



*Innovation in Design™*

September 24<sup>th</sup>, 2012

**VIA EMAIL AND HAND DELIVERED**

Mayor and Members of Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

C	<u>17</u>
Item #	<u>41</u>
Report No.	<u>33</u>
Council -	<u>Sept 25/12</u>

**ATTENTION: CLERKS DEPARTMENT**

**RE: COMMITTEE OF THE WHOLE – SEPTEMBER 4<sup>th</sup>, 2012 ITEM #41  
FENCE HEIGHT EXEMPTION - 25 AND 31 FIORELLO COURT  
CORRECTIONS & CLARIFICATIONS**

Please find attached a Letter of Certification from the legal surveyors of Rady-Pentek & Edward Surveying Ltd.

Included in this letter are specific measurements of all fences installed by the Developer's contractor within the above captioned subdivision. The Ontario Land Surveyor verifies and certifies that all fences installed by the Developer are as per the approved engineering drawings and Subdivision Agreement.

Therefore, staff and/or others may have provided you incorrect and misleading information that the Developers or Builders have installed fences that materially exceed the By-Laws or site specific agreements. This is obviously incorrect and may actually be malicious and intentional for either selfish or veiled motives.

In our opinion, the fences installed at 25 and 31 Fiorello Court significantly exceed the height restrictions within your by-law and were installed with complete knowledge of this breach. Such fences and exemptions are in no way consistent with the approved engineering drawings, Subdivision Agreement, or the Architectural Control of the subdivision.

**RECEIVED**  
**SEP 25 2012**  
**CLERK'S DEPT.**

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Mayor and Members of Council  
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Council should also be very concerned about setting a precedent when it comes to the "Assumption" of the subdivision, i.e. will the City be allowing others to install fences at whatever heights, colours, materials that they wish? Will the City be allowing curb-cuts and driveways that exceed the By-Law? How about hard-landscaping that breaches the requirements? Will the City allow catch basins or water-courses to be compromised? etc... As you know, these are all very real potential infractions that we must all deal with at the appropriate time. By allowing such exemptions to one or two homeowners now, will set such an erroneous precedent that will serve to be irreversible, and expose the City, the Developer, and the Builders to other serious challenges.

We therefore suggest that you give this matter some very serious thought, and strongly suggest that you deny the aforementioned fence height exemptions.

Notwithstanding the above, we also wish to clarify that Arista Homes did not install any of the fencing within this subdivision. Arista Homes also takes great exception to some of the comments and allegations made by either staff, the deputations, and/or members of council. We hereby request that such false comments and allegations be retracted forthwith, and a written apology be submitted to the Developer and Builders within this subdivision.

Thank you for your serious consideration to all of the information contained herewith.

Yours truly,  
**ARISTA HOMES LTD.**



Michael DeGasperis  
President & CEO

Attach:

Cc: Greenbrooke Developments Inc.  
Fieldgate Homes

Paul Edward, B.Sc., O.L.S.  
George T. Singh, B.Sc., P.Eng., O.L.S.  
Youssef Wahba, B.Sc., O.L.S.

Ross DenBroeder, B.Sc.E., O.L.S.  
Paul Madeira, C.E.T.  
Chris Wahba, B.Sc., O.L.S., O.L.I.P



643 Chrislea Road, Suite 7, Woodbridge, Ontario, L4L 8A3

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Tel: (416) 635-5000, Fax: (416) 635-5001

Tel: (905) 264-0881, Fax: (905) 264-2099

September 24<sup>th</sup>, 2012

**VIA EMAIL & REGULAR MAIL**

Greenbrooke Developments Inc.  
100 Zenway Blvd  
Woodbridge, Ontario  
L4H 2Y7

**ATTENTION: MR. SAM SPERANZA**

Dear Mr. Speranza:

**RE: FENCE HEIGHTS VAUGHAN VALLEY ESTATES SUBDIVISION  
REG PLAN 65M-4106 – GREENBROOKE DEVELOPMENT  
COLD CREEK ESTATES**

As per the attached field note, we have site measured the height of the privacy fencing and acoustical fencing within the above mentioned subdivision that has been installed by your forces and certify them as follows;

- Our measurements show that the privacy fence heights vary between 6'0" (1.83 metres) to 6'5" (1.96 metres) due to grade conditions.
- As to the acoustical fencing (at Weston Road), it varies from 6'7" (2 metres) to 8'3" (2.5 metres).

