

July 6, 2020

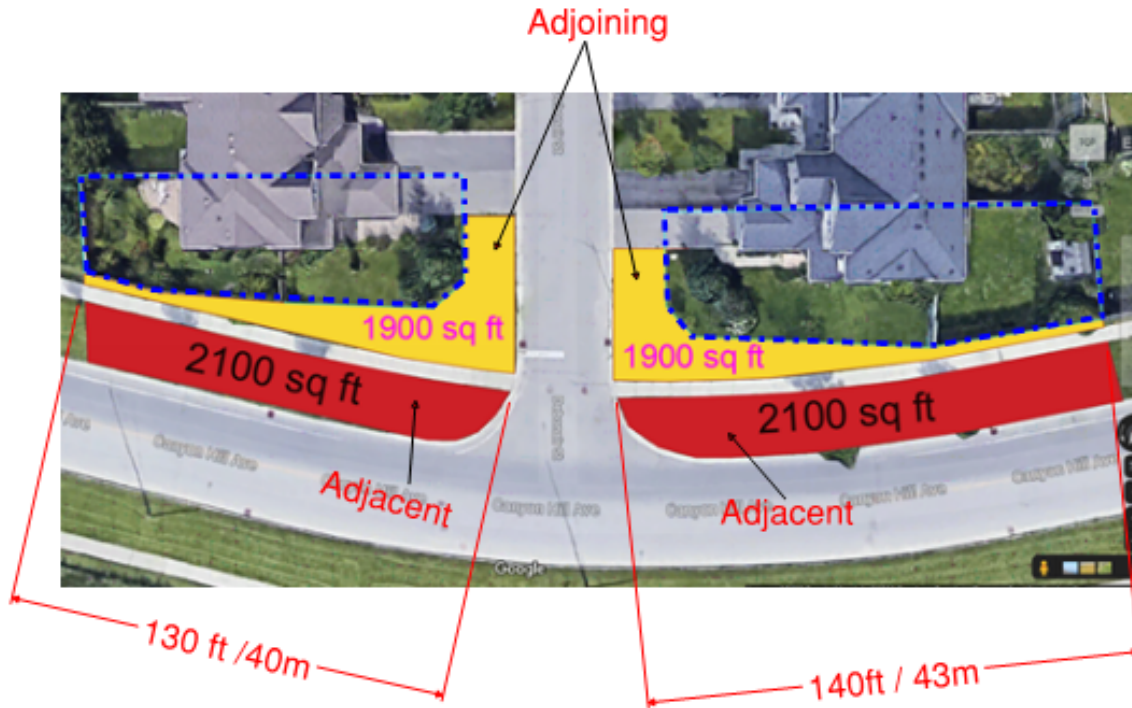
Re: Exemption Application from By-Law 31-19 for 1&2 Debonair St, Richmond hill, ON.

Dear Councilors, Deputy Mayors and Mayor of City of Richmond hill:

We are the townhome owners of 1 & 2 Debonair St in Richmond hill. From summer 2019, we have noted that City has stopped mowing the grass on boulevard along Canyon hill Ave, and on July 19, 2019, we sent our first letter (attached) to City to express our concerns including health&safety regarding this matter and requested for the exemption as we are in extremely rare situation, and since then we've had numerous emails/phone calls with City's Bylaw department and our Ward Councilor, Mr. David West to resolve this (attached), we had a meeting with City's Bylaw department and David on March 10, 2020 (meeting agenda attached). We finally got the letter from Tracey Steele, the director of City's Bylaw department on June 29, 2020 and instructed us to formally apply for the exemption from the City Council.

Please see below five (5) reasons that we are applying for the exemption regarding the boulevard grass cutting:

1. Fairness and reasonableness: we understand that the new Bylaw would be acceptable for majority of the house owners if the grass mowing work increase under the new bylaw is reasonable, we would gladly do it if we were among those majorities. But did the City ever do the due diligence and evaluate different levels of impact and more specifically how the proposed new Bylaw would impact on pie-shaped townhome owners with long yard like us, for those ones with blvd in front yard or regular shaped land with narrow strip of grass on the side, the new Bylaw would only increase a slight even negligible grass cutting areas, but for us, it's a significant 2,100 sq ft (red highlighted), plus the 1,900 sq ft (yellow highlighted) municipal land we have been mowing, the total municipal mowing area would be over 4,000 sq ft, which is more than 300 % of the size of the 1,300 sq ft house. There is no worse case like this across the City, even in the Province and the obligation Bylaw imposes to us is absolutely unfair. The fundamental requirements of making laws (acts or regulations) are the fairness, equality and non-discriminations in all areas including housing and the provision of municipal services, etc, which is explicitly stated and protected under *Canadian Chapter of Rights and Freedoms*. We, the end unit townhouse owners, share the equal rights and obligations with other unit owners as the row houses are structurally monolithic as a whole, why only end unit owners are obligated to maintain the municipal boulevard, especially when the size of public area is completely not reasonable. Just put yourself into our shoes, would you accept it if you were us?



