

2023

POLICY REPORT

LANDSCAPE ONTARIO SNOW AND
ICE MANAGEMENT GROUP



LANDSCAPE ONTARIO

Landscape Ontario Snow and Ice Management Group Policy Report

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I. Executive Summary

Ontario's Snow Management Sector ("SMS") is facing a loss of contractors willing to provide SMS services due to an insurance and liability crisis. The SMS Sector is a group of 8,000 to 10,000 businesses. The availability, capacity, and price of insurance has become unstable – due the absence of industry standards or regulations, unfair and/or vague contracts, and vexatious claims. Many contractors are being driven out of the industry because they feel unsupported by insurers and or because of increasing overhead costs that include insurance. There is a very real danger that the declining numbers of SMS contractors will result in a lack of service for many owners, municipalities, and organizations next winter unless there is legislated reform. The creation of an authority having jurisdiction, accreditation program, curriculum, and legislation are all necessary to reform the system in order to provide fairness, improve safety, and address environmental concerns.

The suggested reforms will lead to affordable insurance for operators, safer sites and reduction in salt use, and a pathway for pursuing a career in this sector is also part of SMS planning. Reforms will lead to lower costs to owners, the province, taxpayers, and many small businesses alike. This will provide direct benefit to millions of Ontarians who depend upon SMS services every winter.

II. Issue Summary

A. Introduction

The SMS is facing numerous issues that fall under the authority of several ministries. While these issues are varied, they are interconnected and require a comprehensive strategy to solve the crisis they pose to the industry.

B. Insurance

According to the Insurance Bureau of Canada (IBC), the insurance industry has been faced with a "hard" commercial insurance market in recent years, due in part to a string of catastrophic natural disasters such as wildfires and hurricanes that have swept the globe (Insurance Bureau of Canada [IBC], 2023).

SMS contractors have been reporting problems with skyrocketing rates and difficulty finding coverage for the last several years "‘Everyone is facing large increases,’ said Tony DiGiovanni of Landscape Ontario. ‘Some members report insurance premium increases anywhere from 25 to 400 per cent. Some cannot obtain insurance at any cost’" (Landscape Ontario [LO], 2020).

In 2020, Christopher Thacker, owner of Mr. Mow It All, reported that insurance premiums for his snow management business had risen over the course of a decade from \$5,000 to \$70,000, and were expected to double again in just one year. "‘It's getting absolutely out of control,’ Thacker says. ‘It just keeps growing every year.’" (CBC News, 2020).

The issue of rising insurance costs has not abated in recent years. Landscape Ontario members continue to report premium and deductible rates are at unsustainable levels. This lack of certainty impedes accurate business cost forecasting. This makes bidding on multi-year contracts difficult or impossible, which in turn could result in a lack of SMS services in the future. After 40 years of business, Gerald Boot has seen ups and downs in the insurance market, but nothing like what has been happening since 2019. “I did a pretty thorough investigation in terms of getting quotes and I got some pretty ridiculous numbers,’ Boot said. ‘Some insurance companies were just simply getting out of the winter maintenance business altogether.’” (Barber, 2022).

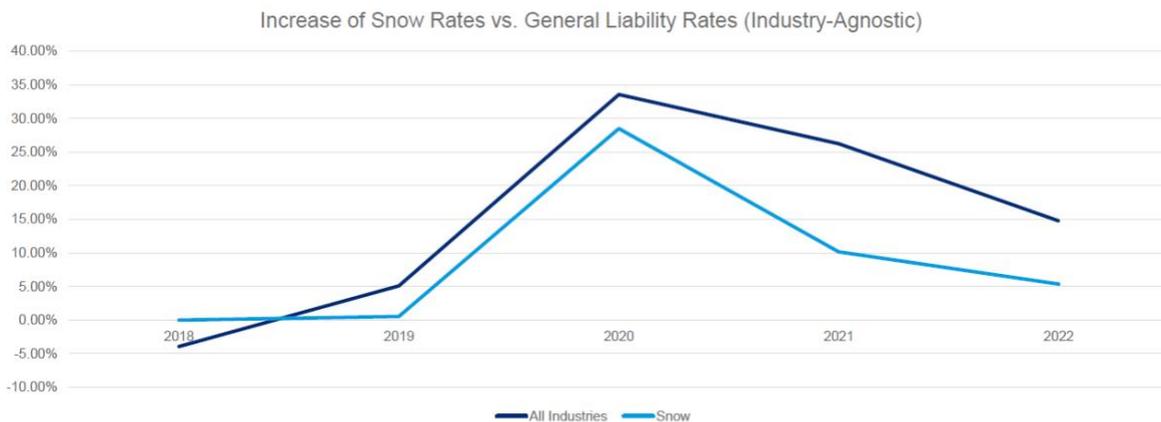
MP Ryan Williams – Bay of Quinte

“A special thank you to Pristine Property Management who opened up the highway from Mountainview to Picton, pulling out snowplows and helping locals during Christmas Day.”

December 2022 Facebook Story

The insurance industry acknowledges the fact that snow management has been experiencing huge rate increases and numerous slip and fall claims “Snow management has historically been a challenging area of insurance given the high frequency of claims and the long tail nature of some of the bodily injury claims which develop over time,” stated a Senior Vice President at Marsh Canada. “In 2020, HortProtect members saw a significant increase to snow management rates” (Marsh Canada, personal communication, June 28, 2023). The data provided by Marsh (see Table 1) indicates that snow management insurance rates increased by 27% on average in 2020. While the increases have stabilized over the last two years, rates continue to rise year after year.

Table 1: Marsh 5 Year General Liability Analysis



Notes:

- ❑ The chart compares the percentage change YoY of average snow rate increases in the HortProtect program against the percentage fluctuation in the General Liability rates (industry agnostic).
- ❑ Data leveraged from the Marsh Global Insurance Market Index (2018-2022). This report measures commercial insurance premium pricing change at renewal, comprising nearly 90% of Marsh’s clients premium in North America.

(Marsh Canada, personal communication, June 28, 2023)

There is no doubt that these ever-increasing insurance costs are putting SMS companies in danger of going out of business, but it is important to note that this hard market is merely a symptom of the true problem.

At issue is an insurance system that unfairly favours property owners. Winter safety should be a shared responsibility for all involved, including contractors, property owners, property managers, the public, municipalities, and any level of government involved with properties and property management. However, the reality is that SMS operators are unable to defend claims due to the absence of a reasonable system, vague or directed contract wordings that places all of the responsibility upon the contractor, who often does not have complete control of the property, nor the authority to repair or eliminate hazards that cause unsafe conditions. Contractors have an inequality of bargaining power and are being expected under contract to rely on weather forecasting that is unreliable, antiquated, and often unable to accurately predict severe weather events.

SMS contractors have and continue to shoulder all or the bulk of liability risk and, without any standard either provincially or nationally, this means many are either giving up on SMS services or going out of business due to uncertain liability insurance rates on top of other rising costs such as fuel, materials, labour, and auto insurance (Foran, 2021).

1. Liability

The current system allows for the placement of much if not all the responsibility for liability upon the SMS contractor. This responsibility should be shared between the property owner, property managers and contractors, but that is not happening. Many property owners are able to place all responsibility on SMS contractors through language used in contracts, which often refer to weather monitoring rather than establishing a site-specific risk analysis with written protocols that are not based on unreliable storm forecasts. The reality is that a contractor cannot guarantee complete safety if snow management is simply based on weather monitoring, especially if a site contains hazards that can't be mitigated by SMS services alone.

For example, a parking lot for a residential building may have a downspout that empties onto a walkway between a building and its garbage area. Unbeknownst to the contractor, the owner also directs tenants to travel through this area to dispose of their garbage. The downspout expels water that can freeze, and there is no weather monitoring in existence that could possibly prevent the formation of a slip and fall risk in this scenario – a proper site protocol for this area could.

This is just one example of the many winter hazards that require action from the property owner to remove. An SMS contractor only has equipment to push snow and apply salt to areas. They cannot implement the required solutions, such as installing permeable pavers or rerouting drainage.

Dr Michael Livingston – Pediatric Surgeon at McMaster Children’s Hospital in Hamilton and Assistant Professor of Surgery at McMaster University.

During a terrible snowstorm, pediatric surgeon Dr Michael Livingston received an urgent call to immediately care for a patient. Unable to drive in the storm, he tried to ski. When that failed, feeling hopeless, he waved down a snowplow operator to assist. Mike Hannigan of Lawn Express picked him up and plowed him to MacKids – in ten minutes. Livingston called this snowstorm generosity the “ultimate Canadian moment.” Hannigan, he said, offered to help “without skipping a beat.” “He drove me straight to the hospital,” he said. “I was super grateful.”

March 2023 Hamilton Spectator

A proper, pre-season site analysis is a critical tool for identification of hazards, and developing effective capital planning, which must include elimination of specific types of hazards and protocols established for the mitigated or elimination of other types of hazards. There are currently no requirements, standards, or regulations that require this type of risk analysis. Instead, contract language continues to rely on weather monitoring clauses rather than establish a dedicated or prescribed frequency for patrolling or inspection protocols.

As a result, issues like the drainage example noted above can and do remain for years on sites, and there is no regulation or standard that forces property owners to identify and address these types of hazards. This leaves SMS contractors to deal with it the best they can. Landscape Ontario has a Snow and Ice Maintenance Contract available for use by its members, but many contractors feel forced to accept unfavourable contracts in order to get a job. (Horticultural Trades Association [HTA], 2023).

Snow management does not just occur in the winter – it should be a year-round activity that allows for hazard identification and mitigation to occur before the snow falls.

There are solutions to these issues, but they require property owners to participate. Currently, the expectation is on SMS Contractors to adapt or simply accept responsibility. This is not reasonable or fair.

2. Slip and Fall Claim Settlements

Mark Jackson, president of The Insurance Market, notes that very few claims actually make it to court because insurance companies frequently choose to settle and are not equipped to deal with the underlying problems or defence of the claim. “I think insurance companies did try their best to defend claims, but in many cases, business decisions were made to settle claims and close out files to reduce legal costs,” said Jackson. “Unfortunately, that really hurts the industry in the long run because the more claims that are paid out and the higher the amount that is paid, that just attracts more claims and personal injury lawyers into it” (Barber, 2022).

These insurance company settlement payments have a disproportionate effect upon snow contractors because they rarely have the opportunity to defend themselves in court. SMS Companies report that just one slip and fall claim can result in the tripling of insurance rates (Foran, 2021).

A survey of CanLii supports this anecdotal evidence of a high percentage of settlements for slip and fall cases, as there appear to be only three rulings recorded in the last three years. Moreover, since all of these cases were for slip and fall incidents that occurred prior to the enactment of the

Occupiers' Liability Amendment Act, 2020, it is unclear what impact this legislation will have moving forward.

Marsh Canada's opinion is that the volume of formal statements of claims appear to be decreasing after the passing of Bill 118, the *Occupiers' Liability Amendment Act, 2020*. However, they also noted that they are seeing a corresponding increase in third party claims adjustment forms that acknowledge potential incidents and allow a claimant to have an extension of the 60-day reporting window to file a formal claim (Marsh Canada, personal communication, June 28, 2023).

3. Deductibles

In addition to rising insurance rates, increased deductible amounts are having a negative effect on SMS contractors by forcing them into large payouts. "Deductibles getting up to really high levels with numbers like \$25-50,000 are becoming pretty common," said Jim Monk, owner of MPS Property Services. "I've heard of \$100,000 deductibles. It becomes something that a lot of companies can't afford" (Barber, 2022). The prevalence of insurance company settlements for personal injury claims compounds the effects of these high deductibles as businesses feel they are paying without ever seeing the inside of a courtroom to defend themselves. SMS contractors provide essential services despite the inherent unfairness of the insurance system, but there is a real danger that many will be unable to continue.

4. Availability

Over the past several years, many insurance companies have exited the snow management market, leaving contractors with few options. Desjardins Insurance, Lombard, Northbridge, RSA Insurance, AIG, Intact, Economical Insurance, Wawanesa, Gore Mutual, and Lloyds have all left the market or restricted coverage. Unica Insurance does not write any snow management business outside of the Self-Insured Retention (SIR) program (M. Jackson, personal communication, June 7, 2023). Lack of availability reduces choice for SMS businesses and removes price competition, which drives up premium and deductible amounts.

While Marsh Canada is one of the few brokers that has worked to find coverage for snow and ice contractors, they will only bind coverage for clients with a minimum of three years of insurance history (Marsh Canada, personal communication, June 28, 2023). Like Marsh, the SIR program will not insure new business operators. This refusal to insure new businesses as a policy makes it extremely difficult for contractors to get started in the industry and contributes to the shortage of SMS services in Ontario. An industry without stable insurance is in trouble. An industry that is shrinking and is not able to replace lost members is in serious trouble.

Marsh recommends that snow removal clients could reduce their insurance premiums by attaining excellence in the standard of work with a high degree of documentation and pre-site inspections (Marsh Canada, personal communication, June 28, 2023). Landscape Ontario's proposed training and accreditation program is designed to produce highly skilled and knowledgeable individuals and meets or exceeds the above recommendations.

5. Policy Solutions – and what is still needed

Occupiers' Liability Amendment Act, 2020

Bill 118, the *Occupiers' Liability Amendment Act, 2020* was intended to address liability concerns for personal injury claims involving snow. The legislation now requires written notice of a personal

injury claim to be served to at least one of the property owner, tenant, property manager, or independent contractor within 60 days of the occurrence of injury. It is hoped that this new notice period will provide certainty that slip and fall claims will not appear two years after the fact, when employees may have left the SMS companies, and evidence is harder to collect.

While this change is a welcome first step, it did lay the groundwork for the industry to consider other regulatory gaps, and the legislation has not prevented contractors leaving the industry. Ultimately, Bill 118 does not impact the many other problems in the insurance system and has not resulted in cost reductions for SMS businesses.

One of the gaps in legislation specifically, is that an injured person only has to give notice to one of several parties but can sue all or any of them. The legislation states that the party who receives notice must notify the other parties, however, it does not outline a penalty for failure to provide that notice. SMS contractors report that they are not being notified by property owners who have received a notice of claim, and they have no way to force them to do so. The legislation is more helpful to property owners, which was not the intent. In short, this measure has done little for SMS contractors as the owner can advise the contractor or not advise the contractor in a reasonable time period as they see fit. It also does nothing to compel property owners or site managers to document a risk analysis of their site, eliminate hazards, develop protocols, undertake reasonable repairs, or reduce the number of things that can create hazards between winter weather events. It certainly does not increase the owner or site manager's liability burden or their ongoing reliance on weather monitoring, which is an unreliable system.

Another unintended effect of Bill 118 is that it could result in an increase in claims as people may decide to file a claim because they are unsure if they will have a long-term injury. In other words, the 60-day notice requirement may not be enough to assess the full impact of a slip and fall incident, so people will send notices just in case. After sending notice claimants have no obligation to cooperate, including identifying the specific area of the fall. For example, a notice for an injury occurrence on a 30-acre property without knowing the precise area of the fall is a problem for investigators and insurers. The legislation is ambiguous on this point and this could result in insurance rates continuing to increase, as insurance companies persist in settling cases and do not have the ability to investigate if the precise location of the alleged incident is unknown. In comparison, a regulated system would require notice and identification of the precise area of the incident and vastly improve the ability to investigate and evaluate claims.

More robust changes are required, including contractual reforms, redistribution of responsibilities, and the establishment of reasonable risk. Contractors require regulation to set reasonable expectations require the elimination of certain types of hazards, and the establishment of a requirement for site specific protocols in writing. The changes being sought will improve safety and allow for the reduced use of salt which will have a positive impact on the environment by making the roles and responsibilities of everyone clear.

Many organizations, including the IBC and Association of Municipalities of Ontario (AMO) have been advocating for changes to Ontario's joint and several liability system. Under the current system, liability costs can be reassigned if a responsible party is unable to pay (AMO, 2023). This can make municipalities or businesses responsible for a much higher proportion of the costs than their responsibility for an incident. The result is that municipalities, taxpayers and business owners pay higher insurance premiums and can be unfairly targeted in litigation. There are some contractors operating without insurance or may go bankrupt in litigation situations. The IBC focus on this issue continues to favour property owners over SMS contractors, as is demonstrated by the increasing recommendations by insurers for the use of additional insured provisions in contracts. IBC has confirmed there is a capacity issue for SMS insurance, but also has not indicated if any changes are on the horizon. It is clear that SMS contractors cannot rely on the insurance industry to achieve a fair snow sector marketplace. Self-regulation and legislative change are needed.

Jon Agg – Pristine Property Management

“A four-year-old girl was rescued by a Pristine Property Management employee on a routine site check. A vehicle was stolen from a driveway with a four-year-old in the back seat from a home in west Toronto. After an Amber Alert was issued, the snowplow operator recognized the abandoned vehicle and called 911. He stayed with the child until police arrived.”

March 2017.

Self-Insured Retention (SIR) Program and Captive Insurance

In order to address issues of increasing insurance rates and insurers leaving the market, Landscape Ontario worked with an interested broker to create a Self-Insured Retention (SIR) program, a type of group insurance policy. The SIR model has dedicated claims professionals and legal counsel. Landscape Ontario also requisitioned a study on Captive Insurance, which concluded that until industry issues are resolved, a captive insurance model is not viable.

The SIR program is funded by contractors who pay into a pool in order to self-insure for claims. Claims below \$25,000 are handled by the contractor, the pool of group funds pays claims after \$25,000, and the insurance company deals with claims when the pooled funds are depleted (LO, 2021). The pooled funds vary based on participation and currently exceed \$1.3 million. It is important to note that the SMS contractors are taking a great deal of risk, so only well funded businesses are viable participants in the program.

A SIR program model is a powerful tool because all members must commit to working with prescribed procedures and protocols in order to ensure that they are doing everything they can to prevent claims. This includes generating evidence to support a strong defense if a claim arises. “We need to show that we're doing our calibrations, logs, and weather journals properly,” said Jon Agg, owner of Pristine Property Maintenance. “All of our trucks need to have GPS tracking. Our employees have to be trained. All of these things make it so that we are untouchable for frivolous lawsuits” (Barber, 2022).

Since its creation four years ago, the SIR program has been able to provide stable pricing for qualifying participants. It provided insurance coverage at a time when many mainstream insurance companies left the market. However, not all contractors meet the operational requirements to qualify, have the financial resources to participate, and a new business still would not be eligible.

The SIR model seeks continuous improvement of current members, but it is not a model that is industry transformative due to the time needed to locate participants and then work with them to

achieve compliance. Moreover, the SIR program cannot address the absence of standards, regulation, or the disparity between contractors and owners in contract negotiations.

