

New fence bylaw proposal would give enforcement measures to Town

A new, 'modernized' fence bylaw could give Aurora's bylaw officers more enforcement authority in reviewing fencing issues that pose 'health and safety' concerns.

Council, sitting at the Committee level last week, gave the tentative greenlight to the new bylaw, which will be formally presented to Council at a future date for enactment.

According to a report to Council by Techa Van Leeuwen, Aurora's Director of Corporate Services, a new bylaw would give 'clarity and consistency' on fence variances that will be considered by Council.

'As the Town of Aurora continues to grow, there has been an increase in the number of enquiries related to the fence exemption process,' she said. 'The current Fence Bylaw does not have any provisions outlining the process, documents, or approval authority to obtain a variance, therefore in order to grant a variance Council would be required to pass a site-specific bylaw amendment.'

'The current Fence Bylaw leaves the Town with limited enforcement tools to achieve compliance. At the recommendation of the Regional Municipality of York's Prosecution Services Division, the proposed bylaw includes provisions that would allow officers to write an Order to Comply and remediate a violation should all other options prove unsuccessful. Remediation options will assist staff in addressing issues that pose health and safety concerns such as sightline obstructions, deterioration, etc.'

'A section has also been included in the proposed bylaw that will enable staff to issue an Administrative Monetary Penalty (AMP) to a person who has contravened the bylaw. Staff are currently working with the AMPs project with the objective to have AMPs launched by the end of the year. The benefits of AMPs include improved customer experience, more effective use of Court resources, more efficient use of staff time and reduced dispute rate.'

The proposed new bylaw was praised by Councillor Wendy Gaertner as being 'very important' for Aurora.

'It makes things a lot clearer, it gives staff more power, and it gives us a great tool [for enforcement] for the Town to actually be able to charge for infractions,' she said.

Added Councillor Harold Kim, 'It's a very well-constructed document, so I am in full support.'

Support was also offered by Councillor John Gallo whose support was slightly more tempered.

'I want to call it a 'necessary evil,' but I don't like the word 'evil,' he said. 'It bothers me we're at a point where we have to have this monetary penalty system. I just don't like it. I see the necessity of it, but I just want to communicate that I am disappointed that as a society we have to move in this direction with these types of things because, to me, it is reflective of society we have to have that level of enforcement.'

'It's a sad thing for me to have to approve and move forward. I wish we didn't have to [and] we could deal with issues in a better fashion, but this is the direction we're going in.'

The Town's current Fence Bylaw was put in place in 2005 with minor amendments coming in 2018 to put in provisions for accommodating access to adjacent properties 'for the purpose of maintenance and repair for buildings located within 60cm of the fence.'

By Brock WeirEditorLocal Journalism Initiative Reporter