

To: Civic Works Committee Chairperson H. Usher, Vice Chairperson J. Helmer, members M. van Holst, V. Ridley, T. Park and Secretary J. Martin
Cc: Mayor M. Brown and Councillors B. Armstrong, M. Salih, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, S. Turner and J. Zaifman
From: Samuel E. Trosow
Re: Canada Post Community Mailbox Program

Please accept this submission along with my previous request for delegation status to address the Civic Works Committee on Tuesday, February 3, 2015. I have also attached for your reference a Staff Report and resolution from the City of Burnaby B.C.

I am specifically requesting that: (1) the Civic Works Committee send this matter back to civic administration with some specific requests for more information as outlined below and (2) that a process be established for additional community consultation including a public participation meeting before any final action is taken by this council.

I will first comment on the staff report which I have now had a chance to review, then I will highlight some of the materials in the Burnaby Report. Finally I will outline the specific steps that I think need to be taken at this time.

Response to Staff Report

The report in your packet is in response from a request from the previous council from April 2014 (20/10/CSC). At the outset, it should be stressed that there has been no comments or requests from this current council, and whatever actions were taken in April 2014 are neither binding on this council nor represent a final decision of council on a matter that cannot be reopened. With due respect to the staff that prepared this report, I think it falls short in a number of areas: it is not comprehensive, it is not based on adequate consultation with affected stakeholder and it makes legal and policy concessions to Canada Post which are not necessary. The magnitude of the current project is stated on page 2 (85,000 of the 185,000 addresses in London will be affected by this proposed conversion, and that about a half of these conversions are proposed to take place in the Fall of 2015).

I agree with the statement in the report (page 3, second full paragraph) that

“Although locating CMBs in new developments has become a relatively routine matter, retroactively locating CMBs in established neighbourhoods currently served by door-to-door mail delivery is expected to present more of a challenge, necessitating a well thought out process that is sensitive to community concerns”

And while the report states that staff has held meetings with Canada Post since June 2014 to address these concerns, these discussions have failed to include members of the community who are interested in the outcome of this process. As noted, the community consultations involved sending letters to residents “explaining that their mail delivery will be converted” and inviting responses as to location and size of the boxes. This limited survey (with a response rate of 6,815 out of 42,433) falls far short of meaningful community engagement, which has really yet to occur. I base this conclusion on the limited set of allowable responses, the failure to include possible options or alternatives to the elimination of home delivery (i.e. reduced delivery days per week) the low response rate, and the failure to hold public meetings where residents might have the chance to hear the opinions of others on the relevant issues (which again were not all included in the very limited survey). I should emphasize that this shortcoming is not the fault of city staff, they were simply responding to the request from the previous council and they were not responsible for the faulty survey design.

The report briefly refers to “special accommodations for those with significant mobility issues” (page 2, 5th paragraph) but it neither states what those accommodations will entail, nor what level of documentation will be required to obtain such accommodations. The Burnaby report discusses the privacy problems resulting from such collection of personally sensitive information, but this analysis is absent in London staff report. The level of accommodations needs to be precisely set out along with corresponding qualification requirements so that they can be properly assessed.

The report turns to a discussion of general location guidelines on page 3. More formally, Canada Post has developed a "Delivery Planning Standards Manual for Builders and Developers." <http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual_en.pdf>. In the case of new subdivisions, the manual sets out detailed location criteria:

1.3 Community mailboxes are intended to serve customers in developments where

- lot and street layout of the subdivision are well established,
- roads are suitably maintained and passable year-round,
- municipal cooperation is obtained in the location and installation of community mailboxes.

1.4 Each CMB location is chosen by the delivery planner after consultation with the planner/developer and the local municipality.

1.5 Community mailboxes should be located a minimum of nine metres from intersection corners so as not to hamper driver visibility. Sites are not installed at major intersections.

1.6 Community mailboxes are usually not located adjacent to curb lanes That have no-stopping or no-parking zones.

1.7 The following site selection criteria must be considered when planning the location of a mini-park:

- at a natural entry point to a development,
- within a boulevard or at a convenient location within a development,
- near existing lighting fixtures (minimum recommended lighting level is 30lux).

