

To: Corporate and Finance Services Committee

From: Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department

Report Number: CF-24-65

Date of Report: October 30, 2024

Date of Meeting: November 4, 2024

Subject: Update on the StopGap Pilot Project

Ward: All Wards

File: 03-05

1.0 Purpose

The purpose of this Report is to provide an overview of the interim results of the pilot program for businesses to participate in, acquire and utilize StopGap ramps in Oshawa and present options for Council's consideration for the future of the program.

Attachment 1 is a copy of Report [CF-23-92](#), dated November 22, 2023, which includes the proposal for the StopGap pilot project. City Council approved the following motion:

1. That pursuant to Report CF-23-92, dated November 22, 2023, Council approve of a pilot project for businesses to participate in, acquire and utilize StopGap ramps in Oshawa provided they enter into an encroachment agreement with the City;
2. That pursuant to Report CF-23-92 dated November 22, 2023, Council authorize the Commissioner, Economic and Development Services to enter into an encroachment agreement with business participating in the StopGap pilot project, with terms satisfactory to the Commissioner, Economic and Development Services and the City Solicitor;
3. That pursuant to Report CF-23-92 dated November 22, 2023, City Council waive the processing fee for the necessary encroachment agreement for businesses participating in the StopGap pilot project;
4. That pursuant to Report CF-23-92, dated November 22, 2023, the Commissioner, Corporate and Finance Services be authorized to enter into an agreement with the StopGap Foundation, with terms acceptable to the City Solicitor, to provide and deliver up to 10 ramps to 10 businesses;
5. That pursuant to Report CF-23-92, dated November 22, 2023, staff be authorized to launch a communication and promotional program regarding the StopGap pilot project; and,

6. That pursuant to Report CF-23-92, dated November 22, 2023, staff report back to Corporate and Finance on the success of the StopGap pilot project in 2025.

2.0 Recommendation

That the Corporate and Finance Services Committee recommend to City Council:

1. That based on Report CF-24-65, dated October 30, 2024, concerning the Update to the StopGap Pilot Program, the Corporate and Finance Services Committee select an appropriate option as provided in Section 4.5 of said Report.

3.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- Legal Services
- Planning Services
- Durham Municipal Insurance Pool

4.0 Analysis

4.1 Pilot Program Process

Following approval of CF-23-92, City staff worked to develop an agreement with the StopGap Foundation, necessary Encroachment Agreement templates and communication material regarding the program.

City staff, in cooperation with StopGap Foundation developed the following process for interested businesses to follow:

1. Businesses visit StopGap.ca and and complete the Ramps on Request Form. This involves uploading photos of the entire storefront or patio area, and the step/curb height.
2. StopGap representatives contact the business to evaluate measurements, complete a supply agreement and will design the ramp.
3. When the application and agreement for use of the ramp has been completed with StopGap, businesses contact the City of Oshawa's Accessibility Program Coordinator to make arrangements for submitting the signed sidewalk encroachment agreement (if required) and the annual submission of your \$5 million Certificate of Insurance naming the City of Oshawa as an additional insured.
4. When the requirements are complete, City staff will notify StopGap, and they will proceed with building the ramp, invoice the City for payment and coordinate shipping.

Communication was sent out to businesses through the following mechanisms:

- Social Media and Website
- Business & Economic Development Newsletters
- Program Informational Postcards
- Volunteers from the Oshawa Accessibility Advisory Committee (O.A.A.C.) visited local businesses in May 2024 to promote the program.

4.2 2024 Pilot Program Results

During the O.A.A.C. visits to businesses in the downtown, it was several businesses expressed interest in getting involved with the program, and seven businesses identified that they wished to know more about how to apply for the program. Staff reached out to each of these businesses, to help facilitate the program. Of these seven, only two businesses went forward to submit an application with StopGap Foundation. Both businesses were accepted by StopGap. One business decided not to move forward with an Encroachment Agreement with the City. The other business is located on a regional road, and therefore requires an Encroachment Agreement with the Region of Durham. At the time of writing, an agreement hadn't been reached.

