

Council passes bylaw getting tough on community mailboxes

By Brock Weir

Aurora has followed in the footsteps of the City of Hamilton to try and regulate where Canada Post places new community mailboxes as they phase out door-to-door mail delivery service ? and now it is time to play the waiting game to see if the move lands Aurora in court as it did Hamilton.

The new bylaw, which was approved in a 7 ? 2 vote with Mayor Geoff Dawe and Councillor Paul Pirri voting against, proposes a number of requirements in an overhaul of the Town's existing excavation bylaw that Canada Post will have to meet in order to obtain a permit to dig, explained Town Solicitor Warren Mar. Canada Post will now, in theory, have to provide ?written evidence? to Town Hall to prove they have adequately consulted with the neighbourhood in which they plan to erect a box, a particular sticking point for residents in both Aurora and Hamilton who have said they have very much been left out of the conversation.

This move ?puts the onus on Canada Post to show they have done their diligence and they have also done their due diligence with regards to municipal services and other items we may have either above and below ground that would affect the placement of the mailbox,? said Mr. Mar.

Councillor Tom Mrakas, a driving force around the Council table for action to get Canada Post to the table for consultation, said the recommendations approved by Council ticked all the right boxes, a sentiment shared by most of the other elected members. For Councillor John Abel, it was important to send a ?message? to Canada Post that each neighbourhood must be engaged to determine the best locations for the new mailboxes.

?I think we should serve notice to Canada Post that we have got plenty of time [to consult] in each neighbourhood and there is no rush,? he said. ?[We should] let them know that, then we will issue the permit, and not until then.?

For Councillor Michael Thompson, the changes in the bylaw simply put the requirements of Canada Post on par with other groups ? such as telecommunications companies ? who need to clear certain municipal hurdles before installing their equipment.

?It simply requires Canada Post meet reasonable requirements and that they apply for a permit, no different than what some other utilities do, and part of that reasonable requirement is meaningful dialogue,? he said. ?We have heard over and over again that that has been missing, that we haven't been communicated or contacted with regards to some of these sites, and that is not appropriate. It should be a collaborative process. We have had to go to this length to be able to ensure that we, as stewards of the community, are actively involved in this process and there will be some consultation.?

It remains to be seen, however, to what length Canada Post will go in order to proceed as planned. Canada Post and the City of Hamilton are expected to continue their fight in Federal court this week after the Crown Corporation launched a case against the municipality to quash their similar bylaw, arguing such a move was beyond Hamilton's jurisdiction.

As such, Aurora's new bylaw might have to wait if it is ever to have its adult teeth grow in.

?We have been informed by the Regional Prosecutor's office they don't intend to prosecute any charges under this particular bylaw against Canada Post given the fact there is ongoing litigation and I wouldn't expect any court to actually deal with any prosecutions until the outcome of the case is heard,? said Mr. Mar.

Although the new legislation will allow Aurora's bylaw department to issue notices of violation to Canada Post, the position of the Regional Prosecutor would likely get in the way of enforcing it, a ?completely understandable? situation, said Techa van Leeuwen, Aurora's Director of Bylaw Services.

?If Council does pass a bylaw, I have no idea how Canada Post will respond to that, whether they will seek to join us in a particular

action or whether they will start a separate action against us to quash it," she said.

While Councillor Jeff Thom indicated he was concerned with the financial implications should the new bylaw lead to a date in court "the financial implications would be brought back to Council in closed session, if the situation arose, noted Mr. Mar " it was important to take a stand for the consultation process.

"This is probably the only way we can move forward with anything meaningful," he concluded, "but we'll have to see what the court says as well."

This uncertainty, however, made Councillor Pirri have a dim view of the outcome.

"I won't be in favour of the bylaw because I don't think it will get us anywhere or do anything of meaning," he said. "If I'm wrong, I'm wrong."