We have reviewed the acoustical fencing heights as set out in the approved engineering drawings as well as the Subdivision Agreement and the site measurements verify that these fence heights comply with the requirements.

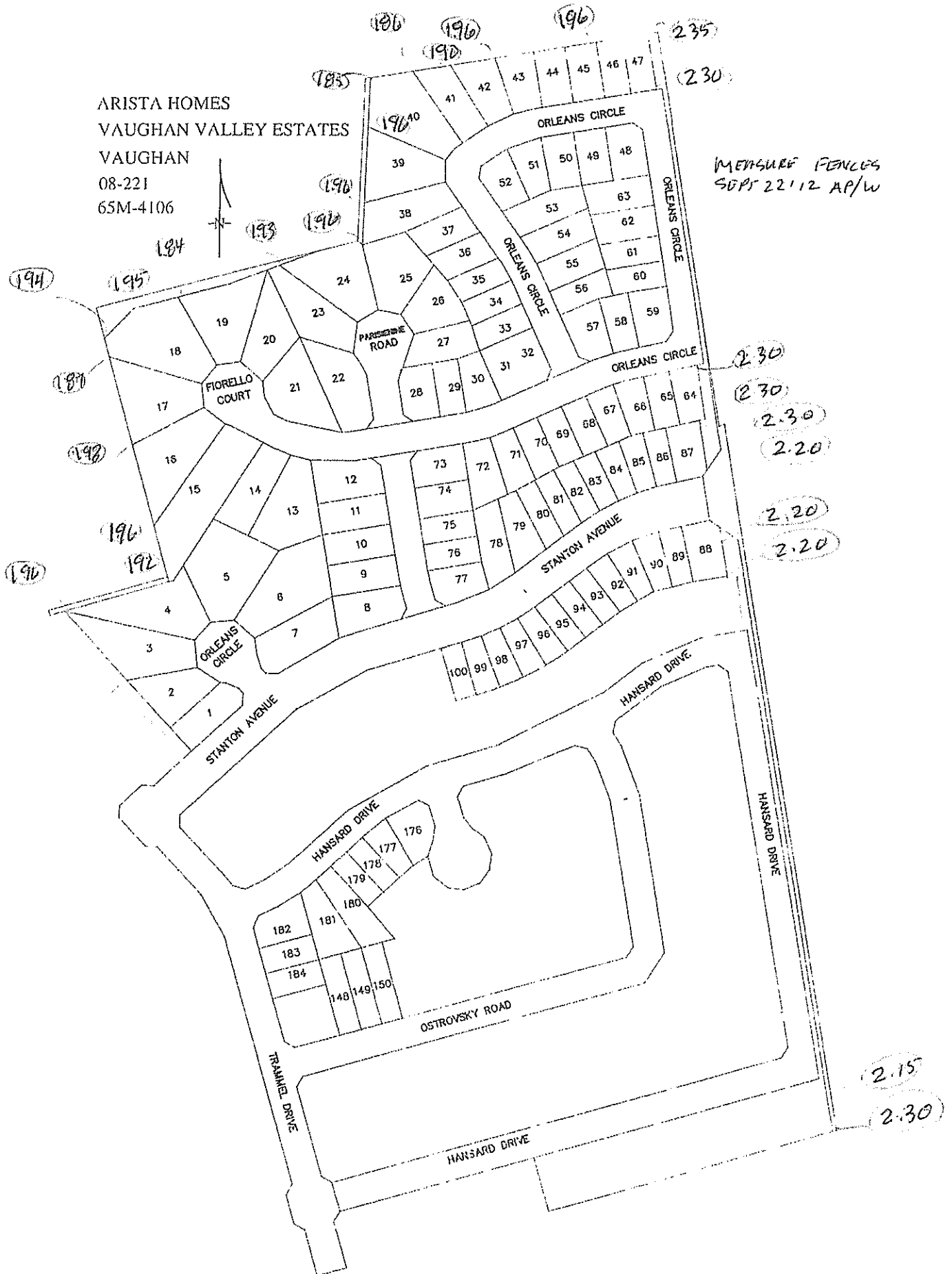
Yours truly,

**Rady-Pentek & Edward Surveying Ltd.**

Paul Edward,  
Ontario Land Surveyor

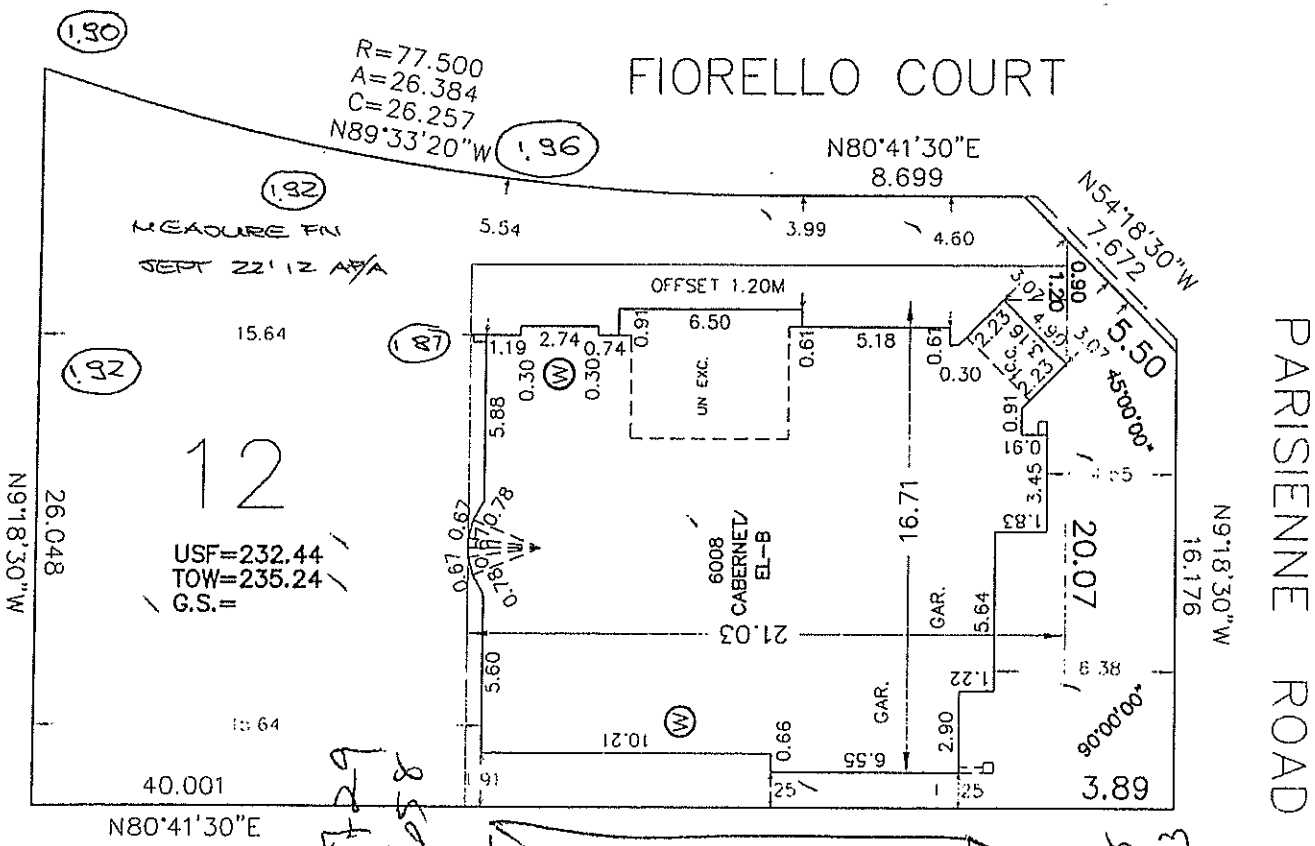
cc: Arista Homes  
Fieldgate Developments

