

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012**

Item 4, Report No. 39, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on October 30, 2012, as follows:

***By approving the following:***

- 1) ***That this matter be reconsidered;***
- 2) ***That for the portion of the fence between 25 and 17 Fiorello Court the height shall be:***
  - i) ***First panel at front of houses reduced to 6 feet;***
  - ii) ***Second panel reduced to 6 feet 2 inches;***
  - iii) ***Third panel reduced to 6 feet 3 inches;***
  - iv) ***Fourth panel reduced to 6 feet 4 inches; and***
  - v) ***Fifth panel to the rear of the property reduced to 6 feet 6 inches;***
- 3) ***That for the portions of the fence along the rear lot line and between 25 and 31 Fiorello Court the height shall be approved as set out in the application;***
- 4) ***That measurements of the fence panels shall be taken from the lowest point of the property line at finished grade to the top horizontal board of the fence panel.***
- 5) ***That no other changes are required to the fence; and***

***By receiving the following resolution of Councillor DeFrancesca, dated September 4, 2012.***

**4                    FENCE HEIGHT EXEMPTION – 25 AND 31 FIORELLO COURT – WARD 3**  
**(Referred)**

The Committee of the Whole recommends that consideration of this matter be deferred to the Council meeting of October 30, 2012.

**Recommendation**

Council, at its meeting of September 25, 2011, adopted the following recommendation (Item 1, CW Report No. 33):

- 1) **That consideration of this matter be deferred to the October 16, 2012 Committee of the Whole meeting; and**
- 2) **That the following Communications be received:**
  - C15. **Mr. Frank Torchia, Gray & Associates, Barristers & Solicitors, Zenway Boulevard, Vaughan; and**
  - C17. **Mr. Michael DeGasperis, Arista Homes, Applewood Crescent, Vaughan.**

**Committee of the Whole recommendation of September 4, 2012:**

- 1) **That this matter be reconsidered;**
- 2) **That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved;**
- 3) **That the following resolution submitted by Councillor DeFrancesca, dated September 4, 2012, be received;**
- 4) **That the following deputations and Communication be received:**

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 30, 2012**

Item 4, CW Report No. 39 – Page 2

1. Mr. Steve Papadopoulos, Fiorello Court, Vaughan, and photographs;
  2. Mr. Fabian Dasilva, Fiorello Court, Vaughan, and aerial maps and photographs; and
  3. Mr. Frank Torchia, Gray & Associates, on behalf of Mr. Mario Pacitto, Fiorello Court, Vaughan, and Communication C11, dated August 30, 2012; and
- 5) That the following Communications be received:
- C6. Mr. Joey Furfari, Furfari Paving Ltd., dated August 28, 2012;
  - C7. Vittorio and Tuccia Ferrari, Sangria Court, Vaughan, dated August 28, 2012;
  - C10. Leon and Quynh Huang, Fiorello Court, Woodbridge, dated August 29, 2012;
  - C12. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012;
  - C13. Director of Legal Services, dated August 31, 2012; and
  - C14. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012.

Member's Resolution from Councillor DeFrancesca, dated September 4, 2012.

Whereas, the owners of 25 and 31 Fiorello Court had applied for a fence height exemption, to permit an existing rear yard wooden fence ranging in height from 6 feet to 7 feet 5 inches; and

Whereas, Council denied this request at the June 26, 2012 Council meeting (Item 41; CW Report No. 25) and

Whereas, the residents of 25 and 31 Fiorello Court were not aware that their presence would have been beneficial in order for this fence height exemption to be approved;

It is therefore recommended:

- 1) That this matter be reconsidered;
- 2) That deputations be received; and
- 3) That Council consider and approve the following:

That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

**Attachments**

1. Council Extract, Item 41, CW Report No. 25
2. Council Extract, Item 41, CW Report No. 33

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)



## MEMBER'S RESOLUTION

<b>Date:</b>	<b>OCTOBER 16, 2012 – COMMITTEE OF THE WHOLE</b>
<b>Title:</b>	<b>FENCE HEIGHT EXEMPTION – 25 AND 31 FIORELLO COURT – WARD 3 (Referred)</b>
<b>Submitted by:</b>	<b>Councillor Rosanna DeFrancesca</b>

Council, at its meeting of September 25, 2011, adopted the following recommendation (Item 1, CW Report No. 33):

- 1) That consideration of this matter be deferred to the October 16, 2012 Committee of the Whole meeting; and
- 2) That the following Communications be received:
  - C15. Mr. Frank Torchia, Gray & Associates, Barristers & Solicitors, Zenway Boulevard, Vaughan; and
  - C17. Mr. Michael DeGasperis, Arista Homes, Applewood Crescent, Vaughan.

Committee of the Whole recommendation of September 4, 2012:

- 1) That this matter be reconsidered;
- 2) That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved;
- 3) That the following resolution submitted by Councillor DeFrancesca, dated September 4, 2012, be received;
- 4) That the following deputations and Communication be received:
  1. Mr. Steve Papadopoulos, Fiorello Court, Vaughan, and photographs;
  2. Mr. Fabian Dasilva, Fiorello Court, Vaughan, and aerial maps and photographs; and
  3. Mr. Frank Torchia, Gray & Associates, on behalf of Mr. Mario Pacitto, Fiorello Court, Vaughan, and Communication C11, dated August 30, 2012; and
- 5) That the following Communications be received:
  - C6. Mr. Joey Furfari, Furfari Paving Ltd., dated August 28, 2012;
  - C7. Vittorio and Tuccia Ferrari, Sangria Court, Vaughan, dated August 28, 2012;
  - C10. Leon and Quynh Huang, Fiorello Court, Woodbridge, dated August 29, 2012;
  - C12. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012;
  - C13. Director of Legal Services, dated August 31, 2012; and
  - C14. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012.

Member's Resolution from Councillor DeFrancesca, dated September 4, 2012.

Whereas, the owners of 25 and 31 Fiorello Court had applied for a fence height exemption, to permit an existing rear yard wooden fence ranging in height from 6 feet to 7 feet 5 inches; and

Whereas, Council denied this request at the June 26, 2012 Council meeting (Item 41; CW Report No. 25) and

Whereas, the residents of 25 and 31 Fiorello Court were not aware that their presence would have been beneficial in order for this fence height exemption to be approved;

It is therefore recommended:

- 1) That this matter be reconsidered;
- 2) That deputations be received; and
- 3) That Council consider and approve the following:

That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

#### **Attachments**

1. Council Extract, Item 41, CW Report No. 25
2. Council Extract, Item 41, CW Report No. 33

## CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 26, 2012

Item 41, Report No. 25, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 26, 2012.

**41      FENCE HEIGHT EXEMPTION - 25 AND 31 FIORELLO COURT – WARD 3**

The Committee of the Whole recommends:

- 1) That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be denied;
- 2) That the following report of the Director of Enforcement Services, dated June 5, 2012, be received;
- 3) That the deputation of Mr. Frank Torchia, 17 Fiorello Court, Vaughan, L4H 0V4, on behalf of Mr. Mario Pacitto, be received; and
- 4) That Communication C14 memorandum from the Director of Enforcement Services, dated June 6, 2012, be received.

**Recommendation**

The Director of Enforcement Services recommends the following:

1. That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.

**Economic Impact**

N/A

**Communications Plan**

Notification/Request for Comment letters were sent to surrounding neighbours within a 60 meter radius and three objections were received.

**Purpose**

This report is to provide information for the consideration of a fence height exemption application.

**Background - Analysis and Options**

The property owners of 25 and 31 Fiorello Court have applied for a fence height exemption as provided for in the City of Vaughan Fence By-law 80-90.

The By-law permits a fence height of 6 feet in rear yards. The Applicants have requested an exemption to permit existing rear yard wooden fencing ranging in height from 6 feet to 7 feet 5 inches.

This fence height violation was brought to the attention of the Enforcement Services Department as a result of a complaint.

Several homes in the immediate vicinity are of the same height and design as the fencing was installed by the same contractor.

There are no apparent site plan or safety impacts as a result of this application.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 26, 2012**

Item 41, CW Report No. 25 – Page 2

**Relationship to Vaughan Vision 2020**

This report is in keeping with Vaughan Vision as it speaks to Service Delivery and Community Safety.

**Regional Implications**

N/A

**Conclusion**

Fence Height Exemption requests brought before Council should be granted or denied based on the potential impact to neighbour relations, comparables in the specific area, site plan requirements, history, and safety impacts. This case supports a fence height exemption for this location at its current height.

**Attachments**

1. Site Plan
2. Map of surrounding streets
3. Photographs
4. Letters of Objection (X 3)

**Report prepared by:**

Janice Heron  
Office Coordinator, Enforcement Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

# SURVEYOR'S REAL PROPERTY REPORT

## PART 1

PLAN OF LOTS 66 AND 67  
PLAN 65M-4160  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK

SCALE 1:300  
10m 5m 0 10m 20metres

RADY-PENITEK & EDWARD SURVEYING LTD., O.L.S.

METRIC  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN  
BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

## SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  2. THE SURVEY WAS COMPLETED ON THE 22nd DAY OF Feb., 2010

DATE MARCH 2, 2010

*[Signature]*  
J. SINGH  
ONTARIO LAND SURVEYOR

## NOTES

- DENOTES MONUMENT SET
- DENOTES MONUMENT FOUND
- IS DENOTES IRON BAR
- SSB DENOTES SHORT STANDARD IRON BAR
- D.U.C. DENOTES DRILLING UNDER CONSTRUCTION
- P DENOTES PROPERTY IDENTIFIER NUMBER
- P DENOTES FORCH

ALL FOUND MONUMENTS BY RADY-PENITEK & EDWARD SURVEYING LTD., O.L.S.

ALL TIES TO CONCRETE FOUNDATION.

BEARINGS ARE GRID AND ARE REFERRED TO THE SOUTHEASTERN LIMIT OF ANTONINI COURT AS SHOWN ON PLAN 65M-4160 HAVING A BEARING OF N71°35'35"E.

THIS REPORT WAS PREPARED FOR  
TOWNWOOD HOMES  
AND THE UNDERSIGNED ACCEPTS NO  
RESPONSIBILITY FOR USE BY OTHER PARTIES.

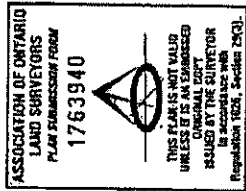
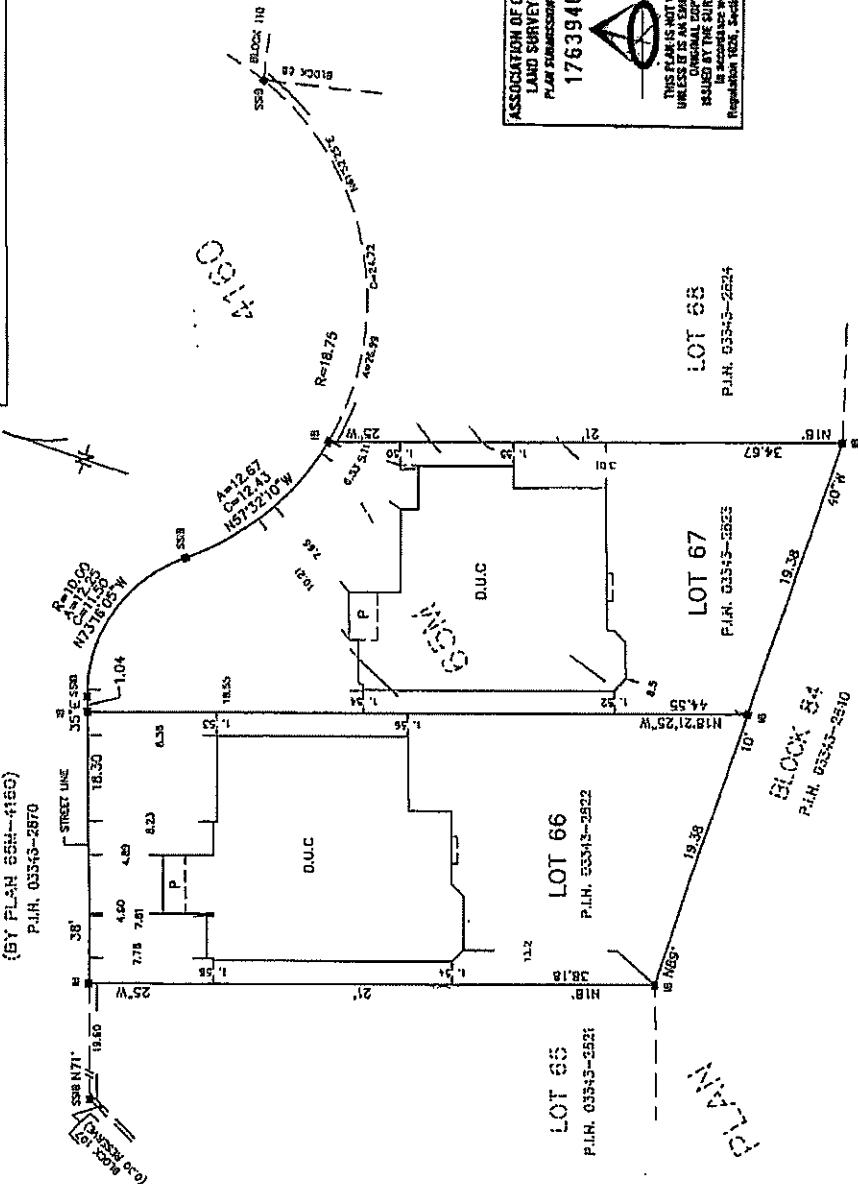
©RADY-PENITEK & EDWARD SURVEYING LTD., O.L.S. 2010

## PART 2 (SURVEY REPORT)

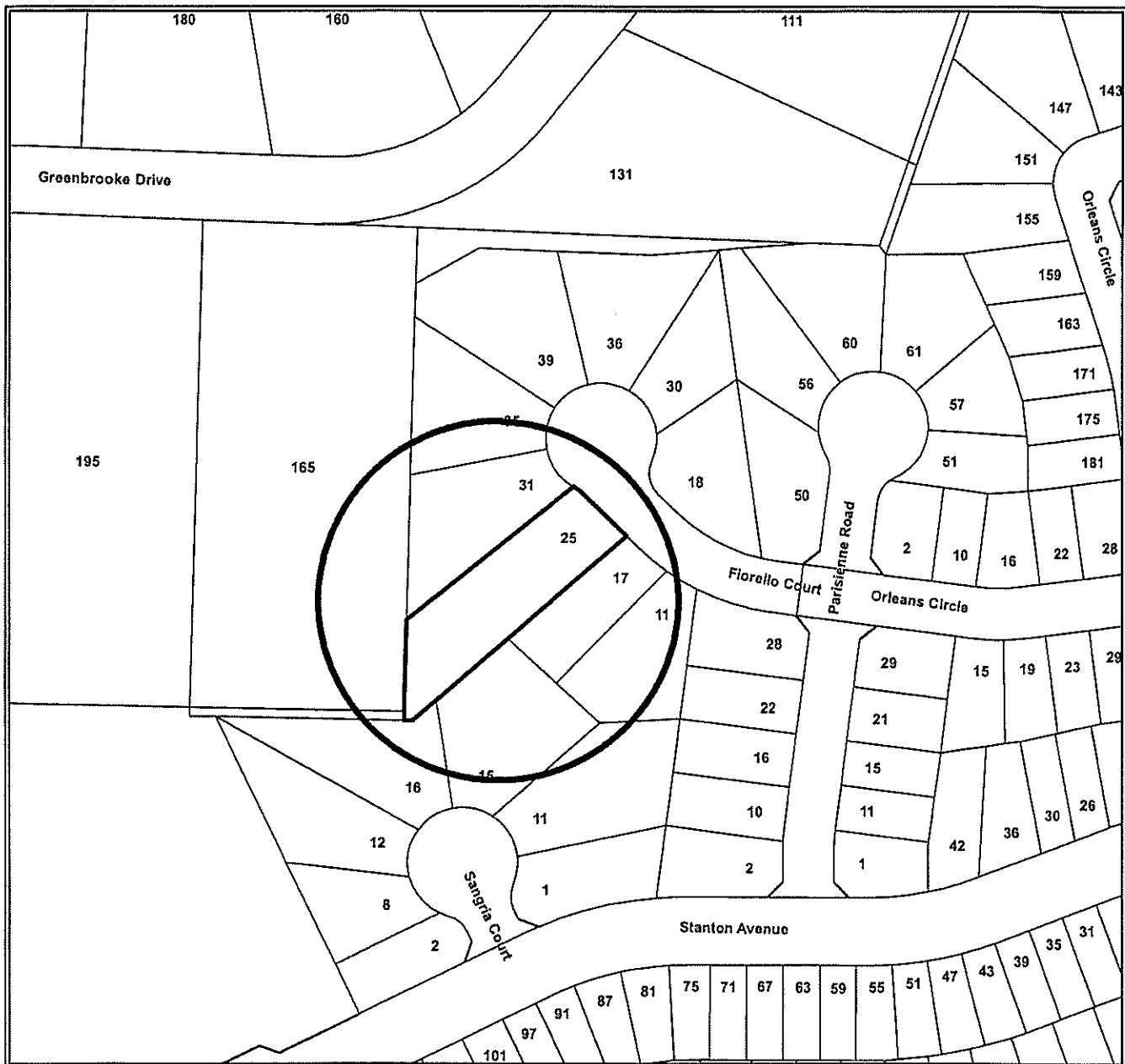
REGISTERED EASEMENTS AND/OR RIGHT-OF-WAYS: NONE  
THIS PLAN DOES NOT CERTIFY COMPLIANCE WITH ZONING BY-LAWS

