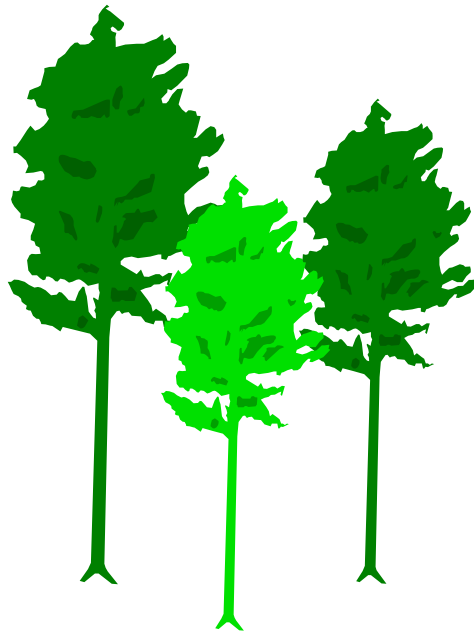


# By-Law Enforcement Unit Information Guidelines



*A CITY WITHIN A PARK*

## Table of Contents

<b>General Information</b>	
Information Guide	1
Division Vision	1
Division Mission	1
<b>Work Guidelines &amp; Policies</b>	
Introduction	1
Public Relations	1
Line of Communication	1
Employment Status	2
Permanent Status	2
Personal Information Change	2
Protective Equipment, Protective Clothing and Wearing Apparel	3
Personal Issue	3
Foot Protection	4
Work Hours	4
Your Work Week	4
Lunch and Rest Breaks	5
Employee Absenteeism / Sick Leave	5
Attendance Management Program	5
Reporting of Absences	5
Fail to Report	6
Medical Appointments	6
Lateness	6
Vacation	6
Payment for Overtime by Time in Lieu	7
Leave of Absence Requests	7
Transfer Requests	7
Medical and/or Pension Benefits	7
Superior Duties / Alternate Rates	7
Personal Business	7
Personal Electronic Equipment	8
Commissions	8
Conflict of Interest	8
Salvaging	8
Smoking	8
Alcohol and Substance Abuse	8
Media Relations	9
Human Rights Policy Statements	10
Human Rights Definitions	10
What To Do If You Are Being Harassed	11
Human Rights Office	11
Improving the Workplace	11
Human Rights and Harassment – Complaints Procedure for Employees	12
Training and Development	12
Applying for an Internal Job Opportunity	13
Career Development Services	14
<b>Employment Services</b>	
Employee Assistance Program (EAP)	14
Employee Health and Rehabilitation (EH&R)	14

**Health and Safety Information**

Your Health and Safety in the Workplace	14
Personal Safety	14
Legislation	15
Your Health and Safety / Disability Management Unit Staff	15
Responsibilities	15
Workers' Rights	16
Joint Health & Safety Committees	16
Investigation and Reporting of Injuries and Accidents PF&R Policy	17
PF&R Incident & Accident Reporting – Frequently Asked Questions	21
Injured Worker Guidelines	24
Health and Safety Definitions	27
Fleet – Injury	28
Working on Road Allowances	28
WHMIS	28
Chemicals	28
Handling Needles	28
Hazardous Waste	29
Pesticides	29
West Nile Virus	29
Environmental Conditions - Personal Health	29
Hot Weather	30
Sun Protection	30
Cold Weather	30
Emergency Response Plan	30
Basic Emergency Response Steps	30
Fire Extinguishers	31
First Aid Kits	31
Hearing Conservation	31
Lifting Techniques	31
Stakeouts	31
Confined Space	32
Contractors	32
<b>Access Agreements</b>	
Parks Access Agreements	32
<b>Use of Equipment and Vehicles</b>	
City Equipment and Vehicles	33
Vehicle Circle Checks – Pre-trip Inspections	33
Operating Vehicles in Parks	35
Proper Backing Up Procedures	36
Driving and Parking Tickets	36
Parking of Parks, Forestry & Recreation Vehicles	37
Reporting Accidents and Incidents to Vehicles	37
<i>Driver's Collision / Incident Report Form</i>	38
Environmental Awareness	40
Waste Diversion	41
Smog Alert Response Plan	42
City Watch Program	43
Response to Homeless – Decision Tree	43
Dog Bite / Animal Attack Prevention Program	46

**Bylaws**

City of Toronto Municipal Code - Chapter 608 - Parks Bylaw	48
Article I – Definitions	50
Article II – Conduct	51
Articles III - Parks Use	53
Articles IV - Games, Sports and Organized Activities	54
Article V – Vehicles	56
Article VI – Animals	58
Article VII – Trees	60
Article VIII – Watercraft	62
Article IX – Commercial Enterprises	63
Article X – Regulation and Enforcement	64
City of Toronto Municipal Code - Chapter 548 – Littering and Dumping of Refuse	67
Definitions	67
Exceptions	69
Littering and Depositing Refuse Prohibited	69
Waste Dumping Prohibited	70
Cleaning and Clearing	70
Draining and Filling of Depression or Hole	70
Notice of Intent	70
Failure to Comply; Recovery of Expenses	71
Offenses	71
Schedule A – Recyclable Materials, Yard Waste, and Organic Materials	71
Schedule B – Prohibited Waste	73
Schedule C – Special Collection Materials	75

**By-law Officer Communication Skills and Techniques**

Care of Equipment	76
Use of Radios and Communication Equipment	76
Ten Codes	77
Phonetic Alphabet	78
Building Approach and Ticket Serving	79
Interviewing and Safety	79
Asking For and Demanding Voluntary Compliance	80
Shift Description	80
Complaint Calls in Assigned Areas	81
End of Shift Office Work	82
Investigations	82
Routine Patrol	82
Authority and Court Procedures	84
Defending Your Charge	84
Note Taking and Documentation	84
Daily Log Sheet	85
By-Law Enforcement Report	85
Notice of Offence	85
Certificate of Offence Log	85
Customer Service/Complaints	86
<i>Parks By-Law Enforcement/Daily Sheet (Exhibit 1)</i>	87
<i>By-Law Enforcement Report (Exhibit 2)</i>	88
<i>Notice of Offence Form (Exhibit 3)</i>	89
<i>Certificate of Offence Form (Exhibit 4)</i>	90
Computer Applications	91
Conduct of an Officer	92
Legal Proceeding	92
Rules of a Voir Dire Trial	92

Ticket Writing – Provincial Offences Act	93
Procedure After Ticket Served	93
Part I – “Summons”	94
Part III – “Information”	94
Timing – Limitation Periods	94
Common Errors	94
Court Room Procedures	96
Sequence of Sample Questions During Trial	98
Cross-Examination: What to Expect	99
Sentencing: Mitigating Factors and Aggravating Factors	101
Section 72 Provincial Offences Act Probation Orders	101
Breach of a Probation Order	101

## **A Message from the General Manager**

Welcome to the Parks, Forestry and Recreation By-law Enforcement Unit.

By-law enforcement plays an important role within our parks system. Illegal dumping, dogs off-leash and inappropriate use of parks and open spaces are issues that remain a challenge for our division.

As an enforcement officer, you are on the very frontlines of Toronto Parks, Forestry and Recreation. You perform a critical function in helping to educate residents about the importance of complying with the City's by-laws, in order to ensure the long-term protection of our parks and open spaces. Your work in this area helps Torontonians develop a sense of pride, ownership and personal responsibility for our parks system.

This handbook along with orientation sessions and periodic training events will provide you with important information about policies and procedures that apply to our workplace. Please ensure that you read and understand the contents of this information guide and seek any further clarification that maybe necessary from supervisory staff.

I want to assure you that the work you do helps to improve the quality of life for our residents, by helping to ensure our parks and open spaces continue to be safe and enjoyable places for residents to engage in play, sports, and community and cultural activities.

Thank you for your contribution to the Division, and the City of Toronto.

Sincerely,

A handwritten signature in black ink that reads "Brenda Librecz". The signature is written in a cursive, flowing style.

Brenda Librecz  
General Manager  
Parks, Forestry and Recreation

## **GENERAL INFORMATION**

### **Information Guide**

This information guide for Parks, Forestry and Recreation By-law, is developed to ensure that it contains current and useful procedures, policies, forms and work related information. You are responsible for becoming familiar with its contents and following the directions provided.

### **Toronto Parks, Forestry and Recreation Division - Vision**

Toronto will be known by the world as the "City within a Park," a rich fabric of parks, trees, open spaces, rivers and streams that connect our neighbourhoods and join us with our clean, vibrant lakefront. The world will envy and seek to emulate the healthy, productive and balanced lives that the people of Toronto have achieved.

### **Toronto Parks, Forestry and Recreation Division - Mission**

Members of Toronto's diverse communities will have full and equitable access to high calibre, locally responsive recreation programs, efficiently operated facilities and safe, clean and beautiful parks, open spaces, ravines and forests.

## **WORK GUIDELINES & POLICIES**

### **Introduction**

Good work practices will assist us in continuing to earn the respect of our community as we deliver quality and valuable service to the public. We want to keep rules and regulations to a minimum, but there are a few that all workers need to know.

### **Public Relations**

The safety of the public and the public image of Parks, Forestry & Recreation are important. With a positive attitude towards the public, we will continue to earn their support and respect for the work we perform for them. Present yourself in a courteous and accommodating manner in all your dealings with the public. Park users and the public take notice of staff working and may ask you for directions or information about your job or our operations. Please take the time to answer their questions or direct them to someone who can. It is important that we present ourselves in a safe, productive, knowledgeable and efficient manner. Remember, Toronto has a very diverse population, and we need to respect cultural differences. Please make sure that the public and park users are safe without compromising your own personal safety. We need public support and respect for our work; our job depends on it. Avoid arguments or becoming involved in debatable issues.

### **Line of Communication**

All officers wishing to make a request, inquiry or lodge a complaint should, in the first instance direct that communication through their Supervisor.

In the event your Supervisor is unavailable or unable to provide a satisfactory response, the concern may then be forwarded to the next level of authority.

The following is the chain of command:

Bylaw Enforcement Officer

Supervisor                      Moses Cabral

Manager                         Sandy Straw

Director                         Paul Ronan

General Manager               Brenda Librecz

### **Employment Status**

Local 79 employees are designated as permanent, temporary, part-time unit "B" or Recreation Worker status based on the nature of the work being performed and its continuity.

### **Permanent Status**

This is characterized by continuous full-time employment in a permanent, established and approved position, subsequent to successfully completing a probationary period. Employees in this category participate in all benefits. These employees may apply for vacancies through the internal posting process.

### **Personal Information Change: Address, Telephone Number, Name, Banking Information, etc.**

It is your responsibility to ensure that the City is advised of any changes to your address, telephone number, banking information or name.

In order to update all relevant records, please notify the following representatives:

- 1) your immediate divisional supervisor who will notify the following;
- 2) Human Resources Services, Parks, Forestry & Recreation Division at (416) 338-8180; and
- 3) The divisional payroll staff (Note: please make it to the attention of the Parks, Forestry & Recreation Payroll Unit):

*Central Services (Golf Courses, Greenhouses)*

Etobicoke Civic Centre, 399 The West Mall, Main Floor, Etobicoke, ON M9C 2Y2

*Scarborough District*

Scarborough Civic Centre, 150 Borough Drive, 5th Floor, Scarborough, ON M1P4N7

*North York District*

North York Civic Centre, 5100 Yonge Street, 3rd Floor, North York, ON M2N 5V7

*Toronto & East York District*

Metro Hall, 55 John Street, 7th Floor, Toronto, ON M5V 3C6

*Etobicoke York District*

Etobicoke Civic Centre, 399 The West Mall, Main Floor, Etobicoke, ON M9C 2Y2



### **Protective Equipment, Protective Clothing and Wearing Apparel**

In accordance with the policy developed by Local 79 and the City of Toronto protective work clothing and wearing apparel will be provided where required by job demands. If you are issued work protective clothing you are expected to wear it at all times when in the workplace. Wearing apparel for By-law Enforcement staff is identified in the policy as a “UNIFORM” to ensure a professional appearance and to provide ready visual identification in order to protect the safety and security of the employee, clients, and/or the public and must be worn while in the workplace.

As a Provincial Offences Officer your presentation to the public is the first impression of the authority you represent. You can enhance your presentation through your personal hygiene, uniform and equipment.

Officers are required to be properly groomed.

Officers are required to wear the uniform provided. Uniforms must be presentable (clean and unwrinkled) in good repair and unaltered.

Footwear is provided and should be maintained in a clean and presentable manner and, where required, replaced.

Maintaining your appearance in this manner will leave the public with a good impression.

### **Personal Issue**

Officers are issued the following uniform items:

#### **Initial Entitlement:**

Pants	5
Shirts	5
5-in-1 Jacket	1
Rainwear	1
Sweater	1
Hats	2
Belt	1
Tie	1

#### **Annual Entitlement:**

Pants	3
Shirts	3
5-in-1	Replaced as required
Rainwear	Replaced as required
Sweater	Replaced as required
Hats	Replaced as required
Belt	Replaced as required
Tie	Replaced as required

Officers are issued the following equipment items and are expected to have them in their possession:

- Map book (one per officer)
- Street line Book
- Cell Phone and attachments
- Palm Pilot
- Digital Camera
- Tape Measure
- Gloves, Work
- Gloves, Latex
- Sunscreen (seasonal)
- Insect Repellent (seasonal)

### **Foot Protection**

You must wear approved green patch safety footwear at all times while on the job. You are expected to report for work with the proper foot protection at all times. The City provides replacement foot protection for eligible employees. The City agrees to maintain the existing or equivalent boot truck service at City work sites with employees retaining their current procurement rights. In the case of special size or fitting requirements, lack of boot truck service, or you cannot obtain your safety boots from a boot truck, you will be given a maximum of one hour of paid time to purchase safety boots from the City contracted vendor's stores. Please contact your supervisor about special fitting requirements.

Protective footwear entitlement will be determined by using the Safety Footwear Analysis form.

### **Work Hours**

Please report to work on time and fully prepared for work (e.g. clothing, safety footwear, tools, etc.) at the start of your shift and following your breaks. If you are going to be late or absent for any reason, you must notify your supervisor prior to the start of your shift and in accordance with the reporting protocol your supervisor will review with you during orientation. If you are planning to leave your shift early, you must obtain permission from your supervisor.

### **Your Work Week**

You may be working at various Yards. Your work week will consist of:

- an 8-hour day (*may be 7 or less if L79, PTB*)
- a 7-day-a-week operation
- shift schedules that are currently in place which are at variance to the normal hours of work

You will work hours and shifts as assigned by your supervisor. It is important that you report for work on time.

### **Lunch and Rest Breaks**

Your lunch break is 60 minutes, and you have two rest breaks of 15 minutes each, one in the morning and one in the afternoon, which are to be taken in the vicinity of where you are working as designated by your supervisor. Employees should check with their supervisor regarding other lunch/break arrangements in their section. Please ensure that you keep to your designated lunch and breaks, and do not leave your worksite before the end of your shift, without the prior permission of your supervisor.

### **Employee Absenteeism / Sick Leave**

Every employee of the Division has accepted an obligation to regularly perform the functions for which they are responsible. If you have difficulty in maintaining regular attendance, consult your supervisor for assistance. The Division is committed to assisting employees who experience difficulty in achieving regular attendance to overcome their issues. If you are sick, you are required to call in everyday unless you provide an expected date of return when calling in sick on your first day of absence. Please review the reporting protocol for your work area with your supervisor.

### **Attendance Management Program**

The City of Toronto adopted an Attendance Management Program in May 2001. It is the policy of the City of Toronto to manage employee absenteeism in a fair and consistent manner with the following objectives:

- To maximize service delivery to the public.
- To assist employees in minimizing absences from work by making every reasonable effort to provide accommodation, assistance and rehabilitation.

To make this program effective, the City is committed to:

- Promoting a healthy workplace, and
- Providing guidance and training to management staff who are responsible for dealing with attendance issues.

Employees whose attendance pattern exceeds the divisional average will be identified and registered in the Attendance Management Program.

If you are absent from work, due to illness, for more than three (3) consecutive working days, you must furnish within seven (7) days from commencement of your absence, a certificate from your personal physician covering duration of illness, with first and last dates of attendance.

### **Reporting of Absences**

- a) You are expected to call in at least fifteen (15) minutes prior to the start of your shift to report an absence. The operation can only function efficiently when staff complement is determined prior to the start of a shift. An employee who is able to call in 15 minutes prior to the start of their shift and does not, may be subject to corrective disciplinary action. There are also some situations where Supervisors may require more than the 15 minutes notice of an absence.

- b) You are reminded that you are expected to call in each day of an absence where the supervisor would otherwise expect you to report to work. Your supervisor will inform you of specific reporting procedures in your work area.
- c) You must provide the reason for the absence, e.g., personal illness, ill dependent, bereavement, workplace related injury, etc. NOTE: Float days, vacation, and lieu time use must be scheduled in advance and authorized by your Supervisor.
- d) Employees are advised that, when reporting illness, you are to speak directly to your supervisor. If this is not possible, you may leave a message for the supervisor with some other member of management if the supervisor is not available by telephone. You must provide a telephone number where you may be reached that same day.
- e) Shift workers unable to report to work for an afternoon, evening or night shift, must advise the supervisor or designate prior to the start of the shift to allow alternate arrangements to be made in order for the work to be performed.

### **Fail to Report**

It is imperative to the operation and to ensure that you are properly coded for payroll purposes for you to call in to work and report any absence as noted above. Should you fail to report for duty within one (1) hour of your starting time, where you could have reported within this period of time, you will be deemed as fail to report and will be dealt with accordingly. Which may include corrective discipline.

Leaving work without permission is not allowed. Suspension or dismissal could result.

### **Medical Appointments**

Medical appointments must be made outside of working hours. Where they cannot be made outside of working hours, vacation or lieu time may be used only if pre-authorized by your supervisor.

### **Lateness**

We recognize that from time to time an employee could be late. However excessive lateness which is within your control will result in corrective disciplinary action. If you are going to be late you are expected to contact your supervisors to advise of your estimated time of arrival.

### **Vacation**

The City of Toronto defines vacation in two ways:

Paid Vacation days (drawn from a vacation bank) which applies to all permanent and some temporary full-time employees and

Vacation savings pay (known as VSP - where an employee is paid by pay period) which applies to most seasonal and non-seasonal temporary employees. In the case of temporary employees, the Collective Agreement outlines some situations where the employee may elect to receive either vacation bank or vacation pay.

Eligible employees must have their vacation pre-authorized and pre-approved by their supervisor. Staff who are paid VSP and who work 12 consecutive months must schedule and take at least two weeks of vacation. Said vacation taken will be unpaid. Their vacation request must also be pre-authorized and pre-approved by the supervisor.

You are entitled to two float days per year after successfully completing your probationary period. Float days must be used in the year earned and cannot be carried over to the next year.

### **Payment for Overtime by Time in Lieu**

Arrangements to use lieu time should be made at the location where it is earned and with the supervisor who has approved it. Lieu time is paid out at layoff.

### **Leave of Absence Requests**

To apply for a leave of absence without pay, a completed Leave of Absence Request Form along with a written explanation must be submitted to your immediate supervisor. The circumstances of each request will be reviewed. Approval must be obtained from the Director of Parks Branch in conjunction with the Manager of Human Resources, Parks, Forestry & Recreation Division. You can obtain a Leave of Absence Request Form from your supervisor.

### **Transfer Requests**

Transfer requests must be made in writing to Human Resources; and will be allowed if there is another employee in the same classification who wishes a transfer taking into account the availability of positions at a work location and seniority.

### **Medical and/or Pension Benefits**

For inquiries regarding Medical and/or Pension Benefits consult your Collective Agreement or contact the general information line at 416-397-4995.

### **Superior Duties/Alternate Rates**

From time to time, you may be offered the opportunity to perform the duties of another position classification for a period of time and be paid according to the rate of pay established for that higher (or lower) position as in accordance with the respective Collective Agreements. Acceptance of Superior Duties is the employee's choice.

### **Personal Business**

Wearing clothing on the job that advertises any related private business is not permitted. You cannot solicit private business or perform private business during your working hours. This includes the request and/or receipt of money or goods for additional work performed for the public, homeowner, contractor, or storekeeper. Use of pagers and cell phones for personal business during your work hours is not permitted.

### **Personal Electronic Equipment**

Personal portable audio equipment / headsets / cell phones and pagers are not permitted in the workplace unless approved by your Supervisor.

### **Commissions**

Payment or gifts for performing any job that is a part of your regular work duties must not be accepted. You must pay for food and beverages obtained from the concessions operating in the City parks.

### **Conflict of Interest**

As an employee of the City of Toronto you are expected to conduct yourself with personal integrity, ethics, honesty and diligence when performing your duties. You are required to support and advance the interests of the organization and avoid placing yourself in situation where your personal interests actually or potentially conflict with the interests of the City.

A conflict of interest refers to a situation in which private interests or personal considerations may affect an employee's judgment in acting in the best interest of the City of Toronto. It includes using an employee's position, confidential information or corporate time, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits any member of the employee's family, friends or business associates.

Please see your supervisor for a copy of the policy.

### **Salvaging**

It refers to removal of materials from commercial or residential garbage or park locations for sale or personal use. As salvaging is against established policy disciplinary action may result.

### **Smoking**

According to the By-laws the City of Toronto is a smoke-free workplace, therefore, smoking is not allowed in City buildings, offices, vehicles or underground garages and violators will be subject to disciplinary action.

### **Alcohol and Substance Use**

The Parks, Forestry & Recreation Division has a "zero tolerance" policy with respect to consumption of alcohol or the use of drugs while an employee is working.

If there is evidence that you have consumed alcohol or taken drugs which may impair your work performance when reporting at the start of your shift or at any time during your shift, disciplinary action may result and you may not be permitted to work.

The policy states that an employee may be subject to disciplinary action if:

1. the employee is found to have alcohol or illegal drugs in his/her possession;
2. the employee reports to work under the influence of alcohol or illegal drugs; or
3. the employee is found to be under the influence of drugs or alcohol during the working hours.