ARISTA HOMES  
VAUGHAN VALLEY ESTATES  
VAUGHAN  
08-221  
65M-4106



60 = 1.83 M

SOK out LOT 12  
 X155000/08/08-221 S57  
 sub Lot 22  
 BARRY/CUNY  
 1st FEB - 10



**NOTE:**  
 ACTUAL FENCE IS LESS  
 THAN MEASUREMENTS.  
 SETTLEMENT MAY HAVE  
 OCCURED, OR GRADING  
 MAY BE INCOMPLETE

Handwritten notes and circled numbers: 11, 12, 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

X:\FIELD\UPLOAD\08\08-221\08-221JJ.SDR/CSV

THIS PAGE SHOWS	ARISTA HOMES	MS CAD FILE	PAGE
LOT 12	VAUGHAN HILL LST	08-221	08-221
PLAN 65M-4106	VAUGHAN	08-221	08-221
RADY-PENTEK & EDWARD SURVEYING LTD.			
643 CHURCHILL ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 6A3 TEL (416) 635-5000			

NOTES	DATE	NAME
CALCS	DEC 21/09	JARY
CHECK		
STAKE OUT		
FOOTINGS		
NOTE FINAL		
FIELD FINAL		

SUR OUT LOTS

12/22/28

X:\FIELD\08\08-221\557

(200)

9997 RS 8017 8014 8013 8012

BARRY W. A. 3

18 FEB 10



N73°14'30"W  
32.621

N24°08'05"W  
61.275

MEASURE FIN.  
DEPT 22 A/V/W  
1990

22

USF=233.29  
TOW=236.09  
G.S.=

(198)

R=18.750  
A=8.501  
C=8.233  
N34°51'20"W

(196)

R=10.000  
A=6.690  
C=6.566  
N28°28'25"W

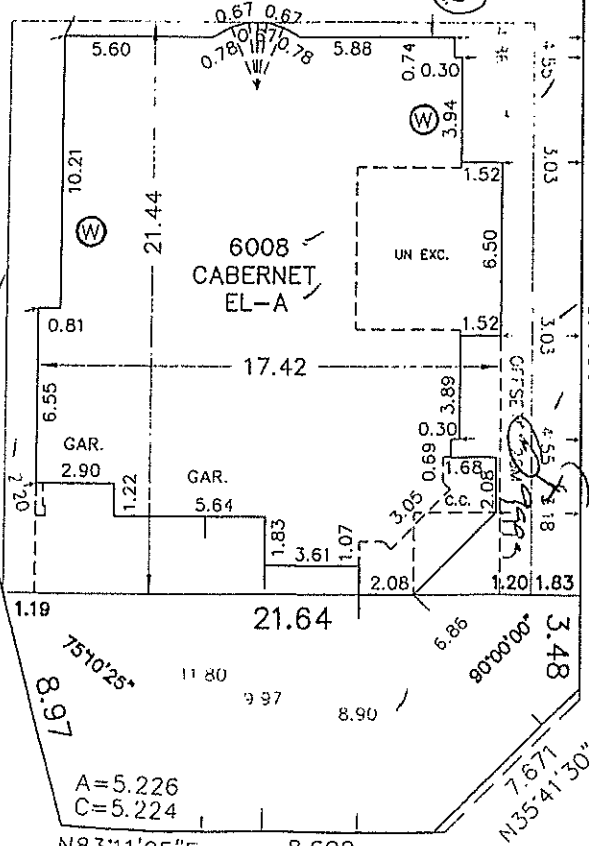
15.35

(197)

(195)

PARISIENNE ROAD

N91°18'30"W  
26.080



N83°11'05"E 8.699  
R=60.000 N80°41'30"E

FIORIELLO COURT

NOTE:

ACTUAL FENCE IS LESS  
THAN MEASUREMENTS.  
SETTLEMENT MAY HAVE  
OCCURED, OR GRADING  
MAY BE INCOMPLETE.