### ANTONINI COURT

(BY PLAN 65M-4160)  
P.L.N. 03343-2870



**RADY-PENITEK & EDWARD SURVEYING LTD.**  
ONTARIO LAND SURVEYORS  
643 Christie Road, Suite 7  
Woodbridge, Ontario L4L 8A3  
Tel: (416) 635-5000 Fax: (416) 635-5001  
Tel: (905) 264-0881 Fax: (905) 264-2099  
Website: www.r-pe.ca  
DRAWN: V.H.  
CHECKED: G.P./T.S.  
JOB No. 09-044  
CAD FILE No. 4160-60



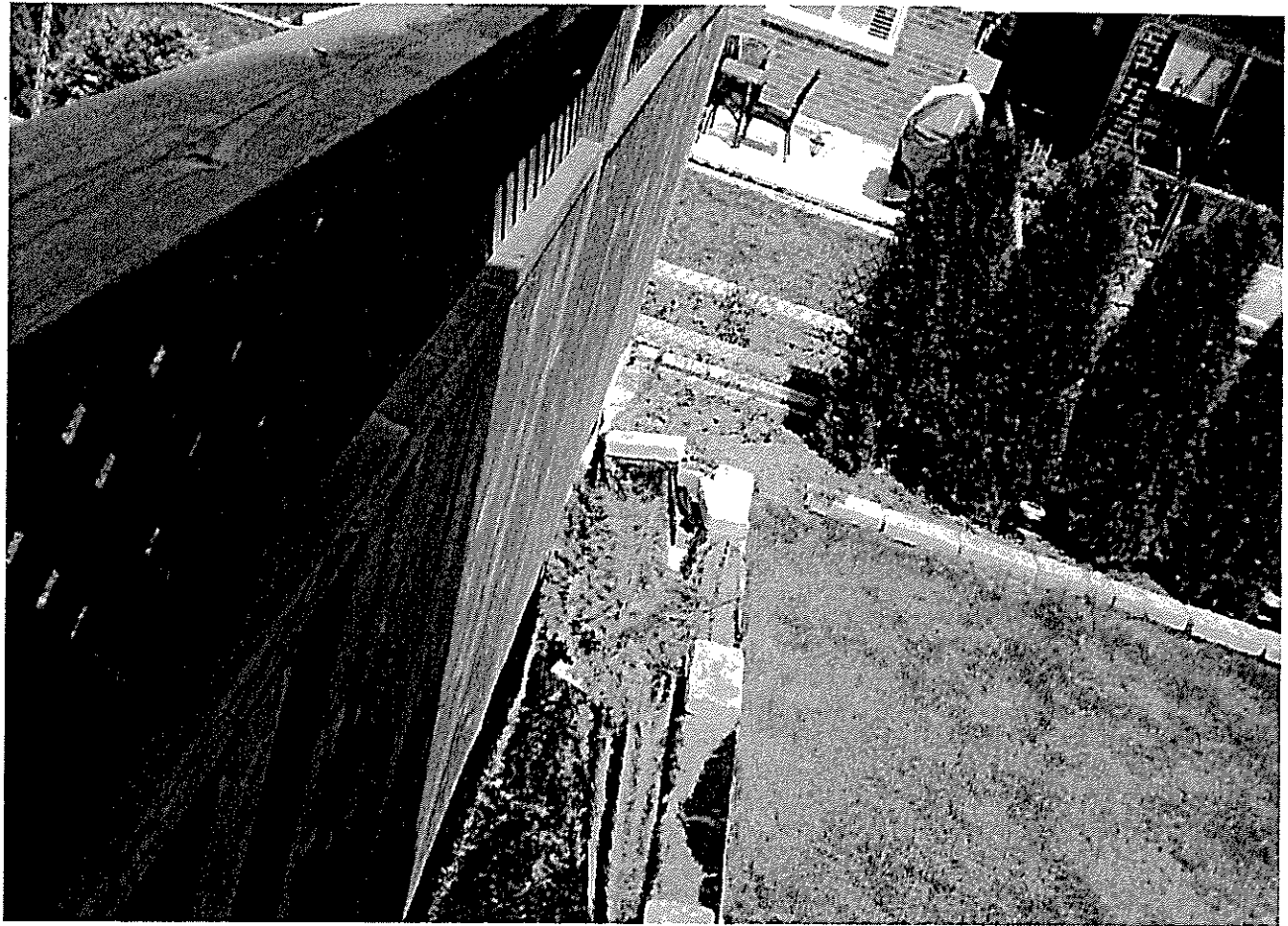
**25 FIORELLO COURT**  
**LOCATION MAP**

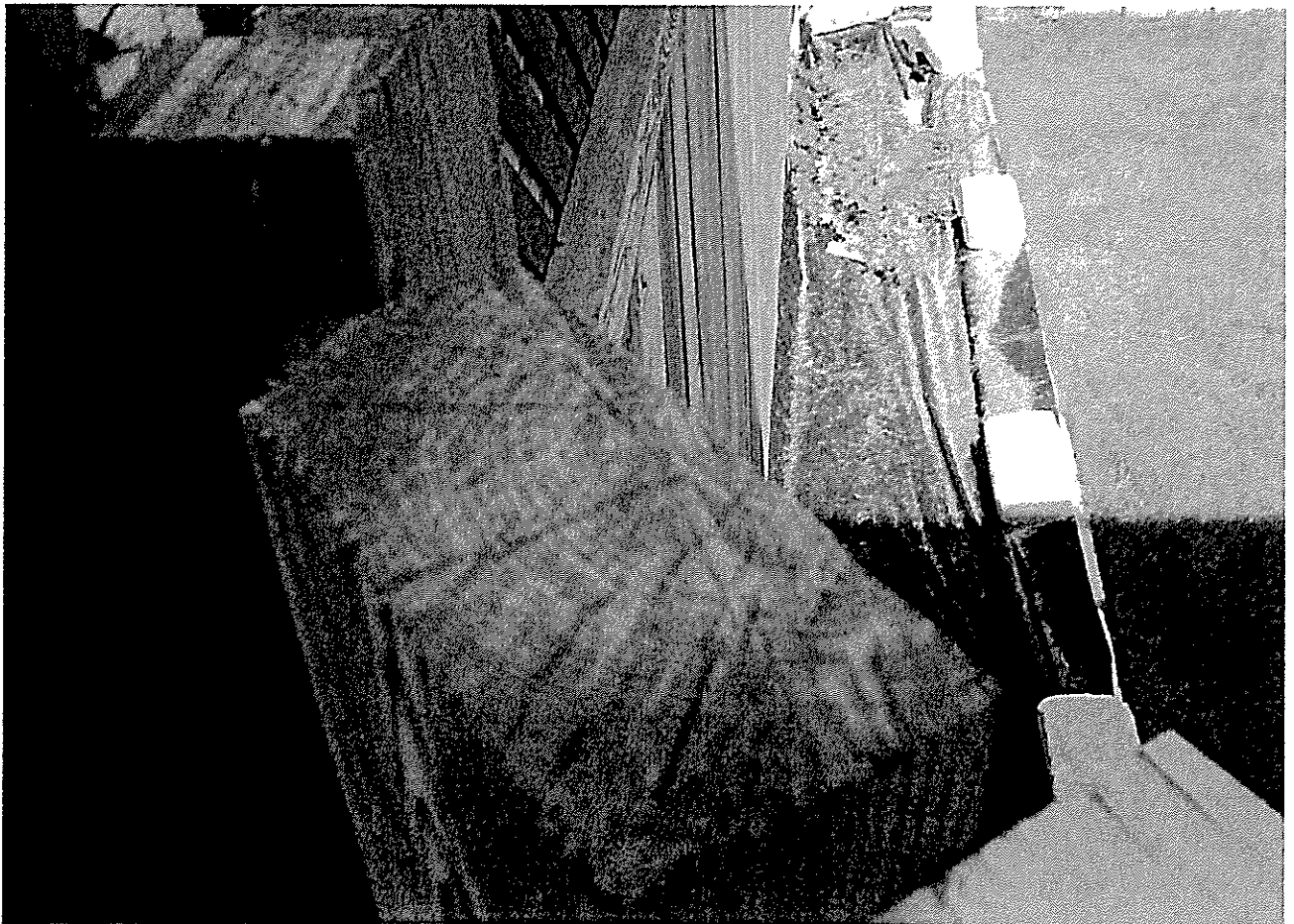
**LEGEND**

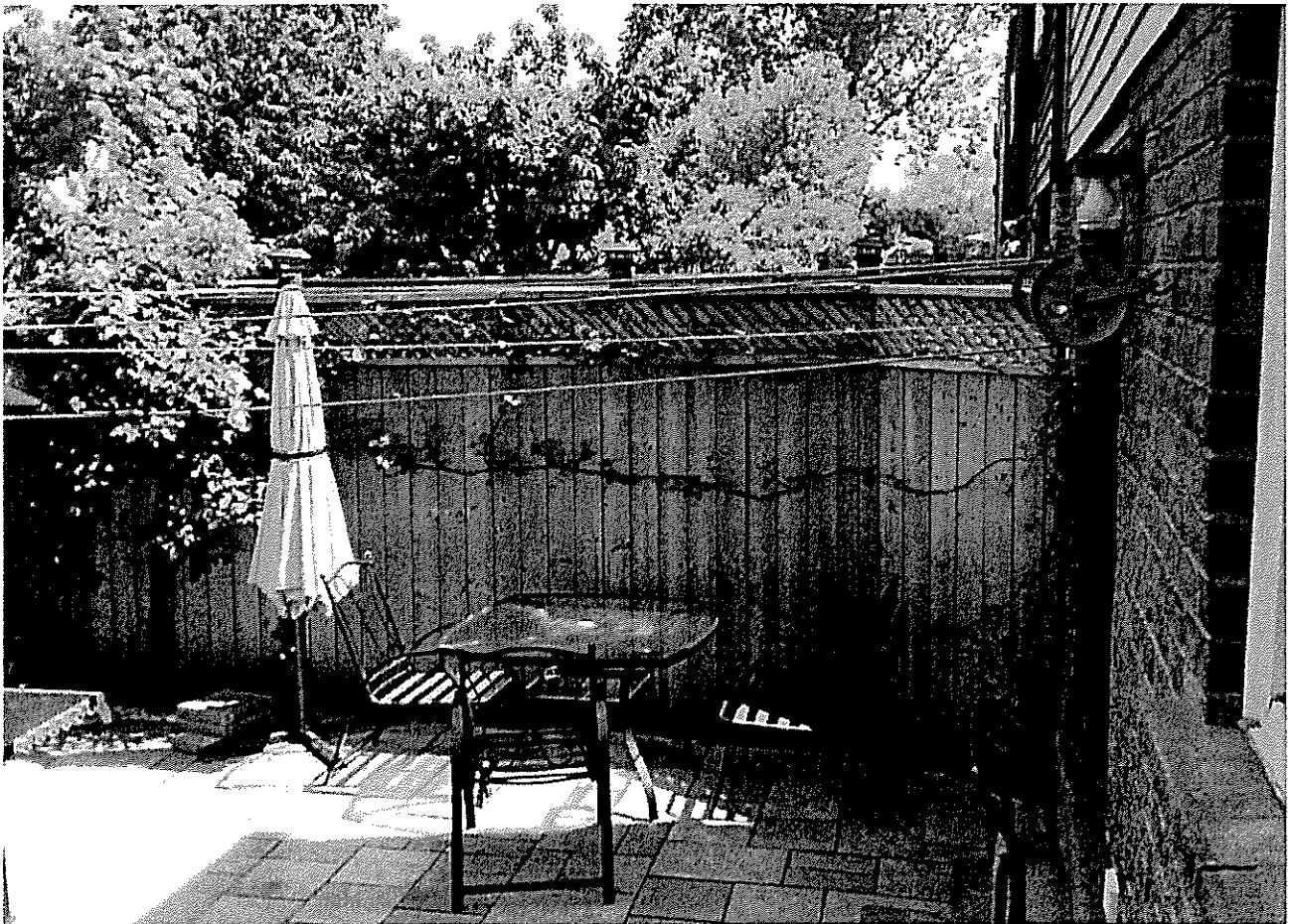
 60m RADIUS ADDRESS BUFFER

  
NOT TO SCALE











**Heron, Janice**

---

**From:** Huang, Leon [leon.huang@cgi.com]

**Sent:** Thursday, May 17, 2012 3:10 PM

**To:** Heron, Janice

**Subject:** RE Fence Height on Fiorello Court

To the attention of Janice Heron.

We, Leon and Quynh Huang of 11 Fiorello court is responding back to the letter issued by the City of Vaughan Enforcement Services. This is pertaining to the fence Height. Our contract with Galaxy Fence stated that the fence height would be 6 feet high. Understanding the grading of the land, some fence height might be higher. In the case where the fence height is 7 feet or more, we would like those fence panels reduced to no more than 6 feet 5 inches. As long as it is in keeping with the by-law for fence height.

Thank you,  
Leon and Quynh Huang  
11 Fiorello Court  
Woodbridge  
L4H 0V4  
Home: 905-605-2231  
Cell : 647-229-1037

5/17/2012

Mr. Mario Pacitto and Mrs. Filomena Pacitto  
17 Fiorello Court  
Vaughan, ON L4H 0V4

May 16, 2012

**DELIVERED BY EMAIL:** Janice.heron@vaughan.ca

Enforcement Services Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

---

We, Mario and Filomena Pacitto, are property owners of 17 Fiorello Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

As adjoining property owners, we oppose the fence height exemption and would like to voice our concerns with the request for the proposed fence height exemption at 25 Fiorello Court.

At the time we contracted with Galaxy Fencing to complete the fence, all adjoining property owners, including the owners of 25 Fiorello Court agreed that the fence height for all properties would be six feet, as is stipulated in the contract with Galaxy. Unfortunately, at the time the fence was installed we were out of the country and were unable to voice our displeasure with the manner in which the fence was installed by Galaxy, in particular, the height of the fence. However, upon our return, we immediately notified all of our adjoining neighbours as well as Galaxy, that the fence was not completed properly due to the increased height of the fence.