You must inform your foreperson or supervisor if you are using prescription drugs or over-the-counter drugs that might impair your performance; a doctor's note may be requested. If you are required to drive or operate equipment, ask your doctor what effect any required prescription drugs may have on your abilities. In some cases, special safety considerations may have to be taken in the assignment of your work.

If you have a problem related to alcohol or substance abuse, you can call the Employee Assistance Program at 416-392-6633 for confidential counselling.

### **Media Relations**

Parks, Forestry & Recreation media relation's efforts aim to communicate key messages and promote events and programs to the media in a positive and consistent manner. The Division designates senior management spokespersons to respond to media inquiries. Other staff may be designated as spokespersons on a particular subject or event.

If you are approached or contacted by a member of the media (including newspaper, TV, radio, Internet or freelance reporters and video/film crews) try to be helpful. Ask them what information they need, what story they are working on, and what their deadline is. Then direct them to your supervisor. You as the employee should then contact your supervisor and then call the Divisional Media Hotline (monitored 24 hrs/7 days per week) immediately at 416-560-8726.

You should not provide comments or opinions until you have spoken with the Media Hotline staff, who will review the media request to determine the appropriate response or the Divisional spokesperson for that particular issue.

**Film/Video Permits:** Permits are required for film or video shoots. Producers should contact the Film and Television Office at 416-392-7570 for information on how to get a permit.

**Permission to Photograph:** If members of the media arrive at your park or facility looking for a story or a photo opportunity, advise them that they must have permission to video or photograph our facilities. You should contact the Media Hotline (416-560-8726) for advice on how to handle the request.

**Model Release Forms:** Media and film/video crews frequently ask to use footage or shots of the City's recreation programs in progress. To protect the participants' privacy, and to protect the Division from liability, all adult participants who may be clearly identifiable in shots must sign a Model Release Form. For children and youth under the age of 19, a parent or guardian must sign a Model Release Form before they can be used in a shot that clearly identifies them. An electronic version of the Model Release Form can be printed from the Parks, Forestry & Recreation Intranet site: <http://insideto.toronto.ca/index.htm>.

**Note:** If news photographers or video crews are covering an event that is open to the public, Model Release Forms are not required.

**Private Permits:** Holders of permits for use of facilities may invite the media to generate publicity for their events. You should be aware that media can be present and that permission and media releases are not required for private permit holders.

**Parents/Relatives Taking Photos/Videos:** Parks, Forestry & Recreation's media policy does not apply to parents, guardians or relatives taking photos or video of program participants. However, you have the right to ask persons using video recorders or cameras which participants they are photographing, and to encourage parents to concentrate on their own children.

**Use of Cell Phones in City Facilities:** The use of all photographic devices, cameras, video cameras, camera cell phones and PDA's are prohibited in all change rooms and washrooms in Toronto Parks, Forestry & Recreation facilities.

### **Human Rights Policy Statement**

Under the Ontario Human Rights Code, every person has a right to equal treatment by the City of Toronto, its agencies, boards, commissions and its citizen advisory committees, with respect to services and facilities, accommodation, contracts and employment.

In continuing its leadership in the recognition of the dignity and worth of each person, the City of Toronto has adopted this Human Rights and Harassment Policy to ensure ethical and respectful service and employment practices which incorporate equitable treatment for all employees, residents, and recipients of municipal services.

The City of Toronto will not tolerate, ignore, or condone any form of discrimination or harassment. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve. Discrimination and harassment are serious forms of employee misconduct, which may result in disciplinary action up to, and including discharge.

Members of the public, visitors to City facilities, or individuals conducting business with the City of Toronto, are expected to adhere to this policy, including refraining from harassment of employees, elected officials, and persons acting on behalf of the City of Toronto. If such harassment occurs, the City will take any steps available to ensure a harassment-free workplace, including barring the harasser from its facilities, where appropriate, or discontinuing business with contractors or consultants.

### **Human Rights Definitions**

#### **Equal Treatment**

Equal treatment is treatment that brings about an equality of results and may require different treatment. To give all employees equal treatment in entering a building, for example, it may be necessary to provide a ramp for an employee who requires the use of a wheelchair.

#### **Discrimination**

Discrimination is any practice or behaviour, whether intentional or not, which has a negative effect on an individual or group because of personal characteristics or circumstances unrelated to the persons' abilities or the employment or service issue in question (e.g., disability, sex, race, sexual orientation).



## **Harassment**

Harassment means improper comment or conduct that a person knows or ought to know would be unwelcome, offensive, embarrassing or hurtful. Harassment may result from one incident or a series of incidents. Examples of harassment include, but are not limited to:

- threats; inappropriate jokes;
- unwelcome sexual remarks, invitations or requests;
- displaying pornographic, sexist, racist or other offensive or derogatory remarks pictures or graffiti;
- innuendoes and teasing; insulting gestures;
- offensive gestures; actions that invade privacy; spreading rumours that damage one's reputation; refusing to work with;
- patronizing or condescending behavior;
- abuse of authority;
- unwelcome touching; physical or sexual assault.

## **What to Do If You Are Being Harassed**

If you have any concerns or feel that you are being discriminated against or harassed, try to tell the person or persons involved to stop. If you don't feel comfortable doing that, please let your supervisor know. He/she will sort out the best options for handling the situation. Your concern will be handled in confidence. It is the job of your supervisor to make sure that discrimination and harassment are stopped.

It is the Division's policy to report all instances of uttering threats or other threatening or menacing behaviour to the police (as well as your supervisor) whether this behaviour is perpetrated by a member of the public or staff.

If for any reason you feel that you cannot approach your supervisor/foreperson, you may speak to the Manager in your Region, Human Resources staff, your union/staff association or to the City's Human Rights staff in the Human Rights Office of the Human Resource Division. They can provide, on a confidential basis, information and advice on human rights, discrimination and harassment, and where necessary, investigate complaints and conduct confidential interviews.

## **Human Rights Office**

The Consultants in this office report to the Executive Director of Human Resources to implement the provisions of this policy. The Executive Director of Human Resources reports to the City Manager.

## **Improving the Workplace**

The City of Toronto is constantly striving to create a better work environment for its employees. It is currently developing a policy on race relations and working on a plan to eliminate physical barriers for people with disabilities within the facilities and services offered by the City.

If you have any ideas or feedback that could improve the workplace, you are encouraged to bring them to your supervisor.

## **Human Rights and Harassment - Complaints Procedure for Employees**

### **Informal Resolution**

This procedure is intended as an alternate dispute resolution process. All employees are encouraged to attempt to resolve matters themselves before filing a complaint or grievance.

#### **Dispute Resolution**

Where a dispute arises between an employee and his/her supervisor, the employee is obligated to "work now and grieve later" unless the employee believes the dispute would jeopardize their or others Health and Safety or it is illegal.

Not following direction from your supervisor may constitute insubordination and be grounds for discipline.

### **Advice, Assistance & Accommodation**

Employees can seek advice and assistance from their supervisor, manager, Human Resources staff, Employee Assistance, the Human Rights Office, or their union.

### **Formal Complaints**

If informal means of resolving a situation are not effective or appropriate, a formal complaint may be necessary. All formal complaints are managed by the Human Rights Office.

### **Grievances of Discrimination or Harassment**

The policy states that "... LR will inform the Human Rights Office of grievances regarding discrimination or harassment that are filed under collective agreements.

### **Time Limit**

The time limit for filing complaints under the Policy is six months from the time of the alleged discrimination or harassment. Exceptions may be made in extenuating circumstances.

### **Confidentiality**

All persons involved with a complaint are expected to treat the matter as confidential. Employees may be disciplined if confidentiality is breached.

### **Training and Development**

The City of Toronto is committed to a work environment that encourages development of skills and competence at all levels of the organization as a means of maintaining an effective workplace and the highest calibre of public service. It is the objective of the City of Toronto's training program to:

- ensure that each employee has the necessary skills and knowledge to carry out his or her work effectively and safely;
- anticipate and assess learning needs;
- develop new skills and competencies;

- work collaboratively with clients and provide assistance in developing creative and innovative solutions to meet learning needs; and
- reflect the values of a fair, equitable and safe workplace.

The City of Toronto values each employee's contribution to effective service delivery.

The City of Toronto Equal Opportunity Policy, the Provincial Occupational Health and Safety Act, the City of Toronto Workplace Human Rights Policy, and the City's Corporate Management Principles underlie City of Toronto Training and Development Programs. In accordance with the above objectives, the Parks, Forestry & Recreation Division provides support to employees towards the advancement of knowledge and skills in a number of ways:

- 1) *Training Sessions*  
Training sessions are offered periodically by the Parks, Forestry & Recreation Division to enhance skills and knowledge on a variety of subjects.
- 2) *In-House Courses*  
The City offers a number of in-house courses listed in "Your Guide to Training and Development". This guide can be found on the Intranet, or available in hard copy through Parks, Forestry & Recreation Managers. Training courses are grouped under the following topics: Organization Effectiveness; Occupational Health & Safety; Fleet Services; Information and Technology; Health and Safety. There are instructor-led courses and self-study courses.

An application form can be obtained through your supervisor.

There is a charge for some health and safety courses. Please read the course descriptions or call the Eastville Training Centre 33-TRAIN (338-7246) for more details.

What you need to do:

- Make sure you have the necessary pre-requisites before registering. There are pre-requisites for some courses.
- Register for courses according to the information described under "Who Should Attend".
- Get all the necessary approvals before registering for a course.
- Each course requires one application.
- Application must be submitted at least ten days before the course date.

### **Applying for an Internal Job Opportunity**

Job opportunities are posted internally on the City's Intranet Job Opportunities web site at <http://insideto.city.toronto.on.ca/>; hardcopies are posted in the Human Resources office at each of the City's Civic Centres, and distributed to divisional and yard work sites.

Employees are encouraged to apply for job opportunities by completing an Application for Internal Job Opportunity form, and forwarding it along with a resume in accordance with details outlined in the promotion / job opportunity.

Employees on layoff with recall rights are also entitled to apply for any City of Toronto internal job opportunity. Order of consideration in the promotion process will be subject to the respective Collective Agreement as outlined on the job opportunity.

### **Career Development Services**

Human Resources offer employees on-line tools to assist with the job application and interview process. For more information, visit HR Web on the City's Intranet site.

For further information, please call the Career Line at (416) 397-9620.

## **EMPLOYMENT SERVICES**

Information regarding Employment Services is available from your supervisor. You can also contact the following section directly if you wish. The service is available to all City staff.

### **Employee Assistance Program (EAP)**

The EAP offers short-term, confidential counseling, information and referral services for City of Toronto employees and their eligible family members. Call 416-392-6633 for more information or visit the website at <http://insideto.toronto.ca/HumanResources/eap/Index.htm>.

### **Employee Health and Rehabilitation (EH&R)**

Employee Health and Rehabilitation works in co-operation with divisions and the HR community to support employees in return to work programs and to assess accommodation needs for health reasons when a health related issue impacts on an employee's ability to do his/her job.

The program also provides health counselling and participates in preventative and educational training aimed at maintaining a healthy and safe workplace.

Employee Health and Rehabilitation operates a health clinic at City Hall available during regular working hours. Call 416-392-7330 or visit the website at [http://insideto.toronto.ca/HumanResources/health and rehab/Index.htm](http://insideto.toronto.ca/HumanResources/health%20and%20rehab/Index.htm)

## **HEALTH AND SAFETY INFORMATION**

### **Your Health and Safety in the Workplace**

All employees in the Parks, Forestry & Recreation Division, including seasonal staff, play an important role in ensuring the workplace is as safe as possible for you, your co-worker and the public we serve.

### **Personal Safety**

The Parks, Forestry & Recreation Division is committed to providing a safe and healthy environment for its workers and the public. We want you to take every reasonable precaution to ensure your own safety as well as the safety of the public. We are implementing the recommended provisions of the City's Personal Safety Policy, in our operations. Your awareness and input on the issue of personal safety is important to us to minimize personal safety risks. Report any situations, which you feel may jeopardize your personal safety, to your immediate supervisor and recommend solutions for further consideration.

## **Legislation**

All employees in the Parks, Forestry & Recreation Division must comply with Provincial law respecting health and safety in the workplace. The Ontario Ministry of Labour is responsible for ensuring that the requirements of the Occupational Health and Safety Act and Regulations are followed. Failure to obey the law may result in legal action, including fines and / or imprisonment. This applies to your employer, supervisory staff and you.

## **Your Health and Safety / Disability Management Unit Staff**

Fax # for Health and Safety / Disability Management Unit Staff: 416-338-8133  
James Creighton, Senior HR Consultant 416-338-8177 (desk) 416-771-9685 (cell)

### *Disability Management Unit*

Cathy Pawis, HR Consultant Central, Toronto & East York and Etobicoke York Districts 416-338-8172 (desk) 416-771-9707 (cell)

Mike Elaschuk, HR Consultant Scarborough & North York Districts 416-338-8185 (desk)

### *Health & Safety Unit*

Art Ng, HR Associate 416-338-8183 (desk) 416-771-9718 (cell)

Brent Ongman, HR Associate 416-392-3997 (desk) 416-791-3424 (cell)

## **Responsibilities**

Everyone in Parks, Forestry & Recreation has a role to play with respect to ensuring a safe and healthy workplace.

The employer must ensure that:

- a health and safety program is established and functioning properly;
- only competent persons are appointed to "supervisory" positions;
- forepersons, supervisors and workers are aware of the hazards in the workplace and required personal protective equipment is provided.

The foreperson or supervisor must ensure that:

- you wear the personal protective equipment provided;
- you work in a safe manner; and
- you are informed of any hazards or potential hazards that may be present in the workplace.

You, as a worker, are required to do the following:

- wear the protective equipment required;
- work in a safe manner, in accordance with the Act and Regulations; and
- report any hazards, unsafe conditions or work practices to your foreperson or supervisor.

### **Workers' Rights**

Workers have three (3) basic rights, under the Occupational Health and Safety Act:

- 1) *Right to Know* - Workers have the right to know about hazards, or potential hazards in the workplace.
- 2) *Right to Participate* - Workers have the right to participate in health and safety issues and decisions in the workplace. This right is generally exercised through the Joint Health and Safety Committee.
- 3) *Right to Refuse* - Workers have the right to refuse to perform work if they have reason to believe that the equipment, device or thing that they are required to operate may endanger them or another worker, or if they have reason to believe that the physical condition of the workplace may endanger them. A work refusal is a formal, serious process that requires investigation by various workplace parties and may need to be referred to the Ministry of Labour for final resolution. Make sure you are familiar with the steps that you should take to resolve health and safety concerns prior to exercising your right to refuse and also ensure that you are familiar with the steps involved in a work refusal. Your health and safety is a shared responsibility. Only by working together can we ensure our workplace is as safe and healthy as possible.

Note: If a representative from the Ministry of Labour is on your site or if you have had a critical injury, you must contact one of the Health and Safety Representatives from HR listed earlier.

### **Joint Health & Safety Committees**

The Parks, Forestry & Recreation Division has Joint Health and Safety Committees (JHSC). The JHSC is responsible for ensuring that health and safety concerns are made known to management, and subsequently addressed and resolved as quickly as possible. To speak with your members, check for their names and locations posted on the bulletin board in your workplace. If you have any questions regarding your legal rights or responsibilities, equipment use, chemical handling, workers' compensation, health or safety concerns, or general inquiries, speak with your foreperson or supervisor.

<p>Investigation and Reporting of Injuries and Accidents Category: <b>Health and Safety</b> Sub-Category: <b>General</b></p>	<p> Corporate Services EDCT - P. F. &amp; R. Business Unit – Revised - November 2005 -</p>
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<b>Policy</b>	Employees must <b>immediately</b> report all accident / incidents / injuries / property damage to their direct Supervisor by phone or in person. Only the approved "Supervisor's Report of Accident / Incident" is to be used. Failure to do so can result in disciplinary action.
<b>Purpose</b>	To ensure that all staff report accidents / incidents / injuries and property damage in the same manner and immediately to their supervisor. The following provides guidelines for reporting, investigating and following up for all work related accidents / incidents / injuries and property damage to staff.
<b>Report Requirement</b>	Work related accidents / incidents / injuries and property damage must be recorded on the City of Toronto, Supervisor Report of Accident Incident Report (2006 Up-dated Version).
<b>Definitions:</b>	There are five Accident Categories and or Fleet occurrences. <b>ALL MUST BE REPORTED.</b>
<b>Accidents, Incidents, &amp; Property Damage</b>	<p><b>Lost Time</b> The injury sustained by the accident victim requires medical attention and is severe enough to keep them from reporting to their next <u>scheduled</u> shift.</p> <p><b>Medical Aid / Health Care</b> The injury sustained requires professional medical attention, but employee returns directly to work to regular or modified work,</p> <p><b>First Aid</b> A injury to the body is sustained, requires in-house first aid, but the employee returns directly to work without any restrictions.</p> <p><b>Incident</b> An accident occurs and the result is no property damage or employee injury. Example: a brick falls off the roof and hits the ground.</p> <p><b>Property Damage</b> An incident occurs resulting in the loss of property there is no employee injury. Example: a falling brick hits a City Vehicle causing minor damage, no injury.</p> <p><b>Fleet</b> Vehicle damage must be reported on a Corporate, Fleet Vehicle damage form. The original is sent directly to the Corporate Fleet Office with a copy to the HR, H&amp;S, Business Unit.</p>
<b>Motor Vehicle Accidents</b>	

**Fleet – Personal Injury**

Personal injury accidents require the completion of both the Fleet report and the Supervisor Report of Accident / Incident. The Fleet original is to be sent to Fleet. A copy of the Fleet report is to be sent to the HR, H&S, Business Unit attached to the original of the Supervisors Report of Accident / Incident. (If a third party is involved follow fleet reporting procedure)

**Critical Injury**

An injury of a serious nature that:

- (a) places life in jeopardy;
- (b) produces unconsciousness;
- (c) results in a substantial loss of blood;
- (d) involves the fracture of a leg or arm but not a finger or toe;
- (e) involves the amputation of a leg, arm, hand or foot but not a finger or toe;
- (f) consists of burns to a major portion of the body; or
- (g) causes the loss of sight in an eye.

**TELEPHONE CONTACT # S**

In the event of a critical injury the Supervisor / Designate must contact the appropriate Safety Consultant / Professional immediately ( 24 hours a day, 7 days a week ).  
Health and Safety Contact Numbers

- During typical Business Hours – Call any of the \* Phone numbers listed below.
- If you are calling after typical Business hours – Call phone number \*\*

**They are as follows:**

**FAX All REPORTS & PAPERWORK TO: Fax # 416-338- 8133**

* Art Ng, HR Associate	* 416-771-9718 (cell) * 416-338-8183 (desk)
* Brent Ongman, HR Associate	* 416-791-3424 (cell) * 416-392-3997 (desk)
* James Creighton, Sr. HR Consultant, Health and Safety and Disability Management	* 416-771-9685 (cell) * 416-338-8177 (desk)
** - If after typical Business hours Monday – Friday eg: Afternoons, Evenings, or on a Weekend or Statutory Holiday – Call phone number ** to report a “Critical Injury” or “Work Stoppage” situation. ** Heather Parker – HR Manager – Staffing, Health & Safety and Disability Management Note: If Manger is unavailable please call *** *** Barbra Shulman – HR Director – UDS - & EDCT	** 416-722-1692 *** 416-561-4194

**Medical Aid / Health Care**

If, due to a workplace injury an employee is in need of professional Health Care, **He/she must be provided with appropriate transportation arrangements, made by the supervisor or trained supervisor designate to move the injured employee to the nearest walk-in clinic or hospital.**

The immediate Supervisor or trained designate must use their professional judgment when assessing the need for, offering and provision of appropriate employee assistance in order to attain medical care. E.g.; A more serious injury would require hospital care instead of care at a clinic



<b>Immediate Supervisor / Recreation Assistant or Trained Designate Responsibilities</b>	<p>The Supervisor or trained designate must, by law, arrange first aid and provide immediate transportation to a medical facility if an employee is injured. The Supervisor or trained designate should accompany the employee to (or meet them at) the medical facility, monitor the progress and arrange for or provide transportation to the employee's home or back to work. The Supervisor must ensure the attending health care professional is made aware of the City's modified duty program and attain relevant and properly completed return to work reports. The type of transportation used will depend on the type of injury sustained, that is;</p> <ul style="list-style-type: none"> <li>➤ a serious injury – the use of an ambulance;</li> <li>➤ Sprain – the use of a City vehicle.</li> <li>➤ Taxi cabs are available for staff without city vehicle access.</li> </ul>
<b>Return to Work Form and Return to Work Form (Local 79) (RTW)</b>	<p><b>Section A</b> of this form must be filled out by the employer, given to the attending physician whom is to complete <b>Section B</b>, provide office / billing information. Supervisor or trained designate must wait until the doctor completes his / her section. Then have Employee complete <b>Section C</b>. Supervisor then attaches it with the Supervisor Report of Accident / Incident. Immediately upon return from receiving the care, HR is to receive both; the Supervisor Report of Accident / Incident and the Return to Work Form.</p>
<b>Supervisor's Report of Employee Accident / Incident</b>	<p>This form must be filled out completely, signed by the Supervisor, and faxed to the Health and Safety – Disability Management Unit immediately. The original must be retained by the supervisor. It is recommended that a copy be stored in a central location in each district.</p>
<b>Injured Employee</b>	<p>The WSIB – Worker's Report of Injury - Form # 6 must be completed and signed by the injured employee and given to the supervisor. i.e.: if the employee is too severely injured to complete a WSIB, Form # 6 one will be sent to the employee's home by the Workplace Safety and Insurance Board.</p>
<b>Human Resources</b>	<p>The completed Return to Work Form, Employee Accident / Incident Investigation Report and the Employer's Report of Accident Injury or Industrial Disease are to be signed and forwarded, by the Supervisor to the Health and Safety, Disability Management Unit</p>
<b>Disability Managers</b>	<p>Questions related to Disability management including Supervisors Injury Reports, Return to Work Forms, WSIB or LTD claims should be directed to the Disability Management Consultant responsible for assisting / advising your district.</p> <p>Cathy Pawis – All employees and LTD, WSIB Appeals, Etobicoke York District - Toronto and East York District (416) 338-8172 (desk) (416) 338-8133 (fax)</p> <p>Mike Elaschuk – All employees and LTD, WSIB Appeals, North York District – Scarborough District (416) 338-8185 (desk) (416) 338-8133 (fax)</p> <p>For additional guidance: 416-771-9685 (cell) James Creighton, Senior Consultant 416-338-8177 (desk)</p>
<b>Notify WSIB</b>	<p>Failure to report a Med Aid can result in a "Late Reporting" fine. Using the information provided, a Human Resources representative must, by law, report all work-related injuries and illnesses requiring medical treatment to the Workmen's Compensation Board within 3 days (72 Hours from Medical Aid Visit).</p>
<b>Notify</b>	<p>Human Resources Disability Consultant notifies the WSIB by completing and sending a WSIB Form 7, based on forwarded report(s) and any additional information deemed necessary.</p>
<b>Critical Injury</b>	<p><b>The Supervisor is responsible for contacting all of the following persons immediately:</b></p> <ol style="list-style-type: none"> <li>1. Senior HR Health and Safety, Disability Management Consultant</li> <li>2. A worker member of the City Joint Health and Safety Committee</li> <li>3. P.F.&amp;R. District Director / Regional Manager</li> </ol>