The SIR model also cannot do away with the antiquated weather monitoring system, which needs to be buttressed by a risk based or hazard-based analysis of sites ideally performed by owners who are ultimately responsible for the site. Owners cannot be compelled to follow a risk-hazard based approach to winter without regulation, therefore standards and regulations are required. Landscape Ontario has studied the elevator industry regulatory model which ultimately holds the owner responsible for their elevating device, compels owners to report on injury accidents, and take steps to resolve hazardous situations. A similar authority having jurisdiction model would be of great benefit in the snow management sector.

C. Environment and Safety

Landscape Ontario recognizes that excessive salt use negatively impacts the environment. A 2015 University of Waterloo study states that “the release of large quantities of salt could cause significant damage to soil, water, vegetation, and wildlife. Salt is also a significant factor contributing to the corrosion of bridges, buildings, and vehicles, increasing maintenance costs by billions of dollars” (Hossain, K. & Fu, L., 2015, p. 1).

Changing weather patterns lead to more freeze-thaw cycles and extreme weather events, resulting in increased salt use. The industry is seeing more “salt only” events than “plowing” events, which is a concern. The changing weather patterns are reducing thresholds that trigger plowing and increasing salt use. The fear of claims and using salt as a prevention for slip and fall claims is the primary factor driving excessive salt application rates. Hossain and Fu (2015, p. 7) found that a “majority of the contractors reported applying excess salt to avoid slips and falls, which often lead to litigations and increases in insurance premiums. A large proportion of the respondents (75%) believe that 10% or more salt could be saved if litigations and insurance premiums were not a concern.” An SMS regulator would be able to establish what is reasonable and help to define acceptable salt usage and acceptable risk. Weather monitoring to plan operations is not reliable. A site-specific risk analysis is reliable and would buttress weather monitoring activities.

Environment and Climate Change Canada developed a Code of Practice for the Environmental Management of Road Salts in recognition of the many risks posed by excessive salt use. The Code of Practice is designed to help municipalities and other road authorities manage the use of road salts in order to reduce the impact on the environment while maintaining road safety (Environment and Climate Change Canada, 2023). However, mandating lower salt use on public highways and roadways alone is insufficient to address salt-related environmental damage since private parking lots and roadways also contribute significantly to the problem. All parties involved share the responsibility to protect the environment.

Landscape Ontario believes that the impact on freshwater can be reduced by regulating and minimizing salt use for snow and ice management, but liability concerns hinder the widespread implementation despite ongoing education efforts through Smart About Salt Council.

Snow management should not be an afterthought or done in haste. Proper snow management requires activities 12 months of the year. A year-round obligation will result in improved risk management decisions thereby addressing the serious environmental issues caused by excessive salt use. Environmental and safety issues must be addressed concurrently, and the

solution requires a regulator and legislative changes to create fairness and buy in by all industry participants.

1. Policy Solutions – and What Is Still Needed

Smart About Salt Program

The Smart About Salt Council (SASC) is a not-for-profit organization that works to offer training, certification and program verification for all involved in the winter maintenance industry. The Smart About Salt program offers training to improve winter salting practices in order to reduce costs, improve client and customer relations, and support the environment and drinking water resources, but the implementation of best practices is being hampered by liability risk.

Lee Gould, Executive Director of the SASC, notes that “education for all parties is necessary, especially those with a vested business interest. Given the complexity and misunderstanding of the challenges and opportunities, achieving necessary changes will not be achieved by ‘good will’ alone. Indeed, the complexity is, in part, resultant from a need to promote safety and a misunderstanding of how safety may be achieved” (L. Gould, private correspondence, February 17, 2023).

Currently, the return on the investment for implementation and development of the Smart About Salt program is very low due to minimal uptake from the industry. This is not surprising given the concerns over liability and the fact that it is a voluntary system. Reliance on any voluntary system is not going to achieve change. A regulated snow and ice management system supported by a legal framework that protects certified contractors who can prove compliance would allow SMS operators to make improvements in the management of salt and accompanying environmental concerns.

It must be noted that the recommended changes will not eliminate accountability. SMS contractors who proceed without mandated training, or do not follow reasonable practices, or breach their contracts will be held accountable. The changes being sought only create an improved system for site analysis, elimination of hazards, and introduces a requirement for site specific protocols. At the core of the changes being sought is improvement of the procurement process and salt reduction concurrently. A regulator can hold owners, contractors, site managers accountable. Claimant rights will not be impacted, but litigation will likely be shorter, as the system would provide guidance to assess parties carrying out their respective roles.

Ontario’s Great Lakes Strategy

The Government of Ontario’s Great Lakes Strategy aims to empower all partners on the Great Lakes to take action restore fresh water, beaches and coastal areas. Growth and the stress it puts on the ecosystem, including insufficiently treated stormwater, is identified as one of the serious challenges currently facing the Great Lakes.

The Strategy notes that the Great Lakes are a major economic driver for Ontario and stimulates the economy by providing clean water for manufacturing and other industries, shipping routes and tourism. The economic importance of Ontario’s Great Lakes watersheds is massive, and generates billions of dollars every year from fishing, agriculture, power generation and tourism.

Economic studies cited in the Strategy state that Great Lakes restoration and protection provide a high return on investment (ROI). In fact, minimization of stormwater runoff is estimated to produce an average 2:1 ROI. (Ontario Ministry of Environment and Climate Change. 2021).

Industrial Property Services Snow contractor saves mother in labour during January 2021 snowstorm

“During a catastrophic storm, one of our snow contractors saw an ambulance attempting to get into Scarborough General Hospital, but traffic was at a standstill with TTC busses stuck in the snow. The paramedics requested Jason’s help. They transferred a woman who was in active labour to his snowplow, and Jason plowed his way to the Emergency Department. As a result, the expectant mother was able to receive the care necessary to deliver her child safely. Despite Jason’s truck having amniotic fluids in it, he remained at SGH providing snow clearing services for the duration of the storm.”

January 2021 Scarborough.

Landscape Ontario shares the belief that investments to restore and protect the Great Lakes are wise investments. The proposed SMS training and regulatory system aligns with many of the Strategy’s goals, including: protecting water for human and ecological health, reducing stormwater and wastewater impacts, improving wetlands, beaches and coastal areas, and ensuring environmentally sustainable economic opportunities and innovation. Moreover, the creation of an SMS authority having jurisdiction would contribute to the protection of Ontario’s freshwater resources by providing a mechanism for education, risk assessment and monitoring, and reporting on salting activities.

Freshwater Roundtable

Landscape Ontario is a major stakeholder participant in the Freshwater Roundtable that was formed by the Lake Simcoe Region Conservation Authority in 2019. The roundtable recognizes that winter road salt is one of the biggest environmental concerns for Lake Simcoe and sets a goal to develop a strategy for effective winter maintenance practices. SMS contractors, commercial property owners, all levels of government, and the insurance industry were invited to participate. (Lake Simcoe Region Conservation Authority, 2023). Landscape Ontario SMS has a deep commitment to achieving the goals set by the roundtable. In fact, the next roundtable is being greatly expanded to include more Conservation Authorities and other participants. This event will be hosted at Landscape Ontario’s head office on October 11th, 2023.

It was in part due to the Freshwater Roundtable that Landscape Ontario first began to envision and develop the proposed training and regulatory system.

D. Labour and Training

1. Recruitment and Retention

The SMS management industry is experiencing difficulties in recruiting and retaining staff that could lead to a critical shortage of workers needed to create safe winter conditions for Ontarians.

Snow management is a difficult job that requires staff to be on call 24 hours a day, operate heavy machinery and work in difficult conditions that can be dangerous. Some snow management companies have had to increase wages by over 40% in order to recruit and retain workers (see Section X.A Case Study 1), but more must be done. The expense of obtaining commercial driver training and licensing can also be a barrier to entry for new businesses and trainees.

2. Training and Career Path

Landscape Ontario proposes a training and an accreditation system. It will be a critical factor in employee recruitment by creating a clear career pathway in the industry, along with building skills that creating safer worker conditions. This accreditation program also aligns with current efforts of the Ontario government to attract more people to the trades – a needed change in the workforce with an aging population and investment in public infrastructure.

More contractors provide more competition which creates competitive pricing and quality; together these can provide more choice for the consumer and safer winter conditions.

III. Policy Recommendation

Landscape Ontario wishes to achieve the following goals through legislative reform, the establishment of technical standards, and creation of a regulatory framework:

- Create safe conditions for Ontarians while respecting the natural environment;
- Reform the liability system by balancing risk to all involved in site management in winter;
- Establish a regulatory framework for snow and ice management in Ontario; and
- Establish the parameters for defining reasonable risk.

The Landscape Ontario SMS Group has developed a curriculum for a full accreditation program that would provide a career path for people entering the industry. This curriculum makes continuing education a requirement and incorporates the Smart About Salt training as both a prerequisite for certain courses and is half of the continuing education requirement. Use of the curriculum as part of an accredited program will more effectively define safe industry practices and assist property owners and managers to understand and perform a proper site assessment. This will improve the procurement process for all involved.

In addition, Landscape Ontario has created draft legislation (Appendix A) to address the formation of an authority having jurisdiction as part of a regulatory framework.

A. Introduction

A scientifically based, regulated, snow and ice management system designed to control over-salting supported by a legal framework which includes acceptable levels of risk, prescribing responsibilities for each stakeholder will improve the industry. It will improve safety, address the disparity in contracts, establish risk and hazard assessment requirements and buttress weather monitoring activities. Overall change will promote safety while respecting the natural environment.

Landscape Ontario's SMS have listened to the concerns expressed by of the Attorney General in previous meetings, and we have developed a fulsome training and accreditation system that will codify industry practices for safety. This includes incorporating training that will reduce negative impacts from oversalting that impacts the environment and infrastructure.

B. Policy Background

The curriculum and accreditation system developed by Landscape Ontario's SMS is intended to establish a reasonable system for training and a certification process that will allow participants to gain a very high level of knowledge and competency, as well as providing a means to evaluate any protective legislative liability changes akin to the New Hampshire model if adopted.

The curriculum's 6 courses are designed by industry experts:

- Safety Course
- Snow Apprentice 1;
- Assistant Supervisor;
- Area Supervisor/ Dispatcher;
- Snow Manager/Owner
- Pre-season Inspection

The introductory levels would provide a baseline for certification, while a full spectrum of advanced course offerings allows for more in depth training and specialization with the intent of creating a clear career pathway for people in the industry. Legacy exemptions up to Level 3 will be offered for those who can demonstrate proficiency, and the curriculum incorporates requirements for the Smart About Salt program. The program also addresses mobility issues between provinces if a trainee can pass a pre-requisite exam or exemption exam.

Pre-season inspection and development of site management plans are essential to reduce risk. Landscape Ontario believes that proper site evaluation and site plan development should only be performed by individuals with training and experience. Since property owners and managers may need training to conduct a site-specific risk analysis the curriculum contemplates the requisite training.

This accreditation system will be administered by Landscape Ontario through an Education subcommittee. The system will be self-funded through licensing and training fees but could also support the cost of an authority having jurisdiction if licensing is a role. Training and certifying the estimated 10,000 SMS contractors in Ontario is a huge undertaking, but one that Landscape Ontario is willing to take on in order to improve safety, address the environment, and positively affect the liability and insurance crisis.

If implemented, the Landscape Ontario SMS Management certification system or a system with regulator oversight will help to address liability issues while attracting people to the industry and improve retention of trades people.

See Appendices B & C for Curriculum and Accreditation Policy.

IV. Jurisdictional Scan

A. Accredited Snow Contractors Association (ASCA)

The Accredited Snow Contractor's Association is an American organization that has been leading the way for advocacy and education for the SMS industry. U.S. business owners have been facing similar issues with the rising costs of insurance and similar problems defending accident claims that are increasing in frequency. In an effort to combat this, ASCA developed written industry standards and an education program that provides professional snow contractors with formalized education to ensure risk reduction. ASCA aims to change the laws that drive insurance rates and create imbalance, unfair competitive practices, and safety issues for those involved (Accredited Snow Contractors Association, 2023).

ASCA model legislation seeks to prevent owners from transferring liability through contracts and has been adopted in Illinois, Colorado, Connecticut and Pennsylvania, and is under consideration in several other snow states.

B. New Hampshire

In New Hampshire, legislation has been passed that is intended to reduce the amount of salt applied in winter maintenance. Specifically, the Revised Statutes Annotated (RSA) Sections 489-C and 508:22 establish a regime to certify contractors in best management practices, deems that commercial applicators will not be liable for damages caused by snow and ice (absent gross negligence), and shifts the onus to a slip and fall claimant to prove gross negligence or reckless disregard of the hazard. (Kennaley & Winter, 2020).

In order to receive the protection offered by the legislation, SMS maintenance professionals and owners must be certified, and this process is overseen by the New Hampshire Department of Environmental Services. The Green Snow Pro program is offered by the University of New Hampshire and promotes salt reduction practices that prioritize public safety while mitigating salt usage. Commercial salt applicators certified by this program are granted limited liability protection offered by section RSA section 508.

Landscape Ontario's training curriculum is far more expansive than the New Hampshire version, and includes Smart About Salt. Continuing education requirements should be the basis for any New Hampshire style legislation implemented in Ontario.

C. Other Canadian Provinces

Most provinces in Canada have an *Occupiers Liability Act (OLA)*. Under the OLA, owners/occupiers owe a duty to people on the property to ensure that the person will be reasonably safe while on the property. This duty should not be transferrable and remain the owner's ultimate responsibility established by regulations enacted by an authority having jurisdiction. The duty of care does not assign automatic liability in a slip-and-fall case, however, the person who has fallen must be able to prove the occupier failed to address or remedy a hazard or failed to practice reasonable standards of care. These provinces include Manitoba, British Columbia, Nova Scotia, Ontario, Alberta, and Prince Edward Island.

Other provinces have chosen to abolish the OLA and set their own rules and regulations. These legislation and regulations include Saskatchewan's *Comparative Negligence Act*, New Brunswick's *Negligence Principles*, Quebec's *Civil Act*, and Newfoundland and Labrador's *Stacey Decision*. Each province put in place the definitions and procedures for how to proceed with a slip and fall claim.

D. Illinois

The Illinois model for legislative change in the snow and ice maintenance industry aims to ban hold-harmless clauses. According to the *Snow Removal Services Liability Limitation Act*, the model consists of two sections. Firstly, neither the service provider nor the service receiver can enter into a contract that requires the other party to indemnify them, hold them harmless, or defend them in a tort claim related to the services. The second section explains the applicability of the legislation.

The hold-harmless clause is the only provision that is rendered void by the legislation, however, the legislation does not eliminate anyone's right to sue another person for damages resulting from a slip and fall. We believe that the additional insured obligation should be prevented and that each party will have obligations to indemnify the other (joint indemnity provisions)

The Illinois legislation specifically addresses the issue of the excessive hold harmless provision, which poses challenges to the industry. This clause is problematic because clients have no basis to expect their contractors to act as insurer of the property. Landscape Ontario does not believe

the intent of the Occupiers Liability Act is to allow contractors to act as insurers of the property. A well-drafted clause should establish limitations and conditions for the scope of the hold harmless clause and negate additional insured clauses. Claims should be limited to personal injury and property damage, not pure economic loss. The SMS contractor must be given notice of the claim and it must fall within the limits of the insurance.

If this model were adopted in Ontario, Landscape Ontario's Standard Form Winter Maintenance Contract would need to be amended to remove clauses that restrict indemnification. Additionally, Landscape Ontario would have to educate contractors to make similar amendments to their contracts (Kennaley & Winter, 2020). Reforming hold harmless clauses should not prevent a negligent contractor or negligent owner from indemnifying each other, but the legislative change should prevent additional insured provisions.

A Canadian Construction Documents Committee (CCDC) type contract may be the most ideal approach to balance and fairness.

E. Canadian Standards Association (CSA)

The Canadian Standards Association (CSA) is a leader in standards development, testing, inspection, and certification with a mandate to "hold the future to a higher standard" (CSA Group, 2023).

Landscape Ontario asked the CSA to consider the development of a national standard on snow and ice management in 2020 with the goals of:

- Ensuring public and worker safety;
- Addressing rising liability and insurance costs; and
- Managing risk from snow and ice management practices to nearby ecosystems.

The CSA conducted stakeholder consultation and developed a roadmap for potentially moving forward on the creation of a Snow and Ice Management National Standard Canada (NSC). Their research found general consensus from participants across Canada for a standards-based solution to address the key issues of liability, training and competency, environmental impacts, and regulatory frameworks. In response, the CSA published a potential scope and application for a snow and ice management standard, including procurements for tendering and contracts, business operation assessments, salt management plans to decrease environmental harm, and training requirements for workers.

The CSA identified four key issues:

1. Liability – Snow and ice contractors are to bear all liability for slip and fall claims
2. Training and Competency – No formal requirement on contractors to meet minimum level of training or competency.
3. Environmental Impacts – Lack of understanding on the science of salt resulting in oversalting.
4. Regulatory Framework - No statutory framework was identified that protects the environment or keeps persons safe.

Next steps include consulting with external advisory groups, identifying external funding, filing a public Notice of Intent, and committee meetings (Keefe and Wesmiller, 2022).

Landscape Ontario has contacted the Honourable François-Philippe Champagne, Minister of Innovation, Science and Industry with a request to discuss the next steps, but to date he has not responded.

V. Existing Ontario Regulatory Bodies

A. Introduction

Landscape Ontario's proposed training and accreditation system could be administered through existing provincial programs or be part of the responsibility of the authority having jurisdiction similar to the TSSA's oversight of training for elevator contractors.

B. Technical Standards and Safety Authority (TSSA)

The Technical Standards and Safety Authority governs public safety in the Boiler and Pressure Vessels and Operating Engineers, Elevating Devices, Amusement Devices and Ski Lifts, and Fuels sectors in Ontario. This not-for-profit, self-funded organization funds operations through services fees to customers.

These sectors have mandatory enrolment with the TSSA under the authority of the *Technical Standards and Safety Act (2000)*. Training and accreditation for these trades is available through a number of avenues, including apprenticeship programs, college programs and private training offerings.

The bedrock of the TSSA is Risk Informed Decision-Making (RIDM), which underpins all of the training and accreditation requirements. Incorporating RIDM into the Landscape Ontario accreditation program is crucial to understanding risk factors in order to prevent accidents. RIDM is of particular importance to site assessment.

C. Skilled Trades Ontario (STO)

As an agency of the Ministry of Labour, Immigration and Skills Development, Skilled Trades Ontario is responsible for apprenticeship and skilled trades certification, issuing certificates of qualification in trades with qualifying exams, setting high standards for a trusted and valued skilled trades workforce.

STO has two categories of trades, compulsory and non-compulsory. Compulsory trades can only be worked in by apprentices and licenced journeypersons, while non-compulsory trades are voluntary.

Both compulsory and non-compulsory trades offer certifying exams and Certificates of Qualification through STO and can also participate in the Red Seal system. Red Seal programs set common standards across Canada and are a partnership between the federal and provincial governments, who are responsible for training and certification in their jurisdictions. By having a nationwide standard, the Red Seal Program facilitates labour mobility, as well as supporting Landscape Ontario's work with the CSA to create a national standard for snow and ice management.

