

Deputation
160 Timmons St
Town of Blue Mountains

October 17th 2023

Survey of East Side of 160 Timmons Street to Hope Street



Current Issue: 1 of 3 (Water Drainage and Hydrostatic Pressure)

- The Hope Street property is not draining and is currently filling up with water.
- That water has nowhere to go and has created an issue now with my outside weeper system. I'm currently recycling all this water
- My two pits with half horse pumps do not stop. What I mean by not stop is they run 24 hours a day 365 days a year.
- In the springtime, when the water levels are at their highest point. It has caused two floods in my basement since I have took possession of this property
- Currently in front of Hope Street the water pools up and does not drain towards the culvert at the end of the street.
- As you can see by the petition from other homeowners on Timmons Street they have the same problem with NO ditch drainage
- I believe the town needs to address the root problem before any of the ongoing issues currently happening to my property creating Hydrostatic Pressure

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GERALD EAGLES

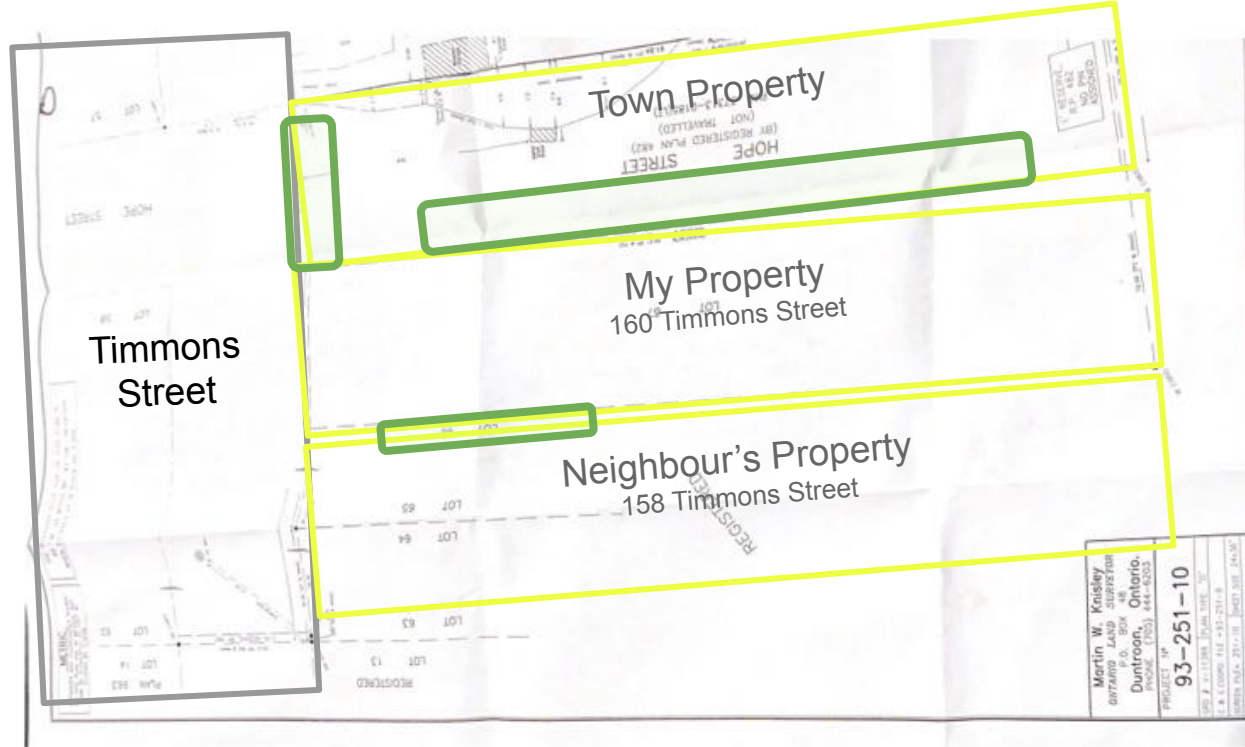
Current Issue: 2 of 3 (Noxious Weeds)

- We had a professional local company named Eagles Weed Control, come out and look and inspect the property known as Hope Street. We were advised that a Noxious Weed is growing and spreading onto our property.
- The Hope Street lot provides perfect conditions for poison ivy to grow and spread.
- The company did advise us that this noxious weed must be maintained and treated every year or it will get out of control
- We reached out to By-Laws officers at the town and & were told that they do not maintain this property
- They do not follow the same by laws that property owners are required to follow. I am referring to bylaw number 2003–25, including bylaw number 2004–27 enacted May 3, 2004.
- I was told in an email that they would only treat this noxious weed if it's backing onto a park, trail, or Street
- Without bylaw officers inspecting the area, a quick decision was made on their end that they would not spray the noxious weed. It was clearly on Town property

