

City of Kingston By-Law Number 2005-100

***By-Law to Amend City of Kingston By-Law Number 2005–100,
A By-Law for Prescribing Standards for the Maintenance and Occupancy of
Property within the City of Kingston***

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act*, 2001, s. 5 (3)).

A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act*, 2001, s. 10 (1)).

On May 17, 2005, council for the *City* passed *City of Kingston By-Law Number 2005–100*, “*A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston*”.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005–100*.

Therefore, council enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005-100* is amended as follows:

(a) Subsection 4.22 is deleted in its entirety and replaced with the following:

“4.22 All areas used for vehicular traffic, parking spaces, driveways, walkways and other similar areas shall be covered with asphalt, concrete, crushed stone, paving stones arranged in an open

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pattern, or gravel surfacing. Surface conditions shall be maintained in good repair and:

- (a) kept free of dirt;
- (b) kept level, stable, and free of potholes, rutting, erosion, or other hazards; and
- (c) maintained, repaired and restored using the same material as the original surface, which shall include full resurfacing where required.

Despite the foregoing, the obligation to keep surface conditions in good repair includes the following maintenance practices appropriate to seasonal conditions:

- (i) subject to clause (ii) below, during the period from November 1 to April 30, the obligation to keep surface conditions in good repair may include the use of temporary surface treatments, such as cold patch asphalt or gravel fill to address potholes, rutting, erosion or other hazards, provided that such temporary surface treatments address immediate hazards or unsafe surface conditions, as determined by the Director; and
- (ii) as of May 31 in each year, all temporary repairs made during the period from November 1 to April 30 shall be permanently restored using the same material as the original surface, including full resurfacing where required.”

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the date that it is passed.

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1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor

Reporting Out – Driveway and Surface Repair Standards

Why we engaged

On April 1, City Council passed a motion that directed staff to review potential amendments to the [Property Standards By-law](#) regarding the maintenance of privately-owned driveways, parking lots and walkways. Proposed amendments include:

- Requiring surface repairs to be consistent with the original materials, and
- Enforcing a 14-day repair timeline once a formal Order to Remedy is issued

Currently, if a violation of property standards is identified, By-law staff issue a Notice of Violation, which outlines the deficiency and provides a specific timeframe for repair. This approach emphasizes education, with the ultimate goal of compliance. If the deficiency is not repaired within the specific timeframe, staff issue an Order to Remedy.

Oftentimes, the surfaces are repaired to minimum standards, causing a recurring pattern of the same issue. This not only imposes a significant administrative burden on staff, but it also causes ongoing frustration from residents that continue to encounter poorly maintained, and often unsafe, surfaces.

To inform these proposed By-law amendments, staff sought public feedback on the impacts of surface deficiencies and repairs from residents, drivers, property owners and contractors.

How we engaged

The survey was open on Get Involved Kingston from May 14 until June 3, 2025. Users could review information about the current process and proposed amendments and complete a survey. Key stakeholders, including property owners, were also invited to join a public meeting at Kingston East Community Centre on June 2, 2025. Here, participants had the opportunity to meet with staff, ask questions about the proposed changes, and share their feedback.

The engagement was promoted with the community in a variety of ways including:

- News release to news subscribers and local media
 - Picked up by two local news outlets (one digital article + one radio mention)
- Social media posts across Facebook, Instagram, X and LinkedIn
- Paid digital advertisements on Facebook and Instagram
- Kingston This Week print ad
- Inclusion in Get Involved Kingston newsletter

- Graphic and link on City’s digital screen network
- Link on City’s Road Maintenance Webpage and “Report a Pothole” knowledge article on MyCity App
- Targeted email invitations to 110+ contacts identified as key stakeholders including commercial property owners, engineers, developers, pavers and companies that provide surface repair standard services

Who we heard from

- 156 participants completed the survey
- 61 participants provided feedback via email, phone, CRM and social media
- 1,001 aware participants visited the project page to learn more
- 10 participants engaged with the City for the first time on Get Involved Kingston
- 4 participants attended the public meeting
- Locations of participants:
 - 52 Central-East Kingston (K7K)
 - 50 Southwest Kingston (K7M)
 - 27 Central-South Kingston (K7L)
 - 23 Northwest Kingston (K7P)
 - 3 Rural Kingston (K0H)
 - 1 Other (K7G)

What we heard

The feedback received from the survey is mostly opposed to the proposed property standards amendments, with some conditional support identified. Participants share strong concern for the proposed timeline and materials amendment, enforcement of surface repair standards on private driveways, and many expressed dissatisfactions with condition of public roads and sidewalks, citing the City's own repair standards as an area of major concern.