VI. Pros/Cons and Unintended Consequences

Pros:

- Creates a safer living and working environment for the public and contractors;
- Less accidents due to proper site assessment and management planning;
- Better insurance pricing;
- Reduced rates for consumers due to more competition from people entering and staying in the industry;
- Overhead cost reductions through reform will also lead to better pricing for contractor's insurance and consumers;
- Positive impact on the environment; and
- An authority having jurisdiction will resolve jurisdictional issues that currently exist.

Cons:

- Increased regulation and enforcement could cause some contractors to leave the industry over concerns about the cost of training or time for training; and
- Perception of over regulation by business owners and constituents.

Challenges:

- Property owners and managers may not realize that legislation is in place and are still insisting that contractors carry all liability.

VII. Status Quo Scenario

- It will further limit insurance options for the operators who remain in business.
- Those who do remain in business will be forced to oversalt, causing harm to road infrastructure and freshwater systems, drinking water, vegetation, and wildlife.
- We will have less competition because many will leave the sector leading to increased costs, less accessibility for the Ontario consumer, and poor-quality snow and ice management.
- The province will end up paying more for the contractors it can find and likely will not be able to find contractors to clear provincial roadways in certain regions, particularly rural areas and towns.
- Municipalities will have trouble filling tenders for snow management. For example, recently the Town of The Blue Mountains put out to tender snow management contracts and received no bids.
- Certain areas – such as Ontario's north – will be disproportionately affected if the status quo remains adding increased hardship and cost to consumers and governments.

VIII. Supportive Data

Landscape Ontario has made a formal request to the Insurance Brokers of Canada (IBC) for more data on insurance rates. While IBC Vice President of Strategy Liam McGuinty was supportive and said at a May 29, 2023 meeting “that they have been advancing joint and several liability reforms for years with the Attorney General,” he also noted that retrieving the requested data requires approval from the Board of Directors. It is unclear at this time if the IBC board will agree to release insurance data including rating for the SMS industry. In light of this uncertainty, Landscape

Ontario has prepared three business case studies to demonstrate the ongoing financial pressures experienced by members.

Methodology

Data for the top five expense categories for the last three years has been used to examine the cost pressures on examples of typical large, medium and small SMS companies. Average retail price data for fuel has been used to calculate the yearly increase/ decrease for this expense category. Total spending amounts for labour, insurance and road salt have been used to calculate the rate of change year over year.

Chart A

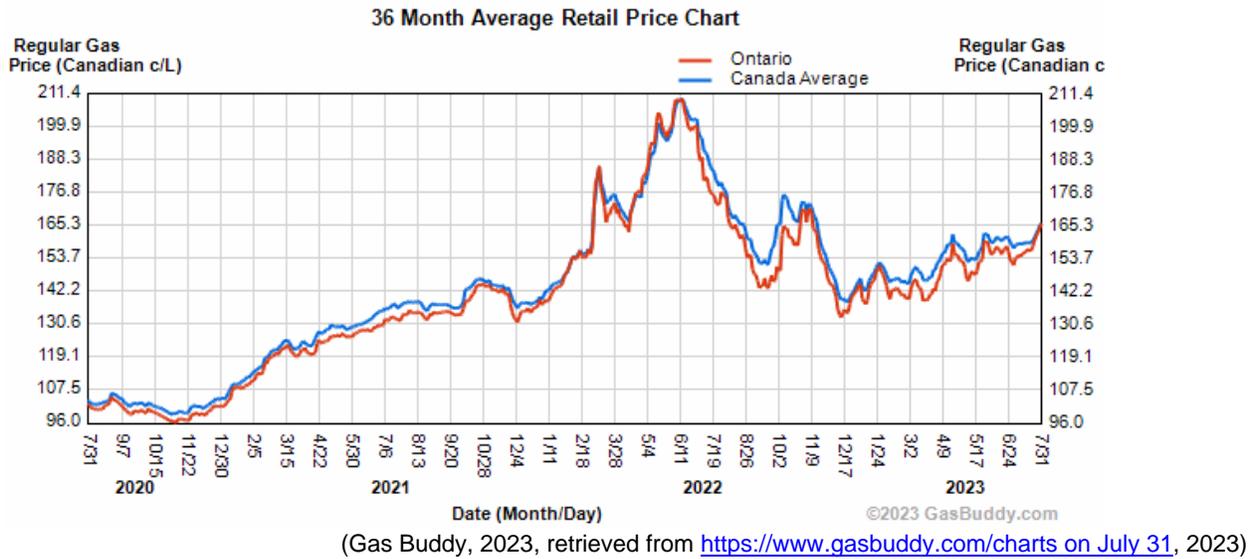
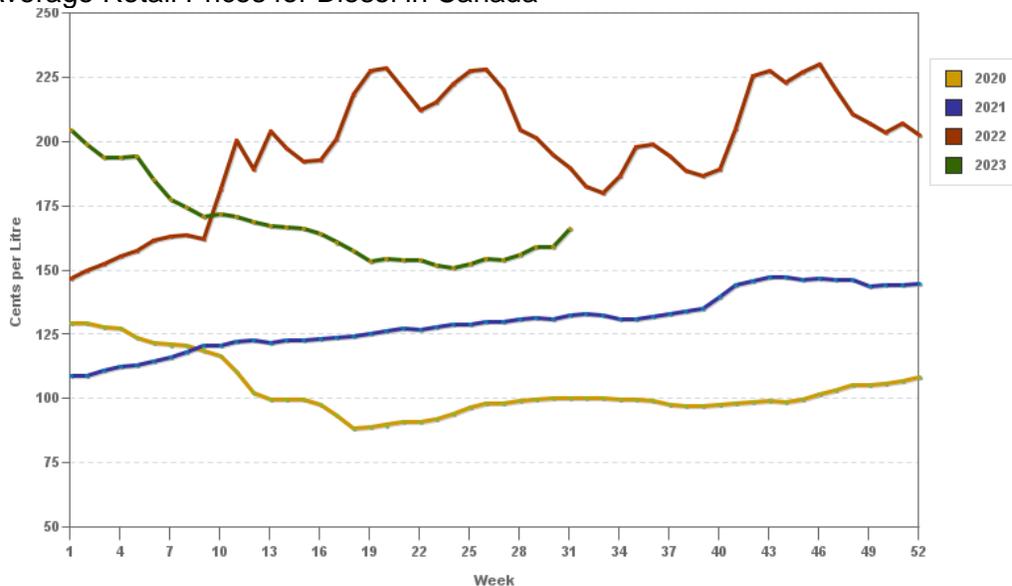


Chart B

Average Retail Prices for Diesel in Canada



(Natural Resources Canada, 2023 retrieved from https://www2.nrcan.gc.ca/eneene/sources/pripri/prices_byyear_e.cfm?productID=5 on July 31, 2023)

A. Case Study 1

Business A is a well-established, large, company that provides a variety of SMS services for both private, commercial and industrial properties across the province. Despite joining the Landscape Ontario SIR program in 2020, insurance rates are continuing to increase. Costs are increasing for the other major spending categories year over year.

Table 2 – Business A

| Cost Pressure Category | 2021 | 2022 | % Increase | 2023 | % Increase |
|-------------------------------|--------------|--------------|-------------------|--------------|-------------------|
| Labour | \$ 1,083,391 | \$ 1,584,994 | 46% | \$ 1,718,148 | 8% |
| Insurance | \$ 447,533 | \$ 460,337 | 3% | \$ 524,189 | 14% |
| Materials | \$ 531,744 | \$ 647,385 | 22% | \$ 746,728 | 15% |
| Gas | \$1.03/L | \$1.35/L | 31% | \$1.73/L | 28% |
| Diesel | \$1.04/L | \$1.30/L | 25% | \$1.98/L | 50% |
| Total | | | 25% | | 23% |

B. Case Study 2

Business B is a medium-sized company that has been operating for over 30 years in the GTA. This company had a \$164,00 or 233% increase to their insurance costs in 2020. While joining the SIR program has helped to stabilize insurance costs, Business B notes that insurance is still trending upward and premiums remain at \$170,000 or more.

Table 3 – Business B

| Cost Pressure Category | 2021 | 2022 | % Increase | 2023 | % Increase |
|-------------------------------|-------------|-------------|-------------------|-------------|-------------------|
| Labour | \$ 725,954 | \$ 871,809 | 20% | \$ 809,586 | -7% |
| Insurance | \$ 181,464 | \$ 172,273 | -5% | \$ 190,633 | 11% |
| Materials | \$ 210,694 | \$ 308,020 | 46% | \$ 376,895 | 22% |
| Gas | \$1.03/L | \$1.35/L | 31% | \$1.73/L | 28% |
| Diesel | \$1.04/L | \$1.30/L | 25% | \$1.98/L | 50% |
| Total | | | 23% | | 21% |

C. Case Study 3

IX. Key Messages

- Snow and ice management is an essential part of Canadian winters and impacts every Ontarian – and this industry must be reformed in order to ensure healthy competition and reduce costs to the consumer.
- A competitive snow and ice management industry will mean more well-paying jobs in a vital cog in Ontario's economic engine. The unstable nature of insurance is driving many contractors out of the industry, which will result in a lack of service.
- SMS contractors are faced with professional objectives of safety and environmental protection that are in direct conflict with each other, and reform of the system is urgently needed.
- Excessive salt use has a negative impact on the environment – high levels of chloride from winter salt causes harm to water resources, aquatic life, soils, and vegetation.
- Liability risk is preventing the reduction of salt use – legislation and a regulatory framework is needed to prohibit transfer of responsibility and provide limited liability protections to those involved (including owners) if they can demonstrate compliance with the regulatory framework. This will not only protect the environment, but also simply litigation which will reduce costs to taxpayers throughout the province.
- A curriculum and accreditation system, a regulatory framework, and an authority-having jurisdiction offer a solution to the problem. The reliance on scientific means, risk management practices will improve safety, reduce red tape (monitoring many OHIP claims), reduce burden on the court system, and protect the environment.

X. Organization Background

Landscape Ontario is the province's premier horticultural trades association and has eleven sector groups to address the specific needs of the industries they represent. The Snow and Ice Sector group works with SMS contractors, salt suppliers, equipment manufacturers, municipal managers, commercial and multi-residential property managers, and owners to educate and advocate on topics such as the importance of the Smart About Salt accreditation.

The SMS Sector represents between 8,000 to 10,000 small businesses that employ a massive workforce in every region of Ontario and provide an essential public service that allows people to live their lives, get to work, attend school, and access emergency services when needed.

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XII. Appendices

Appendix A

A. Model Legislation

Snow Ice Management Act

Purpose

1 The purpose of this Act is to enhance public safety in Ontario by providing for the efficient and flexible administration of technical standards with respect to the matters referred to in section 2.

Application

2 This Act applies to parking lots, sidewalks, adjacent municipal sidewalks maintained under contract.

This act does not apply to assumed roads or assumed sidewalks, Federal Government owned parking lots or sidewalks.

Definitions

3 In this Act,

“Administrative penalty” means an administrative penalty imposed under section 32.1.

“Assumed roads” is a road that the municipality has responsibility to maintain.

“Assumed sidewalks” is a sidewalk that the municipality has responsibility to maintain.

“Alteration” means an alteration or replacement, removal or addition.

“Contractor” means a person who performs for his or her own benefit or for the benefit of another, with or without compensation, any work with respect to snow and ice management services.

“Corporation” means the corporation continued by subsection.

“Deputy minister” means the deputy minister of consumer and commercial relations.

“Design submission” means drawings, specifications, calculation sheets, work test certificates and any other information prescribed by regulation for.

“Director” means a person appointed as a director under this act or a predecessor act.

“Dwelling” means any premises or any part of a premises occupied exclusively as living accommodation.

“ice” means frozen liquid or moisture however formed.

“Inspector” means a person appointed as an inspector under this act or a predecessor act.

“Major alteration” means a major alteration as defined in the regulations.

“Minor alteration” means a minor alteration as defined in the regulation.

“Minister” means the minister responsible for the administration of this act.

“Municipal sidewalk” is a sidewalk maintained by the municipality.

“Non paved surface” means a surface that is not a paved surface.

“Owner” includes the person in charge, licensee, lessee, agent or otherwise.

“Patrol” An administrative function that can be site specific or the area in and around the site not to exceed 5 km defined in the snow management plan indicating what shall be performed between events by the owner, main manager and snow and ice contractor in accordance with the snow management plan.

“Frequency of Patrol” The owner and main manager shall establish a frequency of patrol for itself, any subcontractors and the snow ice management contractor specifically in the snow management plan.

“Patrol hiatus” At the beginning of the season or when conditions warrant during a season a contractor may void patrols and site checks (Note: periods when temperatures are well above freezing)

“paved surface” means a surface with a wearing layer or layers of asphalt, concrete or asphalt emulsion.

“Person” means an individual, an association, a partnership or a corporation.

“pothole” means a hole in the surface of any parking lot or sidewalk by any means including wear or subsidence of the surface or subsurface;

“Prescribed” means prescribed by the regulations.

“Professional engineer” means a person who is a member of the association of professional engineers of the province of ontario or who is licensed to practise as a professional engineer under the *professional engineers act*.

“Regulations” means the regulations made under this act.

“sidewalk” means a surface that is set aside or commonly understood to be for pedestrian use.

“snow accumulation” means the natural accumulation of any of the following, that alone or together, covers a predetermined portion of a parking lot or sidewalk as part of a snow management plan: newly fallen snow, windblown snow, slush;

“weather hazard” means the weather hazards determined by environment Canada as meeting the criteria for an issuance of an alert under its public weather alerting program.

PART II ADMINISTRATION

CORPORATION

Corporation continued

3.1 (1) The Technical Standards and Safety Authority is continued as a corporation without share capital under the name Technical Standards and Safety Authority in English and Office des normes techniques et de la sécurité in French. 2009, c. 28, s. 2.

Application of R.S.O. 1990, c. M.21

(2) Sections 15 to 19 of the *Ministry of Consumer and Commercial Relations Act*, to the extent that they apply to this Act, are enforceable in the same manner and to the same extent as if they had been enacted as provisions in this Act

Where Act does not apply

2. This Act does not apply to,
 - a. private dwelling houses used exclusively by the occupants thereof and their guests unless the owner requests that this Act be applied to it
 - b. in a location inaccessible to the general public

Special inspector

4. The Deputy Minister may authorize the Director to employ the services of a qualified person to inspect
and for such purpose only that person shall be deemed to be an inspector

Right to examine person under oath

5. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection or investigation

Powers of inspectors

6. (1) An inspector may, for the purposes of carrying out his or her duties under this Act and the regulations,
 - (a) subject to subsection (3), at any time without a warrant, enter in or upon any premises where the inspector has reason to inspect a parking lot or sidewalk;
 - (b) require the production of any licence, registration, drawings, notice, document, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to a parking lot or sidewalk or the handling or use thereof;
 - (c) by notice in writing, require an owner of a parking lot or sidewalk to prepare the parking lot or sidewalk or any part thereof for inspection;
 - (d) require the owner, attendant, operator, contractor or any user of a parking lot or sidewalk to do or refrain from doing anything the inspector considers necessary during an inspection;
 - (e) be accompanied by any person who has special or expert knowledge of any matter in relation to a parking lot or sidewalk or a part thereof or use thereof;
 - (f) require the owner of a parking lot or sidewalk to conduct, at the owner's expense, such tests as the inspector specifies or provide a copy of any tests performed by the owner or agent of the owner or third party;
 - (g) alone, or in conjunction with such other person or persons possessing special or expert knowledge or skill as the Director designates, make such examinations, tests, inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with, and for such purpose take or remove any material or part, subject to the owner being notified thereof.

Safety codes or standards

- (2) In carrying out his or her duties under this Act, an inspector shall apply such safety codes as are prescribed by this Act and the regulations.

Limit on power to enter

(3) An inspector shall not enter any room or place actually being used as a private dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*.

Obstructing inspector prohibited

7. (1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations.

Assisting inspector

(2) Every person shall furnish all necessary means in the person's power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of the inspector's powers and duties under this Act and the regulations.

Failure to comply

(3) No person shall neglect or refuse to produce a licence, registration, drawing, specification, record, report, or test result as required by an inspector under clause 6 (1) (b).

Providing information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his or her duties under this Act and the regulations.

Disclosure of information

8. (1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out the inspector's duties under this Act and the regulations.

Idem

(2) The Director may communicate or allow to be communicated, disclosed or published information, material, statements or test results acquired, furnished, obtained or made under the powers conferred under this Act and the regulations.

Liability of inspector

9. (1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him or her in good faith in the execution or intended execution of any power or duty under this Act or the regulations.

Liability of Crown

(2) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection (1) had not been enacted.

Inspection order

10. (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, the inspector may serve the person he or she believes to be the contractor and that person's supervisor or employer, or any of them, with an order in writing directing

compliance with the provision and may require the order to be carried out forthwith or within such time as is specified in the order.

Idem

(2) An order under this section shall contain sufficient information to specify the nature of the contravention.

Closure or use of barriers

(3) Where in the opinion of an inspector there is a contravention of this Act or the regulations of such a nature as may pose a serious hazard to the safety of any person or property, he or she shall order that the parking lot or sidewalk in respect of which the contravention exists not be operated or used and shall erect a barrier at all entrances with a posted notice of closure.

Idem

(4) Where closure and barriers are used under subsection (3), no person shall remove the barrier or closure notice except an inspector or a snow and ice manager authorized by an inspector for the purpose of making the parking lot or sidewalk conform to this Act and the regulations.

Appeal of order

(5) Any person aggrieved by an order made under this section may appeal to the Director who shall hear and dispose of the appeal but such an appeal does not affect the operation of the order appealed from pending disposition of the appeal.

Idem

(6) An appeal under subsection (5) need not be made in writing, but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.

Idem

(7) On an appeal under this section, the Director may substitute his or her findings or opinion for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor and the order of the Director shall stand in place of and have the like effect under this Act as the order of the inspector.

Repairs

(8) Where a parking lot or sidewalk is found, after its installation, to be unsafe or inherently defective, the Director may order such repairs as he or she considers necessary to be made within such time period as is specified in the order

Drawings and specifications to be registered

11. (1) No person shall commence the installation of a parking lot or sidewalk until a design submission therefor has been registered by the Director and all information required by the Director have been supplied for the purpose of the registration.

The Director may refuse to register a design submission where,

- (a) it does not comply with the requirements of this Act and the regulations;
- (b) it is not sealed by a professional engineer; or
- (c) it appears that it may result in a parking lot or sidewalk, the operation of which could pose a safety hazard to any person or property

Compliance with Act and regulations required

12. No person shall conduct snow and ice management except in accordance with this Act and the regulations

Contractor to be licenced

13. No person shall act as a contractor unless licenced as a contractor under this Act.

Contractor to take precautions

14. A contractor shall take every precaution reasonable in the circumstances to ensure that his, her or its employees comply with this Act and the regulations

Operation without inspection prohibited

15. No person shall put into service a new parking lot or sidewalk which a major alteration has been made until it has been inspected or approved by an inspector and registered in accordance with this Act and the regulations.

