

**NOTICE OF OBJECTION TO PROPOSED MINOR VARIANCES  
AT 40 JOHNSWOOD CRESCENT, WOODBRIDGE**

**COMMITTEE OF ADJUSTMENT  
SEPTEMBER 9, 2021 AT 6PM**

**AGENDA ITEM # 15 – FILE A168/21**

The residents of 11 Wheatfield Drive, Rossana Lopez and Gilson Eduardo (“the objectors”) object to the 5 variances sought by the owners of 40 Johnswood Crescent (“the applicants”).

**Summary of Objections**

The existing accessory structure (cabana) and pool equipment are far too close to and intrusive upon the immediately adjacent property (to the rear), owned by the objectors. The cabana and pool equipment have been constructed and installed without the required building permit, and are grossly in contravention of the applicable zoning by-laws.

In addition, the pool equipment itself is in violation of City of Vaughan Noise by-laws. (See report of J.E. Coulter and Associates attached).

Lastly, the request for variances should be denied on the basis of the committee’s residual discretion given that the offending structures have been built without a building permit, and that further variances may be required upon receipt by the City of building permit drawings. Applicants must come with a complete and full request, and not a series of piecemeal items at different Committee of Adjustment hearings. (See Staff Report page 3).

**Specific Objections**

1. Cabana – Item #3 of 5  
Requirement – Rear yard setback 7.5 m  
Proposed - Rear yard setback 1.24 m

The cabana is 14 m<sup>2</sup> (151 ft<sup>2</sup>) ( approximately 10 feet x 15 feet) and 3 metres (10 feet) high. As such it is an imposing building. (See photos)

Putting such a large building only 1.24 metres from the rear lot line, rather than the required 7.5 metres, dramatically increases the negative impact on the objectors’ use and enjoyment of their property, and, in particular, their backyard which is directly north of the applicants’ lot. While the height of the cabana is below the maximum allowed, the proximity of the structure exaggerates the negative impact of the structure. The height of the cabana is double the height of the existing fence between the lots. (See photo) Accordingly, having that structure so much closer to the lot line increases the negative impact upon the objectors.

The area of the cabana also increases lot coverage by 3.65% to 42.42%, which is beyond the by-law limit of 35%. No variance has been sought for this increase of lot coverage. The Staff Report notes only that:

“A building permit has not been issued. The Ontario Building Code requires a building permit for structures that exceed 10 m<sup>2</sup>.

The Applicant shall be advised that additional variances may be required upon review of detailed drawings for building permits/site plan approval.”

This overcrowding of an accessory structure, much closer to the rear lot line than is allowed is not minor, is not desirable, and is not in keeping with the intent of the zoning by-laws or official plan.

It is too large, with too big a negative impact on the neighbours, and, if allowed, would be a significant negative precedent for all other neighbours.

It would allow a wall of overbuilding all along the rear lot lines to create a virtual shanty town feeling in this suburban subdivision.

2. Cabana - Item # 5 of 5  
Requirement – Side Yard Setback 1.2 metres  
Proposed - Side Yard Setback 0.41 metres

Similar to the concerns relating to the rear yard setback (above), this proposed side lot setback is 1/3 the required distance, and impinges on the side yard neighbour at 44 Johnswood, and causes a negative effect on the objectors’ sense of space and light. Note that the window of the washroom in the cabana appears over the neighbour’s fence so that noise and smell from the washroom would be transmitted over the fence into the neighbour’s lot as well. (See photo – open window)

3. Pool Equipment - Item #4 of 5  
Requirement Encroachment of maximum of 1.5 metres into the rear yard.  
Proposed – Encroachment of 7.16 metres into the rear yard.

Pool equipment is supposed to be kept close to the house to which it belongs – within 1.5 metres of the existing house. Instead, the applicant seeks approval to place the pool equipment at the farthest possible point from the house, and immediately up against the rear lot line adjoining the objectors’ lot, a distance of 7.16 metres from the applicant’s house, or almost 5Xs the allowed distance (4.77)

This is not minor. It is significant.

It is not desirable. It transfers the burden of the equipment, including noise, to the neighbour when it is supposed to be the owner’s burden. It is an off-loading of the burden of the owner’s use of its land.

## Noise

Significantly, the pool equipment as already installed is in violation of the setback required, and emits noise far above the allowable limits according to the noise by-law of the City of Vaughan (By-Law #062-2018- attached.)

A sound expert J.E. Coulter and Associates has attended the site and confirmed that the pool equipment emits noise well above the allowable limits. See Report attached.

The objectors have previously complained to the City that the noise significantly disturbs them during the day and night, and interferes with their sleep and enjoyment of their property in a significant way.

This is a significant negative impact of the proposed variances sought. It is not in keeping with the general intent of the by-laws and official plan in particular the City of Vaughan noise by-law 062-2018 which states:

“Whereas it is in the public interest to reduce the noise level in the City of Vaughan, so as to preserve, protect, and promote public health, safety, welfare, and the peace and quiet of the inhabitants of the City.”

The noise from the pool equipment located hard up by the rear lot line shatters that peace and quiet of the objectors and should not be permitted.

4. Privacy Screen – Rear Lot line – Item #1 of 5  
Requirement – Minimum setback 2.31 metres from rear lot line  
Proposed – Minimum setback 0.62 metres from rear lot line

The rear privacy screen is 0.31 metres (1 foot) higher than the maximum allowed height for a rear yard fence. By placing this privacy fence only 0.62 metres from the rear lot line instead of 2.31 metres (about ¼ the required distance), the applicants are indirectly obtaining a higher rear yard fence line – thereby impinging on the objectors’ enjoyment of their lot and the rear yard especially. As this new fence is to the south of the objectors’ land, it creates additional shading and spacial impingement on the objectors’ lands.

It is not minor, nor desirable. It is not within the intention of the zoning by-laws to create a peaceful, open suburban environment for owners to enjoy.

5. Privacy Screening – Side Lot Line - Item #2 of 5  
Requirement – Minimum setback of 2.31 metres to side lot line  
Proposed – Minimum setback of 0.2 metres to side lot line

Similarly, the proposed privacy screen at 0.2 metres (about 8 inches) from the side lot line creates a de facto side yard fence at 2.31 metres instead of 2 metres, a difference of 0.31 metres (1 foot).

These privacy screens, and in particular the one to the west of 36 Johnswood, serve to block out light to the neighbours' land.

It creates a "walled fortress" impression and is contrary to the coverage limits and suburban design of the area. Fences are limited in height so as not to create unnecessary barriers to air and light. Neighbours should not be allowed to block their neighbours' enjoyment of their land in this way.

The privacy screen height and location proposed is not minor, nor desirable, nor in keeping with the general intent of the zoning by-laws and official plan.

### **Residual Discretion and Summary**

Section 45(1) of the Planning Act provides that the Committee of Adjustment may grant minor variances. Even if the usual 4 criteria are established, which it is submitted they are not, the Committee of Adjustment in any event may deny the application. The cumulative effect of the variances sought is not minor, desirable, or within the intent of the zoning by-law or official plan.

The hubris of the applicants in building offending structures, and installing pool equipment in this way should not be rewarded. The variances sought should be denied in toto.

The building of the cabana structure, together with additional high fencing, with noise emitting pool equipment as close as possible to the neighbours lot line as opposed to as close as possible to the house as required by the zoning by-law, are all major and significant deviations from the applicable zoning by-law limits. These are not technicalities or inconveniences. The house was constructed in only 2001. There is no reason to allow for this massive over-building in the modestly sized rear yard as proposed. Allowing these types of variances will lead to copycat structures and will destroy the communal enjoyment of the abutting backyard neighbours on adjoining streets throughout this area.

Date: September 7, 2021

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Lawyers for Rossana Lopez  
and Gilson Eduardo



TAB 1

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ASSOCIATES  
LIMITED**

Consulting Engineers in  
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September 7, 2021

Rossana Lopez  
11 Wheatfield Drive  
Woodbridge, ON  
L4H 2K7

**RE: ACOUSTIC REVIEW OF POOL EQUIPMENT SOUND LEVELS AT 40 JOHNWOOD CRESCENT,  
WOODBRIDGE, ONTARIO**

At the request of Rossana Lopez, J.E. COULTER ASSOCIATES LIMITED has reviewed the sound levels at 11 Wheatfield Drive generated by the swimming pool equipment located at the adjacent property of 40 Johnwood Crescent in Woodbridge, Ontario. A site visit was undertaken August 30, 2021, between 3 p.m. and 5:30 p.m., to conduct sound level measurements. Weather conditions were 27°C, sunny, and a wind speed at 19 kph. The swimming pool equipment at 40 Johnwood Crescent is located at the north end of the rear yard, directly adjacent to the 1.55m high fence common with 11 Wheatfield Drive (see Figures 1 and 2). The pool equipment includes a Hayward pump, filter and gas heater (see Figure 3).

The City of Vaughan's Noise By-Law (062-2018) and amended (By-Law 105-2020), Section 9 states the following:

**PUMP OR FILTRATION SYSTEMS**

"No person shall use or operate or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa, fountain or water feature, the Noise from which has a level greater than 55 dBA when measured at the Point of Reception or in compliance with Schedule 3, NPC Publication-300 - Stationary and Transportation Sources."

Field measurements of the ambient traffic sound level in the rear yard of 11 Wheatfield Drive found it to be approximately 47 dB  $L_{eq}$  (1 hour) in the late afternoon (5 p.m. to 6 p.m.) during the afternoon rush hour. Given the ambient sound level is less than 50 dB  $L_{eq}$ , daytime (7 a.m. to 11 p.m.) then the applicable noise criterion during the day is 50 dB  $L_{eq}$  (1 hour) as per MECP's NPC-300 noise guideline. At night (11 p.m. to 7 a.m. the next day), when the traffic activities reduce, the ambient sound level at 11 Wheatfield Drive will reduce even further to a level less than 45 dB  $L_{eq}$  (1 hour). Therefore, the applicable noise criterion at night is 45 dB  $L_{eq}$  (1 hour) as per MECP's guideline.

Noise impacts are described as follows:

NOISE IMPACT DESCRIPTORS	
Increase of less than 3 dB	Sound level change not noticeable to most people
Increase 3 to 4 dB	A just noticeable change, Low Noise Impact (20-30% louder)
Increase 5 to 9 dB	Moderate Noise Impact (45-80% louder)
Increase of 10 dB	Significant Noise Impact (2 times as loud, 100% louder)
Increase of 15 dB	Very Significant Noise Impact (3 times as loud, 200% louder)
Increase of 20 dB	Extremely Significant Noise Impact (4 times as loud, 300% louder)

The swimming pool equipment is located approximately 1.5m from the south wall (closest location) at 11 Wheatfield Drive. There is a 1.2m wide walkway and a 1.55m high solid wood fence (proposed to be extended to 2.34m as shown on the Site Plan) at the south property line between 40 Johnswood Crescent and 11 Wheatfield Drive (see Figure 1). The pool equipment is located between the wood fence and the outdoor washroom building at 40 Johnswood Crescent (see Figure 3).

Sound level measurements were conducted at the following locations at 11 Wheatfield Drive on August 30, 2021 (see attached detailed frequency charts):

1. South façade, outside at the open kitchen window (1<sup>st</sup> level) directly north of the pool equipment.
2. In the plane of the open kitchen window (1<sup>st</sup> level) directly north of the pool equipment.
3. In the plane of the open bathroom window (2<sup>nd</sup> level) directly north of the pool equipment.
4. In the outdoor living area at the sitting area, at the east (rear) side of the lot.

The following table summarizes the sound level measurements recorded August 30, 2021 at 11 Wheatfield Drive, and compares the results with the governing noise criteria as found in the Ministry of the Environment, Conservation and Parks' (MECP) document, *NPC-300*:

<b>SUMMARY OF SOUND LEVEL MEASUREMENTS AT 11 WHEATFIELD DRIVE</b> <b>Source: 40 Johnswood Crescent, Swimming Pool Equipment</b> <b>(Pump, Filter and Gas Heater)</b>				
Test Location	Measured Sound Level (dB L <sub>eq</sub> )	MECP Sound Level Limit (dB L <sub>eq</sub> )	Noise Excess (dB)	Comments
South façade, outside at open kitchen window	63	50 (Daytime)	+13	Gas Heater is the dominant source heard at 11 Wheatfield Drive.
	63	45 (Nighttime)	+18	
Plane of open kitchen window (1 <sup>st</sup> level)	59	50 (Daytime)	+9	
	59	45 (Nighttime)	+14	
Plane of open bathroom window (2 <sup>nd</sup> level)	55	50 (Daytime)	+5	
	55	45 (Nighttime)	+10	
Outdoor living area at sitting area at east side of lot	59	50 (Daytime)	+9	
Ambient Traffic Noise (5 p.m.–6 p.m.)	47	50	--	

*Note:* The pool gas heater (burner) at 40 Johnswood Crescent generates a “rumbly” low frequency sound in the 63 Hz octave band. A +5 dB adjustment has been added to base sound level, as per MECP guideline, because of the characteristic of the sound. This is reflected in the table above.

As summarized above, the sound levels are well above (9 to 18 dB) MECP’s *NPC-300* noise criteria during the day and nighttime periods as a result of the swimming pool heater. It is also noted that the City of Vaughan’s 55 dBA guideline (Section 9 of the By-Law) has also been exceeded by 4 to 8 dB.

In summary, the sound level testing conducted at 11 Wheatfield Drive found the sound generated by the swimming pool equipment at 40 Johnswood Crescent to be well above the MECP’s and the City of Vaughan’s noise criteria during the day or night.

We trust the above will assist in the review of this project’s requirements. Please do not hesitate to contact the undersigned should there be any questions.

Yours truly,

**J.E. COULTER ASSOCIATES LIMITED**



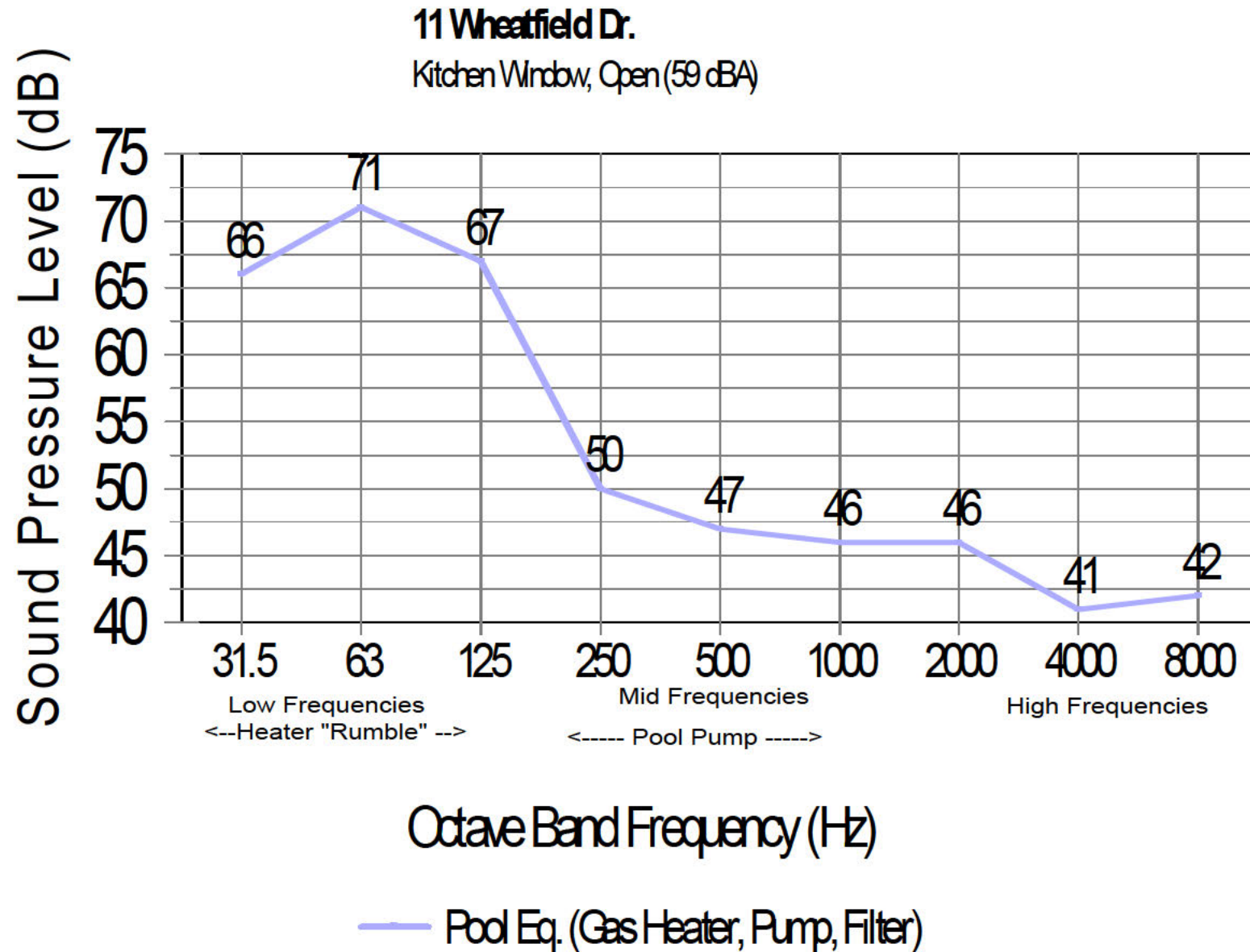
John E. Coulter, B.A.Sc., P.Eng.