1.8 Where a community mailbox is to be located on privately held land, the property owner must grant Canada Post a license to occupy the land. This license is available from your delivery planner. (section A 1, p 8)

These criteria are binding on Canada Post and it is important to emphasize that the city does not lose its decision making autonomy as provided through provincial law including the Planning Act.

The current staff report does not explain how an analogous process will unfold with respect to the retroactive installation of CMBs throughout the established urban neighbourhoods. Instead, council is being asked to delegate this approval authority to staff with apparently no further council oversight, much less a public participation meeting.

Over the years, and for each new subdivision application, the plans are individually reviewed by city staff and approved by council after a public participation meeting held under the Planning Act. Canada Post has always recognized that the placement of CMBs was an integral part of the local planning approval process. The staff report comments that the city has received few complaints about CMBs over the years, but this is due to the level of individual planning and design that is built into the process. This careful and precise attention to detail cannot, however, be used as an accurate predictor for retroactive installations on a mass scale. Nor should it be used as a substitute for the same level of attention to detail and scrutiny by professional planners and the public.

At the bottom of page 4, the report indicates that Canada Post has already "submitted some initial locations for city endorsement" But these locations are not identified in the report, raising serious transparency concerns. The paragraph also says that

"Canada Post indicated it would provide the City with a nominal monetary contribution in recognition of its costs."

It is not clear what is meant by "nominal" and how a nominal payment will compare with the full costs (including initial costs as well as a reasonable estimate of recurring costs). This vague assurance needs to be restated in much greater detail. The city should avoid taking on long term obligations that are likely to have budgetary implications. At a minimum, adequate assurances about cost recovery need to be established in a clear and enforceable manner. The burden of overlooking this important detail will fall to London taxpayers who will be on the hook for the difference between the "nominal" payments and the full costs.

Under the heading Responsibilities on page 5, the report refers to a boiler plate agreement. Rather than utilize a boilerplate agreement that does not provide for the full costs of safe, well-light installation and maintenance, the Council should require that more care be given to crafting a more precise agreement. The express recognition of lack of lighting will cause additional security problems and more thought needs to be given to this aspect of the project. The express lack of ongoing litter control is also highly problematic and should be of immediate concern to nearby residents.

There is also a reference to the construction of new curb cuts, but there is no analysis as to how many off street parking spaces will be lost as a result. In many neighbourhoods, existing off-street parking is not adequate to keep up with resident demand. Without further analysis, the project will only exacerbate the existing problems of inadequate off-street parking which leads to over-use of existing driveways as well as unsightly lawn-parking.

The Summary section confirms that about half of the existing 85,000 door-to-door delivery units will be converted in 2015. Yet the report fails to provide a sustainable framework for such a massive undertaking. It is quite true that “retrofitting CMBs into neighbourhoods is expected to create concerns for Londoners currently receiving door-to-door delivery” (as the 4th paragraph in the Summary states), but residents of these neighbourhoods (and the general taxpayer) need to have more involvement and say in this process. The closing two sentences of the Summary section (referring residents to the Canada Post general website and a phone number for their questions and concerns) is particularly unsatisfying.

In summary, the staff report that is now before the committee fails to address significant issues that need to be considered *prior to* the placement of any CMBs in the ground. It also makes some unnecessary legal and policy concessions regarding the authority of Canada Post to proceed without city approval, which are premature and not helpful at this time. A more detailed analysis should be requested from legal staff which specifically considers the positions being taken in other cities. Additional information concerning budgetary implications are needed as well. I have attached the report from Burnaby B.C. as a sample of a comprehensive and inclusive staff analysis and will briefly summarize it in the next section.

The Burnaby B.C. Report: A Comprehensive and Inclusive Model Approach

Burnaby B.C. is reflective of a significant number of communities across Canada that have taken a more proactive, inclusive and critical approach to this important policy issue. While there are many good examples of staff reports (and resulting municipal council resolutions) out there, I am attaching the Burnaby Report entitled “COMMUNITY IMPACTS OF THE PROPOSAL TO ELIMINATE HOME DELIVERY SERVICE BY THE CANADA POST CORPORATION” <https://burnaby.civicweb.net/Documents/DocumentList.aspx?ID=14486> to this submission because I think it is a particularly strong report and contains various issues that are of similar concern here in London. (links to other documents and news reports are appended below).