4. Parks Forestry & Recreation, Health & Safety Director Lead

**Further Information** For further information on these reporting procedures, contact your immediate Supervisor

## P.F. & R. INCIDENT & ACCIDENT REPORTING FREQUENTLY ASKED QUESTIONS

- Q. I only jammed my finger; do I have to report it?
- A. Yes, you are obligated by law to report workplace accidents/incidents. Any and all accidents/incident must be reported immediately to your supervisor.
- Q. I don't think it is necessary for me to visit the doctor on my injury; can I refuse to seek medical attention?
- A. Yes, you may refuse medical attention however you are obligated by law to report workplace accidents/incidents. Seeking medical attention is your choice. If you do in fact seek medical aid for a workplace injury you are required to advise your employer that you wish to do so which allows the employer to assist you to ensure all legally required documentation and reporting requirement obligations are met.
- Q. When someone at work gets injured the supervisor always asks the employee "do you want to see a doctor"; why is this?
- A. The Workplace Safety & Insurance Act, Chapter 16, section 38 states the following  
38. (1) At the time an injury occurs, the injured worker's employer shall provide transportation for the worker (if the worker needs it) to a hospital or a physician located within a reasonable distance or to the workers home. The employer shall pay for the transportation. Therefore, the employer's Supervisor or designate must ask.
- Q. My doctor has completed the City's "return to work" form (RTW) which has indicated I have medical restrictions; what happens now?
- A. The City is obligated to offer and provide the injured employee with work based on the restriction(s), if any, set out by the attending physician.
- Q. My doctor has stated that I can be off work for 3 days; will I still get paid?
- A. It depends on your specific collective agreement. Basically the city is obligated by law to offer and provide Modified Work for all employees injured in the workplace, this includes the City making offers of Modified Work to employees even when the doctors states the employee can be off work for a specific number of days.

- Q. My doctor states that I can be off work for a specific number of days and the City has sent me a written offer of Modified Work; what happens now?
- A. The City may make a written offer of Modified Work to an employee where the physician has put that employee off work. The employee is under no obligation to accept the offer of modified work, but the employee must acknowledge that they have received the offer and they must indicate as to whether the offer was accepted or refused. The City will also forward a copy of any written offer to the WSIB and may state that in the City's opinion the modified work that was offered is suitable. The City will also advise the WSIB of the employee's decision regarding the formal offer.
- Q. How can the City offer me Modified Work when my physician tells me that I can stay off?
- A. City, WSIB Claims consultant staffs are prepared to assist in preparing an offer of modified work for an injured employee based on the Medical Restrictions advice attained from the attending Health Care Provider and any related WSIB, Standard Restrictions. Ultimately the final decision on whether any WSIB claim is approved or denied is made by WSI Board's decision, based on all relevant facts and related documentation.
- Q. What happens if my claim is not approved?
- A. Any employee has the right to appeal the WSI Board's decision and that should be done within 6 months of a claim being denied. Remember that the board may approve your claim in part. (e.g.; related medical cost is approved but Lost Time is denied in whole or in part)
- Q. One of my staff has been injured and we have called for an ambulance, what do I do now?
- A. Make sure that the employee is being attended to (first aid, comforted) while EMS is on route. You can meet the staff at the hospital or health care facility. Document the Ambulance #, Badge # of Paramedical Staff, and destination. Use the related "What to do" and "Injured Worker" guideline checklists included with Accident & Incident Reporting packages. These documents will walk you through all types of accidents. You can also call Health and Safety Representatives for additional help & advice; Call 416-791-3424 or 416-771-9718 or 416-771-9685.
- Q. How do I know if it is a critical injury?
- A. The definitions of "Critical Injury" is posted in every building on the Health & Safety Bulletin Board but if you are not sure about a accident/injury situation that may possibly be deemed "Critical" then you should treat the accident as a "Critical Injury" and then notify the Health and Safety Unit who will assist you in dealing with the Accident/incident; Call 416-791-3424, or 416-771-9718 or 416-771-9685.

- Q. Who is and where will I find my union Health & Safety Rep?
- A. Every City building must have a Health & Safety Bulletin Board, and that board will have a list of the Health & Safety Representatives in your area, or you can call the H&S Unit directly for information; Call 416-791-3424 or 416-771-9718 or 416-771-9685.
- Q. I was injured at work and have been off work for 3 weeks. My supervisor has called me at home once a week since the accident asking how I am and reminding me that there is still modified work available for me as per the formal letter I received. Is this not harassment?
- A. The Workplace Safety & Insurance Act, Chapter 16, section 40 states the following  
Duty to co-operate in return to work
40. (1) **the employer** of the injured worker shall co-operate in an early and safe return to work of the worker by;
- (a) contacting the worker as soon as possible after the injury occurs and maintaining communication throughout the period of the worker's recovery and impairment
40. (2) **the worker** shall co-operate in his or her early and safe return to work by;
- (a) contacting his or her employer as soon as possible after the injury occurs and maintaining communication throughout the period of the workers recovery and impairment

## **Injured Worker - Guidelines**

If a co-worker is injured at work – we need to ensure; first aid is provided, the prevention of further injury and that emergency services is called when required. We are also required to ensure both the injured worker and Health Care provider(s) are aware of the immediate availability of modified work and that all City and Workplace Safety and Insurance Board paper work is completed with-in specific time lines. Please use the following guidelines to ensure you handle the situation correctly.

### ***Assess Worker – respond as listed according to the nature of the injury.***

- A. Critical injury (see definition below)
- Provide first aid as required - Call 9-911 and document all actions
  - If ambulance involved, attain related information (unit #, badge #s, destination)
  - Secure scene – tape or rope off area where injury occurred – for Joint Health & Safety (J.H.&S) Ministry of Labour (MOL) investigation and follow up
  - Identify any/all witness(s), ensure *witness(s)* complete and sign a witness form
  - **Call Full Time Supervisor, Supervisor’s Manager or “on call” supervisor designate to report situation and follow Supervisor(s) advise**
  - **Supervisor or designate calls Health and Safety staff to report situation**
  - Supervisor or designate meets the employee at the health care facility taking the City’s Accident reporting package (includes all relevant forms) with them
  - Have the worker complete a *WSIB Worker’s Report of Injury - Form 6* (if able)
  - Supervisor or designate completes Section A of the City’s *Return To Work form(RTW)* – provide to Health Care Personnel along with the City’s letter to Health Care Professional advising of immediate availability of modified work
  - Supervisor or designate attains the completed and signed RTW or WSIB equivalent form from the Health Care Professional (either form properly completed indicates injured employee’s medical restrictions, if any)
  - Supervisor or designate provides a copy of the City’s letter to Employee advising them of availability of modified work and reporting obligations
  - Supervisor completes and signs a *Supervisor’s Report of Injury/Accident* and forwards all completed paperwork to H&S, Disability Claims Consultant > WSIB Claims manager immediately
  - **Based on confirmation of a “Critical” Injury situation the Ministry of Labour is called**
  - **JH&S Worker Member, JH&S Management Member, H&S Representative investigate and report internally and to MOL**

**DEFINITION:** The following injuries are considered **CRITICAL**:

- places life in jeopardy
- unconscious
- major blood loss
- fracture/break of arm or leg
- amputation of arm, hand or leg,
- burns to major portion of body
- causes loss of sight in an eye

IN ALL CASES OF BROKEN BONES OR STAFF GOING TO THE HOSPITAL THE HEALTH & SAFETY STAFF MUST BE CALLED

**B. Medical Attention – leading to Lost Time**

- Provide first aid as required.
- Call the **Full Time Supervisor or on call supervisor** and report immediately.
- Follow Supervisor advise, e.g.; Accompany worker to emergency, doctors office, clinic etc. and take the City's Accident reporting package with you (includes all relevant letters advising Employee, Health Care Provider regarding immediate availability of modified work, WSIB Form and re-turn to work, medical restriction advice forms)
- Document all actions
- Sign and provide the Health Care Professional and Employee with copies of the City's Letter (your signature is required as the employer's designated representative). Review the letter contents, advising both of immediate availability of Modified work and the employee of related City/WSIB reporting obligations
- Have the employee complete and sign a *WSIB Worker's report of Injury - Form 6*
- Have *witness* form filled out if appropriate
- **Full Time supervisor completes and signs Supervisor's Report of Injury/Accident**
- **Report the potential of a Lost Time situation to Health & Safety – Disability Consultant immediately**
- Supervisor to fax all related forms and documentation to H.R. Consultant at 416-338-1477

**C. First Aid Required**

- Provide First Aid as required (e.g.; a band aid to a minor cut)
- Have the worker complete *WSIB Worker's report of Injury - Form 6*
- Have *witness* form filled out if appropriate
- **Full Time Supervisor or Supervisor Designate** completes a *Supervisor's Report of Injury/Accident*
- Supervisor to fax all related forms and documentation to H.R. Consultant at 416-338-1477

- D. Property Damage
- **Full Time Supervisor or Supervisor Designate** completes a *Supervisor's Report of Injury/Accident* indicating Property Damage
  - Any other relevant documents e.g.; Police reports, vehicle reports, witness reports
  - Supervisor to fax all related forms and documentation to H.R. Consultant 416-338-1477
- E. Fleet Accident
- **Full Time Supervisor or Supervisor Designate** completes fleet accident reports and forwards to Fleet Services
  - **Full Time Supervisor or Supervisor Designate** completes Supervisors Report of Injury/Accident and faxes to Health & Safety along with a copy of fleet accident report and a copy of the related police report to H.R. Consultant 416-338-1477

**IN ALL CASES OF LOST TIME, BROKEN BONES OR STAFF GOING TO THE HOSPITAL THE HEALTH & SAFETY STAFF MUST BE CALLED**



## **Health and Safety Definitions**

### **Accidents**

An unforeseen and unplanned event or circumstance.

### **Incidents**

An incident occurs and results in no property damage or employee injury, i.e., a brick falls off the roof and hits the ground.

### **First Aid**

An incident occurs to an employee. The injury sustained may or may not require First Aid and the victim returns directly to work without being evaluated by a physician.

### **Health Care / Medical Aid**

The injury requires medical attention by a physician and the employee returns directly to work. (The employee may require modified duties. Supervisors should think of possible options so modified duties might be assigned to staff in such situations.)

### **Lost Time**

The injury sustained by the victim requires medical attention and is severe enough to keep the employee off work.

### **Critically Injured**

Is an injury of a serious nature that:

- a) places life in jeopardy;
- b) produces unconsciousness;
- c) results in substantial loss of blood;
- d) involves the fracture of a leg or arm but not a finger or toe;
- e) involves the amputation of a leg, arm, hand or foot but not a finger or toe;
- f) consists of burns to a major portion of the body; or
- g) causes the loss of sight in an eye.

If a critical injury occurs do not disturb the site and/or equipment. Call the Health & Safety Unit immediately.

### **Recurrence**

Pain or discomfort resulting from a previous work related injury. The employee was not doing anything at the time of the recurrence to aggravate the injury. There is no new accident.

### **Property Damage**

An incident occurs resulting in the damage and/or loss of property - there is no employee injury.

## **Fleet**

Vehicle damage must be reported on the Corporate Fleet form and sent to Corporate Fleet with a copy to the Health & Safety Unit.

## **Fleet - Personal Injury**

Personal injury accidents require the completion of both the Fleet report and the Supervisors Report of Accident / Incident. The Fleet original is to be sent to Fleet. A copy of the Fleet report is to be sent to the Health & Safety Unit with the original of the Supervisors Report of Accident / Incident.

## **Working on Road Allowances**

The Ontario Occupational Health and Safety Act, requires the provision of traffic control procedures for the protection of all workers in an area where vehicle or pedestrian traffic may endanger the safety of any worker. This must be in the form of barriers, warning signs, traffic direction signs, lane control devices or flashing lights or flares. Workers are also required to wear clothing that is reflective, fluorescent and coloured blaze orange if they may be endangered by vehicular traffic while working on a public way. Book 7 of the Highway Traffic Act outlines specific procedures for Traffic Control Persons and for various traffic control situations.

## **WHMIS**

The Workplace Hazardous Materials Information System (WHMIS) is designed to provide you with information on the various types of chemicals you may encounter during your working day. You will be provided with WHMIS training and detailed information will be given on specific chemicals you are likely to use or be exposed to. Information on WHMIS products is also provided through product labels and Material Safety Data Sheets (MSDS).

A WHMIS label is easily identified by its slashed border and graphic symbols. A binder containing the MSDS is located in or near your place of work. Your supervisor will advise you where the binder is located. If a binder is not available, request one.

## **Chemicals**

Chemicals are used in various activities throughout our operations. Chemicals must be stored and handled responsibly and carefully. If you are handling fuels, solvents, paints or pesticides, ensure that you are wearing appropriate protective equipment. This may include a respirator, eye protection, apron, chemical resistant gloves and/or footwear. Remember, 90% of most chemical exposures are most likely to occur at the mixing or transfer stage. Chemicals must always be handled with respect. If you are in doubt about a particular product, ask your foreperson or supervisor.

## **Handling Needles**

During your clean up work in the parks, you may come across syringes or hypodermic needles. When picking up needles, you must handle them with care. Here's how:

- Wear heavy gloves or use a thick cloth or tongs to pick up a needle.
- Hold the needle tip away from you.
- Be careful not to prick yourself with the needle.

- Put the needle in a jar with a lid or in a "Sharps" container. (Your supervisor or foreperson will have a supply of jars.)
- Do not put the jar in the garbage.

Advise your supervisor when you find a needle. Your supervisor will arrange for its safe disposal through Toronto Public Health.

### **Hazardous Waste**

If material is encountered in a park, which may be hazardous waste, protect yourself, the public, and the environment by ensuring that it is properly handled and disposed of. Mark off the area with either cones or tape to avoid contact with anyone. Contact your supervisor immediately by radio or phone. He/she will ensure that the appropriate procedure for removal and disposal is followed. Never take a chance with unknown compounds, which you believe might be hazardous waste. Stay at the site in a safe location until your supervisor gives further direction.

### **Pesticides**

The City of Toronto Bylaw was passed to protect the health, safety and well being of City of Toronto staff and residents. The City of Toronto supports the Integrated Plant Health Care (IPHC) approach to landscape management in the effort to reduce the use of pesticides. Confirm with your supervisors that any pesticide application is in compliance with the Pesticide Bylaw. Employees applying pesticides in our City parks must possess a valid exterminator's licence issued by the Ontario Ministry of the Environment and Energy and follow proper Pesticide Application Sign Posting procedure.

The application of pesticides remains a matter of concern for some members of the community. Should the public approach you about our IPHC program or pesticides use, refer inquiries to your Supervisor or Manager.

### **West Nile Virus**

The City of Toronto is committed to participating in the detection of the West Nile Virus in our community, including the monitoring and collection of dead crows and blue jays. Procedures for the safe collection and handling of dead birds have been developed in consultation with the City of Toronto's Health & Safety unit. Written instructions will be available at all workplaces.

### **Environmental Conditions**

#### **Personal Health**

The majority of your duties are conducted outside, which means you must work in a wide variety of weather conditions. Remember the basics of personal comfort when working in temperature extremes.

Speak with your supervisor or refer to the Corporate Policies on the City Web site regarding Climate Related Hazards such as Heat Stress, and Cold Stress.

### **Hot Weather**

Heat stress, muscle cramps and other heat related conditions present a serious potential problem on hot, humid days. To reduce risks:

1. Wear cotton clothing;
2. Drink lots of fluids;
3. Pace your work;
4. Perform heavier tasks in the morning; and
5. Avoid smoking.

### **Sun Protection**

Please be very cautious about exposure to the sun and its ultraviolet radiation, which can cause skin cancer. To reduce the risk, wear protective clothing including a wide-brimmed hat and long sleeved shirt and cover exposed areas of skin with a sunscreen lotion of S.P.F. 30 or more.

### **Cold Weather**

Hypothermia, frostbite and other cold related conditions present a serious potential problem on cold, windy days. To reduce risks:

1. Layer your clothing;
2. Stay active when outside;
3. Don't stay outside for extended periods of time (in extremely cold conditions);
4. Wear a woolen hat (the head is a major source of heat loss);
5. Wear gloves or mittens;
6. Drink warm liquids; and
7. Have available a change of clothes or extra clothes.

### **Emergency Response Plan**

The Parks, Forestry & Recreation Division has an Emergency Response/Media Hotline Plan to help staff respond effectively to emergency situations. The plan provides staff with the support they need to handle operational issues and to deal with media inquiries.

Staff should be familiar with the following steps if there is an incident at one of the parks or facilities involving members of the public or staff members.

### **Basic Emergency Response Steps**

- Assess the severity of the situation. Perform emergency first aid or CPR, if required.
- Call 911 - or have someone else call if you are doing first aid.
- Call your supervisor. After business hours, call your designated District On-Call Person.
- If neither the supervisor nor the District On-Call Person can be reached, call the Media Hotline (416) 560-8726 - 24 hrs/7 days per week. Media Hotline staff will advise you on how to deal with reporters on the scene and will work with Senior Management to designate an official spokesperson to respond to the media on behalf of the Division. Do not speak with the reporters until you have called the Media Hotline. You can give reporters the Media Hotline number.

### **Fire Extinguishers**

Fire extinguishers are located in each building and some vehicles. It is important that you know where they are located in case of an emergency, or the need arises to use them.

If you are unfamiliar with the type of fire extinguisher, or how to use it, you should ask your supervisor for instructions in proper use. A defective fire extinguisher must be reported immediately to the supervisor responsible. All extinguishers have an information tag on them to identify the last time they were serviced. This should be done monthly. If you find that this is not the case, contact your supervisor or foreperson for immediate action.

### **First Aid Kits**

First Aid Kits are located in each building and vehicle. It is important that you know where they are located in case of an emergency or the need arises to use them. These must be inspected monthly and stocked regularly.

### **Hearing Conservation**

If you are working in close proximity to loud machinery or equipment, be sure to wear hearing protection that is prescribed for that piece of equipment. If you do not, there is a serious risk that you may lose all or part of your hearing. Hearing loss tends to occur slowly over a very long period of time - ten to twenty years. For this reason, it is difficult for you to detect hearing loss until it is too late. Hearing impairment can be prevented if you use the hearing protection provided.

### **Lifting Techniques**

Low back injuries are among the most common in the workplace. Like hearing loss, low back pain can develop over a long period of time and can eventually lead to partial or total disability. For this reason, it is important to practice good lifting techniques when moving all types of materials. Remember these pointers on how to prevent a painful back injury from occurring or aggravating a previous injury:

1. Test load.
2. Keep your back as straight as possible.
3. Tuck in your chin.
4. Use your legs to lift.
5. Keep the load close to your body.
6. Watch where you are going.
7. Don't try to lift more than you are able to. Get help and be prepared to help others.
8. Don't twist your body or torso while lifting or carrying.

### **Stakeouts**

It is the policy of the Parks, Forestry & Recreation Division to obtain utility stakeouts for any work, which requires digging or penetration of the ground in park areas, on street allowances, or on other properties under the jurisdiction of Parks, Forestry & Recreation.

Prior to digging or any form of ground penetration, the supervisor responsible for the work must review the work site and determine what stakeouts are required.

The following must be contacted for stakeouts:

Bell Canada, Hydro and Enbridge Gas  
1-800-400-2255

Other stakeouts may be required at some sites.

### **Confined Space**

A confined space is a confined area where hazardous gases may be present or where there may be a lack of oxygen. These spaces can be DEADLY and should only be entered by workers who are properly trained and equipped to enter confined spaces. In the Parks, Forestry & Recreation Division the following have been classified as confined spaces:

- wading pool pits
- valve chambers
- ornamental fountain pits
- artificial ice rink header trenches
- outdoor pool tunnels
- Allan Gardens underground tunnels

This task cannot be performed without proper training. If it is necessary to enter a confined space, contact your supervisor for direction.

### **Contractors**

The City of Toronto has a program for ensuring that contractors obey health and safety requirements. If you observe a contractor, working on City property, who you believe is working in an unsafe manner that may endanger the contractor's employees, City employees or the public, please advise your foreperson or supervisor so that the concerns can be investigated. The supervisor should contact a safety consultant (numbers listed earlier).

## **ACCESS AGREEMENTS**

### **Parks Access Agreements**

Contractors are required to obtain Parks Access Agreements before commencement of work, which impacts on park areas. If you notice contractors working in an area without a Parks Access Agreement, working in an unsafe manner or dumping materials in the parks, please advise your supervisor.