Question 1: Demographics

- 11 respondents self-identified as commercial property owners (retail, industry, multi-residential)
- 130 respondents self-identified as private property owners (private home or residence)
- 53 respondents self-identified as vehicle operators
- 9 respondents selected “none of the above”
- No respondents self-identified as contractors who offer surface repair services

Question 2: Have you ever encountered potholes or deteriorating surfaces on commercial parking lots, private driveways, or walkways in your neighbourhood?

- 128 participants selected “yes” (82.1%)
- 28 participants selected “no” (17.9%)

Question 3: If yes, how often?

- 51 participants selected “daily” (39.8%)
- 41 participants selected “monthly” (32%)
- 16 participants selected “monthly” (12.5%)
- 18 participants selected “a few times per year” (14.1%)
- 2 participants selected “less than once per year” (1.6%)

Question 4: Have these conditions caused you or someone you know any issues (e.g. vehicle damage, mobility concerns).

- 49 participants selected “yes” (38.3%)
- 79 participants selected “no” (61.7%)

Question 5: Do you have any comments on issues caused?

69 participants provided comments on issues caused. Summary of main themes identified:

- **Maintenance of Roads and Sidewalks/City Criticism (25 comments):** Sentiment that private standards should also apply to public property, with many concerned about potholes on city roads. Some respondents expressed concerns about sidewalks, with mentions of safety hazards and others sharing that repair work has not been done despite informing the City of the issues.
- **Car Issues (18 comments):** Specific car issues mentioned include wear and tear and damage to tires, suspension, breaks, struts, rims, exhaust, alignment, etc.
- **Accessibility and Safety (17 comments):** Mentions of dangerous areas and perceived safety hazards, potential of injuries for pedestrians, cyclists and those who use mobility aids.
- **Support for Proposed Changes (10 comments):** Recognition of recidivism, acknowledgment of many parking lot surfaces being sub-standard, support for enforcing this for commercial/multi-residential properties.
- **Private Driveways (9 comments):** Concerns about regulation of private driveways, and suggestions to separate commercial and residential regulations.
- **Specific Location (7 comments):** Some respondents identify specific locations where surface deficiencies/potholes are of concern.

- Other:
 - **Cost as barrier to repairs (4)**
 - **Concerns about enforcement standards (1)**

Question 6: Do you believe property owners should be required to repair surface deficiencies using the same or similar material as the original surface (e.g., asphalt with asphalt, concrete with concrete)?

Responses were mixed, with 51% of participants “strongly” or “slightly” **agreeing** and 34% of participants “strongly” or “slightly” **disagreeing**.

- 47 participants selected “strongly agree” (30.1%)
- 32 participants selected “slightly agree” (20.5%)
- 24 participants selected “neither agree nor disagree” (15.4%)
- 19 participants selected “slightly disagree” (12.2%)
- 34 participants selected “strongly disagree*” (21.8%)

*Note that in the initial version of the survey, an error resulted in no “strongly disagree” option being available. Approx. 8 participants submitted responses prior to the change. The error was quickly remedied and has been accounted for in reporting.

Question 7: Do you have any comments on repair materials?

87 participants provided comments on repair materials. Summary of main themes identified:

- **Support for flexibility in Materials (29 comments):** Including cost-effective options and updating surfaces with materials that are more environmentally friendly. Many believe this should not be enforced and should be up to the property owner.
- **Support for Proposed Changes (24 comments):** Respondents agree that there should be a standard adhered to and that repairs should maintain surface integrity, acknowledging that some repairs are inadequate. Many comments are conditional, with preference for separating private residences and commercial properties.
- **Private vs. Public Property (21 comments):** There is widespread sentiment that repairs for private residential driveways should not be enforced, and that homeowners should have the option to make their own decisions for repair materials.
- **Criticism of City (20 comments):** Many respondents reference dissatisfaction with maintenance of City roads and sidewalks, as well as the perceived double standard on private vs. public repairs. Some participants also identified concerns

with by-law staff duties of enforcement and perceived overreach of regulating private properties.