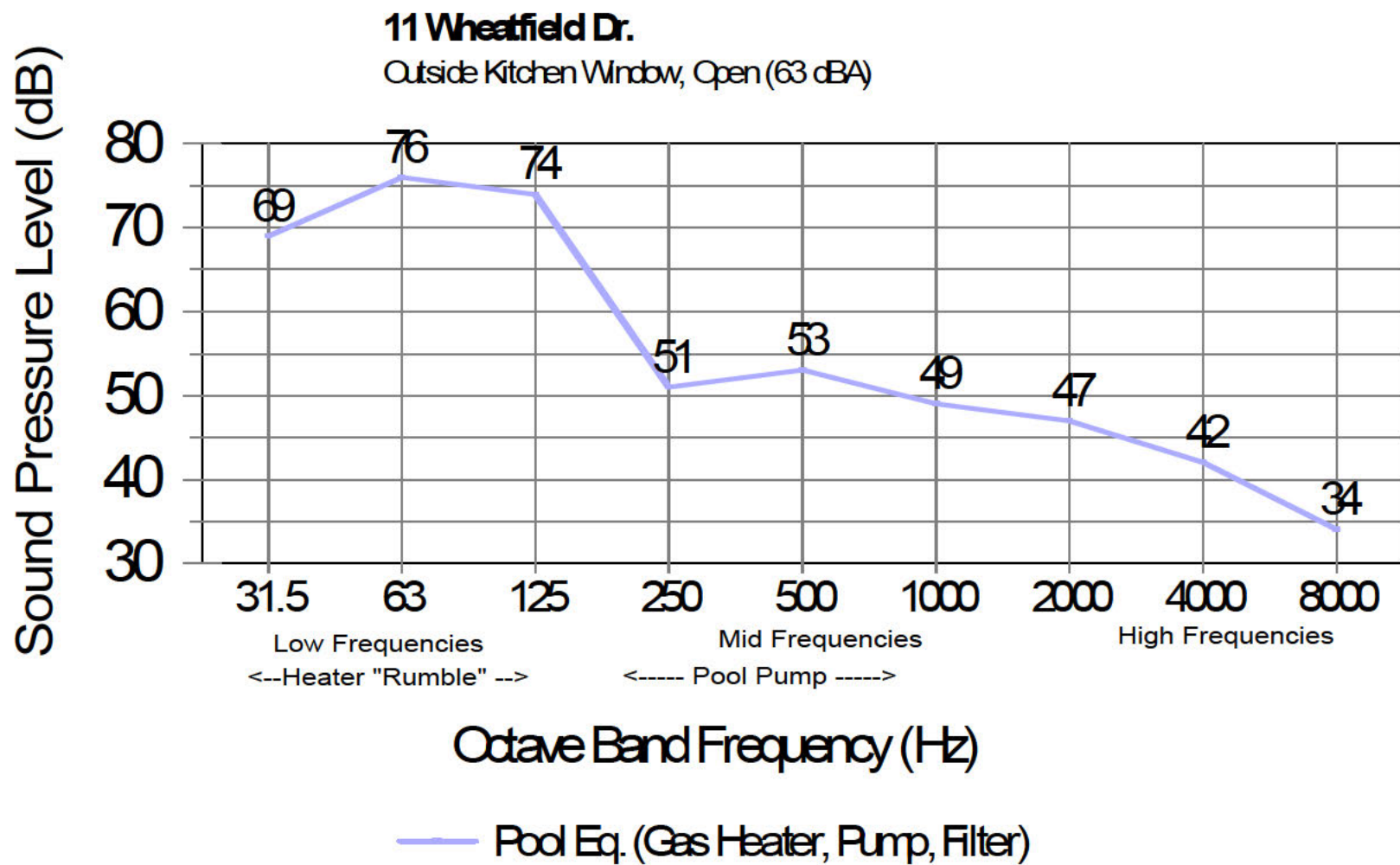
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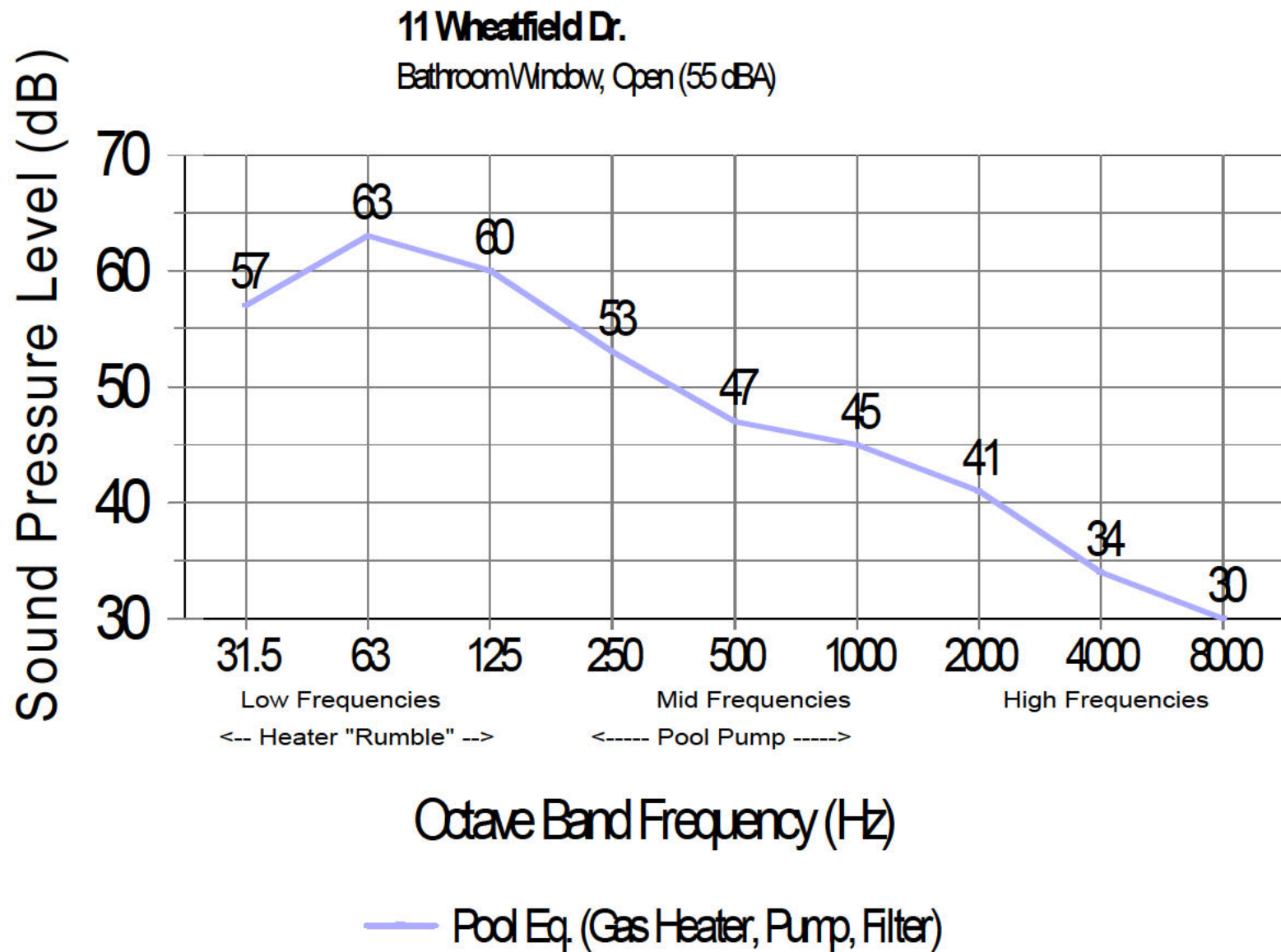


Howard R. Patlik, C.E.T.  
JEC:HP:pt  
Encl.

Note (All Charts): The heater generates a low frequency "bass" sound that has a "rumbly" characteristics. The pool pump generates sounds that are more in the mid-frequency range and much quieter than the heater.

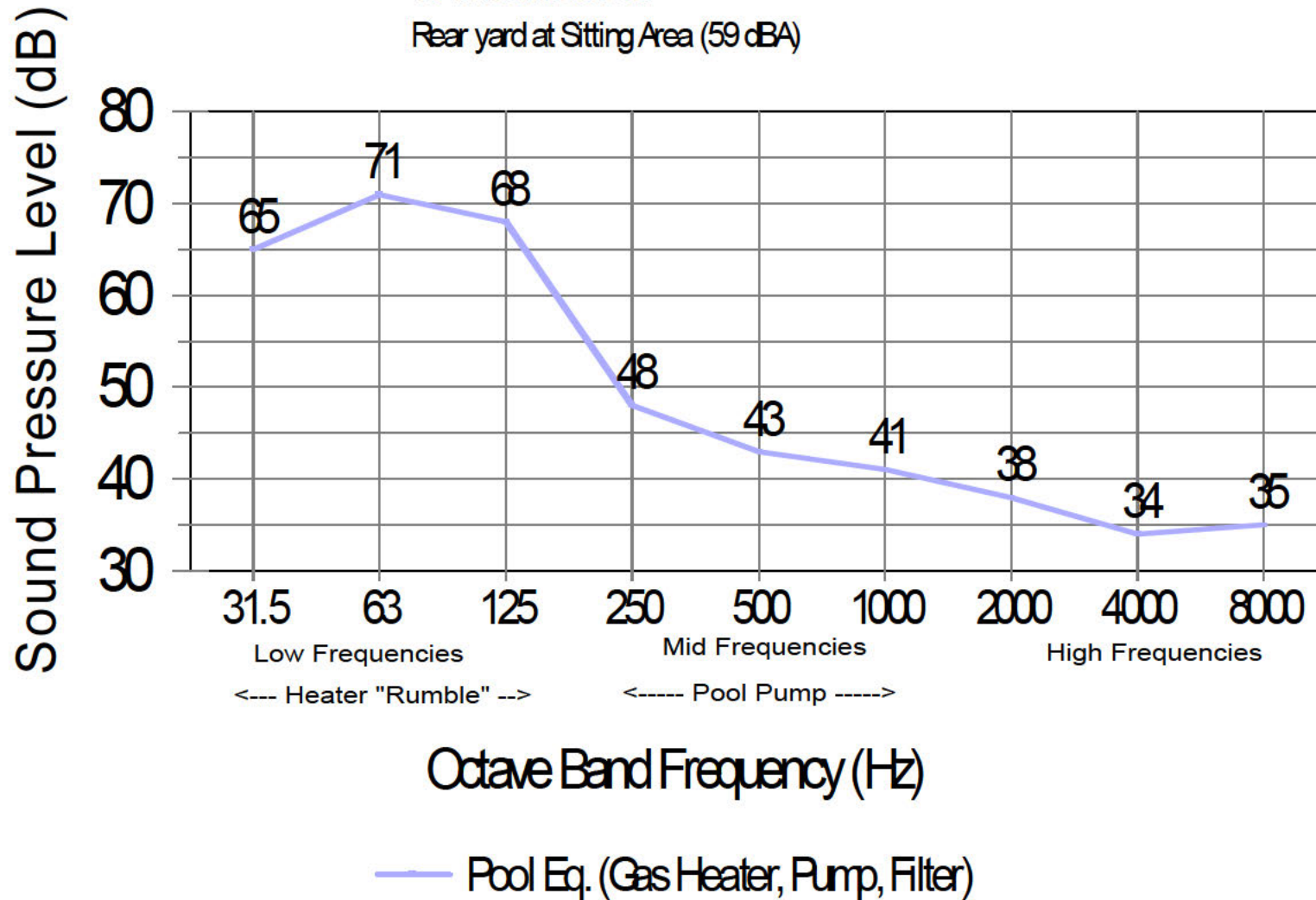






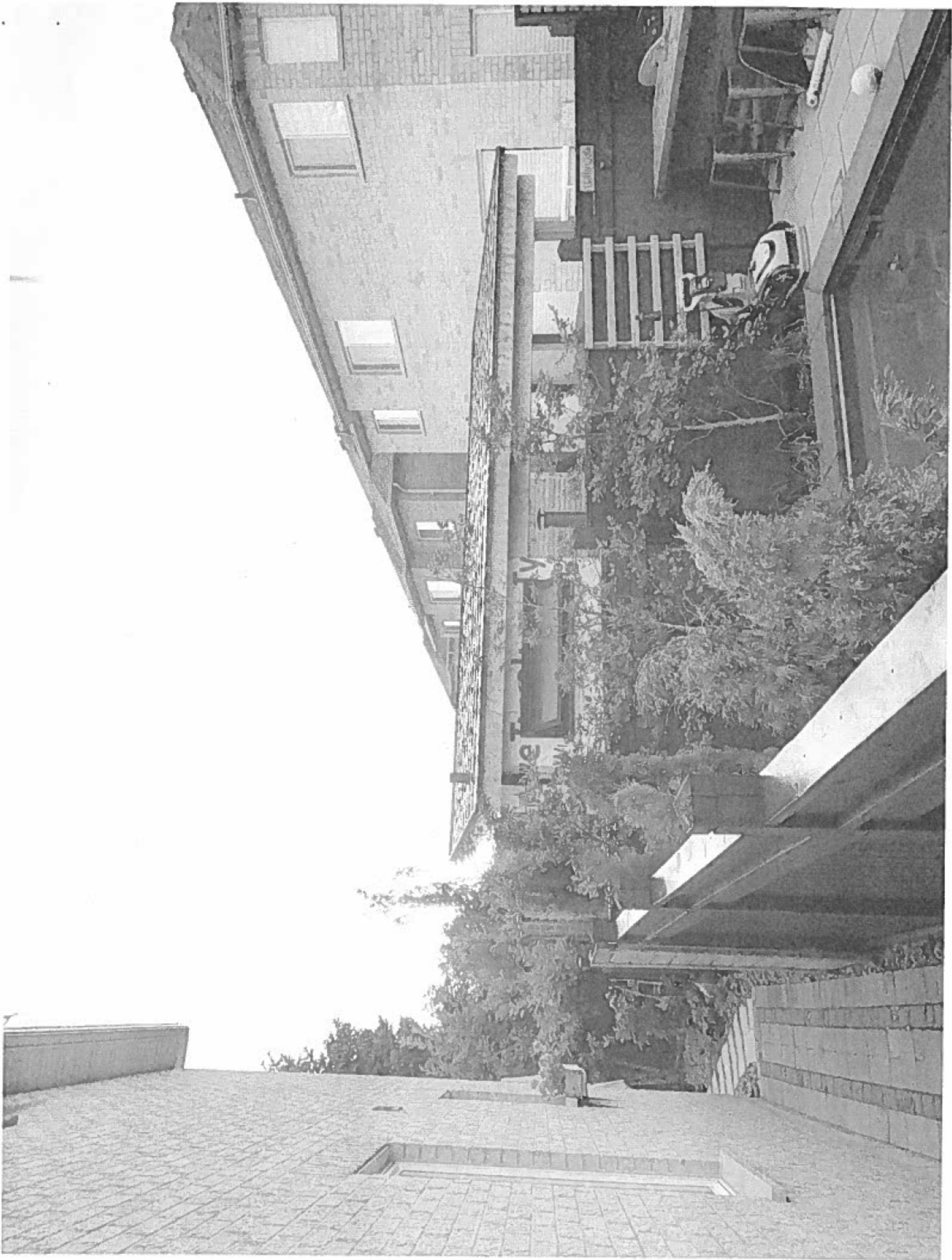
# 11 Wheatfield Dr.

