. The City's refusal to act is putting residents with disabilities at a disadvantage.

I would greatly appreciate if you somebody from your office could reach out to me to in order to rectify this issue from happening again in the future.

Yours very truly,

Arthur Gallant