The Burnaby report supported a recommendation that council express its opposition to the proposal and to request an immediate review and amendment of Canada Post’s plans to:

- 1) require full and meaningful public consultation and engagement to review all options in order to preserve continued home delivery;
- 2) ensure that any new proposal provide for the continued security of residents private property and personal information;
- 3) ensure that proposals provide for the safety and protection for seniors and persons with mobility restrictions;
- 4) consider the effects of the proposal on various federal, provincial and local statutory notification requirements; and
- 5) remove the discretion of Canada Post to use city property for CMBs without city approval.

Each of these five areas is treated in the report in some depth and there is no need to further repeat these points in my submission. There are extensive references in the report which should be of considerable assistance in drafting a subsequent report that is more comprehensive.

Recommendations:

I would respectfully request that the Civic Works Committee reject the recommendation contained in the staff report and refer the matter back to Civic Administration to provide more information on the matters raised in this and other submissions and in the attached Burnaby Report. These issues should include:

- security of mailboxes from theft and vandalism,
- safety and lighting;
- accessibility issues for seniors and others with limited mobility,
- the cost-sharing and budgetary implications of the project,
- the effects on parking, traffic, congestion and idling
- litter control
- snow removal
- effects on statutory notice requirements
- implications for privacy with respect to sensitive personal information
- further legal analysis on the ability of Canada Post to utilize city property without its approval

I would also request that the city facilitate additional community engagement and consultation on this issue including holding informational town-hall meetings as well as an open public participation meeting.

Thank you for your consideration of my presentation on this issue

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Selected Links:

Hamilton, ON

<http://www.hamilton.ca/NR/rdonlyres/ADC944FD-4C27-4310-8DC8-E8C37C58A05B/0/Sep04GICReport14018.pdf> (pp 26-27)

<http://www.thespec.com/news-story/5295123-community-mailboxes-will-cost-hamilton-taxpayers-more-than-2m/>

<http://www.hamiltonnews.com/news/hamilton-continues-fight-as-canada-post-unveils-1000-superbox-sites/>

Huron County, ON (Nov 25, 2014)

http://www.southwestmiddlesex.ca/Public/Page/Files/85_13_05_c_Corr_Info_CanadaPostDelivery_HuronCounty.pdf

Kanata, ON

<http://ottawacitizen.com/news/local-news/canada-post-superbox-battle-breeds-in-kanata-neighbourhood>

Richmond Hill, ON

http://richmondhill.ca/documents/meetings/council/12_15_2014_19_30/meeting_12_15_2014_19_30_minutes_council.pdf (p 14)

Langley, BC

<http://www.theprovince.com/news/Metro+Vancouver+mail+theft+capital+Canada/9951893/story.html>

North Vancouver B.C. (May 5, 2014, with Burnaby Report attached)

http://www.dnv.org/upload/documents/Council_Agendas_Minutes/140505RC_AA.pdf

Richmond, BC

http://www.richmond.ca/_shared/assets/CanadaPost_CNCL_04281438530.pdf

Victoria, BC

<http://www.timescolonist.com/news/local/victoria-hopes-canada-post-changes-won-t-be-c-o-d-1.1744627>

Montreal:

<http://montrealgazette.com/news/local-news/canada-post-intruding-on-citizens-private-lives-public-hearing-told>

<http://montrealgazette.com/news/local-news/opinion-in-cutting-home-mail-delivery-canada-post-isnt-listening-to-canadians>

<http://cnews.canoe.ca/CNEWS/Canada/2014/08/13/21872311.html>

St John's NFL

<http://www.stjohns.ca/media-release/council-signs-canada-post-resolution>

Winnipeg:

<http://www.winnipegfreepress.com/local/delivering-bad-news-on-boxes-275869671.html>

General:

<http://business.financialpost.com/2014/09/16/super-mailbox-on-your-front-yard-could-lower-value-of-your-home/>

<http://www.cbc.ca/news/canada/british-columbia/super-mailboxes-in-b-c-targeted-thousands-of-times-records-reveal-1.1413809>