## **USE OF EQUIPMENT AND VEHICLES**

### **City Equipment and Vehicles**

We want to ensure your safety and also the safety of the citizens of Toronto who use the parks.

In order to operate City vehicles, including vehicles rented or leased by the City and certain types of equipment, you must hold a valid Provincial licence and a valid City of Toronto Equipment

Operator's Permit, which is obtained by being tested in the operation of the vehicle. You must notify your supervisor if your driver's licence has been revoked/suspended or if you have been charged or convicted with drinking and driving. In order to operate any piece of City equipment, you must have received training in the correct and safe operating procedures for the equipment. Please make sure that you understand how to correctly operate any piece of motorized equipment assigned to you before starting it. Please remember to wear your seat belt.

Vehicles or equipment assigned to you are your responsibility. Do not allow anyone who has not been trained properly to operate the equipment/ vehicle that you are responsible for. Check with your supervisor prior to changing operators. No employee should operate any equipment unless they have received and understood the appropriate training. This will not only protect private residents, but will also protect you as an operator. "Safetygrams" have been created for all equipment for the employee to review, ask your supervisor. "Safetygrams" equipment manuals and videos are also available for most equipment. Operators should familiarize themselves with these training aids. Your supervisor can provide you with further information and instruction on these requirements.

## **Vehicle Circle Checks**

### **Pre-trip Inspections**

As a holder of a City Operator's Permit, you are charged with the care, custody and control of vehicles and equipment. Law, specifically the Highway Traffic Act of Ontario or the Canada Safety Code also requires you, to ensure that the vehicle or piece of mobile equipment that you are operating is in a safe condition. Prior to assuming responsibility for the operation of a vehicle or piece of equipment including tractors, etc., for any shift or part thereof, the following applies. As of June 1, 1999 Regulation # 575 of the HTA was amended, and all the City drivers must carry a completed written daily pre-trip inspection report to show that a daily pre-trip was performed on any vehicle over 4,500 kg in weight as per the HTA. The daily pre-trip inspection must be available to the city driver to surrender to any Ministry of Transportation enforcement officer or police officer upon their request. Daily pre-trip - means that the vehicle must be inspected at least once in a 24-hour period. The daily pre-trip inspection report will be valid for a period of 24 hours from the time of the initial inspection. The fine for non-compliance is \$375.00 to the driver and \$375.00 to the owner (City of Toronto) and demerit points on the driver and owners' CVOR record. No vehicle is exempted from the requirement to perform a Pre-trip Inspection or Circle Check!

### **Vehicles**

#### **General**

All Officers are required to perform a pre-trip inspection of their vehicle prior to starting patrol and after you return back to the office. Officers must report all mechanical problems to their supervisor immediately.

Vehicle cleanliness on the exterior and interior must be maintained at all times. A filthy vehicle inside and out does not instill confidence in the eyes of the general public. It also throws doubt to the professionalism of you and your fellow Officers within your unit.

#### **Pre-trip Circle Check**

As part of your pre-trip inspection all officers shall ensure the following:

1. Check for general appearance and wash if necessary.
2. Check for damage and report damage to Supervisor.
3. If damage is found complete the Circle Check Form (in development).
4. Ensure that all written materials and enforcement tools and documents are in vehicle before departure.

*The following list is a general method of making a systematic circle check of your vehicle at the beginning of your shift. Details of the check can of course be varied according to the type of vehicle. Any deficiencies noted should be reported to your Supervisor for his/her attention. Depending on the nature of the deficiency immediate action may be required to resolve the issue (low oil, loose belts, etc.)*

All vehicle checks should be documented on the Circle Check Form.



### **Engine Compartment**

1. Check radiator for leaks, coolant level and proper locking cap
2. Check fan belt for wear and tension
3. Check oil level
4. Check battery for cracks or excessive corrosion
5. Check for obvious breaks or loose connections in electrical system, coolant hoses

### **With Engine Started**

1. Check engine for ease of starting and smooth operation
2. Check operation of all instrument panel gauges
3. Check operation of windshield wipers and washer

### **In the Cab**

1. Check operation of doors, door handles and latches
2. Check hand brake for excessive travel and locking ability
3. Check seat adjustment and safety belts
4. Check adjustment of rear view mirrors
5. Check first aid kit
6. Check for proof of insurance or liability card, accident reporting form and ownership for vehicle

### **Circle Vehicle**

1. Check the vehicle for damage
2. Check all tires for inflation, tread wear, damage, and missing valve caps. Check wheel lug nuts
3. Check fuel tank, fuel level and proper locking cap. While refueling, shut off engine, and do not smoke in fuelling area
4. Check tailgate (ensure it is secured)
5. Check operation of all lights
6. Check licence plates and sticker
7. Check spare tire.

### **Maintenance**

Contact your supervisor for the maintenance schedule for your vehicle. Maintenance may vary depending on whether your vehicle is leased or City owned. Please consult with your Supervisor.

### **Type of Vehicle**

By-law Enforcement currently uses three types of trucks with variations of the cab compartment as follows:

- Gas
- Natural Gas
- Hybrid – Electrical and Gas

Officers must consult with their Supervisor when operating the Natural Gas and/or the Hybrid vehicles. Special orientation and training may be required in some instances.

### **Operating Vehicles in Parks**

People enjoying the City parks do not expect to encounter vehicles or large equipment within the park. On occasion, you may need to drive a vehicle on a park service driveway or marked roadway. Within the parks, you must not drive vehicles off of marked roadways or service driveways, unless specifically instructed to do so by your supervisor. If you need to drive a vehicle onto a turf area, please consult with your supervisor and obtain permission. Do not drive on turf during spring thaw and in wet weather. When the operation of a vehicle within a park is required, ensure that the following directives are followed:

- No automobiles or trucks, City-owned or otherwise, shall be permitted to exceed a speed of 10 km/hr while driving in a City park, unless roadways are otherwise marked.
- City vehicles are equipped with manually operated warning signals, such as horns and four-way flashing lights. It is mandatory that the four-way flashing lights and beacon light be used when entering, and while operating any vehicle in or through any park area, and that the horn be used intermittently, if and when required.
- Unless operating on a designated park roadway or service driveway, any City truck or vehicle over one-half ton in size must be escorted through parklands by an employee on foot.

### **Proper Backing Up Procedures**

Drivers must be particularly careful when backing vehicles. Whenever possible, a competent guide must assist in a backing operation. It is the driver's responsibility to acquire this person for the purpose of guiding while in reverse. It is the co-worker / passenger's responsibility to guide a backing vehicle at the request of the driver. The use of a guide does not relieve the driver from responsibility when carrying out this manoeuvre.

Rules for Backing a Vehicle:

1. Get the whole picture (even if it means getting out and walking around your vehicle to make sure).
2. Before setting a vehicle in motion, turn on the hazard lights and tap on the horn three times even if the unit has a back up beeper.
3. Back slowly. Do not drive faster than normal walking speed 5km/hr.
4. Avoid backing up as much as possible.

Employees are strictly forbidden to stand/ sit on the rear step or tailgate of any vehicle moving backwards. For more information on this issue consult your City of Toronto "Drivers Handbook".

### **Driving and Parking Tickets**

As the driver of a City vehicle, you are responsible for violations of the Highway Traffic Act and the Canada Safety Code. It is your duty to advise your supervisor in the event that you receive a personal driving infraction. Failure to do so may result in unnecessary CVOR - demerit points against the City's CVOR licence.

### **Parking of Parks, Forestry & Recreation Vehicles**

Do not leave vehicles unattended either idling or with keys in the ignition. Unnecessary idling must be avoided. Park your vehicle in a legal area whenever possible. If, however, you have no other option but to temporarily park illegally to complete authorized City work, do not park on the sidewalk, bump the curb, block crosswalks or fire hydrants, and do not park in a "No Stopping" zone. Tickets received for such violations cannot be cancelled, and you will be responsible for the payment. While performing work in or around a City street, please remember to place safety cones around your trailer, car, van or truck.

### **Reporting Accidents and Incidents to Vehicles**

Report all accidents / incidents to your supervisor immediately. This can be done through radio or phone. This means all accidents / incidents involving personal injury or damage to either equipment or vehicles. If a vehicle is involved in an accident, the police must also be called, regardless of the amount of damage sustained to the vehicle(s) or whether or not injury is suffered. In all cases involving injury or extreme property damage, the Fleet Safety Unit should also be called. A "Supervisors Report of Accident/ Incident" must be completed whenever an accident involving a City vehicle occurs. This report is also required when damage occurs on any power equipment, such as lawn mowers, roto-tillers, etc. By reporting all accidents, complete and accurate records are maintained. Ultimately, this will make the administration of claims much easier should you or a co-worker be entitled to a WSIB Claim. City vehicles involved in accidents are not required to report to Collision Reporting Centres.

9. Additional Information or Diagrams



Driver's Collision/Incident Report

Report No.

Collision  Incident  Alleged

1. City Vehicle

PLEASE PRINT

Work Area (Department)		Division		District / Yard
City Driver	Employee No.	Work Telephone ( )		Home Telephone ( )
Home Address (Street, City, Postal Code)				
Ontario Driver's Licence No.	Class and Condition City Permit No.			
Name(s) of Passenger(s)				
City Unit No.	City Vehicle (Year, Make, Model, Type)			
Vehicle Licence No.	Serial No. (V.I.N.)			
Describe Damage to City Vehicle				

2. Other Vehicle / Property Damage

Name of Driver		Work Telephone ( )
Home Address (Street, City, Postal Code)		Home Telephone ( )
Ontario Driver's Licence No.	Vehicle Licence No.	
Other Vehicle (Year, Make, Model, Type)		
Description of Damage		
Name of Owner		Work Telephone ( )
Owner's Address (Street, City, Postal Code)		Home Telephone ( )
Insurance Company	Policy No.	
Name(s) of Passenger(s)		

IMPORTANT:

- In all cases involving serious bodily injury or fatality, the City's Insurance Adjuster shall be notified. Telephone No. 416-252-4431.
- Original Report to be forwarded to Fleet Management Services Division, 843 Eastern Avenue, by inter-departmental mail no later than the next working day. Telephone No. 416-392-7791.

Name of Supervisor (Print) Signature Date

**3. Collision Details**

Date	Day of Week (Sunday to Saturday)	Time	<input type="checkbox"/> am <input type="checkbox"/> pm
Location	Road Surface Type		

Road Condition (wet, dry, ice, etc.)		Weather Condition (clear, rain, snow, ice, fog, etc.)	
Approx. Speed of City Vehicle <input type="checkbox"/> k.p.h.	Direction	Approx. Speed of Other Vehicle <input type="checkbox"/> k.p.h.	Direction

**4. Police Information**

Name of Investigating Officer	Badge No.	Division / Station	Telephone Number ( ) ( )
-------------------------------	-----------	--------------------	-----------------------------

Charge(s) Laid?

Yes  No  
 Pending

Specify Charge(s)

Against Whom Were Charge(s) Laid

**5. Personal Injuries**

Name of Injured Person	Work Telephone ( ) ( )
Address (Street, City, Postal Code)	Home Telephone ( ) ( )
Nature of Injury	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Ambulance <input type="checkbox"/> Yes <input type="checkbox"/> No	Age (approx)
Taken to Hospital <input type="checkbox"/> Yes <input type="checkbox"/> No	Medical Aid Provided <input type="checkbox"/> Yes <input type="checkbox"/> No
Name of Hospital	

Name of Injured Person

Work Telephone  
( ) ( )

Address (Street, City, Postal Code)

Home Telephone  
( ) ( )

Nature of Injury

Sex  
 M  F

Age (approx)

Ambulance  Yes  No

Taken to Hospital  Yes  No

Medical Aid Provided  Yes  No

Name of Hospital

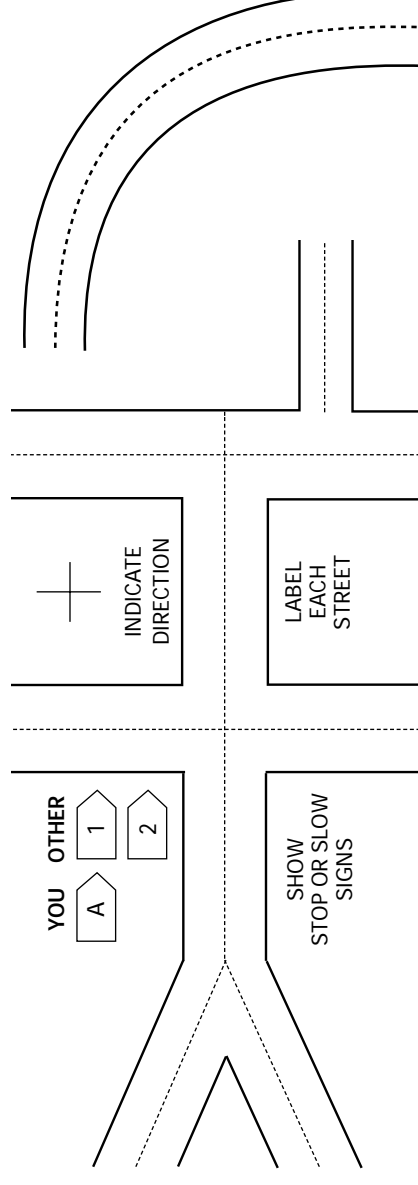
**6. Witnesses**

Name of Witness	Work Telephone ( ) ( )
Address	Home Telephone ( ) ( )
Name of Witness	Work Telephone ( ) ( )
Address	Home Telephone ( ) ( )

**7. Diagram of Collision**

Illustrate position of cars at time of collision. Show skid marks. If any street is more than two-lane or is one-way only, please indicate.

Show vehicles thus:



**8. Description of Collision**

.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

City Driver's Signature

Date

### **Environmental Awareness**

The Parks, Forestry and Recreation Division and the City of Toronto as a whole, have many environmental programs and projects underway including a Greening of the City fleet of equipment and vehicles.

- Turn off your truck or car engine when you plan to stop or remain stationary for more than three (3) minutes. Vehicle emissions are the greatest contributor to the Greenhouse Effect.
- Excessive idling of your engine is a big fuel waster. Idling vehicles realize a mileage of zero miles to the gallon. Even on a cold morning at -13 degrees Celsius, only 15-30 seconds of idling is necessary before your vehicle is safe to move. In addition, there is a City by-law that prohibits idling for more than three minutes unless powering an auxiliary piece of equipment.
- Stay out of drive through windows at fast food restaurants, coffee shops and banking institutions. These line-ups are generally fuel burners and do not save any time in getting you the services that could be obtained by parking, turning off the vehicle and walking into the establishment.
- Plan your work and traveling time. Combine several trips into one to reduce mileage. Take everything you need or may need with you to avoid unnecessary return trips.
- Keep your tires properly inflated and have your vehicle engine tuned regularly. Both reduce fuel consumption.
- Walk, cycle, use public transit or car pool as often as possible instead of driving your car. Walking and cycling are good for your health as well as the environment.
- In an effort to conserve energy, turn lights and computers off when you leave a room. Try to plan energy intensive activities, when possible, during non-peak user hours.
- Avoid keeping your water running when doing dishes or washing work supplies.

### **Waste Diversion**

Since 2004, the Division has also been working to divert waste from landfill with the goal of 60% diversion by 2007. Waste diversion is both a Council directive and a Divisional priority. Please remember to follow the practices listed below at work, as well as at home, to help preserve our environment and keep our City clean and beautiful.

- You will see new recycling bins in our parks and facilities this season. Bins include blue and grey boxes and toters, blue recycling baskets and large in-ground recycling bins. Use these recycling bins at work for your waste paper, cans, glass, and plastic bottles.
- Cut down on the amount of hazardous products you use at home and at work. Use natural or environmentally friendly products when possible. Always follow WHMIS guidelines listed on the container when using or disposing of hazardous waste. Check the Waste & Recycling section of the Blue Pages in your phone book for product recycling depots.
- Use re-usable containers for your lunch box instead of paper, foil, or plastic wrap. Bring your own mug for drinks.
- Use both sides of paper when photocopying and make sure to re-use one-sided paper for scrap.
- Be creative. Before disposing of old bottles, cans and containers, use them to hold office supplies, tools and small machinery parts. Stockpiled clean containers at your yard may even be donated for children's art projects to your local school or recreation centre.
- Take advantage of the Division's resources available to help you find out where to recycle items that are not part of the blue/grey box program and where to send the items for reuse. Review the "How to Recycle Non Blue and Grey Box Items" document in the shared drive G:\Prk\Shared\Waste Diversion\Resources

For more information contact [explorto@toronto.ca](mailto:explorto@toronto.ca)

### **2006 Smog Alert Response Plan for Parks, Forestry and Recreation**

In May 1998, City of Toronto Council adopted a comprehensive smog action plan. The Corporate Smog Alert Response Plan involves City Divisions, Agencies, Boards and Commissions developing smog alert response plans specific to their functions. The modification of smog producing activities by City Divisions can help lessen the impact poor air quality has on high risk individuals (e.g., seniors, children and those with pre-existing heart and lung problems).

For 2006, the Parks, Forestry and Recreation Division has committed to the following response plan during Smog Alerts issued by the Ministry of the Environment. All staff and contractors need to be aware of these commitments:

1. Suspend any outdoor painting using oil-based paints and use of any volatile solvents and cleaners.
2. Suspend use of two-stroke engines. Four-stroke engines and large mowing equipment can be used to continue if the work cannot be rescheduled to support the serving of Golf Courses, Sports Fields permits or Special Events or Forestry work. Alternative productive work should be found for staff involved in operations.
3. Suspend the use of pesticides unless conditions exist that threaten the City assets (i.e. golf courses).
4. Suspend power sweeping of recreational trails unless public health and safety is compromised.
5. Refuel vehicles and equipment during non-sunlight hours, wherever possible.
6. Suspend any non-essential use of vehicles while maintaining core operations.

Similar to previous years, Corporate Communications will use e-mail and voice mail to notify city staff of Smog Alerts. Staff should check their messages regularly in order to activate/deactivate the Smog Alert Response Plan when the alerts are issued. Staff can also call the Transportation Services updates smog alert information mailbox (via Road Info) at 416-338-SMOG (7664), to obtain more information about smog alerts for Toronto.

Note: Once a Smog Alert has been issued, it will be in effect until a Smog Alert Termination is issued.





### **City Watch Program**

The purpose of this program is to bring together City workers with the emergency services to create a safer and more caring Toronto for everyone. CityWatch program was launched on November 5, 2001 and will rely on City staff to help with safety and security on the streets and workplaces in Toronto.

City Watch will encourage staff who during the normal course of their workday, observe unusual or suspicious activities affecting community safety to immediately report the incidents, either through their work unit's normal procedures or by phoning 911. Employee participation is purely voluntary and staff should not intervene in situations as to endanger themselves or others.

For example, City workers can report:

- Lost child, disoriented seniors
- Crime in process
- Someone who appears injured or ill
- People peering into cars, homes or offices
- Noises such as screams, fighting, breaking glass, explosions or fires

Staff may be formally recognized for their actions. Nominees will be chosen by a selection panel for recognition at short ceremonies throughout the year. An annual City Watch award will be presented to one of the year's recipients.

The City Watch program is a co-operative effort involving CUPE Locals 1, 416, 79 and 1600, as well as the Toronto Police, Fire Services, Emergency Services (EMS), Toronto Zoo, Toronto Parking Authority, Toronto Conservation Authority (TRCA) and the City of Toronto departments. Toronto Hydro is the sponsor.

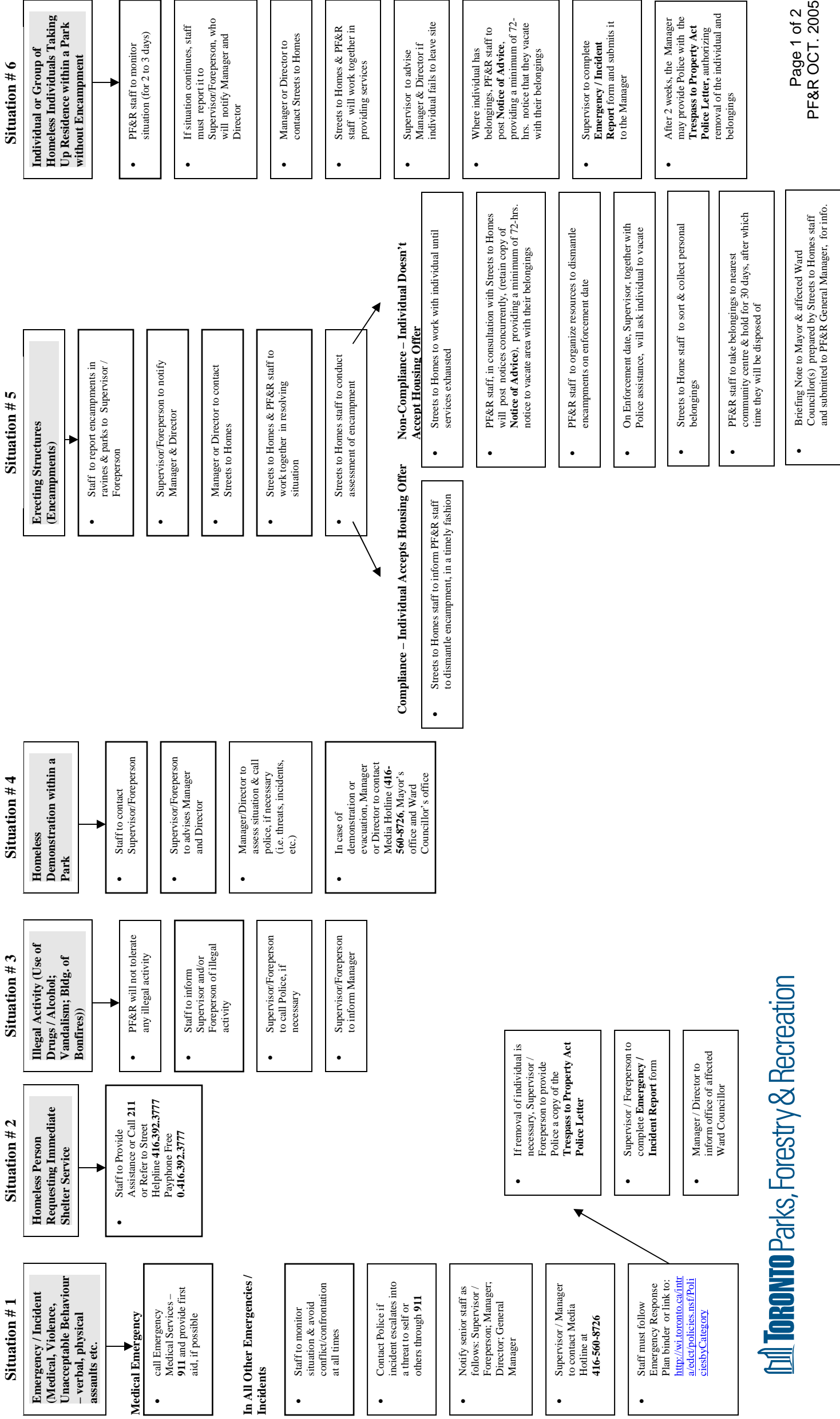
More information about the program is available by calling (416) 397-4019 or on the web at [http://w3.toronto.ca/city\\_watch/index.htm](http://w3.toronto.ca/city_watch/index.htm) .

