

Lisa Dufraimont and Kathleen Gates

September 15, 2023

Mayor Andrea Matrosovs and Town Council
Town of the Blue Mountains
32 Mill St.
PO Box 310
Thornbury, ON N0H 2P0

To Mayor and Council,

This deputation relates to By-Law Number 2022-49 and, in particular, to the lack of parking access to the public beach at Wards Road. Wards Road has No Stopping signs posted on the entire stretch of road from Highway 26 to the public access waterfront. According to the Ontario *Highway Traffic Act*, "This means you may not stop your vehicle in this area, even for a moment." Since this part of the road is a dead end, the No Stopping signs effectively make it illegal for anyone who will not enter one of the driveways to drive on the road at all, since a vehicle must stop and turn around to exit the area.

The purpose of this petition is to request that Council change this bylaw to allow for greater public access to the waterfront. The petitioners have been using and enjoying the beach at Wards Road for more that 30 years. Kathleen and her husband purchased a vacation property on Hidden Lake Road in the late-1980s. The Wards Road beach is the nearest public access waterfront, approximately 1 km away. Kathleen's daughter Lisa and her husband purchased the property in 2021 to keep it in the family. Throughout this time, members of the family have enjoyed the Wards Road beach, which until the introduction of the No Stopping By-Law during the Covid-19 pandemic was always easily accessible with unrestricted street parking along Wards Road.

We were surprised and dismayed when the No Stopping signs were erected, which seemed to us to severely restrict public access to the waterfront for no apparent reason. We therefore appealed to Council during the Covid-19 pandemic to change the By-Law. During our meeting with Council, three justifications were provided for the No Stopping By-Law in relation to Wards Road:

1. The No Stopping signage is not unique to Wards Road but was part of a larger change that saw similar signage erected along other, similar, public roads.
2. The No Stopping signage was necessary to prevent people from unsafely congregating during the Covid-19 pandemic.
3. The No Stopping signage was erected in response to incidents of wrongdoers blocking driveways and engaging in trespassing and vandalism (including, for example, people holding parties and defecating at night on adjacent properties). This is the explanation favoured by By-Law enforcement officers and owner/occupiers of the adjacent properties.

With respect, none of these justifications was persuasive even at the time we met with Council. Now, when the Covid-19 pandemic is over, these justifications do not come close to justifying the lack of

public parking on Wards Road, much less the blanket use of the most-restrictive option available, No Stopping signs.

The fact that parking on other roads has also been restricted does not justify what has been done on Wards Road; it only highlights that the Wards Road No Stopping rule may be part of a larger problem. Even during the Covid-19 pandemic, it is not clear that it was reasonable to restrict people from using outdoor recreational spaces, but even if it was, that justification is long past. And acts of trespassing, vandalism and mischief are already illegal, so it is not clear why it is necessary to stop the public from stopping on the road to prevent such acts. Of course, if the public is effectively prevented from using the beach, that would reduce the likelihood of such unlawful acts occurring. But to reason in this way ignores the many members of the public, including local residents like ourselves, who use regularly use the beach in an entirely lawful manner. In the 35 years we have frequented the beach, we have seen hundreds of individuals enjoying the beach in a peaceful and lawful way and have never seen anyone engaging in the unlawful conduct described. This is not to say that such unlawful conduct has not occurred, but only that it is unjustified to treat it as the norm or to let such unusual incidents drive Council's policy. Currently, the effect of the No Stopping rule is that the road is being maintained at public expense for the privilege of a few homeowners in the area.

Lisa is the mother of three children, one who is 3 years old and one who has a disability. Kathleen is elderly. Since the No Stopping signage was erected, we have all been forced to park south of Highway 26 and run across a busy highway to access the beach on Wards Road. The safety issues are obvious. The discriminatory impact on young children, people with disabilities, and the elderly, for whom running across a busy highway might be difficult or impossible, is equally obvious. It is incumbent upon Council to make a change to remedy this problem to protect both public safety and human rights.

Less restrictive options Council might consider include:

1. Allowing for unrestricted parking along Wards Road, which was the status quo before this By-Law was introduced. This is the option the petitioners would favour.
2. Allowing for limited parking, for example parking spots at the end of the road (paid or unpaid).
3. Introducing a loading area where vehicles could unload passengers and items from vehicles.
4. Prohibiting overnight parking, if the concern is night-time parties and the vandalism that can go with them.

Thank you for the opportunity to present our perspective to council.

Kathleen Gates

Date: September 15, 2023

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Date: September 15, 2023

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