Operation if unsafe

16. (1) No person shall open or operate a parking lot or sidewalk, cause or permit either to be operated if the parking lot or sidewalk has not been serviced by a contractor or owner or owner agent defined under this act 16 hours after an event as defined in this Act or Regulation.

Unsafe operation prohibited

(2) No person shall operate snow and ice management equipment or cause or permit equipment to be operated in an unsafe manner or condition in accordance with the regulations.

(3) Sidewalk tractors shall be operated at slow speed and the operator shall ensure that the sidewalk tractors lights are fully functional and all other safety equipment and its operation is verified as safe prior to usage.

(4) The owner or site manager shall ensure that any exit doorways are not obscured by any display or glass tinting such that someone exiting a doorway is unable to see the lights on a sidewalk tractor.

Safe conduct

17. (1) No person shall behave in a parking lot or on a sidewalk or perform any work on a parking lot or sidewalk or sidewalk in such a manner as to,

- (a) impair the safe operation of snow and ice equipment or damage snow and ice equipment
- (b) endanger the operator of snow and ice management equipment or any other person.

Removing, etc., safety notices, barriers, signage prohibited

(2) No person shall remove, displace, interfere with or damage any barrier, caution cones or signage erected by a Contractor except:

- (a) a person making an inspection under this Act or the regulations; or

Registration and compliance required

19. The owner shall not operate the parking lot and shall ensure that it is not operated unless,

- (a) it is registered; and

- (b) it complies with this Act and the regulations.

Where attendant or access required

20. Where the operation of a parking lot or sidewalk has an attendant or operator usually present including a security guard providing access a sign shall be present providing the contractor access to the person responsible so as to not create any delayed contractor response to an event as defined under the Act and Regulations.

Licence of contractor

22. (1) Subject to subsection (2), the Director shall licence a contractor under this Act subject to such terms and conditions as are prescribed in the regulations.

Where licence may be refused, revoked, etc.

(2) The Director may refuse to register or to renew the licence of a contractor or may suspend or revoke the licence of a contractor where,

- (a) the applicant is in contravention of this Act, the regulations or a term or condition of the registration; or
- (b) there are reasonable grounds to believe that the applicant is incompetent or lacks basic resources or requisite skills.

Notice of proposal

23. (1) Where the Director proposes,

- (a) to refuse to grant or to renew a licence;
- (b) to suspend or revoke a licence; or
- (c) to limit a licence;
- (d) refuse the registration of a property newly submitted (existing properties are exempt);

under section 22, the Director shall serve notice of the proposal together with written reasons therefor, on the applicant, licence holder or registrant, as the case may be.

(2) A notice under subsection (1) shall inform the applicant, licence holder or registrant that the person is entitled to a hearing by a judge of the Ontario Court (General Division) if the person applies to a judge thereof within fifteen days after the notice under subsection (1) is served on the person and the person may require such a hearing.

Power of Director where no hearing

(3) Where an applicant, licence holder or registrant does not apply to a judge for a hearing in accordance with subsection (2), the Director may refuse to grant a licence, or registration number and may carry out the proposal stated in the notice under subsection (1).

Powers of judge where hearing

(4) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence, or registration and permit the Director to carry out his or her proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his or her opinion for that of the Director.

Service of notice

(5) The Director may serve notice under subsection (1) personally or by registered mail addressed to the applicant, licence holder or registrant at the address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice or order until a later date.

Extension of time for application

(6) A judge to whom application is made by an applicant, licence holder or registrant for a hearing under this section may extend the time for making application, either before or after expiration of the time fixed therein, where he or she is satisfied that there are apparent grounds for granting relief to the applicant, licence holder or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he or she considers proper consequent upon the extension.

Continuation pending renewal

(7) Where, within the time prescribed therefor, or if no time is prescribed, prior to the expiry of a licence a licence holder has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where notice is served that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made a decision.
- (c) Registrations are not subject to renewal only approval so 7a and 7b do not apply to registrations.

Parties

24. (1) The Director, the applicant, the licence holder or registrant who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.

Opportunity to achieve compliance

(2) Notice of a hearing under section 23 shall afford to the licence holder or registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence or approval of the registration.

Examination of documentary evidence

(3) An applicant, licence holder or registrant who is a party to proceedings under section 23 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

Findings of fact

(4) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Appeal to Divisional Court

25. (1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Divisional Court.

Minister entitled to be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of court on appeal

(3) The Divisional Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he or she is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Interim suspension pending final appeal

26. The Director, by notice to the licence holder and without a hearing, may provisionally refuse to renew or suspend the holder's licence where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a proposal to revoke the licence under section 23.

26 (a) The registration of a property is not subject to a time limit so section 26 does not apply to the registration of a property.

Inspections

27. A parking lot or sidewalk shall be inspected by an inspector at such intervals as may be determined by the Director

Certificate as evidence

28. A statement as to,

- (a) the registration or non-registration of any parking lot or sidewalk; or
- (b) the licensing or non-licensing of any contractor.

Reporting accidents

29. (1) Where an accident occurs in connection with a parking lot or sidewalk that results in the death of or serious injury to any person, the owner shall notify the Director by telephone immediately in accordance with the Act and Regulation and complete any forms used by the Director.

Idem

(2) Where an accident occurs that causes injury to any person or where there has been an incident that indicates that the parking lot is in a potentially hazardous condition the owner and the contractor shall notify the Director by telephone within twenty-four hours and shall submit a written report giving full particulars within seven days thereafter.

Where an accident of the type referred to in subsection (1) occurs, no person, except for the purpose of rescuing a person injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector.

Investigation

(4) On being notified of an accident or incident in accordance with this section, the Director shall cause such investigation to be made as he/she considers necessary.

Offence

30. (1) Every person who,

- (a) contravenes or fails to comply with any provision of this Act or the regulations;
- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence or registration of a property;
- (d) contravenes or fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than **\$25,000** or to imprisonment for a term of not more than one year, or to both, or, if the person is a body corporate, to a fine of not more than **\$100,000**.

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence.

Time limit

(3) No proceeding in respect of an alleged offence under this Act may be commenced after two years following the date on which the facts that gave rise to the alleged offence were discovered

Regulations

31. (1) The Lieutenant Governor in Council may make regulations respecting operation, maintenance and inspection of parking lots and, in particular and without limiting the generality of the foregoing, may make regulations,

- (a) designating classes or subclasses of parking lots and the use of equipment in connection therewith;
- (b) regulating the use, location, design, construction, operation, removal, alteration, repair, maintenance, service and inspection of parking lot or sidewalks and the equipment used in conjunction with snow and ice management therewith;
- (c) requiring and prescribing qualifications, training and experience for persons who may perform any work on or in conjunction with parking lot or sidewalks and prescribing their duties and responsibilities that relate to snow and ice management;
- (d) prescribing requirements as to the form and content of a design submission, minor alteration or major alteration under this Act, the application for registration thereof.
- (e) governing the conduct of persons
- (f) respecting the term, issue and renewal of registrations
- (g) prescribing responsibilities and obligations of owners or agents;
- (h) prescribing terms and conditions to which the registration of a contractor is subject;

(k) providing for and requiring the keeping of records, log books, drawings, instructions and specifications on, and in conjunction with, the design, construction, repair, maintenance, alteration and use of parking lot or sidewalk

(l) requiring and prescribing the form and location of notices and markings

(m) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors

(n) prescribing the fees to be paid for copies of any official document issued by the Ministry;

(o) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;

(p) exempting any person or any class of persons, and any parking lot or sidewalk or any class or subclass of them, from compliance with this Act and the regulations or any of the provisions thereof

(2) Any regulation may be made with respect to parking lot or sidewalks or with respect to any one or more of such class of parking lots or sidewalks or with respect to any one or more subclasses thereof.

Definitions

(4) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations

Snow and ice management Regulations

Technical Standards and Safety Act, 2000

Loi de 2000 sur les normes techniques et la sécurité

ONTARIO REGULATION FOR SNOW MANAGEMENT

Consolidation Period:

Legislative History:

This Regulation is made in English only.

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Interpretation and classes of parking lot or sidewalks

1. (1) In this Regulation,

“alteration” means an alteration of a parking lot or sidewalk, removal or addition of any component or part of a parking lot or sidewalk that results in, or may result in, a change diminishing the number of catchbasins, affects placement of snow piles, use of paint or represents a change to the established snow management plan of the parking lot or sidewalk, and “altered” has a corresponding meaning;

“Contractor” means a person who performs for his or her own benefit or for the benefit of another, with or without compensation, any work with respect to the maintenance of a Parking lot or sidewalk or part thereof but does not include an employee or “Contractor” means a person or persons who holds a certificate referred to in section 4 of Ontario Regulation made under the Act;

“Designated” refers to a parking lot considered special because of heated areas or usage which may require special consideration requirements by an inspector. (heated areas, Schools, Hospitals, Long term care facility.

“Snow Management Plan design submission” means drawings, specifications, calculation sheets, scheduled testing schedule, surveillance plan other than by weather monitoring, other documentation or information that is required under this Regulation for a parking lot or sidewalk;

“Parking lot” means an area used for the parking of motor vehicles.

“Sidewalk” means a [path](#) with a hard [surface](#) on one or both [sides](#) of a [roadway](#) or is used for pedestrian traffic through a property, that [people walk](#) on.

“Existing”, when used in reference to a parking lot or sidewalk, means any parking lot or sidewalk that was installed or for which a design was created before this Regulation came into force;

“Initial inspection” means an inspection by an inspector of a newly built parking lot or sidewalk to which a major alteration has been made;

“Incident” means an occurrence involving a parking lot or sidewalk resulting in an adverse consequence to a person or property;

“Maintenance” means either regularly scheduled work or other action taken to ensure that adverse weather conditions will not in accordance with this regulation adversely impact large areas of the parking lot or sidewalk and the parking lot or sidewalk will remain reasonably safe and in operating condition and “Maintain” has a corresponding meaning;

“Major alteration” means an alteration that results in a substantial change to the design, snow management plan or any safety related elements or locations of a parking lot or sidewalk;

“Maximum application” means the maximum amount of ice melting product to be applied to a site before an expected event or for each attendance in response to precipitation.

“In-training” means a person who works under the supervision of level 3 area supervisor for the purpose of obtaining the qualifying time and experience required to obtain a certificate referred to in section 4

“Medical practitioner” means a physician, nurse, dentist, chiropractor or physiotherapist legally qualified to practise their profession in Ontario, and a paramedic as defined under the Ambulance Act;

“Minor alteration” means an alteration means an alteration that results in a minor change to the design, snow management plan or any safety related elements or locations of a parking lot or sidewalk;

“New”, when referring to a new site subject to this regulation or means any parking lot or part thereof for which a design submission is registered after the day this Regulation comes into force;

“Owner” includes the owner of the the parking lot or sidewalk and any agent or lessee acting for the building owner.

“Periodic inspection” means an inspection by an inspector carried out at intervals determined by the director.

“Preliminary design submission” means a design of a parking lot or sidewalk, that may include variances, submitted for preliminary review and assessment by the director;

“Professional architect” means a professional architect within the meaning of the Professional architect Act;

“Special inspection” means an inspection that is carried out by an inspector pursuant to a complaint, an incident referred to in section 36 or a minor or major alteration to a parking lot or sidewalk;

“Standard design submission” means a design submission for a type of parking lot or sidewalk to be installed in one location;

“Standard adoption document” means the “Standard Adoption Document” adopted as part of this Regulation under Ontario Regulation;

“Subsequent inspection” means an inspection by an inspector that is made subsequent to an initial inspection where the initial inspection reveals that the parking lot or sidewalk does not conform to the requirements of the Act and this Regulation;

(5) The following classes of parking lot or sidewalks are designated for the purposes of this Regulation and the standard adoption document:

1. Hospitals,
 - i. Schools,
 - ii.,Long Term Care Facilities
 - iii. Locations that utilize heated walks or heated surfaces or areas

Application

2. (1) This Regulation applies to all parking lot or sidewalks and to their design, construction, Snow and ice management, alteration, use and services related to snow and ice management except where otherwise indicated.

(2) The standard adoption document applies to all parking lot or sidewalks, except as provided in section 4 or otherwise indicated in the standard adoption document.

(3) This Regulation does not apply to,

(a) parking lots, driveways in or in connection with,

- (i) single family dwelling houses used exclusively by the occupants of the dwelling and their guests, unless the owner requests in writing that they apply to them,
- (ii) embassies or diplomatic delegations of foreign sovereign countries, unless the owner requests in writing that they apply to them,
- (v) mines and mining plants regulated under the Occupational Health and Safety Act,
- (vi) parking lot or sidewalks in test facilities used for the purpose of product research, development and training on parking lot or sidewalks, or unless the owner requests in writing that they apply to them, or
- (vii) training facilities used only for the training of owners, agents, contractors, unless the owner requests in writing that they apply to them;
- (e) freight ramps having a means of adjusting the slope of the ramp;
- (f) freight platforms on which persons are prohibited from riding that have a rise of two metres or less, or unless the owner requests in writing that they apply to them;
- (i) parking lot or sidewalks that are installed in or adjacent to a barn and are used by the proprietor of the barn or a tenant thereof exclusively for their agricultural purposes;
- (j) lifting devices that are,
 - (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism attached to the building,
 - (ii) so fenced in or guarded as to prevent persons from accidentally entering the area of the parking lot,
 - (iii) in a location inaccessible to the general public, and
 - (iv) controlled by designated trained personnel only;
- (k) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;
- (l) automated window cleaning mechanisms;
- (n) cranes and hoists for lifting and lowering goods or materials that are provided with unguided hooks or slings to which the goods are attached;
- (o) exterior lift bridges;
- (p) exterior rotating platforms;
- (q) exterior elevating devices for persons with physical disabilities, that have a rise of 600 mm or less and that are not accessible to the general public;
- (r) exterior lifting platforms used by camera or spotlight operators;
- (t) a freight platform lift-Type B that has a rise of two metres or less and that operates between a loading dock and the bed of a vehicle used to transport goods; and

(u) worker-positioning platforms that put workers and their equipment in position to work on the exterior of buildings or other structures.

General requirement for compliance

3. (1) A person engaged in an activity, use of equipment, process or procedure to which the Act and this Regulation apply shall comply with the Act, this Regulation, including the standard adoption document, and any applicable director's order.

(2) For the purpose of subsection (1), the reference to an activity, use of equipment process or procedure includes, but is not limited to, the design, construction, installation, inspecting, testing, snow and ice management, alteration, use and service of a parking lot or sidewalk.

Existing Parking lot or sidewalks

4. (1) Except where otherwise required by this Regulation or by the director under sections 14, 27, 30 and 31 or subsection 36 (3) of the Act.

(2) Except where otherwise required by this Regulation or the Director pursuant to section 14, 27, 30 and 31 or subsection 36 (3) of the Act, every alteration made to an existing parking lot or sidewalk shall conform to this Regulation, the codes or standards in force in Ontario at the time the parking lot or sidewalk was altered and any applicable director's orders.

New Parking lots

5. (1) A new parking lot or sidewalk that is not specifically dealt with in the code adoption document shall be constructed so as to comply with such codes, standards or other technical rules as are adopted by the Minister or authorized by the director under section 36 of the Act.

(2) If no code, standard or other technical rule has been authorized under section 36 of the Act so that the new parking lot or sidewalk has not been dealt with, general engineering practice normally applied to parking lot or sidewalks on the basis of the code adoption document apply, having regard to the particular situation and risk safety assessment.

Prohibitions

6. No person shall construct, install, alter, repair, maintain, or use an parking lot or sidewalk except in accordance with this Regulation, the code adoption document and any applicable director's order.

Prohibition on new installation, major alteration

7. (1) No person shall commence a new installation or major alteration of a parking lot or sidewalk until a design submission and a snow management plan for it has been registered.

(2) Despite subsection (1), a person who submits a design submission and snow management plan for registration may commence a new installation or major alteration of a parking lot or sidewalk if the person assumes all risks related to the installation or alteration.

Operation without licence or inspection prohibited

8. No person shall put into service,
- (a) a newly installed parking lot or sidewalk until it is registered; or
 - (b) a registered parking lot or sidewalk to which a major alteration has been made until approval is provided by the authority having jurisdiction

Where operation prohibited

9. (1) No person shall operate a parking lot or sidewalk or cause or permit it to be accessed if the parking lot or sidewalk is not being maintained by a licenced contractor;
- (2) No person shall operate a parking lot or sidewalk or cause or permit it to be accessed if it is not registered with the Director;
- (3) No person shall operate a parking lot or sidewalk or cause or permit it to be accessed if no snow management plan has been established for the parking lot or sidewalk;
- (4) No person shall operate a parking lot or sidewalk or cause or permit it to be accessed if the parking lot or sidewalk is not in compliance with any bylaw, this Act and Regulation or has no system in place to identify and address dirt, surface dust, refuse, repair, cracks, holes, ruts and drainage issues;
- (5) No person shall operate a parking lot or sidewalk or cause or permit it to be accessed if the parking lot or sidewalk is not being managed by authorized personnel for the Owner or agent of the owner who are solely responsible for provision (4);
- (6) Subsections (1), (2), (3), (4), (5) do not apply to an inspector, a person authorized by an inspector, a trainee during the alteration, repair, inspection of a parking lot or sidewalk.

Safe behaviour

10. (1) No person shall behave in or on a parking lot or sidewalk or perform any work on a parking lot or sidewalk in such a manner as to:
- (a) impair the safety of pedestrians on the parking lot or sidewalk; or
 - (b) endanger themselves, another person or any property.
- (2) No person shall remove, displace, interfere with or damage anything installed temporarily or permanently in or about a parking lot or sidewalk for its safe operation except,
- (a) a person making an inspection under this Regulation; or
 - (b) a contractor for the purpose of making a repair.

Prohibition — agreements

11. No person shall provide a parking lot or sidewalk for use by another person under any rental, leasing or other arrangement if the parking lot or sidewalk is in an unsafe condition or otherwise not in conformity with this Regulation, the standard adoption document and any applicable director's order.

Operation prohibited without Registration

12. No owner shall operate a parking lot or sidewalk or permit it to be operated unless it is Registered and it complies with this Regulation, the standard adoption document and any applicable director's order.

Parking attendant or controlled access

13. Where the operation of a parking lot or sidewalk has an attendant or controlled access, the owner of the parking lot shall ensure that the attendant or the operator controlling access complies with the requirements of this Regulation, the standard adoption document and any applicable director's order.