### **Response to Homeless - Decision Tree Chart**

The chart was created to identify the different situations in our parks relating to homelessness. The chart provides you with our operational protocol in dealing with the various situations that you may encounter.

We need to be mindful that our Parks are to be enjoyed by everyone including homeless people. The chart is a reference for the occasional situation.

# PARKS, FORESTRY, & RECREATION: Response to Homelessness Decision Tree



**All Situations**

**Weekend or Night Duty Staff**

- PF&R staff to inform on-call Supervisor if any situation occurs during evening shifts or on weekends

**Health & Safety**

- At least 2 staff must be present when approaching an encampment, whenever possible

- Appropriate personal protective equipment must be worn at all times, including:
  - Safety footwear
  - Coveralls or other City issued work clothing
  - Leather work gloves or impervious gloves
  - Dust mask and/or protective eyewear is optional and available upon request

- For more info, refer to <http://wi.toronto.ca/intra/edct/policies.nsf/PoliciesbyCategory> for:
  - **Needles, Sharps and Biohazardous Disposal Policy**

**Community Centre Programs**

- For more info. on recreation policies / assistance relating to people living in poverty refer to the Parks Forestry & Recreation policy & forms site at <http://wi.toronto.ca/intra/edct/policies.nsf/PoliciesbyCategory> for:
  - **Welcome Policy**
  - **User Fee Policy**
  - **Priority Centres for People Living in Poverty**

- As part of the regular training on homelessness issues, staff involved in the removal of temporary dwellings and related material in parks will be made aware of the potential hazards and appropriate safe work practices

**Social Service & Hostel Info.**

- For more info. on social services and hostels, please check the Blue Book online at [www.findhelpToronto.com](http://www.findhelpToronto.com)

**Related Info. and Forms**

- Info.**
- Emergency Response Plan
  - Needles, Sharps & Biohazardous Disposal Policy
  - Priority Centres for People Living in Poverty
  - User Fee Policy
  - Welcome Policy
- Forms**
- Emergency / Incident Report
  - Notice of Advice
  - Trespass to Property Act / Police Letter

**Training**

- Training focused on developing sensitivity to issues relating to homelessness and people living in poverty will be set in place for PF&R staff and volunteers
- All PF&R staff will be encouraged to take part in the training with a particular emphasis on front line staff

**For More Information**

- Contact **Lucy Stern, Community Engagement Manager at 416-392-0460**

## **Dog Bite/Animal Attack Prevention Program**

### **Purpose**

This safety procedure specifies the general requirements for the prevention of dog bites/animal attacks. Not all dog bites can be avoided, but practicing the safety techniques described below may result in the prevention of serious injury and ultimately a dog bite.

Dogs can be wonderful companions and protectors of your home and family. Their instinct is to protect those around them and their territory. As a worker who has to work on the boulevard or enter the premises to perform a job, you are presenting yourself as an intruder in the dog's territory.

### **Dogs Bite for the Following Reasons:**

- Instinct to protect property
- Entering their space
- Being startled while sleeping
- Being approached while eating or caring for it's young
- Easily excited by moving objects
- Playfulness

### **What the Dog Sees in You**

- Dogs do not sense fear by your smell
- Dogs watch your body movements
- Stiffening up your body, opening your eyes wider, staring directly at the dog and screaming are signs of fear

### **Dog Signals**

- Growling
- Hair raised (hackles) on back
- Direct stare
- Shaking tail (low or high)

### **Categories of Dogs**

For the most part there are four types of dogs. Size, sex, breed of a dog is not important. Any dog can bite.

- 1) **Attack**  
This dog will obey the owner's commands and will attack if told to do so.
- 2) **Guard**  
Every dog has the natural instinct to protect. For the most part this dog will have a direct stare at your movements.
- 3) **Fear**  
This dog will bite from behind. They are very nervous placing tail between legs. The fear biter will always try to come from behind.
- 4) **Prey**  
Movements easily excite this dog. This dog is also easily bored.

## **Preparation**

### **Entering Inside a Premise**

- ✓ Hold your toolbox, clipboard or other object in front of you as you approach the door
- ✓ Put one foot against the door while you speak with the resident
- ✓ Find out the name of the dog for future use
- ✓ Ask the owner to lock the dog in a separate room

### **Dog Gets Out of the Locked Room**

- ✓ Call the owner and use the dog's name calmly
- ✓ Keep an eye on the dog, but do not stare
- ✓ Avoid picking up a tool that may appear as a weapon

### **Inside the Property**

- ✓ If the dog becomes aggressive to you, don't scream, run, or stare at the dog
- ✓ Prepare to leave
- ✓ Do not turn your back
- ✓ Position yourself so you can turn your body sideways
- ✓ Back away until you can reach safety

### **Dog Approaches You**

- ✓ Stop what you are doing
- ✓ Never run
- ✓ Never turn your back
- ✓ Never stare
- ✓ Use simple commands like No! Down! Or Go Home!
- ✓ Turn your body sideways
- ✓ Use your clip board jacket, or whatever is available to place in front of you

### **Dog Jumps on You**

- ✓ Position your knee in front of you so the dog will hit it first
- ✓ Try to knee the dog in the chest

### **Dog Knocks You Down**

- ✓ Stay down curling in a fetal position placing your hands over your neck and ears. Protect your face. Lay still.

### **Dog Still Bites You**

- ✓ Wash the wound thoroughly with soap and water
- ✓ Clean and cover
- ✓ Seek medical attention
- ✓ Report bite to your supervisor
- ✓ Keep a detailed record of the event include time bitten, type of dog, general description, location and medical treatment

**BY-LAWS**

**Chapter 608**

**PARKS**

**ARTICLE I  
Definitions**

§ 608-1. Definitions.

**ARTICLE II  
Conduct**

§ 608-2. Restricted areas.

§ 608-3. Conduct.

§ 608-4. Firearms and offensive weapons.

§ 608-5. Fireworks.

§ 608-6. Injury and damage.

§ 608-7. Encroachment.

§ 608-8. Alcohol.

**ARTICLE III  
Parks Use**

§ 608-9. Access.

§ 608-10. Campfires and barbecues.

§ 608-11. Organized gatherings, special events, festivals and picnics.

§ 608-12. Amplifiers and loud speakers.

§ 608-13. Camping and lodging.

§ 608-14. Tents and structures.

§ 608-15. Bathing, swimming, and sun bathing.

§ 608-16. Use of wash and change rooms.

**ARTICLE IV  
Games, Sports and Organized Activities**

§ 608-17. Organized sports or activities.

§ 608-18. Golf.

§ 608-19. Model aircraft and rockets.

§ 608-20. Gliders and hot air balloons.

§ 608-21. Skating.

§ 608-22. Skiing, tobogganing and sledding.

§ 608-23. Roller skates and skate boards.

§ 608-24. Tennis.

§ 608-25. Kites.

**ARTICLE V  
Vehicles**

§ 608-26. Roadways.

§ 608-27. Parking.

§ 608-28. Other activities.

§ 608-29. Bicycles.

§ 608-30. Motorized recreational vehicles.

§ 608-31. Trucks and commercial vehicles

§ 608-32. Speed.

**ARTICLE VI  
Animals**

§ 608-33. Horses.

§ 608-34. Dogs.

§ 608-35. Dangerous animals.

§ 608-36. Protection of wildlife.

§ 608-37. Zoos and animal displays.

§ 608-38. Fishing.

ARTICLE VII

Trees

§ 608-39. Definitions.

§ 608-40. Prohibited activities.

§ 608-41. Protection of trees.

§ 608-42. Injury and removal of trees.

§ 608-43. Pruning of trees on private property.

ARTICLE VIII

Watercraft

§ 608-44. Boating.

§ 608-45. Mooring.

ARTICLE IX

Commercial Enterprises

§ 608-46. Sale of merchandise, trade or business.

§ 608-47. Filming and videotaping.

§ 608-48. Advertising devices and signs.

ARTICLE X

Regulation and Enforcement

§ 608-49. Permits and licences.

§ 608-50. Posting of signage by Commissioner.

§ 608-51. Temporary closure.

§ 608-52. Exclusions and exemptions.

§ 608-53. Enforcement.

§ 608-54. Penalties.

§ 608-55. Removal of vehicles.

[HISTORY: Adopted by the Council of the City of Toronto 2004-09-30 by By-law No. 854-2004.<sup>1</sup> Amendments noted where applicable.]

GENERAL REFERENCES

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<sup>1</sup> Editor's Note: This by-law was passed under the authority of sections 8, 11, 425 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25. This by-law repealed the following by-laws: former City of Toronto Municipal Code Chapter 255, Parks; former City of Toronto By-law No. 1996-0170, "To amend Municipal Code Ch. 255, Parks, to prohibit the feeding of Canada Geese"; former City of Etobicoke Municipal Code Chapter 190, Parks; former City of North York By-law No. 31885, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks"; former City of Scarborough By-law No. 23728, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks"; former City of York By-law No. 2619-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks"; former Borough of East York By-law No. 94-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks"; former Municipality of Metropolitan Toronto By-law No. 129-92, "A Uniform By-law for the Use, Regulation, Protection and Government of Parks"; former Municipality of Metropolitan Toronto By-law No. 130-92, "To Delegate Authority to Issue Permits and Various Other Regulatory Parks Matters"; City of Toronto By-law No. 572-2000, "A By-law to Amend Chapter 255 of the former City of Toronto Municipal Code – Clothing Optional Beach at Hanlon's Point"; City of Toronto By-law No. 434-2001, "To amend the Uniform Parks By-laws of the former Borough of East York (94-92), the Cities of Etobicoke (Ch. 190), North York (31885), Scarborough (23728), Toronto (Ch. 255), York (2619-92) and the Municipality of Metropolitan Toronto (129-92) to prohibit the feeding of dangerous wildlife"; City of Toronto By-law No. 782-2001, "To amend the Uniform Parks By-laws of the former Borough of East York, the Cities of Etobicoke, North York, Scarborough, Toronto and York, and the former Municipality of Metropolitan Toronto to allow for the recovery of costs associated with the removal of encroachments in like manner as taxes"; By-law No. 736-92 of the former City of Toronto, "To provide for the use, regulation, protection and government of parks," as amended; and By-law No. 1992-226 of the former City of Etobicoke, "To provide for the use, regulation, protection and government of parks," as amended. This by-law also provided that a by-law hereby repealed continues to apply for the purposes of any notice or order given under the by-law until the work required by the notice is completed or any enforcement proceedings have been completed; and where a person is alleged to have contravened a by-law hereby repealed before the date this by-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded. This by-law comes into force 30 days after the set fine order is signed by the Regional Senior Judge of the Ontario Court of Justice.

Toronto Zoo — See Ch. 329.  
Animals — See Ch. 349.  
Filming — See Ch. 459.  
Littering and dumping of refuse — See Ch. 548.

Noise — See Ch. 591.  
Public squares — See Ch. 636.  
Trees — See Ch. 813.  
Parking on municipal property — See Ch. 915.

## ARTICLE I

### Definitions

#### § 608-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ACT** — The *Highway Traffic Act*.<sup>2</sup>

**ADVERTISING DEVICE** — A temporary notice of any kind, including but not limited to a notice, sign, advertisement, bill, handbill, leaflet, flyer or placard.

**BICYCLE** — Includes a tricycle and unicycle but does not include a motor-assisted bicycle.

**COMMISSIONER** — The officer appointed by Council whose duties include the management, operation and maintenance of parks, or his or her designate.

**DESIGNATED AREA** — An area defined or constructed for a specific use that may include posted conditions.

**DISABLED PERSON** — Includes a person who is blind or who has any degree of physical disability, which requires the physical reliance on a wheelchair, crutches, braces, canes or other similar remedial appliance or device.

**MOTOR VEHICLE** — A motor vehicle within the meaning of the *Highway Traffic Act*.<sup>3</sup>

**MOTORIZED RECREATIONAL VEHICLE** — A snowmobile, go-cart, trail bike, mini bike, all-terrain vehicle, or similar vehicle, whatever the mode of power, but does not include a scooter.

**ORGANIZED SPORT OR ACTIVITY** — A sport, game or activity pre-planned by a group or organization whether or not formally constituted and whether or not the players or members wear uniforms.

**PARK** — Land and land covered by water and all portions of it owned by or made available by lease, agreement, or otherwise to the City, that is or may be established, dedicated, set apart or made available for use as public open space or golf course, and that has been or may be placed under the jurisdiction of the Commissioner, including any and all buildings, structures, facilities,

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<sup>2</sup> Editor's Note: See R.S.O. 1990, c. H.8.

<sup>3</sup> Editor's Note: See R.S.O. 1990, c. H.8.



erections, and improvements located in or on the land, save and except where the land is governed by other by-laws of the City.

**PARK or PARKING** — When prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and actually engaged in loading or unloading merchandise or passengers.

**PERMIT** — Any written authorization of Council, a committee established by Council, or the Commissioner under delegated authority.

**PERSONALLY POWERED DEVICE** — Skate boards, roller blades, scooters or similar apparatus and includes a bicycle.

**PICNIC** — Social gatherings of between 26 and 200 people.

**POST or POSTED:**

A. Refers to the erection or presence of permissive, regulatory, restrictive, warning or prohibitive signs.

B. “Posted area” means an area where the signs are erected.

**SIGN** — Includes any advertising device, structure or medium that uses any colour, form, graphic, illumination, symbol or writing to convey information of any kind placed or erected in or upon a park.

**SPECIAL EVENT** — A picnic, walkathon, fundraiser or gathering over 200 persons or any event that requires staff support, specific permissions or the provision of materials or equipment such as, but not limited to, the use of sound amplification, acceptance of donations, installation of tents, vehicle access, electrical access or requests to borrow equipment, beyond that typically provided at the subject location.

**VEHICLE** — Includes a motor vehicle as defined under the *Highway Traffic Act*,<sup>4</sup> and any bicycle, scooter, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes a baby carriage or cart, child’s wagon, child’s stroller, child’s sleigh, wheelchair or similar device (powered or otherwise) used by an individual due to a disability, or other similar conveyance.

**WATERCRAFT** — Any device for conveyance in or on water and includes but is not limited to boats, vessels, personal watercraft, rowboats, sailboards, canoes, kayaks, ice boats or dinghies.

**WILDLIFE** — Includes any coyote, fox, raccoon, bird, waterfowl, fish, goose or other animal.

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<sup>4</sup> Editor’s Note: See R.S.O. 1990, c. H.8.

## **ARTICLE II**

### **Conduct**

#### **§ 608-2. Restricted areas.**

While in a park, no person shall enter into areas posted to prohibit or restrict admission of the public.

#### **§ 608-3. Conduct.**

A. While in a park, no person shall:

(1) Indulge in riotous, boisterous, violent, threatening, or illegal conduct or use profane or abusive language;

(2) Cast, throw or in any way propel any object in a manner that may or does endanger or cause injury or damage to a person or property;

(3) Create a nuisance by loitering, spying, accosting, frightening, annoying or otherwise disturbing other persons; or

(4) Create a nuisance or in any way interfere with the use and enjoyment of the park by other persons.

B. No person shall remove, disturb, relocate, damage or destroy protective fencing, lifesaving equipment, barriers and warning signage put in place for protection of the public.

C. No person shall release any balloons filled with lighter-than-air gases in a park.

#### **§ 608-4. Firearms and offensive weapons.**

A. While in a park, no person shall be in possession of or use a firearm, air gun, cross bow, bow and arrow, axe, paint guns or offensive weapon of any kind unless authorized by permit.

B. Despite Subsection A, bows and arrows may be used in designated areas in accordance with posted conditions.

#### **§ 608-5. Fireworks.**

While in a park, no person shall ignite, discharge or set off firecrackers, rockets or other fireworks except as a fireworks display authorized by permit.

#### **§ 608-6. Injury and damage.**

No person shall in a park:

A. Climb a building, structure or equipment, unless it is equipment designed for climbing;

- B. Break, injure, deface, destroy, move or remove the whole or any part of a flower, plant material, fungus, tree or other vegetation or a building, structure, equipment or other property of the City;
- C. Unless authorized by permit, climb, move or remove the whole or any part of a tree, rock, boulder, rock face or remove soil, sand or wood;
- D. In any manner, disturb ground which is under repair, prepared for planting, has been newly seeded or sodded or is in an area posted to that effect;
- E. Drive, park or walk in an area posted to prohibit the activity; or
- F. Unless authorized by permit, place, throw, cast or otherwise deposit snow.

#### **§ 608-7. Encroachment.**

Unless authorized by permit, no person shall encroach upon or take possession of a park by any means whatsoever, including the construction, installation or maintenance of a fence or structure, the dumping or storage of materials or plantings, or planting, cultivating, grooming or landscaping.

#### **§ 608-8. Alcohol.**

While in a park, no person shall consume, serve or sell alcoholic beverages unless in designated areas, authorized by permit, and with the approval of the Liquor Licence Board of Ontario.

### **ARTICLE III**

#### **Parks Use**

#### **§ 608-9. Access.**

- A. Unless authorized by a parks access agreement, no person shall access or occupy a park for non-recreational uses, or to access an adjacent property.
- B. Unless authorized by permit, no person shall use, enter or gather in a park between the hours of 12:01 a.m. and 5:30 a.m.

#### **§ 608-10. Campfires and barbecues.**

While in a park, no person shall:

- A. Light, build or stoke an open fire or bonfire unless authorized by permit;
- B. Use any portable barbecues unless authorized by permit or where posted to allow the use;
- C. Use fuel other than charcoal or briquettes in permanently fixed barbecues; or
- D. Leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

### **§ 608-11. Organized gatherings, special events, festivals and picnics.**

While in a park, no person shall:

- A. Unless authorized by permit, hold a picnic, organized gathering or special event for more than 25 persons;
- B. Interfere with a picnic, organized gathering or special event authorized by permit; or
- C. Move park furniture from an area to another area to accommodate their picnic, organized gathering or special event.

### **§ 608-12. Amplifiers and loud speakers.**

Unless authorized by permit, no person shall operate loud speakers or amplifying equipment from any source in a park.

### **§ 608-13. Camping and lodging.**

Unless authorized by permit, no person shall dwell, camp or lodge in a park.

### **§ 608-14. Tents and structures.**

Unless authorized by permit, no person shall place, install, attach or erect a temporary or permanent tent, structure or shelter at, in or to a park.

### **§ 608-15. Bathing, swimming, and sun bathing.**

- A. No person shall in a park:
  - (1) Enter a public swimming pool, except at times designated for swimming;
  - (2) In or adjacent to a swimming pool, fail to comply with posted signs or to obey the instructions of any lifeguard or other authorized person;
  - (3) Swim, bathe or wade in a fountain, pond, lake or stream, except in a designated area; or
  - (4) Utilize facilities without being properly attired, including appropriate swimwear or beach clothing.
- B. Despite Subsection A, clothing shall be optional in the designated clothing optional beach area at Hanlan's Point Beach on Toronto Island.

### **§ 608-16. Use of wash and change rooms.**

In a park, no person shall enter any portion of any washroom, bathhouse, change room or recreation facility set apart for the opposite sex.

## **ARTICLE IV**

### **Games, Sports and Organized Activities**

#### **§ 608-17. Organized sports or activities.**

While in a park, no person shall:

- A. Arrange or engage in an organized sport or activity, unless authorized by permit;
- B. Interfere with an organized sport or activity authorized by permit; or
- C. Utilize a designated area without a permit where it is posted to prohibit or restrict such use.

#### **§ 608-18. Golf.**

- A. While in a park, no person shall play or practise golf or strike a golf ball except on a golf course or in a designated area.
- B. No person shall on a golf course located in a park:
  - (1) Play or practise golf unless registered on that day as a player;
  - (2) Hunt for or pick up any lost, misplaced or abandoned golf balls, except a person registered as a player or the player's caddy who is retrieving or attempting to retrieve golf balls lost by the registered player; or
  - (3) Enter in or upon the playing area when the golf course is open unless the person is registered on that day as a player, or accompanying a player as a caddy.

#### **§ 608-19. Model aircraft and rockets.**

While in a park, no person shall operate powered models of aircraft, rockets, watercraft or vehicles unless authorized by permit.

#### **§ 608-20. Gliders and hot air balloons.**

Unless authorized by permit, no person shall tether, launch or land a hot air balloon, hang glider, ultra light aircraft or similar conveyance in a park.

#### **§ 608-21. Skating.**

- A. On a natural ice surface posted and designated for skating, or an artificial ice surface located in a park, no person shall:
  - (1) Use speed skates unless authorized by permit or in a posted area in accordance with posted conditions;
  - (2) Skate or act in a manner as to interfere with or endanger any other person using the surface;

- (3) Use a stick of any kind except in accordance with posted conditions; or
- (4) Disregard the instructions or information provided by designated ice patrollers, rink guards or supervisors.