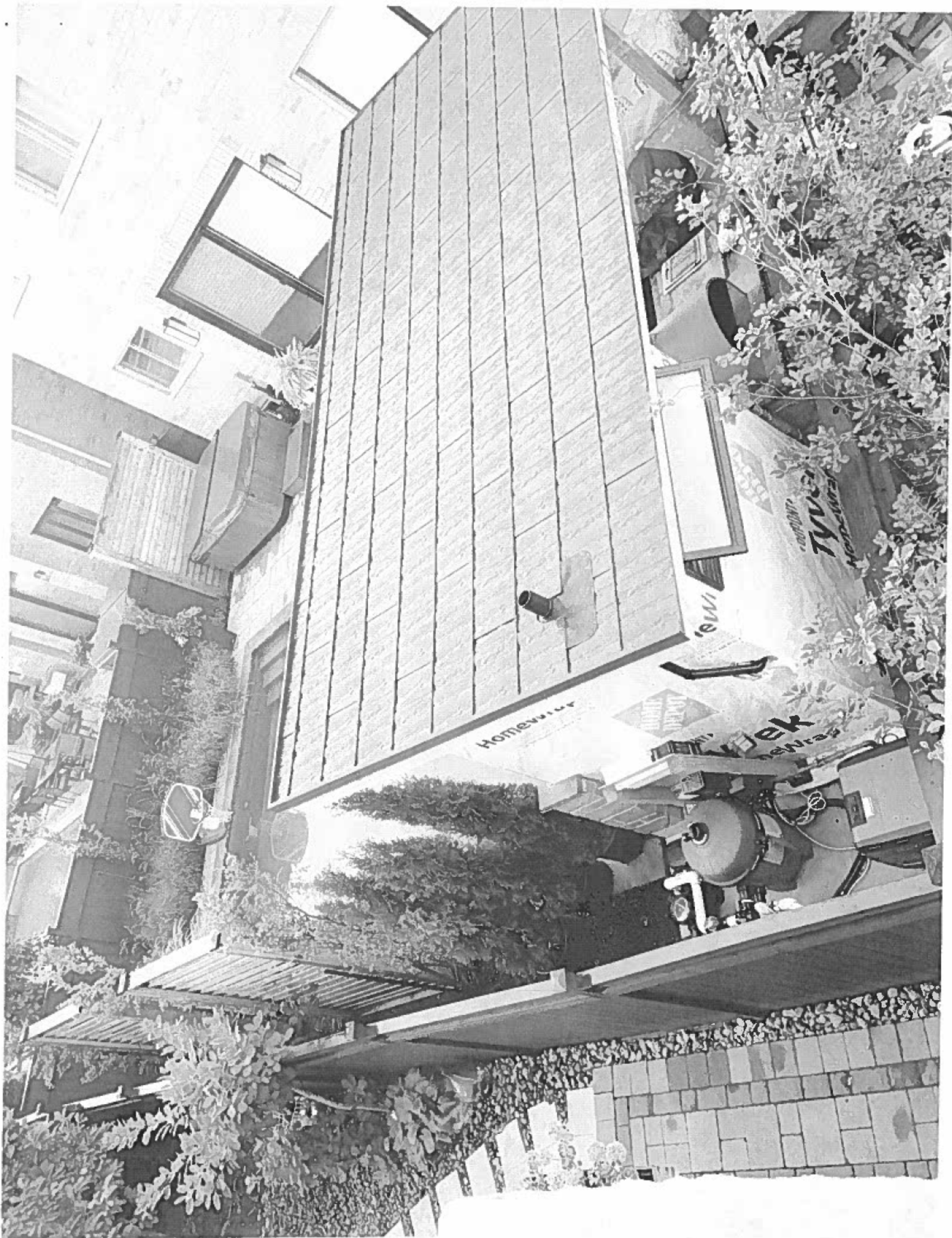
Rear yard at Sitting Area (59 dBA)

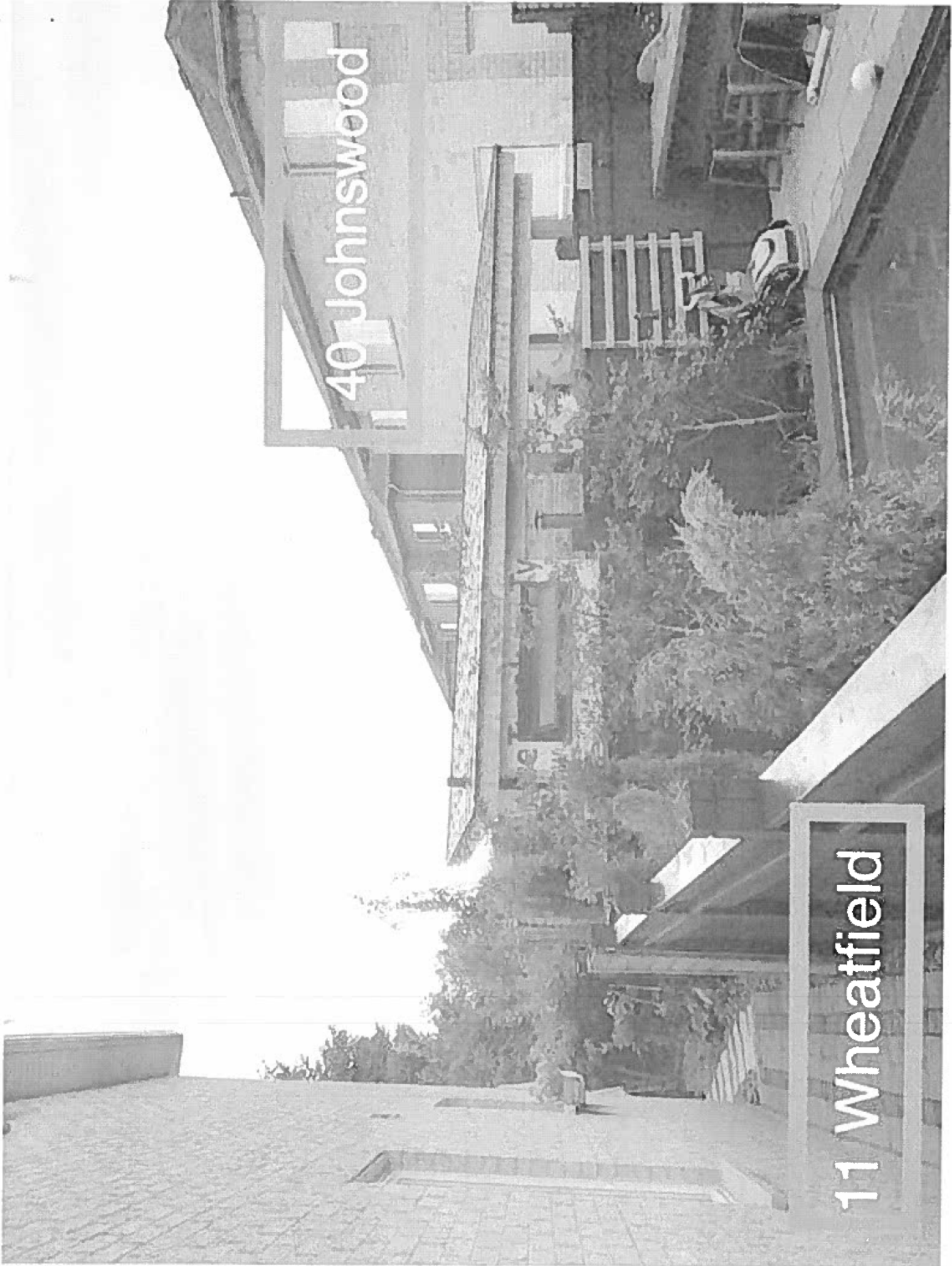




TAB 2







40 Johnswood

11 Wheatfield





POOL RULES  
LAP SWIMMING  
NO DIVING  
NO RUNNING  
NO BASKETBALL

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TAB 3

# ***THE CITY OF VAUGHAN***

# ***BY-LAW***

**BY-LAW NUMBER 062-2018**

## **A By-law to regulate Noise.**

WHEREAS the Municipal Act, R.S.O. 2001, Section 129. (1) Paragraphs 1, 2 and 3 authorize municipalities to pass by-laws to prohibit and regulate *Noise*;

AND WHEREAS a recognized body of scientific and technological knowledge exists by which Sound and vibration may be substantially reduced;

AND WHEREAS it is in the public interest to reduce the *Noise* level in the City of Vaughan, so as to preserve, protect, and promote public health, safety, welfare, and the peace and quiet of the inhabitants of the City;

AND WHEREAS it is the policy of the Council of The Corporation of City of Vaughan to regulate such *Sound* or vibration, or nuisance;

NOW THEREFORE the Council of The Corporation of City of Vaughan enacts as follows:

### **1. TITLE**

This By-law shall be referred to as "The Noise Control By-Law".

### **2. APPLICABILITY AND SCOPE**

Schedule 3 lists *Ministry NPC Publications* that inform various provisions included in this By-law, as well as detail regulation of *Noise* that is outside of City's jurisdiction. This By-law does not apply to *Noise* that falls explicitly under provincial jurisdiction and for which regulation is prescribed by *Ministry NPC Publications*.

### **3. DEFINITIONS**

In this By-Law,

"Applicant" includes any person or persons seeking in writing from the *Director of Enforcement*, an exemption of either a temporary or permanent nature from the provisions and requirements of this By-law;

"City" means the municipal corporation of the City of Vaughan or the geographic area of the City of Vaughan as the context requires;

"Class 4 Area" means a Class 4 area within the meaning of the *Ministry NPC Publication 300-Stationary and Transportation Sources*;

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and Highway building, concreting, equipment installation and alteration and the structural installation of Construction components and materials in any form or for any purpose, and includes any work in connection therewith;

"Construction Equipment" means any equipment or device designed and intended for use in Construction, or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off Highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders, or other Vehicle intended to haul, move, transport and/or material handling equipment;

"Construction Site" means the area or portion of land used for Construction or any other area used for any purpose related to the Construction or for any related purpose;

"Conveyance" includes a Vehicle and any other device used to transport a person or persons or goods from place to place but does not include any Vehicle or device operated only within the premises of a person;

"Council" means the Council of *City* of Vaughan;

"dBA" means the Sound level in decibels obtained when using a Sound level meter with the A-weighting;

"Director of Enforcement" means the person occupying the position of the Department Head/Director of By- law & Compliance, Licensing & Permit Services of the *City* of Vaughan or authorized delegate;

"Director of Environmental Services" means the person occupying the position of the Department Head/Director of Environmental Services of the *City* of Vaughan or authorized delegate;

"Effective Muffler" means a muffler in good working order and in constant operation to prevent excessive or unusual Noise or excessive smoke but it does not include a cut-out muffler, straight exhaust gutted muffler, Hollywood muffler, by-pass or similar device;

"Emergency Work" means any necessary work, activities or actions to be undertaken by the *City* to address an immediate danger to the health or safety of any person;

"Enforcement Officer" means a person appointed by the Council of the *City* of Vaughan as a Municipal Law Enforcement Officer, pursuant to s.15.2 of the Police Services Act, to enforce the provisions of this By-law or a sworn member of York Regional Police, Ontario Provincial Police, Royal Canadian Mounted Police, or any other person so authorized;

"Environmental Compliance Approval" means a Certificate of Approval issued under section 9 of the Environmental Protection Act, a Renewable Energy Approval issued under section 47.3 of the Environmental Protection Act, a *Ministry* approval issued under Part II.1 of the Environmental Protection Act, or an approval or decision made under the Environmental Assessment Act.

"Exempted Employment Area" means an industrial or commercial location that is adjacent to a *Class 4 Area* and which possesses a *Ministry*-approved *Environmental Compliance Approval* that outlines allowed activities, and is listed under Schedule 5 in this By-law;

"Highway" includes a common and public Highway, as defined under the Highway Traffic Act R.S.O. 1990 and includes any bridge, trestle, viaduct, or other structure forming part of the Highway designed and intended for, or used by, the general public for the passage of Vehicles;

"Ministry" means the Ministry of the Environment and Climate Change;

"Motor Vehicle" means any Motorized Conveyance and includes any automobile, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other Motor Vehicle running only upon rails, or a motorized snow Vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road building machine;

"Motorized Conveyance" means a Conveyance propelled or driven otherwise than by muscular, gravitational or wind power;

"Municipality" means the land within the geographic limit of *City* of Vaughan and *City* shall have a concurrent meaning;

"Necessary Municipal Work" means work being undertaken by the *City*, the Region, Transit Authority, or any other level of government, and its agents, and includes but is not limited to any rehabilitation or require maintenance processes and activities within the Public Right of Way or any Highway as defined by the Highway Traffic Act (HTA) of Ontario, using of Construction Equipment that requires work must be performed at times that minimize traffic disruption, including minimizing lane closures or lane restrictions, or both, and includes any works undertaken on Property owned or under the control of the *City*, Region, or any other level of government. Without forgoing the generality rehabilitation or maintenance processes and activities include but are not limited to:

- Deck Removal of any Highway;
- Intersection rehabilitation and all related work;
- All Transit Authority work, including any ancillary Property or facilities and infrastructure;
- All other work as determined necessary by the *Director of Enforcement*, or delegate;

"Noise" means unwanted *Sound*;

"Notice" means any notice required to be given by the *City* to the *Owner* with respect to this By-law, such *Notice* shall either be delivered or sent by prepaid registered mail to the *Owner's* address, as provided to the Clerk's Department. A *Notice* includes an order issued under sections 444 and 445 of the Municipal Act, 2001, as amended. In the event such *Notice* is mailed, it is deemed delivered on the third business day after mailing;

"NPC Publication" means a specified publication of the Noise Pollution Control Section of the Pollution Control Branch of the Ministry named in Schedule 3 of this By-Law;

"Owner" means the registered owner of the *Property*;

"Permit" means and includes any *Permit* or written authorization of a temporary or permanent nature, issued by the *Director of Enforcement*, which provides an exemption(s) to specified terms and conditions of this By-law and may prescribe additional required conditions for the *Permit Holder*;

"Permit Holder" means any person or persons to whom the *Director of Enforcement* has been issued a permit;

"Point of Reception" means any point on a *Property* or a location where *Noise* from a *Stationary Source* is received, in accordance with *Ministry NPC Publication-300 - Stationary and Transportation Sources*;

"Property" means a building or structure or part thereof and includes the lands appurtenant thereto and all mobile homes, buildings and/or any mobile or temporary structures and includes all vacant lands;

"Public Right of Way" means any public or common areas which are open to use by members of the general public, including pedestrians or Vehicles, such as, but not limited to a footpath, sidewalk, and Highway as defined by this by-law;

"Quiet Zone" means all lands located within a distance of 250 meters of all exterior walls of a hospital, nursing home, or seniors retirement facility;

"Refuse Compacting Equipment" means a Vehicle fitted in order to compact and transport refuse;

"Residential Area" means an area of the Municipality designated for residential use in *City of Vaughan Zoning By-Law*, which includes land, buildings and structures intended for human habitation;

"Sound Amplifying System" means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction or amplification of music, speech or other Sounds;

"Sound Reproduction Device" means a device intended primarily for the production or reproduction of Sound, including, but not limited to, any musical instrument, radio receiver, television receiver, tape recorder, phonograph, loudspeakers or Sound Amplifying System;

"Source" or "Source of Sound or Vibration" means an activity, matter, thing, or tangible personal *Property* or real *Property*, from which *Sound* or vibration is emitted;

"Sound" is an oscillation in pressure, stress, particle displacement or particle velocity, in a medium with internal forces (e.g. elastic, viscous), or the superposition of such propagated oscillations, which may cause an auditory sensation;



"Special Event" has the same meaning as defined in the *City's Special Event By-law* or successor by-law;

"Stationary Source" means a Source of *Sound* or combination of Sources of *Sound* that are included and normally operated within the *Property* lines of a facility and includes the premises of a person as one *Stationary Source* unless the dominant *Source* on the premises is *Construction Equipment* or a *Conveyance*. It encompasses all the activities taking place within the *Property* boundary of the facility, including regular on-site traffic and material handling such as on-site movement of trucks and trailers and routine loading and unloading activity.