Both StopGap ramps were fabricated by StopGap, and sent to the City of Oshawa. The total cost spent in 2024 was \$800.00.

4.3 Barriers to the Program

The pilot program has brought to light a few barriers to participation in the program. These include the requirement for businesses involved in the program to carry a \$5 Million Insurance Certificate, and the functionality of the agreement with the City through an Encroachment Agreement.

4.4 Suggested Changes to the StopGap Program

4.4.1 Lowering Insurance Requirements

Through the Council direction of CF-23-92, the original program required businesses to indemnify the City and provide the City with a Certificate of Insurance in the amount of \$5 million annually, in accordance with DMIP recommendations.

City staff have discussed the insurance requirements with DMIP, and they have indicated that they have no concerns if the City chooses to lower the insurance requirement to \$2 million with agreements associated with the StopGap ramps. This would align with the insurance requirements associated with the Sidewalk Café program.

4.4.2 Impose a Licensing Agreement vs Encroachment Agreement

The original pilot project, approved by City Council in 2023, contemplated the use of an Encroachment Agreement, which would outline obligations on the part of businesses. The nature of the Encroachment Agreement requires the encroachment to be registered on title with the property owner, rather than through the business owner. Through the pilot program, staff encountered businesses interested in participating in the program, but

certain property owners were opposed to having the Encroachment Agreement attached on their property title.

Through further investigation, it was determined that a License Agreement with the City and the Business Owner may be more effective than an Encroachment Agreement, and will help mitigate this barrier.

Authorization for execution of the License Agreement would fall under the Delegation of Authority By-law, section 39.

It is important to note that the Region of Durham has indicated that any business interested in participating in the StopGap program located along a regional road will still be required to enter into an Encroachment Agreement with the Region.

4.5 Options for Continuation of the StopGap Program

4.5.1 Option 1 – Make Changes to the StopGap Program and Extend the Pilot until the end of 2026.

This option would extend the StopGap Pilot Program until 2026, and make the suggested changes as outlined in 4.4 of this Report.

Following Council acceptance and approval of the proposed changes to the StopGap program, staff in the Diversity, Equity and Reconciliation Division will work with Corporate Communications and Economic Development Services to provide updated information to the Oshawa business community.

Staff will continue to work with the two businesses who had entered an agreement with StopGap to fulfill the City's and Region's requirements and provide the fabricated ramps to them.

If Option 1 is selected, then the Corporate and Finance Services Committee should recommend the following resolution to Council:

1. That based on Report CF-24-65, dated October 30, 2024, City Council extend the StopGap pilot program in Oshawa until 2026 with the following changes:
 - The insurance requirement for participating businesses be lowered from \$5 million to \$2 million.
 - A license agreement be established between the City of Oshawa and participating businesses, in a form and content agreeable to the Commissioner of Economic & Development Services.

4.5.2 Option 2 – End the Program

This option would end the program.

If Option 2 is selected, then the Corporate and Finance Services Committee should recommend the following resolution to Council:

1. That based on Report CF-24-65, dated October 30, 2024, City Council end the StopGap program in Oshawa.

5.0 Financial Implications

The financial implications as it relates to this Report are contingent on the option selected in Section 4.5.

If Option 1 is selected the estimated cost to the City is approximately \$5,000, assuming a maximum of 10 businesses agree to be involved in the revised pilot program with StopGap. This amount can be accommodated in the 2024 and 2025 Operating Budget within the Diversity, Equity and Reconciliation Division.

6.0 Relationship to the Oshawa Strategic Plan

This report responds to the Oshawa Strategic Plan Priority Area “Belong: Inclusive and Healthy Community” with the goal to reduce systemic barriers and deliver engaging, equitable and culturally inclusive programs and services for all participants.



Julie Maclsaac, Director,
Diversity, Equity and Reconciliation



Stephanie Sinnott, Commissioner,
Corporate and Finance Services Department