Current Issue: 2 of 3 (Noxious Weeds continued)

- Upon a second inspection of bylaw officers, they simply informed us they will not take care of it, even though it is on the street where people and more importantly children walk.
- In the same email they told me that if a town employee refuses to go into the lot to remove trees or address other issues, they might have to spray the poison ivy for the town employees safety.
- This email was sent to me after they saw that I was covered from head to toe in poison ivy, but did not seem to have any empathy for a citizen who has now been affected by this noxious weed.
- They advised me they would not spray now, or in the future, even though the problem is starting from the property known as Hope Street that is owned by the town.
- They claim they will spray where they deem is unsafe.
- However it is unsafe as it's close to the road where a child could go. We would like to know exactly how far it has to be from the street to be deemed safe.
- Also, I would like to know if there is a written by-law that states that?

Noxious Weeds Locations



Communication between Bylaw Officer and Bird

September 19, 2023

Good afternoon,

Thank you for speaking with myself and Officer SINGH today regarding the issues surrounding your property. After speaking with Operations, it was determined The Town of the Blue Mountains will not be spraying the weeds found on our property as the land that it is originating from is not close to a park, sidewalk, or roadway that is easily accessible by the public. The weeds may be sprayed in the case that the tree removal crew

determines that the weeds are a workplace hazard, but any poison ivy found on private property is the responsibility of the property owner. The Roads and Drainage Supervisor will be by some time next week to assess the tree and any issues surrounding it.

File# CELGNW20230000979

Regards,

<image001.png>

Morgan May

Municipal Law Enforcement Officer
Town of The Blue Mountains, 32 Mill Street, P.O. Box
310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 298I Fax: 519-599-2093
Email: mmay@thebluemountains.ca Website:

Subject: Re: Poison Ivy

Thank you Morgan for your email and it was a pleasure meeting you today as well.

As you duly noted when you were at the property today, the Poison Ivy is coming from the wooded area and is breeding quickly towards the house . The conditions of the wet grounds and shady area provided by all the trees on the towns property is a great breeding ground for Poison Ivy.

Ms May and her lawyer requested from the town a survey to show the property lines, but the town were unable to provide that to her when closing on the property some two years ago

As of today after many requests, Ms May has still not received that survey.

So here's my question how can you establish or determine what is town property and what is homeowner property without a survey to support your decision?

An answer to my question and request for a survey of the property lines might be above your pay grade, so I would ask that you forward this message on to the powers to be requesting a survey to be provided to the homeowner and an answer to my question who should be taken care of the expense for the Poison Ivy

I have spoke with other neighbours on the street and they were provided by the town a survey of when purchasing a home in the town a Blue Mountains So why not 160 Timmons ?

I look forward to hearing back from the Town Of Blue Mountains on this matter

Respectfully yours.

The Corporation of the Town of The Blue Mountains

By-Law Number 2003 – 25 (Office Consolidation – Including By-law No. 2004-27, enacted May 3, 2004)

Being a By-law to regulate and prohibit long grass and noxious weeds on certain privately-owned land within the municipality.

Whereas Section 128 of the Municipal Act, 2001, and amendments thereto, enables the councils of local municipalities to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

And Whereas Section 130 of the Municipal Act, 2001, and amendments thereto, enables the councils of local municipalities to pass by-laws to regulate matters related to health, safety and well-being of the inhabitants of the municipality;

And Whereas Section 427 (1) to (2) of the Municipal Act, 2001, and amendments thereto, authorizes an employee or agent of the municipality to enter onto land at any reasonable time to cause remedial work to be done if the owner is in default;

And Whereas Section 427 (3) to (4) of the Municipal Act, 2001, and amendments thereto, authorizes the municipality to recover the costs by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

And Whereas the Council of the Corporation is of the opinion that long grass growing on privately-owned land within certain residential areas within the municipality is a public nuisance;

And Whereas the Council of the Corporation is of the opinion that noxious weeds growing on any privately-owned land within the municipality is a public nuisance and could affect the health and or well-being of the inhabitants of the municipality;

And Whereas Council of the Corporation of the Town of The Blue Mountains deems it expedient to pass a by-law to regulate and prohibit long grass and noxious weeds on certain privately-owned lands within the municipality;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. This By-law may be cited as the "Long Grass and Noxious Weeds Control By-law".