X:\FIELD\UPLOAD\08\08-221\08-221JJ.SDR\CSV

DATE		NAME	
NOTES	DEC. 21/09	CHRY	
CALCS			
CHECK			
STAKE OUT			
FOOTINGS			
NOTE FINAL			
FIELD FINAL			

LOT 22

PLAN 65M-4106

RADY-PENTEK & EDWARD SURVEYING LTD.

ARISTA HOMES

VAUGHAN VALLEY 551  
VAUGHAN

MS CAD FILE  
08-221

CAD FILE  
08-221

PAGE  
1

JOB NO  
08-221

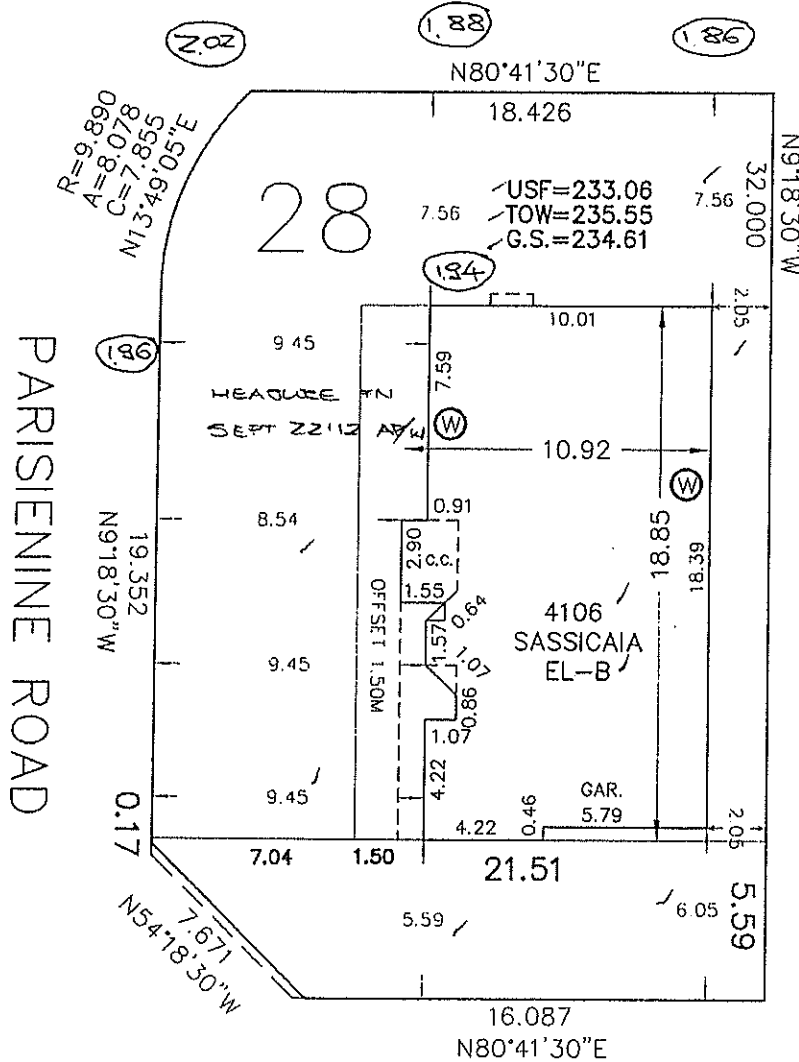
Site on Lot 28

X:\FIELD\08\08-221\08-221JJ.SDR/CSV

Site on Lot 22

Boundary with adjacent

18th Feb-10



17 N 1523.75  
E 1068.253

29

16 N 1516.904  
E 1068.740

15 N 1510.543  
E 1069.777

NOTE:

ACTUAL FENCE IS LESS  
THAN MEASUREMENTS.  
SETTLEMENT MAY HAVE  
OCCURED, OR GRADING  
MAY BE INCOMPLETE

ORLEANS CIRCLE

X:\FIELD\UPLOAD\08\08-221\08-221JJ.SDR/CSV

THIS PAGE SHOWS	PLAN 65M-4106	ARISTA HOMES	MS CAD FILE	PAGE
LOT 28		VAUGHAN VALLEY EST	08-221	
RADY-PENTEK & EDWARD SURVEYING LTD.		VAUGHAN	CAD FILE	JOB NO
643 CHISLEA ROAD, SUITE 7, WOODBRIDGE, ONTARIO L4L 6A3 TEL (416) 635-5000			08-221	08-221

NOTES	DATE	NAME
CALCS	DEC. 21/09	GARY
CHECK		7/5
STAKE OUT		
FOOTINGS		
NOTE FINAL		
FIELD FINAL		



*Innovation in Design™*

August 31<sup>st</sup>, 2012

**HAND DELIVERED**

Mayor and Members of Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

**ATTENTION: CLERKS DEPARTMENT**

**RE: OBJECTION TO REQUEST FOR FENCE HEIGHT EXEMPTION  
LOT 35 & 31 FIORELLO COURT REGISTERED PLAN 65M-4106**

Arista Homes is the builder of all the homes on Fiorello Court and of 50% of the homes in the Vaughan Valley Estates subdivision.

We oppose this fence height exemption based on the following:

We, along with the City have worked very hard to produce Architectural Design and Control Guidelines which would make this subdivision exclusive in its design and character in the City of Vaughan.

Within these architectural guidelines we further enhanced the subdivision's appearance by establishing the lots north of Stanton Avenue as an executive residential enclave. Both of the above mentioned homes are located within this enclave and have benefited by these stringent guidelines.

Section 7.6 of the Block 40 south Architectural Design Guidelines deals with corner lot privacy fencing and stipulates a maximum height of 6' or 1.8m. Also, as you know the City's current fence By-Law 80-90 stipulates the same maximum height.

.../2



Fence Height Exemption  
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Arista Homes' staff have attended the subdivision to take measurements of the existing fences and can confirm that all fencing except for the acoustical fencing along the west side of Weston Road (north and south ends only) conform to both the architectural guidelines and By-Law 80-90. This is strictly due to the proximity and traffic on Weston Road.

Notwithstanding all of the above, all acoustical fencing is covered under the Subdivision Agreement between the City of Vaughan and the developer which even supersedes both By-Law 80-90 and the Architectural Design and Control guidelines.

In conclusion we have worked very hard to produce a subdivision that is uniform in appearance and features, as well as conforms to the Architectural Control Guidelines and by-laws mandated by the City of Vaughan during the development process. To now allow exemptions to the fence height restrictions will result in disruption to the subdivision's overall character and appearance as stipulated above. It would also encourage further breaches of your by-laws, whereby we as the builders and developers that have yet to obtain assumption of the subdivision, are not prepared to accept.

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Fence Height Exemption  
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Therefore, we reiterate that we are opposed to these exemptions, and wish to remind the City of their own by-laws, restrictions, Subdivision Agreement and Architectural Control Guidelines.

Yours truly,  
**ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.**



Ron Protocky  
VP Construction

Cc: Michael DeGasperis  
Silvio DeGasperis  
Vic DeZen  
Joseph Sgro  
Jack Eisenberger

RP/mc



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August 31<sup>st</sup>, 2012

**HAND DELIVERED & EMAIL**

Mayor and Members of Council  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

**ATTENTION: CLERKS DEPARTMENT**

**RE: LOT CORRECTION TO OBJECTION TO REQUEST FOR  
FENCE HEIGHT EXEMPTION LOT 25 & 31  
FIGRELLO COURT REGISTERED PLAN 65M-4106**

Please note that the above mentioned letter from Arista Homes (Vaughan Valley Estates) Inc. had an error in that the homes in question should be 25 and 31 Fiorello Court and not 35 & 31 Fiorello Court.

Please adjust your records accordingly and accept my apologies for this error.

Yours truly,  
**ARISTA HOMES (VAUGHAN VALLEY ESTATES) INC.**

Ron Proctock  
VP Construction

Cc: Michael DeGasperis  
Silvio DeGasperis  
Vic DeZen  
Joseph Sgro  
Jack Eisenberger

RP/mc