

October 15, 2021

Larry and Huong Kavalak

Alex Sepe, Development Planner

Dear Mr. Sepe,

Whether this is the right forum or not, I am submitting my concerns and comments to you to consider not so much as the purpose of TACC Developments but more so as an issue of fencing.

Our property, as above, is south of TACC and I have received notice to move the chain link fence (CLF) 0.1 m south. Who erected the CLF is unknown according to TACC's lawyers (attached).

So whose fence is it? I understand that the fence is a matter of security and safety for the development, which exists to separate establish properties such as ours.

Attached boards on the 6x6 fence posts on either side places the CLF north 0.1 m (attached pictures). TACC states that we must move the fence or they will at our expense. If they claim the fence then TACC should move it at their expense. If the fence is considered common, TACC should bear the shared cost. If the fence belongs to us, then I should be able to remove it completely.

One might well envision, legally, that after 13 years of maintenance (attached picture) and no issues with the gentleman farmer, this small slice belongs to us.

I also note that the moving the CLF and relocating 4 poles, for us, might be difficult because it continually spans adjacent properties on either side (and for that matter, all of Peridot and Amethyst). It's unlike a wooden fences that one could remove boards separately.

Certainly TACC has the wherewithal (resources, finances, expertise) to move the fence on their own without burdening two dozen or so residents (though some have a structure that the owner may have to deal with).

Once the development is completed, what happens to the fence? Will it ultimately be removed by TACC and then property owners would agree to put up wooden fences on the lot line as likely desirable by most homeowners. As an aside what about the environmental impact of recycling perhaps 500 m of CLF?

I also note that grading and drainage is about 0.6 m on our property unlike down the middle of adjacent properties.

Please consider the above as you review TACC's proposal.

Sincerely,

Larry and Huong Kavalak



BRATTYS^{LLP}
BARRISTERS AND SOLICITORS

PLEASE REFER TO:
Michael N. Durisin (Ext. 349)
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August 31, 2021

VIA EMAIL TO vncn99@gmail.com

Larry Kavalak
and Huong Kavalak
26 Peridot Road
Brampton, Ontario
L6P 0Z5

Dear Sir and Madam:

**RE: Application by Tacc Developments (Gore Rd) Ltd.
registered as Instrument No. PR3887391 to be registered as
owner with an absolute title of the Part of Lot 8,
Concession 10, Northern Division, City of Brampton,
P.I.N. 14368-0770 (LT) under Subsection 46(2) of the Land Titles Act**

Further to your email of August 26, 2021 to David B. Searles Surveying Ltd., in connection with the above-noted application, we would reply to your email as follows:

1. The fence is 0.10 meters north west of the boundary within the Applicant's property;
2. The dimension 0.03N refers to the wood deck on Lot 74;
3. The existing chain link fence (CLF) is represented by the dashed line with "X's" and is listed in the Legend as CLF; and
4. Fences that encroach onto our client's property are required to be relocated to the property line.

Yours very truly,
BRATTYS LLP


Michael N. Durisin

MND/tu



PLEASE REFER TO:
Michael N. Durisin (Ext. 349)
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September 7, 2021

VIA EMAIL TO vncn99@gmail.com

Larry Kavalak
and Huong Kavalak
26 Peridot Road
Brampton, Ontario
L6P 0Z5

Dear Sir and Madam:

**RE: Application by Tacc Developments (Gore Rd) Ltd.
registered as Instrument No. PR3887391 to be registered as
owner with an absolute title of the Part of Lot 8,
Concession 10, Northern Division, City of Brampton,
P.I.N. 14368-0770 (LT) under Subsection 46(2) of the Land Titles Act**

Further to your email of September 3, 2021, with reference to the third paragraph advising that you did not erect this fence, we understand that you are not aware as to who erected the fence. In this situation however, it is not relevant who installed the fence.

We do not know who originally erected the fence but it is your responsibility to move the fence to the property line.

If the fence is not moved to the property line, our client will do so at your expense.

Our client will not participate in the cost of a wooden fence on the property line.

We are not aware of any easement at the property line.

Yours very truly,
BRATTYS LLP

Michael N. Durisin

MND/tu



