

# Dave Gittings

**Town of Oakville  
Town Councillor, Ward 3**

*Keeping You Informed.*



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The [Downtown Cultural Hub Study](#) is exploring opportunities to create a downtown cultural and performing arts space including: a performing arts centre, art gallery, library, outdoor program space, and indoor cultural space or digital hub that will become the cultural, social, and economic heart of our community. The [Downtown Transportation and Streetscape Study](#) will assess the current traffic and roadway conditions in downtown Oakville and create recommendations to enhance the roadways, beautify streets, improve pedestrian/cycle ways and revitalize the Towne Square, by introducing design standards as well as increasing connectivity, mobility and accessibility.

On January 30th, approximately 160 residents came to Town Hall for an open house and working session on Oakville's Downtown Plan. Residents were updated on efforts since the Downtown Plan was launched in December 2013. The study consultants have met with over 45 community groups/organizations to understand their needs and wants in creating a downtown cultural hub and redesigning the function and look of the downtown streets. The workshops included a series of questions such as what should be the makeup of the cultural hub and what needs should it address, to what is working and what is not along Lakeshore Road and the Towne Square

Over the next several months, the Town of Oakville will engage the business community and residents so that we can continue to build a community that embraces culture, supports beautiful streets, and strengthens commerce. There will

be another public meeting and presentation in April. You may share your comments and ideas at [downtownplan@oakville.ca](mailto:downtownplan@oakville.ca)

[www.gittings.ca](http://www.gittings.ca)



## TV Cogeco



TV Cogeco is producing a new series titled **Council Matters** with Mayor Burton. This program will showcase municipal topics & issues of interest and relevance to the Oakville community. It is a panel format with Mayor Burton as host/moderator, leading separate discussions on key topics with two groups of panelists - residents and Councillors.

For those with Cogeco, you can search for upcoming episodes on channel 23 or HD Channel 700 by entering **Council Matters**.

SUBSCRIBE

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## December Ice Storm Cleanup Continues

The impact and clean-up of December's ice storm continues. At the height of the storm, close to 30,000 residents had lost their power. The damage and loss to our tree canopy is still being assessed by Town staff. The cost of the immediate recovery is estimated to be \$658,000 and to reach \$2.7 million once the full extent of damage is known. Staff's recent update to Council on the ice storm is available [here](#).

During the ice storm, I received calls from some frustrated residents expressing their concern that they were unable to have their questions answered as they could not get through to Oakville Hydro. I met with Oakville Hydro's President & CEO Rob Lister to detail these concerns and to ask questions posed by residents. This issue has been raised at Town Council and staff will be implementing revisions to ease wait times.

The outages were caused by ice laden trees falling on high voltage feeders, individual house overhead service, as well as ice laden switches. In many areas with underground service, the power still went out, since the electricity travels through above ground lines. There were numerous outages in other neighbourhoods over several days, as a result of continued falling branches. Corrective pruning, removal, stumping and re-planting will be ongoing for at least the next 12 months. While tree damage was considerable in some areas, Oakville Hydro has employed a systematic approach to maintaining overhead high voltage and low voltage secondary lines, ensuring that trees are pruned responsibly on a three-year cycle to ensure safety and to maintain the integrity of the natural surroundings. This maintenance paid dividends during the storm, helping to reduce potential damage to the distribution system. With tremendous collaboration and support from the forestry teams at the Town of Oakville, crews were able to expedite repairs to the system and to restore power as quickly as possible.

The December ice storm is a good reminder that all residents should be prepared in case of such unexpected events. Everyone should understand the potential risks in their area, make a plan to manage those risks, and keep a

kit or set of supplies that will allow them to be self-sufficient for up to 72 hours. The Halton Region [website](#) provides an excellent guide to help everyone take personal responsibility for being prepared and staying safe.



