

To the City of Brampton councillors and mayor,

I am communicating to you, my ward councillors and mayor, on a matter that has vexed our family for some time.

As several in our family have been from 'pool families', we have been planning and looking forward since the late winter to have a pool installed at our location on 66 Nickel Cr. in Brampton.

The process from that time to now, however, has not only been arduous but frustrating to a point of exasperation, dealing with permits, but more importantly, navigating through a never-ending cascade of bylaws.

We have gone through our due diligence to notify our neighbors by certified letter and cordial visitation of the impending construction and to respectfully request modifications to fencing to meet excessively stringent bylaws regarding pool enclosures.

Our rear neighbours (two of them) and one side neighbor have all refused to make any adjustments to their fencing, even when we offered to take care of the work.

The owner of the house of one rear neighbor was extremely belligerent and aggressive with my wife when she attempted to respectfully inquire to a fence adjustment and the other two neighbors have been cordial but totally uncooperative regarding our requests.

The other side neighbor is not an issue as they will share a new fence as part of the new pool enclosure.

As our new pool enclosure is a 6ft vinyl white fence, we were looking to optimize some space in our constrained back yard.

In this effort to optimize space, we appealed to the Property Standards Enforcement (see email string below) to at least allow the fence on the side neighbor to be placed against the existing fence and we respect the 4ft spacing to the rear neighbors.

I further offered to sign a waiver absolving responsibility as another solution.

The Property Standards Enforcement would not offer a reasonable compromise and are insisting on a 4ft spacing on two of the three sides of our pool enclosure.

As stated below, from my perspective this is now 'dead' space on our property and question the act of intent to climb a fence from our side neighbor, in which the probability is so low, it is negligible.

I further submit that:

1. The standards do not clearly define the type of person that would attempt to scale a fence (height, weight, stature) and only assume that this person somehow can scale the fence.
2. The standards offer no consideration of the fact that scaling a fence to enter a private property without consent is, by law, illegal. Therefore, the onus of risk must be assumed by the transgressor.

3. Further to submission 2, even if the fence was more difficult to scale, where does the standard prevent the transgressor from using some other device to scale the fence. At what point does this standard enter the realm of absurdity?
4. No mention is made with regards to the probabilities of attempts to scale a fence at a 6ft height or take into account abutting structures on the opposite side of the fence.

In my profession of designing high speed packaging equipment, I am aware of machine safety having to comply with industrial safety standard. In risk assessment, the probability of risk is evaluated with resulting consequences and mitigation is taken. To be very clear, this is weighed against a fine line between making a machine functional vs non-functional with extreme overengineering. Moreover, there is an onus of liability placed on the person intentionally defeating the safety in place.

In the case of this fencing situation, I see the same where onus of liability is assumed by the individual intentionally defeat the purpose of the fence.

Therefore, I am appealing to my city representatives for a reasonable solution which I had asked the Property Standards Enforcement from initially.

If the City cannot offer any assistance in this matter, then the City needs to absolutely clear as to the reasons I should be paying City property taxes on 'dead' space as a result of a stringent city bylaw.

In my mind, my property taxes should be adjusted down to the lost space resulting from no compromise with the City on this matter.

Respectfully  
Robert Seles

Brampton ON