"Vehicle" includes a *Motor Vehicle*, trailer, traction engine, farm tractor, road-building machine, motorcycle, bicycle and any *Vehicle* drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow *Vehicle* or the cars of electric or steam railways running only upon rails.

#### **4. PROHIBITIONS**

(1) No person shall emit or cause to permit the emission of *Sound* resulting:

- (a) from a *Stationary Source* such that the level of resultant *Sound* at a *Point of Reception* located in a *Residential Area* or *Quiet Zone* exceeds the applicable *Sound* level limits prescribed in the applicable *NPC Publications* listed in Schedule 3;
- (b) from any act listed in Schedule 1 - General Prohibitions for which the *Sound* can be heard at a *Point of Reception*;
- (c) from any act listed in Schedule 2 - Prohibitions by Time and Place, if it can be heard at a *Point of Reception* in a *Residential Area* or *Quiet Zone* at a prohibited time, unless the *Sound* is generated in an *Exempted Employment Area* and can be heard in a *Class 4 Area*, and the act(s) in the *Exempted Employment Area* are subject to a valid *Ministry-issued Environmental Compliance Approval* that states that the specific act(s) of Schedule 2 are permitted, and the act(s) being conducted are in compliance with the *Environmental Compliance Approval*.

#### **5. PRE-EMPTION**

Where more than one provision in Section 4(1) applies to a *Source of Sound*, the less restrictive provision shall prevail.

## **6. UNUSUAL NOISE, NOISE LIKELY TO DISTURB**

No person shall make any unusual *Noise* or *Noise* likely to disturb the inhabitants of the *City* in a *Residential Area*.

## **7. BELLS, HORNS, SHOUTING**

No person shall ring any bell, *Sound* any horn, or shout in a manner likely to disturb the inhabitants of the *City* provided that nothing herein contained shall prevent:

- (1) the ringing of bells, or electronic reproduction of the *Sound* of bells, in connection with any church, chapel, meeting house or religious service;
- (2) the ringing of fire bells or fire alarms or the making of any other *Noise* for the purpose of giving notice of fire or any other danger or any unlawful act for a continuous period of time of twenty (20) minutes or less.

## **8. AIR CONDITIONERS, HEAT PUMPS, AND SIMILAR DEVICES**

No person shall use or operate or cause to be used or operated any residential air conditioner, heat pump, or similar device, the *Noise* from which has a level greater than 61 *dBA* when measured at the *Point of Reception*.

## **9. PUMP OR FILTRATION SYSTEMS**

No person shall use or operate or cause to be used or operated any pump, filtration system or similar device for an outdoor swimming pool, hot tub, spa, fountain or water feature, the *Noise* from which has a level greater than 55 *dBA* when measured at the *Point of Reception* or in compliance with Schedule 3, *NPC Publication-300 - Stationary and Transportation Sources*.

## **10. CONSTRUCTION**

- (1) No person shall, between 1900 hours of one day and 0700 hours of the next day operate or cause to be operated, any *Construction Vehicle* or *Construction Equipment* in connection with the *Construction* of any building or structure, *Highway*, motor car, steam boiler or other engine or machine;
- (2) Despite Subsection (1), no person shall operate or cause to be operated any *Construction Vehicle* or *Construction Equipment* before 0700 hours and no later than 1900 hours on any Saturday and not at all on Sunday or statutory holidays;

Subsection 10. (1) and (2) does not apply to *Necessary Municipal Work* and *Emergency Work* as defined by this By-law.

## **11. LOADING AND UNLOADING**

- (1) No person shall load or unload any transport truck, commercial *Vehicle*, or any other *Vehicle* used to transport anything whatsoever, including but not limited to goods, materials, fill, debris and waste, between 19:00 of one day and 07:00 of the next day, or at any time on Sundays and Statutory Holidays, so as to make or cause *Noises* that disturb, or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood in a *Residential Area*.
- (2) Subsection 11. (1) does not apply to waste removal operations undertaken by the *City* as authorized by the *Director of Enforcement* or *Director of Environmental Services*.

## **12. MUFFLERS**

No person shall discharge into the open air, on any *Property* other than a *Highway*, the exhaust of any *Motor Vehicle* except through a muffler or other device, which effectively prevents loud or explosive *Noises*.

## **13. MOTOR SPORTS**

- (1) No person shall operate or permit the operation of racing competitions between *Motor Vehicles* on a *Property* other than a *Highway* within the *City*, whether or not an admission fee is charged, unless:
  - (a) the competitions are held at a permanent facility;
  - (b) all *Motor Vehicles* are properly equipped with *Effective Mufflers*; and
  - (c) such competitions are not carried out between 2300 hours of one day and 1000 hours of the next day.
- (2) Subsection (1) shall not apply to permanent go-kart operations on a *Property* other than a *Highway*.

## **14. GO-KART ACTIVITIES**

No person shall operate or permit the operation of go-kart activities on a *Property* other than a *Highway* within the *City*, whether or not an admission fee is charged, unless,

- (1) the activities are held at a permanent go-kart facility;
- (2) all go-karts are equipped with *Effective Mufflers*, and
- (3) such activities are not carried out between 2300 hours of one day and 0700 hours of the next day.

## **15. UNNECESSARY MOTOR VEHICLE NOISE**

No person shall cause or permit unnecessary *Motor Vehicle Noise* such as the *Sounding* of the horn, or revving of engine, or the squealing of tires of any *Motor Vehicle* on any *Property* other than a *Highway*.

## **16. SOUND REPRODUCTION OR AMPLIFICATION DEVICES**

- (1) No person in a *Residential Area* shall operate or use or cause to be operated or used any *Sound Reproduction Device* during any time of day so as to disturb the peace and comfort of any person in any dwelling house, or other type of residence.
- (2) In addition to Subsection (1), *Noise* from a *Sound Reproduction Device*, when measured in any dwelling house, apartment house, or any other type of residence in a *Residential Area*, shall be compliant with the limits set in Schedule 3, *NPC Publication-300 - Stationary and Transportation Sources*.
- (3) No person shall operate or use or cause to be operated or used any *Sound Reproduction Device* on any *Highway* or other public place.
- (4) No person shall operate or use or cause to be operated or used any *Sound Reproduction Device* originating from or in connection with the operation of any commercial establishment at any time.
- (5) Subsections (1) and (3) do not apply to prevent:
  - (a) the use of *Sound Reproduction Devices* in the *City's* parks provided that the user has a *Permit* from or the written permission of the *City* to do so and the user otherwise complies with the provisions of this By-law, including the *Noise* level maximum herein provided;
  - (b) the amplification of the *Sound* of the ringing of bells or the playing of chimes in connection with, any church, chapel, meeting house or religious service, or the City Hall between 0900 hours and 2100 hours of the same day;
  - (c) the use of musical instruments by street musicians on the *Highway* or other public place, provided that it does not disturb the peace, enjoyment and comfort or convenience of individuals or the public.

## **17. EXEMPTIONS**

- (1) The provisions of this By-law shall not apply to the *City* or Regional Municipality of York, the Province of Ontario, the Government of Canada or any of their agents when the emission of *Sound* is in connection with work undertaken for the immediate health, safety or welfare of the inhabitants of the *City*.
- (2) The provisions of this By-law shall not apply to preclude musicians or performers providing outdoor entertainment involving *Sound Reproduction Devices* during *Special Events* that have been granted a *Special Events Permit* by the *City*.
- (3) The provisions of this By-law shall not apply to agricultural operations and agricultural processing activities in areas zoned for agricultural use, as per the Zoning By-law or its successor by-law.
- (4) The provisions of this By-law shall not apply to snow removal activities conducted by the *City*, Regional Municipality of York, or the Province of Ontario.
- (5) Nothing in this By-law shall prevent the clearing of snow from designated fire routes.

## **18. EXEMPTED EMPLOYMENT AREAS**

- (1) The *Director of Enforcement* is delegated the authority to include a location as an *Exempted Employment Area* in Schedule 5, when such location:
  - (a) is a commercial or industrial location adjacent to a *Class 4 Area* that is identified on Schedule 4 of this By-law; and
  - (b) has a *Ministry-approved Environmental Compliance Approval* in good standing that lists the activities that may be performed at that location.
- (2) *Exempted Employment Areas* are permitted to perform activities listed in their *Ministry-approved Environmental Compliance Approval*, including those activities that do not meet the requirements listed in Schedule 2 of this By-law.
- (3) For activities not listed in an *Environmental Compliance Approval*, the other provisions of this By-law continue to apply.
- (4) If, in the opinion of the *Director of Enforcement*, a location designated as an *Exempted Employment Area* no longer meets the conditions of Section 18(1)(a) or (b), the *Director of Enforcement* shall send a *Notice* to the *Owner* of the location designated as an *Exempted Employment Area* advising of their opinion and the basis for it.

- (5) An *Owner* in receipt of a Notice under Section 18(4) shall have 60 days from the date of the Notice to respond to the *Director of Enforcement* and establish how the location meets the conditions of Section 18(1)(a) and (b).
- (6) Failure by the *Owner* in receipt of a *Notice* under Section 18(4) to respond within 60 days of the date of the said *Notice* shall result in the subject location no longer designated an *Exempted Employment Area*, effective immediately.
- (7) If, upon the receipt and review of a response to a Notice under Section 18(4), the *Director of Enforcement* is still of the opinion that the location no longer meets the conditions of Section 18(1)(a) or (b), the *Director of Enforcement* shall bring the matter before Council for a final determination.
- (8) With respect to a matter under Section 18(7), Council may:
  - (a) uphold the determination made by the *Director of Enforcement*;
  - (b) overturn the determination made by the *Director of Enforcement*; and/or
  - (c) establish conditions under which the location may continue to be designated as an *Exempted Employment Area*.

#### **19. DELEGATED AUTHORITY TO GRANT EXEMPTIONS**

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption for an event subject to the following conditions:
  - (a) The event relates to live or recorded music or involves the use of a *Sound Amplifying System* or *Sound Reproduction Device* operated in a reasonable manner in the context of the *Special Event*;
  - (b) The event shall not create *Noise* to exceed 55 *dBA* when measured at the *Point of Reception*;
  - (c) Any activity that is lawfully carried out pursuant to a *Special Event Permit* issued by the *City* is subject to any conditions imposed on the *Special Event Permit*. Where there is a conflict between a condition imposed on the *Special Event Permit* and this By-law, the requirements of this By-law shall prevail;
  - (d) The breach of any conditions imposed by this Section shall nullify the *Special Event Permit*;
  - (e) An *Enforcement Officer* may monitor the activity at the *Special Event*, the cost of which will be borne by the *Special Event Permit Holder* at a rate of remuneration established under the *City of Vaughan Fees & Charges By-law*.

## 20. EXEMPTION - CONSTRUCTION EQUIPMENT

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption to Subsection 7(1) for *Construction Equipment* utilized during prohibited hours subject to the following conditions:
  - (a) the use of Construction Equipment shall not exceed the established Noise levels of Schedule 3, *NPC Publication-115*, Construction Equipment;
  - (b) the duration of the exemption requested shall not exceed 90 days in length;
  - (c) the application for exemption complies with the provisions of s.19 (2).
- (2) An application for exemption from the provisions of the *Noise* by-law for *Construction Equipment* shall be made in writing to the *Director of Enforcement* at least sixty (60) days prior to the commencement of the use of the *Construction Equipment* for which the exemption is sought and shall include the following:
  - (a) the name and address of the *Applicant*;
  - (b) the name and address of the business represented by the *Applicant*, if applicable;
  - (c) the *Source* of the *Sound* or vibration in respect of which the exemption is sought;
  - (d) the provision of this By-law from which the exemption is sought;
  - (e) the date and time of commencement of the *Construction*, for which the exemption is sought;
  - (f) the time of conclusion for each day for the use of the *Construction Equipment* for which the exemption is sought;
  - (g) the duration of the use of the *Construction Equipment*, for which the exemption is sought;
  - (h) the location of the Construction for which the exemption is sought;
  - (i) rationale for granting an exemption;
  - (j) the name of the contact person or persons who will be supervising the use of the *Construction Equipment*, and
  - (k) payment of the application fee as described in the *City of Vaughan Fee Bylaw*.

- (3) The *Director of Enforcement* may require the *Applicant* to provide documentation confirming that notification of the use of *Construction Equipment* has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- (4) Where the *Director of Enforcement* requires monitoring of *Sound* levels resulting from the *Construction*, the monitoring shall be conducted at the *Applicant's* expense as outlined in the *City of Vaughan Fees & Charges By-law*.

## **21. EXEMPTION - TEMPORARY MOTOR RACING COMPETITIONS**

- (1) The *Director of Enforcement* is delegated the authority to grant an exemption for motor racing competitions at temporary venues subject to the following conditions:
  - (a) the competition does not exceed three (3) days in length; and
  - (b) the event shall not create *Noise* to exceed 65 *dba* at any *Point of Reception*.
- (2) An application for exemption from the provisions of the *Noise By-law* for motor racing competitions at temporary venues shall be made in writing to the *Director of Enforcement* at least sixty (60) days prior to the commencement of the temporary motor competition for which the exemption is sought and shall include the application provisions as outlined in Section 20 (2), and may include any other conditions as determined by the *Director of Enforcement*.
- (3) The *Director of Enforcement* may require the *Applicant* to provide documentation confirming that notification of the motor racing competition at a temporary venue has been given to the affected parties including but not limited to community associations, business improvement areas and adjacent residents and businesses.
- (4) Where the *Director of Enforcement* requires monitoring of *Sound* levels resulting from the event or activity, the monitoring shall be conducted at the *Applicant's* expense as outlined in the *City's Fee By-law*.

## **22. ENFORCEMENT**

This By-law shall be enforced by any *Enforcement Officer* or person duly authorized by the *City*.

## **23. OFFENCE AND PENALTIES**

- (1) Every person who contravenes any of the provisions of this By-law is guilty of an offence.



- (2) Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chap. P.33
- (3) When a person has been convicted of an offence under this by-law,
  - (a) the Ontario Court (Provincial Division) of the *City of Vaughan*, or
  - (b) any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

## **24. INTERPRETATION**

- (1) It is declared that if any Section, Subsection or part or parts thereof be declared by any Court of Law to be bad, illegal or ultra vires, such Section, Subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- (2) In this by-law, a word interpreted in the singular number has a corresponding meaning when used in the plural.

Schedules “1”, “2”, “3”, “4”, “5” and any Publications NPC annexed hereto are hereby declared to form part of this By-law.

## **25. EFFECTIVE DATE**

This By-law shall come into effect on the 11<sup>th</sup> day of April, 2018

Enacted by City of Vaughan Council this 11<sup>th</sup> day of April, 2018.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, Deputy City Clerk

## Schedule 1

### General Prohibitions

1. Racing of any *Motorized Conveyance* other than in a racing event regulated by law.
2. The operation of a *Motor Vehicle* in such a way that the tires squeal.
3. The operation of any combustion engine shall not discharge into the open air, on any *Property* other than a *Highway*, the exhaust of any *Motor Vehicle* except through a proper muffler or legal device which effectively prevents loud or explosive *Noises*.
4. The operation of a *Vehicle* or a *Vehicle* with a trailer resulting in banging, clanking, squealing or other like *Sounds* due to improperly secured load or equipment;
5. The operation of an engine or motor in, or on, any *Motor Vehicle* or item of attached auxiliary equipment for a continuous period exceeding five minutes, while such *Vehicle* is stationary in a *Residential Area* or, unless,
  - (a) The *Vehicle* is in an enclosed structure constructed so as to effectively prevent excessive *Noise* emission; or,
  - (b) The original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the *Motor Vehicle* in which case such recommended period shall not be exceeded;
  - (c) Operation of such engine or motor is essential to a basic function of the *Vehicle* or equipment, including but not limited to, operation of ready mixed concrete trucks, lift platforms or refuse compactors and heat exchange systems; or,
  - (d) Weather conditions justify the use of heating or refrigerating systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or preservation of perishable cargo; or,
  - (e) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or,
  - (f) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change or antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.

