

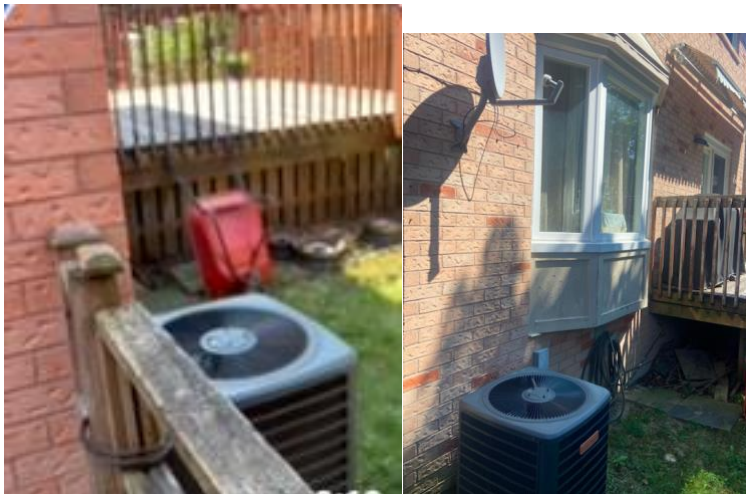
**RECEIVED**

By Christine Vigneault at 11:44 am, Jul 31, 2024

Committee of Adjustment:

The following is our response to the email sent from 12 Cantertrot court. We will be offering this verbally at the hearing, however wanted to be sure it was shared by noon July 31<sup>st</sup>, 2024. This pertains to A059/24.

1. The air conditioner was professionally installed, properly maintained, and unremoved for at least 30 years (this was made known to the city multiple times). It was updated in 2022 to a quieter machine, with identical dimensions as prior and has not moved locations whatsoever. It is thermostat controlled and runs on hot days.
2. This particular neighbor also has air conditioning, and the manufacturer recommends keeping windows closed and not open. Their air conditioner is a much older model, very loud in the decibels it emits, and within 0.5m of their window and patio, far closer than any of our equipment, perhaps it is their own equipment that is causing noise. (Picture attached).



3. The pool heater we own is called "Whisper" and is one fo the quietest on the market, and runs on a timer set from 9 a.m. to 7 p.m. The pool is shut off after 7 pm, as is the air conditioner (set to 73 Fahrenheit degrees, and is usually thus not needed at night), therefore it is an impossibility that any of our machines pose a noise problem in the evening or through the night as they are all set to off to conserve energy.
4. The pool was completed on July 31, 2023, and did not run until August 27, 2023. It was closed on September 30th, 2023. This means that the pool was open for a

total of one month, and not five months as exaggerated by the neighbor. This year the pool was opened on May 15, 2024. And will be closed on September 15th, making it a total of four months open. As well, the pool only runs for 10 hours a day, and does not run at night. Exaggerations can be proven false through facts, and as such the neighbours loses much credibility in their clearly fabricated complaints, therefore should not be considered in any decision making.

- Both the pool and the air conditioner unit were tested with a noise control machine, and the decibels came in at 53.7 decibels close to the air conditioner, and 57.4 decibels by their closest window to the pool equipment, a lower number than evening ambient noise. Both devices were ON while these were taken. According to the Canadian Hearing Society, anything between 50-60 decibels is considered “comfortable” and a quiet office environment. Please see the picture attached from the Society Foundation.

Average city traffic noise	80	Annoying, interferes with conversation, constant exposure may cause damage
Garbage disposals	80	
Vacuum cleaner, hair dryer inside a car (loud engine)	70	Intrusive, interferes with telephone use
Normal conversation	50-65	
Quiet office	50-60	Comfortable (under 60 dB)
Whisper	30	Very quiet
Rustling leaves	20	
Normal Breathing	10	Just audible
	0	Threshold of normal hearing (1,000 - 4,000 Hz)

For more information, please contact:  
**The Canadian Hearing Society Foundation**

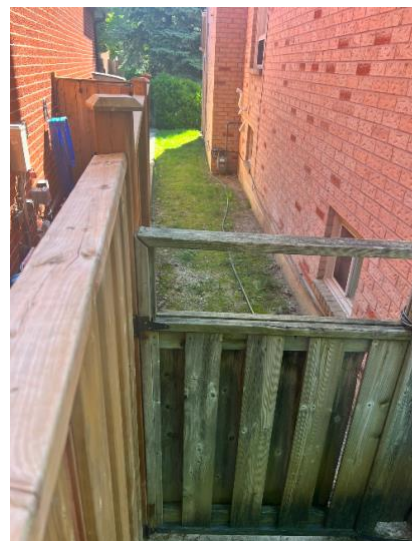
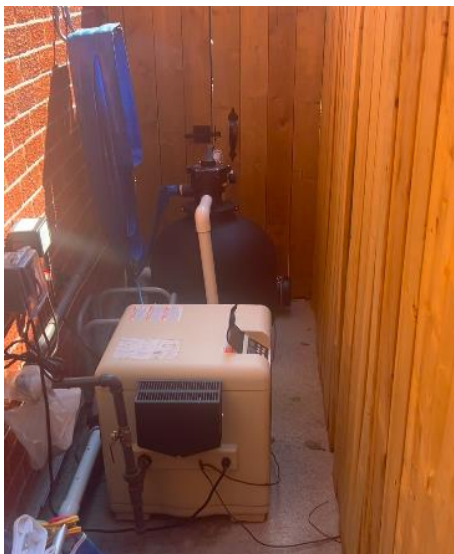