B. No person shall access or skate on a natural ice surface in a park where it is posted to prohibit it.

### **§ 608-22. Skiing, tobogganing and sledding.**

While in a park, no person shall:

- A. Ski, toboggan, snowboard, skibob or sled in an area in a park where it is posted to prohibit it; or
- B. Fasten or attach a ski, toboggan, snowboard, skibob or sled to any vehicle, motorized vehicle or motorized recreational vehicle for the purpose of being towed, dragged or otherwise pulled.

### **§ 608-23. Roller skates and skate boards.**

While in a park, no person shall:

- A. Operate or utilize roller blades, skate boards, linear skates or similar conveyances where posted to prohibit or otherwise restrict the use of the conveyances; or
- B. Obstruct, inconvenience or endanger other users of the park while operating or utilizing roller blades, skateboards or similar conveyances.

### **§ 608-24. Tennis.**

No person shall enter, walk, or play upon a designated area for tennis in a park, except in accordance with the posted rules and regulations.

### **§ 608-25. Kites.**

While in a park, no person shall:

- A. Fly a kite with a line that is metallic or contains wire;
- B. Fly a kite within 25 metres of any tree, building, light pole or hydro or other utility pole;
- C. Fly a kite in parking lots, roadways or pathways; or
- D. Leave any part of the kite, including the string or other type of tethering material, that could cause damage to any person, property or wildlife, in the park.

## **ARTICLE V**

### **Vehicles**

#### **§ 608-26. Roadways.**

- A. The Council or, under delegated authority, the Commissioner or committee established by Council, is authorized to establish appropriate regulations to regulate the use of park roadways.
- B. Unless authorized by permit, and except as provided in § 608-29 with respect to bicycles, no person shall while in a park drive, operate, pull or ride a vehicle except on a roadway or parking area.

#### **§ 608-27. Parking.**

No person shall in a park:

- A. Park a vehicle except in an area designated for parking;
- B. Park a vehicle between the hours of 12:01 a.m. and 5:30 a.m., except in a designated area allowing for overnight parking, or where authorized by permit;
- C. Park a vehicle in a designated area for parking, except in a parking space and in accordance with posted conditions;
- D. Stop or park a vehicle in a designated disabled parking space, unless a disabled person parking permit issued in accordance with the provisions of the Act is properly displayed on or in the vehicle;
- E. Use a parking space except while using the park; or
- F. Park a vehicle for a period longer than 24 hours.

#### **§ 608-28. Other activities.**

No person shall make use of a roadway or parking lot in a park for:

- A. Washing, cleaning, servicing, maintaining or, except in the event of an emergency, the repair of any vehicle; or
- B. Instructing, teaching or coaching any person in the driving or operation of a motor vehicle, unless authorized by permit.

#### **§ 608-29. Bicycles.**

While in a park, no person shall:

- A. Ride or operate or be in possession of a bicycle where posted to prohibit bicycles;
- B. Obstruct, inconvenience or endanger other users of the park while riding or operating a bicycle;

- C. Construct or assemble any ramps, jumps, pathways or obstacle courses; or
- D. Ride or operate a bicycle in a manner which results in damage to trails, vegetation, trees, fauna or other natural features.

**§ 608-30. Motorized recreational vehicles.**

No person shall ride, drive, park or be in possession or control of a motorized recreational vehicle in a park except in a designated area.

**§ 608-31. Trucks and commercial vehicles**

Unless authorized by permit, no person shall drive, operate, pull or ride in a park:

- A. Heavy machinery or equipment of any description and whatever the mode of power; or
- B. A truck, trailer or bus whatsoever except a vehicle that is:
  - (1) Being used for the purpose of making a delivery to a point within the limits of the park while it is proceeding to or from the point of delivery; or
  - (2) Operated for personal, recreational, or non-commercial use.

**§ 608-32. Speed.**

The maximum rate of speed for vehicles, motorized recreational vehicles, bicycles and personally powered devices in a park is 20 kilometres per hour.

**ARTICLE VI**

**Animals**

**§ 608-33. Horses.**

- A. Unless authorized by permit, no person as owner or person having control of a horse shall permit it to enter or remain in a park unless:
  - (1) Within a designated area for use by horses; and
  - (2) It is well broken and wearing a bridle.
- B. No person riding or having control of a horse in a park shall obstruct, inconvenience or endanger other users of the park.

**§ 608-34. Dogs.**

- A. While in a park, no person as owner or person having control of a dog shall:
  - (1) Allow the dog to run at large, except in a posted designated off-leash area;



- (2) Excluding blind persons reliant upon a guide dog, permit the dog to enter a beach, pond, swimming area, farm area, garden, landscaped area, playground, sports field, or any other area posted to prohibit it;
  - (3) Install or construct any type of dog control fence or barrier; or
  - (4) Use a stun gun or similar electronic or battery-operated device to harm or control the dog.
- B. While in a park, every person as owner or person having control of a dog shall:
- (1) Ensure that it is on a leash or chain not exceeding 2.4 metres in length when not running at large in a posted designated off-leash area;
  - (2) Excluding disabled persons, pick up and immediately remove excrement left by the dog and dispose of it in a sanitary manner in a receptacle for litter or in some other suitable container;
  - (3) Not leave the dog unattended in a park or designated off-leash area;
  - (4) Keep the dog in sight and under care and control at all times; and
  - (5) Repair any holes dug by the dog under their control.
- C. While in a park, no person shall have the control of more than three dogs.

### **§ 608-35. Dangerous animals.**

No person as owner or person having the control of an animal shall bring into or permit the animal to enter a park if it may or does constitute a danger to other persons or wildlife, or is reasonably likely to frighten other persons.

### **§ 608-36. Protection of wildlife.**

While in a park, no person shall:

- A. Subject to the provisions of § 608-37, kill, attempt to kill, maim, injure, trap or disturb wildlife without a permit;
- B. Touch, injure or remove a nest or egg without a permit;
- C. Feed or attempt to feed or deposit food for consumption by wildlife; or
- D. Release into a park pets, animals or domesticated species.

### **§ 608-37. Zoos and animal displays.**

While in a park, no person shall:

- A. Feed or attempt to feed an animal owned by or under the control of the City unless posted otherwise;

- B. Throw, deposit, place or attempt to throw material of any kind whatsoever in an area where animals are kept for public display;
- C. Release from captivity, kill, attempt to kill, maim or in any way injure or molest an animal, bird, waterfowl or fish that is kept for public display; or
- D. Add animals, birds or fish to the displays.

### **§ 608-38. Fishing.**

While in a park:

- A. No person shall fish in an area posted to prohibit fishing;
- B. No person shall store or leave any lures, bait, hooks, lines, poles or other equipment in the park in a location or manner that may injure other persons or wildlife; and
- C. All permitted fishing must be carried out in compliance with all Ministry of Natural Resources Rules and Regulations.

## **ARTICLE VII**

### **Trees**

### **§ 608-39. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**DESTROY** — To remove, cut down or in any other way injure a tree to the extent that it is considered necessary to remove or cut down the tree.

**INJURE** — Failure to protect a tree in accordance with the City of Toronto’s “Tree Protection Policy and Specifications for Construction Near Trees” or other standards set out by the Commissioner, entirely or in part, or any act that will harm a tree’s health in any manner.

**STANDARDS** — The minimum requirements or guidelines established by the Commissioner for the protection and preservation of trees.

**TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES** — The City’s Tree Protection Policy and Specifications for Construction Near City Trees.

**TREE VALUE/APPRAISED VALUE** — The monetary value of a tree as determined under the City’s Tree Appraisal and Evaluation form.

### **§ 608-40. Prohibited activities.**

- A. While in a park, no person shall:
  - (1) Remove, cut down, destroy or injure a tree or part of a tree located in a park except with the prior written approval of the Commissioner;

(2) Mark, cut, break, peel, deface or bury the roots of a tree or any part of a tree located in a park;

(3) Undertake or cause to undertake any activities that are contrary to the City's Tree Protection Policy and Specifications for Construction Near Trees and any other standards or conditions imposed or set out by the Commissioner for the protection of a tree located in a park except with the prior written approval of the Commissioner; or

(4) Attach in any manner any object or thing to a tree or part of a tree located in a park except with the prior written approval of the Commissioner.

B. Decorative lights.

(1) No person shall attach decorative lights to a tree located in a park except with the prior written approval of the Commissioner and upon production of satisfactory evidence that all other requisite approvals have been obtained.

(2) The requests may be subject to conditions imposed by the Commissioner.

**§ 608-41. Protection of trees.**

A. Every person doing any work in a park or accessing a property through a park shall carry out such work or access in accordance with the City's Tree Protection Policy and Specifications for Construction Near Trees and any other standards or conditions imposed or set out by the Commissioner.

B. The Commissioner is authorized to request funds to secure the protection of a tree in a park by posting a letter of credit in a form and content acceptable to the City, in an amount sufficient to cover the appraised value of the tree, as well as removal and replacement costs.

**§ 608-42. Injury and removal of trees.**

A. Any person who injures, destroys or removes a tree without the prior written approval of the Commissioner may be subject to providing payment to the City in an amount sufficient to cover the appraised value of the tree, as well as removal and replacement costs and the costs of any specific arboricultural procedures to be undertaken to remedy the tree.

B. Removal by Commissioner; conditions for tree removal requests.

(1) The Commissioner is authorized to remove or cause to be removed healthy trees located in a park.

(2) Approval for tree removal requests may be subject to conditions imposed by the Commissioner that include payment of tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant.

**§ 608-43. Pruning of trees on private property.**

The Commissioner is authorized to prune or cause to be pruned all trees located on private property, the branches of which extend over a park, including the pruning of branches that are hazardous or create an unsafe condition.

**ARTICLE VIII**

**Watercraft**

**§ 608-44. Boating.**

No person shall, subject to any right at law to do so, place, operate, drive or ride watercraft in a park in any area posted so as to prohibit or restrict the type and allowable uses of watercraft.

**§ 608-45. Mooring.**

A. In this section:

COMMERCIALLY OPERATED BOAT — A boat in which the owner or operator transports or offers to transport persons or personal property for a fee;

FLOAT HOME — A house-like structure incorporating a floatation system, intended for use or being used or occupied for residential purposes and not primarily intended for, or usable in, navigation;

LIVEABOARD — A vessel intended primarily for use in navigation and used incidentally as a residence; and

PRIVATELY OPERATED PLEASURE BOAT — A boat other than a commercially operated boat.

- B. No operator or owner of a privately operated pleasure boat shall beach, moor, or allow to be beached or moored the privately operated pleasure boat along any seawall or shoreline in a park for a period longer than two hours.
- C. No operator or owner of a commercially operated boat shall beach, moor or allow to be beached or moored the commercially operated boat along a seawall or shoreline in a park for a period longer than two hours.
- D. Unless authorized by permit, no person shall, subject to any right at law to do so, moor watercraft in a park:
- (1) Except in a designated area;
  - (2) For a period longer than 48 hours, except in a marina or yacht club authorized by Council, or as otherwise posted;
  - (3) Contrary to posted restrictions or prohibitions or in any way that may or does endanger or inconvenience other watercraft or their use or other users of the park; and

- (4) Without prior payment of the fee for this use authorized by Council.
- E. No person shall moor a float home in a park.
- F. No liveboards are permitted in a park except in accordance with City policies and by-laws.

## **ARTICLE IX**

### **Commercial Enterprises**

#### **§ 608-46. Sale of merchandise, trade or business.**

- A. Unless authorized by permit, no person shall, while in a park, sell or offer or display for sale:
- (1) Any food, drink or refreshment;
  - (2) Any goods, wares, merchandise or articles, including promotional material, souvenirs and novelties; or
  - (3) Any art, skill, service or work.
- B. While in a park, no person shall practise, carry on, conduct or solicit for a trade, occupation, business or profession.

#### **§ 608-47. Filming and videotaping.**

While in a park, no person shall take or permit to be taken for remuneration any film, photograph, videotape or television broadcast unless permitted under the City's film by-law<sup>5</sup> and authorized by permit from the Toronto Film and Television Office.

#### **§ 608-48. Advertising devices and signs.**

- A. Unless authorized by permit, no person shall:
- (1) While in a park distribute, discard, or display a sign or advertising device; or
  - (2) Post, nail, attach, stencil or otherwise fasten or erect a sign or advertising device to park property.
- B. The Commissioner may, at any time and without notice, remove a sign or advertising device in the course of periodic cleaning or maintenance operations or where the sign or advertising device has been displayed contrary to the provisions of this chapter, unless erected in accordance with approval from the Commissioner as part of a promotional or sponsorship arrangement with the City, in which case the sign or advertising device shall not be removed until the time agreed between the parties.

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<sup>5</sup> Editor's Note: See Ch. 459, Filming.

- C. A sign or advertising device removed under Subsection B may be destroyed or otherwise disposed of by the person authorized to remove it, without notice or compensation to any person who has an interest in the sign or advertising device.
- D. Where an illegal sign or advertising device has been removed under Subsection B, any person responsible for erecting, attaching, placing or displaying, or causing or permitting the erecting, attaching, placing or displaying, of the sign or advertising device in contravention of this chapter shall, in addition to any other fine or penalty that may be imposed for an offence under this chapter, be required to pay the City the actual cost of removal and disposal of the sign or advertising device.

## **ARTICLE X**

### **Regulation and Enforcement**

#### **§ 608-49. Permits and licences.**

- A. Permits for activities contemplated in this chapter may be obtained by contacting the Customer Service Section of the City's Parks and Recreation Division.
- B. Permits issued for activities contemplated in this chapter may be subject to fees established by the Commissioner.
- C. Permits issued for activities contemplated in this chapter may include conditions as to time, location, area, equipment, number of participants, type of activities, release, indemnity and insurance coverage.
- D. The issuance of a permit under this chapter does not relieve a person from the necessity of acquiring any other licence or permit required for the activity by any governmental or public authority.
- E. No permit contemplated by this chapter shall be issued if it would result in the contravention of other applicable law.

#### **§ 608-50. Posting of signage by Commissioner.**

The Commissioner is authorized to post signage of permission, regulation, restriction, warning or prohibition with respect to uses of or activities in a park in accordance with the provisions of this chapter.

#### **§ 608-51. Temporary closure.**

The Commissioner is authorized to close off for such temporary period as the Commissioner deems appropriate a park or any part of it to relieve or prevent overcrowding or traffic congestion, or in the interests of public safety, or as may otherwise be authorized by Council.

**§ 608-52. Exclusions and exemptions.**

- A. This chapter does not apply to:
- (1) Personnel of Emergency Medical Services, Toronto Police Services or Fire Services while engaged in the performance of their duties;
  - (2) Employees or agents of the City while responding to an emergency situation occurring while engaged in works or services undertaken for or on behalf of the City, or as authorized by the Commissioner; or
  - (3) A park, property or building that is under the jurisdiction of a board established by Council or by statute, the members of which are appointed by Council.
- B. This chapter is subject to provisions of contracts and agreements now in place or to be entered into by the City in the future, covering works or services to be performed in a park.

**§ 608-53. Enforcement.**

- A. Any provincial offences officer or employee of the City designated by the Commissioner is authorized to inform a person of the provisions of this chapter and to request compliance with it.
- B. Any provincial offences officer or employee of the City whose duties include the enforcement of this chapter is authorized to order a person believed by the officer or employee to be contravening or who has contravened any provision of this chapter to:
- (1) Stop the activity constituting or contributing to the contravention;
  - (2) Remove from the park any animal or thing owned by or in the control of the person which the officer or employee believes is or was involved in the contravention; or
  - (3) Leave the park.
- C. Any provincial offences officer may enforce the provisions of this chapter.
- D. Where a person contravenes any of the provisions of this chapter, or fails to comply with any order referred to in Subsection B, the permission and licence of the person to remain in that park is revoked.
- E. If a person encroaches upon a park and fails to comply with a notice given under Subsection F, the Commissioner, or persons acting upon his instructions, may remove the encroachment, install appropriate fencing and recover all expenses associated with the removal, including, but not limited to, soil testing, disposal fees, park restoration and fence installation.
- F. Notice to comply.
- (1) The notice to comply shall require compliance with this chapter within a specified time period but no sooner than 72 hours after the notice is given.

- (2) Notice to remove the encroachment may be served personally on the person to whom it is directed or sent by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- (3) If there is evidence that the person in possession of the land is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the land.
- (4) If the address of the owner or occupant is unknown or the City is unable to effect service on the owner or occupant under Subsection F(2), a placard stating the terms of the notice and placed in a conspicuous place upon the property shall be deemed to be sufficient notice.
- G. Costs incurred by the City in doing the work required to be done by notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

#### **§ 608-54. Penalties.**

- A. Any person who contravenes any of the provisions of this chapter, other than § 608-32 resulting from the operation of a motor vehicle, is guilty of an offence.<sup>6</sup>
- B. Any person who contravenes the provision contained in § 608-32 of this chapter, resulting from the operation of a motor vehicle, is guilty of an offence under the *Highway Traffic Act*.<sup>7</sup>
- C. Where a motor vehicle has been left parked, stopped or standing in contravention of § 608-27, the owner of the motor vehicle at the time of the contravention is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the motor vehicle was in the possession of some person other than the owner without the owner's consent.

#### **§ 608-55. Removal of vehicles.**

A provincial offences officer or the Commissioner, upon discovery of a vehicle parked or standing in contravention of § 608-27 of this chapter, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care of and storing the vehicle, if any, are a lien upon the vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*.<sup>8</sup>

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<sup>6</sup> Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

<sup>7</sup> Editor's Note: See R.S.O. 1990, c. H.8.

<sup>8</sup> Editor's Note: See R.S.O. 1990, c. R.25.



## Chapter 548

### LITTERING AND DUMPING OF REFUSE

§ 548-1. Definitions.	§ 548-8. Failure to comply; recovery of expenses.
§ 548-2. Exceptions.	§ 548-9. Offences.
§ 548-3. Littering and depositing refuse prohibited.	Schedule A to Ch. 548, Recyclable Materials, Yard Waste, and Organic Materials
§ 548-4. Waste dumping prohibited.	Schedule B to Ch. 548, Prohibited Waste
§ 548-5. Cleaning and clearing.	Schedule C to Ch. 548, Special Collection Materials
§ 548-6. Draining and filling of depression or hole.	
§ 548-7. Notice of intent.	

[**HISTORY:** Adopted by the Council of the City of Toronto 2004-07-22 by By-law No. 695-2004.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

Property standards — See Ch. 629.

Abandoned refrigerators and other appliances — See Ch. 659.

Snow and ice removal — See Ch. 719.

Waste collection, commercial properties — See Ch. 841.

Waste collection, residential properties — See Ch. 844.

Waste transfer stations — See Ch. 846.

#### § 548-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**COMMISSIONER** — The Commissioner of the City's Works and Emergency Services Department and includes his or her designate.

**GARBAGE** — Waste other than recyclable materials, organic materials, yard waste, special collection materials, and prohibited waste.

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<sup>1</sup> Editor's Note: This by-law was passed under the authority of sections 11(1), 77, 127, 130, 131, 425 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Section 2 of this by-law provided that: A. Except for the purposes set out in Subsections B and C of this Section 2, Chapter 623, Property Maintenance, of The City of Toronto Municipal Code, is repealed; B. Chapter 623 continues to apply for purposes of any notice given under the chapter until the work required by the notice is completed or any enforcement proceedings in respect of the notice have been concluded; C. Where a person is alleged to have contravened Chapter 623 before the date this by-law comes into force, Chapter 623 continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded. Section 3 of this by-law provided that this by-law comes into force on the 30th day after the date on which the first set fine is established pursuant to the *Provincial Offences Act* (R.S.O. 1990, c. P.33) for an offence under Chapter 548 of The City of Toronto Municipal Code; set fines were approved 2004-09-21.

**HEALTH HAZARD** — A hazard to health as defined in the *Health Protection and Promotion Act*.<sup>2</sup>

**INOPERATIVE VEHICLE** — A vehicle having missing, damaged or deteriorated parts or any condition that may prevent its mechanical function, and includes any vehicle that does not display a vehicle permit number plate with evidence of the current validation of the permit affixed to it, issued under the *Highway Traffic Act*,<sup>3</sup> or as issued by another provincial, state or national government.

**LAND** — Includes structures other than buildings.

**OFFICER** — A City employee whose duties include the enforcement of this chapter, including exercising a power of entry upon land or into structures.

**ORGANIC MATERIALS** — The items, other than recyclable materials and yard waste, listed in Schedule A at the end of this chapter.

**OWNER** — Includes:

- A. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- B. A lessee or occupant of the property who, under the terms of a lease, is required to maintain the land.

**PROHIBITED WASTE** — The waste items listed in Schedule B at the end of this chapter.

**RECYCLABLE MATERIALS** — The waste items, other than yard waste and organic materials, listed in Schedule A at the end of this chapter.

**REFUSE** — Includes:

- A. Debris, junk or effluent belonging to or associated with a house or household or any industry, trade or business, and without limiting the generality of the foregoing, includes all of the items in the definition of waste;
- B. Inoperative vehicles, vehicle parts or accessories; and
- C. Any other unused or unusable material that by reason of its state, condition or excessive accumulation:
  - (1) Appears to have been cast aside, discarded or abandoned;
  - (2) Appears to be worthless, useless or of no particular value; or

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<sup>2</sup> Editor's Note: See R.S.O. 1990, c. H.7.

<sup>3</sup> Editor's Note: See R.S.O. 1990, c. H.8.

- (3) Appears to be used up, expended or worn out in whole or in part.

**SPECIAL COLLECTION MATERIALS** — The waste items listed in Schedule C at the end of this chapter.

**SWIMMING POOL** — Any outdoor structure or thing located on privately owned property that is capable of being used for swimming, wading or bathing and in which the water depth at any point can be more than 600 millimetres.

