

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 029-2014

A By-law to further amend City of Vaughan By-law 80-90, as amended.

NOW THEREFORE, the Council for The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. That Section 2.0 of By-law 80-90, as amended (hereinafter the "Fence By-law"), is hereby further amended by adding the following definition in alphabetical sequence:

"Hearings Officer means the persons appointed from time to time by By-law 157-2009, as amended."

2. That the Fence By-law is hereby further amended by deleting Section 3.5 and replacing it with the following:

"3.5 EXEMPTIONS FROM FENCE HEIGHT RESTRICTIONS

- a) An owner of land in which a fence is located may make an application in writing to the Director of By-law and Compliance for an exemption to the fence height restrictions in Section 3.0.
- b) The Director of By-law and Compliance, or his or her designate, shall send a notice to the other land owners within a 60 metre radius of the applicant providing notification of the application and inviting comments.
- c) The power and authority to grant or refuse a fence height exemption is hereby delegated to the Director of By-law and Compliance, or his or her designate.
- d) The Director of By-law and Compliance or his or her designate, shall refuse the fence height exemption application where the land owner abutting the applicant objects to the fence height exemption.
- e) Notwithstanding any objection of an adjoining land owner, the Director of By-law and Compliance, or his or her designate, may grant a fence height exemption application where the fence height exemption is necessary for the health and safety of the public.

- f) Where the adjoining property owner(s) does not object to the fence height exemption, and the fence height exemption is not necessary for the health and safety of the public, the Director of By-law and Compliance, or his or her designate, may grant or refuse the fence height exemption, and shall consider the impact in the neighbourhood, in making this decision, including:
 - i) The height of fences on abutting lands;
 - ii) The length of time the fence has been in place;
 - iii) Any comments received from land owners to whom notice has been provided under section 3.5 b); and
 - iv) Any impact that the fence would have on sight lines.
- g) After a decision is made, the Director of By-law and Compliance, or his or her designate, shall give written notice to the applicant of the decision.
- h) The written notice to be given in subsection g) shall:
 - i) set out the grounds for the decision;
 - ii) give reasonable particulars of the decision;
 - iii) be signed by the Director of By-law and Compliance; and
 - iv) state that the applicant is entitled to appeal the decision to the Hearings Officer if the applicant delivers to the By-law and Compliance Department, within 7 days after the notice is served, a notice in writing requesting a hearing by the Hearings Officer accompanied by a \$100 non-refundable appeal fee.
- i) Where no appeal is registered within the required time period, the decision of the Director of By-law and Compliance, or his or her designate, shall be final.”

3. The Fence By-law is hereby further amended by adding the following section in numerical sequence:

“3.6 APPEAL TO HEARINGS OFFICER

- a) Where an applicant wishes to appeal the refusal of a fence height exemption, the applicant shall deliver a notice in writing to the By-law and Compliance Department within 7 days of being served with the decision.

- b) The notice in subsection a) shall be accompanied by a non-refundable \$100 appeal fee.
- c) Where the applicant requests an appeal within the required time period, and pays the required appeal fee, the By-law and Compliance Department shall notify the applicant of the time, place and date of the appeal hearing.
- d) The power and authority to hear appeals from decisions of the Director of By-law and Compliance, or his or her designate, is hereby delegated to the Hearings Officer.
- e) At the appeal hearing, the onus shall be on the applicant to show cause why the fence height exemption should be granted.
- f) The Hearings Officer may uphold or vary the decision of the Director of By-law & Compliance, or his or her designate. In making this decision, the Hearings Officer shall consider the grounds in Sections 3.5 e) and 3.5 f). The objection of an adjoining land owner does not bind the Hearings Officer but shall also be considered in rendering the decision.
- g) The decision of the Hearings Officer is final.
- h) For the purposes of subsection 23.2(4) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, it is the opinion of Council that that the powers and authority delegated to the Hearings Officer and the Director of By-law and Compliance, or his or her designate, are minor in nature ”

Enacted by City of Vaughan Council this 18th day of February, 2014.

Hon. Maurizio Bevilacqua, Mayor

Jeffrey A. Abrams, City Clerk