

Community mailboxes at the centre of new bylaw

By Brock Weir

Canada Post's controversial decision to eliminate door-to-door mail service across the country in favour of community super mailboxes received a firm answer from Aurora this week in the form of a new bylaw.

Council approved legislation this week that would see community mailboxes included in revised provisions taken from Aurora's existing road excavation bylaws, and its associated fees, into a new catch-all.

According to a report before Council this week from Town Solicitor Warren Mar and Director of Planning Marco Ramunno, a bylaw specifically targeting Canada Post would be out of order, even if Council decides this was the best way to answer residents' concerns over the placement of these mailboxes in their communities.

"[The Municipal Act] states that a municipality does not have the power to impose a fee on a class of person that is comprised solely of the Crown," they said. "As Canada Post is a crown corporation, a bylaw directing a permit fee to be collected solely for Canada Post works would be outside the Town's powers. If Council wishes to impose a permit fee on Canada Post, then the proposed new bylaw is required, which does not single out Canada Post and instead treats it as just another person seeking to do work within the Town's boulevards."

The placements of Canada Post community mailboxes in neighbourhoods has been a bone of contention in numerous municipalities across the country, with residents in Aurora expressing their frustration on what they view as inadequate consultation with the residents of their own neighbourhoods on the best locations for these new mailboxes.

Aurora Council's decision to push forward with legislation of their own follows similar bylaws enacted by the City of Hamilton to regulate just where the Crown Corporation places their new boxes on municipal rights of way.

"Hamilton has sought to impose the condition on Canada Post to stop work on the placement of community mailboxes in established neighbourhoods until proper regulations can be enacted by Hamilton," wrote Mr. Mar and Mr. Ramunno. "Canada Post has ignored the requirements of the bylaw. In response, Hamilton sought a stop work order. Canada Post requested that the bylaw be quashed, likely on the grounds that the bylaw is outside of municipal authority."

While Federal legislation states that Canada Post can install mailboxes in any public place "including a public roadway", the Town argues it would "be preferable if the Federal government would require Canada Post to consult meaningfully and provide advance notice to municipalities and its residents in the placement of community mailboxes."

"Canada Post is proposing 127 community mailbox locations within Aurora. Canada Post has advised Town staff that notice has been mailed to residents affected by the switch from door-to-door delivery to community mailboxes, indicating the location of their new community mailbox. Through staff discussions with representatives from Canada Post, Canada Post has been adamant that they will make the final decisions regarding locations of the community mailboxes. As a Federal agency, Canada Post has indicated that they have the mandate to use the municipal road allowance to accommodate the installation of community mailboxes and municipalities do not have a role in the location of community mailboxes. Council recognizes that community mailboxes will be installed within the Town of Aurora, but would like to have residents of Aurora consulted on the locations."

Canada Post and the City of Hamilton are meeting in court this week to state their respective cases as Aurora considers this proposed bylaw. Staff suggested, however, Council might consider waiting for the outcome of Hamilton's hearing before pressing ahead with measures in Aurora.