- **Cost (16 comments):** Some respondents feel cost is prohibitive to repairs, support for less expensive solutions. Other concerns include lack of funding for capital costs from multi-residential properties, discrepancies in cost for (and enforcement of) small fixes vs. full parking lots.
- **Function vs. Aesthetic (8 comments):** Support for repairs being functional over cosmetic; some respondents perceive that enforcement focuses on aesthetics.
- **Accessibility and Safety (7 comments):** Respondents believe repair materials should only be enforced if it poses a safety risk, acknowledging that repairs should be safe and efficient.
- Other:
 - **Concerns about enforcement (5 comments)**
 - **Specific locations of concern (4 comments)**
 - **Timeline not sufficient (4 comments)**
 - **Car issues (1 comment)**

Question 8: Do you think 14 days is a reasonable amount of time for property owners to complete repairs once they've received an order?

- 48 participants said "yes" (30.8%)
- 108 participants said "no" (69.2%)

Question 9: Do you have any comments on the time frame for repairs?

115 participants provided comments on the time frame for repairs. Summary of main themes identified:

- **Concern for 14-day deadline (45 comments):** Many comments state that 14 days is unrealistic, especially for private homeowners and larger or more complex repair projects. Barriers cited include contractor shortages, seasonal limitations and long wait times (often 1-6 months). Some provided suggestions for 30 days, 60 days, 6 months or even one year as reasonable alternatives.
- **Calls for Flexibility (38 comments):** Respondents think there should be flexibility based on size and scope of repair, weather conditions, contractor availability and financial situation. Many recommend allowing extensions if proof of effort (i.e. contractor quotes, scheduled work) is provided.
- **Public Surfaces/City Accountability (19 comments):** Numerous respondents are concerned that the maintenance of City roads/repairs on public property do not adhere to 14-day timeline and that private lands should not be held to higher standard.

- **Financial Concerns (14 comments):** Some respondents highlight the high cost of repairs and the economic strain this could place on property owners. There is also concern that tight timelines could lead to price gouging. Some suggest the City could offer financial assistance or perform repairs at cost.
- **Support for Proposed Changes (12 comments):** Some respondents suggest that 14-days is a reasonable timeline to have small surface deficiencies repaired. Most support is conditional, with flexibility for size of repairs, weather, etc.
- **Distinction between property types (10 comments):** Many agree commercial properties should be held to higher standards (due to public access). However, private residential driveways are widely seen as being outside the City's jurisdiction (unless there's a clear safety hazard).

Question 10: Do you have any other comments or suggestions related to driveway, parking lot, or walkway maintenance on private property?

102 participants provided other comments. Overall, the comments reflect concerns and suggestions already mentioned above in questions 5, 7 and 9. The following is a summary of responses:

- **Opposition to regulating private residential property (36 comments)**
- **Criticism of City's own infrastructure and priorities (36 comments)**
- **Environmental and practical considerations (17 comments)**
- **Concerns about enforcement of property standards (16 comments)**
- **Other comments including reiterating concerns about timeline and materials and cost, plus mentions of specific locations in need of repairs (15 comments)**
- **Support for regulation of commercial properties (13 comments)**
- **General support for proposed changes (7 comments)**

General feedback (CRM, email, social media)

Some community members commented on social media posts related to this engagement, or submitted feedback via email and phone. The following is a summary of these comments:

- **Overwhelming frustration with condition of public roads** as well as anger with City's responsiveness to concerns
- **Criticism of municipal priorities** and spending on other projects over essential road repairs
- **Opposition to regulation of private property**, perceived double standard with enforcing private property and not repairing public surfaces

- **Calls for better quality and accountability in repairs** (specific to roads), with mentions of higher quality materials and modern repair techniques
- **Acknowledgment of impact that surface deficiencies have on residents** include vehicle damage and safety concerns

Public Meeting Feedback

4 participants attended the public meeting on June 2, representing two key stakeholder groups: contractors who repair surface deficiencies and commercial property owners. Staff offered background information on where these proposed changes came from, and where they face challenges with respect to enforcement and short-term temporary fixes.

Overall, participants expressed strong concerns about the feasibility of a 14-day repair timeline, citing contractor availability, seasonal limitations, and high costs for repair. There was also acknowledgement that small pothole repairs would likely not be a priority job.

There was agreement amongst the group that public and private standards should be consistent, and that the City should lead by example in maintaining its own infrastructure. One participant also mentioned potential conflict arising between property owners and contractors when attempting to act proactively ahead of enforcement. Some suggestions included allowing more time to show progress, not just completion, and exploring coordinated repair efforts between the City and contractors.

Participants expressed appreciation for the City working directly with key stakeholders to receive feedback and find solutions that work for all parties.

Next steps

Feedback has been shared with the project team for consideration. Staff will take a report with recommendations on the proposed changes to the Administrative Policies Committee in July.