Our concern is that the space between our side yard and that of 25 Fiorello Court is very narrow and to construct a fence that is greater than six feet, which is the maximum height under the current by-law, only makes matters worse, as the space feels very dark and enclosed. Furthermore, since our house is the smallest house of all the surrounding lots and is also a bungalow, the increased fence height makes our lot appear even smaller.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. If the height of the fence is raised it will not only change the appearance of our house but it will change the visible appearance and feeling of the streetscape. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

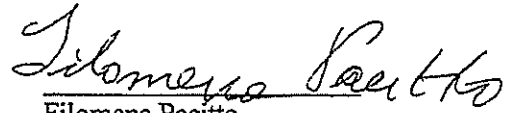
In addition, we would like to advise you that all of the affected property owners namely, Vittorio and Tuccia Ferrari (15 Sangria Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, have come to an agreement, whereby Galaxy will be cutting the fence height down to six feet for the rear lot and the lot on the opposite side of our house, as per the current by-law and the terms which were initially agreed upon when Galaxy was contracted to install the fences. (Please find attached a copy of the Contract) As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the opposite side and the rear yard fence.

Based on the above, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents and to not grant the fence height exemption.

Yours very truly,



Mario Pacitto



Filomena Pacitto



CHALDIE 416-791-0271  
CARL 416-809-1926

# Galaxy Fencing (905) 451-1663

## Work Order

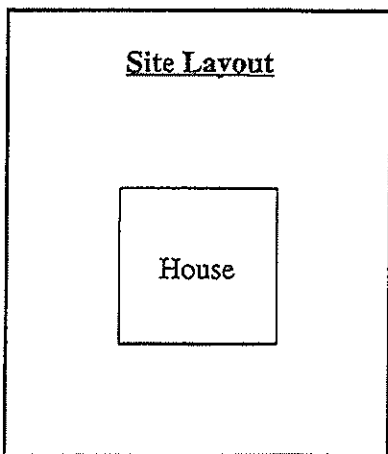
Client Name: MARIO Date: 1/9/11  
Client Address: 17  
Phone Number: \_\_\_\_\_ Alt Number: \_\_\_\_\_

Post Size: 4x4 / 5x5 / 6x6

Fence Style: Private / Alt / Lattice  
Board-on-Board / Tongue n' Grove

Height of Fence:  
3ft / 4ft / 5ft / 6ft / 7ft / 8ft

Material: PT / Cedar / Trex / WI  
Chain-Link / PVC / Snow Fence



### Quantity and Cost

Shared Feet 386 @ \$ 34 / FT = \$ 13,124.00 9724  
Unshared \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
# of Gates \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Dirt Rem. \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Fence Removal \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Extras / \_\_\_\_\_  
Notes / 2X8 SCALLOP  
FRAME

GST# 803 203 876 RT 0001

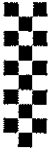
\* 25% payment due  
after post installation

Down Payment 500

/ TC = \$ 13,124.00 9724  
H.S.T. = \$ 1,706.12 1264.12  
/ TP = \$ 14,830.12 10988.12  
Total = \$ 14,830.12

Date of Completion: \_\_\_\_\_ Method of Payment: \_\_\_\_\_

Date: JEPT 1/2011 Customer Signature: [Signature]



Mr. Vittorio Ferrari and Mrs. Tuccia Ferrari  
15 Sangria Court  
Vaughan, ON L4H 0W2

May 17, 2012

**DELIVERED BY EMAIL:** Janice.heron@vaughan.ca

Enforcement Services Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

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We, Vittorio and Tuccia Ferrari, are property owners of 15 Sangria Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

We are opposed to the fence height exemption in light of the following reasons. As such, we do not feel the exemption should be granted.

At the time of installation, it was agreed between all adjoining property owners (including 25 Fiorello Court) and the fence contractor, Galaxy Fencing, that the fence would be installed at a height of six feet. Unfortunately, Galaxy Fencing installed the fence improperly as the height of the fence is beyond the agreed upon six feet and in some areas the fence is as high as eight feet from the ground.

We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

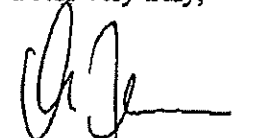
In addition, we have recently come to terms with the other adjoining property owners, Mario and Filomena Pacitto (17 Fiorello Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, whereby Galaxy will be cutting the fence height down to six feet as per the current by-law and the terms which were initially agreed upon by us when Galaxy was contracted to install the fences. As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the rear yard fence, which will be cut back down to six feet.



-2-

Based on the above, we do not feel the exemption should be granted and therefore, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents.

Yours very truly,

  
Vittorio Ferrari  
Tuccia Ferrari

## CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012

Item 41, Report No. 33, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on September 25, 2012, was dealt with by approving:

***By approving:***

*That consideration of this matter be deferred to the October 16, 2012 Committee of the Whole meeting; and*

*That the following Communications be received:*

**C15.** *Mr. Frank Torchia, Gray & Associates, Barristers & Solicitors, Zenway Boulevard, Vaughan; and*

**C17.** *Mr. Michael DeGasperi, Arista Homes, Applewood Crescent, Vaughan.*

---

**41            FENCE HEIGHT EXEMPTION – 25 AND 31 FIORELLO COURT – WARD 3**

The Committee of the Whole recommends:

- 1) That this matter be reconsidered;
- 2) That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved;
- 3) That the following resolution submitted by Councillor DeFrancesca, dated September 4, 2012, be received;
- 4) That the following deputations and Communication be received:
  1. Mr. Steve Papadopoulos, Fiorello Court, Vaughan, and photographs;
  2. Mr. Fabian Dasilva, Fiorello Court, Vaughan, and aerial maps and photographs; and
  3. Mr. Frank Torchia, Gray & Associates, on behalf of Mr. Mario Pacitto, Fiorello Court, Vaughan, and Communication C11, dated August 30, 2012; and
- 5) That the following Communications be received:
  - C6. Mr. Joey Furfari, Furfari Paving Ltd., dated August 28, 2012;
  - C7. Vittorio and Tuccia Ferrari, Sangria Court, Vaughan, dated August 28, 2012;
  - C10. Leon and Quynh Huang, Fiorello Court, Woodbridge, dated August 29, 2012;
  - C12. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012;
  - C13. Director of Legal Services, dated August 31, 2012; and
  - C14. Mr. Ron Protocky, Arista Homes, Applewood Crescent, Vaughan, dated August 31, 2012.

**Member's Resolution**

Submitted by Councillor Rosanna DeFrancesca

Whereas, the owners of 25 and 31 Fiorello Court had applied for a fence height exemption, to permit an existing rear yard wooden fence ranging in height from 6 feet to 7 feet 5 inches; and

Whereas, Council denied this request at the June 26, 2012 Council meeting (Item 41; CW Report No. 25) and

Whereas, the residents of 25 and 31 Fiorello Court were not aware that their presence would have been beneficial in order for this fence height exemption to be approved;

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012**

Item 41, CW Report No. 33 – Page 2

**It is therefore recommended:**

- 1) That this matter be reconsidered;**
- 2) That deputations be received; and**
- 3) That Council consider and approve the following:**

**That the Application for Fence Height Exemption for 25 and 31 Fiorello Court be approved.**

**Attachments**

- 1. Council Extract, Item 41, CW Report No. 25.**

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

# GRAY & ASSOCIATES

Barristers & Solicitors  
Unit 37  
111 Zenway Boulevard  
VAUGHAN, Ontario  
L4H 3H9

Telephone (905) 264-1040  
Toronto Line (416) 410-1208  
Fax (905) 264-7080

Reply to: Frank Torchia  
Assistant: Elena Tchervatiouk

September 24, 2012

DELIVERED BY EMAIL: [Jeffrey.Abrams@vaughan.ca](mailto:Jeffrey.Abrams@vaughan.ca)

URGENT

Office of the City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

C	15
Item #	41
Report No.	33
Council - Sept 25/12.	

Attention: Jeffrey A. Abrams

Dear Sir:

RE: Item 41, Report No. 25  
Committee of the Whole Hearing – June 5 and September 4, 2012  
Fence Height Exemption Application – 25 Fiorello Court, Vaughan

Further to the above-noted Application, we wish to advise you that we represent Mr. Mario Pacitto, resident of 17 Fiorello Court.

As expressed by Mr. Pacitto in his letters to Ms. Heron and the Enforcement Services Department in relation to the above referenced hearings, he is vehemently opposed to the application for the reasons set out in his letters, which are enclosed herein for your reference.

At the hearing of June 5, 2012, the Committee had recommended that the fence height application be denied and as such, Council adopted the recommendation in its meeting of June 26, 2012. Thereafter, the matter was brought back to the Committee for reconsideration on September 4, 2012 at the request of Councillor Rosanna DeFrancesca. Consequently, on September 4, 2012, the Committee voted to reverse the decision of June 5<sup>th</sup> and recommended that the application be approved.

Mr. Pacitto does not agree with the most recent recommendation put forth by the Committee and feels that the decision was based on facts that may not be entirely accurate. In particular, it was expressed by the applicant that the entire subdivision had rear yard fencing installed by the developer at a height that was significantly higher than that allowed under By-Law 80-90. In reality, this is not the case. According to measurements taken by Mr. Pacitto and as indicated by the developer in their letter to council dated August 31, 2012, the rear yard fencing complies with the by-law, save and except for any acoustical fencing, which was purposefully erected to stand at a higher level.

In addition, the portion of the fencing in the subdivision that sits above the height stipulated by the by-law was improperly installed by the same contractor hired by each of the individual home owners. As a result of the incorrect installation, the contractor has given all home owners a letter stating that he will be responsible for any corrective work, if the City requires the fence to be cut down, as per the by-law.

Mr. Pacitto would like to stress that he has approached the applicant to try and resolve the issue amicably and reasonably (as was suggested Committee members), and in doing so, he has agreed to make some concessions and have the fence remain at a maximum height of six feet (6'6") six inches. Unfortunately, the applicant is not willing to make any concessions on his part and therefore, Mr. Pacitto is forced to express his displeasure to the City.

It is only fair that if one property owner wants to make changes to a fence, which is shared with a neighbouring property owner, and the neighbouring owner does not agree with such change, the by-law should prevail, rather than the decision being thrust upon him. Moreover, to allow this decision would mean that the contractor would be relieved from any wrongdoing and the property owner would be stuck with a product that was never agreed upon namely, a higher fence.

As part of the Committee's reasoning, they expressed that their job is to make decisions and as such, they need some flexibility in the interpretation of the by-laws. Mr. Pacitto understands this and appreciates the role that the Committee plays in shaping the City's by-laws. However, this issue deals with two neighbours holding different points of view and the Committee should not be favouring one constituent in favour of the other. The result should be fair and means that the City by-law should prevail.

We hope to have conveyed to you that although this matter may seem trivial in nature, it means a great deal to Mr. Pacitto and we hope that Council will take this letter into serious consideration before adopting the recommendation.

Yours very truly,

**GRAY & ASSOCIATES**

Per:

A handwritten signature in black ink, appearing to read 'F. Torchia', written over a horizontal line.

Frank Torchia

/et

Encl.



*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.**

.../2

Mayor and Members of Council

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

Page 2

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.

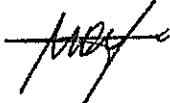
We therefore suggest that you give this matter some very serious thought, and strongly suggest that you deny the aforementioned fence height exemptions.