## **Personal Property Damage - If your neighbour's tree falls in your yard, who pays?**

(Mark Weisleder, *Hamilton Spectator*, February 3, 2014)

During last month's ice storm your neighbour's tree fell and damaged your house. So, who pays? For most of us, this should be covered under a homeowner insurance policy, whether the branches are from your trees or your neighbour's. If you have all perils coverage, you may also claim for any damages caused to your car as well. But it's not always that clear-cut, as the following case shows:

Ted Doucette and Daina Parent were neighbours in Sturgeon Falls, Ontario. During a late November windstorm in 1991, a 60-foot poplar in Parent's yard, about five feet from the boundary, snapped. The tree fell on Doucette's fence, his snowmobile trailer and his motor home. He sued for damages. A court later heard that an arborist believed the tree broke because of internal decay. You would not have been able to notice this by looking at the tree, even though it did have some dead branches. In a 1996 decision, Justice George Valin of the Ontario Superior Court ruled that Parent was not responsible for the damages. He argued:

"A property owner must take steps to ensure that trees located on his/her property are not hazardous to others," he said. "It would seem to me that an owner can be held liable for failing to maintain a tree where the exterior of the tree provides sufficient warning signals. The signals would include general deterioration, a scarred trunk, discoloured bark, and a large amount of defoliation or dead branches." But since Parent was unaware of any exterior signs of trouble, she was not responsible, he ruled. The judge also cited another decision which stated that in common law, a person who allows land to remain in its natural state is under no obligation to his neighbour in respect to what is growing on it. The court said the neighbour must protect himself, or suffer the consequences. Judge Valin then stated that Parent was not liable for damage to Doucette's property since growing a tree is a natural use of land. Yet the judge also quoted a 1991 decision of the BC Court of Appeal in *Hayes v. Davis*. Davis' tree fell during a windstorm and damaged Hayes' property. In this case, Davis had been warned by Hayes that the tree was dangerous and she did nothing to fix it. The court ruled Hayes was responsible because she was aware of the potential threat and did nothing.

Here are related questions:

If branches fall in my yard but do not damage anything, who pays to remove them?

You will have to clean this up yourself, even if the branches come from your neighbour's tree. Most insurance policies do not pay for this type of damage.

Can I cut down or trim my neighbour's tree if I think it is dangerous?

If you think the branches of your neighbour's tree are too close to your home, you can cut them back to the property line, as long as you do not injure the tree. You cannot cut down the tree or enter your neighbour's land to trim branches without permission.

The lessons are as follows:

- If you are suspicious that a tree is sick or dying, get the advice from an arborist before doing anything or warning your neighbour. You can find an arborist at [ISA Ontario](#)
- If your tree branches fall into your neighbour's yard, in my opinion, you should be a good neighbor and assist in their removal;
- Check your insurance policy to make sure you are covered, should this ever happen again.



## **Brush collection**

The Town of Oakville and Halton Region will be providing enhanced bulk brush collection services for debris from private trees until February 28, 2014. Residents may place bulk brush from with branches a maximum of 7.5 centimetres (3 inches) in diameter and 2 metres (6.5 feet) long out on their regular garbage collection day.

Town crews will be collecting larger branches during February. Homeowners are asked to try and keep the maximum length of this brush to 2.4 metres (approximately 8 feet), and it should be piled separately from smaller brush. Brush should be piled on the boulevard area between the road and sidewalks. Please ensure roads and sidewalks are kept clear for traffic and winter operations.

Residents requiring the large bulk brush pick up should email [serviceoakville@oakville.ca](mailto:serviceoakville@oakville.ca) with their address to assist in coordinating the collection. Please note that this service will be weather permitting as priority will be given to road clearing operations during winter storms.



## **What is That?**

In my last Ward 3 Update, I included pictures of two buildings that a number of residents had asked about, and I received a flurry of "What Is That?" enquiries. Here are the top two.

**420 South Service Road, East of Trafalgar, the former home of Canadian General Electric**



This manufacturing facility was opened in 1946 and produced incandescent lamps until its closure in 2010. The total size of this facility was over 300,000 square feet, on 27 acres of land. The production buildings south of the office building have all been demolished; the office building will remain as it was designated as a heritage structure by the Town in August of 2011. The heritage designation was fully supported by GE as the building is an example of the Art Moderne style. Features of heritage value include the central circular window, the buff-brick walls and the pre-cast concrete window frames. In the Town's Official Plan (Livable Oakville) this area has been identified as a Growth Area with Office Employment land use. This land use designation would allow a variety of permitted uses, including offices, hotels, meeting halls and educational facilities. The building's location at the front of the

property allows for numerous opportunities for creative re-use.

**This silo on the south-west corner of the QEW and Winston Churchill**, along with two cairns that serve as markers, are all that remain of the community of Sheridan. The cairns were constructed from the river stone originally collected to build the stable area foundation for the Lawrence barn in the 1870s. This silo marks the site of the Lawrence family farm.