6. The operation of a *Motor Vehicle* horn or other warning device except where required or authorized by law in accordance with good safety practices.
7. The operation of any item of *Construction Equipment* shall not discharge into the open air, on any *Property* other than a *Highway* the exhaust except through a proper muffler or legal device, which effectively prevents loud or explosive *Noises*.

## Schedule 2

### Time and Place Prohibited Periods

No.	Activity	When it is prohibited in the <i>Quiet Zone</i>	When it is prohibited in a <i>Residential</i>
1	The operation of any auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar <i>Sounds</i> by-law; or unless required in accordance with good safety practices.	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
2	The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro mechanical transducers, and intended for the production, reproduction or amplification of <i>Sound</i> .	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
3	Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, produce, materials, or refuse whatsoever, unless necessary for the maintenance of essential services.	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	19:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays
4	The operation of any <i>Construction Equipment</i> in connection with <i>Construction</i> .	17:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays	19:00 hrs. of one day to 07:00 hrs. next day and all day Sundays and Statutory Holidays
5	The detonation of fireworks or explosive devices	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
6	The operation of a combustion engine which is, or is used in, or is intended for use in, a toy or a model or replica of a larger device, which model or replica has no function other than amusement and which is not a <i>Conveyance</i>	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
7	The operation of any powered rail car including but not limited to refrigeration cars, locomotives or self-propelled passenger cars, while stationary on <i>Property</i> not owned or controlled by a railway governed by The Canada Railway Act.	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)

No.	Activity	When it is prohibited in the <i>Quiet Zone</i>	When it is prohibited in a <i>Residential</i>
8	The operation of any <i>Motorized Conveyance</i> other than on a <i>Highway</i> or other place intended for its operation, in which " <i>Motorized Conveyance</i> " includes, but is not limited to snowmobiles, mopeds, go-carts, track bikes and trail bikes.	at any time	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
9	The venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	at any time	23:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
10	Persistent barking, calling or whining or other similar persistent <i>Noise</i> making by any domestic pet.	at any time	at any time
11	The operation of any powered or non-powered tool for domestic purposes other than snow removal.	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	21:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
12	The operation of solid waste bulk lifts or <i>Refuse Compacting Equipment</i> .	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	19:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
13	The operation of commercial car wash with air-drying equipment.	17:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)	22:00 hrs. of one day to 07:00 hrs. next day (09:00 hrs. on Sundays)
14	The operation of a power assisted hang glider or Para foil.	at any time	at any time
15	The operation of any item of snow making equipment.	at any time	at any time
16	The operation of a <i>Sound</i> emitting pest control device.	at any time	at any time
17	The discharge of firearms.	at any time	at any time

### **Schedule 3**

#### **Index of *NPC Publications***

<i>NPC Publication-101</i>	Technical Definitions Publication
<i>NPC Publication-102</i>	Instrumentation
<i>NPC Publication-103</i>	Procedures
<i>NPC Publication-104</i>	Sound Level Adjustments
<i>NPC Publication-115</i>	Construction Equipment
<i>NPC Publication-117</i>	Domestic Outdoor Power Tools
<i>NPC Publication-118</i>	Motorized Conveyances
<i>NPC Publication-119</i>	Blasting
<i>NPC Publication-206</i>	Road Traffic
<i>NPC Publication-300</i>	Stationary and Transportation Sources

#### **Schedule 4**

#### **City of Vaughan Class 4 Designated Areas**

**Tesmar Holdings Inc.**, part of Lot 15, Concession 4, being Parts 1 to 9 Incl. on Plan 65R32119,  
City of Vaughan, Regional Municipality of York.

## **Schedule 5**

### ***City of Vaughan Exempted Employment Areas***

**805062 Ontario Limited**, a wholly owned subsidiary of Granite Real Estate Investment Trust and Granite REIT Inc., and its lessee, Magna International Inc., part of Lot 15, Concession 4, being Parts 1, 2, 11, 12, 13, 14, 15, 16 on 65R-34051, City of Vaughan, Regional Municipality of York. Municipally known as 401 Caldari Road, Vaughan, ON L4K 5P1.



TAB 4

Zone with the exception of the minimum yard requirements and maximum lot coverage requirements which shall be those required in Schedule "A" for an RR Zone. For the purpose of this section, lots on the following registered plans shall be considered to be lots as defined in Section 2.0: M-681, 3541, 4005, 5300, 5582, 5590, 5624, 5757 and 6022.

For the purposes of this section the four (4) lots shown on Schedule "A" in Registered Instrument No. 43648 Vaughan shall be considered as being held under separate ownership.

### 3.12 SPECIAL USES PERMITTED

The following uses are permitted in all Zones:

- a) Temporary camps used in the construction of public works but only for so long as it is necessary for such works as may be constructed adjacent to the camp and only until such time as the work is completed or abandoned. Such camps shall not be used for human habitation unless and until a Certificate of Occupancy is obtained from the City.
- b) A tool shed, scaffold or other building or structure incidental to construction on the premises where such construction is situate and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.
- c) "Abandoned" in this section means the failure to proceed expeditiously with the construction of a work.

### 3.13 MINIMUM LANDSCAPED AREA

Unless otherwise provided in this By-law, a minimum of ten percent (10%) of the area of every lot on which a building or structure is erected shall be used for no other purpose than landscaping.

Where an Institutional Use abuts the boundary of lands zoned Open Space or Residential, a strip of land not less than 2.4 metres in width, contained wholly on the lot on which the Institutional Use is located and abutting the boundary of the Open Space or Residential Zone, shall be used for no other purpose than landscaping. Such landscaped area shall not be included in the computing of the minimum landscaping requirements as set out above.

In addition, a strip of land not less than 6.0 metres in width shall be provided along a lot line which abuts a street line, and shall be used for no other purpose than landscaping. This shall not prevent the provision of access driveways across the said strip.

### 3.14 PERMITTED YARD ENCROACHMENTS AND RESTRICTIONS

Every part of any required yard or required open space shall be open and unobstructed by any structure from the ground to the sky, except for the following:

- a) Sills, air conditioners other than central air conditioning units, belt courses, cornices, eaves, gutters, canopies, chimney pilasters and windows, provided however, that the same shall not project more than 0.5 metres into a required yard;
- b) Exterior stairways shall be permitted in the rear yard only except that an exterior stairway not exceeding one-half storey in height shall be permitted in any yard;
- c) Subject to Paragraph (b), exterior stairways, porches and balconies which are uncovered, unexcavated and unenclosed and a bay window or similar projection which is not constructed on footings may extend into a required interior side yard to a maximum distance of 0.3 metres and may extend into a required front, exterior side or rear yard to a maximum of 1.8 metres;
- d) DELETED AS PER BY-LAW 050-2017
- e) Notwithstanding the yard requirements in this By-law and save as otherwise provided, the following shall be permitted in any required yard and shall not be included in computing lot coverage:
  - wheelchair ramp
  - drop awning
  - fence
  - retaining wall
  - sign (in accordance with City of Vaughan Sign By-law)
- f) Notwithstanding the yard requirements of this By-law, unless otherwise specifically provided, where open storage is permitted it shall only be located in a side and/or rear yard provided that no part thereof shall be nearer to a side or rear lot line than 1.5 metres or to a street line than 4.5 metres;

- g) A satellite dish shall be permitted only in the rear yard, provided such dishes are set back from the rear and side lot lines a minimum of 1.5 metres or the equivalent of the minimum side yard, whichever is greater. The maximum height of any such satellite dish shall be 4.5 metres measured from grade level to the highest point of the structure;

In Residential Zone only, where a satellite dish has a diameter less than 0.9 metres, the satellite dish shall be attached to the main building, and shall be no higher than the highest point of the roof.

- h) Notwithstanding the yard requirements of this By-law, the following shall be permitted in any required side yard or rear yard of residential lots:

External Ground-Mounted

- i) Central Air Conditioner and/or Heat Pump Units shall be permitted in the interior side yard with a minimum setback of 0.6 metres.
- ii) Central Air Conditioner and/or Heat Pump Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads.

External Wall – Mounted

- i) Central Air Conditioner Units shall be permitted in the interior side yard having a minimum setback of 0.3 metres.
  - ii) Central Air Conditioner Units are permitted to encroach a maximum of 1.5 metres into the required rear yard, and exterior side yard, provided that the encroachment only occurs on yards having flankage on local roads.
- i) Notwithstanding Paragraphs (a), (b) and (c), no encroachment permitted in an interior side yard shall be closer than 1.2 metres to a line except eaves, gutters, external central air conditioner and/or heat pump units;

3.15 OUTSIDE FLOODLIGHTING

Any outdoor floodlighting associated with the use of any lot in any Zone shall be directed inward and downward or in such a manner as to not directly illuminate any part of any adjacent lot.

3.16 ACCESSORY USES, BUILDINGS AND STRUCTURES

- a) Where this By-law provides that land may be used or a building or structure may be erected or used for a purpose, unless otherwise stated, that purpose shall include any building, structure or use accessory thereto.
- b) Unless otherwise stated in this By-law, any accessory building or structure shall be subject to the same minimum yard and setback requirements for the main building or use, provided that no accessory building or structure, other than a garage or carport, shall be erected closer to the front lot line than the main use or building on the same lot.
- c) No accessory building or structure shall be constructed on any lot prior to the time of construction of the main building to which it is accessory.

3.17 PORTIONS OF BUILDINGS BELOW GRADE

The minimum setback from the front lot line and the exterior lot line to the nearest part of a building below finished grade shall be 1.8 metres, except where the minimum yard for a Zone is less than 1.8 metres in which case the minimum setback shall be the same as such minimum yard(s). The minimum setback from the interior side lot line and the rear lot line to the nearest part of a building below finished grade shall be 0m.

3.18 YARD EXCEPTION TERRAIN UNSUITABILITY

If part of a lot is:

- a) usually covered by water or marsh; or
- b) is beyond the rim of a cliff or embankment having a slope of 30 degrees or more from the horizontal, or beyond the toe of such slope;

then any required yard shall be measured from the nearest part of any building or structure to the nearest part of such part of the lot.

3.19 PITS AND QUARRIES



average finished ground level to the highest point of the said building or structure shall be 4.5 metres. The nearest part of the roof shall not be more than three (3) metres above finished grade;

- c) Any accessory building or structure shall be located in the rear yard and subject to the required setbacks of the main dwelling unit on the lot, provided that a garage or carport may be erected in a side yard or front yard, in compliance with the provisions of Schedules "A", "A1", and "A3";
- d) No accessory building or structure shall be used for human habitation;
- e) Notwithstanding the provisions of Paragraphs (a), (b), (c), and (d) above, the following provisions apply to a detached building used as a garden or storage shed only, and which is accessory to the residential use:

<u>Lot Frontage</u>	<u>Maximum Floor Area of a Garden or Storage Shed</u>
Less than 9.0m	6 sq.m
9.0 - 17.99 m	8 sq.m
18 m and greater	10 sq.m

- f) Where the maximum floor area of a garden or storage shed do not exceed the maximum provided in Paragraph (e) above, the following additional standards shall apply:
  - i) the garden or storage shed shall be located in the rear yard;
  - ii) the minimum rear and interior side yard shall be 0.6 metres;
  - iii) the minimum exterior side yard required shall be equal to that required for the main use on the same lot;
  - iv) the maximum height of the garden or storage shed shall not exceed 2.5 metres from finished grade to the highest point of the structure; and,
  - v) notwithstanding (ii) and (iii) above, eaves, gutters and other similar projections appurtenant to the garden or storage shed shall not encroach more than 0.3 metres into the required yard.
- g) Where the maximum floor area of a garden or storage shed exceeds the maximum stated in Paragraph (e) above, the structure shall be deemed to be an accessory structure and subject to the provisions in Paragraph (a), (b), (c), and (d).
- h) In computing lot coverage, a garden or storage shed shall not be included provided that it is:
  - i) constructed in accordance with the maximum floor area requirements set out in Subsection 4.1.1 (e); and,
  - ii) erected in the rear yard; and,
  - iii) used only as a garden or storage shed.
- i) A private swimming pool shall be constructed only in the rear yard and notwithstanding Subsection 3.16, not nearer to any rear or interior side lot line than 1.5 metres or to any exterior side lot line than the required setback of the main dwelling unit on the lot, notwithstanding any permitted exterior side yard reductions;
- j) Notwithstanding the provisions of Paragraph (b) above, the maximum height of any retaining wall constructed on a property line between two (2) residential lots shall be one (1) metre. Height shall be measured from the finished ground level to the highest point of the wall. A retaining wall which exceeds one (1) metre in height must be set back from the nearest property line a distance equal to its height. If the height of the wall on one side is different than the height on the other side, for the purposes of this paragraph the height of the wall shall be the greater of the two; and,
- k) Any architectural or design element, used in the hard landscaping of any yard, which is greater than 1.8 m in height shall be set back from the property line a distance equal to the height of said architectural or design element. Such elements shall not be considered to be structures for the purposes of calculating any minimum yard requirements.