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

www.r-pe.ca

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,

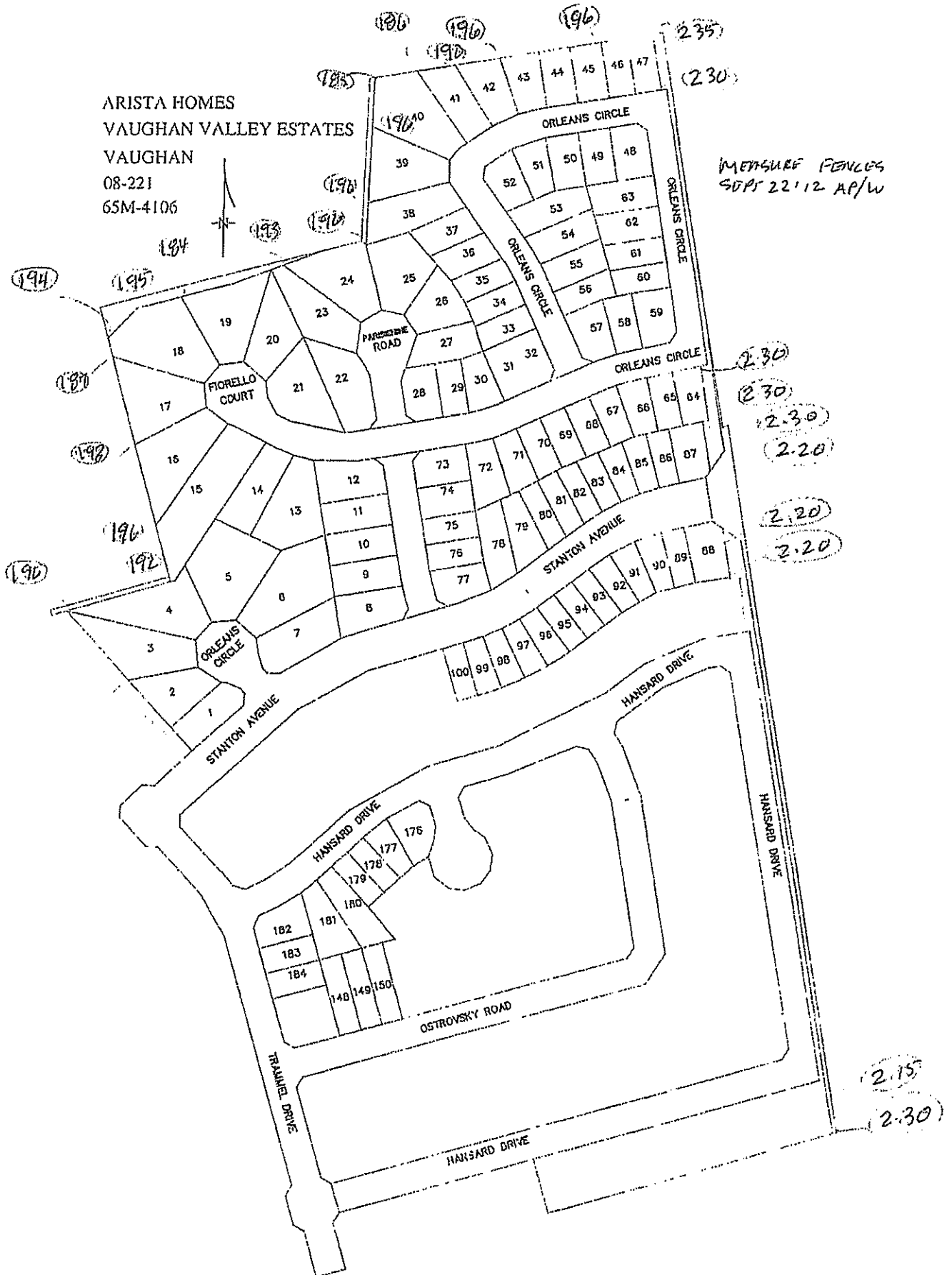
**Rady-Pentek & Edward Surveying Ltd.**

Paul Edward,  
Ontario Land Surveyor

cc: Arista Homes  
Fieldgate Developments



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

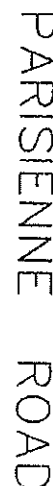


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12<sup>th</sup> FEB - 10



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

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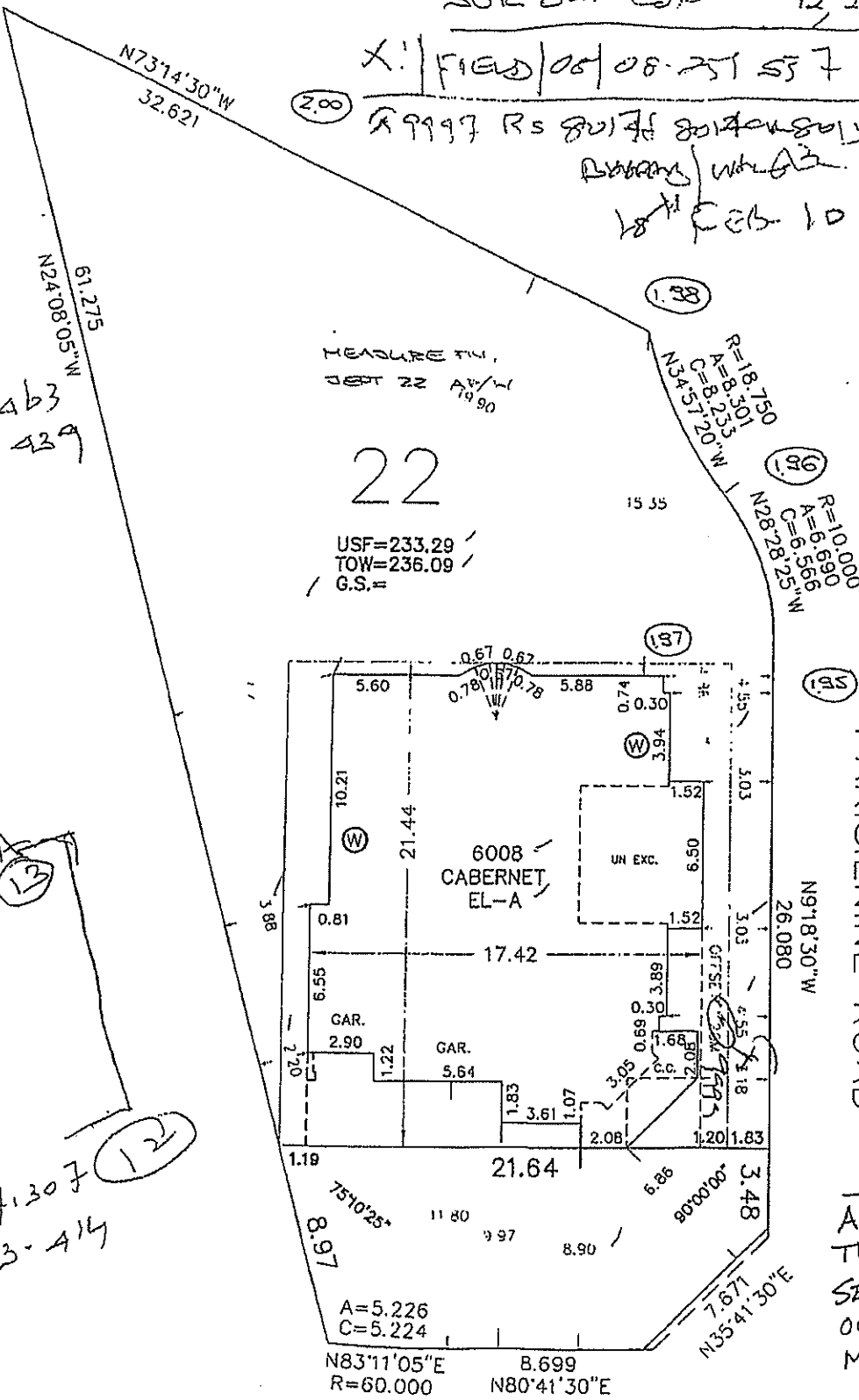
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BARRY WILKINSON

18 FEB 10



FIORELLO COURT

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THIS PAGE SHOWS		DATE		NAME	
LOT 22	PLAN 65M-4106	DEC. 21/09		CHRY	
RADY-PENTEK & EDWARD SURVEYING LTD.					
ARISTA HOMES		MS CAD	PAGE		
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VAUGHAN		LAD F-1	JOB NO		
		08-221	08-221		

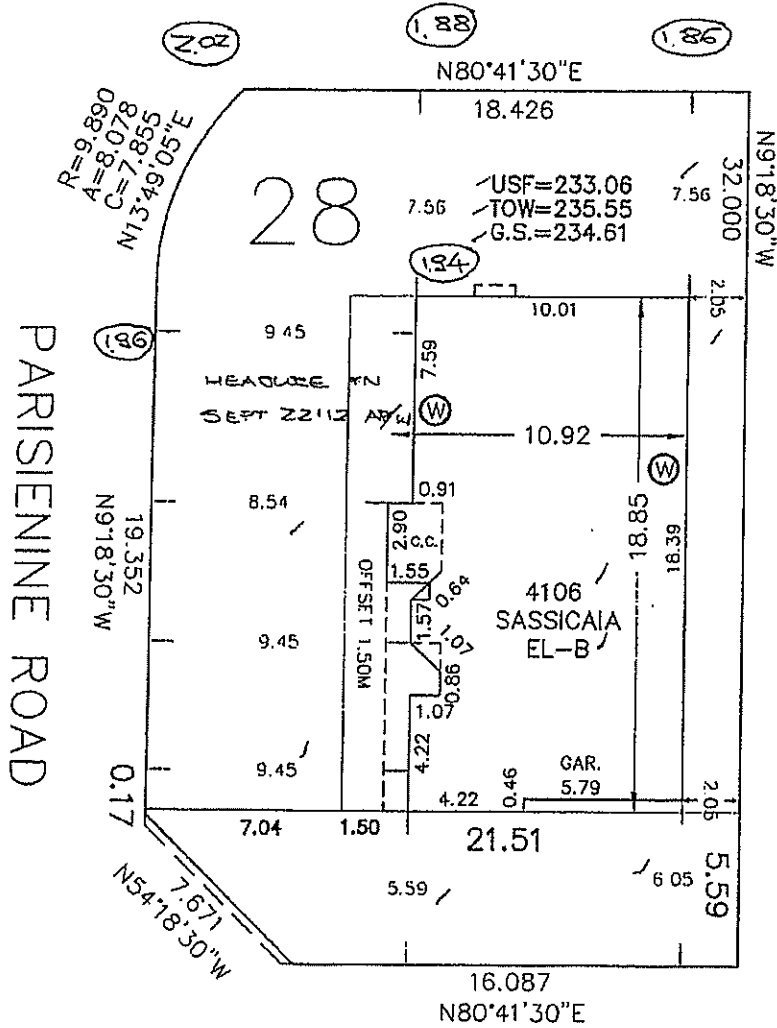
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STC on Lot 28

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SAC Lot 22

Burnaby w/ before  
18th Feb-10



17 N 157.23.35  
E 1068.253

L5  
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  
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ORLEANS CIRCLE

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LOT 28	PLAN 65M-4106	ARISTA HOMES	MS CAD FILE	PAGE
RADY-PENTEK & EDWARD SURVEYING LTD.		VAUGHAN VALLEY EST	08-221	
443 CHRISTLEA ROAD, SUITE 2, WOODBURN, ONTARIO L4L 6A2 TEL (416) 635-5800		VAUGHAN	CAD FILE	JOB NO
			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  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 2

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  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 3

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.

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Ron Protocky  
VP Construction

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

RP/mc



*Innovation in Design™*

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

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A handwritten signature in black ink, appearing to read "R. Proctocky".

Ron Proctocky  
VP Construction

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

RP/mc





*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>
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Council -	<u>Sept 25/12</u>

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

.../2

Mayor and Members of Council  
September 24<sup>th</sup>, 2012  
Page 2

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

www.r-pe.ca

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:

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COLD CREEK ESTATES**

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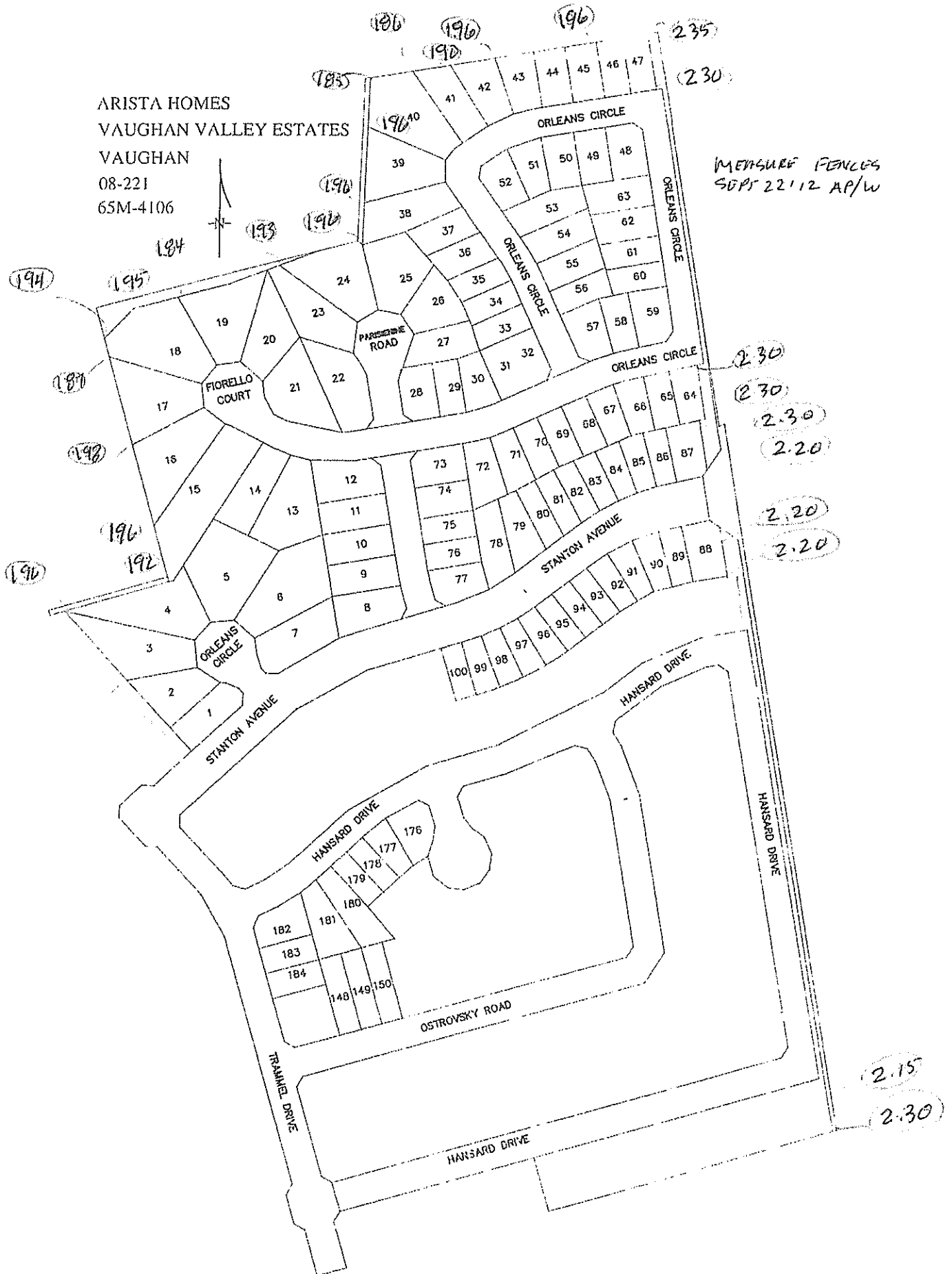
Yours truly,

**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





SUR OUT LOTS

12/22/28

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(200)

9997 RS 8017 8014 8013 8012

BARRY WILKINSON

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

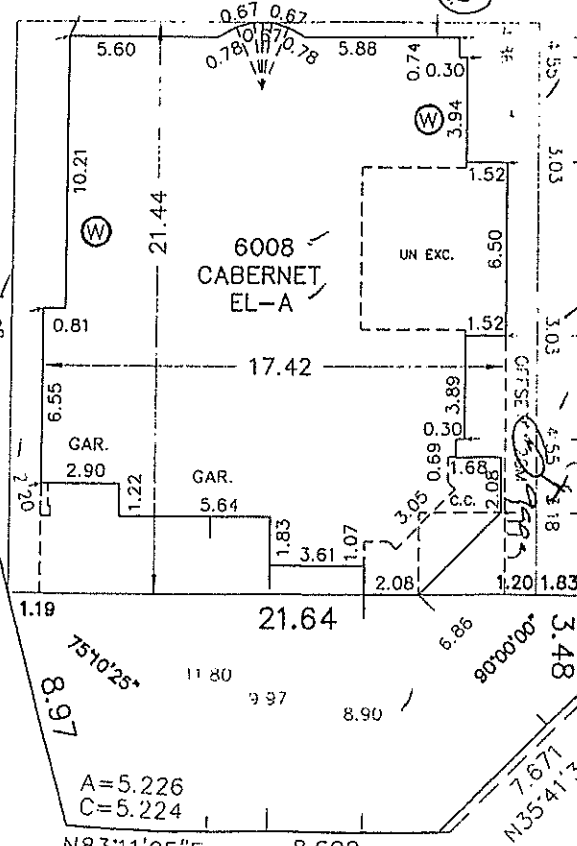
15.35

(197)

(195)

PARISIENNE ROAD

N91°18'30"W  
26.080



A=5.226  
C=5.224  
N83°11'05"E 8.699  
N80°41'30"E

FIGURE 22

NOTE:

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

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LOT 22

PLAN 65M-4106

RADY-PENTEK & EDWARD SURVEYING LTD.

ARISTA HOMES

VAUGHAN VALLEY ESI  
VAUGHAN

MS CAD FILE  
08-221

CAD FILE  
08-221

PAGE  
1

JOB NO  
08-221

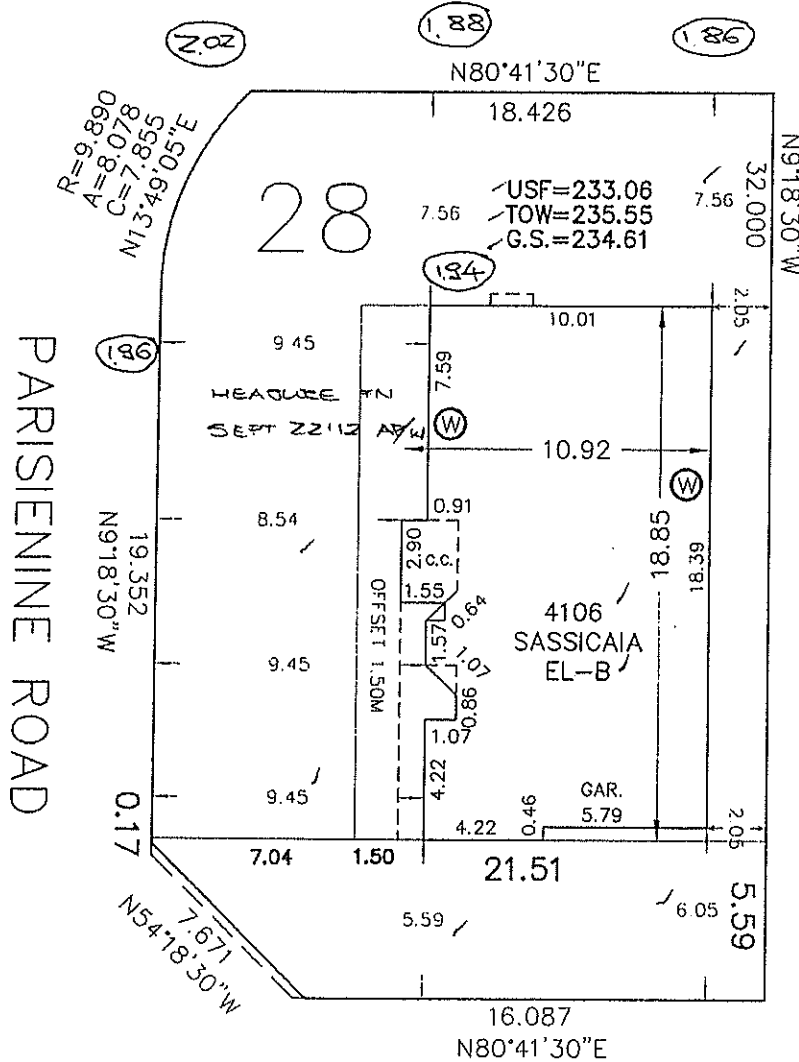
Site on Lot 28

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

16 N 1516.904  
E 1068.740

15 N 1510.543  
E 1069.777

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ORLEANS CIRCLE

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

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Fence Height Exemption  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 2

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Fence Height Exemption  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 3

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Ron Protocky  
VP Construction

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

RP/mc



*Innovation in Design™*

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**

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Ron Proctock  
VP Construction

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

RP/mc

**Fernandes, Sybil**

**C 6**  
**COMMUNICATION**

**From:** Joey Furfari <Joey@furfaripaving.ca>  
**Sent:** Tuesday, August 28, 2012 10:12 AM  
**To:** Clerks@vaughan.ca  
**Cc:** Heron, Janice; Frank Suppa; DeFrancesca, Rosanna; Mary Furfari  
**Subject:** Council meeting Sept 4, 2012 fence exemption 25 & 31 Fiorello court  
**Attachments:** photo.JPG; ATT00001.txt

CW - Sept 4 | 12

ITEM - 41

To Whom It May Concern:

It is my understanding that on September 4, 2012, council will hear comments on the fence height exemption at addresses # 25 & 31 Fiorello court.

