



Town of Newmarket

Minutes

Appeal Committee

Date: Tuesday, March 5, 2019
Time: 3:00 PM
Location: Cane Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Andrew Cox, Chair
Darryl Gray
Keith Saunders

Staff Present: L. Lyons, Acting Commissioner of Corporate Services
K. Saini, Acting Director of Legislative Services/Town Clerk
L. Long, Supervisor of Bylaw Enforcement
J. Grossi, Legislative Coordinator, Recording Secretary

Parties: Warren Cimarno, Other Party
Wendy Cimarno, Other Party
Erroll Knight, Applicant
Joanne Knight, Applicant

The meeting was called to order at 3:00 PM.
Andrew Cox in the Chair.

1. Note

Should the Applicant or the Other Party fail to attend the hearing, it will proceed in the absence of that person. In addition, that person will not be entitled to any further notice in the proceeding.

2. Additions & Corrections to the Agenda

None.

3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

4. Fence-viewing Application

4.1 Introduction

The Chair introduced the Members of the Committee, Staff, the Applicant and the Other Party. The Chair explained the composition, purpose and authority of the Committee and outlined the procedure to be followed in accordance with the Rules of Procedure for Fence-viewers.

The Chair reviewed all documents and evidence that was distributed to the parties and advised that new evidence was to be heard at this meeting.

The Chair affirmed both of the Applicants and the Other Party.

4.2 Opening Statements

1. The Applicant provided an opening statement regarding the reasons behind the application, including safety hazards, length of the fence and division of costs.
2. The Other Party provided an opening statement responding to the original application and addressed the unique situation of the property and the specifics regarding the fence. They also expressed that that were not in favour of a fence between the properties.

4.3 Evidence

1. The Applicant asked questions of the Committee regarding the length of the fence, safety concerns and the Committee's proposed construction date. The Applicant requested clarification with respect to the Line Fences Act versus the Town of Newmarket's Fence By-law in relation to erecting a fence on a personal property after the Award has been made.
2. The Other Party expressed their concern with the fence obstructing the sight line from their house, safety concerns and application fee costs.

Closing Statements

1. The Applicant provided concluding remarks regarding the style of the fence, length of the fence and the relationship with the Other Party.
2. The Other Party summarized their opinions on the fence design and construction.

4.4 Decision

The Chair advised that the Committee decided to reserve their decision to be released at a later date.

5. Closed Session

The Chair advised that there was no requirement for a Closed Session.

6. Adjournment

Moved by: Keith Saunders

Seconded by: Darryl Gray

1. That the meeting be adjourned at 4:34 PM.

Carried

Andrew Cox, Chair

Date