Contractors to be licenced

14. No person shall act as a contractor unless licenced as a contractor and no contractor who is licenced shall offer or provide a service unless the contractor is registered to provide that service.

Design submission

- (1) A design submission for a new installation of a parking lot or sidewalk;
- (2) A design submission for an alteration of a parking lot or sidewalk may be limited to the scope of the alteration and shall relate the alteration to the previously registered design submission.
- (3) A preliminary design submission shall be in a form that allows the Corporation to assess whether or not the requirements of this Regulation are complied with, and shall include documentation to that effect.
- (4) A specification shall,
 - (a) set out the address of the premises where the parking lot or sidewalk is to be installed;
 - (b) set out the size of the area subject to snow ice management, systems that would mitigate winter hazards and the location of snow piles in accordance with this regulation;
 - (c) contain the data necessary to demonstrate that the parking lot or sidewalk conforms to the requirements of this Regulation, and such data may be limited to the characteristics and features of a parking lot or sidewalk that are not specific to and that are not required by the standard adoption document for all installations of a particular class of parking lot;
 - (d) clearly delineate any proposed variance from the standard adoption document and outline the reason for such variance, including an assessment of how the variance may affect the safety of the installation;
 - (e) refer to the applicable codes, standards and requirements referred to in the standard adoption document;
 - (f) include a list of supporting drawings and other documentation that forms part of the design submission.
- (5) Drawings shall,

(a) be identified by a number and date in addition to the information required to be given under clauses (4) (a) and (b);

(b) include layouts, plans and elevation views of the parking lot or sidewalk and set out all the information that is necessary to demonstrate conformity with this Regulation, the standard adoption document and any applicable director's order;

(c) include snow management plan including drawings which indicate:

(d) location of snow piles, catch basins, any posted sign or directional sign, evacuation areas, stairs and ramps, emergency doors, loading bays, downspouts, overhangs, covered walkways,

(e) be prepared in accordance with good engineering and drafting practices; and

(f) Surface types including pavement, interlock, concrete etc....

(g) heated surface areas and parking ramps;

(h) Stairwells

(k) Greenspaces;

(l) Environmental protected areas;

(m) Conservation areas;

(n) Bodies of water;

(o) gates;

(6) All individual documents composing a design submission and snow management plan shall bear the signature and seal, or the electronic equivalent, of the professional architect who prepared or approved the design submission.

(7) A design submission for a parking lot or sidewalk shall include a statement bearing the seal and signature, or the electronic equivalent, of the professional architect who prepared or approved the submission stating that the whole design of the parking lot or sidewalk, including the parts and features not specifically identified in the design submission, are in compliance with this Regulation, except for any variances set out in the submission.

(8) A professional engineer who makes a statement under subsection (7) may rely on the opinion of, or information obtained from, another professional engineer or an architect and may indicate in what respect he or she is relying on such an opinion or on such information.

(9) All individual documents comprising the design submission may be signed by an officer or director of the company applying for registration

(a) a specific type of minor alteration that, in the opinion of the director, does not have a significant effect on the safety of the parking lot or sidewalk.

(10) The director may require such additional information with respect to a design submission as is necessary for the purpose of ensuring that the design submission meets the

requirements of this Regulation and that the integrity of the design does not raise safety concerns.

Application for registration of design submission

16. An applicant for a registration of a design submission shall,

(a) apply in the form published by the Corporation;

(b) include with the application the number of copies of the design submission specified by the director that are reasonably necessary for the purpose of assessing the application; and

(c) pay the fee set by the Corporation.

Expiry of design submission registration

17. (1) The registration of a design submission expires on the fourth anniversary of its issue unless the parking lot or sidewalk is registered for use;

(2) Upon receipt of a design submission, the director shall send to the applicant,

(a) a notice that the design submission has been received;

(b) one copy of the received design submission; and

(c) the temporary submission number, as the case may be, that has been allocated to the parking lot or sidewalk before a registration number is issued.

Prohibition on work on portion of parking lot or sidewalks

18. (1) Where a change is proposed to a registered design submission, no work shall be performed on the portion of the parking lot or sidewalk affected by the change until a design submission outlining the scope of the change with reference to the relevant parts of the registered design submission is prepared in accordance with sections 15 and 16 and the design change is registered.

(2) Despite subsection (1), work may be performed under that subsection before a design submission has been registered if a request for registration of the design change has been made and the person making the request assumes all risks related to the work.

Minor alteration

19. (1) Upon completion of any individual activity classified as a minor alteration, the contractor who completed the minor alteration shall forward to the director submission, in accordance with subsection 15 (2), not later than 30 days

(2) The contractor who completed the minor alteration shall submit the voluntary compliance form within 60 days after completing the work;

Contractors

Registration as a contractor

21. (1) An application for registration for contractor licence or a renewal thereof shall be made to the director in the form published by the Corporation and be accompanied by the fee set by the Corporation.

(2) It is a condition for registration as a contractor or a renewal of a registration that the applicant,

(a) be a licenced contractor, hold a certificate of the same scope as the scope of the registration being sought;

(b) be or employ a person who has full knowledge of the Act, this Regulation and **any applicable director's orders.**

(3) An applicant for registration as a contractor or a renewal shall provide such information to the director as is necessary for the director to determine whether the requirements of subsection (2) is met.

(4) Despite clause (2) (a), where the registration of a contractor is limited to the testing or examining of snow ice management or parts thereof, the contractor is exempt from the requirement set out in clause (2) (a) where the contractor is a professional engineer or a level 4 Snow Ice Manager in the contractor's continuous employ.

(5) A registration as a contractor expires one year following the date on which it was issued.

Duty of contractor

22. A contractor shall take every precaution reasonable in the circumstances to ensure that his, her or its employees comply with the Act, this Regulation, the Standard adoption document and any applicable director's order.

List of data

23. (1) Every contractor who maintains a parking lot or sidewalk shall submit annually to the Authority Having Jurisdiction in the time and manner required by the director, that contains data on the address for each site, class of each site maintained by the contractor, together with information that indicates that an ice management plan has been established for each site in accordance with this regulation.

(2) The list shall reflect information that is accurate as of the date on which the contractor's registration is renewed.

Where no work to be done

24. (1) No person shall undertake any work on a parking lot or sidewalk unless the person is employed by a contractor and is either a Level 1 Snow Apprentice, Level 2 Assistant Supervisor, Level 3 Area supervisors/Dispatcher working under the supervision of a Snow Ice Manager

(2) No person shall be involved in a task that is necessarily ancillary or incidental to the snow ice management of a parking lot or sidewalk unless he or she is supervised by the appropriate supervisor.

(3) No employee of a contractor shall be assigned or undertake work beyond the scope of his or her training or beyond the scope of his or her experience or training.

Installation and Alteration

25. (1) A contractor who installs or alters a parking lot or sidewalk shall, after the contractor has carried out a preliminary examination and is satisfied that all work is completed in accordance with the submission or alteration confirming compliance with the requirements of this Regulation, notify the director in the form provided by the director that such is the case.

(3) The owner shall ensure that any alteration to the parking lot or sidewalk is verified by a contractor registered under section 21.

Note: if there is a repair then the snow ice management contractor is to inspect to verify that any repair will not adversely affect snow ice management.

Identification of components

26. (1) Each component of a parking lot or sidewalk identified in a design submission shall be readily identifiable.

(2) Each component of a parking lot or sidewalk, the size, function and operating characteristics of which are not readily identifiable shall bear a permanently affixed name plate indicating all the information needed to facilitate its replacement.

Amended design submission

27. Where an alteration is made to a parking lot or sidewalk, the contractor who made the alteration shall provide the owner of parking lot or sidewalk with an amended design submission to reflect the changes made.

Duty to notify director in case of change

29. (1) The owner shall notify the director within 10 days of a change in the parking lot or sidewalk by completion of the required form;

(2) An owner of a parking lot or sidewalk shall notify the director within 10 days of a change in the owner's name or address.

(3) Where a change is proposed with respect to the ownership of a parking lot or sidewalk,

(a) the current owner shall notify the director in writing, within 10 days after the change in ownership, of the details and the effective date of the change; and

(b) the new owner shall notify the director in writing, within 10 days after the change in ownership, of the details and the effective date of the change, including the name of the contractor who maintains the parking lot or sidewalk as of the date of the change.

Operation and maintenance

32. (1) An owner of a parking lot or sidewalk shall ensure that the parking lot or sidewalk is not used or operated unless it is maintained between **November 1 and April 15** of each year by a licenced contractor in accordance with the requirements of this section.

(2) The methods and intervals of patrol between each events for a parking lot or sidewalk shall be determined by the owner or agent on behalf of the owner, on a prescribed basis which does not relate or refer to weather monitoring but takes into account the following:

(a) the current quality or condition of surfaces and sidewalks, surface type, potholes, drainage issues, freeze thaw issues, and snow accumulation.

(b) the nature of hazards that develop between event responses which are identified in the snow management plan;

(c) hours of operation;

(3) The patrol of a parking lot or sidewalk shall include,

(a) an inspection and examination at the prescribed intervals of areas visible by vehicle or additional areas to be inspected by a crew only in accordance with the snow management plan;

(b) shoveling, salting, plowing of areas in accordance with the snow management plan which shall identify if salting includes between vehicles, removal or relocation of snow piles that exceed height limitations, or freeze thaw hazards;

(c) such other examinations or work as is required by this Regulation, any applicable standard referred to in the standard adoption document or by an inspector.

(d) patrol hiatus, and site checks is a reasonable consideration in determining whether a patrol should be performed but requires specification in the snow management plan

(4) A person who carries out an inspection referred to in clause (3) (a) shall ensure that the parking lot or sidewalk is in a safe condition and shall take all steps and reasonable precautions in the circumstances

(5) Despite subsections (1) and (3), a person other than a contractor may use salt on a parking lot or sidewalk without restriction so long as a log is generated in accordance with the regulation recording the amount of salt and where and in what quantity salt was applied,

Inspection after maintenance

33. (1) Where an event response by a contractor is carried out on a parking lot or sidewalk the owner or agent shall utilize a reasonable and effective system of inspection and utilize the required service call system when appropriate to address any hazards that develop between events;

(2) The inspection required under subsections (1), shall be carried out at intervals not longer than 12 hours after an event.

(3) A record of inspections carried out under subsections (1), (2) shall be kept in the log book referred to in section 34.

(7) Where the ownership of a parking lot or sidewalk changes, the records referred to in subsection (3) shall be transferred to the new owner.

Log book

34. (1) Every owner of a parking lot or sidewalk shall maintain a log book for each parking lot or sidewalk that they own or maintain, and the log book shall contain up-to-date data on:

(a) all events as defined the act or standard adoption document or any applicable director's order; and

(b) such other data as are required to be kept in the log book by this Regulation.

(2) The log book shall be kept for a period of at least five years from the date of the last entry in the log book.

(3) The log book data shall be readily available at the location of the parking lot or sidewalk to an inspector, contractor and other persons designated by the owner.

Defects or occurrences

35. Where a contractor, agent or owner of a parking lot or sidewalk discovers a defect that may adversely affect snow and ice management or is an unsafe condition the owner or agent shall record the issue in the logbook in writing, and any actions taken with respect to remedying the issue either by elimination of the issue or administratively addressing the issue in accordance with the Act and regulations.

Incidents

Reporting of incidents

36. (1) Where an incident occurs in connection with a parking lot or sidewalk that results in the death of a person or injury to a person that requires the services of a medical practitioner,

(a) the owner of the property shall notify the director by telephone immediately; and

(b) the contractor shall submit to the director, in the form provided a written report giving full particulars within 24 hours of first becoming aware of the incident.

(2) Where an incident occurs in connection with a parking lot or sidewalk, other than an incident described in subsection (1), the owner and the contractor shall,

(a) notify the director by telephone or other means within 24 hours of first becoming aware of the incident;

(b) each submit to the director in the form provided by the Corporation a written report giving full particulars within seven days of first becoming aware of the incident.

(3) Where there has been a flood or other significant exposure to water, vandalism or lightning strike that may adversely affect snow ice management, the owner and the contractor maintaining the property shall,

(a) notify the director by telephone or other means within 24 hours of first becoming aware of the condition that may adversely affect snow ice management;

(b) each submit to the director, in the form provided by the Corporation, a written report giving full particulars within seven days of first becoming aware of the condition.

(4) Where a contractor finds a parking lot or sidewalk in a condition that constitutes an immediate hazard to the safety of a person or property, he or she shall immediately notify the owner or agent responsible for the parking lot or sidewalk seeking instructions. The owner is responsible to retain the notice and record all instructions given, actions taken and retain same in the event this information is requested by an inspector.

(5) Where an owner or agent of a parking lot or sidewalk finds or becomes aware that an area of the parking lot or sidewalk is in a condition that constitutes an immediate hazard to the safety of a person or property, the licence holder shall,

(a) immediately apply salt to the affected area and record same in the logbook accordance with the regulation;

(b) notify the contractor within 12 hours of making the finding if the application of salt in subsection (a) has not been effective requesting service; and

(c) Take reasonable action to protect the public in the form of cordoning off the area, placing warning signs, temporarily repair or authorize a repair or all of the above or what is reasonable in the circumstances.

(7) Where an incident or condition of a type referred to in subsection (1), (3), (4) or (5) occurs, no person shall, except for the purpose of making the area of a site or rescuing a person injured in the incident, interfere with, disturb, destroy, carry away or alter any article or thing at the scene of or connected with the incident until an inspector gives permission to do so.

(8) An investigation under this section shall be conducted in such manner as the director considers necessary in the circumstances. Note: an inspector can contact the contractor and owner and provide such permission over the phone.

Duty of owner re access

37. Every owner of a parking lot or sidewalk shall ensure that,

(a) there is unobstructed access to and egress from the location where the logbook is stored on site regardless of weather conditions;

(b) the keys required for access to the location of the logbook for the parking lot or sidewalk are readily available at all times at the location of the parking lot or sidewalk to an inspector, a member of the police or fire department or other person who may be involved in an emergency;

(e) a list of persons to be called in case of discovery of a hazardous condition or an incident referred to in section 36, or any other emergency involving the parking lot or sidewalk is readily available at the location and ensure that the person called is prepared to take such action as is appropriate in the circumstances;

(f) a copy of the pre-season inspection and snow and ice management plan for the site general instructions for the reasonable and effective surveillance and service call request system is readily available to an inspector and contractor; and

(g) on the transfer of ownership a copy of the logbook, snow ice management plan for the site and the instructions for the reasonable effective surveillance and reporting system are delivered to the new owner.

Parking lot or sidewalk

38. Every owner of a parking lot or sidewalk shall ensure that,

(a) in addition to the list required under clause 37 (e), the name and telephone number of the current contractor is readily available, together with the expiry of the contract; and

(b) the location of the keys required to be available under clause 37 (d) are located in a lock box closest to the main front entrance of the building or other conspicuous location at the main front entrance of the building.

Agents of Owners

39. (1) Where the use or operation of a parking lot or sidewalk requires one or more agents the owner shall,

(a) designate persons as agents as the case requires;

(b) ensure that the persons designated under clause (a) have the training and experience necessary to carry out their duties in a safe manner and that they comply with this Regulation; and

(c) ensure that the agents who are designated are stationed at locations appropriate in the circumstances,

(2) In addition to the requirements set out in subsection (1) the owner shall ensure that the parking lot or sidewalk is supervised by the agent.

Duty of owner re knowledge and experience requirements

40. (1) Every owner of a parking lot or sidewalk shall ensure that every agent has such knowledge, training and experience in snow ice management,

(a) he or she is able to manage the parking lot in accordance with the pre-season snow ice management plan;

(b) he or she is aware of hazardous situations that are likely to occur with respect to persons using the parking lot or sidewalk during an event or between events and that the snow ice management plan has not been adversely compromised;

(2) Every owner of a parking lot or sidewalk shall ensure that every person learning to be an agent obtains the experience referred to in subsection (1) and performs his or her duties only under the personal supervision of an experienced agent or contractor or other person having thorough knowledge and experience in the management of a parking lot or sidewalk and who is aware of the hazards connected therewith.

Duty of owner

43. (1) The owner of a parking lot or sidewalk and the employer of any agent shall ensure that snow ice management of a site is done reasonably to prevent safety issues from arising

(2) In addition to the requirements set out in subsection (1), where an agent performs their duties without supervision the agent shall,

(a) ensure that other safety measures are taken, as the case requires to minimize, illuminate the formation of snow ice hazards; and

(b) cordon off the area from public access, posting signage as required knowing or having reason to believe that the any area is unsafe requiring the attendance of a contractor to assist the owner or agent;

Inspections

44. (1) A parking lot or sidewalk shall be inspected by an inspector at such intervals as may be determined by the director for the purpose of ensuring safe operation.

(2) The labour, measuring and other devices required to carry out the inspection shall be provided, and the fee set by the Corporation, paid by,

(a) the Owner who installed or altered the parking lot or sidewalk, in the case of an initial inspection, an inspection following an initial inspection, a special inspection following a minor alteration or a follow-up inspection following a special inspection;

(b) the owner, in the case of a periodic inspection, a follow-up inspection following a periodic inspection or any other inspection of a parking lot or sidewalk.

(3) Prior to requesting approval of a new registration the owner shall ensure proper completion of the pre-inspection check-list in the form provided by the Corporation.

Removal and replacement of seals

45. (1) Where an inspector has sealed any area of a parking lot or sidewalk as part of an investigation or, subject to subsection (2), to prevent alteration, no person shall remove the tape, pylon, or signage without the permission of the inspector.

(2) A contractor may remove any tape, pylon, signage put in place by an inspector without the permission of the inspector so long as nothing is altered and the purpose is to replace the tape, pylon, signage so it is more effective or more visible.

(3) In addition to the record, the contractor shall record and photograph any actions it takes with respect items 1 or 2.

46. Omitted (provides for coming into force of provisions of this Regulation).

APPENDIX B

Training and Accreditation Policy

1. Background

This policy describes and sets out policies and procedures related to:

- the accreditation of snow and ice management training providers
- the approval of snow and ice management training programs
- mandatory requirements for maintaining accreditation

LANDSCAPE ONTARIO SNOW AND ICE EDUCATION COMMITTEE auditing of training providers and training program sanctions for non-compliance with this policy.

2. Definitions

In this policy:

“**training program**” means an educational curriculum intended to satisfy the training requirements of a snow and ice management worker certificate pursuant to

“**training provider**” means a person who provides or offers to provide a training program to any person.

“**accredited training provider**” means a training provider accredited by LANDSCAPE ONTARIO EDUCATION COMMITTEE in accordance with this policy to provide an approved training program to the public.

“**approved training program**” means a training program approved by LANDSCAPE ONTARIO EDUCATION COMMITTEE in accordance with this policy for delivery by an accredited training provider to the public.

“**Legacy training provider**” means a training provider already accredited by LANDSCAPE ONTARIO EDUCATION COMMITTEE at the time this policy came into effect (i.e Smart About Salt).