I would like my comments to be heard at the said council meeting.

I reside at 165 Greenbrooke Dr. of which both properties # 25 & 31 Fiorello court back onto my property. Both properties in question have raised decks which occupy their whole backyards. The said decks which are hard surfaced are at the same grade as the top of the fence bordering the properties. ( if one was standing on their deck, their feet would be at the same height as the top of the fence) That being said, the fences that have been installed do absolutely nothing but border the property. Any privacy we once had has been eliminated. Fences built out of wood such as those installed typically act as a noise barrier as well, however due to the height of the patios, noise travels and therefore; we have lost that bit of privacy as well. My lot is 250 feet wide and I can hear my neighbours having a normal conversation from 200 feet away. Both, my family and the neighbours have complete visual of each other's yards. I can literally see their ankles from my lot because the decks have been built too high! The fence height should "NOT" be lowered, as a matter of fact it should be raised to give us some type of privacy.

I have attached a photo which illustrates the sightline of a person 5 foot 7 inches tall walking on my walkway which is about 3 meters from the fence.

You will notice that there whole yard is visible and the deck is at the same height as the top of the fence. I cannot understand how the City allowed the decks/patios to be built at that height.

The height of the fences are not the issue here, the height of the decks are. Unfortunately; nothing can be done about the decks at this point, however, something can be done about the height of the fence. I hope council makes the right decision and allows the fence height to remain. I will definitely be putting forth an application to raise the fences higher which border my property as my family will not be forced to suffer any longer due to the issues at hand which are beyond our control.

Please take the time to review the photo attached to understand the adverse impact the heights of the fence have on my property.

If you have any questions regarding the above, do not hesitate to contact me.

I would like the opportunity to speak before council on September 4, 2012. Please advise on timing at your earliest convenience.

Sincerely

Joey Furfari  
Furfari Paving Ltd.

2751 Markham Rd.  
Scarborough, Ontario M1X 1M4  
o: 416.293.1369 | f: 416.293.3007 | e: [JoeyFurfari@bellnet.ca](mailto:JoeyFurfari@bellnet.ca)

-----Original Message-----

From: Joey Furfari  
Sent: Monday, August 27, 2012 10:11 AM  
To: Joey Furfari  
Subject: Fiorelli crt



August 28, 2012

Attention: City Clerk

Clerks Department

Fax: 905-832-8535

RE: REQUEST FOR FENCE HEIGHT EXEMPTION

25 & 31 Fiorello Court

C 7
COMMUNICATION
CW - <u>Sept 4/12</u>
ITEM - <u>41</u>

In response to your letter dated August 24, 2012 in regards to REQUEST FOR FENCE HEIGHT EXEMPTION which was denied at the Council Meeting of June 26, 2012, We Vittorio and Tuccia Ferrari are property owners of 15 Sangria Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

We are still **STRONGLY OPPOSED** to the fence height exemption and still do not feel the exemption should be granted.

At the time of installation, it was agreed between all adjoining property owners including 25 Fiorello Court and the fence contractor, Galaxy Fencing, that the fence would be installed at a height of six feet in accordance to the current fence By-Law 80-90.

Please note that the fence contractor, Galaxy Fencing has agreed to cut down the fence height to six feet according to the terms of the contract which was initially agreed upon by all property owners involved.

It is our belief that the owners of both 25 & 31 Fiorello Crt requested a higher fence height without our knowledge at the time to accommodate the fact that they lifted the grades of their properties after some extensive construction in their backyards including in-ground pools that were built partially above ground therefore requiring extra fence height for their privacy and selfish reasons.

Based on the above, we do not feel the exemption should be granted and therefore, we are appealing to the City of Vaughan and the Committee of the Whole, to enforce the current by-law and act in the best interests of the current and future residents.

Yours very truly,

  
Vittorio Ferrari  
Tuccia Ferrari

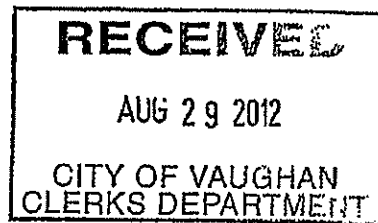
15 Sangria Court



8/28/2012

From: Vittorio & Tuccia Ferrari  
Phone: 905-850-0724  
Fax: 905-605-1729

To: City Clerk, City of Vaughan  
Phone:  
Fax: 905-832-8535



**Comments:**

Response to Letter dated August 24, 2012 RE: REQUEST FOR FENCE HEIGHT EXEMPTION

25 & 31 Fiorello Court

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



► Fax

CIO
COMMUNICATION
CW - <u>Sept 4/12</u>
ITEM - <u>41</u>

From: Leon Huang  
Date: August 29, 2012

To: City Clerk, Enforcement Services Department, City of Vaughan

Fax: 905-832-8535

**Comments:**

Response to letter dated August 24, 2012

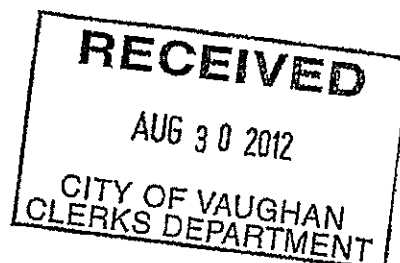
RE: REQUEST FOR FENCE HEIGHT EXEMPTION (25 & 31 Fiorello Court)

We, Leon and Quynh Huang of 11 Fiorello Court are responding to the letter issued by the City of Vaughan Enforcement Services. Our contract with Galaxy Fence stated that the fence height would be 6 feet high. Understanding the grading of the land, some fence height might be higher. In the case where the fence is 7 feet or more, we would like those fence panels reduced to no more that 6 feet 5 inches. As long as it is in keeping with the by-law for fence height,

Thank you,

Leon and Quynh Huang

11 Fiorello Court, Woodbridge, L4H 0V4



☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Mr. Mario Pacitto  
17 Fiorello Court  
Vaughan, ON L4H 0V4

August 30, 2012

DELIVERED BY EMAIL: Janice.heron@vaughan.ca

Enforcement Services Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Reconsideration for a Request for Fence Height Exemption – 25 Fiorello Court, Vaughan  
Application Denied by Council – June 26, 2012

---

We acknowledge receipt of your letter dated August 24, 2012, with respect to the City's reconsideration of the above noted application.

As per our previous letter, which was submitted on May 16, 2012 in opposition to the aforementioned application (see attached), we are once again, writing to voice our opposition to the application. In particular, we are confused as to why there should be a reconsideration of the application given that we have not been notified of the particulars of the additional information, which forms the basis for the reconsideration.

As such, we oppose the fence height exemption for the same reasons highlighted in our letter of May 16<sup>th</sup>. In addition, we wish to advise you that we are currently in the process of having the fencing contractor return to our property to correct the issue with the height of the fence and would appreciate it if Council would stand behind their decision of June 26, 2012 so that we can have the issue corrected.

Thank you.

Yours very truly,



Mario Pacitto

Mr. Mario Pacitto and Mrs. Filomena Pacitto  
17 Fiorello Court  
Vaughan, ON L4H 0V4

May 16, 2012

**DELIVERED BY EMAIL:** Janice.heron@vaughan.ca

Enforcement Services Department  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Attention: Janice Heron

Dear Madam:

RE: Request for Fence Height Exemption – 25 Fiorello Court, Vaughan

---

We, Mario and Filomena Pacitto, are property owners of 17 Fiorello Court and as such, adjoining neighbours to 25 Fiorello Court, the subject property of the above noted exemption request.

As adjoining property owners, we oppose the fence height exemption and would like to voice our concerns with the request for the proposed fence height exemption at 25 Fiorello Court.

At the time we contracted with Galaxy Fencing to complete the fence, all adjoining property owners, including the owners of 25 Fiorello Court agreed that the fence height for all properties would be six feet, as is stipulated in the contract with Galaxy. Unfortunately, at the time the fence was installed we were out of the country and were unable to voice our displeasure with the manner in which the fence was installed by Galaxy, in particular, the height of the fence. However, upon our return, we immediately notified all of our adjoining neighbours as well as Galaxy, that the fence was not completed properly due to the increased height of the fence.


Our concern is that the space between our side yard and that of 25 Fiorello Court is very narrow and to construct a fence that is greater than six feet, which is the maximum height under the current by-law, only makes matters worse, as the space feels very dark and enclosed. Furthermore, since our house is the smallest house of all the surrounding lots and is also a bungalow, the increased fence height makes our lot appear even smaller.

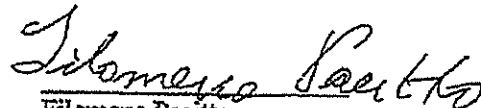
We feel that the current fence By-Law 80-90, was created to ensure uniformity amongst property owners and serves as a basis for architectural control. If the height of the fence is raised it will not only change the appearance of our house but it will change the visible appearance and feeling of the streetscape. We do not feel it is appropriate to have an exemption granted if we are not in agreement as the fence clearly affects the both of us equally. As such, it is only fair to enforce the current by-law so that all property owners are treated fairly.

In addition, we would like to advise you that all of the affected property owners namely, Vittorio and Tuccia Ferrari (15 Sangria Court), and the property owner of 11 Fiorello Court, as well as the fence contractor, Galaxy Fencing, have come to an agreement, whereby Galaxy will be cutting the fence height down to six feet for the rear lot and the lot on the opposite side of our house, as per the current by-law and the terms which were initially agreed upon when Galaxy was contracted to install the fences. (Please find attached a copy of the Contract) As a result, we are appealing the request for a fence height exemption as this would result in us having a higher fence on one side of our house when compared to the opposite side and the rear yard fence.

Based on the above, we are appealing to the Corporation of the City of Vaughan and the Committee of The Whole, to enforce the current by-law and act in the best interests of the current and future residents and to not grant the fence height exemption.

Yours very truly,

  
Mario Pacitto

  
Filomena Pacitto



CHALDIR 416-791-0271  
CARLOS 416-809-1926

# Galaxy Fencing (905) 451-1663

## Work Order

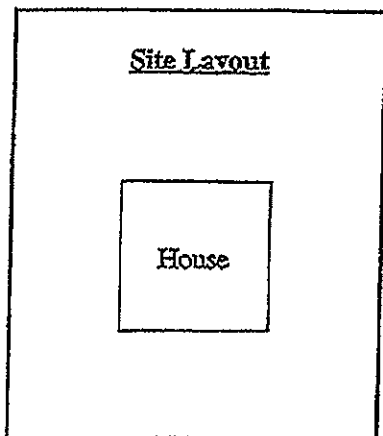
Client Name: MARIO Date: 1/9/11  
Client Address: 17  
Phone Number: \_\_\_\_\_ Alt Number: \_\_\_\_\_

Post Size: 4x4 / 5x5 / 6x6

Fence Style: Private / Alt / Lattice  
Board-on-Board / Tongue n' Grove

Height of Fence:  
3ft / 4ft / 5ft / 6ft / 7ft / 8ft

Material: PT / Cedar / Trex / WI  
Chain-Link / PVC / Snow Fence



### Quantity and Cost

Shared Feet 385 @ \$ 34 / FT = \$ 13,124.00 9724  
Unshared \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
# of Gates \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Dirt Rem. \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Fence Removal \_\_\_\_\_ @ \$ \_\_\_\_\_ / FT = \$ \_\_\_\_\_  
Extras / \_\_\_\_\_  
Notes / 2x8 SCALLOP  
FRAME

GST# 803 203 876 RT 0001

25% payment due  
after post installation

Down Payment 500

/ TC = \$ 13,124.00 9724  
H.S.T. = \$ 1,706.12 1264.12  
/ TP = \$ 14,830.12 10788.12  
Total = \$ 14,830.12

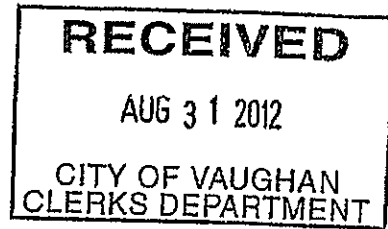
Date of Completion: \_\_\_\_\_ Method of Payment: \_\_\_\_\_

Date: SEPT 1/2011 Customer Signature: [Signature]



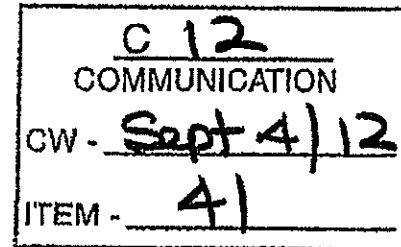
*Innovation in Design™*

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.

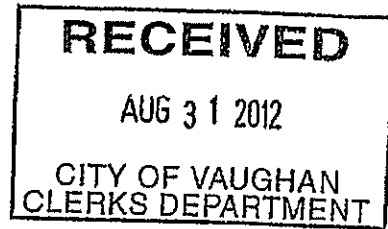
Section 7.6 of the Block 40 south Architectural Design Guidelines deals with corner lot privacy fencing and stipulates a maximum height of 6' or 1.8m. Also, as you know the City's current fence By-Law 80-90 stipulates the same maximum height.

.../2



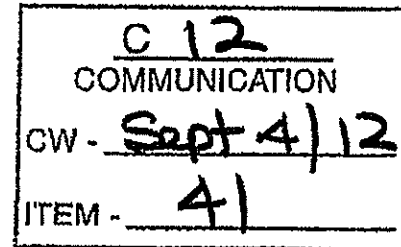
*Innovation in Design™*

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**

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.../2

Fence Height Exemption  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 2

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.

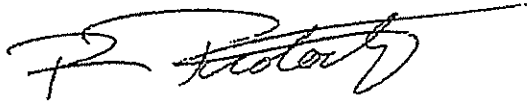
.../3



Fence Height Exemption  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 3

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.**

A handwritten signature in black ink, appearing to read 'R. Protocky', with a long horizontal line extending from the end of the signature.