TAB 5

# ZONE REQUIREMENT TABLE

SCHEDULE 'A1' TO BY-LAW 1-88

ZONE	PERMITTED USE CATEGORY	MINIMUM LOT FRONTAGE (m)	LOT AREA (minimum unless 1:15 or 1:10)	MINIMUM YARD				MINIMUM LOT DEPTH (m)	MAXIMUM BUILDING HEIGHT (m)	PARKING SPACES PER UNIT
				FRONT (m)	REAR (m)	INTERIOR SIDE (m)	EXTERIOR SIDE (m)			
RUV1/RUV1(W) RESIDENTIAL URBAN VILLAGE ZONE ONE (Single Detached Dwelling)										
RUV1	ON A LOT NOT ACCESSED BY A LANE	18	540	3.0	7.5	1.215	3.0 <sup>9.10</sup>	30	11	3
RUV1	ON A LOT ACCESSED BY A LANE OR A DRIVEWAY WITH A DETACHED GARAGE IN THE REAR YARD	15	450	3.0	13.9	1.2 <sup>5</sup>	3.0 <sup>9.10</sup>	30	11	2
RUV1(W)	ON A WIDE AND SHALLOW LOT	18	423	3.0 <sup>10.9</sup>	6.9	1.215	2.4 <sup>13.10</sup>	23.5	9.5	3
RV2/RV2(W) RESIDENTIAL URBAN VILLAGE ZONE TWO (Single Detached Dwelling)										
RV2	ON A LOT NOT ACCESSED BY A LANE	15	450	3.0	7.5	1.2	2.4	30	11	3
RV2	ON A LOT ACCESSED BY A LANE OR A DRIVEWAY WITH A DETACHED GARAGE IN THE REAR YARD	12	360	3.0	13.9	1.2 <sup>5</sup>	2.4 <sup>9.10</sup>	30	9.516	2
RV2(W)	ON A WIDE AND SHALLOW LOT	15	352	3.0 <sup>10.9</sup>	6.9	1.215	2.4 <sup>13.10</sup>	23.5	9.5	3
RV3/RV3(W) RESIDENTIAL URBAN VILLAGE ZONE THREE (Single Detached Dwelling)										
RV3	ON A LOT NOT ACCESSED BY A LANE	12	360	3.0	7.5	1.2	2.4	30	9.516	311
RV3	ON A LOT ACCESSED BY A LANE	9	270	3.0	13	1.2	2.4	30	9.516	2
RV3	ON A LOT ACCESSED BY A DRIVEWAY WITH A DETACHED GARAGE IN THE REAR YARD	9.75	292	3.0	13.9	1.2 <sup>5</sup>	2.4 <sup>9.10</sup>	30	9.5 <sup>16</sup>	2
RV3(W)	ON A WIDE AND SHALLOW LOT	13.5	317	1.18.9	6.9	1.215	2.4 <sup>13.10</sup>	23.5	9.5	311
RV4/RV4(W) RESIDENTIAL URBAN VILLAGE ZONE FOUR (Single and Semi-Detached Dwelling)										
RV4	ON A LOT NOT ACCESSED BY A LANE	9.75/7.5	292/225	3.0 <sup>9.9</sup>	7.5 <sup>9</sup>	1.2 <sup>5.10</sup>	2.4 <sup>9.10</sup>	30	9.516	2 <sup>14</sup> /1
RV4	ON A LOT ACCESSED BY A LANE	7.5/5.5	225/165	3.0	13	1.2 <sup>2.3</sup>	2.4	30	9.516	2 <sup>14</sup>
RV4	ON A LOT ACCESSED BY A DRIVEWAY WITH A DETACHED GARAGE IN THE REAR YARD	9.5/8.25	285/147	3.0 <sup>13</sup>	13.9	1.2 <sup>5</sup>	2.4 <sup>9.10</sup>	30	9.5 <sup>16</sup>	2
RV4(W)	ON A WIDE AND SHALLOW LOT	12.8.4	282/197	3.0 <sup>10.9</sup>	6.9	1.2 <sup>12.3</sup>	2.4 <sup>13.10</sup>	23.5	9.5	1.1
RVM1/RVM1(W) RESIDENTIAL URBAN VILLAGE MULTIPLE DWELLING ZONE ONE										
RVM1(A)	Street Townhouse									
RVM1(A)	ON A LOT NOT ACCESSED BY A LANE	8 UNIT	180 UNIT	3.0 <sup>9.9</sup>	7.5 <sup>9</sup>	1.2 <sup>4.10</sup>	2.4 <sup>9.10</sup>	30	11	2
RVM1(A)	ON A LOT ACCESSED BY A LANE	5.4 UNIT	161 UNIT	3.01.9	13	1.2 <sup>4.10</sup>	2.4 <sup>9.10</sup>	30	11	2 <sup>14</sup>
RVM1(A)	ON A LOT ACCESSED BY A LANE	4.5 UNIT	135 UNIT	3.0	19	1.2 <sup>4.10</sup>	2.4 <sup>9.10</sup>	32	11	2
RVM1(W-A)	ON A WIDE AND SHALLOW LOT	7	164	3.0 <sup>11.9</sup>	6.9	1.2 <sup>4.10</sup>	2.4	23.5	9.5	2
RVM1(B)	Single Detached Dwelling	8 W	MINIMUM LOT AREA (m <sup>2</sup> )							
RVM1(B)	ON A LOT NOT ACCESSED BY A LANE	9.9.75	270	3.01.8.9	7.5 <sup>9</sup>	1.2 <sup>9</sup>	2.41.9.10	30	9.5 <sup>16</sup>	2 <sup>14</sup>
RVM1(B)	ON A LOT ACCESSED BY A LANE	7.5/9.75	225	3.0 <sup>9</sup>	13	1.2 <sup>9</sup>	2.4 <sup>9.10</sup>	30	9.5 <sup>16</sup>	2
RVM1(B)	ON A LOT ACCESSED BY A DRIVEWAY WITH A DETACHED GARAGE IN THE REAR YARD	9.5/9.75	285	3.01.8.9	13	1.2 <sup>3</sup>	2.41.9.10	30	9.5 <sup>16</sup>	2
RVM1(W-B)	ON A WIDE AND SHALLOW LOT	10.1.4	251	3.01.8.9	6.9	1.2 <sup>9</sup>	2.41.9.10	23.5	9.5	2 <sup>14</sup>
RVM1(B)	Semi-Detached Dwelling	8 W	MINIMUM LOT AREA (m <sup>2</sup> )							
RVM1(B)	ON A LOT NOT ACCESSED BY A LANE	4.9/13.4	180	3.01.8.9	7.5 <sup>9</sup>	1.2 <sup>9</sup>	2.41.9.10	30	9.5 <sup>16</sup>	2
RVM1(B)	ON A LOT ACCESSED BY A LANE	5.5/9	165	3.0 <sup>9</sup>	13	1.2 <sup>9</sup>	2.4 <sup>9.10</sup>	30	9.5 <sup>16</sup>	2 <sup>14</sup>
RVM1(W-B)	ON A WIDE AND SHALLOW LOT	8.4/9.25	197	3.01.8.9	6.9	1.2 <sup>8</sup>	2.41.9.10	23.5	9.5	2
RVM2 RESIDENTIAL URBAN VILLAGE MULTIPLE DWELLING ZONE TWO (Block Townhouse, Apartment, Multiple Dwelling)										
		MINIMUM LOT FRONTAGE (m)								
RVM2		30	230	3.01.8.9	4.5 <sup>9</sup>	1.2 <sup>4.10</sup>	2.41.9.10	—	11	2

## **SCHEDULE "A1"**

(Continued)

### **Notes**

1. The minimum setback to the garage which faces a lot line shall be 5.8 metres. If the driveway does not cross a sidewalk the minimum setback to the garage which faces a lot line shall be 5.0 metres.
2. No minimum yard shall be required between an attached pair of dwelling units, except where the common wall is entirely below grade.
3. Where a single detached dwelling is constructed on a lot, the minimum interior side yard on one side can be reduced to 0.6 metres, where it abuts any yard of 1.2 metres, except where it abuts a non-residential use, including a walkway.
4. Where a single detached dwelling is constructed on a lot with a frontage of less than 12.0 metres, a garage slab shall have a maximum interior width equal to 50% of the lot frontage.
5. Where a building is erected with a detached garage located in the rear yard and is accessed by a driveway which crosses the front lot line:
  - i) the minimum required interior side yard setback for the ground floor on one side shall be 2.75 metres and 0.6 metres on the other side, except:
    - on a corner lot where the minimum required exterior side yard setback shall comply with this by-law, and
    - where the lot abuts a non-residential use (including a walkway) the minimum required interior side yard setback for the ground floor on one side shall be 2.75 metres and 1.2 metres on the other side.

The minimum required interior side yard setback for the second-storey shall comply with this by-law.
  - ii) where detached garages on two adjoining lots are located in their respective rear yards and accessed by a mutual driveway crossing the front lot line, the minimum required interior side yard shall be 1.4 metres on the side where the mutual driveway is located and 0.6 metres on the other side, except:
    - on a corner lot where the minimum required exterior side yard shall comply with this by-law;
    - on a lot that abuts a non-residential use (including a walkway) the minimum required interior side yard setback for the ground floor on the side where the mutual driveway is located shall be 1.4 metres and 1.2 metres on the other side.

Notwithstanding this note, in an RUV1 or RUV1 (WS) Zone the minimum required interior side yards shall be 1.4 metres on the side where the mutual driveway is located and 1.2 metres on the other side in all cases, except on a corner lot where the minimum exterior side yard shall comply with this by-law.
6. The minimum lot frontage may be reduced to 8.4 metres and the minimum lot area to 252 m<sup>2</sup> where a mutual driveway is provided.
7. The minimum lot frontage may be reduced to 10.7 metres and the minimum lot area to 252.4 m<sup>2</sup> where a single detached dwelling is constructed on a lot and provided that the maximum interior garage width is equal to or less than 50% of the lot frontage.
8. No garage shall project more than:
  - 8.1 2.5 metres beyond the most distant point of the front wall of a dwelling from the street line at the ground floor level;
  - 8.2 notwithstanding subparagraph 8.1 above, where a covered and unenclosed porch attached to the front wall or architecturally integrated into the front wall at the ground floor level or a habitable room (not including a bay or bow window or similar window projection with or without footings) at the ground floor level which projects beyond the most distant point of the front wall of the dwelling to the street line is provided:
    - a) no garage shall project more than 2.5 metres beyond the said habitable room or the closest structural element of a covered and unenclosed porch (not including stairs, eaves or gutters) to the street line at the ground floor level;
    - b) where the said habitable room or covered and unenclosed porch is provided, in no case shall a garage project more than 4.5 metres beyond the most distant point of the front wall of a dwelling to the street line, at the ground level;
    - c) Notwithstanding, subparagraph 8.2 b) above, a garage may project more than 4.5 metres beyond the front wall at the ground floor level provided:
      - i) a minimum of fifty percent (50%) of the width of the front wall, at the ground floor level, is located 4.5 metres or less from the front of the garage;
      - ii) a covered and unenclosed porch is located along the entire front wall at the ground floor level;
      - iii) a garage shall not project more than 2.5 metres beyond the closest structural element of the said covered and unenclosed porch at the ground floor level;
      - iv) the provisions of subparagraph 8.2 c) ii) and iii) shall not apply where the width of the front wall, at the ground floor level, is equal to or greater than the exterior width of the garage.

- d) no garage shall project more than 2.5 metres beyond a second-storey habitable room over the garage or a portion thereof having a minimum width equal to sixty percent (60%) of the exterior width of the garage;
- 8.3 in the case of a wide and shallow lot, no garage shall:
- a) project more than 2.5 metres beyond a second-storey over the garage or a portion thereof having a minimum width equal to sixty percent (60%) of the exterior width of the garage;
  - b) project more than 2.5 metres beyond the closest structural element of the covered and unenclosed porch (not including stairs, eaves or gutters) attached or architecturally integrated into the front wall or a habitable room at the ground floor level;
  - c) project more than 3.0 metres beyond the most distant point of the front wall of a dwelling to the street line, at the ground floor level;
  - d) nothing in Note 8.3 shall prevent the construction of a one-storey dwelling or garage. Where a garage is constructed without a room above all or a portion of the garage, the front wall of the garage shall not project more than 2.5 metres beyond the front wall of the dwelling.
- 8.4 nothing in Note 8, or each subparagraph, shall prevent the construction of any storey above the ground floor level to the minimum front yard except as may be provided for in this by-law.
- 8.5 for the purposes of Note 8 and each subparagraph, front wall means any part of the dwelling, at the ground floor level, which faces the front lot line and is visible when viewed perpendicularly and from any point along the front lot line, not including:
- i) any part of the garage;
  - ii) a bay window or similar window projection, with or without footings, located in the interior or exterior yard; and,
  - iii) any wall located a distance equal to or greater than one half of the overall length of the dwelling from the point of the front wall of the dwelling closest to the front lot line.
9. The minimum setback for any building or structure to a sight triangle shall be 0.6 metres.
10. The minimum exterior side yard shall be 3.0 metres if the exterior side yard abuts an arterial, primary or collector road having a right-of-way width of 23 metres or greater, or any non-residential use, excluding an open space zone or walkway. The exterior side yard of a residential lot may be reduced to 1.2 metres when adjacent to a minimum 7.5 metre public lane way.
11. Where a dwelling unit fronts onto a single loaded road, the minimum parking requirement shall be two (2) spaces per unit. For the purposes of this note a single loaded road shall mean a public highway upon which buildings are constructed on only one side.
12. The minimum lot frontage may be reduced to 5.5 metres and the minimum lot area to 165 m<sup>2</sup> where a lot abuts a single loaded road.
13. The maximum lot frontage may be increased to 10.75 metres on a corner lot.
14. The minimum size of a parking space located on a driveway on a lot not accessed by a lane may be reduced to 2.5 metres by 5.8 metres. The minimum size of a parking space for a lot accessed by a lane may be reduced to 2.5 metres by 6.0 metres.
15. Where a garage is located on a lot and no part of the garage projects beyond the most distant point of the front wall of the dwelling to the street line, (any) one interior side yard of the said lot may be reduced to 0.6 metres with the exception of any interior side yard that abuts public lands, OS1 Open Space Conservation Zones and non-residential zones which shall be 1.2 metres. For the purposes of this Note, front wall means any part of the dwelling at the ground floor level which faces the front lot line and is visible when viewed perpendicularly and from any point along the front lot line, not including any part of the garage.
16. The maximum building height may be increased to 11 metres where a lot abuts an arterial, primary or collector road having a right-of-way width of 20 metres or greater, or a single loaded road abutting an arterial road or provincial highway, provided that the lot does not abut any "WS" – Wide and Shallow Zone. For the purposes of this note a single loaded road shall mean a public highway upon which buildings are constructed on only one side.



TAB 6

# ***THE CITY OF VAUGHAN***

## ***BY-LAW***

### **BY-LAW NUMBER 189-2020**

**A By-law to regulate *Fences* in the City of Vaughan, such as the *Height*, permitted materials and standards for *Fences* and *Swimming Pool Enclosures*, and to repeal the *Fence By-law 80-90*, and its amending by-laws, 240-99, 162-2004, 203-2006, 208-2007 and 29-2014.**

**WHEREAS** subsection 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended ("Municipal Act, 2001"), provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** subsection 8 of the Municipal Act, 2001 provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** subsection 9 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority;

**AND WHEREAS** subsection 11 of the Municipal Act, 2001 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** paragraph 7 of subsection 11(3) of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting Structures, including Fences and Signs;

**AND WHEREAS** section 98 of the Municipal Act, 2001 provides that a municipality may provide that the Line Fences Act does not apply to all or any part of the municipality, but despite such by-law being passed, section 20 of the Line Fences Act continues to apply throughout the municipality;

**AND WHEREAS** it is deemed expedient to exclude the City from the provisions of the Line Fences Act, R.S.O. 1990, c.L.17, as amended;

**AND WHEREAS** subsection 391 of the Municipal Act, 2001, without limiting sections 9, 10 and 11, authorizes a municipality to impose fees and charges on persons;

**AND WHEREAS** section 398 of the Municipal Act, 2001 provides for fees and charges

imposed by a municipality on a person to constitute a debt of the person and for the municipality to add such fees and charges to the tax roll and collect them in the same manner as municipal taxes;

**AND WHEREAS** Section 425 of the Municipal Act, 2001, S.O. 2001, c.25 provides for a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence; **AND WHEREAS** subsection 434.1 of the Municipal Act, 2001 provides for a municipality to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Act;

**AND WHEREAS** section 435 of the Municipal Act, 2001 provides for conditions governing the powers of entry of a municipality;

**AND WHEREAS** section 436 of the Municipal Act, 2001 provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** sections 444 and 445 of the Municipal Act, 2001 provide for a municipality to make an order to discontinue a contravening activity or correct a contravention, with either order setting out particulars of the contravention and the date by which compliance must be achieved;

**AND WHEREAS** Section 23.3(4) of the Municipal Act, 2001 it is the opinion of Council that the powers delegated to the Director of By-law and Compliance, Licensing and Permit Services, the Hearings Officer, to hold and make decisions in that hearing, pursuant to this By-law are of a minor nature;

**NOW THEREFORE** the Council of The Corporation of City of Vaughan enacts this By-law to regulate Fences within the boundaries of the City of Vaughan.

#### **1.0 Short Title**

(1) This By-law shall be known and may be cited as the "Fence By-law".

#### **2.0 Applicability and Scope**

(1) The provisions of this By-law apply to all *Fences* within the City of Vaughan.

- (2) Despite 2.0(1), this By-law does not apply to any noise attenuation fences, walls or other barriers authorized by or *Erected* by municipal, provincial or federal government or their agencies, boards, commissions, departments or other bodies.
- (3) Notwithstanding any other provisions in this by-law, in the event of a *Fence* dispute amongst neighbours with respect to shared costs of *Division Fences*, the *Fence* Apportionment of Costs By-law 175-93, as amended, or its successor by-law, shall apply.
- (4) If a *Person* is required to *Erect* a specified *Fence* under a site plan agreement, a subdivision agreement, another City by-law or any applicable law, statute or regulation of any municipal, provincial or federal government or their agencies, boards, commissions, departments or other bodies, the *Fence* is exempt from the provisions of this By-law with which it does not comply.

