

COMMUNICATION 132009

Received from Joanne Henderson, Manager of Recreation and Culture
Addressed to Committee of the Whole
Date December 8, 2020
Topic Sidewalk Art

SUMMARY

It has been brought to Staff's attention that the sidewalk art installation in front of the As Good As New Store has created a slip hazard in wet and winter conditions.

COMMENT

Staff has spoken with Erin Lee from Interval House which is the organization that installed the sidewalk art in this location. She has agreed to enter into a Memorandum of Understanding for the maintenance of the sidewalk area for the winter months and will assume all responsibility for this piece of Town property. The Town of Carleton Place will continue to be responsible for snow removal.

Although, Interval House will assume responsibility for this area, due to the Joint and Several Liability system within the Province of Ontario, the Town as the property owner, could still be held liable and responsible to defend itself in the event of a claim depending on the nature, named defendants and amount of a claim made for an injury caused due to the Sidewalk Art.

Options to address this matter include:

1. Removed the sidewalk art
2. Enter into a Memorandum of Understanding with Interval House to minimize as much of the risk to the Town as possible.

Staff wanted Council to be aware that there is still potential risk to the Town in the event of an accident in the area in front of the As Good as New location as the Town is the owner of the sidewalk.

STAFF RECOMMENDATION

THAT Council authorizes the CAO to enter into a Memorandum of Understanding with Interval House regarding winter maintenance of the sidewalk area in front of the As Good As New location due to the installation of the sidewalk art.