Sheridan was a Methodist village served by traveling missionaries. Originally known as Hammondville, the name was changed to Sheridan in 1857, in honour of the Irish playwright, Richard Brinley Sheridan. In its heyday, Sheridan boasted 100 residents. Greeniaus Road in Clearview is named for Cynthia Greeniaus (1834-1929) whose family also farmed the area.

Clearview Drive was named by Mr. Cecil Lawrence. He subdivided that parcel of land in the early 1960's. The rest of his 90 acres property was sold for development of Clearview. Bill Lawrence, Cecil's descendent, lived in the area before moving to North Halton to continue working the land. I have vivid memories of singing in the Church choir with Bill Lawrence during the '70's! Sheridan College, Sheridan Homelands, Sheridan Park Research Centre, and Sheridan Nurseries are all named in honour of this early community.



### **Oakville Council approves 0.83% overall tax 2014 increase**

In keeping with Council's commitment to keep the total property tax increase in line with inflation, Oakville Council unanimously approved a 2.11% increase to the town's portion of the tax bill for an overall property tax increase of 0.83% including regional and education portions. This represents the lowest overall tax increase in 15 years. The approved \$296.2 million combined budget for operating and capital requirements will help maintain existing programs and services, and ensure appropriate funding to keep Oakville's infrastructure in a state of good repair, while further

reducing the Town's debt level.

Some of the top capital projects influencing the 2014 budget include:

- \$6.3 million for road resurfacing and preservation
- \$5.1 million for parks and harbours rehabilitation and development, and equipment replacement
- \$3.6 million for the Emerald Ash Borer management program
- \$2.9 million for transit buses
- \$2.8 million for the North Service Road expansion at Ford Drive
- \$2.3 million to secure lands for a future fire station in north Oakville

Council also supported improving snow plowing on residential roads that will now be plowed when snow accumulation reaches 7.5 cm instead of the previous 10 cm threshold.

### **Manage your property taxes online**

Residents are now able to pay their property taxes online. This simple, convenient and secure way to manage your property taxes is now available. You can get your paperless Town of Oakville tax bills at [epost.ca](http://epost.ca). Credit card, pre-authorized and online payments also offered for your convenience.



### **Linbrook**



Last July, Town Council directed staff to negotiate the lease or sale of the former Linbrook P.S. property, with the objectives of maximizing the financial return and protecting the local neighbourhood. At the November 12th meeting of the Committee of Adjustment, the use of this property as a private school was approved. On January 27th, Town Council confirmed the sale of the property with the following conditions.

- Maximum enrollment of 180 students.
- The woodlot at the back of the property remains a public park.
- Easements on most of the open parkland, which is to be accessible for public use after school hours.
- The sale will also be pursuant to a three party agreement between the Linbrook Boys School, St Mildred's - Lightbourn School and the Town which will define operating times and traffic, parking and bussing issues, along with defined reviews and penalties.

- The Town also retains the right to repurchase the property at the agreed sale price for 15 years, should the school not continue.

Renovations to the Linbrook School for Boys K – 8 are to commence this month, in preparation for this September's start of the 2014–15 school year.



## Spring/Summer 2014 Guide

Spring/summer registration begins February 8th.

Oakville residents can sign up for most spring/summer [Recreation and Culture](#) programs starting at 9 a.m. on Saturday, February 8. To register online, you will need a family PIN and a personal ID number for each person you are registering. Don't have an account? Simply create your account [online](#) or call 905-845-6601, ext. 4747.

You must have a current [Seniors Services membership](#) to register for [Seniors Services 50+ programs](#). The spring/summer Seniors Services newsletter is full of great programs and registration begins February 18th. Browse the interactive newsletter available [online](#), or pick a copy up at your nearest Recreation and Culture facility, library or Town Hall.

## Family Day



The Town of Oakville invites you and your family to the Sixth Annual Make Your Move Family Day, presented by Genworth Canada. Choose from more than 100 different activities at 12 great locations across Oakville.

Make Your Move Family Day schedule is available at [oakville.ca](http://oakville.ca).

## 2014 Waste Management Calendar



The Region's 2014 Waste Management Calendar has now been delivered to all homes in Oakville. It contains collection dates for garbage, recycling, bulk items and yard waste. You can view the calendar [online](#). You are even able to sign up for weekly reminders via e-mail so that you do not have to rely on seeing what your neighbours have put out at their curb!

Thank you,

A handwritten signature in black ink that reads "Diane".

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