### **3.0 Definitions and Interpretation**

- (1) In this By-law:

"*City*" means The Corporation of the City of Vaughan;

"*City Property*" means all real property, personal *Property*, chattels or other assets, tangible or intangible, owned and/or controlled by the *City*;

"*Depth*" when used in relation to *Swimming Pools*, means the distance from the bottom of the *Swimming Pool* at its deepest point to the top edge of the *Swimming Pool*;

"*Director of By-law and Compliance, Licensing and Permit Services*" means the Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, their successor or their designate;

"*Director of Development Engineering*" means the Director of Development Engineering, their successor or their designate;

"*Division Fence*" means a *Fence* marking the boundary between abutting parcels of land;

"*Erect*" or "*Erection*" means the alteration, construction, placement, relocation and any work preparatory to erect any *Fence* or part thereof;

"*Fence*" means a barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a *Yard* or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect;

"*Grade*" means the ground surface elevation of the lands in the original *City* subdivision lot grading plan approved by *City* staff, or other ground surface elevation approved by *City* staff;

"*Hearings Officer*" means a *Person* appointed by the *Director of By-law and Compliance, Licensing and Permit Services* or their successor or designate, pursuant to Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law;

"*Height*" when used in relation to a *Fence*, means the vertical distance measured between the *Grade* to the highest point of the *Fence*, and that in instances where the *Grade* is different on two sides of a *Fence*, the higher *Grade* shall be used to measure the *Height* of the *Fence*;

"*Highway*" means a common and *Public Highway*, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral *Property Lot* lines thereof;

"*Lot*" means a parcel of land which can be conveyed as a separate parcel pursuant to the provisions of the Planning Act, R.S.O. 1990, c. P.13;

"*Lot Line*" means any boundary of a *lot*;

"*Lot Line, Front*" means the *Street Line*, provided that in the case of a corner lot, the shorter street line is deemed to be the front lot line and provided further that in the case of a corner lot which has an abutting *Sight Triangle* the centre point of the *Lot Line* abutting the *Sight Triangle* shall be deemed to be the point of intersection of the front and *Side Lot Lines*. Where both *Lot Lines* are of equal length or where the *Lot* abuts more than two (2) *Street Lines*, the front lot line shall be the line facing the main entrance of the building unless the lot is a through lot. A *Reserve* abutting a *Street Line* shall be deemed to be a street for the purpose of this definition;

"*Lot Line, Rear*" means the *Lot Line* most nearly opposite the *Front Lot Line*, but if the *Side Lot Lines* intersect, means the point of intersection;

"*Lot line, Side*" means any *Lot Line* other than the *Front Lot Line* and the *Rear Lot Line*;

"*Multi-Residential Property*" means a *Property* used for or permitted to be used for multiple dwelling units and, includes hotels and motels;

"*Non-Climbable*" refers to a *Swimming Pool Enclosure* or *Fence* which has been constructed to restrict the ability of *Persons* to climb it, in line with the provisions of this By-law;

"*Non-Residential Property*" means a *Property* used for uses other than residential use and includes schools and other institutional uses but does not include *Public Highways* or walkways;

"*Officer*" means a Provincial Offences Officer or Municipal Law Enforcement Officer of the *City*, or any other *Person* appointed by or under the authority of a *City* by-law to enforce this By-law;

"*Open-Fence Construction*" means *Fence* construction that provides motorists and pedestrians with an unobstructed view of people, vehicles and their movements through the entire length of the *Fence*;

"*Owner*" means a registered *Owner* of a *Property*, and includes but is not limited to any *Owner* in trust, a lessee, tenant, mortgagee in possession or *Person* who is an occupier or has care or control of any *Property*;

"*Parking Lot or Parking Area*" means an area of land comprised of parking spaces and related aisles, maneuvering areas and entrances and exits;

"*Person*" means an individual, association, organization, partnership, limited partnership, corporation, or an individual in their capacity as a trustee, executor, administrator or other legal representative and includes an *Owner*;

"*Property*" means a building or structure or part of a building or structure, and includes the lands appurtenant thereto, including all mobile homes, mobile buildings, mobile structures, outbuildings, *Fences* and *Erections* thereon whether heretofore or hereafter *Erected*, and includes vacant properties;

"*Public Highway*" means any portion of a *Highway* under the jurisdiction of municipal, provincial or federal government or its agencies, boards, commissions, departments or other bodies;

"*Reserve*" means a strip of land abutting a *Public Highway* and owned by the authority having jurisdiction over such *Highway*;

"*Sight Triangle*" means the area of land abutting the corner of a *Lot* enclosed by the projection of each *Street Line*;

"*Sign*" means any advertising device or notice and means any visual medium including its structure and other component parts, which is used or is capable of being used to attract attention to a specific subject matter, other than itself, for identification, information, or advertising purposes;

"*Single Family Residential*" means in reference to a *Property*, any *Property* or portion thereof serving a single dwelling unit;

"*Snow Fence*" means any *Fence* used to force drifting snow to accumulate in a predictable place, and which is usually constructed of plastic mesh, lightweight wood strip or wire;

"*Street Line*" means the dividing line between a *Lot* and a street or the dividing line between a *Lot* and a *Reserve* abutting a street;

"*Swimming Pool*" means any privately-owned outdoor body of water, located on privately owned *Property*, contained in part or in whole by artificial means, and used or intended for *Swimming*, diving or bathing, but does not include:

(a) a farm pond; or

(b) a body of water or *Swimming Pool* that is less than 76.2 centimetres (approximately 30 inches) in *Depth*;

"*Swimming Pool Enclosure*" means a *Fence*, wall or other structure, including any permitted door, gate or other opening, which surrounds and restricts access to an outdoor *Swimming Pool*;

"*Swimming Pool Enclosure Permit*" or "*Permit*" means an official document from the *City* authorizing the *Permit* holder to construct a *Swimming Pool Enclosure* in compliance with this and other *City* by-laws;

"*Swimming Pool, In-Ground*" means a *Swimming Pool* that is embedded in the ground or an excavated hole, and is intended to be a year-round structure;

"*Swimming Pool, Permanent Above-Ground*" means a *Swimming Pool* that is above grade and intended to be a year-round structure;

"*Swimming Pool, Seasonal/Temporary*" means an above-ground *Swimming Pool* that may be collapsed, removed or otherwise stored when not in use, such as, but not limited to, an inflatable *Swimming Pool*;

"*Use, Agricultural*" means any general farming or agricultural use which is not obnoxious to the public welfare including animal hospitals, apiaries, aviaries, berry or bush crops, animal husbandry, dog kennels or the breeding, boarding or sale of dogs or cats, field crops, forestry research station, goat or cattle dairies, mushroom farms, orchards, riding stables or academies, the raising of sheep or goats, the raising of swine, tree and shrub farms, and such uses or enterprises as are customarily carried on in the field of general agriculture;

"*Use, Industrial*" means the use of land, building or structures for the warehousing, manufacturing, processing or assembly of materials to finished products or by-products, including the storage of such materials and products;

"Yard" means an uncovered space on a *Lot* lying between the *Lot Line* and the nearest part of any building or structure on the *Lot*;

"Yard, Front" means a *Yard* extending across the full width of the *Lot* between the *Front Lot Line* of the *Lot* and nearest part of the nearest building or structure on the *Lot*;

"Zone" or "Zoned" means a designated area of land permitted for uses as shown in Comprehensive Zoning By-law 1-88, as amended, or its successor by-law.

- (2) In this By-law, unless the context otherwise requires, wording imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.
- (3) Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time except in periods when daylight saving time is in effect, in which periods it shall be daylight saving time.
- (4) Where measurements are used in this By-law, the Metric system shall be deemed to be the official and required system of measurement. Measurements in the Imperial system are provided for convenience purposes only.
- (5) Schedule "A" referred to in this By-law shall form part of this By-law.

#### **4.0 General Provisions**

- (1) No *Person* shall *Erect*, own or maintain, or cause or allow the *Erection* or maintenance of, any *Fence* on private *Property* in the *City* of Vaughan that does not comply with this By-law and with any other applicable law.
- (2) No *Person* shall *Erect*, own or maintain, or cause or allow the *Erection* or maintenance of any *Fence* that uses materials not allowed for use in permanent fencing unless allowed by this By-law or other *City* by-law.
- (3) Notwithstanding 4.0(2), a *Snow Fence* may be used on private *Property* between November 15 and April 15 and must comply with all corresponding standards in this By-law and other *City* by-law.
- (4) A *Fence* shall be designed and installed in such a manner as to meet its intended function.
- (5) A *Fence* shall be maintained:
  - (a) in a structurally sound condition and in good repair;

- (b) in good repair, free from cracks, and missing, broken, or warped components;
  - (c) such that all surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration;
  - (d) free from hazards, including protruding nails, screws and staples;
  - (e) free from posters, *Signs*, notices, advertising materials, words, slogans, pictures, drawings, or other defacements;
  - (f) in a plumb condition, unless specifically designed to be other than vertical;
  - (g) so that it is of uniform appearance; and
  - (h) so that it does not create an unsightly appearance.
- (6) A *Fence* shall not be used as a support for any structure, object or thing that could exert a lateral force against or upon the *Fence*.
- (7) A *Fence* shall be capable of performing safely the function for it was constructed.
- (8) A *Fence* shall be kept free from deterioration by the application of paint or other suitable protective materials or constructed of a material that is resistant to such deterioration.

#### **5.0 Restrictions on Fences**

- (1) No *Person* shall use any barbed wire or other barbed or sharp materials in the *Erection* of or construction of, or in connection with, any *Fence* in the *City*, except where all of the following conditions are met:
- (a) the *Fence* is located on land *Zoned* for *Industrial Use*; and
  - (b) any barbed wire or other barbed or sharp materials are used at a *Height* of at least 1.8 metres (approximately 6 feet) above the *Grade*.
- (2) No *Person* shall permit a *Fence* or any attachment to a *Fence* to be used as a conductor of an electrical current, except where all of the following conditions are met:
- (a) the *Fence* is located on land *Zoned* for *Agricultural Use*;
  - (b) the land is in actual use for raising livestock;
  - (c) the *Fence* does not carry an electrical charge of more than 12 volts;
  - (d) the *Fence* is designed and installed only to contain livestock; and



- (e) the *Fence* has *Signs* installed at not-more-than 12.0-metre (approximately 39 feet) intervals along the *Fence*, warning that the *Fence* carries electricity.
- (3) No *Person* shall *Erect* a *Fence* upon a *Property* boundary at a location where a maintenance easement exists, unless:
- (a) permitted on the registered title of the *Property*; or
  - (b) the *Fence* contains a gate within the limits of the maintenance easement of at least 0.9 metres (approximately 3 feet) in width which provides access to maintenance easement lands; or
  - (c) authorized by the *City*, municipal, provincial or federal government or their agencies, boards, commissions, departments or other bodies.
- (4) No *Person* shall construct a *Fence* over a *Drainage Easement* or watercourse without constructing a watergate sufficient to ensure adequate drainage.
- (5) All watergates on *Fences* shall at all times be kept free from obstructions.
- (6) No *Person* shall *Erect* a *Division Fence* that is greater than 20.0 centimetres (approximately 7.9 inches) wide where such *Fence* straddles a *Property* boundary.
- (7) No *Person* shall *Erect*, own or maintain, or cause or allow the *Erection* or maintenance of any *Fence* that uses sheet metal or corrugated metal panels of any material, or any materials not usually intended for use in permanent fencing, unless specifically permitted by this by-law.

## 6.0 Fence Height and Construction

- (1) *Fences* may be constructed to the maximum *Heights* listed in the Table below:

Table 1 – Maximum Fence Heights

No	Fence Description	Maximum Fence Height		
		Fence on a Single Family Residential or Multi-Residential Property	Fence on Non-Residential Property	Hedge, shrub or other vegetation that acts as a Fence
1	Fence that is: • in a <i>Front Yard</i> ; and • within 2.4 metres (approximately 7 feet 10 inches) of a <i>Lot Line</i> abutting a <i>Public Highway</i>	1.2 metres (approximately 4 feet)	1.2 metres (approximately 4 feet)	1.2 metres (approximately 4 feet)
2	Fence that is: • in a <i>Front Yard</i> ; and • not within 2.4 metres	2.0 metres (approximately 6 feet)	2.0 metres (approximately 6 feet)	No maximum

No	Fence Description	Maximum Fence Height		
		Fence on a Single Family Residential or Multi-Residential Property	Fence on Non-Residential Property	Hedge, shrub or other vegetation that acts as a Fence
	(approximately 7 feet 10 inches) of a Lot Line abutting a Public Highway	feet 7 inches)	feet 7 inches)	
3	Fence that is: <ul style="list-style-type: none"> <li>not in a Front Yard;</li> <li>within 2.4 metres (approximately 7 feet 10 inches) of a Side Lot Line abutting a Public Highway; and</li> <li>not within 2.4 metres of a driveway</li> </ul>	2.5 metres (approximately 8 feet 2 inches)	2.5 metres (approximately 8 feet 2 inches)	2.5 metres (approximately 8 feet 2 inches)
4	Fence that is: <ul style="list-style-type: none"> <li>not in a Front Yard;</li> <li>not within 2.4 metres (approximately 7 feet 10 inches) of a Side Lot Line abutting a Public Highway;</li> <li>within 2.4 metres of the nearest wall of the main building extended to the Rear Lot Line; and</li> <li>within 2.4 metres of a driveway</li> </ul>	2.0 metres (approximately 6 feet 7 inches)	2.5 metres (approximately 8 feet 2 inches)	No maximum
5	Fence that is: <ul style="list-style-type: none"> <li>on an unroofed deck; not in a Front Yard; and</li> <li>not within 2.4 metres (7 feet 10 in) of a Lot Line abutting a Public Highway</li> </ul>	2.0 metres (approximately 6 feet 7 inches) above surface of deck	2.0 metres (approximately 6 feet 7 inches) above surface of deck	No maximum
6	Fence that is: <ul style="list-style-type: none"> <li>not in a Front Yard;</li> <li>not a Fence under Items 3, 4 or 5 of this Table; and</li> <li>abutting a Multi-Residential Property, a Non-Residential Property, a Public Highway or a public walkway</li> </ul>	2.5 metres (approximately 8 feet 2 inches)	2.5 metres (approximately 8 feet 2 inches)	No maximum
7	Fence that is: <ul style="list-style-type: none"> <li>abutting a rapid transit right of way</li> </ul>	2.5 metres (approximately 8 feet 2 inches)	No maximum	No maximum
8	Fence that is: <ul style="list-style-type: none"> <li>abutting a tennis court, baseball diamond or other recreational facility</li> </ul>	3.0 metres (approximately 9 feet 10 inches)	No maximum	No maximum
9	Any other Fence	2.0 metres (approximately 6 feet 7 inches)	2.5 metres (approximately 8 feet 2 inches)	No maximum

(2) Notwithstanding 6.0(1), where more than one description in Table 1 applies to a

(c) be signed by the *Director of By-law and Compliance, Licensing and Permit Services*; and

(d) state that the *Owner* is entitled to appeal the decision to the *Hearings Officer* within fourteen (14) days after the notice is served, by providing a notice in writing to the *By-law and Compliance, Licensing and Permit Services Department* requesting a hearing from the *Hearing Officer* accompanied by the non-refundable appeal fee in The Fees and Charges By-law 171-2013, as amended, or its successor by-law.

#### **8.0 Swimming Pool Enclosure Requirements**

(1) The *Owner* of a *Swimming Pool* shall *Erect* and maintain around the *Swimming Pool* and shall ensure that the *Swimming Pool Enclosure*:

(a) Shall meet the applicable criteria found in Schedule "A";

(b) Is in compliance with this By-law such that it is structurally sound, stable, safe and capable of performing its intended use.

#### **9.0 Swimming Pool Enclosures Permits**

(1) No *Owner* shall excavate for or *Erect*, or cause or allow excavation for or *Erection* of a *Swimming Pool* without first obtaining the appropriate *Swimming Pool Enclosure Permit* certifying approval from the *Director of Development Engineering*, for the construction of a *Swimming Pool Enclosure* for the *Swimming Pool*.

(2) Notwithstanding 9.0(1), a temporary *Fence* must be *Erected* prior to any excavation or *Erection* related to the *Swimming Pool* or *Swimming Pool Enclosure*, such that the temporary *Fence* shall be *Erected* in a good, workmanlike manner and shall consist of steel "T" posts spaced at not more than 1.2 metres (approximately 4 feet) apart and embedded at least 60.0 centimetres (approximately 2 feet) into the ground with 3.8-centimetre (approximately 1.5-inch) plastic mesh fencing at least 1.2 metres (approximately 4 feet) high that is securely fastened to the posts at 20.0-centimetre (approximately 7.9-inch) centres and horizontally secured at the top and bottom by an eleven-gauge steel lacing cable threaded through the mesh and looped and fastened to each post, or any other *Fence* acceptable to an *Officer*.

