



INFORMATION REPORT

TO: Chair and Members Public Works Committee	WARD(S) AFFECTED: WARD 7
COMMITTEE DATE: June 18, 2012	
SUBJECT/REPORT NO: Outcome of Appeal of Technical Standards and Safety Authority Order - Truck Wash at Rymal Road Operations Yard (LS12003a/PW12010a) - (Ward 7)	
SUBMITTED BY: Ron Sabo Acting City Solicitor Legal Services Division, City Manager's Office Gerry Davis, CMA General Manager Public Works Department	PREPARED BY: Deborah A. Edwards (905) 546-2424, Extension 2628 Tom Briatico (905) 546-2424, Extension 7042
SIGNATURES: 	

Council Direction:

At its February 8, 2012 meeting, City Council passed the following resolution:

- (a) That the City Solicitor be authorized and directed to take all necessary steps to appeal the Inspector Order and any fees invoices issued against the City of Hamilton under the *Technical Standards and Safety Act, 2000* and regulations thereunder, as described in Report LS12003/PW12010.
- (b) That the City Solicitor and General Manager of Public Works be authorized, if and when they deem appropriate, to enter into discussions with the Technical Standards and Safety Authority and with any other relevant persons to attempt to resolve the issues related to the Inspector Order and any fees invoice issued, and to inform City Council on the outcome of such resolution.

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Information:

As a result of several discussions with Technical Standards and Safety Authority (TSSA) staff, assurances were received from the TSSA that:

1. No fees invoice would be issued by the TSSA against the City of Hamilton with respect to the Inspector Order.
2. No further action would be taken by the TSSA against the City of Hamilton provided that the City continues to not operate the truck wash system until TSSA approval of the truck wash system is received.

Therefore, on that basis, City staff agreed to withdraw the City of Hamilton's appeal of the Inspector Order rather than proceed to the next step of the appeal process, namely the exchange of written documents regarding each party's position in the appeal.

Since that time, the TSSA has conducted further inspections at the site and has recently issued its approval of the truck wash system as being compliant with the TSSA requirements.