KEY MAP

2. Boulevard location: The word “Adjoining” is different than “Adjacent”. The new By-Law 31-19 explicitly says “**adjoining** boulevard to resident properties to be cut by the residents”, but this additional 2,100 sq ft blvd does not abut, join or share borders with any part of our property lines, it’s actually separated by a 6 feet wide municipal sidewalk plus a strip of municipal land (various width with 13 feet wide at frontage line) in between, the end curved boulevard portion is even beyond our land frontage line and has no relationship with our land. Therefore, the boulevard is NOT adjoining as referred by the Bylaw and instead it’s **adjacent** to our properties, this was confirmed from communications with the City Bylaw department.
3. Roadside safety and liability: As per *Transportation Association of Canada (TAC) Manual* and/or *MTO's Ontario Geometric Design Standard for Ontario Highways*, the Canyon hill Ave is currently categorized as a two-lane undivided highway collector with a design speed 70km/hr (posted 50km/hr), as it’s on a curved horizontal alignment at the intersection of Debonair/Canyon hill without signal control, it requires more stringent traffic safety design criteria than other straight road with signal control intersections. Due to the size of the boulevard, it would take us a long period of time to mow the grass on a 2,100 sqf area using a household mower, we would be jeopardized our safety during this period as we could be hit by the fast moving vehicles or the flying debris/stones (plus Yong/Canyon hill KDA construction is ongoing, heavy construction vehicles are present), and the flying objects or stones spinning from the mower may also hit the passing pedestrians as the sidewalk is

right beside the working zone (not even to mention the proper traffic protection as required by the *Ontario Traffic Manual - Book 7* for any temporary Short Duration Work (SDW) over 30 minutes. Since the blvd is not our property, we don't have any insurances for doing such work nor has contractual agreement with the land owner-the City, so who would be held liable if any of these damages or body injuries happened, this is absolutely not in compliance with the mandatory safety requirements stipulated in *Ministry of Labor - Occupational Health Safety Act (OHSA)*. On the contrary, the City staff or City hired Contractors carry commercial liability insurance while working and they are less likely to be hit or cause injuries to other pedestrians, as they are equipped with PPE and the time they spend is much less than what we do.

4. Public consultation prior to enacting Bylaw: Apparently, we are property owners who would get most affected by this new "by-law" as the grass cutting area/effort is increased gigantically, but we were ignored and not informed from beginning until the new Bylaw was enacted. Did the City ever think about how much negative impact would affect us and provide any mitigation solutions for us? As this Bylaw amendment would result in a major material change from the existing condition of our property, as stakeholders, we believe we have right to express our concerns prior to enacting the Bylaw and subsequently the Bylaw should have listed some exceptional cases to cover the special situation like us.
5. Other exception: Bantry Ave is not four (4) lane collector highways throughout its alignment, to comply the new Bylaw, the residents should have maintained boulevard grass on the road segments where there are no four lanes. But City is conducting selective enforcement and maintaining the boulevard adjacent to the properties on Bantry Ave.

Therefore, due to above mentioned site-specific parameters of the boulevard and the property, such as: End unit townhouse ownership, huge ratio of grass mowing area over house area, pie-shaped land, long and wide boulevard, at an unsignal-controlled intersection, beside a curved 50km posted highway collectors, etc, it can be concluded that we are one of few unique cases (if not the only two) across the City to be qualified for the exemption, and the exemption to be granted will not cause any domino effect for the other house owners.

Last, I would like to thank Tracey Steels and David West for their tremendous understanding and help regarding this matter and we trust that City Council will responsibly evaluate our case and grant us exemption to resolve this long-lasting problematic issue.

Sincerely and respectfully submitted,

Justin Chen (owner of 2 Debonair St)

Roya Soltani (owner of 1 Debonair St)