(3) An application made by an *Owner* for a *Swimming Pool Enclosure Permit*, including

an *In-Ground, Permanent Above-Ground or Seasonal/Temporary Swimming Pool Enclosure Permit*, shall be in the form required by the *Director of Development Engineering*, and shall be accompanied by:

- (a) a description of the pool, including whether it is an *In-Ground, Permanent Above-Ground or Seasonal/Temporary Swimming Pool*;
  - (b) plans showing the location of the *Swimming Pool* in relation to *Lot Lines* and adjacent buildings;
  - (c) plans providing complete details of the *Swimming Pool Enclosure*; and
  - (d) plans providing any other details and information required by the *Director of Development Engineering*, for determining compliance with this by-law;
  - (e) payment of the non-refundable *Swimming Pool Enclosure Permit* application fee set out in the *Fees and Charges By-law 171-2013*, as amended, or its successor by-law; and
  - (f) payment of a *Swimming Pool Enclosure Permit* deposit for *In-Ground Swimming Pool Enclosure Permits* as set out in the *Fees and Charges By-law 171-2013*, as amended, or its successor by-law.
- (4) An *In-Ground or Permanent Above-Ground Swimming Pool Enclosure Permit* is only required to be obtained once for a given *Swimming Pool* on a given *Lot*.
- (5) Once a *Swimming Pool Enclosure Permit* has been approved for a given *Lot*, the *Permit Holder* may *Erect* the *Seasonal/Temporary Swimming Pool* subsequent times without obtaining an additional *Swimming Pool Enclosure Permit*, provided that the original *Swimming Pool Enclosure Permit* was not revoked; and that the *Seasonal/Temporary Swimming Pool* is *Erected* within the dimensions and same location of the *Swimming Pool* shown on the *Permit* application.
- (6) The *Director of Development Engineering* shall refuse, revoke or apply conditions to a *Swimming Pool Enclosure Permit* if:
- (a) the proposed *Swimming Pool Enclosure* would contravene this By-law or any other applicable law;
  - (b) the *Swimming Pool Enclosure Permit* was issued in error or on mistaken, false or incorrect information; and/or
  - (c) the required *Swimming Pool Enclosure Application Fee*, set out in *Fees and*

**22.0 Force and effect**

(1) This By-law shall come into force and effect on the date it is enacted.

Enacted by City of Vaughan Council this 15<sup>th</sup> day of December, 2020.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk

## **Schedule "A" – Swimming Pool Enclosure Requirements**

### **Height and Entrance Requirements**

(1) The *Owner* of a pool shall *Erect* and maintain around the pool a *Fence* or wall, or combination thereof, which shall meet the following criteria:

- (a) A wall including the outside wall of a building may be used as one or more sides of a *Fence* provided that the main entrance to the building shall not be located in such wall. If a service entrance is located in such a wall, it shall have a self-closing door equipped with a self-latch device located not less than 1.22 metres (approximately 4 feet) above the bottom of the door.
- (b) The *Fence* and/or wall shall be a minimum of 1.22 metres (approximately 4 feet) in *Height* above the *Grade* of the lands. The *Grade* of the lands for the purpose of this section shall mean the *Grade* of the lands located on the outside of the *Fence* located within 0.9 metres (approximately 3 feet) of the *Fence*.
- (c) Notwithstanding Schedule "A" section (1), if a *Swimming Pool Enclosure* is *Erected* in compliance with this provision and the *Grade* of the lands that are adjacent to the *Lot* on which the *Swimming Pool* is *Erected* is raised, the *Swimming Pool Enclosure* shall be deemed to remain in compliance.

### **Materials and Standards**

(2) The *Swimming Pool Enclosure* shall be constructed by the *Owner* with the following materials and standards:

- (a) A Chain Link *Fence* may be *Erected* provided that such a *Fence* shall not be less than 12-gauge wire with not more than 3.7-centimetre (approximately 1.5 inches) mesh, or other chain link of equivalent strength with mesh not exceeding 3.7 centimetres (approximately 1.5 inches);
- (b) A Wood Board *Fence* or Wrought Iron *Fence* may be *Erected* provided that such *Fence* meet the following criteria:
  - i. Vertical boards or iron bars shall not be placed more than 10 centimetres (approximately 4 inches) apart.
  - ii. Vertical boards shall be of not less than 1.90 centimetre by 8.90

centimetre (approximately 1 inch by 4-inch lumber) and shall be attached to rails that are not less than 3.8 centimetre by 8.9 centimetre (approximately 2 inches by 4-inches) in size.

- i. The rails of vertical boards shall be supported on posts that are a minimum dimension of 10.0 centimetre (approximately 4 inches) spaced not more than 2.4 metres (approximately 8 feet) apart and embedded to a minimum *Depth* of 0.60 metres (approximately 2 feet) below *Grade*.

(c) A glass *Swimming Pool Enclosure* may be *Erected* provided that such *Fence* meet the following criteria:

- iii. Glass panels shall be located so there is no opening of more than 3.8 centimetres between the panel and the post where horizontal elements are spaced less than 1.2 metres (approximately 4 feet) apart, and not more than 10.0 centimetres (approximately 3.9 inches) apart where horizontal elements are spaced more than 1.2 metres (approximately 4 feet) apart;
- iv. Horizontal elements shall be supported on posts that are spaced not more than 2.4 metres apart (approximately 8 feet), securely fastened to the ground and structurally sound.
- v. The *Swimming Pool Enclosure* meets Canadian General Standards Board (CAN/CGSB) standards, including CAN/CGSB-12.1-M Glass standards for Tempered or Laminated Safety Glass or Wired Safety Glass, or successor standards, to the satisfaction of *City* staff.

(d) A metal picket *Fence* used in a *Swimming Pool Enclosure* shall be constructed as follows:

- i. Vertical pickets shall be spaced not more than 3.8 centimetres apart where horizontal rails are spaced less than 1.2 metres (approximately 4 feet) apart and not more than 10.0 centimetres apart where horizontal rails are spaced at least 1.2 metres (approximately 4 feet) apart; and
- ii. Horizontal rails shall be supported on posts that are spaced not more

than 2.4 metres apart, securely fastened to the ground and structurally sound.

(e) A masonry wall that is not a part of a building and is used in a *Swimming Pool*

*Enclosure* as follows:

- i. The wall shall present a minimum 1.2-metre (approximately 4 feet) *Non-Climbable* surface to the exterior of the enclosed area.
  - ii. It shall be constructed of a minimum double course brick or single course concrete block with a minimum width of 20.0 centimetres, and securely attached to a minimum 1.2-metre (approximately 4 feet) deep concrete foundation.
  - iii. Where the wall abuts a building or gate there shall be no opening between the wall and the building or gate which exceeds 3.8 centimetres where there are horizontal elements less than 1.2 metres (approximately 4 feet) apart, or which exceeds 10.0 centimetres where there are no horizontal elements or where horizontal elements are in excess of 1.2 metres apart.
  - iv. All components of a masonry wall used as a part of a *Swimming Pool Enclosure* shall conform with CSA S304.1.
- (f) Other forms of *Swimming Pool Enclosures* may be *Erected* provided that they are constructed to be similarly *Non-Climbable* and provide an equivalent degree of safety, such that for the first 1.2 vertical metres (approximately 4 feet) of the *Swimming Pool Enclosure*, as measured from *Grade* upwards must meet the following applicable conditions:
- i. any *Swimming Pool Enclosure* of chain link construction, has mesh not greater than 3.8 square centimetres (approximately 1.5 square inches) for a minimum of 1.2 metres (approximately 4 feet) vertically;
  - ii. no horizontal opening or step is greater than 3.8 square centimetres (approximately 1.5 square inches) in width for 1.2 metres (approximately 4 feet) vertically, or where horizontal components are a minimum of 1.2 metres (approximately 4 feet) apart, there shall be no opening greater than 10.0 centimetres (approximately 4 inches);



- iii. any diagonal components, such as a lattice *Fence*, the maximum opening formed by the diagonal members should be no more than 3.8 square centimetres (approximately square 1.5 inches) for a minimum of 1.2 metres (approximately 4 feet) from *Grade*;

#### **Requirements – Swimming Pool Enclosure Gates**

(3) The *Owner* is required to all gates in the *Swimming Pool Enclosure* shall meet the following requirements:

- (a) It shall be constructed of similar Chain Link fencing material as the *Swimming Pool Enclosure* or of a material of equivalent or greater strength.
- (b) It will not have more than 3.7-centimetre (approximately 1.5-inch) mesh.
- (c) It will have an equivalent degree of safety as the supporting *Swimming Pool Enclosure*.
- (d) It shall comply with the *Height* requirements for the *Swimming Pool Enclosure*.
- (e) It shall be supported by hinges and be equipped with self-closing and self-latching devices on the inside of the Gate at a point not less than 1.22 metres (approximately 4 feet) in *Height*.
  - a. All automatic closing devices and their power back-up systems shall be in compliance with the applicable product and installation standards of the Canadian Standards Association.
- (f) Shall be constructed so that there shall not be a projection, rail, attachment or bracing that will facilitate climbing thereof from the outside.
- (g) Shall be kept closed and locked at all times.
- (h) The bottom of the gate shall be located not more than 5.0-centimetres (approximately 2 inches) above *Grade* at any point.

#### **Lockable Cover**

(4) If a *Swimming Pool* has a lockable cover, the *Owner* must close and lock when the cover when *Pool* area is not in active use.

TAB 7

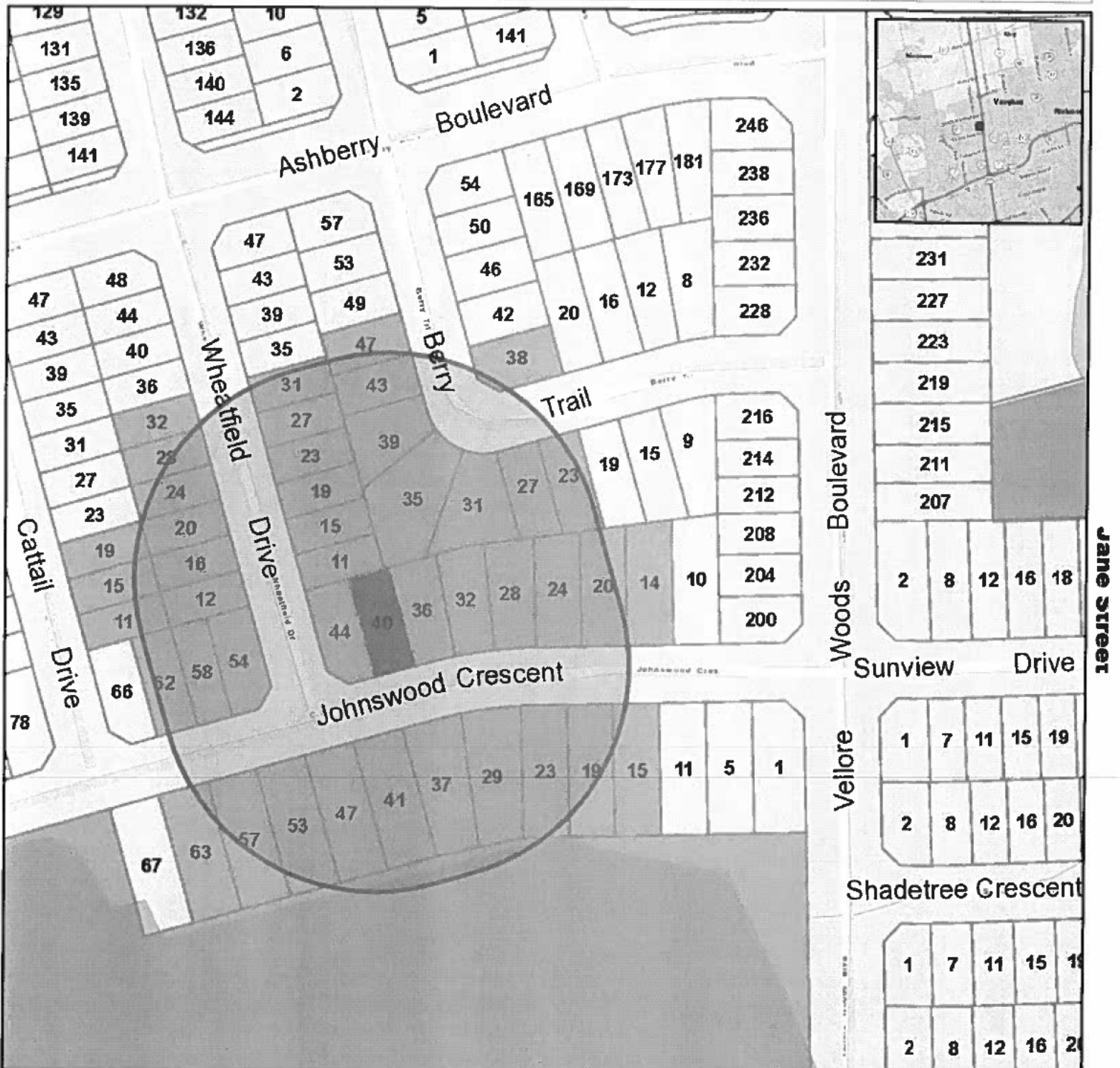


VAUGHAN

# LOCATION MAP - A168/21

40 JOHNSWOOD CRESCENT, WOODBRIDGE

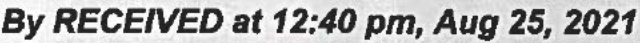
**Major Mackenzie Drive**



**LOT 179**

N15°36'15"W 30.5 M






10T 160



2  
A1.0

KEY PLAN

SCALE: 1:100

LEGEND	
	MAIN DOOR LOCK
	EXISTING DWELL
	EXISTING NEIGH
	EXISTING INTERI
	EXISTING SOFT U

TAB 8

September 1, 2021

**Dear City of Vaughan – Committee of Adjustment:**

As member of the community impacted by the Minor Variance Application A168/21, this letter is to express my personal disapproval of this application.

We live in a community where homes are close to one another and it is not fair to the community that certain homeowners, and their contractors, choose to not comply with the laws, rules, regulations and policies created by the City of Vaughan and the Ministry of the Environment, Conservation and Parks.

To make things worse, we are not talking about structures/equipment that are not yet in place. Everything has been built and running for months – in clear breach of the rules, regulations, and bylaws.

These rules, regulations, and bylaws exist for a reason – to keep communities safe and to ensure that the rights of individuals are protected. **Simply put, these rules, regulations, and bylaws should apply equally to everyone.**

Homes should be one's space, where families get to enjoy life and comfort. Should the City of Vaughan approve this application, they would remove this from the community members and set a negative rule-flouting precedent for others.

Thank you.

Name *Angelo + Christina Aresta.*

Address *32 Johnswood Cres.*

Phone number

Email





September 7, 2021

**TO: City of Vaughan – Committee of Adjustment:**


As member of the community impacted by the Minor Variance Application A168/21, this letter is to express my personal disapproval of this application.

Compliance with the laws, rules, regulations and policies created by the City of Vaughan and the Ministry of the Environment, Conservation and Parks ensures a safe and healthy environment for the community.

While sometimes minor deviations may be approved prior to implementation, after public consultation and in agreement with the neighbors, this is obviously not the case. The deviation does not appear to be minor. The application is after the fact. The rules and by-laws were completely ignored.


Should the City of Vaughan approve this application, they would remove this from the community members and set a negative rule-flouting precedent for others.

Thank you.



Georgescu

28 Wheatfield Dr, L4H 2K7



TAB 9



# Objection to Minor Variance Application A168/21 Signatures

Address	Name	Signature	Phone	Email
✓ 28 Wheatfield.	[Redacted]	[Signature]	[Redacted]	[Redacted]
✓ 24 Wheatfield	[Redacted]	[Signature]	[Redacted]	[Redacted]
✓ 11 Cattail Dr.	[Redacted]	[Signature]	[Redacted]	[Redacted]
✓ [Redacted]	[Redacted]	[Signature]	[Redacted]	[Redacted]
✓ 15 Wheatfield Dr.	[Redacted]	[Signature]	[Redacted]	[Redacted]

### Objection to Minor Variance Application A168/21 Signatures

Address	Name	Signature	Phone	Email
27 Berry Trail,				
12 Wheatfield		River Wyman		
23 Wheatfield		Almeida		
32 Johnson Cres				
24 Johnsonwood.		D. Charnock		
38 Berry Trail		Billi		
32 Wheatfield dr.				