

OCT 17 2014

Terry Parks

914 Armit Avenue

Fort Frances, On P9A 2J6

October 17, 2014

Mayor and Council

Gentlemen,

Since receiving your letter dated September 15, 2014 and reviewing Patrick Briere's report dated September 15, 2014, I have asked the Deputy Clerk to be included on the agenda for the October 28, 2014 meeting. Since the allotted time for presentations is ten minutes, I have decided to write this letter to Mayor and Council and ask to have the by-law fence issue re-visited as I feel the by-law has not been followed to the letter of the law.

First issue is my legal right as adjoining property owner to object to the way the fence was constructed, such as having posts and horizontal support rails on my side, with the good side facing the builders side. Posts jutting out two inches from the fence.

Secondly, horizontal support rails do not meet minimum requirements of the by-law as they are one inch thick and not one and one half inch, the posts are three by four and a quarter not three and a half by three and a half. I understand by-law Officers refer to the fence as sturdy. Where in the by-law does it say this is acceptable?

Then there is the issue that by-law Officers have accepted this fence as a "shadow box fence". I refer to the internet for support and information on the definition of a shadow box fence and find it to be described as a fence with both sides equal. My neighbor's fence has a wall of solid pickets facing in and randomly spaced pickets nailed to the horizontal members with that inch of wood separating them on my side.

I would like to have access to the source of information the by-law Officers used to determine their version of a shadow box fence.

I believe that the re-writing of the Fencing By-Law in 2009 were in part to deal with exactly this type of fence, because the by-law specifically mentions the fence and

instructions for where posts and horizontal support rails go, minimum sizing of material requirements for posts and horizontal support rails. It also has insured adjoining property owners the opportunity to dis-agree or agree with the fences construction.

It is my opinion that if this fence remains as compliant with the by-laws, it will be like going backwards with the fencing by-law. It is my understanding that the Town's By-laws are Legal and Binding, so it is of my opinion that an ammendment to the By-law at this late date is not acceptable as it would be changing an established law to accept a non-compliant fence.

Since this fence issue came to be, I have been looking at fences. What I see is that people building fences are doing so in compliance with the by-law . Meaning the good side out, even adding two by fours if the pre-fab fence panels have sub-standard horizontal support rails. Again this is my opinion, it proves to me that the by-law had been working for the Town Residents. My question is : why go backwards ? I still believe the By-Law Officers have over-stepped thier authority in this matter.

My hope is that this letter will be reviewed before my time to speak arrives.

Thank you for considerations in this matter.

Sincerely,



Terry Parks