

May 25th, 2018

To: City of Kawartha Lakes City Hall

26 Francis Street

Lindsay, Ontario K9V 5R8

Re: Encroachment of perimeter fencing 59 Cambridge Street North

Dear City of Kawartha Lakes

I am writing this communication to the City of Kawartha Lakes for my deputation as it relates to a perimeter fence I have located on my property at 59 Cambridge street North in Lindsay Ontario.

On April 19th I was provided an approval to construct a two car garage on my property through a minor variance application. In obtaining this approval a condition was put forth by the committee stating I needed to enter into an agreement with Realty Services as my fence is on City property.

I filled out the proper documentation needed to have my file reviewed by the Realty Services department.

I was notified May 18th after several phone calls and in person meetings to seek communication on the status of my request. It was denied based on commentary from the City of Kawartha Lakes Director of Engineering.

“Unfortunately, the Committee members could not approve your request as the Director of Engineering was of the opinion that this fence, being in a sight triangle of an intersection, resulted in reduced visibility and thus created a hazard to public safety”

The fence that is located on my property was designed/built with public safety in mind and the safety of my family. Numerous attempts over the years have been made by residences living along Cambridge street north to the City as it relates to motor vehicles and the rate of speed they are traveling on our city streets.

Our Councilor Pat Dunn has been down to review our fence and where it is located and is in agreement that there is not a sight line issue.

In conjunction with that Cambridge United Church is located directly beside my home to which it has a congregation of close to 600 people. Our fence was constructed close to 3 years ago, and we have not had one complaint from individuals attending services or other individuals traveling down Bond Street.

In the May 18th letter the only concern was slight lines, however now the director of engineering is wanting to impose a second claim, which again was not advised in the communication from Realty Services as it pertains to Hydro, Bell, Water Services, Fibre optics etc. and the accessibility in the event items would need repair or upgrade.

I have provided numerous photos of evidence to help support my request to keep my fence where it is currently and the concern of services and accessibility.

Properties on Cambridge street North that have retaining walls that are directly located to the sidewalks which would create challenges for accessibility if repairs were needed as services would be under the ground and would require excavation.

Traveling up Bond street there are numerous large tree's and other encroachments similar to mine (fences, hedges and large trees) that are still in affect and would pose the same challenges to the City of Kawartha Lakes if repairs or upgrades were needed and sight lines.

I am seeking approval from the City of Kawartha Lakes Council to overturn the decision of the Realty Services committee and to allow myself and my wife as home owners to enter into an agreement with Realty Services as it pertains to my encroachment based on evidence provided not only on the sight lines, but also accessibility to utilities if repairs or upgrades are required.

I will also agree that if the fence is allowed to stay I will assume all cost for accessibility to the utilities.

Regards

Jordan Bress



REALTY SERVICES
Legal Services
Box 9000, 12 Peel St., Lindsay, Ontario, K9V 5R8
Phone: 705-324-9411 Ext. 1261 Fax: 705-324-2982
Toll Free: 1-888-822-2225
e-mail: lcarnochan@kawarthalakes.ca

May 18, 2018

VIA E-MAIL: [redacted]

[redacted]
Jordan & Christa Bress
59 Cambridge Street North
Lindsay, ON K9V 4C8

Dear Mr. and Mrs. Bress:

Re: Request for License Agreement – Fence Encroachment
Road Allowances adjacent to 59 Cambridge Street North, Lindsay

We confirm your above-noted request was reviewed by the Land Management Committee at their meeting on May 14, 2018. Unfortunately, the Committee members could not approve your request as the Director of Engineering was of the opinion that this fence, being in a sight triangle of an intersection, resulted in reduced visibility and thus created a hazard to public safety.

We would ask that you please remove the encroaching fence by June 22, 2018 and provide written confirmation that removal has occurred. If you require additional time to comply with this request, please contact our office to discuss alternate arrangements. Should you fail to remove the encroachment, or make alternate arrangements, by June 22, 2018, the City will remove the encroachment at your expense and without liability to the City.

Should you not agree with this decision you are able to make a deputation directly to Council. Please note that deputations are scheduled through the Clerk's office and delegations are limited to a time period of not more than five (5) minutes inclusive of all speakers. The application form and additional information on this process can be found on the City of Kawartha Lakes website: <https://www.kawarthalakes.ca/en/municipal-services/speak-before-council.aspx>. You may also contact the Deputy Clerk by phone: 705-324-9411 extension 1266 or by e-mail: clerks@kawarthalakes.ca.

Sincerely,

The Corporation of the City of Kawartha Lakes

Laura Carnochan
Law Clerk – Realty Services
LC:lc

cc Pat Dunn, Councillor – Ward 10