**WASTE** — Garbage, special collection materials, recyclable materials, organic materials, yard waste and prohibited waste.

**YARD WASTE** — The waste items, other than recyclable materials and organic materials, listed in Schedule A at the end of this chapter.

**§ 548-2. Exceptions.**

- A. Nothing in this chapter applies to prevent a lawfully licensed premises operating within the scope of a licence that specifically permits that which is prohibited by the provisions of this chapter.
- B. Nothing in this chapter applies to prevent the lawful outside storage of materials or things:
- (1) If this use is permitted under the applicable zoning by-law and the use is in compliance with the requirements of the zoning by-law; or
  - (2) If this use is permitted as a legal non-conforming use under subsection 34(9) of the *Planning Act*.<sup>4</sup>
- C. Nothing in this chapter applies to prevent the deposit of waste for pick-up as required or permitted under Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, of the City of Toronto Municipal Code.

**§ 548-3. Littering and depositing refuse prohibited.**

- A. No person shall throw, place, dump, deposit or permit to be thrown, placed, dumped or deposited any refuse on any highway within the City.
- B. In the case of land that is not a highway, no person shall throw, place, dump or deposit or permit to be thrown, placed, dumped or deposited any refuse on any land, not including buildings, within the City, including ponds, lakes, rivers and watercourses, without the consent of the owner or occupant of the property.

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<sup>4</sup> Editor's Note: See R.S.O. 1990, c. P.13.

TORONTO MUNICIPAL CODE  
LITTERING AND DUMPING OF REFUSE

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**§ 548-4. Waste dumping prohibited.**

No person shall place, dump or deposit or permit to be placed, dumped or deposited any quantity of waste on any land, not including buildings, within the City, including ponds, lakes and streams, except as required or permitted under Chapter 841, Waste Collection, Commercial Properties, and Chapter 844, Waste Collection, Residential Properties, of the City of Toronto Municipal Code.

**§ 548-5. Cleaning and clearing.**

The owner of land on which refuse has been thrown, placed, dumped or deposited shall immediately clean and clear the refuse from the land.

**§ 548-6. Draining and filling of depression or hole.<sup>5</sup>**

If an owner has been advised that, in the opinion of the Medical Officer of Health, a health hazard exists or may exist as a result of water or other liquid collecting on the land, the owner shall:

- (1) Immediately drain the area of the water or other liquid and cause the area to be filled with clean earth or levelled so as to prevent ponding; and
- (2) Prevent accumulation of water in any swimming pool not in use.

**§ 548-7. Notice of intent.**

- A. An officer may issue a written notice to the owner of the land or structure informing the owner of any action required to be taken, and notifying the owner that if the required action is not taken within the specified time period, which shall not be less than 72 hours after service of the notice, the City intends to proceed under § 548-8.
- B. The notice may be served personally on the owner or sent by registered mail to the address of the owner shown on the last revised assessment roll.
- C. If a notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing.
- D. If the officer is unable to effect service of the notice by personal service or registered mail, notice may be served by placing a placard containing the terms of the notice in a conspicuous place on the land described in the notice, and the placing of the placard shall be deemed to be sufficient service of the notice on the owner.

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<sup>5</sup> Editor's Note: A technical amendment is required to change the subsections in this section from (1) and (2) to A and B.

**§ 548-8. Failure to comply; recovery of expenses.**

- A. If a person is served with a notice under § 548-7, informing the person of the requirement to take any action within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of an officer at the person's expense and the City may recover the costs incurred in doing it by legal action or the costs may be recovered in the same manner as taxes.
- B. The costs recovered under Subsection A include interest at a rate established by Council commencing on the day the municipality incurs the costs and ending on the day the costs, including the interest, are paid in full.

**§ 548-9. Offences.**

- A. Any person who contravenes § 548-3, 548-5, or 548-6 is guilty of an offence.<sup>6</sup>
- B. Any person who contravenes § 548-4 is guilty of an offence and upon a first conviction is liable to a fine of not more than \$10,000 and \$25,000 for any subsequent conviction, except that where a corporation is convicted of an offence the maximum penalties shall be \$50,000 for the first conviction and \$100,000 for any subsequent conviction.

**SCHEDULE A TO CH. 548  
RECYCLABLE MATERIALS, YARD WASTE AND ORGANIC MATERIALS**

- A. The following items shall be deemed to be recyclable materials for the purposes of this chapter:
  - (1) Glass bottles and jars;
  - (2) Metal food and beverage cans;
  - (3) Plastic bottles and jugs made of high density polyethylene (HDPE #2) or polyethyleneteraphthalate (PET #1);
  - (4) Household paper (including junk mail, writing and computer paper and envelopes);
  - (5) Paper egg cartons, rolls and bags;
  - (6) Boxboard;
  - (7) Newspapers;

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<sup>6</sup> Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

TORONTO MUNICIPAL CODE  
LITTERING AND DUMPING OF REFUSE

- (8) Telephone directories;
  - (9) Magazines and catalogues;
  - (10) Clean, unwaxed corrugated cardboard;
  - (11) Aluminium foil trays;
  - (12) Polycoat milk and juice cartons;
  - (13) Aseptic drink boxes;
  - (14) Empty paint cans;
  - (15) Empty aerosol cans; and
  - (16) Any other item designated as a recyclable material by the Commissioner.
- B. The following items shall be deemed to be yard waste for the purposes of this chapter:
- (1) Plant cuttings, roots, weeds and leaves;
  - (2) Hedge and shrub trimmings, brush cuttings, twigs and branches under 7.5 centimetres in diameter;
  - (3) Christmas trees; and
  - (4) Any other item designated as yard waste by the Commissioner.
- C. The following items shall be deemed to be organic materials for the purposes of this chapter:
- (1) All food materials, including fresh, frozen, dried, cooked and prepared foods and leftovers;
  - (2) Fruit and vegetable scraps;
  - (3) Pasta, bread and cereal;
  - (4) Meat and fish products;
  - (5) Egg shells;
  - (6) Coffee grinds and filters;
  - (7) Tea bags;
  - (8) Houseplants (no pots or baskets);
  - (9) Soiled paper towels, tissues and wet paper;
  - (10) Diapers and sanitary products;

- (11) Animal waste, litter or bedding; and
- (12) Any other item designated as organic materials by the Commissioner.

**SCHEDULE B TO CH. 548**  
**PROHIBITED WASTE**

The following items shall be deemed to be prohibited waste for the purposes of this chapter:

- A. Acute hazardous waste chemical;
- B. Hazardous waste chemical;
- C. Corrosive waste;
- D. Hazardous industrial waste;
- E. Ignitable waste;
- F. PCB waste;
- G. Radioactive waste;
- H. Reactive waste;
- I. Severely toxic waste;
- J. Leachate toxic waste;
- K. Pathological waste, including biomedical waste, whether solid or liquid, including but not limited to any animal or human organ or part thereof; bone, muscle or other animal or human tissue or part thereof; used bandages, poultices, dressings, medicines, vitamins, drugs, vaccines, needles, syringes, vials or any other similar material or substance which contains or may contain pathogenic micro-organisms or which may be hazardous or dangerous and anything designated as pathological waste by Regulation 347;
- L. Any household product, material or item labelled as “corrosive,” “toxic,” “reactive,” “explosive,” “oxidizing,” “poisonous,” “infectious” or “flammable,” including but not limited to the following:
  - (1) Pool or photographic chemicals;
  - (2) Laundry bleach;
  - (3) Drain, oven, toilet and carpet cleaning solutions;
  - (4) Paint thinner and paint remover;
  - (5) Rat and mouse poison;

TORONTO MUNICIPAL CODE  
LITTERING AND DUMPING OF REFUSE

- (6) Flea collars and powders;
  - (7) Insect killers;
  - (8) Moth balls;
  - (9) Weed killers;
  - (10) Fungicides;
  - (11) Wood preservatives;
  - (12) Oil-based and latex paints;
  - (13) Engine oil;
  - (14) Brake and transmission fluid;
  - (15) Antifreeze;
  - (16) Automotive batteries;
  - (17) Ni-cad rechargeable batteries;
  - (18) Propane tanks;
  - (19) Other gas tanks, including lighters;
  - (20) Aerosol containers; and
  - (21) Fire extinguishers.
- M. Waste generated as a result of construction, demolition or renovation, including but not limited to soil, plaster, drywall, masonry and tile, bricks, concrete, concrete or cinder blocks, paving stones, asphalt, wood, windows and window glass, shingles, scrap metal, insulation (such as fibreglass or styrofoam), asbestos, urea formaldehyde;
- N. Scrap wood or carpeting, unless it is cut, broken or securely tied into bundles or pieces less than 120 centimetres by 80 centimetres by 80 centimetres and free of all nails and staples, or as may otherwise be designated by the Commissioner;
- O. Hay, straw, manure or animal excrement;
- P. Any waste in liquid form including but not limited to swill or other organic matter not properly drained and securely wrapped;
- Q. Sod, grass, grass clippings;
- R. Waste produced by a person or organization involved in the processing or fabrication of products;



TORONTO MUNICIPAL CODE  
LITTERING AND DUMPING OF REFUSE

- S. Waste produced by a person or organization as a result of commercial or retail activity;
- T. Any material which has become frozen to or otherwise attached to its regulation container which cannot be removed by shaking;
- U. Broken glass, crockery and other sharp objects not packaged in a manner to prevent injury to any person;
- V. Designated materials and other items which have been banned from landfill or for which reasonable alternative disposal methods are available, as determined by the Commissioner; and
- W. Any other item or thing designated as prohibited waste by the Commissioner.

**SCHEDULE C TO CH. 548  
SPECIAL COLLECTION MATERIALS**

- A. The City provides special collection services to owners with respect to the following items:
  - (1) Refrigerators;
  - (2) Stoves;
  - (3) Freezers;
  - (4) Air conditioners;
  - (5) Dehumidifiers;
  - (6) Washing machines;
  - (7) Clothes dryers;
  - (8) Dishwashers;
  - (9) Barbecues;
  - (10) Large metal objects (e.g. aluminium door);
  - (11) Tires (maximum of five); and
  - (12) Any other item designated by the Commissioner as eligible for special collection services.

## **BY-LAW OFFICER COMMUNICATION SKILLS AND TECHNIQUES**

### Inter Office Communicating

Officers are reminded to use professional language during the course of their duties. Proper office etiquette must be observed including utterance of profanity, loud talking and horseplay. This is especially important given the nature of our business and the high volume of telephone calls we receive from the public. .

### External Verbal Skills

While dealing with the public, government officials, etc. it is essential that you consider the following:

- Identify yourself, your authority, and department to establish credibility.
- Listen intently to the individual and do not interrupt conversation.
- Use appropriate body language and facial expressions to express acknowledgement of what is being said.
- If necessary allow person to vent.
- Empathize with the person by putting yourself in the other person's shoes and see the situation from their point of view.
- When you converse, speak softly and maintain control especially if the other person is angry and hostile.

### **Care of Equipment**

Access to well maintained, state of the art equipment, from bicycles to two-way radios help to make your job easier and improves the Division's ability to deliver good service to the public. Take good care of the equipment assigned to you, follow all the proper operating procedures and keep it under your close supervision so that it does not become lost or unnecessarily damaged. Any repairs required to equipment must be reported immediately to your supervisor.

### **Use of Radios and Communication Equipment**

Officers are provided Divisional cellular/Mike phones for work use only. All phones have the MIKE capability. When using this feature, Officers must use proper radio procedure at all times. Profanity and abusive language will not be tolerated. We depend on reliable communications including two-way Mike phones to deliver our services. Name-calling, offensive language, and other inappropriate use of Mike phone equipment cannot be tolerated and could lead to the revocation of our licence. This is considered as a serious issue and offenders will be subject to disciplinary action.

Co-operation will help to ensure that the radio frequency is maintained as a valuable asset in support of the operations.

### Ten Codes

Where possible, reducing the amount of radio traffic will ensure efficient use of radio time. The following codes should be utilized where applicable:

- 10-1 Receiving poorly
- 10-2 Receiving well
- 10-3 Stop transmitting
- 10-4 Acknowledgement
- 10-6 Busy-stand by unless urgent
- 10-7 Out of service
- 10-8 In service
- 10-9 Repeat
- 10-19 Return to your station
- 10-20 What is your location
- 10-21 Call by telephone
- 10-28 Vehicle registration information
- 10-30 Improper use of radio
- 10-33 Emergency
- 10-35 Major alert
- 10-36 Correct time
- 10-60 Subject is negative
- 10-61 Subject has a record
- 10-63 Subject positive hit
- 10-64 Proceed with caution
- 10-66 Subject under observation
- 10-68 Subject in the charged category
- 10-200 Need assistance (only to be used in emergency)

### **Phonetic Alphabet**

When seeking information over the MIKE phone the following phonetic alphabet is to be used when clarifying spelling on information

**A**lfa  
**B**ravo  
**C**harlie  
**D**elta  
**E**cho  
**F**oxtrot  
**G**olf  
**H**otel  
**I**ndia  
**J**uliette  
**K**ilo  
**L**ima  
**M**ike  
**N**ovember  
**O**scar  
**P**apa  
**Q**uebec  
**R**omeo  
**S**ierra  
**T**ango  
**U**niform  
**V**ictor  
**W**hisky  
**X**-Ray  
**Y**ankee  
**Z**ulu

### **Building Approach and Ticket Serving**

This section provides new Officers with techniques and strategies to build a positive approach with park patrons during the course of business. Officers will also be provided with information on Health and Safety and a careful approach to ensure their own safety.

#### **Approach Safely**

1. On arrival survey the area noting the entrance/exits and any obstacles which could hinder you from exiting the area quickly (access/egress).
2. Advise Supervisor if the environment is concerning.
3. Make a note of the Police Division's phone number for that area.
4. In the case of a park building make a mental note of entrances, exits, lighting, hallway direction and any suspicious individuals.
5. When approaching the door stand to one side and not directly in front of the door.
6. Stand clear of any screen doors, which could be used as a weapon.

#### **Interviewing and Safety**

When interviewing a complainant, witness or suspected offender remember the following:

1. If you are interviewing more than one individual, they may try to disorient you by moving in different directions. Be observant of any behaviour designed to make you move out of a safe position. Always stand at a 90-degree angle to the individual so that your face, eyes, groin and kneecaps are protected. These are the most easily damaged parts of the body. Change position as needed.
2. Maintain a distance equal to a three-foot circumference between you and the individual, even though you may feel the individual is harmless. A distance of less than three feet is an open invitation to assault. Individuals may attempt to gain access to this safety perimeter by way of polite or courteous behaviour to dull your alertness to their actions.
3. Never turn your back on an individual or lose sight of him: stay focused and in control.
4. Be suspicious of individuals who try to go to another part of the building for no apparent reason in the middle of the interview.
5. Finally, if you feel a situation is unsafe leave the premises immediately.
6. When contact is made give the individual a visual once over observing any objects which could be used as a weapon.
7. Make visual contact with his/her hands.
8. Attempt to observe any additional persons in the home or unit.
9. During service watch the individual for signs of aggressive behaviour or hostile intent.
10. Observe any sign of the individual's hands going from open to closed fist.
11. Keep eye contact at all times and watch for blinking of the eyes or face turned away. This often is an indication that an attack is to follow.
12. If necessary allow the individual to vent to assist in interview or ticket service.
13. Conclude interview or ticket service and exit area immediately.
14. Make notes after you have left, not during interview or ticket service.

### **Asking For and Demanding Voluntary Compliance**

#### **Put the scenario into proper context by:**

1. Allowing and presenting options for the individual.
2. Allow and encourage gentle persuasion.
3. Allow person to volunteer to comply by allowing individual to save face in a volatile situation by giving them impression of some control in the matter.
4. Always be in control and react accordingly to whatever transpires. Remain calm and speak in a calm, controlled voice.
5. If the situation gets out of control, you may retreat and regroup but let the person know you'll be back at a later time when matters have cooled down.
6. If necessary return with backup, including police.

### **Shift Description**

#### **Pre Shift**

Locker room facilities have been provided for uniform change and you are required to report to the office at your shift start time in full uniform.

#### **Start of Shift**

1. Check in with Supervisor on arrival.
2. Organize your workday and prioritize duties
3. Check all messages (voicemail, e-mail, Palm Pilot, cellular phone, complaints, Divisional memos etc) and respond accordingly.
4. Complete any unfinished work leftover from previous shifts.
5. Secure all equipment and ensure Palm Pilot is downloaded.
6. Ensure equipment is in proper working order: fresh batteries etc.
7. Check with Supervisor prior to departing office for any final, late minute instructions or change of plans.
8. Log out, if using computer.
9. Put all office supplies and sensitive work in workstation and lockup.
10. Follow up from previous day's activities
11. If possible, leave office and start patrol of parks ASAP as the most productive time for inspections (due to traffic flow and intensity, illegal dumping, parked car barriers, pedestrian traffic etc.) is at the beginning of workday.

### **Complaint Calls in Assigned Area**

Officers are required, during the course of their duties, to investigate and resolve complaints in a timely manner. The complaints will originate from a number of sources and are to be prioritized in the following manner:

- Councillor or Governmental Agencies
- Divisional and special requests
- Citizen Complaints

Based on findings of an investigation, the complaint may be resolved through education, personal contact, or enforcement.

At the conclusion of the investigation waste will need to be removed off City property by having the property owner remove it, or by referring the removal to the appropriate Division. Re-bagging the waste and spray painting an “X” on the bag will indicate to the Parks staff that the materials were inspected.

To ensure maximum efficiency in performing duties, an officer can combine a patrol of a park/open space/building and handling complaint calls by determining, at beginning of shift, a set pattern for doing both.

Officers will be required to write a report on findings, and possibly open a file on property.

Upon completion of investigation file may be closed, and complainant notified that the problem is resolved.

### End of Shift Office Work

Once all duties are complete leave, enough time at end of shift to finish off accumulated paper work: The following checklist will assist you in organizing your work as follows:

- Circle check of vehicle.
- Run sheet completion.
- Download of palm pilot.
- Written correspondence.
- Phone calls.
- Return and answer all messages.
- Computer and all other research.
- E-mail.
- Contacting pertinent people.
- Complete all enforcement and educational packages as well as all other paper work.
- Finish off assignments, notes, presentations, report writing etc.
- Hand in all work on time.
- Set up duties for your next shift.
- Secure, and ensure that all equipment is functional and locked up. Log off computer.
- Lock up workstation before departing and ending shift.
- Secure and lock up Palm Pilot hand held computer in the office.
- Secure sensitive work in locked work station.
- Check in with Supervisor for any last minute instructions and to prepare for next shift.

### Investigations

As a Parks, Forestry and Recreation By-Law Enforcement Officer and Provincial Offences Officer, you patrol parks, open spaces and related buildings, as well as respond to citizen and governmental complaints regarding all PF&R issues. You may also work in unison with other By-Law units in resolving mutual matters.

In the course of these duties, you will conduct investigations to determine the origin of any determined infractions. Parks, Forestry and Recreation By-Law infractions are handled in two ways based on investigation and inspection; 1) if evidence found you may exercise enforcement or education process options, 2) if no evidence refer to the appropriate division.

### Routine Patrol

While conducting routine patrol investigations consider the following:

1. Take your time and be thorough in the investigation.
2. Park vehicle in a safe manner at side of road and activate all hazard lights.
3. Using visible and physical measurements determine if park matter is on public or private property.



4. If materials found on private you refer matter to appropriate City divisions, if on public property you continue with investigation.
5. Take two to three photos of waste/infraction (front and side) with at least one photo displaying debris while the other shot showing a clean park as a backdrop. Be aware of oncoming traffic at all times.
6. Inspect contents of waste by placing waste in vehicle side nearest to sidewalk and away from oncoming traffic. If using the rear of vehicle as an inspection spot show extreme caution to traffic coming up the rear.
7. Thoroughly search contents of the waste for, and retrieving, any documentary and/or physical evidence connecting waste to an individual, corporation, business, or institution.
8. Additional photographs of the discovered evidence may be required.
9. All evidence is secured and set aside, but always with Officer at all times.
10. Testimonial evidence (gathering of witness statements) may also be obtained on site.

If evidence is found (documentary, physical, real, or testimonial) linking the waste to an individual, corporation, business, or institution the Officer will:

1. Run TPS Program scan.
2. Conduct a history check on the property in the PBE Palm Pilot Program.
3. Verify if a picnic or an event was held.
4. Based on the investigation, determine the severity of the infraction (illegal dumping, multiply offences vs. new tenant or business).

All the above are factors are used to determine a course of action. The Officer has two options based on findings:

1. Voluntary Compliance Enforcement Option (Soft Enforcement) which includes:
  - Educational literature, calendars, and brochures.
  - Site meetings.
  - Verbal warnings.
  - Written warning notices
  - Increased visibility in the park and surveillance.
2. Non-Voluntary Compliance Option (Hard Enforcement):
  - Part One Certificate of Offence
  - Part Three Summons
  - Warning
  - Prohibition Order

Once the investigation is complete and a charge is laid gather and secure all documentary and physical evidence, witness statements, field notes, palm pilot notes, police notes and photographs.

## **Authority and Court Procedures**

### **Legislated Power**

The City of Toronto is empowered with functions designed primarily to enhance the welfare and safety of our citizens. This authority is created, in Ontario, through the Ontario Municipal Act

### **Court Attire**

Officers attending court must wear their uniform and a tie.

### **Defending your charge**

In the event you are challenged by a disputing defendant, Officers must be prepared to provide testimony in a truthful manor and introduce the evidence before the Court. In preparation for your testimony please consider the following:

1. Have all your notes complete and in order.
2. Have all witness statements complete and in order.
3. Have any previous contacts with defendant documented and on file (warning letter, notice, verbal warning, calendars issued etc).
4. Complete legal brief and court file statement.
5. Gather all photographs.
6. Obtain enforcement document (Part One, Summons, etc.).
7. Submit above package to Legal Division for processing and storage.
8. Keep a photocopy for yourself and another on file.