Ron Protocky  
VP Construction

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

RP/mc




## memorandum

DATE: August 31, 2012  
TO: Mayor and Members of Council  
FROM: Heather A. Wilson  
Director of Legal Services  
RE: Item 41, Committee of the Whole September 4, 2012  
Fence Height Exemption  
25 and 31 Fiorello Court  
Ward 3

---

C 13
COMMUNICATION
CW - Sept 4/12
ITEM - 41

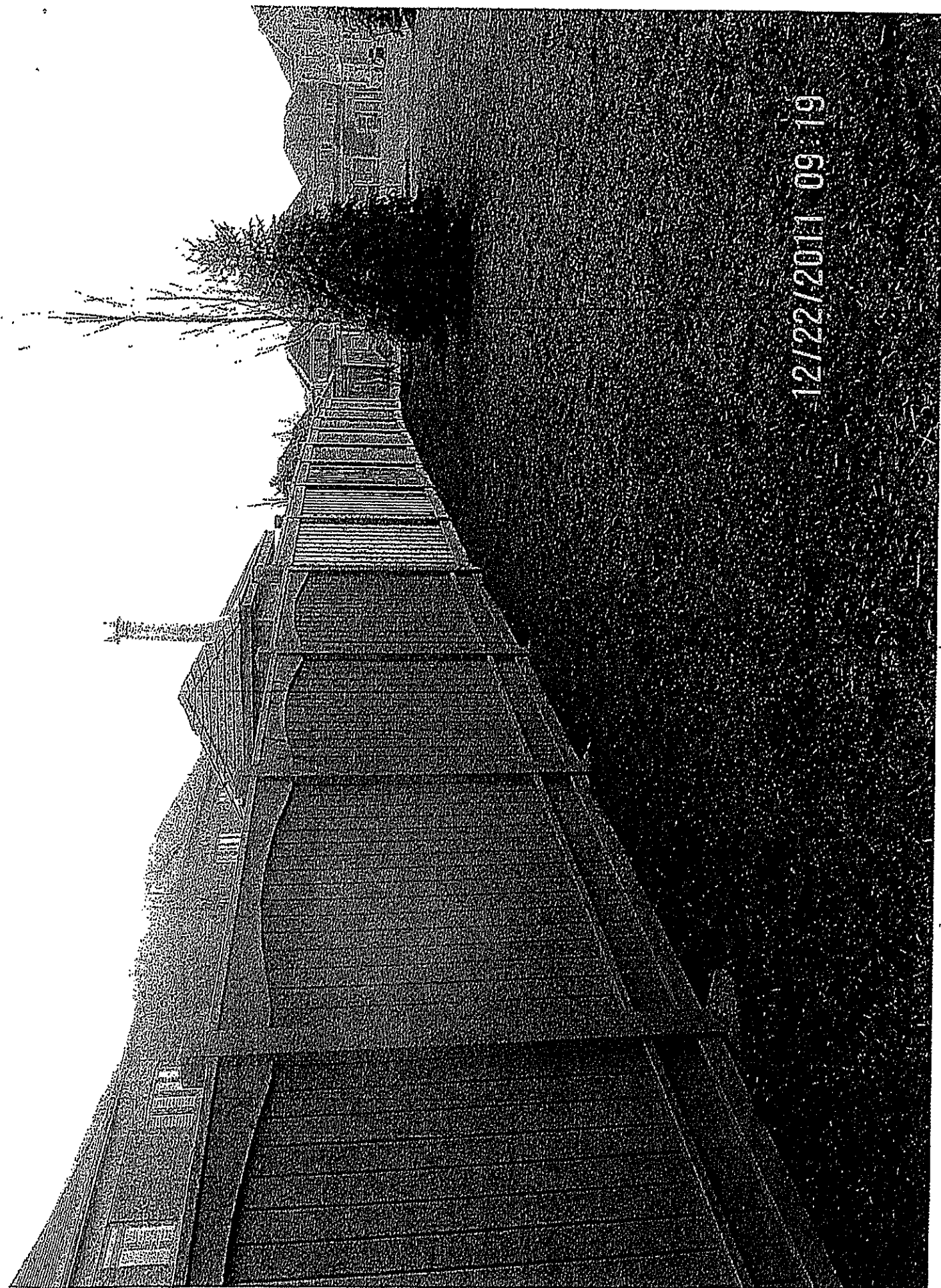
Attached are photographs forwarded on June 6, 2012 showing the fences which are being recirculated for the above matter.

  
Heather A. Wilson  
Director of Legal Services

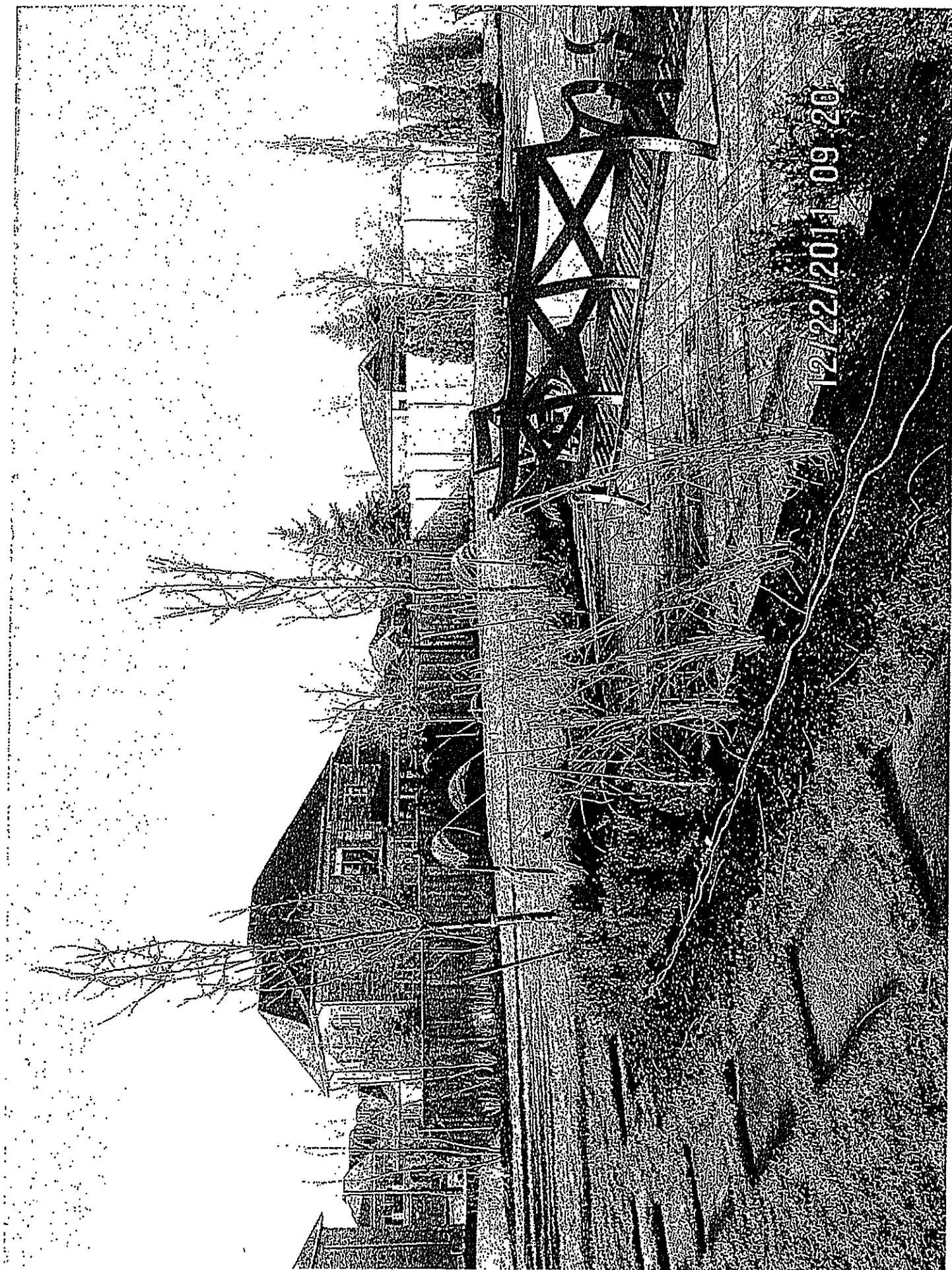
HAW/gg

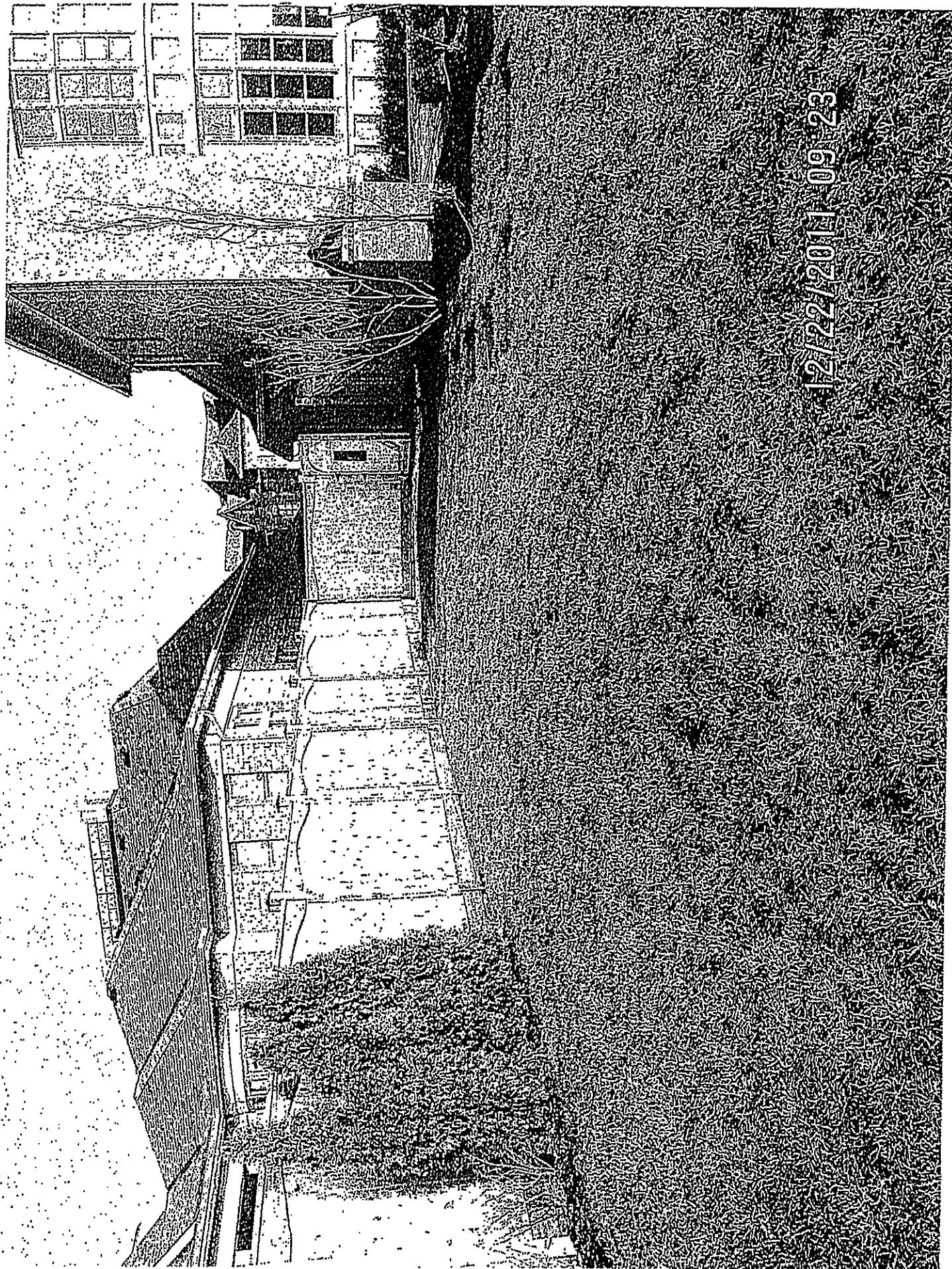
Copy to: Clayton D. Harris  
City Manager