3. Application Contents and Assessment

Training providers must be accredited by LANDSCAPE ONTARIO before providing or offering to provide (advertising) a training program to any member of the public.

LANDSCAPE ONTARIO EDUCATION COMMITTEE does not accept applications or declarations for certification submitted on behalf of students by training providers who are not accredited.

In order to become accredited, training providers must submit an “Application for Accreditation as a Snow and Ice Management Training Provider” in the prescribed form to Landscape Ontario, together with all required supporting materials and fees. Once received, LANDSCAPE ONTARIO EDUCATION COMMITTEE will review and assess the application and notify the applicant of any missing or deficient information.

To become accredited, training providers must have at least one training program approved by LANDSCAPE ONTARIO EDUCATION COMMITTEE, and training providers may only advertise or offer courses in training programs that have been approved by LANDSCAPE ONTARIO EDUCATION COMMITTEE.

Proposed training programs submitted by a training provider will be assessed by LANDSCAPE ONTARIO EDUCATION COMMITTEE against training program standards and curriculum developed by Landscape Ontario EDUCATION COMMITTEE in conjunction with the Advisory Board (Training Advisory Board) established to ensure broad industry input is obtained regarding the curriculum.

Training standards and curriculum documents are available online atLANDSCAPE ONTARIO Website link.....

LANDSCAPE ONTARIO EDUCATION COMMITTEE currently approves training programs for the for Landscape Ontario snow and ice management worker classifications:

1. Safety
2. Level 1 Snow Apprentice
3. Level 2 Assistant Supervisor
4. Level 3 Area supervisors/Dispatcher
5. Level 4 Manager
6. Bonus - Pre-Season Inspection Expert

Applications for accreditation and approval must contain the following Landscape Ontario information:

1. The names of all instructors who developed training or delivering the training programs, including, for each:
 - a. a resume or CV;
 - b. photocopies of all relevant and current/valid trade or occupational certificates;
 - c. a description of teaching or training delivery experience;
 - d. identification of all modules for which they will be conducting training; and
 - e. a description of snow ice management industry experience not contained in the above.

2. Program outline(s), including both theoretical and practical training aspects for the relevant class.
3. A detailed description of the scope of the material to be covered, and complete copies of the relevant materials including but not limited to:
 - a. training manuals and materials;
 - b. PowerPoint presentations; and
 - c. handouts.
 - d. Quizzes and tests
 - e. Sign-in/attendance records; and
 - f. the training program certificate of completion.
4. Copies of the Record Keeping Requirements, including but not limited to:

LANDSCAPE ONTARIO EDUCATION COMMITTEE reserves the right to request additional information from applicants.

In preparing applications, applicants should bear in mind that theory instruction must be treated as an integral part of each program and must be properly supported. Audio/visual equipment, flip charts, and other training materials and props such as parts and tools that assist in the training should be used.

Laboratory/workshop requirements must also be highlighted in application.

Instructors delivering training modules that have a technical content (e.g. electrical, controls, plowing demonstration etc.) must be certified or recognized in their occupation or trade and have demonstrated their knowledge of the subject matter by submitting valid copies of trade certificates of qualification, in conjunction with a resume/CV attesting to their experience.

Applications shall be complete, submitted in hard copy or electronic format, and the curriculum for each classification applied for must be sequentially ordered. Applications not meeting these requirements will be returned to the applicant and/or may be subject to delay in processing.

On a case by case basis, the **LANDSCAPE ONTARIO Education Committee** may accept and approve modular training as an organization develops a training program in order to become an accredited training provider. (Differentiate in-class versus theoretical???????)

The **organization** may be issued a restricted approval for modules of a training program, and certain conditions will be imposed. The organization will not be considered an accredited training provider until the time the contents of the application is complete, and the comprehensive training program is approved. Organizations with restricted approvals are not eligible to receive the rights and privileges of an Accredited Training Provider as outlined in *Section 5 Accreditation and Renewal – Rights, Privileges and Obligations*.

LANDSCAPE ONTARIO EDUCATION COMMITTEE may require that an applicant submit to one or more consultations and/or inspections of the facility where the training is intended to take

place. In some circumstances the applicant may also be required to perform a mock training session for **LANDSCAPE ONTARIO EDUCATION COMMITTEE** staff, which will be reviewed for content, conformity to the curriculum which may change from time to time, training provider and instructor competence and the examination/assessment processes.

Normal **LANDSCAPE ONTARIO EDUCATION COMMITTEE** inspection fees may apply to all such activities.

5. Accreditation and Renewal – Rights, Privileges and Obligations

Once accredited, training providers receive and are entitled to the following:

- Formal accreditation by **LANDSCAPE ONTARIO EDUCATION COMMITTEE** to deliver approved training programs. Accreditation confirms that the program(s), as submitted to **LANDSCAPE ONTARIO EDUCATION COMMITTEE**, have met all of the curriculum requirements and any other criteria, or amendment requested during the review process.
- The right to use of the phrase “**LANDSCAPE ONTARIO Accredited**” in any advertising and promotion materials, but only where such use is specifically associated with the accredited training provider and at least one approved training program. This does not include the right to reproduce or use the **Landscape Ontario** in any fashion.
- Access to curriculum documents (including future revisions and/or enhancements), which will be available online at **www.....**

Training provider accreditations are time-limited and will expire on the date indicated at the time the accreditation is issued. In order to renew a Snow and Ice Management Training Provider Accreditation, the training provider must submit to **LANDSCAPE ONTARIO EDUCATION COMMITTEE** a completed “Application for Accreditation as an Snow and Ice Management Training Provider”.

Accredited training providers must monitor the date of expiration on their accreditation and shall submit their renewal application no later than 30 days prior to the date of expiry.

An accreditation will not be renewed until the time the renewal application materials have been received and accepted by **LANDSCAPE ONTARIO EDUCATION COMMITTEE**.

Training providers shall ensure that all instructors have access to the latest edition and revision of the **curriculum and Training Advisory Committee minutes** for Snow ice management of parking lots and walkways on which they are assigned to provide training, and that they will have full working knowledge of the curriculum which is current and approved.

Training providers shall not represent themselves as training providers or offer to provide the services of a training provider unless and until they have been formally accredited by **Landscape Ontario** for those activities.

6. Training Program Delivery

Training programs must be delivered by instructors designated in the application materials (unless otherwise approved by **Landscape Ontario** in writing).

Access to Equipment

Laboratory and Workshop Requirements

Remote/Online Training

7. Record Keeping and Reporting

The training provider shall keep the following information and records, and must provide same, upon request, to **LANDSCAPE ONTARIO EDUCATION COMMITTEE**:

- All students of the training program, whether registered, current, or past.
- Sign-in/attendance records, including but not limited to: course dates, course name, students' names, students, students' signatures, instructor's name, instructor's signature, and date.
- Records of completion for each module.
- Copies of Certificates of Completion issued, which must include the student's name, program name, program date, training provider accreditation number and signature of the instructor.

All the above records shall be maintained for a five-year period.

The training provider shall report to **LANDSCAPE ONTARIO EDUCATION COMMITTEE** within 15 days any known breach of its obligations under this policy, including but not limited to:

- Issuance of a Certificate of Completion to an unqualified person.
- Issuance of a Certificate of Completion to an individual who did not complete the prerequisites for the class applied for.
- Issuance of a Certificate of Completion to an individual who did not attend and complete the required program material.
- Instructors acting in contravention to this policy.

8. Auditing of Training Providers and Training Programs

LANDSCAPE ONTARIO EDUCATION COMMITTEE may audit any training provider or training program, in order to ensure that the terms and conditions of accreditation and approval are being met and that public safety is not being compromised.

LANDSCAPE ONTARIO EDUCATION COMMITTEE will review the program content against the applicable training standard/curriculum, assess the instructor(s), assess the training equipment, presentation aids, quizzes and tests and assess any laboratory/content.

LANDSCAPE ONTARIO EDUCATION COMMITTEE may audit all Snow and Ice Management Training programs, including those governed by the Ministry of Labour Training and Skills Development.

Specific auditing activities may include, but are not limited to:

- Evaluation of in-class training programs
- Evaluation of training material and modules
- Evaluation of training records and logs
- Evaluation of instructors
- Evaluation of laboratory content, equipment, demonstration criteria used (if any).

After a training provider audit, **LANDSCAPE ONTARIO EDUCATION COMMITTEE** will prepare a written report to the training provider describing the findings of the audit and providing recommended and mandatory improvements.

A “scorecard” will be provided to the training provider that quantitatively measures the training program. The report may also provide formal notification of any deficiencies found, and require that such deficiencies be addressed, including associated deadlines. **As required mandatory orders will be issued to the training provider where public safety may be compromised.**

LANDSCAPE ONTARIO EDUCATION COMMITTEE may perform follow-up audits or require follow-up action by the training provider to determine whether any deficiencies found in an audit have been adequately addressed.

Frequency: audits will take place at least every three years or more frequently if deemed necessary by **LANDSCAPE ONTARIO EDUCATION COMMITTEE**.

LANDSCAPE ONTARIO EDUCATION COMMITTEE will endeavour to minimize any disruption to training providers or training programs; however, in order to ensure that audits are reviewing typical and representative training activities, **LANDSCAPE ONTARIO EDUCATION COMMITTEE** is entitled to conduct audits with little or no notice to training providers.

Training providers must cooperate with all auditing activities and shall allow unhindered access to the **LANDSCAPE ONTARIO EDUCATION COMMITTEE** representative to the training program.

Audit activities that entail attendance by an LANDSCAPE ONTARIO EDUCATION COMMITTEE inspector constitute a requirement for current accreditation, ongoing accreditation and any grandfathering provisions are not relevant to this function intended to ensure public safety. As such, training providers are reminded that they must fully cooperate during such inspections, and that it is an offence to the accreditation process to provide false or misleading information to an LANDSCAPE ONTARIO EDUCATION COMMITTEE inspector or to obstruct him or her during an inspection.

9. Sanctions for Non-Compliance

LANDSCAPE ONTARIO EDUCATION COMMITTEE will take progressive action against any training provider found to not be complying with any part of this policy, depending on the severity of the non-compliance and the potential risk to public safety.

Upon discovering a non-compliance, LANDSCAPE ONTARIO EDUCATION COMMITTEE may:

- Issue an order relating to the non-compliance to the training provider, including directions on any corrective action that must be taken and the deadline for completing such action.
- Impose conditions (including restrictions and limitations) on the training provider's accreditation.
- Suspend the training provider's accreditation.
- Revoke the training provider's accreditation.

LANDSCAPE ONTARIO EDUCATION COMMITTEE is not obliged to take progressive action in all circumstances. LANDSCAPE ONTARIO EDUCATION COMMITTEE may immediately carry out any of the above actions where a serious public safety concern exists or where LANDSCAPE ONTARIO EDUCATION COMMITTEE has reason to believe the non-compliance will not be addressed by less severe action.

A training provider is prohibited from providing training programs at any time when its accreditation has been suspended (whether provisionally or not) or revoked, and no refund will be issued for any fees paid by the training provider to LANDSCAPE ONTARIO EDUCATION COMMITTEE for any such time period.

Individuals who have been trained by a training provider found in contravention of the standards will not hold a valid certificate of completion recorded by Landscape Ontario and will be required to re-train.

10. Administrative Cancellation of Accreditation

LANDSCAPE ONTARIO EDUCATION COMMITTEE may cancel a training provider's accreditation or a training program's approval if:

- a training provider has not delivered any part of a complete training program in the previous two years;
- non-payment of any amount payable by a training provider to LANDSCAPE ONTARIO EDUCATION COMMITTEE for over 90 days;

- a training provider lacks or no longer employs accredited qualified instructors.

Re-accreditation of a training provider by LANDSCAPE ONTARIO EDUCATION COMMITTEE requires the training provider to submit a new application, including all requirements established in Section 3: Application Contents and Assessment.

A training provider may cancel its accreditation or withdraw an approved training program by notifying LANDSCAPE ONTARIO EDUCATION COMMITTEE in writing.

11. Transition

Training providers and training programs accredited and approved by LANDSCAPE ONTARIO EDUCATION COMMITTEE on the date this policy came into force were known as “grandfathered training providers” and subject to a transition phase for a period of_____.

Grandfathered training providers that did not re-apply for accreditation in accordance with this policy, had the existing accreditation cancelled for non-compliance.

12. Legal Disclaimers

By applying for accreditation, the applicant agrees to indemnify and hold harmless Landscape Ontario and its employees, agents, successors and assigns from any and all damages, actions, suits, claims or loss for any act or omission related to the accreditation of the applicant as a training provider or the or approval of any of its training programs.

Landscape Ontario shall not be liable for any damage, injury, loss of life or property resulting from training delivered by a training provider.

The training provider accepts full liability to individual trainees, to the entire exclusion of Landscape Ontario, in the event that a trainee’s accreditation is revoked by Landscape Ontario owing to deficient training.

The accreditation provided by Landscape Ontario (EDUCATION COMMITTEE) is exclusively for purposes of delivering training programs.

Under no circumstances does Landscape Ontario hold itself or represent that the accreditation constitutes an endorsement of the training provider or its business for any other purpose, nor will the accreditation necessarily result in certification of trainees. Responsibility for obtaining such certification is exclusively that of the trainee.

Notwithstanding accreditation, Landscape Ontario expressly reserves the right to review, approve or not approve a trainee’s application for such certification. Under no circumstances will Landscape Ontario review a trainee’s application or examination or enter into discussion with a training provider regarding the personal application for certification of a trainee.

13. Amendments to this Policy

Landscape Ontario may amend this policy from time to time, and the amended policy will then become applicable and mandatory to all accredited training providers. Landscape Ontario will

endeavour to provide all training providers and the public at large with at least 30 days notice of any major change to this policy.

APPENDIX C

Curriculum

Background

The general intent of the training curriculum is to offer training for a person starting in the industry and establishing a career path to achieving a level of knowledge and competency equivalent to someone who has operated in the industry many years or is operating a snow and ice control management company.

The curriculum contemplates a verification process performed by companies who will document that the trainee has demonstrated either the knowledge, task or skill by signing a passport document. A trainee can apply for a legacy exemption up to level 3 by completing the legacy exemption form, providing a certificate from Smart About Salt and successfully completing the pre-requisite exam. The legacy exemption is discussed further in the LO accreditation policy and procedures guidelines.

Pre-season inspection and the development of a site management plan for snow and ice requires training, and a sufficient amount of time depending on the size of a site or group of sites. This function is best performed by trained consultants, owners or site managers and LO should develop training designed for owners, consultants, contractors regarding this important function which has been inappropriately performed by contractors without access to any powers to eliminate hazards. The Industry believes a consultant, owner site manager are the only appropriate parties to consider all issues with respect to the site and resources available at any particular site to prepare a snow management plan that would be reasonable and effective. The training will provide guidance on things to consider from a snow management perspective but also instill that the industry does not believe weather monitoring on its own is an effective means of site management and that among other things surveillance, inspection and the use of service calls are important to site management. The sites environmental footprint can only be reduced by full use of available site resources which only the owner, site manager and consultants for the owner can initiate usage of.

Continuing Education

Continuing education and passport management shall be managed by an online training provider system for management of passports, any applicable continuing education requirements, guidance documentation for company use, and LO audits. The benefit of an online system is that the company can among other things pull trainee's passports confirming training status and LO can audit for compliance. Login access for those with an account with the training provider is the assumed method. Any online system would likely involve a renewal fee with the training provider annually to maintain access to passports (industry support for ongoing training development). The company will have the ability to print guidance documentation on company training and testing along with what must be demonstrated skills, knowledge, capabilities before signing off or updating passport items. An online system should have a tickler system reminder, online sheet with only three confirmation boxes to tick per employee as they are going to have to show that the trainee received the Continuing education training at the company with submission to the training provider for certificate updates. If promoted mid season the training for that task would have to be completed and submitted to update passport documentation.

Levels 1 and 2 continuing education

Continuing Education will take place 3 years for each level and all levels of training and will follow the trainees date of birth. All trainees in terms of continuing education should not have the same date renewal requirements as this may put an unnecessary strain on the training provider. Following date of birth will spread out the continuing education throughout the year. The most recent completed training level will dictate which continuing education the trainee shall obtain to keep their current level of training. As level 1 and 2 training is largely safety related levels 1 and 2 will take the same continuing education training of no less that 2 hours based primarily on safety. Training providers will submit continuing education for review and approval of LO. LO reserves the right based on reported experience and feedback from industry to increase the hours of continuing education or adding required subject matter content that is required because of its importance or necessity. Educational Status of the trainee will be updated when continuing education is completed.

Levels 3,4 Continuing Education

Continuing education will take place 3 years for each level and all levels of training and will follow the trainees date of birth. All trainees in terms of continuing education should not have the same date renewal requirements as this may put an unnecessary strain on the training provider. Following date of birth spreads out the continuing education throughout the year. The most recent completed training level will dictate which continuing education the trainee shall obtain to keep their current level of training. As levels 3,4 are considered more advanced the requirement for continuing education at these levels is 6 hours of continuing education rather than 2 hours. The training structure will consist of 3 hours of continuing education from smart about salt, 1 hour on safety, and 2 hours on new technology/new procedures. Training providers will submit continuing education for review and approval of LO. LO reserves the right based on reported experience and feedback from industry to increase the hours of continuing education or adding required subject matter content that is required because of its importance and necessity. It is contemplated that training on any LO or CNLA or national standard including a Canadian Standards Association Standard will require training on new publications. It is not yet completed whether to make Standard review (Whats new in the Standard) part of the 3 hours other than smart about salt training or to make the Whats new in the Standard a separate continuing education requirement which would be a further prerequisite before renewal of a level of certification is approved by LO. This cannot be determined at this time as the number of changes to a standard may vary for each cycle of review of the standard and whether a separate course is appropriate or if the changes can be included in the 6 hours of continuing education requirement may best be determined on an ongoing basis by LO.

Safety Course Curriculum

- **Safety**
- **3 hours**
- This is an initial start position for snow worker who is not required to drive, operate heavy equipment but must be safe with respect to working around heavy equipment and to participate in document production (hand salting records # of buckets or bags) . The training is also intended to give a brief history on the snow industry, OHSA, and general information on working in winter conditions. A basic understanding of communication, event management, site maps, documentation and future training is intended to motivate the worker to pursue a career in the industry.

The curriculum subject matter is as follows:

1.1 - History of snow ice management -Essential service, snow fighters, emergency response.

To provide a brief history on the type of equipment used historically. The industry was an on the job training experience often involving families. The expectation was much lower on contractors as there was more recognition that weather hazards like snow and ice are to be expected. The publics acceptance of risk or what is socially acceptable risk is an issue the industry parties are struggling with today.

1.2 - Proper inspection of equipment

To introduce the student to the reality that snow and ice management is performed by equipment. The use of equipment that is checked for safety and functionality is an important part of the snow ice management industry and will continue to be so.