- According to the Noise By-Law 121-2021, the noise level of an air conditioner, heat pump or similar device must not exceed 61 decibels when measured at the point of reception. If at the device itself the decibel reading is 53.7 and 54.7, then at the point of reception, meaning inside of their window within their house, will logically be far less. Thus, under the limit of 61 decibels.
- If indeed our air conditioner and the pool pump were within the legal setbacks, this would have only added approximately 0.3 m or 30 cm more of distance to the neighbouring house. This is the length of a ruler. It is our opinion that this would not solve their apparent noise complaint, because their complaint is not solvable. We would also like to add that if indeed they were directly beside the

pool equipment, the decibels tested were 60.8 decibels, still within the range of “comfortable.” The pool equipment was ON when this was taken. What this shows is that distance as well as the noise canceling fence is what has indeed solved any possible issue of noise, even though the highest noise emitted is still considered comfortable, and therefore not caused for complaint. Picture attached. As well, this comes in at under the Noise Level By-Law 121-2021, where it cannot exceed 61 decibels at the point of reception. Again, if at the machine itself it is at 60.8, then at any one of their windows, it would be far less than this, therefore well within the range of the by-law.

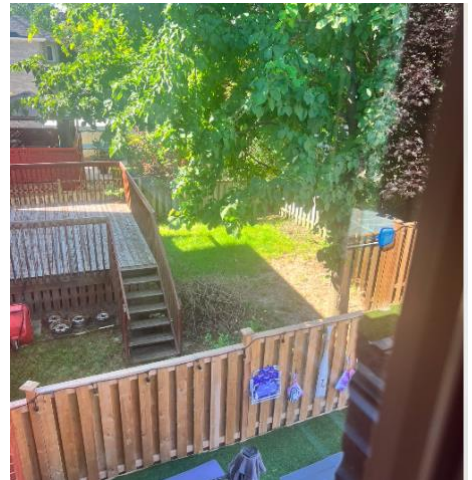
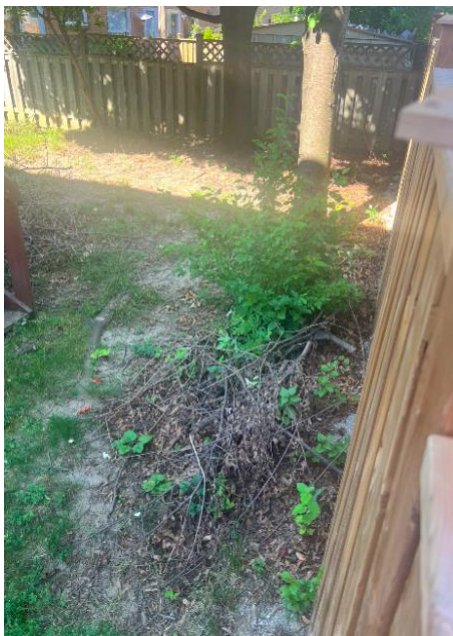


8. When installing the pool pump, we added a noise canceling fence around it so as to block any noise as well, this was done out of courtesy for our neighbours and



at our own cost. The fence blocks any sound from their windows. Picture attached.

9. Resale value is determined solely by the listed property. The molded plywood, missing sod, what is seemingly fire-hazard dry wood piles, moss, broken gated door, and mice infestation in their poorly maintained backyard would lower their resale value. None of this is our doing. Pictures attached.



10. These neighbours have a record of harassment as can be proven in police reports filed, including threats to my children. It is beginning to upset my youngest child as is evident in a video taken by his grandmother. This newest complaint is merely an addition to this pattern of behavior.

11. In the summer of 2022 there was a large storm which brought down many of the branches in their tree hanging over our property, potentially causing harm to our property, fence and children. When we brought this up to our neighbors, they refused to move the branches stating that they did not care for the safety of our children playing in our backyard. The branch remains hanging within their tree dangerously. Picture attached.



12. Their two trees that were planted are well outside the legal limit to the adjoining fence (planted approximately one foot to our fence) and the branches overhang our property tremendously. We have brought forth and hired a tree company with permits so to trim these trees, however, at the request of our neighbours who stated they did not want us to trim any further, even though it was within our right to do so, because what we were trimming was overhanging our property, we stopped because we did not want for them to feel uncomfortable or think that his tree would be damaged, even though the company had a permit and did with the upmost care of the trees. This was a complete courtesy of ours, and we took the entire cost ourselves.

13. In 2022, the backyard fence needed to be completely redone since it was the original fence from 1990, and because it was in tremendously poor shape. It was caving in, and we took the cost completely on ourselves. The neighbours downright refused to pay half even though it is an adjoining fence. We continued to be harassed at least twice daily by their son with concerns, questions, comments, with regards to the fence, which was an identical height to the one prior. It was also communicated to them through their son that we were going to be getting a pool the year after, so they were well aware of this fact. This is all documented on text message to their son, Habib.
  
14. When we initially moved in on April of 2022, we invited them twice through their son Habib, to come for coffee, tea, dinner, etc., so to get to know one another and extend a courtesy. They refused, which is their right, but the pattern of their behaviour shows that we have communicated, been forth right, and showed kindness over two years and have received nothing but troubles in return. Their complaints are merely another effort to cause problems where there are none and we have bent over backwards to try and solve all issues (eg. building a noise canceling fence to prevent any noise from the already quiet pool pump, updating to a quiet AC, taking on the cost of trimming trees and replacing the entire fence, etc.). Their complaints are unmerited especially because we have done everything possible to be kind neighbours, and have only met with uncooperation and difficulty in return.