2. Definitions

In this By-law,

- i) "Corporation" means the Corporation of the Town of The Blue Mountains;
- ii) "long grass" means grass that exceeds a length, on average, of 250 mm (10 inches); (By-law No. 2004-27)
- iii) "Municipal By-law Officer" means an officer duly appointed by Council of the Corporation;
- iv) "noxious weeds" means any weed identified on Schedule "B" attached hereto or, any weed designated as a noxious weed by the Chief Weed Inspector for the Province of Ontario; and,
- v) "Residential Zone" means any land designated R1, R2, R3, R4, R5, R6, R7, R8, VR, RUR, ER, RR or RERa by Zoning By-law 83-40, as amended, or any land designated R1, R2, R3, RM1 or RM2 by Zoning By-law 10-77, as amended.

3. Prohibition – Long Grass

No person shall cause, permit or otherwise allow long grass to grow or remain on any privately-owned land in any Residential Zone.

4. Prohibition – Noxious Weeds

No person shall cause, permit or otherwise allow noxious weeds to grow or remain on any privately-owned land located in any Residential Zone or on any privately-owned land located within the hatched area indicated on Schedule "A" attached hereto.

5. Where Premises not Maintained – Notice

Where any privately-owned land is not maintained in accordance with Section 3 or 4 of this By-law, the Corporation may give the owner a notice, in writing, directing the owner of the premises to make the premises conform to the requirements of this By-law. The notice shall specify the time allowed for bringing the premises into conformity but in no event shall the time specified be sooner than seventy-two hours after the giving of the notice.

6. Service of Notice

The notice referred to in Section 5, may be either personally delivered to the owner, faxed to the last known facsimile number of the owner, or mailed by regular mail to the last known address of the owner. Service of the notice shall be deemed to have been given either upon the personal service of the notice, upon written or verbal confirmation by the owner of the receipt of the faxed notice or, in the instance of service by regular mail, five days following the date of mailing.

7. Service of Notice

In the event that the notice contemplated in Section 5 of this By-law has been served upon a property owner in accordance with Section 6 of this By-law, such notice will serve to be a notice requiring compliance with this By-law for the entire calendar year. (By-law No. 2004-27)

8. Non-Compliance with Notice - Work Done by The Corporation

Where an owner, having been provided with the notice referred to in Section 5, fails to comply with the notice, a Municipal By-law Officer or the Corporation's employees or agents authorized for this purpose may, upon producing appropriate identification, enter onto the premises at any time between sunrise and sunset and carry out the work described in the notice.

9. Collection of Expenses by Corporation

Where the Corporation, or the Corporation's agents, has performed the work set out in the notice, the expenses incurred by the Corporation in doing the work, together with administrative fees, shall be deemed to be taxes and may be collected by action or in like manner as municipal taxes.

10. Obstruction Prohibited

No person shall hinder, interfere or obstruct or attempt to obstruct a Municipal By-law Officer or an employee or agent of the Corporation in carrying out his or her duties under this By-law.

11. General

Schedules "A" and "B" are deemed to form part of this By-law.

12. Enforcement

Every person who contravenes any provision of this By-law is guilty of an offence and shall be liable to a penalty as provided in the Provincial Offences Act.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Read a first and second time this 31st day of March, 2003.

Read a third time and passed this 31st day of March, 2003.

Eagles Weed Control & Lawn Service
828119 Grey Road 40, R.R. #2
Clarksburg, ON N6H1J0

The right thing for the town to do is to cover their portion, one third ($\frac{1}{3}$) of the invoice cost

Current Issue: 3 of 3 (Hazardous Trees)

- Hazardous Tree defined as a dead or severely damaged tree that may pose a danger to persons or property
- It appears that the town does not proactively watch for dead trees that could come down and damage properties, or kill someone.
- Last winter a very large tree came down & took down all Hydro lines with it
- Thank God no one was hurt, but it did go from one side of Timmons Street to the other
- My concern is why “town property” is not proactively being looked at where hazards like this could happen

Our Request

- I need for our town to TAKE ACTION on these issues NOW as well be more proactive (Have an Action Plan) for the safety and health of the citizens living in the Town of Blue Mountains
- Every taxpayer should have the right to enjoy their home without all these ongoing issues & safety concerns
- The town re evaluates its position on all three of these matters: water drainage and hydrostatic pressure; noxious weeds; and dead trees
- From the The Town of the Blue Mountains website:

Accountability & Customer Service

The Town of The Blue Mountains is committed to upholding Customer Service standards and best practices while fostering two-way engagement with members of the public built on the foundation of government transparency, honesty, and trust. Through the [2020-2024 Corporate Strategic Plan](#), Council and Town Staff together commit to **Excellence, Integrity, Accountability, Inclusivity, and Stewardship** in its governance and decision-making.

- Thank you for the opportunity to present our perspective to council and the honourable mayor