1.3 - PPE – Employee supplied clothing, High visibility clothing, Employer supplied weather gear

Individual safety is important and the law under the occupational health and safety Act. The industry operates in extreme weather and using large equipment so emphasis is made on visibility, communication and dealing with the hazard of weather is emphasized.

1.4 - WHMIS Material handling (salt theory- product list) example.

Training in WHMIS is a legal requirement under the Occupational Health and Safety Act. The student will be advised that their employer is to provide WHIMIS training and also what documents are source information which should be available to the trainee within their organization like MSDS and manufacturer bulletins.

1.5 – OHS A

The trainee is advised about the existence of the Occupational Health and Safety Act, industrial establishment sections and construction sections. The emphasis is on the Act and that it governs work in Ontario and the legal protections of work refusals.

1.6 - Weather - Research, forecasting, general strategies of the industry

The focus is on safety associated with weather, chilblains, hypothermia, frost bite, symptoms and early detection of conditions when working in groups. It is mostly safety focussed but also raises that the industry monitors the weather in the performance of its function and introduces the student to daily journals, sources for weather information and the need to maintain records related to weather monitoring.

1.7 - Yard safety, site safety, Housekeeping, slip and falls

The focus would be to create awareness of equipment but also general practices of putting equipment away after use and to review tool policies related to the equipment issued by your employer. Working in winter weather obviously will involve the hazard of a slip and fall so this needs to be addressed in terms of reporting requirements (injuries) under the occupational Health and Safety Act.

1.8 - Observations of surroundings while on the job

The student needs to be aware of obstacles to services, moving vehicles, unforeseeable hazards, tracking of issues that occur while performing snow management functions, hazards, but also items that affect work caused by others (i.e shopping carts).

1.9 - Personal Safety procedures

The student is introduced to vehicle safety especially vehicles over 4500 kgs and that such safety inspections are required by MOT requirements which includes documentation being generated. Material safety should be mentioned with respect to materials that are used in vehicles and safety procedures recommended by the manufacturer with respect to salters including the hazards associated by the conveyor or the auger.

1.10 - Operations of heavy equipment safety

Heavy equipment use is a large part of the industry so the equipment needs to be used in accordance with recommended practices including inspections prior to and after use. The policy of the company may include the need to communicate about an issue with the equipment and calling for assistance rather than trying to fix the problem themselves. The operator may receive training in troubleshooting, type of equipment, and usages of the equipment which may differ depending on circumstances. Public safety is another issue including bystanders, attractive nuisance. Attaching certain equipment may require specific training regarding the attachment or changing attachments and this section is intended to cover off defective parts handling and storage. The equipment may have safety mechanisms or redundant safety items which should remain in place and not be tampered with and the heavy equipment will also contain other safety items like first aid kit, spill kit, spare hydraulic hoses, safety cones, change of clothing, food and water.

1.11 - Power take off safety and hydraulic lines

The trainee is introduced to the hazard of Power Take Off devices and hydraulic line safety. The safe working distances is emphasized with respect to power take off devices and the requirement of training to understand the specific power take off attachment point, mechanism, forces involved and associated hazards. Hydraulic line safety is also covered including the hazard of a burst hydraulic line, replacement procedures of the company and that such work must be done by authorized trained personnel only. Spills and clean-up activities and the use of materials for clean-up to protect the environment in the event of a spill.

1.12 - Communication

The trainee is introduced to the many different types of communication means that may be used by the industry including hand signals, flags, radio procedures. The trainee also needs to understand the importance of communication to achieve a safe working environment but also to alert the employer to issues that are witnessed by the trainee while working at the site especially any hazards or issues that may impact adversely snow ice management functions.

1.13 - Event management

The trainee is introduced to the difference between event management and patrols which should be prescribed by the owner or site manager including the frequency of patrol. Weather monitoring is not considered on its own an effective means to create a safe site and safety is only achieved if weather monitoring and site surveillance and service call reporting are also a component of the overall system established by the owner or site manager. The trainee is also introduced to example event documentation from online sources to paper forms and what information is contained in the records including the need for site observation (weather on arrival), ground temperatures, status of site after work is performed (confirmed by photographs), salt dispensed on paved areas or areas of responsibility other than sidewalks and what amount of salt is dispensed on sidewalks and confirmation of salt effectiveness prior to departure. The

trainee should also be trained that an event response will require two attendances to involve the initial response and then the second attendance involving inspection reapplication with similar information on the status of the site on second attendance being confirmed in record keeping.

1.14 - Industry standard, regulation, practices, and Passport

The trainee should understand that the industry is pursuing changes to legislation and an industry standard and the imposition of an authority having jurisdiction and regulations. Why this is the case is because not all parties involved with site management who certainly have a role to play actively fulfill their respective responsibilities. The snow ice management industry through training has established a passport that will document the trainee having demonstrated the skills and knowledge from training. The trainee needs to understand it is the responsibility of the trainee and not the company worked at to ensure that the passport is kept up to date and available for inspection perhaps by company managers, LO inspectors, or an authority having jurisdiction inspection in future.

1.15 - Other Training and Certification

1.16 - Site Maps

The trainee should understand how to properly read site maps and be familiar with the labels that can be found. The training should have a number of examples to show the trainee and training should include an exercise where the trainee must demonstrate the knowledge. Training should emphasize that a site map is intended to mark various items including where snow piles are established, but also hazard areas to be recorded in written pre-season inspection. There is also a grid that should overlay the site map which could be used for service calls or recommendations from the contractor pre-season, during season.

1.17 - Documentation

The trainee should be able to understand the basic steps of documentation when working in snow management. The snow management industry requires a great deal of documentation, and it is important that trainees can understand why all of the documentation is created and the problems related to improper or missing documentation. Documentation to be described may include the daily journal, calibration, Vehicle inspection documentation, education, passport, pre-season inspection, site map, event documentation, patrol documentation, hand salting crew documentation, quotations, and service call documentation or systems which record service calls. As this is an initial course mentioning and briefly describing the purpose of the documentation is sufficient. The trainee should be compelled to take additional training and to become familiar with their own companies documentation process.

Level 1 – Snow Apprentice level 1

6 hours online training and 2 hours practical

The purpose of level 1 is basic entry level training involving a practical component. The practical component is to be confirmed by an individual holding a level 3 accreditation (insert name of level 3). The company generated confirmation sheet provided by the training provider must be returned to the training provider before a certificate is issued. Whether an audit system to confirm the confirmation sheet generated has been appropriately filled out based on observation could be accomplished through periodic follow up with the trainee to confirm how the confirmation was accomplished. This could be achieved by a questionnaire sent to the trainee requesting that they answer a survey providing details regarding demonstration of skills (related to the confirmation sheet). **There may be other preferred ways to confirm which should be discussed. The intent is to have a reasonable system in place that training is provided but also**

skills confirmed. A system dealing with any level 3 who fails to properly follow the confirmation process may be needed so there are consequences for not following the prescribed system.

Need a take home to the company demonstrated the knowledge sign off by company rep (Person signing the person off has to be level 3)

A level one cannot patrol. They can plow alone. No prerequisites

Practical will require the company to fill out a form swear and attestation and submit to the training provider for a certificate to be issued.

The company can pull the individuals passport confirming training from the training provider. Login access for those with an account with the training provider.

Renewal fee with training provider may be required annually to maintain access to passports (industry support for ongoing training development) . The company will have the ability to print the continuing training form.

online system – Tickler system reminder, online sheet with only three confirmation boxes to tick per employee as they are going to have to show that this employee received the Continuing education training at the company with submission to the training provider for certificate updates.

If promoted mid season the training for that task would have to be completed and submitted to update his passport documentation.

The training curriculum is as follows:

- Shoveling (theory and demonstration) Lifting back mechanics, nutrition, sleep, Safety course references to working in winter

The trainee will be presented with how to properly shovel snow safely to avoid personal injury. The trainee will be presented with the importance of lifting back mechanics, the reasons for nutrition, sleep, and the levels of training in winter weather conditions.

- Plowing (truck/equipment) Read a site map, how to operate the equipment, demonstrate knowledge of training.

The trainee will be presented with a general education on snow plowing with a truck/equipment. This to include: pick up truck, skidsteer, backhoe, tractor, loader, tele-handler.

The trainee will be taught techniques and methods to snow plow and will be taught how to read a site map plowing routes (if applicable) and how to operate a snow plow/equipment safely and properly. The trainee should be able to demonstrate the ability to use a snow plow/equipment which should be documented by the company in the passport. The intent of this provision is that the company will observe the trainee in the safe operation of a truck or the specific equipment used by the company and document same.

- Operation of a salter (a level one is not trained or authorized to conduct patrols)

The trainee will learn what a salter is and how it operates. Salting training needs to emphasize strongly that how much salt is dispensed for individual sites shall be recorded. The settings of the spinner and conveyor should be recorded. The site condition on arrival and when leaving should be recorded. A photo or photos can be assistive to achieve confirmation what was written down in documentation. The trainee will be taught how to use a salter safely but will not be authorized to conduct patrols. They will be given a introduction to all safety measures and proper operation of salt dispensing mechanisms.

- Hand salting

The Trainee will learn the techniques of hand salting, such as where to aim, how to spread, and what not to do when handling salt by hand (health and safety).

- Theory of salt (limitations of salt) are an important part of the training to be provided along with advising the trainee regarding different materials used and that strategies may be different in other areas of the country (basic understanding refer back to produce list in the safety course).

The trainee will be given an understanding of salt. They will be taught what salt is capable of, its effects on different pavements, types of salts and the science behind salts melting capabilities. The trainee will also learn the environmental hazards presented by salts and will learn methods on how to avoid damaging the sites pavement and environment in and around the site.

- Discussion on Waterloo study methodology, findings, varied salt rates based on temperature, type of pavement. The messaging in the training should emphasize environmental concerns and the long history of Smart About Salt training which is a later requirement for advancement.

The trainee will be given a introduction to the University of Waterloo study. The trainee will study the methods of measuring salt usage recommendations within sites, and will learn an expanded understanding of the effectiveness of salt under certain conditions. The Trainee will learn how to do a in site salt usage analysis based on the Waterloo study and will need to demonstrate this knowledge being used either as a separate analysis or part of a pre-season inspection. The need to verify and record salt used in each instance at each site should be strongly emphasized.

- Government studies, CPA, Conservation Ontario and Smart About Salt

The trainee should be advised about other associations or entities who also are involved with salt management studies or issues including all of the above.

- Understand a site map and site design for salt management (where snow piles go and storage of snow), (No math) (practical knowledge), No measurements (examples of site maps), Relocation/removal on site circumstances should be

raised and at least 3 examples shown with descriptors given verbally by the instructor regarding how to view the site, analyze the site issues.

The trainee will be given a understanding on how to properly create site maps and be familiar how labels are placed, and given verbally insight into what is important to have in a site map. They will learn how to create a detailed map that marks plowing routes, storage locations, snow piles, drains, and other points of interest.

- Equipment and attachments (shovel, snowblower single stage, snowblower 2 stage, walk behind salt spreader, broadcast spreader, drop spreader, broom sweeper-plow, ATV, UTV, sidewalk tractor, Snowrator.

The Trainee will be given a introduction into small and medium equipment and vehicles. They will be given a understanding of how to operate equipment and will learn all safety measures and requirements in order to operate effectively. The trainee will also be taught how to properly store, disassemble and inspect for any defects or issues this type of equipment.

- Record keeping (amount of salt, timesheets, dating, siname, definition of contemporaneous, observations of current conditions at the site (example: snowing, clear, hazards, raining, freezing, rain, clear, drifting snow (supervisor on site will determine if drifting snow is impacting the site)).

The trainee will knowledge about the need to keep records required by the industry in event of any incidents that leads to an investigation. The Level-1 will be able to produce the following documents upon request when generating an event record:

- amount of salt dispensed at each site,
- timesheets,
- dates,
- time of entry on each site
- time of departure from each site
- name and employee number
- contemporaneous (in this context documenting what was done at the time the work was performed)
- observations of current conditions at the site (example: snowing, clear, hazards, raining, freezing, rain, clear, drifting snow (supervisor on site will determine if drifting snow is impacting the site)).

The trainee shall understand and demonstrate they are capable of completing documentation fully and concurrently as the work is performed. The emphasis is that without the documentation the trainee and company cannot say the work was done in any measurable or verified manner.

Level 2 (Level 2 Assistant Supervisor)

6 hours FULL DAY THEORY and 6 hours of practical supervised demonstration of required skills

The purpose of level 2 is that someone taking level 2 has had experience through one season where they have experienced being an assistant supervisor utilizing the training to date so they can more fully appreciate the importance of the training and rationale of those in a leadership position. Industry experience documented of 1 winter season is recommended but not a hard requirement. Companies should consider the benefit of experience and training following the prescribed method and the problems associated with rapid advancement of training without field experience.

It is recommended that the person have one year as training an individual taking training to level 2 immediately would not allow for the person to have any experience as a follower which is a necessity for any future leadership role. In addition, the trainee in that one year should demonstrate a focus on the documentation process and impressing supervisors with the detail, quality of the documentation generated contemporaneous with when the work is performed. Trainees should understand that advancement in the industry may largely be based on document proficiency and the trainees diligence and ability to compel others to have the documentation process completed in a reasonable manner among other things.

It is recommended that a level 2 can conduct salting so long as they are supervised by a level 3. Supervision does not require the physical presence of the level 3 supervisor, but a means of contemporaneous communication is required (i.e., phone or radio).

This person may be a crew leader, equipment operator, patrol person, assist with or be supervised in creating a pre-season inspection. A level 2 can conduct a patrol but under the supervision of a level 3. This person cannot mobilize but can make recommendations regarding the need to mobilize based on site observations which should be recorded reviewed by the level 3. Mobilization can have varying degrees to it so this person while being supervised should explain their recommendations and rationale while the level 3 supervisor guides and corrects.

This person can be put in command-and-control position on a limited number of vehicles amounting to no more than 10 vehicles or equipment and 5 walks crew leaders.

Practical demonstration of both the knowledge, documentation process, and skills, leadership associated will be required for a certificate. The onus will be on the company to fill out a form swear and attestation and passport or signed passport to the training provider for a certificate to be issued.

The training curriculum is as follows:

- Pre-Season Inspection (Basics)

The trainee will be shown the basics to conducting a pre-season inspection. The Trainee will also be taught the steps involved in preparing to perform and the actual performance of a pre-season inspection. Prior to a pre-season inspection the trainee should demonstrate they can generate a site map and perform a salt analysis for the site. In terms of training the trainee

needs to receive emphasis that the pre-season inspection, salt analysis and site map need to be communicated to the client as it is the clients ultimate responsibility to ensure safety of the site as the more frequent occupier of the site as defined in the Occupiers Liability Act. The pre-season inspection is also to ensure the client records any pre-existing site damage and hazards or things that would adversely impact snow and ice management. This may include tenant activities which should involve the owner (occupier) advising tenants regarding any concerns with written clear instructions. The trainee should also received guidance with examples when recommendations should be made regarding repairs, or the installation of engineering controls to mitigate but ideally to eliminate hazards.

- Event Documentation (Basics)

The trainee will be given a basic understanding of event documentation. They will learn how to properly locate and provide these documents as well as what documents would be included in the scope of event documentation. List of items to cover by the training provider: name, date, location (address), time of entry, time of departure, weather on arrival, Condition of site on departure, Services performed (shovel, plow, salt), Quantity of salt per site and per event should be emphasized as a requirement for completion of an event document. Event document ideally also pre-records the salt site analysis performed during the pre-season inspection. Ground temperatures are strongly recommended to be recorded if site camera data is not being utilized. Comments that could be included in an event document are items like obstructions to salt management work (referencing the grid on the site map).

- Patrol and Patrol Documentation (Basics) Review of the level 1 observations to make recommendation regarding follow up.

The trainee will be given a review of the level 1 patrol education. The trainee will be given a detailed theoretical and legal education regarding patrols and patrol documentation.

This should include the following: Is there a contract requirement to patrol, Patrols are performed to determine if mobilization is required, Are you authorized by our company policies to leave your vehicle while performing a patrol, Patrols should record the site conditions and weather and record pavement temperature and atmospheric temperatures (is there a freeze/thaw hazard) If a freeze thaw hazard what did the patrol do regarding this specifically, were hazards present in various areas (with reference to site map grid), what did the patrol do in response to observed hazards. Was the patrol obstructed by what should be recorded with reference to where on the site map (grid). General information recorded on a patrol would be; Who is conducting the patrol, what is the address, time of arrival, time of departure, Vehicle number, Gps tracked vehicle (yes/no) what salt was dispensed and ideally where on the site with reference to the site map grid, ground temperatures, atmospheric temperatures.

- Calibration the theory and testing methodology (Purpose)

The trainee will be given a understanding of Calibration theory and testing methodology. They will be made knowledgeable in how to properly calibrate a piece of equipment and follow the safety procedures when testing calibrations. Why calibration is performed pre-season needs

to be explained to the trainee and why this is helpful in claims situations as a means of verification.

- Weather monitoring reading the weather reports

The trainee will be given the ability to properly provide weather monitoring and will learn the ability to read the weather reports to create strategies when performing snow ice management for a site. The Trainee will be taught the ability to pick out all important details in a weather report and will show the ability to properly document. The trainee will receive instruction that site safety cannot be achieved by weather monitoring alone and that service calls need to be a component of any reasonable system between events or dedicated services retained for reasonable ongoing monitoring of site conditions which can change in an unforeseeable manner.

- Snow Management theory (Basics)

The trainee will be given basic theories of snow management with a focus on the documentation that is necessary to demonstrate that the contractor met its duty of care and is compliant with the contract and company policies. Contracts will be discussed, general practices of industry but only at a basic level.

- Snow Management Contracts (Basics)

The trainee will after basic concepts of snow management (referenced above) will be shown actual contract language. Emphasis will be placed on the need to review the contract, how to do so, and how to from a contract establish what is being asked for the contractor in terms of duty of care. Example contracts should be simpler than those used at more advanced levels of training. The intent is to give the trainee an understanding that a scope of work is described or level of service is established by way of contract and to look for gaps or holes or vague wordings that may require a response by the contractor in the pre-season document generated.

- Salt theory (freeze point depressants), granulars (grit), sand (proper use, conditions for Equipment application of salt

The trainee will be given a expanded education on salt theory. They will be taught the freeze point depressants including sodium chloride, calcium chloride, Magnesium Chloride, Calcium Magnesium Acetate and Potassium Acetate. They will also learn about the alternatives for salt and the conditions for the usage of different types of salt when using mechanical salt spreaders.

- Minimum levels of salt criteria (certain products) When and why to use – (basics)

The trainee will be reviewed on how to determine salt usage recommendations and what the bare minimum of a potential site might be and what different types of salt can vary in the minimum amount. They will also be taught when and why some salts are used when on the job.