11 7 108-210 475,

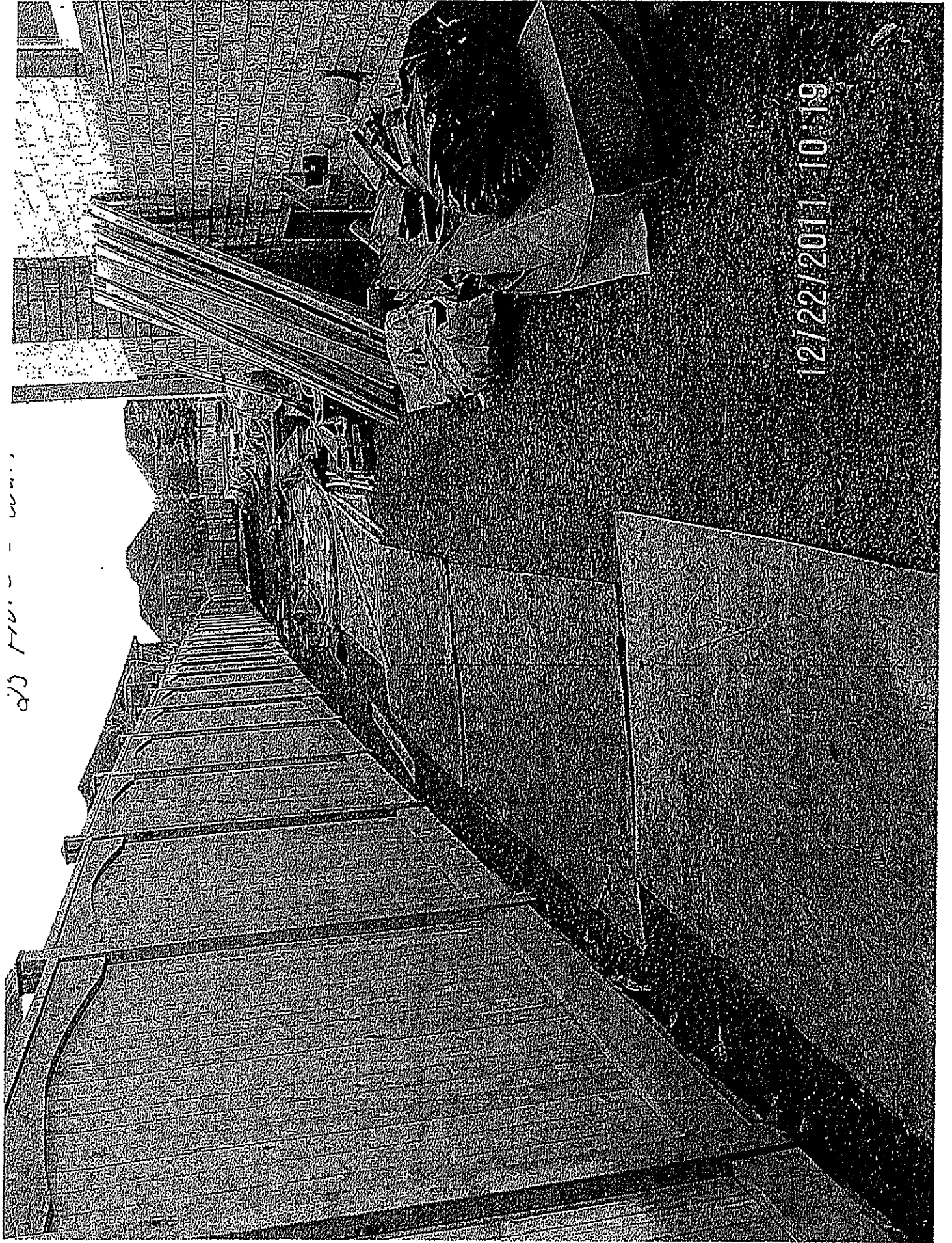


12/22/2011 09:19









12/22/2011 10:19

2/3 100 - 1000

0'5 X 10'10" COIL

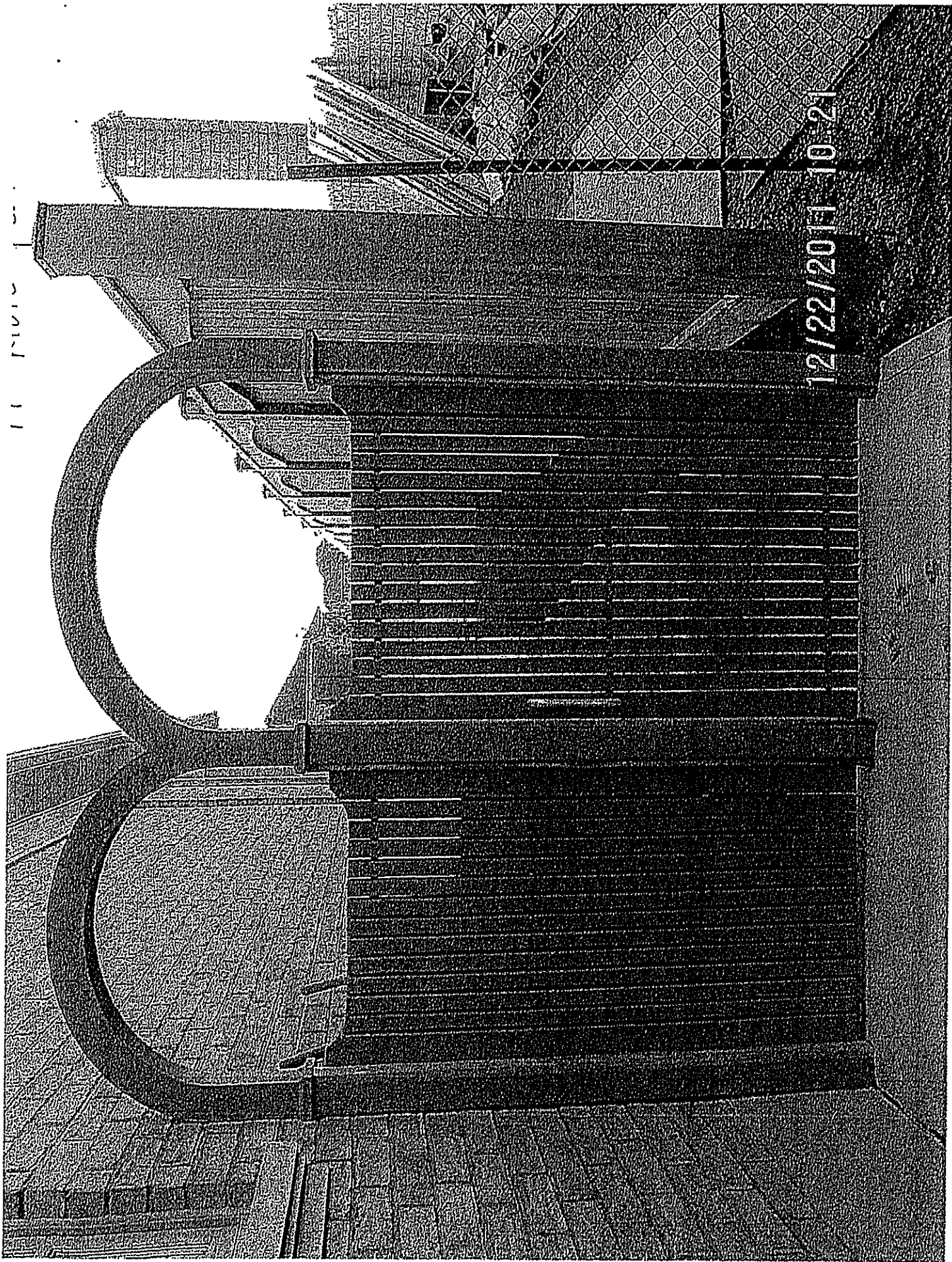
12/22/2011 10:19

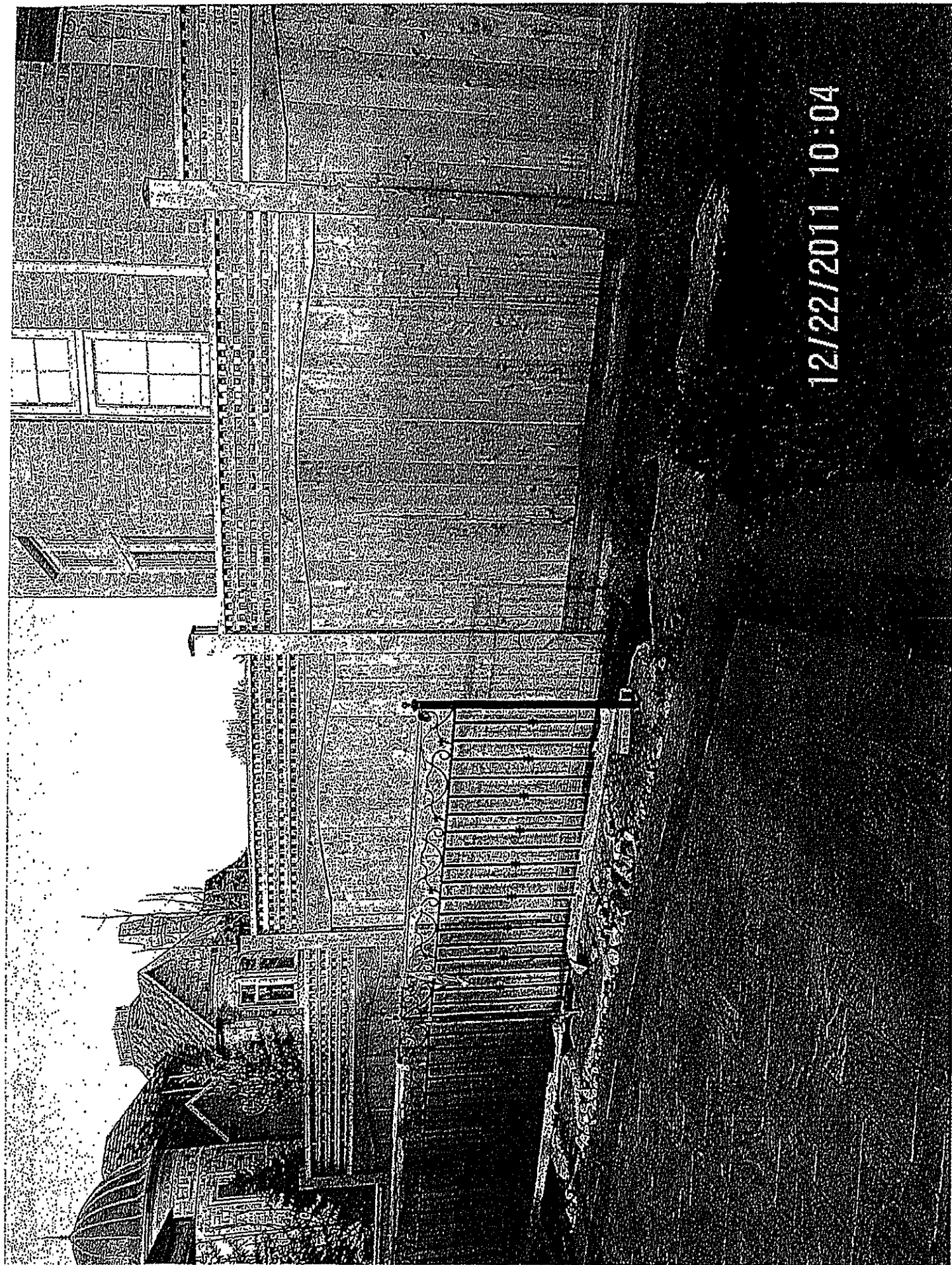
17 Fiorello Court



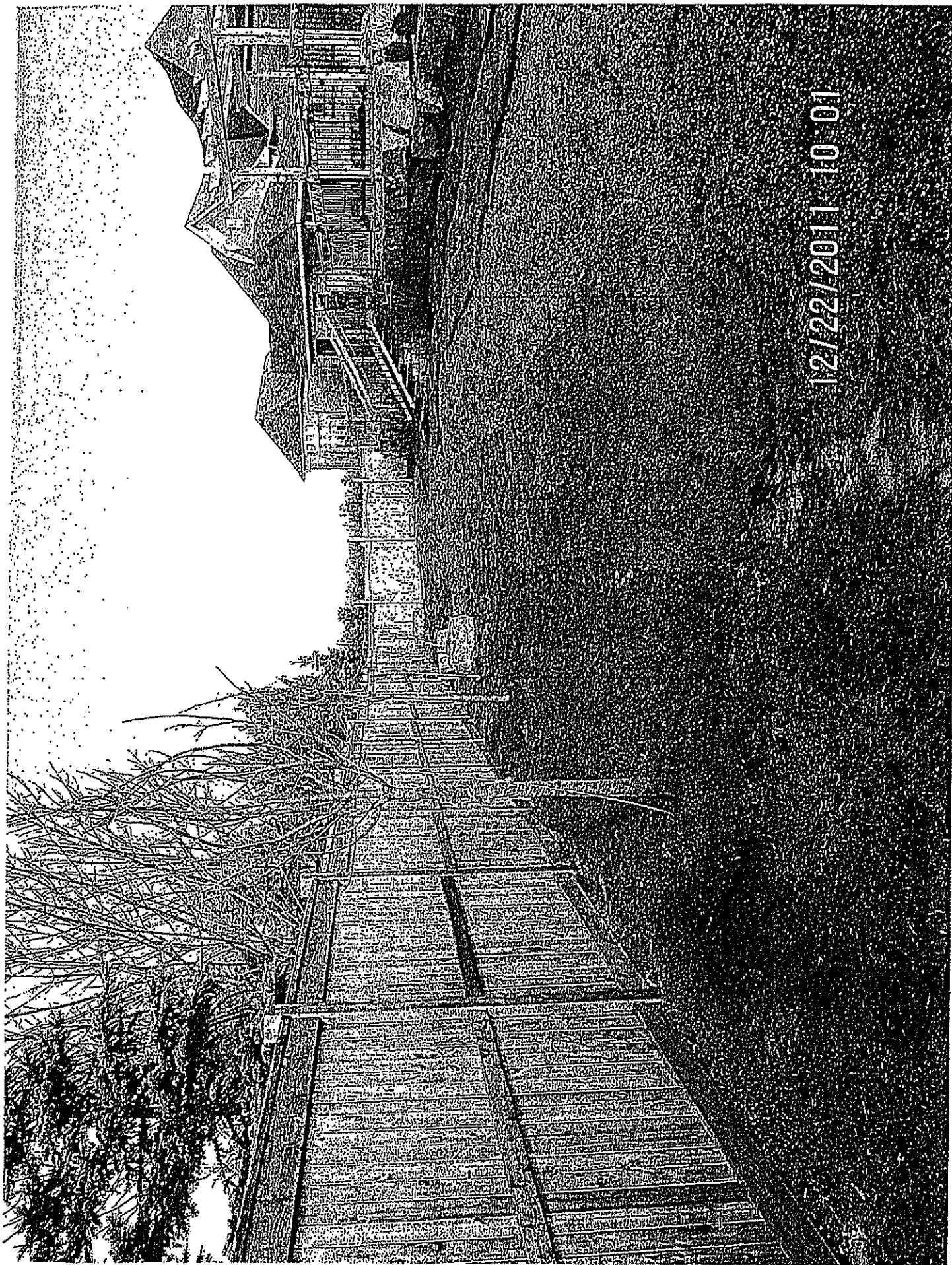
12/22/2011 10:28







12/22/2011 10:04



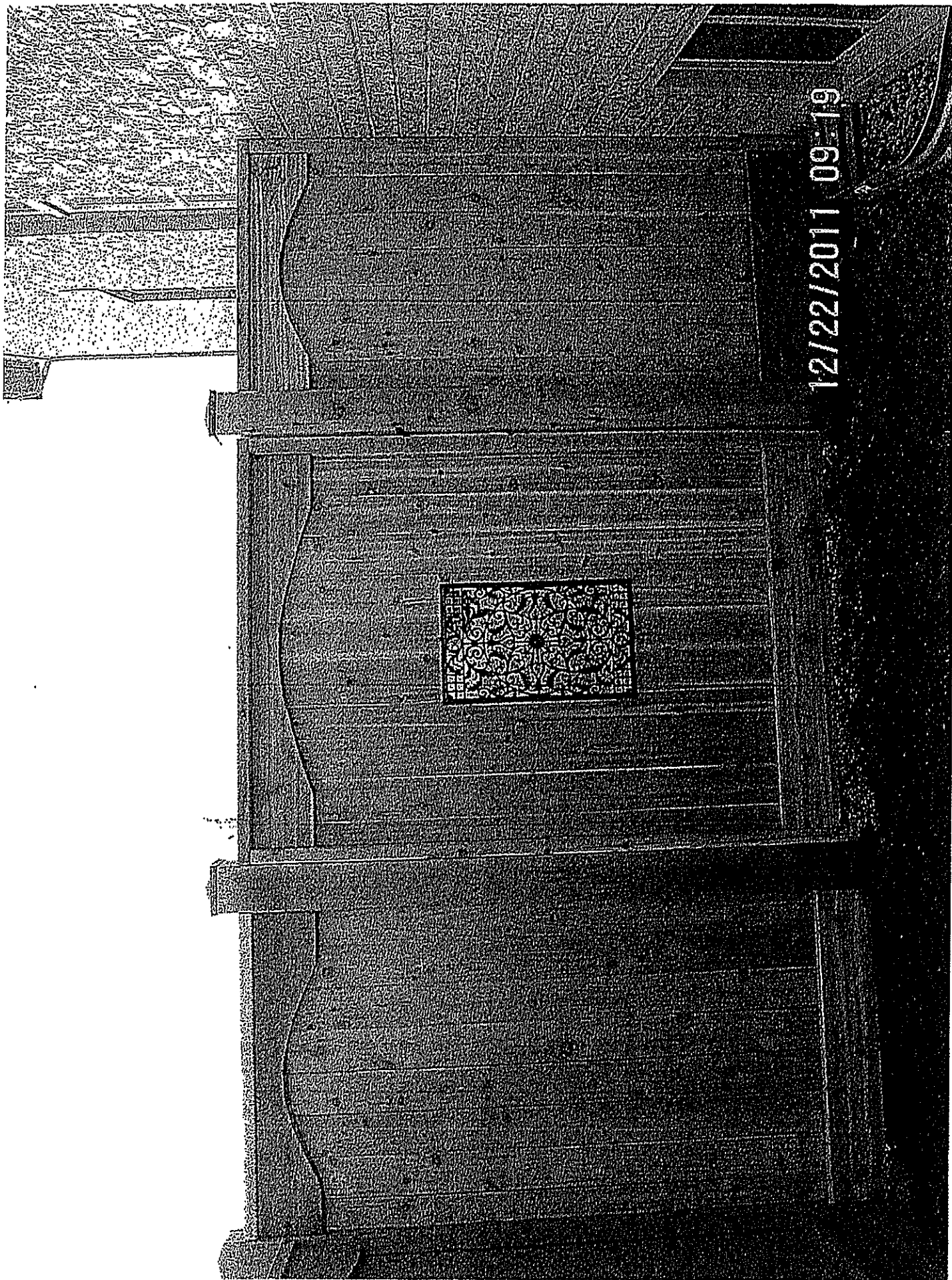
12/22/2011 10:01





12/22/2011 10:01





12/22/2011 09:19



*Innovation in Design*

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.

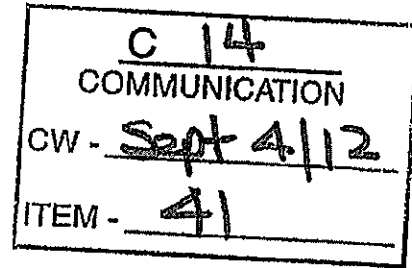
Please adjust your records accordingly and accept my apologies for this error.

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

Ron Protocky  
VP Construction

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

RP/mc





# GRAY & ASSOCIATES

*Barristers & Solicitors*  
Unit 37  
111 Zenway Boulevard  
VAUGHAN, Ontario  
L4H 3H9

*Telephone (905) 264-1040*  
*Toronto Line (416) 410-1208*  
*Fax (905) 264-7080*

*Reply to: Frank Torchia*  
*Assistant: Elena Tchervatiouk*

September 24, 2012

**DELIVERED BY EMAIL:** [Jeffrey.Abrams@vaughan.ca](mailto:Jeffrey.Abrams@vaughan.ca)

**URGENT**

Office of the City Clerk  
City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

C	15
Item #	41
Report No.	33
Council - Sept 25/12.	

Attention: Jeffrey A. Abrams

Dear Sir:

RE: Item 41, Report No. 25  
Committee of the Whole Hearing – June 5 and September 4, 2012  
Fence Height Exemption Application – 25 Fiorello Court, Vaughan

---

Further to the above-noted Application, we wish to advise you that we represent Mr. Mario Pacitto, resident of 17 Fiorello Court.

As expressed by Mr. Pacitto in his letters to Ms. Heron and the Enforcement Services Department in relation to the above referenced hearings, he is vehemently opposed to the application for the reasons set out in his letters, which are enclosed herein for your reference.

