

?Modernized? fence bylaw rejected by Council

A ?modernized? bylaw will have to wait another day after Council rejected new proposals for resolving fence disputes between neighbours ? and between property owners and the Town.

Council voted down the recommendations brought forward by staff last week, largely opposing a new process which would have turned the ultimate decision-making authority first to staff and, in the event of a further dispute, to the Aurora Appeal Tribunal, which is composed of members from the Town's Committee of Adjustment.

Moving the decision-making process away from Council, which is properly termed as ?delegated authority? was the top-of-mind issue when Council tackled the report last week after postponing a decision in December.

?I am a proponent of as much as we can [that residents can] come to Council,? said Councillor John Gallo. ?That is what makes a small town a small town, that the residents know that they can come to us when they have good things to say and bad things to say, or want some change. The more delegated authority we give the less contact we have with residents, in my opinion. In my view, it has been unfortunate that we have moved towards much more delegated authority than I would like. It certainly allows for much more streamlined and timely meetings, but I feel the connection to the residents, we have lost that to a certain degree.?

Similar sentiments were offered by Councillor Rachel Gilliland who also underscored Aurora's ?small town feel.?

?I still like to think of us as a very small town and we're not necessarily this big cities [like] Toronto? and Ottawa,? said Councillor Gilliland after asking staff for their rationale on proposed fees within the draft bylaw. ?I don't know if we've had a tonne of incidences where people have come to Council to dispute a fence height or the fence bylaw in the last 15 or 20 years.

?I want to give residents the opportunity to come before us. We're elected to represent the people and we want to be able to give them the opportunity to listen and to help them out when they need it. We do have an Appeals Tribunal and we have a Committee of Adjustment and such, they are there to do a job as well. There haven't been a lot of disputes over fences [in 15 or 20 years, but] I still want to give the people the opportunity to come to Council and if they feel they want to come and plead their case then I want to let them do it.?

Had the proposed bylaw moved forward, fence-related disputes would have first gone to the Director of Corporate Services, under whom the Bylaw Department falls, and, if there were still concerns, to the Appeals Tribunal.

The Appeals Tribunal currently focuses on animal control muzzle orders and any issues related to licensing.

?If Bylaw made a decision to suspend or revoke a license based on non-compliance, that person could appeal that decision to the Appeals Tribunal,? said Director of Corporate Services Techa van Leeuwen. ?Their decisions are final and binding. [The proposal gives] delegated authority to me as the Director to make those decisions. Notification will be provided to the adjacent property. The thing that will be considered will be if it (the fence in question) is compatible with the surrounding area. Are there reasons such as possibly noise related to traffic and other reasons why we would justify the approval?

?If the decision is we refuse the request, then we have the option to appeal to the tribunal. Of, if we were to approve, anybody who had an objection also has that option to submit a request to the appeal tribunal.?

Although she said she was initially in favour of the overall fence proposals, Councillor Sandra Humfries' lingering questions also centred on the issue of delegated authority. While some of the proposals were ?positive,? she wanted clarity on the process.

Councillor Wendy Gaertner also gave the proposal a mixed review. Although she said she was in favour of it overall, the delegated authority also gave her a moment of pause.

?I do think in keeping with our small town feeling that a resident should always be able to come to Council,? she said. ?I like the idea of removing it initially from us, but I think at the end of the day I want them to feel they can come to Council. We don't have many cases? I would like to think we're approachable no matter what.?

Added Councillor Gallo: ?We are elected to represent the residents. They are selected by us to do a particular job and delegated authority to me limits the exposure to the residents and that is primarily what I am against. If we were inundated with these issues, if we were fixing something? we're not fixing anything. We have never been inundated with these issues and we have never had a lineup of residents asking for our help regarding fences. It has just never happened. We're not fixing anything. I am not even sure why we're doing this.?

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