- Company organization chart which identifies the number of area supervisors and responsibilities.

The trainee will learn how to follow a Company organization chart which identifies the number of area supervisors and responsibilities of fellow staff. The trainee will show how to properly manage this chart and how to assemble one if given the chance.

- Plowing – Production rates (equipment and variables).

The trainee will be educated on the production rates of equipment and what types of variables can occur.

The trainee will understand that the company that they work for has to bring in enough revenue to cover the overall cost of service. As a snow removal business, they will learn that they can offer a wide range of services to help your customer keep their property safe and clear. The trainer will learn the charging methods of services, including methods such as Per push, Per event, Per hour, Seasonal contract, Multi-seasonal contract.

- Post Plowing inspection.

The trainee will be taught how to perform an inspection after plowing a site. The inspection will include both equipment and a damage evaluation to check for any damages that may occur. The trainee will prove that they understand each step to creating and documenting a post plowing inspection checklist.

- Plowing – Record Keeping

The trainee will learn the requirements of a snowplow operator in regard to the record keeping. The trainee will learn how to both write up and properly check in on lists that require it. The trainee will be reminded of the importance of all documentation as it keeps track of your actions on the site and can be used in study to find improvements and any issues in the operator's logic. The trainee will learn to keep track of pre-season inspections, weather records, time arrival/departure sheets, salt usage, and any damage reports, a post plowing inspection, and a material usage sheet.

- Communication

The trainee is submitted to review and expanding to all different types of communication means that may be used by the industry including hand signals, flags, radio procedures. The trainee also needs to understand the importance of communication to achieve a safe working environment but also to alert the employer to issues that are witnessed by the trainee while working at the site especially any hazards or issues that may impact adversely snow ice management functions.

- Leadership

The trainee will learn to take initiative when on the job. They will learn how to properly keep an eye on others, and work with their subordinates when any issues arise during a job. The trainee will learn what it means to be a leader when working in the snow and ice management. The trainee will also learn leadership positions such as supervisors, managers and dispatchers.

- Organization (Situation Mission Execution Service and Support and Command and Signals)

The trainee will be shown command signals and be provided knowledge of situation mission execution services.

Pre-requisite is Smart About Salt to advance to level 3

Prerequisite exam (prequalification after study of the level 1 and 2 materials)

Level 3 – (Area supervisors/Dispatcher) - 36 hours

The purpose of level 3 training is to develop the theoretical knowledge of a working dispatcher to fulfill the following roles: call for mobilization; supervise and document activity of personnel; determine the salt dispense rate of low, medium, high in response to site and weather situations; weather system analysis; documenting site observations; dew point; wind; forecasting; ground temp; weather reports; radar; how to take a screen shot; documenting call for mobilization; the proper use of Daily journals; event documenting and patrol documenting as separate functions; equipment inspections, site inspections.

Their goal is to record decision making based on site specific conditions observed but to do so that the information is flowing back to those who are making macro decisions the (“real dispatchers”).

Limits on an area supervisors’ job are as follows: an area supervisor can effectively manage no more than 30 vehicles and equipment; manage no more than 20 walk crew leaders (walks crews can be 2 to 6 people per walk crew).

The company will need to be in a position to explain its organization chart and how the area supervisor (level 2) assigned is determined as part of its overall planning based on type of sites, condition of sites, assigned routes, area of responsibility geographical region, experience, and training of the those in subgroups or second in command personnel.

The training curriculum is as follows:

- Pre-Season Inspection

The trainee will learn the main components of a Pre-Season Inspection that covers every required detail to be documented by the owner, site manager or consultant. An explanation shall be given to the trainee why safety and environmental issues often conflict and the owner, site manager or consultant will need to make decisions and document same. The trainee will be made capable of detecting all types of hazards and be shown how to properly communicate

their findings to the building they are managing. They will be shown pictures on areas of interest and will be shown how to reflect their findings on a site map. The trainee will understand the importance of why dispatchers must be familiar with any sites, pre-season inspections by the owner, site manager, or consultant and reports, and will learn how to properly make decisions based review and considerations. The intent is to train on the review process and make decisions based on the content of information from various sources of information.

- Event Documentation

The trainee will be taught the ability to fully create Event Documentation that is accurate, has details such as temperature, wind speeds, humidity, ground temperature and amount of snowfall. They will also be shown how to correctly document the time taken to clear the site as well as documenting deicer usage. List of items to cover by the training provider: name, date, location (address), time of entry, time of departure, weather on arrival, Condition of site on departure, Services performed (shovel, plow, salt), Quantity of salt per site and per event should be emphasized as a requirement for completion of an event document. Event document ideally also pre-records the salt site analysis performed during the pre-season inspection. Ground temperatures are strongly recommended to be recorded if site camera data is not being utilized. Comments that could be included in an event document are items like obstructions to salt management work (referencing the grid on the site map).

- Operations management

The trainee will be taught to understand the field of Operations management. They will be shown how to be capable of managing a snow and ice removal operation and will be taught how to lead. The trainee will learn to communicate with patrols/snow removal operations and will be educated in relaying information such as weather changes, temperature and safety concerns that may fluctuate during a operation.

- Snow Management theory

The trainee will be given a full understanding of Snow Management theory and will understand how to properly assess a snow and ice removal operation. They will learn to communicate with snow removal services to be informed on the progress of a sites snow and ice management. The trainee will understand how to document information that is collected from both weather reports and personnel on the ground. The trainee will be provided with examples of situations and will be asked to determine the best course of action when dealing with available information.

- Patrol and Patrol Documentation Review of the level 1 observations to make recommendation regarding follow up. The trainee will be given a review of the level 1 patrol education. The trainee will then have a expansion of patrols under the context of a dispatcher, that is managing multiple sites.
- Calibration the theory and testing methodology (Purpose)

The trainee will be given the ability to Calibrate a salter. They will be shown all steps involved and will understand the theory and testing methodology and will be trained to qualify to calibrate salting equipment in accordance with the manufacture manual. The trainee will also learn how to instruct management staff when it comes to calibration and will learn how to make recommendations to snow and ice management staff.

- Weather monitoring reading the weather reports

The trainee will learn how to fully enact Weather monitoring and will learn how to read the weather reports given and how to properly document all important details from them to aid them in snow and ice removal practices. The trainee will understand the importance of recording weather and the implications of failing to do so.

- Snow Management Contracts

The trainee is shown more complex contracts but the aim is again to ensure the trainee is reading the contract and the language for any gaps in level of service or scopes of work and again addressing same by way of the pre-season inspection document. An understanding of where the contract is describing a building self insured situation is important to emphasize. Suggested approaches are addressed at this level including the use of photographs and quotations or language that clearly communicate a lack of service as the contract is not a specialist or does not offer repair or advice other than advice which affects snow management services.

- Company organization chart which identifies the number of area supervisors and responsibilities.

The Trainee will learn to create and manage Company organization charts which can identify the number of area supervisors and responsibilities. The trainee will show how to properly manage this chart and how to assemble one if given the chance. They will be given a complete understanding of what is required of these roles.

- Plowing – Production rates (equipment and variables).

The trainee will be reviewed on the production rates of equipment and what types of variables can occur. They will then be further educated on the variables that take place. As a snow removal business, they will learn that they can offer a wide range of services to help your customer keep their property safe and clear. The trainer will learn the charging methods of services, including methods such as Per push, Per event, Per hour, Seasonal contract, Multi-seasonal contract. They will also be taught how manage these variables when dispatching.

- Post Plowing inspection.

The trainee will learn how to collect the data recorded by a snowplow operator. They will be capable of collecting all documents that are required of them such as a filled time sheet for arrival/departure, a weather conditions report of the site, the conditions of the site after plowing and any other documents talked about in level 2.

- Plowing – Record Keeping

The trainee will learn how to both identify and write detailed Plowing Records and will learn how to be fully capable of writing, collecting, and documenting these records. The trainee will prove that they understand each step to creating and documenting a post plowing inspection checklist. The trainee will learn how to handing collecting information from snowplow operators when dispatching in order to create a post plowing inspection.

- Communication

The Trainee will be taught the ability to Communicate with all personnel and will show themself to be capable of informing all parties of any issues, hazards, damages, and recommendations to their supervisor, the building owner or other parties. The trainee will understand that dispatching requires them to pay attention to what other staff is telling them, and also informing them of developments that take place that a person on the ground may not be aware of.

- Leadership

The trainee will learn how to lead as a dispatcher, including how to communicate clearly between personnel and will communicate urgent information when possible. The trainee will understand the importance of constant communication and documentation, and how they will be responsible for informing and directing snow management operations.

- Organization (SMESC)

The trainee will be reviewed and educated on Organize situational mission execution services in the point of view of a dispatcher and will learn the ability to take command of situations, problem solve and give out clear signals to other staff and keeps them informed of all workplace signals to avoid confusion.

Level 4 (Landscape Ontario Snow Manager)

Pre-requisite This level is not eligible for legacy status and requires 5 years of documented industry experience.

The purpose of the course is to provide the candidate with a legal framework in which a snow business operates. This will include the various business organizations, the growing complexity of employment law, important aspects of contractual law, key obligations in the insurance contract, and a review of the litigation environment.

With respect to business organization, the sole proprietorship, partnership, corporation, joint venture and limited partnership structures will be reviewed. The ownership structure and liability of the owners will be reviewed for each form of business organization. The tax consequences of each form of business organization will be briefly reviewed.

With respect to employment law, issues will be reviewed, among others, with respect to the employment contract, equity requirements, workplace investigations, wrongful dismissal, the *Employment Standards Act*, and the *Ontario Human Rights Act*.

With respect to insurance law, issues will be reviewed regarding the scope of coverage and exclusions, named insured clauses, certificates of insurance and liability implications of subcontractors.

With respect to litigation, the objective will be to explain the litigation process in a manner that gives the participant an understanding of how it operates and the implications and strategies for snow/ice cases. The stages of a lawsuit will be reviewed, along with key Rules of Civil Procedure. Pleadings, including Statements of Claim, Statements of Defence, Crossclaims, Counterclaims and Replies. The examination for discovery process will be explained and exercises involving production of documents and examinations for discovery will be undertaken. Motions for Summary Judgment will be explained.

With respect to snow and ice cases, the standard of care that must be met based upon the common law and the contract will be analyzed. This will include a review of pertinent case law.

Total hours: 45 hours

The training curriculum is as follows:

- Occupiers Liability Act
- Negligence Act.
- Case law applicable to the snow and ice management industry.
- Owners site managers duty of care.
- Contractor duty of care.
- Supreme court decision on transfer of exposure or liability by way of contract (risks and hazards of same).
- Legal terms and definitions.
- Management structures appropriate to snow ice management.
- Online systems versus manual paper systems.
- Contracts.
- Insurance.
- Request for proposals (RFP)
- Route development/Planning/assignment of personnel
- Interviewing/hiring/employment contracts.
- Equipment purchasing
- Operations
- Material purchase, storage.
- Dispatching
- Procurement.
- Pre-season inspection
- Weather monitoring (defence theory).
- Daily journal (defence theory).
- Calibration (defence theory).
- Equipment maintenance.
- Operator credential for plowing and salt (concept and theory of the curriculum of training and defence theory).

- Logs and records (crews for salting).
- Region of Waterloo and smart about salt.
- Claims management (production of records).
- Litigation management.

Pre-season inspection (owners of the site, site manager, insurers, consultants)

Course time – 36 hours and 6 hours of practical

It is contemplated that this course should be generated for consultants, owners, site managers. A free version or references to this course by an Authority Having Jurisdiction or as part of a Standard are being contemplated. This course is part of procurement and the industry believes is a duty of the owners, site managers or consultants retained by the owner to produce conduct annual reviews and retain for 5 years. The rationale is that the consultants, owners, site managers are in the best position to draft a site management plan given these parties control the power of the purse to eliminate hazards, assign third parties, formulate surveillance reporting procedures or plans. It is also the industries position that safety cannot be achieved solely based on weather monitoring and a documented deliberate and described surveillance protocol including the use of service calls is necessary. In addition ongoing review and improvement of the pre-season inspection as a living document throughout the season including an annual review will it is felt significantly improve both safety but also address environmental issues associated with reasonable use of freeze point depressants including tracking and recording of same by those most responsible for the sites environmental footprint. Contractors have no bargaining power on environmental issues when environmental issues conflict with the owner of the sites desire to achieve safety. The line between the issue of safety and the environment can only be addressed by documenting planning and full use of a sites resources to minimize the sites environmental footprint.

The purpose of the pre-season inspection consultant, owner site manager course is to expand in detail how a pre-season inspection is to be carried out and provide a step-by-step process including introducing tools that can or shall be used to conduct and document a pre-season inspection as part of a comprehensive site management snow plan.

This course will train the trainee on development of a snow management plan for a site along with what will be investigated considered and documented. Some of the items to be considered will include things that could adversely impact the provision of snow and ice management services including: design, capital planning for improvement of the site, repairs to uneven pavement, addressing low areas, pre-existing damage, storage, snow pile placement, drainage issues and run-off, equipment location, third party staff causing interference, parking, handicap areas, ramps, heated ramps, trees, garbage stalls, occupancy issues, stairwells, adjacent locations, adjacent property occupancy issues that involve accessibility generally, Environmental assessment, salt storage and natural bodies of water, hours of operation, priority areas, tenant types, tenant needs, repair recommendations to be made, hazard mitigation recommendations, shutdown criteria, cracks, Key contact personnel and contact particulars, frequency of services, triggers for service, callbacks, authorized trained personnel list for owner/owner agent, signage. As part of the recommendations section of a report a report consultants if utilized will be trained to make appropriate reasonable recommendations regarding capital planning, repair, training of authorized trained owner personnel, hydro, gas, utilities, transformers, bollards, gates, construction issues, planned construction and impacts, repair, and owner surveillance and use of service call reporting.

Pre-Season inspection course

- The training curriculum is as follows:
- Developing a unique snow management plan

The trainee will learn how to develop a unique snow management plan that is the most common industry style. The trainee will be shown its topics and at the end of this course will show a complete understanding of its topics. The trainee will present coverage of equipment usage, site map identification, drawn plowing routes, snow storage locations, material storage and salting plans.

- Site Maps

The trainee will be shown how to create Site Maps with extreme detail, they will understand the importance of recording the Square Footage of all areas that need to be salted. They will learn where Areas of storage should be located on a site. They will understand what Know hazards to equipment are present on a site, and will understand how to mark them down on a site map. They will understand the geometry of a site and where the Know areas of water buildup are located. They will ensure that walkways are visible on the map and are not obstructed in the maps image. The trainee will learn what drainage points are and how to mark them down on a site map. The trainee will learn how to incorporate and snow plowing route on the site map, when it is required.

- Site Investigation/walking the site

The trainee will understand how to conduct a full Site Investigation including walking the site personally to locate, mark and inform the building owner of the condition of their site, make recommendations and follow documentation standards. The trainee will learn what items need to be documented when beginning to investigate a site.

- Hazard identification

The trainee will understand how to properly assess Hazard identification. They will learn how to be sufficiently capable of finding, marking and documenting hazards, and will show an understanding of how to deal with hazards in a safe manner. The trainee will be educated in how some hazards can form, in order to provide them with a starting point in which to begin searching for hazards on a site.

- Hazard Documentation

The trainee will understand how to properly Document hazards and learn to understand the gravity of hazards and how they effect the workplace. They will show an understanding that they know how to document these hazards clearly and provide evidence that they can communicate where hazards are.

The trainee will learn to identify how dangerous a hazard is and will learn how to communicate with higherups to deal with any issues (written recommendations to a building owner)

- Photos

The trainee will learn the importance of taking Photos when performing inspections and documentation.

The Trainee will learn how to take photos of the site properly and will identify what will need to be photographed.

- Procedures and methodology

The trainee will be given an understanding of the Procedures and methodology of procurement in regard to the snow and ice removal industry. The trainee will be educated in the industry standards of drafting and finalizing a pre-season inspection, and will be given a few examples of completed inspections for reference.

- Tenants/Priorities

The trainee will learn how to manage the Tenants/Priorities when working on a site and will understand what areas must be focussed on first while on the job such as walkways, sidewalks, garbage areas, and parking lots. The trainee will learn the order in which it is recommended in tackling a residential property.

- Presentation/Reporting

The trainee will learn the importance of Presenting and Reporting all recommendations, issues and warnings to other personnel and higher ups including the building owner and contractor. The trainee will understand the reasons for presenting and reporting and will understand the importance of speaking out through documentation.

- Grids (use of and ground marking)

The trainee will learn how to make Grids (use of and ground marking) when creating a site map that provide coordinates that allow for the marking of points of interest. The trainee will present a plan on how to mark down grid connectors and will present a understanding of how to make a coordinate system on a site map when enacting a pre-season inspection.

- Warnings

The Trainee will learn how to write proper warnings that show detail in what they are trying to warn the service provider about. The trainee will understand the importance of making these warnings clear in the pre-season inspection and why an engineering control that eliminates a hazard is not being utilized.

- Recommendations/capital planning

The trainee will learn to create recommendations notices, and how to record the building owner/site managers decision making. The trainee will understand the importance of making recommendations if a consultant or recording decision making if a building manager/owner. The trainee will always voice concerns when hazards are present and can lead to damages to equipment or accidents taking place. The trainee will also learn how to work/manage capital planning, engineering control of hazards and when decision making should involve recommendations to eliminate hazards rather than adopt an administrative control of the hazard.

- Equipment (Amounts Required)

The trainee will understand how to correctly sum up the amounts of equipment required for any job/site and will be given a understanding of the differences in types and brands of equipment. The trainee will learn what types on equipment will be required and will learn how much equipment is needed.

- Analyzing Equipment (Scope of the site and how will equipment be used)

The trainee will learn how to analyze equipment in regard to the Scope of the site and how will equipment be used. The trainee will understand the steps of analysing equipment they will work with, and will be taught the steps of inspecting any equipment that the trainee may not be familiar with.

- Follow up/inspection during season

The trainee will understand how to administer a follow up inspection during season and will be given full knowledge in how to administer one. The trainee will learn the amount of time recommended for a follow up inspection (post-season inspection) and the need to document the inspection. The trainee will administer an inspection similar to a pre-season inspection after the seasons end. They will then compare them and will take note of any differences that may come up. The annual review of the previous pre-season inspection will also be documented and emphasis given to keeping available for review the last 5 years of pre-season inspections to document the reasonable system in place and evidence of it being followed.

- Living document/communication

The trainee will learn what a living document is. They will be trained in how to create and manage a Living document and how to fully communicate with those involved. The trainee will learn how to manage a living document and add to it throughout the season and during the annual review that the previous year or years pre-season inspection document be retained.

- Insurance

The trainee will be given understanding in Insurance and how to properly get insurance or communicate to its insurer the pre-season inspections including the last 5 years and what was done to address hazards or issues unique to the site.