At the hearing of June 5, 2012, the Committee had recommended that the fence height application be denied and as such, Council adopted the recommendation in its meeting of June 26, 2012. Thereafter, the matter was brought back to the Committee for reconsideration on September 4, 2012 at the request of Councillor Rosanna DeFrancesca. Consequently, on September 4, 2012, the Committee voted to reverse the decision of June 5<sup>th</sup> and recommended that the application be approved.

Mr. Pacitto does not agree with the most recent recommendation put forth by the Committee and feels that the decision was based on facts that may not be entirely accurate. In particular, it was expressed by the applicant that the entire subdivision had rear yard fencing installed by the developer at a height that was significantly higher than that allowed under By-Law 80-90. In reality, this is not the case. According to measurements taken by Mr. Pacitto and as indicated by the developer in their letter to council dated August 31, 2012, the rear yard fencing complies with the by-law, save and except for any acoustical fencing, which was purposefully erected to stand at a higher level.



In addition, the portion of the fencing in the subdivision that sits above the height stipulated by the by-law was improperly installed by the same contractor hired by each of the individual home owners. As a result of the incorrect installation, the contractor has given all home owners a letter stating that he will be responsible for any corrective work, if the City requires the fence to be cut down, as per the by-law.

Mr. Pacitto would like to stress that he has approached the applicant to try and resolve the issue amicably and reasonably (as was suggested Committee members), and in doing so, he has agreed to make some concessions and have the fence remain at a maximum height of six feet (6'6") six inches. Unfortunately, the applicant is not willing to make any concessions on his part and therefore, Mr. Pacitto is forced to express his displeasure to the City.

It is only fair that if one property owner wants to make changes to a fence, which is shared with a neighbouring property owner, and the neighbouring owner does not agree with such change, the by-law should prevail, rather than the decision being thrust upon him. Moreover, to allow this decision would mean that the contractor would be relieved from any wrongdoing and the property owner would be stuck with a product that was never agreed upon namely, a higher fence.

As part of the Committee's reasoning, they expressed that their job is to make decisions and as such, they need some flexibility in the interpretation of the by-laws. Mr. Pacitto understands this and appreciates the role that the Committee plays in shaping the City's by-laws. However, this issue deals with two neighbours holding different points of view and the Committee should not be favouring one constituent in favour of the other. The result should be fair and means that the City by-law should prevail.

We hope to have conveyed to you that although this matter may seem trivial in nature, it means a great deal to Mr. Pacitto and we hope that Council will take this letter into serious consideration before adopting the recommendation.

Yours very truly,

**GRAY & ASSOCIATES**

Per:

A handwritten signature in dark ink, appearing to read 'F. Torchia', written over a horizontal line.

Frank Torchia

/et

Encl.



*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.**

.../2

Mayor and Members of Council  
September 24<sup>th</sup>, 2012  
Page 2

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

www.r-pe.ca

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.

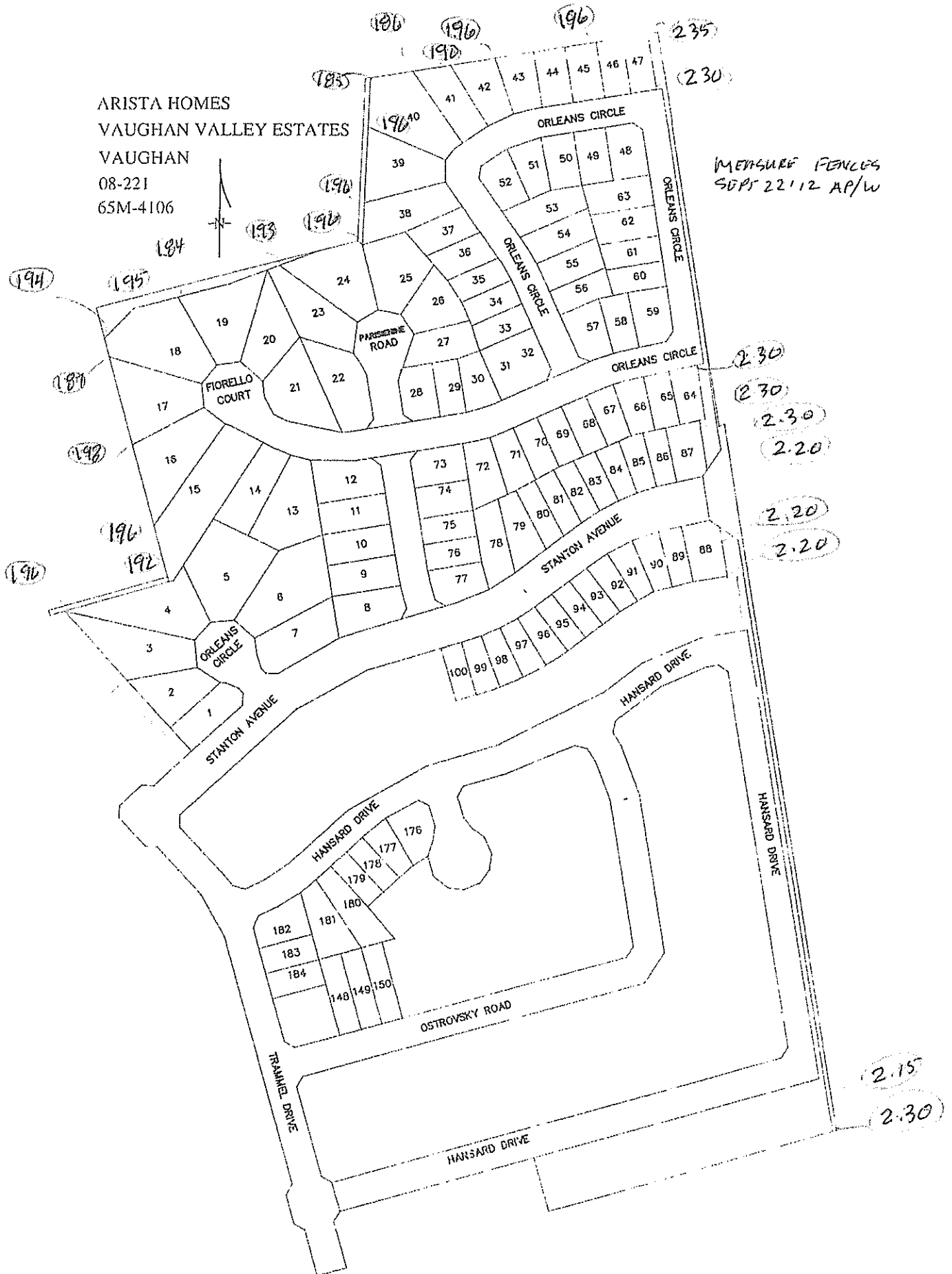
Yours truly,

**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



SOK auf Lot 12

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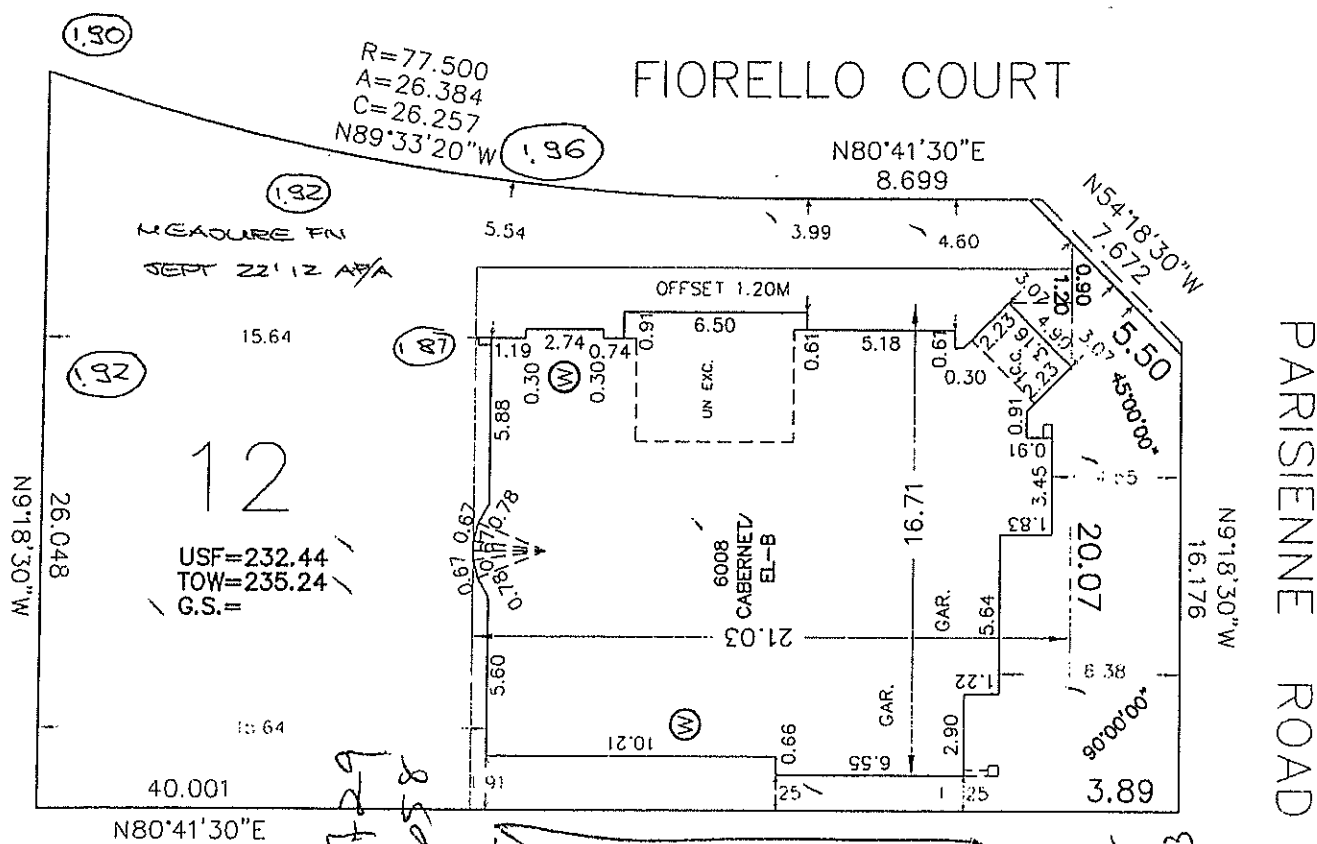
XI | SÖB | OS | OS. 25T ST7

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sab Los 22

Babaroz / Wagner

18k Feb - 10



NOTE:

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

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THIS PAGE SHOWS		ARISTA HOMES	MS CAD FILE 08-221	PAGE
LOT 12	PLAN 65M-4106	VAUGHAN FILE / LST	CAD FILE	JOB LOG
RADY-PENTEK & EDWARD SURVEYING LTD.		VAUGHAN	08-221	08-221
613 CHERRILL ROAD SUITE 7, WOODBRIDGE, ONTARIO L4L 8A3 TEL: (416) 635-5000				

	DATE	NAME
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CALCS	DEC 21/05	JARY
CHECK		
STAKE OUT		
FOOTINGS		
NOTE FINAL		
FIELD FINAL		

SUR OUT LOTS

12/22/28

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(200)

9997 RS 8017 8014 8013 8012

BARRY W. A. 2

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

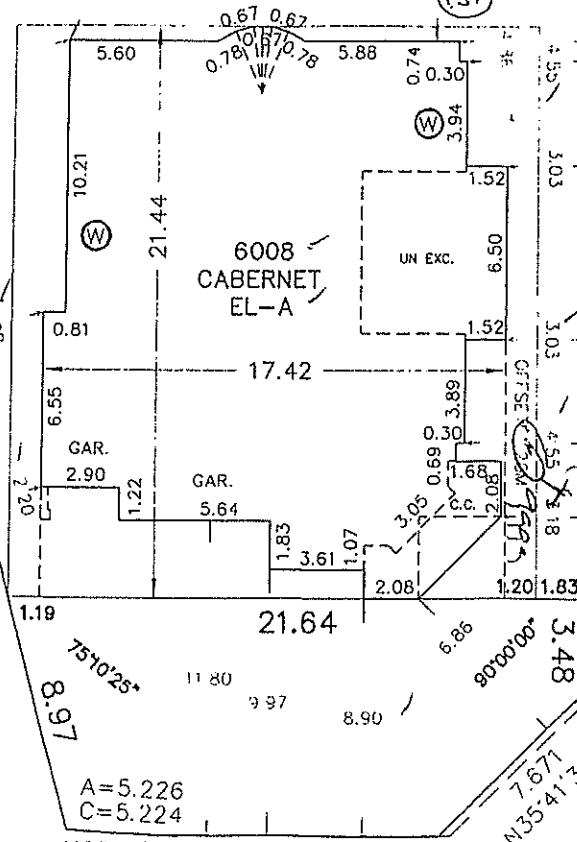
15.35

(197)

(195)

PARISIENNE ROAD

N91°18'30"W  
26.080



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

FIORELLO COURT

NOTE:

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

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LOT 22

PLAN 65M-4106

RADY-PENTEK & EDWARD SURVEYING LTD.

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ARISTA  
HOMES

VAUGHAN VALLEY 551  
VAUGHAN

MS CAD  
FILE

08-221

CAD FILE  
08-221

PAGE  
1

JOB NO  
08-221

DATE	NAME
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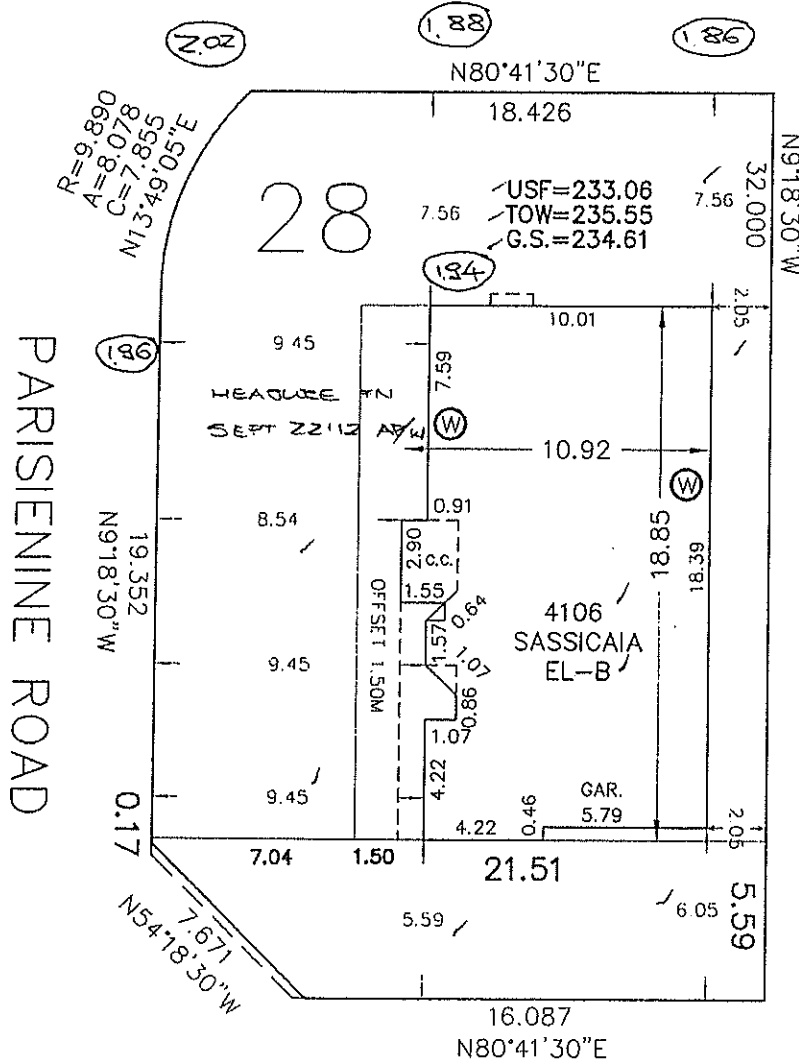
Site on Lot 28

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

L5  
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

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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  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 2

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.

.../3

Fence Height Exemption  
City of Vaughan  
August 31<sup>st</sup>, 2012  
Page 3

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



*Innovation in Design™*

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