### **Note Taking and Documentation**

#### **Note taking**

Notes are an important part of your daily routine and an essential component to successful prosecution. Please remember the following when completing your notes:

1. Please be as detailed as possible. Your notes will be used for referral in court should you have to testify.
2. Include all important facts (who, what, when, where, why)
3. Your notes should be legible enough for you to read in court
4. Maintain continuity throughout your note book (if you are using a notebook)
5. We use the 12hr clock, so you must add in AM and PM after your times ( e.g.: 1:13PM, not 1313)
6. Always put the full day/month/year at the beginning of you day
7. Please use black ink
8. Write using capital letters
9. Don't skip pages in your notebook (if you've skipped a page, cross it out and initial)
10. Every line in the book must be used (if you've skipped a line, cross it out and initial)
11. Ensure to sign off and the end of your day.

### **Daily Log Sheet**

The primary function of the “**Daily Log Sheet**” or “Run Sheet” as it is often referred to as, is to document any down time incurred during your shift. This may include time spent in the office (paper work, breaks/lunch etc.). All unaccounted for time must be documented.

A run sheet must be filled out for every shift worked. Included on the run sheet are date, Vehicle #, and Vehicle mileage (documented at start and end of shift).

When filling your vehicle with gas, document the amount of litres on the run sheet. **See Exhibit 1**

### **By-Law Enforcement Report**

If a part I Notice of Offence, or a Part III Summons has been issued and served, you must fill out a “**By-Law Enforcement Report**”, which you include in your court file. This report should not be used in court as your field notes. Its main purpose is a referral tool for the prosecutor.

Occasionally you’ll be asked by management to write a detailed incident report on Microsoft Word or email. This may happen when a serious incident occurs on duty (i.e.: Damage to vehicle, damage to equipment, complaint against you by a member of the public/City official/Councillor etc.) **See Exhibit 2**

### **Notice of Offence**

When completing routine inspections or responding to complaints, an Officer may be required to complete a written multi purpose form “**Notice**”. This form is used to notify the owner/occupant that, depending on the circumstances, an offence has occurred or a removal of waste is pending or has been completed. This form is completed at the time of the inspection and the “White” copy is left at the location. All other copies are returned to the office where the Unit Clerk processes them. **See Exhibit 3**

### **Certificate of Offence Log**

Each ticket book issued to the Officer becomes the responsibility of the Officer to ensure the safekeeping of the ticket book and all tickets, whether voided or issued but not served must be tracked.

Upon completion of the ticket book, each Officer must complete the log specifying the disposition of each ticket. Tickets that were voided for a reason must specify the reason (i.e. wrong charge, late filing, unable to serve, incorrect information on the ticket, expired, etc.) This information should be written onto the voided or spoiled ticket.

When the log has been completed it must be given to your Supervisor who will review the log and voided tickets. The Unit Clerk then enters this information into a database. **See Exhibit 4**

### **Customer Service/Complaints**

Complaints may be received through various avenues including email, letter, phone, and in-person or through the palm pilot. All complaints must be addressed within 24 hours of receipt.





**By-Law Enforcement Report**

*Parks, Forestry & Recreation By-law Enforcement Unit*

**TO:** COURT FILE

**FROM:** \_\_\_\_\_ **TICKET NO:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**INFRACTION:** \_\_\_\_\_

While patrolling \_\_\_\_\_

On (date) \_\_\_\_\_, at (time) \_\_\_\_\_,

I observed: \_\_\_\_\_

Originating from: \_\_\_\_\_

**MUNICIPAL CODE CHAPTER:** \_\_\_\_\_ **SECTION:** \_\_\_\_\_

I,

1. Took photo:  Yes  No 2. Searched the bags:  Yes  No 3. Found evidence:  Yes  No

4. Previously made contact:  No Yes by way of:  Verbal Contact  Written Notice  Ticket  
To: \_\_\_\_\_

5. Served a Part 1 Offence Notice: \_\_\_\_\_

6. Initiated a Part III Summons against: \_\_\_\_\_  
 Business  Employee  Owner  Occupant

7. Defendant information taken from: Property Ownership Vendors Permit Business Licence  
 Liquor Licence  PST #  Corporate Search  
 Licence Plate  Driver's Licence #

8. Require copies of  Property Tax Assessment  Vendors Permit (GST)  Business Licence  
 Liquor Licence  Corporate Search  Business Name Search  PST  
Licence  
 Previous Ticket (s) / Summons \_\_\_\_\_

9. Wording of Offence \_\_\_\_\_

10. Date Issued \_\_\_\_\_  
Date of Service \_\_\_\_\_  
Officer's Signature \_\_\_\_\_

**NOTICE**

Exhibit 3

Date:	Time:	<input type="checkbox"/> AM
		<input type="checkbox"/> PM

Park Location:
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Owner/Occupant Address:
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**An Officer patrolling your neighbourhood has observed the following infraction:**

- Dog off leash.
- Failure to clean up after your pet.
- Encroachment onto City Property.
- Illegal Dumping
- Other – As described below.

**Action required:**

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**Failure to comply with any of the above requirements may result in charges being laid.**

Officer:	Telephone No: (416)
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**Exhibit 4**

**CERTIFICATE OF OFFENCE**



Parks, Forestry & Recreation  
By-law Enforcement Unit

Officer Name: \_\_\_\_\_

Book Number: \_\_\_\_\_

Date From: \_\_\_\_\_ TO: \_\_\_\_\_

No	TICKET NUMBER	DATE OF OFFENCE	DATE VOIDED	LOCATION	REASON VOIDED	SERVED BY
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						



## **Computer Applications**

### **Internet**

Access to the Internet is for business use only. This tool is available to all Officers and may be used during the course of your investigation for finding addresses, telephone numbers, etc.

### **GroupWise**

This application is a valuable tool that is used for communicating with other officers, divisions and Supervisors, etc. Officers may use it to receive and respond to complaints. Email is also used for sending information to management staff regarding matters you've encountered throughout your shift.

Officers must adhere to the Corporate Policy regarding the use of GroupWise, appropriate subject matter, etc. GroupWise is not to be used for exchanging messages that are not work-related. Please see your Supervisor for more information regarding the policy.

When accessing this application all Officers should be mindful of the few computers we have and the number of Officers that require access to their email. Use your time wisely when accessing your email and try to minimize your time on the computer.

### **Microsoft Word**

This application may be used for Incident Reports and other documents which may be required, from time to time during the course of your duties.

### **Toronto Property System (TPS)**

TPS is used for gathering information on property owners or tenants. It may be accessed through computers in the office or through the clerical staff.

Keep the following in mind when entering information into this program:

- Ensure you've recorded the proper date, time, and address.
- Inspections can be residential, commercial or other.
- Infraction category.
- Action taken category (i.e.: ticket, verbal warning,).
- Palm pilot notes should not be used as your field notes. Storage is limited so only add the important facts (i.e.: name of the defendant, how many bags were found, subject was verbally abusive etc.)

### **Conduct of an Officer**

- An officer is expected to conduct themselves in a professional manner at all times.
- Be truthful to maintain the Divisions “Integrity & Credibility”, failure to do so, may result in dismissal.

### **Legal Proceeding**

#### **Forms of Evidence:**

There are forms of evidence: testimonial and documentary or real evidence (physical evidence).

Testimonial- The oral statement of a witness in court, usually under oath, as to what he or she knows pertaining to the case.

Documentary or Real Evidence- The presentation of objects or things (exhibits) pertaining to the case. Continuity of possession and control of evidence is important.

Testimonial Evidence – is proven in court by use of a Voir Dire trial.

### **Rules of a Voir Dire Trial**

- 1) Testimony from defendant is strictly voluntary without promises, threats, or improper questioning.
- 2) Testimonial evidence is hearsay evidence (inadmissible in court) up until the time a standard caution is given to the defendant advising that any statement made after caution is fully admissible.
- 3) Standard cautions are issued when you decide a charge is pending. For example, “I have decided, based on my investigation, to issue a charge against you, anything you say from this point on may be used against you court.”
- 4) An exception to this rule is called Res Gestae or statements made spontaneously that may incriminate the defendant.
- 5) Note taking during investigation for Voir Dire trials must follow certain guidelines;
  - a) Officer’s notes pertaining to conversations must be in Question and Answer format i.e. Q: Is that your garbage at curb?  
A: Yes it is  
Q: Are you confirming the garbage is yours?  
  
A: It’s mine.
  - b) Statements must be close to Verbatim as possible. Word for word, with nothing changed or left out.
  - c) The Justice of Peace or Judge must approve a Voir Dire trial prior to the trial beginning.

## **Ticket Writing**

### **Provincial Offences Act**

#### Part 1: “Certificate of Offence”

- referred to as a “ticket”
- a Certificate of Offence is to be used for first offenders and for minor violations
- may only be issued by persons designated as Provincial Offences Officers
- must be completed by the Provincial Offences Officer who observed the unlawful behaviour
- bear in mind you are certifying that you personally observed a violation – therefore you cannot issue a certificate of offence based on information provided by another person
- is a simple, expeditious way to deal with less serious offences
- on a conviction the highest fine that the Court can impose is the set fine for the offence and there are no provisions for imprisonment, or other extraordinary remedies (i.e. probation orders, statutory orders)

#### Timing – Limitation Period

- Ticket must be served within 30 days of alleged offence date.
- The ticket must be filed in the Court as soon as possible, but must be within 7 days after the ticket has been served. (Note: not within the 7 days of the offence date).
- Often the ticket is served upon the alleged offender on the spot by the person who observed the unlawful behaviour.

## **Procedure After Ticket Served**

- Defendant has four choices
- Defendant may plead guilty by signing the appropriate place on offence notice and making payment into court
- Defendant may plead guilty with representations. In this case, the defendant does not dispute the charge, but wishes to meet with a Justice of the Peace to request lower fine.
- If 15 days pass and the defendant does not respond to the ticket then he/she is deemed not to dispute the charge. A JP will examine a ticket and if it is complete and accurate, the JP will enter conviction and impose the set fine amount. If the ticket is defective, the JP will quash the ticket (throw it out).
- If the defendant wishes to defend the charge, he/she may request a trial. In this case first court appearance date is the trial date and the officer will be required to testify.

### **Part 1 – “Summons”**

- this type of charge is an escalation in enforcement as the out-of-Court payment option is not available
- The summons forces the person to appear in Court. They are unable to resolve the matter without appearing before a JP.
- Often used for repeat offenders or more serious offences under Part 1.
- Again, completed only by Provincial Offence Officers
- Completing the offence is very similar to a Part 1 – Certificate of Offence
- Summons must be served personally upon the person being charged
- The maximum fine on conviction to impose extraordinary Court orders i.e. Probation or prohibition orders

### **Part III Information**

- this is the most serious type of charge under the Provincial Offences Act
- an information is to be used against repeat offenders or for serious violations affecting health and safety
- any person may lay an Information – therefore lay persons initiating “private prosecutions” use information
- the person who lays the charge is known as the “informant”
- information may be laid where there are reasonable and probable ground to believe that an offence was committed – therefore you can lay information based on evidence or statements given by Third Parties
- swearing the information before a Justice of the Peace may be done in the Justice of the Peace office, located on the 1<sup>st</sup> Floor of Old City Hall, Room 159
- the individual charged under an information must appear in Court – there is not out of Court payment option
- the maximum fine upon a conviction is \$5,000.00 and the Court has the authority to impose extraordinary Court orders

### **UTiming – Limitation Periods**

- the Information must be issued before a Justice of the Peace within six months of the offence date
- once issued, there is no time deadline for service of the summons
- one benefit of the summons is that you control when the matter will appear in Court as you set out the “returnable date” in Court.

### **Common Errors**

If the ticket cannot be amended, then the defect will nullify the Certificate and the Justice of the Peace will quash the ticket.

**Name of Defendant:** Always try and speak to the person you are charging with the offence. Ask if that person is on the premises.

Often the name is incomplete or mis-spelt. Ask the person to spell their name and then ask for documentary proof i.e. Metro License, driver's license, birth certificate, piece of mail, etc. Try and get complete name including middle name and/or initial. Some foreign names have been revised when people come to Canada. When completing a ticket, the defendant's name must be their **legal name**.

### 1. Date and Time

This means the offence date, not the date the certificate was issued. Also, the time indicates the time of the offence. The box of "AM" or "PM" must be completed and therefore, the time should NOT be recorded on a twenty-four hour basis. For example, the time should be 1:00 PM and not be recorded as 13:00 hours.

### 2. Address

This is the full street name where the defendant resides. The words "Avenue", "Road", and "Street" should be written out in full and not abbreviated.

#### At

If the offence location is unknown, record the address as the name of the cross-roads, or corner address. Again, do not abbreviate the words for street, road, or avenue.

### 3. Municipality

For the Corporation to prosecute these charges, the offence must have occurred within the City of Toronto. It is very important to note the municipality as "Toronto" and **not** Scarborough or East York.

#### Wording of Offence

The approved short form wording is acceptable here. Please keep in mind that the wording must accurately let the defendant know exactly what he/she is being charged with.

4. Code Chapter and Section

The correct reference to the Municipal Code is “City of Toronto Municipal Code, Chapter 548”. The section number **MUST** include the Chapter and then the Section number. The ticket is incomplete if the section refers only to the specific section number and not also the chapter number.

5. Driver’s License No/Sex/Birth Date

If this information is available, please complete. It will assist the prosecutor, in Court, to distinguish the person charged from someone else.

6. Signature of Officer, Officer No. and Unit

You must sign the ticket and record your badge number and unit number.

7. Set Fine Amount and Total Payable

You must complete the set fine amount in the appropriate space. You must also add the Victim Fine Surcharge amount to the set fine amount and record the combined dollar figure in the Total Payable Box. Both areas must be completed

8. Service of Ticket

You must complete the Affidavit of Service on the back of the ticket immediately after serving the ticket. The ticket must be served personally on the defendant. If the defendant does not accept the ticket, then just leave at their feet. You should comment in your notes how service was accepted in case the question arises at a trial.

**Court Room Procedures**

1. Justice of the Peace enters courtroom, all rise.
2. Arraignment-person is charged and is read charges by court clerk. Defendant present pleads guilty or not guilty.
3. If plea is not guilty, trial proceeds.
4. Prosecution will ask Justice of the Peace if a Voir Dire trial could be granted in this case. Permission to use a Voir Dire is given.
5. Officer takes stand and is sworn in by court clerk.
6. After Officer sworn in the Prosecutor questions the Officer on his qualifications and asks the Justice of the Peace if the Officer can use his notes to refresh memory.
7. The Justice of the Peace allows notes to be read and asks the defendant if there is any objection on his part to the notes being used.

8. If the defendant objects, the Justice can overrule obligation.
9. Officer offers testimony.
10. After Officer testimony, the defendant is given permission by the Justice of the Peace to cross-examine the Officer.
11. After Officer steps down the Justice of the Peace allows the defendant the chance to testify in his own defense.
12. The Prosecutor has the right to cross-examine the defendant.
13. After both sides has had their say on the matter the Justice of the Peace asks the defendant and the prosecution for summations (a recap).
14. Justice then renders a decision of guilty as charged or case dismissed.
15. If guilty the Justice of the Peace will ask the Prosecution for a suggested fine.
16. Prosecutor will offer a fine.
17. The Justice of the Peace may ask the defendant if there is anything, he may want to say in regards to the fine as set by the Prosecution.
18. The Justice then either agrees to the set fine or may in fact lower or raise it.
19. The Justice then asks the defendant how long is needed to pay the fine.
20. Case Closed.

## Sequence of Sample Questions

### **Parks, Forestry and Recreation**

- A. Swearing in of Witness
- B. Qualifying Witness
  - 1. Were you employed by the City of Toronto Parks, Forestry and Recreation on (offence date)?
  - 2. In what capacity?
- C. Qualifying Notes
  - 1. Did you investigate the matter before the court and make any notes?
  - 2. Have there been any alternations to the notes since you first made them?
  - 3. At what time did you make the notes?
  - 4. Do you have an independent recollection of the event?
  - 5. Do you need to use your notes today for any reason?....”to refresh by memory”
- D. Evidence
  - 1. Date (includes the day of the week)
  - 2. Time (AM/PM)
  - 3. Offence Location
  - 4. Municipality
- E. Offence
  - 1. Please describe the offence you found
  - 2. Where was the offence located...park?...offence being on City/public property.
  - 3. Did you search the bags?
  - 4. Did you collect a Sample of the evidence? Take photograph? Please describe.
  - 5. What are the correct days/times and location that offence took place?
  - 6. What are the appropriate regulation containers?
  - 7. What happened to this offence/object/waste (did you remove it?)
- F. Defendant
  - 1. Name (from garbage or business search or volunteered info)
  - 2. Address
  - 3. In the course of your investigation, did you request a business/corporation/licence/tax assessment search?
  - 4. (Hand to witness). Please describe this document for the court. The Prosecutor may ask specific questions.
- G. Rebuttal Evidence in Anticipation of Due Diligence Defence and Prior Warnings/Notices?
  - 1. How and what notices/prior warnings have been give out?
- H. Problems of Public Disobeying By-laws?
  - 1. what are the problems the City faces?



- illegal dumping (garbage attracts more garbage)
- Safety concerns
- Health concerns (wet/food garbage attracts animals, rats, bugs, bacteria...)
- Appearance of the City (tourism, proud of a clean city, etc...)

- I. Prosecutor Enters Evidence Act Notice as an Exhibit
- J. Certified Copy of Municipal Code Before the Court
- K. Defence
- L. Closing Submissions
- M. Conviction or Dismissed
- N. Sentencing Submissions

### **Cross-Examination: What to Expect**

#### 1. The Defence Role in the Cross-examination

You have told your story in the examination in chief. As part of the trial process, the defence has the right to test your credibility, accuracy in recollection of the events, and competence and thoroughness in gathering your evidence.

The defence is entitled to an acquittal, if the defence can persuade the Court that the City has failed to prove all the essential elements of the offence, beyond a reasonable doubt. One of the ways that the defence can persuade the Court that acquittal should be made is to discredit your evidence through the cross-examination. Therefore, do not perceive the cross-examination process as a personal attack, simply respond to the questions in a calm and professional manner.

#### 2. Your Role in the Cross-Examination:

You are still under oath. You must answer each question truthfully.

Often the defence will engage in a fishing expedition on the cross-examination. A series of general questions may be asked, with a view to specifically addressing a potential weakness in your story, once one has been identified. It is good practise to give simple and concise answers. The more information or descriptions that you use to give your answer, provides grounds for new questions that will prolong the cross-examination.

If you do not understand a question, it is fair to ask for a clarification, it is fair to ask for a clarification or to indicate that you do not understand what is being asked. If you do not know or you are unsure of an answer, it is acceptable to indicate that you simply do not know the answer.

### 3. The Prosecutor's Role in the Cross-Examination

The Prosecutor's role is to ensure that fair questions are posed to the witness and that the witness has a fair opportunity to answer the questions.

The Prosecutor uses "objections" to ensure fairness in the cross-examination. Once an objection is made, the witness ought to stop making any statements or answers. The Prosecutor must give a legal reason for the objection. The defence may be given an opportunity to respond to the grounds for the objection. The Justice of the Peace will then rule on the objection. If the objection is sustained or granted then you do not have to answer the question. If the objection is overruled, then you must answer the question. In all cases, wait for the ruling by the Court, before volunteering any information or answer.

Typical grounds for objections are as follows"

- Relevance
- Calls for hearsay or an answer based on hearsay information;
- Not specific/ too general/ vague/ ambiguous;
- Repetitive (asked and answered)/ badgering the witness;
- Mistakes evidence/ misquotes witness;
- Speculative/ Hypothetical; and
- Prejudicial/ Argumentative

Bear in mind, making an objection is a discretionary act. Overall, the Court does not appreciate objections, there may be a perception that the City is trying to hide or minimize some aspect of your testimony. The Court is even more reluctant to consider objections when the defendant is unrepresented. Often more latitude is given to unrepresented defendants when posing questions on the cross-examination

Following the cross-examination, the City has the right to a re-examination. These are questions asked by the Prosecutor, designed to clarify any answers or information that may have become confused as a result of the cross-examination. The ultimate purpose of all questions and answers in the trial process is to ensure that the fairest and most accurate re-telling of the facts is presented to the Court, so that a determination of guilt or innocence can be made.

**Mitigating Factors:**

In sentencing, the following factors may be seen to be mitigating (this is not an exhaustive list):

- compliance with the Fire Code by the time of sentencing;
- steps taken by the defendant to ensure that no further offences will occur;
- a guilty plea;
- age, mental ability, education, financial situation of the defendant;
- quick action to comply with the Notice of Violation; and
- co-operation by the defendant and willingness to work with the inspector to comply.

**Aggravating Factors:**

Again, this is not an exhaustive list:

- lack of compliance with the Fire Code by the time of sentencing;
- lack of initiative or forethought into creating a system to prevent future offences;
- delay in complying with the Notice of Violation;
- number of tenants put at risk;
- adjacent properties or persons put at risk;
- seriousness of Fire Code defect;
- low cost or simplicity of correcting the Fire Code defect;
- lack of co-operation by the defendant; and
- prior convictions.

**Section 72 Provincial Offences Act Probation Orders:**

- a Probation Order may be imposed by a Justice of the Peace on a conviction for a Part III Information
- a Probation Order is imposed for a specific period of time – anytime period up to 2 years in length
- there are three statutory terms associated with any Probation Order – the most important is that the defendant is not to commit the same or any related or similar offence
- a Probation Order is only effective against an individual or a director of a corporation – a Probation order has no force against a corporation
- since the Fire Protection and Prevention Act carries the potential for imprisonment upon conviction, section 72(3) of the Provincial Offences Act authorizes the Court to impose extraordinary terms that are “appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant”.

**Breach of a Probation Order:**

- section 75 of the Provincial Offences Act creates an offence for failing to comply with a Probation Order
- the penalty for breach of probation is a fine up to \$1,000.00 and/or imprisonment for up to 30 days